



HALEY WARD

ENGINEERING | ENVIRONMENTAL | SURVEYING

May 27, 2026

Mr. Peter Blackwell, Planner
Zoning Section
Lee County Department of Community Development
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

RE: First Auto Credit Dealership
REZ2026-00001
Haley Ward Project Number 2012344.002(25-11)

Dear Mr. Blackwell:

Enclosed herewith for your review and approval are our response letter and various attachments for the above referenced project. Moreover, the following are chronological responses to the various staff comments as listed in your "Consolidated Review Comments" dated February 10th, 2026:

Reviewer Paige Carroll

Environmental Review:

Comment 1. Please clarify in the narrative if the property meets landscape and open space requirements for properties in the Mixed-Use Overlay to demonstrate compliance with LDC Section 10-425.

Response 1. Additional language has been added to page 12 of the Request Statement Narrative. As indicated in the approval file for Case Number DOS2001-00128, the subject site has 58% open space, and provides buffers on all four (4) sides, demonstrating that the subject site exceeds the minimum compliance requirements of LDC Section 10-425.

Reviewer Richard Burns

Legal Review:

Comment 2. Sec. 34-202(a). Submittal requirements for applications requiring public hearing. (7) Certification of title and encumbrances. – The title insurance policy does not include the affidavit of no change covering the period of time between the policy issuance and the date of application. The boundary survey is based on an Opinion of Title which was not submitted. The title opinion referenced is more than 90 days old at the time of application.

Response 2. See the attached updated Opinion of Title.





Comment 3. Sec. 34-202(a). Submittal requirements for applications requiring public hearing. (6) Boundary Survey. – The boundary survey does not include the required state plane coordinate at the point of beginning (POB). The boundary survey is based on an Opinion of Title that was prepared more than 90 days prior to the application of this rezoning request. The title certification submitted is a title insurance policy but does not include an affidavit of no change covering the period of time between the date of the policy and the application.

Response 3. See the attached updated Boundary Survey reflecting the above requirements.

Reviewer William Lange

Planning Review:

Comment 4. The property is located within the Mixed-Use Overlay, provide an analysis of Lee Plan Goal 11 and the associated policies and objectives.

Response 4. Section 2.6 has been added to the attached revised Request Statement Narrative addressing the Lee Plan Goal 11.

Reviewer Peter Blackwell

Zoning Review:

Comment 5. Part 3E of the application requires a list of previous zoning resolutions on the subject property. Please provide this list per DC34-202(b).

Response 5. See the attached revised application with the additional information.

Comment 6. Please provide a Letter of Service Availability from Lee County Public Safety.

Response 6. See the attached Letter of Service Availability from Lee County Public Safety.

We trust the information provided herewith is complete to consider the case sufficient. However, if you should have any questions regarding any of the above, please do not hesitate to call me.

Very truly yours,

HALEY WARD, INC.

Ahmad R. Kareh, P.E., M.S.C.E.
Senior Vice President & Regional Manager
ARK/js
Enclosures

cc: Mr. David C. Likens, Managing Member
DK Florida Properties, LLC
w/enclosures



APPLICATION FOR CONVENTIONAL REZONING PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: First Credit Auto Dealership

Request: ☐ Rezoning from: Commercial Community (CC) To: Commercial General (CG)
☐ Variance included? ☒ **NO** ☐ **YES**¹ for: _____
☐ Special Exception included? ☒ **NO** ☐ **YES**¹ for: _____
☐ Bonus Density included? ☒ **NO** ☐ **YES**² for: _____ Bonus Units

¹ If **YES**, submit applicable application and fee

² If **YES**, submit additional fee required by LDC 2-147(A)(3)

PART 1 APPLICANT/AGENT INFORMATION

- A. Name of Applicant:** DK Florida Properties, LLC, c/o Mr. David C. Likens, Managing Member
 Address: 2313 Earleen Street
 City, State, Zip: Cape Girardeau, Missouri 63701
 Phone Number: (573) 270-3537 E-mail: dlikens@firstautocredit.com
- B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:**
☒ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]
☐ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]
☐ Application is County initiated. Attach BOCC authorization.
- C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]**
 1. Company Name: Haley Ward, Inc.
 Contact Person: Ahmad R. Kareh, P.E., M.S.C.E.
 Address: 13041 McGregor Boulevard
 City, State, Zip: Fort Myers, FL 33919
 Phone Number: 239-481-1331 Email: akareh@haleyward.com
2. [Additional Agent\(s\)](#): Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

PART 2 PROPERTY OWNERSHIP

- A. Property owner(s):** If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]
Name: DK Florida Properties, LLC c/o Mr. David C. Likens, Managing Member
 Address: 2313 Earleen Street
 City, State, Zip: Cape Girardeau, Missouri 63701
 Phone Number: (573) 270-3537 Email: dlikens@firstautocredit.com

LEE COUNTY COMMUNITY DEVELOPMENT
 PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
 PHONE (239) 533-8585

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

- ☒ Attach [Disclosure of Interest](#) Form.

C. Multiple parcels:

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

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

1. Title certification document, no greater than 90 days old. [34-202(a)(7)]
 2. Date property was acquired by present owner(s): September 12, 2024

PART 3
PROPERTY INFORMATION

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

07-46-24-00-00005.1050

B. Street Address of Property: 11170 Summerlin Square Drive, Fort Myers Beach, FL 33931**C. Legal Description (must submit) [34-202(a)(5)]:**

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

OR

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

AND

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

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

OR

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

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

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

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

E. Current Zoning of Property: Community Commercial

- ☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.
[34-202(b)] ZAB-83-109 / See Attached Zoning Notes & Zoning Resolution.

F. Use(s) of Property:

1. Current uses of property are: A single unit medical office and retail sale of eyeglasses
 2. Intended uses of property are: Automotive service and sales

G. Future Land Use Classification (Lee Plan):

<u>Urban Community</u>	<u>1.02</u>	Acres	<u>100</u>	% of Total
		Acres		% of Total
		Acres		% of Total

H. Property Dimensions:

1. Width (average if irregular parcel): 180 Feet
 2. Depth (average if irregular parcel): 246.94 Feet
 3. Total area: 44,449 Square Feet
 4. Frontage on road or street: 180 Feet on Sumerlin Square Drive ~~Street~~
 2nd Frontage on road or street: 180 Feet on Sumerlin Road (CR869) ~~Street~~

- I. Planning Communities/Community Plan Area Requirements:** If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.
- ☒ Not Applicable
 - ☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
 - ☐ North (Upper) Captiva Community Plan area. [33-1711; Lee Plan Policy 25.1.1]
 - ☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
 - ☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
 - ☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
 - ☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
 - ☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]
 - ☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
 - ☐ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
 - ☐ North Fort Myers Planning Community. [33-1532(a)&(b)]
 - ☐ North Olga Community Plan area. [33-1663(a)&(b)]
- J. Waivers from Application Submission Requirements:** Attach waivers, if any, approved by the Director of Zoning. [34-201(c)] N/A

PART 4 ACTION REQUESTED

- A. Reason(s) for Request:** Provide a statement explaining the nature of the request and how the property qualifies for the rezoning and, if applicable, bonus density. This statement should explain how the request meets the applicable findings/review criteria set forth in LDC section 34-145(d)(4) and, if applicable, LDC Section 2-146(b). This statement may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. [34-202(b)(3)]
See Narrative Attached

PART 5 ADDITIONAL REQUIREMENTS

- A. Potable Water:** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide letter from the appropriate utility to which the connection(s) are proposed confirming availability of service.) [34-202(a)(10)]
 - ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) [34-202(a)(10)]
- B. Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application. [34-202(a)(12)]
- C. Flood Hazard:**
- ☐ Not applicable
 - ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
 - ☒ The minimum elevation required for the first habitable floor is 12.00 NAVD (MSL)
- D. Excavations/Blasting:**
- ☒ No blasting will be used in the excavation of lakes or other site elements.
 - ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- E. Mobile Home Park: [34-202(b)(4)]**
- ☒ Not Applicable
 - ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).

