



GIS Tracking Sheet

Case No.: DC12005-00100

Intake Date: 10-14-05

Project Name:

The Village Square on Bayshore

STRAP Number(s): 22-43-25.00-00023.0000

Planner Name: Ext.

Fred Drovdic

8439

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 1/13/2006

ArcGIS

INTAKE: DC105100

LEGAL SUFFICIENT

☒ YES

☐ NO

Initials: LGM

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 31 OCT 06

☐ Hearing Examiner Decision

☒ Board of County Commissioner's Resolution

☐ Administrative Approval

☐ Blue Sheet

Zoning Notes: 2-06-046, DC12005-00100, 21 AUG 06, THE VILLAGE SQUARE ON BAYSHORE, REZONE 8.75 ACRES FROM AG-2 TO CPD TO ALLOW A MAXIMUM OF 99,999 SQUARE FEET OF MIXED USES;

MAP UPDATED

☒ YES

☐ NO

Initials: AMY

If not, give brief explanation:

CREATED CPD:501345



S89°54'31"E 614.45'

NORTH LINE OF THE SOUTHWEST 1/4 OF THE
NORTHEAST 1/4 OF THE SOUTHWEST 1/4

NOTES:

1. THIS IS NOT A SURVEY.
2. THIS DOCUMENT IS NOT VALID WITHOUT THE SIGNERS EMBOSSED SEAL.
3. BEARINGS ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD BEING N89°43'24"W AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS.
4. R/W INDICATES RIGHT OF WAY.
5. P.O.B. INDICATES POINT OF BEGINNING.

EAST LINE OF THE SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER OF THE SOUTHWEST QUARTER

S00°00'46"E 628.44'

WEST LINE OF THE SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER OF THE SOUTHWEST QUARTER

CENTERLINE

N00°07'14"W 570.82'

570.82'

EASTERLY RIGHT OF WAY LINE

WELLS ROAD

(50' R/W)

50'

N85°20'36"W
73.63'N00°16'36"E
50.02'

NORTHERLY RIGHT OF WAY LINE

P.O.B.

N89°43'24"W 540.25'

1/4 1/4 SECTION LINE

N00°00'46"W~50.00'

BAYSHORE ROAD (STATE ROAD NO. 78)

CENTERLINE

N89°43'24"W~663.17'

EAST LINE OF
SOUTHWEST QUARTERSOUTHEAST CORNER OF THE
SOUTHWEST QUARTER OF
SECTION 22, TOWNSHIP 43
SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDARONALD KERFOOT
PROFESSIONAL LAND SURVEYOR #2994

Applicant's Legal Checked

by Lgm 1/13/2006**JRI Engineering, Inc.**

Planning Engineering Surveying Aerial Photography & Photogrammetry Services

2328 Hancock Bridge Parkway, Ste. 114, Cape Coral, Florida 33990
Phone: 239.458.5544 Fax: 239.458.2233 www.jriengineeringinc.com
Engineering Business Certificate of Authorization No. 5424

BAYSHORE VILLAGE MARKET SQUARE

SKETCH OF DESCRIPTION

SCALE: 1"=100' BY: RK

DATE: 9-27-05 SHEET No. 1 OF 2

DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N00°05'43"E ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION LINE 22, A DISTANCE OF 1323.13 FEET; THENCE N89°43'24"W ALONG THE CENTERLINE OF BAYSHORE ROAD (STATE ROAD NO. 78), A DISTANCE OF 663.17 FEET; THENCE N00°00'46"W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE N89°43'24"W ALONG THE NORTHERLY RIGHT OF WAY LINE OF BAYSHORE ROAD, A DISTANCE OF 540.25 FEET; THENCE N00°16'36"E, A DISTANCE OF 50.02 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE N85°20'36"W, A DISTANCE OF 73.63 FEET; THENCE N00°07'14"W ALONG THE EASTERLY RIGHT OF WAY LINE OF WELLS ROAD, A DISTANCE OF 570.82 FEET; THENCE S89°54'31"E ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 614.45 FEET; THENCE S00°00'46"E ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 628.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.75 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

Applicant's Legal Checked
by Lgm 1/13/2006

00110000

DCI2005-00100

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5. P.O.B. INDICATES POINT OF BEGINNING.

RONALD KERFOOTED
PROFESSIONAL LAND SURVEYOR #2994
1/13/06

JRI Engineering, Inc.

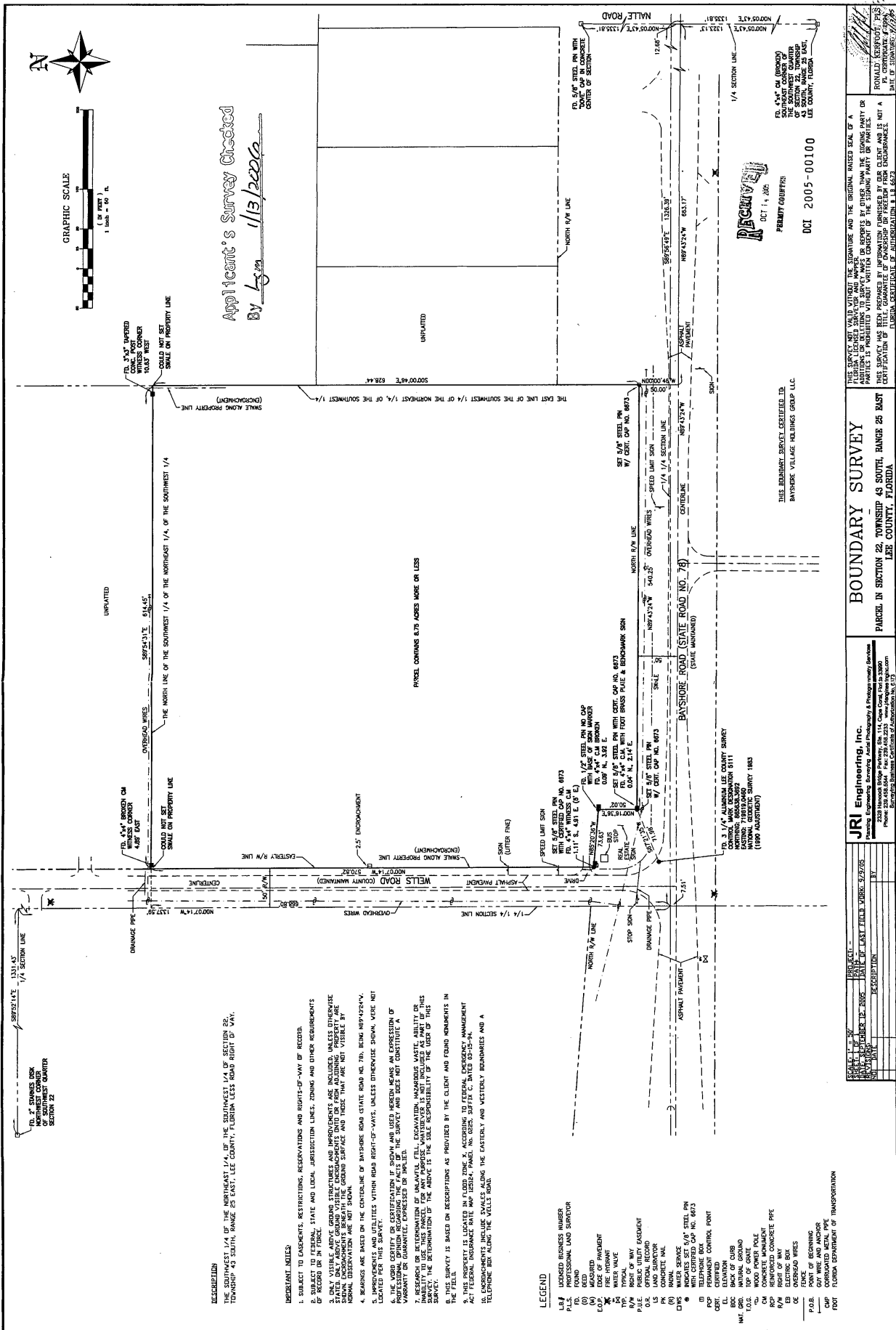
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BAYSHORE VILLAGE MARKET SQUARE

DESCRIPTION

SCALE: N.T.S. BY: RK DATE: 9-27-05 SHEET No. 2 OF 2



RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, Bayshore Village Holdings Group, LLC, to rezone a 8.75± acre parcel from Agricultural (AG-2) to Commercial Planned Development (CPD) in reference to The Village Square on Bayshore; and

WHEREAS, a public hearing was advertised and held on May 18, 2006, before the Lee County Zoning Hearing Examiner, Diana Parker, who gave full consideration to the evidence in the record for Case #DCI2005-00100; and

WHEREAS, a second public hearing was advertised and held on August 21, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 8.75± acre parcel from AG-2 to CPD, to allow a maximum of 99,999 square feet of mixed uses: office, medical office and retail. Maximum height requested is two stories/35 feet. No development blasting is requested. The project will connect to public potable water and to a public sanitary sewer system as part of any development of this property. The property is located in the General Interchange Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "BAYSHORE VILLAGE MARKET SQUARE: MASTER CONCEPT PLAN," last revised 8/30/06, date stamped "Received SEP 06 2006," attached hereto as Exhibit C, except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Maximum Commercial Floor Area: 61,000 square feet of commercial uses (office and/or retail), of which a maximum of 8,000 square feet may be used in the two outparcels.

2. The following limits apply to the project and uses:

a. Schedule of Uses

AREA A - LIMITED TO A MAXIMUM OF TWO OUTPARCELS

ACCESSORY USES

ADMINISTRATIVE OFFICES

AUTOMATIC TELLER MACHINE (ATM)

AUTO PARTS STORE - without installation.

BAIT & TACKLE SHOP

BANKS AND FINANCIAL ESTABLISHMENTS, Group I

BOAT PARTS STORE - Limited to one

BROADCAST STUDIO

BUSINESS SERVICES, GROUPS I AND II - excluding armored car services and
Automobile Claims Adjusters.

CLOTHING STORES

CLUBS - commercial, fraternal, membership, private

CONSUMPTION ON PREMISES, Indoors only (see conditions)

DAY CARE CENTER, CHILD OR ADULT

DRIVE-THROUGH FOR ANY PERMITTED USE

DRUG STORE - Limited to one and to a maximum of 3,000 square feet in size.

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, GROUP I

EXCAVATION, WATER RETENTION - Not to include the removal of excavated
materials from the site. NO blasting.

FENCES, WALLS

FOOD STORES, Groups I and II

GIFT & SOUVENIR SHOP

HARDWARE STORE

HOBBY, TOY AND GAME SHOPS

HOUSEHOLD & OFFICE FURNISHINGS

LAUNDRY OR DRY CLEANING, Group I

MEDICAL OFFICE - Limited to a maximum of 8,000 square feet

NON-STORE RETAILER

PAINT, GLASS & WALLPAPER

PARKING LOT, ACCESSORY

PRINTING & PUBLISHING

RESTAURANT, Groups I, II, and III - NO fast food.

SCHOOLS, COMMERCIAL

SIGNS PER CHAPTER 30 OF THE LDC

SOCIAL SERVICES, Groups I and II

SPECIALTY RETAIL SHOPS, All Groups

STUDIOS

TEMPORARY USES

AREA B

ACCESSORY USES
ADMINISTRATIVE OFFICES
AUTOMATIC TELLER MACHINE (ATM)
AUTO PARTS STORE - without installation
BAIT & TACKLE SHOP
BANKS AND FINANCIAL ESTABLISHMENTS, Group I
BOAT PARTS STORE
BROADCAST STUDIO
BUSINESS SERVICES, Group I
CLEANING AND MAINTENANCE SERVICES
CLOTHING STORES
CLUBS - commercial, fraternal, membership, private
CONSUMPTION ON PREMISES, Indoor only (see conditions)
DAY CARE CENTER, CHILD OR ADULT
DRIVE-THROUGH FOR ANY PERMITTED USE - Limited to the east end of the building.
DRUG STORE - Limited to one and to a maximum of 3,000 square feet.
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, Group I
EXCAVATION, WATER RETENTION - NOT to include the removal of excavated materials from the site - NO blasting.
FENCES, WALLS
FOOD STORES, Groups I and II
GIFT & SOUVENIR SHOP
HARDWARE STORE
HOBBY, TOY AND GAME SHOPS
HOUSEHOLD & OFFICE FURNISHINGS
LAUNDRY OR DRY CLEANING, Group I
MEDICAL OFFICE - Limited to a maximum of 10,000 square feet
NON-STORE RETAILER
PAINT, GLASS & WALLPAPER
PARKING LOT, ACCESSORY
PLACE OF WORSHIP
PRINTING & PUBLISHING
RESTAURANT, Groups I, II, and III - NO fast food or freestanding restaurants
RENTAL OR LEASING ESTABLISHMENTS, Groups I and II
SCHOOLS, COMMERCIAL
SIGNS PER CHAPTER 30 OF THE LDC
SOCIAL SERVICES, Groups I and II
SPECIALTY RETAIL SHOPS, ALL Groups
STUDIOS
TEMPORARY USES
VARIETY STORES

b. Site Development Regulations

Minimum Lot Areas and Dimensions

Lot Size: 22,500 square feet
Lot Width: 150 feet
Lot Depth: 150 feet

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 15 feet (10 feet interior)
Rear 20 feet
Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 20 feet, per the LDC.

Minimum Perimeter Setbacks: 150 feet to the north and 70 feet to the east as shown on the MCP, otherwise a minimum 25 feet is required.

Minimum Building Separation: 20 feet.

Building Height: 25 feet/One story

Maximum Lot Coverage: 60 percent

3. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
4. No agricultural uses are existing on site and none are approved by virtue of this rezoning.
5. No development blasting is permitted as part of this project unless approved, at a subsequent public hearing, as an amendment to the planned development.
6. All required buffers must utilize 100 percent all native vegetation.
7. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
8. Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
9. Approval of this rezoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

10. Consumption on Premises (indoor only) Area A and B:
 - a. Consumption on Premises (indoor only) is permitted only in conjunction with a Group III Restaurant.
 - b. The hours of operation for indoor consumption on premises are limited to between noon to 11:00 p.m., Sunday through Thursday, and noon to 12:00 p.m., Friday and Saturday.
 - c. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.
 - d. The location of any consumption on premises must be consistent with the general locations shown on the approved Master Concept Plan.
 - e. Any consumption on premises must be located in Area A or at the southeast end of the building in Area B.
 - f. Outdoor consumption on premises is not approved herein; and may only be approved by an amendment to the planned development or as a Special Exception (public hearing required). This use may not be approved administratively. The applicant must provide adequate detail of the outdoor seating area consistent with the requirements of the LDC.
11. The 8-foot-high wall, or wall/berm combination, along the north boundary must be extended to the eastern property line. (Attached Exhibit C).
12. Covered parking must be a minimum of 20 feet from preserve areas, per LDC §10-415 (b)(1)c.
13. Prior to local development order approval, the property must be re-surveyed for the presence of gopher tortoises and their burrows, and, if found, a gopher tortoise management plan must be submitted as part of the indigenous preserve management plan for the Division of Environmental Sciences Staff review and approval. The gopher tortoise management plan must include details on habitat management to provide open herbaceous foraging areas, and how the habitat will be maintained in perpetuity. The management should also include the following details pertaining to site work:
 - a. A copy of the Florida Fish and Wildlife Conservation Commission Gopher Tortoise Permit and receipt of payment if applicable must be submitted to the Division of Environmental Sciences staff prior to issuance of a Vegetation Removal Permit; and
 - b. A Vegetation Removal Permit to install gopher tortoise fencing and burrow excavation must be obtained prior to any site work; and
 - c. Any gopher tortoises and commensal species located during burrow excavation must be moved to appropriate indigenous preserves; and

- d. The number of tortoises and any commensal species moved to preserves must be reported to the Division of Environmental Sciences Staff; and
 - e. All active and inactive gopher tortoise burrows located outside of the indigenous preserves must be excavated and fully collapsed prior to issuance of a Vegetation Removal Permit for clearing and filling of the development area.
 - f. If gopher tortoises are found on the site during the re-survey, the preserve will be utilized as a gopher tortoise preserve, and may not be utilized as a dry detention area unless it can be clearly demonstrated at the development order stage that the effects of the construction and operation of the surface water management system will not cause death or harm to the protected indigenous plant community.
14. Prior to local development order approval, the development order plans must depict an indigenous preserve in the northern 100-feet of the property with a minimum 75-foot width and a total acreage of 1.31 acres including upland preservation credits.
15. The Master Concept Plan must be revised to be consistent with the cross-section of the area north of the service areas in the northern part of Area B, as depicted on Exhibit C attached hereto. The wall material must be such that no linear footers are required.
16. Access to State Road 78 is not guaranteed and is subject to Florida Department of Transportation approval.
17. **DESIGN STANDARDS**
- a. Prior to local development order approval, the exterior elevations must be in substantial compliance with the 1-page conceptual elevation entitled, "Bayshore Village: Conceptual Artist Rendition/Showing View Overlooking Parking Towards the Main Building" and the 1-page "Site Section Study for Bayshore Village Holding Group LLC - Partial Site Cross Section" attached as Exhibit D. This condition does not preclude the construction of a one-story building in lieu of the two-story building shown on attached Exhibit D.
 - b. These designs are preliminary and subject to changes in conformance with this Resolution and the Lee County LDC, including Article IV, §10-600 "Design Standards and Guidelines for Commercial Buildings and Developments."
 - c. Area A, located along Bayshore Road, must conform buildings to the Old Florida style design similar to that depicted in attached Exhibit D.

SECTION C. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Partial Site Cross Section

The applicant has indicated that the STRAP number for the subject property is:
22-43-25-00-00023.0000.

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area, and will not be detrimental or injurious to the intent of the Bayshore Planning Community (Goal 20); and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner St. Cerny and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Nay
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21st day of August 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Charlie Green*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Tammara Hall*
Tammara Hall
Chairwoman

Approved as to form by:

Dawn E. Perry-Lehhert
Dawn E. Perry-Lehhert
County Attorney's Office



RECEIVED
MINUTES OFFICE
2006 OCT -5 AM 11:56

DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N00°05'43"E ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION LINE 22, A DISTANCE OF 1323.13 FEET; THENCE N89°43'24"W ALONG THE CENTERLINE OF BAYSHORE ROAD (STATE ROAD NO. 78), A DISTANCE OF 663.17 FEET; THENCE N00°00'46"W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE N89°43'24"W ALONG THE NORTHERLY RIGHT OF WAY LINE OF BAYSHORE ROAD, A DISTANCE OF 540.25 FEET; THENCE N00°16'36"E, A DISTANCE OF 50.02 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE N85°20'36"W, A DISTANCE OF 73.63 FEET; THENCE N00°07'14"W ALONG THE EASTERLY RIGHT OF WAY LINE OF WELLS ROAD, A DISTANCE OF 570.82 FEET; THENCE S89°54'31"E ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 614.45 FEET; THENCE S00°00'46"E ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 628.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.75 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

DCI 2005-00100

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BAYSHORE VILLAGE MARKET SQUARE

DESCRIPTION

SCALE: N.T.S.

BY: RK

DATE: 9-27-05

SHEET No. 2 OF 2



S89°54'31"E 614.45'

NORTH LINE OF THE SOUTHWEST 1/4 OF THE
NORTHEAST 1/4 OF THE SOUTHWEST 1/4

DCI 2005-00100

WEST LINE OF THE SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER OF THE SOUTHWEST QUARTER
CENTERLINE
N00°07'14"W 570.82'
WELLS ROAD
(50' R/W)

EASTERLY RIGHT OF WAY LINE

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73.63'

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N89°43'24"W 540.25'

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N00°00'46"W~50.00'

BAYSHORE ROAD (STATE ROAD NO. 78)

CENTERLINE

N89°43'24"W~663.17'

EAST LINE OF
SOUTHWEST QUARTER

SOUTHEAST CORNER OF THE
SOUTHWEST QUARTER OF
SECTION 22, TOWNSHIP 43
SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

Ronald Kerfoot
RONALD KERFOOT
PROFESSIONAL LAND SURVEYOR #2994

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SKETCH OF DESCRIPTION

SCALE: 1"=100' BY: RK

DATE: 9-27-05

SHEET No. 1 OF 2

DCI2005-00100 BAYSHORE VILLAGE MAP MARKET SQUARE CPD

DCI2005-00100

Zoning Map

3/9/2006

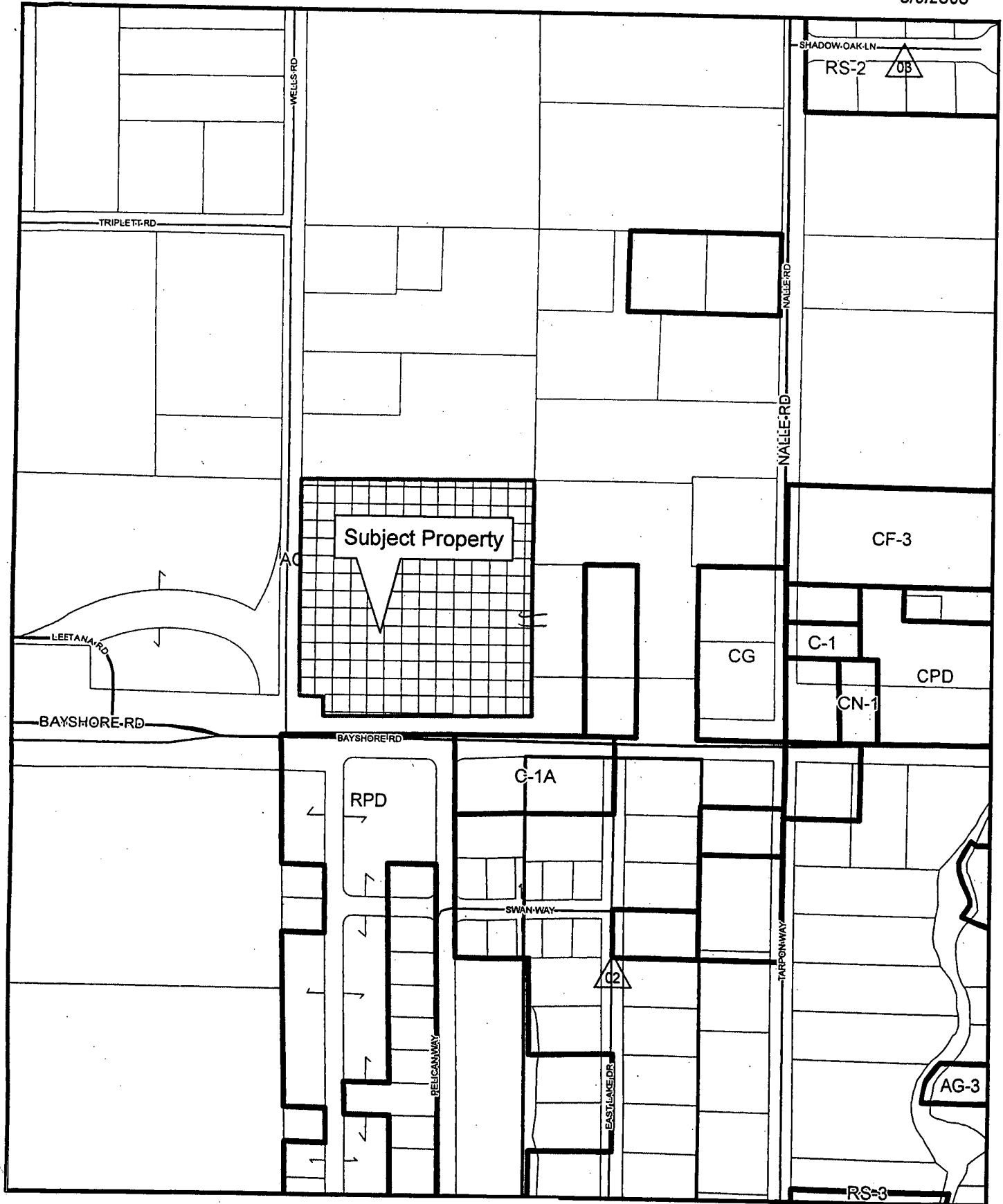
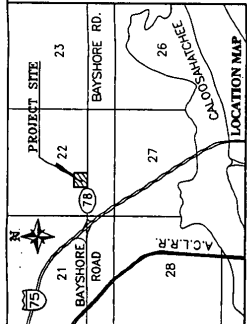


Exhibit B

390 195 0 390 780 Feet



GENERAL NOTES

ALL REQUIREMENTS WILL BE IN ACCORDANCE WITH THE LDC, EXCEPT AS MAY BE PROVIDED ON THE MASTER CONCEPT PLAN.

ALL FUTURE BUILDING FOOTPRINTS AND PARKING CONFIGURATIONS WILL BE CONSISTENT WITH THE PROPERTY DEVELOPMENT REGULATIONS.

AREAS A AND B REFER TO THE ZONING SCHEDULE OF USES AND PROPERTY DEVELOPMENT REGULATIONS.

NO PUBLIC TRANSIT FACILITIES ARE BEING PROVIDED ON-SITE.

LOT LINES IN AREA A ARE CONCEPTUAL IN NATURE.

PROPOSED PLOT-ETI PKWY.
(RE-ALIGNMENT R/W)
(APPROXIMATE LOCATION)

SPECIAL NOTE 1:
AT THE TIME OF DEVELOPMENT ORDER SUBMITTAL, THE FINAL LOCATION OF THIS INTERSECTION SHALL BE COORDINATED WITH ANY DEFINITIVE PLANS OF THE PRITCHETT PKWY. RE-ALIGNMENT THAT MAY EXIST AT THAT TIME.

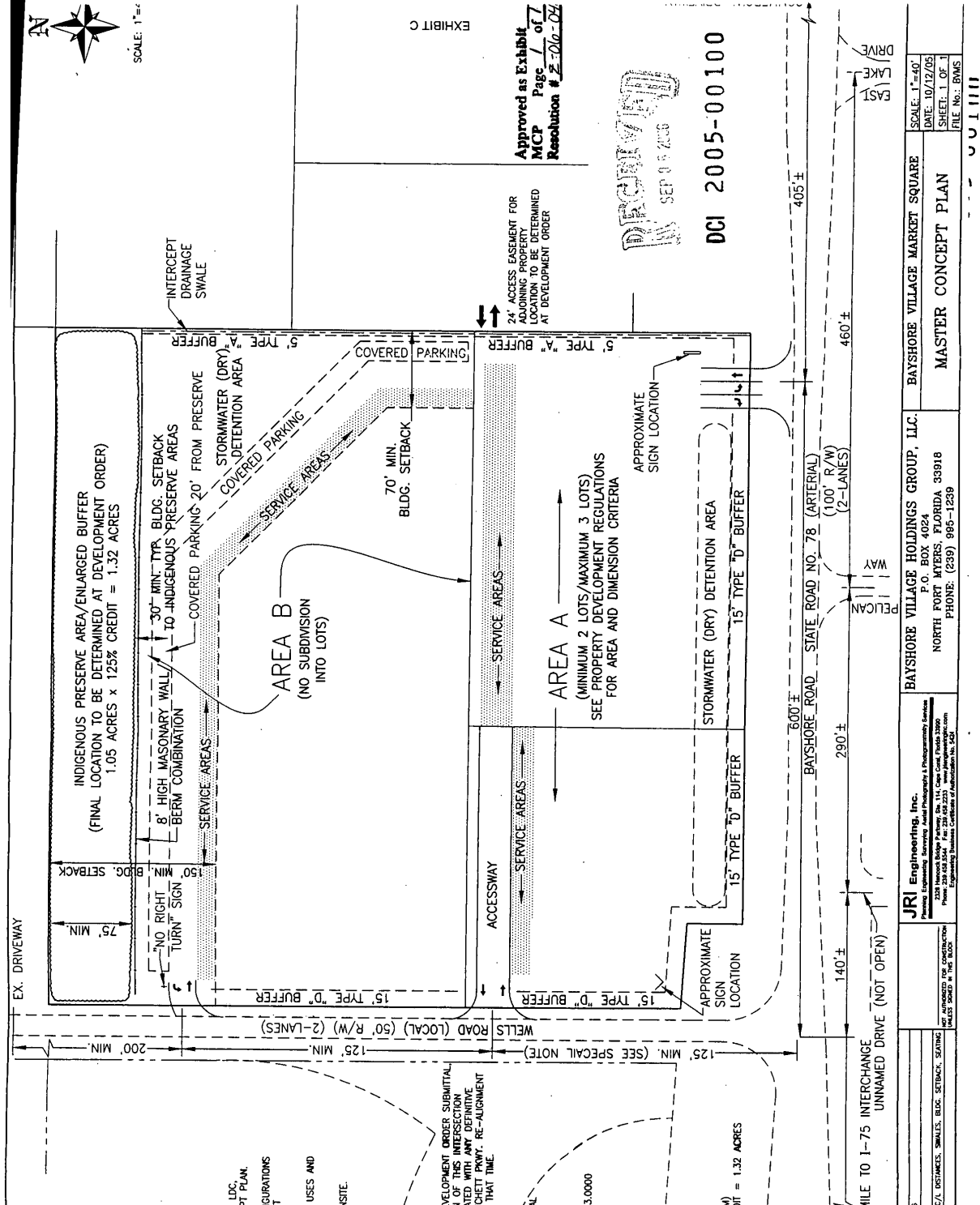
SITE DATA

LEE PLAN DESIGNATION: AC-2
EXISTING ZONING DESIGNATION: RESIDENTIAL
PROPOSED ZONING DESIGNATION: CPO
GROSS AREA: 8,754 ACRES
STRAP NUMBER(S): 22-43-25-00-00023.0000

UTILITY SERVICE BY:
SEWER: NORTH FORT MYERS UTILITY, INC.
WATER: LEE COUNTY UTILITIES

OPEN SPACE CALCULATIONS

NET AREA: 8,754 ACRES
OPEN SPACE REQUIRED: 2,653 ACRES (30%)
OPEN SPACE PROVIDED: 2,653 ACRES (30% MINIMUM)
INDIGENOUS PRESERVATION: 1.05 ACRES x 125% CREDIT = 1.32 ACRES



24' ACCESS EASEMENT FOR ADJOINING PROPERTY LOCATION TO BE DETERMINED AT DEVELOPMENT ORDER

AREA A
(MINIMUM 2 LOTS/MAXIMUM 3 LOTS)
SEE PROPERTY DEVELOPMENT REGULATIONS FOR AREA AND DIMENSION CRITERIA

AREA B
(NO SUBDIVISION INTO LOTS)

INDIGENOUS PRESERVE AREA/ENLARGED BUFFER
(FINAL LOCATION TO BE DETERMINED AT DEVELOPMENT ORDER)
1.05 ACRES x 125% CREDIT = 1.32 ACRES

APPROVED AS EXHIBIT
MCP Page 1 of 7
Resolution # 2-2006-07

DCI 2005-00100

5	8/20/06	UPDATE MCP FOR ZONING RESOLUTION
4	3/14/06	CONCRETE PARKING MTL 10' FROM PRESERVE
3	3/14/06	REVISIONS FOR SUFFICIENCY LETTER DATED MARCH 1, 2006
2	2/14/06	RELOCATE 8' HIGH MASONRY WALL
1	8/27/05	REV PER LEE CO. STAFF COMMENTS, AND SERVICE AREA C/L DISTANCES, SWALES, BLDG. SETBACK, SEATING
NO	DATE	RE-APPROVED FOR CONSTRUCTION (PLEASE SHED IN THIS BLOCK)

JRI Engineering, Inc.
Planning Engineering, Surveying, Aerial Photography & Photogrammetry Services
2320 Hammond Bridge Parkway, Ste. 111, Cape Coral, Florida 33909
Phone: (239) 340-1111 Fax: (239) 340-1112
www.jri-engineering.com
Equal Opportunity Employer

BAYSHORE VILLAGE HOLDINGS GROUP, LLC.
P.O. BOX 4024
NORTH FORT MYERS, FLORIDA 33918
PHONE: (239) 985-1239

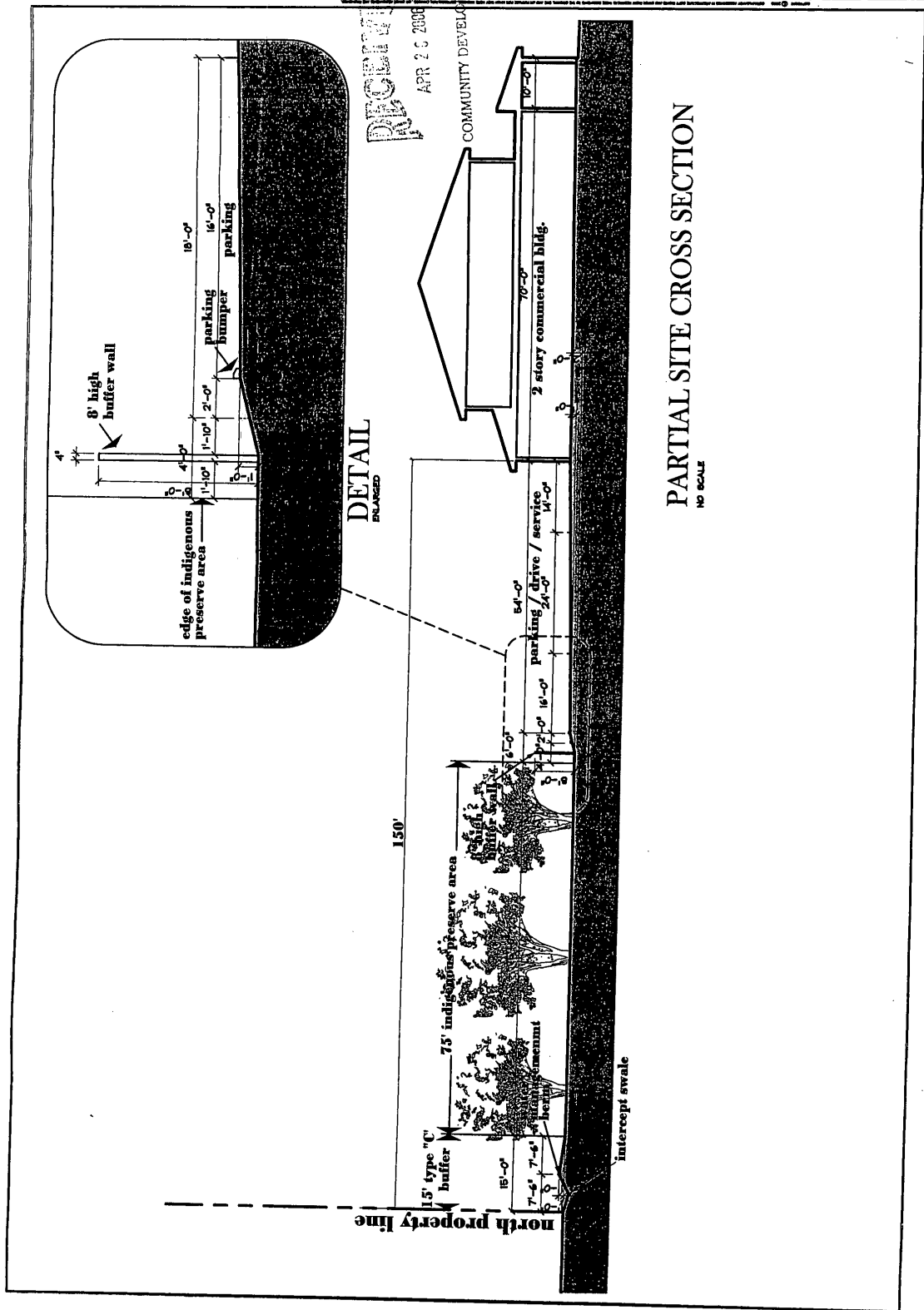
MASTER CONCEPT PLAN

SCALE: 1"=40'
DATE: 10/12/05
SHEET: 1 OF 1
FILE NO.: BMS

McCahey
ARCHITECTURE
43 Barkley Circle Suite 202
Fort Myers, Florida 33907
239-275-0225 Fax 239-275-7123

SITE SECTION STUDY FOR
BAYSHORE VILLAGE HOLDINGS GROUP, LLC
NORTH PORT, FLORIDA
PARTIAL SITE CROSS SECTION

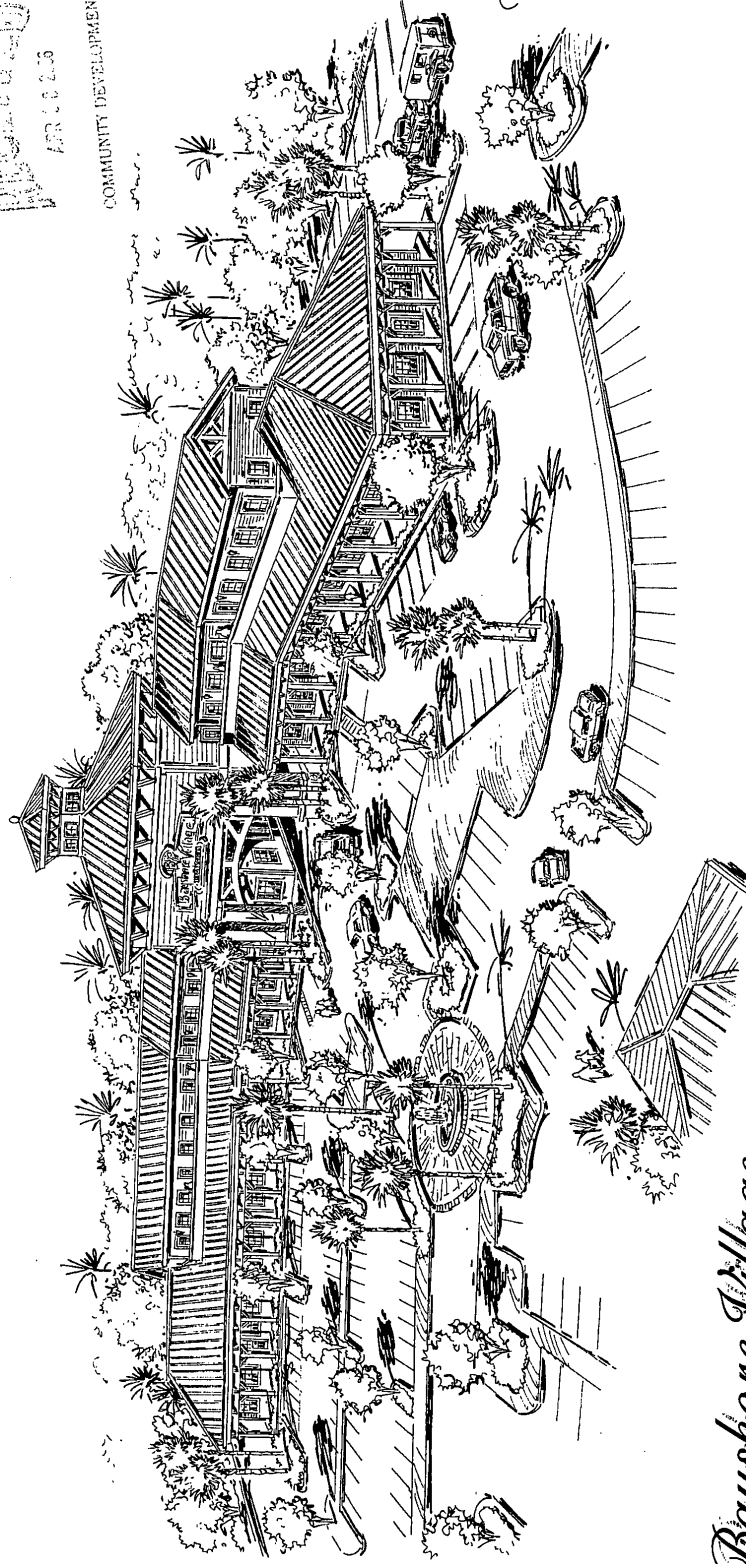
H-25
DATE: 04/26/05
BY: JLM
CHECKED: JLM
APPROVED: JLM



DCI 2005-00100

APR 10 2005

COMMUNITY DEVELOPMENT



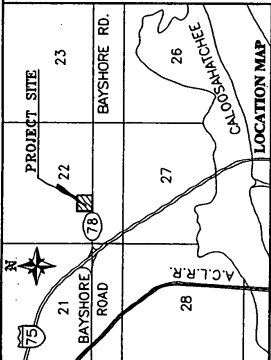
Bayshore Village

Conceptual Artists Rendition / Showing view overlooking parking towards the Main Building
BAYSHORE VILLAGE HOLDINGS GROUP, LLC.

Bradford & Company
DESIGN GROUP

Artistic Rendering / Architectural Design Concept By:
Steven Bradford Turner - Bradford & Company Design
Group, Inc. / Cape Coral, FL (239) 541-3906

DCI 2005-00100



GENERAL NOTES

ALL REQUIREMENTS WILL BE IN ACCORDANCE WITH THE LDC, EXCEPT AS MAY BE PROVIDED ON THE MASTER CONCEPT PLAN.

ALL FUTURE BUILDING FOOTPRINTS AND PARKING CONFIGURATIONS WILL BE CONSISTENT WITH THE PROPERTY DEVELOPMENT REGULATIONS.

AREAS A AND B REFER TO THE ZONING SCHEDULE OF USES AND PROPERTY DEVELOPMENT REGULATIONS.

NO PUBLIC TRANSIT FACILITIES ARE BEING PROVIDED ON-SITE.

LOT LINES IN AREA A ARE CONCEPTUAL IN NATURE.

PROPOSED PRITCHETT PKWY.
(RE-ALIGNMENT R/W)
(APPROXIMATE LOCATION)

SPECIAL NOTE 1:
AT THE TIME OF DEVELOPMENT ORDER SUBMITTAL, THE FINAL LOCATION OF THIS INTERSECTION SHALL BE COORDINATED WITH ANY DEFINITIVE PLANS OF THE PRITCHETT PKWY. RE-ALIGNMENT THAT MAY EXIST AT THAT TIME.

SITE DATA

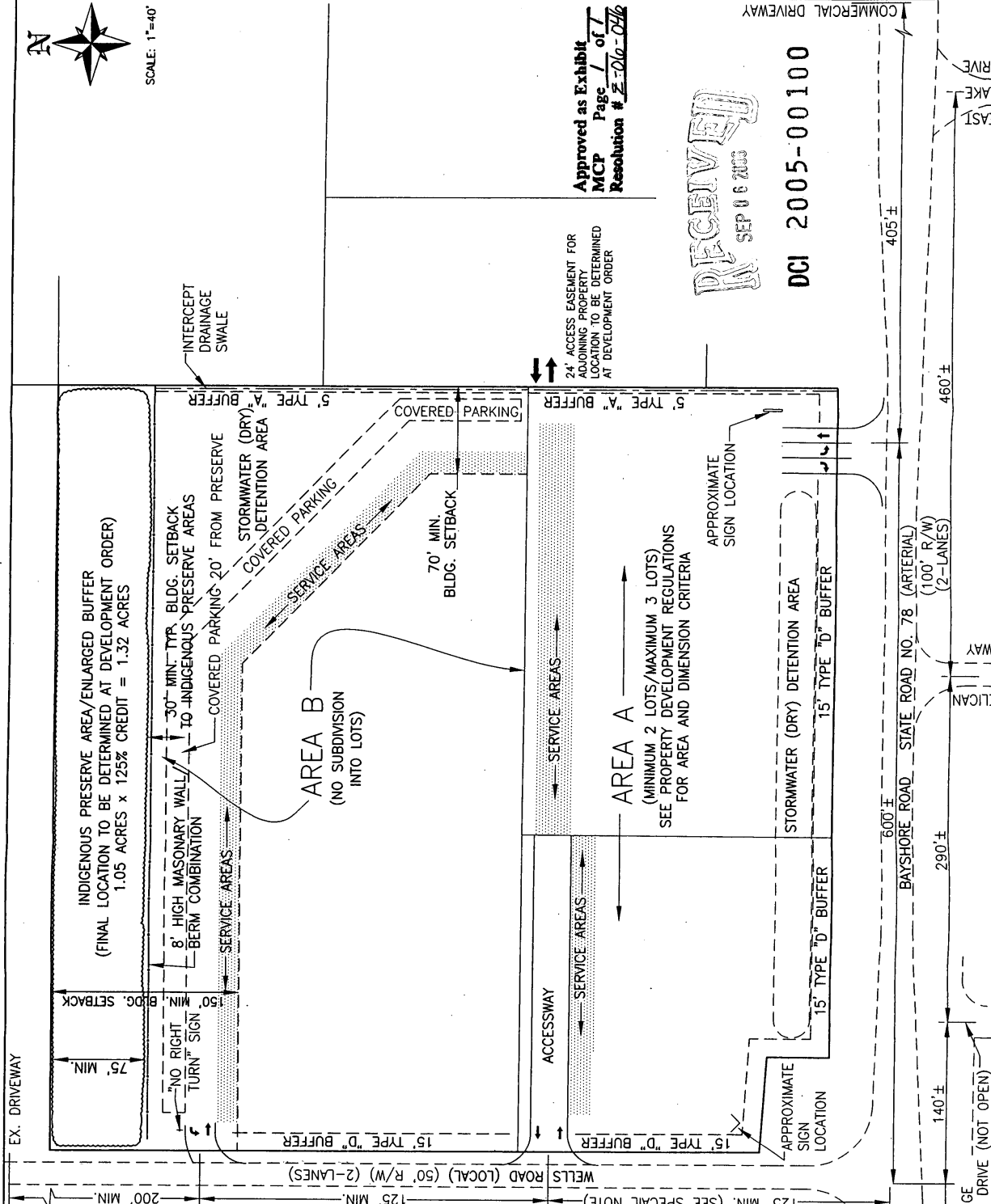
LEE PLAN DESIGNATION: INTERCHANGE-GENERAL
EXISTING ZONING DESIGNATION: AG-2
EXISTING LAND USE: VACANT
PROPOSED ZONING DESIGNATION: CPD
GROSS AREA: 8.75± ACRES
STRAP NUMBER(S): 22-43-25-00-00023.0000

UTILITY SERVICE BY:

SEWER: NORTH FORT MYERS UTILITY, INC.
WATER: LEE COUNTY UTILITIES

OPEN SPACE CALCULATIONS

NET AREA: 8.75± ACRES
OPEN SPACE REQUIRED: 2.63 ACRES (30%)
OPEN SPACE PROVIDED: 2.63 ACRES (30% MINIMUM)
INDIGENOUS PRESERVATION: 1.05 ACRES x 125% CREDIT = 1.32 ACRES



5	18/20/05	UPDATE MCP FOR ZONING RESOLUTION
4	3/18/05	COVERED PARKING MIN. 10' FROM PRESERVE
3	3/02/05	REVISIONS PER SUFFOLK COUNTY LETTER DATED MARCH 1, 2005
2	2/14/05	RELINQUISH 8' HIGH MASONRY WALL
1	12/22/05	REV. PER LEE CO. SVT. COMMENTS, ADD SERVICE AREA, C/L DISTANCES, SWALES, BLDG. SETBACK, SEATING
NO.	DATE	

JRI Engineering, Inc.
Professional Engineering, Surveying, Aerial Photography & Photogrammetry Services
P.O. Box 4024
North Fort Myers, Florida 33918
Phone: (239) 453-5544 Fax: (239) 453-5544
Engineering Business Certificate of Authorization No. 5424

BAYSHORE VILLAGE HOLDINGS GROUP, LLC.
P.O. Box 4024
North Fort Myers, Florida 33918
Phone: (239) 996-1239

MASTER CONCEPT PLAN
SCALE: 1"=40'
DATE: 10/12/05
SHEET: 1 OF 1
FILE NO.: RMS

Approved as Exhibit
MCP Page 1 of 7
Resolution # Z-010-026

RECEIVED
SEP 06 2005

DCI 2005-00100

COMMERCIAL DRIVEWAY

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

RECEIVED
JUN 29 2006
COMMUNITY DEVELOPMENT
RECD SECOND FLOOR

REZONING: DCI2005-00100
APPLICANT: BAYSHORE VILLAGE HOLDINGS GROUP, LLC,
in reference to THE VILLAGE SQUARE ON BAYSHORE
HEARING DATE: MAY 18, 2006

I. APPLICATION:

This matter came before the Lee County Hearing Examiner as an Application for a Rezoning to a Commercial Planned Development (CPD) pursuant to the Lee County Land Development Code (LDC).

Filed by BAYSHORE VILLAGE HOLDINGS GROUP, LLC, c/o MAYNARD D. HOUSTON, MANAGING MEMBER, 9250 Sedgefield Road, North Fort Myers, Florida 33917(Applicant/Owner); JRI ENGINEERING, INC., c/o RON KERFOOT, 2328 Hancock Bridge Parkway, Suite 114, Cape Coral, Florida 33990; TR TRANSPORTATION CONSULTANTS, INC., c/o ROB PRICE, 12730 Commonwealth Drive, Suite 4, Fort Myers, Florida 33919; BOYLAN ENVIRONMENTAL CONSULTANTS, INC., c/o RAE ANN BOYLAN, 11000 Metro Parkway, Suite 4, Fort Myers, Florida 33912 (Agents).

Request is to Rezone +/- 8.75 acres from the Agricultural (AG-2) zoning district to the Commercial Planned Development (CPD) zoning district to permit a maximum of 99,999 square feet of mixed uses: office, medical office and retail. Maximum height requested is two stories/35 feet. No development blasting is requested. The project will connect to public potable water and to a public sanitary sewer system as part of any development of this property.

The subject property is located at 17300 Wells Road(From downtown Fort Myers take Palm Beach Blvd (SR80) east and merge onto I-75 north(towards Tampa). Take exit 143 toward N. Ft Myers/Cape Coral. Merge onto Bayshore Road east. Turn left onto Wells Road and end at 17300 Wells Road), in Section 22, Township 43 South, Range 25 East, Lee County, Florida (District #4).

II. STAFF REPORT AND RECOMMENDATION: APPROVAL WITH CONDITIONS

The Department of Community Development Staff Report was prepared by Tony Palermo. The Staff Report is incorporated herein by this reference.

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request for a rezoning from AG-2 to CPD for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS:

A. CONDITIONS:

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "BAYSHORE VILLAGE MARKET SQUARE: MASTER CONCEPT PLAN," last revised March 16, 2006, date stamped "Received March 21, 2006," attached hereto as **Exhibit B**, except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Maximum Commercial Floor Area: **71,000** square feet of commercial uses (office and/or retail), of which a maximum of 8,000 square feet may be used in the two outparcels.

2. The following limits apply to the project and uses:

a. Schedule of Uses

AREA A - LIMITED TO A MAXIMUM OF TWO OUTPARCELS

ACCESSORY USES
ADMINISTRATIVE OFFICES
AUTOMATIC TELLER MACHINE (ATM)
AUTO PARTS STORE - without installation.
BAIT & TACKLE SHOP
BANKS AND FINANCIAL ESTABLISHMENTS, Group I
BOAT PARTS STORE - Limited to One
BROADCAST STUDIO
BUSINESS SERVICES, GROUPS I AND II - excluding armored car services and Automobile Claims Adjusters.
CLOTHING STORES
CLUBS - commercial, fraternal, membership, private
CONSUMPTION ON PREMISES, Indoors Only (See Conditions)
DAY CARE CENTER, CHILD OR ADULT
DRIVE-THROUGH FOR ANY PERMITTED USE
DRUG STORE - Limited to One and to a maximum of 3,000 square feet in size.
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, GROUP I
EXCAVATION, WATER RETENTION - Not to include the removal of excavated materials from the site. NO blasting.
FENCES, WALLS
FOOD STORES, Groups I and II
GIFT & SOUVENIR SHOP
HARDWARE STORE
HOBBY, TOY AND GAME SHOPS
HOUSEHOLD & OFFICE FURNISHINGS
LAUNDRY OR DRY CLEANING, Group I

MEDICAL OFFICE - Limited to a maximum of 8,000 square feet
NON-STORE RETAILER
PAINT, GLASS & WALLPAPER
PARKING LOT, ACCESSORY
PET SHOP - NO outdoor runs.
PRINTING & PUBLISHING
RESTAURANT, Groups I, II, AND III - NO fast food.
SCHOOLS, COMMERCIAL
SIGNS PER CHAPTER 30 OF THE LDC
SOCIAL SERVICES, Groups I and II
SPECIALTY RETAIL SHOPS, All Groups
STUDIOS
TEMPORARY USES

AREA B

ACCESSORY USES
ADMINISTRATIVE OFFICES
ANIMAL CLINIC OR KENNEL - NO outdoor runs
AUTOMATIC TELLER MACHINE (ATM)
AUTO PARTS STORE - without installation
BAIT & TACKLE SHOP
BANKS AND FINANCIAL ESTABLISHMENTS, GROUP I
BOAT PARTS STORE
BROADCAST STUDIO
BUSINESS SERVICES, GROUP I
CLEANING AND MAINTENANCE SERVICES
CLOTHING STORES
CLUBS - commercial, fraternal, membership, private
CONSUMPTION ON PREMISES, Indoor Only (See Conditions)
DAY CARE CENTER, CHILD OR ADULT
DRIVE-THROUGH FOR ANY PERMITTED USE - Limited to the east
end of the building.
DRUG STORE - Limited to One and to a maximum of 3,000 square
feet.
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, GROUP I
EXCAVATION, WATER RETENTION - NOT to include the removal
of excavated materials from the site - NO blasting.
FENCES, WALLS
FOOD STORES, Groups I and II
GIFT & SOUVENIR SHOP
HARDWARE STORE
HOBBY, TOY AND GAME SHOPS
HOUSEHOLD & OFFICE FURNISHINGS
LAUNDRY OR DRY CLEANING, Group I
MEDICAL OFFICE - Limited to a maximum of 10,000 square feet
NON-STORE RETAILER
PAINT, GLASS & WALLPAPER
PARKING LOT, ACCESSORY
PET SERVICES - NO outdoor runs

PET SHOP - NO outdoor runs
PLACE OF WORSHIP
PRINTING & PUBLISHING
RESTAURANT, Groups I, II, AND III - NO fast food or freestanding
restaurants
RENTAL OR LEASING ESTABLISHMENTS, Groups I and II
SCHOOLS, COMMERCIAL
SIGNS PER CHAPTER 30 OF THE LDC
SOCIAL SERVICES, Groups I and II
SPECIALTY RETAIL SHOPS, ALL Groups
STUDIOS
TEMPORARY USES
VARIETY STORES

b. Site Development Regulations

Minimum Lot Areas and Dimensions

Lot Size: 22,500 square feet
Lot Width: 150 feet
Lot Depth: 150 feet

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 15 feet (10 feet interior)
Rear 20 feet
Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 20 feet, per the LDC.

