



**Notice of a Communications Media Technology (“CMT”) Public Meeting
City of Bonita Springs Board for
Land Use Hearings & Adjustments and Zoning Board of Appeals
Official Agenda
Tuesday, September 15, 2020
9:00 A.M.**



PUBLIC COMMENT

RECEIVED BY: CITYMEETINGS@CITYOFBONITASPRINGS.ORG

COMMENT #1

Date: 9/4/20

From: Mikewatson <michaelwatson62550@gmail.com>

Subject: Boat ramp, BonitaSprings

Please think of the local residents, this was age at access to Estero Bay, i ask you do what the tax payers expect and allow the ramps as before for everyone.

Thank you,
Mike Watson

COMMENT #2

Date: 9/4/20

From: Allan Bowditch <allan.bowditch@abconsultingintl.com>

Subject: Re: The Bonita Springs Council Meeting Sept 15th @ 2pm regarding the Bayview Homes Development.

Although I have requested to speak at the above meeting, in the event of any technological difficulties arising that afternoon, I would like you to provide the following submission to the mayor, councilors and other involved in the Bayview Development assessment.

Thank you
Allan Bowditch
Chief Communications Officer
ECCL

Please see the submission below

To: The Mayor Bonita Springs City Council members and Members of the Planning and Zoning Committee.

The ECCL (A civic Advocacy Organization) has already submitted several reports and documents outlining the results from 1966 residents in 40 communities in Estero and Bonita Springs to the council and planning office. Plus, the focus group results from over 20 boaters who launch boats in the area.

It was unfortunate that because of a misunderstanding about the focus of the last meeting which reviewed the London Bay Homes plans for Bayview, the ECCL and other boaters who are not in favor of a single boat ramp option, did not express their views. This resulted in an unbalanced set of comments to the Council.

The ECCL represents the views of almost 2000 residents, 74% of whom want to see access to Estero Bay for boaters at the Bayview site and 83% of these people disagree with a single boat ramp solution. There were 438 people from the Colony and Pelican landing in the survey and 81% of those people also disagreed with a single boat ramp solution.

While those in the Colony were especially concerned about the potential traffic problems that would result along Coconut Road, this view was not directed at Boaters, but at the overall development itself.

There is to our knowledge no single boat ramp that is in use in South West Florida. This is for good reason, as the boaters in our focus groups explained. There are far too many practical difficulties associated with such a system. The delays that arise when several people are aiming to launch their boats or when one is returning are frustrating and will stop boaters using the facility. Waiting to launch will lead to noise and pollution from exhaust fumes etc.

The ECCL has spoken to a civil engineer and boat ramp designer who has indicated that an easement of the development would enable an extra 12 feet to be added to the existing 18 ft to create a 30 ft double ramp. This suggestion was provided to London Bay Homes but was dismissed.

The objections that are voiced about two ramps leading to a major destination for launching boats and causing an increase in traffic are completely misplaced. Since there are only 15 trailer spaces close to the launch area, this will limit the boaters visiting as the difficulties of off-site parking will discourage boaters using that option. Boaters do not like leaving their boat unattended for any length of time.

On behalf of the many individuals that have communicated with the ECCL, we urge the Council to request appropriate and convenient access to Estero Bay by proposing an increase of 12 ft to the planned 18ft boat ramp allowing two boats to use the ramp at one time.

Allan Bowditch

COMMENT #3

Date: 9/4/20

From: edward weil <eweil@techsourcebook.com>

Subject: Sept 15 raptor bay

Complaining gets us nowhere – compromise using reasonable compromises works for all
We all want to for Bonita and Estero residents access to the estero bay islands

We desire opportunity to have access to

Fish the bay

Enjoy the park at the end of the property to enjoy the sunsets

Have a water taxi to give everyone access to the islands and tour the bay

Launch our boats

Creative ways to solve the lack of parking

The proposal from the owners London Bay say they will have 72 wet boat slips, food and access for residents to and a beautiful park at the very end of the property

They will provide one launch with limited parking

How do we provide improved access given this proposal???

London Bay

Provide 3 or 4 of the wet boat slips to fishing charter boat owners – improve fishing access

Provide one or 2 wet boat slips for a water taxi – to assure access to the islands and touring the bay

To solve the parking access – at the end of coconut road – on the Lee Health Coconut 43 acre site –

Provide parking and van to transport/shuttle residents of Bonita and Estero to the London bay property

Work with Estero on improvements to coconut road – already money has been approved by Estero

This will allow access to guests of boats launched and access to the park for all -and to the fishing charters and water taxi

I would hope we all could work together to improve access to all --a win win

Respectfully submitted,

Ed Weil

Volunteer Estero resident and coach at Estero High

COMMENT #4

Date: 9/4/20

From: Diane Schneider <dhardingschneider@yahoo.com>

Subject: Save the boat ramp and access to it. Stop the over-development.

Sent from my iPad

COMMENT #5

Date: 9/4/20

From: Peter A. Zams <petecap928@aol.com>

Subject: Boat Ramp with access to Estero Bay

Please make this a consideration. It is very important that we have a close access to Estero Bay. Estero Bay is the hallmark of our community. Not just the ramp, but close access for everyone in our community. Thank you.

Peter A. & Peg Zams
19680 Casa Verde Way
Estero, Florida
33967-0511
609-922-4256 Direct Cell
petecap928@aol.com

COMMENT #6

Date: 9/4/20

From: Capt Eric Anderson <capt-eric@whatahawg.com>

Subject: Comment On The 9-11-2020 Meeting Concerning Bayview - Weeks Fish Camp - Development

Dear Council Members:

It is imperative that as a community we take a moment to consider what we will be losing if London Bay gets approval to develop the property as proposed. This is our last chance to avoid what has happened to the East coast of Florida.

