



November 18, 2022

Lee County Development Services
1500 Monroe Street
Fort Myers, FL 33901

Re: Bayshore Pines RPD
DCI2022-00048

Dear Staff:

Below is our response to the letter of review dated Oct. 19, 2022. We are addressing each comment below for clarification.

Zoning Review:

As required by LDC Sec. 33-1532, please provide a synopsis of the required public informational meeting for this project.

This meeting is tentatively scheduled for Dec. 19th at 5 pm at the North Fort Myers Recreation Center, 2000 North Recreation Park Way, North Fort Myers, FL 33903. We will provide a summary following the meeting.

Please include dimensions of recycling dumpster and compactor area in accordance with Ordinance 11-27 and LDC 10-261.

It is the intent of this project to provide domestic solid waste service with a compactor and roll off container. We are hesitant to provide exact dimensions at this stage as the final dimensions will be perfected during the development order process. We are withdrawing the deviation request relative to the solid waste area. It was not clear to us that 10-262(d) (compactors) is allowed as a substitute to garbage collection area requirements of 10-262(a). The recycling area will be provided in addition to the compactor area as required in 10-261(a). We have added a solid waste computation on the master concept plan.

Planning Review:

Please supplement the Lee Plan analysis to include at a minimum a narrative analysis of the future land use category (Policy 1.1.3), and relevant objectives and policies from Goal 5: Residential Land Uses. Discussion of Policy 1.1.3 should include an analysis of the projects density and proposed uses. – RVI to address

See attached revised narrative.

Development Services Review:

1. Deviation(1)- please provide letters of no objection from the applicable emergency response agencies to include Lee County Public Safety, Lee County Sheriff's Office, and North Fort Myers Fire Department. Staff cannot support the requested deviation until these letters are received.

Please see included letters of no objection from these three agencies.

2. Please note the LDC requires the following condition for any deviation from LDC 10-291(3): The developer must record a notice to all future property owners, in the public record, prior to issuance of a local development order allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.

Noted. This will be provided at time of the development order application.

3. Deviation (3) - Staff recommends the applicant rewrite the request after the "to allow" statement to include the fencing around the excavation. Staff does not object to the request if it includes a fence surrounding the excavation to property the health, safety, and welfare or the abutting property owners.

We have rewritten the Deviation 3 request to include the fence as shown on the MCP.

4. Deviation (4)- Please note that LDC Section 10-261(d) does allow multifamily developments to use a compactor for garbage collection provided sufficient space for the compactor (including receiver) is provided in addition to the space required for recyclable collection. Please revise your deviation request to limit any deviation to the space required for recyclable collection. Please provide a calculation of the space required for recyclable collection area in accordance with 10-261(a) (a prorated share can be calculated using the values in the table). Additionally, please provide recyclable waste generation calculations based on the number of proposed units, the size of the container(s) to be used based on the pickup schedule, and the necessary space required to store the container(s) to verify that the request provides adequate storage space for the projected recycling waste.

We are removing the Deviation 4 request since 10-261(d) allow compactors by right in lieu of the garbage collection space requirement listed in 10-261(a). We have added a solid waste computation on the MCP to demonstrate compliance with 10-261(a) for the recyclable collection and have also added additional area for bulk recycling and solid waste items.

5. LDC 34-373(a)(6)(c) - The plan must indicate the general location, configuration, and approximate dimensions of the lots or parcels (including subdivided parcels and outparcels). Please provide lot dimension on the MCP.

We have added the overall parcel dimensions to the site plan. No other lots are proposed.

6. LDC34-373(a)(6)(i) Proposed access and facilities for public transit in accordance with sections 34-411(e) and 10-442. The MCP shows a bus stop. Are any improvements to the bus stop facilities required in accordance with the sections above? These improvements must be shown on the MCP.

We are showing on the MCP the improvements to the existing Lee Tran bus stop typically required during the development order process. We are not aware of any additional improvement that would be required. The modifications will be included as part of the development order application as is typical with or without this RPD application.

Environmental Review:

The Protected Species Survey indicates that coontie was found on the site. Revise the species location map to depict where the coontie was found.

The protect species survey has been updated to show the location on any coontie that was observed.

Revise the FLUCCS map to indicate the level of exotics on the site. The FLUCCS map may need to be revised to depict the different levels of exotic in various areas. This is important to determine if indigenous is present onsite and the level of replanting that may be needed to comply with buffers.

See included updated FLUCCS map showing the level of exotic present within each category.

Provide an indigenous management plan.

See included indigenous management plan. There is one are of the site we are proposing to restore. This will have a secondary benefit of improving the buffer between Bayshore Road and Carriage Village as we remove the existing exotic vegetation in that area.

The MCP depicts the open space percentage as 40% but does not provide the indigenous credit allocation per LDC Section 10-415(c). The MCP notes that "bonus" indigenous will be allocated but does not provided the information in the open space calculation. Revise MCP to list the percentages and indigenous open space acreage. Please note that indigenous credits is only allowed for indigenous areas (75% or less exotic) and uplands.

We have revised our indigenous open space preservation areas to reflect the updated FLUCCS mapping. We have added a table to the MCP outlining each indigenous area, its size and allowed bonus per the code. Note, there is one area of indigenous preservation which we propose to enhance and restore along Bayshore Road. We have included a detailed planting plan for this area. We have added a separate open space plan sheet to help depict the indigenous preserve areas and the restoration plantings.

The MCP depicts a Type-B buffer being provided along the north property line as well as using the preserve for buffering with supplemental plants proposed as needed per note. Please explain why a Type-B buffer is being provided if the indigenous preserve may serve as screening to comply with code. If it meets the buffer, remove the Type-B buffer depiction and use the entire area as preserve.

We have removed the Type B buffer note. The indigenous preserve area will serve as the required Type B buffer. The entire area between the parking area and the property line will be used as open space but does not all qualify as indigenous preserve due to what we believe is prior clearing activity.

The applicant is depicting along the southeast property line on the MCP the preserve to serve as the buffer. Please provide cross sections depicting how the slash pines and oak roots will be protected during the development of the parking area. Indicate if a berm and or drainage features will be constructed and how the indigenous trees within the preserve limits will be protected per the LDC. The indigenous management plan must include information as well as the surface water management plan.

We have added a plan sheet for the indigenous preserve areas along with conceptual cross sections of each area. This area will remain outside of the storm water management area and retaining walls will be installed at necessary to protect this area from the fill material that will be required for the adjacent parking area. This will allow the existing trees to be better preserved as much as possible. The exact details and tree locations will be determined during the DO process.

Please indicate if the preserve areas will be used for surface water management. As indicated by the FLUCCS map, these preserves are upland preserves receiving indigenous upland credits per LDC Section 10-415(c). They cannot be used for surface water management as the vegetation will not survive.

See the indigenous management plan. We are not proposing to store surface water runoff in the preserve areas. The indigenous preserves adjacent to the perimeter of the site will be completely outside of the surface water management system. Indigenous preserve area #4 will, however, be inside the water management perimeter since it is more central to the site. Any runoff from the developed areas will be directed around this indigenous area and to the proposed water management pond, see the conceptual cross sections. The indigenous area itself will be allowed to also drain separately into the pond giving it a positive outfall. A water management control structure will be installed within the pond and outfall will be directed to the Bayshore Road right of way as described in the water management narrative. This may actually improve the drainage characteristics for the rear of the site helping to prevent any raising of the water table from what this particular preserve area currently experiences.

The application narrative indicates that enhanced buffers and open space are being provided. It is unclear where these features are being provided.

See the revised application narrative.

It is unclear if easements are located on the site. Please revise the MCP to depict any easements that may limit buffer areas.

There are no easements on this site.

The MCP depicts a six-feet-in-height decorative wall along the southeastern corner. Deviation #2 is being requested to allow an eight-feet-in-height wall to be installed two feet from the property line at the corner. LDC Section 10-416(d)(6) requires the eight foot wall to be setback 25 feet. The wall is not decorative and is a requirement per code. The wall must be eight-feet-in-height. Revise the MCP to revise note to meet the LDC.

See the revised deviation request. We have been able to increase the wall setback from the corner of the property. The word decorative was not intended to mean the wall was not a code requirement. We are now refereeing to it as a buffer wall. The note on the MCP has been revised. The purpose of the deviation request is to address the unavoidable location of the wall due to the required FDOT driveway spacing.

Revise Deviation #2 to indicate if the required landscape plants will be provided and depict on the detail drawing where the landscape plants will be proposed so that they do not conflict with offsite power lines and survivability.

Please see the revised deviation #2 request showing the buffer shrub and tree plantings along this wall. The required buffer trees and shrubs will be selected during the development order stage of the project and will be placed to avoid conflict with the adjacent off-site overhead power lines. There are no utility easements over this area.

LDC Section 10-421(a)2 requires a planting area to be no less than five feet. Deviation #2 indicates that in one area the width will be two feet. A deviation may need to be requested to allow less than five feet.

See the revised deviation request. The provided buffer area will be no less than five feet at its minimum.

Natural Resources Review:

The surface water management plan states that inlets for the Carriage Village stormwater system are potentially located on the subject property. Please provide additional details on the location of these inlets and how the proposed development design will account for them.

