

LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI
CASE NUMBER: DCI2022-00037
HEARING EXAMINER DATE: March 28, 2024

Applicant: RVi Planning + Landscape Architecture in reference to Bayshore 31 RPD.

Request: Request to rezone 34.8± acres from Agricultural (AG-2) and Residential Single-Family (RS-1) to Residential Planned Development (RPD) to allow for up to 180 multiple-family residential units.

Location: The subject property is located 7150 and 7200 Bayshore Road, North Fort Myers Planning Community, Lee County, FL (District #4). The applicant indicates the STRAP numbers are: 29-43-25-00-00004.0000 and a portion of 29-43-25-00-00001.0010.

Summary

Staff recommends APPROVAL of the applicant's request to rezone the subject property from Agricultural (AG-2) and Residential Single-Family (RS-1) to Residential Planned Development (RPD) with the conditions and deviations found in Attachment C.

The conditions have been prepared to address the proposed development and consistency with the Lee County Comprehensive Plan (Lee Plan), compatibility with surrounding land uses, and addressing future infrastructure needed to support the development.

The applicant's request included five (5) deviations from the requirements of the Land Development Code. Staff is recommending approval of the requested deviations.

Character of the Area

The area going through a fast-paced rezoning and development process. Within the vicinity of this development there are several large Planned Developments approved, with some are currently under development. The Planned Developments in the area include: Bayshore 57 MPD, approved for 140,000 square feet of commercial and 176 residential units, Oak Creek RPD, approved for 1,120 dwelling units, Chapel Creek RPD/CPD, approved for 60,000 square feet of commercial and 625 residential units, Gully Creek RPD, approved for 330 residential units, Bayshore 75, approved for 250 single-family dwellings, and Bayshore 65 MPD, approved for 357 residential units and 80,000 square feet of commercial entitlement.

This property contains a large (160-foot-wide) powerline easement along its entire north side. To the north of the easement, there is a vacant AG-2 zoned property.

To the east, across Hartwig Lane, a non-County maintained local road, there several single-family residences, zoned AG-2.

To the south and southeast, there are two single-family subdivisions, zoned RM-2 and RS-2 and a strip of vacant land, zoned AG-2.

To the west, across Bayshore Road, there are vacant parcels, zoned IL and AG-2.

Analysis

The subject site, which consists of 34.8± acres, is currently vacant and is mostly zoned Agricultural (AG-2) with a small portion of it zoned Single-family Residential (RS-1). The request is to rezone the property to Residential Planned Development (RPD) to allow for the development of the site with up to 180 multiple family residential dwelling units.

The Future Land Use of the property are Suburban and Wetlands. Suburban allows a density range of one (1) to six (6) dwelling units per acre, while Wetlands, when disturbed, allows one unit per twenty acres. The applicant is proposing 180 dwelling units on the site with a density of approximately 5.1 dwelling units per acre, relying in part on wetland preservation pursuant to Policy 124.1.1 of the Lee Plan.

As required by Land Development Code Section 33-1532, the applicant held an advertised public informational meeting in North Fort Myers on November 27, 2023. A synopsis of that meeting is attached hereto as Attachment “H”.

Environmental

Environmental staff reviewed this request and recommended approval subject to conditions (Attachment E).

Environmental staff inspected the site and found evidence of wild hog tracks. No protected species or signs of protected species were found on the site.

The applicant must provide 13.92 acres of open space of which 6.96 acres must be indigenous open space. The Master Concept Plan depicts upland indigenous, and wetland indigenous areas represented in different hatching patterns. These areas are being preserved and coincide with the indigenous native vegetation FLUCCS of Mixed Upland Forest (FLUCCS 420E2), Hydric Cabbage Palm (FLUCCS 428E2), and Cypress Wetlands (FLUCCS 621E2).

Transportation

Infrastructure Planning staff has reviewed this project and has recommended approval (Attachment F).

It is anticipated that this project, when completed by 2029, will generate 1,119 daily trips. The roadway level of service analysis indicates Bayshore will operate at a Level of Service standard (LOS “C”) with or without the project.

Lee Plan

The subject property is located in the Suburban and Wetlands Future Land Use categories.

Approximately 28.5 acres of this 34.8-acre site is in the Suburban Future Land Use category. The proposed density of 5.5 dwelling units per acre of Suburban and preserved freshwater wetlands is consistent with the allowed density of 1 to 6 dwelling units per acre in the Suburban Community category. Therefore, this request is consistent with Policy 1.1.5 of the Lee Plan.

Approximately 6.49 acres of the site is in the Wetlands Future Land Use category, of which 2.1 acres will be impacted and 4.34 acres will be preserved. Wetlands allow a density of one unit per 20 acres; however, Table 1(a), footnote 8(b) and Policy 124.1.1 allow the density from the

preserved freshwater wetlands to be transferred to upland portions of the site at the same underlying density as permitted for those uplands. Therefore, this request is consistent with Policies 1.5.1 and 124.1.1 of the Lee Plan.

The proposed development promotes contiguous and compact growth patterns, limits urban sprawl and minimizes the costs of services. Adequate public services exist to serve the property. Sewer and water are available to the site. The property has direct frontage on Bayshore Road. Therefore, the request is consistent with Objectives 2.1 and 2.2 and Policies 2.1.1 and 2.2.1 of the Lee Plan.

Water service from the Lee County Utilities and sewer service from the Florida Governmental Utility Authority (FGUA) are available to the site and the site will be connected to those services. Staff finds the request consistent with Standards 4.1.1 and 4.1.2 of the Lee Plan (Attachment "G").

This development will be designed to pretreat the run-off water before it is discharged off-site. This will ensure that water quality is maintained or improved for the protection of the environment. Therefore, the request is consistent with Goal 125 of the Lee Plan.

Public Services

Public services are defined by the Lee Plan as the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity.

Public sewer and water: Central potable water and sanitary sewer service is available to the site from Lee County Utilities and Florida Governmental Utility Authority (FGUA), with adequate capacity to serve this development. Development must connect to public water and sewer services when development activity triggers the connection requirements of the LDC.

Paved streets and roads: The subject property fronts on Bayshore Road, providing adequate access to the site.

Public transit: Bus Route 590 is located along Bayshore Road, which is about a quarter mile south of the project entrance. (Attachment "I").

Parks and recreation facilities/community facilities: North Fort Myers Park located at 2000-2051 North Recreation Parkway and North Fort Myers Library located at 2001 North Tamiami Trail are less than 2 miles from this site.

Urban levels of police, fire, and emergency services: The subject property will be provided urban levels of police, fire and emergency services. Fire protection is provided by North Fort Myers Fire Control District, located at 16290 Slater Road, approximately 2 miles from this site. Ambulance services are co-located with the fire station.

Urban surface water management: Any future development will be required to comply with the LDC, including provisions for surface water management.

Schools: The subject property is located within the Lee County School District East Choice Zone. Based on the information provided by the School District, there is a capacity issue within the Concurrency Service Area (CSA) at the elementary level; however, capacity is available in the adjacent CSA. There is adequate capacity for middle and high schools in the area for the anticipated 74 school-aged children who will reside within this development (Attachment "J").

Employment and commercial centers: The subject property is in close proximity of existing commercial uses on Bayshore Road, North Tamiami Trail and North Cleveland Avenue, providing employment and shopping opportunities in the area.

Planning Community Map and Allocation Table

POLICY 1.6.5: The Planning Communities Map and Acreage Allocation Table (see Map 1-B and Table 1(b)), depict the proposed distribution, extent, and location of generalized land uses for the year 2045.

The subject property is located in the North Fort Myers Planning Community. The Planning Community Year 2045 Allocations indicate that 10,035 acres are allocated to residential uses in the North Fort Myers Planning Community. From that number, 2,225 acres of residential acreage is still available. Staff finds the request CONSISTENT with the allocations for the North Fort Myers Planning Community.

Deviations:

The applicant is requesting the following deviations:

Deviation 1: A deviation from Lee County Land Development Code (LDC) Section 10-296(k), which requires dead-end streets to be closed at one end by a circular turnaround to instead to allow for a hammerhead design for dead-end streets that are a maximum of 150 feet in length.

The applicant has provided a letter of no-objection from North Fort Myers Fire District for the design of dead-end internal streets.

Deviation 2: A deviation from Lee County Land Development Code (LDC) Section 10-329(d) (1)a.3, which requires an excavation setback of 50 feet from any property line under separate ownership, to allow a 30-foot excavation setback from the FDOT detention pond to the north.

Deviation 3: A deviation from Lee County Land Development Code (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.

This site contains a small frontage on Bayshore road, which cannot accommodate two means of access. Hartwig Lane is a non-County maintained road providing access to a few single-family residences. An emergency access point to Hartwig Lane will provide an ingress and egress point to this development in emergencies while protecting the neighboring residences.

Deviation 4: A deviation from Lee County Land Development Code (LDC) Section 10-416(d)(9), which requires a 50-foot-wide natural waterway buffer, to allow the existing FDOT drainage easement to encroach within the waterway buffer.

This is an existing condition, and the applicant cannot modify the existing FDOT easement.

Deviation 5: A deviation from Lee County Land Development Code (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 a planting width of between 17 and 26 feet.

Findings and Conclusions

Based upon an analysis of the application and the standards for approval of planned development rezonings, as required by Land Development Code Section 34-145(d)(4)a.1, staff offers the following findings and conclusions:

The request, as conditioned:

- Complies with Lee Plan as discussed in the Lee Plan analysis section of this report, specifically Lee Plan Policies 1.1.5, 1.5.1, 2.1.1, 2.2.1, 124.1.1; Objectives 2.1, and 2.2, Standards 4.1.1 and 4.1.2; Goal 125.
- Meets the Land Development Code and other applicable County regulations or qualifies for deviations.
- Is compatible with existing and planned uses in the surrounding area.
- Will provide access sufficient to support the proposed development intensity and the expected impacts on existing or planned transportation facilities will be mitigated through existing County regulations or conditions of approval.
- Will not adversely affect environmentally critical or sensitive areas and natural resources.
- Will be served by urban services, as defined in the Lee Plan.
- The proposed residential uses are appropriate at the proposed location.
- 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 deviations recommended for approval, pursuant to section 34-373(a)(9):
 - Enhance the achievement of the objectives of the planned development; and
 - Preserve and promote the general intent of this Code to protect the public health, safety and welfare.

Conclusion

Lee County staff has reviewed the proposed rezoning request and recommends approval of the RPD zoning with conditions. The uses and density proposed by this request are consistent with the Lee Plan and compatible with surrounding existing land uses.

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps: Surrounding Zoning, Future Land Use and Aerial Photograph
- C. Recommended Conditions and Deviations
- D. Master Concept Plan
- E. Memorandum from Lee County Section of Zoning, Environmental Review
- F. Memorandum from Lee County Department of Transportation
- G. Letter of Availability for Water and Sewer
- H. Public Informational Meeting Summary
- I. LeeTran Bus Route Map
- J. Memorandum from the Lee County School District
- K. Letter of no objection from North Fort Myers Fire District
- L. Memorandum from Lee County Department of Natural Resources
- M. Application and Narrative
- N. TIS
- O. Legal Description

LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Case Number: DCI2022-00037

Project Name: Bayshore 31 RPD

Hearing Examiner Date: March, 2024

CHAHRAM BADAMTCHIAN, AICP, Planner, Senior, Zoning Section, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

CAMRYN SIVERSON, Environmental Planner, Zoning Section, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, and environmental planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

MARCUS EVANS P.E., Engineer, Senior, Development Services Section, 1500 Monroe Street, Fort Myers, FL. 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Traffic Engineering and Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

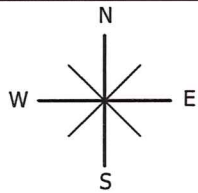
BRANDON DUNN, Planning Section Manager, 1500 Monroe Street, Fort Myers, FL. 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan and comprehensive planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

NICOLAS DeFILIPPO, Planner, Planning Section, 1500 Monroe Street, Fort Myers, FL. 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, and environmental planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

DCI2022-00037



0 0.25 0.5 0.75
Miles

0 500 1,000
Feet

MELLOW DR

TUCKER LN
BAR

LAUREL DR

LAUREL LN

ART RD

SLATER RD

COON RD

RICH RD

PRITCHETT PKWY

I-75

NALLE RD

DEAL RD

DURRANCE RD

SAMVILLE RD

BAYSHORE RD

City of
Fort Myers

PALM BEACH BLVD

ORANGE RIVER
BLVD

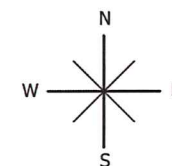
ATTACHMENT B



DCI2022-00037

Aerial

 Subject Property



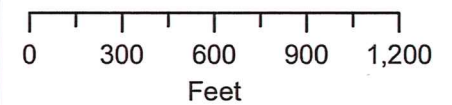
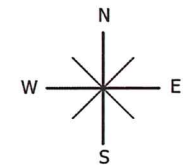
0 300 600 900 1,200
Feet



DCI2022-00037

Future Land Use

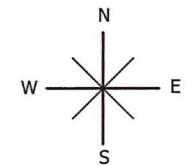
-  Subject Property
-  Suburban
-  Public Facilities
-  Conservation Lands - Upland
-  Wetlands
-  Conservation Lands - Wetland



