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AERIAL AND AERA LOCATION MAP



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

**TYPE OF CASE:** COMMERCIAL PLANNED DEVELOPMENT AMENDMENT (CPD)  
**CASE NUMBER:** PD21-85799-BOS  
**HEARING DATE:** January 17, 2023 Continued to February 21, 2023  
**PLANNER:** Mary Zizzo, Esq., AICP, Planner II

**APPLICATION SUMMARY:**

- A. Applicant: 2726 SCC, LLC
- B. Agent: Stacy Hewitt, AICP, and Brent Addison, P.E., Banks Engineering
- C. Request: A request to Amend Zoning Ordinance 16-07 for the Oakland Commercial Planned Development, with the addition of a master concept plan, amended conditions and an amended schedule of uses.
- D. Location: The subject property is located at 27971 Oakland Dr., Bonita Springs, FL 34135. STRAP: 31-47-26-B4-00100.0050.
- E. Future Land Use Map Designation: Interchange Commercial
- F. Current Zoning: Commercial Planned Development (CPD)  
Interstate Zone of the Bonita Beach Road Corridor Overlay
- G. Current Land Use: Vacant Land

By this reference, the Applicant's application in its entirety and correspondence is made part of this record and is available at the City Clerk's and Community Development's Offices.

## **BACKGROUND:**

### ***History and Overview***

The subject property is currently vacant, within the Oakland Commercial Planned Development (CPD). The Applicant is the current owner of the property, requesting the adoption of a new master concept plan (MCP), amended schedule of uses and amended conditions. The parcel was originally rezoned Commercial Planned Development in 2009, pursuant to Zoning Ordinance 09-13, as subsequently amended in Zoning Ordinance 16-07. In 2009, the property was rezoned from CPD to CPD for 2 phases, with phase 1 allowing up to 43,330 square feet of open storage with a time limit of eight years and phase 2 allowed 32,700 square feet of commercial/office use, a 7,780 square foot restaurant, or a 90-room hotel. The anticipation was that phase 2 would develop on the site within that eight-year limit, but the site remains undeveloped.

The current owner purchased the property in 2016, and the zoning was amended in Zoning Ordinance 16-07, which reduced the commercial intensity from 32,700 square feet to 25,000 square feet, amended the master concept plan, schedule of uses, development standards and conditions of approval. Condition 4.c required the preservation of nine (9) heritage trees and open storage was limited to 3-5 years from the date of approval. The site remains vacant. In 2018, the Tree Advisory Board reviewed this property and testimony by the Applicant and reduced the requirement to three (3) heritage trees to be preserved.

Pursuant to LDC Section 4-303, the master concept plan approved in Zoning Ordinance 16-07 was valid for five years from the date the planned development was approved. During this application period, that MCP expired, requiring the adoption of a new one.

The proposed project is located within the Bonita Beach Road Corridor Overlay, which was adopted in Ordinance 19-10. Part of the stated purpose and intent of the overlay is to foster urbanized development patterns that focus on interconnectivity, mobility, human scale, and various design and architectural standards, among other items. Of the four zones created by the overlay, this project is within the Interstate Zone. The proposed MCP will bring the project into compliance with the Bonita Beach Road Corridor Overlay and incorporates uses permitted in the Interstate Zone.

Development regulations are contained later in this report as part of **Condition 3**, and are conditioned to keep human scale in mind, as supported by the overlay.

The request seeks one (1) deviation, which is analyzed further below.

### ***Uses***

Requested uses are included in **Attachment "B."** The proposed list includes previously approved uses as well as incorporation of uses that are permitted by right or special exception in the Interstate Zone.

In the previous approval, open storage was permitted on a limited duration basis. This request seeks to allow open storage on a permanent basis for this tract. As conditioned, Staff finds it appropriate to allow open storage on a limited duration basis provided that the development comply with the LDC standards at time of local development order approval. Staff's recommendations on the requested uses are enumerated in **Condition 2**.



### ***Property Development Regulations and Deviations***

Development is to be conducted in accordance with the Land Development Code (LDC) Chapters 3 (Development Standards) and Chapter 4 (Zoning). Conditions and deviations set forth in the adopted zoning ordinance may augment the standard development regulations such as property development standards, buffering, deviations and any associated conditions of approval.

The property development regulations are included in **Condition 3**. Deviations may be requested during the review process in accordance with [LDC Sec. 3-81\(b\)](#) and [LDC Sec. 4-326](#). The current planned development request includes one (1) deviation. Staff's analysis and recommendation on the deviation request are included later in this Staff Report. The deviation request and associated justification by the Applicant is included in the Applicant's Analysis in **Attachment "B."**

### ***Comprehensive Plan Considerations***

This project was reviewed for compliance with the City of Bonita Springs Comprehensive Plan, including future land use, transportation, conservation/coastal management, and infrastructure elements. The project is located within the Interchange Commercial future land use category. Additional Staff Analysis is included in **Attachment "A."** The Applicant's Analysis is included in **Attachment "B."**

### ***Infrastructure Summary Analysis***

The City's potable water and sanitary sewer utility franchise, Bonita Springs Utilities, has reviewed the request and did not raise any concerns regarding potential burdens on infrastructure, or infrastructure availability. As a result, it is the Staff opinion that the project is consistent with the Infrastructure Element of the Bonita Plan.

### **CONCLUSIONS:**

The following conclusions are based upon the Applicant's application being reviewed for compliance with the City of Bonita Springs Comprehensive Plan and the LDC. **Attachment "A,"** which is attached hereto and made a part hereof, demonstrates the type of analysis that was done.

Pursuant to the City's LDC, the Applicant is required to hold two (2) neighborhood meetings. The first meeting was held on January 21, 2019, with six members of public present. No relevant questions were asked pertaining to concerns of this project. The Applicant held their second meeting on November 7, 2022, providing notice to current owners within the notification zone, with no attendance from the public. Additional methods of public notice included mailed notices to properties within 375 feet of the property, property-posting signs along rights-of-way, and a legal ad in the Fort Myers News-Press for the Zoning Board public hearing. Letters of support and opposition are included in your packet for review and consideration in **Attachment "C"**.

The rezoning request was evaluated by Community Development for planning, zoning, engineering, environmental, floodplain, multimodal and transportation impacts. Lee County Department of Transportation, Bonita Springs Utilities and the Bonita Springs Tree Advisory Board also reviewed the request. The proposed development, as conditioned, is consistent with the requirements and standards of the City of Bonita Springs Comprehensive Plan and LDC. A detailed City Staff analysis is included in **Attachment "A"** of the Staff Report.

**RECOMMENDATION:**

Staff recommends **APPROVAL, with conditions**, of Petition PD21-85799-BOS, Oakland Commercial Planned Development (CPD), which proposes the adoption of a new master concept plan, an amended schedule of uses and amended conditions. This recommendation of APPROVAL is subject to the following conditions:

Conditions:

1. The development of this project must be consistent with the Master Concept Plan entitled "Oakland CPD," prepared by ~~Q. Grady Minor and Associates, P.A. stamped received June 8, 2016~~ Banks Engineering dated January 23, 2023, (Exhibit B), except as modified by the conditions below. This development must comply with all requirements of the City of Bonita Springs Land Development Code (LDC) at time of local development order approval. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The total gross floor area may not exceed 25,000 square feet of commercial/light industrial uses, a 7,780 square foot restaurant, or a 90-room hotel. This request approves open storage as a permitted use for a set duration, subject to conditions.

2. Schedule of Uses:
  - a. ~~Accessory Uses and Structures~~
  - b. ~~Administrative Offices~~
  - c. ~~ATM—~~
  - d. ~~Business Services, Group I & II~~
  - e. ~~Caterers~~
  - f. ~~Cleaning and Maintenance Services~~
  - g. Consumption on Premises, indoor only, in conjunction with a full-service restaurant or hotel/motel. Outdoor consumption requires a special exception (public hearing required)
  - h. ~~Contractors and Builders, Group I~~
  - i. Drive-through facility for any permitted use (requires Special Exception)
  - j. ~~Entrance Gates and Gatehouses~~
  - k. ~~Essential Service Facilities, Group I~~
  - l. ~~Excavation, Water Retention~~
  - m. ~~Fences, Walls~~
  - n. Hotel/Motel (not to exceed 90 rooms)
  - o. ~~Insurance Companies~~
  - p. ~~Non-Store Retailers, Group I~~
  - q. ~~Parks, Group I~~
  - r. ~~Parking Lot, Accessory~~
  - s. ~~Personal Services, Groups I, II, III & IV (excluding massage establishment or parlors, steam or Turkish baths, escort services, palm readers, fortune teller or card reader, and tattoo parlors, except massage may be permitted within a health or beauty spa)~~
  - t. Rental or Leasing Establishments: Groups I and II (limited to indoor use only)
  - u. ~~Restaurants, Group III~~

- v. ~~Schools, Commercial~~
- w. ~~Signs, in accordance with Chapter 6 of the Land Development Code~~
- x. ~~Specialty Retail Shops, Group II~~
- y. ~~Storage, Open, as limited by Condition 8~~
- z. ~~Temporary/mobile office as limited by Condition 8~~
- aa. ~~Temporary Uses~~
- bb. ~~Mini-warehouse~~
- cc. Bonita Beach Road Corridor Overlay Interstate Zone Permitted Uses per the LDC

**3. Site Development Regulations:**

- i. Minimum Lot Dimensions:
  - 1. Minimum Lot Area: 20,000 square feet
  - 2. Minimum Lot Depth: 100 feet
  - 3. Minimum Lot Width: 100 feet
  
- ii. Minimum Setbacks:
  - 1. Street/Front (Public Road): ~~Variable, according to the functional classification of the street or road (LDC Section 4-1893, et. seq.)~~ 20 feet\*  
\*Maximum 25', LDC §4-899, Notes 2 & 5, as amended.
  - 2. Side Yard: 0 feet/15 feet 20'/25'\*
  - 3. Rear Yard: 20 feet 25'

~~\*In support of Deviation 2, parking, accessways/drives, vehicle storage, and/or storage, open for any use is prohibited within 25' of the northern property line. Building setbacks shall only be permitted at 20' when property to the north redevelops into a non-residential use. Accessway, drives, parking and storage, open may also be permitted in accordance with the LDC when property to the north redevelops into a non-residential use.~~

- iii. Maximum Building Height:
  - 1. Storage, Open 15 feet
  - 2. Commercial/Light Industrial/Restaurant 45 feet/3 stories over parking
  - 3. Hotel/Motel 55 feet/5 stories over parking
- iv. Maximum Lot Coverage: 58% 40 percent
- v. Minimum Open Space: 42% 30 percent

**4. Transportation Conditions:**

- a. ~~The developer is responsible for the costs and construction of improving Oakland Drive to current local road standards, and improvements of Oakland Drive from the northern property line 5' to the north of its driveway to the limits of its end of existing pavement at the southern property line to a local, private road standard, prior to local development order completion approval and occupancy of any use of the site, to a local private road standard. This entire segment of the roadway along the property's frontage must be completed as a part of any local development order with a permanent building consistent with LDC 3-531. A 56' wide sidewalk and minimum one (1) bench or other streetscape amenity under a shade structure or shade canopy tree is shall be installed and completed prior to the certificate of completion for any phase of development and/or occupancy of the site.~~
- 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 may be required to obtain local development order approval; and

- c. The Developer must comply with concurrency requirements (all conditions required by the Bonita Springs Comprehensive Plan and the Land Development Code) in order to obtain a local development order; and
- d. ~~At time of local development order application, the developer shall submit a Traffic Impact Statement that includes the following analysis, in addition to the City of Bonita Springs Traffic Impact Statement Guidelines:~~
  - i. ~~A Project Trip Distribution figure generated by percentage and a Peak Hour Project Traffic Assignment figure (including AM and PM peak hour turning movements) and peak hour directional trips along Bonita Beach Road.~~

~~Secondary Links~~ If the directional peak hour project trips assigned to a direct link equal or exceed 2% of the directional peak hour capacity of the level of service standard for that segment, then the project trips shall be assigned to the adjacent roadway segments. The adjacent roadway segments to the direct link shall include both segments on either end of the direct link and any segments of roadways that intersect the direct link. The adjacent roadway segments shall be referred to as ~~Secondary Links~~.

~~Additional Links~~ If the directional peak hour project trips assigned to any secondary link equal or exceed 2% of the directional peak hour capacity of the level of service standard for that segment, then the project trips shall be assigned to the next roadway segment(s) adjacent to the secondary link. These adjacent roadway segments shall be referred to as ~~Additional Links~~.

