

**Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING STAFF REPORT**

CASE NUMBER: REZ2023-00031
TYPE OF CASE: Conventional Rezoning
CASE NAME: 14290 N. Cleveland Avenue
TOTAL ACREAGE: +/-0.52 acres
SUFFICIENCY DATE: March 13, 2024
HEARING EXAMINER DATE: May 9, 2024

REQUEST

The applicant, TDM Consulting Inc., is requesting to rezone approximately +/-0.52 acres from Agricultural (AG-2) to Commercial (C-1). The site is located at 14180 North Cleveland Avenue. The site is further identified as STRAP 03-44-24-00-00017.0000. The property consisted of three parcels before being combined. Two of the properties were zoned Commercial (C-1), while the third parcel was zoned Agricultural (AG-2).

The combination of the parcels has resulted in the new parcel being split zoned. The property is within the Intensive Development Future Land Use Category and in the Mixed Use Overlay established in the Lee Plan Maps 1-A and 1-C. The subject property is also within the North Fort Myers Community Plan Area, specifically in the Commercial Corridor in accordance with Lee Plan Map 2-A and Land Development Code (LDC) Section 33-1566.

SUMMARY

Staff recommends APPROVAL of the applicant's request.

BACKGROUND

The applicant is requesting to rezone +/-0.52 acres from Agricultural (AG-2) to Commercial (C-1). The 0.52-acre subject property is part of a larger 6.41-acre parcel. The subject request, if approved, will unify the property in the same zoning district. The portion of the property currently zoned C-1 has two violations. A Notice of Violation (VIO2022-03229) was issued for a portion of the subject property (prior to lot combination) for improvements to land without a development order, not in compliance with development order, and removal of protected trees without a permit (Attachment C). A violation hearing occurred on April 1, 2024, and the Hearing Examiner issued an order finding violation (Attachment E). A Notice of Violation (VIO2022-03230) was issued for a portion of the subject property for not being in compliance with development order, removal of required native vegetation and buffer plantings, and storm water management system filled with dirt (Attachment D). A violation hearing occurred on April 1, 2024, and the Hearing Examiner issued an order finding violation (Attachment E).

CHARACTER OF THE AREA

The parcel is in the Intensive Development future land use category. The parcel abuts properties under common ownership and now unified under on parcel to the north, south, and east which are zoned

Commercial (C-1) and are developed with display sale and open storage commercial uses. West of the subject property is North Cleveland Avenue, a State-maintained arterial road. West of North Cleveland Avenue is a Commercial Planned Development (CPD) approved for a 180,000-square-foot mini warehouse development approved by Resolution Z-06-071.

ANALYSIS

LDC Section 34-145 establishes the review criteria for requests for conventional rezoning. Before recommending approval of a conventional rezoning request, the Hearing Examiner must find 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, defined in the Lee Plan, if located in a future urban area category.

The applicant has provided a request statement addressing the motive of rezoning and analysis of the decision-making criteria (see Attachment F). The following sections provide staff's analysis of the request, as measured against the review criteria. Specifically, staff finds the request:

a. Complies with the Lee Plan

The subject parcels are in the Intensive Development future land use category. **Policy 1.1.2** of the Lee Plan states that this category consists of land located along major arterial roads and by virtue of their location, are suited to support high densities and intensities. Mixed use developments of limited light industrial, office use, commercial, and high density residential are encouraged if they are developed as described in **Objective 11.1**. This objective allows mixed use development within certain future land use categories and at appropriate locations if sufficient infrastructure exists to support the development. The subject property abuts a major arterial road to the west and is in the Mixed Use Overlay per the Lee Plan. The property is in the Commercial Corridor of the North Fort Myers Community Plan Area and LDC Section **34-1596** establishes the use regulations for projects within the Commercial Corridor, which consist of light industrial to retail commercial. The applicant has provided a letter of availability from Lee County Utilities and the Florida Governmental Utility Authority (FGUA) stating that they have capacity to support commercial development. The subject property is within the Intensive Development future land use category and according to **Policy 11.1.1** the applicant could propose residential and commercial uses if the applicant demonstrates connectivity to adjacent neighborhoods. **Policy 11.2.4** encourages conventional zoning districts within the Mixed Use Overlay to promote continued redevelopment. Staff finds the request is consistent with **Policy 1.1.2, Objective 11.1, Policy 11.1.1, and Policy 11.2.4** of the Lee Plan.

Objective 2.1 and **Policy 2.1.1** of the Lee Plan promotes contiguous and compact growth to contain urban sprawl. Rezoning the subject property to Commercial (C-1) provides consistency with the existing commercially-zoned properties located within the North Fort Myers Commercial Corridor, along North Cleveland Avenue, and within the designated Future Urban Area as depicted on the Future Land Use

Map. The proposed rezone will promote growth in the Future Urban Area, per **Objective 2.2**, where adequate public facilities exist, and compact and contiguous development patterns can be created. The proposed rezone is compliant with **Policy 2.2.1**, as the property has frontage on North Cleveland Avenue. There are existing sidewalks along the west property line. At time of development order, the pedestrian facilities per Lee Plan Map 3-D will be evaluated and improvements may be required. The applicant provided a Letter of Availability from Lee County Utilities stating potable water is available and sanitary sewer will be provided by Florida Governmental Utility Authority (see Attachment G).

The North Fort Myers Fire District provides Fire and EMS service at North Fort Myers Fire Station #2, which is located +/-1.7 miles from the site at 1280 Barrett Road. Lee County Sheriff's Main office is located +/-0.6 miles from the site at 121 Pondella Road. Public transit provides access to the subject property along Lee Tran Route 140, which services North Cleveland Avenue with a bus shelter located 0.19 miles southeast of the subject property. Staff finds the request is consistent with **Objective 2.1, Policy 2.1.1, Objective 2.2 and Policy 2.2.1** of the Lee Plan.

As previously stated, the applicant has provided a Letter of Availability from Lee County Utilities stating potable water is available. Sanitary sewer service is available and provided by FGUA to support the project, fulfilling requirements of **Standard 4.1.1: Water and Standard 4.1.2: Sewer** of the Lee Plan. **Policy 4.1.4 Environmental Factors** states that environmental assessments must be provided to examine existing conditions, anticipated environmental problems, and provide the means to protect, conserve, and preserve environmental and natural resources. A protected species survey is not required to be submitted by the applicant for a conventional rezoning request per LDC Section 34-202(b)(3). County staff inspected the site to determine if there were any protected species. The subject property consists of Mixed Live Oak Hammock indigenous areas, and no protected species or evidence of protected species were located on the subject parcel. **Land Development Code Section 10-425** requires large developments (ten or more acres in size) to provide half the required open space as indigenous preservation. The applicant will be required to meet the LDC at time of development order. Based on the applicant's narrative, the subject parcel will be part of the overall 6.41-acre development that includes the two other C-1 zoned portions of the property and will require ten percent open space. Staff finds the request is consistent with **Standards 4.1.1, 4.1.2, and 4.1.4** of the Lee Plan.

The C-1 zoning district allows multi-family dwelling units in addition to commercial uses. **Policy 11.2.7** allows development in the Mixed Use Overlay to use the area of non-residential uses in their density calculations. This would allow the applicant an opportunity to design the site with a mix of residential units with connections to commercial uses. **Policy 5.1.3** directs high density residential developments to location that are near employment and shopping centers; close to parks and schools; and are accessible to mass transit and bicycle facilities. The subject property abuts an arterial road that has sidewalks and access to public transportation. **Policy 5.1.5** protects surrounding residential or future residential from encroachment of uses that are potentially destructive. Conventional rezonings that do not meet the buffer requirements will be denied per this policy. The subject property is surrounded by commercially-zoned properties. Residential uses are located east of the current C-1 zoned properties. The applicant has stated in the narrative that required buffers and open space will be provided as part of the overall development of the 6.41-acre property. Staff finds the request is consistent with **Policies 5.1.3, 5.1.5, and Policy 11.2.7** of the Lee Plan.

