

EXHIBITS

CASE # SEZ2025-00005

**CASE NAME: CYPRESS LAKE PRESBYTERIAN
CHURCH FOOD PANTRY**

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? YES NO

LOCATION OF BOARDS

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

EXHIBITS
APPLICANT

Case #
STAFF

SEZ2025-00005

#1 fact sheet

#1 Staff Report

#2 _____

#2 affidavit of publication

#3 _____

#3 _____

#4 _____

#4 _____

#5 _____

#5 _____

#6 _____

#6 _____

#7 _____

#7 _____

#8 _____

#8 _____

#9 _____

#9 _____

#10 _____

#10 _____

OTHER EXHIBITS

NAME

NUMBER

DESCRIPTION

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____

_____ # _____



South Fort Myers Food Pantry Coalition, Inc.

8260 Cypress Lake Drive • Fort Myers, FL 33919
239.628-3191

E-Mail: sfmfoodpantry@yahoo.com
Website: www.sfmfoodpantry.com

Hours of Operation:

Mondays 10 a.m.-12:30 p.m. & 4:30 p.m.-7:00 p.m.

Proud Partner Agency of The Harry Chapin Food Bank & MidWest Food Bank

The South Fort Myers Food Pantry was formed by a coalition of churches and a community organization, providing continuing financial support and volunteers to staff the operation, and is operated entirely by *UNPAID VOLUNTEERS*. The SFMFPC was incorporated in 2010 and has a 501(c)(3) status as a non-profit organization. All gifts are tax deductible.

OUR MISSION:

To feed the needy of South Fort Myers

WHO DOES THE FOOD PANTRY SERVE?

**ZIP CODES: 33907, 33908, 33912, 33913,
33919, 33924, 33957, 33966.**

WHERE DOES THE FOOD PANTRY GET ITS FOOD?

- As a partner agency, we receive food from the Harry Chapin Food Bank.
- Food is donated directly to the pantry.
- The pantry is approved to dispense food provided by the U.S. Department of Agriculture at no charge.
- The pantry purchases food locally to supplement its needs.

EVERY \$1 DONATED DISTRIBUTES

\$12 WORTH OF FOOD

**(LBS. DISTRIBUTED X VALUE OF LB. OF FOOD (\$1.73)
DIVIDED BY BUDGET TO DISTRIBUTE FOOD)**

OPPORTUNITIES TO HELP

**WE WOULD BE PLEASED TO MAKE A
PRESENTATION TO YOUR CHURCH OR
ORGANIZATION TO SHARE OUR VISION
OF CARING FOR OUR LOCAL NEIGHBORS.**

Donate Food

We welcome and accept non-perishable food donations. These donations may be delivered to the food pantry during normal hours of operation any Monday.

Donate Via Check :

South Fort Myers Food Pantry
Coalition, Inc.
8260 Cypress Lake Drive
Fort Myers, FL 33919

A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES WEBSITE WWW.FLORIDAConsumerHELP.COM OR BY CALLING TOLL FREE (1-800-HELP-FLA (435-7352) WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL OR RECOMMENDATION BY THE STATE. REGISTRATION #CH49856.

In accordance with federal law and US Department of Agriculture policy, the South Fort Myers Food Pantry Coalition is prohibited from discriminating on the basis of race, sex, age, color, national origin, disability, religion or sexual orientation when recruiting volunteers or distributing food.

THIS ORGANIZATION IS AN EQUAL OPPORTUNITY PROVIDER

BOARD OF DIRECTORS

Biff Staples, President • Mark Gisse, Vice President
Rich Meacham, Treasurer • Jan Emrich, Secretary
Leah Barfoot Director • Tom Butcher, Director
Jo Chalk, Director, Deb Ross, Director

COALITION MEMBERS

Church of the Resurrection of our Lord
Cypress Lake Presbyterian Church
Cypress Lake United Methodist Church
Iona Hope Episcopal Church
St. Colombille Catholic Church
Sanibel Community Church
Sanibel Congregational United Church of Christ
The Unitarian Universalist Church of Fort Myers
Thomas A. Edison Congregational Church
Zion Lutheran Church

