

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

WHEREAS, Barraco and Associates, Inc., filed an application on behalf of the property owner, Light Bayshore Village, LLC, & Reeseretland Bayshore Village, LLC, to amend Bayshore Village Commercial Planned Development (CPD) in reference to Bayshore Village CPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised to be heard on October 11, 2023. On October 11, 2023, prior to commencing the case presentation, at the request of the Parties, the Hearing Examiner continued the hearing until December 13, 2023. On December 13, 2023, and December 14, 2023, the public hearing was held. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff to submit written submissions to her Office on or before December 21, 2023, and the Applicant to submit written submissions to her Office on or before January 5, 2024; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2022-00032 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on March 20, 2024, before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to amend Bayshore Village CPD to:

1. Increase commercial development intensity from 61,000 square feet to 100,000 square feet and up to 125 hotel units; and
2. Expand schedule of permitted uses.

The property is located in the General Interchange Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS

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

1. Master Concept Plan and Development Parameters

- a. Master Concept Plan (MCP). Development must be substantially consistent with the Master Concept Plans entitled "Master Concept Plan ALT A" or "Master Concept Plan ALT B", last revised December 29, 2023. (Exhibits C and D).
- b. Lee Plan and LDC. Development must comply with the Lee Plan and LDC except where deviations are approved herein. Subsequent amendments to the MCP or auxiliary documentation will be subject to further development review/approvals.
- c. Approved Development Parameters. Development is limited to a maximum of 92,750 square feet of non-residential floor area, to include outdoor restaurant seating. Transferable Development Units (TDUs) may not be utilized in conjunction with this approval. The site may develop up to 125 hotel rooms provided there is a reduction in commercial square footage as follows: Each hotel room reduces approved commercial intensity by 120 square feet.
- d. Superseding Resolution. This resolution supersedes and replaces Resolution Z-06-046.

2. Schedule of Uses and Property Development Regulations

a. Schedule of Uses

An asterisk (*) Indicates uses restricted to southern 400 feet of the property. Restriction does not apply if abutting northern property is zoned other than residential or agricultural.

Accessory uses and structures

Administrative offices

Animal clinic (no outdoor runs)

ATM (Automatic Teller Machine)

Auto parts store (no installation)

Automobile repair and service, Groups I, II (*) (subject to Condition 7)

Automobile service station, with or without gas pumps (*) (subject to Condition 7)

Bait and tackle shop

Banks and financial establishments, Groups I, II

Boats:

Boat parts store (limited to one)

Boat sales (subject to Condition 10)

Broadcast studio, commercial radio, and television

Building material sales

Business Services, Groups I, II

Caretaker's residence

Car wash, accessory or standalone (*)

Cleaning and maintenance services

Clothes stores, general

Clubs:

Commercial

Fraternal

Membership organization

Private

Computer and data processing services
 Consumption on premises, indoor only
 Contractors and builders, Groups I, II
 Convenience food and beverage store, with or without gas pumps and EV
 charging stations (*) (subject to Condition 7)
 Day care center, adult, child
 Department store
 Drive through facility for any permitted use (*)
 Drug store, pharmacy
 Entrance gates and gatehouses
 Emergency operations center
 EMS, fire, or sheriff's station
 Essential services
 Essential service facilities, Group I
 Excavation:
 Water retention
 Farm equipment, sales, storage, rental, or service
 Feed or fertilizer, mixing and sales
 Fences, Walls
 Food stores, Groups I, II
 Food truck park (*) (subject to Condition 13)
 Gift and souvenir shop
 Hardware store
 Health care facilities, Groups III
 Hobby, toy, and game shops
 Hotel (subject to Condition 11)
 Household and office furnishings, Groups I, II, III
 Laundromat
 Lawn and garden supply store
 Library
 Maintenance facility (government)
 Medical office
 Motion picture production studio
 Non-store retailers, All Groups
 Package store (no related consumption on premises)
 Paint, glass, and wallpaper store
 Parks, Groups I, II
 Parking lot:
 Accessory
 Park-and-ride
 Temporary
 Personal services, Groups I, II, III, & IV (Excluding Steam or Turkish Baths,
 Escort Services, Palm Readers, Fortunetellers or Card Readers)
 Pet services (No outdoor runs)
 Pet shop (No outdoor runs)
 Pharmacy
 Place of worship
 Plant nursery
 Post office
 Recreation facilities commercial, Groups I, IV (limited to gymnasiums and health
 clubs)

Religious facility
 Rental or leasing establishments, Groups I, II, III
 Repair shops, Groups I, II, III, IV (*) (subject to Condition 7)
 Research and development laboratories, Group II
 Restaurants, All Groups
 Restaurant, fast food (*)
 Schools, commercial
 Self-service fuel pumps (*) (maximum of 22 subject to Condition 7)
 Signs (subject to Condition 14)
 Social services, Groups I, II
 Specialty retail shops, All Groups
 Storage:
 Indoor
 Open (subject to Condition 10)
 Studios
 Supermarket
 Temporary uses
 Theater, indoor
 Transportation services, Groups II, III (excluding bus stations and depots)
 Used merchandise stores, All Groups
 Variety store
 Vehicle and equipment dealers, Groups I, II, III, IV (*) (subject to Conditions 7 and 10)
 Warehouse:
 Mini
 Public

Uses that require Special Exception or approval through the public hearing amendment process

Bar or cocktail lounge
 Boat storage, dry, not exceeding 18 feet above grade
 Boat storage, dry, exceeding 18 feet above grade (limited to wholly within an enclosed building not to exceed 35 feet in building height)
 Food and beverage service, limited
 Parking lot: Commercial

b. Property Development Regulations

Minimum Lot Area and Dimensions

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

Minimum Building Setbacks and Maximum Building Heights

Street, public:	50 feet
Street, private:	20 feet
Side (East):	15 feet
Rear (North):	75 feet (see Conditions 10 & 11)

Uses with Specific Development Regulations

Maximum building heights:

Hotel: 48 feet (see Condition 11)

All other buildings and structures: 35 feet (see Condition 9)

Lot Coverage: 40 percent

3. Open Space

Development order plans must depict 30 percent open space (2.63 acres). If subdivided, each development parcel must include a minimum of 10 percent open space.

4. Indigenous Preserve

Development order plans must depict the indigenous preserve area as the 75-foot-wide buffer to along the north perimeter. Following removal of exotics, developer must install native plantings must be planted to maintain proper screening along the single-family lot abutting the property to the north. Development order plans must depict 1.33 acres of indigenous open space in substantial compliance with MCP Alternates A and B and consistent with the following chart:

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

5. Indigenous Habitat Plan

Development order plans must include the following:

- a. Substantial compliance with the Indigenous Management Plan, attached as Exhibit E.
- b. Schedule for completion of indigenous preservation and restoration within five consecutive years.
- c. Map depicting location of mechanical and hand-removal of exotic vegetation. Mechanical clearing must be limited to non-indigenous areas.
- d. Planting list for preserve area, subject to approval by County Staff.
- e. Exotic removal and restoration) of indigenous habitat (supplemental plantings must begin concurrently with improvement to land. The first development order application must include supplemental planting plans that are subject to County Staff approval.

