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- 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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DCI 2007-00045

BAYSHORE 57 MPD

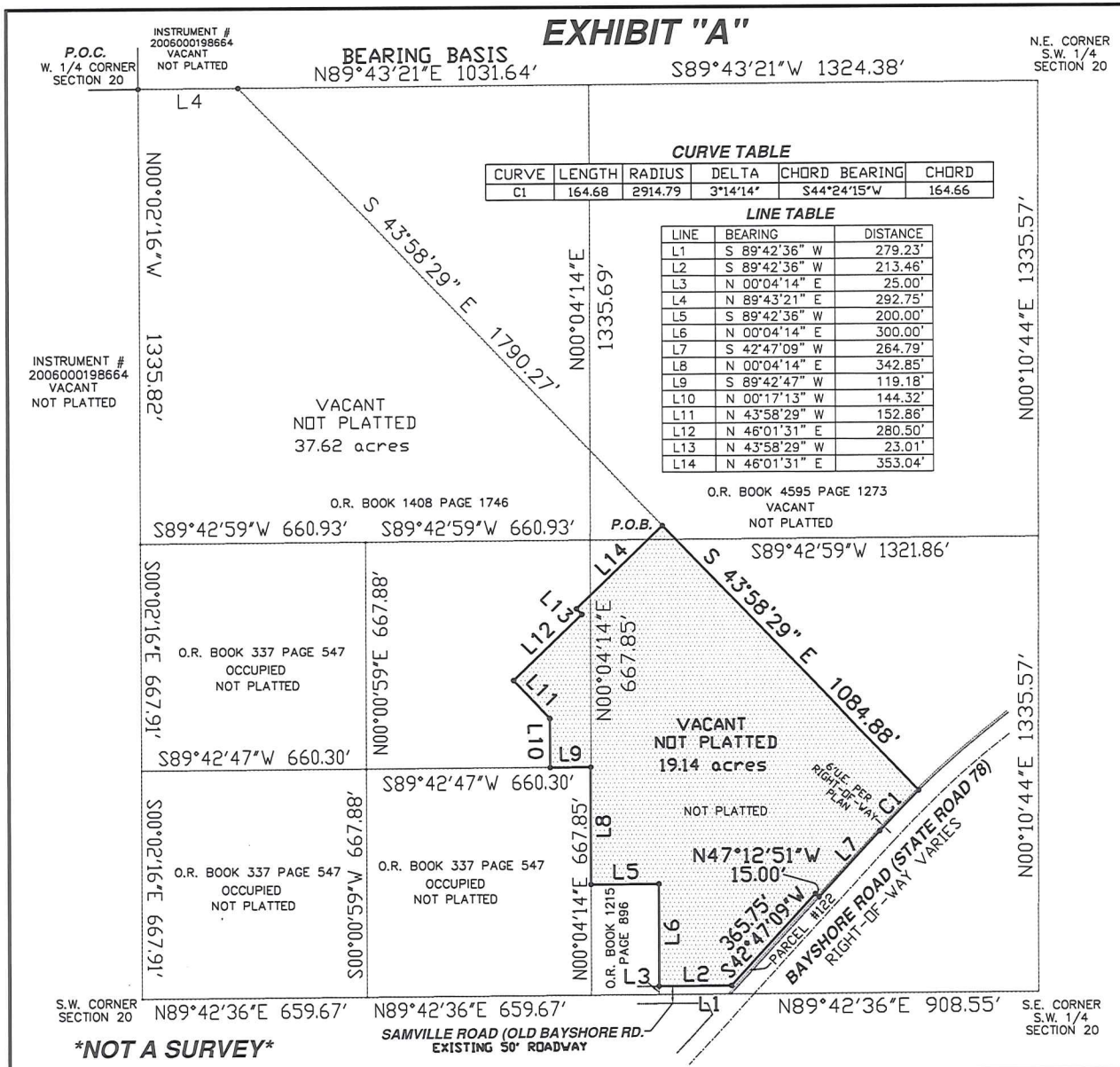
Bayshore Road

North Fort Myers, FL

Sketch and Descriptions

DCI 2007-00045

EXHIBIT "A"



NOT A SURVEY

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	164.68	2914.79	3°14'14"	S44°24'15"W	164.66

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°42'36" W	279.23'
L2	S 89°42'36" W	213.46'
L3	N 00°04'14" E	25.00'
L4	N 89°43'21" E	292.75'
L5	S 89°42'36" W	200.00'
L6	N 00°04'14" E	300.00'
L7	S 42°47'09" W	264.79'
L8	N 00°04'14" E	342.85'
L9	S 89°42'47" W	119.18'
L10	N 00°17'13" W	144.32'
L11	N 43°58'29" W	152.86'
L12	N 46°01'31" E	280.50'
L13	N 43°58'29" W	23.01'
L14	N 46°01'31" E	353.04'

N
W E
S

SCALE: 1" = 500'

0' 250' 500'

LEGEND

O.R. OFFICIAL RECORDS BOOK
PG. PAGE
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

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.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

PROPERTY 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:

COMMENCING 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 1790.27 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE SOUTH 43°58'29" EAST, A DISTANCE OF 1084.88 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, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, FOR A DISTANCE OF 119.18 FEET; THENCE NORTH 00°17'13" WEST, FOR A DISTANCE OF 144.32 FEET; THENCE NORTH 43°58'29" WEST, A DISTANCE OF 152.86 FEET; THENCE NORTH 46°01'31" EAST, A DISTANCE OF 280.50 FEET; THENCE NORTH 43°58'29" WEST, A DISTANCE OF 23.01 FEET; THENCE NORTH 46°01'31" EAST, A DISTANCE OF 353.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 19.14 ACRES MORE OR LESS.

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

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

SKETCH & LEGAL DESCRIPTION COMMERCIAL PARCEL

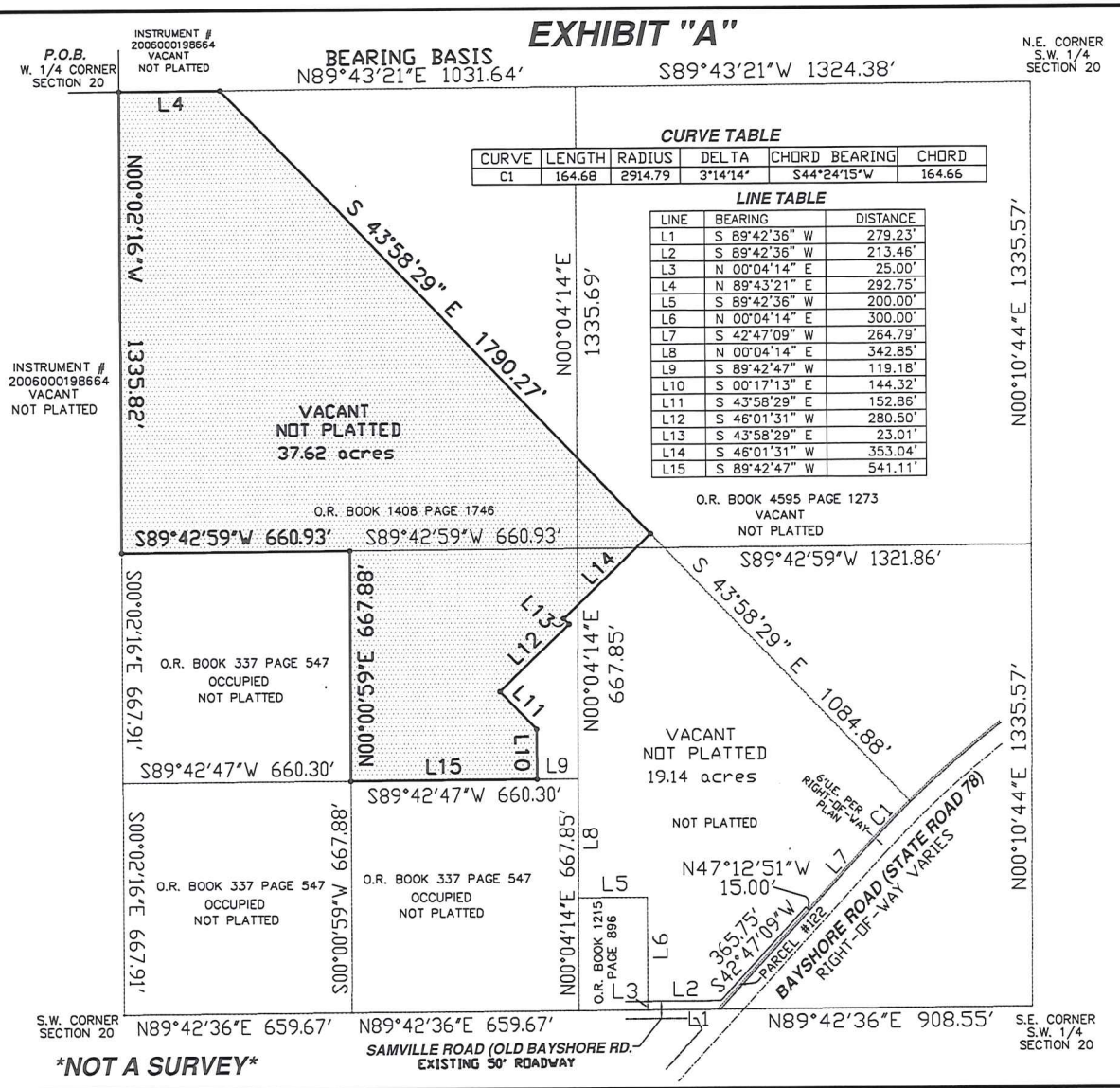
A PARCEL OF LAND LOCATED IN SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.

4642 VILLA CAPRI LN. BONITA SPRINGS

FLORIDA 34134 (239) 947-1915

EXHIBIT "A"



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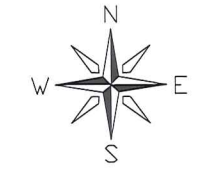
L12	S 46°01'31" W	280.50'
L13	S 43°58'29" E	23.01'
L14	S 46°01'31" W	353.04'
L15	S 89°42'47" W	541.11'



LEGEND

O.R. OFFICIAL RECORDS BOOK
PG. PAGE
P.O.B. POINT OF BEGINNING
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PROPERTY 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:

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CONTAINING 37.62 ACRES MORE OR LESS.

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

SKETCH & LEGAL DESCRIPTION RESIDENTIAL PARCEL

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

KRIS A SLOSSER P.S.M.

4642 VILLA CAPRI LN. BONITA SPRINGS

FLORIDA 34134 (239) 947-1915

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

Quattrone & Associates, Inc.
Engineers, Planners & Development Consultants
4301 Veronica Shoemaker Blvd. Fort Myers, FL 33916
239.936.5222 | QAINC.NET | f 239.936.7228

July 20, 2009

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

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COMMUNITY DEVELOPMENT
DCI 2007-00045

RE: SUFFICIENCY RESPONSE III
Bayshore 57 MPD
DCI2007-00045

Dear Mr. Palermo,

Please find attached revisions per your comments dated **September 12, 2008** 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

1. New wording
- ADDRESSED
2. We disagree on the need for a deviation. There still appears to be only one way in and out of the residential development. Even with emergency access, a deviation is still needed. Isn't there an interconnection with Oak Creek?
- ADDRESSED
3. Your Lee Plan narrative says you will connect to Lee County Utilities for sewer. Are you connecting to North Fort Myers Utilities?
- ADDRESSED.
4. The wording for the deviation should not be on the MCP, and should be on another attachment. Please put the deviation wording and narrative on that page.
- ADDRESSED
5. The MCP say "MODE" and not MODEL. Please revise.
- ADDRESSED

6. Public Works REVISED comment - "insufficient because there are no Solid Waste facilities for the residential component ..... need to calculate what they have shown for the commercial."

APPLICANT RESPONSE: Dumpster area for commercial area has been calculated and meets current requirements. Common dumpsters have been added for residential portion of development.

The proposed development is 176,000 square feet commercial. The commercial requires 168 sq. ft. for the first 25,000 sq. ft. and 4.26 x 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 for the commercial area.

The proposed residential area contains 192 units. 168 sq. ft. is required for the first 25 units. 167 x 4.8 = 802 for a total of 970 sq. ft. The MCP has been updated.

7. Planning comment: planning staff question the intensity of the project. Does not appear to meet commercial site location standards. Does this application address Goal 6, Suburban FLU?

APPLICANT RESPONSE: See next response.

8. Minor arterials are treated like local roads for site location standards.

APPLICANT RESPONSE: We understand the Lee Plan policy. We do not agree with the intensity limitation at this location. The attached MCP, significantly revised, includes realignment of the Samville/Bayshore intersection. This should greatly increase the safety, and the handling capacity of the intersection and Samville Road. We feel this is an appropriate location for more than 30,000 square feet of retail. We have completed a request for special case finding as an attached exhibit to this resubmittal. See the attached Special Case Finding Narrative.

ENVIRONMENTAL SCIENCES (ORD 05-29)

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. 134-373(a) (6)g.l.

Please revise the MCP to cross hatch the areas being claimed as indigenous preserve.

APPLICANT RESPONSE: The revised MCP has been cross hatched.

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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. 134-373(a)(6)h.]

Please clarify is the 30' preserve buffer area being counted towards the total indigenous requirement. Note per the LDC this area should be labeled as a 30' preserve setback and may not be counted toward the indigenous requirement as it will not contain vegetation. Please revise the MCP and the open space calculation.

APPLICANT RESPONSE: The preserve is not counted towards the indigenous preservation total. The open space table has been revised to reflect this.

Please clarify the open space table indicates 265,000 SF of open space being provided? Please revise the open space table to provide the required open space. Please revise the open space credits being taken to remove the 0.38 acre preserve from the credit SF. This area does not meet the requirements for larger credit areas.

APPLICANT RESPONSE: The 0.38 area has been eliminated due to the realignment of the Samville/Bayshore intersection. The calculation for indigenous has been recalculated based on the revised site plan.

Please note the larger area credit only applies to upland communities. Please revise the credit calculation to only include the upland communities.

APPLICANT RESPONSE: Upland communities are the only areas part of the credit area.

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.]

Please revise the cross sections to demonstrate the proper buffers and proposed widths. Cross section SD-4 is labeled as a 5' buffer but shown as a 10' buffer on the plans. Cross section SD-3 is labeled as a type D or B 15' buffer but the buffer along Bayshore Road is labeled as a 25' buffer. The 30' buffer and the 15' buffer cross sections do not match the labels on the MCP.

APPLICANT RESPONSE: MCP page 2 containing the cross sections has been corrected.

Cross section SD-1 must be revised to show the indigenous preserve and the preserve setback along with the natural resources easement. The Bayshore Road cross section must include the sidewalk and UE. Please revise the type F buffer cross section to reference the 125' rule and demonstrate the shrubs setback to the proper depth.

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APPLICANT RESPONSE: MCP page 2 containing the cross sections has been corrected.

12k) Excavations for Wet Retention. The general location of excavations for on-site fill and wet retention must be shown on the Master Concept Plan. [34-3 73(a) (6) k.]

Please revise the MCP to demonstrate sinuous shorelines per the LDC or request a deviation from the code.

APPLICANT RESPONSE: Sinuous shorelines have been shown on revised MCP.

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 #18b 1 thru Item #18b3 below.}

Please revise the lee plan narrative to address the environmental issues on site (ie, natural flowway, tortoises, habitat, etc ...) The narrative still indicates there are no environmental concerns on this project.

APPLICANT RESPONSE: The Lee Plan Narrative has been revised.

PUBLIC WORKS (ORD. 05-29)

1) 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. Please verify that adequate facilities have been provided for buildings #4 and #5 in the commercial component of the project.

APPLICANT RESPONSE: The site plan has changed and the required dumpsters have been updated to meet current regulations.

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 x 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 x 4.8 = 802 for a total of 970 sq. ft. The MCP has been updated.

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NATURAL RESOURCES

1. From Natural Resources Sufficiency Response 2, if a CLOMR or LOMR from FEMA will be needed for this site, this must be obtained prior to zoning approval. If no development in the I floodway, then state, "No Improvements or encroachments are proposed within the floodway" in I the MCP where the FEMA Floodway is shown.

APPLICANT RESPONSE: "No Improvements or encroachments are proposed within the floodway" has been added to the MCP.

2. From the previous Natural Resources Sufficiency Response 3, the 20-feet maintenance easement (which can overlap with the 30 feet preserve set-back) must to be shown on the master concept plan. By doing so, the applicant and/or HOA agrees to provide Lee County the right of access, but not the obligation, to perform removal of exotics and downed vegetative debris that restrict the flow of water within the East Daughtrey's Creek area. In addition, the County will be reimbursed by the property owner (or HOA) for all works performed on their property.

APPLICANT RESPONSE: The 20' maintenance easement area has been shown on the MCP as discussed along the existing creek banks.

2. The Federal Emergency Management Agency (FEMA) issued the Letter of Final Determination on February 28, 2008 adapting the revised preliminary Flood Insurance Study [Flood Insurance Rate Map (FIRM), January 28, 20081 of Lee County that includes both the coastal surge (hurricane) and riverine flooding (rainfall) risk areas. Lee County will adopt the FIRM maps and update County's flood hazard ordinance no later than August 28, 2008. Encroachments into the floodways identified in the FIRM are not recommended. Please refer to FIRM provided on the county web site to overly these floodway maps on the master site plan. Based on the FIRM, western portion of the project site belongs to "floodway" area. According to Lee County Land Development Code (Chapter 6, Article IV, Section 6-472), encroachments into the floodway (including fill, new construction and other developments)" are prohibited unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge". Note that the words "supporting technical data" are paraphrased as "hydrologic and hydraulic analyses" in National Flood Insurance Program document (Answers to Questions about the NFIP, F-084 (5/06), FEMA). Therefore, please provide appropriate supporting data or analyses to clarify this floodway encroachment issue.

APPLICANT RESPONSE: No encroachment into the Floodway.

3. If the proposed development is traversed by or abuts a watercourse, drainage way, canal, IDD easement, lake, pond or stream, or where such a facility is proposed as part of the plan, a drainage easement or right-of-way shall be provided to the county. The location of the mean high water line on

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DCI 2007-00045

the property shall be field verified by a licensed professional surveyor. The applicant shall identify such water conveyance/holding facilities on the site plan.

Sec. 10-328. Drainage easements,
(a) Open drainage easements. Where a proposed development is traversed by or abuts a watercourse, drainage-way, canal, IDD easement, lake, pond or stream, or where such a facility is proposed as part of the plan, a drainage easement or right of- way shall be provided which shall conform substantially with the limits of such watercourse, drainage-way, canal, IDD easement, lake, pond or stream. Additionally, the right-of-way shall include on one side a 20-foot width for maintenance purposes, unless a lesser dimension is approved by the development review director after consultation with appropriate staff. For canals or flow-ways greater than 50 feet wide, measured at the top of the bank, the developer shall include a 20-foot-wide easement or right-of-way on both sides of the canal or flow-way for maintenance purposes, unless a lesser dimension is approved by the director of development review. This easement or right-of-way shall be kept clear by the property owners and shall have satisfactory vehicle access.

