



December 27, 2022

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

Re: Bayshore Pines RPD
DCI2022-00048
Resubmission 2

Dear Staff:

Below is our response to the letter of review dated December 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.

Please see attached summary for the community meeting held on December 19th.

Planning Review:

Staff acknowledges the analysis provided for Policy 1.1.3, however as previously requested, please provide analysis of the relevant policies from Goal 5: Residential Land Uses. These should include Policies 5.1.2, 5.1.3, 5.1.4, and 5.1.5.

Please see updated project narrative.

Environmental Review:

The narrative states that the site is 9 acres. However, the protected species survey states that the property is 9.3 acres. Please revise documents to demonstrate the accurate acreage. The protected species survey gave a broad description about the vegetation within the parcel. Please revise PSS to categorize each FLUCCS code and give detailed vegetation within each FLUCCS.

The project area is actually 9.13 acres. This has been clarified in both the narrative and the protected species survey documents. The PSS document has also been updated to provide greater description of the various FLUCCS codes.

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The protected species survey has different FLUCCS on the FLUCFCS map and the Coontie map. Please revise to have matching data.

The Coontie map has been updated in the PSS.

The MCP demonstrates restoration to the 422 FLUCCS code (Brazilian Pepper). Please provide a restoration plan and include proposed vegetation to create an indigenous preserve area within the 422 location. Please note that the 20% indigenous credits cannot be added to this area due to the fact that it is not currently indigenous; however, 10% can be implemented due to the location abutting the right-of-way. Please revise MCP to demonstrate compliance with LDC 10-415(b)(3)(b).

The restoration plan was previously provided in the PSS document and on the Open Space Exhibit. We have consolidated these into a standalone Indigenous Preserve Restoration, Management, and Monitoring Document.

Additionally, per our meeting with staff on December 20th, we have added a new Deviation 5 request to reduce the required minimum Indigenous Open Space from 20% to 19%. The open space computations on the MCP have been revised accordingly.

The indigenous management plan recognizes hand removal and the use of herbicides. Please include requirements per 10-474(h) and add the management practices within this area.

Please see the attached Indigenous Preserve Restoration, Management, and Monitoring Document.

Please provide a Lee Plan analysis for policies 123.2.4, 123.2.13, 123.3.1, and 123.8.1.

See the updated project narrative document where these policies are being addressed.

Let us know what additional questions you may have.

Sincerely,
KEENE DEVELOPMENT, LLC.



William T. Keene
President

enclosures



Bayshore Pines RPD Narrative of Request

REVISED DECEMBER 2022

I. REQUEST

The applicant is requesting Planned Development rezoning approval for a 9.13+/- 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) utilizing the County's bonus density program. The development will consist of four (4) buildings, surface parking, private on-site recreational amenities, and supportive infrastructure. The RPD will also include perimeter buffers and open space that will provide substantial spatial separation and physical screening between the proposed units and surrounding residential properties.

II. BACKGROUND

The 9.13+/- acre Property consists of undeveloped vacant uplands with 1,100 feet of frontage on Bayshore Road, a 4-lane arterial roadway. In 2008 an application was filed to rezone the Property to a Commercial Planned Development (CPD) to allow for 85,000 SF of commercial retail uses (DCI2008-00032). the Application was ultimately withdrawn due to financial concerns following the recession. The proposed RPD rezoning does not include any commercial uses and is far less intensive than the previous CPD request.

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 a part 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, with up to 15 du/acre permitted via affordable housing or TDUs, and up to 20 units per acre allowed when utilizing the Greater Pine Island TDUs. The table below demonstrates the surrounding properties classifications.

	Future Land Use	Zoning	Surrounding Land Use
East	Central Urban	MH-1	Mobile Home Community (Carriage Village)
South	Central Urban	C-1A/RS-1	Arterial Right-of-Way (Bayshore Rd); LeeTran bus stop
West	Central Urban	RS-1	Single Family Residential (Bayshore Pines)
North	Central Urban	MH-1	Mobile Home Community (Carriage Village)

IV. PUBLIC INFRASTRUCTURE

The 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 9.13+/- acre subject Property.

As shown on the MCP, the four (4) buildings are clustered towards the center of the Property and are located more than 90 feet from the adjacent Property lines. In addition, the Property features 30-foot type F buffers to the east and west where the Property is abutting lower 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 contiguous 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. Access was carefully design to limit impacts to neighboring developments.

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 9.13+/-acre property, approximately 1.62 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.

Policy: 1.1.3: Central Urban Future Land Use Category.

The proposed RPD is consistent with the intent, allowable land uses and densities permitted in the underlying Central Urban future land use category. Multi-family residential uses are appropriate in this category. The proposed density of 20 du/acre is permitted in Central Urban via the bonus density program, which allows 20 du/acre via Greater Pine Island TDUs. The Property is an ideal location for bonus density due to availability of urban levels of public infrastructure and services, proximity to the "urban core" of Lee County and limited environmentally sensitive lands on the site.

Objective 2.2: Development Timing.

The proposed RPD will direct higher density, multi-family housing to an ideal location on an arterial roadway with available roadway capacity, public utilities, schools, EMS, fire, sheriff, and recreation in the immediate vicinity. This rezoning is consistent with the intent of the above objective and supportive policies to direct new growth to urbanized areas of the county with public infrastructure and services.

Objective 5.1: All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.

Policy 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned developments except if located within the Mixed Use Overlay.

In accordance with Lee County Comprehensive Plan policy 5.1.1, the proposed residential project will be developed and considered through the planned development (PD) rezoning process. The proposed development does not exceed the threshold for Development of County Impact (DCI) and fulfills the requirements outlined within the Lee Plan. The proposed development will not pose negative effects upon the health, safety, and welfare of the citizens of the county.

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

The proposed development poses no physical hazards or constraints. The property is devoid of wetlands that would limit development. The on-site gopher tortoises will be relocated to a more appropriate public preserve area in accordance with state regulations. By design, the site accommodates for water runoff with a dedicated stormwater detention pond and 4.09+/- acres of open space as well as 1.62 acres of indigenous preserve. Additionally, all structures will meet building code requirements to withstand hurricane hazards and other severe storms. The site is not within a Airport Noise Zone. Thus, the site does not have constraints that would preclude development as proposed on the binding MCP.

Policy 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities.

The proposed development is within close proximity to infrastructure, daily goods and services, and employment areas. An existing sidewalk runs along the frontage of the Property and connects the site to the sidewalk network in the vicinity as well as Lee Tran services. Future residents will also benefit from having a LeeTran bus stop that abuts the Property along Bayshore Drive and will be improved by this project. Furthermore, the North Fort Myers Community Park, Recreation Center and Public Library are within 1.5 miles of the proposed development.

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 multi-family residential housing options for the surrounding workforce. The density will be achieved through either affordable housing, TDU's or a combination of both. The plan provides the code required buffers in addition to sensitive site design to locate the density internally and away from adjacent established neighborhoods. As depicted on the provided conceptual plan, the community will also feature a gated entry for privacy and safety.

OBJECTIVE 30.2 LAND USE: CENTERS AND CORRIDORS. 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 single point of access has been reviewed and approved by FDOT and the Fire District. 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 LeeTran 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 123.2.4 - Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.

This project parcel itself is on average significantly invaded with exotic vegetation and has been encroached upon by the neighboring landowners. The proposed development proposes to preserve 1.62+/- acres of indigenous areas within the site as part of its open space requirement. A portion of the preserved areas will also have some planting restoration conducted.

POLICY 123.2.13: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

This policy is being addressed by preserving, restoring, and maintaining 1.62+/- acres of onsite habitat. Where possible, these areas will also be excluded from the proposed water management system to help prevent any modification to their existing grades or hydrology thus helping to preserve the existing native vegetation.

POLICY 123.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

This policy is not applicable to this site as there are no wetland areas present.

POLICY 123.8.1: Protect Gopher Tortoise burrows wherever they are found. If unavoidable conflicts make on-site protection infeasible, off-site mitigation may be provided in accordance with FWC requirements.

With code requirements to provide onsite water management detention to prevent any stormwater runoff impact from this parcel to its neighbors along with the requirement to elevate buildings to prevent flooding, it is necessary to significantly modify the grading and place fill on the land. This task makes it difficult to preserve all of the gopher tortoise burrows that may be present on the site. Ones that may exist with the proposed indigenous preserve areas will be retained, however it will be difficult to retain all the burrows. An FWC relocation permit will be obtained before disturbing burrows and conducting construction activities per the Gopher Tortoise Permitting Guidelines.

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 9.13+/- 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

The application demonstrates available public facilities to serve the proposed density.

(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 and planned surrounding land uses.

The proposed development allows for compatible residential infill. Currently, the Property is vacant and abutting several communities that are also residential in nature. 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. The request is compatible with the surrounding development pattern via limitation of residential land uses (and not the commercial formerly

proposed); substantial perimeter buffering; location of buildings internal to the site and away from abutting lands; and access from Bayshore that does not conflict with adjacent properties or route traffic through adjacent communities.

- (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.

The Property is not on a barrier or coastal island - 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 9.13+/- 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 RPD 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 without wetland plant communities. An onside 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 in full compliance with the LDC requirements. 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.
- 4) The proposed rezoning is consistent with all applicable criteria for bonus density and Planned Development rezoning approval; and is consistent with the Lee Plan.

The Applicant respectfully request approval of this petition.



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.

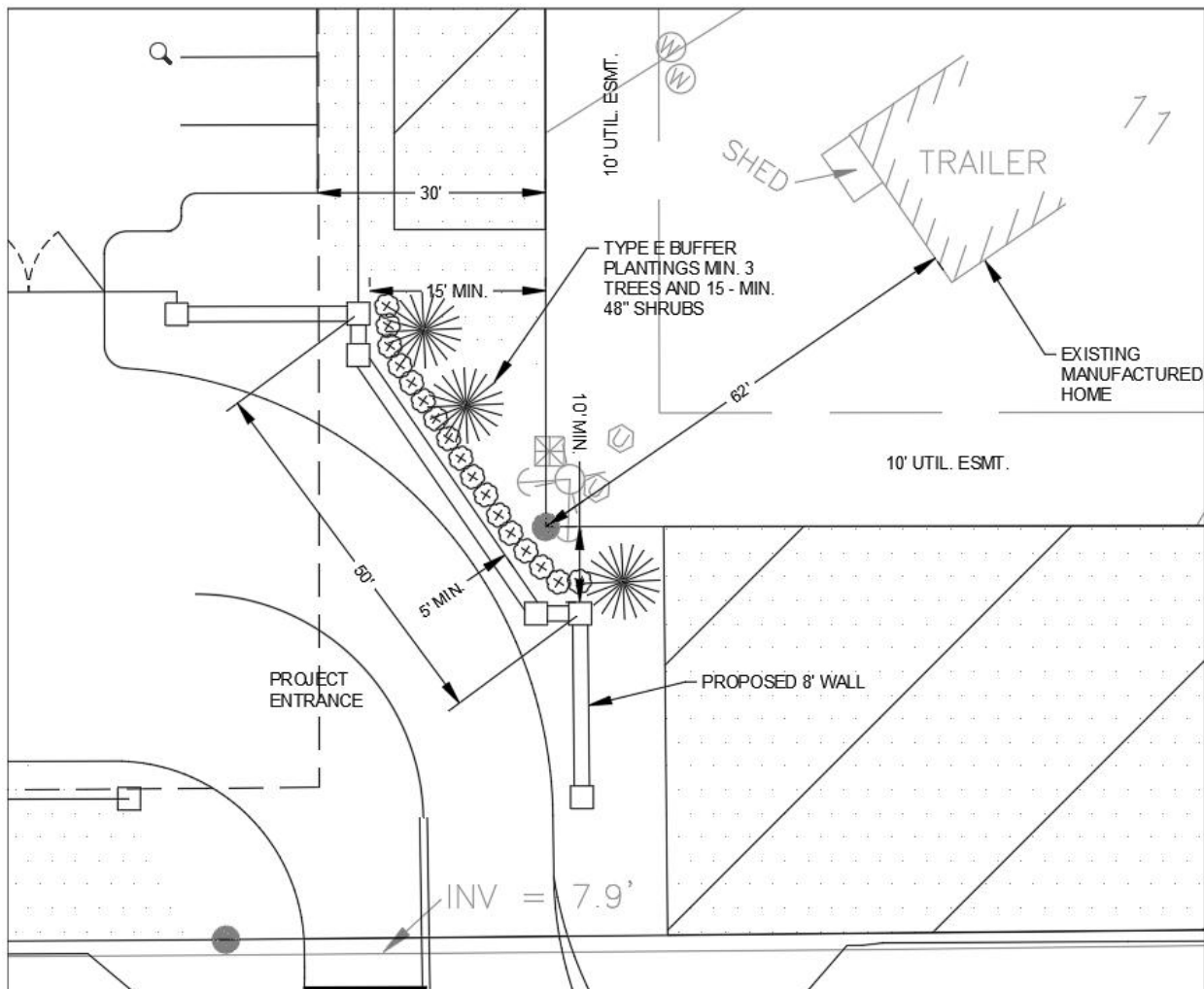


Diagram of Deviation 2

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.

