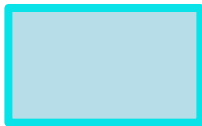
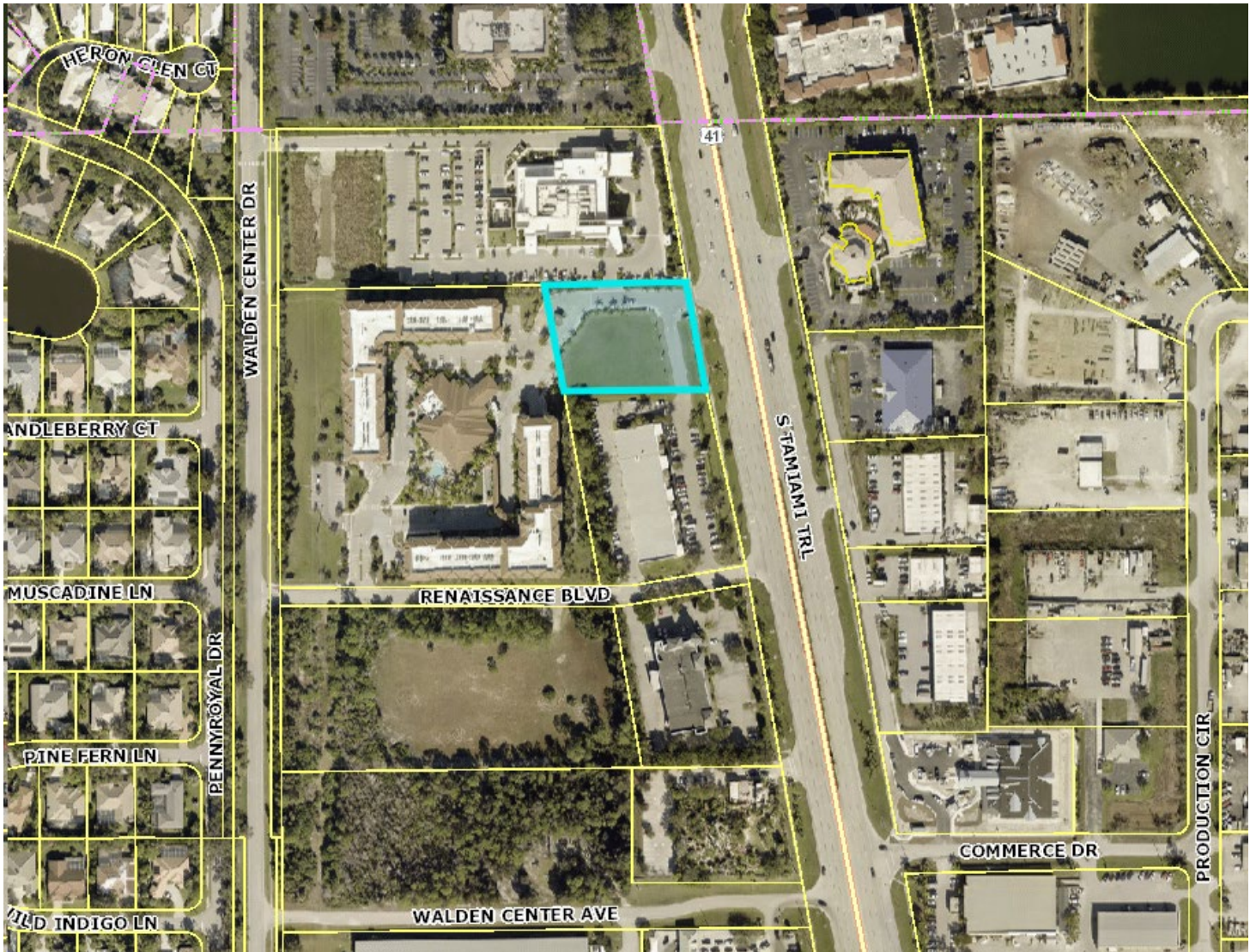


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SPE22-90045-BOS
BURKHARDT CPD SPECIAL EXCEPTION

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Burkhardt CPD (Parcel F) Special Exception

Location Map



PARCEL F (SUBJECT PROPERTY)



Civil Engineers • Land Surveyors • Planners • Landscape Architects

January 31, 2022
Location Map.docx

**BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT**

PROJECT NAME: BURKHARDT CPD SPECIAL EXCEPTION

TYPE OF CASE: SPECIAL EXCEPTION

CASE NUMBER: SPE22-90045-BOS

HEARING DATE: NOVEMBER 15, 2022

PLANNER: MARY ZIZZO, ESQ., AICP

REQUEST AND STAFF RECOMMENDATION

A special exception request to allow a fast-food restaurant on a parcel located within the Burkhardt Commercial Planned Development (CPD), as required within the U.S. 41 Overlay.

Deviations Requested: None

Staff recommends **APPROVAL** of the request in conjunction with the conditions outlined later in this Staff Report.

I. APPLICATION SUMMARY:

- A. Applicant: MK Realty Diamond Oaks, LLC
- B. Agent: D. Wayne Arnold, AICP, Q. Grady Minor & Associates, P.A.
- C. Request: A special exception request to allow a fast-food restaurant on a parcel located within the Burkhardt Commercial Planned Development (CPD), as required within the U.S. 41 Overlay.
- D. Location: 24126 S. Tamiami Trail, Bonita Springs, Florida, 34135
- E. Future Land Use Designation, Current Zoning and Use of Property:

Future Land Use: General Commercial

Current Zoning: Commercial Planned Development (CPD)
U.S. 41 Overlay

Current Use: Vacant

F. Surrounding Land Use:

<u>Existing Zoning & Land Use</u>	<u>Future Land Use Map</u>
North: Community Commercial (CC), U.S. 41 Overlay; NCH Outpatient Healthcare Facility	General Commercial
East: U.S. 41 right-of-way	General Commercial
South: Commercial Planned Development (CPD), U.S. 41 Overlay; Commercial Shopping Building	General Commercial
West: Commercial Planned Development (CPD), U.S. 41 Overlay; Diamond Oaks Village Independent Living Facility	General Commercial

II. BACKGROUND AND INFORMATIONAL ANALYSIS

Introduction/Synopsis

The request is for a special exception to allow a fast-food establishment on property located within the U.S. 41 Overlay. The Applicant proposes a 1,380 square foot coffee/donut shop with a drive thru.

The property is currently vacant and located within the Burkhardt Commercial Planned Development. The Planned Development was approved pursuant to Zoning Resolution 96-042 and most recently amended in Zoning Ordinance 15-03. The parcel was originally part of the "Ship," which was a full-size standard restaurant. The site/building was demolished as part of the ZO-15-03 approval. This approval also brought in acreage (sip) and created this commercial out-parcel (New Parcel F).

The schedule of uses allows for a fast-food restaurant, with special exception approval, consistent with the U.S. 41 Overlay standards. The U.S. 41 Overlay was also established in 2015. Section 4-2 of the Land Development Code (LDC) defines "Restaurant, fast food", as

An establishment whose principal business is the sale of food or beverages in a ready-to-consume state, and which may contain drive-thr[u] facilities, such as McDonald's, Burger King, Juicy Lucy's and Checker's.

Special Exception Review Criteria

Pursuant to LDC Section 4-891(1)1., the following criteria are to be used to evaluate special exception requests in the U.S. 41 Overlay:

- (i) *Consistency with the intent of the U.S. 41 Overlay District in protecting and enhancing viewsheds from U.S. 41 and other public roadways.*
- (ii) *The building and site design standards incorporate innovative techniques to address the project's visual impact on the U.S. 41 corridor and demonstrate enhancements to the minimum standards.*
- (iii) *The request addresses the balance between auto-oriented design and pedestrian access through enhanced design standards.*
- (iv) *Exceptional or extraordinary conditions exist which warrant the proposed use, including but not limited to demonstrated market demand and minimum spatial separation of 500 feet from a similar use.*
- (v) *Will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*

- (vi) *Will be compatible with existing or planned uses.*
- (vii) *Will [not] cause damage, hazard, nuisance or other detriment to persons or property.*
- (viii) *Will protect, conserve or preserve environmentally critical areas and natural resources.*
- (ix) *Consistency with the goals, objectives, policies and intent of the Bonita Plan.*
- (x) *In compliance with all general zoning provisions, supplemental regulations and performance standards pertaining to the use set forth in this chapter.*

In reviewing the request, Staff makes the following findings:

Criterion i: Consistency with the intent of the U.S. 41 Overlay District in protecting and enhancing viewsheds from U.S. 41 and other public roadways.

Staff Analysis: The Applicant has provided pedestrian facilities and connections consistent with the intent of the U.S. 41 Overlay. Further, adequate screening, open space and buffering will be provided with this request along U.S. 41, which is shielded by a frontage road and additional buffering. The project will meet all architectural and site design standards.

Criterion ii: The building and site design standards incorporate innovative techniques to address the project's visual impact on the U.S. 41 corridor and demonstrate enhancements to the minimum standards. The drive-thru operation should not be visible because of the building orientation and landscape buffering.

Staff Analysis: The site has adequate buffering from U.S. 41 via a landscape buffer and frontage road. Stacking is designed to allow circulation around the building, and ordering and pickup outside of the view of U.S. 41.

Criterion iii: The request addresses the balance between auto-oriented design and pedestrian access through enhanced design standards.

Staff Analysis: The project is auto-oriented by nature. However, the Applicant will also provide onsite pedestrian-bicycle features and connect the existing sidewalk around the perimeter of the parcel; providing a direct pedestrian connection into the site. This allows the site to be safely accessible to vehicles and pedestrians alike.

Criterion iv: Exceptional or extraordinary conditions exist which warrant the proposed use, including but not limited to demonstrated market demand and minimum spatial separation of 500 feet from a similar use.

Staff Analysis: The market demand for drive-thru facilities has increased, especially since COVID, capturing trips already along the roadway heading to and from destinations. The subject parcel is also not located within 500 feet of a similar use.

Criterion v: Will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Analysis: The subject site is adjacent to other existing commercial uses. There is access via the frontage road, with developed infrastructure surrounding it. The site is located within a commercial planned development, within a commercial future land use category and is surrounded by commercial properties. The site is able to accommodate all stacking on site.

Criterion vi: Will be compatible with existing or planned uses.

Staff Analysis: It is a commercial use located within a commercial planned development, surrounded by commercial property and a residential complex whose residents may utilize the proposed use. The use is listed in the schedule of uses for the commercial planned development.

Criterion vii: Will [not] cause damage, hazard, nuisance or other detriment to persons or property.

Staff Analysis: Division 34 of Chapter 4 of the LDC contains uses that require special setbacks from residential areas mainly because of the historic understanding that they could be a nuisance, or hazardous in some instances. Fast food restaurants are not listed as one of the uses that requires special/increased setbacks. Further, within ZO-15-13, conditions were purposely imposed regarding buffering along Parcel E for the linear feet units so as to buffer the residential use from existing and future commercial units. It is a commercial use in a commercial planned development and will be regulated by the LDC and the noise control ordinance.

Criterion viii: Will protect, conserve or preserve environmentally critical areas and natural resources.

Staff Analysis: There are no documented environmentally critical areas or natural resources on-site.

Criterion ix: Consistency with the goals, objectives, policies, and intent of the Bonita Plan.

Staff Analysis: The property is within the General Commercial future land use category as described in the Comprehensive Plan (Bonita Plan). Further analysis is provided below.

Criterion x: In compliance with all general zoning provisions, supplemental regulations and performance standards pertaining to the use set forth in this chapter.

Staff Analysis: There are no requested deviations or variances from zoning provisions, regulations, or performance standards. The restaurant and drive thru will be required to comply with the applicable provisions of the LDC.

Surrounding Zoning

The property is zoned Commercial Planned Development (PD) and is surrounded by other commercial uses. To the north is a medical outpatient facility. To the south is a commercial building with professional and personal services. To the east is a frontage road, then the U.S. 41 right-of-way. To the west is the Diamond Oaks Village Senior Living Facility within the same commercial planned development. Staff finds the request compatible with surrounding zoning.

Neighborhood Compatibility

The site is located within a commercial planned development, within a commercial future land use category and is surrounded by commercial properties and uses who patrons may utilize the restaurant. It is Staff's opinion that the requested fast-food restaurant is compatible with the surrounding neighborhood.

Environmental Considerations

There are no environmentally critical areas or natural resources on-site. All landscaping will need to comply with the LDC.

Traffic

The Applicant submitted a Traffic Impact Statement (TIS) in accordance with the LDC. The TIS results show that the proposed use will generate 747 daily trips, 120 trips during the AM peak hour and 55 trips during the PM peak hour. Up to 50% of the trips during the AM and PM peak hours will likely consist of pass-by trips of vehicles that will already be traveling along US 41. The net new trips generated by the site amount to less than 1% of the adopted service volume for US 41 and therefore the proposed use is not considered to have a significant impact on traffic. There is sufficient capacity on US 41 to accommodate the new trips that the proposed use will generate. A detailed traffic analysis of the site access, an evaluation of the drive thru queueing and a concurrency analysis will be required at time of development order.

Comprehensive Plan Considerations

The subject property is located in the General Commercial future land use category, according to the Future Land Use Map of Bonita Springs. The category includes the following provisions:

Policy 1.1.14: General Commercial - *Intended to accommodate a wide range of commercial uses serving the general population of the City. This designation recognizes, but is not specifically limited to, properties that have been developed, have received development approval or have been zoned for commercial use prior to the adoption of the Comprehensive Plan.*

- a. Appropriate uses include a wide range of commercial retail and service uses for residents and visitors; hotels/motels; offices; light industrial uses; schools; recreation; public and semi-public uses; multi-family uses up to 10 units per acre within the approximately 1,468 acres of gross land area in the land use category; and mixed residential and commercial use in planned developments.*
- b. If affordable housing is provided, residential density may be increased by up to five additional units per acre.*
- c. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves except that no new structures or modification of existing structures located on the islands west of the mainland may be constructed in excess of 35 feet in height.*
- d. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2.*

The project is commercial in nature and is located on a commercial property within the City. It is Staff's opinion the requested use does not violate the provisions of the General Commercial future land use category as outlined in the Comprehensive Plan/Bonita Plan.

With regards to the Traffic Element of the Comprehensive Plan, the project fronts fully constructed roadways with suitable access to the site and the commercial planned development. The Applicant will be providing additional sidewalk connections across the property frontage, as required by the LDC. It is Staff's opinion the request does not violate the applicable provisions of the Traffic Element of the Comprehensive Plan.

It is the Staff opinion the request does not violate the applicable provisions of the Comprehensive Plan.

Findings & Conclusion

It is Staff's opinion that the special exception request for a fast-food restaurant is consistent with the provisions of the Comprehensive Plan, is compatible with existing uses within the area, will not cause damage, hazards or nuisance, will not impact

environmentally critical areas (none are on site), and is located in an area with adequate public facilities.

Based upon an analysis of the Application and the special exception approval criteria, Staff makes the following findings and conclusions, as conditioned:

1. The requested special exception, as conditioned:
 - a) meets or exceeds all applicable performance and locational standards set forth for the proposed use;
 - b) is consistent with the Goals, Objectives, Policies and intent set forth in the City of Bonita Springs Comprehensive Plan;
 - c) is compatible with existing or planned uses in the surrounding area;
 - d) will not cause damage, hazard, nuisance or other detriment to persons or property;
 - e) will not have an adverse effect on surrounding properties; and
 - f) will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in the City's LDC.

III. RECOMMENDATION:

Staff recommends **APPROVAL** of the request with the following conditions:

1. The special exception will be valid for this Applicant only and proposed site modifications should be generally consistent with the attached site plan.
2. Additional information or changes to the plan not covered by this approval may require additional approvals. Such approvals will follow the processes outlined in the LDC.
3. Approval of this special exception request does not guarantee approval of a local Development Order or building permit.
4. Any required landscaping that is currently absent from or that is removed and/or irreparably damaged as a result of the proposed site improvements/alterations; must be reinstalled, re-established and/or replaced consistent with the site(s) previously approved zoning and development permits and all applicable current LDC requirements, as appropriate.

5. At the time of local Development Order, all required landscaping shall be consistent with the requirements of the City of Bonita Springs Landscape Code (LDC Section 3-414), the U.S. 41 Redevelopment Overlay Standards (LDC Section 4-893(b)), and all other applicable requirements of the LDC.
6. Unless modified by this approval, the property shall be consistent with the regulations of ZR-96-042, as amended, and the U.S. 41 Overlay.

SUBJECT PROPERTY

The Applicant indicates the STRAP number is: 16-47-25-B2-2800F.0000

EXHIBITS

- A. Plat of Diamond Oaks Village

ATTACHMENTS

- A. Proposed Site Plan
- B. Application Backup (Final Documents)

DIAMOND OAKS VILLAGE

INSTRUMENT NUMBER 2015 000268593

SHEET 1 OF 2

A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 47 SOUTH, RANGE 25 EAST, AND A REPLAT OF ALL OF PARCEL "A" OF THE RENAISSANCE CENTER, PLAT BOOK 66, PAGES 37, THROUGH 40 CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT, GABELRY DEVELOPMENT LLC, HAS CAUSED THIS PLAT OF DIAMOND OAKS VILLAGE, A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 47 SOUTH, RANGE 25 EAST, CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA, TO BE MADE AND DOES HEREBY MAKE THE FOLLOWING DEDICATIONS:

A. DEDICATE TO RENAISSANCE CENTER PROPERTY OWNERS ASSOCIATION INC:

1. ALL ACCESS EASEMENTS (A.E.) FOR ACCESS, SUBJECT TO THE EASEMENTS DEPICTED HEREON, WITH RESPONSIBILITY FOR MAINTENANCE.

2. ALL DRAINAGE EASEMENTS (D.E.) FOR DRAINAGE AND STORMWATER MANAGEMENT PURPOSES WITH RESPONSIBILITY FOR MAINTENANCE.

B. DEDICATE TO BONITA SPRINGS UTILITIES, INC.:

1. BONITA SPRINGS UTILITIES, INC., AND ITS SUCCESSORS AND ASSIGNS, IS HEREBY GRANTED A PERPETUAL, NON-EXCLUSIVE UTILITY EASEMENT AND RIGHT-OF-WAY, (B.S.U.E.) UPON, OVER, ACROSS, AND BELOW THE SURFACE OF THE PUBLIC UTILITY EASEMENTS DESCRIBED AND/OR DEPICTED ON THIS PLAT FOR THE PURPOSES OF CONSTRUCTION, OPERATION, MAINTENANCE IMPROVING OR REPLACING OF ONE OF MORE WATER, SEWER AND/OR UTILITY TRANSMISSION OR DISTRIBUTION LINES, AND ALL NORMAL APPURTENANCES THERE TO.

C. DEDICATE TO ALL LICENSED PUBLIC AND PRIVATE UTILITIES:

1. ALL PUBLIC UTILITY EASEMENTS (P.U.E.) FOR THE PURPOSES OF CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF THEIR FACILITIES INCLUDING BUT NOT LIMITED TO WATER, SEWER, CABLE TELEVISION SERVICES, TELEPHONE, GAS, AND ELECTRIC SERVICES, IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, THE CABLE COMPANY WILL BE SOLELY RESPONSIBLE FOR THE DAMAGES.

D. RESERVE TO CRP / DOV LLC:

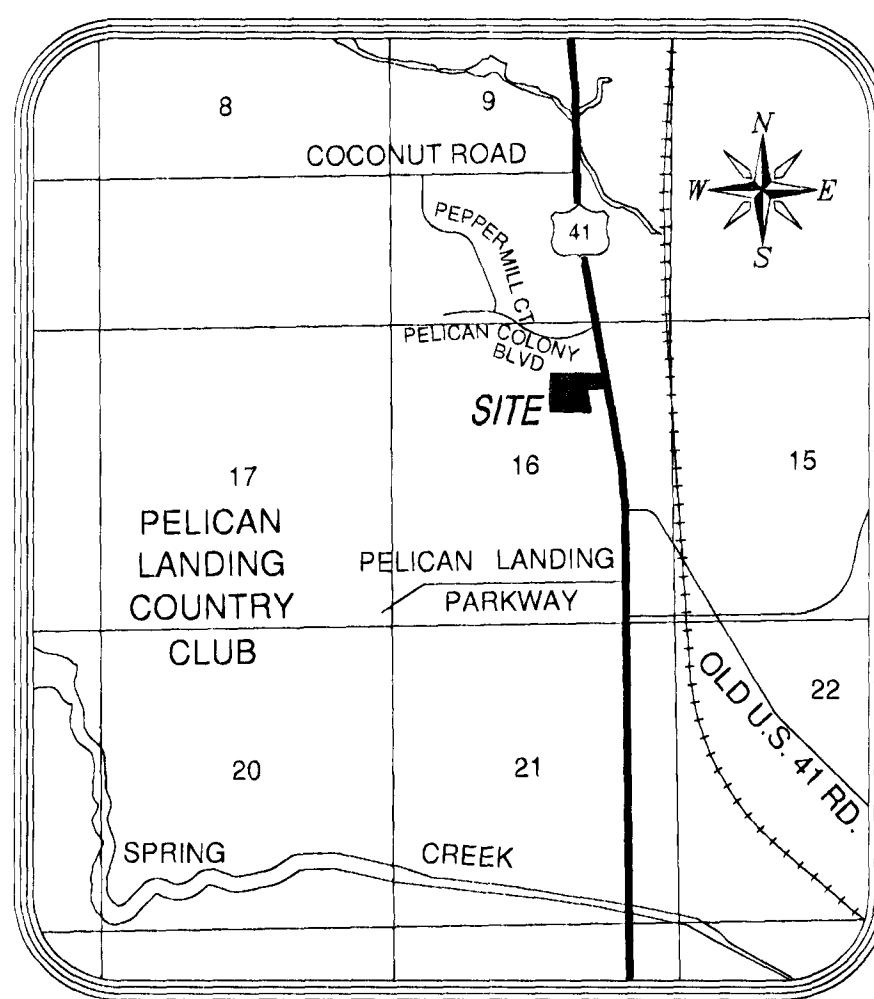
1. PARCEL "7" AS FUTURE DEVELOPMENT, WITH RESPONSIBILITY FOR MAINTENANCE.

LEGAL DESCRIPTION

A TRACT OF LAND LYING IN SECTION 16, TOWNSHIP 47 SOUTH, RANGE 25 EAST, BEING LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4027, PAGE 3733 AND PARCEL "A" OF THE RENAISSANCE CENTER PLAT, AS RECORDED IN PLAT BOOK 66, PAGES 37 THROUGH 40, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL "A" OF THE RENAISSANCE CENTER PLAT, AS RECORDED IN PLAT BOOK 66, PAGES 37 THROUGH 40, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG THE WEST BOUNDARY OF SAID PARCEL "A" AND THE EXTENSION THEREOF, NORTH 00°23'42" WEST, A DISTANCE OF 556.03 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4027, PAGE 3733, OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTH BOUNDARY OF SAID LANDS NORTH 89°57'07" EAST, A DISTANCE OF 762.57 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF U.S. 41 (TAMiami TRAIL S.R. 45); THENCE ALONG SAID RIGHT-OF-WAY SOUTH 10°32'40" EAST, A DISTANCE OF 202.60 FEET TO THE NORTHEAST CORNER OF PARCEL "B", OF SAID RENAISSANCE CENTER; THENCE ALONG THE NORTH LINE OF SAID PARCEL "B" SOUTH 89°56'24" WEST, A DISTANCE OF 265.63 FEET TO THE NORTHEAST CORNER OF THE AFOREMENTIONED PARCEL "A"; THENCE ALONG THE EAST BOUNDARY OF SAID PARCEL "A" SOUTH 10°32'40" EAST, A DISTANCE OF 368.35 FEET TO A POINT ON A NON TANGENTIAL CURVE TO THE RIGHT AND ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY OF RENAISSANCE BOULEVARD; THENCE WESTERLY ALONG SAID NORTH RIGHT-OF-WAY 1.71 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF 00°22'22", (CHORD BEARING SOUTH 89°27'27" WEST, A DISTANCE OF 1.71 FEET); THENCE CONTINUE ALONG SAID RIGHT-OF-WAY SOUTH 89°38'38" WEST, A DISTANCE OF 595.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.25 ACRES, MORE OR LESS.



LOCATION MAP N.T.S.

LEGEND

■ P.R.M. = PERMANENT REFERENCE MONUMENT (SET 4"x4"x24" CONCRETE MONUMENT WITH ALUMINUM CAP P.R.M., L.B.#5151)

(NR) = NON-RADIAL

R.O.W. = RIGHT-OF-WAY

P.B. = PLAT BOOK

O.R. = OFFICIAL RECORDS BOOK

D.B. = DEED BOOK

PG. = PAGE(S)

B.S.U.E. = BONITA SPRINGS UTILITY EASEMENT

P.U.E. = PUBLIC UTILITY EASEMENT

A.E. = ACCESS EASEMENT

D.E. = DRAINAGE EASEMENT

L.M.E. = LAKE MAINTENANCE EASEMENT

L.S.E. = LANDSCAPE AND SIGN EASEMENT

L.B.E. = LANDSCAPE BUFFER EASEMENT

S.E. = SIGN EASEMENT

(F) = FIELD

(P) = PLAT

P.O.B. = POINT OF BEGINNING

● A MONUMENT (AS DEFINED BY FLORIDA STATUTES, SECTION 177.031(22)) SHALL BE SET, WHERE DENOTED BY SYMBOL SHOWN, SO AS TO COMPLY WITH FLORIDA STATUTES, SECTION 177.031(9). MONUMENTS SHALL BE SET PRIOR TO THE EXPIRATION OF THE APPROVED SURETY INSTRUMENT.

NOTICE

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL UNDER NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

NOTICE

LANDS DESCRIBED IN THIS PLAT MAY BE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE, WATER AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY OR THE CITY OF BONITA SPRINGS. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED TO DETERMINE WHETHER THE LOT MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE, WATER AND SEWER FACILITIES.

GENERAL NOTES

1. BEARINGS AND COORDINATES SHOWN HEREON REFER TO THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT AND ARE BASED ON THE WEST LINE OF PARCEL A, THE RENAISSANCE CENTER, AS RECORDED IN PLAT BOOK 66, PAGES 37 THROUGH 40, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEING N 00°23'42" W

2. DIMENSIONS SHOWN HEREON ARE IN UNITED STATES SURVEY FEET AND DECIMALS THEREOF.

3. ALL CURVES ARE CIRCULAR.

4. ALL LOT LINES ARE RADIAL TO THE R.O.W. UNLESS OTHERWISE SHOWN.

5. ANY ADDITIONS AND/OR DELETIONS TO THIS PLAT BY OTHER THAN THE SIGNING PARTY OR PARTIES, IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT.

6. OFFICIAL RECORDS BOOK 2737, PAGE 3125, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AFFECTS THE SUBJECT PROPERTY.

CITY APPROVALS

THIS PLAT IS ACCEPTED AND APPROVED BY THE CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA THIS 16th DAY OF December, 2015. Ben L. Nelson Jr., Mayor; Debbie Filipek, City Clerk.

APPROVED AS TO FORM

Audrey E. Vance, City Attorney

REVIEW BY THE DESIGNATED CITY PSM ON BEHALF OF THE CITY OF BONITA SPRINGS DETERMINED THAT THIS PLAT CONFORMS TO THE REQUIREMENT OF F.S. CH.177, PART 1.

Jay Sweet, Designated PSM, License Number 5747

CLERK OF COURT CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF DIAMOND OAKS VILLAGE, A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WAS FILED FOR RECORD AT 2:18 P.M. THIS 16th DAY OF December, 2015 AND DULY RECORDED AS INSTRUMENT 2015 000268593 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Linda Doggett, Lee County Clerk of Court

PREPARING SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF DIAMOND OAKS VILLAGE, A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND THE PLAT COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THE PLAT.

By: Donald L. Saintenoy III

THIS 17th DAY OF November, 2015

Donald L. Saintenoy III, P.S.M., Professional Surveyor and Mapper, State of Florida License Number 6761

THIS INSTRUMENT WAS PREPARED BY: DONALD L. SAINTENOY III, P.S.M.



Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380
TECH: KEVIN GEORGESON JOB CODE: DOVDO FILE:14-105-PLT.DWG

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

ALL THE DESCRIBED DEDICATIONS, RESERVATIONS, TRACTS AND EASEMENTS ARE IN ACCORDANCE WITH THE GENERAL NOTES DESCRIBED ON THIS SHEET.

IN WITNESS WHEREOF, CRP/DOV LLC HAS CAUSED THESE PRESENTS TO BE SIGNED THIS 5th DAY OF November, 2015.

Marla Massacconi, Owner: CRP/DOV LLC
Michael J. Uccellini, AS Manager
Karen A. Schliederer
Karen A. Schliederer

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 5th DAY OF November, 2015, BY MICHAEL J. UCCPELLINI, AS MANAGER FOR CRP/DOV LLC, HE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED AS IDENTIFICATION.

NOTARY PUBLIC

Karen A. Schliederer, Notary Public, State of New York

Qualified in Rensselaer County, Commission Expires December 18, 2018

IN WITNESS WHEREOF, RENAISSANCE CENTER PROPERTY OWNERS ASSOCIATION INC HAS CAUSED THESE PRESENTS TO BE SIGNED THIS 17th DAY OF November, 2015.

Marie Starnes, Owner: RENAISSANCE CENTER PROPERTY OWNERS ASSOCIATION INC
Thomas Streh, AS Manager

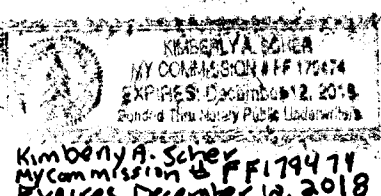
ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 17th DAY OF November, 2015, BY MICHAEL THOMAS STREH FOR RENAISSANCE CENTER PROPERTY OWNERS ASSOCIATION INC, HE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED Florida Drivers License AS IDENTIFICATION.

NOTARY PUBLIC

Kimberly A. Scher, Notary Public, State of Florida



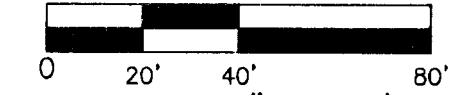
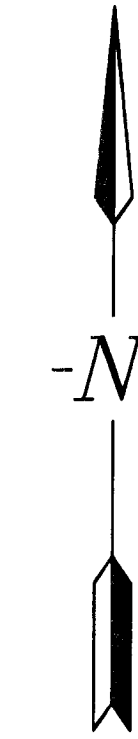
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DIAMOND OAKS VILLAGE

A SUBDIVISION LOCATED IN SECTION 16, TOWNSHIP 47 SOUTH, RANGE 25 EAST, AND A REPLAT OF ALL OF PARCEL "A" OF THE RENAISSANCE CENTER, PLAT BOOK 66, PAGES 37, THROUGH 40 CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA.

INSTRUMENT NUMBER 2015000268593

SHEET 2 OF 2



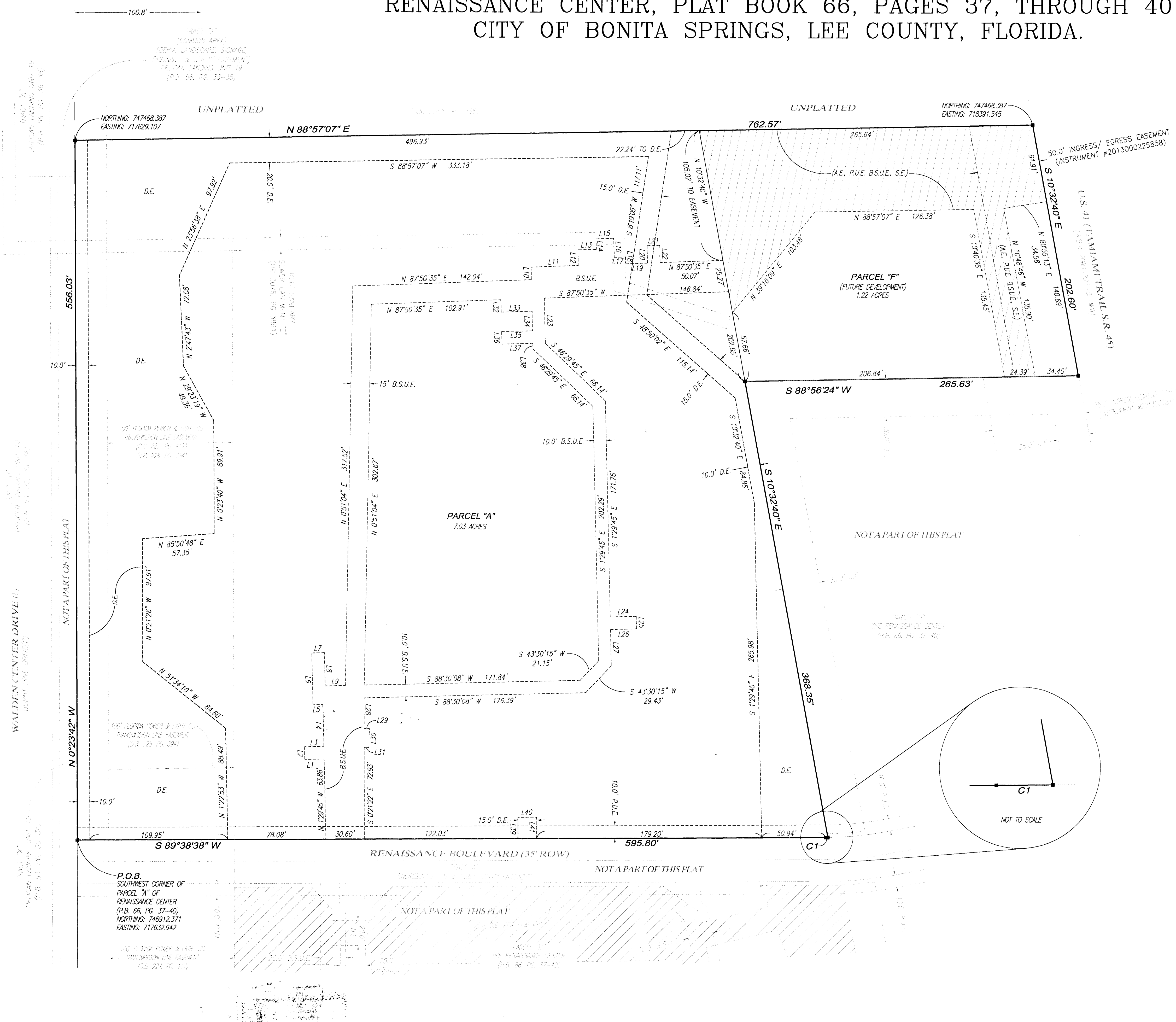
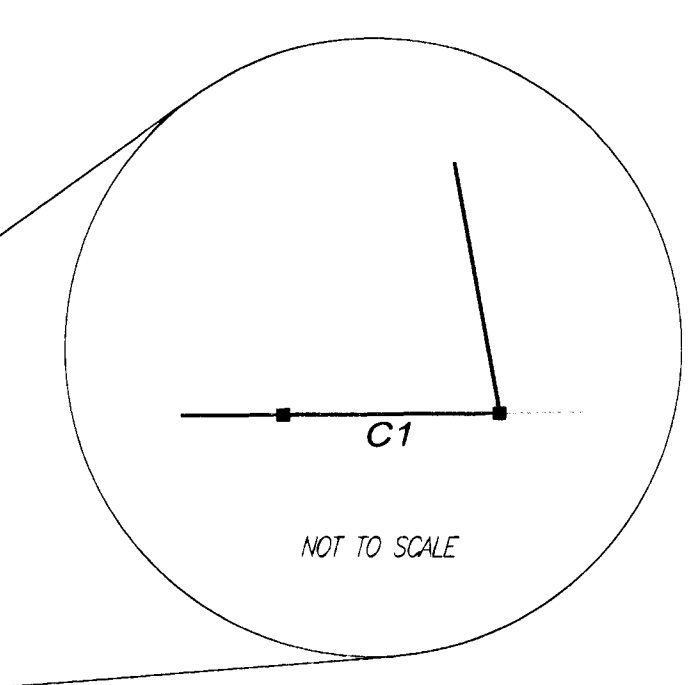
SCALE: 1" = 40'

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

CURVE TABLE				
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING
C1	265.00'	1.71'	0°22'22"	S 89°27'27" W

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 88°30'15" W	15.45'
L2	N 1°29'45" W	10.00'
L3	N 88°30'15" E	15.45'
L4	N 1°29'45" W	33.01'
L5	S 88°30'15" W	7.90'
L6	N 1°29'45" W	41.22'
L7	N 88°30'15" E	10.00'
L8	S 1°29'45" E	26.46'
L9	N 88°30'08" E	16.13'
L10	N 1°29'45" W	10.00'
L11	N 87°50'35" E	37.68'
L12	N 1°29'45" W	12.43'
L13	N 88°30'15" E	14.70'
L14	N 2°19'28" W	8.47'
L15	N 88°06'29" E	14.00'
L16	S 2°19'28" E	15.16'
L17	N 87°50'35" E	9.04'
L18	S 1°29'45" E	5.51'
L19	N 87°50'35" E	17.27'
L20	N 1°29'45" W	13.81'

LINE TABLE		
LINE	BEARING	DISTANCE
L21	N 88°30'15" E	10.00'
L22	S 1°29'45" E	13.69'
L23	S 1°29'45" E	35.85'
L24	N 88°30'15" E	20.73'
L25	S 1°29'45" E	10.00'
L26	S 88°30'15" W	20.73'
L27	S 1°29'45" E	28.81'
L28	S 0°21'22" E	24.32'
L29	S 89°08'56" E	4.15'
L30	S 0°51'04" W	15.00'
L31	N 89°08'56" W	3.83'
L32	S 2°09'25" E	10.00'
L33	N 87°50'35" E	24.62'
L34	S 1°29'45" E	15.51'
L35	S 88°30'15" W	24.65'
L36	S 1°29'45" E	10.00'
L37	N 88°30'15" E	24.65'
L38	S 1°29'45" E	4.36'
L39	S 0°21'22" E	17.00'
L40	N 89°38'38" E	15.00'
L41	S 0°21'22" E	17.00'



THIS INSTRUMENT WAS PREPARED BY:
DONALD L. SAINTENOY III, P.S.M.

GradyMinor
 Civil Engineers • Land Surveyors • Planners • Landscape Architects
 Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151
 Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380
 TECH: KEVIN GEORGESEN JOB CODE: DOVDO FILE:14-105-PLT.DWG

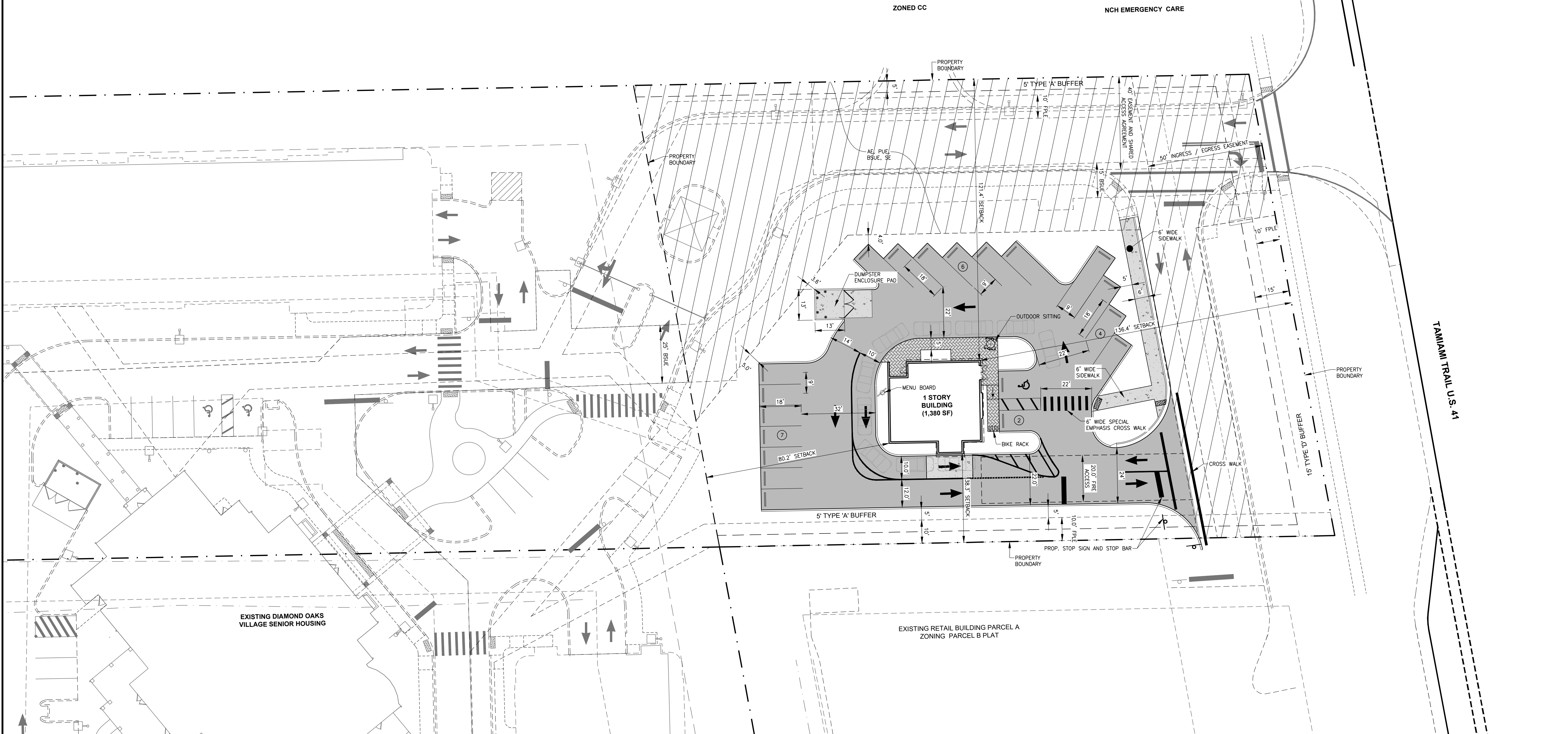
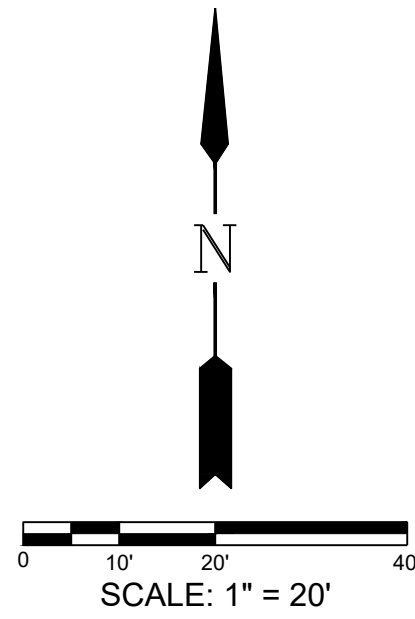
C:\SURVEY\PROJECT SURVEY 2014\105 - DIAMOND OAK VILLAGE\PLAT\14-105-PLT.DWG

BUILDING SUMMARY

TOTAL BUILDING AREA	1,380 S.F.
---------------------	------------

PARKING CALCULATION

RESTAURANT, FAST FOOD PER 4-1732, CITY OF BONITA LAND DEVELOPMENT CODE	
13 SPACES PER 1,000 S.F. + 1 SPACE PER 4 OUTDOOR SEATS	
TOTAL SPACES REQUIRED	19 SPACES
TOTAL SPACES PROVIDED (INCLUDES 1 HANDICAPPED SPACE)	19 SPACES



LEGEND

	HATCH DENOTES PLATTED AE, PUE, BSUE, SE (EXCEPTION 10)
--	--

EXCEPTION 10
RESTRICTIONS, DEDICATIONS, CONDITIONS, RESERVATIONS, EASEMENTS, AND OTHER MATTERS SHOWN ON THE PLAT OF DIAMONDS OAKS VILLAGE, RECORDED IN INSTRUMENT NO. 201500268593; BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C), (THOSE AFFECTING SUBJECT PARCEL, SHOWN HEREON)

Revision	Date	Description	By

DESIGNED BY:	M.J.D.
DRAWN BY:	O.L.
APPROVED:	M.J.D.
JOB CODE:	DDDD
SCALE:	1" = 20'

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

O. Grady Minor and Associates, P.A.
 3800 Via Del Rey
 Bonita Springs, Florida 34134
 Business LC 26000266

BURKHARDT CPD (PARCEL F)

EXHIBIT IV.G
 CONCEPTUAL SITE PLAN

MUNICIPALITY:	BONITA SPRINGS
SEC./TOWNSHIP/RNG	16/475/25E
DATE:	SEPTEMBER 2021
SUBMITTAL TYPE:	SPECIAL EXCEPTION
SHEET	1 OF 1

C:\PLANNING\PROJ - PLANNING\DDDD DUNKIN DONUTS DIAMOND OAKS (RF22-90045-B05)\DRAWINGS\EXHIBIT IV.G-BUILDING 8/8/2022 3:14 PM



PUBLIC HEARING APPLICATION FOR REZONINGS (CONVENTIONAL) & SPECIAL EXCEPTIONS

Community Development Department | 9220 Bonita Beach Road, Suite 111 | Bonita Springs, FL 34135 | Phone: (239) 444-6150 | Fax: (239) 444-6140

Applicant's Name: MK Realty - Diamond Oaks, LLC Phone #: 305.766.3723

Address: 6685 Collier Blvd. Naples, FL 34114

E-mail: mkoroghlian@naplesdonuts.com

Project Name: Burkhardt CPD (Parcel F) Special Exception

STRAP Number: 16-47-25-B2-2800F.0000

Application Form: Computer Generated* City Printed

* By signing this application, the applicant affirms that the form has not been altered.

