

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

TO: Donna Marie Collins
Chief Hearing Examiner

DATE: December 4, 2023

FROM: Adam Mendez
Senior Planner

RE: DCI2022-00032 – Bayshore Village

Subsequent to the original hearing date for the above-referenced case, Staff and the Applicant have engaged in ongoing discussions regarding the Staff Recommended Conditions of Approval attached to the published Staff Report as Attachment E. The Applicant retained a geologist to evaluate concerns pertaining to the nearby public water supply well and met with staff, including the Department of Natural Resources, to discuss mitigating conditions of approval to facilitate commercial uses typically located in the General Interchange. **Exhibit 1** of this Memorandum is the Revised Natural Resources Staff Report, which discusses the corresponding rationale in the revised staff recommended Development Conditions and Deviations document attached hereto as **Exhibit 2**. Exhibit 2 utilizes red-colored characters to help identify changes from the prior recommended conditions of approval. Other changes are bulleted and expanded on below:

- The applicant has provided a revised copy of Master Concept Plans removing the Wells Road cross section detail and providing a requested open space calculation note (see **Exhibit 3**).
- Uses tied to the single asterisk (*) are now recommended in the southern 400 feet of the subject property whereas the applicant originally limited the same uses within the southern 300 feet of the subject property. The original proposal did not consider the well-field protection travel time zones affecting the subject property and additional land is necessary to appropriately locate some of the facilities associated with uses outside of this protection zone. Staff finds the balance of the recommended conditions of approval will maintain compatibility, including the scaled-back commercial intensity, and retention of the masonry wall/berm combination adjacent to the preserve area.
- Several uses recommended for removal in the staff recommendation are now included with corresponding conditions, namely Condition #7, which has been revised to provide parameters and safeguards for the introduction of the uses on the subject property.
- Additional language is included in Condition 8 (Masonry Wall/Berm Combination) to clarify and include an exception to the condition in the event the abutting single-family residential use is discontinued. Condition 9 (Project Building or Structure Height) is revised to include a height limitation which agrees with the proposed Master Concept Plans.

- Condition 10 is revised to add location and height restrictions to the use of a Vehicle and Equipment Dealership and limit the by-right scale of land dedicated to the use to four acres, based on review of the total land area located in the southern 400 feet of the subject property.
- Condition 10 is revised to clarify maximum hotel height, including accessory uses.
- Deviation 2 is revised to allow no connection to the northeasterly adjacent CPD in the event interconnection opportunity to the eastern abutting property currently zoned AG-2 parcel is guaranteed by easement. This condition is currently enacted on the MCP approved by Z-06-046. The proposed MCP interconnection annotation conflicts with the staff recommended revisions to this deviation approval.
- Deviation 7, concerning a required cul-de-sac, is approved provided a letter of no objection is provided from the fire district having jurisdiction. This eliminates the need to file an amendment to the zoning resolution to obtain the deviation and allows the technical review to appropriately take place during local development order approval.
- Staff recommends withdrawal of Deviation 8, concerning pedestrian facilities along Bayshore Road. Upon further review, Development Services Staff recognizes LDC Section 10-256(b)(2)b, which requires that the construction of bikeways and pedestrian ways on State roads require approval from FDOT with a FDOT General Use Permit. If there is a facility planned by FDOT, the pedestrian and bikeway facility will not be permitted. The applicant can rely on this provision. The original deviation language utilized a 5-year planned window, which is subject to change after local development order approval takes place.

The Applicant, in further pursuit of an increase in the Staff Recommendation from 87,500 square feet to 125,000 square feet building floor area (14,285 sq. ft. per acre), provided staff a supporting document entitled "NPT Bayshore Commercial Need Presentation", which asserts that a 41.9 acre portion of the General Interchange lands not encumbered by wetlands or residential uses in the Bayshore Community Plan area be permitted concentrations of commercial retail intensity at a rate of 13,962 square feet per acre in order to meet the commercial needs of the Bayshore Community population. The report extrapolates that the current population of Lee County in general is served by a retail floor area of 61.8 square feet per capita. The report states Bayshore Community is currently underserved as compared to the rest of the County with 7 square feet per capita. Staff finds the plain reading of Goal 18 to exclude the concept of serving the Bayshore Community Plan population with commercial retail floor areas identical to the access for goods and services experienced by other populations in the County. This community desires minimal commercial activity and the applicant's justification supports a precedence of commercial concentration significantly higher per acre than other areas of Lee County (see **Exhibit 4**). Further, staff finds the requested intensity to be incompatible with the surrounding area.

Respectfully Submitted,

Adam Mendez
Senior Planner, Zoning Section

Exhibits:

Exhibit 1 - Revised Natural Resources Staff Report

Exhibit 2 - Revised Staff Recommended Development Conditions and Deviations

Exhibit 3 - Applicant's Revised Master Concept Plans

Exhibit 4 - NPT Bayshore Commercial Need Presentation

EXHIBIT 1

Date: November 29, 2023

To: Adam Mendez, Senior Planner

From: Nic DeFilippo, Senior Environmental Planner
239.533.8983
ndefilippo@leegov.com

Subject: DCI2022-00032
Natural Resources Staff Report and Conditions for Bayshore Village
STRAP# 22-43-25-00-00023.0000

The subject property falls within the 1-year and 5-year Wellfield Protection Zone travel times and is approximately 200 feet north of a Lee County Public Water Supply well. The travel time represents the amount of time it takes a potential pollutant to reach the wellfield and is based on groundwater flow and withdrawal models. Lee Plan Goal 63 requires the protection of the Lee County's groundwater supplies from those activities having the potential for depleting or degrading those supplies. Lee Plan policy 125.1.2 states new development and additions to existing development must not degrade surface and ground water quality.

The applicant requested a meeting to discuss the proposed conditions following the publication of the Staff Report. During this meeting, Staff and the applicant discussed possible conditions which would allow the following uses to be constructed within the 1-year and 5-year wellfield protection zone travel times.

- Automobile repair and service, Groups I and II
- Automobile service station, with or without gas pumps
- Convenience food and beverage store, with or without gas pumps
- Repair Shops, Groups IV
- Self-service fuel pumps
- Vehicle and equipment dealers

The nearby Public Supply wells, including the well directly south of the proposed development, withdraw groundwater from the Lower Hawthorn aquifer, which in this location requires a well depth ranging from 500-800 feet below ground. Staff recommends approval of the uses above within the 1-year and 5-year wellfield protection zone travel times, if constructed and operated in accordance with Staff's proposed conditions, given the depth of the nearby Public Supply wells.

The following uses have the potential to adversely impact the nearby Public Supply well if located within the 1-year or 5-year travel time. These uses include:

- Truck stop with or without gas pumps
- Laundry and dry cleaning, Groups I and II

Staff does not support the Laundry and dry cleaning, Groups I and II use because the types of chemicals used during the Laundry and dry cleaning process have the potential of moving through all aquifer(s) if a spill were to occur layers therefore potentially adversely impacting the adjacent Public Supply well. The Truck Stop use would congregate trucks which have the potential to be carrying large quantities of hazardous substances near a public supply well. Staff cannot restrict trucks which are hauling hazardous materials from using the truck stop, therefore Staff does not support this proposed use.

