



APPLICATION FOR SPECIAL EXCEPTION PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: 5740 Bayshore Road Special Exception

Special Exception for:

- ☒ Use (LCLDC section number and description): LDC Section 33-1596, warehouse, mini, private and hybrid, and indoor storage for covered RV storage in a North Fort Myers Commercial Corridor
- ☐ Solar or Wind energy modifications [34-202(b)(5)(d)1.]
- ☐ On-premise consumption of alcoholic beverages [34-202(b)(5)(d)2.]
- ☐ Private aircraft landing facilities [34-202(b)(5)(d)3.]
- ☐ Wireless Communication Facilities [34-1441]
- ☐ Model Homes [34-1954]
- ☐ Permitted Uses for Model Home on arterial street in RS-1 zoning district in Lehigh Acres [33-1431]

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: Bayshore Road Plaza, LLC. c/o Larry Johnson

Address: 2721 Del Prado Blvd. S

City, State, Zip: Cape Coral, Florida 33904

Phone Number: (239) 471-9070

E-mail: Drldj413@hotmail.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: Fred Drovdlc

Address: 1514 Broadway, Suite 201

City, State, Zip: Fort Meyers, FL 33901

Phone Number: 239.318.6707

Email: fdrovdlc@rviplanning.com

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

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: Bayshore Road Plaza, LLC. c/o Larry Johnson

Address: 2721 Del Prado Blvd. S., Suite 250

City, State, Zip: Cape Coral, Florida 33904

Phone Number: (239) 471-9070

Email: Drldj413@hotmail.com

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

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

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

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): August 5, 2024

PART 3

PROPERTY INFORMATION

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

36-43-24-00-00014.0010

B. Street Address of Property: 5740 Bayshore Road

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: Agricultural (AG-2)

- ☒ 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: Single-Family Residential
2. Intended uses of property are: Warehouse Storage facilities

G. Future Land Use Classification (Lee Plan):

Central Urban	77.93	Acres	100	% of Total
		Acres		% of Total
		Acres		% of Total

H. Property Dimensions:

- | | | | | |
|----|---|------------------|------------------------------|--------|
| 1. | Width (average if irregular parcel): | <u>243</u> | Feet | |
| 2. | Depth (average if irregular parcel): | <u>1036</u> | Feet | |
| 3. | Total area: | <u>3,394,630</u> | Acres or square feet | |
| 4. | Frontage on road or street: | <u>243</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
- ☐ Estero Planning Community. [33-54(a)&(b); Lee Plan Policy 19.5.3]
- ☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
- ☐ North (Upper) Captiva Community Plan area. [33-1711; Lee Plan Policy 25.1.1]
- ☐ 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 27.10.1]
- ☐ 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 ACTION REQUESTED

- A. Request Statement:** Explain the nature of the request and how the property qualifies for the special exception based on the findings/review criteria set forth in 34-145(c)(3) and listed below. [34-202(b)(5)(a)]
1. The request is consistent with the goals, objectives, policies, and intent of the Lee Plan.
 2. The request will protect, conserve, or preserve environmentally critical and sensitive areas and natural resources, where applicable.
 3. The request will be compatible with existing and planned uses.
 4. The request will not be injurious to the neighborhood or detrimental to the public welfare.
 5. The request will be in compliance with zoning regulations pertaining to the use and other applicable regulations..
 6. In the case of new antenna supporting structure wireless communication facilities, meets the additional criteria of 34-145(c)(3)b.
- B. Traffic Impact Statement (TIS):** Attach a traffic impact analysis of projected trip generation for the use. A TIS is not required for special exceptions for consumption on premises or for solar or wind modifications. [34-202(b)(5)(b)]
- C. Site Plan:** Attach a site plan showing: [34-202(b)(5)(c)]
1. The location and current use of all existing structures on the site.
 2. All proposed structures and uses to be developed on the site.
 3. Any existing public streets, easements or land reservations within the site, and the proposed means of vehicular access to and from the site.
 4. Other information specific to the type of application or which may be required by the Director.
- D. Additional Information:** Any other reasonable information which may be required by the Director which is commensurate with the intent and purpose of the Land Development Code [34-202(b)(5)(d)]

PART 5 ADDITIONAL REQUIREMENTS

- A. Potable Water:** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide 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)]

B. 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)

C. 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).

D. 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)]****E. Airport Zones & Lee County Port Authority (LCPA) Requirements:**

- ☒ Not Applicable
- ☐ Property is located within _____ Airport Noise Zone: **[34-1004]**
- ☐ 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]**

F. Solar Or Wind Energy Modifications: [34-202(b)(5)(d)1.]

1. Evidence that the proposed modifications are the minimum necessary to provide for the solar or wind energy proposal.
2. Evidence that the proposed modifications will not adversely affect adjacent properties. (See LCLDC Section 34-2196.)
3. Evidence that the modifications do not decrease total lot area.
4. Evidence that the principal use, absent the solar or wind aspects, is a permitted use in the zoning district for which it is located.

G. On-Premises Consumption Of Alcoholic Beverages: [34-202(b)(5)(d)2.]

1. A written statement describing the type of state liquor license to be acquired, e.g., 2 COP, SRX, 11C, etc., and the anticipated hours of operation for the business.
2. The site plan must include a detailed parking plan.

H. Private Aircraft Landing Facilities: [34-202(b)(5)(d)3.]

1. Indicate the type of facility, as set forth in Florida Administrative Code chapter 14-60.
2. A certified list of all airports and municipalities within 15 miles of the proposed site and all property owners within 1,000 feet of the property or within the minimum required approach zone, whichever is greater.
3. The site plan must indicate the proposed location and length of the effective landing facility, as well as the area included in the approach zone.

I. Wireless Communication Facilities: [34-1441 et. seq.]

1. Documentation of authority/acceptance of responsibility for compliance with these regulations, executed by property owner, applicant, and provider who will be placing antennas on the proposed or existing wireless communications facility. **[34-1446 (a) (1)]**
2. Name, address, and telephone contact information for the owners(s) of all proposed or existing antenna-supporting structures and wireless communication facilities with an affidavit that such contact information will be updated annually or upon a change of ownership after the application is approved. **[34-1446(a)(2)]**
3. A copy of license issued by FCC. A broadcast structure must submit a construction permit. **[34-1446(a)(3)]**
4. New antenna-supporting structures must demonstrate there are no existing suitable structures available or higher priority zoning districts in the geographic search area. As part of that demonstration, the application must include a graphical representation of the geographic search area. **[34-1446(a)(4)]**
5. A statement confirming the overall height of the facility and all other facilities on the subject property, in terms of grad and sea-level. **[34-1446(a)(5)]**
6. A letter demonstrating consent from the Executive Director of Lee County Port Authority if the wireless communications facility is to be located within the County airspace notification limits of LCLDC Section 34-1008. **[34-1446(a)(6)a.]**
7. For any wireless communications facility exceeding 35 feet, a letter confirming review and recommendation from the Lee County Mosquito Control District, Sheriff's Department, and Director of Public Safety. **[34-1446(a)(6)b.]**
8. A letter demonstrating evidence of compliance with applicable Federal Aviation Administration requirements under 14 C.F.R. s. 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use. **[34-1446(a)(6)c.]**
9. The Boundary Survey, completed by a registered land surveyor, must show all existing conditions. **[34-1446(a)(7)]**
10. Photo-simulated post-construction renderings of the proposed wireless communications facility, equipment enclosures, and ancillary appurtenances as they would look after construction from areas where the proposed wireless communications facility will be visible according to the balloon test and sight lines. **[34-1446(a)(8)]**
11. Shared use plan or copy of an executed shared use plan must be provided for the existing facility (see Supplement A). **[34-1446(a)(9)]**
12. For all new antenna support structures, a list and map identifying all existing wireless communications facilities to which the proposed facility will be a handoff candidate, including latitude, longitude, and power levels of each. **[34-1446(a)(10)]**
13. Floor plans, elevations, and cross sections on 24" X 36" size paper at a scale no smaller than 1/4" = 1' (1:48) of any proposed accessory structures. **[34-1446(a)(11)]**
14. To scale elevation drawings, indicating the roof, facades, doors, and other exterior appearance and materials of the proposed wireless communication facility (signed and sealed by Professional Engineer). **[34-1446(a)(12)]**
15. If the property owner is not a provider, a copy of an executed lease agreement or memorandum of lease between the application or property owner and provider. If no lease agreement has been executed, an affidavit signed by provider attesting to provider's intent to make an application for development order approval to place antennas on the wireless communications facility if the zoning application is approved. **[34-1446(b)(1)]**
16. For antenna supporting structures, the graphic results of the balloon test conducted by the applicant pursuant to the requirements of LCLDC Section 34-1446(d). **[34-1446(b)(2)]**

