

Exhibit D

ADMINISTRATIVE AMENDMENT (PD) ADD2021-00214

ADMINISTRATIVE AMENDMENT LEE COUNTY, FLORIDA

WHEREAS, Theta Investments N. V. Corp. filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as Bayshore 57 to:

- 1) Approve and incorporate Master Concept Plan (MCP) Alternate B into the Master Concept Plan to facilitate interconnection to the adjacent Chapel Creek RPD/CPD project;
- 2) Provide property development regulations pertaining to Master Concept Plan Alternate B to reduce the required width and lot size for single-family residences;
- 3) Approve revisions to Conditions 1, 13, 16, 17 and 21 of Resolution Z-10-002 to address Master Concept Plan Alternate B; and
- 4) Approve seven new deviations to facilitate Master Concept Plan Alternate B, as follows:
 - a. **Deviation 6** seeks relief from Section 10-254 of the Land Development Code (LDC), which requires that side lot lines be as nearly as practical at right angles to straight street lines and radial to curve street lines, to allow the lot design shown on the Master Concept Plan Alternate in those areas where Deviation 6 is applied;
 - b. **Deviation 7** seeks relief from LDC Section 10-296(k)(1), which requires that a dead-end street be closed at one end by a circular turnaround, to allow an alternative turnaround in areas identified on the Master Concept Plan;
 - c. **Deviation 8** seeks relief from LDC Section 10-703, which establishes lot size measurements, to allow lot size to be measured as indicated on the Master Concept Plan Alternate;
 - d. **Deviation 9** seeks relief from LDC Section 30-152(2)(a), which limits residential entrance signs to only the subdivision name, to allow the development to include a logo in addition to the subdivision name;
 - e. **Deviation 10** seeks relief from LDC Section 30-152(2)(b), which limits additional residential identification signs to only the subdivision name, to allow the development to include a logo in addition to the subdivision name;
 - f. **Deviation 11** seeks relief from LDC Section 10-296(e)(2)h.5.ii, which requires streets to provide a sidewalk on one side of the road for residential subdivisions with a 5-foot planting strip, to allow a split 5-foot wide planting strip with 4 feet between the sidewalk and back of curb on MCP Alternate B; and
 - g. **Deviation 12** seeks relief from LDC Section 10-329(d)(1)a.3 which requires water retention or detention excavation to be set back 50 feet from any private property line under separate ownership, to allow a 5-foot setback pertaining to Master Concept Plan Alternate B only.

on property described more particularly as:

LEGAL DESCRIPTION: In Section 20, Township 43 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the subject property is located north of Bayshore Road, STRAP Number 20-43-25-00-00003.3000; and

WHEREAS, the property was originally rezoned by Resolution Number Z-10-002 with no subsequent amendments (see Exhibit "F"); and

WHEREAS, the subject property is located in the Suburban Future Land Use Category and North Fort Myers Community Plan area as designated by the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, the applicant has provided a request statement detailing the nature of the request (see Exhibit "D"); and

WHEREAS, the applicant intends to develop the subject property in conjunction with the planned development to the east known as Chapel Creek RPD/CPD as a single cohesive development; and

WHEREAS, Chapel Creek RPD/CPD proposes project interconnections accordingly with Case Number ADD2021-00215; and

WHEREAS, Goal 30 of the Lee Plan includes improvement of the livability and economic vitality in the North Fort Myers Community Plan area by promoting compact, mixed use development in the form of town and neighborhood centers; and

WHEREAS, Bayshore 57 is a Mixed-Use Planned Development (MPD) with a variation of approved residential and commercial land uses; and

WHEREAS, Chapel Creek is an adjacent Residential and Commercial Planned Development (RPD/CPD) with a variation of approved residential and commercial land uses; and

WHEREAS, establishing interconnectivity between these adjacent mixed-use projects strengthens approved neighborhood centers in alignment with Lee Plan Goal 30; and

WHEREAS, Case Numbers ADD2017-00104(a), ADD2017-00103(a), ADD2020-00170 and ADD2020-00169 integrated the Chapel Creek RPD/CPD and the adjacent Oak Creek planned development, to the north, by amending conditions conducive to integration for both developments, including providing alternate Master Concept Plans with interconnections that unify the site design of both projects; and

WHEREAS, the proposed amendment furthers the applicant's intent to integrate Bayshore 57, Chapel Creek and Oak Creek into a single cohesive development (see Exhibit "C", Area Location Map); and

WHEREAS, the original MCP approved by Resolution Z-10-002 depicted an optional interconnection into Chapel Creek RPD/CPD; and

WHEREAS, the applicant proposes to rename the original Master Concept Plan to "Master Concept Plan Alternate A", with no other changes to this original MCP, and further proposes "Master Concept Plan Alternate B", which eliminates a right-in/right-out vehicular access on Bayshore Road and provides for two roadway interconnections between the project and Chapel Creek RPD/CPD (see Exhibit "B"); and

WHEREAS, the applicant seeks to amend Condition 1 of Resolution Z-10-002, to adopt the proposed amended Master Concept Plan, and allow a conversion of 176 dwelling unit types from single-family, townhome and multi-family to 138 single-family dwelling units in conjunction with Master Concept Plan Alternate B, which results in a potential decrease in approved density; and

WHEREAS, the applicant seeks to amend Condition 13 of Resolution Z-10-002, which pertains to internal sidewalks depicted on the approved MCP, to include a similar condition for MCP Alternate B, requiring that sidewalks must comply with the current standards established for internal sidewalks/pedestrian ways in accordance with LDC Sections 10-256 and 10-296; and

WHEREAS, the applicant seeks to amend Conditions 16 and 17 of Resolution Z-10-002, which establish open space and indigenous preserve standards, respectively, to provide open space and indigenous preserve standards for MCP Alternate B; and

WHEREAS, Environmental staff have reviewed the proposed open space and indigenous preserves depicted on MCP Alternate B and have determined the alternate does not decrease the amount of indigenous native vegetation preservation or open space areas below the amount required by the LDC and does not result in a reduction of total open space provided on the original master concept plan by more than ten percent; and

WHEREAS, the applicant seeks to amend Condition 21 of Resolution Z-10-002, which requires an enhanced buffer between the subject property and Chapel Creek RPD/CPD, to specify this condition only applies to the original MCP (renamed Master Concept Plan Alternate A), as Master Concept Plan Alternate B proposes interconnection with Chapel Creek RPD/CPD in order to develop both planned developments as a unified project with no intervening buffers; and

WHEREAS, the applicant seeks two deviations from the requirements of Chapter 30 to allow the developer's logo on the residential subdivision signs; and

WHEREAS, the applicant seeks a deviation from LDC Section 10-296(e)(2)h.5.ii, which pertains to Suburban Local Streets, to allow a sidewalk on one side of the right-of-

way and provide a split planting strip that includes 4 feet of planting between the back of curb and required sidewalk and one foot of planting width on the other side of the sidewalk; and

WHEREAS, the applicant has requested a deviation from Sections 10-254(c) and 10-703 of the LDC, which require side lot lines to be at right angles to straight street lines, as nearly as practical, to permit side lot lines to be perpendicular to straight street lines for certain lots within Master Concept Plan Alternate B; and

WHEREAS, the applicant's justification for the requested deviation notes that the deviation applies to lots located at the terminal end of dead-end roadways as depicted on Master Concept Plan Alternate B, and creates a premium lot for development while ensuring compliance with the Florida Fire Prevention Code, Chapter 18.2.3.4.4, with respect to providing adequate access for fire apparatus; and

WHEREAS, the applicant has requested a deviation from Section 10-296(k)(1) of the LDC, which requires dead-end streets to be closed at one end by a circular turnaround, to provide an alternative turnaround at the end of certain dead-end streets proposed on Alternate B of the Master Concept Plan (see Exhibit "B"); and

WHEREAS, the applicant's justification for the requested deviation notes that the deviation will reduce the amount of land dedicated to road right-of-way, thereby providing for additional land to accommodate landscaping and open space while protecting public health, safety, and welfare by providing adequate access for fire apparatus; and

WHEREAS, the applicant has requested a deviation from LDC Section 10-329(d)(1)a.3, which requires water retention or detention excavation to be set back 50 feet from any property line under separate ownership, to allow a 5-foot setback on MCP Alternate B only; and

WHEREAS, if the project is developed as a singular cohesive project under common development order and control then the 50-foot setback will not apply, and therefore, the proposed deviation would not be necessary; and

WHEREAS, the Development Services section has reviewed the proposed request and recommends a condition that MCP Alternate B may only be used if the subject property and Chapel Creek RPD/CPD to the east are approved as part of the same development order; and

WHEREAS, the applicant held a public information meeting in the North Fort Myers Planning Community consistent with the requirements of LDC Section 33-1532 (see Exhibit "E"); and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Mixed Use Planned Development is **APPROVED subject to the following conditions and deviations:**

CONDITIONS

1. **The Development must be in compliance with the amended three-page Master Concept Plan, last amended 5/31/2022. Master Concept Plan for ADD2021-00214 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit B.**

Master Concept Alternate B is approved for a maximum of 45,000 square feet of commercial and a minimum of 30,000 square feet of commercial. The maximum residential density is 176 dwelling units, 4.678 units per acre, limited to a maximum of the following types of dwelling units:

- a. **72 single-family units and 104 townhome, multi-family units or ALF equivalent units pursuant to the LDC; or**

- b. **138 single-family units**

2. **The Single Family property development regulations contained in Condition 2b. of Resolution Z-10-002 are hereby amended with the following new language in underline:**

- b. Site Development Regulations

Minimum Lot Area and Dimensions:

Single Family

Minimum Lot Areas and Dimensions (per unit)

Lot Size:	6,500 square feet <u>(5,200 square feet – MCP Alternate B only)</u>
Lot Width:	50 feet <u>(45 feet - MCP Alternate B only)</u>
Lot Depth:	100 feet

Minimum Setbacks

Street	20 feet (public)/20 feet (private)
Side	5 feet

Rear	15 feet
Water Body	25 feet
Indigenous	20 feet/30 feet for fire dependent plant communities

Accessory Use and Structure setbacks must comply with LDC § 34-1171 *et seq.* and 34-2194

Minimum Building Separation:	10 feet
Maximum Lot Coverage:	45 percent
Building Height:	2 stories/35 feet

3. **Condition 13 of Resolution Z-10-002 is hereby amended with the following new language in underline:**

Condition 13

a. Master Concept Plan Alternate A

Development must include internal sidewalks as depicted on the approved MCP as a site-related improvement. Such facilities must be included in local development orders as part of construction of the project's infrastructure.

b. Master Concept Plan Alternate B

Sidewalks must comply with LDC Sections 10-256 and 10-296.

4. **Conditions 16 and 17 of Resolution Z-10-002 are hereby amended in strikethrough and underline:**

Condition 16

a. Master Concept Plan Alternate A

Prior to local development order approval, the development order plans must delineate a minimum of 24.00 acres as common open space in substantial compliance with ~~the~~ Master Concept Plan Alternate A.

b. Master Concept Plan Alternate B

Prior to local development order approval, the development order plans must delineate a minimum of 21.6 acres as common open space in substantial compliance with Master Concept Plan Alternate B.

Condition 17

a. Master Concept Plan Alternate A

Prior to local development order approval, the development order plans must depict a minimum of 12.19 acres, 13.53 acres with credits, as indigenous open space.

b. Master Concept Plan Alternate B

Prior to local development order approval, the development order plans must depict a minimum of 12.19 acres, 13.53 acres with credits, as indigenous open space.

5. **Condition 21 of Resolution Z-10-002 is hereby amended with the following new language in underline:**

Prior to local development order approval of Master Concept Plan Alternate A, the landscape plans must depict enhanced planting for the buffer separating the commercial portion of Bayshore 57 from Chapel Creek (RPD/CPD) to include:

- a. An enhanced buffer with 15 native canopy trees per 100 linear feet, 14 feet in height, four-inch caliper at 12 inches from ground height; and
- b. A double staggered hedge row, 48 inches in height at time of planting maintained at 60 inches; and
- c. Native ground cover, one-gallon container size, planted three feet on center.

6. **MCP Alternate B**

- a. **The development of the subject property and the Chapel Creek RPD/CPD to the east must be approved as part of the same development order.**
- b. **A minimum of two interconnections between the subject property and the Chapel Creek RPD/CPD must be provided.**

7. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

DEVIATIONS

6. **Deviation 6 seeks relief from Section 10-254 of the Land Development Code (LDC), which requires that side lot lines be as nearly as practical at right angles to straight street lines and radial to curve street lines, to allow the lot design shown on the Master Concept Plan Alternate B in those areas where Deviation 6 is applied, is hereby APPROVED subject to the following condition**

- a. **Approval of this Deviation is limited to residential lots located at the terminal end of dead-end roadways as depicted on Alternate B of the Master Concept Plan attached hereto as Exhibit "B."**

7. **Deviation 7** seeks relief from LDC Section 10-296(k)(1), which requires that a dead-end street be closed at one end by a circular turnaround, to allow an alternative turnaround in areas identified on the Master Concept Plan is hereby APPROVED subject to the following conditions:
- a. The design of the alternative turnaround at the end of the dead-end street depicted on Master Concept Plan Alternate B must comply with the following dimensional requirements:
 - i. Minimum pavement width: 20 feet
 - ii. Minimum radius inside pavement: 30 feet
 - iii. Minimum dead-end street length[^]: 60 feet
 - iv. Maximum dead-end street length[^]: 125 feet
 - [^] As measured from the end of dead-end street right-of-way to the nearest edge of pavement of the intersecting roadway.
 - b. The applicant must obtain approval for the alternative turnaround design from the local fire district prior to development order approval.
8. **Deviation 8** seeks relief from LDC Section 10-703, which establishes lot size measurements, to allow lot size to be measured as indicated on the Master Concept Plan Alternate B “Deviation 8 Lot Size Detail” is hereby APPROVED.
9. **Deviation 9** seeks relief from LDC Section 30-152(2)(a), which limits residential entrance signs to only the subdivision name, to allow the applicant to list their logo in addition to the subdivision name is hereby APPROVED.
10. **Deviation 10** seeks relief from LDC Section 30-152(2)(b), which limits additional residential identification signs to only the subdivision name, to allow the applicant to list their logo in addition to the subdivision name is hereby APPROVED.
11. **Deviation 11** seeks relief from LDC Section 10-296(e)(2)h.5.ii, which requires streets to provide a sidewalk on one side of the road for residential subdivisions with a 5-foot planting strip, to allow a split 5-foot wide planting strip with 4 feet between the sidewalk and back of curb. This Deviation is hereby APPROVED.

12. **Deviation 12** seeks relief from LDC Section 10-329(d)(1)a.3, which requires water retention or detention excavation to be set back 50 feet from any private property line under separate ownership, to allow a 5-foot setback on MCP Alternate B only. This deviation is **WITHDRAWN**; Master Concept Plan Alternate B must be developed as a singular cohesive project under one development order, and therefore, the 50-foot setback will not apply and the proposed deviation is not necessary.
13. The terms and conditions of the original zoning resolution remain in full force and effect, except as amended herein.

Duly passed, adopted, and electronically signed on 7/21/2022

Anthony R. Rodriguez, AICP, Zoning Manager

Exhibits:

Exhibit A – Legal Description

Exhibit B – Amended Master Concept Plan

Exhibit C – Area Location Map

Exhibit D – Request Statement

Exhibit E – Public Information Meeting

Exhibit F – Resolution Z-10-002

EXHIBIT A
Legal Description,
Property located in Lee County,
Florida
Page 1 of 2

PROPERTY DESCRIPTION

A PARCEL OR TRACT OF LAND LYING IN SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 20, THENCE RUN NORTH 89°43'21" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, FOR 292.75 FEET; THENCE SOUTH 43°58'29" EAST FOR 2879.15 FEET TO A POINT ON A CURVE, SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD C-78 (BAYSHORE ROAD), SAID CURVE BEING CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 2914.79 FEET SUBTENDED BY A CHORD OF 184.66 FEET AT A BEARING OF SOUTH 44°24'15" WEST; THENCE RUN SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 37°14'14", FOR AN ARC DISTANCE OF 184.68 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 42°47'09" WEST FOR A DISTANCE OF 264.79 FEET TO THE NORTHEASTERLY CORNER OF PARCEL #122 SECTION 12060-2535 STATE ROAD 783 AS RECORDED IN INSTRUMENT #2006000126434 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 47°12'51" WEST ALONG THE NORTHEASTERLY LINE OF SAID PARCEL #122, A DISTANCE OF 15.00 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL #122; THENCE SOUTH 42°47'09" WEST ALONG THE NORTHWESTERLY LINE OF SAID PARCEL #122, A DISTANCE OF 365.75 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL #122 AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SANVILLE ROAD (OLD BAYSHORE ROAD); THENCE SOUTH 89°42'36" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 213.46 FEET TO A POINT ON THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1215, PAGE 896 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 00°04'14" EAST ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 300.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 89°42'36" WEST ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND AND A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE NORTH 00°04'14" EAST ALONG SAID WEST LINE A DISTANCE OF 342.89 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN SOUTH 89°42'47" WEST FOR A DISTANCE OF 660.30 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN NORTH 0°00'58" EAST FOR A DISTANCE OF 667.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN SOUTH 89°42'59" WEST FOR A DISTANCE OF 660.93 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN NORTH 0°02'16" WEST ALONG THE WEST LINE OF SAID SECTION 20 FOR A DISTANCE OF 1335.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 56.76 ACRES MORE OR LESS.

