

category according to the Future Land Use Map of the Lee Plan. The Suburban category is described in Lee Plan Policy 1.1.5:

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)*

Places of Worship and Religious Facilities are not directly addressed in Policy 1.1.5, but are addressed in Policy 2.1.3:

POLICY 2.1.3: *All land use categories and Planning Community Map areas permit the consideration of churches and schools (except in Wetlands and Airport Noise Zones), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasi-commercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies, and standards in this plan and applicable zoning and development regulations. (Amended by Ordinance No. 94-30, 98-09)*

Since churches are to be considered allowable in all future land use categories, when consistent with the Lee Plan, the use of the subject property for a Place of Worship with standard accessory uses for a church is permitted and is **CONSISTENT** with Lee Plan Policies 1.1.5 and 2.1.3.

Conclusion

The applicant has shown that the subject property does indeed have some difficulties in terms of identification and way-finding based on its location and configuration. The subject property has 2,200± linear feet of frontage on Bayshore Road (SR 78), but much of the visible portions of the property along the roadway are indigenous preserve areas. The property is accessed from two locations, at the north and south of the property, and the applicant desires a sign at each location to help travelers on the 50-MPH Bayshore Road to find and access the site. Especially because of the rate of speed on Bayshore Road, as well as due to the curve just northeast of the subject property, the applicant has requested additional square footage and height so the signs will be visible in time for the public to make a safe turn onto Samville Road or Williams Road along the sides of the subject property. Staff does not feel, however, that the two proposed 800 square foot wall-mounted signs are compatible with the surrounding neighborhood, nor are they needed to be visible from the two minor collector roadways along the north and west sides of the site. Staff has recommended **APPROVAL** of the four requested variances, with conditions, specifically to reduce the size of the proposed wall-mounted signs to no more than 3% of the wall area.

IV. SUBJECT PROPERTY

- A. STRAP: The applicant indicates the STRAP numbers are:
29-43-25-00-00001.0030
29-43-25-00-00001.0000

V. ATTACHMENTS

- A. Map of surrounding zoning

VI. EXHIBITS

- A. Legal Description
B. Signage Plans

cc: Applicant
County Attorney

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst County Attorney
DS Reviewer – Brandon Dunn
Matt Noble, Planning

FROM: Tony Palermo, AICP

DATE: 06/28/2010

PROJECT NAME: BAYSHORE 57 MPD
INFORMATION SUMMARY:

CASE #: DCI2007-00045

To update your file
☒ Review and forward substantive comments **ASAP**.

Comments due to Tony Palermo, AICP by 07/12/2010

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 06/28/2010

Fred Drovdlc

From: Palermo, Anthony [APalermo@leegov.com]
Sent: Thursday, June 24, 2010 1:18 PM
To: Noble, Matthew; Dunn, Brandon; Fred Drovdlc
Subject: FW: Bayshore 57.
Attachments: EX-Special Case_2010-06-15.pdf; EX-Special Case_2010-06-15.doc

DCI 2007-00045

Fred

I've got the NFM minutes (april 6, 2010)

Go ahead and submit this narrative to the 1st floor zoning counter. Five copies should be plenty.

In the mean time, planning and zoning staff can update their memo and staff report.

Staff report is still due out July 8 and the hearing is still July 23.

Thank you.

Tony Palermo, Senior Planner, AICP
Lee County Department of Community Development Zoning Division
P.O. Box 398
Fort Myers, FL 33902
Ph. 239-533-8325
F. 239-485-8344
apalermo@leegov.com

RECEIVED
JUN 28 2010
COMMUNITY DEVELOPMENT

 Think Green & please print this e-mail only if necessary

From: Fred Drovdlc [mailto:fred@qainc.net]
Sent: Wednesday, June 16, 2010 3:45 PM
To: Palermo, Anthony
Subject: RE: Bayshore 57.

DCI 2007-00045

Tony,

Attached is the narrative. I am still working on the NFM notes.

Fred Drovdlc, AICP
239.936.5222



From: Palermo, Anthony [mailto:APalermo@leegov.com]
Sent: Wednesday, June 16, 2010 8:49 AM
To: Fred Drovdlc
Subject: Bayshore 57.

Fred:

Keep in mind our hearing is July 23 and we will need to get your updated Lee Plan analysis (like we discussed in our meeting w. Matt) and time to update the staff report, the planning division memo, etc. Please let me know when you can get your part done. Thank you.

Tony Palermo, Senior Planner, AICP
Lee County Department of Community Development
Zoning Division
P.O. Box 398
Fort Myers, FL 33902
Ph. 239-533-8325

6/25/2010

F. 239-485-8344
apalermo@leegov.com

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

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

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RECEIVED
JUN 28 2010
COMMUNITY DEVELOPMENT

DCI 2007-00045

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

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. 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. Roads identified as Minor Collector are considered local roads for site location standards. Bayshore Road is classified as a Major Arterial, therefore, the project is 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. 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 for a small, local retail center providing services such as a restaurant, a pharmacy, perhaps a bank or a convenience store.

The next step in site location categories increases maximum commercial retail development to up to 100,000 square feet with typical lot sizes of 10 acres. This Neighborhood Commercial category serves areas with more substantial daily needs like 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.

The site plan that has been presented to and recommended for approval by staff as of May 2010 is a 140,000 square foot office and retail center with 176 unit mix of single family and townhome units. The retail component was presented at 70,000 square feet. Staff recommended approval of 140,000 square feet of commercial but placed the retail limitation at 30,000 square feet through a strict interpretation of site location standards. We understand the interpretation, however, the recommendation does not fully consider the realignment of Samville Road and the dedicated northern access road serving the commercial and residential component. After full consideration of those factors we feel there is justification for up to 70,000 square feet of retail.

RECEIVED
JUN 28 2010

COMMUNITY DEVELOPMENT

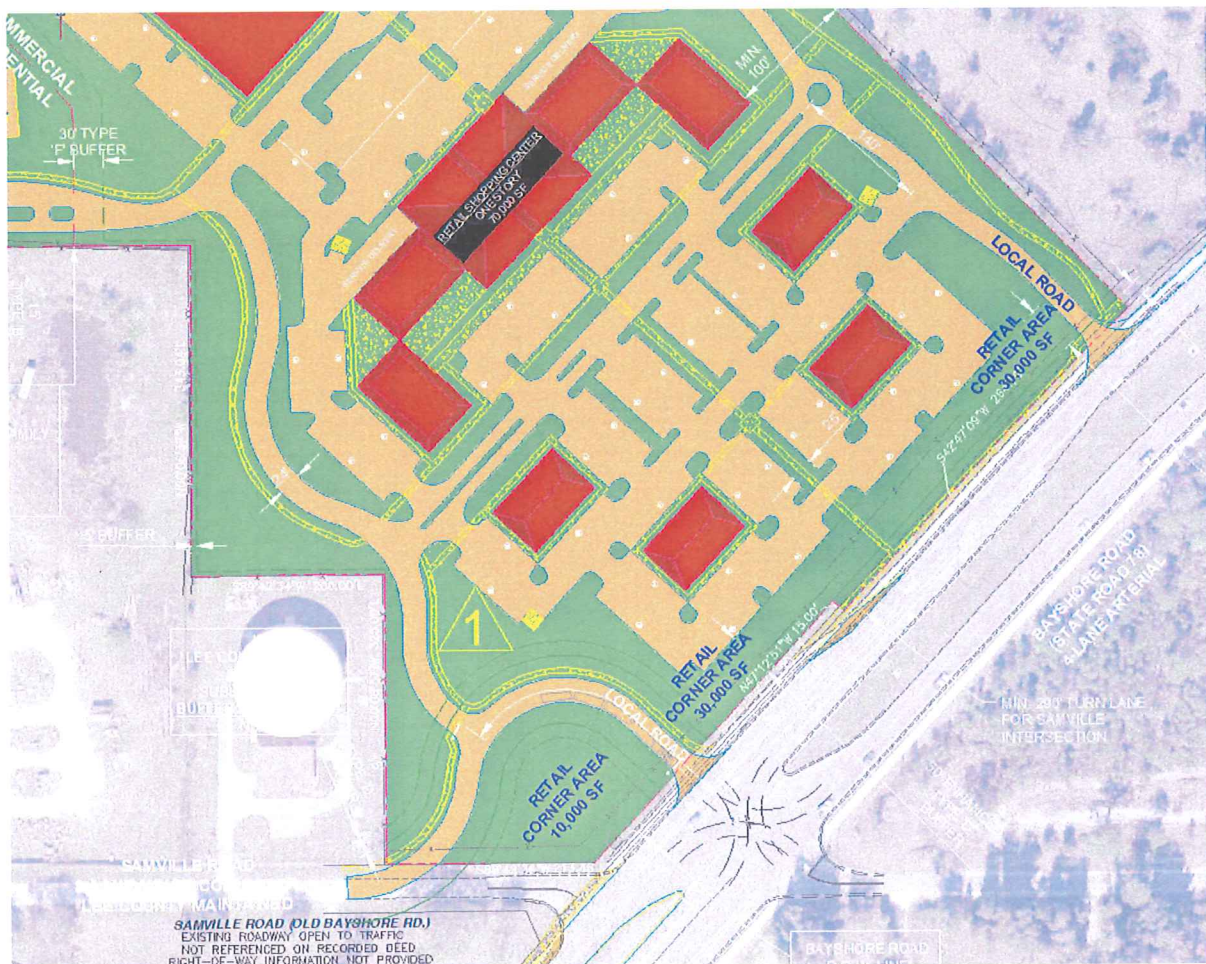
DCI 2007-00045

Justification

The realignment of Samville Road helps the case for additional retail in two ways: 1) creates a perpendicular intersection at Bayshore Road that is able to handle more traffic, and 2) creates an additional corner within the property that can be argued to allow additional retail floor space. The "squaring" of the intersection was important for stacking both into and out of the commercial area. From a transportation perspective without this improvement the site would not be appropriate for 140,000 square feet of commercial floor space. With the realignment LCDOT and FDOT have both agreed the site now works for a retail and commercial center of the proposed size.

The realignment forced Samville Road north along Bayshore Road. This move placed Samville Road within the project area. On the south side of the new Samville Road is nearly 1 acre that could conceptually be appropriate for retail uses. A typical acre is able to support 10,000 square feet.

Secondly, the redesign of the site plan and subsequent reduction in units and commercial floor space allowed for a dedicated northern access road for the commercial and residential areas that can be platted and limited with access points and therefore operate as a local road. The northern dedicated access road creates another corner qualifying the site for up to another 30,000 square feet of uses that meet site location standards.



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

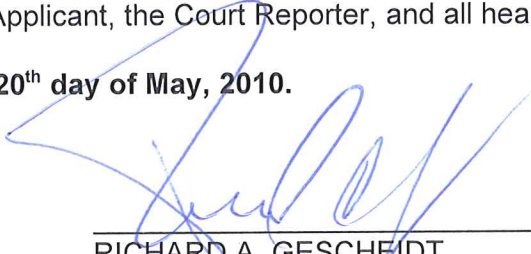
ORDER FOR CONTINUANCE

CASE NUMBER: DCI2007-00045
APPLICANT: BAYSHORE 57 MPD
NEW HEARING DATE: JULY 23, 2010

This matter was scheduled to be heard on May 20, 2010, at 9:00 a.m., and at, or prior to, that time, it was agreed that continuing the hearing on this matter was in the best interests of all concerned.

Accordingly, this matter is continued to **FRIDAY, JULY 23, 2010, at 9:00 A.M.**, at the Hearing Examiner's Hearing Room, 1500 Monroe Street, Second Floor, Fort Myers, Florida. Copies of this order will be mailed to the Staff, the Applicant, the Court Reporter, and all hearing participants.

DONE AND ORDERED this 20th day of May, 2010.



RICHARD A. GESCHEIDT
LEE COUNTY HEARING EXAMINER
1500 Monroe Street/ Suite 218
Post Office Box 398
Fort Myers, Florida 33902-0398
Telephone: 239/533-8100
Facsimile: 239/485-8406

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforesaid Order was sent to all hearing participants, officially established as of the above Order date, either by U.S. Mail, Inter-County Mail, or Facsimile Transfer on the 20TH day of May, 2010.



Maria D. Perez/Administrative Assistant

May 20, 2010

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

DATE: May 3, 2010

TO: File - DCI2007-00045

FROM: Jamie Prancing
Secretary, Internal Services

RE: Notice of Public Hearing -May 20, 2010

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

NOTICE TO PROPERTY OWNERS WITHIN 750 FEET

CASE NUMBER: DCI2007-00045

CASE NAME: BAYSHORE 57 MPD

REQUEST: Rezone +/- 56.76 acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) for a maximum of 140,000 square feet of commercial floor area including a maximum of 70,000 square feet of commercial retail; a maximum of 35,000 square feet of medical office; a maximum of 35,000 square feet of office; and a maximum of 176 dwelling units, including a maximum of 104 townhomes and a maximum 72 single-family dwelling units. Maximum height proposed is 2 stories/35 feet. No development blasting is requested. The development will connect to public potable water and public sanitary sewer service.

LOCATION: The subject property is located at 7401 Bayshore Rd (I-75 to Bayshore Rd. Take Bayshore West until Samville Rd. West), N. Ft. Myers Planning Community, Lee County, FL.