Minimum Perimeter Setbacks: 150 feet to the north and 70 feet to the east as shown on the MCP, otherwise a minimum 25 feet is required.

Minimum Building Separation: 20 feet.

Building Height: 35 feet/ Two stories

Maximum Lot Coverage: 60 percent

3. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The Developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. No agricultural uses are existing on site and none are approved by virtue of this rezoning.

5. No development blasting is permitted as part of this project unless approved, at a subsequent public hearing, as an amendment to the planned development.

6. All required buffers must utilize 100 percent all native vegetation.
7. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
8. Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
9. Approval of this rezoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
10. Consumption on Premises (indoor only) Area A and B:
 - a. Consumption on Premises (indoor only) is permitted only in conjunction with a Group III Restaurant.
 - b. The hours of operation for **indoor** consumption on premises are limited to between noon to 11:00 p.m., Sunday through Thursday, and noon to 12:00 p.m., Friday and Saturday.
 - c. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.
 - d. The location of any consumption on premises must be consistent with the general locations shown on the approved Master Concept Plan.
 - e. Any consumption on premises must be located in Area A or at the southeast end of the building in Area B.
 - f. Outdoor consumption on premises is not approved herein, and may only be approved by an amendment to the planned development or as a Special Exception (public hearing required). This use may not be approved administratively. The applicant must provide adequate detail of the outdoor seating area consistent with the requirements of the Land Development Code.
11. The 8-foot-high wall, or wall/berm combination, along the north boundary must be extended to the eastern property line. (See Attachment B of the Staff Report).
12. Covered parking must be a minimum of 20 feet from preserve areas, per LDC Sec. 10-415 (b)(1)c.

13. Prior to local development order approval, the property must be re-surveyed for the presence of gopher tortoises and their burrows, and, if found, a gopher tortoise management plan must be submitted as part of the indigenous preserve management plan for the Division of Environmental Sciences Staff review and approval. The gopher tortoise management plan must include details on habitat management to provide open herbaceous foraging areas, and how the habitat will be maintained in perpetuity. The management should also include the following details pertaining to site work:

a. A copy of the Florida Fish and Wildlife Conservation Commission Gopher Tortoise Permit and receipt of payment if applicable must be submitted to the Division of Environmental Sciences staff prior to issuance of a Vegetation Removal Permit; and

b. A Vegetation Removal Permit to install gopher tortoise fencing and burrow excavation must be obtained prior to any site work; and

c. Any gopher tortoises and commensal species located during burrow excavation must be moved to appropriate indigenous preserves; and

d. The number of tortoises and any commensal species moved to preserves must be reported to the Division of Environmental Sciences Staff; and

e. All active and inactive gopher tortoise burrows located outside of the indigenous preserves must be excavated and fully collapsed prior to issuance of a Vegetation Removal Permit for clearing and filling of the development area.

14. a. Prior to local development order approval, the development order plans must depict an indigenous preserve in the northern 100-feet of the property with a minimum 75-foot width and a total acreage of 1.31 acres including upland preservation credits.

b. If gopher tortoises are found on the site during the re-survey, the preserve will be utilized as a gopher tortoise preserve, and may not be utilized as a dry detention area unless it can be clearly demonstrated at the do stage that the effects of the construction and operation of the surface water management system will not cause death or harm to the protected indigenous plant community.

15. The Master Concept Plan must be revised to be consistent with the cross-section of the area north of the service areas in the northern part of Area B, as depicted on **Exhibit B** attached hereto. The wall material must be such that no linear footers are required.

16. Deleted at public hearing.

17. Access to State Road 78 is not guaranteed and is subject to Florida Department of Transportation approval.

18. **DESIGN STANDARDS**

a. Prior to local development order approval, the exterior elevations must be in substantial compliance with the 1-page conceptual elevation submitted entitled, "Bayshore Village: Conceptual Artist Rendition/Showing View Overlooking Parking Towards the Main Building" and the 1-page "Site Section Study for Bayshore Village Holding Group LLC - Partial Site Cross Section" attached hereto as **Exhibit C**.

b. These designs are preliminary and subject to changes in conformance with this Resolution and the Lee County Land Development Code (LDC), including Article IV, Section 10-600 "Design Standards and Guidelines for Commercial Buildings and Developments."

B. DEVIATIONS: NONE

IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone an 8.75-acre parcel, located north of State Road 78 (SR78) and east of I-75 in North Fort Myers, from AG-2 to CPD (Commercial Planned Development). The subject property is squarish in shape, and is abutted on the north by AG-2 lands containing a single-family home, on the east by vacant AG-2 zoned lands, on the south by SR78 and then vacant preserve lands and a vacated RPD, and on the west by Wells Road and vacant AG-2 lands. It is designated General Interchange in the Lee Plan and falls within the Bayshore Planning Community (Goal 20 in the Lee Plan).

Although Applicant initially requested 99,999 square feet of mixed commercial uses, they reduced that amount of 71,000 square feet at the public hearing, as well as making several other concessions and revisions to the CPD. This recommendation is based on the request, as revised in the public hearing.

Issues

The following issues still existed at the end of the public hearing:

1. Applicant's request for indoor consumption on premises (COP) and the hours during which the alcoholic beverages could be served. (Applicant dropped their request for the outdoor COP use.) (Staff and Public)
2. Compatibility of the proposed CPD with the rural nature of the area. (Public)
3. Consistency of the proposed CPD uses, site design and square footage with the intent of the Bayshore Planning Community - Goal 20 - in the Lee Plan. (Public)
4. Provision of a bridle path across the subject property. (Public)

Background

The subject property is located about 1,500 feet east of the Bayshore exit on I-75, and about 600 feet west of Nalle Road. Although it is directly abutted by AG-2 zoning on the north and east, there is existing commercial zoning and uses in the immediate vicinity of the subject property.

As noted above, the subject property falls within both the General Interchange land use category (Policy 1.3.2) and the Bayshore Planning Community (Goal 20). As such, the proposed plan of development for this site must be consistent with the intent and provisions of both those Lee Plan Sections.

Policy 1.3.2 sets out that the general interchange areas are:

intended primarily for land uses that serve the traveling public: service stations, hotels, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial.)

On the other hand, Goal 20 of the Lee Plan sets out the intent of the community for the lands east of I-75, west of SR 31 and north of the Caloosahatchee River to the Charlotte County line - or the Bayshore Community. That Goal states:

To protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, while excluding incompatible uses that are destructive to the character of this rural residential environment. . . .

Even though this Goal states "minimal commercial activities," Objective 20.1 and Policy 20.1.1 describe further the allowable commercial uses in this Planning Community. Objective 20.1 recognizes that the existing land use designations set out in the Lee Plan as of the date of the adoption of Goal 20 "are appropriate to achieving the goal of the Bayshore Plan." That provision includes the General Interchange designation. That Objective also prohibits land use amendments to a more intensive category without a finding of overriding public necessity.

Policy 20.1.1 specifically limits the location of retail commercial uses, as follows:

Retail commercial activity will be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the Land Development Code.

Given these parameters, Applicant is proposing to develop a 71,000-square-foot mixed retail and office center on the subject property. The Master Concept Plan (MCP) depicts two development areas - Area A being the lands fronting on SR78 and consisting of two outparcels for a total of 8,000 square feet, while Area B is the northern half of the site, which will contain a 2-story building, having 45,000 square feet of retail uses on the first floor and 18,00 square feet of retail/office on the second floor. A 75-foot-wide indigenous preserve, a 15-foot-wide Type "C" buffer - with an 8-foot-high wall - and an additional 60-foot-wide setback (total of 150 feet) will separate the building in Area B from the residentially occupied property to the north. The stormwater retention area and a 70-foot-wide distance will also separate the building from the AG-2 zoned properties on the east boundary.

Applicant explained that they understood the community's desire to keep the area as rural as possible, and specifically did not request fast food restaurants, gas stations, convenience food and beverage stores, or car washes in this CPD. They elected to keep the commercial uses to such things as banks, auto parts stores, bait and tackle shops, ATMs, restaurants, gift and souvenir shops, food stores, small pharmacies, specialty retail, hardware stores, and COP for the restaurants. Area B also includes several medical and general office uses, and service type uses. Applicant believed that these uses would be beneficial to both the traveling public and to the residents of this area, as there is a scarcity of retail and other commercial uses in the vicinity of the subject property.

Applicant specifically requested the COP use for the restaurants on this site, noting that any popular restaurant or well-known restaurant chain will want to serve alcoholic beverages. Although they had first requested approval of the outdoor COP without having to come back for another public hearing, they agreed to drop the request for the outdoor COP at the public hearing. Nevertheless, they still wanted the approval of consumption within the restaurants, and wanted the beverages to be served until closing. They pointed out that restaurants, such as Applebee's, Chico's, etc., all serve alcoholic beverages with meals, and, typically, stayed open until 11:00 p.m. or midnight on the weekends. They disagreed with Staff's condition requiring them to cease serving these beverages at 9:00 p.m. on Sundays through Thursdays, asking that those hours be extended to at least 11:00 p.m. or midnight.

The MCP also depicted three access points for the subject property. The first is shown as being in the southeast corner of the site onto SR78, and the other two are on the west boundary of the property onto Wells Road. Applicant advised that the access to SR78 must be approved by the Florida Department of Transportation, which will take into consideration the location of Nalle Road (to the east) and Wells Road and the I-75 ramps (to the west). They have attempted to locate the SR78 access point as far east as possible, so that, if necessary, they can share an access point with the adjacent property. It was also noted in the public hearing that there has been some discussion about reconfiguring Leetana Road (which connects into SR78 between Wells Road and the northbound I-75 on-ramp) so that it will intersect into Wells Road, and will no longer have its own connection onto SR78. However, at this time, there are no definite plans for that realignment, which could affect this project's access points onto Wells Road and could increase the probability of a signalized intersection with SR78.

Applicant's Traffic Impact Statement concluded that the build-out date of this CPD is 2009, and that the 99,999-square-foot project would have generated 435 net new peak hour trips. (As the square footage of the project has been reduced by almost one-third, the number of trips will also be reduced by a significant number.) Even at 99,999 square feet, it was determined that SR78 would operate at an LOS "C" without the project and an LOS "D" with the project in 2010. An LOS "D" is an acceptable LOS under the Lee Plan. Applicant acknowledged that certain turn lane and intersection improvements might be necessary, but that those would be added as conditions during the review for their development order.

The subject property will connect to public sewer and water services, and will be required to do so as a condition of the development order. Sewer services are available from North Fort Myers Utilities, and potable water is available through Lee County Utilities.

Noting that certain current architectural types would not be appropriate or acceptable in this rural setting, Applicant submitted an architectural rendering of the 2-story building with an "Old Florida" style. They believed that this style would be appropriate in this location, as it tended to be more representative of rural lifestyles and more easily accepted in rural settings.

Applicant did not request any Deviations for this CPD. They asserted that the MCP and proposed uses were consistent with the Lee Plan provisions and were compatible with the community. They believed that the larger building setbacks and the intervening vegetation made their project compatible with the adjacent residentially used property to the north, as well as the vacant AG-2 zoned lands to the east.

Staff recommended approval, with conditions, of Applicant's requested rezoning, finding that the request, as conditioned in the Staff Report, was consistent with the intent of the Lee Plan and the Land Development Code, and would be compatible with the existing and planned uses in the area. They also found that the request, as conditioned, would not be detrimental nor injurious to the neighborhood, and would protect the public health, safety and welfare.

As mentioned above, Staff agreed with Applicant's proposed plan of development and the uses, except for the COP use. Staff was opposed to any approval of the outdoor consumption, noting that the proposed MCP did not show the future location of that seating, so they were unable to adequately evaluate it for impacts. They also argued that outdoor consumption of alcoholic beverages was not consistent with the rural character and nature of the area, and concurred with Applicant's subsequent decision to delete that use. Staff also believed that the late night service of alcoholic beverages was contrary to the intent of the Bayshore Planning Community, and was not incompatible with the surrounding rural lifestyle.

Staff pointed out that, because the subject property is in an interchange land use category, the retail uses therein are not required to meet commercial site location standards, and no new residential development is allowed. They found that Applicant's proposed development of 71,000 square feet of retail and mixed commercial uses was consistent with the intent and provisions of Objective 1.3, Interstate Highway Interchange Areas. They also found that it met the intent of Goal 20, Bayshore Planning Community, and that the commercial uses were reasonable, given the acknowledged desire to protect the rural nature of this community.

Staff believed that the extra wide building setbacks from the north and east boundaries, along with the vegetative buffers and wall, would adequately protect the residential use on the north boundary from the potential impacts associated with a commercial development. They noted that there were no residential uses on the east side; that those properties were vacant AG-2 lands, which were bordered by existing commercial uses on their east boundary. Staff believed it was reasonable to expect the intervening AG-2 lands to be rezoned to commercial zoning districts.

Public Input

Several property owners and residents of the area surrounding the subject property attended the public hearing to express their opinions regarding the requested uses, plan of development and Applicant's proposed architectural theme. The majority of the speakers were against the proposed development, equating the 99,999 square feet of commercial uses to the amount of commercial development in the Daniels Crossings' shopping center (corner of Daniels Parkway and Six Mile Cypress Parkway). They argued that was too much commercial development that would not be in keeping with the rural community lifestyle.

They believed that 30,000 square feet of retail uses would be appropriate and acceptable in this area.

The speakers did not want any outparcels, nor a second story on the building, and objected to the proposed architectural theme - stating that it did not fit in their area. They suggested that the proposed development be constructed on the west side of I-75, because there was plenty of available land in that area and it was outside of their community. Even though the non-commercial zoning districts in their area allowed two stories and 35-foot heights, they did not want this development to be two stories, stating that they had never seen a 2-story shopping center that was a "rural" use.

They argued against the service of alcoholic beverages - whether indoors or outdoors - stating that it was totally inappropriate this close to I-75, and was not consistent with their rural lifestyle. They cited safety concerns for other drivers on I-75 and in their area, because of drivers drinking alcoholic beverages at these restaurants and then returning to I-75 to continue their journey. They also asserted that the service of alcohol would create noise and other nuisance impacts for the nearby residential uses.

They understood that Applicant had established a 150-foot separation from the proposed commercial building to the residentially used property on the north boundary, but asserted that distance was not sufficient to protect that family from the adverse impacts associated with such a commercial development. They wanted the MCP revised to delete the two outparcels, and to move the retail building further south - toward SR78 - away from the residential uses on the north side of the subject property.

They also wanted Applicant to provide them with a bridle trail across the subject property. They stated that they currently had such a trail and the proposed development would prevent them from using it. They did not want to have to ride their horses along the SR78 right-of-way, as it could be very dangerous to the horses and riders.

When Applicant asserted that the riders had no legal right to make a trail on the subject property, the speakers conceded that the existing trail had been created by area riders crossing the subject property without specific permission. Applicant pointed out that the riders' use of the property did not arise from the grant of an easement or license from the previous or current owner to use the subject property for a bridle path. Applicant did not object to Staff and the residents working out a route for a bridle path, but advised that they would not include it on the MCP.

Hearing Examiner Analysis

The undersigned Hearing Examiner concurs with Staff's recommendation of approval, with conditions, of the CPD rezoning, finding that the request, as conditioned, meets the criteria for approval set out in Section 34-145, Land Development Code, and is consistent with the intent and provisions of the Lee Plan and the Land Development Code. She also finds that the request, as conditioned, is compatible with the existing and planned uses in the neighborhood, and will not be injurious or detrimental to the persons or properties in the area, or to the public health, safety and welfare.

After conducting her site visit and driving around the area, the Hearing Examiner could see why the residents of the area want to preserve "what they have." She found that the community north of SR78 is comprised mainly of 5- and 10-acre lots, with single-family

residences and scattered farm animals. The residential community to the south of SR78 is made up of a combination of clustered, smaller lots, interspersed with much larger lots - many of which also contain residential uses. As was noted in the public hearing, there is a small, very active grocery store, with newer gas pumps and a newer 5-bay public car wash on the corner of Nalle Road and SR78. The next closest commercial use is located on the west side of I-75, being a convenience food and beverage store, with gas pumps.

While the Hearing Examiner understands the public sentiment concerning their community, she points out that their Community Plan, when adopted, clearly contained provisions protecting the commercial uses allowed on the subject property by the Interstate Highway Interchange Areas (Objective 1.3) and the General Interchange land use category (Policy 1.3.2). It is the Hearing Examiner's opinion that the requested 71,000 square feet of mixed office and retail uses is consistent with the intent of the General Interchange land use category, as well as the intent and provisions of Goal 20, Bayshore Planning Community. She finds that site design, the limited list of uses, the wider setbacks and the vegetated buffers, in conjunction with the County's land development regulations, will adequately protect the residential uses to the north, and will minimize or eliminate any potential impacts on the surrounding properties. She also finds that the proposed plan of development and the limited uses are consistent and compatible with the rural nature of the area.

The Hearing Examiner recalls the community's objections to the proposed Old Florida architectural style for the buildings on the subject property, in which they stated that style was not their style. Having observed the mixture of new and old structures, mobile homes mixed in with conventional homes, and a variety of architectural styles - from old farmhouse to new traditional stuccos and modified Mediterranean, the Hearing Examiner believes that Applicant's proposed architectural style is compatible with the existing eclectic array of homes and structures, and will not be detrimental or injurious to the rural nature of the area.

With regard to the COP issue, the Hearing Examiner reiterates that the subject property is wholly contained within the General Interchange area of the Lee Plan, which is intended for development of restaurant and hotel uses for the benefit of the traveling public. When looking at other interchanges within Lee County, it is apparent that the COP use is a typical accessory use found in the Group III restaurants and in some of the larger hotels. For that reason, she is recommending that the BOCC increase the hours of consumption to 11:00 p.m. for Group III restaurant uses, which is consistent with other restaurants in other interchange areas within the County.

It is the opinion of the Hearing Examiner that the conditions imposed herein are reasonably related to the impacts anticipated from the proposed uses, and, with other regulations, will safeguard the public health, safety and welfare.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

A. That the Applicant has proved entitlement to this CPD rezoning request, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes or regulations.

B. That the CPD rezoning request, as conditioned, meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request.

C. That the CPD uses, as conditioned, are consistent with the intensities and general uses set forth in the Lee Plan.

D. That the CPD uses, as conditioned, are compatible with existing or planned uses in the surrounding area, and will not be detrimental or injurious to the intent of the Bayshore Planning Community (Goal 20).

E. That approval of the CPD, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates.

F. That the CPD project, as conditioned, will not adversely affect environmentally critical areas and natural resources.

G. That the proposed mix of uses, as conditioned, are appropriate at the subject location, given its General Interchange land use designation.

H. That the recommended conditions to the Master Concept Plan are reasonably related to the impacts anticipated from the proposed development, and, with other regulations, will provide sufficient safeguard to the public interest.

I. That urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.

VI. LIST OF EXHIBITS:

Master Concept Plan, prepared by JRI Engineering, Inc., dated October 12, 2005, last revised on March 2, 2006, received at Permit Counter on March 3, 2006 (1-page)

STAFF'S EXHIBITS

- 1 Aerial photograph, dated January 2005
- 2 Email from L. Alvarez to Tony Palermo, dated May 9, 2006
- 3 Composite exhibit consisting of seven (7) photographs, color, dated March 3, 2006
- 4 Bridle path condition
- 5 Zoning Resolution Z-02-070

Résumés of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

APPLICANT'S EXHIBITS

- 1 Master Concept Plan for Bayshore Village Market Square, Sheet 1 of 1, prepared by JRI Engineering, Inc., last revised March 2, 2006, date stamped "Received March 3, 2006 Permit Counter" (24" x 36")
- 2 FLUCC Map, prepared by Boylan Environmental Consultants, Inc., dated May 17, 2006 (color) (24" x 36")
- 3 Artist Rendering of Proposed Project (color)(8 ½" x 11")
- 4 Site Cross Sections, Sheet SP-1, prepared by Gora McGahey Associates in Architecture, last revised May 16, 2006 (11" x 17")

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

OTHER EXHIBITS

Musho

- 1 Copy of Traffic Impact Statement for Heritage Creek, prepared by Metro Transportation Group, Inc., dated May 27, 2001

VII. PRESENTATION SUMMARY:

See Official Court Reporter Transcript

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Jim Keltner, c/o Boylan Environmental Consultants, 11000 Metro Parkway, Suite 4, Fort Myers, Florida 33919
2. Michael Roeder, c/o Knott, Consoer, Ebelini, Hart & Swett, 1625 Hendry Street, Fort Myers, Florida 33901
3. Jack Ruskai, c/o JRI Engineering, Inc., 2328 Hancock Parkway, Suite 114, Cape Coral, Florida 33990
4. Matt Uhle, Esquire, c/o Knott, Consoer, Ebelini, Hart & Swett, 1625 Hendry Street, Fort Myers, Florida 33901

ADDITIONAL COUNTY STAFF:

1. Don Blackburn, Development Services, P. O. Box 398, Fort Myers, Florida 33902-0398
2. Dawn Perry-Lehnert, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902-0398

3. Kim Trebatoski, Environmental Sciences, P. O. Box 398, Fort Myers, Florida 33902-0398

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VII.):

For: NONE

Against:

1. Laura Alvarez, 18900 Lynn Road, N. Ft. Myers, Florida 33917
2. Larry Ford, 18210 Sandy Pines Circle, N. Ft. Myers, Florida 33917
3. Sheryl Sterbens Ford, 18210 Sandy Pines Circle, N. Ft. Myers, Florida 33917
4. Debbie Jackow, 19450 Meredith Road, N. Ft. Myers, Florida 33917
5. Lisa Musho, 17350 Wells Road, N. Ft. Myers, Florida 33917
6. Michael Musho, P. O. Box 60104, Fort Myers, Florida 33906
7. Barbara Rodd, 11500 Bayshore Road, N. Ft. Myers, Florida 33917
8. David Shepard, 7730 Rich Road, N. Ft. Myers, Florida 33917
9. Perry Sizemore, 18100 Wells Road, N. Ft. Myers, Florida 33917
10. Ann Sylvester, 18238 Sandy Pines Circle, N. Ft. Myers, Florida 33917

General:

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

For: NONE

Against:

1. John & Gennie Deschenes, 18161 Sandy Pines Circle, N. Ft. Myers, Florida 33917

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [LDC Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the unauthorized communication. [LDC Section 34-52(b)(1)b.2.]; OR

A fine not exceeding \$500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [LDC Section 1-5(c)]

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 29th day of June, 2006. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

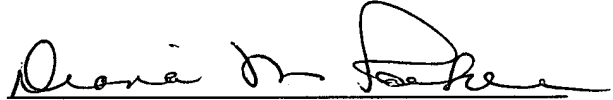
B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

C. The Board of County Commissioners will hold a hearing at which they will consider the record made before the Hearing Examiner. The Department of Community Development will send written notice to all hearing participants of the date of this hearing before the Board of County Commissioners. Only participants, or their representatives, will be allowed to address the Board. The content of all statements by persons addressing the Board shall be strictly limited to the correctness of Findings of Fact or Conclusions of Law contained in the recommendation, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the earlier hearing before the Hearing Examiner and not otherwise disclosed in the record.

D. The original file containing the original documents used in the hearing before the Hearing Examiner will be brought by the Staff to the hearing before the Board of County Commissioners. Any or all of the documents in the file are available on request at any time to any County Commissioner.

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

A verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.

A handwritten signature in black ink, appearing to read "Diana M. Parker", written over a horizontal line.

DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100
Facsimile: 239/479-8106

DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

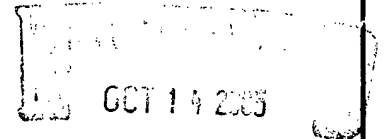
COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N00°05'43"E ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION LINE 22, A DISTANCE OF 1323.13 FEET; THENCE N89°43'24"W ALONG THE CENTERLINE OF BAYSHORE ROAD (STATE ROAD NO. 78), A DISTANCE OF 663.17 FEET; THENCE N00°00'46"W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE N89°43'24"W ALONG THE NORTHERLY RIGHT OF WAY LINE OF BAYSHORE ROAD, A DISTANCE OF 540.25 FEET; THENCE N00°16'36"E, A DISTANCE OF 50.02 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE N85°20'36"W, A DISTANCE OF 73.63 FEET; THENCE N00°07'14"W ALONG THE EASTERLY RIGHT OF WAY LINE OF WELLS ROAD, A DISTANCE OF 570.82 FEET; THENCE S89°54'31"E ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 614.45 FEET; THENCE S00°00'46"E ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 628.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.75 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

Applicant's Legal Checked

by Lgm 1/13/2006



DCI2005-00100

NOTES:

1. THIS IS NOT A SURVEY.
2. THIS DOCUMENT IS NOT VALID WITHOUT THE SIGNERS EMBOSSED SEAL.
3. BEARINGS ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD BEING N89°43'24"W AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS.
4. R/W INDICATES RIGHT OF WAY.
5. P.O.B. INDICATES POINT OF BEGINNING.

RONALD KERFOOTED LANDS
PROFESSIONAL LAND SURVEYOR #2994

JRI Engineering, Inc.

Planning Engineering Surveying Aerial Photography & Photogrammetry Services

2328 Hancock Bridge Parkway, Ste. 114, Cape Coral, Florida 33990
Phone: 239.458.5544 Fax: 239.458.2233 www.jriengineeringinc.com
Engineering Business Certificate of Authorization No. 5424

BAYSHORE VILLAGE MARKET SQUARE

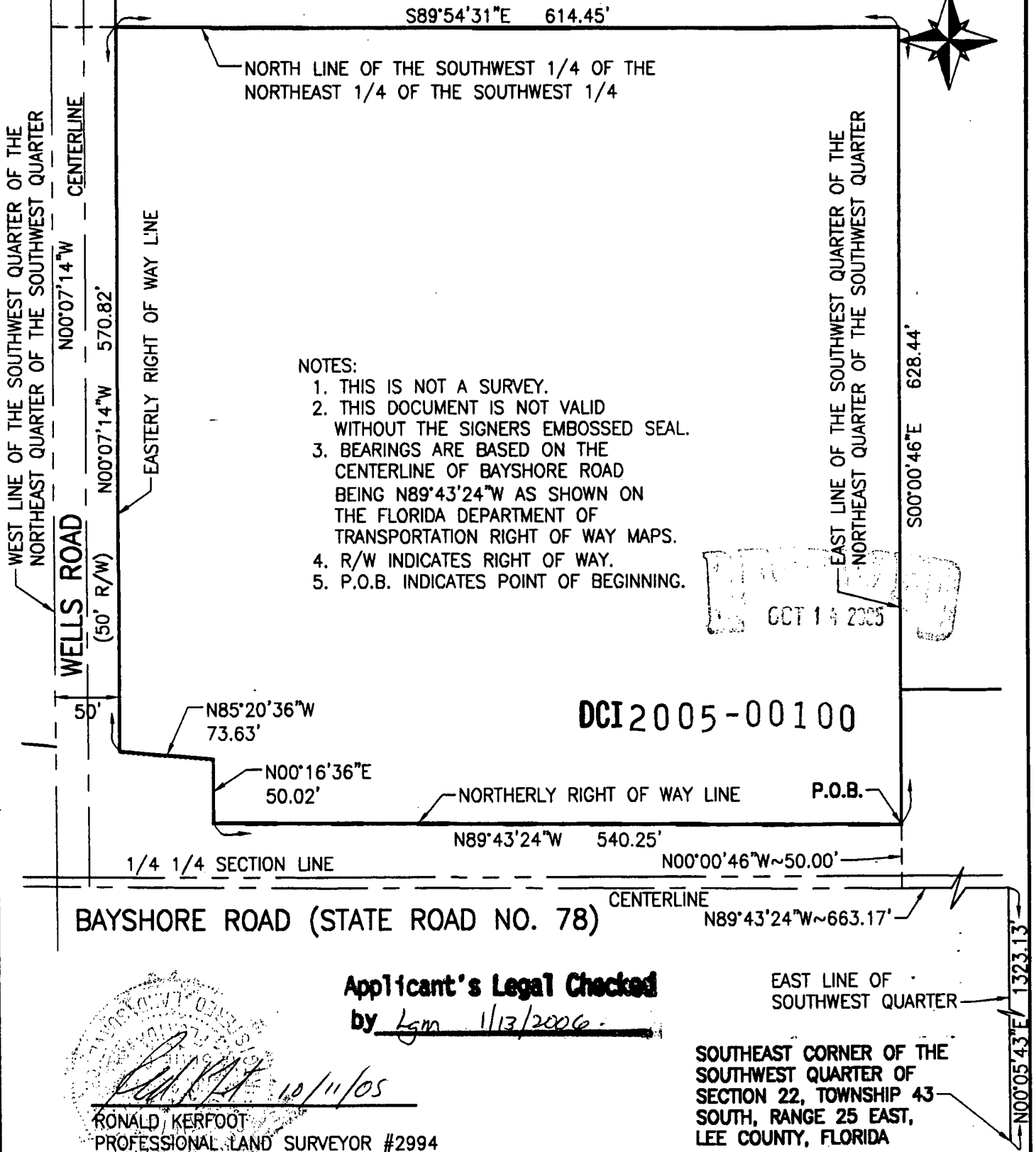
DESCRIPTION

SCALE: N.T.S.

BY: RK

DATE: 9-27-05

SHEET No. 2 OF 2



JRI Engineering, Inc.

Planning Engineering Surveying Aerial Photography & Photogrammetry Services

2328 Hancock Bridge Parkway, Ste. 114, Cape Coral, Florida 33990
Phone: 239.458.5544 Fax: 239.458.2233 www.jriengineeringinc.com
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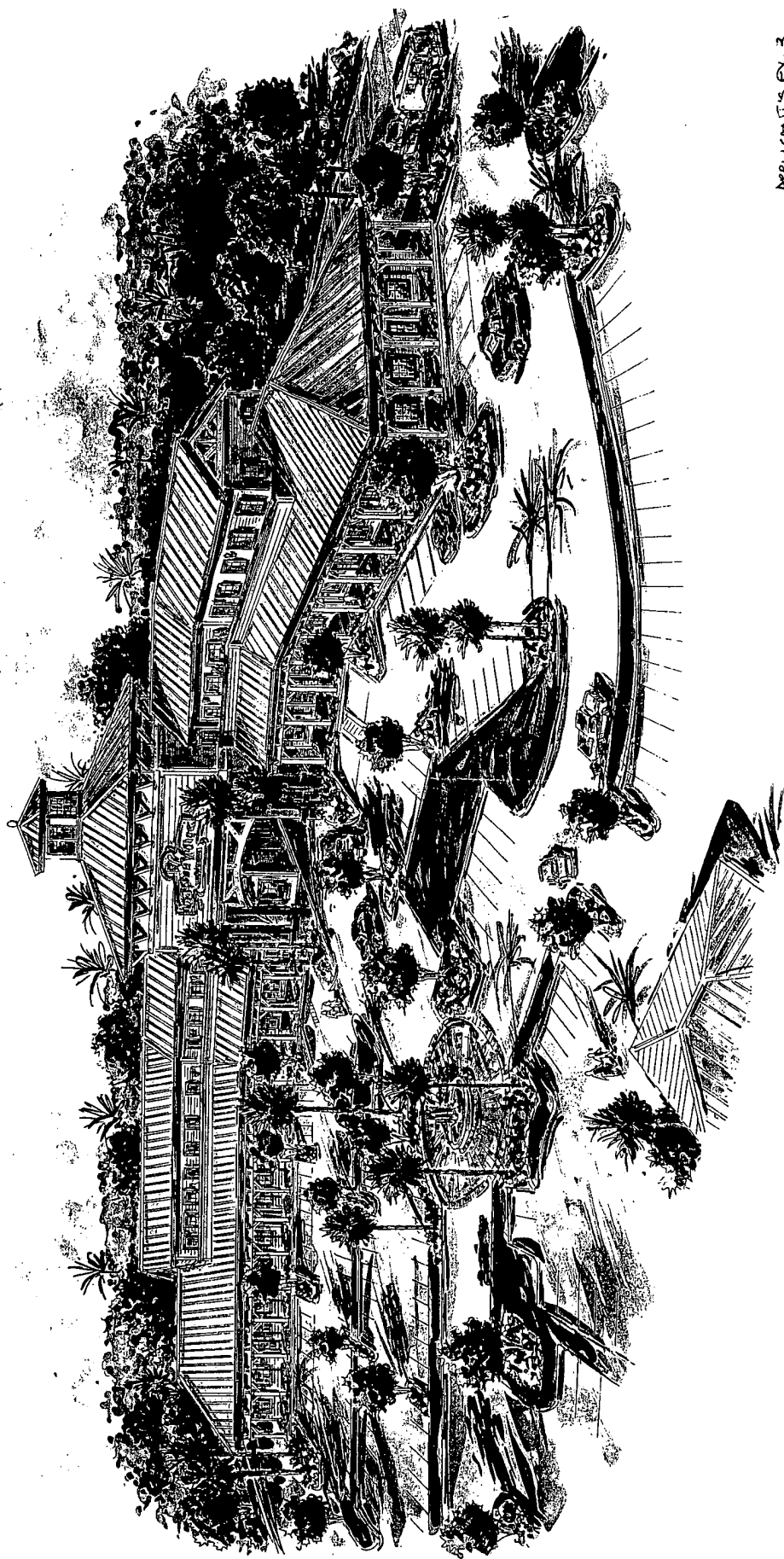
BAYSHORE VILLAGE MARKET SQUARE

SKETCH OF DESCRIPTION

SCALE: 1"=100' BY: RK

DATE: 9-27-05 SHEET No. 1 OF 2





**LEE COUNTY, FLORIDA
ZONING DIVISION
STAFF REPORT**

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI2005-00100

HEARING EXAMINER DATE: May 18, 2006

I. APPLICATION SUMMARY:

A. Applicant: Bayshore Village Holdings Group, LLC in ref to The Village Square on Bayshore

B. Request: Rezone +/- 8.75 acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to permit a maximum of 99,999 square feet of mixed uses: office, medical office and retail. Maximum height requested is 2 stories/35 feet. No development blasting is requested.

The project will connect to public potable water and to a public sanitary sewer system as part of any development of this property.

C. Location: The subject property is located at 17300 Wells Road(From downtown Fort Myers take Palm Beach Blvd (SR80) east and merge onto I-75 north(towards Tampa). Take exit 143 toward N. Ft Myers/Cape Coral. Merge onto Bayshore Road east. Turn left onto Wells Road and end at 17300 Wells Road), in S22-T43S-R25E, Lee County, FL. (District #4)

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

General Interchange Future Land Use Category;
Agricultural (AG-2) zoning,
Vacant property, with foot paths.
Bayshore Road - 2-lane Arterial. Wells Road - 2-lane Local.

E. Surrounding Land Use:

Existing Zoning & Land Use

North: Agricultural (AG-2), Single-family home

East: Agricultural (AG-2), Vacant.

Future Land Use Map

General Interchange

Outlying Suburban

South: Bayshore Road, then Residential Planned Outlying Suburban/
Development (RPD), Vacant Preserve Conservation Lands Upland
Commercial (C-1A) Vacant.

West: Agricultural (AG-2), Vacant. General Interchange
Proposed Pritchett Parkway Right-of-Way

F. Size of Property: 8.75± acres

II. **RECOMMENDATION:**

Staff recommends **APPROVAL** of the Applicant's request for rezoning from Agricultural (AG-2) to Commercial Planned Development (CPD) with the following conditions and deviations:

A. **Conditions:**

1. The development of this project must be consistent with the 1-page Master Concept Plan entitled "BAYSHORE VILLAGE MARKET SQUARE: MASTER CONCEPT PLAN" stamped received MARCH 3, 2006 except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Maximum Commercial Floor Area: 99,999 square feet of commercial uses (office and/or retail).

2. The following Limits apply to the project and uses:

a. **Schedule of Uses**

AREA A

ACCESSORY USES
ADMINISTRATIVE OFFICES
AUTOMATIC TELLER MACHINE (ATM)
AUTO PARTS STORE - without installation.
BAIT & TACKLE SHOP
BANKS AND FINANCIAL ESTABLISHMENTS, GROUP I
BOAT PARTS STORE - LIMITED TO 1
BOAT SALES
BROADCAST STUDIO
BUSINESS SERVICES, GROUP I AND II - excluding armored car services
and Automobile Claims Adjusters.
CLOTHING STORES
CLUBS - commercial, fraternal, membership, private
CONSUMPTION ON PREMISES, INDOOR ONLY (SEE CONDITIONS)

DAY CARE CENTER, CHILD OR ADULT
DRIVE-THROUGH FOR ANY PERMITTED USE
DRUG STORE - LIMITED TO 1 AND LIMITED TO A MAXIMUM 30,000 S/F
IN AREA A.
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, GROUP I ~~and II~~
EXCAVATION, WATER RETENTION - NOT TO INCLUDE THE REMOVAL
OF EXCAVATED MATERIAL FROM THE SITE. NO BLASTING.
FARM EQUIPMENT SALES - LIMITED TO 1 AND LIMITED TO 30,000 S/F
OF DISPLAY AREA.
FEED OR FERTILIZER SALES - LIMITED TO 1 AND LIMITED TO 30,000
S/F OF DISPLAY AREA.
FENCES, WALLS
FOOD STORES, GROUP I AND II
GIFT & SOUVENIR SHOP
HARDWARE STORE
HOBBY, TOY AND GAME SHOPS
HOUSEHOLD & OFFICE FURNISHINGS
LAUNDRY OR DRY CLEANING, GROUP I
MEDICAL OFFICE - LIMITED TO 10,000 S/F MAXIMUM IN AREA A
NON-STORE RETAILER
PAINT, GLASS & WALLPAPER
PARKING LOT, ACCESSORY
PET SHOP - NO OUTDOOR RUNS
PRINTING & PUBLISHING
RESTAURANT, GROUP I, II, AND III - NO FAST FOOD.
SCHOOLS, COMMERCIAL
SIGNS PER CHAPTER 30 OF THE LDC
SOCIAL SERVICES, GROUP I, II ~~AND III~~
SPECIALTY RETAIL SHOPS, ALL GROUPS
STUDIOS
TEMPORARY USES

AREA B

ACCESSORY USES
ADMINISTRATIVE OFFICES
ANIMAL CLINIC OR KENNEL - NO OUTDOOR RUNS
AUTOMATIC TELLER MACHINE (ATM)
AUTO PARTS STORE - without installation
BAIT & TACKLE SHOP
BANKS AND FINANCIAL ESTABLISHMENTS, GROUP I
BOAT PARTS STORE
~~BOAT SALES~~
BROADCAST STUDIO
BUSINESS SERVICES, GROUP I ~~AND II~~
CLEANING AND MAINTENANCE SERVICES
CLOTHING STORES
CLUBS - commercial, fraternal, membership, private

CONSUMPTION ON PREMISES, INDOOR ONLY - (SEE CONDITIONS)
 DAY CARE CENTER, CHILD OR ADULT
 DRIVE-THROUGH FOR ANY PERMITTED USE
 DRUG STORE - LIMITED TO 1 AND LIMITED TO A MAXIMUM 3,000 S/F
 IN AREA B.
 ESSENTIAL SERVICES
 ESSENTIAL SERVICE FACILITIES, GROUP I ~~and II~~
 EXCAVATION, WATER RETENTION - NOT TO INCLUDE THE REMOVAL
 OF EXCAVATED MATERIAL FROM THE SITE. NO BLASTING.
~~FARM EQUIPMENT SALES~~
~~FEED OR FERTILIZER SALES~~
 FENCES, WALLS
 FOOD STORES, GROUP I AND II
 GIFT & SOUVENIR SHOP
 HARDWARE STORE
 HOBBY, TOY AND GAME SHOPS
 HOUSEHOLD & OFFICE FURNISHINGS
 LAUNDRY OR DRY CLEANING, GROUP I
 MEDICAL OFFICE - LIMITED TO 10,000 S/F MAXIMUM IN AREA B.
 NON-STORE RETAILER
 PAINT, GLASS & WALLPAPER
 PARKING LOT, ACCESSORY
 PET SERVICES - NO OUTDOOR RUNS
 PET SHOP - NO OUTDOOR RUNS
 PLACE OF WORSHIP
 PRINTING & PUBLISHING
 RESTAURANT, GROUP I, II, AND III - NO FAST FOOD.
 NO FREESTANDING RESTAURANTS IN AREA B.
 RENTAL OR LEASING ESTABLISHMENTS, GROUPS I AND II
 SCHOOLS, COMMERCIAL
 SIGNS PER CHAPTER 30 OF THE LDC
 SOCIAL SERVICES, GROUP I, II ~~AND III~~
 SPECIALTY RETAIL SHOPS, ALL GROUPS
 STUDIOS
 TEMPORARY USES
 VARIETY STORES

b. Site Development Regulations

Minimum Lot Areas and Dimensions

Lot Size:	22,500 square feet
Lot Width:	150 feet
Lot Depth:	150 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	15 feet (10 feet interior)

Rear 20 feet
Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 20 feet, per the LDC.

Minimum Perimeter Setbacks: 150 feet to the north and 70 feet to the east as shown on the MCP, otherwise a minimum 25 feet is required.

Minimum Building Separation: 20 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 60%

3. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
4. No agricultural uses are existing on site and none are approved by virtue of this rezoning.
5. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
6. All required buffers must utilize 100% all native vegetation.
7. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
8. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
9. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
10. Consumption on Premises (indoor only) Area A and B:
 - A. Consumption on premises (indoor only) is permitted only in conjunction with a Group III Restaurant.
 - B. The hours of operation for **indoor** consumption on premises is limited to between noon to 9 p.m. Sunday through Thursday, and noon to 11 p.m.

Friday and Saturday.

- C. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.
 - D. The location of any consumption on premises must be consistent with the general locations shown on the approved Master Concept Plan.
 - E. Any consumption on premises (including indoor COP) must be located a minimum of 200 feet from any dwelling unit under separate ownership.
 - F. Outdoor consumption on premises may only be approved by an amendment to the planned development or a special exception (public hearing required). This use may not be approved administratively. The applicant must provide adequate detail of the outdoor seating area consistent with the requirements of the Land Development Code.
- 11. The Master Concept Plan must be changed to extend the 8-foot high masonry wall to the eastern end of the property line (See Attachment B).
 - 12. Covered parking must be a minimum 20 feet from preserve areas, per LDC Sec. 10-415 (b)(1)c.
 - 13. Prior to local development order approval, the property must be resurveyed for the presence of gopher tortoises and their burrows, and a gopher tortoise management plan must be submitted as part of the indigenous preserve management plan for the Division of Environmental Sciences staff review and approval. The gopher tortoise management plan must include details on habitat management to provide open herbaceous foraging areas, and how the habitat will be maintained in perpetuity. The management should also include the following details pertaining to site work:
 - A. A copy of the Florida Fish and Wildlife Conservation Commission Gopher Tortoise Permit and receipt of payment if applicable must be submitted to the Division of Environmental Sciences staff prior to issuance of a Vegetation Removal Permit; and
 - B. A Vegetation Removal Permit to install gopher tortoise fencing and burrow excavation must be obtained prior to any site work; and
 - C. Any gopher tortoises and commensal species located during burrow excavation must be moved to appropriate indigenous preserves; and
 - D. The number of tortoises and any commensal species moved to preserves must be reported to the Division of Environmental Sciences staff; and
 - E. All active and inactive gopher tortoise burrows located outside of the indigenous preserves must be excavated and fully collapsed prior to issuance of a Vegetation Removal Permit for clearing and filling of the development area.
 - 14. Prior to local development order approval, the development order plans must depict an indigenous preserve in the northern 100-feet of the property with a minimum 75-foot width and a total acreage of 1.31 acres including upland preservation credits. This preserve will be utilized as a gopher tortoise preserve, and may not be utilized as a day detention area.
 - 15. Prior to local development order approval, an 8-foot high masonry wall must be

depicted between the parking area and indigenous preserve to serve as the wall required in a Type C buffer. The existing plant community will be used to meet the 5-trees and 18-shrubs per 100 linear feet as required in a Type C buffer. The type of 8-foot high masonry wall must be depicted in cross-sectional view on the development order plans and setback a minimum of 10-feet from the preserve boundary to insure the installation of the wall will not have an adverse impact on the existing trees within the indigenous preserve. An additional setback may be required depending on the type of construction and footer required for the wall.

16. The access to area "A" must be designated as a Category "A" local road per the Lee County Land Development Code to service the future subdivided lots.
17. Access to State Road 78 is not guaranteed and is subject to Florida Department of Transportation approval.
18. **DESIGN STANDARDS**
 - A. Prior to local development order approval, the exterior elevations must be in substantial compliance with the 1-page conceptual elevation submitted entitled, "Bayshore Village: Conceptual Artist Rendition/Showing View Overlooking Parking Towards the Main Building" and the 1-page "Site Section Study for Bayshore Village Holding Group LLC - Partial Site Cross Section" (**ATTACHMENT J**).
 - B. These designs are preliminary and subject to changes in conformance with this resolution and the Lee County Land Development Code (LDC) including Article IV Sec. 10-600 "Design Standards and Guidelines for Commercial Buildings and Developments."

B. Deviations - None requested.

C. Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has proven entitlement to the Rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning, as conditioned:
 - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c) is compatible with existing or planned uses in the surrounding area; and
 - d) will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use, as conditioned.

5. The proposed use or mix of uses, as conditioned, is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulation provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

III. **BACKGROUND INFORMATION AND ANALYSIS:**

Introduction/Synopsis

This is a request to rezone +/- 8.75 acres from Agriculture (AG-2) to Commercial Planned Development (RPD) to permit a maximum of 99,999 s/f of commercial retail and office uses. The project is located on vacant land on the northeast corner of Bayshore Road (an arterial) and Wells Road (a local road), located about 1,500 feet east of the Bayshore Road exit on Interstate 75. It is within the Bayshore Planning Community. It is also within the General Interchange Future Land Use category. The property is vacant, and there is some illegal dumping of trash on site. No agricultural uses are on site. And no blasting is proposed.

Staff's primary concern with the development is two-fold. First, the master concept plan has little detail regarding building placement, parking and other features. The applicant argues the General Interchange Future Land Use category clearly encourages a variety of commercial uses, and showing such detail is unnecessary.

Second, to the north of the subject property are rural single-family residential uses on large agricultural lots ranging in size from a ½-acre, 1-acre and more. To address this, the applicant proposes a combination of buffers, berms, and preserve areas to the north of development area B. The applicant does not propose intensive uses such as self-service fuel pumps, convenience food and beverage, fast food, open storage, or vehicle sales (with the exception of boat sales). However, staff has made refinements to the applicant's schedule of uses including the elimination of uses deleterious to the rural residential uses on Wells Road. Staff has also chosen to limit or eliminate uses such as auto parts installation, boat sales, and Group II essential services (water and sewer treatment). The recommended uses are appropriate in an interchange area in proximity to rural residential uses found on Wells Road.

Staff also cannot recommend Group III social services (temporary living facilities such as half-way homes). This residential-type use may not be appropriate on General Interchange area, nor does the applicant provide any detail about the nature of the facility.

Staff also recommends any wall buffering the northern property line extend across the entire property line. The proposed MCP shows the wall terminating near the dry detention area. The extension of the wall will provide a better visual barrier and will help buffer any noise or nuisance from the property to the north (See condition 11).

Additionally staff cannot support a covered parking area 10 feet from the preserve. Covered parking are considered buildings, and must meet setback requirements. Furthermore, LDC Sec. 10-415(b)c. was recently changed to require a minimum 20 foot setback for all buildings from preserve areas. **"A minimum setback of 20 feet from buildings is required."** Staff is not in favor of a deviation or lessening of this requirement. **"Building"** is defined in Ch. 34 of the Land Development Code as **"any structure, either temporary or permanent, having a roof intended to be impervious to weather, or used or built**

for the shelter or enclosure persons, animals, chattels or property of any kind. This definition shall include tents, awnings, cabanas or vehicles situated on private property and serving in any way the function of a building, but does not include screened enclosures not having a roof impervious to weather."

The applicant has responded to some of staff's concerns with an April 28, 2006 memo to staff withdrawing covered parking north of the building running east to west, and by providing elevations showing the buildings as seen from the road, and showing the detail of the buffer to the north property line in relation to buildings. These details provide some comfort the development will be beneficial to the community and not a detriment. Staff recommends approval of this application - with the conditions above - and as limited in uses to ensure this development is done consistent with Lee Plan policies, and compatible with the rural surroundings in the Bayshore Planning Community.

Consumption on Premises

The applicant has asked for indoor and outdoor consumption on premises for both Area A or Area B on the Master Concept Plan. The general location of the outdoor seating area is shown on the master concept plan, without any significant detail. To the immediate north of the property is a single-family residence, with the closest structure about 30 feet from the subject property line. There are no residential units to the east, west or south. Other single-family residential units are further north (and northwest) on large lots.

Without any detail, staff cannot support outdoor consumption on premises in proximity to a rural residential neighborhood. Such a use, may be approved in the future, if there is sufficient detail shown on the Master Concept Plan (See condition 10).

As conditioned, consumption on premises (indoor only) can only occur in conjunction with a full-service restaurant. As conditioned, this use be at least 200 feet from any dwelling unit under separate ownership. Staff has also provided limitations on hours of operation.

Staff has attempted to craft conditions to help address concerns about noise and nuisance associated with consumption on premises. These conditions protect the public interest and help maintain the quiet residential ambiance of the neighborhood. As conditioned, separated, buffered and limited, indoor consumption on premises is a reasonable use and is compatible with the surrounding rural residential neighborhood.

Master Concept Plan

The 1-page Master Concept Plan (Attachment B) shows the property in relation to surrounding roads and land uses. The development is divided into north and south development areas (A and B). There is a Type D buffer shown on Bayshore Road and Wells Road. There is a Type A buffer to the east (adjacent to vacant property). And there is a Type C buffer shown to the north, in proximity to residential single-family uses. Also to the north is an indigenous preserve, with a 30-foot minimum building setback from the preserve area. In total, a 150-foot setback is shown from any buildings to the northern property line. There is also a 8' high masonry wall to the north shown along the parking area. The Master Concept Plan also shows the location of two access points on Wells Road, as well as another on Bayshore Road. No deviations are needed for these access points. The access point to the north on Wells Road is limited to access to service areas, and includes a "No right turn" sign to prevent service vehicles from using this access point as an exit to the north. Of note, the south access on Wells aligns with the proposed Pritchett Parkway extension to the west.

Utilities

Sewer services are available to this property through North Fort Myers Utility and water is supplied by Lee County Utilities. The applicant has supplied letters to staff from those utilities saying they have the capacity to service this development. This is a proposed commercial development larger than 30,000 s/f in floor area. As such, the developer must connect to both water and sewer and will be made to do so through the development order process, consistent with LDC Sec. 10-353.

Lee Plan Considerations

OBJECTIVE 1.3: INTERSTATE HIGHWAY INTERCHANGE AREAS. *Designate on the Future Land Use Map specialized categories for land adjacent to the interchanges of Interstate 75. It is important to make maximum beneficial use of these critical access points and at the same time avoid irreconcilable conflicts between competing demands, such as through traffic vs. local traffic, conservation vs. development, commercial development vs. industrial development, and tourist commercial facilities vs. general shopping facilities. Development in these areas must minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures. Each interchange area is designated for a specific primary role: General, General Commercial, Industrial Commercial, Industrial, University Village, and Mixed Use. Residential uses are only permitted in these categories in accordance with Chapter XIII or as provided in Policy 1.3.2. These areas are also considered Future Urban Areas. (Amended by Ordinance No. 94-30, 99-18, 00-22)*

POLICY 1.3.2: *The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial. (Amended by Ordinance No. 94-30, 99-18)*

The requested uses, a mixture of commercial and office uses, are consistent with the intent of this future land use category. The proposed commercial uses are likely to be used by the traveling public. This project is **CONSISTENT**, as conditioned, with **Objective 1.3** and **Policy 1.3.4** of the Lee Plan.

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

The subject property is located in an area in proximity to commercial and residential development, relatively near an interstate interchange. It cannot be described as infill development, due to the vacant properties to the east, west, and south. However, it is likely this area will tend to develop in the future. This rezoning to Planned Development promotes a contiguous growth pattern and is **CONSISTENT** with **Objectives 2.1** and **2.2**.

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

The subject property is located in relative proximity to existing residential developments, parks, schools, and commercial shopping. It does not necessary have all the characteristics of urban infill, but is likely to in the future. The proposed development is in an area where urban services already exist and are serving commercial development and residential neighborhoods nearby. The proposed project, as conditioned, is **CONSISTENT** with **POLICY 2.2.1** of the Lee Plan.

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

The master concept plan provides for two intensive development areas to the south and a natural preserve to the north. There are also buffer and detention areas which take into account the surroundings of this development. This proposed development, as conditioned, is **CONSISTENT** with **Policy 4.1.1.** of the Lee Plan.

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

This is a commercial development in proximity to an existing rural single-family community. Located on a corner near an I-75 exit, there is a reasonable expectation that this area will experience growth and development. As conditioned with enhanced buffering and a refinement in uses, it is compatible with nearby residential uses. Limits in commercial uses - as conditioned by staff - are appropriate. As conditioned, this proposed development is **CONSISTENT** with **POLICY 5.1.5** of the Lee Plan.

POLICY 139.9.5: *New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character.*

The design of this site does take into consideration existing development patterns and makes an effort to protect the residential and rural integrity of the neighborhood to the north. Staff has proposed conditions to help make this development more compatible with the area's existing character, including buffers, setbacks, berms, walls and less intensive commercial uses (particularly on Area A.) The request - as conditioned - is **CONSISTENT** with **POLICY 139.9.5.** of the Lee Plan.

