



December 21, 2023

Lee County Community Development
Zoning Section
1500 Monroe Street
Fort Myer, FL 33908

S: CHIEF COURT INDUSTRIAL REZONING
Lee County Conventional Zoning Application

Dear Planner:

Donald D Carter Trust ("Applicant") seeks to rezone two parcels that total 1.885+/- acres from Agricultural (AG-2) to Commercial General (CG). The properties are located on the east side of Chief Court just north of Youngquist Road in unincorporated Lee County, Florida. The northern most parcel occupies 1.31+/- acres and the southernmost parcel, at 15881 Chief Court, is only partially zoned AG-2 – the eastern most 0.575 +/- acres. For clarity, the parcel at 15851 Chief Court is under the same ownership, but zoned IL and not part of this zoning request. All three properties are under common ownership.

The rezoning will bring the properties into zoning categories that will allow for expansion of an existing boat repair business. The rezoned parcels will serve as open and enclosed storage for boats that are awaiting repair. No repair will take place on those parcels. The zoning and redevelopment seek to abate a violation for open storage of vessels, storage containers, materials, equipment, and misc. items on Agriculturally zoned property (VIO2023-04465).

Enclosed please find a rezoning application.

If you have any further questions, please do not hesitate to contact me directly at (239) 318-6707 or fdrovdlic@rviplanning.com.

Sincerely,

RVI Planning + Landscape Architecture

A handwritten signature in blue ink, appearing to read 'Fred Drovdlc'.

Fred Drovdlc, AICP
Planning Director



January 17, 2024

Peter Blackwell
Planner
Lee County Community Development
1500 Monroe Street
Fort Myer, FL 33908

**Re: CHIEF COURT INDUSTRIAL REZONING
1st INSUFFICIENCY RESPONSE LETTER
REZ2023-00029**

Dear Peter:

Enclosed please find responses to your insufficiency letter dated *December 14, 2023*. The following information has been provided to assist with the approval process:

1. Sufficiency Comment Response Letter
2. Revised Application (with revised request)
3. Revised Cover Letter
4. Revised Request Statement
5. Revised Boundary Survey
6. Sketch and Description of areas to be rezoned
7. Letter of Utility Availability
8. Title Opinion

The following is a list of staff comments with our responses in **bold**:

ZONING SECTION

Part 3G states that the subject property is within the Industrial Development Future Land Use Category. However, according to LeeSpins, the property is entirely within the Urban Community Future Land Use Category. Per LDC 34-202, please provide an application with the correct Future Land Use Category. This also applies to part VI of the request statement provided by the applicant. It states, "Industrial Development" for its analysis under item "a" but then proceeds with the analysis using "Urban Community."

RESPONSE: We acknowledge the property is in the Urban Community FLUC and have corrected the application and narratives. Also, the application has been revised to request a rezoning to Commercial General (CG) rather than Light Industrial (IL) creating consistency with the Urban Community FLUC.

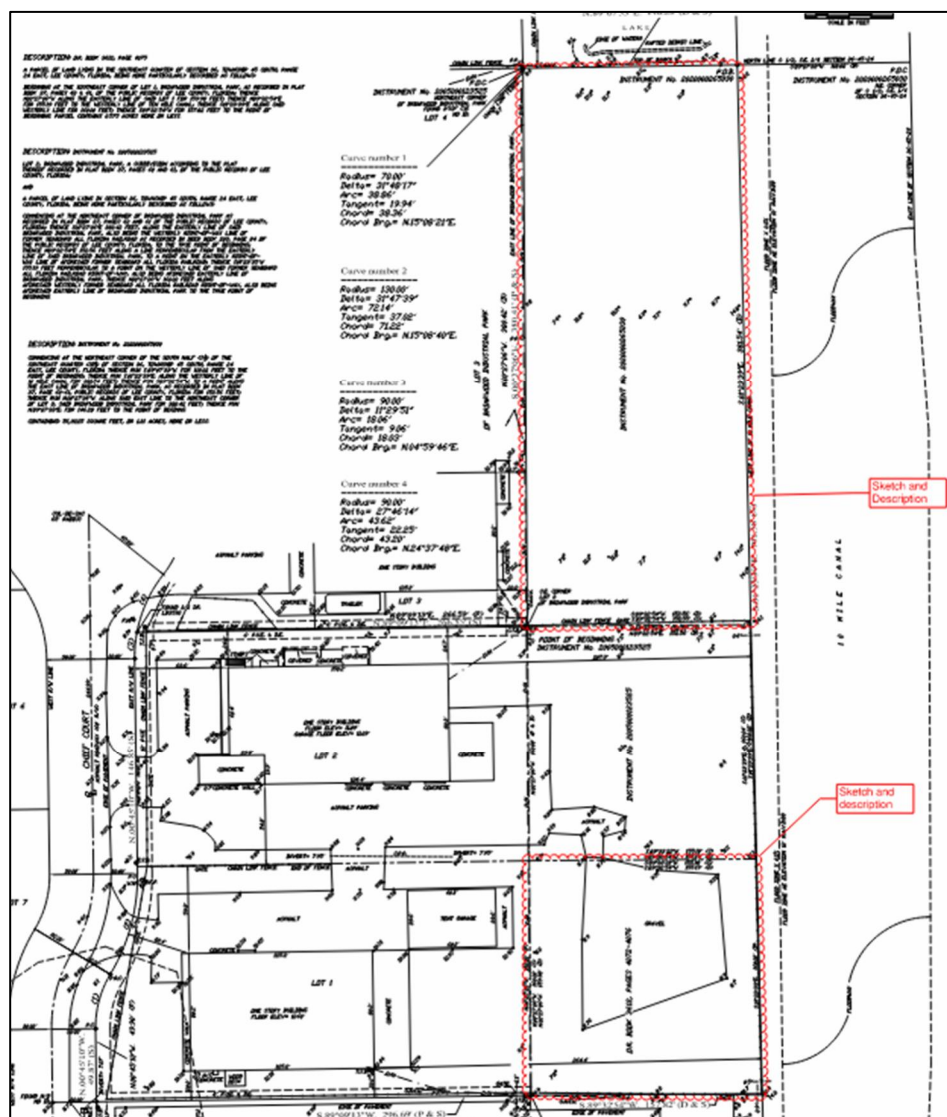
UTILITIES

The attached request for letter of availability form is not a letter of availability. LCU currently serves the parcels with potable water. Sewer is Forest Utilities. Per LDC Section 34-202(a)(10), please provide the appropriate letters of availability.

