



November 20, 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. Updated Request Narrative/Lee Plan Compliance Statement;
2. Updated Master Concept Plan;
3. Updated Deviations and Justification Narrative;
4. North Fort Myers Fire District No Objection Letter;
5. Lee County Sheriff's Office No Object Letter;
6. Public Safety No Objection Letter;
7. Updated legal description; and
8. Updated boundary survey.

ZONING SECTION REVIEW by Chahram Badamtchian:

1. Please provide Public Informational Meeting Notes.

RESPONSE: A Public Informational Meeting has been scheduled for November 27th at the North Fort Myers Recreational Center. Notes will be provided after completion of this meeting.

PLANNING SECTION REVIEW by Joseph Sarracino:

1. Please address Lee Plan Policy 5.1.5. Ensure that all considerations of compatibility with surrounding area are consistent with the new request for multi-family instead of single-family

RESPONSE: Please see the updated Request Narrative/Lee Plan Compliance Statement, which addresses Lee Plan Policy 5.1.5.

DEVELOPMENT SERVICES REVIEW by Allyson Hall:

1. Deviation (1) requests a deviation from LDC Sec. 10-296 to eliminate the requirement that a dead-end street be closed at one end by a circular turnaround, to allow an alternative turnaround. Please provide a letter of no objection from the Sheriff's office, Lee County EMS and the North Fort Myers Fire District approving the alternative turnaround.

RESPONSE: Please see the Letters of No Objection provided with this submittal from the Fire District, EMS and Lee County Sheriff's Office.

2. Staff has no objection to Deviation (2) from LDC Sec. 10-329 to allow for a 30' excavation setback with a condition that the existing security fencing around the FDOT lake be maintained.

RESPONSE: Acknowledged.

3. Deviation (3) requests a deviation from the requirement to provide an additional ingress/egress point. Please provide a letter of no objection from the sheriff's office and the North Fort Myers Fire District approving the location and concoction of proposed access point access as previously requested. Staff is in receipt of the letter of no objection from Lee County EMS.

RESPONSE: Please see the Letters of No Objection from the Fire District, EMS and Lee County Sheriff's Office provided with this submittal.

4. 34-373(a)(8) Deviations

Please note the appropriate location of the requested deviations on the MCP.

RESPONSE: The deviation locations have been provided on the MCP.

5. 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. Staff acknowledges the response to comments that the letter is forthcoming. This comment will remain until satisfied.

RESPONSE: We have requested a letter of no objection from Florida Power & Light. If FPL does not provide a letter of no objection prior to public hearing for the MCP, we acknowledge that the Applicant must obtain their approval prior to development order issuance, and if this approval cannot be obtained the MCP may need to be amended per Section 34-380 of the LDC to alter the detention area.

LEGAL DESCRIPTION REVIEW by Richard R Burris:

1. (5) Please provide a legal description and sketch in accordance with the requirements of Lee County LDC §34-202(a)(5).

RESPONSE: The updated legal description has been included in this submittal.

2. The description provided includes 3 descriptions with numerous "less and except" statements and the descriptions do not match. The last description appears to be for the overall subject property but it is not labeled as such. The line of commencement for Parcel 2 is south along the section line for 660.2 feet and the line of commencement for the last description is south for 660.13 feet. The legal description is not signed by the licensed surveyor.

RESPONSE: Please see the updated legal description provided with this submittal.

3. Please provide a legal description for the perimeter of the subject property.

RESPONSE: Please see the updated legal description provided with this submittal.

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

RESPONSE: Please see the updated boundary survey provided with this submittal.

5. 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.

RESPONSE: Please see the updated boundary survey provided with this submittal.

6. The boundary survey does not indicate the tie to the Title Opinion. The boundary survey is required to have a legal description for the perimeter of the subject property, and when a different legal description is used in the Title Opinion, both legal description(s) should appear on the boundary survey.

RESPONSE: The Title Opinion has been incorporated into the boundary survey.

ENVIRONMENTAL SCIENCES REVIEW by Elizabeth Workman:

1. Deviation 5 is not necessary because the project has existing indigenous that is being preserved. Please see LDC Section 10-415(b)(1)(b) where it states "if the development does not contain existing indigenous native vegetation communities". Please withdraw deviation 5.

RESPONSE: Deviation 5 has been removed from the submittal.

2. It is unclear where deviation 4 is located. Please label the deviations on the MCP.

RESPONSE: Deviation 4 is located near the preservation area of the Property towards the west. Please see the MCP for all deviation locations.

3. The natural waterway buffer cross section does not depict the FDOT easement or depict where if it is measured from mean high water or top of bank whichever is further landward. The FDOT easement is 70 feet but is the point at which the natural waterway buffer is measured further outside of the 70 feet. It is unclear from the cross section provided.

RESPONSE: The natural waterway buffer cross section has been updated accordingly. An additional deviation has been requested due to the FDOT easement within the buffer. Please see the updated deviation and justification request narrative provided.

4. Please note that if a jurisdictional wetland determination is not provided the applicant runs the risk of not meeting density which could change the site plan depending on an increase in State wetland acreage.

