



September 19, 2023

Mr. Chahram Badamtchian
Lee County Government
1500 Monroe Street
Ft. Myers, FL 33901

**RE: Bayshore 31 RPD
DCI2022-00037**

Dear: Mr. Badamtchian:

Enclosed please find responses to Staff's comments below in bold. The following items are resubmitted in response to Staff's comments:

1. Revised Application Form;
2. Revised Affidavits of Authorization & Disclosure of Interest;
3. Revised Request & Lee Plan Compliance Narrative;
4. Revised Schedule of Uses;
5. Revised Site Development Regulations
6. Revised Master Concept Plan (MCP);
7. Density Calculation Exhibit;
8. Revised Deviation & Justification Narrative;
9. Revised Traffic Impact Statement;
10. Revised Environmental Report;
11. Surface Water Management Plan;
12. Draft Drainage and Maintenance Easement;
13. Update Boundary Survey; and
14. Updated Title Certification.

ZONING SECTION REVIEW by Chahram Badamtchian:

1. Please provide a synopsis of the required public informational meeting in North Fort Myers.

RESPONSE: It is understood the public informational meeting is required prior to a finding of sufficiency by Staff. The Client intends to conduct the meeting in August. A summary and all required back-up materials will be provided to Staff in a subsequent submittal.

2. There are some small numbers next to some setbacks and other development regulations. Are those supposed to be for footnotes? Please clarify what those numbers are for.

RESPONSE: Please refer to the revised Site Development Regulations. Formatting and footnotes have been corrected.

PLANNING SECTION REVIEW BY Brandon Dunn:

1. The density calculations provided in the application and on the MCP are not consistent. Please correct as appropriate and correct in all applicable locations throughout the application materials.

RESPONSE: Please refer to the revised Application Form, Project Narrative, Preliminary Density Calculation and MCP. All materials reflect the density calculation consistently.

2. Please provide an analysis of Goal 30, including any Objectives or Policies applicable to the requested rezoning.

RESPONSE: Please refer to the revised Project Narrative. Reference to this Goal and applicable policies have been provided.

ENVIRONMENTAL SCIENCES REVIEW by Elizabeth Workman:

1. Revise the narrative to include the Wetland Future Land Use analysis and density calculation.

RESPONSE: Please refer to the revised Project Narrative. A separate Preliminary Density Calculation exhibit has also been attached.

2. The environmental assessment states that 6.49 acres of wetlands were identified on the site and the application states that the site has 6.0 acres of wetlands. Provide a formal jurisdictional wetland determination depicting the state protected wetlands. Indicate if mitigation for wetland impacts will be addressed through onsite or offsite mitigation in accordance with Goal 124.

RESPONSE: Please refer to the revised Environmental Assessment and MCP. The wetland acreage is 6.49 AC.

3. The Environmental Assessment included a soils map that depicts hydric soils located within half of the property. The MCP depicts upland preserves in these areas. Revise the MCP to be consistent with the Environmental Assessment as there are no upland soils within the areas hatched as upland preserves.

RESPONSE: Please refer to the revised Master Concept Plan, which now delineates uplands and wetland preserve areas consistent with the Environmental Assessment.

4. Revise the Environmental Assessment to provide the percentage of exotics in each indigenous FLUCCS to ensure that the proposed preserves depicted on the MCP are indigenous per LDC Section 10-1.

RESPONSE: Please refer to the revised Environmental Assessment. The percentages of exotics have been provided.

5. The Environmental Assessment and the MCP depict other surface waters in an area that is a floodway. Revise both documents to depict the floodway.

RESPONSE: Please refer to the revised Environmental Assessment and MCP, which now depict the latest FIRM floodway.

6. It appears that the 50-foot natural waterway buffer is less than 50-feet and the applicant has requested Deviation #6 to allow a reduced width due to the FDOT drainage easement. Provide a cross section to support Deviation #6 that depicts the limits of the floodway, FDOT drainage easement width, the top of bank or mean high water, whichever is further landward, and the 50-foot natural water way buffer.

RESPONSE: Please refer to the revised Schedule of Deviations and supportive natural waterway buffer cross section.

NATURAL RESOURCES REVIEW BY Nicholas DeFilippo:

1. Please provide a written description of the surface water management plan per LDC 34-373(b) (1).

RESPONSE: Please refer to the Surface Water Management Plan.

2. The proposed project is within the impaired Daughtrey Creek watershed. Please, at a minimum, provide an analysis of Lee Plan policies 60.1.1, 60.4.2, 125.1.2, 125.1.3, 125.1.4, and 126.1.4.

RESPONSE:

3. Please clarify if improvements within the FIRM Floodway are proposed.

RESPONSE: Please refer to the Surface Water Management Narrative.

4. Please provide a Drainage and Access Easement per 10-328 for the Floodway. Please label these areas on the MCP and provide a draft easement.

RESPONSE: Please see attached draft drainage and access easement.

DEVELOPMENT SERVICES REVIEW:

1. The request language in Deviation (1) references Deviation (4). Deviation (4) references an excavation setback and doesn't appear related to the request. Please clarify.

RESPONSE: Please see revised Schedule of Deviations & Justifications.

2. Deviation (5) requests a deviation from the requirement to provide an additional ingress/egress point. Please provide a letter of no objection from the fire department, emergency management and sheriff's office approving the location and concoction of proposed access point. The note reads "stabilized emergency access" please provide a detail of the proposed stabilized surface. Please provide the existing cross section and paving detail of the existing Hartwig Lane. Based on the aerial it does not appear to meet the requirements for fire department access.

RESPONSE: Please see revised Schedule of Deviations & Justifications, as well the letters of no objection from the North Fort Myers Fire District and Lee County Emergency Management.

3. Please provide a storm water management plan in accordance with LDC 34-373(b).

RESPONSE: Please refer to the attached Surface Water Management Narrative.

4. The MCP shows detention area inside of an existing power line easement. Please provide a letter of no objection to the improvements within the easement. Please address the requirement of LDC 34-1746.

RESPONSE: No Objection letter from FPL will be forthcoming.

5. Please label the proposed ROW on the MCP. The inset details show a ROW of 40' while the plan ROW scales at approximately 48'. Please clarify.

RESPONSE: Please refer to the revised MCP. The right-of-way is revised to 40 feet.

6. Please show the FIRM Floodway boundary on the MCP. Is any impact to the floodway proposed?

RESPONSE: Please refer to the revised MCP with FIRM Floodway linework shown. Impacts are not proposed.

LEGAL DESCRIPTION REVIEW by Hunter Searson:

1. Please provide a boundary survey in accordance with the requirements of Lee County LDC §34-202(a)(6).

RESPONSE: Please see updated boundary survey.

2. The survey must be tied to the state plane coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner.

The survey must be based upon the title certification submitted in accord with section 34-201(a)(7). When the Title Certification is submitted, the legal description on the boundary survey must match that which is shown on the title.

RESPONSE: Please see updated boundary survey and title certification.

3. Please provide a title certification in accordance with the requirements of Lee County LDC §34-202(a)(7). Document submitted needs to be one of the two forms listed in LDC §34-202(a)(7)(a) with required content included.

RESPONSE: Please see attached updated title certification.

Thank you in advance for your consideration of the above information. If you require further information, please do not hesitate to contact me at (239) 850-8525 or acrespo@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture



Alexis V. Crespo, AICP

Vice President of Planning

Enclosures

cc: Chris King, Black Spider Land Company, LLC
Carl Barraco, Jr. & Jamie Wilson, Barraco & Associates
Ted Treesh, TR Transportation
Barrett Stejskal, Bear Paws Environmental Consulting



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Bayshore 31 RPD

Request: Rezone from: AG-2 & RS-1 To: Residential Planned Development

Type: ☒ Major PD ☐ Minor PD ☐ DRI w/Rezoning ☐ PRFPD
☐ Major PD Amendment ☐ Minor PD Amendment

Bonus Density included? ☒ NO ☐ YES¹ for: Bonus Units

¹ If YES, submit additional fee required by LDC 2-147(A)(3)

Summary of Project:

Request to rezone a ±34.8-acre property from Agriculture (AG-2) and Residential Single-family (RSF-1) to allow for a maximum of 180 multi-family dwelling units, supportive infrastructure, and amenity space. The maximum building height is 35 feet. The site will connect to centralized water and sewer services.

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: Black Spider Land Company, LLC C/O Chris King

Address: 101 Pugliese's Way, Suite 200

City, State, Zip: Delray Beach, FL 33444

Phone Number: (561) 454-1606

E-mail Address: cking@puglieseco.com

B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:

☒ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]

☐ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]

☐ Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]

1. Company Name: RVi Planning + Landscape Architecture

Contact Person: Tom Sacharski, AICP

Address: 8725 Pendery Place

City, State, Zip: Bradenton, FL 34201

Phone Number: 941.706.6132

Email: tsacharski@rviplanning.com

2. **[Additional Agent\(s\)](#):** Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

PART 2 PROPERTY OWNERSHIP

A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]

Name: Black Spider Land Company, LLC

Address: 101 Pugliese's Way, 2nd Floor

City, State, Zip: Delray Beach, FL 33444

Phone Number: 561-454-1606

Email: cking@puglieseco.com

B. Disclosure of Interest [34-202(a)(2)]:

☒ Attach [Disclosure of Interest](#) Form.

C. Multiple parcels:

☐ Property owners list. [34-202(a)(8)]

☐ Property owners map. [34-202(a)(8)]

D. Certification of Title and Encumbrances [34-202(a)(7)]

1. Title certification document, no greater than 90 days old.

2. Date property was acquired by present owner(s): 6/12/2023

PART 3 PROPERTY INFORMATION

A. STRAP Number(s): [Attach extra sheets if additional space is needed.] [34-203(a)(5)]

29-43-25-00-00004.0000

29-43-25-00-00001.0010

B. Street Address of Property: 7150 & 7200 Bayshore Road, Fort Myers, FL 33917

C. Legal Description (must submit) [34-202(a)(5)]:

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

OR

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.)

AND

Boundary Survey [34-202(a)(6)]:

☒ A Boundary survey, tied to the state plane coordinate system.

OR

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. Surrounding property owners (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. ☒ List of surrounding property owners. [34-202(a)(9)]

2. ☒ Map of surrounding property owners. [34-202(a)(9)]

3. ☒ One set of mailing labels. [34-202(a)(9)]

Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

E. Current Zoning of Property: AG-2 & RS-1

☐ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

F. Use(s) of Property:

1. Current uses of property are: Vacant agricultural and residential land

2. Intended uses of property are: Residential

G. Future Land Use Classification (Lee Plan):

Suburban	<u>28.51</u>	Acres	<u>81.4</u>	% of Total
Wetlands	<u>6.49</u>	Acres	<u>18.6</u>	% of Total
		Acres		% of Total

H. Property Dimensions:

1. Width (average if irregular parcel):	<u>763</u>	Feet		
2. Depth (average if irregular parcel):	<u>1,374</u>	Feet		
3. Total area:	<u>31.5 ac</u>	Acres or square feet		
4. Frontage on road or street:	<u>±920</u>	Feet on	<u>Bayshore Road</u>	Street
2 nd Frontage on road or street:		Feet on		Street

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

- ☐ Not Applicable
☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
☐ North (Upper) Captiva Community Plan area. [33-1711]
☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]
☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
☐ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
☒ North Fort Myers Planning Community. [33-1532(a)&(b)]
☐ North Olga Community Plan area. [33-1663(a)&(b)]

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. [34-201(c)]

PART 4
TYPES OF LAND AREA ON PROPERTY

A. Gross Acres (total area within described parcel)		<u>34.80</u>	Acres
1. Submerged land subject to tidal influence		<u> </u>	Acres
2. a. Preserved freshwater wetlands	<u>4.39</u>	Acres	
b. Impacted wetlands	<u>2.10</u>	Acres	
c. Preserved saltwater wetlands	<u> </u>	Acres	
d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)		<u>6.49</u>	Acres
3. R-O-W providing access to non-residential uses		<u> </u>	Acres
4. Non-residential use areas ^{(1) (2)}		<u> </u>	Acres
B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).		<u>0</u>	Acres
C. Gross residential acres. (A minus B) ⁽³⁾		<u>34.8</u>	Acres
D. Gross residential acres (by Land Use Category)			
1. a. Intensive Development – upland		<u> </u>	Acres
b. Intensive Development – preserved freshwater wetlands		<u> </u>	Acres
c. Intensive Development – impacted wetlands		<u> </u>	Acres
2. a. Central Urban – upland		<u> </u>	Acres
b. Central Urban – preserved freshwater wetlands		<u> </u>	Acres
c. Central Urban – impacted wetlands		<u> </u>	Acres
3. a. Urban Community or Suburban – upland		<u> </u>	Acres
b. Urban Community or Suburban – preserved freshwater wetlands		<u> </u>	Acres
c. Urban Community or Suburban – impacted wetlands		<u> </u>	Acres

4.	a.	Suburban – upland	28.51	Acres
	b.	Suburban – preserved freshwater wetlands	4.39	Acres
	c.	Suburban – impacted wetlands	2.10	Acres
5.	a.	Outlying Suburban – upland		Acres
	b.	Outlying Suburban – preserved freshwater wetlands		Acres
	c.	Outlying Suburban – impacted wetlands		Acres
6.	a.	Sub-Outlying Suburban – upland		Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands		Acres
	c.	Sub-Outlying Suburban – impacted wetlands		Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland		Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands		Acres
8.	a.	Open Lands – upland		Acres
	b.	Open Lands – wetlands		Acres
9.	a.	Resource – upland		Acres
	b.	Resource – wetlands		Acres
10.	a.	Wetlands		Acres
11.	a.	New Community – upland		Acres
	b.	New Community – wetlands		Acres
12.	a.	University Community – upland		Acres
	b.	University Community – wetlands		Acres
13.	a.	Coastal Rural – upland		Acres
	b.	Coastal Rural – wetlands		Acres

TOTAL (should equal "C" above)

34.80 Acres

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5

RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: Suburban & Wetlands

		Lee Plan Table 1(a)	
		Max. standard density	Units
1.	Standard Units		
a.	Total upland acres (from Part 4, D.)	28.51 x 6 DU/AC =	171.06
b.	Total preserved freshwater wetlands acres (from Part 4, D.)	4.39 x 6 DU/AC =	26.34
c.	Total impacted wetlands acres (from Part 4, D.)	2.10 X 1 DU/20 AC =	0
d.	Total Allowed Standard Units ⁽¹⁾		197
2.	Bonus Units [2-143]1		
a.	Site-built Affordable Housing		
b.	Transferrable Dwelling Units		
c.	Sub-total		
3.	Total Permitted Units ⁽¹⁾		197

Note:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

**PART 6
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY INTENSITY CALCUATIONS**

A.	Commercial	Height	Total Floor Area (Square Feet)
	1. Medical		
	2. General Office		
	3. Retail		
	4. Other: _____		
	5. TOTAL FLOOR AREA		
B.	Industrial	Height	Total Floor Area (Square Feet)
	1. Under Roof		
	2. Not Under Roof		
	3. TOTAL FLOOR AREA		
C.	Mining	Depth	Total Acres
	1. Area to be excavated		
D.	Assisted Living Facilities	Height	Total Beds/Units
	1. Dependent Living Units		
	2. Independent Living Units		
	3. TOTAL BEDS/UNITS		
E.	Hotels/Motels (Room Size)	Height	Total Rental Units
	1. < 425 sq. ft.		
	2. 426-725 sq. ft.		
	3. 725 < sq. ft.		
	4. TOTAL UNITS		

**PART 7
ACTION REQUESTED**

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
1. **Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**
 2. **Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. [34-373(a)(9)]

D. Bonus Density: [34-202(a)(11)]

- ☒ Not Applicable
☐ Bonus Density will be used. Provide the number of Bonus Density units being requested and a narrative of how the request meets the requirements of LDC Section 2-146.

PART 8 ENVIRONMENTAL REQUIREMENTS

- A. Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)b.iv.]
 Elevations approximately 10' NAVD per provided ALTA survey.
- B. Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473(f)].
 See Environmental Report/Protected Species Survey.
- C. Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
 See Environmental Report/Protected Species Survey.
- D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
 N/A
- E. Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)b.i.]
- F. FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)c.]
- G. Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)b.iii.]
- H. Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)b.v.]

PART 9 SANITARY SEWER & POTABLE WATER FACILITIES

- A. Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:
 This application does not affect the existing effluent governed by FGUA, FDEP, and SFWMD permits.
- B. Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:
1. Method and degree of treatment:
 N/A
 2. Quality of the effluent:
 N/A

3. Expected life of the facility:
N/A
-

4. Who will operate and maintain the internal collection and treatment facilities:
N/A
-

5. Receiving bodies or other means of effluent disposal:
N/A
-

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

1. The location and approximate area of the spray fields:
N/A
-

2. Current water table conditions:
N/A
-

3. Proposed rate of application:
N/A
-

4. Back-up system capacity:
N/A
-

PART 10 ADDITIONAL REQUIREMENTS

A. Major Planned Developments:

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. Amendments to Built Planned Developments: The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. Attach proof of notice to other property. **[34-373(c)]**

C. Development of Regional Impact: Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(9)]**

D. Private Recreational Facility Planned Developments (PRFPDs):

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)(1)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**

5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**
6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**
- E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(a)(10)]**
- ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(a)(10)]**
- F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(a)(12)]**
- G. **Flood Hazard:**
- ☒ Not applicable
- ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)
- H. **Excavations/Blasting:**
- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Hazardous Materials Emergency Plan for Port Facilities: [12-110(a)(16)]**
- ☒ Not Applicable
- ☐ Provide a Hazardous materials emergency plan.
- J. **Mobile Home Park: [34-174(h)]**
- ☒ Not Applicable
- ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- K. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
- ☒ Not Applicable
- ☐ Property is located within _____ Airport Noise Zone: **[34-1104]**
- ☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
- ☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
- ☐ A Tall Structures Permit is required. **[34-1108]**

PART 5 SUBMITTAL REQUIREMENT CHECKLIST		
<i>Clearly label your attachments as noted in bold below</i>		
Copies Required		SUBMITTAL ITEMS
3	☒	Completed application for Public Hearing [34-202(a)(1)]
1	☒	Filing Fee - [34-201(d)]
1	☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
3	☒	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
3	☒	Additional Agents [34-202(a)(4)]
3	☐	Multiple Owners List (if applicable) [34-202(a)(2)]
3	☒	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
3	☒	Legal description (must submit) [34-202(a)(5)]
	☒	Legal description (metes and bounds) and sealed sketch of legal description
		OR
	☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
3	☒	Boundary Survey – not required if platted lot (2 originals required) [34-202(a)(6)]
3	☐	Property Owners list (if applicable) [34-202(a)(8)]
3	☐	Property Owners map (if applicable) [34-202(a)(8)]
3	☒	Confirmation of Ownership/Title Certification [34-202(a)(7)]
3	☐	STRAP Numbers (if additional sheet is required) [34-202(a)(5)]
1	☒	List of Surrounding Property Owners [34-202(a)(9)]
1	☒	Map of Surrounding Property Owners [34-202(a)(9)]
1	☒	Mailing labels [34-202(a)(9)]
3	☐	List of Zoning Resolutions and Approvals
3	☐	Summary of Public Informational Session (if applicable)
3	☐	Waivers from Application Submission Requirements (if applicable) [34-201(c)]
3	☐	Preliminary Density Calculations (if applicable)
3	☒	Request Statement [34-373(a)(5)]
3	☒	Traffic Impact Statement (TIS) (not required for existing development) [34-373(a)(7)]
3	☒	Master Concept Plan (MCP), Non-PRFPD [34-373(a)(6)]
3	☒	Schedule of Uses [34-373(a)(8)]
3	☒	Schedule of Deviations and Written Justification [34-373(a)(9)]
3	☒	Topography (if available) [34-373(a)(4)b.iv.]
3	☒	Soils Map [34-373(a)(4)b.9.]
3	☒	FLUCCS Map [34-373(a)(4)c.]
3	☒	Rare & Unique Upland Habitat Map [34-373(a)(4)b.iii.]
3	☒	Existing and Historic Flow-Ways Map [34-373(a)(4)b.v.]
3	☐	Surface Water Management Plan (if applicable) [34-373(b)(1)]
3	☐	Phasing Program (if applicable) [34-373(b)(3)]
3	☐	Protected Species Survey (if applicable) [34-373(b)(2)]
3	☐	Proof of Notice (if applicable) [34-373(c)]

3	☐	Binding Letter from DCA (if applicable) [34-373(d)(9)]
3	☐	Master Concept Plan (MCP), PRFPD (if applicable) [34-941(g)(1)]
3	☐	Conceptual Surface Water Management Plan (if applicable) [34-941(d)(3)b.i.1)]
3	☐	Well Drawdown Information (if applicable) [34-941(d)(3)d.]
3	☐	Preliminary Indigenous Restoration Plan (if applicable) [34-941(e)(5)f.iii.]
3	☐	Environmental Assessment (if applicable) [34-941(g)(2)]
3	☐	Demonstration of Compatibility (if applicable) [34-941(g)(4)]
3	☐	Potable Water & Sanitary Sewer . Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
3	☐	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
3	☐	Information Regarding Proposed Blasting (if applicable).
3	☐	Hazardous Materials Emergency Plan (if applicable)
3	☐	Mobile Home Park Dislocated Owners Information (if applicable) [34-202(b)(4)]
3	☐	Tall Structures Permit (if applicable) [34-1108]



Bayshore 31 RPD Narrative of Request

I. REQUEST

Black Spider Land Company, LLC. ("Applicant") is requesting Planned Development rezoning approval for a $\pm$ 34.8-acre property located along Bayshore Road. The subject property ("Property") is made up of two parcels (STRAP #'s: 29-43-25-00-00004.0000 & 29-43-25-00-0001.0010) located south of Bayshore Road, approximately 300 feet east of the Williams Road intersection. The Property is in the Suburban and Wetlands future land use categories and is located in the North Fort Myers Planning Community per the Lee Plan. The Property is currently zoned Agricultural (AG-2) and Residential Single-Family (RSF-1). The request is to rezone the vacant Property to Residential Planned Development (RPD) to allow for a maximum of 180 multi-family dwelling units with a maximum height of 35 feet. The development will consist of clustered residential multi-family structures, surface parking, private on-site amenities, and supportive infrastructure. The multi-family units will include one and two-units per building developed on a common tract of land. This unique form of clustered development, commonly known as "Build to Rent" (BTR), is described in further detail below. The RPD will also include perimeter buffers and open space that will provide spatial separation and physical screening between the proposed units and the surrounding properties for compatibility purposes.

II. BACKGROUND

The $\pm$ 34.8-acre property consists of undeveloped uplands and wetland with 920 feet of frontage on Bayshore Road, a 4-lane arterial roadway. The Property Appraiser classifies the existing land use as "pasture" and the property is subject to an agricultural exemption for taxation purposes. The property is accessed via Bayshore Road.

The property is designated in the Suburban future land use category and is zoned a mix of AG-2 and RS-1. The application for RPD rezoning was originally filed in May of 2022. Since then, the property has been purchased by the Applicant and an additional 3 acres have been added to the project. No other applications have been filed for this property.

III. SURROUNDING LAND USES

The Property is located along the rapidly development Bayshore Corridor in the North Fort Myers Planning Community. The site is proximate to I-75 and other urban and suburban levels of infrastructure and growth patterns.

Bayshore Road abuts the Property directly to the west. This facility is a 4-laned, state-maintained arterial roadway planned for future improvements as evidenced through an ongoing PD&E Study being conducted by the State.

Generally, the property abuts a mix of existing and approved residential developments, and lands zoned for commercial and light industrial uses on the vacant lands along the west side of Bayshore Road directly opposite of the site. To the north, across Bayshore Road, is an existing Church with some commercial and warehousing nearby. There are single-family houses to the east and a residential subdivision to the south/southeast known as Daughtrey's Creek. The Property and surrounding area all have a Future Land Use (FLU) classification of Suburban with a portion of the Property classified as Wetlands. The FLU classification allows for a maximum density of 6 dwelling units per acre. A maximum of 197 dwelling units would be allowed on the Property. The table below demonstrates the surrounding property classifications.

	Future Land Use	Zoning	Surrounding Land Use
North	Suburban	AG-2	Vacant; Arterial ROW (Bayshore Rd.)
South	Suburban	RM-2/AG-2	Single-family residential subdivision; Vacant
East	Suburban	AG-2/RS-1	Single-family residential
West	Suburban	IL/AG-2	Arterial ROW (Bayshore Rd.); Place of Worship; Vacant

IV. PUBLIC INFRASTRUCTURE

The Property is serviced by existing public infrastructure that can accommodate the proposed multi-family residential development. Potable water is provided by Lee County Utilities with wastewater provided by Florida Governmental Utility Authority. The proposed development will tie into existing utility lines. The surrounding roadway network has adequate capacity as set forth in the accompanying Traffic Circulation Analysis prepared by TR Transportation Consultants, Inc.