J. Model Homes: Narrative and plans that demonstrate compliance with provisions of LCLDC Chapter 34, Division 24. **[34-1954(a)(2)]**

PART 6
SUBMITTAL REQUIREMENT CHECKLIST

Two copies required for submittal
Clearly label your attachments as noted in bold below

☒	Completed application for Public Hearing [34-202(a)(1)]
☒	Filing Fee - [34-201(d)]
☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
☒	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
☒	Additional Agents [34-202(a)(4)]
☐	Multiple Owners List (if applicable) [34-202(a)(2)]
☒	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
☒	Legal description (must submit one) [34-202(a)(1)]
☒	Legal description (metes and bounds) and sealed sketch of legal description
	OR
☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
☒	Boundary Survey (not required if platted lot) [34-202(a)(2); 34-373(a)(4)a.]
☐	Property Owners list (if applicable) [34-202(a)(5)]
☐	Property Owners map (if applicable) [34-202(a)(5)]
☒	Confirmation of Ownership/Title Certification [34-202(a)(3)]
☒	STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
☒	List of Surrounding Property Owners [34-202(a)(6)]
☒	Map of Surrounding Property Owners [34-202(a)(7)]
☒	Mailing labels [34-202(a)(9)]
☒	List of Zoning Resolutions and Approvals
☐	Summary of Public Informational Session (if applicable)
☐	Waivers from Application Submission Requirements [34-201(c)]
☒	Request Statement [34-202(b)(5)(a)]
☒	Traffic Impact Statement (TIS) [34-202(b)(5)(b)]
☒	Site Plan [34-202(b)(5)(c)]
☐	Additional Information (if applicable) [34-202(b)(5)(d)]
☒	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
☐	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
☐	Excavations/Blasting (if applicable)
☐	Tall Structures Permit (if applicable) [34-1108]
☐	Solar or Wind Energy Modifications (if applicable) [34-202(b)(5)(d)1.]
☐	Consumption on Premises (COP) (if applicable) [34-202(b)(5)(d)2.]
☐	Private Aircraft Landing Facilities (if applicable) [34-202(b)(5)(d)3.]
☐	Wireless Communication Facilities (if applicable) [34-1441 et. seq.]
☐	Model Homes (if applicable) [34-1954(a)(2) & (b)]



APPLICATION FOR CONVENTIONAL REZONING PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: 5740 Bayshore Rezone

Request: ☒ Rezoning from: Agricultural (AG-2) To: Community Commercial (CC)
☐ Variance included? ☒ NO ☐ YES¹ for: _____
☒ Special Exception included? ☐ NO ☒ YES¹ for: Warehouse, hybrid, mini and public
☐ Bonus Density included? ☒ NO ☐ YES² for: _____ Bonus Units

¹ If YES, submit applicable application and fee

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

PART 1 APPLICANT/AGENT INFORMATION

- A. Name of Applicant:** Bayshore Road Plaza, LLC. c/o Larry Johnson
 Address: 2721 Del Prado Blvd. S
 City, State, Zip: Cape Coral, Florida 33904
 Phone Number: (239) 471-9070 E-mail: Drldj413@hotmail.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: Fred Drovdlc
 Address: 1514 Broadway, Suite 201
 City, State, Zip: Fort Myers, FL 33901
 Phone Number: 239.318.6707 Email: fdrovdlc@rviplanning.com
2. [Additional Agent\(s\)](#): Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

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: Bayshore Road Plaza, LLC. c/o Larry Johnson
 Address: 2721 Del Prado Blvd. S, Suite 250
 City, State, Zip: Cape Coral, Florida 33904
 Phone Number: (239) 471-9070 Email: Drldj413@hotmail.com

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

- 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. [34-202(a)(7)]
 2. Date property was acquired by present owner(s): August 5, 2024

**PART 3
PROPERTY INFORMATION**

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

36-43-24-00-00014.0010

B. Street Address of Property: 5740 Bayshore Road

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: Agricultural (AG-2)

☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property. [34-202(b)]

F. Use(s) of Property:

1. Current uses of property are: Single-Family Detached units and a Mobile Home unit with supporting accessory structures
 2. Intended uses of property: Warehouse Storage facilities

G. Future Land Use Classification (Lee Plan):

<u>Central Urban</u>	<u>5.77</u>	Acres	<u>100</u>	% of Total
		Acres		% of Total

H. Property Dimensions:

- | | | | | |
|---|------------------|-------------|----------------------|--------|
| 1. Width (average if irregular parcel): | <u>243</u> | Feet | | |
| 2. Depth (average if irregular parcel): | <u>1036</u> | Feet | | |
| 3. Total area: | <u>220,849.2</u> | Square feet | | |
| 4. Frontage on road or street: | <u>243</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; Lee Plan Policy 25.1.1]
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- J. Waivers from Application Submission Requirements:** Attach waivers, if any, approved by the Director of Zoning. [34-201(c)]

PART 4 ACTION REQUESTED

- A. Reason(s) for Request:** Provide a statement explaining the nature of the request and how the property qualifies for the rezoning and, if applicable, bonus density. This statement should explain how the request meets the applicable findings/review criteria set forth in LDC section 34-145(d)(4) and, if applicable, LDC Section 2-146(b). This statement 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. [34-202(b)(3)]

PART 5 ADDITIONAL REQUIREMENTS

- A. Potable Water:** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide 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)]
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- C. 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 9 FEET NAVD (MSL)
- D. 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).
- E. Mobile Home Park: [34-202(b)(4)]**
- ☒ 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).