The "weeks fish camp" boat landing area of the property represents a very small portion of the entire project, and it has the smallest footprint in terms of the entire area. The proposal put forward by London Bay is completely inadequate to serve even a tiny percentage of the total demand for access to Estero Bay. I'm sure this has been pointed out at past meetings but I would like to go on record with the following important facts concerning this proposed development.

1. This is the very last chance for a public boat ramp on the entire east side of Estero bay **that has true bay access**, the imperial river boat ramp is not realistic access. The no wake zone in the river takes boaters 1 hour (+/-) to reach New Pass (heading north) and slight longer to reach Wiggins

Pass (heading south). The weeks fish camp boat ramp is 10 minutes to Big Carlos or New Pass, as you can see there is no real alternative to the weeks property for reasonable Estero Bay and Gulf Of Mexico Access.

2. Their proposal to have boaters park across from Pelican Colony is ridiculous. Did they bother to measure that distance which is approx .62 of a mile.

They proposed that you launch your boat, tie it up and walk that distance while their boat sits unattended? I don't think they have any idea the cost of the tackle and electronics in even the most basic fishing boat. Would they want to walk that distance in the summer at noon?

3. I never saw any mention of transportation in terms of a trolley to take boaters to and from the parking lot? This parking issue is a huge problem especially for boaters with any type of a disability, even a very minor one. Would London Bay employees walk nearly a mile and a 1/4 round trip to launch and retrieve their boat?, everyone knows the answer to that question.

4. I realize that this is private property and London Bay technically doesn't have to do a thing if they choose not to. However the reputation of Bonita Springs and Estero as a top destination for business and residential development is what's really at stake here. One of the draws we have is a fantastic estuary so close. If we have to tell prospective corporate and residential relocation candidates that the closest boat ramp with gulf access is 14.25 miles from the corner of US 41 and Bonita Beach Road to the ramp at lovers key. The ramps at Punta Rassa and Wiggins pass are even farther away.

This is truly our last chance to do the right thing for our present and future residents. We need a 2 lane ramp with at least 75 parking spaces and a decent traffic flow design as the minimum acceptable proposal. Perhaps the cities of Bonita and Estero can offer tax incentives or a land swap for the small amount of property that this boat ramp represents. The last things our community needs is more assisted living housing. We are horribly overbuilt with that already, we need families that will make use of the new High School and a hospital is desperately needed. Thank you for allowing residents a chance to comment on this important matter.

Sincerely,
Capt. Eric Anderson
239-290--4103

COMMENT #7

Date: 9/4/20

From: Susan Scamurra <sscammurabl@yahoo.com>

Subject: Comment on boat ramp

Our water, whether surface like rivers or aquifers for fresh belong to everyone who lives here. It should be protected and remain accessible to all. Letting private investors overbuild or privatize access for personal gain from those with money should not be allowed.

Don't overbuild and don't allow restrictions to our waterways.

Thank you

Susan Scamurra
19797 Maddelena Circle
Estero FL 33967

COMMENT #8

Date: 9/4/20

From: Pritt, Robert <RPritt@ralaw.com>

Subject: Mediterra-Letter to ZB-rdp edits 9-4.DOCX

Attached is a letter on behalf of Mediterra Community Association, Inc. pertaining to Harkat IPD, scheduled before the Zoning Board on September 15. Please send it to the Board Members today or Tuesday. Thank you.

Robert D.Pritt
Board Certified City, County & Local Government Lawyer
Roetzel & Andress, L.P.A.
850 Park Shore Dr. Third Floor
Naples, FL 34103
239.649.2714 (office)
239.261.3659 (fax)
239.292.2147 (cell)

Attachment:

September 4, 2020

Via e-mail to citymeetings@cityofbonitasprings.org

From: Robert D. Pritt, Attorney
Ph. 239-292-2147
Case No. PD19-65454-BOS

Via e-mail to Michael Fiigon, Community Development mfiigon@cityofbonitaspringscd.org
Bonita Springs Zoning Board

Re: Harkat IPD Application

Dear Members of Board:

This firm represents Mediterra Community Association, Inc. the Master Association for Mediterra and owner of property directly across the street from the proposed IPD property.

On behalf of the Mediterra community, and its neighborhoods and properties near the proposed development property, the Board of Mediterra opposes the Application as it currently exists for reasons set out below.

As we indicated in previous Neighborhood Informational Meetings (NIMs), the community is concerned about the **Height** that would be permitted, the **Orientation** of the proposed structure and the **Scope of Uses** that the proposed application would allow.

Height: The Property is very close to residential structures in the quiet and lovely single-family residential neighborhood. The view of the residences and community facilities will be interrupted by the height of the industrial structure. In fact, one of Applicant's options in its amended Application, shows a 30' height on east side, going up to 40' on the west side. But it is shown only as an option. Therefore, for protection of the neighborhood we respectfully request that the maximum height be established at 30'.

Orientation: a. Doors and Windows--Mediterra asks that any approval includes a condition that requires the structure to be oriented so that the doors and windows are not permitted or cannot open to the east (toward the Mediterra community). This will ensure less noise, dust and airborne material, noxious odors, and fire risk in the residential neighborhoods.

b. No Outdoor Work--Mediterra asks that any approval prohibits outdoor work activity. The same reasons apply--reduction of noise, dust and airborne material, noxious odors, and fire risk toward the residential neighborhoods.

Noise: While Bonita Springs has a noise ordinance, like virtually all local governments, such ordinances are extremely difficult to enforce for a number of reasons. Smart planning and zoning principles take into account such realities and employ land use techniques that mitigate the potential nuisance from its point of beginning. This includes wise orientation, limitation on outdoor indoor activities, and good construction techniques.