STAFF USE ONLY

Case Number: _____ Date of Application: _____

Fee: _____

Current Zoning: _____

Land Use Classification(s): _____

Comp. Plan Density: _____

Date of Zoning Public Hearing: _____

Date of City Council Public Hearing: _____

Planner Assigned: _____

Staff Recommendation: _____

**PART II
GENERAL INFORMATION**

A. Legal Description: Is property within a platted subdivision recorded in official Plat Books of Lee County?

NO. *Attach a legible copy of the legal description (labeled Exhibit II-A-1.) and a certified sketch of description as set out in Chapter 5J-17.053, F.A.C., Florida Administrative Code, unless the subject property consists of one or more undivided platted lots. If the application includes multiple abutting parcels, the legal description must describe the perimeter boundary of the total area, but need not describe each individual parcel. However, the STRAP number for each parcel must be included. (labeled Exhibit II-A-2.)*

YES. Property is identified as:

Subdivision Name: Diamond Oaks Village

Plat Book: 2015000268 Page: _____ Unit: _____ Block: _____ Lot: _____

Submit a copy of the Plat Book page with subject property clearly marked. Label this Exhibit II-A-3.

STRAP NUMBER: 16-47-25-B2-2800F.0000

B. Project Street Address: 24126 S. Tamiami Trail

C. General Location of Property (referenced to major streets) Approximately 350 Feet north of Renaissance Blvd.
on the west side of S. Tamiami Trail.

D. Nature of Request: (Check applicable answers)

Rezoning FROM: _____ TO: _____

Special Exception for: Fast Food Restaurant

E. Property Dimensions

1. Width (average if irregular parcel): 265+/- Feet

2. Depth (average if irregular parcel): 202+/- Feet

3. Frontage on road or street: 202+/- Feet

4. Width along waterbody (If applicable): Not Applicable Feet

5. Total land area: 1.22+/- acres Acres or Square Feet

F. Facilities

1. Fire District: Bonita Springs

2. Sewer Service Supplier: Bonita Springs Utilities

3. Water Service Supplier: Bonita Springs Utilities

G. Present Use of Property: Is the property vacant? Yes No

Except for City-initiated requests, if the property is not vacant, the owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the use of the building or structure(s) will be in compliance with all applicable requirements of the land development code.

Briefly describe current use of the property: Undeveloped

H. Property restrictions: Are there any deed restrictions or other types of covenants or restrictions on the property? Yes No. If yes, submit a copy of the restrictions and a written statement as to how the restrictions may affect the request.

PART III
AFFIDAVIT

I, Michael Koroghlian, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of City of Bonita Springs Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application.

Michael Koroghlian _____ 3/17/22
Signature of owner or owner-authorized agent Date:

Michael Koroghlian, as Manager of MK Realty Management LLC, Manager of MK Realty - Diamond Oaks, LLC
Typed or printed name

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was certified and subscribed before me this 17th day of March, 2022, by Michael Koroghlian, who is personally known to me or who has produced FDLK24-543-75-007-0 as identification.

(SEAL)



LaCresha Ruffin
Signature of notary public
LaCresha Ruffin
Printed name of notary public

**EXHIBIT I-F
DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. 16-47-25-B2-2800F.0000 **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
Not Applicable	_____
_____	_____
_____	_____
_____	_____

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address, and Office	Percentage of Stock
_____	_____
Not Applicable	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
_____	_____
Not Applicable	_____
_____	_____
_____	_____
_____	_____
_____	_____

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
MK Realty - Diamond Oaks, LLC	100
MK Realty Management, LLC (a Nevada Limited Liability Corporaton), Manager	_____
Michael Koroghlian, as Manager of MK Realty Management, LLC	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**EXHIBIT I-F
DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. 16-47-25-B2-2800F.0000 **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership
_____	_____
Not Applicable	_____
_____	_____
_____	_____
_____	_____

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address, and Office	Percentage of Stock
Not Applicable	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
_____	_____
Not Applicable	_____
_____	_____
_____	_____
_____	_____

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
MK Realty - Diamond Oaks, LLC	100
MK Realty Management, LLC (a Nevada Limited Liability Corporaton), Manager	_____
Michael Koroghlian, as Manager of MK Realty Management, LLC	_____
_____	_____
_____	_____
_____	_____
_____	_____

**Electronic Articles of Organization
For
Florida Limited Liability Company**

L21000495227
FILED 8:00 AM
November 17, 2021
Sec. Of State
crico

Article I

The name of the Limited Liability Company is:
MK REALTY - DIAMOND OAKS LLC

Article II

The street address of the principal office of the Limited Liability Company is:
6685 COLLIER BLVD.
NAPLES, FL. UN 34114

The mailing address of the Limited Liability Company is:
6685 COLLIER BLVD.
NAPLES, FL. UN 34114

Article III

The name and Florida street address of the registered agent is:
SETH E ELLIS
4755 TECHNOLOGY WAY
SUITE 205
BOCA RATON, FL. 33431

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: SETH E ELLIS

Article IV

The name and address of person(s) authorized to manage LLC:

Title: MGR
MK REALTY MANAGEMENT LLC
6685 COLLIER BLVD.
NAPLES, FL. 33431 UN

L21000495227
FILED 8:00 AM
November 17, 2021
Sec. Of State
crico

Article V

The effective date for this Limited Liability Company shall be:

11/17/2021

Signature of member or an authorized representative

Electronic Signature: SETH E ELLIS

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.



BARBARA K. CEGAVSKE
 Secretary of State
 202 North Carson Street
 Carson City, Nevada 89701-4201
 (775) 684-5708
 Website: www.nvsos.gov
www.nvsilverflume.gov

Annual or Amended List and State Business License Application

ANNUAL **AMENDED** (check one)

List of Officers, Managers, Members, General Partners, Managing Partners, Trustees or Subscribers:

MK REALTY MANAGEMENT LLC
 NAME OF ENTITY

NV20161005772
 Entity or Nevada Business
 Identification Number (NVID)

TYPE OR PRINT ONLY - USE DARK INK ONLY - DO NOT HIGHLIGHT

IMPORTANT: Read instructions before completing and returning this form.

Please indicate the entity type (check only one):

- Corporation
 This corporation is publicly traded, the Central Index Key number is:
- Nonprofit Corporation (see nonprofit sections below)
- Limited-Liability Company
- Limited Partnership
- Limited-Liability Partnership
- Limited-Liability Limited Partnership
- Business Trust
- Corporation Sole

Filed in the Office of <i>Barbara K. Cegavske</i> Secretary of State State Of Nevada	Business Number E0003632016-0 Filing Number 20222025986 Filed On 01/14/2022 12:27:43 PM Number of Pages 2
---	--

Additional Officers, Managers, Members, General Partners, Managing Partners, Trustees or Subscribers, may be listed on a supplemental page.

CHECK ONLY IF APPLICABLE

Pursuant to NRS Chapter 76, this entity is exempt from the business license fee.

- 001 - Governmental Entity
- 006 - NRS 680B.020 Insurance Co, provide license or certificate of authority number

For nonprofit entities formed under NRS chapter 80: entities without 501(c) nonprofit designation are required to maintain a state business license, the fee is \$200.00. Those claiming an exemption under 501(c) designation must indicate by checking box below.

- Pursuant to NRS Chapter 76, this entity is a 501(c) nonprofit entity and is exempt from the business license fee. Exemption Code 002

For nonprofit entities formed under NRS Chapter 81: entities which are Unit-owners' association or Religious, Charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C § 501(c) are excluded from the requirement to obtain a state business license. Please indicate below if this entity falls under one of these categories by marking the appropriate box. If the entity does not fall under either of these categories please submit \$200.00 for the state business license.

- Unit-owners' Association
- Religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. §501(c)

For nonprofit entities formed under NRS Chapter 82 and 80: Charitable Solicitation Information - check applicable box

Does the Organization intend to solicit charitable or tax deductible contributions?

- No - no additional form is required
- Yes - the "Charitable Solicitation Registration Statement" is required.
- The Organization claims exemption pursuant to NRS 82A 210 - the "Exemption From Charitable Solicitation Registration Statement" is required

****Failure to include the required statement form will result in rejection of the filing and could result in late fees.****



BARBARA K. CEGAVSKE
 Secretary of State
 202 North Carson Street
 Carson City, Nevada 89701-4201
 (775) 684-5708
 Website: www.nvsos.gov
www.nvsilverflume.gov

**Annual or Amended List
 and State Business License
 Application - Continued**

Officers, Managers, Members, General Partners, Managing Partners, Trustees or Subscribers:

CORPORATION, INDICATE THE MANAGER:

MICHAEL C KOROGHLIAN	USA
Name	Country
6685 COLLIER BLVD	NAPLES
Address	City
FL	34114
State	Zip/Postal Code

None of the officers and directors identified in the list of officers has been identified with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

I declare, to the best of my knowledge under penalty of perjury, that the information contained herein is correct and acknowledge that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

X MICHAEL C. KOROGHLIAN

 Signature of Officer, Manager, Managing Member,
 General Partner, Managing Partner, Trustee,
 Subscriber, Member, Owner of Business,
 Partner or Authorized Signer *FORM WILL BE RETURNED IF*

Manager

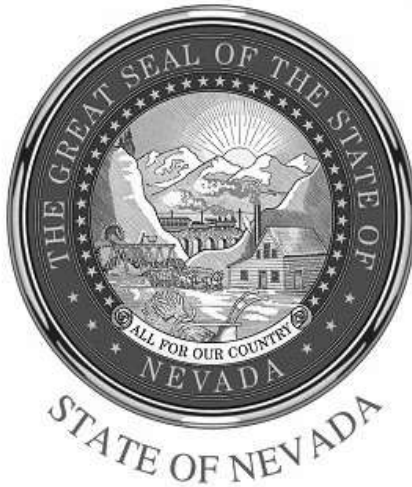
Title

01/14/2022

Date

UNSIGNED

SECRETARY OF STATE



NEVADA STATE BUSINESS LICENSE

MK REALTY MANAGEMENT LLC

Nevada Business Identification # NV20161005772

Expiration Date: 01/31/2023

In accordance with Title 7 of Nevada Revised Statutes, pursuant to proper application duly filed and payment of appropriate prescribed fees, the above named is hereby granted a Nevada State Business License for business activities conducted within the State of Nevada.

Valid until the expiration date listed unless suspended, revoked or cancelled in accordance with the provisions in Nevada Revised Statutes. License is not transferable and is not in lieu of any local business license, permit or registration.

License must be cancelled on or before its expiration date if business activity ceases. Failure to do so will result in late fees or penalties which, by law, cannot be waived.



Certificate Number: B202201142308741

You may verify this certificate
online at <http://www.nvsos.gov>

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed the Great Seal of State, at my
office on 01/14/2022.

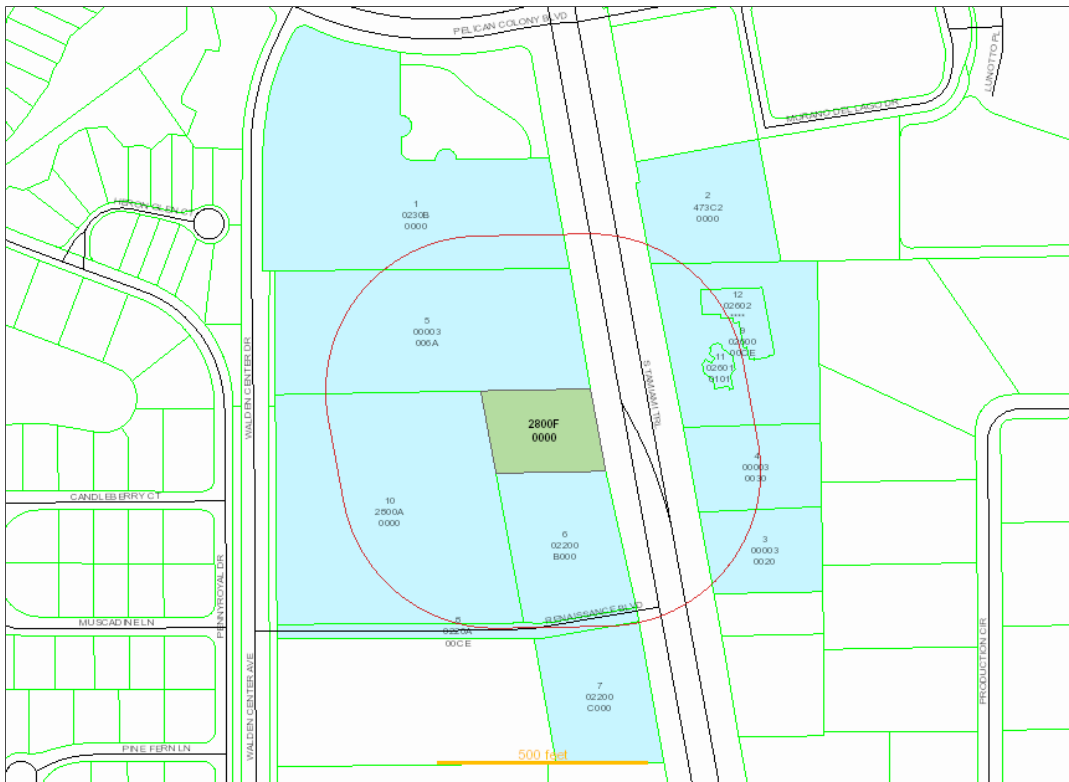
Barbara K. Cegavske

BARBARA K. CEGAUSKE
Secretary of State

Burkhardt CPD (Parcel F) Special Exception

Exhibits IV-A and IV-B

Surrounding Property Owner Map and Mailing List



Date of Report: January 14, 2022
 Buffer Distance: 375 feet
 Parcels Affected: 14
 Subject Parcel: 16-47-25-B2-2800F.0000

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
WALDEN CENTER LLC 24311 WALDEN CENTER DR STE 100 BONITA SPRINGS FL 34134	09-47-25-B3-0230B.0000 24301/311 WALDEN CENTER DR BONITA SPRINGS FL 34134	PELICAN LANDING UT 24 PB 58 PG 71 TR B + VAC R/W	1
EXTRA SPACE OF COCONUT PARADIGM TAX ESS #1402 PO BOX 800729 DALLAS TX 75380	09-47-25-E3-473C2.0000 8420 MURANO DEL LAGO DR ESTERO FL 34135	COCONUT POINT AREA 3 TRACT 3 + A PORTION OF TRACT 3B REPLAT DESC IN INST #2008000157280 TRACT 3C-2	2
NUNNINK LEO A TR 25481 PARADISE RD BONITA SPRINGS FL 34135	16-47-25-B2-00003.0020 24181 S TAMiami TRL #122 BONITA SPRINGS FL 34134	THE S 300 FT OF THE N 900 FT OF NW 1/4 OF THE NE 1/4 E OF TAMiami TRL LESS PAR	3
GOUSE WARREN THEODORE + 8075 LAGOON RD FORT MYERS BEACH FL 33931	16-47-25-B2-00003.0030 24081 S TAMiami TRL #121 BONITA SPRINGS FL 34134	S 200 OF N 600 FT OF W 1/2 OF NE 1/4 E OF TAMiami TR	4
NAPLES COMMUNITY HOSPITAL INC PO BOX 413029 NAPLES FL 34101	16-47-25-B2-00003.006A 24040 S TAMiami TRL BONITA SPRINGS FL 34134	N 300FT OF N 500FT OF N 900FT OF W 1/2 OF NE 1/4 W OF US 41	5
MUSCA PROPERTIES LLC 4700 ROCKSIDE RD STE 603 INDEPENDENCE OH 44131	16-47-25-B2-02200.B000 3440 RENAISSANCE BLVD BONITA SPRINGS FL 34134	RENAISSANCE CENTER PB 66 PGS 37-40 PARCEL B	6
WILSON ROBERT III TR 2465 TRADE CENTER WAY NAPLES FL 34109	16-47-25-B2-02200.C000 3333 RENAISSANCE BLVD BONITA SPRINGS FL 34134	RENAISSANCE CENTER PB 66 PGS 37-40 PARCEL C	7
JOBROW DEV COMPANY LLC JOSEPH DJAMOOS 13356 ROSEWOOD LANE NAPLES FL 34119	16-47-25-B2-0220A.00CE RIGHT OF WAY BONITA SPRINGS FL 34134	RENAISSANCE CENTER PB 66 PGS 37-40 TRACT A	8
COLONY PLAZA CONDO PO BOX 110628 NAPLES FL 34108	16-47-25-B2-02600.00CE COLONY PLAZA C/E BONITA SPRINGS FL 34135	COLONY PLAZA CONDO PH I + II DESC IN OR 3318 PG 4042 + OR 3874 PG 2170 COMMON ELEMENT	9
CRP/DOV LLC 300 JORDAN ROAD TROY NY 12180	16-47-25-B2-2800A.0000 24100-120 S TAMiami TRL BONITA SPRINGS FL 34135	DIAMOND OAKS VILLAGE AS DESC IN INST# 2015000268593 TRACT A	10
A AND D REAL ESTATE HOLDINGS ANGELINAS RISTORANTE 24041 S TAMiami TRL BONITA SPRINGS FL 34134	16-47-25-B2-02601.0101 24041 S TAMiami TRL BONITA SPRINGS FL 34134	COLONY PLAZA CONDO DESC IN OR 3318 PG 4042 PH 1 UNIT 101	11
ANGELINAS PLAZA LLC 9848 BRASSIE BEND NAPLES FL 34108	16-47-25-B2-02602.0101 24031 S TAMiami TRL #101 BONITA SPRINGS FL 34134	COLONY PLAZA PH II OR 3874 PG 2170 UNIT 101	12
ANGELINAS PLAZA LLC 9848 BRASSIE BEND	16-47-25-B2-02602.0201 24031 S TAMiami TRL #201	COLONY PLAZA PH II OR 3874 PG 2170	12

NAPLES FL 34108	BONITA SPRINGS FL 34134	UNIT 201	
ANGELINAS PLAZA LLC	16-47-25-B2-02602.0301	COLONY PLAZA PH II	12
9848 BRASSIE BEND	24031 S TAMIAMI TRL #301	OR 3874 PG 2170	
NAPLES FL 34108	BONITA SPRINGS FL 34134	UNIT 301	

Prepared by and Return to:

Capote & Capote, P.A.;
1200 Brickell Avenue, Suite 507
Miami, FL 33131
Attn: Beatriz M. Capote

Parcel I.D. No.: 16-47-25-B2-2800F.0000.

===== SPACE ABOVE THIS LINE RESERVED FOR RECORDING DATA =====

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made as of the 18th day of January 2022, between CRP/DOV, L.L.C., a Delaware limited liability company ("Grantor"), whose address is c/o The Carlyle Group, 1001 Pennsylvania Avenue, NW, Washington, DC 20004, and MK Realty – Diamond Oaks LLC, a Florida limited liability company ("Grantee"), whose address is 6685 Collier Blvd., Naples, FL 34114.

W I T N E S S E T H:

THAT, the Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration to it in hand paid by the Grantee, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained and sold to the Grantee, its heirs and assigns forever, the following described real property ("Property"), lying and being in the County of Lee, State of Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TOGETHER WITH, all rights of way, tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining.

This conveyance is subject to the permitted encumbrances set forth on Exhibit "B" attached hereto, provided that this shall not serve to reimpose them.

Subject to such items, Grantor hereby warrants title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed the day and year first above written.

Witnesses:

Wanda Bemp
Print Name

Wanda Bemp

Sarah Reedy
Print Name

Sarah Reedy

CRP/DOV, L.L.C.,
a Delaware limited liability company.

By: Michael J. Uccellini

Name: Michael J. Uccellini

Title: Authorized Signatory

STATE OF Florida

COUNTY Lee

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 13 day of January, 2022, by Michael J. Uccellini as Authorized Signatory of CRP/DOV, L.L.C., a Florida limited liability company. He is personally known to me or has produced _____ as identification.

(Affix Notary Stamp/Seal Below)

Nitzia Mueller
NOTARY PUBLIC
Print Name: Nitzia Mueller
My Commission Expires: 10-30-25

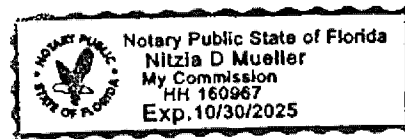


Exhibit A

[Legal Description]

Parcel "F", Diamond Oaks Village, according to the plat thereof as recorded under Instrument # 2015000268593, of the Public Records of Lee County, Florida.

Exhibit B

1. Taxes and assessments for the year 2022 and subsequent years, which are not yet due and payable.
2. Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of DIAMOND OAKS VILLAGE, as recorded in Instrument No. 2015000268593, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
3. Terms and conditions of that certain Declaration of Covenants, Conditions, Restrictions and Easements, which contains provisions for a private charge or assessments, recorded in Book 3243, Page 2715 , but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c). Said Declaration has been modified by instrument(s) recorded as follows: Instrument No. 2014000210586 and in Instrument No. 2015000202978
4. Amendments to Articles of Incorporation recorded in Instrument No. 2015000202979, of the Public Records of Lee County, Florida.
5. Easement granted to Florida Power & Light Company by instrument recorded in Deed Book 228, Page 394.
6. Notice of Development Order recorded in Book 1850, Page 1 and in Book 2619, Page 1819, of the Public Records of Lee County, Florida.
7. Grant of Utility Easement granted to Bonita Springs Utilities, Inc., a Florida not-for-profit corporation, as more fully set forth in the document recorded in Book 3076, Page 3891, as affected by that certain Partial Release of Easement recorded in Instrument 2016000109493, of the Public Records of Lee County, Florida.
8. Notice recorded in Instrument 2015000271813, of the Public Records of Lee County, Florida.
9. Recorded Notice of Environmental Resource Permit recorded in Instrument 2015000277673, of the Public Records of Lee County, Florida.
10. Grant of Easement granted to Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC, as more fully set forth in the document recorded in Instrument 2016000094352, of the Public Records of Lee County, Florida.
11. Easement granted to Florida Power & Light Company by instrument recorded in Instrument No. 2016000131307.
12. Easement granted to Bonita Springs Utilities, Inc., a Florida not-for-profit corporation by instrument recorded in Instrument No. 2017000005927.
13. Easement and Shared Access Agreement recorded in Instrument 2018000060313, of the Public Records of Lee County, Florida.
14. Easement granted to Florida Power & Light Company by instrument recorded in Instrument No. 2019000155897.

15. Lee County Ordinances No. 86-14 and 86-38 providing for mandatory solid waste collection and the imposition of special assessments for said collection services. The special assessments for the current tax year are payable with the ad valorem taxes.
16. All matters that would be disclosed by an accurate survey of the Property.

THIS INSTRUMENT PREPARED BY:
James D. Vogel, Esq.
Fla. Bar No. 0051373
Vogel Law Office, P.A.
4099 Tamiami Trail North, Suite 200
Naples, Florida 34103
(239) 262-2211
PREPARATION ONLY WITHOUT OPINION

01206-10559-
Dy
STEWART TITLE COMPANY
4099 TAMAMIAMI TRAIL N., STE 250
NAPLES, FL 34103

RECIPROCAL INGRESS-EGRESS EASEMENT AGREEMENT

THIS RECIPROCAL INGRESS-EGRESS EASEMENT AGREEMENT is made this 23 day of September, 2013, by and between **EAST COAST RESTAURANTS, INC.**, a Florida corporation, successor by merger of **SOUTHEAST USA, L.C.**, a Florida limited liability company ("East Coast"), and **RENAISSANCE CENTER OF BONITA SPRINGS, LLC**, a Florida limited liability company ("Renaissance").

WHEREAS, East Coast is the owner, in fee simple, of that certain real property more particularly described in Exhibit "A" attached hereto and by reference incorporated herein ("Parcel A"); and,

WHEREAS, Renaissance is the owner, in fee simple, of that certain real property more particularly described in Exhibit "B" attached hereto and by reference incorporated herein ("Parcel B"); and,

WHEREAS, East Coast and Renaissance desire to reciprocally grant, each to the other, certain easements for ingress, egress, and passage over portions of Parcel A and Parcel B; and,

WHEREAS, East Coast is the successor by merger of Southeast USA, L.C., a Florida limited liability company, pursuant to those Articles of Merger filed with the Florida Secretary of State on June 5, 2012; and,

WHEREAS, Parcel A is subject to a mortgage loan in favor of **C1 BANK** as successor to **FIRST COMMUNITY BANK OF SOUTHWEST FLORIDA**, which loan is secured by a Mortgage and Assignment of Rents dated June 6, 2008, recorded June 17, 2008, as Instrument # 2008000162320; a Commercial Security Agreement dated June 6, 2008, as evidenced by that UCC-1 Financing Statement filed July 3, 2008, with the Florida Secretary of State as File No. 200808667937; and as modified by that Modification of Note, Mortgage and Other Loan Documents, dated October 6, 2012, recorded December 27, 2012, as Instrument # 2012000284784; all of the Public Records of Lee County, Florida (the "Parcel A Loan"); and,

WHEREAS, on August 2, 2013, the Federal Deposit Insurance Corporation was appointed as Receiver for First Community Bank of Southwest Florida, and the FDIC sold the assets of First Community Bank of Southwest Florida, including the Parcel A Loan, to **C1 BANK**; and,

WHEREAS, Parcel B is subject to a mortgage loan in favor of **CAPITAL BANK, N.A.**, a national banking association, formerly known as **NAFH National Bank**, a national banking association, successor by merger to **TIB BANK**, a Florida banking corporation, formerly known as **TIB BANK OF THE KEYS**, which loan is secured by a Mortgage dated January 10, 2003, recorded January 22, 2003, in OR Book 3829, page 725; an Assignment of Rents dated January 10, 2003, recorded January 22, 2003, in OR Book 3829, page 732; an UCC-1 Financing Statement recorded January 22, 2003, in OR Book 3829, page 741; and as modified by that Receipt of Future Advance, dated October 4, 2004, recorded November 5, 2004, in OR Book 4485, page 336; all of the Public Records of Lee County, Florida (the "Parcel B Loan"); and,

WHEREAS, on April 29, 2011, TIB Bank merged with and into NAFH National Bank, as referenced in Certificate of National Bank Merger filed August 31, 2011, as Instrument No. 2011000192869; and on June 20, 2011, NAFH National Bank changed its name to Capital Bank, N.A., as referenced in Certificate of National Bank Merger filed August 31, 2011, as Instrument No. 2011000192870; all of the Public Records of Lee County, Florida

NOW, THEREFORE, in consideration of the mutual obligations contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each party hereto, East Coast and Renaissance agree as follows:

1. Incorporation of Recitals. The foregoing recitals are true and correct and incorporated herein as though fully set forth.

2. Parcel A Easement. East Coast grants and conveys to Renaissance a non-exclusive easement for the use and benefit of Renaissance, its tenants, invitees, and their successors and assigns, for the purposes of reasonable ingress, egress, and passage, both pedestrian and vehicular in, upon, over, and across those portions of the easterly 50 feet (measured parallel to US 41 ROW) of Parcel A paved as driveways, roadways, and walkways, as presently or hereafter constructed, and constituting a part of the common area of Parcel A, so as to provide for the passage of motor vehicles and pedestrians between Parcel B and US 41.

3. Parcel B Easement. Renaissance grants and conveys to East Coast a non-exclusive easement for the use and benefit of East Coast, its tenants, invitees, and their successors and assigns, for the purposes of reasonable ingress, egress, and passage, both pedestrian and vehicular in, upon, over, and across those portions of the easterly 75 feet (measured parallel to US 41 ROW) of Parcel B paved as driveways, roadways, and walkways, as presently or hereafter constructed, and constituting a part of the common area of Parcel B, so as to provide for the passage of motor vehicles and pedestrians between Parcel A and Renaissance Boulevard.

4. Modification. The Owner of a Parcel burdened by the Parcel A Easement or the Parcel B Easement shall have the right at any time to replace, alter, modify, and to relocate said Parcel A Easement or Parcel B Easement outside of the above-described areas, and shall have the right to expand any structures or to erect additional structures on its property from time to time,

provided only that the Parcel A Easement shall continue to provide reasonably direct access between Parcel B and US 41, and the Parcel B Easement shall continue to provide reasonably direct access between Parcel A and Renaissance Boulevard. (Temporary interruption of access due to construction activities on either Parcel shall not violate the provisions hereof.)

5. Maintenance. East Coast shall maintain those portions of the Parcel A site used for such ingress, egress, and passage from time to time in good repair and safe condition. Renaissance shall maintain those portions of the Parcel B site used for such ingress, egress, and passage from time to time in good repair and safe condition.

6. No Rights in Public; No Implied Easements; No Parking. Nothing contained herein shall be construed as creating any rights in the general public or as dedicating for public use any portion of Parcel A or Parcel B. No easements, except those expressly set forth herein, shall be imposed by this Agreement, and in that regard, and without limiting the foregoing, no easements for parking are granted or implied. Without limiting the foregoing, this Agreement does not create parking easements between the Parcels, but, rather, the parking spaces located upon each Parcel are for the sole use and benefit of the Owner and the Permittees of such Parcel.

7. Barricades. Neither party shall erect or permit the erection of any curbing, fencing or other obstructions blocking or limiting the use of the reciprocal easements areas. Notwithstanding the foregoing, each party may erect, one day in each calendar year, but more often if legally necessary, barriers for the purpose of blocking access to their respective parcels to prevent the possibility of dedicating the same for public use. The erection of any barrier for this purpose shall be at a time or upon a day when the businesses located on the dominant tenement are closed. The failure of either party to erect such a barrier any year or years shall not be deemed a waiver of such right in subsequent years.

8. Individuals Benefitted. The easements granted herein shall benefit the named grantees, and their respective successors, assigns, officers, tenants, employees, agents, customers, business visitors, guests, licensees, invitees, and all other persons lawfully upon any portion of the land benefitted thereby.

9. Indemnification. Each party hereto does hereby agree to indemnify and hold harmless the other party, respectively, from and against any and all losses, liabilities, including strict liability, damages, injuries, expenses, including attorney's fees for attorney's of the indemnitees' respective choices, costs of any settlement or judgment and claims of any and every kind whatsoever paid, incurred, or suffered by, or asserted against such indemnitees or either of them, by any person or entity or governmental agency for, with respect to, or as a direct result of such indemnitor failing to maintain in good repair and safe condition those portions of their respective real properties used from time to time for such ingress, egress and passage.

10. Reserved Rights. It is understood that the easements are hereby given upon the express understanding and condition that the land encumbered thereby may be used by each

respective grantor thereof, their heirs, successors, assigns, and legal representatives, in conjunction with the use thereof by the respective grantees, their successors, assigns, and legal representatives and for whatever purposes such grantor may elect in such grantor's sole discretion so long as such use does not interfere with the intended purposes hereof.

11. Enforceability. The terms contained herein shall run with the land and accrue to the benefit of and be enforceable by the parties, their respective successors, assigns and legal representatives.

12. Duration. All of the rights and privileges granted hereby shall be and remain in effect in perpetuity.

IN WITNESS WHEREOF, the parties have executed this easement effective as of the day and year first above written.

EAST COAST RESTAURANTS, INC.
a Florida corporation

Angela Herte
Witness name:

Alfredo Russo
Alfredo Russo, President

Debra
Witness name:

STATE OF FLORIDA
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 23 day of September 2013, by Alfredo Russo, who is the President of East Coast Restaurant, Inc., and who is X personally known to me or _____ who has produced _____ as identification.


Christine Wolf
Notary Public




**RENAISSANCE CENTER OF BONITA
SPRINGS, LLC**
a Florida limited liability company



Witness name: John Josephson



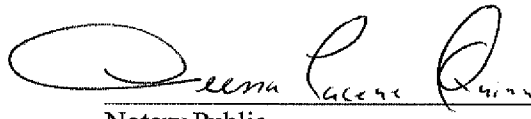
Andrew J. Saluan, Manager



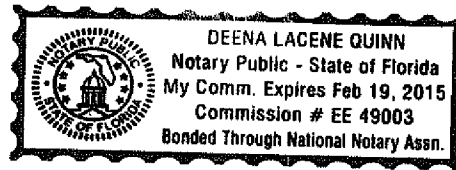
Witness name: ROBERT VITALIDES

STATE OF FLORIDA
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 23rd day of September
2013, by Andrew J. Saluan, who is the Manager of Renaissance Center of Bonita Springs, LLC, and
who is personally known to me or _____ who has produced _____
as identification.



Notary Public

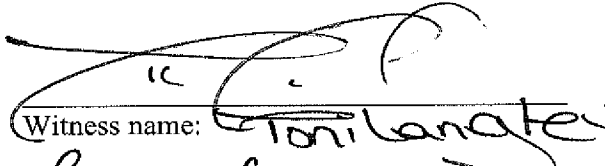
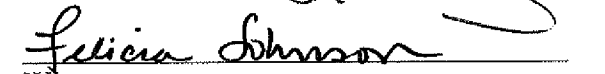


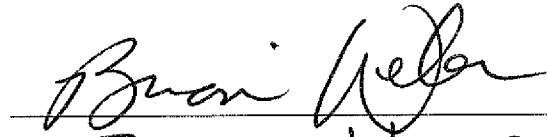
**CONSENT TO AND JOINDER IN THAT CERTAIN
RECIPROCAL INGRESS-EGRESS EASEMENT AGREEMENT**

The undersigned, being the mortgagee with respect to Parcel A (as said terms are defined in the instrument to which this consent and joinder is attached), hereby consents to the within and foregoing Reciprocal Ingress-egress Easement Agreement to which this consent and joinder is attached, and solely for the purpose of subordinating the interest of the undersigned to the conveyance of the easements and establishment of the other provisions as set forth therein.

EXECUTED under seal this 25th day of September, 2013.

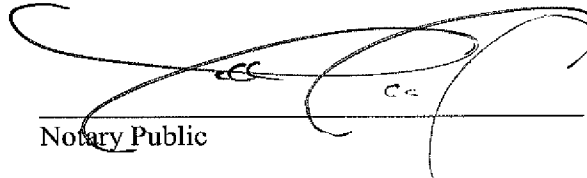
C1 BANK

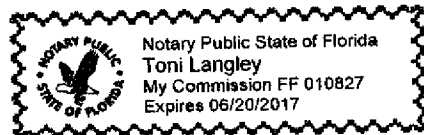

Witness name: Toni Langley

Witness name: Felicia Johnson


By: BRIAN WEBER
Its: CLIENT MANAGER

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 25 day of September 2013, by Brian Weber who is the Client Manager of C1 Bank, and who is personally known to me or who has produced identification as


Notary Public



**CONSENT TO AND JOINDER IN THAT CERTAIN
RECIPROCAL INGRESS-EGRESS EASEMENT AGREEMENT**

The undersigned, being the mortgagee with respect to Parcel B (as said terms are defined in the instrument to which this consent and joinder is attached), hereby consents to the within and foregoing Reciprocal Ingress-egress Easement Agreement to which this consent and joinder is attached, and solely for the purpose of subordinating the interest of the undersigned to the conveyance of the easements and establishment of the other provisions as set forth therein.

EXECUTED under seal this 23rd day of September, 2013.

CAPITAL BANK, N.A., a national banking association, formerly known as **NAFH National Bank**, a national banking association, successor by merger to **TIB BANK**, a Florida banking corporation, formerly known as **TIB BANK OF THE KEYS**

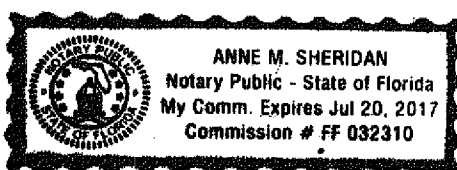
Michael Rinaldi
Witness name: Michael Rinaldi

John J. Scott
Witness name: JOHN J SCOTT

Eugene O. Jenkins, Jr.
By: Eugene O. Jenkins, Jr.
Its: Vice President

STATE OF FLORIDA
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 23 day of Sept., 2013, by Eugene Jenkins who is the VP of CAPITAL BANK, N.A., a national banking association, formerly known as NAFH National Bank, a national banking association, successor by merger to TIB BANK, a Florida banking corporation, formerly known as TIB Bank of the Keys, and who is Y personally known to me or who has produced as identification.



Anne M. Sheridan
Notary Public

EXHIBIT "A"

The South 200 feet of the North 500 feet of the North 900 feet of the West ½ of the Northeast 1/4 lying West of Tamiami Trail in Section 16, Township 47 South, Range 25 East, Lee County, Florida.

EXHIBIT "B"

Parcel B, The Renaissance Center, according to the Map or Plat thereof as recorded in Plat Book 66, Page 37, of the Public Records of Lee County, Florida.

**ACTION BY WRITTEN
CONSENT OF THE MANAGER
OF MK REALTY - DIAMOND OAKS LLC**

The undersigned, MK Realty Management LLC, a Nevada limited liability company, being the manager (the "**Manager**") of MK Realty - Diamond Oaks LLC (the "**Company**"), by its signature below, hereby adopts the following resolutions on behalf of the Company, effective as of March 1, 2022, pursuant to the Limited Liability Company Agreement of the Company (the "**LLC Agreement**").

WHEREAS, it is prudent and in the best interests of the Company to delegate to certain persons responsible for the business, property and affairs of the Company authority to enter into and execute certain agreements and other instruments and documents in the name and on behalf of the Company as "**Officers**" of the Company;

NOW, THEREFORE, BE IT RESOLVED, pursuant to the authority set forth in the LLC Agreement, that the Officer of the Company set forth on Exhibit A hereto be and hereby is authorized and directed to execute, make, deliver, file and record in the name of and on behalf of the Company any and all such agreements and other instruments and documents set forth on Exhibit B hereto (each, a "**Document**"),

RESOLVED, FURTHER, that each such person shall carry out his or her authority granted hereunder in his or her capacity as an Officer of the Company;

RESOLVED, FURTHER, that the execution of any such Document by any such Officer shall be conclusive evidence of the approval thereof by such Officer and by the Company; and

RESOLVED FURTHER, that this action may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which shall together constitute but one and the same instrument.

[signature page follows]

IN WITNESS WHEREOF, the Manager has signed and delivered this action as of the date first written above.

MK Realty Management LLC, a Nevada limited liability company

By:  _____
Name: Michael Koroghlian
Title: Manager

[Written Action of Managing Member of MK Realty – Diamond Oaks, LLC]

Exhibit A
Officer List

Name

Title

Michael Koroghlian

Manager

EXHIBIT B
Document List

In connection with the real estate commonly known as STRAP Number 16-47-25-B2-2800F.0000 (Diamond Oaks Village, Tract F), the Officer identified on Exhibit A to this Written Consent may enter into and execute any and all documents, agreements, affidavits and certificates in connection with or related to such real estate, including, but not limited to, in connection with or related to any zoning and/or development application(s) related to such real estate, and any and all document, agreements, affidavits and certificates (i) in connection with any zoning, building or development application(s) related to such real estate, (ii) to develop such real estate, or (iii) to convey title to such real estate or grant easements on such real estate.

CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 15- 03

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST TO AMEND A PORTION OF THE BURKHARDT COMMERCIAL PLANNED DEVELOPMENT (CPD) AS ESTABLISHED IN LEE COUNTY ZONING RESOLUTION NO. 96-042; AMENDING PARCELS E AND F TO ALLOW A SENIOR HOUSING FACILITY; ON LAND LOCATED AT 24080 S. TAMIAMI TRAIL AND 3440 & 3333 RENAISSANCE BLVD, BONITA SPRINGS, FL 34134; ON 17.41 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Wayne Arnold, AICP, from Grady Minor Engineering, on behalf of Burkhardt Commercial Planned Development (CPD) has filed an application for an amendment to Zoning Resolution 96-042 to allow a portion to be used for senior housing; and

WHEREAS, the subject properties are located at 24080 S. Tamiami Trail, 3440 Renaissance Blvd, and 3333 Renaissance Blvd., Bonita Springs, FL 34134, described as follows:

"See Exhibit A"

WHEREAS, a Public Hearing was advertised and heard on June 16, 2015 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case PD15-20019-BOS who gave full consideration to the evidence available and recommended approval (6-0); and gave full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all interested parties. The June 4, 2015 Staff Report prepared by Community Development and evidence submitted at the Zoning Board hearing is on file with the City Clerk.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bonita Springs, Lee County, Florida:

SECTION ONE: APPROVAL OF REQUEST

City Council of Bonita Springs hereby approves the amendment to Lee County Zoning Resolution No. 96-042, with the following conditions:

Conditions

1. The development of this project must be consistent with the Master Concept Plan entitled Burkhardt CPD (**Attachment A**), stamped received June 4, 2015, except as modified by the conditions contained herein. This development must comply with all requirements of the

Bonita Springs Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The units/square footage may not exceed the following:

- a. The maximum total square footage may not exceed 170,000 square feet with no more than 100,000 square feet allocated to those uses which must meet the Commercial Site Locational Standards of the Lee Plan of retail uses. The use of a Hotel/Motel and Adult Congregate Living Facility (ACLF) may not exceed, as committed to on the Master Concept Plan, Site Development Note 47 11, a combined total of 150 ACLF beds or hotel/motel units. In addition, per Site Development Note 15, on the Master Concept Plan uses within this planned development may not exceed the generation of 621 PM peak hour new trips in accordance with the accepted Traffic Impact Statement reviewed as part of this planned development. A 160 unit independent senior group housing project.

The density of the Hotel/Motel or Adult Congregate Living Facility may not exceed the standard density of the Lee Bonita Plan land use category for the parcel upon which it will be built.

