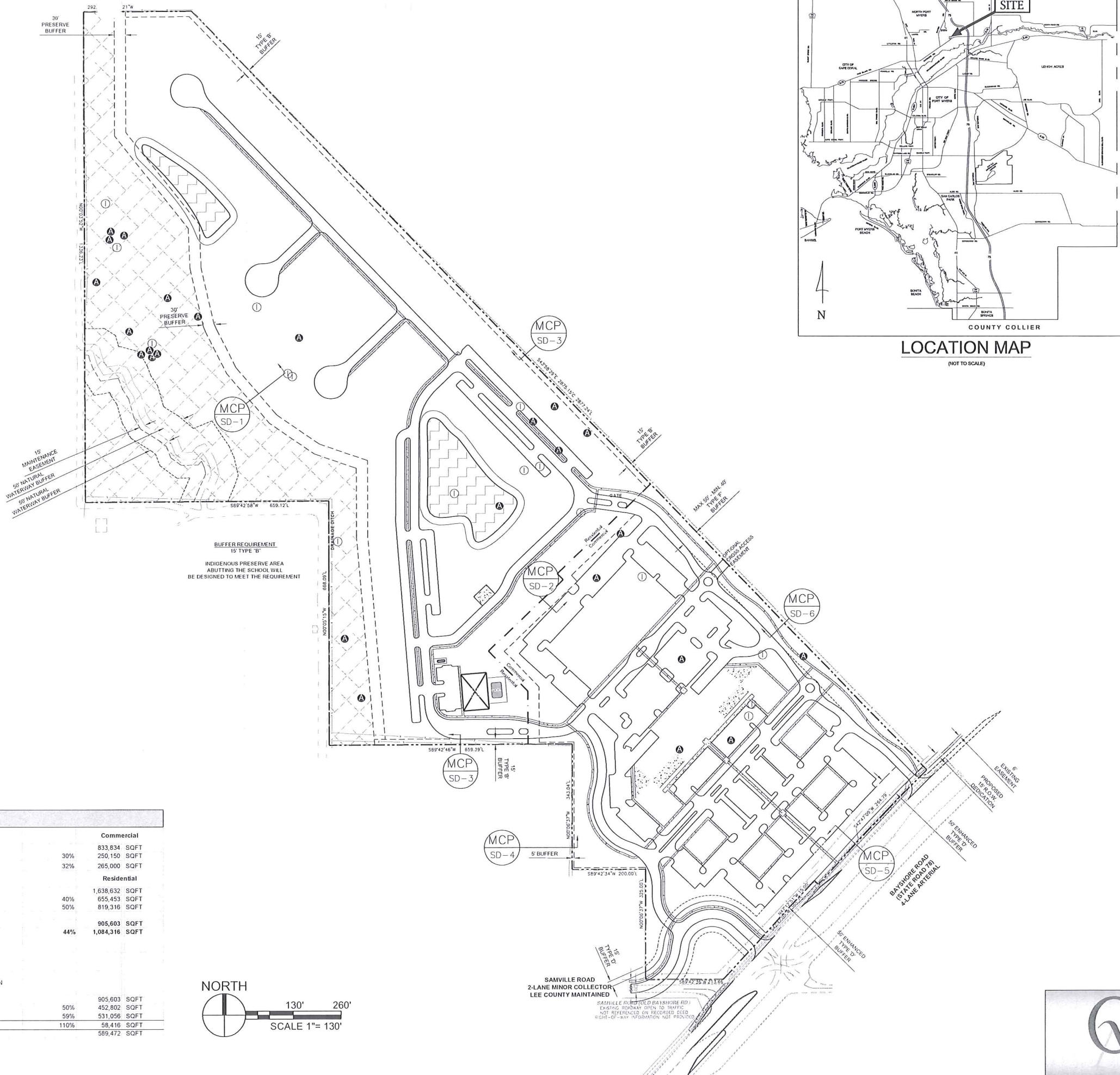
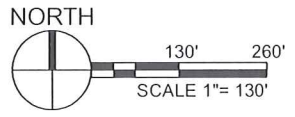
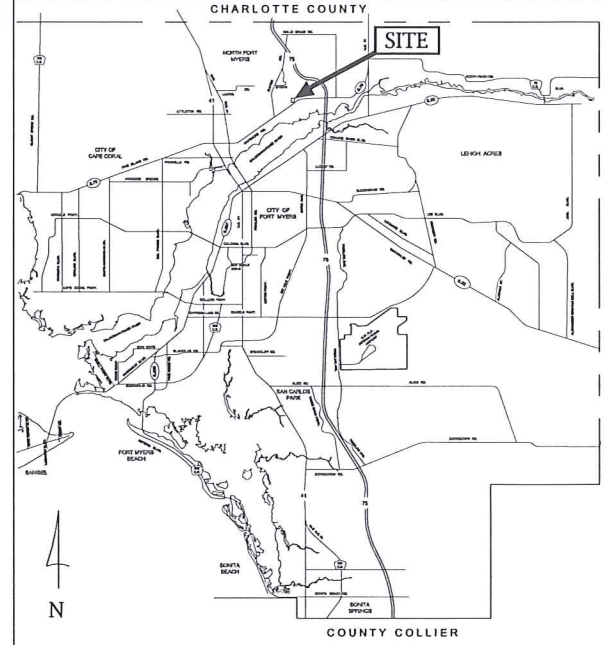


ATTACHMENT B



LDC SEC 10-415 OPEN SPACE			
PROJECT USE CLASSIFICATION		Commercial	
PROJECT DEVELOPMENT AREA		833,834	SQFT
OPEN SPACE REQUIRED	30%	250,150	SQFT
OPEN SPACE PROVIDED	32%	265,000	SQFT
PROJECT USE CLASSIFICATION		Residential	
PROJECT DEVELOPMENT AREA		1,638,632	SQFT
OPEN SPACE REQUIRED	40%	655,453	SQFT
OPEN SPACE PROVIDED	50%	819,316	SQFT
TOTAL PROJECT OPEN SPACE REQUIRED		905,603	SQFT
TOTAL PROJECT OPEN SPACE PROVIDED	44%	1,084,316	SQFT
50% OF REQUIRED OPEN SPACE MUST BE INCLUDED AS PRESERVED INDIGENOUS OPEN SPACE			
TOTAL OPEN SPACE REQUIRED		905,603	SQFT
INDIGENOUS OPEN SPACE REQUIRED	50%	452,802	SQFT
INDIGENOUS OPEN SPACE PROVIDED	59%	531,056	SQFT
CREDITS FOR LARGER AREA	110%	58,416	SQFT
TOTAL INDIGENOUS AREA CREDITED		589,472	SQFT



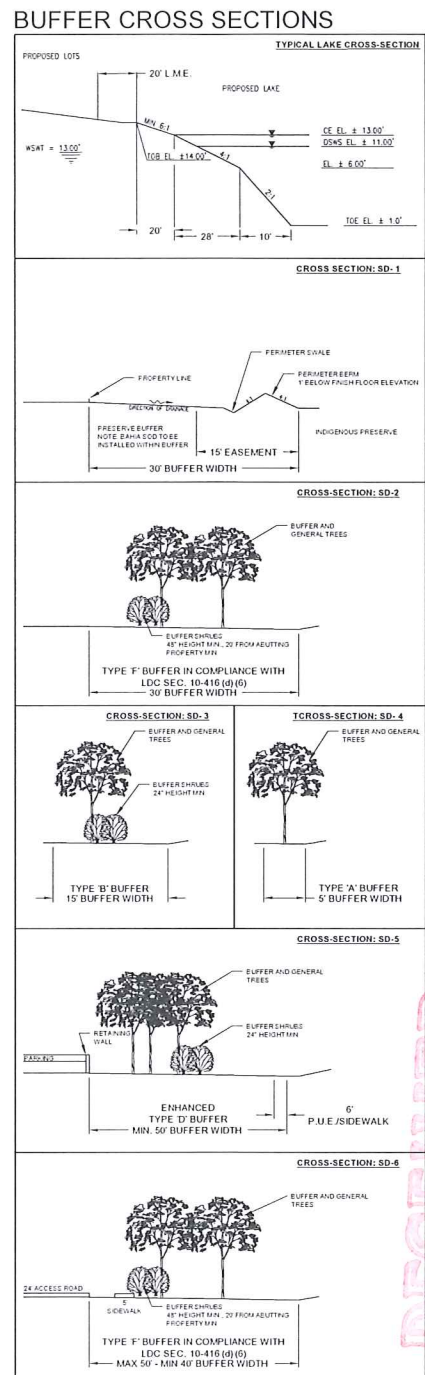
LOCATION MAP
(NOT TO SCALE)

MASTER CONCEPT PLAN

BAYSHORE 57 MPD

LOCATED IN SECTION 03, TOWNSHIP 44 SOUTH, RANGE 25 LEE COUNTY, FLORIDA

OPEN SPACE AND LANDSCAPING EXHIBIT



- GOPHER TORTOISE
- ACTIVE BURROWS
 - INACTIVE BURROWS
- MAP OVERLAY LEGEND
- LAKE
 - INDIGENOUS PRESERVE

DCI 2007-00045

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Engineers, Planners, & Development Consultants

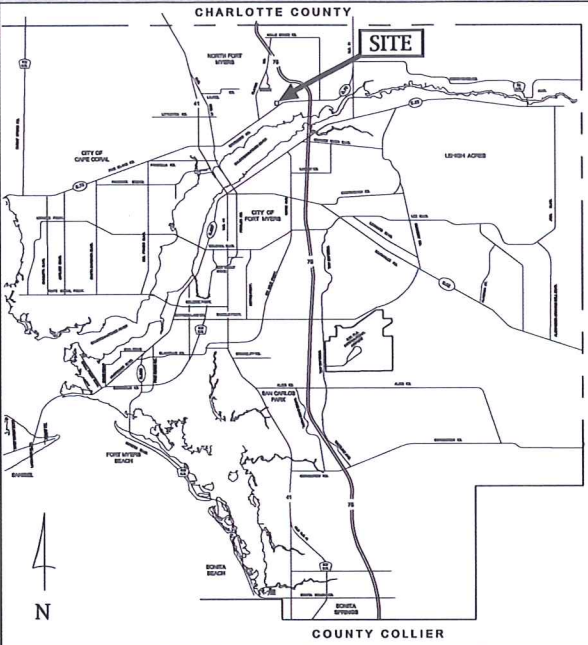
4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.5222 | QAInc.net

MASTER CONCEPT PLAN

BAYSHORE 57 MPD

LOCATED IN SECTION 03, TOWNSHIP 44 SOUTH, RANGE 25 LEE COUNTY, FLORIDA

EXHIBIT D-7-M



LOCATION MAP

(NOT TO SCALE)

PROJECT INFORMATION

STRAP#: 20-43-25-00-00003.3000
ZONING: AG-2
REQUEST: CPD and RPD
ROADWAYS: Bayshore Road (arterial)
Samville Road (minor collector)

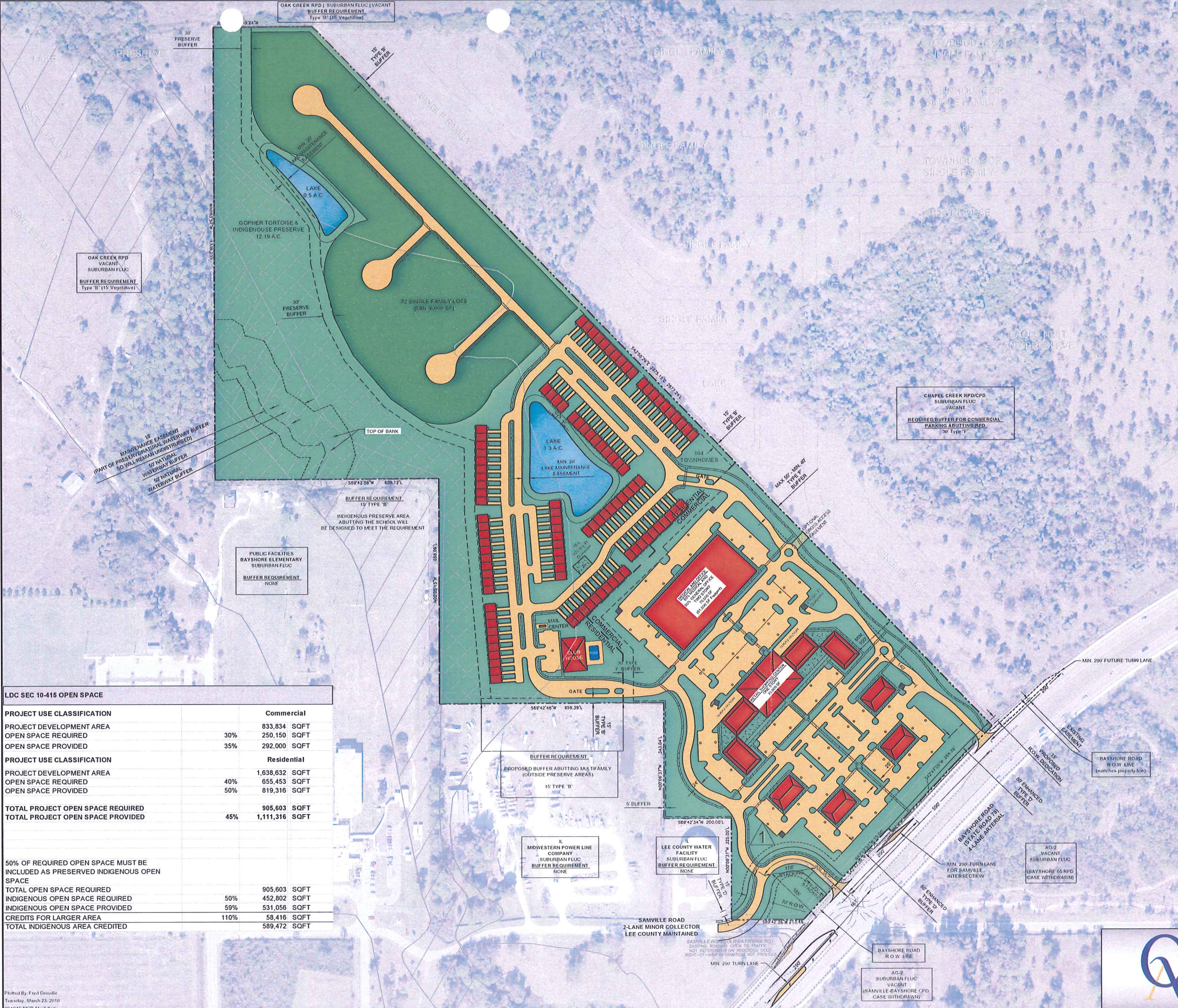
PROJECT SUMMARY

1) PROJECT ACREAGE	56.76 AC.
PROPOSED COMMERCIAL AREA	19.14 AC.
PROPOSED RESIDENTIAL AREA	37.62 AC.
2) INTENSITY AND DENSITY	
COMMERCIAL BUILDING AREA	
RETAIL (FIRST FLOOR)	± 70,000 SF
GENERAL MEDICAL	± 35,000 SF
GENERAL OFFICE	± 35,000 SF
TOTAL COMMERCIAL BUILDING AREA:	± 140,000 SF
RESIDENTIAL UNITS	
RESIDENTIAL MULTI-FAMILY (TOWNHOME)	104 UNITS
SINGLE-FAMILY:	72 UNITS
TOTAL	176 UNITS
3) PARKING BALANCE	
PARKING REQUIRED (4.5 PER 1,000 SF)	630 SPACES
PARKING PROVIDED:	655 SPACES

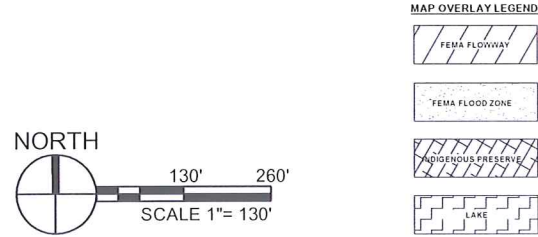
DEVIATION REQUEST:

1 Deviate from LDC§10-285 - Requiring a 330 foot intersection separation on collector roads to allow a 300 foot separation on Samville Road from the project access road

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LDC SEC 10-415 OPEN SPACE			
PROJECT USE CLASSIFICATION		Commercial	
PROJECT DEVELOPMENT AREA		833,834	SQFT
OPEN SPACE REQUIRED	30%	250,150	SQFT
OPEN SPACE PROVIDED	35%	292,000	SQFT
PROJECT USE CLASSIFICATION		Residential	
PROJECT DEVELOPMENT AREA		1,638,632	SQFT
OPEN SPACE REQUIRED	40%	655,453	SQFT
OPEN SPACE PROVIDED	50%	819,316	SQFT
TOTAL PROJECT OPEN SPACE REQUIRED		905,603	SQFT
TOTAL PROJECT OPEN SPACE PROVIDED	45%	1,111,316	SQFT
50% OF REQUIRED OPEN SPACE MUST BE INCLUDED AS PRESERVED INDIGENOUS OPEN SPACE			
TOTAL OPEN SPACE REQUIRED		905,603	SQFT
INDIGENOUS OPEN SPACE REQUIRED	50%	452,802	SQFT
INDIGENOUS OPEN SPACE PROVIDED	59%	531,056	SQFT
CREDITS FOR LARGER AREA	110%	58,416	SQFT
TOTAL INDIGENOUS AREA CREDITED		58,472	SQFT



Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
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LOCATED IN SECTION 03, TOWNSHIP 44 SOUTH, RANGE 25 LEE COUNTY, FLORIDA

The map shows Charlotte County, New Jersey, with the 'SITE' located near the intersection of Route 1 and Route 202. The map includes labels for the City of Cape May, City of Cape May Court House, and City of Cape May. A north arrow is located in the bottom left corner.

(NOT TO SCALE)

STRAP#:
ZONING:
REQUEST:
ROADWAY:

20-43-25-00-00003.3000
AG-2
CPD and RPD
Bayshore Road (arterial)
Samville Road (minor collector)

- 1.) PROJECT ACREAGE
PROPOSED COMMERCIAL AREA
PROPOSED RESIDENTIAL AREA
- 2.) INTENSITY AND DENSITY
COMMERCIAL BUILDING AREA
RETAIL (FIRST FLOOR)
GENERAL MEDICAL
GENERAL OFFICE
TOTAL COMMERCIAL BUILDING AREA

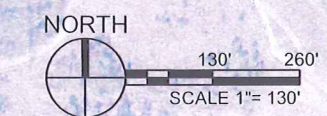
56.76 AC.
19.14 AC.
37.62 AC.

± 70,000 SF
± 35,000 SF
± 35,000 SF
± 140,000 SF

PARKING REQUIRED (4.5 PER 1,000 SF):
PARKING PROVIDED:

630 SPACES
655 SPACES

NONE



Engineers, Planners, & Development Consultants

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APPLICATION FOR PUBLIC HEARING FOR ZONING ACTION UNINCORPORATED AREAS ONLY

Applicant's Name: Al Quattrone, Quattrone and Associates, Inc.

Project Name: Bayshore 57 MPD

STRAP Number(s): 20-43-25-00-00003.3000

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)
☐ 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 the Estero Planning Community, or the Captiva Planning Community, or in the Caloosahatchee Shores Planning Community ?

☐ YES* ☒ NO *If YES, please note PARTS 4G, 4.H, and 4.I below for meeting summary document requirements.

STAFF USE ONLY

Case Number: DC12007-00045 Commission District: 4
Current Zoning: AG-2 Fee Amount: 10282.80
Land Use Classification: Suburban Intake by: NFR
Planning Community: N. Ft Myers

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585PART 1

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DC1 2007-00045

**PART 1
APPLICANT\AGENT INFORMATION**

A. Name of applicant: Quattrone and Associates, Inc.

Address: Street : 11000 Metro Parkway, Suite 30

City: Fort Myers State: FL Zip: 33966

Phone: Area Code: 239 Number: 936.5222 Ext:

Fax: Area Code: 239 Number: 936.7228

E-mail address: al@qainc.net

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: Quattrone and Associates, Inc.

Contact Person: Fred Drovdllic, AICP

Address: Street : 11000 Metro Parkway, Suite 30

City: Fort Myers State: FL Zip: 33966

Phone: Area Code: 239 Number: 936.5222 Ext:

Fax: Area Code: 239 Number: 936.7228

E-mail address: fred@qainc.net

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.]

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**PART 2
PROPERTY OWNERSHIP**

A.	Property Ownership: Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]									
A.1.	Name: _____									
	Mailing Address:			Street:						
				City:		State:		Zip:		
	Phone:		Area Code:		Number:		Ext:			
	Fax:		Area Code:		Number:					
	E-mail:									
B.	Property Ownership: Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].									
B.1.	☒	Disclosure of (Ownership) Interests Form is attached as Exhibit PH-2.B.1. [34-201(b)2]								
C.	Multiple parcels									
C.1.		Property owners list is attached as Exhibit PH-2.C.1. [34-202(a)(5)]								
C.2.		Property owners map is attached as Exhibit PH-2.C.2. [34-202(a)(5)]								
D.	Date property was acquired by present owner(s):					January 17, 1980				

**PART 3
PROPERTY INFORMATION**

A.	STRAP Number(s):		20-43-25-00-00003.3000			
B.	Street Address of Property:		7401 Bayshore Rd, North Fort Myers, FL 33917			
C.	Legal Description					
	☒	Legal description (on 8 1/2" by 11" paper) is attached as Exhibit PH-3.C.1. [34-202(a)(1)]				
	☒	Sealed sketch of the legal description is attached as Exhibit PH-3.C.2. [34-202(a)(1)]				
	☒	Electronic version of the legal description is attached as Exhibit PH-3.C.3.				
D.	Boundary Survey					
	☒	A Boundary survey, tied to the state plane coordinate system, is attached as Exhibit PH-3.D.1. [34-202(a)(2)]				
		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 is attached as Exhibit PH-3.D.2. [34-202(a)(2)]				
E.	Planning Community:		North Fort Myers			
F.	General Location of Property: Northeast corner of Bayshore Road and Samville Road West, west of I-75					

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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 [34-373(a)(4)b.]}					
F.2.	Directions to property:		I-75 to Bayshore Road. Take Bayshore west until Samville Road West.				
G.	Surrounding property owners: variance report attached.						
G.1.	✓	List of surrounding property owners is attached as Exhibit PH-3.G.1. [34-202(a)(6)]					
G.2.	✓	Map of surrounding property owners is attached as Exhibit PH-3.G.2. [34-202(a)(7)]					
G.3.	✓	2 sets of mailing labels are attached as Exhibit PH-3.G.3. [34-202(a)(6)]					
H.	Current Zoning of Property:		AG-2				
I.	Current use of property:						
I.1.		Current use(s) of the property are:			Livestock pasture		
I.2.	✓	If buildings or structures exist on the property, an affidavit is required stating that buildings & structures will be removed or that the proposed use of buildings, structures and land is or will be in compliance with all requirements of the LCLDC. Attach as Exhibit PH-3.I.2. and entitle "Affidavit Regarding Proposed Use". [34-202(b)(3)]					
I.3.	✓	If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval an Existing Agricultural Use Affidavit is attached as Exhibit PH-3.I.3. and entitled "Agricultural Uses at Time of Zoning Application". [34-202(b)(7)]					
J.	Land Use Classification:						
		Suburban		56.76	Acres	100	% of total
					Acres		% of total
					Acres		% of total
					Acres		% of total
K.	Flood Hazard (write NA if not applicable) [34-202(a)(8)]						
	NA	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			AE-EL11-15 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.	NA	Deed restrictions\ covenants that may affect this request are attached as Exhibit PH-3.L.2. [34-202(b)(2)]				
L.3.	NA	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):	630	Feet		
	2.	Depth (average if irregular parcel):	2,875	Feet		
	3.	Total area:	56.76	<u>Acres</u> or 2,472,465.6 square feet		
	4.	Frontage on road or street:	630	Feet on	Bayshore	Road
		2 nd Frontage on road or street:		Feet on		

**PART 4
ACTION REQUESTED**

A.	Action Requested: [check applicable action(s)]				
		Special Exception for			Attached is Supplement A
		Variance for			Attached is Supplement B
		Conventional Rezoning from:		to	Attached is Supplement C
	☒	Planned Development Rezoning from	AG-2	to	MPD
	☒	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			
B.	Excavations:				
	☒	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 general 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 Exhibit PH-4.C showing calculations. [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)]			

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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.	Estero Planning Community (put NA if not applicable)		
NA	A summary of public informational session. Attached is Exhibit PH-4.G [34-373(a)(10); Lee Plan Policy 19.5.3]		
H.	Captiva Planning Community (put NA if not applicable)		
NA	A summary of public informational session. Attached is Exhibit PH-4.H [Lee Plan Policy 13.1.7]		
I.	Caloosahatchee Shores Community Plan (put NA if not applicable)		
NA	A summary of public informational session. Attached is Exhibit PH-4.I [Lee Plan Policy 21.6.3]		
J.	Waivers from Application Submission Requirements: The following waivers, approved by the Director of Zoning Services, are attached as Exhibit PH-4.J [Section 34-202(a)]		
	Section Number	Name of item	
K.	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 NO , please explain why the connection to potable water and/or central sewer is not planned. Label explanation as Exhibit PH 4-K . If the answer is YES , please indicate the name of the Utility to which the connection(s) are proposed. <u>North Fort Myers Utilities for wastewater and Lee County Utilities for Water. [BOCC POLICY]</u>		

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**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.	Conv. Rez. or Spe. Exc.	PDs		
1	1	14		Completed application for Public Hearing [34-201(b)]
1	1	1		Filing Fee - [34-202(a)(9)]
Var.	Conv. Rez. or Spe. Exc.	PDs	SUP	SUPPLEMENTAL FORMS (select applicable request/form)
0	1	0	SUP A	Special Exception request
1	0	0	SUP B	Variance request
0	1	0	SUP C	Conventional Rezoning request
0	0	14	SUP D	Planned Development Rezoning request
0	0	14	SUP D	Planned Development Amendment request
0	0	14	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
Var.	Conv. Rez. or Spe. Exc.	PDs	Exhibit Number	SUBMITTAL ITEMS
1	1	3	PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1	1	1	PH-1.B.3	BOCC authorization (if applicable)
1	1	14	PH-1.C.2	Additional Agents [34-202(b)(1)c.]
1	1	3	PH-2.B.1	Disclosure of Interest Form [34-201(b)(2)a]
1	1	3	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	1	3	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
1	1	14	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 [34-202(a)(1)]
2	2	5	PH-3.C.2	Sealed Sketch of the Legal Description [34-202(a)(1)]
1	1	1	PH-3.C.2	Electronic version of legal description (if available)
1	1	5	PH-3.D.1	Boundary Survey (tied to State Plane Coordinate System) [34-202(a)(2)] {NOTE: This is a required submittal for all Planned Development Applications (see Supplement D for that requirement)} [34-373(a)(4)a.]}
1	1	N/A	PH-3.D.2	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	1	0	PH-3.F	Area Location Map on 8 by 11 paper pursuant to LCLDC Section 34-202(a)(4). (Non Planned Developments)
0	0	14		Area Location Map for Planned Developments - see Supplement D [34-373(a)(4)b.]
1	1	3	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]

Number of Copies*			Exhibit Number	SUBMITTAL ITEMS
Var.	Conv. Rez. or Spe. Exc.	PDs		
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.I.2.	Affidavit Regarding Proposed Use (if applicable) [34-202(b)(3)]
1	1	3	PH-3.I.3.	Affidavit entitled " <u>Agricultural Uses at Time of Zoning Application</u> " (if applicable) [34-202(b)(7)]
1	1	3	PH-3.L.2	Deed Restrictions\Covenants (if applicable) [34-202(b)(2)]
1	1	3	PH-3.L.3	Narrative addressing effect of Deed Restrictions (if applicable) [34-202(b)(2)]
1	1	14		Completed Supplement Form appropriate to the action requested (see Supplemental Forms above)
1	1	14	PH-4.B	Information Regarding Proposed Blasting (if applicable). [34-202(b)(6)]
0	0	4	PH-4.C	Bonus Density units (if applicable) [34-202(b)(5)]
1	1	4	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	1	4	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	1	4	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
0	0	4	PH-4.G	Summary of Public Informational Session for Planned Development Applications located within Estero Planning Community [34-373-(a)(10; Lee Plan Policy 19.5.3]
1	1	4	PH-4.H	Summary of Public Informational Session for rezoning, special exception and variance applications located within Captiva Planning Community [Lee Plan Policy 13.1.7)
0	0	4	PH-4.I	Summary of Public Informational Session for Planned Development Applications located within Caloosahatchee Shores Planning Community [Lee Plan Policy 21.6.3]
1	1	14	PH-4.J	Approved Waivers.(if applicable) [34-202(a)]
0	0	4	PH-4.K	Potable Water & Central Sewer. If the answer to Item 6.D was NO, an explanation must be attached providing the reason(s) why connection to potable water and central sewer system is not proposed as part of any development of the parcel subject to the rezoning request. [BOCC POLICY]

* At least one copy must be an original.

