



APPLICATION FOR SPECIAL EXCEPTION PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Cypress Lake Presbyterian Church Food Pantry

Special Exception for:

- ☒ Use (LCLDC section number and description): 34-714 Religious Facility
- ☐ Solar or Wind energy modifications [34-202(b)(5)(d)1.]
- ☐ On-premise consumption of alcoholic beverages [34-202(b)(5)(d)2.]
- ☐ Private aircraft landing facilities [34-202(b)(5)(d)3.]
- ☐ Wireless Communication Facilities [34-1441]
- ☐ Model Homes [34-1954]
- ☐ Permitted Uses for Model Home on arterial street in RS-1 zoning district in Lehigh Acres [33-1431]

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: Mike Roeder
Address: 1625 Hendry Street
City, State, Zip: Ft. Myers, FL 33901
Phone Number: 239-334-2722 **E-mail:** mroeder@knott-law.com

B. Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:

☐ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]

☒ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]

☐ Application is County initiated. Attach BOCC authorization.

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

1. Company Name: _____
Contact Person: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ **Email:** _____

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

PART 2 PROPERTY OWNERSHIP

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

Name: Cypress Lake Presbyterian Church
Address: 8260 Cypress Lake Drive
City, State, Zip: Ft. Myers, FL 33919
Phone Number: 239-823-1002 **Email:** Mandmgisse@yahoo.com

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

☐ Attach Disclosure of Interest Form.

PHONE (239) 533-8585

C. Multiple parcels:

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

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

1. Title certification document, no greater than 90 days old.
 2. Date property was acquired by present owner(s): 1975

**PART 3
PROPERTY INFORMATION**

A. STRAP Number(s): [Attach extra sheets if additional space is needed.] [34-203(a)(5)]
 22-45-24-00-00001.015A

B. Street Address of Property: 8260 Cypress Lake Drive

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

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

OR

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

AND

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

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

OR

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

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

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

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

E. Current Zoning of Property: RM-2 with SE for a Religious Facility

- ☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.
☐

F. Use(s) of Property:

1. Current uses of property are: Church and Food Pantry
 2. Intended uses of property are: Church and Food Pantry

G. Future Land Use Classification (Lee Plan):

Central Urban	4.25	Acres	100	% of Total
		Acres		% of Total
		Acres		% of Total

H. Property Dimensions:

1. Width (average if irregular parcel): 305 Feet

2.	Depth (average if irregular parcel):	<u>606</u>	Feet	
3.	Total area:	<u>4.25</u>	Acres or square feet	
4.	Frontage on road or street:	<u>305</u>	Feet on <u>Cypress Lake Drive</u>	Street
	2 nd Frontage on road or street:		Feet on _____	Street

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

☒ Not Applicable

☐

☐ Estero Planning Community. [33-54(a)&(b); Lee Plan Policy 19.5.3]

☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]

☐ North (Upper) Captiva Community Plan area. [33-1711; Lee Plan Policy 25.1.1]

☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]

☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]

☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.10.1]

☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]

☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]

☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]

☐ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]

☐ North Fort Myers Planning Community. [33-1532(a)&(b)]

☐ North Olga Community Plan area. [33-1663(a)&(b)]

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

PART 4 ACTION REQUESTED

- A. **Request Statement:** Explain the nature of the request and how the property qualifies for the special exception based on the findings/review criteria set forth in 34-145(c)(3) and listed below. [34-202(b)(5)(a)]
1. The request is consistent with the goals, objectives, policies, and intent of the Lee Plan.
 2. The request will protect, conserve, or preserve environmentally critical and sensitive areas and natural resources, where applicable.
 3. The request will be compatible with existing and planned uses.
 4. The request will not be injurious to the neighborhood or detrimental to the public welfare.
 5. The request will be in compliance with zoning regulations pertaining to the use and other applicable regulations..
 6. In the case of new antenna supporting structure wireless communication facilities, meets the additional criteria of 34-145(c)(3)b.
- B. **Traffic Impact Statement (TIS):** Attach a traffic impact analysis of projected trip generation for the use. A TIS is not required for special exceptions for consumption on premises or for solar or wind modifications. [34-202(b)(5)(b)]
- C. **Site Plan:** Attach a site plan showing: [34-202(b)(5)(c)]
1. The location and current use of all existing structures on the site.
 2. All proposed structures and uses to be developed on the site.
 3. Any existing public streets, easements or land reservations within the site, and the proposed means of vehicular access to and from the site.
 4. Other information specific to the type of application or which may be required by the Director.
- D. **Additional Information:** Any other reasonable information which may be required by the Director which is commensurate with the intent and purpose of the Land Development Code [34-202(b)(5)(d)]

PART 5 ADDITIONAL REQUIREMENTS

- A. **Potable Water:** Will the project be connected to potable water and central sewer as part of any

development of the property?

- x **YES** (Provide letter from the appropriate utility to which the connection(s) are proposed confirming availability of service.) **[34-202(a)(10)]**
- ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(a)(10)]**

B. Flood Hazard:

☒ Not applicable

☐

☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.

☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)

C. Excavations/Blasting:

☒ No blasting will be used in the excavation of lakes or other site elements.

☐

☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).

D. Existing Agricultural Use: If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application". **[34-202(a)(12)]**

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

☒ Not Applicable

☐

☐ Property is located within _____ Airport Noise Zone: **[34-1004]**

☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**

☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**

☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**

☐ A Tall Structures Permit is required. **[34-1108]**

F. Solar Or Wind Energy Modifications: [34-202(b)(5)(d)1.]

1. Evidence that the proposed modifications are the minimum necessary to provide for the solar or wind energy proposal.
2. Evidence that the proposed modifications will not adversely affect adjacent properties. (See LCLDC Section 34-2196.)
3. Evidence that the modifications do not decrease total lot area.
4. Evidence that the principal use, absent the solar or wind aspects, is a permitted use in the zoning district for which it is located.

G. On-Premises Consumption Of Alcoholic Beverages: [34-202(b)(5)(d)2.]

1. A written statement describing the type of state liquor license to be acquired, e.g., 2 COP, SRX, 11C, etc., and the anticipated hours of operation for the business.
2. The site plan must include a detailed parking plan.

H. Private Aircraft Landing Facilities: [34-202(b)(5)(d)3.]

1. Indicate the type of facility, as set forth in Florida Administrative Code chapter 14-60.
2. A certified list of all airports and municipalities within 15 miles of the proposed site and all property owners within 1,000 feet of the property or within the minimum required approach zone, whichever is greater.
3. The site plan must indicate the proposed location and length of the effective landing facility, as well as the area included in the approach zone.

