

Exhibit F**GIS Tracking Sheet**Case No.: VAR2010-00015Intake Date: June 9, 2010Project Name: Perfect Cup Parking VarianceSTRAP Number(s): 24-44-22-DD-00015. 0000+24-44-22-DD-00014.0000Planner Name: Shawn Hamey Ext. 38984**LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING**Date: 6/11/10INTAKE: VAR10015LEGAL SUFFICIENT☒ YES☐ NOInitials: CH

If not, give brief explanation:

Approved**MAP UPDATE following FINAL ACTION**

Date:

☐ Hearing Examiner Decision☐

Board of County Commissioner's Resolution

☐ Administrative Approval☐

Blue Sheet

Zoning Notes:

9-17-10MAP UPDATED☒ YES☐ NOInitials: CH

If not, give brief explanation:

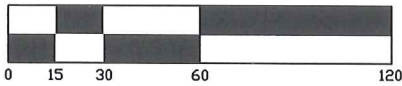
ZONE: C: 1: 000168

A. J. WATSON

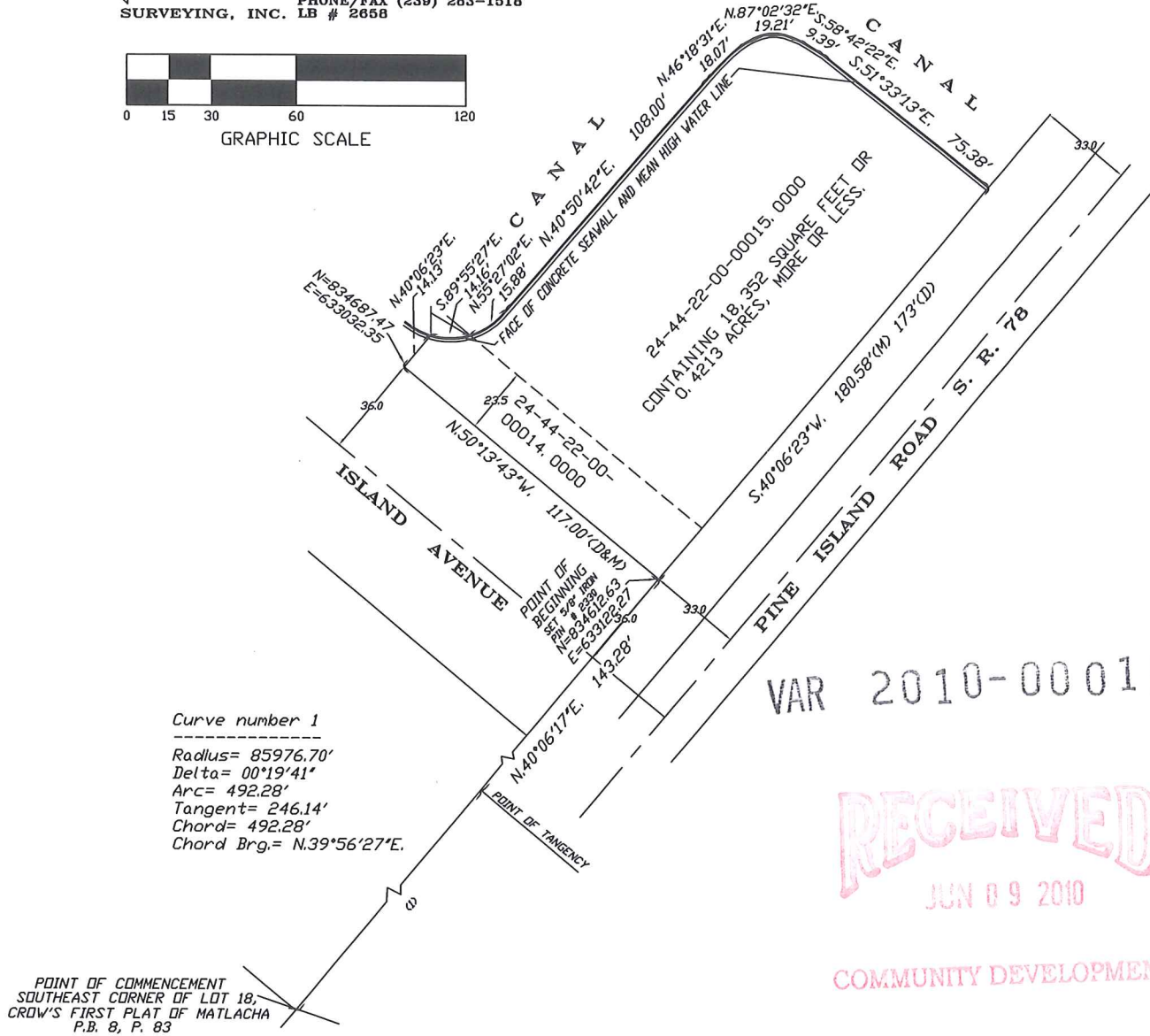
SHEET 1 OF 2



2284 DATE STREET
ST. JAMES CITY, FLORIDA 33956
PHONE/FAX (239) 283-1518
SURVEYING, INC. LB # 2658



GRAPHIC SCALE



VAR 2010-00015

RECEIVED
JUN 09 2010

COMMUNITY DEVELOPMENT

APPROVED
LEGAL
By 6/11/10

NOTE:
BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE
FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE.

SPECIFIC PURPOSE SKETCH AND DESCRIPTION OF THE FOLLOWING:
4558 AND 4566 PINE ISLAND ROAD, MATLACHA, FL 33993
MORE PARTICULARLY DESCRIBED ON SHEET 2 OF 2.

This survey is in compliance with the minimum technical standards as set
forth in Chapter 61G17-6, Florida Administrative Code. This Survey Map is
not valid without the signature and raised seal of a Florida Licensed
Surveyor and Mapper.

FOR: DEMCO

JOB # 10-0067 F. B. L 144-61

STRAP # 24-44-22-00-00014.0000

STRAP # 24-44-22-00-00015.0000

SKETCH OF SURVEY
SCALE 1" = 60'

ALFRED J. WATSON
PROFESSIONAL SURVEYOR AND MAPPER
#2330 - STATE OF FLORIDA

DATE: APRIL 28, 2010

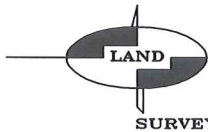
DATE:

DATE:

THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

A. J. WATSON

SHEET 2 OF 2



2284 DATE STREET
ST. JAMES CITY, FLORIDA 33956
PHONE/FAX (239) 283-1518
LB # 2658

SURVEYING, INC.

COMMENCE AT THE SOUTHEAST CORNER OF LOT 18, OF CROW'S FIRST PLAT OF MATLACHA, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 8, PAGE 83, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN EASTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE OF PINE ISLAND ROAD, S.R. 78, WITH THE ARC OF A CURVE TO THE RIGHT HAVING FOR ITS ELEMENTS A RADIUS OF 85,976.70 FEET, A CENTRAL ANGLE OF 00°19'41", A CHORD WHICH BEARS N 39°56'27" E 492.28 FEET, FOR 492.28 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE WITH SAID RIGHT OF WAY LINE N 40°06'17" E FOR 143.28 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF ISLAND AVENUE AND THE POINT OF BEGINNING; THENCE RUN N 50°13'43" W ALONG SAID RIGHT OF WAY LINE OF ISLAND AVENUE FOR 117.00 FEET TO A POINT, THENCE N 40°06'23" E PARALLEL TO THE AFOREMENTIONED RIGHT OF WAY LINE OF PINE ISLAND ROAD FOR 14.13 FEET TO A POINT ON THE MEAN HIGH WATER LINE AND WATERWARD FACE OF A CONCRETE SEAWALL; THENCE WITH THE MEANDERS OF SAID SEAWALL AND MEAN HIGH WATER LINE THE FOLLOWING COURSES: S 89°55'27" E FOR 14.16 FEET, N 55°27'02" E FOR 15.88 FEET, N 40°50'42" E FOR 108.00 FEET, N 46°18'31" E FOR 18.07 FEET, N 87°02'32" E FOR 19.21 FEET, S58°42'22" E FOR 9.39 FEET AND S 51°33'13" E FOR 75.38 FEET TO A POINT ON THE AFOREMENTIONED NORTHWESTERLY RIGHT OF WAY OF PINE ISLAND ROAD; THENCE RUN S 40°06'23" W ALONG SAID RIGHT OF WAY LINE FOR 180.58 FEET TO THE POINT OF BEGINNING. CONTAINING 18,352 SQUARE FEET OR 0.4213 ACRES, MORE OR LESS.

VAR 2010-00015

RECEIVED
JUN 09 2010

COMMUNITY DEVELOPMENT

NOTE:

BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE.

APPROVED
LEGAL

6/11/10

SPECIFIC PURPOSE SKETCH AND DESCRIPTION OF THE FOLLOWING:

4558 AND 4566 PINE ISLAND ROAD, MATLACHA, FL 33993

SEE SHEET 1 OF 2 FOR SKETCH OF SURVEY.

This survey is in compliance with the minimum technical standards as set forth in Chapter 61G17-6, Florida Administrative Code. This Survey Map is not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.

FOR: DEMED

JOB # 10-0067 F. B. L 144-61

STRAP # 24-44-22-00-00014.0000

STRAP # 24-44-22-00-00015.0000

Alfred J. Watson

ALFRED J. WATSON
PROFESSIONAL SURVEYOR AND MAPPER
#2330 - STATE OF FLORIDA

DATE: APRIL 28, 2010

DATE:

DATE:

THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

RECEIVED
SEP 03 2010
ZONING

VARIANCE: VAR2010-00015
APPLICANT: ANNA DEMEO, in reference to PERFECT CUP PARKING VARIANCE
HEARING DATE: AUGUST 26, 2010

I. APPLICATION:

Filed by ANNA DEMEO, P.O. BOX 694, Matlacha, Florida 33993 (Applicant/ Owner); TDM CONSULTING, INC., c/o VERONICA MARTIN, 6810 Porto Fino Circle, Fort Myers, Florida 33912 (Agent); AJ WATSON LAND SURVEYING, INC., c/o AJ WATSON, P.O. Box 423, Saint James City, Florida 33956.

Request is in the C-1 (Commercial) zoning district, to legitimize the existing parking lot configuration and from the parking space requirements for an office, retail shops, dance studio and coffee shop/restaurant, variances from the following provisions of the Lee County Land Development Code:

1) Section 34-2020 that requires 56 parking spaces (for an office, retail shops, dance studio and coffee shop/restaurant) to allow 25 parking spaces;

2) Section 34-2013 (a) that requires parking lots must be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion to permit backout parking;

3) Section 34-2016(1) that requires parking spaces at 90 degree angles must be 18 feet in length to permit existing parking spaces in front of building to remain at 13.34 feet;

4) Section 34-2013(b)(3) that requires a maximum parking lot entrance width of 35 feet to allow a 35.24 foot wide parking lot entrance on Island Avenue;

5) Section 34-2017 that requires all parking lots must have a paved, dust-free, all-weather surface to permit the existing shell parking behind the structures to remain;

6) Section 34-2016(3) that requires aisle width must be a minimum of 12 feet for one-way 30 and 45 degree angled parking to permit one-way drive aisle to vary in width from 7.8 to 12.0 feet.

The development is connected to existing potable water and sanitary sewer.

The subject property is located at 4548 and 4566 Pine Island Road NW, Pine Island Planning Community, Lee County, Florida.

The Strap # as furnished by the Applicant is: 24-44-22-00-00015.0000 and 24-44-22-00-00014.0000

II. STAFF RECOMMENDATION: **APPROVAL**

The Department of Community Development Staff Report was prepared by Shawn Lamey. 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 the Six (6) Variances, as set forth in Section I above, for the real estate described in Section VIII. Legal Description WITH THE FOLLOWING CONDITION(S):

A: CONDITIONS:

1. The variance is limited to the site plan, as shown on **Exhibit "B"** entitled "Perfect Cup Parking Variance," submitted by the applicant and stamped received by Community Development July 8, 2010.
2. The hours of operation for the restaurant are from 7:00 a.m. to 4:00 p.m. Monday to Sunday. The hours of operation for the dance studio will be Monday to Friday, 4:00 p.m. to 11:00 p.m. and Saturday 9:00 a.m. to 11:00 a.m.
3. Outdoor seating for restaurant use is prohibited.
4. This variance is applicable only to the current use in Unit #2 for the 2, 070-square foot coffee shop/restaurant (Group III Restaurant) and Unit #4 for a 1, 200 square foot dance studio (School, commercial). If the coffee shop/restaurant use ceases, it cannot be reestablished on the property, unless another parking variance is requested. If the Dance Studio use ceases, the unit must be replaced with uses in accordance with the Land Development Code (LDC), Section 34-622(5) - Business Services, Group I or Section 34-622(47) - Specialty retail shops. Any other change of use other than Section 34-622(5) - Business Services, Group I or Section 34-622(47) - Specialty retail shops will cause this parking variance to be full and void.
5. Within 60 days of the approval of this zoning action, development order (letter of transmittal) LDO2010-00168 must be amended depicting the following site improvements:
 - a) The applicant must provide an on-site bike rack to accommodate customers arriving by bicycle as depicted on the site plan shown on Attachment "B."
 - b) A guardrail must be installed along the entire length of the seawall/canal for the safeguard of wayward vehicles.
 - c) The existing dumpster must be enclosed per Section 10-261 (c) All storage areas/containers must be adequately shielded by a landscaped screen or solid fencing along at least three sides. Use of chain link fencing to meet this requirement is prohibited. Refer to Lee County Land Development Code Section 10-610(d)(2) for guidelines.
 - d) STOP signs at each exit on the parcel

e) Two signs must be placed on the front of the buildings on site, and one sign in the interior of the restaurant, on site, informing the public that parking or additional parking is available in the rear of the site.

IV. HEARING EXAMINER DISCUSSION:

This is a request for six variances from certain requirements of Lee County Land Development Code Chapter 34. The specific requests are as follows.

1) Section 34-2020 requires 56 parking spaces (for an office, retail shops, dance studio and coffee shop/restaurant), the Applicant requests a variance for 25 parking spaces;

2) Section 34-2013 (a) requires parking lots must be designed to permit vehicles existing the parking lot to enter the street right-of-way or easement in a forward motion, the Applicant requests a variance to permit backout parking;

3) Section 34-2016(1) that requires parking spaces at 90 degree angles must be 18 feet in length. Applicant request a variance to permit existing parking spaces in front of building to remain at 13.34 feet;

4) Section 34-2013(b)(3) that requires a maximum parking lot entrance width of 35 feet. The Applicant requests a variance to allow a 35.24 foot wide parking lot entrance on Island Avenue;

5) Section 34-2017 that requires all parking lots must have a paved, dust-free, all-weather surface. The Applicant requests a variance to permit the existing shell parking behind the structures to remain;

6) Section 34-2016(3) that requires aisle width must be a minimum of 12 feet for one-way 30 and 45 degree angled parking. The Applicant requests a variance to permit one-way drive aisle to vary in width from 7.8 to 12.0 feet.

The property is in a Commercial Zoning District. Approval will legitimize the existing parking lot design (25 parking spaces) and parking space requirements for a building with an office, retail shops, dance studio and coffee shop/restaurant. The 18,352 square foot site is on the north side of Pine Island Road, in the historic district of Matlacha. It is rectangular, with an average depth of 75 feet, and an average 180 foot road frontage on Pine Island Road, and frontage of 117 feet on Island Avenue. There are two one-story commercial buildings onsite. The 4,270 retail building has historically been used as a grocery store and meets the parking requirements for that use. The property is within Urban Community Future Land Use Category as defined in the Lee County Comprehensive Plan.¹

¹

Lee County Comprehensive Plan Policy 1.1.4:

The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, Fort Myers, the City of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Community has a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public and limited light industry (See Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre) with a maximum of ten dwelling units per

The subject property is in a Commercial Zoning District (C-1). North of the site is a canal, then a single-family home, and a vacant lot, in a Mobile Home Zoning District (MH-1). East is a canal, across from which is a Marina in a Marine Industrial Zoning District (IM). South of the site is Pine Island Road, across from which is a commercial plaza and single-family home within a Commercial Zoning District (C-1). Finally, west of the site is Island Avenue, across from that is a pet store in a Commercial Zoning District (C-1).

The Applicant has requested a parking variance to accommodate uses that require more parking than the historical use as retail stores. The existing commercial structures contain a real estate office, bait shop, gift shop (proposed), dance studio and coffee shop and restaurant. The restaurant space was previously used as retail sales space. The change in use of this space to a restaurant requires compliance with the parking requirements. Based on all uses and their associated square footage, the Lee County Land Development Code requires 56 total parking spaces. The current parking includes 10 existing spaces south of the retail building off Pine Island Road. There are 12 parking spaces along the north and east property lines next to the canal. There are an additional two spaces adjacent to the realty office and one space near the bait shop. This totals 25 on-site parking spaces.

The remaining five variances will legitimize the existing parking lot configuration, by addressing parking space dimensions, back out parking, aisle and entrance widths and required surface material. The Applicant represents the following hours of operation for the coffee shop/restaurant and proposed gift shop, is Monday to Friday, 7:00 a.m. to 4:00 p.m. and Saturday 7:00 a.m. to 2:00 p.m.; the dance studio operates on Monday to Friday, 4:00 p.m. to 9:00 p.m. and Saturday 9:00 a.m. to 11:00 a.m.; the bait shop is open Monday to Saturday, 6:00 a.m. to 2:00 p.m.; finally, the real estate office operates Monday to Friday, 9:00 a.m. to 5:00 p.m. Half the coffee shop/restaurant's patrons arrive by bicycle or walking from other areas of Matlacha.

They performed A Parking Demand Analysis. Parking counts were taken in April of 2010. Based on the 2009 Lee County Traffic Count Report, the traffic on Pine Island Road in front of the subject site was approximately 15% lower than during the peak months of February and March. As a result, Staff applied a 15% adjustment to the parking demand observed on the site. The peak parking demand observed on the site was 11 vehicles. Adjusting this value for the peak season condition results in a parking demand for the site of 13 vehicles, well below the provided 25 spaces on the site. Therefore, the parking demand on the site, in terms similar to that laid out in the Land Development Code, is similar to 2.7 parking spaces per 1,000 square feet of building floor area.

The Applicant also provided counts that show the number of customers that arrived at the site on bicycle, boat, or by foot. That count suggested that less than 45% of the patrons of the subject property actually drove to the site. Furthermore, businesses on the site do not operate simultaneously. Based on these factors, Staff concluded, as to this site only, the Land Development Code overstates the parking demand for the site, and the 25 parking spaces currently provided on the site should be sufficient.

The Level of Service on Pine Island Road along the property frontage is currently Level of Service "D." Traffic volumes generated by the site are already included in this Level of Service projection.

Staff asserts that the requested variances will allow use of the property, while adequately providing protection from noise and traffic to adjacent property owners. Conditions are provided to limited hours of operation for the restaurant, which offset the night time use of the dance studio. The coffee shop and restaurant cannot use outdoor tables and chairs. This provides protection of noise to adjacent property owners.

The predominant land uses in Urban Community will be residential, commercial, public and quasi-public, and limited light industrial. Real estate office, retail shops, dance studio and coffee shop and restaurant are considered commercial uses. The property is a use that is consistent with the Lee Count Comprehensive Plan Policy 1.1.4. (See Footnote 1)

Lee County Comprehensive Plan Policy 14.7.1² requires the Applicant to hold an informational public hearing, providing a general overview of the proposed project. The hearing was held before the Matlacha Civic Association did not support, nor did it deny, the request for the variance. Attending that meeting is consistent with that Comprehensive Plan Policy.

The nearest residential uses are approximately 150 feet away, across a canal that creates a barrier for the residential uses, to the north of the property. The single-family home across Pine Island Road is well vegetated and does not appear to have any impacts with the requested use. The request is consistent with Lee County Comprehensive Plan Policy 5.1.5.³

The undersigned Hearing Examiner finds that the requested variance 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 variance request is compatible with neighboring properties. Consequently, this Hearing Examiner approves the following variances to Lee County Land Development Code, subject to the conditions set forth herein;

- 1) Section 34-2020 requires 56 parking spaces (for an office, retail shops, dance studio and coffee shop/restaurant), the Applicant requests a variance for 25 parking spaces;

² **Lee County Comprehensive Plan Policy 14.7.1:**

The owner or agent for any rezoning, variance or special exception request must conduct one public informational meeting in Pine Island where the owner or agent will provide a general overview of the project for any interested citizens. The applicant is fully responsible for providing the meeting space and providing security measures as needed.

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised.

³ **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. If such uses are proposed in the form of a planned development and generally applicable development regulations are deemed to be inadequate, conditions shall be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application shall be denied altogether.

2) Section 34-2013 (a) requires parking lots must be designed to permit vehicles existing the parking lot to enter the street right-of-way or easement in a forward motion, the Applicant requests a variance to permit backout parking;

3) Section 34-2016(1) that requires parking spaces at 90 degree angles must be 18 feet in length. Applicant request a variance to permit existing parking spaces in front of building to remain at 13.34 feet;

4) Section 34-2013(b)(3) that requires a maximum parking lot entrance width of 35 feet. The Applicant requests a variance to allow a 35.24 foot wide parking lot entrance on Island Avenue;

5) Section 34-2017 that requires all parking lots must have a paved, dust-free, all-weather surface. The Applicant requests a variance to permit the existing shell parking behind the structures to remain;

6) Section 34-2016(3) that requires aisle width must be a minimum of 12 feet for one-way 30 and 45 degree angled parking. The Applicant requests a variance to permit one-way drive aisle to vary in width from 7.8 to 12.0 feet.

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. That there are exceptional or extraordinary conditions or circumstances that are inherent in the property in question.
- B. That the exceptional or extraordinary conditions or circumstances are not the result of the actions of the Applicant taken subsequent to the adoption of the ordinance.
- C. That the Variance granted, as conditioned, is the minimum variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation in question to his property.
- D. That the granting of the Variance, as conditioned, will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- E. That the condition or situation of the specific piece of property, or the intended use of the property for which the Variance is sought, is not of a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance.

VI. LIST OF EXHIBITS:**STAFF'S EXHIBITS**

1. 2010 Aerial Photograph, prepared by Lee County DCD, mapped July 2010 (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 TDM Consulting, Inc., dated July 8, 2010, multiple pages (24"x36")
2. Questionnaires done by the customers of Perfect Cup Coffee Shop and Restaurant

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

VII. PRESENTATION SUMMARY:

The Hearing Examiner announced the case which was for a number of Variances for the property located 4545 and 4566 Pine Island Road. 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, John Fredyma, introduced himself for the record and explained that he 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.

He 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 and submit it to the Hearing Examiner. He explained that at the conclusion of Staff's presentation, the Hearing Examiner would open the floor for public participation and comments, and at that time, members of the public would have an opportunity to address the Hearing Examiner.

It was explained that all public comment and participation would be from the podium and that they should state their name and address for the record and explain whether they resided or owned in the area. They could ask questions or tell the Hearing Examiner what concerns they had with regard to the case.

Mr. Fredyma 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, Shawn Lamey, a Senior Planner with Lee County Zoning Division, and Veronica Martin and Dean Martin, with TDM Consulting, introduced themselves for the record. Then, the Hearing Examiner placed all of the participants under oath, and asked the Applicant to proceed. Veronica Martin introduced herself as the Applicant's representative,

and requested to be accepted as an expert witness with the Land Development (LDC), as she has been in the past. Hearing no objections, she was accepted as such by the Hearing Examiner.

She began her presentation by saying that she was here today representing Ms. DeMeo, the Applicant, and one of Ms. DeMeo's tenants, Whitney Brown, who owns the Perfect Cup Coffee Shop. She mentioned that the subject property was located in the Matlacha Historic district, the current zoning designation was Commercial (C-1), and the future land use designation was Urban Community. The Shop was located across the smaller bridge into Matlacha, right across from the Post Office. There was a canal and a marina to the northeast of the property that was zoned Marine Industrial (IM). There was a canal and single-family homes, classified as Mobile Home (MH-1) zoning, to the northwest of the subject property. Located to the southeast and zoned Commercial (C-10) was the post office, on Pine Island Road and the commercial shopping plaza. Then, to the southwest was Island Avenue and a pet grooming facility, zoned Commercial (C-1) as well.

She then referred their 24-hour notice, which included some of the Conditions that were included in the Staff Report. Ms. Martin wanted to make sure that everyone had received it. She mentioned she had additional copies if they were required. Then, the Hearing Examiner noted that he had received and read it, and confirmed that the County Attorney and Staff had received it as well.

Continuing, Mr. Martin noted that the Applicant had agreed to everything set forth in the Staff Report with the exception of the items mentioned in the 24-hour letter. First, they wanted to remove all reference to the Perfect Cup Restaurant and leave it as a Group III restaurant. The second item was regarding Condition 5 (b). It asked for a guardrail to be installed along the canal. According to Ms. Martin, after speaking with an Engineer from TDM Consulting, it occurred to her that the seawall would have tie-backs and she did not want it to interfere with construction by adding the pylon. They wanted to be able to use the existing wood supports for the guardrail.

At this time, Mr. Lamey wanted to know if it would be required to have additional posts to make the work possible, but Ms. Martin explained that the posts being placed into the ground would be large posts. The ones along the northwest were 18 length feet apart, and the ones to the northeast were 13 feet apart, therefore, extra support may be needed.

Then, Mr. Lamey explained that the way Condition 5 (b) was written in Ms. Martin's revision, showed no commitment from the County's point of view. He further explained that the additional information was fine, but the way it was written just said a new guardrail may be installed on the existing wood posts, therefore, it may or may not work. Mr. Lamey mentioned that at that point he would not know if it was going to meet the intense at time of the Development Order stage or the transmittal of the Development Order letter to the County Staff.

At that time, the Hearing Examiner wanted to know if the County did not want a guardrail attached to the posts. Referring to the Florida Design Standards, Mr. Lamey explained that there was a manual on traffic control devices and it would have to comply with those classifications. At the time of the Development Order, the Applicant would have to prove that it meets those design standards.

Mr. Fredyma wanted to know if it was more of an issue of whether the posts were large enough and spaced in locations that would be appropriate. Mr. Lamey said it could be. He mentioned that he had heard that it could even be a wiring type of mechanism that can be installed, but the Hearing Examiner believed that may be a different type of guardrail. Then, Mr. Lamey mentioned that it could be wire or solid metal that was typically used.

At this point, the Hearing Examiner wanted to know what was wrong with Condition 5 (b). He noted that it only requires the installation of a guardrail, but it did not indicate how the Applicant was to do this or where, although from the standpoint of the entire length of the seawall and canal, but it did not indicate how. Ms. Martin expressed that the only concern was the seawall. She was not a construction expert, but she did not want it to interfere with the stability of the seawall by adding additional posts. The Hearing Examiner mentioned that a guardrail could still be installed somewhere, and he did not see any problems.

Then Ms. Martin wanted to address the other item she would like deleted from the recommended conditions, and referred to Condition 5(d). There was a misconception regarding the Site Plan, where the metal roof was thought to have been the concrete apron, which encroached into the drive-thru lane, but was meant to be driven over. Ms. Martin indicated it was where the grease trap cleanups were located. Therefore, it was not the metal roof that covered the air-conditioner compressor for the walk-in course. Mr. Lamey noted that she was correct in that analysis and Staff agreed on deleting Condition 5(d).

Ms. Martin mentioned that she was informed that a new Condition would be added. The Condition was regarding additional signage on the building indicating that there was parking at the rear of the building. This Condition was agreed upon by the property owner. At this time, the Hearing Examiner wanted to know if this Condition had been created. It was not, according to Mr. Lamey, but it would read as follows:

"Additional signage must be located in front of the building and inside the restaurant to indicate parking is available at the rear of the building."

The Hearing Examiner wanted to know the amount of signage required. Mr. Lamey stated that there would be one sign placed at the front of the building and one inside the restaurant. Then, the Hearing Examiner mentioned that he would create the Condition.

Continuing, Ms. Martin stated that it was her understanding that all of the Conditions have been agreed upon by County Staff and the Applicant. She then proceeded with a brief history of the property. She noted that the property was constructed prior to the 1956 Lee County Land Development Code, and it was part of the Matlacha Historic District. She mentioned that they have met with the Matlacha Civic Association to receive their input, since there were many constraints in Matlacha. There was an Island and a major road, which she indicated it was Pine Island Road, that access the Island. The Matlacha Civic Association was very supportive of keeping the island feel. They did not want large business plans on the island, therefore, they were very supportive of Ms. Brown's coffee shop and restaurant, and they believed it was a very needed asset to the community.

Next, she mentioned that there was a discussion regarding Matlacha. Ms. Martin indicated that Ms. Brown did an informal traffic count for the property, which was directed by Rob Price, a Senior Engineer with Lee County. Mr. Price analyzed three different days: Tuesday, Thursday and Saturday back in April of this year. The results indicated that there were more customers walking and riding their bikes to the coffee shop and restaurant than driving their

vehicles. Then, Mr. Fredyma indicated that the results were in Attachment C of the Staff Report.

At that time, Ms. Martin stated that she had spoken to Helen, owner of the dance studio, located in Unit D of the building. The hours of operation for the coffee shop and restaurant were from 7:00 A.M. to 4:00 P.M., Monday through Friday, and 7:00 A.M. to 2:00 P.M., on Saturdays. The dance studio's hours of operation were from 4:00 P.M. to 9:00 P.M., Monday through Friday. They have also added a class this year on Saturday mornings from 9:00 A.M. to 11:00 P.M. The dance studio was intended for children only. Therefore, the parents drop off and pick up their children. They do not park and go into the classes.

The Applicant was requesting approval of the Variance to reduce 56 parking spaces to 25 parking spaces, given the fact that hours of operation for both businesses and the road traffic were opposite to each other, and that the parking required by the County seemed to be a little excessive. Ms. Martin stated that there were extraordinary circumstances that were unique to the parcel itself. She further indicated the construction of two roadways, two canals and the fact that no more parking could be added, made it very constricted in the configuration.

She then noted that the width requested with the Variance request was the minimum that would allow the Applicant out of an unreasonable burden, and granting the other Variances would not be injurious to the neighborhood or public in general. Ms. Martin then concluded her presentation by indicating that Ms. DeMeo, the Applicant, and Mr. Martin, were present at the hearing and available to answer any questions.

At that point, the Hearing Examiner wanted to know if the County Attorney or Staff had any questions. Mr. Fredyma mentioned that there were physical improvements that intruded within the right-of-way, except for portions of the parking space. Ms. Martin affirmed it and said the Variance request was to legitimize it as well.