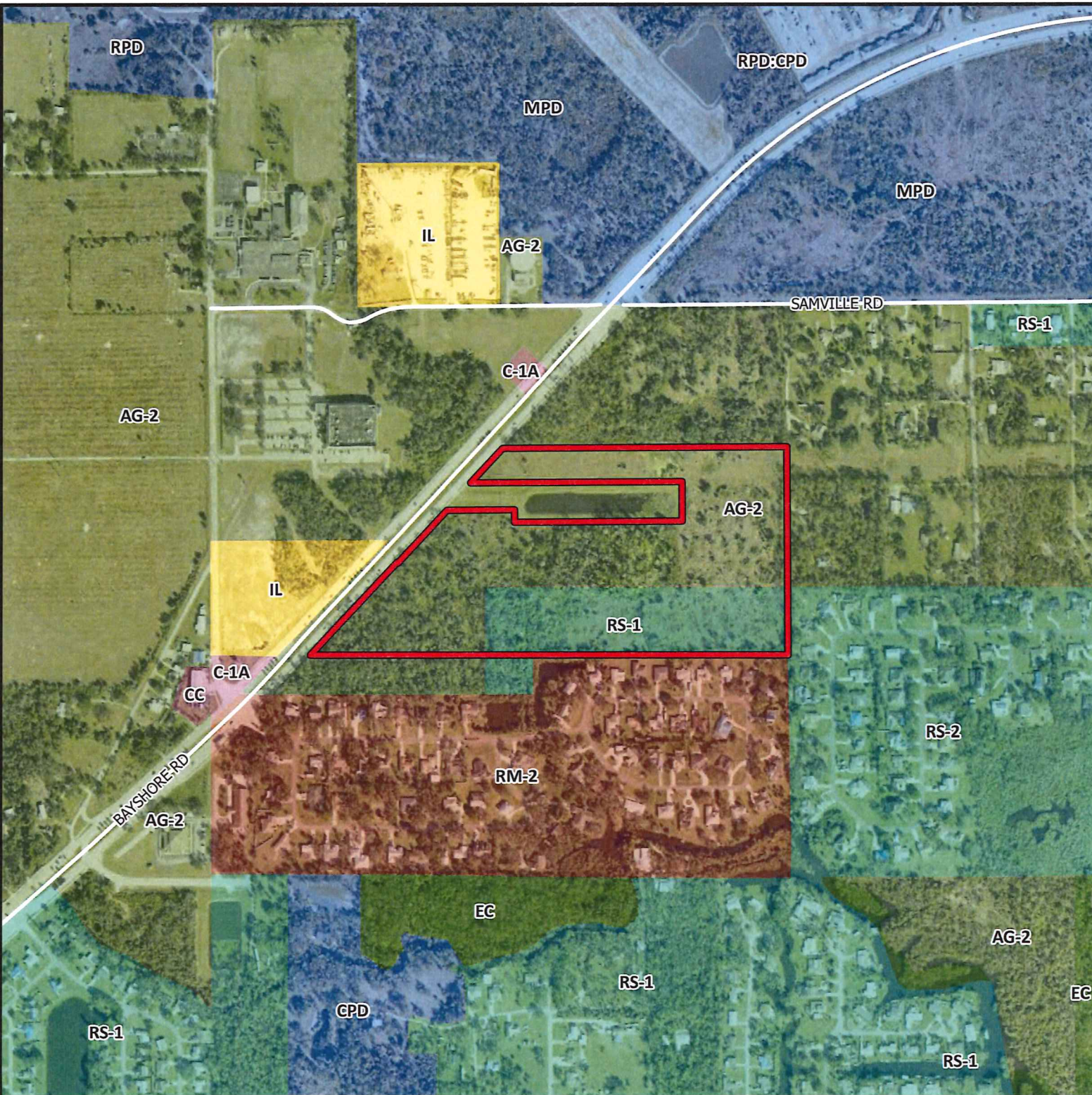
DCI2022-00037

Zoning

 Subject Property



0 300 600 900 1,200
Feet



DCI2022-00037, Bayshore 31 RPD
Conditions and Deviations

A. Conditions

1. MASTER CONCEPT PLAN/DEVELOPMENT PARAMETERS

The development of this project must be consistent with the one-page Master Concept Plan entitled “Bayshore 31 RPD” dated November 10, 2023, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local Development Order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

This planned development will allow a maximum of 180 multiple-family dwelling units.

2. USES AND SITE DEVELOPMENT REGULATIONS

a. Schedule of Uses

Accessory Uses and Structures

Administrative Offices

Dwelling Units:

Multiple-Family, limited to 180 dwelling units

Entrance Gates and Gatehouses

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention

Fences and Walls

Models:

Display Center/Sales Center

Model Unit

Parking Lot, Accessory

Real Estate Sales Office

Recreational Facilities

Personal

Private-On-Site

Residential Accessory Uses

Signs

Temporary Uses, limited to construction trailers and storage at the time of
Development, Real Estate Sales Office

b. Site Development Regulations

Minimum Lot Area and Dimensions:

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

Minimum Building Setbacks:

Development Perimeter:	15 feet
Street:	25 feet
Side:	0 feet
Rear:	0 feet
Waterbody:	25 feet

Building Separation:	10 feet
Maximum Lot Coverage:	50%
Maximum Building Height:	30 feet

3. **Model unit and real estate sales:**

- a. The number of model units will be limited to no more than nine within the development at any point in time.
- b. Any model homes or real estate sales must be identified on the development order plans.
- c. Real estate sales will be limited to the sale of lots or units within the Bayshore 31 RPD only.
- d. Models cannot be of the same floor plan and each must be a separate different design.

4. **Natural Resources:**

Prior to issuance of a local development order, the developer must submit a draft drainage and access easement in favor of Lee County. The drainage and access easement must permit Lee County access to the flowway to allow the right but not the obligation to maintain the flowway per LDC Section 10-328. The draft drainage and access easement must be executed prior to the issuance of a certificate of completion for the project.

B. DEVIATION:

Deviation 1: A deviation from Lee County Land Development Code (LDC) Section 10-296(k), which requires dead-end streets to be closed at one end by a circular turnaround, to instead to allow for a hammerhead design for dead-end streets that are a maximum of 150 feet in length.

This deviation is approved. The applicant has provided a letter of no-objection from the North Fort Myers Fire District for the design of dead-end internal streets.

Deviation 2: A deviation from Lee County Land Development Code (LDC) Section 10-329(d)(1)a.3, which requires an excavation setback of 50 feet from any property line under separate ownership, to allow a 30-foot excavation setback from the FDOT detention pond to the north.

This deviation is approved subject to the following condition:

Prior to development order approval, the landscape plans must depict an enhanced Type-A landscape buffer abutting the Florida Department of Transportation detention pond along the northeast property line. The Type-A buffer must include four trees per 100 linear feet and a single hedge row. Landscape vegetation must be specified in accordance with LDC Section 10-420 Plant Material Standards.

Deviation 3: A deviation from Lee County Land Development Code (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.

This deviation is approved. This site contains a small frontage on Bayshore road, which cannot accommodate two means of access. Hartwig Lane is a non-County maintained road providing access to a few single-family residences. An emergency access point to Hartwig Lane will provide an ingress and egress point to this development in emergencies while protecting the neighboring residences.

Deviation 4: A deviation from Lee County Land Development Code (LDC) Section 10-416(d)(9), which requires a 50-foot-wide natural waterway buffer, to allow the existing FDOT drainage easement to encroach within the waterway buffer.

This deviation is approved. This is an existing condition, and the applicant cannot modify the existing FDOT easement.

Deviation 5: A deviation from Lee County Land Development Code (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 a planting width of between 17 and 26 feet.

This deviation is approved subject to the following condition:

The development order must depict a minimum 17-foot to 25-foot-wide planting area outside of the 70-foot FDOT drainage easement and 20-foot Lee County maintenance easement.

**MEMORANDUM
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION**

Date: February 23, 2024

To: Chahram Badhamtchian, Senior Planner

From: Beth Workman, Principal Environmental Planner

Project: Bayshore 31 RPD

Case: DCI2022-00037

Environmental staff have reviewed the proposed rezoning and offer the following analysis and recommended conditions:

VEGETATION:

An Environmental Assessment and Protected Species Survey was submitted by BearPaws Environmental Consulting. The applicant utilized the pedestrian transect methodology in accordance with Lee County Administrative Code 13-10. The applicant provided a map depicting the transect lines walked to survey the types of vegetation present on the 34.80-acre site (Attachment A). The site is in North Fort Myers and abuts Bayshore Road along the west property line, vacant agricultural land to the north, and residential single-family to the east and west. The subject property along the north wraps around an existing Department of Transportation detention pond.

The subject parcel consists of Improved and Unimproved Pastureland (FLUCCS 211 & 213) along the north and east property line. Along Bayshore Road, the property consists of Hydric Cabbage Palm (FLUCCS 428E2) and Mixed Upland Forest (FLUCCS 420E2). The center of the property has a Cypress Wetland (FLUCCS 621E2) transitioning to a Freshwater Marsh (FLUCCS 641E1) to the north and Mixed Wetland Forest (FLUCCS 630E3) to the south (see FLUCCS map in Attachment A). Daughtry Creek East Branch bisects the property from Bayshore Road to the single-family residential development along the south property line. Florida Department of Transportation has a 75-foot-wide drainage easement that overlaps Daughtry Creek East Branch. Land Development Code (LDC) defines indigenous native vegetation as those plant species that are characteristic of the major plant communities of the County, listed in Section 10-701. Areas where invasive exotic vegetation has exceeded 75 percent of the plant species by quantity will not

be considered indigenous vegetation. The FLUCCS map provided by the applicant indicates that the site does have indigenous native vegetation due to the plant species identified and the level of exotics in those plant species areas represented by an E-value. Indigenous native vegetation provides the habitat to support protected species.

PROTECTED SPECIES:

A protected species survey for Lee County listed species meeting the requirements of Land Development Code (LDC) Section 10-473 was conducted by BearPaws Environmental Consulting (Attachment A). The applicant provided the field data from the site inspection indicating that the habitat on the site could support protected species but with the location of the subject parcel it is unlikely protected species occupy the site. Staff inspected the site and found evidence of wild hog tracks. No protected species or signs of protected species were found on the site. Prior to land clearing, the applicant and staff will be required to inspect the site for protected species.

OPEN SPACE:

The subject parcel is approximately 34.80 acres. LDC Section 10-415(a) requires 40 percent space for projects that are ten or more acres in size. The applicant has provided an open space calculation depicted on the Master Concept Plan that indicates that 13.92 acres of open space will be provided which is in compliance with LDC Section 10-415(a).

INDIGENOUS OPEN SPACE PRESERVATION:

Since the project is considered a large development (over ten acres in size), the applicant must provide half of the required open space as indigenous open space. The applicant must provide 13.92 acres of open space of which 6.96 acres must be indigenous open space. The Master Concept Plan depicts upland indigenous, and wetland indigenous areas represented in different hatching patterns. These areas are being preserved and coincide with the indigenous native vegetation FLUCCS of Mixed Upland Forest (FLUCCS 420E2), Hydric Cabbage Palm (FLUCCS 428E2), and Cypress Wetlands (FLUCCS 621E2). At time of vegetation removal permit issuance, the invasive exotics will be removed which will allow the native seed source to naturally restore these areas.

BUFFERS:

The site is in the North Fort Myers Planning area and located within the Commercial Corridor. LDC Section 33-1543 provides the landscaping requirements for high density or high intensity development defined as any use greater in intensity or density than a duplex or two-family attached residence when abutting a subdivided lot in an existing large lot residential subdivision. The subject property is considered a high density or high intensity development due to the multi-family dwelling units being proposed. However, there are no subdivided lots in an existing large lot residential subdivision that abuts the subject property. The LDC defines abutting as any property that is immediately adjacent to, or contiguous with, or that is located immediately across from any street, canal, easement, or water body, not to exceed 25 feet from the other property. Chapter 33 provides no other buffer requirements and therefore, the buffers must be in compliance with LDC Section 10-416(d) as follows:

North: Vacant land zoned Agricultural (AG-2) requires no buffer.

FDOT Pond: Type-D buffer (15-foot-wide with five trees per 100 linear feet and double hedge) along the northwest and enhanced, per conditions associated with excavation setbacks, Type-A buffer (five-foot-wide with four trees per 100 linear feet) along the northeast. Indigenous Preserve utilized to meet the buffer.

South: Type-B buffer (15-feet-wide with five trees per 100 linear feet and double hedge).

East: Type-D and Type-B buffer abutting Hartwig Lane, non-county maintained local road, single-family Agriculturally zoned (AG-2) lots, and residential (RS-1) lots. Hartwig Lane is approximately 30-feet-wide.

West: Type-D buffer along Bayshore Road with the Indigenous Preserve acting as the buffer in some areas along Bayshore Road.

DEVIATION:

Deviation #2

LDC Section 10-329(d)(1)a.3 requires excavation setback of 50 feet of any private property line under separate ownership. The applicant is requesting to allow a 30-foot excavation setback from the existing FDOT detention pond. The applicant has indicated on the MCP that a Type-A buffer will be provided. The FDOT detention pond has a chain-link fence around the perimeter. Staff is recommending an enhanced Type-A buffer to provide a single hedge in addition to the four trees per 100 linear feet required in a Type-A buffer. A condition has been provided to ensure at time of development order the Type-A buffer will include a single hedge.

Staff recommends approval of Deviation #2 with the following condition:

Prior to development order approval, the landscape plans must depict an enhanced Type-A landscape buffer abutting the Florida Department of Transportation detention pond along the northeast property line. The Type-A buffer must include a four trees per 100 linear feet and a single hedge row. Landscape vegetation must be specified in accordance with LDC Section 10-420 Plant Material Standards.

Deviation #4

LDC Section 10-416(d)9 requires a 50-foot natural waterway buffer, and the applicant is requesting to allow the FDOT drainage easement to overlap more than 50 percent of the width in areas where Daughtery Creek East Branch meanders.

Deviation #5

LDC Section 10-416(d)9. requires a 50-foot-wide natural waterway buffer. The 50-foot-wide buffer must be measured from top of bank or mean high water, whichever is further landward.

The natural waterway buffer must include six native canopy trees and 50 native shrubs per 100 linear feet. If existing native vegetation is present, then the native vegetation may be credited at a 1:1 ratio. At time of development order, a planting plan must be provided demonstrating compliance with the planting requirement. In addition, the natural waterway buffer must be designed to provide a 20-foot-wide maintenance easement on both sides of the waterway to be kept clear by the property owners in accordance with LDC Section 10-328(a). The applicant has provided a cross section on the MCP depicting the 50-foot-wide natural waterway buffer that includes the 20-foot-wide maintenance easement. Daughtery Creek East Branch is within a 70-foot-wide FDOT drainage easement that overlaps the 50-foot-wide natural waterway buffer. LDC Section 10-421(a)(2) states that easements may overlap required buffers if half of the required buffer width is outside of the easement because no required landscape vegetation may be in any utility or drainage easements. The applicant must provide a minimum of 25 feet for the natural waterway buffer vegetation. Due to the meandering nature of the creek, the planting area outside of the 70-foot drainage easement is between 17 feet and 26 feet. The applicant has requested Deviation #5 from LDC Section 10-421(a)2 to allow a planting area of less than 25 feet.

Staff recommends approval of Deviation #5.

The development order must depict a minimum 17-foot to 25-foot-wide planting area outside of the 70-foot FDOT drainage easement and 20-foot Lee County maintenance easement.