The survey of the parcel depicts where there are existing inlets running along the common property line with Carriage Village, some just slightly on this parcel some just off. These inlets will remain in place. We believe these inlets are piped together and drain westward towards the Powell Creek bypass facility which abuts the west tip of

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Carriage Village. The intention of this project is to not have any drainage impact to the adjacent property owners.

Let us know what additional questions you may have.

Sincerely,

KEENE DEVELOPMENT, LLC.



William T. Keene
President

enclosures



Bayshore Pines RPD

Narrative of Request

I. REQUEST

The applicant is requesting Planned Development rezoning approval for a 9+/- acre Property located along Bayshore Rd., approximately 1,500 feet south of the intersection of Bayshore Rd. and New Post Rd. Currently located in the North Fort Myers Planning Community, the Property is zoned RS-1 and C-1. The request is to rezone the vacant Property to Residential Planned Development (RPD) to allow for a maximum of 180 multi-family dwelling units with a maximum height of 4 stories (60 feet). The development will consist of four (4) buildings, surface parking, private on-site recreational amenities, and supportive infrastructure. The project will also include perimeter buffers and open space that will substantial spatial separation and physical screening between the proposed units and surrounding residential properties. Additionally, the applicant is proposing bonus density to achieve the 180 dwelling units.

II. BACKGROUND

The 9+/- acre Property consists of undeveloped vacant uplands with 1,100 feet of frontage on Bayshore Road, a 4-lane collector roadway. In 2011 an application for Commercial Planned Development rezoning to allow for 85,000 SF of commercial retail was withdrawn due to financial concerns following the recession.

III. SURROUNDING LAND USES

The Property is generally surrounded by residential land uses on the north side of Bayshore Road. The Carriage Village mobile home community abuts the Property to the east and north. The six parcels to the west are developed with single-family houses that are apart of a larger single-family community with an approximate lot size of 10,000 SF. The future land uses category for the Property is Central Urban. The Central Urban classification allows for a maximum density of 10 units per acre, and up to 20 units per acre when utilizing the Greater Pine Island TDUs. The table below demonstrates the surrounding properties classifications.

	Future Land Use	Zoning	Existing Use
East	Central Urban	MH-1	Carriage Village Mobile Home Community
South	Central Urban	C-1A / RS-1	ROW (Bayshore Rd) with LeeTrans bus stop
West	Central Urban	RS-1	Singe Family Residential Units
North	Central Urban	MH-1	Carriage Village Mobile Home Community

IV. PUBLIC INFRASTRUCTURE

The subject property is serviced by existing public infrastructure that can accommodate the proposed multi-family residential development. Potable water lines are currently located within the right-of-way abutting the Property and will be provided by Lee County Utilities, while sanitary sewer service is located at Hart Road and runs north/south to a treatment plant with adequate availability. The surrounding roadway network has adequate capacity as set forth in the accompanying Traffic Circulation Analysis prepared by TR Transportation Consultants, Inc.

Additionally, there are numerous community facilities and services in the immediate vicinity of the project, including the North Fort Myers Fire Department Station 3 located 1.5 Miles north of the Property, Lee County EMS Station 31 located approximately 3 miles from the site, the Lee County Sheriff's Office is 2 miles from the Property. Additionally, within 5 miles of the subject Property there are five public education facilities, Bayshore Elementary School, J. Colin English Elementary School, North Fort Myers Academy for the Arts, and North Fort Myers High School, and Dr. Carrie D Robinson Littleton Elementary School. As for Public Parks and facilities, the North Fort Myers Community Park, Recreation Center, and Public Library are within 1.5 miles of the proposed development.

V. PROPOSED DEVELOPMENT

Through this rezoning application, the application proposes a development with a maximum of 180 multi-family dwelling units. Enclosed in this application is a Master Concept Plan (MCP) that details the four building locations on the 9+/- acre subject Property.

As resembled on the MCP, the four building are clustered towards the center of the Property and are approximately 102-feet from the Property lines. In addition, the Property features 30-foot type F buffers to the east and west where the Property is abutting less intense densities. These buffers strategically place the building in a centralized location that provides screening and separation from the adjacent residential land uses, and are intended to protect and preserve the appearance, character, and value of adjacent properties. Three of the four buildings are four-stories and one of the buildings is three-stories. The four-story buildings will consist of 48 individual units where the three-story building consist of 36 units.

Further, these design elements allow for the required open space and indigenous area to exceed the required acreage. A large open space area with approximately 600-feet of frontage along Bayshore Rd will allow for native vegetation to remain undisturbed and provide a buffer between Carriage Village residents and Bayshore Rd. Additionally, a large indigenous open space will be located in the northwest corner of the Property. This internal tract will provide further buffering between the Carriage Village residents to the north and the single-family residences to the west.

The proposed RPD will be accessed directly from Bayshore Road and perpendicular from Lincoln Avenue. The entry will include a right-in turn lane and will be gated. Emergency access will be included either at the main residential entry point or as a stabilized access on the western side of the property where the MCP depicts a proposed privacy fence.

The full details of the proposed development program are provided in the enclosed Master Concept Plan, Schedule of Uses, Site Development Regulations, and proposed conditions.

VI. COMPREHENSIVE PLAN CONSISTENCY ANALYSIS

As noted above, the subject Property is designated within the Central Urban future land use category and is located within the North Fort Myers Planning Community. Table 1(b) demonstrates there are 2,225 acres of available residential lands within the underlying FLU and within North Fort Myers.

This designated area is described in the Lee County Comprehensive Plan as promoting compact, mixed-use development in the form of town and neighborhood center that revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources.

The proposed development not only meets but exceeds the vision for the North Fort Myers Planning Community. As a compact infill development, the subject Property provides an opportunity to utilize a vacant parcel to provide additional housing options while maintaining compatibility with the residential uses that surround the Property via perimeter buffers, building setbacks, and other performance standards. The proposed development aims to provide housing options for the surround workforce community, such as, teachers, fire-fighters, law enforcement, and the supporting commercial/retail employees. Further, the conceptual plan provided with the application supports the preservation of natural resources. Of the 9 +/- acre property, 2 +/- acres are being preserved as indigenous open space.

Below are objectives and policies that are outlined in the Lee County Comprehensive Plan and pertain specifically to the North Fort Myers Community Plan.

Objective 30.1: Neighborhoods and Housing. To support the creation and preservation of affordable housing options in safe and attractive neighborhoods.

The proposed development is focused on providing an affordable residential housing option for the surrounding workforce. In addition, the applicant has agreed to provide affordable housing that would allow for a bonus density for the development. The community will feature four individual building that include code required buffers in addition to fences/walls and heightened landscape screening. As depicted on the provided conceptual plan, the community will also feature a gated entry for privacy and safety.

Policy 30.1.4: Encourage development of affordable housing options on property with the following characteristics: located within the Intensive Development, Central Urban, and urban Community on the Future Land Use Map; located where central water/sewer service is available; and located within walking distance of mass transit, commercial and personal services, and parks and recreations facilities.

The proposed development focuses on providing an affordable option for the professional workforce in the surrounding area. Further, the subject Property is located in the Central Urban category on the Future Land Use Map; this urban parcel is surrounded by residential communities and personal services. Community residents will also benefit from having a LeeTrans Bus Stop that abuts the Property along Bayshore Drive. Furthermore, the project also features pedestrian and bicycle facilities to provide connection from the subject Property to the adjacent uses. Additionally, preliminary review indicated the subject Property is located where central water/sewer services are available.

OBJECTIVE 30.2 LAND USE: CENTERS AND COORDORS. To encourage revitalization of designated Town Center Overlay district, Road Corridor Overlay district and redevelopment areas.

*POLICY 30.2.4: The following areas are designated as Neighborhood Centers appropriate for moderate intensity, pedestrian-oriented, mixed use development: Littleton and North Cleveland Avenue; North Tamiami Trail and Del Prado Boulevard; North Tamiami Trail and Nalle Grade Road; Hancock Bridge Parkway and Orange Grove Boulevard; North Tamiami Trail and Pine Island/Bayshore Roads; Bayshore Road and Slater Road; **and Bayshore Road and Hart Road**. For these areas, neighborhood-serving, mixed use development; pedestrian-friendly street, site, and Future Land Use II-97 November 2021 building designs; the incorporation of live/work, multi-family, and attached housing; and sidewalk and path connections to nearby neighborhoods, parks, and public uses are preferred.*

The subject Property's furthest northeast boundary is approximately 600-feet south of the intersection of Bayshore Road and Hard Road. The proposed development is a moderate intensity multi-family community that provides pedestrian connectivity to nearby neighborhoods, parks, and public services. The design of the building will feature appealing facades with enhanced development improvements such as elevated landscaping, and abundance of Open Space.

OBJECTIVE 30.3 TRANSPORTATION. The North Fort Myers Community Plan area will have neighborhood, corridors and community interface improvements identified.

POLICY 30.3.1: Encourage streetscape and landscape improvements along major roadways consistent with the general provisions of the LeeScape Master Plan, including Bayshore and Pine Island Roads, North Cleveland Avenue, North Tamiami Trail, Pondella Road, Hancock Bridge Parkway, and Del Prado Boulevard.

The proposed development is located along Bayshore Road within an ingress / egress that is perpendicular with Lincoln Avenue. The proposed plan displays a 20-foot Type D right-of-way buffer that includes a privacy fence and visually appealing masonry wall that will conceal the gate to the community. Currently, the vacant lot is overgrown with exotic vegetation. The proposed plan intends to remove all exotic vegetation and preserve the existing native vegetation. Additionally, an approximate six-hundred linear feet along Bayshore Road will be utilized as Open Space and will remain undeveloped.