The Hearing Examiner mentioned the request to delete the name of the coffee shop from Staff's recommendation and just refer it to a Group III Restaurant. He noted that the basis of the Variance implied the fact that it was on a historic area, and many customers ride their bikes to the restaurant. Therefore, he wanted to know if the restaurant was changed and still have a Group III Restaurant. Ms. Martin believed that the Condition regarding the hours of operation would still limit a Group III Restaurant to the hours of operation. Her concern was that in case Ms. Brown sold the business to someone else, the new owners may want to rename the business.

Next, the Hearing Examiner mentioned that his concern was that if they open a different type of restaurant at this location that required more parking, it would change the nature of the parcel. Ms. Martin said that they would never be able to serve alcohol nor be able to have dinner service because of limited hours. Then, Mr. Fredyma wanted to know if dinner could be served if the dance studio removed. Ms. Martin said that if the dance studio was removed, there were limited uses to Specialty Retail or Business Group I, and it was also in the same Condition [sic- Condition 4] that had been agreed upon. The Hearing Examiner did not have any other questions.

At that time, Ms. Martin had another exhibit to enter into the record today. It was a traffic count performed by the customers of the coffee shop. The Hearing Examiner wanted to know if it was the one with the attachment [sic- Attachment E]. Ms. Martin indicated it was

a different one. The exhibit also contained letters of support. Hearing no objections, the Hearing Examiner admitted the letters as Applicant's Composite Exhibit 1, and the Site Plan as Applicant's Exhibit 2.

Next, Shawn Lamey, with Community Development, introduced himself for the record. Then he requested to be accepted as an expert witness in land use, planning, and zoning matters, as he had been in the past. Hearing no objections, he was accepted as such by the Hearing Examiner. At this time, Mr. Lamey wanted to incorporate the Staff Report as part of the record. He noted that his presentation was going to be brief because Ms. Martin had addressed most of the issues.

Continuing, he noted that the property was located at 4548 Pine Island Road in Matlacha, which was a parcel that was recognized as unique in Lee County. This parcel was approximately 0.42 acres in size, and the request involved six variances to legitimize the existing parking lot configuration, as well as from the parking space requirements for an office, retail shops, dance studio, and coffee shop/restaurants.

The property was developed in the 1950's and is now nonconforming with respect to open space, water management, landscape buffer, building setback and parking lot configurations. The Applicant was requesting a parking Variance to accommodate uses that require more parking spaces. The existing commercial structures contained a real estate office, bait shop, proposed gift shop, dance studio, and the coffee shop and restaurant. He explained that Variances two through six would legitimize the existing parking lot configuration by addressing parking space dimensions, backup parking, isle and entrance widths, and required surface materials.

He mentioned that Staff supported the reduction in required parking spaces, given the number of residents on Matlacha that walk and ride their bicycles to the restaurant. He explained that an informal survey was taken by the operator of the coffee shop, and it indicated that approximately 50 percent of the businesses had customers arriving by foot or bicycle, therefore, the parking requirement was excessive. Furthermore, the dance studio operated as a night time use, when the coffee shop/restaurant, bait shop, real estate office and gift shop were closed. He mentioned that according to the narrative provided, the students were school age children that were being dropped off and picked up. There were no adults of driving age attending the school as students.

He then noted that in order to ensure the request in fact qualified for the Variances, Staff reevaluated the proposed Variances in the context of the Applicant's written narrative proposal, and the impacts on the surrounding development pattern and zoning designation. Staff concluded that the requested Variances, as conditioned, create no adverse impact to the surrounding land use. The proposed Variances on the subject parcel were found to be consistent with the policies and objectives of the Lee County Comprehensive Plan, and the commercial uses were appropriate with the Urban Community land use category.

He concluded by saying that the Variances, as conditioned, would facilitate the development of the site in a manner that was consistent with the intent of the Urban Community land use category. The request would not impair the development of the adjacent properties nor would impact its unique natural habitat. Furthermore, the request was not expected to adversely affect the public's health, safety or welfare of the neighborhood. Based on the Findings and Conclusions outlined in the Staff Report, Staff recommends approval of the requested Variances, as conditioned in Section II. A of the Staff Report.

At that point, the Hearing Examiner wanted to know if the County Attorney or the Applicant had any questions. Since there were no questions, the Hearing Examiner opened the floor for public participation and asked Ms. Liobl to proceed. Donna Liobl, introduced herself for the record and indicated that she resided at 11653 Island Avenue, in Matlacha. She was the property owner of the building, which was located at 4547 Pine Island Road, which was the Post Office building directly across the street from the subject property. She noted that she was not in opposition of the request.

Continuing, she mentioned that this was a small community and they all tried to work together to keep the existing ambiance of the area as much as they could. She also mentioned that she was working with County Staff because of the fire that occurred in the Post Office. Her only concern was with the customers that were parking on her property during breakfast and lunch. These customers do not realize that there was parking behind the coffee shop's building, therefore, she would like two signs posted indicating that there was additional parking in the rear.

Ms. Liobl mentioned that she had been friends with Ms. Brown and Ms. DeMeo for many years and they had discussed this issue already. They were willing to post signs saying "Please do not park at the Post Office building." She noted that individuals were in and out of the Post Office, and there was also a hair salon, which constituted a longer parking time. Therefore, she appreciated the Applicant's cooperation.

Then, Hearing Examiner asked if the Applicant had any objection to posting two signs on the front and one within the building. Ms. Martin said there was no objection. Therefore, the Hearing Examiner noted he would change the language in the Condition [sic- Condition 5.e]. The Hearing Examiner wanted to know if there were any questions by Applicant or Staff. There were no questions.

Next, Anna DeMeo introduced herself for the record, and indicated that her address was 2509 Harborview Drive in Matlacha. Ms. DeMeo wanted to thank everyone for taking the request into consideration. She explained that Matlacha was a plain village and the businesses were struggling. Additional pressure would be placed on these businesses when the expansion of the bridge starts next month, and would continue for the next two to three years of noise and disruptive construction. This project was going to impact all of the businesses, therefore, whatever relief they could receive would be appreciated.

In the future, Ms. DeMeo would like to see some kind of plan to assist with the parking in Matlacha, although the hearing was not probably the place to talk about it, and she understood that she would need to talk to the Commissioner. She explained that there was a park that could be utilized for additional parking for the businesses, like the one in downtown Fort Myers Beach.

At this time, the Hearing Examiner noted that she would need to talk to the Commissioners about it. Then, Ms. DeMeo mentioned that she was also told that before, but just wanted to place it on the record. Since there were no more members of the public present that wanted to speak, the hearing was then closed.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Dean Martin, c/o TDM Consulting, Inc., 6810 Porto Fino, Circle, Fort Myers, Florida 33912

ADDITIONAL COUNTY STAFF:

1. John Fredyma, 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:

1. Donna Loibl, 11653 Island Avenue, Matlacha, Florida 33993

Against:

General:

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

For:

Against:

General:

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: [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:

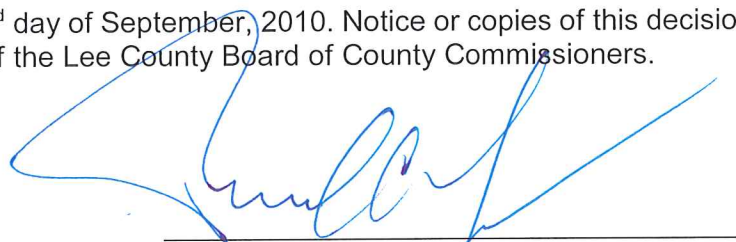
This Decision becomes final on the date rendered. A Hearing Examiner Decision may be appealed to the Circuit Court in Lee County. Appeals must be filed within thirty (30) days of the date the Hearing Examiner Decision is rendered. Appeal is by Petition for Writ of Certiorari in accordance with Lee County 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 3rd day of September, 2010. 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)

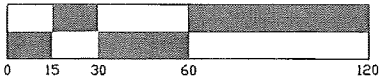
EXHIBIT A

EET 1 OF 2

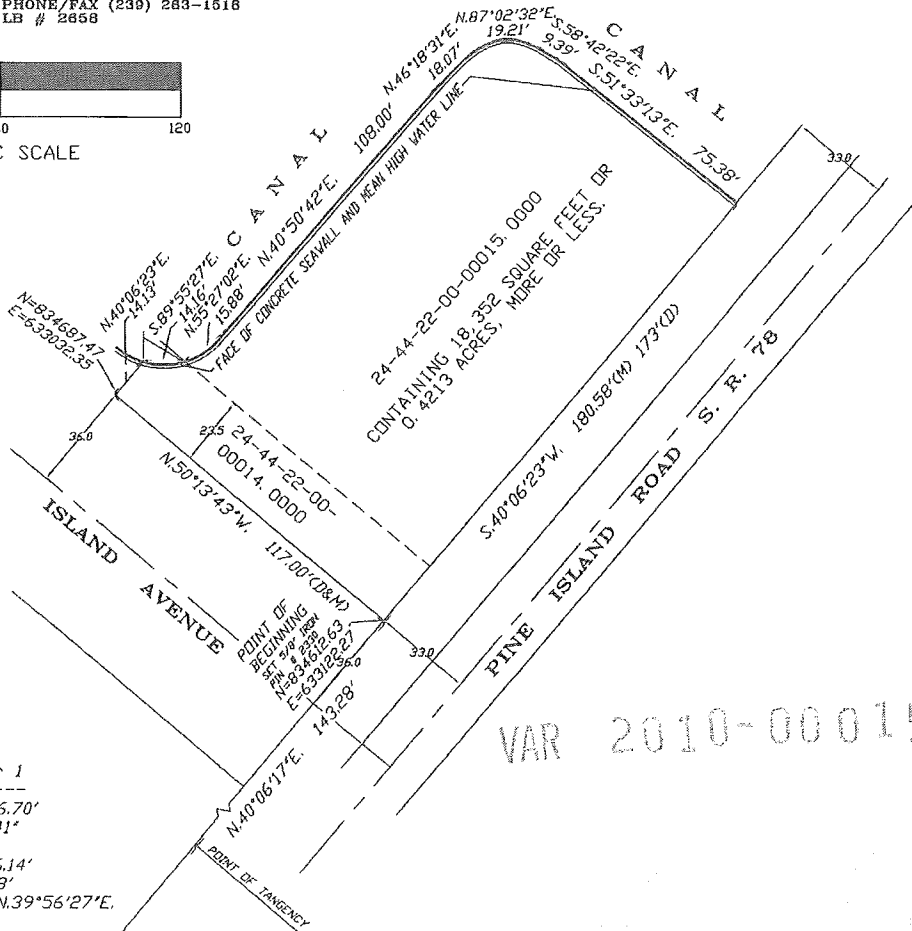
A. J. WATSON



2284 DATE STREET
ST. JAMES CITY, FLORIDA 33956
PHONE/FAX (239) 283-1518
LB # 2858



GRAPHIC SCALE



Curve number 1
Radius= 85976.70'
Delta= 00°19'41'
Arc= 492.28'
Tangent= 246.14'
Chord= 492.28'
Chord Brg.= N.39°56'27"E.

POINT OF COMMENCEMENT
SOUTHEAST CORNER OF LOT 18;
CROW'S FIRST PLAT OF MATLACHA
P.B. B, P. 83

NOTE:
BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE
FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE.

SPECIFIC PURPOSE SKETCH AND DESCRIPTION OF THE FOLLOWING:
4558 AND 4566 PINE ISLAND ROAD, MATLACHA, FL 33993
MORE PARTICULARLY DESCRIBED ON SHEET 2 OF 2.

This survey is in compliance with the minimum technical standards as set
forth in Chapter 61G17-6, Florida Administrative Code. This Survey Map is
not valid without the signature and raised seal of a Florida Licensed
Surveyor and Mapper.

FOR: DEMED
JOB # 10-0067 F. B. L 144-61
STRAP # 24-44-22-00-00014.0000
STRAP # 24-44-22-00-00015.0000

SKETCH OF SURVEY
SCALE 1" = 60'

THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

VAR 2010-00015

APPROVED
LEGAL
By [Signature]

[Signature of Alfred J. Watson]

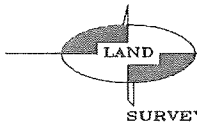
ALFRED J. WATSON
PROFESSIONAL SURVEYOR AND MAPPER
#2330 - STATE OF FLORIDA

DATE: APRIL 28, 2010

DATE: _____
DATE: _____

A. J. WATSON

SHEET 2 OF 2



2284 DATE STREET
ST. JAMES CITY, FLORIDA 33956
PHONE/FAX (239) 283-1518
LB # 2658

SURVEYING, INC.

COMMENCE AT THE SOUTHEAST CORNER OF LOT 18, OF CROW'S FIRST PLAT OF MATLACHA, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 8, PAGE 83, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN EASTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE OF PINE ISLAND ROAD, S.R. 78, WITH THE ARC OF A CURVE TO THE RIGHT HAVING FOR ITS ELEMENTS A RADIUS OF 85,976.70 FEET, A CENTRAL ANGLE OF 00°19'41", A CHORD WHICH BEARS N 39°56'27" E 492.28 FEET, FOR 492.28 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE WITH SAID RIGHT OF WAY LINE N 40°06'17" E FOR 143.28 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF ISLAND AVENUE AND THE POINT OF BEGINNING; THENCE RUN N 50°13'43" W ALONG SAID RIGHT OF WAY LINE OF ISLAND AVENUE FOR 117.00 FEET TO A POINT, THENCE N 40°06'23" E PARALLEL TO THE AFOREMENTIONED RIGHT OF WAY LINE OF PINE ISLAND ROAD FOR 14.13 FEET TO A POINT ON THE MEAN HIGH WATER LINE AND WATERWARD FACE OF A CONCRETE SEAWALL; THENCE WITH THE MEANDERS OF SAID SEAWALL AND MEAN HIGH WATER LINE THE FOLLOWING COURSES: S 89°55'27" E FOR 14.16 FEET, N 55°27'02" E FOR 15.88 FEET, N 40°50'42" E FOR 108.00 FEET, N 46°18'31" E FOR 18.07 FEET, N 87°02'32" E FOR 19.21 FEET, S58°42'22" E FOR 9.39 FEET AND S 51°33'13" E FOR 75.38 FEET TO A POINT ON THE AFOREMENTIONED NORTHWESTERLY RIGHT OF WAY OF PINE ISLAND ROAD; THENCE RUN S 40°06'23" W ALONG SAID RIGHT OF WAY LINE FOR 180.58 FEET TO THE POINT OF BEGINNING. CONTAINING 18,352 SQUARE FEET OR 0.4213 ACRES, MORE OR LESS.

VAR 2010-00015

NOTE:

BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE.

APPROVED

LEGAL

SPECIFIC PURPOSE SKETCH AND DESCRIPTION OF THE FOLLOWING:
4558 AND 4566 PINE ISLAND ROAD, MATLACHA, FL 33993
SEE SHEET 1 OF 2 FOR SKETCH OF SURVEY.

This survey is in compliance with the minimum technical standards as set forth in Chapter 61G17-6, Florida Administrative Code. This Survey Map is not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.

FOR: DEMEO

JOB # 10-0067 F. B. L 144-61

STRAP # 24-44-22-00-00014.0000

STRAP # 24-44-22-00-00015.0000

Alfred J. Watson

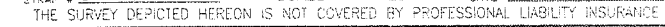
ALFRED J. WATSON
PROFESSIONAL SURVEYOR AND MAPPER
#2330 - STATE OF FLORIDA

DATE: APRIL 28, 2010

DATE:

DATE:

THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE



4548 A 4566 PINE ISLAND ROAD NW
24-44-22-00-00015.0000
24-44-22-00-00014.0000

STRAP NUMBERS

PROJECT INFORMATION

CURRENT ZONING = C-1
FUTURE LAND USE = URBAN COMMUNITY
PROPOSED USE = COMMERCIAL
TOTAL ACRES = 10.4713 ACRES
EXISTING SOIL TYPES = EST ST- AUGUSTINE SAND
= E36 ORGANIC SUBSTRATUS-URBAN
LAND COMPLEX

ZONING/ACTUAL USE

NORTH = 10' / CANAL, MARINA
SOUTH = ROW, C-1 / ISLAND AVE, 000 PRODUERS
EAST = ROW, C-1 / PINE ISLAND RD HW, POST OFFICE
WEST = HWY-1 / SFR, MICHAM LOTS
PROJECT SITE = C-1 / COMMERCIAL

PARKING CALCULATIONS

RETAIL OFFICE: 1 SPACE PER 300 SF
544 SF / 300 = 1.8 SPACES REQUIRED

UNIT 1
BAIT SHOP: 1 SPACE PER 200 SF
200 SF / 200 = 1.0 SPACE REQUIRED

UNIT 2
RESTAURANT: 14 SPACES PER 1000 SF
2070 SF / 1000 X 14 = 29.0 SPACES REQUIRED

UNIT 3
GIFT SHOP/COFFEE SALES: 1 SPACE PER 200 SF
200 SF / 200 = 1.0 SPACE REQUIRED

DEAD STORAGE: 1 SPACE PER 500 SF
600 SF / 500 = 1.0 SPACE REQUIRED

UNIT 4
DANCE STUDIO: 1 SPACE PER EMPLOYEE PLUS
2 SPACES PER 100 SF CLASSROOM FLOOR AREA
7 EMPLOYEES = 2.0 SPACES REQUIRED
1000 SF / 100 = 10 X 2 = 20.0 SPACES REQUIRED

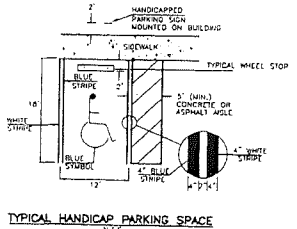
REQUIRED: 36 SPACES
PROVIDED: 29 SPACES, INCLUDING 1 HC SPACE

BICYCLE REQUIREMENTS: 10/15 = 3 SPACES
PROVIDED: 8 SPACES (EXISTING RACK)

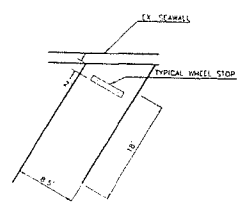
- SCHEDULE OF VARIANCES**
1. RELIEF FROM LOC 34-2010(1)(2)(3) REQUIRED PARKING FOR RESTAURANTS TO PERMIT A REDUCTION IN THE NUMBER OF SPACES REQUIRED TO THE 25 PROVIDED ON-SITE.
 2. RELIEF FROM LOC 34-2010(1)(2)(3) ACCESS: PARKING LOTS MUST BE DESIGNED TO PERMIT VEHICLES EXITING THE PARKING LOT TO ENTER THE STREET RIGHT-OF-WAY OR CASSEMENT IN A FORWARD MANNER TO PERMIT VEHICLES EXITING THE FRONT PARKING LOT TO BACK INTO THE RIGHT-OF-WAY TO ENABLE THEM TO ENTER PINE ISLAND ROAD IN A FORWARD MANNER.
 3. RELIEF FROM LOC 34-2010(1) PARKING SPACE DIMENSIONS: PARKING SPACES AT 90 DEGREE ANGLES MUST BE 18 FEET IN LENGTH TO PERMIT EXISTING PARKING SPACES IN FRONT OF BUILDING TO REMAIN AT 13.34 FEET.
 4. RELIEF FROM LOC 34-2010(1)(2) ACCESS: MAXIMUM WIDTH AT PROPERTY LINE MUST BE 35 FEET TO PERMIT DRIVEWAY ACCESS ON ISLAND AVENUE TO REMAIN AT 35.24 FEET.
 5. RELIEF FROM LOC 34-2010(2) PARKING LOT SURFACE: ALL PARKING LOTS MUST HAVE A PAVED, DUST-FREE, ALL-WEATHER SURFACE TO PERMIT THE EXISTING SHELL PARKING LOT BEHIND THE STRUCTURES TO REMAIN.
 6. RELIEF FROM LOC 34-2010(2) MINIMUM ANGLE WIDTH: ANGLE WIDTH MUST BE A MINIMUM OF 12 FEET FOR ONE-WAY AND 14 FEET FOR TWO-WAY PARKING TO PERMIT ONE-WAY DRIVE ASIDE TO VARY IN WIDTH FROM 7.00 TO 12.0 FEET.

- PROJECT NOTES**
1. DEVELOPMENT IS PART OF THE WATLACHA HISTORIC DISTRICT.
 2. EXISTING HANDICAP SIGN IS POSTED ON BUILDING.
 3. WHEEL STOPS ARE TO BE RELOCATED ON SHELL PARKING LOT TO DELINEATE EACH SPACE. IF EXISTING WHEEL STOPS CANNOT BE RELOCATED, NEW WHEEL STOPS WILL BE PROVIDED. PARKING SPACE DELINEATION ON SHELL PARKING IS FOR ILLUSTRATION PURPOSES ONLY.
 4. ADDITIONAL ONE-WAY AND DO NOT ENTER SIGNS WILL BE POSTED.
 5. EXISTING BIKE RACK WILL BE RELOCATED.

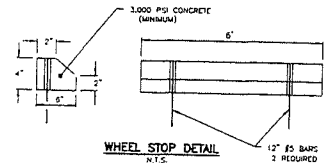
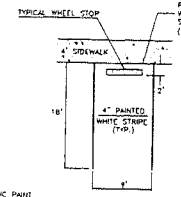
- LEGEND**
- EDP EDGE OF PAVEMENT
 - TYP TYPICAL
 - ROW RIGHT OF WAY
 - SF SQUARE FEET
 - EX EXISTING
 - CONC. CONCRETE
 - (RSP) NUMBER OF PARKING SPACES IN LOT
 - CONC. CONCRETE
 - EX PAVEMENT
 - * LOCATION OF EXISTING PALMS



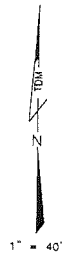
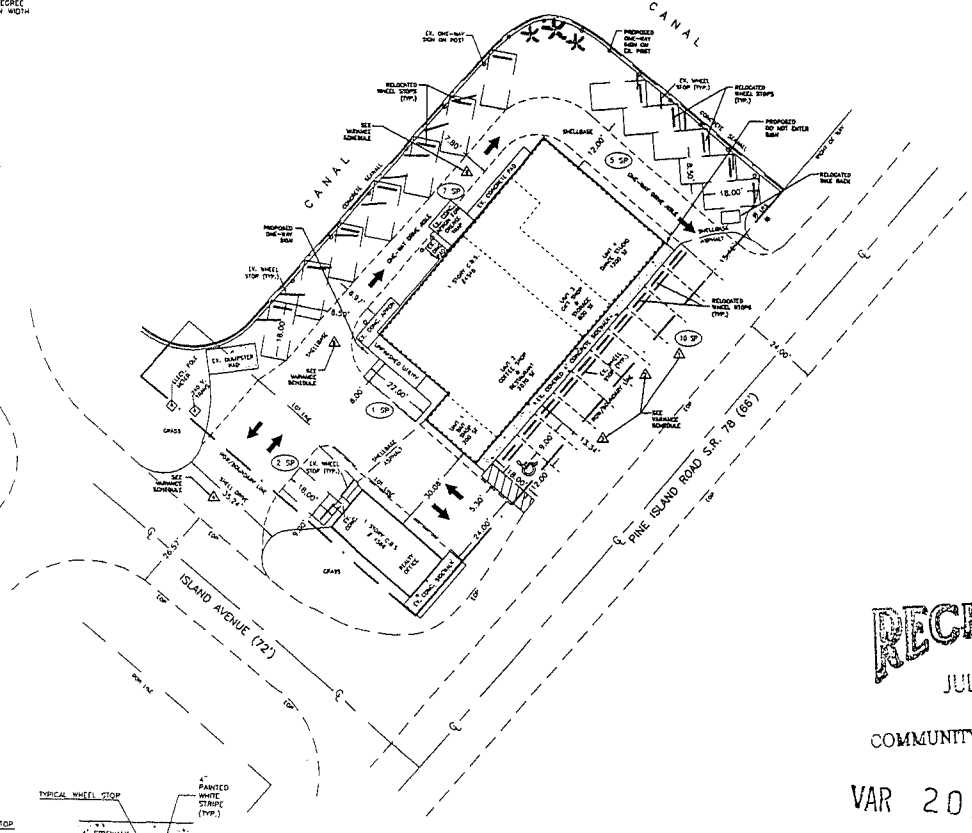
TYPICAL HANDICAP PARKING SPACE
N.T.S.



TYPICAL PARKING SPACE DETAILS
N.T.S.



WHEEL STOP DETAIL
N.T.S.



RECEIVED
JUL 08 2010

COMMUNITY DEVELOPMENT

VAR 2010-00015



DO NOT ENTER
SIGN DETAIL
N.T.S.



ONE WAY SIGN DETAIL
N.T.S.

DATE	BY	REVISION	APPROVED
10/15/10	1	REVISION PER CITY REQUEST	
10/15/10	1	REVISION PER CITY REQUEST	
		DATE	
		BY	
		REVISION	
		APPROVED	

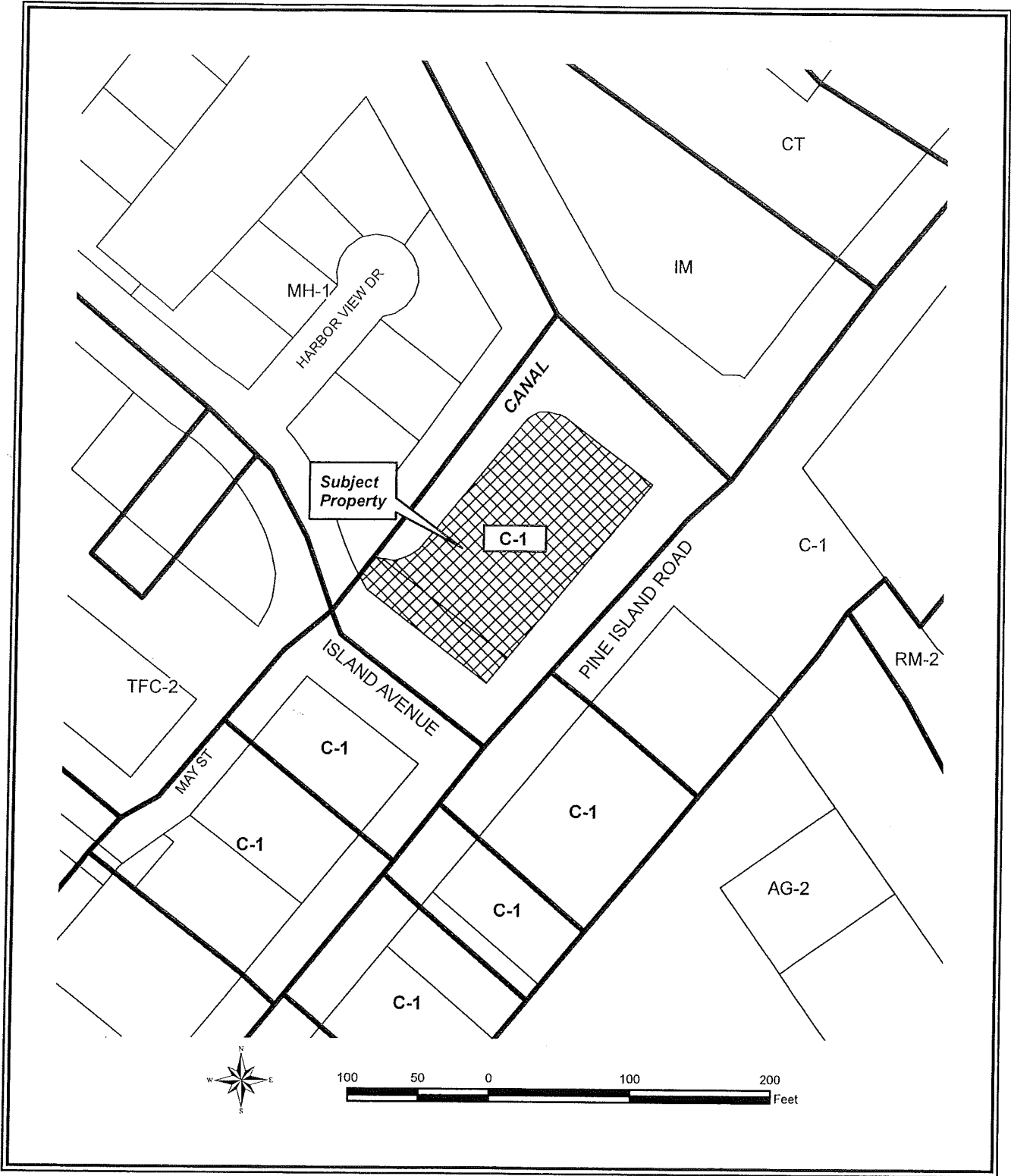
PERFECT CUP
PARKING VARIANCE
SITE PLAN

6810 Porto Rico Circle
Fort Lauderdale, FL 33308
Phone: (335) 433-4231
Fax: (335) 433-9632
Email: ds@tmdconsulting.com

TMD CONSULTING INC.

1	of	1	DATE 7-8-10 Des. Mantel Drawn: P.E. Print: 8/2010
SHEET #			SCALE: AS SHOWN

ATTACHMENT A: ZONING MAP





6810 Porto Fino Circle
Fort Myers, FL 33912
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

August 24, 2010

Diana M. Parker
Chief Hearing Examiner
Lee County Department of Community Development
PO Box 398
Fort Myers, FL 33902-0398

Reference: VAR2010-00015 Perfect Cup Parking Variance

Dear Ms. Parker,

After careful review of the Staff Report and discussion with the applicant and Lee County Staff, please be advised that there are several outstanding issues regarding the recommendations for the above referenced project.

Recommendations

4. This variance is applicable only to the current use in Unit #2 for the 2,070 square foot Perfect Cup coffee shop/restaurant (Group III Restaurant) and Unit #4 for a 1,200 square foot dance studio (School, commercial). If the coffee shop/restaurant use ceases, it can not be re-established on the property, unless another parking variance is requested. If the Dance Studio use ceases, the unit must be replaced with uses in accordance with the Land Development Code (LDC), Section 34-622(5) – Business Services, Group I or Section 34-622 (47) – Specialty retail shops. Any other change of use other than Section 34-622(5) - Business Services, Group I or Section 34-622(47) – Specialty retail shops will cause this parking variance to be null and void.

Please remove reference to the "Perfect Cup coffee shop/restaurant and replace with Group III Restaurant.

OK -

5. (b) A guardrail must be installed along the entire length of the seawall/canal for the safeguard of wayward vehicles.

Please add that the new guardrail may be installed on the existing wood posts so as not to interfere with the horizontal tie-backs for the seawall.

5. (d) The metal roof located over the air conditioner must be removed as it encroaches into the thru-lane.