RESPONSE: Acknowledged. If the State does not approve wetland impacts or if State wetland permits are not consistent with proposed wetland impacts reflected

in County development permits, then the Developer will amend County development permit approvals consistent with State wetland permits and Lee Plan/LDC regulations on development within wetlands.

NATURAL RESOURCES REVIEW BY Nicholas DeFilippo:

1. 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. This was not addressed in the resubmittal

RESPONSE: Please see the updated Request Narrative/Lee Plan Compliance Statement, which addresses the above Lee Plan policies.

2. The MCP does not depict the drainage and access easement which will be dedicated to Lee County. Please label the easement location on the MCP and provide a cross section. The existing FDOT drainage does not address or allow the County to access the area for maintenance.

RESPONSE: The Daughtrey Creek East Branch Cross Section shows a future 20-foot Lee County Natural Resources Maintenance Easement.

Thank you in advance for your consideration of the above information. If you require further information, please do not hesitate to contact me at (941) 706-6132 or tsacharski@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture



Tom Sacharski, AICP
Planning Project Manager

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



Bayshore 31 RPD Schedule of 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.

The Applicant has obtained letters of no objection from all requisite first responders, including the North Fort Myers Fire District, Lee County Sheriff's Office and Lee County EMS.

- 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. This design maximizes lake area on-site and 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 on- or off- the site.

- 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 to the south (Williams Road/Sean Lane), 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.

The sole 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.

The Applicant has obtained letters of no objection from all requisite first responders, including the North Fort Myers Fire District, Lee County Sheriff's Office and Lee County EMS.

- 4) **Deviation from LDC Section 10-416d(9) which requires a 50' wide natural waterway buffer, to allow the existing FDOT drainage easement to encroach within the waterway buffer.**

Justification: This deviation applies only to the land within the FDOT's drainage easement, and not an easement proposed by the Applicant. A natural waterway buffer will be required, and is shown on the MCP, 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. The plantable width for this buffer would vary between 17' and 26' as the creek undulates while the easement does not. Buffer vegetation required by LDC Section 10-416(d)(9) will be planted in the buffer area outside of the easement and have no conflicts between vegetation material to ensure survivability. 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. This is an existing condition and one not created by the Applicant. 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 to create the FDOT easement. 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 10-421(a)(2), which requires trees and shrubs used in buffers to be planted in a minimum width area equal to one-half the required width of the buffer to allow less than one-half the required natural waterway buffer to be planted.**

Justification: This deviation request applies only to the land within the FDOT's drainage easement where the drainage easement overlaps the 50-foot Natural Waterway Buffer more than 25 feet. 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. The plantable width for this buffer would vary between 17' and 26' as the creek undulates while the easement does not. Buffer vegetation required by LDC Section 10-416(d)(9) will be planted in the buffer area outside of the easement and have no conflicts between vegetation material to ensure survivability. 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.

OPEN SPACE CALCULATION

REQUIRED	
34.8 AC X 40% =	13.92 AC
PROVIDED	
LAKE	3.48 AC
(MAX LAKE = 3.48 AC)	
PRESERVE	6.96 AC
BUFFERS / OTHER OPEN	3.48 AC
OPEN SPACE PROVIDED = 13.92 AC	

INDIGENOUS CALCULATION

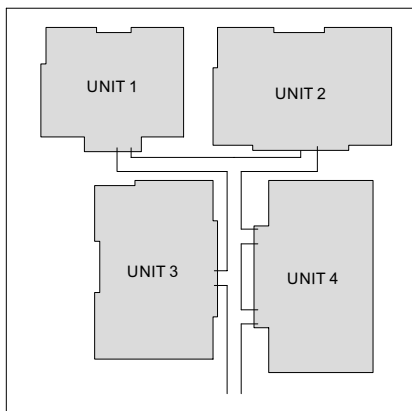
REQUIRED	
13.92 AC X 50% =	6.96 AC
PROVIDED	
UPLAND	2.58 AC
WETLAND	4.38 AC
INDIGENOUS PROVIDED = 6.96 AC	

LAND USE SUMMARY

PRESERVE	6.96 AC
LAKE	0.86 AC
DEVELOPMENT AREA	10.28 AC
AMENITY/SERVICE AREA/LEASING	0.24 AC
PARKING / ACCESSWAYS	4.48 AC
DETENTION / OPEN SPACE	11.98 AC
PROJECT TOTAL:	
34.8 AC	