OBJECTIVE 30.5 PARKS, RECREATION & CONSERVATION. The north Fort Myers Community will identify park, recreation, open space, environmental protection and restoration needs and deficiencies to pursue remedies.

POLICY 30.5.1: Ensure parks and recreation facilities are reasonably accessible and adequate to meet the needs of residents.

The proposed community features a connection to public pedestrian sidewalks that abut the development. This recreational path offers mobile accessibility to the Powell Creek Preserve, located approximately a half-mile from the proposed project. Further, the LeeTrans bus stop located adjacent to the Property offers additional accessibility to parks and recreation facilities located throughout Lee County including the North Fort Myers Community Park.

POLICY 30.5.2: Integrate the North Fort Myers Community Park into the surrounding development and open space areas, including incorporation of the development of a community park facility. The concept would be for the park to act as a hub, connected to other open space/recreational opportunities through pedestrian or bicycle linkages, either along public rights of way or through adjacent developments.

The proposed development is approximately 1.5 miles from the North Fort Myers Community Park. According to the LeeSpins WebMap, there is currently existing shared use bikeways and walkways that have direct connection between the subject Property and the North Fort Myers Community Park.

POLICY 1.1.3: The Central Urban future land use category can best be characterized as the "urban core" of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The proposed development is located within the Central Urban future land use category. Through the Central Urban future land use category, the property is entitled up to 10 dwelling units per acre. In addition, the applicant will utilize bonus density in the form of Greater Pine Island Transfer of Development Units (TDUs) to increase the density to 20 dwelling units per acre. In total, the proposed site features 180 dwelling units in total.

VII. Land Development Code Analysis

The proposed rezoning complies with Lee County's Land Development Code (LDC) section 2-146 minimum requirements for the Bonus Density Program as follows:

(a) Applicants must comply with the minimum requirements set forth herein to be eligible to participate in the bonus density program through use of one of the following incentive programs:

(1) Affordable Housing Program in accordance with the site-built provisions or the cash contribution provisions set forth in Administrative Code 13-5.

(2) Transfer of Development Rights (TDR) Program in accordance with the provisions set forth in Administrative Code 13-5. The additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road; and

The request to rezone the 9 +/- acre property includes a request for 90 bonus density units through the use of either the Affordable Housing Program in accordance with the site-built provisions or the cash contribution provisions or the Pine Island Transfer of Development Rights (TDR) program. Development option will be determined at the time of the development order.

(b) Minimum Requirements:

(1) The additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road; and

The additional traffic generated by this request will have direct access to Bayshore Road, a state maintained arterial roadway that provides connectivity to local roadway and surrounding communities. The traffic will not be required to travel through areas with significantly lower densities.

(2) Existing and Committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest; and

(3) Storm shelters or other appropriate mitigation is provided in the development is located within the coastal high hazard area as defined in section 2-483.

The subject Property is not located within the coastal high hazard area.

(4) The resulting development will be compatible with the existing an planned surrounding land uses.

The proposed development allows for compatible residential infill. Currently the Property is vacant and abutting several communities. As previously stated, the community to the north and east is an active mobile home community know as Carriage Village. The community to the west is a single-family residential community with approximately 46 individual houses. Not only does the proposed community provide infill development, it offers an affordable indeterminate option between a mobile home and single family residence.

(c) Assisted living facilities are eligible for bonus density through the TDR Program or through the Affordable Housing Program when annual rental rates, including all services, do not exceed the levels established for eligible households. Where the cash-contribution bonus density option is used, the cash contribution must be applied for each dwelling unit or its equivalent unit, as provided in section 34-1494, built above the standard density.

The rezoning request does not include assisted living facilities.

(d) The barrier and coastal islands, including but not limited to Gasparilla Island, Cayo Costa, North Captiva, Captiva Island, Buck Key, and Black Island are not eligible to receive bonus density, with the following exceptions:

(1) Only the portion of Greater Pine Island defined in the Lee Plan as Pine Island Center is eligible to receive Greater Pine Island TDUs subject to this article and the Lee Plan. Suburban designated lands within the Greater Pine Island Planning Community are not eligible receiving lands for any TDUs.

(2) Work force housing may be developed on barrier islands within the Mixed Use Overlay if transit is available and bonus density is approved through the affordable Housing Program.

Not applicable.

- (e) TDUs may not be utilized on property located within the coastal high hazard area as defined in section 2-483 or located within the Bayshore, Buckingham, Caloosahatchee Shores, or Northeast Lee County Planning Communities. Within the Southeast Lee County Planning Community, TDUs may only be used as described in section 2-154.*

The subject Property is located in the North Fort Myers Community and not within a coastal high hazard area. The policy above is not applicable to this application.

The proposed rezoning complies with the general standards provided in the Land Development Code Section 34-411 as follows:

- (a) All planned developments must be consistent with the provisions of the Lee Plan.*

The proposed rezoning to RPD is consistent with the Comprehensive Plan as outlined above.

- (b) All planned developments must be designed and constructed in accordance with the provisions of all applicable County development regulations in force at that time. Deviations from the general provisions of this chapter may be permitted if requested as part of the application for a planned development in accordance with section 34-373(a)(9) and approved by the Board of County Commissioners based on the findings established Page 14 of 19 in section 34-377(b)(4). Pursuant to section 34-373(a)(10) the establishment of property development regulations for planned developments does not require deviations from articles VI and VII of this chapter. Amendments to approved master concept plans may be reviewed pursuant to section 34-380.*

The proposed development will comply with the applicable Lee County regulations. Any deviation request for the proposed development deviations will be accordance with section 34-373(a)(9). A list of deviation justifications will be submitted as a separate exhibit within the application.

- (c) The track or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting lands uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities including wet or dry runoff retention, and reservations of environmentally sensitive land or water.*

The proposed rezoning to RPD is compatible with the surrounding properties and the 9 +/- acre Property provides the adequate size, configuration and dimension to accommodate the proposed use, open space, buffers, parking, access, and storm water management.

- (d) All planned development must have access to existing or proposed roads. Access must comply with the requirements of chapter 10 and be located so that the side-related industrial traffic does not travel through predominantly residential area.*

The proposed development has direct access to Bayshore Drive, a major arterial roadway and will not cause impact to surrounding local roads during the construction of the development. Please see the Traffic Impact Statement provided with this application.

- (e) If within the LeeTran public transit service area, the development shall be designed to facilitate the use of the transit system.*

LeeTran route 590 has a bus top that is adjacent to the proposed development and is connected by pedestrian and bicycle facilities. Route 590 runs Monday through Sunday and services areas such as Merchant Crossing, Suncoast Area, Shell Factory, and the North Fort Myers Library. Additionally, Route 590 adjoins routes 140 and 595 to provide further access throughout Lee County.

- (f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.*

The planned residential development will not create any hazards to persons or property and will comply with applicable regulations.

- (g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.*

The subject property is not located within the archaeological sensitivity zone. Existing wildlife such as gopher tortoises, will be relocated to an area on the side that will remain as an indigenous on the Property. The Property is relatively flat, an on-site stormwater detention pond will provide mitigation for any runoff that will occur.

- (h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.*

The proposed development provides an ample amount of open space around the development. In addition, the site displays the required buffers that not only provide an architecturally integrated environment for the residents, but also for surrounding property owners. Along the

northern boundary of the Property, is an indigenous open space area and stormwater pond that provides a preservation and conservation element for any of the environmentally sensitive areas.

VIII. CONCLUSION

In summary, the proposed rezoning is justified as follows:

- 1) The proposed planned development rezoning will provide an appropriate location for residential infill development with a density that will support workforce housing that is economically compatible with the surrounding employment opportunities in the North Fort Myers area.
- 2) Provides a compatible development that can coexist with surround developments and not negatively impact adjacent uses.
- 3) The proposed rezoning will discourage urban sprawl from major transportation corridors and efficiently utilize the County's investment in public facilities and infrastructure.



Bayshore Pines RPD

Schedule of Deviations

Deviation 1

Request to deviate from LDC 10-291(3) which requires at least two entrances for a multi-family residential development of more than five acres to allow for a single entrance.

Justification

This deviation is being requested to allow for a single entrance to the residential subdivision due to FDOT access spacing criteria.

Bayshore Road is designated as a Class 5 roadway and the minimum FDOT connection spacing is 440 ft. between connections. This limits this site to a single driveway connection onto Bayshore Road.

Further, it is also not possible to achieve a second entrance for the purposes of this code by connecting to adjacent properties. Surrounding properties are all platted occupied home sites.

The proposed deviation is the minimum necessary to support the proposed project. The FDOT connection separation criteria is presumably intended to preserve roadway capacity to the greatest extent possible while providing fair access to adjacent parcels. To assist in mitigating the potential impact to emergency access to this project due to the FDOT limitations, a second emergency only entrance is proposed from the access roadway through the perimeter fencing and into the parking lot of the project. This emergency access entrance is shown on the Master Concept Plan. This will be accessible to emergency services through a Knox compatible locking mechanism. Regular resident ingress and egress will be through an entry gate system as shown.