6. Gopher Tortoise Survey

Prior to development order approval, the property must be re-surveyed for the presence of gopher tortoises and their burrows. If gopher tortoises or burrows are found, developer must submit a Gopher Tortoise Management Plan with the Indigenous

Preserve Management Plan for staff review and approval. The Gopher Tortoise Management Plan must include details on habitat management and provide open herbaceous foraging areas and perpetual maintenance of the habitat. The Gopher Tortoise Management Plan must include the following:

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

7. Lee County Public Water Supply Wells

- a. Wellfield Protection Ordinance. Prior to development order approval, developer must demonstrate compliance with Lee County Wellfield Protection Ordinance.
- b. Uses Subject to Further Conditioning. The following uses have the potential to adversely impact public water supply wells and are permitted only when in compliance with the remainder of this condition.
 - i. Automobile repair and service, Groups I and II.
 - ii. Automobile service station, with or without gas pumps.
 - iii. Convenience food and beverage store, with gas pumps.
 - iv. Repair Shops, Groups IV.
 - v. Self-service fuel pumps.
 - vi. Vehicle and equipment dealers.
 - vii. Any use exceeding regulated substance thresholds in subsections c and d.
- c. Storage of Regulated Hazardous Substances. Development order plans must depict storage location and combined sum of quantities of regulated hazardous, toxic substances and sanitary hazards defined by the Wellfield Protection Ordinance. Combined sum of regulated hazardous, toxic substances and sanitary hazards within the 1-year Wellfield Protection Zone travel time must not exceed 110 gallons if the substance is a liquid or 1,110 pounds if the substance is a solid.
- d. Bulk Fuel Storage. Development Order plans must depict bulk storage of fuel in excess of 110 gallons outside of the 1-year Wellfield Protection Zone travel time.

- e. Maintenance Plan. Development Order plans must include a Maintenance Plan for review and approval by the County Division of Natural Resources. The Maintenance Plan must establish:
 - i. A quarterly containment and emergency equipment inspection schedule performed by a qualified professional.
 - ii. Annual submission of maintenance and inspection logs and records to the County Division of Natural Resources.
- f. Fuel Storage Systems – Secondary Containment. Development order plans must note fuel storage systems must be constructed with secondary containment consisting of double walled tanks and/or lines.
- g. Fuel Storage Systems – Leak Detection. Development order plans must specify fuel storage systems will be equipped with leak detection system, alarms, and a protocol to provide for shutdown of system pending leak investigation.
- h. Surface Water Quality Monitoring Plan. Development order plans must include a Surface Water Quality Monitoring Plan. The Surface Water Monitoring Plan for review and approval by the County Division of Natural Resources. And must establish the following:
 - i. Goals and Objectives of the Plan.
 - ii. Outfall monitoring schedule during “wet” season of June through September and “dry” season of October through May. The County Division of Natural Resources will establish the monitoring constituents prior to development order approval based on the final proposed uses.
 - iii. Baseline surface water quality monitoring data completed and provided to the County Division of Natural Resources prior to commencement of construction.
 - iv. Water quality monitoring data must be provided to the Division of Natural Resources annually. The data must include a report comparing State surface water quality standards, plots of parameters, and recommendations. Results must be reported as an Electric Data Deliverable (EDD) in a format approved by the Division of Natural Resources.
 - v. Contingency plan in the event of discovery of an exceedance of State Surface Water Quality Standards. The Contingency Plan must include notification to impacted residents and applicable authorities.
- i. Groundwater Quality Monitoring Plan. Development order submittals must include a Groundwater Quality Monitoring Plan for review and approval by the County Division of Natural Resources. The Groundwater Quality Monitoring Plan must establish the following:

- i. Goals and Objectives of the Plan.
- ii. Semi-annual monitoring schedule. The monitoring constituents will be determined by the County Division of Natural Resources prior to development order approval based on final proposed uses.
- iii. Groundwater monitoring wells must be installed prior to commencement of construction, consisting of two monitoring wells upstream and two monitoring wells downstream of the regulated hazardous, toxic substances and sanitary hazard storage area. Monitoring well locations and depth subject to County Division of Natural Resources approval.
- iv. Baseline groundwater quality monitoring data completed and provided to County Division of Natural Resources prior to commencement of construction.
- v. Groundwater quality monitoring data must be provided to the County Division of Natural Resources annually. The data must include a report comparing State water quality standards, plots of parameters, and recommendations. Groundwater quality monitoring must continue through the life of the Public Supply Well. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
- vi. Contingency plan in the event of discovery of an exceedance of State Water Quality Standards. The Contingency Plan must include an emergency plan and notification to impacted residents, applicable authorities, and the Director of Lee County Natural Resources.
- j. Bonding. Development Order plans must identify proposed uses and the Wellfield Protection Officer will determine if a surety bond, performance bond, letter of credit, or escrow agreement is required to cover the cost to abandon and replace the public supply well in accordance with the facility's Operating Permit, consistent with the Wellfield Protection Ordinance.

8. Masonry Wall/Berm Combination

The following requirements must be satisfied prior to development order approval:

- a. Masonry Wall. An opaque eight-foot-high masonry wall or eight-foot-high masonry wall and berm combination must be constructed within 25 feet of the south side of the indigenous preserve in areas where the following is located within 125 feet of the north property line: roads, drives, parking, refuse and recyclable material collection areas, emergency power generators, service areas for delivery of goods or services. The height of the masonry wall or masonry wall/berm combination must be measured from the top of the nearest internal paved surface.

- b. Alternative Materials. The wall/berm combination depicted on the MCPs adjacent to areas not specified in Condition 8(a) may optionally utilize an opaque composite or other non-wood wall material. Transitions between materials must maintain the required eight-foot height.
- c. Length. The wall or wall/berm combination must commence within 15 feet of the Wells Road right-of-way and extend east continuously until within 15 feet of the east property line.
- d. Exception. This condition is inapplicable if the abutting property to the north is not utilized for single-family residential uses at time of development order approval.
- e. Public Hearing. Modifications to this condition requires public hearing.

9. Project Building and Structure Heights

- a. Public Hearing. Development may not exceed building and structure heights specified herein unless approved via the public hearing process.
- b. LDC. LDC provisions allowing additional height with increased setbacks are inapplicable to the CPD.
- c. Setback from North Property Line. Buildings exceeding two stories must be set back 150 feet from the north property line.

10. High Intensity Uses

- a. Convenience Food and Beverage Stores, Fast-Food Restaurants, Car Washes.
 - i. Except for Deviations 5 and 6, deviations from LDC § 34-1353 must be obtained through the public hearing process.
 - ii. Convenience food and beverage stores and fast-food restaurants must be set back 50 feet from public rights-of-way; this condition also applies to restaurants with drive-through facilities.
- b. Display, sale, rental or storage of motor vehicles, boats, recreational vehicles, trailers, mobile homes, or equipment.
 - i. Deviations from LDC § 34-1352 must be obtained through the public hearing process.
 - ii. Automotive dealerships exceeding 4 acres in size or providing multi-story display or storage of vehicles must obtain approval through the public hearing process. Automotive repair and service must be located within the southern 400 feet of the property.
 - iii. Items and areas used for storage areas, display, or offered for sale or rent must be set back a minimum of minimum of 150 feet from the north property line and 50 feet from Wells Road right-of-way.

11. Hotel

Hotel uses are subject to the following conditions:

- a. Maximum Units/Conversion. Retail intensity may be converted to a maximum of 125 hotel units at a conversion rate of 1 hotel unit per every 120-square-foot reduction in the 92,750-square-foot commercial allocation. Transfer of commercial square footage to hotel units must be reviewed through the administrative amendment process.
- b. Principal Building. The project is limited to one hotel within a principal building. Ancillary and accessory structures may be developed detached from the principal structure.
- c. Room Sizes. Room sizes 725 square feet and less are equivalent to one unit. Room sizes exceeding 725 square feet are equivalent to two units.
- d. Lock-off Accommodations. Each "keyed room" will be calculated as a separate rental unit.
- e. Maximum Height. Maximum permitted height for hotel use is 48 feet. Structures accessory to the hotel are limited to a maximum permitted height of 35 feet. If the principal building exceeds 35 feet in height, then the hotel must be located in the southern 300 feet of the property, measured from the Bayshore Road right-of-way. See general height provision in Condition 9.
- f. Setbacks. Buildings must be set back a minimum of 50 feet from Bayshore Road and Wells Road rights-of-way. Hotel uses 35 feet in height or less must be set back a minimum of 150 feet from the north property line.
- g. Electric Vehicle (EV) Charging. EV Charging stations may be accessory to the hotel use, subject to development order approval.