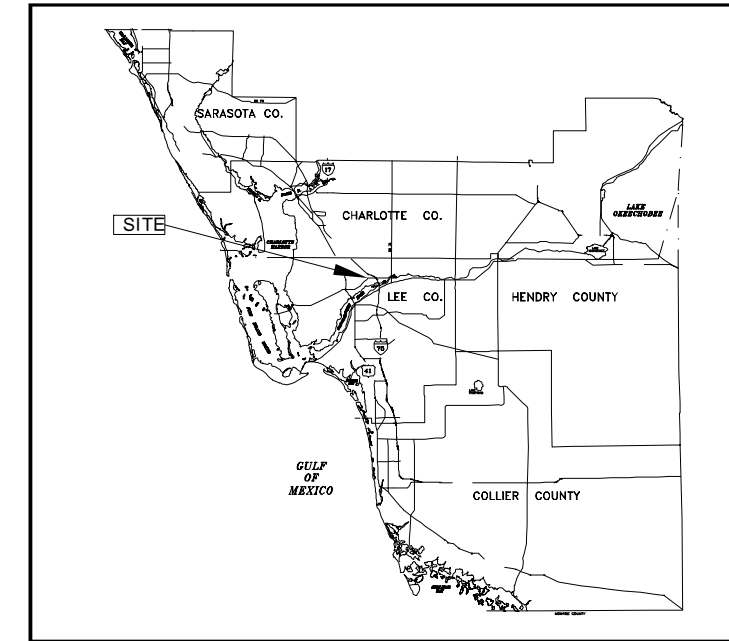
REVIEWED
ADD2021-00214
Hunter Searson, GIS
Planner
Lee County Government
1/19/2022

Applicant's Legal Checked
by CA 3/24/08

DOI 2007-00045

MASTER CONCEPT PLAN BAYSHORE 57 MPD

LOCATED IN SECTION 03, TOWNSHIP 44 SOUTH, RANGE 25 LEE COUNTY, FLORIDA



LOCATION MAP
(NOT TO SCALE)

PROJECT INFORMATION

STRAP #: 20-43-25-00-00003.3000
ZONING: AG-2
REQUEST: CPD and RPD
ROADWAYS: BAYSHORE ROAD (arterial)
SAMVILLE ROAD (minor collector)

PROJECT SUMMARY

1.) PROJECT ACREAGE
PROPOSED COMMERCIAL AREA 56.76 AC
PROPOSED RESIDENTIAL AREA 19.14 AC
37.62 AC

2.) INTENSITY AND DENSITY

COMMERCIAL BUILDING AREA
RETAIL (FIRST FLOOR): ±70,000 SF
GENERAL MEDICAL: ±35,000 SF
GENERAL OFFICE: ±35,000 SF
TOTAL COMMERCIAL BUILDING AREA: ±140,000 SF

RESIDENTIAL UNITS
RESIDENTIAL MULTI-FAMILY (TOWNHOME): 104 UNITS
SINGLE FAMILY: 72 UNITS
TOTAL: 176 UNITS

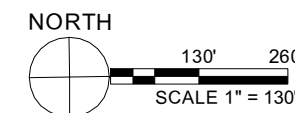
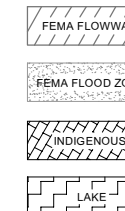
PARKING BALANCE

PARKING REQUIRED (4.5 PER 1,000 SF): 630 SPACES
PARKING PROVIDED: 655 SPACES

DEVIATIONS:



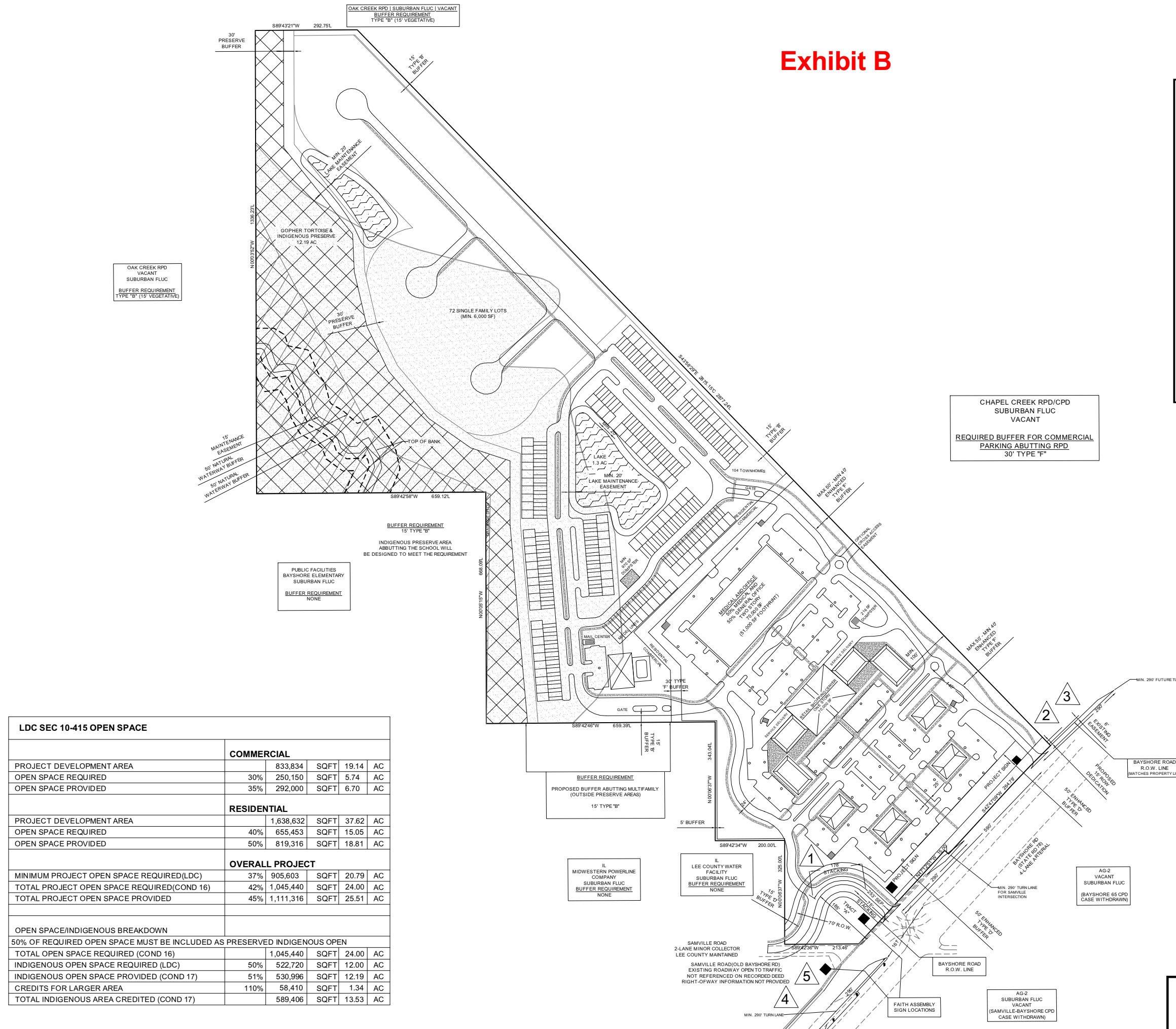
MAP OVERLAY LEGEND



ALTERNATE A MASTER CONCEPT PLAN

SHEET 1 OF 3

Exhibit B

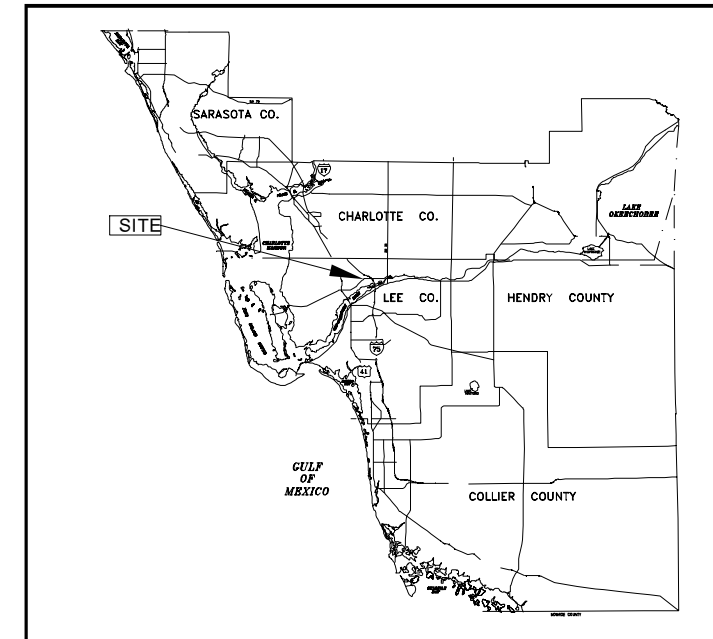
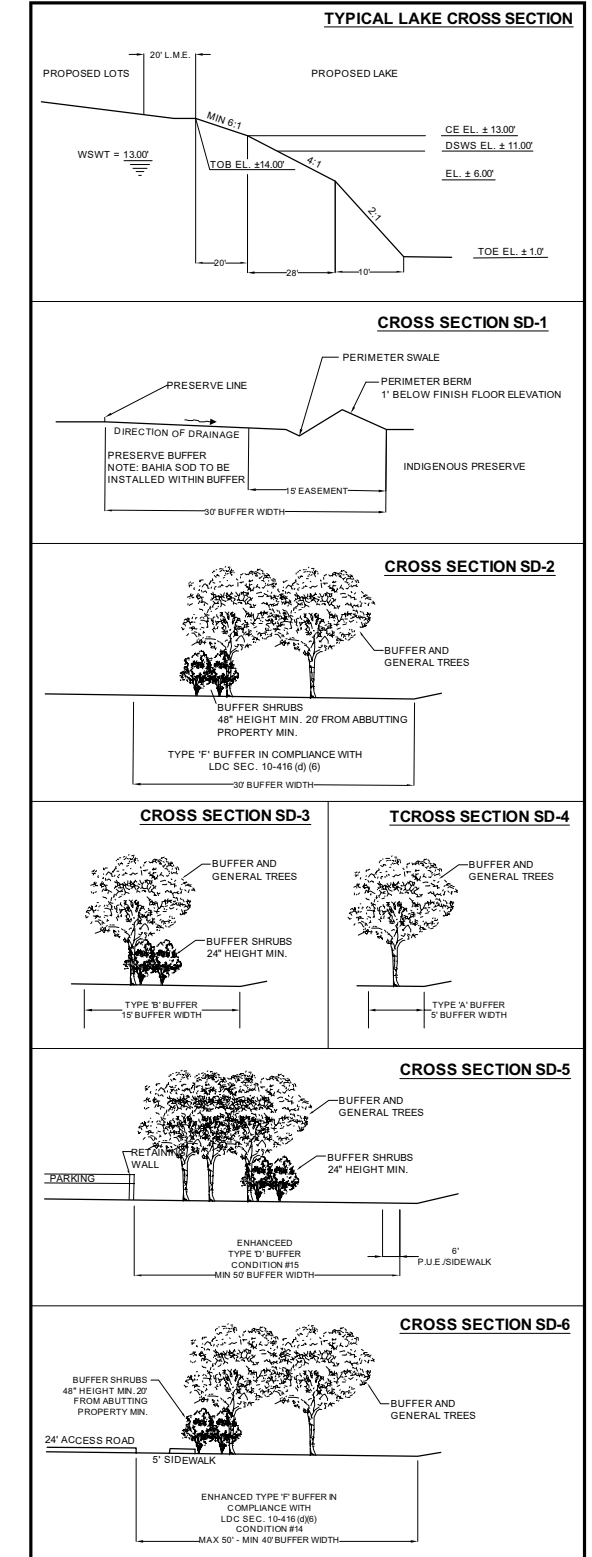


LDC SEC 10-415 OPEN SPACE					
COMMERCIAL					
PROJECT DEVELOPMENT AREA	833,834	SQFT	19.14	AC	
OPEN SPACE REQUIRED	30%	250,150	SQFT	5.74	AC
OPEN SPACE PROVIDED	35%	292,000	SQFT	6.70	AC
RESIDENTIAL					
PROJECT DEVELOPMENT AREA	1,638,632	SQFT	37.62	AC	
OPEN SPACE REQUIRED	40%	655,453	SQFT	15.05	AC
OPEN SPACE PROVIDED	50%	819,316	SQFT	18.81	AC
OVERALL PROJECT					
MINIMUM PROJECT OPEN SPACE REQUIRED (LDC)	37%	905,603	SQFT	20.79	AC
TOTAL PROJECT OPEN SPACE REQUIRED (COND 16)	42%	1,045,440	SQFT	24.00	AC
TOTAL PROJECT OPEN SPACE PROVIDED	45%	1,111,316	SQFT	25.51	AC
OPEN SPACE/INDIGENOUS BREAKDOWN					
50% OF REQUIRED OPEN SPACE MUST BE INCLUDED AS PRESERVED INDIGENOUS OPEN					
TOTAL OPEN SPACE REQUIRED (COND 16)		1,045,440	SQFT	24.00	AC
INDIGENOUS OPEN SPACE REQUIRED (LDC)	50%	522,720	SQFT	12.00	AC
INDIGENOUS OPEN SPACE PROVIDED (COND 17)	51%	530,996	SQFT	12.19	AC
CREDITS FOR LARGER AREA	110%	58,410	SQFT	1.34	AC
TOTAL INDIGENOUS AREA CREDITED (COND 17)		589,406	SQFT	13.53	AC