Attachments:

A. Environmental Assessment and Protected Species Survey

ATTACHMENT A

BAYSHORE 35 ACRES

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

December 2021

Updated August 2023

Prepared For:

Land Solutions
c/o: Randy Thibaut
6810 International Center Boulevard
Fort Myers, FL 33912
Phone: 239-489-4066
Email: rthibaut@lsicompanies.com

Prepared By:



BearPaws Environmental Consulting
1599 Covington Circle East
Phone: (239) 340-0678
Email: BearPaws.Env.Consulting@GMail.com

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.

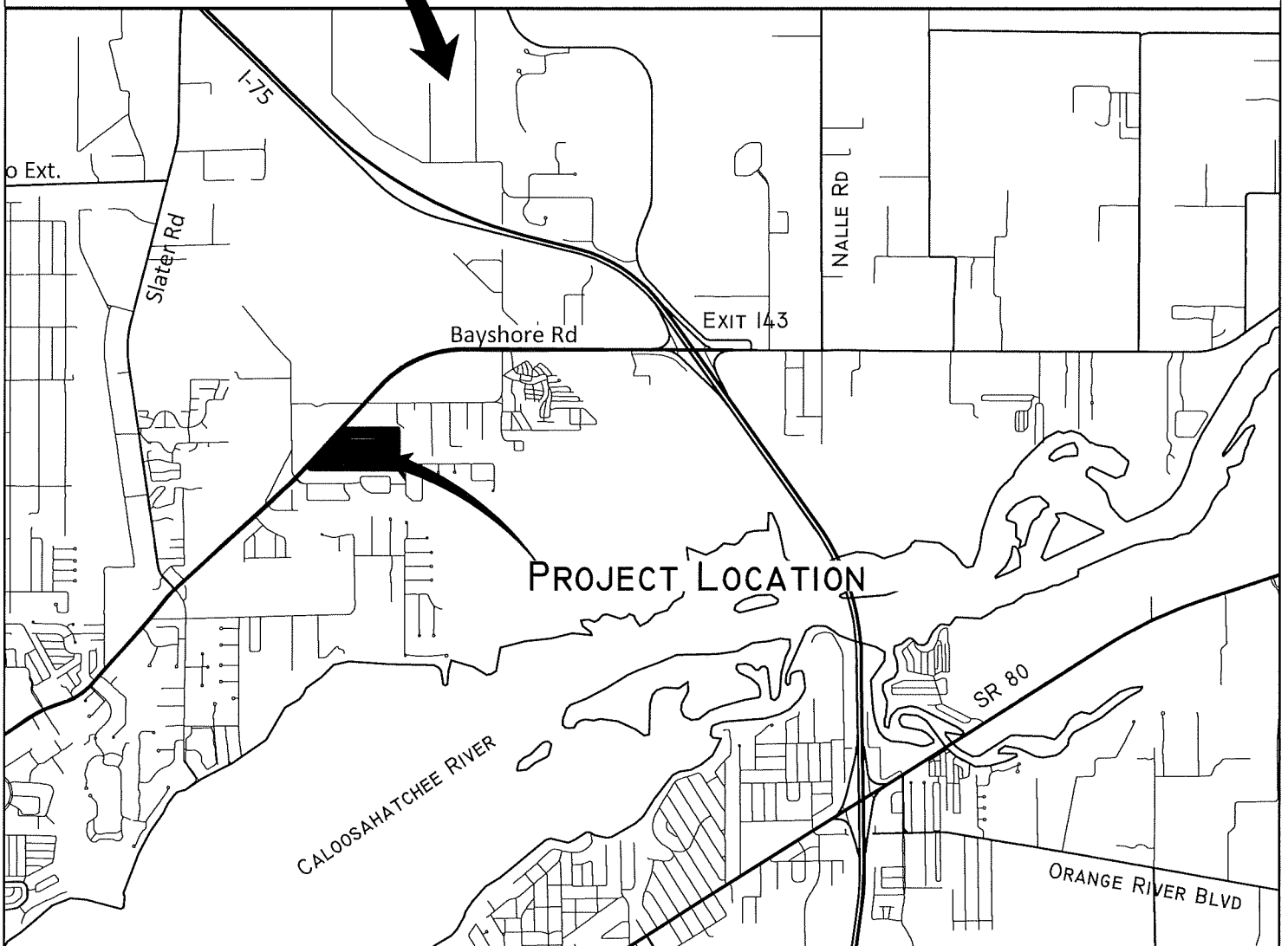
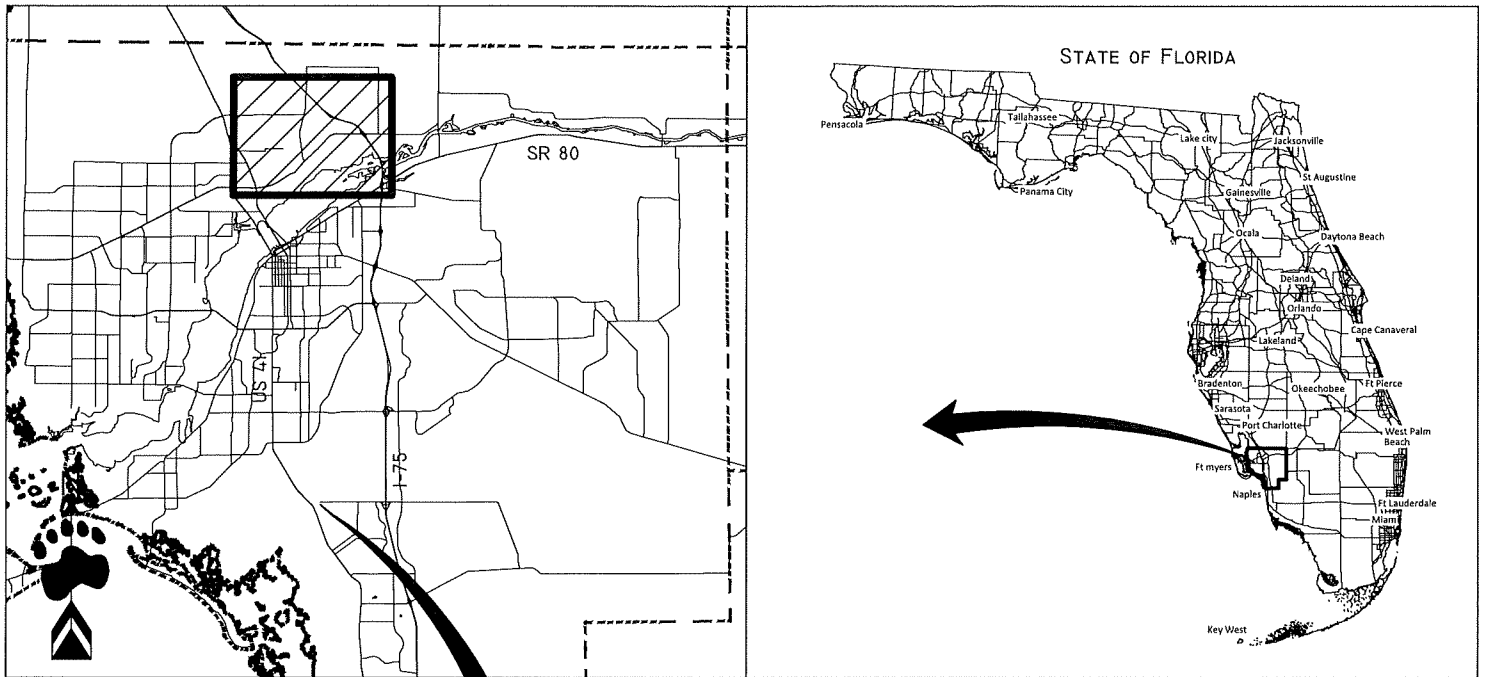
Summary & Discussion

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

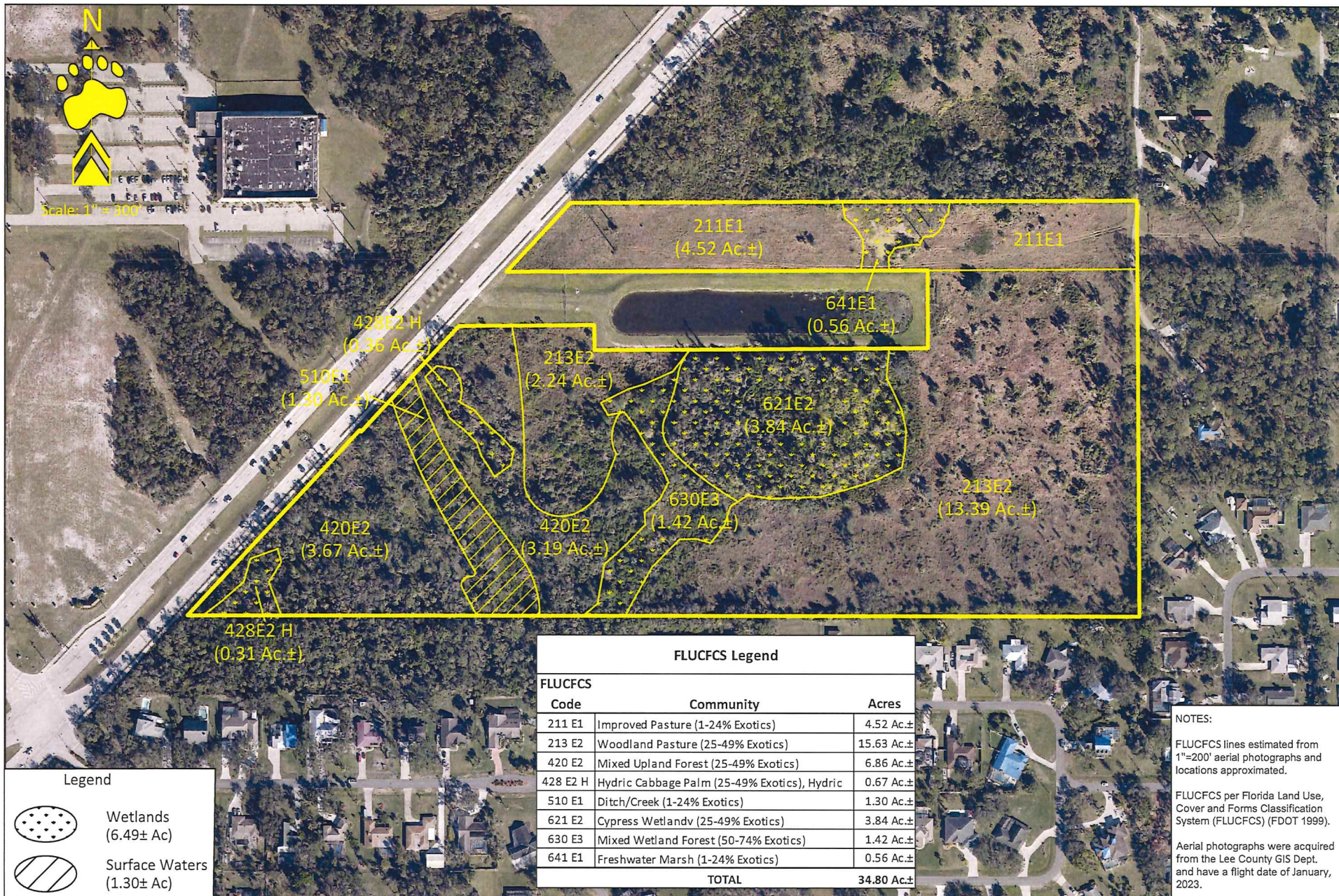


PAGE

EXHIBIT

EXHIBIT B

FLUCFCS Map with Aerial



Legend

Wetlands (6.49± Ac)

Surface Waters (1.30± Ac)

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 Wetlandv (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).

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of January, 2023.

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

Bayshore 35

Aerial FLUCFCS Map

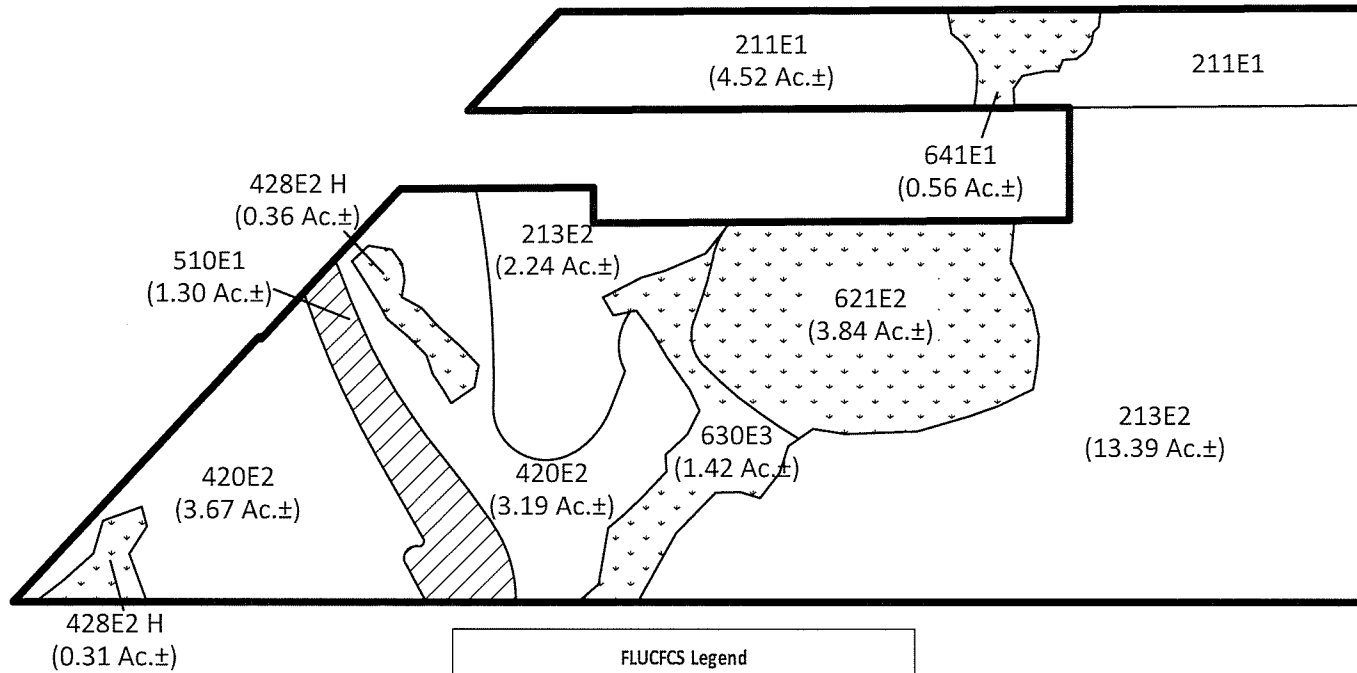
Category	FLUCFCS	Page	-
Scale:	1" = 300'	Exhibit	-
County	Lee		-