SIZE OF PROPERTY: 56.76 Acres ±

STAFF REPORT: Direct inquiries to Tony Palermo, AICP, Senior Planner, at 239-533-8325, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE: MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
239-936-5222

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 9:00 AM on 05/20/2010 on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

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

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

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

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

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

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

19-43-25-00-00008.0060
OAK CREEK BAYSHORE FLORIDA LLC
WADE LIGHT & ASSOCIATES
220 HONEY LAKE CT
BARRINGTON, IL 60010

19-43-25-00-00009.0010
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

19-43-25-00-00010.0030
NATIONS BANK TR
PO BOX 4446
ATLANTA, GA 30302

20-43-25-00-00001.0010
OAK CREEK BAYSHORE FLORIDA LLC
WADE LIGHT & ASSOCIATES
220 HONEY LAKE CT
BARRINGTON, IL 60010

20-43-25-00-00003.0000
ZUBERBUHLER HARRY RICHARD TR
672 ACHORTOWN RD
BEAVER FALLS, PA 15010

20-43-25-00-00003.002A
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

20-43-25-00-00003.4000
SW FLORIDA LAND 163 LLC
11220 METRO PKWY STE 27
FORT MYERS, FL 33966

29-43-25-00-00001.0000
FAITH ASSEMBLY OF GOD OF
7101 BAYSHORE RD
NORTH FORT MYERS, FL 33917

29-43-25-00-00001.0020
FL LEE 7300 BAYSHORE LLC
4001 TAMiami TRL N
SUITE 350
NAPLES, FL 34103

29-43-25-00-00001.0050
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

19-43-25-00-00009.0000
BOYD VINNIE L/E
17251 WILLIAMS RD
NORTH FORT MYERS, FL 33917

19-43-25-00-00010.0020
BOYD H H + BETTY JO
6651 BOYD RD
NORTH FORT MYERS, FL 33917

19-43-25-00-00011.0000
BOYD H H + BETTY JO
6651 BOYD RD
NORTH FORT MYERS, FL 33917

20-43-25-00-00001.001A
OAK CREEK BAYSHORE FLORIDA LLC
WADE LIGHT & ASSOCIATES
220 HONEY LAKE CT
BARRINGTON, IL 60010

20-43-25-00-00003.0010
LEE COUNTY DIST SCHOOL BOARD
2855 COLONIAL BLVD
FORT MYERS, FL 33966

20-43-25-00-00003.2000
SW FLORIDA LAND 163 LLC
11220 METRO PKWY STE 27
FORT MYERS, FL 33966

20-43-25-00-00005.0000
C AND H POWERLINE CONSTRUCTION
1847 E PORTLAND AVE
DEWEY, OK 74029

29-43-25-00-00001.0010
WHITE JOHN A JR TR
4551 RANDAG DR
NORTH FORT MYERS, FL 33903

29-43-25-00-00001.0030
FAITH ASSEMBLY OF GOD
7101 BAYSHORE RD
NORTH FORT MYERS, FL 33917

29-43-25-00-00002.0000
FL LEE 7300 BAYSHORE LLC
4001 TAMiami TRL N
SUITE 350
NAPLES, FL 34103

MS. RAE AN BOYLAN
BOLYAN ENVIRONMENTAL CONSULTAN
11000 METRO PKWY, STE. 4
FORT MYERS FL 33966

THETA INVESTMENTS N V
2320 NE 196TH ST
MIAMI FL 33180

29-43-25-00-00003.0000
FL LEE 7300 BAYSHORE LLC
4001 TAMIAMI TRL N
SUITE 350
NAPLES, FL 34103

KRIS SLOSSER
KRIS A SLOSSER, P.S.M.
4642 VILLA CAPRI LN
BONITA SPRINGS FL 34134

MR. RUSSEL SCHROPP
HENDERSON FRANKLIN LAW FIRM
1715 MONROE STREET
FORT MYERS FL 33901

29-43-25-01-00006.0020
HARTWIG WALTER + ELIZABETH TR
7590 SAMVILLE RD
NORTH FORT MYERS, FL 33917

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
4301 VERONICA SHOEMAKER BLVD
FT MYERS FL 33916

Tom B. Hart
Heron's Glen Homeowners Association
1625 Hendry Street
Fort Myers, FL 33901

Scott Brenner
North Fort Myers Community Planning Panel
395 Bamboo Drive
North Fort Myers, FL 33917

Nina Paigh
Nomining Civic Assn.
20150 Keola Lane
N. Ft. Myers, FL 33917

Linda Storma
President Del Tura HOA
18621 North Tamiami Trail NW
North Fort Myers, FL 33903

Laura Alvarez
Concerned Citizens of Baysshore Community
18900 Lynn Road
North Fort Myers, FL 33917

Joyce Gillespie
Heron's Glen Homeowners Association
2250 Avenida Del Vera Blvd.
North Fort Myers, FL 33917

Angel Coates
Lee County Dept. of Human Services Neighborhood Relations
2440 Thompson Street
Fort Myers, FL 33901

News-Press.com Online Public Notice: Detail**2010-05-06 Notice of Public Hearing****NOTICE OF
PUBLIC HEARING**

Notice is hereby given that on Thursday, May 20, 2010, the Hearing Examiner of Lee County will hold public hearings in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL, on the case below.

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

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

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

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

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

The following case will be heard: **DCI2007-00045**. Bayshore 57 MPD. 9:00am. Rezone +/- 56.76 acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) for a maximum of 140,000 square feet of commercial floor area including a maximum of 70,000 square feet of commercial retail; a maximum of 35,000 square feet of medical office; a maximum of 35,000 square feet of office; and a maximum of 176 dwelling units, including a maximum of 104 townhomes and a maximum 72 single-family dwelling units. Maximum height proposed is 2 stories/35 feet. No development blasting is requested. The development will connect to public potable water and public sanitary sewer service. Property located at 7401 Bayshore Rd (I-75 to Bayshore Rd. Take Bayshore West until Samville Rd. West), N. Ft. Myers Planning Community, Lee County, FL. Direct inquiries to Tony Palermo, AICP, Senior Planner 239-533-8325 in Zoning. Project Representative: Fred Drovdic, Quattrone & Assoc. 239-936-5222.

May 6 No. 1397391

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

For MAC users try cmd+P



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

April 15, 2010

533-8585

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
4301 VERONICA SHOEMAKER BLVD
FT MYERS, FL 33916

RE: Agenda Schedule for BAYSHORE 57 MPD
Case No. DCI2007-00045

Dear MR. FRED DROVDLIC :

Your zoning request has been scheduled before the Hearing Examiner on Thursday, May 20, 2010, at 9:00 AM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

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

Your zoning sign will be ready for pickup any time after Monday, April 19, 2010, at the second floor reception desk at 1500 Monroe St., Ft. Myers, FL. If you would like to pick them up at the drive-thru window, please call 533-8585 to make the appropriate arrangements. This sign must be posted in accordance with Department procedures no later than Tuesday, May 4, 2010, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Jamie Princing
Administrative Assistant

cc: QUATTRONE & ASSOCIATES, INC, QUATTRONE & ASSOCIATES, INC.
THETA INVESTMENTS N V
MS. RAE AN BOYLAN, BOLYAN ENVIRONMENTAL CONSULTAN
MR. RUSSEL SCHROPP, HENDERSON FRANKLIN LAW FIRM
KRIS SLOSSER, KRIS A SLOSSER, P.S.M.
Tony Palermo, AICP, Senior Planner

Zoning File



LEE COUNTY
SOUTHWEST FLORIDA

APPLICATION FOR REQUEST FOR CONTINUANCE,
DEFERRAL, WITHDRAWAL, OR REHEARING
FOR UNINCORPORATED LEE COUNTY

REQUEST IS FOR: (refer to back of sheet for special notes)

____ CONTINUANCE

☒ DEFERRAL

____ WITHDRAWAL

____ REHEARING

____ WITHDRAWAL OF ADMINISTRATIVE APPEAL



If a DEFERRAL OR CONTINUANCE is requested, please indicate:

Length of time: requested: 1 month

From: ☒ Hearing Examiner _____ BOCC (must be submitted 5 calendar days prior to hearing)

1. Date of Scheduled Hearing: April 14, 2010, 9 AM

2. Applicant/Project Name: BAYSHORE 57 MPD

3. Tracking/Hearing/Application Number: DCI2007-00045

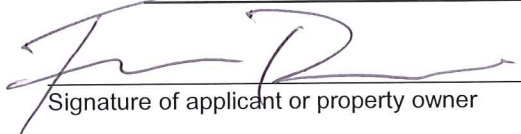
4. Date Decision was Rendered (if applicable): _____

5. Type of Application (check appropriate type): _____

☒ Rezoning _____ Special Exception _____ Variance _____ Other

6. Reason for request (If rehearing is requested, see Special Notes on reverse side):

Owner could not attend due to unexpected commitment out of country


Signature of applicant or property owner

March 24, 2010

Date

Fred Drovdlie, AICP.

Name (typed or printed legibly)

4301 Veronica Shoemaker Boulevard, Fort Myers, FL 33916

Address

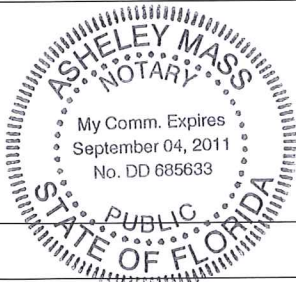
STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 24th day of March

20 09 by Fred Drovdlie, AICP who is personally known to me or who produced

_____ as identification.




Signature of Notary Public

Printed Name of Notary Public

FEE \$ _____

RECEIPT NUMBER: _____

DATE PAID: _____

INTAKE BY: _____

SPECIAL NOTES

1. Requests for DEFERRAL or CONTINUANCE must be in accordance with Section 34-235(1) or 34-235(2) of the Lee County Land Development Code.
2. If request for DEFERRAL or CONTINUANCE is for more than 60 days (or is indefinite), the applicant must apply in writing at least 45 days prior to the preferred hearing date to reactivate the case. All new evidence must be presented at that time.
3. CONTINUANCE: In the case of a request for CONTINUANCE, the applicant or his authorized agent, must submit this application to, and the application must be received by, Lee County Department of Community Development prior to the advertised hearing date (for BOCC hearings, request must be submitted five calendar days prior to the hearing), OR the applicant or his authorized agent must appear before the cognizant hearing board, and orally request the continuance.

The hearing board may deny or grant the request for continuance:

- a. If the request for CONTINUANCE is denied, the hearing will proceed in accordance with the published agenda.
- b. If a request for CONTINUANCE is approved, the hearing board may set a date certain for hearing the application.

Not more than one (1) applicant-initiated CONTINUANCE will be granted on the same application by each hearing board.

4. DEFERRAL: To qualify as a deferral, this application form must be received by Lee County Department of Community Development prior to the time the Department submits notice of the hearing to the newspaper for publication. If application is not received in time, the applicant must request a CONTINUANCE instead.
5. A REHEARING request must be filed within 15 days of the decision.
6. REHEARING: You must attach a statement that explains, with particularity, any new evidence and the points of law or facts which you believe the Board of County Commissioners overlooked or misunderstood. Also include all documentation to support the request for a rehearing in accordance with LCLDC Section 34-84(b). No oral testimony will be allowed when the Board considers whether to grant a rehearing of the case.
7. The APPLICANT must be the property owner OR his duly authorized representative OR, if for a rehearing, the aggrieved party. See LCLDC Section 34-202(b)(1)c.
8. FEES: A fee must be paid by the applicant, or aggrieved party, in accordance with the adopted fee schedule as set forth in the Lee County External Fees and Charges Manual. (Administrative Code 3-10 Appendix C) and as posted in the Lee County Department of Community Development.

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

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo, AICP

DATE: 03/24/2010

Donna Marie Collins, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works

PROJECT NAME: BAYSHORE 57 MPD

CASE #: DCI2007-00045

INFORMATION SUMMARY:

To update your file
☒ Review and forward substantive comments **ASAP**.

Comments due to Tony Palermo, AICP by 04/07/2010

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 03/25/2010



Engineers, Planners & Development Consultants

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

March 24, 2010

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

RE: REVISED MCP | Bayshore 57 MPD | DCI2007-00045

Dear Mr. Palermo,

Please find attached a revised set of the MCP's for the 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 in response to the staff requests while preparing the staff report.

Sincerely,

QUATTRONE & ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'Fred Drovdlc', is written over a horizontal line.