Deviation 5

Request to deviate from LDC 10-415(b) which requires large developments to provide 50% of their required open space through the onsite preservation of existing indigenous vegetation communities (which equals 20% of the site) to allow for a minimum preservation area of 19%.

Justification

This deviation request is being made to allow a lower minimum indigenous preservation area of 19% for this site. The proposed buildings are located as close to the center of the project as possible in order to provide the largest buffer from adjacent property owners, the required amount of parking, and the requested number of units. The greatest amount of area possible where indigenous preservation will be possible has been depicted on the MCP. Much of the perimeter of this site has been impacted by the adjacent parcels users over time through clearing, mowing, gardening, and horticultural debris. This prevents additional indigenous preservation as part of the buffer placements.

Additionally, there is a proposed indigenous restoration area along Bayshore Road that will not qualify for indigenous bonus density which necessitates this particular deviation request. This area is highly invaded with exotics which is likely the result of previous clearing operations. Those exotics will now be removed with the development of this parcel as required by the LDC. The restoration of this area will also help to provide a buffer between the existing Carriage Village residences and Bayshore Road.

Approval of this deviation will help to recognize the holistic approach this project has taken in its site design.



Bayshore Pines Community Meeting Summary

Santa Barbara Town Center, LLC (Applicant) and their consultant team hosted a public information meeting at the North Fort Myers Recreation Center, 2000 N Recreation Park Way, North Fort Myers, FL 33903, at 5:00 p.m., on Monday, December 19, 2022. The meeting was held for the Bayshore Pines Residential Planned Development Amendment application (DCI2022-00048). The meeting was noticed to property owners listed on Exhibit "A" attached, and the meeting notice was published in the News-Press on November 30, 2022. The Affidavit of Publication is attached as Exhibit "B".

The list of participants is attached as Exhibit "C" and demonstrates approximately 33 attendees were present at the meeting in addition to the consultant team.

Alexis Crespo and Tim Keene (Agents) welcomed attendees, introduced the project, and, together with the Applicant and consultant team, presented a PowerPoint presentation attached as Exhibit "D".

The Applicant explained the proposed development will include 180 multi-family dwelling units with a maximum height of 4 stories/60 feet. The Master Concept Plan was also displayed and proposed uses, access, preserves, perimeter buffers. After the presentation the Applicant opened the floor for attendees to ask questions and make comments.

Comments raised from attendees included the following topics:

- **Concern for gopher tortoises on the property and the cost of relocation**
 - The Applicant explained the FWC will require us to relocate them and will monitor that process to make sure we do it correctly and protect the animals.
- **Several requests for a traffic signal and concern about volume of traffic, ability to get out of Carriage Village**
 - The Applicant's engineer walked through why a developer cannot install a signal without FDOT approval and why it would not be warranted by the project based on a variety of factors. It was also noted more detailed traffic studies will be completed through the process.
- **General concern on density, height, affordable/Section 8 housing, security fencing and height of proposed trees**
 - The Applicant reviewed the large buffers and setbacks in further detail and discussed locations of the preserve and stormwater management to offset impacts. It was also noted the buildings were located central to the site to maximize distance from existing homes.
- **General concern on Carriage Village's existing street flooding and steps to be taken to ensure the development doesn't make these problems worse**

- The Applicant's engineer explained the water management design, perimeter berming and outfall. It was also noted the site could not put more water on the surrounding lands that the current conditions before development occurs.

Attendees were provided contact information and it was noted that multiple opportunities for public input remained through the public hearing process.

Following the discussion and public comment, the Applicant thanked the attendees and provided contact information. The meeting was concluded at approximately 5:45 p.m.

EXHIBIT A

**NOTICE OF PUBLIC INFORMATION MEETING**

DATE: Monday, December 19, 2022

TIME: 5:00 PM

ADDRESS: North Fort Myers Recreation Center, Room 102A, 2000 North Recreation Park Way, North Fort Myers, FL 33903

In accordance with the North Fort Myers Planning Community requirements of the Lee County Land Development Code, the Applicant, BIG, LLC, will be presenting information to the public on the following request:

The request is to rezone the 9+/- 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 purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.

For questions please contact:

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255 LAKEVIEW DR
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NORTH FORT MYERS FL 33917

COOPER ROBERT E JR &
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NORTH FORT MYERS FL 33917

LIMBURG MILDRED +
1416 EUCLID AVE
NORTH FORT MYERS FL 33917

POTTERS WILLIAM F SR +
1422 EUCLID AVE
FORT MYERS FL 33917

DEBRUYN MARTIN +
5410 BAYSHORE RD
NORTH FORT MYERS FL 33917

CLOSE LARRY & LORINDA
5430 BAYSHORE RD
NORTH FORT MYERS FL 33917

COUNTRYMAN TROY
5440 BAYSHORE RD
NORTH FORT MYERS FL 33917

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DENIKE FRANCES
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FORT MYERS FL 33917

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STROM SANDRA & ALVIN
230 PARK LANE DR
NORTH FORT MYERS FL 33917

HAMMER MILDRED
224 PARK LANE DR
NORTH FORT MYERS FL 33917

5210 LLC
5210 BAYLINE DR
NORTH FORT MYERS FL 33917

FEINSTEIN TAX + ACCOUNTING INC
1397 WASHINGTON DR
NORTH FORT MYERS FL 33917

STEPHENSON MICHAEL LESTER
1385 WASHINGTON DR
NORTH FORT MYERS FL 33917

HOCKINSON CHASE +
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CAPE CORAL FL 33993

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HILL LISA M & WILLIAM
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NORTH FORT MYERS FL 33917

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BONFIM WILLIAN R
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CAPE CORAL FL 33909

LECKSELL ROBERT J
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LARSON DEBORAH J +
19488 SUN AIR CT
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RODGERS PAULINE
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CANTON MA 02021

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N FT MYERS FL 33917

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CABRERA IVAN
1398 WASHINGTON DR
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1425 EUCLID AVE
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GOMEZ LIUDMILA &
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NORTH FORT MYERS FL 33917

MACHADO LEON PEDRO RAUDELIO +
1393 PINE AVE
NORTH FORT MYERS FL 33917

FIELDS ARTHUR M +
1391 PINE AV
NORTH FORT MYERS FL 33917

EVAN BARBARA +
1389 PINE AVE
NORTH FORT MYERS FL 33917

MENA JESSICA
1387 PINE AVE
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N FT MYERS FL 33917

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NORTH FORT MYERS FL 33917

LUNA AMANDA D
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NORTH FORT MYERS FL 33917

BETANCOURT JOSE & MARIA +
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NORTH FORT MYERS FL 33917

LOPEZ DELMIS +
1419 EUCLID AVE
NORTH FORT MYERS FL 33917

DOVIDIO CHESTER F JR &
2948 APPLE BLOSSOM DR
ALVA FL 33920

EAGLESFIELD JOHN Z
3234 OCEANLINE EAST DR
INDIANAPOLIS IN 46214

CATLETT WAYNE A
287 CHALMER DR
FORT MYERS FL 33917

LEVINE RACHEL
293 CHALMER DR
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VOSS JERRY L &
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NORTH FORT MYERS FL 33917

BEATSON DAVID G & JEAN M
1432 SHIRLEY DR
N FT MYERS FL 33917

DURSO HILDA +
1426 SHIRLEY DR
NORTH FORT MYERS FL 33917

CHRISTY CHRISTIAN
1418 SHIRLEY DR
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1432 GLICK DR
NORTH FORT MYERS FL 33917

QUINTARD JERRY L JR &
1438 GLICK DR
NORTH FORT MYERS FL 33917

MATSON FERN G L/E
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BOSTIC KEVIN JR +
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STOICESCU BOGDAN
1439 SHIRLEY DR
NORTH FORT MYERS FL 33917

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NORTH FORT MYERS FL 33917

SYLVIA ALEXIS NICOLE
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NORTH FORT MYERS FL 33917

SANTOS ISAAC
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CLOUSE BONNIE & HERMAN
140 CONESTOGA TRL
NORTH FORT MYERS FL 33917

CLARK JUANITA
427 HORIZON DR
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FOY ROBIN GREGORY &
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ADAMS WILLIAM
1832 BAY OF ISLANDS DR BOX 70
WHITEFISH FALLS ON P0P 2H0
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COMPTON JUDITH ANN
137 OVERLAND TRAIL
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SCARDIGLI GREGORY &
139 OVERLAND TRL
NORTH FORT MYERS FL 33917

MCGOUGH PATRICK & LINDA
140 OVERLAND TRL
NORTH FORT MYERS FL 33917

ALLEN ROBERT +
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WALBRIDGE OH 43465

BROSHIOUS JAMES R SR TR
136 OVERLAND TRL
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11047 W PIONEER RD
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MERRICK NY 11566

MCADAM GREGORY +
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COBOCONK ON K0M 1K0
CANADA

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116 OVERLAND TRL
NORTH FORT MYERS FL 33917

CURTIS THOMAS R
114 OVERLAND TRL
NORTH FORT MYERS FL 33917

HARRINGTON CAROL M +
112 OVERLAND TRL
NORTH FORT MYERS FL 33917

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430 SARAH WOODS DR
RED LION PA 17356

VILLANI SEBASTIAN & ANNE +
61 SONLEY DR
WHITBY ON L1R 3R5
CANADA

BERGERON YVON +
111 CHISHOLM TRL
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SALMOND DAVID C & HEATHER
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CHILTON-DAVIS SHEILA +
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CROWN POINT IN 46307

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127 CHISHOLM TRL
NORTH FORT MYERS FL 33917

NEWKIRK DEBORAH L
129 CHISHOLM TRL
NORTH FORT MYERS FL 33917

LAM BETTY B TR
131 CHISHOLM TRL
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FISHER PAUL +
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MCCOMB MARTA KAY
209 HARVEST LN
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ESTES ROBERT D TR
217 CARRIAGE LN
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PASCOAG RI 02859

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202 HARVEST LN
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HALL BONNIE G +
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SWENSSON KURT J & LINDA D
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CAUGHEY KATHLEEN E
6571 STEGER RD
PREBLE NY 13141

SCHREIBER NORMAN L II L/E
200 CARRIAGE LN
NORTH FORT MYERS FL 33917

VANDERKOY WILLIAM M + GLORIA L
116 CARRIAGE LN
NORTH FORT MYERS FL 33917

WILEY HELEN L & JAMES E
114 CARRIAGE LN
NORTH FORT MYERS FL 33917

YOUNG JAMES L TR +
915 BERKLEY CIR
MISHAWAKA IN 46544

RAMOS JOSE & JOSEFINA
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JARRELL LINDA SHUE +
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104 CARRIAGE LN
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156 SANTA FE TRL
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LATORRE TIMOTHY & MICHELE
158 SANTA FE TRL
NORTH FORT MYERS FL 33917

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BERRIEN SPRINGS MI 49103

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KOKOMO IN 46901

PINCHEON KENNETH L +
6993 CANNONDALE COVE
MEMPHIS TN 38119

BLISS DOROTHY M
166 SANTA FE TRL
NORTH FORT MYERS FL 33917

PANCAROWICZ LYNE
449 TWIN BROOK LN
COVENTRY RI 02816

UNKNOWN HEIRS OF
170 SANTA FE TRL
NORTH FORT MYERS FL 33917

BEIGHTLEY BONNIE L
172 SANTA FE TRAIL
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HANAWALT DONALD J &
163 OVERLAND TRL
NORTH FORT MYERS FL 33917

LIND ELOTA +
161 OVERLAND TRL
NORTH FORT MYERS FL 33917

NECKLEN MICHAEL D TR
159 OVERLAND TRL
NORTH FORT MYERS FL 33917

RICH BIRDIE J
157 OVERLAND TRL
NORTH FORT MYERS FL 33917

KENNEDY JAMES A
155 OVERLAND TRL
NORTH FORT MYERS FL 33917

SPADE RICHARD & KIMBERLY
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TANIS SANDRA L
151 OVERLAND TRL
NORTH FORT MYERS FL 33917