SUPPORTING PARTNERS

Annunciation Greek Orthodox Church
Chapel by the Sea, Captiva
Fort Myers Congregational United Church of Christ
St. Michael and All Angels Episcopal Church
The Lexington Country Club
The Village Church at Shell Point

APPLICANT'S EXHIBIT # _____



Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

AFFIDAVIT OF PUBLICATION

Brienne Cherry
Lebc-Dept Of Comm Development-D
1500 Monroe ST
Fort Myers FL 33901-5500

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Sale, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

06/19/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 06/19/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$231.84
Tax Amount: \$0.00
Payment Cost: \$231.84
Order No: 11387330
Customer No: 1124450
PO #: 900697

of Copies:
1

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Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

The Hearing Examiner of Lee County will hold public hearings on Thursday, July 3, 2025, in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL. An interested individual may appear and be heard with respect to the case(s) below. The Hearing Examiner's written decision becomes final on the date rendered. That decision may be appealed to Circuit Court in Lee County if an appeal is filed within 30 days of the date the decision is rendered. Copies of staff report(s) are available one week prior to the hearing. The file can be reviewed at the Zoning Section, 1500 Monroe St., Fort Myers, FL. Call 239-533-8585 for additional information. In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact the ADA Coordinator at (239) 533-8782, ADARequests@leegov.com or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance.

The following cases will be heard (Lee County Land Development Code is abbreviated below as LDC):

SEZ2025-00005
CYPRESS LAKE PRESBYTERIAN
CHURCH FOOD PANTRY

9:00 am
Request for a Special Exception in accordance with Land Development Code Section 34-714 in the Residential Multiple Family (RM-2) zoning district to allow an existing Religious Facility approved by SEZ2011-00004 in 2011 to expand their food pantry by adding an outdoor refrigerated storage container.

Located at 8260 Cypress Lake Drive, Fort Myers, South Fort Myers Planning Community, Lee County, FL

SEZ2025-00004

EASY PARK N STOR

1:00 pm
Request for a Special Exception to change the allocation of uses on the subject property to allow 58,205 square feet of "Storage, Open" and 37,820 square feet of "Mini-Warehouse" with 689 square feet of office on 6.14 acres of land.

Located at 2730-2746 North Tamiami Trail, North Fort Myers Planning Community, Lee County, FL

June 19, 2025 11387330

STAFF'S EXHIBIT #
2

LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

RECEIVED

JUN 25 2025

Case Number: SEZ2025-00005
Case Name: Cypress Lake Presbyterian Food Pantry
Hearing Examiner Date: July 3, 2025

BY: HEARING EXAMINER'S OFFICE

Application Summary

Applicant: Mike Roeder in reference to Cypress Lake Presbyterian Food Pantry.

Request: Request a Special Exception in accordance with Land Development Code Section 34-714 in the Residential Multiple-Family (RM-2) zoning district to allow an existing Religious Facility approved by in 2011 (SEZ2011-00004) to expand their food pantry by adding an outdoor refrigerated storage container.

Location: The subject property is located at 8269 Cypress Lake Drive, South Fort Myers Planning District, Lee County, FL. (District #2). The applicant indicates the STRAP number is: 22-45-24-00-00001.015A.

RECOMMENDATION:

Staff recommends **APPROVAL** of the applicant's request with the conditions listed below.

BACKGROUND INFORMATION AND ANALYSIS:

Cypress Lake Presbyterian Food Pantry was approved in 2011 (SEZ2011-00004) for 1,200 square feet of food pantry within a 3,600-square-foot church building. This request is to add a refrigerated shipping container approximately 320 square feet in area (8 feet x 40 feet) next to the pantry to allow the pantry to provide more perishable food items for almost 400 patrons.

