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www.tdmcivilengineering.com
Certificate of Authorization # 29086**

February 6, 2024

Ms. Elizabeth Workman, Principal Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

**Reference: 14290 North Cleveland Avenue
REZ2023-00031 (1st Resubmittal)**

Dear Ms. Workman:

We are in receipt of your review letter dated November 3, 2023 for the above referenced project. The following items are submitted for your continued review per this request for additional information:

1. One (1) copy of the updated Boundary Survey;
2. One (1) copy of the Title Certification;
3. One (1) copy of the revised Narrative of Request/Lee Plan Compliance;
4. One (1) copy of the Property Exhibit and Impacts Map; and
5. One (1) copy of the Boundary Survey prior to the Lot Combination (Exhibit Only).

Responses to each individual item/comment are as follows:

Legal Review Comments:

Richard R. Burris

1. Per Section 34-202(a)(6)&(7) pertaining to submittal requirements for applications requiring public hearing a boundary survey must be submitted that provides the following:
 - a. The legal description and sketch document describes the entire subject property boundary appropriately, but the title policy describes only a portion of the overall project boundary.

Response: Please see the attached Title Certification and Boundary Survey for the property to be rezoned.

- b. 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.

14290 North Cleveland Avenue

Page 2 of 4

Response: Please see the revised Boundary Survey.

c. 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.

Response: Please see the attached Title Certification and revised Boundary Survey.

d. The boundary survey is missing state plane coordinates. The boundary survey is based on a title commitment prepared by Old Republic National Title Insurance Company and the affidavit of no change references a title policy issued by WFG National Title Insurance Company. The title commitment is not an accepted form, and the title policy was not submitted.

Response: Please see the attached Title Certification and revised Boundary Survey.

e. Please provide a title certification in accordance with the requirements of Lee County LDC §34-202. The title policy issued by WFG National Title Insurance Company was not submitted and needs to be included as part of the title certification.

Response: Please see the attached Title Certification including the title policy issued by WFG National Title Insurance Company.

f. Road ROW easement (Instrument #2009000217844) not provided on list of easements on title insurance policy.

Response: Please see the attached Title Certification provided by Charles Mann, Partner with Pavese Law Firm. According to Mr. Mann, the Road ROW Easement (Instrument #2009000217844) does not encroach upon the property, which is why it isn't provided on the list of easements on the title insurance policy.

Planning Review Comments:

Joseph Sarracino

2. Please provide an analysis of Lee Plan Policy 77.3.7.

Response: Please see the revised Narrative of Request for the additional Lee Plan analysis as requested.

Zoning Review Comments:

Elizabeth Workman

3. Staff understands that the current application is to rezone the AG-2 parcel to C-1. The AG-2 parcel is part of an overall subdivision under one STRAP number. The legal description depicts the entire STRAP with the request. Please revise the narrative to provide information regarding the two violations that are associated with the overall site. It may be helpful to provide an exhibit depicting where the violations have occurred to demonstrate that the AG-2 zoning district is outside of the violation areas.

Response: Please note part of the Legal review requires a metes and bounds legal description of the area to be rezoned, which is included with this resubmittal. The overall 6.4-acre property was the subject of a lot combination that was approved 4-26-2023. An Exhibit is provided based on the original survey, prior to the lot combination,

14290 North Cleveland Avenue

Page 3 of 4

showing all four lots, including the 0.52-acre lot to be rezoned from AG-2 to C-1. In addition, an Impacts Map provided by Turrell, Hall & Associates dated 4-7-2023 shows the impact and debris area, which clearly demonstrates that the code violations for filling environmentally critical areas, etc did not occur on the property to be rezoned. Please see the revised Narrative for the code violation information requested and an Exhibit demonstrating the subject property compared to the overall 6.4-acre property.

Environmental Sciences Review Comments:

Camryn Siverson

4. There are current code violations onsite for filling areas onsite. Please provide an analysis on how the environmentally critical areas will be saved onsite and an analysis for the violations within the overall subdivision. Please provide an exhibit depicting the areas that are out of compliance.

Response: Please note the current code violations are not located on the property to be rezoned. See the attached Exhibit showing the four (4) lots prior to the lot combination and the Impacts Map provided by Turrell, Hall & Associates, which clearly demonstrates that the code violations for filling environmentally critical areas, etc did not occur on the property to be rezoned. The code violations will be addressed during development order permitting of the overall 6.4-acre property once the 0.52-acre subject property has been rezoned and the property has a consistent zoning.

5. Please clarify how the applicant intends to protect environmentally critical vegetation within the rezone location.

Response: The subject property to be rezoned is only 0.52-acres in size. It does not qualify as a large project by itself; however, at time of development order permitting it will be part of a 6.4-acre development. The development will be required to comply with the requirements of the LDC at time of DO permitting, including buffers, open space, and indigenous preservation. If there are wetlands located on-site or other environmentally critical areas/habitat that are outside of the indigenous preserver area, but are impacted by development, they may be mitigated through the appropriate state and federal agencies. This will be demonstrated at time of Development Order permitting through coordination with staff and the appropriate agencies.