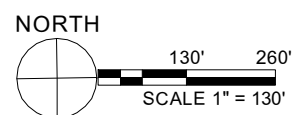
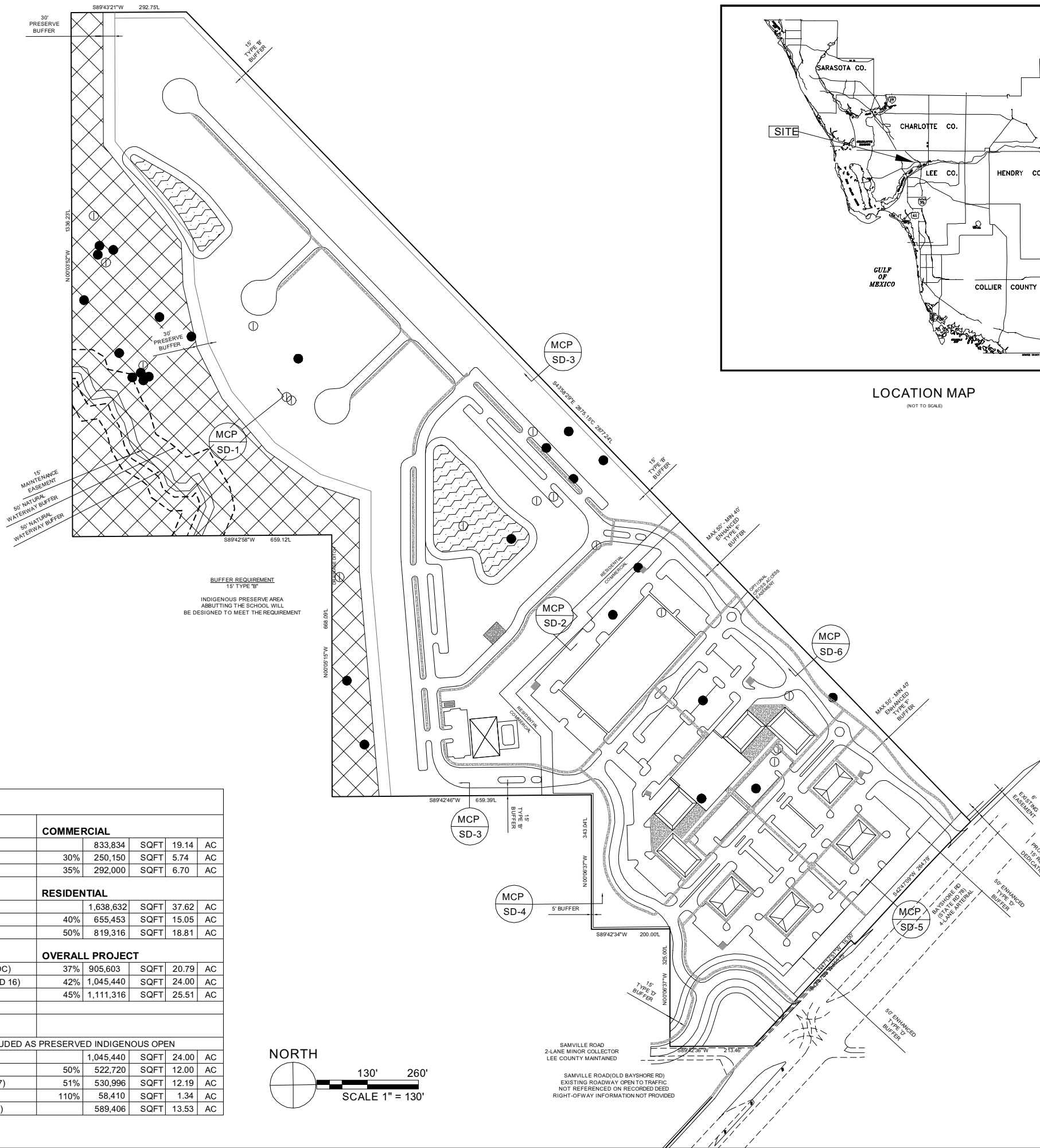
MASTER CONCEPT PLAN BAYSHORE 57 MPD

LOCATED IN SECTION 03, TOWNSHIP 44 SOUTH, RANGE 25 LEE COUNTY, FLORIDA
OPEN SPACE AND
LANDSCAPING EXHIBIT

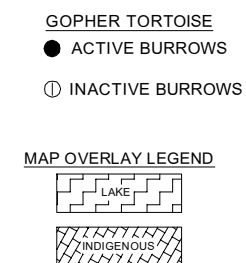
BUFFER CROSS SECTIONS

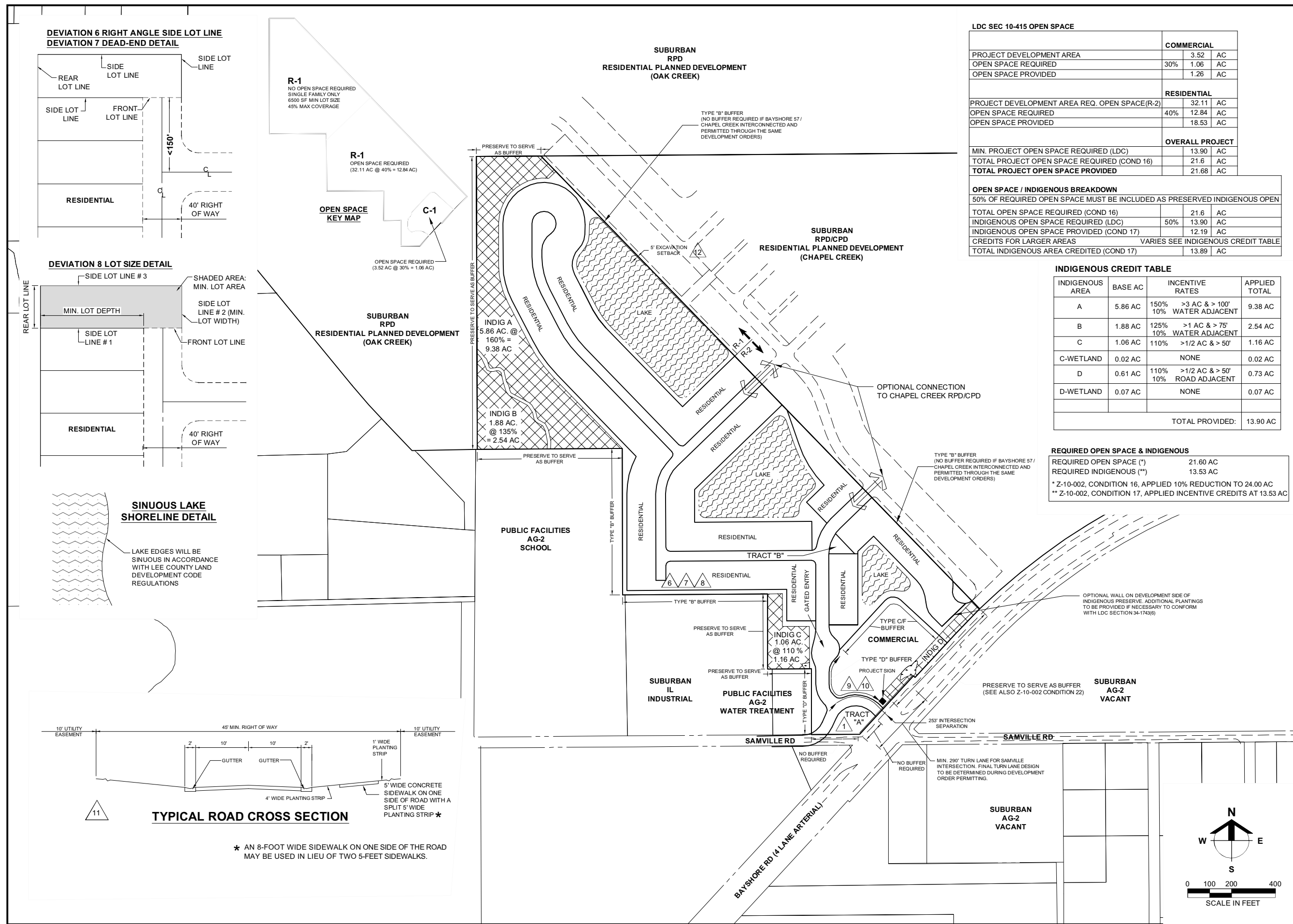


LOCATION MAP
(NOT TO SCALE)



LDC SEC 10-415 OPEN SPACE					
COMMERCIAL					
PROJECT DEVELOPMENT AREA	833,834	SQFT	19.14	AC	
OPEN SPACE REQUIRED	30%	250,150	SQFT	5.74	AC
OPEN SPACE PROVIDED	35%	292,000	SQFT	6.70	AC
RESIDENTIAL					
PROJECT DEVELOPMENT AREA	1,638,632	SQFT	37.62	AC	
OPEN SPACE REQUIRED	40%	655,453	SQFT	15.05	AC
OPEN SPACE PROVIDED	50%	819,316	SQFT	18.81	AC
OVERALL PROJECT					
MINIMUM PROJECT OPEN SPACE REQUIRED(LDC)	37%	905,603	SQFT	20.79	AC
TOTAL PROJECT OPEN SPACE REQUIRED(COND 16)	42%	1,045,440	SQFT	24.00	AC
TOTAL PROJECT OPEN SPACE PROVIDED	45%	1,111,316	SQFT	25.51	AC
OPEN SPACE/INDIGENOUS BREAKDOWN					
50% OF REQUIRED OPEN SPACE MUST BE INCLUDED AS PRESERVED INDIGENOUS OPEN					
TOTAL OPEN SPACE REQUIRED (COND 16)		1,045,440	SQFT	24.00	AC
INDIGENOUS OPEN SPACE REQUIRED (LDC)	50%	522,720	SQFT	12.00	AC
INDIGENOUS OPEN SPACE PROVIDED (COND 17)	51%	530,996	SQFT	12.19	AC
CREDITS FOR LARGER AREA	110%	58,410	SQFT	1.34	AC
TOTAL INDIGENOUS AREA CREDITED (COND 17)		589,406	SQFT	13.53	AC





LDC SEC 10-415 OPEN SPACE

	COMMERCIAL	
PROJECT DEVELOPMENT AREA	3.52	AC
OPEN SPACE REQUIRED	30%	1.06 AC
OPEN SPACE PROVIDED		1.26 AC

	RESIDENTIAL	
PROJECT DEVELOPMENT AREA REQ. OPEN SPACE (R-2)	32.11	AC
OPEN SPACE REQUIRED	40%	12.84 AC
OPEN SPACE PROVIDED		18.53 AC

OVERALL PROJECT		
MIN. PROJECT OPEN SPACE REQUIRED (LDC)	13.90	AC
TOTAL PROJECT OPEN SPACE REQUIRED (COND 16)	21.6	AC
TOTAL PROJECT OPEN SPACE PROVIDED	21.68	AC

OPEN SPACE / INDIGENOUS BREAKDOWN

50% OF REQUIRED OPEN SPACE MUST BE INCLUDED AS PRESERVED INDIGENOUS OPEN

TOTAL OPEN SPACE REQUIRED (COND 16)	21.6	AC
INDIGENOUS OPEN SPACE REQUIRED (LDC)	50%	13.90 AC
INDIGENOUS OPEN SPACE PROVIDED (COND 17)		12.19 AC
CREDITS FOR LARGER AREAS	VARIES SEE INDIGENOUS CREDIT TABLE	
TOTAL INDIGENOUS AREA CREDITED (COND 17)	13.89	AC

INDIGENOUS CREDIT TABLE

INDIGENOUS AREA	BASE AC	INCENTIVE RATES	APPLIED TOTAL
A	5.86 AC	150% >3 AC & > 100' WATER ADJACENT	9.38 AC
B	1.88 AC	125% >1 AC & > 75' WATER ADJACENT	2.54 AC
C	1.06 AC	110% >1/2 AC & > 50'	1.16 AC
C-WETLAND	0.02 AC	NONE	0.02 AC
D	0.61 AC	110% >1/2 AC & > 50' ROAD ADJACENT	0.73 AC
D-WETLAND	0.07 AC	NONE	0.07 AC
TOTAL PROVIDED: 13.90 AC			

REQUIRED OPEN SPACE & INDIGENOUS

REQUIRED OPEN SPACE (*)	21.60 AC
REQUIRED INDIGENOUS (**)	13.53 AC

* Z-10-002, CONDITION 16, APPLIED 10% REDUCTION TO 24.00 AC
** Z-10-002, CONDITION 17, APPLIED INCENTIVE CREDITS AT 13.53 AC

Barraco and Associates, Inc.
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PHONE (239) 461-3170
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FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

Pulte Homes
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BONITA SPRINGS, FLORIDA 34134
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PROJECT DESCRIPTION
BAYSHORE 57
PART OF SECTION 20,
TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

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LOCATION J:\23968\DWG\ZONING\
PLOT DATE TUE, 5-31-2022 - 8:47 AM
PLOT BY JENNIFER SAPEN

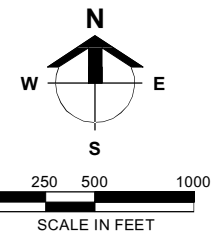
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PLAN REVISIONS
5-31-22 ADD U/E ON ROAD SECTION

PLAN STATUS

MASTER CONCEPT PLAN
ALTERNATE B

PROJECT / FILE NO. 23968
SHEET NUMBER 3 OF 3



THETA

PART OF SECTION 20,
TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY.

SITE LAYOUT AND LAND USE INTENSITIES OR DENSITIES MAY CHANGE SIGNIFICANTLY BASED UPON SURVEY, ENGINEERING, ENVIRONMENTAL AND / OR REGULATORY CONSTRAINTS AND OR OPPORTUNITIES.

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PLOT BY	ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

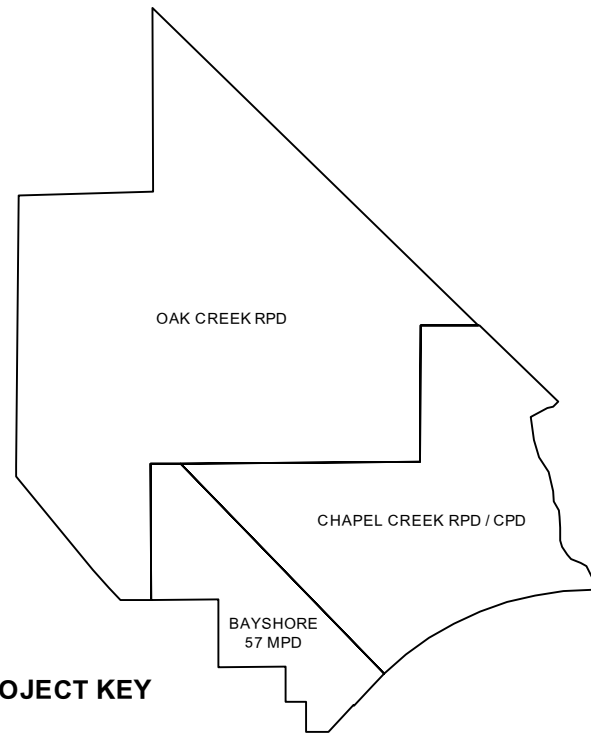
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PLAN STATUS