POWELL RONALD A & CHERYL A
168 OVERLAND TRL
NORTH FORT MYERS FL 33917

GRIFFITH JERALD L
166 OVERLAND TRAIL
NORTH FORT MYERS FL 33917

SCIZAK DANIEL & ANN
1425 RITTER RD LOT 5
LAKELAND FL 33810

PHEND JAMES A +
7300 QUEEN RD
PLYMOUTH IN 46563

ROBINSON CAROL ANN
160 OVERLAND TRL
NORTH FORT MYERS FL 33917

HAURI JAMES M & CAROL M TR
158 OVERLAND TRL
NORTH FORT MYERS FL 33917

STRIFE DIANE J
156 OVERLAND TRL
NORTH FORT MYERS FL 33917

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SAGAMORE HILLS OH 44067

CHERA JATINDER
171 BRANHAM LN STE 10-320
SAN JOSE CA 95136

RIESEN CRAIG & PAMELA
54122 CLUB ISLAND RD
CELINA OH 45822

COTE JOSEPH A & RENA MAY
151 CHISHOLM TRL
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HARRIS JANET
153 CHISHOLM TRL
NORTH FORT MYERS FL 33917

SCHWARTZ DUANE M & JUNE K TR
1501 E OLD CHURCH RD
URBANA IL 61802

HASSEY WARREN A SR +
157 CHISHOLM TRAIL
NORTH FORT MYERS FL 33917

HAUSCH FREDERICK W
159 CHISHOLM TRL
NORTH FORT MYERS FL 33917

SCHAFER GARY L L/E
161 CHISHOLM TRL
NORTH FORT MYERS FL 33917

PAGANO SANDRA L
163 CHISHOLM TRL
NORTH FORT MYERS FL 33917

MADONNA ANTHONY B
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MIDDLEBORO MA 02346

BALE MARY LOU +
167 CHISHOLM TRL
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LINDGREN BARBARA ANN TR
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SYCAMORE IL 60178

LEACH GILLIAN L/E
1297 ELDON RD
OAKWOOD ON K0M 2M0
CANADA

RODRIGUEZ SERGIO
173 CHISHOLM TRL
NORTH FORT MYERS FL 33917

WILCOX CHARLES L & PEGGY L
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UNION CITY IN 47390

WOODBYP DAVID E & NONA E
3714 LANG RD
BEAVERTON MI 48612

SHAW RODNEY B & HILDA
5478 NORTH BLISS RD
ELWELL MI 48832

STEARs ROBERT D & EVELYN M
209 BRANDYWINE LN
NORTH FORT MYERS FL 33917

WELICKOVITCH MICHAEL J &
212 HARVEY DR
MONTTOURSVILLE PA 17754

BUSINGER LONNIE L
3628 SE 18TH AVE
CAPE CORAL FL 33904

MAJOR MARK
203 BRANDYWINE LN
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PETTIT DAVID
201 BRANDYWINE LN
NORTH FORT MYERS FL 33917

MCDANELL DIANNE R TR
693 HIGH ST
MIDDLETOWN IN 47356

SUTTON RAY M
202 SHENANDOAH LN
NORTH FORT MYERS FL 33917

MASQUELIER WAYNE N &
204 SHENANDOAH LN
NORTH FORT MYERS FL 33917

CARPENTER JANICE L & LARRY
206 SHENANDOAH LN
NORTH FORT MYERS FL 33917

BORTZ PATRICIA A L/E
208 SHENANDOAH LN
NORTH FORT MYERS FL 33917

GAGNEUR LUEWANNA S TR
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OTSEGO MI 49078

RYDER SANDRA KAY
212 SHENANDOAH LN
NORTH FORT MYERS FL 33917

BETHEL JOHN CROY &
22 CARSON COVE RD
ELLIJAY GA 30540

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NORTH FORT MYERS FL 33917

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NORTH FORT MYERS FL 33917

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298 HOFFMANS HILL RD EXT
SCOTIA NY 12302

SHANK MAUREEN ANN TR
206 COACH LN
NORTH FORT MYERS FL 33917

CONNER FREDDIE K L/E
204 COACH LN
NORTH FORT MYERS FL 33917

EVANS GARY L & REGINA L TR
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GROVE CITY OH 43123

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200 COACH LN
NORTH FORT MYERS FL 33917

SALE DENNIS L
205 COACH LN
NORTH FORT MYERS FL 33917

UNKNOWN HEIRS OF
203 COACH LN
NORTH FORT MYERS FL 33917

COOPER NORMA S TR
201 COACH LN
NORTH FORT MYERS FL 33917

BOVE ROBERT C &
153 SANTA FE TRL
NORTH FORT MYERS FL 33917

NIKOLAS JANE P
154 CHISHOLM TRL
NORTH FORT MYERS FL 33917

ADAMS RICHARD W & VICTORIA
150 CHISHOLM TRL
NORTH FORT MYERS FL 33917

ELDER THOMAS & MICHELLE
158 MULBERRY LN
SLIPPERY ROCK PA 16057

WAGENER JOHN EDWARD
182 SANTA FE TRL
NORTH FORT MYERS FL 33917

COOK ROBERT W +
184 SANTA FE TRL
NORTH FORT MYERS FL 33917

MILLER JOAN K +
186 SANTA FE TRL
NORTH FORT MYERS FL 33917

FELDMAN ELLIOT A
188 SANTA FE TRL
NORTH FORT MYERS FL 33917

JAHNKE DOLORES TR
190 SANTA FE TRL
NORTH FORT MYERS FL 33917

SMITH PATTY L & RICHARD L +
3630 W ROAD 250 N
BARGERSVILLE IN 46106

DEAKI KATHLEEN
211 COBBLESTONE LN
NORTH FORT MYERS FL 33917

PETERSEN DUANE +
209 COBBLESTONE LN
NORTH FORT MYERS FL 33917

YORK DALE N & BRENDA K
346 HILLSBORO RD
NEW CASTLE IN 47362

SHEPHARD BARRY W &
7980 MARIAVILLE RD
DELANSON NY 12053

JOLICOEUR GARY J
203 COBBLESTONE LN
NORTH FORT MYERS FL 33917

BIERY BRETT D +
2376 WAYNEWOOD DR
FOWLER OH 44418

ADAMS CYNTHIA L
120 BULL RUN RD
TRENTON NJ 08638

TIMPA FRANK W +
202 CAPTAINS WALK
NORTH FORT MYERS FL 33917

KILPECK VICKI L
204 CAPTAINS WALK
NORTH FORT MYERS FL 33917

WILLEY JOHN THEODORE &
204 E COUNTY RD 951 S
CLAYTON IN 46118

BOUTHILLETTE SUSAN
232 BOLTON ST
NEW BEDFORD MA 02740

WHITE RANDALL C +
7518 N 500 E
BATTLE GROUND IN 47920

DE ARAUJO TELMA GARCIA +
513 SE 21ST ST
CAPE CORAL FL 33990

GRAY IVAN W & VIVIEN
6625 ALLANDALE DR
AMHERST OH 44001

UNKNOWN HEIRS OF
216 CAPTAINS WALK
NORTH FORT MYERS FL 33917

CHRISTIE DAVID A TR
68 WHITE PINE DR
HOLLIS NH 03049

DICKS BARBARA A
PO BOX 543
LAKELAND MI 48143

SCOTT RICHARD B +
213 CAPTAINS WALK
NORTH FORT MYERS FL 33917

CARPENTER JOHN Z TR
PO BOX 527
DELTON MI 49046

GALEGO CARL M & ALCINA F
111 FIELD ST
NEW BEDFORD MA 02740

HARRINGTON UNA +
2486 NW MARKEN ST
BEND OR 97703

CURFMAN THELMA E
683 SUN VALLEY RD
WASHINGTON WV 26181

MILLER MITCHEL R & BRENDA
4304 TRAILS END
MIDDLEVILLE MI 49333

GAGLIARDO ETTORE +
1127 MOTOR ST
NEW CASTLE PA 16101

KINDER LONA J & HAROLD D TR
6058 SNOW APPLE DR
CLARKSTON MI 48346

MCDANIEL GARY O
202 BRANDYWINE LN
NORTH FORT MYERS FL 33917

FELTON JOSEPH P
204 BRANDYWINE LN
NORTH FORT MYERS FL 33917

FILO HELEN
206 BRANDYWINE LN
NORTH FORT MYERS FL 33917

TAYLOT GILBERT & LAVONA
2320 TODD ST
FLATWOODS KY 41139

FULMER ELIZABETH S
210 BRANDYWINE LN
NORTH FORT MYERS FL 33917

MURRAY BEVERLY S
201 DECORCY LN
FRANKLIN IN 46131

DIAZ ELIAS B JR & JOYCE M
214 BRANDYWINE LN
NORTH FORT MYERS FL 33917

MCGOUGH LARRY
216 BRANDYWINE LN
NORTH FORT MYERS FL 33917

EXHIBIT B

0005497752 / FNP-0000002582

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:

RVI PLANNING, INC
28100 BONITA GRANDE DR
BONITA SPRINGS, FL 34135

State of Wisconsin, County of Brown:

Before the undersigned authority personally appeared

Kallen, who on oath says that
 he or she is a Legal Assistant of the News-Press, a daily
 newspaper published at Fort Myers in Lee County, Florida; that
 the attached copy of advertisement, being a Legal Ad in the
 matter of

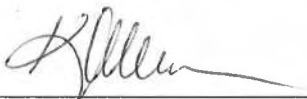
Notice of Meetings

In the Twentieth Judicial Circuit Court was published in said
 newspaper editions dated or by publication on the newspaper's
 website, if authorized, on:

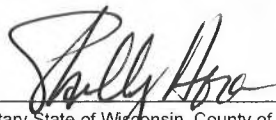
11/30/2022

Affiant further says that the said News-Press is a paper of
 general circulation daily in Lee County and published at Fort
 Myers, in said Lee County, Florida, and that the said newspaper
 has heretofore been continuously published in said Lee County,
 Florida each day and has been entered as periodicals matter at
 the post office in Fort Myers, in said Lee County, Florida, for a
 period of one year next preceding the first publication of the
 attached copy of advertisement; and affiant further says that
 he or she has never paid nor promised any person, firm or
 corporation any discount, rebate, commission or refund for the
 purpose of securing this advertisement for publication in the
 said newspaper.

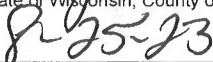
Sworn to and Subscribed before me this 21st of December
 2022, by legal clerk who is personally known to me.



Affiant



Notary State of Wisconsin, County of Brown



My commission expires

SHELLY HORA
 Notary Public
 State of Wisconsin

of Affidavits: 1

This is not an invoice

NOTICE OF PUBLIC INFORMATION
MEETING

DATE: Monday, December 19, 2022

TIME: 5:00 PM

ADDRESS: North Fort Myers Recreation
Center, Room 102A, 2000 North Recreation
Park Way, North Fort Myers, FL
33903

In accordance with the North Fort
 Myers Planning Community require-
 ments of the Lee County Land Develop-
 ment Code, the Applicant, BIG, LLC,
 will be presenting information to the
 public on the following request:

The request is to rezone the 9+/- Prop-
 erty to Residential Planned Develop-
 ment (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 sup-
 portive infrastructure.

The purpose of the meeting is to edu-
 cate community members and nearby
 landowners about the proposed devel-
 opment and to address any questions.

For questions please contact:

RVI Planning, c/o Alexis Crespo
 28100 Bonita Grande Drive, Suite 305,
 Bonita Springs, FL 34135
 (239)850.8525 OR

ACrespo@RVIPanning.com
 #5497752 11/30/2022

BAYSHORE PINES
COMMUNITY MEETING

December 19, 2022 – 5:00 p.m.

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
PAUL ROBINSON	160 Overland Trl. NKM	car 2029 @ AOL.COM
Steve & Bev Foss	206 Carriage Ln.	milkman 1946 @ Yahoo .Com
Tim & Michel Latorre	158 Santa Fe	Tlatorre 1953 @ gmail . com
Colson & Steven Arnold	1444 Shirley Dr.	cww6873 @ yahoo . com
Carriage Village Land.	5451 Bayshore	carriagevillage @ comcast.net
Carriage Village	158 Santa Fe Trail	mlat 4018 @ gmail . com

BAYSHORE PINES COMMUNITY MEETING

December 19, 2022 – 5:00 p.m.