This 4.6-acre site is on the north side of Cypress Lake Drive, west of Summerlin Road, and contains a 22,400-square-foot church. The church operates a food pantry, from a portion of a 3,600-square-foot building built in 2011. The Applicant wishes to add a refrigerated container next to the pantry, which was not depicted on the site plan approved by SEZ2011-00004, requiring another Special Exception approval.

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 addition onto an existing food pantry, in conjunction with an established religious facility is consistent with the Lee County Comprehensive Plan Policy 1.1.3.

Surrounding Zoning

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, zoned Residential Single-Family (RS-1). North and west is the Green Gate Condominiums, in a Residential Multiple-Family Zoning District (RM-2).

Compatibility

The characteristics of the subject property and those of the surrounding neighborhood suggest that the request is compatible with surrounding uses. The site contains an existing church with a food pantry. The property is zoned RM-2 and is surrounded by residential and Community Facilities Planned Development zoning. The proposed refrigerated container will be placed on the east side of the existing buildings, which abut another church on the adjacent property. The proposed Special Exception will not impact the residential areas abutting this site.

Environmental

Environmental staff has reviewed the request and conditioned that the applicant must demonstrate compliance with the approved Landscape Plan approved by Development Order 94-08-017.00D.

Transportation

Transportation staff has reviewed this request and stated that a 320-square-foot refrigerated container addition to the site will have negligible traffic impact in the area.

Special Exception

Section 34-145(c)(3)a of the Land Development Code (LDC) establishes the review criteria for Special Exception requests. The following provides staff's analysis of the applicant's request and whether it meets the criteria to be entitled to a Special Exception.

1. Consistency with the goals, objectives, policies, and intent of the Lee Plan:

The subject property is in the Central Urban future land use category. Policy 1.1.3 describes the Central Urban future land use category as already the most heavily settled and have, or will have, the greatest range of public services. Residential, commercial, public and quasi-public, and limited light industrial land uses will predominate in the Central Urban future land use category. Expansion of an existing food pantry is appropriate in this land use category. Staff finds the request consistent with Policy 1.1.3.

Policy 2.1.3 of the Lee Plan states that all land use categories permit the consideration of churches and schools, public uses and buildings, etc. when consistent with the goals, objectives, policies and standards of the Lee Plan. This site is already developed with a church and a food pantry. Staff finds the request consistent with Policy 2.1.3.

Policy 5.1.5 of the Lee Plan intends to protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of residential development. A church and a food pantry are already located on this site and have been operational for many years. Addition of a refrigerated container behind the pantry building will not negatively impact surrounding residential uses. Staff finds the request consistent with Policy 5.1.5.

2. Protection, conservation, and reservation of environmentally critical and sensitive areas and natural resources:

The area considered is already cleared and paved. The addition of a 320-square-foot structure over a paved area will have no impact on environmentally critical and sensitive areas.

3. *Compatibility with existing and planned uses:*

The area is developed with residential and institutional uses. This site is already developed with a religious facility and a food pantry. A refrigerated container located behind the pantry building and an existing church on the abutting property to the east will not cause any incompatibility issues with existing and planned uses.

4. *Request will not be injurious to the neighborhood or be detrimental to the public welfare:*

This request proposes expansion of an existing food pantry. It is not anticipated that this request to install a 320-square-foot refrigerated container will be injurious to the neighborhood or detrimental to the public welfare.

5. *Compliance with zoning regulations pertaining to the use and other applicable regulations:*

The site will comply with the zoning and development regulations and will be reviewed for compliance of all applicable regulations at the time of a local development order approval for the expansion.

Conclusion

Based on analysis of the application and the standards for approval of a Special Exception established in Section 34-145(c) of the Land Development Code, staff has concluded that:

- a) The request, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan;
- b) The request will not negatively impact any environmentally critical or sensitive areas or natural resources;
- c) The request, as conditioned, is compatible with existing and planned uses;
- d) The request, as conditioned, will not be injurious to the neighborhood or detrimental to the public welfare; and
- e) The request will comply with zoning regulations pertaining to the use and other applicable regulations.