Uses: The uses allowed in the industrial district are very expansive. Mediterra has sought from Applicant, information as to what it intends for use of the Property. This was not disclosed. Not all industrial or light industrial uses are equal. In the IPUD process the City is free to allow some, but not all, of the uses in an industrial district.

Buffering: Mediterra has reached out to the Applicant's representatives on numerous occasions to see if there are ways to accommodate the proposed Application consistent with the concerns of the neighborhood. An example is the idea of strategically planting trees on the Mediterra berm that would create a visual buffer between the properties, in lieu of planting a somewhat useless buffer on the ground next to the proposed property and berm. Mediterra is open to that.

While the City could not require off-site buffering on its own, the parties could agree to it and mutually recommend that the City waive the ground-level berm. Stuningly, at the last NIM, Applicant missed this opportunity and instead complained of the condition of the berm!

Not NIMBY: This is not the usual NIMBY situation.

A. Seldom does an adjoining neighborhood reach out to accommodate a neighbor's proposed development.

B. Seldom is there such a difference in adjoining Districts. Good planning principles usually have a transition from single-family residential, to multi-family residential, to commercial, to industrial. Here, due to history there is an old and seriously blighted industrial district next to a high-quality single-family neighborhood. Applicant offers nothing toward enhancing the industrial district such as paving and drainage, limitation of uses, or a decent-looking structure. Applicant resists providing mild concessions to the established neighborhood, as shown above.

No Vested Rights: Applicant wants this Board to buy into the notion that Harkat is entitled to have the same or similar zoning that it once had. It claims a right to deviations that were given decades ago by the County. It contends that it was there first and Mediterra came later.

However, from a legal standpoint that is patently false. For reasons not the fault of the City or Mediterra, Harkat or its predecessor let previous rights lapse, and therefore it has no vested rights (or vestige of vested rights) to any particular approval. From that same legal standpoint, Mediterra and the affected neighborhoods are first. They are here now, with appropriate zoning and established development, while Applicant is here now, vacant, with no zoning.

Times Have Changed: Bonita Springs became a City in large part to clean up the substandard conditions that plagued the area under County rule. The Charter and the Committee Reports support this concern.

Maintain Standards: So, instead of lowering City standards to accommodate perpetuation of a sub-standard industrial district, and property, the City should and can legally requirement improvement of that district and at the same time eliminate an issue with the adjoining residential district.

Legal Precedent: Finally, what is often lost in the immediacy of small local rezones is the legal background of zoning itself. Until a U.S. Supreme court decision in the 1926 it was not clear that local governments even had the power to zone land. That case, although nearly a century ago, dealt with virtually the same issues as this: The incompatibility of a proposed industrial development next to residential areas. The Supreme Court said that the zoning power was a lawful police power, rationally related to the need to require land uses and structures to be compatible with each other and not be a nuisance as to the other.¹ All land use planning and zoning laws emanate from that case and analysis.

Conclusion: Harkat and Mediterra CAN be compatible, or at least less incompatible, with a few revisions by Harkat. But, until that can be requested or conceded to, Mediterra requests that the Application be rejected, or conditioned in accordance with this request.

Respectfully,

ROETZEL & ANDRESS, LPA
s/ Robert D. Pritt
Robert D. Pritt

¹ *Village of Euclid v. Ambler Realty*, 272 U.S. 365 (1926). "...the exclusion of buildings devoted to

business, trade, etc., from residential districts bears a rational relation to the health and safety of the community.”

“...Thus, the question whether the power exists to forbid the erection of a building of a particular kind or for a particular use, like the question whether a particular thing is a nuisance, is to be determined not by an abstract consideration of the building or of the thing considered apart, but by considering it in connection with the circumstances and the locality. Sturgis v. Bridgeman, L.R. 11 Ch. 852, 865. A nuisance may be merely a right thing in the wrong place -- like a pig in the parlor instead of the barnyard.”

COMMENT #9

Date: 9/4/20

From: Matt Gaudet <mgaudet@theforestcc.com>

Cc: Raquel Gaudet (raquel.gaudet@gmail.com) <raquel.gaudet@gmail.com>

Subject: September 11th at 4:00PM Boat Ramp meeting

To whom it may concern:

We should do this right if we have the chance. It is my opinion that one ramp will be inadequate as I am an avid boater and do not know of one other site that has less than two ramps. We are in a densely populated area and a ramp on the east end of the Bay will be very popular. Let's do this right as we may not have another chance to!

Thank you for your leadership and the difficult decisions we rely on you all to make. Thank you for listening to my feedback.

Sincerely,

Matt and Raquel Gaudet
22910 White Oak Ln.
Estero, FL 33928

COMMENT #10

Date: 9/5/20

From: Merrill Solan <merrillsolan@gmail.com>

Subject: Harkat IPD Zoning Board Meeting 9/15

At Mr. Fiigon's suggestion, here is an email of our comments regarding the upcoming Zoning Board Meeting which I will attend by Zoom. Please include these comments in the official record.

We oppose the zoning request Harkat IPD, Application PD 19-65454-BOS.

While we understand they ultimately will be able to erect some sort of warehouse structure on their Enterprise Avenue property, this property sits within 375' of our home on Amarone Court in the community of Mediterra. The building to be constructed as requested in their application has the potential to significantly impact our enjoyment of our home and its property value. We request the zoning board restrict that construction and usage potential as follows:

1. Building height should be restricted to no more than 30' as otherwise it would be clearly visible

and impact the view from the front of our home.

2. Building should be oriented so that there be no openings (garage doors, etc.) on the east side of the building which faces our home.
3. No work should be allowed on the outside of the building, restricting all activity to the inside.
4. Usage restrictions should be imposed so as to minimize noise, dust, fumes, chemicals, or other noxious odors.