Deviation 2

Request to deviate from LDC 10-416(d)(6) which requires either a 30' type F buffer or an 8' wall or wall and berm combo no less than 25' away from the abutting property when pavement for a multi-family residential development is closer than 125' to single-family homes to allow an 8' height wall (as measure from the adjacent parcel grade) along the driveway as it enters the site to be set at a minimum setback distance of five (5) feet to 10 feet for a linear distance of 50 feet along the shared property line where shown on the Master Concept Plan. Minimum Type E buffer plantings to be provide along the outside of the buffer wall with shrubs to be min. 48" at time of planting.

Justification

Due to FDOT access requirements and the need to align driveways to avoid left turn conflicts in the existing paved median, there is no other location where a driveway would be suitable. Proper design dictates that driveways should be located directly opposite each other along roadways to minimize conflicting left-turn movements. This project's entrance will align with Lincoln Ave. on the south side of Bayshore Road. This causes the entrance to be very near the corner of the adjacent Carriage Village development.

The wall as depicted on the Master Concept Plan will deviate from the typical setback to the least extent possible and only impact a small corner of the adjacent property at a point where the nearest home is the farthest from the parcel line. Angling the wall and adding additional wing walls perpendicular to the angled wall as shown will provide for the least impact of the planned entrance to the adjacent parcel.

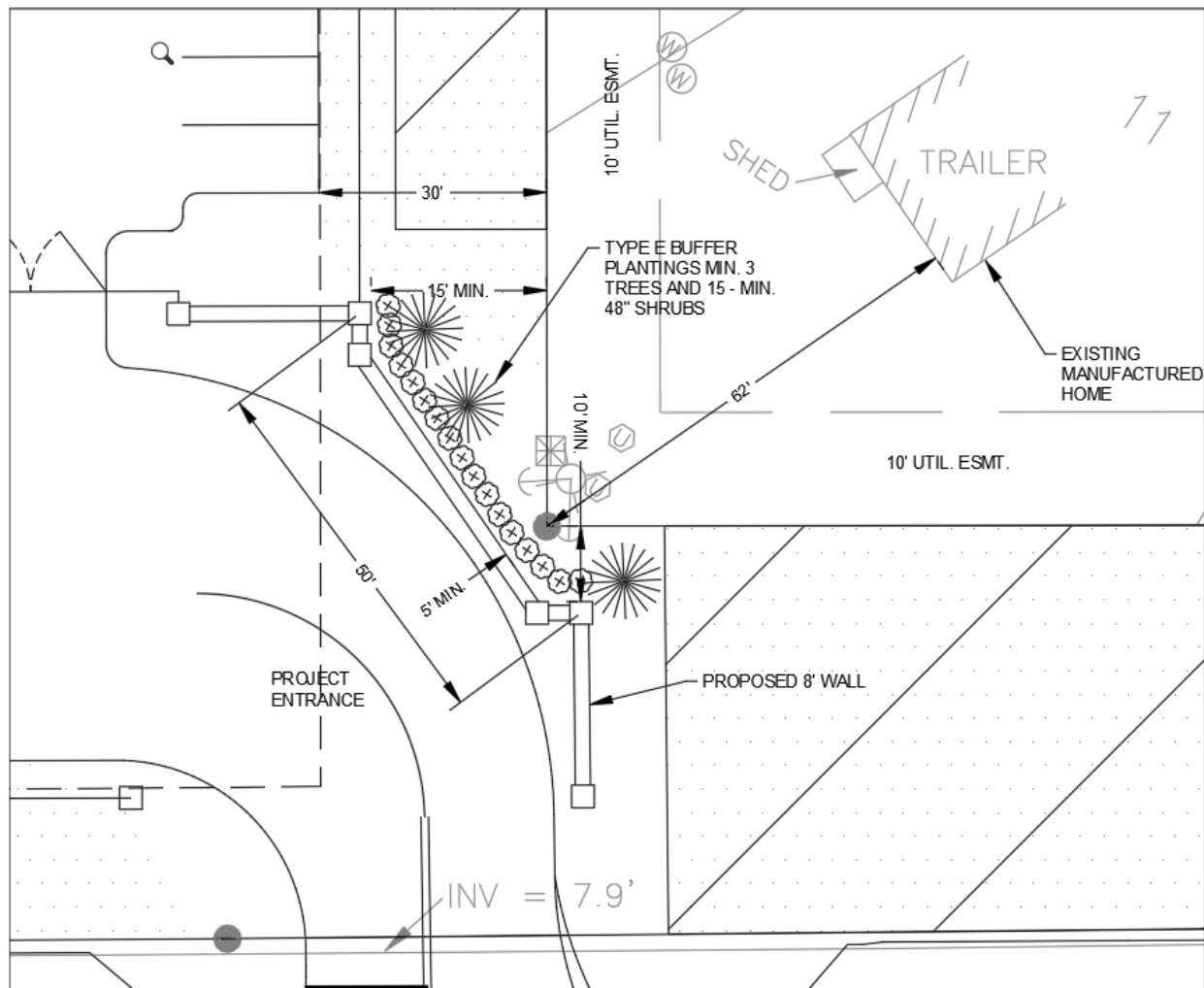


Diagram of Deviation 2

Deviation 3

Request to deviate from LDC 10-329(d)(1)a.3 which requires a minimum setback for excavations of 50 feet from the property line to allow for a minimum setback of 30 feet from side and rear property lines of the proposed project to include a security fence as depicted on the MCP.

This deviation request is being made to allow the proposed stormwater detention pond closer to the boundaries of the property. The planned wet (pond) detention system is necessary as it provides the greatest nutrient removal efficiencies for stormwater management systems. The pond is currently sized at the minimum area allowed by the South Florida Water Management District criteria. The planned slopes of the pond are 6 horizontal to 1 vertical (6:1) to minimize the chances of future slope failure in the pond and reduction in its presumed nutrient treatment efficacy. The planned 6:1 pond slope will mitigate any potential future impact or risk to the adjacent parcels.

Further, allowing a reduced setback will also provide for an opportunity to preserve as much of the native vegetation as possible to the west side of the proposed pond area.

The area between the pond and the property line will be utilized for a maintenance path and also the required LDC 10-416 buffer between this proposed project and the adjacent homes.

Additionally, a security fence is included on the MCP mitigate the reduced setback.

Deviation 4

Removed.

Carmine Marceno
Sheriff



"Proud to Serve"

State of Florida
County of Lee

November 22, 2022

Tim Keene
Keene Development LLC
10970 S. Cleveland Ave., Suite 405
Fort Myers, FL 33907

Mr. Keene,

The Lee County Sheriff's Office has reviewed your master concept plan for the Bayshore Pines Residential Planned Development, located at 5361 Bayshore Road in North Fort Myers. This Agency has no objections to waiving the Lee County requirement for two access points at this proposed residential development, which will consist of up to 180 multifamily units. Access to the development will be from Bayshore Road, with a secondary emergency only entrance off the main driveway.

Law enforcement services will be provided from our North District offices in North Fort Myers. At the time of application for a development order or building permit, we request that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comment.

Please contact Community Response Unit Crime Prevention Practitioner Beth Schell at (239) 477-1677 with any questions regarding the CPTED study.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chris Reeves".

Chris Reeves
Major, Patrol Bureau



"The Lee County Sheriff's Office is an Equal Opportunity Employer"
14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000



Board of County Commissioners

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

November 10, 2022

Tim Keene
Keene Development LLC
10970 S. Cleveland Ave., Ste 405
Fort Myers, Florida 33907

Re: Review of Deviation from LDC – Bayshore Pines MCP

Mr. Keene,

I am in receipt of your letter requesting a review of a deviation in the Land Development Code for the development known as Bayshore Pines MCP. This property is located at 5361 Bayshore Road, North Fort Myers. The deviation requested is within Section 10-291, regarding a proposed secondary emergency access from the development from Bayshore Road.

I have reviewed the Master Concept Plan for the project. The plan includes a primary access from Bayshore Road. A second access to and from Bayshore Road is not possible due to restrictions by the Florida Department of Transportation.

The second emergency access is proposed to be located next to the primary access gate on the driveway to the property. This is proposed to be an emergency access gate with EVAC openers.

The Department of Public Safety consents to this deviation.

Should the plans change, a new analysis of this deviation would be required.

Sincerely,

A handwritten signature in blue ink, appearing to read "Benjamin Abes", with a stylized flourish at the end.

Benjamin Abes
Director, Public Safety



November 8, 2022

Tim Keene
Keene Development LLC
10970 S. Cleveland Ave., Suite 405
Fort Myers, Florida 33907

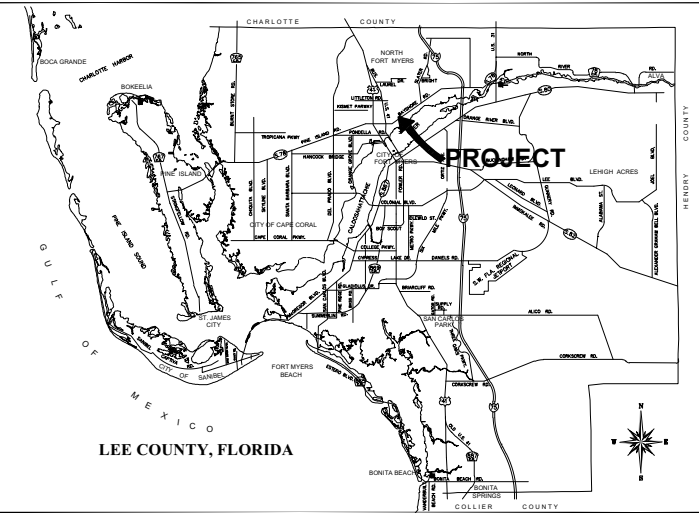
RE: 5361 Bayshore Rd

Jennifer,

The North Fort Myers Fire District has reviewed your proposed concept plan for the 5361 Bayshore 65 project. There is **'No Objection'** to the project as proposed. If you have any further questions, please contact my office @239-731-1931.