Fred Drovdlc, AICP
Vice President

DCI 2007-00045

RECEIVED

MAR 24 2010

one
COMMUNITY DEVELOPMENT



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

March 11, 2010

533-8585

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
4301 VERONICA SHOEMAKER BLVD
FT MYERS, FL 33916

RE: Agenda Schedule for BAYSHORE 57 MPD
Case No. DCI2007-00045

Dear MR. FRED DROVDLIC :

Your zoning request has been scheduled before the Hearing Examiner on Wednesday, April 14, 2010, at 9:00 AM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

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

Your zoning sign will be ready for pickup any time after Monday, March 15, 2010, at the second floor reception desk at 1500 Monroe St., Ft. Myers, FL. If you would like to pick them up at the drive-thru window, please call 533-8585 to make the appropriate arrangements. This sign must be posted in accordance with Department procedures no later than Tuesday, March 30, 2010, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jamie Princing
Administrative Assistant

cc: QUATTRONE & ASSOCIATES, INC, QUATTRONE & ASSOCIATES, INC.
THETA INVESTMENTS N V
MS. RAE AN BOYLAN, BOLYAN ENVIRONMENTAL CONSULTAN
MR. RUSSEL SCHROPP, HENDERSON FRANKLIN LAW FIRM
KRIS SLOSSER, KRIS A SLOSSER, P.S.M.
Tony Palermo, AICP, Senior Planner

Zoning File

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo, AICP

DATE: 03/10/2010

Michael D Jacob, Asst County Attorney
DS Reviewer – Brandon Dunn
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Matt Noble, Planning
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Mike Pavese, Public Works

PROJECT NAME: BAYSHORE 57 MPD

CASE #: DCI2007-00045

INFORMATION SUMMARY:

To update your file
☒ Review and forward substantive comments **ASAP**.

Comments due to Tony Palermo, AICP by 03/24/2010

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 03/11/2010



Engineers, Planners & Development Consultants

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

March 10, 2010

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

RE: REVISED MCP | Bayshore 57 MPD | DCI2007-00045

Dear Mr. Palermo,

Please find attached a revised set of the MCP's for the 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 in response to the staff report and the memo from the planning department.

The highlights of the redesign are:

1. Commercial reduced to 140,000 SF - 70k retail, 35k medical, 35k office. Residential reduced to 176 units - 104 townhomes, 72 single-family.
2. Buffers have been increased to 50 feet along Bayshore Road and the eastern boundary along Chapel Creek abutting the commercial area.
3. Pedestrian interconnection is greatly improved throughout.
4. Parking islands and walkways are oversized in many areas to create a sense of place.
5. Open space in the commercial section is increased.
6. Parking was reduced by more than 250 spaces reducing paved areas by over 2 acres.
7. Residential has been diversified to include townhome and single-family units. The residential area has been rearranged to make more sense, the gates have been improved and access to the residential areas now have dedicated roads.
8. No deviations are being requested.
9. Indigenous areas have not been altered.

Sincerely,

QUATTRONE & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Fred Drovdlc'.

Fred Drovdlc, AICP
Vice President

RECEIVED

MAR 10 2010

COMMUNITY DEVELOPMENT

DCI 2007-00045

March 10, 2010

Fred Drovdlc, AICP

Page 1 of 1



BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

December 10, 2009

533-8585

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
4301 VERONICA SHOEMAKER BLVD
FT MYERS, FL 33916

RE: Agenda Schedule for BAYSHORE 57 MPD
Case No. DCI2007-00045

Dear MR. FRED DROVDLIC :

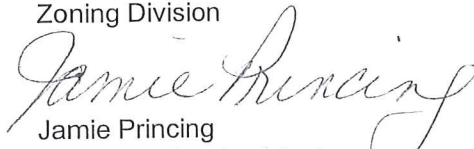
Your zoning request has been scheduled before the Hearing Examiner on Wednesday, January 13, 2010, at 9:00 AM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

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

Your zoning sign will be ready for pickup any time after Monday, December 14, 2009, at the second floor reception desk at 1500 Monroe St., Ft. Myers, FL. If you would like to pick them up at the drive-thru window, please call 533-8585 to make the appropriate arrangements. This sign must be posted in accordance with Department procedures no later than Tuesday, December 29, 2009, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Jamie Princing
Administrative Assistant

cc: QUATTRONE & ASSOCIATES, INC, QUATTRONE & ASSOCIATES, INC.
THETA INVESTMENTS N V
MS. RAE AN BOYLAN, BOLYAN ENVIRONMENTAL CONSULTAN
MR. RUSSEL SCHROPP, HENDERSON FRANKLIN LAW FIRM
KRIS SLOSSER, KRIS A SLOSSER, P.S.M.
Tony Palermo, AICP, Senior Planner

Zoning File

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111
Internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

fhexhearing.rpt



LEE COUNTY
SOUTHWEST FLORIDA

APPLICATION FOR REQUEST FOR CONTINUANCE,
DEFERRAL, WITHDRAWAL, OR REHEARING
FOR UNINCORPORATED LEE COUNTY

REQUEST IS FOR: (refer to back of sheet for special notes)

☐ CONTINUANCE

☒ DEFERRAL

☐ WITHDRAWAL

☐ REHEARING

☐ WITHDRAWAL OF ADMINISTRATIVE APPEAL

If a DEFERRAL OR CONTINUANCE is requested, please indicate:

Length of time: requested: 3 months

From: ☒ Hearing Examiner ☐ BOCC (must be submitted 5 calendar days prior to hearing)

1. Date of Scheduled Hearing: January 13, 2010, 9 AM

2. Applicant/Project Name: BAYSHORE 57 MPD

3. Tracking/Hearing/Application Number: DCI2007-00045

4. Date Decision was Rendered (if applicable): _____

5. Type of Application (check appropriate type): _____

☒ Rezoning ☐ Special Exception ☐ Variance ☐ Other

6. Reason for request (If rehearing is requested, see Special Notes on reverse side):

Time to address denial comments.

[Signature]
Signature of applicant or property owner

December 16, 2009

Date

Fred Drovdic, AICP.

Name (typed or printed legibly)

4301 Veronica Shoemaker Boulevard, Fort Myers, FL 33916

Address

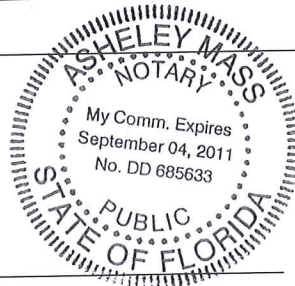
STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 16th day of December

20 09 by Fred Drovdic, AICP who is personally known to me or who produced

_____ as identification.



[Signature]
Signature of Notary Public

Printed Name of Notary Public

FEE \$ _____

RECEIPT NUMBER: _____

DATE PAID: _____

INTAKE BY: _____

SPECIAL NOTES

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo, AICP

DATE: 11/20/2009

Michael D Jacob, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Doug Griffith, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Mike Pavese, Public Works

PROJECT NAME: BAYSHORE 57 MPD

CASE #: DCI2007-00045

INFORMATION SUMMARY:

To update your file
☒ Review and forward substantive comments **ASAP**.

Comments due to Tony Palermo, AICP by 12/04/2009

Additional Comments:

cc: DCI planner/working file
DCI Zone File

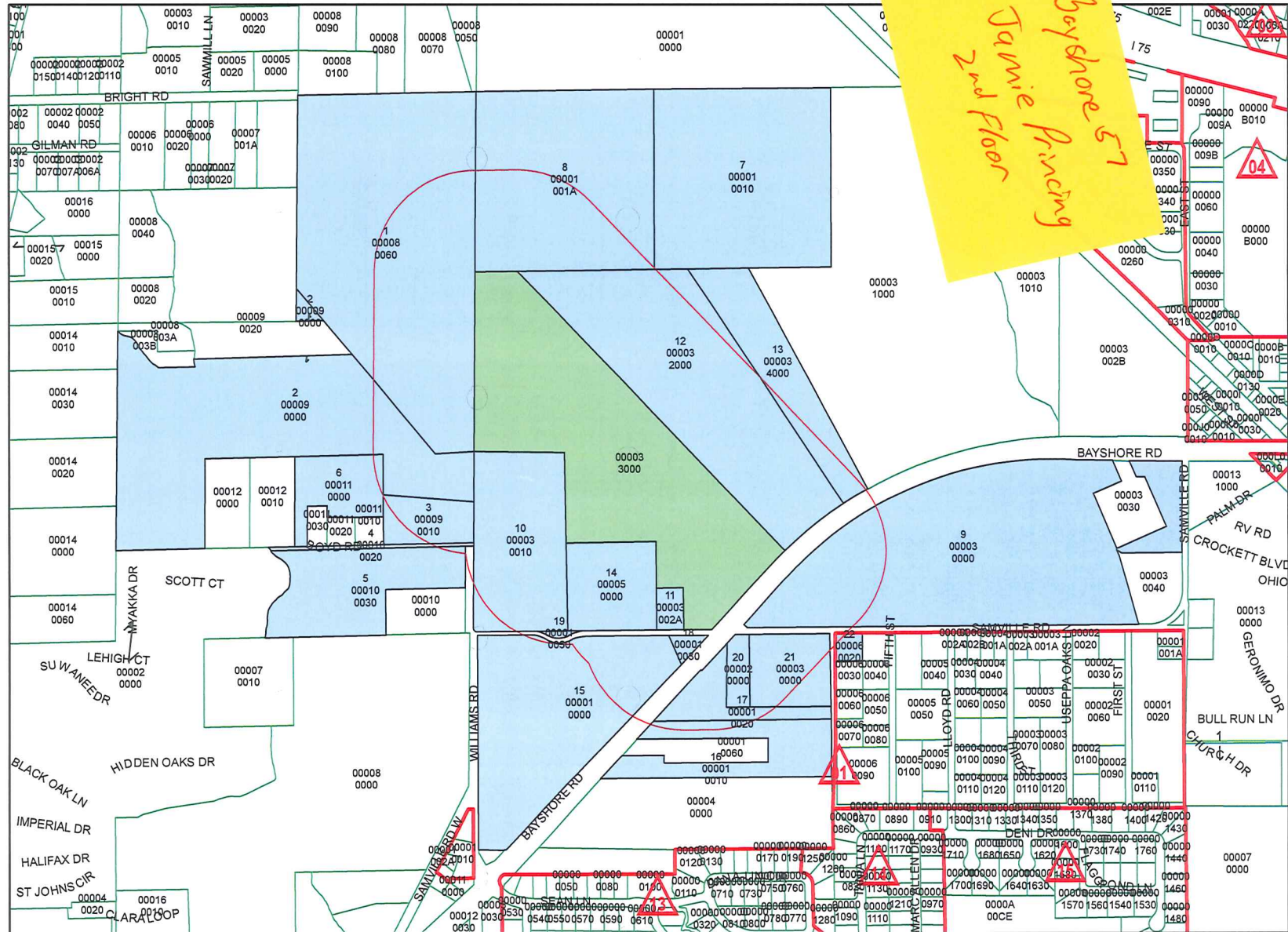
Distributed by: Jamie Princing

Date: 11/20/2009

VARIANCE REPORT

11/24/2009

Subject Parcels : 1 Affected Parcels : 22 Buffer Distance



20-43-25-00-00003.3000

1,200 600 0 1,200 Feet



Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

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

VARIANCE REPORT

Date of Report: November 24, 2009
Buffer Distance: 750 ft
Parcels Affected: 22
Subject Parcel: 20-43-25-00-00003.3000

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
OAK CREEK BAYSHORE FLORIDA LLC WADE LIGHT & ASSOCIATES 220 HONEY LAKE CT BARRINGTON IL 60010	19-43-25-00-00008.0060 6700 BRIGHT RD NORTH FORT MYERS FL 33917	SE 1/4 OF NE 1/4 AND NE 1/4 OF SE 1/4 NELY OF WILLIAMS RD CONSERVATION EASEMENT 2007-285781	1
BOYD VINNIE L/E 17251 WILLIAMS RD NORTH FORT MYERS FL 33917	19-43-25-00-00009.0000 17251 WILLIAMS RD NORTH FORT MYERS FL 33917	NE 1/4 OF SE 1/4 SWL OF RD DB 246/216 + DB 316 PG 83 LESS 9.0010 +.0020	2
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	19-43-25-00-00009.0010 17131 WILLIAMS RD NORTH FORT MYERS FL 33917	FR SE COR N 667.75 FT TO POB THEN N 300 FT N 85 W 667.82 CONTINUE	3
BOYD H H + BETTY JO 6651 BOYD RD NORTH FORT MYERS FL 33917	19-43-25-00-00010.0020 RIGHT-OF-WAY NORTH FORT MYERS FL 33917	THE N 20 FT OF S 1/2 OF S 1/2 OF SE 1/4 LYING NELY OF DAUGHTRY'S CREEK	4
NATIONS BANK TR PO BOX 4446 ATLANTA GA 30302	19-43-25-00-00010.0030 ACCESS UNDETERMINED NORTH FORT MYERS FL 33917	S 1/2 OF SE 1/4 OF SE 1/4 + S 1/2 OF SW 1/4 OF SE 1/4 E OF CREEK + LESS N 20 FT + W 60 FT FOR RD RW + LESS S 1/2 OF SE 1/4 OF SE 1/4 OF SE 1/4	5
BOYD H H + BETTY JO 6651 BOYD RD NORTH FORT MYERS FL 33917	19-43-25-00-00011.0000 6701 BOYD RD NORTH FORT MYERS FL 33917	NW 1/4 OF SE 1/4 OF SE 1/4 LESS S 210 FT OF E 210 FT & THE S 210 OF THE W 210 OF THE E 420 PAR 11.0020 + 11.0030 S 295.5 FT OF W 147.56 FT OF E 567.56 FT	6
OAK CREEK BAYSHORE FLORIDA LLC WADE LIGHT & ASSOCIATES 220 HONEY LAKE CT BARRINGTON IL 60010	20-43-25-00-00001.0010 ACCESS UNDETERMINED NORTH FORT MYERS FL 33917	SE 1/4 OF NW 1/4 SEC 20 T43 R25 DESC IN OR 1518 PG 1655 CONSERVATION EASEMENT 2007-285781	7
OAK CREEK BAYSHORE FLORIDA LLC WADE LIGHT & ASSOCIATES 220 HONEY LAKE CT BARRINGTON IL 60010	20-43-25-00-00001.001A ACCESS UNDETERMINED NORTH FORT MYERS FL 33917	SW 1/4 OF NW 1/4 SEC 20 T43 R25 DESC IN OR 1523 PG 547 CONSERVATION EASEMENT 2007-285781	8
ZUBERBUHLER HARRY RICHARD TR 672 ACHORTOWN RD BEAVER FALLS PA 15010	20-43-25-00-00003.0000 7700 BAYSHORE RD NORTH FORT MYERS FL 33917	ALL THAT PT OF E 3450 FT OF SEC S OF SR 78 LESS PAR 4.00 + LESS RW IN OR 3870/ 3643 + LESS OR 4206/1052	9
LEE COUNTY DIST SCHOOL BOARD 2855 COLONIAL BLVD FORT MYERS FL 33966	20-43-25-00-00003.0010 17050 WILLIAMS RD NORTH FORT MYERS FL 33917	W 1/2 OF SW 1/4 OF SW 1/4	10
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	20-43-25-00-00003.002A 7351 SAMVILLE RD NORTH FORT MYERS FL 33917	THE W 200 FT OF N 300 FT OF S 325 FT OF SE 1/4 OF SW 1/4	11