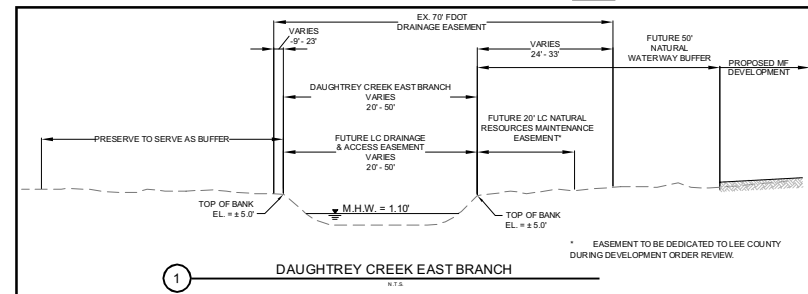
LEGEND

	UPLAND INDIGENOUS PRESERVE
	WETLAND INDIGENOUS PRESERVE
	WATER MANAGEMENT LAKE
	EMERGENCY-ONLY STABILIZED ACCESS
	PARKING / ACCESSWAY
	STORMWATER (OTHER SURFACE WATER)
	RES
	DEVIATION
	OPTIONAL AMENITY / SERVICE AREA

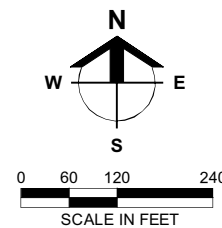
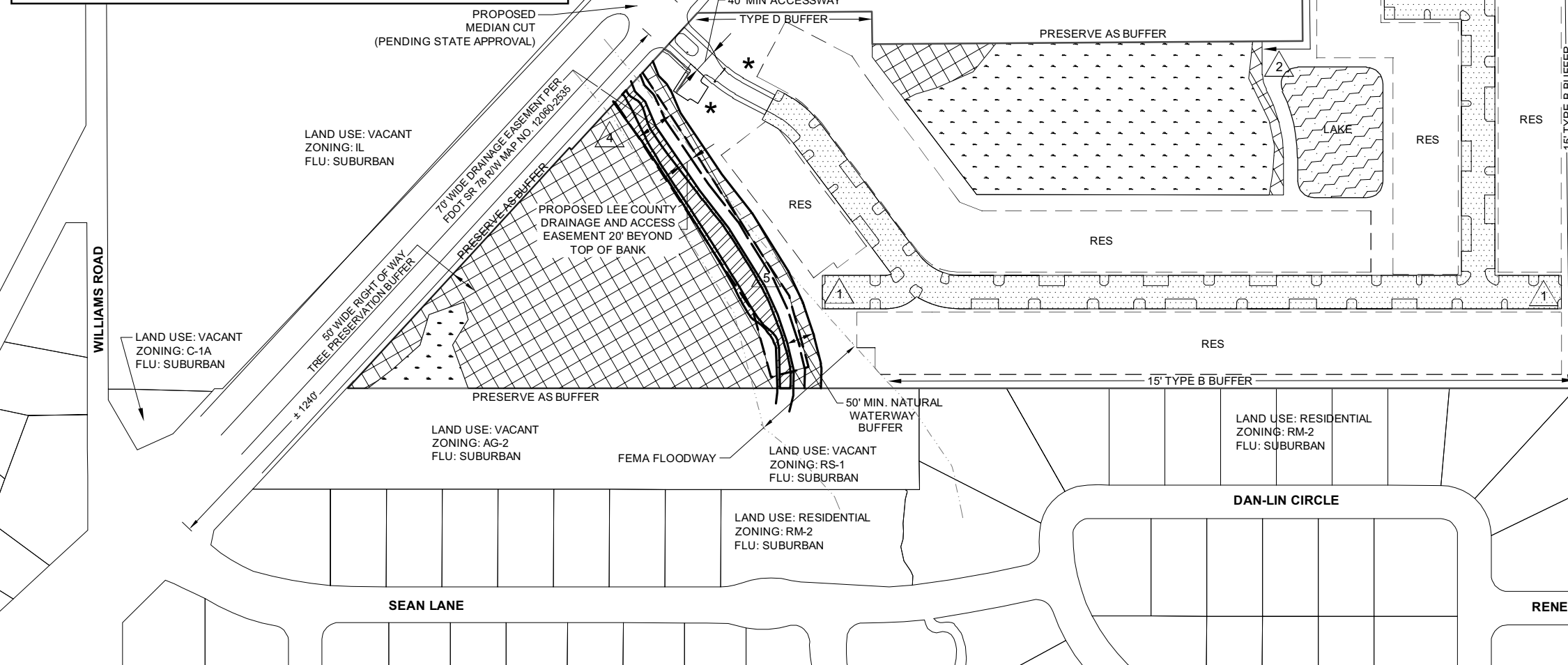


TYPICAL UNIT DETAIL

NATURAL WATERWAY BUFFER DETAIL



LAND USE: CHURCH
ZONING: AG-2
FLU: SUBURBAN



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

PREPARED FOR

**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

DRAWING NOT VALID WITHOUT SEAL, SIGNATURE AND DATE
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FILE NAME: 24085202-NEW.DWG

LOCATION: J:\24085\DWG\ZONING\

PLOT DATE: FRI, 11-10-2023 - 4:54 PM

PLOT BY: ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

BASEPLAN = 24085200-NEW.DWG

PLAN REVISIONS

PLAN STATUS

**MASTER
CONCEPT
PLAN**

PROJECT / FILE NO.