Additionally, there are numerous community facilities and services within approximately 5 miles of the project, including:

- Parks and recreation facilities:
 - North Fort Myers Community Park; 4.1 miles
 - Caloosahatchee Creeks Preserve West; within 1 mile
 - Caloosahatchee Creeks Preserve East; within 2.6 miles
 - Powell Creek Preserve; within 2.9 miles
 - Bayshore soccer complex; within 0.8 miles
 - Judd Community Park; 5.2 miles
- Urban levels of police, fire and emergency services:
 - North Fort Myers Fire District station 3; within 1.3 miles
 - Bayshore Fire Department Station 131; 3.2 miles
- Schools:
 - Bayshore Elementary School; within 0.8 miles
 - Orange River Elementary School; within 5.5 miles
 - J. Colin Elementary School; 3.8 miles
 - Dr. Carrie D. Robinson Littleton Elementary School; 6.6 miles

V. PROPOSED DEVELOPMENT

Through this rezoning process, the Applicant proposed a multifamily residential development consisting of 180 clustered dwelling units. Based on the underlying future land use of Suburban and Wetlands, a maximum of 197 dwelling units would be allowed on the Property. Please also refer to the Preliminary Density Calculation and the PD application form.

- **Build To Rent Concept**

The community will consist of “build-to-rent” (BTR) detached/horizontal apartment dwellings on a single lot, on-site amenities, and supportive infrastructure. There are no commercial uses proposed.

The project’s “Build to Rent” (or “BTR”) component provides a unique opportunity to provide housing diversity and an emerging, highly demanded rental product that functions like a single-family home to the North Fort Myers area. BTR generally means a residential community that will be owned by a single entity (under unified ownership and control) that will offer all of the units as a “for-rent” product located on tracts maintained by the owner entity. The developer intends to offer the multi-family detached and attached rental product on common development tracts; with 10 feet of building separation between units. This ownership structure would maximize common open space, ensure all open space areas are maintained by the property owner’s association/developer, while providing lower density multi-family dwelling types that can be compatible with the surrounding neighborhood.

The BTR dwelling type has been one of the fastest-growing sectors of the U.S. housing market, with demand from renters and investors exceeding supply. This is evidenced by several communities coming online in the Southwest Florida market area including Odyssey in Fort Myers (129 units) and Soltura Terry Street in Bonita Springs (200 units).

The demand for more diverse rental products is spurred by a number of factors. The shifting demographics in the housing market is one substantial component, as Millennials and Generation Z enter the housing market and choose rental housing from a preference standpoint. This cohort also has a higher propensity to require rental housing over ownership due to increases in housing costs and student debt loads. Florida’s seasonal “snowbird” population also provides a strong market for the more fluid single-family rental product due to preference for this product over apartment housing by a group that has typically owned housing for several decades. The product also provides the flexibility for a shorter-term commitment while getting acquainted with the Tampa Bay area.

- **Master Concept Plan**

Enclosed in this application is a Master Concept Plan (MCP) that details the developable area, buffers, access, and stormwater areas.

The proposed RPD will be accessed directly from Bayshore Road. The primary access point will be closer to the Williams Road intersection with secondary emergency access to the northeast, near the DOT detention pond. The primary access point proposes a median cut (pending State approval).

The development proposes a 15' Type A buffer to the south and east. No buffer is proposed to the north, abutting the emergency ingress/egress but a 5' Type A buffer will be provided abutting the existing Florida Department of Transportation detention pond to the north. A Type D right-of-way buffer will be provided along Bayshore Road. The clustered single-story development allows for large preserve areas towards the center and southwest corner of the Property. This large indigenous open space will preserve existing vegetation on the site.

The "villa" rental homes are clustered around common open space areas, reminiscent of the "Village Green" historical planning model that brings communities together through traditional neighborhood design. The plan provides for 13.92 acres of open space, which meets the LDC's 40% open space requirement, along with 6.96 acres of indigenous preserve. The open space areas are accessible from the dwelling units and create pocket parks/gather places dispersed throughout the project. These areas will be amenitized with passive recreational elements including landscape, hardscape, benches, etc. Surface Parking is located off the main drive, in front of the units.

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

VI. COMPREHENSIVE PLAN CONSISTENCY ANALYSIS

As noted above, the subject Property is designated within the Suburban FLU classification and is located within the North Fort Myers Planning Community. Per Lee Plan Table 1.b., there are 1,795 acres of available residential lands within the underlying FLU and within North Fort Myers Planning Community.

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

The proposed development not only meets but exceeds the vision for the North Fort Myers Planning Community. As a compact infill development, the subject Property provides an opportunity to utilize a vacant parcel to provide additional housing options while maintaining compatibility with the residential uses that surround the Property via perimeter buffers, building setbacks, and other performance standards. The proposed development aims to provide housing options for the surrounding workforce community, such as, teachers, fire-fighters, law enforcement, and the supporting commercial/retail employees. Further, the conceptual plan provided with the application supports the preservation of natural resources. Of the $\pm$ 34.8-acre property, a minimum of 6.96 acres are being preserved as indigenous space.

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

Policy: 1.1.5: Suburban Future Land Use Category.

The proposed RPD is consistent with the intent, allowable land uses and densities permitted in the underlying Suburban FLU classification. Multi-family residential uses are

appropriate in this category. The Suburban FLU classification allows for up to 6 dwelling units per acre. With onsite wetlands and proposed minimal impacts, a maximum of 196 dwelling units are allowed on the Property per the Lee Plan. The development program proposes a total of 180 dwelling units, which is consistent with the FLU classification.

Policy 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124. The maximum density is one dwelling units per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII.

The proposed RPD is consistent with Policy 1.5.1 as the majority of wetlands are preserved to the extent possible. Where impacts are proposed the density calculation reflects a density of 1 du/20 acres for impacted areas in compliance with this policy.

Objective 2.1: Development location. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The development program proposes an infill multifamily community with clustered buildings to preserve existing wetlands and native vegetation. This infill development will reduce sprawl by minimizing the need to extend urban services, in full compliance with this policy.

Policy 2.1.2: New land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan.

The proposed RPD is consistent with the density and uses outlined for the Suburban Future Land Use classification and is consistent with the goals, objectives, policies, and standards of the Lee Plan.

Policy 2.2.1: Rezoning and DRI proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

There is existing capacity on the local roadway network, sewer and water lines, community facilities and services to accommodate the proposed development program, as demonstrated in the application and supporting documents.

Objective 2.2: Development Timing.

The proposed RPD will direct higher density, multi-family housing to an ideal location on an arterial roadway with available roadway capacity, public utilities, schools, EMS, fire, sheriff, and recreation in the immediate vicinity. This rezoning is consistent with the intent

of the above objective and supportive policies to direct new growth to urbanized areas of the county with public infrastructure and services.

Policy 2.2.2: The Future Land Use Map indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the County's growth beyond the 2045 planning horizon. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

- 1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and***

The provided analysis demonstrates adequate capacity with existing public facilities and roadways to support the proposed development program.

- 2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and***

The proposed multifamily project is infill development within the urban service area. This clustered development provides unique compact single-story multifamily housing that is not currently available in the area.

- 3. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of acreage limitations contained in the Acreage Allocation Table***

The proposed project results in 180 dwelling units on $\pm$ 34.8 acres. Adequate residential acreage is available within the North Fort Myers Planning District to accommodate the development program.

Objective 2.5: HISTORIC RESOURCES. Historic resources will be identified and protected pursuant to the Historic Preservation Element and the County's Historic Preservation Ordinance.

No historic resources are impacted by the proposed development program.

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

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

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

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

The proposed development poses no physical hazards or constraints. The proposed development occurs upland of any onsite wetlands. All structures will meet building code requirements to withstand hurricane hazards and other severe storms. The site is not within an Airport Noise Zone. The site does not have constraints that would preclude development as proposed on the binding MCP.

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

The proposed development is within close proximity to infrastructure, daily goods and services, and is in close proximity some existing industrial and warehousing. An existing sidewalk runs along the frontage of the Property and connects the site to the sidewalk network in the vicinity as well as Lee Tran services.

Policy 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design.

The Applicant is proposing clustered multifamily development while preserving onsite wetlands. Buffers have been provided to reduce any adverse impacts on neighboring properties. The recreational amenity site has been sensitively located away from abutting single-family homes to mitigate any potential impacts on the surrounding community.

GOAL 30: NORTH FORT MYERS COMMUNITY PLAN. Improve 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; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources. (Ord. No. 09-11, 18-18)

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

POLICY 30.2.8: The following uses are prohibited within the North Fort Myers Community Plan area: "detrimental use" as defined in the LDC.

The proposed development program is not considered a detrimental use, as defined by the LDC.

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

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

The proposed development is located along Bayshore Road within ingress/egress east of Williams Road. The proposed plan provides a natural preserve along the southwest portion of the site and a Type D landscape buffer separating the proposed development from Bayshore Road. Onsite exotic vegetation will be removed and a large portion of native vegetation will be preserved meeting with the LDC requirements for on-site indigenous preservation.

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

POLICY 30.5.3: Protect and conserve natural resources, expand recreation opportunities and accessibility for the use of existing waterways, and provide a broad mix of parks, trails, and water recreation areas, to support the lifestyle preferences, livability, sustainability, recreational interest and economic vitality of the community.

The Property has two large wetlands, in the southwest corner abutting Bayshore Road and in the middle of the Property near the DOT detention pond. The Applicant's development program includes the preservation of both wetlands.

GOAL 123: RESOURCE PROTECTION. Manage coastal, wetland and upland ecosystems and natural resources in order to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

POLICY 123.2.4 - Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.

There are two existing wetlands with native vegetation on the Property. The proposed development preserves the wetlands and mitigates exotic vegetation onsite.

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

This policy is being addressed by preserving, restoring, and maintaining ± 3.8 acres of onsite habitat. Where possible, these areas will also be excluded from the proposed water management system to help prevent any modification to their existing grades or hydrology thus helping to preserve the existing native vegetation.

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

A 50' natural waterway buffer is proposed along the southwestern preserve to promote preservation and mitigate any impacts the proposed development could have on this area. A deviation is requested for the 50' wide natural waterway buffer abutting the FDOT drainage easement. The Applicant does not have control over FDOT's future maintenance of the creek and surrounding vegetation. This deviation will benefit the project by preventing future non-compliance should the vegetation be removed by FDOT.

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

The proposed development program will take proper steps to mitigate any impact to existing Gopher Tortoise burrows. An FWC relocation permit will be obtained before disturbing burrows and conducting construction activities per the Gopher Tortoise Permitting Guidelines. Any impacted Gopher Tortoises will be properly relocated.

VII. LAND DEVELOPMENT CODE ANALYSIS

The proposed rezoning complies with the general standards provided in the Land Development Code Section 34-145(d)(4)a.1. as follows:

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

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

- (b) Meets this Code and other applicable County regulations or qualifies for deviations;

The planned development will be designed and constructed in accordance with all applicable codes and regulations. The Applicant is requesting five (5) deviations in accordance with Section 34-373(a)(9). Requested deviations and justifications are included with the application materials.

- (c) Is compatible with existing and planned uses in the surrounding area;

The RPD is compatible with the surrounding area. The abutting properties are also made up of residential uses. Landscape buffers are proposed along the southern and eastern boundaries of the Property to mitigate any potential adverse effects of the proposed development.

- (d) Will provide access sufficient to support the proposed development intensity;

Access is proposed via Bayshore Road with an ingress/egress point east of Williams Road. An emergency access point is provided to the northeast, also on Bayshore Road. As outlined the Traffic Impact Analysis, the planned development will not have an adverse impact on the surrounding roadway network.

- (e) The expected impacts on transportation facilities will be address by existing County regulations and conditions of approval;

The planned development is located within the Lee Tran service area. Stop #498 on Lee Tran Route 590 is less than 1 mile from the Property. Multimodal access to the bus stop is provided via the multi-use path along Bayshore Road.

- (f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and

The proposed RPD preserves sensitive and natural resources onsite in compliance with the LDC and Lee Plan. Development is proposed outside of the existing wetlands with a 50' natural waterway buffer proposed along the preserve to the southwest.

- (g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

The Property is located within the Suburban Future Land Use category (a future urban area category). The proposed development program is in-fill development with existing schools, utilities, and services in the area.

The proposed rezoning complies with the general standards provided in the Land Development Code Section 34-145(d)(4)a.2. as follows:

- (a) The proposed use or mix of uses is appropriate at the proposed location;

The RPD includes detached “build-to-rent”, lower density multifamily dwelling types compared to typical 3 and 4 story apartment buildings. There will no conflicting uses within the planned development. As demonstrated in this application and through the MCP, the site has been designed to promote compatibility with the surrounding lands uses and mitigate any potential adverse impacts.

- (b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public’s interest expected from the proposed development;

The proposed RPD will not cause adverse impact to the surrounding property owners. The site has been designed to cluster development near the center

of the site with buffers proposed to separate onsite development and neighboring uses.

- (c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:
- a. Enhances the achievement of the objectives of the planned development; and
 - b. Preserves and promotes the general intent of this Code to protect the public health, safety, and welfare.

The development program proposes five (5) deviations pertinent to the proposed MCP. The deviations and justifications are outlined within the application materials and preserve and promote the general intent of the Land Development Code.

- (d) Mine excavation planned development.

No mine excavation is proposed for this planned development.

VIII. CONCLUSION

Approval of this RPD will allow for the development of build-to-rent multifamily homes that will benefit the community by providing a different housing type than what is typically found in the area. These types of units are generally lower density when compared to rental apartments. The proposed RPD provides for compatibility with the surrounding properties, numerous site enhancements, protection of remaining valuable native vegetation, and increased tax revenue.

The Property's Future Land Use classification is Suburban, which recognizes the suitability of the subject property for a multifamily development with up to 6 dwelling units per acre for a maximum of 196 dwelling units on the Property. The proposed RPD is consistent with the FLU classification and proposes 180 dwelling units for the Property.

From an environmental standpoint, the existing Cypress Wetland and Mixed Upland Forest are proposed to be preserved with the Applicant's development program. Protected species will be addressed in accordance with state and federal requirements.

The provided Traffic Impact Statement indicates that the proposed development is not projected to have any adverse impacts on the surrounding roadway network.

For these reasons, the Applicant submits that the proposed Residential Planned Development rezoning will not be a detriment to the public health, safety, or welfare and respectfully requests approval.

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, David Cloran (name), as vice president
 (owner/title) of Black Spider Land Company, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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

*Notes:

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

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

[Signature] VP 8/9/2023
 Signature Date

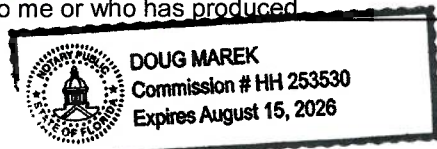
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
 ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA

COUNTY OF ~~LEE~~ Palm Beach

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 9th day of August, 2023, by David Cloran (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL



Signature of Notary Public

ADDITIONAL AGENTS

Company Name:	Barraco & Associates, Inc.		
Contact Person:	Jamie Wilson, P.E.		
Address:	2271 McGregor Blvd.		
City, State, Zip:	Fort Myers, FL		
Phone Number:	(239) 461-3170	Email:	Jamie2@barraco.net

Company Name:	Barraco & Associates, Inc.		
Contact Person:	Carl Barraco Jr., P.E.		
Address:	2271 McGregor Blvd.		
City, State, Zip:	Fort Myers, FL		
Phone Number:	(239) 461-3170	Email:	Carljr@barraco.net

Company Name:	Henderson, Franklin, Starnes & Holt, P.A.		
Contact Person:	Richard Akin, Esq.		
Address:	1715 Monroe Street		
City, State, Zip:	Fort Myers, FL		
Phone Number:	(239) 344-1182	Email:	Richard.Akin@henlaw.com

Company Name:	TR Transportation Consultants, Inc.		
Contact Person:	Ted Treesh, PTP		
Address:	2726 Oak Ridge Court, Suite 503		
City, State, Zip:	Fort Myers, FL 33901		
Phone Number:	(239) 278-3090	Email:	tbt@trtrans.net

Company Name:	BearPaws Environmental Consulting		
Contact Person:	Barrett Stejskal		
Address:	1599 Covington Circle East		
City, State, Zip:	Fort Myers, FL 33919		
Phone Number:	(239) 340-0678	Email:	Bearpaws.env.consulting@gmail.com

Company Name:	RVi Planning + Landscape Architecture		
Contact Person:	Alexis Crespo, AICP		
Address:	28100 Bonita Grande Dr. Suite 305		
City, State, Zip:	Bonita Spring, FL 34135		
Phone Number:	(239) 850-8525	Email:	acrespo@rviplanning.com

**DISCLOSURE OF INTEREST
AFFIDAVIT**

BEFORE ME this day appeared David Cloran, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 7150/7200 Bayshore and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
<u>None</u>	

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

 VP

Property Owner

David Cloran

Print Name

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA

COUNTY OF ~~LEE~~ Palm Beach

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on August 9, 2023 (date) by David Cloran (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL


Signature of Notary Public



LEGAL DESCRIPTION & SKETCH
7150 AND 7200 BAYSHORE ROAD
SECTION 29, TOWNSHIP 43 SOUTH, RANGE 25 EAST
NORTH FORT MYERS, FLORIDA

DESCRIPTION:**PARCEL 1:**

BEGINNING 1012 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 25 EAST; LEE COUNTY, FLORIDA, THENCE NORTH 531 FEET; THENCE EAST 2640 FEET; THENCE SOUTH 531 FEET; THENCE WEST 2640 FEET TO THE POINT OF BEGINNING; LESS ROAD RIGHT-OF-WAY, LESS LANDS AS DESCRIBED IN O.R. BOOK 177, AT PAGE 459, AND LESS AND EXCEPT THAT PORTION OF LAND DESCRIBED IN THE ORDER OF TAKING RECORDED IN O.R. BOOK 3852, PAGE 2525, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL 2:

THE PARCEL HEREON DESCRIBED IS SITUATED IN THE N.W. 1/4 OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 29, BEING IN THE CENTER OF OLD BAYSHORE ROAD; THENCE SOUTH (BRG. ASSUMED) ALONG THE NORTH-SOUTH 1/4 SECTION LINE, DISTANCE 660.20 FEET TO THE NORTH RIGHT-OF-WAY OF FLORIDA POWER AND LIGHT TRANSMISSION LINE EASEMENT (BEING 160 FEET NORTH AND SOUTH) AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH ALONG SAID SECTION LINE, DISTANCE 436.80 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID SECTION 29, DISTANCE 1798.35 FEET TO THE EAST RIGHT-OF-WAY OF STATE ROAD 78; THENCE N. 43° 05' 07" E ALONG SAID RIGHT-OF-WAY, DISTANCE 598.08 FEET TO THE INTERSECTION WITH SAID NORTH FLORIDA POWER AND LIGHT EASEMENT; THENCE EAST ALONG SAID EASEMENT, DISTANCE 1389.81 FEET TO THE POINT OF BEGINNING, LESS ROAD RIGHT-OF-WAY ALONG THE EASTERN BOUNDARY THEREOF, AND LESS AND EXCEPT THAT PORTION OF LAND DESCRIBED IN THE ORDER OF TAKING RECORDED IN O.R. BOOK 3852, PAGE 2525, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 29; THENCE SOUTH 00 DEGREES 24 MINUTES 06 SECONDS EAST ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 29, A DISTANCE OF 660.13 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00 DEGREES 24 MINUTES 06 SECONDS EAST, A DISTANCE OF 967.12 FEET TO THE NORTH LINE DAUGHTREY'S CREEK SUBDIVISION AS RECORDED IN PLAT BOOK 30, PG 67, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 89 DEGREES 59 MINUTES 37 SECONDS WEST ALONG THE NORTH LINE OF SAID SUBDIVISION, A DISTANCE OF 2202.90 FEET TO THE EAST RIGHT OF WAY LINE OF STATE ROAD 78 (BAYSHORE ROAD) AS DEFINED PER OFFICIAL RECORD BOOK 3852, PAGE 2525, PUBLIC RECORDS, LEE COUNTY, FLORIDA; THENCE LEAVING SAID NORTH LINE, NORTH ALONG SAID RIGHT OF WAY THE FOLLOWING NINE (9) COURSES: (1) NORTH 42 DEGREES 40 MINUTES 02 SECONDS EAST, A DISTANCE OF 587.21 FEET; (2) SOUTH 47 DEGREES 19 MINUTES 58 SECONDS EAST, A DISTANCE OF 5.00 FEET; (3) NORTH 42 DEGREES 40 MINUTES 02 SECONDS EAST, A DISTANCE OF 332.86 FEET; (4) NORTH 89 DEGREES 35 MINUTES 54 SECONDS EAST, A DISTANCE OF 313.06 FEET; (5) SOUTH 00 DEGREES 24 MINUTES 13 SECONDS EAST, A DISTANCE OF 58.18 FEET; (6) NORTH 89 DEGREES 35 MINUTES 54 SECONDS EAST, A DISTANCE OF 771.92 FEET; (7) NORTH 00 DEGREES 24 MINUTES 08 SECONDS WEST, A DISTANCE OF 182.19 FEET; (8) SOUTH 89 DEGREES 41 MINUTES 37 SECONDS WEST, A DISTANCE OF 974.39 FEET; (9) NORTH 42 DEGREES 40 MINUTES 02 SECONDS EAST, A DISTANCE OF 218.68 FEET TO THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2915, SAID LINE ALSO BEING THE NORTH LINE OF A 160 FOOT POWER LINE UTILITY EASEMENT DESCRIBED IN DEED BOOK 234, PAGE 45, PUBLIC RECORDS LEE COUNTY, FLORIDA; THENCE ALONG SAID NORTH LINE NORTH 89 DEGREES 41 MINUTES 37 SECONDS EAST, A DISTANCE OF 1310.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 34.80 ACRES MORE OR LESS.

NOTES:

1. BEARINGS ARE BASED ON THE EAST RIGHT OF WAY LINE OF BAYSHORE ROAD BEING N42°40'02"E.
2. ALL DIMENSIONS ARE IN U.S. SURVEY FEET OR DECIMALS THEREOF.
3. NOT VALID WITHOUT THE ATTACHED SKETCH OF DESCRIPTION.
4. THIS IS NOT A BOUNDARY SURVEY.

DARREN TOWNSEND
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 6476

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND
 SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



AIM Engineering & Surveying, Inc.
 2161 FOWLER STREET, SUITE 100
 FORT MYERS, FLORIDA 33901
 www.aimengr.com
 PHONE (239) 332-4569
 TOLL FREE (800) 226-4569
 LICENSED BUSINESS No. 3114

LEGAL DESCRIPTION & SKETCH
7150 AND 7200 BAYSHORE ROAD

DRAWN: RH 09-06-2023		CHECKED: DT 09-07-2023		CLIENT: LAND AMERICA, LLC		
PROJECT NO.: 21-1256	SECTION: 29	TOWNSHIP: 43 S	RANGE: 25 E	COUNTY: LEE	SHEET 1 OF 2	

LEGAL DESCRIPTION & SKETCH

7150 AND 7200 BAYSHORE ROAD
SECTION 29, TOWNSHIP 43 SOUTH, RANGE 25 EAST
NORTH FORT MYERS, FLORIDA



0 150 300
INTENDED DISPLAY SCALE: 1" = 300'

N. LINE OF NW 1/4 COR. SEC. 29

P.O.C.
N. 1/4 COR. SEC. 29

S 00°24'06" E 660.13'

NORTH-SOUTH 1/4
SECTION LINE

N 89°41'37" E 1310.98'

P.O.B.

160' POWER LINE UTILITY
EASEMENT D.B. 234, PG 45 AND N
160' OF O.R. 2905, PG. 2915

S 89°41'37" W 974.39'

FDOT POND & R/W
OR 3852, PG 2525

PARCEL 1

N 89°35'54" E 771.92'

PARCEL 2

S 89°59'37" W 2202.90'

DAUGHTREY'S CREEK
P.B. 30, PG. 67

LEGEND:

COR. = CORNER
D.B. = DEED BOOK
LB = LICENSED BUSINESS
O.R. = OFFICIAL RECORD BOOK
P.B. = PLAT BOOK
PG. = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PSM = PROFESSIONAL SURVEYOR & MAPPER
R/W = RIGHT OF WAY
SEC. = SECTION
S.R. = STATE ROAD

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 42° 40' 02" E	332.86'
L2	N 89° 35' 54" E	313.06'
L3	S 00° 24' 13" E	58.18'
L4	N 00° 24' 08" W	182.19'
L5	N 42° 40' 02" E	218.68'

NOT VALID WITHOUT THE ATTACHED DESCRIPTION.



AIM Engineering & Surveying, Inc.