The Forest Utilities letter has also been received and included in this resubmittal. The letter states that this is within the franchise area, but their infrastructure does not serve the subdivision or the current property. The site will continue on septic and will be required to meet the Florida Statutes for connection requirements at the time of local development order.

Please provide a legal description and sketch in accordance with the requirements of Lee County LDC §34-202(a)(5).

RESPONSE: The zoning request has been revised to include only the areas being rezoned to CG. The legal sketch and description represent these areas. The legal description of these areas is included in the overall boundary survey and are consistent.



Please provide a boundary survey in accordance with the requirements of Lee County LDC §34-202(a)(6).

- The survey must be tied to the state plane coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner.

RESPONSE: The boundary survey of all properties under current ownership by the applicant has been updated to state plan and certified to the title opinion.

- The survey must be based upon the title certification submitted in accord with section 34-201(a)(7). When the Title Certification is submitted, the legal description on the boundary survey must match that which is shown on the title certification and legal description.

RESPONSE: The title opinion/certification is included in the submittal and was included in the original submittal. The legal descriptions match the survey and the legal sketch and description of the zoned areas.

Please provide a title certification in accordance with the requirements of Lee County LDC §34-202(a)(7).

- No title certification has been provided.

RESPONSE: A title was included in the original application as file "Title Certification.pdf". It is included in this submission.

PLANNING

Lee Plan Policy 7.1.2 would normally require this project to be rezoned as a Planned Development. Please provide a narrative stating why this is not necessary.

RESPONSE: The application has been revised to request a rezoning to Commercial General (CG) rather than Light Industrial (IL) making this policy no longer applicable.

NATURAL RESOURCES

Per LDC Section 34-145(d)(4), please review the surrounding land use pattern analysis on page 4 of 8 of the Request Statement. The analysis discusses projects which are outside the one-mile radius of the subject property.

RESPONSE: The analysis was corrected and updated considering the revised request.

ENVIRONMENTAL

Please provide a brief analysis of the required open space and buffers. In addition, please provide communication from Code Enforcement stating that a rezoning will abate the violations.

RESPONSE: Required open space on commercially zoned property for a small project such as this will be 20%. Most of the property abuts IL zoned property or Ten Mile Canal. Buffers are interesting. The northern partial is abuts an agriculturally zoned property to the north which would not require a buffer to a commercial property. However, we acknowledge that adjacent to the northern boundary is Jamacia Bay mobile home park that is zoned RPD. Depending on the

use of this property at the time of local development order, there will likely be required to have a Type C or F buffer according to Chapter 10-416.

John Guzman offered an update to the violation and the extent to which zoning would go towards abatement. He stated, "A re-zoning will only abate the code violation case, VIO2023-04469 (Permitted Uses - In accordance with Lee County Land Development Code 34-652, 653 & 654, the use of the AG zoned portion of the property for the open storage of multiple vessels and other materials & equipment is not permitted). However, this will not abate code violation case's, VIO2023-04465, VIO2023-04466, VIO2023-04471, VIO2023-04572 and VIO2023-04573.

A development order for 15881 Chief Ct will still need to be applied for and approved after the re-zoning is accomplished in order to abate code violation case VIO2023-04466 & VIO2023-04572. Also, an additional development order will need to be approved for 15851 Chief Ct to abate code violation case VIO2023-04471 & VIO2023-04573."

At the time of local development order the abatement will be complete. The zoning is the first step towards obtaining a development order.

If you have any further questions, please do not hesitate to contact me directly at (239) 318-6707 or fdrovdlic@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture



Fred Drovdllic, AICP
Planning Director



APPLICATION FOR CONVENTIONAL REZONING PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Chief Court Industrial Rezoning

Request: ☒ Rezoning from: AG-2 To: CG
☐ Variance included? ☒ **NO** ☐ **YES**¹ for: _____
☐ Special Exception included? ☒ **NO** ☐ **YES**¹ for: _____
☐ Bonus Density included? ☒ **NO** ☐ **YES**² for: _____ Bonus Units

¹ If **YES**, submit applicable application and fee

² If **YES**, submit additional fee required by LDC 2-147(A)(3)

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: Don Carter
Address: 15881 Chief Ct
City, State, Zip: Fort Myers, FL 33912
Phone Number: _____ **E-mail:** offshorez06@yahoo.com

B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:
☒ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]
☐ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]
☐ Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]

1. Company Name: RVi Planning and Landscape Architecture
Contact Person: Fred Drovdlc, AICP
Address: 1514 Broadway, Suite 201
City, State, Zip: Fort Myers, FL 33901
Phone Number: (239) 318-6707 **Email:** fdrovdlc@rviplanning.com

2. [Additional Agent\(s\)](#): Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

PART 2 PROPERTY OWNERSHIP

A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]

Name: Don Carter
Address: 15881 Chief Ct
City, State, Zip: Fort Myers, FL 33912
Phone Number: _____ **Email:** offshorez06@yahoo.com

LEE COUNTY COMMUNITY DEVELOPMENT
 PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
 PHONE (239) 533-8585

B. Disclosure of Interest [34-202(a)(2)]:

☒ Attach [Disclosure of Interest](#) Form.

C. Multiple parcels:

- ☐ Property owners list. [34-202(a)(8)]
☐ Property owners map. [34-202(a)(8)]

D. Certification of Title and Encumbrances [34-202(a)(7)]

1. Title certification document, no greater than 90 days old. [34-202(a)(7)]
 2. Date property was acquired by present owner(s): September 27, 2013

**PART 3
PROPERTY INFORMATION**

A. STRAP Number(s): [Attach extra sheets if additional space is needed.] [34-203(a)(5)]

36-45-24-03-00000.0020, 36-45-24-03- 36-45-24-00-00010.0000
00000.0010

B. Street Address of Property: 15881 CHIEF CT, FORT MYERS FL 33912

C. Legal Description (must submit) [34-202(a)(5)]:

☐ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

OR

☒ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.)

AND

Boundary Survey [34-202(a)(6)]:

☒ A Boundary survey, tied to the state plane coordinate system.

OR

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. Surrounding property owners (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. ☒ List of surrounding property owners. [34-202(a)(9)]
 2. ☒ Map of surrounding property owners. [34-202(a)(9)]
 3. ☒ One set of mailing labels. [34-202(a)(9)]

Note: When the case is found complete/sufficient, a new list and mailing labels must be submitted.