APPLICANT RESPONSE:15' Maintenance easement within 30' preserve buffer provided as requested.

ASSISTANT COUNTY ATTORNEY

1. The County adopted new FEMA FIRM maps effective 8-28-08. These maps may change a number of the applicant's responses on surface water management issues.

APPLICANT RESPONSE: These maps were taken into account for last submission. They were in draft form at that time. We understand the maps were since adopted. The draft and adopted maps did not change for this property. The MCP correctly addresses the newly adopted FEMA FIRM maps.

2. The FEMA regulations do not allow encroachment/fill in any designated Floodway. This is not an issue of providing "compensating storage." It is an absolute prohibition. Is this plan of development consistent with the new FIRM?

APPLICANT RESPONSE: The FIRM Floodway is shown on the MCP. No development will take place in the Floodway. Development will take place in the FIRM Flowway area that requires compensating storage, this area is also shown on the MCP.

3. If there is a County-owned IDD canal or canal easement on the property, improvements, including surface water management features to benefit the project cannot be constructed or place within the IDD canal drainage easement. There is a reference to an IDD canal on the project site. What is its status in terms of the development planned within it?

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APPLICANT RESPONSE: There is not an IDD canal on this site. The survey does not reflect one, there are no IDD canals recorded. The Iona District Drainage plat does not show any canals north of the Caloosahatchee. A reduced copy of the plat is attached. There is a drainage ditch on the south

4. I see the owning entity has now been "domesticated" by their filing with the State of Florida as a foreign profit corporation. However, I am not able to determine from that filing who is authorized to sign the Ag affidavit on behalf of that entity. The current affidavit identifies Natalio Wengrower as the owner/managing director. The State filing calls him "c." I am unable to determine what this means.

APPLICANT RESPONSE: The state filing has been corrected. Natalio Wengrower is now listed as Director and authorized to sign.

5. No Disclosure of Ownership appears to have been provided. The only information I have found in the application materials thus far is not completed.

APPLICANT RESPONSE: The Disclosure is attached. The disclosure was provided previously.

6. A legal description (metes and bounds) and sketch is needed for the overall development as well as for each of the RPD and CPD portions.

APPLICANT RESPONSE: We request that the sketch and description specific to the RPD and CPD be provided prior to hearing rather than at sufficiency. The reason is that the intensity of commercial development is not agreed to by staff and applicant. Staff is citing Lee Plan components that may not be able to be addressed and the CPD area will therefore be altered. We are attempting to be efficient and not have to perform the sketch and description twice. We understand the need and understand we are required to provide descriptions of both development areas.

LC DOT (VIA EMAIL FROM ANDY GETCH – MAY 29, 2009)

1) From DOT's perspective, the conceptual design of the re-alignment of Samville Road provides for a safer median opening for left-in and left-out onto Bayshore Road. As you are aware, the intersection of Samville Road with Bayshore Road is a county road intersecting a state road and under FDOT's jurisdiction. It appears that a right turn lane from Samville Road to the site is needed and should be incorporated into the realignment in anticipation of what may be required at the Development Order stage.

APPLICANT RESPONSE: Based on further review and analysis, it is requested to alter the design to that of a T-intersection given the potential impacts to public safety of

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constructing a reverse-curve. The proposed T-intersection will allow for a 250-foot radius curve and the storage distance of 120 feet from the intersection at Bayshore Road.

2) Lee County DOT continues to be concerned with the close spacing between the proposed project driveway on Bayshore Road and the intersection of Samville Road. The 7/31/2008 TIS shows an eastbound approach volume of 35 vehicles with an eastbound approach LOS "E". The analysis indicates a capacity of 140 vehicles in the 2013 background analysis without the project and a one vehicle queue. The analysis with the project shows the approach volume of 304, 197 left turns and 107 right turns. The analysis does not indicate a capacity or queue indicating that the approach volume greatly exceeds the eastbound approach capacity of the unsignalized intersection in the background analysis. The analyses did not address the effect of adding an eastbound right turn lane. The TIS also included an analysis of signalization of the intersection. Even with the signal it appears that the southbound left turn average queue is 197 lefts / 30 signal cycles per hour, approximately 7 vehicles so AC-11-4 would call for a southbound left turn storage lane that stores ten vehicles. For a design vehicle length of 25 feet that requires 250 feet of storage. This would appear to indicate that the queue will be about 100 feet past the proposed project entrance on the realigned Samville. It would appear that the entrance could be shifted further east to increase available storage length but not enough to allow for a 250 feet storage lane or a deceleration taper.

APPLICANT RESPONSE: The revised intersection design removes the conflicting driveway and incorporates it into a T-intersection. The intersection provides the ability to add two left-turn lanes in addition to a right turn/straight lane. The storage provided in the two left hand turn lanes is approximately 120 ft per lane, satisfying the requirements.

3) The left turning radii for the Bayshore Road to Samville Road is too tight. It is recommended that the 192' extension of the Bayshore median be redesigned to offset the Eastbound lefts and pull the median nose back slightly. Lee County DOT defers to FDOT on the design and access on Bayshore Road (SR 78).

APPLICANT RESPONSE: Acknowledged. The final location of the Bayshore Road median nose will require minor redesign dependent on any comments from FDOT at the time of development order. If FDOT requires the nose to be adjusted, the turn lane will be adjusted accordingly.

4) The width of Samville Road needs to comply with LDC10-708(f) which shows the typical section for a rural collector road or request for a deviation. The Traffic Section recommends 11' lanes with 4' paved shoulders. More ROW may be needed. The curve radius of 100' meets the minimum requirement set forth in LDC10-296, Table 3(a) and therefore the inside lane width does not need to be increased by two feet at the center of the curve.

APPLICANT RESPONSE: The final design details will be determined at the time of development order submittal, however the revised layout accounts for 3 southbound 12-ft

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travel lanes and a single 16-foot northbound lane up to the proposed intersection. After the proposed intersection, the rural section and shoulder will be utilized and transitioned back into the existing Samville Road pavement section.

5) In reference to the Samville Road 100 foot radius, the Florida Greenbook Table 3-3 identifies rural roadways with superelevation or low speed urban roadways at a 20 MPH design speed. The distance between the proposed eastbound stop bar and the proposed driveway appears to be approximately 140 feet. The distance from the center of SR 78 would appear to be approximately 250 feet, requiring a deviation from connection separation. A 140 feet distance will store 5 passenger car vehicles or three school buses.

APPLICANT RESPONSE: Please note the revised intersection layout. The revised layout would be an improvement over the previously proposed design as well as the existing condition. The revised layout allows for additional storage in a second left-hand turn lane. While this layout is not ideal, we believe that it provides a safer alternative than a layout including reverse horizontal curves of minimal radii, while providing the maximum practical storage of vehicles given the constraints of this situation.

6) The design of the driveway connection and the curve radius on Samville Road must meet sight distance requirements for the best safety operation.

APPLICANT RESPONSE: Acknowledged. The revised layout proposing a 3-way intersection improves the sight distance over the previously proposed reverse curve layout. Any items that require relocation due to sight distance concerns will be identified at the time of development order and shown as relocated. This stage of development is to craft a conceptual intersection design that will satisfy general concerns and can be included on the Master Concept Plan. All detailed design issues, including demonstration of clear zones, relocation of existing utilities, etc. will be address at the time of Development Order design and review.

Sincerely,
QUATTRONE & ASSOCIATES, INC.

Fred Drovdlic, AICP
Vice President

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BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

Exhibit D-7-J:
Lee Plan Narrative

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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

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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)

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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 adding over 10 acres to the corridor plus over 6 acres in lakes.**

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.**

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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.

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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

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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.**

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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.

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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 over 20 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.

<u>Meeting the Lee Plan</u>

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)

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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: A small preserve area is located adjacent the secondary access in the southwest portion of the site. This preserve will serve to buffer the adjacent wastewater treatment facility and proposed road. The larger preserve will serve to provide buffering to the adjacent elementary school.

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)*

APPLICANT NARRATIVE: The MCP has been designed to accommodate and preserve as many burrows as practically feasible. A Gopher Tortoise Management Plan will be provided at the time of Development order which addresses the relocation of impacted tortoises.

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)*

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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 will be provided at the time of Development order which addresses the relocation of impacted tortoises.

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.

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- 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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BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

Special Case Narrative

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SPECIAL CASE FINDING NARRATIVE

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

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 over 20 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 (see graphics on following pages).
    a. West on Bayshore (West 1) 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 (West 1). 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 (East 1) 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 (East 2). 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

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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.

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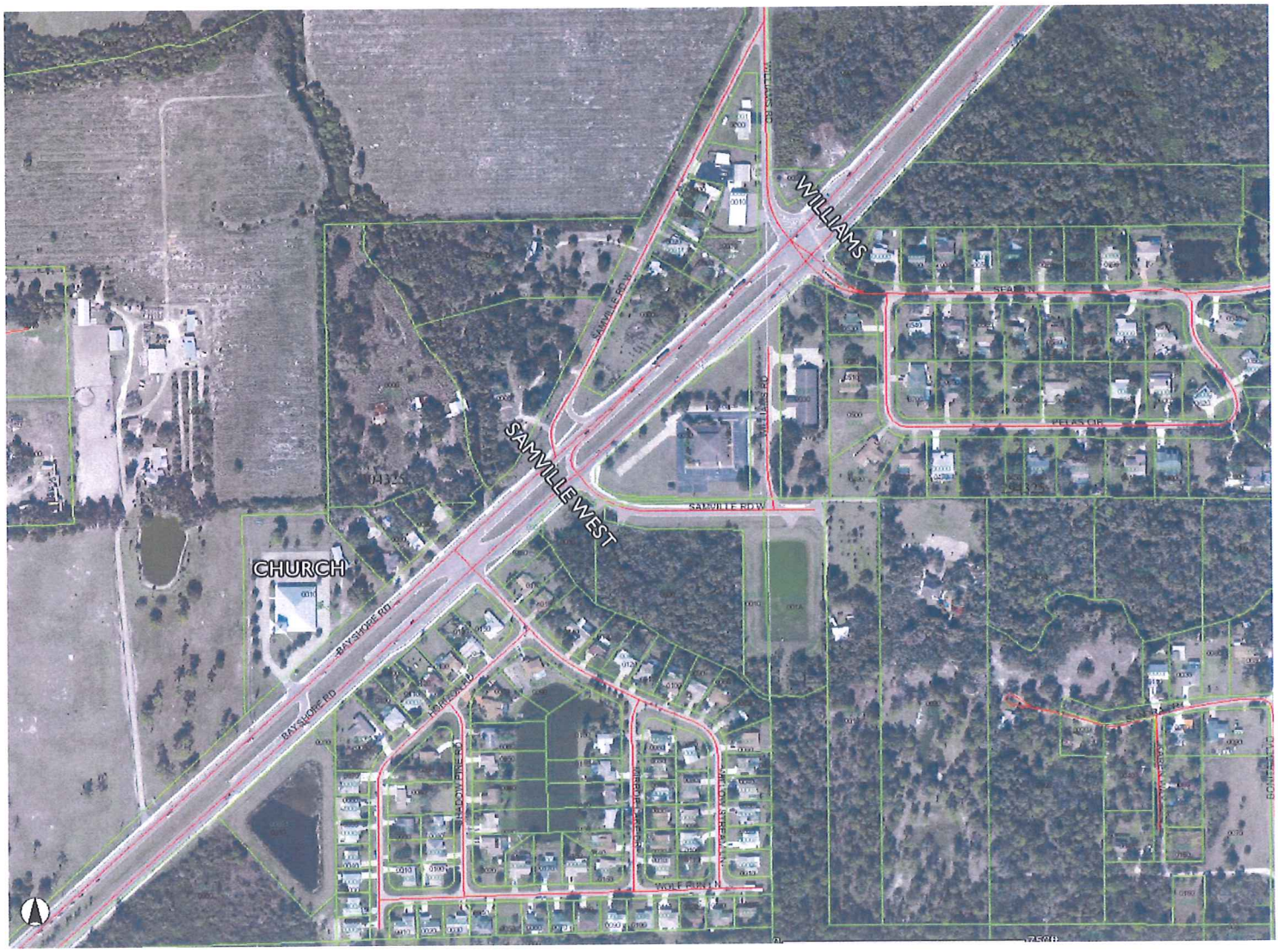
West 1 – Williams Road Intersection



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West 2 – Slater Road Intersection

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East 1 – Chapel Creek and Railroad

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East 2 – I-75 Interchange Area

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BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

Owners Information

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Detail by Entity Name

Foreign Profit Corporation

THETA INVESTMENTS N.V. CORP.

Filing Information

Document Number	F08000001630
FEI Number	N/A
Date Filed	04/10/2008
State	OC
Status	ACTIVE

Principal Address

2320 NE 196 ST.
MIAMI FL 33180

Mailing Address

2320 NE 196 ST.
MIAMI FL 33180 US

Changed 01/05/2009

Registered Agent Name & Address

ROSEMBLAT, GUSTAVO
2320 NE 196 ST.
MIAMI FL 33180

Officer/Director Detail

Name & Address

Title DIR

WENGROWER, NATALIO
ZELAYA 3123 CAP FED
ARGENTINA AR 1425 AR

Annual Reports

Report Year	Filed Date
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Document Images

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BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

IDD Canal Exhibit

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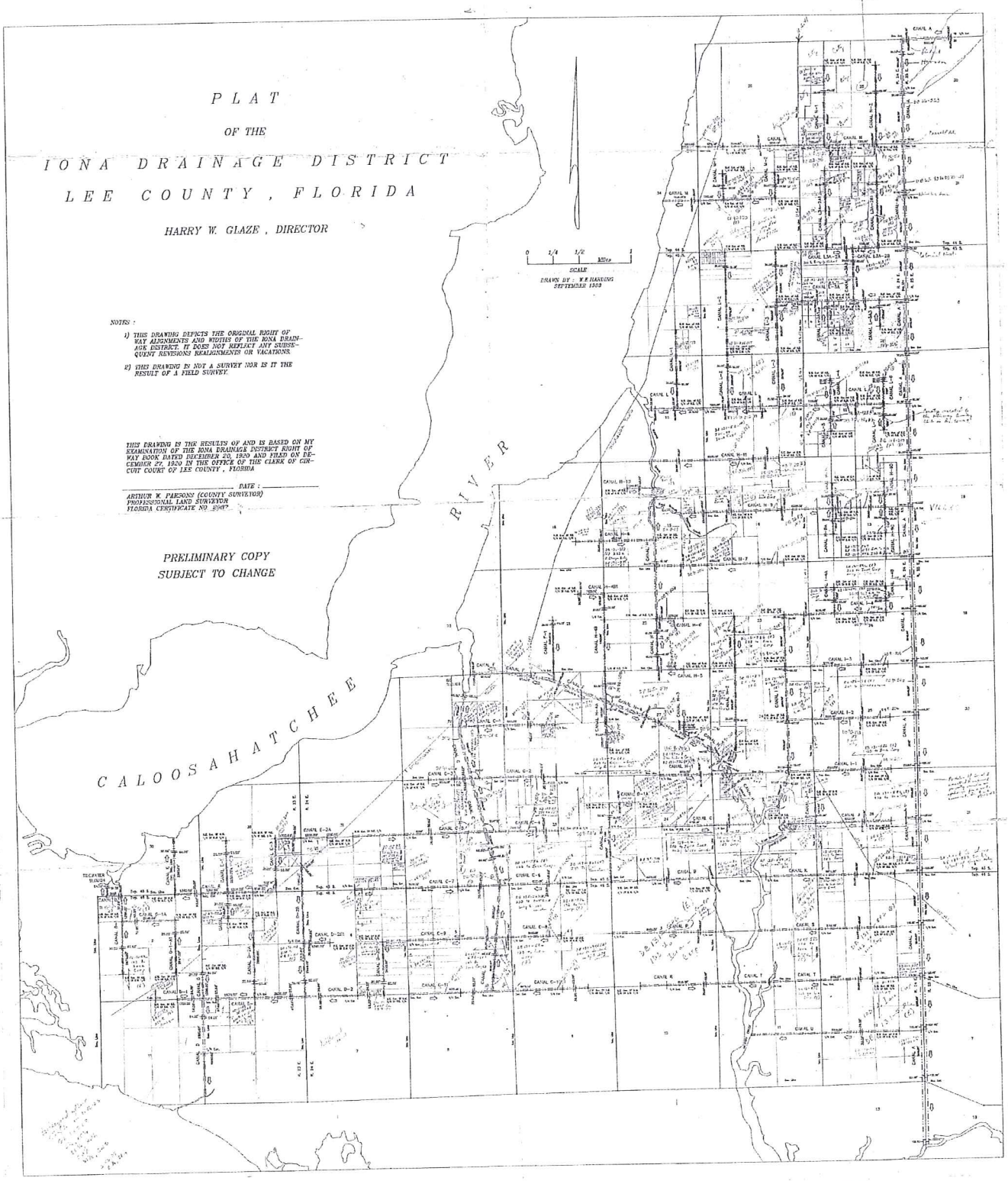

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Mr. Tony Palermo
Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RE: SUFFICIENCY RESPONSE I
Bayshore 57 MPD
DCI 2007-00045
PDL Application (Major PD)

Dear Mr. Palermo,

Please find attached revisions per your comments dated **July 25, 2007** 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

LC Zoning Action Legal Requirements Checklist (Ord 05-29)

1. The Deviation #I is not necessary because Bayshore Road is a facility maintained by FDOT.

RESPONSE: Deviation is removed and an FDOT permit is being submitted.

2. What is pass-by traffic of the proposed restaurant use?

RESPONSE: The pass by traffic of the proposed restaurant is 30%, please see revised TIS.

3. The TIS shall show the traffic directional splits entering and exiting the proposed project entrances and the turning movements of the intersection of Bayshore Rd/Samville Road with and without the project in the build-out year condition.

RESPONSE: Please see the attached AM and PM traffic directional splits entering and exiting the proposed project.

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The expected built out year is year 2012 and the LOS has been revised accordingly, also see Table-1 for the traffic count for the different areas on Bayshore Rd. with and without the project in the build out year.

4. The level of service analysis shall be performed for the project entrances and the intersection of Bayshore Rd/Samville Road with and without project.

RESPONSE: Please see the AM and PM trip distribution at the project entrances. FDOT has just improved the intersection of Bayshore Rd. and Samville Road by adding turn lanes and widening SR 78.

See attached LOS and Table-1.

5. The traffic volumes of 1,069 is the year 2005 traffic volumes, not the traffic volumes of 2007 as the TIS indicated.

RESPONSE: The 2007 traffic volume does not show trip count to the segment from Slater Rd. to I75 due to construction, so the segment from Hart Rd. to Slater Rd. is used instead, 1,424 trips.

LC Environmental Sciences PD Application Sufficiency Checklist (Ord 05-29)

9) Preliminary Residential Density Calculations. If residential dwelling units are proposed, calculations of density must be provided for each land use category in which residential units are proposed (see Supplement D, Part I. D and art 3).