2161 FOWLER STREET, SUITE 100
FORT MYERS, FLORIDA 33901

www.aimengr.com

PHONE (239) 332-4569

TOLL FREE (800) 226-4569

LICENSED BUSINESS No. 3114

LEGAL DESCRIPTION & SKETCH

7150 AND 7200 BAYSHORE ROAD

DRAWN:
RH 09-06-2023

CHECKED:
DT 09-07-2023

CLIENT:
LAND AMERICA, LLC

PROJECT NO.:
21-1256

SECTION:
29

TOWNSHIP:
43 S

RANGE:
25 E

COUNTY:
LEE

SHEET 2 OF 2

- LEGEND:
- ARV = AIR RELEASE VALVE
BM = BENCHMARK
brg = BEARING
(C) = CALCULATED
CB = CATCH BASIN OR CHORD BEARING
CBS = CONCRETE BLOCK STRUCTURE
CD = CHORD DISTANCE
CLF = CHAIN LINK FENCE
CM = CONCRETE MONUMENT
CMP = CORRUGATED METAL PIPE
CO = CLEAN OUT
CONC = CONCRETE
COR = CORNER
CR = COUNTRY ROAD
(D) = DEED DIMENSION
E = EAST OR EASTING
EOP = EDGE OF ASPHALT PAVEMENT
ENG = ENGINEERING
EL = ELEVATION
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
ID = IDENTIFICATION
INC = INCORPORATED
INST = INSTRUMENT
INV = INVERT
(F) = FIELD
FCM = FINISHED FLOOR
FF = FINISHED FLOOR
FIR = FOUND IRON ROD
FIRC = FOUND IRON ROD AND CAP
FND = FOUND NAIL AND DISK
FPKD = FOUND PARKER-KALON NAIL & DISK
GPS = GLOBAL POSITIONING SYSTEM
L = LENGTH
LB = LICENSED BUSINESS
M/H = MANHOLE
MES = METERED END SECTION
N = NORTH OR NORTHING
NAVD 88 = NORTH AMERICAN VERTICAL DATUM OF 1988
NGS = NATIONAL GEODETIC SURVEY
NGVD 29 = NATIONAL GEODETIC VERTICAL DATUM OF 1929
NO. = NUMBER
O.R. = OFFICIAL RECORD BOOK
PB = PLAT BOOK
(P) = PLATTED DIMENSION
PG = PAGE
PLS = PROFESSIONAL SURVEYOR & MAPPER
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PUE = PUBLIC UTILITY EASEMENT
PP = PLASTIC PIPE
PSM = PROFESSIONAL SURVEYOR & MAPPER
PVC = POLY-VINYL CHLORIDE
R = RADIUS
R/W = RIGHT OF WAY
RC/P = REINFORCED CONCRETE PIPE
RTK = REAL-TIME KINEMATIC
SEC = SECTION
SIRC = SET 5/8" IRON ROD W/ CAP "AIM ENG LB 3114"
SMAGD = SET MAG-NAIL & DISK
SRVC = SERVICE
SR = STATE ROAD
TOB = TOP OF BANK
TOS = TOE OF SLOPE
W/ = WITH
W/- = MORE OR LESS
Δ = DELTA
- = OVERHEAD UTILITY LINE
⊕ = AIR RELEASE VALVE
⊕ = FIBER OPTIC CABLE MARKER
⊕ = FIRE HYDRANT
⊕ = GUY ANCHOR
⊕ = UTILITY POLE
⊕ = SEWER MANHOLE
⊕ = DRAINAGE MANHOLE
⊕ = WATER VALVE
⊕ = WELL
⊕ = COMMUNICATIONS RISER
- = TOP OF SLOPE
■ = CONCRETE
■ = ASPHALT DRIVE
■ = POND OR DRAINAGE DITCH
--- = CHAIN LINK FENCE
--- = BARBED WIRE FENCE
--- = UTILITY EASEMENT

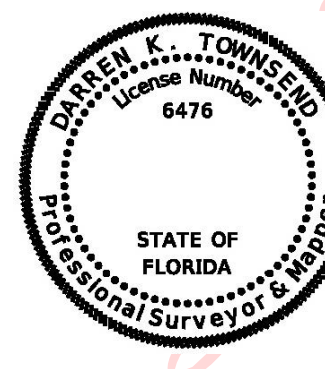
ALTA/NSPS LAND TITLE SURVEY CERTIFICATION:

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; BLACK SPIDER LAND COMPANY, LLC

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 16 & 17 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 29, 2021.

DATE OF PLAT OR MAP: AUGUST 30, 2023

SIGNED: DARREN TOWNSEND
PSM #6476



Digitally signed by Darren Townsend
Date: 2023.08.30
13:06:55 -04'00'

DESCRIPTION OF LANDS SURVEYED:
(PER OWNER'S POLICY - NOTE 11)

Parcel 1:

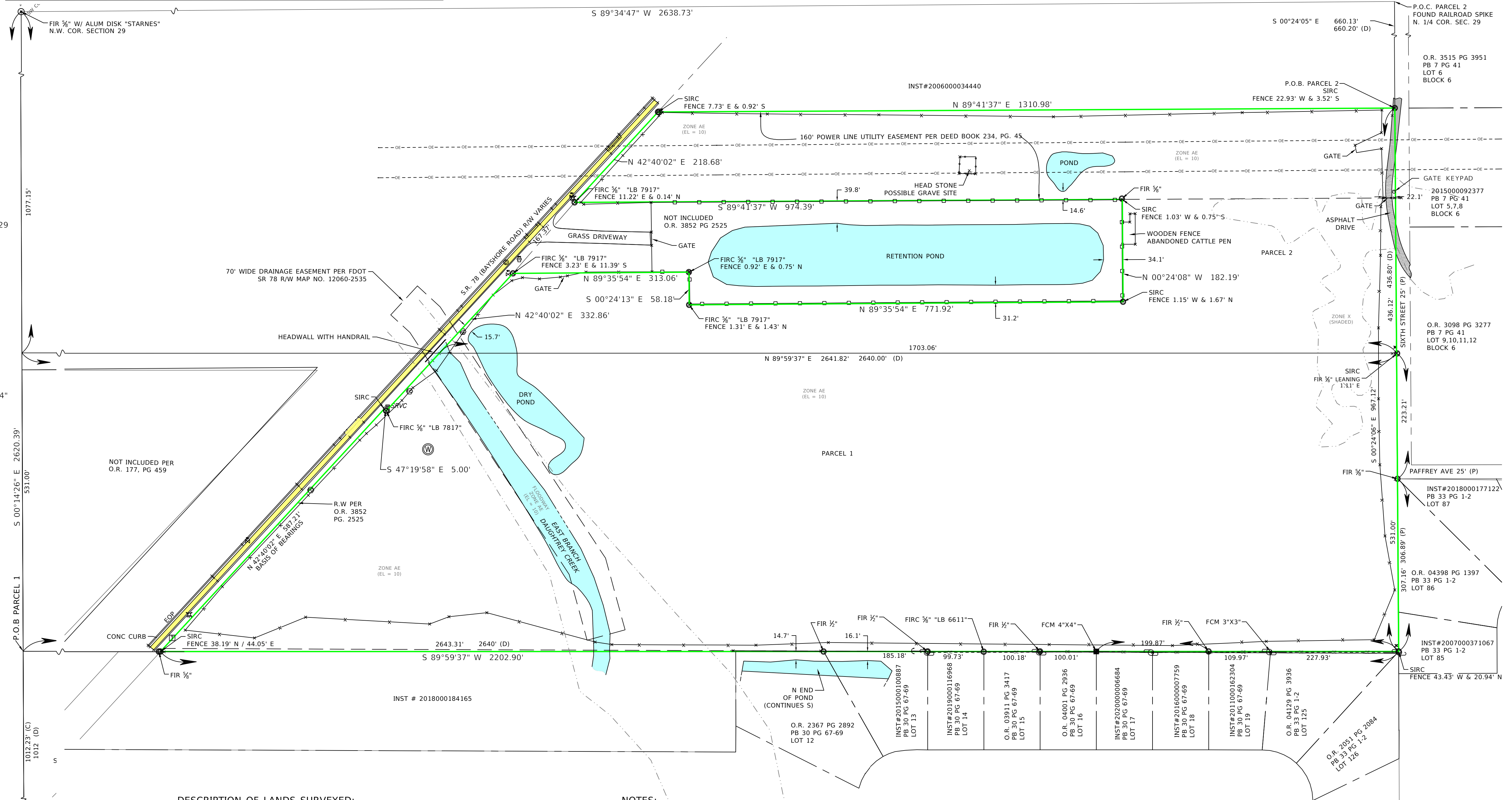
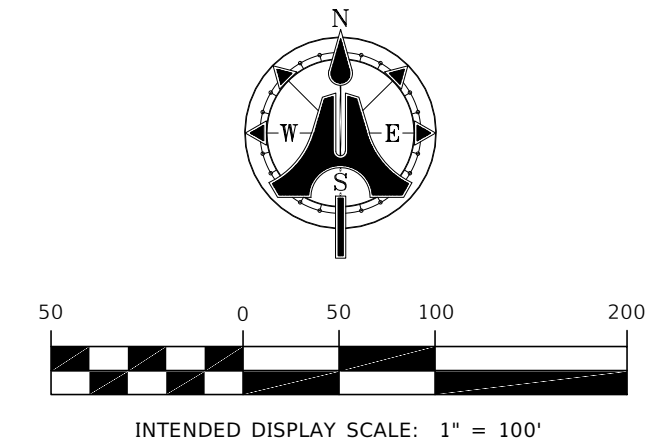
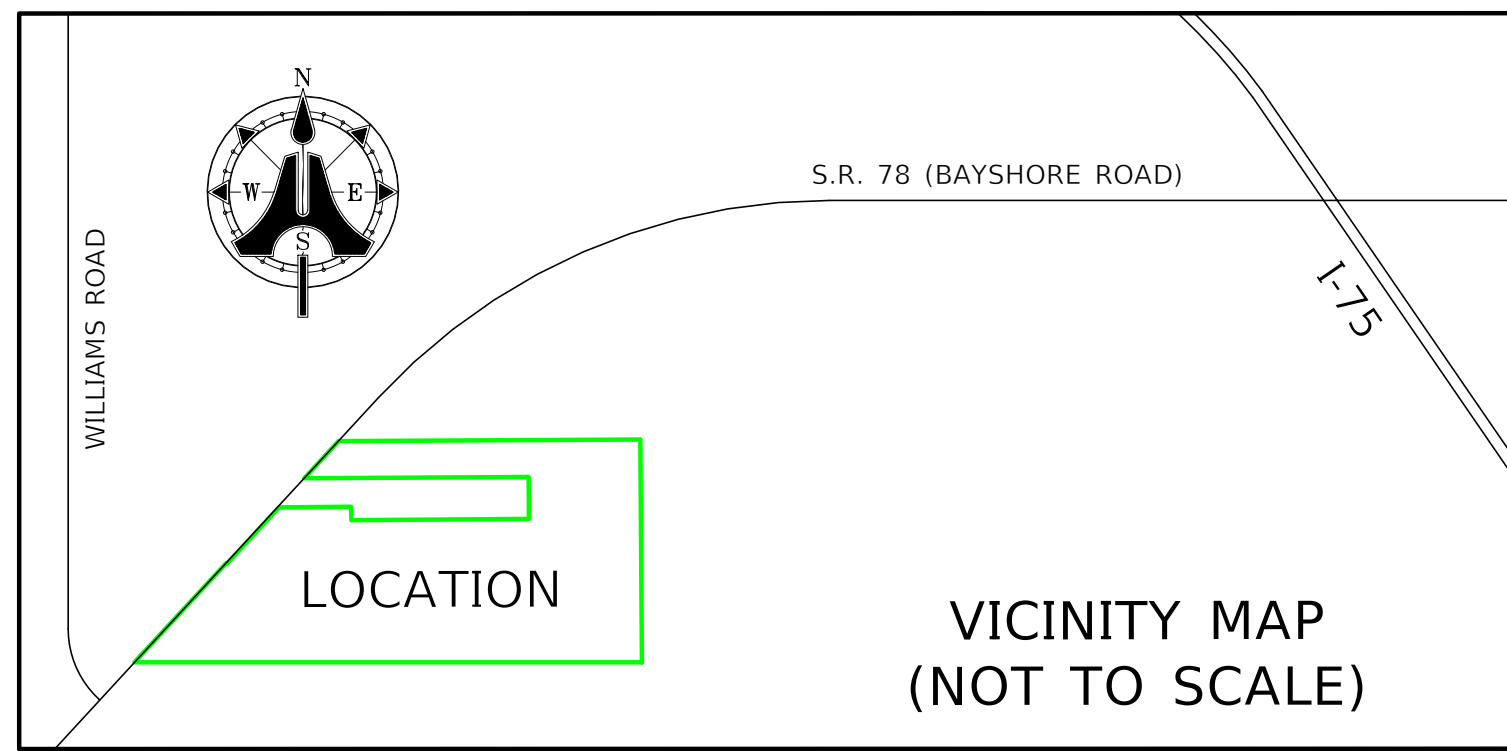
Beginning 1012 feet North of the Southwest corner of the Northwest quarter (NW 1/4) of Section 29, Township 43 South, Range 25 East; Lee County, Florida, thence North 531 feet; thence East 2640 feet; thence South 531 feet; thence West 2640 feet to the Point of Beginning; LESS Road right-of-way, LESS lands as described in O.R. Book 177, at Page 459, and LESS AND EXCEPT that portion of land described in the Order of Taking recorded in O.R. Book 3852, Page 2525, Public Records of Lee County, Florida.

Parcel 2:

The parcel hereon described is situated in the N.W. 1/4 of Section 29, Township 43 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commencing at the North 1/4 corner of said Section 29, being in the center of Old Bayshore Road; thence South (brg. assumed) along the North-South 1/4 Section line, distance 660.20 feet to the North Right-of-Way of Florida Power and Light Transmission Line Easement (being 160 feet North and South) and the Point of Beginning; thence continue South along said Section line, distance 436.80 feet; thence West parallel to the North Line of said Section 29, distance 1798.35 feet to the East Right-of-Way of State Road 78; thence N. 43° 05' 07" E along said Right-of-Way, distance 598.08 feet to the intersection with said North Florida Power and Light easement; thence East along said easement, distance 1389.81 feet to the Point of Beginning, LESS Road Right-of-Way along the Eastern boundary thereof, and LESS AND EXCEPT that portion of land described in the Order of Taking recorded in O.R. Book 3852, Page 2525, Public Records of Lee County, Florida.

ALTA/NSPS LAND TITLE SURVEY
7150 AND 7200 BAYSHORE ROAD
SECTION 29, TOWNSHIP 43 SOUTH, RANGE 25 EAST
NORTH FORT MYERS, FLORIDA



NOTES:

- THE SUBJECT PARCEL IS LOCATED AT 7150 & 7200 BAYSHORE ROAD, NORTH FORT MYERS, FL. BEARINGS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983. THE EAST RIGHT OF WAY LINE OF BAYSHORE ROAD IS THE BASIS OF BEARINGS, WHICH BEARS N 42°40'02" E.
- ALL PHYSICAL FEATURES SHOWN HEREON WERE LOCATED IN THE FIELD, UNLESS OTHERWISE NOTED, BY THE SURVEY FIELD CREW AS RECORDED IN FIELD BOOK(S): 1710, PAGES 30-32, 59, 66; 1748, PAGE 55; 1890, PG. 54. THE LAST DAY OF FIELD WORK WAS AUGUST 18, 2023.
- NO UNDERGROUND UTILITIES OR IMPROVEMENTS, IF ANY, WERE LOCATED OTHER THAN SHOWN HEREON.
- UNDERGROUND ENCROACHMENTS INCLUDING FOUNDATIONS (IF ANY) WERE NOT LOCATED.
- NO WETLAND AREAS OR JURISDICTIONAL WETLANDS (IF ANY) WERE LOCATED FOR THIS SURVEY.
- NO SEARCH FOR VISIBLE EVIDENCE OF EXISTING OR FORMER AREAS OF FACILITIES WHICH MAY HAVE INVOLVED USE OR STORAGE OF HAZARDOUS OR TOXIC SUBSTANCES WAS MADE.
- SUBJECT PROPERTY: 34.80 ACRES (SURVEYED), MORE OR LESS.
- SUBJECT PROPERTY LIES IN FLOOD ZONES "AE" AND "X, SHADED" PER FLOOD INSURANCE RATE MAP NUMBER 12071C0279G, MAP REVISED: NOVEMBER 17, 2022.
- NO BUILDINGS OBSERVED.
- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, OWNER'S POLICY, POLICY NUMBER: OP6-9125925, AGENT'S FILE REFERENCE: 1564-047, HAVING A COMMITMENT DATE OF JUNE 20, 2023 AT 3:06 P.M. PLEASE REFER TO SUMMARY OF SCHEDULE B EXCEPTIONS ON THIS SHEET.
- ALL RECORDING REFERENCES ARE TO THE PUBLIC RECORDS OF LEE COUNTY, FL.
- ALL MEASUREMENTS ARE IN U.S. SURVEY FEET OR DECIMALS THEREOF.

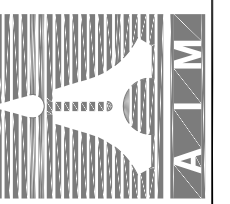
SCHEDULE B EXCEPTIONS:

THE FOLLOWING COMMENTS PERTAIN TO ITEMS 1 THROUGH 10, SCHEDULE B OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY OWNER'S POLICY (SEE NOTE 11):

- NOT A MATTER OF SURVEY. NO DETERMINATION OF ITS AFFECT ON THE SURVEYED PROPERTY WAS MADE BY THIS FIRM. THIS ITEM WAS NOT MAPPED.
- REMOVED BY TITLE COMPANY
- REMOVED BY TITLE COMPANY
- REMOVED BY TITLE COMPANY
- REMOVED BY TITLE COMPANY
- REMOVED BY TITLE COMPANY
- THIS ITEM AFFECTS THE SURVEYED PROPERTY AND WAS MAPPED.
- NOT A MATTER OF SURVEY. NO DETERMINATION OF ITS AFFECT ON THE SURVEYED PROPERTY WAS MADE BY THIS FIRM. THIS ITEM WAS NOT MAPPED.
- NOT A MATTER OF SURVEY. NO DETERMINATION OF ITS AFFECT ON THE SURVEYED PROPERTY WAS MADE BY THIS FIRM. THIS ITEM WAS NOT MAPPED.
- THIS ITEM AFFECTS THE SURVEYED PROPERTY AND IS SHOWN HEREON. AS OF THE DATE OF THIS SURVEY MAP, THE GRAVEL DRIVE ENCRANCHING THE EASTERN BOUNDARY HAS BEEN REPLACED BY AN ASPHALT SURFACE AND ENTRY GATE / FENCING.

AIM Engineering & Surveying, Inc.

CIVIL * SANITARY * TRANSPORTATION * DEVELOPMENT * PROJECT MANAGEMENT
TOLL FREE 800-226-4569
2161 FOWLER STREET, SUITE 100
FORT MYERS, FLORIDA 33901
www.aimengr.com



PROJECT NO.: 21-1256 PH307
FILE NAME: 21-1256 PH307 BND
COUNTY: LEE
TOWNSHIP: 29
RANGE: 25 E
SECTION: 43 S

BOUNDARY SURVEY

71500 & 7200 BAYSHORE ROAD, NORTH FORT MYERS

SHEET 1 OF 1

REVISIONS:	DATE:	BY:	NO.	DESCRIPTION
1	08/23	DT	1	TITLE DOCS. EASTERN ENCROACHMENTS, FLOOD ZONES
2			2	
3			3	
4			4	
5			5	
6			6	
7			7	

PROJECT NAME:	DATE:	BY:	NO.	DESCRIPTION
BAYSHORE	08/23	DT	1	TITLE DOCS. EASTERN ENCROACHMENTS, FLOOD ZONES
			2	
			3	
			4	
			5	
			6	
			7	

DATE:	BY:	NO.	DESCRIPTION
08/23	DT	1	TITLE DOCS. EASTERN ENCROACHMENTS, FLOOD ZONES
		2	
		3	
		4	
		5	
		6	
		7	

DATE:	BY:	NO.	DESCRIPTION
08/23	DT	1	TITLE DOCS. EASTERN ENCROACHMENTS, FLOOD ZONES
		2	
		3	
		4	
		5	
		6	
		7	

OPINION OF TITLE

With the understanding that this Opinion of Title is furnished to the Lee County Board of County Commissioners, and it is hereby certified that I have examined the public records covering the period from the beginning to the 9th day of August 2023 at the hour of 11:00 p.m. inclusive, of the following described property.

Legal Description:**Parcel 1:**

Beginning 1012 feet North of the Southwest corner of the Northwest quarter (NW ¼) of Section 29, Township 43 South, Range 25 East; Lee County, Florida, thence North 531 feet; thence East 2640 feet; thence South 531 feet; thence West 2640 feet to the Point of Beginning; LESS Road right-of-way, LESS lands as described in O.R. Book 177, at Page 459, and LESS AND EXCEPT that portion of land described in the Order of Taking recorded in O.R. Book 3852, Page 2525, Public Records of Lee County, Florida.

Parcel 2:

The parcel hereon described is situated in the N.W. ¼ of Section 29, Township 43 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commencing at the North ¼ corner of said Section 29, being in the center of Old Bayshore Road; thence South (brg. assumed) along the North-South ¼ Section line, distance 660.20 feet to the North Right-of-Way of Florida Power and Light Transmission Line Easement (being 160 feet North and South) and the Point of Beginning; thence continue South along said Section line, distance 436.80 feet; thence West parallel to the North Line of said Section 29, distance 1798.35 feet to the East Right-of-Way of State Road 78; thence N. 43°05'07" E along said Right-of-Way, distance 598.08 feet to the intersection with said North Florida Power and Light easement; thence East along said easement, distance 1389.81 feet to the Point of Beginning, LESS Road Right-of-Way along the Eastern boundary thereof, and LESS AND EXCEPT that portion of land described in the Order of Taking recorded in O.R. Book 3852, Page 2525, Public Records of Lee County, Florida.

I am of the opinion that on the last-mentioned date, the fee simple title to the above-described real property was vested in:

Names of all Owner(s) of Record:

Black Spider Land Company, LLC.

Mortgages of Records:

None

Title to the property is subject to the following easements:

Right-Of-Way Easement Agreement to Florida Power and Light Company recorded in Deed Book 234, Page 45, Assignment and Bill of Sale recorded in O.R. Book 1713, Page 4617, Subordination of Utility Interests recorded in O.R. Book 3698, Page 2317, Assignment and Assumption of Contracts and Easements Agreement recorded in Instrument Number 2014000264955, and amendment recorded in Instrument Number 2015000019121, Public Records of Lee County, Florida.

I HEREBY CERTIFY that the foregoing report reflects a comprehensive search of the public records of Lee County, Florida, affecting the above-described property. I further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 11th day of August 2023.

