



## Consolidated Review Comments

Record Number: [SEZ2025-00007](#)

*Click the record number to open it in the eConnect/ACA portal.*

Department of Community Development  
Zoning  
P.O. Box 398  
Fort Myers, FL 33902

**Report Date:** 01/06/2026

**Record Type:** Special Exception

**Address:** 5740 BAYSHORE RD, NORTH FORT MYERS, FL 33917

**Project Name:** 5740 Bayshore Road Special Exception

**Record Description:** Request for a Special Exception to allow the uses "warehouse, private," "warehouse, hybrid," and "mini-warehouse" on 5.77 acres in conjunction with concurrent rezoning case REZ2025-00005.

Staff has reviewed the above-referenced application in accordance with the applicable requirements of the Lee County Land Development Code (LDC). Please be advised that the application is insufficient at this time. A public hearing date will not be scheduled until a complete application is submitted.

Please respond to the enclosed sufficiency review comments within 30 days of the date of this letter. This application may be withdrawn if no response is received within this timeframe.

In order to facilitate an efficient review process, Staff is available to the Applicant and the Developer to schedule a meeting to discuss the remaining comments prior to resubmittal of the application. Contact [PODZoning@leegov.com](mailto:PODZoning@leegov.com).

### GENERAL COMMENTS:

*The information below is an advisory summary of any significant issues identified for the project.*

| <u>Corrections</u>          | <u>Review Comments</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <u>Reviewer</u> | <u>Status</u> | <u>Comment ID</u> |
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| <u>Environmental Review</u> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |               |                   |
| Yes                         | <p>Repeat Comment: Staff appear to have identified easements not acknowledged by the applicant; instrument number 2009274, OR BK 1811 / PG 1101. Revise the site plan to show all easements.</p> <p>Provide additional evidence to support the applicants position that the water feature identified during site inspection does not meet the definition of Natural Waterway or revise the MCP to show the 50-foot buffer on the plan.</p> <p>The applicant has stated they will seek a deviation from 10-329(d)(1)a., identify the location of the proposed deviations on the site plan.</p> <p>The survey provided by the applicant states the survey is not to be used for new design purposes. Provide a revised survey which can be used to review the proposed rezoning.</p> <p>The applicant has stated that the 30-foot type-f buffer required under LDC 33-1543 will overlap within the indigenous open space preservation. Portions of this area are an existing surface water feature which appears to drain onsite and offsite flows, and which is supported by an offsite retaining wall. Clearly delineate the extent of the surface water feature on the site</p> | William Lange   | Open          | 2                 |

| <u>Corrections</u>   | <u>Review Comments</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>Reviewer</u> | <u>Status</u> | <u>Comment ID</u> |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|-------------------|
|                      | <p>plan and the FLUCCS map.</p> <p>Repeat comment: The applicant's response did not clearly identify how the applicant has protected rare and unique uplands to the greatest extent possible. Provide a revised response.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                 |               |                   |
| <u>Legal Review</u>  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |               |                   |
| Yes                  | <p>Sec. 34-202(a). Submittal requirements for applications requiring public hearing.</p> <p>The following issue is found on the legal description, boundary survey, and title certification for the descriptions of Parcel A, B, and C. (see highlights on legal description document)</p> <p>Based on the state plane coordinates provided in the boundary survey, the legal description from the warrantee deed has errors and includes a 125' strip of property east of 5740 Bayshore Rd and does not include the 125' of the west side of 5740 Bayshore Rd. The state plane coordinates for the Point of Beginning (POB) and opposing corner fall at the northeast and south west corners of the overall parcel of land.</p> <p>The description for Parcel A begins at the POB and follows a call going N/E along the south ROW line of SR78 for 90 feet. Parcel B begins at the same "POB" and follows the south ROW for 90 feet to Parcel B's POB then continues along said ROW for 35 feet. This places the Parent POB 125 feet northeast of the POB state plane coordinate. The issue continues with items 3 and 4.</p> <p>The overall description of the perimeter of the property included on the boundary survey appears to correctly map the property using the state plane coordinate for the POB and nearly matches the state plane coordinate for the opposing corner.</p> <p>Please correct the legal descriptions on all 3 documents.</p> | Richard Burris  | Open          | 5                 |
| Yes                  | <p>Sec. 34-202(a) Submittal requirements for applications requiring public hearing.</p> <p>(5) Legal description and sketch to accompany legal description. - The legal description is not a metes and bounds description of the perimeter of the subject property. The legal description does not include a sketch to accompany legal description. The description includes 4 individual descriptions. Please provide a separate document with the description and sketch of the perimeter of the subject property.</p> <p>Please review comment concerning the legal descriptions on 3 submitted documents that contain descriptions.</p> <p>Legal description and sketch<br/>Boundary Survey<br/>Title Certification</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Richard Burris  | Open          | 6                 |
| <u>Zoning Review</u> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |               |                   |
| Yes                  | No public information meeting summary document has been provided. Per LDC 33-1532(a) and (b), please provide this.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Peter Blackwell | Open          | 1                 |

#### **CORRECTIONS NEEDED:**

*Items marked Yes must be resolved before the plan review can be approved. Items marks "No" may be deferred to subsequent submittals and are not required to be addressed prior to approval of plans and documents.*

Document: Boundary Survey 2025-08-28.pdf

| <u>Corrections</u>  | <u>Page Ref</u> | <u>Review Comments</u>                                                                                                                     | <u>Reviewer</u> | <u>Status</u> | <u>Comment ID</u> |
|---------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|-------------------|
| <u>Legal Review</u> |                 |                                                                                                                                            |                 |               |                   |
| Yes                 | 1               | These two lines to POB 3 do not lead to the same point based on the provided state plane coordinate of SRD R/W MONUMENT P.C. 88 PLUS 62.24 | Richard Burris  | Open          | 7                 |

**REVIEWER CONTACT INFORMATION:**

| <u>Reviewer Name</u> | <u>Reviewer Email</u> | <u>Reviewer Phone</u> |
|----------------------|-----------------------|-----------------------|
| William Lange        | wlange@leegov.com     | -                     |
| Richard Burris       | rburris@leegov.com    | 239-533-8526          |
| Peter Blackwell      | pblackwell@leegov.com | 239-533-8312          |