- b. The following uses are permitted:

Schedule of Uses

PERMITTED USES ON ALL PARCELS

ACCESSORY USES AND STRUCTURES

ADMINISTRATIVE OFFICES

ADULT CONGREGATE LIVING FACILITY

BANKS & FINANCIAL INSTITUTIONS: GROUP I, GROUP II;
INCLUDING DRIVE-THRU

BUILDING MATERIAL SALES

BUSINESS SERVICES, ALL GROUPS

CLEANING AND MAINTENANCE SERVICES

CLUBS: COMMERCIAL, FRATERNAL, PRIVATE

CONSUMPTION ON PREMISES (LDC 4-1023)

CONTRACTORS AND BUILDER, GROUPS I AND II

DAY CARE CENTER, CHILD AND ADULT

EMERGENCY MEDICAL SERVICE

ESSENTIAL SERVICES

EXCAVATION, WATER RETENTION

FACTORY OUTLET

FENCES AND WALLS

HEALTH CARE FACILITIES, GROUP III

HOTEL/MOTEL
INSURANCE COMPANIES
LAWN AND GARDEN SUPPLY
MEDICAL OFFICE
MINI-WAREHOUSE
PAINT, GLASS, AND WALLPAPER
PARKING LOT: ACCESSORY AND COMMERCIAL
PERSONAL SERVICES, GROUPS I, II, AND III
PET SERVICES
PLANT NURSERY
PRINTING AND PUBLISHING
REAL ESTATE SALES OFFICE
RENTAL OR LEASING ESTABLISHMENT, GROUPS I, II AND III
REPAIR SHOPS, GROUPS I, II AND III
RESTAURANTS, ALL GROUPS
SCHOOLS, COMMERCIAL AND NONCOMMERCIAL
SIGNS, IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE
SOCIAL SERVICES, GROUPS I AND II
SPECIALTY RETAIL, GROUPS I, II, III & IV
VARIETY STORE
WAREHOUSE, PRIVATE AND PUBLIC
WHOLESALE ESTABLISHMENTS, GROUPS I AND III

PARCELS A THROUGH C ONLY

AUTOMOBILE SERVICE STATION
AUTO REPAIR AND SERVICE
BAR OR COCKTAIL LOUNGE
CAR WASH
CLOTHING STORE, GENERAL
CONVENIENCE FOOD AND BEVERAGE STORE
DRIVE THROUGH, FOR ANY PERMITTED USE
DRUG STORE
FOOD STORES, GROUPS I AND II
PACKAGE STORE
PHARMACY
RESTAURANT, FAST FOOD
SELF-SERVICE FUEL PUMPS
SELF-SERVICE FUEL PUMP STATION
USED MERCHANDISE STORES, ALL GROUPS
VEHICLE AND EQUIPMENT DEALERS, GROUPS I THROUGH IV

PERMITTED USES AND PARCELS A THROUGH E D ONLY

ANIMAL CLINIC OR KENNEL
ANIMAL CONTROL CENTER
AUTO PARTS STORE
BOAT PARTS STORE
BOAT REPAIR AND SERVICE
BOAT SALES
GIFT AND SOUVENIR SHOP
HARDWARE STORE
HOBBY, TOY, AND GAME SHOP

HOUSEHOLD AND OFFICE FURNISHINGS, ALL GROUPS
LAUNDRY AND DRY CLEANING, GROUP I
MOBILE HOME DEALERS
PET SHOP
RECREATION, COMMERCIAL – GROUPS III AND IV
TRANSPORTATION SERVICES, GROUP II

PERMITTED USES PARCELS E AND F ONLY (LIMITED TO 15,000
S.F. COMMERCIAL)

ANIMAL CLINIC OR KENNEL
BAR OR COCKTAIL LOUNGE
CLOTHING STORE, GENERAL
CONVENIENCE FOOD AND BEVERAGE STORE
DRIVE THROUGH, FOR ANY PERMITTED USE
DRUG STORE
FOOD STORES, GROUPS I AND II
GIFT AND SOUVENIR SHOP
GROUP HOUSING FOR SENIORS (NOT TO EXCEED 160 UNITS)
HARDWARE STORE
HOBBY, TOY, AND GAME SHOP
HOUSEHOLD AND OFFICE FURNISHINGS, ALL GROUPS
LAUNDRY AND DRY CLEANING, GROUP I
PACKAGE STORE
PET SHOP
PHARMACY
RESTAURANT, FAST FOOD (requires special exception approval)
USED MERCHANDISE STORES, GROUP I AND II (EXCLUDING
PAWNSHOPS)

c. Site Development Standards

Minimum Lot Area: 17.41 ± acres

Minimum Setbacks:

Street: Variable according to the functional classification of the street or road, as identified in the LDC (~~Section 34-2191 et seq.~~). For Parcel E as shown on the Master Plan, the setback for local streets shall be 25 feet.

Side: 10 feet (an additional setback of ½ foot for every foot of building height above 45 feet will be required)

Rear: 20 feet (an additional setback of ½ foot for every foot of building height above 45 feet will be required)

Waterbody: 25 feet or 0 (zero) feet in accordance with Deviation 1

Maximum Lot Coverage: 40%

Maximum Building Height: 95 feet (Parcels A and B)*
95 75 feet (Parcels DC only)
45 feet (Parcels D, E and F only)
65 feet (Senior Housing Units on Parcel E)

* The maximum building height shown for Parcels A and B is reflective of the historical zoning (Resolution No. 96-042), which, when adopted, was consistent with the then-existing comprehensive plan. Since that time, the comprehensive plan was amended to reduce the maximum building height to 75 feet for properties, such as Parcels A and B, that are located within the comprehensive plan's "General Commercial" land use classification. Therefore, the retention of the 95-foot maximum building height in this ordinance does not, by itself, entitle Parcels A and B to development orders for buildings exceeding 75 feet in height.

3. Group Housing for Seniors

- a. This use is limited to a maximum of 160 independent living units for persons aged 55 and over on Parcel E only.
- b. The developer, its successors or assigns, shall provide the following services and/or be subject to the following operational standards:
 - i. The facility is limited to residents 55 years of age and older.
 - ii. There shall be on-site dining for the residents where at minimum the option of at least one meal a day must be provided by the facility.
 - iii. Group transportation services shall be provided for the purposes of grocery and other types of shopping. Individual transportation services shall be coordinated for the residents' individualized needs including but not limited to medical office visits.
 - iv. There shall be an on-site manager/activities coordinator to assist residents with their individual needs such to facilitate guidance and resources for services such as but not limited to: financial services, hair care service providers, pharmaceutical establishments, and laundry or dry cleaning providers. The manager/coordinator shall also be responsible for arranging trips to off-site events as well as planning lectures, movies, music, and other entertainment for the residents at the on-site clubhouse.
 - v. A wellness center shall be provided on-site. Exercise and other fitness programs shall be provided for the residents.
 - vi. Each unit shall be equipped with an alert system device designed to notify emergency service providers in the event of a medical or other emergency.
 - vii. Each unit shall be designed so that a resident is able to age-in-place.

- c. Any reduction in the operational requirements listed in Condition 3b will nullify the density equivalent ratio of 1: 1.67 units; thereby permitting a maximum of 78 independent dwelling units.
 - d. The architectural design of the main building shall be substantially consistent with the Diamond Oaks cross section as depicted in **Attachment B**.
- 4. Dog Park. The dog park is permitted as an accessory use to the senior housing project on Parcel E. The hours of operation are limited from dawn to dusk. Property management shall provide appropriate animal waste receptacles, which shall be properly discarded.
- 5. Parking. In support of Deviation 4 for Parcel E,
 - a. The applicant must provide a minimum of 1.25 parking spaces per independent living unit. Should City Council make the determination, at a meeting where the current owner of record is given notice that this parking is not meeting operational requirements, the Owner must provide additional parking consistent with the Land Development Code (LDC) for the use; and
 - b. If at any time in the future, the use of the property changes to another approved use, off-street parking must be provided in compliance with the LDC at the time of application.
- 6. Solid waste and recycling. In support of Deviations 7 and 8 for Parcel E:
 - a. The locations of dumpsters and compactors must be depicted on the local development order plans for Parcel E; and
 - b. Approval of Deviations 7 and 8 does not alleviate the applicant of complying with Lee County Solid Waste's requirements for solid waste and recycling service; and
 - c. The property management shall roll out the 2 dumpsters from inside the parking garage area and onto a designated dumpster pad at time on trash and recycling service days. The dumpsters shall only be placed outside after dusk on the evening prior to collection and returned to storage by 6:00PM on the day of collection.
- 7. Landscaping and Buffering
 - a. Prior to local development order approval, all landscaping and buffers for Parcel E shall be consistent with the following conditions:
 - i. North buffer (CC zoned parcel). The landscape buffer shall include native vegetation planted at all three strata and shall

include the following minimum standards consistent with Attachment C (attached):

- a) A double staggered hedge row planted at a minimum height of 4' and maintained at a minimum of 6' in height. Plants shall be native and planted on 5' centers.
- b) Clusters of 3 mid story trees shall be planted on 30' centers. Tree clusters shall consist of 2 native canopy trees 12-14' tall, and one native understory shade tolerant tree, 10' tall.
- c) Clusters of 4 native palm trees shall be planted on 30' centers. Palm clusters shall consist of 4 native palms of varying height from 16'-30' of grey wood.
- ii. East Buffer (PD Existing Commercial). Effort shall be made to maintain existing vegetation where possible and shall be supplemented with new plantings to achieve a buffer as required in items i.a, i.b., and i.c consistent with Attachment C.
- iii. West buffer (Walden Center Drive): An enhanced 15' landscape buffer is required along Walden Center Drive. The trimming, maintenance and augmentation of the existing landscape buffer is required to enhance this buffer with ground cover, mid-story, and canopy consistent with the cross section view submitted as **Attachment B.**

8. The Indigenous Vegetation shall be provided as follows:

a. Minimum Indigenous

Parcel	Minimum Required
Parcel A (Old Parcels A and B)	0.51 acres
Parcel B (Old Parcel C)	0.33 acres
Parcel C (Old Parcel D)	0.25 acres
Parcel D (Old Parcel E)	0.32 acres
<u>Parcel E and F (Old Parcel F and new property)</u>	<u>0.825 acres to be provided offsite</u>

b. In support of Deviation 5, off-site indigenous vegetation for Parcels E and F shall be provided as follows:

- i. The acreage of the required indigenous area for these two parcels Parcel E (7.03) + Parcel F (1.22) x 10%, which is equal to 0.825 acres, shall be mitigated offsite in accordance with one of the options listed below.
- ii. Option 1. The original indigenous vegetation of the area was predominately Pine Flatwoods. An upland community of 0.825 acres of Pine Flatwoods (or higher,

- oak scrub), community shall be mitigated for offsite within the incorporated limits of the City of Bonita Springs. A maintenance mechanism to maintain this property in perpetuity shall be required; or
- iii. Option 2. A fee in lieu paid to the City of Bonita Springs to purchase, restore, and maintain 0.825 acres of Pine Flatwoods (or higher, oak scrub) to mitigate for this indigenous area.
9. In support of Deviation 6, all signage must conform with LDC 6 except as contained herein for Parcel E for a group housing project for seniors,
- a. One double-faced sign is permitted between the right of way of US 41 and the frontage road subject to the following:
 - i. The sign shall be a monument style ground sign not to exceed 8' in height and 12' in width; and
 - ii. The copy area shall not exceed more than 75% of the total copy area. Twenty-five percent of the sign area shall include architectural features. The total size of the sign may be increased an additional 10% provided that all of the proposed increase is devoted to additional architectural features; and
 - iii. Plantings are required in accordance with LDC 3 and 6; and
 - iv. The sign shall be externally illuminated or backlit with halo lighting. No sign cabinets are permitted; and
 - v. The sign shall be architecturally consistent with the building; and
 - vi. The size and location of the sign is subject to meeting site visibility criteria pursuant to LDC 4.
 - b. One double-faced on-site sign at the intersection of Renaissance Blvd. and Walden Center Drive subject to the following:
 - i. The sign shall be a monument style ground sign not to exceed 32 square feet; and
 - ii. The copy area shall not exceed more than 75% of the total copy area. Twenty-five percent of the sign area shall include architectural features. The total size of the sign may be increase up to an additional 10% provided that all of the proposed increase is devoted to additional architectural features; and
 - iii. Plantings are required in accordance with LDC 3 and 6; and
 - iv. The sign shall be externally illuminated or backlit with halo lighting. No sign cabinets are permitted; and
 - v. The sign shall be architecturally consistent with the building.

- c. One residential entrance sign is permitted in accordance with LDC 6-112 at the main entrance off of US 41 and one at Renaissance Boulevard entrance.

10. Transportation Conditions.

- a. Approval of this zoning request does not grant or guarantee concurrency.
- b. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the City of Bonita Springs Land Development Code to address site related impacts may be required to obtain local development order approval.
- c. Prior to local development order approval, the applicant shall prepare a Traffic Impact Statement (TIS) based upon the traffic datum using the Lee County Department of Transportation's current Traffic Count Report for this segment of US 41. A TIS methodology meeting shall be required to determine analysis of nearby intersections and U-turn movements along US 41.

11. Engineering. The SFWMD permit must demonstrate compliance with Policy 9.3.3 of the Conservation/Coastal Management Element of the Comprehensive Plan.

12. All development and uses must comply with City's Noise Control ordinance.

13. The developer will make every effort to incorporate principles for its buildings through the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) and/or Florida Green Building Coalition program, standards for commercial building structures, in site design and construction, by emphasizing use of high energy efficiency designs and use of high energy efficiency fixtures and appliances where possible. Building materials, both internal and external, will be comprised of durable and recycled materials where possible.

14. This development must comply with all of the requirements of the LDC at the time of the local development order approval, except as may be granted by deviation approved as part of this planned development.

15. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the City of Bonita Springs Comprehensive Plan provisions.

16. The conditions of Lee County Zoning Resolution No. Z-96-042 remain in full force and effect, except as modified by this ordinance.

B. DEVIATIONS

1. Deviation one is from LDC 4-1894(c)(3)b which requires non-roofed structures shall be permitted up to but no closer than ten feet from a non-sea walled artificial body of water, to allow a 0' setback for decks, patios and open screen enclosures from the water's edge. **Previously approved by Z-96-042.**
2. Deviation two is from LDC 4-1893(a) which requires a 65' setback for buildings with a frontage street to allow a 25' setback from the edge of right of way. **Previously approved by Z-96-042**
3. Deviation three requests relief from LDC 4-1732, which requires parking for multifamily dwelling units at a rate of 1.25 to 2.0 spaces per unit depending on the number of bedrooms per unit, to permit parking for the senior housing (New Parcel "E") at a rate of 1.25 parking spaces per unit. Council approves the deviation request consistent with Condition 5.
4. Deviation four requests relief from LDC 4-1283(b), Density equivalents, which provides for a methodology for conversion of senior housing units with cooking facilities at a 1:1 density and when no cooking facilities are provided a 1:4 density conversion is permitted to allow for a 1: 1.76 density equivalency to be applied to the proposed independent senior housing where cooking facilities are provided. Council approves the deviation request consistent with Condition 3.
5. Deviation five requests relief from LDC 3-417(b)(1) Indigenous Native Vegetation, which requires 50% of a project's open space to be provided through indigenous vegetation preservations, to permit a portion of the required indigenous vegetation off-site. Council approves the deviation request consistent with Condition 8.
6. Deviation 6 requests relief from LDC 6-112, Permanent Signs in Residential Areas, which allows residential developments of 25 units or more a double-faced entrance sign at the projects main entrance into its development to allow for one 105 SF double-faced entrance sign for Parcel E to be located along the frontage of U.S. 41 and one additional on-site sign permitted along a boundary line of the development which exceeds 2,000 feet in length to allow one 32 SF double faced sign for Parcel E at the intersection of Walden Center Drive and Renaissance Boulevard. Council approves the deviation request consistent with Condition 9.
7. Deviation 7 requests relief from LDC Section 3-493(a) Dumpster enclosures, which requires an enclosure for screening of garbage

containers, to allow a waiver of this requirement for the two multi-family buildings. Council approves the deviation request consistent with Condition 6.

8. Deviation 8 requests relief from LDC 3-268, Refuse and solid waste disposal facilities, which requires a minimum of 168 sq. ft. for the first 25 units plus 4.8 sq. ft. for each additional dwelling unit of container space for solid waste, to allow for a reduction of 312 sq. ft. Council approves the deviation request consistent with Condition 6.
9. Deviation 9 requests relief from LDC Section 4-1873, Additional permitted height when increased setbacks provided, which requires street, side, and rear setback to be increased by one-half foot for every one foot by which the building or structure exceeds the specified height limitation to allow building(s) to be setback a minimum of 25 feet from Renaissance Boulevard without the need to apply increased setbacks. Council approves the deviation request.

C. FINDINGS AND CONCLUSIONS:

Based upon an analysis of the application and the standards for approval of planned development rezonings, Bonita Springs City Council makes the following findings and conclusions:

1. The applicant has proven entitlement to the rezoning to Commercial Planned Development (CPD) by demonstrating compliance with the Bonita Springs Comprehensive Plan, the Land Development Code, and other applicable codes and regulations as conditioned.
2. The requested CPD zoning as conditioned:
 - a. meets and exceeds all performance and locational standards set forth for the potential uses allowed by the request; and
 - b. is consistent with the densities, intensities and general uses set forth in the Bonita Springs Comprehensive Plan; and
 - c. is compatible with existing or planned uses in the surrounding area; and
 - d. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities.
 - e. Will not adversely affect environmentally critical areas or natural resources.
 - f. Urban services, as defined in the Bonita Springs Comprehensive Plan, are available and adequate to serve the proposed land use.


3. The proposed mix of uses are appropriate at the subject location, as conditioned.
4. Adequate conditions to the master concept plan and other applicable regulations will provide sufficient safeguards to the public interest.
5. Conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development cannot be recommended to offset the impacts.
6. The deviations recommended for approval:
 - a. enhance the objectives of the planned development; and
 - b. preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

SECTION TWO: EFFECTIVE DATE

This ordinance shall take effect the later date of either (1) thirty (30) days from the date of adoption or (2) upon the purchase of parcels E and F, but in no event any longer than 180 days from the date of adoption. In the event the property is not purchased by United Group or an affiliated entity, this ordinance will be null and void, with no amendments to Zoning Resolution No. 96-042.

DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 15TH day of July, 2015.

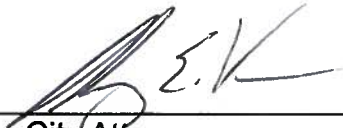
AUTHENTICATION:



 Mayor



 City Clerk

APPROVED AS TO FORM: 

 City Attorney

Vote:

Nelson	Aye	Simmons	Aye
McIntosh	Aye	Gibson	Aye
Martin	Aye	Lonkart	Aye
Slachta	Absent		

Date filed with City Clerk: 7/16/15

SURVEY PROJECT NAME: 2014-125 - DOWNSIDE PARK VILLAGE SURVEY 14-105-15-DWA

PROPERTY DESCRIPTION

A PARCEL OF LAND LING WITHIN SECTION 16, TOWNSHIP 47 SOUTH, RANGE 28 EAST, LEE COUNTY, FLORIDA, MORE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

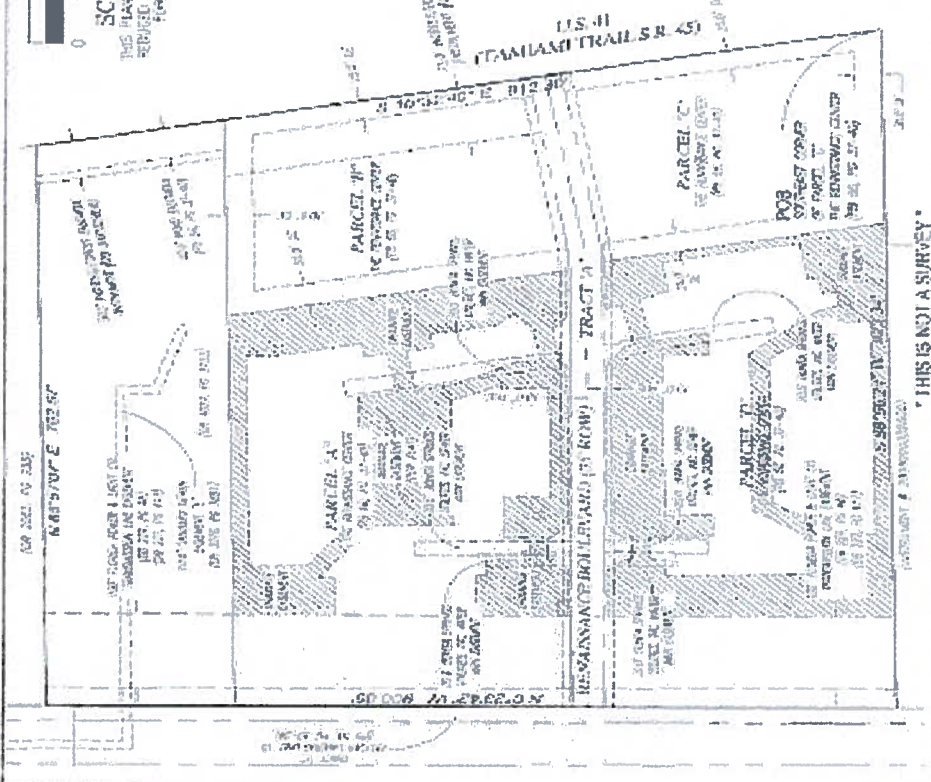
BEGIN AT THE SOUTHWEST CORNER OF PARCEL 7 OF THE REMAINDER GAMBER PLAT OWNED AS PARCELS 17 THROUGH 30, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TRACT ALY ALONG THE SOUTH BOUNDARY OF SAID PLAT, SOUTH 88°57'41" WEST, A DISTANCE OF 523.04 FEET TO A POINT ON THE WEST BOUNDARY OF SAID PLAT, THENCE RUN ALONG SAID WEST BOUNDARY AND THE EXTENSION THEREOF, NORTH 0°03'32" WEST, A DISTANCE OF 26.00 FEET TO THE NEAREST CORNER OF THE LOTS DESCRIBED IN OFFICIAL RECORDS BOOK 4027, PAGE 3741, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE RUN ALONG THE NORTH BOUNDARY OF SAID LOTS, NORTH 88°57'01" EAST, A DISTANCE OF 782.07 FEET TO THE NEAREST CORNER OF SAID LOTS, THE SAME BEING A POINT ON THE WEST LINE OF LOTS 21 (TRACING FEAL STATE ROAD 45); THENCE RUN ALONG SAID WEST LINE, SOUTH 1°02'12" EAST, A DISTANCE OF 942.30 FEET TO THE POINT OF BEGINNING, CONTAINING 17.41 ACRES, MORE OR LESS.

NOTES:

1. ALL LOTS SHOWN HEREON ARE TO BE BOUND BY THE ORIGINAL GRANTOR'S SURVEY OF RECORD. ANY LOT OR TRACT WITHIN THIS SURVEY WHICH IS NOT BOUND BY THE ORIGINAL GRANTOR'S SURVEY OF RECORD IS TO BE BOUND BY THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
2. ALL LOTS SHOWN HEREON ARE TO BE BOUND BY THE ORIGINAL GRANTOR'S SURVEY OF RECORD. ANY LOT OR TRACT WITHIN THIS SURVEY WHICH IS NOT BOUND BY THE ORIGINAL GRANTOR'S SURVEY OF RECORD IS TO BE BOUND BY THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
3. THIS SURVEY AND ADJUSTMENT IS TO BE MADE IN ACCORDANCE WITH THE ORIGINAL GRANTOR'S SURVEY OF RECORD. ANY ADJUSTMENT TO THE ORIGINAL GRANTOR'S SURVEY OF RECORD IS TO BE MADE IN ACCORDANCE WITH THE ORIGINAL GRANTOR'S SURVEY OF RECORD.



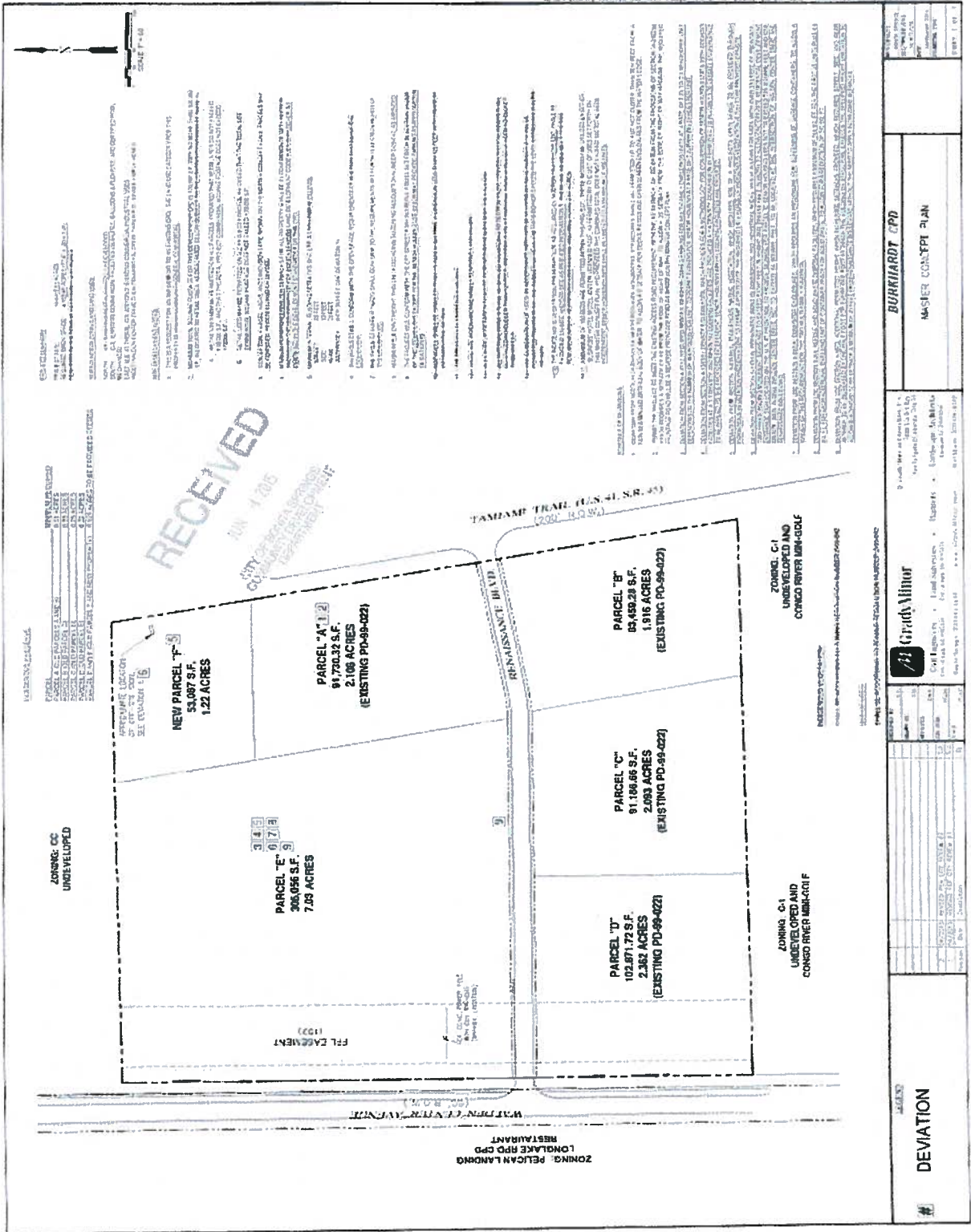
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MAY 16 2015
CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT



PROPERTY DESCRIPTION		SKETCH/LAND DESCRIPTION	
A PARCEL OF LAND LING IN SECTION 16, TOWNSHIP 47 SOUTH, RANGE 28 EAST, LEE COUNTY, FLORIDA		A PARCEL OF LAND LING IN SECTION 16, TOWNSHIP 47 SOUTH, RANGE 28 EAST, LEE COUNTY, FLORIDA	
DATE: 11/11/14	SCALE: 1" = 150'	DRAWN BY: BLS	CHECKED BY: BLS
DATE: 11/11/14	SCALE: 1" = 150'	DRAWN BY: BLS	CHECKED BY: BLS

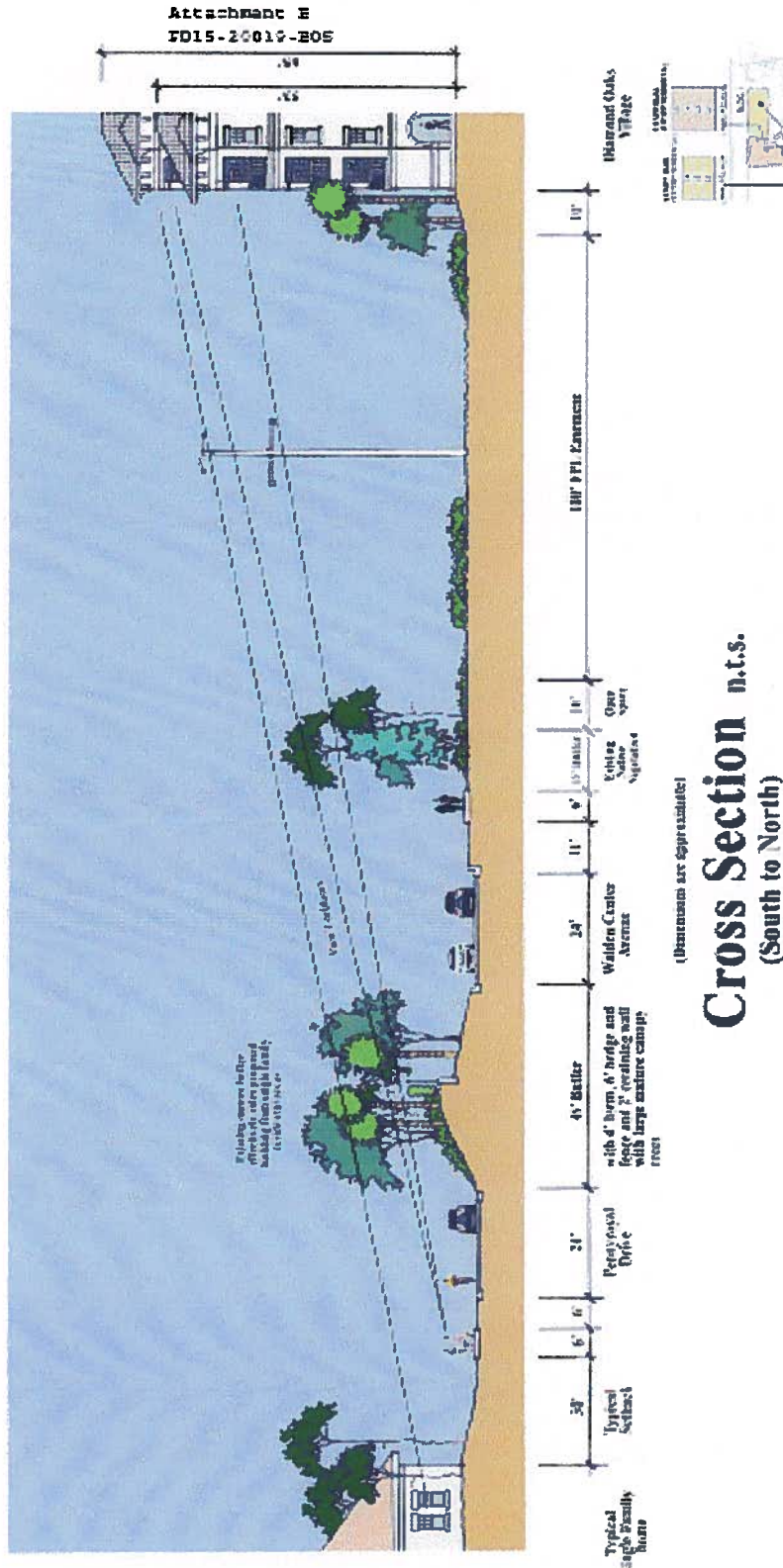
GradyMinor
Civil Engineers • Land Surveys • Platting • Landscape Architects
6611 W. 4th St., Bonita Springs, FL 34134
Phone: 339-254-1111 • Fax: 339-254-1112
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Bonita Springs, Florida 34134
Survey No. 2014-000000000
Book No. 2014-000000000



Diamond Oaks Village Bonita Springs Florida
Conceptual Cross Section 4/14/15

RECEIVED
 APR 22 2015
 CITY OF BONITA SPRINGS
 OFFICE OF ZONING SERVICES
 2000 W. STATE ROAD 301



Diamond Oaks Village Bonita Springs Florida

Landscape Buffer 6/11/15

Residential Use Adjacent to Commercial Use

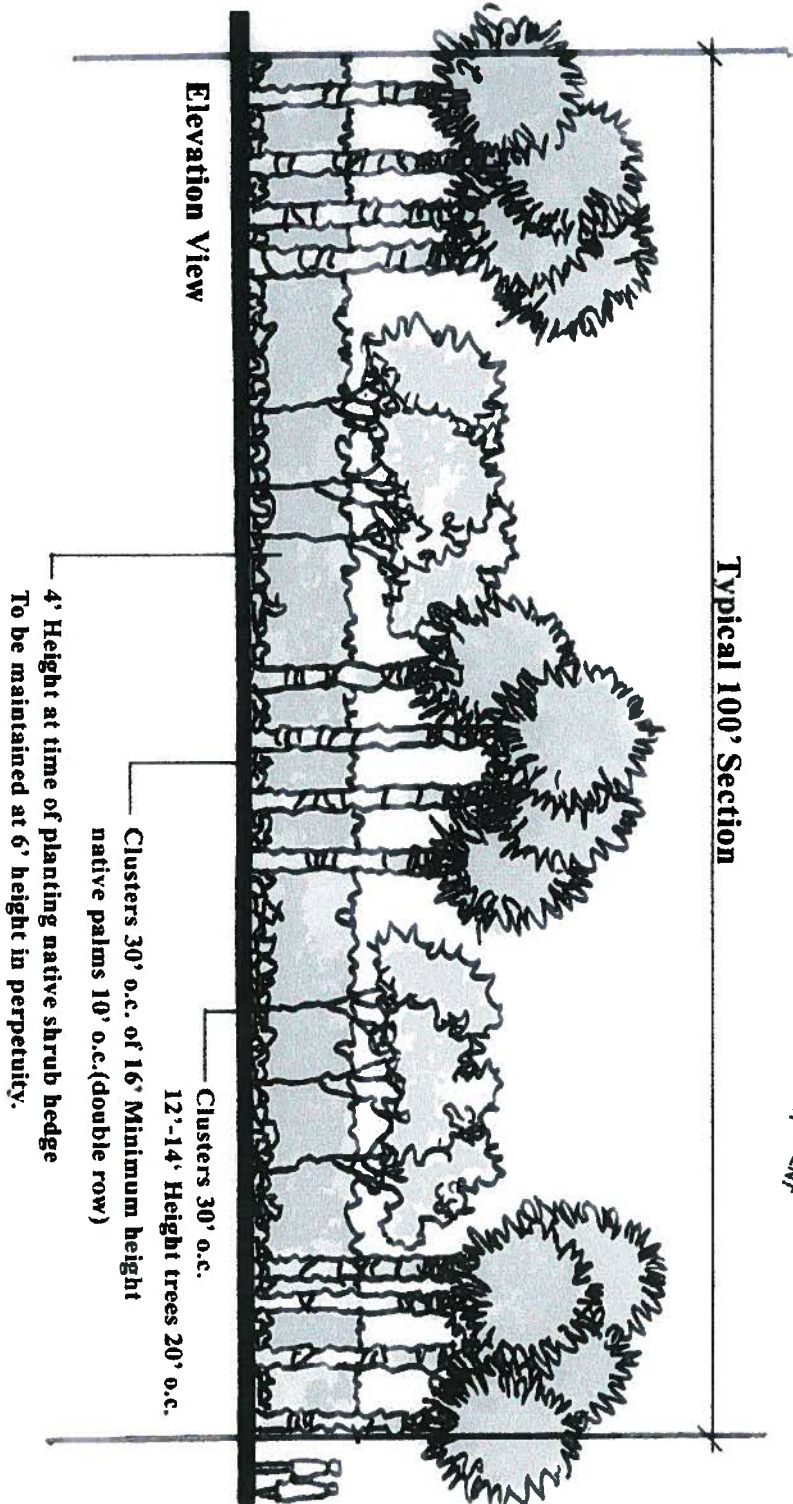
North Side of Building #1

East Side of Building #2

PD15-20019-30S
Attachment C

REC'D
JUN 12 2015
CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

Typical 100' Section



RESOLUTION NUMBER Z-96-042

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

WHEREAS, Melvin Burkhardt, Trustee, filed an application for a rezoning from AG-2 (Agricultural) to CPD (Commercial Planned Development); and

WHEREAS, the subject property is located at 24120, 24180, 24200 & 24240 S. Tamiami Trail, and is described more particularly as:

LEGAL DESCRIPTION: In Section 16, Township 47 South, Range 25 East, Lee County, Florida:

The South 100 feet of the North 600 feet of the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 16, Township 47 South, Range 25 East, lying West of the Tamiami Trail (US 41) in Lee County, Florida.

The South 200 feet of the North 800 feet of that part of the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 16, Township 47 South, Range 25 East, lying West of the Tamiami Trail, said property being located in Lee County, Florida.

The South 100 feet of the North 900 feet of the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 16, Township 47 South, Range 25 East, except the permanent structures standing thereon to which Melvin M. Burkhardt, individually, has previously retained title until such time as they are removed or destroyed, lying West of the existing right-of-way of the Tamiami Trail, Lee County, Florida.

The South 300 feet of the North 1200 feet of the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 16, Township 47 South, Range 25 East, lying West of existing right-of-way of the Tamiami Trail. (Being Lots 10, 11 and 12 of Block A of an unrecorded subdivision, Lee County, Florida.)

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 16-47-25-00-00003.0010; 16-47-25-00-00003.0070; 16-47-25-00-00003.0050; and 16-47-25-00-00004.0000; and

WHEREAS, Joan M. Williams and Janet R. Joerg, authorized Melvin Burkhardt, Trustee, to act as agent to pursue this zoning application; and

WHEREAS, Melvin Burkhardt, the Trustee of the subject parcel, authorized Florida Land Planning, Inc., to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on July 23, 1996 before the Lee County Hearing Examiner who gave full consideration of the evidence available; and

WHEREAS, a public hearing was advertised and held on August 19, 1996 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board **APPROVES with conditions** the requested rezoning from AG-2 to CPD.

SECTION A. CONDITIONS:

The CPD rezoning and Master Concept Plan are subject to the following conditions:

1. The development and use of the subject property must be in substantial compliance with the approved Master Concept Plan entitled "U.S. 41S. Parcel 16-47-25" (stamped received May 14, 1996), except as may be modified by the conditions herein.
2. Total units/square footage may not exceed the following:

Maximum total square footage may not exceed 170,000 square feet with no more than 100,000 square feet allocated to those uses which must meet the Commercial Site Locational Standards of the Lee Plan. The use of a Hotel/Motel and Adult Congregate Living Facility (ACLF) may not exceed, as committed to on the Master Concept Plan, Site Development Note 17, a combined total of 150 ACLF beds or hotel/motel units. In addition, per Site Development Note 15, on the Master Concept Plan uses within this planned development may not exceed the generation of 621 PM Peak hour new trips in accordance with the accepted Traffic Impact Statement reviewed as part of this planned development.

The density of the Hotel/Motel or Adult Congregate Living Facility may not exceed the standard density range of the Lee Plan land use category for the parcel upon which it will be built.

3. The following uses are permitted:

Permitted Uses on All Parcels
Accessory Uses and Structures
Administrative Offices

Adult Congregate Living Facility
Banks and Financial Establishments, All Groups
Building Material Sales
Business Services, All Groups
Cleaning and Maintenance Services
Clubs: Commercial, Fraternal, Private
Consumption on Premises
Contractors and Builder, Groups I and II
Day Care Center, Child and Adult
Emergency Medical Service
Essential Services
Excavation, Water Retention
Factory Outlet
Fences and Walls
Health Care Facilities, Group III
Hotel/motel
Insurance Companies
Lawn and Garden Supply
Medical Office
Mini-warehouse
Paint, Glass, and Wallpaper
Parking Lot: Accessory and Commercial
Personal Services, Groups I, II, and III
Pet Services
Plant Nursery
Printing and Publishing
Real Estate Sales Office
Rental or Leasing Establishment, Groups I, II and III
Repair Shops, Groups I, II and III
Restaurants, All Groups
Schools, Commercial and Noncommercial
Signs, in Accordance with the Land Development Code
Social Services, Groups I and II
Specialty Retail, Groups I, II, III and IV
Variety Store
Warehouse, Private and Public
Wholesale Establishments, Groups I and III

Parcels a Through C Only

Automobile Service Station
Auto Repair and Service
Bar or Cocktail Lounge
Car Wash
Clothing Store, General

Convenience Food and Beverage Store
Drive Through, for Any Permitted Use
Drug Store
Food Stores, Groups I and II
Package Store
Pharmacy
Restaurant, Fast Food
Self-service Fuel Pumps
Self-service Fuel Pump Station
Used Merchandise Stores, All Groups
Vehicle and Equipment Dealers, Groups I Through IV

Permitted Uses and Parcels a Through E Only

Animal Clinic or Kennel
Animal Control Center
Auto Parts Store
Boat Parts Store
Boat Repair and Service
Boat Sales
Gift and Souvenir Shop
Hardware Store
Hobby, Toy, and Game Shop
Household and Office Furnishings, All Groups
Laundry and Dry Cleaning, Group I
Mobile Home Dealers
Pet Shop
Recreation, Commercial - Groups III and IV
Transportation Services, Group II

4. Development of the CPD will comply with the following Property Development Regulations:

Minimum Lot Area and Dimensions:

Area: 0.75 acres (32,670 square feet)
Width: 125 feet
Depth: 125 feet

Minimum Setbacks:

Street: variable according to the functional classification of the street or road
(Section 34-2191 et seq.)

Side: 10 feet (an additional setback of ½ foot for every foot of building height above 45 feet will be required)

Rear: 20 feet (an additional setback of ½ foot for every foot of building height above 45 feet will be required)

Water Body: 25 feet or 0 (zero) feet in accordance with Deviation 1

Maximum Lot Coverage: 40%

Maximum Building Height: 95 feet (Parcels A through D only)

45 feet (Parcels E and F only)

5. Prior to local Development Order approval, the developer must submit a detailed phased exotic plant removal plan to the Division of Environmental Sciences.
6. No prohibited vegetative species listed in LDC Section 10-416 may be planted on site.
7. Prior to local Development Order approval, the developer must submit a fox squirrel re-survey and detailed management plan, which complies with LDC Section 10-474 to the Division of Environmental Sciences.
8. The Indigenous Vegetation table from the "Burkhardt CPD" Master Concept Plan, counter stamped May 14, 1996, is incorporated into this resolution as a condition of approval.
9. Indigenous vegetation preservation locations on individual parcels must be shown on the individual Development Order plans. These indigenous preservation areas must be fully delineated and fully barricaded prior to the issuance of a Tree Removal Permit.
10. This zoning approval does not address the mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions may be required at the time of local Development Order.
11. Approval of this rezoning does not give the Developer the undeniable right to receive a local Development Order approval that exceeds the Year 2010 Overlay use allocation for the applicable district.
12. This development must comply with all of the requirements of the Lee County Land Development Code at the time of local Development Order approval, except as may be granted by deviation as part of this planned development.
13. If the applicant and his successors request that the access road shown on the Master Concept Plan be dedicated to and accepted by the County for maintenance, and request that impact fee credits be credited for the dedication and construction, only

that portion of the area shown as access right-of-way that is deemed necessary to the function of the access road (as determined by the Director of the Department of Transportation), will be eligible for credits.

SECTION B. DEVIATIONS:

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted or denied as set forth below:

1. Deviation 1 requests relief from LDC Section 34-2194(c)(3)b to allow a zero (0) foot setback for decks, patios, and open screen enclosures from the water's edge. This deviation is **APPROVED**.
2. Deviation 2 requests relief from LDC Section 34-2192(a) to allow a 25 foot setback from the right-of-way. This deviation is **APPROVED**.
3. Deviation 3 was **WITHDRAWN** at the Hearing Examiner hearing.

SECTION C. Master Concept Plan:

A one page reduced copy of the Master Concept Plan entitled "U.S. 41 S. Parcel 16-47-25" (stamped received May 14, 1996) is attached and incorporated into this resolution by reference.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested CPD rezoning:

1. The applicant has proved entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested CPD zoning as conditioned:
 - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c) is compatible with existing or planned uses in the surrounding area; and
 - d) will not adversely affect environmentally critical areas and natural resources.

3. Approval of the request as conditioned will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations granted:
 - a) enhance the objectives of the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Ray Judah and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 19th day of August, A.D., 1996.