Staff recommends approval of this request subject to the following conditions:

- 1. The site must be developed in substantial compliance with the attached Site Plan (Attachment "C").
- 2. Expansion of the building footprint to add the cooler will require the applicant to demonstrate compliance with the approved landscaping per Development Order 94-08-017.00D.

Attachments

- A. Expert Witness List
- B. Aerial, Zoning and Future Land Use Maps
- C. Special Exception Site Plan
- D. SEZ2011-00004 HEX Decision
- E. Application and narrative
- F. Legal Description

LEE COUNTY STAFF EXPERT WITNESS INFORMATION

PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Case Number: SEZ2025-00005

Project Name: Cypress Lake Presbyterian Food Pantry

Hearing Examiner Date: July 03, 2025

CHAHRAM BADAMTCHIAN, AICP, Planner, Senior, Zoning Section, 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, zoning, and land use planning.
- 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.

William Lange, Planner, Zoning Section, 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 planning.
- 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.

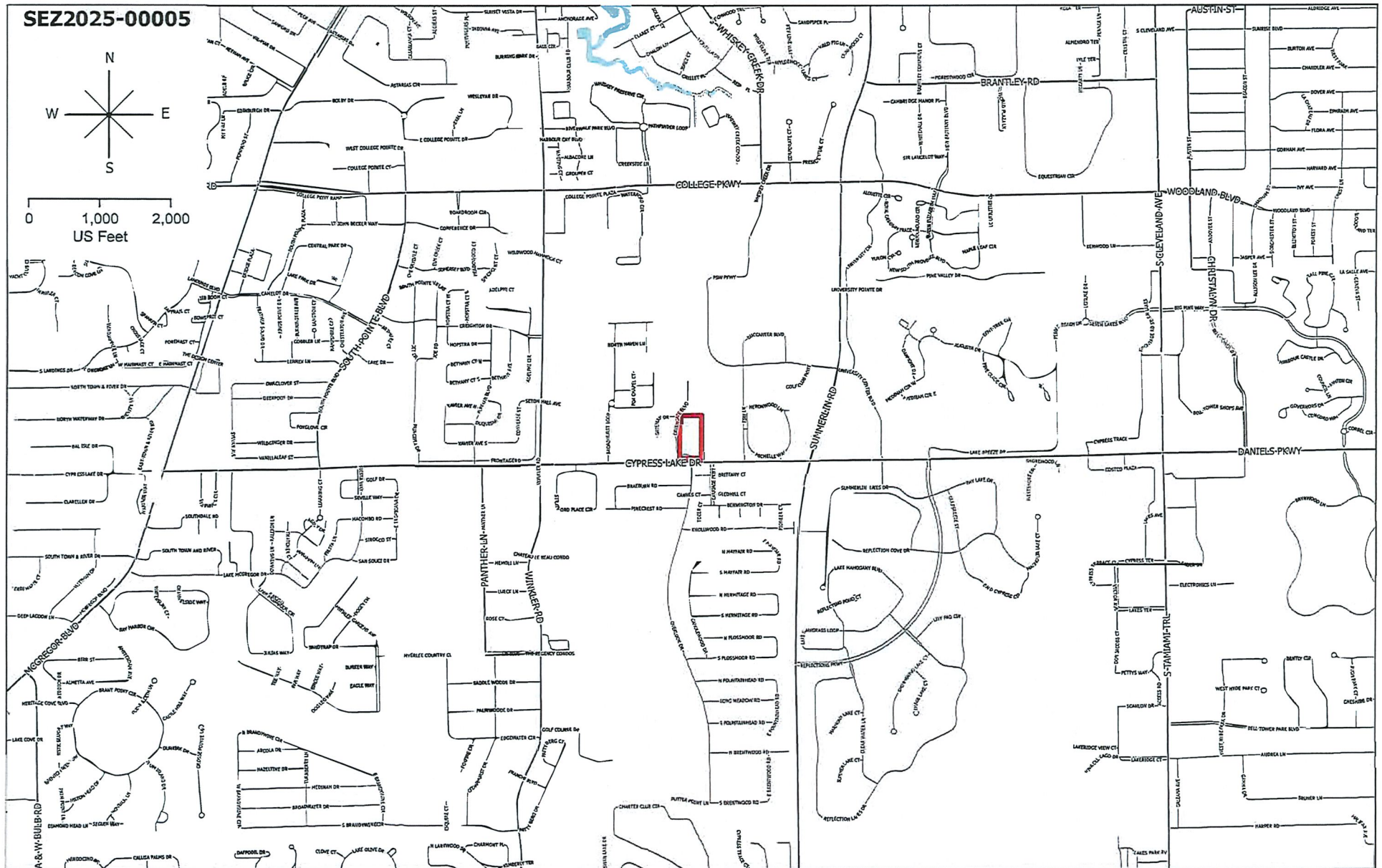
Katherine Burgess, Principal Planner, Planning Section, 1500 Monroe Street, Fort Myers, FL 33901