If the directional peak hour project trips assigned to any additional link equal or exceed 3% of the directional peak hour capacity of the level of service standard for that segment, then the project trips shall be assigned to the next roadway segment(s) adjacent to the additional link. These adjacent roadway segments shall also be referred to as ~~Additional Links~~.

~~Directional peak hour project trips shall continue to be assigned in this manner until the value of directional peak hour project trips is less than the directional peak hour capacity of the level of service standard for that segment. When the percentage is less than 3% of the capacity, then the project trip assignment will stop after that link has been assigned.~~

- ii. ~~The AM and PM peak hour turning movements for the intersection of Bonita Beach Road and Oakland Drive. These volumes should include both background and project trips, which clearly distinguish between background trips and site generated trips.~~
- iii. ~~The Applicant shall analyze and conduct a traffic signal operations analysis for the development's impacts on the intersections at Bonita Beach Road and Oakland Drive, and shall address mitigation through conditions to the local Development Order mitigation.~~

- e. Trip cap. The total daily and peak hour trips of the combined uses will not exceed 1,099 vehicles per day (Average Daily Traffic- ADT) and 105 vehicles per hour (including pass-by trips).
  - f. The County retains the right to modify the median opening at Oakland and Bonita Beach Road, if necessary, to maintain the safety and efficiency of the arterial street (Florida Statute 316.00 Powers of local authorities).
  - g. At time of local development order, the Applicant will work with staff to include additional conditions related to the ~~Bonita Beach Road Visioning and the Bonita Beach Road Corridor Overlay~~, ~~to the greatest extent feasibly possible~~, which will be incorporated into the local development order.
    - i. A cross access easement as depicted on the Master Concept Plan attached herein, ("Exhibit D") will be recorded upon approval of a local development order including a building and the northern driveway.
5. Environmental Conditions
- a. The Applicant must provide one hundred (100) percent native vegetation plantings within all required buffers; and
  - b. Prior to local development order approval, the applicant must provide a planting plan for the dry detention areas that include native wetland plants (minimum one gallon container size) providing 50% coverage of the bottom of the basin at time of installation; and
  - c. Per the Tree Advisory Board recommendation on October 8, 2018, the Applicant must preserve 93 Heritage-Live Oak Trees, as identified on the MCP and must mitigate removal of 4 Heritage Trees and mitigate by replanting four (4) trees on site, of similar species or ecological value with a minimum height of twenty feet (20') at installation. ~~stamped received June 8, 2016.~~
  - d. ~~The Applicant must demonstrate compliance with Comprehensive Plan Policy 9.3.3 of the Conservation/Coastal Management Element. The applicant must provide an additional fifty (50) percent retention/detention water quality treatment over that required in section 5.2.1(a) of the Basis of Review for Environmental Resource Permits within the South Florida Water Management District.~~
  - e. Any use with open storage and/or a business services group II use (with outdoor equipment and/or vehicle storage) that contains potential pollutants such as oil, greases and gasoline shall be required at a minimum to provide additional safeguards at time of local development order, which may include a wash out station, a maintenance provision to keep oil and gas absorbent material on-site for accidental spills, and proper storage and containment of materials in accordance with Florida Friendly Yards and Florida Department of Environmental Protection.
6. Perimeter Buffers
- a. ~~In support of Deviation 2, t~~The applicant shall install a six (6) foot opaque fence five (5) feet south of the northern property line and a modified five (5) foot Type "C" enhanced buffer. Trees and shrubs shall be planted in the 5' strip between the opaque fence and the northern property line. The hedge must be a 36" hedge at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. The trees must be canopy type trees, such as oaks or mahoganies, or a combination of canopy trees. For the open storage use, the opaque fence or hedge or combination berm and opaque fence or hedge must provide an eight (8) foot continuous visual screen to residential.



Should the property to the north redevelop with non-residential uses, buffering requirements may be modified for the northern buffer consistent with LDC Chapter 3.

- b. To protect the residential properties across Oakland Drive, the applicant shall enhance the Type D hedge row with a 48" hedge (minimum 15-gallon container size) at time of installation and be maintained at 60" high, providing a continuous screen within one year after time of planting. For open storage use, the Applicant must provide an eight (8) foot continuous visual screen along the street easement. For roads, drives or parking within 125 feet of residential, an opaque fence, hedge or combination berm and opaque fence or hedge not less than six (6) feet in height shall be provided. Should the property to the east redevelop with non-residential uses, buffering requirements may be modified to the eastern buffer consistent with the LDC.
- c. Prior to local development order approval, the applicant must provide a planting plan for the dry detention areas that include native wetland plants (minimum one gallon container size).
- d. In support of Deviation 1, the existing vegetated banks along the western property line shall be maintained. Any exotic removal that results in loss of the native vegetation along these banks shall be replaced and maintained with native vegetation for a low and mid-story buffer.

#### 7. Flood Regulations

- a. ~~At the time of local development order application for any site grading work, the applicant shall submit a drainage analysis that demonstrates that the site development plan causes no adverse impact on adjacent properties due to drainage capacity/conveyance, storm water discharge, and flood. The drainage analysis shall include but not limited to (1) a drainage map for all contributory areas within and into the development, showing flow paths/arrows, existing on site and offsite drainage structures (sizes and inverts), and sub basin areas; and (2) hydrologic and hydraulic calculations for the 5, 25, and 100 year design storm events in order to establish existing baseline conditions.~~
- b. Development must be consistent with the local, State, and Federal regulations for development within any floodways, flood plains, or properties designated that will be affected by a tropical storm event.

#### 8. Parking

- a. Final parking ratios shall be determined at time of a local development order consistent with the Land Development Code (LDC) for the uses requested.
- b. Parking is prohibited within 25' of the northern property line until the property to the north redevelops into a non-residential use.
- c. Parking within the Oakland Drive right-of-way is prohibited.

#### 9. Business Services, Group II (with outdoor equipment and/or vehicle storage), Storage, Open, and Rental or Leasing Establishment uses.

- a. All areas must comply with special setbacks for specific uses set forth in LDC Section 4-2014(D)(6), except as provided administratively by the City Manager or designee; and
- b. In open storage areas, surface parking materials should be selected to effectively reduce the amount of pollution generated and remain consistent with water quality goals; and

- c. Open storage of flammables and/or hazardous waste is prohibited; and
  - d. Buffering and landscaping must be installed prior to any occupancy of the property. Buffering for this use must be either increased or open storage must be positioned in such a manner that there is no view of any open storage from Oakland Drive.
  - e. Open storage, ~~vehicle and equipment dealers~~, and business services group II (with outdoor equipment and/or vehicle storage) is further limited as follows: to a period of no more than three years from the effective date of this ordinance, regardless of the property's ownership; however, 2726 SCC LLC and its tenants may continue an existing open storage use beyond the third anniversary of this ordinance for an additional period of no more than two years if they obtain administrative approval, which will be dependent on whether redevelopment occurs to the western border of the parcel (mobile homes/Saldivar). Should the ownership of the property change after the third anniversary of this ordinance all open storage uses shall terminate immediately.
    - i. Applicant must submit a local development order application within 120 days from adoption of the zoning ordinance.
    - ii. Applicant has 90 days to respond to development order request for additional information (RAI) comments.
    - iii. Applicant must obtain local development order approval within 12 months from the effective date of this zoning ordinance.
    - iv. Use is permitted for a period of no more than 65 months from local development order approval date. After such date, all open storage uses shall cease and active USE permits for open storage shall be revoked. Indoor storage, as defined, is permitted when accessory to a permitted use and which is contained wholly within a building designed in accordance with the LDC Chapter 3, Article IV.
    - v. Maximum height of open storage is 15 feet.
    - vi. Storage of 53-foot tractor-trailers is prohibited.
    - vii. No banners on boom trucks are permitted.
    - viii. A mobile sales office may be permitted during the open storage period, provided it meets LDC Chapter 3, Article IV.
    - ix. Consistent with the LDC Section 4-2073(b)(2), storage areas shall be kept in a sightly and dust-free manner and shall comply with other requirements of this ordinance.
    - x. Drive aisles shall be paved in accordance with the LDC.
  - f. Diesel engines may not idle for more than 5 minutes at or on the site, with appropriate signage informing customers of this condition.
  - g. The storage, chipping, or mulching of landscape material is prohibited. The storage of pre-packaged palletized material is permitted, consistent with the Fire Code.
  - h. Hours of operation for this use is limited from 7:00 am to 7:00 pm, from Monday through Saturday. Activities related to this use on Sundays or before or after hours is prohibited.
10. Outside speaker systems, loud speakers, or public address systems for any use are prohibited.
11. ~~Consumption on premises requests in this CPD shall be reviewed individually as regulated by LDC, or through other approval processes as may be required by future regulations.~~

- ~~12. Should the property be developed as a hotel/ motel, the property development regulations contained for a conventional zoning in LDC §4-1529, excluding subsection (4)d of this section.~~
- ~~13. Buildings exceeding 55 feet in height must maintain additional building separation as regulated by LDC Section 4-1874(3).~~
- ~~14. The development must comply with the commercial building lighting standards found in the LDC, Chapter 3. Lighting for buildings along the property lines that abut residential shall not emit glare and be limited to lighting for security purposes. Street, parking lot, and building lighting must be shielded so that light is directed downward to reduce light spillage to off-site parcels.~~
- ~~15. All development must comply with the commercial design standards found in the LDC, Chapter 3. Mini-warehouse, and industrial uses shall comply with the commercial design standards.~~
- ~~16. The development must comply with the sign code found in the LDC, Chapter 6.~~
- ~~17. Prior to local development order approval, the developer must provide facilities in compliance with the Bonita Springs LDC, for the pickup/disposal of solid waste and recyclables.~~
18. All development and uses must comply with the City's Noise Control Ordinance.
19. 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.
20. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviation approved as part of this planned development.
21. 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.

#### DEVIATIONS:

Deviations may be requested during the review process in accordance with [LDC Section 4-326](#). The Zoning Board may recommend to approve, approve with modification, or reject each requested deviation based upon a finding that each item:

1. Enhances the achievement of the objectives of the planned development; and
2. Preserves and promotes the general intent of this chapter to protect the public health, safety and welfare.

The current planned development request includes one (1) deviation.

1. Deviation (1) requests relief from LDC Section 3-418(d)(3), which requires a Type "A" buffer (5' wide) along the west property line for commercial adjacent to commercial, to provide no buffer.

Applicant's Justification: Deviation 1 was previously approved, requiring no buffer to the west to Flamingo Island Flea Market overflow parking since the western portion of the site contains a 5' drainage easement and an existing drainage way average 35' to 55' in width (containing a ditch of 20'-30' in width). This area is recommended to remain as originally approved in Z-97,084, ZO-09-13, and ZO-16-07, for a continued drainage way and open space area. It was previously determined that adequate buffering is provided with the existing vegetated banks of the drainage area. The proposed design does not modify the drainage way and provides approximately 39'± of open space with vegetated banks between the proposed parking area and adjacent commercial development. Existing condition 5.d provides that any exotic removal that results in loss of the native vegetation along these banks are required to be replaced and maintained with native vegetation for a low and mid-story buffer. This deviation enhances the achievement of the objectives of the planned development and preserves and promotes the general intent to protect the public health, safety and welfare.

Based on the Applicant's request and justification, Staff recommends **APPROVAL** of the deviation request, subject to Condition 6.d.

2. Deviation 2 is WITHDRAWN. ~~approved, granting relief from LDC §3-418(D)(6) requiring a solid wall or combination berm and solid wall not less than eight feet in height be constructed not less than 25 feet from the property line with a Type C buffer plantings to permit a Type "A" (5' wide) with no wall at this location, as conditioned in Condition 5a.~~
3. Deviation 3 was previously WITHDRAWN.
4. Deviation 4 was previously WITHDRAWN.