AERIAL LOCATION MAP

PROJECT / FILE NO.	SHEET NUMBER
23968	1

PROJECT KEY

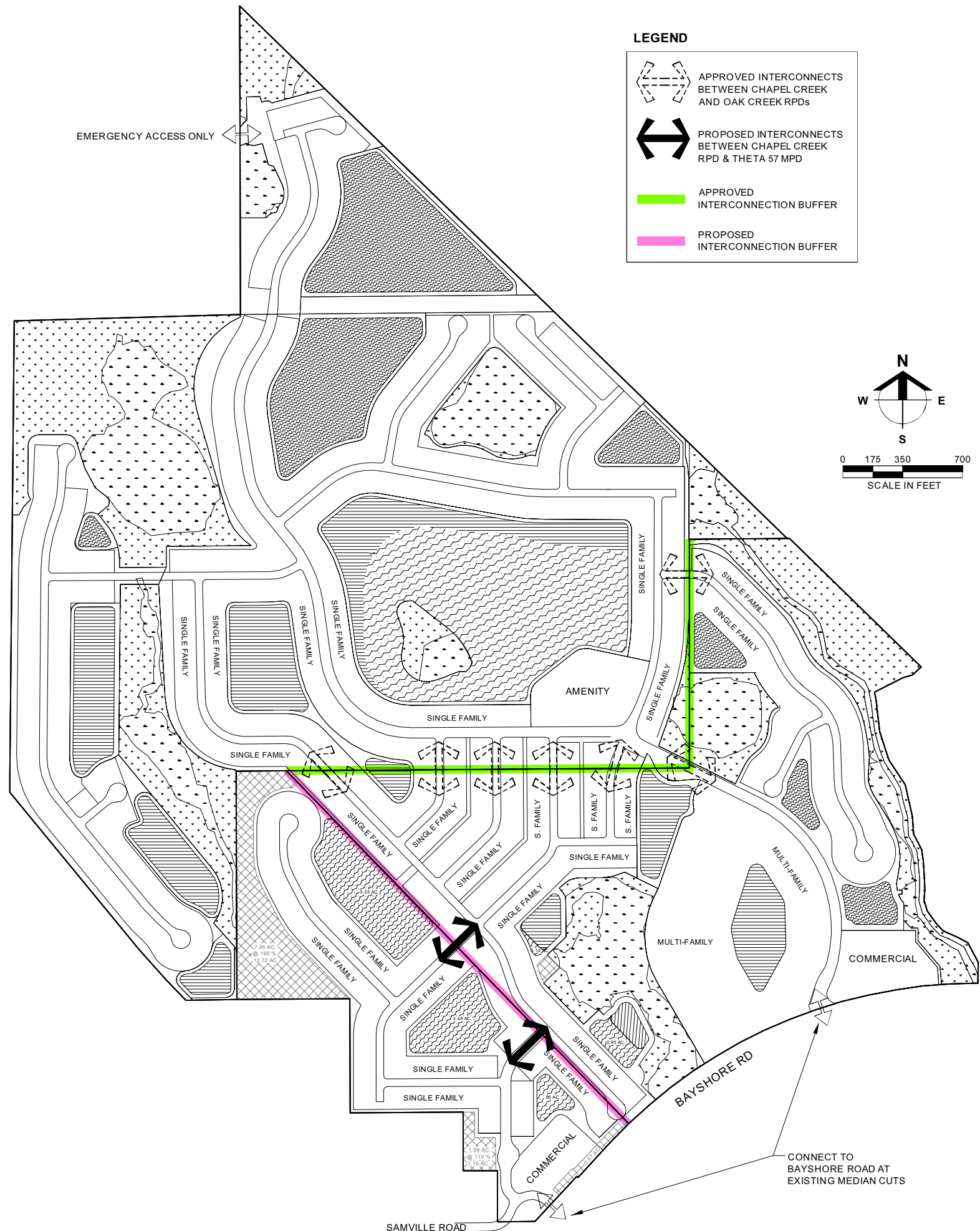


APPROVED INTERCONNECTION BUFFERS

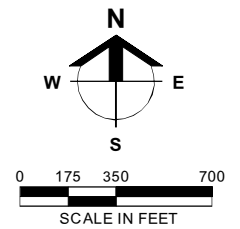
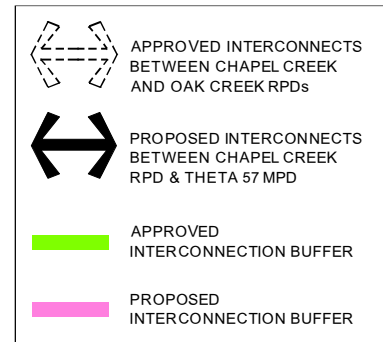
	MCP ALTERNATE A	MCP ALTERNATE B	MCP ALTERNATE C
OAK CREEK	15' WIDE PERIMETER LANDSCAPE BUFFER	15' WIDE PERIMETER LANDSCAPE BUFFER (NO BUFFER REQUIRED IF OAK CREEK / CHAPEL CREEK INTERCONNECTED AND PERMITTED THROUGH THE SAME DEVELOPMENT ORDER)	"NO BUFFER REQUIRED"
CHAPEL CREEK	TYPE B BUFFER	TYPE B LANDSCAPE BUFFER (NO BUFFER REQUIRED IF OAK CREEK / CHAPEL CREEK INTERCONNECTED AND PERMITTED THROUGH THE SAME DEVELOPMENT ORDER)	NO BUFFER REQUIREMENTS NOTED ON MCP
BAYSHORE 57	15' TYPE B BUFFER (RESIDENTIAL) 40' ENHANCED TYPE F BUFFER (COMMERCIAL)	N/A	N/A

PROPOSED INTERCONNECTION BUFFERS

	MCP ALTERNATE A	MCP ALTERNATE B	MCP ALTERNATE C
OAK CREEK	NO CHANGES PROPOSED	NO CHANGES PROPOSED	NO CHANGES PROPOSED
CHAPEL CREEK	NO CHANGES PROPOSED	NO CHANGES PROPOSED	TYPE B LANDSCAPE BUFFER (NO BUFFER REQUIRED IF 1) OAK CREEK / CHAPEL CREEK AND 2) CHAPEL CREEK / BAYSHORE 57 INTERCONNECTED AND PERMITTED THROUGH THE SAME DEVELOPMENT ORDER)
BAYSHORE 57	NO CHANGES PROPOSED	15' TYPE B BUFFER (RESIDENTIAL) 40' ENHANCED TYPE F BUFFER (COMMERCIAL)	TYPE B LANDSCAPE BUFFER (NO BUFFER REQUIRED IF BAYSHORE 57 / CHAPEL CREEK INTERCONNECTED AND PERMITTED THROUGH THE SAME DEVELOPMENT ORDER)



LEGEND



PREPARED FOR



PULTE HOME CORPORATION
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PROJECT DESCRIPTION

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FILE NAME: 23968-X00-BUFFEREXHIBIT.DWG

LOCATION: J:\23968\DWG\ZONING\

PLOT DATE: TUE, 12-21-2021 - 8:40 AM

PLOT BY: JENNIFER SAPEN

CROSS REFERENCED DRAWINGS

BASEPLAN = 23968-BUFFEREXHIBIT.DWG

PLAN REVISIONS

PLAN STATUS

COMBINED
BUFFER
EXHIBIT

PROJECT / FILE NO. SHEET NUMBER

23968

BAYSHORE 57

ADMINISTRATIVE AMENDMENT

MIXED USE PLANNED DEVELOPMENT

Request Statement

To improve development options of the site, allow more residential with development regulations and deviations common in recently approved master planned communities nearby, and to provide an option that will ensure the development of a cohesive unified project that combines two separate zoning approvals, this administrative amendment seeks the following revisions:

1. Modify Site Development Regulations and Conditions 1, 16, and 17
2. Rename current MCP (MCP A)
3. Create one new MCP (MCP Alternate B)
 - a. Reduce open space by 10% (from 24 acres to 21.6 acres)
 - b. Reduce single family lot size to 5,200 sf and lot width by 10% (from 50' to 45')
 - c. Seven new deviations
 - d. Eliminate right-in / right-out on Bayshore Road

Overview

Site Development Regulations

The following language is proposed for Section B.2.b. of Resolution No. Z-10-002 for single-family site development regulations. The modified language allows a reduced lot size and width comparable to the approved single-family development regulations for abutting Chapel Creek RPD/CPD and Oak Creek RPD. Please see the Property Development Regulations section below for further details on the proposed lot size and width for MCP Alternate B.

Single Family

Minimum Lot Areas and Dimensions (per unit)

Lot Size:	6,500 square feet <u>(5,200 square feet – MCP Alternate B only)</u>
Lot Width:	50 feet <u>(45 feet - MCP Alternate B only)</u>
Lot Depth:	100 feet

Minimum Setbacks

Street	20 feet (public)/20 feet (private)
Side	5 feet
Rear	15 feet
Water Body	25 feet
Indigenous	20 feet/30 feet for fire dependent plant communities

Accessory Use and Structures setback must comply with LDC §34-1174(d)(2) et seq. and 34-2194.

Minimum Building Separation: 10 feet

Maximum Lot Coverage: 45 percent

Building Height: 2 stories/35 feet

Condition 1

The following change is proposed to the language in Resolution No. Z-10-002 for Condition 1, regarding maximum dwelling unit types.

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

a. Master Concept Plan A (MCP A)

Maximum Commercial Floor Area: 140,000 square feet of floor area to include 70,000 square feet of commercial retail square footage as define by the Lee County Comprehensive Plan (Comp Plan) per Policy 6.1.2(7); a maximum of 35,000 square feet of medical office; and a maximum of 35,000 square feet of commercial.

Maximum Residential Density: 176 dwelling units, 4.678 units per acre, and limited to a maximum of the following types of dwelling units:

72 single-family units; and 104 townhome, multi-family units or ALF equivalent units pursuant to the LDC.

b. Master Concept Plan Alternate B (MCP Alternate B)

Maximum of 45,000 square feet of commercial; and a minimum of 30,000 square feet of commercial.

Maximum Residential Density: 176 dwelling units, 4.678 units per acre, and limited to a maximum of the following types of dwelling units:

72 single-family units; and 104 townhome, multi-family units or ALF equivalent units pursuant to the LDC.

or

138 single-family units

Condition 13

The following change is proposed to the language in Resolution No. Z-10-002 for Condition 13, regarding sidewalks.

13. Sidewalks

a. Master Concept Plan A (MCP A)

Development must include internal sidewalks as depicted on the approved MCP as a site-related improvement. Such facilities must be included in local development orders as part of construction of the project's infrastructure.

b. Master Concept Plan Alternate B (MCP Alternate B)

Sidewalks must comply with LDC §10-256 and 10-296.

Conditions 16 and 17

The following changes are proposed to the language in Resolution No. Z-10-002 for Conditions 16 and 17, regarding open space and indigenous preserve.

16. Open Space.

a. Master Concept Plan A (MCP A)

Prior to local development order approval, the development order plans must delineate a minimum of 24.00 acres as common open space in substantial compliance with ~~the MCP A~~.

b. Master Concept Plan Alternate B (MCP Alternate B)

Prior to local development order approval, the development order plans must delineate a minimum of 21.6 acres (24.00 acres reduced by 10%) as common open space in substantial compliance with MCP Alternate B.

17. Indigenous Preserve.

a. Master Concept Plan A (MCP A)

Prior to local development order approval, the development order plans must depict a minimum of 12.19 acres, 13.53 acres with credits, as indigenous open space.

b. Master Concept Plan Alternate B (MCP Alternate B)

Prior to local development order approval, the development order plans must depict a minimum of 12.19 acres, 13.89 acres with credits, as indigenous open space.

The language in Condition 16 was modified to allow a 10% reduction in open space for MCP Alternate B. The 10% reduction is compliant with LDC Section 34-174(i), which allows a 10% reduction in open space to be processed administratively.

The language in Condition 17 was modified allowing MCP Alternate B to provide 13.89 acres as indigenous preserve with credits. This benefits the subject property as well as the abutting Oak Creek development to the northwest by providing a large interconnected preserve area and maintaining natural flowways.

Condition 21

The following change is proposed to the language in Resolution No. Z-10-002 for Condition 21, regarding the enhanced buffer abutting Chapel Creek.

21. Enhanced Buffer/Chapel Creek

Prior to local development order approval of Master Concept Plan A (MCP A), the landscape plans must depict enhanced planting for the buffer separating the commercial portion of Bayshore 57 from Chapel Creek (RPD/CPD) to include:

- a. An enhanced buffer with 15 native canopy trees per 100 linear feet, 14 feet in height, four-inch caliper at 12 inches from ground height; and,
- b. A double staggered hedge row, 48 inches in height at time of planting maintained at 60 inches; and,
- c. Native ground cover, one-gallon container size, planted three feet on center.

MCP A

Master Concept Plan A is the proposed name change for the currently approved site plan for Bayshore 57 MPD. No other changes are proposed to the current MCP approved by Resolution No. Z-10-002, which allows up to 140,000 sf of commercial (to include 70,000 sf of retail, 35,000 sf of medical office, and 35,000 sf of office) and a maximum of 176 dwelling units, limited to a maximum of 72 single-family units; and 104 townhome, multi-family or ALF equivalent units pursuant to LDC. A label has been added on the currently approved MCP, designating it as Master Concept Plan A for reference.

MCP Alternate B

The proposed site plan for MCP Alternate B allows interconnection between Bayshore 57 MPD and Chapel Creek RPD/CPD, adjacent developments currently approved under separate zonings. A proposed administrative amendment to the Chapel Creek RPD/CPD runs concurrent with this request. The proposed site design for MCP Alternate B will tie the two developments together via two interconnections along the eastern boundary of the Bayshore 57 MPD, providing increased interconnectivity and another point of egress/ingress for both projects. It also allows more residential, reduced commercial with anticipated traffic reduction, reduced lot width for single-family, modified buffers, and seven new deviations related to dead ends, lot measurements, signage, sod requirements, and excavation setback.

The applicant proposes no buffer between the Bayshore 57 MPD and Chapel Creek RPD/CPD if the developments are interconnected and permitted through the Same Development Order, as noted on MCP Alternate B. A precedent has been set by abutting Chapel Creek RPD/CPD and Oak Creek RPD, which allows elimination of the required 15-foot wide perimeter landscape buffer, subject to the interconnection and permitting conditions shown below. The applicant proposes the same conditions approved by Staff for ADD2017-00104 (Chapel Creek) and ADD2017-00103 (Oak Creek):

- a. *The development of the subject property and the Chapel Creek RPD/CPD to the west must be approved as part of the same development order.*
- b. *A minimum of two interconnections between the subject property and the Chapel Creek RPD/CPD must be provided.*

Pursuant to LDC Section 10-416(d)(1) a buffering area is only required along the perimeter whenever the proposed development abuts a different use. As shown on MCP Alternate B,

comparable uses are proposed along the project's boundary where it abuts Chapel Creek RPD/CPD. As such, no buffer is necessary or should be required between the project's compatible uses, if interconnected and operating as one unified project.

Increased interconnection between Chapel Creek and Bayshore 57 provides multiple benefits:

1. Creates an additional access for Bayshore 57 residents onto Bayshore Road at an existing median cut (Oak Creek entrance road).
2. Allows for internal capture of commercial traffic not only to the CPD portion of Chapel Creek, but also the commercial area of Bayshore 57 MPD.
3. A unified development program and managing Home Owners Association will ensure a consistent architectural and landscape schematic, and maintenance of those elements. A Community Development District is being formed which will provide the appropriate attention to the combined water management systems and native habitat management.
4. Interconnection will allow for shared amenities between the connected projects.

Please also see the enclosed "Combined Buffer Exhibit", provided as supplemental material to give staff an overview of access and buffers.

The proposed deviations and corresponding justifications for MCP Alternate B are outlined in the last section of this request statement.

Administrative Review Criteria

The proposed Master Concept Plans, requested modifications to the project's development regulations, and new deviations for MCP Alternate B may be approved administratively per the guidelines of LDC Section 34-380(b). Compliant with Section 34-174 of the LDC, The proposed request will not increase height or density, will not underutilize public resources/infrastructure or reduce open space, preserve, or buffers and will have no adverse impact to surrounding land uses. Furthermore, the proposed amendment will be consistent with all applicable provisions of the Lee Plan and land development regulations in effect.

a. Does not increase height, density or intensity of the development, except as permitted in chapter 2.

The proposed site plan for MCP Alternate B would not increase height, density or intensity of the development. In fact, from a traffic standpoint, it would reduce intensity of the development, as the commercial footprint of MCP Alternate B is smaller than the currently approved commercial area. MCP Alternate B could also potentially reduce density, by providing single-family units opposed to multi-family.

b. Does not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development;

Approval of the site plan for MCP Alternate B, which increases the residential areas of the project, would not result in underutilization of public resources or infrastructure committed to the support of the development.

c. Does not result in a reduction of total open space provided on the master concept plan by more than ten percent;

The proposed reduction in total open space provided does not exceed ten percent. The proposed site plan for MCP Alternate B provides 21.6 acres of open space, equivalent to a 10% reduction of the currently approved 24 acres of open space.

d. Does not decrease the amount of indigenous native vegetation preservation or open space areas below the amount required by the Code;

The proposed site plan for MCP Alternate B would provide the same amount or more of indigenous native vegetation preservation as the current approval. The proposed revision to Condition 17 does not reduce the minimum provided as allowed by the LDC with incentive credits.

e. If changes to the buffer or landscaping areas are proposed, equivalent or better (by comparison with the approved Master Concept Plan) landscaping or buffering is provided;

Any proposed changes to the buffer or landscaping areas on the site plan for MCP Alternate B will be equivalent or better when compared to the approved MCP. Please see MCP Alternative B overview above, which goes over the details of proposed conditions related to the subject property's eastern buffer that abuts Chapel Creek RPD/CPD. The proposed elimination of the buffer between the subject property and Chapel Creek RPD/CPD is subject to interconnection. The interconnection will create an integrated community with a seamless residential design and traffic flow between the two projects at the property line, as shown on MCP Alternate B, enhancing the community for both projects.

f. Does not adversely impact surrounding land uses; and

There will be no adverse impacts to surrounding land uses from the proposed site plan for MCP Alternate B. The adjacent planned developments to the east and northwest both have comparable residential products abutting the subject property. Also to the west, an Elementary school abuts one of the residential areas of the project, which will not be negatively impacted by abutting residential use.

Conversely, connecting Bayshore 57 MPD and Chapel Oak RPD/CPD will improve compatibility and safety by creating a cohesive integrated site design with better traffic distribution. MCP Alternate B's interconnected site plan provides more travel options for both communities, improving safety and traffic flow.

g. Is consistent with all applicable provisions of the Lee Plan and land development regulations in effect at the time of the amendment request.

The proposed site plan for MCP Alternate B will be consistent with the Lee Plan and LDC in effect at the time of the amendment request.