STANDARD 11.1: WATER. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross loadable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, FAC.).*

STANDARD 11.2: SEWER. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that*

generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

This development will have to connect to water and sewer. A discussion of water and sewer is above in the staff report. As conditioned, this proposed development is **CONSISTENT** with water and sewer standards of the Lee Plan.

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

*The location standards in this policy are **not applicable in the Interchange land use category.***

Commercial development in the interchange future land use category does not have meet commercial site location standards. As it stands, this development is located on a local and arterial road and would qualify as a Minor Commercial development with 30,000 s/f of retail uses. The request - for 99,999 s/f in office and or commercial uses - is reasonable given the location near the interstate. Therefore, staff finds that the proposed development, as conditioned, **CONSISTENT** with **Policy 6.1.2** of the Lee Plan.

POLICY 6.1.3: *Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to: provide visual harmony and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and provide necessary services and facilities where they are inadequate to serve the proposed use. (Amended by Ordinance No. 94-30, 00-22)*

The proposed development of this site provides for open space and adequate buffering to reduce negative impacts on surrounding land uses. Sidewalks will be required on Wells and Bayshore Road. As conditioned, this proposed development is **CONSISTENT** with **POLICY 6.1.3** of the Lee Plan.

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

This proposed development, as conditioned and with a refined schedule of uses, is compatible with the neighborhood and existing public services. As conditioned, this proposed development is **CONSISTENT** with **POLICY 6.1.4** of the Lee Plan.

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

Staff has provided conditions and limitations in uses addressing this policy. The master concept plan - with its use of buffering, walls, berms, and setbacks - also takes into account the existing neighborhood. As conditioned, this proposed development is **CONSISTENT** with **POLICY 6.1.6** of the Lee Plan.

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

Residential development of this parcel - in an interstate interchange - is not likely, nor would it be appropriate. The development is not infill, but does have development in close proximity. With the location near the interstate and the ongoing development of Stoneybrook North Residential Planned Development (RPD) nearby, this area is likely to see more development such as this. The square shape of the property is such that it is unlikely to encourage strip development, as conditioned. As conditioned, this proposed development is **CONSISTENT** with **POLICY 6.1.7** of the Lee Plan.

GOAL 20: BAYSHORE COMMUNITY. *To protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, while excluding incompatible uses that are destructive to the character of this rural residential environment. For the purposes of this goal and related objectives and policies, the boundaries of the Bayshore Community will be I-75 on the west, SR 31 on the east, the Caloosahatchee River on the south and the Charlotte County line on the north. (Added by Ordinance No. 03-02).*

OBJECTIVE 20.1: LAND USE. *The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan. No land use map amendments to a more intensive category will be permitted after March 11, 2003, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners. (Added by Ordinance No. 03-02)*

POLICY 20.1.1: *Retail commercial activity will be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the Land Development Code. (Added by Ordinance No. 03-02)*

These specific goals, objectives and policies are intended to protect the rural integrity of the Bayshore Community. Staff has carefully considered uses which may be incompatible and destructive to this environment. Staff can support retail and other commercial uses, but not some of the more deleterious uses such as boat sales and unlimited outdoor consumption on premises, especially without any details offered by the applicant. As conditioned, this application is **CONSISTENT** with **Goal 20** and its related objectives and policies.

Neighborhood Compatibility

This property is located in the Bayshore Community Planning District. The Bayshore community is described in the Lee Plan as follows: *The Bayshore Community, bounded by I-75, SR 31, the Caloosahatchee River and Charlotte County, is predominantly a rural residential area of single family homes on large acreages, small horse farms, citrus groves, and plant nurseries, interspersed by some larger cattle grazing operations. There are also scattered single-family subdivisions and mobile homes on smaller lots, which provide for a full range of housing prices. There is limited urban infrastructure and commercial uses. By and large, the residents of Bayshore want to see this land use pattern maintained. The vision of the future would include slow but steady growth with the building of larger single family homes on 2 ½ to 5 acre tracts, as well as some higher density development in the Outlying Suburban category (i.e. up to two units per acre with proper zoning), and continued*

support for the infrastructure necessary for the owners and breeders of horses. The protection of environmental resources and the maintenance of a wholesome family atmosphere is desired, as well as the protection of existing agricultural and equestrian activities. One community project that could serve these ends would be the development of an equestrian park in the community. (Added by Ordinance No. 03-02)

North - North of the subject property is a single-family residence, set back about 30 feet from the subject. The zoning on the property to the north is Agricultural (AG-2). North of this - on Wells Road - are more single-family homes on large lots.

South - South of the subject property is Bayshore Road. This segment - east of Interstate 75 - is a 2-lane arterial. South of this is a vacant preserve area for River Run Residential Planned Development (#Z-93-052, amended by #PD-95-022). River Run is a total of 1,100 acres, extending south to the Caloosahatchee River. East of I-75 there are 844 homes allocated to River Run RPD. Adjacent to the preserve area is Pelican Way and a vacant Commercial (C-1A)-zoned property. South of this is residential single-family development.

East - East of the subject property is a vacant Agricultural (AG-2) zoned property. There is also a property to the east zoned Commercial Planned Development (CPD) on Bayshore Road (#Z-92-061, SPC Interchange Store). This parcel was not developed and the CPD has since expired. East of this is more vacant property and a service station with car wash located on the northwest corner of Bayshore Road and Nalle Road.

West - West of the subject property is Wells Road, a 2-lane local road. West of this is a vacant property. As is shown on the Master Concept Plan, this western property is the future location of an extension/realignment of Pritchett Parkway via Leetana Road. There is likely to be a influx of traffic from this road, which will come from Stoneybrook North (#Z-02-070). This development - to the north and west via Pritchett Parkway - includes 1,275 dwelling units.

Maintaining the integrity of rural areas and communities is a critical element of the Lee Plan. This goal is reinforced by the Bayshore Community Plan. Residents of Bayshore have legitimate concerns about maintaining the rural integrity of their community. The applicant has not met, nor is required to meet with representatives of the Bayshore Planning Community, although such meetings are always encouraged. Staff did receive letters from the neighbor to the north, who have legitimate concerns about the impact this development will have on their residential property on Wells Road (letters attached).

The elevations provided by the applicant shows a concern for nearby residential uses and the surrounding Bayshore Planning Community.

The applicant has made a case that this project - located on an interstate interchange - should be developed commercially. They have also made a case that this development will not have a detrimental impact on the neighborhood. Commercial developments - including this one - will have a significant impact on this rural community, especially to the north on Wells Road. For this reason, the applicant has proposed a reasonable schedule of uses, limited height, buffers, and separation requirements. Special care has been taken to protect the property to the north, utilizing enhanced separation, required buffering, preserve areas, berms and walls. Staff has proposed numerous conditions to address potential compatibility issues, including a limitation on uses and limits on consumption on premises.

With conditions, staff finds this is a compatible development with the surrounding neighborhood and with the rural Bayshore Planning Community.

Environmental Issues

The Division of Environmental Sciences (ES) staff have reviewed the proposed commercial planned development and conducted a field inspection of the property. The 8.75 acre property consists of pine flatwoods, and a dirt trail/road within the southern portion of the property. Recommended conditions of approval are included which address gopher tortoise management, open space, preserve and the northern buffer.

Traffic Issues

The proposed project is located at the northeast corner of Bayshore Rd. and Wells Rd. Based on the ITE Trip Generation Report 7th Edition the project will generate 435 net new trips in the peak hour. The anticipated build out year is 2009.

Based on the estimated 2005 traffic volume from the 2004/2005 - 2005/2006 Concurrency Management Report, a growth rate derived from the 2004 Traffic Count Report, and the Lee County Generalized Peak Hour Directional service volumes, in 2010 Bayshore Rd. will operate at level of service "C" without the project, and level of service "D" with the project.

The Division of Development Services and Lee County Department of Transportation reviewed the application and their traffic comments are attached. Wells Road is a two-lane county-maintained local road. Bayshore Road - at this segment - is a two-lane county-maintained arterial road. No level of service issues are anticipated on any neighboring roads.

There are no sidewalks in front on the subject property on either road frontage. Per LDC Sec. 10-256, sidewalks are a site-related improvement for development. Lee County Administrative Code AC-11-9 allows for payment of a fee-in-lieu under certain conditions. LDC Sec. 10-256(b)(2)b.4. states: "When any portion of the parcel located along an arterial or major collector is developed, sidewalks, or multi-use facilities if depicted on the plan, are required. When any portion of a parcel along a minor collector or local street is developed with office or commercial uses, a sidewalk is required." Since the requested uses are commercial, a sidewalk is required on both roads per the LDC. This will encourage pedestrian-friendly environment and is consistent with Lee Plan policies encouraging pedestrian access.

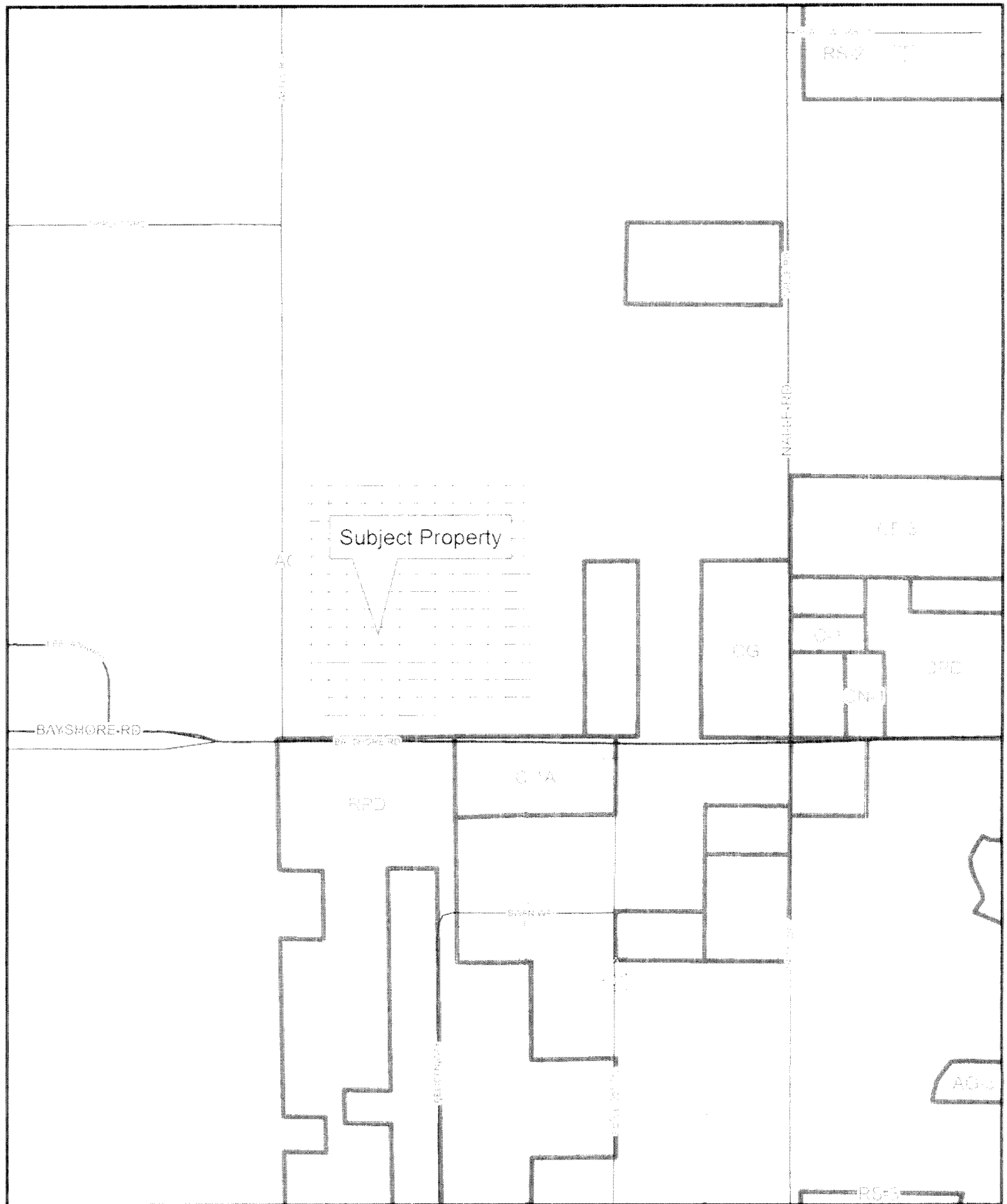
Conclusions

This request, as conditioned, is consistent with the Lee Plan and the Land Development Code. As conditioned, the request is compatible with the surrounding area (including rural residential single-family housing), and will not adversely affect environmentally critical areas or natural resources. Approval of the request - as conditioned - will not place an undue burden upon the existing or planned transportation network. Urban services are available. The proposed mix of uses is appropriate, as conditioned.

IV. ATTACHMENTS:

- A. Map of surrounding zoning
- B. Master Concept Plan
- C. Traffic Impact Statement
- D. Protected Species Survey
- E. Agricultural Affidavit (No agricultural uses)
- F. Letters from neighbors Michael & Lisa Musho
- G. Development Services Traffic Comments (Bob Rentz)
- H. Environmental Sciences Comments (Kim Trebatoski)
- I. Development Services Comments (Don Blackburn)
- J. Applicant's Elevations and Partial Cross Section
(2 pages with a cover letter dated April 28, 2006)

cc: Applicant
County Attorney
Zoning/DCI File



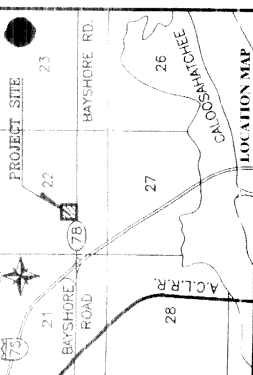


SCALE: 1"=80'

AG-2 (SINGLE FAMILY RESIDENCE)
FUTURE LAND USE: OUTLYING SUBURBAN

AG-2 (SINGLE FAMILY RESIDENCE) FUTURE LAND USE: INTERCHANGE GENERAL
15' TYPE "C" BUFFER WITH TREES AND SHRUBS AND WATER MANAGEMENT BERM

AG-2 (SINGLE FAMILY RESIDENCE)
FUTURE LAND USE: INTERCHANGE GENERAL



GENERAL NOTES

ALL REQUIREMENTS WILL BE IN ACCORDANCE WITH THE LDC, EXCEPT AS MAY BE PROVIDED ON THE MASTER CONCEPT PLAN.
ALL FUTURE BUILDING FOOTPRINTS AND PARKING CONFIGURATIONS WILL BE CONSISTENT WITH THE PROPERTY DEVELOPMENT REGULATIONS.

AREAS A AND B REFER TO THE ZONING SCHEDULE OF USES AND PROPERTY DEVELOPMENT REGULATIONS.

NO PUBLIC TRANSIT FACILITIES ARE BEING PROVIDED ON-SITE.

LOT LINES IN AREA A ARE CONCEPTUAL IN NATURE.

PROPOSED PRITCHETT PKWY.
(RE-ALIGNMENT R/W)
(APPROXIMATE LOCATION)

SPECIAL NOTE 1:
AT THE TIME OF DEVELOPMENT ORDER SUBMITTAL, THE FINAL LOCATION OF THIS INTERSECTION SHALL BE COORDINATED WITH ANY DEFINITIVE PLANS OF THE PRITCHETT PKWY. RE-ALIGNMENT THAT MAY EXIST AT THAT TIME.

SITE DATA

LEE PLAN DESIGNATION:
EXISTING ZONING DESIGNATION: AG-2
EXISTING LAND USE: VACANT
PROPOSED ZONING DESIGNATION: CPD
GROSS AREA: 8,754 ACRES
STRAP NUMBER(S): 22-43-25-00-00023.0000

UTILITY SERVICE BY:

SEWER: NORTH FORT MYERS UTILITY, INC.
WATER: LEE COUNTY UTILITIES

OPEN SPACE CALCULATIONS

NET AREA: 8,754 ACRES
OPEN SPACE REQUIRED: 2,63 ACRES (30%)
OPEN SPACE PROVIDED: 2,63 ACRES (30% MINIMUM)
INDIGENOUS PRESERVATION: 1.05 ACRES x 125% CREDIT = 1.32 ACRES

AG-2 (VACANT)
FUTURE LAND USE: INTERCHANGE GENERAL

AG-2 (VACANT)
FUTURE LAND USE: OUTLYING SUBURBAN

CPD
(VACANT)

24' ACCESS EASEMENT FOR
ADJOINING PROPERTY
LOCATION TO BE DETERMINED
AT DEVELOPMENT ORDER

ATTACHMENT B

COMMERCIAL DRIVEWAY

2005-00100

EXHIBIT 6-J

1	3/18/08	CONSIDER PARKING MIN. 10' FROM PRESERVE
2	3/02/08	REVISIONS PER SUFFICIENT LETTER DATED MARCH 1, 2008
3	3/14/08	RELOCATE 8' HIGH MASONRY WALL
4	2/22/08	REV. PER LEE CO. STAFF COMMENTS, ADD SERVICE AREA, C/L DISTANCES, SWALES, BLDG. SETBACK, SEATING
NO	DATE	

JRI Engineering, Inc.
2228 Hainstock Ridge Parkway, Suite 114, Cape Coral, Florida 33914
Phone: (239) 339-1239
Fax: (239) 339-1239
E-mail: jri@jri-engineering.com
Professional Engineer's Certificate No. 2401

BAYSHORE VILLAGE HOLDINGS GROUP, LLC.
P.O. BOX 4024
NORTH FORT MYERS, FLORIDA 33918
PHONE: (239) 995-1239

BAYSHORE VILLAGE MARKET SQUARE
MASTER CONCEPT PLAN

SCALE: 1"=80'
DATE: 10/12/05
SHEET: 1 OF 1
FILE No.: BMS

1/4-MILE TO I-75 INTERCHANGE
UNNAMED DRIVE (NOT OPEN)

FLU: CONSERVATION LANDS-UPLANDS

WAY
PELICAN

C-1A (VACANT)
FUTURE LAND USE: OUTLYING SUBURBAN

460'±

405'±

LAKE
EAST
DRIVE



TRAFFIC IMPACT STATEMENT

FOR

BAYSHORE VILLAGE MARKET SQUARE

PROJECT NO. 0509.02

DCT 2005-00100

PREPARED BY:
Metro Transportation Group, Inc.
12651 McGregor Boulevard, Suite 4-403
Fort Myers, Florida 33919
239-278-3090

RECEIVED
OCT 11 2005

ATTACHMENT C

October 7, 2005



CONTENTS

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IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. ANALYSIS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. CONCLUSION



I. INTRODUCTION

Metro Transportation Group, Inc. (Metro) has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking approval for zoning. This report has been completed in compliance with guidelines established in the Lee County Traffic Impact Statement Guidelines. The development site is located on the north side of Bayshore Road to the east of its intersection with Wells Road in the North Fort Myers area of Lee County, Florida. The site location is illustrated on **Figure 1**.

The Developer is proposing to develop the site with a maximum of 100,000 square feet of commercial uses. Access to the development is being proposed via two (2) access driveways to Wells Road along the western property boundary in addition to a full access driveway to Bayshore Road.

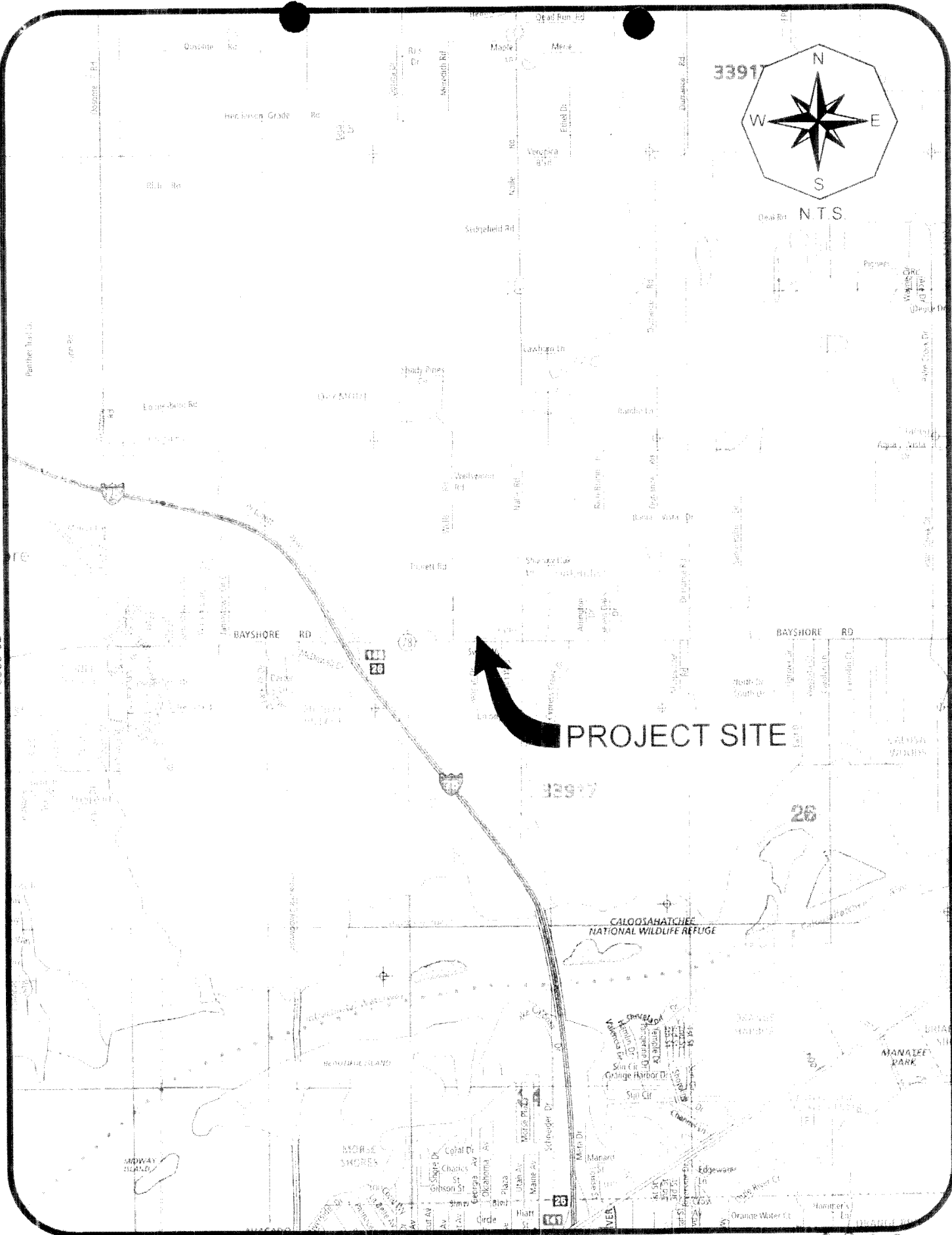
This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various surrounding intersections will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

II. EXISTING CONDITIONS

The subject site is currently vacant. The site is bordered on the north by a couple of single family dwelling units in addition to vacant land. Vacant land zoned for agricultural uses borders the subject site to the east. Bayshore Road borders the subject site to the south. Wells Road borders the subject site to the west.

Bayshore Road (State Route 78) is a two-lane arterial roadway along the frontage of the subject site. From Slater Road to just west of I-75, Bayshore Road is currently being widened to four lanes. Since construction is ongoing, this roadway improvement was taken into account in this analysis. The intersection of Bayshore Road and Wells Road

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PROJECT LOCATION MAP
BAYSHORE VILLAGE MARKET SQUARE

DCI2005-00100

Figure 1



currently allows full turning movements under unsignalized conditions. Bayshore Road has a posted speed limit of 50 mph and is under the jurisdiction of the Florida Department of Transportation.

Wells Road is a two-lane local roadway along the western boundary of the subject site. The southern approach to Bayshore Road on Wells Road consists of a single shared lane for both the left and right turning movements. The intersection of Wells Road and Bayshore Road functions under unsignalized conditions. Wells Road is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

The Bayshore Village Market Square re-zoning application will permit the construction of up to 100,000 square feet of commercial uses on the 8.75-acre property within Lee County. The proposed development intensity was taken from the Master Concept plan prepared by JRI Engineering, Inc. **Table 1** summarizes the land use utilized for trip generation purposes for the subject development. The entire development area was assumed to consist of retail uses in order to assume a "worst case" trip generation scenario for the zoning analysis.

Table 1
Bayshore Village Market Square
Land Use

Land Use	Size
Shopping Center (LUC 820)	100,000 sq. ft.

Access to the Bayshore Village Market Square is being proposed in three locations. Two full access driveways are shown to Wells Road along the western property boundary. The third access is shown to Bayshore Road at the eastern boundary of the subject site. Preliminary discussions have been held with FDOT in order to obtain approval of this proposed access driveway to Bayshore Road.



IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7th Edition. Land Use Code 820 (Shopping Center) was utilized for trip generation purposes in order to assume a "worst case" trip generation scenario on the subject site. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour trip generation of the Bayshore Village Market Square as currently proposed. The daily trip generation is also indicated in the table.

Table 2
Trip Generation
Bayshore Village Market Square

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (100,000 sq. ft.)	95	60	155	300	325	625	6,790

The trips indicated for the shopping center use in Table 2 will not entirely be new trips to the adjacent roadway system. ITE estimates that shopping centers of comparable size may attract an average of 34% of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called "pass-by" traffic, reduces the development's overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. Lee County permits a maximum reduction in trips due to "pass-by" traffic of thirty percent (30%) for the Shopping Center use. Table 5.24 from the ITE Trip Generation Handbook indicates the "pass-by" percentages for the pharmacy use. This table has been attached to the Appendix of this report for reference.

For this analysis, the "pass-by" traffic was accounted for to determine the number of "new" trips the development will add to the surrounding roadways. **Table 3** summarizes the pass-by percentage for the retail use. **Table 4** summarizes the development traffic and the breakdown between the new trips the development is anticipated to generate and the "pass-by" trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, only the traffic added to the surrounding streets and intersections.



Table 3
Pass-by Trip Reduction Factors
Bayshore Village Market Square

Land Use	Percentage Trip Reduction
Shopping Center	30%

Table 4
Trip Generation
Bayshore Village Market Square

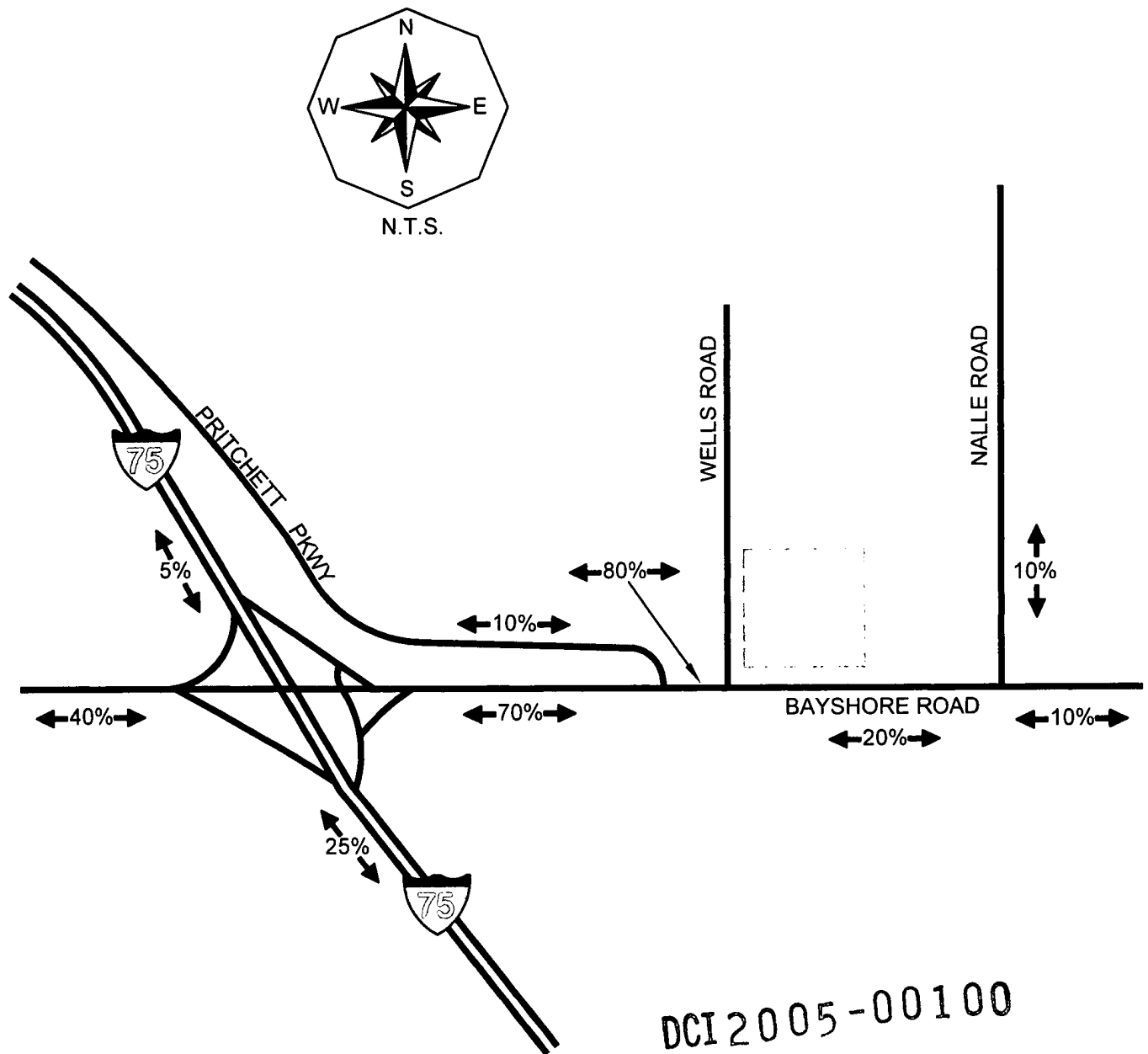
Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Trip Generation	95	60	155	300	325	625	6,790
Less Pass-by Traffic	-30	-15	-45	-90	-100	-190	-2,035
Total New Trips	65	45	110	210	225	435	4,755

V. TRIP DISTRIBUTION

The trips shown in Table 4 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown on **Figure 2**.

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service “C” volumes. The Level of Service threshold volumes were taken from the Lee County Generalized Level of Service Spreadsheet since the build-out of the proposed Bayshore Village Market Square is projected to be after 2008.

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LEGEND
◄20%► PERCENT DISTRIBUTION



PROJECT TRAFFIC DISTRIBUTION BAYSHORE VILLAGE MARKET SQUARE

Figure 2



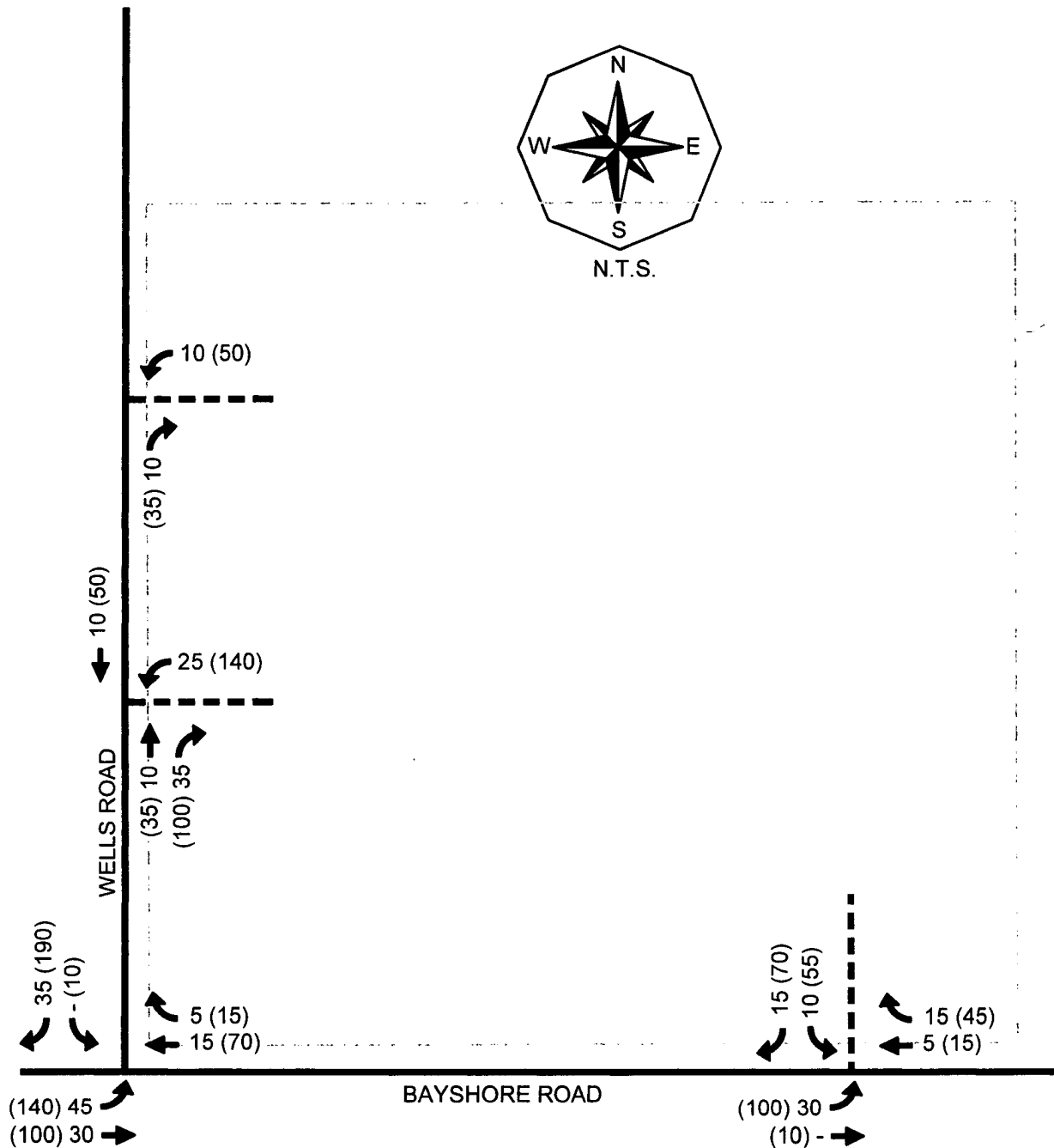
VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the project would be completed by the year 2009. Therefore, the surrounding roadway network was analyzed based on the roadway traffic conditions projected in the year 2010. A growth rate was applied to the existing traffic conditions for all roadway links that could be significantly impacted by this development based on the historical traffic data contained within the 2004 Lee County Traffic Count Report. The existing roadway link traffic data was obtained from the 2004/2005-2005/2006 Concurrency Management Inventory and Projections Report. Based on the project distribution shown in Figure 2, the link data was analyzed for the existing conditions, year 2010 without the development and year 2010 with the development. **Figure 3** indicates the site traffic assignment to the site access driveways proposed as a part of the Bayshore Village Market Square.

The 2010 background traffic volumes were calculated based on the historic growth rate as determined by the 2004 Lee County Traffic Count report. **Table 2A** in the Appendix of the report indicates the methodology utilized to obtain the year 2010 background traffic volumes as well as the growth rate utilized for each roadway segment.

Figure 4 indicates the year 2010 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 4 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. These figures are derived from **Table 2A** contained in the Appendix.

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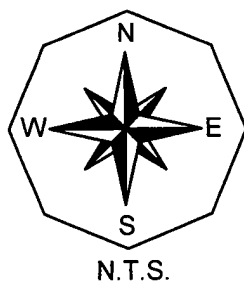
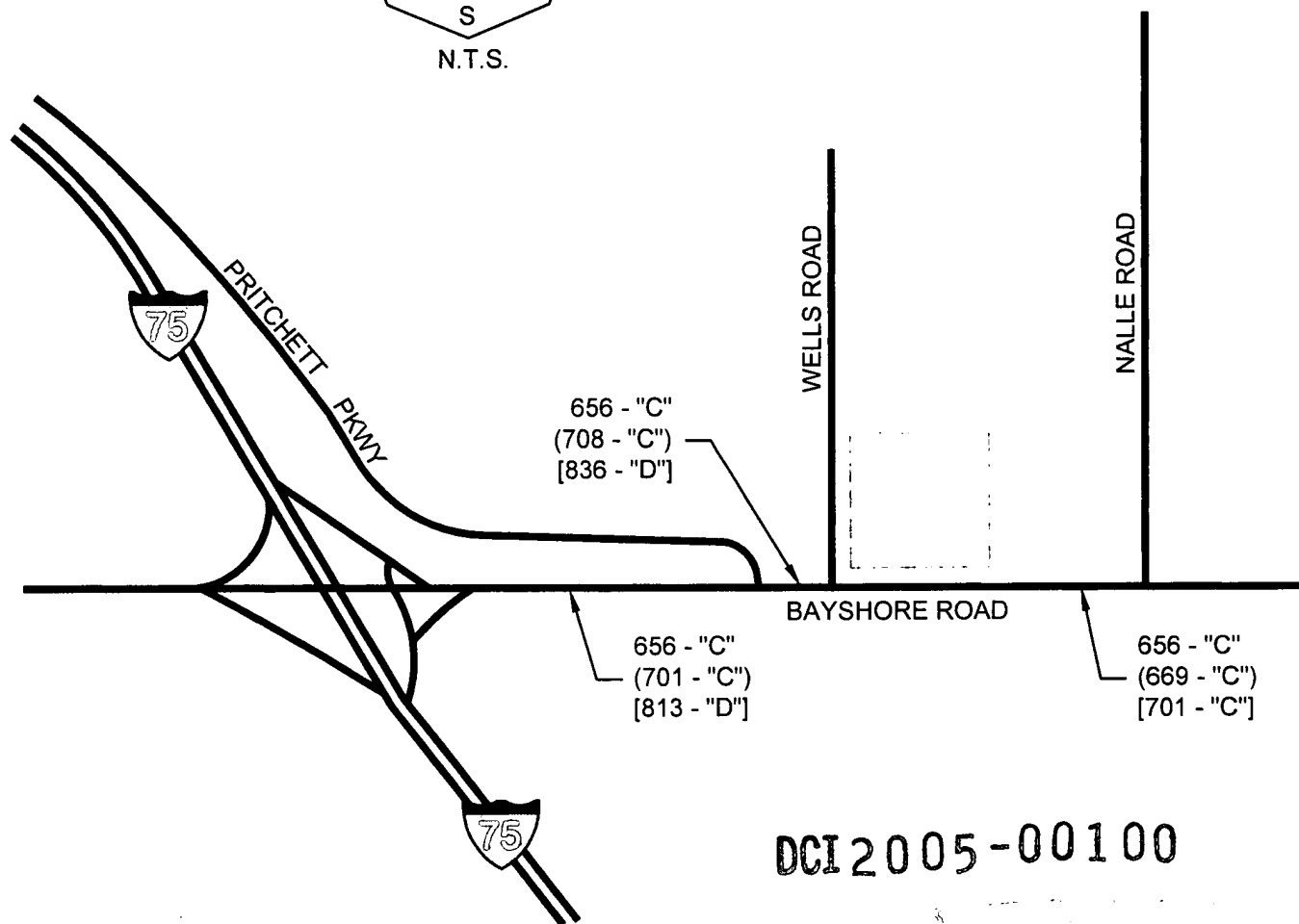
LEGEND

- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR TRAFFIC
- INDICATES LESS THAN 5 TRIPS



SITE TRAFFIC ASSIGNMENT
BAYSHORE VILLAGE MARKET SQUARE

Figure 3



LEGEND

XXX - "C" 2010 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX - "C") 2010 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX - "C"] 2010 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION





VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

As can be seen from Figure 4, all of the roadway links analyzed as part of this report are shown to operate at an acceptable Level of Service when the development traffic is added to the surrounding roadway network according to the Lee County Level of Service standards. Therefore, no roadway link improvements will be required as a result of the proposed Bayshore Village Market Square.

Intersection analysis was performed at the site access intersection to Bayshore Road in addition to the Bayshore Road/Wells Road intersection. The through movements on Bayshore Road were taken from the 2010 peak hour, peak direction traffic volumes indicated within Table 2A. The off-peak through volumes were determined by factoring the peak direction volume by the D-factor for P.C.S. 4 of 0.51. The appropriate lane arrangements were entered into the HCS+ software in order to perform the intersection analysis at these unsignalized intersections.

According to the capacity analysis results, the only Level of Service deficiencies are shown at the southbound left turn movements on Wells Road and on the site access driveway. However, while the southbound left turning movements are shown to experience significant delay, the entire southbound approach at each location is shown to function acceptably after the addition of the Bayshore Village Market Square traffic. Therefore, beyond the construction of potential turn lanes, no intersection improvements will be required based on the traffic projections indicated within this report. It should be noted that the trip generation for the proposed Bayshore Village Market Square was based on a "worst case" trip generation scenario, and it is unlikely that the site will ultimately development to the intensity analyzed as a part of this report.

Turn lanes will likely be required as a result of the proposed Bayshore Village Market Square development based upon the turn lane requirements contained within the Lee County Turn Lane Policy (AC-11-4). However, in accordance with the Lee County



Traffic Impact Statement Guidelines, turn lane analysis will be performed at the Development Order stage when a more precise development scenario is available.

X. CONCLUSION

The development of a maximum of 100,000 square feet of commercial floor area within the Bayshore Village Market Square site in the North Fort Myers area of Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

All roadway links are shown to operate acceptably after the addition of the development traffic to the surrounding roadway network. Additionally, all intersection approaches at the site access intersection in addition to the Wells Road/Bayshore Road intersection are shown to function acceptably after the addition of the project traffic. Therefore, no intersection improvements are necessary at this time based on the development of the 100,000 square feet of commercial floor area indicated for the Bayshore Village Market Square.

Site specific turn lane improvements may be warranted based on the Lee County Turn Lane Policy (AC-11-4). However, the required turn lanes will be determined at the Development Order stage when a more specific development scenario is available for the Bayshore Village Market Square.

Beyond any potential turn lanes that may be required, no additional roadway improvements will be required after the addition of the Bayshore Village Market Square traffic. The surrounding roadway network will function acceptably when the development traffic is added to the surrounding roadways.

TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES

TOTAL AM PEAK HOUR PROJECT TRAFFIC =		110 VPH	IN=	65	OUT=	45					
TOTAL PM PEAK HOUR PROJECT TRAFFIC =		435 VPH	IN=	210	OUT=	225					
<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY CLASS</u>	<u>LOS A VOLUME</u>	<u>LOS B VOLUME</u>	<u>LOS C VOLUME</u>	<u>LOS D VOLUME</u>	<u>LOS E VOLUME</u>	<u>PERCENT PROJECT TRAFFIC</u>		<u>PROJECT TRAFFIC</u>	<u>PROJ/ LOS C</u>
Bayshore Road	W. of I-75	4LD	450	1630	1900	1950	1950	40.00%		90	4.7%
	W. of Pritchett Pkwy	2LN	0	280	760	900	920	70.00%		158	20.7%
	W. of Wells Rd	2LN	0	280	760	900	920	80.00%		180	23.7%
	E. of Site	2LN	0	280	760	900	920	20.00%		45	5.9%
	E. of Nalle Rd	2LN	0	280	760	900	920	10.00%		23	3.0%
Nalle Road	N. of Bayshore Rd	2LN	0	0	530	800	850	10.00%		23	4.2%
Pritchett Parkway	N. of Bayshore Rd	2LN	0	0	530	800	850	10.00%		23	4.2%

C-11 1 3 2003

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**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS**

7% Truck Adjustment =

0.934

TOTAL PROJECT TRAFFIC AM =		110	VPH IN =	65	OUT=	45												
TOTAL PROJECT TRAFFIC PM =		435	VPH IN=	210	OUT=	225												
ROADWAY	SEGMENT	PCS	BASE YR		2004	ADT	YRS OF GROWTH	ANNUAL RATE	2005		2010		PERCENT PROJECT		2010		2010	
			ADT	ADT					PK HR	PK SEASON	PK HR	PK SEASON	TRAFFIC	TRAFFIC	AM PROJ	TRAFFIC	PM PROJ	TRAFFIC
Bayshore Road	W. of Pritchett Pkwy	4	8700	11900	11900	9	3.54%	551	551	656	656	70.00%	46	158	701	701	813	813
	W. of Wells Rd	4	8700	11900	11900	9	3.54%	551	551	656	656	80.00%	52	180	708	708	836	836
	E. of Site	4	8700	11900	11900	9	3.54%	551	551	656	656	20.00%	13	45	669	669	701	701

* The 2005 peak hour, peak season, peak direction background traffic was taken from the 2004/2005-2005/2006 Lee County Concurrency Management Inventory and Projections

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**LEE COUNTY GENERALIZED LEVEL
OF SERVICE SPREADHSEET**

**Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas**

d:\nos02\input1

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	100	340	680	970	1,300
2	Divided	990	1,610	2,330	3,010	3,420
3	Divided	1,490	2,410	3,490	4,510	5,130
Arterials						
Class I (>0.00 to 1.99 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	280	760	900	920
2	Divided	450	1,630	1,900	1,950	**
3	Divided	670	2,490	2,850	2,920	**
4	Divided	890	3,220	3,610	3,700	**
Class II (>2.00 to 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	210	660	850	900
2	Divided	*	490	1,460	1,790	1,890
3	Divided	*	760	2,240	2,700	2,830
4	Divided	*	1,000	2,970	3,490	3,670
Class III (more than 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	370	720	850
2	Divided	*	*	870	1,640	1,790
3	Divided	*	*	1,340	2,510	2,690
4	Divided	*	*	1,770	3,270	3,480
Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	120	740	930	960	**
2	Divided	270	1,620	1,970	2,030	**
3	Divided	410	2,490	2,960	3,040	**
Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	530	800	850
1	Divided	*	*	560	840	900
2	Undivided	*	*	1,180	1,620	1,710
2	Divided	*	*	1,240	1,710	1,800
Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.						

DCI 2005-00100

**HCS+ CAPACITY ANALYSIS –
BAYSHORE ROAD @ SITE ACCESS**

TWO-WAY STOP CONTROL SUMMARY**General Information**

Analyst	RLP
Agency/Co.	Metro Transportation Group
Date Performed	10/7/2005
Analysis Time Period	AM Peak Hour

Site Information

Intersection	Bayshore Rd @ Site Access
Jurisdiction	Lee County
Analysis Year	2010 Buildout

Project Description F0509.02-Bayshore Village Market Square

East/West Street: Bayshore Road

North/South Street: Site Access Drive

Intersection Orientation: East-West

Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	30	656			635	15
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	31	690	0	0	668	15
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	1	1	0	0	1	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume				10		15
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	0	0	0	10	0	15
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (vph)	31					10		15
C (m) (vph)	919					147		462
v/c	0.03					0.07		0.03
95% queue length	0.10					0.22		0.10
Control Delay	9.1					31.3		13.1
LOS	A					D		B
Approach Delay	--	--				20.3		
Approach LOS	--	--				C		

DCI 2005-00100

TWO-WAY STOP CONTROL SUMMARY

General Information			Site Information	
Analyst	RLP		Intersection	Bayshore Rd @ Site Access
Agency/Co.	Metro Transportation Group		Jurisdiction	Lee County
Date Performed	10/7/2005		Analysis Year	2010 Buildout
Analysis Time Period	PM Peak Hour			

Project Description F0509.02-Bayshore Village Market Square

East/West Street: Bayshore Road

North/South Street: Site Access Drive

Intersection Orientation: East-West

Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	100	640			671	45
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	105	673	0	0	706	47
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	1	1	0	0	1	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume				55		70
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	0	0	0	57	0	73
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (vph)	105					57		73
C (m) (vph)	866					105		439
v/c	0.12					0.54		0.17
95% queue length	0.41					2.51		0.59
Control Delay	9.7					74.1		14.8
LOS	A					F		B
Approach Delay	--	--				40.8		
Approach LOS	--	--				E		

DCI 2005-00100

**HCS+ CAPACITY ANALYSIS –
BAYSHORE ROAD @ WELLS ROAD**

TWO-WAY STOP CONTROL SUMMARY**General Information**

Analyst	RLP
Agency/Co.	Metro Transportation Group
Date Performed	10/7/2005
Analysis Time Period	AM Peak Hour

Site Information

Intersection	Bayshore Rd @ Wells Road
Jurisdiction	Lee County
Analysis Year	2010 Buildout

Project Description F0509.02-Bayshore Village Market Square

East/West Street: Bayshore Road

North/South Street: Wells Road

Intersection Orientation: East-West

Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	45	686			645	5
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	47	722	0	0	678	5
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	1	1	0	0	1	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume				1		35
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	0	0	0	1	0	36
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (vph)	47					1		36
C (m) (vph)	919					130		456
v/c	0.05					0.01		0.08
95% queue length	0.16					0.02		0.26
Control Delay	9.1					32.9		13.6
LOS	A					D		B
Approach Delay	--	--				14.1		
Approach LOS	--	--				B		

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	RLP
Agency/Co.	Metro Transportation Group
Date Performed	10/7/2005
Analysis Time Period	PM Peak Hour

Site Information

Intersection	Bayshore Rd @ Wells Road
Jurisdiction	Lee County
Analysis Year	2010 Buildout

Project Description F0509.02-Bayshore Village Market Square

East/West Street: Bayshore Road

North/South Street: Wells Road

Intersection Orientation: East-West

Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	140	730			726	15
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	147	768	0	0	764	15
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	1	1	0	0	1	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume				10		190
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	0	0	0	10	0	200
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (vph)	147					10		200
C (m) (vph)	847					71		407
v/c	0.17					0.14		0.49
95% queue length	0.63					0.46		2.63
Control Delay	10.1					63.8		22.1
LOS	B					F		C
Approach Delay	--	--				24.1		
Approach LOS	--	--				C		

CST 10/2005

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TRIP GENERATION EQUATIONS

**TRIP GENERATION EQUATIONS
BAYSHORE VILLAGE MARKET SQUARE
ITE TRIP GENERATION REPORT, 7th EDITION**

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday
Shopping Center (LUC 820)	$\ln(T) = 0.60 \ln(X) + 2.29$, 61% entering	$\ln(T) = 0.66 \ln(X) + 0.32$, 48% entering	$\ln(T) = 0.65 \ln(X) + 5.83$
T = Trips, X = 1,000 sq. ft. of GLA			

ATTACHMENT C

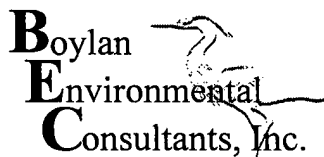
DCI 2005-00100

The Village Square on Bayshore

S 22 / 43S / 25E, Lee County, Florida

Protected Species Survey

ATTACHMENT D



*Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments*

11000 Metro Parkway, Suite 4
Fort Myers, Florida, 33912
Phone: (239) 418-0671 Fax: (239) 418-0672

July 18, 2005
Revised November 17, 2005.

RECEIVED
JAN 17 2006

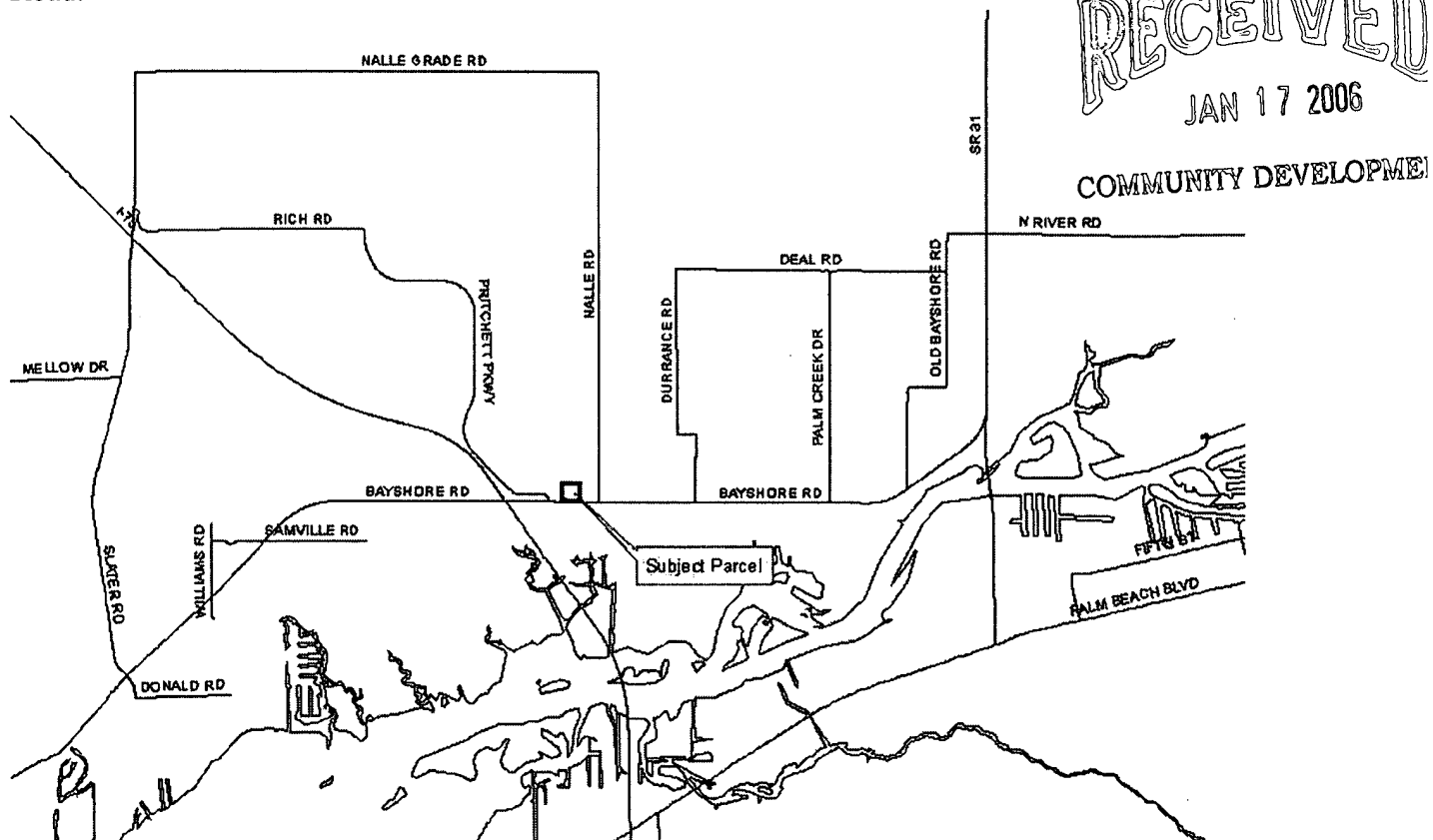
COMMUNITY DEVELOPMENT

DCI 2005-00100

INTRODUCTION

Environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigation on the +/- 8.74 acre property on July 15, 2005 from approximately 8:30 am to 4:00 pm. The temperature ranged from the lower 80's to lower 90's with partly cloudy conditions.