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
Marsha Oenich	705 99th Ave N 167 Chisholm Tr	moenick921@gmail.com
Willa Reams	208 Carriage Ln. N. Ft. Myers 35917	willareams@yahoo.com
Denny MATSON	225 Santa Fe	

BAYSHORE PINES COMMUNITY MEETING

December 19, 2022 – 5:00 p.m.

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
Maureen Shank	206 Coachlane. NFM	MAUREENSHANK@yahoo.com
Kathy & Mike Aughey	202 Carriage Lane NFM	KatAughey@aol.com
Bob and Evelyn Stearns	209 Brandyswain Ln ^{NFM}	
Barbara & Denny Matson	215 Santa Fe Trail ^{NFM}	dennymatson7@comcast.NET
Ivan & Betty Lam	131 Chisholm Trail NFM	betbod49@gmail.com
Russ & ALYCE LACHMAN	156 Santa Fe Trl.	r.alyce.ann@hotmail.com
Bonnie Beighley	172 Santa Fe Trail	Bonnie81410@GMAIL.COM

BAYSHORE PINES COMMUNITY MEETING

December 19, 2022 – 5:00 p.m.

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
Bonnie Rich	157 Overland ^{N. Ft. Myers} FL 33917	Janerich4@Juno.com
Susan Chovano	124 Overland ^{Trl. N. Fort Myers} 33917	pcu88181@yahoo.com
Pam Cupp	181 Overland NFM	
Paul DeBor	154 Santa Fe Trail	barbie.dolchic@hotmail.com
Pam + Garry Griffin	168 Santa Fe Trail	passmr@att.net
Pitt Browning	202 Cobblestone Lane	omabanning@yahoo.com
Candice Jones	208 Village Lane	pitmanxcandice@yahoo.com
Margaret Young	112 Carriage Ln	James.Y@ATT.NET



BAYSHORE PINES

PLANNED DEVELOPMENT REZONE

DCI2022-00048

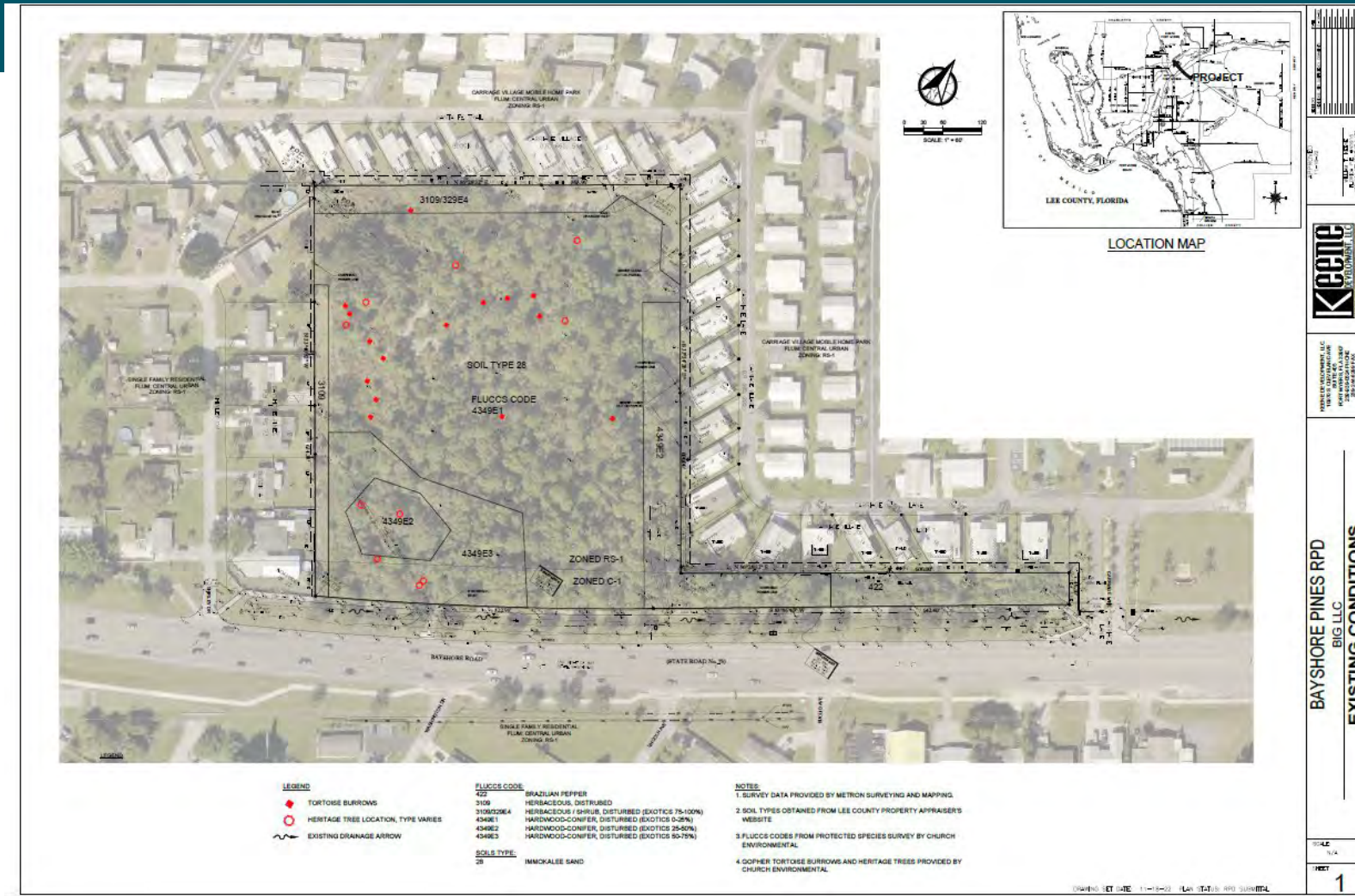
Neighborhood Meeting
December 19, 2022

- ❖ Gary Fluharty & Ron Davis - Applicants
- ❖ Tim Keene, P.E. – Keene Development
- ❖ Neale Montgomery, Esq. – Pavese Law Firm
- ❖ Alexis Crespo, AICP - RVi Planning + Landscape Architecture
- ❖ Ted Treesh – TR Transportation Consultants Inc.
- ❖ Church Roberts – Church Environmental

PROJECT TEAM

BAYSHORE PINES

LOCATION MAP



- 9-acre property
- Significant frontage on Bayshore Road
- No on-site wetlands
- Central Urban future land use
- C-1 & RS-1 zoning districts
- Rezone requested in 0211 to allow for 85,000 SF retail

REQUEST SUMMARY

- Rezone 9 acres from Commercial (C-1) & Residential (RS-1) to Residential Planned Development
- Single access from Bayshore Road
- Maximum of 180 multi-family dwelling units
- 4-story maximum building height
- On-site parking meeting Land Development Code
- 30-foot-wide Type "F" landscape buffer abutting Bayshore Pines
- 15-foot-wide Type "B" & 30-foot-wide Type "F" landscape buffer abutting Carriage Village
- Expansive Indigenous Open Space/Preserve along northern property line

[illegible]

NEXT STEPS

- ✓ Application Submittal & Review
- ✓ Complete Staff review
- Public hearings before the Hearing Examiner & Board of County Commissioners
- Development Order & Environmental Resource Permitting
- Commence Construction
- Stay Informed: acrespo@rviplanning.com

THANK YOU!

ACRESPO@RVPLANNING.COM

Church Environmental

**5361 Bayshore Road
North Fort Myers
Protected Species Survey
Revised December 21, 2022**

1.0 Introduction

A protected species survey (PSS) was conducted for a 9.13-acre parcel located at 5361 Bayshore Rd, North Fort Myers, Florida (Folio ID: 10148658). Church Environmental and Earth Tech Environmental conducted a Protected Species Survey (PSS) of the subject property. The following report documents the methodology and results for the survey. Gopher tortoise burrows were documented on the property and a gopher tortoise management plan is included with this report.

2.0 Habitat Descriptions

The habitat was mapped utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department of Transportation 1999). Four upland vegetative association/land use (i.e., FLUCFCS code) were identified on the property. Following is a brief description of the habitats found on the property. See **Attachment 1** for map exhibit.

FLUCFCS 4349 Disturbed hardwood - conifer - The canopy of this habitat consists of live oak (*Quercus virginiana*), cabbage palm (*Sabal palmetto*), java plum (*Syzygium cumini*), slash pine (*Pinus elliottii*), and laurel oak (*Quercus laurifolia*). Mid-canopy species included Brazilian pepper (*Schinus terebinthifolius*), saw palmetto (*Serenoa repens*), carrotwood (*Cupaniopsis anacardioides*), and earleaf acacia (*Acacia auriculiformis*). Shiny-leaved wild coffee (*Psychotria nervosa*), Caesar weed (*Urena lobata*), greenbrier (*Smilax rotundifolia*), coontie (*Zamia integrifolia*), Boston Fern (*Nephrolepis exaltata*), guineagrass (*Urochloa maxima*), runner oak (*Quercus pumila*) and beautyberry (*Callicarpa americana*) can be found in the groundcover. Exotics occur in varying degrees within this habitat. Approximately 5.8 acres of this habitat was mapped as having 0-25% exotics (4349E1), 1.2 acres having 25-50% exotics (4349 E2), and 1.1 acres having 50-75% exotics (4349E3).

FLUCFCS 3109/329E4 Disturbed herbaceous/shrub - This habitat occurs on 0.6 acres and appears to have been historically cleared. Portions of this habitat are currently utilized as ornamental lawns for the adjacent residential developments. Silk tree (*Albizia julibrissin*) and slash pine are found in the mostly open canopy. Brazilian pepper, simpleleaf chastetree (*Vitex trifolia*), and winged sumac (*Rhus copallina*) are found in the mid-canopy. Ground cover includes crabgrass (*Digitaria* sp.), Mexican clover (*Richardia scabra*), elephant ear (*Colocasia esculenta*), Caesar weed, sedges (*Cyperus* spp.), wild cucumber (*Echinocystis lobate*), and dayflower (*Commelina diffusa*).

FLUCFCS 3109 Disturbed herbaceous - A 0.2-acre linear area of disturbed herbaceous can be found along the western edge of the property. This area is vegetated with Alabama swamp sedge (*Cyperus ligularis*), day flower, crabgrass, sedges, Mexican clover, Caesar weed, and Bermuda grass (*Cynodon dactylon*).

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FLUCFCS 422 Brazilian pepper - A 0.4-acre area of Brazilian pepper is in the southeast portion of the property. This area is dominated by Brazilian pepper. Scattered live oak, saw palmetto, and Spanish needle (*Bidens pilosa*) were also observed.

No rare and unique habitat was identified on the property.

3.0 Methodology

The PSS was conducted per the Lee County Land Development Code, Chapter 10, Article 3, Division 8 (Protection of Habitat). Prior to the site investigation, a review was completed of existing information to assist with the determination of listed species. This review included Florida Natural Areas Inventory (FNAI), Florida Fish and Wildlife Conservation Commission's (FWC) action plans for listed species, FWS IPAC system, Lee County Soil Survey, along with current and historical aerial photographs. **Table 3.1** list the species referenced in the Lee County Protected Species Ordinance (Appendix H). Meandering pedestrian transects were utilized to conduct the PSS. Transects were performed in all habitats identified by Lee County which may be inhabited by protected flora and fauna. The distance between the transects were established to cover a minimum of 80% of each habitat type. See **Attachment 2** for survey transects. The property is within the consultation area for the Florida Bonneted Bat (*Eumops floridanus*) (FBB). To determine if FBBs roost on the property, trees with a diameter at breast height (DBH) equal to or greater than 10 inches, snags with a DBH of greater than or equal to 8 inches, and utility poles (collectively referred to as uprigths) were visually surveyed for cavities.

Table 3.1 Listed species that could potentially occur on-site.

FLUCFCS Code	Description	Potential Protected Species
4119	Pine Flatwood, Disturbed	Eastern Indigo Snake Gopher Tortoise Gopher Frog Southeastern American Kestrel Red-cockaded Woodpecker Florida Panther Big Cypress Fox Squirrel Florida Black Bear Fakahatchee Burmannia Satin Leaf Beautiful Paw Paw Florida Coontie

A summary of the field survey dates and weather conditions can be found in **Table 3-2**.