F. 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]**
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☐	Waivers from Application Submission Requirements [34-201(c)]
☒	Reason(s) for Request [34-202(b)(3)]
☒	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
☐	Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
☐	Information Regarding Proposed Blasting (if applicable)
☐	Mobile Home Dislocated Owners Information (if applicable) [34-202(b)(4)]
☐	Tall Structures Permit (if applicable) [34-1108]

ADDITIONAL AGENTS

Company Name:	TR Transportation		
Contact Person:	Ted Treesh		
Address:	2726 Oak Ridge Ct. STE 503		
City, State, Zip:	Fort Myers, FL 33901		
Phone Number:	239-292-6746	Email:	tbt@trtrans.net

Company Name:	Henderson, Franklin, Starnes & Holt, P.A.		
Contact Person:	Richard Akin		
Address:	1715 Monroe Street		
City, State, Zip:	Fort Myers, FL 33901		
Phone Number:	239-344-1182	Email:	Richard.Akin@henlaw.com

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:			

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

Company Name:			
Contact Person:			
Address:			
City, State, Zip:			
Phone Number:		Email:	

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

I, Larry Johnson (name), as Managing Member (owner/title) of Bayshore Road Plaza, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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

***Notes:**

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

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

[Signature]
Signature

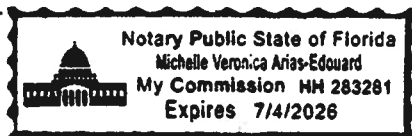
10/4/24
Date

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

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 4th day of October, 2024, by Larry D. Johnson (name of person providing oath or affirmation), who is personally known to me or who has produced license (type of identification) as identification.

STAMP/SEAL



[Signature]
Signature of Notary Public

**DISCLOSURE OF INTEREST
AFFIDAVIT**

BEFORE ME this day appeared Larry Johnson of Bayshore Road Plaza, LLC, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 5740 Bayshore Road, Fort Myers, FL as identified by STRAP 36-43-24-00-00014.0010 and is the subject of an Application for zoning action (hereinafter the "Property").

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

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

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

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

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

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

Name and Address	Percentage of Ownership

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

[Signature]
Property Owner

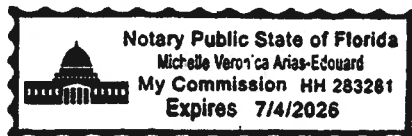
LARRY D. JOHNSON
Print Name

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

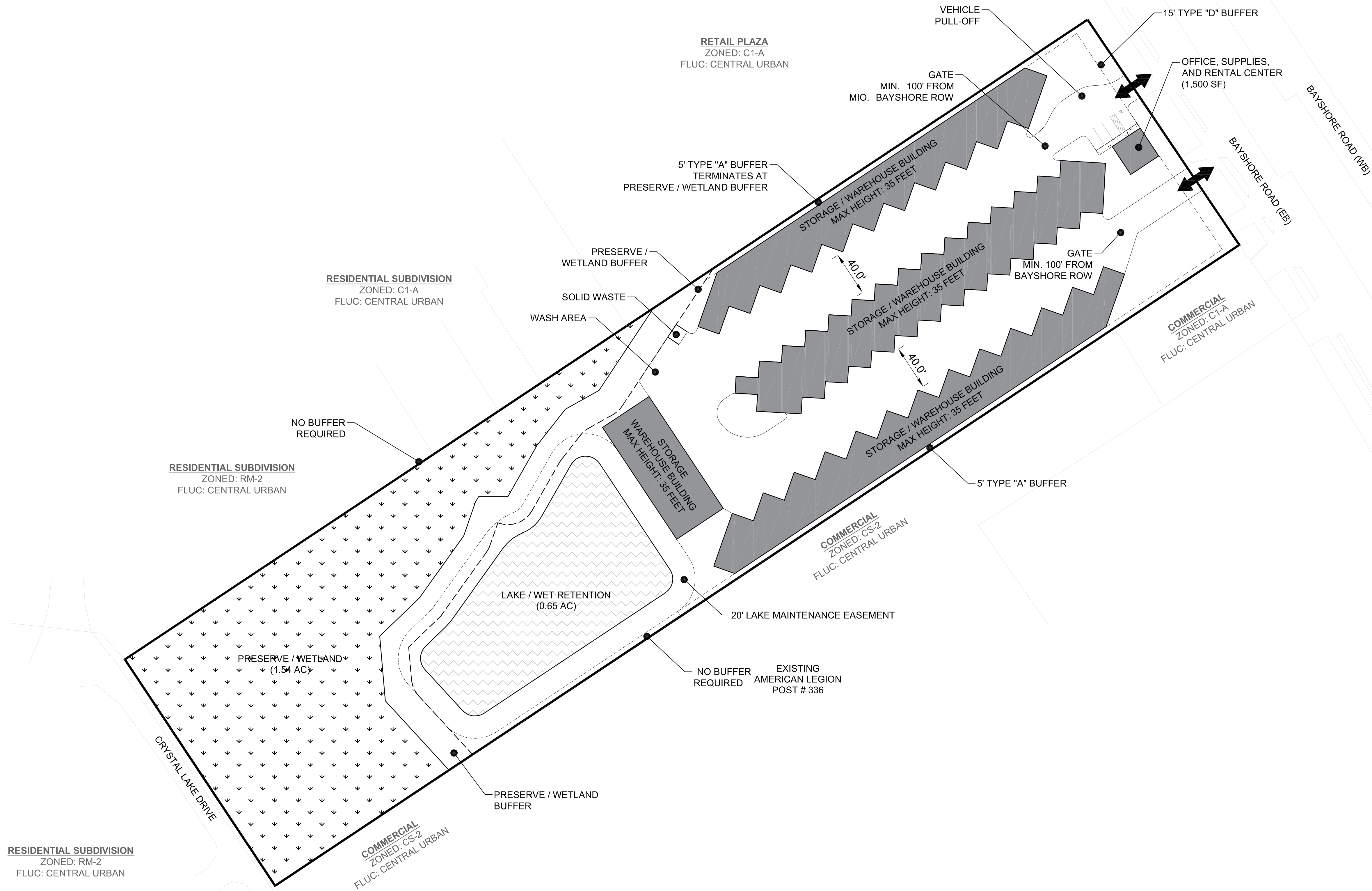
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on Oct 4th 2024 (date) by Larry D. Johnson (name of person providing oath or affirmation), who is personally known to me or who has produced License (type of identification) as identification.

STAMP/SEAL



[Signature]
Signature of Notary Public



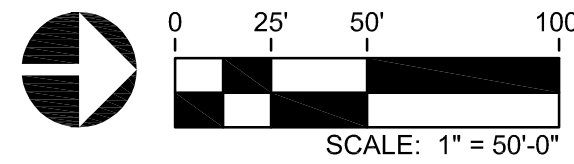
PLAN LEGEND	
	LAKE
	PRESERVE / WETLANDS
	BUILDINGS
	VEHICULAR INGRESS AND EGRESS

LAND USE TABLE	
PROJECT BOUNDARY	5.77 AC
DEVELOPED AREA	3.58 AC
LAKE / WET RETENTION	0.65 AC
PRESERVE / WETLANDS	1.54 AC
STORAGE UNITS	80

OPEN SPACE TABLE	
PROJECT BOUNDARY	5.77 AC
REQUIRED OPEN SPACE (30%)	1.73 AC
PROVIDED OPEN SPACE (34%):	1.97 AC
• LAKE / WET RETENTION	0.43 AC
• PRESERVE / WETLANDS	1.54 AC