The purpose of the investigation was to identify the presence and approximately locate listed species. The site is located in Section 22, Township 43 South, Range 25 East, in Lee County, Florida. More specifically, the site is situated northeast of the intersection of I-75 & Bayshore Road.



METHODOLOGY

The survey method consisted of overlapping belt transects performed for all FLUCCS communities onsite in compliance with the Lee County Endangered Species Ordinance No. 89-34. The specific methodology included pedestrian surveys of parallel transects. The survey was conducted according to the methodology submitted by Kevin L. Erwin Consulting Ecologist, Inc., which was a methodology previously approved by Lee County. Particular attention during the survey was placed on location of any signs of gopher tortoise.

This survey is comprised of a several step process. First, vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Next, the FLUCCS codes are cross-referenced with the Lee County Protected Species List. This protected species list names the species which have a probability of occurring in any particular FLUCCS community. The table at end of the report

lists the FLUCCS communities found on the parcel and the corresponding species which have a probability of occurring in them.

Transects were walked approximately as shown on the attached aerial photograph. Specific attention was placed on locating any gopher tortoise burrows.

SITE CONDITIONS

Listed below are the vegetation communities or land-uses identified on the site. The following descriptions correspond to the mappings on the attached FLUCCS map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1985) for definitions. Boundaries and acreages are approximate.

411, Pine Flatwoods (+/- 8.74 acres)

This community is dominated by slash pine in the canopy with dense, impenetrable in areas, saw palmetto in the understory. Other dominant vegetation includes grapevine, pennyroyal, wiregrass, rusty lyonia, and peppervine.

SPECIES PRESENCE

The various listed species that have a probability of occurring in the FLUCCS communities have been tabulated on the attached table. Three inactive gopher tortoise burrows were located indicating one or two gopher tortoises inhabit the parcel.

These burrows may actually be abandoned burrows. At the time of inspection, SW Florida has had an extreme amount of rain for this time of the year. Although the parcel consists of dense saw palmetto and is considered "solid uplands," the water table was at or just below the existing ground elevation; these three burrows were inundated up the ground elevation making them difficult, if possible, to classify as Active – Inactive – or Abandoned at this time.

Table. Potential Protected Species according to FLUCCS categories.

FLUCCS	Potential Listed Species	% Coverage	Present	Absent	Density	Visibility (ft)
411	Beautiful Pawpaw	90		X		40
	Big Cypress Fox Squirrel	90		X		40
	Eastern Indigo Snake	90		X		40
	Fakahatchee Burmannia	90		X		40
	Florida Black Bear	90		X		40
	Florida Coontie	90		X		40
	Florida Panther	90		X		40
	Gopher Frog	90		X		40
	Gopher Tortoise	90	X		.23 GT per Acre*	40
	Red-Cockaded Woodpecker	90		X		40
	Satinleaf	90		X		40
	Southeastern American Kestrel	90		X		40
	Twisted Air Plant	90		X		40

*Based upon two gopher tortoise in 8.74 acres

DCI 2005-00100

GOPHER TORTOISE MANAGEMENT PLAN FOR ZONING

As stated above, there is the potential for gopher tortoise to inhabit the site but due to the extreme amounts of rainfall in SW Florida, they may not be present at this time. For this reason, the parcel would be re surveyed prior to local Development Order. If gopher tortoise are found at that time, either a Gopher Tortoise Incidental Take Permit or a Gopher Tortoise Relocation Permit would be obtained from the FWC and a more detailed management plan would be submitted to Lee County DES.

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JAN 17 2006

COMMUNITY DEVELOPMENT

DCI 2005-00100



FLUCCS LEGEND
411 PINE FLATWOODS, 8.74 AC (ENTIRE PARCEL)

SPECIES TRANSECTS DEPICTED
BY DASHED LINE

PROTECTED SPECIES LEGEND

- Ⓐ Active Tortoise Burrow, 0
- ① Inactive Tortoise Burrow, 3*
- AB Abandoned Tortoise Burrow, 0

*The water table was a couple inches below existing grade at time of inspection due to extreme rainfall amounts. The burrows were classified as inactive but may actually be abandoned.

 Boylan Environmental Consultants, Inc.	Drawn By JDK	Date 6/24/05	Category PSS	Page
	Job Number 2005-118	Date 6/24/05	Scale 1" = 200'	Date
STR 22-435-25E	County Lee	Exhibit	Exhibit	Exhibit

BAYSHORE 8.74 ACRE

PROTECTED SPECIES GRAPHIC
ATTACHMENT D

Boylan Environmental Consultants, Inc.
Wildlife Surveys, Environmental Permitting,
Project Management, etc.
1000 W. Highway 100, Suite 100, Leesville, SC 29563

2005-00100

ATTACHMENT E

AFFIDAVIT

STATE OF FLORIDA)
)
COUNTY OF LEE)

Before me this day appeared TOM WADZUK, who, being first duly sworn, deposes and says:

1. He is the owner, as trustee, of the real property described in Exhibit "A" attached to this Affidavit.

2. There are no agricultural uses occurring on the property described in Exhibit "A".

FURTHER, AFFLIANT SAYETH NAUGHT.

Done and executed this 3RD day of JAN., 2006.

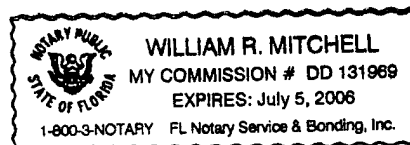
Tom Wadzuk Trustee
TOM WADZUK, Trustee

The foregoing instrument was acknowledged before me this 3RD day of JAN., 2006 by Tom Wadzuk, as Trustee, who is personally known to me [☒, or has produced _____ as identification [☒, and did/did not take an oath.

My Commission Expires:

William R. Mitchell
Notary Public
WILLIAM R. MITCHELL
Printed Name

RECEIVED
JAN 17 2006
COMMUNITY DEVELOPMENT



DCI 2005-00100

DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N00°05'43"E ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION LINE 22, A DISTANCE OF 1323.13 FEET; THENCE N89°43'24"W ALONG THE CENTERLINE OF BAYSHORE ROAD (STATE ROAD NO. 78), A DISTANCE OF 663.17 FEET; THENCE N00°00'46"W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE N89°43'24"W ALONG THE NORTHERLY RIGHT OF WAY LINE OF BAYSHORE ROAD, A DISTANCE OF 540.25 FEET; THENCE N00°16'36"E, A DISTANCE OF 50.02 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE N85°20'36"W, A DISTANCE OF 73.63 FEET; THENCE N00°07'14"W ALONG THE EASTERLY RIGHT OF WAY LINE OF WELLS ROAD, A DISTANCE OF 570.82 FEET; THENCE S89°54'31"E ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 614.45 FEET; THENCE S00°00'46"E ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 628.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.75 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

RECEIVED
JAN 17 2006

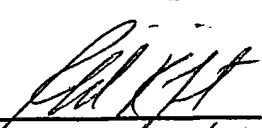
COMMUNITY DEVELOPMENT

EXHIBIT 'A'

NOTES:

1. THIS IS NOT A SURVEY.
2. THIS DOCUMENT IS NOT VALID WITHOUT THE SIGNERS EMBOSSED SEAL.
3. BEARINGS ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD BEING N89°43'24"W AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS.
4. R/W INDICATES RIGHT OF WAY.
5. P.O.B. INDICATES POINT OF BEGINNING.

DCI 2005-00100


RONALD KERFOOT
PROFESSIONAL LAND SURVEYOR #2994

JRI Engineering, Inc.

Planning Engineering Surveying Aerial Photography & Photogrammetry Services

2328 Hancock Bridge Parkway, Ste. 114, Cape Coral, Florida 33990
Phone: 239.458.5544 Fax: 239.458.2233 www.jriengineeringinc.com
Engineering Business Certificate of Authorization No. 5424

BAYSHORE VILLAGE MARKET SQUARE

DESCRIPTION

SCALE: N.T.S.

BY: RK

DATE: 9-27-05

SHEET No. 2 OF 2

ATTACHMENT F

February 13, 2006

Mr. Fred G. Drovdlc, AICP
Senior Planner
Lee County Development Services Division
1500 Monroe Street
Fort Myers, FL 33901

No outdoor seating

RE: Case Number DCI2005-00100
The Village Square on Bayshore

Dear Mr. Drovdlc:

We have met with you in person several times to discuss our concerns relative to the commercial project planned for the property next to our home. Our home and 600 feet of our property is directly adjacent to the north of the proposed project and we would be most affected. Therefore, we would like to take this opportunity to document our concerns in writing for you:

- 1) Maintaining at least 75 feet of undisturbed indigenous preserve buffer between our residence and the commercial project is critical. This should include a minimum 10 foot high concrete wall (or higher), which should be located on the south side of the natural buffer, not on our property line side. The reason for this is because if the concrete wall is constructed on our side of the buffer, the footer and the wall's construction process will destroy most of the vegetation and trees by disturbing the sprawling root systems of the preserve. Therefore, constructing a wall on our (north) side will wipe out the natural buffer, especially since the south side of the buffer will already be disturbed by the construction of the project. As a result, it is essential that the wall be built on the south boundary of the indigenous preserve buffer.
- 2) Flooding on the east side of the property is also a serious concern to us. Currently, the water drains southward due to the Charlotte County natural sheet flow, and if an adequate drainage ditch is not provided and properly maintained on the east side, our property will flood from the backflow caused by this project's obstruction.
- 3) We are concerned about the noisy and intrusive business categories contained in the retail group, which are not compatible with our residential home located next door.
- 4) We are concerned about foul odors from dumpsters positioned on the commercial property. We are also concerned about foul odors emanating from businesses contained in the retail category i.e. smells from kennels.
- 5) The noise and light factor from this project is also a concern, i.e. noises from auto repair, air tool noises, outside speakers, businesses with heavy machinery noise and the light industrial businesses.

Mr. Fred G. Drovdic
February 13, 2006
Page 2

- 6) What will be done to control the noise and lights generated by this commercial project?
- 7) We are concerned about having a second road entrance located on Wells Road near our driveway. This will result in intrusive traffic into our neighborhood that has no other outlet, and will channel lost vehicle turnarounds into our driveway. This unwelcome traffic will change the peaceful environment and safety of our streets and create an unsafe condition for our playing children.

Thank you for your consideration.

Sincerely,

Michael and Lisa Musho
17350 Wells Road
North Fort Myers, FL 33917
Cell # 691-3304

ATTACHMENT F

Michael and Lisa Musho
17350 Wells Road
North Fort Myers, FL 33917
Ph: 731-2295, Cell: 691-3304, Fax:731-6310

April 25, 2006

Mr. Tony Palermo
Senior Planner
Lee County Department of Zoning
P.O. Box 398
Fort Myers, Florida 33902-0398

RE: Case Number DCI2005-00100
The Village Square on Bayshore

Dear Tony:

Thank you for taking the time to meet with us. As you know, we also met with Kim Trebatoski from the Division of Environmental Sciences as you suggested. Following is a summary of our most recent concerns that we discussed:

- 1) We would like to relocate the berm to the south side of the indigenous preserve area. If the berm is to be built on the north side of the preserve, it will cut off the natural water-flow (Charlotte County sheet flow) from the preserve under which it now thrives. Additionally, the construction and equipment used for building a berm north of the preserve, will damage or destroy about 25 large slash pine trees, growing oak trees and merrle bushes that are now in line or near the line of a northern berm. A northern berm construction would also have a detrimental affect on the root systems of nearby large slash pine trees, oak trees, and natural vegetation, causing further erosion of the preserve. It also creates more of a concern for water backflow onto our adjoining property. In our conversation with Ms. Trebatoski, she has agreed that it is more desirable to construct the berm south of the preserve to avoid unnecessary erosion of the preserve.
- 2) Presently, the Master Concept Plan shows the 8 foot high masonry wall stopping about even with the corner of our house with minimal regard for back yard privacy. We request that the masonry wall be extended to the east property line to provide privacy and discourage transient traffic to our home and adjoining back yard.
- 3) The drainage swale along the east property line should extend to the northeast corner of the property to insure free drainage of any backflow to the preserve and our property. There is an old swale along the east of the preserve already but it is not likely to handle the backflow concerns from this project. Proper maintenance

ATTACHMENT F

of all drainage swales should be required of the developer to insure the neighborhood of unobstructed water flow in the future. Please refer to the marked plans that I submitted to you during our last meeting.

- 4) We request that the County does not allow consumption on the premises. Consumption of alcoholic beverages on this site is not compatible with our residential neighborhood. We are concerned about the type of clientele and noise that this would attract next to our home.
- 5) We request that the County does not allow night clubs of any sort on the site due to the factors explained in #4 above.
- 6) We request that the County does not allow outdoor seating on the site. An outdoor seating establishment will bring unwanted noise to this quiet residential neighborhood.
- 7) Regarding the broad and varied schedule of uses for this proposed project, we request that the County limit the uses to those that would be compatible with our residential neighborhood. Even though we are located near the interchange, this community has been built up and established as primarily a rural, residential neighborhood. And many of the uses in the applicant's schedule are not compatible with a quiet residential neighborhood.

Thank you for your consideration.

Sincerely,

Michael and Lisa Musho

ATTACHMENT F

AG-2 (SINGLE FAMILY RESIDENCE)
USE: OUTLINE SURVEILLANCE

INTERCEPT
DRAINAGE
SWALE

AG-2 (VACANT)

AREA/ENLARGED BUFFER
 NED AT DEVELOPMENT ORDER)
 CREDIT = 1.32 ACRES

30' MIN. TYP. BLDG. SETBACK
 TO INDIGENOUS PRESERVE AREAS

Site plan showing setbacks and features:

- 75' MIN. (Front setback)
- 150' MIN. (Side setback)
- 15' TYPE "C" BUFFER WITH TREES AND SHRUBS (Side setback)
- INDIGENOUS PRESERVE (Final location to be determined)
- 1.05 ACRES x 125% (Lot area)
- 8' HIGH MASONRY WALL ALONG PARKING AREA (Along parking area)
- NO RIGHT TURN ON DRIVEWAY (No right turn on driveway)
- DRIVEWAY (Driveway)
- AG-2 (SINGLE FAMILY RESIDENCE) (AG-2 (Single family residence))
- BLDG (Building)
- SETBACK (Setback)

Map of the project area showing the intersection of Bayshore Road and A.C.L.R. The map includes a north arrow, a scale bar (0 to 200' MIN.), and a legend for 'PROJECT SITE' (indicated by a black circle). The map shows the intersection of Bayshore Road and A.C.L.R. with various numbered points (21, 22, 23, 26, 27, 28) and labels for 'AG-2 SINGLE FAMILY RESIDENCE' and 'FUTURE LAND USE: INTERCHANGE GENERAL'. The map also shows the 'CROSS-CREEK' area and the 'PROJECT SITE' location.

AG-2 (VACANT)
FUTURE LAND USE: OUTLYING SUBURBAN

AG-2 (VACANT)
FUTURE LAND USE:
OUTLYING SUBURBAN

CPD
VACANT)

4' ACCESS EASEMENT FOR
ADJOINING PROPERTY
LOCATION TO BE DETERMINED
BY DEVELOPMENT ORDER

RECEIVED
MAR 03 2000

MAR 03 2006

PERMIT COUNTER

DCI 2005-00100

EAST
LAKE
DRIVE

(2-LANES)
C-1A (VACANT)
FUTURE LAND USE: OUTLYING SUBURBAN
WAY
ELICAN 460' ±

140' ±

290' ±

RPD (VACANT)

FLU: CONSERVATION LANDS-UPLANDS

DOT OPEN

EXHIBIT 6-J

1/4-MILE TO I-75 INTERCHANGE
UNNAMED DRIVE

SCALE: 1"=80'
DATE: 10/12/05
SHEET: 1 OF 1
FILE NO.: 0443C

WYSHORE VILLAGE MARKET SQUARE
MASTER CONCEPT PLAN

BAYSHORE VILLAGE HOLDINGS GROUP, I.L.C.
P.O. BOX 4024
NORTH FORT MYERS, FLORIDA 33918
PHONE: (239) 995-1290

JURI Engineering, Inc.
Planning Engineering Surveying Aerial Photography & Photogrammetry Services
2325 Hancock Bridge Parkway, Ste. 114, Cape Cod, MA 01901
Phone: 239 458 5544 Fax: 239 458 2223 www.juriengineering.com

TO AUTHORIZED FOR CONSTRUCTION

3	3/02/06	REVISIONS PER SUFFICIENCY LETTER DATED MARCH 1, 2006
2	2/14/06	RELOCATE 8' HIGH MASONRY WALL
1	2/22/06	REV. PER LEE CO. STAFF COMMENTS; ADD SERVICE AREA. C/L DISTANCES SWALES; BLDG. SETBACK. SOILING

Diagram illustrating the proposed development layout, including building footprints, parking areas, service areas, and setbacks.

Key features and dimensions:

- 30' MIN. TYP. BLDG. SETBACK TO INDIGENOUS PRESERVE AREAS**
- 8' HIGH MASONRY WALL ALONG PARKING AREA**
- NO RIGHT TURN SIGN**
- ACCESSWAY**
- AREA A** (MINIMUM 2 LOTS/MAXIMUM 3 LOTS) - SEE PROPERTY DEVELOPMENT REGULATIONS FOR AREA AND DIMENSION CRITERIA
- AREA B** (NO SUBDIVISION INTO LOTS) - APPROXIMATE LOCATION OF OUTDOOR SEATING TO BE SOUTHERLY OF BUILDING STRUCTURE
- STORMWATER (DRY) DETENTION AREA**
- SERVICE AREAS**
- 70' MIN. BLDG. SETBACK**
- APPROXIMATE SIGN LOCATION**
- 15' TYPE "D" BUFFER**

GENERAL NOTES

ALL REQUIREMENTS WILL BE IN ACCORDANCE WITH THE LDC.
EXCEPT AS MAY BE PROVIDED ON THE MASTER CONCEPT PLAN.

ALL FUTURE BUILDING FOOTPRINTS AND PARKING CONFIGURATIONS
WILL BE CONSISTENT WITH THE PROPERTY DEVELOPMENT
REGULATIONS.

AREAS A AND B REFER TO THE ZONING SCHEDULE OF USES AND
PROPERTY DEVELOPMENT REGULATIONS.

NO PUBLIC TRANSIT FACILITIES ARE BEING PROVIDED ONSITE.

LOT LINES IN AREA A ARE CONCEPTUAL IN NATURE.

PROPOSED PRITCHETT PKWY.
(RE-ALIGNMENT R/W)

LOCATION MAP

CLAY COUNTY

A.C.

UTURE LAND USE: INTERCHANGE GENERAL (VACANT) AG-2

SPECIAL NOTE 1:
AT THE TIME OF DEVELOPMENT ORDER SUBMITTAL,
THE FINAL LOCATION OF THIS INTERSECTION
SHALL BE COORDINATED WITH ANY DEFINITIVE
PLANS OF THE PRITCHETT PKWY. RE-ALIGNMENT
THAT MAY EXIST AT THAT TIME.

SITE DATA

LEE PLAN DESIGNATION:	INTERCHANGE - GENERAL
EXISTING ZONING DESIGNATION:	AG-2
EXISTING LAND USE:	VACANT
PROPOSED ZONING DESIGNATION:	SP-1
GROSS AREA:	27,175.26 ± ACRES
	27,175.26 ± 00.000023 0000

UTILITY SERVICE BY:
SEWER: NORTH FORT MYERS UTILITY, INC.
WATER: LEE COUNTY UTILITIES

OPEN SPACE CALCULATIONS

NET AREA:	8.75± ACRES
OPEN SPACE REQUIRED:	2.63 ACRES (30%)
OPEN SPACE PROVIDED:	2.63 ACRES (30% MINIMUM)
INDIGENOUS PRESERVATION:	1.05 ACRES x 125% CREDIT = 1.32 ACRES

OPEN SPACE CALCULATIONS

NET AREA:
OPEN SPACE REQUIRED:
OPEN SPACE PROVIDED:
INDIGENOUS PRESERVATION:

EXHIBIT 6-J

[illegible]

3	3/02/06	REVISIONS PER SUFF
2	2/14/06	RELOCATE 8' HIGH M

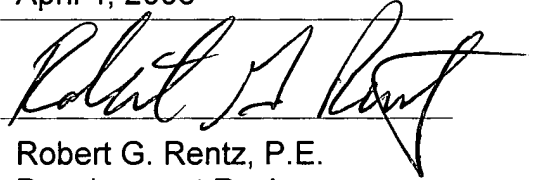
1	12/22/05	REV. PER LEE CO. S
NO.	DATE	

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: April 4, 2006

To: Tony Palermo
Senior Planner

FROM:


Robert G. Rentz, P.E.
Development Review
Engineer

RE: Bayshore Village Market Square
Case No. DCI2005-00100

The proposed project is located at the northeast corner of Bayshore Rd. and Wells Rd. Based on the ITE Trip Generation Report 7th Edition the project will generate 435 net new trips in the peak hour. The anticipated build out year is 2009.

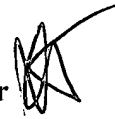
Based on the estimated 2005 traffic volume from the 2004/2005 - 2005/2006 Concurrency Management Report, a growth rate derived from the 2004 Traffic Count Report, and the Lee County Generalized Peak Hour Directional service volumes, in 2010 Bayshore Rd. will operate at level of service "C" without the project, and level of service "D" with the project.

ATTACHMENT G

**STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES**

Date: April 14, 2006

To: Tony Palermo, Senior Planner
From: Kim Trebatoski, Principal Environmental Planner
Phone: (239) 479-8183
E-mail: trebatkm@leegov.com



Project: Village Square on Bayshore CPD
Case: DCI2005-00100
STRAP: 22-43-25-00-00023.0000

ATTACHMENT H

The Division of Environmental Sciences (ES) staff have reviewed the proposed commercial planned development and conducted a field inspection of the property. The following are ES staff comments and recommended conditions of approval:

VEGETATION:

The 8.75 acre property consists of pine flatwoods, and a dirt trail/road within the southern portion of the property.

PROTECTED SPECIES:

A protected species survey for Lee County listed species meeting the requirements of Land Development Code (LDC) Section 10-473 was conducted by Boylan Environmental Consultants, Inc. Three inactive gopher tortoise burrows were located.

ES staff field verified the protected species survey on January 6, 2006, and confirmed the results. No gopher tortoises or gopher tortoise scat was observed although there is quality gopher tortoise habitat onsite.

GOPHER TORTOISE MANAGEMENT PLAN:

The property will need to be resurveyed for the presence of gopher tortoises and their burrows prior to development order approval to determine if there is any current gopher tortoise activity on the property. The entire site consists of gopher tortoise habitat, so the indigenous preserve may be used as gopher tortoise preserve. Some thinning of saw palmetto may be necessary to provide open herbaceous areas for foraging.

Prior to local development order approval, the property must be resurveyed for the presence of gopher tortoises and their burrows, and a gopher tortoise management plan must be submitted as part of the indigenous preserve management plan for the Division of Environmental Sciences

staff review and approval. The gopher tortoise management plan must include details on habitat management to provide open herbaceous foraging areas, and how the habitat will be maintained in perpetuity. The management should also include the following details pertaining to site work:

- 1. a copy of the Florida Fish and Wildlife Conservation Commission Gopher Tortoise Permit and receipt of payment if applicable must be submitted to the Division of Environmental Sciences staff prior to issuance of a Vegetation Removal Permit; and***
- 2. a Vegetation Removal Permit to install gopher tortoise fencing and burrow excavation must be obtained prior to any site work; and***
- 3. any gopher tortoises and commensal species located during burrow excavation must be moved to appropriate indigenous preserves; and***
- 4. the number of tortoises and any commensal species moved to preserves must be reported to the Division of Environmental Sciences staff; and***
- 5. all active and inactive gopher tortoise burrows located outside of the indigenous preserves must be excavated and fully collapsed prior to issuance of a Vegetation Removal Permit for clearing and filling of the development area.***

OPEN SPACE & INDIGENOUS PRESERVATION:

Large commercial projects are required to provide 30% open space per LDC Section 10-415(a). The proposed project will be required to provide 2.63 acres of open space of which 50% or 1.31 acres must be provided through the preservation of existing indigenous plant communities.

The Master Concept Plan (MCP) includes an open space table that indicates the required open space will be provided. There is an indigenous preservation area delineated along the north property line that states "Indigenous Preserve Area/Enlarged Buffer (Final Location to be Determined at Development Order) 1.05 acres x 125% Credit = 1.32 acres," and shows a minimum 75-foot width for the preserve. The "clouded" preserve area scales to 75-feet x 580-feet which is 1.00 acre in size. An additional 0.05 acres will need to be added to this preserve to obtain the credits listed. Additionally, the note "final location to be determined at development order" clarified as the preserve will need to be located within this area. The only adjustment may be where the "intercept drainage swale is located. This swale may be located either south or north of the preserve, but must be located outside of the indigenous preserve.

The indigenous preserve will be serving as a gopher tortoise preserve as well, so it may not be used for dry detention.

ES staff recommend the following condition to confirm the indigenous preserve requirement:

Prior to local development order approval, the development order plans must depict an indigenous preserve in the northern 100-feet of the property with a minimum 75-foot width and a total

ATTACHMENT H

acreage of 1.31 acres including upland preservation credits. This preserve will be utilized as a gopher tortoise preserve, and may not be utilized as a dry detention area.

NORTH BUFFER:

The MCP indicates a Type 'C' buffer on the north side of the preserve and an 8-foot wall along the parking lot. This labeling is slightly confusing in that it may appear two walls are proposed and plantings in addition the preserve area are planned. After discussions with the applicant, it was confirmed that the wall depicted between the preserve and the parking lot is to serve as the buffer wall, and the existing native plants will serve to meet the 5-trees and 18-shrubs per 100 linear feet required for a Type C buffer.

The wall is depicted directly abutting the indigenous preserve. The installation of walls can have a negative impact on the existing native trees within the preserve. The type of wall, footers required, and installation technique all have implications on how much of a setback is needed to prevent impacts to the existing native trees within the preserve. At a minimum a 10-foot setback is needed, and a larger setback may be required, to prevent impacts to the existing native trees within the preserve.

ES staff recommend the following condition to clarify the buffer along the north property line and insure the wall will not impact the existing native trees within the preserve:

Prior to local development order approval, an 8-foot high masonry wall must be depicted between the parking area and indigenous preserve to serve as the wall required in a Type C buffer. The existing plant community will be used to meet the 5-trees and 18-shrubs per 100 linear feet as required in a Type C buffer. The type of 8-foot high masonry wall must be depicted in cross-sectional view on the development order plans and setback a minimum of 10-feet from the preserve boundary to insure the installation of the wall will not have an adverse impact on the existing trees within the indigenous preserve. An additional setback may be required depending on the type of construction and footer required for the wall.

ATTACHMENT H

If it's not too late I would like to offer the following conditions:

- * The accessway to Area "A" must be designed to a Category A" local road to service the future subdivided lots.
- * Access to State Road 78 is not guaranteed and is subject to FDOT approval.

Don Blackburn
Development Services Manager
239-479-8587 ext.15

ATTACHMENT I

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

George H. Knott **
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

muhle@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Natty Torres-Alvarado
David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

MEMORANDUM

TO: Tony Palermo

FROM: Matthew D. Uhle, Esq.

DATE: April 28, 2006

RE: Village Square on Bayshore / DCI2005-00100

RECEIVED
APR 28 2006

COMMUNITY DEVELOPMENT

Attached please find an architectural rendering of the proposed building in Development Area B and a sketch showing the layout of the property from that building to the north. We are withdrawing our request for covered parking solely as to the parking spaces on the portion of the pavement north of the building that runs directly east and west to be consistent with the sketch. Covered parking will remain on the portion of the pavement that runs diagonally from northwest to southeast.

ATTACHMENT J

MDU/ams

Attachments

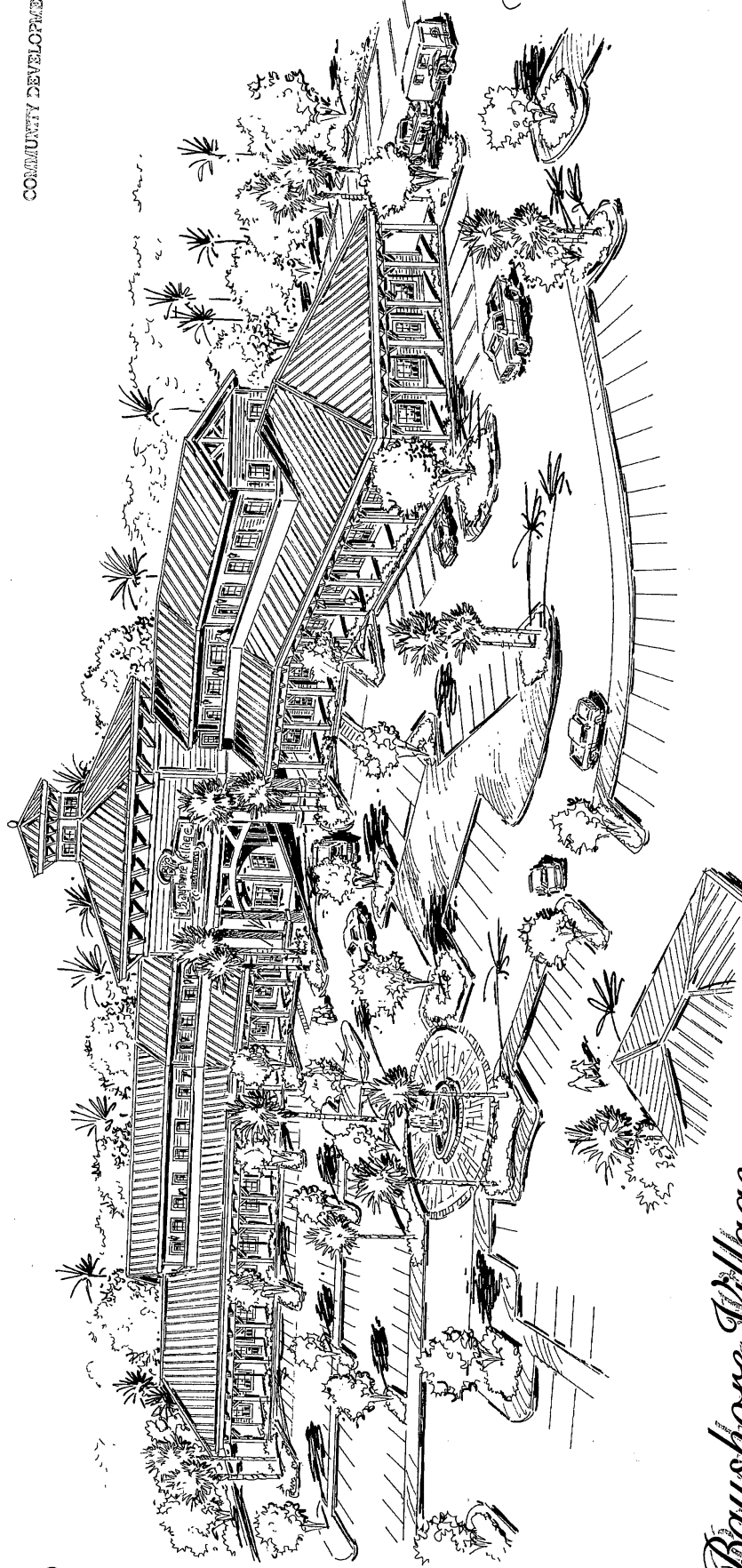
cc: Maynard Houston
Jack Ruskai
Paul Woodburn

DCI 2005-00100

ATTACHMENT J

Revised
APR 28 2003

COMMUNITY DEVELOPMENT



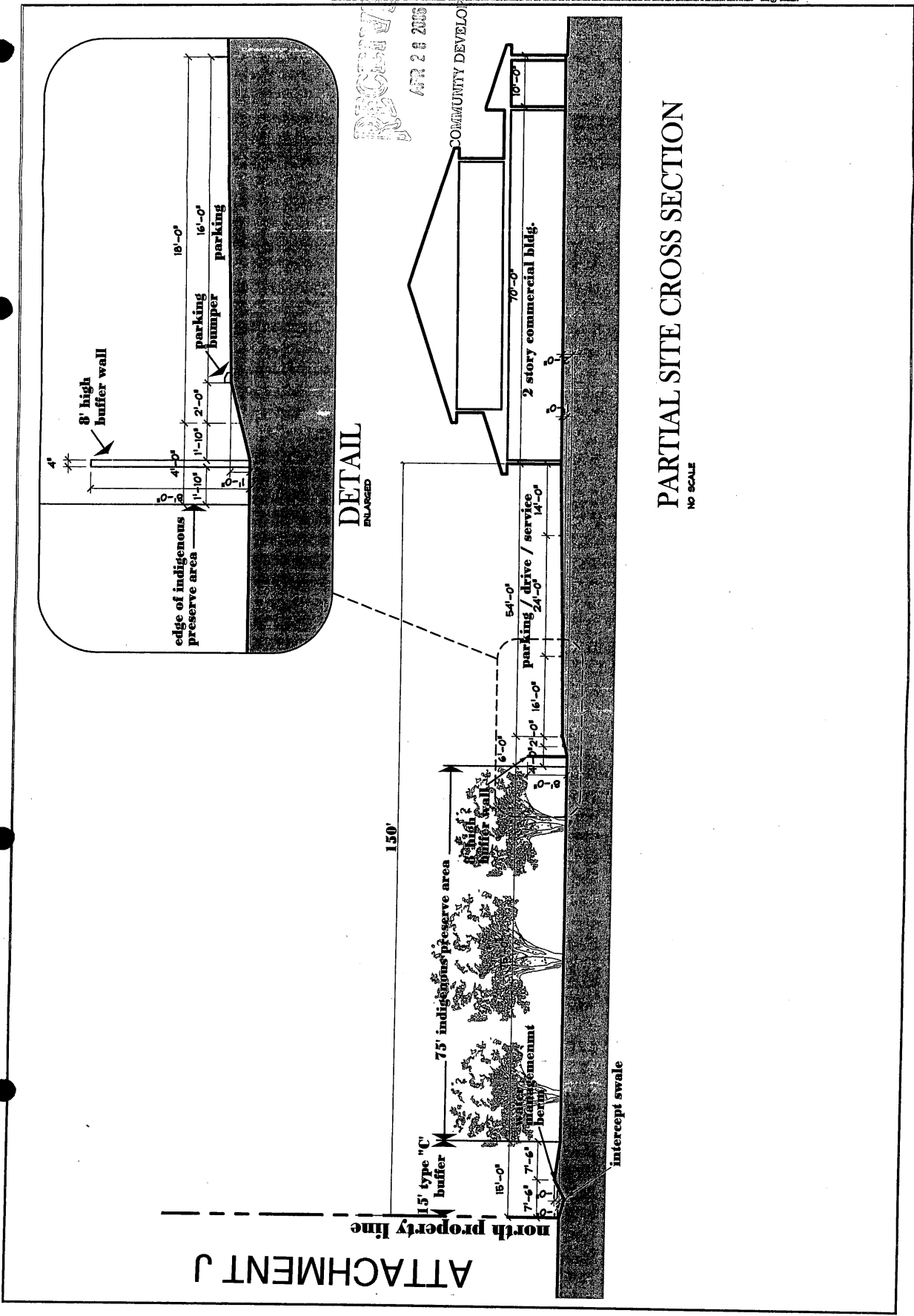
Bayshore Village

Conceptual Artists Rendition / Showing view overlooking parking towards the Main Building
BAYSHORE VILLAGE HOLDINGS GROUP, LLC.

Bradford Company
DESIGN GROUP, INC.

Artistic Rendering / Architectural Design Concept By:
Steven Bradford Turner - Bradford & Company Design
Group, Inc. / Cape Coral, FL (239) 541-3906

DCI 2005-00160



ATTACHMENT J

PARTIAL SITE CROSS SECTION
NO SCALE

DETAIL
ENLARGED

north property line

Gora
ARCHITECTURE
239-276-0225 Fax 239-276-7123
43 Barkley Circle Suite 202
Fort Myers, Florida 33907

SITE SECTION STUDY FOR
BAYSHORE VILLAGE HOLDINGS GROUP, LLC.
NORTH FORT MYERS, FLORIDA
PARTIAL SITE CROSS SECTION

SP-1
JOB NO. 0000

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

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

- a. Signs for case #DCI2005-00100 must be posted by **Tuesday, May 2, 2006**.
- b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
- c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
- e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

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

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

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

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

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

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



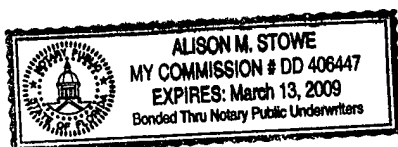
PERMIT COUNTER

Mike Nation
SIGNATURE OF APPLICANT OR AGENT
Mike Nation / Signs In One Day of Cape Coral
NAME (TYPED OR PRINTED)
4408 Del Prado Blvd
ST. OR PO BOX
Cape Coral, FL 33904
CITY, STATE & ZIP

#DCI2005-00100/VILLAGE SQUARE ON BAYSHORE

CPD/05/18/2006/JLP
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 25th day of April, 2006 by Mike Nation, personally known to me or who produced _____ as identification and who did/did not take an oath.



Alison M Stowe
Signature of Notary Public
Alison M. Stowe
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)



LEE COUNTY
SOUTHWEST FLORIDA

APPLICATION FOR PUBLIC HEARING FOR UNINCORPORATED AREAS ONLY

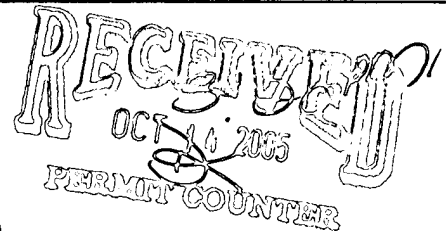
Applicant's Name: Bayshore Village Holdings Group, LLC

Project Name: The Village Square on Bayshore

STRAP Number(s): 22-43-25-00-00023.0000

TYPE OF APPLICATION

- ☐ Special Exception (attach Supplement A)
- ☐ Variance (attach Supplement B)
- ☐ Conventional Zoning (attach Supplement C)
- ☒ Planned Development (not PRFPD) (attach Supplement D)
- ☐ Amendment to built Planned Development (Supplement D may be required)
- ☐ Private Recreational Facilities Planned Development (attach Supplement D)
- ☐ DRI - with rezoning (attach Supplement D and completed DRI Application)
- ☐ DRI - without rezoning (attach copy of ADA)



Is this project located in the Estero or Captiva Planning Community or in the Caloosahatchee Shores Community Plan?

☐ Yes* ☒ No *If yes, please provide the meeting summary document and label accordingly.

STAFF USE ONLY

Case Number: DCI 2005-00100 Commission District: 4
 Current Zoning: AG-2 Fee Amount: 5,000 -
 Land Use Classification: Gen Interchg Intake by: [Signature]
 Planning Community: Bayshore

DCI 2005-00100

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

PART 1
APPLICANT/AGENT INFORMATION

A. Name of applicant: Bayshore Village Holdings Group, LLC

Address: Street : 9250 Sedgefield Road

City: North Ft. Myers State: FL Zip: 33917

Phone: Area Code: 239 Number: 995-1239 Ext:

Fax: Area Code: 239 Number: 995-1239

E-mail address:

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

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

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

Notarized Affidavit of Authorization form is attached as **Exhibit PH-1.B.2.** [34-202(b)(1)c.]

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

✓ **Notarized Affidavit of Authorization form** is attached as **Exhibit PH-1.B.2.** [34-202(b)(1)c.]

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

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

C.1. Company Name: Knott, Consoer, Ebelini, Hart & Swett, P.A.

Contact Person: Matthew D. Uhle, Esq.

Address Street : 1625 Hendry Street, Suite 301

:

City: Ft. Myers State: FL Zip: 33901

Phone: Area Code: 239 Number: 334-2722 Ext:

Fax: Area Code: 239 Number: 334-1446

E-mail address: Muhle@knott-law.com

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

**PART 2
PROPERTY OWNERSHIP**

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

A.1. Name: NA

Mailing Address: Street: _____
City: _____ State: _____ Zip: _____
Phone: Area Code: _____ Number: _____ Ext: _____
Fax: Area Code: _____ Number: _____
E-mail: _____

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

B.1. ☒ **Disclosure Form** is attached as **Exhibit PH-2.B.1.** [34-201(b)2]

C. Multiple parcels

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

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

D. Date property was acquired by present owner(s): 07/01/1980

**PART 3
PROPERTY INFORMATION**

A. STRAP Number(s): 22-43-25-00-00023.0000

B. Street Address of Property: 17300 Wells Road, North Ft. Myers, FL 33917

C. Legal Description

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

☒ **Electronic version of the legal description** is attached as **Exhibit PH-3.C.2.**

D. Boundary Survey or certified sketch of description: (check appropriate response)

NA The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as **Exhibit PH-3.D.1.** [34-202(a)(2)]

NA The request is for a conventional rezoning, special exception, or variance on a parcel less than ten acres in area. Attached is a (check one) _____ Certified sketch of description attached as **Exhibit PH-3.D.2.** or a _____ Boundary survey attached as **Exhibit PH-3.D.2.** [34-202(a)(2)]

☒ The request is for a Planned Development or consists of ten or more acres. A Boundary survey, tied to the state plane coordinate system, is attached as **Exhibit PH-3.D.3.** [34-202(a)(2)]

E. Planning Community: Bayshore

F. General Location of Property:

F.1. ☒ Area location map is attached as Exhibit PH-3.F. [34-202(a)(4)]

F.2. Directions to property: From downtown Fort Myers:

Take Palm Beach Blvd (SR 80) east and merge onto I-75 north (towards Tampa). Take exit 143

toward North Fort Myers / Cape Coral. Merge onto Bayshore Road east. Turn left onto Wells Road

and end at 17300 Wells Road.

G. Surrounding property owners:

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

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

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

H. Current Zoning of Property: AG-2

I. Current use of property:

☒ Current Non-agricultural uses of the property are: vacant

NA Current Agricultural uses on the property are shown in Exhibit PH-3.I. [34-202(b)(7)]

J. Land Use Classification:

<u>General Interchange</u>	<u>approx. 8.75</u>	<u>Acres</u>	<u>100</u>	<u>% of total</u>
<u></u>	<u></u>	<u>Acres</u>	<u></u>	<u>% of total</u>
<u></u>	<u></u>	<u>Acres</u>	<u></u>	<u>% of total</u>
<u></u>	<u></u>	<u>Acres</u>	<u></u>	<u>% of total</u>

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

NA The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.

NA The minimum elevation required for the first habitable floor is NGVD (MSL)

L. Deed Restrictions

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

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

- | | | | |
|----|---|----------------------|--|
| 1. | Width (average if irregular parcel): | <u>approx. 602</u> | Feet |
| 2. | Depth (average if irregular parcel): | <u>approx. 636.5</u> | Feet |
| 3. | Total area: | <u>approx. 8.75</u> | Acres or square feet |
| 4. | Frontage on road or street: | <u>approx. 520</u> | Feet on <u>Wells</u> <u>Street Road</u> |
| | 2 nd Frontage on road or street: | <u>approx. 540</u> | Feet on <u>Bayshore</u> <u>Street Road</u> |

**PART 4
ACTION REQUESTED**

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

- ☐ NA **Special Exception** for _____ **Attached is Supplement A**
- ☐ NA **Variance** for _____ **Attached is Supplement B**
- ☐ NA **Conventional Rezoning** from: _____ to _____ **Attached is Sup. C**
- ☒ **Planned Development rezoning** from AG-2 to CPD
- _____ **DCI - Major: Attached is Supplement D**
- ☒ **DCI - Minor: Attached is Supplement D**
- _____ Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area.
Attached is Supplement D
- ☐ NA **Planned Development Amendment. Attached is the Supplement D**
- ☐ NA **Public Hearing for DRI**
- _____ No rezoning is required.
- _____ Rezoning is required. **Attached is the Supplement D**

B. Excavations:

- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ NA A map indicating the general location of the proposed blasting locations is attached as **Exhibit PH-4.B** [34-202(b)(6)]

C. Bonus Density (put NA if not applicable)

- ☐ NA Bonus density will be used. Attached is **Exhibit PH-4.C** showing calculations. [34-202(b)(5)]

D. Hazardous materials (put NA if not applicable)

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

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

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

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

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

NA A tall structures permit will be required.

NA Property is located within Noise zone: _____

G. **Estero Planning Community** (put NA if not applicable)

NA A summary of public informational session. **Attached is Exhibit PH-4.G** [34-373(a)(10)]

H. **Captiva Planning Community** (put NA if not applicable)

NA A summary of public informational session. **Attached is Exhibit PH-4.H** [Lee Plan Policy 13.1.7]

I. **Caloosahatchee Shores Community Plan** (put NA if not applicable)

NA A summary of public informational session. **Attached is Exhibit PH-4.I** [Lee Plan Policy 21.6.3]

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

Section Number	Name of item
NA	

PART 6
SUBMITTAL REQUIREMENTS

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

			Exhibits	SUBMITTAL ITEMS
Var.	Conv. Rez. or Spe. Exc.	PDs & DRIs		
1	1	✓ 13	✓	Completed application for Public Hearing [34-201(b)]
1	1	✓ 1	✓	Filing Fee - [34-202(a)(9)]
				SUPPLEMENTAL FORMS (select applicable form)
0	1	0	SUP A	Special Exception supplement
1	0	0	SUP B	Variance supplement
0	1	0	SUP C	Conventional rezoning
0	0	✓ 13	SUP D	Planned Development Rezoning or DRI with PD Rezoning requested
0	0	13	SUP-D	Planned Development Amendment
0	0	13	SUP D	PRFPD in in Overlay Area Rezoning supplement
0	0	13	ADA	DRI no rezoning requested
				EXHIBITS
1	1	✓ ✓ 3	PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1	1	NA 1	PH-1.B.3	BOCC authorization (if applicable)
1	1	✓ ✓ 13	PH-1.C.2	Additional agents
1	1	✓ ✓ 3	PH-2.B.1.	Disclosure Form [34-201(b)(2)a]
1	1	NA 3	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	1	NA 3	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
2	2	✓ ✓ 5	PH-3.C.1	Legal Description [34-202(a)(1)]
1	1	NA 1	PH-3.C.2	Electronic version of legal description (if available)
1	1	NA 5	PH-3.D.1	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	1	✓ ✓ 5	PH-3.D.2	Certified sketch of description (less than ten acres) [34-202(a)(2)]
1	1	✓ ✓ 5	PH-3.D.3	Boundary survey (all PDs and anything ten acres or more) [34-202(a)(2) & [34-373(a)(4)a.]
1	1	0	PH-3.F	Area Location Map on 8 by 11 paper pursuant to sec. 34-202(a)(4). (Non Planned Developments)
0	0	0		Area Location Map for Planned Developments - see Supplement D
1	1	✓ ✓ 3	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	1	✓ ✓ 3	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	2	✓ ✓ 2	PH-3.G.3	Mailing labels [34-202(a)(6)]
0	1	NA 13	PH-3.I	Agricultural uses at time of zoning application. [34-202(b)(7)]
1	1	NA 3	PH-3.L.2	Deed Restrictions\Covenants [34-202(b)(2)]
1	1	NA 3	PH-3.L.3	Narrative addressing effect of Deed Restrictions [34-202(b)(2)]

				Exhibits	SUBMITTAL ITEMS
1	1	NA	13	PH-4.B	Location of proposed blasting (if applicable). [34-202(b)(6)]
0	0	NA	4	PH-4.C	Bonus Density units (if applicable) [34-202(b)(5)]
1	1	NA	4	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	1	NA	4	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	1	NA	4	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
1	1	NA	4	PH-4.G	Developments located within Estero Planning District [34-373-(a)(10)]
1	1	NA	4	PH-4.H	Developments located within Captiva Planning District [Lee Plan Policy 21.7)
1	1	NA	13	PH-4.I	Approved Waivers [34-202(a)]
					ADDITIONAL REQUIREMENTS FOR DRIs NOT INVOLVING A REZONING
0	0	NA	13		Notice of proposed change Substantial Deviations Form RPM-BSP-Proposed Change - 1 pursuant to Section 380.06(19) F.S.
0	0	NA	13		DRI, AMDA, FQD Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
0	0	NA	13		Abandonment Form RPM-BSP-Abandonment-DRI-1. Application for abandonment of a DRI.

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

Company Name: JRI Engineering, Inc.

Contact Person: Ron Kerfoot

Address: Street : 2328 Hancock Bridge Pkwy., Suite 114

City: Cape Coral

State: FL

Zip: 33990

Phone: Area Code: 239

Number: 458-5544

Ext:

Fax: Area Code: 239

Number: 458-2233

E-mail address: www.jriengineeringinc.com

Company Name: Metro Transportation Group, Inc.

Contact Person: Rob Price

Address: Street : 12651 McGregor Blvd., Suite 4-403

City: Fort Myers

State: FL

Zip: 33919

Phone: Area Code: 239

Number: 278-3090

Ext:

Fax: Area Code:

Number:

E-mail address:

Company Name: Boylan Environmental Consultants, Inc.

Contact Person: Rae Ann Boylan

Address: Street : 11000 Metro Pkwy., Suite 4

City: Fort Myers

State: FL

Zip: 33912

Phone: Area Code: 239

Number: 418-0671

Ext:

Fax: Area Code: 239

Number: 418-0672

E-mail address:

Company Name:

Contact Person:

Address: Street :

City:

State:

Zip:

Phone: Area Code:

Number:

Ext:

Fax: Area Code:

Number:

E-mail address:

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

RECEIVED
JAN 17 2006

STRAP NO. 22-43-25-00-00023.0000

CASE NO. _____

COMMUNITY DEVELOPMENT

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

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Stock

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address

Percentage of Ownership

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Page 1 of 2

DCI 2005-00100

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

Name and Address	Percentage of Stock
Maynard D. Houston, Managing Member	
Bayshore Village Holdings Group, LLC	100%
9250 Sedgefield Road	
North Ft. Myers, FL 33917	

Date of Contract: June 17, 2005

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

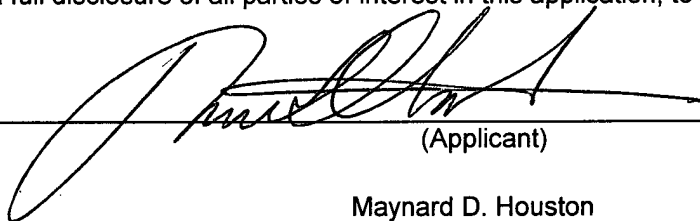
RECEIVED
JAN 17 2006

Name and Address	
	COMMUNITY DEVELOPMENT

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

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

Signature: _____



(Applicant)

Maynard D. Houston

(Printed or typed name of applicant)

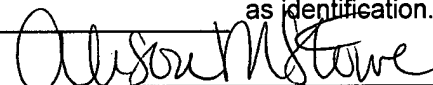
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 17th day of November 2005

by Maynard D. Houston as Managing
Member of Bayshore Village Holdings
Group LLC

who is personally known to me or who has produced

as identification.

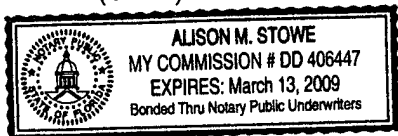


Signature of Notary Public

Alison M. Stowe

Printed Name of Notary Public

(SEAL)



Page 2 of 2

GUIDE FOR FILING AN APPLICATION FOR A PUBLIC HEARING

If questions of interpretations arise as a result of our attempt to provide easy-to-understand instructions for completing the application form(s), the provisions of the Land Development Code will be the final authority.

GENERAL INSTRUCTIONS

1. All properties within a single application must be abutting. However, the director may, at his discretion, allow a single application to cover non-abutting properties where it is in the public interest due to the size or scope and nature of the request, and there is a rational continuity to the properties in question.
2. An application for a conventional zoning district or planned development rezoning, special exception, or variance may be initiated by a landowner, or his authorized agent, for his own property, or by the Board of County Commissioners.
3. Except for County-initiated applications, if there is more than one owner, either legal or equitable, then all owners must jointly initiate the application or petition except that:
 - a. If a husband and wife own the property, only one of them needs to sign the application;
 - b. If the property is subject to a land trust agreement, the trustee may initiate the application;
 - c. If the fee owner is a corporation, any duly authorized corporate official may initiate the application;
 - d. If the fee owner is a partnership, a general partner may initiate the application;
 - e. If the owner is an association, the association or its governing body may appoint an agent to initiate the application on behalf of the association;
 - f. If the owner is a condominium, timeshare condominium, or a subdivision, please refer to Section 34-201(a)(1)b. and c. for information on who may initiate the application. .
4. Before an application may be accepted, it must fully comply with all information requirements enumerated in section 34-202 et seq., unless specifically stated otherwise in Chapter 34 of the Lee County Land Development Code.

Upon written request, the director may modify the submittal requirements contained in this section if the applicant clearly demonstrates that the submission will have no bearing on the review and processing of the application. The request to the director must be submitted prior to submitting this application. Multiple waiver requests must be made on individual request forms indicating each separate request. The director's written response must accompany the application submitted and will become a part of the permanent file.