6. The applicant stated the buffering, open space, and environmental conditions will be reviewed at time of DO; however, the applicant did not clarify if the site will be in compliance with the required buffers, open space, and protection of environmentally sensitive areas.

Response: The subject property to be rezoned is only 0.52-acres in size. It is part of a larger 6.4-acre property that previously consisted of four (4) separate parcels. Three of the parcels had C-1 zoning, but the 0.52-acre parcel was zoned AG-2. In order to develop the property, the applicant must rezone the 0.52-acres to C-1 for a consistent zoning district. The applicant intends to include the subject parcel with the overall 6.4-acre property at time of development order permitting. At that time, the development will be considered a large project and will be required to obtain a SFWMD ERP in addition to a DO. The Applicant intends to provide the code required buffers, open space, and indigenous vegetation for the entire development, including the 0.52-acre

14290 North Cleveland Avenue

Page 4 of 4

property that is the subject of this rezoning. Any environmentally critical areas will either be preserved on-site or mitigated as permitted by the LDC, the SFWMD, and other state and federal agencies.

Lee Tran Review Comments:

Clarissa Marino Diaz

7. The project is within a one-quarter mile of a transit corridor and bus stop, a rezoning does not trigger the Lee County Transit LDC Sec. 10-441 or 10-442 therefore, no improvements are required currently.

Response: This comment is acknowledged and understood.

8. Any proposed development may be required to make necessary improvements when submitting a Limited Review Development Order (LDO) or Development Order (DO) and the project will be assessed at that time.

Response: This comment is acknowledged and understood.

This should allow for continued review and a finding of sufficiency of this rezoning request. Your time and attention to this matter is appreciated. Should County staff require additional information or have any questions regarding this submittal, feel free to call this office.

Sincerely,

TDM CONSULTING, INC.



Veronica Martin
Senior Planner



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14290 N. Cleveland Avenue
Narrative of Request/Lee Plan Compliance
Revised 12-20-2023

The applicant is requesting to rezone a 0.52± acre parcel along North Cleveland Avenue in North Fort Myers from AG-2 to C-1. The parcel is part of a 6.41-acre property located at 14180 N. Cleveland Avenue. The applicant combined four (4) lots, including the 0.52-acre lot, to create the 6.41-acre property; however, the 0.52-acre lot is zoned AG-2 while the remaining land is zoned C-1. The applicant is requesting to rezone the AG-2 parcel to the C-1 zoning district for a consistent zoning district for future development. The parcel is located in the North Fort Myers planning community along a designated commercial corridor. The future land use classification is Intensive Development and the parcel is located within the Mixed-Use Overlay. The AG-2 zoning district is inconsistent with the Intensive Development future land use classification, the Mixed-Use Overlay, and the uses permitted in the commercial corridor.

Land Development Code Compliance

The subject property is located in the North Fort Myers Planning Community per Lee Plan Maps 1-B and 2-A. Per LDC Chapter 33, Article VIII – North Fort Myers Planning Community, Division 3, the property is also located along a Commercial Corridor. In addition, the property is located within the Mixed-Use Overlay per Lee Plan Map 1-C. The applicant intends to comply with the provisions of the Land Development Code at time of Development Order permitting.

Code Violations

The 0.52-acre property to be rezoned is part of an overall 6.4-acre property. The property owner combined four (4) lots in April 2023; however, only three of the lots were zoned C-1, while the fourth lot was zoned AG-2. The applicant must rezone the AG-2 land to C-1 for a consistent zoning district. In the meantime, two (2) code violations were issued on the overall 6.4-acre property. The violations were for making improvements without a development order, missing landscaping, removing protected trees, filling the site and storm water system, missing buffers, and not being in compliance with the development order. The violations are all for the three properties with commercial development and/or wetlands. An exhibit showing the 6.4-acre property prior to the lot combination (from the survey provided by J H McCarrier Land Surveying, Inc.) and an Impacts Map (provided by Turell, Hall & Associates, Inc.) clearly demonstrate that the code violations for filling environmentally critical areas and making improvements without a development order are

not located on the AG-2 land to be rezoned. In addition, the other code violations are only applicable to the commercial properties that have been issued a development order.

Lee Plan Compliance:

POLICY 1.1.2: The Intensive Development future land use category is located along major arterial roads. By virtue of their location, the County's current development patterns, and the available and potential levels of public services, areas with this designation are suited to accommodate high densities and intensities. Mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre), with a maximum total density of twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The 0.52-acre parcel has a future land use classification of Intensive Development. Lee Plan **Policy 1.1.2** identifies those areas as “well suited to accommodate high densities and intensities” by virtue of their location, the county’s current development patterns, and the available and potential levels of public services. As stated above, the small AG-2 zoned portion is part of the overall 6.41-acre property, which is zoned C-1. The AG-2 zoned portion is inconsistent with the Intensive Development future land use classification. The applicant is proposing to rezone the 0.52-acre AG-2 zoned parcel to the C-1 zoning district for a consistent zoning district and consistency with the Lee Plan. The parcel is located along an arterial roadway (N. Cleveland Avenue), is located along a commercial corridor, is located within the mixed-use overlay, and urban services are available to serve future development. This proposed rezoning is consistent with **Lee Plan Policy 1.1.2**.