Lee Plan Goal 6 and subsequent policies address commercial land uses to ensure that commercial uses are in appropriate areas, provide sufficient access to support the uses, landscaping and buffering are

designed to screen offsite uses to prevent impacting surrounding neighborhoods and ensure that there are similar centers within the same proximity as the subject parcel. The purpose of the Commercial (C-1) Zoning District is to regulate the commercial and residential uses established in the C-1 zoning district that existed as of August 1, 1986. Rezoning to C-1 is prohibited unless the property is located in the Mixed Use Overlay in accordance with Lee Plan Map 1; which the subject property is within the overlay and therefore may be rezoned to C-1. The use regulations schedule for Commercial District is established in **LDC Section 34-844**. However, the subject parcel is in the Commercial Corridor as described per **LDC Section 33-1566**. The allowable uses in the North Fort Myers Planning Community Commercial Corridor are established in **LDC Section 33-1596**. The applicant indicates in the Request Statement that the proposed rezoning is compatible with the surrounding land uses and urban services. The Letters of Availability state that the uses will be residential and commercial. The access to North Tamiami Trail will be reviewed by the Florida Department of Transportation. The applicant must comply with the North Fort Myers Commercial Corridor Land Development Code provisions for setbacks, publicly accessible open space, and parking per **LDC Section 33-1571 through 33-1573**. The landscape buffers must be in compliance with **LDC Section 10-425** which includes a five-foot-wide right-of-way buffer with five trees per 100 linear feet. No other buffers are required. The North Fort Myers Community Plan Area requires applicants to preserve indigenous trees through clustering of the development in accordance with **LDC Section 33-1582**, which must be demonstrated at time of development order. Staff finds the request consistent with **Goal 6, and Policies 6.1.3, 6.1.4, 6.1.5, and 6.1.6**.

As previously stated, the subject parcel is in the North Fort Myers Community Plan Area, which requires a public information meeting per **LDC Section 33-1532**. The applicant held a public meeting at the North Fort Myers Recreation Center on October 3, 2023 (Attachment H). **Goal 30 and subsequent policies** aim to balance marketable services in the commercial corridor to promote economic vitality and improve livability with preserving natural resources. The Commercial District (C-1) will provide opportunity for a mix of residential and commercial uses to support the North Fort Myers community. At time of development order, the applicant will be required to demonstrate compliance with **LDC Section 33-1583** for sidewalks and pedestrian connections to abutting properties.

The applicant will be required at time of development order to provide a surface water management plan depicting pretreatment area for attenuation prior to stormwater discharge off the property. The applicant will be required to provide littoral plants along the perimeter of the wet detention areas to filter and provide water quality. Any upland or wetland preserves may provide filtration for the stormwater runoff as well as additional buffering depending on the location of the preservation areas. Staff finds the request is consistent with **Goal 30, Policies 30.2.4 and 30.5.3, and Policies 123.3.1 and 124.1.1, Goal 125, and Policies 125.1.2 and 126.1.4**.

Policy 123.2.4 encourages the protection of viable tracts of sensitive or high-quality natural plant communities within developments. Environmental Staff conducted a site inspection finding upland and wetland vegetation. Canopy cover included South Florida Slash Pine, Live Oak, Laurel Oak, earleaf acacia, wild coffee, wax myrtle, and Brazilian pepper. Environmental staff observed no protected species, but noted indigenous vegetation does exist onsite. The applicant will be required to provide a restoration plan depicting areas to be restored per the notices of violation as part of the overall 6.41-acre development. Staff finds the request is consistent with **Policy 123.2.4**.

b. Meets this Code and other applicable County regulations or qualifies for deviations:

No variances or deviations are being requested with this rezone. The applicant has acknowledged that at the time of development, Land Development Code and other applicable county regulations will be required.

c. Is compatible with existing and planned uses in the surrounding area;

The property is located within the Intensive Development future land use category. The rezone request is compatible with surrounding land uses through code required setbacks and landscape buffers. As previously described, there are commercial zoning districts to the north, south and east of the subject property. The parcel abuts an arterial road, providing the necessary access and level of service needed to support the commercial uses in the Commercial District. Staff finds rezoning to Commercial District (C-1) is consistent and compatible with existing and planned uses surrounding the property.

d. Will provide access sufficient to support the proposed development intensity;

The design of future access is subject to the Florida Department of Transportation review at time of development order.

e. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

Impacts to transportation facilities will be addressed by existing county regulations and the required traffic impact statement during local development order review.

f. Will not adversely affect environmentally critical or sensitive areas and natural resources;

Staff inspected the site for protected species and native vegetation. The site has native vegetation and no protected species. The applicant will be required to provide open space per LDC Sections 10-415 and 10-425.

g. Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

The property is located within the Intensive Development future land use category which is a Future Urban area, and adequate urban services are available to serve the site.

Utilities

Lee County Utilities provided a Letter of Availability ensuring potable water and sanitary sewer may be provided to the site. Sanitary sewer will be provided by FGUA.

Fire and Medic

North Fort Myers Fire District provides Fire and EMS service at North Fort Myers Fire Station #2 and is located +/-1.7 miles from the site at 1280 Barrett Road.

Sheriff

Lee County Sheriff's Main office is located +/-0.6 miles from the site at 121 Pondella Road.

CONCLUSION

The requested rezoning from Agricultural (AG-2) to Commercial District (C-1) is consistent with the Lee Plan and Land Development Code. The proposed rezoning provides consistency with allowable commercial development within the Intensive Development future land use and within the designated Future Urban area. Staff has concluded that the rezoning will not result in negative impacts to urban services, infrastructure, or surrounding property. The subject property is sufficiently served by fire, police, and emergency services personnel. The request will not adversely affect environmentally critical or sensitive areas and natural resources. Therefore, staff recommends **APPROVAL** of the applicant's request.

ATTACHMENTS

- A. Lee County Expert Witness Information
- B. Boundary Survey, Title Certification & Legal Description
- C. VIO2022-03229
- D. VIO2022-03230
- E. Hearing Examiner Orders for VIO2022-03229 and VIO2022-03230
- F. Request Statement
- G. Letter of Availability
- H. Public Information Meeting
- I. Case Maps

Attachment A

LEE COUNTY STAFF EXPERT WITNESS INFORMATION PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(F)3.

Case Number: REZ2023-00031
Project Name: 14290 North Cleveland Avenue
Hearing Examiner Date: May 9, 2024

Beth Workman, Principal Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, and Environmental Sciences.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Brandon Dunn, Planning Manager, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Ally Hall, Plan Reviewer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- Seeking to be qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Staff reviewed and provided comments for sufficiency. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

Md Rakibul (Rakib) Alam, Senior Transportation Planner, Infrastructure Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

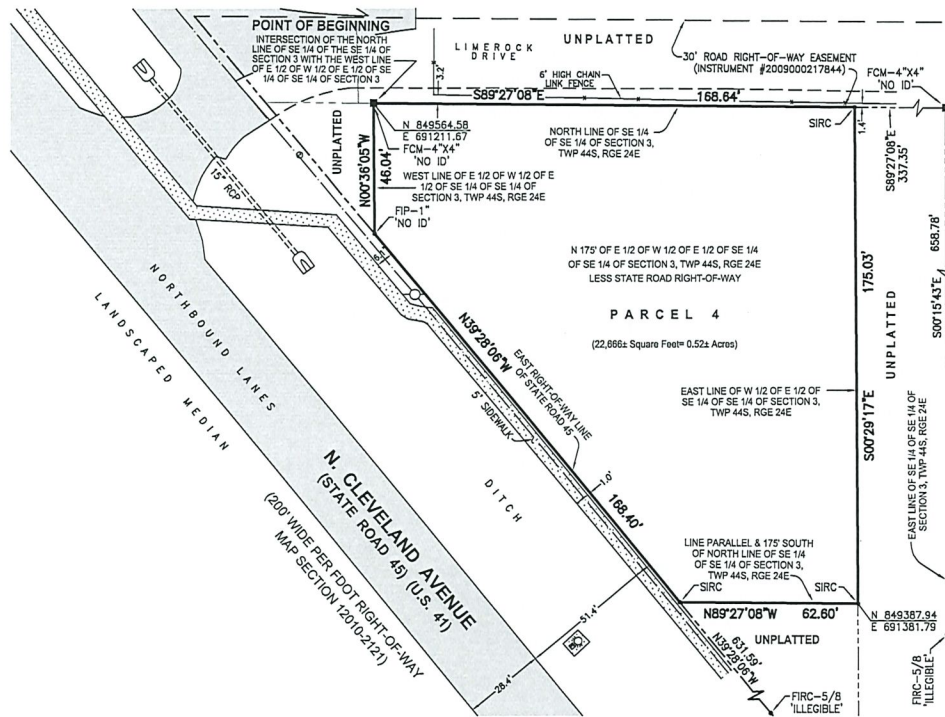
Nic DeFilippo, Senior Environmental Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
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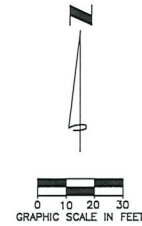
BOUNDARY SURVEY