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

EXHIBIT C
FLUCFCS Map



Scale: 1" = 300'



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.±

Legend



Wetlands
(6.49± Ac)



Surface Waters
(1.30± 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	

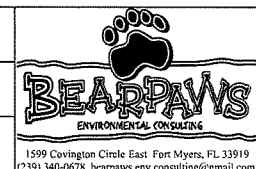
Bayshore 35

FLUCFCS Map

Category
FLUCFCS

Scale:
1" = 300'

County
Lee



Page

-

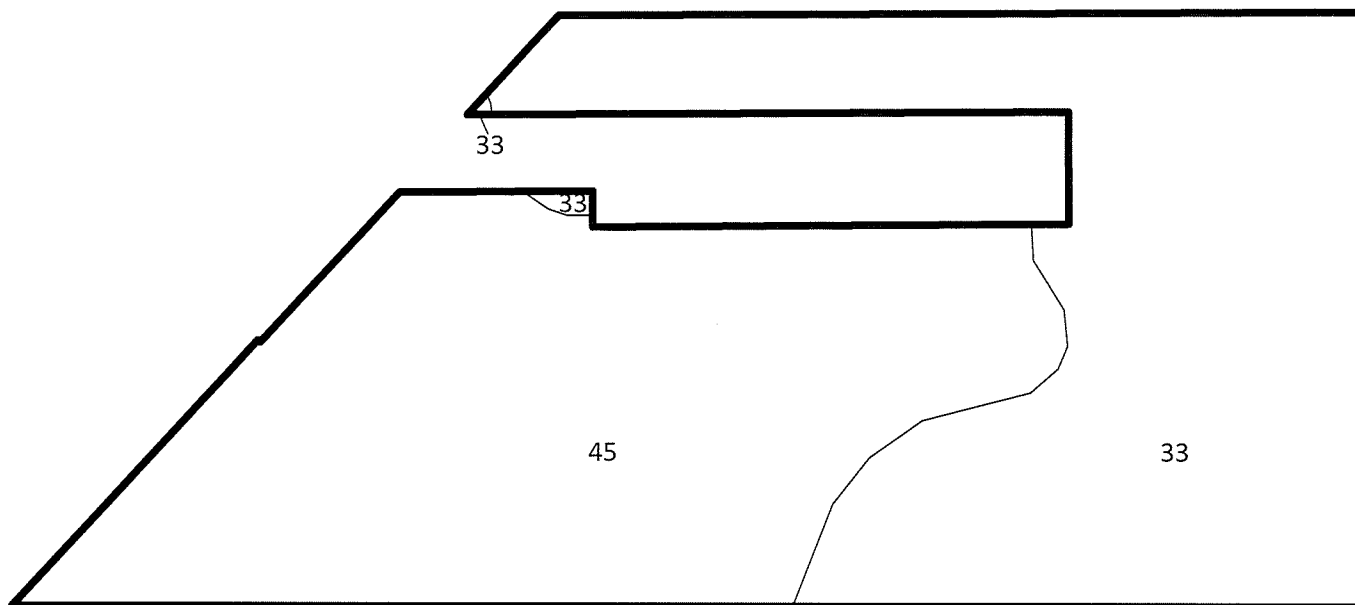
Exhibit

-

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

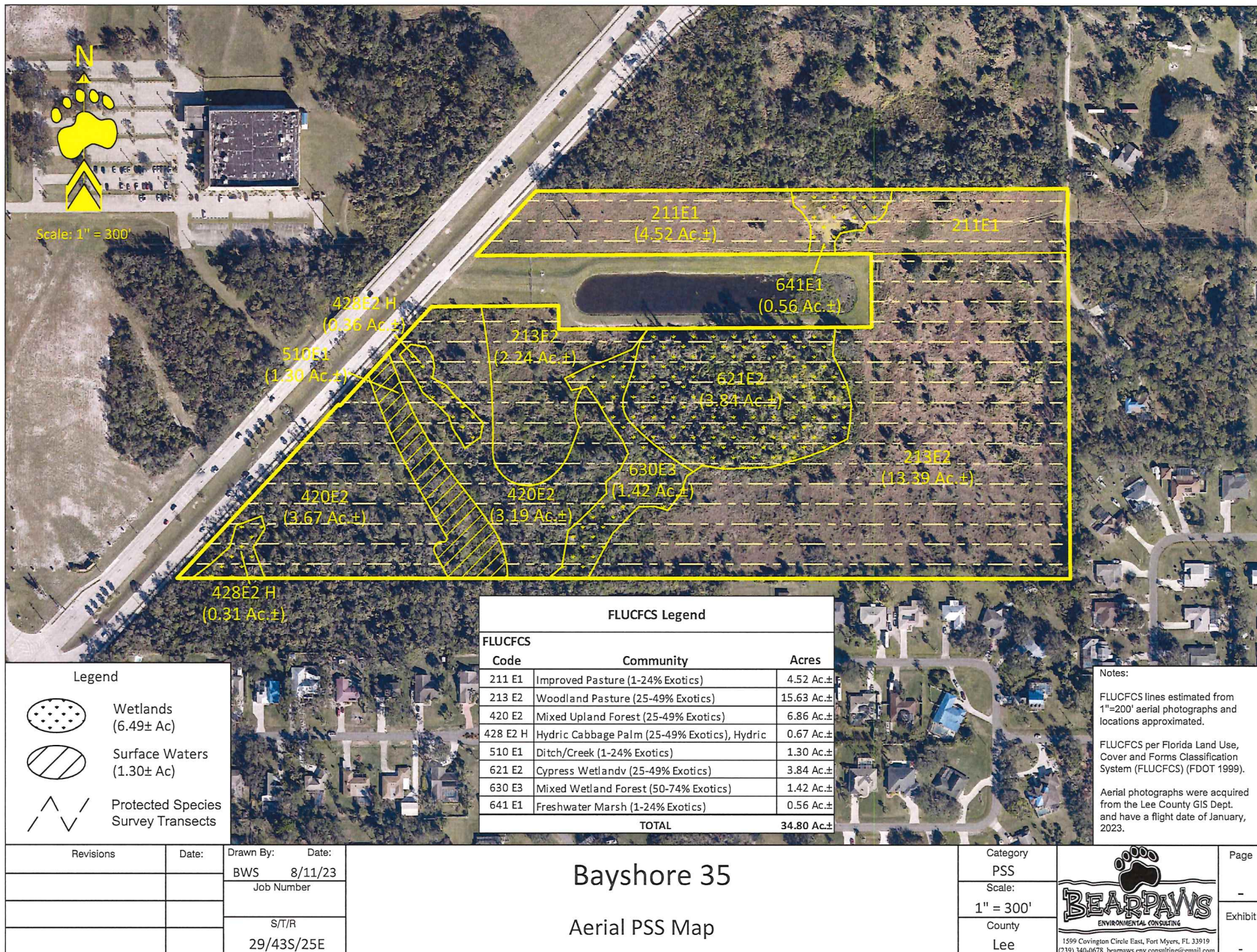
NOTES

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	 BEARPAWS ENVIRONMENTAL CONSULTING 1599 Covington Circle East, Fort Myers, FL 33919 739.340.0678 bearpaws.env.consulting@gmail.com	Page: -
		Job Number			Scale: 1" = 300'		Exhibit: -
		S/T/R			County: Lee		
		29/43S/25E					

EXHIBIT E

Protected Species Survey Map





DEPARTMENT OF TRANSPORTATION

Memo

To: Chahram Badamtchian, Planner, Senior

From: Md Rakibul Alam, Transportation Planner, Principal

Date: Feb 23, 2024

Subject: Bayshore 31 RPD (DCI2022-00037) Transportation-Related Analysis

Proposed Development

This application requests approval to rezone approximately 34.8 acres from Agricultural (AG-2) and Residential (RS-1) to Residential Planned Development (RPD) to allow a maximum of 180 multi-family dwelling units.

Site Location

The property under consideration is located south of Bayshore Road, approximately 300 feet east of the Williams Road intersection.

Site Access

Access to the proposed development will be provided via a single connection point to Bayshore Road (state-maintained arterial).

Trip Generation Review

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. Table 1 outlines the proposed project's trip generation for weekday AM and PM peak hours and daily traffic volumes.

Table 1: Trip Generation

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

Roadway Section & Intersection Traffic Operation Level of Service Analysis

As the proposed development is expected to generate less than 100 trip ends, the TIS does not have to include any Level of Service analysis for roadway sections and intersections as per AC 13-17.

Proposed Deviation Review

The applicant requests relief from LDC Section LDC 10-291(3) for the development project, specifically, Deviation #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.

Conclusion

The proposed project is not anticipated to adversely affect the surrounding roadway system. Being a state-maintained facility, access to Bayshore Road is subject to FDOT approval.



BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Raymond Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

May 3, 2022

Via E-Mail

Dawn Russell
Barraco and Associates, Inc.
2271 McGregor Blvd, Suite 100
Fort Myers, FL 33901

**RE: Potable Water Availability
Bayshore 31 RPD, 7200 Bayshore Road
STRAP # 29-43-25-00-00001.0010 and 29-43-25-00-00004-0000**

Dear Ms. Russell:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A of the Lee County Comprehensive Land Use Plan. Potable water lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 100 single family residential units with an estimated flow demand of approximately 25,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

Availability of potable water service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our North Lee County Water Treatment Plant.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

May 3, 2022

Page 2

Further, this letter of availability of potable water service is to be utilized for Zoning only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING



FGUA Operations Office

Government Services Group, Inc.
280 Wekiva Springs Rd., Ste 2070
Longwood, FL 32779-6026

(877) 552-3482 Toll Free
(407) 629-6900 Tel
(407) 629-6963 Fax

May 26, 2022

Jeff Wasko
Barraco and Associates, Inc.
2271 McGregor Blvd., Suite 100
Fort Myers, FL 33901
JeffW@barraco.net

RE: Wastewater and Reclaim Water Availability – LOA ID#: 22-076 NFMD
Parcel ID No.: 29-43-25-00-00004.0000, 29-43-25-00-00001.0010
7150 and 7200 Bayshore Rd., North Fort Myers, FL 33917
Bayshore 31 RPD

Dear Mr. Jeff Wasko:

The FGUA has received your Application for Service Availability, and upon review, it has been determined that wastewater disposal service is generally available to the address provided. The attached site map indicates the approximate size and location of the existing mains in the area. Please be advised that main extensions, connection to the reclaimed water system, and other system enhancements funded by the project sponsor may be required.

The application indicated that the proposed project consists of 100 single family homes with an estimated wastewater disposal demand of 25,000 GPD. Currently, FGUA facilities are able to accommodate these demands. During the design process, if existing conditions warrant, a hydraulic analysis may need to be performed by the project engineer to evaluate the impacts the proposed project may have on the existing wastewater systems.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date of issue. The FGUA commitment to serve will be made once a Utility Infrastructure Conveyance and Service Agreement (CSA) is fully executed. To move this project forward, contact Development Services via email at SSpencer@govmserv.com to receive a plan submittal package and schedule the pre-application meeting if required.

FGUA Board of Directors

PAM KEYES, P.E. Chair, Lee County / KEN CHEEK, P.E. Vice Chair, Citrus County / SHANE PARKER, P.E., Hendry County / TAMARA RICHARDSON, P.E., Polk County / MICHAEL CARBALLA, P.E., BCEE, Pasco County / JODY KIRKMAN, P.E., Marion County/ HEIDI PETITO, Flagler County

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Douglas W. Black, PSM, PLS
Property & Development Manager

CC: Mike Currier, South Region Area Manager

Encl.

1. Pre-Development Meeting Information
2. Utility Locates
3. Fee Statement/Receipt



Development Services Division

Pre-Application Meeting Information

Purpose:

The pre-application meeting is designed to be an informative discussion, specifically geared toward assisting the applicant (owner/developer/engineer) understand the FGUA's policies and development process. The pre-application meeting may be required prior to the formal submission and review of any utility construction plans by the Development Division.

It is our goal to assist you through the FGUA development process as smoothly as possible, and for your development to be a success. This pre-application meeting, if required, will provide you with the details you need to make this a successful and stress-free process.

What to Expect:

If the meeting is required, you will be provided with a variety of both general and specific information regarding the FGUA's development process. This will include, but not be limited to staff contact information, plan review guidelines, current fees, conveyance, and closeout procedures.

Who Should Attend:

It is encouraged that a representative from the property owner, developer, and engineer, at a minimum, attend this meeting. Representatives of the FGUA's Development Division, including the Development Technician, Development Coordinator, Real Property Coordinator and utility system Area Manager will also be in attendance as required.

In an effort to accommodate the potential long-distance commute between the FGUA's Operations Office in Longwood, Florida and the FGUA system areas, these meetings will take place via Microsoft Teams.

Meeting Requests:

Please e-mail Development Services to request a meeting at SSpencer@govmserv.com.

Please have your FGUA Letter of Availability (LOA) Number (included on the first page of your previously issued Letter of Availability) ready when you email to schedule this meeting.

You will also be required to provide a preliminary site utility plan for staff review before the meeting is scheduled.

5/9/2022

STRAP/PID #: 29-43-25-00-00004.0000, 29-43-25-00-00001.0010

Project Name: 22-076 NFMD Bayshore 31 RPD

Property Address: 7150 and 7200 Bayshore Road, North Fort Myers, FL 33917



ALL UTILITY LOCATIONS SHOWN HERE ARE APPROXIMATE. THE DEVELOPER IS SOLELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS VIA POTHOLING OR OTHER ACCEPTABLE MEANS.



FGUA Fee Statement

Letter of Availability and/or Locate Request

Property Address or PID: 29-43-25-00-00004.0000, 29-43-25-00-00001.0010

System: North Fort Myers 416

Development/Project Name: Bayshore 31 RPD

Date: May 9, 2022

County: Lee

LOA ID: 22-076 NFMD

All fee amounts are based on the rates in effect as of the date of this statement and are subject to change.