ATTEST:
CHARLIE GREEN, CLERK

BY: *David S. Pearce*
Deputy Clerk

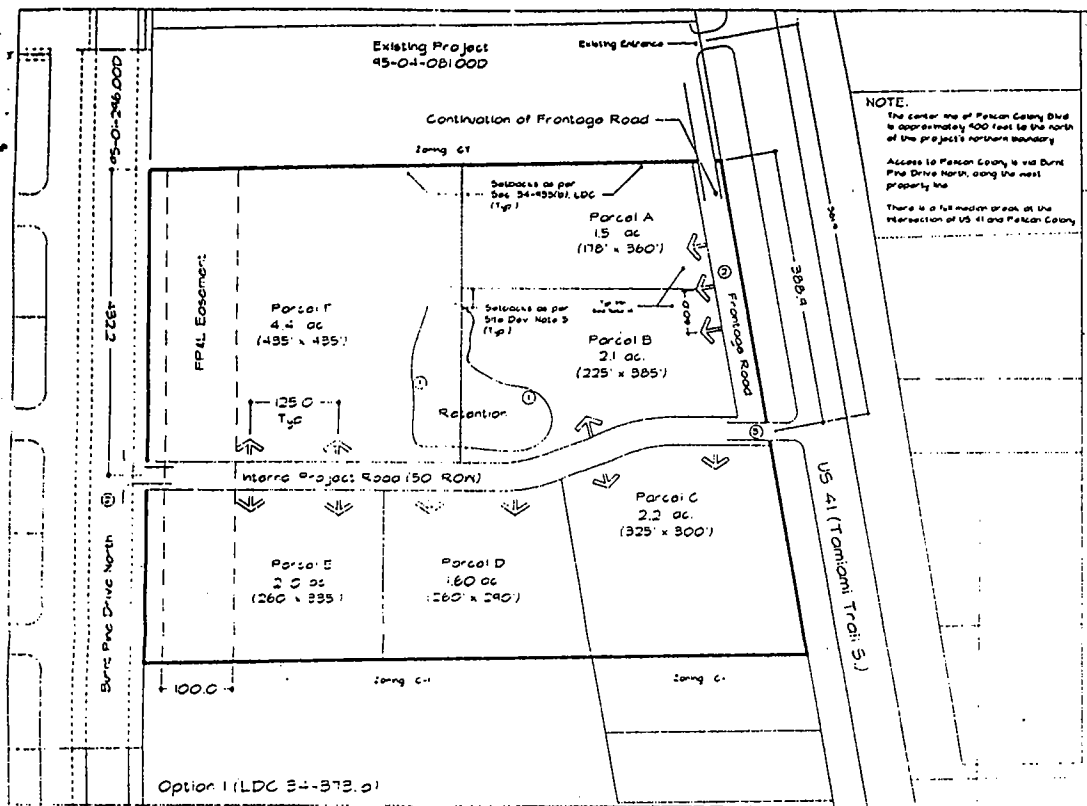
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *[Signature]*
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED



NOTE:
The center line of Falcon Colony Blvd is approximately 400 feet to the north of the project's northern boundary.
Access to Falcon Colony is via Burnt Pine Drive North, along the west property line.
There is a full modern brook at the intersection of US 41 and Falcon Colony.

Project Summary:

Project Size: 19.8 Acres
 Required Open Space: 4.2 Acres
 Required Indigenous Vegetation: 2.1 Acres

Surrounding Zoning and Land Uses:

North: CT; Existing Restaurant
 South: C-1; Existing Commercial
 East: IL, C6 and CN-2; US 41, Existing Uses
 West: RPD; Burnt Pine Drive Road, then Residential

Site Development Notes:

- This is a request for a rezoning from AS-3 to CPD. The land use category for this property is Urban Community.
- Maximum total square footage for the development is 110,000 sq. ft. with no more than 100,000 sq. ft. allocated to retail uses, as described below, subject to the limiting provisions of Note D.
 - a. Retail uses may be permitted on all parcels, provided that retail uses do not exceed 100,000 sq. ft., and that the total project square footage does not exceed 110,000 sq. ft.
 - b. Non-retail uses may be permitted on all project parcels, provided that the total site square footage does not exceed 110,000 square feet.
- Conceptual parcel areas and dimensions are shown on the Master Concept Plan, dated Mar. 25, 1998. Parcels may be combined, reconfigured or divided in no instance.
- Minimum perimeter setbacks for all property shall be in conformance with Section 34-433(a) of the Land Development Code.
- Minimum internal building setbacks shall be as follows:
 - Street: 30 feet
 - Side: 10 feet
 - Rear: 30 feet
 - Water Body: 0 or 25 feet (See Deviation 1)
- The project will conform with the open space requirements of Section O-43(e) of the LDC.
 - 1. The project buffer yards shall conform to the requirements set forth in Section O-44.
 - 2. Maximum building height shall be 8 stories or 75 feet as permitted in Section 34-433(f) of the LDC.
 - 3. The project will conform with the off-street parking regulations in Section 34-203D of the LDC.
 - 4. No parcel shall be smaller than 75 acres, or have a dimension of less than 125 feet.
 - 5. The property is currently occupied by an IU residential structure.
 - 6. There are no environmentally sensitive land on site.
 - 7. All exotic vegetation shall be removed as required by D-0.
 - 8. All internal drives shall be spaced according to Section O-205. Drives on other roads shall be spaced no closer than 125 feet, and drives on a frontage road shall be spaced no closer than 80 feet.
 - 9. Any combination of uses, in accordance with Site Development Note number 2, shall be permitted provided that the number of peak PM trips do not exceed the level established in the TD.
 - 10. The indigenous vegetation preservation, as required by Section O-43(f) shall be provided in areas identified as "indigenous" on Exhibit V-2-2. These areas will meet the size requirements of Section O-43(a), and will total 2.1 acres.
 - 11. A maximum of 60 trees are permitted within the project. These trees may be situated by either "business" or "residential" use, and of 40:1:1, as permitted by the list of trees set forth on the Zoning Concept Plan, and provided the combined list does not exceed 60 total trees.

List of Uses:

Permitted Uses on All Parcels
 Accessory uses and structures
 Administrative Offices
 Adult Congregational Living Facility (ACLF)
 Banks and Financial Establishments (F)
 Barber and Beauty Shops
 Building Material Sales
 Business Services (B)
 Cleaning and Maintenance Services
 Use:
 Commercial
 Furniture
 Private
 Corporation or Professional
 Contractors and Builders (C)
 Day Care Center, Child and Adult
 Emergency Medical Services
 Event Service
 Excavator for Water Retention
 Factory (F)
 Funeral and Home
 Health Care Facilities (H)
 Hotel, Motel
 Insurance Companies
 Lawn and Garden Supply Store
 Museum Office
 Non-Food Retailing
 Retail Store and Restaurant
 Parking Lot, Accessory, Commercial
 Personal Services (P)
 Pet Services
 Plant Nursery
 Printing and Publishing
 Real Estate Sales Office
 Rental or Leasing Establishment
 Repair Shop (R)
 Restaurant (R)
 School Commercial (S)
 Sign
 Social Services (S)
 Specialty Retail Store (R)
 Variety Store
 Warehouse, Non-Food
 Warehouse Establishments (W)

Indigenous Vegetation

Parcels A - C Only
 Automobile Service Station
 Hair Repair and Service
 Bar or Lounge
 Car Wash
 Grocery Stores, General
 Convenience Food and Beverage Store
 Drive through for any Permitted Use
 Drugstore and Pharmacy
 Fast Service (F)
 Fleeting Store
 Historic Trail and
 Self-Service Fuel Pump
 Self-Service Fuel Pump Station
 and Marine/Boat Sales (M)
 Vehicle and Equipment Dealers (V)

Parcels A - E Only
 Amusement
 Child or Senior
 General Center
 Hair Salon
 Bank
 Book/Media Store
 Book Repair and Service
 Book Store
 Gift and Souvenir Shop
 Hardware Store
 Hobby Toy and Game Shop
 Medical and Office Furnishings (M)
 Laundry or Dry Cleaning (U)
 Health Home Dealers
 Pet Shop
 Restaurant, Commercial (R)
 Transportation Services (T)

Parcel	Maximum Required Indigenous	Minimum Required Indigenous
A	21 Acres	05 Acres
B	30 Acres	6 Acres
C	33 Acres	25 Acres
D	33 Acres	25 Acres
E	32 Acres	20 Acres
F	04 Acres	04 Acres

Each parcel is required to account for their respective Maximum Required indigenous acreage. However, parcels are encouraged to create indigenous areas to take advantage of the credits allowed in Section O-43(e)(2) of the LDC. These credits may be used to reduce the indigenous area on all or some of the parcels, provided the "Minimum Required Indigenous" acreages are preserved on each parcel.

Each parcel has the opportunity to reduce the amount of indigenous preserved on the respective parcels, down to the minimum, listed above. This may be accomplished through two methods. The first method is the use of preservation credits, as discussed above. The second method is a transfer of indigenous requirement to another parcel within the project. This method would require a signed agreement between the owners of the recipient site and the donor site. However, in no instance, may a parcel provide less indigenous space than required in the "Minimum" column.

Schedule of Deviations:

- Deviation from Section 34-244(c)(2)(b) which requires non-roofed structures shall be permitted to be set not closer than 10 feet from a non-roofed natural or artificial body of water to allow a 0' setback for decks, patios and open screen enclosures from the water's edge.
- Permit the project to meet the existing access road requirements with the 85' setbacks, or deviation from the provisions of Section 34-242(d) which requires a setback of 80' from the edge of right of way to allow a 25' setback from the edge of right of way because the required frontage road will be a reverse frontage road as shown on the Master Concept Plan.
- Deviation from Section O-205 which requires intersection separation or arterial roads to be a minimum of 600', to allow a right-of-way/road intersection 561.6' from the existing intersection as detailed on the Master Concept Plan.

APPROVED
 Master Concept Plan
 Site Plan # 36-016 Part 1 of 1
 Subject to conditions in Resolution 2-16-1998
 Zoning Case # 36-0167-03Z
 RECEIVED
 MAY 14 1998
 ZONING COUNTER

PROJECT # 36-0167-03Z
 PROJECT TYPE 13

Scale:
 1" = 80'

IV-E-1, IV-F, IV-G & IV-H
 Zoning Concept Plan

U.S. 41 S. Parcel 16-47-25
 May 8, 1998
 Florida Land Planning, Inc.



ADMINISTRATIVE AMENDMENT PD-99-022

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, JOBROW Development Company, LLC filed an application for administrative approval to a Commercial Planned Development on a project known as The Renaissance Center for the following:

- a) Reconfigure the proposed lots of the development, and
- b) Elimination of the frontage road requirement in lieu of the reverse frontage road incorporated as part of this development in Deviation 2, and
- c) Revise the location of the right-in/right-out access point to meet the requirements of the Florida Department of Transportation.

The subject property is located at 24120, 24180, 24200, 244210 and 24240 South Tamiami Trail, Bonita Springs, FL 34134, described more particularly as:

LEGAL DESCRIPTION: In Section 16, Township 47 South, Range 25 East, Lee County, Florida:

See Exhibit A

WHEREAS, the property was originally rezoned in case number 96-04-087.03Z; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, the applicant is seeking to reconfigure the lot layout as shown on the originally approved Master Concept Plan in Resolution Z-96-042; and

WHEREAS, the applicant seeks to reconfirm the approved deviation (Deviation 2 of Resolution Z-96-042) eliminating the frontage road requirement; and

WHEREAS, the applicant must revise the location of the right-in/right-out access point from US 41 to the subject property in order to meet the requirements of the Florida Department of Transportation; and

WHEREAS, the applicant WITHDREW a fourth request that would have relocated the indigenous open space areas within the approved planned development; and

WHEREAS, any access location change must be approved by the Florida Department of Transportation (FDOT) prior to its construction, and

WHEREAS, it is found that the three proposed amendments do not result in an increase in the density or intensity within the development; do not decrease any of the buffers or open space required by the LDC or the conditions of the approved planned development; do not result in underutilizing public resources or infrastructure; do reduce the total open space, buffering, landscaping or preservation areas; and are found to not otherwise adversely impact the surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for the following amendments to Commercial Planned Development are **APPROVED with conditions**.

- a) Reconfigure the proposed lots of the development, and
- b) Elimination of the frontage road requirement in lieu of the reverse frontage road incorporated as part of this development in Deviation 2, and
- c) Revise the location of the right-in/right-out access point to meet the requirements of the Florida Department of Transportation.

This Approval is subject to the following conditions:

1. **The Development must be in substantial compliance with the amended Master Concept Plan, entitled The Renaissance Center, dated April 19, 1999 (stamped received April 19, 1999, last revised 04/19/99). Site Plan PD-99-022 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
2. **The terms and conditions of the original zoning resolution, Z-96-042 remain in full force and effect.**
3. **The location of uses within this planned development continues to be ruled by Condition 3 of Resolution Z-96-042. The original parcel labels, noted as "OLD" on this amended Master Concept Plan, continue to identify the location(s) where the approved land uses granted in Resolution Z-96-042 can be developed within this planned development.**
4. **In addition, the maximum building heights will also be regulated as originally conditioned in Condition 4 of Resolution Z-96-042. The parcel designations from that approval, described in Condition 3 above, will control the permitted maximum height of structures for each parcel.**
5. **Approval of this request in no way indicates FDOT approval has been granted for the proposed access point. The specific location of the access point to US 41 remains under the control and jurisdiction of FDOT. Any substantial change in the access point will require an amendment of this Master Concept Plan.**

DULY SIGNED this 27th day of April, A.D., 1999.

BY: Mary Gibbs
Mary Gibbs, Director
Department of Community Development

EXHIBIT "A"

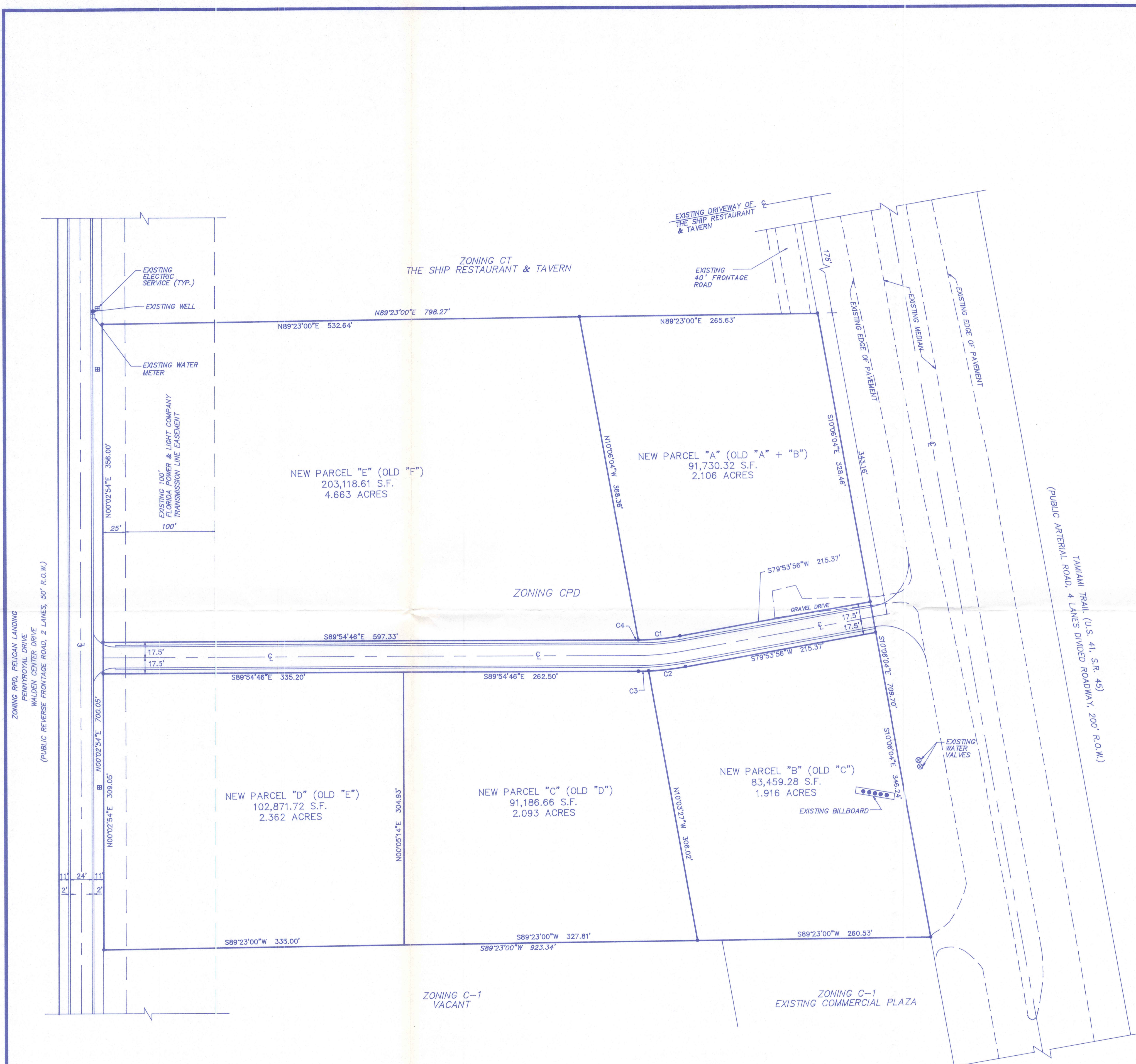
A TRACT OF PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 16, TOWNSHIP 47 SOUTH, RANGE 25 EAST, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A 4" X 4" CONCRETE MONUMENT, STAMPED JEI, PLS 4448, AT THE NORTHWEST CORNER OF THE NORTHEAST ONE QUARTER (1/4) OF SECTION 16, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE S.00°02'54"W. ALONG THE WEST LINE OF THE NORTHWEST ONE QUARTER (1/4) OF SAID SECTION FOR 500.03 FEET TO THE POINT OF BEGINNING; THENCE N.89°23'00"E. FOR 798.27 FEET TO THE WEST RIGHT OF WAY LINE OF US 41 (SR 45) (200' WIDE); THENCE S.10°06'04"E. ALONG SAID WEST RIGHT OF WAY LINE FOR 709.70 FEET; THENCE S.89°23'00"W. FOR 923.34 FEET TO SAID WEST ONE QUARTER (1/4) SECTION LINE; THENCE N.00°02'54"E. ALONG SAID WEST LINE FOR 700.05 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 13.83 ACRES, MORE OR LESS.

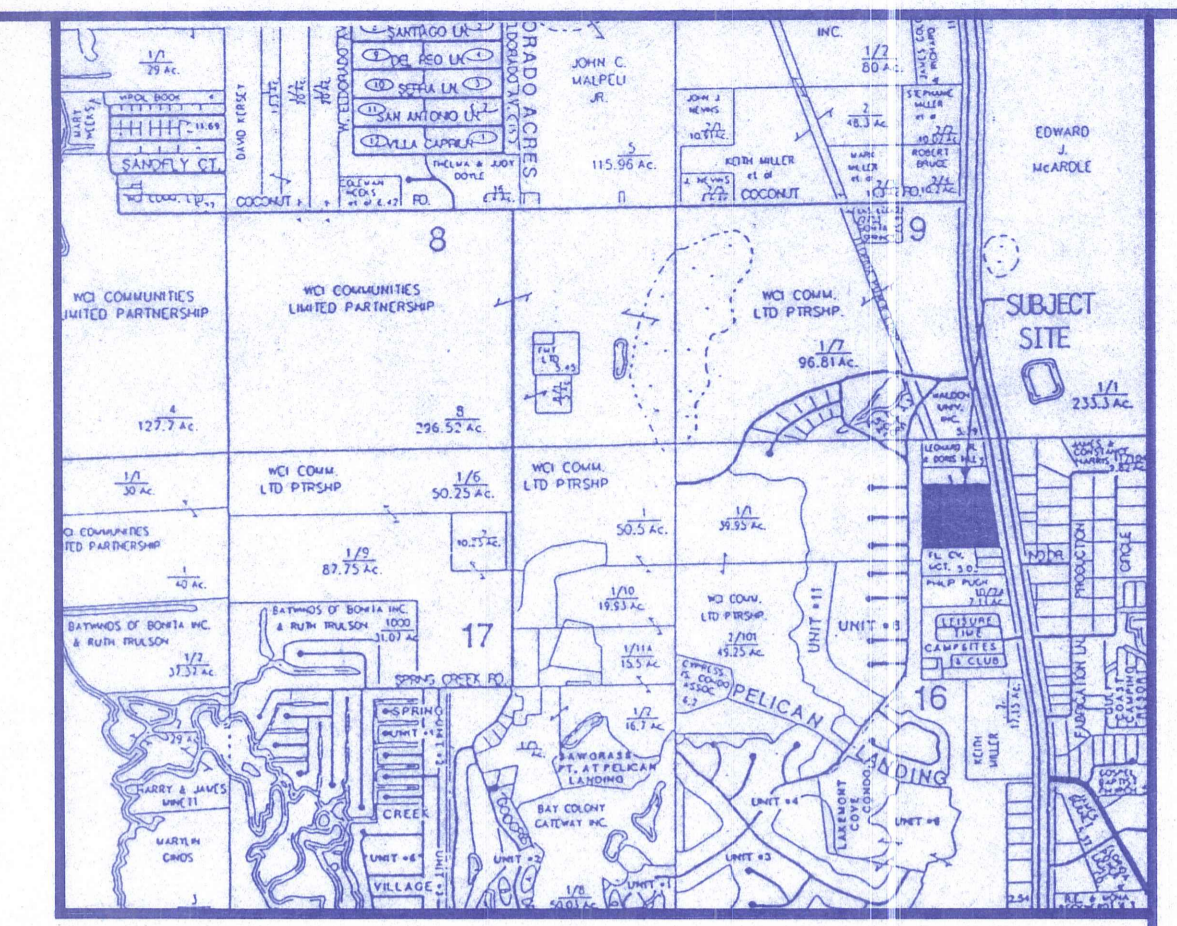
SAID PARCEL SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

BEARINGS ARE BASED ON THE WESTERLY LINE OF THE NORTHEAST ONE QUARTER (1/4) OF SECTION 16, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS BEARING S.00°02'54" W.



CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	09°30'02"	282.50'	46.84'	23.48'	46.79'	N84°38'57"E
C2	07°29'08"	317.50'	41.48'	20.77'	41.45'	N83°38'30"E
C3	02°03'10"	317.50'	11.38'	5.69'	11.38'	N88°24'39"E
C4	00°02'16"	282.50'	0.19'	0.09'	0.19'	N89°25'06"E



GRAPHIC SCALE IN FEET

SPECIAL NOTE:
THIS STYLE OF TEXT REPRESENTS EXISTING FEATURES
THIS STYLE OF TEXT REPRESENTS PROPOSED FEATURES

PROJECT SUMMARY:

PROJECT SIZE: 13.83 ACRES
REQUIRED OPEN SPACE: 4.15 ACRES
REQUIRED INDIGENOUS VEGETATION: 2.07 ACRES

SURROUNDING ZONING AND LAND USES:

NORTH: CT; EXISTING RESTAURANT
SOUTH: C-1; EXISTING COMMERCIAL FACILITIES (SUB-LITES, BALLONS & FLOWERS, AND CERTIFIED POOL MECHANICS)
EAST: U.S. 41 THEN IL, CS, AND CN-2; EXISTING COMMERCIAL/INDUSTRIAL USES
WEST: WALDEN CENTER DRIVE THEN PENNYROYAL DRIVE THEN R.P.D.; SINGLE FAMILY HOMES

SITE DEVELOPMENT NOTES:

- THIS IS A REQUEST FOR A REZONING FROM AG-2 TO CPD. THE LAND USE CATEGORY FOR THIS PROPERTY IS URBAN COMMUNITY.
- MAXIMUM TOTAL SQUARE FOOTAGE FOR THIS DEVELOPMENT IS 170,000 S.F. WITH NO MORE THAN 100,000 S.F. ALLOCATED TO RETAIL USES, AS DESCRIBED BELOW, SUBJECT TO THE LIMITING PROVISIONS OF NOTE 15.
A. RETAIL USES MAY BE PERMITTED ON ALL PARCELS, PROVIDED THAT RETAIL USES DO NOT EXCEED 100,000 S.F., AND THAT THE TOTAL PROJECT SQUARE FOOTAGE DOES NOT EXCEED 170,000 S.F.
B. NON-RETAIL USES MAY BE PERMITTED ON ALL PROJECT PARCELS, PROVIDED THAT THE TOTAL SITE SQUARE FOOTAGE DOES NOT EXCEED 170,000 S.F.
- CONCEPTUAL PARCEL AREAS AND DIMENSIONS ARE SHOWN ON THE MASTER CONCEPT PLAN. PARCELS MAY BE COMBINED, RECONFIGURED OR DIVIDED.
- MINIMUM PERMITTER SETBACKS FOR ALL PROPERTY SHALL BE IN CONFORMANCE WITH SECTION 34-935(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE (L.C.L.D.C.).
- MINIMUM INTERNAL BUILDING SETBACKS SHALL BE AS FOLLOWS:
STREET: 20 FEET
SIDE: 10 FEET
REAR: 20 FEET
WATER BODY: 0 OR 25 FEET (SEE DEVIATION 1)
- THE PROJECT WILL CONFORM WITH THE OPEN SPACE REQUIREMENTS OF SECTION 10-413(b) OF THE L.C.L.D.C.
- THE PROJECT BUFFER YARDS SHALL CONFORM TO THE REQUIREMENTS SET FORTH IN SECTION 10-414. OF THE L.C.L.D.C.
- MAXIMUM BUILDING HEIGHT SHALL BE ACCORDING TO ZONING RESOLUTION NUMBER Z-96-042.
- THE PROJECT WILL CONFORM WITH THE OFF STREET PARKING REGULATIONS SET FORTH IN SECTION 34-2020. OF THE L.C.L.D.C.
- NO PARCEL SHALL BE SMALLER THAN .75 ACRES, OR HAVE A DIMENSION LESS THAN 125 FEET WITH MAXIMUM LOT COVERAGE OF 40%.
- THE PROPERTY IS CURRENTLY VACANT.
- THERE ARE NO ENVIRONMENTALLY SENSITIVE LAND ON SITE.
- ALL EXOTIC VEGETATION SHALL BE REMOVED AS REQUIRED BY THE L.C.L.D.C.
- ALL INTERNAL DRIVES SHALL BE SPACED ACCORDING TO SECTION 10-285. DRIVES ON LOCAL ROADS SHALL BE SPACED NO CLOSER THAN 125 FEET, AND DRIVES ON A FRONTAGE ROAD SHALL BE SPACED NO CLOSER THAN 60 FEET.
- ANY COMBINATION OF USES, IN ACCORDANCE WITH SITE DEVELOPMENT NOTE NUMBER 2, SHALL BE PERMITTED PROVIDED THAT THE NUMBER OF PEAK, PM TRIPS DO NOT EXCEED THE LEVEL ESTABLISHED IN THE TIS (621).
- THE INDIGENOUS VEGETATION PRESERVATION, AS REQUIRED BY SECTION 10-413(c), SHALL BE PROVIDED ON-SITE. THESE AREAS WILL MEET THE SIZE REQUIREMENTS OF SECTION 10-413(d), AND WILL TOTAL 2.07 ACRES.
- A MAXIMUM OF 150 BEDS ARE PERMITTED WITHIN THIS PROJECT. THESE BEDS MAY BE UTILIZED BY EITHER "BUSINESS" HOTEL/MOTEL, AND OR ACFE, AS PERMITTED BY THE LIST OF USES SET FORTH ON THIS SITE'S MASTER CONCEPT PLAN, AND PROVIDED THE COMBINED TOTAL DOES NOT EXCEED 150 TOTAL BEDS.

SCHEDULE OF DEVIATIONS:

- DEVIATION FROM SECTION 34-2194(c)(3) WHICH REQUIRES NON-ROOFED STRUCTURES SHALL BE PERMITTED UP TO BUT NOT CLOSER THAN TEN FEET FROM A NON-SEA WALLED ARTIFICIAL BODY OF WATER, TO ALLOW A 0' SETBACK FOR DECKS, PATIOS AND OPEN SCREEN ENCLOSURES FROM THE WATER'S EDGE.
- PERMIT THE PROJECT TO MEET THE EXISTING ACCESS ROAD REQUIREMENT WITHIN THE 65' SETBACK, OR; DEVIATION FROM THE PROVISIONS OF SECTION 34-2192(c) WHICH REQUIRES A SETBACK OF 65' FROM THE EDGE OF RIGHT OF WAY, TO ALLOW A 25' SETBACK FROM THE EDGE OF RIGHT OF WAY BECAUSE THE REQUIRED FRONTAGE ROAD WILL BE A REVERSE FRONTAGE ROAD AS SHOWN ON THE MASTER CONCEPT PLAN.

INDIGENOUS VEGETATION:

SHALL BE ACCORDING TO ZONING RESOLUTION NUMBER Z-96-042.

LIST OF USES:

SHALL BE ACCORDING TO ZONING RESOLUTION NUMBER Z-96-042.

PROJECT # 96-04-087-13A
PROJECT TYPE CS

APPROVED

Amendment to
Master Concept Plan
Subject to conditions in Resolution PD-98-022
Zoning Case # 96-04-087-13A 01/01
Date 11/27/99 EXHIBITS # II-B-2 & # IV-E-3

REVISIONS PER LEE COUNTY REQUIREMENTS - 04/19/1999 STATUS

DESIGNED BY: A.R. KAREH
APPROVED BY: A.R. KAREH
PROJECT NUMBER: 98-49

DESIGNED BY: T.E. WILSON JR.
APPROVED BY: A.R. KAREH
DATE: APRIL 5, 1998
SCALE: 1" = 60'

JOBROW DEVELOPMENT COMPANY, L.L.C.
13056 COCO PLUM LANE, NAPLES, FLORIDA 34119

THE RENAISSANCE CENTER

SECTION 16, T 47S, R 25E, LEE COUNTY, FLORIDA

APR 19 1999
PERMIT CENTER

AHMAD R. KAREH, P.E.
FLORIDA REG. NO. 43324

APR 19 1999

MASTER CONCEPT PLAN (OPTION I)
SHEET 1 OF 1

From: [Washburn, Janet](#)
To: [Oscar Lugo](#)
Cc: [Michael Delate](#)
Subject: RE: Dunkin Donuts (Diamond Oaks) PREZ21-86515-BOS
Date: Monday, June 13, 2022 4:30:18 PM
Attachments: [image002.png](#)
[image006.png](#)

My pleasure!

Janet A. Washburn
FIRE MARSHAL - MS, CFPS, MIFireE
BONITA SPRINGS FIRE CONTROL & RESCUE DISTRICT



WWW.BONITAFIRE.ORG
27701 BONITA GRANDE DRIVE,
BONITA SPRINGS, FL 34135
239-949-6200 main 239-949-6207 fax
239-949-6211 office 239-206-9056 cell

PROUD OWNER OF A NFPA 13D FIRE SPRINKLERED HOME

From: Oscar Lugo <olugo@gradyminor.com>
Sent: Monday, June 13, 2022 4:26 PM
To: Washburn, Janet <washburn@bonitafire.org>
Cc: Michael Delate <mdelate@gradyminor.com>
Subject: RE: Dunkin Donuts (Diamond Oaks) PREZ21-86515-BOS

Thank you for your help Janet!

Oscar Lugo, MBA, P.E.
Project Manager



Please consider the environment before printing this email

DISCLAIMER: This communication from Q. Grady Minor & Associates, P.A., along with any attachments or electronic data is intended only for the addressee(s) named above and may contain information that is confidential, legally privileged or otherwise exempt from disclosure. The recipient agrees and accepts the following conditions: The electronic file/data is for informational purposes only and is the responsibility of the recipient to reconcile this electronic file/data with the approved and certified "plan of record" along with actual project site conditions. Q. Grady Minor & Associates, P.A. reserves the right to revise, update and improve its electronically stored data without notice and assumes no responsibility due to a virus or damages caused by receiving this email.

From: Washburn, Janet <washburn@bonitafire.org>
Sent: Monday, June 13, 2022 1:38 PM
To: Oscar Lugo <olugo@gradyminor.com>
Cc: Michael Delate <mdelate@gradyminor.com>; Washburn, Janet <washburn@bonitafire.org>

Subject: RE: Dunkin Donuts (Diamond Oaks) PREZ21-86515-BOS

Thanks for the update. I think we can work with us as meeting the intent of fire dept. access.

Janet A. Washburn
FIRE MARSHAL - MS, CFPS, MIFireE
BONITA SPRINGS FIRE CONTROL & RESCUE DISTRICT



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239-949-6200 main 239-949-6207 fax
239-949-6211 office 239-206-9056 cell

PROUD OWNER OF A NFPA 13D FIRE SPRINKLERED HOME

From: Oscar Lugo <olugo@gradyminor.com>

Sent: Monday, June 13, 2022 1:12 PM

To: Washburn, Janet <washburn@bonitafire.org>

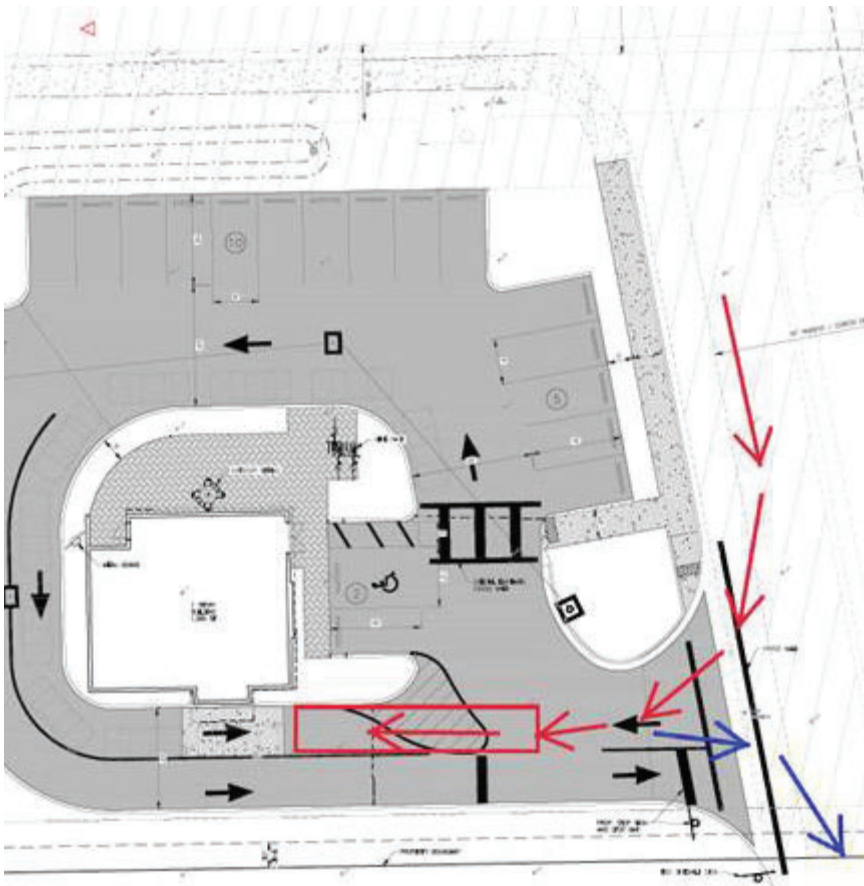
Cc: Michael Delate <mdelate@gradyminor.com>

Subject: RE: Dunkin Donuts (Diamond Oaks) PREZ21-86515-BOS

Going with that maneuver it will get us within the 50'.

It's a distance of 33' from the door to the fire truck.

See below.



From: Washburn, Janet <washburn@bonitafire.org>
Sent: Monday, June 13, 2022 11:35 AM
To: Oscar Lugo <olugo@gradyminor.com>
Cc: Michael Delate <mdelate@gradyminor.com>
Subject: RE: Dunkin Donuts (Diamond Oaks) PREZ21-86515-BOS

Let's try another option...what is the distance to the closest corner of the building if we just pull in straight without making that hard turn to the right? I'm thinking that should get us within 50'.

Thanks.

Janet A. Washburn
FIRE MARSHAL - MS, CFPS, MIFireE
BONITA SPRINGS FIRE CONTROL & RESCUE DISTRICT



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27701 BONITA GRANDE DRIVE,
BONITA SPRINGS, FL 34135
239-949-6200 main 239-949-6207 fax
239-949-6211 office 239-206-9056 cell

PROUD OWNER OF A NFPA 13D FIRE SPRINKLERED HOME

From: Oscar Lugo <olugo@gradyminor.com>
Sent: Monday, June 13, 2022 10:06 AM
To: Washburn, Janet <washburn@bonitafire.org>
Cc: Michael Delate <mdelate@gradyminor.com>
Subject: RE: Dunkin Donuts (Diamond Oaks) PREZ21-86515-BOS

Good morning,

The red line shown is not within the 50'. It is about 81' to the building corner and edge of pavement at the access road.

If the building is sprinklered would we be able to increase that distance?

Thank you,
Oscar Lugo

From: Washburn, Janet <washburn@bonitafire.org>
Sent: Monday, June 13, 2022 9:59 AM
To: Oscar Lugo <olugo@gradyminor.com>
Cc: Michael Delate <mdelate@gradyminor.com>
Subject: RE: Dunkin Donuts (Diamond Oaks) PREZ21-86515-BOS

Good morning:

If the red line indicated below from the access road to the corner of the building is within the 50', that would be acceptable. Please let me know what that distance is.

It would be difficult for the fire truck to back up around a corner (blue arrow) and they likely would not attempt that.

Thank-you.

Janet A. Washburn

FIRE MARSHAL - MS, CFPS, MIFireE

BONITA SPRINGS FIRE CONTROL & RESCUE DISTRICT



WWW.BONITAFIRE.ORG

27701 BONITA GRANDE DRIVE,

BONITA SPRINGS, FL 34135

239-949-6200 main 239-949-6207 fax

239-949-6211 office 239-206-9056 cell

PROUD OWNER OF A NFPA 13D FIRE SPRINKLERED HOME

From: Oscar Lugo <olugo@gradyminor.com>

Sent: Monday, June 6, 2022 2:48 PM

To: Washburn, Janet <washburn@bonitafire.org>

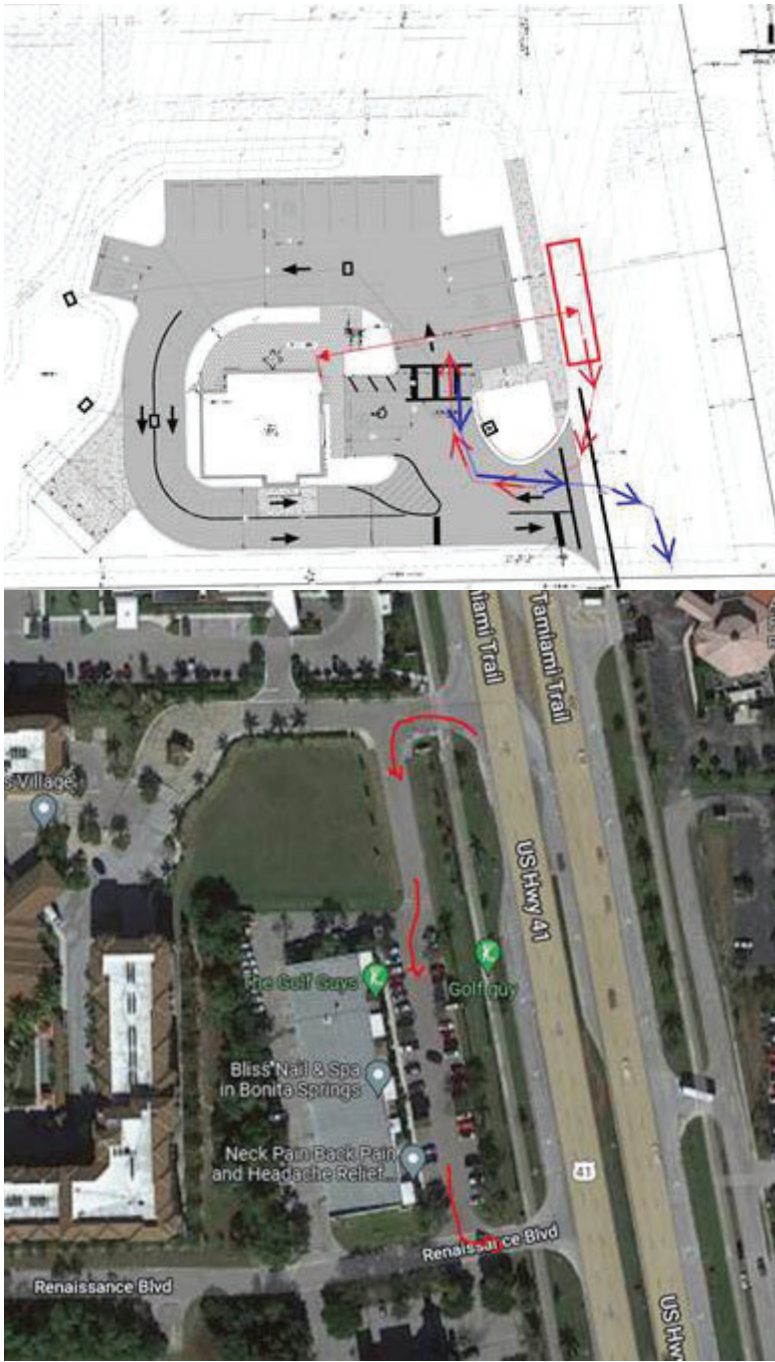
Cc: Michael Delate <mdelate@gradyminor.com>

Subject: Dunkin Donuts (Diamond Oaks) PREZ21-86515-BOS

Good afternoon Janet,

I'm working on the Dunkin Donuts (Diamond Oaks) PREZ21-86515-BOS project. One of the comments during the zoning review was to provide access to the interior of the building within 50' per NFPA requirements. Due to the site constraints the fire truck is unable to make the turn around the building. However, we are able to make some adjustments for the truck to get to within the 50' distance to the exterior door and then back out onto the frontage road. Will the maneuver below be an acceptable method in order to meet the fire access requirement. See image below, the fire truck will pull into the site (red arrow) and then will reverse out of the site (blue arrow).

Another option would be to propose a fully sprinklered building and have the fire truck stationed along the access road which will put the truck within the 150' distance to the exterior door. The truck would then continue south to Renaissance Blvd to get back onto US41.



Thank you in advance for your help,

Oscar Lugo, MBA, P.E.

Project Manager



6150 Diamond Centre Ct., Suite 1003

Fort Myers, FL 33912

Phone - 239.690-4380 ext. 2221

Fax - 239.947.0375

Web - <http://www.gradyminor.com>

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Burkhardt CPD (Parcel F) Special Exception

Exhibit IV-F Narrative Statement

State the basis or reason(s) for the requested action and address the following issues:

The Burkhardt CPD was amended in 2015 (Ordinance Number 15-03) to provide for additional uses within a portion of the planned development. The portion of the property identified as Parcel F on the Master Concept Plan provides for fast food restaurants as a permitted use, subject to approval of a Special Exception. The property is located within the U.S. 41 Overlay District, which also requires fast food restaurants to obtain a Special Exception before the use may be permitted. The applicant is seeking a Special Exception for a fast food restaurant on the property. The Special Exception Site Plan depicts the general configuration of the proposed restaurant site. The proposed building is approximately 1,400+/- square feet. Access to Parcel F is via an existing frontage road that extends from the shared entrance to the Diamond Oaks Village senior housing community and Renaissance Blvd. to the south.

d. Whether there exist changed or changing conditions that make approval of the request appropriate;

There are changing conditions that make approval of the Special Exception for the fast food restaurant appropriate at this location. The Burkhardt CPD has been substantially developed with the Diamond Oaks senior housing community and a variety of retail commercial uses. The 2015 amendment and the implementation of the U.S. 41 Overlay District require approval of a Special Exception for the proposed fast food use. The roadway improvements at the CPD's project entrance at U.S. 41 has been constructed and landscaping meeting the U.S. 41 Overlay District standards for buffering has been planted. The property is in an area where nearly all uses having frontage along U.S. 41 are commercial uses.

e. Whether the request is consistent with the goals, objectives, policies, and intent of the Bonita Plan;

The property is designated General Commercial on the Bonita Springs Future Land Use Map. The General Commercial land use designation as described in FLUE Policy 1.1.14, which permits a variety of retail commercial and service land uses. The overall FAR for the CPD is far less than the 1.2 FAR permitted in the General Commercial FLU category. The Transportation Element requires that appropriate levels of service are maintained for arterial roadways. Policy 1.1.3 of the Transportation Element has established a LOS E for all arterial roadways. U.S. 41 is an arterial roadway and is under the jurisdiction of the Florida Department of Transportation. A traffic impact analysis meeting the City of Bonita Springs guidelines has been prepared and concludes that the proposed fast food restaurant will not degrade the level of service below the adopted LOS E.

f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use;

There are no specific performance standards for the proposed Special Exception. The property is within the U.S. 41 Overlay District which does require the Special Exception approval for a fast food restaurant. The purpose of the overlay is to guide future growth and redevelopment in a manner that maintains and enhances the aesthetic/visual quality of the corridor, makes efficient use of public infrastructure, protects existing neighborhoods, and balances automobile-oriented development patterns with the pedestrian realm. It is intended to prevent the expansion of a "strip" commercial development pattern, and create a physically attractive, and functionally integrated built environment through cohesive and complimentary site development and design standards. The site will meet all standards and conditions approved in Resolution 96-042 and Ordinance 15-03.