Table 3-2. Dates, Times, and Weather Conditions for Listed Species Surveys

Date	Time	Weather Conditions
April 4, 2022	0815 – 1045	Partly Cloudy, Winds 5-10 mph, 70-80°F
July 18, 2022	1400 – 1530	Mostly Sunny, Winds 0-5 mph, +95°F

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July 19, 2022	0930 – 1045	Mostly Sunny, Winds 0-5 mph, 85-95°F
July 20, 2022	0645 – 0900	Mostly Sunny, Winds 0-5 mph, 78-85°F
July 25, 2022	0645 – 0745	Mostly Sunny, Winds 0-5 mph, 78-80°F

3.0 Results

The PSS documented 15 potentially occupied gopher tortoise (*Gopherus polyphemus*) burrows. See **Attachment 3** for the gopher tortoise burrow locations. No FBB roost were identified. Listed plant species observed was limited to coontie (see **Attachment 4**).

4.0 Discussion

The gopher tortoise is listed as threatened by the state of Florida and is listed as a candidate species for federal protection in Florida. Because gopher tortoises are protected in Florida, handling and relocation of gopher tortoises is illegal unless conducted under a valid permit issued by Florida Fish and Wildlife Conservation Commission (FWC). In accordance with the Gopher Tortoise Permitting Guidelines, an FWC relocation permit must be obtained before disturbing burrows and conducting construction activities. A disturbance includes any type of work within 25 feet of a gopher tortoise burrow, except for standard lawn maintenance activities.

When landowners or managers develop land, or conduct activities that would collapse burrows, they commonly seek one of two permit types. Those for 10 or fewer burrows are issued for projects, usually single residential construction, which require relocation of five or fewer tortoises. If the tortoises are relocated on-site, the individual capturing and relocating the tortoises must complete the FWC online training prior to capturing gopher tortoises. If the tortoises are relocated off-site, a permitted authorized agent must capture and relocate the tortoises.

The second permit, for conservation, are for development projects which require the relocation of gopher tortoises when more than 10 burrows occur on the development site. This permit allows for relocation off-site to a FWC-certified Recipient Site.

5.0 Gopher Tortoise Management Plan

If the construction of the project results in unavoidable impacts to gopher tortoise burrows, the appropriate permit from FWC will be obtained, and the gopher tortoises will be relocated out of harm's way. Gopher tortoises will either be relocated to the onsite preserve or offsite to an approved recipient site.

The essentials of managing habitat that is suitable for gopher tortoises include minimizing soil disturbance, protecting burrows, and maintaining a diversity of groundcover plants by ensuring that sufficient sunlight reaches the ground. Invasive exotic plants must be removed from undeveloped areas. Herbicides should be chosen that will target selected invasive exotic plants but not significantly reduce native plants. Mowing when done properly can be a valuable management tool.

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To minimize impacts to gopher tortoise habitat which may potentially result from development and land management activities, the following minimization measures and Best Management Practices (BMPs) shall be implemented as applicable. The eastern indigo snake (*Drymarchon corais couperi*) is associated with sheltering in gopher tortoise burrows. The BMPs also include protection measures for indigo snakes.

- Install silt fencing around all ground disturbing activities;
- Flag and survey construction limits prior to commencing construction;
- Mark all gopher tortoise burrows with stakes or flagging before clearing/development;
- Limit use of heavy mechanical for site preparation;
- Utilize native gopher tortoise forage plant species for landscaping;
- Implement Eastern Indigo Snake Standard Protection Measures;
- Provide owners and contractors identification material for both gopher tortoise and Eastern indigo snake;
- Mower blades in undeveloped areas should be at least 18 inches above the ground. Near burrows, stay at least 4 meters (13 feet) from known gopher tortoise burrow entrances;
- Roller-chopping will be a prohibited mechanical treatment method;
- Invasive exotic plants will be removed from non-developed areas. Invasive exotic plants mean the same plants as described in [section 10-420](#);
- Exotic vegetation will be treated with an approved herbicide (poison) and a tracer dye;
- Maintenance for exotics will be implemented on a yearly basis.

6.0 Native Tree Survey

All native trees with an estimated diameter at breast height (DBH) greater than 4" were GPS located. A total of 380 trees were located and included 118 cabbage palms, 73 laurel oaks, 11 live oak, and 178 slash pine. Heritage trees consisted of five laurel oaks, two live oaks, and three pines. See **Attachment 5** for the Native Tree Exhibit. See **Attachment 6** for recorded DBH and latitude and longitude for each tree species located.

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Attachment 1

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FLUCFCS Map

5361 Bayshore
North Fort Myers, FL

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Attachment 2

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PSS Transect Map

**5361 Bayshore
North Fort Myers, FL**

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Attachment 3

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Gopher Tortoise Burrow Map

**5361 Bayshore
North Fort Myers, FL**

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Attachment 4

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Coontie Map

5361 Bayshore
North Fort Myers, FL

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Attachment 5

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Gopher Tortoise Burrow Map

**5361 Bayshore
North Fort Myers, FL**

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Attachment 6

Tree Species	DBH (inches)	Latitude	Longitude
Cabbage palm	13	26.68604	-81.8693
Cabbage palm	13	26.68605	-81.8693
Cabbage palm	13	26.68614	-81.8693
Cabbage palm	14	26.68617	-81.8693
Cabbage palm	13	26.68607	-81.8694
Cabbage palm	12	26.68599	-81.8695
Cabbage palm	13	26.68604	-81.8695
Cabbage palm	12	26.68596	-81.8695
Cabbage palm	14	26.68587	-81.8695
Cabbage palm	16	26.68584	-81.8695
Cabbage palm	16	26.68562	-81.87
Cabbage palm	14	26.68539	-81.8704
Cabbage palm	14	26.68538	-81.8706
Cabbage palm	13	26.68528	-81.8706
Cabbage palm	13	26.6855	-81.8709
Cabbage palm	12	26.68545	-81.8709
Cabbage palm	9	26.6855	-81.8708
Cabbage palm	15	26.68559	-81.8707
Cabbage palm	14	26.68558	-81.8707
Cabbage palm	10	26.68557	-81.8706
Cabbage palm	12	26.68556	-81.8706
Cabbage palm	12	26.68556	-81.8706
Cabbage palm	14	26.68554	-81.8706
Cabbage palm	11	26.68552	-81.8706
Cabbage palm	13	26.6855	-81.8706
Cabbage palm	12	26.68549	-81.8706
Cabbage palm	12	26.68533	-81.8707
Cabbage palm	13	26.68536	-81.8707
Cabbage palm	13	26.68565	-81.8706
Cabbage palm	12	26.6856	-81.8705
Cabbage palm	11	26.68576	-81.8703
Cabbage palm	12	26.68579	-81.8704
Cabbage palm	13	26.6857	-81.8706
Cabbage palm	12	26.68569	-81.8706
Cabbage palm	12	26.68567	-81.8706
Cabbage palm	14	26.68574	-81.8708
Cabbage palm	12	26.68573	-81.8708
Cabbage palm	11	26.68561	-81.8708
Cabbage palm	10	26.68561	-81.8708
Cabbage palm	14	26.68567	-81.8708
Cabbage palm	8	26.6859	-81.8706
Cabbage palm	13	26.68588	-81.8708
Cabbage palm	10	26.68574	-81.8709
Cabbage palm	11	26.68592	-81.8707
Cabbage palm	13	26.68639	-81.871
Cabbage palm	10	26.68639	-81.871

Cabbage palm	13	26.68641	-81.871
Cabbage palm	13	26.68641	-81.8709
Cabbage palm	13	26.68642	-81.8709
Cabbage palm	10	26.68642	-81.8708
Cabbage palm	13	26.68647	-81.8708
Cabbage palm	8	26.68647	-81.8708
Cabbage palm	12	26.68648	-81.8707
Cabbage palm	12	26.68649	-81.8708
Cabbage palm	12	26.68645	-81.8707
Cabbage palm	12	26.68645	-81.8707
Cabbage palm	13	26.68646	-81.8707
Cabbage palm	13	26.68642	-81.8707
Cabbage palm	10	26.68623	-81.8707
Cabbage palm	12	26.6862	-81.8706
Cabbage palm	12	26.68626	-81.8714
Cabbage palm	12	26.68625	-81.8715
Cabbage palm	13	26.68625	-81.8715
Cabbage palm	12	26.68614	-81.8714
Cabbage palm	12	26.68626	-81.8708
Cabbage palm	11	26.68661	-81.8708
Cabbage palm	13	26.68682	-81.8708
Cabbage palm	12	26.68679	-81.8706
Cabbage palm	13	26.6866	-81.8705
Cabbage palm	13	26.68659	-81.8701
Cabbage palm	12	26.68655	-81.8701
Cabbage palm	14	26.68656	-81.87
Cabbage palm	13	26.68656	-81.87
Cabbage palm	14	26.68661	-81.8699
Cabbage palm	14	26.68656	-81.8699
Cabbage palm	7	26.68653	-81.87
Cabbage palm	14	26.68648	-81.87
Cabbage palm	14	26.68649	-81.87
Cabbage palm	13	26.68645	-81.87
Cabbage palm	12	26.68642	-81.8701
Cabbage palm	13	26.68641	-81.8701
Cabbage palm	14	26.6864	-81.8701
Cabbage palm	13	26.68623	-81.8705
Cabbage palm	13	26.68596	-81.8699
Cabbage palm	14	26.68597	-81.8699
Cabbage palm	14	26.68616	-81.8699
Cabbage palm	13	26.68624	-81.8699
Cabbage palm	12	26.68625	-81.8699
Cabbage palm	12	26.68631	-81.87
Cabbage palm	15	26.68634	-81.87
Cabbage palm	13	26.6863	-81.8699
Cabbage palm	12	26.68628	-81.8698
Cabbage palm	13	26.68627	-81.8698

Cabbage palm	12	26.68625	-81.8698
Cabbage palm	13	26.68625	-81.8698
Cabbage palm	13	26.68626	-81.8697
Cabbage palm	13	26.68626	-81.8697
Cabbage palm	12	26.68617	-81.8698
Cabbage palm	13	26.68611	-81.8698
Cabbage palm	12	26.68611	-81.8698
Cabbage palm	12	26.68605	-81.8697
Cabbage palm	12	26.68599	-81.8696
Cabbage palm	12	26.68596	-81.8696
Cabbage palm	14	26.68596	-81.8696
Cabbage palm	14	26.68594	-81.8697
Cabbage palm	13	26.68597	-81.8697
Cabbage palm	12	26.68597	-81.8697
Cabbage palm	12	26.68597	-81.8697
Cabbage palm	10	26.68602	-81.8698
Cabbage palm	13	26.68606	-81.8698
Cabbage palm	10	26.68609	-81.8698
Cabbage palm	13	26.68609	-81.8698
Cabbage palm	13	26.63243	-81.8768
Cabbage palm	13	26.63243	-81.8768
Cabbage palm	13	26.68707	-81.8704
Cabbage palm	13	26.68639	-81.8698
Cabbage palm	12	26.68613	-81.8696
Cabbage palm	12	26.68613	-81.8696
Laurel oak	4	26.68624	-81.8689
Laurel oak	5	26.68625	-81.8689
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Laurel oak	9	26.68615	-81.869
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Laurel oak	8	26.68628	-81.8691
Laurel oak	4	26.68613	-81.8691
Laurel oak	9	26.68614	-81.8692
Laurel oak	14	26.68612	-81.8692
Laurel oak	8	26.68609	-81.8692
Laurel oak	9	26.68598	-81.8694
Laurel oak	17	26.68595	-81.8695
Laurel oak	14	26.68596	-81.8695
Laurel oak	17	26.68593	-81.8695
Laurel oak	5	26.68584	-81.8695
Laurel oak	16	26.68581	-81.8697
Laurel oak	11	26.68533	-81.8704
Laurel oak	20	26.6854	-81.8705
Laurel oak	8	26.68539	-81.8706
Laurel oak	8	26.68536	-81.8706
Laurel oak	5	26.68536	-81.8706
Laurel oak	13	26.68527	-81.8706