Property Development Regulations

Reduction of Single Family Lot Size and Width (Alternate B)

The current Bayshore 57 MPD Property Development Regulations (PDRs) approve Residential Single Family lots to be a minimum of 6,500 square feet and 50 feet wide. The requested amendment to allow a minimum lot width of 45 feet, for single-family lots in Alt B, is equivalent to a 10% reduction in lot width. The proposed lot width will allow a new residential product for Alternate B that is smaller in width and will promote affordability and housing variety. The requested amendment to allow a minimum lot size of 5,200 square feet is partly due to the requested reduction in lot width and partly related to providing more compatible residential products to the abutting residential communities.

A smaller lot with a more narrow single family home has become a popular housing type amongst developers in SW Florida. The more compact design makes use of innovative and efficient design principles without compromising conveniences and amenities homeowners have come to expect. These slim lot plans maximize space in creative ways allowing home designs that are suitable for a wide variety of home styles. The reduced lot size and width also promotes home styles that are designed to take homeowners into the future of changing circumstances and environments, providing adaptability and flexibility in today's market.

Affordability, another important factor in homeownership, can be improved by the proposed lot size and width reduction. A smaller lot width, with no change in lot depth, means a smaller lot size, which equates to paying for less land. Land expenses continue to sway lifestyles and commitment to homeownership, which the smaller lots may help to curb. Our current economy requires most homeowners to work full time, or if married for both to work full time, to afford the lifestyle to which they have become accustomed. As such, homeowners have less free time, making it more valuable, giving them more desire to spend their time doing things other than yard work. A home less than 40-foot wide could be built on a 50-foot lot, but the additional building separation is unnecessary and will be more costly to homeowners. The resulting, larger side setbacks between homes less than 40-foot wide means fewer lots per linear foot of roadway infrastructure. Less lots per linear foot equates to a higher "price per front foot," since there will be fewer homes to share the cost of the roadway, a cost which remains unchanged regardless of the number of homes. This means homes will be more expensive, since this cost will be passed down to future homebuyers. The larger side setbacks will also require additional upkeep and maintenance costs compared to smaller side setbacks (no less than 5-feet wide), comparable to the 5-foot side setbacks that have become the standard. In keeping with the demands for homeowners with little free time, there is no need for additional building separation between homes less than 40-foot wide. The reduced lot sizes will help to minimize upkeep and associated maintenance costs, providing a viable single-family housing option for those looking for affordable homeownership with low maintenance.

The 45-foot lot width will allow a wider range of housing options than are currently available for Alternate B. The current Project Development Regulations (PDRs) have a minimum lot width of 50 feet, eliminating the potential for the 45' wide residential lots. By allowing a minimum lot size of 5,200 square feet and width of 45 feet for Alternate B, the developer will have a larger range of lot widths and corresponding housing products available to choose from, improving flexibility and variety. The reduced minimum lot size will promote compatibility with the abutting Chapel Creek and Oak Creek projects, which both permit a minimum lot size of 5,200

square feet, while providing a cohesive development pattern should the subject property interconnect with Chapel Creek as proposed in MCP Alternate B.

The proposed amendment to the approved Bayshore 57 PDRs, to allow a 5,200 square foot lot size and a 45-foot lot width for Alternative B, is attached for review. The request to allow a 5,200 square foot lot size and a 45-foot lot width for Alternate B single-family lots will not increase density.

Deviations and Justifications

6. Deviation from LDC Section 10-254, which requires side lot lines be, as nearly as practical, at right angles to straight street lines and radial to curve street lines, to allow the lot design shown on the Master Concept Plan in those areas where Deviation 6 is applied.

Justification: This deviation request applies to the last lot at the terminal end of small dead end roadways where no cul-de-sac exists. This last lot is a continuation of a string of lots which are parallel to one another. The lot in question, and side lot lines of the string of lots, is perpendicular to the road as the LDC requires. The road right of way ends at the first side lot line of the terminal lot. This design provides adequate access to the last lot where a private drive will continue on the same trajectory as the road. The continued roadway is not needed to serve additional units further down the road so there is no public harm and a benefit is created because it allows the homeowner to utilize and maintain the land for private benefit.

This design creates a different, but adequate lot configuration. The front lot line becomes the termination of the right of way, at the width of the right of way. The first side lot line runs parallel with the string of lots along the road and connects to the end of the right of way. The other side lot line, and the purpose of this deviation request, is an extension of the right of way on the far side of the road. This side lot line, as an extension of the right of way, is parallel to the road and therefore does not meet the LDC requirement of being perpendicular to the road.

The intent of this LDC requirement is to provide a uniform lot pattern along roadways where adequate access is provided to all lots. This last lot and home will follow the pattern created by homes along the street and will have ample and reasonable access at the terminal end of the right of way.

As proposed, the lot described becomes a premium lot for the development. Homeowners are availed the opportunity to utilize land which would otherwise be dedicated unnecessarily to right of way. The proposed development plans have up to two locations where this request applies, which enhances the overall project appeal to a variety of prospective buyers.

According to the Florida Fire Prevention Code, Chapter 18.2.3.5.4 regarding dead-ends, only dead-end access roads in excess of 150 feet in length are required to provide approved provisions for fire apparatus to turnaround. In all instances of this request the

dead end roadways are less than 150' and as such, the proposed deviation will not create a detriment to the public health, safety, or welfare.

7. Deviation from LDC Section 10-296(p)(1) to eliminate the requirement that a dead-end street be closed at one end by a circular turnaround, to allow an alternative turnaround.

Justification: This deviation request applies to one location on MCP Alternate B. In each instance the right of way area for the proposed dead end is approximately 8300 square feet smaller than a cul-de-sac would be in the same situation. The proposed design results in 0.19 acres of land that can be more effectively and efficiently used for purposes to enhance the overall development such as project amenities, landscaping, open space and water management lakes which would otherwise be encumbered by a road right of way and only service a few residences.

According to the Florida Fire Prevention Code, Chapter 18.2.3.5.4 regarding dead-ends, only dead-end access roads in excess of 150 feet in length are required to provide approved provisions for fire apparatus to turnaround. In all instances of this request the dead end roadways are less than 150'.

Typically fire trucks pull to a fire hydrant and service the emergency by foot. As a condition of this deviation request, the applicant agrees to prohibit fire hydrants on the dead end streets. By locating fire hydrants only on the main streets the fire trucks will stop at the hydrant and not enter the dead end.

By limiting all dead end streets to a maximum of 150' and prohibiting fire hydrants on the dead ends the proposed deviation will not create a detriment to the public health, safety, or welfare.

8. Deviation from LDC Section 10-703 to allow lot size to be measured as indicated on the Master Concept Plan.

Justification: This deviation request applies to the last lot at the terminal end of small dead end roadways where no cul-de-sac exists. This last lot is a continuation of a string of lots which are consistent in width and depth which allow for the same line-up of model units to be constructed.

The road right of way ends at the first side lot line of the terminal lot. This design provides adequate access to the last lot where the private drive will continue on the same trajectory as the road. Since continued roadway is not necessary to serve units in this area it allows the homeowner to obtain this land for private benefit.

This design creates an unusual lot configuration consisting of three side lot lines. The front lot line becomes the termination of the right of way, at the width of the right of way. As detailed on sheets 2 and 3 of the MCP, line #1 runs parallel with the string of lots along the road and connects to the end of the right of way. The lot line #2 is an extension of the right of way on the far side of the road. This second side lot line, while technically defined as a side lot line, is the length of the lot width typical throughout the development. Lot

line #3 is 90 degrees to side lot line two. Lot line three is the length of lot line one plus the width of the right of way. Using the criteria for measuring lot depth as illustrated in LDC Section 10-703, side lot line #2 would cause this end lot to fail to meet minimum lot depth. To assist in future compliance review and to clarify this request additional notes have been added to Deviation 8 detail on the plans.

As proposed, the lot described becomes a premium lot for the development. Homeowners are availed the opportunity to utilize land which would otherwise be dedicated right of way for unique driveway entries and private uses such as small recreational areas or enhanced landscape features. The proposed development plans show up to two locations where this request applies, which enhance the overall project appeal to a variety of prospective buyers. The lot and home in question will be a continuation of the lot pattern throughout the development and as such will not create a detriment to the public interest.

9. **Deviation from LDC Section 30-152(2)(a) which limits residential entrance signs to only the subdivision name to allow the applicant to list their logo in addition to the subdivision name**
10. **Deviation from LDC Section 30-152(2)(b) limits additional residential identification signs to only the subdivision name to allow the applicant to list their logo in addition to the subdivision name.**

Combined Justification 9 & 10: Signs are necessary to alert the traveling public to the location of various uses in a clear and expeditious fashion. A logo is a symbol that allows one to quickly identify the brand. The logo is instantly recognizable and conveys a message regarding the quality and nature of the product. In today's real estate market quality and reliability are important. Many visitors and prospective residents who travel here from places such as the Midwest are very familiar with and trust the Pulte Del Webb brand. The inclusion of the Pulte Del Webb logo is important to residents and visitors to the development. Del Webb is a recognizable brand within the Pulte group which signifies a age restricted community that is popular throughout the nation. The sign will be done in an aesthetic manner that conveys important information to the public, and will be located within the right-of-way of the spine road. An example of the Del Webb logo and deviation 9/10 approval are the entrance signs at Tidewater on Ben Hill Griffin Pkwy, please see attached sign exhibit.

11. **Deviation from LDC Section 10-296(e)(2)(h)(5)(ii) which requires residential streets to provide a streetside 5-foot wide planting strip to allow a split 5-foot wide planting strip on MCP Alternate B.**

Justification: This deviation request applies to parcel roads only. The applicant requests to provide a 4-foot wide planting strip between the sidewalk and back of curb, only one foot less from the LDC requirement. However, the applicant also proposes to provide a 1-foot planting strip on the other side of the sidewalk for a total of 5 feet, please see the Parcel Road Typical Cross Section on MCP Alternate B for details. The proposed planting

design will allow for utility services in the 1' planting area, while keeping the road in the center of the right-of-way. The other side of the road will consist entirely of sod, reducing heat island effect.

12. Deviation from LDC Section 10-329(d)(1)a.3 which requires water retention or detention excavation to be setback 50-feet from any private property line under separate ownership to allow a 5-foot setback on MCP Alternate B only.

Justification: This deviation request applies to the easternmost tip of the middle lake and the northernmost lake along the eastern boundary line of the project and is only applicable if Bayshore 57 MPD and Chapel Creek RPD/CPD are developed as a singular cohesive project, as shown on MCP Alternate B. Approval of this deviation would allow Chapel Creek residential lots abutting the western shoreline of the lakes to be developed in the same manner as a typical lake. A 20-foot minimum separation will be maintained between the lake control elevation and the rear lot line for lake maintenance and a 6:1 slope will be constructed. Approval of this deviation results in standard lake construction in accordance with the Land Development Code, and as such does not adversely affect the public safety, health or welfare.

The subject property is under contract with the current owner of the adjacent parcel, where the proposed setback excavation deviations are required by LDC due to separate ownership. Development of MCP Alternate B will be pending the purchase of the property. As such, prior to development of MCP Alternate B, the land will be under common ownership and this deviation no longer required.

MEMORANDUM

TO:

Adam Mendez, Planner

FROM:

Jennifer Sopen, AICP

COMPANY:

Lee County Community Development

DATE:

February 16, 2022

COPY TO:

PROJECT NUMBER:

23968 and 23668

RE:

Bayshore 57 (ADD2021-00214) and Chapel Creek (ADD2021-00015)
North Fort Myers Planning Community Public Information Meeting

A meeting was held Tuesday, February 1st at the North Fort Myers Recreation Center located at 2000 N. Recreation Park Way, North Fort Myers. The meeting was publicly advertised with the News-Press and a copy of that advertisement and an affidavit of publication is included. There were approximately 15 attendees at the community meeting, but only seven signed the Sign-In sheet. Attendees included two of the applicant's representatives and the North Fort Myers Design Review Panel; please see the enclosed sign-in sheet.

The only issue brought up was the type of buffer that would abut the railroad to the east of Chapel Creek, which is unrelated to the proposed changes.

PUBLIC NOTICE

BAYSHORE 57 ADMINSTRATIIVE AMENDMENT, CHAPEL CREEK ADMINISTRATIVE AMENDMENT, AND DEL WEBB OAK CREEK PHASE 2 AND 3 DEVELOPMENT ORDER

PUBLIC MEETING DATE:

Tuesday, February 1, 2022 at 6:00 p.m.

LOCATION:

North Fort Myers Recreation Center, 2000 N. Recreation Park Way, North Fort Myers, FL 33903

APPLICANT:

Barraco & Associates, Inc.

PROJECT NAMES:

1. Chapel Creek Administrative Amendment – ADD2021-00215
2. Bayshore 57 Administrative Amendment – ADD2021-00214
3. Del Webb Oak Creek Phase 2 and 3 Development Order

ACTION REQUESTED:

1. Chapel Creek Administrative Amendment (ADD2021-00215): Interconnection with Bayshore 57 MPD, modify condition number one
2. Bayshore 57 Administrative Amendment (ADD2021-00214): Interconnection with Chapel Creek RPD/CPD, modify conditions, add deviations
3. Del Webb Oak Creek Phase 2 and 3 Development Order: Unit breakdown and associated infrastructure

FOR MORE INFO:

Contact: Jennifer Sopen at Barraco & Associates, Inc. - JenniferS@Barraco.net

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:

**BARRACO AND ASSOCIATES, INC.
2271 MCGREGOR BOULEVARD, SUITE 100
FORT MYERS, FL 33901**

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Nicole Jacobs, 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

PUBLIC NOTICE BAYSHORE 57 ADMINISTRATIVE AMENDMENT, CHAPEL CREEK ADMINISTRATIVE AMENDMENT AND DEL WEBB OAK CREEK PHASE 2 AND 3 DEVELOPMENT ORDER PUBLIC MEET

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

01/21/2022

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 said newspaper editions dated:

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

Affiant

Notary State of Wisconsin, County of Brown

7/27/25

My commission expires

of Affidavits 1

This is not an invoice

PUBLIC NOTICE

BAYSHORE 57 ADMINISTRATIVE AMENDMENT, CHAPEL CREEK ADMINISTRATIVE AMENDMENT, AND DEL WEBB OAK CREEK PHASE 2 AND 3 DEVELOPMENT ORDER

PUBLIC MEETING DATE:
Tuesday, February 1, 2022 at 6:00 p.m.

LOCATION:
North Fort Myers Recreation Center,
2000 N. Recreation Park Way, North
Fort Myers, FL 33903

APPLICANT:
Barraco & Associates, Inc.

PROJECT NAMES:
1. Chapel Creek Administrative Amendment - ADD2021-00215
2. Bayshore 57 Administrative Amendment - ADD2021-00214
3. Del Webb Oak Creek Phase 2 and 3 Development Order

ACTION REQUESTED:
1. Chapel Creek Administrative Amendment (ADD2021-00215): Interconnection with Bayshore 57 MPD, modify condition number one
2. Bayshore 57 Administrative Amendment (ADD2021-00214): Interconnection with Chapel Creek RPD/CPD, modify conditions, add deviations
3. Del Webb Oak Creek Phase 2 and 3 Development Order: Unit breakdown and associated infrastructure

FOR MORE INFO:
Contact: Jennifer Sapen at Barraco & Associates, Inc. - Jennifer5@Barraco.net
AD# 5092946 1/21/22

SARAH BERTELSEN
Notary Public
State of Wisconsin

The News-Press media group

news-press.com A GANNETT COMPANY

Classified Ad Receipt (For Info Only - NOT A BILL)

Customer: BARRACO AND ASSOCIATES, INC.