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
SW FLORIDA LAND 163 LLC 11220 METRO PKWY STE 27 FORT MYERS FL 33966	20-43-25-00-00003.2000 7511 BAYSHORE RD NORTH FORT MYERS FL 33917	BEG NW COR OF SW 1/4 TH EAST 292.75 FT AS DESC OR 1833 PG 1192	12
SW FLORIDA LAND 163 LLC 11220 METRO PKWY STE 27 FORT MYERS FL 33966	20-43-25-00-00003.4000 7651 BAYSHORE RD NORTH FORT MYERS FL 33917	BEG NW COR OF SW1/4 TH E SEC LINE 1578.95 FT TO POB DESC OR1833/PG1193	13
C AND H POWERLINE CONSTRUCTION 1847 E PORTLAND AVE DEWEY OK 74029	20-43-25-00-00005.0000 7301 SAMVILLE RD NORTH FORT MYERS FL 33917	SE 1/4 OF SW 1/4 OF SW 1/4	14
FAITH ASSEMBLY OF GOD OF 7101 BAYSHORE RD NORTH FORT MYERS FL 33917	29-43-25-00-00001.0000 7300 SAMVILLE RD NORTH FORT MYERS FL 33917	PARL E OF WILLIAMS RD + N WLY OF NEW BAYSHORE RD + S OF SAMVILLE RD LESS RD R/W + LESS 1.0030 + 5.0020	15
WHITE JOHN A JR TR 4551 RANDAG DR NORTH FORT MYERS FL 33903	29-43-25-00-00001.0010 7200 BAYSHORE RD NORTH FORT MYERS FL 33917	A PAR IN NW 1/4 AS DESC IN OR 1210 PG 1092 LESS RD R/W TAKING IN OR 3852 PG 2525	16
FL LEE 7300 BAYSHORE LLC 4001 TAMIAMI TRL N SUITE 350 NAPLES FL 34103	29-43-25-00-00001.0020 7300 BAYSHORE RD NORTH FORT MYERS FL 33917	A PAR IN NW 1/4 AS DESC IN OR 1039 PG 1844 LESS CUT OUTS + LESS RD R/W AS DESC IN OR 3870 PG 3637	17
FAITH ASSEMBLY OF GOD 7101 BAYSHORE RD NORTH FORT MYERS FL 33917	29-43-25-00-00001.0030 7301 BAYSHORE RD NORTH FORT MYERS FL 33917	PARL IN NW 1/4 SEC 29 N OF SR 78 DESC OR 1914 PG 3987	18
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	29-43-25-00-00001.0050 SAMVILLE RD NORTH FORT MYERS FL 33917	FRM NW CORN OF SECT E 752.3 FT THN SWRLY ALONG CURVE FOR 214.14 DESC DB 388 PG 423	19
FL LEE 7300 BAYSHORE LLC 4001 TAMIAMI TRL N SUITE 350 NAPLES FL 34103	29-43-25-00-00002.0000 7340 SAMVILLE RD NORTH FORT MYERS FL 33917	BEG NE COR NW 1/4 W 769 FT TO POB E 175 FT S 566 FT W 175 FT N 566 FT TO POB LESS RD R/W OR 3877 PG 4476	20
FL LEE 7300 BAYSHORE LLC 4001 TAMIAMI TRL N SUITE 350 NAPLES FL 34103	29-43-25-00-00003.0000 7400 SAMVILLE RD NORTH FORT MYERS FL 33917	BEG NE COR NW 1/4 S 566 FT W 594 FT N 566 FT E 594 FT TO POB	21
HARTWIG WALTER + ELIZABETH TR 7590 SAMVILLE RD NORTH FORT MYERS FL 33917	29-43-25-01-00006.0020 7588 SAMVILLE RD NORTH FORT MYERS FL 33917	PARFREYS SUBD BLK 6 PB 7 PG 41 LOT 2	22

22 RECORDS PRINTED



Engineers, Planners & Development Consultants

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

November 19, 2009

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

**RE: REVISED MCP
Bayshore 57 MPD
DCI2007-00045**

RECEIVED
NOV 20 2009
DL 11:58 AM
COMMUNITY DEVELOPMENT

Dear Mr. Palermo,

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

Sincerely,

QUATTRONE & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Fred Drovdlc'.

Fred Drovdlc, AICP
Vice President

DCI 2007-00045



Engineers, Planners & Development Consultants

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33966
Tel: (239) 936-5222 • Fax: (239) 936-7228

June 15, 2007

Ms. Pam Houck
Director of Zoning
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901



**S: APPLICATION FOR PLANNED DEVELOPMENT REZONING
PROJECT: BAYSHORE 57 MPD**

Dear Pam,

Attached, please find a complete application package for a major Mixed Use Planned Development (MPD) rezoning for a vacant 57 acre parcel of property located at 7401 Bayshore Rd, North Fort Myers, FL 33917 and identified by STRAP#: 20-43-25-00-00003.3000.

If you have any questions or need additional information, please call me at this office. I, of course, would be happy to meet with you and staff as necessary.

Sincerely,
Quattrone & Associates, Inc.

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

Fred Drovdlc, AICP
Planning Director

Attachments



Engineers, Planners & Development Consultants

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

October 29, 2009

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

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

Dear Mr. Palermo,

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

Sincerely,

QUATTRONE & ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'FD', is written over a horizontal line.

Fred Drovdlc, AICP
Vice President

RECEIVED
OCT 29 2009

COMMUNITY DEVELOPMENT

DCI 2007-00045



Engineers, Planners & Development Consultants

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

October 15, 2009

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

RE: SUFFICIENCY RESPONSE VI
Bayshore 57 MPD
DCI2007-00045

RECEIVED

OCT 15 2009

Cam 4:12pm
COMMUNITY DEVELOPMENT

Dear Mr. Palermo,

Please find attached revisions to the **MCP and Landscape Exhibit** in response to Doug Griffith's comments per phone conversations and the inclusion of revised **Survey's** for the major Mixed Use Planned Development (MPD) rezoning of property located at 7401 Bayshore Rd, North Fort Myers, FL 33917 and identified by STRAP#: 20-43-25-00-00003.3000.

Sincerely,

QUATTRONE & ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'Fred Drovdllic'.

Fred Drovdllic, AICP
Vice President

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo, AICP

DATE: 10/30/2009

Michael D Jacob, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Becky Sweigert, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works

PROJECT NAME: BAYSHORE 57 MPD

CASE #: DCI2007-00045

INFORMATION SUMMARY:

To update your file
☒ Review and forward substantive comments **ASAP**.

FINAL STAFF REPORT comments due to Tony Palermo by 12/07/2009

Additional Comments:

Sufficiency letter distribution

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 10/30/2009



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8325

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

October 30, 2009

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
4301 VERONICA SHOEMAKER BLVD
FT MYERS, FL 33916

Re: BAYSHORE 57 MPD
DCI2007-00045 - PDL Application (Major PD)

Dear MR. FRED DROVDLIC :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

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

NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

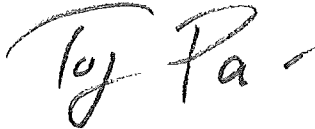
Please review this language carefully, and notify me in writing by November 13, 2009 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on January 13, 2010. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
October 30, 2009
Page 2

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

A handwritten signature in black ink, appearing to read "Tony Palermo", with a stylized flourish at the end.

Tony Palermo, AICP
Senior Planner

cc.

MIKE PAVESE, PUBLIC WORKS

LILI WU, LCDOT

MATT NOBLE, PLANNING DIVISION
copy w/o attachments

Michael D Jacob, Assistant County Attorney
DS Reviewer - Susan L Hollingsworth
Pamela Houck, Division Director
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Robert Price, TIS Reviewer
Dawn Gordon, Lee County School District
Jamie Princing, DCD Administration

DCI Zoning File
DCI Working File



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8325

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

September 18, 2009

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
4301 VERONICA SHOEMAKER BLVD
FT MYERS, FL 33916

Re: BAYSHORE 57 MPD
DCI2007-00045 - PDL Application (Major PD)

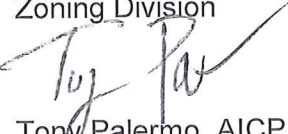
Dear MR. FRED DROVDLIC :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Tony Palermo, AICP
Senior Planner

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
September 18, 2009
Page 2

cc. MIKE PAVESE, PUBLIC WORKS

Zoning Comment - Sept 2009.

1. See the attached sufficiency comments. They are too numerous to find the applicant sufficient. There are also substantive issues.
2. Substantive issues - I recommend you meet with the NFM planning panel and discuss the specifics of this plan. I am interested in their updated comments. I recognize you have met with them twice already. Thank you.
3. UPDATE - PW COMMENT. Sufficient. Will condition for compliance with 10-261 etc. during substantive review.

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Robert Price, TIS Reviewer
Jamie Prining, DCD Administration
Michael D Jacob, Assistant County Attorney
Susan L Hollingsworth, Development Review
DCI Zoning File
DCI Working File

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
September 18, 2009
Page 3

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

10a) The boundary survey must identify and depict all easements affecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. [34-202(a)(2)]

Recently adopted Lee County Ordinance 09-023, section 34-202(a)(3) of the LDC requires a title certification. Applicant must submit required title certification. Section 34-202(a)(2) requires the boundary survey be based on the title certification.. Please submit a new survey base on the title opinion/certification and a copy of the title certification.

12) Contact. The reviewer may be contacted may be contacted regarding any questions on the LC Zoning Action Legal Requirements Checklist.

Contact Chick Jakacki with questions concerning the legal, sketch and boundary survey by phone at 239-533-8578

For questions concerning the legal description, sketch of legal description and boundary survey
contact: Chick Jakacki
By phone: 239-479-8578
By email: cjakacki@leegov.com

1) Sufficiency Comments.

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

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Lili Wu 533-8580 ext 48134

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

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

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

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
September 18, 2009
Page 4

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

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

19) Miscellaneous items.

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

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

Doug Griffith, Environmental Planner
Phone: 239-533-8323
E-mail: dgriffith@leegov.com

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. The applicant has failed to provide the required solid waste facilities for the multi-family component of the project.

2) The reviewer may be contacted for additional information regarding this Public Works checklist.

Please contact Mike Pavese at 533-8360 or by email at pavesemp@leegov.com if there are any questions regarding these review comments.

Palermo, Anthony

From: Lee, Samuel
Sent: Tuesday, September 08, 2009 10:47 AM
To: Palermo, Anthony
Cc: Farah, Steven; Griffith, Douglas
Subject: FW: DCI2007-00045 Bayshore 57

Tony,

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

Thanks,

Sam Lee, P.E.
Engineering Manager
Lee County Natural Resources Division
1500 Monroe Street
Fort Myers, FL 33901

Ph. 239/533-8132
Fax 239/485-8408
E-mail: slee@leegov.com

From: Farah, Steven
Sent: Tuesday, September 08, 2009 10:15 AM
To: Lee, Samuel
Subject: DCI2007-00045 Bayshore 57

New Land Development Codes were adopted June 23, 2009 per section 10-416(d)(9) natural waterways are required to provide a fifty foot natural waterway buffer. Please see below:

- (9) *Development abutting natural waterway.* Except where chapter 33 provides a stricter standard for Greater Pine Island (as defined in Goal 14 of the Plan and in section 33-1002), there must be a ~~25~~ 50-foot wide vegetative buffer landward from the mean high water line of all nonseawalled natural waterways as measured from the mean high water line or top of bank whichever is further landward.

Please revise to depict a fifty-foot natural waterway buffer on each side of the waterway.