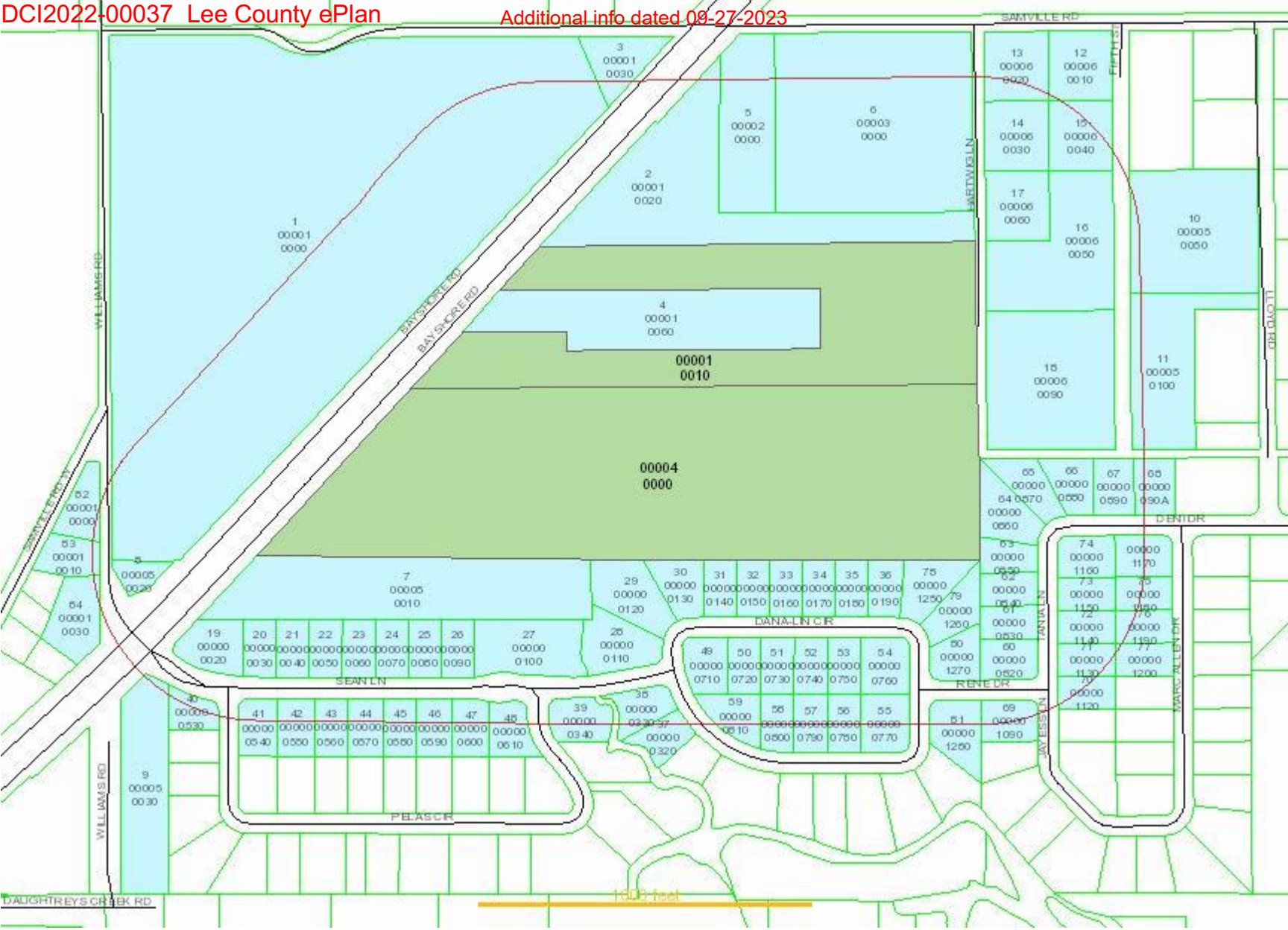


Doug Marek

Florida Bar No. 035180

Subje Affected Buffer: 500 Date: 8/9/2023 12:00:00 A List Size: 86

Index	Subject	Foliod	STRAP	OwnerNam	OwnerName2	MailAddr	MailAddress2	MailCity	MailS	MailZip	Mail/SiteNum	SiteStreet	SiteUnit	SiteCity	SiteZip	Legal
0	TRUE	10239532	29-43-25-00-00001.0010	BLACK SPIDER LAND COMPANY LLC		101 PUGLIESES WAY 2ND FLR		DELRAY BEACH	FL	33444	7200 BAYSHORE RD			NORTH FORT MYERS	33917	A PAR IN NW 1/4 AS<CR>DESC IN OR 1210 PG 1092 LESS RD R/W TAKING IN OR 3852 PG 2525
1	TRUE	10239538	29-43-25-00-00004.0000	BLACK SPIDER LAND COMPANY LLC		101 PUGLIESES WAY 2ND FLR		DELRAY BEACH	FL	33444	7150 BAYSHORE RD			NORTH FORT MYERS	33917	THE N 531 FT OF S 1543 FT<CR>OF N W 1/4 LYING ELY OF SR<CR>78 LESS RD R/W TAKING IN OR 3852 PG 2525
1	FALSE	10239531	29-43-25-00-00001.0000	FAITH ASSEMBLY OF GOD OF		7101 BAYSHORE RD		NORTH FORT MYERS	FL	33917	7101 BAYSHORE RD			NORTH FORT MYERS	33917	PARL E OF WILLIAMS RD + N WLY OF NEW BAYSHORE RD + S OF SAMVILLE RD LESS RD R/W + LESS 1.0030 + 5.0020
2	FALSE	10239533	29-43-25-00-00001.0020	FL LEE 730(LUND CAPITAL GROUP		5150 TAMIAAMI TRL N STE 301		NAPLES	FL	34103	7300 BAYSHORE RD			NORTH FORT MYERS	33917	A PAR IN NW 1/4 AS<CR>DESC IN OR 1039 PG 1844<CR>LESS CUT OUTS + LESS RD R/W AS DESC IN OR 3870 PG 3637
3	FALSE	10239534	29-43-25-00-00001.0030	FAITH ASSEMBLY OF GOD OF NORTH		7101 BAYSHORE RD		NORTH FORT MYERS	FL	33917	7301 BAYSHORE RD			NORTH FORT MYERS	33917	PARL IN NW 1/4 SEC 29<CR>N OF SR 78 DESC<CR>OR 1914 PG 3987
4	FALSE	10476101	29-43-25-00-00001.0060	STATE OF FL DOT		PO BOX 1249		BARTOW	FL	33831	GOVT LOT			NORTH FORT MYERS	33917	PARL IN NW 1/4 OF SEC <CR>AS DESC AS PART OF <CR>OR 3852 PG 2525 POND
5	FALSE	10239536	29-43-25-00-00002.0000	FL LEE 730(LUND CAPITAL GROUP		5150 TAMIAAMI TRL N STE 301		NAPLES	FL	34103	7340 SAMVILLE RD			NORTH FORT MYERS	33917	BEG NE COR NW 1/4 W 769 FT<CR>TO POB E 175 FT S 566 FT W<CR>175 FT N 566 FT TO POB LESS RD R/W OR 3877 PG 4476
6	FALSE	10239537	29-43-25-00-00003.0000	FL LEE 730(LUND CAPITAL GROUP		5150 TAMIAAMI TRL N STE 301		NAPLES	FL	34103	7400 SAMVILLE RD			NORTH FORT MYERS	33917	BEG NE COR NW 1/4 S 566 FT<CR>W 594 FT N 566 FT E 594 FT<CR>TO POB
7	FALSE	10239541	29-43-25-00-00005.0010	CJS REAL ESTATE HOLDING LLC		16900 USEPPA OAK LN N		NORTH FORT MYERS	FL	33917	7060 BAYSHORE RD			NORTH FORT MYERS	33917	PARL IN NW 1/4 OF SEC 29<CR>DESC IN OR 728 PG 104 LESS RD R/W OR 3933 PG 2781
8	FALSE	10239542	29-43-25-00-00005.0020	PRI-CAR I LLP		PO BOX 2148		FORT MYERS	FL	33902	7051 BAYSHORE RD			NORTH FORT MYERS	33917	PARL IN S W 1/4 OF N W 1/4<CR>AS DESC IN OR 1185 PG 1107<CR>LESS OR 3860 PGS 3063 + 3066 RD R/W
9	FALSE	10239543	29-43-25-00-00005.0030	FAITH ASSEMBLY OF GOD OF NORTH		7101 BAYSHORE RD		NORTH FORT MYERS	FL	33917	7010 BAYSHORE RD			NORTH FORT MYERS	33917	PARL IN NW 1/4 W OF<CR>DAUGHTREYS CREEK SUP<CR>S OF NEW SR 78 LESS R/W<CR>INST 2005-60466
10	FALSE	10239597	29-43-25-01-00005.0050	WHITBECK JAMES T		7630 SAMVILLE RD		NORTH FORT MYERS	FL	33917	16901 LLOYD RD			NORTH FORT MYERS	33917	PARFREY SUBD BLK 5<CR>PB 7 PG 41 LOTS 5 THRU 8<CR>LESS S 50 FT LOTS 7 + 8
11	FALSE	10239599	29-43-25-01-00005.0100	HENNESSY RYAN & HYNES SARA		16861 LLOYD RD		NORTH FORT MYERS	FL	33917	16861 LLOYD RD			NORTH FORT MYERS	33917	PARFREYS SUBD BLK 5<CR>PB 7 PG 41 LOT 10 + 11 +<CR>S 50 FT LOTS 7 + 8
12	FALSE	10239601	29-43-25-01-00006.0010	TRASSI ISRAEL JOSE JR &		7590 SAMVILLE RD		NORTH FORT MYERS	FL	33917	7590 SAMVILLE RD			NORTH FORT MYERS	33917	PARFREYS SUBD<CR>BLK 6 PB 7 PG 41<CR>LOT 1
13	FALSE	10442156	29-43-25-01-00006.0020	HARTWIG BRIAN		7588 SAMVILLE RD		NORTH FORT MYERS	FL	33917	7588 SAMVILLE RD			NORTH FORT MYERS	33917	PARFREYS SUBD <CR>BLK 6 PB 7 PG 41 <CR>LOT 2
14	FALSE	10442157	29-43-25-01-00006.0030	TOLLEY WILLIAM JR		PO BOX 3762		FORT MYERS	FL	33918	16930 HARTWIG LN			NORTH FORT MYERS	33917	PARFREYS SUBD <CR>BLK 6 PB 7 PG 41 <CR>LOT 3
15	FALSE	10442158	29-43-25-01-00006.0040	JOHNSON JONATHAN D		15880 S PEBBLE LN		FORT MYERS	FL	33912	16930 FIFTH ST			NORTH FORT MYERS	33917	PARFREYS SUBD <CR>BLK 6 PB 7 PG 41 <CR>LOT 4
16	FALSE	10584174	29-43-25-01-00006.0050	SWANSON TRENTON JACOB +		16880 HARTWIG LN		FORT MYERS	FL	33917	16880 HARTWIG LN			FORT MYERS	33917	PARFREYS SUBD <CR>BLK 6 PB 7 PG 41 <CR>LOTS 5 7 + 8
17	FALSE	10239602	29-43-25-01-00006.0060	TOLLEY WILLIAM JR		PO BOX 3762		NORTH FORT MYERS	FL	33918	16900 HARTWIG LN			NORTH FORT MYERS	33917	PARFEYS SUBD<CR>BLK 6 PB 7 PG 41<CR>LOT 6
18	FALSE	10442160	29-43-25-01-00006.0090	TYNDALL SHELLEY		PO BOX 3124		NORTH FORT MYERS	FL	33918	16860 FIFTH ST			NORTH FORT MYERS	33917	PARFREYS SUBD <CR>BLK 6 PB 7 PG 41 <CR>LOTS 9 THRU 12
19	FALSE	10578360	29-43-25-13-00000.0020	WISE JOSEPH L & WANDA L/E		7305 SEAN LN		NORTH FORT MYERS	FL	33917	7305 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOTS 1 + 2
20	FALSE	10239817	29-43-25-13-00000.0030	GRISSO LYNDA		7309 SEAN LN		NORTH FORT MYERS	FL	33917	7309 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 3
21	FALSE	10239818	29-43-25-13-00000.0040	MEZZATESTA FRANK & JULIE		7311 SEAN LN		NORTH FORT MYERS	FL	33917	7311 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 4
22	FALSE	10239819	29-43-25-13-00000.0050	WRIGHT KENNETH P &		7315 SEAN LN		NORTH FORT MYERS	FL	33917	7315 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 5
23	FALSE	10239820	29-43-25-13-00000.0060	POULSON ROBERT JR		7317 SEAN LN		NORTH FORT MYERS	FL	33917	7317 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 6
24	FALSE	10239821	29-43-25-13-00000.0070	COGSWELL PATRICIA L &		7319 SEAN LN		NORTH FORT MYERS	FL	33917	7319 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 7
25	FALSE	10239822	29-43-25-13-00000.0080	MCHARRY ROBERT TR		7325 SEAN LN		NORTH FORT MYERS	FL	33917	7325 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 8
26	FALSE	10239823	29-43-25-13-00000.0090	WHITEHOUSE MICHAEL D &		7331 SEAN LN		NORTH FORT MYERS	FL	33917	7331 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 9
27	FALSE	10239824	29-43-25-13-00000.0100	DAVIS LARRY & WENDY		7341 SEAN LN		NORTH FORT MYERS	FL	33917	7341 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 10
28	FALSE	10239825	29-43-25-13-00000.0110	CALKINS CHARLES A		7401 SEAN LN		NORTH FORT MYERS	FL	33917	7401 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 11
29	FALSE	10239826	29-43-25-13-00000.0120	PULTE JOSEPH A & MONICA L		7486 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7486 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 12
30	FALSE	10239827	29-43-25-13-00000.0130	MORREALE RACHEL L &		7484 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7484 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 13
31	FALSE	10239828	29-43-25-13-00000.0140	WASKO JEFFREY LYNN II		7480 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7480 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 14
32	FALSE	10239829	29-43-25-13-00000.0150	COGGINS GREGORY J &		7474 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7474 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 15
33	FALSE	10239830	29-43-25-13-00000.0160	CONDON BEVERLY C		7470 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7470 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 16
34	FALSE	10239831	29-43-25-13-00000.0170	JOHNSON ASHLI &		7468 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7468 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 17
35	FALSE	10239832	29-43-25-13-00000.0180	NELSON JOHN LOGAN		7464 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7464 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 18
36	FALSE	10239833	29-43-25-13-00000.0190	BEECROFT AMIO		7460 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7460 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 19
37	FALSE	10239841	29-43-25-13-00000.0320	GAGE CHARLES		7408 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7408 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 32
38	FALSE	10239842	29-43-25-13-00000.0330	BONSTEDT STEVEN M + ANA L		7402 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7402 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 33
39	FALSE	10239843	29-43-25-13-00000.0340	BATHURST SHELDON J &		7294 PELAS CIR		NORTH FORT MYERS	FL	33917	7294 PELAS CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 34
40	FALSE	10239861	29-43-25-13-00000.0530	MENKE SUSANNE R		7202 PELAS CIR		NORTH FORT MYERS	FL	33917	7202 PELAS CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 53
41	FALSE	10239862	29-43-25-13-00000.0540	SEBUL RICHARD JOSEPH JR		7302 SEAN LN		NORTH FORT MYERS	FL	33917	7302 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 54
42	FALSE	10239863	29-43-25-13-00000.0550	GUEMES ANA L		7306 SEAN LN		NORTH FORT MYERS	FL	33917	7306 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 55
43	FALSE	10239864	29-43-25-13-00000.0560	WATSON DONALD A & JANICE		7310 SEAN LN		NORTH FORT MYERS	FL	33917	7310 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 56
44	FALSE	10239865	29-43-25-13-00000.0570	MCQUEARY JILL L		7314 SEAN LN		NORTH FORT MYERS	FL	33917	7314 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 57
45	FALSE	10239866	29-43-25-13-00000.0580	GILKESON RONALD & TAMARA		7320 SEAN LN		NORTH FORT MYERS	FL	33917	7320 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 58
46	FALSE	10239867	29-43-25-13-00000.0590	BAUGHMAN GARY P & LISA J		7326 SEAN LN		NORTH FORT MYERS	FL	33917	7326 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 59
47	FALSE	10239868	29-43-25-13-00000.0600	CAVANAUGH MICHAEL L &		7332 SEAN LN		NORTH FORT MYERS	FL	33917	7332 SEAN LN			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 60
48	FALSE	10239869	29-43-25-13-00000.0610	ALBRITTON BEVERLY L/E		7293 PELAS CIR		NORTH FORT MYERS	FL	33917	7293 PELAS CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 68<CR>LOT 61
49	FALSE	10239879	29-43-25-13-00000.0710	SEXTON STEVEN JEFFREY &		7481 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7481 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 71
50	FALSE	10239880	29-43-25-13-00000.0720	MURPHY GERALD E & KAREN L		7475 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7475 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 72
51	FALSE	10239881	29-43-25-13-00000.0730	WEEKS WILLIAM &		7469 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7469 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 73
52	FALSE	10239882	29-43-25-13-00000.0740	BERENT GERALD J & PAMELA R TR		7467 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7467 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 74
53	FALSE	10239883	29-43-25-13-00000.0750	SWARTZ BRIAN E & WENDY S		7463 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7463 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 75
54	FALSE	10239884	29-43-25-13-00000.0760	FENNELL HAROLD & KATHLEEN		7459 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7459 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 76
55	FALSE	10239885	29-43-25-13-00000.0770	MORAN SHERI M		7433 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7433 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 77
56	FALSE	10239886	29-43-25-13-00000.0780	LEMMERMAN WILLARD M &		7425 DANA-LIN CIR		NORTH FORT MYERS	FL	33917	7425 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 78
57	FALSE	10239887	29-43-25-13-00000.0790	DOWELL FRANCES J TR		7421 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7421 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 79
58	FALSE	10239888	29-43-25-13-00000.0800	SHORIAK KENNETH P & HEIDI A		7415 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7415 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 80
59	FALSE	10239889	29-43-25-13-00000.0810	COLLELI DANIEL J & AMY L		7409 DANA LIN CIR		NORTH FORT MYERS	FL	33917	7409 DANA LIN CIR			NORTH FORT MYERS	33917	DAUGHTREYS CREEK<CR>PB 30 PG 69<CR>LOT 81
60	FALSE	10239891	29-43-25-14-00000.0820	M												



FAITH ASSEMBLY OF GOD OF
7101 BAYSHORE RD
NORTH FORT MYERS FL 33917

FL LEE 7300 BAYSHORE LLC
LUND CAPITAL GROUP
5150 TAMiami TRL N STE 301
NAPLES FL 34103

FAITH ASSEMBLY OF GOD OF NORTH
7101 BAYSHORE RD
NORTH FORT MYERS FL 33917

STATE OF FL DOT
PO BOX 1249
BARTOW FL 33831

FL LEE 7300 BAYSHORE LLC
LUND CAPITAL GROUP
5150 TAMiami TRL N STE 301
NAPLES FL 34103

FL LEE 7300 BAYSHORE LLC
LUND CAPITAL GROUP
5150 TAMiami TRL N STE 301
NAPLES FL 34103

CJS REAL ESTATE HOLDING LLC
16900 USEPPA OAK LN N
NORTH FORT MYERS FL 33917

PRI-CAR I LLP
PO BOX 2148
FORT MYERS FL 33902

FAITH ASSEMBLY OF GOD OF NORTH
7101 BAYSHORE RD
NORTH FORT MYERS FL 33917

WHITBECK JAMES T
7630 SAMVILLE RD
NORTH FORT MYERS FL 33917

HENNESSY RYAN & HYNES SARA
16861 LLOYD RD
NORTH FORT MYERS FL 33917

TRASSI ISRAEL JOSE JR &
7590 SAMVILLE RD
NORTH FORT MYERS FL 33917

HARTWIG BRIAN
7588 SAMVILLE RD
NORTH FORT MYERS FL 33917

TOLLEY WILLIAM JR
PO BOX 3762
FORT MYERS FL 33918

JOHNSON JONATHAN D
15880 S PEBBLE LN
FORT MYERS FL 33912

SWANSON TRENTON JACOB +
16880 HARTWIG LN
FORT MYERS FL 33917

TOLLEY WILLIAM JR
PO BOX 3762
NORTH FORT MYERS FL 33918

TYNDALL SHELLEY
PO BOX 3124
NORTH FORT MYERS FL 33918

WISE JOSEPH L & WANDA L/E
7305 SEAN LN
NORTH FORT MYERS FL 33917

GRISSE LYNNDA
7309 SEAN LN
NORTH FORT MYERS FL 33917

MEZZATESTA FRANK & JULIE
7311 SEAN LN
NORTH FORT MYERS FL 33917

WRIGHT KENNETH P &
7315 SEAN LN
NORTH FORT MYERS FL 33917

POULSOM ROBERT JR
7317 SEAN LN
NORTH FORT MYERS FL 33917

COGSWELL PATRICIA L &
7319 SEAN LN
NORTH FORT MYERS FL 33917

MCHARRY ROBERT TR
7325 SEAN LN
NORTH FORT MYERS FL 33917

WHITEHOUSE MICHAEL D &
7331 SEAN LN
NORTH FORT MYERS FL 33917

DAVIS LARRY & WENDY
7341 SEAN LN
NORTH FORT MYERS FL 33917

CALKINS CHARLES A
7401 SEAN LN
NORTH FORT MYERS FL 33917

PULTE JOSEPH A & MONICA L
7486 DANA LIN CIR
NORTH FORT MYERS FL 33917

MORREALE RACHEL L &
7484 DANA LIN CIR
NORTH FORT MYERS FL 33917

WASKO JEFFREY LYNN II
7480 DANA LIN CIR
NORTH FORT MYERS FL 33917

COGGINS GREGORY J &
7474 DANA LIN CIR
NORTH FORT MYERS FL 33917

CONDON BEVERLY C
7470 DANA LIN CIR
NORTH FORT MYERS FL 33917

JOHNSON ASHLI &
7468 DANA LIN CIR
NORTH FORT MYERS FL 33917

NELSON JOHN LOGAN
7464 DANA LIN CIR
NORTH FORT MYERS FL 33917

BEECROFT AMIJO
7460 DANA LIN CIR
NORTH FORT MYERS FL 33917

GAGE CHARLES
7408 DANA LIN CIR
NORTH FORT MYERS FL 33917

BONSTEDT STEVEN M + ANA L
7402 DANA LIN CIR
NORTH FORT MYERS FL 33917

BATHURST SHELDON J &
7294 PELAS CIR
NORTH FORT MYERS FL 33917

MENKE SUSANNE R
7202 PELAS CIR
NORTH FORT MYERS FL 33917

SEBUL RICHARD JOSEPH JR
7302 SEAN LN
NORTH FORT MYERS FL 33917

GUEMES ANA L
7306 SEAN LN
NORTH FORT MYERS FL 33917

WATSON DONALD A & JANICE
7310 SEAN LN
NORTH FORT MYERS FL 33917

MCQUEARY JILL L
7314 SEAN LN
NORTH FORT MYERS FL 33917

GILKESON RONALD & TAMARA
7320 SEAN LN
NORTH FORT MYERS FL 33917

BAUGHMAN GARY P & LISA J
7326 SEAN LN
NORTH FORT MYERS FL 33917

CAVANAUGH MICHAEL L &
7332 SEAN LN
NORTH FORT MYERS FL 33917

ALBRITTON BEVERLY L/E
7293 PELAS CIR
NORTH FORT MYERS FL 33917

SEXTON STEVEN JEFFREY &
7481 DANA LIN CIR
NORTH FORT MYERS FL 33917

MURPHY GERALD E & KAREN L
7475 DANA LIN CIR
NORTH FORT MYERS FL 33917

WEEKS WILLIAM &
7469 DANA LIN CIR
NORTH FORT MYERS FL 33917

BERENT GERALD J & PAMELA R TR
7467 DANA LIN CIR
NORTH FORT MYERS FL 33917

SWARTZ BRIAN E & WENDY S
7463 DANA LIN CIR
NORTH FORT MYERS FL 33917

FENNELL HAROLD & KATHLEEN
7459 DANA LIN CIR
NORTH FORT MYERS FL 33917

MORAN SHERI M
7433 DANA LIN CIR
NORTH FORT MYERS FL 33917

LEMMERMAN WILLARD M &
7425 DANA-LIN CIR
NORTH FORT MYERS FL 33917

DOWELL FRANCES J TR
7421 DANA-LIN CIR
NORTH FORT MYERS FL 33917

SHORIAK KENNETH P & HEIDI A
7415 DANA LIN CIR
NORTH FORT MYERS FL 33917

COLLELI DANIEL J & AMY L
7409 DANA LIN CIR
NORTH FORT MYERS FL 33917

MUELLER TAMMY B
7601 TANIA LN
NORTH FORT MYERS FL 33917

MULLOY EDWARD & LINDA
7605 TANIA LN
NORTH FORT MYERS FL 33917

ENGLER ROY W & BE H TR
7611 TANIA LN
NORTH FORT MYERS FL 33917

SPADER CARL W JR TR
7613 TANIA LN
NORTH FORT MYERS FL 33917

ESTIGOY NORMAN
18969 MYRON ST
LIVONIA MI 48152

CAMERON JEREMY S & TRACY C
7721 DENI DR
NORTH FORT MYERS FL 33917

FINN MIKE & DENISE K
7731 DENI DR
NORTH FORT MYERS FL 33917

RUSS SAMUEL S & TRACY M
7741 DENI DR
NORTH FORT MYERS FL 33917

MILLER JOSEPH & SARAH
7751 DENI DR
NORTH FORT MYERS FL 33917

PETRO MATTHEW W & LISA A
2633 SE 20TH PL
CAPE CORAL FL 33904

KREBS CHARLES +
7574 TANIA LN
NORTH FORT MYERS FL 33917

MENDOZA MONCENY
7602 TANIA LN
NORTH FORT MYERS FL 33917

NIENABER THOMAS & ELAINE
7604 TANIA LN
NORTH FORT MYERS FL 33917

THOMPSON WILLIAM B &
7608 TANIA LN
NORTH FORT MYERS FL 33917

SOZIO RICHARD & PATRICIA
7700 DENI DR
NORTH FORT MYERS FL 33917

KARLSEN KEVIN A & SHERRIE
16591 MARC ALLEN DR
NORTH FORT MYERS FL 33917

MILLIKEN RHONDA +
16581 MARC ALLEN DR
NORTH FORT MYERS FL 33917

CICCARELLI KATHRYN
16571 MARC ALLEN DR
NORTH FORT MYERS FL 33917

STEED DANE E & BEVERLY
7456 DANA-LIN CIR
NORTH FORT MYERS FL 33917

BALDINGER MARCUS
7452 DANA LIN CIR
NORTH FORT MYERS FL 33917

TOLMEN CODY H & TIFFANY R
7448 DANA LIN CIR
NORTH FORT MYERS FL 33917

GULDE JOSEPH F III &
7444 RENE DR
NORTH FORT MYERS FL 33917

LEPORATTI ANTHONY A
16611 WILLIAMS RD
NORTH FORT MYERS FL 33917

MONTIEL ANTONIA M & ISAIAS
16481 WILLIAMS RD
NORTH FORT MYERS FL 33917

STRAY KATZ INVESTMENTS INC
19710 N RIVER RD
ALVA FL 33920



Board of County Commissioners

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

May 31, 2023

Carl A. Barraco, Jr.
Barraco and Associates, Inc.
2271 McGregor Blvd.
Fort Myers, FL 33901

Re: Review of Deviation from LDC – Bayshore 31

Mr. Barraco,

I am in receipt of your letter requesting a review of a deviation in the Land Development Code for the development known as Bayshore 31. This development is located on two parcels bearing addresses of 7150 and 7200 Bayshore Road. The deviation requested is within Section 10-291, regarding a proposed secondary emergency access to the development.