Please delete this recommendation. The metal roof does not encroach into the thru-lane. A mistake was made when viewing the Site Plan. The concrete apron for the grease traps does encroach into the drive aisle, however it is meant to be driven across.

Copies of the photographs taken at the site support the changes to items 5(b) and 5(d) and are included with this letter. Copies will also be included as exhibits at the Public Hearing.

Sincerely,

TDM CONSULTING, INC.



Veronica Martin
Planner

cc: Shawn Lamey, Senior Planner
John Fredyma, Assistant County Attorney
Pam Houck, Director of Zoning
Anna DeMeo, Applicant

[Click here to type address]

Facsimile transmittal

To: Billie Jacoby Fax: 485-8386
From: Joe & Donna Loibl Date: 8/24/2010
Re: Var 2010-00015 Pages: 5 including cover
CC: Hearing on 8/26/2010

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Thank you for taking care of this. Jessie had told me to send it to her and she would make sure

it got into the permanent file for the hearing. Will it be read into the minutes?

If you have any questions, please do not hesitate to call.

Joe and Donna Loibl

283-6454

Joseph LOIBL
11653 ISLAND AVE
MATLACHA FLORIDA 33993
PHONE/FAX 239-283-6454
E-MAIL: jodons@comcast.net
Tuesday, August 24, 2010

To: Hearing Examiner
Lee County

Re: Case # VAR2010-00015 - Case Name- Perfect Cup Parking Variance

Dear Sir:

We are the commercial property owners of 4547 Pine Island Rd.- directly across the street from Perfect Cup. First we would like to say that we feel this business is an asset to our community and have no problem with their occupancy.

Our problem is the parking situation. Matlacha has very limited parking. Our commercial building has the Matlacha Post Office, Hair Salon and EC Driver Bridge Contractors as tenants. Besides the Hair Salon most vehicles are in and out in our lot as it is mostly mail pick-up. Perfect Cup customers are usually there for up to an hour.

We have tried to contact the owner to no avail and we also have talked with employees of Perfect Cup to possibly put up a sign by the register or outside that asked them not to park at our building. We have owned the building for 13 years and in 2009 we had to purchase restricted parking signs (attachments) for the first time. When we talked with the Sheriff's department they told us to just tow. We really don't want to start towing as it would start problems for our tenants with the inquiries and negative attitudes from the towed vehicle owners. We tried printing signs and placing on their vehicle to warn if they park again they will be towed. We have sat out in front of our property at the peak hours of 8:00-9:30 a.m. and at noon time asking people not to park there. My wife has been verbally abused by customers of Perfect Cup. The hairdressers were afraid to say anything to someone that parked there and would call us at home to tell us how many cars were out in front. Then we would call Perfect Cup. During season it is a real problem.

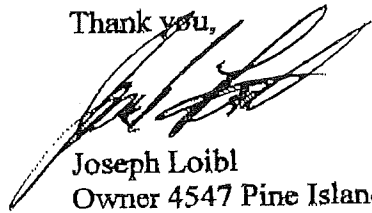
On one occasion we were supporting a Blood Drive and allowed the bus to park on the side of our building on a Saturday. We had to go to the restaurant and ask people to move so the bus could get on our property.

All in all, we wish to support this business but we would also like cooperation in the situation of parking. Is there anyway their variance could be contingent on them posting signs and showing parking in rear on the building? Possible posting signs in their business that if they park on our property they could be towed. Also could it be a

temporary variance until season starts and we see if we will be getting cooperation with this business? We really want to work with them but currently it appears to be very one sided.

Your consideration in this matter would be greatly appreciated. Due to my illness I am not able to appear personally at the hearing.

Thank you,

A handwritten signature in black ink, appearing to read 'Joe Loibl', written over a horizontal line.

Joseph Loibl
Owner 4547 Pine Island Rd.
Matlacha Fl. 33993
239-283-6454



PRG South Signs: A Vinyl & Screened Sign & Flag Co.
Signs & Designs: An Electric Sign Sales & Service Co.
A Division of L&L Enterprises of Southwest Florida, Inc.
913 S.E. 15th Avenue ■ Cape Coral, FL 33900
(239) 772-8982 ■ (239) 574-2459 ■ Fax: (239) 574-3609
www.prgsouth.com ■ jim@prgsouth.com

DEPOSIT:	Cash	Check #	
	CC	Date	
BALANCE:	Cash	Check #	
	CC	Date	

INVOICE /

Date: October 2, 2009

Name: Donna Company: Gold Key Properties / Post Office

Address: 4547 Pine Island Rd. Matlacha

Phone Number: 283-6454 Fax Number: jodons@comcast.net

QTY.	DESCRIPTION:	UNIT PRICE	AMOUNT
A	2	18"x12" 1-Sided alum. "No Parking" sign panels	\$22.50
B			\$45.00
C			
D			
E			
F			
G			
H			
I			
J			
K			
L			
M			
N			
		SUBTOTAL:	\$45.00
		SALES TAX:	\$2.70
		SUBTOTAL:	\$47.70
		50% DEPOSIT:	
		PERMIT FEES:	
		BALANCE DUE:	\$47.70

Holes to Hems Please!

Thank you for the opportunity to submit this quote to you. If you have any questions please call (239) 574-2459. This quote does not include permit fees (if required). This quote is valid for 30 days. 50% Deposit Required to Begin Production, Payable by Check or Credit Card. Special Orders must be Pre-Paid In Full. To ACCEPT this quote, please sign below and fax to 239-574-3609.

Quoted by: Jim Rice PRG South Signs / Signs & Designs

By my signature below, I authorize work to begin and agree to pay above amount in full according to the Terms & Conditions (SEPARATE PAGE INCLUDED). I acknowledge receipt of said Terms & Conditions by my signature below.

Accepted by: Donna Lutz Date: 10/2/09
FOR 4547 Pine Island Rd. Matlacha



PRG South Signs: A Vinyl & Screened Sign & Flag Co.
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A Division of L&L Enterprises of Southwest Florida, Inc.
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www.prgsouth.com ■ jim@prgsouth.com

INSTALL

DEPOSIT:	Cash	Check #	
	CC	Date	
BALANCE:	Cash	Check #	
	CC	Date	

INVOICE /

Date: October 2, 2009

Name: Donna

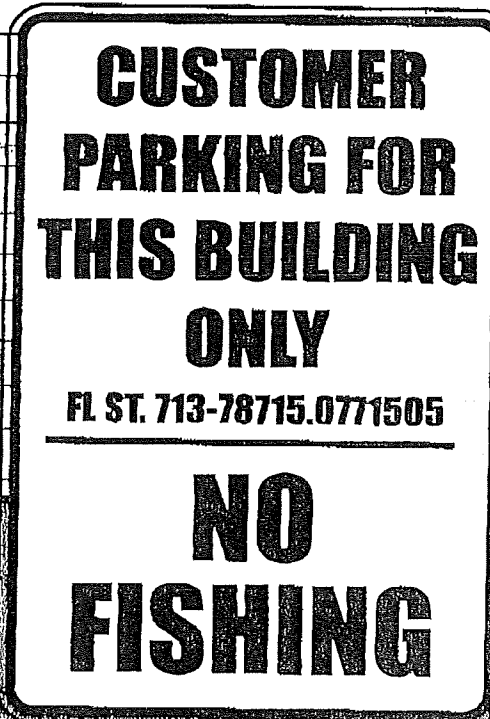
Company: Gold Key Properties / Post Office

Address: _____

Phone Number: 283-6454

Fax Number: jodons@comcast.net

QTY.	DESCRIPTION:	UNIT PRICE	AMOUNT
A 2	18"x12" 1-Sided alum. "No Parking/Fishing" sign panels	\$22.50	\$45.00
B 2	6' green U-Channel posts	\$14.40	\$28.80
C 1	Installation in side parking lot (grass/gravel)	\$85.00	\$85.00
D			
E			
F			
G			
H			
I			
J			
K			
L			
M			
N			
		SUBTOTAL:	\$158.80
		SALES TAX:	\$4.43
		SUBTOTAL:	\$163.23
		50% DEPOSIT:	
		PERMIT FEES:	
		BALANCE DUE:	\$163.23



Thank you for the opportunity to submit this quote to you. If you have any questions please call (239) 574-2459. This quote does not include permit fees (if required). This quote is valid for 30 days. 50% Deposit Required to Begin Production, Payable by Check or Credit Card. Special Orders must be Pre-Paid in Full. To ACCEPT this quote, please sign below and fax to 239-574-3609.

Quoted by: Jim Rice

PRG South Signs / Signs & Designs

By my signature below, I authorize work to begin and agree to pay above amount in full according to the Terms & Conditions (SEPARATE PAGE INCLUDED). I acknowledge receipt of said Terms & Conditions by my signature below.

Accepted by: Donna Lopez

Date: 10/8/09

1/28 5139





2010/03/30

**LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION
STAFF REPORT**

TYPE OF CASE: VARIANCE

CASE NUMBER: VAR2010-00015

HEARING EXAMINER DATE: August 26, 2010

I. APPLICATION SUMMARY:

- A. Applicant: Ann DeMeo in reference to Perfect Cup Parking Variance
- B. Request: In the C-1 (Commercial) zoning district, to legitimize the existing parking lot configuration and from the parking space requirements for an office, retail shops, dance studio and coffee shop/restaurant, variances from the following provisions of the LDC:
- 1) Section 34-2020 that requires 56 parking spaces (for an office, retail shops, dance studio and coffee shop/restaurant) to allow 25 parking spaces;
 - 2) Section 34- 2013(a) that requires parking lots must be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion to permit back-out parking;
 - 3) Section 34- 2016(1) that requires parking spaces at 90 degree angles must be 18 feet in length to permit existing parking spaces in front of building to remain at 13.34 feet;
 - 4) Section 34-2013(b)(3) that requires a maximum parking lot entrance width of 35 feet to allow a 35.24 foot wide parking lot entrance on Island Avenue;
 - 5) Section 34- 2017 that requires all parking lots must have a paved, dust-free, all-weather surface to permit the existing shell parking behind the structures to remain;
 - 6) Section 34-2016(3) that requires aisle width must be a minimum of 12 feet for one-way 30 and 45 degree angled parking to permit one-way drive aisle to vary in width from 7.8 to 12.0 feet.
- The development is connected to existing potable water and sanitary sewer.

C. Location: The subject property is located at 4548 and 4566 Pine Island Road NW, Pine Island Planning Community, Lee County, FL. (District # 1)

D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

Future Land Use Designation:	Urban Community
Zoning:	C-1 (Commercial)
Current Use:	Office, retail shops & coffee shop/restaurant
Road Classification:	Island Avenue (County Maintained Local) Pine Island Road (County Maintained Arterial)

E. Surrounding Land Use:

<u>Existing Zoning & Land Use</u>	<u>Future Land Use Map</u>
North: Canal then (MH-1) Zoning with a single-family residence	Urban Community
East: Canal then (IM) Zoning with a marina	Urban Community
South: Pine Island and then (C-1) Zoning with a commercial plaza and single-family residence	Urban Community
West: Island Avenue and then (C-1) Zoning with pet store	Urban Community

II. **RECOMMENDATION:**

A. Recommendation:

Staff recommends **APPROVAL** of the requested variances subject to the following conditions:

1. The variance is limited to the site plan, as shown on Attachment "B" entitled "Perfect Cup Parking Variance", submitted by the applicant and stamped received by Community Development July 8, 2010.
2. The hours of operation for the restaurant are from 7:00 a.m. to 4:00 p.m. Monday to Sunday. The hours of operation for the dance studio will be Monday to Friday, 4:00 p.m. to 11:00 p.m and Saturday 9:00 a.m. to 11:00 a.m.
3. Outdoor seating for restaurant use is prohibited.
4. This variance is applicable only to the current use in Unit #2 for the 2,070 square foot Perfect Cup coffee shop/restaurant (Group III Restaurant) and Unit #4 for a 1,200 square foot dance studio (School, commercial). If the

coffee shop/restaurant use ceases, it can not be re-established on the property, unless another parking variance is requested. If the Dance Studio use ceases, the unit must be replaced with uses in accordance with the Land Development Code (LDC), Section 34-622(5) - Business Services, Group I or Section 34-622(47) - Specialty retail shops. Any other change of use other than Section 34-622(5) - Business Services, Group I or Section 34-622(47) - Specialty retail shops will cause this parking variance to be null and void.

5. Within 60 days of the approval of this zoning action, development order (letter of transmittal) LDO2010-00168 must be amended depicting the following site improvements:
 - a) The applicant must provide an on-site bike rack to accommodate customers arriving by bicycle as depicted on the site plan shown on Attachment "B".
 - b) A guardrail must be installed along the entire length of the seawall/canal for the safeguard of wayward vehicles.
 - c) The existing dumpster must be enclosed per Section 10-261 (c) All storage areas/containers must be adequately shielded by a landscaped screen or solid fencing along at least three sides. Use of chain link fencing to meet this requirement is prohibited. Refer to LDC Section 10-610(d)(2) for guidelines.
 - d) The metal roof located over the air conditioner must be removed as it encroaches into the thru-lane.
 - e) STOP signs at each exit on the parcel.

B. Findings & Conclusions

Based upon an analysis of the application and the standards for approval of a variance, staff makes the following findings and conclusions:

1. There are exceptional or extraordinary conditions or circumstances inherent to the property in question.

The subject property is bound by water (Canal) on 2 sides and has two structures constructed in the early 1950's prior to the adoption of the Lee County Zoning Ordinance. The existing configuration of the land and buildings limits the amount of development and use of the subject property, which precludes construction of additional parking spaces. The combination of these circumstances warrant the extraordinary conditions of the subject property.

2. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance.

There are exceptional or extraordinary conditions or circumstances inherent to the property in question is appropriate for properties with unusual configurations, and development prior to current development regulations. The applicant acquired the subject parcel in 2003 in its current configuration. Furthermore, a Certificate of Use (USE2004-00160) have been issued for a dance studio although said use can not meet the required parking required. Staff finds these circumstances extraordinary because the occupancy approval and lot configuration was not caused by the actions of the applicant.

- 3. The variances, if granted, are the minimum variances that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.**

The property is unique in location bound by water on two sides, and subject to current development regulations. These conditions creates the need for variances that are the minimum that will afford the applicant relief without modification to the regulations. Thus, Staff finds that the applicant has requested the minimum variances to legitimize the existing parking lot configuration and from the parking space requirements for an office, retail shops, dance studio and coffee shop/restaurant and gives reasonable use of the property. As conditioned, the variance will permit continuation of the existing uses in the plaza and permit the applicant to lease Unit #4 if the use was to vacate.

- 4. The granting of the variances will not be injurious to the neighborhood or otherwise detrimental to the public welfare.**

The granting of the variances, as conditioned, will not be injurious to the neighborhood or detrimental to the public welfare. The conditions of approval will enable the applicant to allow a restaurant use without noise and nuisance to nearby residents. The adjacent property owners do not object.

- 5. The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance.**

III. BACKGROUND INFORMATION AND ANALYSIS

Introduction/Synopsis

The request by the applicant is a reduction of the required 56 parking spaces to 25 parking spaces to accommodate a real estate office, bait shop, gift shop (proposed), dance studio and restaurant uses in two commercial buildings located at 4548 Pine Island Road, in Matlacha. The applicant received a code violation (VIO2010-02775) by Code Enforcement for having a restaurant without the required USE Permit. The applicant filed the requested variances to obtain the necessary USE permit for the commercial uses and legitimize the existing parking lot.

Subject Property

Located on the north side of Pine Island Road, this 18,352 square foot site is located in the historic district of Matlacha. The county will continue to recognize Matlacha as an historic district, with an emphasis upon preserving the historic commercial fishing uses that give the community its unique character.

The subject property is rectangular in shape having an average depth of 75 feet and an average 180 foot road frontage on Pine Island Road , a road with a right-of-way of 66 feet. Additional road frontage of 117 feet is found along the western property line on Island Avenue, having a right-of-way of 72 feet. The Property Appraisers records indicate there are 2 one-story commercial buildings, on the property built in 1950 and 1956. The buildings do not meet the 25 foot street setback required from both Pine Island Road and Island Avenue. (See Attachment "B"). The 4,270 retail building has historically been used as a grocery store and met the parking requirements of one parking space per 200 square feet for the grocery use (22 parking spaces for 4,270 square footage of retail).

Additionally, the applicant currently has an active development order (letter of transmittal) LDO2010-00168 for resurface/restriping of parking areas (asphalt and shell/rock), replacement of bumper stops and after the fact approval of landscaping in place in for review. Staff has recommended additional site improvements in Condition #5 that must be approved prior to approval of LDO2010-00168.

Requested Variances

The applicant has requested a parking variance (Request 1) to accommodate uses that require more parking than the historical use as retail stores. The existing commercial structures contain a real estate office, bait shop, gift shop (proposed), dance studio and coffee shop and restaurant. The restaurant space was previously used as retail sales space. The change in use of this space to restaurant requires compliance with the parking requirements. Based on all uses and their associated square footage, LDC requires 56 total parking spaces. The realty office (227 square feet) is located in the southwest corner of the property, with a larger commercial structure (4,270 square feet) in the middle of the site. The breakdown of uses is as follows with these two buildings:

Realty Office Building

Real estate office - one parking space per 300 square feet is required for the office (2 parking spaces for 544 square footage)

Retail Building

Unit 1 (bait shop) - one parking space per 200 square feet is required for the bait shop (1 parking space for 200 square footage)

Unit 2 (coffee shop & restaurant) - fourteen parking spaces per 1000 square feet is required for the coffee shop and restaurant (29 parking spaces for 2,070 square footage)

Unit 3 (proposed gift shop and dead storage) - one parking space per 200 square feet is required for the gift shop/dead storage (1 parking spaces for 200 square footage) with one parking space per 600 square feet is required for the dead storage (1 parking spaces for 600 square footage)

Unit 4 (dance studio) - one parking space for each employee and two spaces per 100 square feet of classroom space (22 parking spaces for 1,000 square footage of classroom space with two employees)

The current parking includes 10 existing spaces south of the retail building off Pine Island Road. There are 12 parking spaces along the north and east property lines adjacent to the canal. There is an additional 2 spaces adjacent to the realty office and 1 space near the bait shop for a total of 25 on-site parking spaces.

Variances requests 2 through 6 will legitimize the existing parking lot configuration, by addressing parking space dimensions, back out parking, aisle and entrance widths and required surface material.

Analysis

The hours of operation for the coffee shop/restaurant and proposed gift shop (same renter) will be Monday to Friday, 7:00 a.m. to 4:00 p.m. and Saturday 7:00 a.m. to 2:00 p.m. The coffee shop and restaurant and proposed gift shop is not open late evenings and has differing peak hours than the adjoining dance studio. The dance studio has indicated their peak time is after 4:00 p.m. with the hours of operation listed as Monday to Friday, 4:00 p.m. to 9:00 p.m. and Saturday 9:00 a.m. to 11:00 a.m. The bait shop is open Monday to Saturday, 6:00 a.m. to 2:00 p.m., while the real estate office operates Monday to Friday, 9:00 a.m. to 5:00 p.m.

Any variance from the parking requirement on Matlacha with limited parking surrounded by residential uses must be carefully reviewed so as not to create injury to the area or be otherwise detrimental to the public health, safety or welfare. Staff supports the reduction in required parking spaces as many residents on Matlacha bike and walk to the restaurant, and Matlacha recognized as unique to Lee County. An informal survey taken by the operator of the coffee shop/restaurant indicates that approximately 50% of the business has customers arriving by foot or bicycle. (See Attachment "C"). The parking required is excessive given the number of people that bike and walk to the coffee shop/restaurant.

Furthermore, the dance studio, primarily operates as a night time use when the coffee shop /restaurant, bait shop, real estate office and gift shop are closed. According to the provided narrative, the students are school-aged children, not adults of driving age, are dropped off and picked up.

Staff concludes the requested variances, as conditioned, will allow use of the property while adequately providing protection from noise and traffic to adjacent property owners. Limited hours of operation for the restaurant offset the night time use of the dance studio. See Condition #2. Furthermore, condition #3 ensures there are no outdoor tables and chairs associated with the coffee shop and restaurant. This provides protection of noise to adjacent property owners.

Lee Plan Considerations**1. Development in the Urban Community Land Use Designation.**

The site is designated Urban Community in the Lee Plan. Neighboring residential properties share this land use designation. The Urban Community land use category is described in the Lee Plan as follows:

POLICY 1.1.4: *The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Included among them, for example, are parts of Lehigh Acres, San Carlos Park, Fort Myers Beach, Fort Myers, the City of Bonita Springs, Pine Island, and Gasparilla Island. Although the Urban Community has a distinctly urban character, they should be developed at slightly lower densities. As the vacant portions of these communities are urbanized, they will need to maintain their existing bases of urban services and expand and strengthen them accordingly. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public and limited light industry (See Policy 7.1.6). Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre) with a maximum of ten dwelling units per acre (10 du/acre). (Amended by ordinance No. 94-30, 02-02)*

The predominant land uses in Urban Community will be residential, commercial, public and quasi-public, and limited light industrial. Real estate office, retail shops, dance studio and coffee shop and restaurant are considered commercial uses. Commercial uses are permitted within this designation. Therefore, the principal use of the subject property is a use that is consistent with the Lee Plan.

Staff finds the request, as conditioned, consistent with Policy 1.1.4.

2. Informational meeting requirement.

POLICY 14.7.1. *The owner or agent for any rezoning, variance or special exception request must conduct one public informational meeting in Pine Island where the owner or agent will provide a general overview of the project for any interested citizens. The applicant is fully responsible for providing the meeting space and providing security measures as needed.*

Lee County encourages zoning staff to participate in such public informational meetings. This meeting must be conducted before the application can be found sufficient. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. (Added by Ordinance No. 05-19)

Pursuant to Lee Plan Policy 14.7.1 the applicant held an informational public hearing providing a general overview of the proposed project. The Matlacha Civic

Association (MCA) did not support nor deny the request for the variance. (See Attachment "D").

Staff finds the variances requested consistent with Policy 14.7.1

3. Buffering and screening from residential uses.

***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. If such uses are proposed in the form of a planned development and generally applicable development regulations are deemed to be inadequate, conditions shall be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application shall be denied altogether.*

Residential uses near more intensive commercial requests are typically not compatible unless significant buffers are maintained. In considering this request, staff supports the conversion of use from retail sales to coffee shop and restaurant as the site was developed with the entrance of the coffee shop with restaurant on the southerly portion of the building towards Pine Island Road. This along with the nearest residential uses found approximately 150 feet away across a canal creates a barrier from the residential uses to the north of the property. The single-family residence across Pine Island Road is well vegetated and does not appear to have any impacts with the requested use.

Staff finds the variances requested consistent with Policy 5.1.5.

Environmental Issues

The Division of Environmental Sciences (ES) staff reviewed the proposed variance requested and found the existing conditions of the site does not allow for any enhanced plantings areas. (See Attachment "E").

Surrounding Zoning

The subject property is zoned Commercial (C-1). Directly to the north of the subject site is a canal, then a single-family residence and a vacant lot on landed zoned Mobile Home (MH-1). To the east, is a canal then a Marina zoned Marine Industrial (IM). To the south is Pine Island Road then a commercial plaza and single-family residence with Commercial zoning (C-1). To the west is Island Avenue, then a pet store on commercial zoned (C-1) property. (See Attachment "A").

Neighborhood Compatibility

Commercial development surrounds the subject parcel except for the single-family residences found north of the subject parcel across the canal and south across Pine Island Road. Since many patrons arrive by walking or bike, the use will not generate additional traffic to the subject parcel creating safety and traffic concerns. The granting of the

variances, as conditioned, would allow for greater commercial utilization of the property that is compatible both in scale and use with the nearby residences.

Community Concerns

Lee County sends out courtesy notices to surrounding residences when variances are requested. This provides an opportunity for citizen participation in the planning process. In this case, staff have received no objections to the request and two letters of support. (See Attachment "F").

Transportation

Staff reviewed the Parking Demand Analysis provided by the Applicant. The applicant is requesting a variance from the parking requirements in the Land Development Code in order to legitimize an existing use on the subject property. Specifically, the site consists of a total of 4,814 square feet of building floor area over two separate buildings. Currently, 25 parking spaces are provided on the subject property. Based on the mix of uses on the site today, the site is required to provide sufficient parking for 56 vehicles.

In order to supplement the Applicants analysis, a Parking Demand Analysis was performed. The methodology of this analysis was worked out with Staff prior to the completion of the analysis. Parked vehicles were counted every 15 minutes from 7AM to 2PM on two typical weekdays in addition to a typical weekend day. The parking counts were performed in April 2010. Based on the 2009 Lee County Traffic Count Report, the traffic on Pine Island Road in front of the subject site was approximately 15% lower than during the peak months of February and March. As a result, Staff applied a 15% adjustment to the parking demand observed on the site. The peak parking demand observed on the site was 11 vehicles. Adjusting this value for the peak season condition results in a parking demand for the site of 13 vehicles, well below the provided 25 spaces on the site. Therefore, the parking demand on the site in terms similar to that laid out in the Land Development Code is similar to 2.7 parking spaces per 1,000 square feet of building floor area.

It is important to note that the subject site is located in Matlacha on the north side of Pine Island Road. The Applicant also provided counts that indicate the number of customers that arrived at the site via bicycle, via boat, or by foot. As can be seen in the analysis provided by the Applicant, less than 45% of the patrons of the subject property actually drove to the site. Furthermore, the existing restaurant/coffee shop use opens around 7AM and closes between 2PM and 3PM daily. Meanwhile, the dance studio located on the subject site operates from 4PM-10PM. As such, these uses do not operate on the site at the same time, so there is some merit to the idea that these uses actually share their parking spaces. Based on all of these factors, Staff feels comfortable that the required parking based on the Land Development Code overstates the parking demand for the subject site, and the 25 parking spaces currently provided on the site should be sufficient.

The Level of Service on Pine Island Road along the property frontage is currently LOS "D". Since the subject property has been operating in its current state for quite some time, the traffic volumes generated by the subject development are already accounted for in this Level of Service projection. (See Attachment "G")

Conclusion

Staff concludes that, as conditioned, the variances requested are ***CONSISTENT with the Lee Plan***, and recommends ***APPROVAL with conditions of the variances requested***. Staff finds exceptional circumstances and exceptional characteristics applicable to the property, to support the requested variances. The reductions in parking requirements to accommodate the historic property is not expected be injurious to surrounding property owners in the immediate area, nor detrimental to the public. Staff concludes that the variances, as conditioned, are ***CONSISTENT with the Lee Plan***, and recommends ***APPROVAL with conditions of the variances requested***.

IV. SUBJECT PROPERTY

A. STRAP: The applicant indicates the STRAP numbers are:24-44-22-00-00015.0000 and 24-44-22-00-00014.0000

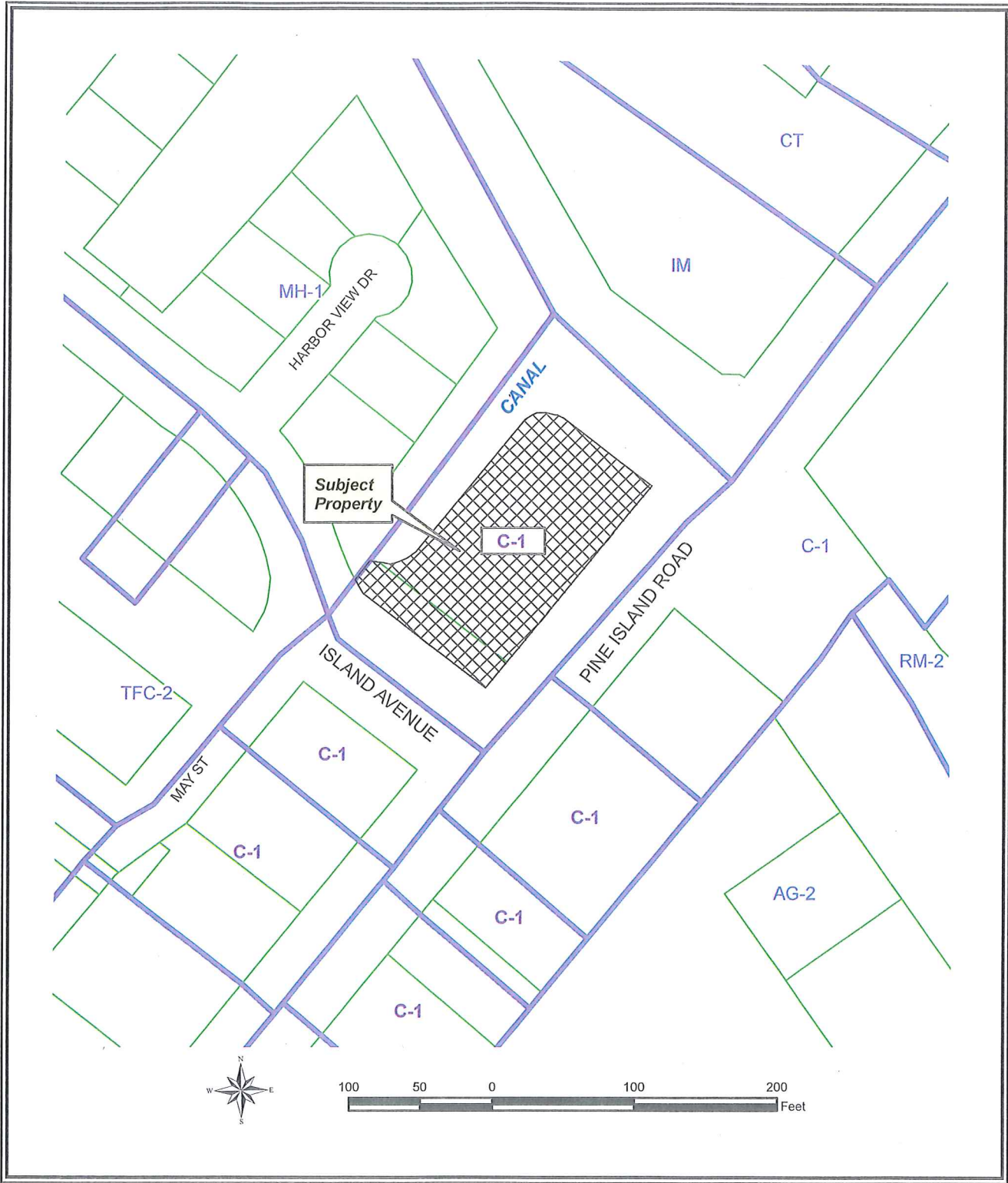
B. LEGAL DESCRIPTION: See EXHIBIT A.