5. The applicant is responsible for the accuracy and completeness of the application. Any additional time delays or expenses necessitated because of inaccurate or incomplete information will be the responsibility of the applicant.
6. Applications must be submitted in person. Mailed-in applications will not be processed.
7. Unless specifically stated to the contrary, all attachments and exhibits must be of a size that will fit or conveniently fold to fit into a letter size (8 1/2" x 11") folder.
8. All applicants must pay an application fee as set forth in the county External Fees and Charges Manual.

INSTRUCTIONS FOR COMPLETING PART 1: APPLICANT/AGENT INFORMATION

- A. Name of applicant:** Insert the name of the applicant (the name of the person signing the application form).
- B. Relationship of Applicant to owner:** Indicate whether the applicant is the sole owner of the property (individual or husband and wife).

If the applicant is not the sole owner of the property but has been authorized to submit this application on behalf of the owner(s), or a contract purchaser/vendee, check the appropriate response and submit a Notarized Affidavit of Authorization Form.

- C. Authorized Agent:** Indicate the name of the individual (or contact person if a company) who is to receive all county-initiated correspondence regarding the application. This may be the owner, the applicant, or an agent authorized by the owner or applicant to receive all county-initiated correspondence.
- D. Additional Agent(s):** List the names of other agents (consultants) that the county may contact concerning the application that are in addition to the authorized agent..

INSTRUCTIONS FOR COMPLETING PART 2: PROPERTY OWNERSHIP

A. Property Ownership:

1. If the property is owned by an individual or husband and wife, complete the form with the name, address, etc., of the owner.
2. If the property is owned by more than one person (corporation, partnership, trust, association, etc.) submit an executed copy of Exhibit PH-2.B.1 "Disclosure Form."

A *Disclosure Form* is a list of the names of all owners, stockholders and trust beneficiaries, (including percentages of interest) of the property. It is required for all corporations, trusts and partnerships, as well as for contract purchases. Disclosure is not required for any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interests are solely equity interests which are regularly traded on an established securities market in the United States or another country.

3. If the property covered by the application consists of more than one parcel, submit a list of all of the owners and their mailing address, keyed to a map illustrating the individual owners interest in the property.
4. Indicate the date the property was purchased by the current owner(s).

INSTRUCTIONS FOR COMPLETING PART 3: PROPERTY INFORMATION

- A. STRAP number(s):** The STRAP (Section, Township, Range, Area, Parcel) number is the 17- digit number used by the Property Appraiser to identify specific parcels.
- B. Street Address of Property.** May be obtained from Property Appraiser if unknown by applicant.
- C. &**
- D. Legal Description, Certified sketch of description, & Boundary surveys:** The director has the right to reject any legal description which is not sufficiently detailed so as to locate the property on county maps.

1. **Undivided Platted Lots:** If the property consists of one or more undivided platted lots in a subdivision recorded in the Official Plat Books, the legal description must include the name of the subdivision, the Book and Page number of the Plat Book, and the Block (if applicable) and Lot number(s) of the property. In addition, copies of the plat page showing the lot(s) must be submitted as well as the individual STRAP numbers..
2. **Certified sketch of description - total area less than ten acres:** If the application is for conventional rezoning, special exception or variance on a total land area of ten acres or less, the applicant must submit a "*certified sketch of description*" along with a legal description. The legal description must specifically describe the perimeter boundary of the total property, by metes and bounds, with accurate bearings and distances for every line. It does not need to describe each individual parcel but must include the individual STRAP numbers.

The director may require a boundary survey where there is a question regarding the accuracy of the legal description of the property or a question regarding the location of structure(s) or easement(s), relevant to the review of the application.

3. **Boundary survey:** If the application is for property encompassing 10 acres or more or for a Planned Development, a boundary survey is required.
 4. **Minimum Standards:** All certified sketches and boundary surveys must meet the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, F.A.C. If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). The perimeter boundary must be clearly marked with a heavy line and must include the entire area to be developed.
- E. **Planning Community:** If the property is within a Planning Community (such as Estero, Pine Island, Fort Myers Shores, etc.) please indicate. Otherwise enter "NA" Not applicable.
- F. **General Location of Property:** Submit a map, at suitable scale, drawn on an 8½ inch by 11 inch size sheet of paper, that depicts the property described in the legal description in relation to the surrounding neighborhood. The map must be sufficiently referenced to known major streets or other physical boundaries so as to be clearly identifiable to the general public.

Also submit a brief set of directions showing how a person could find the property. Reference at least one major Road such as U.S. 41, Alico Road, Bayshore, Pondella, etc

- G. **Surrounding Property Owners:** A complete list, map, and two sets of mailing labels, of all property owners, and their mailing addresses, for all property within 500* feet of the perimeter of the subject parcel or the portion thereof that is the subject of the request. The list and mailing labels may be obtained from the Property Appraisers office. The map must reference by number or other symbol the names on the surrounding property owners list. The applicant is responsible for the accuracy of the list and map.

*In those instances where fewer than 10 owners of property would be notified, the distance must be expanded to include all owners of property within 750 feet.

- H. **Current Zoning of Property:** Indicate the current zoning on the property.
- I. **Current Use of Property:**

Provide a brief description of what uses are currently on the property.

If any portion of the property is used for bonefide agricultural uses, provide a statement describing the type and intensity of agricultural uses in existence on the property on the date of the application. The statement must include acreage figures for each use and must also include an exhibit depicting the location of the uses on a copy of the boundary sketch. The exhibit should be entitled "Agricultural Uses at time of Zoning Application."

- J. Land Use Classification:** Indicate the land use category (ies) of the property as indicated on the Future Land Use Map of Lee County.
- K. Flood Hazard:** Indicate whether or not the property is located within an area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRMS). If it is within such an area, indicate the minimum elevation required for the first habitable floor. This information may be obtained from the Residential Building Plans review at (239) 479-8597.
- L. Deed Restrictions:** Indicate whether or not there are any deed restrictions or other covenants that may affect the requested action. If there are deed restrictions or covenants that may affect the requested action, provide a written explanation as to how they may affect it.
- M. Property Dimensions:** Self explanatory. If the property is adjacent to more than one street, provide length of frontage on both streets.

INSTRUCTIONS FOR COMPLETING PART 4: ACTION REQUESTED

- A. Action Requested:** Check the applicable action.

If the request is for a special exception, indicate the type of special exception (proposed use) requested and attach a completed Supplement A.

If the request is for a variance, indicate the type of variance (setback, height, parking, etc.) and attach a completed Supplement B.

If the request is for a conventional rezoning, indicate the current zoning of the property as well as the requested rezoning and attach a completed Supplement C.

If the request is for a Planned Development, indicate whether it is a major or minor DCI or for a PRFPD or a Planned Development Amendment or DRI and attach a completed Supplement D.

- B. Excavations:** Indicate whether or not blasting will be used in the excavation of lakes or other site elements. If blasting is proposed, provide information and data with the application showing the location of the proposed blasting and demonstrating what measures will be implemented to ameliorate the potential negative impacts. This information must include soil borings that demonstrate the necessity for blasting, drawings showing the location(s) of proposed blasting, and other information deemed necessary by the director to allow full and complete analysis of compatibility issues associated with the proposed blasting activity.
- C. Bonus Density:** If the applicant is proposing to use bonus density, complete and submit Exhibit PH-4.C.
- D. Hazardous materials:** If the request for rezoning includes a private port facility, the applicant must submit a hazardous materials emergency plan, which will be subject to the approval of the county divisions of emergency management, water resources and planning, and of the appropriate fire district. The plan must provide for annual monitoring for capacity and effectiveness of implementation. At the minimum, the plan must comply with the spill prevention control and countermeasure plan (SPCC) called for in the federal oil pollution prevention regulations, 40 CFR 112, as amended.
- E. Mobile Home Park:** If the request involves the rezoning of an existing mobile home park as defined in F.S. § 723.003, would result in the removal or relocation of mobile home owners, then the application must include facts sufficient to allow staff to conclude that adequate mobile home parks or other suitable facilities exist for the relocation of displaced owners. The facts to be provided are intended to meet the requirements of F.S. § 723.083 (1995). Therefore, the statutory definitions will prevail to the extent there is conflict with terms of this Code.

(1) Facts to be provided may typically include: STRAP number and street addresses of properties where mobile homes are to be removed from, and relocated to (i.e., the "relocation site"); and any building permit numbers issued for placement of the mobile home on the relocation site.

(2) If the relocation site is not within the legal description of the subject rezoning, then the property owner of property proposed for relocation must submit an affidavit stating that suitable facilities exist at the relocation site to accommodate the mobile home proposed to be relocated there.

F. Aviation Hazard. Indicate whether or not the property is subject to Section 34-1001 et seq. and whether or not a Tall Structures permit will be required. If the property is located within a noise zone, indicate which noise zone..

G. Estero Planning Community. If the proposed development is located within the Estero Planning Community, a meeting is required with the community and a copy of the Estero Planning Community Meeting Summary Document must be submitted. You may contact Neal Neothlich, Chairman of the Estero Community Planning Panel by email at nen13@aol.com or Bill Brown, Secretary of the Estero Community Planning Panel by email at aquilla@ix.netcom.com.

H. Captiva Planning Community. If the proposed development is located within the Captiva Planning Community, a meeting is required with the community and a copy of the Captiva Planning Community Meeting Summary Document must be submitted.

I. Caloosahatchee Shores Community Plan. If the proposed development is located within the Caloosahatchee Shores Community Plan, a meeting is required with the community and a copy of the Meeting Summary Document must be submitted.

J. Waivers from Application Submission Requirements: Upon written request, on a form prepared by the county, the director may modify the submittal requirements contained in this section where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request for a waiver or modification must be submitted to the Director prior to submitting the application. A copy of the request and the director's written response must accompany the application and will become a part of the permanent file.

Indicate on the application form the section(s) of the Land Development Code for which the Director has granted a waiver. Attach the waiver(s) to the application as Exhibit PH-4.I.

EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:**RECEIVED**
JAN 17 2006STRAP NO. 22-43-25-00-00023.0000 CASE NO. COMMUNITY DEVELOPMENT

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

Name and Address	Percentage of Ownership

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

Name and Address	Percentage of Stock

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

Name and Address	Percentage of Interest
SEE ATTACHED LIST	

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

Name and Address	Percentage of Ownership

DCI 2005-00100

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

RECEIVED
JAN 17 2006

Name and Address

Percentage of Stock

JAN 17 2006

COMMUNITY DEVELOPMENT

Date of Contract:

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

Name and Address

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

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

Signature:

Tom Wadzuk Trustee
(Applicant)

Tom Wadzuk, Trustee

(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 13 day of January 2006

by Tom Wadzuk, Trustee who is personally known to me or who has produced

A Drivers Licence as identification.

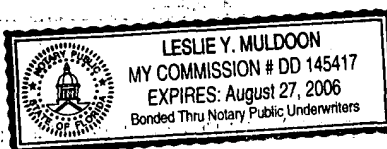
(SEAL)

Signature of Notary Public

Leslie Y. Muldoon

Printed Name of Notary Public

Page 2 of 2



DCI 2005-00100

**Shareholders in Bayshore Trust
Beneficiaries**

RECEIVED
JAN 17 2006

COMMUNITY DEVELOPMENT

J.L. Sherman
9620 Villa Drive # 7
Fort Myers, FL 33905

4 shares - 33.33%

O.T. Atkinson
1537 Brantley Road
Fort Myers, FL 33907

2 shares - 16.66%

Mrs. Ruby L. Tritt
1624 Menlo Avenue
Fort Myers, FL 33901

1 share - 8.33%

Ronald D. Falub Trust
1791 Ryan Avenue
Addison, IL 60101

1 share - 8.33%

H. Richard Neal
5850 Wild Fig Lane SW
Fort Myers, FL 33919

1 share - 8.33%

Rita A. Fox
888 S. Michigan # 401
Chicago, IL 60605

1 share - 8.33%

Stewart Trust
5660 Bayshore Road # 27
N. Fort Myers, FL 33917

½ share - 4.17%

Thomas M. Wadzuk
P.O. Box 7723
Fort Myers, FL 33911

1 ½ shares - 12.50%

DCI 2005-00100

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

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

I, * Maynard D. Houston as Managing Member of Bayshore Village Holdings Group, LLC,
a Florida Limited Liability Company, swear or affirm under oath, that I am the owner or the authorized
representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions
on the referenced property as a result of any action approved by the County in accordance with this
application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary
matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the
property during normal working hours for the purpose of investigating and evaluating the request
made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions
and restrictions imposed by the approved action.

Bayshore Village Holdings Group, LLC
*Name of Entity (corporation, partnership, LLP, LC, etc)

DCI2005-00100

[Signature]
Signature
Managing Member
(title of signatory)

Maynard D. Houston
(Type or printed name)

STATE OF Florida
COUNTY OF LEE

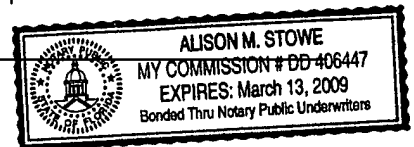
The foregoing instrument was sworn to (or affirmed) and subscribed before me this 9th day of September, 2005
by Maynard Houston as Managing Member of Bayshore Village Holdings Group, LLC, a Florida Limited
Liability Company (name of person providing oath or affirmation), ~~who is personally known to me or who has~~
produced passport (type of identification) as identification.

Alison M. Stowe
Signature of person taking oath or affirmation

Alison M. Stowe
Name typed, printed or stamped

notary
Title or rank

Serial number, if any



* Notes:

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

SUPPLEMENT D

ADDITIONAL REQUIRED INFORMATION FOR A PLANNED DEVELOPMENT APPLICATION UNINCORPORATED LEE COUNTY

Case Number: **DCI 2005-00100**

Project Name: The Village Square on Bayshore

Authorized agent: Matthew D. Uhle, Esq.

STRAP Number(s): 22-43-25-00-00023.0000

Select one only

☐ DRI (rezoning required)

☐ DCI-Major

☒ DCI-Minor

☐ DCI-Minor - Existing Dev. ⁽¹⁾

☐ DCI-Minor - Amend. to approved master concept plan ⁽²⁾

☐ Amend. to built planned development meeting DCI threshold. ⁽³⁾

☐ PRFPD in Private Recreational Facilities Overlay Area [(34-341(a)(2)]

Notes:

- (1) Existing development. A development that has already been developed but does not conform to the regulations for a conventional district and is requesting a rezoning to a planned development classification. It will be reviewed in the same manner as a minor planned development except that a traffic impact statement will not be required. [34-341(b)(2)d.1.]
- (2) Amendments to application. Application to amend an approved major or minor master concept plan or its attendant documentation, or for the extension of a vacated master concept plan originally approved prior to December 2, 1991. It will be treated procedurally as minor planned developments. These applications will require only as much information, as deemed necessary by the director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application. [34-341(b)(2)d.2.]
- (3) Amendments to built planned developments (PD). An application for a variance or other approval covered by this chapter wherein the subject property is the only part of the original planned development for which the approval is sought. Application meets the threshold for a development of county impact and will be reviewed in accordance with the provisions for reviewing developments of county impact. Applicant must be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved master concept plan have been constructed and acknowledged by the county as complete. In the case of residential planned developments or mixed developments which include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots.

PART 1
GENERAL INFORMATION

A. Comprehensive Plan Amendments (check one):

- ☒ There are **NO** Lee Plan Amendments pending that could affect the future use of this property.
- ☐ NA The following Lee Plan Amendments **ARE** pending and could affect the future use of this property. (List uses and brief explanation of their effect on this application):

B. Archaeological/Historical (check one):

- ☒ There are **NO** known or recorded historical or archaeological sites on the property and no part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to chapter 22. [34-373(a)(4)f.]
- ☐ NA There are known or recorded historical or archaeological sites on the property or part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to chapter 22. Attached as **Exhibit 1-B** is a map indicating the nature and location of known or recorded historical or archaeological or areas of the property located within level 1 or level 2 zones of archaeological sensitivity including the outline of historic buildings and approximate extent of archaeological sites. [34-373(a)(4)f.]

C. Public Transit (check one):

- ☒ Property is **NOT** within the Lee Tran public transit service area.
- ☐ NA Property is within the Lee Tran public transit service area. **Exhibit 1-C** shows the property in relation to existing and proposed public transit routes,

D. Density

- ☒ There are no residential dwelling units proposed for this development.
- ☐ NA The property is located within one or more Future Land Use categories. Density has been calculated in **Part 3** of this application and is summarized below:

Intensive Development	_____	Proposed dwelling units
Central Urban	_____	Proposed dwelling units
Urban Community	_____	Proposed dwelling units
Suburban	_____	Proposed dwelling units
Outlying Suburban	_____	Proposed dwelling units
TOTAL	_____	Proposed dwelling units

PART 2 TYPES OF LAND AREA ON PROPERTY

A.	Gross Acres (total area within described parcel)	<u>8.75</u>	Acres
1.	Submerged land subject to tidal influence:	_____	Acres
2.	Other non-freshwater Wetlands:	_____	Acres
3.	R-O-W providing access to non-residential uses:	_____	Acres
4.	Non-residential use areas ⁽¹⁾	<u>8.75</u>	Acres
B.	Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.	_____	Acres
C.	Gross residential acres. (A minus B) ⁽²⁾	_____	Acres
D.	Gross residential acres by Land Use Category		
1.	a. Intensive development - Upland	_____	Acres
	b. Intensive development - freshwater wetland	_____	Acres
2.	a. Central Urban - Upland	_____	Acres
	b. Central Urban - freshwater wetland	_____	Acres
3.	a. Urban Community or Suburban - Upland	_____	Acres
	b. Urban Community or Suburban freshwater wetland	_____	Acres
4.	a. Outlying Suburban - Upland	_____	Acres
	b. Outlying Suburban - freshwater wetland	_____	Acres
5.	a. Rural, Outer Island, Rural Community Preserve - Upland	_____	Acres
	b. Rural, Outer Island, Rural Community Preserve - freshwater wetland	_____	Acres
6.	a. Open Lands - Upland	_____	Acres
	b. Open Lands - freshwater wetland	_____	Acres
7.	a. DR/GR - Upland	_____	Acres
	b. DR/GR - freshwater wetland	_____	Acres
8.	a. Wetlands - freshwater	_____	Acres
	b. Wetlands - not - freshwater	_____	Acres
9.	a. New Community - Upland	_____	Acres
	b. New Community - freshwater wetland	_____	Acres
10.	a. University Community - Upland	_____	Acres
	b. University Community - freshwater wetland	_____	Acres
11.	TOTAL (should equal "C" above)	_____	Acres

NOTES:

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

PART 3 **RESIDENTIAL DEVELOPMENTS** **PRELIMINARY DENSITY CALCULATIONS***

- * Notes: 1. Complete only if living units are proposed in a Future Land Use Category.
2. If more than one classification, calculations for each classification must be submitted.
3. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Intensive Development Category

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

B. Central Urban Category

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

Notes:

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

C. Urban Community Category

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

Notes:

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

D. Suburban Category

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

E. Outlying Suburban Category

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

Notes:

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

PART 3A
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES,
HOTELS & MOTELS
PRELIMINARY DENSITY CALCULATIONS

A.	Commercial	Habitable Stories	Height	Total Floor Area	
A.1.	Medical			10,000*	Sq. Ft.
A.2.	General Office			20,000*	Sq. Ft.
A.3.	Retail			100,000*	Sq. Ft.
A.4.	Other			15,000*	Sq. Ft.
A.5.	TOTAL FLOOR AREA			100,000	Sq. Ft.
				*total may not exceed 100,000 square feet	
B.	Industrial	Habitable Stories	Height	Total Floor Area	
B.1.	Under Roof				Sq. Ft.
B.2.	Not under Roof	NA			Sq. Ft.
B.3.	TOTAL FLOOR AREA				Sq. Ft.
C.	Mining		Depth	Total Acres	
C1.	Area to be excavated	NA			Acres
D.	Assisted Living Facilities				
		Habitable Stories	Height	Total Number of Beds/Units	
D.1.	Dependent Living Units				Beds/Units
D.2.	Independent Living Units				Beds/Units
D.3.	TOTAL BEDS/UNITS				Beds/Units
E.	Hotels/Motels				
	Room Size	Habitable Stories	Height	Number of Rental Units	
E.1.	< 425 sq. ft.				Units
E.2.	426-725 sq. ft.				Units
E.3.	725 < sq. ft.				Units
E.4.	TOTAL UNITS				Units

PART 4

ENVIRONMENTAL ISSUES

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

See attached info submitted by JRI

B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the Lee Plan), flowways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1.1 (2)] or listed species occupied habitat (see Sec. 10-4730 of the Land Development Code.

The parcel does not contain any wetlands.

Three inactive gopher tortoise burrows were located.

continued

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

Due to the extreme amounts of rainfall in SW Florida recently, gopher tortoise may not be present at this time but are present at other times. For this reason, the parcel would be re-surveyed prior to local Development Order. If gopher tortoise are found at that time, either a Gopher Tortoise Incidental Take Permit or a Gopher Tortoise Relocation Permit would be obtained from the FWC and a more detailed management plan would be submitted to Lee County DES. See attached Protected Species Survey.

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

Not applicable. The project is not located adjacent to navigable natural waters.

PART 5
SANITARY SEWER FACILITIES (34-415)

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

NA

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

1. Method and degree of treatment:

NA

2. Quality of the effluent:

NA

3. Expected life of the facility:

NA

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

NA

5. Receiving bodies or other means of effluent disposal:

NA

continued

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

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

NA

2. Current water table conditions:

NA

3. Proposed rate of application:

NA

4. Back-up system capacity:

NA

PART 6 - SUBMITTAL REQUIREMENTS

Copies*		Exhibits	Item
Sub.	Req.		
✓	13		Public Hearing Application form [34-373(a)(1)]
✓	1		Application Fee [34-373(a)(2)]
DESCRIPTION OF EXISTING CONDITIONS			
NA	4	1-B	Historical or Archaeological sites: The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. [34-373(a)(4)h.]
NA	13	1-C	Public Transit. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. [34-373(a)(4)g.]
✓	5	6-A	A Boundary Survey, prepared by a professional surveyor, that meets the minimum technical standards as set out in chapter 61G17-6, F.A.C., and which survey has been signed and sealed within one year of the application date, and which shows existing conditions on the property to full survey accuracy. [34-373(a)(4)a.]
✓	13	6-B	Area Location Map on 8.5" by 11" paper. A map marked to show the location of the property to be developed in relation to arterial and collector streets <u>as well as the location of existing easements and rights-of-way on or abutting the property.</u> [34-373(a)(4)b.]
✓	13	6-C	Existing zoning and current land uses A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. [34-373(a)(4)c.]
✓	13	6-D	Aerial photograph with the site clearly delineated. [34-373(a)(4)d.] Originals only - photocopies not acceptable.
✓	4	6-E	Soils, vegetation, rare & unique uplands, topography. Maps drawn at the same scale as the master concept plan marked or overprinted to show the information required by section 34-373(a)(4)e.] [34-373(a)(4)e.]
✓	4	6-F	FLUCCS Map. A Florida Land Use, Cover and Classification System (FLUCCS) map at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any federal and state jurisdictional wetlands and other surface waters, including the total acreage of federal and state wetlands. [34-373(a)(4)f.]
NARRATIVE COMPLIANCE STATEMENTS			
✓	13	6-G	Lee Plan Compliance. A narrative explanation as to how the proposed development complies with the Lee Plan. [34-373(a)(5)]
✓	3	6-H	Design Standards Compliance. A narrative explanation as to how the proposed development complies with the Design Standards set forth in Section 34-411. [34-373(a)(5)]
NA	3	6-I	Decision-making compliance. A narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in sections 34-145(c)(2)a and e. and 34-145(d)(3). [34-373(a)(5)]

Copies*		Exhibits	Item
			MASTER CONCEPT PLAN
✓	13	6-J	Master Concept Plan, Non-PRFPD . A graphic illustration (master concept plan) of the proposed development, showing and identifying the information required by Section 34-373(a)(6). Copies of the master concept plan must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 inches in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the required information. [34-373(a)(6)]
NA	13	6-K	Master Concept Plan, PRFPD : A clearly legible drawing, no less than 24 inches by 36 inches in size and drawn at a scale sufficient to adequately show and identify the information required by Section 34-941(g). [34-941(g)]
✓	5	6-L	Traffic Impact Statement . A traffic impact statement in a format and to the degree of detail required by the county and in conformance with the adopted county administrative code. [34-373(a)(7)] TIS is not required for an existing development. [34-341(b)(2)d.1.]
✓	13	6-M	Schedule of Uses . A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by section 34-373(a)(8). [34-373(a)(8)]
NA	13	6-N	Schedule of deviations and a written justification . A schedule of deviations and a written justification for each deviation requested as part of the master concept plan. The location of each requested deviation must be located on the master concept plan. [34-373(a)(9)]
			ADDITIONAL REQUIREMENTS FOR MAJOR PDs
NA	4	6-O	Surface water management plan A written description of the surface water management plan as required by Section 34-373(b)(1). [34-373(b)(1)]
NA	13	6-P	Phasing program . If the development is to be constructed in phases or if the traffic impact statement utilized phasing, then a description of the phasing program must be submitted. [34-373(b)(3)]
			ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS
✓	4	6-Q	Protected species survey . Required for large developments (defined in Chapter 10-1), a protected species survey as required by section 10-473. [34-373(b)(2)]
			AMENDMENTS TO BUILT PLANNED DEVELOPMENTS
NA	4	6-R	Proof of notice to other property owners . Although the consent of the owners of the remainder of the original planned development is not required, the owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. [34-373(c)]
			REQUIREMENTS FOR DRIs
NA	13	6-S	Binding letter of interpretation from DCA or a complete and sufficient ADA . [34-373(d)(2)]
			ADDITIONAL EXHIBITS - PRFPDs
NA	4	6-T	Conceptual surface water management [34-941(d)(3)b.i.1]]
NA	13	6-U	If within an area identified as an anticipated draw down area, demonstration of compliance with section 34-941(d)(3)d. [34-941(d)(3)d.]
NA	13	6-V	Preliminary indigenous restoration plan (if applicable). [34-941(e)(5)f]
NA	13	6-W	Environmental Assessment [34-941(g)(2)]
NA	13	6-X	Demonstration of compatibility [34-941(g)(4)]

* includes 1 original

**Schedule of Uses
EXHIBIT 6-M**

Accessory Uses
Administrative Offices
Animal Clinic or Kennel (Area B only)
ATM
Auto Parts Store
Bait & Tackle Shop
Banks, Group I
Boat Parts Store (Limited to one)
Boat Sales (Limited to one)
Broadcast Studio
Business Services, Groups I & II
Cleaning & Maintenance Services (Area B only)
Clothing Stores
Clubs, all kinds
COP, including outdoor seating
Day Care Center, Child or Adult
Drive-Through
Drugstore (Limited to 3,000 square feet)
Essential Services
Essential Service Facilities, Groups I & II
Farm Equipment Sales
Feed or Fertilizer Sales
Fences, Walls
Food Stores, Groups I & II
Gift & Souvenir Shop
Hardware Store
Hobby, Toy & Game Shops
Household & Office Furnishings
Laundry or Drycleaning, Group I
Medical Office (Limited to 10,000 square feet)
Non-Store Retailers
Paint, Glass & Wallpaper
Parking Lot, Accessory
Personal Services, All Groups
Pet Services (Area B only)
Pet Shop
Place of Worship (Area B only)
Printing & Publishing (Coin services only)
Restaurant, Groups I, II, III (Includes outdoor seating in Area A; No freestanding restaurants in Area B; Outdoor seating in Area B is permitted only on the southwest side of the building)

Rental or Leasing Establishments,
All Groups (Area B only)
Schools, Commercial
Signs
Social Services, Groups I, II and III
Specialty Retail Shops, All Groups
Studios
Variety Store (Area B only)

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COMMUNITY DEVELOPMENT

DCI 2005-00100

The Village Square on Bayshore

S 22 / 43S / 25E, Lee County, Florida

Protected Species Survey

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JAN 17 2006

COMMUNITY DEVELOPMENT

DCI 2005-00100

Boylan
Environmental
Consultants, Inc.

*Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments*

11000 Metro Parkway, Suite 4
Fort Myers, Florida, 33912
Phone: (239) 418-0671 Fax: (239) 418-0672

July 18, 2005
Revised November 17, 2005.

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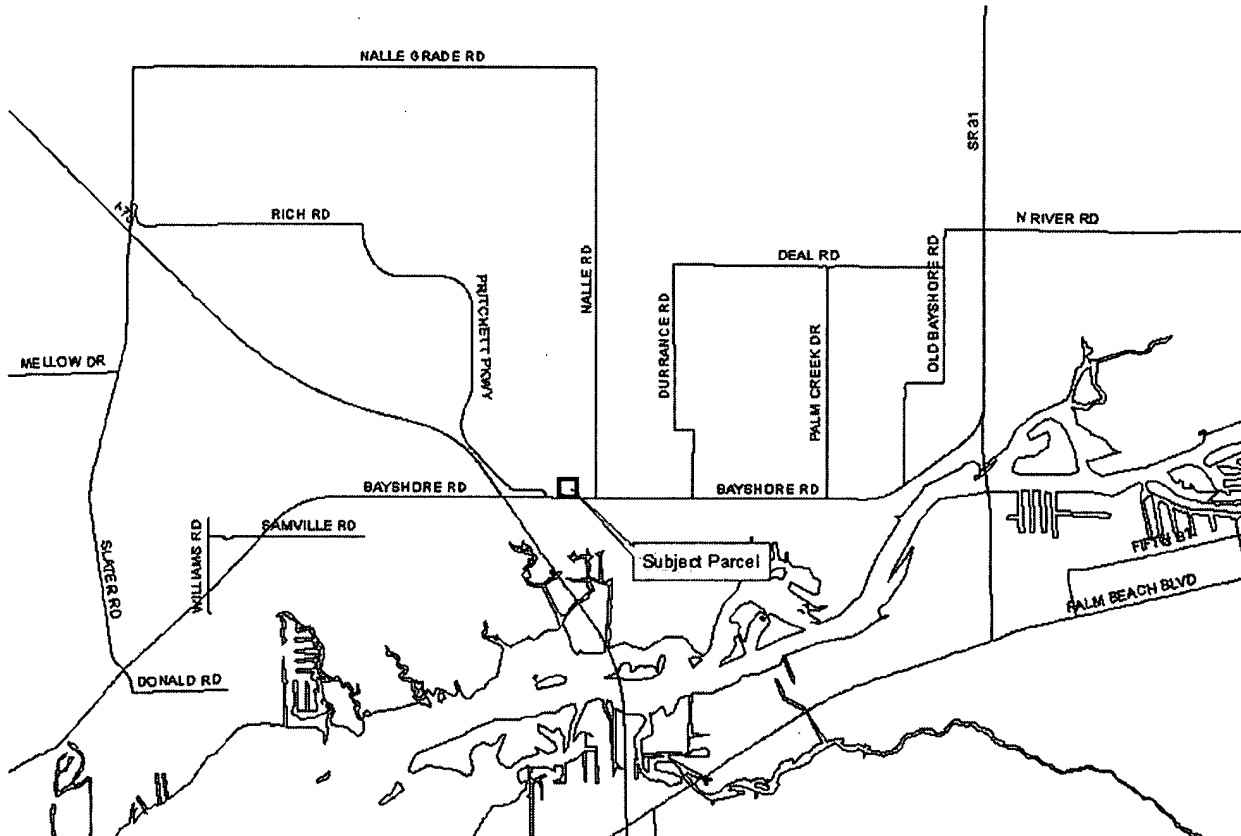
JAN 17 2006

INTRODUCTION

COMMUNITY DEVELOPMENT

Environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigation on the +/- 8.74 acre property on July 15, 2005 from approximately 8:30 am to 4:00 pm. The temperature ranged from the lower 80's to lower 90's with partly cloudy conditions.

The purpose of the investigation was to identify the presence and approximately locate listed species. The site is located in Section 22, Township 43 South, Range 25 East, in Lee County, Florida. More specifically, the site is situated northeast of the intersection of I-75 & Bayshore Road.



METHODOLOGY

The survey method consisted of overlapping belt transects performed for all FLUCCS communities onsite in compliance with the Lee County Endangered Species Ordinance No. 89-34. The specific methodology included pedestrian surveys of parallel transects. The survey was conducted according to the methodology submitted by Kevin L. Erwin Consulting Ecologist, Inc., which was a methodology previously approved by Lee County. Particular attention during the survey was placed on location of any signs of gopher tortoise.

This survey is comprised of a several step process. First, vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Next, the FLUCCS codes are cross-referenced with the Lee County Protected Species List. This protected species list names the species which have a probability of occurring in any particular FLUCCS community. The table at end of the report

DCI 2005-00100

lists the FLUCCS communities found on the parcel and the corresponding species which have a probability of occurring in them.

Transects were walked approximately as shown on the attached aerial photograph. Specific attention was placed on locating any gopher tortoise burrows.

SITE CONDITIONS

Listed below are the vegetation communities or land-uses identified on the site. The following descriptions correspond to the mappings on the attached FLUCCS map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1985) for definitions. Boundaries and acreages are approximate.

411, Pine Flatwoods (+/- 8.74 acres)

This community is dominated by slash pine in the canopy with dense, impenetrable in areas, saw palmetto in the understory. Other dominant vegetation includes grapevine, pennyroyal, wiregrass, rusty lyonia, and peppervine.

SPECIES PRESENCE

The various listed species that have a probability of occurring in the FLUCCS communities have been tabulated on the attached table. Three inactive gopher tortoise burrows were located indicating one or two gopher tortoises inhabit the parcel.

These burrows may actually be abandoned burrows. At the time of inspection, SW Florida has had an extreme amount of rain for this time of the year. Although the parcel consists of dense saw palmetto and is considered "solid uplands," the water table was at or just below the existing ground elevation; these three burrows were inundated up the ground elevation making them difficult, if possible, to classify as Active – Inactive – or Abandoned at this time.

Table. Potential Protected Species according to FLUCCS categories.

FLUCCS	Potential Listed Species	% Coverage	Present	Absent	Density	Visibility (ft)
411	Beautiful Pawpaw	90		X		40
	Big Cypress Fox Squirrel	90		X		40
	Eastern Indigo Snake	90		X		40
	Fakahatchee Burmannia	90		X		40
	Florida Black Bear	90		X		40
	Florida Coontie	90		X		40
	Florida Panther	90		X		40
	Gopher Frog	90		X		40
	Gopher Tortoise	90	X		.23 GT per Acre*	40
	Red-Cockaded Woodpecker	90		X		40
	Satinleaf	90		X		40
	Southeastern American Kestrel	90		X		40
	Twisted Air Plant	90		X		40

*Based upon two gopher tortoise in 8.74 acres

GOPHER TORTOISE MANAGEMENT PLAN FOR ZONING

As stated above, there is the potential for gopher tortoise to inhabit the site but due to the extreme amounts of rainfall in SW Florida, they may not be present at this time. For this reason, the parcel would be re surveyed prior to local Development Order. If gopher tortoise are found at that time, either a Gopher Tortoise Incidental Take Permit or a Gopher Tortoise Relocation Permit would be obtained from the FWC and a more detailed management plan would be submitted to Lee County DES.

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COMMUNITY DEVELOPMENT

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BAYSHORE 8.74 ACRE
PROTECTED SPECIES GRAPHIC

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

Drawn By:	Date:	Category
JDK	6/24/05	PSS
Job Number	Scale:	
2005-118	1" = 200'	County
S/R		Lee
22/43S/25E		

[illegible]

AFFIDAVIT

STATE OF FLORIDA)
)
COUNTY OF LEE)

Before me this day appeared TOM WADZUK, who, being first duly sworn, deposes and says:

1. He is the owner, as trustee, of the real property described in Exhibit "A" attached to this Affidavit.

2. There are no agricultural uses occurring on the property described in Exhibit "A".

FURTHER, AFFIANT SAYETH NAUGHT.

Done and executed this 3RD day of JAN., 2006.

Tom Wadzuk Trustee
TOM WADZUK, Trustee

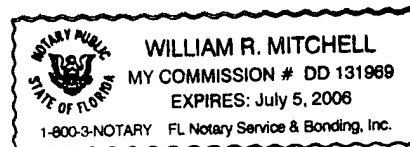
The foregoing instrument was acknowledged before me this 3RD day of JAN., 2006 by Tom Wadzuk, as Trustee, who is personally known to me [☒, or has produced _____ as identification [☒, and did/did not take an oath.

My Commission Expires:

William R. Mitchell
Notary Public
WILLIAM R. MITCHELL
Printed Name

RECEIVED
JAN 17 2006

COMMUNITY DEVELOPMENT



DCI 2005-00100

DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N00°05'43"E ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION LINE 22, A DISTANCE OF 1323.13 FEET; THENCE N89°43'24"W ALONG THE CENTERLINE OF BAYSHORE ROAD (STATE ROAD NO. 78), A DISTANCE OF 663.17 FEET; THENCE N00°00'46"W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE N89°43'24"W ALONG THE NORTHERLY RIGHT OF WAY LINE OF BAYSHORE ROAD, A DISTANCE OF 540.25 FEET; THENCE N00°16'36"E, A DISTANCE OF 50.02 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE N85°20'36"W, A DISTANCE OF 73.63 FEET; THENCE N00°07'14"W ALONG THE EASTERLY RIGHT OF WAY LINE OF WELLS ROAD, A DISTANCE OF 570.82 FEET; THENCE S89°54'31"E ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 614.45 FEET; THENCE S00°00'46"E ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 628.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.75 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

RECEIVED
JAN 17 2006

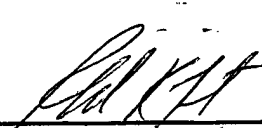
COMMUNITY DEVELOPMENT

EXHIBIT 'A'

NOTES:

1. THIS IS NOT A SURVEY.
2. THIS DOCUMENT IS NOT VALID WITHOUT THE SIGNERS EMBOSSED SEAL.
3. BEARINGS ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD BEING N89°43'24"W AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS.
4. R/W INDICATES RIGHT OF WAY.
5. P.O.B. INDICATES POINT OF BEGINNING.

DCI 2005-00100


RONALD KERFOOT
PROFESSIONAL LAND SURVEYOR #2994

JRI Engineering, Inc.

Planning Engineering Surveying Aerial Photography & Photogrammetry Services

2328 Hancock Bridge Parkway, Ste. 114, Cape Coral, Florida 33990
Phone: 239.458.5544 Fax: 239.458.2233 www.jriengineeringinc.com
Engineering Business Certificate of Authorization No. 5424

BAYSHORE VILLAGE MARKET SQUARE

DESCRIPTION

SCALE: N.T.S.

BY: RK

DATE: 9-27-05

SHEET No. 2 OF 2

EXHIBIT 6-Q

ENVIRONMENTAL ISSUES
Bayshore 8.74 acre parcel

A. TOPOGRAPHY:
DESCRIBE THE RANGE OF SURFACE ELEVATIONS OF THE PROPERTY:

See attached info submitted by JRI.

B. SENSITIVE LANDS:
IDENTIFY ANY ENVIRONMENTALLY SENSITIVE LANDS, INCLUDING, BUT NOT LIMITED TO, WETLANDS (AS DEFINED IN THE LEE PLAN), FLOWWAYS, CREEK BEDS, SAND DUNES, OTHER UNIQUE LAND FORMS (SEE LEE PLAN POLICY 77.1.1 (2) OR LISTED SPECIES OCCUPIED HABITAT (SEE SEC. 10-473 OF THE LAND DEVELOPMENT CODE.

The parcel does not contain any wetlands.

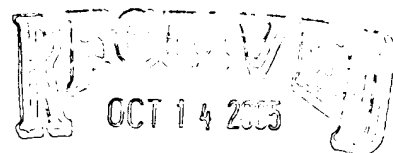
Three inactive gopher tortoise burrows were located.

C. PRESERVATION/CONSERVATION OF NATURAL FEATURES:
DESCRIBE HOW THE LANDS LISTED IN B. ABOVE WILL BE PROTECTED BY THE COMPLETED PROJECT.

Due to the extreme amounts of rainfall in SW Florida recently, gopher tortoise may not be present at this time but are present at other times. For this reason, the parcel would be re surveyed prior to local Development Order. If gopher tortoise are found at that time, either a Gopher Tortoise Incidental Take Permit or a Gopher Tortoise Relocation Permit would be obtained from the FWC and a more detailed management plan would be submitted to Lee County DES. See attached Protected Species Survey.

D. SHORELINE STABILIZATION:
IF THE PROJECT IS LOCATED ADJACENT TO NAVIGABLE NATURAL WATERS, DESCRIBE THE METHOD OF SHORELINE, IF ANY, BEING PROPOSED:

Not Applicable. The project is not located adjacent to navigable natural waters.



DCI2005-00100

Bayshore 8.74 Acres

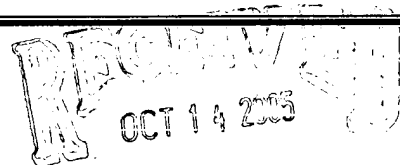
S 22 / 43S / 25E, Lee County, Florida

Protected Species Survey

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

11000 Metro Parkway, Suite 4
Fort Myers, Florida, 33912
Phone: (239) 418-0671 Fax: (239) 418-0672

July 18, 2005

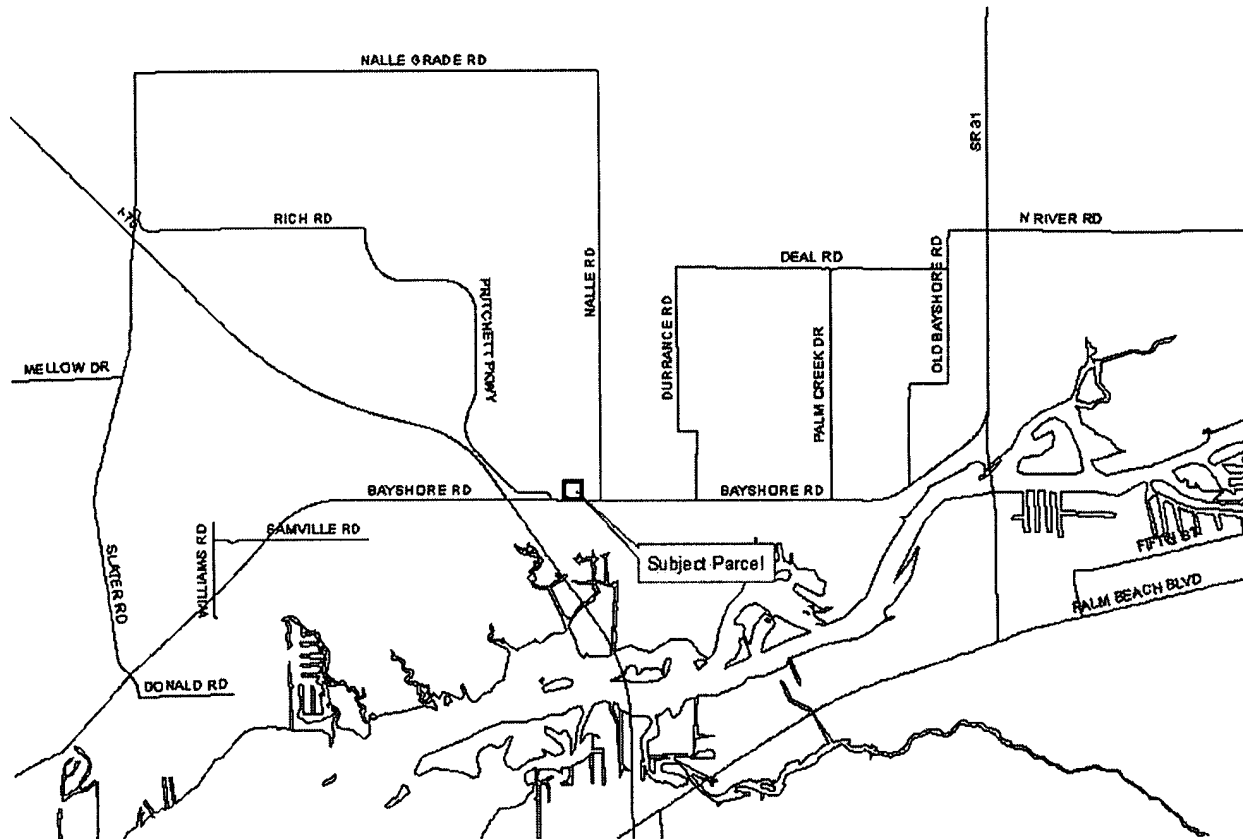


DCI2005-00100

INTRODUCTION

Environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigation on the +/- 8.74 acre property on July 15, 2005.

The purpose of the investigation was to identify the presence and approximately locate listed species. The site is located in Section 22, Township 43 South, Range 25 East, in Lee County, Florida. More specifically, the site is situated northeast of the intersection of I-75 & Bayshore Road.



METHODOLOGY

The survey was comprised of a several step process. First, vegetation communities or land-uses on the study area were delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Secondly, the FLUCCS codes were cross-referenced with a Potential Protected Species List. This list names the species that have a probability of occurring within a particular FLUCCS community; the table at end of the report lists the FLUCCS communities found on the parcel and the corresponding species that have a probability of occurring in them. Lastly, these FLUCCS communities were searched with parallel, overlapping transects for signs of listed species.

SITE CONDITIONS

Listed below are the vegetation communities or land-uses identified on the site. The following descriptions correspond to the mappings on the attached FLUCCS map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1985) for definitions. Boundaries and acreages are approximate.

411, Pine Flatwoods (+/- 8.74 acres)

This community is dominated by slash pine in the canopy with dense, impenetrable in areas, saw palmetto in the understory. Other dominant vegetation includes grapevine, pennyroyal, wiregrass, rusty lyonia, and peppervine.

SPECIES PRESENCE

The various listed species that have a probability of occurring in the FLUCCS communities have been tabulated on the attached table. Three inactive gopher tortoise burrows were located indicating one or two gopher tortoise inhabit the parcel.

These burrows may actually be abandoned burrows. At the time of inspection, SW Florida has had an extreme amount of rain for this time of the year. Although the parcel consists of dense saw palmetto and is considered "solid uplands," the water table was at or just below the existing ground elevation; these three burrows were inundated up the ground elevation making them difficult, if possible, to classify as Active – Inactive – or Abandoned at this time.

Table. Potential Protected Species according to FLUCCS categories.

FLUCCS	Potential Listed Species	% Coverage	Present	Absent	Density	Visibility (ft)
411	Beautiful Pawpaw	90		X		40
	Big Cypress Fox Squirrel	90		X		40
	Eastern Indigo Snake	90		X		40
	Fakahatchee Burmannia	90		X		40
	Florida Black Bear	90		X		40
	Florida Coontie	90		X		40
	Florida Panther	90		X		40
	Gopher Frog	90		X		40
	Gopher Tortoise	90	X		.23 GT per Acre*	40
	Red-Cockaded Woodpecker	90		X		40
	Satinleaf	90		X		40
	Southeastern American Kestrel	90		X		40
	Twisted Air Plant	90		X		40

*Based upon two gopher tortoise in 8.74 acres

GOPHER TORTOISE MANAGEMENT PLAN FOR ZONING

As stated above, there is the potential for gopher tortoise to inhabit the site but due to the extreme amounts of rainfall in SW Florida, they may not be present at this time. For this reason, the parcel would be re surveyed prior to local Development Order. If gopher tortoise are found at that time, either a Gopher Tortoise Incidental Take Permit or a Gopher Tortoise Relocation Permit would be obtained from the FWC and a more detailed management plan would be submitted to Lee County DES.



FLUCCS LEGEND
411 PINE FLATWOODS, 8.74 AC (ENTIRE PARCEL)

SPECIES TRANSECTS DEPICTED
BY DASHED LINE

PROTECTED SPECIES LEGEND

- (A) Active Tortoise Burrow, 0
(I) Inactive Tortoise Burrow, 3*
(AB) Abandoned Tortoise Burrow, 0

* The water table was a couple inches below existing grade at time of inspection due to extreme rainfall amounts. The burrows were classified as inactive but may actually be abandoned.

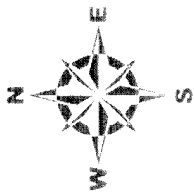
Revisions	Date	Page
0012005-00100		Exhibit

BAYSHORE 8.74 ACRE
PROTECTED SPECIES GRAPHIC

Drawn By	Date	Category
JDK	6/24/05	PSS Scale
2005-118		1" = 200'
STP		County
2243S-25E		Lee

**Boylan
Environmental
Consultants, Inc.**
*Field and Wildlife Surveys, Environmental Permitting,
Impact Assessments*

2000 45th Street, Suite 401 • Albany, New York 12243-1901



SCS Soils
HYDRIC SOILS

☐ YES

FELDA FINE SAND

Subject Parcel

OLDSMAR SAND

OLDSMAR SAND

WABASSO SAND

COPELAND SANDY LOAM DEPRESSIONAL

IMMOKALEE SAND

840

Feet

BAYSHORE 8.74 ACRES

SCS SOILS MAP

Boylan
Environmental
Consultants, Inc.
11000 Metro Parkway, Suite 4
Fort Myers, FL 33912
Office: (813) 484-0671
Fax: (813) 484-0672

Soil Series	Symbol	Acres	Percent	Notes
Imмокalee Sand	Imмокalee	8.74	100%	
Oldsmar Sand	Oldsmar			
Wabasso Sand	Wabasso			
Copeland Sandy Loam Depressional	Copeland			
Felda Fine Sand	Felda			

S89°54'31"E 614.45'



NORTH LINE OF THE SOUTHWEST 1/4 OF THE
NORTHEAST 1/4 OF THE SOUTHWEST 1/4

NOTES:

1. THIS IS NOT A SURVEY.
2. THIS DOCUMENT IS NOT VALID WITHOUT THE SIGNERS EMBOSSED SEAL.
3. BEARINGS ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD BEING N89°43'24"W AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS.
4. R/W INDICATES RIGHT OF WAY.
5. P.O.B. INDICATES POINT OF BEGINNING.

WEST LINE OF THE SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER OF THE SOUTHWEST QUARTER
CENTERLINE
N00°07'14"W 570.82'

EASTERLY RIGHT OF WAY LINE

EAST LINE OF THE SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER OF THE SOUTHWEST QUARTER
S00°00'46"E 628.44'

N85°20'36"W
73.63'

N00°16'36"E
50.02'

NORTHERLY RIGHT OF WAY LINE

P.O.B.

N89°43'24"W 540.25'

1/4 1/4 SECTION LINE

N00°00'46"W~50.00'

BAYSHORE ROAD (STATE ROAD NO. 78) CENTERLINE
N89°43'24"W~663.17'

DCI 2005-00100

EAST LINE OF
SOUTHWEST QUARTER
N00°05'43"E 1323.13'

SOUTHEAST CORNER OF THE
SOUTHWEST QUARTER OF
SECTION 22, TOWNSHIP 43
SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

Ronald Kerfoot
RONALD KERFOOT
PROFESSIONAL LAND SURVEYOR #2994

JRI Engineering, Inc.

Planning Engineering Surveying Aerial Photography & Photogrammetry Services

2328 Hancock Bridge Parkway, Ste. 114, Cape Coral, Florida 33990
Phone: 239.458.5544 Fax: 239.458.2233 www.jriengineeringinc.com
Engineering Business Certificate of Authorization No. 5424

BAYSHORE VILLAGE MARKET SQUARE

SKETCH OF DESCRIPTION

SCALE: 1"=100' BY: RK

DATE: 9-27-05 SHEET No. 1 OF 2

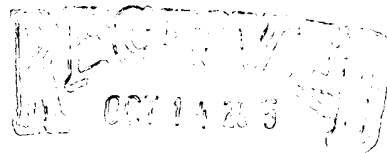
DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N00°05'43"E ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION LINE 22, A DISTANCE OF 1323.13 FEET; THENCE N89°43'24"W ALONG THE CENTERLINE OF BAYSHORE ROAD (STATE ROAD NO. 78), A DISTANCE OF 663.17 FEET; THENCE N00°00'46"W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE N89°43'24"W ALONG THE NORTHERLY RIGHT OF WAY LINE OF BAYSHORE ROAD, A DISTANCE OF 540.25 FEET; THENCE N00°16'36"E, A DISTANCE OF 50.02 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE N85°20'36"W, A DISTANCE OF 73.63 FEET; THENCE N00°07'14"W ALONG THE EASTERLY RIGHT OF WAY LINE OF WELLS ROAD, A DISTANCE OF 570.82 FEET; THENCE S89°54'31"E ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 614.45 FEET; THENCE S00°00'46"E ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 628.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.75 ACRES, MORE OR LESS.

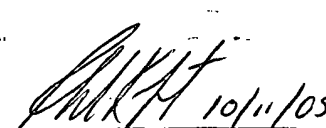
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.



NOTES:

1. THIS IS NOT A SURVEY.
2. THIS DOCUMENT IS NOT VALID WITHOUT THE SIGNERS EMBOSSED SEAL.
3. BEARINGS ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD BEING N89°43'24"W AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS.
4. R/W INDICATES RIGHT OF WAY.
5. P.O.B. INDICATES POINT OF BEGINNING.

DCI 2005-00100


RONALD KERFOOT
PROFESSIONAL LAND SURVEYOR #2994

JRI Engineering, Inc.

Planning Engineering Surveying Aerial Photography & Photogrammetry Services

2328 Hancock Bridge Parkway, Ste. 114, Cape Coral, Florida 33990
Phone: 239.458.5544 Fax: 239.458.2233 www.jriengineeringinc.com
Engineering Business Certificate of Authorization No. 5424

BAYSHORE VILLAGE MARKET SQUARE

DESCRIPTION

SCALE: N.T.S.

BY: RK

DATE: 9-27-05

SHEET No. 2 OF 2



WELLS ROAD

33

DCI 2005-00100

35

BAYSHORE ROAD (STATE ROAD NO. 78)

SOILS MAP

33 OLDSMAR SAND
35 WABASSO SAND

JRI Engineering, Inc.