12. Vehicular Trip Generation

Notwithstanding land use density/intensity conversions permitted by the LDC or zoning conditions herein, development intensity may not exceed the trip generation rate of 92,750 square feet of commercial retail use calculated utilizing the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at time of development order approval.

13. Food Truck Park

Food truck park may be approved through the administrative amendment and development order process. The application submittals must include a conceptual site plan meeting minimum required details for special exception site plans in the LDC. The application must include a project narrative setting forth the intended operation and any other information determined necessary by the Director.

14. Project Signs

- a. Wells Road. Ground-mounted signs on Wells Road, located greater than 300 feet from the Bayshore Road edge of pavement, are limited to monument signs and instructional signage not to exceed 8 feet in height.
- b. Electronic Changing Message Centers (ECM). ECM signs are restricted to areas within 50 feet of the Bayshore Road right-of-way.
- c. Interior Directional Signs. Interior directional signs must comply with the LDC.

15. Wells Road Access

The MCP depicts access to Wells Road in excess of 250 feet from the north property line. The Wells Road access is subject to final design of the anticipated FDOT reconfiguration of Wells Road. If the Wells Road access must be shifted north due to reasons beyond the control of the developer, developer may obtain an administrative amendment to the MCP relocating the access provided the relocated access is no closer than 200 feet from the north property line.

16. State/Federal Permits

County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

SECTION C. DEVIATIONS:

1. Excavation Setback. Deviation (1) seeks relief from the LDC § 10-329, which requires an excavation setback of 50 feet from private property lines under separate ownership, to allow a 30-foot excavation setback from the eastern perimeter. This deviation is APPROVED, SUBJECT TO the following condition:

Limited to easterly commercially zoned property and the easterly abutting AG-2-zoned parcel fronting Bayshore Road if the AG-2 parcel is not developed with single-family residential uses at time of development order approval.

2. Commercial Parking Lot Interconnections. Deviation (2) seeks relief from the LDC § 10-610(e), which requires adjacent commercial uses to provide parking lot interconnections for automobile, bicycle, and pedestrian traffic, to allow no interconnection with the abutting CPD approved by Resolution Z-10-036 (Maximus Self-Storage, formerly W & W Service Park). This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. The easterly parking lot interconnection on the MCPs must be made at time of development order approval if the easterly abutting property is zoned and developed commercial.
 - b. If the eastern abutting property is zoned for commercial uses but is not developed at time of development order approval, the approved development

order plans must depict a parking lot interconnection stub to the property line. Developer must construct the parking lot interconnection prior to receipt of a Certificate of Completion.

- c. If the eastern property is not zoned for commercial uses, developer must construct a 24-foot-wide cross-access easement for future parking lot interconnection. The easement language must be acceptable to the County Attorney's Office, executed and recorded in the Public Records prior to approval of building permits.
3. Deviation (3) is WITHDRAWN.
4. Minimum Lot Frontage. Deviation (4) seeks relief from the LDC § 34-1353(c)(1), which requires a minimum lot width of 150 feet for fast food restaurants and car washes to allow a 100-foot lot width. This deviation is APPROVED, SUBJECT TO Condition 10.
5. Minimum Lot Area. Deviation (5) seeks relief from the LDC § 34-1353(c)(3), which requires a minimum lot area of 25,000 square feet for fast food restaurants and car washes to allow a minimum lot area of 15,000 square feet. This deviation is APPROVED, SUBJECT TO Condition 10.
6. Landscape Standards – Buffering Adjacent Property. Deviation (6) seeks relief from the LDC § 10-416(d)(3), which requires a Type "C" or Type "F" Buffer when commercial land uses abut residential land uses, to allow the indigenous preserve to function as a planted buffer along the north property. This deviation is APPROVED, SUBJECT TO the following condition:
 - a. If the preserve does not create a continuous visual screen equivalent to a Type C or F buffer, the first development order plans must include a list of supplemental plantings and a replanting plan, subject to approval by Lee County staff.
7. Street Design - Cul-de-sacs. Deviation (7) seeks relief from the LDC § 10-296(k), which requires roadways to terminate with a cul-de-sac, to allow no cul-de-sac if an adequate turn-around is provided within the commercial outparcels in conjunction with MCP Alternate A. This deviation is APPROVED, SUBJECT TO the following condition:
 - a. The development order application must include a letter of no objection from the governing fire district.
8. Deviation (8) is WITHDRAWN.

SECTION D. EXHIBITS

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: Master Concept Plan ALT A
- Exhibit D: Master Concept Plan ALT B
- Exhibit E: Preserve Management Plan

SECTION E. FINDINGS AND CONCLUSIONS

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. The amendments to the CPD comply with the Lee Plan. Lee Plan Goals 2, 6, 18, 63, 77, 125, 158; Objectives 2.1, 2.2, 4.1, 18.1, 77.2, 125.1, 158.2, 161.4, and Policies 1.6.5, 2.1.1, 2.1.2, 2.2.1, 6.1.3, 6.1.5, 18.1.1, 39.2.1, 125.1.2, 125.1.3, 158.2.1, 161.4.3; Lee Plan Maps 1-A, 1-B, 2-A, 3-D, 4-A, 4-B, 4-C, Table 1(b).
 - a. As conditioned herein, the amended CPD:
 - i. Meets standards in the LDC and other regulations or qualifies for deviations. and LDC Chapters 2, 10, 14, 34.
 - ii. Is compatible with existing and planned uses in the surrounding area. Lee Plan Goals 2, 6, Objectives 2.1, 2.2, and Policies 2.1.1, 5.1.5, 6.1.1, 6.1.4, 6.1.5, 6.1.6 and LDC § 34-411(j).
 - iii. Provides access to support the proposed development intensity. Lee Plan Policies 6.1.1, 6.1.5, 39.2.1; and LDC § 34-411(d).
 - iv. Existing regulations and conditions of approval address expected impacts on transportation facilities. Lee Plan Objective 39.1, Policy 6.1.5, LDC §§ 2-261 *et seq.*, 10-7(b), 10-286.
 - v. Will not adversely affect environmentally critical areas or natural resources. Lee Plan Goal 63, Objectives 77.2, 77.3, Policies 6.1.1, 6.1.6, 54.1.3, 61.3.6, 77.3.1, 77.3.5, 123.2.4, 125.1.2, 125.1.3, 126.2.1, and Standard 4.1.4, Lee Plan Map 4-C.
 - vi. Will be served by urban services including public water and sewer, paved streets, police, fire and emergency services, and urban surface water management. Lee Plan Objectives 2.1, 2.2, 4.1, 6.1, Policies 2.2.1, 6.1.1, 6.1.4, 53.1.5, 53.1.8, 56.1.4, 151.2.3; Standards 4.1.1, 4.1.2., Lee Plan Maps 4-A, 4-B.
 - b. The proposed uses are appropriate at the location. Lee Plan Goal 2, Objectives 1.1, 2.1, 2.2, Policies 2.1.1, 2.2.2, 6.1.4, 6.1.7, 6.1.8, 18.1.1, Table 1(b); and LDC § 34-411.
 - c. The recommended conditions of approval and applicable regulations provide sufficient safeguards to protect the public interest. Lee Plan Policies 5.1.5, 6.1.4, 63.1.2, 77.3.1, 135.9.6, LDC § 34-411.
 - d. The recommended conditions are reasonably related to the impacts expected from the proposed development. Lee Plan Goals 123, 125, 126, Objective 126.2, Policies 5.1.5, 123.2.9, 123.8.1, 123.8.2, 125.1.6, 126.2.1, 135.9.6.
 - e. The deviations recommended for approval:

- i. Enhance the objectives of the planned development; and
- ii. Promote the intent of the LDC to protect public health, safety, and welfare.