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

- ☐ Not Applicable
☐ Property is located within _____ Airport Noise Zone: **[34-1104]**
☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
☒ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
☐ A Tall Structures Permit is required. **[34-1108]**

PART 6 SUBMITTAL REQUIREMENT CHECKLIST	
<i>Two copies required for submittal Clearly label your attachments as noted in bold below</i>	
☒	Completed application for Public Hearing [34-202(a)(1)]
☒	Filing Fee - [34-201(d)]
☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
☒	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
☐	Additional Agents [34-202(a)(4)]
☐	Multiple Owners List (if applicable) [34-202(a)(2)]
☐	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
☒	Legal description (must submit one) [34-202(a)(5)]
☒	Legal description (metes and bounds) and sealed sketch of legal description
	OR
☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
☒	Boundary Survey (not required if platted lot) [34-202(a)(6)]
☐	Property Owners list (if applicable) [34-202(a)(8)]
☐	Property Owners map (if applicable) [34-202(a)(8)]
☒	Confirmation of Ownership/Title Certification [34-202(a)(7)]
☐	STRAP Numbers (if additional sheet is required) [34-203(a)(5)]
☒	List of Surrounding Property Owners [34-202(a)(9)]
☒	Map of Surrounding Property Owners [34-202(a)(9)]
☒	Mailing labels [34-202(a)(9)]
☐	List of Zoning Resolutions and Approvals
☐	Summary of Public Informational Session (if applicable)
☐	Waivers from Application Submission Requirements [34-201(c)]
☒	Reason(s) for Request [34-202(b)(3)]
☒	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
☐	Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
☐	Information Regarding Proposed Blasting (if applicable)
☐	Mobile Home Dislocated Owners Information (if applicable) [34-202(b)(4)]
☐	Tall Structures Permit (if applicable) [34-1108]



HALEY WARD

ENGINEERING | ENVIRONMENTAL | SURVEYING

FIRST AUTO CREDIT DEALERSHIP

COMMERCIAL CONVENTIONAL REZONING

REQUEST STATEMENT NARRATIVE

ACCOMPANYING REZONING REQUEST

To Verify Compliance With

THE LEE PLAN
AND

THE LEE COUNTY LAND DEVELOPMENT CODE

Haley Ward Project Number 2012344.002 (25-11)

Submitted By:

Ahmad R. Kareh, P.E., M.S.C.E.
Senior Vice President & Regional Manager
&

Benjamin J. Hofland, E.I.
Project Engineer

Haley Ward, Inc.
13041 McGregor Boulevard
Fort Myers, FL 33919

Last Revised: May 27, 2026



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1.0 NARRATIVE SUMMARY

1.1 Project Information:

The subject property is located in Section 7, Township 46 South, Range 24 East located at 11170 Summerlin Square Drive in South Fort Myers, Florida, also known as STRAP Number 07-46-24-00-00005.1050.

Furthermore, the subject property is located in the Iona / McGregor Planning Community, with a Future Land Use designation of Urban Community.

In addition, the subject property is currently zoned Community Commercial District (CC) and is developed as a single unit medical office and retail sale of eyeglasses under DOS2001-00128.

1.2 Rezoning Request:

The applicant is hereby respectfully requesting a rezoning of the subject property to General Commercial District (CG) to allow for a "Vehicle and Equipment Dealers" use.

1.3 Statement of Intent:

This Narrative explains first (1st) the nature of this request, second (2nd) the qualifications for rezoning, third (3rd) how the proposed development complies with the relevant Sections of the Lee Plan, and fourth (4th) how the proposed development complies with the Design Standards set forth in Lee County Land Development Code (LDC).

This Narrative shows compliance with the LDC Zoning/Hearing decision-making guidelines (LDC Chapter 34, Division 4, Section 34-145.(d)(3), and Section 34-145.(d)(4)).



2.0 COMPLIANCE WITH THE LEE PLAN REQUIREMENTS

2.1 Introduction to the Lee Plan Compliance:

The Lee Plan provides an overarching vision for Lee County. This section of the Narrative demonstrates compliance and consistency with these relevant parts of the Lee Plan.

2.2 Future Land Use Element:

GOAL 1: FUTURE LAND USE MAP. To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl. (Ord. No. 94-30)

OBJECTIVE 1.1: FUTURE URBAN AND SUBURBAN AREAS. Designate areas with varying intensities on the Future Land Use Map (Map 1-A) that provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth

POLICY 1.1.4: The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 Future Land Use II-2 April 2024 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units. (Ord. No. 94-30, 02-02, 09-06, 10-10, 10-33, 16-07, 21-09)

The subject property is an existing commercial development located in the Iona / McGregor Planning Community, with a Future Land Use designation of Urban Community.

The proposed rezoning from Community Commercial District (CC) to General Commercial District (CG) will allow for Vehicle and Equipment Dealers. The schedule of uses is listed in the CG District category. The subject site is surrounded by similar commercial uses.

2.3 Growth Management:

GOAL 2: GROWTH MANAGEMENT. To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.



OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Ord. No. 94-30, 00-22)

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

The subject property proposed zoning / use is consistent and compatible with the properties' uses within the immediate area. Therefore, contiguous and compact growth patterns are being promoted, and this rezoning will not be creating urban sprawl (the subject property is already zoned commercial), minimizing the costs of services and not by-passing large tracts of land.

The proposed rezoning is consistent with the Future Land Use Map and the goals, objectives, policies and standards of the Lee Plan.

The subject property is bordered on two sides by roadways, Summerlin Road and Summerlin Square Drive and existing commercial structures. The surrounding uses are zoned CG to the east and CPD to the west. See the attached "Parcel Current Zoning Exhibit".

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC. (Ord. No. 94-30, 00-22, 17-19)

POLICY 2.2.1: Rezoning and DRI proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Ord. No. 94-30, 00-22)

This proposed rezoning is located in an area where adequate infrastructure exists including:

- Capacity on the adjacent existing roadways for site access.
- Potable water service provided by Lee County Utilities.
- Sanitary sewer service provided by Lee County Utilities.
- EMS/Fire/Police provided by the Iona McGregor Fire District and the Lee County Sheriff Office.