Planning Engineering Surveying Aerial Photography & Photogrammetry Services

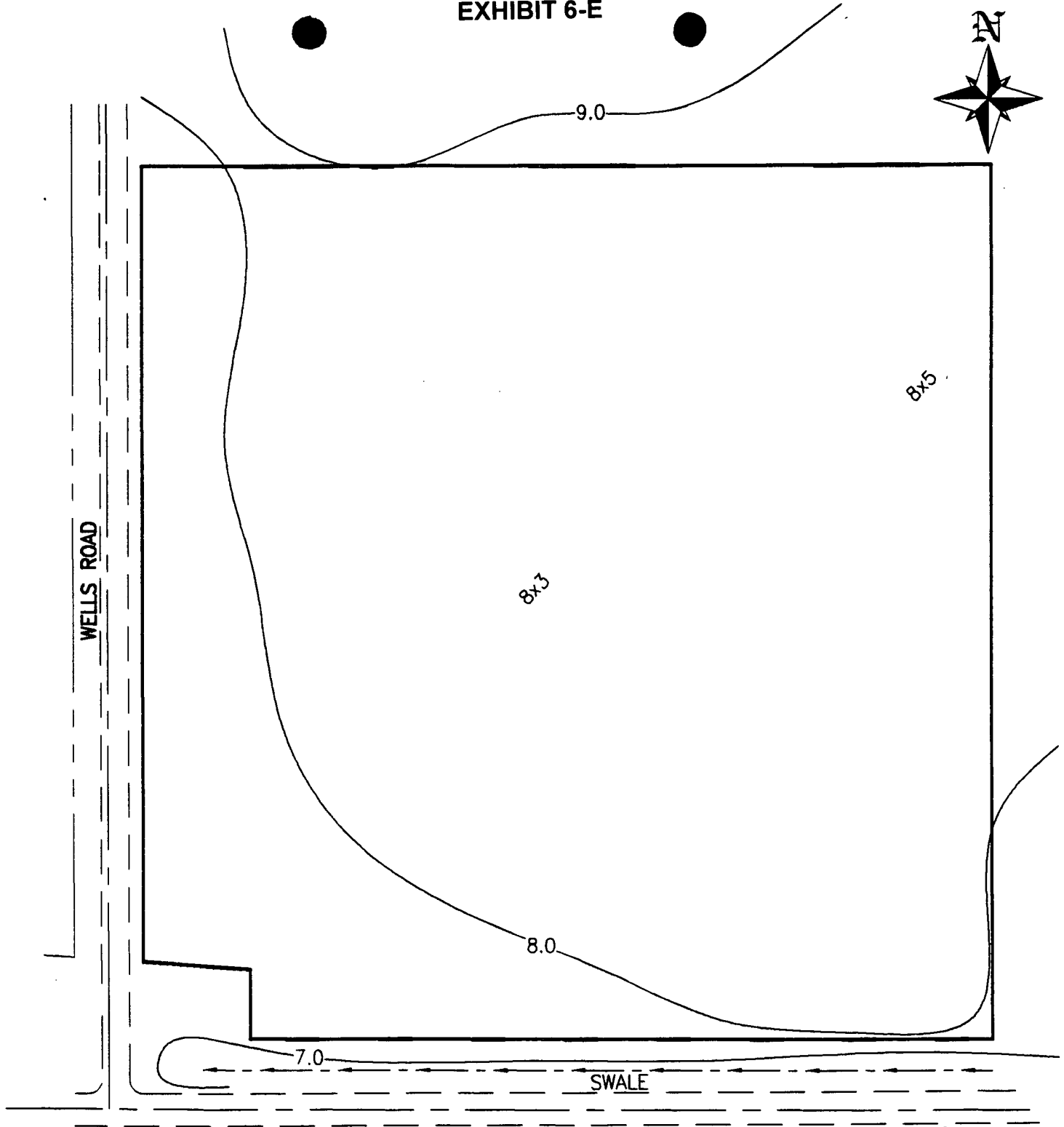
2328 Hancock Bridge Parkway, Ste. 114, Cape Coral, Florida 33990
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Engineering Business Certificate of Authorization No. 5424

BAYSHORE VILLAGE MARKET SQUARE

SOILS MAP

SCALE: 1"=100' DESIGNED BY: RK DATE: 9-20-05 SHEET No. 1 OF 1

EXHIBIT 6-E



BAYSHORE ROAD (STATE ROAD NO. 78)

DCI 2005-00100

OCT 14 2005

FOR GENERAL PLANNING, BASED ON LEE COUNTY AERIAL TOPOGRAPHY

JRI Engineering, Inc.

Planning Engineering Surveying Aerial Photography & Photogrammetry Services

2328 Hancock Bridge Parkway, Ste. 114, Cape Coral, Florida 33990

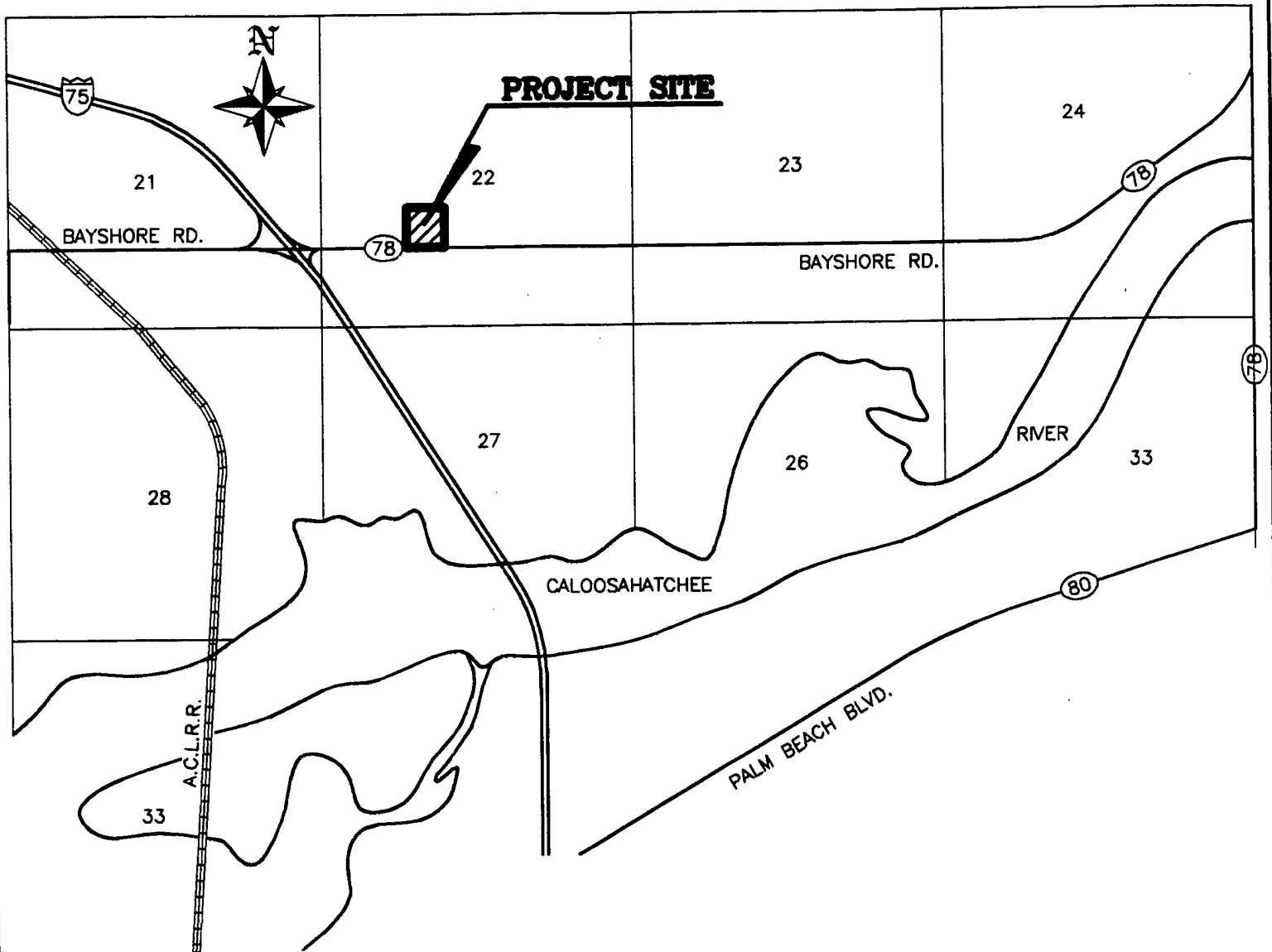
Phone: 239.458.5544 Fax: 239.458.2233 www.jriengineeringinc.com

Engineering Business Certificate of Authorization No. 5424

BAYSHORE VILLAGE MARKET SQUARE

TOPOGRAPHIC MAP

SCALE: 1"=100' DESIGNED BY: RK DATE: 9-20-05 SHEET No. 1 OF 1



LOCATION MAP

DCI 2005-00100

JRI Engineering, Inc.

Planning Engineering Surveying Aerial Photography & Photogrammetry Services

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BAYSHORE VILLAGE MARKET SQUARE

LOCATION MAP

SCALE: N.T.S.

DESIGNED BY: RK

DATE: 9-20-05

SHEET No. 1 OF 1

DESIGN STANDARDS COMPLIANCE

EXHIBIT 6-H

Subsections (j), (l), (m), and (p) of LDC section 34-411 do not apply to this minor CPD. The applicant responds to the remaining design standards as follows:

1. (a): As noted in the Justification for Rezoning, the application is consistent with the Lee Plan.
2. (b): The application will comply with the LDC in all respects. No deviations have been requested.
3. (c): The project will comply with the standard LDC requirements for general and indigenous open space. The existing residential use to the north will be protected by a Type C buffer and a preserve area on the north side of the development. The project will also comply with all LDC standards for parking, utilities, and surface water management.
4. (d): The project will have access to Bayshore Road, an arterial operating at LOS "B" at this location.
5. (e): The property is not located in the Lee Tran public transit service area.
6. (f): The property does not contain a flowway. The proposed commercial use is mandated by the General Interchange category.
7. (g) and (h): The development will comply with the standard LDC requirements for general and indigenous open space.
8. (i) and (k): As noted previously, the existing residential lot to the north will be protected by a Type C buffer and an indigenous preserve.
9. (n): The schedule of uses creates a distinction between the portion of the parcel that is closest to Bayshore Road and the northern part of the tract in order to provide an additional level of protection for the residential use to the north.
10. (o): The project will comply with all applicable LDC parking requirements.
11. (q): Internal consistency will be provided throughout the development.

DCI 2005-00100

Lee Plan Compliance
EXHIBIT 6-G

The proposed rezoning from AG-2 to CPD is consistent with the Lee Plan in general and the following objectives and policies in particular:

1. Policy 1.3.2: The requested commercial uses are permitted in the General Interchange category.
2. Objective 2.1: The property is located at an I-75 interchange. Parcels to the east are zoned and used for commercial purposes. The request will not, therefore, create urban sprawl.
3. Objective 2.2: Bayshore Road operates at LOS "B" at this location, according to the 2005 Concurrency Inventory. The project will be served by public water and sewer facilities. The proposed development will, therefore, be served by adequate public facilities.
4. Policy 5.1.5: The project will provide a Type C buffer to protect the existing residential use to the north. The Lee Plan mandates commercial uses at this location.
5. Policy 6.1.2: While developments in the interchange categories are exempt from the commercial site location standards, the parcel is nonetheless located at the intersection of an arterial and an existing local street (Wells Road).
6. Policy 6.1.4: As noted above, the proposed commercial uses on the site are mandated by Policy 1.3.2. Compatibility with the one existing adjoining residential use is assured by the Type C buffer and the preserve area along the northern boundary of the site.
7. Standards 11.1 and 11.2: As noted above, the project will be served by public water and sewer facilities.

In accordance with LDC sections 34-145 and 34-373, the applicant further states the following:

1. As noted above, the application is consistent with the Lee Plan.
2. No deviations have been requested as part of this application, which meets all of the standards in the LDC.
3. As noted above, the project will be served by adequate public facilities.
4. As noted above, the project is compatible with the neighborhood.
5. There are no environmentally sensitive lands on the site.

DCI 20-05-00100

EXHIBIT 6-F
ENVIRONMENTAL ISSUES
Bayshore 8.74 acre parcel

A. TOPOGRAPHY:
DESCRIBE THE RANGE OF SURFACE ELEVATIONS OF THE PROPERTY:

See attached info submitted by JRI.

B. SENSITIVE LANDS:
IDENTIFY ANY ENVIRONMENTALLY SENSITIVE LANDS, INCLUDING, BUT NOT LIMITED TO, WETLANDS (AS DEFINED IN THE LEE PLAN), FLOWWAYS, CREEK BEDS, SAND DUNES, OTHER UNIQUE LAND FORMS (SEE LEE PLAN POLICY 77.1.1 (2) OR LISTED SPECIES OCCUPIED HABITAT (SEE SEC. 10-473 OF THE LAND DEVELOPMENT CODE.

The parcel does not contain any wetlands.

Three inactive gopher tortoise burrows were located.

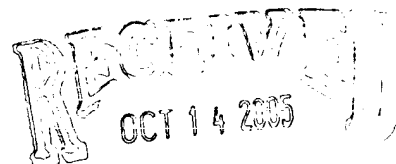
C. PRESERVATION/CONSERVATION OF NATURAL FEATURES:
DESCRIBE HOW THE LANDS LISTED IN B. ABOVE WILL BE PROTECTED BY THE COMPLETED PROJECT.

Due to the extreme amounts of rainfall in SW Florida recently, gopher tortoise may not be present at this time but are present at other times. For this reason, the parcel would be re surveyed prior to local Development Order. If gopher tortoise are found at that time, either a Gopher Tortoise Incidental Take Permit or a Gopher Tortoise Relocation Permit would be obtained from the FWC and a more detailed management plan would be submitted to Lee County DES. See attached Protected Species Survey.

D. SHORELINE STABILIZATION:
IF THE PROJECT IS LOCATED ADJACENT TO NAVIGABLE NATURAL WATERS, DESCRIBE THE METHOD OF SHORELINE, IF ANY, BEING PROPOSED:

Not Applicable. The project is not located adjacent to navigable natural waters.

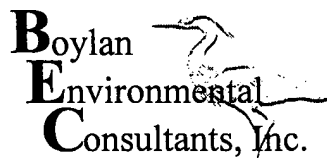
DCI 2005-00100



Bayshore 8.74 Acres

S 22 / 43S / 25E, Lee County, Florida

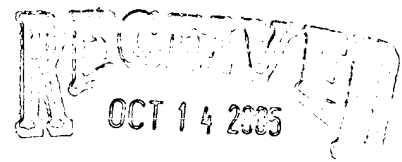
Protected Species Survey



*Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments*

11000 Metro Parkway, Suite 4
Fort Myers, Florida, 33912
Phone: (239) 418-0671 Fax: (239) 418-0672

July 18, 2005

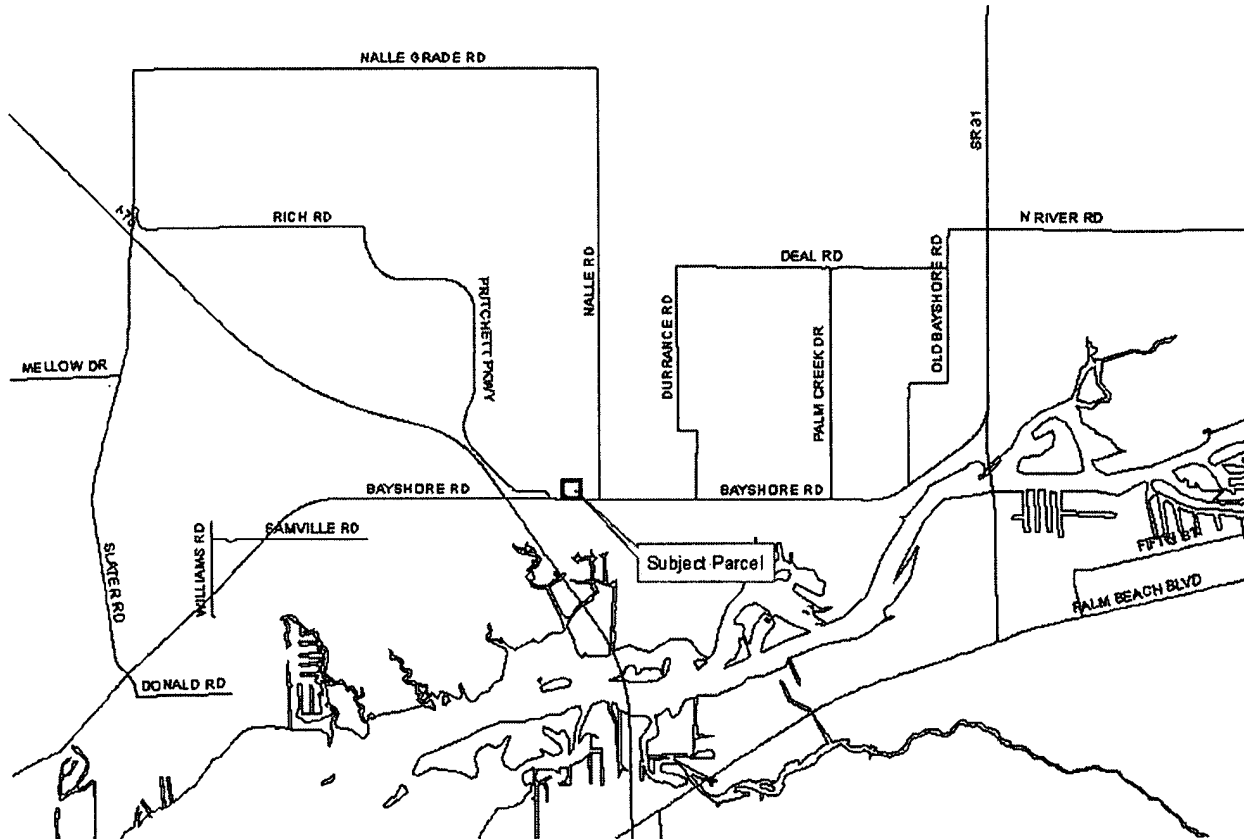


DCI 2005-00100

INTRODUCTION

Environmental scientists from Boylan Environmental Consultants, Inc conducted a field investigation on the +/- 8.74 acre property on July 15, 2005.

The purpose of the investigation was to identify the presence and approximately locate listed species. The site is located in Section 22, Township 43 South, Range 25 East, in Lee County, Florida. More specifically, the site is situated northeast of the intersection of I-75 & Bayshore Road.



METHODOLOGY

The survey was comprised of a several step process. First, vegetation communities or land-uses on the study area were delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Secondly, the FLUCCS codes were cross-referenced with a Potential Protected Species List. This list names the species that have a probability of occurring within a particular FLUCCS community; the table at end of the report lists the FLUCCS communities found on the parcel and the corresponding species that have a probability of occurring in them. Lastly, these FLUCCS communities were searched with parallel, overlapping transects for signs of listed species.

SITE CONDITIONS

Listed below are the vegetation communities or land-uses identified on the site. The following descriptions correspond to the mappings on the attached FLUCCS map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1985) for definitions. Boundaries and acreages are approximate.

411, Pine Flatwoods (+/- 8.74 acres)

This community is dominated by slash pine in the canopy with dense, impenetrable in areas, saw palmetto in the understory. Other dominant vegetation includes grapevine, pennyroyal, wiregrass, rusty lyonia, and peppervine.

SPECIES PRESENCE

The various listed species that have a probability of occurring in the FLUCCS communities have been tabulated on the attached table. Three inactive gopher tortoise burrows were located indicating one or two gopher tortoise inhabit the parcel.

These burrows may actually be abandoned burrows. At the time of inspection, SW Florida has had an extreme amount of rain for this time of the year. Although the parcel consists of dense saw palmetto and is considered "solid uplands," the water table was at or just below the existing ground elevation; these three burrows were inundated up the ground elevation making them difficult, if possible, to classify as Active – Inactive – or Abandoned at this time.

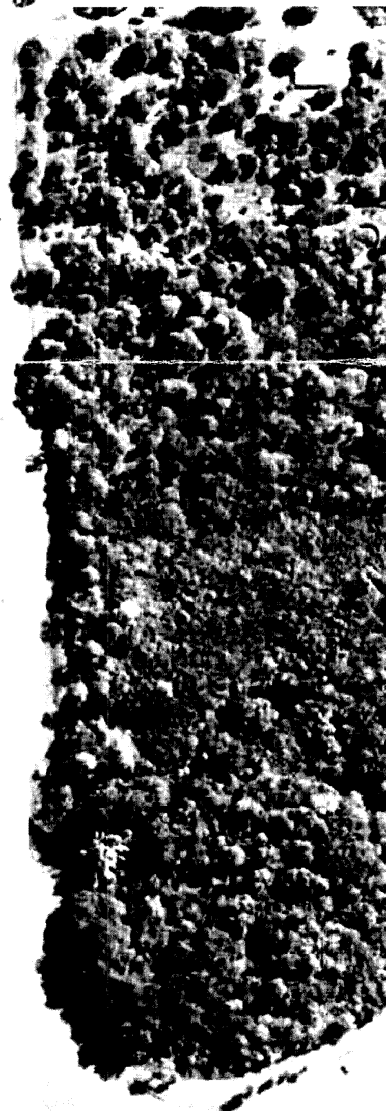
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	Satinleaf	90		X		40
	Southeastern American Kestrel	90		X		40
	Twisted Air Plant	90		X		40

*Based upon two gopher tortoise in 8.74 acres

GOPHER TORTOISE MANAGEMENT PLAN FOR ZONING

As stated above, there is the potential for gopher tortoise to inhabit the site but due to the extreme amounts of rainfall in SW Florida, they may not be present at this time. For this reason, the parcel would be re surveyed prior to local Development Order. If gopher tortoise are found at that time, either a Gopher Tortoise Incidental Take Permit or a Gopher Tortoise Relocation Permit would be obtained from the FWC and a more detailed management plan would be submitted to Lee County DES.



FLUCCS LEGEND
411 PINE FLATWOODS, 8.74 AC (ENTIRE PARCEL)

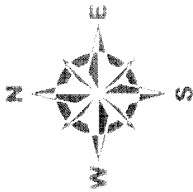
SPECIES TRANSECTS DEPICTED
BY DASHED LINE

PROTECTED SPECIES LEGEND

- (A) Active Tortoise Burrow, 0
- (I) Inactive Tortoise Burrow, 3*
- AB Abandoned Tortoise Burrow, 0

*The water table was a couple inches below existing grade at time of inspection due to extreme rainfall amounts. The burrows were classified as inactive but may actually be abandoned.

 Boyland Environmental Consultants, Inc. <small>Wetland & Wildlife Survey, Environmental Permitting, Impact Assessments</small> <small>10000 Main Street, Suite 100, Dallas, Texas 75243</small>	Drawn By JDK	Date 6/24/05	Category PSS	Scale 1" = 200' County Lee	Revisions 0012005-00100	Date 6/24/05	Page 1 of 1
	Job Number 2005-118 SJR	Title BAYSHORE 8.74 ACRE PROTECTED SPECIES GRAPHIC	Exhibit 0012005-00100				



SCS Soils
HYDRIC SOILS
☐ YES

840

Feet

FELDA FINE SAND

Subject Parcel

OLDSMAR SAND

OLDSMAR SAND

WABASSO SAND

COPELAND SANDY LOAM DEPRESSIONAL

IMMOKALEE SAND

DCI 2005-00100

BAYSUORE 8.74 ACRES

SCS SOILS MAP

Bayside Environmental Consultants, Inc.
11000 Metro Parkway, Suite 4
Fort Myers, FL 33912
Office: (239) 418-0672
Fax: (239) 418-0672

DATE	BY	REVISION	DESCRIPTION
06/24/04	DCI	2005-00100	SCS SOILS MAP

PROPERTY DEVELOPMENT REGULATIONS

MINIMUM SETBACKS

	<u>PERIMETER</u>	<u>INTERIOR</u>
STREET R/W:	25'	20'
SIDE:	15'	10'
REAR:	20'	20'

MINIMUM BUILDING SEPARATION

20'

MINIMUM LOT AREA

22,500 SF

MINIMUM LOT WIDTH

150'

MINIMUM LOT DEPTH

150'

REQUIRED PARKING

THE PARKING REQUIRED FOR EACH BUILDING SHALL BE PROVIDED AT THE TIME OF DEVELOPMENT ORDER APPLICATION AND MEET LDC REQUIREMENTS.

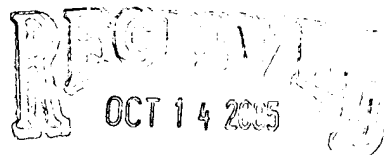
RECEIVED
OCT 14 2005

DCI 2005-00100

**Schedule of Uses
EXHIBIT 6-M**

Accessories
Administrative Offices
Animal Clinic or Kennel (Area B only)
ATM
Auto Parts Store
Automobile Service Station (Area A only)
Auto Repair Service
Bait & Tackle Shop
Banks, Group I
Boat Parts Store
Boat Sales
Broadcast Studio
Building Materials Sales (Area B only)
Business Services, Groups I & II
Car Wash (Area A only)
Cleaning & Maintenance Services (Area B only)
Clothing Stores
Clubs, all kinds
COP, including outdoor seating in Area A
Contractors & Builders, All Groups (Area B only)
Convenience Store
Day Care Center, Child or Adult
Drive-Through
Drugstore
Essential Services
Essential Service Facilities, Groups I & II
Excavation, Water Retention
Farm Equipment Sales
Feed or Fertilizer Sales
Fences, Walls
Food Stores, Groups I & II
Funeral Home
Gift & Souvenir Shop
Hardware Store
Health Care Facilities, All Groups
Hobby, Toy & Game Shops
Household & Office Furnishings
Laundry or Drycleaning, Group I
Medical Office
Non-Store Retailers
Paint, Glass & Wallpaper
Parking Lot, Accessory
Personal Services, All Groups

Pet Services
Pet Shop
Place of Worship
Printing & Publishing
Restaurant, Groups I, II, III
(including outdoor seating in
Area A)
Restaurant, Fast Food (Area A only,
including outdoor seating)
Retail or Leasing Establishments,
All Groups (Area B only)
Schools, Commercial
Signs
Social Services, Groups I, II and III
Specialty Retail Shops, All Groups
Studios
Variety Store



DCI2005-00100



TRAFFIC IMPACT STATEMENT

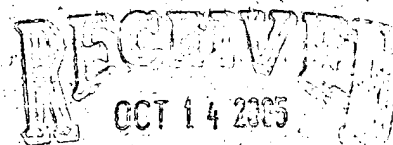
FOR

BAYSHORE VILLAGE MARKET SQUARE

PROJECT NO. 0509.02

PREPARED BY:

**Metro Transportation Group, Inc.
12651 McGregor Boulevard, Suite 4-403
Fort Myers, Florida 33919
239-278-3090**



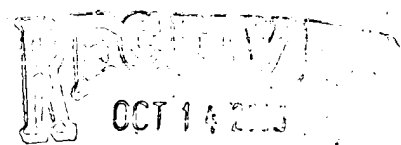
DCI2005-00100

October 7, 2005



CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED DEVELOPMENT
- IV. TRIP GENERATION
- V. TRIP DISTRIBUTION
- VI. ANALYSIS
- VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS
- VIII. CONCLUSION



DCI 2005-00106



I. INTRODUCTION

Metro Transportation Group, Inc. (Metro) has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking approval for zoning. This report has been completed in compliance with guidelines established in the Lee County Traffic Impact Statement Guidelines. The development site is located on the north side of Bayshore Road to the east of its intersection with Wells Road in the North Fort Myers area of Lee County, Florida. The site location is illustrated on **Figure 1**.

The Developer is proposing to develop the site with a maximum of 100,000 square feet of commercial uses. Access to the development is being proposed via two (2) access driveways to Wells Road along the western property boundary in addition to a full access driveway to Bayshore Road.

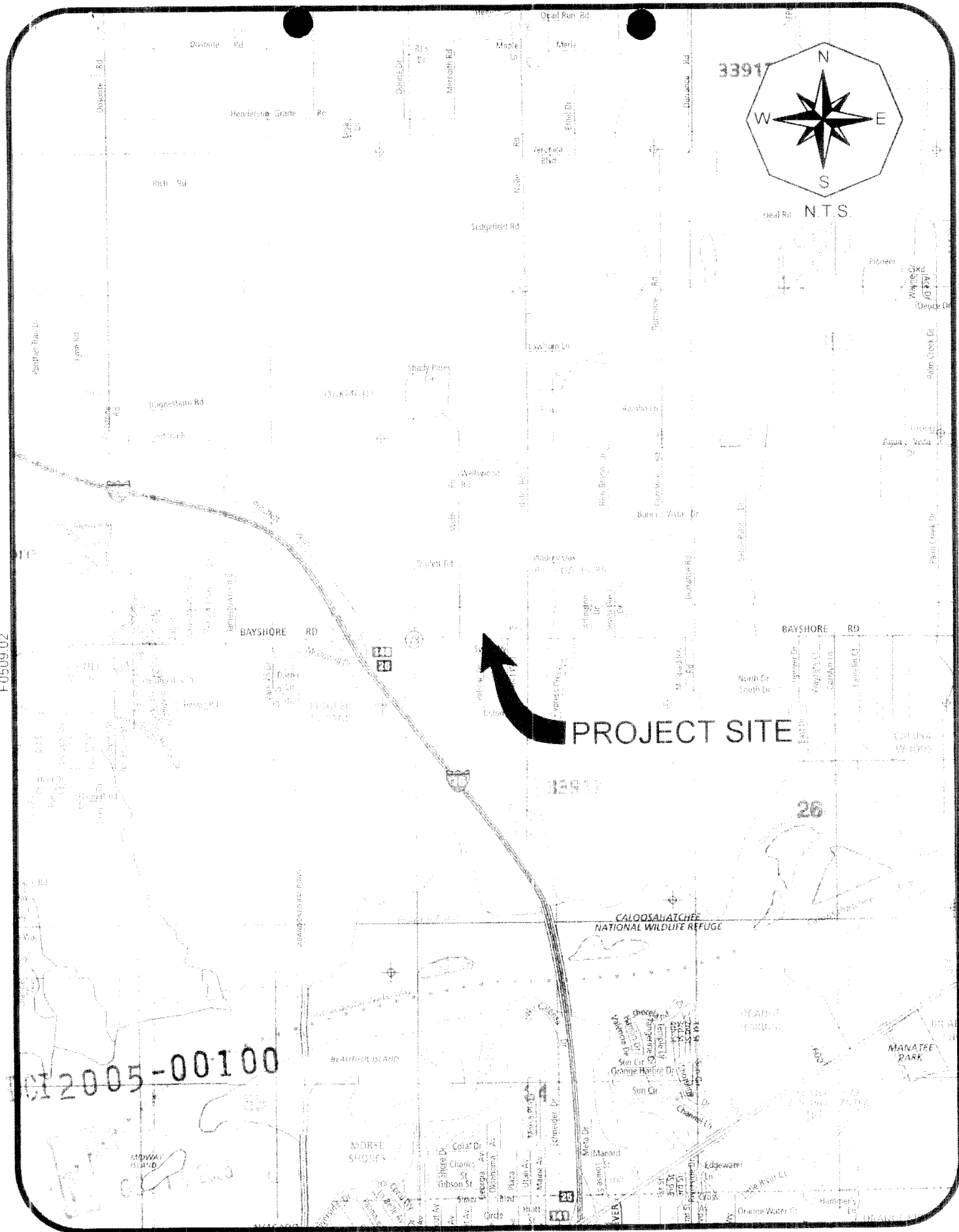
This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various surrounding intersections will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

II. EXISTING CONDITIONS

The subject site is currently vacant. The site is bordered on the north by a couple of single family dwelling units in addition to vacant land. Vacant land zoned for agricultural uses borders the subject site to the east. Bayshore Road borders the subject site to the south. Wells Road borders the subject site to the west.

Bayshore Road (State Route 78) is a two-lane arterial roadway along the frontage of the subject site. From Slater Road to just west of I-75, Bayshore Road is currently being widened to four lanes. Since construction is ongoing, this roadway improvement was taken into account in this analysis. The intersection of Bayshore Road and Wells Road

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PROJECT LOCATION MAP BAYSHORE VILLAGE MARKET SQUARE

Figure 1



currently allows full turning movements under unsignalized conditions. Bayshore Road has a posted speed limit of 50 mph and is under the jurisdiction of the Florida Department of Transportation.

Wells Road is a two-lane local roadway along the western boundary of the subject site. The southern approach to Bayshore Road on Wells Road consists of a single shared lane for both the left and right turning movements. The intersection of Wells Road and Bayshore Road functions under unsignalized conditions. Wells Road is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

The Bayshore Village Market Square re-zoning application will permit the construction of up to 100,000 square feet of commercial uses on the 8.75-acre property within Lee County. The proposed development intensity was taken from the Master Concept plan prepared by JRI Engineering, Inc. **Table 1** summarizes the land use utilized for trip generation purposes for the subject development. The entire development area was assumed to consist of retail uses in order to assume a "worst case" trip generation scenario for the zoning analysis.

Table 1
Bayshore Village Market Square
Land Use

Land Use	Size
Shopping Center (LUC 820)	100,000 sq. ft.

Access to the Bayshore Village Market Square is being proposed in three locations. Two full access driveways are shown to Wells Road along the western property boundary. The third access is shown to Bayshore Road at the eastern boundary of the subject site. Preliminary discussions have been held with FDOT in order to obtain approval of this proposed access driveway to Bayshore Road.



IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation*, 7th Edition. Land Use Code 820 (Shopping Center) was utilized for trip generation purposes in order to assume a "worst case" trip generation scenario on the subject site. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour trip generation of the Bayshore Village Market Square as currently proposed. The daily trip generation is also indicated in the table.

Table 2
Trip Generation
Bayshore Village Market Square

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (100,000 sq. ft.)	95	60	155	300	325	625	6,790

The trips indicated for the shopping center use in Table 2 will not entirely be new trips to the adjacent roadway system. ITE estimates that shopping centers of comparable size may attract an average of 34% of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called "pass-by" traffic, reduces the development's overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. Lee County permits a maximum reduction in trips due to "pass-by" traffic of thirty percent (30%) for the Shopping Center use. Table 5.24 from the ITE Trip Generation Handbook indicates the "pass-by" percentages for the pharmacy use. This table has been attached to the Appendix of this report for reference.

For this analysis, the "pass-by" traffic was accounted for to determine the number of "new" trips the development will add to the surrounding roadways. **Table 3** summarizes the pass-by percentage for the retail use. **Table 4** summarizes the development traffic and the breakdown between the new trips the development is anticipated to generate and the "pass-by" trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, only the traffic added to the surrounding streets and intersections.



Table 3
Pass-by Trip Reduction Factors
Bayshore Village Market Square

Land Use	Percentage Trip Reduction
Shopping Center	30%

Table 4
Trip Generation
Bayshore Village Market Square

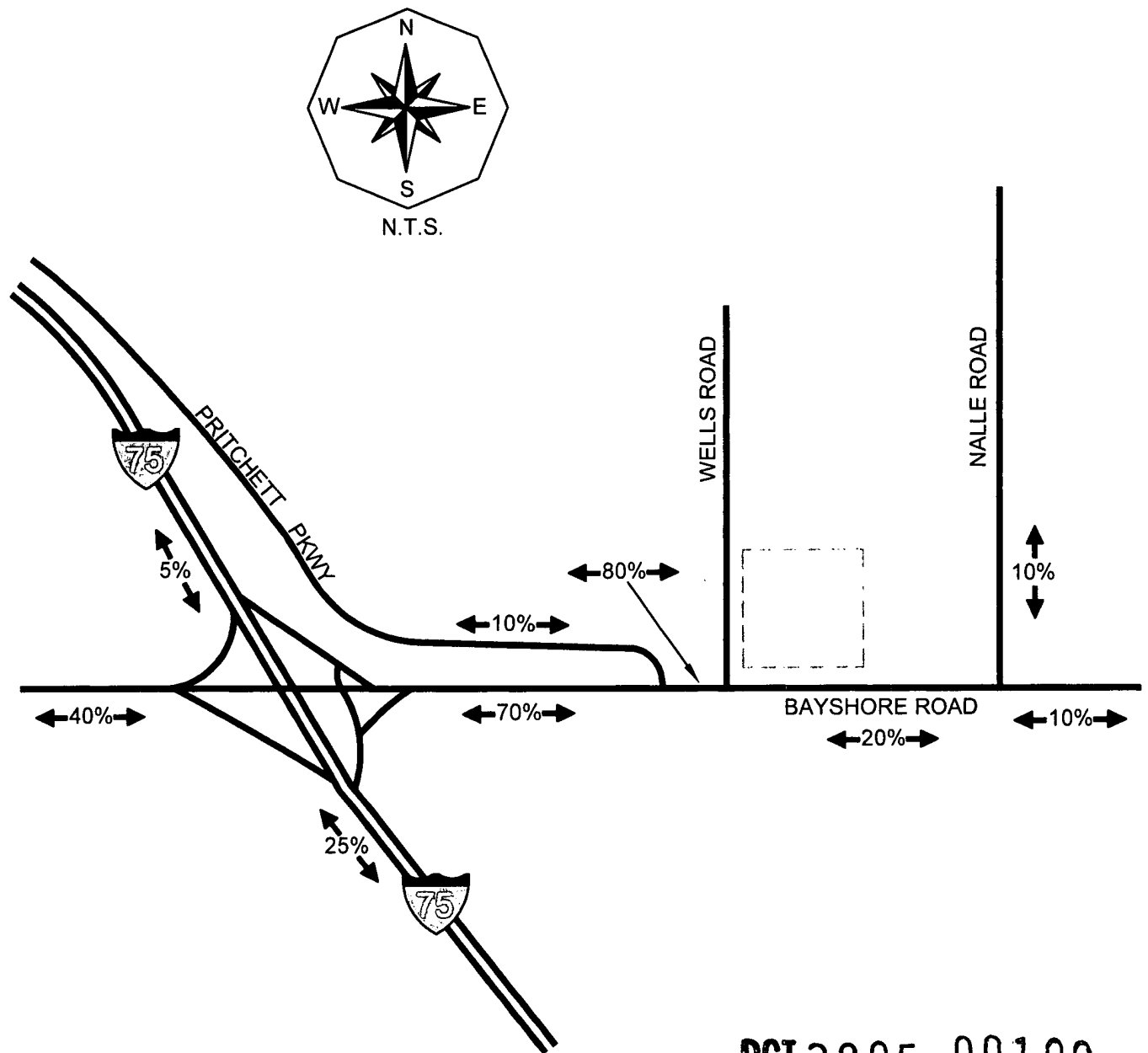
Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Trip Generation	95	60	155	300	325	625	6,790
Less Pass-by Traffic	-30	-15	-45	-90	-100	-190	-2,035
Total New Trips	65	45	110	210	225	435	4,755

V. TRIP DISTRIBUTION

The trips shown in Table 4 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown on **Figure 2**.

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service “C” volumes. The Level of Service threshold volumes were taken from the Lee County Generalized Level of Service Spreadsheet since the build-out of the proposed Bayshore Village Market Square is projected to be after 2008.

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◄20%► PERCENT DISTRIBUTION

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PROJECT TRAFFIC DISTRIBUTION BAYSHORE VILLAGE MARKET SQUARE

Figure 2



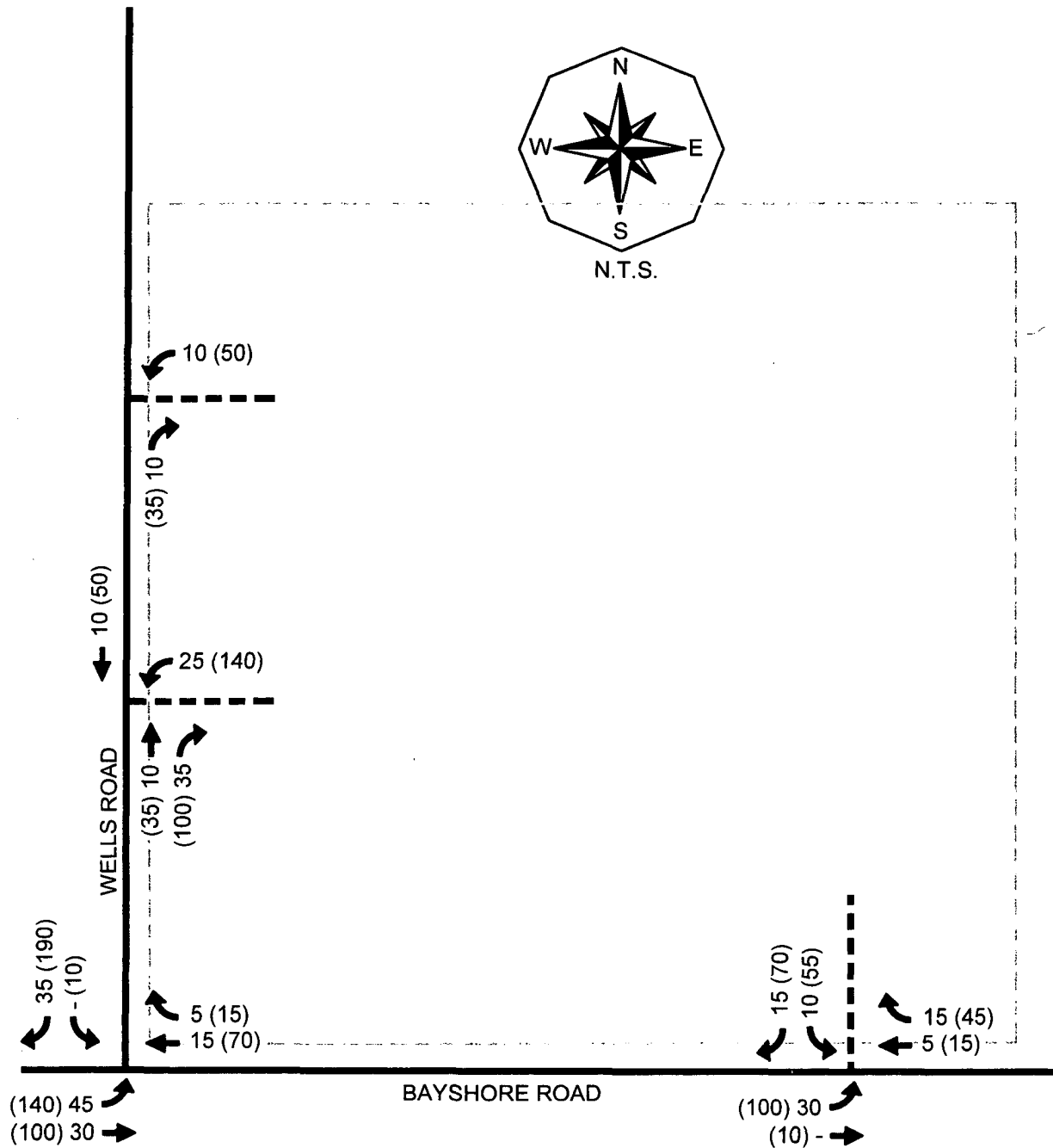
VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the project would be completed by the year 2009. Therefore, the surrounding roadway network was analyzed based on the roadway traffic conditions projected in the year 2010. A growth rate was applied to the existing traffic conditions for all roadway links that could be significantly impacted by this development based on the historical traffic data contained within the 2004 Lee County Traffic Count Report. The existing roadway link traffic data was obtained from the 2004/2005-2005/2006 Concurrency Management Inventory and Projections Report. Based on the project distribution shown in Figure 2, the link data was analyzed for the existing conditions, year 2010 without the development and year 2010 with the development. **Figure 3** indicates the site traffic assignment to the site access driveways proposed as a part of the Bayshore Village Market Square.

The 2010 background traffic volumes were calculated based on the historic growth rate as determined by the 2004 Lee County Traffic Count report. **Table 2A** in the Appendix of the report indicates the methodology utilized to obtain the year 2010 background traffic volumes as well as the growth rate utilized for each roadway segment.

Figure 4 indicates the year 2010 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 4 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. These figures are derived from **Table 2A** contained in the Appendix.

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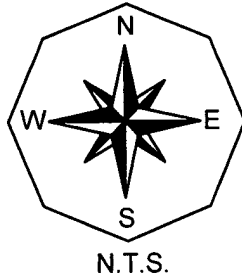
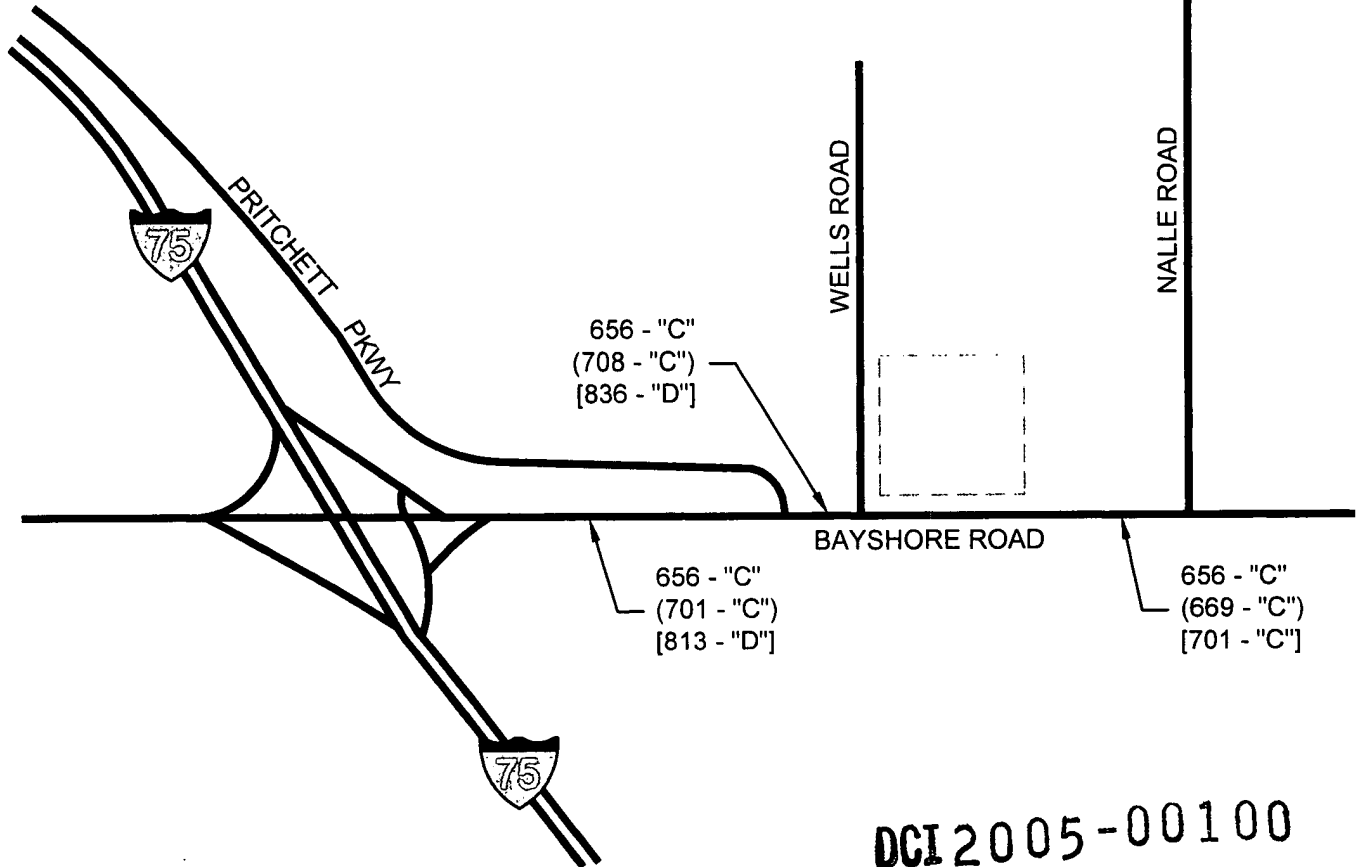
- ← 000 WEEKDAY AM PEAK HOUR TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR TRAFFIC
- INDICATES LESS THAN 5 TRIPS

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SITE TRAFFIC ASSIGNMENT
BAYSHORE VILLAGE MARKET SQUARE

Figure 3



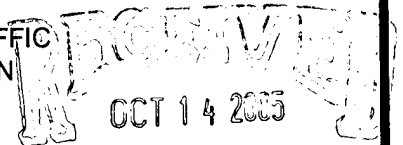
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LEGEND

XXX - "C" 2010 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX - "C") 2010 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX - "C"] 2010 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION



2010 BUILD-OUT TRAFFIC CONDITIONS
BAYSHORE VILLAGE MARKET SQUARE

Figure 4



VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

As can be seen from Figure 4, all of the roadway links analyzed as part of this report are shown to operate at an acceptable Level of Service when the development traffic is added to the surrounding roadway network according to the Lee County Level of Service standards. Therefore, no roadway link improvements will be required as a result of the proposed Bayshore Village Market Square.

Intersection analysis was performed at the site access intersection to Bayshore Road in addition to the Bayshore Road/Wells Road intersection. The through movements on Bayshore Road were taken from the 2010 peak hour, peak direction traffic volumes indicated within Table 2A. The off-peak through volumes were determined by factoring the peak direction volume by the D-factor for P.C.S. 4 of 0.51. The appropriate lane arrangements were entered into the HCS+ software in order to perform the intersection analysis at these unsignalized intersections.

According to the capacity analysis results, the only Level of Service deficiencies are shown at the southbound left turn movements on Wells Road and on the site access driveway. However, while the southbound left turning movements are shown to experience significant delay, the entire southbound approach at each location is shown to function acceptably after the addition of the Bayshore Village Market Square traffic. Therefore, beyond the construction of potential turn lanes, no intersection improvements will be required based on the traffic projections indicated within this report. It should be noted that the trip generation for the proposed Bayshore Village Market Square was based on a "worst case" trip generation scenario, and it is unlikely that the site will ultimately development to the intensity analyzed as a part of this report.

Turn lanes will likely be required as a result of the proposed Bayshore Village Market Square development based upon the turn lane requirements contained within the Lee County Turn Lane Policy (AC-11-4). However, in accordance with the Lee County



Traffic Impact Statement Guidelines, turn lane analysis will be performed at the Development Order stage when a more precise development scenario is available.

X. CONCLUSION

The development of a maximum of 100,000 square feet of commercial floor area within the Bayshore Village Market Square site in the North Fort Myers area of Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

All roadway links are shown to operate acceptably after the addition of the development traffic to the surrounding roadway network. Additionally, all intersection approaches at the site access intersection in addition to the Wells Road/Bayshore Road intersection are shown to function acceptably after the addition of the project traffic. Therefore, no intersection improvements are necessary at this time based on the development of the 100,000 square feet of commercial floor area indicated for the Bayshore Village Market Square.

Site specific turn lane improvements may be warranted based on the Lee County Turn Lane Policy (AC-11-4). However, the required turn lanes will be determined at the Development Order stage when a more specific development scenario is available for the Bayshore Village Market Square.

Beyond any potential turn lanes that may be required, no additional roadway improvements will be required after the addition of the Bayshore Village Market Square traffic. The surrounding roadway network will function acceptably when the development traffic is added to the surrounding roadways.

TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 110 VPH		IN=	65	OUT=	45										
TOTAL PM PEAK HOUR PROJECT TRAFFIC = 435 VPH		IN=	210	OUT=	225										
ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT			PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/LOS C		
								TRAFFIC	TRAFFIC	TRAFFIC					
Bayshore Road	W. of I-75	4LD	450	1630	1900	1950	1950	1950	40.00%	90	4.7%				
	W. of Pritchett Pkwy	2LN	0	280	760	900	920	920	70.00%	158	20.7%				
	W. of Wells Rd	2LN	0	280	760	900	920	920	80.00%	180	23.7%				
	E. of Site	2LN	0	280	760	900	920	920	20.00%	45	5.9%				
	E. of Nalle Rd	2LN	0	280	760	900	920	920	10.00%	23	3.0%				
Nalle Road	N. of Bayshore Rd	2LN	0	0	530	800	850	850	10.00%	23	4.2%				
Pritchett Parkway	N. of Bayshore Rd	2LN	0	0	530	800	850	850	10.00%	23	4.2%				

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TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS

7% Truck Adjustment =

0.934

[illegible]

¹ The 2005 peak hour, peak season, peak direction background traffic was taken from the 2004/2005-2005/2006 Lee County Concurrency Management Inventory and Projections

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**LEE COUNTY GENERALIZED LEVEL
OF SERVICE SPREADHSEET**

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

d:\los02\input1

Uninterrupted Flow Highway						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	100	340	680	970	1,300
2	Divided	990	1,610	2,330	3,010	3,420
3	Divided	1,490	2,410	3,490	4,510	5,130

Arterials						
Class I (>0.00 to 1.99 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	280	760	900	920
2	Divided	450	1,630	1,900	1,950	**
3	Divided	670	2,490	2,850	2,920	**
4	Divided	890	3,220	3,610	3,700	**

Class II (>2.00 to 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	210	660	850	900
2	Divided	*	490	1,460	1,790	1,890
3	Divided	*	760	2,240	2,700	2,830
4	Divided	*	1,000	2,970	3,490	3,670

Class III (more than 4.50 signalized intersections per mile)						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	370	720	850
2	Divided	*	*	870	1,640	1,790
3	Divided	*	*	1,340	2,510	2,690
4	Divided	*	*	1,770	3,270	3,480

Controlled Access Facilities						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	120	740	930	960	**
2	Divided	270	1,620	1,970	2,030	**
3	Divided	410	2,490	2,960	3,040	**

Collectors						
Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	*	*	530	800	850
1	Divided	*	*	560	840	900
2	Undivided	*	*	1,180	1,620	1,710
2	Divided	*	*	1,240	1,710	1,800

Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

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**HCS+ CAPACITY ANALYSIS –
BAYSHORE ROAD @ SITE ACCESS**

TWO-WAY STOP CONTROL SUMMARY

General Information			Site Information	
Analyst	RLP		Intersection	Bayshore Rd @ Site Access
Agency/Co.	Metro Transportation Group		Jurisdiction	Lee County
Date Performed	10/7/2005		Analysis Year	2010 Buildout
Analysis Time Period	AM Peak Hour			

Project Description F0509.02-Bayshore Village Market Square

East/West Street: Bayshore Road

North/South Street: Site Access Drive

Intersection Orientation: East-West

Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	30	656			635	15
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	31	690	0	0	668	15
Percent Heavy Vehicles	0	--	--	0	--	--

Median Type	Undivided					
RT Channelized			0			0
Lanes	1	1	0	0	1	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume				10		15
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	0	0	0	10	0	15
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (vph)	31					10		15
C (m) (vph)	919					147		462
v/c	0.03					0.07		0.03
95% queue length	0.10					0.22		0.10
Control Delay	9.1					31.3		13.1
LOS	A					D		B
Approach Delay	--	--				20.3		
Approach LOS	--	--				C		

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TWO-WAY STOP CONTROL SUMMARY**General Information**

Analyst	RLP
Agency/Co.	Metro Transportation Group
Date Performed	10/7/2005
Analysis Time Period	PM Peak Hour

Site Information

Intersection	Bayshore Rd @ Site Access
Jurisdiction	Lee County
Analysis Year	2010 Buildout

Project Description F0509.02-Bayshore Village Market Square

East/West Street: Bayshore Road

North/South Street: Site Access Drive

Intersection Orientation: East-West

Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	100	640			671	45
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	105	673	0	0	706	47
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	1	1	0	0	1	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume				55		70
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	0	0	0	57	0	73
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (vph)	105					57		73
C (m) (vph)	866					105		439
v/c	0.12					0.54		0.17
95% queue length	0.41					2.51		0.59
Control Delay	9.7					74.1		14.8
LOS	A					F		B
Approach Delay	--	--				40.8		
Approach LOS	--	--				E		

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**HCS+ CAPACITY ANALYSIS –
BAYSHORE ROAD @ WELLS ROAD**

TWO-WAY STOP CONTROL SUMMARY**General Information**

Analyst	RLP
Agency/Co.	Metro Transportation Group
Date Performed	10/7/2005
Analysis Time Period	AM Peak Hour

Site Information

Intersection	Bayshore Rd @ Wells Road
Jurisdiction	Lee County
Analysis Year	2010 Buildout

Project Description F0509.02-Bayshore Village Market Square

East/West Street: Bayshore Road

North/South Street: Wells Road

Intersection Orientation: East-West

Study Period (hrs): 0.25

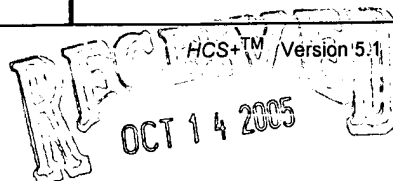
Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	45	686			645	5
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	47	722	0	0	678	5
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	1	1	0	0	1	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume				1		35
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	0	0	0	1	0	36
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (vph)	47					1		36
C (m) (vph)	919					130		456
v/c	0.05					0.01		0.08
95% queue length	0.16					0.02		0.26
Control Delay	9.1					32.9		13.6
LOS	A					D		B
Approach Delay	--	--				14.1		
Approach LOS	--	--				B		



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TWO-WAY STOP CONTROL SUMMARY**General Information**

Analyst	RLP
Agency/Co.	Metro Transportation Group
Date Performed	10/7/2005
Analysis Time Period	PM Peak Hour

Site Information

Intersection	Bayshore Rd @ Wells Road
Jurisdiction	Lee County
Analysis Year	2010 Buildout

Project Description F0509.02-Bayshore Village Market Square

East/West Street: Bayshore Road

North/South Street: Wells Road

Intersection Orientation: East-West

Study Period (hrs): 0.25

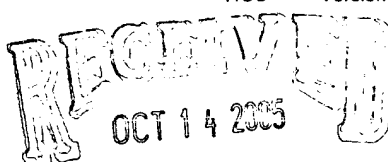
Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	140	730			726	15
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	147	768	0	0	764	15
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	1	1	0	0	1	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume				10		190
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR	0	0	0	10	0	200
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
v (vph)	147					10		200
C (m) (vph)	847					71		407
v/c	0.17					0.14		0.49
95% queue length	0.63					0.46		2.63
Control Delay	10.1					63.8		22.1
LOS	B					F		C
Approach Delay	--	--				24.1		
Approach LOS	--	--				C		



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**TRIP GENERATION EQUATIONS
BAYSHORE VILLAGE MARKET SQUARE
ITE TRIP GENERATION REPORT, 7th EDITION**

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday
Shopping Center (LUC 820)	$\ln(T) = 0.60 \ln(X) + 2.29$, 61% entering	$\ln(T) = 0.66 \ln(X) + 0.32$, 48% entering	$\ln(T) = 0.65 \ln(X) + 5.83$
T = Trips, X = 1,000 sq. ft. of GLA			

RECEIVED
OCT 14 2005

DCI2005-00100

JRI Engineering, Inc.

Site Planning and Engineering Surveying & Mapping Aerial Photography and Photogrammetry Services

RECEIVED

Knott, Consoer, Ebelini
Hart & Swett, P.A.

December 7, 2005

Mr. Matt Uhle
Knott, Consoer, Ebelini, Hart & Swett, PA
1625 Hendry Street
Fort Myers, Florida 33901

AM DEC 07 2005 PM
7 8 9 10 11 12 1 2 3 4 5 6

RE: Bayshore Village Market Square DCI2005-00100

Dear Matt:

In reply to your memorandum of November 14, 2005, regarding Lee County Staff comments on the rezoning of the Bayshore Village Market Square on State Road No. 78, we have enclosed a copy of the revised Master Concept Plan (MCP) and responses are listed as follows:

Item No. 4 – Today, we contacted Mr. Fred Drovdic, Lee County Planner, regarding intersection spacing and accesses on Wells Road and advised him that the plan has not been completed for the shopping center development and therefore, we do not have exact locations for entrances on Wells Road. He agreed that showing 125 feet minimum intersection spacing would be satisfactory, which is the standard for local roadways. The approximate location of the proposed Pritchett Parkway re-alignment is shown on the revised MCP. A special note no. 1 has been added to the plan stating, "At the time of Development Order submittal, the final location of this intersection shall be coordinated with any definitive plans of the Pritchett Parkway re-alignment that may exist at that time".

Item No. 6 – A 30' min. typ. building setback from indigenous areas has been shown on the plan.

Item No. 7 – The stormwater detention area has been labeled "DRY" on the revised MCP.

Item No. 10 – The northerly access point on Wells Road is designed to allow direct service access to buildings located in Area B. It also provides additional left turn southbound movements, thus reducing the potential for left turnout delays at the more southerly access point. This is prudent especially in light of the additional traffic that will utilize the more southerly access point when the Heritage Creek RPD is connected. In order to address concerns about commercial traffic turning northbound on Wells Road this access point is being limited to a right-in, left-out only intersection.

Item No. 12 – From a meeting on December 6, 2005, with Mr. Maynard Houston, the minimum number of lots in Area A will be two and the maximum will be three. The minimum lot area will be 22,500 SF and the maximum will be 122,500 SF.

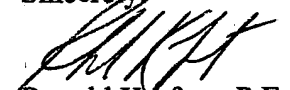
Item No. 14 – The service areas have been shown on the plan.

Item No. 16 – A buffer line has been shown on the plan.

Item No. 20 – The building area has been revised to 99,999 SF.

Please review the revised master concept plan and advise us of any additional changes.

Sincerely,


Ronald Kerfoot, P.E.

RECEIVED
FEB 15 2006

C: Mr. Maynard Houston

COMMUNITY DEVELOPMENT

2328 Hancock Bridge Parkway, Suite 114, Cape Coral, Florida 33990

Tele: 239.458.5544 Fax: 239.458.2233

Visit us at: www.jriengineeringinc.com

DCI2005-00100

Schedule of Uses / Area A
EXHIBIT 6-M

Accessory Uses
Administrative Offices
ATM
Auto Parts Store
Bait & Tackle Shop
Banks, Group I
Boat Parts Store (Limited to one)
Boat Sales(Limited to one)
Broadcast Studio
Business Services, Groups I & II
Clothing Stores
Clubs, all kinds
COP, including outdoor seating
Day Care Center, Child or Adult
Drive-Through
Drugstore (Limited to 3,000 square feet)
Essential Services
Essential Service Facilities, Groups I & II
Farm Equipment Sales
Feed or Fertilizer Sales
Fences, Walls
Food Stores, Groups I & II
Gift & Souvenir Shop
Hardware Store
Hobby, Toy & Game Shops
Household & Office Furnishings
Laundry or Drycleaning, Group I
Medical Office (Limited to 10,000 square feet)
Non-Store Retailers
Paint, Glass & Wallpaper
Parking Lot, Accessory
Pet Shop
Printing & Publishing (Coin services only)
Restaurant, Groups I, II, III (Includes outdoor
seating in Area A;
Schools, Commercial
Signs
Social Services, Groups I, II and III
Specialty Retail Shops, All Groups
Studios

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MAR 03 2006

PERMIT COUNTER

DCI 2005-00100

Schedule of Uses / Area B
EXHIBIT 6-M

Accessory Uses
Administrative Offices
Animal Clinic or Kennel
ATM
Auto Parts Store
Bait & Tackle Shop
Banks, Group I
Boat Parts Store (Limited to one)
Boat Sales (Limited to one)
Broadcast Studio
Business Services, Groups I & II
Cleaning & Maintenance Services
Clothing Stores
Clubs, all kinds
COP, including outdoor seating
Day Care Center, Child or Adult
Drive-Through
Drugstore (Limited to 3,000 square feet)
Essential Services
Essential Service Facilities, Groups I & II
Farm Equipment Sales
Feed or Fertilizer Sales
Fences, Walls
Food Stores, Groups I & II
Gift & Souvenir Shop
Hardware Store
Hobby, Toy & Game Shops
Household & Office Furnishings
Laundry or Drycleaning, Group I
Medical Office (Limited to 10,000 square feet)
Non-Store Retailers
Paint, Glass & Wallpaper
Parking Lot, Accessory
Pet Services
Pet Shop
Place of Worship
Printing & Publishing (Coin services only)
Restaurant, Groups I, II, III (No freestanding
restaurants in Area B; Outdoor seating in
Area B is permitted only on the
southwest side of the building)
Rental or Leasing Establishments,
Groups I & II

Schools, Commercial
Signs
Social Services, Groups I, II and III
Specialty Retail Shops, All Groups
Studios
Variety Store

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MAR 03 2006

PERMIT COUNTER

NCI 2005-00100



METRO TRANSPORTATION GROUP, INC.

12651 MCGREGOR BOULEVARD
SUITE 4-403
FORT MYERS, FL 33919-4489
TELEPHONE 239-278-3090
FAX 239-278-1906
www.metrotransportation.com
TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

December 30, 2005

Mr. Mathew D. Uhle, Esquire
Knott, Consoer
1625 Hendry Street
Fort Myers, FL 33901

RE: The Village Square on Bayshore
DCI2005-00100

Dear Mr. Uhle:

Metro Transportation Group Inc. (Metro) has reviewed the comments issued by Lee County Staff in regards to the Zoning application submitted for the above mentioned project. The comments and Metro's response to those comments are listed below for reference.

12b) Why access onto Route 78 at the eastern end and not aligning more centrally or with the road across the street to the west?

Need to verify access position on Route 78 with FDOT. Provide evidence.

Metro has held preliminary discussions with FDOT in regards to the location of the access point to Bayshore Road (S.R. 78). It was indicated at a meeting at FDOT on August 29, 2005 that the access point should be shown as far to the east within the project as possible. This would provide the maximum intersection separation with Wells Road. Additionally, FDOT recommended that a connection be shown to the parcel to the east of this project in order to promote joint access with the adjacent property owners. As a result, the original Master Concept Plan and the TIS reflected the Bayshore Road access along the eastern property boundary.

13) The TIS needs to call out the LOS at the time of project build out. Also, need to address Pritchett Road's dumping onto Wells Road from the Heritage Creek RPD.

The TIS does call out the LOS at the time of project build out. Furthermore, no Development Order has been submitted that indicates the extension of Pritchett Parkway to Wells Road. Therefore, this development should not be required to account for a future roadway extension that has not been submitted to Lee County.

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JAN 17 2006

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OTHER OFFICES: HANOVER PARK, ILLINOIS • CHICAGO, ILLINOIS

DCI 2005-00100



Mr. Mathew D. Uhle, Esquire
The Village Square on Bayshore
DCI2005-00100
December 30, 2005
Page 2

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

Robert L. Price, E.I.
Project Consultant

Ted B. Treesh
Principal/Regional Manager

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JAN 17 2006

COMMUNITY DEVELOPMENT

DCI 2005-00100

JRI Engineering, Inc.

Site Planning and Engineering Surveying & Mapping Aerial Photography and Photogrammetry Services

December 7, 2005

Mr. Matt Uhle
Knott, Consoer, Ebelini, Hart & Swett, PA
1625 Hendry Street
Fort Myers, Florida 33901

RECEIVED
Knott, Consoer, Ebelini
Hart & Swett, P.A.

AM DEC 07 2005 PM
7 8 9 10 11 12 1 2 3 4 5 6

RE: Bayshore Village Market Square DCI2005-00100

Dear Matt:

In reply to your memorandum of November 14, 2005, regarding Lee County Staff comments on the rezoning of the Bayshore Village Market Square on State Road No. 78, we have enclosed a copy of the revised Master Concept Plan (MCP) and responses are listed as follows:

- Item No. 4 – Today, we contacted Mr. Fred Drovdlc, Lee County Planner, regarding intersection spacing and accesses on Wells Road and advised him that the plan has not been completed for the shopping center development and therefore, we do not have exact locations for entrances on Wells Road. He agreed that showing 125 feet minimum intersection spacing would be satisfactory, which is the standard for local roadways. The approximate location of the proposed Pritchett Parkway re-alignment is shown on the revised MCP. A special note no. 1 has been added to the plan stating, "At the time of Development Order submittal, the final location of this intersection shall be coordinated with any definitive plans of the Pritchett Parkway re-alignment that may exist at that time".
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- Item No. 7 – The stormwater detention area has been labeled "DRY" on the revised MCP.
- Item No. 10 – The northerly access point on Wells Road is designed to allow direct service access to buildings located in Area B. It also provides additional left turn southbound movements, thus reducing the potential for left turnout delays at the more southerly access point. This is prudent especially in light of the additional traffic that will utilize the more southerly access point when the Heritage Creek RPD is connected. In order to address concerns about commercial traffic turning northbound on Wells Road this access point is being limited to a right-in, left-out only intersection.
- Item No. 12 – From a meeting on December 6, 2005, with Mr. Maynard Houston, the minimum number of lots in Area A will be two and the maximum will be three. The minimum lot area will be 22,500 SF and the maximum will be 122,500 SF.
- Item No. 14 – The service areas have been shown on the plan.
- Item No. 16 – A buffer line has been shown on the plan.
- Item No. 20 – The building area has been revised to 99,999 SF.

Please review the revised master concept plan and advise us of any additional changes.

Sincerely,


Ronald Kerfoot, P.E.

C: Mr. Maynard Houston

RECEIVED
JAN 17 2006

COMMUNITY DEVELOPMENT

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

RECEIVED
JAN 17 2006

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
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Telecopier (239) 334-1446

MUhle@knott-law.com

COMMUNITY DEVELOPMENT

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Nady Torres-Alvarado
David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

January 17, 2006

Mr. Fred Drovdlc, Senior Planner
Department of Community Development
P.O. Box 398
Ft. Myers, FL 33902

Re: The Village Square on Bayshore / DCI2005-00100

Dear Fred:

We have reviewed your November 10 sufficiency letter and would respond as follows:

Legal Requirements

1. 1a1): The LDC does not require an affidavit of authorization form from the owner.
2. 1a2): A revised disclosure form from the contract purchaser is included in the resubmittal.
3. 1b1): A revised disclosure form from the property owner is also included in the resubmittal.

DOT Sufficiency Checklist

1. All of the intersection separations are shown on the revised MCP.

ES Planned Development Sufficiency Checklist

1. 2): A revised protected species survey is included in the package.
2. 12): The minimum 30 foot building setback is shown on the revised MCP.
3. 12): The MCP has been revised to show the area as dry retention. The schedule of uses has been revised accordingly.

Planned Development Checklist

1. 1a): The Part V affidavit was executed correctly.
2. 6o): While the LDC clearly does not require an affidavit stating that no agricultural uses exist on the site, the affidavit is included in the resubmittal package.
3. 12a): All easements are shown on the MCP.
4. 12b): All intersection separations are shown on the revised MCP. A justification for the northernmost access is included in the resubmittal package. A note has been added addressing the location for the southern access relative to the extension of Pritchett Road (please see Item No. 10 on the document).

DCI 2005-00100

January 17, 2006

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JAN 17 2006

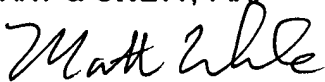
COMMUNITY DEVELOPMENT

A memorandum from Rob Price discussing the location of the SR 78 access is also included.

5. 12d): Additional detail has been added to the MCP consistent with the discussion at our meeting on 12/9.
6. 12e5): Health care facilities have been removed from the schedule of uses.
7. 12f): Additional detail regarding service areas has been shown on the MCP.
8. 12i): Preserved indigenous areas are called out on the MCP. It is not legally necessary to show general open space areas.
9. 12j): Buffer areas have been clarified on the revised MCP.
10. 13): The TIS already addressed the LOS at project buildout. A memo from Rob Price discussing Pritchett Road is included in the resubmittal package.
11. 14): The schedule of uses has been substantially revised to limit or delete many of the uses listed in the sufficiency letter.
12. 14b): As noted above, the schedule of uses has been revised significantly.
13. 15): No deviations have been requested.
14. 16): The project's square footage has been reduced to 99,999. Some detail regarding surface water management has been added to the MCP.

Sincerely,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.



Matthew D. Uhle

MDU/ams

cc: Maynard Houston

Paul Woodburn

Ron Kerfoot

Rob Price

Jim Keltner

DCI 2005-00100

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

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MUhle@knott-law.com

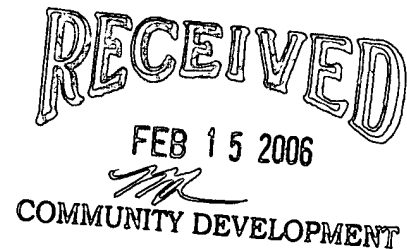
Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Nady Torres-Alvarado
David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

February 15, 2006

Mr. Tony Palermo
Lee County Division of Zoning
P.O. Box 398
Fort Myers, FL 33902

Re: The Village Square on Bayshore / DCI2005-00100
Response to February 6 Sufficiency Letter



Dear Tony:

We have reviewed your sufficiency letter and would respond as follows:

1. 12j): A revised 11 x 17 version of the plan is included in the resubmittal package.
2. 12d): Maynard Houston and I met with Fred Drovdic on 12/9 to discuss issues relating to plan specificity. His principal concern during that meeting was to provide legally effective mechanisms to reduce impacts to the existing and potential residential uses to the north and east. We agreed to push the building in Area B to the west and south and to require any outdoor seating to take place south and west of the building in order to address his concerns. The revised schedule of uses consequently limits outdoor seating to the southwest side of the building in Area B, and an additional setback was shown on the MCP. In short, we provided the level of detail that was agreed to at the meeting. Nothing more should be required.
3. The building, parking, and service areas are shown at the level of detail that was discussed at the 12/9 meeting, as noted above.
4. The two Wells Road accesses are justified as Item #10 on the December 7, 2005 memo to me from Ron Kerfoot. This was supplied in the last sufficiency response, but I have provided an additional copy for your review.
5. During the 12/9 meeting, we agreed to address staff's concerns regarding the use of Area A by committing to no more than three, and no less than two, outparcels with appropriate size and development regulations. The MCP reflects this agreement.

DCI 2005-00100

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001000 - 000000

February 15, 2006

6. 12j): The wall has been relocated in accordance with your request.

Sincerely,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Matt Uhle

Matthew D. Uhle

MDU/ams ✓

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FEB 15 2006

COMMUNITY DEVELOPMENT

DCI 2005 - 00100

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

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Derrick S. Eihausen
Naty Torres-Alvarado
David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

MEMORANDUM

TO: Tony Palermo
FROM: Matthew D. Uhle, Esq.
DATE: March 14, 2006
RE: The Village Square on Bayshore / DCI2005-00100

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MAR 15 2006

COMMUNITY DEVELOPMENT

Tony, attached please find the two "letters of availability" from the utility companies for the above referenced project.

MDU/ams
Attachments

DCI 2005-00100



5560 Bayshore Road, Suite 36 • North Fort Myers, Florida 33917

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

(239) 543-1005

Fax (239) 543-2226

March 2, 2006

LEE COUNTY BUILDING DEPARTMENT
P. O. BOX 389
1820 HENDRY STREET
FT. MYERS, FL 33901

RE: BAYSHORE VILLAGE MARKET SQUARE
ADDRESS: 17300 WELLS RD (CORNER OF BAYSHORE RD AND WELLS
RD:
STRAP: 22-43-25-00-00023.0000

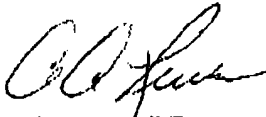
Please be advised that **JRI Engineering, Inc.** has requested wastewater service for 30,000 sq. ft. of office space, 65,999 sq. ft. of retail space and 160 seats of restaurant space.

North Fort Myers Utility, Inc. has the capacity to provide 17,500 gallons per day from its wastewater treatment plant.

Currently we do not have a wastewater force main east of I-75 however, we anticipate construction of one by year end.

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

Yours truly,
NORTH FORT MYERS UTILITY, INC.


A. A. "Tony" Reeves
Utility Director

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MAR 15 2006

Bayshore Village Market Square

COMMUNITY DEVELOPMENT

DCI 2005-00100



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8181

Bob Jones
District One

March 9, 2006

Douglas R. St. Gerny
District TwoRay Judah
District ThreeTammy Hall
District FourJohn F. Albion
District FiveDonald D. Stittwell
County ManagerDavid M. Owen
County AttorneyDiana M. Parker
County Hearing
Examiner

Ron Kerfoot

JRI Engineering, Inc.

2328 Hancock Parkway, Suite 114

Cape Coral, Fl. 33990

RE: POTABLE WATER AVAILABILITY
BAYSHORE VILLAGE MARKET SQUARE, 17300 WELLS ROAD
STRAP # 22-43-25-00-00023.0000

Dear Mr. Kerfoot:

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

Your firm has indicated that this project will consist of multiple commercial units, with an estimated flow demand of approximately 17,500 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

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

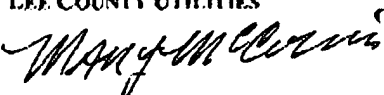
Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Olga Water Treatment Plant. The Lee County Utilities' Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

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

THIS LETTER OF AVAILABILITY OF POTABLE WATER AND/OR WASTE-WATER SERVICE IS TO BE UTILIZED FOR ZONING APPLICATION PURPOSES FOR THIS PROJECT ONLY. INDIVIDUAL LETTERS OF AVAILABILITY WILL BE REQUIRED FOR THE PURPOSE OF OBTAINING BUILDING PERMITS.

Sincerely,

LEE COUNTY UTILITIES


Mary McCormic
Senior Engineering Tech.VIA FACSIMILE
Original Mailed
MAR 15 2006

COMMUNITY DEVELOPMENT

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P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address <http://www.lcc-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

DCI 2005-00100



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

March 9, 2006

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
1625 HENDRY ST.
FORT MYERS, FL 33901

Re: VILLAGE SQUARE ON BAYSHORE CPD
DCI2005-00100 - PDS Application (Minor PD)

Dear MR. MATTHEW D. UHLE, ESQUIRE :

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 +/- 8.75 acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to permit a maximum of 99,999 square feet of mixed uses: office, medical office and retail. Maximum height requested is 2 stories/35 feet. No development blasting is requested. The project will connect to public potable water and to a public sanitary sewer system as part of any development of this property.

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 March 23, 2006 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 May 3, 2006. 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. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: VILLAGE SQUARE ON BAYSHORE CPD
DCI2005-00100
March 9, 2006
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



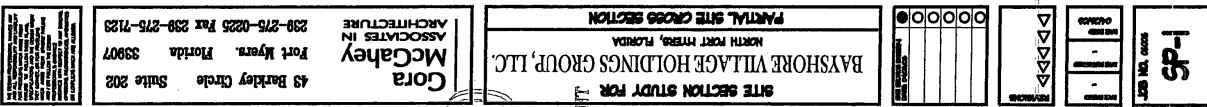
Tony Palermo
Senior Planner

cc. Brent Cunningham, Environmental Sciences

also pending - - Service availability letters from utility providers.

copy w/o attachments

Dawn Lehnert, Assistant County Attorney
DS Reviewer - Don Blackburn
Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Jamie Princing, DCD Administration
DCI Zoning File
DCI Working File

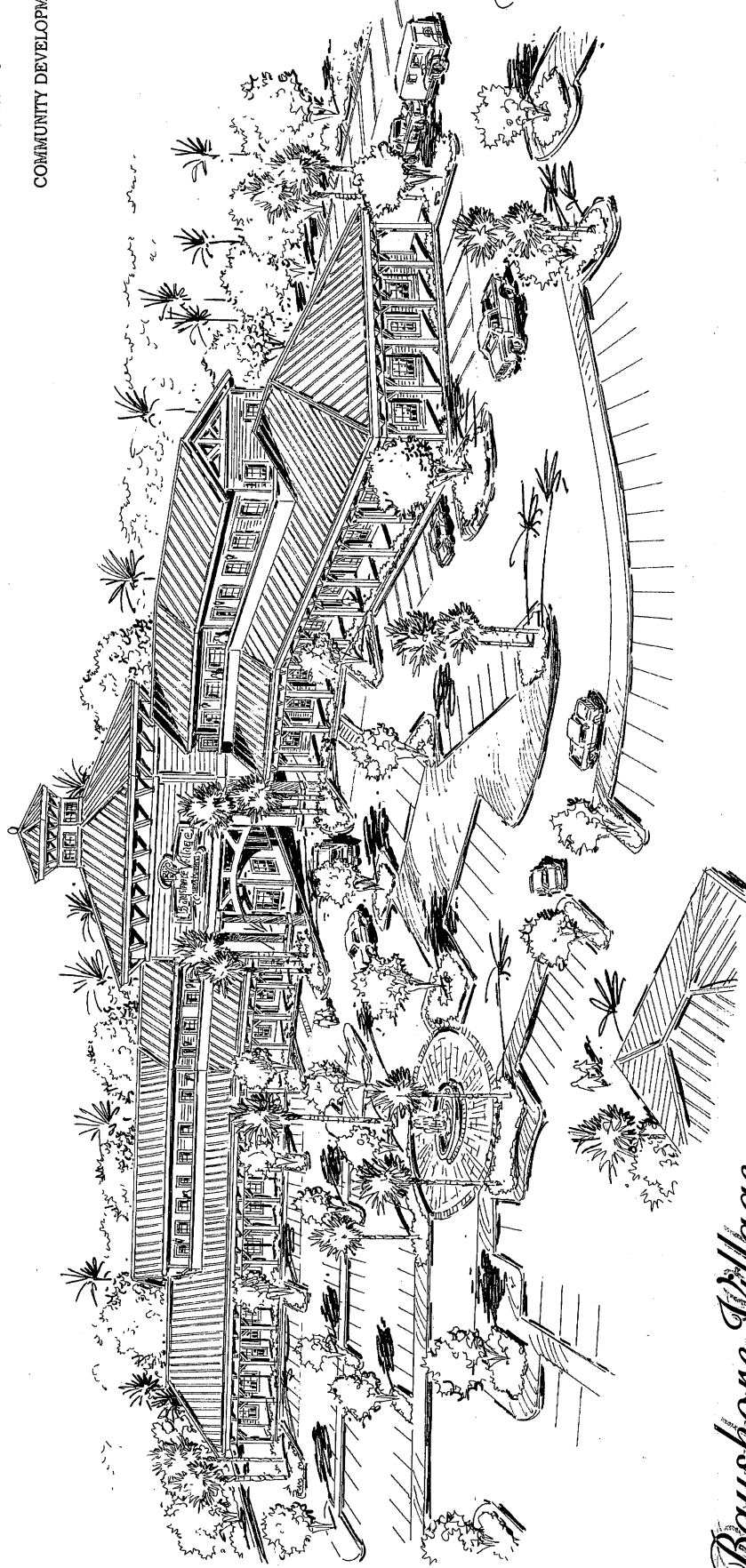


DCI 2005-00100

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COMMUNITY DEVELOPMENT



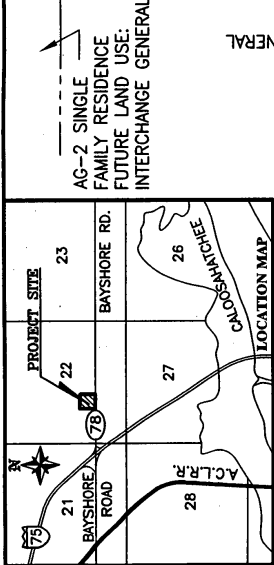
Bayshore Village

Conceptual Artists Rendition / Showing view overlooking parking towards the Main Building
BAYSHORE VILLAGE HOLDINGS GROUP, LLC.

Bradford & Company
DESIGN GROUP, INC.

Artistic Rendering / Architectural Design Concept By:
Steven Bradford Turner - Bradford & Company Design
Group, Inc. / Cape Coral, FL (239) 541-3506

DCI 2005-00100



GENERAL NOTES

ALL REQUIREMENTS WILL BE IN ACCORDANCE WITH THE LDC, EXCEPT AS MAY BE PROVIDED ON THE MASTER CONCEPT PLAN.

ALL FUTURE BUILDING FOOTPRINTS AND PARKING CONFIGURATIONS WILL BE CONSISTENT WITH THE PROPERTY DEVELOPMENT REGULATIONS.

AREAS A AND B REFER TO THE ZONING SCHEDULE OF USES AND PROPERTY DEVELOPMENT REGULATIONS.

NO PUBLIC TRANSIT FACILITIES ARE BEING PROVIDED ON-SITE.

LOT LINES IN AREA A ARE CONCEPTUAL IN NATURE.

SPECIAL NOTE 1:
AT THE TIME OF DEVELOPMENT ORDER SUBMITTAL, THE FINAL LOCATION OF THIS INTERSECTION SHALL BE COORDINATED WITH ANY DEFINITIVE PLANS OF THE PRITCHETT PKWY. RE-ALIGNMENT THAT MAY EXIST AT THAT TIME.

PROPOSED PRITCHETT PKWY.
(RE-ALIGNMENT R/W)
(APPROXIMATE LOCATION)

AG-2 (VACANT)
FUTURE LAND USE: INTERCHANGE GENERAL

SITE DATA

LEE PLAN DESIGNATION:
EXISTING ZONING DESIGNATION: VACANT
EXISTING LAND USE: CPD
PROPOSED ZONING DESIGNATION: AG-2
GROSS AREA: 8.75± ACRES
STRAP NUMBER(S): 22-43-25-00-00023.0000

UTILITY SERVICE BY:
SEWER: NORTH FORT MYERS UTILITY, INC.
WATER: LEE COUNTY UTILITIES

OPEN SPACE CALCULATIONS

NET AREA: 8.75± ACRES
OPEN SPACE REQUIRED: 2.63 ACRES (30%)
OPEN SPACE PROVIDED: 2.63 ACRES (30%)
INDIGENOUS PRESERVATION: 1.05 ACRES x 125% CREDIT = 1.32 ACRES

EXHIBIT 6-J

1/4-MILE TO I-75 INTERCHANGE UNNAMED DRIVE (NOT OPEN)

140'±

290'±

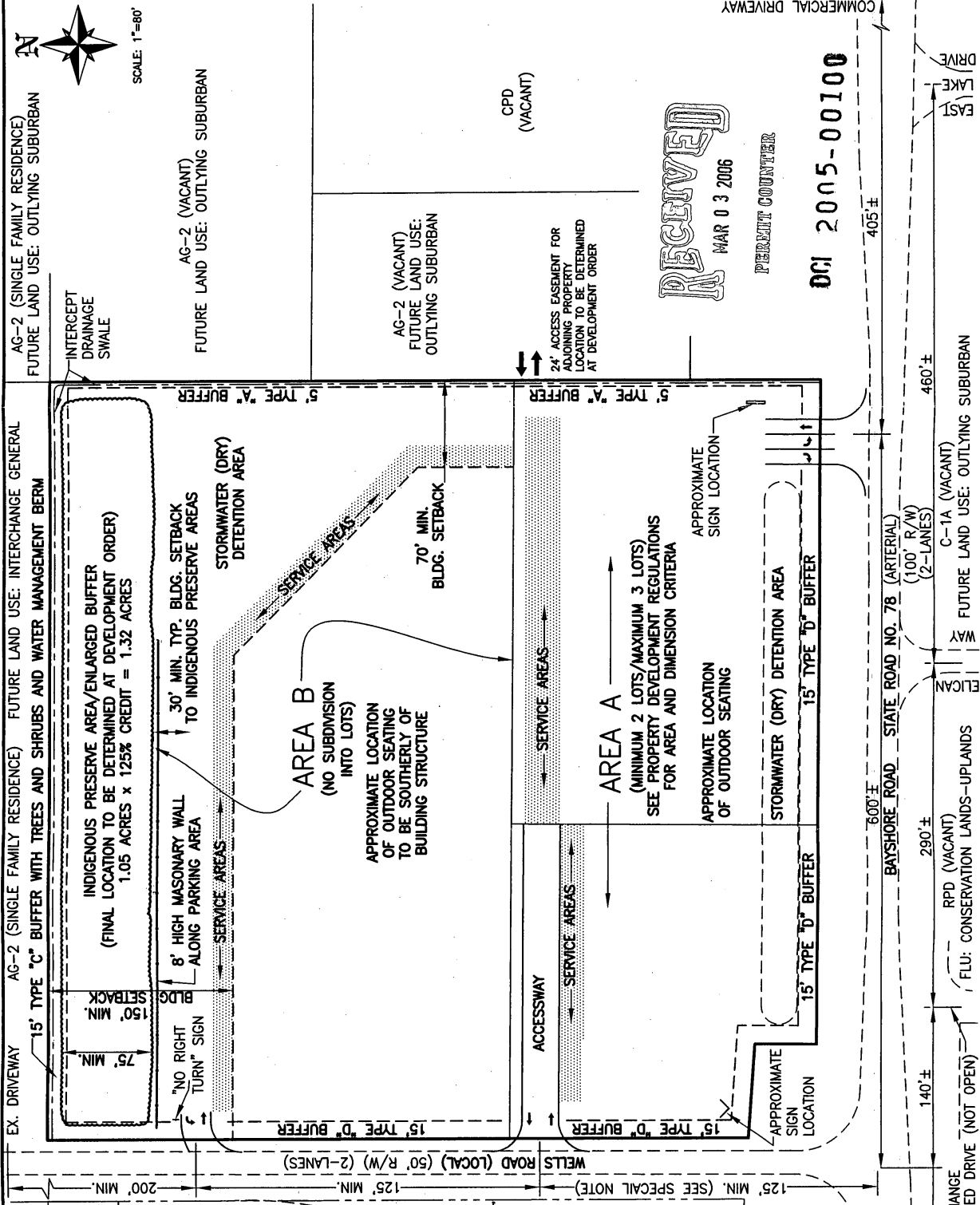
600'±

BAYSHORE ROAD STATE ROAD NO. 78 (ARTERIAL) (100' R/W) (2-LANES)

460'±

405'±

COMMERCIAL DRIVEWAY



3	5/02/06	REVISIONS PER SUFFICIENCY LETTER DATED MARCH 1, 2006	JRI Engineering, Inc.	BAYSHORE VILLAGE HOLDINGS GROUP, LLC.	BAYSHORE VILLAGE MARKET SQUARE	SCALE: 1"=80'
2	2/14/06	RELOCATE 8' HIGH MASONRY WALL	2328 Hazard Ridge Parkway, Ste. 114, Cape Coral, Florida 33909	P.O. BOX 4024	DATE: 10/12/05	FILE NO.: BMS
1	12/22/05	REV. PER LEE CO. STAFF COMMENTS, ADD SERVICE AREA, C/L DISTANCES, SWALES, BLDG. SETBACK, SEATING	Phone: (239) 896-1339	NORTH FORT MYERS, FLORIDA 33918	SHEET: 1 OF 1	
INC.	DATE	REV. PER LEE CO. STAFF COMMENTS, ADD SERVICE AREA, C/L DISTANCES, SWALES, BLDG. SETBACK, SEATING	Engineering Business Certificate of Authorization No. 524	PHONE: (239) 896-1339	MASTER CONCEPT PLAN	

RECEIVED
MAR 03 2006
PERMIT CENTER

DCI 2005-00100

EXHIBIT 6-C

ZONING AG-2
(RESIDENCE)

ZONING AG-2
(RESIDENCE)



ZONING AG-2
(VACANT)

WELLS ROAD

ZONING AG-2
(VACANT)

ZONING AG-2
(VACANT)

RECEIVED
OCT 14 2005

DCI 2005-00100

BAYSHORE ROAD (STATE ROAD NO. 78)

ZONING RPD (VACANT)

ZONING C-1A (VACANT)

JRI Engineering, Inc.

Planning Engineering Surveying Aerial Photography & Photogrammetry Services

2328 Hancock Bridge Parkway, Ste. 114, Cape Coral, Florida 33990
Phone: 239.458.5544 Fax: 239.458.2233 www.jriengineeringinc.com
Engineering Business Certificate of Authorization No. 5424

BAYSHORE VILLAGE MARKET SQUARE

EXISTING ZONING AND
CURRENT LAND USES MAP

SCALE: 1"=100' DESIGNED BY: RK DATE: 9-20-05 SHEET No. 1 OF 1

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

DATE: May 2, 2006

TO: File - DCI2005-00100

FROM: Jamie Pringing
Secretary, Internal Services

RE: Notice of Public Hearing - May 18, 2006 **HEX**

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

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER: DCI2005-00100

CASE NAME: VILLAGE SQUARE ON BAYSHORE CPD

REQUEST: Rezone +/- 8.75 acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to permit a maximum of 99,999 square feet of mixed uses: office, medical office and retail. Maximum height requested is 2 stories/35 feet. No development blasting is requested. The project will connect to public potable water and to a public sanitary sewer system as part of any development of this property.

LOCATION: The subject property is located at 17300 Wells Rd(From downtown Ft Myers take Palm Beach Blvd (SR80) east and merge onto I-75 north, take exit 143 toward N Ft Myers/Cape Coral. Merge onto Bayshore Rd east; turn left onto Wells Rd and end at 17300 Wells Rd), in S22-T43S-R25E, Lee County, FL.

SIZE OF PROPERTY: 8.75 Acres ±

STAFF REPORT: Direct inquiries to Tony Palermo, Senior Planner, at (239) 479-8325, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNERS
REPRESENTATIVE MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
239-334-2722

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 9:00 AM on 05/18/2006 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 239/479-8585 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jamie Prining at 239/479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

22-43-25-00-00011.0000
SIZEMORE PERRY L + JULIE L
18100 WELLS RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00011.0060
DRAKE RICHARD C + SUSAN B
17351 NALLE RD
N FORT MYERS, FL 33917

22-43-25-00-00011.0080
DESCHENES JOHN E + CONNIE F TR
18161 SANDY PINES CIR NE
NORTH FORT MYERS, FL 33917

22-43-25-00-00011.012A
DEANTONI SHEILA 1/5% ETAL
14499 WIND SONG DR
BOKEELIA, FL 33922

22-43-25-00-00011.0140
SILVER STUART +
6311 SILVER & LEWIS LN
FT MYERS, FL 33912

22-43-25-00-00017.0000
LEE COUNTY
P O BOX 398
FORT MYERS, FL 33902

22-43-25-00-00017.0130
PIGOTT HOKE S JR +
17801 WELLS RD
N FT MYERS, FL 33917

22-43-25-00-00017.0160
SCHILL ARTHUR H
7214 FERNBANK AV
CINCINNATI, OH 45233

22-43-25-00-00017.0250
COCHRAN JIMMIE J + LOYCE F
PO BOX 1701
FT MYERS, FL 33902

22-43-25-00-00017.0280
HANSEN TRACY R
17530 NALLE RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00011.0020
MASON CHARLES L SR
17461 NALLE RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00011.0070
BELANGER LARRY R + K LAURINE
9491 BAYSHORE RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00011.0110
BALLARD EVA C
17311 NALLE RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00011.0130
MARCOUX JEAN M + B PAUL
7132 BRENTWOOD RD S
FORT MYERS, FL 33919

22-43-25-00-00011.0150
LB + JP WASH INC
9491 BAYSHORE RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00017.0120
PIGOTT GARY MICHAEL
9431 SWAN WY
N FT MYERS, FL 33917

22-43-25-00-00017.0150
SCHILL ARTHUR H
7214 FERNBANK AV
CINCINNATI, OH 45233

22-43-25-00-00017.0190
COCHRAN JIMMIE J + LOYCE F
P O BOX 1701
FT MYERS, FL 33902

22-43-25-00-00017.0260
ROMMEL DOUGLAS E
3753 W SALINAS CIR
DATON, OH 45440

22-43-25-00-00018.0000
HAYWOOD STEPHEN W
C/O STAFFILE + HAYWOOD REALTY
P O BOX 101526
CAPE CORAL, FL 33910

DCI2005-00100

22-43-25-00-00018.0030
BAUBLIS JOSEPH III + MICHELLE
17351 WELLS RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00019.0000
SCHOTT LEWIS M COTR +
220 SUNRISE AVE #216
PALM BEACH, FL 33480

22-43-25-00-00021.0000
DRIGGERS CHARLOTTE
17430 WELLS RD
NORTH FT MYERS, FL 33917

22-43-25-00-00021.0020
RUDD GREGORY + KATHY
17470 WELLS RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00022.0010
MUSHO MICHAEL J + LISA S
P O BOX 60104
FT MYERS, FL 33906

22-43-25-02-0000A.0010
COCHRAN JIMMIE J + LOYCE F
PO BOX 1701
FT MYERS, FL 33902

22-43-25-02-0000A.003A
GRGURICH JOHN
9100 NALLE GRADE RD
NORTH FORT MYERS, FL 33917

22-43-25-02-0000A.003C
MEYER ELIZABETH I
9451 SWAN WAY
N FT MYERS, FL 33917

22-43-25-02-0000A.0200
MELWORM HOWARD + CAROLE
17200 EAST LAKE DR
NORTH FORT MYERS, FL 33917

22-43-25-00-00018.0040
CRENSHAW KELLY + DONA
9200 TRIPLETT RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00019.0010
GRAVINA PETER J TR
10841 SIX MILE CYPRESS PKWY
FORT MYERS, FL 33912

22-43-25-00-00021.0010
PICKETT D B + LINDA J
17450 WELLS RD
NORTH FT MYERS, FL 33917

22-43-25-00-00022.0000
TOIVONEN BERTHA L +
17400 WELLS RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00027.0000
SCHILL ARTHUR H
7214 FERNBANK AVE
CINCINNATI, OH 45233

22-43-25-02-0000A.0030
COCHRAN JIMMIE J + LOYCE F
PO BOX 1701
FT MYERS, FL 33902

22-43-25-02-0000A.003B
MEYER ELIZABETH I
9451 SWAN WY
N FT MYERS, FL 33917

22-43-25-02-0000A.0190
MATSON CHARLES + LINDA B
17180 EAST LAKE DR
N FT MYERS, FL 33917

22-43-25-02-0000A.0210
FIZER RICHARD E + STACIE JO +
17220 E LAKE DR
N FT MYERS, FL 33917

MAYNARD D HOUSTON
BAYSHORE VILLAGE HOLDING GROUP
9250 SEDGEFIELD ROAD
N. FT. MYERS FL 33917

BAYSHORE VILLAGE HOLDINGS GROUP, LL
9250 SEDGEFIELD ROAD
N. FT MYERS FL 33917

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
1625 HENDRY ST.
FORT MYERS FL 33901

MR. TONY PALERMO

MR. RONALD KERFOOT
JRI ENGINEERING, INC.
2328 HANCOCK BRIDGE PKWY
SUITE 114
CAPE CORAL FL 33990

MR. ROB PRICE
12651 MCGREGOR BLVD
STE. 4-403
FORT MYERS FL 33919

RAE ANN BOYLAN
BOLYAN ENVIRONMENTAL CONSULTAN
11000 METRO PKWY, STE. 4
FORT MYERS FL 33912

MR. TONY PALERMO

Mike Roeder
East Lee County Council
1625 Hendry Street, Suite 301
Fort Myers, FL 33901





LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

August 02, 2006

479-8585

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing Examiner

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
1625 HENDRY ST.
FORT MYERS, FL 33901

**RE: Agenda Schedule for VILLAGE SQUARE ON BAYSHORE CPD
Case No. DCI2005-00100**

Dear MR. MATTHEW D. UHLE, ESQUIRE :

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: Monday, August 21, 2006. Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room
2120 Main Street
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division


Jamie Princing
Administrative Assistant

cc: BAYSHORE VILLAGE HOLDINGS GROUP, LL
MAYNARD D HOUSTON, BAYSHORE VILLAGE HOLDING GROUP
MR. RONALD KERFOOT, JRI ENGINEERING, INC.
MR. ROB PRICE
RAE ANN BOYLAN, BOLYAN ENVIRONMENTAL CONSULTAN
Tony Palermo, Senior Planner
Zoning File

MEMORANDUM
From The
Department Of
Community Development
Development Services Division

Date: August 8, 2006

To: DCI2005-00100 FROM: Jamie Princing

RE: Notice of Public Hearing - August 21, 2006
 Lee County Board of County Commissioners Meeting

I, Jamie Princing, Internal Services Secretary, Development Services Division, do hereby certify that I have mailed **notices to the participants** in regard to the above referenced meeting, in the attached style, pursuant to the list marked and attached hereto and made a part of the certification.

NOTICE TO PARTICIPANT

CASE NUMBER: DCI2005-00100

NAME: VILLAGE SQUARE ON BAYSHORE CPD

REQUEST: Rezone +/- 8.75 acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to permit a maximum of 99,999 square feet of mixed uses: office, medical office and retail. Maximum height requested is 2 stories/35 feet. No development blasting is requested. The project will connect to public potable water and to a public sanitary sewer system as part of any development of this property.

LOCATION: 17300 Wells Rd(From downtown Ft Myers take Palm Beach Blvd (SR80) east and merge onto I-75 north, take exit 143 toward N Ft Myers/Cape Coral. Merge onto Bayshore Rd east; turn left onto Wells Rd and end at 17300 Wells Rd), in S22-T43S-R25E

PROPERTY OWNER'S REPRESENTATIVE: MR. MATTHEW D. UHLE, ESQUIRE
239-334-2722

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 am Monday, August 21, 2006, to review the written recommendation made by the Hearing Examiner and make a final decision in the above-referenced case. This hearing will be held in the Commissioners' Meeting Room, 2120 Main on St., Ft. Myers FL.

The law states that, as a participant, you have the right to appear and address the Board on this case. However, the law strictly limits all testimony before the Board to statements challenging the correctness of findings and conclusions contained in the record, or statements alleging the discovery of relevant new evidence which was not known by the speaker at the time of the Hearing Examiner's hearing and not otherwise disclosed in the record. Statements will be limited to five (5) minutes or as the Board may otherwise allow.

Additional copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Call 479-8585 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 Prinicng at 479-8585.

DEPARTMENT OF COMMUNITY
DEVELOPMENT
Zoning Division

DCI2005-00100

Mr. Matthew D. Uhle
Knott Consoer
1625 Hendry St.
Fort Myers, FL 33901

Laura Alvarez
18900 Lynn Road
N. Ft. Myers, Florida 33917

Larry Ford
18210 Sandy Pines Circle
N. Ft. Myers, Florida 33917

Sheryl Sterbens Ford
18210 Sandy Pines Circle
N. Ft. Myers, Florida 33917

Debbie Jackow
19450 Meredith Road
N. Ft. Myers, Florida 33917

Lisa Musho
17350 Wells Road
N. Ft. Myers, Florida 33917

Michael Musho
P.O. Box 60104
Fort Myers, Florida 33906

Barbara Rodd
11500 Bayshore Road
N. Ft. Myers, Florida 33917

David Shepard
7730 Rich Road
N. Ft. Myers, Florida 33917

Perry Sizemore
18100 Wells Road
N. Ft. Myers, Florida 33917

Ann Sylvester
18238 Sandy Pines Circle
N. Ft. Myers, Florida 33917

Maynard Houston
Bayshore Village Holding Group
9250 Sedgefield Rd.
N. Ft, Myers, FL 33917

Ronald Kerfoot
JRI Engineering, Inc.
2328 Hancock Bridge Pkwy., Ste 114
Cape Coral, FL 33990

Rob Price
12651 McGregor Blvd., Ste 4-403
Fort Myers, FL 33919

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



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

April 17, 2006

479-8585

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
1625 HENDRY ST.
FORT MYERS, FL 33901

RE: Agenda Schedule for VILLAGE SQUARE ON BAYSHORE CPD
Case No. DCI2005-00100

Dear MR. MATTHEW D. UHLE, ESQUIRE :

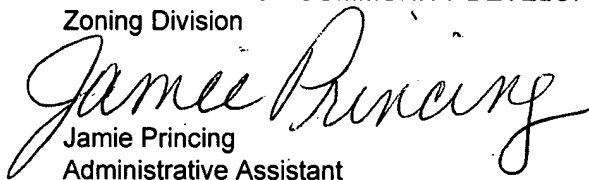
Your zoning request has been scheduled before the Hearing Examiner on Thursday, May 18, 2006, at 9:00 AM. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

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 Wednesday, April 19, 2006, 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 479-8585 to make the appropriate arrangements. This sign must be posted in accordance with Department procedures no later than Tuesday, May 2, 2006, 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: BAYSHORE VILLAGE HOLDINGS GROUP, LL
MAYNARD D HOUSTON, BAYSHORE VILLAGE HOLDING GROUP
MR. RONALD KERFOOT, JRI ENGINEERING, INC.
MR. ROB PRICE
RAE ANN BOYLAN, BOLYAN ENVIRONMENTAL CONSULTAN
Tony Palermo, Senior Planner
Zoning File

03:30P P.02
JRI Engineering, Inc.

Site Planning and Engineering Surveying & Mapping Aerial Photography and Photogrammetry Services

August 18, 2006

Mr. Matt Uhle
Knott, Consoer, Ebelini, Hart & Swett, PA
1625 Hendry Street
Fort Myers, Florida 33901

RE: Bayshore Village Market Square DCI2005-00100

Dear Mr. Uhle:

As requested, we have verified the legal description for the above referenced rezoning case.
Please contact us if you have any questions or require additional information on this matter.

Sincerely:


Ronald Kerfoot

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

George H. Knott **
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

muhle@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Nady Torres-Alvarado
David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

MEMORANDUM

TO: Tony Palermo

FROM: Matthew D. Uhle, Esq.

DATE: April 28, 2006

RE: Village Square on Bayshore / DCI2005-00100

RECEIVED
APR 28 2006

COMMUNITY DEVELOPMENT

Attached please find an architectural rendering of the proposed building in Development Area B and a sketch showing the layout of the property from that building to the north. We are withdrawing our request for covered parking solely as to the parking spaces on the portion of the pavement north of the building that runs directly east and west to be consistent with the sketch. Covered parking will remain on the portion of the pavement that runs diagonally from northwest to southeast.

MDU/ams

Attachments

cc: Maynard Houston
Jack Ruskai
Paul Woodburn

DCI 2005-00100

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

MUhle@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Naty Torres-Alvarado
David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

March 21, 2006

RECEIVED
MAR 21 2006

COMMUNITY DEVELOPMENT

Mr. Tony Palermo, Senior Planner
Lee County Division of Zoning
P.O. Box 398
Fort Myers, FL 33902

Re: The Village Square on Bayshore / DCI2005-00100

Dear Tony:

Enclosed please find copies of a revised MCP which shows covered parking in Area B. We believe that covered parking is not a "building" and that a deviation from the preserve setback area is not, therefore, required.

Sincerely,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.



Matthew D. Uhle

MDU/ams

Attachments

DCI 2005-00100

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

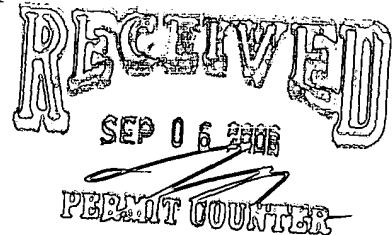
muhle@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Nady Torres-Alvarado
David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

MEMORANDUM

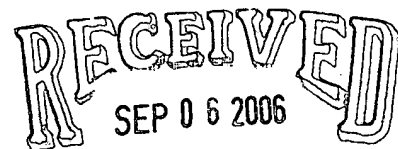
TO: Tony Palermo
FROM: Matt Uhle
DATE: September 6, 2006
RE: The Village Square on Bayshore / DCI2005-00100



Attached please find 11 copies of the revised Master Concept Plan on 11 x 17 and 24 x 36 for the resolution of the above referenced case.

MDU/ams

Attachments



DCI 2005-00100



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 335-2236

Facsimile (239) 335-2606

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

June 30, 2006

Ron Kerfoot
JRI Engineering, Inc.
2328 Hancock Bridge Parkway, Suite 114
Cape Coral, Florida 33990

Re: The Village Square on Bayshore
Zoning Case #DCI2005-00100
Resolution No. Z-06-046

RECEIVED
JUL 03 2006

COMMUNITY DEVELOPMENT

Dear Mr. Kerfoot:

Enclosed is the current draft resolution pertaining to a project known as The Village Square on Bayshore. It is based on the Hearing Examiner's recommendation with the understanding that changes may be made by the Commissioners at the final hearing. Please review this draft and let me know if any changes are necessary in order to accurately reflect the Hearing Examiner's recommendation. County staff will also review the draft resolution.