I. Wireless Communication Facilities: [34-1441 et. seq.]

1. Documentation of authority/acceptance of responsibility for compliance with these regulations, executed by property owner, applicant, and provider who will be placing antennas on the proposed or existing wireless communications facility. **[34-1446 (a) (1)]**
2. Name, address, and telephone contact information for the owners(s) of all proposed or existing antenna-supporting structures and wireless communication facilities with an affidavit that such contact information will be updated annually or upon a change of ownership after the application is approved. **[34-1446(a)(2)]**
3. A copy of license issued by FCC. A broadcast structure must submit a construction permit. **[34-1446(a)(3)]**
4. New antenna-supporting structures must demonstrate there are no existing suitable structures available or higher priority zoning districts in the geographic search area. As part of that demonstration, the application must include a graphical representation of the geographic search area. **[34-1446(a)(4)]**
5. A statement confirming the overall height of the facility and all other facilities on the subject property, in terms of grad and sea-level. **[34-1446(a)(5)]**
6. A letter demonstrating consent from the Executive Director of Lee County Port Authority if the wireless communications facility is to be located within the County airspace notification limits of LCLDC Section 34-1008. **[34-1446(a)(6)a.]**
7. For any wireless communications facility exceeding 35 feet, a letter confirming review and recommendation from the Lee County Mosquito Control District, Sheriff's Department, and Director of Public Safety. **[34-1446(a)(6)b.]**
8. A letter demonstrating evidence of compliance with applicable Federal Aviation Administration requirements under 14 C.F.R. s. 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use. **[34-1446(a)(6)c.]**
9. The Boundary Survey, completed by a registered land surveyor, must show all existing conditions. **[34-1446(a)(7)]**
10. Photo-simulated post-construction renderings of the proposed wireless communications facility, equipment enclosures, and ancillary appurtenances as they would look after construction from areas where the proposed wireless communications facility will be visible according to the balloon test and sight lines. **[34-1446(a)(8)]**
11. Shared use plan or copy of an executed shared use plan must be provided for the existing facility (see Supplement A). **[34-1446(a)(9)]**
12. For all new antenna support structures, a list and map identifying all existing wireless communications facilities to which the proposed facility will be a handoff candidate, including latitude, longitude, and power levels of each. **[34-1446(a)(10)]**
13. Floor plans, elevations, and cross sections on 24" X 36" size paper at a scale no smaller than 1/4" = 1' (1:48) of any proposed accessory structures. **[34-1446(a)(11)]**
14. To scale elevation drawings, indicating the roof, facades, doors, and other exterior appearance and materials of the proposed wireless communication facility (signed and sealed by Professional Engineer). **[34-1446(a)(12)]**
15. If the property owner is not a provider, a copy of an executed lease agreement or memorandum of lease between the application or property owner and provider. If no lease agreement has been executed, an affidavit signed by provider attesting to provider's intent to make an application for development order approval to place antennas on the wireless communications facility if the zoning application is approved. **[34-1446(b)(1)]**
16. For antenna supporting structures, the graphic results of the balloon test conducted by the applicant pursuant to the requirements of LCLDC Section 34-1446(d). **[34-1446(b)(2)]**

J. Model Homes: Narrative and plans that demonstrate compliance with provisions of LCLDC Chapter 34, Division 24. **[34-1954(a)(2)]**

PART 6 **SUBMITTAL REQUIREMENT CHECKLIST**

Two copies required for submittal
Clearly label your attachments as noted in bold below

☒	Completed application for Public Hearing [34-202(a)(1)]
☐	Filing Fee - [34-201(d)]
☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
☒	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
☐	Additional Agents [34-202(a)(4)]
☐	Multiple Owners List (if applicable) [34-202(a)(2)]
☐	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
☐	Legal description (must submit one) [34-202(a)(1)]
☒	Legal description (metes and bounds) and sealed sketch of legal description
	OR
☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
☒	Boundary Survey (not required if platted lot) [34-202(a)(2); [34-373(a)(4)a.]
☒	Property Owners list (if applicable) [34-202(a)(5)]
☒	Property Owners map (if applicable) [34-202(a)(5)]
☒	Confirmation of Ownership/Title Certification [34-202(a)(3)]
☒	STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
☒	List of Surrounding Property Owners [34-202(a)(6)]
☒	Map of Surrounding Property Owners [34-202(a)(7)]
☒	Mailing labels [34-202(a)(9)]
☒	List of Zoning Resolutions and Approvals
☐	Summary of Public Informational Session (if applicable)
☒	Waivers from Application Submission Requirements [34-201(c)]
☒	Request Statement [34-202(b)(5)(a)]
☐	Traffic Impact Statement (TIS) [34-202(b)(5)(b)]
☒	Site Plan [34-202(b)(5)(c)]
☐	Additional Information (if applicable) [34-202(b)(5)(d)]
☐	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
☐	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
☐	Excavations/Blasting (if applicable)
☐	Tall Structures Permit (if applicable) [34-1108]
☐	Solar or Wind Energy Modifications (if applicable) [34-202(b)(5)(d)1.]
☐	Consumption on Premises (COP) (if applicable) [34-202(b)(5)(d)2.]
☐	Private Aircraft Landing Facilities (if applicable) [34-202(b)(5)(d)3.]
☐	Wireless Communication Facilities (if applicable) [34-1441 et. seq.]
☐	Model Homes (if applicable) [34-1954(a)(2) & (b)]



REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS (indicate the appropriate application type)

- ☒ Public Hearing - General Requirements (34-202)
- ☐ Public Hearing - Mining Excavation Planned Development (12-110)
- ☐ Public Hearing - Additional Requirements for:
- ☐ Development of Regional Impact (34-202(b)(1))
 - ☐ Planned Developments (34-202(b)(2))
 - ☐ Planned Development Amendment (34-202(b)(2))
 - ☐ Rezoning other than Planned Developments (34-202(b)(3))
- ☒ Special Exceptions (34-202(b)(5))
- ☐ Variances (34-202(b)(6))
 - ☐ Limited Amendment to Existing Mine Zoning Approval [12-121(j)]
 - ☐ Private Recreational Facilities Planned Development (34-941(g))
- ☐ Development Order - Submittal Requirements (10-152)
- ☐ Application Form and Contents (10-153)
 - ☐ Additional Required Submittals (10-154)
- ☐ Limited Review Development Order - Submittal Requirements (10-152)
- ☐ Required Submittals (10-175)
- ☐ Administrative Action Application Requirements [34-203]
- State the Type of Administrative Application: _____

PLEASE PRINT OR TYPE:

STRAP Number: 22-45-24-00-00001.015A

Name of Project: Cypress Lake Presbyterian Church Food Pantry

Name of Agent: Michael Roeder

Street Address: 1625 Hendry St.

City, State, Zip: Ft. Myers, FL 33901

Phone Number: 239-334-2722 Email Address: mroeder@knott-law.com

Name of Applicant*: Mark Gisse, VP of the South Ft. Myers Food Pantry Coalition

Street Address: 8260 Cypress Lake Drive

City, State, Zip: Ft. Myers, FL 33919

Phone Number: 239-823-1002 Email Address: Mandmgisse@yahoo.com

***If applicant is not the owner, a letter of authorization from the owner must be submitted.**

LEE COUNTY COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET), FORT MYERS, FLORIDA 33902

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

	Section Number	Requirement
#1	34-292(a)(2);34-373(a)(4)a	Boundary Survey
#2	34-202(a)(3)	Title Certification
#3	34-202(b)(5)(b)	Traffic Impact Statement
#4	34-202(a)(10)	Potable Water and Sanitary Sewer
#5		
#6		
#7		
#8		
#9		

B. SCOPE OF PROJECT AND REASON(s) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

In 2011 a Special Exception was approved for the Cypress Lake Presbyterian Church as a Religious Facility to allow for the expansion of a food pantry which had been in operation at that location for three years (SEZ2011-00004). That Special Exception contained a condition which required that an existing metal container that had been used as storage needed to be removed (and it was). Now because of increased donations of perishable items, there is a need to add a refrigerated shipping container to the site, which will be located where a truck parks now. The original application waived the title opinion and survey requirement because the Cypress Lake Presbyterian Church had been in existence at that location for 36 years--now it has been there for 13 additional years--and it makes no sense to impose unnecessary costs on this worthwhile charitable activity. We would request that the legal description and sketch that was submitted for the initial SE application be accepted now as well. In a similar vein, there will be no additional traffic as a result of this application beyond what occurs now (the food pantry only operates on Mondays), and neither would there be any additional water or sewer demand.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.



Signature of Applicant

12/9/24
Date

.....
FOR STAFF USE ONLY
.....