- 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 comprehensive planning.
- 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.

Jillian Scholler, Deputy Director, Department of Transportation, 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 Traffic Engineering and Transportation Planning.
- 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.

SE22025-00005

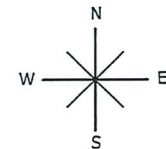




SEZ2025-00005

Aerial

 Subject Property



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Feet

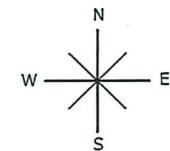


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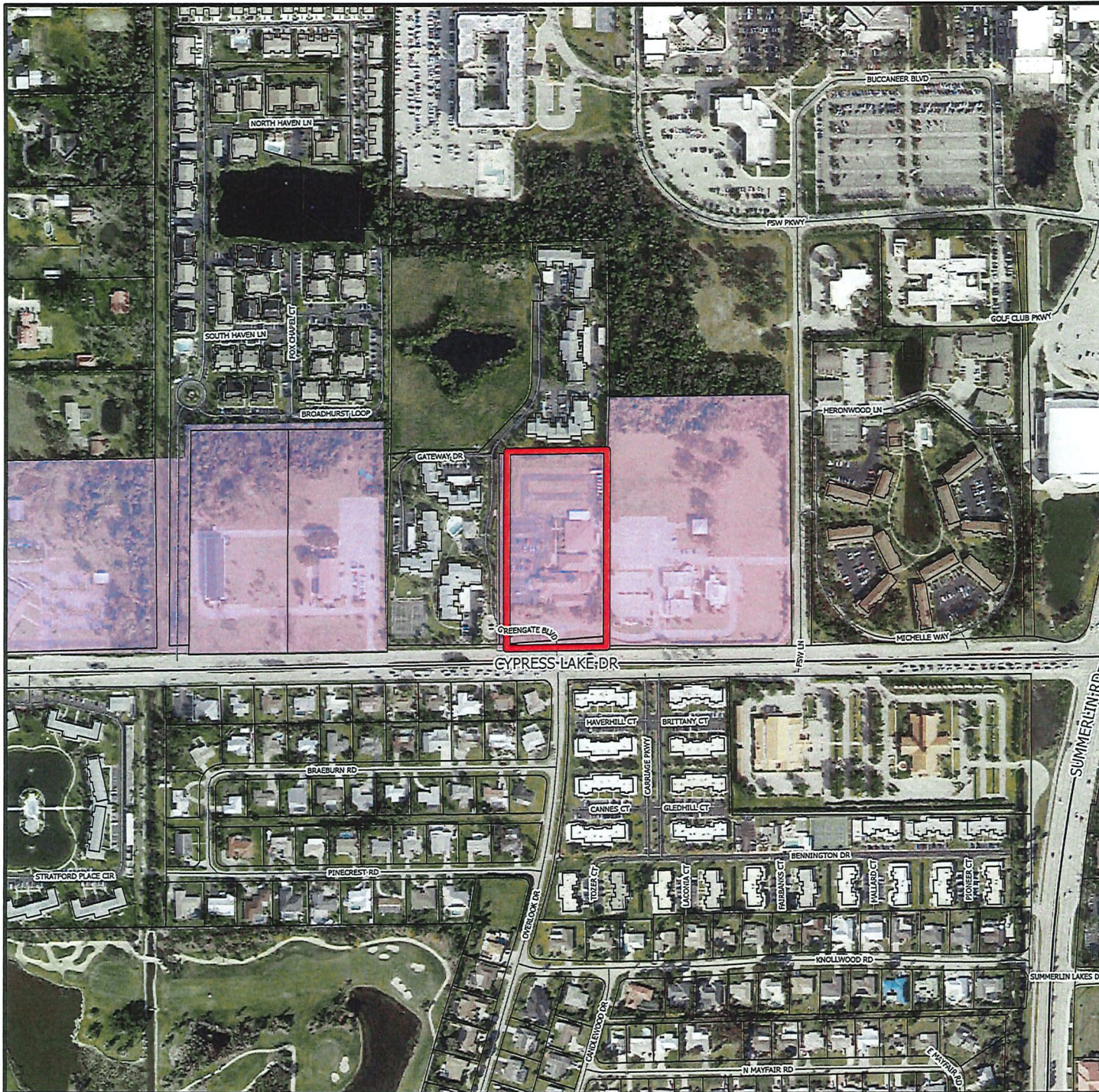
Future Land Use