***Objective 2.1: Development Location** promotes continuous and compact growth patterns through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

***Policy 2.1.1:** Most residential, commercial, industrial, and public development is expected to occur within the designated future urban areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.*

***Policy 2.1.2:** New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan.*

***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.*

***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.

Policy 2.2.2: *The Future Land Use Map indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the County's growth beyond the 2045 planning horizon. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:*

- 1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and*
- 2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and*
- 3. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Table 1(b)).*

In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system.

This request is to rezone a 0.52-acre parcel of land from AG-2 to C-1 to permit a consistent zoning district of the overall 6.41-acre property located in along N. Cleveland Avenue in N. Fort Myers. The property has a future land use classification of Intensive Development per Lee Plan Map 1-A. In addition, the property is located in the Mixed-Use Overlay per Lee Plan Map 1-C. Existing commercial uses are located nearby to the east of the property and west of N. Cleveland Avenue. A Place of Worship is located to the north. Urban services such as water, sewer, EMS, fire and police protection are located proximate to the property. The property has frontage on a state-maintained arterial roadway with a partial frontage road and existing driveways. This is consistent with Lee Plan **Objective 2.1, Policies 2.1.1 and 2.1.2, Objective 2.2, and Policies 2.2.1 and 2.2.2.**

Urban services are available and adequate to service the proposed commercial development.

- | | |
|-----------------|---|
| Fire/EMS: | North Fort Myers Fire District, Station 2, located at 1280 Barrett Rd, ±1.7 miles away. |
| Police: | Lee County Sheriff's Office, located at 121 Pondella Rd, ±0.6 miles away. |
| Solid Waste: | The property is within the Lee County Solid Waste Franchise Area 5 and is serviced by Waste Pro. |
| Public Transit: | Lee Tran Route 140 services this segment of N. Cleveland Avenue. There is an existing bus shelter located approximately 0.19 miles southeast of the property. |

- Public Parks: The property is approximately 1.4 miles southeast from Judd Community Park.
- Public Schools: The rezoning is for a commercial development, so no impacts are anticipated to public schools.
- Water: LCU has provided a letter of availability to serve the commercial development.
- Wastewater: The property is within FGUA's service area. FGUA will provide a letter of availability to serve the commercial development.

Objective 4.1: Water, Sewer, and Environmental Standards. Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.

Standard 4.1.1: Water.

- 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Fla. Admin. Code R. 62-550).*
- 2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 4- A), then the development must be connected to that utility.*
- 3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.*
- 4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Fla. Admin. Code R. 62-555.*

The parcel is located within LCU's franchise service area for potable water. LCU has provided a letter of availability. The developer will be required to provide waterline extensions and connect to potable water, if the thresholds are met, at time of development order permitting. This is consistent with **Lee Plan Standard 4.1.1.**

Standard 4.1.2: Sewer.

- 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*
- 2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.*

The parcel is located within FGUA's franchise service area for sanitary sewer. FGUA has provided a letter of availability. The developer will be required to provide sanitary sewer line extensions and connect to sanitary sewer, if the thresholds are met, at time of development order permitting. This is consistent with **Lee Plan Standard 4.1.2**.

Standard 4.1.4: Environmental Factors:

- 1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District (SFWMD), or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.*
- 2. Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.*
- 3. Ensure development minimizes the need for expansion and construction of street and utility improvements.*

Conventional rezoning applications aren't required to provide a Protected Species Survey; however, a site visit determined that the 0.52-acre parcel suffered damage to existing trees from Hurricane Ian. No wetlands or environmentally sensitive areas were observed on the parcel to be rezoned. The applicant will be required to comply with the requirements of the North Fort Myers Planning Community, the Land Development Code, the Lee Plan, the SFWMD, and any other governmental agencies during development order permitting. This is consistent with **Standard 4.1.4**.

Goal 5: Residential Land Uses. *To accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types.*

Objective 5.1: *All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.*

Policy 5.1.6: *Maintain development regulations that require high-density, multi-family, cluster, and mixed use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design.*

The C-1 zoning district permits commercial uses, but also permits multi-family dwelling units. The 0.52-acre parcel is part of a larger 6.41-acre property that can be developed as a mixed use development. The Intensive Development future land use category permits the highest density ranges, and the location of the parcel, along an arterial roadway, is ideal as well. This is consistent with **Lee Plan Goal 5, Objective 5.1 and Policy 5.1.6**.