I have reviewed the Master Concept Plan for the project. The plan includes a primary access from Bayshore Road. The second emergency access is proposed to be located on the northeastern corner of the project, using an emergency stabilized access that will run between Bayshore Road and Hartwig Lane.

The surface must be a stabilized surface capable of supporting an ambulance or a fire truck.

The Department of Public Safety consents to this deviation.

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

Sincerely,

A handwritten signature in blue ink, appearing to be "Benjamin Abes", written over a large, light blue oval shape.

Benjamin Abes
Director, Public Safety



2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT ANALYSIS

FOR

BAYSHORE 31 RPD
LEE COUNTY, FLORIDA

PROJECT NO. F2205.05

PREPARED BY:
TR Transportation Consultants, Inc.
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901-9356
(239) 278-3090

REVISED:
August 9, 2023



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- I. INTRODUCTION**
- II. EXISTING CONDITIONS**
- III. PROPOSED DEVELOPMENT**
- IV. TRIP GENERATION**
- V. PROJECT IMPACT**
- VI. LEVEL OF SERVICE ANALYSIS**
- VII. CONCLUSION**



I. INTRODUCTION

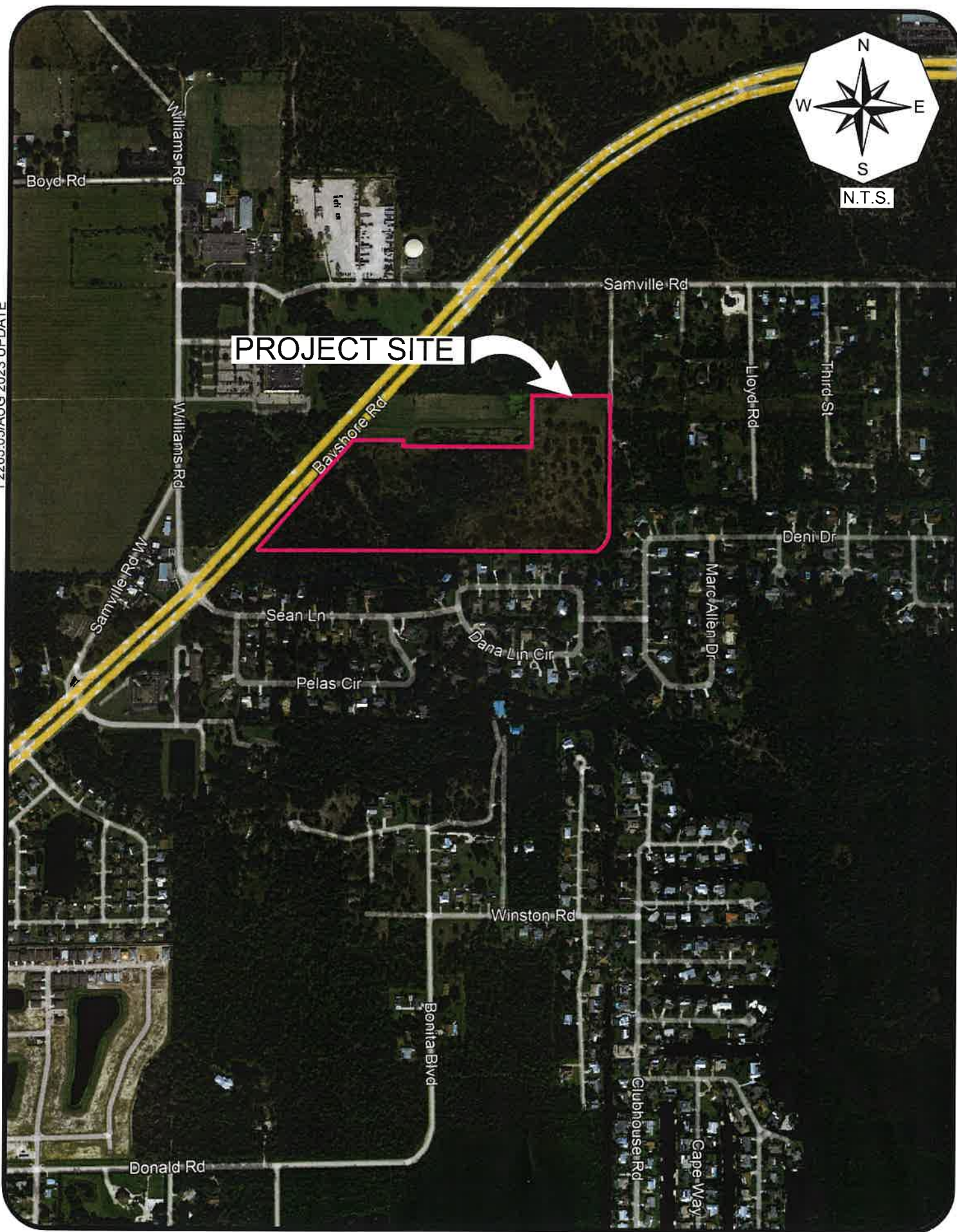
TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking rezoning approval. The project site is located on the south side of SR 78 (Bayshore Road) approximately one (1) mile east of Slater Road in Lee County, Florida.

Figure 1 illustrates the approximate location of the subject site.

The proposed rezoning application is to permit the approximately 31.5 acre site to be rezoned from AG-2 to Residential Planned Development (RPD) to allow for the development of up to 180 multi-family dwelling units on the site. Access to the site would be provided via a single access connection to Bayshore Road.

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

F2205.05/AUG 2023 UPDATE





II. EXISTING CONDITIONS

The subject site is currently vacant. The subject site is bordered by an FDOT detention pond and AG-2 vacant land to the north, existing residential in AG-2 zoning to the east, Bayshore Road to the west and Daughtrey's Creek residential subdivision (RM-2 zoning) to the south.

SR 78 (Bayshore Road) is a four-lane divided arterial roadway that borders the subject site to the north/west. SR 78 has an Access Management Classification of Class 3 adjacent to the site, which requires a minimum connection spacing of 660 feet between driveway connections, 1,320 feet between directional median openings, and 2,640 feet between full median openings. SR 78 has a posted speed limit of 50 mph and is under the jurisdiction of the Florida Department of Transportation (FDOT).

III. PROPOSED DEVELOPMENT

The zoning request is to rezone the site from AG-2 to RPD to permit the development of up to 180 multi-family dwelling units. **Table 1** summarizes the land uses utilized for the purposes of this analysis.

Table 1
Land Use
Bayshore 31 RPD

Land Use	Size
Multi-Family Residential (LUC 220)	180 Dwelling Units

Access to the subject site is proposed to SR 78 (Bayshore Road) via a single connection. A second connection to S.R. 78 is not feasible based on FDOT's access management spacing criteria.



IV. TRIP GENERATION

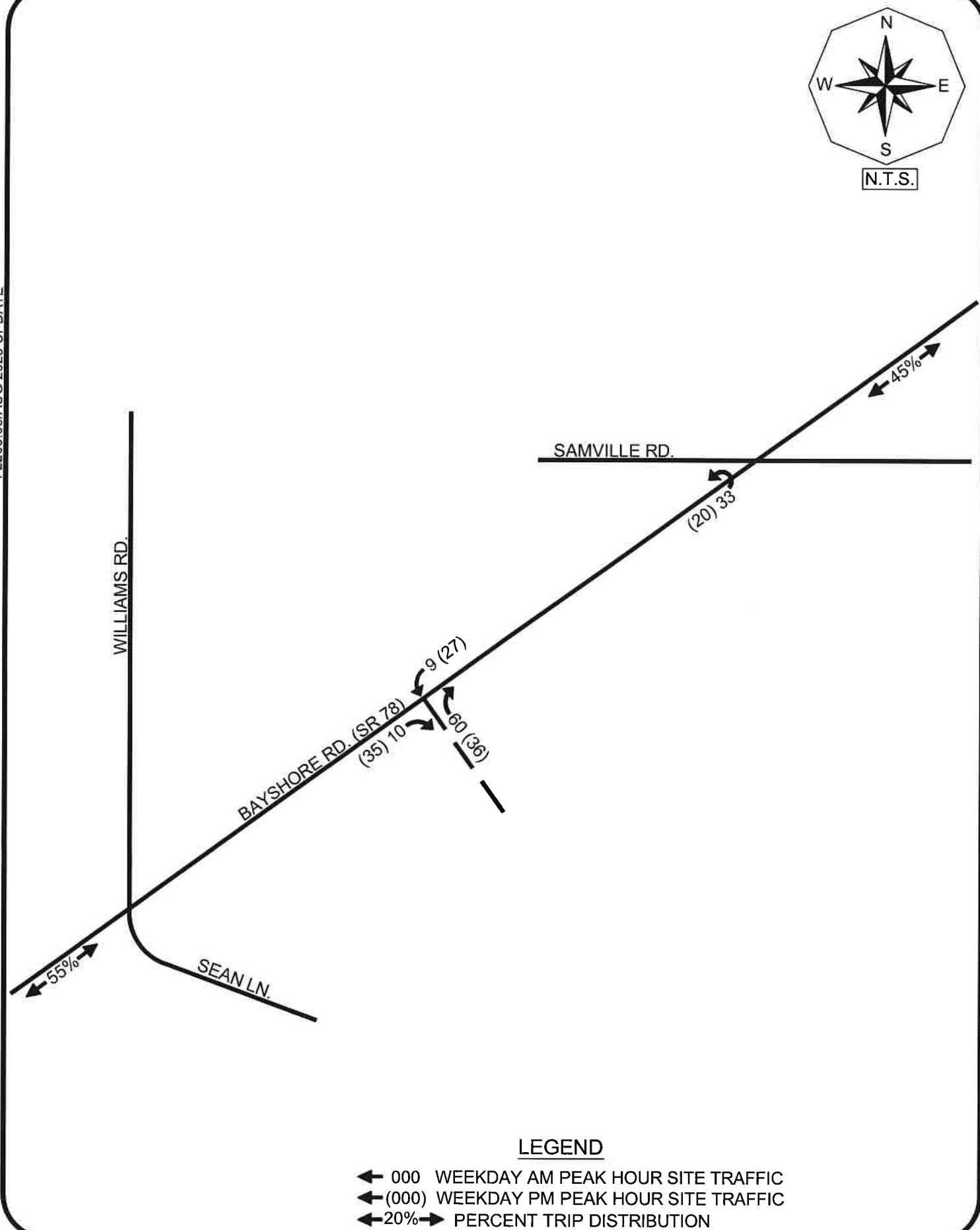
The trip generation for the proposed Bayshore 31 RPD was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation Manual*, 11th Edition. Land Use Code 220 (Multi-family Housing Low-Rise) was utilized for the trip generation purposes of the proposed development. **Table 2** outlines the anticipated total weekday AM and PM peak hour trip generation of the proposed development. The anticipated daily trip generation is also indicated within Table 2.

Table 2
Trip Generation – Total Trips
Bayshore 31 RPD

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Multi-family Dwelling Units (180 Units)	19	60	79	62	36	98	1,229

Figure 2 illustrates the trip distribution and assignment of the project related trips to the site access drive intersection and those intersections adjacent to the site along S.R. 78.

F2205.05/AUG 2023 UPDATE





V. PROJECT IMPACT

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines **Table 1A**, in the Appendix, was created. Table 1A indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service “C” volumes. The Level of Service Threshold volumes for SR 78 were obtained from the FDOT’s *Generalized Peak Hour Directional Volumes, Table 7*. Based on Table 1A, the only roadway segments analyzed included Bayshore Road adjacent to the site.

VI. LEVEL OF SERVICE ANALYSIS

A Level of Service analysis was conducted on the surrounding roadway links. The road segments included in the analysis was SR 78, east of Slater Road. The existing 2020 peak hour peak season peak direction volumes were obtained from the *2022 Lee County Public Facilities Level of Service and Concurrency Report*. In order to determine the projected Level of Service on the roadway links directly accessed by the proposed development, the project traffic was added to the projected 2027 background traffic volumes. The projected 2027 background traffic volumes were formulated by increasing the existing 2021 peak hour peak season peak direction traffic volumes by a historical growth factor as determined by referencing historical traffic data as contained in the FDOT *Traffic Information Online* webpage.

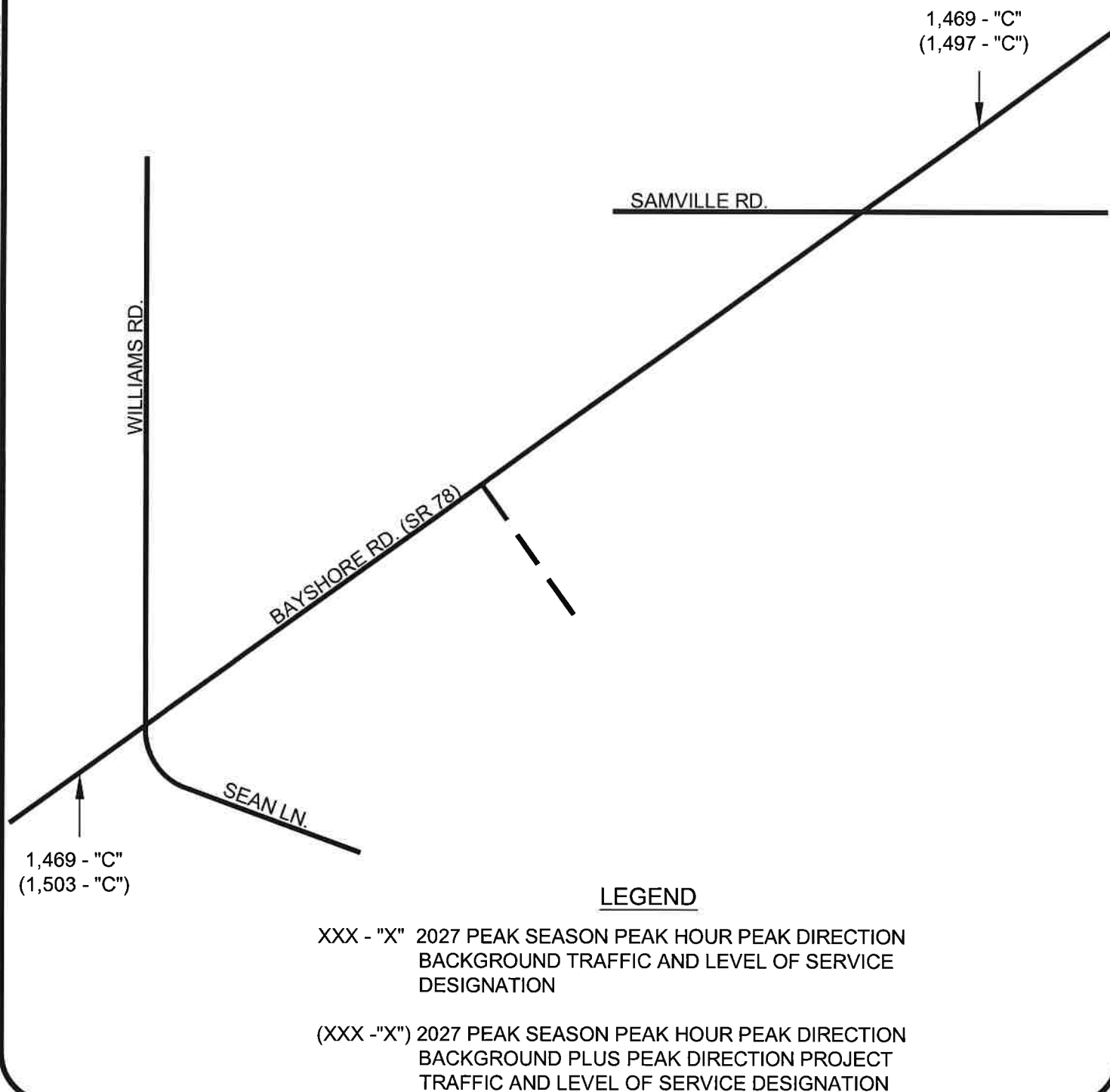
The historical traffic data for Bayshore Road (Station 126064) was referenced in order to determine the Annual Growth Rate (AGR) to estimate the future 2027 background traffic volumes on Bayshore Road and Nalle Road. A copy of the FDOT traffic data is included in the Appendix of this report for reference. **Table 2A**, located in the Appendix of this report indicates the methodology utilized to conduct the projected 2027 Level of Service Analysis.



From the analysis indicated in Table 2A, there is projected to be sufficient capacity on S.R. 78 in 2027 both with and without the project trips added to the road network. Therefore, the rezoning of this site will not cause this roadway segment to operate at a poor Level of Service. **Figure 3** illustrates the results of the Level of Service Analysis.

A Pre-Application meeting was held with FDOT to discuss the access on SR 78. The location of the site access drive as depicted on the Master Concept Plan meets the FDOT spacing criteria to permit a directional left-in access (left-in/right-in/right-out movements permitted). It is anticipated that as this project seeks Development Order and Access approval, that a Directional median opening will be requested from FDOT. At the time of permitting, the necessary turn lanes as required by FDOT along S.R. 78 at the site access drive connection will be determined.

F2205.05/AUG 2023 UPDATE





VII. CONCLUSION

The proposed rezoning application for Bayshore 31 RPD is to change the existing AG-2 zoning to RPD to permit the development of up to 180 multi-family dwelling units on the approximately 31.5 acre site located on the south/east side of Bayshore Road approximately one (1) mile east of Slater Road in Lee County, Florida. The proposed development will not have an adverse impact on the surrounding roadway network. Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service standards as identified in the Lee County Comprehensive Plan. The existing roadway network can accommodate the additional new vehicle trips that are anticipated to be generated.

Turn lanes serving the subject site along the State Highway will be evaluated at the time the project seeks site development permitting from Lee County and Access Connection permitting from the Florida Department of Transportation.

APPENDIX

TABLES 1A & 2A

TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES
BAYSHORE 31 RPD

TOTAL AM PEAK HOUR PROJECT TRAFFIC =	79 VPH	IN=	19	OUT=	60
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	98 VPH	IN=	62	OUT=	36

<u>ROADWAY</u>	<u>SEGMENT</u>	<u>ROADWAY</u> <u>CLASS</u>	<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>	<u>PERCENT</u> <u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJ/</u> <u>LOS C</u>
Bayshore Road (SR 78)	E. of Slater Rd.	4LN	0	0	1910	2000	2000	55%	34	1.8%
	E. of Site Access	4LN	0	0	1910	2000	2000	45%	28	1.5%

Level of Service thresholds for FDOT roads were obtained from the FDOT Generalized Peak Hour Directional Volumes (Jan. 2020)

2000 - Indicates recommended minimum LOS Standard

**TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
BAYSHORE 31 RPD**

TOTAL PROJECT TRAFFIC AM = 79 VPH IN = 19 OUT= 60
TOTAL PROJECT TRAFFIC PM = 98 VPH IN= 62 OUT= 36

<u>ROADWAY</u>	<u>SEGMENT</u>	2021							2027					
		2014			YRS OF GROWTH	ANNUAL RATE	PK SEASON PEAK DIR. ¹	PERCENT PROJECT TRAFFIC	FUTURE PLANNING ANALYSIS					
		COUNT	BASE YR	2021					AM PROJ	PM PROJ	BACKGROUND	BCKGRND + PROJ		
		<u>STATION</u>	<u>ADT</u>	<u>ADT</u>					<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>PEAK DIR.</u>	<u>LOS</u>	<u>TRAFFIC</u>	<u>LOS</u>
Bayshore Road (SR 78)	E. of Slater Rd.	126064	20,162	25,000	7	3.12%	1222	55%	33	34	1469	C	1503	C
	E. of Site Access	126064	20,162	25,000	7	3.12%	1222	45%	27	28	1469	C	1497	C

¹ Obtained from the 2022 Lee County Public Facilities Level of Service and Concurrency Report

**FDOT GENERALIZED PEAK HOUR
DIRECTIONAL VOLUMES
TABLE 7**

TABLE 7 Generalized **Peak Hour Directional** Volumes for Florida's
Urbanized Areas

January 2020

January 20

INTERRUPTED FLOW FACILITIES						UNINTERRUPTED FLOW FACILITIES					
STATE SIGNALIZED ARTERIALS						FREEWAYS					
Class I (40 mph or higher posted speed limit)						Core Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
1	Undivided	*	830	880	**	2	2,230	3,100	3,740	4,080	
2	Divided	*	1,910	2,000	**	3	3,280	4,570	5,620	6,130	
3	Divided	*	2,940	3,020	**	4	4,310	6,030	7,490	8,170	
4	Divided	*	3,970	4,040	**	5	5,390	7,430	9,370	10,220	
						6	6,380	8,990	11,510	12,760	
Class II (35 mph or slower posted speed limit)						Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
1	Undivided	*	370	750	800	2	2,270	3,100	3,890	4,230	
2	Divided	*	730	1,630	1,700	3	3,410	4,650	5,780	6,340	
3	Divided	*	1,170	2,520	2,560	4	4,550	6,200	7,680	8,460	
4	Divided	*	1,610	3,390	3,420	5	5,690	7,760	9,520	10,570	
Non-State Signalized Roadway Adjustments						Freeway Adjustments					
(Alter corresponding state volumes by the indicated percent.)						Auxiliary Lane Ramp Metering					
Non-State Signalized Roadways - 10%						+ 1,000 + 5%					
Median & Turn Lane Adjustments						UNINTERRUPTED FLOW HIGHWAYS					
Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors		Lanes	Median	B	C	D	E
1	Divided	Yes	No	+5%		1	Undivided	580	890	1,200	1,610
1	Undivided	No	No	-20%		2	Divided	1,800	2,600	3,280	3,730
Multi	Undivided	Yes	No	-5%		3	Divided	2,700	3,900	4,920	5,600
Multi	Undivided	No	No	-25%							
-	-	-	Yes	+ 5%							
One-Way Facility Adjustment						Uninterrupted Flow Highway Adjustments					
Multiply the corresponding directional volumes in this table by 1.2						Lanes	Median	Exclusive left lanes		Adjustment factors	
						1	Divided	Yes	+5%		
						Multi	Undivided	Yes	-5%		
						Multi	Undivided	No	-25%		
BICYCLE MODE ²						¹ Values shown are presented as peak hour directional volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the HCM and the Transit Capacity and Quality of Service Manual. ² Level of service for the bicycle and pedestrian modes in this table is based on number of vehicles, not number of bicyclists or pedestrians using the facility. ³ Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow. * Cannot be achieved using table input value defaults. ** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults. Source: Florida Department of Transportation Systems Implementation Office https://www.fdot.gov/planning/systems/					
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)											
Paved Shoulder/Bicycle Lane Coverage											
	B	C	D	E							
0-49%	*	150	390	1,000							
50-84%	110	340	1,000	>1,000							
85-100%	470	1,000	>1,000	**							
PEDESTRIAN MODE ²											
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)											
Sidewalk Coverage	B	C	D	E							
0-49%	*	*	140	480							
50-84%	*	80	440	800							
85-100%	200	540	880	>1,000							
BUS MODE (Scheduled Fixed Route) ³											
(Buses in peak hour in peak direction)											
Sidewalk Coverage	B	C	D	E							
0-84%	> 5	≥ 4	≥ 3	≥ 2							
85-100%	> 4	≥ 3	≥ 2	≥ 1							