In short, we would request that the building and its usages be restricted such that my husband and I, as well as our neighbors in Mediterra, can continue to enjoy the peace, beauty and calm that originally moved us to purchase our homes undisturbed.

Thank you for your consideration.

Merrill and Andrew Solan
Sent from my iPad

COMMENT #11

Date: 9/5/20

From: Joseph Fossella <joseph.fossella@gmail.com>

Subject: Boat Ramp

I would like to state that we desperately need a full functioning boat ramp at the Raptor Bay development. It has been an extraordinary length of time since the a decent ramp was available at the Weeks Fish Camp. Please do not approve the development without the provision of a proper boat ramp with the needed amenities, parking, bait etc.

thank you
Joe Fossella

COMMENT #12

Date: 9/5/20

From: SALLY ANNE CAPUTO <caputosa57@gmail.com>

Subject: Boat Ramp @ Week's Fish Camp on Coconut Rd

Bonita Sprs:

We feel that the single boat ramp presently at this location is not NEARLY sufficient to meet the needs of the local boating residents and must be expanded to TWO ramps as this location is developed. PARKING should also be made adequate to accommodate the vehicles for two boat ramps.

Signed,
Anthony and Sally Caputo
Estero, FL

--

Sally Anne Caputo

COMMENT #13

Date: 9/5/20

From: Dave Bocchini <davebocchini@aol.com>

Subject: Application: PD19-65454-BOS

Subject: Application: PD19-65454-BOS

Harkat Industrial Planned Development (IPD)

PROPERTY LOCATION:

10971 & 10979 Enterprise Avenue, Bonita Springs, FL 34135

Gentlemen:

I am a 15 year resident of the Mediterra Development which abuts this parcel requesting a zoning modification. I am opposed to this modification as it will negatively impact the peaceful enjoyment of properties next to it that are zoned residential.

The proposed zoning change will totally ruin the sight lines from the residential neighborhood next door. In addition, noise levels from this site are currently on the high side of acceptable to the neighborhood and must be kept at this level, or below, for the continued enjoyment of the residents. You must keep in mind that the street in Mediterra next to this parcel is a quiet, tree lined area which has been built to provide a peaceful setting for residential homes. Homes for people who have decided to make this neighborhood their residence in their retirement years. So far, living next to the Light Industrial Area over the boundary wall has been acceptable to the lifestyle of these residents. But the changes which have been proposed for this parcel, pose a threat to this currently acceptable situation.

So, if changes to the zoning of this property must be made to better utilize this parcel, the following limits must be imposed to maintain the status quo and make the changes acceptable for all involved parties:

- A. The Building height (top of the roofline) must be restricted to no higher than 25 feet.
- B. Any new or modified building on the parcel must be set up so that no openings, doors, windows, or other access points, will be facing the residential neighborhood.
- C. Uses of the parcel and building must be limited so as to restrict noise, light, voices, alarms, smells, etc. emanating from the parcel so that there is no interference in the peaceful enjoyment of the properties of the residential neighborhood.
- D. Noise insulation must be installed in any new building or building modification to minimize noise emanating from inside the building being heard in the residential neighborhood.
- E. Work outside of the building must be prohibited.
- F. Storage outside of the building must be prohibited.

- G. The use of heavy trucks and earth moving equipment on the parcel must be prohibited.
- H. Hours of operation of the parcel must be limited to normal working hours, 7 AM to 6 PM. No evening or night shift operations or deliveries should be allowed.
- Should all of these limitations not be acceptable to the owner of the parcel, then the zoning modification he has requested should not be approved in any form.

The residents on the other side of the boundary wall have the right to have the peaceful enjoyment of their properties continued.

Sincerely,

Dave Bocchini
davebocchini@aol.com

COMMENT #14

Date: 9/6/20
From: Linda Savage <lindaandbillsavage@gmail.com>
Subject: Sept 15 council meeting London Bay developers

I would urge the council to Reject London Bay's proposal for the single boat ramp. As any boater knows a single lane ramp is rife with problems. It simply cannot be effective. At least 2 ramps + good parking is needed. Having considerable distance between the ramp and trailer parking is going to cause vast problems as well. London Bay just wants to give up a Very Small piece of their pie for this boating facility. Have them do it properly and allow boating to continue as it has for years before their greed got in the way.

Captain Bill Savage
Estero Fl

COMMENT #15

Date: 9/7/20
From: Irving Nathanson <irvelaine@outlook.com>
Cc: Allan Bowditch <allan.bowditch@abconsultingintl.com>
Subject: London Bay Homes Development, September 15, 2020

I would respectfully like the LPA to consider my following observations regarding any final decision concerning the proposed London Bay Homes development:

I do not question the emotional motivations of others whose expressed opinions in this matter were not entirely based on facts. My brief remarks are based on reliable research submitted by qualified professional and recreational boaters as well as marina designers. As an ECCL representative, I and others have maintained a professional dialogue with London Bay Homes representative Danville Leadbetter over the past eighteen months in an effort to achieve a modification in their one boat ramp proposal. Unfortunately a compromise was not achieved.

Previous speakers have made some unrealistic assumptions that access to Estero Bay with the addition of a second boat ramp would result in traffic congestion on West Coconut Road due to boaters waiting to launch their boats on the site. The addition of a second ramp would increase the speed and convenience of getting boats in and out of the water alleviating any possible backup and wait times. Not all boat launching plans go as expected and a single unanticipated mechanical problem with a single ramp would create many unnecessary problems. This was a major practical concern expressed by the 1690 boating enthusiasts who responded to a survey conducted throughout the Estero/Bonita Springs metropolitan area.