**SUBJECT PROPERTY:**

The Applicant indicates the STRAP number is:

31-47-26-B4-00100.0050

**EXHIBITS:**

- A. Certified Sketch of the Subject Property
- B. Master Concept Plan
- C. Narrative
- D. Cross Access Easement

**ATTACHMENTS:**

- A. Staff Informational Analysis
  - i. Background and Informational Analysis
- B. Applicant's Informational Analysis
  - i. Approved Waiver
  - ii. Application
  - iii. Previous Zoning Approvals
  - iv. Certified Sketch of Description
  - v. Area Location Map
  - vi. Aerial
  - vii. Existing Zoning and Land Use Map
  - viii. Applicant's Narrative
  - ix. Proposed Site Development Regulations
  - x. Proposed Schedule of Uses
  - xi. Schedule of Deviations and Justifications
  - xii. FLUCCS/ Vegetation Map
  - xiii. Soil Map Exhibit
  - xiv. Memorandum of Record
  - xv. Tree Advisory Board Meeting Minutes 10/8/2018
  - xvi. Variance Map
  - xvii. Master Concept Plan
  - xviii. Neighborhood Information Meeting 1 Submittal
  - xix. Neighborhood Information Meeting 2 Submittal
  - xx. Draft Cross Access Easement
- C. Public Notice and Comments



EXHIBIT A

# South Florida Surveying Inc.

2421 23rd Street S.W., Naples, Florida 34117

Phone: (239) 348-1189 Facsimile: (239) 333-3941 [sfsinc3316@aol.com](mailto:sfsinc3316@aol.com)

CERTIFICATE OF AUTHORIZATION #B7524

## LEGAL DESCRIPTION AND SKETCH - NOT A BOUNDARY SURVEY

LOT 7

EAST

329.27' (MORE OR LESS)

284.00'

WEST LINE OF SECTION 31

POINT OF BEGINNING

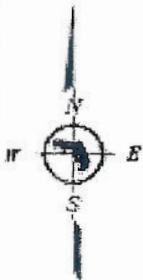
WEST LINE OF SECTION 31  
N00°07'25"E 499.60'

5' DRAINAGE EASEMENT

LOTS 5 & 6, OAKLAND ACRES  
SRAP NO. 31-47-26-D4-00100.0050

25' ROADWAY RESERVATION

500°26'50"W  
CENTER LINE OAKLAND DRIVE  
(50' EASEMENT)



WEST

528.18'

LOT 5

LOT 4

### GRAPHIC SCALE



( IN FEET )

1 inch = 60 FT.

36  
31  
R

POINT OF COMMENCEMENT  
SOUTHWEST CORNER  
SECTION 31, TOWNSHIP 47  
SOUTH RANGE 26 EAST

FOR SOUTH FLORIDA SURVEYING INC.

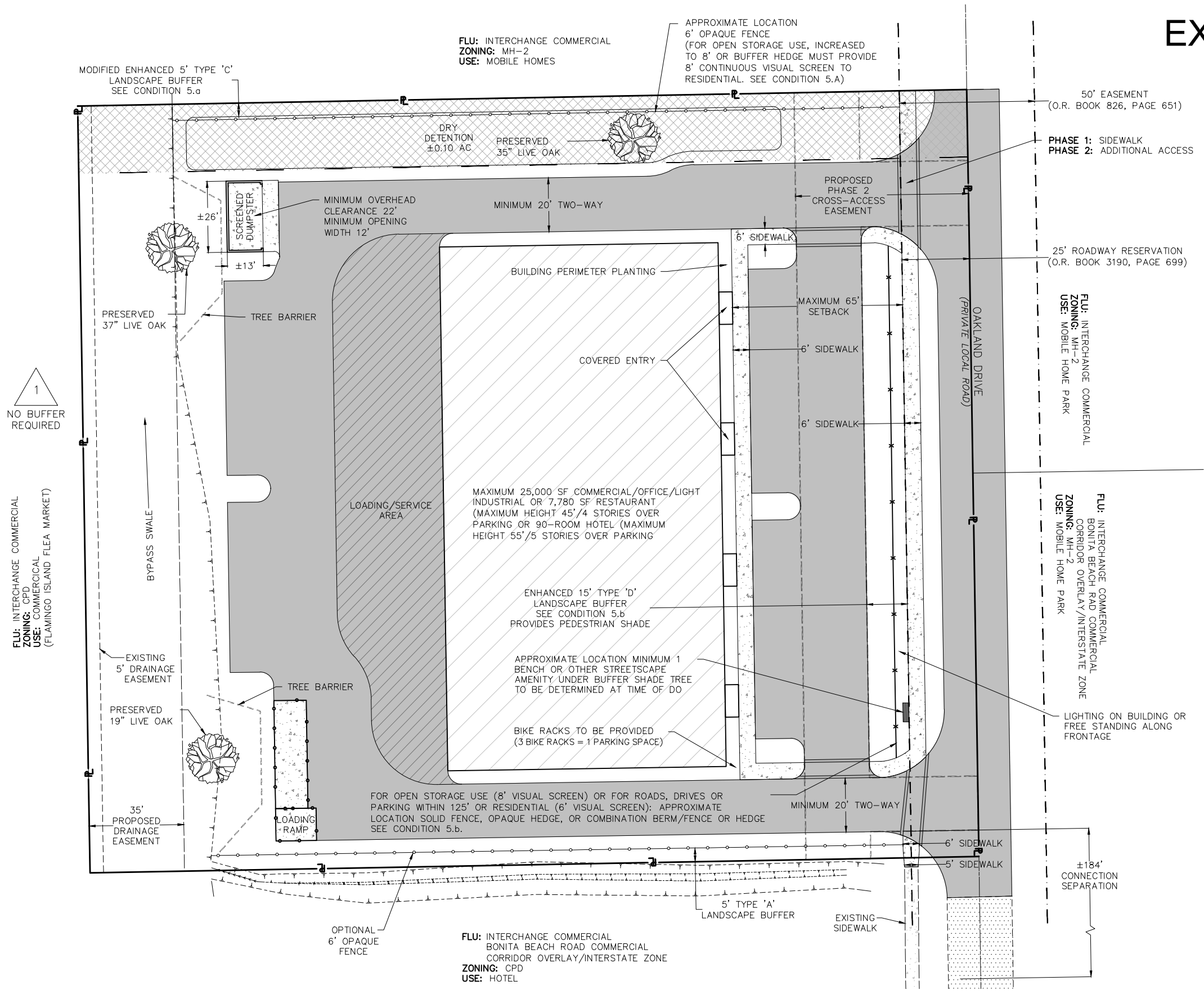
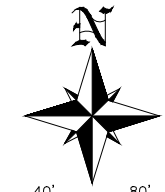
*AGB* 1-14-09  
ROBERT J. GILL, PLS. 4488 DATE

15

SHEET ONE OF TWO  
SEE SHEET TWO FOR DESCRIPTION  
PATH: \9004\_SFR\_OAKLAND ACRES\_S&D.DWG



# EXHIBIT B



**OPEN SPACE**

REQUIRED: 0.65 ACRES (2.15 x 0.30)  
 PROVIDED: 0.65 ACRES

**SITE SUMMARY**

**FUTURE LAND USE:** INTERCHANGE COMMERCIAL  
 BONITA BEACH ROAD OVERLAY  
 CORRIDOR/INTERSTATE ZONE

**EXISTING ZONING DESIGNATION:** CPD, COMMERCIAL PLANNED DEVELOPMENT

**EXISTING LAND USE:** UNDEVELOPED

**PROPOSED ZONING DESIGNATION:** CPD, COMMERCIAL PLANNED DEVELOPMENT

**GROSS AREA:** 2.15± ACRES

**STRAP NUMBER:** 31-47-26-B4-00100.0050

**STREET ADDRESS:** 27917 OAKLAND DRIVE  
 BONITA SPRINGS, FL 34135

**PHASE 1:** OPEN STORAGE, SOUTH ACCESS & OAKLAND ROW IMPROVEMENTS

**PHASE 2:** BUILDING, NORTH ACCESS & CROSS-ACCESS EASEMENT

**LEGEND:**

- DEVIATION
- TREE TO REMAIN
- BUILDING
- PAVEMENT
- CONCRETE
- PARKING, ACCESS WAYS/DRIVES, VEHICLE STORAGE, OPEN FOR ANY USE IS PROHIBITED WITHIN 25' OF THE NORTHERN PROPERTY LINE. BUILDING SETBACKS SHALL ONLY BE PERMITTED AT 20' WHEN PROPERTY TO THE NORTH REDEVELOPS INTO A NON-RESIDENTIAL USE. ACCESSWAY, DRIVES, PARKING AND STORAGE, OPEN MAY ALSO BE PERMITTED IN ACCORDANCE WITH THE LDC WHEN PROPERTY TO THE NORTH REDEVELOPS INTO A NON-RESIDENTIAL USE.

1  
NO BUFFER REQUIRED

FLU: INTERCHANGE COMMERCIAL  
 ZONING: CPD  
 USE: COMMERCIAL (FLAMINGO ISLAND FLEA MARKET)

FLU: INTERCHANGE COMMERCIAL  
 ZONING: MH-2  
 USE: MOBILE HOMES

50' EASEMENT  
 (O.R. BOOK 826, PAGE 651)

PHASE 1: SIDEWALK  
 PHASE 2: ADDITIONAL ACCESS

25' ROADWAY RESERVATION  
 (O.R. BOOK 3190, PAGE 699)

FLU: INTERCHANGE COMMERCIAL  
 ZONING: MH-2  
 USE: MOBILE HOME PARK

FLU: INTERCHANGE COMMERCIAL  
 BONITA BEACH ROAD COMMERCIAL  
 CORRIDOR OVERLAY/INTERSTATE ZONE  
 ZONING: MH-2  
 USE: MOBILE HOME PARK

LIGHTING ON BUILDING OR  
 FREE STANDING ALONG  
 FRONTAGE

ENHANCED 15' TYPE 'D'  
 LANDSCAPE BUFFER  
 SEE CONDITION 5.b  
 PROVIDES PEDESTRIAN SHADE

APPROXIMATE LOCATION MINIMUM 1  
 BENCH OR OTHER STREETSCAPE  
 AMENITY UNDER BUFFER SHADE TREE  
 TO BE DETERMINED AT TIME OF DO

BIKE RACKS TO BE PROVIDED  
 (3 BIKE RACKS = 1 PARKING SPACE)

FOR OPEN STORAGE USE (8' VISUAL SCREEN) OR FOR ROADS, DRIVES OR  
 PARKING WITHIN 125' OR RESIDENTIAL (6' VISUAL SCREEN): APPROXIMATE  
 LOCATION SOLID FENCE, OPAQUE HEDGE, OR COMBINATION BERM/FENCE OR HEDGE  
 SEE CONDITION 5.b.

FLU: INTERCHANGE COMMERCIAL  
 BONITA BEACH ROAD COMMERCIAL  
 CORRIDOR OVERLAY/INTERSTATE ZONE  
 ZONING: CPD  
 USE: HOTEL

PREPARED FOR:  
**STAN STOUWER**  
 2726 SCC, LLC  
 P.O. BOX 6122  
 FORT MYERS BEACH, FLORIDA 33932

NO.	DATE	REVISION DESCRIPTION	BY
17			

**BANKS ENGINEERING**  
 Professional Engineers, Planners, & Land Surveyors  
 Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY  
 FORT MYERS, FLORIDA 33966  
 PHONE: (239) 939-5490 FAX: (239) 939-2523  
 ENGINEERING LICENSE # EB 6469  
 SURVEY LICENSE # LB 6690  
 WWW.BANKSENG.COM

MASTER CONCEPT PLAN						
OAKLAND CPD						
BONITA SPRINGS, FLORIDA						
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SHEET
01-23-2023	8332	MCP	DBA	RJV	DBA	01
SCALE						1" = 40'

**SCHEDULE OF USES:**

CONSUMPTION ON PREMISES, INDOOR ONLY, IN CONJUNCTION WITH A FULL-SERVICE RESTAURANT OR HOTEL/MOTEL. OUTDOOR CONSUMPTION REQUIRES A SPECIAL EXCEPTION (PUBLIC HEARING REQUIRED)

DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE (REQUIRES SPECIAL EXCEPTION)

HOTEL/MOTEL (NOT TO EXCEED 90 ROOMS)

RENTAL OR LEASING ESTABLISHMENTS: GROUPS I AND II (LIMITED TO INDOOR USE ONLY)

STORAGE, OPEN AS LIMITED BY CONDITION 8

TEMPORARY USES

MINI-WAREHOUSE

BONITA BEACH ROAD CORRIDOR OVERLAY INTERSTATE ZONE PERMITTED USES PER LDC

**SITE DEVELOPMENT REGULATIONS**

**MINIMUM AREA AND DIMENSIONS:**

LOT AREA: 20,000 S.F.

LOT DEPTH: 100'

LOT WIDTH: 100'

**MINIMUM SETBACKS:**

STREET/ FRONT (PUBLIC ROAD): 20 FEET\*  
\*MAXIMUM 25', LDC SEC.4-899(a), NOTES 2 & 5, AS AMENDED

SIDE YARD: 0 FEET /15 FEET

REAR YARD: 20 FEET

**MAXIMUM BUILDING HEIGHT:**

STORAGE, OPEN 15'

COMMERCIAL/LIGHT INDUSTRIAL/RESTAURANT 45'/3 STORIES OVER PARKING

HOTEL/MOTEL 55'/5 STORIES OVER PARKING

**MAXIMUM LOT COVERAGE:** 40%

**MINIMUM OPEN SPACE:** 30%

**SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS**

**DEVIATION 1** IS APPROVED, GRANTING RELIEF FROM LDC §3-418(D)(3) REQUIRING A TYPE "A" BUFFER (5' WIDE) ALONG THE WEST PROPERTY LINE TO PERMIT NO BUFFER AT THAT LOCATION.