Goal 6: Commercial Land Uses: *To permit orderly and well-planned commercial development at appropriate locations within the county.*

Objective 6.1: *Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 4 and other provisions of this plan.*

Policy 6.1.1: *All applications for commercial development will be reviewed and evaluated as to:*

- 1. Traffic and access impacts (rezoning and development orders);*
- 2. Landscaping and detailed site planning (development orders);*
- 3. Screening and buffering (planned development rezoning and development orders);*
- 4. Availability and adequacy of services and facilities (rezoning and development orders);*
- 5. Impact on adjacent land uses and surrounding neighborhoods (rezoning);*
- 6. Proximity to other similar centers (rezoning); and*
- 7. Environmental considerations (rezoning and development orders).*

Policy 6.1.4: *Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.*

Policy 6.1.5: *The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements.*

Policy 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

The C-1 zoning district permits both commercial and multi-family residential uses. The 0.52-acre parcel is part of a larger 6.41-acre property that can be developed as a mixed use development. The parcel has a future land use classification of Intensive Development, is located along a commercial corridor, is in the mixed-use overlay, and urban services are available and adequate to serve future development, including nearby Lee Tran bus stops. Any future development will be reviewed for traffic impacts, open space and buffering, environmental concerns, etc. at time of development order permitting. This is consistent with **Lee Plan Goal 6, Objective 6.1 and Policies 6.1.1, 6.1.4, 6.1.5, and 6.1.6**

Objective 11.2: Mixed Use Overlay. *The County will maintain an Overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay.*

Policy 11.2.1: *The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance.*

Policy 11.2.2: *Development in the Mixed Use Overlay should accommodate connections to adjacent uses.*

Policy 11.2.4: *Use of conventional zoning districts will be encouraged within the Mixed Use overlay in order to promote continued redevelopment.*

Policy 11.2.5: *Lee County will maintain land development regulations for properties within the Mixed Use Overlay that allow for urban forms of development and a variety of uses.*

The 0.52-acre parcel is located in the Mixed-Use Overlay along a commercial corridor in the Intensive Development future land use category. Urban services are available and adequate to serve the proposed development, including Lee Tran bus stops along N. Cleveland Avenue. As previously noted, the 0.52-acre parcel is part of an overall 6.41-acre property with C-1 zoning. Future development will be able to utilize the more urban forms of development, including but not limited to, reduced buffers, open space, and parking and providing frontage roads and interconnects to adjacent commercial uses. Rezoning of the 0.52-acre parcel is consistent with **Lee Plan Objective 11.2 and Policies 11.2.1, 11.2.2, 11.2.4, and 11.2.5.**

Policy 17.3.4: *For required public information meetings, the applicant must provide the following:*

- *Adequate meeting space to accommodate projected attendance and security measures (as needed).*
- *Advance notice of the meeting in a publication of local distribution provided at least ten calendar days prior to the meeting, unless otherwise specified herein.*
- *At the meeting, a general overview of the text or map amendment and effect thereof.*
- *After the meeting, a meeting summary document submitted to the County that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and the applicant's response to any issues that were raised.*

A Public Information Meeting was advertised in the News-Press and presented to the North Fort Myers Planning and Design Review Panel. A summary of the meeting is included with this application. This is consistent with **Lee Plan Policy 17.3.4.**

GOAL 30: North Fort Myers Community Plan. *Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources.*

Objective 30.2: Land Use Centers and Corridors. *To encourage revitalization of designated Town Center overlay districts, road corridor overlay districts and redevelopment areas.*

Policy 30.1.3: *Encourage a diversity of housing types in the North Fort Myers Community Plan area by supporting mixed use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay.*

Policy 30.2.3: Maintain provisions allowing for greater minimum, maximum base, and maximum total densities and building heights in the Mixed Use Overlay.

Policy 30.2.5: Certain areas along major road corridors outside designated Town Centers and Neighborhood Centers, are located within a Corridor Overlay District with provisions in the Land Development Code requiring enhanced landscaping, greater buffering and shading of parking areas, improved commercial signage, enhanced standards to ensure architectural quality and compatibility, and incentives for quality development. Within the Corridor Overlay District, deviations from landscaping, buffering, signage or architectural requirements may not be granted, unless the request meets the approval criteria for variances set forth in Chapter 34 of the Land Development Code.

Policy 30.2.6: Development within the Town and Neighborhood Centers and the Corridor Overlay Districts may use the development standards allowed within the Mixed Use Overlay.

The property is located in the North Fort Myers planning community along a commercial corridor and within the mixed-use overlay. As previously stated, the 0.52-acre parcel is part of the overall 6.41-acre property. The applicant assembled the four (4) lots with the intention of redeveloping the property. The 0.52-acre parcel is zoned AG-2. The applicant is requesting to rezone the AG-2 parcel to C-1 for a consistent zoning district. If this rezoning request is approved, the applicant will be able to redevelop the 6.41-acre property. There is an existing Place of Worship (Guiding Light Community Church) to the north, a U-Haul dealer and Self-Storage warehouse to the east along with two residential lots. North Cleveland Avenue right-of-way is located to the west of this triangular shaped property. The existing commercial businesses on the subject property (used car sales with storage and strip plaza) will be demolished to make room for the new development. Rezoning the 0.52-acre parcel complies with Lee Plan Goal 30. It allows for a consistent zoning district in the mixed-use overlay, in the intensive development future land use category, along a commercial corridor with the opportunity to revitalize an old commercial property. This rezoning promotes compact infill development in an area that is already established, but has become neglected and is need of redevelopment. This is consistent with **Lee Plan Goal 30, Objective 30.2, and Policies 30.1.3, 30.2.3, 30.2.5, and 30.2.6.**

Policy 77.3.7: New development and redevelopment in areas containing a component of the greenways trail system, as identified by the Lee County Greenways Master Plan, must incorporate the greenway trail into their development design. In addition to counting towards the project's general open space requirements, developments constructing the onsite portions of the greenway trail will be eligible for community and regional park impact fee credit.