DIRECTOR'S DECISION:



Request Denied #1, #2



Request Approved #3, #4



Request Approved Per Attached Comments

Electronically signed on 12/18/2024 by
Anthony R. Rodriguez, AICP, CPM, Zoning Manager
Lee County Department of Community Development

Director Signature

Date

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

SPECIAL EXCEPTION: SEZ2011-00004
APPLICANT: MIKE ROEDER, in reference to CYPRESS LAKE PRESBYTERIAN
CHURCH FOOD PANTRY
HEARING DATE: SEPTEMBER 28, 2011

I. APPLICATION:

Filed by KNOTT, CONSOER, EBELINI, HART & SWETT, c/o MIKE ROEDER, 1625 Hendry Street, Fort Myers, Florida 33901 (Applicant/Agent); SOURCE, INC., c/o LARRY HOOPER, 1334 Lafayette, Cape Coral, Florida 33904 (Agent); CYPRESS LAKE PRESBYTERIAN, 8260 Cypress Lake Drive, Fort Myers, Florida 33919 (Owner).

Request is for a Special Exception in the Residential Multiple-Family (RM-2) zoning district for a Religious Facility to allow an existing place of worship (Cypress Lake Presbyterian Church) to utilize 1,200 square feet of the planned 3,600 square feet church building expansion for a food pantry.

The subject property is located at 8260 Cypress Lake Drive, South Fort Myers Planning Community, Section 22, Township 45 South, Range 24 East, Lee County, Florida. (District # 3)

The Strap # as furnished by the Applicant is: 22-45-24-00-00001.015A

II. STAFF RECOMMENDATION: APPROVAL

The Department of Community Development Staff Report was prepared by Chahram Badamtchian. The Staff Report is incorporated herein by this reference.

III. HEARING EXAMINER DECISION:

The undersigned Lee County Hearing Examiner **APPROVES** the Applicant's request for a Special Exception for a Religious Facility (Cypress Lake Presbyterian Church) and to utilize 1,200 square feet, of the planned 3,600 square feet church building, for a food pantry for the real estate described in Section IX. Legal Description, WITH THE FOLLOWING CONDITION(S):

A. CONDITIONS

1. This Special Exception will only allow a place of worship and a 1,200 square feet of food pantry to be located within the expanded church building, as depicted on **Exhibit B** hereto.
2. The existing metal container used as food pantry may no longer be used for food pantry storage or distribution area and must be removed within 60 days of the issuance of a Certificate of Occupancy for the building addition.

3. Prior to Local Development Order approval for the food pantry, the Development Order plans must indicate invasive exotics to be removed from the site per LDC 10-420(h).
4. Prior to Local Development Order approval, the Development Order plans must delineate a minimum of 40 percent open space.
5. Prior to Local Development Order approval, the Development Order plans must demonstrate the use of 100 percent native vegetation for all required buffer landscaping on site.

IV. HEARING EXAMINER DISCUSSION:

This is a request from the Cypress Lake Presbyterian Church, for a Special Exception for a Religious Facility, and a 3,600-square-foot building expansion, which includes a 1,200-square-foot food pantry. The site is within a Residential Multiple-Family Zoning District (RM-2). It is also in the South Fort Myers Planning Community and the Central Urban Future Land Use Designation.¹

This 4.6 acre site is on the north side of Cypress Lake Drive, west of Summerlin Road, and contains a 18,800-square-foot church. The church operates a food pantry, from a metal cargo container installed in the rear of the building. The Applicant has decided to expand the existing building, with a 3,600-square-foot addition, of which 1,200 square feet will be a food pantry. A place of worship is a permitted use in this zoning district. A food pantry is not allowed in a place of worship; however, it is allowed in a Religious Facility.

East of the site is a church, in a Community Facilities Planned Development (CFPD). South of the property is Cypress Lake Drive, across from which is Cypress Lake Gardens, in a Residential Multi-Family Zoning District (RM-2), and a single-family subdivision known as Cypress Lake Country Club Estates, is a Residential Single-Family Zoning District (RS-1). North and west is the Green Gate Condominiums, in a Residential Multiple-Family Zoning District (RM-2).

The site has been used as a church for more than 30 years. The food pantry has been in operation for the past several years. Approval of this request will move the food pantry out of a metal container and into a building. The pantry operates one day a week and has never generated any complaints from neighbors.

This property is located in an area designated as Central Urban on the Future Land Use Map. Central Urban is one of the most intense development areas, according to the Lee Plan. Allowing a small food pantry, in conjunction with an established house of worship, is consistent with the Lee County Comprehensive Plan Policy 1.1.3. (See Footnote 1).

1

Lee County Comprehensive Plan Policy 1.1.3:

The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre).

The area is heavily developed, and allowing a house of worship to operate a food pantry, is consistent with contiguous and compact growth patterns and containing urban sprawl. This request is consistent with Objective 2.1, and Policies 2.1.3 and 5.1.5, of the Lee County Comprehensive Plan.²

The undersigned Hearing Examiner finds that the requested Special Exception meets the criteria necessary for approval, as set forth in County Land Development Code. It is also consistent with the Lee County Comprehensive Plan. The Special Exception request is compatible with neighboring properties. Consequently, this Hearing Examiner approves the Special Exception authoring a Religious Facility, and a 3,600-square-foot building expansion, which includes a 1,200-square-foot food pantry, subject to the conditions set forth herein. In compliance with Section 3.1 of Lee County Administrative Code AC-2-6, the undersigned Hearing Examiner conducted a site visit to the subject real property prior to issuing this recommendation.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

- A. The request is consistent with the Goals, Objectives, Policies and intent of the Lee Plan Policies 1.1.3, 2.1.3 and 5.1.5;
- B. The request meets or exceeds all performance and locational standards set forth for the proposed use; Lee County Land Development Code Section 34-671 and Lee Plan Objective 2.1;
- C. The request will be compatible with existing or planned uses;

²

Lee County Comprehensive Plan Objective 2.1:

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

Lee County Comprehensive Plan Policy 2.1.3:

All land use categories and Planning Community Map areas permit the consideration of churches and schools (except in Wetlands and Airport Noise Zones), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasi-commercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies, and standards in this plan and applicable zoning and development regulations.

Lee County Comprehensive Plan Policy 5.1.5:

Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

D. The request will not cause damage, hazard, nuisance or other detriment to persons or property; and

E. The request will be in compliance with all general zoning provisions and supplemental regulations pertaining to the uses set forth in the Lee County Land Development Code Sections 34-695 and 34-2051.

VI. LIST OF EXHIBITS:

STAFF'S EXHIBITS

1. 2010 Aerial Photograph, prepared by Lee County Department of Community Development, mapped August, 2011 (24"x36")[color]

Résumés of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

APPLICANT'S EXHIBITS

1. Site Plan, prepared by LAND Architects, dated July 1, 2011 (24"x36")

Résumés of Applicant's consultants are on file with the Hearing Examiner's Office and are incorporated herein.

VII. PRESENTATION SUMMARY:

The Hearing Examiner introduced himself and the case for the record. He noted that there were members of the public present and asked the Assistant County Attorney to make comments for the record at that time. Assistant County Attorney, Susan Henderson, introduced herself for the record and explained that she represented the Board of County Commissioners (BOCC) and was also present to assist the County Staff, the Applicant, and the Hearing Examiner to ensure that the record in this case was complete.

She advised those who wished to participate in the hearing or those who wished to obtain a copy of the Hearing Examiner's Decision, to fill out a Public Participation Form. Ms. Henderson indicated that she had some of the Public Participation Forms that had already been filled out. She explained that at the conclusion of Staff's presentation, the Hearing Examiner would open the floor for public participation, and at that time, members of the public would have an opportunity to address the Hearing Examiner.

It was explained that all public comments and participation would be from the podium and that they should state their name and address for the record. They could ask questions or tell the Hearing Examiner what concerns they had regarding the case.