E. Current Zoning of Property: IL and AG-2

☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property. [34-202(b)]

F. Use(s) of Property:

1. Current uses of property are: Industrial
 2. Intended uses of property are: Industrial

G. Future Land Use Classification (Lee Plan):

<u>Urban Community</u>	<u>6.4</u>	Acres	<u>100</u>	% of Total
_____	_____	Acres	_____	% of Total
_____	_____	Acres	_____	% of Total

H. Property Dimensions:

1. Width (average if irregular parcel): 313 Feet
 2. Depth (average if irregular parcel): 422 Feet
 3. Total area: 6.4 Acres or square feet
 4. Frontage on road or street: 313 Feet on Chief Court Street

2nd Frontage on road or street: _____ Feet on _____ Street

- I. Planning Communities/Community Plan Area Requirements:** If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

- ☒ Not Applicable
☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
☐ North (Upper) Captiva Community Plan area. [33-1711; Lee Plan Policy 25.1.1]
☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]
☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
☐ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
☐ North Fort Myers Planning Community. [33-1532(a)&(b)]
☐ North Olga Community Plan area. [33-1663(a)&(b)]

- J. Waivers from Application Submission Requirements:** Attach waivers, if any, approved by the Director of Zoning. [34-201(c)]

PART 4 ACTION REQUESTED

- A. Reason(s) for Request:** Provide a statement explaining the nature of the request and how the property qualifies for the rezoning and, if applicable, bonus density. This statement should explain how the request meets the applicable findings/review criteria set forth in LDC section 34-145(d)(4) and, if applicable, LDC Section 2-146(b). This statement may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. [34-202(b)(3)]

PART 5 ADDITIONAL REQUIREMENTS

- A. Potable Water:** Will the project be connected to potable water and central sewer as part of any development of the property?
☒ **YES** (Provide letter from the appropriate utility to which the connection(s) are proposed confirming availability of service.) [34-202(a)(10)]
☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) [34-202(a)(10)]
- B. Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application. [34-202(a)(12)]
- C. Flood Hazard:**
☒ Not applicable
☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)
- D. Excavations/Blasting:**
☒ No blasting will be used in the excavation of lakes or other site elements.
☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- E. Mobile Home Park: [34-202(b)(4)]**
☒ Not Applicable
☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).

F. Airport Zones & Lee County Port Authority (LCPA) Requirements:

- ☒ Not Applicable
- ☐ Property is located within _____ Airport Noise Zone: **[34-1104]**
- ☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
- ☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
- ☐ A Tall Structures Permit is required. **[34-1108]**

PART 6 SUBMITTAL REQUIREMENT CHECKLIST	
<i>Two copies required for submittal</i> <i>Clearly label your attachments as noted in bold below</i>	
☒	Completed application for Public Hearing [34-202(a)(1)]
☐	Filing Fee - [34-201(d)]
☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
☒	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
☒	Additional Agents [34-202(a)(4)]
☐	Multiple Owners List (if applicable) [34-202(a)(2)]
☒	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
☒	Legal description (must submit one) [34-202(a)(5)]
☒	Legal description (metes and bounds) and sealed sketch of legal description
OR	
☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
☒	Boundary Survey (not required if platted lot) [34-202(a)(6)]
☐	Property Owners list (if applicable) [34-202(a)(8)]
☐	Property Owners map (if applicable) [34-202(a)(8)]
☐	Confirmation of Ownership/Title Certification [34-202(a)(7)]
☐	STRAP Numbers (if additional sheet is required) [34-203(a)(5)]
☒	List of Surrounding Property Owners [34-202(a)(9)]
☒	Map of Surrounding Property Owners [34-202(a)(9)]
☒	Mailing labels [34-202(a)(9)]
☒	List of Zoning Resolutions and Approvals
☐	Summary of Public Informational Session (if applicable)
☒	Waivers from Application Submission Requirements [34-201(c)]
☒	Reason(s) for Request [34-202(b)(3)]
☒	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
☐	Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
☐	Information Regarding Proposed Blasting (if applicable)
☐	Mobile Home Dislocated Owners Information (if applicable) [34-202(b)(4)]
☐	Tall Structures Permit (if applicable) [34-1108]



CHIEF COURT INDUSTRIAL REZONING

Request Statement

I. REQUEST

Donald D Carter Trust ("Applicant") seeks to rezone two parcels that total 1.885+/- acres from Agricultural (AG-2) to Commercial General (CG). The properties are located on the east side of Chief Court just north of Youngquist Road in unincorporated Lee County, Florida. The northern most parcel occupies 1.31+/- acres and the southernmost parcel, at 15881 Chief Court, is only partially zoned AG-2 – the eastern most 0.575 +/- acres. For clarity, the parcel at 15851 Chief Court is under the same ownership, but zoned IL and not part of this zoning request. All three properties are under common ownership.

The rezoning will bring the properties into zoning categories that will allow for expansion of an existing boat repair business. The rezoned parcels will serve as open and enclosed storage for boats that are awaiting repair. No repair will take place on those parcels. The zoning and redevelopment seek to abate a violation for open storage of vessels, storage containers, materials, equipment, and misc. items on Agriculturally zoned property (VIO2023-04465).



II. EXISTING CONDITIONS

The Property is currently home to Offshore Marine Center Inc. and Offshore Performance Specs (see image below looking east from Chief Court). The AG-2 zoned lands were a result of former railroad right of way which has long been abandoned. The southern parcel is of little concern with zoning changes to IL district having occurred to the north and south. The zoning change will bring the parcels into consistency with the industrial park as agricultural uses are not appropriate at this location.

The Property is located outside of Coastal High Hazard Areas and is in FEMA Flood Zone AE and X. It is located on the east side of Chief Court, approximately 1.3 miles east of S. Tamiami Trail. The Property is accessed directly from Chief Court (a county maintained principal arterial road). There are no significant environmental concerns on site as the site is mostly disturbed but any such concerns will be addressed at the time of local development order.



The Property and all surrounding areas are in the Urban Community Future Land Use Category (FLUC). Please refer to Table 1 below for a detailed inventory of the adjacent Future Land Use Categories, zoning districts, and existing land uses.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING	EXISTING LAND USE
NORTH	Urban Community	IL / AG-2	Boat repair shop and retention pond
SOUTH	Urban Community	IL	Warehousing Stores
EAST	Urban Community	AG-2	Ten Mile Canal
WEST	Urban Community	IL	Truck repair shop (with outdoor storage) and warehousing

The general area contains a mix of commercial and industrial uses immediately adjacent to the Property. The corridor along Alico Road, particularly in the one-mile radius of this property, are uses

that are generally industrial of intense uses and commercial that is in support or ancillary to industrial uses, not of the retail nature for consumers, but more related to manufacturing, trucking, warehousing and distribution, processing, and material conversion.