9a) Types of Land Area on the Property. The acreage of each type of land area must be provided and various calculations must be submitted for residential acreages (see Supplement D Form, Part 2.A thru 2.0).

Please address the wetland acreage in calculations.

RESPONSE: See the "Zoning Information and Indigenous Preserve Calculations" by Boylan environmental Consultants.

10) Environmental Issues. Certain property and environmental issues must be addressed and information provided (see Supplement D Form, Part 5.A. - 5. D.).

10a) Topography Description. A description of the range of surface elevations of the property must be provided (see Supplement D Form, Part 5.A.).

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The applicant responded that this section is not applicable. The topography map provided depicts a range of elevations and per the FLUCCS map provided a creek, wetlands, and upland habitat have been identified on site therefore this section is applicable and will require a response.

RESPONSE: See the "Zoning Information and Indigenous Preserve Calculations" by Boylan environmental Consultants.

10b) Sensitive Lands, Any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flow ways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 99.1.1 (2)] or listed species occupied habitat [see LCLDC Section 1'0-4931 must be identified (see Supplement D Form, Part 5.5,).

The FLUCCS map and protected species survey provided also delineate occupied gopher tortoise habitat. Therefore those upland areas occupied by the tortoises are also sensitive lands. Please address.

RESPONSE: See the "Zoning Information and Indigenous Preserve Calculations" by Boylan environmental Consultants.

IOb2) Presentation/Conservation of Natural Features, A description how the Sensitive Lands listed in item #9b and item #9c, above, will be protected by the completed project must be provided (see Supplement D Form, Part 5. C.).

Sensitive Lands were identified in Part 4.B. therefore Part 4.C. is applicable. Please describe how sensitive lands including occupied gopher tortoise habitat will be protected by a completed project.

RESPONSE: See the "Zoning Information and Indigenous Preserve Calculations" by Boylan environmental Consultants.

I If) 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 USDNSCS System must be submitted. 134-373(a)(4)e.i.]

Please provide a soil map at the same scale as submitted 24"x 36" MCP. 1"=130'. The correct information will assist with the ES review and indigenous preserve verification.

RESPONSE: Provided.

119) 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 must be submitted. 134-373(a)(4)e.ii.]

Please provide FLUCCS map at the same scale as submitted 24"x 36" MCP. I "=130'. The correct information will assist with the ES review and indigenous preserve verification.

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RESPONSE: Provided.

11j) Existing and Historic Flow-Ways Map. Map (drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways must be submitted. 134-373(a)(4)e.v .]

Please provide.

RESPONSE: Provided in resubmittal.

12) Master Concept Plan, Non-PRFPD . A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the following information required by LCLDC Section 34-373(a)(6)a. - (a)(6)i must be submitted in both 24" X 36" size and 11" X 17" size. 134-373(a)(6)] {see Supplement D, Part 7)

Please submit a complete MCP in both 11W x17" and 24"x 36" size. The items below are missing or were found inaccurate on the MCP submitted.

RESPONSE: Provided.

12a) Easements. The exact location and explanation of all existing easements, whether or not those easements are recorded, must be shown on the Master Concept Plan. 134-373(a)(6)a.]

Please revise MCP to depict all easements and right of ways.

RESPONSE: Depicted on MCP. Surveys, sketches and descriptions have been updated and reflect all easements.

12gl) Preservation and Conservation Easements, All preservation areas and/or conservation easements must be delineated on the plan and labeled as such. 134-3 73(a) (6)a; 34-4 14(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: See the "Gopher Tortoise Management Plan" by Boylan environmental Consultants.

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.l

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The indigenous preserve delineated on the submitted MCP does not meet the acreage as required by LDC Sec 10-415(b)(l), the design standards as required by Sec 34-41 1 (g) (see comment 18b2) and the Lee Plan (see comment 18bl)

Please revise MCP to delineate indigenous preserves that meets the acreage requirement that includes occupied gopher tortoise habitat, and possible preservation of native vegetation along right of way adjacent to the water treatment plant. (ES staff recommends a meeting to discuss)

RESPONSE: Delineated on revised MCP.

12i) Open Space Percentage, The percentage of open space must be shown on the /Vaster Concept Plan unless the proposed development consists solely of conventional single-family dwelling units on lots of no less than 6,500 square feet. 134-373(a)(6)h.]

Please revise the MCP to provide in table format Open Space and Indigenous Preservation acreage required and proposed (Include credit calculations if taken)

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

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,]

Please provide a cross section of each buffer proposed. Cross sections must include width and composition-vegetation type, walls, swales, easements, dry detention etc.

RESPONSE: Cross-sections provided.

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. [I 0-41 6(d)(12)]

TBD upon submittal of flow ways/Oak Creek limits.

RESPONSE: Flowways are on MCP. Proper buffers have been depicted.

12k) Excavations for Wet Retention, The general location of excavations for on-site fill and wet retention must be shown on the Master Concept Plan. [34-373(a) (6) k.] -

Please revise MPC to provide cross sections to illustrate slopes and proposed depth of lake. ES staff recommends the planting of dry retention areas to assist with meeting the general tree requirement as per LDC Sec. 10-41 8(4).

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RESPONSE: Cross-sections have been provided.

125) 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. [lo-4741 .

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.

See the "Gopher Tortoise Management Plan" by Boylan Environmental Consultants.

16a4) Natural features-Preservation, How existing natural features will be preserved must be explained. The explanation must include an estimate of the ranges of existing and post development water table elevations, where appropriate. 134-373(b) (1)d.l

Please address how proposed indigenous will be preserved

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

16a5) Flood Mitigation, If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, the description must indicate the measures that will be taken to mitigate the effects of expectable flooding. 134-373(b)(l)e.]

Please address. Please identify floodplains.

RESPONSE: Flood Zone and Flowways have been identified on MCP.

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). 134-941 (g)(3)] {See item # 18b l thru item # 18b3 below.)

Within the Lee Plan Narrative the applicant states that there are no environmental concerns with this property and no environmental conditions exist that preclude the project form being developed as proposed. ES staff does not agree with this statement and identifies environmental concerns below that do need to be considered in the design of this project. The 57.07 acre site contains 54.25 acres of habitat meeting the Lee County criteria for native indigenous communities. There are 4.35 acres of viable wetlands and 49.90 acres of quality uplands. A protected species survey revealed the presence of 40+ active/inactive gopher tortoise burrows, a species listed by the FWCC, utilizing a majority of the quality uplands. The burrows of tortoises also provide refuge for 350-400+ other species, including 4 listed

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burrow commensals. The development as proposed impacts 100% of the occupied gopher tortoise habitat identified on the property.

RESPONSE: Updated Lee Plan Compliance is included. Additionally, see the "Zoning Information and Indigenous Preserve Calculations" by Boylan Environmental Consultants.

18bl) LEE Plan Compliance, A narrative explanation as to how the proposed development complies with the LEE Plan must be submitted, 134-94l(g)(3)]

Please address how the project as proposed complies with Objective 77.3 Objective 107.3, Policy 107.3.1, Policy 107.4.4, and Policy 107.8.1. Policy 114.1.2 #4 of the Lee Plan

RESPONSE: Updated Lee Plan Compliance is included and addresses these items.

18b2) Design Standards Compliance, A narrative explanation as to how the proposed development complies with the Design Standards set forth in LCLDC Section 34-41 1 must be submitted. 134-3941 (g) (3)]

Please address how the project as proposed complies with LDC Sec 34-4 1 1 (g).

RESPONSE: Included in resubmittal.

LC Public Hearing for Zoning Action Checklist (Ord. 05-29)

32) Miscellaneous items.

Additional MCP comments:

1. Please remove the deviation wording and the commercial square footage from the MCP and put on separate attachments. They will be in the resolution.

RESPONSE: Removed.

2. Please put the zoning, land use and future land use on the property on the south side of Bayshore Road.

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RESPONSE: Added.

3. Some of the commercial uses are not supported by the suburban FLU category, not detailed on the MCP and raise compatibility concerns. Please consider limitations and details on car washes, convenience stores, package stores (stand alone?), and fast food (stand alone?).

RESPONSE: Fast food remains and the location is shown as an outparcel at the corner of Samville and Bayshore. All other mentioned uses have been removed from the schedule.

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4. Your MCP does not support a vehicle sales dealer.

RESPONSE: Use has been removed from the schedule.

Zoning comments:

1. Excellent Lee Plan narrative.

RESPONSE: Thank you. The new and improved version in attached.

2. Can you include the road width on the MCP?

RESPONSE: Sure. Included.

3. Please label what appears to be a clubhouse in the residential portion.

RESPONSE: Labeled on revised MCP.

4. How many model units? Please show general locations on the MCP.

RESPONSE: Three. Model Units are shown on MCP.

5. Please provide letters from the utility providers confirming service availability.

PLEASE VERIFY - Rezone +I- 57.07 acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) for 210,000 s/f of commercial floor area, including 93,000 s/f of commercial retail; and 224 dwelling units (Townhomes). Maximum height proposed is 2 stories135 feet. The applicant indicates that the development will connect to public potable water and public sanitary sewer service.

RESPONSE: Revised language is:

Rezone +/-56.76 acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) for 185,500 s/f of commercial floor area, including 100,000 s/f of commercial retail; and 192 dwelling units (Townhomes). Maximum height proposed is 2 stories/35 feet. The applicant indicates that the development will connect to public potable water and public sanitary sewer service.

Please consider the following with respect to the above referenced case (sorry for the delay in getting this back to you):

1. Project acreage is listed as 57.07 acres on the MCP, but only 56.89 acres on the survey. Why the discrepancy?

RESPONSE: The survey has been revised. The property line to the center of Samville Road has been moved. There does not seem to be a time when the property was acquired

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as right-of-way, bit it is clearly right-of-way so the survey now reflects this. The revised area of the parcel is 56.76 acres.

2. Entrance Gate/Gatehouse is being requested as a use for the project. One location is shown for the gate, but a second internal loop road does not have a gate. This doesn't seem to make sense.

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RESPONSE: Site plan has been revised.

3. Does this project need a deviation since the RPD portion of the project has only one access point.

RESPONSE: No. We can provide a second emergency access to connect to the commercial main roadway.

4. Related to the Gate location, the road does not appear to have the appropriate configuration otherwise required by the LDC to facilitate. i.e. Turnarounds to persons who can't get past the gate.

RESPONSE: Site plan has been revised to include adequate room.

5. The survey says it is subject to easements. It is supposed to show all easements, recorded and unrecorded.

RESPONSE: Survey has been revised.

6. The survey (like the Bayshore Samville CPD) shows one-half of Samville Road as part of the PD. FDOT Surveys/road maps and records from Sarah Clarke at FDOT do not show the abutting property ownership extending into Samville Road.

RESPONSE: The survey has been revised. The property line to the center of Samville Road has been moved. There does not seem to be a time when the property was acquired as right-of-way, bit it is clearly right-of-way so the survey now reflects this. The revised area of the parcel is 56.76 acres.

7. There is a similar concern for one portion of the property extending into Bayshore Road.

RESPONSE: The survey has been revised. The property line to the center of Samville Road has been moved. There does not seem to be a time when the property was acquired as right-of-way, bit it is clearly right-of-way so the survey now reflects this. The revised area of the parcel is 56.76 acres.

8. The Lee County Property Appraiser shows this property receiving the benefit of an AG exemption. No Ag affidavit has been provided as otherwise required.

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RESPONSE: The AG affidavit was in the original package, but nevertheless, it is included in this submittal also.

9. The application indicates the property is owned by Theta Investments N.V. (from the Netherlands). This company is not listed in the State's corporate online as authorized to do business in the State of Florida. While mere property ownership is not enough of a reason to require registration with the State as a foreign corporation or company, development activity (such as this rezoning) is. The applicant must provide proof of registration with the State of Florida in this regard. Please let- me know if there are any questions.

RESPONSE: The process of registering the company to do business in Florida should be complete before the end of review for this submittal.

Sincerely,
QUATTRONE & ASSOCIATES, INC.

Fred Drovdlic, AICP
Vice President

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BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

APPLICATION

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BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

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BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

SUPPLEMENT D

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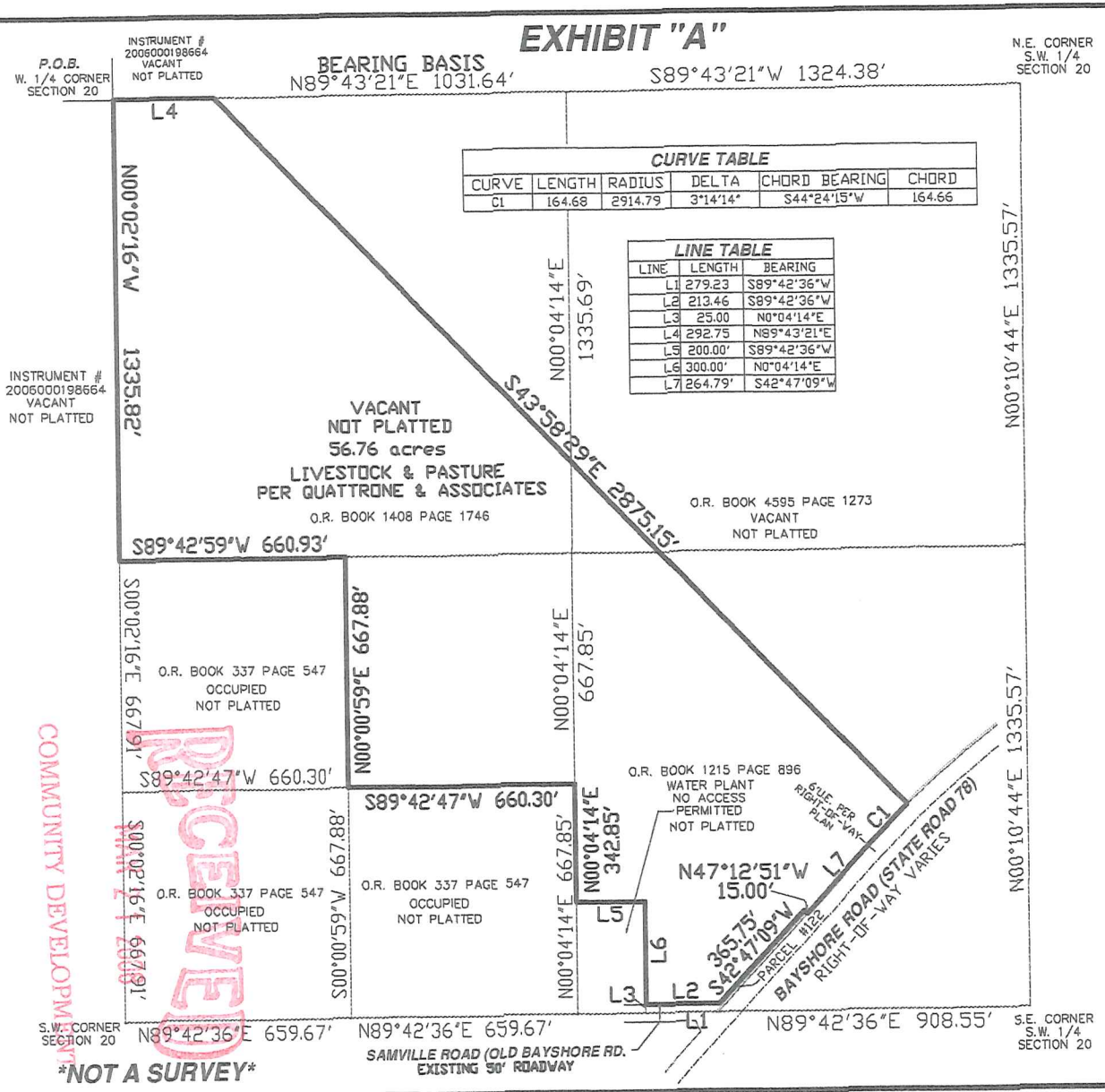
EXHIBIT "A"



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N

W E

S

SCALE: 1" = 500'

0' 250' 500'

LEGEND

O.R. OFFICIAL RECORDS BOOK
PG. PAGE
P.O.B. POINT OF BEGINNING

NOTES:

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2.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

PROPERTY 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 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.

3/18/08

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

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NOT A SURVEY

SKETCH & LEGAL DESCRIPTION EXHIBIT "A"

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

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

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

Theta Investments
Name of Entity/Corporation

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

~~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 DNI as identification.