Palermo, Anthony

From: Jacob, Michael
Sent: Tuesday, September 01, 2009 11:21 AM
To: Palermo, Anthony
Subject: Bayshore 57 (DCI2007-00045)

Tony,

I have reviewed the resubmittal date stamped August 20, 2009 for the above referenced case. The case remain insufficient until such time as the Title Certification/Opinion and Survey have been provided. Other than this comment, I have no additional comments regarding the documentation submitted with this resubmittal.

Michael D. Jacob
Assistant County Attorney
Lee County Attorney's Office
(239) 533-2236 (telephone)
(239) 485-2106 (facsimile)
mjjacob@leegov.com

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

9/4/2009



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8325

Bob Janes
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Ray Judah
District Three

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District Four

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County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

August 14, 2009

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
4301 VERONICA SHOEMAKER BLVD
FT MYERS, FL 33916

Re: BAYSHORE 57 MPD
DCI2007-00045 - PDL Application (Major PD)

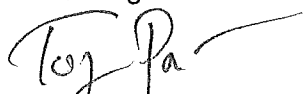
Dear MR. FRED DROVDLIC :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Tony Palermo, AICP
Senior Planner

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
August 14, 2009
Page 2

cc. MIKE PAVESE, PUBLIC WORKS

ZONING COMMENTS - AUG. 2009

1. NEW WORDING. PLEASE REVIEW.

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

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

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

4. The 11X17 MCP is not readable in some places.

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

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

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

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

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

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

11. No model units are on the MCP.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
August 14, 2009
Page 3

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

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Robert Price, TIS Reviewer
Jamie Pringing, DCD Administration
Michael D Jacob, Assistant County Attorney
Susan L Hollingsworth, Development Review
DCI Zoning File
DCI Working File

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
August 14, 2009
Page 4

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

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

Please depict top-of-bank for Daughtrey creek.

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

Revise MCP to label gopher tortoise preserve. Given the suitable occupied gopher tortoise habitat 321/421/411 located north of the creek along the northwest property line and its connectivity to other private preservation land ES staff recommends that the project propose some on-site mitigation through the gopher tortoise permitting process.
Please clarify the 52,468 sq. ft. of indigenous credit. The MCP depicts only ± 476,000 sq. ft. of indigenous and a portion of that does not meet the requirements for credit.

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

ES Staff is concerned that the density and intensity of uses is not consistent with the Lee Plan and the Bayshore Community. Goal 77 of the Lee Plan states: To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation. The applicant is requesting maximum density and commercial intensity. The open space and indigenous meet the minimum requirements. The project contains over 46 acres of indigenous upland habitat and over forty active and inactive gopher tortoise burrows. ES Staff recommends that the applicant propose additional indigenous preservation within the residential portion of the project. Please revise site design to incorporate additional indigenous preservation to be consistent with Objective 107.4: Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species and Objective 77.3: New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed and/or existing rights-of-way. This objective and subsequent policies are to be implemented through the zoning process.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
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Page 5

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

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

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

The re-alignment of Samville Road within the property requires a type "D" ROW buffer. Please provide.

Please revise the type F buffer cross section to reference the 125' rule and demonstrate the shrubs setback to the proper depth.

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

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

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
August 14, 2009
Page 6

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. [10-474]

Please submit a preliminary Gopher Tortoise Management Plan as per Sec 10-474. Include how the applicant proposes to pursue gopher tortoise mitigation given the change in regulations. The MCP Legend indicates the number of tortoises. This information belongs in the preliminary Gopher Tortoise Management Plan. Please revise.

Please submit a "Preliminary" Gopher Tortoise Management Plan "prepared by an environmental consultant" that addresses the tortoises preserved in place as well as onsite relocation, depicting sustainability of tortoise habitat being preserved, quality and quantity of foraging plants available, containmnet/protection during construction, etc.

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

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

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

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

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
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Page 7

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

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

19) Miscellaneous items.

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

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

Doug Griffith, Environmental Planner
Phone: 239-533-8323
E-mail: dgriffith@leegov.com

LC Public Hearing for Zoning Action Checklist (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. The applicant has failed to provide the required solid waste facilities for the multi-family component of the project.

2) The reviewer may be contacted for additional information regarding this Public Works checklist.

Please contact Mike Pavese at 533-8360 or by email at pavesemp@leegov.com if there are any questions regarding these review comments.

Palermo, Anthony

From: Lee, Samuel
Sent: Tuesday, August 11, 2009 8:03 AM
To: Palermo, Anthony
Cc: Farah, Steven
Subject: FW: BAYSHORE 57 DCI2007-00045

From: Farah, Steven
Sent: Thursday, August 06, 2009 3:27 PM
To: Lee, Samuel
Subject: RE: BAYSHORE 57 DCI2007-00045

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

Palermo, Anthony

From: Jacob, Michael
Sent: Tuesday, August 04, 2009 2:15 PM
To: Palermo, Anthony
Subject: DCI2007-00045 (Bayshore 57 MPD)

Tony,

I have reviewed the new submittal, date stamped July 29, 2009, for the above referenced case. I offer these comments regarding the documentation received to date:

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

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

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

I have no additional comments at this time. If you have any questions, do not hesitate to let me know.

Thanks,

Michael D. Jacob
Assistant County Attorney
Lee County Attorney's Office
(239) 533-2236 (telephone)
(239) 485-2106 (facsimile)
mjacob@leegov.com

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

8/4/2009



THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ WWW.LEESCHOOLS.NET

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AUG 11 2009
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DISTRICT 1
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DISTRICT 4
ELINOR C. SCRICCA, PH.D.
DISTRICT 5
JAMES W. BROWDER, ED.D.
SUPERINTENDENT
KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

August 7, 2009

Tony Palermo, AICP
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

RE: Bayshore 57 MPD
Case # DCI2007-00045

Dear Mr. Palermo:

This letter is in response to your request dated July 29, 2009 for the proposed Bayshore 57 MPD for sufficiency comments with regard to educational impact. This Planned Development is located in the East Choice Zone, Sub Zone E1.

The re-submittal states the same which is 192 multi-family units. The generation rate has changed from 0.125 to 0.118 for multi-family units. Within the prior response 24 school-aged children were generated from the prior rate. Utilizing the new rate this would create 23 school-aged children. Currently within the school district there are sufficient seats available to serve this need.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 479-5661.

Sincerely,

Dawn Gordon, Community Development Planner
Planning Department



BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

July 07, 2009

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

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Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
4301 VERONICA SHOEMAKER BLVD
FT MYERS, FL 33916

RE: BAYSHORE 57 MPD
DCI2007-00045 - PDL Application (Major PD)

Dear MR. FRED DROVDLIC :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on September 15, 2009. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo, AICP
Senior Planner

cc: Pam Houck, Director Zoning Division
John Fredyma, CAO
Tina Boone, Legal Administrative Secretary
Robert Price, TIS Reviewer
Susan L Hollingsworth, Development Services
Paul O'Connor, Planning Division
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Jamie Pringing, DCD Admin
Billie Jacoby
Zoning File

Palermo, Anthony

From: Fred Drovdlc [fred@qainc.net]
Sent: Tuesday, July 07, 2009 10:46 AM
To: Palermo, Anthony
Subject: RE: DCI2007-00045 60 DAY EXTENSION LETTER.PDF

Tony,

The revisions with DOT are taking longer than expected. We request another extension.

Fred Drovdlc, AICP

239.936.5222



From: Palermo, Anthony [mailto:APalermo@leegov.com]
Sent: Monday, July 06, 2009 7:39 AM
To: Fred Drovdlc
Subject: DCI2007-00045 60 DAY EXTENSION LETTER.PDF

Status of this one?



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

April 24, 2009

A. Brian Bigelow
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Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
4301 VERONICA SHOEMAKER BLVD
FT MYERS, FL 33916

RE: BAYSHORE 57 MPD
DCI2007-00045 - PDL Application (Major PD)

Dear MR. FRED DROVDLIC :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on June 23, 2009. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Tony Palermo, AICP
Senior Planner

cc: Pam Houck, Director Zoning Division
John Fredyma, CAO
Tina Boone, Legal Administrative Secretary
Robert Price, TIS Reviewer
Susan L. Hollingsworth, Development Services
Paul O'Connor, Planning Division
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Jamie Prancing, DCD Admin
Billie Jacoby
Zoning File



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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District One

January 21, 2009

A. Brian Bigelow
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Tammy Hall
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Frank Mann
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
4301 VERONICA SHOEMAKER BLVD
FT MYERS, FL 33916

RE: BAYSHORE 57 MPD
DCI2007-00045 - PDL Application (Major PD)

Dear MR. FRED DROVDLIC :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on April 01, 2009. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo, AICP
Senior Planner

cc: Pam Houck, Director Zoning Division
John Fredyma, CAO
Tina Boone, Legal Administrative Secretary
Lili Wu, TIS Reviewer
Susan L Hollingsworth, Development Services
Paul O'Connor, Planning Division
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Jamie Princing, DCD Admin
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Zoning File



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

November 14, 2008

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
4301 VERONICA SHOEMAKER BLVD
FT MYERS, FL 33916

RE: BAYSHORE 57 MPD
DCI2007-00045 - PDL Application (Major PD)

Dear MR. FRED DROVDLIC :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on January 14, 2009. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo, AICP
Senior Planner

cc: Pam Houck, Director Zoning Division
John Fredyma, CAO
Tina Boone, Legal Administrative Secretary
Lili Wu, TIS Reviewer
Susan L Hollingsworth, Development Services
Paul O'Connor, Planning Division
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Jamie Princing, DCD Admin
Billie Jacoby
Zoning File



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-533-8325

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

September 12, 2008

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
4301 VERONICA SHOEMAKER BLVD
FT MYERS, FL 33916

Re: BAYSHORE 57 MPD
DCI2007-00045 - PDL Application (Major PD)

Dear MR. FRED DROVDLIC :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Tony Palermo, AICP
Senior Planner

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
September 12, 2008
Page 2

cc. MIKE PAVESE, PUBLIC WORKS

ZONING COMMENTS - SEPT 2008.

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

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Lili Wu, LCDOT
Jamie Princing, DCD Administration
John Fredyma, Assistant County Attorney
Susan L Hollingsworth, Development Review
DCI Zoning File
DCI Working File

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
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**LC Environmental Sciences PD Application Sufficiency Checklist
(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. [34-373(a)(6)g.]

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

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 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.

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.

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

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. 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.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
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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 the MCP to demonstrate sinuous shorelines per the LDC or request a deviation from the code.

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

Please 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.

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

Aaron Martin, Environmental Planner
239-533-8522
amartin@leegov.com

LC Public Hearing for Zoning Action Checklist (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.

2) The reviewer may be contacted for additional information regarding this Public Works checklist.

Please contact Mike Pavese at 533-8360 or by email at pavese@leegov.com if there are any questions regarding these review comments.

Palermo, Anthony D.

From: Lee, Samuel
Sent: Tuesday, September 09, 2008 1:59 PM
To: Palermo, Anthony D.
Cc: Derheimer, Suzanne; Martin, Aaron D.; Farah, Steven; Karuna-Muni, Anura J.; Davies, Allen L.; Copeland, Tildon
Subject: FW: DCI2007-00045 Bayshore 57 MPD

Tony,

Please see NR comments below. Susie – please let Tony know if you have any problem with these.

Thanks,

Sam Lee, P.E.
Engineering Manager
Lee County Natural Resources Division
1500 Monroe Street
Fort Myers, FL 33901

Ph. 239/533-8132
Fax 239/485-8408
E-mail: slee@leegov.com

From: Farah, Steven
Sent: Tuesday, September 09, 2008 1:30 PM
To: Lee, Samuel
Subject: DCI2007-00045 Bayshore 57 MPD

Per your response to Lee County Natural Resource Comments dated August 25, 2008, we have the following additional comments:

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 floodway, then state, "No Improvements or encroachments are proposed within the floodway" in the MCP where the FEMA Floodway is shown.
2. From the previous Natural Resources Sufficiency Response 3, the 20-foot 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.

Palermo, Anthony D.

From: Fredyma, John J.
Sent: Friday, September 12, 2008 1:16 PM
To: Palermo, Anthony D.
Cc: Houck, Pamela E.; Jakacki, Charles S.
Subject: Bayshore 57 MPD DCI2007-00045

Tony,

Please consider the following with regard to the most recent submittal (date-stamped 8-26-08) for the above-referenced project:

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.
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?
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?
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.
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.
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.

Please let me know if you have any questions.

Thanks.

John

John J. Fredyma
Assistant County Attorney
Lee County Attorney's Office
P.O. Box 398
Fort Myers, Florida 33902
(2115 Second Street - 33901)
Tel. 239/533-2236
Fax 239/485-2106
E-mail: fredymjj@leegov.com [Note: There is no "a" in the e-mail spelling of Fredyma.]

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

9/12/2008



LEE COUNTY
SOUTHWEST FLORIDA

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July 14, 2008

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MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
4301 VERONICA SHOEMAKER BLVD
FT MYERS, FL 33916

RE: BAYSHORE 57 MPD
DCI2007-00045 - PDL Application (Major PD)

Dear MR. FRED DROVDLIC :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on September 12, 2008. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo, AICP
Senior Planner

cc: Pam Houck, Director Zoning Division
John Fredyma, CAO
Tina Boone, Legal Administrative Secretary
Lili Wu, TIS Reviewer
Susan L Hollingsworth, Development Services
Paul O'Connor, Planning Division
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Jamie Princing, DCD Admin
Billie Jacoby
Zoning File

Palermo, Anthony D.