The site is located in the northern limits of the City of Bonita Springs in an area that is already developed with commercial land uses. Given the existing development pattern, there are no other fast food restaurants within approximately 2 miles away to the south. The site is within the same PD as a 160 unit senior housing community that will have pedestrian access to the proposed restaurant use. There are also numerous commercial uses on the west side of U.S. 41 which will have either pedestrian access or vehicular access to the restaurant via existing sidewalks and frontage road. The building will be designed to meet the City's architectural standards, and landscape buffering is already in place between the frontage road and U.S. 41. These conditions are consistent with the intent of the overlay to provide visual/aesthetic character along the roadway.

g. Whether the request will protect, conserve or preserve environmentally critical areas and natural resources;

There are no environmentally critical areas or natural resources that exist on the subject property.

h. Whether the request will be compatible with existing or planned uses;

Yes, the proposed fast food restaurant (Dunkin Donuts) will be compatible with existing and planned uses in the area. As mentioned, the site will be designed to meet all LDC site design standards, including building architecture and color schemes. The restaurant will meet requirements of the LDC as no deviations are requested for the use. The restaurant use is compatible with the commercial uses that are developed to the north (NCH Ugent Care), south (Burkhardt CPD) and east (various retail east of U.S. 41). The restaurant is proximate to the Diamond Oaks Village senior housing community.

i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property;

The proposed fast food restaurant use will not cause damage, hazard or nuisance to persons or property. The site will be developed consistent with the LDC and will provide safe access for pedestrians and motorists. It should be noted that a sit down restaurant is permitted by right without the need for the Special Exception approval. The City desires to provide additional scrutiny for fast food restaurants to insure that they will be designed in a safe and responsible manner without harm to other development in the corridor. The site as designed will be consistent with the intent of the Overlay.

j. Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use as set forth in LDC Chapter 4.

Yes, the request will be in compliance with all Chapter 4 zoning regulations. No code deviations are required for the use.

U.S. 41 Overlay SE criteria

1. *Approval criteria.* The following criteria will be utilized to evaluate special exception requests in the U.S. 41 Overlay:
 - (i) Consistency with the intent of the U.S. 41 Overlay District in protecting and enhancing viewsheds from U.S. 41 and other public roadways.

Development of the site with the proposed fast food restaurant is consistent with the intent of the overlay to protect and enhance viewsheds. The site is not adjacent to U.S. 41 but rather adjacent to an existing frontage road that serves other commercial land uses. The project will meet all City architectural and site design standards, including signage. The landscape buffer is existing between the frontage road and U.S. 41, which will further provide for enhanced viewsheds along the corridor.

- (ii) The building and site design standards incorporate innovative techniques to address the project's visual impact on the U.S. 41 corridor and demonstrate enhancements to the minimum standards.

The site has been arranged in a manner that reduces the visual impact of the building on U.S. 41. Stacking for the fast food restaurant has been designed facing south which will allow drive through vehicles to circulate behind the building, shielding the bulk of the stacked vehicles and pick-up window from view of motorists on U.S. 41.

- (iii) The request addresses the balance between auto-oriented design and pedestrian access through enhanced design standards.

The location of the proposed fast food restaurant does balance auto-oriented design with pedestrian access. The site has been designed to accommodate both pedestrian and automobile traffic. On-site signage will provide motorist directional guidance for food pick up. Pedestrian access will be provided via a sidewalk connection to the existing

sidewalk along the shared entrance way, which connects to the sidewalk located on the frontage road and U.S. 41.

- (iv) Exceptional or extraordinary conditions exist which warrant the proposed use, including but not limited to demonstrated market demand and minimum spatial separation of 500 feet from a similar use.

The developer of the fast food restaurant has developed dozens of these restaurants in Southwest Florida and understands the market demand for this type of fast food restaurant. This location in the northern limits of Bonita Springs has no other fast food restaurant within approximately two miles. The restaurant developer understands that this location is within the heavily traveled U.S. 41 corridor and can capture trips already on the roadway.

- (v) Will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The development of a fast food restaurant in this location will not be injurious to the neighborhood or be detrimental to the public welfare. The site will be designed in a manner that is consistent with all LDC requirements for site design and public safety. No deviations have been requested for the site.

- (vi) Will be compatible with existing or planned uses.

The proposed fast food restaurant use will be compatible with existing and planned uses. A sit down restaurant is permitted by right in this location. The only distinctive difference is that this restaurant will have a drive through window offering convenience for motorist. This U.S. 41 corridor has numerous commercial uses and the proposed restaurant use is not incompatible with the commercial uses. The site will be well buffered from the nearby Diamond Oaks Village senior housing complex and will be easily accessible to the residents via the existing sidewalk connection.

- (vii) Will cause damage, hazard, nuisance or other detriment to persons or property.

The proposed fast food restaurant use will not cause damage, hazard or nuisance to persons or property. The site will be developed consistent with the LDC and will provide safe access for pedestrians and motorists. It should be noted that a sit down restaurant is permitted by right without the need for the Special Exception approval. The City desires to provide additional scrutiny for fast food restaurants to insure that they will be designed in a safe and responsible manner without harm to other development in the corridor. The site as designed will be consistent with the intent of the Overlay.

- (viii) Will protect, conserve or preserve environmentally critical areas and natural resources.

The site has been cleared and previously developed therefore there are no environmentally sensitive areas on the site.

- (ix) Consistency with the goals, objectives, policies and intent of the Bonita Plan.

The property is designated General Commercial on the Bonita Springs Future Land Use Map. The General Commercial land use designation as described in FLUE Policy 1.1.14, which permits a variety of retail commercial and service land uses. The overall FAR for the CPD is far less than the 1.2 FAR permitted in the General Commercial FLU category. The Transportation Element requires that appropriate levels of service are maintained for arterial roadways. Policy 1.1.3 of the Transportation Element has established a LOS E for all arterial roadways. U.S. 41 is an arterial roadway and is under the jurisdiction of the Florida Department of Transportation. A traffic impact analysis meeting the City of Bonita Springs guidelines has been prepared and concludes that the proposed fast food restaurant will not degrade the level of service below the adopted LOS E.

- (x) In compliance with all general zoning provisions, supplemental regulations and performance standards pertaining to the use set forth in this chapter.

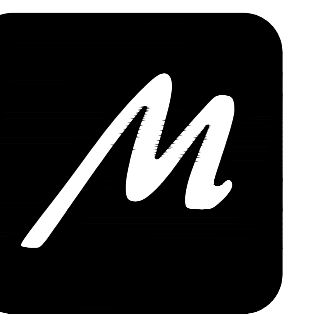
There are no specific performance standards for the proposed Special Exception. The property is within the U.S. 41 Overlay District which does require the Special Exception approval for a fast food restaurant. The purpose of the overlay is to guide future growth and redevelopment in a manner that maintains and enhances the aesthetic/visual quality of the corridor, makes efficient use of public infrastructure, protects existing neighborhoods, and balances automobile-oriented development patterns with the pedestrian realm. It is intended to prevent the expansion of a "strip" commercial development pattern, and create a physically attractive, and functionally integrated built environment through cohesive and complimentary site development and design standards.

The site is located in the northern limits of the City of Bonita Springs in an area that is already developed with commercial land uses. Given the existing development pattern, there are no other fast food restaurants within approximately 2 miles away to the south. The site is within the same PD as a 160 unit senior housing community that will have pedestrian access to the proposed restaurant use. There are also numerous commercial uses on the west side of U.S. 41 which will have either pedestrian access or vehicular access to the restaurant via existing sidewalks and frontage road. The building will be designed to meet the City's architectural standards, and landscape buffering is already in place between the frontage road and U.S. 41. These conditions are consistent with the intent of the overlay to provide visual/aesthetic character along the roadway.

LANDSCAPE PLANS

BONITA SPRINGS, FL, DEVELOPMENT ORDER
for

DUNKIN' DONUTS DIAMOND OAKS



GradyMinor
Civil Engineers
Landscape Architects
Land Surveyors
Planners

Bonita Springs 239.947.1144
Fort Myers 239.690.4380

www.GradyMinor.com
Richard P. Chalupa, RLA

License No. 6667463

DUNKIN' DONUTS DIAMOND OAKS
COVER SHEET
BONITA SPRINGS, FL

REVISIONS	
1.	REVISIONS PER BONITA SPRINGS COMMENTS DATED 07/29/2022
2.	REVISIONS PER CUBS COMMENTS DATED 08/31/2022

SHEET
1 OF 3

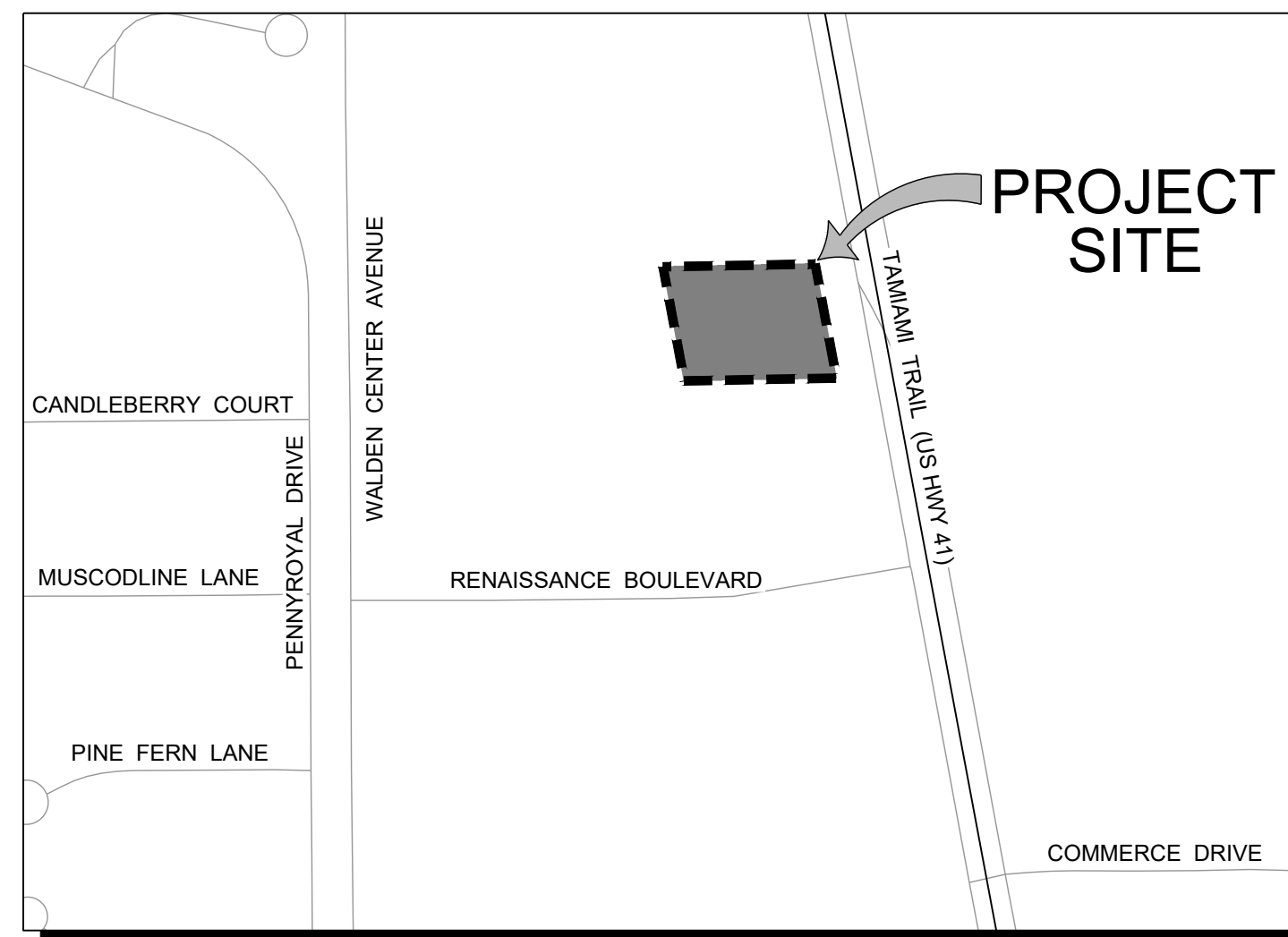
DATE: JUNE 2022

Owner/Developer:
MK REALITY
DIAMOND OAKS LLC
6685 Collier Blvd
Naples, FL 34114

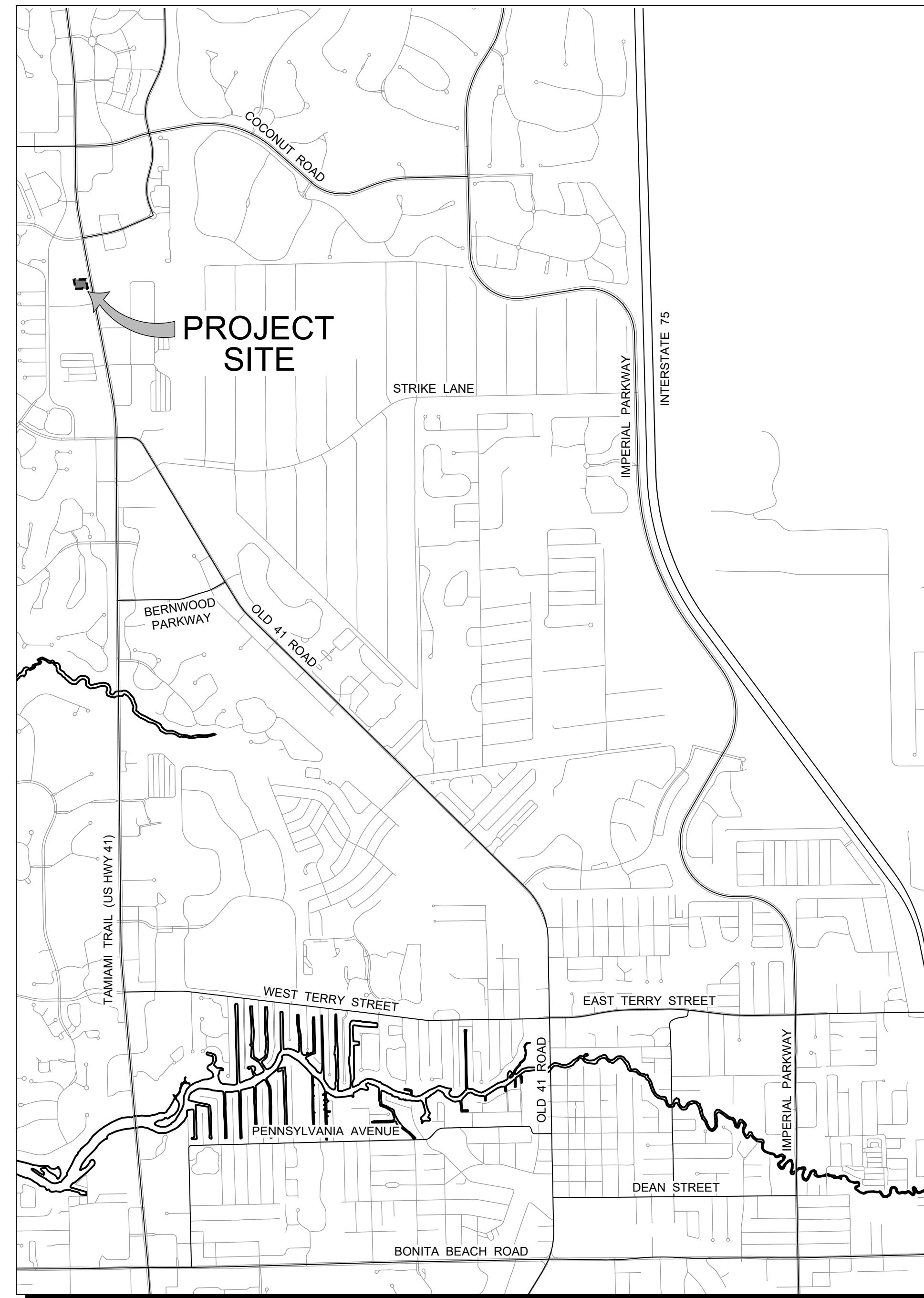
LANDSCAPE ARCHITECTURAL PLANS	
TABLE OF CONTENTS	
Dwg. No.	Description
1	COVER SHEET
2	DO LANDSCAPE PLAN
3	DETAILS SHEET



811
"CALL SUNSHINE"
1-800-432-4770
TOLL FREE
FL. STATUTE 553.851 (1979) REQUIRES
MIN. OF 2 DAYS AND MAX. OF 5 DAYS
NOTICE BEFORE YOU EXCAVATE.



VACINITY MAP
SCALE: 1" = 300'



LOCATION MAP
SCALE: 1" = 2000'

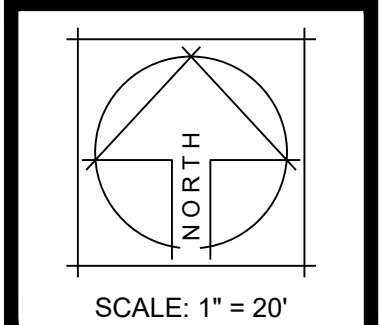
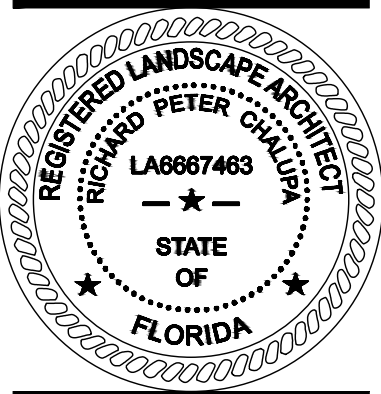




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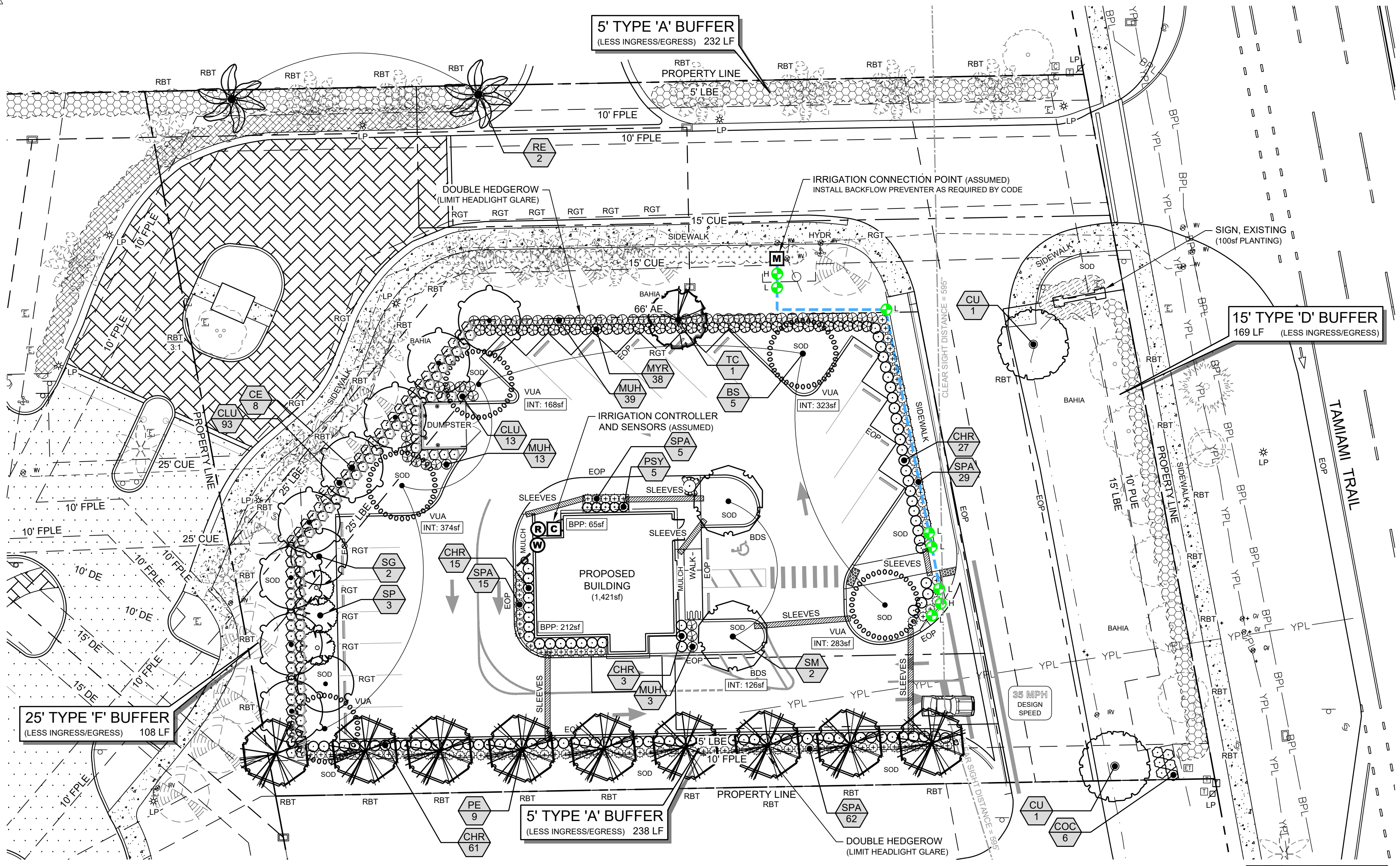


DUNKIN' DONUTS DIAMOND OAKS
DO LANDSCAPE PLAN
BONITA SPRINGS, FL

REVISIONS	
1.	REVISIONS PER BONITA SPRINGS COMMENTS DATED 07/29/2022
2.	REVISIONS PER CoBS COMMENTS DATED 08/31/2022

SHEET
2 OF 3

DATE: JUNE 2022



ABBREVIATION LEGEND:

CALLOUT	DESCRIPTION
VUA	REQUIRED VEHICULAR USE TREE
RBT	REQUIRED BUFFER TREE
BDS	BUILDING DESIGN STANDARD
EOP	EDGE OF PAVEMENT
CUE	COUNTY UTILITY EASEMENT
DE	DRAINAGE EASEMENT
FPLE	FPL EASEMENT
PUE	PERPETUAL UTILITY EASEMENT
LBE	LANDSCAPE BUFFER EASEMENT

IRRIGATION LEGEND

ZONE / VALVE LABEL: "H" or "L" for High or Low Water Use	
M	# Irrigation Meter
C	# Station Irrigation Controller
R W	Rain and Wind Sensor Switches
I	Irrigation Valve
---	Irrigation Main Line
---	Sleeving Locations (See Irrigation Notes #4 & 5)

IRRIGATION NOTES:

- The site is to contain 100% Irrigation Coverage via an efficient system utilizing standards common to the industry.
- The Irrigation system is to be controlled by a rain and/or wind sensor switch connected to the System controller. The location of the System controller is to be verified and coordinated as necessary to provide access and electrical connection(s).
- Verify Pump and Equipment Locations with Owner.
- Irrigation sleeving locations indicated are diagrammatic and serve only as a guide for installation purposes. Irrigation sleeving is to be a minimum of Schedule 40 PVC two times the size of irrigation pipe. This work is to be coordinated by the General Contractor. Sleeving shall be clearly marked, flagged, or otherwise delineated above grade to avoid damage and provide ease of location for future use. Sleeving shall be utilized in areas where piping must cross a greater than 5' width, such as roads and walks.
- Irrigation Contractor to verify all sleeving locations with the Owner / Developer / General Contractor prior to installation of all subsurface and proposed impervious surfaces. This Irrigation Plan is CONCEPTUAL for Code Minimum Purposes and will need further detailing upon finalizing contracts from a selected Irrigation Designer / Landscape Architect of choice.
- Avoid overspray on pavement, buildings, etc. Utilize pressure-compensating heads for elimination of aerosol spray (This is a standard feature of INST, Hunter spray heads).
- Pipe sizing shall be determined by the Friction Loss Method and water velocity shall not exceed 5 cubic feet per second.
- Constant pressure piping shall be SCH 40 PVC.
- The Irrigation Contractor shall supply As-built drawings and material cut sheets upon installation completion and as a term of Final Acceptance. This cost shall be accommodated in the bid.
- Zones shall be marked in the controller box and corresponding valves shall have affixed to the Valve Cover a waterproof, fade-resistant tag.
- The design is based upon the following operating parameters: 60 GPM Max. and 40 PSI Min.-60 PSI Max.
- Irrigation heads in planting beds shall be 12" pop-up minimum and 6" pop-up minimum in sod areas. Risers, if installed, shall be black pvc consistent with later piping. Verify remaining type(s), if necessary. Install quick couplers as required or as noted.
- This system shall utilize bubblers on the required trees.
- The Irrigation Meter if required shall be supplied by the General Contractor.
- Irrigation system requires back flow prevention. Assure existing back flow prevention is functional and/or install a new back flow prevention per County requirements. Contractor shall field verify size and location.
- Irrigation lines, heads, and components shall not be installed within the ROW without a County approved Landscape Maintenance Agreement (LMA).

PLANT SCHEDULE: DEVELOPMENT ORDER

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	HT. AND SPR.	CALIPER	SPEC.	NATIVE
	BS	5	Bursera simaruba	Gumbo Limbo	10' ht. min. x 4' spd. min.	2" cal. min.	Full crown	Yes
	CU	2	Coccoloba uvifera	Sea Grape	14' ht. min. x 5' spd. min.	3" cal. min.	Full crown	Yes
	CE	8	Conocarpus erectus	Green Buttonwood	10' ht. min. x 4' spd. min.	2" cal. min.	Full crown	Yes
	PE	9	Pinus elliotii 'densa'	Slash Pine	10' ht. min. x 4' spd. min.	2" cal. min.	Full crown	Yes
	SG	2	Simarouba glauca	Paradise Tree	10' ht. min. x 4' spd. min.	2" cal. min.	Full crown	Yes
	SM	2	Swietenia mahagoni	Mahogany	18' ht. min. x 6' spd.	3.5" cal. min.	Full crown, Specimen	Yes
	TC	1	Tabebuia caraiba	Yellow Trumpet Tree	10' ht. min. x 4' spd. min.	2" cal. min.	Full crown	No
	RE	2	Roystonea elata	Florida Royal Palm	10' ct min.	Heavy	Straight Trunk	Yes
	SP	3	Sabal palmetto	Cabbage Palm	10' ct min.	Booted	Straight Trunk	Yes

SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HT. AND SPR.	SPACING	NATIVE
	CHR	106	Chrysobalanus icaco 'RT'	Red Tip Cocoplum	3 gal. min.	24" ht. min.	36" oc	Yes
	CLU	106	Clusia rosea	Autograph Tree	15 gal. min.	48" ht. min.	36" oc	Yes
	COC	6	Coccoloba uvifera	Sea Grape	7 gal. min.	36" ht. min.	36" oc	Yes
	MUH	55	Muhlenbergia capillaris	Pink Muhly Grass	3 gal. min.	24" ht. min.	36" oc	Yes
	MYR	38	Myrcianthes fragrans	Simpson's Stopper	3 gal. min.	24" ht. min.	36" oc	Yes
	PSY	5	Psychotria nervosa	Wild Coffee	3 gal. min.	24" ht. min.	36" oc	Yes
	SPA	111	Spartina bakeri	Sand Cord Grass	3 gal. min.	24" ht. min.	36" oc	Yes

SOD, MULCH AND ROOT BARRIER			
SOD	TBD	SOD ALL PROPOSED SOD BEDS WITH STENOTAPHRUM SECUNDATUM - ST. AUGUSTINE FLORATAM SOD NOTED AS "SOD" ON PLAN. CONTRACTOR TO VERIFY AND SUBMIT QUANTITIES.	
BAHIA	TBD	ALL OTHER DISTURBED AREAS WITH PASPALUM NOTATUM - BAHIA SOD, NOTED AS "BAHIA SOD" ON PLAN. CONTRACTOR TO VERIFY AND SUBMIT QUANTITIES.	
MULCH	TBD	FORESTRY SERVICES COLLIER COUNTY BROWN, OLD FLORIDA BLEND MULCH, OR APPROVED OTHER HARDWOOD MULCH NO CYPRESS MULCH PERMITTED. SHREDDED, 3" THICK, ALL PLANT BEDS AND TREES RINGS (4") DIAMETER WITHIN SOD BEDS. CONTRACTOR TO VERIFY AND SUBMIT QUANTITIES.	
ROOT	TBD	ROOT BARRIER TO BE INSTALLED AS NECESSARY. SEE DETAILS SHEET FOR INFORMATION. CONTRACTOR TO VERIFY AND SUBMIT QUANTITIES.	

FPL UTILITIES NOTE:

ADHERE TO RECOMMENDED CLEARANCES FOR ALL FPL TRANSFORMERS / CABINETS:
FRONT: 8'
SIDES & REAR: 3'

B.S.U. Section 5.6.1.10.4:

Potable and irrigation meters and backflow preventers are allowed to have plantings (other than trees or aggressive system plantings) to be placed within 30" of the meters and backflow preventers, on three sides only.
City of Bonita Springs Utilities:
All plantings are to be offset from CoBS Utilities (water mains, force mains, etc.) by 5 feet.

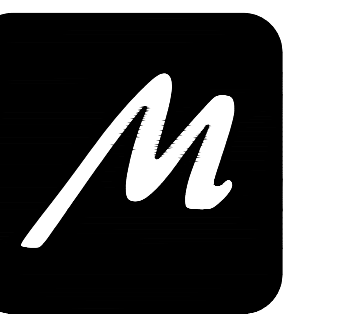
LANDSCAPE CALCULATIONS - THE CITY OF BONITA SPRINGS, FL

	MEASUREMENT	UNITS	CALCULATION	REQUIRED	PROVIDED
1. VEHICULAR USE AREA (SECTION 3-418.c.2.a) AREA WITHOUT CURBING, LABELED AS "INT" AND "VUA"	12,741	sf	INT. LANDSCAPING: sf x 0.10 TREES: 1 / 250sf (MAX 6' DISTANCE)	1,274 sf 5 qty	1,274 sf 5 qty
2. RIGHT-OF-WAY LANDSCAPING (SECTION 3-418.d.4) 15' TYPE 'D' BUFFER, R.O.W.: TAMAMI TRAIL, LABELED AS "RBT"	169	LF	TREES: 5 / 100 LF. SHRUBS: DBL HEDGE (3 GAL, 20")	8 qty TREES 113 qty SHRUBS	8 qty TREES (2 PROPOSED + 6 EXISTING) 113** qty SHRUBS (21 PROPOSED + 92 EXISTING)
3. PERIMETER BUFFERING (SECTION 3-418.d.4) 5' TYPE 'A' BUFFER, NORTH, LABELED AS "RBT"	232	LF	TREES: 4 / 100 LF	9 qty TREES	9 qty TREES (2 PROPOSED + 7 EXISTING)
5' TYPE 'A' BUFFER, SOUTH, LABELED AS "RBT"	238	LF	TREES: 4 / 100 LF	9 qty TREES	9 qty TREES
25' TYPE 'F' BUFFER, WEST, LABELED AS "RBT"	108	LF	TREES: 5 / 100 LF. SHRUBS: DBL HEDGE (48" AT INSTALL)	5 qty TREES 72 qty SHRUBS	5+ qty TREES 72+ qty SHRUBS
4. BUILDING PERIMETER PLANTINGS (SECTION 3-418.b) LABELED AS "BPP"	1,421	sf	10% GROUND LEVEL FLOOR AREA (ON ALL SIDES OF THE BUILDING, 5' WIDTH, EXCEPT ABUTTING PRESERVE/BUFFER)	142 sf PLANTING	142+ sf PLANTING (277sf SHOWN)
5. OPEN SPACE (SECTION 3-417.a, 4-328.c) ALL OTHER USES (COMMERCIAL, WORKSHOP, RECR., COMMUNITY FACILITIES, SCHOOLS, ETC.)	53,087	sf	20% OPEN SPACE REQUIREMENT	10,617 sf	10,617+ sf
6. GENERAL LANDSCAPE STANDARDS (SECTION 3-418.a.4) ALL OTHER DEVELOPMENTS LABELED AS "RGT"	53,087	sf	DEVELOPMENT AREA / 3,500	15 qty TREES (ADDITIONAL)	15 qty TREES (ADDITIONAL)
7. HERITAGE TREE REPLACEMENT (SECTION 3-417.b.1.4) LABELED AS "HTR"	0	qty	HERITAGE TREES REMOVED	0 qty HERITAGE TREES REPLACED	0 qty HERITAGE TREES REPLACED
8. BUILDING DESIGN STANDARD (SECTION 3-489.1.3) LABELED AS "BDS"			SELECT TWO (2) OF THE FOLLOWING (ALONG THE FRONT FACADE): a. PLANTING AREA (5' W) w/ SHADED SEATING (100sf +) b. SPEC. PAVERS / STAMPED CONCRETE (60% of walkway area) c. WATER ELEMENTS (100sf +) d. 2 ACCENT/SPECIMEN TREES @ 18" ht	2 a, b, c, d (@ 18" ALONG FRONT)	b, d. ALONG FRONT FACADE
9. SIGN PLANTINGS (SECTION 3-494.b.1.g.2) LABELED AS "RSS"	1	qty	SIGNS @ 100sf PLANTING PER SIGN	100 sf	100** sf

* ANY REQUIRED LANDSCAPING THAT IS CURRENTLY ABSENT FROM OR THAT IS REMOVED AND/OR IRREPARABLY DAMAGED AS A RESULT OF THE PROPOSED SITE IMPROVEMENTS/ALTERATIONS, MUST BE REINSTALLED, REESTABLISHED AND/OR REPLACED CONSISTENT WITH THE SITE(S) PREVIOUSLY APPROVED ZONING AND DEVELOPMENT PERMITS AND ALL APPLICABLE CURRENT LAND DEVELOPMENT CODE (LDC) REQUIREMENTS, AS APPROPRIATE.

EXISTING LANDSCAPE LEGEND:

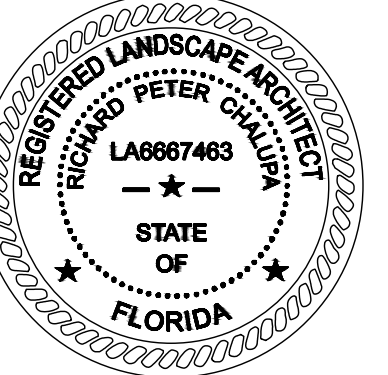
SYMBOL	BOTANICAL NAME	COMMON NAME
	CONOCARPUS ERECTUS	GREEN BUTTONWOOD
	COCCOLOBA DIVERSIFOLIA	PIGEON PLUM
	COCCOLOBA UVIFERA	SEA GRAPE (STANDARD)
	PTYCHOSPERMA ELEGANS	ALEXANDER PALM (TRIPLE)
	ROYSTONEA ELATA	ROYAL PALM
	SYAGRUS ROMANZOFFIANA	QUEEN PALM
	CHRYSOBALANUS ICACO 'RT'	RED TIP COCOPLUM
	COCCOLOBA UVIFERA	SEA GRAPE (SHRUB)
	IXORA TAIWANENSIS	DWARF IXORA
	MYRCIANTHES FRAGRANS	SIMPSON'S STOPPER