Fees based on:

0 Letter of Utility Location Availability and Locate Map	\$	100.00
1 Utility Availability Map (Map Only)	\$	75.00
2 Letter of Utility Location Availability (Letter Only)	\$	25.00

FGUA

G/L Code

Fees

Total fees

Amt Previously Paid

Balance Due

LOA Request

202098	\$	100.00	\$	100.00	\$	100.00	\$	-
--------	----	--------	----	--------	----	--------	----	---

Fees Due: \$ -

Payment History

Date

Check Date

Check #

Payer Name

Amount

0 Letter and Locate Map	5/9/2022	4/29/2022	22712	Barraco and Associates, Inc.	\$	100.00
1 Map Only						
2 Letter Only						



**Bayshore 31 RPD Rezone
Neighborhood Meeting**

**Monday, November 27, 2023, 5:30 p.m.
2000 North Recreation Park Way
North Fort Myers, FL 33917**

Black Spider Land Company, LLC and their consultant team hosted a pre-application Neighborhood Meeting at the North Fort Myers Recreation Center located at 2000 North Recreation Park Way at 5:30 p.m., on Monday, November 27, 2023. The meeting was held for the Residential Planned Development Rezone application. The meeting was noticed to property owners listed on Exhibit "A", attached, and the meeting noticed was published in the News-Press on November 13, 2023. The Affidavit of Publication is attached as Exhibit "B".

The list of participants is attached as Exhibit "C" and demonstrates approximately 16 in-person attendees were present at the meeting excluding the 6 members of the consultant team.

Tom Sacharski welcomed attendees, introduced the project, and, presented a PowerPoint presentation attached as Exhibit "D". After the presentation, the Applicant opened the floor for attendees to ask questions and make comments.

The Applicant explained the proposed Rezone Application seeks to rezone the property from RSF-1 and AG-2 to RPD to establish a Residential Planned Development on the ±34.8-acre site. A maximum of 180 clustered multifamily "build-to-rent" units are proposed with associated infrastructure and amenity space. It was noted the maximum building height is 35 feet to address compatibility with the Daughtreys Creek neighborhood. The Future Land Use designation of Suburban allows up to 6 dwelling units per acre; 197 dwelling units on the subject property.

Comments raised from attendees included:

- The primary concern expressed was regarding traffic, congestion, school bus pick-up/drop-off, bicycle/pedestrian safety along Bayshore Road. The Applicant noted they would investigate existing traffic conditions in further detail and plan for school pick-up/drop-off.
- There was a question regarding whether an addition protected species survey will be conducted as community members have seen increased wildlife relocating due to the increased development in the area. The Applicant responded that an additional protected species survey will be required at the time of local construction permitting (Development Order)
- Concern was expressed as to whether any improvements would be made to Bayshore Road to mitigate traffic and accidents (i.e. a turn lane for the development. The Applicant noted further investigation of planned improvements would be completed.

ATTACHMENT H

- Residents of the Daughtreys Creek community expressed concern over impacts the proposed development could have on stormwater drainage for their community as this community experienced flooding during Hurricane Ian. An explanation was given of the stormwater management system and additional permits required to ensure adjacent properties do not receive more stormwater than in current conditions.;
- A question was asked regarding the proposed buffers and how the proposed development would impact views from their homes. The Applicant explained the shrubs and trees required in the perimeter buffers.
- Two members of the North Fort Myers Planning Panel were in attendance and inquired as to whether or not the proposed development would be presented to the Panel. The Applicant committed to attending and presenting the project at a North Fort Myers Planning Panel meeting
- A community member asked if the rezoning could be approved for the proposed single-story multifamily and then be constructed as a three-story garden-style development. The Applicant confirmed if the master concept plan or development standards changed substantially, a public hearing change to the zoning would be required by the County.
- A question was asked to the developer as to whether they would be constructing and managing the property or if they property would be sold post development. The developer confirmed their intent for developing the property as well as the long-term management of the property.
- Community members asked about the developer's current portfolio of build-to-rent communities, they typical income and demographics of their renters, and the long-term management and upkeep of their properties. The Applicant provided an additional presentation on their communities, including demographics and income levels.
- There was a question regarding the timeframe for the rezone and construction. It was noted construction would not commence until 2025.
- There was a question regarding the proposed project's impact on surrounding property values. It was noted the single-family scale of the units and quality design would not detract from property values.

Following the discussion and public comment, the Applicant thanked the attendees and provided contact information. The meeting was concluded at approximately 6:45 p.m.

THANK YOU for your submission!

Your notice has been submitted for publication. Below is a confirmation of your order. You will also receive an email confirmation.

ORDER DETAILS**PREVIEW FOR AD NUMBER LSAR00325920****Order Number:**

LSAR0032592

Order Status:

Submitted

Classification:

Public Notices

Package:

General Package

Final Cost:

147.34

Payment Type:

American Express

User ID:

L0042052

External User ID:

1125689

ACCOUNT INFORMATION

Alexis Crespo

28100 Bonita Grande DR ATTN: ALEXIS CRESPO

Bonita Springs, FL 34135-6219

239-405-7777

jmedina@rviplanning.com

RVI Planning, Inc

Contract ID:

PAYMENT DETAILS

American Express*****2400

TRANSACTION REPORT**Date**

November 6, 2023 8:19:11 AM EST

Amount:

147.34

ADDITIONAL OPTIONS**NOTICE OF PUBLIC INFORMATION MEETING**

DATE: Monday, November 27, 2023

TIME: 5:30 PM

ADDRESS: 2000 North Recreation Park Way, North Fort Myers, FL 33917

Black Spider Land Company, LLC, the owner of $\pm$ 34.8-acres of real property located at 7150 & 7200 Bayshore Road, is holding a Neighborhood Information Meeting after making initial application for a Planned Residential Development Rezone. The property is located east of Bayshore Road, .25 miles north-east of the Bayshore/Samville Road intersection. The Planned Development Rezone proposes to rezone the property from RS-1 and AG-2 to Residential Planned Development (RPD) to allow for a maximum of 180 dwelling units with a maximum building height of 35 feet. The RPD rezone application proposes a residential project consisting of build-to-rent multifamily detached dwelling types with associated amenities and infrastructure.

The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.

For questions please contact:

RVI Planning. c/o Tom Sacharski, AICP

8725 Pendery Place, Suite 101, Bradenton, FL 34201

(941) 706-6132 OR tsacharski@RVIPlanning.com

Publication Dates

L00000000

<< Click here to print a printer friendly version >>

Exhibit B

1 Affidavit

SCHEDULE FOR AD NUMBER LSAR00325920

November 13, 2023
Fort Myers News-Press

[Privacy Policy](#)

[Terms of Service](#)

[Contact Us](#)

i-Publish® AdPortal: v2.6

©2022 iPublish Media Solutions, LLC

BAYSHORE 31 RESIDENTIAL PLANNED DEVELOPMENT

COMMUNITY MEETING
NOVEMBER 27, 2023 – 5:30 p.m.

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
Bill + Barb Walker	N.F.T. Myers Fl.	
Debra Coveea	7981 Deni Dr. NFM	Babdebdan@msn.com
Charles Krebs	2524 Tangle Ln	CKrebs@Dawman.com
Steve Sexton	7981 Dan:lin Circle NFM	Bxob@comcast.net
DANE STEED	7456 DANA LIN CIR N.F.M.	dane.steed@yahoo.com
Dave Thirion	7468 DANA LIN Circle N.F.M.	davethirion@gmail.com
Karen Orlando	7981 Deni Dr NFM	Koretired@yahoo.com

BAYSHORE 31 RESIDENTIAL PLANNED DEVELOPMENT

COMMUNITY MEETING NOVEMBER 27, 2023 – 5:30 p.m.

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
Jessica WASKO	7480 Dana Lin Cir N. Ft. Myers, FL 33917	styleiconjess@gmail.com
Ann & Doug GARCIA	7216 Pelos Cir N. Ft. Myers, FL	
Amido Beecroft	7460 Dana Lin Cir NFM 33917	ALBEECROFT@YAHOO.COM
Logan Nelson	7464 Dana Lin Cir NFM 33917	Logan Nelson I@gmail.com
Greg Coggino	7424 Dana Lin Cir NFM 33917	
Amos Cogswell	7319 Seaw LN	
Rob Roylson	7317 Seaw LN	

BAYSHORE 31 RESIDENTIAL PLANNED DEVELOPMENT

COMMUNITY MEETING
NOVEMBER 27, 2023 – 5:30 p.m.

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
Steve Bonnet	7422 Dunwoody Ln	Steve Bonnet 575 HSH, Corp
Ron Glickson	7320 Seaview Ln	Rob Hulse

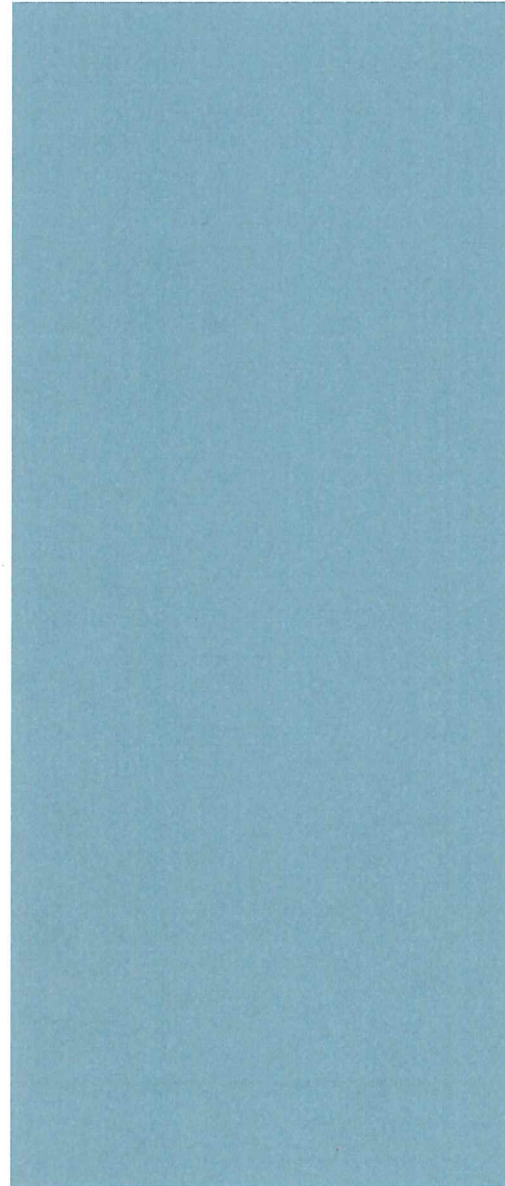
Exhibit D



BAYSHORE 31

RESIDENTIAL PLANNED DEVELOPMENT

Neighborhood Informational Meeting
November 27, 2023



An aerial photograph of a landscape featuring a winding river, green fields, and some industrial or agricultural structures. The text 'Exhibit D' is visible in the upper center.

Exhibit D

- ❖ Chris King – Land America, LLC
- ❖ William Hulton - NexMetro
- ❖ Tom Sacharski, AICP – RVi Planning & Landscape Architecture
- ❖ Carl Barraco – Barraco & Associates
- ❖ Ted Treesh – TR Transportation Consultants

PROJECT TEAM

Bayshore 31 RPD

LOCATION MAP



- ❖ +/- 34.8 acres
- ❖ Zoned RS-1 & AG-2
- ❖ Future Land Use Suburban & Wetlands
- ❖ Located within North Fort Myers Planning Community

LUXURY LEASED HOMES - REDEFINED

- ❖ 1-, 2-, & 3-bedroom cottage-style rental homes with private outdoor living space
- ❖ 1- story maximum building height to complement surrounding single-family communities
- ❖ Higher end housing compared to typical apartment housing
- ❖ Designed for those seeking luxury. Our community offers an array of upscale amenities and finishes both inside and outside the home.



Exhibit D

LUXURY LEASED HOMES – REDEFINED



FRONT ELEVATION
ELEVATION 14' x 12'



FRONT ELEVATION
ELEVATION 14' x 12'



FRONT ELEVATION
ELEVATION 14' x 12'



FRONT ELEVATION
ELEVATION 14' x 12'



FRONT ELEVATION
ELEVATION 14' x 12'



FRONT ELEVATION
ELEVATION 14' x 12'



FRONT ELEVATION
ELEVATION 14' x 12'



FRONT ELEVATION
ELEVATION 14' x 12'

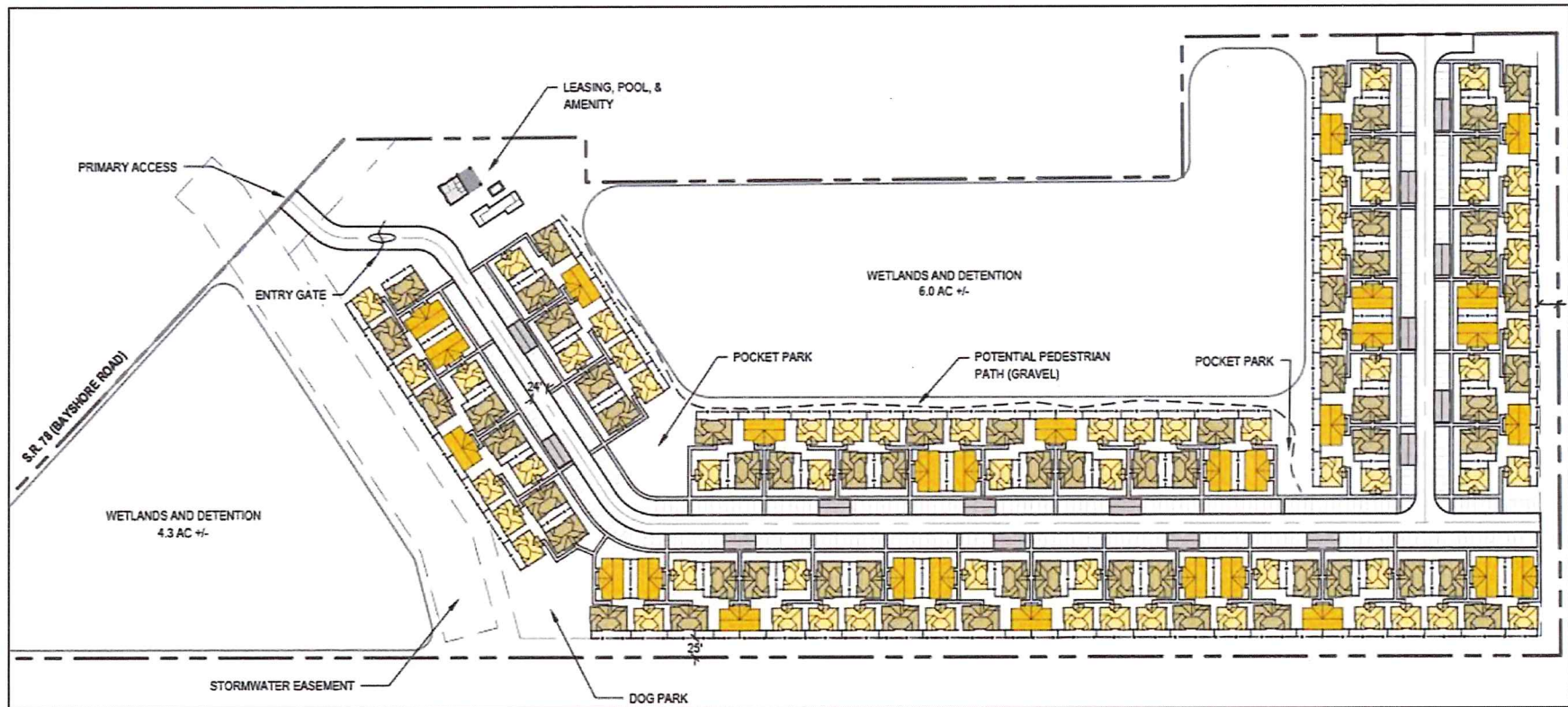


FRONT ELEVATION
ELEVATION 14' x 12'