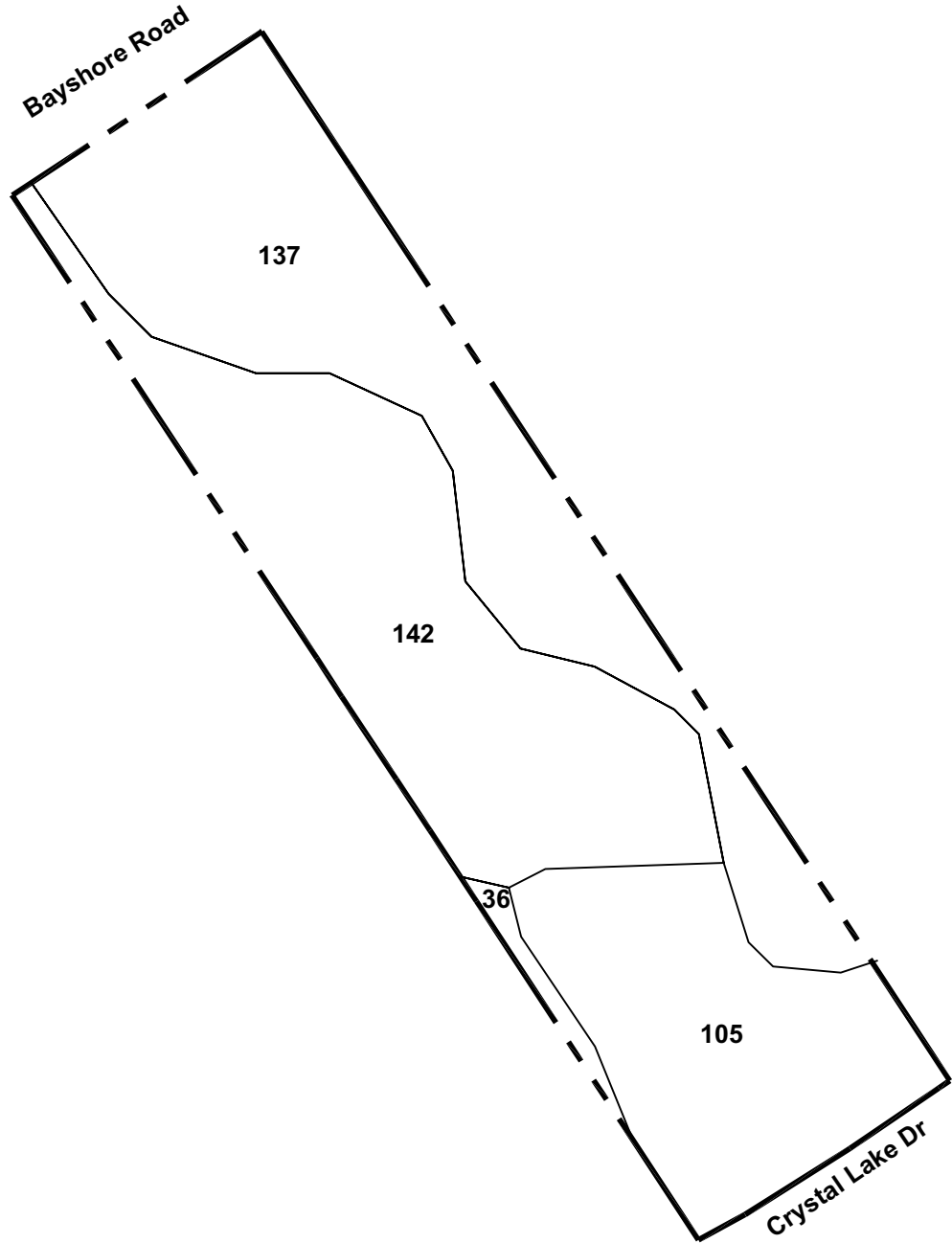
5740 BAYSHORE ROAD • SPECIAL EXCEPTION CONCEPT PLAN

LEE COUNTY, FLORIDA
2025-02-26
RVI24005769
Bayshore Road Plaza, LLC. c/o Larry Johnson



Information furnished regarding this property is from sources deemed reliable. RVI has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

SECTION: 36
TOWNSHIP: 43 S
RANGE: 24 E



Map Unit	Soil Name
36	Immokalee Sand, Urban Land Complex
105	Copeland Fine Sandy Loam, Ponded, Urban Land Complex
137	Wabasso Sand, Urban Land Complex
142	Cypress Lake Fine Sand, Slough, Urban Land Complex

Notes:
1. Property boundary is approximate and was obtained from the Lee County Property Appraiser's Website.
Soil information obtained from the USDA Web Soil Survey website.

August 30, 2024 2:24:27 p.m.
Drawing: LJOHN-1 PLAN.DWG
PERMIT USE ONLY, NOT FOR CONSTRUCTION

Soil Map

5740 Bayshore Road

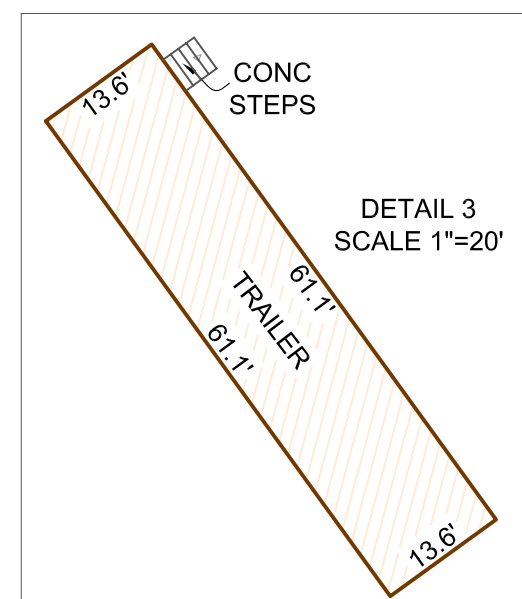


GENERAL LEGEND:

- A/C = AIR CONDITIONER
AF = ALUMINUM FENCE
BCR = BROWARD COUNTY RECORDS
BM = BENCHMARK
CB = CATCH BASIN
CBS = CONCRETE BLOCK STRUCTURE
CBW = CINDERBLOCK WALL
CHATT = CHATTAHOOCHEE
C/L = CENTERLINE
CLF = CHAIN LINK FENCE
CME = CANAL MAINTENANCE EASEMENT
CO = CLEAN OUT
CONC = CONCRETE
D = DELTA (CENTRAL ANGLE)
DE = DRAINAGE EASEMENT
E = EAST
EB = ELECTRIC BOX
ELE = ELEVATION
X 0.00' = ELEVATION
EOP = EDGE OF PAVEMENT
EOW = EDGE OF WATER
FDH = FOUND DRILLHOLE
FH = FINISHED FLOOR
FV = FIRE HYDRANT
FN = FOUND NAIL
FND = FOUND
FPL = FLORIDA POWER AND LIGHT
IF = IRON FENCE
IP = IRON PIPE
IR = IRON ROD
INV = INVERT
L = ARC LENGTH
LP = LIGHT POLE
LME = LAKE MAINTENANCE EASEMENT
N = NORTH
N/A = NO BASE FLOOD (FOR FLOOD ZONE X)
N&D = NAIL & DISC
NO ID = NO IDENTIFICATION
MF = METAL FENCE
MH = MAN HOLE
OH = OVERHEAD CABLES
OR = OFFICIAL RECORD BOOK
O/S = OFFSET
PB = PLAT BOOK
PBCR = PALM BEACH COUNTY RECORDS
PC = POINT OF CURVATURE
PCC = POINT OF COMPOUND CURVATURE
PG = PAGE
PL = PLANTER
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PSM = PLAT AND MEASURED
PP = POOL PUMP
PRC = POINT OF REVERSE CURVATURE
PVCF = POLYVINYL CHLORIDE FENCE
R = RADIUS
R/W = RIGHT OF WAY
S = SOUTH
S/W = SIDEWALK
SIR = SET 3" IRON ROD #6677
SND = SET NAIL & DISC #6677
TYP = TYPICAL
UE = UTILITY EASEMENT
W = WEST
WF = WOOD FENCE
WM = WATER METER
WV = WATER VALVE
OH = OVERHEAD CABLES (OH)
X = POLYVINYL CHLORIDE FENCE (PVCF)
X = CHAIN LINK FENCE (CLF)
X = WOOD FENCE (WF)
X = METAL FENCE (MF)
° = DEGREE SYMBOL
AT&T BOX
CATCH BASIN
CENTERLINE
CABLE TV RISER (CA/TV)
UTILITY BOX
FIRE HYDRANT
ELECTRIC BOX
VALVE
WATER METER (WM)
UTILITY POLE (UP)
BOUNDARY CORNER (BC)
SEWER CLEANOUT
SEWER MANHOLE