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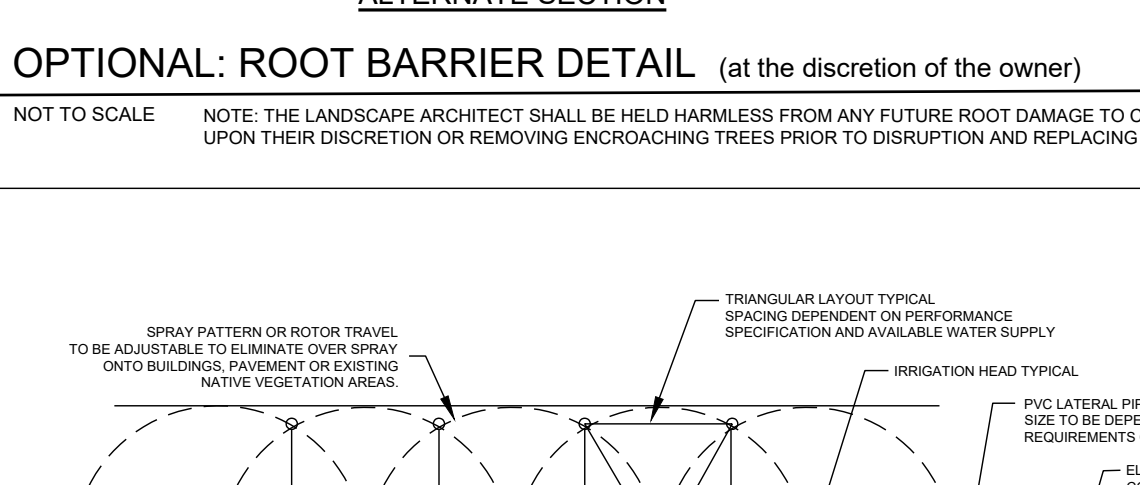
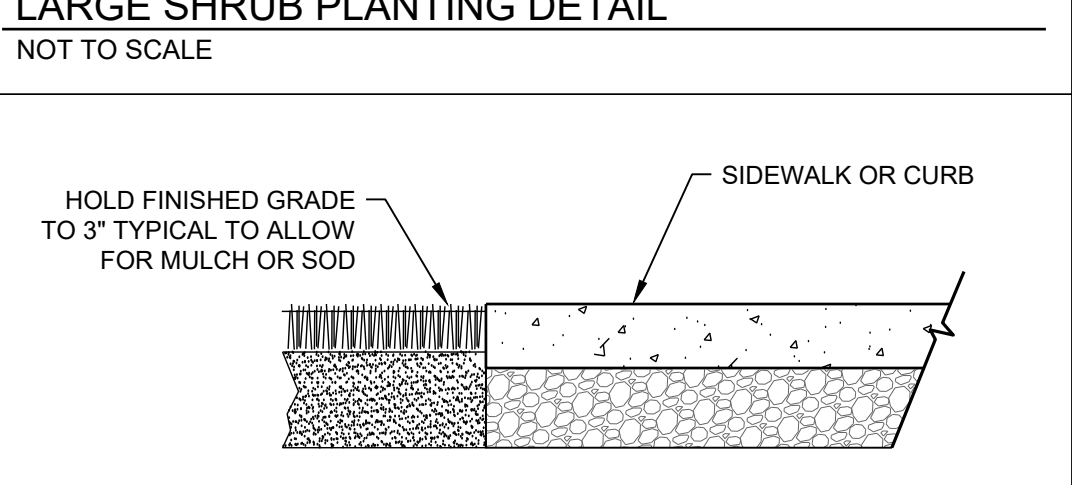
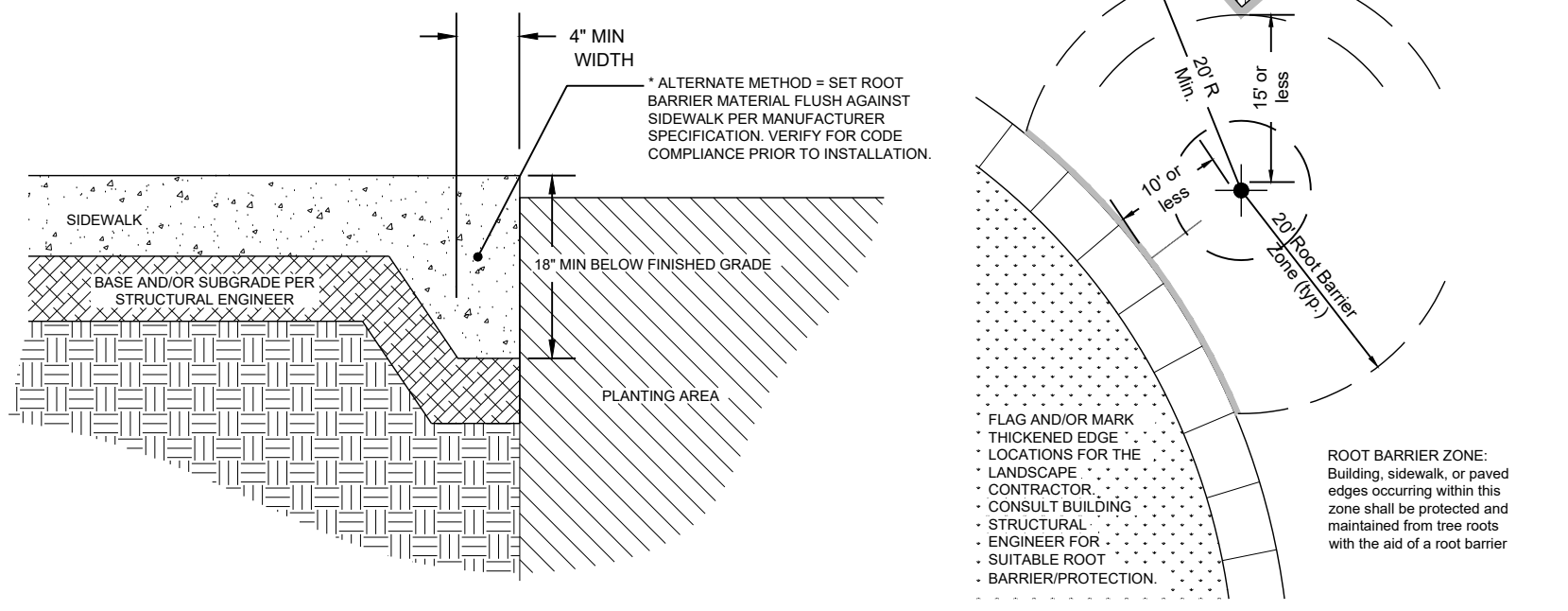
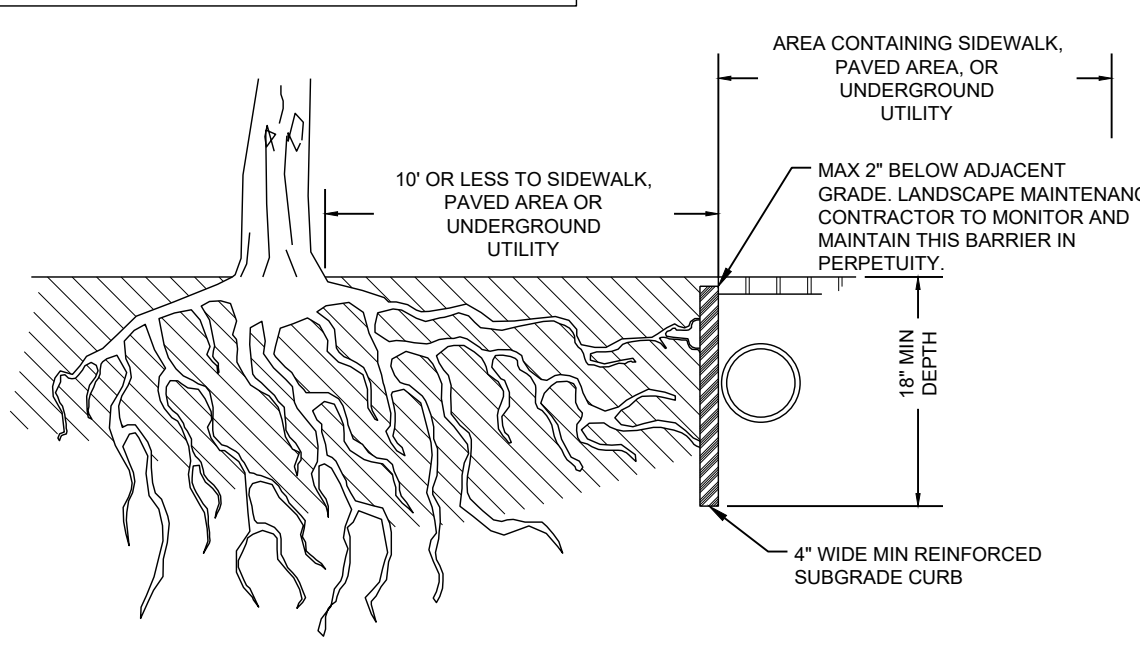
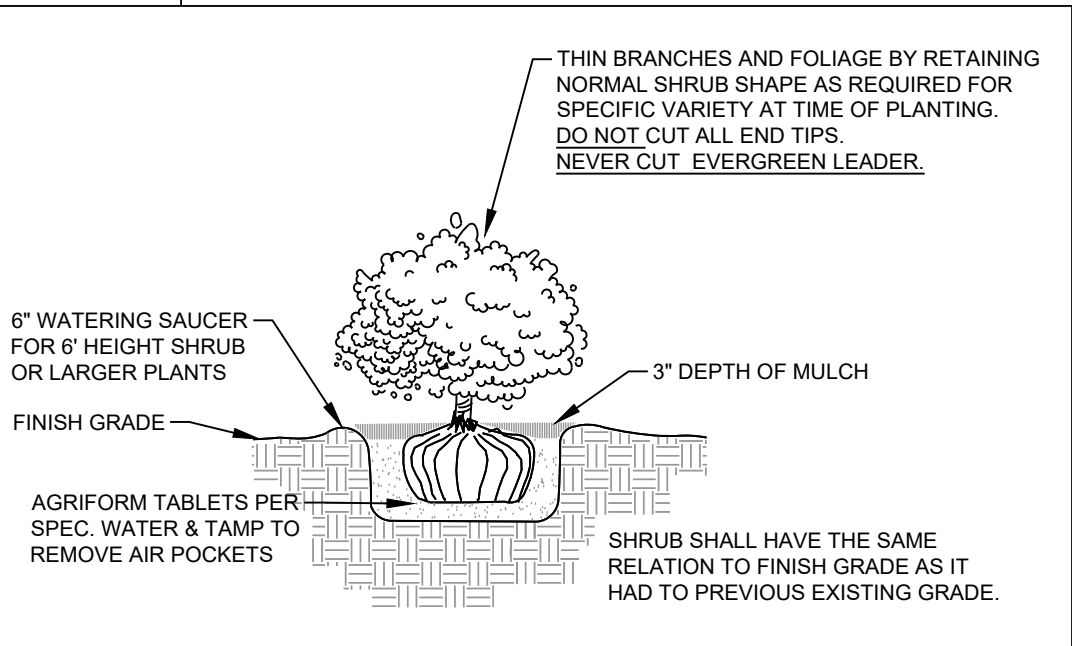
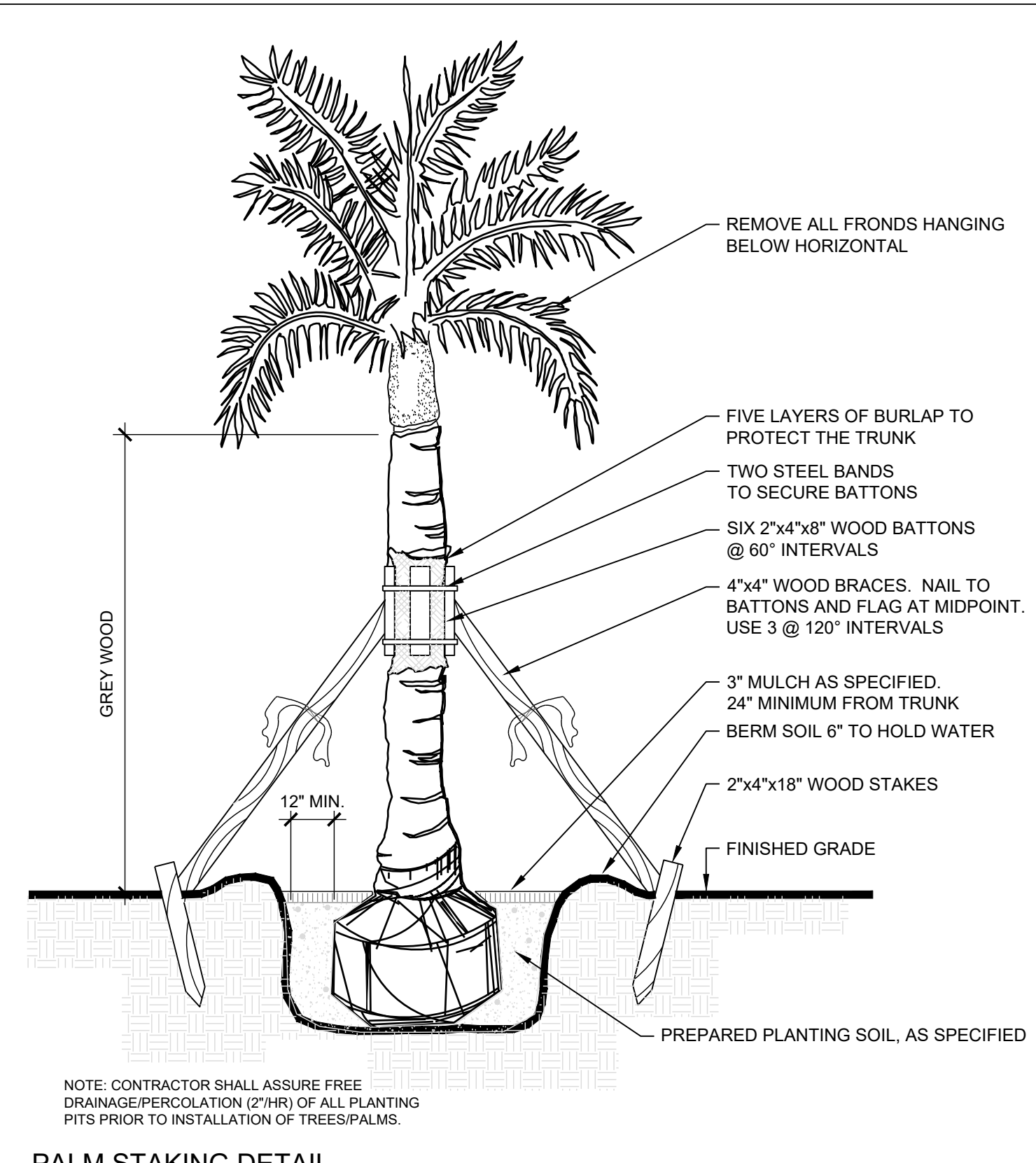
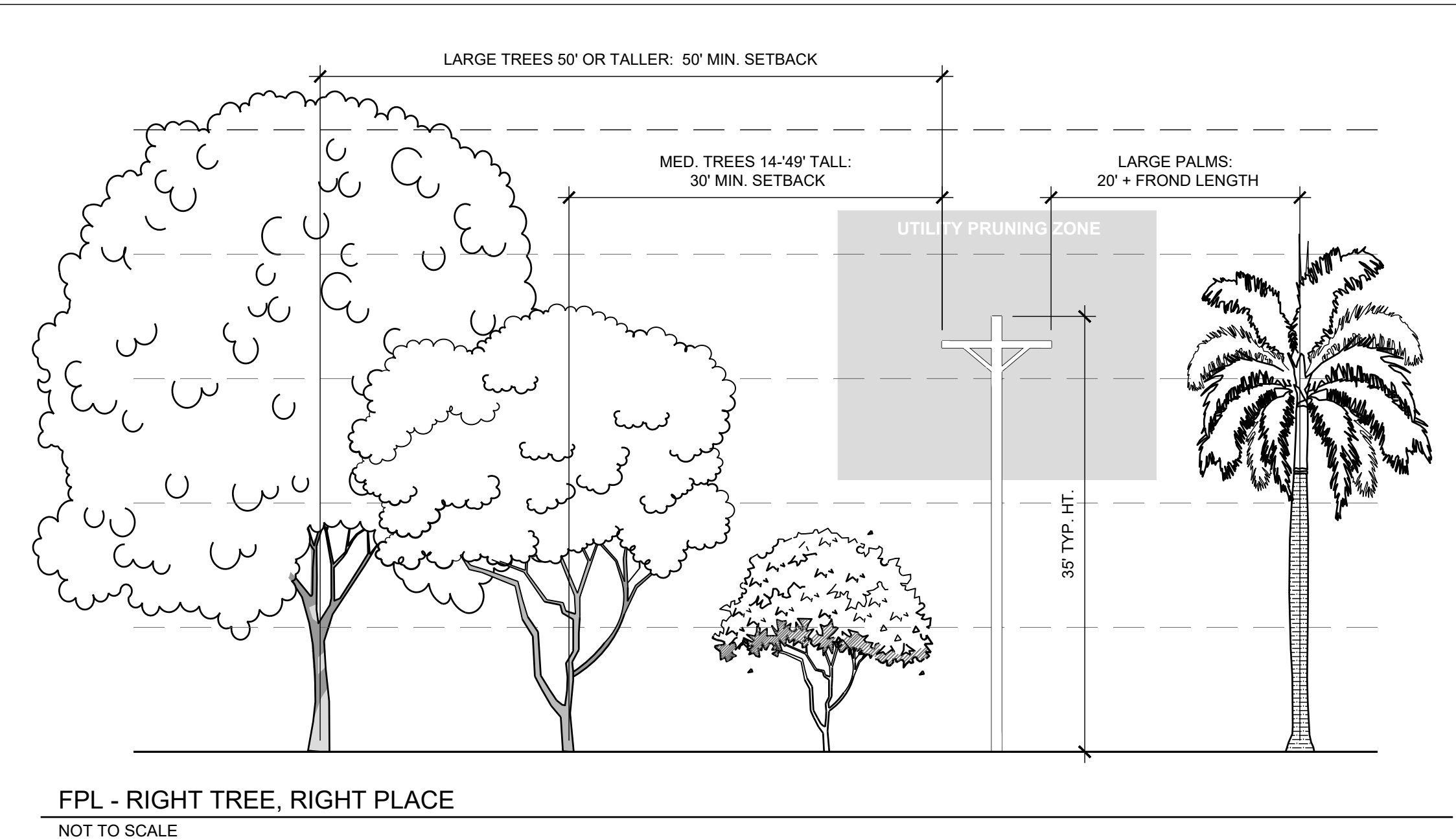
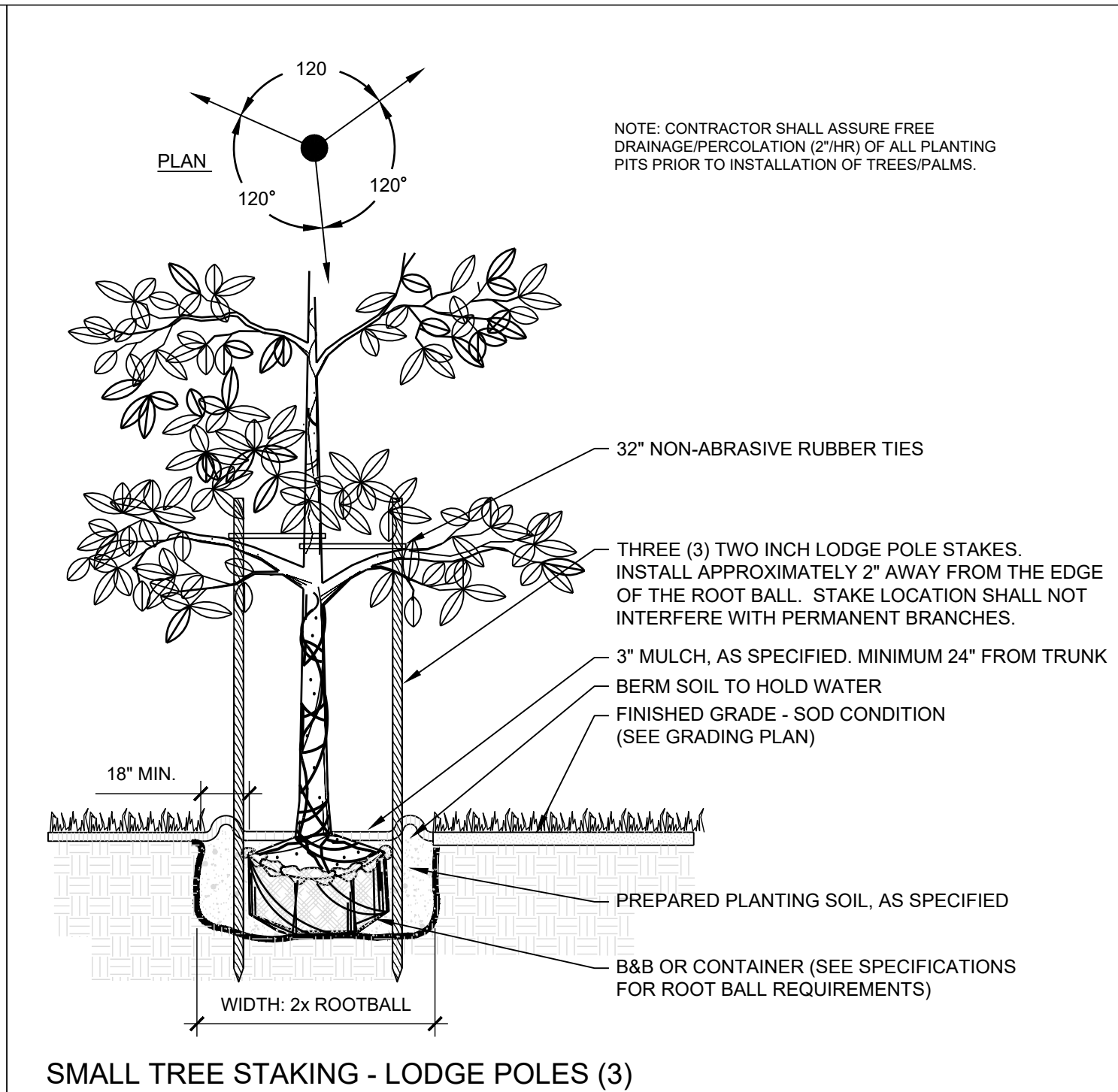
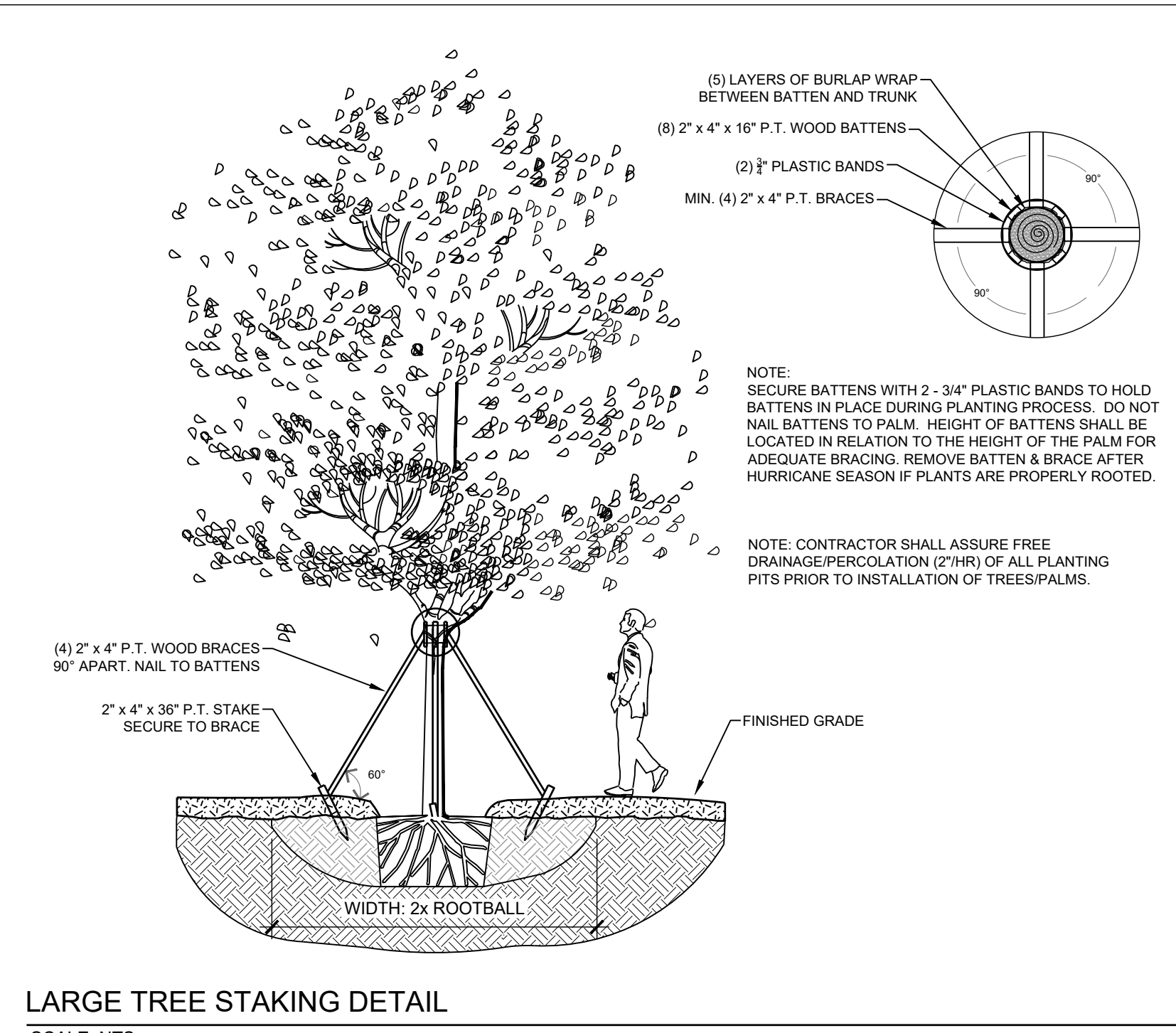


DUNKIN' DONUTS DIAMOND OAKS
DETAILS SHEET
BONITA SPRINGS, FL

REVISIONS	
1.	REVISIONS PER BONITA SPRINGS COMMENTS DATED 07/29/2022
2.	REVISIONS PER C&B COMMENTS DATED 08/31/2022

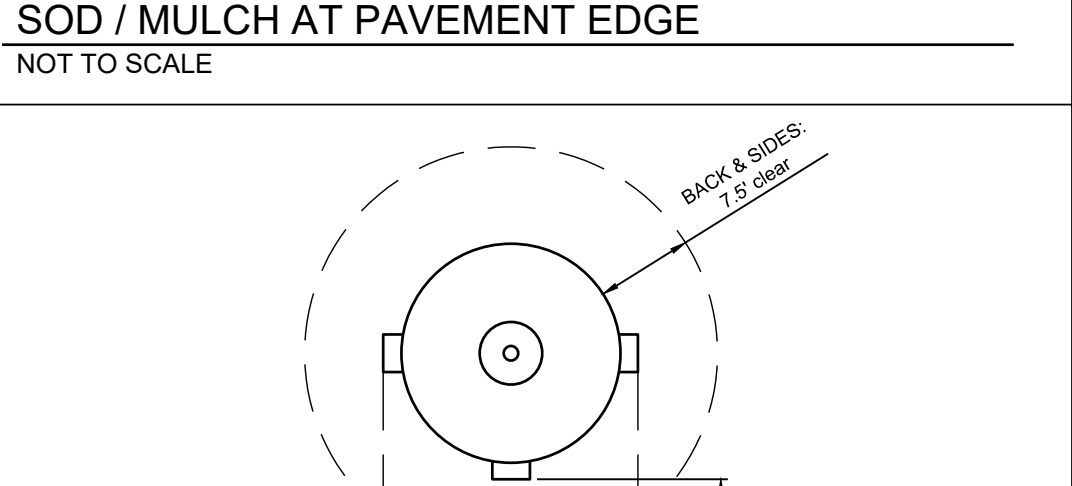
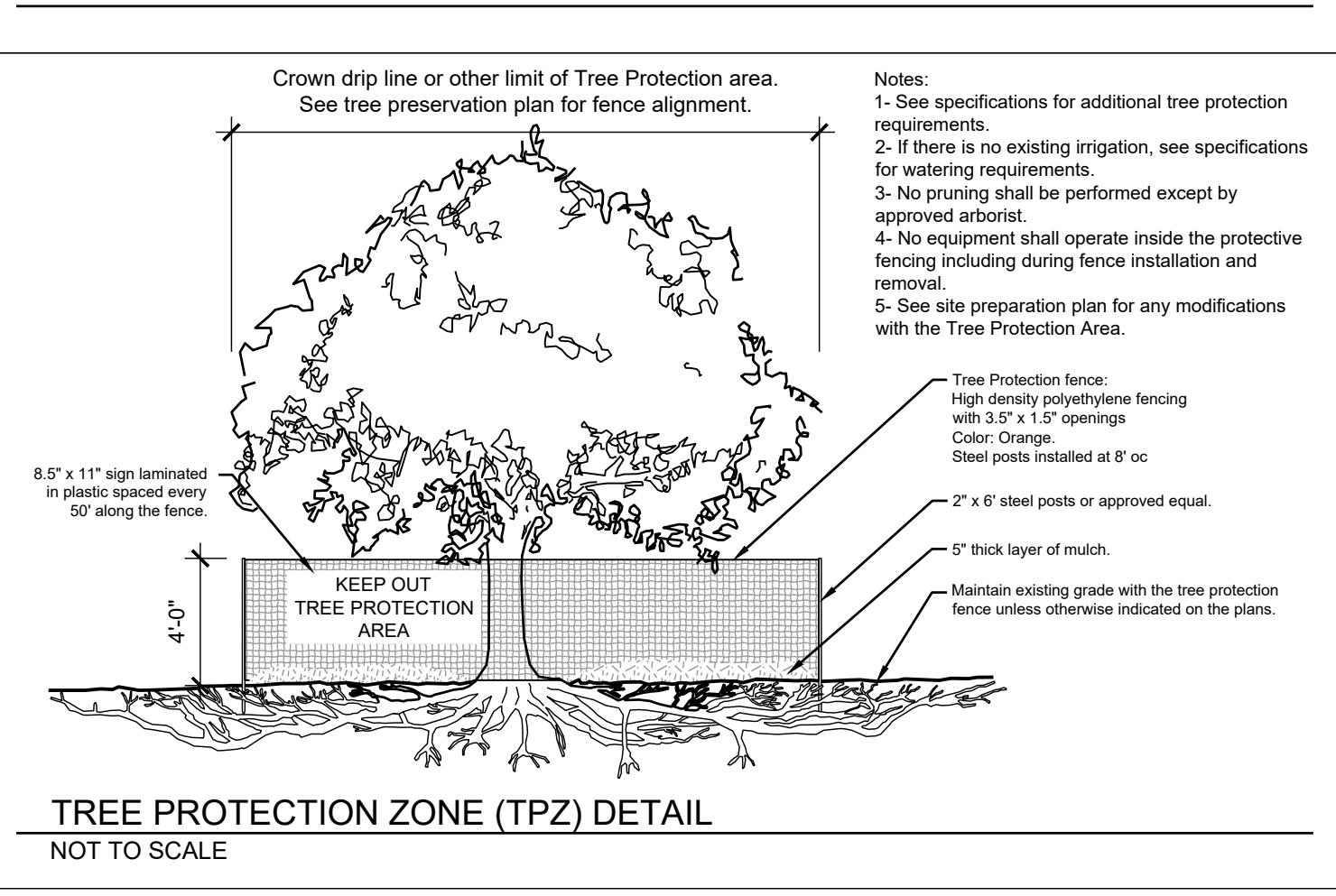
SHEET
3 OF 3

DATE: JUNE 2022



LANDSCAPE INSTALLATION NOTES:

- ALL PLANT MATERIAL MUST BE FLORIDA NO. 1.
- ALL PLANTS SHALL BE FERTILIZED WITH AGRIFORM 20-10-5 TABLETS AS PER THE MANUFACTURER'S SPECIFICATIONS IN CONJUNCTION WITH NOTE #3.
- THE PLANTING SOIL SHALL BE THE APPROXIMATE PROPORTIONS AS FOLLOWS: 50% SAND AND 50% ORGANIC MATERIAL CONSISTING OF NATIVE PEAT, WELL DECOMPOSED SAWDUST, LEAF MOLD AND TOP SOIL. IT SHALL PROVIDE A GOOD PLIABLE AND THOROUGHLY MIXED MEDIUM WITH ADEQUATE AERATION, DRAINAGE AND WATER-HOLDING CAPACITY. IT SHALL ALSO BE FREE OF ALL EXTRANEOUS DEBRIS, SUCH AS ROOTS, STONES, WEEDS, ETC.
- A SET OF CONSTRUCTION DOCUMENTS AND/OR APPROVED CODE-REQUIRED PLANS SHALL BE ON SITE AT ALL TIMES.
- ALL UTILITIES, EASEMENTS, RIGHT-OF-WAY, OWNERSHIP, AND/OR OTHER SURVEY DATA SHALL BE VERIFIED BY THE GENERAL CONTRACTOR, SITE WORK CONTRACTOR, AND/OR LANDSCAPE CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORK.
- COMPLIANCE / PERMIT ACQUISITION AND/OR DISPLAY IS REQUIRED FOR CODE-RELATED REQUIREMENTS (SUCH AS, BUT NOT LIMITED TO: REMOVALS, TRIMMING, REPLACEMENT, ETC.).
- VERIFY PLANT QUANTITIES AND SPECIFICATIONS WITH THE LANDSCAPE ARCHITECT (ALSO REFERENCED AS "L.A." HEREINAFTER). NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY IF DISCREPANCIES ARE NOTED. PLANTING PLAN SHALL TAKE PRECEDENCE OVER "PLANT LIST QUANTITIES". THE L.A. RESERVES THE RIGHT FOR MATERIAL REJECTION IF THE INSTALLATION DOES NOT CORRESPOND TO THE PLANT LIST 'SPECIFICATION' / REMARK.
- PLANT MATERIAL IS TO BE FLORIDA GRADE #1 MINIMUM AND FLORIDA FANCY FOR PLANT MATERIAL SPECIFIED AS "SPECIMEN". TREES ARE TO BE CONSIDERED SINGLE TRUNK AND MEET THE MINIMUM STANDARD FOR CODE WITHIN THE APPLICABLE JURISDICTION.
- SIZES/SPECIFICATIONS ARE CONSIDERED MINIMUM. INSTALLATION MATERIAL IS TO MEET OR EXCEED THESE REQUIREMENTS - VERIFY ANY DISCREPANCY PRIOR TO MATERIAL PURCHASE, DELIVERY, AND/OR INSTALLATION.
- THE LANDSCAPE CONTRACTOR SHALL VERIFY THE LOCATION OF PLANT MATERIAL WITH THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION - CONTACT THE L.A. FOR SPECIFIC GUIDELINES. IF A SITE CONFLICT / POTENTIAL IS NOTED, NOTIFY THE LANDSCAPE ARCHITECT PRIOR TO MATERIAL INSTALLATION. THE L.A. RESERVES THE RIGHT FOR MATERIAL RELOCATION IF THE INSTALLATION DOES NOT CORRESPOND TO THE PLANTING PLAN.
- THE LANDSCAPE CONTRACTOR AND/OR IRRIGATION CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGED SITE UTILITIES, INFRASTRUCTURE, ETC. REPAIR / REPLACE SHALL BE A REQUIREMENT.
- VERIFY SITE REMOVALS, RELOCATIONS, AND/OR PROTECTED ITEMS PRIOR TO BID PREPARATION. THIS MAY INCLUDE BUT NOT BE LIMITED TO: SOD, SOIL, PLANT MATERIAL, STUMPS, ETC. THE LANDSCAPE CONTRACTOR SHALL BE REQUIRED TO COMPLETE WORK AS OUTLINED WITH THE PLANTING PLAN(S), SPECIFICATIONS, AND NOTES.
- QUANTITIES AND SPECIFICATION ARE SUBJECT TO ADJUSTMENT, RELOCATION, AND/OR REMOVAL DURING OR AFTER THE INSTALLATION AND SUBSEQUENT APPROVAL PROCESS BY THE L.A.
- CONTRACTOR AND / OR LANDSCAPE CONTRACTOR SHALL REMOVE ALL EXOTIC(S) OR NUISANCE PLANTS AS DEFINED BY THE LOCAL AGENCY(IES) WHICH SHALL SUPERCEDE STATE REQUIREMENTS; HOWEVER, THE FLORIDA EXOTIC PEST PLANT COUNCIL (FLEPPC) AND/OR UF-IFAS STANDARDS SHALL BE USED AS A DATABASE TO JUSTIFY REMOVALS IF NO LOCAL ORDINANCE/CODE REQUIREMENT EXISTS.
- THE LANDSCAPE CONTRACTOR SHALL EXECUTE PRUNING VIA A CERTIFIED ARBORIST AND USING STANDARDS AS ESTABLISHED BY THE INTERNATIONAL SOCIETY OF ARBORICULTURE. ALL PRUNING, UPON REQUEST, SHALL BE ADVISED BY THE L.A.
- TREES AND PALMS OVER 9' IN HEIGHT SHALL BE STAKED.
- THE LANDSCAPE CONTRACTOR AND/OR IRRIGATION CONTRACTOR SHALL BE RESPONSIBLE FOR:
 - PLANT WARRANTIES AND REPLACEMENTS, AS SPECIFIED WITHIN THEIR RESPECTIVE AGREEMENT(S)
 - PLANT MATERIAL MAINTENANCE UNTIL "SUBSTANTIAL COMPLETION"
 - PLANT MATERIAL PROTECTION ADEQUACY
 - SCOPE OF WORK VERIFICATION AND EXECUTION
 - COORDINATION OF ALL SUBCONTRACTOR(S)
- THE OWNER / GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR: 1- PROVIDING FINAL GRADE, SITE ACCESS, SECURITY OF THE SITE 2- CONTRACT REVIEW AND ACCEPTANCE OF TERMS 3- PLANT / IRRIGATION MAINTENANCE COORDINATION 4- PAYMENT MILESTONES
- IRRIGATION SYSTEM REQUIRES BACK FLOW PREVENTION. ASSURE EXISTING BACK FLOW PREVENTION IS FUNCTIONAL AND/OR INSTALL A NEW BACK FLOW PREVENTION PER COUNTY REQUIREMENTS. CONTRACTOR SHALL FIELD VERIFY SIZE AND LOCATION.



SPECIES TO BE REMOVED		PROHIBITED SPECIES LIST	
Botanical Name: Abrus precatorius Acacia auriculiformis Albizia lebbek Araucaria heterophylla Bischofia javanica Casuarina spp. Colubrina asiatica Cupaniopsis anacardioides Dioscorea alata Dioscorea bulbifera Lantana camara Leucaena leucocephala Lygodium spp. Melaleuca quinquenervia Mimosa pigra Panicum maximum Rhodomyrtus tomentosa Scaevola taccada Schinus terebinthifolius Solanum viarum Syzgium cumini Thespesia populnea Urena lobata	Common Name: Rosary Pea Earleaf Acacia Woman's Tongue Norfolk Island Pine Bishopwood Australian Pine Lather Leaf Carroewood Winged Yam Air Potato Lantana Lead Tree Climbing Fern Melaleuca Catclaw Mimosa Downy Rosemyrtle Brazilian Pepper Tropical Soda Apples Java Plum Seaside Mahoe Caesareweed	Botanical Name: Cestrum diurnum Eucalyptus camaldulensis Eugenia uniflora Ficus benjamina Ficus microcarpa Dalbergia sissoo Koelreuteria elegans Ligustrum lucidum Ligustrum sinense Melia azederach Pavonia anemone Pavonia chinensis Sapium sebiferum Syzygium jambos Thespesia populnea Wedelia tripartita	Common Name: Day-blooming Jasmine Murray Red Gum Surinam Cherry Benjamin Fig Cuban Laurel Rosewood Golden Raintree Glossy Privet Chinese Ligustrum Chinaberry Strawberry Guava Common Guava Chinese Tallow Rose Apple Cork Tree Wedelia

SEE ALSO, NOTE #14 IN THE LANDSCAPE INSTALLATION NOTES FOR ADDITIONAL EXOTIC PLANT RESOURCE(S).

C:\LANDSCAPE\DDDD-DUNKIN DIAMOND OAKS\DWG\SC02E000.DWG - DO LA DWG 9/20/22 10:55 AM

TRAFFIC IMPACT STATEMENT

Burkhardt CPD - Parcel F Special Exception (City of Bonita Springs, Florida)

March 17, 2022

Prepared by:

JMB TRANSPORTATION ENGINEERING, INC.
4711 7TH AVENUE SW
NAPLES, FLORIDA 34119

CERTIFICATE OF AUTHORIZATION No. 27830

(JMB PROJECT No. 220115)

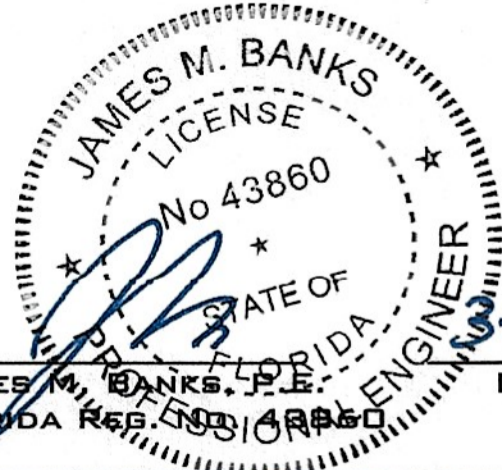

JAMES M. BANKS, P.E.
FLORIDA REG. PROFESSIONAL ENGINEER
DATE 3-17-2022

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Conclusions

The report concludes that the proposed Burkhardt CPD Parcel F Special Exception will not have a significant impact upon the surrounding road network. It was verified that all roadways, within the project's area of impact, currently have a surplus of capacity and can accommodate the traffic associated with the development of a coffee/donut shop w/ drive-thru and the network will continue to operate at acceptable levels of service for 2023 project build-out traffic conditions. Furthermore, the report concludes that the project will not create any transportation deficiencies that need to be mitigated. *It should be noted, that the proposed land use for Parcel F, if approved and if developed, will be the final build-out of the Burkhardt CPD.*

Site-Related Roadway Improvements

Burkhardt CPD has direct access to U.S. 41 via a shared-use right-in/out and left-in median opening. The project also has full access to Renaissance Boulevard, which provides right-in/out access to U.S. 41 and full access to Walden Center Avenue, which interconnects to other streets that provide signalized access to U.S. 41. Both points of access were previously permitted and constructed pursuant to the standards set forth by the Florida Department of Transportation (FDOT). At the time of seeking development permits for the proposed coffee/donut shop w/ drive-thru, FDOT will require the site's access to be reevaluated to ensure that the ingress turn lanes are adequate.

Roadway LOS Determinations

U.S. 41 is classified as a six-lane divided arterial having an adopted performance standard of level of service LOS E. A maximum service volume capacity of 3,020 vph for the 100th highest hour peak direction has been established for this road. As concluded, U.S. 41 will have a 2020 project build-out traffic demand of 2,622 vphpd and a v/c ratio of 0.87.

Old 41 is classified as a four-lane divided arterial having an adopted performance standard of level of service LOS E. A maximum service volume capacity of 2,010 vph for the 100th highest hour peak direction has been established for this road. As concluded, Old 41 will have a 2020 project build-out traffic demand of 867 vphpd and a v/c ratio of 0.43.

Purpose of Report

The following report has been prepared pursuant to the criteria set forth by the Traffic Impact Statement Guidelines as set forth by the City of Bonita Springs. This report provides an in-depth evaluation of the potential transportation related impacts which may occur as a result of final build-out of Burkhardt CPD Parcel F (i.e., coffee/donut shop w/ drive-thru).

Scope of Project

Burkhardt CPD is an existing commercial planned development that is located at the northwest corner of Renaissance Boulevard and U.S. 41 within the City of Bonita Springs. The CPD is substantially built-out with a senior housing land use and one (1) parcel (Parcel F) remains undeveloped. A special exception is being requested to construct a coffee/donut shop w/ drive-thru on Parcel F.

Access to the site will be provided via the previously established access for the Burkhardt CPD. The CPD has direct access to U.S. 41 via a shared-use right-in/out and left-in median opening. The project also has full access to Renaissance Boulevard, which provides right-in/out access to U.S. 41 and full access to Walden Center Avenue. Walden Center Avenue interconnects to other streets that provide signalized access to U.S. 41.

Table A
Proposed Special Exception

Proposed Land Use	Size
Coffee/Donut Shop w/ Drive-Thru	1,400 s.f.

Project Generated Traffic

Traffic that can be expected to be generated by the project was estimated based upon the guidelines established by the Institute of Transportation Engineers, Trip Generation Manual, 11th Edition. That is, historical traffic data collected at similar land uses was relied upon in estimating the project's traffic. In referencing the Trip Generation Manual, it was concluded that land use code Coffee/Donut Shop w/ Drive-Thru (LUC 937) was the most appropriate use to estimate the project traffic.

Table 1 of this report provides a detail of the trip generation computations. Table B provides a summary of the results.

Table B
Trip Computations Summary
(Summation of Table 1)

New Daily Trips (ADT)	New AM Peak Hour Trips (vph)	New PM Peak Hour Trips (vph)
448	60	27

Existing + Committed Roadway Conditions

U.S. 41 is classified as a six-lane divided arterial having an adopted performance standard of level of service LOS E. A maximum service volume capacity of 3,020 vph for the 100th highest hour peak direction has been established for this road.

Old 41 is classified as a four-lane divided arterial having an adopted performance standard of level of service LOS E. A maximum service volume capacity of 2,010 vph for the 100th highest hour peak direction has been established for this road.

Project Generated Traffic Distribution

The project's traffic was distributed to the surrounding roadway network based upon logical means of ingress/egress, current and future traffic patterns in the area, and location of surrounding residential areas. Figure 2 and Table 2 provide a detail of the traffic distributions based on a percentage basis. Table 2 also describes the project traffic assignment by volume.

Area of Significant Impact

The area of significant impact was determined based upon the City of Bonita Springs' 2%, 2% and 3% criteria (i.e., if the project's traffic is 2% or more of a roadway's adopted level of service capacity, then the project has a significant impact upon that link). Table 2 describes the project traffic distributions and the level of impact on the surrounding roadways. As determined, no roads will be significantly impacted by the project. Therefore, U.S. 41 was the only road considered to be impacted.

Project Build-Out Conditions

In order to establish 2021 thru 2023 project build-out conditions, traffic count data was adjusted for peak season conditions, peak hour conditions, peak hour (K30), peak direction (D Factor), and then an annual growth rate was applied to forecast future volumes. The peak season/peak hour/peak direction volumes, which are depicted on Table 3, were obtained from the City of Bonita Springs 2021 Traffic Count Report. The annual growth rate was derived from historical traffic counts also provided in the traffic report, but no less than an AGR of 2% was applied. After the background data was established, the project generated traffic was added to the 2023 traffic volumes. Table 4 provides a summary of the anticipated 2021 thru 2023 traffic conditions.

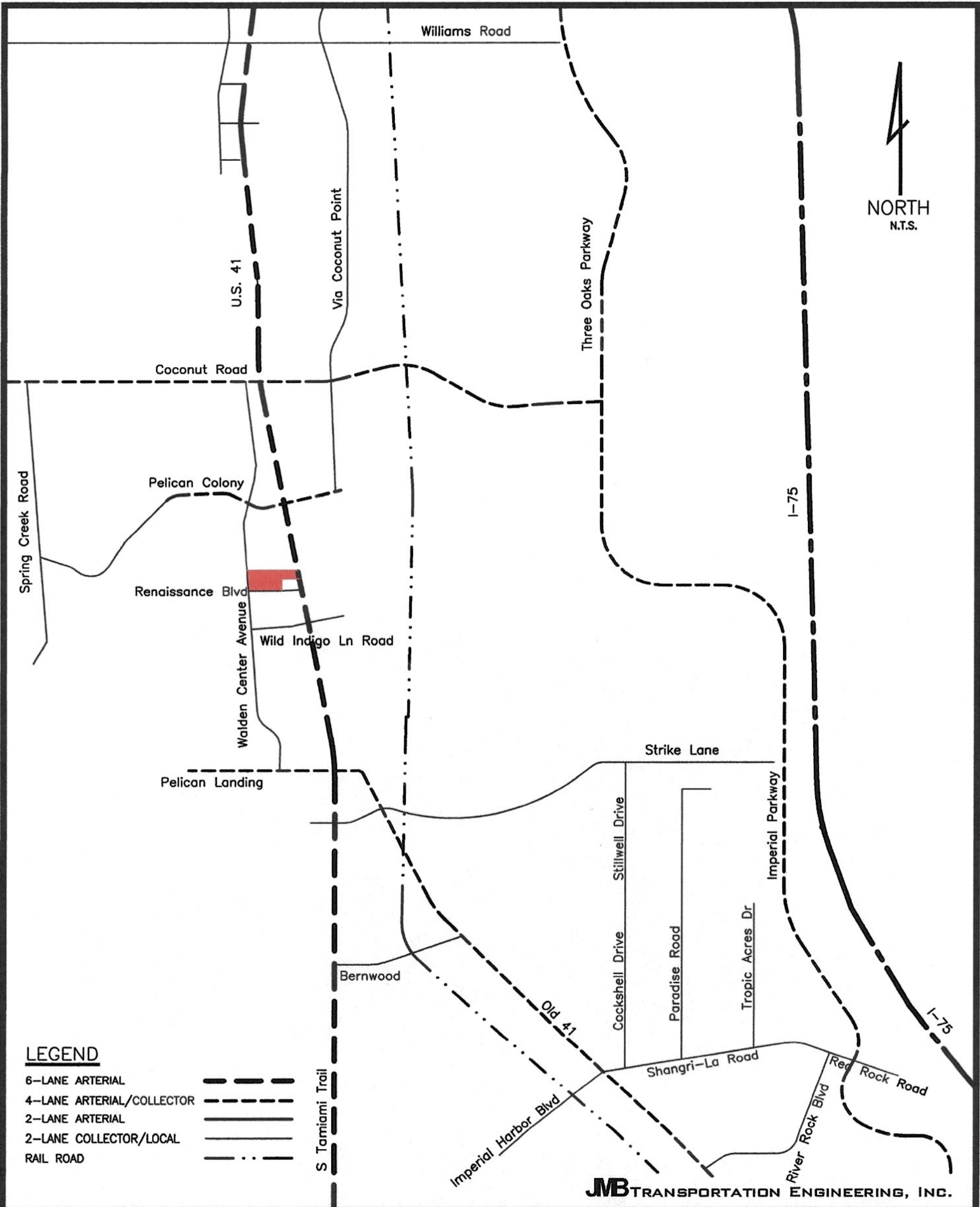
APPENDIX

Master Concept Plan

Figures 1 and 2

Tables 1 thru 3

Support Documents



**Burkhardt CPD - Parcel F
Special Exception**

March 10, 2022

**Project Location &
Roadway Classification**

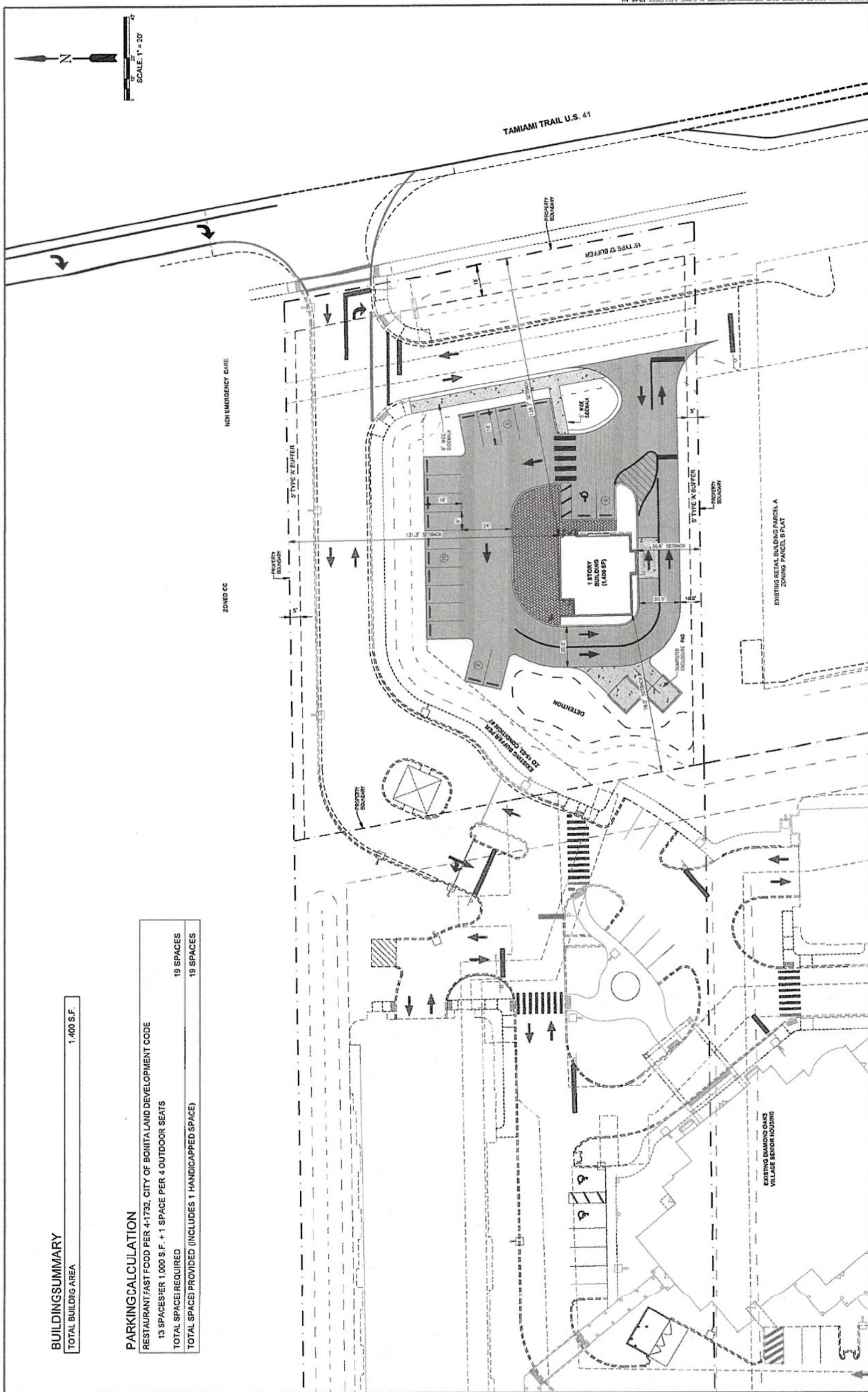
FIGURE 1

BUILDINGSUMMARY

TOTAL BUILDING AREA 1,400 S.F.