Attachments:

1. Aerial map depicting 1-year and 5-year Wellfield Protection Zone travel times.

ATTACHMENT 1

DCI2023-00032

- Subject Property
- 1-year Travel Time
- 5-year travel time
- 10-year travel time

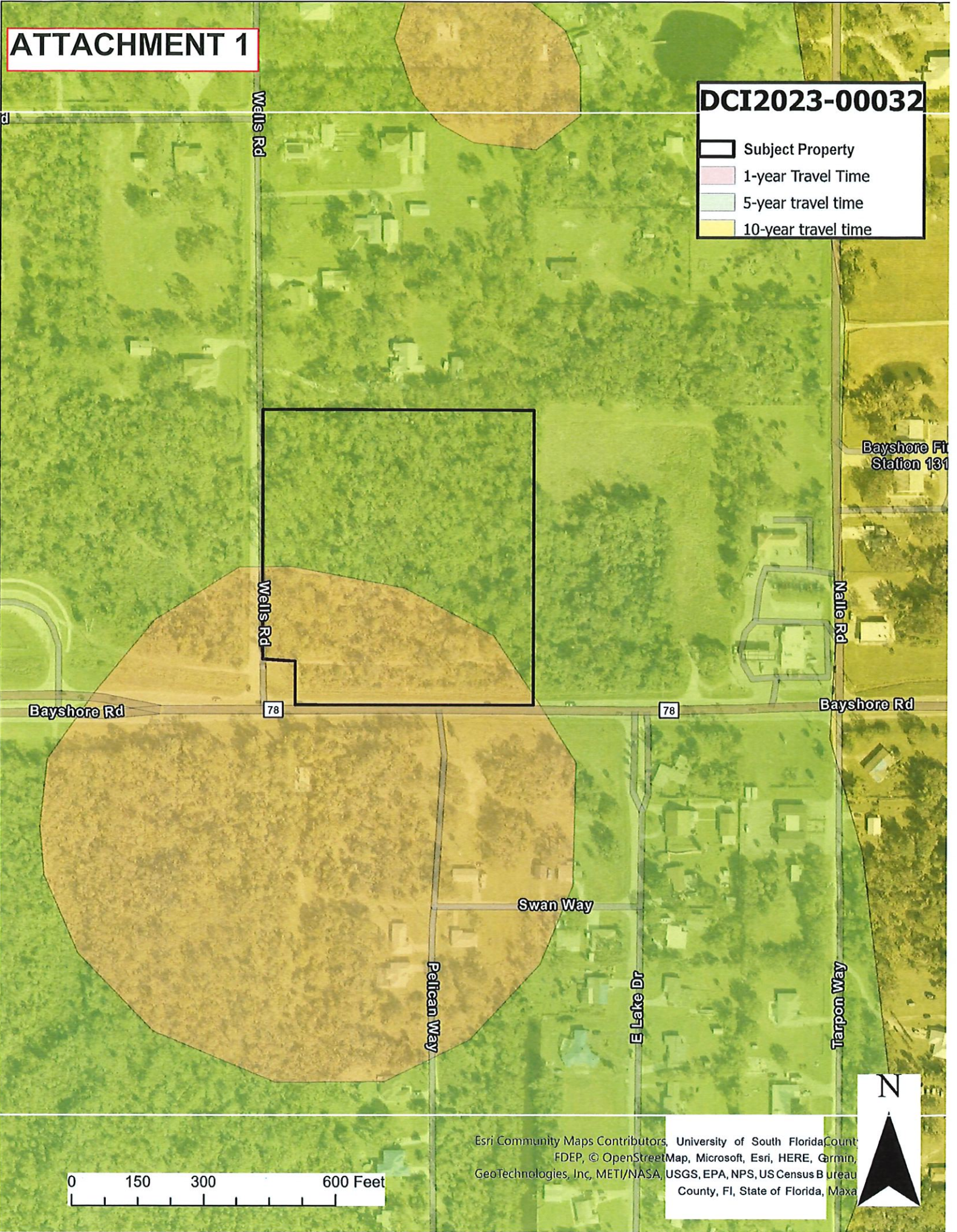


EXHIBIT 2

Conditions

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

(1) Master Concept Plan and Development Parameters

- a. Master Concept Plan. Development of the subject property must be substantially consistent with the one-page Master Concept Plan Entitled "Master Concept Plan ALT A" or "Master Concept Plan ALT B", last revised 9/27/2023 and attached hereto as Attachment D.
Staff Note: Applicant must prepare revised MCPs consistent with recommendations herein.
- b. Development Parameters. Development is limited to a maximum of 87,500 square feet of non-residential floor area, including any outdoor restaurant seating, and a separate allocation of 44 hotel units (Hotel units subject to Condition 11).
- c. Compliance with Lee Plan and LDC. Development must comply with all the requirements of the Lee Plan and LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development. Subsequent amendments to the Master Concept Plan or its auxiliary documentation attached thereto are subject to the planned development amendment process established by the Land Development Code.
- d. Superseding Resolution. Resolution Z-06-046 is hereby superseded and replaced with this amended resolution.

(2) Schedule of Uses and Property Development Regulations

Staff Note: Uses listed in strike-through format are not recommended.

a. Schedule of Uses

(*) Indicates uses restricted to southern 400 feet of the subject property. Locational restrictions no longer apply if the abutting northern property is zoned for uses other than residential or agricultural.

(**) Use must be requested through the special exception or public hearing amendment process.

Accessory uses and structures

Administrative offices

~~Agricultural Uses~~

Animal clinic (no outdoor runs)

ATM (Automatic Teller Machine)

Auto parts store (no installation)

Automobile repair and service, Groups I and II (*) (subject to Condition 7)
 Automobile service station, with or without gas pumps (*) (subject to Condition 7)
 Bait and tackle shop
 Banks and financial establishments, Groups I and II
 Bar or cocktail lounge (**)
 Business services, Group I
 Boats:
 Boat parts store (limited to one)
 Boat sales (subject to Condition 10)
 Boat storage, dry, not exceeding 18 feet above grade (**)
 Boat storage, dry, exceeding 18 feet above grade (limited to wholly within an enclosed building not to exceed 35 feet in building height) (**)
 Broadcast studio, commercial radio and television
 Building material sales
 Business Services, Groups I and II
 Bus station/depot
 Caretaker's residence
 Car wash, accessory or standalone (*)
 Cleaning and maintenance services
 Clothes stores, general
 Clubs:
 Commercial
 Fraternal
 Membership organization
 Private
 Computer and data processing services
 Consumption on premises, indoor only (subject to LDC §34-1264)
 Contractors and builders, Group I, II and III
 Convenience food and beverage store, with or without gas pumps and EV charging stations (*) (subject to Condition 7)
 Day care center, adult, child
 Department store
 Drive through facility for any permitted use (limited to east side of buildings) (*)
 Drug store, pharmacy
 Entrance gates and gatehouses
 Emergency operations center
 EMS, fire or sheriff's station
 Essential services
 Essential service facilities, Group I
 Excavation:
 Water retention
 Oil or gas (SE)
 Farm equipment, sales, storage, rental or service
 Feed or fertilizer, mixing and sales
 Fences, Walls
 Flea Market:
 Indoor
 Open (SE)
 Food and beverage service, limited (**)
 Food stores, Groups I and II
 Food truck park (subject to Condition 13)

Funeral home or mortuary:

No cremation

With cremation

Gift and souvenir shop

Hardware store

Health care facilities, Groups III

Hobby, toy and game shops

Hotel (subject to Condition 11)