LEE COUNTY PUBLIC FACILITIES LEVEL OF SERVICE AND CONCURRENCY REPORT

Table 21 b): Link-Level Service Volumes and LOS Table

Table 21 b) 1 of 7

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)														
Link No.	NAME	ROADWAY LINK		F. Class	ROAD TYPE	PERFORMANCE STANDARD		2021 100TH HIGHEST HOUR			FUTURE FORECAST (2026)			Notes
		FROM	TO			LOS	DIRECTIONAL CAPACITY	LOS	VOL	V/C	LOS	VOL	V/C	
00100	A & W BULB RD	GLADIOLUS DR	MCGREGOR BLVD	Maj. Col	2LN	E	860	C	342	0.40	C	360	0.42	
00200	ALABAMA RD	SR 82	MILWAUKEE BLVD	M. Art	2LN	E	990	C	265	0.27	C	279	0.28	
00300	ALABAMA RD	MILWAUKEE BLVD	HOMESTEAD RD	M. Art	2LN	E	990	C	349	0.35	C	367	0.37	
00400	ALEXANDER BELL BLVD	SR 82	MILWAUKEE BLVD	M. Art	2LN	E	990	D	561	0.57	D	590	0.60	
00500	ALEXANDER BELL BLVD	MILWAUKEE BLVD	LEELAND HEIGHTS	M. Art	2LN	E	990	D	561	0.57	D	654	0.66	Shadow Lakes
00590	ALICO RD	US 41	DUSTY RD	P. Art	4LD	E	1,980	B	1,171	0.59	B	1,230	0.62	
00600	ALICO RD	DUSTY RD	LEE RD	P. Art	6LD	E	2,960	B	1,171	0.40	B	1,532	0.52	Alico Business Park
00700	ALICO RD	LEE RD	THREE OAKS PKWY	P. Art	6LD	E	2,960	B	1,171	0.40	B	1,419	0.48	Three Oaks Regional Center
00800	ALICO RD	THREE OAKS PKWY	I-75	P. Art	6LD	E	2,960	B	2,428	0.82	B	2,552	0.86	EEPCO Study
00900	ALICO RD	I-75	BEN HILL GRIFFIN BLVD	P. Art	6LD	E	2,960	B	1,278	0.43	B	1,425	0.48	EEPCO Study
01000	ALICO RD	BEN HILL GRIFFIN BLVD	GREEN MEADOW DR	Maj. Col	2LN	E	1,100	C	395	0.36	E	808	0.73	4 Ln constr 2018, EEPCO Study*
01050	ALICO RD	GREEN MEADOW DR	CORKSCREW RD	Maj. Col	2LN	E	1,100	B	131	0.12	B	224	0.20	EEPCO Study
01200	BABCOCK RD	US 41	ROCKEFELLER CIR	Min. Col	2LN	E	860	C	55	0.06	C	162	0.19	old count
01400	BARRETT RD	PONDELLA RD	PINE ISLAND RD (US 78)	Maj. Col	2LN	E	860	C	103	0.12	C	116	0.14	old count projection(2009)
01500	BASS RD	SUMMERLIN RD	GLADIOLUS DR	Maj. Col	4LN	E	1,790	C	564	0.32	C	822	0.46	
01600	BAYSHORE RD (SR 78)	BUS 41	NEW POST RD/HART RD	State	4LD	D	2,100	C	1,975	0.94	D	2,076	0.99	
01700	BAYSHORE RD (SR 78)	HART RD	SLATER RD	State	4LD	D	2,100	C	1,821	0.87	F	2,152	1.02	
01800	BAYSHORE RD (SR 78)	SLATER RD	I-75	State	4LD	D	2,100	C	1,222	0.58	C	1,441	0.69	
01900	BAYSHORE RD (SR 78)	I-75	NALLE RD	State	2LN	D	924	C	741	0.80	F	941	1.02	
02000	BAYSHORE RD (SR 78)	NALLE RD	SR 31	State	2LN	D	924	C	741	0.80	F	941	1.02	
02100	BEN HILL GRIFFIN PKWY	CORKSCREW RD	FGCU ENTRANCE	P. Art	4LD	E	2,000	B	1,361	0.68	B	1,763	0.88	
02200	BEN HILL GRIFFIN PKWY	FGCU BOULEVARD S	COLLEGE CLUB DR	P. Art	4LD	E	2,000	B	1,361	0.68	B	1,430	0.72	
02250	BEN HILL GRIFFIN PKWY	COLLEGE CLUB DR	ALICO RD	P. Art	6LD	E	3,000	A	1,123	0.37	A	1,215	0.41	
26950	BEN HILL GRIFFIN PKWY	ALICO RD	TERMINAL ACCESS RD	Controlled xs	4LD	E	1,980	A	980	0.49	A	1,030	0.52	
02300	BETH STACEY BLVD	23RD ST	HOMESTEAD RD	Maj. Col	2LN	E	860	C	340	0.40	C	565	0.66	
02400	BONITA BEACH RD	HICKORY BLVD	VANDERBILT DR	P. Art	4LD	E	1,900	C	736	0.39	C	774	0.41	Constrained in City Plan *
02500	BONITA BEACH RD	VANDERBILT DR	US 41	P. Art	4LD	E	1,900	C	1,433	0.75	C	1,506	0.79	Constrained in City Plan
02600	BONITA BEACH RD	US 41	OLD 41	P. Art	4LD	E	1,860	C	1,427	0.77	C	1,500	0.81	Constrained, old count projection(2010)
02700	BONITA BEACH RD	OLD 41	IMPERIAL ST	P. Art	6LD	E	2,800	C	1,908	0.68	C	2,005	0.72	Constrained in City Plan(2010)
02800	BONITA BEACH RD	IMPERIAL ST	W OF I-75	P. Art	6LD	E	2,800	C	2,091	0.75	C	2,197	0.78	Constrained in City Plan
02900	BONITA BEACH RD	E OF I-75	BONITA GRAND DR	M. Art	4LD	E	2,020	B	626	0.31	B	658	0.33	Constrained in City Plan
02950	BONITA BEACH RD	BONITA GRANDE DR	Logan Boulevard	M. Art	4LD	E	2,020	B	626	0.31	B	658	0.33	Constrained in City Plan
03100	BONITA GRANDE DR	BONITA BEACH RD	E TERRY ST	Maj. Col	2LN	E	860	D	692	0.80	E	782	0.91	old count projection(2009)
03200	BOYSCOUT RD	SUMMERLIN RD	US 41	P. Art	6LN	E	2,520	E	1,847	0.73	E	1,941	0.77	
03300	BRANTLEY RD	SUMMERLIN RD	US 41	Maj. Col	2LN	E	860	C	287	0.33	C	302	0.35	
03400	BRIARCLIFF RD	US 41	TRIPLE CROWN CT	Maj. Col	2LN	E	860	C	158	0.18	C	166	0.19	
03500	BROADWAY RD (ALVA)	SR 80	North River Rd	Maj. Col	2LN	E	860	C	280	0.33	C	294	0.34	old count projection(2009)
03700	BUCKINGHAM RD	SR 82	GUNNERY RD	P. Art	2LN	E	990	D	491	0.50	D	516	0.52	
03730	BUCKINGHAM RD	GUNNERY RD	ORANGE RIVER BLVD	P. Art	2LN	E	990	C	395	0.40	C	415	0.42	
03800	BUCKINGHAM RD	ORANGE RIVER BLVD	SR 80	P. Art	2LN	E	990	D	644	0.65	F	1,057	1.07	Buckingham 345 & Portico
03900	BURNT STORE RD	SR 78	VAN BUREN PKWY	Controlled xs	4LD	E	2,950	B	828	0.28	B	870	0.29	
04000	BURNT STORE RD	VAN BUREN PKWY	COUNTY LINE	Controlled xs	2LN	E	1,140	C	528	0.46	C	626	0.55	
04200	BUS 41 (N TAMIAMI TR, CITY LIMITS (N END EDISON BRG))		PONDELLA RD	State	6LD	D	3,171	C	1,715	0.54	C	2,082	0.66	
04300	BUS 41 (N TAMIAMI TR, PONDELLA RD)		SR 78	State	6LD	D	3,171	C	1,715	0.54	C	2,082	0.66	
04400	BUS 41 (N TAMIAMI TR, SR 78)		LITTLETON RD	State	4LD	D	2,100	C	994	0.47	C	1,245	0.59	
04500	BUS 41 (N TAMIAMI TR, LITTLETON RD)		US 41	State	4LD	D	2,100	C	596	0.28	C	796	0.38	
04600	CAPE CORAL BRIDGE	DEL PRADO BLVD	MCGREGOR BLVD	P. Art	4LB	E	4,000	D	3,097	0.77	D	3,255	0.81	
04700	CAPTIVA DR	BLIND PASS	SOUTH SEAS	Maj. Col	2LN	E	860	C	267	0.31	C	302	0.35	Constrained, old count(2010)

County-Maintained Collector Roadway - Unincorporated Lee County

State-Maintained Arterial Roadway - Unincorporated Lee County

County-Maintained Collector Roadway - Incorporated Lee County

County Maintained Controlled Access Arterial Facility

County-Maintained Arterial Roadway - Unincorporated Lee County

County Maintained Expressway

County-Maintained Arterial Roadway - Incorporated Lee County

TRAFFIC DATA FROM FDOT FLORIDA TRAFFIC ONLINE

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2022 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6064 - BAYSHORE RD, W OF I-75

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2022	25000 X	0	0	9.00	54.00	9.80
2021	25000 T	0	0	9.00	54.30	9.90
2020	24500 S	0	0	9.00	54.00	6.90
2019	25500 F	0	0	9.00	56.00	7.70
2018	25710 C	0	0	9.00	53.70	8.00
2017	25500 X	0	0	9.00	55.40	7.40
2016	25000 E	0	0	9.00	57.10	7.00
2015	24000 E	0	0	9.00	52.30	5.90
2014	20162 C			9.00	52.30	5.90
2013	20162 C	E 10233	W 9929	9.00	52.30	9.60

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

TRIP GENERATION EQUATIONS

Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 22

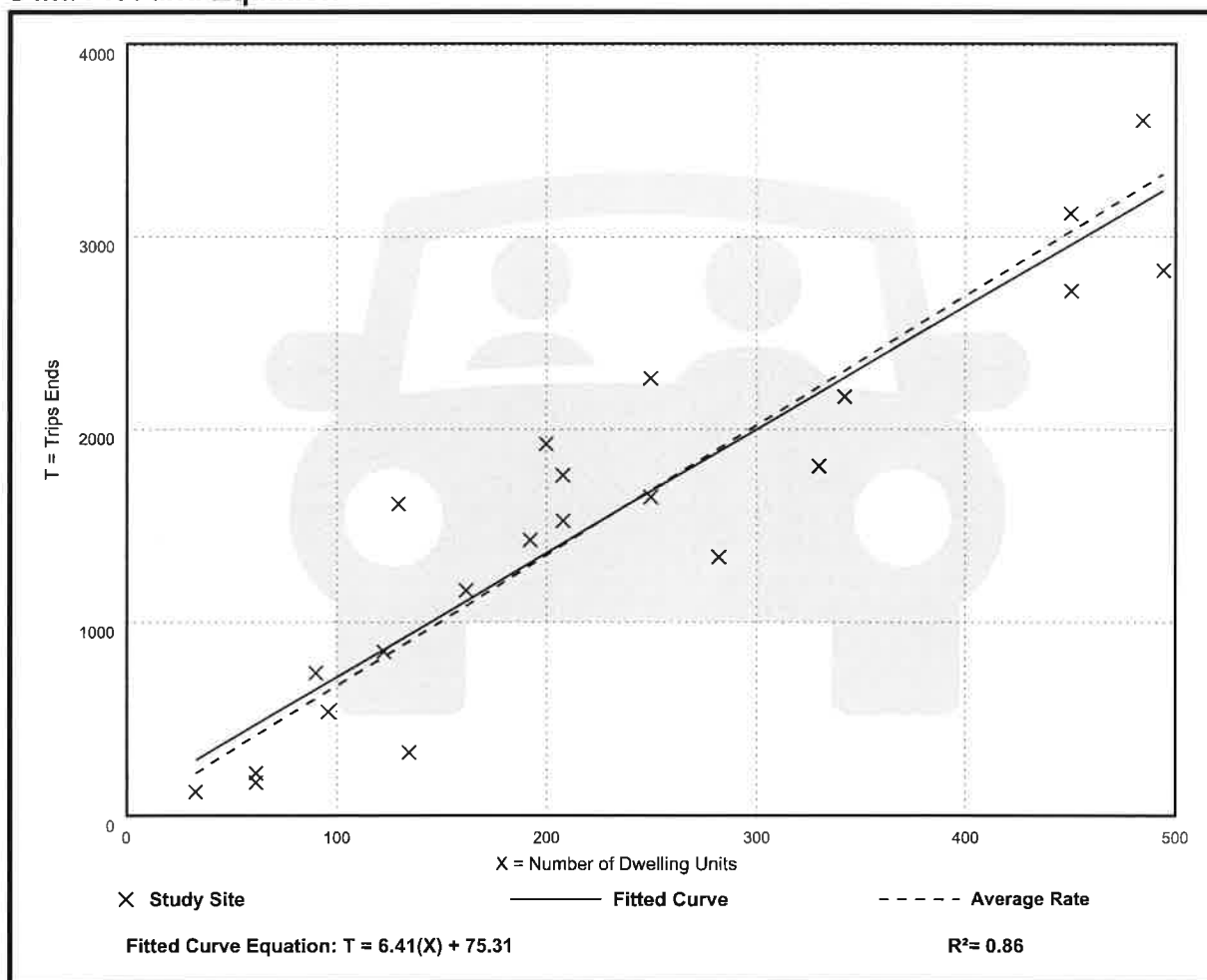
Avg. Num. of Dwelling Units: 229

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.74	2.46 - 12.50	1.79

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 49

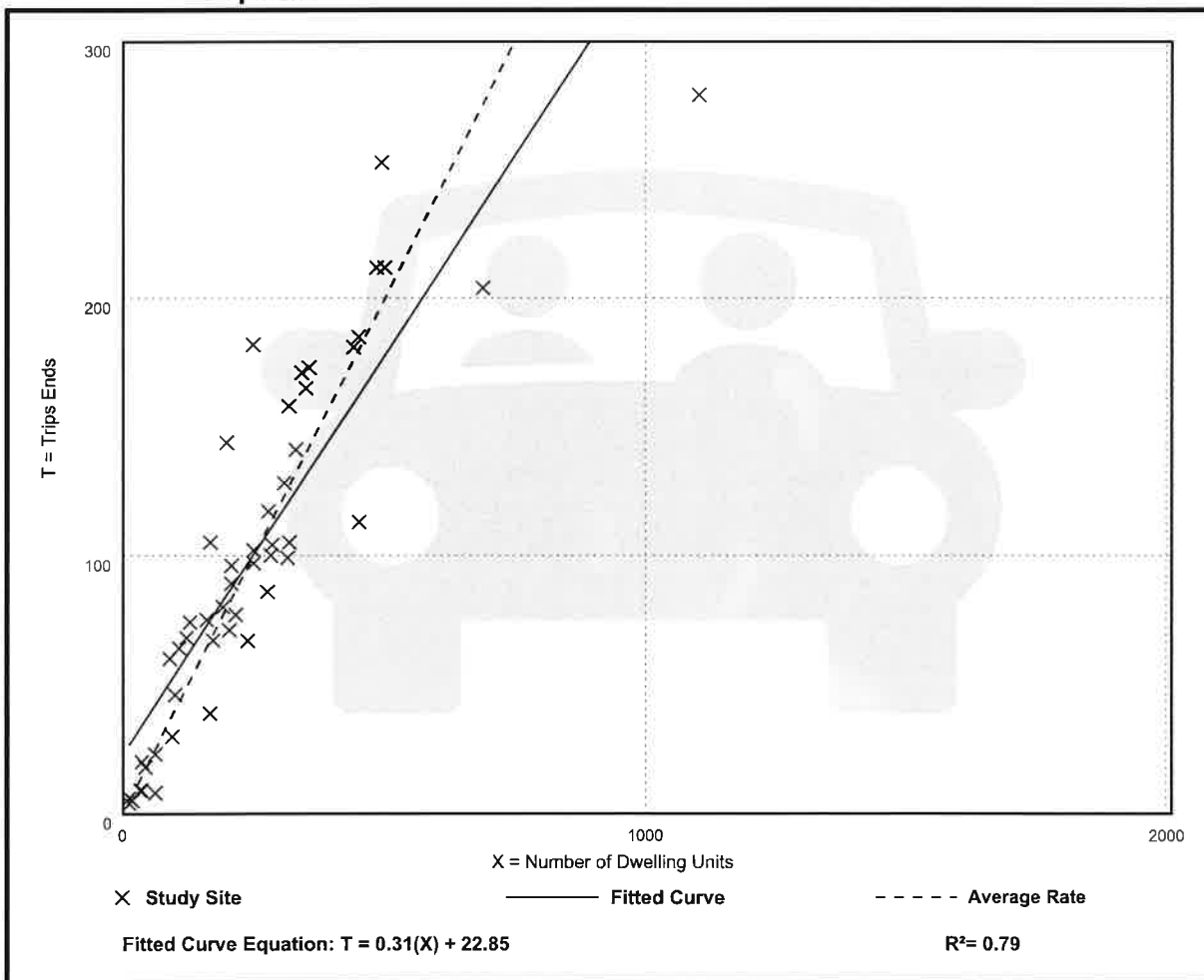
Avg. Num. of Dwelling Units: 249

Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.40	0.13 - 0.73	0.12

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 59

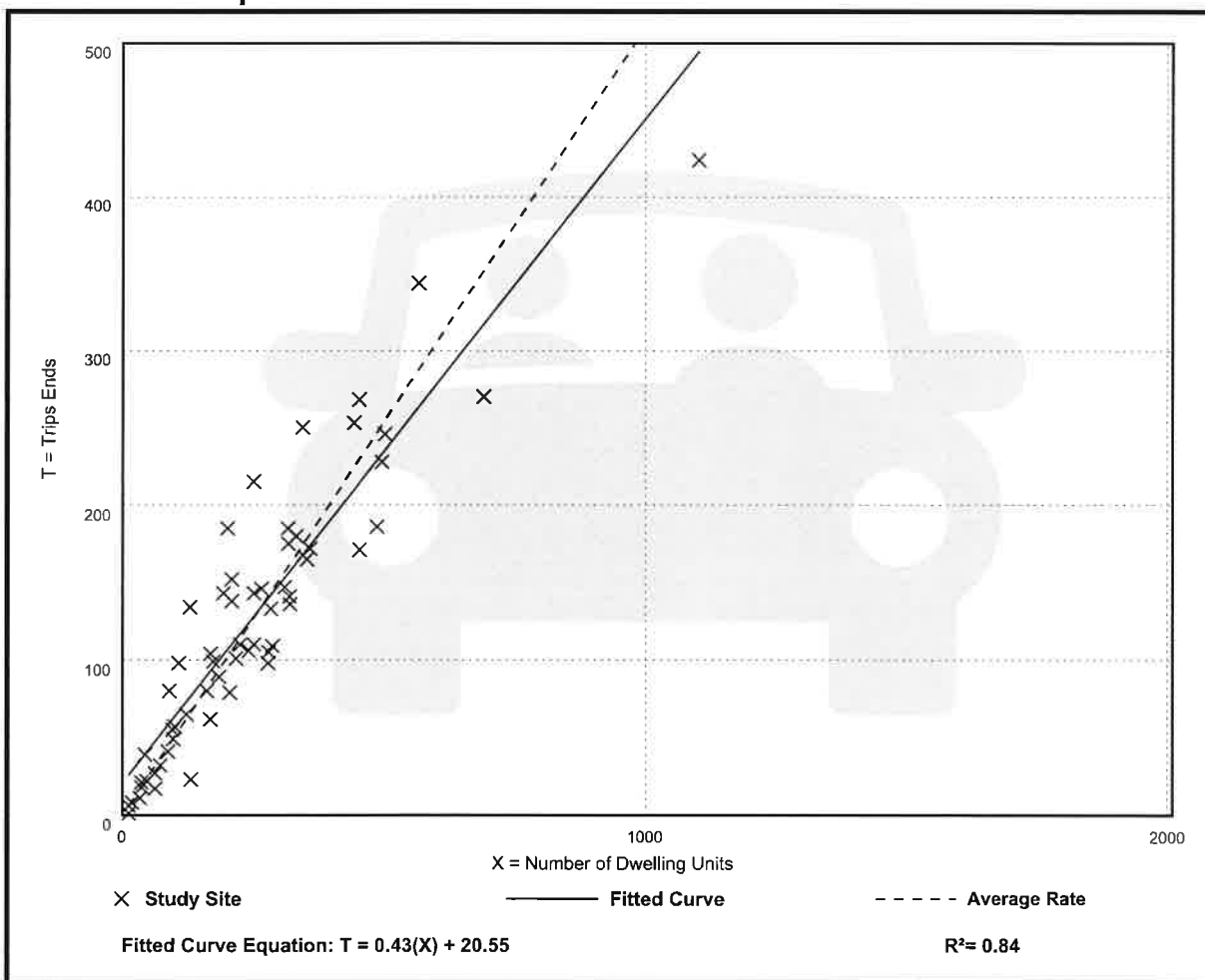
Avg. Num. of Dwelling Units: 241

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.08 - 1.04	0.15

Data Plot and Equation





Bayshore 31 RPD
Schedule of Uses & Site Development Regulations

Schedule of Uses

Accessory uses, buildings and structures
Administrative offices
Dwelling units: Multi-family, limited to 180 dwelling units
Entrance Gates and Gatehouses
Essential Services
Essential Services Facilities – Group I Only
Excavation: Water Retention
Fences, Walls
Models:
 Display Center/Sales Center
 Model Unit
Parking Lot, Accessory
Real Estate Sales Office
Recreation Facilities
 Personal
 Private – On-Site
Residential Accessory Uses
Signs in conformance with LDC Chapter 30
Temporary Uses
 Including Temporary Sales Office, Temporary Construction Office, Temporary Construction-Related Storage

Site Development Regulations

Minimum Lot Area and Dimensions:

Area:	10,000 SF
Width:	100'
Depth:	100'

Minimum Building Setbacks:

Development Perimeter:	25 feet
Street:	25 feet
Side:	N/A
Rear:	N/A
Building Separation:	10 feet
Waterbody:	25 feet
Maximum Lot Coverage:	50%
Maximum Building Height:	30 feet

*PD Perimeter Setback 15' (0' from Landscape Buffer Easement)



Bayshore 31 RPD Preliminary Density Calculation

Base Density

Future Land Use Category	Acres	Lee Plan Table 1(a) Max. standard density	Dwelling Units
Suburban	28.51	6 du/ac	171.06
Wetlands	6.49	1 du/ac & 1 du/20 ac	X
<i>Preserved Wetlands</i>	4.39	6 du/ac	26.34
<i>Impacted Wetlands</i>	2.10	1 du/20 ac	2.10
Maximum Allowable Density:	35		197 DU



Bayshore 31 RPD Deviations And Justifications

- 1) 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: The deviation request applies to three areas of the proposed development. 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. Proposed dead-end roadways are less than 150' in length.

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 public health, safety, or welfare.

- 2) Deviation from LDC Section 10-329(d)(1)a.3 which requires excavation setback of 50 feet of any private property line under separate ownership, to allow for a 30' excavation setback.**

Justification: This deviation request applies where the proposed water management lake is 30' from the property boundary that abuts an FDOT detention pond. The FDOT detention pond is surrounded by a chain link fence, with approximately 50' between the fence and edge of water. This spacing allows for pond maintenance within FDOT's fenced area.

Reducing the excavation setback in this area reduces the separation from the lake to the project's perimeter to the minimum necessary for buffering and grading. Expanding the lake allows for better stormwater management for the site. As such, the proposed deviation will enhance the proposed development and will not be a detriment to the public interests. The security fencing around the FDOT lake also ensures no risk to safety.

- 3) Deviation from LDC Section 10-291(3) which requires developments of more than five acres to provide more than one means of ingress or egress to allow one primary access on Bayshore Road and one emergency-only stabilized access on Hartwig Lane.**

Justification: The property abuts 920' of Bayshore Road frontage, which has a minimum intersection separation of 660'. The closest intersection is to the south, at Williams Road/Sean Lane, which is 365' from the proposed RPD. As such, it is impossible for the project to meet intersection separation criteria with two Bayshore Road access points. The access as proposed, is ideally located halfway between Samville Road and Williams Road / Sean Lane.

Access to the site is proposed from Bayshore Road, a state maintained arterial roadway boulevard with a divided median. Each side of the divided access is a minimum 20' wide, as required by the fire department. Emergency access is proposed to the north of the site, connecting the Property to Hartwig Lane and Bayshore Road. This access would only be used in emergency situations when the main entryway is inaccessible.

The development will benefit from approval of this deviation by allowing the project's main Bayshore entrance to meet intersection criteria through providing only one access on Bayshore Road. The homes on Hartwig Lane will also benefit from the creation of the emergency access point.

4) Deviation from LDC Section 10-416d(9) which requires a 50' wide natural waterway buffer to have no requirement for a natural waterway buffer within the FDOT drainage easement.

Justification: This deviation applies only to the land within the FDOT's drainage easement. A natural waterway buffer will be required, and is shown on both MCPs, on areas outside the easement. The applicant is not proposing to remove the indigenous vegetation in this area, but the applicant has no control over FDOT's future maintenance of the creek and surrounding vegetation. Approval of this deviation will benefit the project by preventing future non-compliance should the vegetation be removed by FDOT, and no detriment to public safety, health or welfare will occur. Please see the attached deviation depiction.

Variance Criteria

a) The property has inherent exceptional conditions that cause the application of the regulation to create a hardship

The site's natural waterway is located within an FDOT drainage easement. As such, the applicant has no control over FDOT future maintenance of the creek and surrounding vegetation, creating a hardship.

b) The exceptional conditions are not the result of actions of the property owner taken subsequent to the adoption of the ordinance

As stated above, the exceptional conditions pertain to the location of the site's natural waterway within an FDOT drainage easement. No actions of the property owner were taken subsequent to the creation of the FDOT easement to create the

exceptional conditions. The exceptional conditions are a result of the applicant's inability to control future maintenance of the creek and surrounding vegetation.

c) The variance granted is the minimum variance that will relieve the unreasonable burden caused by the application of the regulation to the property

The granting of the proposed deviation will relieve the unreasonable burden caused by the FDOT drainage easement. The proposed deviation will prevent future non-compliance by allowing no buffer to be required. Additionally, no vegetation in the FDOT drainage easement is counted toward the subject property's provided indigenous, nor have any incentives been requested as a result of the FDOT easement, even though it meets LDC size requirements.

d) The granting of the variance will not be injurious to the neighborhood or detrimental to the public welfare.