REMAINDER
OF SECTION 36
TOWNSHIP 43 S
RANGE 24 E
(NOT INCLUDED)

REMAINDER
OF SECTION 36
TOWNSHIP 43 S
RANGE 24 E
(NOT INCLUDED)
PARCEL ID:
36-43-24-00-00013.0070



LINE TABLE		
	BEARING	LENGTH
L1	N56° 01' 45"E	243.00'
L2	N50° 39' 00"E	44.00'
L3	S33° 33' 15"E	140.00'
L4	S56° 01' 45"W	90.00'
L5	S56° 01' 45"W	118.00'

BOUNDARY SURVEY

PROPERTY ADDRESS:
5740 BAYSHORE ROAD,
NORTH FORT MYERS, FL. 33917

FLOOD ZONE: AE

BASE FLOOD: 9

COMMUNITY #: 125124

MAP/PANEL #: 12071C0278G

DATE OF FIRM: 11/17/22

DATE OF SURVEY:

FIELD LOCATION OF IMPROVEMENTS 07/26/2024

SCALE: 1" = 80'

CADD: EI

CHECKED BY: PLM

INVOICE #: 24-61428

SHEET # 1 OF 1

THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

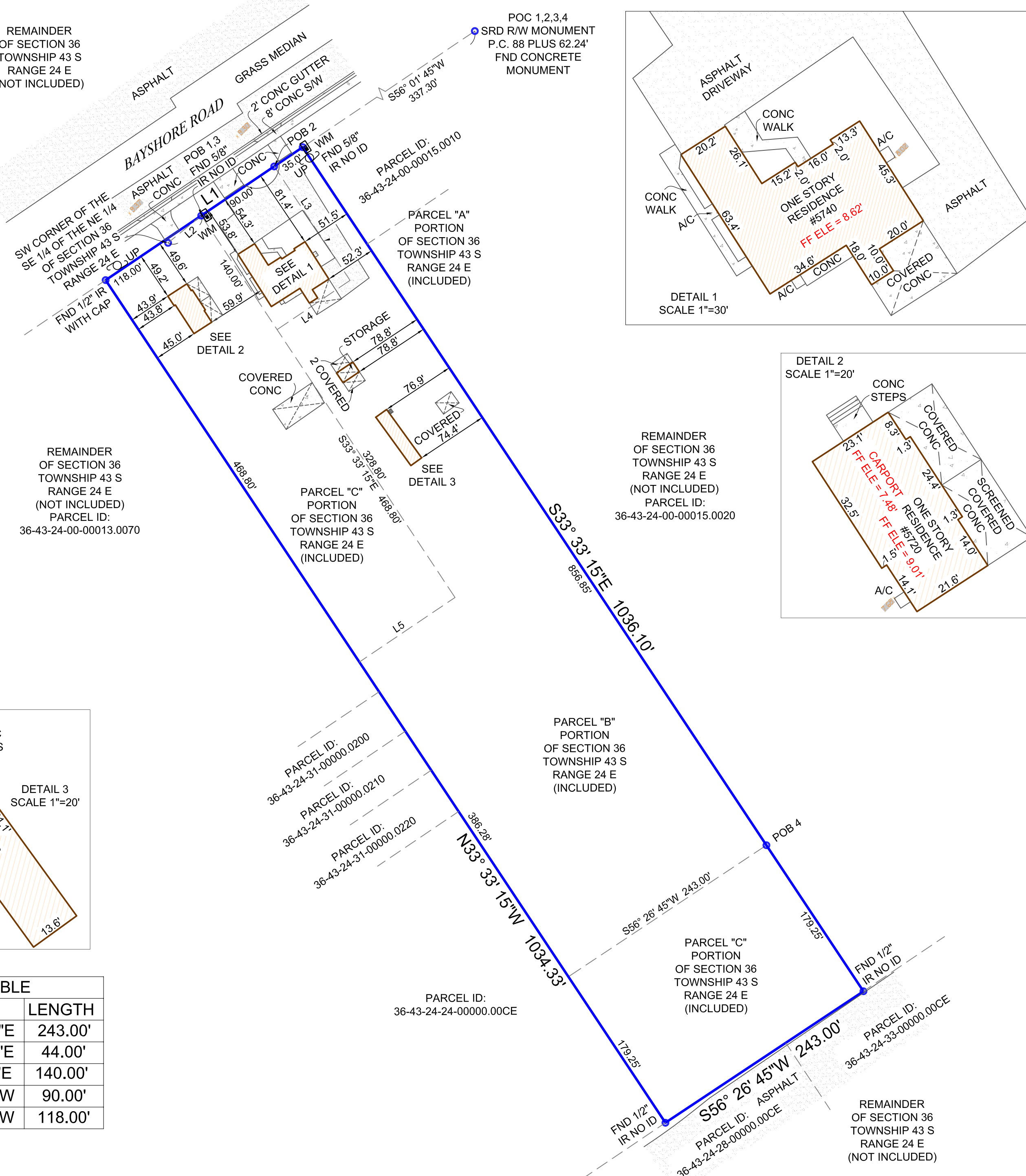
Pedro L Martinez

PEDRO L. MARTINEZ, PSM., STATE OF FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER LS 5443
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Digitally signed by Pedro L. Martinez
DN: cn=US, o=ALL COUNTY SURVEYORS INC.,
dnQualifier=A01410D00000188F7DD8160052FF7, cn=Pedro L Martinez
Date: 2024.07.31 14:59:11 -0400

ALL COUNTY SURVEYORS

PROFESSIONAL
SURVEYORS AND MAPPERS
LICENSE NO. 6677
OFFICE: (954) 777-4747
FAX: (954) 777-2707
5400 SOUTH UNIVERSITY DRIVE
DAVIE, FLORIDA 33328 SUITE 216



REMAINDER
OF SECTION 36
TOWNSHIP 43 S
RANGE 24 E
(NOT INCLUDED)
PARCEL ID:
36-43-24-00-00015.0020

PARCEL "B"
PORTION
OF SECTION 36
TOWNSHIP 43 S
RANGE 24 E
(INCLUDED)

PARCEL "C"
PORTION
OF SECTION 36
TOWNSHIP 43 S
RANGE 24 E
(INCLUDED)

REMAINDER
OF SECTION 36
TOWNSHIP 43 S
RANGE 24 E
(NOT INCLUDED)