Respectfully,

Rick Jones
Fire Marshal



LOCATION MAP

- LEGEND**
- TORTOISE BURROWS
 - HERITAGE TREE LOCATION, TYPE VARIES
 - EXISTING DRAINAGE ARROW

- FLUCCS CODE:**
- 422 BRAZILIAN PEPPER
 - 3109 HERBACEOUS, DISTURBED
 - 3109/329E4 HERBACEOUS / SHRUB, DISTURBED (EXOTICS 75-100%)
 - 4349E1 HARDWOOD-CONIFER, DISTURBED (EXOTICS 0-25%)
 - 4349E2 HARDWOOD-CONIFER, DISTURBED (EXOTICS 25-50%)
 - 4349E3 HARDWOOD-CONIFER, DISTURBED (EXOTICS 50-75%)
- SOILS TYPE:**
- 28 IMMOKELEE SAND

- NOTES:**
- SURVEY DATA PROVIDED BY METRON SURVEYING AND MAPPING.
 - SOIL TYPES OBTAINED FROM LEE COUNTY PROPERTY APPRAISER'S WEBSITE
 - FLUCCS CODES FROM PROTECTED SPECIES SURVEY BY CHURCH ENVIRONMENTAL
 - GOPHER TORTOISE BURROWS AND HERITAGE TREES PROVIDED BY CHURCH ENVIRONMENTAL

BAYSHORE PINES RPD
BIG LLC
EXISTING CONDITIONS

APPROVED 11-18-22

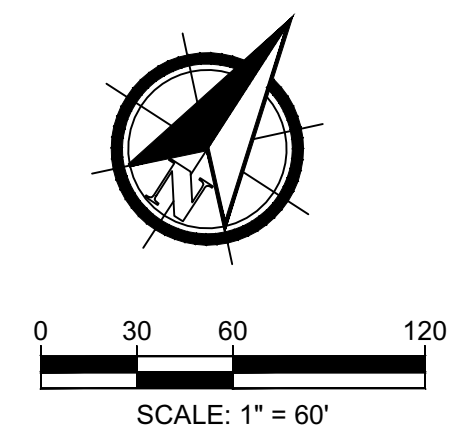
KEENE DEVELOPMENT, LLC
10070 S CLEVELAND AVE
SUITE 405
FORT MYERS, FLA 33907
239-899-0254 PHONE
239-244-4289 FAX
CA 32264

KEENE DEVELOPMENT, LLC
CONSTRUCTION MANAGEMENT • ENGINEERING

REVISIONS PER SUFFICIENCY COMMENTS

DATE	REVISIONS
11-18-22	1. REVISED PER SUFFICIENCY COMMENTS

WILLIAM T. KEENE
FLORIDA P.E. #143915
WILD CANAL, WITH SEWAGE & SOLID WASTE
SEE THIS SET FOR ALL ELECTRICAL TIE

[illegible]

APPROVED
11-18-22



KEENE DEVELOPMENT, LLC.
10970 S CLEVELAND AVE
SUITE 405
FORT MYERS, FLA 33907
239-939-0524 PHONE
239-244-8299 FAX
CA 32564

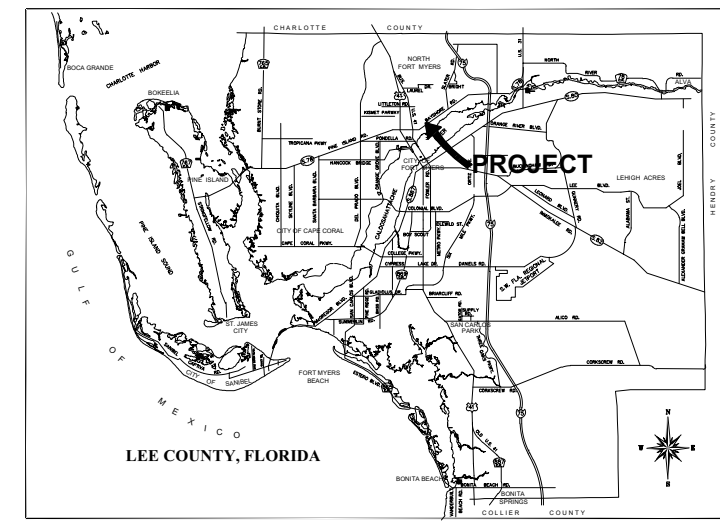
BAYSHORE PINES RPD

BIG LLC

EXISTING CONDITIONS

SCALE:
N/A

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REVISIONS	DATE
1. REVISIONS PER SUFFICIENT COMMENTS	11-18-22
2. NO REVISIONS	
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APPROVED
11-18-22



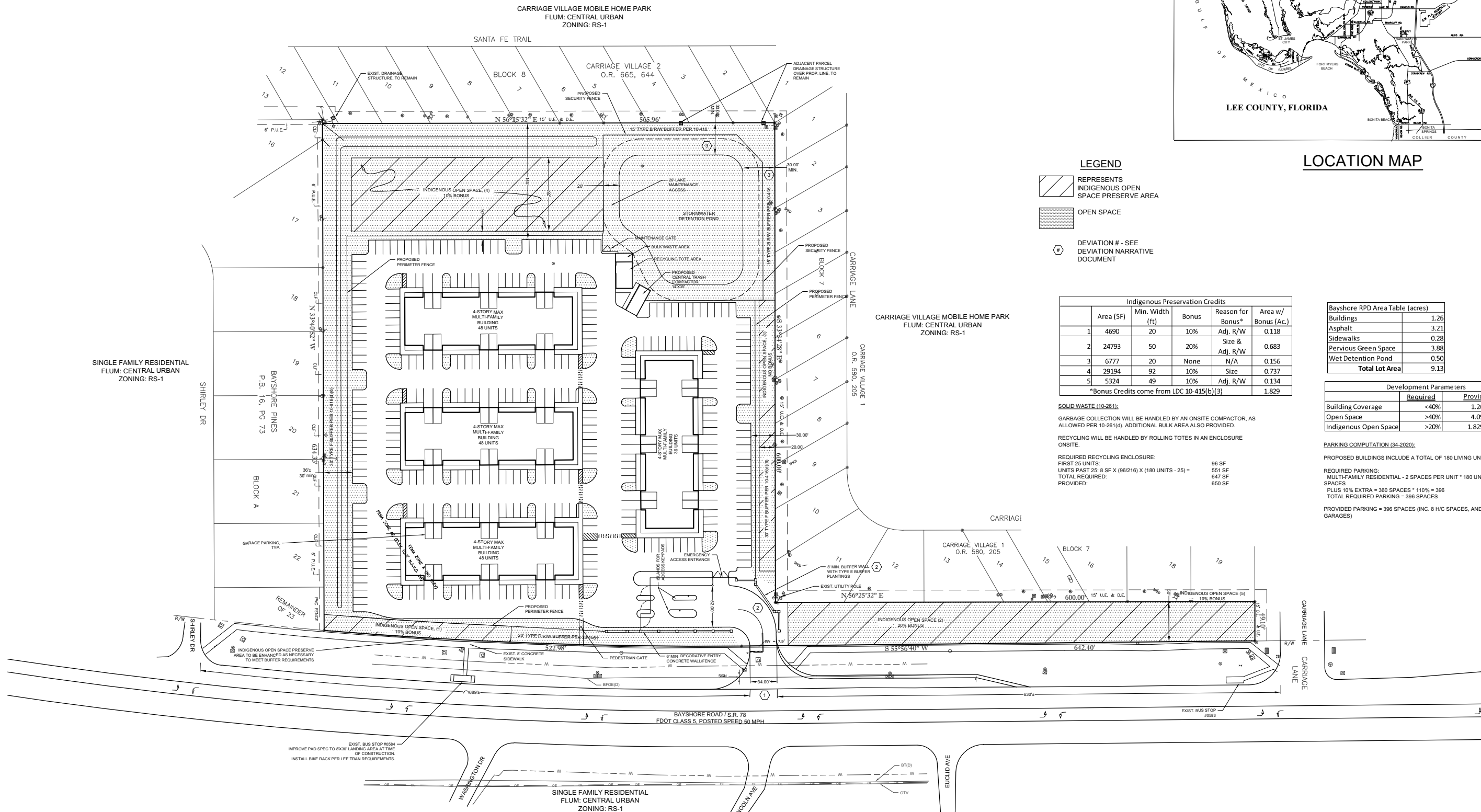
KEENE DEVELOPMENT, LLC.
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239-939-0524 PHONE
239-244-8299 FAX
CA 32564