Ms. Henderson also explained that the Hearing Examiner would issue a final determination in this case, and it would not go on for a subsequent hearing before the BOCC. Therefore, it was absolutely essential if they had any comments, questions, or concerns that they wanted the Hearing Examiner to consider that they speak in the hearing and let him know that information.

At that point, the Hearing Examiner swore in all of the hearing participants in mass, and asked the Applicant to proceed. Mr. Mike Roeder, Director of Planning with Knott, Ebelini and Hart, introduced himself for the record, and asked to be recognized as an expert witness for zoning and land use planning. Since there were no objections, the Hearing Examiner declared the witness to be an expert in the fields indicated.

Mr. Roeder explained that it was a request for a Special Exception for a Religious Facility called the Cypress Lake Presbyterian Church. Referring to the aerial photograph, Mr. Roeder indicated the location of the Church, which is on the north side of Cypress Lake Drive, Edison College and Summerlin Road, and noted that the property is on 4.6 acres. To the east of the subject property, is the Greek Orthodox Church and to the west is the Green Gate Condominium Complex.

Mr. Roeder mentioned that there were other churches in the neighborhood, making this area probably the largest concentration of churches in the County. He noted that the Presbyterian Church is located in the Central Urban land use category, and it is zoned Residential Multiple-Family (RM-2). As Staff pointed out in Policy 2.1.3, it allowed for churches and schools in any land use category. However, if the Land Development Code (LDC) is reviewed, there were two types of designations for churches. One of the designation is a place of worship, which includes the basic sanctuary and related educational facilities, and the second designation is a Religious Facility, which included more than that.

With respect to the subject case, there was a food pantry that had been operating for the past three years from the subject location, in a temporary trailer, under the Hospice of the Harry Chapin Food Bank, which is part of a network. When they advised Staff that they wanted to move their operation to a permanent building, Staff advised them that a Special Exception is needed for a Religious Facility.

Mr. Roeder explained that the Applicant is planning on building a 3,600 square-foot building for a variety of uses, of which, 1,200 square feet would be used for a food pantry. He also indicated that it was one of the Conditions in the Staff Report, and the Applicant is in agreement with Staff's Conditions, as revised. Mr. Roeder mentioned the Memorandum from Mr. Badamtchian, and stated that the Lee County Comprehensive Plan did not address a situation like this very directly, even though it fits within the definition of the Central Urban land use category, which is a very intense category. Policy 2.1.3 of the Lee County Comprehensive Plan, allowed for churches in any of those categories.

The one Policy that would sometimes be an issue, was Policy 5.1.5. Looking at the Site Plan, Mr. Roeder pointed out a gray area where the new building was going to be located and where the parking was, which is very internal to the site. He noted where the Greek Orthodox Church and Green Gate Condominium were, which had been a neighbor for decades and they shared an access point. He mentioned that Green Gate Condominiums was aware of the situation that had been ongoing for three years, and did not have a problem. The food was only distributed once a week, on Mondays.

He mentioned that letters and phone calls were received inquiring about the food pantry. They wanted to know if it was going to be a soup kitchen, after which, Mr. Roeder indicated that it was not going to be a soup kitchen. It was strictly to hand out canning goods and similar things. They were agreeable to live with the 1,200 square-foot limitation, which was going to put a boundary on the size of the operation.

In conclusion, Mr. Roeder indicated that the Applicant was in total agreement with the revised Conditions, as well as the findings and conclusions on page 2 of the Staff Report. Given the history and the fact that the County was the one that said that the special request was needed, there was no reason to deny it. Therefore, the Applicant was asking for the Hearing Examiner to grant the approval.

At that time, the Hearing Examiner wanted to know if Staff or the County Attorney had any questions. Since there were no questions, the Hearing Examiner inquired about any food preparation on site. Then, Mr. Roeder answered no and explained that Pastor Coztrell and Rich Michmond, the project manager, could give the official answer, even though he believed the answer was "no." The Hearing Examiner did not have any other questions. The Site Plan was then admitted as Applicant's Exhibit 1, and the Aerial photograph was admitted as Staff's Exhibit 1.

Next, Chahram Badamtchian, a Planner with Lee County Zoning, introduced himself for the record, and asked to be recognized as an expert in zoning and planning issues. His résumé has been filed with the Hearing Examiner's Office. Since there were no objections, the Hearing Examiner declared the witness an expert in the fields indicated.

Mr. Badamtchian explained that the request was for an existing church that has been existing for the past few decades. They had two shipping containers in the back of the building, which were being used as a food pantry. In 2008, the Applicant applied for a building permit, and at that time, they were told that they would need a Special Exception for a food pantry. Now, the Applicant was asking for a Special Exception for a food pantry, and they would like to remove the trailers and expand the church by 1,200 square feet in size, including the food pantry.

Continuing, he mentioned that the future land use designation is Central Urban, which allows all Intensive Commercial, Residential and some limited Industrial uses. The surrounding areas are mostly churches, colleges and things of that nature. There was a residential property next door and they have been sharing the same driveway for several years. Since the existence of the food pantry, Staff had never received any complaints from anyone. The use is not a new use, as it has been in operation for many years.

Mr. Badamtchian received one letter asking questions and the church was kind enough to respond to them. In the letter, they were asking if the church was going to have homeless shelters and a soup kitchen, which the church said no. Mr. Badamtchian also received one of his notices back with "Do not allow" written on it. Those were the only contacts he had with the neighbors.

The Applicant was in full compliance with the requirements of the Lee County Comprehensive Plan and the Lee County Land Development Code. There were no traffic issues associated with the subject request. Therefore, Staff recommended approval of the request subject to Staff's Conditions.

Mr. Badamtchian also noted his Memo regarding Condition number two. He agreed with the Applicant that it was a little bit strict. Therefore, Mr. Badamtchian agreed to modify it a little bit. With that said, he concluded his presentation. There were no questions by the Applicant, County Attorney or the Hearing Examiner.

At that time, the Hearing Examiner opened up the hearing for public participation. He noted that it would be the only opportunity for members of the public to participate during these proceedings and make any comments or questions. After all that said, none of the members of the public wished to speak. Therefore, the public portion of the hearing was concluded.

The Hearing Examiner wanted to know if there were any other additional comments or concerns that he needed to hear. Since there were none, the Hearing Examiner thanked everyone for attending and concluded the hearing.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

ADDITIONAL COUNTY STAFF:

1. Susan Henderson, Assistant County Attorney, P. O. Box 398, Ft. Myers, Florida 33902

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VI.):

For: NONE

Against: NONE

General: NONE

B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER DECISION:

For:

1. Clinton Coztrell, 8260 Cypress Lake Drive, Fort Myers, Florida 33919
2. Thomas Gralton, 11065 Harbour Yacht Court, Fort Myers, Florida 33905

Against: NONE

General: NONE

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Lee County Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the hearing examiner or any county commissioner [or their staff]. . . . [Lee County Land Development Code Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Lee County Land Development Code Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the hearing examiner action which is the subject of the unauthorized communication. [Lee County Land Development Code Section 34-52(b)(1)b.2.]; OR

A fine not exceeding \$500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [Lee County Land Development Code Section 1-5(c)]

XI. APPEALS:

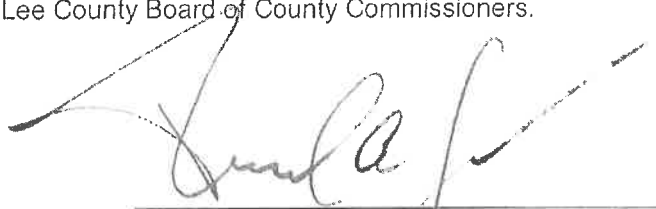
This Decision becomes final on the date rendered. A Hearing Examiner Decision may be appealed to the Circuit Court in Lee County. Appeals must be filed within thirty (30) days of the date the Hearing Examiner Decision is rendered. Appeal is by Petition for Writ of Certiorari in accordance with Lee County Land Development Code Section 34-146.