Signature of person taking oath or affirmation

Rachel M. Sunden
Vice Consul

Name typed, printed or stamped

Title or rank

Serial number, if any

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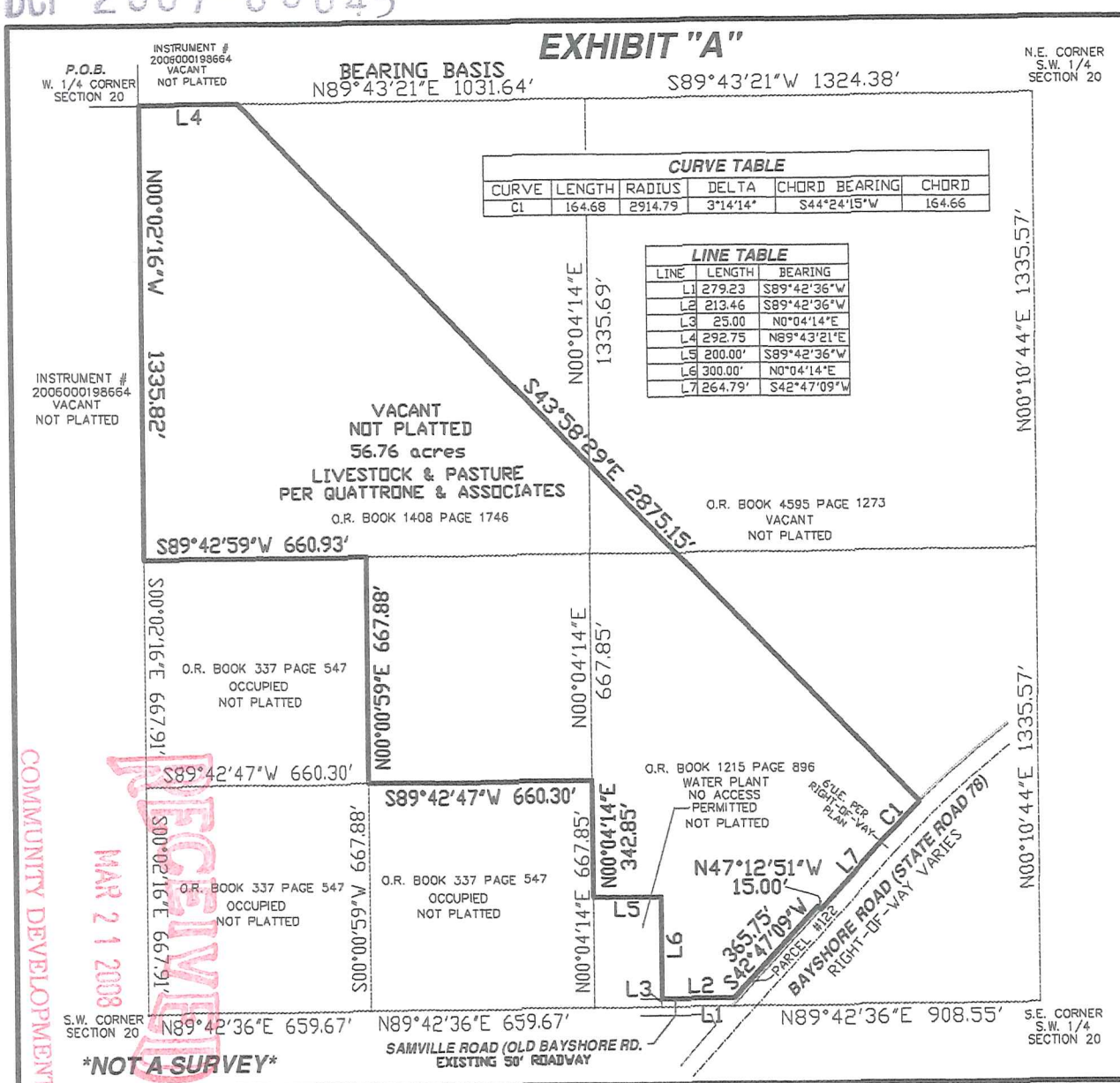

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Printed Name and Title

Theta Investments
Name of Entity/Corporation

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

~~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 DNI 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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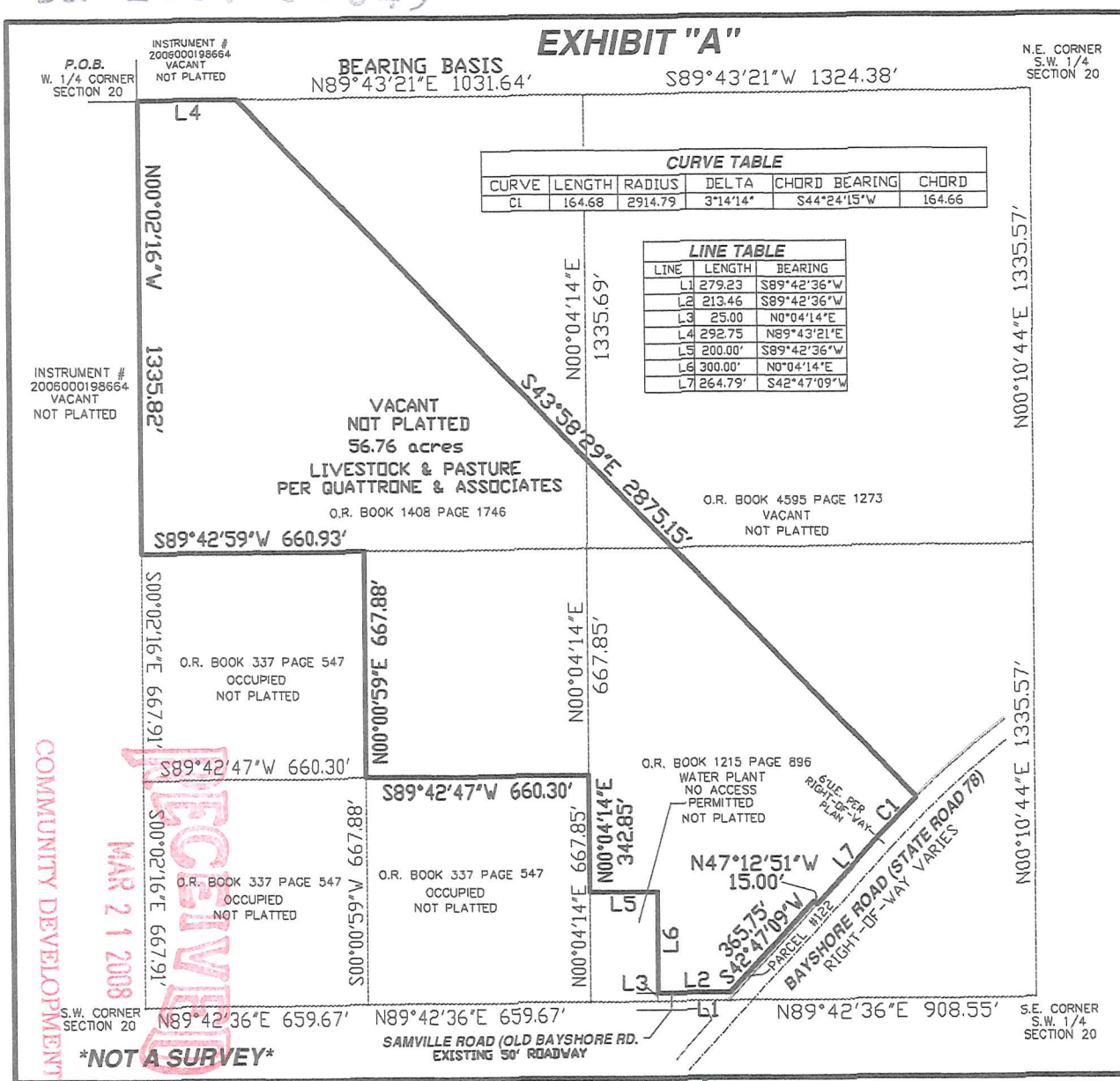

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3/18/08

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

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COMMUNITY DEVELOPMENT

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SKETCH & LEGAL DESCRIPTION EXHIBIT "A"

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

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

BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

SKETCH AND DESCRIPTIONS

DCI 2007-00045

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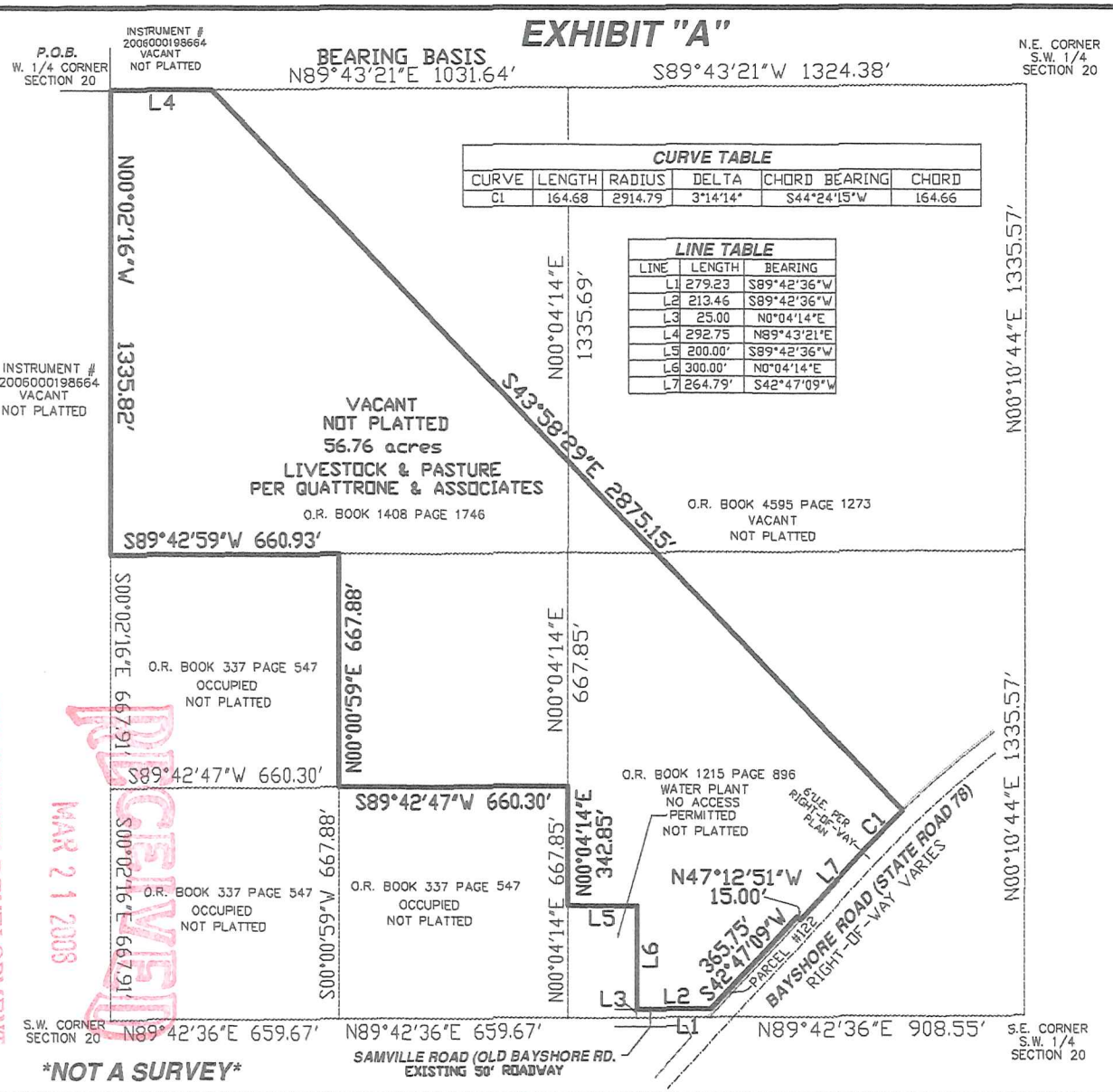
EXHIBIT "A"



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O.R. OFFICIAL RECORDS BOOK
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DCI 2007-00045

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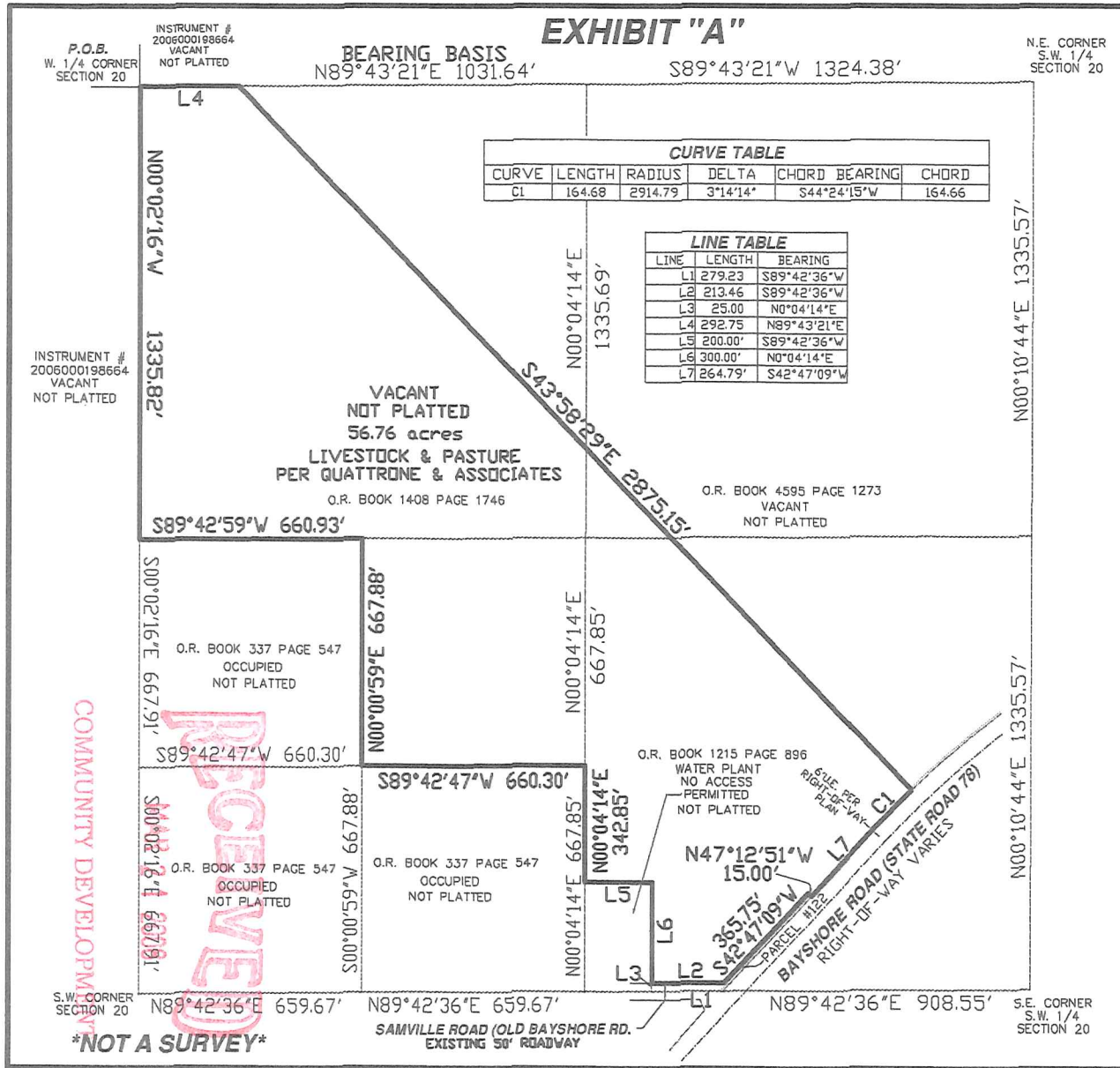

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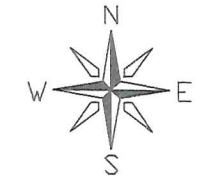

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KRIS A SLOSSER P.S.M.

4650 VILLA CAPRI LN. BONITA SPRINGS

FLORIDA 34134 (239) 947-1915

SCALE: 1" = 500'
DRAWING: 60489SKETCH
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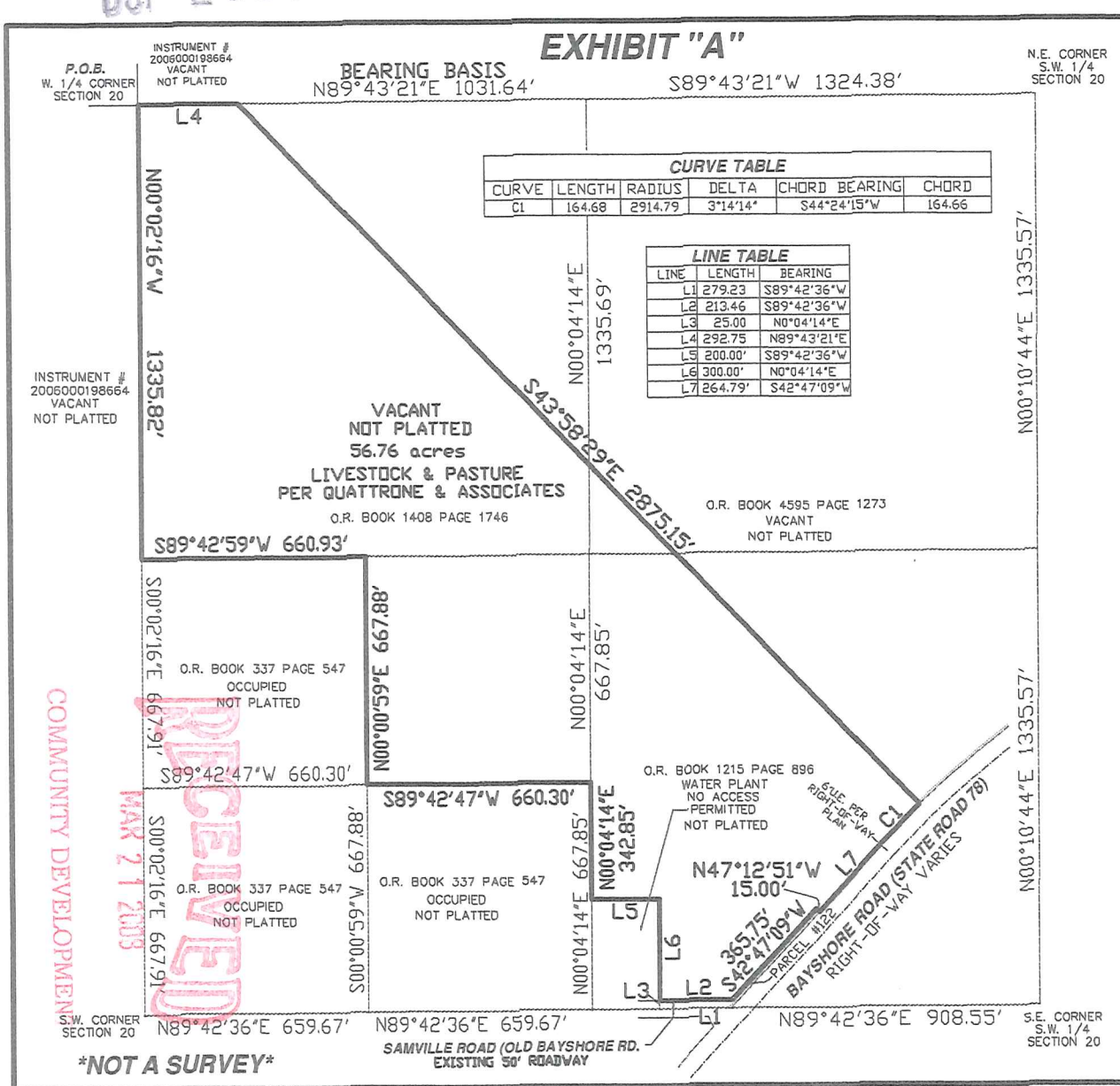

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BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

DESIGN CRITERIA

DCI 2007-00045

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COMMUNITY DEVELOPMENT

Quattrone & Associates, Inc.

EXHIBIT D-7-K
DESIGN STANDARDS 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.

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.

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Quattrone & Associates, Inc.

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 "A" 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.

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COMMUNITY DEVELOPMENT

BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

LEE PLAN NARRATIVE

DCI 2007-00045

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Quattrone & Associates, Inc.

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:

LEE PLAN VISION

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.

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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)*

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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*

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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*

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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.*
  The project will connect to sanitary sewer and water facilities.

- *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.*

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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.

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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*

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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 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)

A small preserve area is located adjacent the secondary access in the southwest portion of the site. This preserve will serve to buffer the adjacent wastewater treatment facility and proposed road. The larger preserve will serve to provide buffering to the adjacent elementary school.

OBJECTIVE 107.3: WILDLIFE. Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system. (Amended by Ordinance No. 94-30)

POLICY 107.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

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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)

The MCP has been designed to accommodate and preserve as many burrows as practically feasible. A Gopher Tortoise Management Plan will be provided at the time of Development order which addresses the relocation of impacted tortoises.

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)

The MCP has been designed to accommodate and preserve as many burrows as practically feasible. A Gopher Tortoise Management Plan will be provided at the time of Development order which addresses the relocation of impacted tortoises.

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

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.

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.

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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.

Quattrone & Associates, Inc.