As expressed by a few others, the addition of a second boat ramp could lead into major marina site in our area and could bring many unwanted problems associated with such a concept. This is really a stretch of one's imagination.

A second boat ramp would not impose on or diminish access to Estero Bay by the private launch sites owned by Pelican Landing boaters.

Thank you for taking the time to consider these remarks.

Irv Nathanson

COMMENT #16

Date: 9/7/20

From: Jill McKay <jmckay54@comcast.net>

Subject: Sept 15 meeting

As a long time kayak fisherman of Estero Bay, I was very disappointed to see the elimination of the old Weeks fish camp. It not only afforded me a launch area on the eastern side of the bay, but kayak storage, fish cleaning area, and a small bait shop. All that is now gone, and my alternative is a 13 mile drive with my kayak on my car to the west side of the bay. After a 25 minute paddle to my old fishing grounds I can fish, paddle 25 minutes back, reload my kayak, and drive 13 miles home. So much for fishing in paradise! The inclusion of the fundamentals of the former facility seems to me a huge plus for the recreational fisherman and taxpayers of those communities east of the bay. And all at a very minimal cost.

Tom McKay

COMMENT #17

Date: 9/7/20

From: Janice English <cajapt@aol.com>

Subject: Estero Boat Ramp

ECCL

It is imperative that the residents of Estero have adequate, recreational access to the Estero Bay and Gulf of Mexico. Rampant, uncontrolled, building in Bonita, and now Estero, has encroached on the Estero residents, ability to enjoy our already restricted water access.

We can't see the water anymore, now we can't use the water anymore, without traveling to Fort

Myers Beach or Bonita Beach. You will allow a few people to get rich, you keep the people who put you in office from using the resources that we came here for, either many yers ago or recently.

Do not restrict the boat access to Estero Bay and the Gulf of Mexico for the residents of Estero!!

Respectfully,

Janice English

COMMENT #18

Date: 9/7/20

From: Eck J <jordaneckert@gmail.com>

Subject: Meeting at 4:00pm on Friday September 11th, 2020

Hello,

My name is Jordan Eckert and I am a resident of El Dorado Acres.

I own a jet ski and would like you to reconsider the so few number of parking spaces you have approved of being built down at the London Bay property when they start construction. Would you please allow more parking spaces to be built?

With all the residents who own boats coming from all over our area, I believe the amount of boat trailer parking spaces is no where near enough to accommodate the boat enthusiast locally. The water we live near is such a benefit to both our economy and our community's mental health that I hope we can do everything we can in allowing anyone and everyone the opportunity to enjoy what SW Florida has to offer in boating recreation.

Thank you

COMMENT #19

Date: 9/8/20

From: Tom Hassett <tomslug273@gmail.com>

Subject: case number (PD19-65454-BOS).

Gentlemen,

I am against the zoning of this property and would recommend the following changes to the project.

Building height restricted to no higher than 30'

Building orientation be such that there are no openings on the east side facing Amarone

No work should be allowed outside of the building

Usages be limited so as to restrict noise and/or fumes emanating from the property

Please restrict the building to the above restrictions as they are in line with the area development.

Phone 585-259-1079
Tom Hassett
28102 Castellano Way - Naples, FL

COMMENT #20

Date: 9/8/20

From: carlos hernandez <dreamboater7@msn.com>

Subject: Sept 15 2020 bay view development meeting London Bay

Good afternoon city of Bonita springs counsel,

My name is Carlos Hernandez a local boater that lives at Coconut shores off coconut road. I would like to express comment on the proposed plans for the boat ramp. Although the plans listed on the website for the boat ramp demonstrates London bay is listening to the boating community, I believe that the single 18 foot boat ramp should be widened slightly to make it practical and allow for 2 Boat launches simultaneously for efficiency, ease of use plus safety for boaters (perhaps to 22feet wide). Also there was an adjustment Made from 10 to 15 onsite boat trailer parking, its a small improvement. Ideally it should be no less than 20 spots again for greater usage and practicality Any flexibility to allow for these small modifications from London bays plans will make a improvement and would be greatly appreciated by the local boating community.

Respectfully,
Carlos Hernandez
dreamboater7@msn.com

COMMENT #21

Date: 9/9/20

From: Jeff S. fyrcountry@yahoo.com

Subject: Weeks fish camp/LBH

Dear City Council,

Unfortunately I will be unavailable today but I would like it to be known that access to the water is a humanitarian right and not a priviledge. We have thousands of people standing behind us and want the City of Bonita Springs along with the mayor to do what is right for the public and not what is best for a private company with a handful of wealthy residents. All we are asking for is comparable to any other public ramp and just want a little extra space for more ramps and vehicle/trailer parking. I hope to have a ramp for everyone to use including the children of everybody in the future. This should not be a political flip flop of variance and code changes, cut and dry public access! Thank you all again for your support! Jeff Savinsky "Save weeks fish camp"

COMMENT #22

Date: 9/10/20

From: Belinda Hadcock admiralbelinda@gmail.com

Subject: London Bay development at Weeks's Fish Camp

Not only is London Bay's proposal allowing for one boat ramp for public access inadequate, the entire development will be a disaster for the health of Estero Bay. This estuary is crucial to the safety of the nurseries which sustain our fish population, and to the overall health of the bay. The pollution from the run off into Estero Bay by the current burden of over development is already staggering. The whole project needs to be re-evaluated and changed to serve the community, but more importantly, to protect the delicate balance of our environment. Each year more and more of our estuarine area is lost to the concrete monstrosities that devour the mangroves and eat away at our beautiful southwest Florida home. Is this the legacy we want to leave our children and grandchildren? Are we going to be complacent while our paradise home is sold out to developers who line the pockets of local politicians in order to forge ahead with the destruction of our environment? These questions demand immediate answers, and I would challenge developers and zoning to put them to the public instead of sneaking around trying to keep their intentions a big secret. Let's have some straight answers before it's too late.