Household and office furnishings, Groups I, II and III

Laundromat

~~Laundry or dry cleaning, Group I (subject to Condition 7)~~

Lawn and garden supply store

Library

Maintenance facility (government)

Medical Office

~~Mobile home dealers (**)~~

~~Model display center~~

Non-store retailer

Motion picture production studio

~~Nightclubs~~

Nonstore retailers, All Groups

Package store (no related consumption on premises and subject to LDC §34-1263)

Paint, glass and wallpaper store

Parks, Groups I and II

Parking lot:

Accessory

Commercial (**)

~~Garage, public~~

Park-and-ride

Temporary

Personal services, Groups I, II, III & IV (Excluding Steam or Turkish baths, Escort services, Palm readers, Fortunetellers or Card readers)

Pet services (No outdoor runs)

Pet shop (No outdoor runs)

Pharmacy

Place of worship

Plant nursery

Post office

Printing and publishing

Recreation facilities commercial, Group I **and IV (limited to gymnasiums and health clubs)**

Religious facility

Rental or leasing establishments, Groups I, II, and III

Repair shops, Groups I, II, III, **and IV (*) (subject to Condition 7)**

Research and development laboratories, Group II

Restaurants, All Groups

Restaurant, fast food (*)

Schools, commercial

Self-service fuel pumps (*) (limited to a maximum of 22 and subject to Condition 7)

Signs

Social services, Groups I and II

Specialty retail shops, All Groups

Storage:

Indoor

Open (subject to Condition 10)

Studios

Supermarket

Temporary uses

Theater, indoor

Transportation services, Groups II and III (excluding bus stations and depots)

Truck stop (*)

Used merchandise stores, All Groups

Variety store

Vehicle and equipment dealers, Groups I, II, III, IV, and V (*) (subject to Conditions 7 and 10)

Warehouse

Mini

Private

Public

~~Wholesale establishments, Groups I, III and IV~~

b. Property Development Regulations

Minimum Lot Area and Dimensions

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

Minimum Building Setbacks and Maximum Building Heights:

Street, public	30 feet
Street, private	20 feet
Side (East):	15 feet
Rear (North):	25 feet
Uses with specific development regulations:	See Conditions 10 & 11
Maximum building heights:	
Hotel	48 feet (see Condition 11)
All other buildings and structures	35 feet (see Condition 9)
Lot Coverage:	40 percent

(3) Open Space

Prior to the issuance of the first development order, the development order plans must depict 30 percent open space (2.63 acres). If subdivided, individual development parcels must include a minimum of 10 percent open space.

(4) Indigenous Preserve

Prior to the issuance of the first development order, the development order plans must depict the indigenous preserve area as the 75-foot buffer to along the north perimeter. If exotics are removed, native plantings must be planted to maintain proper screening along the single-family lot abutting the subject property to the north. The development order plans must also depict a total of 1.33 acres of indigenous open space in substantial compliance with Master Concept Plan Alternates A and B, **dated September 27, 2023** per the following breakdown:

Indigenous Credit Chart				
Preserve Area	Indigenous Ac.	Width of Area	Credit %	Indigenous with credits
<i>Preserve 1</i>	<i>1.06</i>	<i>75-foot</i>	<i>125%</i>	<i>1.33</i>

(5) Indigenous Habitat Plan

Prior to the issuance of the first development order, the development order plans must demonstrate the following:

- a. Substantial compliance with the Indigenous Management Plan, attached as Attachment J, Exhibit B.
- b. A schedule for the indigenous preservation and restoration to be completed within five consecutive years.
- c. A map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located. Mechanical clearing must be limited to non-indigenous areas.
- d. An appropriate planting list for the preserve area, approved by Lee County Staff.
- e. Exotic removal and restoration (supplemental plantings) of indigenous habitat to begin concurrently with improvements to land, which must be provided at time of

local development order application. The supplemental planting plans must be approved by development services staff.

(6) Gopher Tortoise Survey

Prior to local development order approval, the property must be re-surveyed for the presence of gopher tortoises and their burrows, and, if found, a gopher tortoise management plan must be submitted as part of the indigenous preserve management plan for review and approval. The gopher tortoise management plan must include details on habitat management to provide open herbaceous foraging areas, and how the habitat will be maintained in perpetuity. The management should also include the following details pertaining to site work:

- a. A copy of the Florida Fish and Wildlife Conservation Commission Gopher Tortoise Permit and receipt of payment, if applicable, must be submitted to the staff prior to issuance of a Vegetation Removal Permit.
- b. A Vegetation Removal Permit to install gopher tortoise fencing and burrow excavation must be obtained prior to any site work.
- c. Any gopher tortoises and commensal species located during burrow excavation must be moved to appropriate indigenous preserves or relocated through state and federal permits.
- d. The number of tortoises and any commensal species moved to preserves must be reported to staff or relocated through FWC permitting.
- e. All active and inactive gopher tortoise burrows located outside of the indigenous preserves must be excavated and fully collapsed prior to issuance of a Vegetation Removal Permit for clearing and filling of the development area.

(7) Lee County Public Water Supply Wells

- A. Prior to local development order approval, the developer must demonstrate compliance with the Lee County Wellfield Protection Zone Ordinance and identify the proposed use(s). The following uses are not permitted within the 1-year or 5-year Wellfield Protection Zone travel time, as depicted by Lee Plan Map 4-C.
 - Truck stop with or without gas pumps
 - Laundry and dry cleaning, Groups I and II
- B. The following uses have the potential to adversely impact the proximate public water supply wells and are therefore only permitted on the subject property when in compliance with the remainder of this condition.

- Automobile repair and service, Groups I and II
 - Automobile service station, with or without gas pumps
 - Convenience food and beverage store, with gas pumps
 - Repair Shops, Groups IV
 - Self-service fuel pumps
 - Vehicle and equipment dealers
 - Any use exceeding the regulated substance thresholds in subsections C and D
- C. Prior to local development order approval, the plans must depict the storage location and combined sum of all quantities of regulated hazardous, toxic substances and sanitary hazards as defined by the Wellfield Protection Ordinance. The combined sum of regulated hazardous, toxic substances and sanitary hazards must not exceed 110 gallons if the substance is a liquid or 1,110 pounds if the substance is a solid within the 1-year Wellfield Protection Zone travel time.
- D. Prior to local development order approval, the plans must depict bulk storage of fuel, in excess of 110 gallons, outside of the 1-year Wellfield Protection Zone travel time.
- E. Prior to local development order approval, the developer must provide a Maintenance Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Maintenance Plan must establish:
- A quarterly containment and emergency equipment inspection schedule performed by a qualified professional.
 - All maintenance and inspections logs and records must be provided to Lee County Division of Natural Resources annually.
- F. Prior to local development order approval, the plans must note that fuel storage systems must be constructed with secondary containment consisting of double walled tanks and/or lines.
- G. Prior to local development order approval, the plans must note that fuel storage systems equipped with leak detection system, with appropriate alarms and protocol to provide for shutdown of system pending leak investigation will be implemented.
- H. During construction the combined sum of regulated hazardous, toxic substances and sanitary hazards, as defined by the Wellfield Protection Ordinance, must not exceed 110 gallons if the substance is a liquid or 1,110 pounds if the substance is a solid within the 1-year Wellfield Protection Zone travel time.
- I. Prior to local development order approval, the developer must provide a Surface Water Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water Monitoring Plan must establish the following:

- The overall Goals and Objectives of the Surface Water Quality Monitoring Plan.
 - An outfall monitoring schedule during "wet" season of June through September and "dry" season of October through May. The monitoring constituents will be determined prior to issuance of local development order by the Lee County Division of Natural Resources based on the final uses proposed.
 - Baseline surface water quality monitoring data will be included in the monitoring plan and must be completed and provided to Lee County Division of Natural Resources prior to commencement of construction.
 - Water quality monitoring data must be provided to the Division of Natural Resources annually and must include a report with a comparison of State surface water quality standards, plots of parameters, and recommendations. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
 - A contingency plan in the event an exceedance of State Surface Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.
- J. Prior to local development order approval, the developer must provide a Groundwater Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Groundwater Quality Monitoring Plan must establish the following:
- The overall Goals and Objectives of the Groundwater Quality Monitoring Plan.
 - A semi-annual monitoring schedule. The monitoring constituents will be determined prior to issuance of local development order by the Lee County Division of Natural Resources based on the final uses proposed.
 - Groundwater monitoring wells must be installed prior to commencement of construction, consisting of two monitoring wells upstream and two monitoring wells downstream of the regulated hazardous, toxic substances and sanitary hazard storage area, with locations and depths subject to Lee County Division of Natural Resources approval.
 - Baseline groundwater quality monitoring data will be included in the monitoring plan and must be completed and provided to Lee County Division of Natural Resources prior to commencement of construction.
 - Groundwater quality monitoring data must be provided to the Lee County Division of Natural Resources annually and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. Groundwater quality monitoring must continue through the lifetime of the Public Supply Well. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
 - A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include an emergency plan and notification to impacted residents, applicable authorities, and the Director of Lee County Natural Resources.

- K. Bonding. Prior to local development order approval, the Development Order plans must identify the proposed use and the Wellfield Protection Officer will determine if a surety bond, performance bond, letter of credit, or escrow agreement is required to cover the cost to abandon and replace the public supply well in accordance with the facility's Operating Permit, as outlined in the Wellfield Protection Ordinance.

(8) Masonry Wall/Berm Combination

Prior to local development order approval, a completely opaque 8-foot-high masonry wall or 8-foot-high masonry wall and berm combination, **as measured from the finished grade of the project site**, must be provided within 25 feet of the south side of the indigenous preserve **area**. The masonry wall or masonry wall/berm combination must commence within 15 feet of the Wells Road right-of-way and extend east continuously at a height of 8 feet to the eastern-most property line. **This condition is null and void if the northern abutting property is not utilized for single-family residential uses at time of local development order approval.**

Staff Note: Applicant must prepare revised MCPs depicting the general location of the wall in compliance with this condition.

(9) Project Building or Structure Height

- A. The building and structure heights specified herein may not be exceeded without obtaining approval through the public hearing process. The provisions of LDC Section 34-2174, additional permitted height when increased setbacks provided, may not be utilized within the planned development.
- B. **All buildings exceeding two stories must be setback 150 feet from the north property line.**

(10) High Intensity Uses

This condition pertains the following uses:

- a. Convenience Food and Beverage Stores, Fast-Food Restaurants, Car Washes.
- i. Except for Deviations 5 and 6 contained herein, deviations from LDC Section 34-1353 must be sought through the public hearing process.
- ii. Convenience food and beverage stores and fast-food restaurants must be set back 50 feet from any public right-of-way; this condition also applies to any restaurant with a drive-through facility.

- b. Display, sale, rental or storage for motor vehicles, boats, recreational vehicles, trailers, mobile homes or equipment.
 - i. Deviations from LDC Section 34-1352 must be sought through the public hearing process.
 - ii. Automotive dealerships exceeding **4 acres in size or providing multi-story display or storage of vehicles** must receive approval through the public hearing amendment process to ensure consistency with the LDC and Lee Plan. **All automotive repair and service must be located within the southern 400 feet of the subject property.**
 - iii. All items and areas used for storage areas, display, or offered for sale or rent must be set back a minimum of minimum of 150 feet from the north property line **and 50 feet from Wells Road right-of-way.**

(11) Hotel Use

The development of a hotel on the subject property is subject to the following conditions:

- A. Maximum Units/Conversion. The 44-unit hotel allocation may be increased to a maximum of 125 units at a conversion rate of 1 hotel unit per every 120-square-foot reduction of the 87,500-square-foot intensity allocation. The transfer of square-footage to hotel units must be reviewed through the administrative amendment process.
- B. Principal Building. The project is limited to one hotel within one principal building. Ancillary and accessory structures may be developed detached from the principal structure.
- C. Room Sizes. Room sizes 725 square feet and less are equivalent to one unit. Room sizes exceeding 725 square feet are equivalent to two units.
- D. Lock-off Accommodations. Where lock-off accommodations are provided, each "keyed room" will be calculated as a separate rental unit.
- E. Maximum Height. The maximum permitted height for a hotel **use** is 48 feet, **accessory structures are limited to a maximum permitted height of 35 feet**. If the principal building exceeds 35 feet in height, then it must be located in the southern 300 feet of the subject property, as measured from the Bayshore Road right-of-way. **Buildings exceeding 35 feet in height must be set back a minimum of 50 feet from the Bayshore Road and Wells Road rights-of-way.** A hotel **use** 35 feet in height or less must be set back a minimum of 150 feet from

the north property line and the Wells Road right-of-way, and 50 feet from the Bayshore Road right-of-way. See Condition 9, general height provision.

- F. Electric Vehicle (EV) Charging. EV Charging stations may be provided as accessory to the hotel use, subject to local development order approval.

(12) Project Vehicular Trip Generation

Regardless of any land use density/intensity conversion allowed per the Land Development Code or zoning condition specific to this development, the development is allowed a maximum calculated development intensity with respect to new trip generation utilizing the following development scenario based upon the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at time of local development order: 87,500 square-feet commercial retail.

(13) Food Truck Park

The principal use of a food truck park may be approved through the administrative amendment and local development order process. The application must be accompanied by a conceptual site plan meeting the minimum required details for special exception site plans in LDC Section 34-202. The application must include a project narrative of the intended operation and any other information determined necessary by the Director.

Deviations

Deviation #1:

Seeks relief from LDC §10-329, which requires an excavation setback of 50 feet from any private property line under separate ownership, to allow a 30-foot excavation setback from the eastern perimeter.

This deviation is **APPROVED**, subject to the condition that the reduction applies to easterly commercially-zoned property, and the easterly abutting AG-2-zoned parcel fronting Bayshore Road, if the parcel is not developed with single-family residential uses at time of local development order approval.

Deviation #2:

Seeks relief from LDC §10-610(e), which requires adjacent commercial uses to provide parking lot interconnections for automobile, bicycle and pedestrian traffic, to allow no interconnection with the abutting northeastern CPD approved by Resolution Z-10-036 (Maximus Self-Storage, f.k.a W & W Service Park).

This deviation is **APPROVED**, subject to the following conditions:

- i. The easterly parking lot interconnection annotated on the Master Concept Plans must be made at time of local development order if the easterly abutting property is zoned and developed commercial.
- ii. If the eastern abutting property is zoned for commercial uses, but is not developed at time of local development order approval for the subject property, a parking lot interconnection stub must be made to the property line and depicted on the approved development order plans.
- iii. If the property is not zoned for commercial uses, a 24-foot-wide cross-access easement must be provided for future parking lot interconnection. The easement language must be acceptable to the County Attorney's Office and executed and recorded in the Public Records prior to approval of any building permit for commercial uses on the property.