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

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

The undersigned swears or affirms under oath to be the owner or the authorized representative of the owner(s) of the property identified by STRAP# 20-43-25-00-00003.3000 and that:

1. The property described herein is the subject of an application for zoning or development and hereby designate Quattrone & Associates, Inc. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.
2. 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;
3. 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;
4. 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
5. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature

REPUBLIC OF ARGENTINA
CITY OF BUENOS AIRES
EMBASSY OF THE UNITED STATES OF AMERICA

STATE OF Country of : Argentina
COUNTY OF City of : Buenos Aires

Natalio Wengrower

Type or printed name

Theta Investments

Name of Entity/Corporation

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 30th November 2006 (date) by Natalio Wengrower (name of person providing oath or affirmation), who is personally known to me or who has produced Argentine ID (type of identification) as identification.

Signature of person taking oath or affirmation

Rachel M. Sunden

Title or rank

Vice Consul

Name typed, printed or stamped

Serial number, if any

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

STRAP NO. 20-43-25-00-00003.3000

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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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
Natalio Wengrower / Av. Libertador 2820 Bs.As.	50%
María de Wengrower / Av. Libertador 2820 Bs.As.	50%
_____	_____
_____	_____
_____	_____

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	

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: _____
(Applicant)

Natalio Wengrower

REPUBLIC OF ARGENTINA
CITY OF BUENOS AIRES

(Printed or typed name of applicant)

Country of : Argentina
City of : Buenos Aires

The foregoing instrument was acknowledged before me this

30th day of November 20 06

by Natalio Wengrower
Argentine

who is personally known to me or who has produced
as identification.

(SEAL)

Signature of Notary Public

Rachel M. Sunden
Vice Consul

Printed Name of Notary Public

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**PART 1 AFFIDAVIT A1
(EXHIBIT PH-1.B.2)**

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

The undersigned swears or affirms under oath to be the owner or the authorized representative of the owner(s) of the property identified by STRAP# **20-43-25-00-00003.3000** and that:

1. The property described herein is the subject of an application for zoning or development and hereby designate **Quattrone & Associates, Inc.** as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.
2. 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;
3. 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;
4. 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
5. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature

Type or printed name

Name of Entity/Corporation

STATE OF _____
COUNTY OF _____

The foregoing instrument was sworn to (or affirmed) and subscribed before me this _____
(date) by _____ (name of person providing oath or affirmation),
who is personally known to me or who has produced _____ (type of
identification) as identification.

Signature of person taking oath or affirmation

Name typed, printed or stamped

Title or rank

Serial number, if any

PART 1 AFFIDAVIT A2
(EXHIBIT PH-1.B.2)

AFFIDAVIT FOR PUBLIC HEARING

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

I, *Al Quattrone as President of Quattrone and Associates, Inc., 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 am hereby authorizing 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.

Quattrone and Associates, Inc.

*Name of Entity (corporation, partnership, LLP, LC, etc)

Signature

Al Quattrone, President
(Type or printed name)

President
(title of signatory)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 6/27/07 (date) by Al Quattrone, as President of Quattrone and Associates, Inc. (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Signature of person taking oath or affirmation

Name typed, printed or stamped
ASHELEY MASS
Notary Public - State of Florida
My Commission Expires Sep 4, 2007
Commission # DD247193
Serial number, if any

Title or rank

*Notes:

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

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**EXHIBIT PH-1.C.2
ADDITIONAL AGENTS**

Company Name:		Henderson, Franklin, Starnes & Holt, P.A.					
Contact Person:		Russell P. Schropp					
Address:		Street : 1715 Monroe Street, Post Office Box 280					
		City:		State:		Zip:	
		Fort Myers		FL		33902	
Phone: Area Code:		239		Number:		344.1100	
						Ext:	
Fax: Area Code:		239		Number:		344.1200	
E-mail address:		russell.schropp@henlaw.com					

Company Name:		Slosser Surveying					
Contact Person:		Kris Slosser					
Address:		Street : 4642 Villa Capri Lane					
		City:		State:		Zip:	
		Bonita Springs		FL		34134	
Phone: Area Code:		239		Number:		947.1915	
						Ext:	
Fax: Area Code:		239		Number:		947.9948	
E-mail address:		kaslosser@comcast.net					

Company Name:		Boylan Environmental Consultants, Inc.					
Contact Person:		Rea Ann Boylan					
Address:		Street : 11000 Metro Parkway, Suite 4					
		City:		State:		Zip:	
		Fort Myers		FL		33966	
Phone: Area Code:		239		Number:		418.0671	
						Ext:	
Fax: Area Code:		239		Number:		418.0672	
E-mail address:		raeann@boylanenv.com					

Company Name:							
Contact Person:							
Address:		Street :					
		City:		State:		Zip:	
Phone: Area Code:				Number:		Ext:	
Fax: Area Code:				Number:			
E-mail address:							

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001 2007-00075

BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

SUPPLEMENT D

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DCI 2007-00045





PUBLIC HEARING SUPPLEMENT D

ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

Case Number: DCI2007-00045

Project Name: Bayshore 57 MPD

Applicant's Name: Al Quattrone, Quattrone & Associates, Inc.

STRAP Number(s): 20-43-25-00-00003.300

Select one application type only

- ☐ DRI (rezoning required)
- ☒ DCI-Major
- ☐ DCI-Minor
- ☐ DCI-Minor - Existing Development ⁽¹⁾
- ☐ DCI-Minor - Amendment to approved Master Concept Plan ⁽²⁾
- ☐ Amendment to built Planned Development meeting DCI threshold ⁽³⁾
- ☐ PRFPD in Private Recreational Facilities Overlay Area [(34-341(a)(2)]

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Notes:

- (1) Existing development. A development that has already been developed but does not conform to the regulations for a conventional district and is requesting a rezoning to a Planned Development classification. It will be reviewed in the same manner as a minor Planned Development except that a Traffic Impact Statement will not be required. [34-341(b)(2)d.1.]
- (2) Amendments to approved Master Concept Plan. Application to amend an approved major or minor Master Concept Plan or its attendant documentation, or for the extension of a vacated Master Concept Plan originally approved prior to December 2, 1991 will be treated procedurally as minor Planned Developments. These applications will require only as much information, as deemed necessary by the Director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application. [34-341(b)(2)d.2.]
- (3) Amendments to built Planned Developments (PD). Any part or all of a Planned Development which is built may

be the subject of an application for a variance or other approval covered by the provisions of the Lee County Land Development Code (LCLDC) wherein the subject property is the only part of the original Planned Development for which the approval is sought. If the subject property meets the threshold for a Development of County Impact (DCI), it will be reviewed in accordance with the provisions in the LCLDC which apply to Developments of County Impact. If the subject property is not a Development of County Impact, it will be reviewed in accordance with the provisions in the LCLDC which apply to conventional zoning districts. In either case, the applicant will be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved Master Concept Plan have been constructed and acknowledged by the County as complete. In the case of Residential Planned Developments or Mixed Developments which include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots. [34-373(c)]

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LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

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PART 1 GENERAL INFORMATION

[illegible]

PART 2
TYPES OF LAND AREA ON PROPERTY

DCI 2007-00045

A.	Gross Acres (total area within described parcel)				56.76	Acres
1.	Submerged land subject to tidal influence:	0	Acres			
2.	Other non-freshwater Wetlands:	0	Acres			
3.	R-O-W providing access to non-residential uses:	0	Acres			
4.	Non-residential use areas ⁽¹⁾	0	Acres			
B.	Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.				0	Acres
C.	Gross residential acres. (A minus B) ⁽²⁾				56.76	Acres
D.	Gross residential acres by Land Use Category					
1.	a.	Intensive development - upland		Acres		
	b.	Intensive development - freshwater wetland		Acres		
2.	a.	Central Urban - upland		Acres		
	b.	Central Urban - freshwater wetland		Acres		
3.	a.	Urban Community or Suburban - upland		Acres	51.22	
	b.	Urban Community or Suburban freshwater wetland		Acres	5.54	
4.	a.	Outlying Suburban - upland		Acres		
	b.	Outlying Suburban - freshwater wetland		Acres		
5.	a.	Rural, Outer Island, Rural Community Preserve - upland		Acres		
	b.	Rural, Outer Island, Rural Community Preserve - freshwater wetland		Acres		
6.	a.	Open Lands - upland		Acres		
	b.	Open Lands - freshwater wetland		Acres		
7.	a.	DR/GR - upland		Acres		
	b.	DR/GR - freshwater wetland		Acres		
8.	a.	Wetlands - freshwater		Acres		
	b.	Wetlands - not freshwater		Acres		
9.	a.	New Community - Upland		Acres		
	b.	New Community - freshwater wetland		Acres		
10.	a.	University Community - upland		Acres		
	b.	University Community - freshwater wetland		Acres		
11.		TOTAL (should equal "C" above)		Acres	56.76	

NOTES:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included.
- (2) Lands to be used for residential uses including land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies.

PART 3

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**RESIDENTIAL DEVELOPMENTS
PRELIMINARY DENSITY CALCULATIONS***

- * Note: i. Complete only if living units are proposed in a Future Land Use Category.
 ii. If more than one classification, calculations for each classification must be submitted.
 iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Intensive Development Category				
1.	Preliminary Standard Units		Maximum standard density	Units
	a.	Total upland Acres (from Part 2, D.1.a.)	times 14 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.1.b.)	times 14 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾		
2.	Maximum Permitted Units		Maximum permitted	Units
	a.	Total upland Acres (from Part 2, D.1.a.)	times 18 equals	
3.	Total allowed standard units (A.1.c. or A.2.a., whichever is less)			
4.	Bonus Units ⁽²⁾			
	a.	Low-moderate housing density:		
	b.	TDR units:		
	c.	Sub-total (A.4.a. plus A.4.b.)		
5.	Total Permitted Units (A.3. plus A.4.c.): ⁽¹⁾			

B. Central Urban Category				
1.	Preliminary Standard Units		Maximum standard density	Units
	a.	Total upland Acres (from Part 2, D.2.a.)	times 10 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.2.b.)	times 10 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾		
2.	Maximum Permitted Units		Maximum permitted	Units
	a.	Total upland Acres (from Part 2, D.2.a.)	times 12.5 equals	
3.	Total allowed standard units (B.1.c. or B.2.a., whichever is less)			
4.	Bonus Units ⁽²⁾			
	a.	Low-moderate housing density:		
	b.	TDR units:		
	c.	Sub-total (B.4.a. plus B.4.b.)		
5.	Total Permitted Units (B.3. plus B.4.c.): ⁽¹⁾			

Notes:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
 (2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

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C. Urban Community Category					
1.	Preliminary Standard Units		Maximum standard density		Units
	a.	Total upland Acres (from Part 2, D.3.a.)		times 6 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.3.b.)		times 6 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾			
2.	Maximum Permitted Units		Maximum permitted		Units
	a.	Total upland Acres (from Part 2, D.3.a.)		times 8 equals	
3.	Total allowed standard units (C.1.c. or C.2.a, whichever is less)				
4.	Bonus Units ⁽²⁾				
	a.	Low-moderate housing density:			
	b.	TDR units:			
	c.	Sub-total (D.4.a. plus D.4.b.)			
5.	Total Permitted Units (C.3. plus C.4.c.): ⁽¹⁾				

Notes:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
(2) If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

D. Suburban Category				
1.	Preliminary Standard Units		Maximum standard density	Units
	a.	Total upland Acres (from Part 2, D.3.a.)	51.22 times 6 equals	307
	b.	Total freshwater wetland Acres (from Part 2, D.3.b.)	5.54 times 6 equals	33
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾		340
2.	Maximum Permitted Units		Maximum permitted	Units
	a.	Total upland Acres (from Part 2, D.3.a.)	51.53 times 8 equals	412
3.	Total allowed standard units (D.1.c. or D.2.a., whichever is less)			340

E. Outlying Suburban Category				
1.	Preliminary Standard Units		Maximum standard density	Units
	a.	Total upland Acres (from Part 2, D.4.a.)	times 3 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.4.b.)	times 3 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾		
2.	Maximum Permitted Units		Maximum permitted	Units
	a.	Total upland Acres (from Part 2, D.4.a.)	times 4 equals ⁽¹⁾	
3.	Total allowed standard units (E.1.c. or E.2.a., whichever is less)			

Notes:

- (1) Outlying Suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the LEE Plan): the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

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PART 4
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES,
HOTELS & MOTELS
PRELIMINARY INTENSITY CALCULATIONS

A.	Commercial		Habitable Stories	Height	Total Floor Area	
A.1.		Medical/General Office	2	35'	96,000	Sq. Ft.
A.2.		Retail	2	35'	80,000	Sq. Ft.
A.3.						Sq. Ft.
A.4.		Other				Sq. Ft.
A.5.		TOTAL FLOOR AREA			176,000	Sq. Ft.
B.	Industrial		Habitable Stories	Height	Total Floor Area	
B.1.		Under Roof				Sq. Ft.
B.2.		Not under Roof				Sq. Ft.
B.3.		TOTAL FLOOR AREA				Sq. Ft.
C.	Mining			Depth	Total Acres	
C1.		Area to be excavated				Acres
D.	Assisted Living Facilities					
			Habitable Stories	Height	Total Number of Beds/Units	
D.1.		Dependent Living Units				Beds/Units
D.2.		Independent Living Units				Beds/Units
D.3.		TOTAL BEDS/UNITS				Beds/Units
E.	Hotels/Motels					
		Room Size	Habitable Stories	Height	Number of Rental Units	
E.1.		< 425 sq. ft.				Units
E.2.		426-725 sq. ft.				Units
E.3.		725 < sq. ft.				Units
E.4.		TOTAL UNITS				Units

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**PART 5
ENVIRONMENTAL ISSUES**

A. Topography: Describe the range of surface elevations of the property:

9.47 to 15.02 feet.

B. Sensitive Lands: Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473].

A flowway exists in the central western portion of the property and empties into the mosquito control ditch that runs along the western edge of the property. Important areas include the highlighted below:

Table 1: FLUCFCS COMMUNITIES BY PERCENTAGE

FLUCFCS	DESCRIPTION	ACRES	PERCENT
321	Palmetto Prairie	17.56	30.8%
411	Pine Flatwoods	22.35	39.2%
411E2	Pine Flatwoods (Exotics 25-49%)	3.32	5.8%
414	Pine-Mesic Oak	3.05	5.3%
419	Mesic Pine	3.14	5.5%
421	Xeric Oak	0.48	0.8%
422	Brazilian Pepper	0.58	1.0%
510	Streams and Waterways (Creek)	0.29	0.5%
615	Stream and Lake Swamps (Bottomland)	0.92	1.6%
619	Exotic Wetland Hardwoods (Melaleuca)	1.48	2.6%
625E2	Hydric Pine Flatwoods (Exotics 25-49%)	1.18	2.1%
630	Wetland Forested Mixed	0.44	0.8%
630E2	Wetland Forested Mixed (Exotics 25-49%)	1.52	2.7%
743	Spoil Area (Berm)	0.12	0.2%
814	Roads and Trails	0.64	1.1%
	TOTAL	57.07	100%

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C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 4.B. above will be protected by the completed project:

See the "Zoning Information and Indigenous Preserve Calculations" by Boylan Environmental Consultants.

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

NA

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PART 6
SANITARY SEWER & POTABLE WATER FACILITIES

- A. **Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

NA

- B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

NA

2. Quality of the effluent:

NA

3. Expected life of the facility:

NA

4. Who will operate and maintain the internal collection and treatment facilities:

NA

5. Receiving bodies or other means of effluent disposal:

NA

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C. Spray Irrigation: If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

NA

2. Current water table conditions:

NA

3. Proposed rate of application:

NA

4. Back-up system capacity:

NA

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PART 7 - SUBMITTAL REQUIREMENTS

Copies* Required	Exhibits	Item
		PUBLIC HEARING APPLICATION FORM
14		Public Hearing Application Form (Application for Public Hearing for Zoning Action Form, OR, if a DRI with Rezoning, submit Application for Public Hearing for a DRI Form). [34-373(a)(1)]
1		Application Fee. [34-373(a)(2)]
		DESCRIPTION OF EXISTING CONDITIONS
4	D-1-B	Historical or Archaeological sites: The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. [34-373(a)(4)h.]
14	D-1-C	Public Transit. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. [34-373(a)(4)g.]
5	D-7-A	A Boundary Survey, prepared and sealed by a professional surveyor, that meets the minimum technical standards set forth in chapter 61G-17-6, F.A.C. The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. [34-373(a)(4)a.]
14	D-7-B	Area Location Map (on 8.5" x 11" paper). A map marked to show the location of the property to be developed in relation to arterial and collector streets <u>as well as the location of existing easements and rights-of-way on or abutting the property.</u> [34-373(a)(4)b.]
14	D-7-C	Existing Zoning and Current Land Uses. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. [34-373(a)(4)c.]
14	D-7-D	Aerial Photograph with the site clearly delineated. [34-373(a)(4)d.] Originals only - photocopies are not acceptable.
4	D-7-E	Soils Map. Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)e.i.]
4	D-7-F	FLUCCS Map. A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)e.ii.]
4	D-7-G	Rare & Unique Upland Habitat Map. Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)e.iii.]
4	D-7-H	Topographic Map. A County topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)e.iv.]
4	D-7-I	Existing and Historic Flow-Ways Map. Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)e.v.]

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NARRATIVE COMPLIANCE STATEMENTS		
14	D-7-J	LEE Plan Compliance. A narrative explanation as to how the proposed development complies with the LEE Plan. [34-373(a)(5)]
3	D-7-K	Design Standards Compliance. A narrative explanation as to how the proposed development complies with the Design Standards set forth in LCLDC Section 34-411. [34-373(a)(5)]
3	D-7-L	Decision-Making Compliance. A narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in LCLDC Sections 34-145(c)(2)a & e. and 34-145(d)(3). [34-373(a)(5)]
MASTER CONCEPT PLAN		
2 & 14	D-7-M.1 (24X 36) & D-7-M.2 (11 X 17)	Master Concept Plan, Non-PRFPD . A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a - i. Copies of the Master Concept Plan must be provided in two sizes, 24" x 36" (2 copies), and 11" x 17" (15 copies - 2 originals required) in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the required information. {See Instructions, Part 7, below.} [34-373(a)(6)]
14	D-7-N	Master Concept Plan, PRFPD : A clearly legible drawing, no less than 24" x 36" in size and drawn at a scale sufficient to adequately show and identify the information required by LCLDC Section 34-941(g).{See Instructions, Part 7, below.} [34-941(g)]
5	D-7-O	Traffic Impact Statement. A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. [34-373(a)(7)] TIS is not required for an existing development. [34-341(b)(2)d.1.]
14	D-7-P	Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. [34-373(a)(8)]
14	D-7-Q	Schedule of Deviations and Written Justification. A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan. The location of each requested deviation must be located/shown on the Master Concept Plan. Deviation documentation and detail drawings including sample detail drawings must be provided illustrating how each deviation will operate to the benefit, or at least not to the detriment, of the public interest. [34-373(a)(9); 34-412(a)]
ADDITIONAL REQUIREMENTS FOR MAJOR PDs		
4	D-7-R	Surface Water Management Plan A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1)a. - e. [34-373(b)(1)]
14	D-7-S	Phasing program. If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. [34-373(b)(3)]
ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS		
4	D-7-T	Protected species survey. A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. [34-373(b)(2)]
ADDITIONAL REQUIREMENTS FOR AMENDMENTS TO BUILT PLANNED DEVELOPMENTS		
4	D-7-U	Proof of Notice to Other Property Owners. The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. [34-373(c)]

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ADDITIONAL REQUIREMENTS FOR DRIs		
14	D-7-V	Binding letter of interpretation from DCA or a complete and sufficient ADA (See also Application for Public Hearing for DRI Form) [34-373(d)(2)]
ADDITIONAL EXHIBITS - PRFPDs		
4	D-7-W	Conceptual Surface Water Management Plan. A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. [34-941(d)(3)b.i.1]
14	D-7-X	Well Drawdown Information. If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. [34-941(d)(3)d.]
14	D-7-Y	Preliminary Indigenous Restoration Plan. A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. [34-941(e)(5)f.iii.]
14	D-7-Z	Environmental Assessment. An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. [34-941(g)(2)]
14+	D-7-AA	Demonstration of Compatibility. Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. [34-941(g)(4)]

* At least one copy must be an original.

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BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

SUPPLEMENT D

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2007-00045





PUBLIC HEARING SUPPLEMENT D

ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

Case Number: DCI2007-00045

Project Name: Bayshore 57 MPD

Applicant's Name: AI Quattrone, Quattrone & Associates, Inc.

STRAP Number(s): 20-43-25-00-00003.300

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Select one application type only

- ☐ DRI (rezoning required)
- ☒ DCI-Major
- ☐ DCI-Minor
- ☐ DCI-Minor - Existing Development ⁽¹⁾
- ☐ DCI-Minor - Amendment to approved Master Concept Plan ⁽²⁾
- ☐ Amendment to built Planned Development meeting DCI threshold ⁽³⁾
- ☐ PRFPD in Private Recreational Facilities Overlay Area [(34-341(a)(2))]

DCI 2007-00045

Notes:

- (1) Existing development. A development that has already been developed but does not conform to the regulations for a conventional district and is requesting a rezoning to a Planned Development classification. It will be reviewed in the same manner as a minor Planned Development except that a Traffic Impact Statement will not be required. [34-341(b)(2)d.1.]
- (2) Amendments to approved Master Concept Plan. Application to amend an approved major or minor Master Concept Plan or its attendant documentation, or for the extension of a vacated Master Concept Plan originally approved prior to December 2, 1991 will be treated procedurally as minor Planned Developments. These applications will require only as much information, as deemed necessary by the Director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application. [34-341(b)(2)d.2.]
- (3) Amendments to built Planned Developments (PD). Any part or all of a Planned Development which is built may

be the subject of an application for a variance or other approval covered by the provisions of the Lee County Land Development Code (LCLDC) wherein the subject property is the only part of the original Planned Development for which the approval is sought. If the subject property meets the threshold for a Development of County Impact (DCI), it will be reviewed in accordance with the provisions in the LCLDC which apply to Developments of County Impact. If the subject property is not a Development of County Impact, it will be reviewed in accordance with the provisions in the LCLDC which apply to conventional zoning districts. In either case, the applicant will be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved Master Concept Plan have been constructed and acknowledged by the County as complete. In the case of Residential Planned Developments or Mixed Developments which include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots. [34-373(c)]

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LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

PART 1 GENERAL INFORMATION

A.	Comprehensive Plan Amendments (check one):					
	☒	There are NO LEE Plan Amendments pending that could affect the future use of this property.				
	☐	The following LEE Plan Amendments ARE pending and could affect the future use of this property. (List uses and brief explanation of their effect on this application):				
	☐					
	☐					
	☐					
	☐					
	☐					
	☐					
	☐					
	☐					
	☐					
B.	Archaeological/Historical (check one):					
	☒	There are NO known or recorded historical or archaeological sites on the property and no part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. [34-373(a)(4)h.]				
	☐	There are known or recorded historical or archaeological sites on the property or part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. Attached as Exhibit D-1-B is a map indicating the nature and location of known or recorded historical or archaeological areas of the property located within level 1 or level 2 zones of archaeological sensitivity including the outline of historic buildings and approximate extent of archaeological sites. [34-373(a)(4)h.]				
C.	Public Transit (check one):					
	☒	Property is NOT within the Lee Tran public transit service area.				
	☐	Property is within the Lee Tran public transit service area. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops must be provided. Label as Exhibit D-1-C.				
D.	Density					
	☐	There are no residential dwelling units proposed for this development.				
	☒	The property is located within one or more Future Land Use categories. Density has been calculated in Part 3 of this application and is summarized below:				
			Intensive Development		Proposed dwelling units	
			Central Urban		Proposed dwelling units	
			Urban Community		Proposed dwelling units	
		☒	Suburban	192	Proposed dwelling units	
			Outlying Suburban		Proposed dwelling units	
			TOTAL	192	Proposed dwelling units	

PART 2
TYPES OF LAND AREA ON PROPERTY

A. Gross Acres (total area within described parcel)					56.76	Acres
1.	Submerged land subject to tidal influence:	0	Acres			
2.	Other non-freshwater Wetlands:	0	Acres			
3.	R-O-W providing access to non-residential uses:	0	Acres			
4.	Non-residential use areas ⁽¹⁾	0	Acres			
B. Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.					0	Acres
C. Gross residential acres. (A minus B) ⁽²⁾					56.76	Acres
D. Gross residential acres by Land Use Category						
1.	a.	Intensive development - upland		Acres		
	b.	Intensive development - freshwater wetland		Acres		
2.	a.	Central Urban - upland		Acres		
	b.	Central Urban - freshwater wetland		Acres		
3.	a.	Urban Community or Suburban - upland		Acres	51.22	
	b.	Urban Community or Suburban freshwater wetland		Acres	5.54	
4.	a.	Outlying Suburban - upland		Acres		
	b.	Outlying Suburban - freshwater wetland		Acres		
5.	a.	Rural, Outer Island, Rural Community Preserve - upland		Acres		
	b.	Rural, Outer Island, Rural Community Preserve - freshwater wetland		Acres		
6.	a.	Open Lands - upland		Acres		
	b.	Open Lands - freshwater wetland		Acres		
7.	a.	DR/GR - upland		Acres		
	b.	DR/GR - freshwater wetland		Acres		
8.	a.	Wetlands - freshwater		Acres		
	b.	Wetlands - not freshwater		Acres		
9.	a.	New Community - Upland		Acres		
	b.	New Community - freshwater wetland		Acres		
10.	a.	University Community - upland		Acres		
	b.	University Community - freshwater wetland		Acres		
11.		TOTAL (should equal "C" above)		Acres	56.76	

NOTES:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included.
- (2) Lands to be used for residential uses including land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies.