As previously stated, the 0.52-acre parcel is part of a 6.41-acre property that the applicant is redeveloping. The property is located along N. Cleveland Avenue, which is identified as the Charlotte-Lee-Collier Trail on Lee Plan Map 4-E, the Lee County Greenways Master Plan. As such, future development of the property will be required to incorporate the greenway trail into the development design. This will be provided for at time of local development order permitting. This is consistent with **Lee Plan Policy 77.3.7.**

Narrative of Request

Page 9 of 9

The applicant has proven entitlement to the rezoning as set forth in LDC Sec. 34-145(d)(4). The request:

- (a) Complies with the Lee Plan;
- (b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- (c) Is compatible with existing and planned uses in the surrounding area;
- (d) Will provide access sufficient to support the proposed development intensity;
- (e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- (f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- (g) Will be served by urban services.

PAVESE LAW FIRM

CHARLES MANN
Board Certified Real Estate Attorney
Board Certified Condominium and
Planned Development Law Attorney
Direct dial: (239) 336-6242
Email: CharlesMann@paveselaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-2195 | Fax (239) 332-2243

TITLE CERTIFICATION 14290 N. CLEVELAND AVE, LLC

Pavese Law Firm (as Agent/Title Company)

Plat Number: TBD

Development Order Number: TBD

Effective Date of Title Certification: January 18, 2024

Certified To: Lee County Board of County Commissioners

I have searched the Public Records of Lee County, Florida and have examined the title to the real property more particularly described in the metes and bounds description attached hereto as Exhibit "A." I have made a careful examination of the Public Records of Lee County, Florida, with respect to the real property described in attached Exhibit "A." Based on the foregoing, we hereby certify Record Title to the above described real property, as of the Effective Date of the Title Certification set forth above, is vested in:

Title to the property is vested in:

14290 N. Cleveland Ave, LLC, a Florida limited liability company by virtue of that certain Warranty Deed recorded Official Records Instrument No. 2018000146110, Warranty Deed recorded in Official Records Instrument No. 2022000126564 and Warranty Deed recorded in Official Records Instrument No. 2022000121248, all of the Public Records of Lee County, Florida.

The following persons or entities holding a mortgage secured by the property:

Mortgage in favor of Business First Bank recorded in Official Records Instrument No. 2018000146111, Public Records of Lee County, Florida.

Mortgage in favor of b1BANK recorded in Official Records Instrument No. 2022000126565 as Modified by that certain Modification of Mortgage recorded in Official Records Instrument No. 2023000276483 and Modification of Mortgage recorded in Official Records Instrument No. 2023000290394, all of the Public Records of Lee County, Florida.

All taxes due and owing have not been paid in full as of the date of this certification.

The following are all easements and rights of way affecting the property to be platted, whether recorded or unrecorded:

None.

All Recording references are to the public records of Lee County, Florida.

Note, this is not a certification of ownership or surface rights of any oil, gas, and mineral rights or interests.

This certification is provided pursuant to the requirements of Lee County Land Development Code Sections 10-154(2)(i) for the uses and purposes specifically stated therein and is not to be used as the basis for the issuance of a title insurance commitment or policy. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

By: _____

Charles Mann
Partner

EXHIBIT "A"

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING FOR PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 3 WITH THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 3; THENCE S89°27'08"E, ALONG SAID NORTH LINE, FOR 168.64 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 3; THENCE S00°29'17"E, ALONG SAID EAST LINE, FOR 175.03 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 175 FEET SOUTH OF AND PARALLEL WITH SAID NORTH LINE OF OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 3; THENCE N89°27'08"W, ALONG SAID PARALLEL LINE, FOR 62.60 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 45 (U.S. 41 / N. CLEVELAND AVENUE - 200-FOOT WIDE PER FDOT RIGHT-OF-WAY MAP 12010-2121); THENCE N39°28'06"W, ALONG SAID EAST RIGHT-OF-WAY LINE, FOR 168.40 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 3; THENCE N00°36'05"W, ALONG SAID WEST LINE, FOR 46.04 FEET TO POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.52 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE BASED UPON FIXING THE MONUMENTED EAST LINE OF THE SE 1/4 OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, AS S00°15'43"E.
2. THIS MAP IS NOT VALID WITHOUT EITHER THE SIGNATURE AND THE ORIGINAL RAISED SEAL, OR A VALIDATED ELECTRONIC SIGNATURE, OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.
4. FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION

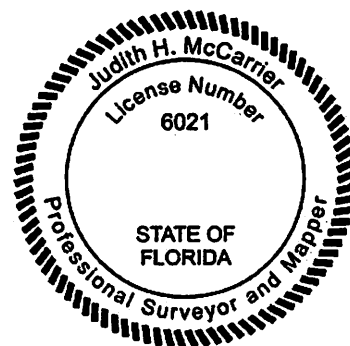
PREPARED BY:

Judith H. McCarrier, PSM
License No. 6021
State of Florida

2023.09.29

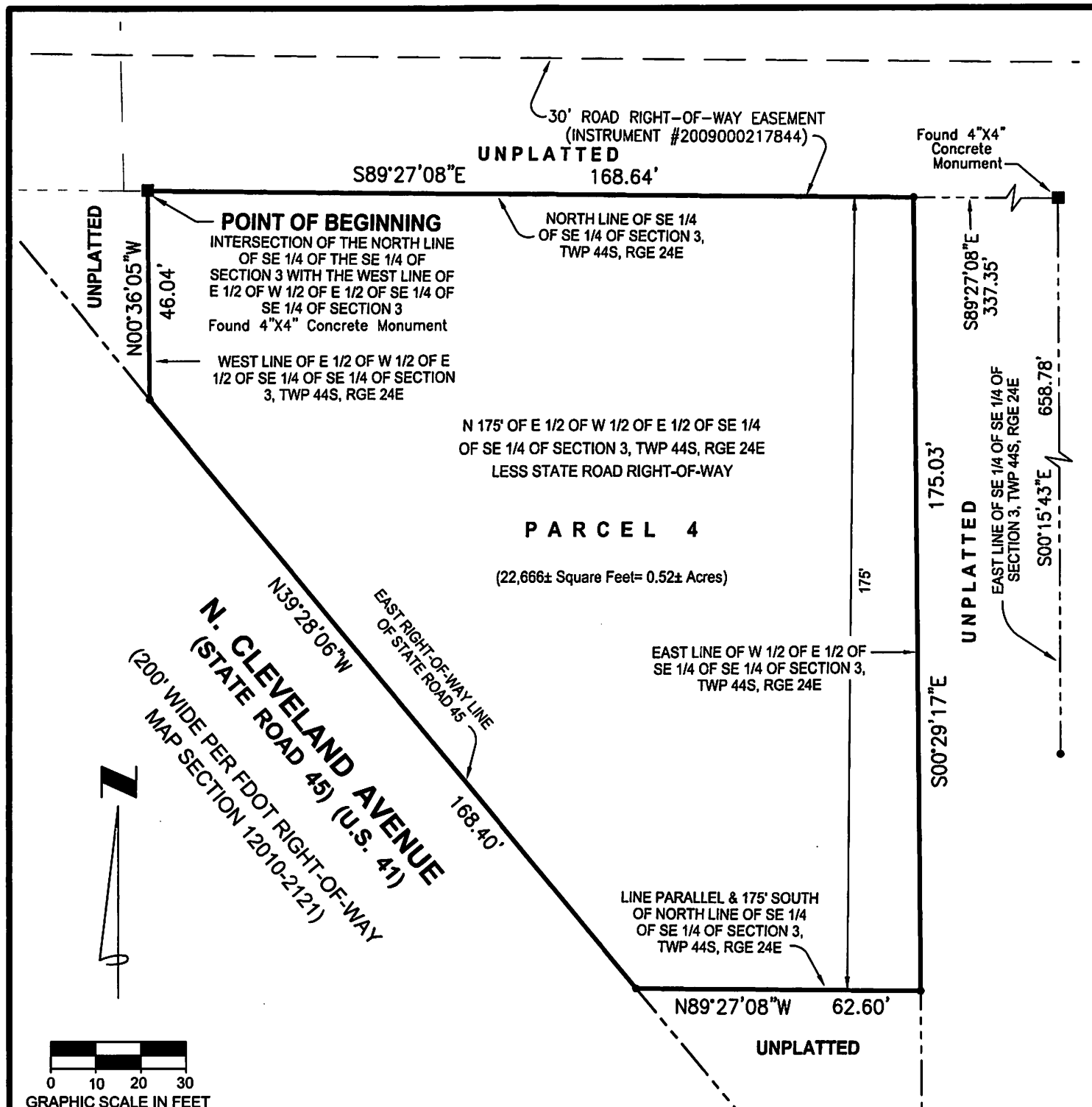
12:47:10 -04'00'

JUDITH H. McCARRIER
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NO. 6021



SEE SHEET 2 OF 2 FOR SKETCH.