Staff Note: Applicant must prepare revised MCPs revising parking lot interconnection annotation language conflicting with this condition.

Deviation #3:

Seeks relief from LDC §10-415(b)(1)b.4. which requires developments greater than five acres in size that abut an arterial or collector road and that have existing native trees within 50 feet of the right-of-way to be designed to provide a 50-foot right-of-way buffer for tree preservation, to instead allow buffer requirements of Chapters 10 and 34 to override. The project is meeting it's preservation requirements in accordance with 10-415(b)(1)a.; therefore, subsection (LDC §10-415(b)(1)b.) is not applicable.

This Deviation is **WITHDRAWN**.

Deviation #4:

Seeks relief from LDC §34-1353(c)(1), which requires a minimum lot width of 150 feet for fast food restaurants and car washes to allow a 100-foot lot width.

This Deviation is **APPROVED**, subject to Condition 10.

Deviation #5:

Seeks relief from LDC §34-1353(c)(3), which requires a minimum lot area of 25,000 square feet for fast food restaurants and car washes to allow a minimum lot area of 15,000 square feet.

This Deviation is **APPROVED**, subject to Condition 10.

Deviation #6:

Seeks relief from LDC §10-416(d)(3), which requires a Type "C" or Type "F" Buffer when a commercial land use abuts a residential land use, to allow the indigenous preserve to function as a planted buffer along the north property.

This Deviation is **APPROVED**, subject to the following condition:

- a. In the event the proposed preserve does not create a continuous visual screen equivalent to a Type C or F buffer, then prior to the issuance of the first development order, the development order plans must provide a list of supplemental plantings and a replanting plan, subject to approval by Lee County staff.

Deviation #7:

Seeks relief from LDC §10-296(k), which requires all roadways to be terminated with a cul-de-sac, to allow no cul-de-sac if an adequate turn-around is provided within the commercial outparcels in conjunction with MCP Alternate A only.

This deviation is **APPROVED**, subject to the following condition:

- a. Prior to local development order approval, a letter of no objection must be provided from the fire district having jurisdiction.

Deviation #8:

Seeks relief from LDC §10-296(e)(1)i.1.ii, which requires a 12-foot-wide wide pedestrian facility and a 5-foot-wide bike lane, to allow no sidewalk or bike lane on Bayshore Road.

This deviation is **WITHDRAWN**.

September 27, 2023

Mr. Adam Mendez
Senior Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

Re: Bayshore Village (Planned Development Amendment Application)
DCI2022-00032

Dear Mr. Mendez:

Please accept the information below in response to your August 11, 2023 correspondence regarding the referenced project.

Stipulations:

Please revise the Master Concept Plans to address the following review comments by September 27, 2023:

- *Please include the following note within the Open Space/Indigenous Preserve table on the MCPs: Applying the indigenous incentive credits allowed by LDC 10-415(b)(3), a rate of 125% is applied due to the preserve minimum width of 75 feet and minimum area of one acre.*
- *The cross section shown on the MCP does not meet LDC Section 10-296 requirements and the applicant has not provided a deviation request with justifications, as required in LDC 10-296(d)(3). If no deviations are proposed at this time, please remove the cross section detail from the Master Concept Plans.*

Response:

The MCPs have been revised to include the indigenous note as requested. Additionally, the Wells Road cross sections have been removed from the MCPs. Due to significant plans by FDOT to rebuild Wells Road with the SR 82 widening, final design of Wells Road will be determined during Development Order permitting.

If you should have any questions or require additional information, please advise.

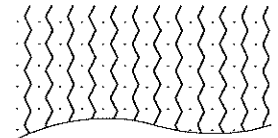
Sincerely,
BARRACO AND ASSOCIATES, INC.


Carl A. Barraco, P.E.
President

CAB/cmh
24066
Enclosures

cc: Rhonda Brewer – LSI Companies (w/encl.)
Ron Inge – Inge & Associates (w/encl.)
Jennifer Sapen, AICP – Sapen Site Planning, LLC (w/encl.)

SINUOUS LAKE SHORELINE DETAIL



LAKE EDGES WILL BE SINUOUS IN ACCORDANCE WITH LEE COUNTY LAND DEVELOPMENT CODE REGULATIONS

OPEN SPACE CALCULATION

REQUIRED OPEN SPACE
8.75 AC X 30% = 2.63 AC
REQUIRED INDIGENOUS
2.63 AC X 50% = 1.32 AC

PROVIDED OPEN SPACE	1.06 AC	PROVIDED INDIGENOUS PRESERVE @ 1.06 AC x 125% = 1.33 AC
PRESERVE	0.66 AC	
LAKE (2.63 X 25%)	0.66 AC	
OTHER	0.91 AC	
TOTAL =	2.63 AC	

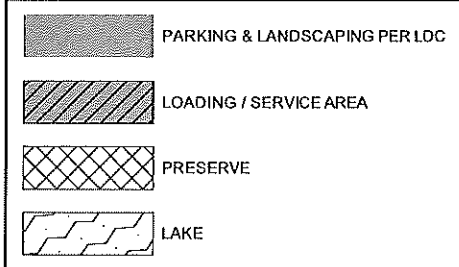
NOTES:
IF SUBDIVIDED, EACH PARCEL MUST PROVIDE A MINIMUM OF 10% OPEN SPACE.

APPLYING THE INDIGENOUS INCENTIVE CREDITS ALLOWED BY LDC 10-415(b)(3), A RATE OF 125% IS APPLIED DUE TO THE PRESERVE MINIMUM WIDTH OF 75' AND A MINIMUM AREA OF ONE ACRE.

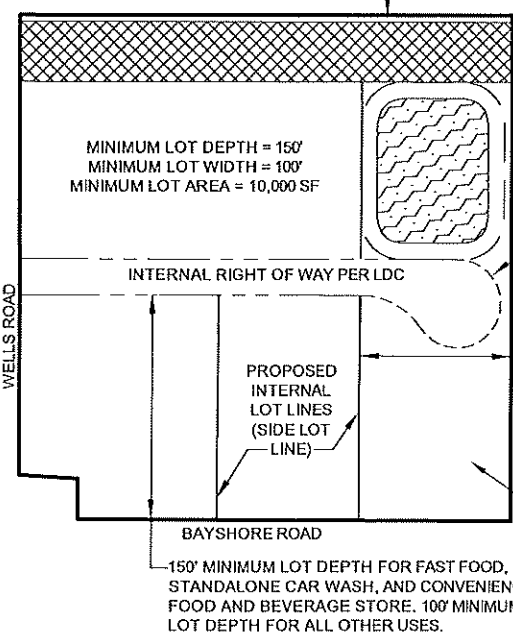
PROPOSED SIGNS

- ① MONUMENT SIGN
- ② ③ PYLON SIGN (MAXIMUM 1 SIGN)
- ④ MONUMENT SIGN

LEGEND



SUBDIVISION DETAIL



CUL DE SAC NOT REQUIRED IF SPRINKLER SYSTEMS ARE INSTALLED IN THE COMMERCIAL BUILDINGS AND A TURN AROUND IS PROVIDED IN THE EASTERN MOST LOT. FINAL DESIGN MUST BE APPROVED BY THE LOCAL FIRE DEPARTMENT DURING DEVELOPMENT ORDER PERMITTING.