Belinda Hadcock

Belinda Hadcock
Admiralbelinda@gmail.com

--

Belinda Hadcock
Skeleton Crew Entertainment, LLC
(239)777-1727
admiralbelinda@gmail.com

COMMENT #23

Date: 9/10/20

From: Tim Byal <TByal@miromar.com>

Subject: Meeting Date 9-15-2020

My Comments regarding the proposed Boat Ramp facility at the Bayview Development:

As a 10 year+ resident of Estero, a boater and a Board Member of the ECCL, I would like to submit my support for the current boat ramp proposal offered by London Bay.

I often used this ramp back when it was a part of Weeks fish camp because it provided great access to shallow water fishing on the east side of Estero Bay, since that time the closest access point is Mullock Creek.

The reality is that the size of the facility will never be sufficient for peak usage but neither are most boat ramps in Lee County, including Punta Rassa.

What London Bay has offered appears to be a very reasonable accommodation to allow this access to South Lee County boaters and I recommend that you vote IN FAVOR of this proposal.

My opinion is formed based on my many years of residency and boating in this area.

Thank you for your consideration.

Tim Byal | Vice President
Miromar Development Corporation
10801 Corkscrew Road, Suite 305
Estero, FL 33928
(239) 287-1074 mobile
(239) 390-5130 phone/fax
Miromar Lakes Beach & Golf Club
#1 Community in the USA

COMMENT #24

Date: 9/11/20

From: Richard Toder <richtoder@gmail.com>

Cc: Mediterra Community Association, Inc <timr@mediterraca.com>

Subject: Proposed Warehouse- Harkat IPD

Dear Sirs and Madams, we are neighbors of the proposed construction of an industrial warehouse and reside at 28098 Castellano Way, Naples, Florida 34110 in the Mediterra community and are opposed to the warehouse unless reasonable conditions/ limitations on said structure are imposed. These include : limiting the height of the structure to a maximum of 30 feet, orienting the building such that there are no openings on the east side facing Amarone in Mediterra; prohibiting work outside of the building to reduce noise to neighboring homes, and insuring that usage of the structure is limited to reduce noise and offensive fumes.

Thank you for your consideration of these proposed limitations and conditions.

Joan and Richard Toder

COMMENT #25

Date: 9/11/20

From: Allen Hergenbahn <allenjh1@gmail.com>

Subject: Residents of Bonita Springs & Estero concerns needed to be acted on!

Residents of Bonita Springs & Estero boating concerns to be acted on not just heard.

Council members know of the boat launching ramps in the area of Tamiami / Rte 41

Bonita Springs Imperial River boat ramp is PUBLIC.
Pelican Sound community boat ramp is PRIVATE

Pelican Landing boat shuttle service is PRIVATE

Hyatt Resort boat shuttle service is PRIVATE

Up the road Mullet Creek a small public launch ramp (The owner recently died so changes will result)

Just think about the limited direct access to Estero Estuary Bay for the general boating public.

In a public meeting held earlier this year at the Estero High School, Mr. Mark Wilson said to me with a sophisticated judgmental or disapproving way

" Allen Hergenbahn I do not think we, London Bay development group can do anything to satisfy you!".

Mark Wilson CEO of London Bay, yes you can by increasing the 18-foot boat ramp to 30 feet.

DEMAND BOAT LAUNCH to be increased to 30-foot or VOTE NO DEAL

--

Allen Hergenbahn, CFF

COMMENT #26

Date: 9/11/20

From: Ralph Friedmann ralphfriedmann@comcast.net

Subject: Fwd: Harkat IPD

Begin forwarded message:

Mike

I will not be able to attend the Zoom meeting next week but wanted to weigh in on this proposed project. I am a resident of Mediterra and live at the end of Castellano Way. I understand as proposed, due to the height, I will be seeing this industrial building several times a day as I come and go from my home. This is inconsistent with the residential living experience to be expected in Mediterra and can negatively impact our home values, in addition to being a visual eyesore. I would urge you, as a concerned Bonita Springs resident to limit the building's height to less than 30' and to have the building oriented so the openings and associated noise are not on the east side of the building. I am sure accommodations to existing residential homeowners can be made so we can all live peacefully. If you have any questions please email.

Best,

Ralph Friedmann

28083 Castellano Way

COMMENT #27

Date: 9/11/20

From: mcancila2 <mcancila2@aol.com>

To: Michael Fiigon <mfiigon@cityofbonitaspringscd.org>

Subject: I Martin Cancila, 16683 Lucarno way am opposed to the project

Sent from my Sprint Samsung Galaxy S8+.

COMMENT #28

Date: 9/12/20

From: mkmluft mkmluft@aol.com

Subject: Harkat IPD official record

We are opposed to the Harkat IPD unless it is strictly limited:

Two story (30 feet) maximum height

No openings facing east toward Mediterra's Wall,

Conducting no work or other activities outside of the building,

No exterior lighting, noises or fumes that negatively impact our community

Thank you for including our objections to the current construction warehouse proposal.

Mary and William Loftus 28078 Castellano Way

COMMENT #29

Date: 9/14/20

From: John Paeno <calusaghosttours@gmail.com>

Subject: Zoning Committee

CASE NAME: Bayview on Estero Bay RPD/CPD, PD18-55071-BOS

Honorable Zoning Committee Representatives

My name is John Paeno and I own and operate (with two partners) CGT Kayaks in Bonita Springs. I also live just off Spring Creek Rd and used the Week's site to operate Calusa Ghost Tours to Mound Key prior to the Week's site closing. This was our signature tour. One of the reasons we moved here was for the access that the site provided. It was a small neighborhood marina with easy access to Mound Key. In the past I supervised the installation of the Heritage Trail on Pine Island and was operations manager of the site. This gave me the opportunity to work with archeologists and explore Calusa sites up and down the SW Florida coast.