V. ATTACHMENTS

- A. Map of surrounding zoning
- B. Site plan
- C. Customer survey
- D. Informational Meeting Minutes
- E. Environmental Sciences email
- F. Letters of support
- G. TIS email

cc: Applicant
County Attorney

ATTACHMENT A: ZONING MAP



STREET ADDRESS

4548 & 4566 PINE ISLAND ROAD NW
MADACHA, FLORIDA 33993

STRAP NUMBERS

24-44-22-00-00015.0000
24-44-22-00-00014.0000

PROJECT INFORMATION

CURRENT ZONING = C-1
FUTURE LAND USE = URBAN COMMUNITY
PROPOSED USE = COMMERCIAL
TOTAL ACRES = 0.4213
EXISTING SOIL TYPES = #25 ST. AUGUSTINE SAND
#36 ORGANIC SUBSTRATUM-URBAN LAND COMPLEX

ZONING/ACTUAL USE

NORTH = IM / CANAL, MARINA
SOUTH = ROW, C-1 / ISLAND AVE, DOG GROOMERS
EAST = ROW, C-1 / PINE ISLAND RD NW, POST OFFICE
WEST = MH-1 / SFR, VACANT LOTS
PROJECT SITE = C-1 / COMMERCIAL

PARKING CALCULATIONS

REALTY OFFICE: 1 SPACE PER 300 SF
544 SF / 300 = 2.0 SPACES REQUIRED

UNIT 1
BAIT SHOP: 1 SPACE PER 200 SF
200 SF / 200 = 1.0 SPACE REQUIRED

UNIT 2
RESTAURANT: 14 SPACES PER 1000 SF
2070 SF / 1000 X 14 = 29.0 SPACES REQUIRED

UNIT 3
GIFT SHOP/COFFEE SALES: 1 SPACE PER 200 SF
200 SF / 200 = 1.0 SPACE REQUIRED

DEAD STORAGE: 1 SPACE PER 600 SF
600 SF / 600 = 1.0 SPACE REQUIRED

UNIT 4
DANCE STUDIO: 1 SPACE PER EMPLOYEE PLUS
2 SPACES PER 100 SF CLASSROOM FLOOR AREA
2 EMPLOYEES = 2.0 SPACES REQUIRED
1000 SF / 100 = 10 X 2 = 20.0 SPACES REQUIRED

REQUIRED: 56 SPACES
PROVIDED: 25 SPACES, INCLUDING 1 HC SPACE

BICYCLE REQUIREMENTS: 40/15 = 3 SPACES
PROVIDED: 8 SPACES (EXISTING RACK)

SCHEDULE OF VARIANCES

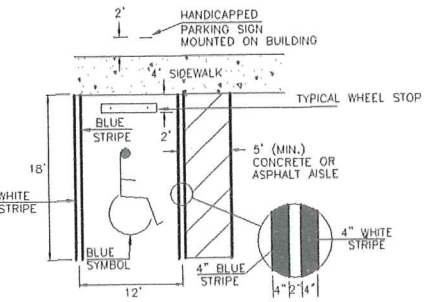
- RELIEF FROM LDC 34-2020(2)(L)(2): REQUIRED PARKING FOR RESTAURANTS. TO PERMIT A REDUCTION IN THE NUMBER OF SPACES REQUIRED TO THE 25 PROVIDED ON-SITE.
- RELIEF FROM LDC 34-2013(A): ACCESS. PARKING LOTS MUST BE DESIGNED TO PERMIT VEHICLES EXITING THE PARKING LOT TO ENTER THE STREET RIGHT-OF-WAY OR EASEMENT IN A FORWARD MOTION. TO PERMIT VEHICLES EXITING THE FRONT PARKING LOT TO BACK INTO THE RIGHT-OF-WAY TO ENABLE THEM TO ENTER PINE ISLAND ROAD IN A FORWARD MANNER.
- RELIEF FROM LDC 34-2016(1): PARKING SPACE DIMENSIONS. PARKING SPACES AT 90 DEGREE ANGLES MUST BE 18 FEET IN LENGTH. TO PERMIT EXISTING PARKING SPACES IN FRONT OF BUILDING TO REMAIN AT 13.34 FEET.
- RELIEF FROM LDC 34-2013(B)(3): ACCESS. MAXIMUM WIDTH AT PROPERTY LINE MUST BE 35 FEET. TO PERMIT DRIVEWAY ACCESS ON ISLAND AVENUE TO REMAIN AT 35.24 FEET.
- RELIEF FROM LDC 34-2017: PARKING LOT SURFACE. ALL PARKING LOTS MUST HAVE A PAVED, DUST-FREE, ALL-WEATHER SURFACE. TO PERMIT THE EXISTING SHELL PARKING LOT BEHIND THE STRUCTURES TO REMAIN.
- RELIEF FROM LDC 34-2016(3): MINIMUM AISLE WIDTH. AISLE WIDTH MUST BE A MINIMUM OF 12 FEET FOR ONE-WAY 30 AND 45 DEGREE ANGLED PARKING. TO PERMIT ONE-WAY DRIVE AISLE TO VARY IN WIDTH FROM 7.80 TO 12.0 FEET.

PROJECT NOTES

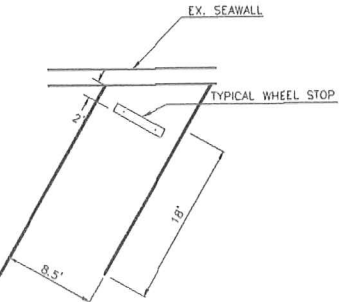
- DEVELOPMENT IS PART OF THE MADACHA HISTORIC DISTRICT.
- EXISTING HANDICAP SIGN IS POSTED ON BUILDING.
- WHEEL STOPS ARE TO BE RELOCATED ON SHELL PARKING LOT TO DELINEATE EACH SPACE. IF EXISTING WHEEL STOPS CANNOT BE RELOCATED, NEW WHEEL STOPS WILL BE PROVIDED. PARKING SPACE DELINEATION ON SHELL PARKING IS FOR ILLUSTRATION PURPOSES ONLY.
- ADDITIONAL ONE-WAY AND DO NOT ENTER SIGNS WILL BE POSTED.
- EXISTING BIKE RACK WILL BE RELOCATED.

LEGEND

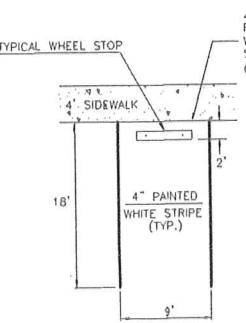
- EOP EDGE OF PAVEMENT
TYP TYPICAL
ROW RIGHT OF WAY
SF SQUARE FEET
EX. EXISTING
CONC. CONCRETE
BSP NUMBER OF PARKING SPACES IN LOT
CONCRETE
EX. PAVEMENT
* LOCATION OF EXISTING PALMS



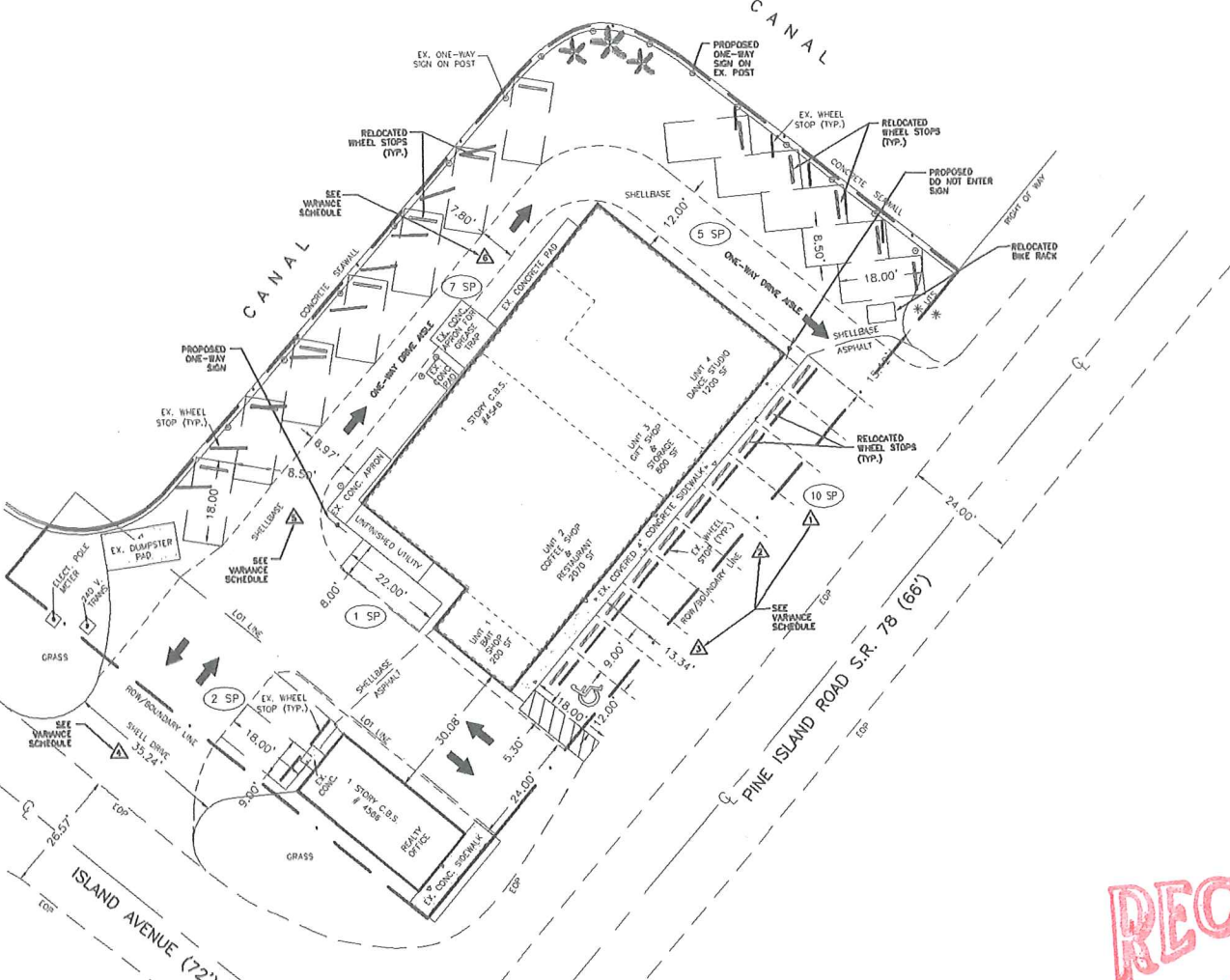
TYPICAL HANDICAP PARKING SPACE
N.T.S.



TYPICAL PARKING SPACE DETAILS
N.T.S.



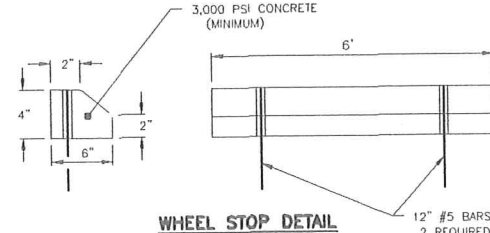
ALL STRIPING TO BE TWO COATS HEAVY DUTY ACRYLIC BASED TRAFFIC PAINT.



RECEIVED
JUL 08 2010

COMMUNITY DEVELOPMENT

VAR 2010-00015



DATE	DESIGNED BY	DATE	REVISIONS
5/6/10	VM	1	REVISION PER LDC STAFF REQUEST
		2	REVISION PER LDC STAFF REQUEST
DATE	DESIGNED BY	DATE	REVISIONS
5/6/10	VM	1	REVISION PER LDC STAFF REQUEST
		2	REVISION PER LDC STAFF REQUEST

PERFECT CUP
PARKING VARIANCE
SITE PLAN

8810 Porto Fino Circle
Fort Myers, FL 33912
Phone: (239) 433-4231
Fax: (239) 433-9632
Email: dean@tdmconsulting.com

TDML
CONSULTING, INC.
CIVIL ENGINEERING

DATE	DESIGNED BY	DATE	REVISIONS
7-8-10	VM	1	REVISION PER LDC STAFF REQUEST
		2	REVISION PER LDC STAFF REQUEST
DATE	DESIGNED BY	DATE	REVISIONS
7-8-10	VM	1	REVISION PER LDC STAFF REQUEST
		2	REVISION PER LDC STAFF REQUEST

Date 4 /27/2010 Tuesday

Customer arrival Count

Between 7am and 10am	Bicycle 24	Car 31	Walk 27	Boat 3
Between 11am and 2pm	Bicycle 11	Car 32	Walk 25	

Parking lot Car Count

7:00	2
7:15	7
7:30	6
7:45	7
8:00	8
8:15	8
8:30	8
8:45	8
9:00	9
9:15	7
9:30	10
9:45	9
10:00	5
11:00	8
11:15	4
11:30	3
11:45	2
12:00	5
12:15	5
12:30	5
12:45	4
1:00	3
1:15	2
1:30	3
1:45	2
2:00	2

Date 4 /29/2010 Thursday

Customer arrival Count

Between 7am and 10am Bicycle 14 Car 24 Walk 20
Between 11am and 2pm Bicycle 12 Car 20 Walk 25

Parking lot Car Count

7:00	1
7:15	1
7:30	2
7:45	2
8:00	2
8:15	3
8:30	4
8:45	2
9:00	11
9:15	10
9:30	9
9:45	4
10:00	3
11:00	5
11:15	3
11:30	4
11:45	7
12:00	9
12:15	8
12:30	6
12:45	4
1:00	3
1:15	3
1:30	2
1:45	2
2:00	2

Date 5/1/2010, Saturday

Customer arrival Count

Between 7am and 10am Bicycle 20 Car 29 Walk 19
Between 11am and 2pm Bicycle 8 Car 38 Walk 12

Parking lot Car Count

7:00	1
7:15	3
7:30	4
7:45	4
8:00	5
8:15	6
8:30	9
8:45	11
9:00	7
9:15	9
9:30	4
9:45	4
10:00	3
11:00	10
11:15	10
11:30	10
11:45	8
12:00	6
12:15	9
12:30	4
12:45	4
1:00	3
1:15	2
1:30	4
1:45	2
2:00	4

MCA GENERAL MEMBERSHIP MEETING 4-20-10

VAR 2010-00015

- I CALL TO ORDER
- II PLEDGE OF ALLEGIANCE
- III MINUTES OF LAST MEETING 3-16-10 ACCEPTED
- IV TREASURERS REPORT.

OLD BUSINESS:

MATTHEW OVERBY RUN - PARAMETER FOR OVERLAY WILL BE DISCUSSED OVERTHE SUMMER.
BASIC RESEARCH BEING DONE.

MOTION: CONTRIBUTE \$200 TO THE ART ASSOCIATION TO DEFRAY COSTS INCURRED BY THE MCA. PASSED

MOTION: MCA TO CONTRIBUTE \$100 TO THE COMMISSIONER JONES PRESERVE.

VERONICA MARTIN - [REDACTED] SPACE TO THE PARKING ISSUE - ASKING FOR SUPPORT FOR A VARIANCE ALLOWING THE PERFECT CUP TO EXIST AS A COFFEE SHOP - REALLOCATE SPACES FROM THE ORANGE STUDIO TO COFFEE SHOP. HOURS OF BUSINESS DO NOT COINCIDE - THEREFORE SPACES COULD BE ALLOTTED TO THE RESTAURANT.

MELINDY KIRBY MOTIONS TO ADJOURN - MOTION ACCEPTED

COMMUNITY DEVELOPMENT

MCA SIGN-IN-SHEET

RECEIVED
JUN 09 2010

4-20-10

COMMUNITY DEVELOPMENT

NAME

PHONE OR E-MAIL

ROBERT Mc KNIGHT

283-7662

Mike Sheer

282-0077

Scroak Sciple

" "

Kathryn Aldridge

283-3633

Clara McInnis

283-5376

Chad Buchanan

283-4067

Spring Yates Lea

282-1280

GARY WALKER

850-0930

Rev. Lauby

283-3713

Day Fast

283-8207

Rev. Amur

283-2755

Clair Amur

283-2753

Gary Simmons

633-5578

Bill Stoelker

898 2121

Michael Gork

283-1827

Anna de Meo

357-3776

Kathy Malone

283-3762

John R. Barron

282-2597

GREG SWART

677-6126

Thomas Tenick

252-422-6040

MELADY KEHM

282-1219

VAR 2010-00015

Lamey, Shawn

From: Browning, Bradley
Sent: Wednesday, July 28, 2010 9:52 AM
To: Lamey, Shawn
Subject: VAR2010-00015- Perfect Cup Parking

Shawn,

ES staff has reviewed the variance case (VAR2010-00015) and we have no comments. The existing conditions of the site does not allow for any enhanced planting areas.

Thanks,

Brad Browning
Senior Environmental Planner
Lee County Environmental Sciences
bbrowning@leegov.com
Phone:239-533-8157
Fax:239-485-8344

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

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



RECEIVED
JUN 25 2010

COMMUNITY DEVELOPMENT

**DR. PAUL J. ARNOLD, D.O.
MULTICARE SPECIALISTS**

856 Cape Coral Parkway, Cape Coral, FL 33904
Phone: (239)415-1900 • fax (239)415-1905

June 23, 2010

Lee County Development Services Division
Attn: Shawn Lamey
1500 Monroe St., Fort Myers FL 33901

Dear Mr. Lamey:

Thank you for your informatory letter regarding the zoning variance for the Perfect Cup restaurant. I walk weekly to this establishment and completely support the zone variance in favor of the restaurant.

Sincerely,


Dr. Paul Arnold D.O.



6-29-10

Lee County

CASE NO VAR 2010-00015

CASE NAME Perfect Cup Parking

I Sandra Donaldson agree
with the owners of Perfect
Cup to keep there Parking
for the complex

Sandra Donaldson

ATT Shawn Lamey

Lamey, Shawn

From: Price, Robert
Sent: Tuesday, August 03, 2010 10:05 AM
To: Lamey, Shawn
Subject: VAR2010-00015 - Perfect Cup Parking Variance

Shawn,

I have reviewed the Parking Demand Analysis provided by the Applicant. It is my understanding that the Applicant is requesting a variance from the parking requirements in the Land Development Code in order to legitimize an existing use on the subject property. Specifically, the site consists of a total of 4,814 square feet of building floor area over two separate buildings. Currently, 25 parking spaces are provided on the subject property. Based on the mix of uses on the site today, the site is required to provide sufficient parking for 56 vehicles.

In order to supplement the Applicants analysis, a Parking Demand Analysis was performed. The methodology of this analysis was worked out with Staff prior to the completion of the analysis. Parked vehicles were counted every 15 minutes from 7AM to 2PM on two typical weekdays in addition to a typical weekend day. The parking counts were performed in April 2010. Based on the 2009 Lee County Traffic Count Report, the traffic on Pine Island Road in front of the subject site was approximately 15% lower than during the peak months of February and March. As a result, Staff applied a 15% adjustment to the parking demand observed on the site. The peak parking demand observed on the site was 11 vehicles. Adjusting this value for the peak season condition results in a parking demand for the site of 13 vehicles, well below the provided 25 spaces on the site. Therefore, the parking demand on the site in terms similar to that laid out in the Land Development Code is similar to 2.7 parking spaces per 1,000 square feet of building floor area.

It is important to note that the subject site is located in Matlacha on the north side of Pine Island Road. The Applicant also provided counts that indicate the number of customers that arrived at the site via bicycle, via boat, or by foot. As can be seen in the analysis provided by the Applicant, less than 45% of the patrons of the subject property actually drove to the site. Furthermore, the existing restaurant/coffee shop use opens around 7AM and closes between 2PM and 3PM daily. Meanwhile, the dance studio located on the subject site operates from 4PM-10PM. As such, these uses do not operate on the site at the same time, so there is some merit to the idea that these uses actually share their parking spaces. Based on all of these factors, Staff feels comfortable that the required parking based on the Land Development Code overstates the parking demand for the subject site, and the 25 parking spaces currently provided on the site should be sufficient.

The Level of Service on Pine Island Road along the property frontage is currently LOS "D". Since the subject property has been operating in its current state for quite some time, the traffic volumes generated by the subject development are already accounted for in this Level of Service projection.

Should you have any questions or need any additional information, please let me know.

Thanks,

Rob

Robert L. Price, PE

Senior Engineer
Lee County Development Services
(239) 533-8355
RPrice@leegov.com

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

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

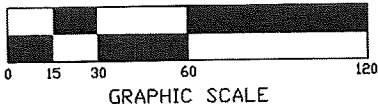
EXHIBIT A

SHEET 1 OF 2

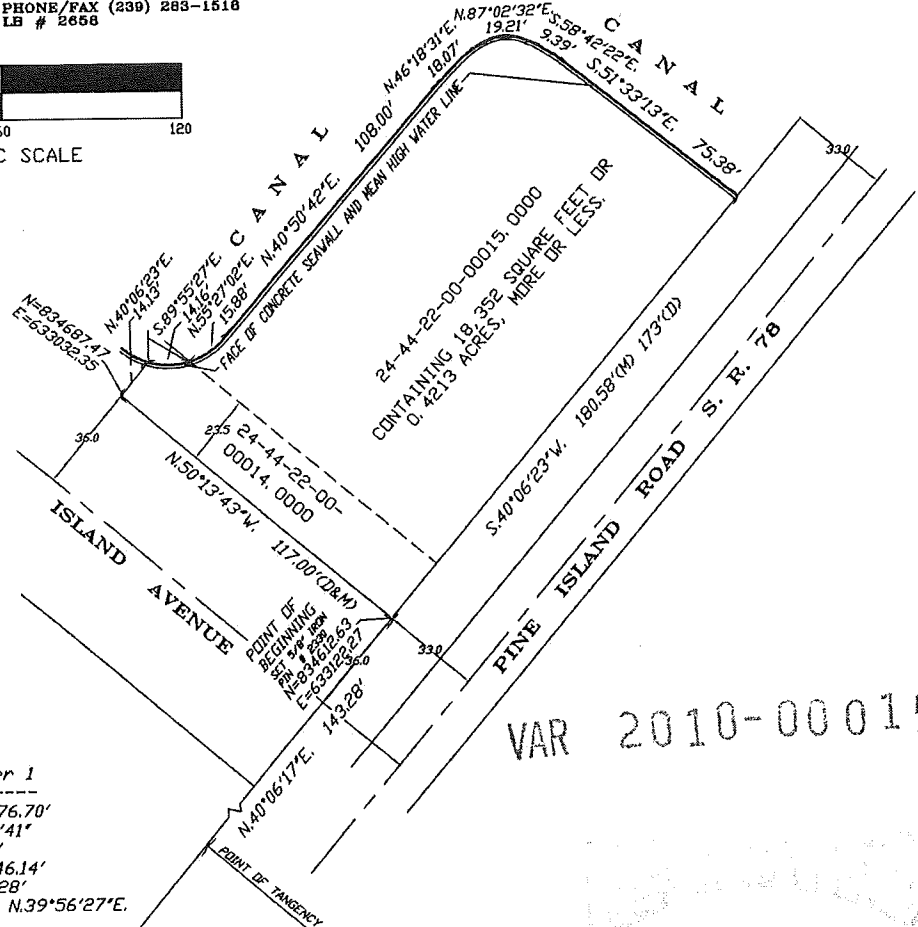
A. J. WATSON



2284 DATE STREET
ST. JAMES CITY, FLORIDA 33956
PHONE/FAX (239) 283-1518
SURVEYING, INC. LB # 2668



GRAPHIC SCALE



VAR 2010-00015



COMMUNITY DEVELOPMENT

APPROVED
LEGAL
By 6/11/10

NOTE:
BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE
FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE.

SPECIFIC PURPOSE SKETCH AND DESCRIPTION OF THE FOLLOWING:
4558 AND 4566 PINE ISLAND ROAD, MATLACHA, FL 33993
MORE PARTICULARLY DESCRIBED ON SHEET 2 OF 2.

This survey is in compliance with the minimum technical standards as set
forth in Chapter 61G17-6, Florida Administrative Code. This Survey Map is
not valid without the signature and raised seal of a Florida Licensed
Surveyor and Mapper.

FOR: DEMEO
JOB # 10-0067 F. B. L 144-61
STRAP # 24-44-22-00-00014.0000
STRAP # 24-44-22-00-00015.0000

SKETCH OF SURVEY
SCALE 1" = 60'

Alfred J. Watson
ALFRED J. WATSON
PROFESSIONAL SURVEYOR AND MAPPER
#2330 - STATE OF FLORIDA

DATE: APRIL 28, 2010
DATE: _____
DATE: _____

THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

A. J. WATSON

SHEET 2 OF 2



2284 DATE STREET
ST. JAMES CITY, FLORIDA 33956
PHONE/FAX (239) 283-1618
LB # 2868
SURVEYING, INC.

COMMENCE AT THE SOUTHEAST CORNER OF LOT 18, OF CROW'S FIRST PLAT OF MATLACHA, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 8, PAGE 83, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN EASTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE OF PINE ISLAND ROAD, S.R. 78, WITH THE ARC OF A CURVE TO THE RIGHT HAVING FOR ITS ELEMENTS A RADIUS OF 85,976.70 FEET, A CENTRAL ANGLE OF 00°19'41", A CHORD WHICH BEARS N 39°56'27" E 492.28 FEET, FOR 492.28 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE WITH SAID RIGHT OF WAY LINE N 40°06'17" E FOR 143.28 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF ISLAND AVENUE AND THE POINT OF BEGINNING; THENCE RUN N 50°13'43" W ALONG SAID RIGHT OF WAY LINE OF ISLAND AVENUE FOR 117.00 FEET TO A POINT, THENCE N 40°06'23" E PARALLEL TO THE AFOREMENTIONED RIGHT OF WAY LINE OF PINE ISLAND ROAD FOR 14.13 FEET TO A POINT ON THE MEAN HIGH WATER LINE AND WATERWARD FACE OF A CONCRETE SEAWALL; THENCE WITH THE MEANDERS OF SAID SEAWALL AND MEAN HIGH WATER LINE THE FOLLOWING COURSES: S 89°55'27" E FOR 14.16 FEET, N 55°27'02" E FOR 15.88 FEET, N 40°50'42" E FOR 108.00 FEET, N 46°18'31" E FOR 18.07 FEET, N 87°02'32" E FOR 19.21 FEET, S 58°42'22" E FOR 9.39 FEET AND S 51°33'13" E FOR 75.38 FEET TO A POINT ON THE AFOREMENTIONED NORTHWESTERLY RIGHT OF WAY OF PINE ISLAND ROAD; THENCE RUN S 40°06'23" W ALONG SAID RIGHT OF WAY LINE FOR 180.58 FEET TO THE POINT OF BEGINNING, CONTAINING 18,352 SQUARE FEET OR 0.4213 ACRES, MORE OR LESS.

VAR 2010-00015



COMMUNITY DEVELOPMENT

APPROVED
LEGAL

NOTE:

BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE.

SPECIFIC PURPOSE SKETCH AND DESCRIPTION OF THE FOLLOWING:
4558 AND 4566 PINE ISLAND ROAD, MATLACHA, FL 33993
SEE SHEET 1 OF 2 FOR SKETCH OF SURVEY.

This survey is in compliance with the minimum technical standards as set forth in Chapter 61G17-6, Florida Administrative Code. This Survey Map is not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.

FOR: DEMED

JOB # 10-0067 F. B. L 144-61

STRAP # 24-44-22-00-00014.0000

STRAP # 24-44-22-00-00015.0000

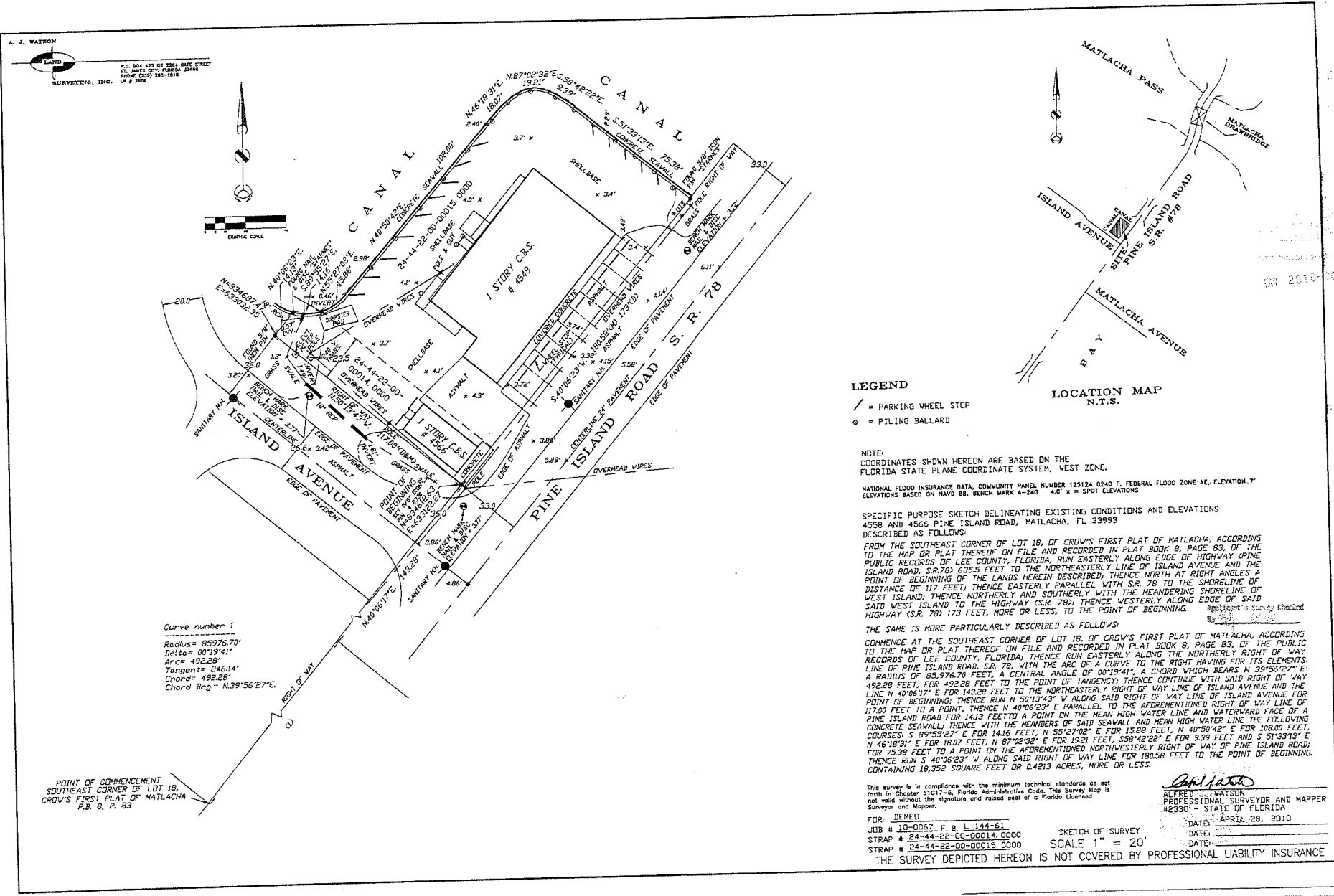
Alfred J. Watson
ALFRED J. WATSON
PROFESSIONAL SURVEYOR AND MAPPER
#2330 - STATE OF FLORIDA

DATE: APRIL 28, 2010

DATE:

DATE:

THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE



2010-08-12 Notice of Public Hearing**NOTICE OF
PUBLIC HEARING**

Notice is hereby given that on Thursday, August 26, 2010, the Hearing Examiner of Lee County will hold public hearings in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL, on the cases below.