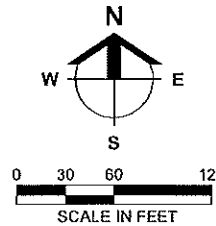
150' MINIMUM LOT WIDTH FOR CONVENIENCE FOOD AND BEVERAGE STORE. 100' MINIMUM LOT WIDTH FOR ALL OTHER USES.

15,000 SF MINIMUM LOT AREA FOR FAST FOOD AND STANDALONE CAR WASH. 25,000 SF MINIMUM LOT AREA FOR CONVENIENCE FOOD AND BEVERAGE STORE. 10,000 SF MINIMUM LOT AREA FOR ALL OTHER USES.

- TYPE D BUFFER (TYPICAL FOR MOST USES)
25' WIDE BUFFER WITH FAST FOOD, RESTAURANTS, CAR WASHES, CONVENIENCE FOOD & BEVERAGE STORES & AUTOMOBILE SERVICE STATIONS CONSISTING OF:
- THE REQUIRED NUMBER OF TREES IS 5 CANOPY TREES PER 100 LINEAR FEET. THREE SABAL PALM TREES MAY BE CLUSTERED TO MEET ONE CANOPY TREE REQUIREMENT. PALMS ARE LIMITED TO A MAXIMUM OF 50 PERCENT OF THE RIGHT-OF-WAY TREE REQUIREMENT. PALMS MUST BE CLUSTERED AND PLANTED IN STAGGERED HEIGHTS, A MINIMUM OF THREE PALMS PER CLUSTER, SPACED AT A MAXIMUM OF 4 FEET ON CENTER, WITH A MINIMUM OF A FOUR FOOT DIFFERENCE IN HEIGHT BETWEEN EACH TREE.
 - ALL OF THE TREES MUST BE A MINIMUM OF 14 FEET IN HEIGHT AT THE TIME OF INSTALLATION. TREES MUST HAVE A MINIMUM OF A THREE AND ONE-HALF INCH CALIPER AT 12 INCHES ABOVE THE GROUND AND A SIX-FOOT SPREAD. AT INSTALLATION, SHRUBS MUST BE A MINIMUM OF THREE GALLON, 24 INCHES IN HEIGHT AT TIME OF PLANTING AND MAINTAINED AT A MINIMUM OF 36 INCHES IN HEIGHT WITHIN ONE YEAR OF PLANTING. THE SHRUBS MUST BE PLANTED THREE FEET ON CENTER.

LAND USE: VACANT
ZONING: EC
FLU: CONSERVATION LANDS UPLAND

LAND USE: VACANT
ZONING: C-1A
FLU: SUB-OUTLYING SUBURBAN



LAND USE: VACANT
ZONING: CPD
FLU: GENERAL INTERCHANGE & SUB-OUTLYING SUBURBAN

LAND USE: VACANT
ZONING: AG-2
FLU: GENERAL INTERCHANGE & SUB-OUTLYING SUBURBAN

LAND USE: VACANT
ZONING: CPD
FLU: SUB-OUTLYING SUBURBAN

AUTOMOBILE, BICYCLE, AND PEDESTRIAN CONNECTION IF ABUTTING PARCEL IS COMMERCIAL ZONED AT TIME OF DEVELOPMENT ORDER PERMITTING. NO CONNECTION REQUIRED TO AG-2 ZONED PROPERTY.

12' WIDE UTILITY EASEMENT
(INSTRUMENT # 2006000351124) EXCEPTION 12

LIGHT BAYSHORE VILLAGE LLC & REESERETLAND BAYSHORE VILLAGE LLC

PROJECT DESCRIPTION

BAYSHORE VILLAGE

LEE COUNTY, FLORIDA

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

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

DRAWING NOT VALID WITHOUT SEAL, SIGNATURE AND DATE
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FILE NAME: 24066202-A.DWG

LOCATION: J124066 DWG ZONING

PLOT DATE: WED, 9-27-2023 - 9:15 AM

PLOT BY: ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

BASE PLAN = 24066200-A.DWG

PLAN REVISIONS

1-25-23	1ST SUFFICIENCY RESPONSE
2-17-23	2ND SUFFICIENCY RESPONSE
3-14-23	DEVIATION #6
6-12-23	WELLS RD @ INTERSECTION CRITERIA
7-7-23	ADD DEVIATION #8
9-27-23	AUGUST/SEPTEMBER SUFFICIENCY

PLAN STATUS

MASTER CONCEPT PLAN
ALT A

PROJECT / FILE NO. SHEET NUMBER

24066 1

OPEN SPACE CALCULATION

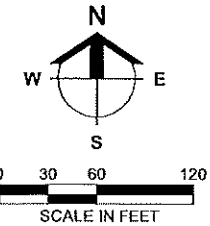
REQUIRED OPEN SPACE	
8.75 AC X 30% =	2.63 AC
REQUIRED INDIGENOUS	
2.63 AC X 50% =	1.32 AC

PROVIDED OPEN SPACE		PROVIDED INDIGENOUS PRESERVE @ 1.06 AC x 125% = 1.33 AC
PRESERVE	1.06 AC	
LAKE (2.63 X 25%)	0.66 AC	
OTHER	0.91 AC	
TOTAL =	2.63 AC	

NOTES: APPLYING THE INDIGENOUS INCENTIVE CREDITS ALLOWED BY LDC 10-415(b)(3), A RATE OF 125% IS APPLIED DUE TO THE PRESERVE MINIMUM WIDTH OF 75' AND A MINIMUM AREA OD ONE ACRE.

LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: AG-2
FLU: GENERAL INTERCHANGE

LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: AG-2
FLU: GENERAL INTERCHANGE



LAND USE: VACANT
ZONING: CPD
FLU: GENERAL INTERCHANGE &
SUB-OUTLYING SUBURBAN

LAND USE: VACANT
ZONING: AG-2
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& SUB-OUTLYING SUBURBAN

LAND USE: VACANT
ZONING: CPD
FLU: SUB-OUTLYING SUBURBAN

LAND USE: VACANT
ZONING: AG-2
FLU: GENERAL INTERCHANGE

PROPOSED SIGNS

- ① MONUMENT SIGN
- ② ③ PYLON SIGN (MAXIMUM 1 SIGN)
- ④ MONUMENT SIGN

LEGEND

	PARKING & LANDSCAPING PER LDC
	LOADING / SERVICE AREA
	PRESERVE
	LAKE

PRESERVE TO SERVE AS LANDSCAPE BUFFER
SUPPLEMENTAL HEDGE PLANTINGS TO BE
ADDED AS NEEDED TO CREATE A CONTINUOUS
VISUAL SCREEN AS REQUIRED BY LDC 10-416(D)(4)

8' WIDE LEE COUNTY ELECTRIC
COOPERATIVE
(OR 2322, PG 3947)
EXCEPTION 11

INDIGENOUS PRESERVE = 1.06 AC
(0.51 AC @ 411E1 AND 0.55 AC @ 420E2)

DETENTION

DETENTION

BUILDING A
(2 STORY MAX)

AUTOMOBILE, BICYCLE AND
PEDESTRIAN CONNECTION
IF ADJUTING PARCEL IS
COMMERCIALY ZONED AT
TIME OF DEVELOPMENT
ORDER PERMITTING. NO
CONNECTION REQUIRED TO
AG-2 ZONED PROPERTY.