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**RESIDENTIAL DEVELOPMENTS
PRELIMINARY DENSITY CALCULATIONS***

- * Note: i. Complete only if living units are proposed in a Future Land Use Category.
 ii. If more than one classification, calculations for each classification must be submitted.
 iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Intensive Development Category				
1.	Preliminary Standard Units		Maximum standard density	Units
	a.	Total upland Acres (from Part 2, D.1.a.)		times 14 equals
	b.	Total freshwater wetland Acres (from Part 2, D.1.b.)		times 14 equals
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾		
2.	Maximum Permitted Units		Maximum permitted	Units
	a.	Total upland Acres (from Part 2, D.1.a.)		times 18 equals
3.	Total allowed standard units (A.1.c. or A.2.a., whichever is less)			
4.	Bonus Units ⁽²⁾			
	a.	Low-moderate housing density:		
	b.	TDR units:		
	c.	Sub-total (A.4.a. plus A.4.b.)		
5.	Total Permitted Units (A.3. plus A.4.c.): ⁽¹⁾			

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B. Central Urban Category				
1.	Preliminary Standard Units		Maximum standard density	Units
	a.	Total upland Acres (from Part 2, D.2.a.)		times 10 equals
	b.	Total freshwater wetland Acres (from Part 2, D.2.b.)		times 10 equals
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾		
2.	Maximum Permitted Units		Maximum permitted	Units
	a.	Total upland Acres (from Part 2, D.2.a.)		times 12.5 equals
3.	Total allowed standard units (B.1.c. or B.2.a., whichever is less)			
4.	Bonus Units ⁽²⁾			
	a.	Low-moderate housing density:		
	b.	TDR units:		
	c.	Sub-total (B.4.a. plus B.4.b.)		
5.	Total Permitted Units (B.3. plus B.4.c.): ⁽¹⁾			

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Notes:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
 (2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

C. Urban Community Category					
1.	Preliminary Standard Units		Maximum standard density		Units
	a.	Total upland Acres (from Part 2, D.3.a.)		times 6 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.3.b.)		times 6 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾			
2.	Maximum Permitted Units		Maximum permitted		Units
	a.	Total upland Acres (from Part 2, D.3.a.)		times 8 equals	
3.	Total allowed standard units (C.1.c. or C.2.a, whichever is less)				
4.	Bonus Units ⁽²⁾				
	a.	Low-moderate housing density:			
	b.	TDR units:			
	c.	Sub-total (D.4.a. plus D.4.b.)			
5.	Total Permitted Units (C.3. plus C.4.c.): ⁽¹⁾				

Notes:

(1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

(2) If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

D. Suburban Category						
1.	Preliminary Standard Units			Maximum standard density		Units
	a.	Total upland Acres (from Part 2, D.3.a.)		51.22	times 6 equals	307
	b.	Total freshwater wetland Acres (from Part 2, D.3.b.)		5.54	times 6 equals	33
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾				340
2.	Maximum Permitted Units			Maximum permitted		Units
	a.	Total upland Acres (from Part 2, D.3.a.)		51.53	times 8 equals	412
3.	Total allowed standard units (D.1.c. or D.2.a., whichever is less)					340

E. Outlying Suburban Category					
1.	Preliminary Standard Units		Maximum	standard density	Units
	a.	Total upland Acres (from Part 2, D.4.a.)		times 3 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.4.b.)		times 3 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾			
2.	Maximum Permitted Units		Maximum permitted		Units
	a.	Total upland Acres (from Part 2, D.4.a.)		times 4 equals ⁽¹⁾	
3.	Total allowed standard units (E.1.c. or E.2.a., whichever is less)				

Notes:

(1) Outlying Suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the LEE Plan): the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

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PART 4
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES,
HOTELS & MOTELS
PRELIMINARY INTENSITY CALCULATIONS

A.	Commercial		Habitable Stories	Height	Total Floor Area	
A.1.		Medical	2	35'	32,000	Sq. Ft.
A.2.		General Office	2	35'	53,500	Sq. Ft.
A.3.		Retail	2	35'	100,000	Sq. Ft.
A.4.		Other				Sq. Ft.
A.5.		TOTAL FLOOR AREA			185,500	Sq. Ft.
B.	Industrial		Habitable Stories	Height	Total Floor Area	
B.1.		Under Roof				Sq. Ft.
B.2.		Not under Roof				Sq. Ft.
B.3.		TOTAL FLOOR AREA				Sq. Ft.
C.	Mining			Depth	Total Acres	
C1.		Area to be excavated				Acres
D.	Assisted Living Facilities					
			Habitable Stories	Height	Total Number of Beds/Units	
D.1.		Dependent Living Units				Beds/Units
D.2.		Independent Living Units				Beds/Units
D.3.		TOTAL BEDS/UNITS				Beds/Units
E.	Hotels/Motels					
		Room Size	Habitable Stories	Height	Number of Rental Units	
E.1.		< 425 sq. ft.				Units
E.2.		426-725 sq. ft.				Units
E.3.		725 < sq. ft.				Units
E.4.		TOTAL UNITS				Units

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**PART 5
ENVIRONMENTAL ISSUES**

A. **Topography:** Describe the range of surface elevations of the property:

9.47 to 15.02 feet.

B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473].

A flowway exists in the central western portion of the property and empties into the mosquito control ditch that runs along the western edge of the property. Important areas include the highlighted below:

Table 1: FLUCFCS COMMUNITIES BY PERCENTAGE

FLUCFCS	DESCRIPTION	ACRES	PERCENT
321	Palmetto Prairie	17.56	30.8%
411	Pine Flatwoods	22.35	39.2%
411E2	Pine Flatwoods (Exotics 25-49%)	3.32	5.8%
414	Pine-Mesic Oak	3.05	5.3%
419	Mesic Pine	3.14	5.5%
421	Xeric Oak	0.48	0.8%
422	Brazilian Pepper	0.58	1.0%
510	Streams and Waterways (Creek)	0.29	0.5%
615	Stream and Lake Swamps (Bottomland)	0.92	1.6%
619	Exotic Wetland Hardwoods (Melaleuca)	1.48	2.6%
625E2	Hydric Pine Flatwoods (Exotics 25-49%)	1.18	2.1%
630	Wetland Forested Mixed	0.44	0.8%
630E2	Wetland Forested Mixed (Exotics 25-49%)	1.52	2.7%
743	Spoil Area (Berm)	0.12	0.2%
814	Roads and Trails	0.64	1.1%
	TOTAL	57.07	100%

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C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 4.B. above will be protected by the completed project:

See the “Zoning Information and Indigenous Preserve Calculations” by Boylan Environmental Consultants.

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

NA

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PART 6
SANITARY SEWER & POTABLE WATER FACILITIES

- A. **Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

NA

- B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

NA

2. Quality of the effluent:

NA

3. Expected life of the facility:

NA

4. Who will operate and maintain the internal collection and treatment facilities:

NA

5. Receiving bodies or other means of effluent disposal:

NA

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C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

NA

2. Current water table conditions:

NA

3. Proposed rate of application:

NA

4. Back-up system capacity:

NA

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PART 7 - SUBMITTAL REQUIREMENTS

Copies* Required	Exhibits	Item
		PUBLIC HEARING APPLICATION FORM
14		Public Hearing Application Form (Application for Public Hearing for Zoning Action Form, OR, if a DRI with Rezoning, submit Application for Public Hearing for a DRI Form). [34-373(a)(1)]
1		Application Fee. [34-373(a)(2)]
		DESCRIPTION OF EXISTING CONDITIONS
4	D-1-B	Historical or Archaeological sites: The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. [34-373(a)(4)h.]
14	D-1-C	Public Transit. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. [34-373(a)(4)g.]
5	D-7-A	A Boundary Survey , prepared and sealed by a professional surveyor, that meets the minimum technical standards set forth in chapter 61G-17-6, F.A.C. The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. [34-373(a)(4)a.]
14	D-7-B	Area Location Map (on 8.5" x 11" paper). A map marked to show the location of the property to be developed in relation to arterial and collector streets <u>as well as the location of existing easements and rights-of-way on or abutting the property.</u> [34-373(a)(4)b.]
14	D-7-C	Existing Zoning and Current Land Uses. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. [34-373(a)(4)c.]
14	D-7-D	Aerial Photograph with the site clearly delineated. [34-373(a)(4)d.] Originals only - photocopies are not acceptable.
4	D-7-E	Soils Map. Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)e.i.]
4	D-7-F	FLUCCS Map. A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)e.ii.]
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3	D-7-L	Decision-Making Compliance. A narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in LCLDC Sections 34-145(c)(2)a & e. and 34-145(d)(3). [34-373(a)(5)]
MASTER CONCEPT PLAN		
2 & 14	D-7-M.1 (24X 36) & D-7-M.2 (11 X 17)	Master Concept Plan, Non-PRFPD . A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a - i. Copies of the Master Concept Plan must be provided in two sizes, 24" x 36" (2 copies), and 11" x 17" (15 copies - 2 originals required) in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the required information. {See Instructions, Part 7, below.} [34-373(a)(6)]
14	D-7-N	Master Concept Plan, PRFPD : A clearly legible drawing, no less than 24" x 36" in size and drawn at a scale sufficient to adequately show and identify the information required by LCLDC Section 34-941(g).{See Instructions, Part 7, below.} [34-941(g)]
5	D-7-O	Traffic Impact Statement. A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. [34-373(a)(7)] TIS is not required for an existing development. [34-341(b)(2)d.1.]
14	D-7-P	Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. [34-373(a)(8)]
14	D-7-Q	Schedule of Deviations and Written Justification. A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan. The location of each requested deviation must be located/shown on the Master Concept Plan. Deviation documentation and detail drawings including sample detail drawings must be provided illustrating how each deviation will operate to the benefit, or at least not to the detriment, of the public interest. [34-373(a)(9); 34-412(a)]
ADDITIONAL REQUIREMENTS FOR MAJOR PDs		
4	D-7-R	Surface Water Management Plan A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1)a. - e. [34-373(b)(1)]
14	D-7-S	Phasing program. If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. [34-373(b)(3)]
ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS		
4	D-7-T	Protected species survey. A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. [34-373(b)(2)]
ADDITIONAL REQUIREMENTS FOR AMENDMENTS TO BUILT PLANNED DEVELOPMENTS		
4	D-7-U	Proof of Notice to Other Property Owners. The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. [34-373(c)]

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ADDITIONAL REQUIREMENTS FOR DRIs		
14	D-7-V	Binding letter of interpretation from DCA or a complete and sufficient ADA (See also Application for Public Hearing for DRI Form) [34-373(d)(2)]
ADDITIONAL EXHIBITS - PRFPDs		
4	D-7-W	Conceptual Surface Water Management Plan. A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. [34-941(d)(3)b.i.1)]
14	D-7-X	Well Drawdown Information. If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. [34-941(d)(3)d.]
14	D-7-Y	Preliminary Indigenous Restoration Plan. A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. [34-941(e)(5)f.iii.]
14	D-7-Z	Environmental Assessment. An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. [34-941(g)(2)]
14+	D-7-AA	Demonstration of Compatibility. Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. [34-941(g)(4)]

* At least one copy must be an original.

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DCI 2007-00045



PUBLIC HEARING SUPPLEMENT D

ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

Case Number: DCI2007-00045

Project Name: Bayshore 57 MPD

Applicant's Name: AI Quattrone, Quattrone & Associates, Inc.

STRAP Number(s): 20-43-25-00-00003.300

Select one application type only

- ☐ DRI (rezoning required)
- ☒ DCI-Major
- ☐ DCI-Minor
- ☐ DCI-Minor - Existing Development ⁽¹⁾
- ☐ DCI-Minor - Amendment to approved Master Concept Plan ⁽²⁾
- ☐ Amendment to built Planned Development meeting DCI threshold ⁽³⁾
- ☐ PRFPD in Private Recreational Facilities Overlay Area [(34-341(a)(2))]

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Notes:

- (1) Existing development. A development that has already been developed but does not conform to the regulations for a conventional district and is requesting a rezoning to a Planned Development classification. It will be reviewed in the same manner as a minor Planned Development except that a Traffic Impact Statement will not be required. [34-341(b)(2)d.1.]
- (2) Amendments to approved Master Concept Plan. Application to amend an approved major or minor Master Concept Plan or its attendant documentation, or for the extension of a vacated Master Concept Plan originally approved prior to December 2, 1991 will be treated procedurally as minor Planned Developments. These applications will require only as much information, as deemed necessary by the Director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application. [34-341(b)(2)d.2.]
- (3) Amendments to built Planned Developments (PD). Any part or all of a Planned Development which is built may

DCI 2007-00045

be the subject of an application for a variance or other approval covered by the provisions of the Lee County Land Development Code (LCLDC) wherein the subject property is the only part of the original Planned Development for which the approval is sought. If the subject property meets the threshold for a Development of County Impact (DCI), it will be reviewed in accordance with the provisions in the LCLDC which apply to Developments of County Impact. If the subject property is not a Development of County Impact, it will be reviewed in accordance with the provisions in the LCLDC which apply to conventional zoning districts. In either case, the applicant will be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved Master Concept Plan have been constructed and acknowledged by the County as complete. In the case of Residential Planned Developments or Mixed Developments which include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots. [34-373(c)]

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LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

DOI 2007-00045

061 2007-09045

1 or level 2 zones of
approximate extent of

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er depiction of the property in
stops must be provided. Label as

**PART 2
TYPES OF LAND AREA ON PROPERTY**

A. Gross Acres (total area within described parcel)				57.07	Acres
1.	Submerged land subject to tidal influence:			0	Acres
2.	Other non-freshwater Wetlands:			0	Acres
3.	R-O-W providing access to non-residential uses:			0	Acres
4.	Non-residential use areas ⁽¹⁾			0	Acres
B.	Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.			0	Acres
C.	Gross residential acres. (A minus B) ⁽²⁾			56.76	Acres
D.	Gross residential acres by Land Use Category				
1.	a.	Intensive development - upland		Acres	
	b.	Intensive development - freshwater wetland		Acres	
2.	a.	Central Urban - upland		Acres	
	b.	Central Urban - freshwater wetland		Acres	
3.	a.	Urban Community or Suburban – upland	56.76	Acres	
	b.	Urban Community or Suburban freshwater wetland		Acres	
4.	a.	Outlying Suburban - upland		Acres	
	b.	Outlying Suburban - freshwater wetland		Acres	
5.	a.	Rural, Outer Island, Rural Community Preserve - upland		Acres	
	b.	Rural, Outer Island, Rural Community Preserve - freshwater wetland		Acres	
6.	a.	Open Lands - upland		Acres	
	b.	Open Lands - freshwater wetland		Acres	
7.	a.	DR/GR - upland		Acres	
	b.	DR/GR - freshwater wetland		Acres	
8.	a.	Wetlands - freshwater		Acres	
	b.	Wetlands - not freshwater		Acres	
9.	a.	New Community - Upland		Acres	
	b.	New Community - freshwater wetland		Acres	
10.	a.	University Community - upland		Acres	
	b.	University Community - freshwater wetland		Acres	
11.		TOTAL (should equal "C" above)	56.76	Acres	

NOTES:

(1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included.

(2) Lands to be used for residential uses including land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies.

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PART 3

COMMUNITY DEVELOPMENT

DOI 2007-00045

**RESIDENTIAL DEVELOPMENTS
PRELIMINARY DENSITY CALCULATIONS***

- * Note: i. Complete only if living units are proposed in a Future Land Use Category.
 ii. If more than one classification, calculations for each classification must be submitted.
 iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Intensive Development Category					
1.	Preliminary Standard Units		Maximum standard density		Units
	a.	Total upland Acres (from Part 2, D.1.a.)		times 14 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.1.b.)		times 14 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾			
2.	Maximum Permitted Units		Maximum permitted		Units
	a.	Total upland Acres (from Part 2, D.1.a.)		times 18 equals	
3.	Total allowed standard units (A.1.c. or A.2.a., whichever is less)				
4.	Bonus Units ⁽²⁾				
	a.	Low-moderate housing density:			
	b.	TDR units:			
	c.	Sub-total (A.4.a. plus A.4.b.)			
5.	Total Permitted Units (A.3. plus A.4.c.): ⁽¹⁾				

B. Central Urban Category					
1.	Preliminary Standard Units		Maximum standard density		Units
	a.	Total upland Acres (from Part 2, D.2.a.)		times 10 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.2.b.)		times 10 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾			
2.	Maximum Permitted Units		Maximum permitted		Units
	a.	Total upland Acres (from Part 2, D.2.a.)		times 12.5 equals	
3.	Total allowed standard units (B.1.c. or B.2.a., whichever is less)				
4.	Bonus Units ⁽²⁾				
	a.	Low-moderate housing density:			
	b.	TDR units:			
	c.	Sub-total (B.4.a. plus B.4.b.)			
5.	Total Permitted Units (B.3. plus B.4.c.): ⁽¹⁾				

Notes:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
 (2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

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C. Urban Community Category				
1.	Preliminary Standard Units	Maximum standard density		Units
a.	Total upland Acres (from Part 2, D.3.a.)		times 6 equals	
b.	Total freshwater wetland Acres (from Part 2, D.3.b.)		times 6 equals	
c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾			
2.	Maximum Permitted Units	Maximum permitted		Units
a.	Total upland Acres (from Part 2, D.3.a.)		times 8 equals	
3.	Total allowed standard units (C.1.c. or C.2.a, whichever is less)			
4.	Bonus Units ⁽²⁾			
a.	Low-moderate housing density:			
b.	TDR units:			
c.	Sub-total (D.4.a. plus D.4.b.)			
5.	Total Permitted Units (C.3. plus C.4.c.): ⁽¹⁾			

Notes:

(1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

(2) If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

D. Suburban Category				
1.	Preliminary Standard Units	Maximum standard density		Units
a.	Total upland Acres (from Part 2, D.3.a.)	56.76	times 6 equals	340
b.	Total freshwater wetland Acres (from Part 2, D.3.b.)	0	times 6 equals	0
c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾			340
2.	Maximum Permitted Units	Maximum permitted		Units
a.	Total upland Acres (from Part 2, D.3.a.)	56.76	times 8 equals	454
3.	Total allowed standard units (D.1.c. or D.2.a., whichever is less)			340

E. Outlying Suburban Category				
1.	Preliminary Standard Units	Maximum standard density		Units
a.	Total upland Acres (from Part 2, D.4.a.)		times 3 equals	
b.	Total freshwater wetland Acres (from Part 2, D.4.b.)		times 3 equals	
c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾			
2.	Maximum Permitted Units	Maximum permitted		Units
a.	Total upland Acres (from Part 2, D.4.a.)		times 4 equals ⁽¹⁾	
3.	Total allowed standard units (E.1.c. or E.2.a., whichever is less)			

Notes:

(1) Outlying Suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the LEE Plan): the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

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PART 4
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES,
HOTELS & MOTELS
PRELIMINARY INTENSITY CALCULATIONS

A.	Commercial		Habitable Stories	Height	Total Floor Area	
A.1.		Medical	2	35'	32,000	Sq. Ft.
A.2.		General Office	2	35'	53,500	Sq. Ft.
A.3.		Retail	2	35'	100,000	Sq. Ft.
A.4.		Other				Sq. Ft.
A.5.		TOTAL FLOOR AREA			185,500	Sq. Ft.
B.	Industrial		Habitable Stories	Height	Total Floor Area	
B.1.		Under Roof				Sq. Ft.
B.2.		Not under Roof				Sq. Ft.
B.3.		TOTAL FLOOR AREA				Sq. Ft.
C.	Mining			Depth	Total Acres	
C1.		Area to be excavated				Acres
D.	Assisted Living Facilities					
			Habitable Stories	Height	Total Number of Beds/Units	
D.1.		Dependent Living Units				Beds/Units
D.2.		Independent Living Units				Beds/Units
D.3.		TOTAL BEDS/UNITS				Beds/Units
E.	Hotels/Motels					
		Room Size	Habitable Stories	Height	Number of Rental Units	
E.1.		< 425 sq. ft.				Units
E.2.		426-725 sq. ft.				Units
E.3.		725 < sq. ft.				Units
E.4.		TOTAL UNITS				Units

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**PART 5
ENVIRONMENTAL ISSUES**

A. Topography: Describe the range of surface elevations of the property:

9.47 to 15.02 feet.

B. Sensitive Lands: Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473].

A flowway exists in the central western portion of the property and empties into the mosquito control ditch that runs along the western edge of the property. Important areas include the highlighted below:

Table 1: FLUCFCS COMMUNITIES BY PERCENTAGE

FLUCFCS	DESCRIPTION	ACRES	PERCENT
321	Palmetto Prairie	17.56	30.8%
411	Pine Flatwoods	22.35	39.2%
411E2	Pine Flatwoods (Exotics 25-49%)	3.32	5.8%
414	Pine-Mesic Oak	3.05	5.3%
419	Mesic Pine	3.14	5.5%
421	Xeric Oak	0.48	0.8%
422	Brazilian Pepper	0.58	1.0%
510	Streams and Waterways (Creek)	0.29	0.5%
615	Stream and Lake Swamps (Bottomland)	0.92	1.6%
619	Exotic Wetland Hardwoods (Melaleuca)	1.48	2.6%
625E2	Hydric Pine Flatwoods (Exotics 25-49%)	1.18	2.1%
630	Wetland Forested Mixed	0.44	0.8%
630E2	Wetland Forested Mixed (Exotics 25-49%)	1.52	2.7%
743	Spoil Area (Berm)	0.12	0.2%
814	Roads and Trails	0.64	1.1%
TOTAL		57.07	100%

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C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 4.B. above will be protected by the completed project:

See the "Zoning Information and Indigenous Preserve Calculations" by Boylan Environmental Consultants.

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

NA

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PART 6
SANITARY SEWER & POTABLE WATER FACILITIES

- A. **Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

NA

- B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

NA

2. Quality of the effluent:

NA

3. Expected life of the facility:

NA

4. Who will operate and maintain the internal collection and treatment facilities:

NA

5. Receiving bodies or other means of effluent disposal:

NA

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C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

NA

2. Current water table conditions:

NA

3. Proposed rate of application:

NA

4. Back-up system capacity:

NA

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PART 7 - SUBMITTAL REQUIREMENTS

Copies* Required	Exhibits	Item
		PUBLIC HEARING APPLICATION FORM
14		Public Hearing Application Form (Application for Public Hearing for Zoning Action Form, OR, if a DRI with Rezoning, submit Application for Public Hearing for a DRI Form). [34-373(a)(1)]
1		Application Fee. [34-373(a)(2)]
		DESCRIPTION OF EXISTING CONDITIONS
4	D-1-B	Historical or Archaeological sites: The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. [34-373(a)(4)h.]
14	D-1-C	Public Transit. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. [34-373(a)(4)g.]
5	D-7-A	A Boundary Survey , prepared and sealed by a professional surveyor, that meets the minimum technical standards set forth in chapter 61G-17-6, F.A.C. The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. [34-373(a)(4)a.]
14	D-7-B	Area Location Map (on 8.5" x 11" paper). A map marked to show the location of the property to be developed in relation to arterial and collector streets <u>as well as the location of existing easements and rights-of-way on or abutting the property.</u> [34-373(a)(4)b.]
14	D-7-C	Existing Zoning and Current Land Uses. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. [34-373(a)(4)c.]
14	D-7-D	Aerial Photograph with the site clearly delineated. [34-373(a)(4)d.] Originals only - photocopies are not acceptable.
4	D-7-E	Soils Map. Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)e.i.]
4	D-7-F	FLUCCS Map. A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)e.ii.]
4	D-7-G	Rare & Unique Upland Habitat Map. Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)e.iii.]
4	D-7-H	Topographic Map. A County topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)e.iv.]
4	D-7-I	Existing and Historic Flow-Ways Map. Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)e.v.]