**JUSTIFICATION:** DEVIATION 1 APPROVED NO BUFFER TO THE WEST TO FLAMINGO ISLAND FLEA MARKET OVERFLOW PARKING SINCE THE WESTERN PORTION OF THE SITE CONTAINS A 5' DRAINAGE EASEMENT AND AN EXISTING DRAINAGE WAY AVERAGING 35' TO 55' IN WIDTH (CONTAINING A DITCH OF 20'-30' IN WIDTH). THIS AREA IS RECOMMENDED TO REMAIN AS ORIGINALLY APPROVED IN Z-97-084, ZO-09-13 AND ZO-16-07 FOR A CONTINUED DRAINAGE WAY AND OPEN SPACE AREA. IT WAS PREVIOUSLY DETERMINED THAT ADEQUATE BUFFERING IS PROVIDED WITH THE EXISTING VEGETATED BANKS OF THE DRAINAGE AREA. THE PROPOSED DESIGN DOES NOT MODIFY THE DRAINAGE WAY AND PROVIDES APPROXIMATELY 39'± OF OPEN SPACE WITH VEGETATED BANKS BETWEEN THE PROPOSED PARKING AREA AND ADJACENT COMMERCIAL DEVELOPMENT. EXISTING CONDITION 5.D PROVIDES THAT ANY EXOTIC REMOVAL THAT RESULTS IN LOSS OF THE NATIVE VEGETATION ALONG THESE BANKS ARE REQUIRED TO BE REPLACED AND MAINTAINED WITH NATIVE VEGETATION FOR A LOW AND MID-STORY BUFFER. THIS DEVIATION ENHANCES THE ACHIEVEMENT OF THE OBJECTIVES OF THE PLANNED DEVELOPMENT AND PRESERVES AND PROMOTES THE GENERAL INTENT TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.

**DEVIATION 2** WAS WITHDRAWN.

**DEVIATION 3** WAS WITHDRAWN.

**DEVIATION 4** WAS WITHDRAWN.

PREPARED FOR:  
**STAN STOUER**  
**2726 SCC, LLC**  
P.O. BOX 6122  
FORT MYERS BEACH, FLORIDA 33932

NO.	DATE	REVISION DESCRIPTION	BY
18			

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MASTER CONCEPT PLAN <b>OAKLAND CPD</b> BONITA SPRINGS, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
01-23-2023	8332	MCP	DBA	RJV	DBA	N.T.S.	02

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###

# Oakland CPD Amendment Narrative of Request Exhibit II-E-2 & IV-D PD21-85799-BOS Revised December 2022

## Introduction

The applicant, 2726 SCC, LLC, is requesting to amend the approved Oakland Park Commercial Planned Development (CPD) latest Ordinance 16-07 to adopt a new Master Concept Plan (MCP) to update conditions and demonstrate compliance with the Bonita Beach Road Corridor Overlay including uses, property development regulations and Conditions 3.a and 3.g, update Condition 4.c concerning heritage trees, amend Conditions 5.a and 5.b concerning open storage screening and amend Condition 8 concerning open storage use. The proposed development will be a benefit to the City by facilitating infill development within the Bonita Beach Road Corridor Overlay increasing property taxes from this investment.

The subject property is 2.15± acres located at 27971 Oakland Drive on the west side of Oakland Drive, approximately 580 feet north of Bonita Beach Road S.E. in the northwest quadrant of the I-75 and Bonita Beach Road intersection as shown in the below aerial. The site is vacant and fenced, previously cleared land with an existing drainage swale along the west boundary and 284± feet of frontage on Oakland Drive. The area is characterized with intense commercial uses to the west and south and high density residential consisting of older mobile homes to the north and east.





## **Background**

The subject property was originally rezoned to Commercial Planned Development (CPD) in 1997 by Lee County Zoning Resolution Z-97-084 which included the parcel adjacent to the south. The property to the south was developed with a hotel, while the only historical use on the subject property was an unpermitted limestone parking lot for the staging/storing of utility vehicles adjacent to the existing mobile homes to the north and east. This lot was used for the storage of utility service trucks during the 2004 and 2005 hurricane seasons and prior years. Although the site has been permitted for commercial use since 1997, the property was sold in 2010 and again in 2016, no applications for development orders, building or use permits have been submitted. The property was cited in 2006 for the storage of those utility vehicles, which was not permitted under the 1997 CPD Schedule of Uses. The property was rezoned from CPD to CPD in 2009 by City of Bonita Springs Zoning Ordinance No. 09-13 for 2 phases with phase 1 allowing up to 47,330 square feet of open storage with a time limit of seven years and phase 2 allowed 32,700 square feet of commercial/office use, a 7,780 square foot restaurant, or a 90-room hotel. The anticipation was that phase 2 would develop on the site within that seven year time limit, but the site remains undeveloped. The property was purchased by the current owner in 2016 and the zoning was amended by City of Bonita Springs Zoning Ordinance No. 16-07 which reduced the commercial intensity from 32,700 square feet to 25,000 square feet, amended the Master Concept Plan, Schedule of Uses, Development Standards and Conditions of Approval. As part of these conditions, 9 heritage trees were required to be preserved (Condition 4.c) and the open storage use was limited to 3-5 years from date of approval (8.e). The site remains vacant due to these time limitations which have precluded the applicant's ability to successfully secure a user for the site which is a precursor to the applicant making the improvements requested herein by the City.

## **Request**

The request seeks to adopt a new MCP to update conditions and demonstrate compliance with the Bonita Beach Road Corridor Overlay including uses, property development regulations and Conditions 3.a and 3.g, update Condition 4.c concerning heritage trees, amend Conditions 5.a and 5.b concerning open storage screening and amend Condition 8 concerning open storage use. These requests are outlined in more detail below.

### **Bonita Beach Road Corridor Overlay**

The subject property lies within the outer edge of the Interstate Zone of the Bonita Beach Road Corridor Overlay. The existing MCP was approved in December of 2016 and therefore did not comply with the Bonita Beach Road Corridor Overlay and was set to expire thirty (30) days past the fifth anniversary date of adoption in December 2016, pending Executive Order State of Emergency extension(s). Pursuant to Land Development Code (LDC) Section 4-897(g)(2)iv, the applicant is required to bring the MCP into compliance with the Overlay since no buildings or infrastructure has been constructed. The applicant proposes to provide the required lighting, streetscape amenity such as a bench under a buffer shade tree, shaded pedestrian facility, bike racks, update property development regulations for reduced lot coverage, clarify open space and add the additional uses identified as permitted in the Interstate Zone of the Bonita Beach Road Corridor Overlay (except where noted otherwise in the schedule of uses), subject to the existing trip cap included in existing Condition 3e. Compliance with the LDC requirements are detailed in the LDC Bonita Beach Road Corridor Overlay analysis beginning on page 11 of this narrative.

### **Heritage Trees**

The existing zoning ordinance Condition 4.c states, "Per the Tree Advisory Board recommendation, the application must preserve 9 Heritage Trees as identified on the MCP Stamped received June 8, 2016." In 2018, David M. Jones, Jr. and Associates, Inc. prepared the attached Memorandum of Record, Heritage Tree Exhibit and Tree Evaluations Exhibit A which determined the following:

- 1 tree in the southwest corner was 19” in diameter so it did not qualify as a heritage tree, but is proposed for preservation
- 2 trees scored poorly when evaluating health so therefore removal would not require replacement for mitigation of removal,
- 4 heritage trees will be impacted by fill requirements for the site when developed so will be removed and mitigated by replanting 4 trees, on site, of similar species or ecologic value with a minimum height of twenty feet (20’ Ht.) at installation.
- 2 heritage trees are proposed for preservation, one along the north property line and another along the west.

This information was presented to the Heritage Tree Advisory Board on October 8, 2018. The board agreed with the new analysis and unanimously approved this proposed plan resulting in the preservation of the three (3) trees shown on the attached proposed revised MCP. A strike-through/underline of the conditions contained in Zoning Ordinance 16-07 is attached with Condition 4.c proposed to be revised as follows:

- 4.c. Per the Tree Advisory Board recommendation on October 8, 2018, the applicant must preserve the 3 9 Heritage Live Oak Trees as identified on the MCP and must mitigate removal of 4 Heritage Trees and mitigate by replanting 4 trees, on site, of similar species or ecologic value with a minimum height of twenty feet (20’ Ht.) at installation. stamped received June 8, 2016.

### **Buffers and Open Storage Use**

The property has been zoned for commercial development since 1997 yet remains undeveloped. The property owner has received interest from multiple parties concerning the open storage use that is currently expired, but has been unable to secure a permanent Phase 2 use. In order to make the property economically viable until a permanent Phase 2 user secures the property, the owner would like to be able to lease the property for open storage use. Although time limitations were placed on the outdoor storage use in both the 2009 and 2016 approvals, other conditions were included to ensure compatibility of the open storage use with the adjacent properties. This is a low traffic generating use compared to other permitted uses on the site which furthers the intent of condition 3.e which includes a trip cap of 1,099 vehicles per day and 105 vehicles per hour for the site. Allowing the requested use by a planned development public hearing amendment process is keeping with the intent to bring the site more into compliance with the Bonita Beach Road Corridor Overlay which only requires a special exception for Storage, open in the Interstate Zone of the Bonita Beach Road Corridor Overlay and the site is going through a more thorough review process as a public hearing amendment to the PD. Allowing the use on this site will reduce the likelihood of the use to be requested on a less appropriate site within the overlay. As stated in the submitted narrative, the property owner has received interest from multiple parties concerning the open storage use and no interest in the Phase 2 uses. The only historical use on this property was an unpermitted limestone parking lot for the staging/storing of utility vehicles adjacent to the existing mobile homes to the north and east. This lot was used for the storage of utility service trucks during the 2004 and 2005 hurricane seasons and prior years. Although the site has been permitted for commercial use since 1997, the property was sold in 2010 and again in 2016, no applications for development orders, building or use permits have been submitted. The property was cited in 2006 for the storage of those utility vehicles, which was not permitted under the 1997 CPD Schedule of Uses. Zoning Ordinance 09-13 approved a 2-phase development. Phase 1 limited the open storage use to a seven year time period, with the expectation that the property would develop with those uses anticipated in Phase 2. Zoning Ordinance 16-07 limited the open storage use for three years. The site remains vacant due to these time limitations which have precluded the applicant’s ability to successfully secure a user for the site. The applicant believes that the required buffers and conditions of approval continue to provide adequate compatibility for the open storage use. The site is not visible from I-75 and is not visible from Bonita Beach Road since it is approximately 580 feet north of Bonita Beach Road behind an existing hotel, gas stations and fast food uses. LDC Section 4-898 provides that Open storage is only allowed within the Bonita Beach

Road Corridor Overlay when permitted by Special Exception within the Interstate Zone and is not permitted at all in the other three zones. The subject property is going through the public hearing process, already includes the open storage use and is an appropriate location for this use within the Overlay as demonstrated by the prior approvals and the user interest in the site. Development of the site will result in adding a 284± linear foot vital extension of shaded 6' wide sidewalk pedestrian facilities with landscape buffer connecting the high density mobile homes to the north and east to the commercial uses to the south including a bench or other streetscape amenity to be located under a buffer shade tree. These improvements would provide a benefit to the surrounding properties and the City. The existing buffer conditions were deemed compatible in 2016; however the applicant proposes to update conditions 5a and 5b to increase the visual screen to from 6' to 8' to north residential and from 60" to 6' (72") to the road easement for roads, drives or parking within 125 feet of residential or 8' (96") for open storage use visible from residential use. This application also requests to amend Condition 8 to add the following further conditions on the open storage uses and to allow the storage of pre-packaged palletized material:

A strike-through/underline of the conditions contained in Zoning Ordinance 16-07 is attached with Conditions 5.a, 5.b and 8 proposed to be revised as follows:

- 5.a. ~~In support of Deviation 2, t~~The applicant shall install a 6' opaque fence 5' south of the property line and provide a modified 5' Type C enhanced buffer. Trees and shrubs shall be planted in the 5' strip between the opaque fence and the northern property line. The hedge must be a 36" hedge at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. The trees must be canopy trees such as oaks or mahoganies or a combination of canopy trees. For open storage use, the opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' continuous visual screen to residential. Should the property to the north redevelop with non-residential uses, buffering requirements may be modified for the northern buffer consistent with LDC 3.
- 5.b. To protect the residential properties across Oakland Drive, the applicant shall enhance the Type D hedge row with a 48" hedge (minimum 15 gallon container size) at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. For open storage use, an 8' continuous visual screen must be provided when visible from residential use or zoning. If roads, drives or parking are located within 125 feet of residential, an opaque fence, hedge or combination berm and opaque fence or hedge must provide a 6' must be provided. Should the property to the east redevelop with non-residential uses, buffering requirements may be modified for the eastern buffer consistent with the LDC.
8. Business Services Group II (with outdoor equipment and/or vehicle storage), Storage, Open, and Rental or Leasing Establishment uses
  - e. ~~Open storage, vehicle and equipment dealers, and business services group II (with outdoor equipment and/or vehicle storage) is further limited as follows: to a period of no more than three years from the effective date of this ordinance, regardless of the property's ownership; however, 2726 SCC LLC and its tenants may continue an existing open storage use beyond the third anniversary of this ordinance for an additional period of no more than two years if they obtain administrative approval, which will be dependent on whether redevelopment occurs to the western border of the parcel (mobile homes/Saldivar). Should the ownership of the property change after the third anniversary of the ordinance all open storage uses shall terminate immediately.~~
    - i. Must submit development order application within 120 days from approval of this ordinance.
    - ii. 90 days instead of 180 days to respond to development order review

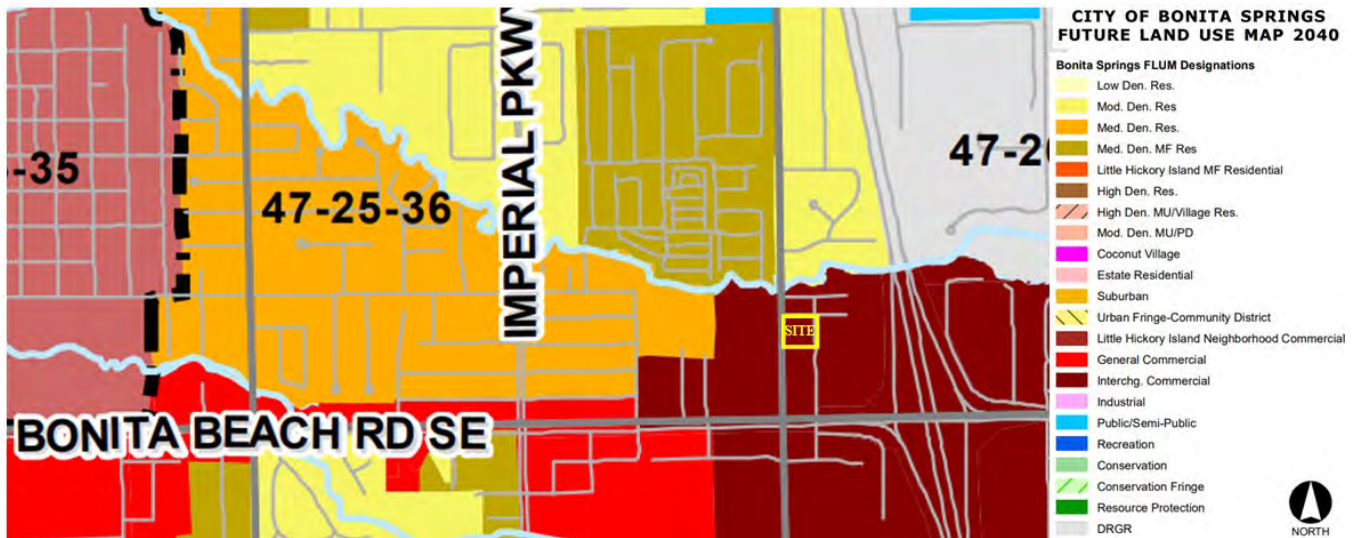
- iii. comments.  
Must obtain development order approval within 12 months from the effective date of this ordinance.
  - iv. Use is permitted for a period of no more than 65 months from development order approval date.
  - v. Maximum height of open storage is 15 feet.
  - vi. Storage of 53-foot tractor trailers is prohibited.
  - vii. No banners on boom trucks.
  - viii. Temporary trailer may be provided.
  - ix. Consistent with LDC Section 4-2073(b)(2), Storage areas do not need to be paved. Grass or other ground cover may be used provided it is kept in a slightly and dustfree manner and complies with other requirements of this ordinance. ...
- g. The storage, chipping, or mulching of landscape material is prohibited. Storage of pre-packaged palletized material is permitted.

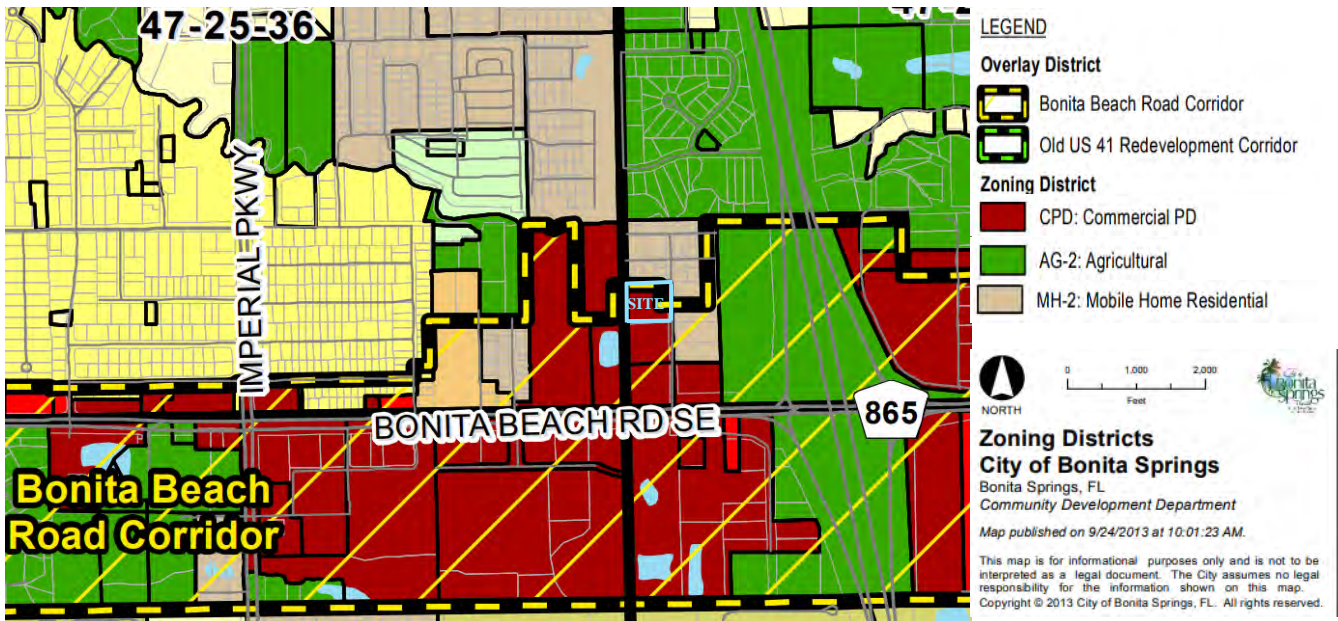
### Subject and Adjacent Properties

The area is characterized with intense commercial uses to the west and south and high density residential uses to the north and east. The subject and surrounding properties future land use designation, zoning, Bonita Beach Road Overlay designation and current land use are summarized in the following table.

	Future Land Use	BBRC Overlay	Zoning	Use
<b>Subject</b>	Interchange Commercial	Yes	CPD	Vacant
<b>North</b>	Interchange Commercial	No	MH-2	Mobile Homes on lots
<b>East</b>	Interchange Commercial	N ½ No S ½ Yes	MH-2	Oakland Drive then 2 Mobile Home Parks
<b>South</b>	Interchange Commercial	Yes	CPD	Days Inn & Suites Hotel
<b>West</b>	Interchange Commercial	No	CPD	Flamingo Island Flea Market overflow parking

Below are excerpts of the Future Land Use Map and Zoning Map followed by a detailed description of the area.





**North**

Adjacent to the north are properties within the Interchange Commercial future land use map designation, zoned Mobile Home MH-2 and developed with high density residential consisting of individual lots with mobile homes averaging at 10± dwelling units per acre. The mobile homes are an existing inconsistent use in this future land use category, however may remain until voluntarily removed or reduced by attrition. If redeveloped, the future land use designation allows a maximum 1.2 FAR for nonresidential uses or a maximum density of up to 15 dwelling units per acre for multi-family residential and maximum allowable height of 75 feet. The City’s Carpenter Lane Park is located at the end of Oakland Drive and Carpenter Lane along the Imperial River.

**West**

Adjacent to the west is property within the Interchange Commercial future land use map designation, zoned CPD and consists of Flamingo Island Flea Market overflow parking area.

**East**

Adjacent to the east is Oakland Drive, a two lane, privately maintained dirt road, and then property within the Interchange Commercial future land use map designation, zoned MH-2 and developed with higher density residential comprised of mobile home parks on two large lots. The mobile homes are an existing inconsistent use in this future land use category, however may remain until voluntarily removed or reduced by attrition. If redeveloped, the future land use designation allows a maximum 1.2 FAR for nonresidential uses or a maximum density of up to 15 dwelling units per acre for multi-family residential and maximum allowable height of 75 feet. Three lots south of this area is the Frank Clesen CPD, which is occupied by a fast food restaurant, gas station and convenience store fronting on Bonita Beach Road.

**South**

Adjacent to the south is property within the Interchange Commercial future land use map designation, zoned as Patel CPD (Lee County zoning resolution number Z-97-084) and developed with Days Inn & Suites Hotel. South of the hotel is a gas station and convenience store approved by the Kwik Pick Store CPD. This site was previously included in the original zoning resolution for the subject property.

The existing approved MCP is a bubble plan and a new MCP is proposed which provides the Phase 1 open storage conditions, Phase 2 building and parking layout and incorporates the existing buffer conditions and applicable requirements of the Bonita Beach Road Corridor Overlay Interstate Zone. The same singular vehicular access point onto Oakland Drive is proposed in generally the same location as the existing gated



access point into the property for the Phase 1 open storage use. A second access is proposed as part of Phase 2. The request proposes to incorporate the existing approved Deviations 1 regarding the west buffer. Deviation 2 is being withdrawn since it is no longer necessary due to the Bonita Beach Road Corridor Overlay LDC Section 4-899(b)(4)d.ii allowing the solid fence, opaque landscape hedge, or combination berm and solid fence or opaque landscape hedge not less than six feet in height to be constructed along the property line without landscaping.

Deviation 1 approved no buffer to the west to Flamingo Island Flea Market overflow parking since the western portion of the site contains a 5' drainage easement and an existing drainage way averaging 35' to 55' in width (containing a ditch of 20'-30' in width). This area is recommended to remain as originally approved in Z-97-084, ZO-09-13 and ZO-16-07 for a continued drainage way and open space area. It was previously determined that adequate buffering is provided with the existing vegetated banks of the drainage area. The proposed design does not modify the drainage way and provides approximately 39'± of open space with vegetated banks between the proposed parking area and adjacent commercial development. Existing condition 5d provides that any exotic removal that results in loss of the native vegetation along these banks are required to be replaced and maintained with native vegetation for a low and mid-story buffer.

Existing Deviation 2/Condition 5.a approved a north buffer of a 6' opaque fence 5' south of the property line with a modified 5' Type C enhanced buffer. Trees and shrubs shall be planted in the 5' strip between the opaque fence and the northern property line. The hedge must be a 36" hedge at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. The trees must be canopy trees such as oaks or mahoganies or a combination of canopy trees. As previously stated, the applicant is proposing additional language to require that the opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' continuous visual screen to residential. Should the property to the north redevelop with non-residential uses, buffering requirements may be modified for the northern buffer consistent with LDC 3. The applicant is maintaining the previous condition that was in support of Deviation 2 that parking, access ways/drives, vehicle storage, and/or storage, open for any use is prohibited within 25' of the northern property line. Building setbacks shall only be permitted at 20' when property to the north redevelops into a non-residential use. Accessway, drives, parking and storage, open may also be permitted in accordance with the LDC when property to the north redevelops into a non-residential use.