2.4 General Development Standards:

GOAL 4: GENERAL DEVELOPMENT STANDARDS. Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources. (Ord. No. 94-30, 07-15, 17-13)



OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order. (Ord. No. 17-13) Future Land Use II-16 April 2024

The subject site lies within a developed area of South Fort Myers with all infrastructure existing and sufficient.

Water service exists and is provided by Lee County Utilities. See the attached Letter of Availability.

Sewer service exists and is provided by Lee County Utilities. See the attached Letter of Availability.

This is already an existing development with no environmental considerations.

2.5 Commercial Land Uses:

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the County. (Ord. No. 94-30)

OBJECTIVE 6.1: Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan. (Ord. No. 94- 30, 11-18)

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

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

The criteria from Policy 6.1.1 has been reviewed and found applicable to this site as follows:

1. The subject property has direct access to Summerlin Square Drive.
2. Existing landscaping will be maintained in accordance with current rules and Regulations.
3. Screening and mature buffering is existing. Furthermore, a future Development Order (if warranted) will assure confirmation with this requirement.
4. Urban services are available for the property and is existing.
5. The proposed rezoning is an appropriate use for the property. No adverse impact on the adjacent land uses are anticipated.
6. The subject property is already developed and is in close proximity to similar type commercial developments.
7. There are no known existing environmental considerations to be addressed on the subject property.

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



The subject property is suited for the requested commercial zoning district as it lies close to similar uses within a commercial subdivision.

POLICY 6.1.6: Maintain land development regulations that require commercial development provide adequate and appropriate landscaping, open space, buffering, and architectural standards.

There is existing mature landscaping, buffering, and open space that has been previously approved through the development order process. At this time, no new buildings or expansion of the existing parking lots are proposed to necessitate an architectural review. If warranted, a new Development Order will be applied for to confirm compliance with the current Lee County Land Development Code.

POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

This is an infill development in a commercial subdivision.

POLICY 6.1.8: Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students. (Ord. No. 00-22, 17-13)

There are no existing schools near the development.

2.6 Mixed Use Overlay

GOAL 11: MIXED USE. *Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments.*

OBJECTIVE 11.1: MIXED USE DEVELOPMENT. *Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development.*

POLICY 11.1.1: *Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use).*

This is an existing commercial development within the Urban Community Future Land Use. The proposed rezoning allows for a wider range of mixed uses if the property is redeveloped.



POLICY 11.1.2: Residential densities may be calculated from the entire project area when the development is consistent with the following:

This is an existing commercial development. Residential components can be added if the property is redeveloped.

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

POLICY 11.2.1: The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:

No expansion of the mixed-use overlay is requested or warranted.

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

This is an existing development. Interconnectivity can be added if the property is redeveloped.

POLICY 11.2.3: At the discretion of the Board of County Commissioners, the Mixed Use Overlay boundary may be extended up to one-quarter mile to accommodate developments located partially within a Mixed Use Overlay or immediately adjacent to a Mixed Use Overlay.

No expansion of the mixed-use overlay is requested or warranted.

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

This request is for a conventional rezoning.

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

This is an existing development.

POLICY 11.2.6: Properties in a Mixed Use Overlay are encouraged to utilize bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum densities and additional development incentives as set forth in this plan to encourage a compact and functional development pattern.



This is an existing development. Bonus density can be utilized if the property is redeveloped.

POLICY 11.2.7: Development, redevelopment, and infill development located within the Mixed Use Overlay may use the area of non-residential uses in their density calculations.

This is an existing development. Residential components can be added if the property is redeveloped.



3.0 COMPLIANCE WITH LEE COUNTY LAND DEVELOPMENT CODE (LDC)

3.1 Introduction to LDC Compliance:

This Section of the Narrative demonstrates compliance with the LDC Zoning/Hearing decision-making guidelines (LDC Chapter 34, Division 4, Section 34-145.(d)(3), and Section 34-145.(d)(4)).

The applicant is requesting a rezoning of the described property from Community Commercial District (CC) to the General Commercial District (CG).

The proposed First Credit Auto Dealership development meets the requirements of the Land Development Code, as well as the Lee Plan as described herein.

3.2 Zoning/Hearing Review Compliance (Section 34-145.):

Zoning Considerations Compliance (Section 34-145.(d)(3)) Lee County, Florida - Land Development Code, Chapter 34 – ZONING, ARTICLE II. -ADMINISTRATION, DIVISION 4. - HEARING EXAMINER, Section 34-145. - Functions and authority. (d) Zoning Matters. (3) Considerations. The Hearing Examiner must consider the following:

- a. Testimony and evidence from the applicant;*
- b. Testimony and evidence from the staff, including the staff report and attachments;*
- c. Testimony and evidence from participants;*
- d. The Lee Plan;*
- e. This Code; and*
- f. Applicable regulations.*

The subject rezoning request meets these requirements as follows;

- a) This narrative and its associated attachments provides the evidence from the applicant.
- b) The staff testimony will be forthcoming.
- c) Participant testimony will be forthcoming.
- d) As covered in section 2.0 COMPLIANCE WITH THE LEE PLAN REQUIREMENTS above, First Credit Auto Dealership is consistent with all applicable provisions of the Lee Plan.
- e) As noted herein, First Credit Auto Dealership rezoning is consistent with the provisions of the Lee County Land Development Code.
- f) As noted herein, First Credit Auto Dealership rezoning is consistent with all applicable regulations.

Rezoning Compliance (Section 34-145.(d)(4)a.) Lee County, Florida - Land Development Code, Chapter 34 – ZONING, ARTICLE II. -ADMINISTRATION, DIVISION 4. - HEARING EXAMINER, Section. 34-145. - Functions and authority.(d) Zoning Matters (4)Findings/review criteria. a. Approval. 1.Rezonings generally.

The Hearing Examiner must find the request:

- a) Complies with the Lee Plan;*
- b) Meets this Code and other applicable County regulations or qualifies for deviations;*
- c) Is compatible with existing and planned uses in the surrounding area;*
- d) Will provide access sufficient to support the proposed development intensity;*
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;*



- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and*
- g) Will be served by public services, defined in the Lee Plan, if located in a Future Urban area category.*

The subject rezoning request meets the above requirements as follows;

- a) As covered in Section 2.0 COMPLIANCE WITH THE LEE PLAN REQUIREMENTS above, First Credit Auto Dealership is consistent with the provisions of the Lee Plan.
- b) The proposed rezoning meets the applicable Chapters 34 regulations, as outlined below. The current development was approved under DOS2001-00128 within the CC zoning district. As such, the development is compliant with the Lee County Land Development Code regulations.
- c) The subject parcel is currently developed by a commercial use. The property is located in a commercial type area with existing compatible uses. The sites surrounding the rezoning request's property are commercial uses. Access to the site is existing and will continue to be utilized in the same manner. Additionally, there is existing mature vegetation that provides ample buffering to the adjacent uses. The proposed request will not create negative impacts into the surrounding properties and is compatible with the surrounding uses and will serve the community in a beneficial manner.
- d) The subject parcel is already served by an existing access point into Summerlin Square Drive.
- e) The subject parcel is currently developed by a commercial use, and the proposed rezoning would not change the traffic impact on the surrounding areas. The redevelopment of the parcel will fully comply with the level of service analysis required by Lee County Land Development Code and will generate less traffic than the existing use.
- f) The subject parcel is fully developed with no environmentally sensitive areas or existing natural resources.
- g) The subject parcel is already connected to public water & sewer systems, and a public network of roadways.