Ad No.: 0005092946

Address: 2271 MCGREGOR BOULEVARD, SUITE 100
FORT MYERS FL 33901
USA

Net Amt: \$164.36

Run Times: 1

No. of Affidavits: 1

Run Dates: 01/21/22

Text of Ad:

PUBLIC NOTICE

BAYSHORE 57 ADMINISTRATIVE
AMENDMENT, CHAPEL CREEK
ADMINISTRATIVE AMENDMENT, AND
DEL WEBB OAK CREEK PHASE 2 AND 3
DEVELOPMENT ORDER

PUBLIC MEETING DATE:

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LOCATION:

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3. Del Webb Oak Creek Phase 2 and 3 Development Order: Unit breakdown and associated infrastructure

FOR MORE INFO:

Contact: Jennifer Sapien at Barraco &
Associates, Inc. - JenniferS@Barraco.net
AD# 5092946 1/21/22





Del Webb[®]
OAK CREEK
55+ RESORT
COMMUNITY
COMING
SOON
239-356-0417
DelWebbOakCreek.com

Del Webb[®]
OAK CREEK
55+ RESORT
COMMUNITY
COMING
SOON
239-356-0417
DelWebbOakCreek.com

PUBLIC NOTICE
NEM
NOTICE TO THE PUBLIC
THE PROPERTY SHOWN ON THIS MAP IS THE SUBJECT OF A NOTICE TO THE PUBLIC
FOR THE PURPOSES OF THE NOTICE TO THE PUBLIC ACT OF 1975 (NEM)
THE PROPERTY IS NOT YET AVAILABLE FOR CONSTRUCTION
FOR MORE INFORMATION, PLEASE CONTACT THE DEVELOPER
DEL WEBB OAK CREEK
239-356-0417
DELWEBB.OAKCREEK.COM



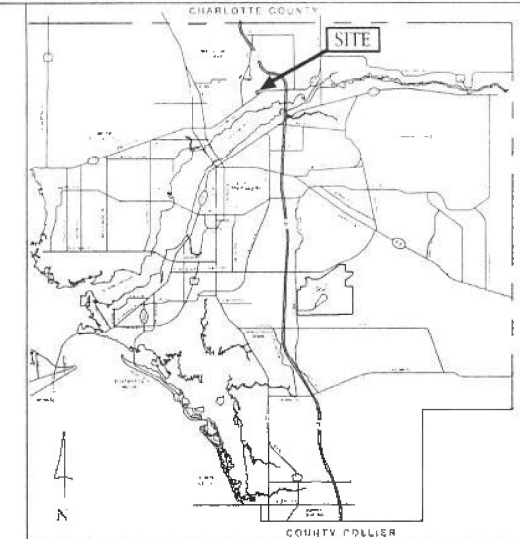
MASTER CONCEPT PLAN A

MASTER CONCEPT PLAN

BAYSHORE 57 MPD

LOCATED IN SECTION 03 | TOWNSHIP 44 SOUTH RANGEL 25 LLL COUNTY FLORIDA

EXHIBIT D-7-M



LOCATION MAP

PROJECT INFORMATION

STAFF: 20.43.25-00-0000.0000
ZONING: AG-2
REQUEST: EFD and RPD
ROADWAY: Bayshore Road (as per plan)
Samville Road (as per plan)

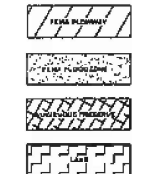
PROJECT SUMMARY

1.) PROJECT AREA	56.76 AC.
PROPOSED COMMERCIAL AREA	19.14 AC.
PROPOSED RESIDENTIAL AREA	37.62 AC.
2.) INTENSITY AND DENSITY	
COMMERCIAL BUILDING AREA	
RETAIL (FIRST FLOOR)	± 80,000 SF
GENERAL MEDICAL	± 98,000 SF
TOTAL COMMERCIAL BUILDING AREA	± 178,000 SF
RESIDENTIAL UNITS	
RESIDENTIAL MULTI-FAMILY (TOWN-HOMES) UNITS	192 UNITS
3.) PARKING BALANCE	
RETAIL (ONE SPACE PER 200 SF)	400 SPACES
GENERAL MEDICAL (ONE SPACE PER 200 SF)	490 SPACES
PARKING REQUIRED	890 SPACES
PARKING PROVIDED	912 SPACES
(INCLUDING 18 HANDICAP SPACES)	

DEVIATION REQUEST:



MAP OVERLAY LEGEND



NORTH

130' 260'
SCALE 1"= 130'



Quattrone & Associates, Inc.

Engineers, Planners, & Development Consultants

4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.5222 | QAInc.net

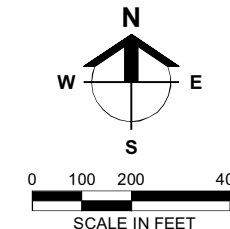
ILDC SEC 10-415 OPEN SPACE

PROJECT USE CLASSIFICATION	Commercial
PROJECT DEVELOPMENT AREA	832,634 SQFT
OPEN SPACE REQUIRED	30%
OPEN SPACE PROVIDED	32%
PROJECT USE CLASSIFICATION	Residential
PROJECT DEVELOPMENT AREA	1,638,632 SQFT
OPEN SPACE REQUIRED	40%
OPEN SPACE PROVIDED	50%
TOTAL PROJECT OPEN SPACE REQUIRED	305,803 SQFT
TOTAL PROJECT OPEN SPACE PROVIDED	44%
TOTAL PROJECT OPEN SPACE PROVIDED	1,084,316 SQFT

50% OF REQUIRED OPEN SPACE MUST BE INCLUDED AS PRESERVED INDIGENOUS OPEN SPACE

TOTAL OPEN SPACE REQUIRED	305,803 SQFT
INDIGENOUS OPEN SPACE REQUIRED	50%
INDIGENOUS OPEN SPACE PROVIDED	58%
CREDITS FOR LARGER AREA	110%
TOTAL INDIGENOUS AREA CREDITED	588,472 SQFT

Printed By: Fred Dwyer
Thursday, November 19, 2020
00:00:00 PM



REQUIRED OPEN SPACE & INDIGENOUS

REQUIRED OPEN SPACE (*)	21.60 AC
REQUIRED INDIGENOUS (**)	13.53 AC
* Z-10-002, CONDITION 16, APPLIED 10% REDUCTION TO 24.00 AC	
** Z-10-002, CONDITION 17, APPLIED INCENTIVE CREDITS AT 13.53 AC	

PROVIDED OPEN SPACE

LAKE (25% OF REQUIRED OPEN)	5.40 AC
INDIGENOUS (PRESERVE)	9.70 AC
COMMON OPEN SPACE	6.50 AC
TOTAL:	21.60 AC

PROVIDED INDIGENOUS

WITH INCENTIVE CREDIT	14.58 AC
-----------------------	----------

PREPARED FOR



PULTE HOME CORPORATION
24311 WALDEN CENTER DRIVE
SUITE 300
BONITA SPRINGS, FLORIDA 34134

PHONE (239) 498-7711
FAX (239) 498-7707

WWW.PULTEHOMES.COM

PROJECT DESCRIPTION

BAYSHORE
57

PART OF SECTION 20,
TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DRAWING NOT VALID WITHOUT SEAL, SIGNATURE AND DATE
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FILE NAME	23968-202-ALTB.DWG
LOCATION	J:\23968\DWG\ZONING\
PLOT DATE	MON. 11-22-2021 - 10:41 AM
PLOT BY	ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

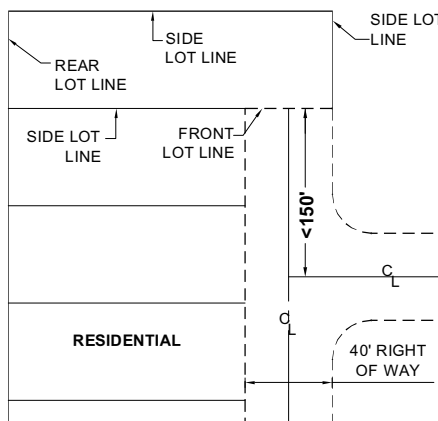
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PLAN REVISIONS

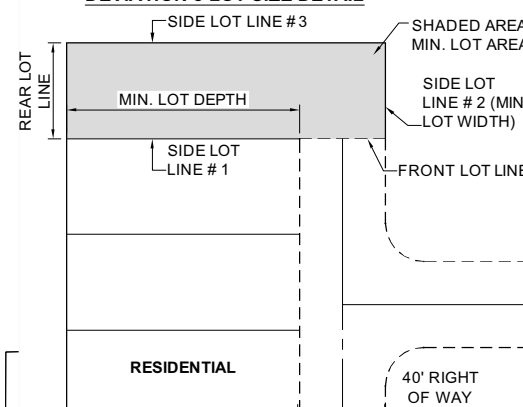
PLAN STATUS

MASTER
CONCEPT PLAN
ALTERNATE B

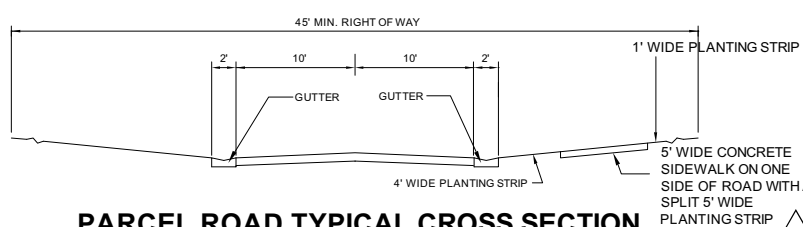
PROJECT / FILE NO.	SHEET NUMBER
23968	2



DEVIATION 8 LOT SIZE DETAIL



PARCEL ROAD TYPICAL CROSS SECTION



**SUBURBAN
RPD
RESIDENTIAL PLANNED DEVELOPMENT
(OAK CREEK)**

**SUBURBAN
RPD
RESIDENTIAL PLANNED DEVELOPMENT
(OAK CREEK)**

PUBLIC FACILITIES
AG-2
SCHOOL

SUBURBAN
IL
INDUSTRIAL

PUBLIC FACILITIES
AG-2
WATER TREATMENT

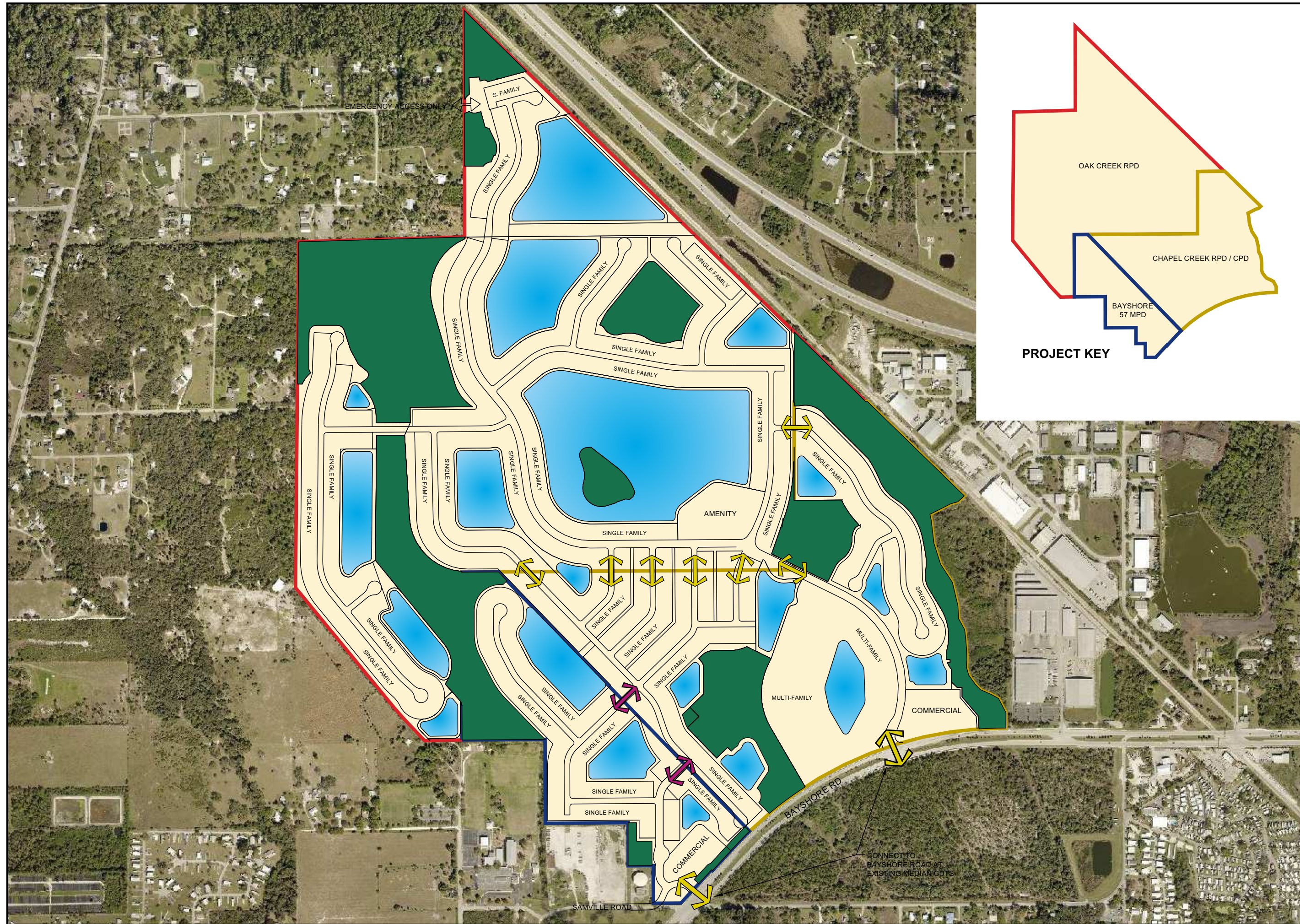
SAMVILLE RD

BAYSHORE RD (4 LANE ARTERIAL)

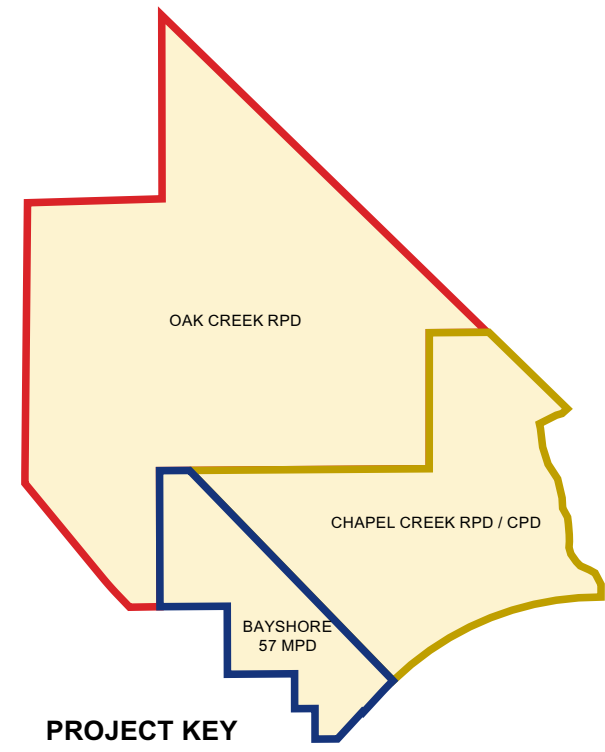
**SUBURBAN
RPD/CPD
SPECIAL PLANNED DEVELOPMENT
(CHAPEL CREEK)**

**SUBURBAN
AG-2
VACANT**

SUBURBAN
AG-2
VACANT



PROJECT KEY



Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING
www.barraco.net
2271 MCGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR
Pulte
Homes
PULTE HOME CORPORATION
24311 WALDEN CENTER DRIVE
SUITE 300
BONITA SPRINGS, FLORIDA 34134
PHONE (239) 498-7711
FAX (239) 498-7707
WWW.PULTEHOMES.COM

PROJECT DESCRIPTION

0 175 350 700
SCALE IN FEET

DRAWING NOT VALID WITHOUT SEAL, SIGNATURE AND DATE
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FILE NAME	23968-SITEPLAN.DWG
LOCATION	J:\23968\DWG\ZONING\
PLOT DATE	TUE, 2-1-2022 - 11:27 AM
PLOT BY	JENNIFER SAPEN
CROSS REFERENCED DRAWINGS	
BASEPLAN = 23968-BUFFEREXHIBIT.DWG	

PLAN REVISIONS	
PLAN STATUS	

SITE PLAN	
PROJECT / FILE NO.	SHEET NUMBER
23968	

Dawn Russell

From: Richard Thomas <mbuilder26@yahoo.com>
Sent: Monday, January 31, 2022 5:36 PM
To: Charlie Krebs; Debbie Jackow; John Gardner; Wayne Daltry; Jack Howerton; Richard Thomas; Rudy Berndlmaier; Rudy Berndlmaier
Cc: Dawn Russell; Veronica Martin; Steve Darby
Subject: Revised Agenda February 1, 2022 NFMDRP/PP meeting

REVISED AGENDA

**JOINT MEETING OF THE NORTH FORT MYERS DESIGN
REVIEW PANEL**

AND

**THE NORTH FORT MYERS COMMUNITY PLANNING
PANEL**

NORTH FORT MYERS RECREATION CENTER

2000 N. RECREATION PARK WAY

NORTH FORT MYERS, FL

FEBRUARY 1, 2022

6:00 PM

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. APPROVAL OF LAST MEETING MINUTES
4. NEW BUSINESS –

- Bayshore 57- Administrative Amendment Chapel Creek and Administrative Amendment Del Webb Oak Creek and Phase 2 & 3 Development Order.