 J H McCARRIER LAND SURVEYING, INC. Licensed Business No. 7027	PROJECT SKETCH AND LEGAL DESCRIPTION PARCEL 4 - N 175' OF E 1/2 OF W 1/2 OF E 1/2 OF SE 1/4 SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA		
	CLIENT 14290 N CLEVELAND AVE, LLC 16 WINEWOOD COURT FORT MYERS, FLORIDA 33919 PHONE: (239) 690-4100		SCALE N.A.
	CLIENT 14290 N CLEVELAND AVE, LLC 16 WINEWOOD COURT FORT MYERS, FLORIDA 33919 PHONE: (239) 690-4100		DATE SEPT. 29, 2023
2460 SUNRISE BOULEVARD FORT MYERS, FLORIDA 33907 Phone: (239) 277-7821	FILENAME NFM_14180NCleveland_P4_S+L.dwg		PROJECT NO. 22-041.20
	DRAWN BY JHM	CHECKED BY JHM	SHEET 1 OF 2

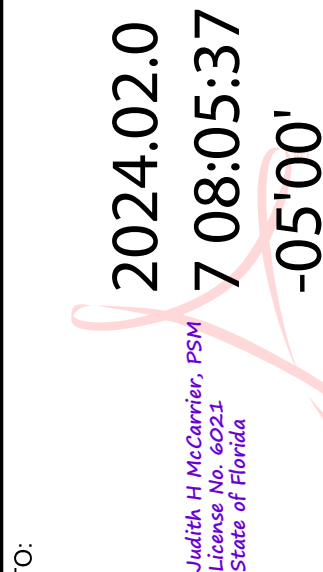


THIS IS NOT A BOUNDARY SURVEY.

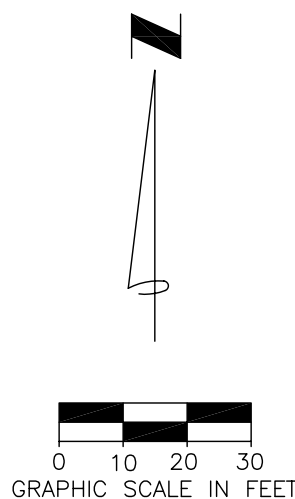
SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION, SURVEYOR'S NOTES & CERTIFICATION.

 J H McCARRIER LAND SURVEYING, INC. Licensed Business No. 7027	PROJECT SKETCH AND LEGAL DESCRIPTION PARCEL 4 - N 175' OF E 1/2 OF W 1/2 OF E 1/2 OF SE 1/4 OF SE 1/4 SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA		
	CLIENT 14290 N CLEVELAND AVE, LLC 16 WINEWOOD COURT FORT MYERS, FLORIDA 33919 PHONE: (239) 690-4100		SCALE 1"=30'
	DATE SEPT. 29, 2023		FILENAME NFM_14180NCleveland_P4_S+L.dwg
	PROJECT NO. 22-041.20		DRAWN BY JHM
2460 SUNRISE BOULEVARD FORT MYERS, FLORIDA 33907 Phone: (239) 277-7821	CHECKED BY JHM		SHEET 2 OF 2

SHEET 1 OF 1



JUDITH H. McCARRIER
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NO. 6021
EMAIL: JUDY@JHMSURVEY.COM



LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING FOR PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 3 WITH THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 3; THENCE S89°27'08"E, ALONG SAID NORTH LINE, FOR 168.64 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 3; THENCE S00°29'17"E, ALONG SAID EAST LINE, FOR 175.03 FEET TO A POINT OF INTERSECTION WITH A LINE LYING 175 FEET SOUTH OF AND PARALLEL WITH SAID NORTH LINE OF OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 3; THENCE N89°27'08"W, ALONG SAID PARALLEL LINE, FOR 62.60 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF STATE ROAD 445 (U.S. 41 / N. CLEVELAND AVENUE - 200-FOOT WIDE PER FDOT RIGHT-OF-WAY MAP 12010-2121); THENCE N39°28'06"W, ALONG SAID EAST RIGHT-OF-WAY LINE, FOR 168.40 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 3; THENCE N00°36'05"W, ALONG SAID WEST LINE, FOR 46.04 FEET TO **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 0.52 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. UNDERGROUND ENCROACHMENTS AND/OR IMPROVEMENTS WERE NOT LOCATED OR SHOWN HEREON.
2. BEARINGS SHOWN HEREON ARE BASED UPON FIXING THE MONUMENTED EAST LINE OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST, AS S00°15'43"E.
3. THIS MAP IS NOT VALID WITHOUT EITHER THE SIGNATURE & THE ORIGINAL RAISED SEAL, OR A VALIDATED ELECTRONIC SIGNATURE, OF A FLORIDA LICENSED SURVEYOR & MAPPER.
4. FIELD SURVEY COMPLETED APRIL 5, 2022.
5. TOTAL AREA OF SUBJECT PROPERTY = 22,666 SQUARE FEET (0.52± ACRES).
6. SUBJECT PROPERTY LIES WITHIN ZONE AE ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 12071C0267G, DATED NOVEMBER 17, 2022.
7. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE CERTIFICATION PREPARED BY PAVESE LAW FIRM, DATED JANUARY 18, 2024.
8. HORIZONTAL COORDINATES SHOWN HEREON ARE STATE PLANE, FLORIDA WEST ZONE, NAD 83, 2011 ADJUSTMENT.