-  Subject Property
-  Intensive Development
-  Central Urban
-  Public Facilities



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Feet

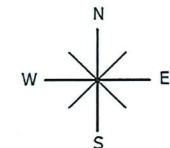


SEZ2025-00005

Mixed Use Overlay

 Subject Property

 Mixed Use Overlay



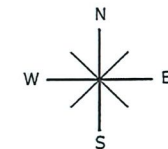
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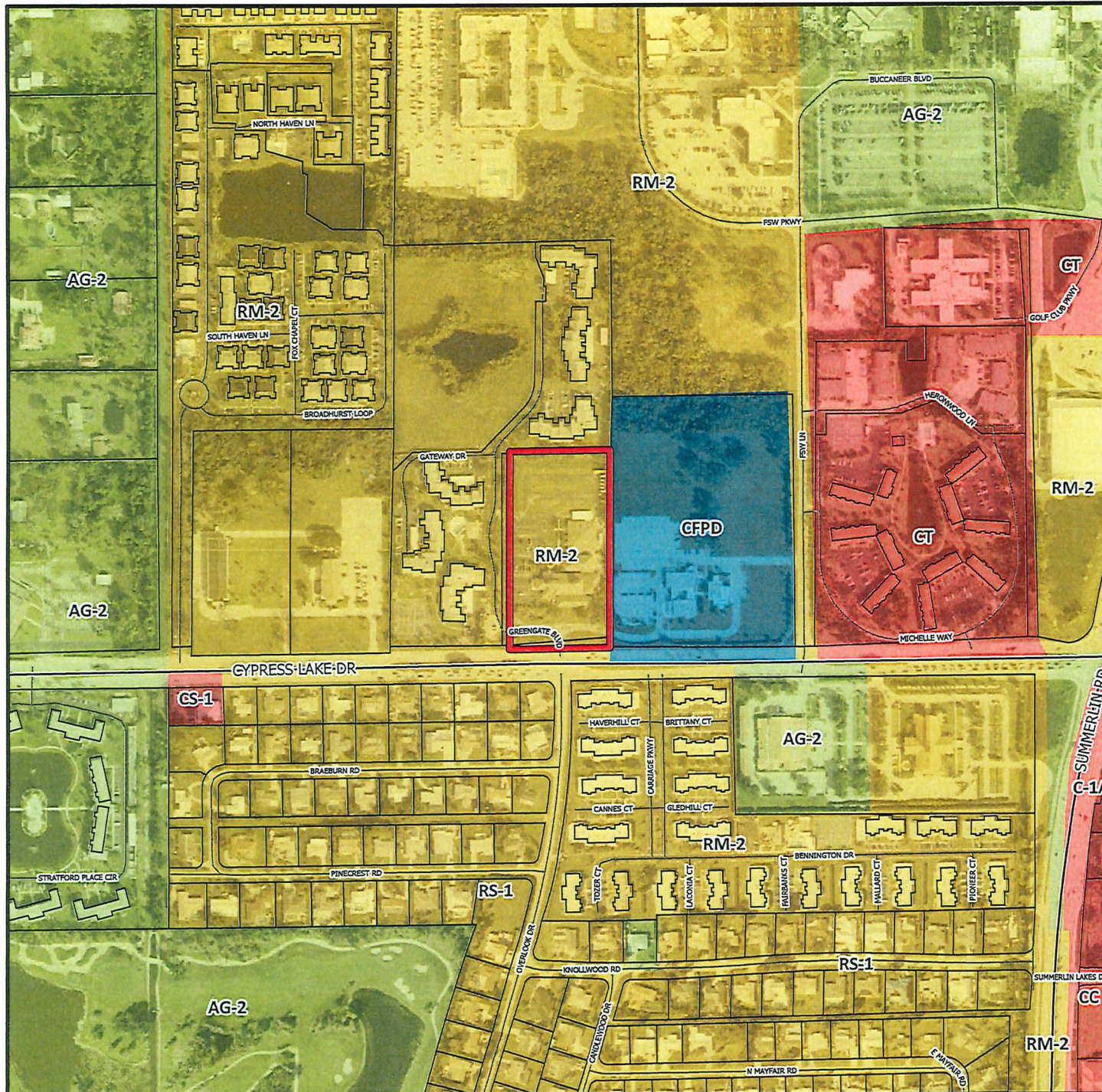
SEZ2025-00005