To protect the residential properties across Oakland Drive, Condition 5.b requires the applicant to enhance the Type D hedge row with a 48" hedge (minimum 15 gallon container size) at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. As previously stated, the applicant is proposing additional language to require an opaque fence or hedge or combination berm and opaque fence or hedge to provide an 8' (96") visual screen to the street easement for open storage use visible from residential or a 6' (72") visual screen for roads, drives or parking within 125 feet of residential. Should the property to the east redevelop with non-residential uses, buffering requirements may be modified for the east buffer consistent with the LDC. The south buffer is commercial to commercial so a 5' Type A buffer is required and provided.

## **Comprehensive Plan Consistency Analysis**

*Policy 1.1.3: Height - While each individual land use category may include a maximum allowable height, the actual allowable height for any given property will be stated in the Land Development Code based on consideration of compatibility with surrounding existing land uses and future land use patterns.*

The 2009 CPD amendment approval allowed a height of 75 feet for a hotel use, 55 feet for commercial, industrial or restaurant and 25 feet for open storage which is consistent with the Interchange

Commercial future land use category's maximum height of 75 feet. The 2016 CPD amendment approval reduced the maximum height to 55 feet for a hotel use; 45 feet for commercial, office, industrial or restaurant use and 15 feet for open storage. The subject application does not propose any changes to these existing height limitations which were previously found compatible with surrounding residential and commercial uses. The requested amendment remains consistent with Policy 1.1.3.

*Policy 1.1.4: Allowable Uses - The listing of appropriate land uses in each of the individual land use categories identifies those uses generally expected to be appropriate. However, other uses which are similar in character, intensity and impacts to those listed may also be deemed to be appropriate.*

The existing schedule of uses was found consistent with this Policy. Intense commercial uses are consistent with the existing land use patterns or those that are proposed within the Interchange Commercial area. As previously stated, the application intends to add the additional uses identified as permitted in the Interstate Zone of the Bonita Beach Road Corridor Overlay (except where noted otherwise in the schedule of uses), subject to the existing trip cap included in existing Condition 3.e and the proposed MCP. Although the applicant would prefer that these uses remain in order to encourage Phase 2 development which is desired by the City, the applicant agrees to require a special exception for a drive-through and remove non-store retailers to bring the site more into compliance with the Bonita Beach Road Corridor Overlay should the Phase 1 Open Storage use be approved. The property has been zoned for commercial development since 1997 yet remains undeveloped. Exclusive interest has been from multiple parties concerning the open storage use which will immediately improve the property's appearance concurrently generating revenue to repay the owner for the site improvements required in advance of allowing Open Storage and over time fund the equity needed to complete Phase 2 of the development. In order to make the property economically viable until a permanent Phase 2 user secures the property, the owner would like to be able to lease the property for open storage use. Although time limitations were placed on the outdoor storage use in both the 2009 and 2016 approvals, other conditions were included to ensure compatibility of the open storage use with the adjacent residential and commercial properties. The site is not visible from I-75 and is not visible from Bonita Beach Road since it is approximately 580 feet north of Bonita Beach Road behind an existing hotel, gas stations and fast food uses. LDC Section 4-898 provides that Open storage is only allowed within the Bonita Beach Road Corridor Overlay when permitted by Special Exception within the Interstate Zone and is not permitted at all in the other three overlay zones. The subject property is going through the public hearing process, already includes the open storage use and is an ideal use particularly given users of Open Storage often travel interstates. The subject property's near proximity and short access to I-75 eliminates a user of Open Storage from traveling longer distances on Bonita Beach Road. It is an appropriate location for this use within the Overlay as demonstrated by the prior approvals and the user interest in the site. The existing conditions of approval and the proposed amendments ensure compatibility of the proposed use. The proposed amendment remains consistent with Policy 1.1.4.

*Policy 1.1.22: In order to minimize incompatibility when commercial, industrial or more intensive land uses share a common boundary with residential land uses, lower intensity uses shall be located adjacent to residential uses and the Land Development Code shall include provisions for buffering in the form of fences, walls, vegetation or spatial buffers to minimize the impacts upon the residential use.*

The existing conditions of approval provide setback and buffering requirements as well as height limitations that were deemed consistent with this Policy and no changes are proposed to the existing setbacks and height limitations. The buffers are proposed to be revised to increase screening to ensure the open storage use provides the required 8' visual screen to existing residential to the north and east or 6' visual screen to the east if roads, drives or parking are within 125' of residential. The proposed revised time limitations for the open storage use does not change the fact that the conditioned buffers

and setbacks provide compatibility with the adjacent residential uses. The request remains consistent with Policy 1.1.22.

*Objective 1.16: Bonita Beach Road Corridor and Bonita Beach Road Corridor Quadrant Map: Establish regulations to implement the Bonita Beach Road Visioning Study by Toole Design Group dated November 1, 2016 for the Bonita Beach Road Corridor, which is generally located between the Gulf of Mexico and the City limits to the East. The corridor serves as the main gateway to the City, and is intended for an interconnected mix of uses including commercial, civic, residential, and mixed-use development, with emphasis on compatibility, a human-scale of development, walkability and bike-ability, and a vibrant and aesthetically-pleasing streetscape.*

The project site is located on Oakland Drive, a dead end side street within the Bonita Beach Road Overlay Corridor Interstate Zone. The site is not visible from I-75 and is not visible from Bonita Beach Road since it is approximately 580 feet north of Bonita Beach Road behind an existing hotel, gas stations and fast food uses. Its unique location makes it appropriate for the potential open storage use proposed revised time limitations and remaining Phase 2 uses. The request brings the MCP into compliance with the LDC requirements for developments within the Bonita Beach Road Corridor. Development of the site will provide a 6' sidewalk with landscape buffer providing shade with a bench or other streetscape amenity and extension of Oakland Drive along the site's 284± linear feet of frontage connecting the residential uses to the north and east with the commercial uses to the south benefiting the surrounding properties and the City. The request is consistent with Objective 1.16.

The subject property is located in the Interchange Commercial future land use category. The Comprehensive Plan describes the Interchange Commercial land use designation as follows:

*Policy 1.1.15: Interchange Commercial - Intended for uses that serve the traveling public such as automobile service/gas stations, hotel/motel, restaurants and gift shops; and a broad range of tourist-oriented, general commercial, light industrial, commercial office, and multi-family residential up to 10 dwelling units per acre within the approximately 385 acres of gross land area in the land use category.*

- a. If affordable housing is provided, residential density may be increased by up to five additional dwelling units per acre.*
- b. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves.*
- c. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2.*

The existing approved schedule of uses provides a wide range of commercial, light industrial, or hotel/motel uses which are permitted in the Interchange Commercial land use designation. The proposed inclusion of the uses permitted in the Bonita Springs Road Corridor Overlay Interstate Zone are also consistent with the Interchange Commercial land use designation and appropriate for the area. No changes are proposed to the existing approved maximum height of 55 feet which is less than the maximum of 75 feet allowed in this category. No changes are proposed to the existing maximum intensity of 25,000 square feet which is a floor area ratio of 0.27. The maximum floor area ratio of 1.2 would allow up to 112,000± square feet. The request remains consistent with Policy 1.1.15.

*Objective 1.11: Development orders and permits for new development or redevelopment shall be issued only if public facilities and services for potable water, sanitary sewer, solid waste, and stormwater management are necessary to meet the City's adopted Level of Service (LOS) standards are available concurrent with the impacts of the development...*

Policy 1.11.1: Refers to the availability of public facilities and services necessary to support development

concurrent with its impacts, prior to the issuance of a development order or permit. The subject property is within the Bonita Springs Utilities franchise area for both water and sewer. Solid waste capacity is available to service the site. Access to the site will be provided via the existing access on Oakland Drive for Phase 1. An additional access will be provided with Phase 2. The existing conditions of approval 3.a through 3.g provide transportation requirements including improving portions of Oakland Drive and a trip cap. Minor revisions are proposed to these conditions to clarify the sidewalk width, provide a streetscape amenity, provide for a cross-access easement to the north, and require Oakland Drive improvements along the property frontage. The approximate location of storm water management areas are shown on the proposed MCP. Detailed storm water management design and utility connections will be provided at the time of local development order review. The proposed amendment to the CPD is consistent with Objective 1.11 and Policy 1.11.1.

## Land Development Code Analysis

### Planned Development General Standards

The proposed amendment complies with the general standards for planned developments provided in the Land Development Code Section 4-325 as follows:

*(a) All planned developments shall be consistent with the provisions of the Bonita Plan.*

The proposed amendment to the CPD is consistent with the Bonita Plan as demonstrated above.

*(b) All planned developments, unless otherwise excepted, shall be designed and constructed in accordance with the provisions of all applicable city development regulations in force at that time.*

The proposed development will comply with applicable city development regulations, together with continuation of the previously approved deviations.

*(c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water. In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian and cyclist activity and community interaction.*

The proposed development has been previously approved and is designed to minimize any potential negative effects on the surrounding properties and the public interest generally. The existing conditions of the CPD require buffering along the north side of the subject property where it directly abuts residential uses. The conditions also require an enhanced buffer along the northern and eastern property line to shield the headlights and vehicles from intruding into the surrounding residential uses. The north buffer consists of a 6' opaque fence 5' south of the property line with a modified 5' Type C enhanced buffer (5 trees and 18 shrubs/100 LF). The hedge must be 36" at installation and maintained at 60" high within one year after planting. The trees must be canopy trees. The opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' high continuous visual screen for open storage use. Parking, access ways/drives, vehicle storage, or open storage for any use is prohibited within 25' of the north property line. Open storage is limited to a maximum height of 15 feet. Building setback will only be permitted at 20' when property to the north redevelops as non-residential. The east buffer along Oakland Drive is an enhanced Type D buffer (5 trees/100 LF with double staggered hedge) with the hedge row 48" (minimum 15 gallon) at time of installation and maintained at 60 " high within one year after planting. An opaque fence or hedge

or combination berm and opaque fence or hedge must provide an 8' (96") visual screen to the street easement for open storage use visible from residential or a 6' (72") visual screen for roads, drives or parking within 125 feet of residential. The proposed development plan provides open space in the form of perimeter buffers and internal landscaping. The development plan adequately accommodates the proposed structure, required open space, buffers, parking, access, utilities, and storm water management areas. There are no environmentally sensitive features on site. Development of the site will result in adding a 284± linear foot vital extension of Oakland Drive with a shaded 6' wide sidewalk pedestrian facilities with landscape buffer connecting the high density residential to the north and east to the commercial uses to the south including a bench or other streetscape amenity to be located under a buffer shade tree. These improvements would provide a benefit to the surrounding properties and the City.

*(d) The tract or parcel shall have access to existing or proposed roads:*

*(1) In accordance with chapter 3 and as specified in the Bonita Plan traffic circulation element or the official trafficways map of the county;*

*(2) That have either sufficient existing capacity or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a level of service D or better on an annual average basis and level of service E or better during the peak season, except where higher levels of service on specific roads have been established in the Bonita Plan; and*

*(3) That provide ingress and egress without requiring site-related industrial traffic to move through predominantly residential areas.*

Access to the site will be provided via the existing access on Oakland Drive which connects to Bonita Beach Road for Phase 1. An additional access is proposed with Phase 2 which will provide a cross access easement to the north. The existing conditions of approval 3.a through 3.g provide transportation requirements including improving portions of Oakland Drive and a trip cap. Minor revisions are proposed to these conditions to clarify the sidewalk width, provide a streetscape amenity, provide for a cross-access easement to the north, and require Oakland Drive improvements along the property frontage. No changes are proposed to the approved development intensity. Ingress and egress are provided without requiring any potential site related industrial traffic to move through residential areas.

*(e) If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.*

The subject property is located within the Ultra On Demand Transit Service area.

*(f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.*

The proposed development will not create or increase any hazards to persons or property nor shall it impose a nuisance on surrounding land uses or the public's interest generally. The conditions of approval as amended by this request continue to provide sufficient protection and compatible development that will be further reviewed at the time of local development order approval.

*(g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historical or archaeological*

*features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.*

There are no natural, historical, archaeological or environmentally sensitive features existing on site however the site does contain mature native trees. The Tree Advisory Board reviewed and unanimously approved the proposed plan resulting in the preservation of the three (3) trees shown on the attached proposed revised MCP.

*(h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.*

There are no environmentally sensitive lands or archaeological features existing on site. The proposed master concept plan and site design provides creative use of the open space requirement by placing the dry detention area to the north to provide additional separation to the adjacent residential uses. The proposed design continues to incorporate the drainage way and provides approximately 39' of open space with vegetated banks between the proposed parking area and adjacent commercial development. The enhanced buffer along Oakland Drive and the internal landscape areas where the parking is proposed will provide shade for the proposed sidewalk and bench or other streetscape amenity to produce an architecturally integrated human environment while allowing the remainder of the site to function appropriately for its intended use.