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NARRATIVE COMPLIANCE STATEMENTS		
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14	D-7-V	Binding letter of interpretation from DCA or a complete and sufficient ADA (See also Application for Public Hearing for DRI Form) [34-373(d)(2)]
ADDITIONAL EXHIBITS - PRFPDs		
4	D-7-W	Conceptual Surface Water Management Plan. A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. [34-941(d)(3)b.i.1]
14	D-7-X	Well Drawdown Information. If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. [34-941(d)(3)d.]
14	D-7-Y	Preliminary Indigenous Restoration Plan. A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. [34-941(e)(5)f.iii.]
14	D-7-Z	Environmental Assessment. An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. [34-941(g)(2)]
14+	D-7-AA	Demonstration of Compatibility. Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. [34-941(g)(4)]

* At least one copy must be an original.

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COMMUNITY DEVELOPMENT

BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

Disclosure

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COMMUNITY DEVELOPMENT

DCE

2007-00045



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

STRAP NO. 20-43-25-00-00003.3000

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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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
Natalio Wengrower / Av. Libertador 2820 Bs.As.	50%
María de Wengrower / Av. Libertador 2820 Bs.As.	50%
_____	_____
_____	_____
_____	_____

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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Pages 1 of 2

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DCI 2007-00045

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	

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: _____

(Applicant)

Natalio Wengrower

REPUBLIC OF ARGENTINA

CITY OF BUENOS AIRES

(Printed or typed name of applicant)

Country of : Argentina

City of : Buenos Aires

The foregoing instrument was acknowledged before me this

30th day of August 20 06

by Natalio Wengrower
Argentine

who is personally known to me or who has produced
as identification.

(SEAL)

Signature of Notary Public

Rachel M. Sunden
Vice Consul

Printed Name of Notary Public

Page 2 of 2

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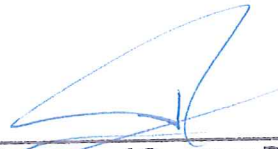
EXHIBIT PH-3.I.2

AFFIDAVIT REGARDING PROPOSED USE

The undersigned swears or affirms under oath, that he is the fee owner, trustee or managing member of the property commonly known as STRAP# 20-43-25-00-00003.3000, deposes and says:

1. The property described herein is the subject of an application for zoning or development; and
2. No buildings or structures currently exists on the property.

FURTHER AFFIANT SAYETH NAUGHT.


Signature of Owner or Representative

Natalio Wengrower/Owner & Managing Director
Printed Name and Title

Theta Investments
Entity

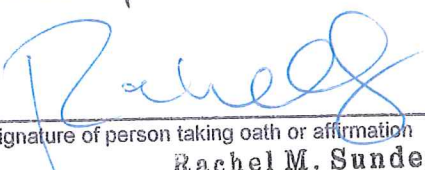
REPUBLIC OF ARGENTINA)
CITY OF BUENOS AIRES)
EMBASSY OF THE UNITED STATES OF AMERICA) 88

xxxxxxx Country of : Argentina
STATE OF _____

xxxxxxxxxxxx City of : Buenos Aires
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this 30th day of November, 2006, by

Natalio Wengrower, who is personally known to me or who has produced
Argentine ID as identification.


Signature of person taking oath or affirmation
Rachel M. Sunden
Vice Consul

Title or rank

Name typed, printed or stamped

Serial number, if any

DCI 2007-00045

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COMMUNITY DEVELOPMENT

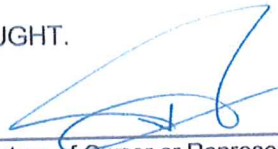
EXHIBIT PH-3.I.3

AGRICULTURAL USES AT TIME OF ZONING APPLICATION

The undersigned swears or affirms under oath, deposes and says:

1. that he is the fee owner, trustee, managing member or authorized representative of the property commonly known as STRAP# 20-43-25-00-00003.3000 and legally described in Exhibit "A".
2. that livestock pasture currently exist on the property occupying 57± acres, or the entire parcel, as identified by the sketch accompanying legal description.

FURTHER AFFIANT SAYETH NAUGHT.


Signature of Owner or Representative

Natalio Wengrower/Owner & Managing Director
Printed Name and Title

REPUBLIC OF ARGENTINA)
CITY OF BUENOS AIRES)
EMBASSY OF THE UNITED)
STATES OF AMERICA)

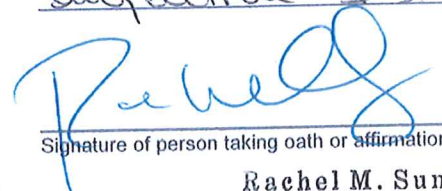
Theta Investments
Name of Entity/Corporation

~~STATE OF~~ Country of : Argentina

~~COUNTY OF~~ City of : Buenos Aires

Sworn to (or affirmed) and subscribed before me this 30th day of November, 2006, by

Natalio Wengrower, who is personally known to me or who has produced
Argentine ID as identification.


Signature of person taking oath or affirmation

Rachel M. Sunden
Vice Consul

Title or rank

Name typed, printed or stamped

Serial number, if any

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MAR 21 2008

COMMUNITY DEVELOPMENT

DCI 2007-00045

P.O.B.
W. 1/4 CORNER
SECTION 20

INSTRUMENT #
2006000198664
VACANT
NOT PLATTED

BEARING BASIS
N89°43'21"E 1031.64'

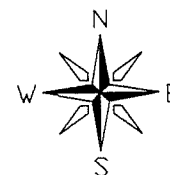
S89°43'21"W 1324.38'

N.E. CORNER
S.W. 1/4
SECTION 20

INSTRUMENT #
2006000198664
VACANT
NOT PLATTED

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	164.66	2914.79	3°14'12"	S44°24'15"W	164.64

LINE TABLE		
LINE	LENGTH	BEARING
L1	210.78	S89°42'36"W
L2	34.24	S42°47'09"W
L3	20.54	N89°42'36"E
L4	292.75	N89°43'21"E
L5	200.00'	S89°42'36"W
L6	325.00'	N00°04'14"E
L7	264.79'	S42°47'09"W



SCALE: 1" = 500'



LEGEND

F.A.C. FLORIDA ADMINISTRATIVE CODE
P.S.M. PROFESSIONAL SURVEYOR & MAPPER
RNG. RANGE
O.R. OFFICIAL RECORDS BOOK
PG. PAGE
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING

NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING A ASSUMED BEARING OF N.89°43'21"E.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

S.W. CORNER
SECTION 20

N89°42'36"E 659.67'

N89°42'36"E 659.67'

S.E. CORNER
S.W. 1/4
SECTION 20

N89°42'36"E 908.55'

NOT A SURVEY

SAMVILLE ROAD (OLD BAYSHORE RD.)
EXISTING 50' ROADWAY

KRIS A SLOSSER P.S.M.

4650 VILLA CAPRI LN. BONITA SPRINGS

FLORIDA 34134 (239) 947-1915

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

SCALE: 1" = 500'
DRAWING: 60489SKETCH
DRAWN BY: KAS
JOB#: 60489SKETCH

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2007-00045

SHEET 1 OF 2

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LEGAL DESCRIPTION

A PARCEL OR TRACT OF LAND LYING IN SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 20, THENCE RUN NORTH 89°43'21" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, FOR 292.75 FEET; THENCE SOUTH 43°58'29" EAST FOR 2875.15 FEET TO A POINT ON A CURVE, SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD C-78 (BAYSHORE ROAD), SAID CURVE BEING CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 2914.79 FEET; THENCE RUN SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°14'12", FOR AN ARC DISTANCE OF 164.66 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 42°47'09" WEST FOR A DISTANCE OF 264.79 FEET TO THE NORTHEASTERLY CORNER OF PARCEL #122 SECTION 12060-2535 STATE ROAD 783 AS RECORDED IN INSTRUMENT #2006000126434 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 47°12'51" WEST ALONG THE NORTHEASTERLY LINE OF SAID PARCEL #122, A DISTANCE OF 15.00 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL #122; THENCE SOUTH 42°47'09" WEST ALONG THE NORTHWESTERLY LINE OF SAID PARCEL #122, A DISTANCE OF 365.75 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL #122 AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAMVILLE ROAD (OLD BAYSHORE ROAD); THENCE NORTH 89°42'36" EAST ALONG THE SOUTHERLY LINE OF SAID PARCEL #122 AND SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 20.54 FEET TO A POINT ON SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD C-78 (BAYSHORE ROAD); THENCE SOUTH 42°47'09" WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 34.24 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE SOUTH 89°42'36" WEST ALONG SAID SOUTH LINE A DISTANCE OF 210.78 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1215, PAGE 896 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 00°04'14" EAST ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 325.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 89°42'36" WEST ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND AND A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE NORTH 00°04'14" EAST ALONG SAID WEST LINE A DISTANCE OF 342.85 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN SOUTH 89°42'47" WEST FOR A DISTANCE OF 660.30 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN NORTH 0°00'59" EAST FOR A DISTANCE OF 667.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN SOUTH 89°42'59" WEST FOR A DISTANCE OF 660.93 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN NORTH 0°02'16" WEST ALONG THE WEST LINE OF SAID SECTION 20 FOR A DISTANCE OF 1335.82 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORDS. CONTAINING 56.89 ACRES MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

Kris A. Slosser 12/15/06

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

SHEET 2 OF 2

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.

4650 VILLA CAPRI LN. BONITA SPRINGS

FLORIDA 34134 (239) 947-1915

DRAWN BY: KAS
DRAWING: 60489 SKETCH
SCALE: 1" = 200'

**EXHIBIT D-7-B
AREA LOCATION MAP**

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BAYSHORE 57 MPD
Rezoning from AG-2 to MPD
STRAP#: 20-43-25-00-00003.3000
7401 Bayshore Rd, North Fort Myers, FL 33917

COMMUNITY DEVELOPMENT

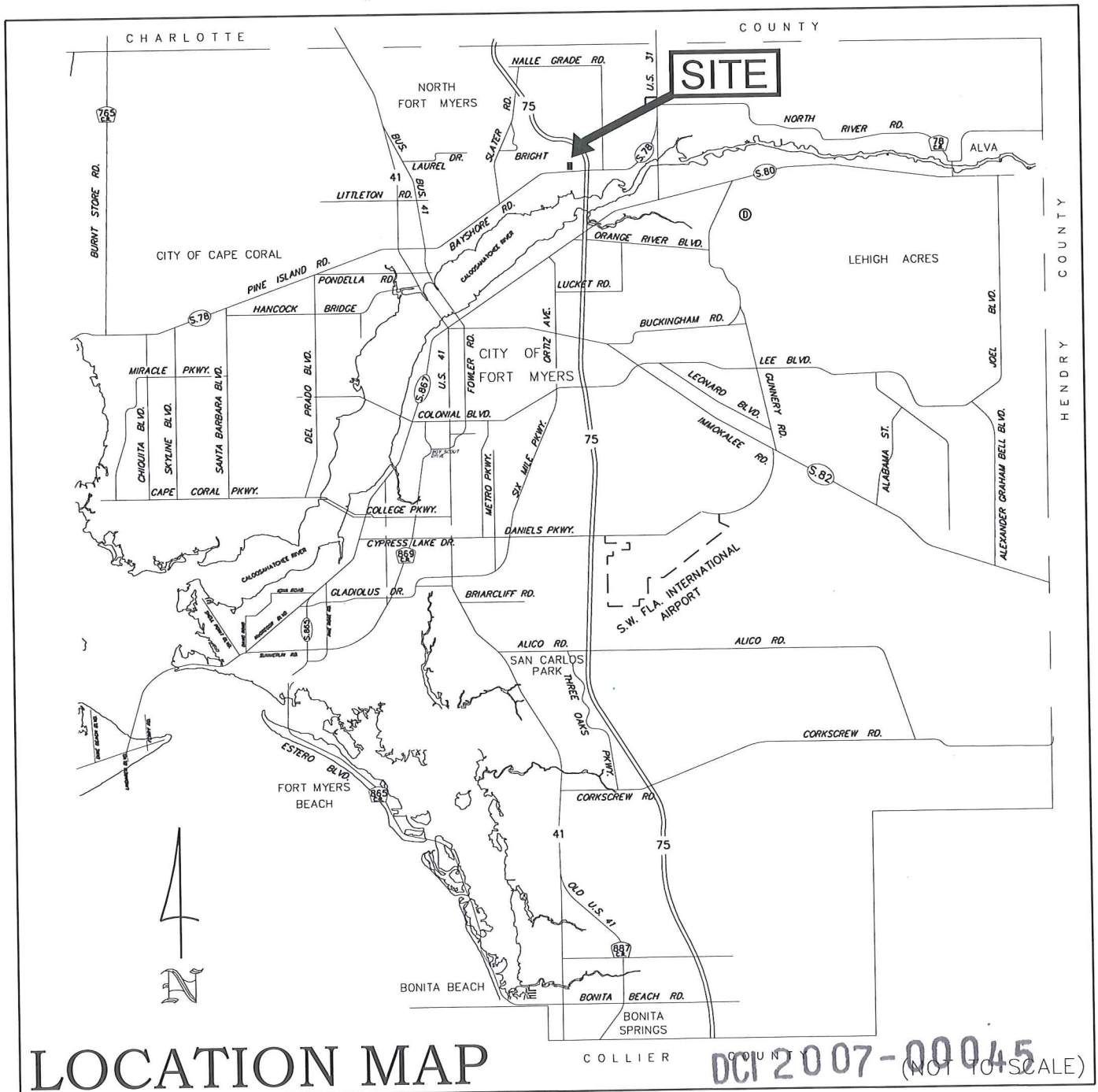




EXHIBIT D-7-J
PROJECT NARRATIVE AND LEE PLAN COMPLIANCE

BAYSHORE 57 MPD
Rezoning from AG-2 to MPD
STRAP#: 20-43-25-00-00003.3000
7401 Bayshore Rd, North Fort Myers, FL 33917

Quattrone and Associates, Inc., on behalf of Theta Investments, is requesting approval of an application for Mixed Use Planned Development for a 57.07 acre parcel located on the north side of Bayshore Road, west of Chapel Creek RPD, south of Oak Creek RPD, east of Samville Road and Bayshore Elementary School. The parcel has a Future Land Use designation of Suburban and is zoned AG-2. Land uses surrounding the subject parcel consist of agricultural uses to the north and east, a public primary school to the west, and vacant residential to the south.

This request is consistent with the goals, objectives, policies and intent of the Lee Plan in accordance with the following:

LEE PLAN VISION

DCI 2007-00045

Planning Community

North Fort Myers - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reduction/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown Fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses. Most of the North Fort Myers community will develop at residential densities less than what is allowed by the Lee Plan Future Land Use Map. Furthermore, much of this community is designated for low density development of less than one unit per acre. This community will not be one of the fastest growing areas, residentially, in Lee County. This area will add fewer than 3,000 new residents by the year 2020. However, with a total permanent population of over 50,000 residents and nearly 65,000 residents in season, the North Fort Myers community will be the fourth largest community, in population, in the year 2020. As stated in the Alva community, the Bayshore area does have characteristics differing from both the Alva and North Fort Myers community. The split in the Bayshore area between Alva and North Fort Myers was done to include properties which were most closely related to those respective communities. (Added by Ordinance No. 99-15)

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The proposed development of retail, restaurant, office, and residential will benefit the North Fort Myers community, establishing a different housing type with a lower price point than single-family, increasing the diversity of the area. The nearby location of Bayshore Elementary makes the proposed townhomes even more appropriate, providing greater home ownership opportunities for young families.

The commercial component of the project presents the opportunity for employment and services needed by the surrounding residents to be closer, reducing travel times and traffic volumes.

GOAL 1: FUTURE LAND USE

OBJECTIVE 1.1: FUTURE URBAN AREAS. *Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services.*

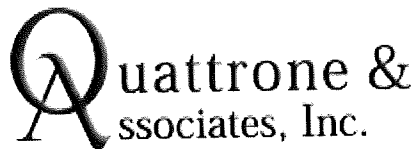
The subject property is located within a Future Urban Area in the Future Land Use Category (FLUC) discussed below.

POLICY 1.1.5: *The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)*

The subject parcel is surrounded by property that is currently in the rezoning process or has been recently approved for Residential Planned Developments at densities comparable to what is proposed for this project. Although a Commercial Planned Development is also proposed for the property on the opposite side of Bayshore Road, there is currently no other commercial uses in the area. The commercial uses proposed for this project are low-impact, not of a density greater than neighborhood centers, and will improve the services available to the surrounding community.

GOAL 2: GROWTH MANAGEMENT

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



The influx of recent rezoning applications in the area indicates that the development proposed is appropriate, timely, as well as contiguous and compact, containing urban sprawl.

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 F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)*

Recently expanded Bayshore Road is currently operating at LOS "B", and will remain unchanged by the approval of this MPD as proposed. Bayshore Road was recently expanded to 4 lanes and new infrastructure was provided to meet the anticipated development of the project area.

GOAL 4: DEVELOPMENT DESIGN – GENERAL

OBJECTIVE 4.1: *Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. By the end of 1995, take specific steps to further promote the creation of mixed-use developments to reduce the impact on collector and arterial roads. (Amended by Ordinance No. 91-19, 94-30)*

POLICY 4.1.1: *Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)*

POLICY 4.1.2: *Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)*

This site will be developed with structures that are compatible to the area in accordance with the architectural review standards that have been incorporated into the Land Development Code.

GOAL 5: RESIDENTIAL LAND USES

OBJECTIVE 5.1: *All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30, 00-22)*

POLICY 5.1.2: *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or*



geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

The property is located in storm surge category 3. All buildings will be constructed with a minimum first floor elevation of twelve (12) feet, as required.

POLICY 5.1.3: *During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)*

The project is near Bayshore Elementary and does incorporate a higher density residential townhome component, while helping to provide a better mix of land uses by also including commercial uses.

POLICY 5.1.4: *Prohibit residential development in all Industrial Development areas on the Future Land Use Map.*

The proposed residential development is not within an Industrial Development area.

POLICY 5.1.5: *Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)*

The proposed uses will compliment the existing and future surrounding residential areas and will not be potentially destructive to the character and integrity of the residential environment. The conditions proposed in lieu of the buffering requirements of Chapter 10 of the LDC are adequate to fulfill the intent of buffering, and abutting incompatible land uses are not proposed.

POLICY 5.1.6: *Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Amended by Ordinance No. 94-30)*

While the commercial component of the project will comply with open space requirements, the residential portion will greatly exceed the area of open space required.

POLICY 5.1.7: *Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle*

pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space. (Amended by Ordinance No. 94-30, 00-22)

A community center with recreational activities is proposed central to the residential portion of the project and will be connected to the townhomes by sidewalks.

POLICY 5.1.8: *Provide for adequate locations of low- and moderate-income housing through the rezoning process, the provision of public facilities and services, and the elimination of unnecessary administrative and legal barriers.*

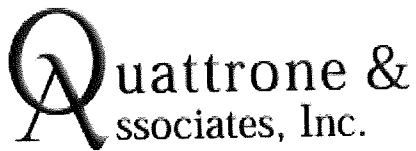
The proposed townhomes would establish a different housing type with a lower price point than traditional single-family, increasing the diversity of the area. The nearby location of Bayshore Elementary makes the proposed townhomes even more appropriate, providing greater home ownership opportunities for young families.

GOAL 6: COMMERCIAL LAND USES

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

- *Traffic and access impacts are minimal given projected trip ends.*
As shown in the attached TIS, the project does not change the Level of Service for Bayshore Road.
- *Screening and buffering can be provided to meet County standards.*
The project fully complies with all screening and buffering requirements
- *Sewer and water facilities are available, as well as all other utilities.*
X
- *No residential uses adjacent to the project are impacted.*
The project is similar in nature to recently approved and proposed projects in the immediately adjacent area.
- *Similar uses are located in the area.*
The project is similar in nature to recently approved and proposed projects in the immediately adjacent area.
- *There are no environmental concerns with this property.*
No environmental conditions exist that preclude the project from being developed as proposed.

POLICY 6.1.2: *All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.*



The project complies with the locational criteria as it located at the intersection of Bayshore Road, which is a 4-lane arterial, and Samville Road, a 2-lane minor collector, which is required for Neighborhood Commercial.

POLICY 6.1.3: *Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to:*

- *provide visual harmony and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and*
- *provide necessary services and facilities where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 00-22)*

The commercial frontage along Bayshore Road will present an attractive, well landscaped retail frontage that complies with the Commercial Design Standards and compliments the surrounding neighborhood. Allowing the establishment of retail, restaurant, office, and medical offices in this location will reduce the number of necessary trips for the existing residents in the area as well as the proposed townhome residents. As well as sidewalk being constructed along Bayshore Road, the project will incorporate an internal sidewalk system connecting the residential to the commercial portions, facilitating pedestrian movement throughout the project as well as to the surrounding area. Joint parking, access and loading facilities have been incorporated into the site design. The project does not trigger a decrease in the level of service to Bayshore Road while providing much needed services and commercial space to the area.

Policy 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

The proposed project will fully comply with the land development regulations pertaining to landscaping, open space, buffering and design standards.

Policy 6.1.7: *Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development.*

The subject parcel is surrounded by property that is currently in the rezoning process or has been recently approved for Residential Planned Developments at densities comparable to what is proposed for this project. Although a Commercial Planned Development is also proposed for the property on the opposite side of Bayshore Road, there is currently no other commercial uses in the area. The commercial uses proposed for this project are low-impact, not of a density greater than neighborhood centers, and will improve the services available to the surrounding community.

GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS

Standard 11.1: Water

Standard 11.2: Sewer

The development intends to connect to Lee County Utilities for sewer and water.

GOAL 39: DEVELOPMENT REGULATIONS.

Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09, 99-15)

OBJECTIVE 39.1: DEVELOPMENT IMPACTS. *The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness. (Amended by Ordinance No. 99-15)*

POLICY 39.1.1: *New development must:*

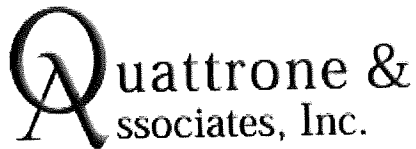
- *Have adequate on-site parking.*
- *Have access to the existing or planned public road system except where other public policy would prevent such access.*
- *Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees. (Amended and Relocated by Ordinance No. 99-15)*

The development will meet or exceed the number of required parking spaces, and is requesting a deviation from minimum driveway spacing requirements to allow ingress/egress directly unto Bayshore Road, with a secondary access on Samville Road.

POLICY 39.1.2: *County regulations will encourage proposed development along state roads to protect existing and planned transportation corridors to meet state standards for future expansions consistent with the Transportation Map series and the Official Trafficways Map. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)*

Bayshore Road is a state road and was recently expanded to 4 lanes.

POLICY 39.1.3: *County development regulations will require the interconnection of adjacent existing or future residential developments. Where a developer proposes private local streets with access control, he may propose an alternate means of interconnection provided the means does not require all local traffic to use the arterial network. All*



interconnections will be designed to discourage use by through traffic. (Amended and Relocated by Ordinance No. 99-15)

The road system is intended to be a combination of private and public streets as indicated on the Master Concept Plan.

POLICY 39.1.4: *Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)*

Access points for the development are proposed at appropriate locations that do not route through lower density areas.

POLICY 39.1.5: *The Land Development Code will continue to require appropriate landscaping for developments abutting arterial and collector roads. (Amended and Relocated by Ordinance No. 99-15)*

Significant landscaping is proposed along Bayshore Road, consistent with this policy and the requirements of the LDC.

POLICY 39.1.6: *Through the zoning process, the county will direct high-intensity land uses to parcels which abut designated future transit corridors identified in Map 3C. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)*

The project proposes to develop consistent with the higher level of densities for its land use category as is appropriate considering its location on the future transit corridor.

CONSISTENCY SUMMARY

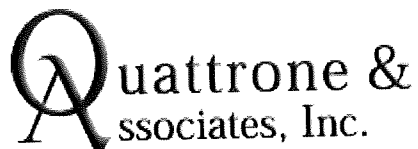
The request is consistent with the goals, objectives, policies, and the intent of the Lee Plan.

The request will not cause damage, hazard, nuisance or other detriment to persons or property. It is being integrated into the existing neighborhood as a relatively low intensity development and is similar in nature to the uses in the area.

The requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the uses set forth in Chapter 34 of the LDC.

There is no error or ambiguity that must be corrected.

Urban services, as defined in the Lee Plan, are available for this site. Public utilities and a roadway network are already in place and available for use.



Sufficient evidence has been provided within this application that this rezoning is in compliance with the Lee Plan, the Land Development Code and all other applicable rules and regulations.

The request will meet or exceed all performance and location standards set forth for the uses allowed by the request.

The request is consistent with the densities, intensities and general uses set forth in the Lee Plan.

The request is compatible with existing or planned uses in the surrounding area.

Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development.

The request will not adversely affect environmentally critical areas and natural resources.