SHEET NUMBER

24085

1

LEGAL DESCRIPTION

SECTION 29, TOWNSHIP 43 SOUTH, RANGE 25 EAST
NORTH FORT MYERS, FLORIDA

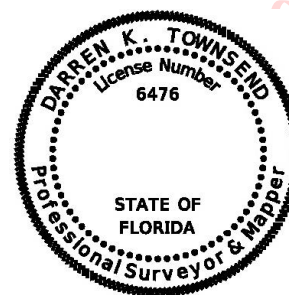
DESCRIPTION:

ALL OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2913 LYING EAST OF STATE ROAD 78 (BAYSHORE ROAD) AND ALL LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2915, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; LESS THAT PORTION OF LAND DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 3852, PAGE 2525, OF SAID PUBLIC RECORDS; SAID LANDS LYING IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 29; THENCE N 00°14'26" W, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW 1/4), FOR 1012.23 FEET; THENCE N 89°59'37" EAST, ALONG THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2913, FOR 440.41 FEET TO THE EASTERLY BOUNDARY OF SAID ORDER OF TAKING, SAID EASTERLY BOUNDARY ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 78 (BAYSHORE ROAD), AND THE **POINT OF BEGINNING**; THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING SEVEN (7) COURSES: 1) N 42°40'02" E, FOR 587.21 FEET; 2) S 47°19'58" E, FOR 5.00 FEET; 3) N 42°40'02" E, FOR 332.86 FEET; 4) N 89°35'54" E, FOR 313.06 FEET; 5) S 00°24'13" E, FOR 58.18 FEET; 6) N 89°35'54" E, FOR 771.92 FEET TO THE MOST EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3852, PAGE 2525, OF SAID PUBLIC RECORDS; 7) N 00°24'08" W, ALONG SAID MOST EASTERLY LINE, FOR 182.19 FEET TO THE SOUTH LINE OF THE NORTH 160.00 FEET OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2915, SAID SOUTH LINE ALSO BEING THE SOUTH LINE OF A 160.00 FOOT WIDE POWERLINE UTILITY EASEMENT DESCRIBED IN DEED BOOK 234, PAGE 45, OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTH LINES, S 89°41'37" W, FOR 974.39 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 78 (BAYSHORE ROAD) PER ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 3852, PAGE 2525; THENCE N 42°40'02" E, ALONG SAID EASTERLY RIGHT OF WAY LINE, FOR 218.68 FEET TO THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2915, SAID LINE ALSO BEING THE NORTH LINE OF SAID POWERLINE UTILITY EASEMENT; THENCE ALONG SAID NORTH LINES, N 89°41'37" E, FOR 1310.98 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER (NW 1/4); THENCE S 00°24'06" E, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (NW 1/4), FOR 967.12 FEET; THENCE S 89°59'37" W, ALONG THE SOUTH LINE OF SAID LANDS, FOR 2202.90 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS CONTAINING 34.80 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF BAYSHORE ROAD AS BEING N 42°40'02" E.



Digitally signed
by Darren
Townsend
Date:
2023.11.03
11:48:25 -04'00'

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.

THIS IS NOT A SURVEY

NOT VALID WITHOUT THE ATTACHED SKETCH OF DESCRIPTION.



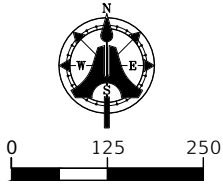
AIM Engineering & Surveying, Inc.
2161 FOWLER STREET, SUITE 100
FORT MYERS, FLORIDA 33901
www.aimengr.com
PHONE (239) 332-4569
TOLL FREE (800) 226-4569
LICENSED BUSINESS No. 3114

LEGAL DESCRIPTION & SKETCH
34-ACRE PARCEL

DRAWN: JS 10-31-2023		CHECKED: DT 11-01-2023		CLIENT: LAND AMERICA, LLC	
PROJECT NO.: 21-1256	SECTION: 29	TOWNSHIP: 43 S	RANGE: 25 E	COUNTY: LEE	SHEET 1 OF 2

J:\Active\21-1256 Bayshore\Working\2110_JMS\Legals & Sketches\2310_34-acres_as-surveyed_Legals & Sketches.dwg 11/3/2023 11:28:29 AM

SKETCH OF DESCRIPTION

SECTION 29, TOWNSHIP 43 SOUTH, RANGE 25 EAST
NORTH FORT MYERS, FLORIDA

INTENDED DISPLAY SCALE: 1" = 250'

S.R. 78
(BAYSHORE ROAD)E'LY R/W LINE
PER ORB 3852,
PG 2525N LINE OF
ORB 2905,
PG 2915INST. #
2006000034440NE CORNER OF
NW QUARTER OF
SECTION 29

N 89°41'37" E 1310.98'

N 160.00' OF ORB 2905, PG 2915 &
160' WIDE POWERLINE UTILITY ESMT.
PER DEED BOOK 234, PG 45

S 89°41'37" W 974.39'

FDOT POND
(ORB 3852, PG 2525)MOST E'LY LINE OF
ORB 3852, PG 2525N 89°35'54" E
313.06'