From: Fred Drovdlc [fred@qainc.net]
Sent: Monday, July 14, 2008 10:48 AM
To: Palermo, Anthony D.
Subject: RE: dci2007-00045 bayshore 57

I would, thank you. This week Boylan and TR Transportation are finishing the response reports. We should have our response in next week.

Fred Drovdlc, AICP
239.936.5222



From: Palermo, Anthony D. [mailto:APalermo@leegov.com]
Sent: Monday, July 14, 2008 10:04 AM
To: Fred Drovdlc
Subject: dci2007-00045 bayshore 57

Last record I have is an insufficiency letter April 14, 2008. Would you care for more time? Thank you.

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



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 533-8325

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David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

April 14, 2008

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
11000 METRO PKWY SUITE 30
FT MYERS, FL 33966

Re: BAYSHORE 57 MPD
DCI2007-00045 - PDL Application (Major PD)

Dear MR. FRED DROVDLIC :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Tony Palermo, AICP
Senior Planner

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
April 14, 2008
Page 2

UPDATED ES COMMENTS.

cc. MIKE PAVESE, PUBLIC WORKS

ZONING COMMENTS APRIL 2008.

1. NEW WORDING

Rezone +/- 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 stories/35 feet. No development blasting is requested. The development will connect to public potable water and public sanitary sewer service.

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?

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

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

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Lili Wu, LCDOT
Jamie Princing, DCD Administration
John Fredyma, Assistant County Attorney
Susan L Hollingsworth, Development Review
DCI Zoning File
DCI Working File

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
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Page 3

1) Sufficiency Comments.

1. The TIS shows no project traffic make left turn at Bayshore Rd/Samville Rd intersection. It is not realistic.
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.
3. The level of service calculation for Bayshore Rd (shows 323 project trips/P.H on Bayshore Rd) and the Table 1 (only 152 project trips/P.H) are not consistent.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Lili Wu 479-8580 ext 5395

**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.D).

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.

11f) Soils Map. Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System 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.

11g) 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. 1"=130'. The correct information will assist with the ES review and indigenous preserve verification.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
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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. [34-373(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.

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.

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

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

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.]

The indigenous preserve delineated on the submitted MCP does not meet the acreage as required by LDC Sec 10-415(b)(1), the design standards as required by Sec 34-411(g) (see comment 18b2) and the Lee Plan (see comment 18b1)

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)

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
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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. [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)

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. Per LDC section 10-415(b)(1)(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

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. 10-418(4). Per LDC section 10-329(d)(1)(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.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
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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. [10-474]

Please submit a preliminary Gopher Tortoise Management Plan as per Sec 10-474. Include how the applicant proposes to pursue gopher tortoise mitigation given the change in regulations. The MCP Legend indicates the number of tortoises. This information belongs in the preliminary Gopher Tortoise Management Plan. Please revise.

Please submit a "Preliminary" Gopher Tortoise Management Plan "prepared by an environmental consultant" that addresses the tortoises preserved in place as well as onsite relocation, depicting sustainability of tortoise habitat being preserved, quality and quantity of foraging plants available, containmnet/protection during construction, etc.

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. [34-373(b)(1)d.]

Please address how proposed indigenous will be preserved.

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)(1)e.]

Please address. Please identify floodplains.

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.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
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18b) Narrative Compliance Statements. A narrative explanation as to how the proposed development complies with the Lee Plan, as well as the guidelines for decision-making embodied in LCLDC Sections 34-145(c)(2)a, and e., and Section 34-145(d)(3) {see LC Supplement D Form, Part 7, Narrative Compliance Statements}. [34-941(g)(3)] {See Item #18b1 thru Item #18b3 below.}

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 from 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.

18b1) LEE Plan Compliance. A narrative explanation as to how the proposed development complies with the LEE Plan must be submitted. [34-941(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

18b2) Design Standards Compliance. A narrative explanation as to how the proposed development complies with the Design Standards set forth in LCLDC Section 34-411 must be submitted. [34-3941(g)(3)]

Please address how the project as proposed complies with LDC Sec 34-411(g).

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

Susie Derheimer, Environmental Planner
239-479-8158
sderheimer@leegov.com

LC Public Hearing for Zoning Action Checklist (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.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
April 14, 2008
Page 8

2) The reviewer may be contacted for additional information regarding this Public Works checklist.

Please contact Mike Pavese at 533-8360 or by email at pavesemp@leegov.com if there are any questions regarding these review comments.

Palermo, Anthony D.

From: Fredyma, John J.
Sent: Wednesday, April 09, 2008 3:05 PM
To: Palermo, Anthony D.
Cc: Houck, Pamela E.
Subject: Bayshore 57 MPD DCI2007-00045

Tony,

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.
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.
3. Doesn't the project need a deviation to allow only one ingress/egress to the RPD portion of the site?
4. Has the applicant provided legals and sketches for the RPD and CPD portions of the site?
5. Does the variance report provide notice to the properties within 500 feet of the subject?
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.
7. Can they make the dividing line between the RPD and CPD darker (and label it as such)?

Please let me know if you have any questions.

Thanks.

John

John J. Fredyma
Assistant County Attorney
Lee County Attorney's Office
P.O. Box 398
Fort Myers, Florida 33902
(2115 Second Street - 33901)
Tel. 239/533-2236
Fax 239/485-2106
E-mail: fredymjj@leegov.com [Note: There is no "a" in the e-mail spelling of Fredyma.]

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

4/9/2008

Palermo, Anthony D.

From: Lee, Samuel
Sent: Monday, April 07, 2008 4:23 PM
To: Palermo, Anthony D.
Cc: Farah, Steven; Karuna-Muni, Anura J.; Copeland, Tildon; Davies, Allen L.
Subject: FW: DCI2007-00045 Bayshore 57 MPD

Tony,

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.

To NR reviewers/engineers – from now on please use the languages shown # 2 below for the floodway encroachment issue.

Thanks,

Sam

.....

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.
 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, 2008] 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 overlay 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.
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4/8/2008

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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.

(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)

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.
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.

From: Farah, Steven
Sent: Monday, April 07, 2008 9:10 AM
To: Lee, Samuel
Subject: RE: DCI2007-00045 Bayshore 57 MPD

My comments were not addressed or included in the March 21, 2008 submittal, so please answer my comments below.

From: Lee, Samuel
Sent: Thursday, July 12, 2007 4:05 PM
To: Palermo, Anthony D.
Cc: Farah, Steven; Karuna-Muni, Anura J.
Subject: FW: DCI2007-00045 Bayshore 57 MPD

From: Farah, Steven
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County Hearing
Examiner

April 10, 2008

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
11000 METRO PKWY SUITE 30
FT MYERS, FL 33966

Re: BAYSHORE 57 MPD
DCI2007-00045 - PDL Application (Major PD)

Dear MR. FRED DROVDLIC :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo, AICP
Senior Planner

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
April 10, 2008
Page 2

cc. MIKE PAVESE, PUBLIC WORKS

ZONING COMMENTS APRIL 2008.

1. NEW WORDING

Rezone +/- 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 stories/35 feet. No development blasting is requested. The development will connect to public potable water and public sanitary sewer service.

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?

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

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

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Lili Wu, LCDOT
Jamie Princing, DCD Administration
John Fredyma, Assistant County Attorney
Susan L Hollingsworth, Development Review
DCI Zoning File
DCI Working File

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
April 10, 2008
Page 3

1) Sufficiency Comments.

1. The TIS shows no project traffic make left turn at Bayshore Rd/Samville Rd intersection. It is not realistic.
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.
3. The level of service calculation for Bayshore Rd (shows 323 project trips/P.H on Bayshore Rd) and the Table 1 (only 152 project trips/P.H) are not consistent.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Lili Wu 479-8580 ext 5395

**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 1.D and Part 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.D).

Please address the wetland acreage in calculations.

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

11f) Soils Map. Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System must be submitted. [34-373(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.

11g) 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.]

Please provide FLUCCS 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.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
April 10, 2008
Page 4

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. [34-373(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.

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 revise MCP to depict all easements and right of ways.

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

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

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.]

The indigenous preserve delineated on the submitted MCP does not meet the acreage as required by LDC Sec 10-415(b)(1), the design standards as required by Sec 34-411(g) (see comment 18b2) and the Lee Plan (see comment 18b1)

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)

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)

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
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Page 5

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.

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

TBD upon submittal of flowways/Oak Creek limits.

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. 10-418(4).

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. [10-474]

Please submit a preliminary Gopher Tortoise Management Plan as per Sec 10-474. Include how the applicant proposes to pursue gopher tortoise mitigation given the change in regulations.

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. [34-373(b)(1)d.]

Please address how proposed indigenous will be preserved.

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)(1)e.]

Please address. Please identify floodplains.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
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DCI2007-00045
April 10, 2008
Page 6

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

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 from 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.

18b1) LEE Plan Compliance. A narrative explanation as to how the proposed development complies with the LEE Plan must be submitted. [34-941(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

18b2) Design Standards Compliance. A narrative explanation as to how the proposed development complies with the Design Standards set forth in LCLDC Section 34-411 must be submitted. [34-3941(g)(3)]

Please address how the project as proposed complies with LDC Sec 34-411(g).

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

Susie Derheimer, Environmental Planner
239-479-8158
sderheimer@leegov.com

LC Public Hearing for Zoning Action Checklist (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.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
April 10, 2008
Page 7

2) The reviewer may be contacted for additional information regarding this Public Works checklist.

Please contact Mike Pavese at 533-8360 or by email at pavesemp@leegov.com if there are any questions regarding these review comments.

Palermo, Anthony D.

From: Fredyma, John J.
Sent: Wednesday, April 09, 2008 3:05 PM
To: Palermo, Anthony D.
Cc: Houck, Pamela E.
Subject: Bayshore 57 MPD DCI2007-00045

Tony,

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.
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.
3. Doesn't the project need a deviation to allow only one ingress/egress to the RPD portion of the site?
4. Has the applicant provided legals and sketches for the RPD and CPD portions of the site?
5. Does the variance report provide notice to the properties within 500 feet of the subject?
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.
7. Can they make the dividing line between the RPD and CPD darker (and label it as such)?

Please let me know if you have any questions.

Thanks.

John

John J. Fredyma
Assistant County Attorney
Lee County Attorney's Office
P.O. Box 398
Fort Myers, Florida 33902
(2115 Second Street - 33901)
Tel. 239/533-2236
Fax 239/485-2106
E-mail: fredymjj@leegov.com [Note: There is no "a" in the e-mail spelling of Fredyma.]

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

4/9/2008

Palermo, Anthony D.

From: Lee, Samuel
Sent: Monday, April 07, 2008 4:23 PM
To: Palermo, Anthony D.
Cc: Farah, Steven; Karuna-Muni, Anura J.; Copeland, Tildon; Davies, Allen L.
Subject: FW: DCI2007-00045 Bayshore 57 MPD

Tony,

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.

To NR reviewers/engineers – from now on please use the languages shown # 2 below for the floodway encroachment issue.

Thanks,

Sam

.....

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.

-
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(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)

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LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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District One

February 05, 2008

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County Manager

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County Attorney

Diana M. Parker
County Hearing
Examiner

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
11000 METRO PKWY SUITE 30
FT MYERS, FL 33966

RE: BAYSHORE 57 MPD
DCI2007-00045 - PDL Application (Major PD)

Dear MR. FRED DROVDLIC :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on April 05, 2008. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Tony Palermo, AICP
Senior Planner

cc: Pam Houck, Director Zoning Division
John Fredyma, CAO
Tina Boone, Legal Administrative Secretary
Lili Wu, TIS Reviewer
Susan L Hollingsworth, Development Services
Paul O'Connor, Planning Division
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Jamie Princing, DCD Admin
Billie Jacoby
Zoning File



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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October 23, 2007

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Examiner

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
11000 METRO PKWY SUITE 30
FT MYERS, FL 33912

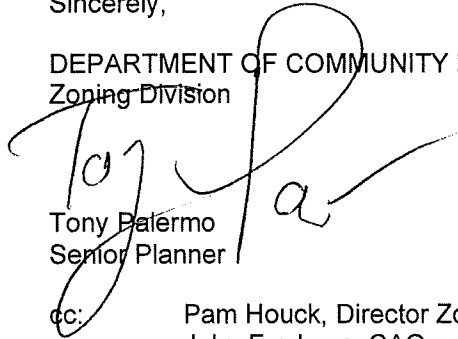
RE: BAYSHORE 57 MPD
DCI2007-00045 - PDL Application (Major PD)

Dear MR. FRED DROVDLIC :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on December 30, 2007. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Tony Palermo
Senior Planner

cc: Pam Houck, Director Zoning Division
John Fredyma, CAO
Tina Boone, Legal Administrative Secretary
Lili Wu, TIS Reviewer
Susan L Hollingsworth, Development Services
Paul O'Connor, Planning Division
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
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Writer's Direct Dial Number: (239) 533-8325

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July 25, 2007

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
11000 METRO PKWY SUITE 30
FT MYERS, FL 33912

Re: BAYSHORE 57 MPD
DCI2007-00045 - PDL Application (Major PD)

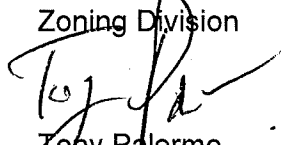
Dear MR. FRED DROVDLIC :

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If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Tony Palermo
Senior Planner

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
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Page 2

SEE COUNTY ATTORNEY COMMENTS ATTACHED.

cc. MIKE PAVESE, PUBLIC WORKS

ADDITIONAL SUBSTANTIVE COMMENTS ARE INCLUDED.