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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August 25, 2008

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

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Cum 4:07pm
PERMIT COUNTER

RE: SUFFICIENCY RESPONSE III
Bayshore 57 MPD
DCI 2007-00045

Dear Mr. Palermo,

Please find attached revisions per your comments dated **April 14, 2008** 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 COMMENTS

1. NEW WORDING

Rezone +I- 56.76 acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) for a maximum of 185,000 square feet of commercial floor area including a maximum of 100,000 square feet of commercial retail; and a maximum of 192 dwelling units (Townhomes). Maximum height proposed is 2 stories135 feet. No development blasting is requested. The development will connect to public potable water and public sanitary sewer service.

RESPONSE: Revised wording is correct.

2. We disagree on the need for a deviation. There still appears to be only one way in and out of the residential development. Even with emergency access, a deviation is still needed. Isn't there an interconnection with Oak Creek?

RESPONSE: We have provided a second mean of access for the residential portion of the project.

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3. Your Lee Plan narrative says you will connect to Lee County Utilities for sewer. Are you connecting to North Fort Myers Utilities?

RESPONSE: Correct, North Fort Myers serves the sewer to this project. We have attached a letter of availability from NFM Utilities.

4. The wording for the deviation should not be on the MCP, and should be on another attachment. Please put the deviation wording and narrative on that page.

RESPONSE: Deviation wording has been removed from the MCP and is included on Exhibit D-7-Q.

5. The MCP says "MODE" and not MODEL. Please revise.

RESPONSE: The word has been corrected on the MCP.

LEE COUNTY DOT

1. The TIS shows no project traffic make left turn at Bayshore Rd/Samville Rd intersection. It is not realistic.

RESPONSE: TIS revision and Intersection Analysis from TR Transportation has been completed. The report replaces the TIS previously completed by Quattrone and Associates.

2. The level of service analysis shall be performed for the project entrances and the intersection of Bayshore Rd/Samville Road with and without project in existing and build-out condition.

RESPONSE: TIS revision and Intersection Analysis from TR Transportation has been completed. The report replaces the TIS previously completed by Quattrone and Associates.

3. The level of service calculation for Bayshore Rd (shows 323 project trips1P.H on Bayshore Rd) and the Table 1 (only 152 project trips1P.H) are not consistent.

RESPONSE: TIS revision and Intersection Analysis from TR Transportation has been completed. The report replaces the TIS previously completed by Quattrone and Associates.

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LC Environmental Sciences PD Application Sufficiency Checklist (Ord 05-29)

9a) Types of Land Area on the Property, The acreage of each type of land area must be provided and various calculations must be submitted for residential acreages (see Supplement D Form, Part 2.A thru 2.0).

Supplement D part 2 (D) (3)(a) applicant states there are 56.76 acres of uplands. According to supplement "D" part 5 (B) there are 5.83 acres of wetlands. Please revise supplement "D" part 2 (D)(3)(a) to reflect corrected acreage of uplands and wetlands.

RESPONSE: Please refer to the revised Master Concept Plan and sufficiency submittal for this information. Supplement D has been corrected.

I If) 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 USDNSCS System must be submitted. [34-373(a)(4)e.i.]

As previously requested, please provide a soil map at the same scale as submitted 24"x 36" MCP. 1"=130'. The correct information will assist with the ES review and indigenous preserve verification.

RESPONSE: A soils map from Boylan Environmental has been provided as required in the sufficiency submittal.

I Ig) 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 must be submitted. [34-373(a)(4) e.ii.]

As previously requested, please provide FLUCCS map at the same scale as submitted 24"x 36" MCP. I "=I 30'. The correct information will assist with the ES review and indigenous preserve verification.

RESPONSE: A FLUCCS map from Boylan Environmental has been provided as required in the sufficiency submittal.

12) Master Concept Plan, Non-PRFPD, A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the following information required by LCLDC Section 34-373(a) (6)a. - (a) (6)i must be submitted in both 24" X 36" size and I I " X 17" size. 134-373(a)(6)] {see Supplement D, Part 7)

Please submit a complete MCP in both 11"x 17" and 24"x 36" size. The items below are missing or were found inaccurate on the MCP submitted.

RESPONSE: Provided.

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12a) Easements, The exact location and explanation of all existing easements, whether or not those easements are recorded, must be shown on the Master Concept Plan. [34-373(a)(6)a.]

Please depict all easements on the MCP. According to the Boundary Survey there is a utility easement located along Bayshore Rd. Please indicate easement on MCP and depict status of easement.

RESPONSE: The easement has been revealed and marked on the plan.

12gl) 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: The Gopher Tortoise Preserve area is labeled.

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. [34-3 73(a) (6)g.l

The indigenous preserve delineated on the submitted MCP does not meet the acreage as required by LDC Sec 10-415(b)(l), the design standards as required by Sec 34-41 1 (g) (see comment 18b2) and the Lee Plan (see comment 18bl)

RESPONSE: The revised plan that was submitted had shown indigenous preservation that meets the requirement without the available credits. On the plan submitted with this package we have revised the indigenous and included available credits in calculations.

Please revise MCP to delineate indigenous preserves that meets the acreage requirement, which includes occupied gopher tortoise habitat, and possible preservation of native vegetation along right of way adjacent to the water treatment plant. (ES staff recommends a meeting to discuss).

RESPONSE: Item has been addressed according to our meeting on May 5, 2008.

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.]

Please revise the MCP to provide in table format Open Space and Indigenous Preservation acreage required and proposed (Include credit calculations if taken)

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RESPONSE: An open space table has been completed and is included on page 2 of the MCP.

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. [34-3 73(a) (6)i.l

Please provide a cross section of each buffer proposed. Cross sections must include width and composition-vegetation type, walls, swales, easements, dry detention etc. Per LDC section 10-41 5(b)(l)(b)(5) Projects greater than five acres in size that abut an arterial or collector Rd. 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. Please provide a 50-foot right-of-way buffer along Bayshore Rd. LDC section 10-416(d)(6) where roads, drives, or parking are within 125 feet of single-family a 25 foot buffer with wall or type "F" buffer is required. Applicant depicts a type "B" buffer along northern boundary between multi-family and single family. There is a roadway running approximately due north in the central portion of the multi-family that abuts the single family. Please revise

RESPONSE: Cross sections have been provided on page 2 of the MCP.

12k) Excavations for Wet Retention. The general location of excavations for on-site fill and wet retention must be shown on the Master Concept Plan. [34-373(a) (6) k.]

Please revise MPC to provide cross sections to illustrate slopes and proposed depth of lake. ES staff recommends the planting of dry retention areas to assist with meeting the general tree requirement as per LDC Sec. 10-41 8(4). Per LDC section 10-329(d)(l)(a)(3) no excavations will be allowed for water retention or detention within 50 feet of a private property line under separate ownership. Please indicate distance between Lake 2 and nearest property line.

RESPONSE: Cross sections of lakes have been provided on page 2 of the MCP. Distance of lakes from nearest property line is provided.

12l) 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. [l 0-4 741

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.

RESPONSE: A revised GTMP is included in this package addressing all items discussed in our May 5, 2008 meeting.

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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.

RESPONSE: A revised GTMP is included in this package addressing all items discussed in our May 5, 2008 meeting.

16a4) Natural features-Preservation. How existing natural features will be preserved must be explained. The explanation must include an estimate of the ranges of existing and post development water table elevations, where appropriate. [34-3 73(b) (1)d.]

Please address how proposed indigenous will be preserved.

RESPONSE: The indigenous preserve areas will be protected by a perimeter berm as shown on the cross sections included on page 2 of the MCP.

16a5) Flood Mitigation. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, the description must indicate the measures that will be taken to mitigate the effects of expectable flooding. [34-373(b) (l) e.]

Please address. Please identify floodplains

RESPONSE: They were identified on last submittal as acknowledged in our meeting on May 5, 2008.

17) Protected Species Survey. A protected species survey, as specified in LCLDC Section 10-473, is required for large developments (as defined in LCLDC Section 10-1 {more than 10 acres in size or more than 2 acres of impervious area}) . [34-373(b)(2)] { see Supplement D, Part 7)

Protected Species Survey conducted by Boylan Environmental Consultants depicts 25 active, 16 inactive and 12 abandoned gopher tortoise burrows stamped received June 27, 2007. The Preliminary Gopher Tortoise Management Plan stamped received March 21, 2008 and the MCP stamped received March 21, 2008 depicts 24 active and 16 inactive gopher tortoise burrows. Please clarify.

RESPONSE: This issue has been resolved within the revised Gopher Tortoise Management Plan.

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). [34-94 1 (g) (3)] {See item # 1 8b 1 thru item # 1 8b3 below.)

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Within the Lee Plan Narrative the applicant states that there are no environmental concerns with this property and no environmental conditions exist that preclude the project form being developed as proposed. ES staff does not agree with this statement and identifies environmental concerns below that do need to be considered in the design of this project. The 57.07 acre site contains 54.25 acres of habitat meeting the Lee County criteria for native indigenous communities. There are 4.35 acres of viable wetlands and 49.90 acres of quality uplands. A protected species survey revealed the presence of 40+ active/inactive gopher tortoise burrows, a species listed by the FWCC, utilizing a majority of the quality uplands. The burrows of tortoises also provide refuge for 350-400+ other species, including 4 listed burrow commensals. The development as proposed impacts 100% of the occupied gopher tortoise habitat identified on the property.

RESPONSE: The existing environmental issues described above have all been address within the revised Master Concept Plan and the revised Tortoise Management Plan.

18bl) LEE Plan Compliance. A narrative explanation as to how the proposed development complies with the LEE Plan must be submitted. [34-94 l(g)(3)]

Please address how the project as proposed complies with Objective 77.3 Objective 107.3, Policy 107.3.1, Policy 107.4.4, Policy 107.8.1. Policy 114.1.2 #4 of the Lee Plan

RESPONSE: Please refer to the Lee Plan narrative. (Exhibit D-7-J)

18b2) Design Standards Compliance. A narrative explanation as to how the proposed development complies with the Design Standards set forth in LCLDC Section 34-4 1 1 must be submitted. [34-394 1 (g)(3)]

Please address how the project as proposed complies with LDC Sec 34-4 1 1 (g).

RESPONSE: Please refer to the Lee Plan narrative. (Exhibit D-7-J)

20) Contact. The Environmental Planner may be contacted regarding any questions on the LC Environmental Sciences Planned Development Application Sufficiency Checklist.

LC Public Hearing for Zoning Action Checklist (Ord. 05-29)

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. Please verify that adequate facilities have been provided for buildings #4 and #5 in the commercial component of the project.

RESPONSE: The project meets requirements.

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COUNTY ATTORNEYS OFFICE

Please consider the following with regard to the most recent submittals (date-stamped 3-21-08) for the above referenced project:

1. Wow, lots of changes and revised submittals to match.

RESPONSE: It is our hope that the changes made significant improvements to the project. We have made less extensive, but substantial changes on the resubmittal that we feel have again improved the development.

2. Has the applicant domesticated the corporate applicant? Fred said they would be registering with the State of Florida. Has this been done yet? This affects the validity of the Ag affidavit.

RESPONSE: The coporation is domesticated. Attached are the State of Florida Division of Corporation pages.

3. Doesn't the project need a deviation to allow only one ingress/egress to the RPD portion of the site?

RESPONSE: The MCP has been revised to provide two means of ingress/egress.

4. Has the applicant provided legal's and sketches for the RPD and CPD portions of the site?

RESPONSE: This is a mixed use planned development (MPD) rezoning with residential and commercial sections. Is this a requirement. Legal descriptions of the residential and commercial area has not been provided. If it is required we will comply. Please call Fred Drovdlic at 936.522 or email him that they are necessary at fred@qainc.net.

5. Does the variance report provide notice to the properties within 500 feet of the subject?

RESPONSE: Yes, the variance report did, however, the number of properties noticed at that range were not sufficient. We have provided a variance report with a 750' radius.

6. The max s.f. of commercial retail says 100,000 s.f. in one summary and 185,500 s.f. on the schedule of uses and property development regulations.

RESPONSE: Total retail is limited to100,000, total commercial (retail, office, medical) is 185,000 for the entire project.

7. Can they make the dividing line between the RPD and CPD darker (and label it as such)?

RESPONSE: You know we can. We did as requested. The sections are lbelled residential and commercial.

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NATURAL RESOURCES

Please see below as I made a minor modification to the Steven's original comments to incorporate the update on the FEMA's Flood Insurance Study.

Previous Natural Resources comments were not addressed or included in the March 21, 2008 submittal. So, please address comments below. Note that the comment number 2 was slightly modified to incorporate FEMA's revised FIS map.

1. Project site on Area Location Map (Exhibit D-7-B) is not shown correctly, please shift site to the left.

RESPONSE: The Area Location Map has been corrected per the comment.

2. The Federal Emergency Management Agency (FEMA) issued the Letter of Final Determination on February 28, 2008 adapting the revised preliminary Flood Insurance Study [Flood Insurance Rate Map (FIRM), January 28, 20081 of Lee County that includes both the coastal surge (hurricane) and riverine flooding (rainfall) risk areas. Lee County will adopt the FIRM maps and update County's flood hazard ordinance no later than August 28, 2008. Encroachments into the floodways identified in the FIRM are not recommended. Please refer to FIRM provided on the county web site to overly these floodway maps on the master site plan. Based on the FIRM, western portion of the project site belongs to "floodway" area. According to Lee County Land Development Code (Chapter 6, Article IV, Section 6-472), encroachments into the floodway (including fill, new construction and other developments)" are prohibited unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge". Note that the words "supporting technical data" are paraphrased as "hydrologic and hydraulic analyses" in National Flood Insurance Program document (Answers to Questions about the NFIP, F-084 (5/06), FEMA). Therefore, please provide appropriate supporting data or analyses to clarify this floodway encroachment issue.

RESPONSE: The encroachment into this floodway area is mitigated by the utilization of on site drainage features and storm water storage features which will provide the required compensating storm water storage. The use of these features to redirect, store and treat the storm water runoff for this project will enhance the flood protection for this parcel as well as adjacent and down stream properties. Specific analyses of these drainage features and the supporting data as well as a CLOMR from FEMA shall be presented at the time of development order application.

3. If the proposed development is traversed by or abuts a watercourse, drainage way, canal, IDD easement, lake, pond or stream, or where such a facility is proposed as part of the plan, a drainage easement or right-of-way shall be provided to the county. The location of the mean high water line on the property shall be field verified by a licensed professional surveyor. The applicant shall identify such water conveyance/holding facilities on the site plan.

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Sec. 10-328. Drainage easements,
(a) Open drainage easements. Where a proposed development is traversed by or abuts a watercourse, drainage-way, canal, IDD easement, lake, pond or stream, or where such a facility is proposed as part of the plan, a drainage easement or right of- way shall be provided which shall conform substantially with the limits of such watercourse, drainage-way, canal, IDD easement, lake, pond or stream. Additionally, the right-of-way shall include on one side a 20-foot width for maintenance purposes, unless a lesser dimension is approved by the development review director after consultation with appropriate staff. For canals or flow-ways greater than 50 feet wide, measured at the top of the bank, the developer shall include a 20-foot-wide easement or right-of-way on both sides of the canal or flow-way for maintenance purposes, unless a lesser dimension is approved by the director of development review. This easement or right-of-way shall be kept clear by the property owners and shall have satisfactory vehicle access.

RESPONSE: The drainage feature in question is a natural creek which lays within the indigenous preserve area. No improvements or encroachments are proposed within this feature. The applicant at the direction of Lee County Natural Resources staff shall provide a maintenance easement associated with this feature at the time of development order application.

(b) Closed drainage easements. The width of closed drainage easements must be based upon sound engineering principles including, but not limited to, depth o f cut, size of drainage pipe, proximity of structures, etc. Closed drainage easements must be a minimum of 15 feet in width for pipes that are 48 inches or less in diameter. The easement width for multiple pipes or for pipes greater than 48 inches in diameter is 25 feet or more. (Ord. No. 92-44, 9 1 O(H), 10- 14-92; Ord. No. 94-07, 9 10,2- 16-94; Ord. No. 00- 14, 5 3, 6-27-00)

RESPONSE: Easements for drainage features shall be provided at time of development order application.

4. The applicant shall demonstrate that the hydraulic capacity of the adjacent canal/flow way or the maintenance of the canal/flow way from upland is not compromised by the proposed development.

RESPONSE: No additional drainage inputs are proposed for this existing flow way. A detailed storm water management plan shall be engineered to maintain or improve the existing drainage pattern of the project and surrounding properties. This plan shall be presented at the time of development order application.

5. Storm water plan and profile drawings (1 : 100H and 1 :2V) must be provided for the proposed surface water management system conveyances within, through and around the proposed development, including all contributory areas.

RESPONSE: A detailed storm water management plan with all necessary supporting data shall be prepared at the time of development order application. Storm water plan and profile sheets for all proposed drainage features will be included in that plan.

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6. Project site on Area Location Map (Exhibit D-7-B) is not shown correctly, please shift site to the left.

RESPONSE: See response to comment above.

7. Encroachments within the floodways identified in DFIRM (Draft Flood Insurance Rate Maps, July 3 1, 2006) are not recommended. Please refer to DFIRM provided on the county web site. These floodway maps shall be overlaid on the master site plan. Based on the DFIRM, western portion of the project site belongs to "floodway" area. According to Lee County Land Development Code (Chapter 6, Article IV, Section 6-472), encroachments into the floodway (including fill, new construction and other developments) "are prohibited unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge". Note that the words "supporting technical data" are paraphrased as "hydrologic and hydraulic analyses" in National Flood Insurance Program document (Answers to Questions about the NFIP, F-084 (5/06), FEMA). Therefore, please provide appropriate supporting data or analyses to clarify this potential floodway encroachment issue.

RESPONSE: The encroachment into this floodway area is mitigated by the utilization of on site drainage features and storm water storage features which will provide the required compensating storm water storage. The use of these features to redirect, store and treat the storm water runoff for this project will enhance the flood protection for this parcel as well as adjacent and down stream properties. Specific analyses of these drainage features and the supporting data as well as a CLOMR from FEMA shall be presented at the time of development order application.

8. If the proposed development is traversed by or abuts a watercourse, drainage way, canal, IDD easement, lake, pond or stream, or where such a facility is proposed as part of the plan, a drainage easement or right-of-way shall be provided to the county. The location of the mean high water line on the property shall be field verified by a licensed professional surveyor. The applicant shall identify such water conveyance/holding facilities on the site plan.
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RESPONSE: The drainage feature in question is a natural creek which lays within the indigenous preserve area. No improvements or encroachments are proposed within this feature. The applicant at the direction of Lee County Natural Resources staff shall provide a maintenance easement associated with this feature at the time of development order application.

(b) Closed drainage easements. The width of closed drainage easements must be based upon sound engineering principles including, but not limited to, depth of cut, size of drainage pipe, proximity of structures, etc. Closed drainage easements must be a minimum of 15 feet in width for pipes that are 48 inches or less in diameter. The easement width for multiple pipes or for pipes greater than 48 inches in diameter is 25 feet or more. (Ord. No. 92-44, $ 10(H), 10-14-92; Ord. No. 94-07, $ 10,2-16-94; Ord. No. 00- 14, $ 3, 6-27-00)

RESPONSE: Easements for drainage features shall be provided at time of development order application.