N 89°35'54" E 771.92'

N 89°59'37" E 1702.89'

ORB 2905 PG 2915
ORB 2905 PG 2913

LINE TABLE:

L1 = S 00°24'13" E, 58.18'
 L2 = N 00°24'08" W, 182.19'
 L3 = N 00°24'08" W, 160.00'

LEGEND:

E'LY = EASTERLY
 ESMT. = EASEMENT
 INST. = INSTRUMENT
 NO. OR # = NUMBER
 N'LY = NORTHERLY
 ORB = OFFICIAL RECORDS BOOK

PG = PAGE
 POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT
 R/W = RIGHT-OF-WAY
 S.R. = STATE ROAD

INST. #
2018000184165DAUGHTREY'S CREEK
SUBDIVISION
(PLAT BOOK 30, PG 67)DAUGHTREY'S CREEK
FIRST ADDITION
(PLAT BOOK 33, PG 1)PARFREY SUBDIVISION
(PLAT BOOK 7, PG 41)

J:\Active\21-1256 Bayshore\Working\2110 JMS\Legals & Sketches\2310_34-acres_as-surveyed_Legals & Sketches.dwg 11/3/2023 11:28:29 AM

WEST LINE OF NW 1/4 OF SECTION 29
N 00°14'26" WN 89°59'37" E
440.41'N 00°14'26" W
1012.23'POC:
SW CORNER OF
NW QUARTER OF
SECTION 29

NOTES:

1. ALL DIMENSIONS ARE IN U.S. SURVEY FEET OR DECIMALS THEREOF.
 NOT VALID WITHOUT THE ATTACHED DESCRIPTION.

THIS IS NOT A BOUNDARY SURVEY



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

SEE SHEET 1

DARREN TOWNSEND
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 6476

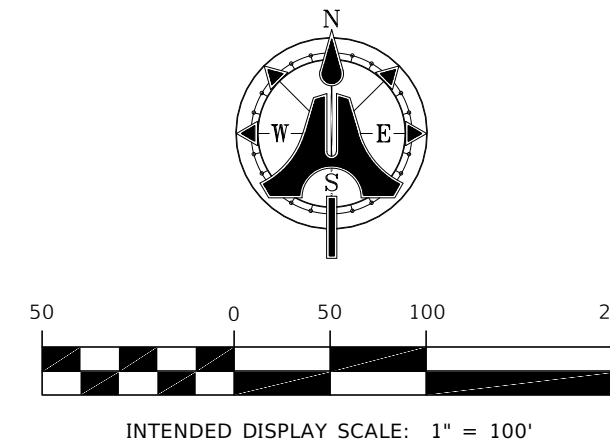
NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND
 SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LEGAL DESCRIPTION & SKETCH
34-ACRE PARCEL

DRAWN: RH 10-31-2023		CHECKED: DT 11-01-2023		CLIENT: LAND AMERICA, LLC		
PROJECT NO.: 21-1256	SECTION: 29	TOWNSHIP: 43 S	RANGE: 25 E	COUNTY: LEE	SHEET 2 OF 2	

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

A circular seal for a Professional Surveyor & Mapper in the State of Florida. The outer ring contains the text "DARREN K. TOWNSEND" at the top and "Professional Surveyor & Mapper" at the bottom. Inside the ring, it says "License Number 6476" and "STATE OF FLORIDA".



NOTES:

1. THE SUBJECT PARCELS IS LOCATED AT 7150 & 7200 BAYSHORE ROAD, NORTH FORST MYERS, FL.
2. BEARINGS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH
3. AMERICAN DATUM OF 1983. THE EAST-TO-WEST LINE OF WAY LINE OF BAYSHORE ROAD IS THE BASIS
4. OF BEARINGS, WHICH BEARS N 42°40'02" E.
5. ALL SURVEY FEATURES AND MONUMENTS WERE LOCATED IN THE FIELD, UNLESS OTHERWISE
6. NOTED, BY THE SURVEY FIELD CREW AS RECORDED IN FIELD BOOK(S): 1710, PAGES 30, 32, 59,
6. 67, 1748, PAGE 55; 1890, PG. 54. THE LAST DAY OF FIELD WORK WAS AUGUST 18, 2023.
7. NO UNDERGROUND UTILITIES OR IMPROVEMENTS, IF ANY, WERE LOCATED OTHER THAN SHOWN
8. HEREON.
9. UNDERGROUND ENCROACHMENTS INCLUDING FOUNDATIONS (IF ANY) WERE NOT LOCATED.
10. NO WETLAND AREAS OR JURISDICTIONAL WETLANDS (IF ANY) WERE LOCATED FOR THIS
11. SURVEY.
12. NO SEARCH FOR VISIBLY EVIDENCE OF EXISTING OR FORMER AREAS OF FACILITIES WHICH MAY
13. HAVE INVOLVED USE OR STORAGE OF HAZARDOUS OR TOXIC SUBSTANCES WAS MADE.
14. SUBJECT PROPERTY: 34.80 ACRES (SURVEYED), MORE OR LESS.
15. SUBJECT PROPERTY LIES IN FLOOD ZONES "AE" & "X, SHADED" PER FLOOD INSURANCE RATE
16. MAP NUMBER 12071C0279G, MAP REVISED: NOVEMBER 17, 2022.
17. NO BUILDINGS OBSERVED.
18. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF TITLE OPINION BY DOUG MAREK, FL BAR
19. NO. 035180, DATED NOVEMBER 13, 2023; AND OLD REPUBLIC NATIONAL TITLE INSURANCE
20. COMPANY, OWNER'S POLICY, POLICY NUMBER: OF69125925, AGENT'S FILE REFERENCE:
21. 1564-047, HAVING A COMMITMENT DATE OF JUNE 20, 2023 @ 3:06 P.M. PLEASE REFER TO
22. THE SCHEDULE B EXCEPTIONS.
23. ALL RECORDING REFERENCES ARE TO THE PUBLIC RECORDS OF LEE COUNTY, FL.
24. ALL MEASUREMENTS ARE IN U.S. SURVEY FEET OR DECIMALS THEREOF.