III. PROPERTY HISTORY

The property is owned and operated by Offshore Marine Center Inc. and Offshore Performance Specs both owned by the Applicant. The property has been an industrial use for over 20 years and is fully developed on site. The business expanded onto the rear of the southernmost parcel which has caused the violation as the portion of the parcel east of the FPL easement is not zoned for boat storage as it being used today. The north 1.31 acre parcel is undeveloped.

IV. PUBLIC INFRASTRUCTURE

As outlined in the enclosed application, the Property is serviced by existing public infrastructure that can accommodate the proposed increase in industrial land use zoning.

Potable water is available to the Property by Lee County Utilities as verified by a letter of utility availability received from LCU in December 2023.

Sanitary sewer services capacity is available from Forest Utilities and connection will be made if required according to Florida Statute and the Lee County LDC based on gallons per day use thresholds.

Roadways and access are in place and there are adequate public facilities and services in the immediate vicinity of the project to serve the proposed development in terms of fire, EMS and Sheriff's protection. Fire and EMS service available from San Carlos Fire Station 52 off S Tamiami Trail. The Lee County Sheriff's Office is 2.5+/- miles west on Six Mile Parkway.

V. DECISION-MAKING COMPLIANCE

In accordance with LDC Section 34-145(d)(4), the data and analysis provided in the enclosed application demonstrate the following:

- a. **The application is consistent with the uses and densities set forth for the Urban Community Future Land Use designation.** Consistent with the Urban Community FLUC, this area has long been programmed and reserved for a mix of intense commercial and industrial developments. The industrial subdivision has been nearly fully developed with dozens of warehousing, repair and other local small businesses that are light industrial in nature. The CG zoning request will allow for uses that are consistent with the Urban Community FLUC, whereas light industrial uses are no longer permitted without a IPD zoning in a non-Industrial FLUC.
- b. **The request will meet or exceed all performance and locational standards set forth for the proposed mixed use planned development, except where a deviation has been approved.** The conventional rezoning does not allow for deviations. Access will be provided from Chief Court which connects to Youngquist Road and S Tamiami Trail, providing direct access to Lee County's arterial roadway network. All urban services are available to service this site including, police, fire, EMS, utilities, and transportation network. Traffic impacts of the project will be addressed at the time of local development order review.

- c. **Is compatible with existing and planned uses in the surrounding area.** The request for the rezoning is consistent with the goals, objectives, and policies of the Lee Plan, as outlined in this application. Consistent with the Urban Community FLUC, this area has long been programmed and reserved for light industrial and intense commercial development.
- d. **Will provide access sufficient to support the proposed development intensity.** The project is accessed directly onto Chief Court – an industrial subdivision that directly connects to Youngquist Road and S. Tamiami Trail.
- e. **Approval of the request will not have a significant impact upon the surrounding roadway network.** The uses permitted in the CG zoning district are already taking place in the area and on the site. The small addition of 1.81 acres of use that will permit storage of boats while they await repair at an existing shop will minimally impact traffic volumes and in no way exceed capacity on Chief Court, Youngquist Road or S. Tamiami Trail.
- f. **This request will not adversely affect environmentally critical areas and natural resources.** There no environmentally critical areas are within the boundaries of the project. The site will be required to meet the LDC requirements as well as state and federal requirements for protection of water and harmful runoff and water management facilities.

VI. LEE PLAN COMPLIANCE

The following is an analysis of the Industrial Rezoning's consistency with goals, objectives and policies of the Lee County Comprehensive Plan (Lee Plan).

POLICY 1.1.4: The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The Property is located in the Urban Community FLUC. The requested rezoning is consistent with the intended uses in the Urban Community category. Light industrial and quasi-industrial commercial uses are permitted in the CGZ district with more intense manufacturing and light industrial uses be restricted.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The proposed rezoning will allow for a clustered and logical development of intense uses in the proper location in an area readily serviced by public infrastructure, in direct compliance with the above policy. As outlined in detail within the application, the project represents an infill development within an urbanized area of Lee County with similar uses where commercial and industrial development is encouraged in the Chief Court subdivision.

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.*

The Applicant has provided a letter of availability and a detailed explanation of the public facilities and services available to support future development of the Property from both LCU and Forest Utilities. Sanitary sewer services capacity is available from Forest Utilities and connection will be made if required according to Florida Status and the Lee County LDC based on gallons per day use thresholds.

POLICY 2.2.1: Rezoning and Development of Regional Impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

The road network in the region has been specifically constructed to support large-scale employment centers and industrial activity that is dependent on truck transport and shipping and access to major transportation networks. Chief Court connects to Youngquist Road and the S Tamiami Trail, keeping shipping and trucking traffic from needing to use other surrounding roadway networks.

Lee County utilities has both sewer and water infrastructure available to the property with capacities to serve the requested intensity and the surrounding area approved zoning to the Youngquist Road Corridor. The area, as part of the Urban Community FLUC, is designed to be an intense employment center that places relatively intense commercial, residential and light industrial uses near major networks, utility services and compatible, similar land uses.

GOAL 4

STANDARD 4.1.1 & 4.1.2: WATER & SEWER

Potable water and sanitary sewer services are available to service the development as outlined in the attached Availability Letter provided by Lee County Utilities and Forest Utilities. Sanitary sewer services capacity is available from Forest Utilities and connection will be made if required according to Florida Status and the Lee County LDC based on gallons per day use thresholds.

POLICY 11.1.1: Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use).

The property is located within the Urban Community FLUC. The property is located on Chief Court which is connected to Youngquist Road. The immediate surrounding uses are categorized as light industrial. Light industrial and quasi-industrial commercial uses will be limited to only those uses that are related to the manufacturing with most of the industrial activities being limited in the IL district. Overall, the requested rezoning is consistent with the intended uses in the Urban Community category and allows the extension of the current business.

POLICY 61.1.1: Lee County recognizes that all fresh waters are a resource to be managed and allocated wisely, and will support allocations of the resource on the basis 1) of ensuring that sufficient water is available to maintain or restore valued natural systems, and 2) of assigning to any specified use or user the lowest quality freshwater compatible with that use, consistent with financial and technical constraints.