Sincerely,
QUATTRONE & ASSOCIATES, INC.

Fred Drovdlic, AICP
Vice President

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BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

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Foreign Profit Corporation

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Document Number	F08000001630
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Registered Agent Name & Address

ROSEMBLAT, GUSTAVO
2320 NE 196 ST.
MIAMI FL 33180

Officer/Director Detail

Name & Address

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cf. 4-11

BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

Utility Letters of Availability

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NORTH FORT MYERS UTILITY INCORPORATED

5660 Bayshore Road, Suite 51 •North Fort Myers, Florida 33917

Mailing Address: P.O. Box 2547 •Fort Myers, Florida 33902

(239) 543-1005 Fax (239) 543-2226

August 20, 2008

LEE COUNTY BUILDING DEPARTMENT
P. O. BOX 398
1820 HENDRY STREET
FT. MYERS, FL 33901

RE: 7401 Bayshore Road

STRAP NUMBERS: 20-43-25-00-00003.3000

Please be advised that **Quattrone & Associate, Inc.** has requested wastewater service for the above referenced site. The subject property will contain 100,000 sq ft retail; 53,500 sq ft general commercial; 32,000 sq ft general medical; and 192 residential units. The onsite collection system and offsite force main will be constructed by the developer to this project under the terms of a Developer's Agreement.

North Fort Myers Utility, Inc. has the capacity to provide 61,145 gallons per day from its wastewater treatment plant.

This letter should not be construed as a commitment to service, but only to the availability of wastewater service. The company will commit to serve only upon receipt of a signed request for service, executed Developer's Agreement, appropriate fees and charges and approval of all federal, state and local regulatory agencies. This wastewater service availability letter will expire should this project not be under contract within 12 months from the above date.

Yours truly,
North Fort Myers Utility, Inc.

A.A. "Tony" Reeves
Utility Director

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LEE COUNTY
SOUTHWEST FLORIDA

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County Hearing Examiner

Writer's Direct Dial Number: (239) 479-8525

July 2, 2007

Catherine Peaslee
Quattrone & Assoc.
11000 Metro Parkway, Ste. 30
Fort Myers, Fl 33966

RE: POTABLE WATER AVAILABILITY
Bayshore 57
STRAP #: 20-43-25-00-00003.3000

Dear Ms. Peaslee:

Potable water lines are in operation in the vicinity of the proposed project mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 7 commercial units and 224 multi-family residential units with a total estimated flow demand of approximately 36,968 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

Prior to beginning design work on this project, a meeting should be scheduled with Thom Osterhout to determine the best point of connection and discuss requirements for construction.

Availability of potable water service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our North Lee County Water Treatment Plant.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, This Letter Of Availability Of Water Service Is To Be Utilized For Development Review For This Project Only. Individual Letters Of Availability Will Be Required For The Purpose Of Obtaining Building Permits.

Sincerely,

LEE COUNTY UTILITIES

Melissa Bibeau

Melissa Bibeau
Engineering Tech., I
UTILITIES ENGINEERING
VIA FACSIMILE
Original Mailed

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DO - BAYSHORE 57

BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

Exhibit D-7-J:
Lee Plan Narrative

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Quattrone & Associates, Inc.

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:

LEE PLAN VISION

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)*

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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*

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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*

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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.*
  The project will connect to sanitary sewer and water facilities.

- *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.*

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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.

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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*

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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 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)

A small preserve area is located adjacent the secondary access in the southwest portion of the site. This preserve will serve to buffer the adjacent wastewater treatment facility and proposed road. The larger preserve will serve to provide buffering to the adjacent elementary school.

OBJECTIVE 107.3: WILDLIFE. Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system. (Amended by Ordinance No. 94-30)

POLICY 107.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

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

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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)

The MCP has been designed to accommodate and preserve as many burrows as practically feasible. A Gopher Tortoise Management Plan will be provided at the time of Development order which addresses the relocation of impacted tortoises.

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)

The MCP has been designed to accommodate and preserve as many burrows as practically feasible. A Gopher Tortoise Management Plan will be provided at the time of Development order which addresses the relocation of impacted tortoises.

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

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.

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.

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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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BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

Exhibit D-7-K:
Design Standards Compliance

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EXHIBIT D-7-K
DESIGN STANDARDS 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.

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.

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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 "A" 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.

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BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

Exhibit D-7-B:
Area Location Map

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EXHIBIT D-7-B
AREA LOCATION MAP

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

LOCATION MAP (NOT TO SCALE)

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Fred Drovdlic, AICP

BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

Exhibit D-7-Q:
Deviations and Justifications

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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 330 foot intersection separation on collector roads to allow a 254 foot separation on Samville Road from the Bayshore Road intersection.

Justification: The subject parcel only has approximately 245 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 2

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 3

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 opens 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;

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- 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-L:
Decision –Making Compliance

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EXHIBIT D-7-L
DECISION MAKING 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.

The project will be designed to meet or exceed the design standards of Lee County (Lee Plan & County Development Regulations) and South Florida Water Management District. The proposed development shall also be designed to minimize the negative effects on the surrounding properties.

The traffic generated by the proposed development and the site location in relationship to the surrounding parcels, will not place an undue burden on the existing transportation or planned infrastructure facilities. Utility connections are readily available at the site including water and sanitary connections. All water and wastewater will be designed and constructed in accordance with the service provider's design standards.

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BAYSHORE 57 MPD

Bayshore Road

North Fort Myers, FL

GOPHER TORTOISE MANAGEMENT PLAN

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Theta Investments

Section 20; Township 43 South; Range 25 East
Lee County, Florida

Preliminary Gopher Tortoise Management Plan

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, & Impact Assessments

11000 Metro Parkway, Suite 4
Fort Myers, Florida, 33966
Phone:(239) 418-0671 Fax:(239) 418-0672

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Project No. 2007-13

INTRODUCTION

The 57.07± acre property is located in portions of Section 20, Township 43 South, Range 25 East, in Lee County, Florida. Specifically, it is situated on the northwest of S.R. 78 and Samville Road. Bayshore Elementary School is also located directly south of the site. The area to the east and north is undeveloped and consists of open pasture and grazing lands. A project location map is included as Exhibit A.

During a species survey conducted on this site, a total of 25 active and 16 inactive gopher tortoise burrows were located. An additional 12 abandoned or collapsed burrows were also noted during the survey.

Per Section 10-474 of the LDC a Management Plan for listed species is required prior to local development order. This preliminary plan addresses the presence of Gopher Tortoise on the site.

SPECIES BACKGROUND

The gopher tortoise (*Gopherus polyphemus*) is a moderate-sized, terrestrial turtle, found east of the Mississippi. The gopher tortoise typically inhabits uplands with relatively well-drained, sandy soils. The gopher tortoise is generally associated with longleaf pine (*Pinus palustris*) and xeric oak (*Quercus* spp.) sandhills but also occurs in scrub, xeric hammock, pine flatwoods, dry prairie, coastal grasslands and dunes, mixed hardwood-pine communities, and a variety of disturbed habitats (Auffenberg and Franz 1982; Kushlan and Mazzotti 1984; Diemer 1986, 1987, 1992b; Breininger *et al.* 1994).

Gopher tortoises excavate burrows that can provide protection from temperature extremes, moisture loss, and predators, provide refuges for other species, including listed commensal species. Gopher tortoises feed primarily on grasses, herbs, and fruits.

FLUCFCS CODES/DESCRIPTION

Vegetation Communities – Each community onsite was mapped in the field according to the system in use by the agencies, the Florida Land Use Cover and Forms Classification System (FLUCFCS) (Exhibit B and Exhibit C). Listed below are the vegetation communities or land-uses identified on the site. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1985) for definitions.

Uplands

The following communities would likely be considered as uplands.

321 Palmetto Prairie

This upland community is dominated by saw palmetto. Other vegetation includes wax myrtle, staggerbush, threeawn, pennyroyal, smilax, wiregrass, rust weed, and rusty lyonia. Scattered pines were also present in some areas.

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411 Pine Flatwoods

This upland forested community is dominated by Florida slash pine found in the canopy with coverage of 10% or greater. Other vegetation present includes saw palmetto, scattered live oak, cabbage palm, broomsedge, pennyroyal, black root, grapevine, smilax, wiregrass, shiny blueberry, chocolate weed, and paw paw.

411E2 Pine Flatwoods (Exotics 25-49%)

This upland forested community is dominated by Florida slash pine found in the canopy with coverage of 10% or greater. Melaleuca and Brazilian Pepper were also present. Other vegetation present includes saw palmetto, cabbage palm, wax myrtle, broomsedge, grapevine, smilax, and wiregrass.

414 Pine-Mesic Oak

This upland forested community is dominated by Slash pine with scattered live oak and laurel oak found in the canopy. The sub-canopy is dominated by cabbage palm with scattered saw palmetto. Ground cover species includes Caesar weed, poison ivy, smilax, penny royal, and chocolate weed.

419 Mesic Pine

This upland forested community is dominated by Florida slash pine found in the canopy. Other vegetation present includes chocolate weed, broomsedge, nut sedge, blue maidencane, hatpins, and wax myrtle.

421 Xeric Oak

This upland community contains a variety of oaks including live oak, sand live oak, myrtle oak and runner oak. The sub-canopy contains saw palmetto. Other groundcover species include gopher apple, paw paw, smilax, shiny blueberry, rusty lyonia, wiregrass, rosemary, pennyroyal, and grapevine.

422 Brazilian Pepper

This upland forested community is dominated by Brazilian pepper. Other species present includes oak, grape vine, chocolate weed and broomsedge.

743 Spoil Area (Berm)

This area is found along the north boundary. Vegetation consists of saw palmetto, grapevine, smilax, Brazilian pepper, and grapevine.

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814 Roads and Trails

This classification includes the open trails, which consists of mostly bare ground.

Wetlands

Based on the overwhelming dominance of wetland vegetation and signs of hydrology, the following communities would likely be considered as wetlands. Wetland vegetation is present if the majority of the plants that are present are ones that are adapted to saturated soil conditions.

615 Stream and Lake Swamps (Bottomland)

This wetland forested community is dominated by water ash, laurel oak and cabbage palm found in the canopy. Other vegetation includes buttonbush, hydrocotyle, smartweed, smilax, and primrose willow.

619 Exotic Wetlands - Melaleuca (0.21+/- acres)

This wetland community is dominated by Melaleuca found in the canopy. The sub-canopy also contains melaleuca. Ground cover is almost absent due to the dense canopy and sub-canopy.

625E2 Hydric Pine Flatwoods (Exotics 25-49%)

This wetland forested community contains a mix of slash pine and melaleuca in the canopy. Laurel oak and wax myrtle were also present. Groundcover includes scattered swamp fern, pluchea, Xyris, and other various sedges and grasses.

630 Wetland Forested Mixed

This wetland forested community contains a variety of oaks and pine. Groundcover included scattered swamp fern, square stem, pluchea, and areas of open ground.

630E2 Wetland Forested Mixed (Exotics 25-49%)

This wetland forested community also contains a variety of oaks and pine. Melaleuca and Brazilian pepper were also present. Groundcover included scattered swamp fern, pluchea, and areas of open ground.

Other Surface Waters

Other surface waters typically include natural water bodies and ditches that have been excavated from historic uplands. This area encompasses approximately 0.29+/- acres.

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510 Streams and Waterways

This community includes the excavated channel located in the eastern portion of the site. This area may have historically been a natural feature but has been disturbed through excavation at one time. Evidence of spoil adjacent to this area is a result of this disturbance.

TABLE 2. FLUCFCS COMMUNITY TABLE

FLUCFCS Code	Community Description	Upland Acres	Wetland Acres	OSW Acres
321	Palmetto Prairie	17.56		
411	Pine Flatwoods	22.35		
411E2	Pine Flatwoods (Exotics 25-49%)	3.32		
414	Pine-Mesic Oak	3.05		
419	Mesic Pine	3.14		
421	Xeric Oak	0.48		
422	Brazilian Pepper	0.58		
510	Streams and Waterways	0.29		
615	Stream and Lake Swamps (Bottomland)			0.92
619	Exotic Wetland Hardwoods (Melaleuca)		1.48	
625E2	Hydric Pine Flatwoods (Exotics 25-49%)		1.18	
630	Wetland Forested Mixed		0.44	
630E2	Wetland Forested Mixed (Exotics 25-49%)		1.52	
743	Spoil Area (Berm)	0.12		
814	Roads and Trails	0.64		
TOTAL		**51.53**	**4.62**	**0.92**

GOALS AND OBJECTIVE

To provide a plan which addresses gopher tortoises found on the site and to address specific conservation requirements for potentially displaced tortoises impacted by development.

MANAGEMENT PLAN ACTIONS

The preserve area has been designed to minimize impacted tortoises on site where feasible. A relocation permit in accordance with FWC guidelines would be required prior to clearing activities that may affect existing tortoise burrows.

Remaining upland preserve areas that provides habitat will be managed where feasible to accommodate existing tortoises. Onsite preserves that provide additional habitat for impacted tortoises may be used for relocation upon FWC approval during the permitting process. Coordination will take place with FWC as necessary to address impacted and remaining tortoises

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on site during the permitting process. Final recipient site location will be designated by the FWC Relocation Permit.

SPECIES PRESENCE

Tortoise Density

During a preliminary species survey approximately 25 active and 16 inactive Gopher Tortoise burrows found on the project site. A total of 41 active and inactive burrows were flagged in non-xeric habitat, which equates to approximately 21 tortoises which may inhabit the site.

When a Relocation Permit is obtained, upon receipt of FWC approvals and payment of fees, all active and inactive burrows located within the development area will be excavated in a manner described below. Any tortoise and commensal species excavated will be relocated to the designated onsite or offsite preserve as approved by the FWC permit.

ACTION PLAN

Action Plan for Relocation of Gopher Tortoise Onsite

The responsibility of implementation of the protected species action plan will be by the applicant, or the successor. The following is a time-ordered sequence of management activities as it relates to protected species.

1) A Relocation Permit will be acquired from FWC to address impacted Gopher Tortoises and commensal specials. This may include either on-site of offsite relocation, or a combination thereof.

2) The onsite Gopher Tortoise preserve area will be surveyed and staked for field approval by Lee County staff

3) All Exotic vegetation within the on-site preserve will be treated.

4) The relocation area will then be prepared for the tortoises by installing a barrier that will prevent their movement into construction activities, and which would also help any approved onsite relocated tortoises adjust to their new location within the preserve.

    a) The fencing will be buried about 18 inches to 24 inches deep at a 90-degree angle, with the lower portion being buried parallel to the surface to prevent tortoises from burrowing under the fencing.

5) Immediately prior to land clearing, excavation of impacted Gopher Tortoise burrows will occur in the manner described as follows:

    a) A flexible hose will be snaked down the burrow in order to keep track of the burrow.

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b) A back hoe with a flat plated bucket (no teeth) will remove soil material until just before reaching the burrow. Excavation will then occur manually to ensure no injury to the tortoise.

c) The flexible hose will be moved deeper into the burrow and the process will continue until the tortoise and other commensal species can be manually removed from the burrow, or the burrow is found unoccupied.

d) The tortoises will be placed in large buckets (1.5' high by 2.0' diameter) and transported to the onsite preserve.

6) Land clearing will commence immediately after the relocation of the protected species and issuance of appropriate vegetation clearing permits.

Action Plan for Offsite Gopher Tortoise Relocation

1) A Relocation Permit will be acquired from FWC to address impacted Gopher Tortoises and commensal specials. This may include either on-site of offsite relocation, or a combination thereof.

2) Any site preparation work for the offsite recipient area which my include exotic removal, prescribed burning, or supplemental plantings will be done as necessary, in accordance with the approved FWC permit.

3) Immediately prior to land clearing, excavation of impacted Gopher Tortoise burrows will occur in the manner described as follows:

a) A flexible hose will be snaked down the burrow in order to keep track of the burrow.

b) A back hoe with a flat plated bucket (no teeth) will remove soil material until just before reaching the burrow. Excavation will then occur manually to ensure no injury to the tortoise.

c) The flexible hose will be moved deeper into the burrow and the process will continue until the tortoise and other commensal species can be manually removed from the burrow, or the burrow is found unoccupied.

d) The tortoises will be placed in large buckets (1.5' high by 2.0' diameter) and transported to the FWC approved recipient site.

4) Land clearing will commence immediately after the relocation of the protected species and issuance of appropriate vegetation clearing permits.

ON-SITE GOPHER TORTOISE HABITAT MANAGEMENT PLAN

GOAL: Implement appropriate habitat management practices on upland native plant communities for Gopher Tortoises remaining on site.

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Water management berms and swales on-site will consist of Bahia grass to provide additional foraging material for remaining tortoises on site.

A. Exotic Vegetation Removal, Non-native Vegetation, and Nuisance or Invasive Plant Control. Conservation areas, preserves, open space areas, and undeveloped portions of the property will be walked and all exotic and nuisance plants shall be killed and removed from the area manually. These plants will be killed in a manner consistent with current exotic and nuisance plant removal practices while ensuring that neighboring plants are left unharmed and the soil left as undisturbed as possible. Exotic and nuisance species are those listed by the Florida Exotic Pest Plant Council's list at the time this plan is approved.

B. Annual Maintenance and Inspections. Conservation areas, preserves, open space areas, and undeveloped portions of the property will be walked and inspected at least once yearly for the presence of exotic vegetation. At no time shall exotic vegetation constitute more than 5 percent of the total vegetative cover between inspections. Nuisance and exotic plant species should constitute no more than 10 percent of the total area. The preserve areas shall be inspected on scheduled intervals not exceeding one year between inspections. The maintenance program will be conducted in perpetuity. Maintenance shall be the responsibility of the developer or their successor.

C. General Maintenance. Preserves shall be maintained in their natural state and must be kept free of excess refuse and debris.

D. Gopher Tortoise Habitat Management. Normally some form of management such as prescribed burning is beneficial for gopher tortoises. Due to the proximity of residential areas, alternative mechanical management may include the manual thinning of saw palmetto, bush hogging or similar activities. These activities should only be done under the direction of a biologist.

E. Signs. Signage shall be placed around the preserve areas to identify and protect the preserve during construction. The boundary of the Preserve shall be posted with appropriate signage denoting the area as a Preserve. Sign(s) should note that the posted area is a protected area.

MONITORING

An annual preserve monitoring report will be submitted to the county. Included with this survey will be information on habitat management activities which have occurred on the property as well as estimates of habitat variables such as percent canopy cover and percent herbaceous ground cover, invasive exotic coverage, and utilization of listed species including Gopher Tortoise. A detailed Monitoring Plan will be provided at the time of development order.

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Quattrone & Associates, Inc.
Engineers, Planners & Development Consultants
11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33966
Tel: 239.936.5222 QAINC.NET Fax: 239.936.7228

BAY SHORE 57

TRAFFIC IMPACT STATEMENT
February, 2008

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Prepared By:
Ehab Guirguis, P.E.