A PORTION OF THE SE 1/4 OF THE SE 1/4 OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA



LEGEND			
SIRC	= SET 5/8" IRON ROD & CAP STAMPED "JHM L87027"		= 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		
	= MITERED END SECTION		



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 115 FEET SOUTH OF AND PARALLEL WITH SAID NORTH LINE 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 FOOT 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

- UNDERGROUND ENCROACHMENTS AND/OR IMPROVEMENTS WERE NOT LOCATED OR SHOWN HEREON.
- 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.
- THIS MAP IS NOT VALID WITHOUT EITHER THE SIGNATURE & THE ORIGINAL RAISED SEAL, OR A VALIDATED ELECTRONIC SIGNATURE, OF A FLORIDA LICENSED SURVEYOR & MAPPER.
- FIELD SURVEY COMPLETED APRIL 5, 2022.
- TOTAL AREA OF SUBJECT PROPERTY = 22,666 SQUARE FEET (0.52± ACRES).
- SUBJECT PROPERTY LIES WITHIN ZONE AE ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 12071C0267G, DATED NOVEMBER 17, 2022.
- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE CERTIFICATION PREPARED BY PAVESE LAW FIRM, DATED JANUARY 18, 2024.
- HORIZONTAL COORDINATES SHOWN HEREON ARE STATE PLANE, FLORIDA WEST ZONE, NAD 83, 2011 ADJUSTMENT.

SHEET 1 OF 1



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-05'00'

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

SCALE	1" = 30'
DRAWN BY	RS
CHECKED BY	JHM
FILENAME	141800\N Cleve Ave P4.dwg
DATE	FEB. 7, 2024
PROJECT NO.	22-041.11
F.B. / PG.	RFV - 14290 N Cleveland Ave.survey

CLIENT
14290 N CLEVELAND AVE, LLC
16 WINEWOOD COURT
FORT MYERS, FLORIDA 33919
PHONE: (239) 690-4100

J H McCARRIER LAND SURVEYING, INC.
Licensed Business No. 7027
2460 SUNRISE BOULEVARD
FORT MYERS, FLORIDA 33907
Phone: (239) 277-7821

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

LEGAL DESCRIPTION

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- 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

REVIEWED
REZ2023-00031
Rick Burris, Principal
Planner
Lee County DCD/Planning
2/29/2024

PREPARED BY:

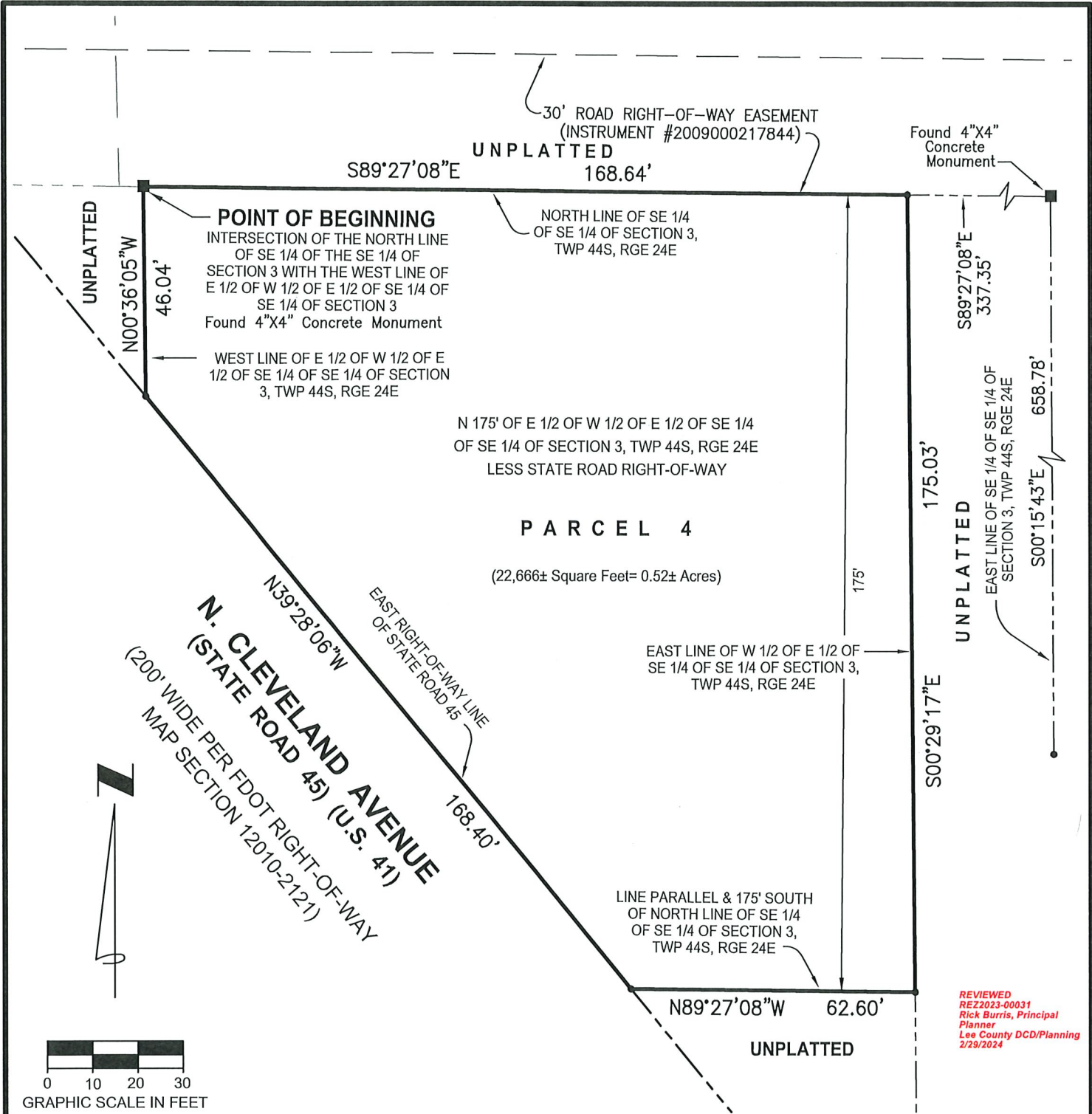
Judith H McCarrier, PSM 2023.09.29
License No. 6021
State of Florida 12:47:10 -04'00'

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



SEE SHEET 2 OF 2 FOR SKETCH.

JHM J H MCCARRIER LAND SURVEYING, INC. Licensed Business No. 7027 2460 SUNRISE BOULEVARD FORT MYERS, FLORIDA 33907 Phone: (239) 277-7821	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		SCALE	DATE	PROJECT NO.	
	14290 N CLEVELAND AVE, LLC		N.A.	SEPT. 29, 2023	22-041.20	
16 WINEWOOD COURT		FILENAME	DRAWN BY		SHEET 1 OF 2	
FORT MYERS, FLORIDA 33919		NFM_14180NCleveland_P4_S+L.dwg	JHM			
PHONE: (239) 690-4100		CHECKED BY	JHM			



 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	CHECKED BY JHM	SHEET 2 OF 2		

NOTICE OF CODE VIOLATION**Environmental**

Case # VIO2022-03229 **Date** 05/17/2023

RANDY KRISE REG. AGENT FOR
14290 N CLEVELAND AVE LLC
16 Winewood CT
FORT MYERS, FL 33919

DEPT. OF COMMUNITY DEVELOPMENT
CODE ENFORCEMENT OFFICE
PO BOX 398
FORT MYERS, FL 33902-0398

Re: Code Violation: Not in compliance with Development Order - missing landscaping.
No permit- protected trees removed without a permit, improvement to land without development order
at 14180 N CLEVELAND AVE, NORTH FORT MYERS, FL 33903
Parcel Number: 03-44-24-00-00017.0000
(Located in Lee County, Florida)

Dear Agent:

An inspection of the above referenced property on 05/18/2022 revealed a violation of:

Lee County Land Development Code (LDC) Sections 10-101(a), 10-7(f), 10-421(b-c), 14-411, 33-1582, and Development Orders LDO2013-00061 and LDO2008-00076.

As the property owner(s) you must correct this violation within 30 days of the receipt of this notice by

Replace all missing landscape plants in the four buffers as depicted on LDO2013-00061 and LDO2008-00076. The locations and minimum replacement specifications are highlighted on Landscape Plan sheet L1. A 2 inch minimum layer, after watering-in, of mulch must be placed and maintained around all plants. Ensure that the irrigation is operational.