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

1. NOT A MATTER OF SURVEY. NO DETERMINATION OF ITS AFFECT ON THE SURVEYED PROPERTY WAS MADE BY THIS FIRM. THIS ITEM WAS NOT MAPPED.
2. REMOVED BY TITLE COMPANY
3. REMOVED BY TITLE COMPANY
4. REMOVED BY TITLE COMPANY
5. REMOVED BY TITLE COMPANY
6. REMOVED BY TITLE COMPANY
7. THIS ITEM AFFECTS THE SURVEYED PROPERTY AND WAS MAPPED.
8. NOT A MATTER OF SURVEY. NO DETERMINATION OF ITS AFFECT ON THE SURVEYED PROPERTY WAS MADE BY THIS FIRM. THIS ITEM WAS NOT MAPPED.
9. NOT A MATTER OF SURVEY. NO DETERMINATION OF ITS AFFECT ON THE SURVEYED PROPERTY WAS MADE BY THIS FIRM. THIS ITEM WAS NOT MAPPED.
10. 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.

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.

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 (br. 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-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 Point of Beginning; thence East along said section, distance 1369.81 feet to the Point of Beginning; thence South along said section, distance 160.00 feet to the 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. Map 3852, Page 2525, Public Records of Lee County, Florida.

ALL OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2913 LYING EAST OF STATE ROAD 78 (BAYSHORE ROAD) AND ALL LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2915, PUBLIC RECORDS OF LEAKE COUNTY, FLORIDA, LESS THAT PORTION OF LAND DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 3852, PAGE 2525, OF SAID PUBLIC RECORDS, SAID LANDS LYING IN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 29, TOWNSHIP 43 NORTH, RANGE 25 EAST, LEAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 29; THENCE N 0°14'26" W, ALONG THE WEST LINE OF SAID LANDS, 1017.33 FEET; THENCE N 89°59'37" E, EAST ALONG THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2913, FOR 440.41 FEET TO THE EASTERLY BOUNDARY OF SAID ORDER OF TAKING, SAID EASTERLY BOUNDARY ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 78 (BAYSHORE ROAD); THENCE N 0°01'00" E, EAST ALONG SAID EASTERLY BOUNDARY THE FOLLOWING SEVEN (7) COURSES: 1) N 2°02'00" E, FOR 587.21 FEET; 2) N 2°02'00" E, FOR 587.21 FEET; 3) N 2°02'00" E, FOR 587.21 FEET; 4) N 2°02'00" E, FOR 587.21 FEET; 5) S 0°02'41" E, FOR 1017.33 FEET; 6) N 0°35'54" E, FOR 771.92 FEET TO THE MOST EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3852, PAGE 2525, OF SAID PUBLIC RECORDS; 7) N 0°24'08" W, ALONG SAID MOST EASTERLY LINE, FOR 182.19 FEET TO THE SOUTH LINE OF THE NORTH 1600.00 FEET LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2915, SAID SOUTH LINE ALSO BEING THE SOUTH LINE OF A 1600.00 FOOT WIDE POWERLINE UTILITY EASEMENT DESCRIBED IN DEED BOOK 234, PAGE 24, OF SAID PUBLIC RECORDS; 8) N 0°24'08" W, ALONG SAID SOUTH LINE, 182.19 FEET TO THE RIGHT-OF-WAY LINE OF STATE ROAD 78 (BAYSHORE ROAD) PER ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 3852, PAGE 2525; THENCE N 42°40'02" E, ALONG SAID EASTERLY RIGHT OF WAY LINE, FOR 218.68 FEET TO THE NORTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2905, PAGE 2915, SAID LINE ALSO BEING THE NORTH LINE OF SAID POWERLINE UTILITY EASEMENT; 9) N 42°40'02" E, ALONG SAID EASTERLY RIGHT OF WAY LINE, 218.68 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4); THENCE S 0°24'06" E, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (NW 1/4), FOR 967.12 FEET; THENCE S 89°59'37" W, ALONG THE SOUTH LINE OF SAID LANDS, FOR 2202.90 FEET TO THE POINT OF BEGINNING.