The Briarwood Industrial Park has obtained Environmental Resource Permit (ERP #36-00390-S) from the South Florida Water Management District which will need to be modified to add the additional property, the design will need to meet regulations.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

As mentioned, the is part of the Briarwood Industrial Park's ERP #36-00390-S. The site design will ensure pretreatment of stormwater prior to discharge off-site through a modification to the ERP.

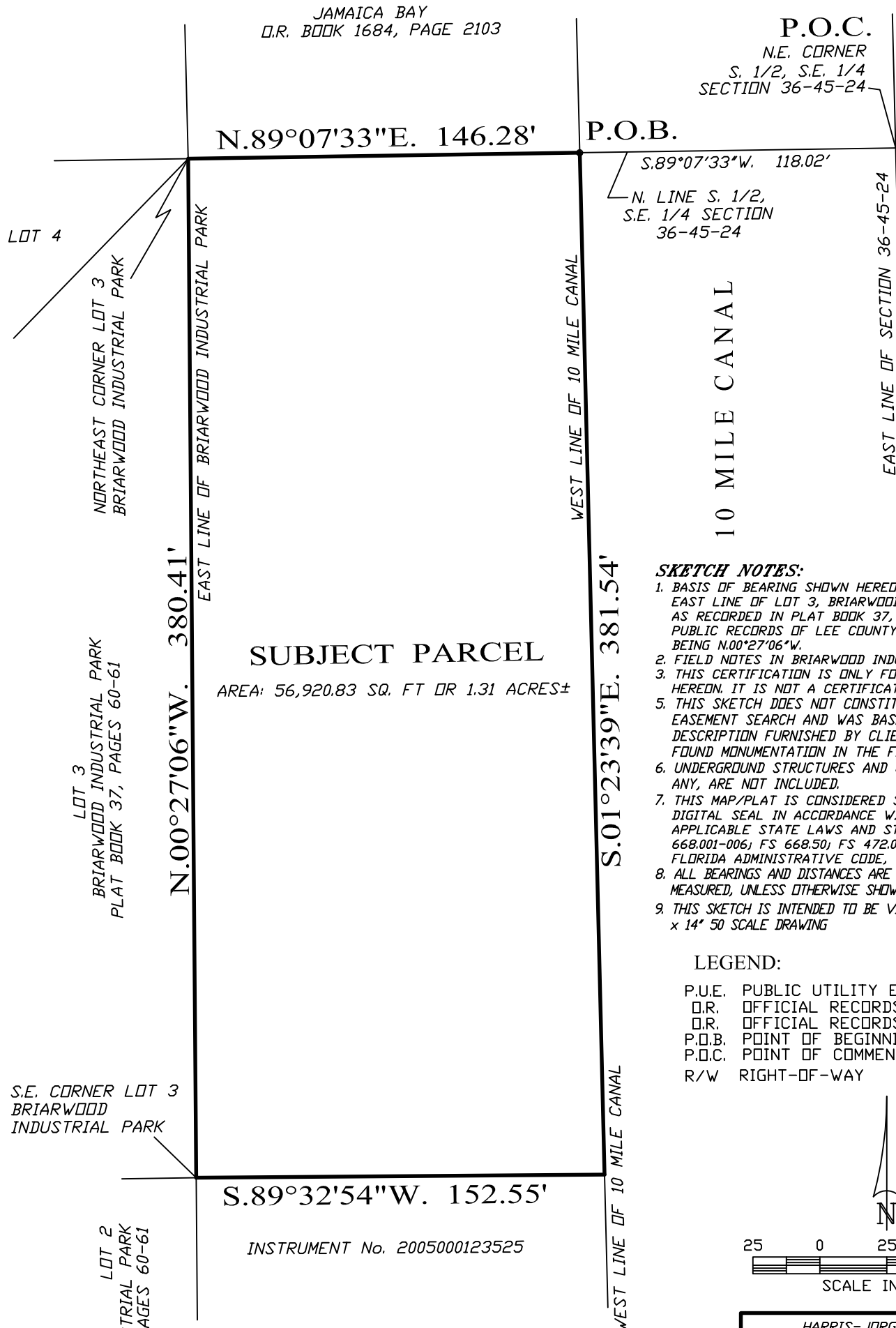
POLICY 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.

As mentioned, the is part of the Briarwood Industrial Park's ERP #36-00390-S. The site design will ensure pretreatment of stormwater prior to discharge off-site through a modification to the ERP.

VIV. CONCLUSION

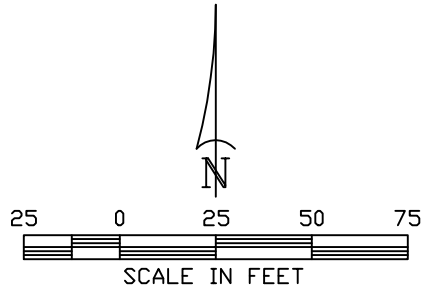
The proposed rezoning from AG-2 to CG on the property demonstrates the current expansion of the business as well as the light industrial uses consistent with the Urban Community FLUC, surrounding uses and overall fits the intent for Chief Court and the Briarwood Industrial Park.

SKETCH TO ACCOMPANY DESCRIPTION:
A TRACT OR PARCEL OF LAND LYING
IN A PORTION OF THE
SOUTHEAST 1/4 OF SECTION 36,
TOWNSHIP 45 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA



- SKETCH NOTES:**
- 1. BASIS OF BEARING SHOWN HEREON TAKEN FROM THE EAST LINE OF LOT 3, BRIARWOOD INDUSTRIAL PARK, AS RECORDED IN PLAT BOOK 37, PAGES 60-61, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N.00°27'06"W.
 - 2. FIELD NOTES IN BRIARWOOD INDUSTRIAL FILE.
 - 3. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE.
 - 5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
 - 6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
 - 7. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
 - 8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
 - 9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2' x 14" 50 SCALE DRAWING

- LEGEND:**
- P.U.E. PUBLIC UTILITY EASEMENT
 - O.R. OFFICIAL RECORDS BOOK
 - P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT
 - R/W RIGHT-OF-WAY



HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S.
#100
CAPE CORAL, FLORIDA 33904
(239)-257-2624
CERTIFICATE OF AUTHORIZATION: LB6921