Project # 06-10-16

TRAFFIC IMPACT STATEMENT
BAY SHORE 57

PROJECT DESCRIPTION & QUARE FOOTAGE:
This project is limited to the construction of eight com./retail buildings and one hundred ninety two residential Town Homes Units.
The eight Commercial / Retail Buildings foot print will be as follow:

1- 192 residential Town Homes Units.
2- Building #1: two story building 21,000 sf Retail/ General Commercial.
3- Building #2: two story building 21,000 sf Retail/ General Commercial.
4- Building #3: one story building 41,000 sf Retail.
5- Building #4: one story building 4,500 sf Retail.
6- Building #5 : one story building 10,000 sf. General Commercial.
7- Building #6: one story building 49,000 sf Retail.
8- Building #7: one story building 7,000 sf Retail/ General Commercial.
9- Building #8 : two story building 32,000 Medical Office Building.

PROJECT ACCESS:

Access to the site is via Bayshore Road (State Road 78), a four lane Arterial road and Samville Road, a two lane Minor Collector.

TOTAL SQUARE FOOTAGE:

The proposed project (BAY SHORE 57) square footage is as follow :

1- 192 residential Town Homes Units.
2- General Commercial 53,500 sf.
3- Retail 100,000 sf
4- General Medical 32,000 sf.

TRIP GENERATION:

Source : Institute of Transportation Engineers Trip Generation, 7th Edition, 2003.
Land Use Code is (230) Residential Condominium/Town House.
Land Use Code is (720) Medical- Dental Office.
Land Use Code is (710)Single Tenant Office Building.
Land Use Code is (820) Shopping Center.

AMPHTE'S: 350 (212-enter, 138-exit)
PMPHTE'S: 673 (292-enter, 381-exit)

TRIP DISTRIBUTION:

Please see Figures 1 & 2

TURNLANE ANALYSIS:

Left Turn Lane

The left turn lane will be required when two or more warrants are satisfied.

Bayshore Rd. is an Arterial Street

1- posted speed limit of the arterial street is greater than thirty five (mph) and the peak hour left turning movement is 10 ore more as conditioned herein.
(warrant)

2- Estimated two way peak season, peak hour through volume = 1,000 or more and the left turning movement from the arterial is equal to or greater than 10.

(warrant).

3- Available sight distance.

(Does not warrant)

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4- Arterial Street has been designated as a controlled access facility by the BOCC.

(Does not warrant)

5- Traffic Control, of the intersection street or access point connection is by a traffic signal.

(Does not warrant)

Therefore a Left Turn Lane is required.
There is an existing 350 feet Left Turn Lane.

Right Turn Lane

The right turn lane will be required when two or more warrants are satisfied.

Bayshore Rd.. is an Arterial Street

1- Posted speed limit of the arterial street is equal to or greater than thirty five (mph).
(Warrant)

2- Number of right turning movements from the arterial street is equal to or greater than thirty during either the A.M. or P.M. peak hour.

(warrant).

3-Available sight distance.

(Does not warrant)

4-Arterial Street has been designated as a controlled access facility by the BOCC.

(Does not warrant)

5-Traffic Control, of the intersection street or access point connection is by a traffic signal.
(Does not warrant)

Therefore a Right Turn Lane is required.
There is an existing 350 feet Right Turn Lane.

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LOS DETERMINATION:

Attached is the LOS calculation for Bayshore Rd. Bayshore Rd has an existing LOS of D at the project location. The forecasted trip distribution (Figure 1 & 2) show minor increases in traffic volume headed southbound and northbound. There is no change in LOS resulting from this project.

REFERANCE:

Trip Generation by Microtrans Version 5 (Source: Institute of Transportation Engineers Trip Generation, 7th Edition, 2003)
Link-Specific Service Volumes on Arterials in Lee County (2007) Data
Lee County Road Link Volumes
Lee County Periodic Count Station Data (2006)

CONCLUSION

The additional estimated traffic for the proposed project will not reduce the level of service of the above analyzed roadways below the minimum acceptable hour/peak season level of service E as stated in the Lee County/ DCA, settlement agreement.

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100TH HIGHEST HOUR
LEVEL OF SERVICE CALCULATION
BAYSHORE 57

QUATTRONE & ASSOCIATES, INC.

ENGINEER:

DATE: February 18, 2008

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PROJECT NAME: BAYSHORE 57

PROJECT LOCATION: BAYSHORE ROAD

PERMANENT COUNTING STATION NUMBER: 5

100TH HOUR V.P.H. (Year & Rate) = 2007 1,424

YEAR FOLLOWING PROJECT CONSTRUCTION: 2013

ADJUSTMENT FACTOR =

Count & Yr min	24200	1997
Count & Yr max	28500	2006
Adjustment Factor =	(28500 / 24200 $^{0.11}$) ^{6}	1.115

ADJUSTED 100TH HOUR V.P.H. = 1,424 x 1.115 = 1,588

EXISTING LEVEL OF SERVICE = D

PROJECT V.P.H. = 323

TOTAL V.P.H. = 1,588 + 323 = 1,911

LEVEL OF SERVICE = D

COMMENTS:

DCI 2007-00045

DATE	REVISIONS

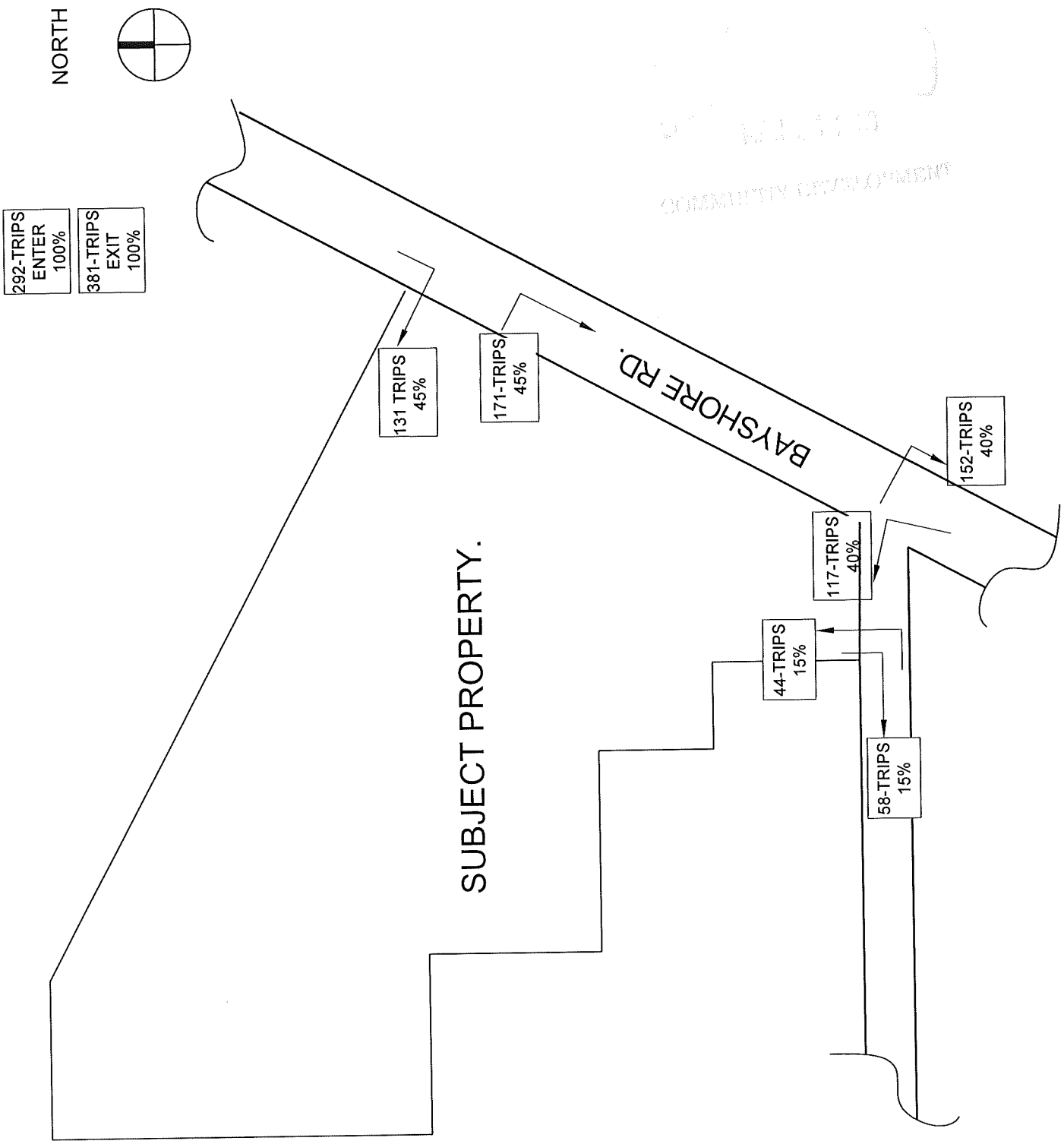
Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33966 - 239-936-5222
Certificate of Authorization Number: 9465

BAYSHORE 57
A.M. PEAK HOUR TRIP DISTRIBUTION

LEE COUNTY, FLORIDA

ALFRED QUATTRONE, P.E.
FL. REG #52741

SHEET 01 OF 2



DCI 2007-00145

DATE	REVISIONS

Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 30 - Fort Myers, Florida 33966 - 239-936-5222
Certificate of Authorization Number: 9465

BAYSHORE 57
P.M. PEAK HOUR TRIP DISTRIBUTION

LEE COUNTY, FLORIDA

ALFRED QUATTRONE, P.E.
FL. REG. #52741

SHEET 02 OF 2

TABLE -I

LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS

BAY SHORE 57

TOTAL PROJECT TRAFFIC AM= 350 VPH IN = 212 OUT = 138

TOTAL PROJECT TRAFFIC PM= 673 VPH IN= 292 OUT= 381

ROADWAY	SEGMENT	PCS	1997 BASE YEAR ADT	2006 ADT	YEARS OF GROWTH	ANNUAL % RATE	Year 2008 PEAK SEASON PEAK DIR	Year 2012 PEAK SEASON PEAK DIR	PROJECT TRAFFIC	AM PROJECT TRAFFIC	PM PROJECT TRAFFIC	BCKGRND AM PROJ TRAFFIC	BCKGRND PM PROJ TRAFFIC
Bayshore Road	East of Williamsburg Drive	5	15900	22300	9	3.80%	1479	1718	45%	95	131	1813	1849
	East of Nalle Road	5	8900	11900	9	3.30%	1471	1673	30%	95	131	1768	1804
	East of Hart Road	5	24200	28500	9	1.80%	1450	1559	40%	85	152	1644	1711

2007 PEAK HOUR - PEAK SEASON - PEAK DIRECTION VOLUMES ABTAINED FROM THE 2006/2007 - 2007/2008 LEE COUNTY CONCURRENCY MANAGEMENT REPORT, DATED JUNE 2007

100th HIGHEST HOUR LEVEL OF SERVICE

	2012 PK SEASON BCKGRND TRAFFIC	2012 BCKGRND AM PROJ TRAFFIC	2010 BCKGRND PM PROJ TRAFFIC
East of Williamsburg Drive	D	D	D
East of Nalle Road	E	E	E
East of Hart Road	D	D	D

DCI 2007-00045

ROAD LINK VOLUMES
Peak Direction of Flow

ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2006 100th HIGHEST HR		EST 2007 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES*	LINK NO.
				LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME		
A & W BULB RD	GLADIOLUS DR	McGREGOR BL	2LU	E	860	C	261	C	275	C	304		00100
ALABAMA RD	IMMOKALEE RD (SR 82)	MILWAUKEE BL	2LN	E	990	D	328	D	405	D	405		00200
ALABAMA RD	MILWAUKEE BL	HOMESTEAD RD	2LN	E	990	D	447	D	515	D	515		00300
ALEX BELL BL	IMMOKALEE RD (SR 82)	MILWAUKEE BL	2LN	E	990	B	167	C	348	D	545		00400
ALEX BELL BL	MILWAUKEE BL	JOEL BL	2LN	E	990	D	400	D	546	E	711		00500
ALICO RD	US 41	LEE RD	6LD	E	2,920	B	1,019	B	1,124	B	1,313	6 Ln under construction	00600
ALICO RD	LEE RD	THREE OAKS PKWY	6LD	E	2,920	B	1,219	B	1,222	B	1,227		00700
ALICO RD	THREE OAKS PKWY	I-75	6LD	E	2,920	N/A	N/A	N/A	N/A	N/A	N/A	6 Ln under construction by FDOT	00800
ALICO RD	I-75	BEN HILL GRIFFIN BL	6LD	E	2,920	A	631	B	908	B	1,112	6 Ln under construction by FDOT	00900
ALICO RD	BEN HILL GRIFFIN BL	GREEN MEADOW DR	2LN	E	860	D	446	D	446	D	542		01000
ALICO RD	GREEN MEADOW DR	CORKSCREW RD (CR 850)	2LN	E	860	C	151	C	151	C	151		01050
ARROYAL ST	BONITA BCH RD	PENNSYLVANIA AVE	2LN	E	860	C	337	C	354	C	370		01100
BABCOCK RD	US 41	ROCKEFELLER CIR	2LN	E	860	B	40	B	40	B	41		01200
BAYLARD RD	MARSH AVE	ORTIZ AVE	2LN	E	860	N/A	N/A	N/A	N/A	N/A	N/A		01300
BARRETT RD	PONDELLA RD	PINE ISLAND RD	2LN	E	860	C	126	C	126	C	126		01400
BASS RD	SUMMERLIN RD	GLADIOLUS DR	2LU	E	860	C	224	C	250	D	487	Part 4 Ln, remainder part of Gladiolus 4 Ln project in 2007/08	01500
BAYSHORE RD (SR78)	BUSINESS 41	HART RD	4LD	E	1,990	D	1,613	D	1,617	D	1,619		01600
BAYSHORE RD (SR78)	HART RD	SLATER RD	4LD	E	1,990	D	1,376	D	1,424	D	1,564		01700
BAYSHORE RD (SR78)	SLATER RD	I-75	4LD	E	1,950	N/A	N/A	N/A	N/A	N/A	N/A		01800
BAYSHORE RD (SR78)	I-75	NALLE RD	2LN	E	1,080	D	662	D	665	D	665		01900
BAYSHORE RD (SR78)	NALLE RD	SR 31	2LN	E	1,080	D	662	E	671	E	675		02000
BEN HILL GRIFFIN BL	CORKSCREW RD	FGCU ENTRANCE	4LD	E	2,190	A	1,106	A	1,112	B	1,142		02100
BEN HILL GRIFFIN BL	FGCU ENTRANCE	COLLEGE CLUB DR	4LD	E	2,190	A	1,095	B	1,145	B	1,277		02200
BEN HILL GRIFFIN BL	COLLEGE CLUB DR	ALICO RD	6LD	E	2,920	B	1,095	B	1,393	B	1,682		02250
BETH STACEY BL	23rd ST	HOMESTEAD RD	2LU	E	860	C	343	C	395	E	685		02300
BONITA BEACH RD	HICKORY BL	VANDERBILT RD	4LD	E	1,990	C	1,184	C	1,222	C	1,300	6 Ln design proposed in 2005/07	02400
BONITA BEACH RD	VANDERBILT RD	US 41	4LD	E	1,990	N/A	N/A	N/A	N/A	N/A	N/A		02500
BONITA BEACH RD	US 41	OLD 41	2LN	E	1,070	C	1,184	C	1,222	C	1,300	6 Ln design proposed in 2005/07	02600

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PERIODIC COUNT STATION DATA

STREET	LOCATION	Station #	MAP	Daily Traffic Volume (AADT) 1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	NOTE	PERM-ANENT STATION
A & W BULB RD	N OF GLADIOLUS DR	215	G	2400	3000	4000	3700	3300	3800	4300	4700	5700	5800		37
ALABAMA RD	N OF IMMOKALEE RD	201	F	3000	3700	2800	2600	3200	4200	4200	5100	5300	6300		21
	S OF HOMESTEAD RD	200	F	5900	5900	5800	4900	5600	6400	7100	8100	8800	9500		6
BELL BLVD	N OF IMMOKALEE RD	202	F	1000	1000	1000	1000	1100	1400	1300	2100	2600	3200		21
	S OF LEELAND HEIGHTS BV	203	F	2700	2600	3000	2700	3200	3700	4000	4900	6100	8500		6
ALICO RD	E OF US 41	204	G	14700	12800	15100	15700	17800	19100	17700	19800		18900		25
	E OF LEE RD	207	H	11600	12000	13900	14200	16000	17400	18000	20000		22600		25
	W OF I - 75	10	H	13400	14900	16300	15700	17200	18000	19000	U/C	U/C	U/C		
	E OF BEN HILL GRIFFIN PKWA	205	H	4700	5200	5500	5800	6500	9800	U/C	14700	13100	12600		25
	E OF I - 75	53	H						10100	11300	14500	12500	11700		
	N OF CORKSCREW RD	206		1000	900	1000	1000	N/A	800	2000	2100	1600	2800		25
ARROYAL ST	N OF BONITA BEACH RD	496	H	4500	3600	4000	4000	5900	4300	5000	6200	6500	6400		16
BABCOCK RD	E OF US 41	461	H	1600	1300	1500	1600	N/A	1500	1600	1700		900		25
BALLARD RD	W OF ORTIZ AV	504	E	4600	4800	4900	3500	N/A	5200	5100	5800	5300	6400		22
BARRETT RD	S OF PINE ISLAND RD	509	C	2800	2700	2900	2500	2800	3300	3100	3300	3200	3100		49
BASS RD	N OF SUMMERLIN RD	216	G	6400	5700	6800	6200	5700	6000	7600	7400	9200	5900		39
BAYSHORE RD (SR 78)	E OF BUSINESS 41	218	C	33100	27500	31300	31800	32300	34000	31000	35700	37800	33400		5
	E OF HART RD	219	C	24200	24600	26800	26000	24900	27800	25700	27300	28700	28500		5
	W OF WILLIAMSBURG DR	4	D	15900	16400	17000	18400	19500	20000	20600	22000	22300	U/C		
	E OF NALLE RD	217	D	8900	8400	8900	9300	10000	9300	10100	11900	11900	13700		5
BEN HILL GRIFFIN PKWY	S OF MIDFIELD TERMINAL	60	E									19000	20900		
	S OF ALICO RD	514	H		2400	2800	5300	N/A	6500	7100	8200		20300		25
	N OF CORKSCREW RD	517	H		1000	2800	3000	4500	5000	7800	10200	17200	20500		25
BETH STACEY RD	S OF HOMESTEAD RD	220	F	4700	4600	4100	4000	4600	5200	5200	6500	6900	7300		6

BAY SHORE 57
Summary of Trip Generation Calculation
For 53.5 Th.Gr.Sq.Ft. of General Office Building
February 18, 2008