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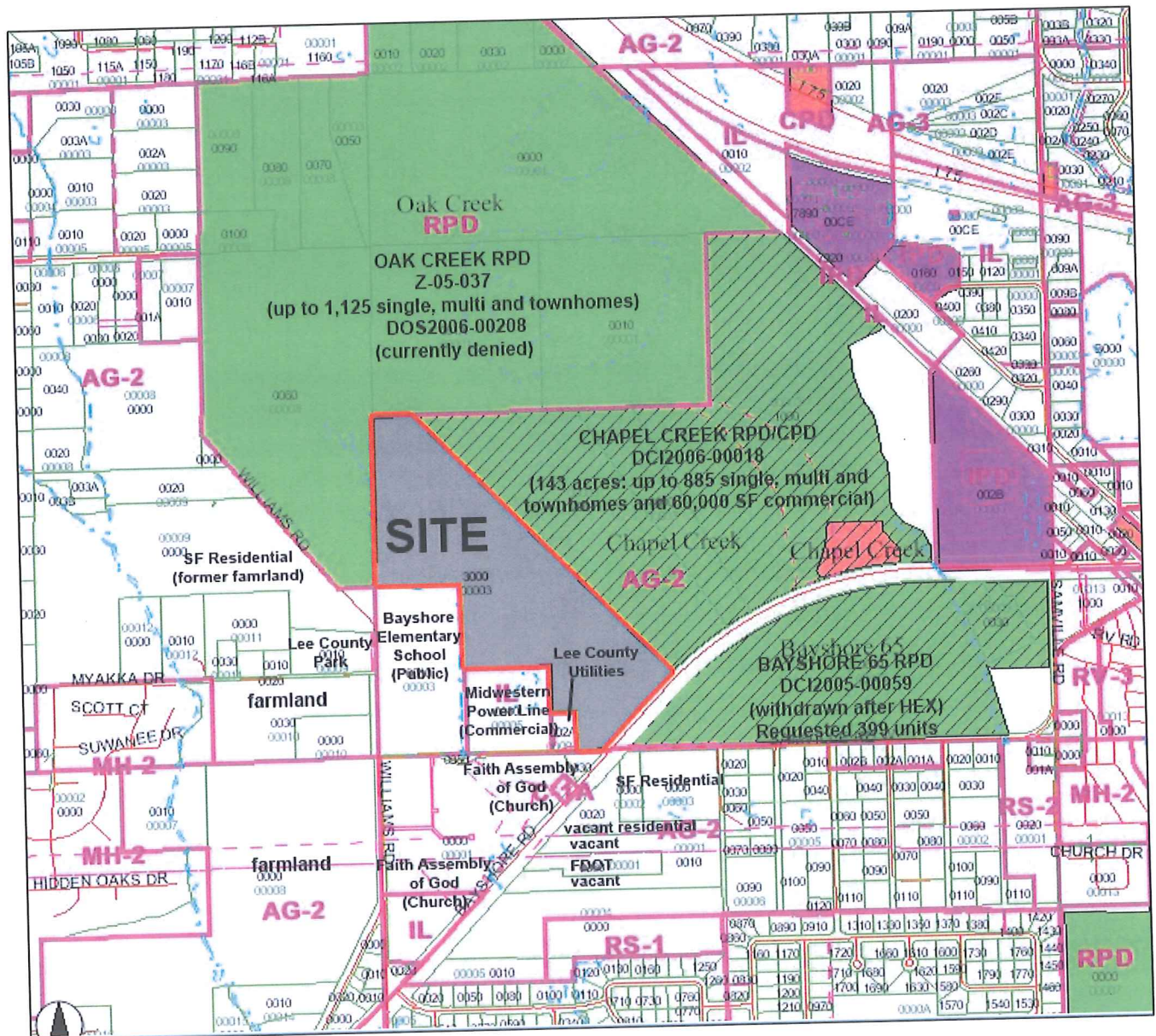
EXHIBIT D-7-C
EXISTING ZONING AND CURRENT LAND USES

COMMUNITY DEVELOPMENT

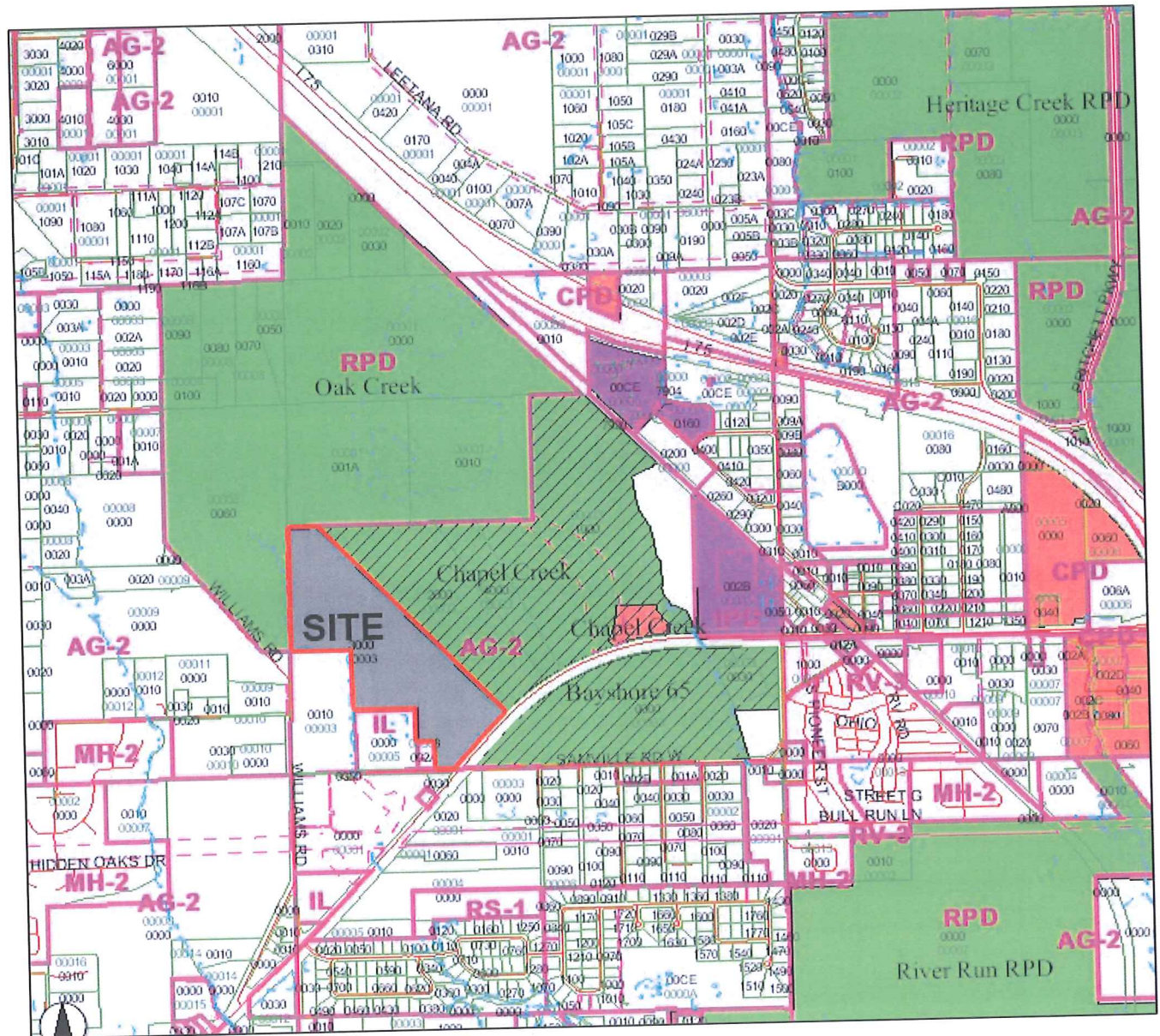
BAYSHORE 57 MPD
Rezoning from AG-2 to MPD
STRAP#: 20-43-25-00-00003.3000
7401 Bayshore Rd, North Fort Myers, FL 33917

DCI 2007-00045

SURROUNDING ZONING



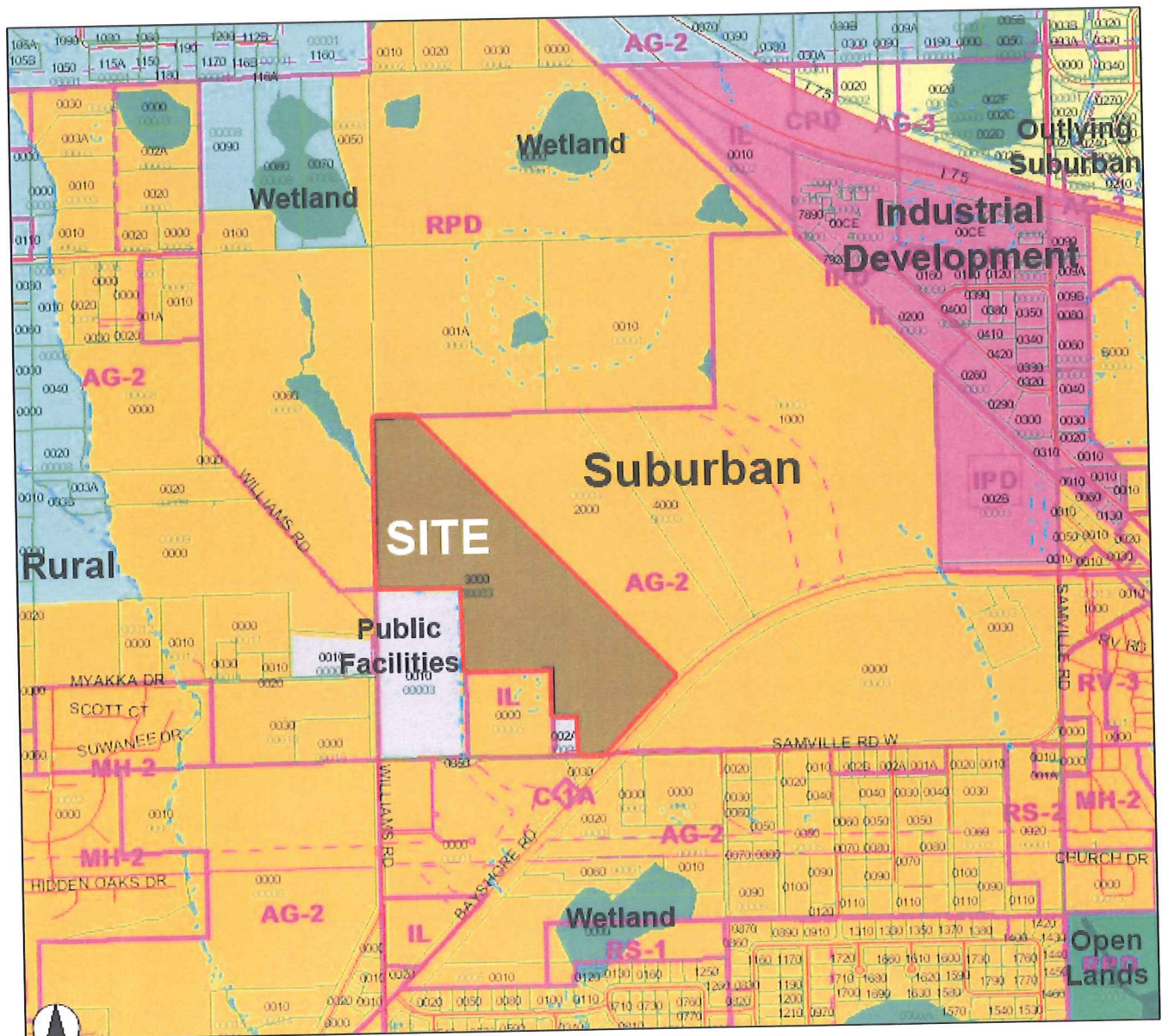
SURROUNDING ZONING (REGIONAL)



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COMMUNITY DEVELOPMENT

SURROUNDING FUTURE LAND USE CATEGORIES



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AERIAL (2005)



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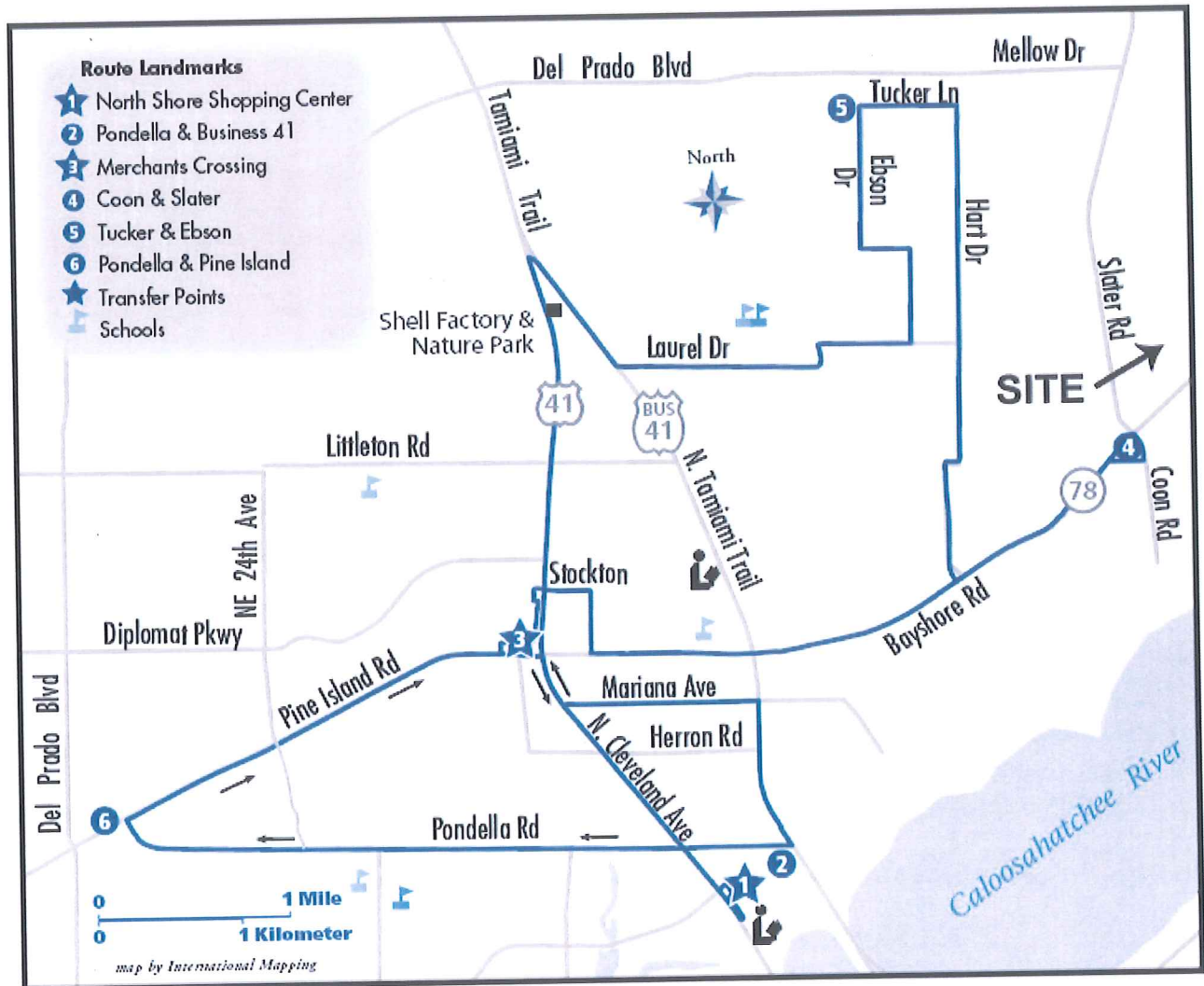
EXHIBIT D-1-C
PUBLIC TRANSIT

BAYSHORE 57 MPD
Rezoning from AG-2 to MPD
STRAP#: 20-43-25-00-00003.3000
7401 Bayshore Rd, North Fort Myers, FL 33917

The project is not within the Lee Tran service area.



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**EXHIBIT D-7-K
DESIGN STANDARDS COMPLIANCE**

COMMUNITY DEVELOPMENT

BAYSHORE 57 MPD
Rezoning from AG-2 to MPD
STRAP#: 20-43-25-00-00003.3000
7401 Bayshore Rd, North Fort Myers, FL 33917

DCI 2007-00045

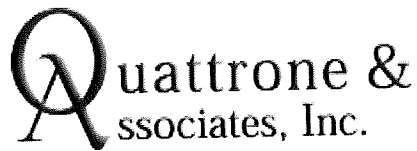
Quattrone and Associates, Inc., on behalf of Theta Investments is requesting approval of an application for Mixed Use Planned Development for a 57.07 acre parcel located on the north side of Bayshore Road, west of Chapel Creek RPD, south of Oak Creek RPD, east of Samville Road and Bayshore Elementary School. The parcel has a Future Land Use designation of Suburban and is zoned AG-2. Land uses surrounding the subject parcel consist of agricultural uses to the north and east, a public primary school to the west, and vacant residential to the south.

As proposed, the planned development has been designed and is proposed to be constructed in accordance with the provisions of all applicable county development regulations. The tract or parcel proposed for development is located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and is of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.

Although the parcel is addressed on Bayshore Road, the parcel is currently vacant and undeveloped with no existing driveway. The parcel has only 815 feet of frontage on Bayshore Road, and although this is sufficient space to establish the driveway within the minimum required driveway separation of 660 feet, such a location creates an awkward condition for efficient site planning as well as placing the driveway fairly close to the adjacent approved Chapel Creek Residential Planned Development to the northeast. Approval of requested deviation #1 allows buildings to be placed along the northeastern property line, helping to buffer audible vehicular noises to Chapel Creek.

The parcel also enjoys approximately 210 feet of frontage along Samville Road. A second deviation is necessary to allow a secondary access along Samville Road, which greatly improves the internal circulation of the project. Allowing another egress from the project on the lower traffic speed road further reduces the impact of the project to Bayshore Road. The proposed separation is the minimum deviation required, allowing only 15 feet from the easterly property line to the edge of pavement for the driveway for drainage.

The recently expanded Bayshore Road currently operates as a Level of Service "B", and the proposed development does not reduce this, as shown in the Traffic Impact Statement. This greatly exceeds the required Level of Service "D" as in Section 34-411 (d) (2). As the proposed commercial area is located along the frontage of the property and the residential to the back, no traffic for the higher intensity use will be routed through the townhome community.



The parcels adjacent to the west, traveling from Bayshore Road north, are currently zoned AG-2 then IL, AG-2 again, then RPD. Where the proposed development has commercial uses abutting the Wastewater Treatment Facility and the Midwestern Power Line parcel, no buffer is required. However, as shown on the MCP, an increased 35-foot Type "B" buffer is proposed for the span of the property from the Water Treatment Plant continuing along Bayshore Elementary. Where the project abuts the Oak Creek RPD to the west and north, a 15-foot Type "B" is required and proposed. Parcels to the south, across Bayshore Road, although currently AG-2, have recently applied to be rezoned as CPD. The commercial uses proposed along Bayshore Road require a 15-foot Type "D" buffer, which is proposed. The parcel adjacent to the east has recently been rezoned to RPD dictating the need for a Type 'C' or 'F' buffer. A deviation is requested to allow a Type "C" buffer without wall only where there is building, and a 20 foot Type "F" buffer with a wall where there is no building. In an effort to enhance the viability and value of the resulting development, an internal Type "F" buffer between the commercial portion and the townhomes is proposed.

Surface water management will be constructed in accordance with SFWMD standards for a 25 year, 3 day storm event. Storm water will be routed to the lake and detention areas as shown on the MCP. Discharge from the on-site detention will be from a control structure within a drainage easement.

Utility connections are available along Bayshore Road. All water and wastewater collection and distribution systems will be designed and constructed in accordance with the service provider's design standards.

**EXHIBIT D-7-P
SCHEDULE OF USES**

<p align="center">BAYSHORE 57 MPD Rezoning from AG-2 to MPD STRAP#: 20-43-25-00-00003.3000 7401 Bayshore Rd, North Fort Myers, FL 33917</p>
--

PROJECT SUMMARY

Future Land Use	Suburban
Existing Zoning/Requested Zoning	AG-2 to MPD
Development Program	Mixed-use Planned Development (MPD)
Residential Units	224
Gross Commercial Square Footage	210,000
Fire District	North Fort Myers Fire District
Water & Sanitary Sewer Utilities	Lee County Utilities
Minimum Regulatory Open Space	30% commercial area and 40% residential area or 20.8 acres.
Minimum Regulatory Native Open Space	10.4 acres

SCHEDULE OF USES

RESIDENTIAL AREA

Accessory uses and structures
Clubs: Private
Dwelling unit: Townhouse
Multiple family building
Entrance gates and gatehouse
Essential services
Essential service facilities: Groups I, II and III
Excavation: Water retention
Models: Display center
Model unit
Parking lot: Accessory
Signs (in accordance with chapter 30)
Temporary uses

COMMERCIAL RETAIL AREA
BUILDINGS 1 and 2; OUTPARCELS 1 and 2
Accessory uses and structures

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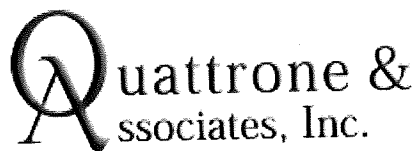


Accessory apartment
Animals: Clinic or kennel
ATM (automatic teller machine)
Auto parts store
Auto parts store (with installation)
Bait and tackle shop
Banks and financial establishments: Groups I and II
Bar or cocktail lounge
Business services: Groups I and II
Car wash
Cleaning and maintenance services
Clothing stores, general
Computer and data processing services
Consumption on premises
Convenience food and beverage store
Department store
Drive through facility for any permitted use
Drugstore, pharmacy
Entrance gates and gatehouse
Essential services
Essential service facilities: Groups I
Excavation: Water retention
Fences, walls
Food and beverage service, limited
Food stores: Groups I and II
Gift and souvenir shop
Hardware store
Hobby, toy and game shops
Household and office furnishings, all groups
Insurance companies
Laundry or dry cleaning: Groups I and II
Lawn and garden supply stores
Library
Medical office
Nonstore retailers, all groups
Package store
Paint, glass and wallpaper
Parking lot: Accessory
Personal services: Groups I, II and III (no massage parlors, steam or Turkish baths)
Pet services
Pet shop
Pharmacy
Photofinishing laboratory
Place of worship
Plant nursery
Post office
Printing and publishing
Real estate sales office

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COMMUNITY DEVELOPMENT



Recreation facilities:

Commercial: Group IV

Personal

Private On site

Private Off site

Religious facilities

Repair shops: Groups I, II, and III

Restaurant, fast food

Restaurants: Groups I, II and III

Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises

Self service fuel pumps

Signs (in accordance with chapter 30)

Social services: Groups I and II

Specialty retail shops: Groups I and II

Storage: Indoor only

Studios

Temporary uses

Theater, indoor

Used merchandise stores: Groups I, II and III

Variety store

Vehicle and equipment dealers: Groups I and II

COMMERCIAL OFFICE AREA

BUILDINGS 3, 4 and 5

Accessory uses and structures

Accessory apartment

ATM (automatic teller machine)

Banks and financial establishments: Groups I and II

Business services: Groups I and II

Cleaning and maintenance services

Computer and data processing services

Entrance gates and gatehouse

Essential services

Essential service facilities: Groups I

Excavation: Water retention

Fences, walls

Insurance companies

Library

Medical office

Parking lot: Accessory

Personal services: Groups I, II and III (no massage parlors, steam or Turkish baths)

Place of worship

Real estate sales office

Religious facilities

Signs (in accordance with chapter 30)

Social services: Groups I and II

EXHIBIT D-7-Q
LIST OF DEVIATIONS AND JUSTIFICATION

BAYSHORE 57 MPD
Rezoning from AG-2 to MPD
STRAP#: 20-43-25-00-00003.3000
7401 Bayshore Rd, North Fort Myers, FL 33917

DEVIATION 1

Deviate from LDC§10-285 - Requiring a 660 foot intersection separation on arterial roads to allow a 575 foot separation on Bayshore Road from the Samville Road intersection.

The subject parcel has only 815 feet of frontage on Bayshore Road. Placement of the ingress/egress at 660 feet from intersection of Bayshore & Samville results in an awkward placement for efficient site planning as well as placing the driveway fairly close to the adjacent approved Chapel Creek Residential Planned Development to the northeast. Approval of this deviation allows buildings to be placed along the northeastern property line, helping to buffer audible vehicular noises to Chapel Creek.

DEVIATION 2

Deviate from LDC§10-285 - Requiring a 330 foot intersection separation on collector roads to allow a 254 foot separation on Samville Road from the Bayshore Road intersection.

The subject parcel only has approximately 210 feet of frontage along Samville Road. The proposed separation is the minimum deviation required, allowing only 15 feet from the easterly property line to the edge of pavement for the driveway for drainage.

DEVIATION 3

Deviate from LDC§10-416 9(d)(3) - Requiring a Type "C" 15 foot buffer with an 8 foot wall or a Type "F" 30 foot vegetative buffer to allow a Type "C" buffer without wall only where there is building, and a 20 foot Type "F" buffer where there is no building.

Allowing the building to serve as the required wall meets the intent of the buffer requirements, providing an opaque barrier between the commercial uses and parking areas and abutting residential.

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**EXHIBIT D-7-R
SURFACE WATER MANAGEMENT PLAN**

BAYSHORE 57 MPD
Rezoning from AG-2 to MPD
STRAP#: 20-43-25-00-00003.3000
7401 Bayshore Rd, North Fort Myers, FL 33917

Water management will be handled throughout the residential portion of the project in an approximate 3 acre lake and two dry detention areas. Water management for the commercial section will involve underground piping system culminating to a central pipe running down the main service road (that connects to the multi-family units) and then distributing the water in a dry detention area on the northeast part of the commercial section behind building #5 and continuing to the lake and other detention areas. Detention areas will also be found between the commercial and residential areas that show Type "F" buffers.

Additional water release, after pretreatment, will be requested in the mosquito control drainage ditches that run along the western property lines and release into the drainage system for Bayshore Road.

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COMMUNITY DEVELOPMENT

**EXHIBIT D-7-S
PHASING PROGRAM**

BAYSHORE 57 MPD
Rezoning from AG-2 to MPD
STRAP#: 20-43-25-00-00003.3000
7401 Bayshore Rd, North Fort Myers, FL 33917

There will be two major phases to the project: a commercial phase and a residential phase. However, the phases will be subdivided.

PHASE 1

The commercial phase will construct either building #1 or #2 first. This phase will include landscaping for the commercial area along Bayshore Road. Road, sewer and water infrastructure will also be constructed in order to serve the commercial and Phase 2 residential area. The lake, preserve areas and dry detention areas will be put in place.

PHASE 2

At that point construction of the residential phase will begin to take place. The first phase of the residential portion will be southern 112 units that are located prior to the gated entryway.

PHASE 3

A return to the commercial sections with Building #1 or #2 being constructed.

PHASE 4

A return to the residential portion, if the market permits, for the construction of the gated community and the remaining 112 units.

PHASE 5

Construction of the outparcels.

PHASE 6

The final phase including the office buildings #3, 4 and 5.

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COMMUNITY DEVELOPMENT

ANTONIO R. ZAMORA, ESQ.

of the Law Office of
SHUTTS & BOWEN
First National Bank Building
Tenth Floor
MIAMI, FLORIDA 33131

Warranty Deed

1335139

(STATUTORY FORM—SECTION 689.02 F.S.)

This Indenture, Made this 22nd day of May

19 80 Between
1444-2061

NATALIO WENGROWER and ENRIQUE GOLDMAN, individually and as Trustees

of the County of Buenos Aires State of Argentina, grantor*, and

THETA INVESTMENTS N. V., a Netherlands Antilles corporation

whose post office address is c/o Antonio R. Zamora, Shutts & Bowen, 1000 Southeast First National Bank Bldg., Miami 33131
of the County of Dade State of Florida, grantee*.