Remove the following exotic vegetation including, but not limited to Brazilian pepper, Wedelia, and Earleaf acacia from the property by hand and treat the stumps with the appropriate herbicide.

Plant 24 South Florida slash pines (*Pinus elliottii* var. *densa*), 9 cabbage palms (*Sabal palmetto*) and 3 live oak (*Quercus virginiana*) to replace the trees removed without a permit. Restoration trees are computed on a 3:1 basis according to the total number of removed trees per LDC 14-384.

Restoration trees must meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, Parts I and II, Department of Agricultural, State of Florida (as amended), nursery grown, containerized and a minimum of 6 feet in height with a minimum trunk diameter of 1 inch measured at 3 feet above the ground and a minimum canopy diameter of 2 feet at installation. Palms must have a minimum of 6 feet of clear trunk at planting. Restoration plantings are provided in addition to any trees or shrubs otherwise required to be planted by the LDC. Trees must be installed in a horticulturally correct manner including staking and strapping.

Of the 24 restoration slash pines above, 8 pines must be a minimum of 14 feet, with a 3 1/2" caliper and minimum 6 foot spread at installation. The remaining 16 pines must be a minimum of 6 feet in height with a minimum trunk diameter of 1 inch measured at 3 feet above the ground and a minimum canopy of 2 feet at installation.

Cease the improper pruning of the trees on the property. Future pruning must be done per Lee County pruning standards, LDC10-421(c). The improperly pruned trees on site are to be evaluated and structurally pruned by an ISA Certified Arborist (<http://www.floridaisa.org>).

Move all sheds and other structures from the open space areas to the designated display areas as shown on development order. Restore site drainage and retention areas as depicted on sheet C-SP of the LDO. The northeast area of the parcel was impacted by clearing of native vegetation, filling and open storage of materials without permits. Remove fill, vehicles, shipping containers and other materials from the impacted area and restore to natural grade.

Plant the following in the impacted area: 36 South Florida slash pines (*Pinus elliottii* var. *densa*), 171 Cabbage Palms (*Sabal palmetto*), and 75 Live Oaks (*Quercus virginiana*). Restoration trees must meet the standards for Florida No. 1 or better, as outlined above.

In addition, plant 3 South Florida slash pines (*Pinus elliottii* var. *densa*) and 6 live oaks (*Quercus virginiana*) to replace the heritage trees that were removed. The 9 replacement heritage trees are to be a minimum of 20 feet in height with a minimum 4 inch caliper and a minimum 8 foot canopy at installation. Plant 193 wild coffee (*Psychotria nervosa*) understory plants. They must be one gallon size, nursery grown, containerized, and planted at no less than three feet on center.

PRIOR to replanting, submit a restoration plan for impacted area as a limited review development order. Planted material's location, species, and planting standards are to be included. Restoration vegetation may not be planted on any property line, underground utility or County easement. A monitoring report must be submitted annually for 5 years describing the conditions of the restored area. Obtain a Certificate of Compliance (CC).

OR obtain a development order for the open storage area that includes the restoration outlined above. Obtain a Certificate of Compliance (CC).

If the violation is not corrected within the time frame specified above -

- You may be issued a citation to appear in County Court, **OR**
- You may be scheduled to appear at a hearing before a Hearing Examiner and subject to a fine of up to **\$250.00 for each day** the violation continues, plus prosecution costs.

When you have corrected the violation, arrange for an inspection by calling the Code Enforcement Officer at the number indicated below. To avoid the hearing, fines, and costs, Lee County Code Enforcement must verify the violation is corrected through an on-site inspection.

NOTE: If the violation is corrected after the deadline, but before the scheduled hearing, the case may still be presented to the Hearing Examiner for a finding that a violation did exist. Once there has been a Finding of Violation, the next time 14290 N CLEVELAND AVE LLC is cited for violating the same Lee County regulation it may be treated as a Repeat Violation. Repeat Violations may result in fines up to \$500.00 per day from the date the repeat violation is discovered by a code officer.

Please contact Lee County Code Enforcement at 239-823-5773 or email AOWen@leegov.com with respect to any question you may have regarding this notice.

	Aja Owen
PRINTED NAME of Accepting Party	Code Enforcement Officer

	DATE
SIGNATURE of Accepting Party	

Acceptance of this document does not constitute an admission of responsibility, but does fulfill the statutory notice requirement of Florida Statute 162.12.

I swear or affirm the above statements are true and correct to the best of my knowledge and belief and, if accepted, the person accepting the document was informed of the contents at the time of delivery.

92148901012582000541229726	
Certified Mail	INSPECTOR/AFFIANT DATE

ATTACHMENT D

NOTICE OF CODE VIOLATION

Environmental



Case # VIO2022-03230 Date 05/17/2023

RANDY KRISE REG. AGENT FOR
14290 N CLEVELAND AVE LLC
16 Winewood CT
FORT MYERS, FL 33919

DEPT. OF COMMUNITY DEVELOPMENT
CODE ENFORCEMENT OFFICE
PO BOX 398
FORT MYERS, FL 33902-0398

Re: **Code Violation: Not in compliance with development order - buffers missing, required native vegetation removed, site filled, storm water system filled.**

at 14180 N CLEVELAND AVE, NORTH FORT MYERS, FL 33903
Parcel Number: 03-44-24-00-00017.0000
(Located in Lee County, Florida)

Dear Agent:

An inspection of the above referenced property on 05/18/2022 revealed a violation of:

Lee County Land Development Code (LDC) Sections 10-101, 10-7(f) and Development Order LDO2009-00156.

As the property owner(s) you must correct this violation within 30 days of the receipt of this notice by

Plant 83 shrubs in the North and 83 shrubs in the South Type A buffers. Plant missing credit trees labeled on sheet C-2 of the AS-BUILTS. North buffer: 2 Scrub Oaks, 3 Sabal Palms; South buffer: 2 Scrub Oaks, 1 Slash Pine and 3 Sabal Palms. The locations and minimum replacement specifications are highlighted in pink on sheet C-2.

Remove all fill and materials to natural grade in eastern 30' of property and 5' natural buffer along South property line. Plant the following in the natural 30' buffer specified on the east side of property: 6 South Florida Slash Pine, 9 Live Oak and 6 Sabal Palms. Replacement trees are computed on a 3:1 basis according to the total number of removed trees per LDC 14-384. Replacement trees must meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, Parts I and II, Department of Agricultural, State of Florida (as amended), nursery grown, containerized and a minimum of 6 feet in height with a minimum trunk diameter of 1 inch measured at 3 feet above the ground and a minimum canopy diameter of 2 feet at installation. The restoration plantings are provided in addition to any trees or shrubs otherwise required to be planted by the LDC. This area is highlighted in green.

Plant 557 one-gallon green saw palmettos within the impacted eastern natural 30' buffer area. One 3-gallon green saw palmettos that are a minimum of 14 inches in height may be used for three 1-gallon green palmettos for a total of 186 restoration plants. These areas are highlighted in green on the enclosed C-2 AS-BUILTS sheet. Per LDC 10-423, restoration plants are calculated 3 feet on center for the total square footage of impacted area (5,010 square feet).

Prior to replanting, submit a restoration plan as a Limited Review Development Order showing the planted material's location, species, and planting standards from above. Replacement vegetation may not be planted on any property line, underground utility or County easement. Obtain a Certificate of Compliance (CC). A monitoring report must be submitted annually for 5 years describing the conditions of the restored area. Photo locations should be the same throughout the duration of the monitoring report.

A two-inch minimum layer, after watering-in, of mulch or other recycled materials must be placed and maintained around all newly installed trees, shrubs, and groundcover plantings. The use of cypress mulch is strongly discouraged. Sand, gravel, rock, or shell are not appropriate mulch materials.

Obtain permit and complete fence installation along south and east side of property lines highlighted in blue on C-2 sheet. Obtain CC.

Remove all parked vehicles in no parking area shown on sheet C-2 of AS-BUILTS.

Restore storm water detention areas, swales and berms as depicted in cross sections A:A, B:B and lower right hand corner on C-2 of AS-BUILTS highlighted in orange.

Remove all unpermitted improvements made to the property and restore to the original approved specifications on page C-2 of AS-BUILTS OR obtain a Development Order for improvements. Obtain a Certificate of Compliance (CC)

If the violation is not corrected within the time frame specified above -

- You may be issued a citation to appear in County Court, **OR**
- You may be scheduled to appear at a hearing before a Hearing Examiner and subject to a **fine of up to \$250.00 for each day** the violation continues, plus prosecution costs.