SEE SHEET 2 OF 2 (EXHIBIT "A")
FOR DESCRIPTION TO ACCOMPANY
THIS SKETCH
NOT A BOUNDARY SURVEY

DRAWN: PMM	CHECK: FBH	SCALE 1"=50'	PROJ. # BIP 1-2
SKETCH DATE 1-18-24		FILE NO. 46-25-05	SHT.- 1 OF - 2

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH:

A TRACT OR PARCEL OF LAND LYING
IN A PORTION OF THE
SOUTHEAST 1/4 OF SECTION 36,
TOWNSHIP 45 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

****NOT A BOUNDARY SURVEY****

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH HALF (S $\frac{1}{2}$), OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.89°07'33"W. ALONG THE NORTH LINE OF SOUTH HALF (S.1/2), OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) SAID SECTION 36, FOR 118.02 FEET, TO THE POINT OF BEGINNING; THENCE RUN S.01°23'39"E. ALONG THE WEST LINE OF TEN MILE CANAL RIGHT OF WAY FOR 381.54 FEET; THENCE RUN S.89°32'54"W. TO THE SOUTHEAST CORNER OF LOT 3, BRIARWOOD INDUSTRIAL PARK, AS RECORDED IN PLAT BOOK 37, PAGES 60-61, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 152.55 FEET; THENCE RUN N.00°27'06"W. TO THE NORTHEAST CORNER OF SAID LOT 3, FOR 380.41 FEET; THENCE RUN N.89°07'33"E. TO A POINT ALONG THE AFORESAID WEST RIGHT OF WAY LINE OF TEN MILE CANAL FOR 146.28 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 56,920.83 SQ. FT OR 1.31 ACRES, MORE OR LESS.

Phillip M
Mould,
LS6515, State
of Florida

Digitally signed by
Phillip M Mould,
LS6515, State of
Florida
Date: 2024.01.18
13:26:00 -05'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
1-18-24

SHEET 2 OF 2

CERTIFICATE OF
AUTHORIZATION: LB6921

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
(239)-257-2624

SKETCH TO ACCOMPANY DESCRIPTION:
A TRACT OR PARCEL OF LAND LYING
IN A PORTION OF THE
SOUTHEAST 1/4 OF SECTION 36,
TOWNSHIP 45 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

LOT 2
BRIARWOOD INDUSTRIAL PARK
PLAT BOOK 37, PAGES 60-61

N.E. CORNER LOT 1
BRIARWOOD
INDUSTRIAL PARK

P.O.C. / P.O.B.

LOT 1
BRIARWOOD INDUSTRIAL PARK
PLAT BOOK 37, PAGES 60-61

S.E. CORNER LOT 1
BRIARWOOD
INDUSTRIAL PARK

INSTRUMENT No. 2005000123525
(UNPLATTED LANDS)

N.89°33'21"E. 155.18'

N.00°27'06"W. 160.00'

SUBJECT PARCEL

AREA: 25,038.48 SQUARE FEET, OR
0.57 ACRES, MORE OR LESS.

S.89°32'54"W. 157.82'

STRAP: 36-45-24-00-00011.0140
(UNPLATTED LANDS)

W. LINE OF 10 MILE CANAL
S.01°23'39"E. 160.00'

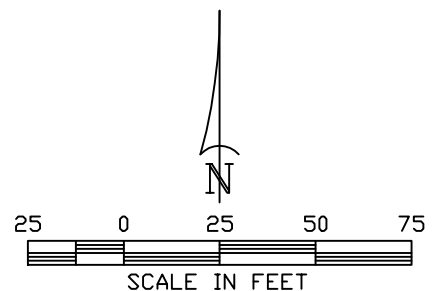
FORMER I.D.D. CANAL
(10 MILE CANAL)

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREDON TAKEN FROM THE EAST LINE OF LOT 1, BRIARWOOD INDUSTRIAL PARK, AS RECORDED IN PLAT BOOK 37, PAGES 60-61, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N.00°27'06"W.
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LEGEND:

P.U.E. PUBLIC UTILITY EASEMENT
O.R. OFFICIAL RECORDS BOOK
O.R. OFFICIAL RECORDS BOOK
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
R/W RIGHT-OF-WAY



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CERTIFICATE OF AUTHORIZATION: LB6921

SEE SHEET 2 OF 2 (EXHIBIT "A")
FOR DESCRIPTION TO ACCOMPANY
THIS SKETCH
NOT A BOUNDARY SURVEY

DRAWN: PMM	CHECK: FBH	SCALE 1"=50'	PROJ. # BIP 1-2
SKETCH DATE 1-18-24		FILE NO. 46-25-05	SHT.- 1 OF - 2

EXHIBIT "A"

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A TRACT OR PARCEL OF LAND LYING
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SOUTHEAST 1/4 OF SECTION 36,
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SEE SHEET 1 OF 2 FOR SKETCH TO ACCOMPANY THIS DESCRIPTION

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DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BRIARWOOD INDUSTRIAL PARK, AS RECORDED IN PLAT BOOK 37, PAGES 60-61, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE RUN N.89°33'21"E. TO A POINT ALONG THE WEST LINE OF THE TEN MILE CANAL RIGHT OF WAY, FOR 155.81 FEET; THENCE RUN S.01°23'39"E. ALONG SAID WEST CANAL RIGHT OF WAY FOR 160.00 FEET; THENCE RUN S.89°32'54"W. TO THE SOUTHEAST CORNER OF THE AFORESAID LOT 1, FOR 157.82 FEET; THENCE RUN N.00°27'06"W. ALONG THE WEST LINE OF SAID LOT 1, FOR 160.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING: 25,038.48 SQUARE FEET, OR 0.57 ACRES, MORE OR LESS.

Phillip M
Mould,
LS6515, State
of Florida

Digitally signed by
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PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
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CERTIFICATE OF
AUTHORIZATION: LB6921

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
(239)-257-2624

TITLE CERTIFICATION/PROPERTY INFORMATION REPORT**Showing Information Required by Lee County Land Development Code Section 34-202(a)(7)****Issuer: Attorneys' Title Fund Services, LLC and Roetzel & Andress, L.P.A.****Recipient: Lee County Board of County Commissioners****Fund File Number:** 1449453**Provided For:** Roetzel & Andress, L.P.A.**Agent's File Reference:** 149840.0001**Effective Date of Search:** September 22, 2023 at 11:00 PM**Description of Real Property Situated in Lee County, Florida:**

See Exhibit A

Record Title Vested in:

Donald D. Carter, Trustee of the Donald D. Carter Trust dated April 19, 1994 by Warranty Deeds, Special Warranty Deeds and Affidavits recorded in O.R. Book 3293, Page 3934; O.R. Book 3612, Page 4072; O.R. Book 3812, Page 4517; Instrument Number 2005000123525; Instrument Number 2020000265030; Instrument Number 2016000002761; Instrument Number 2021000041959; Instrument Number 2022000147423, Public Records of Lee County, Florida.