Laurel oak	16	26.6852	-81.8707
Laurel oak	11	26.68516	-81.8708
Laurel oak	21	26.68552	-81.8709
Laurel oak	10	26.68558	-81.8709
Laurel oak	8	26.68551	-81.8708
Laurel oak	4	26.6855	-81.8708
Laurel oak	5	26.68553	-81.8707
Laurel oak	23	26.68558	-81.8707
Laurel oak	10	26.68557	-81.8707
Laurel oak	30	26.68559	-81.8706
Laurel oak	22	26.68537	-81.8707
Laurel oak	8	26.68538	-81.8706
Laurel oak	11	26.68555	-81.8705
Laurel oak	7	26.68566	-81.8705
Laurel oak	13	26.68563	-81.8705
Laurel oak	10	26.68581	-81.8704
Laurel oak	17	26.68579	-81.8706
Laurel oak	17	26.68579	-81.8706
Laurel oak	13	26.68577	-81.8708
Laurel oak	9	26.68572	-81.8708
Laurel oak	8	26.68566	-81.8708
Laurel oak	9	26.68576	-81.8705
Laurel oak	9	26.68576	-81.8705
Laurel oak	8	26.68572	-81.8705
Laurel oak	8	26.68589	-81.8704
Laurel oak	4	26.68593	-81.8705
Laurel oak	12	26.68596	-81.8706
Laurel oak	7	26.68587	-81.8706
Laurel oak	5	26.68591	-81.8709
Laurel oak	5	26.68588	-81.8709
Laurel oak	5	26.68588	-81.8709
Laurel oak	8	26.68584	-81.8708
Laurel oak	7	26.68616	-81.8708
Laurel oak	19	26.68617	-81.8706
Laurel oak	25	26.68659	-81.8712
Laurel oak	10	26.68613	-81.8714
Laurel oak	13	26.68674	-81.8707
Laurel oak	16	26.68675	-81.8709
Laurel oak	7	26.6868	-81.8708
Laurel oak	17	26.68656	-81.8702
Laurel oak	6	26.68638	-81.8703
Laurel oak	7	26.68624	-81.8705
Laurel oak	15	26.68599	-81.8701
Laurel oak	5	26.68599	-81.8699
Laurel oak	10	26.68611	-81.8701
Laurel oak	8	26.68615	-81.87
Laurel oak	6	26.68606	-81.8697

Laurel oak	6	26.686	-81.8696
Laurel oak	12	26.68592	-81.8696
Laurel oak	7	26.686	-81.8697
Laurel oak	10	26.68616	-81.8695
Live oak	17	26.68605	-81.8693
Live oak	23	26.68537	-81.8705
Live oak	9	26.68555	-81.8707
Live oak	8	26.68535	-81.8707
Live oak	8	26.68575	-81.8705
Live oak	6	26.68639	-81.8709
Live oak	6	26.68638	-81.8709
Live oak	16	26.6864	-81.8713
Live oak	10	26.68678	-81.8708
Live oak	14	26.68681	-81.8706
Live oak	22	26.68697	-81.8708
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Pine	14	26.68635	-81.8688
Pine	4	26.68631	-81.8689
Pine	8	26.68621	-81.8689
Pine	16	26.68631	-81.869
Pine	11	26.68632	-81.869
Pine	16	26.68632	-81.869
Pine	18	26.68619	-81.8691
Pine	13	26.68623	-81.8691
Pine	18	26.6862	-81.8691
Pine	7	26.68617	-81.8691
Pine	13	26.68614	-81.8691
Pine	9	26.68615	-81.8692
Pine	7	26.68615	-81.8692
Pine	11	26.68614	-81.8692
Pine	7	26.68612	-81.8692
Pine	9	26.68611	-81.8692
Pine	8	26.68609	-81.8692
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Pine	15	26.68583	-81.8696
Pine	5	26.68582	-81.8696
Pine	6	26.68582	-81.8697
Pine	10	26.68581	-81.8697
Pine	12	26.68519	-81.8708
Pine	12	26.68575	-81.8703
Pine	13	26.68579	-81.8708
Pine	11	26.68596	-81.8705
Pine	13	26.68596	-81.8708
Pine	8	26.68595	-81.8709
Pine	9	26.68596	-81.8709
Pine	11	26.68595	-81.8709
Pine	12	26.68592	-81.8709

Pine	10	26.68588	-81.8709
Pine	14	26.68585	-81.8708
Pine	11	26.68577	-81.8709
Pine	11	26.68587	-81.8707
Pine	12	26.68594	-81.8706
Pine	11	26.68598	-81.8707
Pine	10	26.68596	-81.8707
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Pine	10	26.68613	-81.8709
Pine	8	26.68613	-81.8709
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Pine	7	26.68622	-81.871
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Pine	13	26.68623	-81.8707
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Pine	12	26.6861	-81.8706
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Pine	12	26.68648	-81.8712
Pine	9	26.68645	-81.8714
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Pine	9	26.68624	-81.8712
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Pine	13	26.6864	-81.8706
Pine	16	26.6865	-81.8707
Pine	18	26.68657	-81.8706
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Pine	14	26.68668	-81.8706
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Pine	16	26.68627	-81.8704

Pine	13	26.68627	-81.8704
Pine	12	26.68618	-81.8704
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Pine	7	26.68617	-81.8698
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Pine	16	26.6861	-81.8698
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Pine	11	26.68597	-81.8696
Pine	12	26.68596	-81.8696
Pine	9	26.63243	-81.8768
Pine	12	26.63243	-81.8768
Pine	14	26.63243	-81.8768
Pine	13	26.63243	-81.8768
Pine	17	26.6863	-81.8703
Pine	12	26.68634	-81.8702
Pine	9	26.68633	-81.8702
Pine	12	26.68632	-81.8702
Pine	8	26.6863	-81.8702
Pine	11	26.6863	-81.8701
Pine	12	26.68634	-81.8701
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Pine	16	26.68711	-81.8704
Pine	17	26.68702	-81.8703

Pine	12	26.68692	-81.8702
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Pine	12	26.68637	-81.8698
Pine	14	26.68638	-81.8698
Pine	13	26.68635	-81.8697

Bayshore Pines RPD

Indigenous Preserve Restoration, Management and Monitoring Plan

Project Description

This project involves a 9.13 acres site. Site is currently vacant but is proposed for development of 180 units of multifamily residential spread across four buildings. In order to meet the requirements of the Land Development Code (LDC) 10-415, 4.09 acres (45%) of the site is set aside as open space, surpassing the 40% minimum required for large development multifamily residential. In addition, LDC 415(b) requires that 50% of the required open space be provided through indigenous reservation on site. Deviation 5 is being requested to reduce the minimum indigenous preserve area to 19%. To meet indigenous this requirement, there are four preserve areas that total 1.62 acres, 1.77 acres with bonuses per LDC 10-415(b)(3), including 0.43 acres of indigenous restoration area. See Exhibit 1 for locations of indigenous open space preserves.

The restoration area is located on the east of the project adjacent to Bayshore Road. Currently, the area is overgrown with Brazilian peppers, an invasive exotic species that will need to be removed to meet compliance with the Land Development Code. The area will be restored as shown in Exhibit 2 with the plants shown in Exhibit 3. The replanted indigenous area will also serve to continue buffering Carriage Village from Bayshore Road after the removal of exotics.

Management Plan

All exotics within the preserve areas will be hand removed or killed in place. Exotic vegetation within the restoration area may be mechanically removed as needed; however, any native vegetation discovered within this area shall be protected with appropriate barricades and only hand removal within the barricaded areas is allowed. Exotic vegetation will be treated with an approved herbicide (poison) and a tracer dye. Following the initial exotic removal within the preserve and restoration areas, a maintenance program will be implemented to prevent reinvasion of the site by prohibited exotic species.

Maintenance for exotics will be implemented on a yearly basis, or more frequently if needed, and will be conducted in perpetuity and as required by the LDC.

Monitoring Report

As specified in LDC 10-474(h), a report detailing the condition of the indigenous preserve and restoration areas is to be submitted annually to the Director of Lee County Development Services after the project has been constructed and the Certificate of Completion has been issued by Lee County. This report shall include status of the preserve with a minimum of two photo stations for each area from opposite viewing perspectives, management techniques being employed (trimming, weeding, fertilizer, replanting, exotic removal, etc.), and is the sole responsibility of the property owner. A baseline report shall be prepared by a biologist and shall be submitted upon completion of construction, with annual reports for five years showing compliance with the approved Development Order.

Exhibit 1

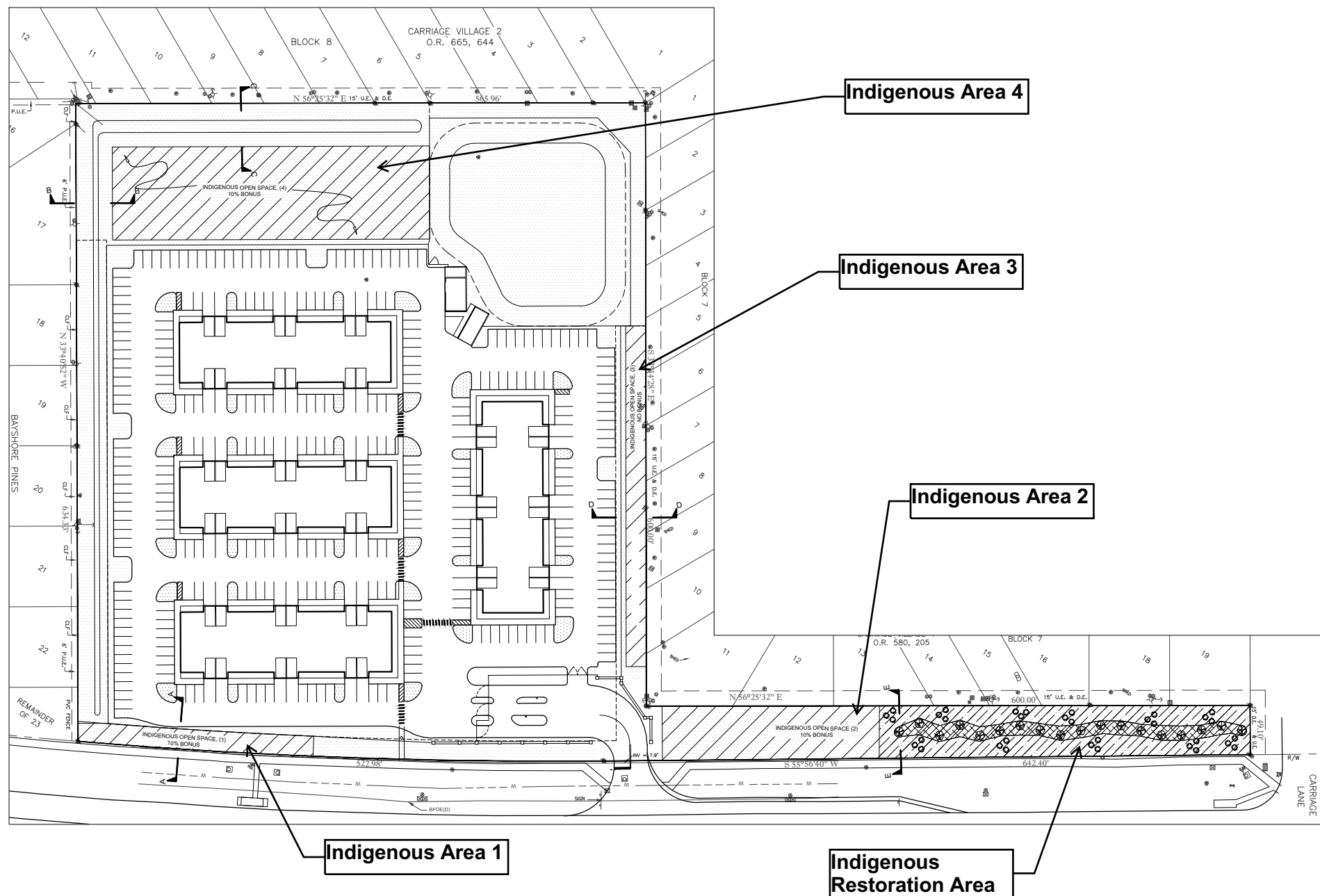


Exhibit 2

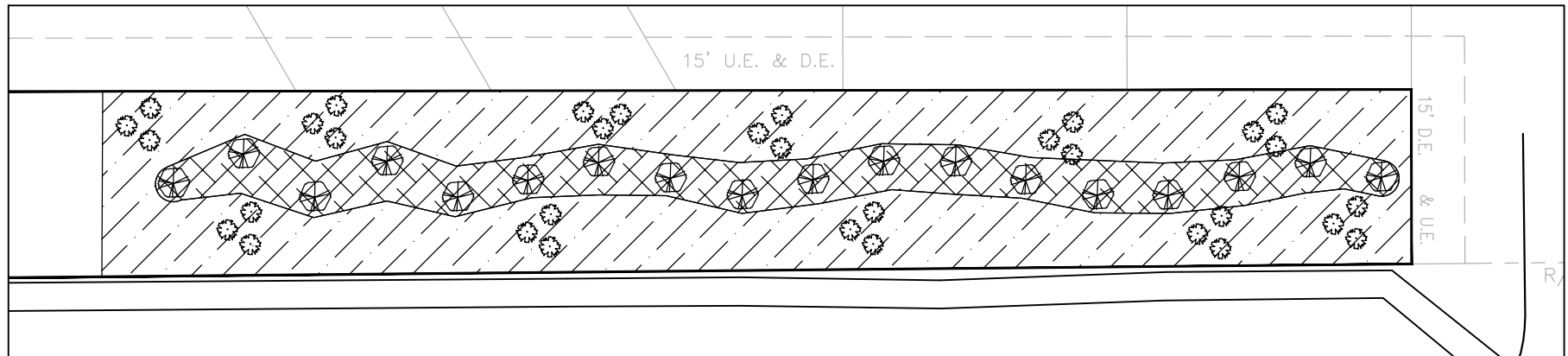
INDIGENOUS RESTORATION AREA CONCEPTUAL PLANTING PLAN