Witnesseth, That said grantor, for and in consideration of the sum of (\$10.00) - - - - -
TEN 00/100 - - - - - Dollars,

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

SEE ATTACHED EXHIBIT "A"

Subject to easements, restrictions and reservations of record and taxes for the calendar year 1980.

Subject to that certain mortgage from Charles S. Waugh, as Trustee to Bayshore 421, Ltd., a Florida Limited Partnership, in the original principal amount of \$342,300.00 and to that certain mortgage from Grantors to Charles S. Waugh, Trustee, in the original principal amount of \$11,394.00 which Grantee herein assumes and agrees to pay.

This property is not the homestead property of Grantors since it is vacant land.

NOTE: Grantors took title for Grantee (Theta Investments, N. V.) as Trustees pending completion of the incorporation of Grantee.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*"Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof,

Signed, sealed and delivered in our presence:

[Signature]
[Signature]

NATALIO WENGROWER, individually and as Trustee (Seal)

ENRIQUE GOLDMAN, individually and as Trustee (Seal)

STATE OF Florida
COUNTY OF Dade

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared NATALIO WENGROWER, individually and as Trustee and ENRIQUE GOLDMAN, individually and as Trustee

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that he y executed the same.

WITNESS my hand and official seal in the County and State last aforesaid, this 22nd day of May 1980.

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA at LARGE
MY COMMISSION EXPIRES JANUARY 18, 1983

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Notary Public

COMMUNITY DEVELOPMENT

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EXHIBIT "A"

1444-2062

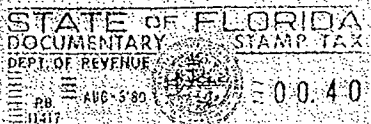
NOTE:

The following description covers the westerly half of the parcel described in Article 6 of the Mortgage Modification Agreement between Bayshore 421 Ltd. and Townsend, Zuberbuhler and Moltrup.

DESCRIPTION

A parcel or tract of land lying in Section 20, Township 43 South, Range 25 East, Lee County, Florida, and more particularly described as follows:

Begin at the West quarter corner of said Section 20, and run North 89°43'21" East along the North line of the Southwest Quarter (SW1/4) of said Section 20 for 292.75 feet; thence South 43°58'29" East for 2877.24 feet to the point on a curve, said point being on the Northwestern right-of-way line of County Road C-78 (Bayshore Road), said curve being concave to the Southeast having a radius of 2,914.79 feet; thence run Southwesterly along said right-of-way line along the arc of said curve through a central angle of 3°16'46" for an arc distance of 166.83 feet to a point of tangency; thence continue along said right-of-way line South 42°44'45" West for 647.20 feet; thence run South 89°42'34" West along the South line of the Southeast quarter (SE1/4) of the Southwest quarter (SW1/4) of said Section 20 for 212.26 feet; thence run North 0°06'37" West for 325.00 feet; thence run South 89°42'34" West for 200.00 feet; thence run North 0°06'37" West along the West line of the southeast quarter (SE1/4) of the Southwest quarter (SW1/4) of said Section 20 for 343.04 feet to the Southeast corner of the Northeast quarter (NE1/4) of the Southwest quarter (SW1/4) of the Southwest quarter (SW1/4) of said Section 20; thence run South 89°42'46" West for 659.39 feet to the Southwest corner of the Northeast quarter (NE1/4) of the Southwest quarter (SW1/4) of the Southwest quarter (SW1/4) of said Section 20; thence run North 0°05'15" West for 668.08 feet to the Northwest corner of the Northeast quarter (NE1/4) of the Southwest quarter (SW1/4) of the Southwest quarter (SW1/4) of said Section 20; thence run South 89°42'58" West for 659.12 feet to the Southwest corner of the Northwest quarter (NW1/4) of the Southwest quarter (SW1/4) of said Section 20; thence run North 0°03'52" West along the West line of said Section 20 for 1,336.23 feet to the POINT OF BEGINNING. Subject to easements and restrictions of record. Containing 57.071 Acres, more or less.



AUG 7 1 07 PM '80
LEE COUNTY, FLORIDA
RECORDS & CLERK

RECORDED

Fred Drovdlc

From: Palermo, Anthony [APalermo@leegov.com]
Sent: Friday, October 23, 2009 1:08 PM
To: Fred Drovdlc
Subject: FW: bayshore 57.
Attachments: Title Certification (MF01132) 2009-09-16 (corrected).pdf
Submit it over the front counter, 4 copies at most, and we should be ok.

Tony Palermo, Senior Planner, AICP
Lee County Department of Community Development
P.O. Box 398
Fort Myers, FL 33902
Ph. 239-533-8325
F. 239-485-8300
apalermo@leegov.com

OCI 2007-00045

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OCT 27 2009
C.F.A.
COMMUNITY DEVELOPMENT

From: Jakacki, Charles
Sent: Friday, October 23, 2009 12:55 PM
To: Palermo, Anthony
Subject: FW: bayshore 57.

This document has to go through the channels as it has to be scanned etc. I have reviewed and found it sufficient.

Chick Jakacki
Planner
Lee County DCD/Zoning
1500 Monroe Street
Fort Myers, Florida 33902

Phone: 239-533-8578
Email: cjakacki@leegov.com

From: Fred Drovdlc [mailto:fred@qainc.net]
Sent: Friday, October 23, 2009 12:42 PM
To: Palermo, Anthony
Cc: Jakacki, Charles
Subject: RE: bayshore 57.

Fred Drovdlc, AICP 
239.936.5222

From: Palermo, Anthony [mailto:APalermo@leegov.com]
Sent: Friday, October 23, 2009 11:51 AM
To: Fred Drovdlc
Subject: bayshore 57.

Chick did not receive the title opinion as requested. Can you address this issue soon? I've got your OCT 1 and OCT 15 submittals. We are almost there (sufficiency).

Tony Palermo, Senior Planner, AICP
Lee County Department of Community Development
P.O. Box 398
Fort Myers, FL 33902
Ph. 239-533-8325
F. 239-485-8300
apalermo@leegov.com



Engineers, Planners & Development Consultants

4301 Veronica Shoemaker Blvd. Fort Myers, FL 33916
239.936.5222 | QAINC.NET | f 239.936.7228

October 26, 2009

Mr. Tony Palermo, AICP
Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RE: SUFFICIENCY RESPONSE VI
Bayshore 57 MPD
DCI2007-00045

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OCT 27 2009
C.F. H.
COMMUNITY DEVELOPMENT

Dear Mr. Palermo,

Please find attached a **Title Certification** for the major Mixed Use Planned Development (MPD) rezoning of property located at 7401 Bayshore Rd, North Fort Myers, FL 33917 and identified by STRAP#: 20-43-25-00-00003.3000.

Sincerely,

QUATTRONE & ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'F. Drovdlc'.

Fred Drovdlc, AICP
Vice President

DCI 2007-00045

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
14260 Metropolis Avenue, Suite 102
Ft. Myers, Florida 33912
Phone: (239) 590-9001
Fax: (239) 590-9014

TITLE CERTIFICATION

DCI 2007-00045

Showing information required by F.S. 177.041 prior to platting lands:

File No. 09092661 Revised 10/02/2009

Provided for: Board of County Commissioners of Lee County, Florida
P.O. Box 398
Fort Myers, Florida 33902

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OCT 2 / 2009

COMMUNITY DEVELOPMENT

Certified up to: August 31, 2009 at 11:00 PM

Description of Real Property situated in Lee County, Florida:

SEE EXHIBIT "A" ATTACHED HERETO

We hereby certify Record Title to the above described real property is vested in:

Theta Investments N.V., a Netherlands Antilles corporation

The following mortgages are all the mortgages of record that have not been satisfied or released of record or otherwise terminated by law:

None

The property is subject to the following easements and rights-of-way of record:

Right of Way Easement to Lee County Electric Co-Operative, Inc., recorded in Official Records Book 1260, Page 610.

Subordination of Utility Interests recorded in Official Records Book 3698, Page 2327.

State of Florida Department of Transportation Preliminary Right of Way Resolution for State Highway System Projects recorded in Official Records Book 2161, Pages 4264 and 4265.

All recording references are to the public records of Lee County, Florida.

NOTE: We do not certify to ownership of any oil, gas and mineral rights or interests.

This certification 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 the issuance of a title insurance commitment or policy. The Company's liability hereunder shall not exceed the maximum of \$1,000.00 pursuant to Florida Statute 627.7843.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

By: Pat Pooser
Authorized Officer or Agent

EXHIBIT "A"

A parcel or tract of land lying in Section 20, Township 43 South, Range 25 East, Lee County, Florida, and more particularly described as follows:

Begin at the West quarter corner of said Section 20, and run North 89°43'21" East along the North line of the Southwest quarter (SW ¼) of said Section 20 for 292.75 feet; thence South 43°58'29" East for 2877.24 feet to the point on a curve, said point being on the Northwesterly right-of-way line of County Road C-78 (Bayshore Road), said curve being concave to the Southeast having a radius of 2,914.79 feet; thence run Southwesterly along said right-of-way line along the arc of said curve through a central angle of 3°16'46" for an arc distance of 166.83 feet to a point of tangency; thence continue along said right-of-way line South 42°44'45" West for 647.20 feet; thence run South 89°42'34" West along the South line of the Southeast quarter (SE ¼) of the Southwest quarter (SW ¼) of said Section 20 for 212.26 feet; thence run North 0°06'37" West for 325.00 feet; thence run South 89°42'34" West for 200.00 feet; thence run North 0°06'37" West along the West line of the Southeast quarter (SE ¼) of the Southwest quarter (SW ¼) of said Section 20 for 343.04 feet to the Southeast corner of the Northeast quarter (NE ¼) of the Southwest quarter (SW ¼) of the Southwest quarter (SW ¼) of said Section 20; thence run South 89°42'46" West for 659.39 feet to the Southwest corner of the Northeast quarter (NE ¼) of the Southwest quarter (SW ¼) of the Southwest quarter (SW ¼) of said Section 20; thence run North 0°05'15" West for 668.08 feet to the Northwest corner of the Northeast quarter (NE ¼) of the Southwest quarter (SW ¼) of the Southwest quarter (SW ¼) of said Section 20; thence run South 89°42'58" West for 659.12 feet to the Southwest corner of the Northwest quarter (NW ¼) of the Southwest quarter (SW ¼) of said Section 20; thence run North 0°03'52" West along the West line of said Section 20 for 1,336.23 feet to the POINT OF BEGINNING.

Less and Except that certain parcel contained in Order of Taking recorded in Official Records Book 4047, Page 1948, Public Records of Lee County, Florida.

DCI 2007-00045

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COMMUNITY DEVELOPMENT

1080073

RIGHT-OF-WAY EASEMENT

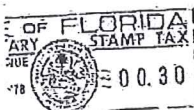
KNOW ALL MEN BY THESE PRESENTS that the undersigned BAYSHORE 421, A.
OFF 1260 PC 610 Florida Limited Partnership

as Grantor, in consideration of the sum of One Dollar and other valuable considerations, the receipt of which is hereby acknowledged, grant and convey to Lee County Electric Co-Operative, Inc., its successors and assigns the right, privilege and easement to construct, operate and maintain at any time or times for such period of time as it may use the same or until the use thereof is abandoned, single poles and lines for the transmission and distribution of electricity and communications facilities, including other poles, guys, anchors, footings, ground connections, attachments, fixtures, equipment and accessories above or below ground as necessary or desirable in connection therewith

over, upon and across the following described land in LEE County, State of Florida, to-wit:

The South 6 feet lying North of and abutting Bayshore Road of the following described property:

The East 1/2 of the Northeast 1/4; the Southwest 1/4 of the Northeast 1/4;
 That portion of the Southeast 1/4 lying North of S.R. 78, Bayshore Road;
 The Northwest 1/4 of the Southwest 1/4; The Northeast 1/4 of the Southwest 1/4;
 The Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4;
 That portion of the Southeast 1/4 of the Southwest 1/4 lying North and West of S.R. 78, Bayshore Road;
 as recorded in the Public Records of Lee County, Florida, in Official Records Book 1001, at Page 373, and all lying in Section 20, Township 43 South, Range 25 East; LESS All of the West 200 feet of the North 300 feet of the South 325 feet of the Southeast 1/4 of the Southwest 1/4.



together with the right of ingress and egress over remaining lands of Grantor to patrol, inspect, improve, repair, rebuild or remove such lines, equipment and accessories, including the right to increase or decrease the voltage and the number and size of wires, including the right to trim, spray, cut and keep clear such trees, limbs and undergrowth on and along said easement, including all trees adjacent thereto that may endanger the proper operation of Grantee's facilities.

Grantors hereby agree that no trees other than citrus trees and no buildings or structures other than fences will be located or constructed within the bounds of said right-of-way by the grantors herein, their heirs and assigns. The grantors, however, reserve the right to use said right-of-way for general farming, citrus grove, or pasture purposes.

The Grantors covenant that they have the right to convey the said easement and that the grantee, its successors and assigns shall have quiet and peaceful possession, use and enjoyment of said easement.

IN WITNESS WHEREOF, the grantors have hereunto affixed their hands and seals this 24th

day of Feb, A. D. 1978.

Signed, sealed and delivered in the presence of:

WITNESSES:

X Richard Pritchett, Jr.
 X Maycie E. Kilbelly

Richard Pritchett, Jr. (SEAL)
 Richard Pritchett, Jr. (SEAL)

(SEAL)

STATE OF FLORIDA

COUNTY OF Lee

I HEREBY CERTIFY that on this 24th day of February, A. D. 1978, before me the undersigned authority, personally appeared Richard Pritchett, Jr. to me known to be the persons described in and who executed the foregoing instrument and h acknowledged before me that he executed the same.

WITNESS my signature and official seal in said County and State, the day and year last aforesaid.

(NOTARIAL SEAL)

My commission Expires:

COMMISSION EXPIRES DEC 26, 1981

Maycie E. Kilbelly
 (NOTARY PUBLIC)

DISTRIBUTION - STANDARD

PS4-2M-HFC

DCI

2007-00045

INSTR # 5524989
OR BK 03698 PG 2327
RECORDED 08/02/2002 11:14:30 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 24.00
DEPUTY CLERK D Keady

23-UTL.01-06/93

Date: January 29, 2002
This instrument prepared
under the direction of:
Bruce P. Cury, General Counsel
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

F.P. NO. 1957051
PARCEL 122.2
SECTION 12060-2535
STATE ROAD 78
COUNTY Lee

SUBORDINATION OF UTILITY INTERESTS

THIS AGREEMENT, entered into this 18th day of July, 2002, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the FDOT, whose post office address is: Post Office Box 1249, Bartow, Florida 33831-1249 and LEE COUNTY ELECTRIC CO-OPERATIVE, INC., hereinafter called Utility.

W I T N E S S E T H:

WHEREAS, the Utility presently has an interest in certain lands that have been determined necessary for highway purposes; and

WHEREAS, the proposed use of these lands for highway purposes will require subordination of the interest claimed in such lands by Utility to the FDOT; and

WHEREAS, the FDOT is willing to pay to have the Utility's facilities relocated if necessary to prevent conflict between the facilities so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, Utility and FDOT agree as follows:

Utility hereby subordinates to the interest of FDOT, its successors, or assigns, any and all of its interest in the lands as follows, viz:

SEE EXHIBIT "A"

Page 1

R
Florida Department of Transportation
Attn: ROW - Acquisition Dept. - HDR
P. O. Box 1249 - M.S. 1-66
Bartow, Florida 33831-1249

DCI 2007-00045

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OCT 27 2009

COMMUNITY DEVELOPMENT

RECORDED

INSTRUMENT	DATE	FROM	TO	O.R. BOOK/PAGE
Easement	02-24-78	Bayshore 421, a Florida Limited Partnership	Lee County Electric Co- Operative, Inc.	OR 1260 Pg. 610

PROVIDED that the Utility has the following rights:

1. The Utility shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with the FDOT's current minimum standards for such facilities as required by the FDOT Utility Accommodation Manual in effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the FDOT. Should the FDOT fail to approve any new construction or relocation of facilities by the Utility or require the Utility to alter, adjust, or relocate its facilities located within said lands, the FDOT hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The Utility shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the FDOT's facilities.
4. The Utility agrees to repair any damage to FDOT facilities and to indemnify the FDOT against any loss or damage resulting from the Utility exercising its rights outlined in Paragraphs 1 and 3 above.

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OCT 2 / 2003

COMMUNITY DEVELOPMENT

DCI 2007-00045

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Executed in our presence
as witnesses:

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

[Signature]
Signature

By: [Signature]
District Secretary/Designee
for District One

Melissa M. Mitchell
Print/Type Name

MAN

Geraldine McCants
Signature
Geraldine McCants
Print/Type Name

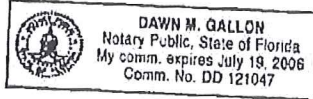
Approved as to Form and
Legality:
[Signature]
Department Attorney

STATE OF FLORIDA

COUNTY OF Polk

The foregoing instrument was acknowledged before me this
18th day of July, 2002 by Dick Combs,
District Secretary/Designee for District One. He is personally
known to me or has produced _____
as identification.

(Affix Seal/Stamp here) Notary Signature: Dawn M. Gallon



Printed Name: Dawn M. Gallon

Notary Public in and for
the County and State last
aforesaid.
My Commission Expires:

Serial No.: _____

OCI 2007-00045

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OCT 27 2009

COMMUNITY DEVELOPMENT

IN WITNESS WHEREOF, the Utility has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in the presence of: (Two witnesses or corporate seal required by Florida Law)

WITNESSES
JoAnn Costallos
 Signature
JOANN Costallos
 Print/Type Name

Darlene D'Alberto
 Signature
DARLENE D'ALBERTO
 Print/Type Name

(Affix Corporate Seal)

GRANTOR(S)
Pamela M. May
 Signature
PAMELA M. MAY
 Print/Type Name
 TITLE: CEO
 ATTEST: JoAnn Costallos
 Signature
JOANN Costallos
 Print/Type Name
 TITLE: Asst to EVP/CEO

Grantor(s)' Mailing Address:

LCBC
P.O. Box 3455
N. Fort Myers, FL 33918-3455

STATE OF Florida
 COUNTY OF Dee

The foregoing instrument was acknowledged before me this 18th day of June, 2002, by Pamela M., May of LCBC, a Corporation, on behalf of the Corporation, who is personally known to me or who has produced personally as identification. known to me

(Affix Seal/Stamp here) Notary Signature: JoAnn Costallos
 Printed Name: JOANN Costallos



Notary Public in and for the County and State last aforesaid.
 My Commission Expires: 6-15-05
 Serial No., if any: DD021498

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 OCT 2 / 2003

COMMUNITY DEVELOPMENT

F.P. NO. 1957051

SECTION 12060-2535

PARCEL 122

That portion of the northwest $\frac{1}{4}$ of Section 20, Township 43 South, Range 25 East, Lee County, Florida.

Being described as follows:

Commence at the southwest corner of said Section 20; thence along the south line of said Section 20, North $89^{\circ}34'56''$ East a distance of 1,798.56 feet to the survey base line of State Road 78 (Bayshore Road); thence along said survey base line North $42^{\circ}39'29''$ East a distance of 34.24 feet; thence South $89^{\circ}34'56''$ West a distance of 68.45 feet to the intersection with the northwesterly existing right of way line of said State Road 78 (per Section 1252-251) and the north right of way line of Samville Road (Old Bayshore Road) for a POINT OF BEGINNING; thence along said north right of way line South $89^{\circ}34'56''$ West a distance of 20.53 feet; thence North $42^{\circ}39'29''$ East a distance of 365.75 feet; thence South $47^{\circ}20'31''$ East a distance of 15.00 feet to said northwesterly existing right of way line of State Road 78; thence along said northwesterly existing right of way line South $42^{\circ}39'29''$ West a distance of 351.73 feet to the POINT OF BEGINNING.

Containing 5,381 square feet.

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OCT 2 / 2009

COMMUNITY DEVELOPMENT

Legal Description Approved by:

William E. Ray
William E. Ray P.L.S. 2737
Date: 01-30-02
NOT VALID UNLESS EMBOSSED

DCI 2007-00045

2875195

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PRELIMINARY
RIGHT OF WAY RESOLUTION
FOR STATE HIGHWAY SYSTEM PROJECTS

CHARLIE GREENLEE CIVIL
90 JUL 12 PM 12:49

WHEREAS, pursuant to due authorization, the District Secretary of Transportation has had a part of State Road No. 78, in Lee County, located and has designated same as Section 12060;

State Road 78, lying in Lee County, Florida, commencing at its intersection with County Road 765 (Burnt Store Road) and running easterly to State Road 31, more specifically described as:

Work Program Item No.: 1114427
State Project No.: 12060-2519

NOW THEREFORE, BE IT PRELIMINARILY RESOLVED that it is the judgement of the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION that the construction of said portion of said Section is necessary, practical and in the best interest of the State, and that acquisition of the right of way is necessary for the purpose of constructing, reconstructing, and maintaining the state facility for the use of the general public, including, but not limited to, rights of way, borrow pits, drainage ditches, drainage easements, construction easements and service roads. It is the Department's intent to subsequently resolve public purpose upon approval of the survey and Right of Way map of said Section and to file a final resolution at that time.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

DATED: 7/3/90

BY:

[Signature]
DISTRICT SECRETARY
OF TRANSPORTATION

ATTEST:

[Signature]
EXECUTIVE SECRETARY

(SEAL)

OR 2161 Pal 264

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OCT 27 2009

COMMUNITY DEVELOPMENT

DCI 2007-00045

RECORD VERIFIED - CHARLIE GREEN, CIVIL
BY: H. H. HARRIS, D.C.

6.00
Buccis

2875196

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PRELIMINARY
RIGHT OF WAY RESOLUTION
FOR STATE HIGHWAY SYSTEM PROJECTS

OR2161 P04265

WHEREAS, pursuant to due authorization, the District Secretary of Transportation has had a part of State Road No. 78, in Lee County, located and has designated same as Section 12060;

State Road 78, lying in Lee County, Florida, commencing at its intersection with County Road 765 (Burnt Store Road) and running westerly to State Road 31, more specifically described as:

Work Program Item No.: 1114604
State Project No.: 12060-2530

CHARLIE GREEN LEE CITY FL
90 JUL 12 PM 12:50

RECORD VERIFIED - CHARLIE GREEN, CLERK
J. H. HENNINGSON, D.C.
NOW THEREFORE, BE IT PRELIMINARILY RESOLVED that it is the judgement of the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION that the construction of said portion of said Section is necessary, practical and in the best interest of the State, and that acquisition of the right of way is necessary for the purpose of constructing, reconstructing, and maintaining the state facility for the use of the general public, including, but not limited to, rights of way, borrow pits, drainage ditches, drainage easements, construction easements and service roads. It is the Department's intent to subsequently resolve public purpose upon approval of the survey and Right of Way map of said Section and to file a final resolution at that time.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

DATED: 7/3/90

BY:


DISTRICT SECRETARY
OF TRANSPORTATION

(SEAL)

ATTEST:


EXECUTIVE SECRETARY

DCI 2007-00045

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OCT 27 2009

COMMUNITY DEVELOPMENT

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
14260 Metropolis Avenue, Suite 102
Ft. Myers, Florida 33912
Phone: (239) 590-9001
Fax: (239) 590-9014

TITLE CERTIFICATION

Showing information required by F.S. 177.041 prior to platting lands:

File No. 09092661 Revised 10/02/2009

Provided for: Board of County Commissioners of Lee County, Florida
P.O. Box 398
Fort Myers, Florida 33902

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OCT 25 2009

COMMUNITY DEVELOPMENT

Certified up to: August 31, 2009 at 11:00 PM

Description of Real Property situated in Lee County, Florida:

SEE EXHIBIT "A" ATTACHED HERETO

DCI 2007-00045

We hereby certify Record Title to the above described real property is vested in:

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OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

By: [Signature]
Authorized Officer or Agent



Engineers, Planners & Development Consultants

4301 Veronica Shoemaker Blvd. Fort Myers, FL 33916
239.936.5222 | QAINC.NET | f 239.936.7228

September 29, 2009

Mr. Tony Palermo, AICP
Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901



RE: SUFFICIENCY RESPONSE V
Bayshore 57 MPD
DCI2007-00045

Dear Mr. Palermo,

Please find attached revisions per your comments dated **September 18, 2009** letter for the major Mixed Use Planned Development (MPD) rezoning of property located at 7401 Bayshore Rd, North Fort Myers, FL 33917 and identified by STRAP#: 20-43-25-00-00003.3000.

SUFFICIENCY COMMENTS

LEE COUNTY DOT

1. The applicant needs to address the issues of the proposed right-in/right-out entrance too close to the intersection of Bayshore Rd/Samville Rd (relocation) and 290 feet right turn lane requirement from FDOT.

Response: The turn lanes have been maximized within the right-of-way of the abutting property and we have provided additional right-of-way within the project. The turn lane meets the 290 intersection separation requested by FDOT between the realigned Samville and the project entrance on Bayshore Road. The plan as submitted in this package has been under review by FDOT for two weeks. We are waiting to hear final word from meetings in Bartow.

2. The applicant also needs to address the lane configuration and signal issues on the Samville Road realignment.

Response: We have addressed the lane configurations and believe that FDOT is happy with the notes on the MCP and the configuration as proposed.

ZONING/PLANNING COMMENTS

NONE.

ENVIRONMENTAL SCIENCES (ORD 05-29)

12i) Open Space Percentage. The percentage of open space must be shown on the Master Concept Plan unless the proposed development consists solely of conventional single-family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)h.]

On the latest sufficiency comments you indicated that the gopher tortoise preserve has been increased to 12.19 acres. Upon review, ES Staff cannot detect how the size of the tortoise preserve has been increased. Please clarify how the size of the preserve has been increased.

Response: On the prior MCP we depicted the minimum indigenous knowing we were over, so we didn't calculate the exact amount. We are offering the true calculation and agreeing that be the minimum set in the conditions of the zoning resolution, but the actual depiction on the MCP has not changed.

12)3) Natural Waterways Buffer. A 25 foot natural waterway buffer, 50 foot in the Greater Pine Island Area, must be provided abutting state-designated aquatic preserves and associated natural tributaries. [10-416(d)(12)]

The fifty foot natural waterway buffer is to be measured from top of bank. According to the MCP it appears that there is a 25 foot wide buffer on each side of the creek, not fifty feet. ES Staff realizes that this is in the indigenous preserve and that the additional 25 feet on each side of the bank is not proposed to be impacted but the MCP must still depict the fifty foot natural waterway buffer on each side of the creek.