When you have corrected the violation, arrange for an inspection by calling the Code Enforcement Officer at the number indicated below. To avoid the hearing, fines, and costs, Lee County Code Enforcement must verify the violation is corrected through an on-site inspection.

NOTE: If the violation is corrected after the deadline, but before the scheduled hearing, the case may still be presented to the Hearing Examiner for a finding that a violation did exist. Once there has been a Finding of Violation, the next time 14290 N CLEVELAND AVE LLC is cited for violating the same Lee County regulation it may be treated as a Repeat Violation. Repeat Violations may result in fines up to \$500.00 per day from the date the repeat violation is discovered by a code officer.

Please contact Lee County Code Enforcement at 239-823-5773 or email AOwen@leegov.com with respect to any question you may have regarding this notice.

PRINTED NAME of Accepting Party

Aja Owen

Code Enforcement Officer

SIGNATURE of Accepting Party

DATE

Acceptance of this document does not constitute an admission of responsibility, but does fulfill the statutory notice requirement of Florida Statute 162.12.

I swear or affirm the above statements are true and correct to the best of my knowledge and belief and, if accepted, the person accepting the document was informed of the contents at the time of delivery.

92148901012582000541229801

Certified Mail

INSPECTOR/AFFIANT

DATE

ATTACHMENT E

LEE COUNTY HEARING EXAMINER ORDER FINDING VIOLATION

14290 N CLEVELAND AVE, LLC, Respondent

Owner of 14180 N CLEVELAND AVE, NORTH FORT MYERS, FL
33903

Code Cited: Lee County Land Development Code §§10-101(a),
10-7(f), 10-421(b-c), 14-411, 33-1582, and Development Orders
LDO2013-00061 and LDO2008-00076

Code Enforcement Case: VIO2022-03229

At a noticed hearing on April 1, 2024, the Hearing Examiner considered sworn testimony and evidence and found Respondent in violation of a Lee County code at 14180 N CLEVELAND AVE, NORTH FORT MYERS, FL 33903. The violation consists of: Failure to comply with Development Order, specifically missing landscaping; protected trees removed without permits, and improvements made to land without development order approval.

Respondent must **correct the violation BEFORE September 25, 2024** by:

- 1) Replacing missing landscape plants in the four buffers depicted on LDO2013-00061 and LDO2008-00076. Locations and minimum replacement specifications are highlighted on Landscape Plan Sheet L1. Install and maintain a 2 inch minimum layer of mulch, after watering-in, around plants. Ensure irrigation is operational. Remove exotic vegetation including, Brazilian pepper, Wedelia, and Earleaf acacia by hand and treat stumps with appropriate herbicide. Plant 24 South Florida slash pines (*Pinus elliottii* var. *densa*), 9 cabbage palms (*Sabal palmetto*) and 3 live oak (*Quercus virginiana*) to replace trees removed without a permit. Restoration trees are computed on a 3:1 basis according to the total number of trees removed pursuant to LDC §14-384. Restoration trees must meet standards for Florida No. 1 or better, established in Grades and Standards for Nursery Plants, Parts I and II, Department of Agricultural, State of Florida (as amended), nursery grown, containerized and a minimum of 6 feet in height with minimum trunk diameter of 1 inch measured at 3 feet above ground and a minimum canopy diameter of 2 feet at installation. Palms must have a minimum of 6 feet of clear trunk at planting. Restoration plantings are provided in addition to trees or shrubs required by the LDC. Trees must be installed in a horticulturally correct manner including staking and strapping. Of the 24 restoration slash pines, 8 pines must be a minimum of 14 feet, with a 3 ½" caliper and minimum 6 foot spread at installation. The remaining 16 pines must be a minimum of 6 feet in height with a minimum trunk diameter of 1 inch measured at 3 feet above the ground and a minimum canopy of 2 feet at installation. Cease improper pruning of trees. Future pruning must be performed consistent with Lee County pruning standards in LDC§10-421(c). Improperly pruned trees must be evaluated and structurally pruned by an ISA Certified Arborist (<http://www.floridaisa.org>). Relocate sheds and structures from open space areas to the designated display areas shown on development order. Restore site drainage and retention areas consistent with sheet C-SP of the LDO. The northeast area of the parcel was impacted by clearing of native vegetation, filling and open storage of materials without permits. Remove fill, vehicles, shipping containers and other materials from the impacted area and restore to natural grade. Plant the following vegetation in the impacted area: 36 South Florida slash pines (*Pinus elliottii* var. *densa*), 171 Cabbage Palms (*Sabal palmetto*), and 75 Live Oaks (*Quercus virginiana*). Restoration trees must meet standards for Florida No. 1 or better, as outlined above. In addition, plant 3 South Florida slash pines (*Pinus elliottii* var. *densa*) and 6 live oaks (*Quercus virginiana*) to replace the removed heritage trees. At installation, the 9 replacement heritage trees must be a minimum of 20 feet in height with a minimum 4 inch caliper and a minimum 8 foot canopy. Plant 193 wild coffee (*Psychotria nervosa*) understory plants that are one gallon size, nursery grown, containerized, and planted at no less than three feet on center. **PRIOR to replanting, submit a restoration plan for impacted area as a limited review development order.** The restoration plan must specify the location, species and planting standards for planted materials. Restoration vegetation may not be planted on property lines, underground utilities or County easements. The property owner must submit a monitoring report annually for 5 years describing the conditions of the restored area.
- 2) Obtain a Certificate of Compliance (CC) OR obtain a development order for the open storage area that includes the restoration outlined above.

If not corrected, beginning on September 25, 2024, Respondent will be charged a fine of \$50.00 for each day the violation continues. Respondent must also pay \$100.00 in prosecution costs, which are now due.

Once the violation is corrected, call 239-533-8895 for an inspection to confirm correction. The violation must be verified as corrected by Code Enforcement before September 25, 2024 to avoid the fine.

Electronically signed on 4/3/2024 by
Donna Marie Collins, Chief Hearing Examiner
Lee County

Payment may be paid in the following manner:

On-line – at <http://www.leegov.com/dcd/eServ/payfees>.

In person – at the Code Enforcement Office, 1500 Monroe Street, First Floor, Fort Myers; or

By mail – to Code Enforcement Office, P.O. Box 398, Fort Myers, 33902.

Checks or money orders must be made payable to Lee County BOCC. **Please reference the following case with the payment: VIO2022-03229.**

Imposition of Lien: Failure to comply with this Order may result in a legal debt (lien) on all personal and real property owned by 14290 N CLEVELAND AVE, LLC in Lee County. This debt/lien may be foreclosed as provided by law. However, liens resulting from this Order will not attach to personal property or create personal liability against a debtor in Bankruptcy under Title 11 of the United States Code.

Appeal: This Order may be appealed to Circuit Court if filed within 30 days of the date of the Order.

A copy of this Order will be sent by U.S. Mail or e-mail to 14290 N CLEVELAND AVE, LLC or representative and by e-mail to the Code Enforcement Office and the Lee County Attorney's Office.

**LEE COUNTY HEARING EXAMINER
ORDER FINDING VIOLATION**

14290 N CLEVELAND AVE, LLC, Respondent

Owner of 14180 N CLEVELAND AVE, NORTH FORT MYERS, FL
33903

Code Cited: Lee County Land Development Code §§10-101, 10-7(f)
and Development Order LDO2009-00156

Code Enforcement Case: VIO2022-03230

At a noticed hearing on April 1, 2024, the Hearing Examiner considered sworn testimony and evidence and found Respondent in violation of a Lee County code at 14180 N CLEVELAND AVE, NORTH FORT MYERS, FL 33903. The violation consists of: Failure to comply with development order – missing buffers, removal of required native vegetation, filling the site, and filling the storm water system.