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

A. A complete verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.

B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

This decision is rendered this 5th day of October, 2011. Notice or copies of this decision will be delivered to the offices of the Lee County Board of County Commissioners.



RICHARD A. GESCHEIDT
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: 239/533-8100
Facsimile: 239/485-8406

ATTACH MAP A
ATTACH SITE PLAN (if approved)

Request Statement for Cypress Lake Presbyterian Church Food Pantry

In 2011, the Cypress Lake Presbyterian Church requested permits to expand the Food Pantry that had already been in operation at that site for three years. They were informed that they would need to apply for a Special Exception as a Religious Facility per 34-714. This Special Exception was granted on October 5, 2011 with five conditions (SEZ2011-00004). The second of these conditions required that a metal container used for storage had to be removed from the site, and it was.

Now the Food Pantry would like to locate a refrigerated shipping container next to the building to accommodate an increased supply of perishable food items. This container would be located alongside the existing food pantry on an existing hard packed gravel surface where delivery trucks now park. This new container would allow for direct access to the food items in the container by the forklift which moves these items on pallets, a major operational improvement for the Pantry. The shipping container would be 8' wide by 40' long and 8' high.

The Cypress Lake Presbyterian Church Food Pantry has been in operation at this location for sixteen years and now provides food for the residents of eight zip codes in south Ft. Myers, almost 400 patrons. It only operates on Mondays, and there is a traffic signal on Cypress Lake Drive at the entrance to the church. There are four paved lanes to the rear of the church to accommodate the patrons waiting in line to obtain their food, so there is never a traffic issue on Cypress Lake.

This request is consistent with the Lee Plan designation of Central Urban and is also in compliance with the previous SE approval. The only need for this new SE approval is the addition of a new refrigerated container and the operations will continue as before. The abutting property to the east is the parking lot for the Greek Orthodox Church, so it is compatible with existing uses. It will not be injurious to the neighborhood, and there are no environmentally sensitive lands involved.

SKETCH & DESCRIPTION

OF A PARCEL LYING IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION:

(AS RECORDED IN OFFICIAL RECORDS BOOK 1524 AT PAGE 2239)

THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE SOUTH HALF (S $\frac{1}{2}$) OF THE EAST 670.94 FEET OF THE WEST 1394.49 FEET OF THE WEST $\frac{1}{2}$ OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION 22, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, LESS CYPRESS LAKE DRIVE RIGHT-OF-WAY AND LESS 30' IN WIDTH ALONG THE WEST LINE OF SUBJECT PROPERTY.

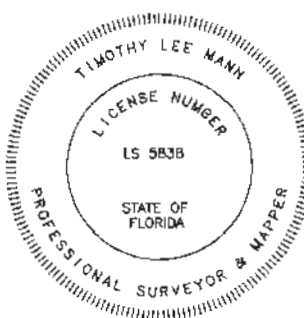
(METES AND BOUNDS DESCRIPTION, AS DESCRIBED BY THIS FIRM)

A TRACT OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, CITY OF FORT MYERS IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING THE SAME AS THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1524, PAGE 2239 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 45 SOUTH, RANGE 24 EAST; THENCE N.89°07'54"E. ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER FOR A DISTANCE OF 1,058.55 FEET; THENCE N.00°02'30"E., LEAVING SAID SOUTH LINE FOR A DISTANCE OF 55.51 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF CYPRESS LAKE DRIVE, A VARIABLE WIDTH RIGHT OF WAY; THENCE N.89°07'54"E., ALONG SAID RIGHT OF WAY, FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE N.00°02'30"E. FOR A DISTANCE OF 606.60 FEET; THENCE N.89°06'16"E. FOR A DISTANCE OF 305.51 FEET; THENCE S.00°02'30"W. FOR A DISTANCE OF 606.74 FEET TO A POINT ON SAID NORTH RIGHT OF WAY OF CYPRESS LAKE DRIVE; THENCE S.89°07'54"W. FOR A DISTANCE OF 305.51 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 4.25 ACRES, MORE OR LESS

THIS SKETCH & DESCRIPTION HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY TIMOTHY LEE MANN USING A DIGITAL SIGNATURE AND DATE. PRINT COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.



Timothy L Mann Digitally signed
by Timothy L Mann
Date: 2025.02.14
10:20:48 -05'00'

BY **Timothy L. Mann**
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5838

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOTES:

1. BEARINGS ARE BASED ON THE SOUTH LINE OF NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA AS BEING N.89°07'54"E.

2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.

3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

4. RECORDING INFORMATION SHOWN HEREON RELATES TO THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

5. THE STATE PLANE COORDINATES SHOWN HEREON ARE IN FEET, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT) BASED UPON CONTINUOUSLY OPERATING FLORIDA PERMANENT REFERENCE NETWORK (FPRN) STATIONS MAINTAINED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.

8260 CYPRESS LAKE DR, FT MYERS

TITLE: LEGAL DESCRIPTION			
		METRON SURVEYING & MAPPING, LLC LAND SURVEYORS PLANNERS LB# 7071	
10970 S. CLEVELAND AVE. SUITE #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com			
FILE NAME: 15620SK.DWG	FIELD BOOK/PAGE: 762/70	PROJECT NO.: 15620	SHEET: 1 OF 2
DATE: 2/14/25	DRAWN BY: BUD	SCALE: 1" = 120'	CHECKED BY: TLM
		FILE NO. (S-T-R) 22-45-24	

GIVE DATE TO
 A CONSUMER
 ON BOX 103
 PAGE 4034

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Michael Roeder (name), as agent (owner/title) of Cypress Lake Presbyterian Church Food Pantry (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

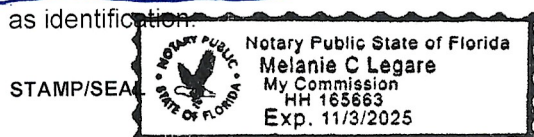
Michael Roeder
Signature

2/21/25
Date

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 21st day of February, 2025, by _____ (name of person providing oath or affirmation), who is _____ (type of identification) personally known to me or who has produced _____ as identification.



Melanie C. Legare
Signature of Notary Public

Knott · Ebelini · Hart

Attorneys At Law

George H. Knott**
Mark A. Ebelini
Asher E. Knipe
George W. Gift, III^o
William M. Ferris

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Facsimile (239) 334-1446

www.knott-law.com

Thomas B. Hart^o
Of Counsel

James T. Humphrey
Retired

Michael E. Roeder, AICP
Director of Land Use

* Board Certified Civil Trial Lawyer
□ Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer
o Board Certified Construction Lawyer

mebelini@knott-law.com

January 13, 2024

Lee County Board of County Commissioners
P. O. Box 398
Fort Myers, Florida 33902-0398

Re: 8260 Cypress Lake Drive, Fort Myers L 33919
STRAP No. 22-45-24-00-00001.015A

Dear Sir or Madam:

Please be advised that I have examined title to the above referenced real property, more particularly described in Exhibit A attached hereto (the "Property"). The effective date of this letter is December 23, 2024. Basing my opinion on the Public Records of Lee County, Florida, I have found as follows:

1. Owner of the Fee Title:

Cypress Lake Presbyterian Church, Inc., a Florida not-for-profit corporation

2. Names of all persons or entities holding a mortgage secured by the Property:

None

3. All easements within the boundaries of the Property:

- a) Easement contained in instrument recorded July 1, 1986, under O.R. Book 1854, Page 3474, as affected by Easement Termination Agreement recorded in Clerk's File Number 2008000067801, and Quit Claim Deed Terminating Easement recorded in Clerk's File Number 2008000067802, Public Records of Lee County, Florida.
- b) Easement contained in instrument recorded October 18, 1990, under O.R. Book 2181, Page 3771, Public Records of Lee County, Florida.
- c) Easement contained in instrument recorded October 18, 1990, under O.R. Book 2181, Page 3767, Public Records of Lee County, Florida.
- d) Easement contained in instrument recorded January 10, 1977, under O.R. Book 1176, Page 1642, Public Records of Lee County, Florida.
- e) Easement contained in instrument recorded September 20, 1995, under O.R. Book

Lee County Board of County Commissioners
January 13, 2025
Page 2

2636, Page 2457, Public Records of Lee County, Florida.