The Coconut Point site has been dormant for too long. Rezoning would allow for better use of the property and in this case the property owner is willing to put in a small neighborhood marina and park for the public in perpetuity. It would allow the owner to go in and mitigate the land for a better filter of storm water. As a former Pine Island Chamber President and an exiting Bonita Springs Downtown Alliance President I can tell you that this location and marina once was a vital historic and economic contribution to the City and Lee County. Rezoning would once again add to the tax base, boost the local economy, allow access to important historically significant sites, beautify and stabilize the micro ecosystem that now exists on the site. This is a win - win for everyone and I wholeheartedly ask for your support in this rezoning request.

Respectfully, John Paeno
Resident and
CEO, CGT Kayaks Inc
239-938-5342

REQUEST: To rezone 30.51 +/- acres from Commercial Planned Development (CPD), Residential Planned Development (RPD), Mobile Home Planned Development (MHPD), and Agriculture AG-2 to an RPD/CPD to allow for a Continuing Care Facility (CCF) containing a maximum of 300 Independent Living Facility (ILF) units and a 75-bed Assisted Living Facility (ALF) OR 300 multi-family dwelling units; AND 72 wet boat slips and 25 dry boat slips (15 on-site and 10 off-site in the Bayview II CPD) and one (1) public boat ramp.

LOCATION: The property is located at the northwest corner of Coconut Road and Coconut Point Resort Drive

COMMENT #30

Date: 9/14/20

From: Anthony Pires <APires@wpl-legal.com>

To: Michael Fiigon <mfiigon@cityofbonitaspringscd.org>; citymeetings@cityofbonitasprings.org

Cc: Derek P. Rooney <Derek.Rooney@gray-robinson.com>; Sean Gibbons <SGibbons@cityofbonitaspringscd.org>

Subject: RE: HARKAT IPD APPLICATION

Good afternoon Mike. I apologize for the lateness of this letter and would appreciate it if you could bring it to the attention of the Zoning Board.

Thank you,
Tony

Anthony P. Pires, Jr., B.C.S.
Woodward, Pires & Lombardo, P.A.
3200 North Tamiami Trail
Suite 200

Naples, Florida 34103
239-649-6555 Phone
239-649-7342 Fax
apires@wpl-legal.com

ATTACHMENT:

Via email to: citymeetings@cityofbonitasprings.org From: Anthony P. Pires, Jr., Esq.
Phone: 239-649-6555

Case No: PD19-65454-BOS

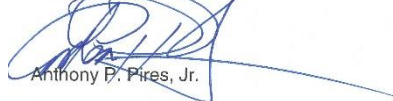
Via email to: Michael Fiigon, Community Development mfiigon@cityofbonitaspringscd.org
Bonita Springs Zoning Board of Adjustments

Re: Harkat Industrial Planned Development (IPD) Application Dear Members of the Board:
This letter is being sent on behalf of property owners in Mediterra, Joanna Irons of 29111 Amarone Ct., Naples, Florida 34110 and Joseph Lentine of 29011 Amarone Ct., Naples, Florida 34110. Ms. Irons property is within 375 feet of the property that is the subject of the Harkat IPD Application.

On behalf of Ms. Irons and Mr. Lentine please be advised that they join in with and adopt the concerns, objection and comments articulated by Attorney Robert Pritt in his emailed letter of September 4, 2020, sent on behalf of the Mediterra Community Association, Inc. (Mediterra), a copy of which is enclosed as Exhibit "A" (the "Mediterra Letter").

To paraphrase Mr. Pritt, Harkat and Mediterra, its residents and property owners CAN be compatible, or at least less incompatible, with a few revisions by Harkat. But until that can be requested or conceded to, Ms. Irons and Mr. Lentine request that the Application be rejected or conditioned in accordance with the Mediterra Letter.

Respectfully,



Anthony P. Pires, Jr.

Enclosure(s)

ATTACHMENT 2:

OROETZEL

September 4, 2020

Via e-mail to citymeetings@cityofbonitasprings.org

From: Robert D. Pritt, Attorney Ph. 239-292-2147

Case No. PD19-65454-BOS

Via e-mail to Michael Fiigon, Community Development mfiigon@cityofbonitaspringscd.org

Bonita Springs Zoning Board Re: Harkat IPD Application Dear Members of Board:

This firm represents Mediterra Community Association, Inc. the Master Association for Mediterra and owner of property directly across the street from the proposed IPD property.

On behalf of the Mediterra community, and its neighborhoods and properties near the proposed development property, the Board of Mediterra opposes the Application as it currently exists for reasons set out below.

As we indicated in previous Neighborhood Informational Meetings (NIMs), the community is concerned about the Height that would be permitted, the Orientation of the proposed structure and the Scope of Uses that the proposed application would allow.

Height: The Property is very close to residential structures in the quiet and lovely single-family residential neighborhood. The view of the residences and community facilities will be interrupted by the height of the industrial structure. In fact, one of Applicant's options in its amended Application, shows a 30' height on east side, going up to 40' on the west side. But it is shown only as an option. Therefore, for protection of the neighborhood we respectfully request that the maximum height be established at 30' .