PARKINGCALCULATION

RESTAURANT FAST FOOD PER 4-1732, CITY OF BONITA LAND DEVELOPMENT CODE
 13 SPACES PER 1,000 S.F. + 1 SPACE PER 4 OUTDOOR SEATS 19 SPACES
 TOTAL SPACES REQUIRED 19 SPACES
 TOTAL SPACE PROVIDED (INCLUDES 1 HANDICAPPED SPACE) 19 SPACES



<p>BURKHARDT CPD (PARCEL F)</p> <p>EXHIBIT IV.C CONCEPTUAL SITE PLAN</p>		<p>0. Grady Minor and Associates, P.A. 3000 Via del Rio Bonita Springs, Florida 34134</p> <p>Planners • Landscapes Architects Business LC 26000294 Fort Myers: 239.608.4300</p>										
<p>DESIGNED BY: M.J.D.</p> <p>DRAWN BY: C.P.A.</p> <p>APPROVED BY: M.J.D.</p> <p>JOB CODE: 0000</p> <p>SCALE: 1" = 20'</p>	<p>GradyMinor</p> <p>Civil Engineers • Land Surveyors Cert. of Arch. En. 0005151 Cert. of Arch. L.S. 0005151</p> <p>Bonita Springs: 239.917.1144 www.GradyMinor.com</p>	<p>MUNICIPALITY: BONITA SPRINGS</p> <p>PROJECT NUMBER: 16/07/25E</p> <p>DATE: 10/27/2022</p> <p>SUBMITTAL TYPE: SPECIAL DESIGN</p> <p>SHEET 1 OF 1</p>	<p>LEGEND</p> <table border="1"> <thead> <tr> <th>Revision</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Revision	Date	Description						
Revision	Date	Description										

TABLE 1
TRIP GENERATION COMPUTATIONS
Burkhardt CPD - Parcel F Special Exception

Land Use		
<u>Code</u>	<u>Land Use Description</u>	<u>Build Schedule</u>
937	Coffee/Donut Shop w/ Drive-thru	1,400 s.f.

Land Use	Trip Period	Trip Generation Equation (Based upon S.F.)	Total Trips	Trips Enter/Exit
LUC 937	Daily Traffic (ADT) =	T= 533.57(X) =	747 ADT	
	AM Peak Hour (vph) =	T= 85.88(X) =	120 vph	61 / 59 vph
	7-9 AM	51% Enter/ 49% Exit =		
	PM Peak Hour (vph) =	T= 38.99(X) =	55 vph	27 / 27 vph
	4-6 PM	50% Enter/ 50% Exit =		

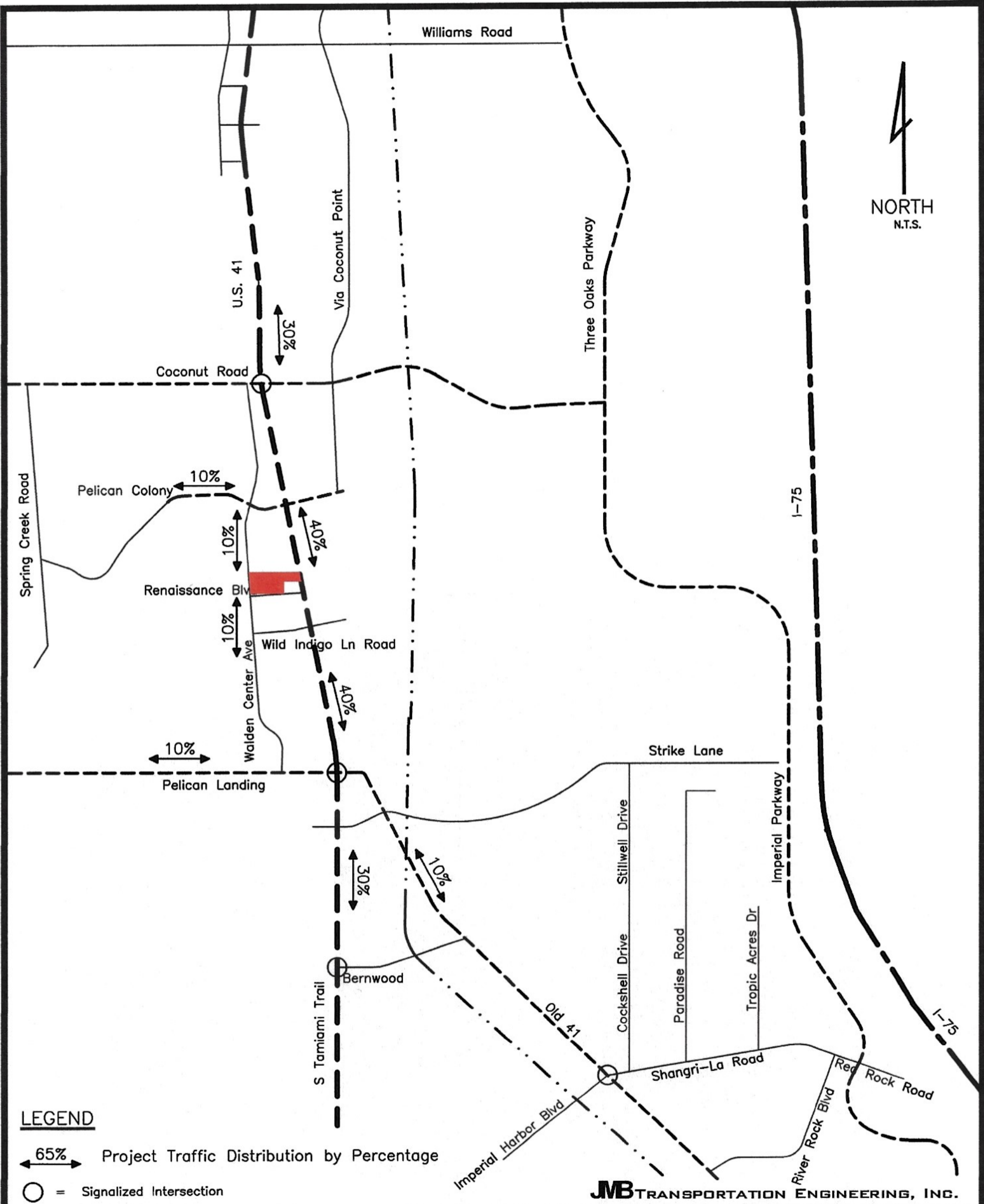
Pass-by Trips per ITE= 50%

40% Daily Pass-by Rate

50% AM & PM Pass-by Rate

Pass-by Daily Traffic (ADT) =	299 ADT	
Pass-by AM Peak Hour (vph) =	60 vph	30 / 30 vph
Pass-by PM Peak Hour (vph) =	27 vph	14 / 14 vph

New Daily Traffic (ADT) =	448 ADT	
New AM Peak Hour (vph) =	60 vph	31 / 29 vph
New PM Peak Hour (vph) =	27 vph	14 / 14 vph



**Burkhardt CPD - Parcel F
Special Exception**

March 10, 2022

**Project Generated
Traffic Distribution**

FIGURE 2

**TABLE 2
PROJECT'S AREA OF IMPACT**

		Project Traffic PM Peak Hour Peak Direction (vphpd) =		31							
Station No.	Road Class	Project Traffic % Distribution	Project Traffic PK Direction Volume (vph)	Adopted Service Volume PK Direction (vphpd)	Project's Percentage Impact	Significant Impact	Project Traffic		Adopted		
							Volume (vph)	% Distribution	PK Direction (vphpd)	Service Volume	
Old 41	N. of Terry Street	10%	3	1920	0.16%	NO	3				
U.S. 41	N. of Site	40%	12	3171	0.39%	NO	12				
	N. of Old 41	40%	12	3171	0.39%	NO	12				
	N. of Terry Street	30%	9	3171	0.29%	NO	9				

AS

**TABLE 3
ROADWAY LINK VOLUMES**

U.S. 41	Station No.	Base yr Traffic Count (ADT)	2021 Traffic Count (ADT)	Years of Growth	Growth Rate	Min. Growth Rate	K Fact	D Fact	2021		2022		2023	
									Peak Hour	PK Direction (VPHPD)	Peak Hour	PK Direction (VPHPD)	Peak Hour	PK Direction (VPHPD)
	N. of Site	49200	49300	4	0.05%	1.00%	11.0%	55.0%	2983	2983	3012	3043	3043	3043
	N. of Old 41	49200	49300	4	0.05%	1.00%	11.0%	55.0%	2983	2983	3012	3043	3043	3043
	N. of Terry Street	49200	49300	4	0.05%	1.00%	11.0%	55.0%	2983	2983	3012	3043	3043	3043

**TABLE 4
CONCURRENCY ROADWAY LINK VOLUME & CAPACITY ANALYSIS**

Station No.	2022		2023		2023		2023		2023		2023	
	Peak Hour PK Direction (vphpd)	Peak Hour PK Direction LOS	Peak Hour PK Direction (vphpd)	Peak Hour PK Direction LOS	Project Peak Hour PK Direction (vphpd)	Total Pk Hr Peak Season PK Direction (vphpd)	Service Vol. Peak Hour PK Direction (vphpd)	v/c Ratio	Build-Out Peak Hour PK Direction LOS			
N. of Site 0010	2983	E	3043	E	18	3060	3171	0.97	E			
N. of Old 41 0010	2983	E	3043	E	15	3058	3171	0.96	E			
N. of Terry Street 0010	2983	E	3043	E	15	3058	3171	0.96	E			

A7

FTE Station Number	Reference Lee County Station Number	Location	Obtained from the Lee County Traffic Count Report 2012												Counts performed by FTE or obtained from Lee County											
			2003	2004	2005	2006	2007	2008	Dec-09	Dec-10	Feb-12	Jan-14	Feb-15	Feb-16	March-17	March-18	April-19	March-20	March-21							
1223	N/A	Old 41 Rd Between Collier County Line to Bonita Beach Rd	12600	13700	14000	14000	13000	11600	N/A	15200	14600	14100	14900	14700	14200	15200	17600	17600								
1222	N/A	Old 41 Rd N of Bonita Beach Rd	16500	18500	17600	17400	18300	13200	15400	15000	14700	13500	13100	9000	8700	10500	12400	12900								
1220	N/A	Old 41 Rd N of E/W Terry St	22000	24600	26300	26700	23500	19900	23800	23700	28300	25200	20700	18400	17700	19000	22000	20100								
1216	N/A	Old 41 Rd S of US 41	13000	14200	15000	16000	13200	N/A	12000	12500	12200	12100	12000	11900	11500	11800	14200	13700								
1228	N/A	Old 41 S/O Bernwood Pkwy	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	13600	13900	13300	13700	16300	15500								
0002	N/A	Paradise Rd N. of Shangri-La	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2500	2900	3600	3500								
0001	N/A	Pennsylvania Ave E. of Los Amigos Lane	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3100	3500	3600	3100								
1221	0494	Pennsylvania Ave W of Old 41 Rd	4100	4000	4900	4500	4300	3000	6300	6400	6000	5600	4400	3400	3300	4300	5900	4100								
0003	N/A	Tropical Acres Dr N. of Shangri-La	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	400	500	600								
1212	N/A	Shangri-La Rd E of Old US 41	N/A	N/A	N/A	N/A	N/A	N/A	5000	5100	5100	4900	4600	5800	5600	6300	7500	6600								
0010	N/A	US-41, N. of Shopping Center Entrance	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	49200	45600	54200	49300								
0009	N/A	US-41, S. of Beaumont Rd	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	35600	35500	44000	39500								
0008	N/A	Vanderbilt Dr N. of Woods Edge Pkwy	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	6900	8400	9500	8900								
1219	N/A	W Terry St E of US 41	13300	12000	11400	12200	12200	11600	12700	12800	13900	11000	12400	13300	12800	11700	13100	11200								
1225	N/A	Woods Edge Pkwy W of US 41	N/A	N/A	N/A	N/A	N/A	N/A	4500	5000	3900	5300	4200	4500	4400	4100	5600	5800								
1210	N/A	Longfellow Ln W of Imperial Pkwy	N/A	N/A	N/A	N/A	N/A	N/A	500	300	300	200	U/C	600	500	N/A	600	700								
0017	N/A	Bonita Beach Rd between Imperial Parkway and I-75	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3700	50300	43600								
0018	N/A	Luke St between Kens Way and Bonita Beach Rd	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	18300	21400	22900								
0019	N/A	Bonita Beach Rd E. of Bonita Grande Dr	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9700	15900	18900								
0020	N/A	Luke St between Kens Way and Bonita Beach Rd	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	900	800	900								
0021	N/A	Quails Walk E. of Luke St	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	500	500	500								
0022	N/A	Imperial Shores Blvd S. of Vanda Dr	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2200	2500								
0023	N/A	Tarpon Avenue E. of Sherry Ln	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	700	700								
0024	N/A	Logan Blvd S. of Bonita Beach Rd	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	4300	5400								
0025	N/A	Bonita Beach Rd E. of Logan Blvd	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12200								



** Collected weekend counts also.

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FTE Station Number	Reference Lee County Station Number	Location	Start Date	Direction 1 and 2	3 Day Average Direction 1	3 Day Average Direction 2	ADT Direction 1 and 2	FDOT Seasonal Factor	AAAT Direction 1 and 2	K Factor from Lee County	D Factor from Lee County	Peak Hour Two-way Service Volumes	Level Of Service (LOS)	Lee County PCS
1204	N/A	Morton Ave N of East Terry St	2-Mar-21	N/S	3209	3205	6414	0.93	6000	11%	53%	660	D	42
1223	N/A	Old 41 Rd Between Collier County Line to Bonita Beach Rd	2-Mar-21	N/S	9953	8985	18938	0.93	17600	12%	57%	2112	F	16
1222	N/A	Old 41 Rd N of Bonita Beach Rd	2-Mar-21	N/S	6397	7479	13876	0.93	12900	12%	57%	1548	F	16
1220	N/A	Old 41 Rd N of E/W Terry St	16-Mar-21	N/S	10583	11033	21616	0.93	20100	12%	57%	2412	D	16
1216	N/A	Old 41 Rd S of US 41	2-Mar-21	N/S	8290	6417	14707	0.93	13700	12%	57%	1644	D	16
1228	N/A	Old 41 S/O Bernwood Pkwy	2-Mar-21	N/S	8270	8352	16622	0.93	15500	12%	57%	1860	D	16
0202	N/A	Paradise Rd N. of Shangri-La	2-Mar-21	N/S	1891	1897	3788	0.93	3500	17%	57%	595	D	63
0201	N/A	Pennsylvania Ave E. of Los Amigos Lane	16-Mar-21	E/W	1579	1776	3355	0.93	3100	13%	56%	403	C	92
1221	494	Pennsylvania Ave W of Old 41 Rd	2-Mar-21	E/W	2363	2098	4461	0.93	4100	11%	53%	451	C	42
0203	N/A	Tropical Acers Dr N. of Shangri-La	2-Mar-21	N/S	312	282	594	0.93	600	17%	57%	102	C	63
1212	N/A	Shangri-La Rd E of Old US 41	2-Mar-21	E/W	3710	3431	7141	0.93	6600	12%	57%	792	D	16
0210	N/A	US-41, N. of Shopping Center Entrance	2-Mar-21	N/S	26809	26204	53013	0.93	49300	11%	55%	5423	F	93
0209	N/A	US-41, S. of Beaumont Rd	2-Mar-21	N/S	21549	20884	42433	0.93	39500	13%	56%	5135	D	92
0208	N/A	Vanderbilt Dr N. of Woods Edge Pkwy	2-Mar-21	N/S	4881	4730	9611	0.93	8900	13%	58%	1157	D	7
1219	N/A	W Terry St E of US 41	2-Mar-21	E/W	6019	6058	12077	0.93	11200	11%	53%	1232	C	42
1225	N/A	Woods Edge Pkwy W of US 41	2-Mar-21	E/W	3621	2652	6273	0.93	5800	12%	60%	696	C	23
1210	N/A	Longfellow Ln W of Imperial Pkwy	2-Mar-21	E/W	423	298	721	0.93	700	11%	53%	77	C	42
0217	N/A	Bonita Beach Rd between Imperial Parkway and I-75	2-Mar-21	E/W	23672	23177	46849	0.93	43600	11%	53%	4796	C	42
0218	N/A	Bonita Beach Rd between Hunters Ridge Blvd and Bonita Grande Dr	2-Mar-21	E/W	12120	12502	24622	0.93	22900	11%	53%	2519	D	42
0219	N/A	Bonita Beach Rd E. of Bonita Grande Dr	2-Mar-21	E/W	10003	10319	20322	0.93	18900	11%	53%	2079	D	42
0220	N/A	Luke St between Kens Way and Bonita Beach Rd	2-Mar-21	N/S	353	567	920	0.93	900	13%	58%	117	C	7
0221	N/A	Qualis Walk E. of Luke St	2-Mar-21	E/W	263	256	519	0.93	500	13%	58%	65	C	7
0222	N/A	Imperial Shores Blvd S. of Vanda Dr	2-Mar-21	N/S	1287	1449	2736	0.93	2500	13%	58%	325	C	7
0223	N/A	Tarpon Avenue E. of Sherry Ln	2-Mar-21	E/W	427	313	740	0.93	700	13%	58%	91	C	7
0224	N/A	Logan Blvd S. of Bonita Beach Rd	2-Mar-21	N/S	2950	2811	5761	0.93	5400	11%	53%	594	D	42
0225	N/A	Bonita Beach Rd E. of Logan Blvd	2-Mar-21	E/W	6553	6545	13098	0.93	12200	11%	53%	1342	C	42

** Collected weekend counts also.



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LEE COUNTY Road Link Volumes (County- and State-Maintained Roadways)

LINK NO.	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2019 100TH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
21400	PINE ISLAND RD (SR 78)	CITY LIMITS E OF BARRETT RD	US 41	4LD	D	2,100	C	1,696	C	1,843	
21500	PINE ISLAND RD (SR 78)	US 41	BUS 41	4LD	D	2,100	C	1,690	C	1,750	
21600	PINE RIDGE RD	SAN CARLOS BLVD	SUMMERLIN RD	2LN	E	860	C	499	C	545	*
21700	PINE RIDGE RD	SUMMERLIN RD	GLADIOLUS DR	2LN	E	860	C	286	C	545	Heritage Isle*
21800	PINE RIDGE RD	GLADIOLUS DR	McGREGOR BLVD	2LN	E	860	C	286	C	301	
21900	PLANTATION RD	SIX MILE PKWY	DANIELS PKWY	2LN	E	860	C	288	C	417	Intermed Park
22000	PLANTATION RD	DANIELS PKWY	IDLEWILD ST	2LN	E	860	D	672	D	706	FDOT Metro Pkwy 6-laning
22050	PLANTATION RD	IDLEWILD ST	COLONIAL BLVD	4LN	E	1,790	C	841	C	884	
22100	PONDELLA RD	SR 78	ORANGE GROVE BLVD	4LD	E	1,890	B	796	B	774	*
22200	PONDELLA RD	ORANGE GROVE BLVD	US 41	4LD	E	1,890	B	1,164	B	1,239	
22300	PONDELLA RD	US 41	BUS 41	4LD	E	1,890	B	953	B	1,002	
22400	PRITCHETT PKWY	SR 78	RICH RD	2LN	E	860	C	73	C	541	old count, Stoneybrook North(2009)
22500	RANCHETTE RD	PENZANCE BLVD	IDLEWILD ST	2LN	E	860	C	93	C	98	
22600	RICH RD	SLATER RD	PRITCHETT PKWY	2LN	E	860	C	55	C	62	old count projection(2009)
22700	RICHMOND AVE	LEELAND HEIGHTS	E 12TH ST	2LN	E	860	C	79	C	91	*
22800	RICHMOND AVE	E 12TH ST	GREENBRIAR BLVD	2LN	E	860	C	79	C	83	*
23000	SAN CARLOS BLVD (SR 865)	MANTANZAS PASS B.	MAIN ST	2LD	D	970	F	1,055	F	1,176	Constrained
23100	SAN CARLOS BLVD (SR 865)	MAIN ST	SUMMERLIN RD	4LD	D	2,100	C	1,055	C	1,176	PD&E Study
23180	SAN CARLOS BLVD (SR 865)	SUMMERLIN RD	KELLY RD	2LD	D	970	C	744	C	847	
23200	SAN CARLOS BLVD (SR 865)	KELLY RD	GLADIOLUS DR	4LD	D	2,100	C	744	C	847	
23230	SAN CARLOS BLVD	US 41	THREE OAKS PKWY	2LN	E	860	C	427	C	449	*
23260	SANIBEL BLVD	US 41	LEE RD	2LN	E	860	C	484	C	508	
23300	SANIBEL CAUSEWAY	SANIBEL SHORELINE	TOLL PLAZA	2LN	E	1,140	E	944	E	992	
23400	SHELL POINT BLVD	McGREGOR BLVD	PALM ACRES	2LN	E	860	C	290	C	304	*
23500	SIX MILE PKWY (SR 739)	US 41	METRO PKWY	4LD	D	2,100	C	1,778	C	1,950	
23600	SIX MILE CYPRESS	METRO PKWY	DANIELS PKWY	4LD	E	2,000	B	1,398	B	1,469	
23700	SIX MILE CYPRESS	DANIELS PKWY	WINKLER EXT.	4LD	E	1,900	B	1,149	B	1,352	
23800	SIX MILE CYPRESS	WINKLER EXT.	CHALLENGER BLVD	4LD	E	1,900	B	1,050	B	1,104	
23900	SIX MILE CYPRESS	CHALLENGER BLVD	COLONIAL BLVD	6LD	E	2,860	A	1,050	A	1,104	
24000	SLATER RD	SR 78	NALLE GRADE RD	2LN	E	1,010	C	402	C	423	*
24100	SOUTH POINTE BLVD	CYPRESS LAKE DR	COLLEGE PKWY	2LD	E	910	D	644	D	677	*
24200	SR 31 (ARCADIA RD)	SR 80	SR 78	2LN	D	970	C	643	C	610	PD&E/SEIR Study
24300	SR 31 (ARCADIA RD)	SR 78	COUNTY LINE	2LN	C	820	C	564	C	460	PD&E/SEIR Study
24400	STALEY RD	TICE	ORANGE RIVER BLVD	2LN	E	860	C	189	C	215	*
24500	STRINGFELLOW RD	1ST AVE	BERKSHIRE RD	2LN	E	1,060	B	315	D	672	Constrained
24600	STRINGFELLOW RD	BERKSHIRE RD	PINE ISLAND RD	2LN	E	1,060	B	315	C	448	Constrained
24700	STRINGFELLOW RD	PINE ISLAND RD	PINELAND RD	2LN	E	1,060	C	551	D	652	Constrained
24800	STRINGFELLOW RD	PINELAND RD	MAIN ST	2LN	E	1,060	C	551	D	648	
24900	SUMMERLIN RD	McGREGOR BLVD	KELLY COVE RD	4LD	E	1,980	A	1,243	A	1,306	
25000	SUMMERLIN RD	KELLY COVE RD	SAN CARLOS BLVD	4LD	E	1,980	A	1,243	A	1,306	
25100	SUMMERLIN RD	SAN CARLOS BLVD	PINE RIDGE RD	6LD	E	3,000	A	1,919	A	2,149	
25200	SUMMERLIN RD	PINE RIDGE RD	BASS RD	6LD	E	3,000	A	1,919	A	2,016	
25300	SUMMERLIN RD	BASS RD	GLADIOLUS DR	6LD	E	3,000	A	1,919	A	2,016	
25400	SUMMERLIN RD	GLADIOLUS DR	CYPRESS LAKE DR	4LD	E	1,900	C	1,454	C	1,552	
25500	SUMMERLIN RD	CYPRESS LAKE DR	COLLEGE PKWY	6LD	E	2,880	B	1,783	B	1,874	
25600	SUMMERLIN RD	COLLEGE PKWY	PARK MEADOW DR	6LD	E	2,880	B	1,916	B	2,014	
25700	SUMMERLIN RD	PARK MEADOW DR	BOY SCOUT	6LD	E	2,880	B	1,916	B	2,014	
25800	SUMMERLIN RD	BOY SCOUT	MATHEWS DR	4LD	E	1,820	D	1,260	D	1,324	
25900	SUMMERLIN RD	MATHEWS DR	COLONIAL BLVD	4LD	E	1,820	D	1,260	D	1,324	
26000	SUNRISE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	42	C	53	
26100	SUNSHINE BLVD	SR 82	23RD ST SW	2LN	E	1,010	C	369	C	388	*
26150	SUNSHINE BLVD	23RD ST SW	LEE BLVD	2LN	E	1,010	C	369	C	388	*
26200	SUNSHINE BLVD	LEE BLVD	W 12TH ST	2LN	E	1,010	D	596	D	626	*
26300	SUNSHINE BLVD	W 12TH ST	W 75TH ST	2LN	E	860	D	623	D	655	
26400	SW 23RD ST	GUNNERY RD	SUNSHINE BLVD	2LN	E	860	D	650	D	683	
26500	THREE OAKS PKWY	COCONUT RD	ESTERO PKWY	4LD	E	1,940	B	1,230	B	1,413	
26600	THREE OAKS PKWY	ESTERO PKWY	SAN CARLOS BLVD	4LD	E	1,940	A	623	B	724	
26700	THREE OAKS PKWY	SAN CARLOS BLVD	ALICO RD	4LD	E	1,940	A	633	B	976	
26800	TICE ST	SR 80	ORTIZ AVE	2LN	E	860	C	163	C	171	old count(2010)
26900	TICE ST	ORTIZ AVE	STALEY RD	2LN	E	860	C	203	D	716	Elementry U.
27000	TREELINE AVE	TERMIMAL ACCESS RD	DANIELS PKWY	4LD	E	1,980	A	1,272	A	1,510	Harley Davidson
27030	TREELINE AVE	DANIELS PKWY	AMBERWOOD RD	4LD	E	1,980	A	880	A	924	
27070	TREELINE AVE	AMBERWOOD RD	COLONIAL BLVD	4LD	E	1,980	A	880	A	924	
29800	US 41 (S TAMIAMI TR)	OLD 41	CORKSCREW RD	6LD	D	3,171	C	2,662	C	2,712	
29900	US 41 (S TAMIAMI TR)	CORKSCREW RD	SANIBEL BLVD	6LD	D	3,171	C	2,422	C	2,485	
30000	US 41 (S TAMIAMI TR)	SANIBEL BLVD	ALICO RD	6LD	D	3,171	C	2,623	C	2,686	
30100	US 41 (S TAMIAMI TR)	ALICO RD	ISLAND PARK RD	6LD	D	3,171	C	2,623	C	2,730	
30200	US 41 (S TAMIAMI TR)	ISLAND PARK RD	BRIARCLIFF RD	6LD	D	3,171	C	2,905	D	3,092	

Burkhardt CPD (Parcel F) Special Exception

Neighborhood Meeting

The pre-submittal Neighborhood Meeting was scheduled for February 15, 2022, 5:30 PM at the Bonita Springs Public Library, Meeting Room A (10560 Reynolds St, Bonita Springs, FL 34135). Notification letters were mailed to adjacent property owners within 1,000 feet of the subject properties January 20, 2022 and an advertisement was published in the News-Press January 21, 2022.

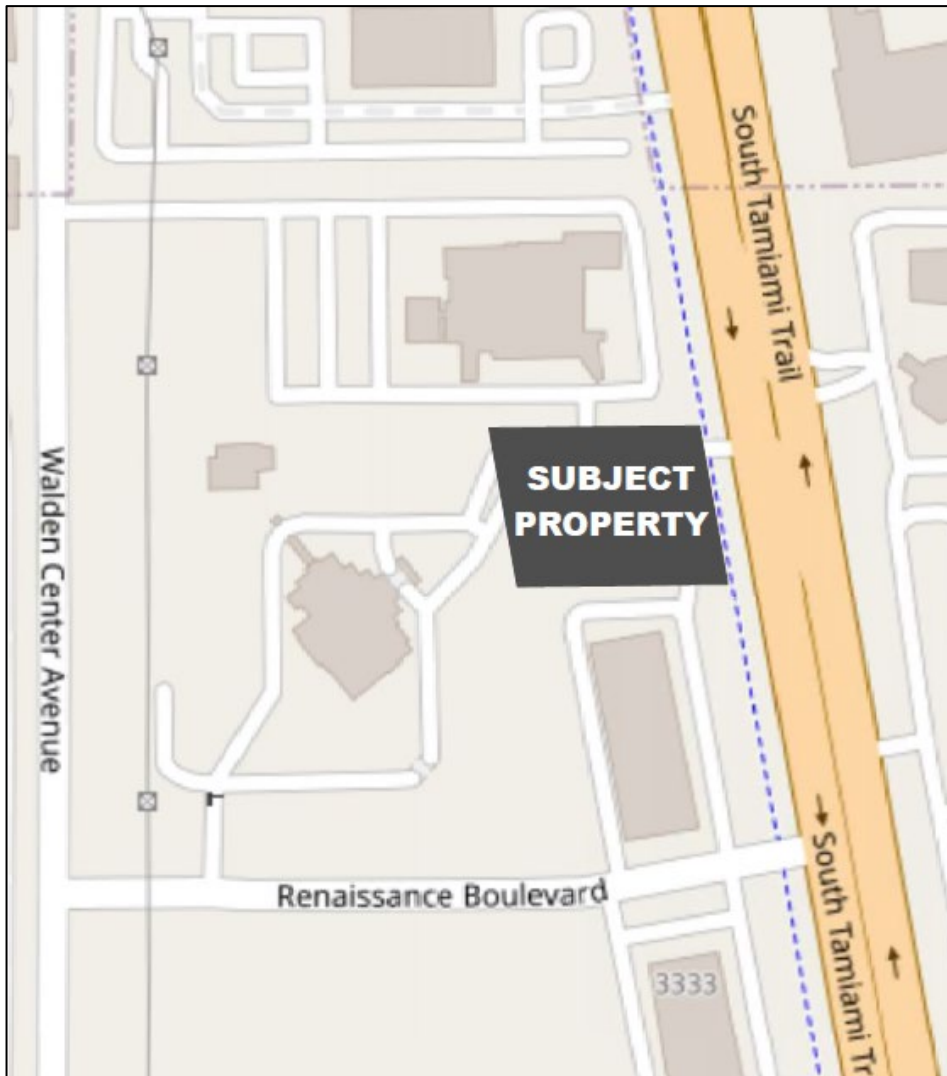
Meeting Summary: No members of the public were present or participating remotely therefore the meeting was not held.

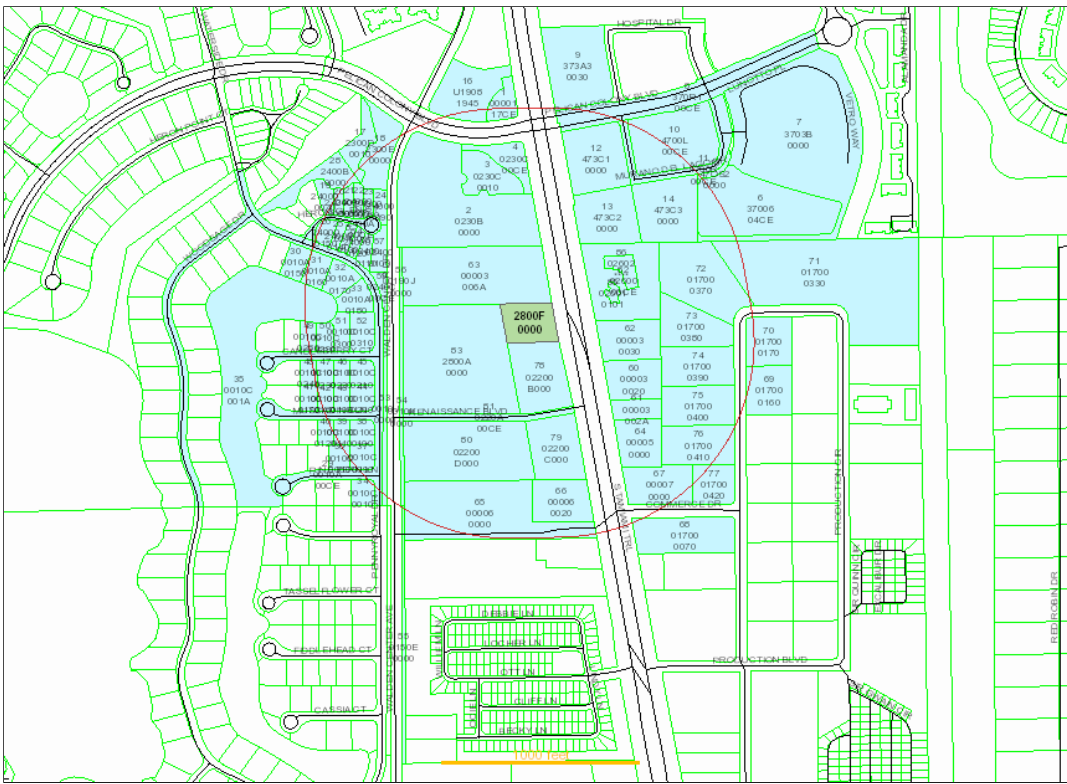


NEIGHBORHOOD MEETING

A Neighborhood Meeting pursuant to Section 4-28, Bonita Springs Land Development Code will be held **February 15, 2022, 5:30 p.m.** at Bonita Springs Public Library, Meeting Room A, 10560 Reynolds St, Bonita Springs, FL 34135.

The Neighborhood Meeting will provide general information regarding a proposed Special Exception application to allow a fast-food restaurant on Parcel F of the Burkhardt CPD. The subject 1.22± acre property (STRAP Number 16-47-25-B2-2800F.0000) is located at 24126 South Tamiami Trail in Section 16, Township 47 South, Range 25 East, Bonita Springs, Florida. If you have questions or comments, please contact Sharon Umpenhour with Q. Grady Minor and Associates, P.A., 3800 Via Del Rey, Bonita Springs, Florida 34134 by email: sumpenhour@gradyminor.com or phone: 239-947-1144. Project information is posted online at www.gradyminor.com/planning. Please be advised that any information provided is subject to change until final approval by the governing authority. The Neighborhood Meeting is for informational purposes, it is not a public hearing.

PROJECT LOCATION MAP



Date of Report: January 14, 2022
 Buffer Distance: feet
 Parcels Affected: 88
 Subject Parcel: **16-47-25-B2-2800F.0000**

[Click here to download the map image, mailing labels \(Avery 5161\) and CSV formatted information.](#)

To change, add or remove subject parcels please change the parcel selection in [GeoView](#)

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	MAP INDEX
PELICAN LANDING COMMUNITY ASSN 24501 WALDEN CENTER DR BONITA SPRINGS FL 34134	09-47-25-B3-00001.17CE CORNER LOT BONITA SPRINGS FL 34134	PARL LOC IN SW 1/4 OF SE 1/4	1
WALDEN CENTER LLC 24311 WALDEN CENTER DR STE 100 BONITA SPRINGS FL 34134	09-47-25-B3-0230B.0000 24301/311 WALDEN CENTER DR BONITA SPRINGS FL 34134	PELICAN LANDING UT 24 PB 58 PG 71 TR B + VAC R/W	2
BAYSIDE IMPROVEMENT CDD WRATHELL HART HUNT & ASSOCIATE 6131 LYON RD STE 100 COCONUT CREEK FL 33073	09-47-25-B3-0230C.0010 PELICAN LANDING C/E BONITA SPRINGS FL	PELICAN LANDING UT 24 TR C PB 58 PG 71 PORTION DESC IN INST# 2016000023520	3
PELICAN LANDING COMMUNITY ASSN 24501 WALDEN CENTER DR BONITA SPRINGS FL 34134	09-47-25-B3-0230C.00CE PELICAN LANDING C/E BONITA SPRINGS FL 34134	PELICAN LANDING UT 24 TR C PB 58 PG 71 LESS PORTION DESC IN INST# 2016000023520	4
FERRIS THEODORE W & LAURA L 3529 HERON GLEN CT BONITA SPRINGS FL 34134	09-47-25-B4-02400.0130 3529 HERON GLEN CT BONITA SPRINGS FL 34134	HERON GLEN AT PELICAN LANDING PB 59 PGS 52+53 LT 13	5
COCONUT POINT DE LLC 540 W MADISON ST STE 2500 CHICAGO IL 60661	09-47-25-E3-37006.04CE SUBMERGED ESTERO FL 34135	COCONUT POINT AREA 3 DESC IN INST#2006-470844 TRACT 6-4	6
COCONUT POINT DE LLC 1 TOWNE SQ STE 1600 SOUTHFIELD MI 48076	09-47-25-E3-3703B.0000 8460 MURANO DEL LAGO DR ESTERO FL 34135	COCONUT POINT AREA 3 DESC IN INST#2006-470844 TRACT 3B LESS SUB	7
COCONUT POINT SOUTH VILLAGE 24880 BURNT PINE DR BLDG#8 BONITA SPRINGS FL 34134	09-47-25-E3-370R1.00CE RIGHT OF WAY ESTERO FL 34135	COCONUT POINT AREA 3 DESC IN INST#2006-470844 TRACT R-1	8
LEE MEMORIAL HEALTH SYSTEM AMBULATORY FACILITIES MGMT 4211 METRO PKWY FORT MYERS FL 33916	09-47-25-E3-373A3.0030 8350 HOSPITAL DR ESTERO FL 34135	COCONUT POINT AREA 3 DESC IN INST#2006-470844 TRACT 3A-3-3	9
COCONUT POINT SOUTH VILLAGE 24880 BURNT PINE DR BLDG#8 BONITA SPRINGS FL 34134	09-47-25-E3-4700L.00CE SUBMERGED ESTERO FL 34135	COCONUT POINT AREA 3 TRACT 3C + A PORTION OF TRACT 3B REPLAT DESC IN INST #2008000157280 TRACT L	10
COCONUT POINT SOUTH VILLAGE 24880 BURNT PINE DR BLDG#8 BONITA SPRINGS FL 34134	09-47-25-E3-4700R.00CE RIGHT OF WAY ESTERO FL 34135	COCONUT POINT AREA 3 TRACT 3C + A PORTION OF TRACT 3B REPLAT DESC IN INST #2008000157280 TRACT R	11
LIVINGSTON/VETERANS LLC RAYMOND BERNIER	09-47-25-E3-473C1.0000 8400 MURANO DEL LAGO DR ESTERO FL 34135	COCONUT POINT AREA 3 TRACT 3C + A PORTION OF TRACT 3B REPLAT	12