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	11.01	6.13	1.00	589
7-9 AM Peak Hour Enter	1.36	0.00	1.00	73
7-9 AM Peak Hour Exit	0.19	0.00	1.00	10
7-9 AM Peak Hour Total	1.55	1.39	1.00	83
4-6 PM Peak Hour Enter	0.25	0.00	1.00	13
4-6 PM Peak Hour Exit	1.24	0.00	1.00	66
4-6 PM Peak Hour Total	1.49	1.37	1.00	80
Saturday 2-Way Volume	2.37	2.08	1.00	127
Saturday Peak Hour Enter	0.22	0.00	1.00	12
Saturday Peak Hour Exit	0.19	0.00	1.00	10
Saturday Peak Hour Total	0.41	0.68	1.00	22

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

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BAY SHORE 57
Summary of Trip Generation Rates
For 53.5 Th.Gr.Sq.Ft. of General Office Building
February 18, 2008

	Avg. Trip Rate	Min. Trip Rate	Max. Trip Rate	Std. Dev.	No. of Studies
Avg. Weekday 2-Way Volume	11.01	3.58	28.80	6.13	78
7-9 AM Peak Hour Enter	1.36	0.53	5.26	0.00	0
7-9 AM Peak Hour Exit	0.19	0.07	0.72	0.00	0
7-9 AM Peak Hour Total	1.55	0.60	5.98	1.39	217
4-6 PM Peak Hour Enter	0.25	0.08	1.09	0.00	0
4-6 PM Peak Hour Exit	1.24	0.41	5.30	0.00	0
4-6 PM Peak Hour Total	1.49	0.49	6.39	1.37	235
AM Pk Hr, Generator, Enter	1.36	0.53	5.26	0.00	0
AM Pk Hr, Generator, Exit	0.19	0.07	0.72	0.00	0
AM Pk Hr, Generator, Total	1.55	0.60	5.98	1.39	217
PM Pk Hr, Generator, Enter	0.25	0.08	1.09	0.00	0
PM Pk Hr, Generator, Exit	1.24	0.41	5.30	0.00	0
PM Pk Hr, Generator, Total	1.49	0.49	6.39	1.37	235
Saturday 2-Way Volume	2.37	0.59	14.67	2.08	17
Saturday Peak Hour Enter	0.22	0.09	0.85	0.00	0
Saturday Peak Hour Exit	0.19	0.07	0.72	0.00	0
Saturday Peak Hour Total	0.41	0.16	1.57	0.68	10
Sunday 2-Way Volume	0.98	0.19	7.33	1.29	17
Sunday Peak Hour Enter	0.08	0.03	0.21	0.00	0
Sunday Peak Hour Exit	0.06	0.03	0.16	0.00	0
Sunday Peak Hour Total	0.14	0.06	0.37	0.38	10

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

DEVELOPMENT

DD 2007-00045

BAY SHORE 57
Summary of Average Vehicle Trip Generation
For 53.5 Th.Gr.Sq.Ft. of General Office Building
February 18, 2008

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	589	73	10	13	66

	24 hour Two-Way Volume	Peak Hour	
		Enter	Exit
Saturday	127	12	10
Sunday	52	4	3

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

BAY SHORE 57
Summary of Trip Generation Calculation
For 53.5 Th.Gr.Sq.Ft. of General Office Building
February 18, 2008

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	11.01	6.13	1.00	589
7-9 AM Peak Hour Enter	1.36	0.00	1.00	73
7-9 AM Peak Hour Exit	0.19	0.00	1.00	10
7-9 AM Peak Hour Total	1.55	1.39	1.00	83
4-6 PM Peak Hour Enter	0.25	0.00	1.00	13
4-6 PM Peak Hour Exit	1.24	0.00	1.00	66
4-6 PM Peak Hour Total	1.49	1.37	1.00	80
AM Pk Hr, Generator, Enter	1.36	0.00	1.00	73
AM Pk Hr, Generator, Exit	0.19	0.00	1.00	10
AM Pk Hr, Generator, Total	1.55	1.39	1.00	83
PM Pk Hr, Generator, Enter	0.25	0.00	1.00	13
PM Pk Hr, Generator, Exit	1.24	0.00	1.00	66
PM Pk Hr, Generator, Total	1.49	1.37	1.00	80
Saturday 2-Way Volume	2.37	2.08	1.00	127
Saturday Peak Hour Enter	0.22	0.00	1.00	12
Saturday Peak Hour Exit	0.19	0.00	1.00	10
Saturday Peak Hour Total	0.41	0.68	1.00	22
Sunday 2-Way Volume	0.98	1.29	1.00	52
Sunday Peak Hour Enter	0.08	0.00	1.00	4
Sunday Peak Hour Exit	0.06	0.00	1.00	3
Sunday Peak Hour Total	0.14	0.38	1.00	7

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

BAY SHORE 57
Summary of Trip Generation Calculation
For 32 Th.Gr.Sq.Ft. of Medical-Dental Office Building
February 18, 2008

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	36.13	10.18	1.00	1156
7-9 AM Peak Hour Enter	1.96	0.00	1.00	63
7-9 AM Peak Hour Exit	0.52	0.00	1.00	17
7-9 AM Peak Hour Total	2.48	1.94	1.00	79
4-6 PM Peak Hour Enter	1.00	0.00	1.00	32
4-6 PM Peak Hour Exit	2.72	0.00	1.00	87
4-6 PM Peak Hour Total	3.72	2.50	1.00	119
Saturday 2-Way Volume	8.96	9.17	1.00	287
Saturday Peak Hour Enter	2.07	0.00	1.00	66
Saturday Peak Hour Exit	1.56	0.00	1.00	50
Saturday Peak Hour Total	3.63	1.93	1.00	116

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

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BAY SHORE 57
Summary of Trip Generation Rates
For 32 Th.Gr.Sq.Ft. of Medical-Dental Office Building
February 18, 2008

	Avg. Trip Rate	Min. Trip Rate	Max. Trip Rate	Std. Dev.	No. of Studies
Avg. Weekday 2-Way Volume	36.13	23.16	50.51	10.18	10
7-9 AM Peak Hour Enter	1.96	0.67	3.78	0.00	0
7-9 AM Peak Hour Exit	0.52	0.18	1.01	0.00	0
7-9 AM Peak Hour Total	2.48	0.85	4.79	1.94	21
4-6 PM Peak Hour Enter	1.00	0.26	2.39	0.00	0
4-6 PM Peak Hour Exit	2.72	0.71	6.47	0.00	0
4-6 PM Peak Hour Total	3.72	0.97	8.86	2.50	41
AM Pk Hr, Generator, Enter	2.39	0.80	4.94	0.00	0
AM Pk Hr, Generator, Exit	1.23	0.41	2.55	0.00	0
AM Pk Hr, Generator, Total	3.62	1.21	7.49	2.38	16
PM Pk Hr, Generator, Enter	1.78	0.88	3.04	0.00	0
PM Pk Hr, Generator, Exit	2.67	1.33	4.56	0.00	0
PM Pk Hr, Generator, Total	4.45	2.21	7.60	2.50	21
Saturday 2-Way Volume	8.96	1.10	21.93	9.17	5
Saturday Peak Hour Enter	2.07	1.76	2.29	0.00	0
Saturday Peak Hour Exit	1.56	1.32	1.73	0.00	0
Saturday Peak Hour Total	3.63	3.08	4.02	1.93	3
Sunday 2-Way Volume	1.55	0.71	5.11	1.80	4
Sunday Peak Hour Enter	0.21	0.15	0.33	0.00	0
Sunday Peak Hour Exit	0.19	0.13	0.30	0.00	0
Sunday Peak Hour Total	0.40	0.28	0.63	0.00	2

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

BAY SHORE 57
Summary of Average Vehicle Trip Generation
For 32 Th.Gr.Sq.Ft. of Medical-Dental Office Building
February 18, 2008

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	1156	63	17	32	87

	24 hour Two-Way Volume	Peak Hour	
		Enter	Exit
Saturday	287	66	50
Sunday	50	7	6

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

COMMUNITY DEVELOPMENT

BAY SHORE 57
Summary of Trip Generation Calculation
For 32 Th.Gr.Sq.Ft. of Medical-Dental Office Building
February 18, 2008

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	36.13	10.18	1.00	1156
7-9 AM Peak Hour Enter	1.96	0.00	1.00	63
7-9 AM Peak Hour Exit	0.52	0.00	1.00	17
7-9 AM Peak Hour Total	2.48	1.94	1.00	79
4-6 PM Peak Hour Enter	1.00	0.00	1.00	32
4-6 PM Peak Hour Exit	2.72	0.00	1.00	87
4-6 PM Peak Hour Total	3.72	2.50	1.00	119
AM Pk Hr, Generator, Enter	2.39	0.00	1.00	76
AM Pk Hr, Generator, Exit	1.23	0.00	1.00	39
AM Pk Hr, Generator, Total	3.62	2.38	1.00	116
PM Pk Hr, Generator, Enter	1.78	0.00	1.00	57
PM Pk Hr, Generator, Exit	2.67	0.00	1.00	85
PM Pk Hr, Generator, Total	4.45	2.50	1.00	142
Saturday 2-Way Volume	8.96	9.17	1.00	287
Saturday Peak Hour Enter	2.07	0.00	1.00	66
Saturday Peak Hour Exit	1.56	0.00	1.00	50
Saturday Peak Hour Total	3.63	1.93	1.00	116
Sunday 2-Way Volume	1.55	1.80	1.00	50
Sunday Peak Hour Enter	0.21	0.00	1.00	7
Sunday Peak Hour Exit	0.19	0.00	1.00	6
Sunday Peak Hour Total	0.40	0.00	1.00	13

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

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BAY SHORE 57
Summary of Trip Generation Calculation
For 192 Dwelling Units of Residential Condominium / Townhouse
February 18, 2008

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	5.86	3.09	1.00	1125
7-9 AM Peak Hour Enter	0.07	0.00	1.00	13
7-9 AM Peak Hour Exit	0.37	0.00	1.00	71
7-9 AM Peak Hour Total	0.44	0.69	1.00	84
4-6 PM Peak Hour Enter	0.35	0.00	1.00	67
4-6 PM Peak Hour Exit	0.17	0.00	1.00	33
4-6 PM Peak Hour Total	0.52	0.75	1.00	100
Saturday 2-Way Volume	5.67	3.10	1.00	1089
Saturday Peak Hour Enter	0.25	0.00	1.00	48
Saturday Peak Hour Exit	0.22	0.00	1.00	42
Saturday Peak Hour Total	0.47	0.71	1.00	90

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

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BAY SHORE 57
Summary of Trip Generation Rates
For 192 Dwelling Units of Residential Condominium / Townhouse
February 18, 2008

	Avg. Trip Rate	Min. Trip Rate	Max. Trip Rate	Std. Dev.	No. of Studies
Avg. Weekday 2-Way Volume	5.86	1.83	11.79	3.09	54
7-9 AM Peak Hour Enter	0.07	0.03	0.27	0.00	0
7-9 AM Peak Hour Exit	0.37	0.12	1.34	0.00	0
7-9 AM Peak Hour Total	0.44	0.15	1.61	0.69	59
4-6 PM Peak Hour Enter	0.35	0.12	0.83	0.00	0
4-6 PM Peak Hour Exit	0.17	0.06	0.41	0.00	0
4-6 PM Peak Hour Total	0.52	0.18	1.24	0.75	62
AM Pk Hr, Generator, Enter	0.08	0.03	0.17	0.00	0
AM Pk Hr, Generator, Exit	0.36	0.12	0.80	0.00	0
AM Pk Hr, Generator, Total	0.44	0.15	0.97	0.68	52
PM Pk Hr, Generator, Enter	0.33	0.12	0.79	0.00	0
PM Pk Hr, Generator, Exit	0.19	0.06	0.45	0.00	0
PM Pk Hr, Generator, Total	0.52	0.18	1.24	0.75	50
Saturday 2-Way Volume	5.67	1.17	11.40	3.10	30
Saturday Peak Hour Enter	0.25	0.08	0.50	0.00	0
Saturday Peak Hour Exit	0.22	0.06	0.43	0.00	0
Saturday Peak Hour Total	0.47	0.14	0.93	0.71	27
Sunday 2-Way Volume	4.84	1.36	8.56	2.71	30
Sunday Peak Hour Enter	0.22	0.08	0.52	0.00	0
Sunday Peak Hour Exit	0.23	0.08	0.55	0.00	0
Sunday Peak Hour Total	0.45	0.16	1.07	0.70	27

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

BAY SHORE 57
Summary of Average Vehicle Trip Generation
For 192 Dwelling Units of Residential Condominium / Townhouse
February 18, 2008

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	1125	13	71	67	33

	24 hour Two-Way Volume	Peak Hour	
		Enter	Exit
Saturday	1089	48	42
Sunday	929	42	44

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

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BAY SHORE 57
Summary of Trip Generation Calculation
For 192 Dwelling Units of Residential Condominium / Townhouse
February 18, 2008

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	5.86	3.09	1.00	1125
7-9 AM Peak Hour Enter	0.07	0.00	1.00	13
7-9 AM Peak Hour Exit	0.37	0.00	1.00	71
7-9 AM Peak Hour Total	0.44	0.69	1.00	84
4-6 PM Peak Hour Enter	0.35	0.00	1.00	67
4-6 PM Peak Hour Exit	0.17	0.00	1.00	33
4-6 PM Peak Hour Total	0.52	0.75	1.00	100
AM Pk Hr, Generator, Enter	0.08	0.00	1.00	15
AM Pk Hr, Generator, Exit	0.36	0.00	1.00	69
AM Pk Hr, Generator, Total	0.44	0.68	1.00	84
PM Pk Hr, Generator, Enter	0.33	0.00	1.00	63
PM Pk Hr, Generator, Exit	0.19	0.00	1.00	36
PM Pk Hr, Generator, Total	0.52	0.75	1.00	100
Saturday 2-Way Volume	5.67	3.10	1.00	1089
Saturday Peak Hour Enter	0.25	0.00	1.00	48
Saturday Peak Hour Exit	0.22	0.00	1.00	42
Saturday Peak Hour Total	0.47	0.71	1.00	90
Sunday 2-Way Volume	4.84	2.71	1.00	929
Sunday Peak Hour Enter	0.22	0.00	1.00	42
Sunday Peak Hour Exit	0.23	0.00	1.00	44
Sunday Peak Hour Total	0.45	0.70	1.00	86

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

BAY SHORE 57
Summary of Trip Generation Calculation
For 100 T.G.L.A. of Shopping Center
February 18, 2008

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	42.94	21.38	1.00	4294
7-9 AM Peak Hour Enter	0.63	0.00	1.00	63
7-9 AM Peak Hour Exit	0.40	0.00	1.00	40
7-9 AM Peak Hour Total	1.03	1.40	1.00	103
4-6 PM Peak Hour Enter	1.80	0.00	1.00	180
4-6 PM Peak Hour Exit	1.95	0.00	1.00	195
4-6 PM Peak Hour Total	3.75	2.75	1.00	375
Saturday 2-Way Volume	49.97	22.62	1.00	4997
Saturday Peak Hour Enter	2.58	0.00	1.00	258
Saturday Peak Hour Exit	2.39	0.00	1.00	239
Saturday Peak Hour Total	4.97	3.11	1.00	497

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

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BAY SHORE 57
Summary of Trip Generation Rates
For 100 T.G.L.A. of Shopping Center
February 18, 2008

	Avg. Trip Rate	Min. Trip Rate	Max. Trip Rate	Std. Dev.	No. of Studies
Avg. Weekday 2-Way Volume	42.94	12.50	270.89	21.38	302
7-9 AM Peak Hour Enter	0.63	0.06	5.52	0.00	0
7-9 AM Peak Hour Exit	0.40	0.04	3.53	0.00	0
7-9 AM Peak Hour Total	1.03	0.10	9.05	1.40	98
4-6 PM Peak Hour Enter	1.80	0.33	14.05	0.00	0
4-6 PM Peak Hour Exit	1.95	0.35	15.22	0.00	0
4-6 PM Peak Hour Total	3.75	0.68	29.27	2.75	407
AM Pk Hr, Generator, Enter	0.00	0.00	0.00	0.00	0
AM Pk Hr, Generator, Exit	0.00	0.00	0.00	0.00	0
AM Pk Hr, Generator, Total	0.00	0.00	0.00	0.00	0
PM Pk Hr, Generator, Enter	0.00	0.00	0.00	0.00	0
PM Pk Hr, Generator, Exit	0.00	0.00	0.00	0.00	0
PM Pk Hr, Generator, Total	0.00	0.00	0.00	0.00	0
Saturday 2-Way Volume	49.97	16.70	227.50	22.62	123
Saturday Peak Hour Enter	2.58	0.76	9.53	0.00	0
Saturday Peak Hour Exit	2.39	0.70	8.79	0.00	0
Saturday Peak Hour Total	4.97	1.46	18.32	3.11	124
Sunday 2-Way Volume	25.24	4.15	148.15	17.23	77
Sunday Peak Hour Enter	1.53	0.19	6.08	0.00	0
Sunday Peak Hour Exit	1.59	0.20	6.32	0.00	0
Sunday Peak Hour Total	3.12	0.39	12.40	2.78	39

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

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BAY SHORE 57
Summary of Average Vehicle Trip Generation
For 100 T.G.L.A. of Shopping Center
February 18, 2008

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	4294	63	40	180	195

	24 hour Two-Way Volume	Peak Hour	
		Enter	Exit
Saturday	4997	258	239
Sunday	2524	153	159

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

BAY SHORE 57
Summary of Trip Generation Calculation
For 100 T.G.L.A. of Shopping Center
February 18, 2008

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	42.94	21.38	1.00	4294
7-9 AM Peak Hour Enter	0.63	0.00	1.00	63
7-9 AM Peak Hour Exit	0.40	0.00	1.00	40
7-9 AM Peak Hour Total	1.03	1.40	1.00	103
4-6 PM Peak Hour Enter	1.80	0.00	1.00	180
4-6 PM Peak Hour Exit	1.95	0.00	1.00	195
4-6 PM Peak Hour Total	3.75	2.75	1.00	375
AM Pk Hr, Generator, Enter	0.00	0.00	1.00	0
AM Pk Hr, Generator, Exit	0.00	0.00	1.00	0
AM Pk Hr, Generator, Total	0.00	0.00	1.00	0
PM Pk Hr, Generator, Enter	0.00	0.00	1.00	0
PM Pk Hr, Generator, Exit	0.00	0.00	1.00	0
PM Pk Hr, Generator, Total	0.00	0.00	1.00	0
Saturday 2-Way Volume	49.97	22.62	1.00	4997
Saturday Peak Hour Enter	2.58	0.00	1.00	258
Saturday Peak Hour Exit	2.39	0.00	1.00	239
Saturday Peak Hour Total	4.97	3.11	1.00	497
Sunday 2-Way Volume	25.24	17.23	1.00	2524
Sunday Peak Hour Enter	1.53	0.00	1.00	153
Sunday Peak Hour Exit	1.59	0.00	1.00	159
Sunday Peak Hour Total	3.12	2.78	1.00	312

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

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BAY SHORE 57

TRAFFIC IMPACT STATEMENT
MAY, 2007

Prepared By:
Ehab Guirguis, P.E.

Project # 06-10-16

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