- f) Easement contained in instrument recorded August 10, 1995, under O.R. Book 2625, Page 2429, Public Records of Lee County, Florida.
- g) Easement contained in instrument recorded June 22, 1995, under O.R. Book 2610, Page 3607, Public Records of Lee County, Florida.
- h) Mutual Grant of Easements contained in instrument recorded January 22, 1990, under O.R. Book 2122, Page 4481, Public Records of Lee County, Florida.

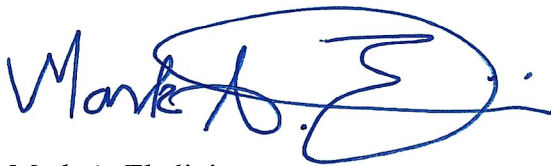
4. Other liens of record:

None.

This opinion is limited to the ownership of Property and the names of any persons or entity holding a mortgage or other lien against the Property, and any easements within the boundaries of the Property presently recorded in the Official Records and, further, is furnished solely for the benefit of the property owner/applicant and the Lee County Board of County Commissioners, and may not be relied upon by, nor copies delivered to, any other person without prior written consent of the undersigned.

Very truly yours,

KNOTT EBELINI HART

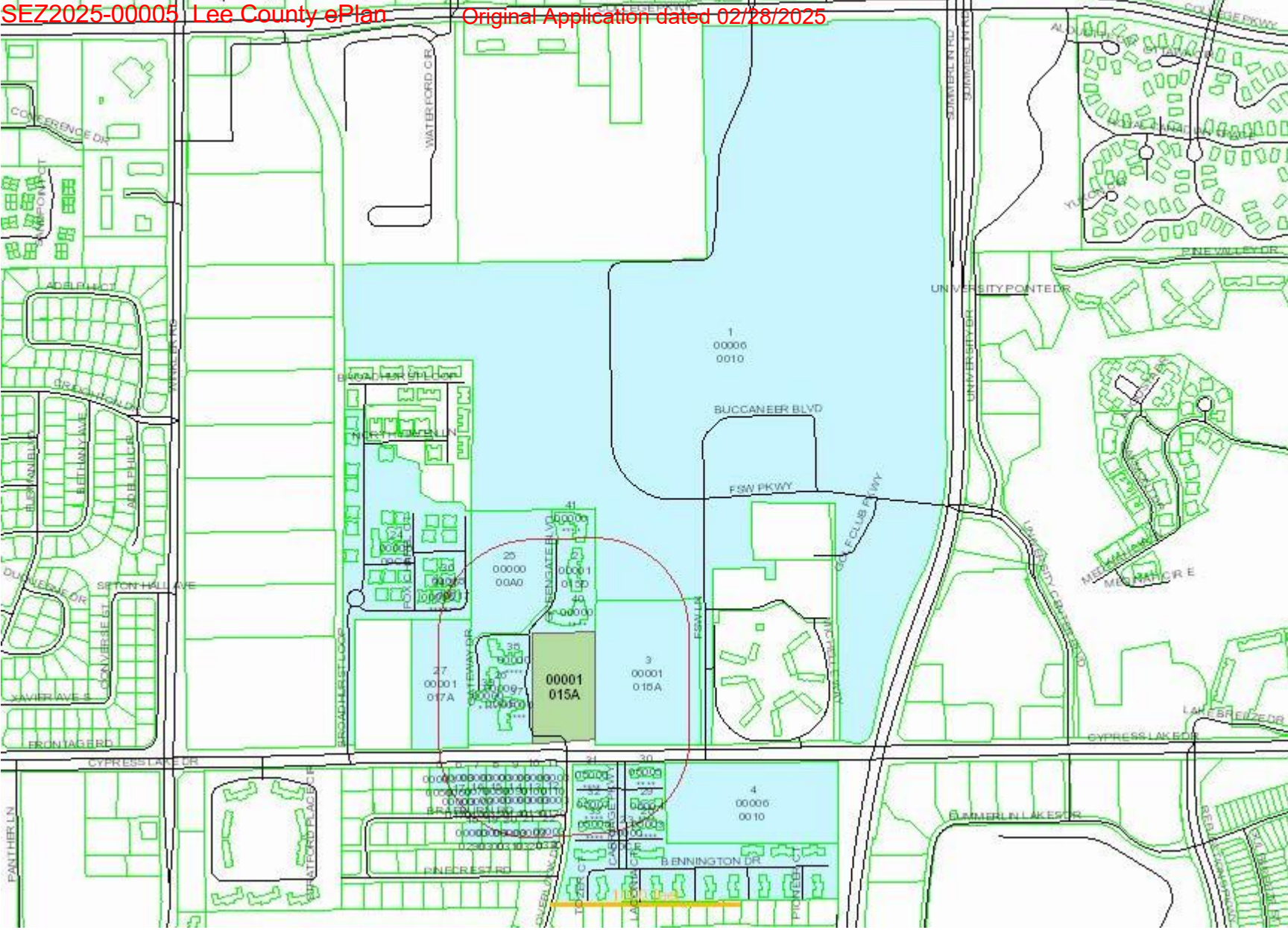


Mark A. Ebelini

MAE/mcl
Enclosure
Cc: Client

EXHIBIT A

The Southeast Quarter (SE 1/4) of the South half (S1/2) of the East 670.94 feet of the West 1394.49 feet of the West 3/4 of the Northeast quarter (NE 1/4) of Section 22, Township 45 South, Range 24 East, Lee County, Florida, LESS Cypress Lake Drive right-of-way and LESS 30' in width along the West line of subject property.