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

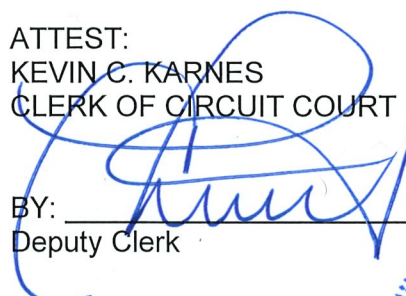
Commissioner Sandelli made a motion to adopt the foregoing resolution, seconded by Commissioner Pendergrass. The vote was as follows:

Adopted by unanimous consent.

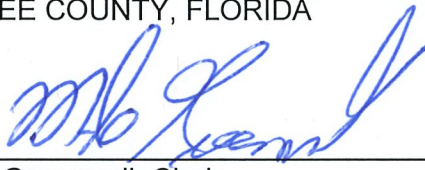
Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 20th day of March 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

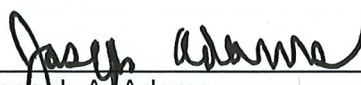
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

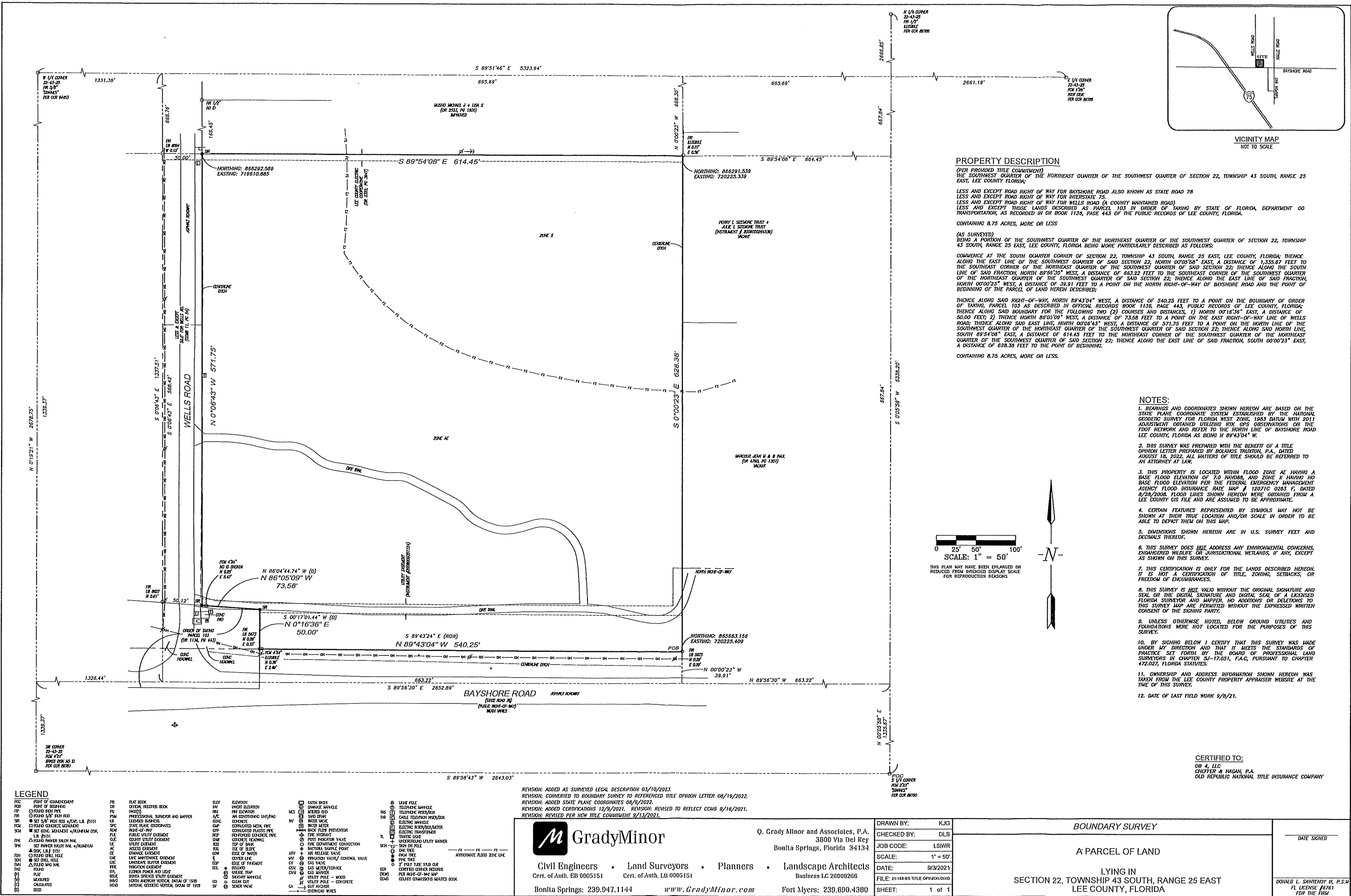
BY: 
Mike Greenwell, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


Joseph A. Adams
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2024 APR - 1 AM 11:33



PROPERTY DESCRIPTION

BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22, NORTH 00°05'58" EAST, A DISTANCE OF 1,335.67 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE ALONG THE SOUTH LINE OF SAID FRACTION, NORTH 89°56'30" WEST, A DISTANCE OF 663.22 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE ALONG THE EAST LINE OF SAID FRACTION, NORTH 00°00'23" WEST, A DISTANCE OF 39.91 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF BAYSHORE ROAD AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE ALONG SAID RIGHT-OF-WAY, NORTH 89°43'04" WEST, A DISTANCE OF 540.25 FEET TO A POINT ON THE BOUNDARY OF ORDER OF TAKING, PARCEL 103 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1136, PAGE 443, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID BOUNDARY FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES, 1) NORTH 00°16'36" EAST, A DISTANCE OF 50.00 FEET; 2) THENCE NORTH 86°05'09" WEST, A DISTANCE OF 73.58 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF WELLS ROAD; THENCE ALONG SAID EAST LINE, NORTH 00°06'43" WEST, A DISTANCE OF 571.75 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE ALONG SAID NORTH LINE, SOUTH 89°54'08" EAST, A DISTANCE OF 614.45 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE ALONG THE EAST LINE OF SAID FRACTION, SOUTH 00°00'23" EAST, A DISTANCE OF 628.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.75 ACRES, MORE OR LESS.

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 2011 ADJUSTMENT OBTAINED UTILIZING RTK GPS OBSERVATIONS ON THE FDOT NETWORK AND REFER TO THE NORTH LINE OF BAYSHORE ROAD LEE COUNTY, FLORIDA AS BEING N 89°43'04" W.

2. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.

3. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR THE DIGITAL SIGNATURE AND DIGITAL SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SKETCH AND DESCRIPTION ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.