477 DEVILS LANE NAPLES FL 34103		DESC IN INST #2008000157280 TRACT 3C-1	
EXTRA SPACE OF COCONUT PARADIGM TAX ESS #1402 PO BOX 800729 DALLAS TX 75380	09-47-25-E3-473C2.0000 8420 MURANO DEL LAGO DR ESTERO FL 34135	COCONUT POINT AREA 3 TRACT 3 + A PORTION OF TRACT 3B REPLAT DESC IN INST #2008000157280 TRACT 3C-2	13
ESTERO RANCH LLC 4371 VERONICA S SHOEMAKER BLVD FORT MYERS FL 33912	09-47-25-E3-473C3.0000 8440 MURANO DEL LAGO DR ESTERO FL 34135	COCONUT POINT AREA 3 TRACT 3C + A PORTION OF TRACT 3B REPLAT DESC IN INST #2008000157280 TRACT 3C-3	14
COCONUT POINT DE LLC 540 MADISON ST STE 2500 CHICAGO IL 60661	09-47-25-E3-470S2.0000 RIGHT OF WAY ESTERO FL	COCONUT POINT AREA 3 TRACT 3C + A PORTION OF TRACT 3B REPLAT DESC IN INST #2008000157280 TRACT OS-2	15
WALDEN1 LLC 24231 WALDEN CENTER DR STE 201 BONITA SPRINGS FL 34134	09-47-25-E3-U1908.1945 24231 WALDEN CENTER DR ESTERO FL 34134	PARL LOC IN THE SW 1/4 OF THE SE 1/4 AS DESC IN OR 3057 PG 885	16
BAYSIDE IMPROVEMENT CDD WRATHELL HUNT & ASSOCIATES LLC 2300 GLADES RD STE 410W BOCA RATON FL 33431	09-47-25-E4-2300D.0010 PELICAN LANDING C/E ESTERO FL	PELICAN LANDING UT 24 TR D PB 58 PG 71	17
WALDEN CENTER DRIVE ASSOC LLC PO BOX 1810 TAMPA FL 33601	09-47-25-E4-2300E.0000 24300 WALDEN CENTER DR ESTERO FL 34134	PELICAN LANDING UT 24 TR E PB 58 PG 71	18
CARLSON MICHAEL 3538 HERON GLEN CT ESTERO FL 34134	09-47-25-E4-24000.0040 3538 HERON GLEN CT ESTERO FL 34134	HERON GLEN AT PELICAN LANDING PB 59 PGS 52+53 LT 4	19
MALEWITZ BERNARD P & 2727 HAMPSHIRE BLVD SE GRAND RAPIDS MI 49506	09-47-25-E4-24000.0050 3534 HERON GLEN CT ESTERO FL 34134	HERON GLEN AT PELICAN LANDING PB 59 PGS 52+53 LOT 5	20
RUSSELL MAXINE M 3530 HERON GLEN CT ESTERO FL 34134	09-47-25-E4-24000.0060 3530 HERON GLEN CT ESTERO FL 34134	HERON GLEN AT PELICAN LANDING PB 59 PGS 52+53 LT 6	21
HILDENBRAND STEPHEN & 304 APPLEBROOK DR MALVERN PA 19355	09-47-25-E4-24000.0070 3526 HERON GLEN CT ESTERO FL 34134	HERON GLEN AT PELICAN LANDING PB 59 PGS 52+53 LT 7	22
COOK JANE C TR 203 EMILE ZOLA DRIVE CARY NC 27511	09-47-25-E4-24000.0080 3522 HERON GLEN CT ESTERO FL 34134	HERON GLEN AT PELICAN LANDING PB 59 PGS 52+53 LOT 8	23
CLEGHORN SUSAN L 3518 HERON GLEN CT ESTERO FL 34134	09-47-25-E4-24000.0090 3518 HERON GLEN CT ESTERO FL 34134	HERON GLEN AT PELICAN LANDING PB 59 PGS 52+53 LT 9	24
ONEILL RICHARD D & ANNE V TR 3533 HERON GLEN CT ESTERO FL 34134	09-47-25-E4-24000.0140 3533 HERON GLEN CT ESTERO FL 34134	HERON GLEN AT PELICAN LANDING PB 59 PGS 52+53 LOT 14	25
WATSON SANGUAN M TR 3537 HERON GLEN CT ESTERO FL 34134	09-47-25-E4-24000.0150 3537 HERON GLEN CT ESTERO FL 34134	HERON GLEN AT PELICAN LANDING PB 59 PGS 52+53 LT 15	26
HERON GLEN AT PELICAN LANDING PEGASUS PROPERTY MGT 17595 S TAMiami TRL STE 100 FORT MYERS FL 33908	09-47-25-E4-2400A.00CE HERON GLEN @ PELICAN C/E BONITA SPRINGS FL 34134	HERON GLEN AT PELICAN LANDING PB 59 PGS 52+53 TRACT A	27
BAYSIDE IMPROVEMENT CDD WRATHELL HUNT & ASSOCIATES LLC 2300 GLADES RD STE 410W BOCA RATON FL 33431	09-47-25-E4-2400B.0000 HERONS GLEN AT PELICAN LANDING C/E ESTERO FL	HERON GLEN AT PELICAN LANDING PB 59 PGS 52+53 TRACT B	28
PELICAN LANDING COMM ASSN INC MARIE MARTEL 24501 WALDEN CENTER DR BONITA SPRINGS FL 34134	16-47-25-B1-0010A.00CE RIGHT OF WAY BONITA SPRINGS FL 34134	PELICAN LANDING UT 10 PB 53 PGS 30 -34 TRACT A	29
ROBERT M LINDSTROM TRUST + 24390 PENNYROYAL DR BONITA SPRINGS FL 34134	16-47-25-B1-0010A.0150 24390 PENNYROYAL DR BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK A LOT 15	30
SCHEPIS JOSEPH N TR 24400 PENNYROYAL DR BONITA SPRINGS FL 34134	16-47-25-B1-0010A.0160 24400 PENNYROYAL DR BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK A LOT 16	31
BURDI ROSA MARIA TR 10916 RALEIGH ST WESTCHESTER IL 60154	16-47-25-B1-0010A.0170 24410 PENNYROYAL DR BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK A LOT 17	32
RICHARD H GRAVES TRUST + 7500 JENKINS SWITCH RD CLINTON IL 61727	16-47-25-B1-0010A.0180 24430 PENNYROYAL DR BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK A LOT 18	33
APPIS ROBERT C & SALLY A 3481 PINE FERN LN BONITA SPRINGS FL 34134	16-47-25-B1-0010C.0010 3481 PINE FERN LN BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 1	34
BAYSIDE IMPROVEMENT CDD WRATHELL HUNT & ASSOCIATES LLC 2300 GLADES RD STE 410W BOCA RATON FL 33431	16-47-25-B1-0010C.001A SUBMERGED BONITA SPRINGS FL 34134	PELICAN LANDING UT 10 PB 53 PGS 30-34 TRACTS C + G + H + I	35
FIEDLER JANICE P TR 3500 PINE FERN LN	16-47-25-B1-0010C.0080 3500 PINE FERN LN	PELICAN LANDING UNIT 10 PB 53 PGS 30-34	36

BONITA SPRINGS FL 34134	BONITA SPRINGS FL 34134	BLK C LOT 8	
GODICI PATRICK E + CAROL A 3480 PINE FERN LN BONITA SPRINGS FL 34134	16-47-25-B1-0010C.0090 3480 PINE FERN LN BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 9	37
SPANOS GEORGE P TR 26 POLLARD PINES DR LINCOLN NH 03251	16-47-25-B1-0010C.0100 3481 MUSCADINE LN BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 10	38
STEVENS ROBERTA D TR 3491 MUSCADINE LN BONITA SPRINGS FL 34134	16-47-25-B1-0010C.0110 3491 MUSCADINE LN BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 11	39
BIERY DAVID & ANN 3501 MUSCADINE LN BONITA SPRINGS FL 34134	16-47-25-B1-0010C.0120 3501 MUSCADINE LN BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 12	40
MUGHERINI NEAL F & SALLY J 3510 MUSCADINE LN BONITA SPRINGS FL 34134	16-47-25-B1-0010C.0170 3510 MUSCADINE LN BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 17	41
ASHLINE CONNIE A TR 1755 OAK TREE LN KANKAKEE IL 60901	16-47-25-B1-0010C.0180 3500 MUSCADINE LN BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 18	42
UMPHRED WILLIAM JR & 3490 MUSCADINE LN BONITA SPRINGS FL 34134	16-47-25-B1-0010C.0190 3490 MUSCADINE LN BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 19	43
MIERS AARON CHASE 228 FOXWOOD RD MOON TOWNSHIP PA 15108	16-47-25-B1-0010C.0200 3480 MUSCADINE LN BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 20	44
GRIFFIN DONALD W & 3481 CANDLEBERRY CT BONITA SPRINGS FL 34134	16-47-25-B1-0010C.0210 3481 CANDLEBERRY CT BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 21	45
SCHEELE ROBBERT CZ 3491 CANDLEBERRY CT BONITA SPRINGS FL 34134	16-47-25-B1-0010C.0220 3491 CANDLEBERRY CT BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 22	46
SINGER DOROTHY G TR + 3501 CANDLEBERRY CT BONITA SPRINGS FL 34134	16-47-25-B1-0010C.0230 3501 CANDLEBERRY CT BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 23	47
SKINNER CAROL MARIE TR 6 ROLLSCOURT DR TORONTO ON M2L 1X5 CANADA	16-47-25-B1-0010C.0240 3511 CANDLEBERRY CT BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 24	48
WOODRUFF DAVID 57 OAKANAGAN DR OTTAWA ON K2H 7G3 CANADA	16-47-25-B1-0010C.0280 3510 CANDLEBERRY CT BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 28	49
HICKS RONALD B + MARY JANE 3500 CANDLEBERRY CT BONITA SPRINGS FL 34134	16-47-25-B1-0010C.0290 3500 CANDLEBERRY CT BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 29	50
BEHM LIESELOTTE 3490 CANDLEBERRY CT BONITA SPRINGS FL 34134	16-47-25-B1-0010C.0300 3490 CANDLEBERRY CT BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 30	51
DAN H CORNACCHIA LIVING TRUST 3480 CANDLEBERRY CT BONITA SPRINGS FL 34134	16-47-25-B1-0010C.0310 3480 CANDLEBERRY CT BONITA SPRINGS FL 34134	PELICAN LANDING UNIT 10 PB 53 PGS 30-34 BLK C LOT 31	52
BAYSIDE IMPROVEMENT CDD WRATHELL HUNT & ASSOCIATES LLC 2300 GLADES RD STE 410W BOCA RATON FL 33431	16-47-25-B1-0010J.0000 EASEMENT BONITA SPRINGS FL 34134	PELICAN LANDING UT 10 PB 53 PGS 30-34 TRACT J	53
BAYSIDE IMPROVEMENT CDD WRATHELL HART HUNT & ASSOCIATE 6131 LYON RD STE 100 COCONUT CREEK FL 33073	16-47-25-B1-0010K.0000 PELICAN LANDING C/E BONITA SPRINGS FL	PELICAN LANDING UT 10 PB 53 PGS 30-34 TRACT K	54
BAYSIDE IMPROVEMENT CDD WRATHELL HART HUNT & ASSOCIATE 24301 WALDEN CENTER DR BONITA SPRINGS FL 34134	16-47-25-B1-0150E.0000 PELICAN LANDING C/E BONITA SPRINGS FL	PELICAN LANDING UT 13 PB 53 PGS 1-10 TRACT E	55
BAYSIDE IMPROVEMENT CDD WRATHELL HART HUNT & ASSOCIATE 6131 LYON RD STE 100 COCONUT CREEK FL 33073	16-47-25-B1-0190J.0000 PELICAN LANDING C/E BONITA SPRINGS FL	PELICAN LANDING UNIT 19 PB 56 PGS 36-38 TRACTS J PORTION DESC IN INST# 2016000023520	56
CARINI JOHN 3517 HERON GLEN CT BONITA SPRINGS FL 34134	16-47-25-B1-02400.0100 3517 HERON GLEN CT BONITA SPRINGS FL 34134	HERON GLEN AT PELICAN LANDING PB 59 PGS 52+53 LT 10	57
SCHLADER RICHARD H TR + 3521 HERON GLEN CT BONITA SPRINGS FL 34134	16-47-25-B1-02400.0110 3521 HERON GLEN CT BONITA SPRINGS FL 34134	HERON GLEN AT PELICAN LANDING PB 59 PGS 52+53 LT 11	58
HERON GLEN AT PELICAN LANDING IPM 3435 10TH ST NORTH SUITE 201 NAPLES FL 34103	16-47-25-B1-0240C.00CE HERONS GLEN AT PELICAN LANDING C/E BONITA SPRINGS FL 34134	HERON GLEN AT PELICAN LANDING PB 59 PGS 52+53 TRACT C	59
NUNNINK LEO A TR 25481 PARADISE RD BONITA SPRINGS FL 34135	16-47-25-B2-00003.0020 24181 S TAMAMIAMI TRL #122 BONITA SPRINGS FL 34134	THE S 300 FT OF THE N 900 FT OF NW 1/4 OF THE NE 1/4 E OF TAMAMIAMI TRL LESS PAR	60

NUNNINK SHIRLEY A TR 25481 PARADISE RD BONITA SPRINGS FL 34135	16-47-25-B2-00003.002A 24201 S TAMIAMI TRL BONITA SPRINGS FL 34134	FR NE COR OF W 1/2 OF NE 1/4 RUN S 800 FT TO POB CONT FOR 100 FT TH W TO E	61
GOUSE WARREN THEODORE + 8075 LAGOON RD FORT MYERS BEACH FL 33931	16-47-25-B2-00003.0030 24081 S TAMIAMI TRL #121 BONITA SPRINGS FL 34134	S 200 OF N 600 FT OF W 1/2 OF NE 1/4 E OF TAMIAMI TR	62
NAPLES COMMUNITY HOSPITAL INC PO BOX 413029 NAPLES FL 34101	16-47-25-B2-00003.006A 24040 S TAMIAMI TRL BONITA SPRINGS FL 34134	N 300FT OF N 500FT OF N 900FT OF W 1/2 OF NE 1/4 W OF US 41	63
NUNNINK SHIRLEY A TR 25481 PARADISE RD BONITA SPRINGS FL 34135	16-47-25-B2-00005.0000 24241 S TAMIAMI TRL BONITA SPRINGS FL 34134	S 250 FT OF N 1150 FT OF W 1/2 OF NE 1/4 E OF TRL.	64
CABLE HOLDCO II INC PROPERTY TAX DEPARTMENT 1701 JOHN F KENNEDY BLVD FL 32 PHILADELPHIA PA 19103	16-47-25-B2-00006.0000 24290 S TAMIAMI TRL BONITA SPRINGS FL 34134	S 300 FT OF N 1500 FT OF W 1/2 OF NE 1/4 W OF TRL. LESS PAR 6.001 + PAR 6.002	65
CONGO RIVER GOLF + EXPLORATION ADVENTURE GOLF 6000 TURKEY LAKE RD STE 206 ORLANDO FL 32819	16-47-25-B2-00006.0020 24270 S TAMIAMI TRL BONITA SPRINGS FL 34134	PARL LYING IN NE 1/4 AS DESC IN OR 1714 PG 972 + OR 2560 PG 5	66
STORE MASTER FUNDING XI LLC 8377 E HARDFORD DR STE 100 SCOTTSDALE AZ 85255	16-47-25-B2-00007.0000 8739 COMMERCE DR BONITA SPRINGS FL 34135	A TRACT OF LAND IN SE 16 TWP 47 RNG 25 DESC IN INSTRUMENT 2019000275717	67
EMS INVESTMENTS LLC 246 WEST 6TH ST BONITA SPRINGS FL 34134	16-47-25-B2-01700.0070 8740-8798 COMMERCE DR BONITA SPRINGS FL 34135	PARL IN W 1/2 OF NE 1/4 E OF US 41 DESC IN OR 1750 PG 4658	68
STEVE WASHUTA LLC PO BOX 209 MODEL CITY NY 14107	16-47-25-B2-01700.0160 24263/279 PRODUCTION CIR BONITA SPRINGS FL 34135	PARL IN E 1/2 AS DESC IN OR 1490 PG 1586 AKA LT 16 BONITA INDSTL PK	69
EON REALTY INC 860 GRAND RAPIDS BLVD NAPLES FL 34120	16-47-25-B2-01700.0170 24241 PRODUCTION CIR BONITA SPRINGS FL 34135	PARL IN NE 1/4 AS DESC IN OR 1520 PG 1499 AKA LOT 17	70
HARRIS JAMES W TR + PO BOX 460 BONITA SPRINGS FL 34133	16-47-25-B2-01700.0330 24174 PRODUCTION CIR BONITA SPRINGS FL 34135	PARL IN E 1/2 OF NE 1/4 DESC IN OR 1786 PG 4024 LOTS 33 THRU 36	71
NAPLES COASTAL PROPERTIES INC 497 CORBEL DR NAPLES FL 34110	16-47-25-B2-01700.0370 24226 PRODUCTION CIR BONITA SPRINGS FL 34135	PARL IN N E 1/4 OF N E 1/4 DESC BONITA IND PK OR 1230 PG 241 AKA LT 37	72
NAPLES COASTAL PROPERTIES INC 497 CORBEL DR NAPLES FL 34110	16-47-25-B2-01700.0380 24242 PRODUCTION CIR BONITA SPRINGS FL 34135	TRACT OF LND CONTAINING 1.81 AC M/L IN NE 1/4 PER OR 1593 PG 1654	73
EXPERT LAWN CARE LLC PO BOX 367285 BONITA SPRINGS FL 34136	16-47-25-B2-01700.0390 24260 PRODUCTION CIR BONITA SPRINGS FL 34135	PART OF NE 1/4 E OF US 41 DESC IN OR 1290 PG 713	74
STEVE WASHUTA LLC PO BOX 209 MODEL CITY NY 14107	16-47-25-B2-01700.0400 24278 PRODUCTION CIR BONITA SPRINGS FL 34135	PARL IN E 1/2 OF NE 1/4 SEC 16 TWP 47 RGE 25 DESC IN OR 1349 PG 0183 AKA LOT 40 BONITA INDUSTRIAL PK	75
STEVE WASHUTA LLC PO BOX 209 MODEL CITY NY 14107	16-47-25-B2-01700.0410 24296 PRODUCTION CIR BONITA SPRINGS FL 34135	FROM NW COR OF E 1/2 OF NE 1/4 TH S 940 FT FOR POB TH E 370 FT TH S 200 FT TH AKA LOT 41 BONITA INDUSTRIL PK	76
STEVE WASHUTA LLC PO BOX 209 MODEL CITY NY 14107	16-47-25-B2-01700.0420 8789 COMMERCE DR BONITA SPRINGS FL 34135	FR NW COR OF E 1/2 OF NE 1/4 RUN S ALG W LI 1140 FT TH E 160 FT FOR POB TH	77
MUSCA PROPERTIES LLC 4700 ROCKSIDE RD STE 603 INDEPENDENCE OH 44131	16-47-25-B2-02200.B000 3440 RENAISSANCE BLVD BONITA SPRINGS FL 34134	RENAISSANCE CENTER PB 66 PGS 37-40 PARCEL B	78
WILSON ROBERT III TR 2465 TRADE CENTER WAY NAPLES FL 34109	16-47-25-B2-02200.C000 3333 RENAISSANCE BLVD BONITA SPRINGS FL 34134	RENAISSANCE CENTER PB 66 PGS 37-40 PARCEL C	79
RENAISSANCE CENTER LAND LLC 3200 BAILEY LN #199 NAPLES FL 34105	16-47-25-B2-02200.D000 RENAISSANCE BLVD BONITA SPRINGS FL 34134	RENAISSANCE CENTER PB 66 PGS 37-40 PARCEL D	80
JOBROW DEV COMPANY LLC JOSEPH DJAMOOS 13356 ROSEWOOD LANE NAPLES FL 34119	16-47-25-B2-0220A.00CE RIGHT OF WAY BONITA SPRINGS FL 34134	RENAISSANCE CENTER PB 66 PGS 37-40 TRACT A	81
COLONY PLAZA CONDO PO BOX 110628 NAPLES FL 34108	16-47-25-B2-02600.00CE COLONY PLAZA C/E BONITA SPRINGS FL 34135	COLONY PLAZA CONDO PH I + II DESC IN OR 3318 PG 4042 + OR 3874 PG 2170 COMMON ELEMENT	82
CRP/DOV LLC 300 JORDAN ROAD TROY NY 12180	16-47-25-B2-2800A.0000 24100-120 S TAMIAMI TRL BONITA SPRINGS FL 34135	DIAMOND OAKS VILLAGE AS DESC IN INST# 2015000268593 TRACT A	83
BRAY PETER R & PEGGY J 5391 SILVER LAKE DRIVE WEST BEND WI 53095	16-47-25-E1-24000.0120 3525 HERON GLEN CT ESTERO FL 34134	HERON GLEN AT PELICAN LANDING PB 59 PGS 52+53 LT 12	84
A AND D REAL ESTATE HOLDINGS ANGELINAS RISTORANTE 24041 S TAMIAMI TRL BONITA SPRINGS FL 34134	16-47-25-B2-02601.0101 24041 S TAMIAMI TRL BONITA SPRINGS FL 34134	COLONY PLAZA CONDO DESC IN OR 3318 PG 4042 PH 1 UNIT 101	85

ANGELINAS PLAZA LLC 9848 BRASSIE BEND NAPLES FL 34108	16-47-25-B2-02602.0101 24031 S TAMIAMI TRL #101 BONITA SPRINGS FL 34134	COLONY PLAZA PH II OR 3874 PG 2170 UNIT 101	86
ANGELINAS PLAZA LLC 9848 BRASSIE BEND NAPLES FL 34108	16-47-25-B2-02602.0201 24031 S TAMIAMI TRL #201 BONITA SPRINGS FL 34134	COLONY PLAZA PH II OR 3874 PG 2170 UNIT 201	86
ANGELINAS PLAZA LLC 9848 BRASSIE BEND NAPLES FL 34108	16-47-25-B2-02602.0301 24031 S TAMIAMI TRL #301 BONITA SPRINGS FL 34134	COLONY PLAZA PH II OR 3874 PG 2170 UNIT 301	86

The News-Press
media group
news-press.com A GANNETT COMPANY

Attn:
Q. GRADY MINOR & ASSOCIATES, P
3800 VIA DEL REY
BONITA SPRINGS, FL 34134

STATE OF FLORIDA COUNTY OF LEE:
Before the undersigned authority personally appeared
Nicole Jacobs, who on oath says that
he or she is a Legal Assistant of the News-Press, a daily
newspaper published at Fort Myers in Lee County, Florida; that
the attached copy of advertisement, being a Legal Ad in the
matter of

NOTICE OF NEIGHBORHOOD MEETING A Neighborhood
Meeting pursuant to Section 4-28, Bonita Springs Land
Development Code will be held February 15, 2022, 5:30 p.m.

In the Twentieth Judicial Circuit Court was published in said
newspaper editions dated in the issues of or by publication on
the newspaper's website, if authorized, on :

01/21/2022

Affiant further says that the said News-Press is a paper of
general circulation daily in Lee County and published at Fort
Myers, in said Lee County, Florida, and that the said newspaper
has heretofore been continuously published in said Lee County,
Florida each day and has been entered as periodicals matter at
the post office in Fort Myers, in said Lee County, Florida, for a
period of one year next preceding the first publication of the
attached copy of advertisement; and affiant further says that
he or she has never paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for the
purpose of securing this advertisement for publication in said
newspaper editions dated:

Sworn to and Subscribed before me this 21st of January 2022,
by legal clerk who is personally known to me.

Nicole Jacobs
Affiant

Sarah Bertelsen
Notary State of Wisconsin, County of Brown
1/21/22

My commission expires

of Affidavits 1

This is not an invoice

SARAH BERTELSEN
Notary Public
State of Wisconsin

NOTICE OF NEIGHBORHOOD MEETING

A Neighborhood Meeting pursuant to
Section 4-28, Bonita Springs Land De-
velopment Code will be held February
15, 2022, 5:30 p.m. at Bonita Springs
Public Library, Meeting Room A, 10560
Reynolds St, Bonita Springs, FL 34135.
The Neighborhood Meeting will pro-
vide general information regarding a
proposed Special Exception application
to allow a fast-food restaurant on Par-
cel F of the Burkhardt CPD. The subject
1.22± acre property (STRAP Number 16-
47-25-82-2800F.0000) is located at
24126 South Tamiami Trail in Section
16, Township 47 South, Range 25 East,
Bonita Springs, Florida. If you have
questions or comments, please contact
Sharon Umpenhour with Q. Grady
Minor and Associates, P.A., 3800 Via
Del Rey, Bonita Springs, Florida 34134
by email: sumpenhour@gradyminor.co
m or phone: 239-947-1144. Project in-
formation is posted online at www.gra
dyminor.com/planning. Please be ad-
vised that any information provided is
subject to change until final approval
by the governing authority. The Neigh-
borhood Meeting is for informational
purposes, it is not a public hearing.

AD # 5094548 Jan , 21 2022

RECEIVED
JAN 31 2022
Q. Grady Minor
& Associates, P.A.

Burkhardt CPD (Parcel F) Special Exception (SPE22-90045-BOS)

Neighborhood Meeting

The sufficiency Neighborhood Meeting was scheduled for October 4, 2022, 5:30 PM at the Bonita Springs Public Library, Meeting Room A (10560 Reynolds St, Bonita Springs, FL 34135). Notification letters were mailed to adjacent property owners within 1,000 feet of the subject properties September 7, 2022 and an advertisement was published in the News-Press September 8, 2022.

Meeting Summary: A copy of the meeting presentation, attached, was posted online and provided to one member of the public that had emailed Sharon Umpenhour prior to the meeting. No members of the public were present or participating remotely therefore the meeting was not held.



BURKHARDT CPD (PARCEL F) SPECIAL EXCEPTION (SPE22-90045-BOS)

October 4, 2022, Sufficiency Neighborhood Meeting



Project information and a copy of this presentation can be found on our website: www.gradymenor.com/Planning



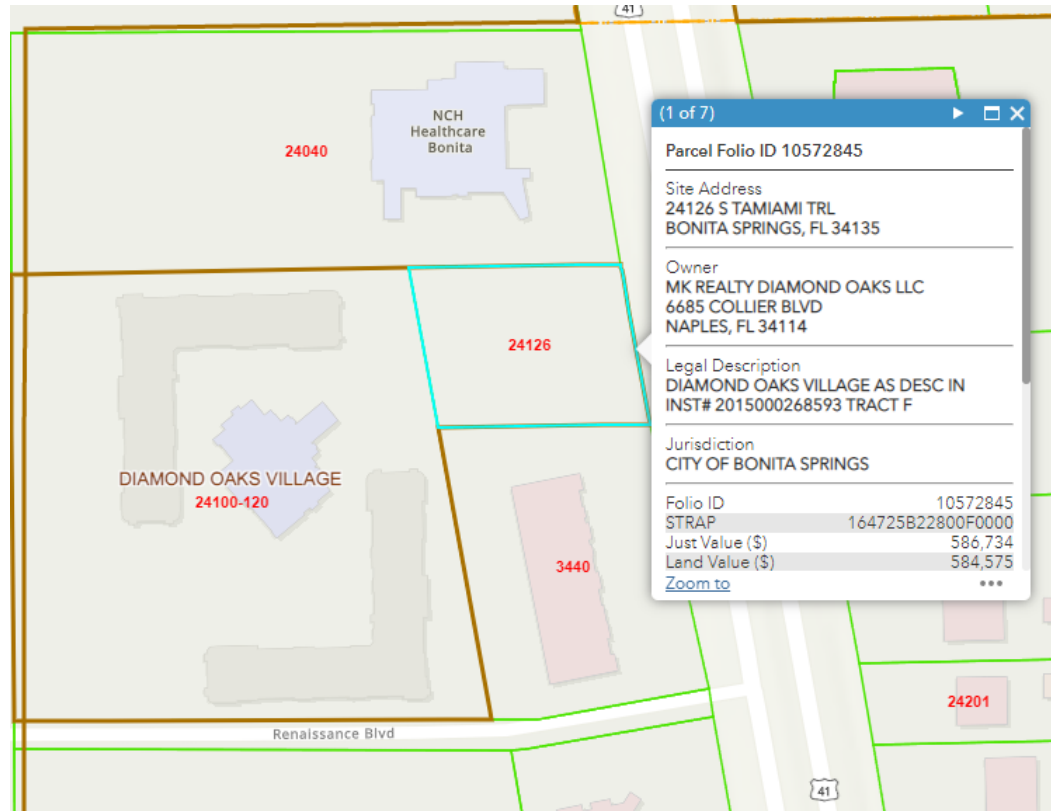
INTRODUCTION

PROJECT TEAM:

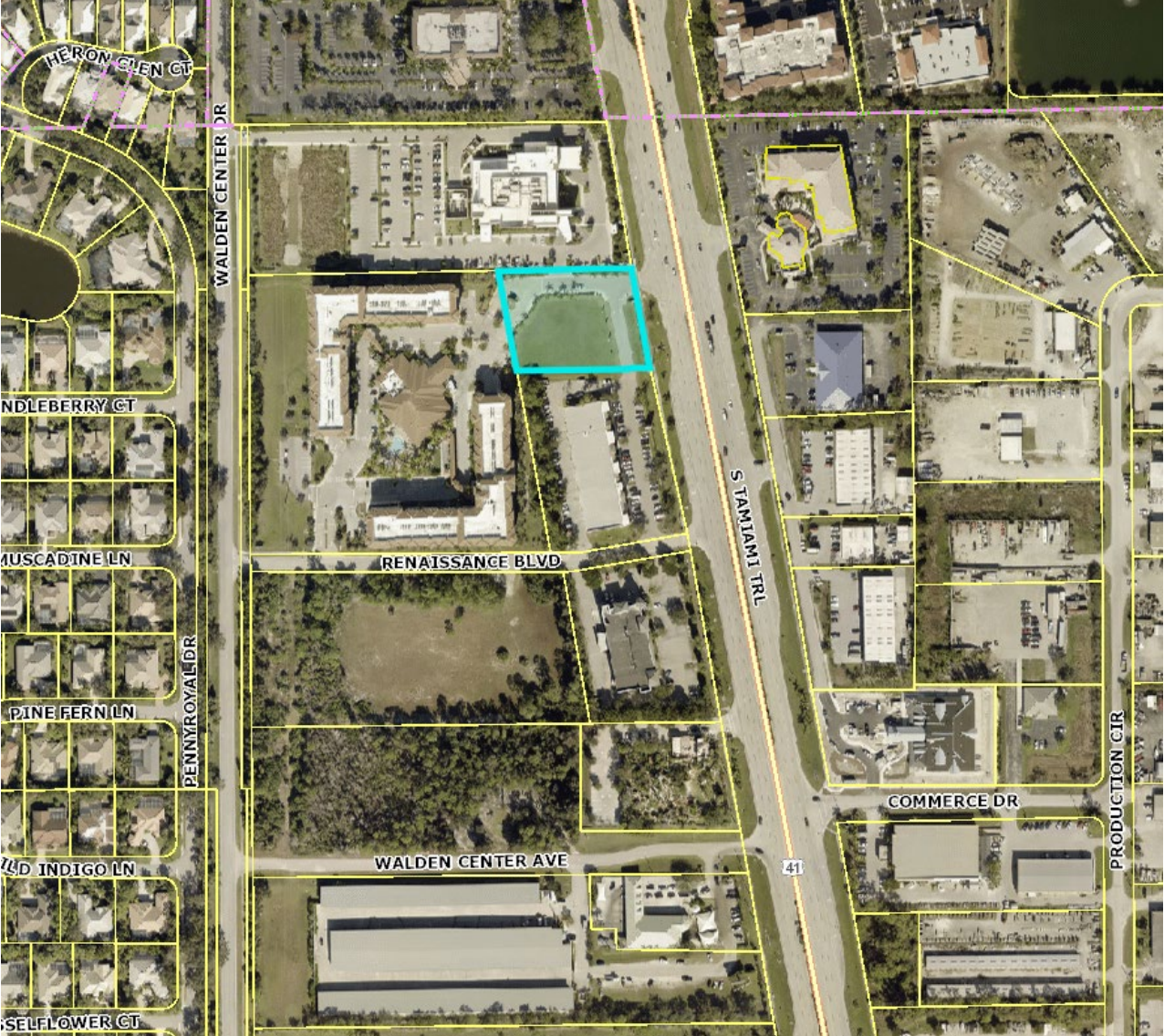
- ***MK Realty Diamond Oaks, LLC*** – Applicant
- ***D. Wayne Arnold, AICP, Professional Planner*** – Q. Grady Minor & Associates, P.A.
- ***Michael Delate, P.E., Civil Engineer*** – Q. Grady Minor & Associates, P.A.

**Please note, all information provided is subject to change until final approval by the governing authority.*

LOCATION MAP



AERIAL PHOTOGRAPH



PROJECT INFORMATION

STRAP Numbers: 16-47-25-B2-2800F.0000

Address: 24126 South Tamiami Trail

Project Acreage: 1.22+/- Acres

Current Zoning: Burkhardt Commercial Planned Unit Development (CPD)

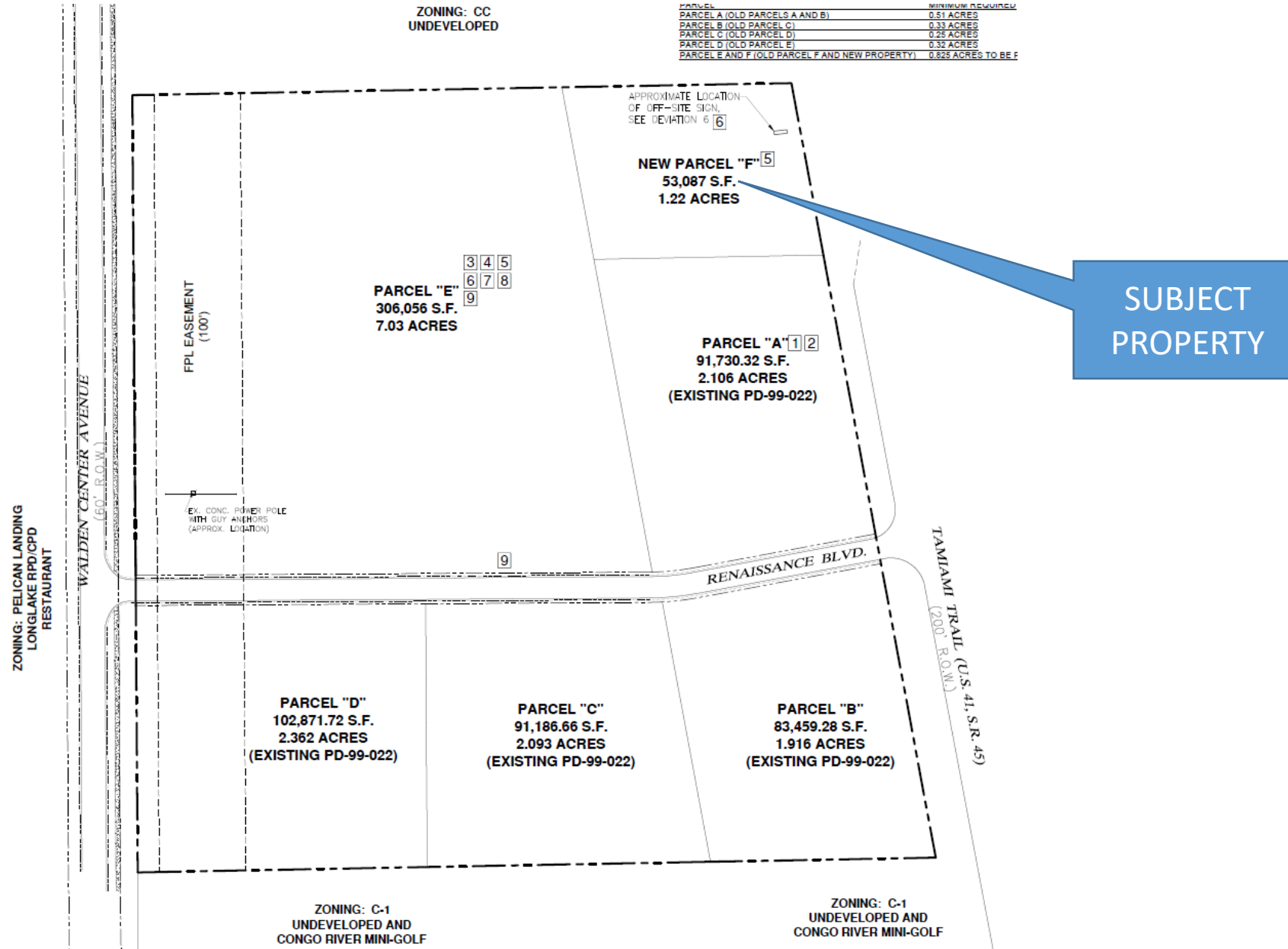
Future Land Use Designation: General Commercial

Previous Approvals: Original approval - Lee County Zoning Resolution 09-042
Amendment approval - Zoning Ordinance 15-03

Proposed Request:

The applicant is requesting a Special Exception for Parcel F to allow a fast food restaurant.

APPROVED CONCEPTUAL MASTER PLAN



PERMITTED USES (PARCEL F)

PERMITTED USES PARCELS E AND F ONLY (LIMITED TO 15,000 S.F. COMMERCIAL)

ANIMAL CLINIC OR KENNEL

BAR OR COCKTAIL LOUNGE

CLOTHING STORE, GENERAL

CONVENIENCE FOOD AND BEVERAGE STORE

DRIVE THROUGH, FOR ANY PERMITTED USE

DRUG STORE

FOOD STORES, GROUPS I AND II

GIFT AND SOUVENIR SHOP

GROUP HOUSING FOR SENIORS (NOT TO EXCEED 160 UNITS)

HARDWARE STORE

HOBBY, TOY, AND GAME SHOP

HOUSEHOLD AND OFFICE FURNISHINGS, ALL GROUPS

LAUNDRY AND DRY CLEANING, GROUP I

PACKAGE STORE

PET SHOP

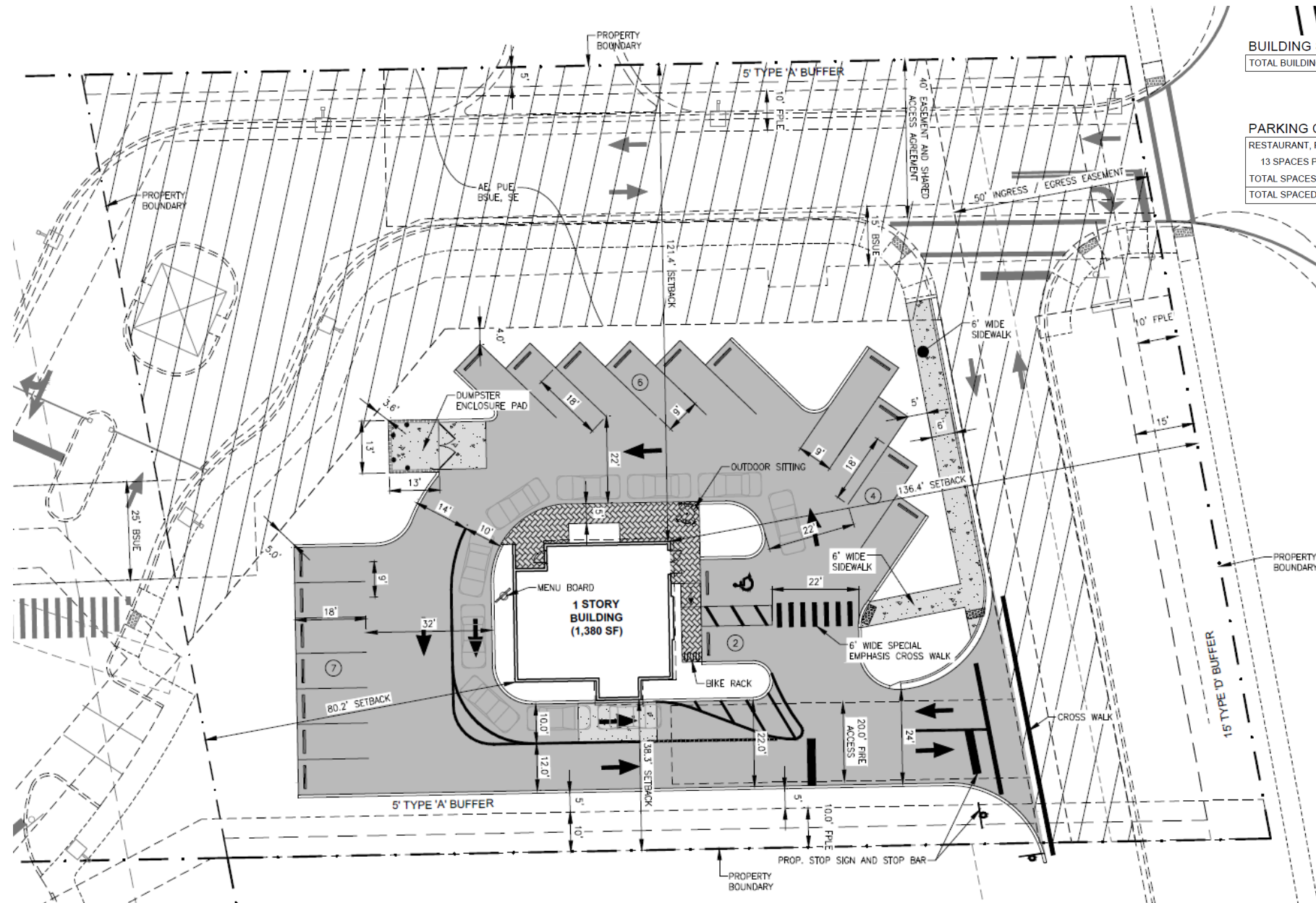
PHARMACY

RESTAURANT, FAST FOOD (requires special exception approval)

USED MERCHANDISE STORES, GROUP I AND II (EXCLUDING PAWNSHOPS)

← PER ZONING ORDINANCE 15-03

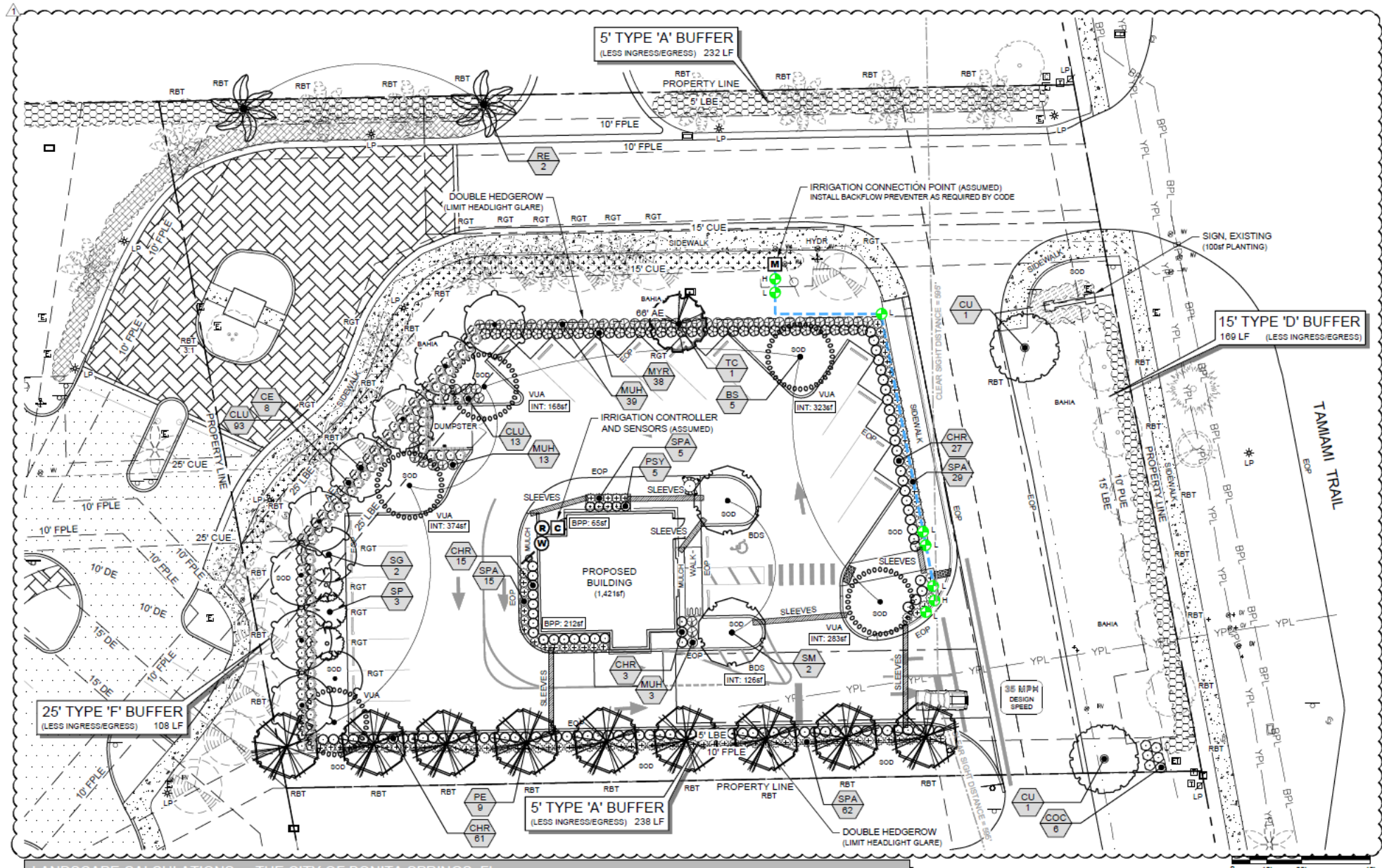
CONCEPTUAL SITE PLAN



BUILDING SUMMARY	
TOTAL BUILDING AREA	1,380 S.F.

PARKING CALCULATION	
RESTAURANT, FAST FOOD PER 4-1732, CITY OF BONITA LAND DEVELOPMENT CODE	
13 SPACES PER 1,000 S.F. + 1 SPACE PER 4 OUTDOOR SEATS	
TOTAL SPACES REQUIRED	19 SPACES
TOTAL SPACES PROVIDED (INCLUDES 1 HANDICAPPED SPACE)	19 SPACES

PROPOSED LANDSCAPE PLAN



CONCLUSION

Project information and a copy of this presentation can be found on our website:



www.gradyminor.com/Planning

Documents and information can be found online:

- Gradyminor.com/Planning
- Community Development Public Portal:
<https://cityofbonitaspringscd.org/welcome/community2/>

Next Steps

- Zoning Board Hearing: TBD
- City Council: TBD

Contact:

- **Q. Grady Minor & Associates, P.A.:** Sharon Umpenhour sumpenhour@gradyminor.com or 239.947.1144 extension 1249