Prepared Date: September 29, 2023**Attorneys' Title Fund Services, LLC****Prepared by:** Jo Anne Young, Senior Examiner**Phone Number:** (800) 526-3855 x6711**Email Address:** jyoung@thefund.com

Cyndi Bolyard
Branch Manager

TITLE CERTIFICATION/PROPERTY INFORMATION REPORT

Fund File Number: 1449453

The following mortgages are all the mortgages of record that have not been satisfied or released of record nor otherwise terminated by law:

1. Mortgage to Edison National Bank, mortgagee, recorded in Instrument Number 2016000002762, as modified in Instrument Number 2016000238792; Instrument Number 2021000041960; Instrument Number 2021000406027, Public Records of Lee County, Florida.
2. Assignment of Leases, Rents, and Profits filed January 5, 2016, in Instrument Number 2016000002763, Public Records of Lee County, Florida.

Other encumbrances affecting the title:

1. All matters contained on the Plat of BRIARWOOD INDUSTRIAL PARK, as recorded in Plat Book 37, Pages 60 and 61, Public Records of Lee County, Florida.
2. Deed of Restrictions recorded in O.R. Book 1536, Page 977, Public Records of Lee County, Florida.
3. Development Order recorded in O.R. Book 1924, Page 847, Public Records of Lee County, Florida.
4. Lee County Ordinance No. 86-14 recorded November 30, 1990, in O.R. Book 2189, Page 3281 and amended by Ordinance No. 86-38 in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
5. Notice of Lot Split Approval recorded in O.R. Book 2425, Page 3845, Public Records of Lee County, Florida.
6. Notice of Development Order Approval recorded in O.R. Book 2487, Page 368, Public Records of Lee County, Florida.
7. Reservation of easement in favor of Florida Power & Light contained in that certain Deed recorded in O.R. Book 3612, Page 4072, as affected by Partial Release of Easement recorded in Instrument Number 2022000132497, and Easement contained in Corrective Warranty Deed recorded in O.R. Book 3812, Page 4517, Public Records of Lee County, Florida.
8. Easement in favor of Florida Power & Light Company as recorded in Instrument Number 2022000069111, Public Records of Lee County, Florida.
9. Matters contained in Deed recorded in Instrument Number 2020000265030, Public Records of Lee County, Florida.
10. Rights of the lessees under unrecorded leases.
11. Note: The subject property appears to border on a body of water.
12. FOR INFORMATIONAL PURPOSES ONLY: 2022 taxes were paid under receipt number INT-00-00767562, on December 22, 2022, Parcel/Account ID# 36-45-24-03-00000.0010, the gross amount being \$10,406.81; Parcel/Account ID# 36-45-24-00-00010.0000, the gross amount being \$852.95 and Parcel/Account ID# 36-45-24-03-00000.0020, the gross amount being \$11,132.58.

This search is provided pursuant to the requirements of Lee County Development Code Section 34-202(a)(7) for the uses and purposes specifically stated therein and is not to be used as the basis for issuance of an insurance commitment and/or policy.

This certificate has been prepared expressly for the appropriate governing body as is defined by Lee County Land Development Code Section 34-202(a)(7), and is not to be relied upon by any other group or person for any other purpose.

TITLE CERTIFICATION/PROPERTY INFORMATION REPORT**Exhibit A**

Fund File Number: 1449453

Parcel 1:

Lot 1, BRIARWOOD INDUSTRIAL PARK, according to the map or plat thereof as recorded in Plat Book 37, Page 60, Public Records of Lee County, Florida.

and

A parcel of land lying in the Southeast quarter of Section 36, Township 45 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Beginning at the Southeast corner of Lot 1, BRIARWOOD INDUSTRIAL PARK, as recorded in Plat Book 37, Pages 60 & 61, of the Public Records of Lee County, Florida, Thence N.00°27'06"W., along the Easterly line of said Lot 1 for 159.98 feet; Thence N.89°32'54"E., for 155.19 feet to the Westerly line of Ten Mile Canal; Thence S.01°23'39"E., along said westerly line for 160.00 feet; Thence S.89°32'54"W., for 157.82 feet to the Point of Beginning.

and

Parcel 2:

Lot 2, BRIARWOOD INDUSTRIAL PARK, according to the map or plat thereof as recorded in Plat Book 37, Page 60, Public Records of Lee County, Florida.

and

A parcel of land lying in Section 36, Township 45 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

COMMENCING at the Northeast corner of BRIARWOOD INDUSTRIAL PARK as recorded in Plat Book 37, Pages 60 and 61 of the Public Records of Lee County, Florida; Thence S.00°27'06"E., 380.42 feet, along the Easterly line of said BRIARWOOD INDUSTRIAL PARK, also being the Westerly right-of-way line of former Seaboard All Florida Railroad as recorded In Deed Book 203, Page 84 of the Public Records of Lee County, Florida, to the true Point of Beginning; Thence N.89°32'54"E., 152.56 feet along a line perpendicular from the Easterly line of said BRIARWOOD INDUSTRIAL PARK, to a point on the Easterly right-of-way line of aforesaid former Seaboard All Florida Railroad; Thence S.01°23'35"E., 160.02 feet along said Easterly right-of-way line; Thence S.89°32'54"W., 155.19 feet perpendicular to a point on the Westerly line of said former Seaboard All Florida Railroad right-of-way, also being aforesaid Easterly line of BRIARWOOD INDUSTRIAL PARK; Thence N.00°27'08"W., 160.00 feet along aforesaid Westerly former Seaboard All Florida Railroad right-of-way, also being aforesaid Easterly line of BRIARWOOD INDUSTRIAL PARK to the true Point of Beginning.

and

Parcel 3:

Commence at the Northeast corner of the S 1/2 of the SE 1/4 of Section 36, Township 45 South, Range 24 East, Lee County, Florida; Thence S.89°07'33"W., for 118.02 feet to the Point of Beginning; Thence S.01°23'39"E., along the Westerly line of 10 Mile Canal for 381.54 feet; Thence run S.89°32'54"W., to a point along the East line of Briarwood Industrial Park, as recorded in Plat Book 37, Pages 60-61, Public Records of Lee County, Florida for 152.56 feet; Thence run N.00°27'06"W., along said East line to the Northeast corner of Lot 3, said Briarwood Industrial Park for 380.42 feet; Thence run N.89°07'33"E., for 146.28 feet to the Point of Beginning.