12' WIDE UTILITY EASEMENT
(INSTRUMENT #
2006000351124) EXCEPTION 12

PELICAN WAY
(UNIMPROVED RIGHT OF WAY)

LAND USE: VACANT
ZONING: EC
FLU: CONSERVATION LANDS
UPLAND

LAND USE: VACANT
ZONING: C-1A
FLU: SUB-OUTLYING SUBURBAN

Barraco

and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING

www.barraco.net

2271 MCGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169

FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7095 - SURVEYING LB-6940

PREPARED FOR

LIGHT
BAYSHORE
VILLAGE LLC &
REESERETLAND
BAYSHORE
VILLAGE LLC

PROJECT DESCRIPTION

BAYSHORE
VILLAGE

LEE COUNTY, FLORIDA

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FILE NAME	24066Z02-B.DWG
LOCATION	J:\24066.DWG\ZONING
PLOT DATE	WED, 9-27-2023 - 9:29 AM
PLOT BY	ALYSSA FONTARIE
CROSS REFERENCED DRAWINGS	
BASEPLAN - 24066Z01-B.DWG	

PLAN REVISIONS	
1-25-23	1ST SUFFICIENCY RESPONSE
2-17-23	2ND SUFFICIENCY RESPONSE
3-14-23	DEVIATION #6
6-12-23	WELLS RD @ INTENSIVE CRITERIA
7-7-23	ADD DEVIATION #8
9-27-23	AUGUST/SEPTEMBER SUFFICIENCY

PLAN STATUS

MASTER
CONCEPT PLAN
ALT B

PROJECT / FILE NO.	SHEET NUMBER
24066	1

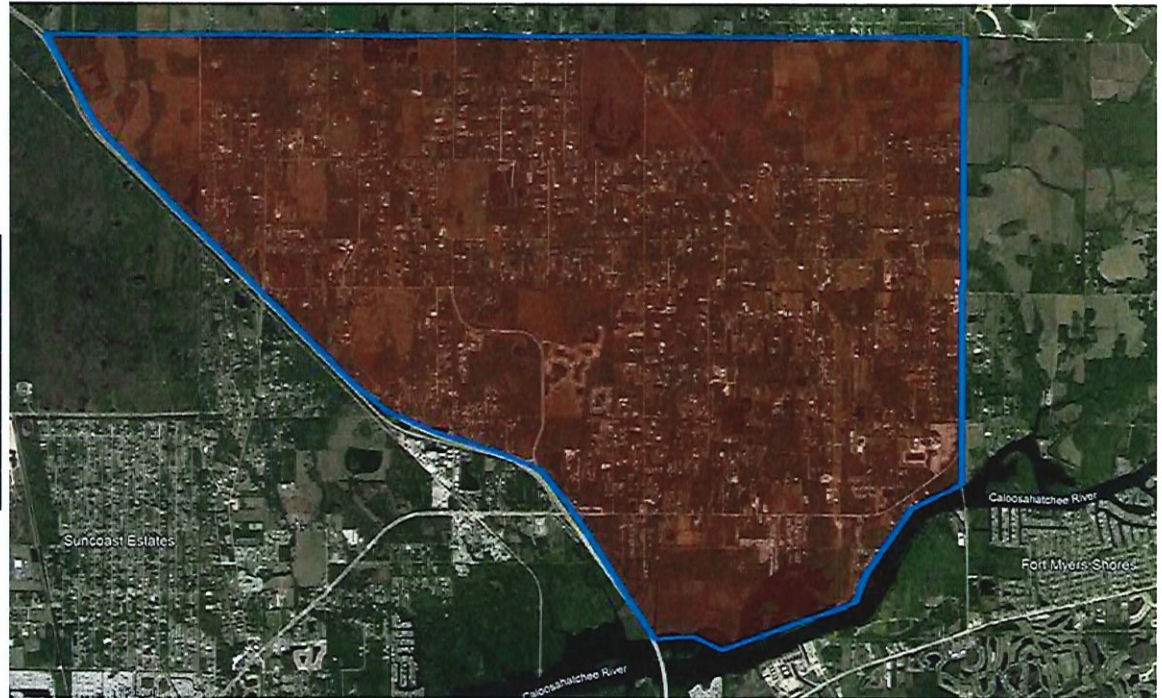
EXHIBIT 4

Bayshore Planning Community Population and Forecast

Variable	Bayshore Planning Community	Lee County
2022 Total Population	5,566	791,753
2027 Total Population	6,699	838,268
2045 Projected Population	8,653	1,056,600
2022 Average Household Size	2.57	2.35
2027 Average Household Size	2.57	2.35

Source: ESRI / Lee Community Planning

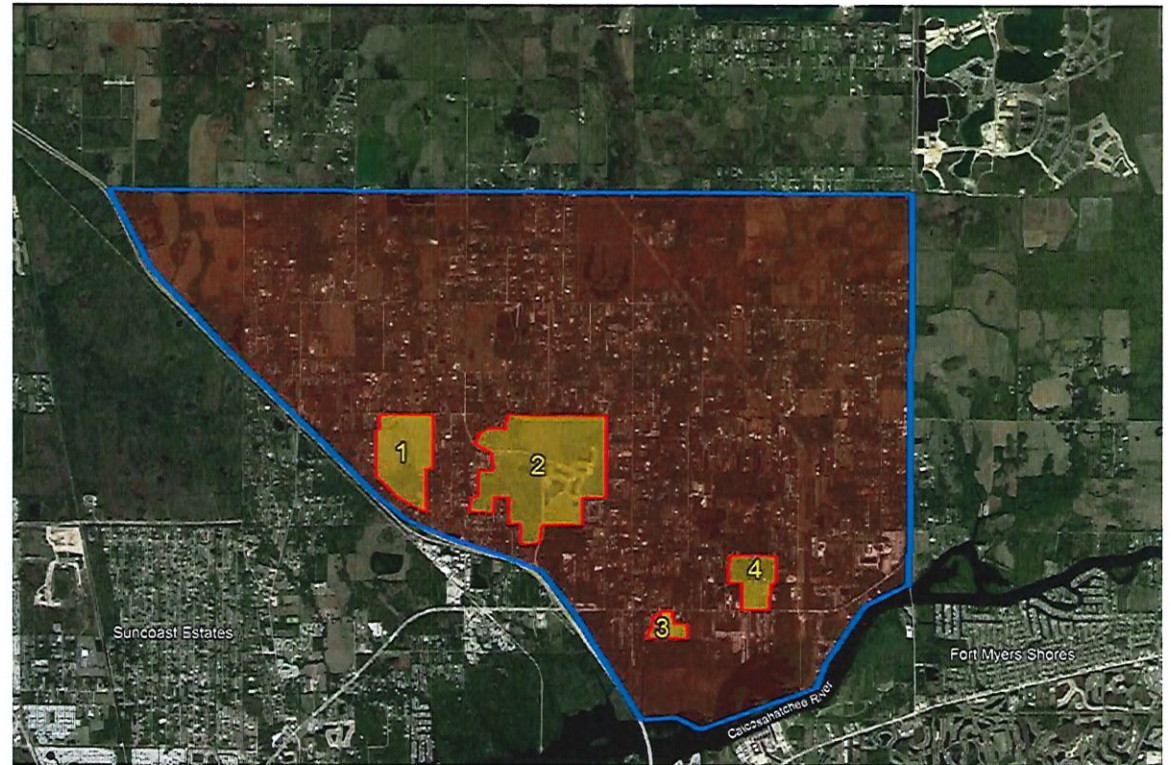
**UF BEBR 2023 Forecast for
2045 Lee County has
increased to 1,077,800**