3.3 Zoning Development Regulations (Sec. 34-841. & 34-845.):

DIVISION 6. - COMMERCIAL DISTRICTS, Sec. 34-841. (h)

CG General Commercial District. The purpose and intent of the CG District is to permit the designation of suitable locations for and to facilitate the proper development and use of consumer-oriented commercial facilities which are of a type or scale which are not suited for and do not generally seek locations in neighborhood, community or regional shopping centers. Such uses frequently consist of a single principal building containing sales, administration, repair services or manufacture; often rely on large ground areas for storage or display of goods; and are relatively insensitive to the impacts of adjacent land uses while generating substantial impacts on their neighbors. High visual exposure and easy accessibility, usually from arterial roads or suburban highways, are important.



The subject site has an existing single principal building which will provide administration, sales, and repair services for the proposed use, and has high visual exposure and easy accessibility from Summerlin Road, a county maintained arterial roadway.

Table 34-845. Property Development Regulations for Commercial Districts

The development regulations are identical for the existing and the proposed zoning districts; thus, there is no change in the site's compliance with the property development regulations.

Furthermore, the property is currently developed as a single unit medical office with retail sales under DOS2001-00128 and was approved and certified as compliant at the time of the development order. This includes but is not limited to landscaping and open space requirements. As indicated in the approval file for Case Number DOS2001-00128, the subject site has 58% open space and provides buffers on all four (4) sides, demonstrating that the subject site exceeds the minimum compliance requirements of LDC Section 10-425.

Any additional requirements associated with the changes of use, occupancy, or future redevelopment will be obtained as needed.



4.0 NARRATIVE CONCLUSION

4.1 Summary of Request & Intent

The subject property is located in Section 7, Township 46 South, Range 24 East at 11170 Summerlin Square Drive, also known as STRAP Number 07-46-24-00-00005.1050. The site is located in the Iona / McGregor Planning Community, with a Future Land Use designation of Urban Community. The property is currently zoned Community Commercial District (CC) and is developed as a single unit medical office and retail sale of eyeglasses under DOS2001-00128.

The applicant is hereby respectfully requesting a rezoning of the subject property to General Commercial District (CG) to allow for a "Vehicle and Equipment Dealers" use.

4.2 Summary of Qualifications for Rezoning

A primary consideration for rezoning appropriateness and approval is the project's consistency with the Lee Plan. The Lee County Land Development Code regulations state that the Hearing Examiner and the Board of County Commissioners are to consider whether the rezoning request is consistent with the goals, objectives, policies and intent of the Lee Plan.

The request will not cause damage, hazard, nuisance or other detriment to the public or adjacent properties. The requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the proposed use set forth in the LDC. The requirements of the LDC and the Lee Plan as well as other applicable county ordinances and codes have and will be met and this application should be found sufficient and appropriate with regard to the zoning request. The project has sufficient existing services and infrastructure to continue to serve the property for the proposed use.

As demonstrated in the narrative above, the project is consistent with the Lee Plan and the Lee County Land Development Code. Furthermore, the proposed rezoning is compatible with the adjacent existing land zoning and land uses.

4.3 Compliance Summary & Request of Consideration

This Narrative explained (1st) the nature of this request, (2nd) the qualifications for rezoning, (3rd) how the proposed development complies with the relevant Sections of the Lee Plan, and (4th) how the proposed development complies with the Design Standards set forth in Lee County Land Development Code (LDC).

The information contained in this narrative clearly shows that the proposed rezoning request meets or exceeds all of the requirements of the Lee Plan, and the Lee County Land Development Code.

Haley Ward, Inc. respectfully requests that the Hearing Examiner and the Lee County Board of County Commissioners duly consider evidence set forth in the Narrative above in support of this rezoning request, specifically in consideration of whether the rezoning request is consistent with the goals, objectives, policies and intent of the Lee Plan, and is in compliance with the Lee County Land Development Code.

ABBREVIATIONS

(C) = CALCULATED
(D) = DEED
(F) = CALCULATED FROM FIELD MEASUREMENTS
(M) = MEASURED
(NR) = NON RADIAL
(P) = PLAT
(R) = RADIAL
A/C = AIR CONDITIONER
BM = BENCH MARK
CBS = CONCRETE BLOCK STRUCTURE
CLF = CHAINLINK FENCE
CM = CONCRETE MONUMENT
CONC = CONCRETE
COR = CORNER
COP = CORRUGATED PLASTIC PIPE
DE = DRAINAGE EASEMENT
D/H = DRILL HOLE
ELEV = ELEVATION
EOP = EDGE OF PAVEMENT
ERCP = ELLIPTICAL REINFORCED CONCRETE PIPE
FCM = FOUND CONCRETE MONUMENT
FFE = FINISHED FLOOR ELEVATION
FIRC = FOUND IRON ROD WITH CAP
FND = FOUND
IE = INVERT ELEVATION
IR = IRON ROD
IRC = IRON ROD & CAP
INSTR = INSTRUMENT NUMBER
MHW = MEAN HIGH WATER LINE
N/D = NAIL & DISK
NAVD = NORTH AMERICAN VERTICAL DATUM
NGVD = NATIONAL GEODETIC VERTICAL DATUM
OR = OFFICIAL RECORD BOOK
PB = PLAT BOOK
PC = POINT OF CURVE
PCP = PERMANENT CONTROL POINT
PG = PAGE
PI = POINT OF INTERSECTION
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PRM = PERMANENT REFERENCE MONUMENT
PUE = PUBLIC UTILITY EASEMENT
R/W = RIGHT-OF-WAY
SPC = STATE PLANE COORDINATE
TOB = TOP OF BANK
TOE = TOE OF SLOPE
UE = UTILITY EASEMENT

SYMBOLS

T = TRANSFORMER
C = CONCRETE PAD
B = BRICK PAD
Y = YARD DRAIN
W = WATER METER
E = ELECTRIC BOX
L = LIGHT POLE
T = TELEPHONE RISER
S = SANITARY CLEANOUT
C = CABLE TELEVISION BOX
M = SANITARY MANHOLE
I = IRRIGATION CONTROL VALVE
D = DRAINAGE INLET
O/H = OVER HEAD LINES
W = WATER VALVE
S = SIGN
F = FIRE HYDRANT
H = HANDICAP PARKING SPACE
G = GUY WIRE
5.04 = EXISTING ELEVATION