LEGAL DESCRIPTION:

1. A TRACT OF LAND KNOWN AS PARCEL "A" DESCRIBED AS FOLLOWS:
BEGIN AT A POINT ON THE SOUTHEAST RIGHT-OF-WAY LINE OF THE NEW BAYSHORE ROAD, KNOWN ALSO AS S.R. 78, SAID POINT BEING S56°01'45"W 337.3 FEET FROM SRD R/W MONUMENT P.C. 88 PLUS 62.24, SAID POINT BEING ALSO N50°39'E 44.0' FROM AN OLD ESTABLISHED MONUMENT MARKING THE SW CORNER OF THE SE 1/4 NE 1/4, SECTION 36-43-24; THENCE N56°01'45"E 90 FEET; THENCE S33°33'15"E 140 FEET; THENCE S56°01'45"W 90 FEET; THENCE N33°33'15"W 140 FEET TO THE P.O.B. BEING AND LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.
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CERTIFICATIONS:

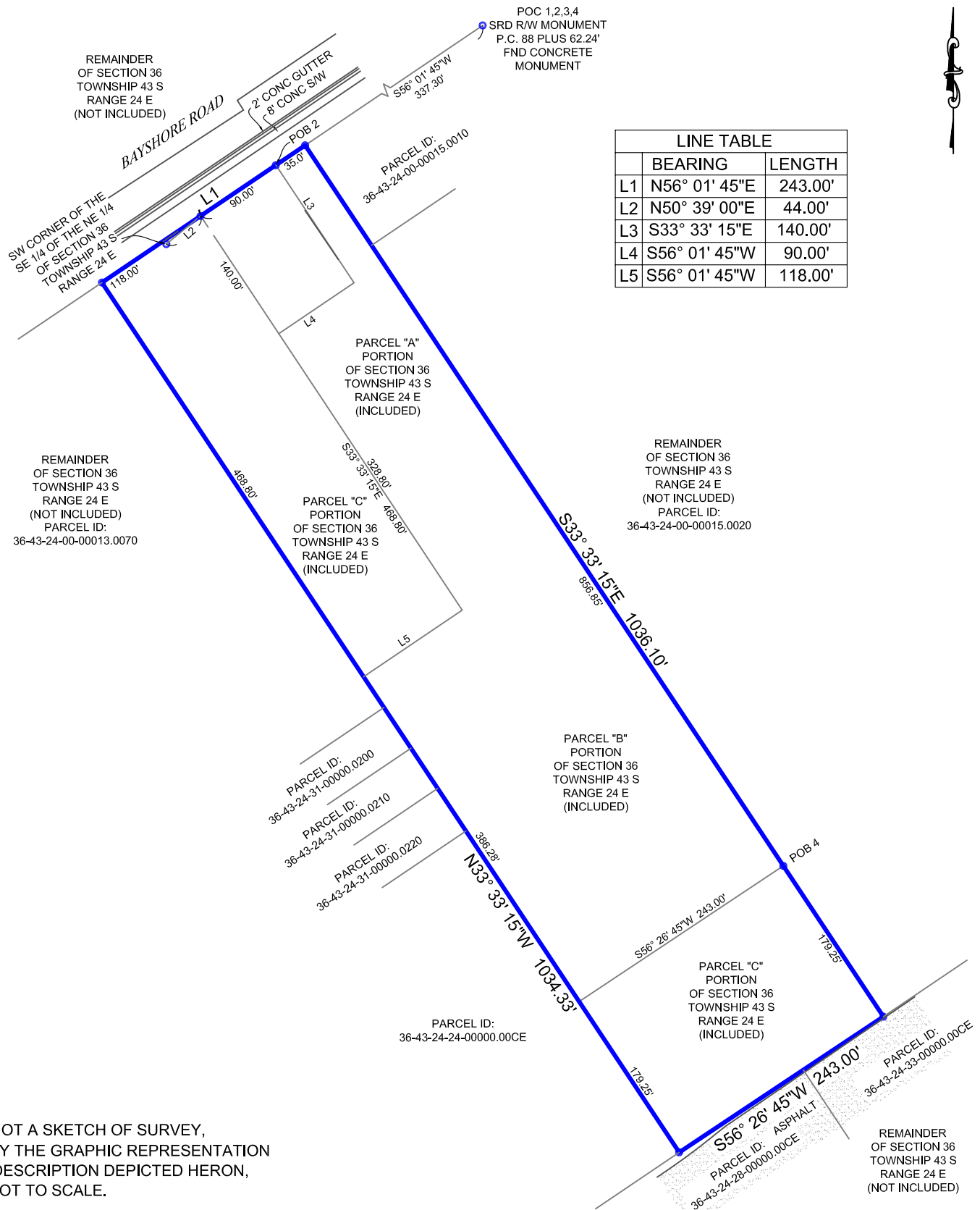
LARRY JOHNSON

WOODS, WEIDENMILLER, MICHETTI & RUDNICK, LLP
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
THE WHALEY FAMILY REVOCABLE TRUST dated 2/19/93

SURVEYORS NOTES:

- (1) BEARINGS SHOWN HEREON ARE REFERENCED TO THE SOUTHEAST RIGHT-OF-WAY LINE OF THE NEW BAYSHORE ROAD (S 56°01'45" W) PER THE RECORD PLAT AND ARE ASSUMED.
- (2) LEGAL DESCRIPTION PROVIDED BY CLIENT UNLESS OTHERWISE NOTED.
- (3) NO UNDERGROUND IMPROVEMENTS LOCATED EXCEPT AS SHOWN.
- (4) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT THEREFOR THE ONLY SURVEY MATTERS SHOWN ARE PER THE RECORD PLAT. THERE MAY BE ADDITIONAL MATTERS OF RECORD, NOT SHOWN WHICH CAN BE FOUND IN THE PUBLIC RECORDS OF THE CORRESPONDING COUNTY OF RECORD.
- (5) THERE MAY BE EXISTING RECORDED EASEMENTS CONTAINED IN THE PUBLIC RECORDS NOT DEPICTED HEREON THAT ONLY A THOROUGH TITLE SEARCH WOULD UNCOVER.
- (6) SURVEY PURPOSE FOR CONVEYANCE.
- (7) THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND/OR NEW DESIGN.
- (8) ALL FENCE LOCATION SHOWN IS THE CENTER OF THE EXISTING FENCE.
- (9) ELEVATIONS (IF SHOWN) ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) UNLESS OTHERWISE NOTED. BENCHMARK REFERENCE: #5557 ELEVATION = 7.95' (NAVD 1988)

SKETCH AND DESCRIPTION



LINE TABLE		
	BEARING	LENGTH
L1	N56° 01' 45"E	243.00'
L2	N50° 39' 00"E	44.00'
L3	S33° 33' 15"E	140.00'
L4	S56° 01' 45"W	90.00'
L5	S56° 01' 45"W	118.00'

ALL COUNTY SURVEYORS

**PROFESSIONAL
SURVEYORS AND MAPPERS**
LICENSE NO. 6677
OFFICE: (954) 777-4747
FAX: (954) 777-2707
5400 SOUTH UNIVERSITY DRIVE
DAVIE, FLORIDA 33328 SUITE 216



PROPERTY ADDRESS:

5740 BAYSHORE ROAD,
NORTH FORT MYERS, FL. 33917

**PREPARED FOR:
LARRY JOHNSON**

DATE:

2/24/2025

JOB#:

25-62563

PAGE 2 OF 2



SIGNED:

FRANCISCO NUNEZ
PROFESSIONAL SURVEYOR AND MAPPER
NO. L.S. 6382 STATE OF FLORIDA

SKETCH AND DESCRIPTION

1. A TRACT OF LAND KNOWN AS PARCEL "A" DESCRIBED AS FOLLOWS: BEGIN AT A POINT ON THE SOUTHEAST RIGHT-OF-WAY LINE OF THE NEW BAYSHORE ROAD, KNOWN ALSO AS S.R. 78, SAID POINT BEING S56°01'45"W 337.3 FEET FROM SRD R/W MONUMENT P.C. 88 PLUS 62.24, SAID POINT BEING ALSO N50°39'E 44.0' FROM AN OLD ESTABLISHED MONUMENT MARKING THE SW CORNER OF THE SE 1/4 NE 1/4, SECTION 36-43-24; THENCE N56°01'45"E 90 FEET; THENCE S33°33'15"E 140 FEET; THENCE S56°01'45"W 90 FEET; THENCE N33°33'15"W 140 FEET TO THE P.O.B. BEING AND LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.
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ALL COUNTY SURVEYORS

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PROPERTY ADDRESS:

5740 BAYSHORE ROAD,
NORTH FORT MYERS, FL. 33917

PREPARED FOR:
LARRY JOHNSON

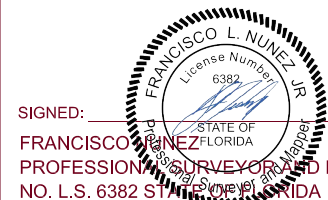
DATE:

2/24/25

JOB#:

25-62563

PAGE 1 OF 2



SIGNED:

FRANCISCO L. NUNEZ JR.
PROFESSIONAL SURVEYOR AND MAPPER
NO. L.S. 6382 STATE OF FLORIDA



Florida Governmental Utility Authority

FGUA c/o Accenture
9400 Southpark Center Loop, Suite 400
Orlando, FL 32819
(877) 552-3482 Toll Free
(407) 629-6900 Tel

November 11, 2024

Marie D'Addario
RVI Planning
8725 Pendery Pl
Bradenton, FL 34201
mdaddario@rviplanning.com

RE: Wastewater and Reclaim Water Availability – LOA ID#: 25-004 NFMD

Parcel ID No.: 36-43-24-00-00014.0010

5740 Bayshore Rd, North Fort Myers, FL 33917

5740 Bayshore Rezone

Dear Ms. D'Addario:

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 100,000 SF Warehouse-RV Storage with an estimated wastewater disposal demand of 15,000 GPD. Currently, FGUA facilities are able to accommodate this demand. 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 system.

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 devservices@fgua.com to receive a plan submittal package and schedule the pre-application meeting if required.

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Letter of Availability
Page 2 of 3

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY



Digitally signed by Paul Arnett
Date: 2024.11.11 11:06:43
-05'00'

Paul Arnett
Development Services Manager

CC: Mike Currier, South Region Area Manager

Encl.

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

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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 devservices@fgua.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.

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Project Name: 5740 Bayshore Rezone

Property Address: 5740 Bayshore Rd, 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: 5740 Bayshore Rd, North Fort Myers, FL 33917System: North Fort Myers 416Development/Project Name: 5740 Bayshore RezoneDate: November 7, 2024County: LeeLOA ID: 25-004 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

<i>FGUA</i>	G/L Code	Fees	Total fees	Amount Paid	Balance Due
LOA Request	202098	\$ 100.00	\$ 100.00	\$ 100.00	\$ -

Fees Due: \$ -

<i>Payment History</i>	Date	Check Date	Check #	Payer Name	Amount
0 Letter and Locate Map	11/7/2024	10/17/2024	5321	RVE, Inc. DBA RVI	\$ 100.00
1 Map Only					
2 Letter Only					



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February 7, 2025

Via E-Mail

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RVI Planning & Landscape Architecture

Brian Hamman
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1514 Broadway, Suite 201

Fort Myers, FL 33901

Mike Greenwell
District Five

RE: **Potable Water Availability**

Dave Harner, II
County Manager

5740 Bayshore Road Rezone - 5740 Bayshore Road, Fort Myers, FL 33917

STRAP # 36-43-24-00-00014.0010

Richard Wm. Wesch
County Attorney

To whom this may concern:

Donna Marie Collins
County Hearing
Examiner

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 three commercial units with an estimated flow demand of approximately 73,000 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.

Sanitary sewer service will be provided by Florida Governmental Utility Authority.

There are no reuse mains in the vicinity of this parcel.

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.



P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111

lee-county.com

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

5740 Bayshore Road Rezone - RVI Planning - Letter.Docx

February 7, 2025

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,

Ashanti Shahriyar

LEE COUNTY UTILITIES

Ashanti Shahriyar

Plan Reviewer

239-533-8531

UTILITIES ENGINEERING



This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at CompliancePermits@dos.myFlorida.com for project review information.

October 9, 2024



Marie D'Addario

Planner

RVi Planning + Landscape Architecture

8725 Pendery Place | Suite 101 • Bradenton, FL 34201

904.718.0058 Mobile •

In response to your inquiry of October 9, 2024, a search of the Florida Master Site File inventory shows one previously recorded resource at 5740 Bayshore Road, North Fort Myers, FL 33917 subject property.

When interpreting the results of this search, please consider the following information:

- This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.
- Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at CompliancePermits@dos.myFlorida.com

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

A handwritten signature in black ink, appearing to read "Eman M. Vovsi".

Eman M. Vovsi, Ph.D.

Data Base Analyst/Records Specialist

Florida Master Site File

Eman.Vovsi@DOS.MyFlorida.com



5740 Bayshore Road

Section 36, Township 43 South, Range 24 East
Lee County, Florida

Protected Species Assessment

September 2024

Prepared for:

**Dr. Larry Johnson
2721 Del rado Blvd. S Ste 250
Cape Coral, FL 33904**

Prepared by:

***Atwell*
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966
(239) 334-3680**

INTRODUCTION

The 5.70± acre project is located within a portion of Section 36, Township 43 South, Range 24 East, Lee County, Florida. The parcel is bordered to the north by Bayshore Road, to the east by developed commercial property, the south by Crystal Lake Drive, and the west by a storm water management pond and residential homes.

SITE CONDITIONS

The site consists of multiple residential structures on the northern portion of the property. The majority of the property consists of both wetland and upland habitats with varying degrees of exotic vegetation. A portion along the eastern property boundary has recently been cleared.

VEGETATIVE CLASSIFICATIONS

The predominant vegetation associations were mapped in the field on 2024 digital 1" = 150' scale aerial photography. The approximate property boundary was obtained from the Lee County Property Appraiser's web site and inserted into the digital aerial. The property boundary was not staked in the field at the time of our site inspection and was, therefore, estimated based on the overlay of the approximate boundary on the aerial photography. Six vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Figure 1 depicts the approximate location and configuration of these vegetation associations and Table 1 summarizes the acreages by FLUCCS Code. A brief description of each FLUCCS Code is also provided below.