Response: 50' buffer has been provided and shown on plan.

19) Miscellaneous items.

If parking is depicted on the MCP staff has to review for parking. There is a landscape island missing between the two buildings. Please revise the MCP to depict the landscape island.

Response: Landscape island has been fixed.

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PUBLIC WORKS (ORD. 05-29)

3. UPDATE - PW COMMENT. Sufficient. Will condition for compliance with 10-261 etc. during substantive review.

NATURAL RESOURCES

There is no DNR's comment with this case. Note that the Steven's comment below will be Environmental Science's concern as Doug Griffith agrees.

Sam Lee, P.E.
Engineering Manager
Lee County Natural Resources Division

ASSISTANT COUNTY ATTORNEY/LEGAL

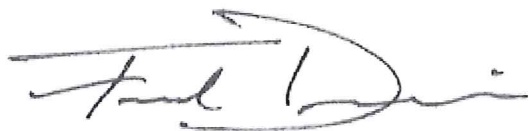
Title Certification: Pursuant to recently adopted Lee County Ordinance 09-23, section 34-202(a)(3), LDC, now requires applicants to submit a title certification. Applicant must submit the required title certification.

Response: attached.

Survey: Pursuant to recently adopted Lee County Ordinance 09-23, section 34-202(a)(2), LDC, now requires applicants to submit a survey that is based upon the title certification that is required under § 34-202(a)(3), LDC. The Applicant must submit the required survey.

Response: Attached.

Sincerely,
QUATTRONE & ASSOCIATES, INC.



Fred Drovdllic, AICP
Vice President

DCI 2007-00045

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OCT 5 1 2009

COMMUNITY DEVELOPMENT

BAYSHORE 57 MPD

Bayshore Road
North Fort Myers, FL

DCI 2007-00045

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TITLE CERTIFICATION



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
14260 Metropolis Avenue, Suite 102
Ft. Myers, Florida 33912
Phone: (239) 590-9001
Fax: (239) 590-9014

TITLE CERTIFICATION

Showing information required by F.S. 177.041 prior to platting lands:

DCI 2007-00045

File No. 09092661

Provided for: Board of County Commissioners of Lee County, Florida
P.O. Box 398
Fort Myers, Florida 33902

Certified up to: August 31, 2009 at 11:00 PM

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OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

By: Pat Pooser
Authorized Officer or Agent

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OCT 11 2009
COMMUNITY DEVELOPMENT

EXHIBIT "A"

A PARCEL OR TRACT OF LAND LYING IN SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 20, THENCE RUN NORTH 89°43'21" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, FOR 292.75 FEET; THENCE SOUTH 43°58'29" EAST FOR 2875.15 FEET TO A POINT ON A CURVE, SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD C-78 (BAYSHORE ROAD), SAID CURVE BEING CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 2914.79 FEET SUBTENDED BY A CHORD OF 164.66 FEET AT A BEARING OF SOUTH 44°24'15" WEST; THENCE RUN SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°14'14", FOR AN ARC DISTANCE OF 164.68 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 42°47'09" WEST FOR A DISTANCE OF 264.79 FEET TO THE NORTHEASTERLY CORNER OF PARCEL #122 SECTION 12060-2535 STATE ROAD 783 AS RECORDED IN INSTRUMENT #2006000126434 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 47°12'51" WEST ALONG THE NORTHEASTERLY LINE OF SAID PARCEL #122, A DISTANCE OF 15.00 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL #122; THENCE SOUTH 42°47'09" WEST ALONG THE NORTHWESTERLY LINE OF SAID PARCEL #122, A DISTANCE OF 365.75 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL #122 AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAMVILLE ROAD (OLD BAYSHORE ROAD); THENCE SOUTH 89°42'36" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 213.46 FEET TO A POINT ON THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1215, PAGE 896 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 00°04'14" EAST ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 300.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 89°42'36" WEST ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND AND A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE NORTH 00°04'14" EAST ALONG SAID WEST LINE A DISTANCE OF 342.85 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN SOUTH 89°42'47" WEST FOR A DISTANCE OF 660.30 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN NORTH 0°00'59" EAST FOR A DISTANCE OF 667.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN SOUTH 89°42'59" WEST FOR A DISTANCE OF 660.93 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN NORTH 0°02'16" WEST ALONG THE WEST LINE OF SAID SECTION 20 FOR A DISTANCE OF 1335.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 56.76 ACRES MORE OR LESS.

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DCI 2007-00045

700
+40

DCI 2007-00045

Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

This instrument was prepared by

ANTONIO R. ZAMORA, ESQ.

of the Law Offices of
SHUTTS & BOWEN
First National Bank Building
Tenth Floor
MIAMI, FLORIDA 33131

Warranty Deed

1335139

(STATUTORY FORM—SECTION 689.02 F.S.)

This Indenture, Made this 22nd day of May

Between
OFF REC 1444 19 80 No 2061

NATALIO WENGROWER and ENRIQUE GOLDMAN, individually and as Trustees

of the County of Buenos Aires, State of Argentina

grantor*, and
COMMUNITY DEVELOPMENT

THETA INVESTMENTS N. V., a Netherlands Antilles corporation

whose post office address is c/o Antonio R. Zamora, Shutts & Bowen, 1000 Southeast First National Bank Bldg., Miami 33131

of the County of Dade, State of Florida, grantee*,

Witnesseth. That said grantor, for and in consideration of the sum of (\$10.00) ————
TEN 00/100 ———— Dollars,

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

SEE ATTACHED EXHIBIT "A"

Subject to easements, restrictions and reservations of record and taxes for the calendar year 1980.

Subject to that certain mortgage from Charles S. Waugh, as Trustee to Bayshore 421, Ltd., a Florida Limited Partnership, in the original principal amount of \$342,300.00 and to that certain mortgage from Grantors to Charles S. Waugh, Trustee, in the original principal amount of \$11,394.00 which Grantee herein assumes and agrees to pay.

This property is not the homestead property of Grantors since it is vacant land.

NOTE: Grantors took title for Grantee (Theta Investments, N. V.) as Trustees pending completion of the incorporation of Grantee.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

* "Grantor" and "grantee" are used for singular or plural, as context requires

In Witness Whereof,

Grantor has hereunto set grantor's hand and seal the day and year first above written

Signed, sealed and delivered in our presence:

[Signature]
[Signature]

NATALIO WENGROWER, individually and as Trustee (Seal)

ENRIQUE GOLDMAN, individually and as Trustee (Seal)

STATE OF Florida
COUNTY OF Dade

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments personally appeared NATALIO WENGROWER, individually and as Trustee and ENRIQUE GOLDMAN, individually and as Trustee

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 22nd day of May 1980.

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA at LARGE
MY COMMISSION EXPIRES JANUARY 18, 1982

Notary Public

RECORD DEFEED - SAL DELIAO CLERK
By *[Signature]* D.C.



Engineers, Planners & Development Consultants

4301 Veronica Shoemaker Blvd. Fort Myers, FL 33916
239.936.5222 | QAINC.NET | f 239.936.7228

August 19, 2009

Mr. Tony Palermo, AICP
Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RE: **SUFFICIENCY RESPONSE IV**
Bayshore 57 MPD
DCI2007-00045

Dear Mr. Palermo,

Please find attached revisions per your comments dated **August 14, 2009** letter for the major Mixed Use Planned Development (MPD) rezoning of property located at 7401 Bayshore Rd, North Fort Myers, FL 33917 and identified by STRAP#: 20-43-25-00-00003.3000.

SUFFICIENCY COMMENTS

ZONING/PLANNING COMMENTS

ZONING COMMENTS - AUG. 2009

1. NEW WORDING. PLEASE REVIEW.

Rezone +/- 56.76 acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) for a maximum of 176,000 square feet of commercial floor area including a maximum of 80,000 square feet of commercial retail; and a maximum of 192 dwelling units (townhomes). Maximum height proposed is 2 stories/35 feet. No development blasting is requested. The development will connect to public potable water and public sanitary sewer service.

RESPONSE: CORRECT.

2. Please confirm the acreage designated commercial and designated residential. Your special case finding narrative says the commercial is 20 acres. I'd appreciate the exact figures.

RESPONSE: 37.62 ACRES OF RESIDENTIAL AND 19.14 COMMERCIAL AREA.

3. The special case finding will be a substantive issue.

RESPONSE: UNDERSTOOD.

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4. The IIX17 MCP is not readable in some places.

RESPONSE: WILL ATTEMPT TO CLARIFY AREAS THAT ARE SMALL.

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5. For the surrounding areas, please indicate the FLU category, zoning, and current land use. The withdrawn cases aren't necessary here. Chapel Creek is VACANT as is Oak Creek.

RESPONSE: CORRECTED ON THE MCP.

6. Substantive issue. This case has some significant differences to Chapel Creek, including density, intensity, buffers on Bayshore, architectural details, conditions, etc.

RESPONSE: UNDERSTOOD. WE ARE PRESENTING IT AS THE COMMERCIAL CORNER ONE MILE BETWEEN OTHER THE ONLY OTHER POTENTIAL COMMERCIAL CORNERS ALONG BAYSHORE ROAD WEST OF THE INTERSTATE AND EAST OF US 41. WE HAVE INCREASED BUFFERS AND INDIGENOUS PRESERVATION AND OPEN SPACE.

7. Please remove the deviation wording from the MCP and provide on a separate attachment with a narrative.

RESPONSE: IT IS IN THE DEVIATION REQUEST DOCUMENT FORMERLY SUBMITTED. THE WORDING IS REMOVED FROM THE MCP.

8. An open space table is not on the MCP.

RESPONSE: OPEN SPACE TABLE IS ON PAGE ONE AND TWO OF THE MCP. WE HAVE OFFERED HATCHING FOR THE INDIGENOUS PRESERVE AREA.

9. Substantive issue. Has the NFM Planning Panel reviewed this plan, or previous plans? My recollection was they were not supportive of the density and intensity or product types and wanted changes. Can you address? And can you provide minutes of any meetings from NFM?

RESPONSE: THIS PLAN HAS NOT BEEN TO NFM. I HAVE BEEN THERE TWICE AND DO NOT WANT TO PRESENT UNTIL STAFF IS SUFFICIENT. I WILL SCHEDULE FOR OCTOBER IN HOPES THAT THE MAJORITY OF THE SITE PLAN WILL BE AS WE INTEND TO PRESENT AT THE HEX.

10. What is the 970 sq. foot building? And should it be a minimum or maximum 970 s/f?

RESPONSE: IT IS THE REQUIRED DUMPSTER.

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11. No model units are on the MCP.

RESPONSE: FOUR MODEL UNITS ARE IDENTIFIED.

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12. Please take a look at the new LDC 10-295. Are there opportunities to provide interconnections? This development seems to be isolated from neighboring developments. Substantive issue.

RESPONSE: WE HAVE BEEN UNABLE TO SECURE AGREEMENTS WITH CHAPEL CREEK OR OAK CREEK. WE WOULD BE WILLING TO SHOW FUTURE OPTIONAL ACCESS EASEMENT AT THE NORTHERN MOST ROUND-A-ABOUT IN THE COMMERCIAL SECTION FOR ACCESS TO THE SHOPPING FOR THE SINGLE-FAMILY HOMES IN CHAPEL CREEK.

ENVIRONMENTAL SCIENCES (ORD 05-29)

10b) Sensitive Lands. Any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 99.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-493] must be identified (see Supplement D Form, Part 5.B.).

Please depict top-of-bank for Daughtrey creek.

RESPONSE: THE LINES ON THE PLAN ARE THE TOP OF BANK. THEY HAVE BEEN NOTED AS SUCH.

12g1) Preservation and Conservation Easements. All preservation areas and/or conservation easements must be delineated on the plan and labeled as such. [34-373(a)(6)a; 34-414(d); 34-1232(b)]

Revise MCP to label gopher tortoise preserve. Given the suitable occupied gopher tortoise habitat 321/421/411 located north of the creek along the northwest property line and its connectivity to other private preservation land ES staff recommends that the project propose some on-site mitigation through the gopher tortoise permitting process.

RESPONSE: IT HAS BEEN LABELED AS SUCH FOR SOME TIME. WE HAVE DESIGNED THE SITE AROUND MORE THAN HALF OF THE ACTIVE BURROWS. SEE THE GOPHER TORTOISE MANAGEMENT PLAN DATED FEBRUARY 15, 2008 BY BOYLAN.

Please clarify the 52,468 sq. ft. of indigenous credit. The MCP depicts only $\pm 476,000$ sq. ft. of indigenous and a portion of that does not meet the requirements for credit.

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RESPONSE: AS REVISED THE MCP AND OPEN SPACE TABLE SHOWS 531,056 SQUARE FEET OF INDIGENOUS AREA IN A CONTINUOUS AREA IN THE RESIDENTIAL PORTION ABUTTING PRESERVE IN THE OAK CREEK RPD. THE CREDIT SHOULD NOW BE 58,416 SQUARE FEET. THIS INCREASES THE ACTUAL

12h) Open Space Design Plan. Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LCLDC Section 10-415(b) must be shown on the Master Concept Plan. [34-373(a)(6)g.]

ES Staff is concerned that the density and intensity of uses is not consistent with the Lee Plan and the Bayshore Community. Goal 77 of the Lee Plan states: To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation. The applicant is requesting maximum density and commercial intensity.

RESPONSE: WE ARE NOT REQUESTING MAXIMUM DENSITY. WE ARE AT 5.1 UNITS PER ACRE FOR THE 37.62 ACRES OF RESIDENTIAL DEVELOPMENT PROPOSED.

WE HAVE ASKED FOR A SPECIAL CASE EXCEPTION TO THE COMMERCIAL INTENSITY. IF THE CASE FINDING WERE TO BE SUCCESSFUL WE ARE NOT PUSHING THE DEVELOPMENT ENVELOP. WE ARE ASKING FOR 8,881 SQUARE FEET PER ACRE IN THE PROPOSED 19.14 CPD AREA. TYPICALLY WE CAN ACHIEVE 10,000 TO 13,000 SQUARE FEET PER COMMERCIAL ACRE.

IN ADDITION TO BOTH THESE COMMENTS WE ARE PROVIDING 44% OVERALL OPEN SPACE, OR 24.89 ACRES, FOR THE ENTIRE PROJECT. THE INDIGENOUS PROVIDED IS 59% OF THE REQUIRED OPEN SPACE, EXCLUDING THE CREDIT, WITH WHICH WE ARE AT 13.53 ACRES, OR 65% OF TOTAL OPEN SPACE IN INDIGENOUS PRESERVATION.

The open space and indigenous meet the minimum requirements. The project contains over 46 acres of indigenous upland habitat and over forty active and inactive gopher tortoise burrows. ES Staff recommends that the applicant propose additional indigenous preservation within the residential portion of the project. Please revise site design to incorporate additional indigenous preservation to be consistent with Objective 107.4: Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or, enhance existing population numbers and distributions of listed species and Objective 77.3: New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process.

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RESPONSE: AS REQUESTED WE INCREASED THE TOTAL OPEN SPACE AND INDIGENOUS PRESERVE AREAS. THE MCP DEPICTS 44% OVERALL OPEN SPACE, OR 24.89 ACRES, FOR THE ENTIRE PROJECT. THE INDIGENOUS PROVIDED IS 59% OF THE REQUIRED OPEN SPACE, EXCLUDING THE CREDIT, WITH WHICH WE ARE AT 13.53 ACRES, OR 65% OF TOTAL OPEN SPACE IN INDIGENOUS PRESERVATION.

12i) Open Space Percentage. The percentage of open space must be shown on the Master Concept Plan unless the proposed development consists solely of conventional single-family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)h.]

The open space table depicts total open space required as 905,603 and total open space provided as 265,000. Please revise. Staff is unclear where the indigenous and open space areas are being depicted. Please provide a cross hatching depicting open space and indigenous. Please depict open space and indigenous separately. An open space table is required to be on the MCP. The open space table is disconnected and should be depicted on the page one of the MCP. Please depict the corrected open space table on the MCP.

RESPONSE: WE WERE TOLD ON PRIOR SUBMITTALS TO MOVE THE OPEN SPACE TABLE TO A SEPARATE PAGE. WE HONORED YOUR REQUEST AND PLACED A HATCH WHERE THE INDIGENOUS AND GOPHER TORTOISE PRESERVE IS LOCATED ON BOTH PAGES OF THE MCP. WE ALSO PLACED THE OPEN SPACE TABLE ON BOTH PAGES OF THE MCP.

WE INCREASED THE AREA TO 12.19 ACRES. THE INDIGENOUS PROVIDED IS 59% THE REQUIRED OPEN SPACE, EXCLUDING THE CREDIT, WITH WHICH WE ARE AT 13.53 ACRES, OR 65% OF TOTAL OPEN SPACE IN INDIGENOUS PRESERVATION. WE ALSO SHOW 44% OVERALL OPEN SPACE FOR THE ENTIRE PROJECT.

WE HAVE REVISED THE TABLE TO BE ACCURATE.

12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses if the types of proposed uses require buffer separations, must be shown on the Master Concept Plan. [34-373(a)(6)i.]

The re-alignment of Samville Road within the property requires a type "D" ROW buffer. Please provide. Please revise the type F buffer cross section to reference the 125' rule and demonstrate the shrubs setback to the proper depth.

RESPONSE: DEPICTED ON MCP.

12j3) Natural Waterways Buffer. A 25 foot natural waterway buffer, 50 foot in the Greater Pine Island Area, must be provided abutting state-designated aquatic preserves and associated natural tributaries. [10-416(d)(12)]

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New Land Development Codes were adopted June 23, 2009 per section 10-416(d)(9) natural waterways are required to provide a fifty foot natural waterway buffer. Existing native vegetation within the fifty foot natural water way buffer must be retained with no clearing. Please revise to depict a fifty foot natural waterway buffer retaining all native vegetation with no clearing.

RESPONSE: DEPICTED ON MCP.

121) Protected Species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]

Please submit a preliminary Gopher Tortoise Management Plan as per Sec 10-474. Include how the applicant proposes to pursue gopher tortoise mitigation given the change in regulations. The MCP Legend indicates the number of tortoises. This information belongs in the preliminary Gopher Tortoise Management Plan. Please revise. Please submit a "Preliminary" Gopher Tortoise Management Plan "prepared by an environmental consultant" that addresses the tortoises preserved in place as well as onsite relocation, depicting sustainability of tortoise habitat being preserved, quality and quantity of foraging plants available, containment/protection during construction, etc.

The Gopher Tortoise Management Plan calculates 21 active tortoises onsite. FWC Guidelines depict that depending upon vegetation a preserve can hold 2-4 tortoises per acre. Staff recommends designating sufficient gopher tortoise habitat into the indigenous preserve to preserve all of the tortoise's onsite pending FWC approval in compliance with Objective 107.4: Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

RESPONSE: WE HAVE PROVIDED ADDITIONAL INDIGENOUS PRESERVE AND GOPHER TORTOISE AREA. WE ARE INTERESTED IN AS MUCH ONSITE RETENTION AS FITS WITHIN PROVIDED AREA.

14) Schedule of Deviations & Written Justification. A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan must be submitted. [34-373(a)(9)] {see Supplement 0, Part 7}

The applicant is requesting a deviation from the 50 foot right-of-way (ROW) buffer with a justification that they are providing a Gopher tortoise preserve. LDC 34-412 (a) states: to provide design flexibility, deviations may be permitted where it can be demonstrated that the planned development will be enhanced and that the intent of such regulations to protect health, safety and welfare will be served.

The project is proposing a gopher tortoise preserve that is part of the minimum indigenous open space provided by the applicant. This is not an enhancement of the development. Staff recommends proposing sufficient gopher tortoise habitat to preserve all of the tortoise's onsite to enhance the project.

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RESPONSE: THE DEVIATION WAS THE BRAIN CHILD OF SUSIE DERHEIMER AT A MEETING 18 MONTHS AGO SO WE COULD PROVIDE MAXIMUM CONNECTIVITY TO THE PRESERVE IN OAK CREEK CREATING A WILDLIFE CORRIDOR, WHICH WE HAVE ACCOMPLISHED. REGARDLESS, WE UNDERSTAND STAFF DESIRE TO ADHERE TO THE LDC; THEREFORE, WE HAVE INCREASED THE BUFFERS EAST OF THE PROJECT ENTRANCE TO 40' OUTSIDE OF THE DEDICATION OF 15' OF ADDITIONAL RIGHT-OF-WAY.

ADDITIONALLY, WE ARE PROVIDING MORE OPEN SPACE THAN REQUIRED, BY A SIGNIFICANT MARGIN. WE HAVE PROVIDED 50% OPEN SPACE IN THE RESIDENTIAL SECTION AND 44% OVERALL, INCLUDING OVER 12 ACRES OF INDIGENOUS PRESERVE/GOPHER TORTOISE AREA.

18b) Narrative Compliance Statements. A narrative explanation as to how the proposed development complies with the Lee Plan, as well as the guidelines for decision-making embodied in LCLDC Sections 34-145(c)(2)a, and e., and Section 34-145(d)(3) {see LC Supplement D Form, Part 7, Narrative Compliance Statements}. [34-941 (g)(3)] {See Item #18b1 thru Item #18b3 below.}

Please note: New Land Development Code Amendments were adopted June 23, 2009. Please address these amendments as they apply to the project. Please review the recent amendments to the LDC specifically 10-329 (3) and (4) the planting of native trees, littorals and slope of lake, 10-416 (d)(9) 50 foot wide natural waterway buffer.

RESPONSE: THE NATURAL WATERWAY BUFFER HAS BEEN APPLIED AND SHOWN ON THE MCP. THE ADDITIONAL CODES WILL BE ADDRESSED AT DO.

19) Miscellaneous items.

Please note: Per 10-416(c)(2)(d) For large projects no more than 20 parking spaces must occur in an uninterrupted row when 18 foot wide landscape islands are used unless optional divider medians, as specified in subsection (c)(2)f. of this section, are used.

Please revise.

RESPONSE: IS THIS PUNISHMENT FOR SHOWING DETAIL. THE LDC IS UNDERSTOOD. WE DO NOT EXCEED 20 SPACES AND WE HAVE LARGE ISLANDS THROUGHOUT THE PROJECT. AT THE TIME OF DO WE WILL BE REQUIRED TO COMPLY. THIS IS A CONCEPTUAL PLAN THAT WILL UNDOUBTEDLY BE ALTERED AT DO ENOUGH THAT THE ISLANDS WILL CHANGE. WE ACKNOWLEDGE 10-416(C)(2)(D) AND WILL COMPLY AND FEEL WE FULLY FILL THE INTENT OF THE SECTION AS SHOWN.

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PUBLIC WORKS (ORD. 05-29)

COMMUNITY DEVELOPMENT

I) Miscellaneous Items.

The Master Concept Plan (Residential portion) should be revised to incorporate required facilities for solid waste/recycling storage and pick-up in compliance with LDC Section 10-261. The applicant has failed to provide the required solid waste facilities for the multi-family component of the project.

RESPONSE: THE SITE PLAN INDICATED THE REQUIRED DUMPSTERS TO MEET CURRENT REGULATIONS.

THE DUMPSTER FOR THE RESIDENTIAL PORTION IS MARKED WITH A "D" AND NOTED AS MINIMUM 970 SQ. FT.

THE PROPOSED DEVELOPMENT IS 176,000 SQUARE FEET COMMERCIAL. RESIDENTIAL PICK-UP IS TO BE CURBSIDE. THE COMMERCIAL REQUIRES 168 SQ. FT. FOR THE FIRST 25,000 SQ. FT. AND $4.26 \times 151 = 643.26$ SQ. FT. FOR A TOTAL OF 811.26 SQ. FT. OR 812 SQ. FT. ROUNDED UP. THE MCP SHOWS A MINIMUM OF 812 SQ. FT. OF DUMPSTER AREA.

THE PROPOSED RESIDENTIAL AREA CONTAINS 192 UNITS. 168 SQ. FT. IS REQUIRED FOR THE FIRST 25 UNITS. $167 \times 4.8 = 802$ FOR A TOTAL OF 970 SQ. FT. THE MCP HAS BEEN UPDATED.

NATURAL RESOURCES

New Land Development Codes were adopted June 23, 2009 per section 10-416(d)(9) natural waterways are required to provide a fifty foot natural waterway buffer. Existing native vegetation within the fifty foot natural water way buffer must be retained with no clearing. Please revise to depict a fifty foot natural waterway buffer retaining all native vegetation with no clearing.

RESPONSE: THE MCP SHOWS THE BUFFER. THIS IS IN THE PRESERVE AREA SO WILL REMAIN UNDISTURBED.

ASSISTANT COUNTY ATTORNEY

Legal Description and Sketch: Applicant's response to Assistant County Attorney comment #6 is insufficient. § 34-202 Ca), LDC, requires the submission of a legal description and sketch as part of the submittal process. Until such time as those items are provided, the request is not sufficient.

RESPONSE: ATTACHED.

Title Certification: Pursuant to recently adopted Lee County Ordinance 09-23, section 34-202(a)(3), LDC, now requires applicants to submit a title certification. Applicant must submit the required title certification.

RESPONSE: IN PROGRESS.

Survey: Pursuant to recently adopted Lee County Ordinance 09-23, section 34-202(a)(2), LDC, now requires applicants to submit a survey that is based upon the title certification that is required under § 34-202(a)(3), LDC. The Applicant must submit the required survey.

RESPONSE: IN PROGRESS.

Sincerely,

QUATTRONE & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Fred Drovdic', with a long horizontal flourish extending to the right.

Fred Drovdic, AICP
Vice President

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COMMUNITY DEVELOPMENT

BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

**Exhibit D-7-Q:
Deviations and Justifications**



EXHIBIT D-7-Q
LIST OF DEVIATIONS AND JUSTIFICATION

BAYSHORE 57 MPD
Rezoning from AG-2 to MPD
STRAP#: 20-43-25-00-00003.3000
7401 Bayshore Rd, North Fort Myers, FL 33917

DEVIATION 1

Deviate from Land Development Code §10-328(a) which requires a minimum 20-foot wide access easement along the lake perimeter for maintenance purposes, to allow the termination of the maintenance easement at a bulkhead where the proposed deck of the pool extends into the lake as a design feature.