BAYSHORE PINES RPD
BIG LLC
MASTER CONCEPT PLAN

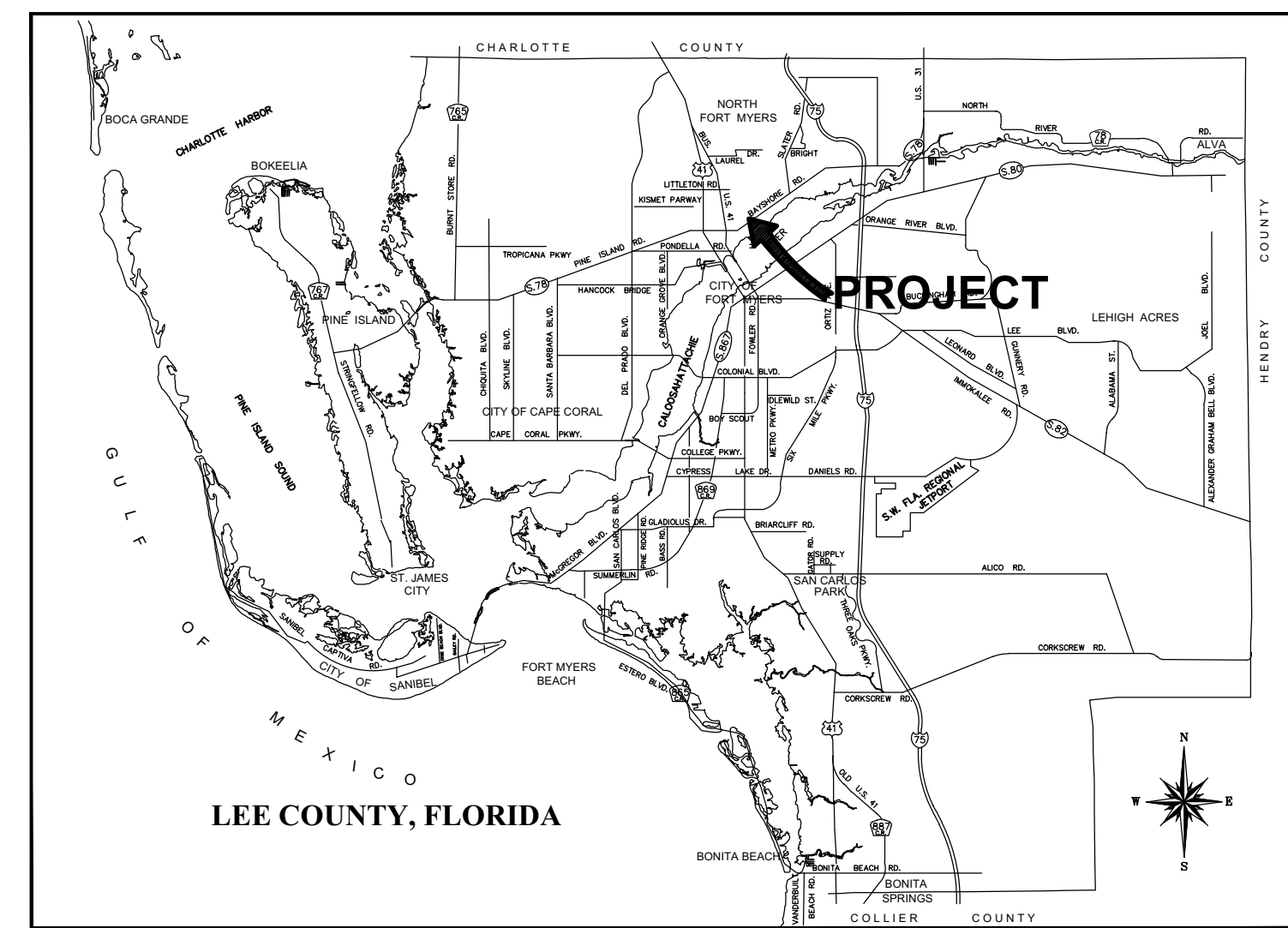
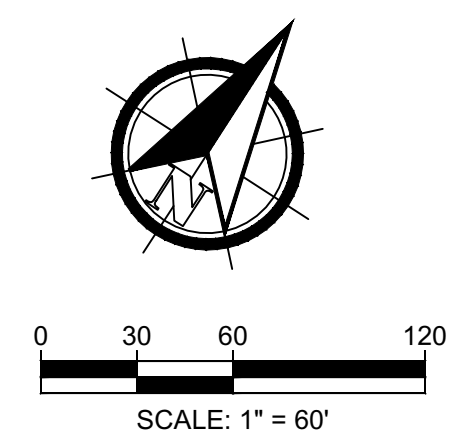
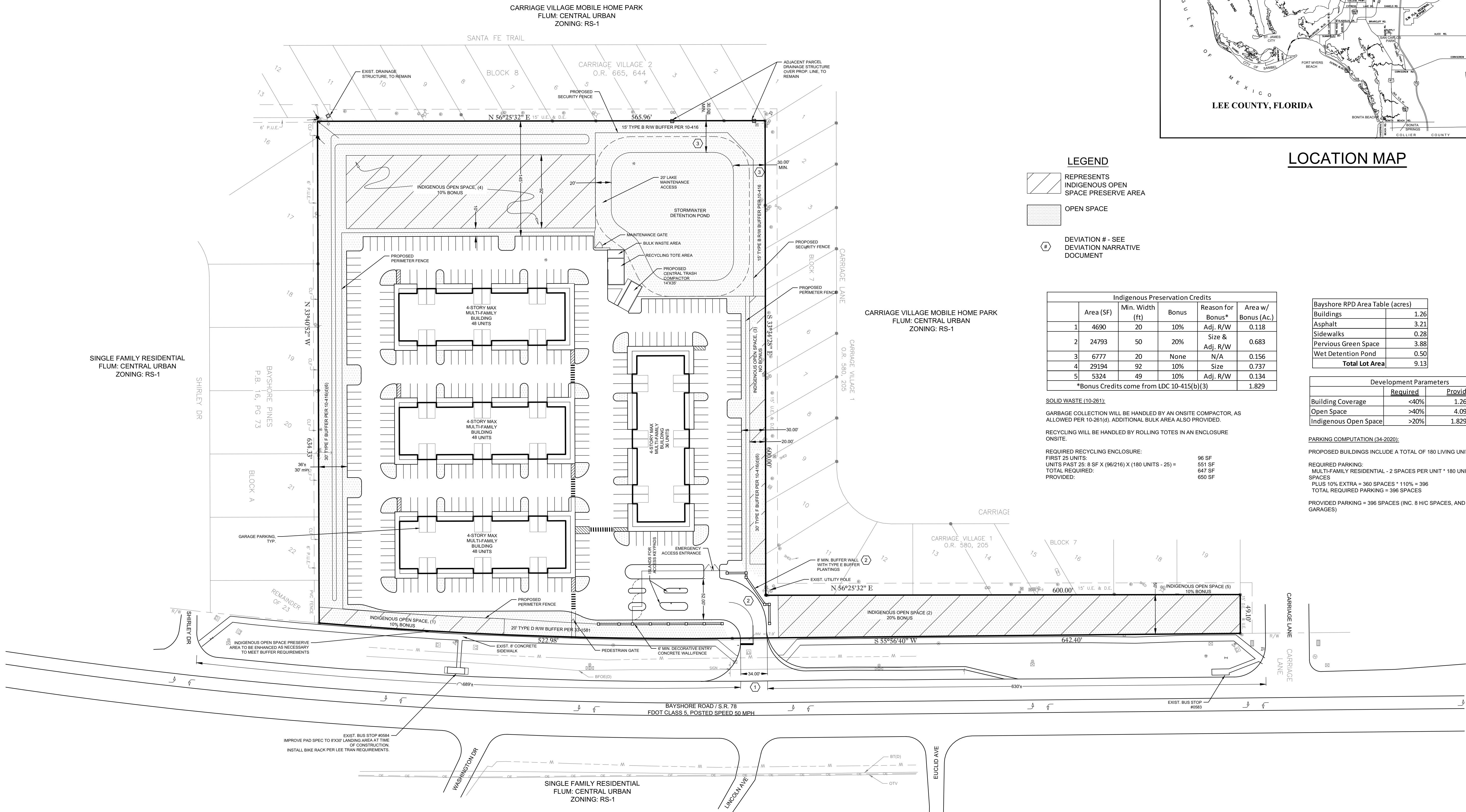
SCALE:

SHEET

1



DRAWING SET DATE: 11-18-22 PLAN STATUS: RPD SUBMITTAL



- LEGEND**
- REPRESENTS INDIGENOUS OPEN SPACE PRESERVE AREA
 - OPEN SPACE
 - DEVIATION # - SEE DEVIATION NARRATIVE DOCUMENT

Indigenous Preservation Credits					
	Area (SF)	Min. Width (ft)	Bonus	Reason for Bonus*	Area w/ Bonus (Ac.)
1	4690	20	10%	Adj. R/W	0.118
2	24793	50	20%	Adj. R/W	0.683
3	6777	20	None	N/A	0.156
4	29194	92	10%	Size	0.737
5	5324	49	10%	Adj. R/W	0.134
*Bonus Credits come from LDC 10-415(b)(3)					1.829

SOLID WASTE (10-261):

GARBAGE COLLECTION WILL BE HANDLED BY AN ONSITE COMPACTOR, AS ALLOWED PER 10-261(d). ADDITIONAL BULK AREA ALSO PROVIDED.