1. CONSIDER TRUE MIXED USE IN THE FRONT.
2. CONSIDER MORE OPEN SPACE (ESPECIALLY THE COMMERCIAL AREA) AND PRESERVE (IN THE RESIDENTIAL PORTION WHERE THE QUALITY HABITAT IS)
3. CONSIDER ENHANCED BUFFERS.
4. STAFF IS SKEPTICAL OF THE DENSITY AND INTENSITY PROPOSED.
Please elaborate how you got your density. You appear to be double dipping by counting both the commercial and residential acres. You also do not take into account the wetlands.

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Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Sam Leé, Natural Resources
Lili Wu, LCDOT
Jamie Princing, DCD Administration
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DCI Working File

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QUATTRONE & ASSOCIATES, INC.
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1) Sufficiency Comments.

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2. What is pass-by traffic of the proposed restaurant use?
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5. The traffic volumes of 1,069 is the year 2005 traffic volumes, not the traffic volumes of 2007 as the TIS indicated.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Lili Wu 479-8580 ext 5395

**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 1.D and Part 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.D).

Please address the wetland acreage in calculations.

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.).

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.

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

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.

10b2) Preservation/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.

11f) Soils Map. Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System must be submitted. [34-373(a)(4)e.i.]

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Please provide.

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. [34-373(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.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
July 25, 2007
Page 5

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 revise MCP to depict all easements and right of ways.

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

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

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.]

The indigenous preserve delineated on the submitted MCP does not meet the acreage as required by LDC Sec 10-415(b)(1), the design standards as required by Sec 34-411(g) (see comment 18b2) and the Lee Plan (see comment 18b1)

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)

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)

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.

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

TBD upon submittal of flowways/Oak Creek limits.

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. 10-418(4).

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. [10-474]

Please submit a preliminary Gopher Tortoise Management Plan as per Sec 10-474. Include how the applicant proposes to pursue gopher tortoise mitigation given the change in regulations.

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. [34-373(b)(1)d.]

Please address how proposed indigenous will be preserved.

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)(1)e.]

Please address. Please identify floodplains.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
July 25, 2007
Page 7

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

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 from 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.

18b1) LEE Plan Compliance. A narrative explanation as to how the proposed development complies with the LEE Plan must be submitted. [34-941(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

18b2) Design Standards Compliance. A narrative explanation as to how the proposed development complies with the Design Standards set forth in LCLDC Section 34-411 must be submitted. [34-3941(g)(3)]

Please address how the project as proposed complies with LDC Sec 34-411(g).

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

Susie Derheimer, Environmental Planner
239-479-8158
sderheimer@leegov.com

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

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
July 25, 2007
Page 8

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.
2. Please put the zoning, land use and future land use on the property on the south side of Bayshore Road.
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?), fast food (stand alone?).
4. Your MCP does not support a vehicle sales dealer.

Zoning comments:

1. Excellent Lee Plan narrative.
2. Can you include the road width on the MCP?
3. Please label what appears to be a clubhouse in the residential portion.
4. How many model units? Please show general locations on the MCP.
5. Please provide letters from the utility providers confirming service availability.

33) Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for Zoning Action Checklist.

PLEASE VERIFY - Rezone +/- 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 stories/35 feet. The applicant indicates that the development will connect to public potable water and public sanitary sewer service.

Palermo, Anthony D.

From: Fredyma, John J.
Sent: Wednesday, July 25, 2007 3:27 PM
To: Palermo, Anthony D.
Cc: Houck, Pamela E.
Subject: Bayshore 57 MPD

Tony,

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?
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.
3. Does this project need a deviation since the RPD portion of the project has only one access point.
4. Related to the Gate location, the road does not appear to have the appropriate configuration otherwise required by the LDC to facilitate turnarounds to persons who can't get past the gate.
5. The survey says it is subject to easements. It is supposed to show all easements, recorded and unrecorded.
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.
7. There is a similar concern for one portion of the property extending into Bayshore Road.
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.
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.

John

John J. Fredyma
Assistant County Attorney
Lee County Attorney's Office
P.O. Box 398
Fort Myers, Florida 33902
(2115 Second Street - 33901)
Tel. 239/533-2236
Fax 239/485-2106
E-mail: fredymjj@leegov.com [Note: There is no "a" in the e-mail spelling of Fredyma.]

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



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July 20, 2007

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Re: BAYSHORE.57 MPD
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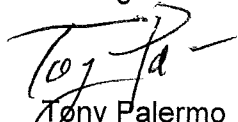
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12j3) Natural Waterways Buffer. A 25 foot natural waterway buffer, 50 foot in the Greater Pine Island Area, must be provided abutting state-designated aquatic preserves and associated natural tributaries. [10-416(d)(12)]

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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)(1)e.]

Please address. Please identify floodplains.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
July 20, 2007
Page 7

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

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 from 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.

18b1) LEE Plan Compliance. A narrative explanation as to how the proposed development complies with the LEE Plan must be submitted. [34-941(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

18b2) Design Standards Compliance. A narrative explanation as to how the proposed development complies with the Design Standards set forth in LCLDC Section 34-411 must be submitted. [34-3941(g)(3)]

Please address how the project as proposed complies with LDC Sec 34-411(g).

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

Susie Derheimer, Environmental Planner
239-479-8158
sderheimer@leegov.com

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

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE.57 MPD
DCI2007-00045
July 20, 2007
Page 8

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.
2. Please put the zoning, land use and future land use on the property on the south side of Bayshore Road.
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?), fast food (stand alone?).
4. Your MCP does not support a vehicle sales dealer.

Zoning comments:

1. Excellent Lee Plan narrative.
2. Can you include the road width on the MCP?
3. Please label what appears to be a clubhouse in the residential portion.
4. How many model units? Please show general locations on the MCP.
5. Please provide letters from the utility providers confirming service availability.

33) Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for Zoning Action Checklist.

PLEASE VERIFY - Rezone +/- 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 stories/35 feet. The applicant indicates that the development will connect to public potable water and public sanitary sewer service.



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8325

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

July 18, 2007

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
11000 METRO PKWY SUITE 30
FT MYERS, FL 33912

Re: BAYSHORE 57 MPD
DCI2007-00045 - PDL Application (Major PD)

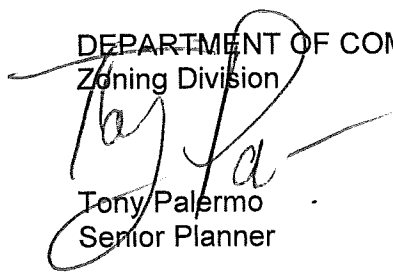
Dear MR. FRED DROVDLIC :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Tony Palermo
Senior Planner

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
July 18, 2007
Page 2

cc. MIKE PAVESE, PUBLIC WORKS

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Sam Lee, Natural Resources
Lili Wu, LCDOT
Jamie Princing, DCD Administration
John Fredyma, Assistant County Attorney
Susan L Hollingsworth, Development Review
DCI Zoning File
DCI Working File

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
July 18, 2007
Page 3

1) Sufficiency Comments.

1. The Deviation #1 is not necessary because Bayshore Road is a facility maintained by FDOT.
2. What is pass-by traffic of the proposed restaurant use?
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.
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.
5. The traffic volumes of 1,069 is the year 2005 traffic volumes, not the traffic volumes of 2007 as the TIS indicated.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Lili Wu 479-8580 ext 5395

**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 1.D and Part 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.D).

Please address the wetland acreage in calculations.

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.).

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.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
July 18, 2007
Page 4

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

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.

10b2) Preservation/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.

11f) Soils Map. Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System must be submitted. [34-373(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.

11g) 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.]

Please provide FLUCCS 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.

11j) Existing and Historic Flow-Ways Map. Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways must be submitted. [34-373(a)(4)e.v.]

Please provide.

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. [34-373(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.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
July 18, 2007
Page 5

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 revise MCP to depict all easements and right of ways.

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

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

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.]

The indigenous preserve delineated on the submitted MCP does not meet the acreage as required by LDC Sec 10-415(b)(1), the design standards as required by Sec 34-411(g) (see comment 18b2) and the Lee Plan (see comment 18b1)

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)

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)

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.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
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Page 6

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

TBD upon submittal of flowways/Oak Creek limits.

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. 10-418(4).

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. [10-474]

Please submit a preliminary Gopher Tortoise Management Plan as per Sec 10-474. Include how the applicant proposes to pursue gopher tortoise mitigation given the change in regulations.

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. [34-373(b)(1)d.]

Please address how proposed indigenous will be preserved.

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)(1)e.]

Please address. Please identify floodplains.

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
July 18, 2007
Page 7

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

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 from 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.

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

Susie Derheimer, Environmental Planner
239-479-8158
sderheimer@leegov.com

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

MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
RE: BAYSHORE 57 MPD
DCI2007-00045
July 18, 2007
Page 8

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Zoning comments:

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33) Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for Zoning Action Checklist.

PLEASE VERIFY - Rezone +/- 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 stories/35 feet. The applicant indicates that the development will connect to public potable water and public sanitary sewer service.

Palermo, Anthony D.

From: Lee, Samuel
Sent: Thursday, July 12, 2007 4:05 PM
To: Palermo, Anthony D.
Cc: Farah, Steven; Karuna-Muni, Anura J.
Subject: FW: DCI2007-00045 Bayshore 57 MPD

From: Farah, Steven
Sent: Thursday, July 12, 2007 9:19 AM
To: Lee, Samuel
Subject: DCI2007-00045 Bayshore 57 MPD

1. Project site on Area Location Map (Exhibit D-7-B) is not shown correctly, please shift site to the left.
2. Encroachments within the floodways identified in DFIRM (Draft Flood Insurance Rate Maps, July 31, 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.
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.

Sec. 10-328. Drainage easements.

(a) *Open drainage easements.* Where a proposed development is traversed by or abuts a watercourse, drainageway, 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, drainageway, canal, IDD easement, lake, pond or stream.

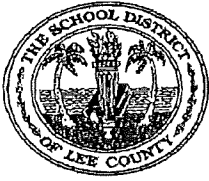
Additionally, the right-of-way shall include on one side a 20-foot width for maintenance purposes, unless a lesser dimension is approved by the development review director after consultation with appropriate staff. For canals or flow-ways greater than 50 feet wide, measured at the top of the bank, the 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.

(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)

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.
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.



THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BOULEVARD ♦ FORT MYERS, FLORIDA 33966 ♦ (239) 334-1102 ♦ WWW.LEESCHOOLS.NET

James W. Browder, Ed.D.
Superintendent of Schools
239-337-8301 ♦ 239-337-8378 (Fax)

Jeanne S. Dozier
Chairman, District 2
Jane E. Kuckel, Ph.D.
Vice Chairman, District 3
Robert D. Chiltonik
District 1
Steven K. Teuber, J.D.
District 4
Elinor C. Scricca, Ph.D.
District 5
James W. Browder, Ed.D.
Superintendent
Keith B. Martin, Esq.
Board Attorney
Julie B. Nieminski
Board Internal Auditor

July 10, 2007

Mr. Tony Palermo
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Bayshore 57 MPD
Case #: DCI2007-00046
224 Multi-Family Units

Dear Mr. Palermo:

Thank you for the opportunity to review the proposed Bayshore 57 MPD for sufficiency comments with regard to educational impacts. This proposed development is in the East Choice Zone of the District located at 7401 Bayshore Rd, North Fort Myers, Florida. This letter is in response to your request dated June 27, 2007.

This report has been found to have the sufficient amount of information for the School District to provide Lee County with the student generation rates and any other concerns during the substantive review process. The planned development shows 224 multi-family units potentially going into place. The School District would like to have the developer consider donating a site for a future school based on generation rates. This development could generate 29-60 school aged children within boundaries.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-5661.