71500 & 7200 BAYSHORE ROAD, NORTH FORT MYERS		BAYSHORE SURVEY				AIM Engineering & Surveying, Inc. CIVIL * SANITARY * TRANSPORTATION * DEVELOPMENT * PROJECT MANAGEMENT 2151 JONKER STREET, SUITE 100 FORT MYERS, FLORIDA 33901 TOLL FREE: 800-326-4569 PHONE: 239-332-4569 www.aimengr.com				71500 & 7200 BAYSHORE ROAD, NORTH FORT MYERS					
PROJECT NO.		FILE NAME		PROJECT NAME		ANY REVISIONS, ALTERATIONS, AND/OR CHANGES TO DRAWING(S) AND/OR CHANGES TO SURVEYING, AND/OR ENGINEERING & SURVEYING, INC. IS PROHIBITED		NO.		DATE		BY:		REVISIONS:	
21-1256 PH307		21-1256 PH307_BND		BAYSHORE		PREPARED BY: AIM ENGINEERING & SURVEYING, INC.		1		08/23		DT		TITLE DOCS, EASTERN ENCROACHMENTS, FLOOD ZONES	
COUNTRY		SECTION		DATE		CHECKED		2		11/23		DT		AS-SURVEYED LEGAL DESCRIPTION	
LEE		43 S		10-06-2021		JMS		3		11/23		DT		TITLE OPINION REFERENCED	
SHEET		RANGE		DRAWN		DATE		4							
1		25 E		JMS		10-06-2021		5							
OF		25 E		JMS		10-06-2021		6							
1		25 E		JMS		10-06-2021		7							
1		25 E		JMS		10-06-2021		8							
1		25 E		JMS		10-06-2021		9							
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1		25 E		JMS		10-06-2021									

Carmine Marceno
Sheriff



"Proud to Serve"

State of Florida
County of Lee

October 31, 2023

Tom Sacharski
RVi Planning + Landscape Architecture
8725 Penderly Place, Suite 101
Bradenton, FL 34201

Mr. Sacharski,

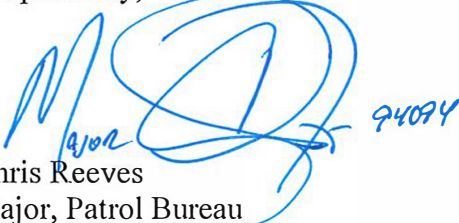
The Lee County Sheriff's Office has reviewed your request for an emergency-only access variance for a proposed 34.8-acre Build to Rent community along Bayshore Road just east of Williams Road/Sean Lane in North Fort Myers.

As presented, the development would have one full access point onto Bayshore Road with a secondary emergency-only access to the north that will also access onto Bayshore Road. The project also would have alternative turnarounds internal to the site in lieu of cul-de-sacs. We have no objections to the variance.

This proposed change will not impact our Agency's ability to provide law enforcement services to this community. Services will be provided from our North District offices in North Fort Myers. At the time of application for a Development Order or building permit, we request that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comment.

Please contact Community Response Unit Crime Prevention Practitioner Tiffany Wood at (239) 477-1885 with any questions regarding the CPTED study.

Respectfully,


Chris Reeves
Major, Patrol Bureau



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

Stanley Nelson

From: Alexis Crespo <acrespo@rviplanning.com>
Sent: Tuesday, October 31, 2023 10:51 AM
To: Stanley Nelson
Cc: Tom Sacharski
Subject: Bayshore 31 - North Fort Myers Sheriff Letter of No Objection
Attachments: 20 - MCP.pdf

External Email Alert

This email has been sent from an account outside of the LCSO Systems network.

Please treat the email with caution, especially if you are requested to click on a link, decrypt/open an attachment, or enable macros. For further information on how to spot phishing, Please contact the Help Desk.

Hi Stanley –

Please see below and attached from Tom Sacharski in my office. We are proposing one point of access and alternative internal driveway design through our zoning application and require a letter of no objection from the Sheriff's Office. Can you review and let us know your thoughts?

Thanks!

Alexis Crespo, AICP

Vice President of Planning

RVi Planning + Landscape Architecture

28100 Bonita Grande Drive, Suite 305 • Bonita Springs, FL 34135

239.850.8525 Mobile • 239.405.7777 Main

www.rviplanning.com

From: Tom Sacharski <tsacharski@rviplanning.com>
Sent: Tuesday, October 31, 2023 9:52 AM
To: Alexis Crespo <acrespo@rviplanning.com>
Subject: Bayshore 31 - North Fort Myers Sheriff Letter of No Objection

Good morning,

We are working on a proposed multifamily Build-to-Rent community (detached structures) located south of Bayshore Road in North Fort Myers just east of Williams Road/Sean Lane. Per the attached MCP, we intent to have one full access point onto Bayshore with a secondary emergency-only access to the north that will also exit onto Bayshore Road. We are also proposing alternative turnarounds internal to the site in lieu of cul-de-sacs.