*(i) Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.*

As previously stated, the surrounding land and land uses to the west and south are compatible commercial development. The existing conditions of the CPD require buffering along the north side of the subject property where it directly abuts residential uses. The conditions also require an enhanced buffer along the northern and eastern property line to shield the headlights and vehicles from intruding into the surrounding residential uses. The north buffer consists of a 6' opaque fence 5' south of the property line with a modified 5' Type C enhanced buffer (5 trees and 18 shrubs/100 LF). The hedge must be 36" at installation and maintained at 60" high within one year after planting. The trees must be canopy trees. The opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' high continuous visual screen for open storage use. Parking, access ways/drives, vehicle storage, or open storage for any use is prohibited within 25' of the north property line. Open storage is limited to a maximum height of 15 feet. Building setback will only be permitted at 20' when property to the north redevelops as non-residential. The east buffer along Oakland Drive is an enhanced Type D buffer (5 trees/100 LF with double staggered hedge) with the hedge row 48" (minimum 15 gallon) at time of installation and maintained at 60" high within one year after planting. An opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' (96") visual screen to the street easement for open storage use visible from residential or a 6' (72") visual screen for roads, drives or parking within 125 feet of residential. The existing conditions of approval were deemed compatible with the surrounding residential and commercial uses. Development of the site will result in adding a 284± linear foot vital extension of Oakland Drive with a shaded 6' wide sidewalk pedestrian facilities with landscape buffer connecting the high density residential to the north and east to the commercial uses to the south including a bench or other streetscape amenity to be located under a buffer shade tree. These improvements would provide a benefit to the surrounding properties and

the City. The proposed amendment will allow compatible infill development of the site with buffering, setbacks and height limitations that minimize any negative impacts of the planned development on surrounding land and land uses.

*(j) Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.*

The surrounding existing development to the west and south are compatible and of an equivalent intensity of use so the design provides for continuation of the existing drainage ditch on the west and LDC required buffering to the commercial use to the south. The proposed Oakland Drive and associated pedestrian way and buffer will integrate with the existing pedestrian facilities to the south and will connect to the north property line, providing a vital segment of Oakland Drive with shaded pedestrian facilities including a bench or other streetscape amenity connecting the adjacent residential uses to the commercial uses to the south.

*(k) Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significantly higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.*

As previously stated, the surrounding land and land uses to the west and south are compatible commercial development. The existing conditions of the CPD require buffering along the north side of the subject property where it directly abuts residential uses. The conditions also require an enhanced buffer along the northern and eastern property line to shield the headlights and vehicles from intruding into the surrounding residential uses. The north buffer consists of a 6' opaque fence 5' south of the property line with a modified 5' Type C enhanced buffer (5 trees and 18 shrubs/100 LF). The hedge must be 36" at installation and maintained at 60" high within one year after planting. The trees must be canopy trees. The opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' high continuous visual screen for open storage use. Parking, access ways/drives, vehicle storage, or open storage for any use is prohibited within 25' of the north property line. Open storage is limited to a maximum height of 15 feet. Building setback will only be permitted at 20' when property to the north redevelops as non-residential. The east buffer along Oakland Drive is an enhanced Type D buffer (5 trees/100 LF with double staggered hedge) with the hedge row 48" (minimum 15 gallon) at time of installation and maintained at 60" high within one year after planting. An opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' (96") visual screen to the street easement for open storage use visible from residential or a 6' (72") visual screen for roads, drives or parking within 125 feet of residential. The existing conditions of approval were deemed compatible with the surrounding residential and commercial uses. Development of the site will result in adding a 284± linear foot vital extension of Oakland Drive with a shaded 6' wide sidewalk pedestrian facilities with landscape buffer connecting the high density residential to the north and east to the commercial uses to the south including a bench or other streetscape amenity to be located under a buffer shade tree. These improvements would provide a benefit to the surrounding properties and the City. The proposed amendment will allow compatible infill development of the site with buffering, setbacks and height limitations that minimize any negative impacts of the planned development on surrounding land and land uses.

*(l) In large residential or commercial planned developments, the site planner is encouraged to*

*create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.*

This standard is not applicable to the subject application.

*(m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.*

There are no conflicting uses within the planned development.

*(n) Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.*

The project site is small and does not require varying use, height, bulk or intensity.

*(o) Unless otherwise provided for in this article, minimum parking and loading requirements shall be as set forth in article VI, divisions 25 and 26, of this chapter. Where it can be reasonably anticipated that specified land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces subject to the condition that it be constructed and maintained so as to prevent erosion of soil. In all cases, however, sufficient parking shall be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.*

The proposed development will provide sufficient parking consistent with City requirements.

*(p) Joint use of parking by various land uses within the planned development may be permitted by special condition where it can be demonstrated or required that the demand for parking by the various uses will not conflict. Joint parking agreements between uses within and uses without the planned development shall be governed by agreement per general regulation (see section 4-1730), without exception.*

Joint use of parking is not proposed for this development.

*(q) Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.*

The proposed development will provide internal consistency throughout the development.

### **Bonita Beach Road Corridor Overlay LDC Requirements**

The subject parcel is located within the Interstate Zone of the Bonita Beach Road Corridor Overlay. The Master Concept Plan (MCP) is required to be brought into compliance with the Overlay pursuant to LDC Section 4-897(g)(2)iv. The existing schedule of uses is very limited compared to that which is allowed



within the Overlay. Since the existing approval includes condition 3.e with a cap on trips, the application requests to keep the existing schedule of uses, but also allow utilization of the Interstate Zone Uses allowed pursuant to LDC Section 4-898 (except where noted otherwise in the schedule of uses) to expand the development opportunities and economic viability of the site with uses specifically designated for this area.

The CPD complies with the Property Development Regulations for the Interstate Zone contained in LDC Section 4-899(a) as follows:

- Pursuant to Note (1), the site is less than 3 acres and therefore does not require a block layout plan.

<b>Setbacks:</b>	<u>Overlay</u>	<u>CPD</u>
Minimum Street:	20'	20' (Private Local Road)
Maximum Street:	Not applicable pursuant to Note (3) since on a secondary street	
Side:	0'/15'	20'/25'*
Rear:	20'	25'
Maximum Height	35'/55' per 4-1874	55'
Maximum Lot Coverage:	40%	58% being revised to 40% <sup>1</sup>
Minimum Open Space :	N/A	42% being revised to 30%

\*Although Deviation 2 is no longer necessary, no changes are proposed to the existing condition that parking, access ways/drives, vehicle storage, and/or storage, open for any use is prohibited within 25' of the northern property line. Building setbacks shall only be permitted at 20' when property to the north redevelops into a non-residential use. Accessway, drives, parking and storage, open may also be permitted in accordance with the LDC when property to the north redevelops into a non-residential use.

The CPD complies with the following additional design standards contained in LDC Section 4-899(b):

- (1) The site is not visible from Bonita Beach Road. Drive-thru is a permitted use today and has been a permitted use since the 1997 zoning approval. Although the applicant would prefer that this use remain in order to encourage Phase 2 development which is desired by the City, the applicant agrees to require a special exception to bring the site more into compliance with the Bonita Beach Road Corridor Overlay should the Phase 1 Open Storage use be approved. The applicant believes that the required buffers and conditions of approval provide adequate compatibility for the drive-thru use. Any auto oriented use will need to demonstrate at time of local development order that any drive-thru and associated stacking will be located along the side and rear property lines.
- (2) A note has been added to the MCP that lighting will be provided on the building or free standing along the street right of way. A photometric plan will be provided at the time of local development order.
- (3) Parking requirements
  - a. The minimum LDC required parking will be provided and demonstrated at the time of local development order for the end user. Provided parking will not exceed more than 15 percent more than the minimum required.
  - b. Not applicable. No reduction by parking study is proposed.
  - c. Not applicable since no on-street parking exists.
  - d. Not applicable since the adjacent existing parking lot to the south is not designed to allow for connection and the use to the west is separated by the existing drainage ditch.

<sup>1</sup> The maximum lot coverage is proposed to be revised to match the 40% requirement in the Bonita Beach Road Corridor Overlay Interstate Zone. This lot coverage is consistent with the original CPD approval in 1997. In the 2009 approval, there appears to be a typo in the Lot Coverage and Open Space requirements because these do not typically add up to 100%. For example LDC Section 3-417 requires 20% open space for commercial uses and conventional commercial zoning districts all have a maximum lot coverage of 40%. This apparent typo of Lot Coverage 58% and Open Space 42% was carried over on the 2016 approval, however the MCP depicted a 20% open space requirement. The applicant requests to update these requirements to Maximum Lot Coverage of 40% and Minimum Open Space of 30%.

- e. Not applicable as no valet parking is proposed.
  - f. A note has been added to the MCP that bike racks will be provided which will be demonstrated at the time of local development order approval.
- (4) Parking placement
- a. On-street parking is not proposed since the road is a privately maintained roadway with existing residential uses.
  - b. The MCP demonstrates one full bay of parking along the frontage line, consistent with the Interstate Zone.
  - c. Not applicable to the Interstate Zone.
  - d. Buffering adjacent property.
    - i. The right-of-way buffer is not proposed within the easement since it is a privately maintained road.
    - ii. Deviation 2 is no longer necessary. The MCP has drives or parking areas less than 125 feet from residential uses to the north and east and revised conditions 5a requires a 6' opaque fence or 8' visual screen for open storage and revised condition 5b requires a 6' visual screen or 8' for open storage, consistent with this requirement.
- (5) Continuous shaded bike facilities and pedestrian facilities.
- a. Compliance with Chapter 3 must be demonstrated at the time of local development order.
  - b. The right-of-way buffer is not proposed within the easement since it is a privately maintained road.
  - c. A note has been added to the MCP that the enhanced landscape buffer pursuant to condition 5b provides pedestrian shade which must be demonstrated at the time of local development order.
- (6) A note has been added to the MCP that a minimum of 1 bench or other streetscape amenity must be provided.
- (7) The MCP demonstrates a screened dumpster that is not located on a frontage line

The site has no frontage on Bonita Beach Road and is not located within one of the three Gateways listed in LDC Section 4-899(c).

### LDC Findings

The proposed amendment to the CPD complies with the guidelines for decision-making embodied in Land Development Code section 4-131(d)(3) as follows:

*a. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Bonita Plan, this Land Development Code, and any other applicable code or regulation;*

The proposed rezoning is in compliance with the Bonita Plan as demonstrated above. The site will be developed in compliance with the Land Development Code, together with continuation of the existing approved deviations.

*b. The request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request;*

The site will meet or exceed all performance and locational standards set forth for the potential uses allowed, together with existing approved deviations.

*c. The request, including the use of TDR or affordable housing bonus density units, is consistent*

*with the densities, intensities and general uses set forth in the Bonita Plan;*

The request is consistent with intensities and uses set forth in the Bonita Plan. The proposed CPD amendment expands the economic viability of the site and allows for the infill development of a FAR below the maximum allowed within the Interchange Commercial future land use designation.

*d. The request is compatible with existing or planned uses in the surrounding area;*

As previously stated, the surrounding land and land uses to the west and south are compatible commercial development. The existing conditions of the CPD require buffering along the north side of the subject property where it directly abuts residential uses. The conditions also require an enhanced buffer along the northern and eastern property line to shield the headlights and vehicles from intruding into the surrounding residential uses. The north buffer consists of a 6' opaque fence 5' south of the property line with a modified 5' Type C enhanced buffer (5 trees and 18 shrubs/100 LF). The hedge must be 36" at installation and maintained at 60" high within one year after planting. The trees must be canopy trees. The opaque fence or hedge must provide an 8' high continuous visual screen for open storage use. Parking, access ways/drives, vehicle storage, or open storage for any use is prohibited within 25' of the north property line. Open storage is limited to a maximum height of 15 feet. Building setback will only be permitted at 20' when property to the north redevelops as non-residential. The east buffer along Oakland Drive is an enhanced Type D buffer (5 trees/100 LF with double staggered hedge) with the hedge row 48" (minimum 15 gallon) at time of installation and maintained at 60" high within one year after planting. An opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' (96") visual screen to the street easement for open storage use visible from residential or a 6' (72") visual screen for roads, drives or parking within 125 feet of residential. The existing conditions of approval were deemed compatible with the surrounding residential and commercial uses and the proposed revised conditions provide further compatibility. Development of the site will result in adding a 284± linear foot vital extension of Oakland Drive with a shaded 6' wide sidewalk pedestrian facilities with landscape buffer connecting the high density residential to the north and east to the commercial uses to the south including a bench or other streetscape amenity to be located under a buffer shade tree. These improvements would provide a benefit to the surrounding properties and the City. The proposed amendment will allow compatible infill development of the site with buffering, setbacks and height limitations that minimize any negative impacts of the planned development on surrounding land and land uses.