- Fort Myers RV and Marine CPD Rezoning CPD and RS-1 to Community Planned Development.

- Betmar Office/Storage Building

5. OLD BUSINESS

- Progress on new President/Secretary.

6. OTHER BUSINESS

7. ADJOURNMENT

From: [Jennifer Sapien](#)
To: [Dawn Russell](#)
Subject: FW: MINUTES February 1,2022 NFMDRP/pp Meeting
Date: Monday, February 14, 2022 9:39:51 AM

For Theta and Chapel ADDs...

Jennifer Sapien, AICP

Vice President of Land Planning
Barraco and Associates, Inc.
Civil Engineers ~ Land Surveyors ~ Land Planners
2271 McGregor Boulevard, Suite 100
Fort Myers, FL 33901
(239) 461-3170 Phone
(239) 461-3169 Fax

File:

From: Richard Thomas [mailto:mbuilder26@yahoo.com]
Sent: Saturday, February 12, 2022 1:46 PM
To: Jack Howerton <jackhowertonsc@gmail.com>; John Gardner <john@lciquotes.com>; Charlie Krebs <chask70@comcast.net>; Wayne Daltrey <happyoldfogey@aol.com>; Richard Thomas <mbuilder26@yahoo.com>; Rudy Berndlmaier <rudy.nfmca@gmail.com>; Laura Malcolm Lewis <laura.nfmca@gmail.com>
Cc: Steve Darby <steve@dei-fla.com>; Jennifer Sapien <JenniferS@barraco.net>; Veronica Martin <vmartin@tdmconsulting.com>
Subject: Fw: MINUTES February 1,2022 NFMDRP/pp Meeting

Subject: Re: MINUTES February 1,2022 NFMDRP/pp Meeting

MINUTES
JOINT MEETING OF THE NORTH FORT MYERS DESIGN
REVIEW PANEL
AND

THE NORTH FOR MYERS COMMUNITY PLANNING PANEL

NORTH FORT MYERS RECREATION CENTER

2000 N. RECREATION WAY

NORTH FOR MYERS, FL

FEBRUARY 1, 2022

6:00 PM

ATTENDEES:

Panel Members: Dick Thomas, John Gardner, Jack Howerton, Charles Krebs, Wayne Daltry, Rudy Berndlmaier

1. **CALL TO ORDER:** The meeting was called to order at 6:00 PM by President Thomas

2. **APPROVAL OF AGENDA:** The agenda was approved as presented.

3. **APPROVAL OF LAST MEETING MINUTES:** The minutes were approved as published.

4. NEW BUSINESS:

-Bayshore 57-This Project has already been approved for 1100 homes in Oak Creek, 176 homes in Bayshore and 800 homes in Chapel Creek. The anticipated build-out is expected to be approximately 1000 units. This presentation is for Administrative Amendments to the Project. It is currently mixed use with commercial and residential. It will reduce the commercial w/parking. it will also interconnect the 3 projects including 503 acres together. All cross connection will be internal. There will be a realignment of Samville Road for safer access, a reduction of open space by 10%. A motion of "No Objection was made by member Daltry and seconded by member Gardner. The motion was approved.

-Fort Myers RV and Marine-This project seeks to rezone the property to Commercial Planned Development. Deviations requested are: [1] Reduce the street setback from 50 feet to 25 feet from w. Mariana Road and Judd Road, [2] Relief from 25 foot landscape buffer adjacent to all right-of-ways and provide a 15 foot buffer for west lot, 19 foot buffer east of lot and no buffer at Many Road. Also to permit the 5 foot Type buffer requirement at South property line to end where indigenous tree preserve starts, no buffer to residentially zoned property to the east and south property lines.

[3] Relief from requirement to provide 8 foot wall adjacent residentially zoned properties and provide an 8 foot wall only at the east property line between the repair and service center and abutting lot at 353 W. Mariana Ave. Permit proposed detention area and indigenous/tree area along lots on Many Road. [4] Relief from 10% building perimeter plantings to 6% of the gross floor area of the ground floor area of the repair and service building on the east lot. [5] Request to eliminate required landscape islands in parking next to sales center. [6] Relief from requirement to provide 4 parking spaces per service bay plus 1 parking space per employee for Automotive Repair and Service. A motion of "No Objection" was made by member Daltry and seconded by member Krebs . The motion was approved.

-Betmar Office/Storage Building-Development Order-This project is to construct 4-5000 sq. ft. office/storage units at Route 41 and Betmar. Buffering meets County requirements. Site lighting will be on the fronts of the buildings. Each building will have a 12 foot overhead door. Storm water discharge will be into the adjacent creek. Architectural requirements of the North Fort Requirements were discussed as the Panel did not think there were any elements of "Old Florida" architecture included. A motion of "No Objection to the site or use with the consideration of the inclusion of elements of "Old Florida" architecture" was made by member Krebs and seconded by member Berndlmaier. The motion was approved.

5. OLD BUSINESS: A discussion of a new Panel President/Secretary took place.

6. OTHER BUSINESS: There was no Other Business.

7. ADJOURNMENT: The meeting was adjourned at 7:30 PM.

THE NEXT MEETING WILL BE ON MARCH 1, 2022 -N. FT. MYERS RECREATION CENTER

EXHIBIT F

RESOLUTION NUMBER Z-10-002

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

WHEREAS, Quattrone and Associates, Inc., filed an application on behalf of the property owner, Theta Investments N.V. Corp., to rezone a 56.76±-acre parcel from Agricultural (AG-2) to Mixed Use Planned Development (MPD) in reference to Bayshore 57 MPD; and,

WHEREAS, a public hearing was advertised for May 20, 2010. On May 20, 2010, at the request of the Applicant, the Hearing Examiner, Richard A. Gescheidt, continued the hearing until July 23, 2010. On July 23, 2010, the public hearing was held. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to his Office on or before August 6, 2010.

WHEREAS, the Lee County Zoning Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2007-00045; and,

WHEREAS, a second public hearing was advertised and held on October 4, 2010, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record, and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 56.76±-acre parcel from AG-2 to MPD to allow for a maximum of 140,000 square feet of commercial floor area to: include a maximum of 70,000 square feet of commercial retail; a maximum of 35,000 square feet of medical office; a maximum of 35,000 square feet of office; and a maximum of 176 dwelling units to include maximum of 104 townhomes and a maximum 72 single-family dwelling units. Maximum height proposed is two stories/35 feet. Development blasting is not requested. The development will connect to public potable water and public sanitary sewer service.

The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A.

The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development of this project must be consistent with the four-page Master Concept Plan (MCP) entitled "Master Concept Plan: Bayshore 57," prepared by Quattrone & Associates, Inc., date stamped "Received Oct 26 2010 Community Development," last revised October 05, 2010 for page 1, and October 12, 2010 for page 2, and attached hereto as Exhibit C, except as modified by the conditions below.

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

Maximum Commercial Floor Area: 140,000 square feet of floor area to include 70,000 square feet of commercial retail square footage as defined by the Lee County Comprehensive Plan (Comp Plan) per Policy 6.1.2(7); a maximum of 35,000 square feet of medical office; and a maximum of 35,000 square feet of commercial office.

Maximum Residential Density: 176 dwelling units, 4.678 units per acre, and limited to a maximum of the following types of dwelling units:

72 single-family units; and 104 townhome, multi-family units or ALF equivalent units pursuant to the LDC.

2. Schedule of Uses

- a. The following limits apply to the project and uses.

RESIDENTIAL AREA

Accessory uses and structures

Administrative Offices

Agricultural - limited to cattle grazing and Condition 9.

Assisted Living Facility (ALF)

Clubs: Private

Community Garden

Consumption on Premises, See Condition 15.

Dwelling unit: Single-Family, Townhouse, Multiple family building (per Condition 1).

Entrance gates and gatehouse

Essential services

Essential service facilities: Groups I and II

Excavation: Water retention. Not to include removal of excavated material from site.

No blasting.

Models: Display center, Model units, Model homes. See condition 11.

Parking lot: Accessory

Recreation facilities: Personal, Private On site

Signs - in accordance with LDC Chapter 30.

Temporary uses - construction office, construction trailer, sales center, parking lot.

COMMERCIAL AREA

See Condition #20.

RETAIL SHOPPING CENTER AREA

Accessory uses and structures
Administrative Offices
Agricultural - limited to cattle grazing and Condition 9.
Animals: Clinic or kennel (No outdoor runs)
ATM (automatic teller machine)
Auto parts store (with or without installation)
Bait and tackle shop
Banks and financial establishments: Groups I and II
Business services: Groups I and II (excluding Bail Bonding, Armored Car Services, Automobile Claims Adjusters, and Automobile Repossessing Services.
Cleaning and maintenance services
Clothing stores, general
Computer and data processing services
Consumption on premises - See Condition 15.
Convenience food and beverage store - limited to 1.
Department store
Drive through facility for any permitted use
Drugstore, pharmacy
Entrance gates and gatehouse
Essential services
Essential service facilities: Group I
Excavation: Water retention. Not to include removal of excavated material from site. No blasting.
Fences, walls
Food and beverage service, limited
Food stores: Groups I and II
Gift and souvenir shop
Hardware store
Hobby, toy and game shops
Household and office furnishings, all groups
Insurance companies
Laundry or dry cleaning: Groups I and II
Lawn and garden supply stores
Library
Medical office
Nonstore retailers, all groups
Paint, glass and wallpaper
Parking lot: Accessory
Personal services: Groups I, II and III (no massage parlors, steam or Turkish baths)
Pet services (no outdoor runs)
Pet shop (no outdoor runs)
Photo finishing laboratory
Place of worship
Post office
Printing and publishing

Real estate sales office
Recreation facilities Commercial: Group IV
Religious facilities
Repair shops: Groups I, II, and III
Restaurant, fast food - limited to 1 stand alone. No limit on fast food within a multi-occupancy plaza.
Restaurants: Groups I, II and III
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises
Self Service Fuel Pumps - limited to 16 (accessory to convenience food and beverage store only.)
Signs (in accordance with LDC Chapter 30)
Social services: Groups I and II
Specialty Retail Shops: Groups I and II - excluding Tobacco stores.
Storage: Indoor only
Studios
Temporary uses - construction office, construction trailer, sales center, parking lot.
Theater, indoor
Used merchandise stores: Groups I, II and III
Variety store

MEDICAL AND OFFICE BUILDING

Accessory uses and structures
Administrative Offices
Agricultural - limited to cattle grazing and Condition 9.
ATM (automatic teller machine)
Banks and financial establishments: Groups I and II
Business services: Groups I and II (excluding Bail Bonding, Armored Car Services, Automobile Claims Adjusters, and Automobile Repossessing Services.
Cleaning and maintenance services
Computer and data processing services
Entrance gates and gatehouse
Essential services
Essential service facilities: Group I
Excavation: Water retention. Not to include removal of excavated material from site. No blasting.
Fences, walls
Insurance companies
Library
Medical office
Parking lot: Accessory
Personal services: Groups I, II and III (no massage parlors, steam or Turkish baths)
Place of worship
Real estate sales office
Religious facilities
Signs (in accordance with LDC Chapter 30)
Social services: Groups I and II

b. Site Development RegulationsMinimum Lot Area and DimensionsResidential Multi-family/ALF/recreation Facilities

Lot Size:	7,500 square feet
Lot Width:	100 feet
Lot Depth:	75 feet

Minimum Setbacks

Public Street:	25 feet
Private Street	20 feet
Side:	15 feet
Rear:	25 feet
Water body	25 feet
Indigenous	20 feet/30 feet for fire dependent plant communities

Minimum Building Separation: 20 feet

Accessory use and structure setbacks must comply with LDC (LDC) § 34-1171 *et seq.* and LDC § 32-2194.

Maximum Lot Coverage: 45 percent

Building/Structure Height: 2 stories/35 feet

TownhousesMinimum Lot Areas and Dimensions (per unit)

Lot Size:	1,530 square feet
Lot Width:	18 feet
Lot Depth:	85 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	0/10 feet (lesser setback for interior units)
Rear	15 feet
Water body	25 feet

Accessory Use and Structure setbacks must comply with LDC § 34-1171 *et seq.* and 34-2194.

Minimum Building Separation: 20 feet.

Maximum Lot Coverage: 75 percent

Building Height: 35 feet/ 2 stories

Single Family

Minimum Lot Areas and Dimensions (per unit)

Lot Size: 6,500 square feet
 Lot Width: 50 feet
 Lot Depth: 100 feet

Minimum Setbacks

Street 20 feet (public)/20 feet (private)
 Side 5 feet
 Rear 15 feet
 Water body 25 feet
 Indigenous 20 feet/30 feet for fire dependent plant communities

Accessory Use and Structure setbacks must comply with LDC § 34-1171 *et seq.* and 34-2194.

Minimum Building Separation: 10 feet.

Maximum Lot Coverage: 45 percent

Building Height: 2 stories/35 feet

Commercial

Lot Size: 10,000 square feet
 Lot Width: 100 feet
 Lot Depth: 100 feet

Minimum Setbacks

Public Street:
 Arterial 50 feet
 Other Public 25 feet
 Private Street 20 feet
 Side: 15 feet
 Rear: 20 feet
 Water body 25 feet
 Indigenous 20 feet/30 feet for fire dependent plant communities

Minimum Building Separation: 20 feet

Accessory use and structure setbacks must comply with LDC (LDC) § 34-1171 *et seq.* and LDC § 32-2194.

Maximum Lot Coverage: 40 percent

Building/Structure Height: 2 stories/35 feet

3. No Blasting.

Development blasting is not permitted as part of this project, unless approved at a subsequent public hearing as an amendment to the planned development.

4. Traffic.

Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

5. Lee County Comprehensive Plan.

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Comp Plan Planning Communities Map and Acreage Allocation Table, Map 16, and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix, and general function (for commercial uses), as well as all other Comp Plan provisions.

6. Concurrency.

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

7. Water and Sewer.

The subject property must connect to public potable water service and public sanitary sewer service. At time of any local development order approval, the developer must also demonstrate there is adequate water and sewer capacity to handle the proposed level of development. No on-site well systems may be utilized for potable water. No septic tanks or package plants may be utilized for sanitary sewer service.

8. Accessory Uses.

Within the Commercial Planned Development, accessory uses must be located on the same tract, parcel, or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, or outparcel.

9. Agricultural Uses.

Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:

- a. Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on Exhibit "D," attached hereto, may continue until approval of a local development order for the area of the project containing those uses.
- b. Additional clearing of trees or other vegetation in agricultural areas for agricultural purposes is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County-approved requests for the removal of invasive exotic vegetation.
- c. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:
 - (1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:
 - (a) the date the agricultural uses ceased;
 - (b) the legal description of the property subject to the development order approval;
 - (c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the County that they will not allow any such uses on the property unless and until the property is rezoned to permit such uses; and,
 - (d) that the affidavit constitutes a covenant between the owner and the County that is binding on the owner and their assignees and successors in interest. The covenant must be properly recorded in the public records of the County at the owner's expense.
 - (2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include a copy of the request to terminate the tax exemption provided to the Property Appraiser.

10. Solid Waste/Recycling.

As part of any local development order approval for vertical development, the development order plans must include facilities in compliance with LDC §10-261 and Solid Waste Ordinance # 08-10 for the pick up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

11. Model Homes/Units/Real Estate Sales.

- a. Model homes and units are limited to a maximum of eight.
- b. Models cannot be of the same floor plan and each must be a different design.
- c. Real estate sales are limited to clubhouses, model locations, and commercial areas as shown on the approved MCP.
- d. Real estate sales within the residential area will be limited to the sale of lots or units within the development only. Real estate sales in the commercial area are not limited.
- e. Hours of operation for model homes and real estate sales in the residential area are limited to Monday through Sunday, 8:00 a.m. to 8:00 p.m. Real estate sales in the commercial area are not limited.
- f. No dry models are permitted.

12. Access to Bayshore Road.

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

13. Sidewalks.

Development must include internal sidewalks as depicted on the approved MCP as a site-related improvement. Such facilities must be included in local development orders as part of construction of the project's infrastructure.