We have found that the legal description submitted with the zoning application quite often does not truly represent the property intended to be rezoned. Therefore, to prevent potential errors in the resolution, please review the attached legal description to confirm that all of the property intended to be rezoned is accurately described. Please advise my office in writing regarding the results of your review. If the property to be rezoned is not completely and correctly described, necessary changes must be made before the final hearing so that the resolution can be signed promptly after the hearing.

Please contact me if you have any questions.

Very truly yours,

Dawn E. Perry-Lehnert
Assistant County Attorney

DPL/tlb
Enclosure

cc: w/ enclosure
Pam Houck, Director, Zoning Division
Tony Palermo, Planner, Development Services Division
Kim Trebatoski, Senior Environmental Planner
Jamie Prining, Administrative Assistant, DCD Administration

S:\LU\Zoning-2006\06-046 Village Square on Bayshore CPD\Agent letter.wpd

 LEE COUNTY
SOUTHWEST FLORIDA

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Writer's Direct Dial Number (239) 335-2236

Facsimile 239-335-2606

August 22, 2006

RECEIVED
AUG 23 2006

COMMUNITY DEVELOPMENT

Matt Uhle, Esquire
Knott, Consoer, Ebelini, Hart & Swett
P.O. Box 2449
Fort Myers, FL 33902-2449

Re: The Village Square on Bayshore
Zoning Case #DCI2005-00100
Resolution No. Z-06-046

Dear Matt:

On August 21, 2006, the Board approved a rezoning request for a project known as The Village Square on Bayshore. The enclosed resolution draft has been prepared to reflect the Board's approval. However, before this document may be sent to the Chairman for execution, a revised Master Concept Plan must be attached.

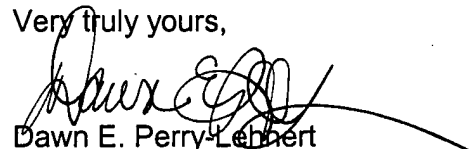
The Master Concept Plan currently in my files does not accurately reflect the Board's action. Please submit an appropriately revised document to the Department of Community Development for review, approval and transmittal to our office for attachment to the resolution. A redlined copy of the available MCP is attached to assist in compliance with this request.

Once prepared, the revised MCP, including the required 11 copies (in both full size and reduced 11" by 17" sheets), must be delivered to County Staff at the first floor zoning counter at the Department of Community Development (1500 Monroe Street). After the revised MCP has been received, it will be reviewed for conformity with the Board's approval and, if correct, it will be attached to the zoning resolution and directed to the Chairman for execution.

Should you have any questions concerning the above, please do not hesitate to contact me. Please note, at your request, our office will schedule a meeting that includes appropriate county staff to discuss the necessary changes to the MCP and resolution required to conform these documents to the Board's action.

With kind regards, I am

Very truly yours,


Dawn E. Perry-Lehnert
Assistant County Attorney

DPL/tlb
Enclosure

cc: Pam Houck, Zoning Division Director, Development Services
Tony Palermo, Planner, Development Services
Kim Trebatoski, Principal Planner, DCD
Billie Jacoby, Administrative Assistant, DCD Administration
Ron Kerfoot, JRI Engineering, Inc

S:\LU\Zoning-2006\06-046 Village Square on Bayshore CPD\agent letter2.wpd

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address <http://www.lee-county.com>

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LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 335-2236

Facsimile (239) 335-2606
Writer's Direct Dial Number: _____

August 18, 2006

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County Attorney

Diana M. Parker
County Hearing
Examiner

Ron Kerfoot
JRI Engineering, Inc.
2328 Hancock Bridge Parkway, Suite 114
Cape Coral, Florida 33990

Re: The Village Square on Bayshore
Zoning Case #DCI2005-00100
Resolution No. Z-06-046

RECEIVED
AUG 22 2006

COMMUNITY DEVELOPMENT

Dear Mr. Kerfoot:

Thank you for your correspondence dated August 18, 2006 concerning Village Square on Bayshore Case No. DCI2005-00100 (Draft Resolution Z-06-046). Your letter states that "As requested, we have verified the legal description for the above referenced rezoning case".

The County's purpose in requesting that you verify the legal description is part of the County's effort to avoid potential errors in the Resolution. Accordingly, the County will consider the above statement your verification that the legal description attached to the draft resolution accurately and correctly describes no more or no less than the parcel your client intends to rezone under the pending action.

If this was not the intent of your statement as quoted above, please notify our office.

Should you have any questions concerning the above, please do not hesitate to contact me.

Very truly yours,

Dawn E. Perry-Lehnert
Assistant County Attorney

DPL:tlb

cc: Jamie Prining, Development Services Division

S:\L\Zoning-2006\06-046 Village Square on Bayshore CPD\Form legal verification.wpd



LEE COUNTY
SOUTHWEST FLORIDA

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August 22, 2006

Matt Uhle, Esquire
Knott, Consoer, Ebelini, Hart & Swett
P.O. Box 2449
Fort Myers, FL 33902-2449

Re: The Village Square on Bayshore
Zoning Case #DCI2005-00100
Resolution No. Z-06-046

Dear Matt:

On August 21, 2006, the Board approved a rezoning request for a project known as The Village Square on Bayshore. The enclosed resolution draft has been prepared to reflect the Board's approval. However, before this document may be sent to the Chairman for execution, a revised Master Concept Plan must be attached.

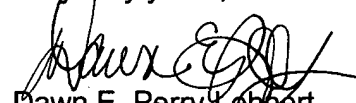
The Master Concept Plan currently in my files does not accurately reflect the Board's action. Please submit an appropriately revised document to the Department of Community Development for review, approval and transmittal to our office for attachment to the resolution. A redlined copy of the available MCP is attached to assist in compliance with this request.

Once prepared, the revised MCP, including the required 11 copies (in both full size and reduced 11" by 17" sheets), must be delivered to County Staff at the first floor zoning counter at the Department of Community Development (1500 Monroe Street). After the revised MCP has been received, it will be reviewed for conformity with the Board's approval and, if correct, it will be attached to the zoning resolution and directed to the Chairman for execution.

Should you have any questions concerning the above, please do not hesitate to contact me. Please note, at your request, our office will schedule a meeting that includes appropriate county staff to discuss the necessary changes to the MCP and resolution required to conform these documents to the Board's action.

With kind regards, I am

Very truly yours,


Dawn E. Perry-Leibert
Assistant County Attorney

DPL/tlb
Enclosure

cc: Pam Houck, Zoning Division Director, Development Services
Tony Palermo, Planner, Development Services
Kim Trebatoski, Principal Planner, DCD
Billie Jacoby, Administrative Assistant, DCD Administration
Ron Kerfoot, JRI Engineering, Inc

RECEIVED
SEP 03 2006

DCI 2005-00100

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LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8439

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County Attorney

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County Hearing
Examiner

November 10, 2005

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
1625 HENDRY ST.
FORT MYERS, FL 33901

Re: THE VILLAGE SQUARE ON BAYSHORE
DCI2005-00100 - PDS Application (Minor PD)

Dear MR. MATTHEW D. UHLE, ESQUIRE :

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

Fred Drovdic
Senior Planner

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: THE VILLAGE SQUARE ON BAYSHORE
DCI2005-00100
November 10, 2005
Page 2

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Prining, DCD Administration
Dawn Lehnert, Assistant County Attorney
Don Blackburn, Development Review
DCI Zoning File
DCI Working File

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: THE VILLAGE SQUARE ON BAYSHORE
DCI2005-00100
November 10, 2005
Page 3

Legal Requirements Sufficiency Checklist

1a1) If the owner(s) has authorized an agent to prepare and sign the application and to represent him in all matters pertaining to the application, the agent must provide a document establishing his authority which has been signed by the owner and notarized by a notary public. [34-202(b)(1)b.]

Please provide a Notarized Affidavit of Authorization Form from the owner's part (Mr. Tom Wadzuk Trust) giving the applicant & agent legal authorization to act on his behalf regarding the processing of the application.

1a2) If the property is subject to a contract for purchase and the vendee is the applicant, the applicant must submit a notarized authorization form from the landowner. [34-202(b)(1)c.]

Must revise the Disclosure of Interest for the Contract Purchaser (Bayshore Village Holdings Group, LLC) to indicate the date of the sales contract.

1b1) The names of all parties having interest in the subject property including the names of all stockholders and the names of beneficiaries of trusts must be provided. [34-201(b)(2)a. & 34-202(b)(1)a]

Please, provide Staff with a Notarized Disclosure of Interest form for the owner of the subject property, (Mr. Tom Wadzuk Trust). The form must list all beneficiaries of trust and indicate the percentage of their individual ownership interest.

7) Miscellaneous Items.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittals."

8) Contact. *The Planner may be contacted regarding any questions on this Checklist.*

Please contact Luis G. Machado at (239) 479-8485
or e-mail: lmachado@leegov.com

1) Sufficiency Comments.

1. The Master Concept Plan needs to show the distance between the proposed project's entrances and the adjacent Streets/driveways on Wells Rd.

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

Lili Wu 479-8580 ext 5395

Environmental Sciences Planned Development Sufficiency Checklist

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: THE VILLAGE SQUARE ON BAYSHORE
DCI2005-00100
November 10, 2005
Page 4

2) Protected Species Survey. A Protected Species Survey as required by LDC Section 10-473 must be provided for large projects (as defined in LDC Chapter 10) and Major Planned Developments. [34-373(b)(2)]

Please revise the protected species survey to include the time the survey was conducted, the weather conditions during the survey, and which approved methodology was utilized.

12) Miscellaneous Items.

1. Please revise the property development regulations to include a minimum 30-foot building setback from the indigenous preserve.
2. Please clarify if the proposed water retention area depicted on the MCP will be wet or dry retention. If it is to be wet retention, please revise to provide a more natural shoreline configuration.

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

Kim Trebatoski, Principal Environmental Planner
239-479-8183
trebatkm@leegov.com

**Lee County Sufficiency Checklist for Planned Developments,
Amendments, and Existing Developments Requesting Planned
Development Zoning**

1a) The application was signed by the owner of the property or an authorized representative. [34-201(a)(1)a.1.]

The Part V affidavit is not properly executed. Please either: provide a new affidavit executed by the property owner, Tom Wadzuk, TR; the contract purchaser should submit written documentation, signed by owner, granting the authority to seek the rezoning.

6o) Statement from the owner describing the type and intensity of agricultural use existing on the site on the date of application. The statement must include acreage figures for each use and an exhibit showing the location of the uses on a copy of the boundary sketch. The exhibit must be titled "Agricultural Uses at time of Zoning Application." [34-202(b)(7)]

Please provide an agricultural affidavit that either verifies the type and intensity of an existing agricultural use or nonexistence of agricultural uses on the subject property.

12) Scale of Plans/Required Information. The Master Concept Plan must be clearly legible and drawn at a scale sufficient to adequately show and identify the following information: [34-373(a)(6)]

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: THE VILLAGE SQUARE ON BAYSHORE
DCI2005-00100
November 10, 2005
Page 5

12a) Existing Easements. The exact location and explanation of all existing easements, whether or not those easements are recorded. [34-373(a)(6)a.]

Just verifying that all easements were depicted on the MCP.

12b) Vehicular Access. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. [34-373(a)(6)b.]

Please indicate the intersection separations between the proposed access points on Wells Road and justify why two would be necessary. Staff is not in favor of a second northern access on Wells road. The southern proposed access point should line up with the Pritchett Road access to be constructed with the US Homes Heritage Creek RPD.

Please indicate intersection separations between all access points in area.

Why access onto Route 78 at the eastern end and not aligning more centrally or with the road across the street to the west.

Need to verify access position on Route 78 with FDOT. Provide evidence.

12d) Other Master Concept Plan Parcel Requirements. Where the subject property is to be divided into lots or parcels, the Master Concept Plan must indicate the following: [34-373(a)(6)c.]

This is a bubble plan in need of detail:

1. Please show the building, parking and service areas, particularly for the more intense retail uses.
2. Justify two access points off Wells Road.
3. Consider providing more than two development areas. I see Area A is divided by the corner of Wells and Route 78 - this would be a good third area of development and accompany a specific schedule of uses.

More detail!

12e5) Health Care. If a health care facility is proposed, the number of beds. [34-373(a)(6)d.v.]

Provide number of beds requested.

12f) Service Areas. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions. [34-373(a)(6)e.]

Show building areas, accompanying delivery areas, parking areas and internal accessways.

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: THE VILLAGE SQUARE ON BAYSHORE
DCI2005-00100
November 10, 2005
Page 6

12i) Open Space. The percentage of open space, unless the proposed development consists solely of conventional single family dwelling units on lots of no less than 6,500 square feet. For commercial or industrial developments, the percentage of open space within each lot or outparcel must be per 34-414c. [34-373(a)h.]

Show open space locations visually on 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 requires buffer separations. References to types of buffers as described in chapter 10 are acceptable. [34-373(a)(6)i.]

Minor detail, please delineate the buffers with a line of some sort to scale.

13) Traffic Impact Statement. A traffic impact statement must be provided in a format and to the degree of detail required by a form furnished by the county and in conformance with the adopted county administrative code. [34-373(a)(7)]

The TIS needs to call out the LOS at the time of project build out. Also, need to address Pritchett Road's dumping onto Wells Road from the Heritage Creek RPD.

14) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property must be provided including the following: [34-373(a)(8)]

Uses in question:

Automobile Service Station limited in size, location
Building Material Sales
Contractors and Builders
Convenience Store should be limited in size, to one only and in location.
Drive-through limited in size (bank) and location
Drugstore limited in size, location
Farm Equipment Sales
Feed or Fertilizer Sales
Funeral Home
Excavation where?
Health Care Facilities number of beds?
Medical Office
Printing and Publishing
Fast Food limited to one and strict location limits
Restaurant limited in number and location

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: THE VILLAGE SQUARE ON BAYSHORE
DCI2005-00100
November 10, 2005
Page 7

14b) Units by Uses. The number of units (gross square feet for commercial/industrial uses, number of units for residential or motel/hotel uses, number of beds for institutional type uses, etc.) for each proposed use. [34-373(a)(8)ii]

Need to know the number of hospital beds, the amount of square footage intended to be dedicated to automobile service station, auto repair, boat sales, car wash, convenience store, restaurant, fast food.

15) Schedule of Deviations. A schedule of deviations and a written justification for each deviation requested as part of the master Concept Plan must be submitted. The location of each requested deviation must be indicated on the Master Concept Plan. [34-373(a)(9)]

Verifying, no deviations requested?

16) Major Planned Developments. The following information is required for all Major Planned Development Zoning applications except PRFPDs. [34-373(b)]

According to §34-341(b)(1)(c) any development of 100,000 square feet commercial shall be deemed a Major Planned Development. It is staffs intent to consider this request to be considered a Major Planned Development; therefore, all requirements of this section must be met. Specifically staff has concerns that considering this development a Major PD will address:

1. All aspect of Surface Water Management considering the berm/wall combination on the north side of the property and the sheet flow that is currently from north to south.

2. Protected species survey

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Fred Drovdic, AICP
Senior Planner, Zoning
479.8439
fdrovdic@leegov.com



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

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David Owen
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County Hearing
Examiner

March 13, 2006

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
1625 HENDRY ST.
FORT MYERS, FL 33901

Re: VILLAGE SQUARE ON BAYSHORE CPD
DCI2005-00100 - PDS Application (Minor PD)

Dear MR. MATTHEW D. UHLE, ESQUIRE :

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 +/- 8.75 acres from Agricultural (AG-2) to Commercial Planned Development (CPD) to permit a maximum of 99,999 square feet of mixed uses: office, medical office and retail. Maximum height requested is 2 stories/35 feet. No development blasting is requested. The project will connect to public potable water and to a public sanitary sewer system as part of any development of this property.

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.

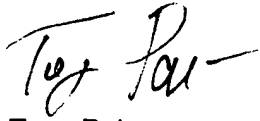
Please review this language carefully, and notify me in writing by March 27, 2006 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on May 18, 2006. 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. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: VILLAGE SQUARE ON BAYSHORE CPD
DCI2005-00100
March 13, 2006
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



Tony Palermo
Senior Planner

cc. Brent Cunningham, Environmental Sciences

also pending - - Service availability letters from utility providers.

NOTE : NEW HEARING EXAMINER DATE.

copy w/o attachments

Dawn Lehnert, Assistant County Attorney
DS Reviewer - Don Blackburn
Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Jamie Pringing, DCD Administration
DCI Zoning File
DCI Working File



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March 1, 2006

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KNOTT, CONSOER
1625 HENDRY ST.
FORT MYERS, FL 33901

Re: THE VILLAGE SQUARE ON BAYSHORE
DCI2005-00100 - PDS Application (Minor PD)

Dear MR. MATTHEW D. UHLE, ESQUIRE :

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. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: THE VILLAGE SQUARE ON BAYSHORE
DCI2005-00100
March 1, 2006
Page 2

cc. Brent Cunningham, Environmental Sciences

cc: Pamela Houck, Division Director
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Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Administration
Dawn Lehnert, Assistant County Attorney
Don Blackburn, Development Review
DCI Zoning File
DCI Working File

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: THE VILLAGE SQUARE ON BAYSHORE
DCI2005-00100
March 1, 2006
Page 3

**Lee County Sufficiency Checklist for Planned Developments,
Amendments, and Existing Developments Requesting Planned
Development Zoning**

*20) Contact. The Zoning Planner may be contacted regarding any questions on
the Planned Development Sufficiency Checklist.*

TONY PALERMO, SENIOR PLANNER, 239-479-8325.

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: THE VILLAGE SQUARE ON BAYSHORE
DCI2005-00100
March 1, 2006
Page 4

21) Miscellaneous Items.

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: THE VILLAGE SQUARE ON BAYSHORE.
DCI2005-00100
March 1, 2006
Page 5

CASE HAS BEEN REASSIGNED TO TONY PALMERO,
APALERMO@leegov.com, as of 2-13-2006 DUE TO THE DEPARTURE OF
FRED DROVDLIC.

Sorry to make you go through another sufficiency round, but I have a few
concerns which should be easy to address. The next sufficiency round I can
abbreviate, since the concerns are mine and not others. - TP

MARCH 2006 COMMENTS (ZONING).

1. Please verify everything regarding the request wording.

Rezone 8.75 acres± from Agricultural (AG-2) to Commercial Planned
Development (CPD) to permit a maximum of 100,000 square feet of mixed
uses: office, medical office and retail. Maximum height requested is 2
stories/35 feet. No development blasting is requested. The project will
connect to public potable water and to public sanitary sewer system as part of
any development of this property.

2. Environmental Sciences, Legal, LCDOT, Natural Resources, TIS - No
sufficiency comments.

3. MCP - please clarify if the residential use to the north is a single-family
home.

4. MCP - please put the zoning, land use AND future land use category on
surrounding properties.

5. Please put the road classification, width and number of lanes on all roads
such as Bayshore, Wells.

6. Is there any more detail you can put on the MCP[?] It does not show areas
for parking, access between A or B or building footprints.

7. Please put a scale with the north arrow on the MCP.

8. There is information on the MCP which either clutters it or will be dealt with
in the resolution - as such please REMOVE the following:

GENERAL NOTES.

(The special note about Pritchett Parkway seems important, so keep it on the
MCP)

PROPOSED DEVELOPMENT - HEIGHT, FLOOR AREA - WILL BE IN THE
RESOLUTION.

REQUIRED PARKING.

LEGAL DESCRIPTION.

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: THE VILLAGE SQUARE ON BAYSHORE
DCI2005-00100
March 1, 2006
Page 6

STRAP NUMBER.

PROJECT ATTORNEY, ECOLOGIST, TRAFFIC CONSULTANT.

9. Please verify no blasting or dewatering is requested.

10. Please verify the availability of public and water sewer service (NEW REQUIREMENT FROM THE BCC). And your intent to connect or not connect to these services. Please name the service providers.

11. Working with the Jan. 17, 2006 schedule of uses, I have the following comments.

- I'd much prefer a list for A and a separate list for B.
- Pet Shop, Pet Services, Kennel and Clinic - I'd suggest a limitation with no outdoor runs or outdoor activities. Especially if they are on Area B.
- COP - limit to specific uses, and a limit of square footage (for outdoor). Please propose square footage, number of seats/tables, and hours, and limits on outdoor entertainment. (for outdoor if requested)
- Farm Equipment, Feed & Fertilizing (Area A or B?)
- Personal Services, no massage parlors, tattoo parlors, steam or Turkish baths, escort services, palm readers, fortuneteller or card readers.
- Without a more detailed MCP or limitations, Group III and IV rental establishments (cars, trucks, construction equipment, etc.) is really questionable. Also you will need to show conformance to LDC Sec. 34-1352 for these uses.
- Specialty retail, no ammunition, firearms, hunters equipment.



LEE COUNTY
SOUTHWEST FLORIDA

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February 6, 2006

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
1625 HENDRY ST.
FORT MYERS, FL 33901

Re: THE VILLAGE SQUARE ON BAYSHORE
DC12005-00100 - PDS Application (Minor PD)

Dear MR. MATTHEW D. UHLE, ESQUIRE :

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. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: THE VILLAGE SQUARE ON BAYSHORE
DCI2005-00100
February 6, 2006
Page 2

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Prinding, DCD Administration
Dawn Lehnert, Assistant County Attorney
Don Blackburn, Development Review
DCI Zoning File
DCI Working File

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: THE VILLAGE SQUARE ON BAYSHORE
DCI2005-00100
February 6, 2006
Page 3

**Lee County Sufficiency Checklist for Planned Developments,
Amendments, and Existing Developments Requesting Planned
Development Zoning**

12) Scale of Plans/Required Information. The Master Concept Plan must be clearly legible and drawn at a scale sufficient to adequately show and identify the following information: [34-373(a)(6)]

The 11 x 17 version of the MCP is a reduced copy of the 24 X 36. This is not sufficient because the scale is wrong and the clarity of the document can be better. The 11 x 17 version is the controlling size for purposes of the resolution.

12d) Other Master Concept Plan Parcel Requirements. Where the subject property is to be divided into lots or parcels, the Master Concept Plan must indicate the following: [34-373(a)(6)c.]

ROUND II:

CAO concerned about detail particularly regarding Area B and the outdoor seating. Building locations and outdoor seating buffering would be helpful.

ROUND I SUFFICIENCY

This is a bubble plan in need of detail:

1. Please show the building, parking and service areas, particularly for the more intense retail uses.
2. Justify two access points off Wells Road.
3. Consider providing more than two development areas. I see Area A is divided by the corner of Wells and Route 78 - this would be a good third area of development and accompany a specific schedule of uses.

More detail!

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 requires buffer separations. References to types of buffers as described in chapter 10 are acceptable. [34-373(a)(6)i.]

After more thought concerning the northern buffer wall . . . Staff feels it would improve the retention of indigineous if the wall were placed within the 30 foot minimum setback from building area to preserve. This way a footer and wall would not destroy the indigineous along the northern property line.

MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER
RE: THE VILLAGE SQUARE ON BAYSHORE
DCI2005-00100
February 6, 2006
Page 4

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Fred Drovdlc, AICP
Senior Planner, Zoning
479.8439
fdrovdlc@leegov.com

21) Miscellaneous Items.

CASE HAS BEEN REASIGNED TO TONY PALMERO,
APALERMO@leegov.com, as of 2-13-2006 DUE TO THE DEPARTURE OF
FRED DROVDLIC.

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Fred Drovdic

DATE: 10/14/2005

Dawn Lehnert, Asst County Attorney
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Tina Silcox, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

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

PROJECT NAME: THE VILLAGE SQUARE ON BAYSHORE

CASE #: DCI2005-00100

INFORMATION SUMMARY:

NEW SUBMITTAL

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

RESPONSE REQUIRED BY: 10/28/2005

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: Jodi M Payne

Date: 10/18/2005

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Luis Machado, Zoning

FROM: Tony Palermo

DATE: 04/28/2006

PROJECT NAME: VILLAGE SQUARE ON BAYSHORE CPD

CASE #: DCI2005-00100

INFORMATION SUMMARY:

To update your file

☒ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 05/08/2006

Additional Comments:

cc: DCI planner/working fileDCI Zone File

Distributed by: Jessica M Smith

Date: 05/01/2006

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 03/21/2006

Dawn Lehnert, Asst County Attorney
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

PROJECT NAME: VILLAGE SQUARE ON BAYSHORE CPD

CASE #: DCI2005-00100

INFORMATION SUMMARY:

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

RESPONSE REQUIRED BY: 03/31/2006

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Jessica M Smith

Date: 03/22/2006

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT

FROM: Tony Palermo

DATE: 09/06/2006

PROJECT NAME: VILLAGE SQUARE ON BAYSHORE CPD

CASE #: DCI2005-00100

INFORMATION SUMMARY:

To update your file

X Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 09/16/2006

Additional Comments:

Please review the attached plan to determine if it accurately reflects the approval by the BoCC on August 21, 2006 in accordance with LDC 34-377 (b)(6).

cc: DCI planner/working fileDCI Zone File

Distributed by: Jamie Princing

Date: 09/07/2006

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Fred Drovdic

DATE: 01/17/2006

Dawn Lehnert, Asst County Attorney
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

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

PROJECT NAME: THE VILLAGE SQUARE ON BAYSHORE

CASE #: DCI2005-00100

INFORMATION SUMMARY:

RESUBMITTAL

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

RESPONSE REQUIRED BY: 01/31/2006

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: Luisa V Villa

Date: 01/18/2006

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 02/15/2006

Dawn Lehnert, Asst County Attorney
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

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

PROJECT NAME: THE VILLAGE SQUARE ON BAYSHORE

CASE #: DCI2005-00100

INFORMATION SUMMARY:

RESUBMITTAL

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

RESPONSE REQUIRED BY: 03/01/2006

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: Jessica M Smith

Date: 02/16/2006

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Luis Machado, Zoning

FROM: Tony Palermo

DATE: 03/03/2006

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

PROJECT NAME: VILLAGE SQUARE ON BAYSHORE CPD

CASE #: DCI2005-00100

INFORMATION SUMMARY:

RESUBMITTAL

To update your file

☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 03/10/2006

Additional Comments:

Last of the sufficiency issues addressed.

(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: 03/07/2006

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

FROM: Tony Palermo

DATE: 03/09/2006

TO: Distribution

Dawn Lehnert, Asst County Attorney
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

PROJECT NAME: VILLAGE SQUARE ON BAYSHORE CPD

CASE #: DCI2005-00100

INFORMATION SUMMARY:

To update your file

☒ X Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 03/20/2006

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Jeanna G Hepp

Date: 03/09/2006

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney

FROM: Tony Palermo

DATE: 03/15/2006

PROJECT NAME: VILLAGE SQUARE ON BAYSHORE CPD

CASE #: DCI2005-00100

INFORMATION SUMMARY:

X To update your file

Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY:

Additional Comments:
May 18th HEX

cc: DCI planner/working fileDCI Zone File

Distributed by: Jamie Prancing

Date: 03/16/2006

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 03/13/2006

Dawn Lehnert, Asst County Attorney
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

PROJECT NAME: VILLAGE SQUARE ON BAYSHORE CPD

CASE #: DCI2005-00100

INFORMATION SUMMARY:

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

RESPONSE REQUIRED BY: 03/23/2006

Additional Comments:

cc: DCI planner/working file
DCI Zone File

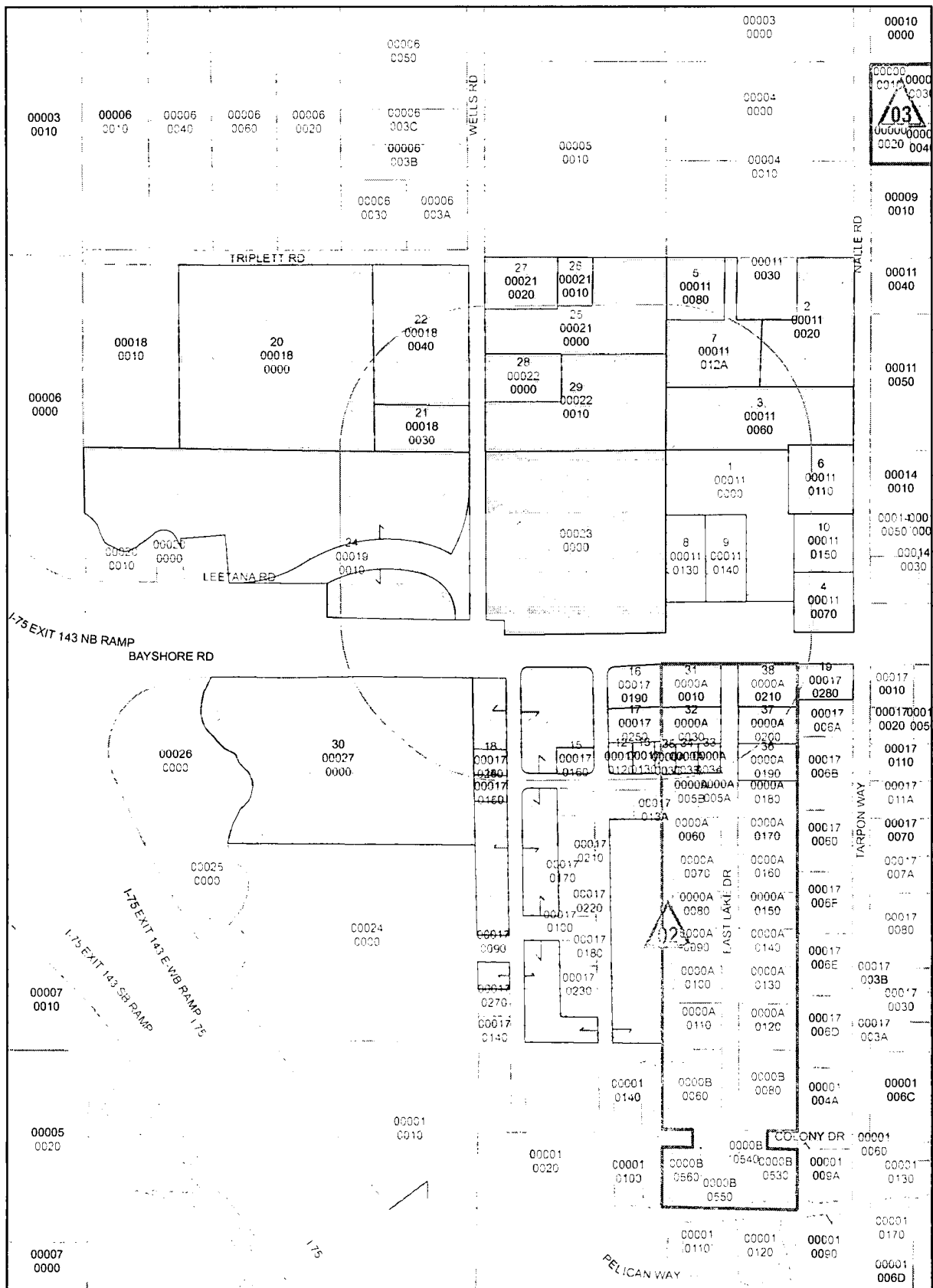
Distributed by: Jeanna G Hepp

Date: 03/13/2006

EXHIBIT PH-3.G.2 VARIANCE REPORT

9/1/2005

Subject Parcels : 1 Affected Parcels : 38 Buffer Distance : 500 ft



22-43-25-00-00023.0000

600 300 0 600 Feet

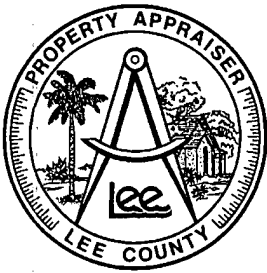


EXHIBIT PH-3.G.1 Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: September 01, 2005
Buffer Distance: 500 ft
Parcels Affected: 38
Subject Parcel: 22-43-25-00-00023.0000

DCI 2005-00100
RECEIVED
OCT 14 2005

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
SIZEMORE PERRY L + JULIE L 18100 WELLS RD NORTH FORT MYERS FL 33917	22-43-25-00-00011.0000 17321 NALLE RD NORTH FORT MYERS FL 33917	PAR SE 1/4 OF NE 1/4 OF SW 1/4 DES OR 1338/1886+1074/ 221+1272/358 LES R/W SR 78	1
MASON CHARLES L SR 17461 NALLE RD NORTH FORT MYERS FL 33917	22-43-25-00-00011.0020 17461 NALLE RD NORTH FORT MYERS FL 33917	N 210 FT OF E 210 FT OF E 1/2 OF NE 1/4 OF SW 1/4 + PAR DESC IN OR 1074/655 LESS .012A	2
DRAKE RICHARD C + SUSAN B 17351 NALLE RD N FORT MYERS FL 33917	22-43-25-00-00011.0060 17351 NALLE RD NORTH FORT MYERS FL 33917	A PAR IN NE 1/4 OF NE 1/4 OF SWLY AS DESC IN OR 1074/0651 LESS 11.0110	3
BELANGER LARRY R + K LAURINE 9491 BAYSHORE RD NORTH FORT MYERS FL 33917	22-43-25-00-00011.0070 9491 BAYSHORE RD NORTH FORT MYERS FL 33917	E 208.71 FT OF S 417 OF E 1/2 OF SE 1/4 OF NE 1/4 OF SW 1/4 LESS N 208.71 FT	4
DESCHENES JOHN E + CONNIE F TR 18161 SANDY PINES CIR NE NORTH FORT MYERS FL 33917	22-43-25-00-00011.0080 17431 NALLE RD NORTH FORT MYERS FL 33917	A PAR IN NE 1/4 OF NE 1/4 OF SW 1/4 AS DESC IN OR 0400/0730	5
BALLARD EVA C 17311 NALLE RD NORTH FORT MYERS FL 33917	22-43-25-00-00011.0110 17311 NALLE RD NORTH FORT MYERS FL 33917	A PAR IN SE 1/4 OF NE 1/4 OF SW 1/4 AS DESC IN OR 1074/0219 + OR 2983/3555	6
DEANTONI SHEILA 1/5% ETAL 14499 WIND SONG DR BOKEELIA FL 33922	22-43-25-00-00011.012A 17401 NALLE RD NORTH FORT MYERS FL 33917	PARL IN NE 1/4 OF NE 1/4 OF SW 1/4 SEC 22 DESC IN OR 1915 PG 3302	7
MARCOUX JEAN M + B PAUL 7132 BRENTWOOD RD S FORT MYERS FL 33919	22-43-25-00-00011.0130 9461 BAYSHORE RD NORTH FORT MYERS FL 33917	A PAR IN SE 1/4 OF NE 1/4 OF SW 1/4 DESC OR 1074/0655 LES R/W OR 2397 PG 3018	8
SILVER STUART + 6311 SILVER & LEWIS LN FT MYERS FL 33912	22-43-25-00-00011.0140 9471 BAYSHORE RD NORTH FORT MYERS FL 33917	PAR IN SE 1/4 OF NE 1/4 OF SW 1/4 DESC OR 1074 PG 0651 LES R/W OR 2408 PG 3443	9
LB + JP WASH INC 9491 BAYSHORE RD NORTH FORT MYERS FL 33917	22-43-25-00-00011.0150 17301 NALLE RD NORTH FORT MYERS FL 33917	E 208.71 FT OF N 208.71 FT OF S 417 FT OF E 1/2 OF SE 1/4 OF NE 1/4 OF SW 1/4	10
LEE COUNTY P O BOX 398 FORT MYERS FL 33902	22-43-25-00-00017.0000 17100 PELICAN WAY NORTH FORT MYERS FL 33917	W 1/2 OF SE 1/4 OF SW 1/4 LESS PAR 17.9 17.10 17.12 THRU 17.27 + I-75 R/W	11
PIGOTT GARY MICHAEL 9431 SWAN WY N FT MYERS FL 33917	22-43-25-00-00017.0120 9431 SWAN WAY NORTH FORT MYERS FL 33917	PARL IN SE 1/4 OF SW 1/4 OR 1010/0615 AKA LT E EAST LAKE COLONY UN	12
PIGOTT HOKE S JR + 17801 WELLS RD N FT MYERS FL 33917	22-43-25-00-00017.0130 9441 SWAN WAY NORTH FORT MYERS FL 33917	PARL IN SE 1/4 OF SW 1/4 AS DESC IN OR 1229/0785	13
SCHILL ARTHUR H 7214 FERNBANK AV CINCINNATI OH 45233	22-43-25-00-00017.0150 ACCESS UNDETERMINED N FT MYERS FL 33917	PARL IN SE 1/4 OF SW 1/4 DESC IN OR 0271/0662	14

EXHIBIT PH A G.1

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
SCHILL ARTHUR H 7214 FERNBANK AV CINCINNATI OH 45233	22-43-25-00-00017.0160 17181 PELICAN WAY NORTH FORT MYERS FL 33917	PARL IN SE 1/4 OF SW 1/4 AS DESC IN OR 1223/0379	15
COCHRAN JIMMIE J + LOYCE F P O BOX 1701 FT MYERS FL 33902	22-43-25-00-00017.0190 9400 BAYSHORE RD NORTH FORT MYERS FL 33917	PARL IN SE 1/4 OF SW 1/4 DESC IN OR 1012/1845	16
COCHRAN JIMMIE J + LOYCE F PO BOX 1701 FT MYERS FL 33902	22-43-25-00-00017.0250 17220 PELICAN WAY NORTH FORT MYERS FL 33917	PARL IN SE 1/4 OF SW 1/4 DESC IN OR 1075/1831 LESS S 10 FT	17
ROMMEL DOUGLAS E 3753 W SALINAS CIR DATON OH 45440	22-43-25-00-00017.0260 ACCESS UNDETERMINED NORTH FORT MYERS FL 33917	PARL IN SE 1/4 OF SW 1/4 AS DESC IN OR 0788/0880	18
HANSEN TRACY R 17530 NALLE RD NORTH FORT MYERS FL 33917	22-43-25-00-00017.0280 17201 TARPON WAY NORTH FORT MYERS FL 33917	N 210FT OF E 1/2 OF SE 1/4 OF SW 1/4 LESS E LAKE COLONY SUBD+RD R/W	19
HAYWOOD STEPHEN W C/O STAFFILE + HAYWOOD REALTY P O BOX 101526 CAPE CORAL FL 33910	22-43-25-00-00018.0000 9120 TRIPLETT RD NORTH FORT MYERS FL 33917	E 1/2 OF NW 1/4 OF NW 1/4 OF SW 1/4 + W 1/2 OF NE 1/4 OF NW 1/4 OF SW 1/4	20
BAUBLIS JOSEPH III + MICHELLE 17351 WELLS RD NORTH FORT MYERS FL 33917	22-43-25-00-00018.0030 17351 WELLS RD NORTH FORT MYERS FL 33917	S 165 FT OF E 330 FT OF NE 1/4 OF NW 1/4 OF SW 1/4	21
CRENSHAW KELLY + DONA 9200 TRIPLETT RD NORTH FORT MYERS FL 33917	22-43-25-00-00018.0040 9200 TRIPLETT RD NORTH FORT MYERS FL 33917	PARL IN E 1/2 OF SE 1/4 OF NW 1/4 OF SW 1/4 DESC IN OR 0763/0835	22
SCHOTT LEWIS M COTR + 220 SUNRISE AVE #216 PALM BEACH FL 33480	22-43-25-00-00019.0000 ACCESS UNDETERMINED N FT MYERS FL 33917	S 1/2 OF NW 1/4 OF SW 1/4 + LESS RD R/W + LESS PT W OF POPASH CREEK LESS I/75 + OR 4540/2260	23
GRAVINA PETER J TR 10841 SIX MILE CYPRESS PKWY FORT MYERS FL 33912	22-43-25-00-00019.0010 RIGHT OF WAY N FT MYERS FL 33917	PARL LOC IN S 1/2 OF NW 1/4 OF SW 1/4 DESC IN OR 4540/2260	24
DRIGGERS CHARLOTTE 17430 WELLS RD NORTH FT MYERS FL 33917	22-43-25-00-00021.0000 17430 WELLS RD NORTH FORT MYERS FL 33917	N 1/2 OF NW 1/4 OF NE 1/4 OF SW 1/4 LESS PARL 21.001 + 21.002	25
PICKETT D B + LINDA J 17450 WELLS RD NORTH FT MYERS FL 33917	22-43-25-00-00021.0010 17450 WELLS RD NORTH FORT MYERS FL 33917	N 1/2 OF NW 1/4 OF NE 1/4 OF SW 1/4 DESC IN OR 1287 PG 1480 LESS PARL 21.0	26
RUDD GREGORY + KATHY 17470 WELLS RD NORTH FORT MYERS FL 33917	22-43-25-00-00021.0020 17470 WELLS RD NORTH FORT MYERS FL 33917	PARL IN N 1/2 OF NW 1/4 OF NE 1/4 OF SW 1/4 OF SEC 22 DESC OR 1746 PG3842	27
TOIVONEN BERTHA L + 17400 WELLS RD NORTH FORT MYERS FL 33917	22-43-25-00-00022.0000 17400 WELLS RD NORTH FORT MYERS FL 33917	PARL IN NW 1/4 OF NE 1/4 OF NW 1/4 DESC IN OR 0293/0683	28
MUSHO MICHAEL J + LISA S P O BOX 60104 FT MYERS FL 33906	22-43-25-00-00022.0010 17350 WELLS RD NORTH FORT MYERS FL 33917	PARL IN NW 1/4 OF NE 1/4 OF NW 1/4 DESC IN OR 0084/0200	29
SCHILL ARTHUR H 7214 FERNBANK AVE CINCINNATI OH 45233	22-43-25-00-00027.0000 9150 BAYSHORE RD NORTH FORT MYERS FL 33917	N 1/2 OF SW 1/4 OF SW 1/4 LYING E OF POPASH CREEK LESS RD R/W LESS I-75 R/W	30
COCHRAN JIMMIE J + LOYCE F PO BOX 1701 FT MYERS FL 33902	22-43-25-02-0000A.0010 9450 BAYSHORE RD NORTH FORT MYERS FL 33917	EAST LAKE COLONY BLK A PB 16 PG 36 LOTS 1 + 2	31
COCHRAN JIMMIE J + LOYCE F PO BOX 1701 FT MYERS FL 33902	22-43-25-02-0000A.0030 17201 EAST LAKE DR NORTH FORT MYERS FL 33917	EAST LAKE COLONY BLK A PB 16 PG 36 LOT 3 LESS S 10 FT	32

OWNER NAME AND ADDRESS	STRAP AND LOCATION	EXHIBIT PH-3.1 LEGAL DESCRIPTION	Map Index
GRGURICH JOHN 9100 NALLE GRADE RD NORTH FORT MYERS FL 33917	22-43-25-02-0000A.003A 9461 SWAN WAY NORTH FORT MYERS FL 33917	E LAKE COLONY BLK A PB 16 PG 36 LT PT 3 + 4 AS DESC IN OR 0275/0446	33
MEYER ELIZABETH I 9451 SWAN WY N FT MYERS FL 33917	22-43-25-02-0000A.003B 9451 SWAN WAY NORTH FORT MYERS FL 33917	EAST LAKE COLONY BLK A PB 16 PG 36 LT PT 3 + 4 AS DESC IN OR 0387/0824	34
MEYER ELIZABETH I 9451 SWAN WAY N FT MYERS FL 33917	22-43-25-02-0000A.003C 9445 SWAN WAY NORTH FORT MYERS FL 33917	EAST LAKE COLONY BLK A PB 16 PG 36 LT PT 3 + 4 AS DESC IN OR 1041/0336	35
MATSON CHARLES + LINDA B 17180 EAST LAKE DR N FT MYERS FL 33917	22-43-25-02-0000A.0190 17180 EAST LAKE DR NORTH FORT MYERS FL 33917	EAST LAKE COLONY BLK.A PB 16 PG 36 LOT 19	36
MELWORM HOWARD + CAROLE 17200 EAST LAKE DR NORTH FORT MYERS FL 33917	22-43-25-02-0000A.0200 17200 EAST LAKE DR NORTH FORT MYERS FL 33917	EAST LAKE COLONY BLK.A PB 16 PG 36 LOT 20	37
FIZER RICHARD E + STACIE JO + 17220 E LAKE DR N FT MYERS FL 33917	22-43-25-02-0000A.0210 17220 EAST LAKE DR NORTH FORT MYERS FL 33917	EAST LAKE COLONY BLK.A PB 16 PG 36 LOTS 21 + 22	38

38 RECORDS PRINTED



COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date: October 28, 2005

Case Number: DCI2005-00100

Case Name: THE VILLAGE SQUARE ON BAYSHORE

Request: Rezone 8.75 acres± from Agricultural (AG-2) to Commercial Planned Development (CPD) to permit a maximum of 100,000 square feet of mixed uses: office, medical office and retail.

Location: 17300 Wells Road(From downtown Fort Myers take Palm Beach Blvd (SR80) east and merge onto I-75 north(towards Tampa). Take exit 143 toward N. Ft Myers/Cape Coral. Merge onto Bayshore Road east. Turn left onto Wells Road and end at 17300 Wells Road), in S22-T43S-R25E, Lee County, FL.

Location Map: SEE REVERSE

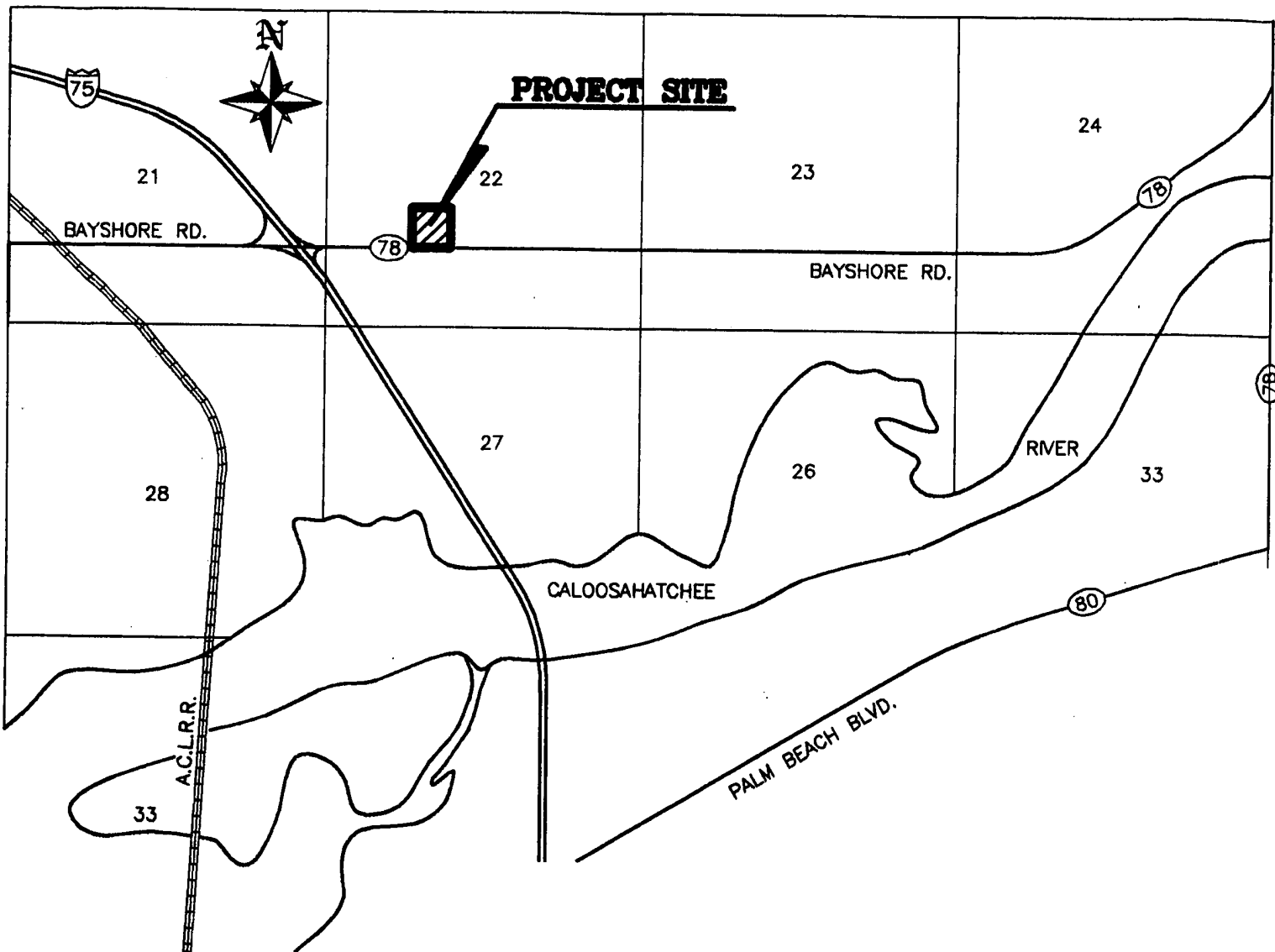
PROPERTY OWNER'S REPRESENTATIVE: MR. MATTHEW D. UHLE, ESQUIRE
KNOTT, CONSOER

Lee County Planner: Fred Drovdlc
(239) 479-8439

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.

JMP



LOCATION MAP

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JRI Engineering, Inc.

Planning Engineering Surveying Aerial Photography & Photogrammetry Services

2328 Hancock Bridge Parkway, Ste. 114, Cape Coral, Florida 33990
Phone: 239.458.6644 Fax: 239.458.2233 www.jriengineeringinc.com
Engineering Business Certificate of Authorization No. 5424

BAYSHORE VILLAGE MARKET SQUARE

LOCATION MAP

SCALE: N.T.S. DESIGNED BY: RK DATE: 9-20-05 SHEET No. 1 OF 1

22-43-25-00-00011.0000
SIZEMORE PERRY L + JULIE L
18100 WELLS RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00011.0060
DRAKE RICHARD C + SUSAN B
17351 NALLE RD
N FORT MYERS, FL 33917

22-43-25-00-00011.0080
DESCHENES JOHN E + CONNIE F TR
18161 SANDY PINES CIR NE
NORTH FORT MYERS, FL 33917

22-43-25-00-00011.012A
DEANTONI SHEILA 1/5% ETAL
14499 WIND SONG DR
BOKEELIA, FL 33922

22-43-25-00-00011.0140
SILVER STUART +
6311 SILVER & LEWIS LN
FT MYERS, FL 33912

22-43-25-00-00017.0000
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

22-43-25-00-00017.0130
PIGOTT HOKE S JR +
17801 WELLS RD
N FT MYERS, FL 33917

22-43-25-00-00017.0160
SCHILL ARTHUR H
701 FERNBANK AV
CINCINNATI, OH 45233

22-43-25-00-00017.0250
COCHRAN JIM + LOYCE F
PO BOX 1701
FT MYERS, FL 33902

22-43-25-00-00017.0280
HANSEN TRACY R
17530 NALLE RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00011.0020
MASON CHARLES L SR
17461 NALLE RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00011.0070
BELANGER LARRY R + K LAURINE
9491 BAYSHORE RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00011.0110
BALLARD EVA C
17311 NALLE RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00011.0130
MARCOUX JEAN M + B PAUL
7132 BRENTWOOD RD S
FORT MYERS, FL 33919

22-43-25-00-00011.0150
LB + JP WASH INC
9491 BAYSHORE RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00017.0120
PIGOTT GARY MICHAEL
9431 SWAN WY
N FT MYERS, FL 33917

22-43-25-00-00017.0150
SCHILL ARTHUR H
7214 FERNBANK AV
CINCINNATI, OH 45233

22-43-25-00-00017.0190
COCHRAN JIMMIE J + LOYCE F
P O BOX 1701
FT MYERS, FL 33902

22-43-25-00-00017.0260
ROMMEL DOUGLAS E
3753 W SALINAS CIR
DATON, OH 45440

22-43-25-00-00018.0000
HAYWOOD STEPHEN W
C/O STAFFILE + HAYWOOD REALTY
P O BOX 101526
CAPE CORAL, FL 33910

9/1/2005 11:15:59 AM

22-43-25-00-00018.0030
BAUBLIS JOSEPH III + MICHELLE
17351 WELLS RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00019.0000
SCHOTT LEWIS M COTR +
220 SUNRISE AVE #216
PALM BEACH, FL 33480

22-43-25-00-00021.0000
DRIGGERS CHARLOTTE
17430 WELLS RD
NORTH FT MYERS, FL 33917

22-43-25-00-00021.0020
RUDD GREGORY + KATHY
17470 WELLS RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00022.0010
MUSHO MICHAEL J + LISA S
P O BOX 60104
FT MYERS, FL 33906

22-43-25-02-0000A.0010
COCHRAN JIMMIE J + LOYCE F
PO BOX 1701
FT MYERS, FL 33902

22-43-25-02-0000A.003A
GRGURICH JOHN
9100 NALLE GRADE RD
NORTH FORT MYERS, FL 33917

22-43-25-02-0000A.003C
MEYER ELIZABETH I
9451 SWAN WAY
N FT MYERS, FL 33917

22-43-25-02-0000A.0200
MELWORM HOWARD + CAROLE
17200 EAST LAKE DR
NORTH FORT MYERS, FL 33917

22-43-25-00-00018.0040
CRENSHAW KELLY + DONA
9200 TRIPLETT RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00019.0010
GRAVINA PETER J TR
10841 SIX MILE CYPRESS PKWY
FORT MYERS, FL 33912

22-43-25-00-00021.0010
PICKETT D B + LINDA J
17450 WELLS RD
NORTH FT MYERS, FL 33917

22-43-25-00-00022.0000
TOIVONEN BERTHA L +
17400 WELLS RD
NORTH FORT MYERS, FL 33917

22-43-25-00-00027.0000
SCHILL ARTHUR
2214 FERNBANK AVE
CINCINNATI, OH 45233

22-43-25-02-0000A.0030
COCHRAN JIMMIE J + LOYCE F
PO BOX 1701
FT MYERS, FL 33902

22-43-25-02-0000A.003B
MEYER ELIZABETH I
9451 SWAN WY
N FT MYERS, FL 33917

22-43-25-02-0000A.0190
MATSON CHARLES + LINDA B
17180 EAST LAKE DR
N FT MYERS, FL 33917

22-43-25-02-0000A.0210
FIZER RICHARD E + STACIE JO +
17220 E LAKE DR
N FT MYERS, FL 33917

Mike Roeder
East Lee County Council
1625 Hendry Street, Suite 301
Fort Myers, FL 33901