RECYCLING WILL BE HANDLED BY ROLLING TOTES IN AN ENCLOSURE ONSITE.

REQUIRED RECYCLING ENCLOSURE:

FIRST 25 UNITS: 96 SF
UNITS PAST 25: 8 SF X (96/216) X (180 UNITS - 25) = 551 SF
TOTAL REQUIRED: 647 SF
PROVIDED: 650 SF

Bayshore RPD Area Table (acres)	
Buildings	1.26
Asphalt	3.21
Sidewalks	0.28
Pervious Green Space	3.88
Wet Detention Pond	0.50
Total Lot Area	9.13

Development Parameters		
	Required	Provided (AC)
Building Coverage	<40%	1.26 14%
Open Space	>40%	4.09 45%
Indigenous Open Space	>20%	1.829 20.02%

PARKING COMPUTATION (34-2020):

PROPOSED BUILDINGS INCLUDE A TOTAL OF 180 LIVING UNITS.

REQUIRED PARKING:

MULTI-FAMILY RESIDENTIAL - 2 SPACES PER UNIT * 180 UNITS = 360 SPACES
PLUS 10% EXTRA = 360 SPACES * 110% = 396
TOTAL REQUIRED PARKING = 396 SPACES

PROVIDED PARKING = 396 SPACES (INC. 8 H/C SPACES, AND 48 INTERIOR GARAGES)

DATE
11-18-22

REVISIONS
1. REVISIONS PER SUFFICIENCY COMMENTS

APPROVED
11-18-22

WILLIAM T. KEENE
FLORIDA P.E. #145915
WILLIAM T. KEENE & ASSOCIATES, LLC
239-939-0524 PHONE
239-244-6289 FAX
CA 92304

KEENE DEVELOPMENT, LLC
10970 S CLEVELAND AVE
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FORT MYERS, FLA 33907
239-939-0524 PHONE
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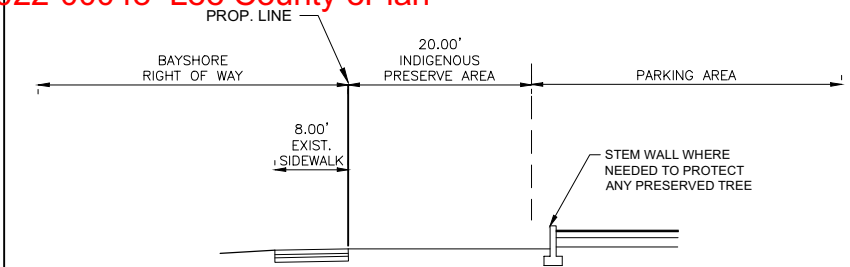
CONSTRUCTION MANAGEMENT • ENGINEERING

BAYSHORE PINES RPD
BIG LLC

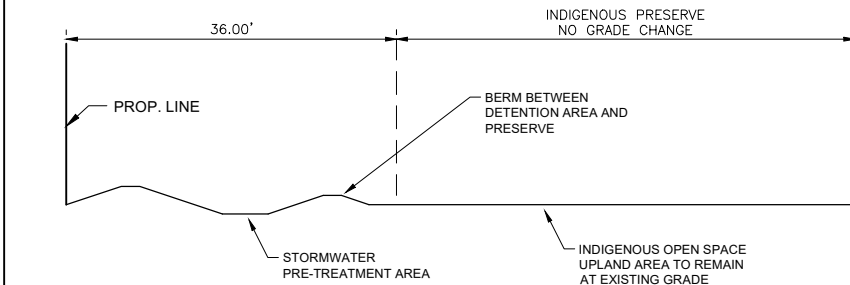
MASTER CONCEPT PLAN

SCALE:
N/A

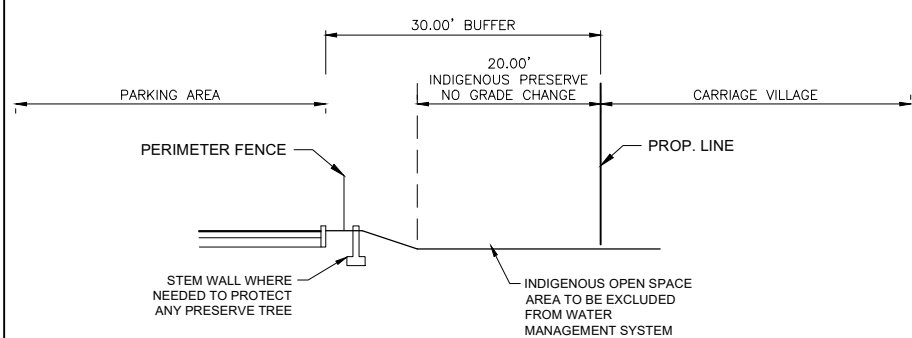
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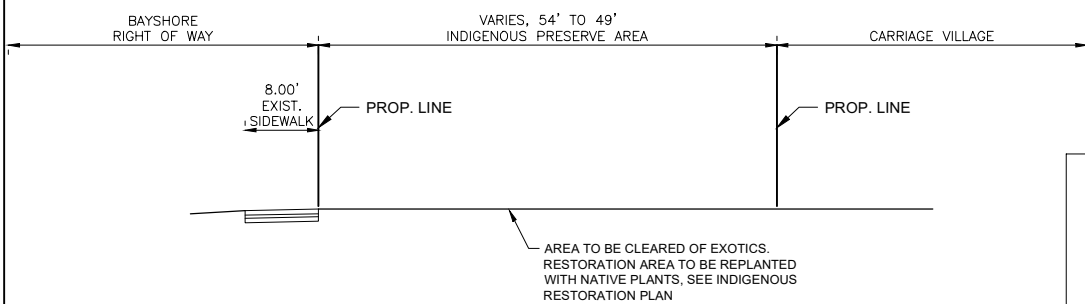
SECTION A-A