Granting of the proposed deviation will ensure future compliance and will not be injurious to the neighborhood or negatively impact the public health, safety, and welfare or the aesthetics of the community.

e) The variance is consistent with the Lee Plan

The requested deviation complies with Policy 30.2.5 of the Lee Plan by meeting the approval criteria for variances set forth in Chapter 34 of the Land Development Code.

5) Deviation from LDC Section 10-415(b)(1)4 which requires a 50' wide right of way tree preservation buffer along collector roads to allow a 15' wide Type D buffer near the Bayshore Road entrance as shown on the Master Concept Plan.

Justification: To allow greater visibility at the project's entrance on Bayshore Road, the applicant requests relief from the requirement of a 50' wide natural buffer as shown on the Master Concept Plan. In lieu of the 50' natural buffer, a type D buffer, the standard LDC residential to right-of-way buffer, is proposed.

The deviation request applies only to a portion of Bayshore Road. A total of ± 920 lineal feet abuts Bayshore Road, with ± 137 lineal feet as a Type D buffer and ± 783 lineal feet as natural vegetated buffer. With the majority of the frontage providing natural buffers, the intent of the LDC is met, without causing potential safety hazards.

As requested, approval of the deviation will enhance public safety, health and welfare, and benefits the project by providing safe access and complimentary landscaping to the planned developments north of Bayshore Road.

BAYSHORE 35 ACRES

**UPDATED ENVIRONMENTAL ASSESSMENT AND
PROTECTED SPECIES SURVEY REPORT**

December 2021

Updated August 2023

Prepared For:

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Introduction

An updated environmental assessment and species survey report was conducted on the Bayshore 35 property on November 11, 2021; the initial assessment was provided in January 2021. The 34.80± acre site is located in Section 29, Township 43S, and Range 25E, of Lee County, Florida. More specifically, the site is located immediately south and east of Bayshore Road, north and west of Samville Road, in North Fort Myers, Florida. Please see the attached Project Location Map (Exhibit A).

The purpose of this assessment was to identify the potential for either U.S. Army Corps of Engineers (ACOE) Department of Environmental Protection (DEP), and/or South Florida Water Management District (SFWMD) jurisdictional wetlands. The site was also assessed to determine the potential of listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the U.S. Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Specific attention was paid toward that of locating any gopher tortoise (*Gopherus polyphemus*) and/or burrowing owl burrows (*Athene cunicularia floridana*), as well as locating any potential fox squirrel (*Sciurus niger*) nests, Florida bonneted bat (*Eumops floridanus*) cavity trees, and any bald eagle (*Haliaeetus leucocephalus*) nests.

The project's surrounding land uses are a mixture of residential homes, commercial and industrial developments, undeveloped vacant land, and forested land. The survey was conducted in the early-morning; the temperature was in the mid-upper 70's, with a light breeze, and mostly sunny skies.

Background

The DEP and the SFWMD are the agencies that regulate development activities in wetlands. To be considered wetlands by the DEP and/or SFWMD, the area should exhibit wetland hydrology, contain wetland vegetation, and have hydric soils. For an area to be considered wetlands, a site should have hydric soils, wetland hydrology, and wetland vegetation present. The property was reviewed for indicators of these parameters.

Hydric soils are identified by certain characteristics that are unique to wetland soils. Wetland hydrology is normally present if the soil is saturated or inundated for a period of time; typically from May through November; the rainy season in Southwest Florida. In the absence of visual signs of saturation or inundation, the regulatory agencies typically use hydrologic indicators such as adventitious rooting, lichen lines, or algal matting as method of guidance. If the majority of the shrubs/plants that are present are those that are adapted to saturated soil conditions, it's likely wetland vegetation.

The FWS and FWC are the primary agencies that review potential impacts to listed species. The FWS reviews potential impacts and provides comments to the ACOE and DEP during the permitting process, while the FWC provides comments to the SFWMD. In general, the wildlife agency concerns need to be addressed in order for the permits to be authorized by the ACOE, DEP, and/or the SFWMD.

Methodology

The species survey was conducted utilizing combined methodologies from Lee County's Land Development Code (LDC, Chapter 10, Article III, Division 8 - Protection of Habitat) and also encompassed the Lee County Endangered Species Ordinance No. 89-34. Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site, as outlined in the LDC. The frequency of transects

performed in these habitats, unless otherwise discussed, were designed to meet the minimum updated coverage requirement. Following the Lee County Endangered Species Ordinance No. 89-34, the specific methodology included pedestrian surveys of parallel transects. The survey was conducted according to the previously approved Lee County methodology, submitted by Kevin L. Erwin Consulting Ecologist, Inc.

These methods are comprised of a several step process. The vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, these FLUCFCS codes are cross-referenced with the Lee County Protected Species List. With a list of the potential listed plants and animals, each FLUCFCS community is searched in the field for these species. An intensive pedestrian survey is conducted using parallel belt transects as a means of searching for protected plants and animals. Signs or sightings of these species are then recorded.

Existing Site Conditions

Boundary – The surveyed project boundary was obtained from the Land America LLC and is assumed to be approximately 34.80± acres.

Soils - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). These mappings are general in nature but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use these mappings as justification for certain wetland/upland determinations. According to these mappings, the parcel is underlain by Oldsmar sand, (NRCS #33; non-hydric) and Copeland sandy loam, depressional (NRCS #45; hydric). Oldsmar sand soil is considered non-hydric at both the local and national levels. Please see the attached NRCS Soils Map (Exhibit D).

Vegetation Descriptions – Vegetation is one parameter used in determining the presence of uplands or wetlands; these community mappings will generally reflect what a specific area could be considered by the regulatory agencies. We identified approximately 6.49± acres of wetlands and 1.30± acres of “other surface water” communities on-site during the initial site assessment.

While on-site, generalized community delineations are hand-drawn on an aerial defining the different vegetation associations on-site. These general delineations were based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Level III and IV (FDOT 1999). Please see the attached FLUCFCS Map with Aerial (Exhibit B) and FLUCFCS Map without Aerial (Exhibit C). Listed below are the vegetation communities and land-uses identified on the site.

FLUCFCS Codes & Community Descriptions

Uplands

The following community areas have been designated as upland habitats. Uplands are any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet enough to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.

FLUCFCS 211 E1 Improved Pasture (Exotics 1-24%) – 4.52± Acres

This upland habitat type occupies the approximately 4.52± acres of the property. The canopy is mostly open with scattered live oak (*Quercus virginiana*) and slash pine (*Pinus elliottii*) along the edges. The sub-canopy is also mostly open with scattered Brazilian pepper (*Schinus terebinthifolius*) and cabbage palm (*Sabal palmetto*). The groundcover is dominated by bahia grass (*Paspalum notatum*), with scattered dog fennel (*Eupatorium*

capillifolium), smutgrass (*Sporobolus sp.*), and other various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.*), and grapevine (*Vitis rotundifolia*). This community should be considered uplands by regulatory agencies.

FLUCFCS 213 E2 **Woodland Pasture (Exotics 25-49%) – 15.63± Acres**

This upland habitat type occupies the approximately 15.63± acres of the property. Canopy is mostly open with widely scattered live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), earleaf acacia (*Acacia auriculiformis*), and slash pine (*Pinus elliottii*). The sub-canopy includes cabbage palm (*Sabal palmetto*), and Brazilian pepper (*Schinus terebinthifolius*). Ground cover contains scattered saw palmetto (*Serenoa repens*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia trifida*), caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), smutgrass (*Sporobolus sp.*), false buttonweed (*Spermacoce verticillata*), three-awn grass (*Aristida purpurea*), flattop goldenrod (*Euthamia caroliniana*), and other various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.*), grapevine (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*). This community would be considered uplands by the regulatory agencies.

FLUCFCS 420 E2 **Mixed Upland Forest (Exotics 25-49%) – 6.86± Acres**

This upland habitat type occupies the approximately 6.86± acres of the property. The canopy consists of live oak (*Quercus virginiana*), slash pine (*Pinus elliottii*), and cabbage palm (*Sabal palmetto*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), myrsine (*Rapanea guinensis*), citrus (*Citrus sinensis*), and beauty-berry (*Callicarpa americana*). The ground cover includes scattered saw palmetto (*Serenoa repens*) and cesar weed (*Urena lobata*). Commonly observed vines include greenbriar (*Smilax sp.*), grapevine (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*). This community would be considered uplands by the regulatory agencies.

Wetlands

The following community areas have been designated as wetland habitats. Wetlands are any areas that under normal circumstances have hydrophytic vegetation, hydric soils, and wetland hydrology.

FLUCFCS 428H E2 **Hydric Cabbage Palm (Exotics 25-49%) – 0.67± Acres**

This wetland community type occupies approximately 0.67± acres of the property. The canopy contains laurel oak (*Quercus laurifolia*). The sub-canopy is dominated by cabbage palm (*Sabal palmetto*), with scattered Brazilian pepper (*Schinus terebinthifolius*), myrsine (*Rapanea punctata*), and wax myrtle (*Myrica cerifera*). The ground cover vegetation includes swamp fern (*Blechnum serrulatum*), coco plum (*Chrysobalanus icaco*), flatsedge (*Cyperus ligularis*), and shield fern (*Dryopteris ludoviciana*). Commonly observed vines include Japanese climbing fern (*Lygodium japonicum*), and greenbriar (*Smilax spp.*). This community does contain some transitional wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

FLUCFCS 621 E2 **Cypress Wetland (Exotics 25-49%) – 3.84± Acres**

This wetland community type occupies approximately 3.84± acres of the property. The canopy is dominated by bald cypress (*Taxodium distichum*), with scattered melaleuca (*Melaleuca quinquenervia*), laurel oak (*Quercus laurifolia*), and java plum (*Syzygium cumini*). The sub-canopy vegetation includes Brazilian pepper (*Schinus terebinthifolius*), buttonbush (*Cephalanthus occidentalis*), and dahoon holy (*Ilex cassine*). The ground cover is dominated by swamp fern (*Blechnum serrulatum*), swamp lily (*Crinum americanum*), and royal fern (*Osmunda*

regalis). Commonly observed vines include greenbriar (*Smilax* spp.) and Japanese climbing fern (*Lygodium japonicum*). This community does contain some transitional wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

FLUCFCS 630 E3 Mixed Wetland Forest (Exotics 50-74%) – 1.42± Acres

This wetland community type occupies approximately 1.42± acres of the property. The canopy contains bald cypress (*Taxodium distichum*), slash pine (*Pinus elliottii*), with scattered laurel oak (*Quercus laurifolia*) and java plum (*Syzygium cumini*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), myrsine (*Rapanea punctata*), and wax myrtle (*Myrica cerifera*). The ground cover vegetation includes swamp fern (*Blechnum serrulatum*), coco plum (*Chrysobalanus icaco*), flatsedge (*Cyperus ligularis*), and shield fern (*Dryopteris ludoviciana*). Commonly observed vines include Japanese climbing fern (*Lygodium japonicum*), and greenbriar (*Smilax* spp.). This community does contain some transitional wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

FLUCFCS 641 E1 Freshwater Marsh (Exotics 1-24%) – 0.56± Acres

This wetland community type occupies approximately 0.56± acres of the property. The canopy is mostly open with scattered Carolina willow (*Salix caroliniana*) along the edges. The sub-canopy contains wax myrtle (*Myrica cerifera*), and buttonbush (*Cephalanthus occidentalis*), with Brazilian pepper (*Schinus terebinthifolius*) along the perimeter of the wetland. The ground cover vegetation includes swamp fern (*Blechnum serrulatum*), royal fern (*Osmunda regalis*), and fire flag (*Thalia geniculata*). This community does contain some transitional wetland vegetation, advantageous rooting, water line staining, and algal matting, as well as other signs in this community that would be classified as wetlands. This community would be considered wetlands by the regulatory agencies.

Other Surface Waters (OSW)

The following community area has been designated as other surface waters. Surface waters are waters on the surface of the earth, contained in bounds created naturally or artificially.

FLUCFCS 510 E1 Ditch/Creek (Exotics 1-24%) – 1.30± Acres

This “other surface water” creek/ditch, runs south/east under Bayshore Road, bisects the property in half, and runs south/east throughout the site. It ranges in width from just a few feet wide to approximately 15± feet in some areas. This OSW community occupies approximately 1.30± acres and also includes the creek flood plain. The canopy contains live oak (*Quercus virginiana*) and laurel oak (*Quercus laurifolia*) along the creek bank. The sub-canopy contains cabbage palm (*Sabal palmetto*), Carolina willow (*Salix caroliniana*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), pop ash (*Fraxinus caroliniana*), and myrsine (*Rapanea guinensis*). The groundcover is mostly open with scattered iris (*Iris* sp.), swamp fern (*Blechnum serrulatum*), and leather fern (*Acrostichum daneifolium*) along the edges. Commonly observed vines along the creek bank include greenbriar (*Smilax* sp.), grapevine (*Vitis rotundifolia*), and poison ivy (*Toxicodendron radicans*). This community would be considered “other surface waters” by the regulatory agencies.

Table 1. FLUCFCS Community Table

FLUCFCS Code	Community Description	Habitat Type	Acres
211 E1	Improved Pasture (Exotics 1-24%)	Upland	4.52± Ac.
213 E2	Woodland Pasture (Exotics 25-49%)	Upland	15.63± Ac.
420 E2	Mixed Upland Forest (Exotics 25-49%)	Upland	6.86± Ac.
428H E2	Hydric Cabbage Palm (Exotics 25-49%)	Wetland	0.67± Ac.
510 E1	Ditch/Creek (Exotics 1-24%)	OSW	1.30± Ac.
621 E2	Cypress Wetland (Exotics 25-49%)	Wetland	3.84± Ac.
630 E3	Mixed Wetland Forest (Exotics 50-74%)	Wetland	1.42± Ac.
641 E1	Freshwater Marsh (Exotics 1-24%)	Wetland	0.56± Ac.
Total			34.80± Ac.

Results & Discussion

A protected species survey was conducted on Bayshore 35 project site to identify any potential listed species that could inhabit the site. During our field survey for protected species on the property, we did not observe any protected species or signs thereof. There were no gopher tortoise (*Gopherus polyphemus*) burrows were identified on-site; there were burrows believed to belong to that of the eastern nine-banded armadillo (*Dasypus novemcinctus*), that were identified, but not flagged in the field.

There were several non-listed species identified while conducting the protected species survey, among those were mourning doves (*Zenaida macroura*), numerous grey squirrels (*Sciurus carolinensis*), several eastern cottontail rabbits (*Sylvilagus floridanus*), and a black racer (*Coluber constrictor*). The various listed species that may occur in the FLUCFCS communities on-site have been tabulated on the attached table below. Please see the attached Protected Species Map (Exhibit E).

Mitigation Discussion

Generally, the ACOE and/or DEP does not regulate isolated wetlands or excavation in wetlands where there is only incidental fall back of fill material; the ACOE or DEP do not have jurisdiction over isolated wetlands. In making the determination on whether the wetlands are isolated, the ACOE and DEP considers if water leaves the site, (i.e. ditches) or whether the wetlands are completely contained on-site or extend off-site. If the wetlands extend off-site, they will more than likely assert jurisdiction. Currently, the ACOE and DEP position on most all wetlands is that one of them has jurisdiction; the ACOE regulates navigable waters whereas the DEP regulates both navigable waters and adjacent wetlands. However, the agencies would not make this determination until a Joint Environmental Resource Permit (ERP) and Dredge & Fill Permit (D&F) application is received.

The SFWMD does not require mitigation for impacts to isolated wetlands not used by listed (protected) species that are less than 0.50± acres in size. Impacts to wetlands greater than 0.50± acres or those utilized by protected species would require mitigation. With the ACOE and DEP, impacts to wetlands that are less than 0.50± acres, the activity can usually be processed as a Nationwide Permit application. For projects with greater than 0.50± acres of impacts, the application will be processed as an Individual Permit application. This involves a public notice process and coordination with other federal agencies such as the EPA and the FWS.

There are three steps that are required to be addressed when requesting an ERP permit with the SFWMD and/or the DEP for impacts to regulated wetlands:

- 1) Avoidance (i.e. can these wetland impacts be completely avoided)
- 2) Minimization (i.e. can the amount of wetland impact be reduced while maintaining a feasible project)
- 3) Mitigation (i.e. the loss of wetland function must be replaced)

It should be noted that avoidance and minimization must first be substantiated, before mitigation will be considered by the agencies. When wetlands are proposed to be impacted, the impacts cannot result in any loss of wetland function. In order to prevent net loss in wetland function, wetland mitigation must be provided. Mitigation is a way to off-set impacts to natural resources such as wetlands and may consist of wetland enhancement, wetland creation, wetland preservation, upland compensation, or off-site mitigation. Mitigation costs usually increase with the quantity of proposed impacts. The actual amount of mitigation required would be finalized during the Environmental Resource Permit review process with the SFWMD, ACOE, and DEP.

There are two main categories of wetland mitigation, onsite or off-site. On-site mitigation would include preserving a portion of the on-site wetlands, treating and removing the exotics, potentially providing supplemental plantings, and placing the preserve areas under a Conservation Easement. Preserve areas are required to be maintained in perpetuity. Off-site mitigation requires the purchase of wetland credits at an approved mitigation bank within the service area of the site. A conservative estimate would result in a 1:1 ratio of wetland impacts to credits required. The parcel is located within the service area of Little Pine Island Mitigation Bank (LPIMB); off-site mitigation at LPIMB costs approximately \$200,000-\$250,000 per credit, depending on whether they're herbaceous or forested.

Summary & Discussion

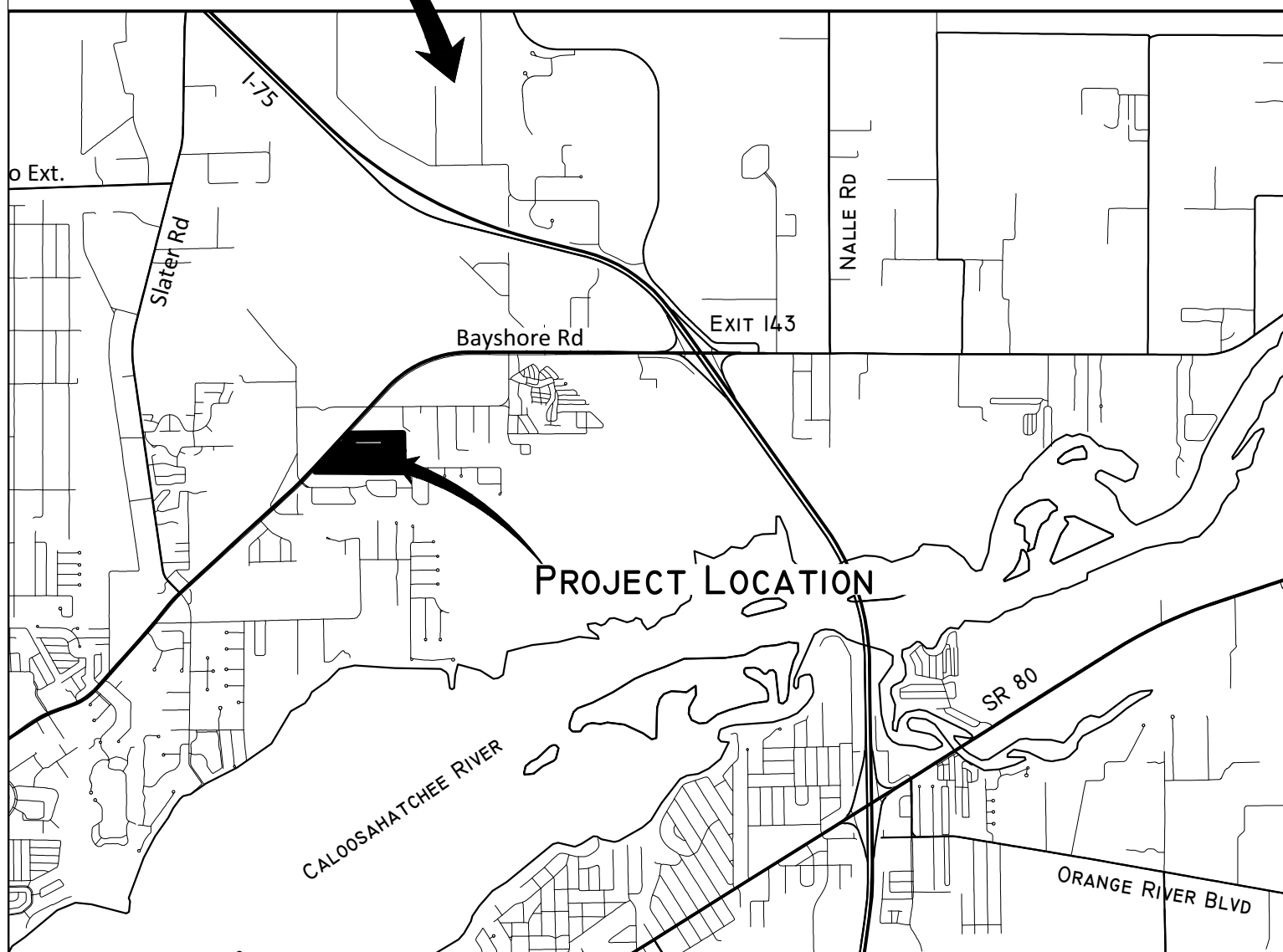
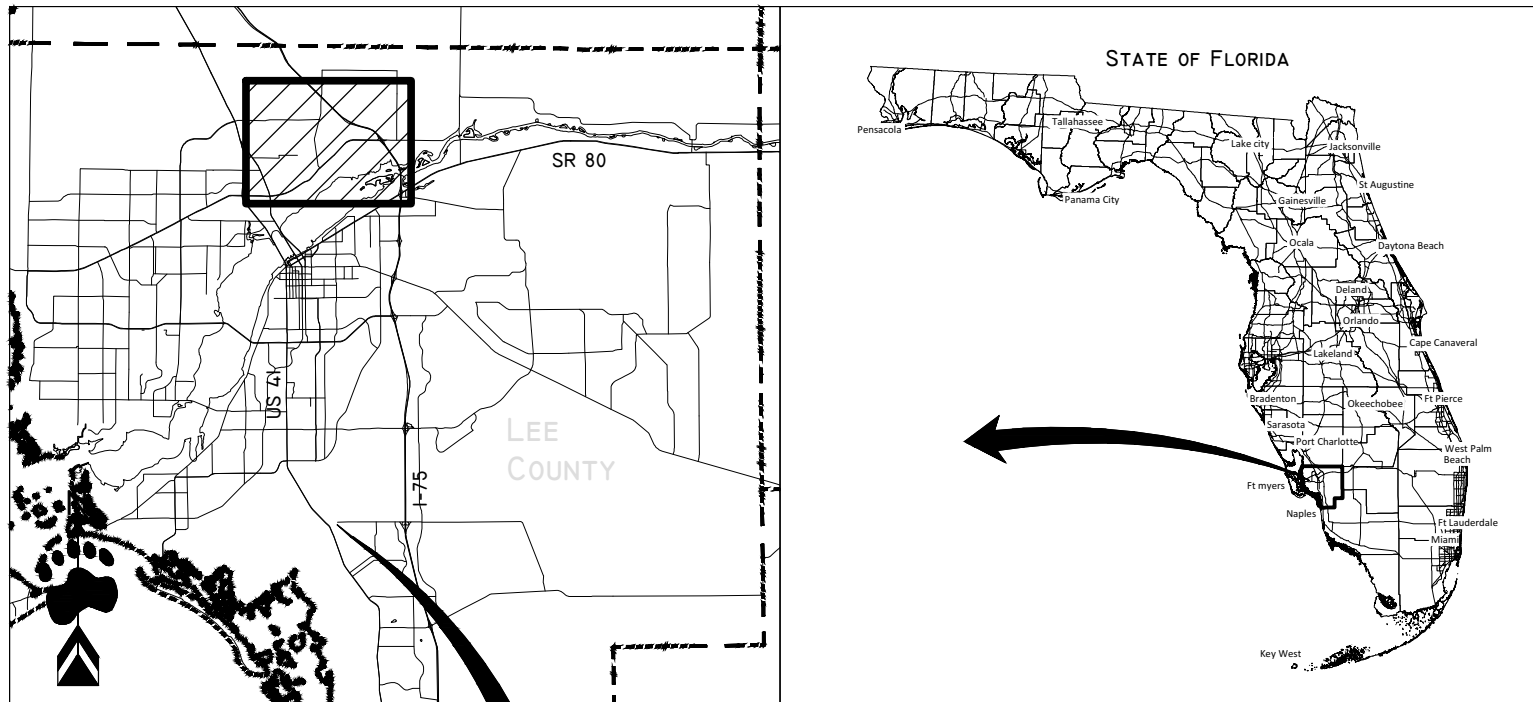
Due to the disturbed nature of the site, the surrounding land uses, and busy roadways, it is unlikely that this site supports or would provide habitat for protected species. Community locations were drawn using non-rectified aerial images with approximate property boundaries, hence their location, aerial extent, and acreage is approximate. The wetlands were flagged and their locations have been picked up by a surveyor; the wetland lines you see on the attached FLUCFCS maps were they surveyed lines. A site inspection will be setup with the SFWMD to perform their jurisdictional determination on the property.