LUXURY LEASED HOMES – REDEFINED



CONCEPT PLAN



CONCEPT PLAN

INTAINED

15' TYPE B BUFFER

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

RES

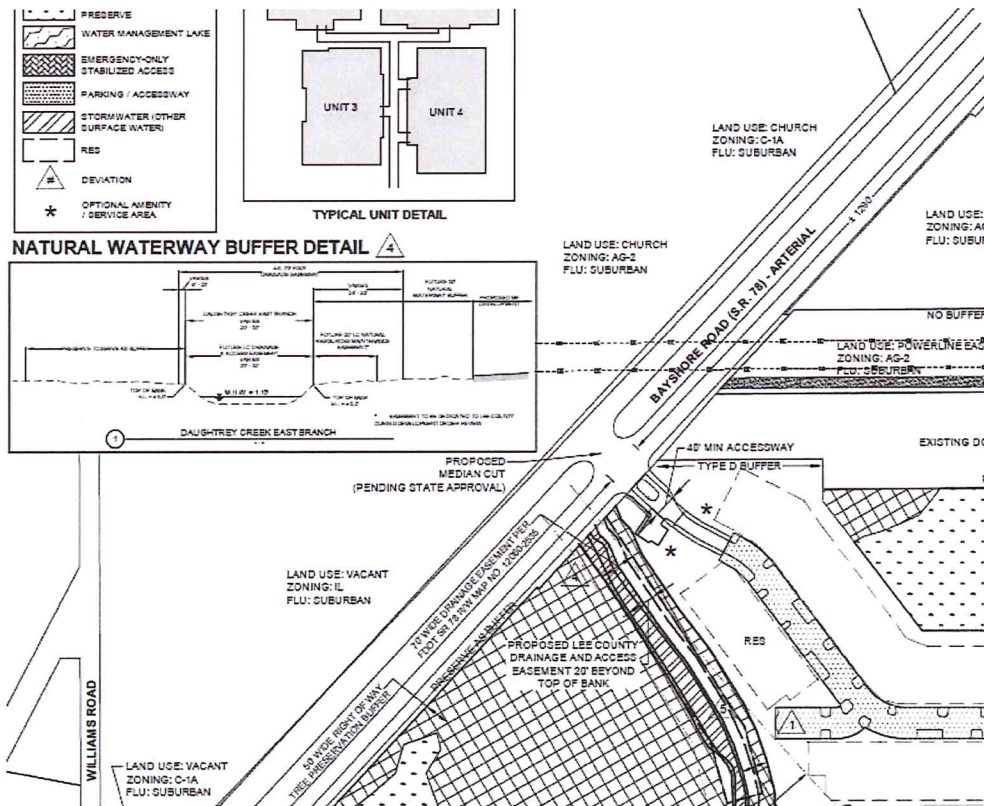
ENVIRONMENTAL

- ❖ No protected species found onsite
- ❖ Wetlands:
 - ❖ 6.49 acres existing
 - ❖ 4.38 acres preserved
- ❖ 1.30 acres of surface water
- ❖ 50' natural waterway buffer provided to Daughtrey Creek



Exhibit D

TRANSPORTATION



- Access from Bayshore Road – four-lane divided arterial roadway.
- Current Level of Service (LOS) “C” – proposed development LOS to remain at “C”
- Entrance to be “left-in/right-in/right-out” onto Bayshore Road
- Turn lanes to be addressed through FDOT permitting

NEXT STEPS

- ✓ RPD Application Submittal to Lee County
- ✓ Neighborhood Informational Meeting
- Staff Review
- Hearing Examiner (HEX) Public Hearing
- Board of County Commissioners (BoCC) Public Hearing and final decision



Legend

Leyenda / Lejand

- Transfer Location
- Publix
- Library
- Place of Interest



- 1 Stockton & Cleveland
- 2 Laurel & Garden
- 3 Tucker & Ebson
- 4 Bayshore & Hart
- 5 Bayshore & Coon
- 6 Pine Island & Business 41
- 7 North Ft. Myers Library
- 8 Pondella & Business 41

ATTACHMENT I

4 WAYS TO PAY

4 MANERAS DE PAGAR / 4 FASON POU PEYE



The **TropiCard** is a durable card that can be purchased at LeeTran Headquarters, Rosa Parks Transportation Center or any LeeTran ticket vending machine. Manage your TropiCard account at **MyTropiCard.com**

La **TropiCard** es una tarjeta duradera que se puede comprar en la sede de LeeTran, el centro de transporte Rosa Parks o en cualquier maquina expendedora de boletos de LeeTran. Administre su cuenta de TropiCard en **MyTropiCard.com**

TropiCard la se yon kat ki dirab ou ka achte nan biwo jeneral LeeTran, Rosa Parks Transportation Center oswa nan nenpòt lòt distribitè otomatik tikè LeeTran. Ou ka jere kont TropiCard ou a nan **MyTropiCard.com**

The **LeeFare app** can be downloaded through the Apple or Android stores. The app is a standalone payment option that requires only a mobile device for use.

La aplicación **LeeFare** se puede descargar a través de las tiendas de Apple o Android. La aplicación es una opción de pago independiente que solo requiere un dispositivo móvil para su uso.

Ou ka telechaje **aplikasyon LeeFare** la nan app store Apple oswa Android. Aplikasyon an se yon opsyon pou pèman otònòm kote ou senpleman bezwen yon aparèy mobil pou itilize l.



Limited Use Passes are available in single or multi-trip/day options. They can be purchased at LeeTran Headquarters, Rosa Parks Transportation Center or any LeeTran ticket vending machine.

Limited Use Passes están disponibles en opciones de uno o varios viajes/día. Se pueden comprar en las oficinas centrales de LeeTran, en el centro de transporte de Rosa Parks o en cualquier máquina expendedora de boletos de LeeTran.

Limited Use Passes disponib nan opsyon vwayaj sen oswa plizyè vwayaj nan yon jounen. Ou ka achte yo nan biwo jeneral LeeTran, Rosa Parks Transportation Center oswa nan nenpòt lòt distribitè otomatik tikè LeeTran.



Cash is still accepted on all buses. Remember, the fare box does not provide change so make sure you have the exact fare amount.

Todavía se acepta **efectivo** en todos los autobuses. Recuerde, el cuadro de tarifa no proporciona cambio, así que asegúrese de tener el monto exacto de la tarifa.

Yo toujou aksepte **lajan kach** nan tout otobis yo. Sonje bwat kote w depoze lajan an apa bay monnen kidonk asire w ou gen montan egzat pou vwayaj la.



(239) 533-8726 (LEE-TRAN)

RideLeeTran.com

LT230810176 RT590

No

Mo

Serving

- Merchants
- Vicinity
- Suncoast A

Transfer Po
Puntos de Transf

Stockton
Cleveland

Merchan
Crossin

Planning yo
T



Updated 08/



PERSONAL | PASSIONATE | PROGRESSIVE

THE SCHOOL DISTRICT OF LEE COUNTY

Jacqueline Heredia

District Planning Specialist

2855 Colonial Boulevard, Fort Myers, FL 33966 | O: 239.335.1494

October 3, 2023

Chahram Badamtchian
Lee County Southwest Florida
1500 Monroe Street
Fort Myers, FL 33901

RE: Bayshore 31 RPD

Dear Chahram Badamtchian:

This letter is in response to your request for concurrency review dated September 28, 2023 for the subject property in the Bayshore 31 RPD in regard to educational impact. The project is located in the West Choice Zone.

This development is a request for 180 multi-family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For multi-family homes, the generation rate is .116 and further broken down by grade level into the following, .058 for elementary, .028 for middle and .03 for high. A total of 20.88 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacity is an issue within the Concurrency Service Area (CSA) at the high school level, however, capacity is available in the adjacent CSA.

Thank you and if I may be of further assistance, please contact me at 239-335-1494

Sincerely,

Jacqueline Heredia, District Planning Specialist

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY Lee County School District
NAME/CASE NUMBER DCI2022-00037
OWNER/AGENT Lee County Southwest Florida
ITEM DESCRIPTION Baysore 31 RPD

LOCATION 29-43-25-00-0004.0000; 29-43-25-00-00001.0010
ACRES 34.80
CURRENT FLU
CURRENT ZONING RPD

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
	180	0

STUDENT GENERATION

Student Generation Rates			
SF	MF	MH	Projected Students
0.149	0.058		10.44
0.071	0.028		5.04
0.077	0.03		5.40
Source: Lee County School District, September 8, 2018 letter			

CSA SCHOOL NAME 2022/23

	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
East CSA, Elementary	14,234	14,026	208	10	198	99%	
East CSA, Middle	7,293	6,912	381	5	376	95%	
East CSA, High	9,536	8,492	1,044	5	1039	89%	
(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan finding of capacity)							
School Concurrency Manual							

Prepared by: Jacqueline Heredia , District Planning Specialist

Board of
Commissioners

Leroy Nottingham
Chairman

Danny Ballard
Vice-Chairman

Robert Hoke
Sec. - Treasurer

Tom Mere

Mike Gatewood



P.O. Box 3507 * 2900 Trail Dairy Circle
N. Ft. Myers, FL 33918-3507
(239) 997-8654 (239) 995-3757 fax

Administration

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 Pendery 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

Date: February 20, 2024

To: Chahram Badamtchian, Senior Planner

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

Subject: DCI2022-00037
Natural Resources Staff Report and Conditions for Bayshore 31 RPD
STRAP# 29-43-25-00-00004.0000 and 29-43-25-00-00001.0010

The request is to rezone ±31.5 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow up to 180 dwelling units. The Surface Water Management Narrative provided by the applicant, states that stormwater will be directed to the onsite lake prior to being discharged into the adjacent indigenous preserve while the north parcel will continue to be utilized as an FPL easement and sheet flow to the isolated wetlands and Bayshore Road Right-of-Way. The undeveloped western portion of the project will be maintained as a preserve and will continue to sheet flow towards Daughtrey Creek East Branch. This conceptual design is consistent with **Lee Plan Policy 60.4.1** which encourages new developments to design surface water management systems with Best Management Practices including, but not limited to, filtration marshes, grassed swales with planted native or Florida Friendly Landscaping vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways. As well as **Lee Plan Policies 60.4.2** and **60.4.3**, which encourage new developments to incorporate existing wetland systems into their surface water management system and preserve natural flow-ways. Daughtrey Creek East Branch conveys offsite flows through the property and will be preserved. **Lee Plan Policy 61.3.3** states that floodways should be as unobstructed as possible. A portion of the property falls within a FEMA Regulatory Floodway, but the applicant is not proposing any impacts within the Floodway, consistent with policy 61.3.3.

Daughtrey Creek East Branch bisects the property and conveys offsite flows through property. To comply with LDC 10-328 the applicant is proposing to dedicate a portion of land, currently within a drainage easement dedicated to Florida Department of Transportation (FDOT), to Lee County as depicted in the cross section on the Master Concept Plan. The drainage and access easement must allow Lee County the right, but not the obligation, to maintain Daughtrey Creek East Branch. To maintain consistency with LDC 10-328 regarding drainage easements, staff recommends the following condition:

Prior to issuance of a local development order, the developer must submit a draft drainage and access easement in favor of Lee County. The drainage and access easement must permit Lee County access to the flowway to allow the right but not the obligation to maintain the flowway per LDC 10-328. The draft drainage and access easement must be executed prior to the issuance of a certificate of completion for the project.



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 Penderly 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		Acres
2. a. Preserved freshwater wetlands	<u>4.39</u>	Acres
b. Impacted wetlands	<u>2.10</u>	Acres
c. Preserved saltwater wetlands		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		Acres
4. Non-residential use areas ^{(1) (2)}		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		Acres
b. Intensive Development – preserved freshwater wetlands		Acres
c. Intensive Development – impacted wetlands		Acres
2. a. Central Urban – upland		Acres
b. Central Urban – preserved freshwater wetlands		Acres
c. Central Urban – impacted wetlands		Acres
3. a. Urban Community or Suburban – upland		Acres
b. Urban Community or Suburban – preserved freshwater wetlands		Acres
c. Urban Community or Suburban – impacted wetlands		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)		Units
1.	Standard Units	Max. standard density		
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 1. Medical 2. General Office 3. Retail 4. Other: _____ 5. TOTAL FLOOR AREA	Height _____ _____ _____ _____	Total Floor Area (Square Feet) _____ _____ _____ _____
B. Industrial 1. Under Roof 2. Not Under Roof 3. TOTAL FLOOR AREA	Height _____ _____	Total Floor Area (Square Feet) _____ _____
C. Mining 1. Area to be excavated	Depth _____	Total Acres _____
D. Assisted Living Facilities 1. Dependent Living Units 2. Independent Living Units 3. TOTAL BEDS/UNITS	Height _____ _____	Total Beds/Units _____ _____
E. Hotels/Motels (Room Size) 1. < 425 sq. ft. 2. 426-725 sq. ft. 3. 725 < sq. ft. 4. TOTAL UNITS	Height _____ _____ _____	Total Rental 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]



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 ± 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.