SOUTHWEST FLORIDA STATE COLLEG
DAVID J PARKER
14519 GLOBAL PKWY
FORT MYERS FL 33913

1142 SUNSET POINT ROAD LLC
6017 PINE RIDGE RD #209
NAPLES FL 34119

ANNUNCIATION OF THE VIRGIN MAR
8210 CYPRESS LAKE DR
FORT MYERS FL 33919

DIOCESE OF VENICE
1000 PINEBROOK RD
VENICE FL 34285

SHALABY CHRISTINA
8381 CYPRESS LAKE DR
FORT MYERS FL 33919

ANILLO ISIS
475 BRICKELL AVE APT 1611
MIAMI FL 33131

CARRILLO DARLENE R TR
8341 CYPRESS LAKE DR
FORT MYERS FL 33919

OLLVEROS HUMBERTO
8320 VERNON DR
FORT MYERS FL 33907

PLASENCIA ABIESER RODRIGUEZ
8301 CYPRESS LAKE DR
FORT MYERS FL 33919

ST HUBIN JORES & MARIE M
8281 CYPRESS LAKE DR
FORT MYERS FL 33919

PETROSKI BONIETA L
6652 OVERLOOK DR
FORT MYERS FL 33919

MAILLAKAKIS MIKES & MINNA
1561 BRAEBURN RD
FORT MYERS FL 33919

BRAEBURN HOMES LLC
525 LISBURN ROAD
WELLSVILLE PA 17365

BUCHANAN MADELYN J TR
1553 BRAEBURN RD
FORT MYERS FL 33919

FLOUNDERS CHRISTOPHER
1549 BRAEBURN RD
FORT MYERS FL 33919

RODER PETER H
1545 BRAEBURN RD
FORT MYERS FL 33919

KIMBALL DANIEL J & PAULA M
1541 BRAEBURN RD
FORT MYERS FL 33919

KIPP ROYLE JOHN III
1544 BRAEBURN RD
FORT MYERS FL 33919

EMERY SHAWN
1548 BRAEBURN RD
FORT MYERS FL 33919

TOMLINSON VONCILE S TR
1552 BRAEBURN RD
FORT MYERS FL 33919

RIVERA LIGIA +
33 E ELM ST
LINDEN NJ 07036

WATTERSON CYNTHIA JANE
1560 BRAEBURN RD
FORT MYERS FL 33919

CYPRESS LAKE GARDENS ASSN
SENTRY MANAGEMENT INC
2180 W SR 434 #5000
LONGWOOD FL 32779

CYPRESS LAKE ESTATES PH I-III
MY TOWN COMMUNITIES
2830 WINKLER AVE STE 101
FORT MYERS FL 33916

CYPRESS LAKE PRESBYTERIAN CHUR
8260 CYPRESS LAKE DR
FORT MYERS FL 33919

GREENGATE I-II-III-IV-VI
ALLIANT PROPERTY MANAGEMENT
13831 VECTOR AVE
FORT MYERS FL 33907

FORT MYERS COMMUNITY CHURCH IN
8440 CYPRESS LAKE DR
FORT MYERS FL 33919

JASD FAMILY HOLDINGS INC
1438 CENTRE ST
ST THORNHILL ON L4J 3N1
CANADA

HORVATH MICHAEL +
121 GLEDHILL CT
FORT MYERS FL 33919

SAMMIS CHARLES E & BRENDA B
3575 BENNINGTON BLVD APT 122A
FORT MYERS FL 33919

MEGERLE JODI
35937 N FULLER RD
GURNEE IL 60031

SEEGAR GLEN & WANDA
919 ESDRAS PL
WINDSOR ON N8S 2M8
CANADA

HUDSON MARVIN
3575 BENNINGTON DR #125
FORT MYERS FL 33919

FEARON WILLIAM A & RITA L/E
126 GLEDHILL CT
FORT MYERS FL 33919

JASD FAMILY HOLDINGS INC
1438 CENTRE ST
THORNHILL ON L4J 3N1
CANADA

HEALY J T JR & HSUEH-MING
3575 BENNINGTON DR APT 128
FORT MYERS FL 33919

BURR LINDA M
129 BRITTANY CT
FORT MYERS FL 33919

CUSHING JASON ERNEST +
3575 BENNINGTON DR APT 130
FORT MYERS FL 33919

TAYLOR ELLIS L & DEBRA M L/E
131 BRITTANY CT
FORT MYERS FL 33919

KELLY WILLIAM ANTHONY &
132 BRITTANY CT
FORT MYERS FL 33919

SPARKMAN THURMAN JR &
3760 PONTIAC DR
WARSAW IN 46582

OBERST CHERYL L L/E
4179 COLONY CLUB DR
PORT CLINTON OH 43452

CROMIE-SHEPPARD LINDA JEAN
5725 118TH ST SE
DELANO MN 55328

GEORGE A PORTER TRUST +
11 OWINGS RD
WEST HARTFORD CT 06107

MORGAN MARJORIE CROMIE
3575 BENNINGTON DR # 137
FORT MYERS FL 33919

FERNANDEZ MORALES DE DAVIS IRM
138 BRITTANY CT
FORT MYERS FL 33919

HINES CRAIG A & URSULA ANNE
139 BRITTANY CT
FORT MYERS FL 33919

HEPPLER CATHY A TR
582 HIGHLAND BLVD
NEWARK OH 43055

DAVIS JACQUELIN +
2272 ANDREW RD
KETTERING OH 45440

GOVONI RONALD J
3575 BENNINGTON DR #8
FORT MYERS FL 33919

CARDONA JUAN &
370 BROOK AVE APT 17D
BRONX NY 10454

HUSS MONTE & KARLA L/E
1904 GUERNSEY DR
FREMONT OH 43420

VISHEY SUSAN MARIE
1254 HAWTHORNE RD
GROSSE POINTE WOODS MI 48236

ONEIL ELIZABETH A +
3575 BENNINGTON DR #4
FORT MYERS FL 33919

WATSON REGINA
7402 BERMUDA DUNES
YPSILANTI MI 48197

SULLIVAN KEVIN P
3575 BENNINGTON DR #2
FORT MYERS FL 33919

CARPINO FRANK & FRANCES
73 OAK AVE
RICHMOND HILL ON L4C 6R5
CANADA

KOEHLER JOSEPH & MARY J
9928 CHILLICOATE RD
KIRTLAND OH 44094

LEO MARLENE J L/E
15 HAVERHILL CT
FORT MYERS FL 33919

US BANK TRUST NATIONAL ASSN TR
SELENE FINANCE LLC
9990 RICHMOND AVE STE 400 S
HOUSTON TX 77042

LENDH GEORGE S
3575 BENNINGTON DR #13
FORT MYERS FL 33919

PAVESE DONNA M
5678 BADEN CT
FORT MYERS FL 33919

BAMS JUDITH & LOGSDON DAVID +
11455 W TWR RD 96
ALVADA OH 44802

DARR MARTHA L & ROBERT L TR
10 HAVERHILL CT
FORT MYERS FL 33919

HOOD DENNIS G &
4241 SILVER SWORD CT
NORTH FORT MYERS FL 33903

WOODS JEFFREY +
25 HUNTSMAN LN
PLANO IL 60545

VALENTI PETER & JOAN
23 CANNES CT
FORT MYERS FL 33919

LOPEZ LAURA C
3575 BENNINGTON DR #22
FORT MYERS FL 33919

VOLONAKIS NANCY C
3575 BENNINGTON DR #21
FORT MYERS FL 33919

HALL KELLY
3607 OHIO AVE
TAMPA FL 33611

BUSS TIMOTHY J &
23608 DOUGLAS DR
PLAINFIELD IL 60585

MARTIN R & TANNASRI
3575 BENNINGTON DR APT 18
FORT MYERS FL 33919

BENTZ MARGARET A
17 CANNES CT
FORT MYERS FL 33919

KITAHARA TAKAO &
1304 9TH ST
NORTH BERGEN NJ 07047

TANNER ROSEMARIE LYNN L/E
13343 BROADHURST LP
FORT MYERS FL 33919

CUADRA MIGUEL G
13345 BROADHURST LOOP
FORT MYERS FL 33919

BURSZTYN MATTHEW TIMOTHY
13347 BROADHURST LOOP
FORT MYERS FL 33919

KERR MARTIN +
13357 BROADHURST LOOP
FORT MYERS FL 33919

SFR 2012-1 FLORIDA LLC
1775 HANCOCK ST #200
SAN DIEGO CA 92110

RUSSELL JOHN CHRISTOPHER +
13353 BROADHURST LOOP
FORT MYERS FL 33919

VARNEDOE DOMINIQUE
13355 BROADHURST LOOP