REVIEWED
DCI2022-00032
Rick Burris, Principal
Planner
Lee County DCD/Planning
4/6/2023

NOT A SURVEY

DRAWN BY:	KJG
CHECKED BY:	DLS
JOB CODE:	BVMP
SCALE:	N/A
DATE:	4/5/2022
FILE:	21-168-S&L
SHEET:	1 of 2

NOT COMPLETE WITHOUT SHEETS 1 AND 2 OF 2



Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

SKETCH AND DESCRIPTION

A PARCEL OF LAND

LYING IN
SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DATE SIGNED
Digitally signed by
Donald L. Saintenoy
III, PSM
Date: 2022.04.05
10:57:07 -04'00'
DONALD L. SAINTENOY III, P.S.M.
FL LICENSE #6761
FOR THE FIRM

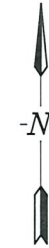
(OR 2553, PG 1800)

S 89°54'08" E 614.45'

50.0' FOR WELLS RD.
(CCMB 11, PG 54)

LEE COUNTY ELECTRIC
COOPERATIVE
(OR 2322, PG 3947)

(INSTRUMENT # 2009000264539)



SCALE: 1" = 120'

THIS PLAN MAY HAVE BEEN ENLARGED OR
REDUCED FROM INTENDED DISPLAY SCALE
FOR REPRODUCTION REASONS

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING
OR OFFICIAL RECORDS BOOK
PG PAGE(S)
CCMB COUNTY COMMISSIONERS MINUTE BOOK

REVIEWED
DCI2022-00032
Rick Burris, Principal
Planner
Lee County DCD/Planning
4/6/2023

WELLS ROAD

N 0°06'43" W 571.75'

(INSTRUMENT # 2021000423095)

UTILITY EASEMENT
(INSTRUMENT #2006000351124)

S 0°00'23" E 628.38'

(OR 4760, PG 1307)

NORTH RIGHT-OF-WAY

N 86°05'09" W
73.58'

POB

ORDER OF TAKING
PARCEL 103
(OR 1136, PG 443)

N 0°16'36" E
50.00'

N 89°43'04" W 540.25'

BAYSHORE ROAD
(STATE ROAD 78)
(PUBLIC RIGHT-OF-WAY)
WIDTH VARIES

N 00°05'58" E
1335.67'

N 89°56'30" W
663.22'

N 00°00'23" W
39.91'

POC
S 1/4 CORNER
SECTION 22/43/25

NOT COMPLETE WITHOUT SHEETS 1 AND 2 OF 2



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Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

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3800 Via Del Rey
Bonita Springs, Florida 34134

SKETCH AND DESCRIPTION

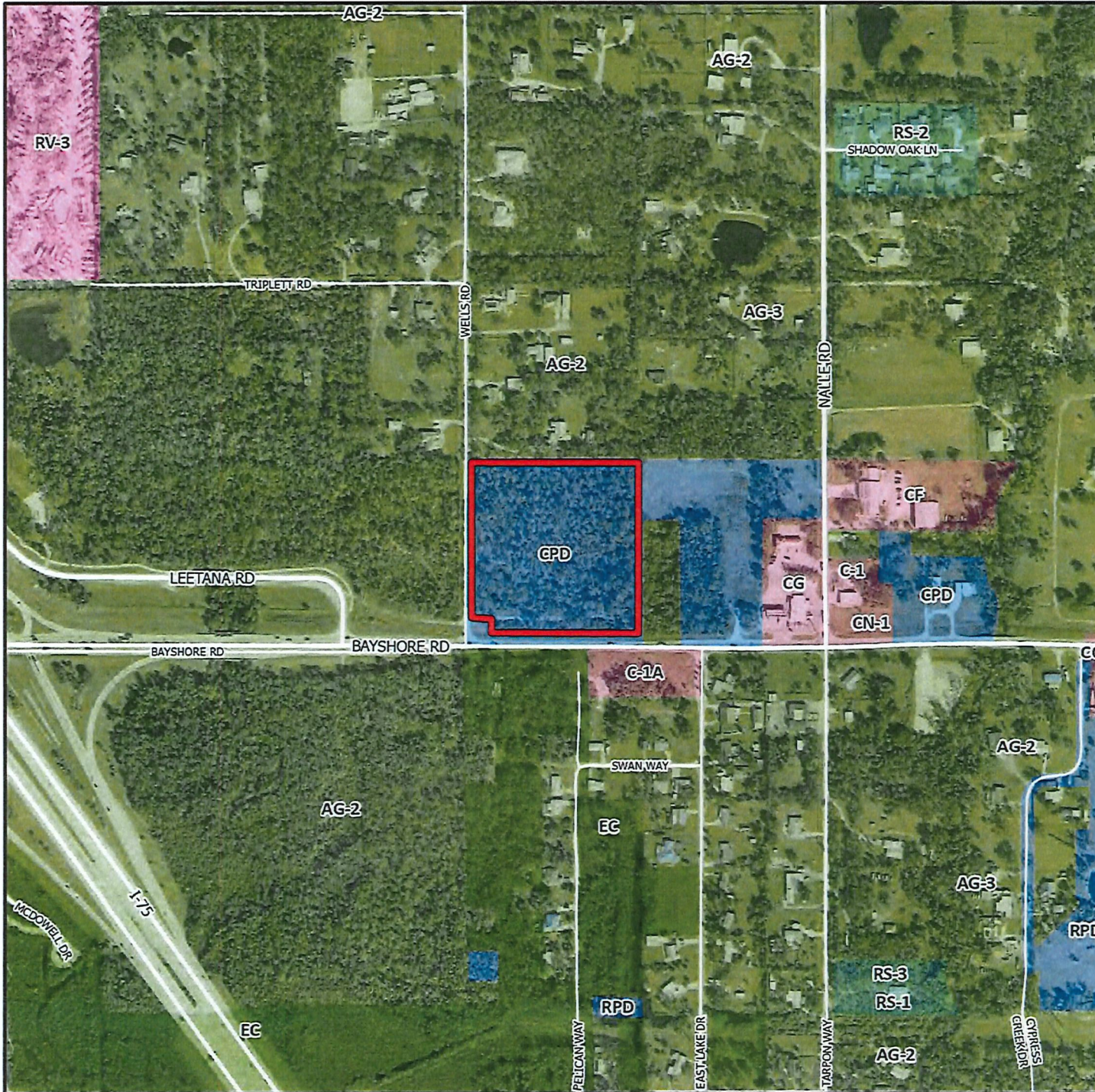
A PARCEL OF LAND

LYING IN
SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

NOT A SURVEY

DRAWN BY:	KJG
CHECKED BY:	DLS
JOB CODE:	BVMP
SCALE:	1" = 120'
DATE:	4/5/2022
FILE:	21-168-S&L
SHEET:	2 of 2

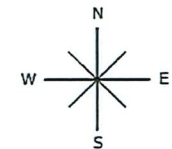
G:\SURVEY\PROJECT SURVEY 2021\168 - BAYSHORE VILLAGE MARKET PLACE (LSMW)\SURVEY SKETCH & LEGALS\21-168-S&L.DWG



DCI2022-00032

Zoning

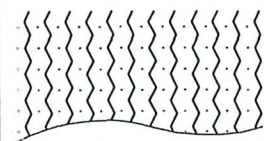
 Subject Property



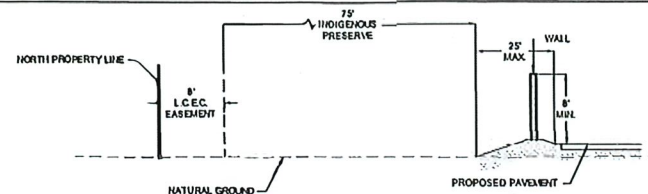
0 300 600 900
Feet



SINUOUS LAKE SHORELINE DETAIL



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



PRESERVE AND WALL/BERM DETAIL

1. MASONRY WALL REQUIRED WHEN ROADS, DRIVES, PARKING AREAS, REFUSE & RECYCLABLE MATERIAL COLLECTION AREAS, EMERGENCY POWER GENERATORS, AND/OR SERVICE AREAS FOR DELIVERY OF GOODS OR SERVICES ARE LOCATED WITHIN 125' OF THE NORTHERN PROPERTY LINE.
2. OPAQUE COMPOSITE OR OTHER NON-WOOD MATERIAL MAY BE USED WHEN NOTE #1 ABOVE IS NOT APPLICABLE.