The determination of ecological system classifications, functions, values, and boundaries is an inexact science, and different individuals and agencies may reach different conclusions. The on-site conditions can vary throughout the year; therefore, the findings of this survey were based upon the site conditions at the time of the inspection. It is not possible for BearPaws Environmental Consulting to guarantee the outcome of such determinations; therefore, the conclusions of this report are preliminary in nature and would require a full review by the appropriate regulatory agencies.

The information contained and the work performed as part of this initial assessment, conforms to the standards and generally accepted practices in the environmental field, and was prepared substantially in accordance with then-current technical guidelines and criteria. The conclusions of this report represent the results of our analysis of the information provided by the client and their consultants, together with information gathered in the course of the study. No other guarantee, expressed or implied, is made.

EXHIBIT A

Project Location Map



DRAWN BY:	DATE:	CATEGORY
BWS	8/11/23	LOCATION
JOB NUMBER		SCALE:
S/T/R		NTS
29/43S/25E		COUNTY
		LEE

Bayshore 35

Location Map

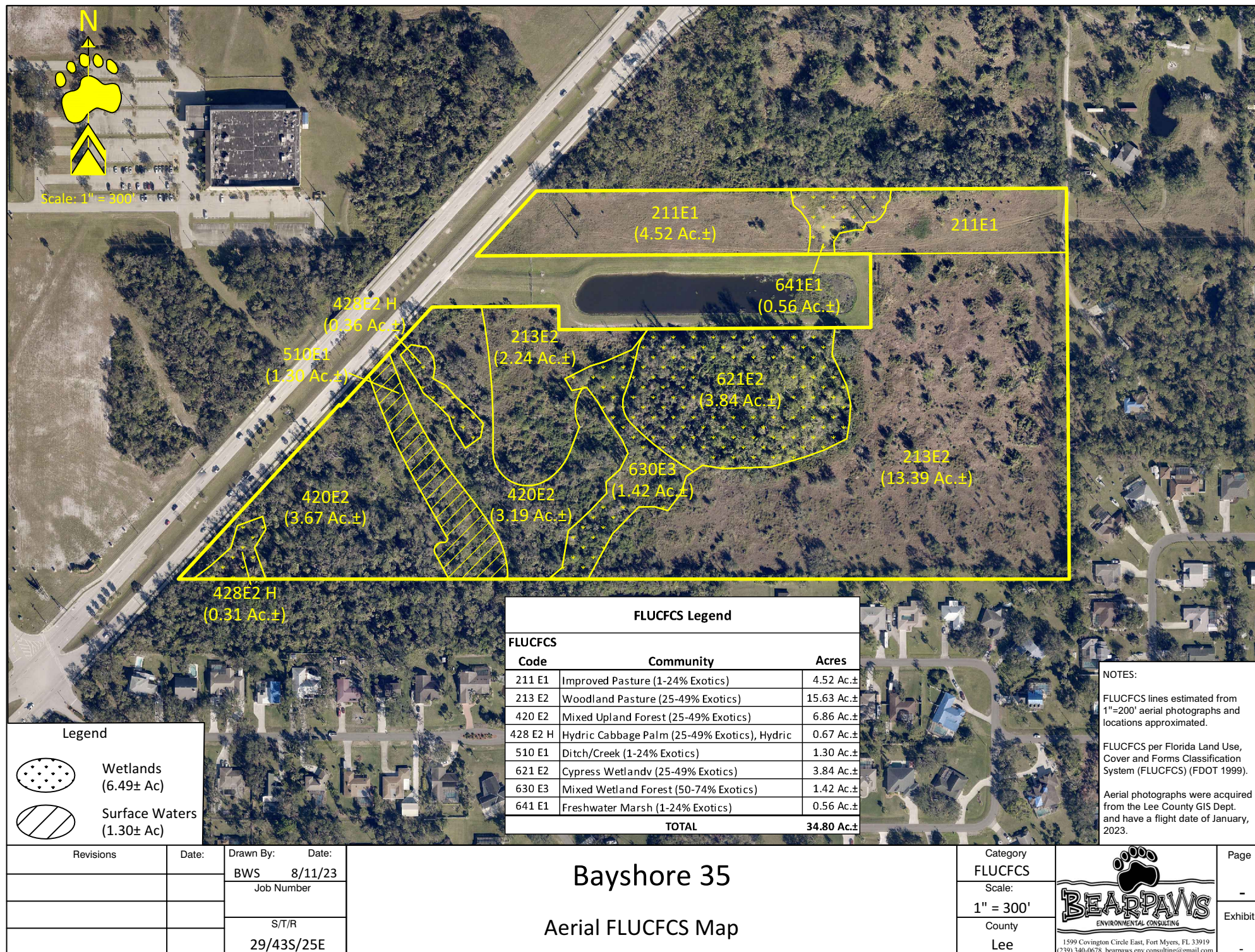


PAGE

EXHIBIT

EXHIBIT B

FLUCFCS Map with Aerial



Legend



Wetlands
(6.49± Ac)



Surface Waters
(1.30± Ac)

Revisions

Date:

Drawn By:

Date:

BWS 8/11/23

Job Number

S/T/R

29/43S/25E

Bayshore 35

Aerial FLUCFCS Map

Category

FLUCFCS

Scale:

1" = 300'

County

Lee



1599 Covington Circle East, Fort Myers, FL 33919
(239) 340-0678 bearpaws.env.consulting@gmail.com

Page

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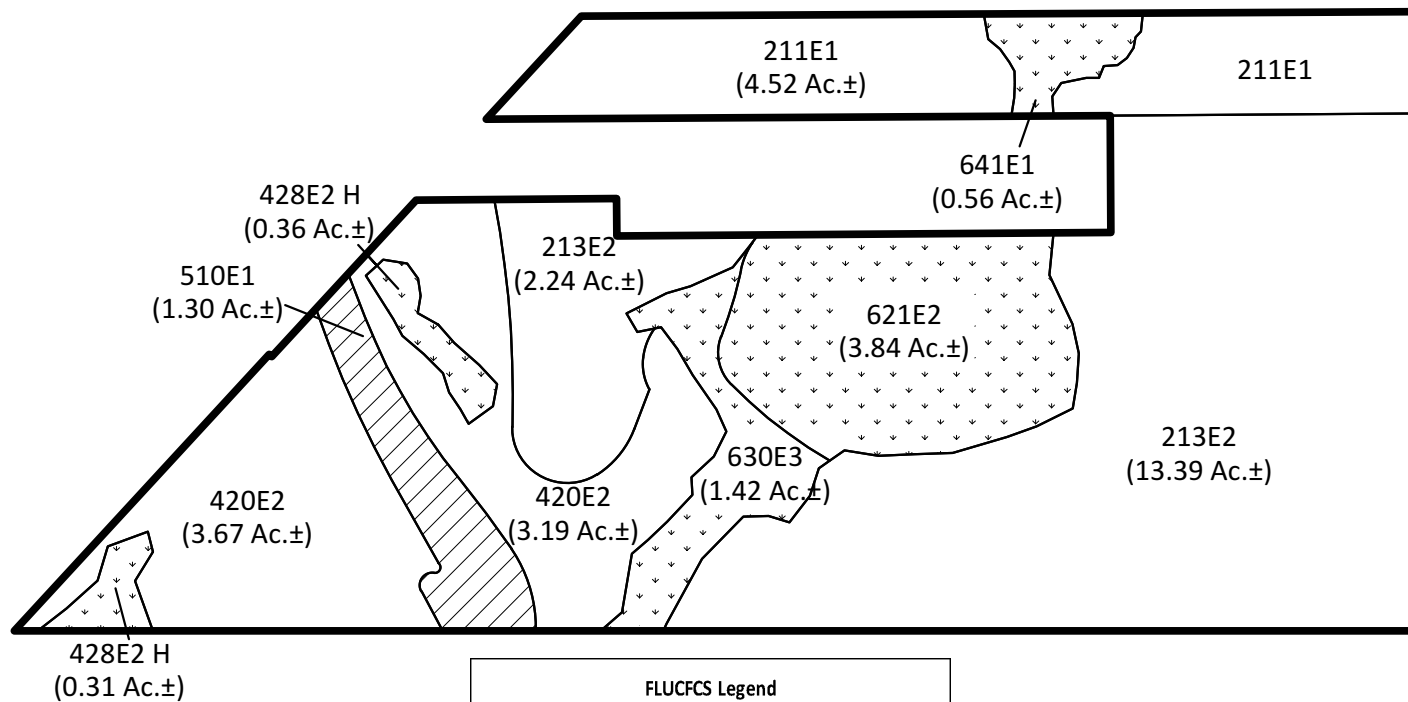
Exhibit

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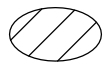
EXHIBIT C
FLUCFCS Map



Scale: 1" = 300'



Legend

Wetlands
(6.49± Ac)Surface Waters
(1.30± Ac)

FLUCFCS Legend

FLUCFCS

Code	Community	Acres
211 E1	Improved Pasture (1-24% Exotics)	4.52 Ac.±
213 E2	Woodland Pasture (25-49% Exotics)	15.63 Ac.±
420 E2	Mixed Upland Forest (25-49% Exotics)	6.86 Ac.±
428 E2 H	Hydric Cabbage Palm (25-49% Exotics), Hydric	0.67 Ac.±
510 E1	Ditch/Creek (1-24% Exotics)	1.30 Ac.±
621 E2	Cypress Wetland (25-49% Exotics)	3.84 Ac.±
630 E3	Mixed Wetland Forest (50-74% Exotics)	1.42 Ac.±
641 E1	Freshwater Marsh (1-24% Exotics)	0.56 Ac.±
TOTAL		34.80 Ac.±

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Revisions	Date:	Drawn By:	Date:
		BWS	8/11/23
		Job Number	
		S/T/R	
		29/43S/25E	

Bayshore 35

FLUCFCS Map

Category
FLUCFCS
Scale:
1" = 300'
County
Lee

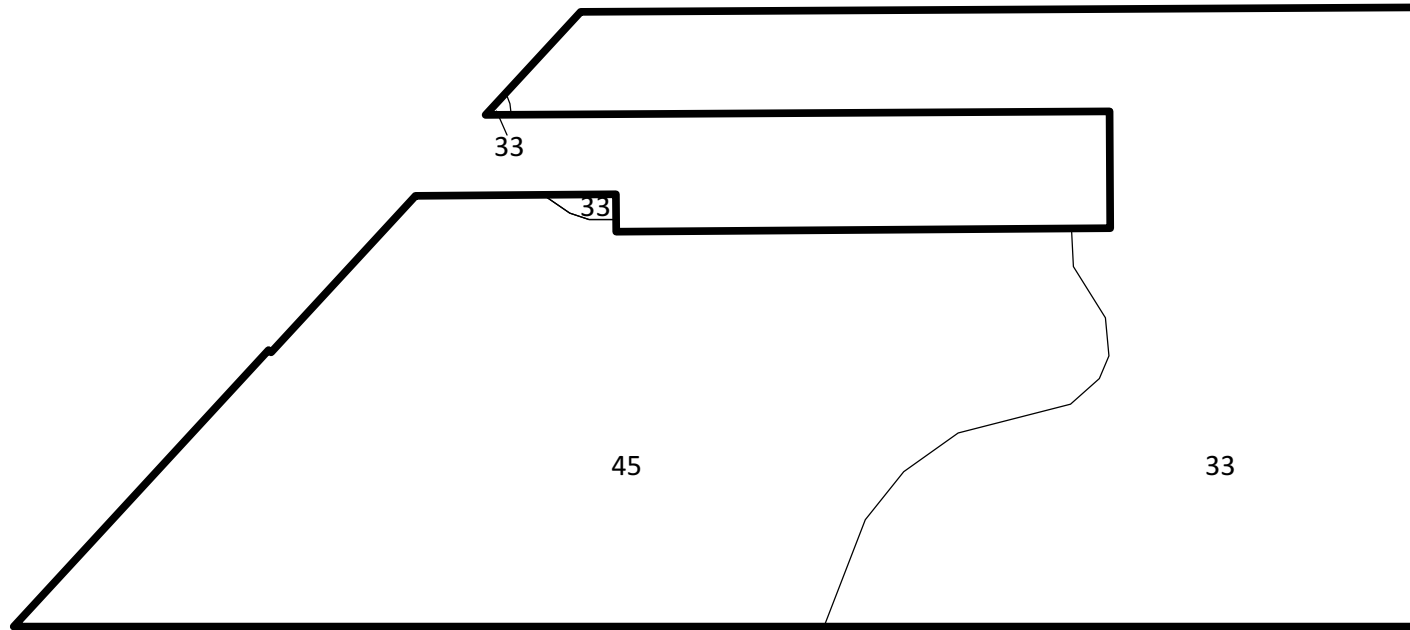


Page
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Exhibit
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EXHIBIT D
NRCS Soils Map



Scale: 1" = 300'



NRCS Soils Legend

Soil No	Description	Status
33	Oldsmar Sand	Non-Hydric
45	Copeland Sandy Loam, Depressional	Hydric

NOTES

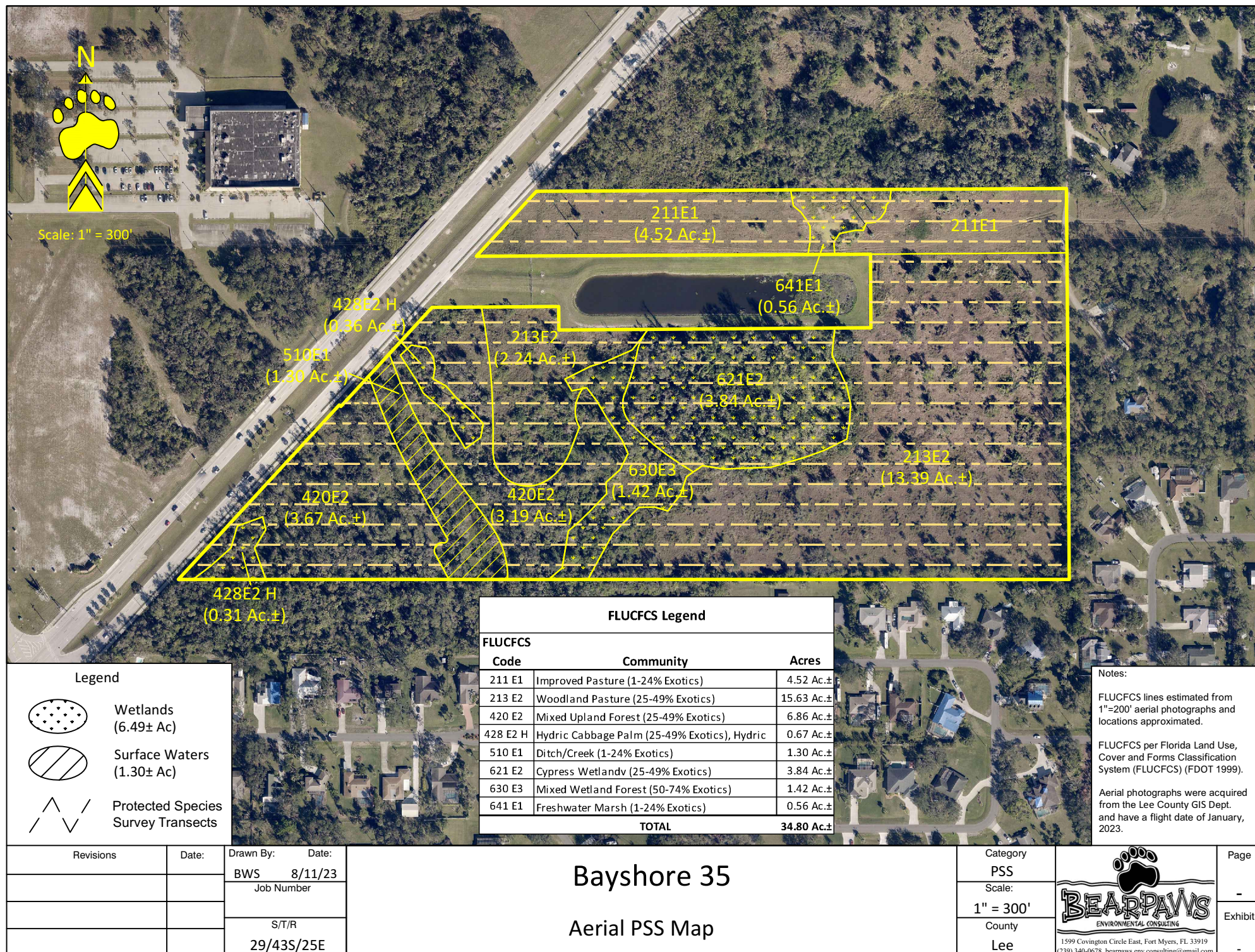
Soils were acquired from LABINS and are from the NRCS.

Revisions	Date:	Drawn By: BWS	Date: 8/11/23	Bayshore 35 Soils Map	Category: Soils	 1599 Covington Circle East, Fort Myers, FL 33919 (239) 340-0628, bearpawsenv.com, subs@bpc.com	Page: -
		Job Number			Scale: 1" = 300'		Exhibit: -
		S/T/R			County: Lee		
		29/43S/25E					

1599 Covington Circle East, Fort Myers, FL 33919
(239) 340-0678 bearpaws.env.consulting@gmail.com

EXHIBIT E

Protected Species Survey Map



SUPPLEMENT D EXHIBITS**Part 10.A.1. Surface Water Management Narrative**

The following is a written description of the proposed Bayshore 31 Surface Water Management Concept:

- A. Run-off characteristics of the property in its existing state.

The undeveloped portion of the project boundary is located south/east of the existing Florida Power and Light Company easement and Florida Department of Transportation (FDOT) ditch and is bisected by Daugherty Creek. The project consists of wetlands and uplands that sheet flow towards Daugherty Creek along the western side of the parcel. The northern portion of the project is currently utilized as an FPL easement, and sheet flows towards either the existing isolated wetland and/or the Bayshore Road Right-of-Way.

- B. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies, including how drainage flow from adjacent properties will be maintained.

In its developed state, all run-off from the proposed development footprint, including runoff from sodded areas, will be directed into the onsite wet detention lake for water quality treatment. Controlled discharge from the onsite lake will be directed into the adjacent upland preserve hydraulically connected to Daugherty Creek. The proposed drainage system will be designed in accordance with the South Florida Water Management District (SFWMD) Environmental Resource Permit Applicant's Handbook. Discharge to Daugherty Creek will be limited to the allowable discharge rate established by the Lee County Surface Water Management Plan. The subject parcel does not accept offsite flows in its post-development state, which is consistent with its pre-development condition. The undeveloped western portion of the project will be maintained as a preserve and will continue to sheet flow towards Daugherty Creek. The remaining north parcel will continue to be utilized as an FPL easement and sheet flow to the isolated wetland and/or Bayshore Road Right-of-Way consistent with its pre-development state.

- C. The retention features (including existing natural features) that will be incorporated into the drainage system and legal mechanisms, which will guarantee their maintenance.

An onsite lake will be utilized for water quality treatment and quantity

attenuation. A Property Owners' Association will be established by the Owner to ensure the maintenance of the proposed system in perpetuity.

- D. How will existing natural features be preserved? Include an estimate of the ranges of the existing and post development water table elevations where appropriate.

Daugherty Creek and 6.96 acres of preserve are to remain post development. The existing water table ranges 2.5 to 5 feet below the existing grade in March 2021. The proposed control elevation for the site is to be consistent with the adjacent FDOT pond.

- E. The requirements for fill material proposed post development for other than building pads.

In-haul fill and suitable material excavated from the proposed lakes will be used to grade the site.

- F. If the property is subject to seasonal inundation or is subject to inundation by extreme swollen, by the rains of a 100 year storm event, indicate the measures that will be taken to mitigate the effects of expected flooding.

The subject parcel is mostly located within the Federal Flood Insurance Rate Maps (FIRM) Special Flood Hazard Area Zone AE (10 ft NAVD88). Florida Building Code requires the finished floor to be set a minimum of one foot above the FIRM Base Flood Elevation. Per the SFWMD Applicant's Handbook, the building floors are required to be at or above the 100-year flood elevations, as calculated by the 100-year, 3-day zero discharge event or other appropriate information, including FIRMs. In order to ensure both criteria are satisfied, the minimum required finished floor elevation will be at or above the two referenced criteria.

Prepared by and return to:
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Fort Myers, FL 33901

DRAINAGE AND MAINTENANCE EASEMENT

THIS INDENTURE is made and entered into this _____ day of _____, 2023, by and between _____, a _____, Owner, whose address is _____, hereinafter referred to as the GRANTOR, and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, hereinafter referred to as the GRANTEE.

WITNESSETH:

1. For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, GRANTOR does hereby grant and convey to the GRANTEE, its successors, appointees, heirs and assigns, a non-exclusive easement for drainage purposes situated in Lee County, Florida, and located and described as set forth in attached Exhibit "A" in accordance with the terms and conditions set forth herein.

2. GRANTEE, its successors, appointees, heirs and assigns, are hereby granted the right, privilege, and full authority, subject to Section 6 below, to enter upon, maintain, and/or replace, as the GRANTEE and its assigns may deem necessary, a drainage system consisting of retention lake, pipes, ditches, detention, or disposal areas, or any combination thereof, together with appurtenant drainage structures, on, over, under, above, across, upon, through, and within the easement area described in attached Exhibit "A".

3. GRANTEE, its successors, appointees, heirs and assigns are hereby granted the right, privilege, and full authority to clear, keep clear and remove from the easement area all trees, shrubs, bushes, plants, undergrowth, and other obstructions that may interfere with the location, excavation, operation or maintenance of the drainage facilities by the GRANTEE and its assigns, subject to Section 4 below.

4. GRANTOR, its heirs, successors and assigns agree not to build, construct or create, or permit others to build, construct or create any buildings or other structures within the easement area that may interfere with the location, excavation, operation or maintenance of the drainage facilities.

5. GRANTEE, its successors, appointees, heirs and assigns have the right, privilege, and full authority to remove and dispose of dirt, rocks, and vegetation within the easement area.

6. GRANTEE, its successors, appointees, heirs and assigns will have a reasonable right of access across GRANTOR'S property for the purposes of reaching the easement area described in Exhibit "A" on either paved or unpaved surfaces. Any damage to GRANTOR'S property or permitted improvements thereon as the result of access to the easement area or the construction, maintenance, or repairs located within the easement area will be restored by the GRANTEE, its successors, appointees, heirs and assigns, to the condition in which it existed prior to the damage, including but not limited to any signage improvements permitted herein.

7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE or its contractors while acting within the scope of the official's or employee's or contractor's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised, amended or renumbered from time to time.

8. GRANTOR does hereby covenant with the GRANTEE, that it is lawfully seized and possessed of the real property described in attached Exhibit "A", that it has good and lawful right to convey this easement, and that it is free from all encumbrances, except for matters set forth in Exhibit "B" attached hereto.

9. This easement runs with the land and is binding upon the parties hereto, their successors and assigns.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed the date and year first above written.

Witnessed by:

GRANTOR:

Print Name:_____

_____, a _____

Print Name:_____

By:_____

Printed Name:_____

Title:_____

STATE OF _____)
_____) §:
COUNTY OF _____)

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____ 2023, by _____, as _____, of _____, a _____ ☐ who is personally known to me OR ☐ who has produced a(n) ____driver's license as identification.

[NOTARY STAMP / SEAL]

Notary Public

Printed Name:_____

My commission expires:_____

EXHIBIT "A"

EASEMENT LEGAL DESCRIPTION

EXHIBIT "B"**PERMITTED TITLE MATTERS**

1. Taxes and assessments for the current year and subsequent years, which are not yet due and payable.
2. Matters that would be revealed by a current survey of the property.

3. Insert property specific title exceptions



PREPARED FOR	
BLACK SPIDER LAND COMPANY, LLC	
101 PUGLIESE WAY SUITE 200 DELRAY BEACH, FLORIDA, 33444	
PROJECT DESCRIPTION	
BAYSHORE 31 RPD	
PART OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA	
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LOCATION	J:\24085\DWG\ZONING\
PLOT DATE	WED. 9-13-2023 - 12:03 PM
PLOT BY	JAMIE WILSON
CROSS REFERENCED DRAWINGS	
BASEPLAN = 24085Z00-NEW.DWG	
PLAN REVISIONS	
PLAN STATUS	
MASTER CONCEPT PLAN	
PROJECT / FILE NO.	SHEET NUMBER
24085	1