Orientation: a. Doors and Windows--Mediterra asks that any approval includes a condition that requires the structure to be oriented so that the doors and windows are not permitted or cannot open to the east (toward the Mediterra community). This will ensure less noise, dust and airborne material, noxious odors, and fire risk in the residential neighborhoods.

b. No Outdoor Work--Mediterra asks that any approval prohibits outdoor work activity. The same reasons apply--reduction of noise, dust and airborne material, noxious odors, and fire risk toward the residential neighborhoods.

Noise: While Bonita Springs has a noise ordinance, like virtually all local governments, such ordinances are extremely difficult to enforce for a number of reasons. Smart planning and zoning principles take into account such realities and employ land use techniques that mitigate the potential nuisance from its point of beginning. This includes wise orientation, limitation on outdoor indoor activities, and good construction techniques.

Uses: The uses allowed in the industrial district are very expansive. Mediterra has sought from Applicant, information as to what it intends for use of the Property. This was not disclosed. Not all industrial or light industrial uses are equal. In the IPUD process the City is free to allow some, but not all, of the uses in an industrial district.

Buffering: Mediterra has reached out to the Applicant's representatives on numerous occasions to see if there are ways to accommodate the proposed Application consistent with the concerns of the neighborhood. An example is the idea of strategically planting trees on the Mediterra berm that would create a visual buffer between the properties, in lieu of planting a somewhat useless buffer on the ground next to the proposed property and berm. Mediterra is open to that.

While the City could not require off-site buffering on its own, the parties could agree to it and

mutually recommend that the City waive the ground-level berm. Stunningly, at the last NIM, Applicant missed this opportunity and instead complained of the condition of the berm!

Not NIMBY: This is not the usual NIMBY situation.

A. Seldom does an adjoining neighborhood reach out to accommodate a neighbor's proposed development.

B. Seldom is there such a difference in adjoining Districts. Good planning principles usually have a transition from single-family residential, to multi-family residential, to commercial, to industrial. Here, due to history there is an old and seriously blighted industrial district next to a high-quality single-family neighborhood. Applicant offers nothing toward enhancing the industrial district such as paving and drainage, limitation of uses, or a decent-looking structure. Applicant resists providing mild concessions to the established neighborhood, as shown above.

No Vested Rights: Applicant wants this Board to buy into the notion that Harkat is entitled to have the same or similar zoning that it once had. It claims a right to deviations that were given decades ago by the County. It contends that it was there first and Mediterra came later.

However, from a legal standpoint that is patently false. For reasons not the fault of the City or Mediterra, Harkat or its predecessor let previous rights lapse, and therefore it has no vested rights (or vestige of vested rights) to any particular approval. From that same legal standpoint, Mediterra and the affected neighborhoods are first. They are here now, with appropriate zoning and established development, while Applicant is here now, vacant, with no zoning.

Times Have Changed: Bonita Springs became a City in large part to clean up the substandard conditions that plagued the area under County rule. The Charter and the Committee Reports support this concern.

Maintain Standards: So, instead of lowering City standards to accommodate perpetuation of a sub-standard industrial district, and property, the City should and can legally requirement improvement of that district and at the same time eliminate an issue with the adjoining residential district.

Legal Precedent: Finally, what is often lost in the immediacy of small local rezones is the legal background of zoning itself. Until a U.S. Supreme court decision in the 1926 it was not clear that local governments even had the power to zone land. That case, although nearly a century ago, dealt with virtually the same issues as this: The incompatibility of a proposed industrial development next to residential areas. The Supreme Court said that the zoning power was a lawful police power, rationally related to the need to require land uses and structures to be compatible with each other and not be a nuisance as to the other.¹ All land use planning and zoning laws emanate from that case and analysis.

Conclusion: Harkat and Mediterra CAN be compatible, or at least less incompatible, with a few revisions by Harkat. But, until that can be requested or conceded to, Mediterra requests that the Application be rejected, or conditioned in accordance with this request.

Respectfully,

ROETZEL & ANDRESS, LPA

sf Robert D. Pritt

1 Village of Euclid v. Ambler Realty, 272 U.S. 365 (1926). " ... the exclusion of buildings devoted to business, trade, etc., from residential districts bears a rational relation to the health and safety of the community."

"... Thus, the question whether the power exists to forbid the erection of a building of a particular kind or for a particular use, like the question whether a particular thing is a nuisance, is to be determined not by an abstract consideration of the building or of the thing considered apart, but by considering it in connection with the circumstances and the locality. Sturgis v. Bridgeman, L.R. 11 Ch. 852, 865. A nuisance may be merely a right thing in the wrong place -- like a pig in the parlor instead of the barnyard."

COMMENT #31

Date: 9/14/20

From: Charlie Yie <charlieyie@verizon.net>

Subject: Project Harkat IPD, case number PD19-65454-BOS, hearing date 9-15 @ 9am

Hello Mike,

I am writing to you as a resident of Mediterra as I will be unable to attend the zoning board meeting scheduled for 9 AM tomorrow.

As a Mediterra resident, I wish to express the overall input that you consider modifications to Harkat's proposal such that it minimizes the impact on the Mediterra community while imposing minimal changes to their intended use. Specifically, that the proposed building be modified as follows:

Building height restricted to no higher than 30' to minimize the visibility of the building to residents;

Building orientation be such that there are no openings on the east side facing Amarone, reducing the potential for noise to residents;

Stipulating that no work should be allowed outside of the building, again to minimize noise and disruption;

And, otherwise restrict usages be limited so as to restrict noise and/or fumes emanating from the property

Needless to say, Mediterra residents – both year rounders and seasonal owners – support the

Bonita Springs community in many years as well as supporting the community as taxpayers. Surely, there are ways as you as planners can accommodate the wishes of Mediterra residents who will be subject to this proposed structure and the needs of Harkat.

Thank you for considering this request.

Sincerely,

-Charlie Yie

Mediterra Resident

END COMMENTS