Exhibit 3

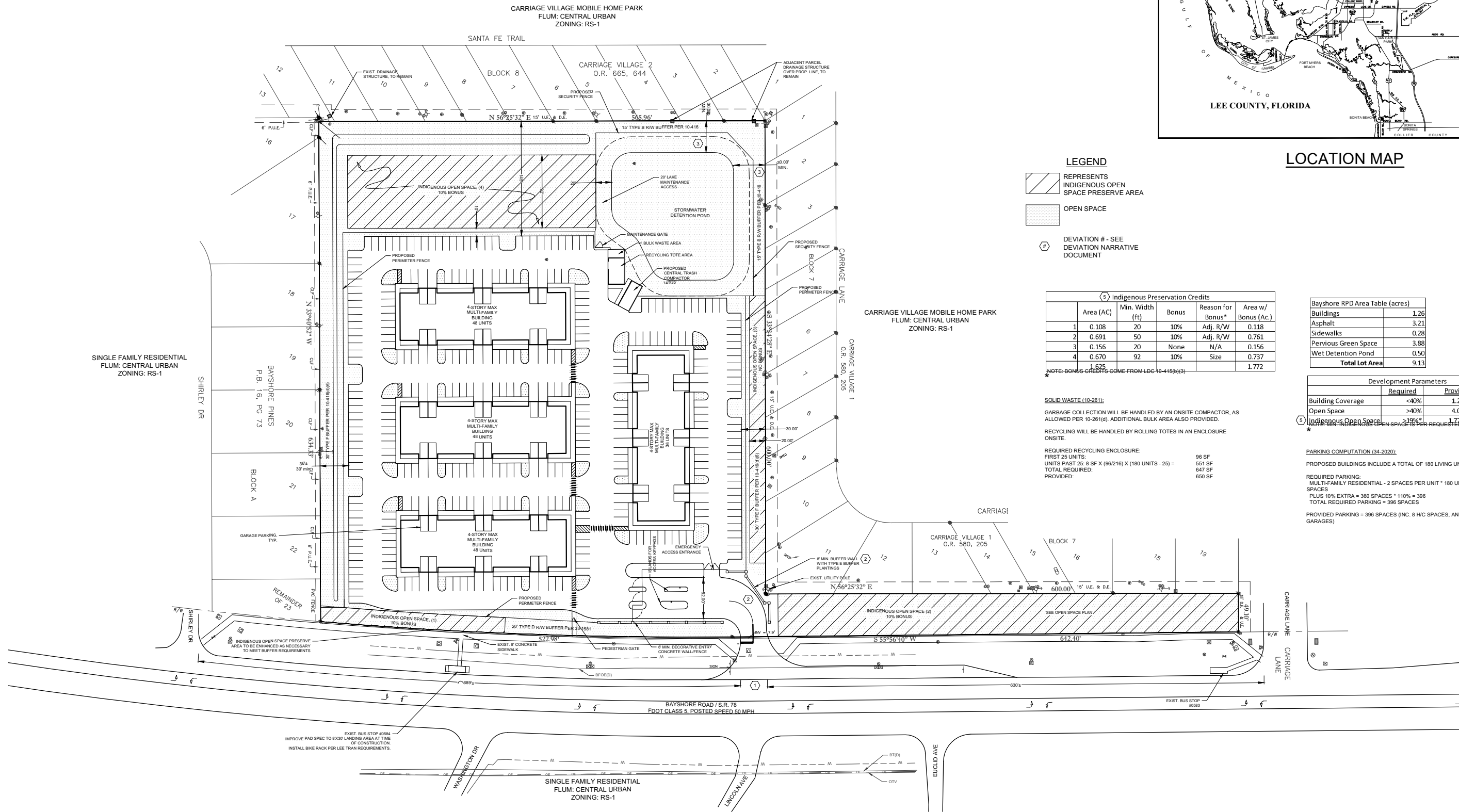
INDIGENOUS RESTORATION PLANT LIST*				
	33	SABAL PALMS**	SABAL PALMETTO	8' CLEAR TRUNK MIN.; 12' MIN. HT.
	18	LIVE OAK LAUREL OAK DAHON HOLLY SLASH PINE	QUERCUS VIRGINIANA QUERCUS LAUTIFOLIA ILEX CASSINE PINUS ELLIOTTII	10' HT.; 3" CAL.; 5' SPREAD
	525	SAND CORDGRASS MUHLY GRASS	SPARTINA BAKERII MUHLENBERGIA CAPILLARIS	1 GAL., FL. #1 QUAL., 3' O.C.
	1,200	GROUND COVER, MIN. 3 VARIETIES GOLDEN CREEPER BEAUTYBERRY COONTIE GOPHER-APPLE WILD PLUMBAGA WILD LANTANA	ERNODEA LITTORALIS CALLICARPA AMERICANA ZAMIA INTERGRIFOLIA GEOBALANUS OBLONGIFOLIUS PLUMBAGA ZEYLANICA LANTANA INVOLUCRATA	1 GAL., FL. #1 QUAL., 3' O.C.
	220	SHRUBS***, MIN. 3 VARIETIES: SAW PALMETTO COCOPLUM WAX MYRTLE SIMPSON'S STOPPER WILD COFFEE FIREBUSH WALTER'S VIBURNUM	SERENOA REPENS CHRYSOBALANUS ICACO MYRICA CERIFERA MYRCIANTHES FRAGRANS PSYCHOTRIA NERVOSA HANELIA PATENS VIBURNUM OBOVATUM	24" HT., FL. #1 QUAL., 8' O.C.

NOTE:

*ALL PLANTED AREAS TO RECEIVE MIN. 2" LAYER OF PINE STRAW MULCH.

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

***SHRUBS MAY BE PLANTED IN GROUPS OF THREE.



LEGEND

REPRESENTS
INDIGENOUS OPEN
SPACE PRESERVE AREA

OPEN SPACE

DEVIATION # - SEE
DEVIATION NARRATIVE
DOCUMENT

Indigenous Preservation Credits					
Area (Ac)	Min. Width (ft)	Bonus	Reason for Bonus*	Area w/ Bonus (Ac.)	
1	0.108	20	10%	Adj. R/W	0.118
2	0.691	50	10%	Adj. R/W	0.761
3	0.156	20	None	N/A	0.156
4	0.670	92	10%	Size	0.737
1.625					1.772

NOTE: BONUS CREDITS COME FROM LDC 10-415(b)(3)

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	>19%	1.772 19.40%

* MINIMUM INDIGENOUS OPEN SPACE PER REQUESTED DEVIATION

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 HIC SPACES, AND 48 INTERIOR GARAGES)