Justification: In order to enhance the design feature of the proposed development we wish to extend the pool deck into the proposed detention lake and use a bulkhead. This will result in a 20' maintenance easement up to the bulkhead.

DEVIATION 2

Deviate from 10-416(b)(1)(b)(5) requiring projects greater than five acres in size that abut an arterial or collector road and have existing native trees within 50 feet of the right-of-way must be designed to provide a 50 foot right-of-way buffer for tree protection, to allow a 25 foot buffer along Bayshore Road in order to maximize the indigenous and gopher preserve area in the rear of the project that connects with other preserves.

Justification: The project proposes significant amounts of open space and preserve in the northwest section of the property. This location was chosen as a concentration for open space and preserve for the following reasons:

- Created a continuous preserve with the Chapel Creek RPD preserve area;
- Create a connected wildlife corridor;
- Maintain an uninterrupted flowway area for the existing creek;
- Protect as many gopher tortoise burrows as possible. The concentration of burrows were near the flowway. The plan is able to preserve 13 of the 25 active burrows; and
- Concentrate open space and preserve in an area away from Bayshore Road where wildlife is in substantially less danger.

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BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

**Exhibit D-7-J:
Lee Plan Narrative**



EXHIBIT D-7-J
PROJECT NARRATIVE AND LEE PLAN COMPLIANCE

BAYSHORE 57 MPD
Rezoning from AG-2 to MPD
STRAP#: 20-43-25-00-00003.3000
7401 Bayshore Rd, North Fort Myers, FL 33917

Quattrone and Associates, Inc., on behalf of Theta Investments, is requesting approval of an application for Mixed Use Planned Development for a 56.76 acre parcel located on the north side of Bayshore Road, west of Chapel Creek RPD, south of Oak Creek RPD, east of Samville Road and Bayshore Elementary School. The parcel has a Future Land Use designation of Suburban and is zoned AG-2. Land uses surrounding the subject parcel consist of agricultural uses to the north and east, a public primary school to the west, and vacant residential to the south.

This request is consistent with the goals, objectives, policies and intent of the Lee Plan in accordance with the following below. The changes since the prior submittal are in **bold** in the APPLICANT NARRATIVE sections.

LEE PLAN VISION

PLANNING COMMUNITY

NORTH FORT MYERS - *Over the course of the current planning effort, a new vision for the future of North Fort Myers has emerged and come into sharper focus. The following phrases, describing a brighter future for the community, capture the essence of the vision and provide a foundation for the plan's goals, objectives, and policies.*

Town Center developments along the Caloosahatchee River and on Bayshore Road at I-75 offer new destinations for living, shopping, working, and socializing. Designed with walkable streets and streetscapes, ground level shops and restaurants, high quality housing, and connections to nearby parks, waterfronts, and natural areas, these new Centers are becoming signposts for positive changes throughout the community.

APPLICANT NARRATIVE: The town center design and incorporation with the proposed residential area full fills many of the vision items outlined above including ground level shops, restaurants, and high quality housing. The residential portion has been purposely designed to interconnect natural/preserve areas with the abutting Oak Creek RPD areas. The effort has created a significant natural area corridor along the creek that traverses the area. This has also permitted the saving a the majority of gopher tortoise burrows on site.

The proposed development of retail, restaurant, office, medical and **townhome** residential will benefit the North Fort Myers community, establishing a different housing type with a lower price point than single-family, increasing the diversity of the area. The nearby location

of Bayshore Elementary makes the proposed townhomes even more appropriate, providing greater home ownership opportunities for young families.

The commercial component of the project presents the opportunity for employment and services needed by the surrounding residents to be closer, reducing travel times and traffic volumes. The project is situated one mile west of the interchange to I-75 and one mile east of the next closest commercial development. With over 3,000 rooftops either built or entitled with the one mile radius and only limited commercial approvals in that same radius commercial at this location and intersection is beneficial to the community.

New retail and mixed use development cluster in Neighborhood Centers and along revitalized commercial corridors. Unlike the auto-oriented development that used to line major roadways, North Fort Myer's new neighborhood centers and corridors are pedestrian-friendly, with attractive landscaping and quality architecture.

APPLICANT NARRATIVE: The site is also flush with pedestrian interconnections from the sidewalk along Bayshore road throughout the commercial center and to the entire residential development. The landscaping is proposed to meet the full extent of the current LDC.

Older neighborhoods are experiencing a quiet renaissance. First-time homebuyers, recent retirees, and new investors are fixing-up older housing stock, building compatible infill housing, sprucing-up yards, and working together to ensure properties and public rights-of-way are well-maintained, safe, and attractive.

APPLICANT NARRATIVE: Not applicable

New buildings are designed to fit the area's early design character. Simple, sturdy building forms, high quality materials, protection from the elements, and generous native vegetation create a distinctive local vernacular.

APPLICANT NARRATIVE: The applicant agrees to meet all building and landscaping requirements set forth by the community and Lee County.

Landscape gateways, extensive streetscape and landscape improvements, and new pedestrian and bicycle facilities reinforce the North Fort Myers' reputation as a great place to live, work, and visit.

APPLICANT NARRATIVE: As mentioned, the site plan shows full pedestrian interconnections through the site as well as a pleasing site layout that has many opportunities for landscaping in critical areas for viewsheds, particularly from Bayshore Road.

Greenways, blueways, and trail systems offer unique recreational amenities, linking together North Fort Myers' neighborhoods with the region's parks and recreational facilities, conservation lands, and new points of access to the Caloosahatchee River and its tributaries. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12, 09-11)

APPLICANT NARRATIVE: While this is not near the Caloosahatchee River the site contains a creek and abuts a large preserve area to the northwest that is in the Chapel Creek RPD. The site was designed around connecting to this preserve area so that a continual interconnected preserve area could be accomplished. It was by adding over 12 acres in indigenous preserve to the corridor plus over 6 acres in lakes and overall 50% open space in the northern abutting portion.

GOAL 1: FUTURE LAND USE

OBJECTIVE 1.1: FUTURE URBAN AREAS. Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services.

APPLICANT NARRATIVE: The subject property is located within a Future Urban Area in the Future Land Use Category (FLUC) discussed below.

POLICY 1.1.5: The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)

APPLICANT NARRATIVE: The suburban FLUC is broad in description and application. This project fits into the description. The proposed project is within the densities of the residential requirements of the typical Urban Community category proposing less than 5 units per acre for the residential portion.

The intensity of the proposed commercial development of 80,000 sq. ft. of retail does not exceed that of a neighborhood center. The proposal does not include industrial land uses nor does it request bonus density.

GOAL 2: GROWTH MANAGEMENT

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

APPLICANT NARRATIVE: The recent rezoning approvals in the area indicate that the development proposed is appropriate, timely, as well as encouraging contiguous and compact growth and in the long term, containing urban sprawl.

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 F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)

APPLICANT NARRATIVE: Recently expanded Bayshore Road is currently operating at LOS "B", and will remain unchanged by the approval of this MPD as proposed. Bayshore Road was recently expanded to 4 lanes and new infrastructure was provided to meet the anticipated development of the project region.

Additionally, the revised site plan proposes a redesigned Samville Road-Bayshore Road intersection. The reason to redesign the intersection is twofold:

1. The current alignment is not perpendicular. The angles create a 300 feet Bayshore Road median opening. The extensive opening allows for uncontrolled vehicle movements. The realignment closes this opening to approximately 110 feet improving vehicle control from all directions.
2. The requested intensity of development, while deemed appropriate by the applicant, exceeds the Samville Road capabilities exacerbating the existing unsatisfactory intersection. The realignment and addition of turn lanes allows for adequate traffic handling for the current levels of traffic as well as the additional traffic proposed by the development.

GOAL 4: DEVELOPMENT DESIGN – GENERAL

OBJECTIVE 4.1: Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. By the end of 1995, take specific steps to further promote the creation of mixed-use developments to reduce the impact on collector and arterial roads. (Amended by Ordinance No. 91-19, 94-30)

POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)

POLICY 4.1.2: Development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. (Amended by Ordinance 91-19, 00-22)

APPLICANT NARRATIVE: This site will be developed with structures that are compatible to the area in accordance with the **North Fort Myers Design Review Committee** architectural standards that have been incorporated into the Land Development Code.

GOAL 5: RESIDENTIAL LAND USES

OBJECTIVE 5.1: All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan. (Amended by Ordinance No. 94-30, 00-22)

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

APPLICANT NARRATIVE: The property is located in storm surge category 3. All buildings will be constructed with a minimum first floor elevation of twelve (12) feet, as required.

POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)

APPLICANT NARRATIVE: The project is near Bayshore Elementary and does incorporate a higher density residential townhome component, while helping to provide a better mix of land uses by also including commercial uses. **The subject property is one mile in each direction from shopping centers which lead the owner to propose a mixed use development. The proposed location actually increases the correctness of approving over 2,000 residential units in the Chapel Creek and Oak Creek planned developments. At the time of approval there was little if any commercial development in the 2 mile radius.**

POLICY 5.1.4: Prohibit residential development in all Industrial Development areas on the Future Land Use Map.

APPLICANT NARRATIVE: The proposed residential development is not within an Industrial Development area.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Amended by Ordinance No. 94-30, 99-15, 00-22)

APPLICANT NARRATIVE: The proposed uses will compliment the existing and future surrounding residential areas and will not be potentially destructive to the character and integrity of the residential environment. The conditions proposed in lieu of the buffering

requirements of Chapter 10 of the LDC are adequate to fulfill the intent of buffering, and abutting incompatible land uses are not proposed.

POLICY 5.1.6: *Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Amended by Ordinance No. 94-30)*

APPLICANT NARRATIVE: While the commercial component of the project will comply with open space requirements, the residential portion will greatly exceed the area of open space required.

The residential portion of the site proposes are club with pool and in the northern townhome area a one acre open space amenity area.

POLICY 5.1.7: *Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space. (Amended by Ordinance No. 94-30, 00-22)*

APPLICANT NARRATIVE: **A community center with recreational activities is proposed central to the residential portion of the project as well as a one acre open space area near the northern most townhomes, all to be connected to the townhomes by sidewalks.**

POLICY 5.1.8: *Provide for adequate locations of low- and moderate-income housing through the rezoning process, the provision of public facilities and services, and the elimination of unnecessary administrative and legal barriers.*

APPLICANT NARRATIVE: The proposed townhomes would establish a different housing type with a lower price point than traditional single-family, increasing the diversity of the area. The nearby location of Bayshore Elementary makes the proposed townhomes even more appropriate, providing greater home ownership opportunities for young families.

GOAL 6: COMMERCIAL LAND USES

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

a. Traffic and access impacts (rezoning and development orders);

APPLICANT NARRATIVE: As shown in the attached TIS, the project does not change the Level of Service for Bayshore Road.

b. Landscaping and detailed site planning (development orders);

APPLICANT NARRATIVE: **The site plan offers all necessary details.**

c. *Screening and buffering (planned development rezoning and development orders);*

APPLICANT NARRATIVE: The project fully complies with all screening and buffering requirements.

d. *Availability and adequacy of services and facilities (rezoning and development orders);*

APPLICANT NARRATIVE: The project will connect to sanitary sewer and water facilities that are available along Bayshore Road.

e. *Impact on adjacent land uses and surrounding neighborhoods (rezoning);*

APPLICANT NARRATIVE: The project is similar in nature to recently approved and proposed projects in the immediately adjacent area. **The MCP shows a well interconnected development that will support surrounding development with needed commercial in close proximity and have a positive impact through preserve and natural area connections.**

f. *Proximity to other similar centers (rezoning); and*

APPLICANT NARRATIVE: The project is similar in nature to recently approved and proposed projects in the immediately adjacent area **concerning the residential portion of the project. However there is very little approved or built commercial centers nearby. This is a supporting point due to the extensive number of rooftops approved or built in the area who must traverse long distances for basic services. Due to a lack of local collectors all these rooftops need to use Bayshore Road to reach the available commercial centers. The proposed location is on Bayshore Road but is midway between the I-75 interchange and nearest commercial center at Slater Road.**

g. *Environmental considerations (rezoning and development orders).*

APPLICANT NARRATIVE: As referenced in the Environmental Report by Boylan, the FLUCCS map and the Gopher Tortoise Management Plan, several issues need to be mitigated for the project to develop as proposed.

There are gopher tortoise on site. Many of the active sites are within the proposed preserve. The other live sites will have to be moved off site as detailed in the plan.

There are some low quality wetland areas close to Bayshore Road. These areas fall within areas needed for the rearrangement of the Samville Road intersection. The environmentally sensitive areas in the southern part of the property is being mitigated by preserving large amounts of land around the FIRM Floodway area and by overall providing large amounts of open space. The preserve area has been arranged so that a large continual preserve is in place that coordinates with the abutting preserve area.

The property is traversed by a FIRM Floodway in the north western corner. No development is intended to impact the Floodway. Surrounding the Floodway is the FIRM Flowway area. This are will be impacted and therefore have to provide compensating storage. Much of the site plan that impacts the Flowway area is to be a detention lake.

POLICY 6.1.2: All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.

APPLICANT NARRATIVE

Introduction

According to planning staff and the narrative in section 6.1.2 the maximum commercial retail development able to be permitted is determined, generally, by the functional classification of the intersecting roadways that abut the project. Depending on the road access the project is able to accomplish the project is then placed in to a site location standard category that limits the amount of retail development (as defined in subsection 7). The Lee Plan places the site location standard parameters into four categories, the first two of which apply to this project: Minor Commercial and Neighborhood Commercial.

The intersecting roadways abutting the proposed project are Samville and Bayshore Roads. As determined by Lee County DOT Samville Road is considered a Minor Collector. According to subsection 11 roads identified as Minor Collector are considered local roads for site location standard determinations. Bayshore Road is classified as a Major Arterial. The project is officially determined to be on the corner of an Arterial and Local Road. This places the project in the Minor Commercial site location standard.

Minor Commercial is the most basic category allowing up to 30,000 square feet of retail uses if the project is on or near the corner of a local and collector, local and arterial, or collector and collector roads. The typical lot size is 2 acres and the retail uses must be constructed within a 330 foot area from the intersecting corner. The category is clearly for a small, local retail center providing services such as a restaurant, a pharmacy, perhaps a bank or a convenience store.

The second site location category increases maximum commercial retail development up to 100,000 square feet with typical lot sizes of 10 acres. This Neighborhood Commercial category serves areas with more substantial daily needs such as those mentioned prior plus room to allow for grocery stores, department stores and other more significant area wide services. The site location standard for this category requires access "at the intersection" of at least a collector and arterial roadway.

Special Case Finding

We are requesting a special case finding according to subsection 8 that retail uses are the only reasonable use of the portion of the parcel fronting on Bayshore Road in light of its size, its proximity to arterials, and the nature of the existing and projected surrounding uses. The following are the points why the subject property does not fit into the Minor Commercial site location category despite the intersecting roadway determinations and is appropriate as a Neighborhood Commercial development.

1. The subject parcel is 57 acres with 19.14 acres being proposed as commercial development. The amount of commercial being requested is based on long-

term demand and smart growth attempting to limit travel times for basic goods and employment according to the potential residential densities in the surrounding one mile radius with nearly 3,000 rooftops either approved or constructed. The nearest shopping center providing basic, daily services is over one mile west on Bayshore Road with none existing to the east. There are no options for retail centers north or south of the proposed project. East of I-75 there is little road development and the area is largely scattered large lot residential developments that would be inappropriate for a larger commercial center.

2. The location is valuable as a shopping center not as another large amount of entitled single-family homes. To push the location into a residential property with commercial component limited to below 30,000 square feet would be shortchanging the area of needed larger scale services and exacerbate the necessary trips on Bayshore Road.
3. The site has access to a full median opening on Bayshore Road via the Samville intersection. This location is the only full median opening in the one mile radius that has an undeveloped corner with access compatible or able to accommodate a shopping center. Additionally, it is centrally located one mile from the nearest shopping center and one mile from I-75.
 - a. West on Bayshore there is a full median at Willow Stream but at this location there is a residential subdivision and the road does not continue on the north side of Bayshore.
 - b. Also west is a full median at Williams Road. This location is inhibited by businesses and houses abutting Williams Road on the north side of Bayshore and Williams Road empties into a subdivision on the south side of Bayshore.
 - c. East on Bayshore a median exists at where the Chapel Creek CPD area is entitled. This location will only be accessed by internal accessways specific to the project.
 - d. Two more median openings exist near I-75. The first just prior to the railroad tracks serves a developed industrial property on the north side of Bayshore and an undeveloped property to the south. The median opening just past the tracks is oddly aligned due to the railroad right-of-way and fully developed on both sides of Bayshore Road.
4. The site is deep with limited road frontage on Bayshore Road. Bayshore Road frontage property is not appropriate or desirable for residential development, particularly at an important intersection. The site was therefore designed with commercial components on Bayshore Road with residential components on the northern portion abutting the adjacent residentially zoned areas.
5. The northern portion of the property has beautiful natural resources and an opportunity to connect significant natural resources by offering a preserve area coordinated with the approved preserve in the Oak Creek RPD.

Meeting the Lee Plan

The bottom line is that the site location standards are not met for a Neighborhood Commercial center of 80,000 square feet of retail despite all the arguments that the site is compatibility and appropriateness for such a use. In order to address the shortcomings of the intersecting roadways we are offering a redesign of the existing

intersection at substantial sacrifice to the site plan and costs of development. The goal is to improve a poor traffic control situation for the health safety and welfare and provide an intersection and project access area that can handle the proposed project traffic.

The current intersection design is considered less than ideal by Lee County DOT and Florida DOT. Samville Road intersects at an angle that is not perpendicular to Bayshore Road. The configuration creates the need for an exceptionally wide median opening of 300 feet. Median opening of this width lacks turning movement controls creating unsafe tuning movement options such as excessive stacking for those east bound on Bayshore from Samville, using the median as an acceleration lane and undefined turning areas for all actions from Samville Road.

In coordination with LC DOT and FDOT the attached Master Concept Plan and DOT exhibit provide details for a proposed realignment of the intersection. The design creates a 90 degree intersection at Bayshore Road aligning with Samville Road on the south side of Bayshore Road through dedicating significant amounts of property to the new right-of-way from the subject parcel. In doing so the stacking and traffic handling capabilities were able to be greatly increased and the Bayshore Road median was able to be constrained.

The Samville Road intersection stacking at Bayshore Road has been increased through the creation of three outgoing lanes and one median separated incoming lane. On the incoming lane a left turn lane was created to allow traffic to pass freely into the project site. A stop bar was added for outgoing project traffic so the left turn through the Samville Road "T" can be free flow. For those travelling south on Samville Road (from the school) the new "T" intersection provides a right and left turn lane with an extra wide right turn radius to accommodate bus traffic from the elementary school. The left turn lane was created for those using Samville Road to access the project. They have a stop bar allowing free flow of all traffic from Bayshore Road. Additional road improvements as part of this project includes nearly 500 feet of deceleration lanes on Bayshore Road.

POLICY 6.1.3: *Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to:*

- *provide visual harmony and screening;*
- *reduce dependence on the automobile;*
- *promote pedestrian movement within the development;*
- *utilize joint parking, access and loading facilities;*
- *avoid negative impacts on surrounding land uses and traffic circulation;*
- *protect natural resources; and provide necessary services and facilities where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 00-22)*

APPLICANT NARRATIVE: The commercial frontage along Bayshore Road will present an attractive, well landscaped retail area that complies with the Commercial Design Standards and compliments the surrounding neighborhood. Allowing the establishment of retail,

restaurant, office, and medical offices in this location will reduce the number of necessary trips for the existing residents in the area as well as the proposed townhome residents. As well as sidewalk being constructed along Bayshore Road, the project will incorporate an internal sidewalk system connecting the residential to the commercial portions, facilitating pedestrian movement throughout the project as well as to the surrounding area. Joint parking, access and loading facilities have been incorporated into the site design. The project does not trigger a decrease in the level of service to Bayshore Road while providing much needed services and commercial space to the area.

POLICY 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.*

APPLICANT NARRATIVE: The proposed project will fully comply with the land development regulations pertaining to landscaping, open space, buffering and design standards.

POLICY 6.1.7: *Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development.*

APPLICANT NARRATIVE: The subject parcel is surrounded by property that is currently in the rezoning process or has been recently approved for Residential Planned Developments at densities comparable to what is proposed for this project. Although a Commercial Planned Development is also proposed for the property on the opposite side of Bayshore Road, there is currently no other commercial uses in the area. The commercial uses proposed for this project are low-impact, not of a density greater than neighborhood centers, and will improve the services available to the surrounding community.

GOAL 11: WATER, SEWER, TRAFFIC, AND ENVIRONMENTAL REVIEW STANDARDS

STANDARD 11.1: WATER

STANDARD 11.2: SEWER

APPLICANT NARRATIVE: The development intends to connect to Lee County Utilities and for water and North Fort Myers serves the sewer to this project. Letters of availability have been provided from both utilities.

GOAL 39: DEVELOPMENT REGULATIONS.

Maintain clear, concise, and enforceable development regulations that fully address on-site and off-site development impacts and protect and preserve public transportation facilities. (Amended by Ordinance No. 98-09, 99-15)

OBJECTIVE 39.1: DEVELOPMENT IMPACTS. The county will maintain and enforce development regulations to ensure that impacts of development approvals occur concurrently with adequate roads, and to achieve maximum safety, efficiency, and cost effectiveness. (Amended by Ordinance No. 99-15)

POLICY 39.1.1: New development must:

- Have adequate on-site parking.
- Have access to the existing or planned public road system except where other public policy would prevent such access.
- Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees. (Amended and Relocated by Ordinance No. 99-15)

APPLICANT NARRATIVE: The development will meet or exceed the number of required parking spaces, and is requesting a deviation from minimum driveway spacing requirements to allow ingress/egress directly unto Bayshore Road, with a secondary access on Samville Road.

POLICY 39.1.2: County regulations will encourage proposed development along state roads to protect existing and planned transportation corridors to meet state standards for future expansions consistent with the Transportation Map series and the Official Trafficways Map. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

APPLICANT NARRATIVE: Bayshore Road is a state road and was recently expanded to 4 lanes.

POLICY 39.1.3: County development regulations will require the interconnection of adjacent existing or future residential developments. Where a developer proposes private local streets with access control, he may propose an alternate means of interconnection provided the means does not require all local traffic to use the arterial network. All interconnections will be designed to discourage use by through traffic. (Amended and Relocated by Ordinance No. 99-15)

APPLICANT NARRATIVE: The road system is intended to be a combination of private and public streets as indicated on the Master Concept Plan.

POLICY 39.1.4: Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)

APPLICANT NARRATIVE: Access points for the development are proposed at appropriate locations that do not route through lower density areas.

POLICY 39.1.5: *The Land Development Code will continue to require appropriate landscaping for developments abutting arterial and collector roads. (Amended and Relocated by Ordinance No. 99-15)*

APPLICANT NARRATIVE: Significant landscaping is proposed along Bayshore Road, consistent with this policy and the requirements of the LDC.

POLICY 39.1.6: *Through the zoning process, the county will direct high-intensity land uses to parcels which abut designated future transit corridors identified in Map 3C. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)*

APPLICANT NARRATIVE: The project proposes to develop consistent with the higher level of densities for it's land use category as is appropriate considering it's location on the future transit corridor.

OBJECTIVE 77.3: *New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process. (Added by Ordinance No. 02-02)*

APPLICANT NARRATIVE: The MCP depicts 44% overall open space, or 24.89 acres, for the entire project. The indigenous provided is 59% of the required open space, excluding the credit, with which we are at 13.53 acres, or 65% of total open space in indigenous preservation. All the indigenous area abut preserve in the Oak Creek RPD creating a continuous corridor. The buffer area along Bayshore Road is a minimum of 25 feet and is mostly depths of 35 feet due to odd site configurations.

POLICY 107.4.3: *Require detailed inventories and assessments of the impacts of development where it threatens habitat of endangered and threatened species and species of special concern.*

APPLICANT NARRATIVE: A large upland tract surrounding the preserved wetland will provide buffering to the development in order to minimize edge effect. This large upland area also serves to provide habitat for the listed Gopher Tortoise. The diverse mosaic of vegetative communities also provides for habitat diversity within the proposed preserve.

POLICY 107.4.4: *Restrict the use of protected plant and wildlife species habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided. (Amended by Ordinance No. 94-30, 00-22)*

OBJECTIVE 107.8: GOPHER TORTOISES. *The county will protect gopher tortoises through the enforcement of the protected species regulations and by operating and maintaining, in coordination with the Florida Game and Fresh Water Fish Commission, the Hickey Creek Mitigation Park. (Amended by Ordinance No. 94-30)*

POLICY 107.8.1: *The county's policy is to protect gopher tortoise burrows wherever they are found. However, if unavoidable conflicts make on-site protection infeasible, then off-site mitigation may be provided in accordance with Florida Game and Fresh Water Fish Commission requirements. (Amended by Ordinance No. 94-30)*

APPLICANT NARRATIVE: The MCP has been designed to accommodate and preserve as many burrows as practically feasible. A Gopher Tortoise Management Plan has been provided which addresses the relocation of impacted tortoises. It is the applicants desire to relocate as many as possible within the combined 12.14 acres of indigenous/preserve area.

GOAL 114: WETLANDS PROTECTION

POLICY 114.1.2: *The county's wetlands protection regulations will be consistent with the following:*

- 1. In accordance with F.S. 163.3184(6)(c), the county will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption.*
- 2. No development in wetlands regulated by the State of Florida will be permitted by Lee County without the appropriate state agency permit or authorization.*
- 3. Lee County will incorporate the terms and conditions of state permits into county permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.*
- 4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards.*
- 5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies. (Amended by Ordinance No. 94-30, 00-22, 07-12)*

APPLICANT NARRATIVE: The site has been design to best accommodate the natural features of the site. The on-site wetlands are of low quality. All wetland impacts will be permitted through the South Florida Water Management District. Permitted preserve areas may be placed in a conservation easement.

CONSISTENCY SUMMARY

- The request is consistent with the goals, objectives, policies, and the intent of the Lee Plan.
- The request will not cause damage, hazard, nuisance or other detriment to persons or property. It is being integrated into the existing neighborhood as a relatively low intensity development and is similar in nature to the uses in the area.
- The requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the uses set forth in Chapter 34 of the LDC.
- There is no error or ambiguity that must be corrected.