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

OPEN SPACE CALCULATION

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

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

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

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

SPECIAL NOTE:
AT THE TIME OF DEVELOPMENT ORDER SUBMITTAL THE FINAL LOCATION OF THIS INTERSECTION SHALL BE COORDINATED WITH ANY DEFINITIVE PLANS OF THE PRITCHETT PKWY REALIGNMENT THAT MAY EXIST AT THAT TIME.

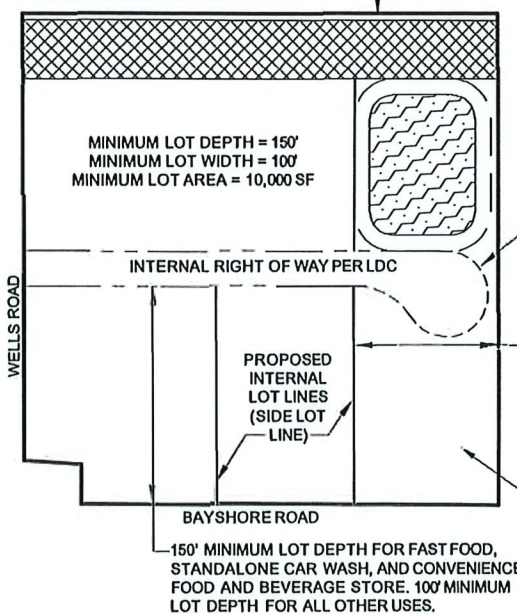
PROPOSED SIGNS

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

LEGEND



SUBDIVISION DETAIL



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

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

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

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

LEE COUNTY
HEARING EXAMINER

2024 JAN -3 PM 4:30

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

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

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

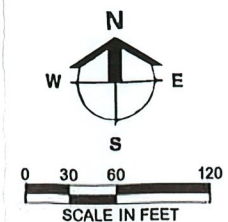
INDIGENOUS PRESERVE = 1.06 AC
(0.51 AC @ 411E1 AND 0.55 AC @ 420E2)

BUILDING A
(2 STORY MAX)

BUILDING B2
(2 STORY)

BUILDING B3
(1 STORY)

BUILDING C
HOTEL: 4 STORY MAX
OTHER USES: 2 STORY MAX



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

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

- CONNECTION TO EASTERLY ABUTTING PROPERTY (AT DEVELOPMENT ORDER)
1. IF ZONED AND DEVELOPED COMMERCIAL - PROVIDE CONNECTION
 2. IF ZONED COMMERCIAL BUT NOT DEVELOPED - PROVIDE PARKING LOT INTERCONNECTION
 3. IF NOT ZONED COMMERCIAL - PROVIDE A 24' CROSS-ACCESS EASEMENT

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

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

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

Approved as Exhibit C
MCP Page 1 of 1
Resolution # 23-034

DCI2022-00032

Barraco
and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING

www.barraco.net

2271 Mcgregor Blvd., Suite 100
Post Office Drawer 2800
Fort Myers, Florida 33902-2800
Phone (239) 461-3170
Fax (239) 461-3169

FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

LIGHT
BAYSHORE
VILLAGE LLC &
REESERETLAND
BAYSHORE
VILLAGE LLC

PROJECT DESCRIPTION

BAYSHORE
VILLAGE

LEE COUNTY, FLORIDA

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

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

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FILE NAME: 2406202-A.DWG

LOCATION: JJ2406202-01

PLOT DATE: TUE, 1-2-2024 - 2:18 PM

PLOT BY: ALYSSA FONTANE

CROSS REFERENCED DRAWINGS

BASEPLAN = 2406202-A.DWG

PLAN REVISIONS	
1-25-23	1ST SUFFICIENCY RESPONSE
2-17-23	2ND SUFFICIENCY RESPONSE
3-14-23	DEVIATION #6
6-12-23	WELLS RD @ INTENS/ECRITERIA
7-7-23	ADD DEVIATION #8
9-27-23	AUGUST/SEPTEMBER SUFFICIENCY
12-8-23	48 HOUR REVISIONS
12-29-23	ADD WALL CROSS SECTION & NOTES

PLAN STATUS

MASTER
CONCEPT PLAN
ALT A

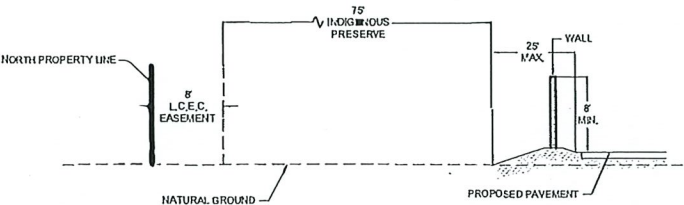
PROJECT / FILE NO.	SHEET NUMBER
24066	1

OPEN SPACE CALCULATION

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

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

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



PRESERVE AND WALL/BERM DETAIL

1. MASONRY WALL REQUIRED WHEN ROADS, DRIVES, PARKING AREAS, REFUSE & RECYCLABLE MATERIAL COLLECTION AREAS, EMERGENCY POWER GENERATORS, AND/OR SERVICE AREAS FOR DELIVERY OF GOODS OR SERVICES ARE LOCATED WITHIN 125' OF THE NORTHERN PROPERTY LINE.
2. OPAQUE COMPOSITE OR OTHER NONWOOD MATERIAL MAY BE USED WHEN NOTE #1 ABOVE IS NOT APPLICABLE.

SPECIAL NOTE:
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PROPOSED SIGNS

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

LEGEND

	PARKING & LANDSCAPING PER LDC
	LOADING / SERVICE AREA
	PRESERVE
	LAKE

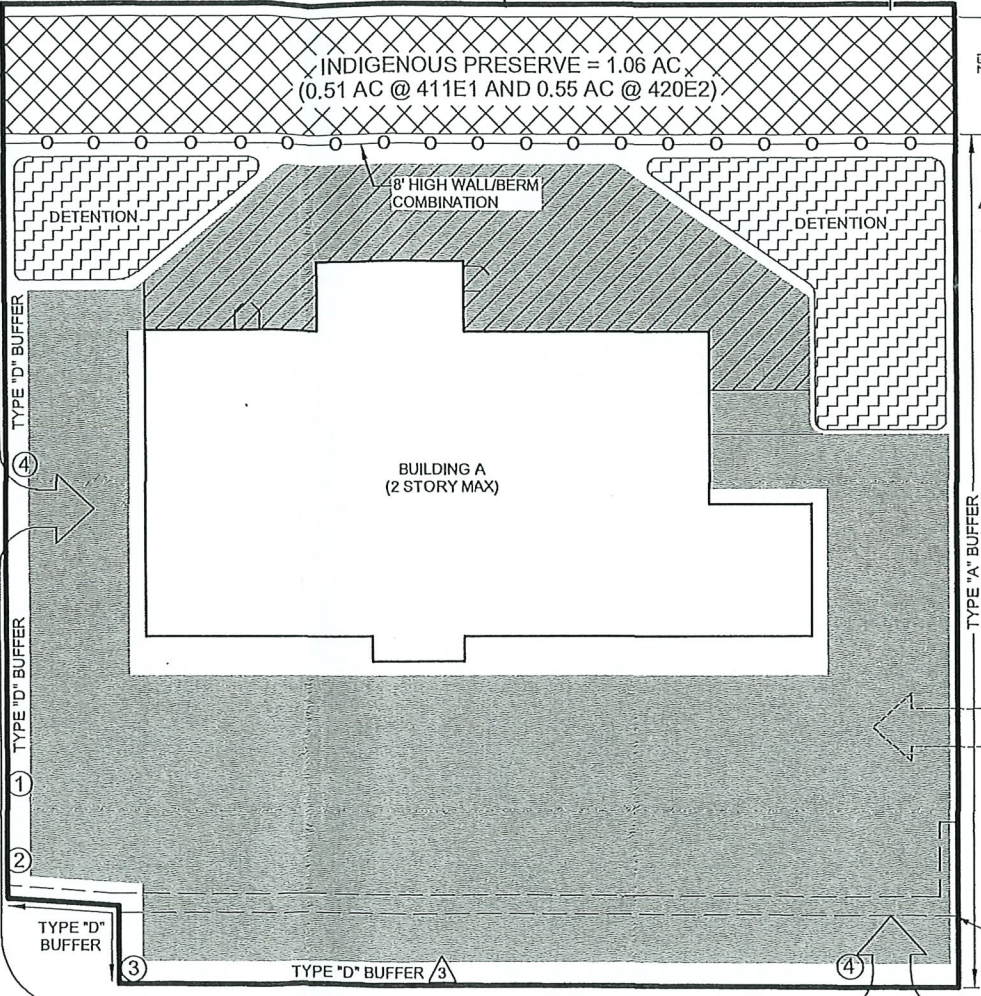
LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: AG-2
FLU: GENERAL INTERCHANGE