APPROVED
12-27-22

REASONS FOR SUFFICIENCY COMMENTS
1. REASONS FOR SUFFICIENCY COMMENTS
2. REASONS FOR SUFFICIENCY COMMENTS

DATE
12-27-22

WILLIAM T. KEENE
FLORIDA P.E. #45915
UNUSUAL SECTORS OF THE PROFESSION
SEE CODES OF ETHICS FOR SIGNATURE

KEENE DEVELOPMENT, LLC
10970 S CLEVELAND AVE
FORT MYERS, FLA 33907
239-939-8624 PHONE
239-244-8269 FAX
CA 32564

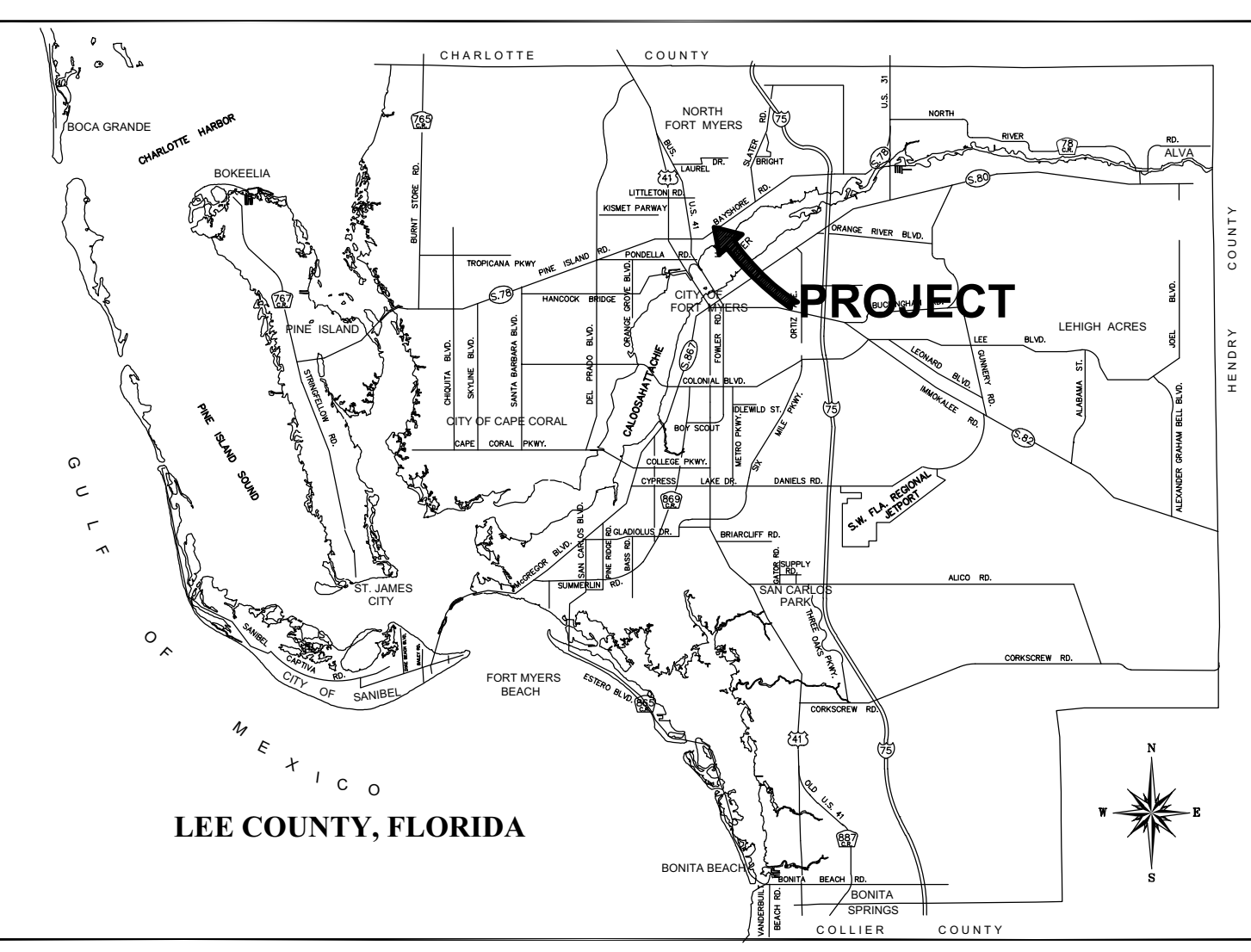
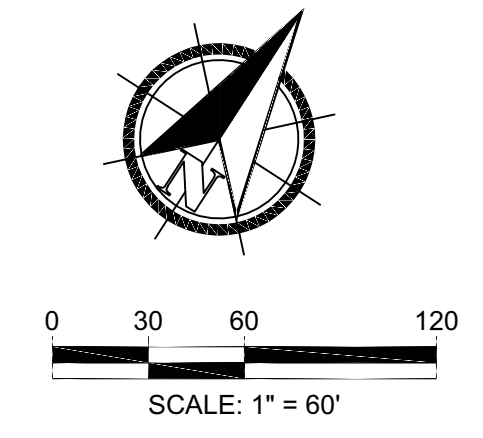
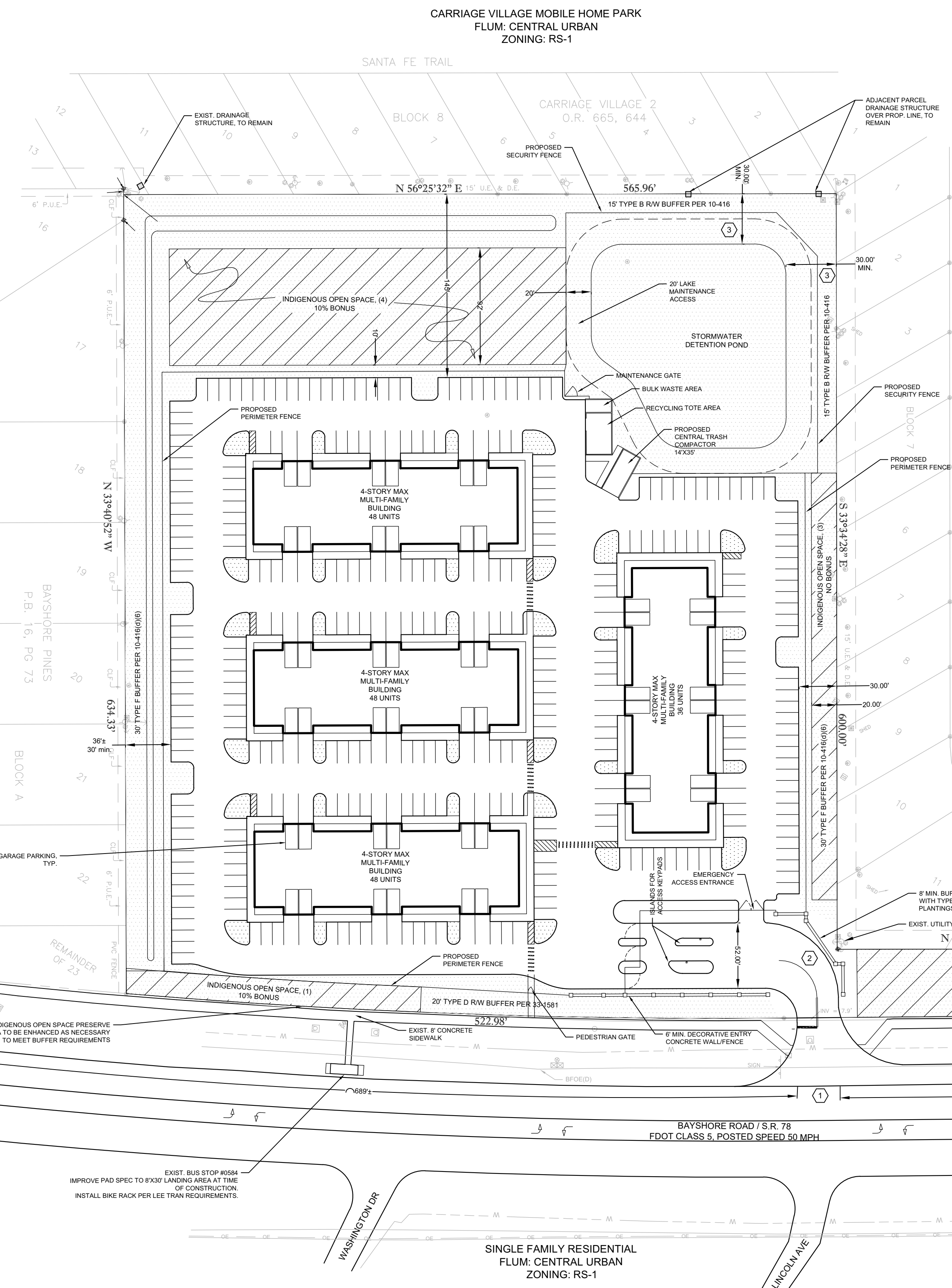
BAYSHORE PINES RPD
BIG LLC

MASTER CONCEPT PLAN

SCALE:
N/A

SHEET
1

SINGLE FAMILY RESIDENTIAL
FLUM: CENTRAL URBAN
ZONING: RS-1



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

Indigenous Preservation Credits					
	Area (AC)	Min. Width (ft)	Bonus	Reason for Bonus*	Area w/ Bonus (AC)
1	0.108	20	10%	Adj. R/W	0.118
2	0.691	50	10%	Adj. R/W	0.761
3	0.156	20	None	N/A	0.156
4	0.670	92	10%	Size	0.737
	1.625				1.772

*NOTE: BONUS CREDITS COME FROM LDC 10-415(b)(3)

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	>19%*	1.772 19.40%

*NOTE: MIN. INDIGENOUS OPEN SPACE IS PER REQUESTED DEVIATION 5.

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 HIC SPACES, AND 48 INTERIOR GARAGES)

REVISIONS
DATE
11-18-22
1. REVISIONS PER SUPPLEMENTARY COMMENTS
12-27-22
2. REVISIONS PER SUPPLEMENTARY COMMENTS

APPROVED
12-27-22
WILLIAM T. KEENE
FLORIDA P.E. #45915
SEAL AND SIGNATURE REQUIRED
IF THIS IS AN ELECTRONIC FILE

Keene
DEVELOPMENT, LLC
CONSTRUCTION MANAGEMENT - ENGINEERING

KEENE DEVELOPMENT, LLC
10970 S CLEVELAND AVE
SUITE 405
FORT MYERS, FLA 33907
238-244-8290 FAX
CA 32964

BAYSHORE PINES RPD
BIG LLC
MASTER CONCEPT PLAN

SCALE:
N/A

SHEET
1



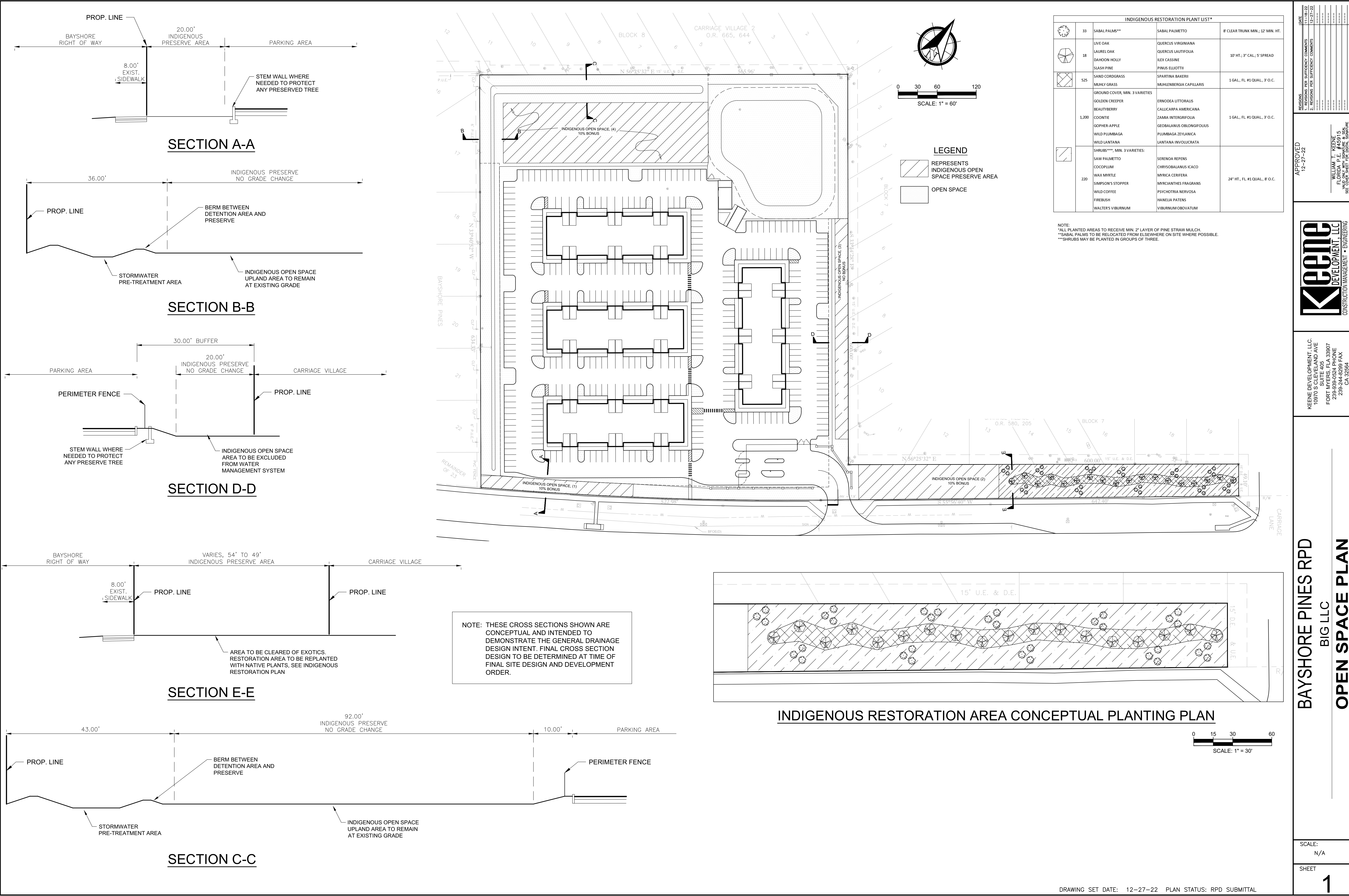
 REPRESENTS
INDIGENOUS OPEN
SPACE PRESERVE AREA
 OPEN SPACE

INDIGENOUS RESTORATION PLANT LIST*				
	33	SABAL PALMS**	SABAL PALMETTO	8' CLEAR TRUNK MIN.; 12" MIN. HT.
	18	LIVE OAK LAUREL OAK DAHOON HOLLY SLASH PINE	QUERCUS VIRGINIANA QUERCUS LAURIFOLIA ILEX CASSINE PINUS LITOTYI	10' HT.; 3" CAL.; 5' SPREAD
	525	SAND CORDGRASS MUHLY GRASS	SPARTINA BAKERII MUHLBERGIA CAPILLARIS	1 GAL.; FL. #1 QUAL.; 3' O.C.
	1,200	GROUND COVER, MIN. 3 VARIETIES GOLDEN CREEPER VIBERNY COONITE GOPHENS APPLE WILD PLUMBAGO WILD LANTANA	ERNODIA LITTORALIS CALLICARPA AMERICANA ZAMIA INTERFOLIA GEODAHLIA OBSLONGIFOLIUS PLUMBAGO ZEYLANICA LANTANA INVOLUCRATA	1 GAL.; FL. #1 QUAL.; 3' O.C.
	220	SHRUBS***, MIN. 3 VARIETIES: SAW PALMETTO COCOPALM WAX MYRTLE SIMPSON'S STOPPER WILD COFFEE FIREBUSH WALTER'S VIBURNUM	SERENOA REPENS CHRYSOBALANUS ICAGO MYRTICA CERIFERA MYRTICANTHES FRAGRANS PSYCHOTRIA NERVOUSA HANELIA PATENS VIBURNUM OBOVATUM	24" HT.; FL. #1 QUAL.; 8' O.C.

NOTE:
 *ALL PLANTED AREAS TO RECEIVE MIN. 2" LAYER OF PINE STRAW MULCH.
 **SABAL PALMS TO BE RELOCATED FROM ELSEWHERE ON SITE WHERE POSSIBLE.
 ***SHRUBS MAY BE PLANTED IN GROUPS OF THREE.



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.



DATE
11-18-22

REVISIONS
1. REVISIONS PER SUBMITTAL COMMENTS
2. REVISIONS PER SUBMITTAL COMMENTS
3. REVISIONS PER SUBMITTAL COMMENTS

APPROVED
12-27-22

WILLIAM T. KEENE
FLORIDA P.E. #45915
SEAL REQUIRED FOR SIGNATURE & DATE
IF THIS IS AN ELECTRONIC FILE

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OPEN SPACE PLAN

SCALE:
N/A

SHEET
1

DRAWING SET DATE: 12-27-22 PLAN STATUS: RPD SUBMITTAL