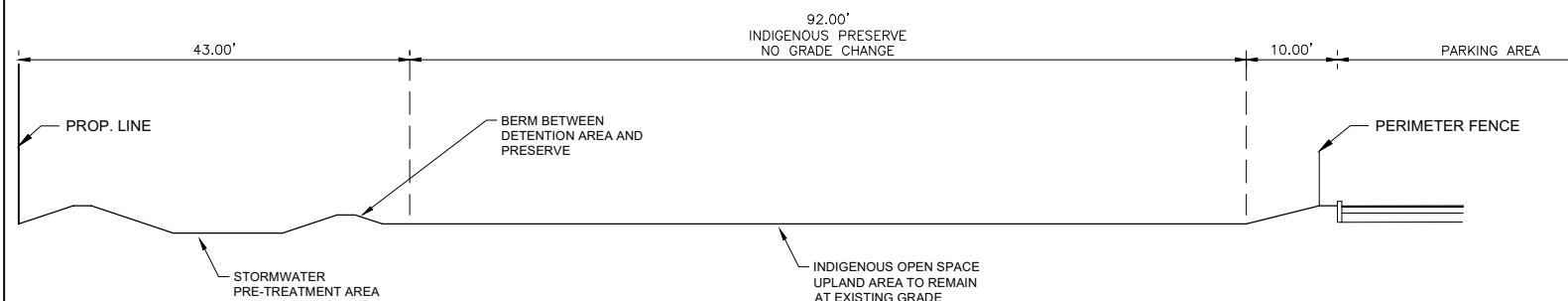
SECTION B-B



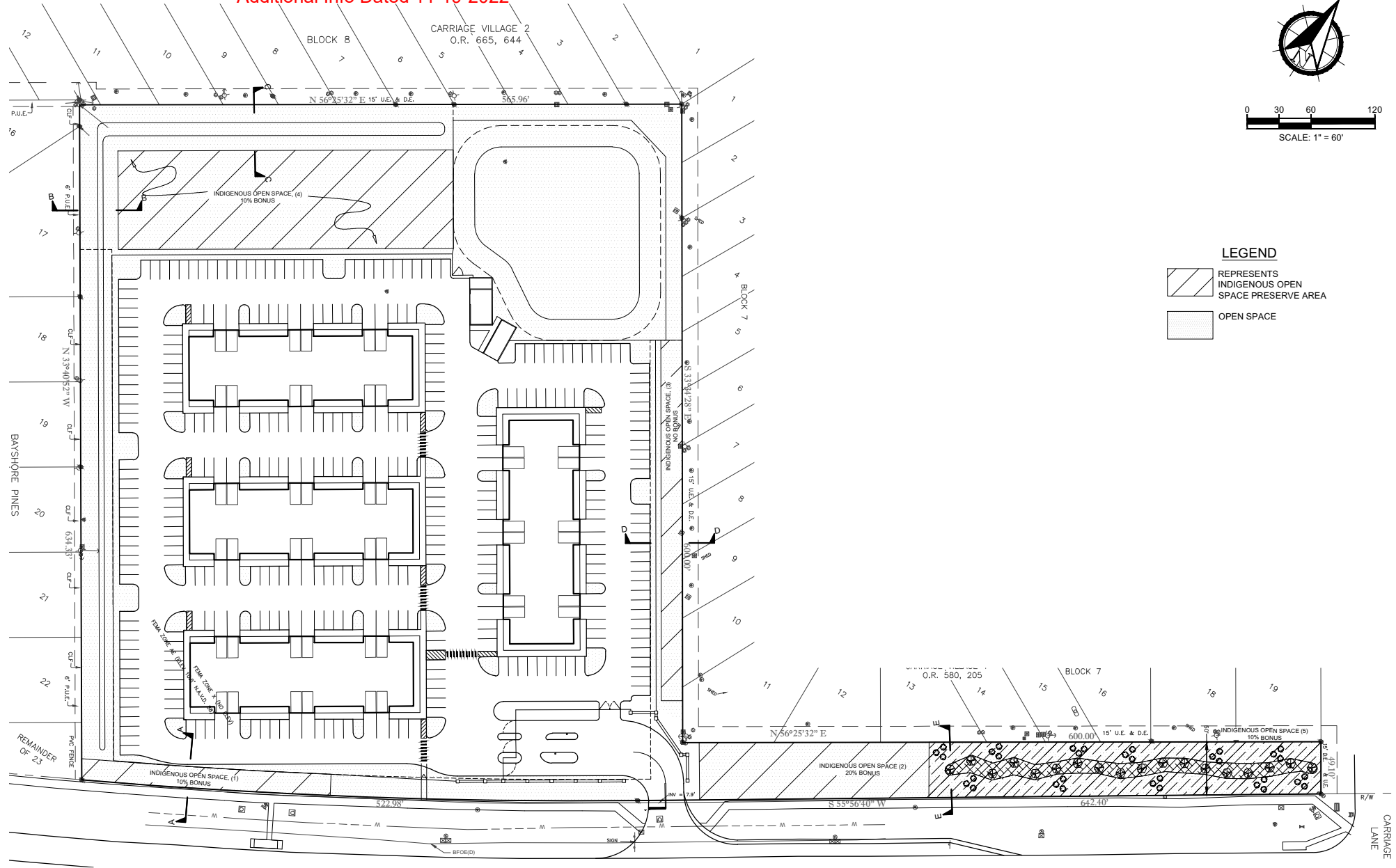
SECTION D-D



SECTION E-E



SECTION C-C

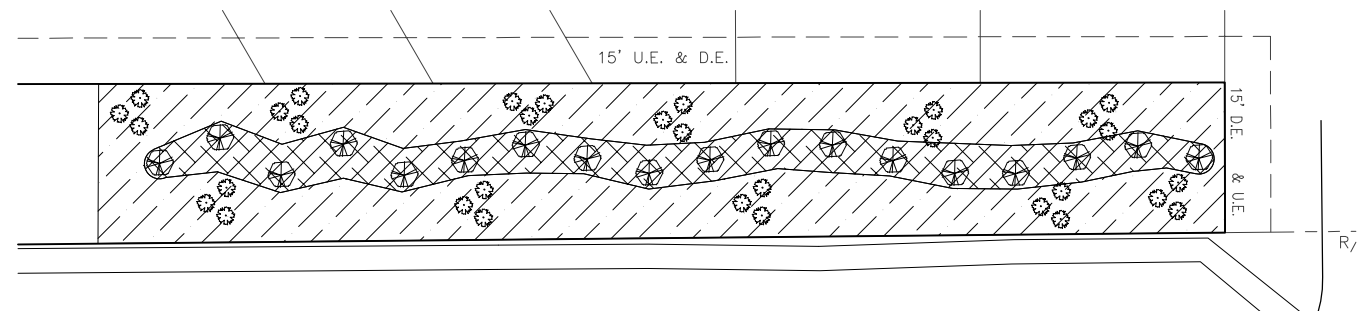


LEGEND

REPRESENTS
INDIGENOUS OPEN
SPACE PRESERVE AREA

OPEN SPACE

NOTE: THESE CROSS SECTIONS SHOWN ARE CONCEPTUAL AND INTENDED TO DEMONSTRATE THE GENERAL DRAINAGE DESIGN INTENT. FINAL CROSS SECTION DESIGN TO BE DETERMINED AT TIME OF FINAL SITE DESIGN AND DEVELOPMENT ORDER.

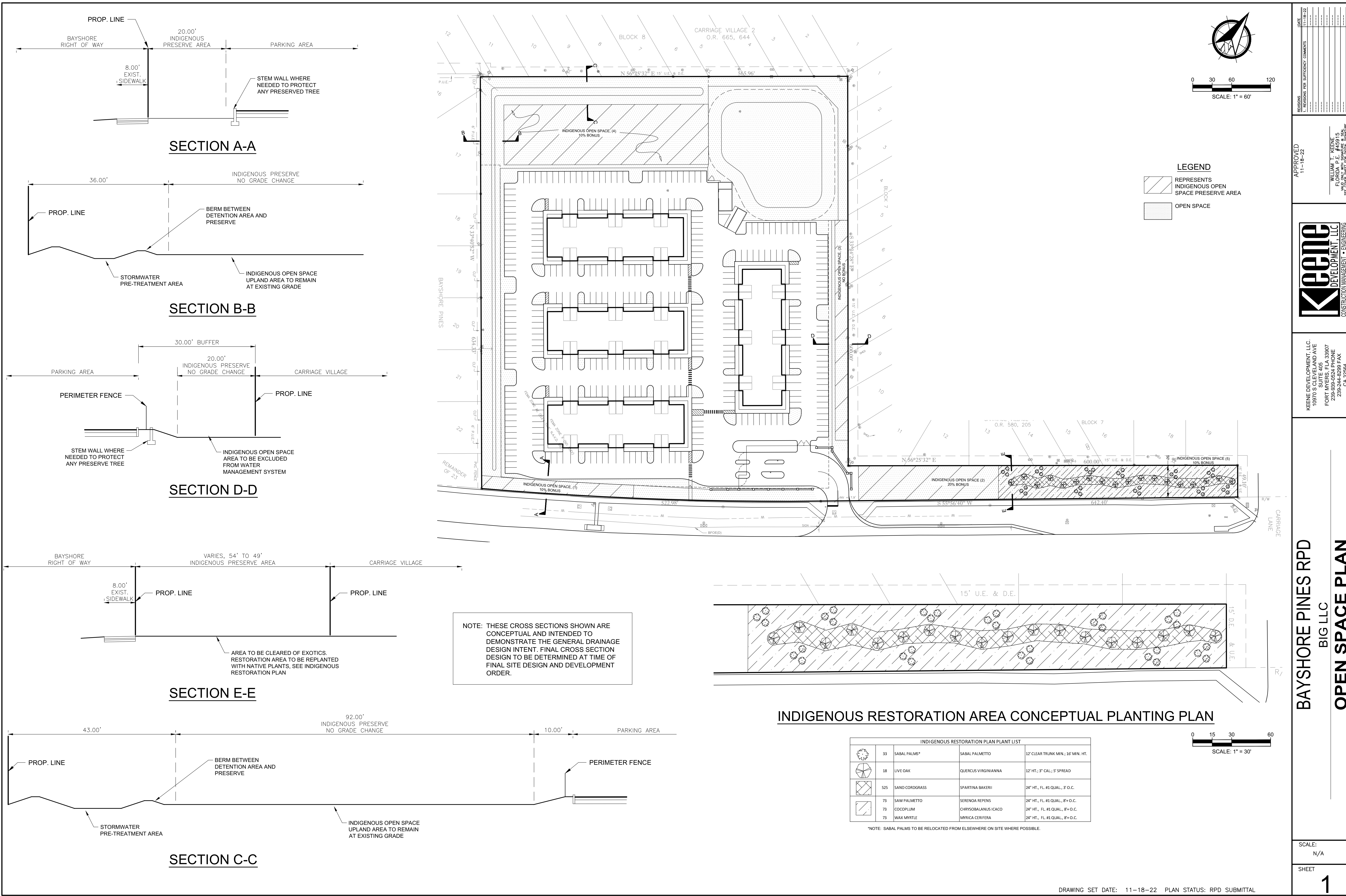


INDIGENOUS RESTORATION AREA CONCEPTUAL PLANTING PLAN

INDIGENOUS RESTORATION PLAN PLANT LIST			
	33	SABAL PALMS*	SABAL PALMETTO
	18	LIVE OAK	QUERCUS VIRGINIANA
	525	SAND CORDGRASS	SPARTINA BAKERII
	73	SAW PALMETTO	SERENOA REPENS
	73	COCCOLABA	CHRYSOBALANUS ICACO
	73	WAX MYRTLE	MYRTICA CERIFERA

*NOTE: SABAL PALMS TO BE RELOCATED FROM ELSEWHERE ON SITE WHERE POSSIBLE.

0 15 30 60
SCALE: 1" = 30'



DATE
11-18-22

REVISIONS
1. REVISIONS PER SUFFICIENCY COMMENTS

APPROVED
11-18-22

WILLIAM T. KEENE
FLORIDA PROFESSIONAL ENGINEER
NO. 14545
WAS ONLY WITH SIGNATURE & SEAL
SIZE OF THIS IS IN ELECTRONIC FILE

Keene
DEVELOPMENT, LLC
CONSTRUCTION MANAGEMENT • ENGINEERING

KEENE DEVELOPMENT, LLC
10870 S CLEVELAND AVE
SUITE 405
FORT MYERS, FLA 33907
239-939-0524 PHONE
239-244-6289 FAX
CA 122504

BAYSHORE PINES RPD
BIG LLC
OPEN SPACE PLAN

SCALE:
N/A

SHEET
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