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

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

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

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



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

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

CONNECTION TO EASTERLY ABUTTING PROPERTY
(AT DEVELOPMENT ORDER)
1. IF ZONED AND DEVELOPED COMMERCIAL -
PROVIDE CONNECTION
2. IF ZONED COMMERCIAL BUT NOT DEVELOPED -
PROVIDE PARKING LOT INTERCONNECTION
3. IF NOT ZONED COMMERCIAL - PROVIDE A 24'
CROSS-ACCESS EASEMENT

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

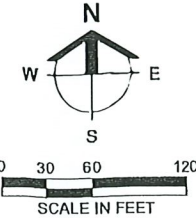
BAYSHORE RD
(2-LANE ARTERIAL)

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

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

PELICAN WAY
(UNIMPROVED RIGHT OF WAY)

EAST LAKE DR



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

LIGHT
BAYSHORE
VILLAGE LLC &
REESERETLAND
BAYSHORE
VILLAGE LLC

BAYSHORE
VILLAGE

LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
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FILE NAME: 24066202-B.DWG
LOCATION: J:\24066202\ZONING\
PLOT DATE: TUE, 1-2-2024 - 2:17 PM
PLOT BY: ALYSSA FONTANE
CROSS REFERENCED DRAWINGS
BASEPLAN = 24066200-B.DWG

PLAN REVISIONS	
1-25-23	1ST SUFFICIENCY RESPONSE
2-17-23	2ND SUFFICIENCY RESPONSE
3-14-23	DEVIATION #6
6-12-23	WELLS RD @ INTENSIVE CRITERIA
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9-27-23	AUGUST/SEPTEMBER SUFFICIENCY
12-8-23	48-HOUR REVISIONS
1-22-24	ADD WALL CROSS SECTION & NOTES

PLAN STATUS

MASTER
CONCEPT PLAN
ALT B

PROJECT / FILE NO.	SHEET NUMBER
24066	1

Approved as Exhibit D
MCP Page 1 of 1
Resolution # 23-034

DCI2022-00032

BAYSHORE VILLAGE

PRESERVE MANAGEMENT PLAN

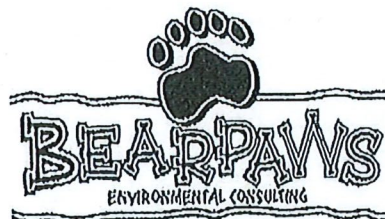
Lee County STRAP #: 22-43-25-00-00023.0000

*January 2023
Updated April 2023*

Prepared For:

OB4, LLC – Randy Thibaut
c/o: Land Solutions – Rhonda Brewer
6810 International Center Boulevard
Fort Myers, FL 33912
Phone: 239-489-4066
Email: rbrewer@lsicompanies.com

Prepared By:



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

INTRODUCTION

The 9.25± acre Bayshore Village project site is located in Section 22, Township 43S, and Range 25, of Lee County, Florida. More specifically, the site is located at 17300 Wells Road, north of Bayshore Road (SR 78), and west of Nalle Road, in North Fort Myers, Florida. Please see the attached Project Location Map (Exhibit A).

PROPERTY DESCRIPTION

The property is composed mainly of pine flatwoods with upland hardwood forest. The upland preserve is located in the northernmost portion of the site and will encompass 1.06± acres of pine flatwoods and mixed upland forest. The goal of this preserve management plan is to improve the condition of the uplands and provide a natural preserve area for the flora and fauna on the property. The on-site preserve area provides habitat for nesting and create foraging areas for all kinds of wildlife species.

MITIGATION & MAINTENANCE PLAN

The purpose of this preserve management plan is to improve the condition of the preserve area, ensure that preserve area is maintained exotic free and nuisance plants are controlled to healthy levels thru a scheduled maintenance program, and provide a natural preserve area for the flora and fauna on the property. The on-site preserve area provides habitat for nesting and create foraging areas for all kinds of wildlife species. On-site enhancement activities will be conducted concurrently with the on-site construction activities.

The preserve areas will correspond to the preserve habitat depicted on the master site plan. The preserve areas have been previous placed under a conservation easement and maintained in perpetuity, by the owner or their successor. Exotic plants will be killed in a manner consistent with current exotic removal practices while ensuring that neighboring plants are left unharmed and the soil left as undisturbed as possible. It is recommended that any use of herbicides be applied by a licensed herbicide applicator, utilizing approved methods, and best management practices. All exotics will be physically removed from the proposed preserves; no stacking, tee-peeing, log cabin, or girdling methods will be utilized, unless otherwise approved by County staff.

On-site enhancement activities will be conducted concurrently with the on-site construction activities. These enhancement activities will include the hand removal of exotic and nuisance vegetation from the upland and wetland preserve areas. The exotics to be eradicated include, but are not limited to, melaleuca (*Melaleuca quinquenervia*), and Brazilian pepper (*Schinus terebinthifolius*). This program is incorporated into a two phase process; the initial exotic removal and the subsequent annual maintenance.

The proposed mitigation areas will be enhanced through the removal of exotic species, monitored, and maintained on a regular schedule for five years. After this time, perpetual management will include continued removal of exotic species. The goal of the maintenance effort is to achieve less than five (5) percent cover of exotics immediately following any maintenance and that the total exotic and nuisance species constitute no more than five (5) percent of total cover between maintenance activities. The purpose and intent of this plan is to ensure that the preserve areas are maintained free of exotic plants in perpetuity. This is achieved by establishing a scheduled program to maintain the site free of exotic plants (as defined by the latest exotic plant list published by the Florida Exotic Pest Plant Council) immediately after maintenance and at other times the exotic and nuisance species constitute no more than 5 percent of total cover.

DEBRIS REMOVAL

Debris and garbage in the preserve area will be removed as needed within the preserve area. No large debris is currently located within the preserve area. Any garbage found will be removed from the preserve and disposed of in the proper receptacles.

MITIGATION SUCCESS CRITERIA

Monitoring of the preserve area shall be conducted for a minimum of five years with annual reports submitted to the County. If native upland species does not achieve an 80% native coverage within the initial two years of the monitoring, native species shall be planted in accordance with the maintenance program. At end of the monitoring program the entire preserve area shall contain 80% coverage of desirable native species.

All mitigation areas will consist of no more than five percent cover by exotic and/or nuisance species at all times. Exotic and nuisance vegetation species are identified as those exotic species listed as CAT I and CAT II by the Florida Exotic Pest Plant Council (FEPPC). The preserve areas will be managed such that exotic/nuisance plant species do not dominate any one section of areas within the preserves. This is also applicable to native vegetation to ensure diversity within the upland habitats. Perpetual maintenance of the preserve areas is recommended to ensure coverage by native desirable vegetation is maintained as specified in the permit.