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

ATTACHMENT N

CONTENTS

- 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.



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.

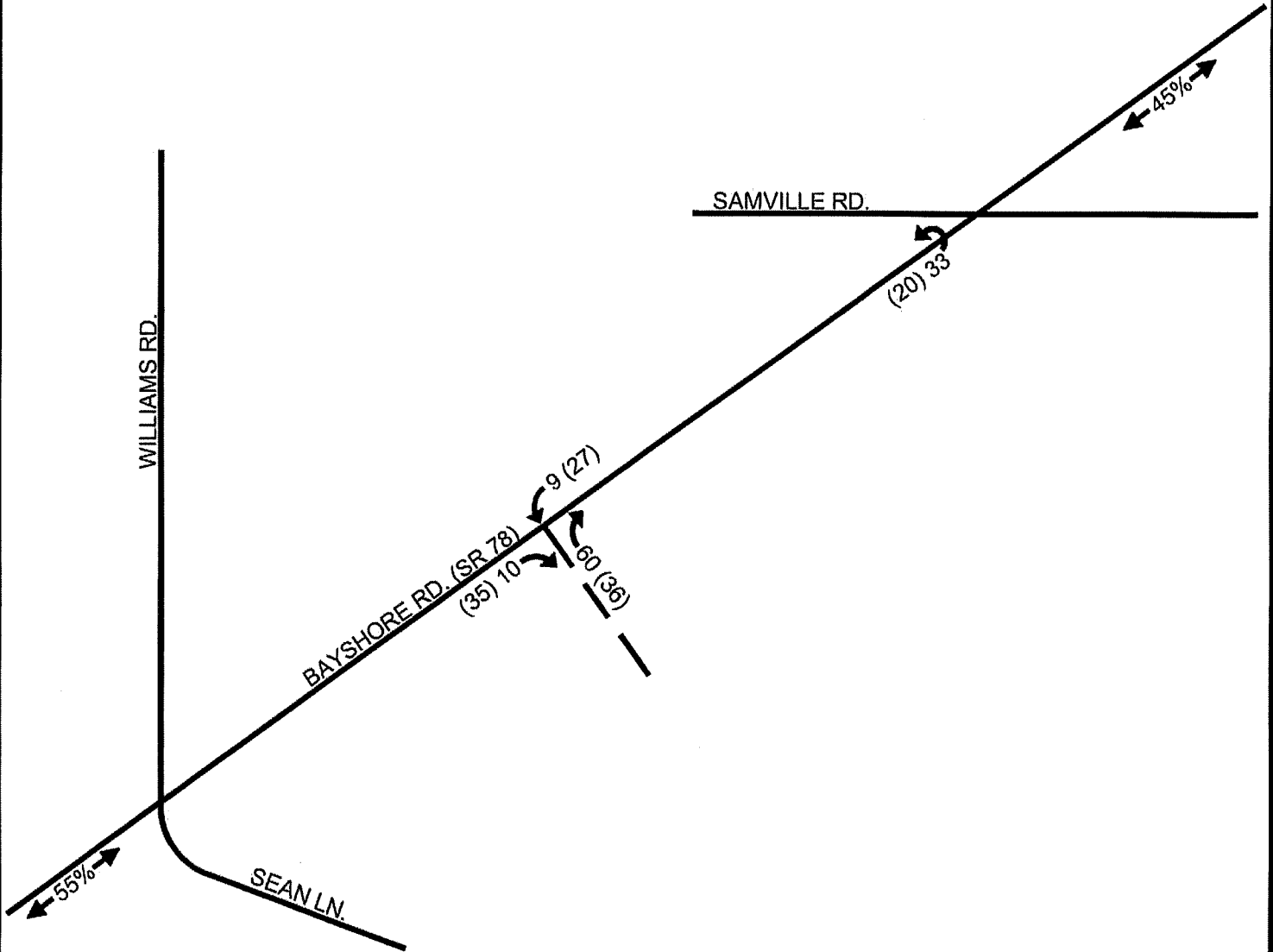
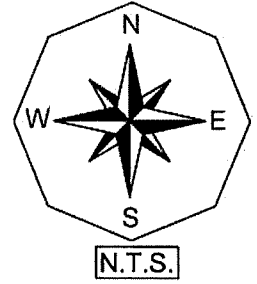
IV. TRIP GENERATION

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.



LEGEND

- ← 000 WEEKDAY AM PEAK HOUR SITE TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR SITE TRAFFIC
- ← 20% → PERCENT TRIP DISTRIBUTION

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.

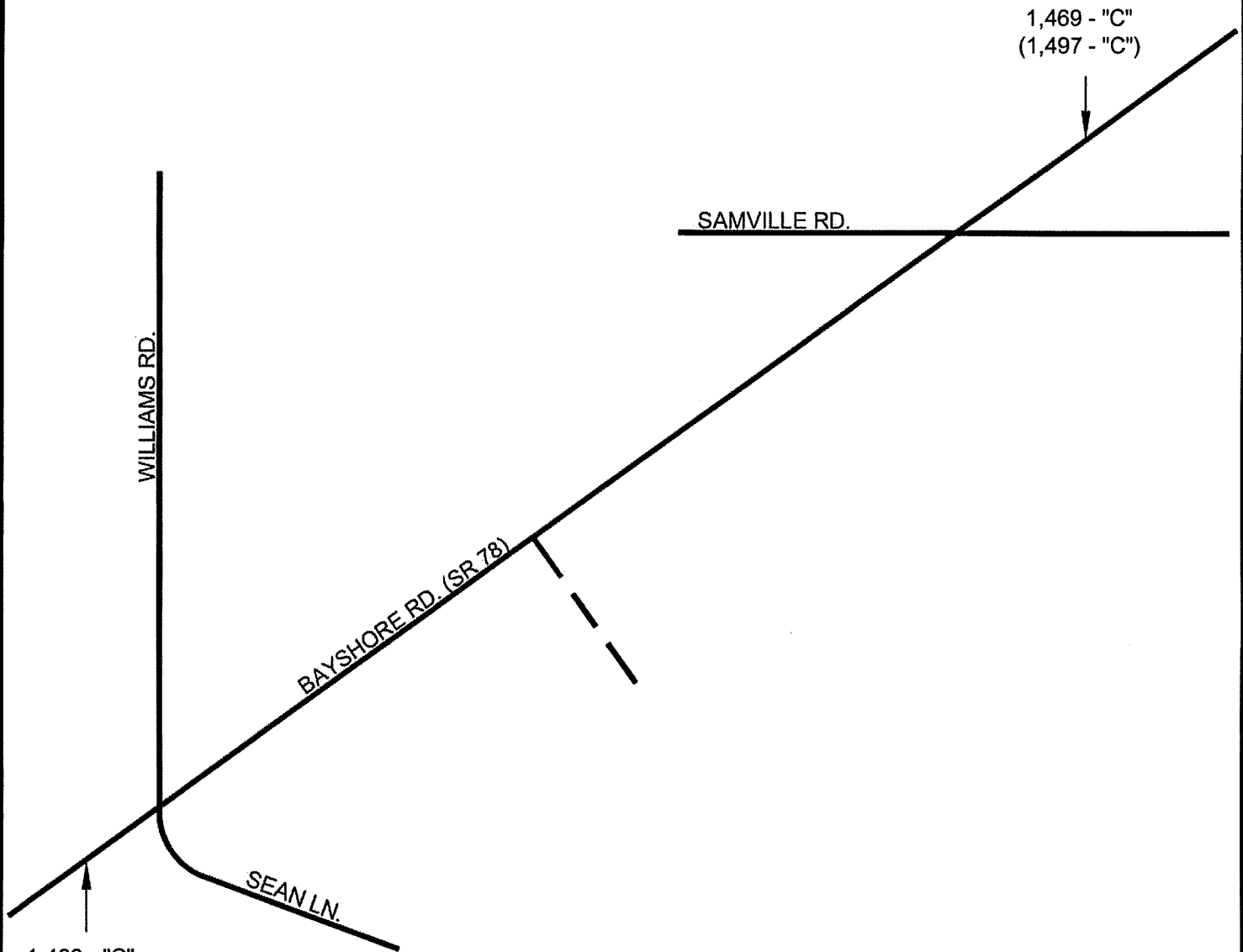
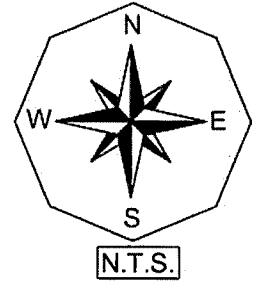
VI. LEVEL OF SERVICE ANALYSIS

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.



LEGEND

XXX - "X" 2027 PEAK SEASON PEAK HOUR PEAK DIRECTION
BACKGROUND TRAFFIC AND LEVEL OF SERVICE
DESIGNATION

(XXX - "X") 2027 PEAK SEASON PEAK HOUR PEAK DIRECTION
BACKGROUND PLUS PEAK DIRECTION PROJECT
TRAFFIC AND LEVEL OF SERVICE DESIGNATION

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>	PERCENT	<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)

 - 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>	2014							2021	2027					
		COUNT	BASE YR	2021	YRS OF	ANNUAL	PK SEASON	PROJECT	AM PROJ	PM PROJ	FUTURE PLANNING ANALYSIS				
		<u>STATION</u>	<u>ADT</u>	<u>ADT</u>	<u>GROWTH</u>	<u>RATE</u>	<u>PEAK DIR.¹</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>TRAFFIC</u>	<u>BACKGROUND</u>	<u>BCKGRND + PROJ</u>	<u>LOS</u>	<u>LOS</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

INTERRUPTED FLOW FACILITIES

STATE SIGNALIZED ARTERIALS

Class I (40 mph or higher posted speed limit)

Lanes	Median	B	C	D	E
1	Undivided	*	830	880	**
2	Divided	*	1,910	2,000	**
3	Divided	*	2,940	3,020	**
4	Divided	*	3,970	4,040	**

Class II (35 mph or slower posted speed limit)

Lanes	Median	B	C	D	E
1	Undivided	*	370	750	800
2	Divided	*	730	1,630	1,700
3	Divided	*	1,170	2,520	2,560
4	Divided	*	1,610	3,390	3,420

Non-State Signalized Roadway Adjustments

(Alter corresponding state volumes by the indicated percent.)

Non-State Signalized Roadways - 10%

Median & Turn Lane Adjustments

Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors
1	Divided	Yes	No	+5%
1	Undivided	No	No	-20%
Multi	Undivided	Yes	No	-5%
Multi	Undivided	No	No	-25%
-	-	-	Yes	+ 5%

One-Way Facility Adjustment

Multiply the corresponding directional volumes in this table by 1.2

BICYCLE MODE²

(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 MODE²

(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

UNINTERRUPTED FLOW FACILITIES

FREEWAYS

Core Urbanized

Lanes	B	C	D	E
2	2,230	3,100	3,740	4,080
3	3,280	4,570	5,620	6,130
4	4,310	6,030	7,490	8,170
5	5,390	7,430	9,370	10,220
6	6,380	8,990	11,510	12,760

Urbanized

Lanes	B	C	D	E
2	2,270	3,100	3,890	4,230
3	3,410	4,650	5,780	6,340
4	4,550	6,200	7,680	8,460
5	5,690	7,760	9,520	10,570

Freeway Adjustments

Auxiliary Lane + 1,000 Ramp Metering + 5%

UNINTERRUPTED FLOW HIGHWAYS

Lanes	Median	B	C	D	E
1	Undivided	580	890	1,200	1,610
2	Divided	1,800	2,600	3,280	3,730
3	Divided	2,700	3,900	4,920	5,600

Uninterrupted Flow Highway Adjustments

Lanes	Median	Exclusive left lanes	Adjustment factors
1	Divided	Yes	+5%
Multi	Undivided	Yes	-5%
Multi	Undivided	No	-25%

¹Values 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.

²Level 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.

³Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.

⁴Cannot be achieved using table input value defaults.

⁵Not 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/>

**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	1,378	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	D	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	C	941	1.02	
02000	BAYSHORE RD (SR 78)	NALLE RD	SR 31	State	2LN	D	924	C	741	0.80	C	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	365	0.66	
02400	BONITA BEACH RD	HICKORY BLVD	VANDERSILT 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	D	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 TAMAMI TR, I CITY LIMITS (N END EDISON BRG))	POONDELLA RD		State	6LD	D	3,171	C	1,715	0.54	C	2,082	0.66	
04300	BUS 41 (N TAMAMI TR, I PONDELLA RD)	SR 78		State	6LD	D	3,171	C	1,715	0.54	C	2,082	0.66	
04400	BUS 41 (N TAMAMI TR, I SR 78)	LITTLETON RD		State	4LD	D	2,100	C	994	0.47	C	1,245	0.59	
04500	BUS 41 (N TAMAMI TR, I 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