You must appear in person, through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners in regard to DCI2009-00020.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

If you did not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in these cases.

The Hearing Examiner's written decision in regard to VAR2010-00015 becomes final on the date rendered. That decision may be appealed to Circuit Court in Lee County if an appeal is filed within thirty (30) days of the date the decision is rendered.

Copies of staff report(s) are available one week prior to the hearing except for DCI (Development of Community Impact), DRI (Development of Regional Impact) and REZ (Rezoning) cases which are available two weeks prior to the hearing. The file can be reviewed at the Zoning Division, 1500 Monroe St., Fort Myers, FL. Call 533-8585 for additional information.

In accordance with the Americans with Disabilities Act and F.S. s. 286.26, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Prining at 533-8585.

The following cases will be heard: (Lee County Land Development Code is abbreviated throughout the agenda as LDC) **VAR2010-00015. Perfect Cup Parking Variance.** 9:00am. In the C-1 (Commercial) zoning district, to legitimize the existing parking lot configuration and from the parking space requirements for an office, retail shops, dance studio and coffee shop/restaurant, variances from the following provisions of the LDC: 1) Section 34-2020 that requires 56 parking spaces (for an office, retail shops, dance studio and coffee shop/restaurant) to allow 25 parking spaces; 2) Section 34- 2013(a) that requires parking lots must be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion to permit back-out parking; 3) Section 34- 2016(1) that requires parking spaces at 90 degree angles must be 18 feet in length to permit existing parking spaces in front of building to remain at 13.34 feet; 4) Section 34-2013(b)(3) that requires a maximum parking lot entrance width of 35 feet to allow a 35.24 foot wide parking lot entrance on Island Avenue; 5) Section 34-2017 that requires all parking lots must have a paved, dust-free, all-weather surface to permit the existing shell parking behind the structures to remain; 6) Section 34-2016(3) that requires aisle width must be a minimum of 12 feet for one-way 30 and 45 degree angled parking to permit one-way drive aisle to vary in width from 7.8 to 12.0 feet. The development is connected to existing potable water and sanitary sewer. Property located at 4548 and 4566 Pine Island Rd. NW, Pine Island Planning Community, Lee County, FL. Direct inquiries to Shawn Lamey, Senior Planner 239-533-8984 in Zoning. Project Representative: Veronica Martin, Tdm Consulting, Inc 239-433-4231.

DCI2009-00020. Diversified Yacht Boatyard. 1:00pm. Rezone 2.41 +/- acres from Light Industrial (IL) and Commercial (C-1) to Industrial Planned Development (IPD) to redevelop the site with a boat yard and marina with a maximum building height of 65 feet. The site is already connected to potable water and sanitary sewer services. No development blasting is proposed. Property located at 731 Fishermans Wharf, Iona/McGregor Planning Community, Lee County, FL. Direct inquiries to Chahram Badamtchian, Senior Planner 239-533-8372 in Zoning. Project Representative: James Ink, Inkwerks 239-334-2450.

Aug 12 No. 1407987

[print this notice](#) [close window](#)

For MAC users try cmd+P

**MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION**

DATE: August 10, 2010

TO: File - VAR2010-00015

FROM: Jamie Princing
Secretary, Internal Services

RE: Notice of Public Hearing -August 26, 2010

I, Jamie Princing, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed notices to the adjacent property owners on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER: VAR2010-00015

CASE NAME: PERFECT CUP PARKING VARIANCE

REQUEST: In the C-1 (Commercial) zoning district, to legitimize the existing parking lot configuration and from the parking space requirements for an office, retail shops, dance studio and coffee shop/restaurant, variances from the following provisions of the LDC:

- 1) Section 34-2020 that requires 56 parking spaces (for an office, retail shops, dance studio and coffee shop/restaurant) to allow 25 parking spaces;
- 2) Section 34- 2013(a) that requires parking lots must be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion to permit back-out parking;
- 3) Section 34- 2016(1) that requires parking spaces at 90 degree angles must be 18 feet in length to permit existing parking spaces in front of building to remain at 13.34 feet;
- 4) Section 34-2013(b)(3) that requires a maximum parking lot entrance width of 35 feet to allow a 35.24 foot wide parking lot entrance on Island Avenue;
- 5) Section 34- 2017 that requires all parking lots must have a paved, dust-free, all-weather surface to permit the existing shell parking behind the structures to remain;
- 6) Section 34-2016(3) that requires aisle width must be a minimum of 12 feet for one-way 30 and 45 degree angled parking to permit one-way drive aisle to vary in width from 7.8 to 12.0 feet.

The development is connected to existing potable water and sanitary sewer.

LOCATION: The subject property is located at 4548 and 4566 Pine Island Rd. NW, Pine Island Planning Community, Lee County, FL.

SIZE OF PROPERTY: 18,352.00 Sq Ft ±

STAFF REPORT: Direct inquiries to Shawn Lamey, Senior Planner, at 239-533-8984, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE: VERONICA MARTIN
TDM CONSULTING, INC
239-433-4231

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 9:00 AM on 08/26/2010 on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

Copies of the staff report will be available one week prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/533-8585 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Prining at 239/533-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

6/17/2010 12:44:13 PM

VAR 2010-00015

00058

24-44-22-00-00006.0000
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

24-44-22-00-00006.0010
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

24-44-22-00-00006.001A
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

24-44-22-00-00006.0020
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

24-44-22-00-00013.0000
FRANK RICHARD + ELIZABETH
PO BOX 156
MATLACHA, FL 33993

24-44-22-00-00013.0010
FRANK RICHARD + ELIZABETH
PO BOX 156
CAPE CORAL, FL 33993

24-44-22-00-00013.0020
LONG J ROBERT + KAREN H
2443 SW PINE ISLAND RD
CAPE CORAL, FL 33991

24-44-22-00-00013.0030
FRANK RICHARD + ELIZABETH
PO BOX 156
MATLACHA, FL 33993

24-44-22-00-00013.0040
FRANK RICHARD + ELIZABETH
PO BOX 156
MATLACHA, FL 33993

24-44-22-00-00016.00A0
COASTAL LAND AND HOMES LLC
9400 BLOCK LN
ESTERO, FL 33928

24-44-22-00-00018.0000
HIGHGATE CORP
PO BOX 770247
VANDERBILT BEACH, FL 34107

24-44-22-00-00022.0000
RUSSELL FRED JR + MARY
2619 CLYDE ST
MATLACHA, FL 33993

24-44-22-00-00023.0000
COASTAL LAND AND HOMES LLC
9400 BLOCK LN
ESTERO, FL 33928

24-44-22-00-00024.0000
OLDE FISH HOUSE MARINA LLC
4530 PINE ISLAND RD NW
MATLACHA, FL 33993

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OLDE FISH HOUSE MARINA LLC
JOHN SKORUPSKI
4530 PINE ISLAND RD NW
MATLACHA, FL 33993

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THOMPSON TERENCE L TR
11911 PRINCE CHARLES CT
CAPE CORAL, FL 33991

24-44-22-01-00002.0040
DONALDSON SANDRA L
3501 JANIS RD
CAPE CORAL, FL 33993

24-44-22-01-00002.0070
DONNA ISLAND LLC
20 S BROAD ST
BROOKSVILLE, FL 34601

24-44-22-01-00002.0080
DONNA ISLAND LLC
20 S BROAD ST
BROOKSVILLE, FL 34601

24-44-22-01-00002.0110
THITF STATE OF FLORIDA
DEPT OF ENVIR PROTECTION
3900 COMMONWEALTH BLVD
TALLAHASSEE, FL 32399

VAR 2010-00015

6/17/2010 12:44:14 PM

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SALTWATER ENTERPRISES INC
4573 PINE ISLAND RD NW
MATLACHA, FL 33993

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LOIBL JOSEPH + DONNA
11653 ISLAND AVE
MATLACHA, FL 33993

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WILLIAMSON MARY DE ANNE
10632 TIPTON DR
BOKEELIA, FL 33922

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DARRESS DEBRA M
2623 PINE ST
MATLACHA, FL 33993

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COMMONSENSE LLC
1353 AWATUKEE TRL
HUDSON, WI 54016

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KONIECKI LIZABETH A
2626 PINE ST
MATLACHA, FL 33993

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MULCAHY LESLEY
J JAMIESON
1360 ROGERS LAKE RD
KILA, MT 59920

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MCNICHOLS JAMES W + AUDREY L
2600 CAJUPUT ST
MATLACHA, FL 33993

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SCOTT WILLIAM E PER REP
713 28TH ST
BETTENDORF, IA 52722

24-44-22-05-00000.0490
AMERICAN GENERAL HOME
2533 WINDGUARD CR STE 101
WESLEY CHAPEL, FL 33544

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ALLEN ARCHIE W
PO BOX 3
MATLACHA, FL 33993

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BENVENUTI RICHARD + VICTORIA +
2511 LAURELWOOD LN
VALRICO, FL 33596

24-44-22-05-00000.0050
MACONE NICHOLAS R
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CAPE CORAL, FL 33904

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MATLACHA, FL 33993

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INDIANAPOLIS, IN 46227

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MATLACHA, FL 33993

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MONROE WARREN J
70 JEROME AVE
MINEOLA, NY 11501

24-44-22-05-00000.0470
FELDPASCH ROMAN W TR
2631 CAJUPUT ST
MATLACHA, FL 33993

24-44-22-05-00000.0690
RED HAT ASSOCIATES
2640 CAJUPUT ST
MATLACHA, FL 33993

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KNAPP ROBERT K
55 DAMASCUS RD
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MCLAUGHLIN ANTHONY S TR +
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24-44-22-05-00000.0750
STARCK THOMAS + DAWN
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WAID MALINDA +
1830 IVY LN
AURORA, IL 60506

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FORT MYERS, FL 33908

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CROSBY STEVEN C + BETH SCOTT
60 AQUA LN
FORT MYERS, FL 33903

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ERICKSON CHARLES O + MIRIAM R
45868 171ST ST
WATERTOWN, SD 57201

24-44-22-08-00000.0760
CARABBA ARCHIE + CARMELA +
7733 GROVES RD
NAPLES, FL 34109

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GATCH JAMES B
2531 BROADWATER ST
MATLACHA, FL 33993

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WIENKE JOSEPHINE
8511 200TH AV
BRISTOL, WI 53104

24-44-22-08-00000.0840
SKINDER MICHAEL + NADINE
1226 VISCAYA PKWY
CAPE CORAL, FL 33990

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COLE A NEWTON JR + DEBORAH D
2540 BROADWATER ST
MATLACHA, FL 33993

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OBRIEN JOSEPH WILLIAM JR TR +
1156 POND CYPRESS DR
VIRGINIA BEACH, VA 23455

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DEMEO ANNA TR
PO BOX 694
MATLACHA, FL 33993

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BIDDISON MARK E +
12832 IONA RD
FORT MYERS, FL 33908

24-44-22-08-00000.0730
RIEHM VERONICA B
2490 HARBOR VIEW DR
MATLACHA, FL 33993

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TODD JOHN B
2650 CLYDE ST
MATLACHA, FL 33993

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CONN ROBERT T
2541 BROADWATER ST
MATLACHA, FL 33993

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WILLIAMSON GEORGE T + JENNIFER
2501 BROADWATER ST
MATLACHA, FL 33993

24-44-22-08-00000.0830
SKEEN GAYLE T L/E
2510 BROADWATER ST
MATLACHA, FL 33993

24-44-22-08-00000.0850
MCKIAN PETER J
9388 S PARKER RD
TRAVERSE CITY, MI 49684

24-44-22-08-00000.0870
COLT WILLIAM D
2550 BROADWATER ST
MATLACHA, FL 33993

24-44-22-15-00000.0050
GRUELLE DEBORAH
PO BOX 2305
PINELAND, FL 33945

6/17/2010 12:44:15 PM

24-44-22-15-00000.0060
TOMBO ANTHONY T
2631 LEWIS SEIFERT RD
HUBBARD, OH 44425

24-44-22-15-00000.0070
YEATTER LOREN + MARCELLA
PO BOX 308
MATLACHA, FL 33993

24-44-22-15-00000.00CE
COCONUT BAY VILLAGE CONDO
PO BOX 308
MATLACHA, FL 33993

Easy Peel® Labels
Use Avery® Template 5161®

Fee per

Bend along line to
expose Pop-up



DEMEO ANNA E
PO BOX 694
MATLACHA FL 33993

ANNA DEMEO
P.O. BOX 694
MATLACHA FL 33993

VERONICA MARTIN
TDM CONSULTING, INC
6810 PORTO FINO CIRCLE
FORT MYERS FL 33912

MR. SHAWN LAMEY

AJ WATSON
AJ WATSON LAND SURVEYING
PO BOX 423
ST. JAMES CITY FL 33956

Phil Buchanan
Greater Pine Island Civic Association
3861 Galt Island Avenue
St James City, FL 33956

Mrs. Mary Hagan
Bokellia Civic Association
15664 Bromelaid Dr.
Bokellia, FL 33922

Dave Lukasek
Alden Pines Homeowners Association
PO Box 244
Bokellia, FL 33922

ATTN: Marianne Paton, Editor
Pine Island Eagle
10700 Stringfellow Road, Suite 60
Bokellia, FL 33922

Pam Bristol
Matlacha Civic Association
2680 Geary Street
Matlacha, FL 33993

Karen Steers
Captains Cove Homeowners Association
16244 Shoal Ct
Bokellia, FL 33922

Bill Mantis
GPICA
16221 Buccaneer Street
Bokellia, FL 33922

Repliez à la hachure afin de
exposer le Pop-up

www.avery.com
1-800-GO-AVERY

INSTRUCTIONS

(Section C.1.c., Lee County Administrative Code AC 2-8)

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of the Hearing Examiner's Public Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Zoning Division in the following manner:

- Signs for case #VAR2010-00015 must be posted by **Tuesday, August 10, 2010**.
- The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
- If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY ZONING DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED James Messick
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:

James Messick
SIGNATURE OF APPLICANT OR AGENT

James Messick
NAME (TYPED OR PRINTED)

6810 Porto Fino Cir
ST. OR PO BOX

Fort Myers FL 33912
CITY, STATE & ZIP

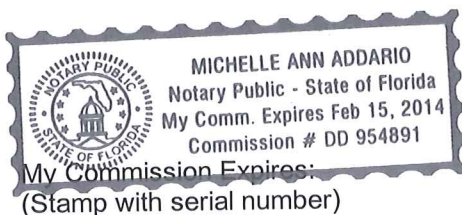
#VAR2010-00015/PERFECT CUP PARKING VARIANCE /08/26/2010/JLP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 5 day of August, 2000, by James Messick, personally known to me or who produced _____ as identification and who did/did not take an oath.

Michelle Addario
Signature of Notary Public

Printed Name of Notary Public





BOARD OF COUNTY COMMISSIONERS

533-8585

Bob Janes
District One

July 23, 2010

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

VERONICA MARTIN
TDM CONSULTING, INC
6810 PORTO FINO CIRCLE
FORT MYERS, FL 33912

RE: Agenda Schedule for PERFECT CUP PARKING VARIANCE
Case No. VAR2010-00015

Dear VERONICA MARTIN :

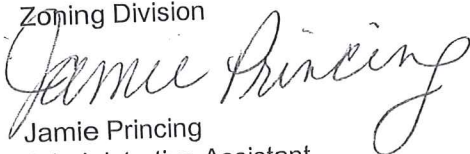
Your zoning request has been scheduled before the Hearing Examiner on Thursday, August 26, 2010, at 9:00 AM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner accepts exhibits on boards for demonstrative purposes and for use in her/his decision making; however, an official exhibit entered into the record must be either a foldable copy of the exhibit or an 11 x 17 duplicate of the board exhibit (clipping the exhibit to the board rather than gluing it is an acceptable form since it can be removed from the board and folded to be put in the file.

Your zoning sign will be ready for pickup any time after Monday, July 26, 2010, at the second floor reception desk at 1500 Monroe St., Ft. Myers, FL. If you would like to pick them up at the drive-thru window, please call 533-8585 to make the appropriate arrangements. This sign must be posted in accordance with Department procedures no later than Tuesday, August 10, 2010, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Jamie Princing
Administrative Assistant

cc: ANNA DEMEO
DEMEO ANNA E
AJ WATSON, AJ WATSON LAND SURVEYING
Shawn Lamey, Senior Planner
Zoning File



COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date: June 17, 2010

Case Number: VAR2010-00015

Case Name: PERFECT CUP PARKING VARIANCE

Request: Variances in the C-1 (Commercial) zoning district to legitimize the existing parking lot / parking spaces and from the 38 parking space requirement for an office, retail shops and restaurant, per Land Development Code 34-2020, to allow the existing 25 on site parking spaces. The development is connected to existing potable water and sanitary sewer.

Location: 4548 and 4566 Pine Island Road NW, Pine Island Planning Community, Lee County, FL.

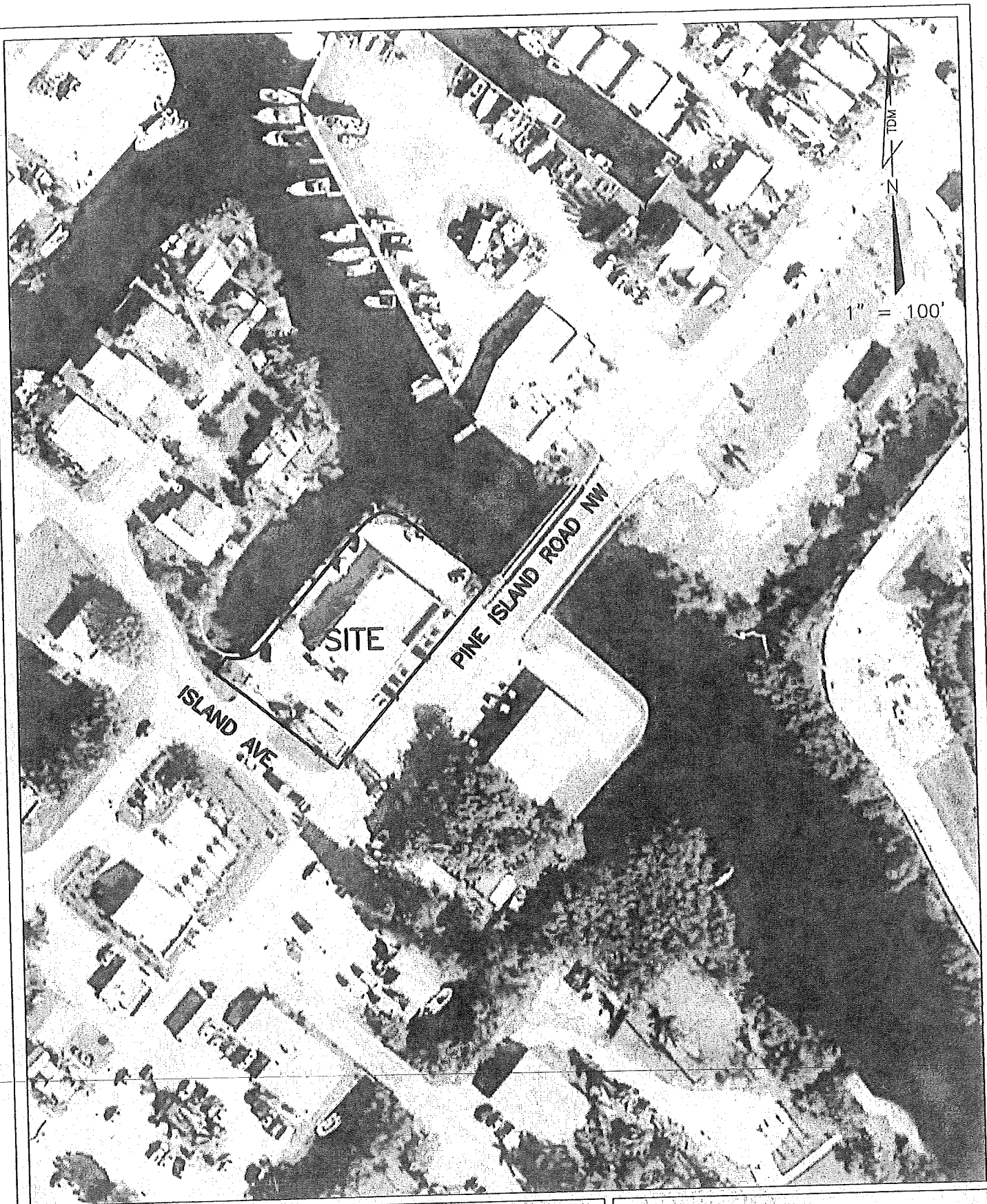
Location Map: SEE REVERSE

PROPERTY OWNER'S REPRESENTATIVE: VERONICA MARTIN
TDM CONSULTING, INC
239-433-4231

Lee County Planner: Shawn Lamey
239-533-8984

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/533-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.



AREA LOCATION MAP
4548 & 4566 PINE ISLAND RD NW
MATLACHA, FL 33993

VAR 2010-00015

SOURCE: TDM, 2010

DATE: 06/10

FILE: CIVIL



6810 Porto Fino Circle
Fort Myers, FL 33912
Phone: (239) 433-4231
Fax: (239) 433-9632
Email: dean@tdmconsulting.com

5/13/2010 8:28:06 AM

24-44-22-00-00006.0000
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

24-44-22-00-00006.001A
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

24-44-22-00-00013.0000
FRANK RICHARD + ELIZABETH
PO BOX 156
MATLACHA, FL 33993

24-44-22-00-00013.0020
LONG J ROBERT + KAREN H
2443 SW PINE ISLAND RD
CAPE CORAL, FL 33991

24-44-22-00-00013.0040
FRANK RICHARD + ELIZABETH
PO BOX 156
MATLACHA, FL 33993

24-44-22-00-00018.0000
HIGHGATE CORP
PO BOX 770247
VANDERBILT BEACH, FL 34107

24-44-22-00-00023.0000
COASTAL LAND AND HOMES LLC
9400 BLOCK LN
ESTERO, FL 33928

24-44-22-00-00025.0000
OLDE FISH HOUSE MARINA LLC
JOHN SKORUPSKI
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COASTAL LAND AND HOMES LLC
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RUSSELL FRED JR + MARY
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1830 IVY LN
AURORA, IL 60506

24-44-22-08-00000.0690
BIDDISON MARK E +
12832 IONA RD
FORT MYERS, FL 33908

24-44-22-08-00000.0720
CROSBY STEVEN C + BETH SCOTT
60 AQUA LN
FORT MYERS, FL 33903

24-44-22-08-00000.0740
ERICKSON CHARLES O + MIRIAM R
45868 171ST ST
WATERTOWN, SD 57201

24-44-22-08-00000.0760
CARABBA ARCHIE + CARMELA +
7733 GROVES RD
NAPLES, FL 34109

24-44-22-08-00000.0780
GATCH JAMES B
2531 BROADWATER ST
MATLACHA, FL 33993

24-44-22-08-00000.0820
WIENKE JOSEPHINE
8511 200TH AV
BRISTOL, WI 53104

24-44-22-08-00000.0840
SKINDER MICHAEL + NADINE
1226 VISCAYA PKWY
CAPE CORAL, FL 33990

24-44-22-08-00000.0860
COLE A NEWTON JR + DEBORAH D
2540 BROADWATER ST
MATLACHA, FL 33993

24-44-22-15-00000.0040
OBRIEN JOSEPH WILLIAM JR TR +
1156 POND CYPRESS DR
VIRGINIA BEACH, VA 23455

24-44-22-08-00000.0680
DEMEO ANNA TR
PO BOX 694
MATLACHA, FL 33993

24-44-22-08-00000.0700
BIDDISON MARK E +
12832 IONA RD
FORT MYERS, FL 33908

24-44-22-08-00000.0730
RIEHM VERONICA B
2490 HARBOR VIEW DR
MATLACHA, FL 33993

24-44-22-08-00000.0750
TODD JOHN B
2650 CLYDE ST
MATLACHA, FL 33993

24-44-22-08-00000.0770
CONN ROBERT T
2541 BROADWATER ST
MATLACHA, FL 33993

24-44-22-08-00000.0800
WILLIAMSON GEORGE T + JENNIFER
2501 BROADWATER ST
MATLACHA, FL 33993

24-44-22-08-00000.0830
SKEEN GAYLE T L/E
2510 BROADWATER ST
MATLACHA, FL 33993

24-44-22-08-00000.0850
MCKIAN PETER J
9388 S PARKER RD
TRAVERSE CITY, MI 49684

24-44-22-08-00000.0870
COLT WILLIAM D
2550 BROADWATER ST
MATLACHA, FL 33993

24-44-22-15-00000.0050
GRUELLE DEBORAH
PO BOX 2305
PINELAND, FL 33945

5/13/2010 8:28:08 AM

24-44-22-15-00000.0060
TOMBO ANTHONY T
2631 LEWIS SEIFERT RD
HUBBARD, OH 44425

24-44-22-15-00000.0070
YEATTER LOREN + MARCELLA
PO BOX 308
MATLACHA, FL 33993

24-44-22-15-00000.00CE
COCONUT BAY VILLAGE CONDO
PO BOX 308
MATLACHA, FL 33993

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DEMEO ANNA E
PO BOX 694
MATLACHA FL 33993

ANNA DEMEO
P.O. BOX 694
MATLACHA FL 33993

MR. SHAWN LAMEY

VERONICA MARTIN
TDM CONSULTING, INC
6810 PORTO FINO CIRCLE
FORT MYERS FL 33912

AJ WATSON
AJ WATSON LAND SURVEYING
PO BOX 423
ST. JAMES CITY FL 33956

Pam Bristol
Matlacha Civic Association
2680 Geary Street
Matlacha, FL 33993

Karen Steers
Captains Cove Homeowners Association
16244 Shoal Ct
Bokelia, FL 33922

Bill Mantis
GPICA
16221 Buccaneer Street
Bokelia, FL 33922

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den Pines Homeowners Association
O Box 244
Bokelia, FL 33922

Mrs. Mary Hagan
Bokelia Civic Association
5664 Bromelaid Dr.
Bokelia, FL 33922

Phil Buchanan
Greater Pine Island Civic Association
3861 Galt Island Avenue
St James City, FL 33956

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MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: June 14, 2010

TO: Becky Sweigert
Environmental Sciences
Division

FROM: Shawn Lamey
Senior Planner

RE: VAR2010-00015
Perfect Cup Parking Variance

Enclosed please find a copy of the request regarding the above mentioned project to review for compliance with the Land Development Code (LDC). Upon your review of the document, please forward notice of your findings.

Thank you for your assistance in this matter.

Attachments:

cc: Project File w/attachments

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: June 14, 2010

TO: Becky Penfield
Development Services
Division

FROM: Shawn Lamey
Senior Planner

RE: VAR2010-00015
Perfect Cup Parking Variance

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Thank you for your assistance in this matter.

Attachments:

cc: Project File w/attachments



6810 Porto Fino Circle
Fort Myers, FL 33912
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

June 9, 2010

Mr. Peter J. Eckenrode
Development Services Director
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33902



Reference: Variance Application
The Perfect Cup
Lee County S24-T42E-R22S

VAR 2010-00015

Dear Mr. Eckenrode,

Attached herewith is a completed application and associated support material for a Variance application for the above-referenced project. The property is developed as a multi-use commercial building and free-standing realty office with on-site parking.

Please find attached the following items in relation to this Variance application for the above-referenced project:

1. One (1) completed application for Public Hearing, including the Notarized Affidavit of Authorization Form, Disclosure of Interest Form, and Additional Agents Form;
2. One (1) completed Variance application (Supplement B);
3. One (1) copy of the Variance request narrative;
4. One (1) signed and sealed copy of the Site Plan;
5. One (1) copy of the Traffic Impact Statement, including physical traffic count performed by the owner of The Perfect Cup;
6. One (1) Area Location Map;

June 9, 2010
Page 2 of 2

7. Two (2) signed and sealed originals of the Legal Description and Sketch of Description;
8. One (1) signed and sealed Boundary Survey;
9. One (1) Existing Structures Affidavit;
10. One (1) Map and List of surrounding property owners;
11. One (1) set of mailing labels;
12. One (1) copy of the Meeting Minutes and attendance sign-in from the Matlacha Civic Association meeting April 20, 2010;
13. One (1) copy of the Warranty Deed;
14. One (1) copy of the Title Certification; and
15. A check for the review fee (\$850.00).

This should allow for review and ultimate approval of this Variance application. Your time and attention to this matter is appreciated. Should County staff require additional information or have any questions regarding this submittal, please feel free to call this office.

Sincerely,

TDM CONSULTING, INC.



Veronica Martin
Planner

cc: Anna De Meo



RECEIVED
JUN 09 2010
C.F.M.
COMMUNITY DEVELOPMENT

APPLICATION FOR PUBLIC HEARING FOR ZONING ACTION UNINCORPORATED AREAS ONLY

Applicant's Name: Anna DeMeo

Project Name: Perfect Cup Parking Variance

STRAP Number(s): 24-44-22-00-00015.0000 and 24-44-22-00-00014.0000

TYPE OF APPLICATION

- ☐ Special Exception (attach Supplement A)
☒ Variance (attach Supplement B)
☐ Conventional Zoning (attach Supplement C)
☐ Planned Development (not PRFPD) (attach Supplement D)
☐ Amendment to built Planned Development (Supplement D may be required)
☐ Private Recreational Facilities Planned Development (attach Supplement D)
☐ Extension of a Master Concept Plan (attach Supplement E)
☐ Reinstatement of a Master Concept Plan (attach Supplement F)
☐ Limited Amendment to An Existing Mine Special Exception or (non MEPD) Planned Development for either dewatering or an extension of the mine duration under LCLDC Section 12-121(j) (attach Supplement G)
☐ DRI - with rezoning (submit completed DRI Application Form {do not use this form} and Supplement D)
☐ DRI - without rezoning (submit completed DRI Application Form {do not use this form})

Is this project located in one of the following planning communities: Boca Grande, Caloosahatchee Shores, Captiva, North Captiva, Estero, Page Park, or Palm Beach Boulevard?