MONITORING

Monitoring Methodology

The proposed monitoring of the preserve area will begin concurrently with construction and will consist of baseline, time-zero, and annual monitoring of vegetation, wildlife, and rainfall. The baseline monitoring report will document conditions in the project site as they currently exist. The time-zero report will document the conditions immediately following completion of mitigation activities. The annual reports will document the extent of success of the project and, if needed, identify specific actions to be taken to improve the conditions within the project area. Sampling transects and methodology for the baseline, time-zero, and annual reports will utilize identical methods of data collection from identical sampling stations. The location of the proposed sampling stations will be taken along the edge of the preserve areas, immediately adjacent to the upland buffer area. A monitoring map is included as Exhibit B.

Vegetation Monitoring

Upland vegetation will be monitored prior to and following enhancement and restoration activities. Sampling in preserve area will involve canopy, sub-canopy, and ground cover species established within the preserve area. Species richness and a visual estimate of percent cover will be calculated for canopy and sub-canopy stratum. The approximate locations of the sampling point locations will be shown on the monitoring map.

Sampling point locations will be established in several locations within the preserve area. During each monitoring event, these areas will be walked and any exotic vegetation observed will be noted within the report. Vegetation will be sampled in each of the areas from where the monitoring photographs were taken; this vegetative sampling includes canopy, sub-canopy, and herbaceous strata.

Wildlife Monitoring

Regular observations of wildlife will be made during the monitoring event by qualified ecologists. Observations will consist of recording evidence and signs of wildlife (i.e., direct sightings, vocalizations, burrows, nests, tracks, droppings, etc.).

Photographic Documentation

Permanent fixed-point photograph stations will be established in the preserve area providing physical documentation of the condition and appearance of an area, as well as any changes taking place within it. Monitoring photographs will accompany vegetation data in each report. Locations of photograph stations will remain the same throughout the duration of the monitoring program.

Rainfall and Hydrological Monitoring

Rainfall readings will also be recorded from an official rain gauge at a near-by location. These readings will be included in all future monitoring reports. Preserve water level data obtained concurrently with each monitoring even and will be included in their respective annual mitigation monitoring reports.

MONITORING REPORTS

Concurrently with construction, the permittee will submit annual monitoring reports to the County documenting the success of the mitigation program and general condition of the preserve area. Within 60 days of permit issuance or modification, the baseline monitoring for the preserve area will be submitted to the County. The time-zero monitoring report will be submitted within 60 days of completion of enhancement activities. Annual monitoring reports will include the following information:

- Brief description of mitigation and maintenance work performed since the previous report along with a discussion of any modifications to the mitigation or maintenance program.
- Brief description of anticipated mitigation and maintenance work to be conducted over the next year.
- Results of quantitative vegetation monitoring conducted in the preserve area.
- A list of observed wildlife species.
- Monitoring photographs taken at photograph stations within the preserve area.
- Hydrologic data and available local rainfall data.

MAINTENANCE AND LONG-TERM MANAGEMENT

Following the completion of the initial exotic removal effort upon the commencement of construction, annual inspections of the mitigation area will occur for the first five (5) years. During these inspections, the mitigation area will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted and corrective actions taken. Once exotic/nuisance species levels have been reduced to acceptable limits (i.e., less than five percent cover), inspections of the preserve area will be conducted annually.

Maintenance will be conducted in perpetuity to ensure that the preserve area are free of exotic vegetation (as currently defined by the EPPC) immediately following maintenance and that exotic and nuisance species will constitute no more than five percent of total combined cover. A mitigation and monitoring work schedule will be prepared, submitted, and approved by the County, prior to issuance of the vegetation removal permit.

Exhibit A
Project Location Map

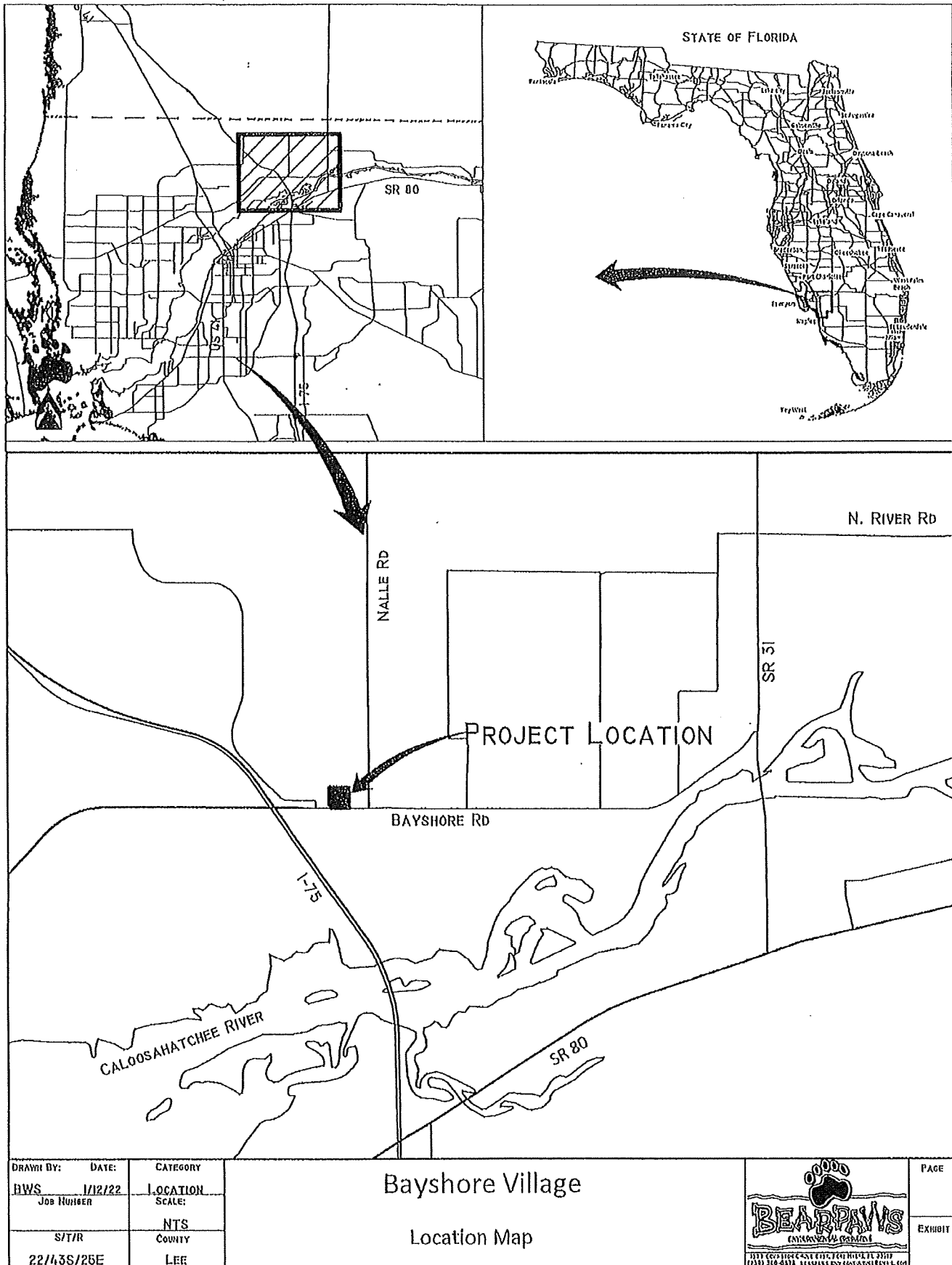


Exhibit B
Preserve Monitoring Map