Table 1. Acreage Summary by FLUCCS Code

FLUCCS CODE	DESCRIPTION	ACREAGE
110	Residential	1.49
411E2	Pine Flatwoods Invaded by Exotics (26-50%)	1.15
414E3	Pine – Mesic Oak Invaded by Exotics (51-75%)	0.82
510D	Ditches	0.10
619	Exotic Wetland Hardwoods	1.44
740	Disturbed Land	0.70
Total		5.70

FLUCCS Code 110, Residential

The northern portion of the site has multiple residential structures. Vegetation includes slash pine (*Pinus elliottii*), live oak (*Quercus virginiana*), mahogany (*Swietenia mahagoni*), bahia grass (*Paspalum notatum*), carpet grass (*Axonopus* sp.), frog fruit (*Phyla nodiflora*),

SECTION: 36
TOWNSHIP: 43 S
RANGE: 24 E



0 75 150
SCALE FEET

FLUCCS	Description	Acreage
110	Residential	1.49 ac.
411E2	Pine Flatwoods Invaded by Exotics (26-50%)	1.15 ac.
414E3	Pine - Mesic Oak Invaded by Exotics (51-75%)	0.82 ac.
510D	Ditches	0.10 ac.
619	Exotic Wetland Hardwoods	1.44 ac.
740	Disturbed Land	0.70 ac.
Total		5.70 ac.

Notes:
1. Property boundary is approximate and was obtained from the Lee County Property Appraiser's Website.
2. Mapping based on photointerpretation of 2024 aerial photography and ground truthing in August 2024.
3. Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.
Protected species assessment conducted August 28, 2024.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

August 30, 2024 2:24:27 p.m.
Drawing: LJOHN-1 PLAN.DWG

Figure 1. Protected Species Assessment Map

5740 Bayshore Road



pusley (*Richardia grandiflora*), guineagrass (*Panicum maximum*), air potato (*Dioscorea bulbifera*), and various exotic ornamentals.

FLUCCS Code 411E2, Pine Flatwoods Invaded by Exotics (26-50%)

Vegetation in this upland community consists of slash pine, saw palmetto (*Serenoa repens*), live oak, laurel oak (*Quercus laurifolia*), winged sumac (*Rhus copallinum*), grape vine (*Vitis* sp.), cabbage palm (*Sabal palmetto*), java plum (*Syzygium cumini*), Brazilian pepper (*Schinus terebinthifolius*), bamboo (*Bamboosa* sp.), and air potato.

FLUCCS Code 414E3, Pine - Mesic Oak Invaded by Exotics (51-76%)

This mesic pine and oak community is vegetated by slash pine, laurel oak, live oak, cabbage palm, java plum, Brazilian pepper, bishop wood (*Bischofia javanica*), and air potato.

FLUCCS Code 510D, Ditches

Portions of a storm water ditch are located near the southwest portion of the site. Vegetation within this ditch includes leather fern (*Acrostichum* sp.), arrowhead (*Sagittaria* sp.), and Brazilian pepper.

FLUCCS Code 619, Exotic Wetland Hardwoods

This wetland community is vegetated by bishop wood, java plum, cabbage palm, laurel oak, wild coffee (*Psychotria nervosa*), Brazilian pepper, primrose willow (*Ludwigia peruviana*), torpedo grass (*Panicum repens*), and widely scattered slash pine.

FLUCCS Code 740, Disturbed Land

A roughly 40 foot path along the eastern portion of the site has recently been cleared.

SURVEY METHOD

Lee County Protected Species Ordinance No. 89-34 lists several protected species of animals that could potentially occur on-site based on the general vegetative associations found on the subject parcel. Each habitat type was surveyed for the occurrence of these and any other listed species likely to occur in the specific habitat types. The survey was conducted using meandering linear pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology. As part of this survey all live trees and snags were inspected for the evidence of cavities that could potentially be used as roosts by the Florida bonneted bat (*Eumops floridanus*). In order to provide at least 80 percent visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 75 feet apart. The approximate locations of all direct sighting or signs (such as tracks, nests, and droppings) of a listed species were denoted on the aerial photography. The 1" = 150' scale aerial Protected Species Assessment map (Figure 1) depicts the approximate location of the survey transects and the results of the survey. The listed species survey was conducted during the morning hours of August 28, 2024. During the survey the weather was warm and sunny.

Species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are shown in Table 2. This list from the Lee County Protected Species Ordinance is general in nature, contains species that were subsequently delisted by the state, does not necessarily reflect existing conditions within or adjacent to the 5.70± acre property, and is provided for general informational purposes only. The bald eagle (*Haliaeetus leucocephalus*) (which has been delisted by the FWC and FWS but is still protected by other regulations), the Florida black bear (*Ursus americanus floridanus*) (delisted in 2012 and still protected by the Florida Black Bear Management Plan), and the Florida bonneted bat (*Eumops floridanus*) (which was listed by the FWS after Ordinance No. 89-34 was adopted by Lee County) were also included in the survey.

Prior to conducting the protected species survey, a search of the FWC listed species database was conducted to determine the known occurrence of listed species in the project area. This search revealed no known protected species occurring on or immediately adjacent to the site.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
110	80	None		
411E2	80	Gopher Frog (<i>Rana areolata</i>)*		√
		Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)		√
		Gopher Tortoise (<i>Gopherus polyphemus</i>)		√
		Red-cockaded Woodpecker (<i>Picoides borealis</i>)		√
		Southeastern American Kestrel (<i>Falco sparverius paulus</i>)		√
		Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)		√
		Florida Black Bear (<i>Ursus americanus floridanus</i>)*		√
		Florida Panther (<i>Felis concolor coryi</i>)		√
		Beautiful Pawpaw (<i>Deeringothamnus pulchellus</i>)		√
		Fakahatchee Burmannia (<i>Burmannia flava</i>)		√
		Florida Coontie (<i>Zamia floridana</i>)		√
		Satinleaf (<i>Chrysophyllum olivaeforme</i>)		√

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
414E3	80	Gopher Frog (<i>Rana areolata</i>)*		√
		Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)		√
		Florida Black Bear (<i>Ursus americanus floridanus</i>)*		√
		Florida Panther (<i>Felis concolor coryi</i>)		√
510D	80	American Alligator (<i>Alligator mississippiensis</i>)		√
		Limpkin (<i>Aramus guarauna</i>)*		√
		Little Blue Heron (<i>Egretta caerulea</i>)		√
		Reddish Egret (<i>Egretta rufescens</i>)		√
		Roseate Spoonbill (<i>Ajaia ajaja</i>)		√
		Snowy Egret (<i>Egretta thula</i>)*		√
		Tricolored Heron (<i>Egretta tricolor</i>)		√
		Everglades Mink (<i>Mustela vison evergladensis</i>)		√
619	80	None		
740	80	None		

* Species delisted subsequent to adoption of Lee County Protected Species Ordinance No. 89-34.

SURVEY RESULTS

No species listed by either the FWS or the FWC were observed on the site during the protected species survey. In addition to the site inspection, a search of the FWC species database revealed no known protected species within or immediately adjacent to the project limits.



5740 BAYSHORE ROAD SPECIAL EXCEPTION

Special Exception Requested Uses

In addition to the Corridor Commercial (CC) zoning request are the following uses only permitted by special exception due to the sites location in the Commercial Corridor Land Development Provisions per LDC Section 33-1566(c) pertaining to Pine Island/ Bayshore Road.

- STORAGE, INDOOR (permitted in CC District and in the Commercial Corridor without SE)
- WAREHOUSE, HYBRID
- WAREHOUSE, PRIVATE
- WAREHOUSE, MINI