LEGEND

SIRC = SET 5/8" IRON ROD & CAP STAMPED 'JHM LB7027'		= ELECTRIC BOX/SERVICE
FIRC = FOUND IRON ROD & CAP - SIZE & ID AS NOTED		= LIGHT POLE
FIP = FOUND IRON PIPE - SIZE & ID AS NOTED		= POWER POLE
FCM = FOUND CONCRETE MONUMENT - SIZE & ID AS NOTED		= OVERHEAD WIRES
ID = IDENTIFICATION		= TELEPHONE RISER
RCP = REINFORCED CONCRETE PIPE		= ASPHALT PAVEMENT
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION		= CONCRETE
		

14290 N CLEVELAND AVE, LLC

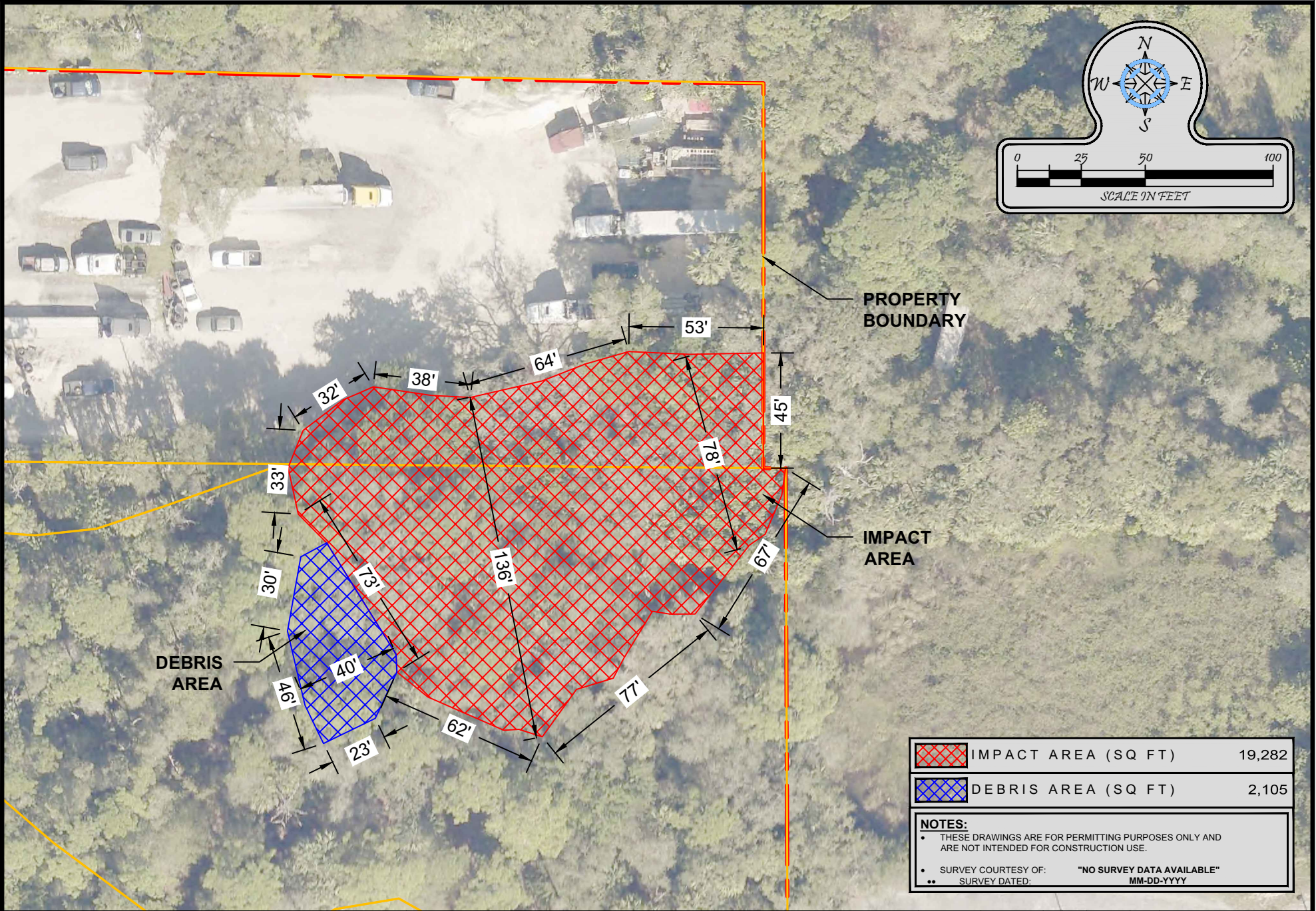
REVISIONS

JOHN MCCARRIER LAND SURVEYING, INC.
Licensed Business No. 7027

2460 SUNRISE BOULEVARD
FORT MYERS, FLORIDA 33907
Phone: (239) 277-7821



P:\22144.00\dm consulting - master file\22144.05\dm - 14180-14290 north cleaveland ave\CAD\PERMIT-STATE\22144.05\STATE.dwg IMPACTS MAP 4/7/2023



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

N CLEAVELAND AVE **IMPACTS MAP**

RY NO. 5875

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	AP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	04-07-23	2.	-	-	-	-
JOB NO.:	22144.05	3.	-	-	-	-
SHEET NO.:	05 OF 05	4.	-	-	-	-
		5.	-	-	-	-
SECTION-03		TOWNSHIP- 24 S		RANGE- 44 E		