NORTH LINE NE 1/4 SECTION 7
S89°02'39"W 1342.38'(D)
S89°01'45"W(C)

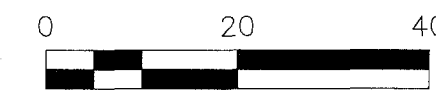
NW CORNER OF E1/2
NE1/4 SECTION 7

WEST LINE OF E1/2
OF NE1/4
S01°14'16"E 225.00'(D)
N01°15'10"W(C)

SOUTH R/W SUMMERLIN ROAD (CR 869)
N89°02'39"E 720.00'(D)
N89°01'45"E(C)

SUMMERLIN ROAD (CR869)

POC
NE CORNER SECTION 7,
TOWNSHIP 46 SOUTH,
RANGE 24 EAST



RECORD DESCRIPTION: (PER INSTRUMENT #2024000258447) AND PER OPINION OF TITLE

A PARCEL OF LAND IN SECTION 7, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 7, TOWNSHIP 46 SOUTH, RANGE 24 EAST;
THENCE SOUTH 89°02'39" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION
7, FOR 1342.38 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST
QUARTER OF SAID SECTION 7; THENCE SOUTH 01°14'16" EAST ALONG THE WEST LINE OF THE
EAST HALF OF SAID NORTHEAST QUARTER FOR 225.00 FEET TO AN INTERSECTION WITH THE
SOUTH RIGHT-OF-WAY LINE OF SUMMERLIN ROAD (C.R. 869); THENCE NORTH 89°02'39" EAST
ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 720.00 FEET TO THE POINT OF BEGINNING OF THE
HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE NORTH 89°02'39" EAST ALONG SAID
SOUTH RIGHT-OF-WAY LINE FOR 180.00 FEET; THENCE SOUTH 01°14'16" EAST FOR 246.94 FEET
TO AN INTERSECTION WITH A LINE PARALLEL WITH AND 20.00 FEET NORTH OF AS MEASURED AT
RIGHT ANGLES TO THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL 1
IN OFFICIAL RECORDS BOOK 2093, PAGE 2876 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
THENCE SOUTH 89°02'39" WEST ALONG SAID PARALLEL LINE FOR 180.00 FEET; THENCE NORTH
01°14'16" WEST FOR 246.94 FEET TO THE POINT OF BEGINNING.

SITE LOCATION:
SECTION 7, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.

GENERAL SURVEY NOTES:

1. SURVEY BASED ON AN OPINION OF TITLE PREPARED BY JOHNSON, SCHNEIDER & FERRELL, LLC,
DATED MAY 7, 2026, THE DESCRIPTION SHOWN HEREON, AND FOUND MONUMENTATION.
2. BEARINGS ARE BASED ON STATE PLANE FLORIDA MERCATOR WEST ZONE AS SHOWN AND NOTED
HEREON HOLDING NGS CONTROL POINT "E-532" WITH THE NORTH RIGHT-OF-WAY LINE OF
SUMMERLIN SQUARE DRIVE AS BEARING N89°01'45"E.
3. STATE PLANE COORDINATES ARE BASED ON THE NORTH AMERICAN DATUM OF 1983/2011
ADJUSTMENT; FLORIDA MERCATOR WEST ZONE AS SHOWN AND NOTED HEREON HOLDING NGS
CONTROL POINT "E-532".
4. DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.
5. ROOF OVERHANGS NOT SHOWN UNLESS OTHERWISE NOTED.
6. ELEVATIONS ARE BASED ON NAVD 1988 DATUM AND NGS BENCHMARK E-532.
7. PARCEL LIES IN FLOOD ZONE AE, WITH BASE FLOOD ELEVATIONS OF 11' AND 12' (NAVD 1988)
AS SHOWN HEREON PER FLOOD INSURANCE RATE MAP NUMBER 12071C0556G, (COMMUNITY
NAME: LEE COUNTY AND COMMUNITY NUMBER 125124), INDEX DATE 11-17-2022, PANEL DATE
11-17-2022.
8. THE FEMA FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE
FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED WITH ALL PERMITTING
REGULATORY ENTITIES PRIOR TO COMMENCING ANY WORK OR APPLICATION DEPENDENT ON SAID
FLOOD INFORMATION.
9. IRON RODS "SET" ARE 5/8" X 18" REBAR WITH PLASTIC CAP BEARING CORPORATION NO.
LB8267.
10. UNDERGROUND IMPROVEMENTS, UTILITIES AND/OR FOUNDATIONS WERE NOT LOCATED UNLESS
OTHERWISE NOTED.
11. THIS PLAT PREPARED AS A BOUNDARY SURVEY AND IS NOT INTENDED TO DELINEATE THE
JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY,
BOARD, COMMISSION OR OTHER ENTITY.
12. PARCEL CONTAINS 1.02 ACRES (44,449 SQ. FT.), MORE OR LESS.
13. PARCEL ADDRESS: 11700 SUMMERLIN SQUARE DRIVE, FORT MYERS, FLORIDA, 33931.
14. PARCEL STRAP No.: 07-46-24-00-00005.1050
15. DATE OF LAST FIELD WORK: 05-18-2026

STRAP #07-46-24-00-00005.1040
INSTR #2010000124503
11000 SUMMERLIN SQUARE DRIVE

STRAP #07-46-24-00-00005.1060
INSTR #2019000254843
11200 SUMMERLIN SQUARE DRIVE

STRAP #07-46-24-00-00005.1050
INSTR #2024000258447
11700 SUMMERLIN SQUARE DRIVE

SET N/D
LB8267
N: 784918.93
E: 676782.93
SPC

FND 5/8" IRC
LB7071
0.08N
N: 784921.98
E: 676962.91
SPC

Robert L. Carmelia
State of Florida
Professional
Surveyor &
Mapper License
Number 6548

DN: cna=Robert L. Carmelia, State of
Florida Professional Surveyor & Mapper
License Number 6548, o=Haley Ward
Inc. (LB8267). Printed copies of this
document are not considered signed
and sealed and the signature must be
verified on any electronic copies,
ou=This item has been digitally signed
and sealed by Robert L. Carmelia on the
date indicated here,
email=carmelia@haleyward.com, c=US
Date: 2026.05.26 15:22:28 -0400

*NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.
FOR THE FIRM HALEY WARD, INC. (LB8267)

ROBERT L. CARMELIA, P.S.M., NO. LS6548
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA
THIS CERTIFICATION IS ONLY FOR THE LANDS
DESCRIBED HEREON.
- IT IS NOT A CERTIFICATION OF TITLE, ZONING,
SETBACKS, OR FREEDOM OF ENCUMBRANCES.