Zoning

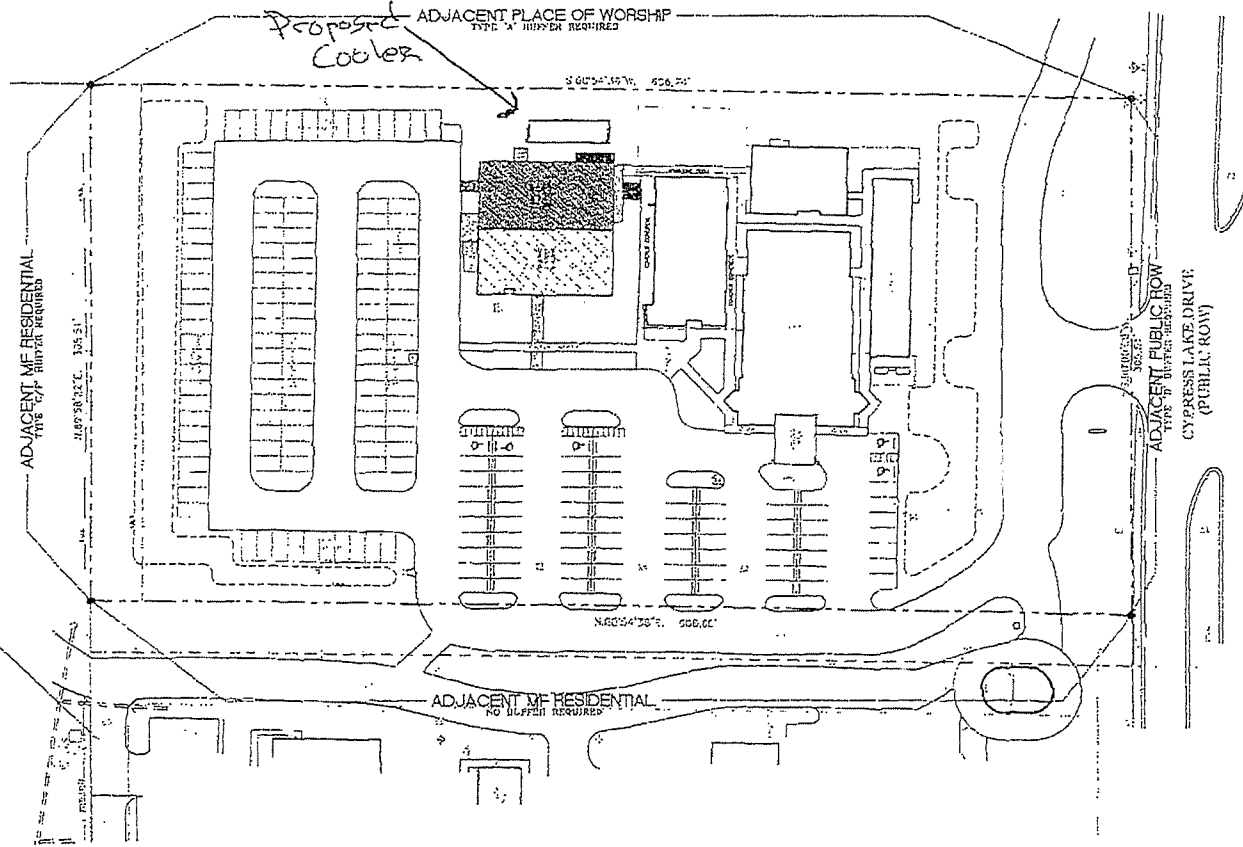
 Subject Property



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Feet



SITE PLAN



GENERAL NOTES:

PARKING/DRIVEWAY

- 1. ALL PARKING SPACES SHALL BE 10' X 20'.
- 2. ALL DRIVEWAYS SHALL BE 10' WIDE.
- 3. ALL DRIVEWAYS SHALL BE 10' WIDE.
- 4. ALL DRIVEWAYS SHALL BE 10' WIDE.
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GREEN SPACE/VEGETATION

- 1. ALL GREEN SPACE SHALL BE 10' WIDE.
- 2. ALL GREEN SPACE SHALL BE 10' WIDE.
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LAND ARCHITECTS
2007 N. UNIVERSITY AVE. SUITE 100
FORT WORTH, TEXAS 76107
PHONE: 817.335.9441
FAX: 817.335.9442
WWW.LANDARCHITECTS.COM

CYPRESS PRESBYTERIAN CHURCH
FOOD PANTRY ADDITION
LEE COUNTY, FLORIDA

PREPARED FOR:
SOURCE, INC.
11111 UNIVERSITY BLVD.
FORT WORTH, TEXAS 76107

Sheet Title SPECIAL EXCLUSION
ZONING
SITE PLAN
(Sheet 1 of 1)

LAND ARCHITECTS, INC.
11.21.01

PLANNED DEVELOPMENT

11.21.01

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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 Badamchian. 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. Badamchian, 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:

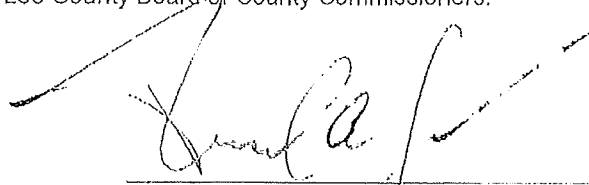
This Decision becomes final on the date rendered. A Hearing Examiner Decision may be appealed to the Circuit Court in Lee County. Appeals must be filed within thirty (30) days of the date the Hearing Examiner Decision is rendered. Appeal is by Petition for Writ of Certiorari in accordance with Lee County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



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.

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902

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

development of the property?

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

B. 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 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 $\frac{1}{4}$ 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 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

REVIEWED

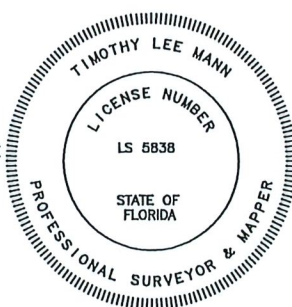
Project: SEZ2025-00005

By: Richard Burris

Dept: Legal Review

Date: 05/28/2025

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 LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5838

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.

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

8260 CYPRESS LAKE DR, FT MYERS

TITLE: LEGAL DESCRIPTION				
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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