Respondent must **correct the violation BEFORE September 25, 2024** by:

- 1) Planting 83 shrubs in the North and 83 shrubs in the South Type A buffers. Planting missing credit trees labeled on sheet C-2 of the AS-BUILTS. North buffer: 2 Scrub Oaks, 3 Sabal Palms; South buffer: 2 Scrub Oaks, 1 Slash Pine and 3 Sabal Palms. The locations and minimum replacement specifications are highlighted in pink on sheet C-2. Removing fill and materials to natural grade in eastern 30' of property and 5' natural buffer along South property line. Planting the following materials in the natural 30' buffer specified on the east side of property: 6 South Florida Slash Pine, 9 Live Oak and 6 Sabal Palms. Replacement trees are computed on a 3:1 basis according to the total number of removed trees pursuant to LDC §14-384. Replacement trees must meet standards for Florida No. 1 or better, set out in Grades and Standards for Nursery Plants, Parts I and II, Department of Agricultural, State of Florida (as amended), nursery grown, containerized and a minimum of 6 feet in height with a minimum trunk diameter of 1 inch measured at 3 feet above the ground and a minimum canopy diameter of 2 feet at installation. The restoration plantings are required in addition to the trees/shrubs required by the LDC. This area is highlighted in green. Plant 557 one-gallon green saw palmettos within the impacted eastern natural 30' buffer area. One 3-gallon green saw palmettos that are a minimum of 14 inches in height may be used for three 1-gallon green palmettos for a total of 186 restoration plants. These areas are highlighted in green on the enclosed C-2 AS-BUILTS sheet. Pursuant to LDC 10-423, restoration plants are calculated 3 feet on center for the total square footage of impacted area (5,010 square feet). Prior to replanting, submit the restoration plan as a Limited Review Development Order showing the planting material location, species, and planting standards from above. Replacement vegetation may not be planted on property lines, underground utilities or County easements.
- 2) Obtain a Certificate of Compliance (CC).
- 3) Submit a monitoring report annually for 5 years describing the conditions of the restored area. Photo locations should be the same throughout the duration of the monitoring report. A two-inch minimum layer, after watering-in, of mulch or other recycled materials must be placed and maintained around all newly installed trees, shrubs, and groundcover plantings. Use of cypress mulch is strongly discouraged. Sand, gravel, rock, or shell are not appropriate mulch materials. Obtain permit and complete fence installation along south and east side of property lines highlighted in blue on C-2 sheet.
- 4) Obtain a Certificate of Compliance (CC).
- 5) Remove parked vehicles in no parking area shown on sheet C-2 of AS-BUILTS. Restore storm water detention areas, swales and berms as depicted in cross sections A:A, B:B and lower right hand corner on C-2 of AS-BUILTS highlighted in orange. Remove unpermitted improvements and restore the property to the original approved specifications on page C-2 of AS-BUILTS OR obtain a Development Order for improvements.
- 6) Obtain a Certificate of Compliance (CC).

If not corrected, beginning on September 25, 2024, Respondent will be charged a fine of \$50.00 for each day the violation continues. Respondent must also pay \$100.00 in prosecution costs, which are now due.

Once the violation is corrected, call 239-533-8895 for an inspection to confirm correction. The violation must be verified as corrected by Code Enforcement before September 25, 2024 to avoid the fine.

Electronically signed on 4/3/2024 by
Donna Marie Collins, Chief Hearing Examiner
Lee County

Payment may be paid in the following manner:

On-line – at <http://www.lee.gov/dcd/eServ/payfees>.

In person – at the Code Enforcement Office, 1500 Monroe Street, First Floor, Fort Myers; or

By mail – to Code Enforcement Office, P.O. Box 398, Fort Myers, 33902.

Checks or money orders must be made payable to Lee County BOCC. **Please reference the following case with the payment: VIO2022-03230.**

Imposition of Lien: Failure to comply with this Order may result in a legal debt (lien) on all personal and real property owned by 14290 N CLEVELAND AVE, LLC in Lee County. This debt/lien may be foreclosed as provided by law. However, liens resulting from this Order will not attach to personal property or create personal liability against a debtor in Bankruptcy under Title 11 of the United States Code.

Appeal: This Order may be appealed to Circuit Court if filed within 30 days of the date of the Order.

A copy of this Order will be sent by U.S. Mail or e-mail to 14290 N CLEVELAND AVE, LLC or representative and by e-mail to the Code Enforcement Office and the Lee County Attorney's Office.

SCALE: 1:50

SHEET NO:

C-2



**43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com
Certificate of Authorization # 29086**

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.**

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.



BOARD OF COUNTY COMMISSIONERS

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County Manager

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County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

January 19, 2023

Via E-Mail

Veronica Martin
TDM Consulting, Inc.
43 Barkley Circle, Suite 200
Fort Myers, FL 33907

RE: **Potable Water Availability**
14290 N Cleveland Ave CPD, 14170, 14250, 14286, and 14290
STRAP # 03-44-24-00-00029.0010, 03-44-24-00-00027.0000,
03-44-24-00-00028.0000 and 03-44-24-00-00017.0000

To whom this may concern:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A of the Lee County Comprehensive Land Use Plan. Potable water 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 commercial units with an estimated flow demand of approximately 5,040 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 North Lee County Water Treatment Plant.

There are no reuse mains in the vicinity of this parcel.

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

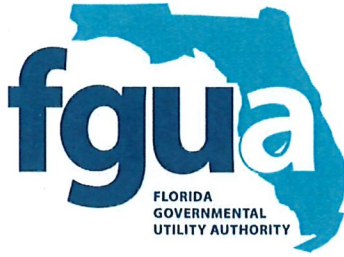
Further, this letter of availability of potable water service is to be utilized for Zoning only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING



FGUA Operations Office

Government Services Group, Inc.
280 Wekiva Springs Rd., Ste 2070
Longwood, FL 32779-6026

(877) 552-3482 Toll Free
(407) 629-6900 Tel
(407) 629-6963 Fax

September 11, 2023

Veronica Martin
TDM Consulting, Inc.
43 Barkley Cir, Suite 200
Fort Myers, FL 33907
vmartin@tdmconsulting.com

RE: Wastewater and Reclaim Water Availability – LOA ID#: 23-022 NFMD

Parcel ID No.: 03-44-24-00-00017.0000

14180 N. Cleveland Ave, North Fort Myers, FL 33903

14290 N. Cleveland Ave. CPD

Dear Ms. Martin:

The FGUA has received your Application for Service Availability, and upon review, it has been determined that wastewater disposal service is generally available to the address provided. The attached site map indicates the approximate size and location of the existing mains in the area. Please be advised that main extensions, connection to the reclaimed water system, and other system enhancements funded by the project sponsor may be required.

The application indicated that the proposed project consists of a commercial & multi-family building with an estimated wastewater disposal demand of 5,040 GPD. Currently, FGUA facilities are able to accommodate this demand. During the design process, if existing conditions warrant, a hydraulic analysis may need to be performed by the project engineer to evaluate the impacts the proposed project may have on the existing wastewater system.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date of issue. The FGUA commitment to serve will be made once a Utility Infrastructure Conveyance and Service Agreement (CSA) is fully executed. To move this project forward, contact Development Services via email at devservices@fgua.com to receive a plan submittal package and schedule the pre-application meeting if required.

FGUA Board of Directors

PAM KEYES, P.E. Chair, Lee County / KEN CHEEK, P.E. Vice Chair, Citrus County / SHANE PARKER, P.E., Hendry County / TAMARA RICHARDSON, P.E., Polk County / MICHAEL CARBALLA, P.E., BCEE, Pasco County / JODY KIRKMAN, P.E., Marion County / HEIDI PETITO, Flagler County

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Douglas W. Black Digitally signed by Douglas W Black
Date: 2023.09.12 13:53:30 -04'00'

Douglas W. Black, PSM, PLS
Property & Development Manager

CC: Mike Currier, South Region Area Manager

Encl.

1. Pre-Development Meeting Information
2. Utility Locates
3. Fee Statement/Receipt



Development Services Division

Pre-Application Meeting Information

Purpose:

The pre-application meeting is designed to be an informative discussion, specifically geared toward assisting the applicant (owner/developer/engineer) understand the FGUA's policies and development process. The pre-application meeting may be required prior to the formal submission and review of any utility construction plans by the Development Division.

It is our goal to assist you through the FGUA development process as smoothly as possible, and for your development to be a success. This pre-application meeting, if required, will provide you with the details you need to make this a successful and stress-free process.

What to Expect:

If the meeting is required, you will be provided with a variety of both general and specific information regarding the FGUA's development process. This will include, but not be limited to staff contact information, plan review guidelines, current fees, conveyance, and closeout procedures.

Who Should Attend:

It is encouraged that a representative from the property owner, developer, and engineer, at a minimum, attend this meeting. Representatives of the FGUA's Development Division, including the Development Technician, Development Coordinator, Real Property Coordinator and utility system Area Manager will also be in attendance as required.

In an effort to accommodate the potential long-distance commute between the FGUA's Operations Office in Longwood, Florida and the FGUA system areas, these meetings will take place via Microsoft Teams.

Meeting Requests:

Please e-mail Development Services to request a meeting at devservices@fgua.com.

Please have your FGUA Letter of Availability (LOA) Number (included on the first page of your previously issued Letter of Availability) ready when you email to schedule this meeting.