To support the project, we will need an email indicating no object from the Sheriff's Office specific to the internal street design and deviation to allow for a single point of access to the development.

Please let me know if you have any questions.

Tom Sacharski, AICP

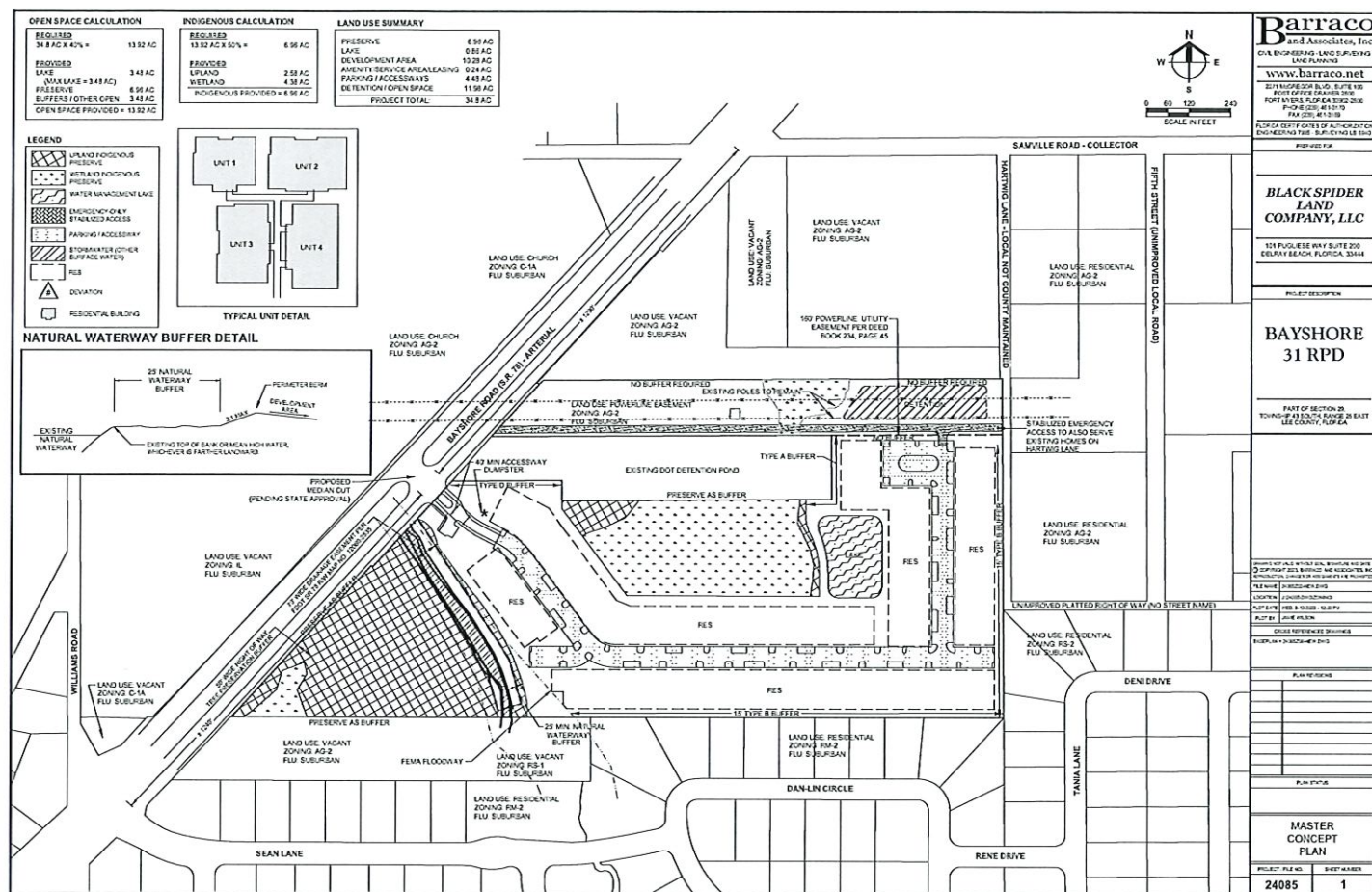
Planning Project Manager

RVi Planning + Landscape Architecture

8725 Pendery Place, Suite 101 • Bradenton, FL 34201

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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

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P.O. Box 3507 * 2900 Trail Dairy Circle
N. Ft. Myers, FL 33918-3507
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David Rice
Fire Chief

John Meredith
Asst. Fire Chief

Rick Jones
Fire Marshal

Monique Brooks
Office Manager

Oct 31, 2023

Tom Sacharski
RVi Planning + Landscape Architecture
8725 Penderly Place, Suite 101
Bradenton, FL 34201

Re: Bayshore 31

Mr. Sacharski,.

The North Fort Myers Fire Department has "No Objection" to the access layout proposed for the above referenced project. If you have any additional questions, please contact our office @ 239-731-1931.

Respectfully,

Rick Jones
Fire Marshal