14. Unified Architectural Theme and Design Standards.

- a. Prior to local development order approval, the exterior elevations of the commercial buildings must be in substantial compliance with the Exhibit "E" hereto.
- b. These designs are preliminary and subject to changes in conformance with this resolution and LDC Chapter 10, Article IV, §10-600 Design Standards and Guidelines for Commercial Buildings and Developments, *et. seq.*
- c. All structures, including signage, within the MPD must be designed to be architecturally compatible and share a common architectural theme.
- d. A unified signage plan will be submitted as an administrative amendment for staff review and approval in conjunction with local development order approval.
- e. Flat canopy roofs for self-service fuel pumps are prohibited.

- f. The use of neon lighting for the exterior lighting or signage of any buildings within the MPD area (excluding interior signage that may be incidentally visible from the exterior) is prohibited.
- g. The use of florescent colors for accent or primary exterior surfaces is prohibited. The color palette for the primary and accent exterior surfaces must be generally subdued and earth tones, excepting that national signage, consistent with the provisions of LDC Chapter 30 and the unified sign plan, will be allowed.

15. Consumption on Premises.

- a. Consumption on premises is limited to indoor seating in conjunction with a Group II or III Restaurant with a 4-COP-SRX and/or 2-COP beverage license.
- b. The hours of operation for indoor consumption on premises is limited to between 11:00 a.m. to 11:00 p.m. daily.
- c. No sale, service, or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.
- d. Outdoor consumption on premises within the residential and/or commercial area of the MPD may be approved by a special exception or an amendment to the planned Development (public hearing required). The applicant must provide adequate detail of the outdoor seating area (square footage, number of seats, proposed hours, distance to Bayshore Elementary, outdoor entertainment, etc.) consistent with the requirements of the LDC.
- e. No consumption on premises (indoors or outdoors) will be permitted less than 1,000 feet from the closest boundary of the property line for Bayshore Elementary School.

16. Open Space.

Prior to local development order approval, the development order plans must delineate a minimum of 24.00 acres as common open space in substantial compliance with the MCP.

17. Indigenous Preserve.

Prior to local development order approval, the development order plans must depict a minimum of 12.19 acres, 13.53 acres with credits, as indigenous open space.

18. Gopher Tortoises.

Prior to development order approval, the applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with Florida Fish and Wildlife Conservation Commission (FWC) verifying that on-site avoidance or relocation attempts were made must be provided to Division of Environmental Sciences (ES) staff.

A copy of the appropriate gopher tortoise relocation permit issued by the (FWC) must be submitted to the ES staff prior to excavation and moving of any gopher tortoises. The applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and ES staff.

19. Detention Areas.

Prior to local development order approval, if dry detention is proposed, the landscape plan must depict:

- a. the dry detention areas planted to include herbaceous vegetation arranged in clusters and planted in a one-gallon container size, three feet on center; and,
- b. the dry detention areas to be planted with scattered cypress (*Taxodium* sp.), red maple (*Acer rubrum*), and/or laurel oak (*Quercus laurifolia*) planted at 10 feet in height, two-inch caliper with a four-foot spread and 20-foot on center; and,
- c. general tree credits can be applied as per LDC §10-418(4) for herbaceous vegetation, and a general tree credit on a ratio of one-to-one for the planting of trees in the dry detention; and,
- d. The required plantings must be designed to not adversely affect the functions and future maintenance of the water management facilities and will meet the requirements of the South Florida Water Management District.

20. Commercial Uses.

No commercial uses or buildings are permitted on Tract "A," the 1.0±-acre southwest corner of the property fronting on Bayshore Road (S.R. 78) as shown on the approved MCP.

Uses permitted on this tract are limited to signs (in compliance with LDC Chapter 30), open space, essential services, and storm water management.

Any permitted uses must be located in an area to avoid impacts or minimize impacts to existing native vegetation.

Prior to local development order approval, the development order plans must indicate the wetland area (Tract "A") in the southwest corner as indigenous preserve and that hydrologic function will be provided and maintained by incorporating the wetland area into the storm water management system. Any signs to be placed within the preserve must be shown on the development orders to ensure minimal impact to existing vegetation. The indigenous maintenance plan must include a separate section on maintenance such as mowing, trimming, or pruning of the 1.0-acre to allow for visibility to the off-site directional sign. The MCP must be changed to show the location of Tract "A."

Prior to issuance of a sign permit for the off-site directional sign, a Limited Development Order (LDO) Type 99 Letter of Transmittal must be submitted for review and approval by ES

staff. The LDO must address placement of the sign, any utilities, and site work in conjunction with the sign. Placement of the sign must be designed to avoid unnecessary impacts to the indigenous vegetation within Tract "A."

Uses permitted on this tract are limited to signs that are in compliance with Chapter 30 of the LDC, as modified by Deviations 2 through 5, and the conditions thereto. Said uses are also limited by the open space, essential services, and storm water management requirements of applicable Lee County Ordinances.

21. Enhanced Buffer/Chapel Creek.

Prior to local development order approval, the landscape plans must depict enhanced planting for the buffer separating the commercial portion of Bayshore 57 from Chapel Creek RPD/CPD to include:

- a. an enhanced buffer with 15 native canopy trees per 100 linear feet, 14 feet in height, four-inch caliper at 12 inches from ground height; and,
- b. a double staggered hedge row, 48 inches in height at time of planting maintained at 60 inches; and,
- c. native round cover, one-gallon container size, planted three feet on center.

22. Right-of-way Buffer.

Prior to local development order approval, the development order plans must depict a 50-foot right-of-way buffer to include at a minimum the following:

- a. All native trees a minimum four-inch caliper must be preserved; and,
- b. hand removal of exotics must be utilized and any mechanical clearing may occur with prior approval by ES staff; and,
- c. after exotic removal the 50-foot buffer must contain a minimum of 15 native trees per 100 linear feet; and,
- d. additional trees must be planted if, after exotic removal, portions of the buffer area have less than 15 trees per 100 linear feet; and,
- e. trees must be planted or retained at a one-to-one ratio with no credits applied; and,
- f. general trees planted within this area must not be used to meet the 15 trees per 100 linear feet; and,
- g. the buffer trees must be planted at 14 feet in height, four-inch caliper at 12 inches from ground height, with a four-foot spread; and,
- h. a retaining wall separating the parking area from the 50-foot buffer; and

- i. no impacts to mature native trees except that which occurs due to the construction, within five feet of the retaining wall; and,
- j. 18 shrubs per 100 linear feet planted at 24-inches and maintained at 36-inches planted along the retaining wall adjacent to the parking area.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC § 10-285(a) requirement to provide a 330-foot connection separation on a collector road; to allow 253 feet of separation on Samville Road. This deviation is APPROVED SUBJECT TO the condition:
 - a. The applicant is responsible, as a site-related improvement, for all costs of the realignment of Samville Road from State Road 78 to and including the Lee County property to the west (currently in use as a utilities facility). The site-related improvements must include design, permitting, right-of-way dedication, construction of the roadway realignment, utilities relocation, sidewalk, and other roadway appurtenances. The geometric details of the realignment design will be determined at the time of local development order in cooperation with the Florida Department of Transportation.
2. Deviation (2) seeks relief from the LDC §30-153(2)a(1)ii requirement to restrict the number of permanent signs in commercial areas for multiple-occupancy complexes to one ground-mounted identification sign along any street frontage of 330 feet or less, and a second sign when the frontage is greater than 330 feet; to allow a third ground-mounted identification signs along the Bayshore Road frontage of the project, pursuant to the approved MCP. This deviation is APPROVED SUBJECT TO the Condition of Approval for Deviations to Chapter 30, which are set forth following Deviation 5.
3. Deviation (3) seeks relief from LDC §30-153(2)a(1)ii, which restricts the total sign area to no greater than 300 square feet; to allow a total of 331 square feet for the Commercial Planned Development (CPD). This deviation is APPROVED SUBJECT TO the Conditions of Approval for Deviations to Chapter 30, which are set forth following Deviation 5.
4. Deviation (4) seeks relief from the LDC §30-94(h) requirement to allow a maximum interior angle for double-faced signs of 30 degrees; to allow an interior angle of 133 degrees. This deviation is APPROVED SUBJECT TO the Conditions 5.a, b, c, and d under Deviation 5.
5. Deviation (5) seeks relief from the LDC §30, Division 3 "Off Site Signs," § 30-181 (b) 2-5 "Off Site Directional Signs," requirements to allow off site directional signs for semi-public bodies (such as place of worship) and limits them to certain locations, heights, size, content, and design generally; to allow an off site directional sign for a place of worship pursuant to the approved MCP. This deviation is APPROVED SUBJECT TO the Conditions of Approval for Deviations to Chapter 30, which are set forth as follows:

Conditions of Approval for Deviations to Chapter 30

- a. The deviations are limited to the "Proposed Faith Assembly Sign" per the approved MCP. Otherwise, signs must comply with Chapter 30 of the LDC.

- b. The "Proposed Faith Assembly Sign" must be in substantial compliance with the design per Exhibit "B" of VAR2008-00036.
- c. The maximum height for the "Proposed Faith Assembly Sign" is 12.33 feet.
- d. The "Proposed Faith Assembly Sign" shall not have an interior angle of separation greater than 133 degrees.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Bona fide Agricultural Uses Affidavit
- Exhibit E: Unified Architectural Theme and Design Standards

The applicant has indicated that the STRAP number for the subject property is:

20-43-25-00-00003.3000

SECTION E. FINDINGS AND CONCLUSIONS:

- 1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
- 2. The MPD rezoning, as conditioned and with the special case finding:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
- 3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

- c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.
6. The applicant has demonstrated that it meets the "Special Case" standards set out in Lee Plan Policy 6.1.2(8).

Commissioner Judah made a motion to adopt the foregoing resolution. The motion was seconded by Commissioner Manning. The vote was as follows:

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 4th day of October 2010.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Kathleen A. Motz
Deputy Clerk

BY: Tammara Hall
Tammara Hall, Chairwoman



RECEIVED
MINUTES OFFICE

2010 NOV -1 AM 11:59

Approved as to form by:

Michael D. Jacob
Michael D. Jacob
Assistant County Attorney
County Attorney's Office

EXHIBIT A
Legal Description,
Property located in Lee County,
Florida
Page 1 of 2

PROPERTY DESCRIPTION

A PARCEL OR TRACT OF LAND LYING IN SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 20, THENCE RUN NORTH 89°43'21" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, FOR 292.75 FEET; THENCE SOUTH 43°58'29" EAST FOR 2879.15 FEET TO A POINT ON A CURVE, SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD C-78 (BAYSHORE ROAD), SAID CURVE BEING CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 2914.79 FEET SUBTENDED BY A CHORD OF 184.66 FEET AT A BEARING OF SOUTH 44°24'15" WEST; THENCE RUN SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 37°14'14", FOR AN ARC DISTANCE OF 184.68 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 42°47'09" WEST FOR A DISTANCE OF 264.79 FEET TO THE NORTHEASTERLY CORNER OF PARCEL #122 SECTION 12060-2535 STATE ROAD 783 AS RECORDED IN INSTRUMENT #2006000126434 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 47°12'51" WEST ALONG THE NORTHEASTERLY LINE OF SAID PARCEL #122, A DISTANCE OF 15.00 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL #122; THENCE SOUTH 42°47'09" WEST ALONG THE NORTHWESTERLY LINE OF SAID PARCEL #122, A DISTANCE OF 365.75 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL #122 AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SANVILLE ROAD (OLD BAYSHORE ROAD); THENCE SOUTH 89°42'36" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 213.46 FEET TO A POINT ON THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1215, PAGE 896 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 00°04'14" EAST ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 300.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 89°42'36" WEST ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND AND A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE NORTH 00°04'14" EAST ALONG SAID WEST LINE A DISTANCE OF 342.85 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN SOUTH 89°42'47" WEST FOR A DISTANCE OF 660.30 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN NORTH 0°00'59" EAST FOR A DISTANCE OF 667.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN SOUTH 89°42'59" WEST FOR A DISTANCE OF 660.93 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN NORTH 0°02'16" WEST ALONG THE WEST LINE OF SAID SECTION 20 FOR A DISTANCE OF 1335.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 56.76 ACRES MORE OR LESS.

Applicant's Legal Checked
by CG 3/24/08

WRI 2007-00045



COMMUNITY DEVELOPMENT

LDC SEC 10.415 OPEN SPACE



LOCATED IN SECTION 03, TOWNSHIP 44, SOUTH, RANGE 25, LEE COUNTY, FLORIDA

**OPEN SPACE AND
LANDSCAPING EXHIBIT**

[illegible]

- MAP OVERLAY LEGEND**
- | | |
|---|----------------------|
|  | ADJUDICATED PRESENTS |
|  | LAKE |

Engineers, Planners, & Development Consultants

4401 Vermonter Street, Suite Blvd. 1, Fort Myers, FL 33916-1239, 936.5222, 100AllInc.net

EXHIBIT C

EXHIBIT D

Page 1 of 2

AGRICULTURAL USES AT TIME OF ZONING APPLICATION

The undersigned swears or affirms under oath, deposes and says:

1. that he is the fee owner, trustee, managing member or authorized representative of the property commonly known as STRAP# 20-43-25-00-00003.3000 and legally described in Exhibit "A".
2. that livestock pasture currently exist on the property occupying 57± acres, or the entire parcel, as identified by the sketch accompanying legal description.

FURTHER AFFIANT SAYETH NAUGHT.


Signature of Owner or Representative

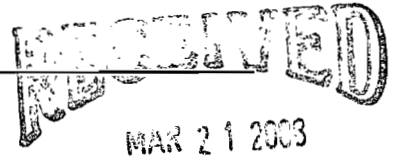
Natalio Wengrower/Owner & Managing Director

Printed Name and Title

REPUBLIC OF ARGENTINA)
CITY OF BUENOS AIRES)
EMBASSY OF THE UNITED) § 8
STATES OF AMERICA)

Theta Investments

Name of Entity/Corporation

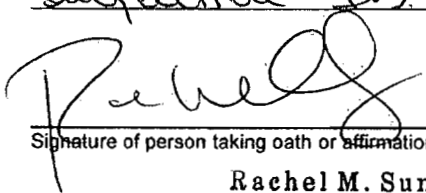


~~STATE OF~~ Country of : Argentina

~~COUNTY OF~~ City of : Buenos Aires

COMMUNITY DEVELOPMENT

Sworn to (or affirmed) and subscribed before me this 30th day of November, 2006, by
Natalio Wengrower, who is personally known to me or who has produced
Argentine ID as identification.


Signature of person taking oath or affirmation

Rachel M. Sunden
Vice Consul

Name typed, printed or stamped

Title or rank

Serial number, if any

DCI 2007-00045

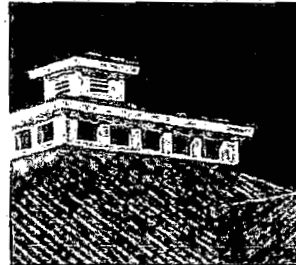
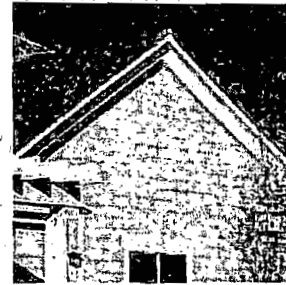
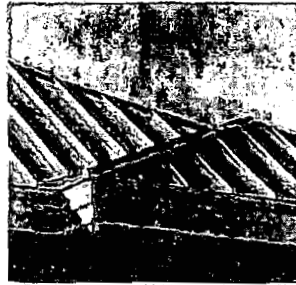
Exhibit E Page 1 of 2

Bayshore 57 MPD Unified Architectural Theme and Design Standards

Overall character to mostly emulate architectural features and materials associated with a Keywest image. Detail and accents along the lines of traditional Colonial features.

Roof

- Pitched Roofs & Mansards
- Varied gable and hip roofs
- Standing Seam Roofing
- Predominantly medium pitch roofs



Decorative features

- Bermuda shutters
- Decorative railings
- Accent columns and Arcades
- Trim, Cornice, window frames to be white or predominantly lighter than field colors



Exhibit E
Page 2 of 2

Bayshore 57 MPD Unified Architectural Theme and Design Standards

Windows

- Vertical emphasis
- Predominantly white trim, some dark accent trim applied by floor
- Divided lights with vertical emphasis



Wall Finishes

- Horizontal siding as dominant finish
- Stucco as field finish
- Brick or Stone articulated base