☐ YES* ☒ NO

*If YES, please note PART 4.G below for public information meeting summary document requirements.

STAFF USE ONLY

Case Number: VAR2010-00015 Commission District: 1
Current Zoning: C-1 Fee Amount: \$850
Land Use Classification: URBAN COM. Intake by: C.F.M.
Planning Community: PINE ISLAND

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

VAR 2010-00015

PART 1
APPLICANT/AGENT INFORMATIONRECEIVED
JUN 09 2010

A. Name of applicant: Anna DeMeo **COMMUNITY DEVELOPMENT**

Address: Street : PO Box 694

City, State, Zip: Matlacha, FL 33993

Phone Number: 239-357-3776 Fax: 239-283-9531

E-mail address: annademeo@hotmail.com

B. Relationship of Applicant to owner (check one):

☒ Applicant (including an individual or husband & wife) is the sole owner of the property.
[34-201(a)(1)a.1.]

Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2. (See Part 1 Exhibit Form A1 attached hereto for suggested Affidavit Form for an individual.) [34-202(b)(1)c.]

☐ Applicant has been authorized by the owner(s) to represent them for this action.

Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2. (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.) [34-202(b)(1)c.]

☐ Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2. [34-202(b)(1)c.] (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.)

☐ Application is County initiated. BOCC authorization is attached as Exhibit PH-1.B.3

C. Authorized Agent: Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(b)(1)c.]

C.1. Company Name: TDM Consulting, Inc.

Contact Person: Veronica Martin

Address: Street : 6810 Porto Fino Cr.

City, State, Zip: Fort Myers, FL 33912

Phone Number: 239-433-4231

Fax: 239-433-9632

E-mail address: vmartin@tdmconsulting.com

C.2. ☒ Additional Agent(s): The names of other agents that the County may contact concerning this application are attached as Exhibit PH-1.C.2. [34-202(b)(1)c.]

VAR 2010-00015

**PART 2
PROPERTY OWNERSHIP**

A. Property Ownership: Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]

A.1. Name: Anna DeMeo

Mailing Address: Street: PO Box 694

City, State, Zip: Matlacha, FL 33993

Phone Number: 239-357-3776

Fax Number: 239-283-9531

E-mail: annademeo@hotmail.com

B. Property Ownership: Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].

B.1. NA Disclosure of (Ownership) Interests Form is attached as Exhibit PH-2.B.1. [34-201(b)2]

C. Multiple parcels

C.1. NA Property owners list is attached as Exhibit PH-2.C.1. [34-202(a)(5)]

C.2. NA Property owners map is attached as Exhibit PH-2.C.2. [34-202(a)(5)]

D. Date property was acquired by present owner(s): 4-4-2003

**PART 3
PROPERTY INFORMATION**

RECEIVED
JUN 09 2010

A. STRAP Number(s): 24-44-22-00-00015.0000

24-44-22-00-00014.0000

COMMUNITY DEVELOPMENT

B. Street Address of Property: 4548 and 4566 Pine Island Road NW, Matlacha, FL 33993

C. Legal Description

X Legal description (on 8 1/2" by 11" paper) is attached as Exhibit PH-3.C.1. [34-202(a)(1)]

X Sealed sketch of the legal description is attached as Exhibit PH-3.C.2. [34-202(a)(1)]

D. Boundary Survey

X A Boundary survey, tied to the state plane coordinate system, is attached as Exhibit PH-3.D.1. [34-202(a)(2)]

____ This is not a Planned Development Application and the property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable Plat Book page(s) is attached as Exhibit PH-3.D.2. The Plat Book Number and the Page Number (or the Instrument Number) are provided as well as the Block Number and Lot Number (if applicable). [34-202(a)(2)]

E. Planning Community: Pine Island

F. General Location of Property:

F.1. Area location map (for all applications other than Planned Developments) is attached as Exhibit PH-3.F. [34-202(a)(4)] {NOTE: For Planned Development Applications see Supplement D [34-
X 373(a)(4)b.]}

F.2. Directions to property:

Take Pine Island Rd west to Matlacha. Property is on right just past small bridge, corner of Island Ave.

G. Surrounding property owners:

G.1. X List of surrounding property owners is attached as Exhibit PH-3.G.1. [34-202(a)(6)]

G.2. X Map of surrounding property owners is attached as Exhibit PH-3.G.2. [34-202(a)(7)]

G.3. X 2 sets of mailing labels are attached as Exhibit PH-3.G.3. [34-202(a)(6)]

H. Current Zoning of Property: C-1

H.1. NA Copies of all Zoning Resolutions and Zoning Approvals applicable to the subject property are attached as Exhibit PH-3.H.1. [34-202(a)(8)]

I. Current use of property:

I.1. X Current use(s) of the property are:

Commercial uses, including realty office, bait shop, coffee shop/restaurant, and dance studio.

I.2. X If buildings or structures exist on the property, an affidavit is required stating whether the buildings & structures will be removed or retained and specific details regarding any structures proposed to be retained. Attach as Exhibit PH-3.I.2. and entitle "Structure Affidavit". [34-202(b)(3)]

I.3. NA 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. Attach as Exhibit PH-3.I.3. and entitled "Existing Agricultural Uses at Time of Zoning Application." [34-202(b)(7)]

J. Land Use Classification:

<u>Urban Community</u>	<u>0.4213</u>	Acres	<u>100</u>	% of total
		Acres		% of total
		Acres		% of total
		Acres		% of total

K. Flood Hazard (write NA if not applicable) [34-202(a)(8)]

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 7'-0 NGVD (MSL)

L. Deed Restrictions [34-202(b)(2)]

- L.1.** ☒ There are no deed restrictions or other covenants on this property that affect this request. [34-202(b)(2)]
L.2. ☐ Deed restrictions\ covenants that may affect this request are attached as **Exhibit PH-3.L.2.** [34-202(b)(2)]
L.3. ☐ A narrative explanation as to how the deed restrictions or covenants may affect this request. is attached as **Exhibit PH-3.L.3** [34-202(b)(2)]

M. Property Dimensions [34-202(a)(8)]

1. Width (average if irregular parcel): 180 avg. Feet
2. Depth (average if irregular parcel): 101 avg. Feet
3. Total area: 18,352 sf Acres or square feet
4. Frontage on road or street: 180 Feet on Pine Island Rd. Street
- 2nd Frontage on road or street: 117 Feet on Island Ave. Street

**PART 4
ACTION REQUESTED**

A. Action Requested: [check applicable action(s)]

- ☐ Special Exception for _____ Attached is Supplement A
☒ Variance for Div. 26: LDC 34-2013, 34-2016, & 34-2020 Attached is Supplement B
☐ Conventional Rezoning from: _____ to _____ Attached is Supplement C
☐ Planned Development Rezoning from _____ to _____
☐ DCI - Major: Attached is Supplement D
☐ DCI - Minor: Attached is Supplement D
☐ Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area. Attached is Supplement D
☐ Planned Development Amendment. Attached is Supplement D
☐ Extension of Master Concept Plan. Attached is Supplement E
☐ Reinstatement of Master Concept Plan. Attached is Supplement F
☐ Limited Amendment to an Existing Mine Special Exception or (non MEPD) Planned Development for either dewatering or an extension of the mine duration pursuant to 12-121(j). Attached is Supplement G

B. Blasting:

 X No blasting will be used in the excavation of lakes or other site elements.
If blasting is proposed, Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information) is attached as **Exhibit PH-4.B** [34-202(b)(6)]

C. Bonus Density: (put NA if not applicable)

 NA Bonus density will be used. Attached is a copy of the Bonus Density application showing calculations labeled as **Exhibit PH-4.C**. [34-202(b)(5)]

D. Hazardous materials: (put NA if not applicable)

 NA A Hazardous materials emergency plan is attached as **Exhibit PH-4.D** [34-202(b)(4)]

E. Mobile Home Park: (put NA if not applicable)

 NA Request includes rezoning of a Mobile Home Park. Attached is **Exhibit PH-4.E** [34-203(d)]

F. Aviation Hazard: (put NA if not applicable)

 NA Property is subject to Airport Hazard District regulations. Attached is **Exhibit PH-4.F** [34-1001 et seq]

 NA A tall structures permit will be required.

 NA Property is located within Noise zone:

G. Planning Communities. A meeting summary document for the required public informational session (put NA if not applicable).

 NA **Estero Planning Community** Attached is **Exhibit PH-4.G.1** [34-373(a)(10); 33-54(a) & (b); Lee Plan Policy 19.5.3]

 NA **Captiva Planning Community.** Attached is **Exhibit PH-4.G.2** [Lee Plan Policy 13.1.7]

 NA **Boca Grande Community Plan.** Attached is **Exhibit PH-4.G.3** [Lee Plan Policy 22.1.5]

 NA **Caloosahatchee Shores Planning Community.** Attached is **Exhibit PH-4.G.4** [Lee Plan Policy 21.6.3]

 NA **Page Park Planning Community.** Attached is **Exhibit PH-4.G.5** [Lee Plan Policy 27.11.2]

H. Waivers from Application Submission Requirements: The following waivers, approved by the Director of Zoning Services, are attached as **Exhibit PH-4.H** [34-202(a)]

Section Number	Name of item
<u> NA </u>	

- I. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property? ☒ YES. ☐ NO.

If the answer is YES, please provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service. Label letter as **Exhibit PH 4-I**. [34-202(b)(8)]

If the answer is NO, please provide a narrative explaining why the connection to potable water and/or central sewer is not planned. Label explanation as **Exhibit PH 4-I**. [BOCC Policy]

PART 6
SUBMITTAL REQUIREMENTS

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. TO BE SUBMITTED FOR EACH OF THE FOLLOWING EXHIBITS IS AS FOLLOWS:

Number of Copies*			Exhibit Number	SUBMITTAL ITEMS
Var. or Spe. Exc.	Conv. Rez.	PDs		
1 ✓	3	15		Completed application for Public Hearing [34-201(b)]
1 ✓	1	1		Filing Fee - [34-202(a)(9)]
Var. or Spe. Exc.	Conv. Rez.	PDs	SUP	SUPPLEMENTAL FORMS (select applicable request/form)
1 ✓	0	0	SUP A	Special Exception request
1 ✓	0	0	SUP B	Variance request
0	3	0	SUP C	Conventional Rezoning request
0	0	15	SUP D	Planned Development Rezoning request
0	0	15	SUP D	Planned Development Amendment request
0	0	15	SUP D	PRFPD in in Overlay Area Rezoning request
0	0	8	SUP E	Master Concept Plan Extension request
0	0	8	SUP F	Master Concept Plan Reinstatement request
0	0	15	SUP G	Limited Amendment to Special Exception or Planned Development
Var. or Spe. Exc.	Conv. Rez.	PDs	Exhibit Number	SUBMITTAL ITEMS
1 ✓	3	3	PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1 ✓	3	1	PH-1.B.3	BOCC authorization (if applicable)
1 ✓	3	15	PH-1.C.2	Additional Agents [34-202(b)(1)c.]
1 ✓	3	3	PH-2.B.1	Disclosure of Interest Form [34-201(b)(2)a]
1 ✓	3	3	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1 ✓	3	3	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
1 ✓	3	15	PH-3.A.1	List of STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
2 ✓	2	5	PH-3.C.1	Legal Description (2 originals required) [34-202(a)(1)]
2 ✓	2	5	PH-3.C.2	Sealed Sketch of the Legal Description (2 originals required) [34-202(a)(1)]
1 ✓	3	5	PH-3.D.1	Boundary Survey (tied to State Plane Coordinate System) (2 originals required) [34-202(a)(2)] {NOTE: This is a required submittal for all Planned Development Applications (see Supplement D)} [34-373(a)(4)a.1}]
1 ✓	3	N/A	PH-3.D.2	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1 ✓	3	0	PH-3.F	Area Location Map on 8" by 11" size paper pursuant to LCLDC Section 34-202(a)(4).(Non Planned Developments) [34-202(a)(4)]
0	0	15	PH-3.F	Area Location Map for Planned Developments - see Supplement D [34-373(a)(4)b.]

Number of Copies*			Exhibit Number	SUBMITTAL ITEMS
Var. or Spe. Exc.	Conv. Rez.	PDs		
1 ✓	1	3	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1 ✓	1	3	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2 ✓	2	2	PH-3.G.3	Mailing labels [34-202(a)(6)]
1 —	1	3	PH-3.H.1	Zoning Resolutions and Zoning Approvals [34-202(a)(8)]
1 —	3	3	PH-3.I.2.	Structure Affidavit (if applicable) [34-202(b)(3)]
1 —	3	3	PH-3.I.3.	Affidavit entitled " <u>Existing Agricultural Uses at Time of Zoning Application</u> " (if applicable) [34-202(b)(7)]
1 ✓	3	3	PH-3.L.2	Deed Restrictions\Covenants (if applicable) [34-202(b)(2)]
1 ✓	3	3	PH-3.L.3	Narrative addressing effect of Deed Restrictions (if applicable) [34-202(b)(2)]
1 —	3	15	PH-4.B	Information Regarding Proposed Blasting (if applicable). [34-202(b)(6)]
0	0	4	PH-4.C	Bonus Density Application (if applicable) [34-202(b)(5)]
1 —	3	4	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	3	4	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1 —	3	4	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
1	3	4	PH-4.G.1	Summary of Public Informational Session for Planned Development Applications, Special Exceptions and Variance Requests and Conventional Rezoning Actions located within Estero Planning Community (if applicable) [33-54; Lee Plan Policy 19.5.3]
1	3	0	PH-4.G.2	Summary of Public Informational Session for Rezoning Actions, Special Exception and Variance Applications located within Captiva and/or North Captiva Planning Community (if applicable) [Lee Plan Policy 13.1.7 & 25.1.1)]
1	3	0	PH-4.G.3	Summary of Public Informational Session for Rezoning Actions, Special Exception and Variance Applications located within Boca Grande Planning Community (if applicable) [Lee Plan Policy 22.1.5]
0	0	4	PH-4.G.4	Summary of Public Informational Session for Planned Development Applications located within Caloosahatchee Shores Community Plan (if applicable) [Lee Plan Policy 21.6.3]
0	0	4	PH-4.G.5	Summary of Public Informational Session for Planned Development Applications located within Page Park Community Plan (if applicable) [Lee Plan Policy 27.11.2]
0	0	4	PH-4.G.6	Summary of Public Informational Session for Planned Development Applications located within Palm Beach Boulevard Community Plan (if applicable) [Lee Plan Policy 23.5.2]
1	3	15	PH-4.H	Approved Waivers.(if applicable) [34-202(a)]
0	0	4	PH-4.I	Potable Water & Sanitary Sewer. If the answer to Item 4.L was YES, provide a letter from the appropriate utility entity confirming availability of service. If the answer to Item 4.K was NO, an explanation must be attached providing the reason(s) why connection to potable water and sanitary sewer system is not proposed as part of any development of the parcel subject to the request. [34-202(b)(8)]

* At least one copy must be an original.

VAR 2010-00015
PART 1 AFFIDAVIT A1
(EXHIBIT PH-1.B.2)

RECEIVED
JUN 09 2010
COMMUNITY DEVELOPMENT

**AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT**

I, Anna DeMeo, 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.

Anna de Meo
Signature

Anna DeMeo
(Type or printed name)

STATE OF Florida

COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 5/27/10 (date) by Anna DeMeo (name of person providing oath or affirmation), who is personally known to me or who has produced drivers license (type of identification) as identification.

Michelle Ann Addario
Signature of person taking oath or affirmation

Title or rank



Serial number, if any

EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:

VAR 2010-00015

STRAP NO. 24-44-22-00-00015.0000 & -00014.0000 CASE NO. _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership
<u>Anna DeMeo, PO Box 694, Matlacha, FL 33993</u>	<u>100%</u>
_____	_____
_____	_____
_____	_____
_____	_____

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	Percentage of Stock

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: _____

Anna DeMeo

(Applicant)

Anna DeMeo

(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 5/5/10 (date) by

Anna DeMeo who is personally known to me or who has produced
drivers license as identification.

Michelle Ann Addario
Signature of Notary Public



Printed Name of Notary Public

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Page 2 of 2

Page 12 of 13

VAK 2010-00015

EXHIBIT PH-1.C.2
ADDITIONAL AGENTS

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Company Name: AJ Watson Land Surveying, Inc.

Contact Person: AJ Watson

COMMUNITY DEVELOPMENT

Address: Street : PO Box 423

City, State, Zip: St. James City, FL 33956

Phone: 239-283-1518

Fax: _____

E-mail: ajwls@aol.com

Company Name: _____

Contact Person: _____

Address: Street : _____

City, State, Zip: _____

Phone: _____

Fax: _____

E-mail: _____

Company Name: _____

Contact Person: _____

Address: Street : _____

City, State, Zip: _____

Phone: _____

Fax: _____

E-mail: _____

Company Name: _____

Contact Person: _____

Address: Street : _____

City, State, Zip: _____

Phone: _____

Fax: _____

E-mail: _____



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COMMUNITY DEVELOPMENT

PUBLIC HEARING SUPPLEMENT B

ADDITIONAL REQUIRED INFORMATION FOR A VARIANCE APPLICATION UNINCORPORATED LEE COUNTY

Case Number: VAR 2010-00015
Project Name: Perfect Cup Parking Variance
Applicant's Name: Anna DeMeo
STRAP Number(s): 24-44-22-00-00015.0000 and 24-44-22-00-00014.0000

Brief Summary of Project:

Request a variance from Division 26 - Parking of the Land Development Code. The existing coffee shop (retail sales) wishes to expand it's services to include restaurant use. The property was developed prior to the existence of the Land Development Code and due to the restrictions of the site is unable to comply with several of the codes pertaining to parking.

VARIANCE FOR: (Indicate the section or sub-section number and title)

Section Number	Title of LCLDC section or subsection
34-2020(2)(l)(2)i	Required parking for restaurants
34-2013(a)	Access
34-2013(b)3	Access - maximum width at property line
34-2016(1)	Parking space dimensions
34-2016(3)	Minimum aisle width

PART 1. VARIANCE REQUEST - NARRATIVE

Every application for a variance from the terms of this chapter must include the following narrative statements. Complete the following questions for each variance requested. [34-203(f)]

A. Section number from which variance is requested: See attached Narrative

B. Specific regulation from which relief is sought:

See attached Narrative

C. Reason why the variance is needed (use additional sheets, if needed; label as Exhibit B-1.C.):

See attached Narrative

D. What effect, if any, granting the variance would have on adjacent properties (use additional sheets if needed; label as Exhibit B-1.D.):

See attached Narrative

E. The nature of the hardship which is used to justify the request (use additional sheets if needed; label as Exhibit B-1.E.):

See attached Narrative

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VAR 2010-00015

PART 2. VARIANCE REQUEST - SITE PLAN

Copies required*	Exhibit Number	SITE PLAN (CHECK APPLICABLE PLAN)
1 ✓	B-2.A or PH-3.D.1	SITE PLAN: All requests for a variance (excluding a setback variance on a collector or arterial road [see below]) must include a site plan showing:
		a. All existing public streets, easements or other reservations of land within the site; b. All existing and proposed structures on the site; c. All existing structures within 100 feet of the perimeter boundary of the site; and d. The proposed variance from the adopted standards.
1 ✓	B-2.B or PH-3.D.1	SITE PLAN: All requests for a variance from a required street setbacks on a collector or arterial road must include a site plan, drawn to scale, showing:
		a. All structures, easements, and rights-of-way, etc., within 100 feet of the peripheral boundary of the subject property; b. The location of all proposed structures, easements, rights-of-way and vehicular access onto the property, including entrance gates or gatehouses; and c. The extent of modification from street setbacks requested.

* At least one copy must be an original.

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6810 Porto Fino Circle
Fort Myers, FL 33912
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com

PERFECT CUP PARKING VARIANCE NARRATIVE

A. and B. Section number and specific regulation from which variance is requested:

- Sec. 34-2020 (2)(L)(2)i – Required parking for restaurant use.
- Sec. 34-2013 (A) – Access. Parking lots must be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion.
- Sec. 34-2013(B)(3) – Access. Maximum width at property line is 35 feet.
- Sec. 34-2016(1)(B)1 – Parking Space Dimensions. Ninety (90) degree parking must be Nine (9) feet by Eighteen (18) feet.
- Sec. 34-2016(3) – Minimum Aisle Widths. Aisle width for 30 degree angled parking for a one-way drive aisle must be a minimum of 12 feet.

C. Reason why the variance is needed:

The project site is an existing development on Matlacha. Built in 1956, the building(s) has provided a variety of uses and functions to meet the needs of the community. The existing coffee shop (Unit B) started out with just coffee sales and slowly expanded to include muffins and pastries. Responding to the needs of the community, the coffee shop now serves a limited selection of breakfast and lunch items. The property owner wishes to obtain the proper permit for restaurant use. Per LDC Sec. 34-2011(b)(3) "When the use of a building is changed to a different use that is required to have more parking than exists, the additional parking must be provided". The site is restricted by its unique location and existing conditions and is unable to meet code required parking. In addition, there are several pre-existing conditions relating to the current parking area that are non-compliant. Variances have been requested from (1) the number of spaces required for restaurant use and (2) existing parking conditions.

D. What effect, if any, granting the variance would have on adjacent properties:
The project site is unique in the fact that two sides are bordered by roadways and the other two sides are bordered by canals. Any effect on the neighboring properties will be minimal, especially given this unique situation. The property is located in the historic district of Matlacha. Residents and tourists alike take advantage of the small island and use various means of travel including walking, bicycles, boats, and cars. At the meeting for the Matlacha Civic Association, the attendees were insistent that they are more than

willing to make allowances for special circumstances in order to keep the original feel of the island and encourage development of new businesses.

E. The nature of the hardship which is used to justify the request:

There are several exceptional circumstances relating to the property in question. The development pre-dates Lee County's Land Development Code and is restricted in such a manner as to prevent the development from complying fully with current codes. As stated above, the project site is located in the Matlacha Historic District. The Matlacha Civic Association is fully supportive of the proposed restaurant. They desire to keep the original island feel while promoting new business. The location of the restaurant in the heart of the historic district is a welcome addition to the community.

The site is completely developed and is limited by existing site restrictions. Currently twenty-seven (27) parking spaces are provided on-site for the various multiple uses. At the present time, not all the existing parking spaces and drive aisles meet dimensional requirements. Therefore, if the variance requests are granted, the parking lot layout will be re-designed and the number of spaces provided will total twenty-five (25).

The current uses of the development and the associated hours of operation are as follows:

Building 1:	Realty Office, open 9am – 5pm, Monday-Friday
Building 2:	Bait Shop, open 6am – 2pm, Monday -Saturday
	Restaurant, open 7am – 4pm, Monday – Friday, 7am – 2pm, Saturday
	Gift Shop and Coffee Storage, same as restaurant
	Dance Studio, open 4pm – 9pm, Monday-Friday

The hours noted are for peak season and change at the discretion of the business owners to suit the needs and demands of their customers off-season.

The existing coffee shop expanded its services in response to the needs of the community. Unbeknownst to the owner, the change in use required approval from Lee County Development Services. As a result, the restaurant has been found to be in violation of Lee County Codes. Changing the coffee shop use from retail sales to restaurant use, in addition to the current uses, requires a total of forty (40) parking spaces to be provided on-site. Matlacha is considered a walkable community, with more customers arriving by foot or bicycle than by car. An attachment showing a physical count of traffic for the restaurant illustrates the number of vehicles, pedestrians, bicyclists, and boaters who patronize the restaurant.

This narrative clearly supports the proposed variance requests by demonstrating:

- a. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question.
- b. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance. The

development was created in 1956, prior to adoption of the Land Development Code.

- c. The variance requested is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to his property.
- d. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- e. The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance.

VAR 2010-00015

**TRAFFIC IMPACT STATEMENT
FOR A
MULTI-USE COMMERCIAL BUILDING**

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Perfect Cup

PREPARED FOR:

**Ms. Anna Demeo
Post Office Box 694
Matlacha, FL 33993**

PREPARED BY:



**6810 Porto Fino Circle
Fort Myers, FL 33912
Phone 239-433-4231 Fax 239-433-9632
www.tdmcivilengineering.com**

May 2010

*Dean Martin
6-8-10*

1. PURPOSE

OBJECTIVE

This report has been prepared in accordance with directives issued by Lee County Zoning staff to TDM Consulting prior to submittal for a parking variance to allow restaurant use in the existing coffee shop. This report analyzes the traffic conditions near the development in order to determine any adverse roadway impacts associated with the requested variance.

The subject parcel as surveyed by A.J. Watson is 0.42 acres.

This Traffic Impact Statement is based on the fact that the development is complete.

2. SITE DESCRIPTION

SITE LOCATION

Perfect Cup is a 0.42-acre parcel located at 4548 and 4566 Pine Island Road in Matlacha in Section 24, Township 44 South, Range 22 East, Lee County, Florida. The applicant desires to provide breakfast and lunch options to his existing coffee shop customer base. The existing multi-use building consists of four thousand two hundred eighty-eight (4,288) square feet of gross floor area. The parcel also contains a free-standing five hundred forty-four (544) square foot real estate office.

Access to the development is provided by one (1) full-access driveway on Pine Island Road and one (1) full-access driveway on Island Avenue.

3. OBSERVATIONS

3.1 TRIP GENERATION CALCULATIONS

Parking lot car counts were witnessed and tabulated in fifteen (15) minute intervals on Tuesday, April 27; Thursday, April 29; and Saturday, May 1 (see actual tallies at the end of this report). It is conservatively assumed for this report that the average customer turn-over is thirty (30) minutes (that is, some customers take fifteen minutes to order and drink coffee; some customers take thirty minutes to eat a quick breakfast; and some customers linger for breakfast and coffee for forty-five minutes). The following table recaps the peak traffic counts realized during the breakfast and lunch rush hours:

Table 1. Trip Generation - Existing Traffic

<u>Highest Hourly Interval:</u>	
A.	Breakfast Peak Hour Vehicles (Saturday 8:30 to 9:30) $T = 9 + 11 + 7 + 9 = 36$ (18 entering, 18 exiting)
B.	Lunch Peak Hour Vehicles (Saturday 11:00 to 12:00) $T = 10 + 10 + 10 + 8 = 38$ (19 entering, 19 exiting)

Source: TDM, 2010

Because this analysis must be based on peak-season peak-hour traffic, Table 1 must be adjusted to reflect peak-season peak-hour trip generations. Per the 2009 Traffic Count Report prepared by the Lee County Department of Transportation, traffic on Pine Island Road near the proposed development is at its peak in February (32.63% higher than in May).

Table 2. Trip Generation - Existing Traffic (Adjusted)

<u>Table 1 x 1.3263:</u>	
A.	Breakfast Peak Hour Vehicles $T = 36 \times 1.3263 = 48$ (24 entering, 24 exiting)
B.	Lunch Peak Hour Vehicles $T = 38 \times 1.3263 = 50$ (25 entering, 25 exiting)

Source: TDM, 2010

3.2 PROJECT TRIP DISTRIBUTION

Traffic will enter and exit the development at the one (1) full-access driveway on Pine Island Road and the one (1) full-access driveway on Island Avenue.

3.3 EXISTING TRAFFIC CONDITIONS

Pine Island Road is the nearest arterial road being accessed. Based on the 2009 Traffic Count Report prepared by the Lee County Department of Transportation, traffic on Pine Island Road near the development heads East 59% of the time and West 41% of the time during the A.M. peak. During the P.M. peak, traffic near the development heads West 54% of the time and East 46% of the time.

Pine Island Road near the development is classified by the Lee County Comprehensive Plan as a two-lane un-divided arterial road. Per the 2009 Lee County Concurrency Report, Pine Island Road has an existing “D” Level of Service near the development with an estimated 2009 peak direction of flow volume of five hundred eighty-nine (589) vehicles per hour, a Performance Standard “E” Level of Service, and a Performance Standard Capacity of nine hundred fifty (950) vehicles per hour. Also of note is that this section of Pine Island Road has been designated by the Lee County Board of County Commissioners as a “constrained facility”, which permits a higher volume to capacity ratio than would normally be permitted under the existing concurrency regulations.

3.4 LEVEL OF SERVICE ANALYSIS (PINE ISLAND ROAD)

The development is existing; therefore, it will not introduce any increase in traffic flows and will not degrade the Level of Service of Pine Island Road during the peak season following the build-out year below the Performance Standard Level of Service. It is worth noting that the coffee shop/restaurant use of the development typically attracts local residents and pass-by traffic and generates very little, if any, new traffic on Pine Island Road.