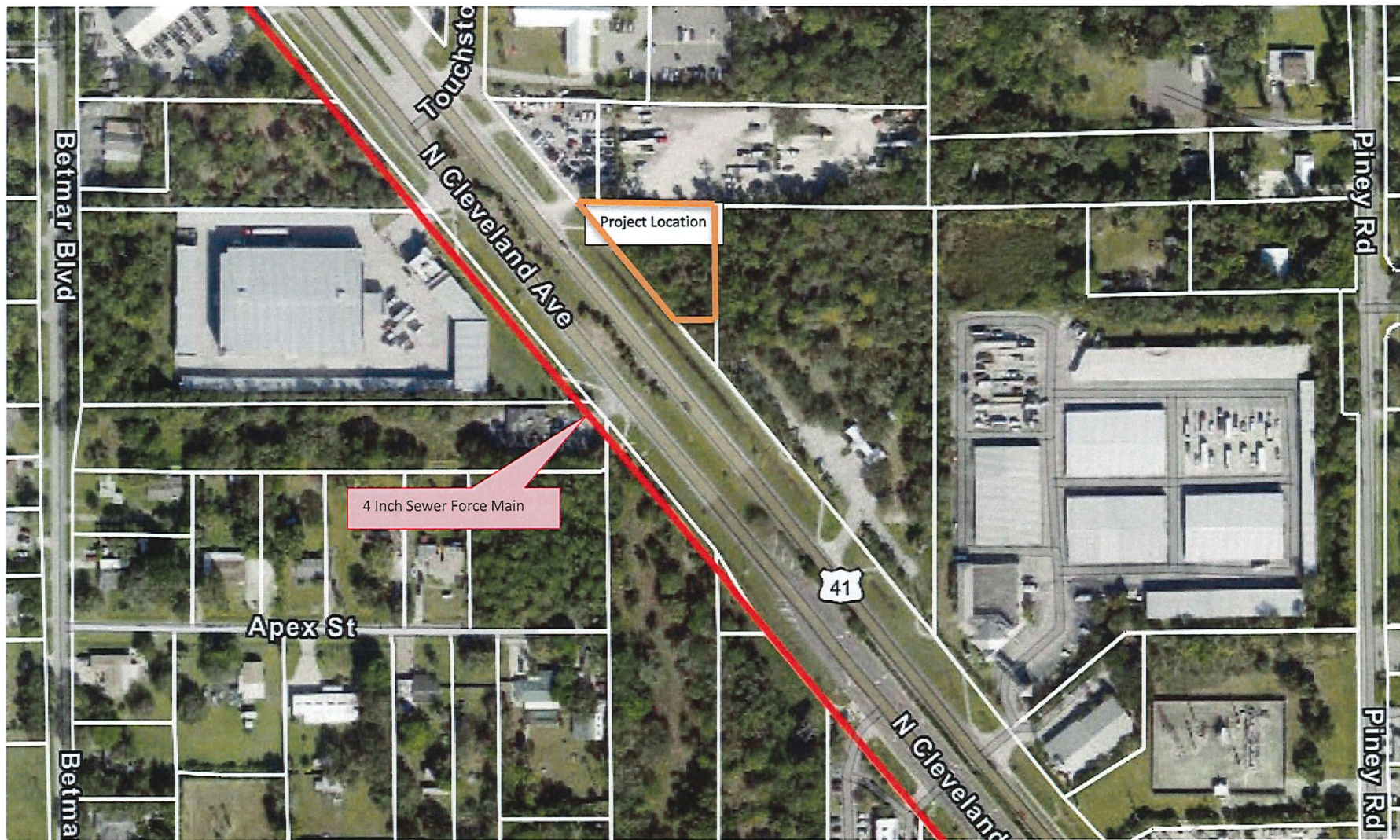
You will also be required to provide a preliminary site utility plan for staff review before the meeting is scheduled.

1/23/2023

Project Name: 14290 N. Cleveland Ave CPD

STRAP/PID #: 03-44-24-00-00017.0000

Property Address: 14180 N. Cleveland Ave, North Fort Myers, FL 33903



ALL UTILITY LOCATIONS SHOWN HERE ARE APPROXIMATE. THE DEVELOPER IS SOLELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS VIA POTHOLING OR OTHER ACCEPTABLE MEANS.

LOA ID: 23-022 NFMD



FGUA Fee Statement

Letter of Availability and/or Locate Request

Property Address or PID: 03-44-24-00-00017.0000

System: North Fort Myers 416

Development/Project Name: 14290 N. Cleveland Ave.

Date: September 11, 2023

County: Lee

LOA ID: 23-022 NFMD

All fee amounts are based on the rates in effect as of the date of this statement and are subject to change.

Fees based on:

0 Letter of Utility Location Availability and Locate Map	\$	100.00
1 Utility Availability Map (Map Only)	\$	75.00
2 Letter of Utility Location Availability (Letter Only)	\$	25.00

FGUA	G/L Code	Fees	Total fees	Amt Previously Paid	Balance Due
LOA Request	202098	\$ 100.00	\$ 100.00	\$ 100.00	\$ -
Fees Due:					\$ -

Payment History	Date	Check Date	Check #	Payer Name	Amount
0 Letter and Locate Map	9/11/2023	9/5/2023	5938	TDM Consulting INC	\$ 100.00
1 Map Only					
2 Letter Only					



**43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com
Certificate of Authorization # 29086**

14290 N. Cleveland Avenue
Public Information Meeting Summary

A Public Information Meeting was held on October 3, 2023 at the North Fort Myers Recreation Center, 2000 Recreation Way, North Fort Myers. The rezoning application was presented to the North Fort Myers Community Planning Panel. The members have seen this site before - when it was originally presented as a CPD rezoning of the entire 6.41 acres. The board members remembered the site and understood the reason for the change to a conventional rezoning of the 0.52-acre parcel from AG-2 to C-1 for a consistent commercial zoning district.

Questions:

1. What about the small triangle shaped property that's part of the larger lot south of Cleveland Avenue (318 Pondella Rd)?

Randy Krise contacted the property owner but hasn't been able to purchase that small piece of property.

2. What could the property owner possible build on that lot?

Not sure. Maybe he's keeping it for a billboard??

3. How will they access the property? Are they extending the frontage road? Where is the full-cut median located? How will traffic circulate here?

The applicant does plan to extend the frontage road to the south to connect to the existing driveway and close off at least one of the existing driveways north near Touchstone Road. There's a full cut median directly across from Touchstone Road. An FDPT permit will be required along with a Traffic Impact Study at time of development order permitting. That will determine the number of access points, turn lanes, etc. Another presentation will be made to the NFM Design Review Panel and their questions will be answered more completely at that time.

Summary

The 5-member board voted unanimously to support the rezoning of the 0.52-acre portion from AG-2 to C-1 for a consistent zoning district.

News-Press.

Public Notice

Originally published at news-press.com on 09/21/2023

NOTICE OF MEETING TDM Consulting, Inc. will be presenting a Rezoning application at the North Fort Myers Community Planning Panel meeting on October 3, 2023 at 6:00 pm. The meeting will be held at the North Fort Myers Recreation Center, 2000 Recreation Way, North Fort Myers. The applicant, 14290 N. Cleveland Ave, LLC, is requesting to rezone 0.52-acres located at 14180 N. Cleveland Avenue, North Fort Myers from AG-2 (Agricultural) to the C-1 (Commercial) zoning district. For additional information, please contact Veronica Martin, Senior Planner with TDM Consulting, at 239-433-4231 or vmartin@tdmconsulting.com. AD # 5823757 9/21/23

Project Name:

[illegible]