FORT MYERS FL 33919

TRIMMER ALISON J +
13367 BROADHURST LOOP
FORT MYERS FL 33919

BALENTINE JANET L
13361 BROADHURST LOOP
FORT MYERS FL 33919

BRENNAN KATHLEEN
13363 BROADHURST LOOP
FORT MYERS FL 33919

JACKSON PAULA C TR
13365 BROADHURST LOOP
FORT MYERS FL 33919

SMITH HOWARD T & KATHLEEN E
307 DANIEL ST
DOVER NJ 07801

CALICCHIO JOSEPH A
13450 GREENGATE BLVD #312
FORT MYERS FL 33919

FICARELLI DEBORAH TR
17171 KEY VIZCAYA CT
FORT MYERS FL 33908

NADEAU ARNOLD
204 ADAMS ST
NEWTON MA 02458

JUSSAUME MICHAEL & ERICA
126 WIMBLEDON CROSSING
DRACUT MA 01826

BIERSACK PROPERTY MGMT INC
13450 GREENGATE BLVD 316
FORT MYERS FL 33919

LETOURNEAU JAMES & HELEN
13450 GREENGATE BLVD # 317
FORT MYERS FL 33919

LANGE CHRISTYL & BRIAN
13450 GREENGATE BLVD #321
FORT MYERS FL 33919

VIRGO CHRISTOPHER & DANA
7896 FOX HUNTER LN
PAINESVILLE OH 44077

LANGE SVEN ERIC &
1226 ARCOLA DR
FORT MYERS FL 33919

MCKINNEY DAVID L
13450 GREENGATE BLVD #324
FORT MYERS FL 33919

LETOURNEAU TODD
13450 GREENGATE BLVD #325
FORT MYERS FL 33919

FOLEY TERESA M
13450 GREENGATE BLVD #326
FORT MYERS FL 33919

EGIDI STEVEN & TAMMY J
1168 RIDGE CREST DR
VICTOR NY 14564

JUSSAUME MICHAEL A &
126 WIMBLEDON CROSSING
DRACUT MA 01826

VOISIN ELIZABETH J
13391 GATEWAY DR #112
FORT MYERS FL 33919

MAILLAKAKIS FRANCINE
13391 GATEWAY DR # 113
FORT MYERS FL 33919

STILLE DEXTER & PEGGY
13391 GATEWAY DR #114
FORT MYERS FL 33919

MARLEY BRIAN
13391 GATEWAY DR #115
FORT MYERS FL 33919

UNKNOWN HEIRS OF
GREGORY W RASMUSSEN
13391 GATEWAY DR UNIT 116
FORT MYERS FL 33919

OLSEN EVE R & SCOTT G
410 SW 19TH TER
CAPE CORAL FL 33991

CATHERINE ANN VAUGHN TRUST
13391 GATEWAY DR #121
FORT MYERS FL 33919

MEEKS KATHLEEN L +
518 MEMORY LN
WOOSTER OH 44691

WITAK SHEILA A
13391 GATEWAY DR #123
FORT MYERS FL 33919

CRAMER PATRICIA L
13391 GATEWAY DR #124
FORT MYERS FL 33919

MCGEE DILLON WALTER +
13391 GATEWAY DR #125
FORT MYERS FL 33919

KUCHENBECKER DENNIS A
19077 61ST AVE N
CHIPPEWA FALLS WI 54729

MAILLAKAKIS STEVEN M &
2149 SW 4TH AVE
CAPE CORAL FL 33991

KISS SANDRA J L/E
13411 GATEWAY DR #211
FORT MYERS FL 33919

KIPNIS HEATHER MAE
119 COMMONWEALTH AVE
ALEXANDRIA VA 22301

GOLDSTEIN HAROLD M &
67 BROADLAKE RD
COLCHESTER VT 05446

ZIMMERMAN ALAN R & ELAINE C
13411 GATEWAY DR #214
FORT MYERS FL 33919

HUDNALL RONALD P JR
13411 GATEWAY DR #215
FORT MYERS FL 33919

WELLING MICHELLE F
13411 GATEWAY DR #216
FORT MYERS FL 33919

UNKNOWN HEIRS OF
13411 GATEWAY DR #217
FORT MYERS FL 33919

NORMAN GLORIA I +
11941 CANAL GRANDE DR
FORT MYERS FL 33913

DIDINGER TODD C & ELAINE M
PO BOX 704
DANVILLE OH 43014

O'NEILL TERI +
1001 FORKS RD
WAINFLEET ON LOS IV0
CANADA

ARSENII CRISTINA
13411 GATEWAY DR #223
FORT MYERS FL 33919

ROSENTERTER LAURIE
13411 GATEWAY DR #224
FORT MYERS FL 33919

RAGOR JUSTIN E TR
5294 BRIDWELL LANE
WESTERVILLE OH 43081

THOMPSON KAREN V
13411 GATEWAY DR SW UNIT 226
FORT MYERS FL 33919

UPMANN JEFFREY W & SUSAN A
12683 PEMBERTON PL
WINNEBAGO IL 61088

ARMSTRONG J PRESTON TR
3328 SE 11TH PL
CAPE CORAL FL 33904

PYSZKA ALEXIS
13351 GREENGATE BLVD #411
FORT MYERS FL 33919

SMITH KELLY GENE &
13351 GREENGATE BLVD #412
FORT MYERS FL 33919

MCCANN MARGARET MARY
13351 GREENGATE BLVD #413
FORT MYERS FL 33919

FONTAINE SALLY
13351 GREENGATE BLVD SW #414
FORT MYERS FL 33919

KNUDSON KEITH A & JOANNE J L/E
1769 RED WILLOW RD
MORRIS IL 60450

RYDER LOGAN ANTHONY
13351 GREENGATE BLVD #416
FORT MYERS FL 33919

SPERRAZZA MICHAEL VINCENT +
13351 GREENGATE BLVD #417
FORT MYERS FL 33919

MARTIN CHARLES R TR
1917 NAVAJO DR
FORT COLLINS CO 80525

CABRERA GISELLE +
13351 GREENGATE BLVD #421
FORT MYERS FL 33919

SOTO EDGAR HERNANDEZ &
6624 WOOD CIR E
MIDDLETON WI 53562

MARTIRE LOREDANA
13351 GREENGATE BLVD #423
FORT MYERS FL 33919

PEARCE VICTORIA TRACY
13351 GREENGATE BLVD #424
FORT MYERS FL 33919

KELLY LISA M
13351 GREENGATE BLVD #425
FORT MYERS FL 33919

MCGARY DAWN A
DAWN MCGARY CHAMBLEE
4523 MORNING DOVE CT
DENVER NC 28037

FOUTS EVELYN A
7868 W 180 S
RUSSIAVILLE IN 46979

SWEENEY PATRICK J &
940 MARY DR
LAPEER MI 48446

OHARROW MARK G & JOAN E
489 INVERNESS TRAIL
DAKOTA DUNES SD 57049

MIHALIC ANNA LOUISE
13311 GREENGATE BLVD #612
FORT MYERS FL 33919

TERENNA JULIA PEREZ
13311 GREENGATE BLVD #613
FORT MYERS FL 33919

KELLEY JEFFREY A TR
8890 PASEO DE VALENCIA ST
FORT MYERS FL 33908

KOSZULINSKI GEORG
14550 GLEN COVE DR #704
FORT MYERS FL 33919

BABOR GERALD E & NANCY J
4 TOWNSEND PL
SYOSSET NY 11791

BAUMBECK EDWARD C III &
12000 BETTYE ANN CT
LOUISVILLE KY 40299

DRUCKENMILLER KATI LYNN
13311 GREENGATE BLVD #618
FORT MYERS FL 33919

KREBSBACH ROBERT A &
1227 KENNEDY DR
GRAND ISLAND NE 68803

MUSINSKAIA IRINA
13311 GREENGATE BLVD #622
FORT MYERS FL 33919

ACKLEY DANIEL & MARILYN A
121 SOUTHARD DR
MANAHAWKIN NJ 08050

MILLER GLENN R
13311 GREENGATE BLVD #624
FORT MYERS FL 33919

MCADAMS MORTEN &
15194 PALM ILSE DR
FORT MYERS FL 33919

DIOCESE OF VENICE
1000 PINEBROOK RD
VENICE FL 34285

DIOCESE OF VENICE
1000 PINEBROOK RD
VENICE FL 34285

TARRY TIMOTHY STEVEN &
13311 GREENGATE BLVD #628
FORT MYERS FL 33919