HALEY WARD

Engineering | Environmental | Surveying

13041 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919

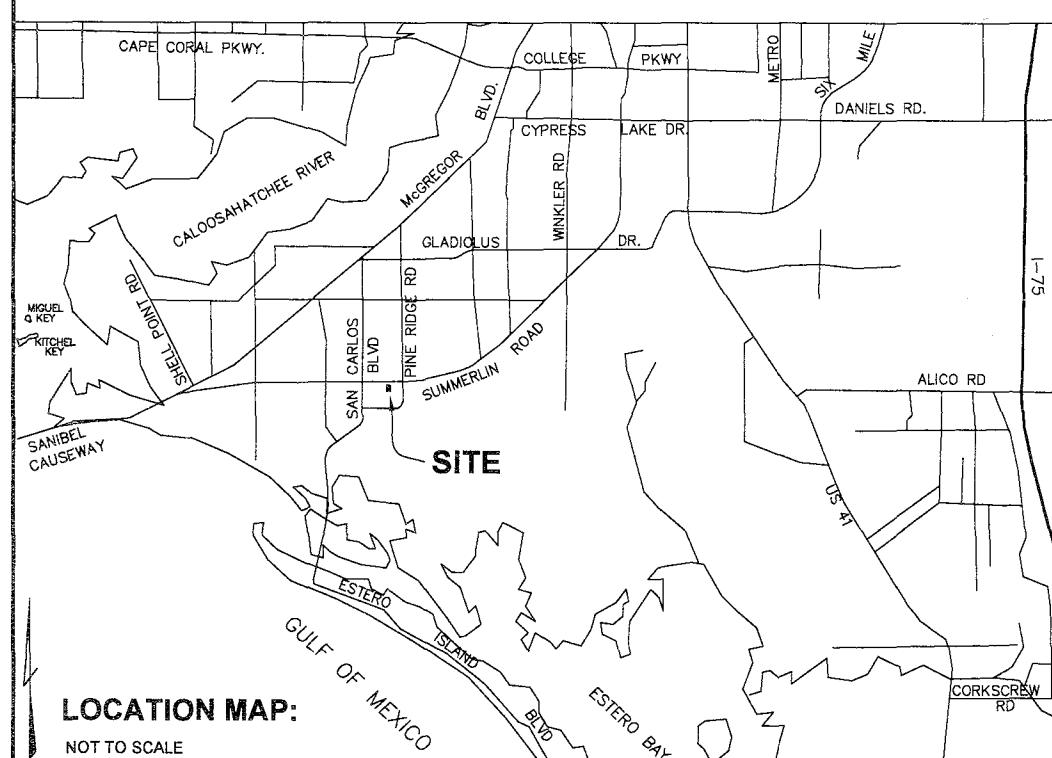
PH (239) 481-1331

2012344.001SR.DWG

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBERS E832664 & LB8267

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
12-31-24	12344.001	RLC	1" = 20'	1 OF 1	07-46-24

REVISED: 05-18-2026 UPDATE SURVEY
REVISED: 08-20-2025 ADD TITLE WORK INFORMATION



JOHNSON, SCHNEIDER & FERRELL, L.L.C.

ATTORNEYS AT LAW

212 NORTH MAIN STREET
CAPE GIRARDEAU, MO 63701

PH•573•335•3300

FAX•573•335•1978

www.johnsonschneider.com

*MARK S. JOHNSON
*JOHN R. SCHNEIDER
*HAYDEN W. EDDINGS
*Licensed in MO & IL

Of Counsel:
Larry H. Ferrell
Matthew B. Ferrell

Wesley L. Boie
1936-2009
Bryon L. Connell, Jr.
1930-1998

May 12, 2026

Lee County Board of Commissioners

Re: DK Florida Properties, LLC
Exhibit E - Required Opinion of Title or Title Certification (2017)

To Whom It May Concern:

Attached or provided is Exhibit E. I am the corporate counsel for DK Florida Properties, LLC. I have reviewed the title opinion and the updated title search report as well. I am providing the information requested.

If you need anything further from my office, please do not hesitate to contact me.

Sincerely,

JOHNSON, SCHNEIDER & FERRELL, L.L.C.

John R. Schneider

JRS:els
Attachments a/s
cc: DK Florida Properties, LLC

OPINION OF TITLE

Signature of the attorney providing the opinion.

ORT FILE NO. 25080978

AGENT FILE #: 24-0038

Old Republic National Title Insurance Company
12751 New Brittany Blvd, Suite 500
Ft. Myers, FL 33907

TITLE SEARCH REPORT

This title search has been compiled at the request of:

Title Masters, LLC
Kevin Jursinski, Esquire
15701 S. Tamiami Trail
Ft Myers, FL 33908

and is provided for review and examination by you or your staff for the sole purpose of preparing and issuing an Old Republic National Title Insurance Company commitment or policy. Only the results of a search of the record title are reflected herein.

After an examination and review of this search you must:

- A. Request written authorization from Old Republic National Title Insurance Company to issue the Commitment if the amount exceeds your Agency limits.
- B. Include in the Commitment under Schedule B, any additional requirements and/or exceptions you find necessary from your analysis of surveys, prior title evidence or other relevant aspects of the transaction.
- C. Verify the status of corporation and limited partnerships with the appropriate governmental agency or authorities.
- D. Determine whether legal access exists.
- E. Determine if any unpaid municipal taxes or assessments exists, which do not appear in the public records.
- F. Determine whether any portion of the property is submerged, or a body of water, and whether riparian or littoral rights exist.
- G. Determine that the transaction to be closed is bona fide and arms-length and does not violate any lender's instructions, underwriting guidelines or advice of this Company.

This Property Information Report is not title insurance. Pursuant to section 627.7843, Florida Statutes, the maximum liability of the issuer of the Property Information Report for errors or omissions in this Property Information Report is limited to the amount paid for this property information report and is further limited to the person(s) expressly identified by name in the Property Information as the recipient(s) of the Property Information Report.

Date: May 07, 2026


Authorized Signatory

ORT FILE NO. 25080978

AGENT FILE #: 24-0038

**TITLE SEARCH REPORT
Schedule A**

The following title search has been compiled from the Public Records of Lee County, Florida through an effective date of April 27, 2026 at 11:00 PM.

1. Policy or Policies to be Issued:

(a) ALTA OWNER'S POLICY (06/17/06) Amount: N/A
(amended 10/17/92 with Florida Modifications)
Proposed Insured: N/A

(b) ALTA LOAN POLICY (06/17/06) Amount:
(amended 10/17/92 with Florida Modifications)
Proposed Insured:

2. The estate or interest in the land described or referred to in this Report is Fee Simple.

3. Last grantee of record for the period searched:

DK Florida Properties LLC, a Missouri limited liability company

4. Requested legal descriptions searched:

A parcel of land in Section 7, Township 46 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commence at the Northeast corner of Section 7, Township 46 South, Range 24 East; thence South 89°02'39" West along the North line of the Northeast quarter of Section 7, for 1342.38 feet to the Northwest corner of the East half of the Northeast quarter of said Section 7; thence South 01°14'16" East along the West line of the East half of said Northeast quarter for 225.00 feet to an intersection with the South right-of-way line of Summerlin Road (C.R. 869); thence North 89°02'39" East along said South right-of-way line for 720.00 feet to the point of beginning of the herein described parcel of land; thence continue North 89°02'39" East along said South right-of-way line for 180.00 feet; thence South 01°14'16" East for 246.94 feet to an intersection with a line parallel with and 20.00 feet North of as measured at right angles to the South line of that certain parcel of land described as Parcel 1 in Official Records Book 2093, page 2876 of the Public Records of Lee County, Florida; thence South 89°02'39" West along said parallel line for 180.00 feet; thence North 01°14'16" West for 246.94 feet to the point of beginning.