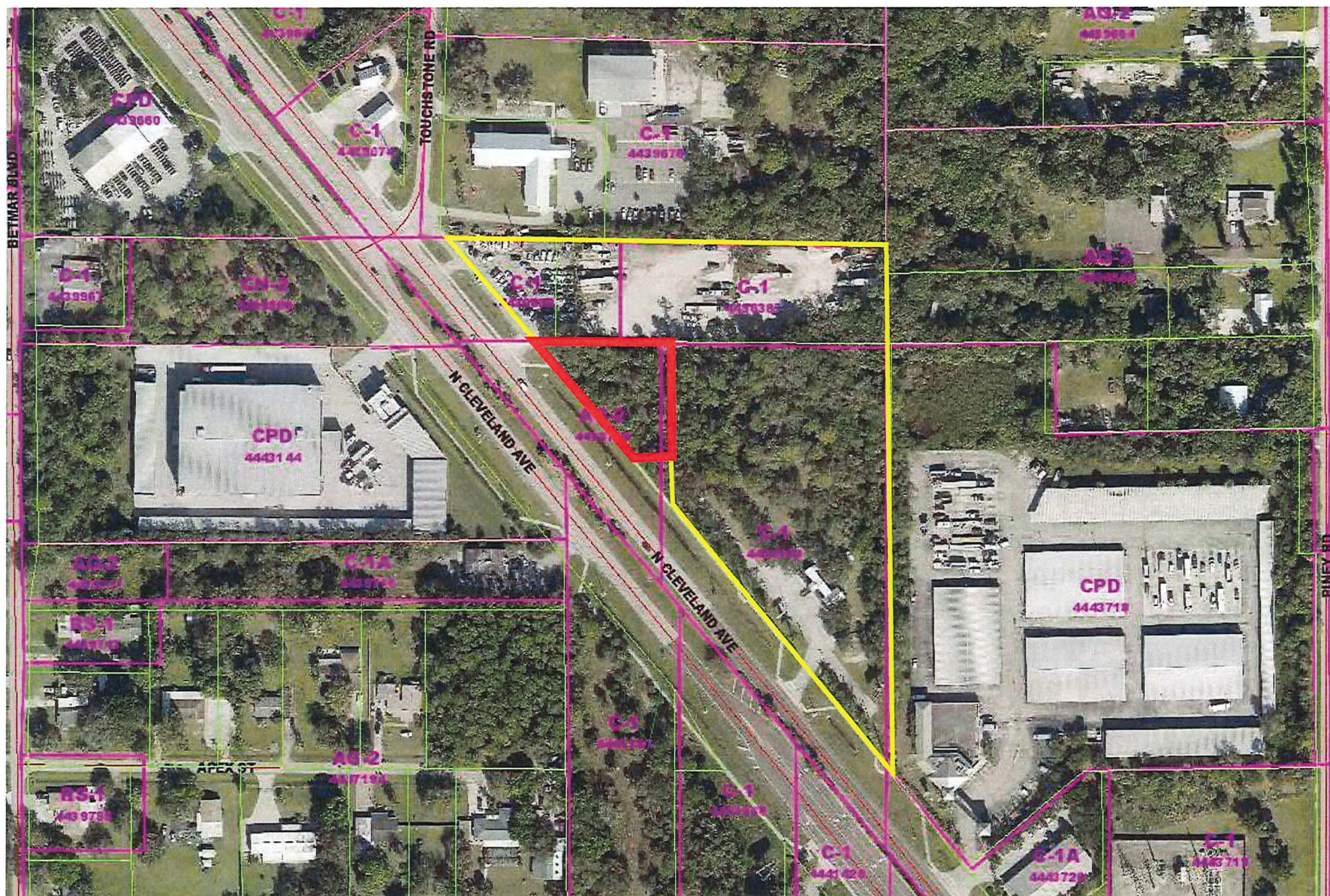


**43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com
Certificate of Authorization # 29086**

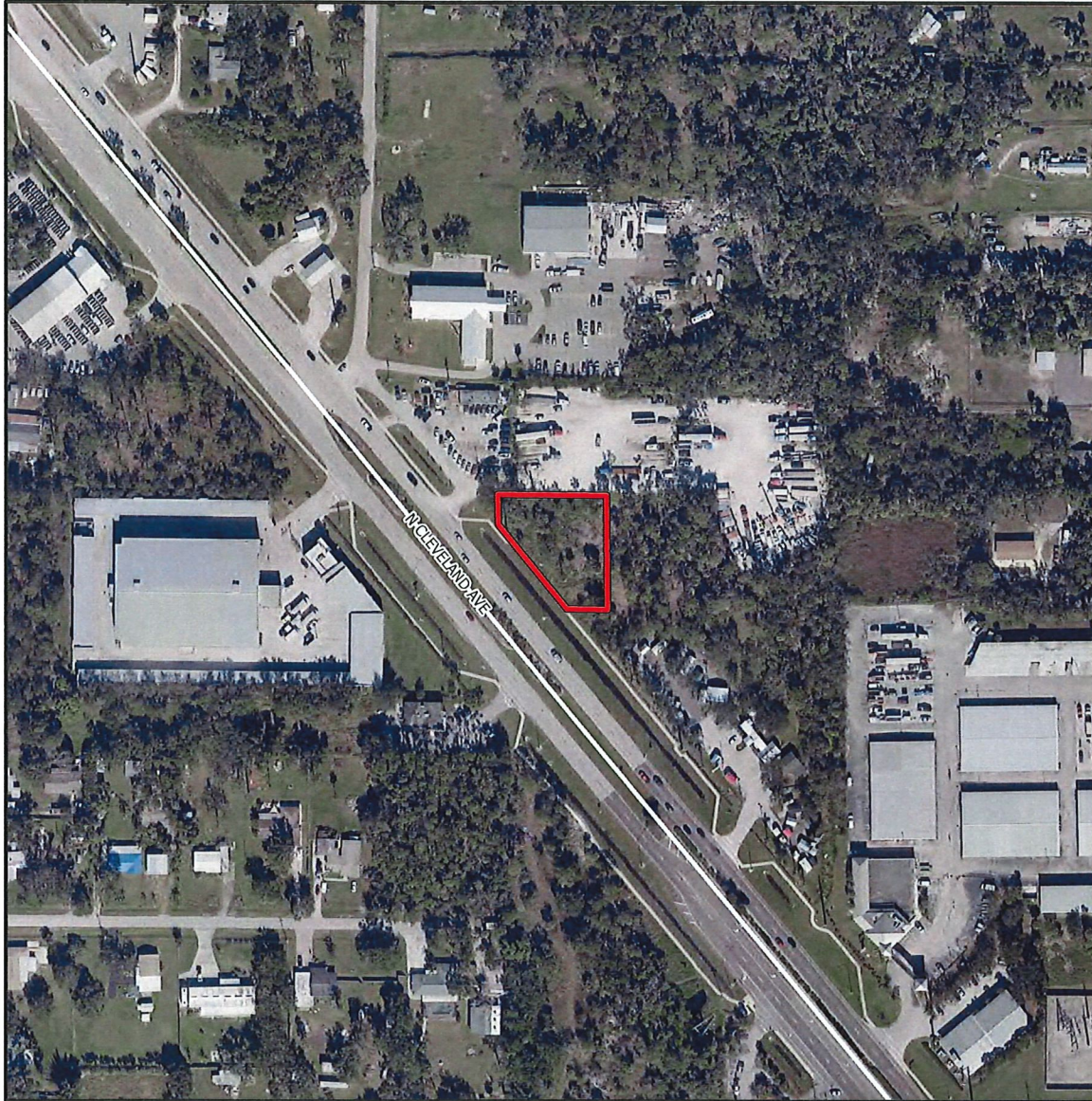
- Representing Randy Krise, Managing Member of 14290 N. Cleveland Avenue, LLC, property owner and applicant
- Requesting to rezone a 0.52-acre portion (Lot 4) of the 6.41-acre property located at 14180 N. Cleveland Ave from AG-2 to C-1 for a consistent commercial zoning district.
- You may remember seeing this site before when the applicant wanted to rezone the entire 6.41-acres to CPD to permit a broad range of automotive sales and service uses. We were in the process of expanding the Schedule of Uses when we met staff on a different project and they suggested that this location was ideal for a true mixed use development. The North Fort Myers Use Regulations Schedule permits both commercial and multi-family residential uses within the commercial corridor. So, as a result, the applicant is withdrawing the CPD application and submitting a conventional rezoning application for just the AG-2 portion of the property.
- FLU is Intensive Development and the property is in the MUO. The property is also located along a Commercial Corridor.
- Urban services are available and adequate to serve the proposed development and will connect to potable water and sanitary sewer.
- Surrounding Zoning includes C-1, C-1A, and CPD with some AG-2 lots to the northeast and southwest of N. Cleveland Ave.

Questions/Comments/Concerns

14290 N. CLEVELAND AVENUE
SURROUNDING ZONING MAP
EXHIBIT D



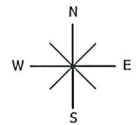
REZ2023-00031



REZ2023-00031

Aerial

 Subject Property



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Feet





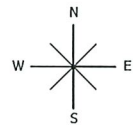
EagleView, Lee County Property Appraiser, Lee County GIS

REZ2023-00031

Future Land Use

 Subject Property

 Intensive Development



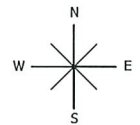
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REZ2023-00031
Mixed Use Overlay

-  Subject Property
-  Mixed Use Overlay



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Feet