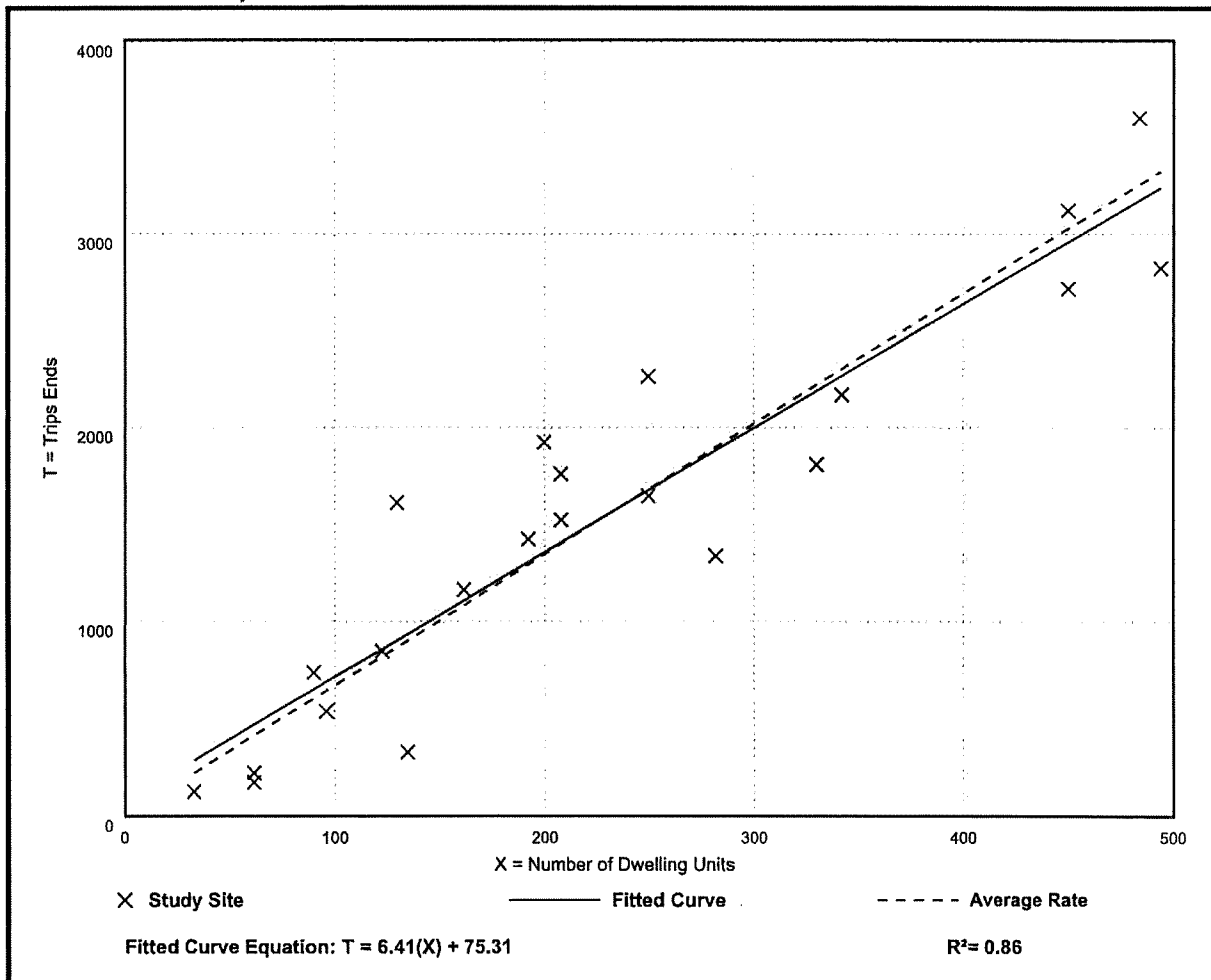
Avg. Num. of Dwelling Units: 229

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

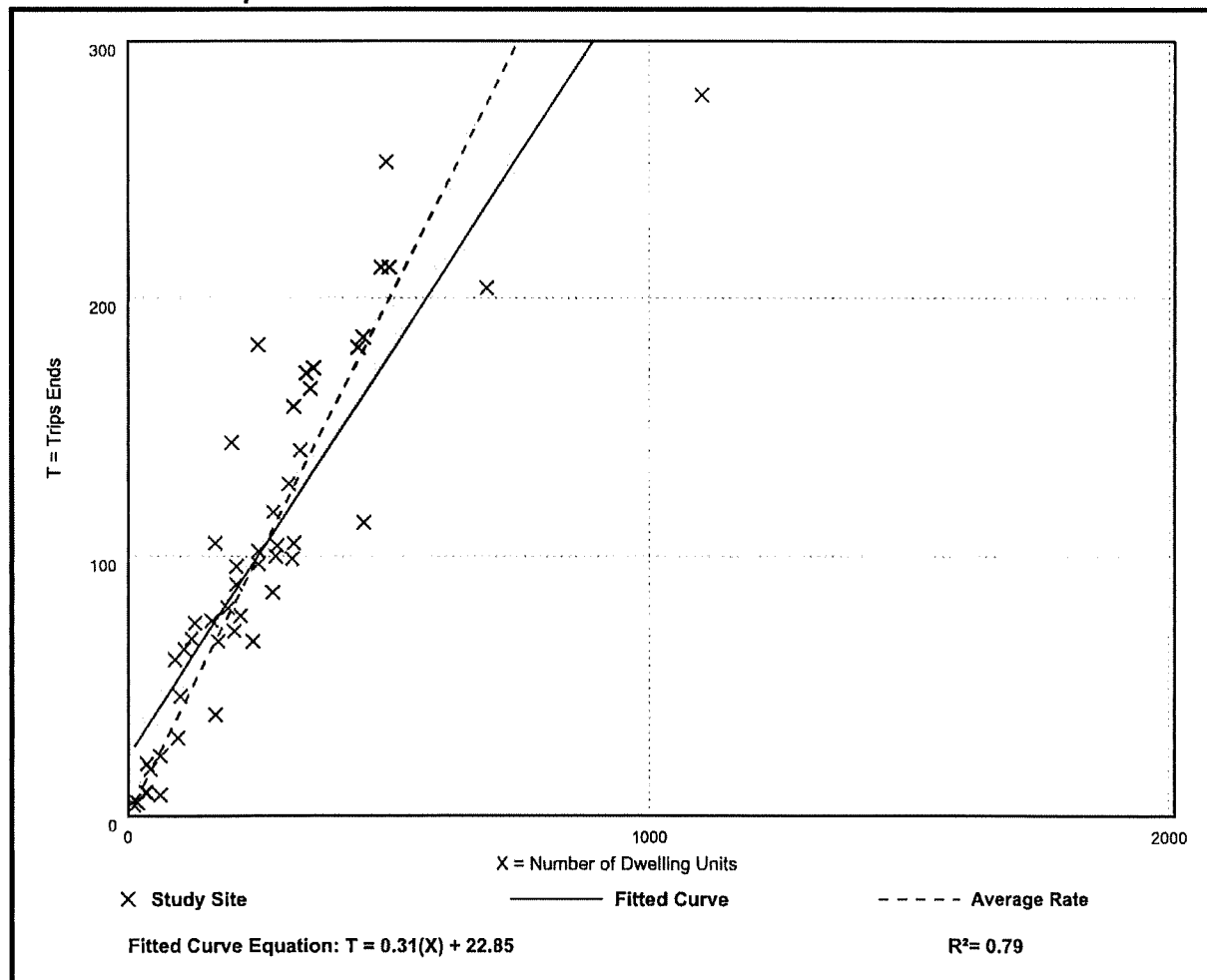
Avg. Num. of Dwelling Units: 249

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

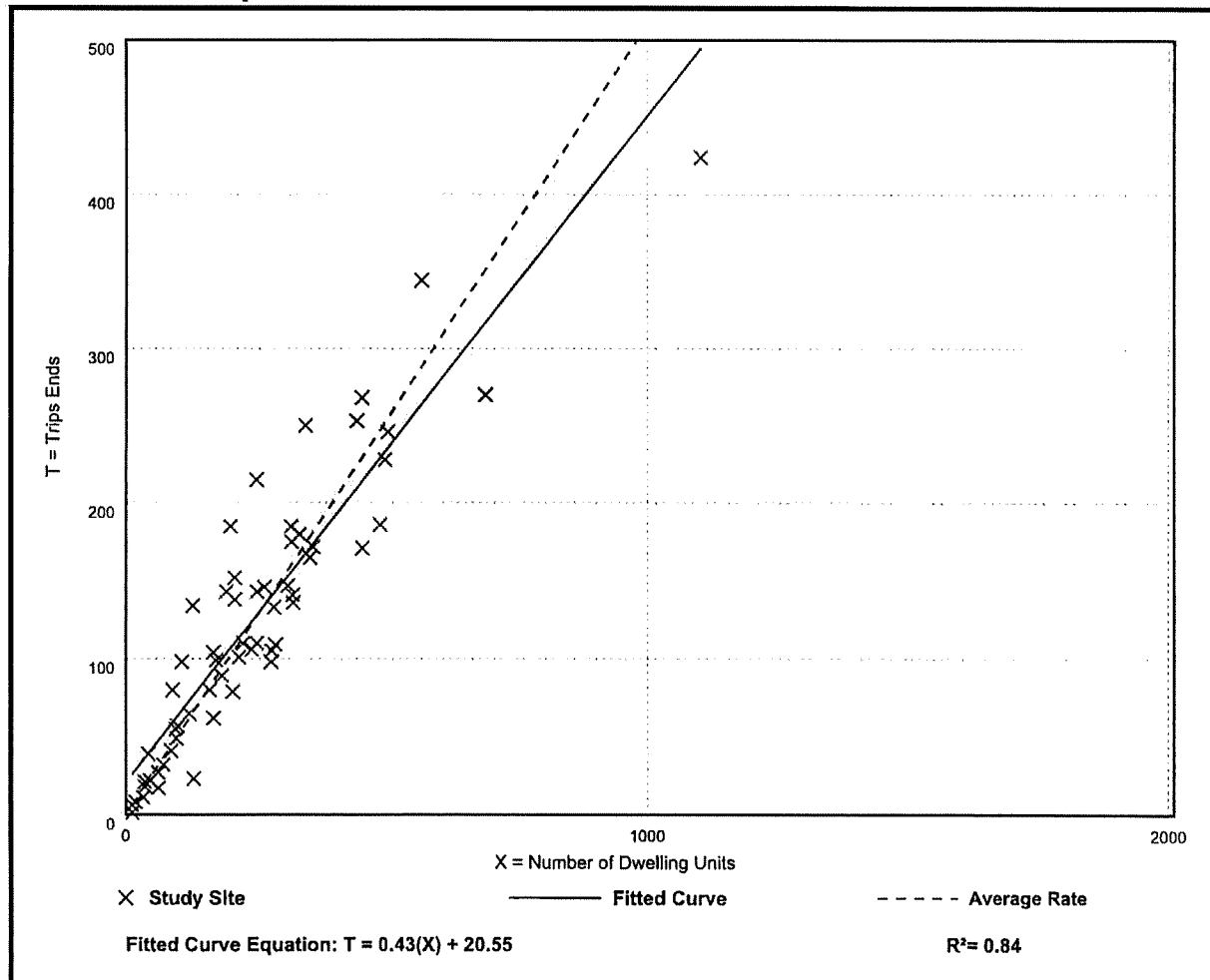


Exhibit A

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.

REVIEWED
DCI2022-00037
Rick Burris, Principal
Planner
Lee County DCD/Planning
2/13/2024



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

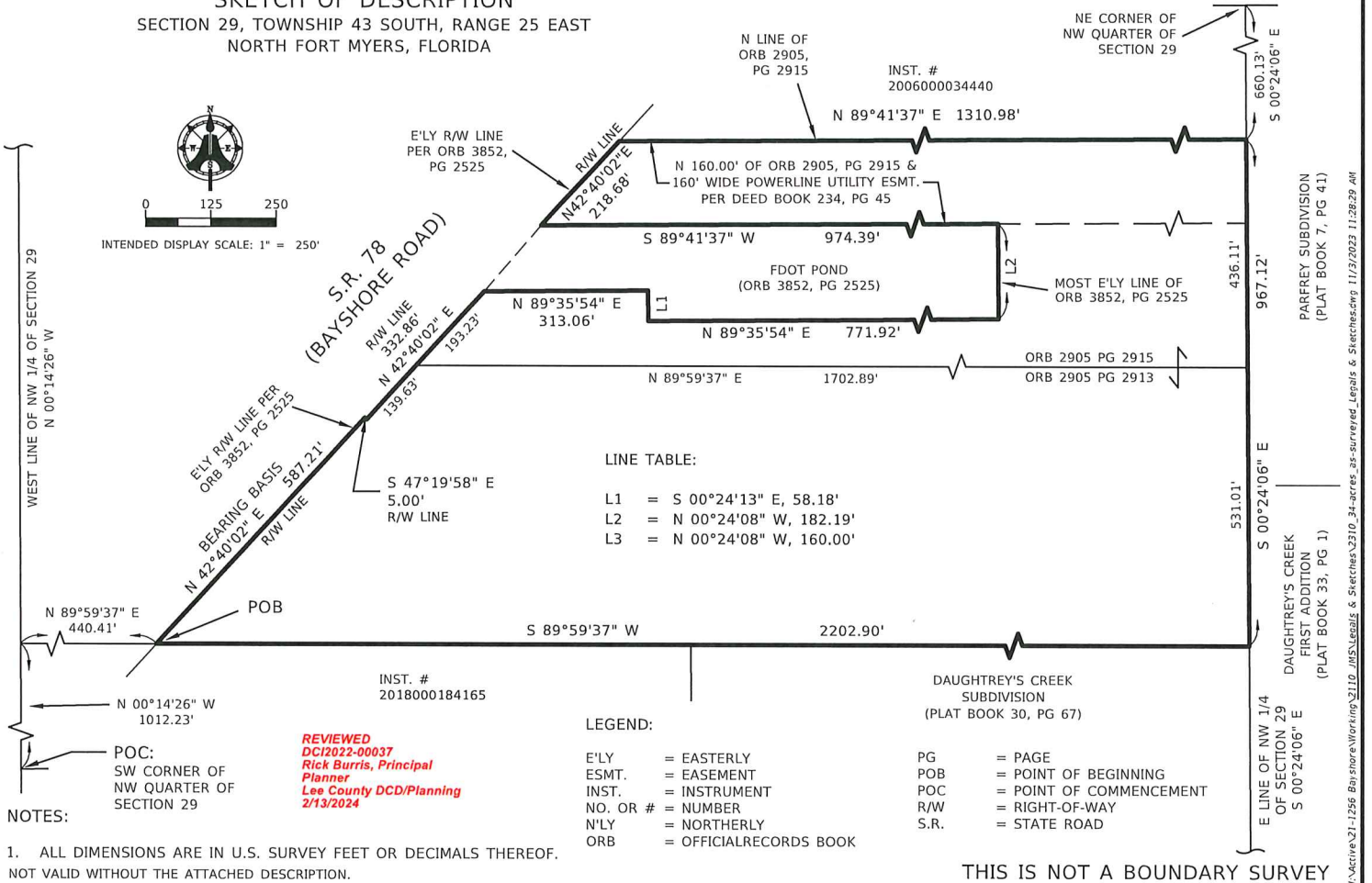
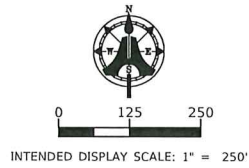
LEGAL DESCRIPTION & SKETCH 34-ACRE PARCEL

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	

ATTACHMENT O

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



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

THIS IS NOT A BOUNDARY SURVEY

I:\Active\21-1256 Bayshore\Working\2110_JNS\Legals & Sketches\2110_34-acres-as-surveyed-Legals & Sketches.dwg 11/3/2023 11:28:29 AM