ORT FILE NO. 25080978

AGENT FILE #: 24-0038

TITLE SEARCH REPORT**Schedule B - Section 1**

1. Deeds and Conveyances:

Warranty Deed recorded September 16, 2024 in Official Records Instrument #2024000258447

2. Unsatisfied Encumbrances:

Commercial Real Estate Mortgage recorded September 16, 2024 in Official Records Instrument #2024000258448

3. Unsatisfied Judgments/Liens:

none

4. Taxes and Assessments:

Taxes for the year 2025 are paid

5. Miscellaneous Matters:

none

6. The following abstractor notes should also be reviewed before a commitment or policy is issued

none

ORT FILE NO. 25080978

AGENT FILE #: 24-0038

SCHEDULE B - SECTION II**Schedule B- Section 2**

The following standard exceptions should be made a part of any Commitment, unless evidence is presented which would eliminate the need for same:

1. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Facts which would be disclosed by an accurate and comprehensive survey of the premises herein described.
3. Rights or claims of parties in possession.
4. Construction, Mechanic's, Contractors' or Materialmen's lien claims, if any, where no notice thereof appears of record.
5. Easements or claims of easements not shown by the public records.
6. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled, and artificially exposed lands and lands accreted to such lands.
7. General or special taxes and assessments required to be paid in the year 2026 and subsequent years.

Easements, restrictions and other matters affecting title searched:

8. Any lien provided by County Ordinance or by Ch. 159, F.S., in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.
9. Rights of tenants and/or parties in possession, and any parties claiming, by through or under said tenants or parties in possession, as to any unrecorded leases or rental agreements.
10. Declaration of Easements recorded in Official Records Book 1731, page 4212.
11. Agreement of Easements recorded in Official Records Book 1731, page 4216.
12. Declaration of Easement as recorded in Official Records Book 1796, page 3434 and re-recorded in Official Records Book 1835, page 3244.
13. Perpetual Utility Easement Grant and Indemnity Agreement recorded in Official Records Book 3235, page 2014.
14. Perpetual Public Utility Easement Grant recorded in Official Records Book 3638, page 1470.
15. Notice of Development Order Approval recorded in Official Records Book 3490, page 2611.
16. Lee County Ordinances 86-14, 86-38, 11-03 and 11-27 providing for mandatory solid waste collection and the imposition of special assessments for said collection services. The special assessments are payable with the ad valorem taxes.

[B II copies](#)

ORT FILE NO. 25080978

AGENT FILE #: 24-0038

ORT FILE NO. 25080978

AGENT FILE #: 24-0038

REAL PROPERTY TAX INFORMATION

TAXES PAID THRU THE YEAR (S) 2025

TAX INFORMATION FOR THE YEAR 2025 AS FOLLOWS:

R.E.#	07-46-24-00-00005.1050
--------------	-------------------------------

DUE OR PAID?:	Paid
----------------------	-------------

BACK TAXES?:	No
---------------------	-----------



Lee County
Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

May 15, 2026

Cecil L. Pendergrass
District Two

David Mulicka
District Three

Brian Hamman
District Four

Patricia Petrosky
District Five

Dave Harner, II
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

Benjamin Hofland, EI
Haley Ward
13041 McGregor Blvd.
Fort Myers, FL 33919

VIA ELECTRONIC MAIL

Re: 11170 Summerlin Square Drive / Strap 07-46-24-00-00005.1050

Mr. Hofland,

I am in receipt of your email requesting a Letter of Service Availability for a property associated with the following STRAP;

07-46-24-00-00005.1050

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the location you have provided. There is one ambulance located 1.8 miles from the provided location, and a second ambulance station is 3.8 miles away.

It is our opinion that EMS service availability for the location provided is adequate at this time.

Sincerely,

Paul Di Cicco
Deputy Director – EMS Chief



Zoning Notes

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REZ2004-00026, 31 JAN05, WITHDRAW REQUEST TO REZONE 2.0 ACRES OF A 7.5 ACRE PARCEL (strap# 07-46-24-00-00005.0030) FROM CC TO CT.
ZAB-83-109, 82-6-38, DBC FM AG TO CC W/UU FOR A HELIPORT; DBC FM AG TO CS W/SE FOR A HOSPITAL & SE FOR A NURSING & CONVALESCENT FAC; SE IN AG FOR A NURSING & CONVALESCENT FAC & A HOME FOR THE AGED. (AG-2 & CS-1, AS CONVERTED)

Decision date: 3/13/14, 8:00 PM

historic note

RESOLUTION NUMBER ZAB-83-109

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

WHEREAS, James D. Spivey, has properly filed an application for: A District Boundary Change from AG to CC, CS, CN and RM-10 with: a) special exception in the CS District for a hospital; b) special exception in the CS District for nursing and convalescent facilities; c) special exception in the RM-10 District for nursing and convalescent facilities; d) special exception in the RM-10 District for a Home for the Aged (congregate living facility); e) unusual use permit in the CS District for a heliport; and f) variance from the provision of Sec. 500.4 maximum bank slope of water retention excavation from 6:1 to 4:1 on a piece of property located on the SW corner of County Road 869 and Pine Ridge Road, described more particularly as;

Section 7, Township 46S, Range 24E, Lee County, Florida.

The Entire Project: East 1/2 of the Northeast quarter of Sec. 7, Twp. 46S, Rge. 24E, Lee County, Florida. EXCEPTING THEREFROM the right-of-way for County Road No. 869 over and across the northerly 225 feet thereof. SUBJECT TO the right-of-way by user for Pine Ridge Road, over and across the easterly 25 feet thereof, AND SUBJECT TO the easement to Florida Power and Light Company along the easterly line of the herein described parcel.

Parcel 1-CC:

A tract or parcel of land lying in the east half (E-½) of the northeast quarter (NE-¼) of Section 7, Township 46 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

Beginning at the concrete monument marking the intersection of the west line of Pine Ridge Road, 25 feet westerly from the east line of said section and the southerly line of Summerlin Road, 225 feet south from the north line of said section run S. 01° 12' 19" E. along the west line of said Pine Ridge Road for 830 feet; thence run S. 89° 02' 44" W., parallel with the north line of said fraction of a section, for 1317 feet more or less to an intersection with the west line of said east half (E-½) of the northeast quarter (NE-¼); thence run N. 01° 13' 09" W. along said west line for 830 feet to a concrete monument marking the intersection with said southerly line of Summerlin Road;

thence run N. 89° 02' 44" E. along said southerly line for 1317.10 feet to the Point of Beginning. (25.09 Acres)

Parcel 2-CS:

A tract or parcel of land lying in the east half (E-½) of the northeast quarter (NE-¼) of Section 7, Township 46 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

From the concrete monument marking the intersection of the west line of Pine Ridge Road, 25 feet westerly from the east line of said section and the southerly line of Summerlin Road, 225 feet south from the north line of said section run S. 01° 12' 19" E. along the west line of said Pine Ridge Road for 830 feet to the Point of Beginning of the herein described parcel.