Fred Drovdlc

From: Guzman, Jonathan <JGuzman@leegov.com>
Sent: Wednesday, December 27, 2023 8:38 AM
To: Fred Drovdlc
Cc: Bob Case (BOBC@LIS-E.COM); Owen, Aja
Subject: RE: VIO2023-04465 Updated Actions by Land Owner

Good Morning,

A re-zoning will only abate the code violation case, VIO2023-04469 (Permitted Uses - In accordance with Lee County Land Development Code 34-652, 653 & 654, the use of the AG zoned portion of the property for the open storage of multiple vessels and other materials & equipment is not permitted.). However, this will not abate code violation case's, VIO2023-04465, VIO2023-04466, VIO2023-04471, VIO2023-04572 and VIO2023-04573.

A development order for 15881 Chief Ct will still need to be applied for and approved after the re-zoning is accomplished in order to abate code violation case VIO2023-04466 & VIO2023-04572. Also, an additional development order will need to be approved for 15851 Chief Ct to abate code violation case VIO2023-04471 & VIO2023-04573.

I hope this answers your questions. But if you have any more questions please feel free to email me or call me.

Thank you.

Very Respectfully,



Jonathan Guzman | Enforcement Specialist

Department of Community Development

1500 Monroe St, Fort Myers, FL 33901

office: (239) 533-8895

cell: (239) 823-0814

email: jguzman@leegov.com

web: www.leegov.com/dcd

Connect With Us On Social Media



From: Fred Drovdlc
Sent: Tuesday, December 19, 2023 4:36 PM
To: Guzman, Jonathan <JGuzman@leegov.com>
Cc: Bob Case (BOBC@LIS-E.COM) <BOBC@LIS-E.COM>
Subject: VIO2023-04465 Updated Actions by Land Owner

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Hi Mr. Guzman,

I am the agent for Don Carter, the owner of the property under violation. We are in the process of rezoning portions of his property in an attempt to mitigate the violation. In our zoning review letter we for case REZ2023-00029 we were asked to what extent the rezoning to a Commercial General district would go towards abatement.

Here is the request summary and aerial:

Donald D Carter Trust ("Applicant") seeks to rezone two parcels that total 1.885+/- acres from Agricultural (AG-2) to Commercial General (CG). The properties are located on the east side of Chief Court just north of Youngquist Road in unincorporated Lee County, Florida. The northern most parcel occupies 1.31+/- acres and the southernmost parcel, at 15881 Chief Court, is only partially zoned AG-2 – the eastern most 0.575 +/- acres. For clarity, the parcel at 15851 Chief Court is under the same ownership, but zoned IL and not part of this zoning request. All three properties are under common ownership.

The rezoning will bring the properties into zoning categories that will allow for expansion of an existing boat repair business. The rezoned parcels will serve as open and enclosed storage for boats that are awaiting repair. No repair will take place on those parcels. The zoning and redevelopment seek to abate a violation for open storage of vessels, storage containers, materials, equipment, and misc. items on Agriculturally zoned property (VIO2023-04465).



Fred Drovdlc, AICP
Director of Planning

RVi Planning + Landscape Architecture

1514 Broadway, Suite 201 • Fort Myers, FL 33901

239.989.3370 Mobile • 239.318.6707 Direct • 239.344.0000 Main

www.rviplanning.com

Receive updates from Lee County Government by [subscribing to our newsletter](#)

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

External Email: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Forest Utilities, Inc

6000 Forest Boulevard • Fort Myers, FL 33908 * 239-481-5333

DATE: 12/20/2023

TO WHOM IT MAY CONCERN:

AT THIS TIME FOREST UTILITIES, INC. HAS THE AVAILABLE PLANT CAPACITY TO PROVIDE THE NECESSARY SEWER SERVICES FOR YOUR

Chief Court industrial subdivision in Lee County

The STRAP numbers are: 36-45-24-03-00000.0020, 36-45-24-03-00000.0010 and 36-45-24-00-00010.000.

The property is in the FUI franchise service area, though sewer lines were not extended along Younquist Road and the Chief Court Industrial Subdivision.

FOREST UTILITIES, INC, WILL GUARANTEE CAPACITY ONLY UPON RECEIPT OF APPROPRIATE FEES AND CHARGES, AND APPROVAL OF ALL STATE AND LOCAL AGENCIES.

ALL CONSTRUCTION MUST BE TO FOREST UTILITIES, INC SPECIFICATIONS
IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THIS OFFICE AT 239-481-5333.

THIS AVAILABILITY LETTER IS VOIDED AFTER 365 DAYS FROM ISSUANCE.

SINCERELY,

A handwritten signature in black ink, appearing to read "Sonnetta De Vries". The signature is fluid and cursive, with the first name being the most prominent.

FOREST UTILITIES, INC.

**BOARD OF COUNTY COMMISSIONERS**

Kevin Ruane
District One

January 5, 2024

Via E-Mail

Cecil L Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Michael Greenwell
District Five

Dave Harner, II
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

Fred Drovdlc, AICP
RVI Planning and Landscape Architecture
1514 Broadway, Suite 201
Fort Myers, FL 33901

RE: Potable Water Availability
Chief Court Industrial Rezoning - 15851 Chief Court, Fort Myers, FL
STRAP # 36-45-24-03-00000.0020, 36-45-24-03-00000.0010
and 36-45-24-00-00010.000

To whom this may concern:

The subject properties are located within Lee County Utilities Future Service Area as depicted on Maps 4A of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 3 industrial units with an estimated flow demand of approximately 500 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

Availability of potable water service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Green Meadows Water Treatment Plant.

Sanitary sewer service will be provided by Forest Utilities. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

There are no reuse mains in the vicinity of these parcels.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate

Chief Court Industrial Rezoning - RVI - Letter - REVISED.Docx

January 5, 2024

Page 2

connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of potable water service is to be utilized for Due Diligence only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Ashanti Shahriyar

Ashanti Shahriyar

Plan Reviewer

239-533-8531

UTILITIES ENGINEERING