Date 4 /27/2010 Tuesday

Customer arrival Count

Between 7am and 10am Bicycle 24 Car 31 Walk 27 Boat 3
Between 11am and 2pm Bicycle 11 Car 32 Walk 25

Parking lot Car Count

7:00	2
7:15	7
7:30	6
7:45	7
8:00	8
8:15	8
8:30	8
8:45	8
9:00	9
9:15	7
9:30	10
9:45	9
10:00	5
11:00	8
11:15	4
11:30	3
11:45	2
12:00	5
12:15	5
12:30	5
12:45	4
1:00	3
1:15	2
1:30	3
1:45	2
2:00	2

Date 4 /29/2010 Thursday

Customer arrival Count

Between 7am and 10am	Bicycle 14	Car 24	Walk 20
Between 11am and 2pm	Bicycle 12	Car 20	Walk 25

Parking lot Car Count

7:00	1
7:15	1
7:30	2
7:45	2
8:00	2
8:15	3
8:30	4
8:45	2
9:00	11
9:15	10
9:30	9
9:45	4
10:00	3
11:00	5
11:15	3
11:30	4
11:45	7
12:00	9
12:15	8
12:30	6
12:45	4
1:00	3
1:15	3
1:30	2
1:45	2
2:00	2

Date 4 /27/2010 Tuesday

Customer arrival Count

Between 7am and 10am Bicycle 24 Car 31 Walk 27 Boat 3
Between 11am and 2pm Bicycle 11 Car 32 Walk 25

Parking lot Car Count

7:00	2
7:15	7
7:30	6
7:45	7
8:00	8
8:15	8
8:30	8
8:45	8
9:00	9
9:15	7
9:30	10
9:45	9
10:00	5
11:00	8
11:15	4
11:30	3
11:45	2
12:00	5
12:15	5
12:30	5
12:45	4
1:00	3
1:15	2
1:30	3
1:45	2
2:00	2

Date 4 /29/2010 Thursday

Customer arrival Count

Between 7am and 10am	Bicycle 14	Car 24	Walk 20
Between 11am and 2pm	Bicycle 12	Car 20	Walk 25

Parking lot Car Count

7:00	1
7:15	1
7:30	2
7:45	2
8:00	2
8:15	3
8:30	4
8:45	2
9:00	11
9:15	10
9:30	9
9:45	4
10:00	3
11:00	5
11:15	3
11:30	4
11:45	7
12:00	9
12:15	8
12:30	6
12:45	4
1:00	3
1:15	3
1:30	2
1:45	2
2:00	2

Date 5/1/2010

Customer arrival Count

Between 7am and 10am Bicycle 20 Car 29 Walk 19
Between 11am and 2pm Bicycle 8 Car 38 Walk 12

Parking lot Car Count

7:00	1
7:15	3
7:30	4
7:45	4
8:00	5
8:15	6
8:30	9
8:45	11
9:00	7
9:15	9
9:30	4
9:45	4
10:00	3
11:00	10
11:15	10
11:30	10
11:45	8
12:00	6
12:15	9
12:30	4
12:45	4
1:00	3
1:15	2
1:30	4
1:45	2
2:00	4

Date 5/1/2010, Saturday

Customer arrival Count

Between 7am and 10am Bicycle 20 Car 29 Walk 19
Between 11am and 2pm Bicycle 8 Car 38 Walk 12

Parking lot Car Count

7:00	1
7:15	3
7:30	4
7:45	4
8:00	5
8:15	6
8:30	9
8:45	11
9:00	7
9:15	9
9:30	4
9:45	4
10:00	3
11:00	10
11:15	10
11:30	10
11:45	8
12:00	6
12:15	9
12:30	4
12:45	4
1:00	3
1:15	2
1:30	4
1:45	2
2:00	4

Structures Affidavit
Exhibit PH-3.1.2

Property Owner's
Name:

Anna DeMeo

Project Name:

Perfect Cup Parking Variance

STRAP

Numbers:

24-44-22-00-00015.0000

24-44-22-00-00014.0000

Address:

4548 and 4566 Pine Island Rd NW, Matlacha, FL 33993

I, Anna DeMeo, swear or affirm under oath, that I am the Sole Owner,
of the property(ies) identified above and do attest that the existing buildings and
structures on the above-referenced property will be retained.

Anna de meo
(Signature)

Anna DeMeo
(Print Name)

State of Florida
County of Lee

Sworn and subscribed before me this 07 day of May, 2010 by _____
Anna DeMeo who is personally known to me and who did take an oath.

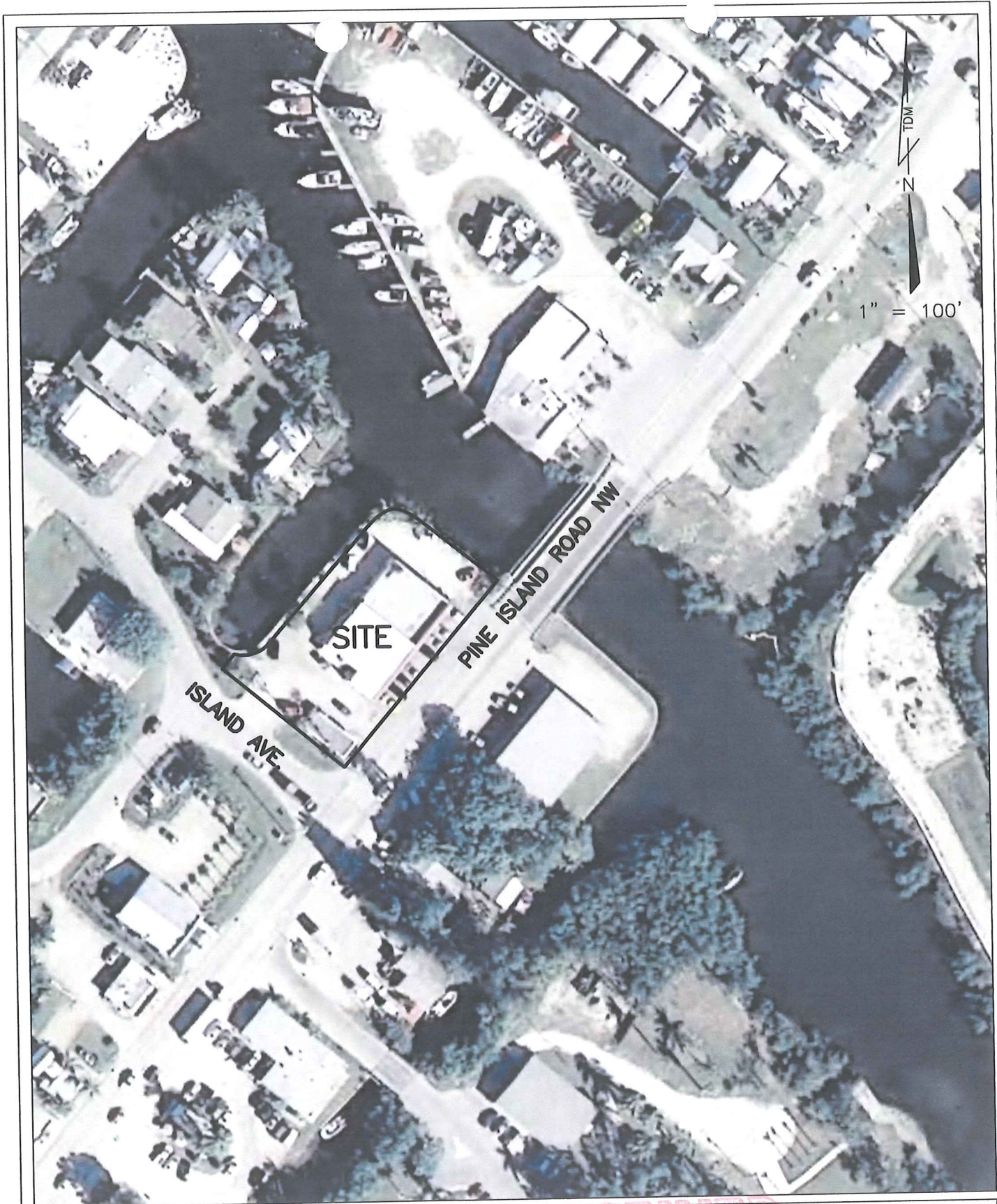
Michelle Ann Addario
Name typed: _____
Notary Public Commission _____
My Commission Expires: _____



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AREA LOCATION MAP

4548 & 4566 PINE ISLAND RD NW
MATLACHA, FL 33993

VAR 2010-00015

SOURCE: TDM, 2010

DATE: 06/10

FILE: CIVIL



6810 Porto Fino Circle
Fort Myers, FL 33912
Phone: (239) 433-4231
Fax: (239) 433-9632
Email: dean@tdmconsulting.com

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MCA GENERAL MEMBERSHIP MEETING 4-20-10

VAR 2010-00015

I CALL TO ORDER

II PLEDGE OF ALLEGIANCE

III MINUTES OF LAST MEETING 3-16-10 ACCEPTED

IV TREASURERS REPORT.

OLD BUSINESS:

MOTORWAY OVERLAY PLAN - PARAMETER FOR OVERLAY WILL BE DISCUSSED OVERTHE SUMMER.
BASIC RESEARCH BEING DONE.

MOTION: CONTRIBUTE \$200 TO THE ART ASSOCIATION TO DEFEND COSTS INCURRED BY THE MCA. PASSED

MOTION: MCA TO CONTRIBUTE \$100 TO THE COMMISSIONER JONES PRESERVE.

VERONICA MARTIN - [REDACTED] SPOKE TO THE PARKING ISSUE - ASKING FOR SUPPORT FOR A VARIANCE ALLOWING THE PERFECT CUP TO EXIST AS A COFFEE SHOP - REALLOCATE SPACES FROM THE DANCE STUDIO TO COFFEE SHOP. HOURS OF BUSINESS DO NOT COINCIDE - THEREFORE SPACES COULD BE ALLOTTED TO THE RESTAURANT.

MELINDY KRAM MOTIONS TO ADJOURN - MOTION ACCEPTED

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MCA SIGN-IN-SHEET

4-20-10

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NAME

PHONE OR E-MAIL

ROBERT McKNIGHT

283-7662

Mike Sherer

282-0077

Scorah Sciple

11 4

KATHRYN ALBRIDGE

283-3633

Clara McInnis

283-5376

Chad Buchanan

283-4067

Spring Yates Sea

282-1280

GARY WALKER

850-0930

Bar Barber

283-3713

Tag Fast

283-8207

Leo Amur

283-2755

Clair Amur

283-2755

Gary Simmons

633-5518

Bill Stoelker

898 2121

Michael Goh

283-1827

Anna de Meo

357-3776

Kathy Malone

283-3762

John R. Barne

282-2597

GREG STUART

677-6126

Thomas Tenell

252-422-6040

MELADY KEHM

282-1219

VAR 2010-00015

Prepared By and Return To:

Beverly J. Onson
Fidelity National Title Insurance Company of New York
3515 Del Prado Blvd., Suite 105
Cape Coral, FL 33904

File No. 03-017-904772

Property Appraiser's Parcel I.D. (folio) Number (s)

24-44-22-00-00015.0000 and

24-44-22-00-00014.0000

SS#: _____

INSTR # 5804195

Official Records BK 03917 **PG** 4796

RECORDED 04/30/2003 01:58:52 PM

CHARLIE GREEN, CLERK OF COURT

LEE COUNTY

RECORDING FEE 15.00

DEED DOC 0.70

DEPUTY CLERK J Gallagher

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED executed April 4, 2003, by Harold Riehm and Anna Riehm n/k/a Anna DeMeo, both single, first party, to Anna DeMeo whose post office address is 5509 HARBORVIEW Dr., second party:

PO BOX 694, MATLACHA FL 33993

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the said first party, for and in consideration of the sum of \$10.00 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land situate, lying and being in the County of Lee State of Florida, to-wit:

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

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IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written.

WITNESSETH:

Bev Omsen
(Witness Signature)

Bev Omsen
(Print Name of Witness)

Deborah A. Rickard
(Witness Signature)

DEBORAH A. RICKARD

(Print Name of Witness)

Harold Riehm
Harold Riehm

Anna Riehm n/k/a Anna DeMeo
Anna Riehm n/k/a Anna DeMeo

(Address and Phone Number)

STATE of Florida
COUNTY of Lee

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgements, personally appeared Harold Riehm & Anna DeMeo

to me known to be the person(s) described in or who has/have produced _____ as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

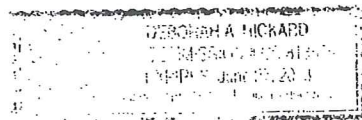
WITNESS my hand and official seal in the County and State last aforesaid this 10th day of April, 2023.

Deborah A. Rickard
Notary Signature

DEBORAH A. RICKARD

Printed Notary Name

My commission expires:



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COMMUNITY DEVELOPMENT
VAR 2010-00015

File No. 03-017-904772
Title Order No. 00904772

EXHIBIT ONE

From the Southeast corner of Lot 18, of Crow's First Plat of Matlacha, according to the map or plat thereof on file and recorded in Plat Book 8, Page 83, of the Public Records of Lee County, Florida; run Easterly along edge of highway 635.5 feet to the Northeasterly line of Island Avenue and the point of beginning of the lands herein described; thence North at right angles a distance of 117 feet; thence Easterly parallel with S.R. 78 to the shore line of West Island; thence Southerly following the meandering of said Easterly shore line to the highway; thence Westerly along edge of highway 173 feet, more or less, to the point of beginning.

RECEIVED
JUN 9 2010

COMMUNITY DEVELOPMENT

VAR 2010-00015

LAW OFFICE OF
WAGGONER & BRUEHL, P.A.

Timothy J. Bruehl
Jacqueline Bruehl

5400 Pine Island Road, Suite D
Bokeelia, FL 33922
(239) 283-1076
(239) 283-7567 Fax
(239) 283-0988 – Real Estate

Paul H. Waggoner
of Counsel

June 8, 2010

Re: Anna Demeo Attorney's Opinion of Title
Strap Nos. 24-44-22-00-00014.0000 and 24-44-22-00-00015-0000

To Whom It May Concern:

Pursuant to the requirement of the Lee County Land Development Code, Section 10-154(2), the following shall serve as a legal opinion relative to the title of lands described in Exhibit "A" as part of the attached Title Certification Report being Fund File Number 18-10-2193. Pursuant to the same, please see below:

a. Title in the subject property is vested in the name of Anna Demeo dated April 4, 2003 recorded in O.R. Book 3917, Page 4796. The vested title is set forth in the Title Certification Report referenced above.

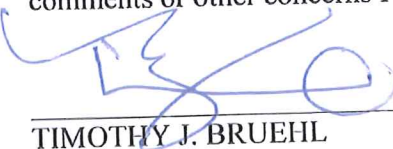
b. There is a Mortgage and Assignment of Rents dated April 10, 2003 recorded in O.R. Book 3917, Page 4799. The Mortgage is set forth in the Title Certification Report referenced above.

c. All easements encumbering the property are described under the "Restrictions/Easements" section of the title search report referenced above in paragraph.

d. The legal description of the subject property referenced above is attached to the Title Search Report and labeled as Exhibit "A".

Other than what is referenced above and set forth in the Title Certification Report, there are no other liens, mortgages, owners of record, or easements that appear in the Public Records of Lee County, Florida, as of May 24, 2010.

Upon your receipt of this Certified Opinion of Title, should you have any questions, comments or other concerns I ask that you please do not hesitate to contact the undersigned.


TIMOTHY J. BRUEHL
Bar No. 0137618
Waggoner & Bruehl, P.A.
5400 Pine Island Rd. Suite D
Bokeelia, FL 33922
(239)283-1076

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COMMUNITY DEVELOPMENT

VAR 2010-00015

Exhibit "A"

TITLE CERTIFICATION

Showing Information Required by F.S. 177.041 Prior to Platting Lands

Fund File Number: 18-10-2193

Provided For: Waggoner & Bruehl PA. and The Board of County Commissioners of Lee County, Florida

Agent's File Reference: Demeo

Effective Date of Search: May 24, 2010 at 11:00 PM

Description of Real Property Situated in Lee County, Florida.

See Attached Exhibit A

Record Title Vested in: Anna DeMeo by Quit Claim Deed

Recorded in: O.R. Book 3917, Page 4796 of the Public Records of Lee County, Florida.

Prepared this 8th day of June, 2010.

Attorneys' Title Insurance Fund, Inc.

Stephanie A. Sayre
Stephanie A. Sayre
Southwest Florida Branch Manager

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JUN 09 2010
COMMUNITY DEVELOPMENT

VAR 2010-00015

Rev.1.0

TITLE CERTIFICATION

Fund File Number: 18-10-2193

The following unsatisfied mortgages appear of record:

1. *Mortgage to Wachovia Bank, National Association, mortgagee, recorded under O.R. Book 3917, Page 4799, Public Records of Lee County, Florida.*

The following easements appear of record:

1. *None*

This search is provided pursuant to the requirements of Florida Statute 177.041 for the uses and purposes specifically stated therein and is not to be used as the basis for issuance of an insurance commitment and/or policy. This certificate has been prepared expressly for the appropriate governing body as is defined by Ch. 177.071, Florida Statutes, and is not to be relied upon by any other group or person for any other purpose.

The information contained herein is furnished for information only. Maximum liability for incorrect information is \$1000.

RECEIVED
JUN 09 2010

COMMUNITY DEVELOPMENT

VAR 2010-00015

TITLE CERTIFICATION

Fund File Number: 18-10-2193

EXHIBIT A

From the Southeast corner of Lot 18, of Crow's First Plat of Matlacha, according to the map or plat thereof on file and recorded in Plat Book 8, Page 83, of the Public Records of Lee County, Florida; run Easterly along edge of highway 635.5 feet to the Northeasterly line of Island Avenue and the point of beginning of the lands herein described; thence North at right angles a distance of 117 feet; thence Easterly parallel with S.R. 78 to the shore line of West Island; thence Southerly following the meandering of said Easterly shore line to the highway; thence Westerly along edge of highway 173 feet, more or less, to the point of beginning.

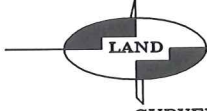
RECEIVED
JUN 9 2010

COMMUNITY DEVELOPMENT

VAR 2010-00015

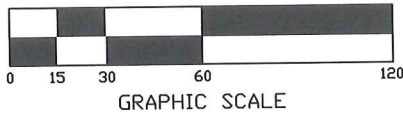
A. J. WATSON

SHEET 1 OF 2

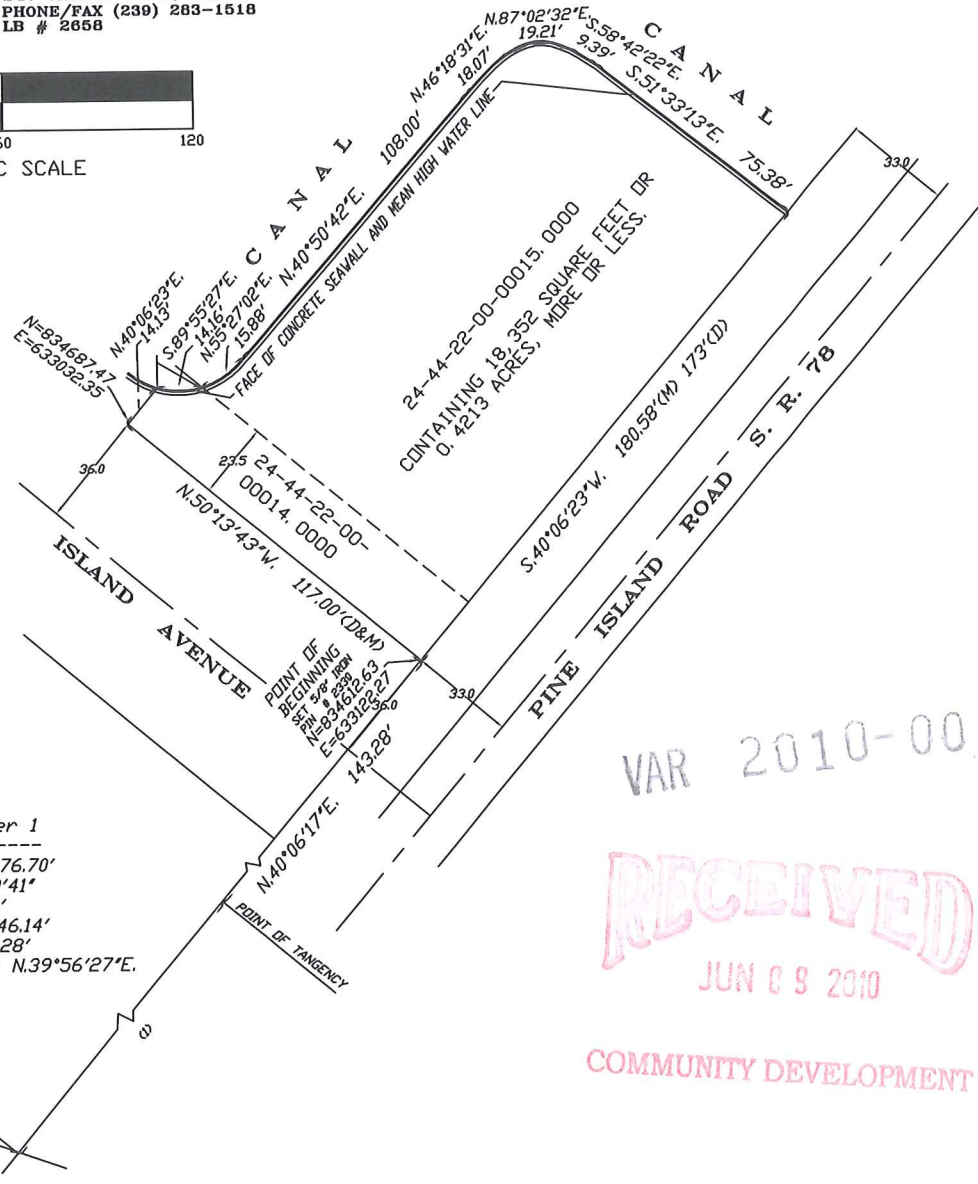


2284 DATE STREET
ST. JAMES CITY, FLORIDA 33966
PHONE/FAX (239) 283-1518
LB # 2658

SURVEYING, INC.



GRAPHIC SCALE



Curve number 1
Radius= 85976.70'
Delta= 00°19'41"
Arc= 492.28'
Tangent= 246.14'
Chord= 492.28'
Chord Brg.= N.39°56'27"E.

VAR 2010-00015

RECEIVED
JUN 09 2010

COMMUNITY DEVELOPMENT

NOTE:
BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE
FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE.

SPECIFIC PURPOSE SKETCH AND DESCRIPTION OF THE FOLLOWING:
4558 AND 4566 PINE ISLAND ROAD, MATLACHA, FL 33993
MORE PARTICULARLY DESCRIBED ON SHEET 2 OF 2.

This survey is in compliance with the minimum technical standards as set
forth in Chapter 61G17-6, Florida Administrative Code. This Survey Map is
not valid without the signature and raised seal of a Florida Licensed
Surveyor and Mapper.

FOR: DEMED

JOB # 10-0067 F. B. L 144-61
STRAP # 24-44-22-00-00014.0000
STRAP # 24-44-22-00-00015.0000

SKETCH OF SURVEY
SCALE 1" = 60'

Alfred J. Watson
ALFRED J. WATSON
PROFESSIONAL SURVEYOR AND MAPPER
#2330 - STATE OF FLORIDA

DATE: APRIL 28, 2010

DATE: _____

DATE: _____

THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

A. J. WATSON

SHEET 2 OF 2



2284 DATE STREET
ST. JAMES CITY, FLORIDA 33956
PHONE/FAX (239) 283-1518
LB # 2858

SURVEYING, INC.

COMMENCE AT THE SOUTHEAST CORNER OF LOT 18, OF CROW'S FIRST PLAT OF MATLACHA, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 8, PAGE 83, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN EASTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE OF PINE ISLAND ROAD, S.R. 78, WITH THE ARC OF A CURVE TO THE RIGHT HAVING FOR ITS ELEMENTS A RADIUS OF 85,976.70 FEET, A CENTRAL ANGLE OF 00°19'41", A CHORD WHICH BEARS N 39°56'27" E 492.28 FEET, FOR 492.28 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE WITH SAID RIGHT OF WAY LINE N 40°06'17" E FOR 143.28 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF ISLAND AVENUE AND THE POINT OF BEGINNING; THENCE RUN N 50°13'43" W ALONG SAID RIGHT OF WAY LINE OF ISLAND AVENUE FOR 117.00 FEET TO A POINT, THENCE N 40°06'23" E PARALLEL TO THE AFOREMENTIONED RIGHT OF WAY LINE OF PINE ISLAND ROAD FOR 14.13 FEET TO A POINT ON THE MEAN HIGH WATER LINE AND WATERWARD FACE OF A CONCRETE SEAWALL; THENCE WITH THE MEANDERS OF SAID SEAWALL AND MEAN HIGH WATER LINE THE FOLLOWING COURSES: S 89°55'27" E FOR 14.16 FEET, N 55°27'02" E FOR 15.88 FEET, N 40°50'42" E FOR 108.00 FEET, N 46°18'31" E FOR 18.07 FEET, N 87°02'32" E FOR 19.21 FEET, S 58°42'22" E FOR 9.39 FEET AND S 51°33'13" E FOR 75.38 FEET TO A POINT ON THE AFOREMENTIONED NORTHWESTERLY RIGHT OF WAY OF PINE ISLAND ROAD; THENCE RUN S 40°06'23" W ALONG SAID RIGHT OF WAY LINE FOR 180.58 FEET TO THE POINT OF BEGINNING. CONTAINING 18,352 SQUARE FEET OR 0.4213 ACRES, MORE OR LESS.

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JUN 09 2010

COMMUNITY DEVELOPMENT

NOTE:

BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE.

VAR 2010-00015

SPECIFIC PURPOSE SKETCH AND DESCRIPTION OF THE FOLLOWING:
4558 AND 4566 PINE ISLAND ROAD, MATLACHA, FL 33993
SEE SHEET 1 OF 2 FOR SKETCH OF SURVEY.

This survey is in compliance with the minimum technical standards as set forth in Chapter 61G17-6, Florida Administrative Code. This Survey Map is not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.

FOR: DEMED

JOB # 10-0067 F. B. L 144-61

STRAP # 24-44-22-00-00014.0000

STRAP # 24-44-22-00-00015.0000

ALFRED J. WATSON
PROFESSIONAL SURVEYOR AND MAPPER
#2330 - STATE OF FLORIDA

DATE: APRIL 28, 2010

DATE: _____

DATE: _____

THE SURVEY DEPICTED HEREON IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

STREET ADDRESS

4548 & 4566 PINE ISLAND ROAD NW
MATLACHA, FLORIDA 33993

STRAP NUMBERS

24-44-22-00-00015.0000
24-44-22-00-00014.0000

PROJECT INFORMATION

CURRENT ZONING = C-1
FUTURE LAND USE = URBAN COMMUNITY
PROPOSED USE = COMMERCIAL
TOTAL ACREAGE = 0.4213 ACRES
EXISTING SOIL TYPES = #25 ST. AUGUSTINE SAND
#36 ORGANIC SUBSTRATUM-URBAN LAND COMPLEX

ZONING/ACTUAL USE

NORTH = IM / CANAL, MARINA
SOUTH = ROW, C-1 / ISLAND AVE, DOG GROOMERS
EAST = ROW, C-1 / PINE ISLAND RD NW, POST OFFICE
WEST = MH-1 / SFR, VACANT LOTS
PROJECT SITE = C-1 / COMMERCIAL

PARKING CALCULATIONS

REALTY OFFICE: 1 SPACE PER 300 SF
544 SF / 300 = 1.8 SPACES REQUIRED

UNIT 1
BAIT SHOP: 1 SPACE PER 200 SF
227 SF / 200 = 1.1 SPACES REQUIRED

UNIT 2
RESTAURANT: 14 SPACES PER 1000 SF
2054 SF / 1000 X 14 = 28.8 SPACES REQUIRED

PLUS OUTDOOR SEATING: 1 SPACE PER TABLE
2 TABLES X 1 = 2 SPACES REQUIRED

UNIT 3
GIFT SHOP/COFFEE SALES: 1 SPACE PER 200 SF
286 SF / 200 = 1.4 SPACES REQUIRED

DEAD STORAGE: 1 SPACE PER 600 SF
526 SF / 600 = 0.9 SPACES REQUIRED

UNIT 4
DANCE STUDIO: 1 SPACE PER 300 SF
1195 SF / 300 = 4.0 SPACES REQUIRED

REQUIRED: 40 SPACES, INCLUDING 2 HC SPACES
PROVIDED: 25 SPACES, INCLUDING 1 HC SPACE

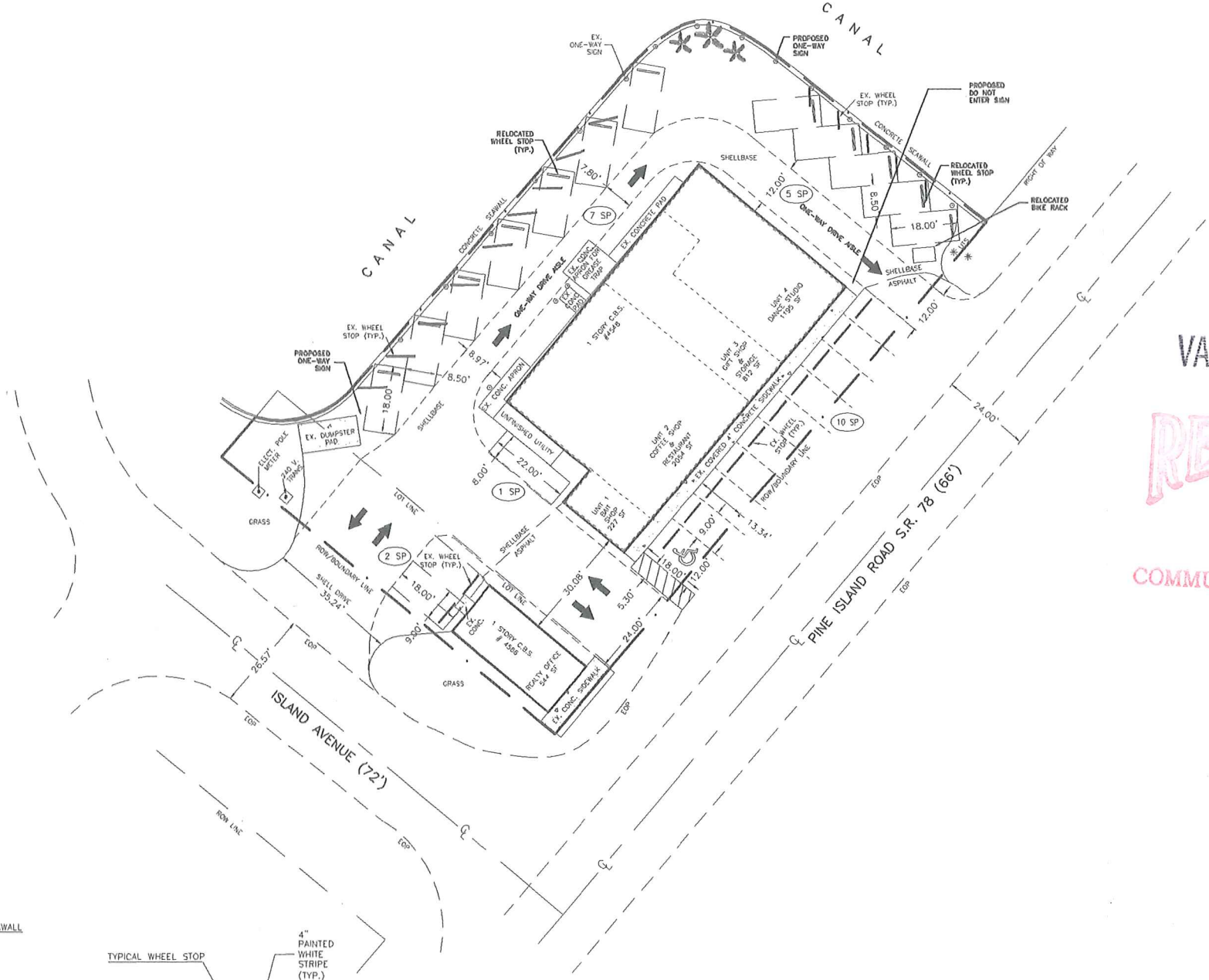
BICYCLE REQUIREMENTS: 40/15 = 3 SPACES
PROVIDED: 8 SPACES (EXISTING RACK)

LEGEND

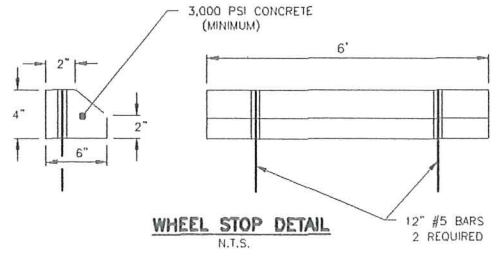
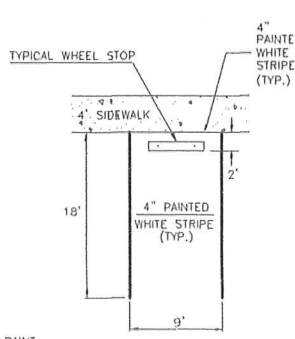
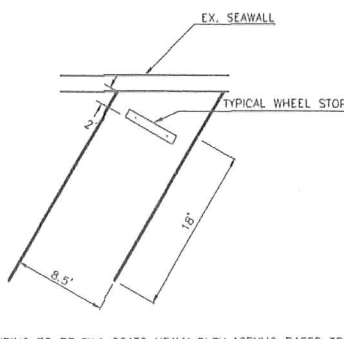
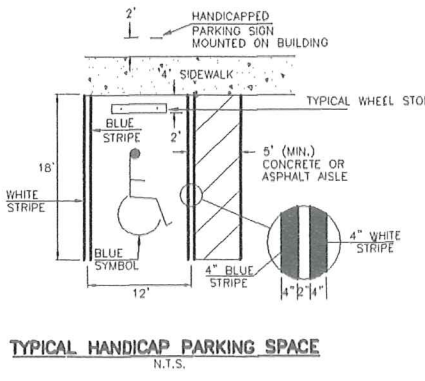
- EDP EDGE OF PAVEMENT
- TYP TYPICAL
- ROW RIGHT OF WAY
- SF SQUARE FEET
- EX. EXISTING
- CONC. CONCRETE
- (BSP) NUMBER OF PARKING SPACES IN LOT
- CONCRETE
- EX. PAVEMENT
- * LOCATION OF EXISTING PALMS

PROJECT NOTES

1. DEVELOPMENT IS PART OF THE MATLACHA HISTORIC DISTRICT.
2. EXISTING HANDICAP SIGN IS POSTED ON BUILDING.
3. WHEEL STOPS ARE TO BE RELOCATED ON SHELL PARKING LOT TO DELINEATE EACH SPACE. IF EXISTING WHEEL STOPS CANNOT BE RELOCATED, NEW WHEEL STOPS WILL BE PROVIDED. PARKING SPACE DELINEATION ON SHELL PARKING IS FOR ILLUSTRATION PURPOSES ONLY.
4. ADDITIONAL ONE-WAY AND DO NOT ENTER SIGNS WILL BE POSTED.
5. EXISTING BIKE RACK WILL BE RELOCATED.