Bayshore Planning Community

Recently Approved Residential Development – Bayshore Planning Community

Map Number	Development	Unit Count
1	Leetana	201
2	Brightwater	1275
3	Stonehill	71
4	Bayshore Ranch	130
	Total	1,677

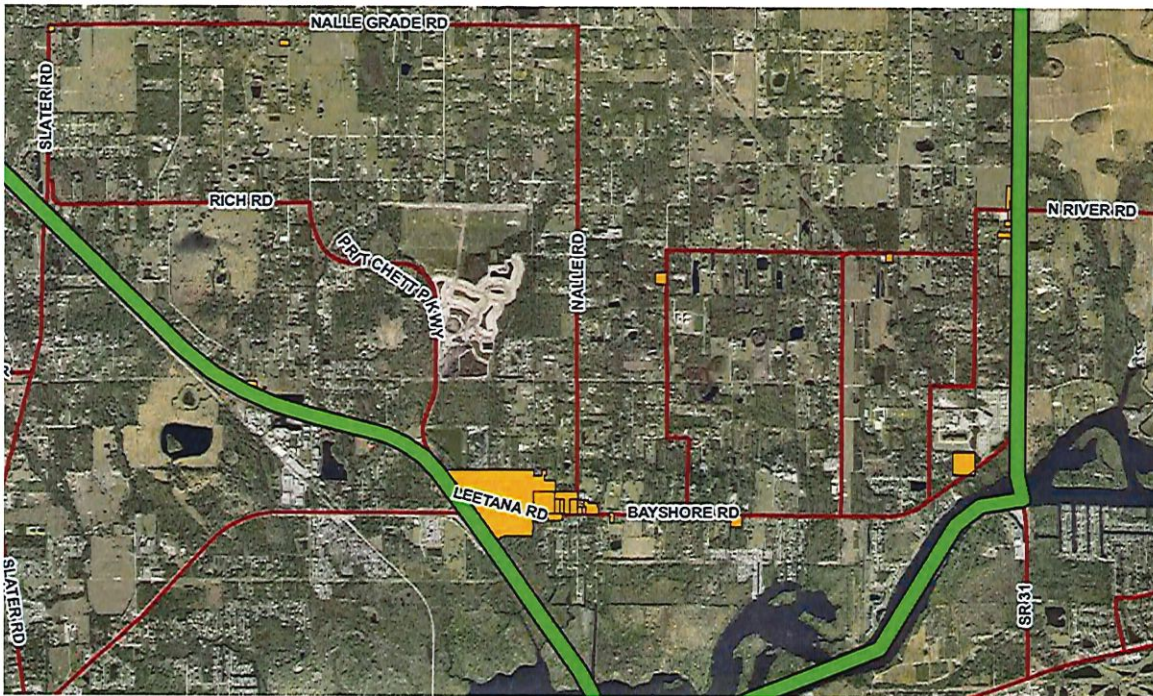


Bayshore Planning Community

Forecast Population	
Unit Buildout- New Developments	1,677
Household Size	2.5
Additional Population	4,193
Current Population	5,566
Total Population	9,759
2045 Lee County Community Development - Bayshore Planning Community Forecast	8,653

Current Population, plus anticipated population from recently approved developments exceed the LCCD Bayshore 2045 Forecast.

The 9,759 projection does not consider any new residential development or building in the Bayshore Planning Community for the next 22 years.



Legend

- Bayshore Community Plan Area
- Existing and Potential Commercial Locations

For informational purposes only



Potential Commercial Locations

Total Acreage	122
---------------	-----

Per The Bayshore Community Plan: **Retail commercial activity shall be limited to the General Interchange Future Land Use designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the Land Development Code. (Bold for Emphasis)**

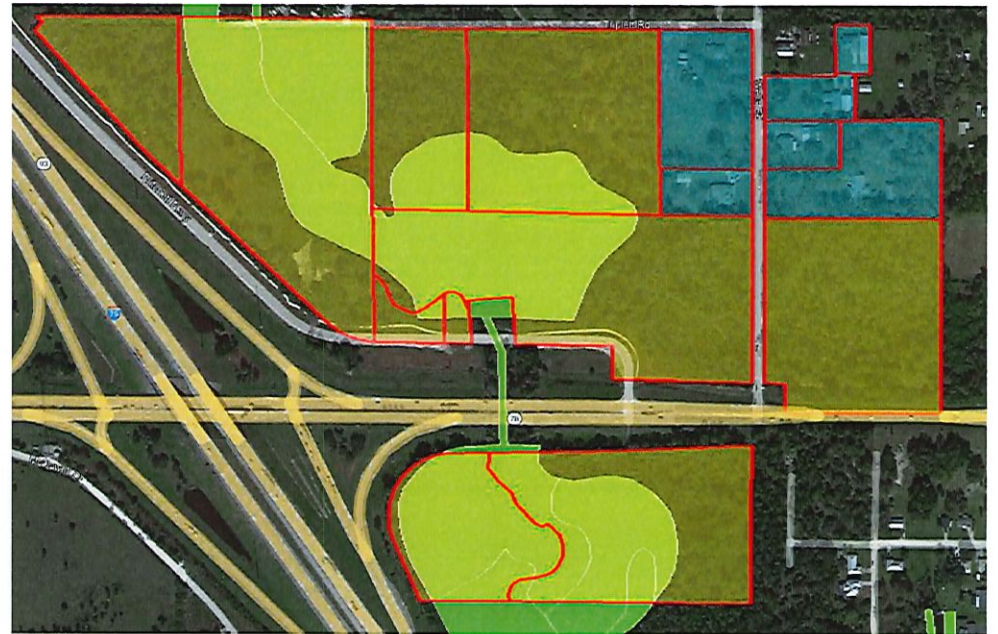
General Interchange Future Land Use – Bayshore Planning Community



The General Interchange Land Use Category is segmented by parcels under various ownership.

Composition of Bayshore General Interchange Acreage

Use	Acres
General Interchange	81.71
(Less) Residentially Improved	11.21
(Less) Wetlands	28.6
Net Developable Commercial	41.9



Variable	Bayshore Planning	Lee County
Existing Retail Square Footage	39,000	48,900,000
2022 Total Population	5,566	791,753
Square Feet Per Person	7.0	61.8

Source: CoStar Real Estate Analytics

Commercial Need By 2045	
Forecasted Population	9,750
Square Feet Per Person	60
Total Retail	585,000

The retail needs of the Bayshore Planning Community is already underserved at 7.0 square feet per person.

Bayshore General Interchange Acreage	
Use	Acres
Total Acreage	81.71
(Less) Residentially Improved	11.21
(Less) Wetlands	28.6
Net Developable Commercial	41.9
Bayshore Commercial Needs 2045	585,000
Developable Acres	41.9
Intensity Required to Achieve 585,000	13,962



Bayshore Village – 8.75 Acres x 13,962 SF = 122,167 Commercial Square Feet

SUMMARY

- Bayshore Community is Growing as evidenced by residential planned communities
- Lee County Economic Overview highlights the need for commercial activity surrounding the Bayshore Planning Community
- Allocated Commercial land is fragmented by residential and wetlands leaving few parcels capable of supporting future retail needs
- Site will meet the needs of the traveling public to and from Babcock Ranch along with I-75. As well as the forecasted population increase within the Bayshore planning Community