Sincerely,

Susan Teston, Community Development Planner
Planning, Growth & School Capacity

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Michael D Jacob, Asst County Attorney
Chick Jakacki, Zoning

FROM: Tony Palermo, AICP

DATE: 10/29/2009

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BAYSHORE 57 MPD

CASE #: DCI2007-00045

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
X Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 11/12/2009

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 10/30/2009

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Michael D Jacob, Asst County Attorney
Chick Jakacki, Zoning

FROM: Tony Palermo, AICP

DATE: 10/27/2009

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BAYSHORE 57 MPD

CASE #: DCI2007-00045

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 11/10/2009

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

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cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 10/27/2009

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo, AICP

DATE: 10/15/2009

Michael D Jacob, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Doug Griffith, Environmental Sciences
Lili Wu, LCDOT
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BAYSHORE 57 MPD

CASE #: DCI2007-00045

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
☒ Review and forward sufficiency
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RESPONSE REQUIRED BY: 10/29/2009

Additional Comments:

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cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 10/16/2009

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo, AICP

DATE: 10/01/2009

Michael D Jacob, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Doug Griffith, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BAYSHORE 57 MPD

CASE #: DCI2007-00045

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
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RESPONSE REQUIRED BY: 10/15/2009

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cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Prining

Date: 10/01/2009

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo, AICP

DATE: 08/28/2009

Michael D Jacob, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BAYSHORE 57 MPD

CASE #: DCI2007-00045

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 09/11/2009

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 08/31/2009

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo, AICP

DATE: 07/29/2009

Michael D Jacob, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
Rob Price, TIS Reviewer
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BAYSHORE 57 MPD

CASE #: DCI2007-00045

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
X Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 08/12/2009

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Catherine A Keller

Date: 07/30/2009

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo, AICP

DATE: 08/25/2008

John Fredyma, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
TIS Reviewer - temporarily reviewed by DOT
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BAYSHORE 57 MPD

CASE #: DCI2007-00045

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 09/08/2008

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Brady X Proctor

Date: 08/26/2008

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo, AICP

DATE: 03/21/2008

John Fredyma, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
TIS Reviewer - temporarily reviewed by DOT
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Dawn Gordon, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BAYSHORE 57 MPD

CASE #: DCI2007-00045

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
X Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 04/04/2008

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file

DCI Zone File

Distributed by: Catherine A Keller

Date: 03/24/2008

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 06/27/2007

John Fredyma, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
TIS Reviewer - temporarily reviewed by DOT
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Lili Wu, LCDOT
Susan Teston, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BAYSHORE 57 MPD

CASE #: DCI2007-00045

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
X Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 07/11/2007

Additional Comments:

New submittal distribution

(DCI) Lee County LDC Section 34-373(d)(1).

Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Luisa V Villa

Date: 07/02/2007



COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date: July 10, 2007

Case Number: DCI2007-00045

Case Name: BAYSHORE 57 MPD

Request: Rezone +/- 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 stories/35 feet.

Location: 7401 Bayshore Rd (I-75 to Bayshore Rd. Take Bayshore West until Samville Road West), in S20-T43S-R25E, Lee County, FL.

Location Map: SEE REVERSE

PROPERTY OWNER'S REPRESENTATIVE: MR. FRED DROVDLIC
QUATTRONE & ASSOCIATES, INC.
239-936-5222

Lee County Planner: Tony Palermo
(239) 479-8325

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

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

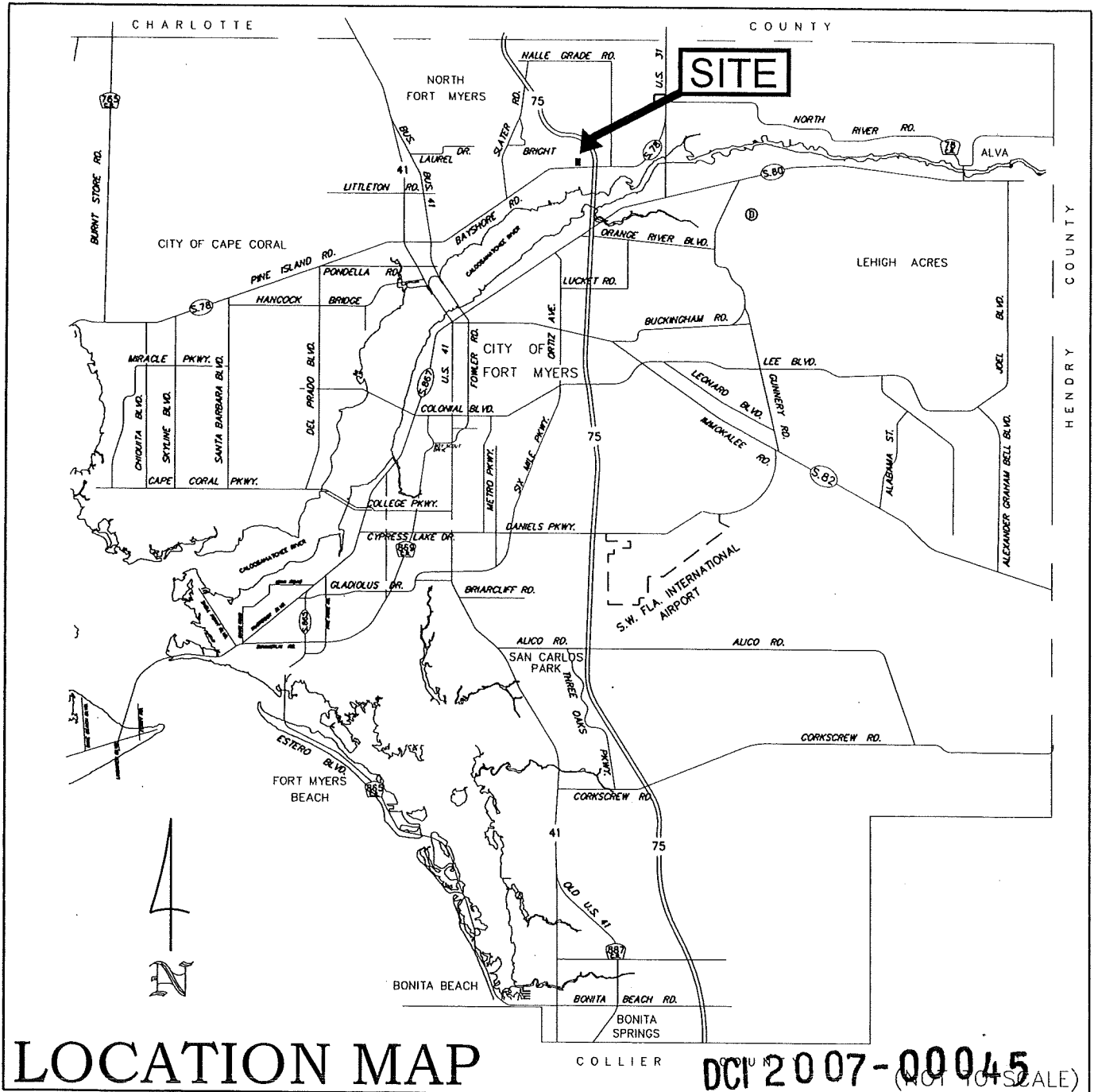
LVV

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

RECEIVED
JUN 27 2007

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

COMMUNITY DEVELOPMENT



31-47-26-B3-00701.0010
ST JAMES DEVELOPMENT LLC
1455 RAILHEAD BLVD #7
NAPLES, FL 34110

~~31-47-26-B3-00701.0030
ST JAMES DEVELOPMENT LLC
1455 RAILHEAD BLVD #7
NAPLES, FL 34110~~

~~31-47-26-B3-00701.0040
ST JAMES DEVELOPMENT LLC
1455 RAILHEAD BLVD #7
NAPLES, FL 34110~~

~~31-47-26-B3-00701.0050
THOMPSON ELAINE
27751 MILLER RD
BONITA SPRINGS, FL 34135~~

31-47-26-B3-00702.0010
THOMPSON OLIVE ELAINE
27751 MILLER RD
BONITA SPRINGS, FL 34135

31-47-26-B3-00702.0020
CONKLIN OLIVE ELAINE
OLIVE ELAINE THOMPSON
27751 MILLER RD
BONITA SPRINGS, FL 34135

31-47-26-B3-00702.0030
BRIDGES T M + ALICE L
1941 SW 84TH AV
DAVIE, FL 33324

~~31-47-26-B3-00702.0090
THOMPSON ELAINE
27751 MILLER RD
BONITA SPRINGS, FL 34135~~

31-47-26-B3-00702.0100
KIERNAN GENEVIEVE C
3301 TOPPING RD
MADISON, WI 53705

31-47-26-B3-00702.0110
ANDRE LOIS E TR +
288 POUNDING CIRCLE RD
MORGANTON, GA 30560

~~31-47-26-B3-00703.0010
ST JAMES DEVELOPMENT LLC
1455 RAILHEAD BLVD #7
NAPLES, FL 34110~~

~~31-47-26-B3-00703.0030
ST JAMES DEVELOPMENT LLC
1455 RAILHEAD BLVD #7
NAPLES, FL 34110~~

31-47-26-B3-00703.0050
CM REALTY LLC
101 BENBRO DR
CHEEKTOWAGA, NY 14225

~~31-47-26-B3-00703.0080
ST JAMES DEVELOPMENT LLC
1455 RAILHEAD BLVD #7
NAPLES, FL 34110~~

~~31-47-26-B3-00703.0110
ST JAMES DEVELOPMENT LLC
1455 RAILHEAD BLVD #7
NAPLES, FL 34110~~

~~31-47-26-B3-00703.0120
ST JAMES DEVELOPMENT LLC
1455 RAILHEAD BLVD #7
NAPLES, FL 34110~~

31-47-26-B3-00704.0010
EAGLE GREG W TR
3818 DEL PRADO BLVD
CAPE CORAL, FL 33904

31-47-26-B3-00704.0090
MARTIN JUDITH M TR +
245 2ND ST
BONITA SPRINGS, FL 34134

31-47-26-B3-00704.0100
MARTIN JUDITH M TR +
245 2ND ST
BONITA SPRINGS, FL 34134

~~31-47-26-B3-00705.0090
ST JAMES INVESTMENTS LLC
1445 RAILHEAD BLVD #7
NAPLES, FL 34110~~

31-47-26-B3-00705.0100
ST JAMES INVESTMENTS LLC
1445 RAILHEAD BLVD #7
NAPLES, FL 34110

31-47-26-B3-00705.0110
ST JAMES INVESTMENTS LLC
1445 RAILHEAD BLVD #7
NAPLES, FL 34110

31-47-26-B3-00705.0120
ST JAMES INVESTMENTS LLC
1445 RAILHEAD BLVD #7
NAPLES, FL 34110

31-47-26-B3-00705.0130
ST JAMES INVESTMENTS LLC
1445 RAILHEAD BLVD #7
NAPLES, FL 34110

31-47-26-B3-00705.0140
ST JAMES INVESTMENTS LLC
1445 RAILHEAD BLVD #7
NAPLES, FL 34110

31-47-26-B4-00007.0100
BONITA 75 PARTNERS LLC
5150 TAMiami TRL N
SUITE #505
NAPLES, FL 34103

31-47-26-B4-00007.0110
BAKER DAVID J
809 93RD AVE N
NAPLES, FL 34108

31-47-26-B4-00007.0130
BONITA 75 PARTNERS LLC
5150 TAMiami TRL #505
NAPLES, FL 34103

31-47-26-B4-00007.0140
BONITA 75 PARTNERS LLC
5150 TAMiami TR #505
NAPLES, FL 34103

31-47-26-B4-00007.0220
BONITA 75 PARTNERS LLC
5150 TAMiami TRL #505
NAPLES, FL 34103

31-47-26-B4-00007.0310
BONITA 75 PARTNERS LLC
5150 TAMiami TRL N
SUITE 505
NAPLES, FL 34103

06-48-26-B1-00002.0000
MANLEY J KENT
1040 COLLIER CENTER WAY #12
NAPLES, FL 34110

06-48-26-B1-00002.0030
MANLEY J KENT
1040 COLLIER CENTER WAY #12
NAPLES, FL 34110

06-48-26-B2-00003.0000
RITTER PAUL D JR PER REP
6100 ESTERO BLVD
PO BOX 2579
FORT MYERS BEACH, FL 33932

06-48-26-B2-0220A.0010
RITTER PAUL D JR PER REP
6100 ESTERO BLVD
PO BOX 2579
FORT MYERS BEACH, FL 33932

06-48-26-B2-0220A.0020
EXXONMOBIL OIL CORP
PROPERTY TAX DEPT
PO BOX 4973
HOUSTON, TX 77210

06-48-26-B2-0220B.0010
BELLEZZA SHOPPES OF BONITA LLC
19350 NW 123RD CT
MICANOPY, FL 32667

06-48-26-B2-0220D.0000
RITTER PAUL D JR PER REP
PO BOX 2579
FORT MYERS BEACH, FL 33932



Nina Paight
Nominating Civic Assn.
20150 Keola Lane
N. Ft. Myers, FL 33917

Laura Alvarez
Concerned Citizens of Bayshore Community
18900 Lynn Road
North Fort Myers, FL 33917

Ellen M. Penar
Heron's Glen Homeowners Association
20838 Kaidon Lane
North Fort Myers, FL 33917

Thomas B. Hart, Esq.
Heron's Glen Homeowners Association, Inc.
1625 Hendry Street, Suite 301
Fort Myers, FL 33901

Scott Brenner
North Fort Myers Community Planning Panel
395 Bamboo Drive
North Fort Myers, FL 33917

Ms. Rae Ann Boylan
Boylan Environmental Consultants
11000 Metro Pkwy, Ste. 4
Fort Myers, FL 33912

Kris Slosser
Slosser Surveying
4650 Villa Capri Lane
Bonita Springs, FL 34134

Mr. Russell Schropp
Henderson Franklin Law
1715 Monroe Street
Fort Myers, FL 33901