From said Point of Beginning continue S. 01° 12' 19" E. along the westerly line of Pine Ridge Road for 1310.21 feet to a steel pin; thence run S. 43° 55' 46" W. for 70.54 feet to a steel pin marking a point in the northerly line of said Pine Ridge Road; thence run S. 89° 03' 51" W. along said northerly line, 50 feet from the centerline, for 866.57 feet; thence run N. 01° 13' 09" W. parallel with the west line of said east half (E-½) of the northeast quarter (NE-¼), for 1000 feet; thence run S. 89° 03' 51" W. for 400 feet to a point on the west line of said east half (E-½) of the northeast quarter (NE-¼); thence run N. 01° 13' 09" W. along said west line for 349.79 feet; thence run N. 89° 02' 44" E., parallel with the north line of said section for 1317 feet more or less to the Point of Beginning. (31.91 Acres)

Parcel 3-AG:

A tract or parcel of land lying in the east half (E-½) of the northeast quarter (NE-¼) of Section 7, Township 46 South, Range 24 East, Lee County, Florida, which tract or parcel is described as follows:

From the concrete monument marking the intersection of the west line of said fraction of a section and the southerly line of Summerlin Road, 255 feet south from the north line of said section run S. 01° 13' 09" E. along the west line for 1189.73 feet to the Point of Beginning.

From said Point of Beginning continue S. 01° 13' 09" E. along the westerly line for 1000 feet to an intersection with the northerly line of Pine Ridge Road, 50 feet from the centerline; thence run N. 89° 03' 51" E. along said north line for 400 feet; thence run N. 01° 13' 09" W., parallel with said west line, for 1000 feet; thence run S. 89° 03' 51" W. for 400 feet to the Point of Beginning. (9.18 Acres)

WHEREAS, John David Hoddy, Peter Leigh Hoddy, Elizabeth A. Hoddy-Howe, Melissa Gail Hoddy, Rebekah E. Patten, George W. Hoddy, Lois L. Hoddy and James D. Spivey, the owners of the subject parcel have given proper authorization to Charles Bigelow to act as their agent, and have given him the authority to pursue this zoning action; and,

WHEREAS, a public hearing was legally and properly held before the Lee County Zoning Board, with full consideration of all the evidence available to the Zoning Board; and,

WHEREAS, the Lee County Zoning Board fully reviewed the matter and recommended approval for a District Boundary Change from AG to CC, CS, RM-10 and the requested CN portion to CS with: a) special exception in the CS District for a hospital; b) special exception in the CS District for nursing and convalescent facilities; c) special exception in the RM-10 District for nursing and convalescent facilities; d) special exception in the RM-10 District for a Home for the Aged (congregate living facility); e) unusual use permit in the CS District for a heliport and recommended denial for f) variance from the provision of Sec. 500.4 maximum bank slope of water retention excavation from 6:1 to 4:1. A few of the members of the Zoning Board felt the hospital related facilities requested were fine, but opposed the shopping center. There was concern about the potential traffic impacts of the proposed development on the surrounding land and road network.

WHEREAS, an appeal was timely filed by an aggrieved person/the Division of Community Development; and,

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners considered the recommendations of the Staff, the Local Planning Authority, the Zoning Board, the documents on file with the County, and the testimony of all interested persons,

The Board of County Commissioners after full and complete consideration of the matter does hereby make the following findings of fact:

Inasmuch as this was a DCI there are separate recommendations from each of the different county staff departments responsible for reviewing a DCI. Current Planning noted that this property is within the proposed San Carlos Summerlin Commercial node although this ought to be considered the limit of that node. The staff was not completely persuaded that this is the location for this kind of development but without a

good notion of the location of various population masses which it would serve, and with the superior access furnished by Summerlin Road compared to other nearby arterial roads now and in the near future, staff has little grounds upon which to raise a rational objection to this use. Staff recommended that the requested variance be denied as no hardship is demonstrated.

The Long Range Planning Department recommended the Board of County Commissioners give serious thought to the impact that this type of development would have on the Summerlin Road Corridor. The Division of Transportation noted that there may be more traffic in the immediate area because of this development but that there would be an overall reduction in traffic from the beaches, Iona McGregor and Sanibel-Captiva area on the road system north of Gladiolus Drive. The Zoning for the convenience store was found to be a problem by DOT because this type of use attracts a very high volume of traffic drawn from the nearby area. DOT noted that it would be better suited if located within one of the larger developments to the east or southeast. The Zoning Board recommended a district boundary change from AG to CC, CS, RM-10 and recommended that the CN portion be granted a CS district as opposed to the CN and recommended approval of requests (a), (b), (c), (d), and (e) but denied (f). The applicant made extensive presentations to the Board of County Commissioners on the requests, the basis for the requests, the history of the property, and noted the surrounding land uses and the impact that the development of this property would have on these road systems. The applicant noted that they were submitting a revised request to the Board of County Commissioners; they would delete the CN request and ask for CS; they would delete the RM-10 request and simply ask for a special exception for convalescent nursing care facilities in the AG District. In terms of zoning approval, it would breakdown to Parcel 1 with CC zoning; Parcel 2 with CS zoning with a special exception and an unusual use; Parcel 3: AG zoning with a special exception, with the notation that the variance request is no longer a factor and would be withdrawn.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AS THE ZONING APPEALS BOARD, that the Zoning Appeals Board does hereby grant a change in zoning from; 1) AG to CC on Parcel 1; 2) AG to CS on Parcel 2 and Parcel 3 AG remains. The Board does hereby grant; 1) the special exception in the CS District for a hospital; 2) a special exception in the CS District for a nursing and convalescent facility; 3) a special exception in the AG District for a nursing and convalescent facility; 4) a special exception in the AG District for a Home for the Aged; 5) and an unusual use permit in the CS District for a heliport. The Board of County Commissioners did not act on the variance requested as the variance has been withdrawn.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon motion by Commissioner

Roberts, and seconded by Commissioner Fussell, and upon being put to a vote, was as follows:

Porter J. Goss	Absent
Roland Eastwood	Nay
Roland Roberts	Aye
Bill Fussell	Aye
Melvin Morgan	Aye

DULY PASSED AND ADOPTED this 19th day of December, A.D., 1983.

ATTEST:
SAL GERACI, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Lois Kurt
Deputy Clerk

BY: R. Eastwood
Chairman

Approved as to form by:

W. Morgan
County Attorney