VAR 2010-00015
RECEIVED
JUN 09 2010
COMMUNITY DEVELOPMENT



DATE	5/09/10
DESIGNED BY:	
VEN	
DRAWN BY:	
V.M./EN	
CHECKED BY:	
TDM	
APPROVED BY:	
TDM	
REVISIONS	
DATE	
#	
DESCRIPTION	
DRAWING NAME: JOES PERFECT CUP VARIANCE/RAWNSVILLE/VA	

PERFECT CUP
PARKING VARIANCE

SITE PLAN

6810 Porto Fino Circle
Fort Myers, FL 33912
Phone: (239) 433-4231
Fax: (239) 433-9632
Email: dean@tdmconsulting.com

CIVIL ENGINEERING

TDM

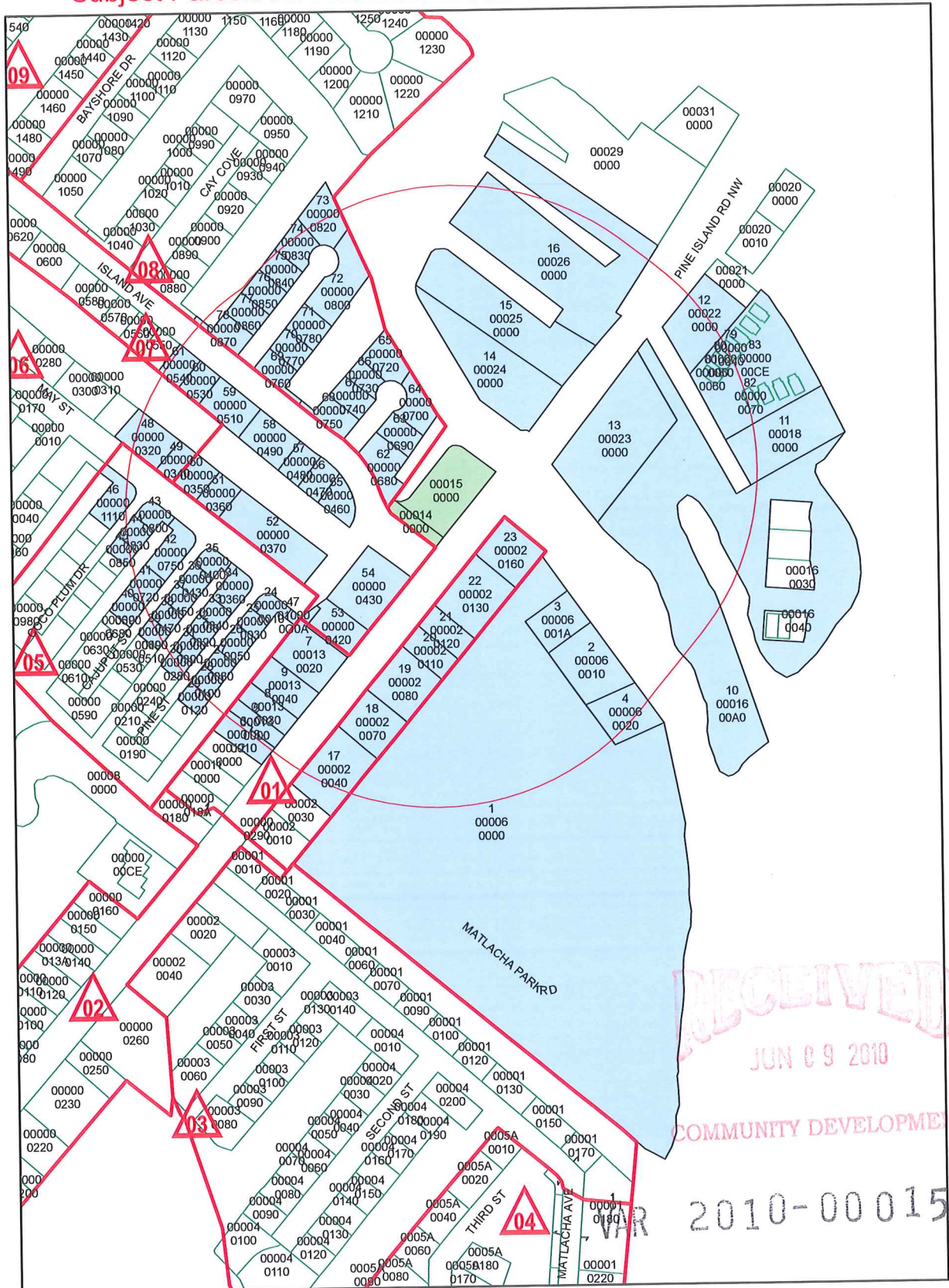
CONSULTING, INC.

NOT VALID WITHOUT ENCLOSED SEAL, SIGNATURE AND DATE	6-8-10	DATE
SHEET #	1 of 1	Dean Martin, P.E. Florida # 53022
SCALE	AS NOTED	

VARIANCE REPORT

5/13/2010

Subject Parcels : 2 Affected Parcels : 83 Buffer Distance : 500 ft



320 160 0 320 Feet

24-44-22-00-00015.0000 et al.



Lee County Property, Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: May 13, 2010
Buffer Distance: 500 ft
Parcels Affected: 83
Subject Parcel: 24-44-22-00-00015.0000, 24-44-22-00-00014.0000

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-44-22-00-00006.0000 4577 PINE ISLAND RD NW MATLACHA FL 33993	PARL G L 5 ISLAND AS DESC IN OR 0260/0089 + OR 267/372	1
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-44-22-00-00006.0010 4565 PINE ISLAND RD NW MATLACHA FL 33993	PARL IN GOVT LOT 5 DESC IN OR 1634 PG 0905	2
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-44-22-00-00006.001A 4571 PINE ISLAND RD NW MATLACHA FL 33993	PARL IN GOVT LOT 5 DESC OR 1344 PG 1756	3
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	24-44-22-00-00006.0020 PINE ISLAND RD NW MATLACHA FL 33993	PARL IN G L 5 AS DESC IN OR 0260/0218 + PARL IN GL 2 DESC OR 1232/748	4
FRANK RICHARD + ELIZABETH PO BOX 156 MATLACHA FL 33993	24-44-22-00-00013.0000 4608 PINE ISLAND RD NW MATLACHA FL 33993	FR COM COR LOTS 41 + 42 1ST ADD ISLAND HARBORS SWLY 191 FT TO POB AKA PAR E	5
FRANK RICHARD + ELIZABETH PO BOX 156 CAPE CORAL FL 33993	24-44-22-00-00013.0010 4618/20 PINE ISLAND RD NW MATLACHA FL 33993	PARL IN SEC 24 DESC IN OR 1203/0125	6
LONG J ROBERT + KAREN H 2443 SW PINE ISLAND RD CAPE CORAL FL 33991	24-44-22-00-00013.0020 4600/02 PINE ISLAND RD NW MATLACHA FL 33993	PARL IN SEC 24 AS DESC IN OR 1184/2097 + OR 1070 539	7
FRANK RICHARD + ELIZABETH PO BOX 156 MATLACHA FL 33993	24-44-22-00-00013.0030 4606 PINE ISLAND RD NW MATLACHA FL 33993	FR COM COR LOTS 41 + 42 1ST ADD ISLAND HARBORS SWLY 151 FT FT TO POB PAR D	8
FRANK RICHARD + ELIZABETH PO BOX 156 MATLACHA FL 33993	24-44-22-00-00013.0040 4602 PINE ISLAND RD NW MATLACHA FL 33993	FR COM COR LOTS 41 + 42 1ST ADD ISLAND HARBORS 81 FT TO POB AKA PAR C	9
COASTAL LAND AND HOMES LLC 9400 BLOCK LN ESTERO FL 33928	24-44-22-00-00016.00A0 11051 OYSTER POINT DR MATLACHA FL 33993	PARL IN SEC 24 AS DESC IN OR 0217/0423 LESS BLDGS IN PORPOISE POINT	10
HIGHGATE CORP PO BOX 770247 VANDERBILT BEACH FL 34107	24-44-22-00-00018.0000 11200-222 PORPOISE POINT RD CAPE CORAL FL 33993	PARL IN SEC 24 AS DESC IN OR 0291/0468 AKA LYONS R V PARK/RENTAL PARK	11
RUSSELL FRED JR + MARY 2619 CLYDE ST MATLACHA FL 33993	24-44-22-00-00022.0000 4491 PINE ISLAND RD NW MATLACHA FL 33993	PARL IN SEC 24 AS DESC IN OR 0055/0625	12
COASTAL LAND AND HOMES LLC 9400 BLOCK LN ESTERO FL 33928	24-44-22-00-00023.0000 4521 PINE ISLAND RD NW MATLACHA FL 33993	PARL IN SEC 24 TWP 44 R 22 DESC IN OR 1234 PG 129 AKA LITTLE PINE TRAILER PARK	13
OLDE FISH HOUSE MARINA LLC 4530 PINE ISLAND RD NW MATLACHA FL 33993	24-44-22-00-00024.0000 4530 PINE ISLAND RD NW MATLACHA FL 33993	PARL IN SEC 24 TWP 44 R 22 DESC IN DB 156 PG 72	14

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
OLDE FISH HOUSE MARINA LLC JOHN SKORUPSKI 4530 PINE ISLAND RD NW MATLACHA FL 33993	24-44-22-00-00025.0000 4520 PINE ISLAND RD NW MATLACHA FL 33993	PARL IN SEC 24 TWP 44 R 22 DESC IN DB 165 PG 513	15
THOMPSON TERENCE L TR 11911 PRINCE CHARLES CT CAPE CORAL FL 33991	24-44-22-00-00026.0000 4500 PINE ISLAND RD NW MATLACHA FL 33993	PARL IN SEC 24 AS DESC IN OR 0207 PG 0281 + OR 0211 PG 0011 + OR 0262 PG 0102 AKA FISHERMAN TOURIST PARK	16
DONALDSON SANDRA L 3501 JANIS RD CAPE CORAL FL 33993	24-44-22-01-00002.0040 4613 PINE ISLAND RD NW MATLACHA FL 33993	PINE ISLAND FILL SUBD BLK 2 PB 8 PG 86 E 38 FT LOT 4 + LOTS 5 + 6 + SW 4 FT OF LOT 7	17
DONNA ISLAND LLC 20 S BROAD ST BROOKSVILLE FL 34601	24-44-22-01-00002.0070 4601 PINE ISLAND RD NW MATLACHA FL 33993	PINE ISLAND FILL SUBD BLK 2 PB 8 PG 86 NELY 46 FT LOT 7 + SWLY 44 FT LOT 8	18
DONNA ISLAND LLC 20 S BROAD ST BROOKSVILLE FL 34601	24-44-22-01-00002.0080 4597 PINE ISLAND RD NW MATLACHA FL 33993	PINE ISLAND FILL SUBD BLK 2 PB 8 PG 86 NELY 6 FT LOT 8 + LOTS 9 + 10	19
TIITF STATE OF FLORIDA DEPT OF ENVIR PROTECTION 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399	24-44-22-01-00002.0110 4587 PINE ISLAND RD NW MATLACHA FL 33993	PINE ISLAND FILL SUBD BLK 2 PB 8 PG 86 LOT 11	20
SALTWATER ENTERPRISES INC 4573 PINE ISLAND RD NW MATLACHA FL 33993	24-44-22-01-00002.0120 4573 PINE ISLAND RD NW MATLACHA FL 33993	PINE ISLAND FILL SUBD BLK 2 PB 8 PG 86 LOT 12	21
ALLEN ARCHIE W PO BOX 3 MATLACHA FL 33993	24-44-22-01-00002.0130 4567 PINE ISLAND RD NW MATLACHA FL 33993	PINE ISLAND FILL SUBD BLK 2 PB 8 PG 86 LOTS 13 14 + PT 15 W 1/2	22
LOIBL JOSEPH + DONNA 11653 ISLAND AVE MATLACHA FL 33993	24-44-22-01-00002.0160 4547 PINE ISLAND RD NW MATLACHA FL 33993	PINE ISLAND FILL SUBD BLK 2 PB 8 PG 86 LOT 16 + E 1/2 LOT 15	23
BENVENUTI RICHARD + VICTORIA + 2511 LAURELWOOD LN VALRICO FL 33596	24-44-22-05-00000.0010 2595 PINE ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOT 1 + NELY 10 FT LOT 2+LOT O LES SELRY20 FT	24
WILLIAMSON MARY DE ANNE 10632 TIPTON DR BOKEELIA FL 33922	24-44-22-05-00000.0030 2603 PINE ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOT 3 + SW 1/2 LOT 2 NELY 1/2 LOT 4	25
MACONE NICHOLAS R 1210 EL DORADO PKWY E CAPE CORAL FL 33904	24-44-22-05-00000.0050 2611 PINE ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 5 + 6 PT LOTS 4+7 DESC OR 795/260	26
DARRESS DEBRA M 2623 PINE ST MATLACHA FL 33993	24-44-22-05-00000.0080 2623 PINE ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOT 8 SWLY 1/2 OF 7 + NELY 1/2 OF 9	27
JOHNSON R D PO BOX 426 MATLACHA FL 33993	24-44-22-05-00000.0100 2631 PINE ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOT 10 +SWLY 1/2 OF 9 + NELY 1/2 OF 11	28
COMMONSENSE LLC 1353 AWATUKEE TRL HUDSON WI 54016	24-44-22-05-00000.0120 2639 PINE ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOT 12 + SWLY 1/2 11 + NE 1/2 OF 13	29
VANOYEN TODD 2634 PINE ST MATLACHA FL 33993	24-44-22-05-00000.0280 2634 PINE ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 28 + 29	30
KONIECKI LIZABETH A 2626 PINE ST MATLACHA FL 33993	24-44-22-05-00000.0300 2626 PINE ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 30 + 31	31
ALIFF JACQUELINE S TR + 7921 PARTRIDGE CT INDIANAPOLIS IN 46227	24-44-22-05-00000.0320 2618 PINE ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 32 + 33	32
MULCAHY LESLEY J JAMIESON 1360 ROGERS LAKE RD KILA MT 59920	24-44-22-05-00000.0340 2610 PINE ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 34 + 35	33

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
GALLAGHER AMY M 2602 PINE ST MATLACHA FL 33993	24-44-22-05-00000.0360 2602 PINE ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 36 THRU 39 INCL	34
MCNICHOLS JAMES W + AUDREY L 2600 CAJUPUT ST MATLACHA FL 33993	24-44-22-05-00000.0400 2600 CAJUPUT ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 40 + 41 + NELY 1/2 OF 42	35
MONROE WARREN J 70 JEROME AVE MINEOLA NY 11501	24-44-22-05-00000.0430 2611 CAJUPUT ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 43 + 44 + SWLY 1/2 OF 42	36
SCOTT JOHN R EST 3577 MANCHESTER DR BETTENDORF IA 52722	24-44-22-05-00000.0450 2623 CAJUPUT ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 45 + 46	37
FELDPAUSCH ROMAN W TR 2631 CAJUPUT ST MATLACHA FL 33993	24-44-22-05-00000.0470 2631 CAJUPUT ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 47 + 48	38
STARCK THOMAS + DAWN 2635 CAJUPUT ST MATLACHA FL 33993	24-44-22-05-00000.0490 2635 CAJUPUT ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 49 + 50	39
OSTEEN CURTIS G + DORIS A 2640 CAJUPUT ST MATLACHA FL 33993	24-44-22-05-00000.0690 2640 CAJUPUT ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 64 LOTS 69 + 70 + S1/2 71	40
KNAPP ROBERT K 55 DAMASCUS RD BRANFORD CT 06405	24-44-22-05-00000.0720 2628 CAJUPUT ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 72 + 73 + N 1/2 OF 71 + S 1/2 OF 74	41
STARCK THOMAS + DAWN PO BOX 4237 FORT MYERS FL 33918	24-44-22-05-00000.0750 2616 CAJUPUT ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 75 THRU 79 + N 1/2 OF 74	42
HSBC BANK USA N A TR 801 JOHN BARROW RD STE1 LITTLE ROCK AR 72205	24-44-22-05-00000.0800 11473 MAY ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 80 + 81 + NELY 1/2 OF 82	43
MACONE MARCIA J + PO BOX 2608 HOMER AK 99603	24-44-22-05-00000.0830 2621 COCO PLUM DR MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 83 + 84 + SWLY 1/2 OF 82	44
MACONE MARCIA J PO BOX 2608 HOMER AK 99603	24-44-22-05-00000.0850 2629 COCO PLUM DR MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOT 85 + NE 15 FT LOT 86	45
STORY JANE M + 5708 FLAMINGO DR CAPE CORAL FL 33904	24-44-22-05-00000.1110 11481 MAY ST MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 LOTS 111 THRU 115 INCL	46
SCOTT BRUCE C + 1910 SE 6TH LN CAPE CORAL FL 33990	24-44-22-05-01000.000A ACCESS UNDETERMINED MATLACHA FL 33993	GEARYS ADDN TO MATLACHA PB 9 PG 4 SELY 20 FT LOT O	47
COMMONSENSE LLC 1353 AWATUREE TRL HUDSON WI 54016	24-44-22-06-00000.0320 11488 MAY ST MATLACHA FL 33993	ISLAND HARBORS PB 9 PG 70 LOTS 32 + 33	48
DEUTSCHE BANK NATL TRUST CO TR COUNTRYWIDE HOME LOANS 7105 CORPORATE DR PLANO TX 75024	24-44-22-06-00000.0340 11476 MAY ST MATLACHA FL 33993	ISLAND HARBORS PB 9 PG 70 LOT 34 + NWLY 10 FT OF LOT 35 ISLAND HARBORS 1ST ADD PB 9 PG 87	49
ARNOLD PAUL J 856 CAPE CORAL PKWY E CAPE CORAL FL 33904	24-44-22-07-00000.0350 11468 MAY ST MATLACHA FL 33993	ISLAND HARBORS 1ST ADD PB 9 PG 87 LOT 35 NWLY 46 FT OF SELY 50 FT	50
BROWN JAMES A + JENNY LOU 212 WEST 42ND ST VANCOUVER WA 98660	24-44-22-07-00000.0360 11464 MAY ST MATLACHA FL 33993	ISLAND HARBORS 1ST ADD PB 9 PG 87 LOT 36 + SELY 4 FT OF 35	51
JENDRUSIAK ANDREW A + SHIRLEY 3562 SAN CARLOS DR ST JAMES CITY FL 33956	24-44-22-07-00000.0370 11458 MAY ST MATLACHA FL 33993	ISLAND HARBORS 1ST ADDN PB 9 PG 87 LOTS 37 THRU 40 INCL	52

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FRANK RICHARD + ELIZABETH PO BOX 156 MATLACHA FL 33993	24-44-22-07-00000.0420 4590 PINE ISLAND RD NW MATLACHA FL 33993	ISLAND HARBORS 1ST ADDN. PB 9 PG 87 PT LTS 41 + 42 AS DESC OR 1040/1404	53
JULIAS ARTS INC 4574 PINE ISLAND RD NW MATLACHA FL 33993	24-44-22-07-00000.0430 4574 PINE ISLAND RD NW MATLACHA FL 33993	ISLAND HARBORS 1ST ADDN PB 9 PG 87 LT 44 + PT 43 TH NELY 31 FT OF 43	54
CRISS RUSSELL 1282 TOWNSHIP ROAD 13 WEST SALEM OH 44287	24-44-22-07-00000.0460 11461 ISLAND AVE MATLACHA FL 33993	ISLAND HARBOR 1ST.ADDN. PB 9 PG 87 LOT 46	55
COMMONSENSE PARTNERS LLC 1353 AWATUKEE TRAIL HUDSON WI 54016	24-44-22-07-00000.0470 11467 ISLAND AVE MATLACHA FL 33993	ISLAND HARBORS 1ST ADDN PB 9 PG 87 LOT 47	56
LYON GEORGE + PATTY 11473 ISLAND AVE MATLACHA FL 33993	24-44-22-07-00000.0480 11473 ISLAND AVE MATLACHA FL 33993	ISLAND HARBORS 1ST ADDN PB 9 PG 87 LOT 48	57
MORRIS JULIA C TR 2604 THIRD ST MATLACHA FL 33993	24-44-22-07-00000.0490 11479 ISLAND AVE MATLACHA FL 33993	ISLAND HARBORS 1ST ADDN PB 9 PG 87 LOTS 49 + 50	58
MCLAUGHLIN ANTHONY S TR + 11491 ISLAND AVE MATLACHA FL 33993	24-44-22-07-00000.0510 11491 ISLAND AVE MATLACHA FL 33993	ISLAND HARBORS 1ST ADDN PB 9 PG 87 LOTS 51 + 52	59
BUGLIONE JOSEPH C 50% + 11503 ISLAND AVE MATLACHA FL 33993	24-44-22-07-00000.0530 11503 ISLAND AVE MATLACHA FL 33993	ISLAND HARBORS 1ST ADDN PB 9 PG 87 LOT 53	60
WAID MALINDA + 1830 IVY LN AURORA IL 60506	24-44-22-07-00000.0540 11509 ISLAND AVE MATLACHA FL 33993	ISLAND HARBORS 1ST ADDN PB 9 PG 87 LOT 54	61
DEMEO ANNA TR PO BOX 694 MATLACHA FL 33993	24-44-22-08-00000.0680 2509 HARBOR VIEW DR MATLACHA FL 33993	ISLAND HARBORS 2ND ADDN PB 9 PG 107 LOTS 68A + 68	62
BIDDISON MARK E + 12832 IONA RD FORT MYERS FL 33908	24-44-22-08-00000.0690 2489 HARBOR VIEW DR MATLACHA FL 33993	ISLAND HARBORS 2ND ADDN. PB 9 PG 107 LOT 69	63
BIDDISON MARK E + 12832 IONA RD FORT MYERS FL 33908	24-44-22-08-00000.0700 2481 HARBOR VIEW DR MATLACHA FL 33993	ISLAND HARBORS 2ND ADDN. PB 9 PG 107 LOT 70	64
CROSBY STEVEN C + BETH SCOTT 60 AQUA LN FORT MYERS FL 33903	24-44-22-08-00000.0720 2480/2482 HARBOR VIEW DR MATLACHA FL 33993	ISLAND HARBORS 2ND ADDN PB 9 PG 107 LOT 72 + PT LT 73 DESC OR 2697/4167	65
RIEHM VERONICA B 2490 HARBOR VIEW DR MATLACHA FL 33993	24-44-22-08-00000.0730 2490 HARBOR VIEW DR MATLACHA FL 33993	ISLAND HARBORS 2ND ADD PB 9 PG 107 LOT 73 AS DESC IN OR 1220/1861	66
ERICKSON CHARLES O + MIRIAM R 45868 171ST ST WATERTOWN SD 57201	24-44-22-08-00000.0740 2500 HARBOR VIEW DR MATLACHA FL 33993	ISLAND HARBORS 2ND ADD PB 9 PG 107 LOT 74	67
TODD JOHN B 2650 CLYDE ST MATLACHA FL 33993	24-44-22-08-00000.0750 2510 HARBOR VIEW DR MATLACHA FL 33993	ISLAND HARBORS 2ND ADDN PB 9 PG 107 LOT 75	68
CARABBA ARCHIE + CARMELA + 7733 GROVES RD NAPLES FL 34109	24-44-22-08-00000.0760 2551 BROADWATER ST MATLACHA FL 33993	ISLAND HARBORS 2ND ADDN PB 9 PG 107 LOT 76	69
CONN ROBERT T 2541 BROADWATER ST MATLACHA FL 33993	24-44-22-08-00000.0770 2539/41 BROADWATER ST MATLACHA FL 33993	ISLAND HARBORS 2ND ADDN PB 9 PG 107 LOT 77	70
GATCH JAMES B 2531 BROADWATER ST MATLACHA FL 33993	24-44-22-08-00000.0780 2531 BROADWATER ST MATLACHA FL 33993	ISLAND HARBORS 2ND ADDN PB 9 PG 107 LT 78 + PT 79 TH SWLY 15 FT	71

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WILLIAMSON GEORGE T + JENNIFER 2501 BROADWATER ST MATLACHA FL 33993	24-44-22-08-00000.0800 2501 BROADWATER ST MATLACHA FL 33993	ISLAND HARBORS 2ND ADDN PB 9 PG 107 LOT 80 + NELY 35 FT LOT 79	72
WIENKE JOSEPHINE 8511 200TH AV BRISTOL WI 53104	24-44-22-08-00000.0820 2500 BROADWATER ST MATLACHA FL 33993	ISLAND HARBORS 2ND ADDN PB 9 PG 107 LT 82 + PT LT 83 DESC OR 620/408	73
SKEEN GAYLE T L/E 2510 BROADWATER ST MATLACHA FL 33993	24-44-22-08-00000.0830 2510 BROADWATER ST MATLACHA FL 33993	ISLAND HARBORS 2ND ADD PB 9/107 LOT 83 LES SWLRY 3 FT + DESC OR 286/679	74
SKINDER MICHAEL + NADINE 1226 VISCAYA PKWY CAPE CORAL FL 33990	24-44-22-08-00000.0840 2520 BROADWATER ST MATLACHA FL 33993	ISLAND HARBORS 2ND ADDN PB 9 PG 107 NELY 47 FT LOT 84 + SWLY 3 FT LOT 83	75
MCKIAN PETER J 9388 S PARKER RD TRAVERSE CITY MI 49684	24-44-22-08-00000.0850 2530 BROADWATER ST MATLACHA FL 33993	ISLAND HARBORS 2ND ADDN. PB 9 PG 107 LOT 85 + SWLY 3 FT LOT 84	76
COLE A NEWTON JR + DEBORAH D 2540 BROADWATER ST MATLACHA FL 33993	24-44-22-08-00000.0860 2540 BROADWATER ST MATLACHA FL 33993	ISLAND HARBORS 2ND ADDN PB 9 PG 107 LOT 86	77
COLT WILLIAM D 2550 BROADWATER ST MATLACHA FL 33993	24-44-22-08-00000.0870 2550 BROADWATER ST MATLACHA FL 33993	ISLAND HARBORS 2ND ADDN PB 9 PG 107 LOT 87	78
OBRIEN JOSEPH WILLIAM JR TR + 1156 POND CYPRESS DR VIRGINIA BEACH VA 23455	24-44-22-15-00000.0040 11250 PORPOISE POINT RD #4 CAPE CORAL FL 33993	COCONUT BAY VILLAGE CONDO DESC OR 2639 PG 2886 UNIT 4	79
GRUELLE DEBORAH PO BOX 2305 PINELAND FL 33945	24-44-22-15-00000.0050 11250 PORPOISE POINT RD #5 CAPE CORAL FL 33993	COCONUT BAY VILLAGE CONDO DESC OR 2639 PG 2886 UNIT 5	80
TOMBO ANTHONY T 2631 LEWIS SEIFERT RD HUBBARD OH 44425	24-44-22-15-00000.0060 11250 PORPOISE POINT RD #6 CAPE CORAL FL 33993	COCONUT BAY VILLAGE CONDO DESC OR 2639 PG 2886 UNIT 6	81
YEATTER LOREN + MARCELLA PO BOX 308 MATLACHA FL 33993	24-44-22-15-00000.0070 11250 PORPOISE POINT RD #7 CAPE CORAL FL 33993	COCONUT BAY VILLAGE CONDO DESC OR 2639 PG 2886 UNIT 7	82
COCONUT BAY VILLAGE CONDO PO BOX 308 MATLACHA FL 33993	24-44-22-15-00000.00CE COMMON ELEMENTS CAPE CORAL FL 33993	COCONUT BAY VILLAGE CONDO DESC OR 2639 PG 2886 COMMON ELEMENT: POOL+DOCK	83

83 RECORDS PRINTED