*e. Approval of the request 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;*

Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities. No changes are proposed to the existing approved intensity or transportation conditions of approval except for minor revisions to clarify the sidewalk width, provide a streetscape amenity, provide for a cross-access easement to the north, and require Oakland Drive improvements along the property frontage. These conditions must be complied with at the time of local development order approval.

*f. Where applicable, the request will not adversely affect environmentally critical areas and natural resources;*

Not applicable since there are no environmentally critical areas or natural resources located on site.

*g. In the case of a planned development rezoning, the decision of the zoning board must also be supported by the formal findings required by section 4-299(a)(2) and (4);*

*4-299(a)(2) The recommendation made to the city council must be supported by formal findings that address the guidelines set forth in section 4-131. In addition, the findings must address whether the following criteria can be satisfied:*

*a. The proposed use or mix of uses is appropriate at the subject location;*

*b. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.*

*c. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.*

*(4) If the application includes a schedule of deviations pursuant to section 4-326, the zoning board's recommendation must approve, approve with modification or reject each requested deviation based upon a finding that each item:*

*a. Enhances the achievement of the objectives of the planned development; and*

*b. Preserves and promotes the general intent of this chapter to protect the public health, safety and welfare.*

*If the zoning board concludes that the application omits necessary deviations, they may include those omitted deviations in its recommendation without an additional hearing.*

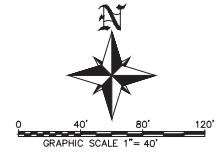
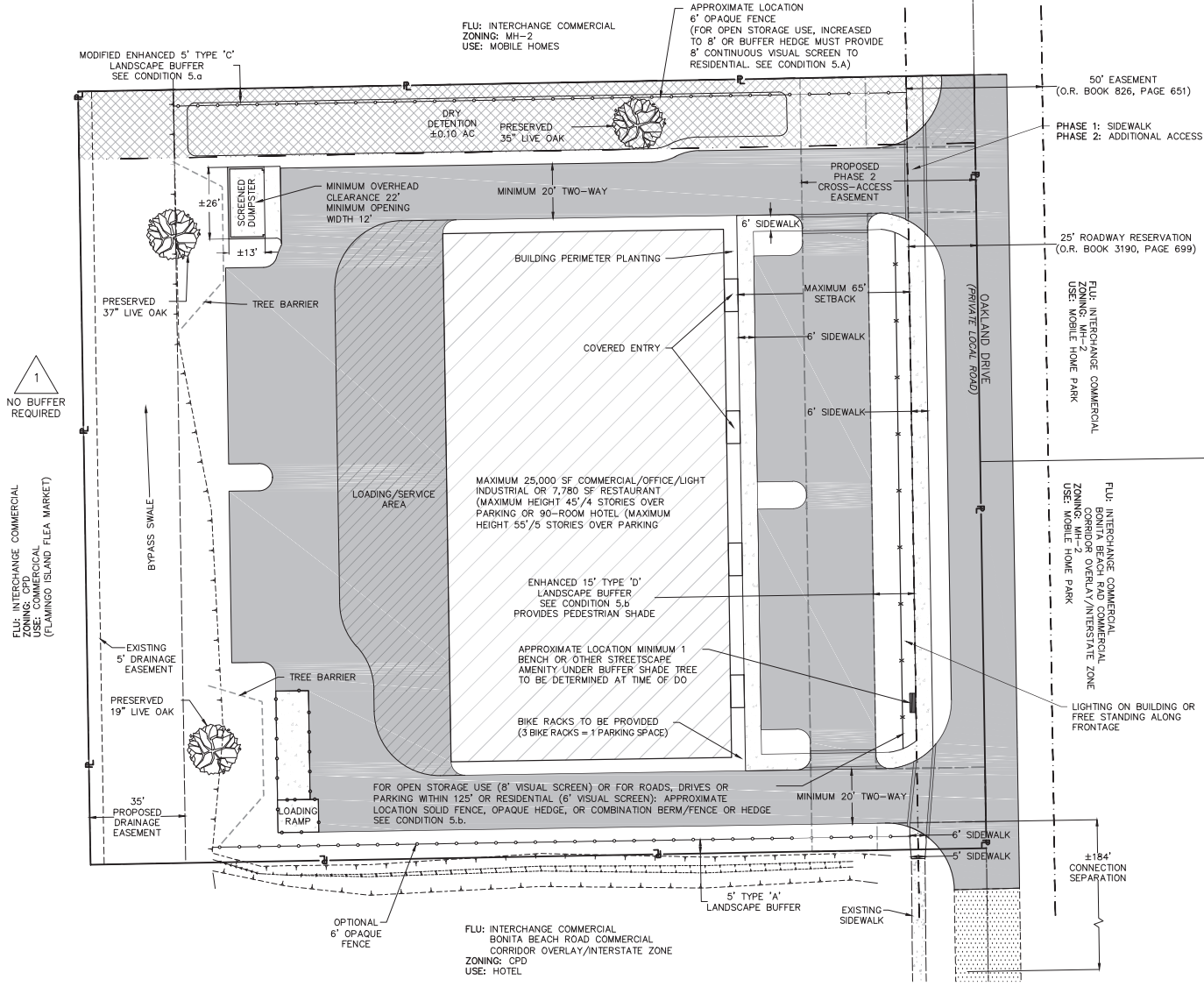
The proposed schedule of uses is appropriate at the subject location and includes uses consistent with the Interchange Commercial future land use category and the Bonita Beach Road Corridor Overlay Interstate Zone. The conditions proposed by the applicant with the master concept plan, schedule of uses, property development regulations and 20 conditions of approval provide sufficient safeguards and are appropriate for the proposed development. The requested continuation of deviation 1 enhances the achievements of the objectives of the planned development and preserves and promotes the general intent to protect the public health, safety and welfare.

*h. The zoning board must also find that public facilities are, or will be, available and adequate to serve the proposed land use.*

There are existing public facilities in place and adequate to serve the proposed land use and existing approval. No changes are proposed to the existing approved intensity.

In conclusion, the proposed amendment to the CPD is in compliance with the Bonita Plan, the Land Development Code with continued approval of requested deviation, and other applicable codes and regulations; is consistent with the intensities and general uses set forth in the Bonita Plan, is compatible with existing or planned uses in the surrounding area; 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; will not adversely affect environmentally critical or sensitive areas and natural resources; the proposed use is appropriate at the subject location; the proposed conditions are reasonably related and appropriate for the project, the requested deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent to protect the public health safety and welfare; public facilities are available and adequate to serve the proposed use. For these reasons, the applicant respectfully submits that the CPD amendment should be approved.

# CROSS EASEMENT EXHIBIT "D"



**OPEN SPACE**

REQUIRED: 0.65 ACRES (2.15 x 0.30)

PROVIDED: 0.65 ACRES

**SITE SUMMARY**

FUTURE LAND USE: INTERCHANGE COMMERCIAL  
BONITA BEACH ROAD OVERLAY  
CORRIDOR/INTERSTATE ZONE

EXISTING ZONING DESIGNATION: CPD, COMMERCIAL PLANNED DEVELOPMENT

EXISTING LAND USE: UNDEVELOPED

PROPOSED ZONING DESIGNATION: CPD, COMMERCIAL PLANNED DEVELOPMENT

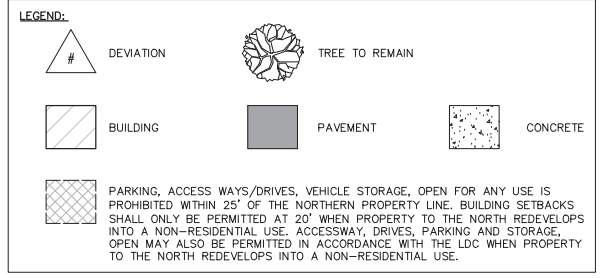
GROSS AREA: 2.15± ACRES

STRAP NUMBER: 31-47-26-B4-00100.0050

STREET ADDRESS: 27917 OAKLAND DRIVE  
BONITA SPRINGS, FL 34135

**PHASE 1:** OPEN STORAGE, SOUTH ACCESS & OAKLAND ROW IMPROVEMENTS

**PHASE 2:** BUILDING, NORTH ACCESS & CROSS-ACCESS EASEMENT



PREPARED FOR:

**STAN STOUWER**  
2726 SCC, LLC  
P.O. BOX 6122  
FORT MYERS BEACH, FLORIDA 33932

NO.	DATE	REVISION DESCRIPTION	BY

**BANKS ENGINEERING**

Professional Engineers, Planners, & Land Surveyors  
Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY  
FORT MYERS, FLORIDA 33966  
PHONE: (239) 939-0400 FAX: (239) 939-2523  
ENGINEERING LICENSE # EB 6409  
SURVEY LICENSE # LB 6680  
WWW.BANKSENG.COM

MASTER CONCEPT PLAN						
OAKLAND CPD						
BONITA SPRINGS, FLORIDA						
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE
01-23-2023	8332	MCP	DBA	RJV	DBA	1" = 40'
						SHEET 01

**ATTACHMENT “A”  
BACKGROUND & INFORMATIONAL ANALYSIS**

Surrounding Land Use

<u>Existing Zoning &amp; Land Use</u>	<u>Future Land Use Map</u>
Subject Parcel: Oakland CPD, Interstate Zone of Bonita Beach Road Corridor Overlay; Vacant	Interchange Commercial (10.0 dwelling units/acre, 1.2 FAR)
North: MH-2; Mobile homes	Interchange Commercial (10.0 dwelling units/acre, 1.2 FAR)
East: MH-2 and Interstate Zone of Bonita Beach Road Corridor Overlay; Mobile homes	Interchange Commercial (10.0 dwelling units/acre, 1.2 FAR)
South: Patel CPD, Interstate Zone of Bonita Beach Road Corridor Overlay; Days Inn Hotel	Interchange Commercial (10.0 dwelling units/acre, 1.2 FAR)
West: Flamingo Island Flea Market CPD, Overflow parking area for Flamingo Island Flea Market	Interchange Commercial (10.0 dwelling units/acre, 1.2 FAR)

### Environmental Considerations

The 2.15 +/- acre parcel has been previously cleared of vegetation with the exception of a swath of oak trees. There are no environmentally sensitive lands on the property. The oak trees extend from the northern property line and generally run to the southwest and extend to about the midpoint of the property. Prior to Hurricane Irma there were eight heritage live oak trees (live oaks greater than 20" in diameter at 4.5' above grade). Hurricane Irma severely damaged two of the heritage trees with six healthy oaks remaining. The Tree Advisory Board approved four of the remaining heritage trees for removal on October 8, 2018, with a condition for replacement of each with a similar tree at twenty feet in height within the landscaping. The remaining two heritage trees will remain on site and another large live oak in the southwest of the site will also be preserved as shown on the Master Concept Plan.

A canal exists on the western boundary of the subject property. It is 20' – 30' in width and drains this property and all the other properties on the west side of Oakland Drive. The Applicant will retain this swale as indicated on the Master Concept Plan and proposes a drainage easement to further protect it.

During the 2016 amendment of this planned development, Community Development staff identified several listed species on the parcel. They consisted of three species of air plants growing on the heritage live oak trees and wading birds observed foraging in the canal. The air plants can be retained or transplanted onto trees to be retained. Since there is no proposed change to the canal where the wading birds were observed, no mitigation from the wildlife agencies will be required. Additionally, the Applicant will be required to vegetate the proposed dry detention areas with native vegetation, which will further provide foraging habitat for wading birds as well as improved water quality for storm water runoff. Due to the disturbed nature of the site and lack of native vegetation, Staff approved a waiver for updated environmental reports. An updated Florida Land Use, Cover, and Forms Classification System (FLUCCS) map was provided.

Some of the proposed uses of the site will generate pollutants such as oil, grease and gasoline. To address issues associated with such pollutants, staff recommends a wash out station be constructed for any open storage use. A maintenance provision to keep oil and gas absorbent material on-site for accidental spills and ensure proper storage of hazardous fluids is also recommended. This site is within the 10-year Wellfield Protection Zone. At the time of development, a Wellfield Protection permit will be required if regulated substances stored on site will exceed the amounts allowed per the Land Development Code. This permit may require additional containment measures for pollutants, onsite wells, and monitoring of the onsite wells.

To address visual impacts to adjacent properties, additional landscaping is proposed. There is approximately 275' of frontage along Oakland Drive which abuts numerous mobile homes. These adjacent properties will be buffered with an enhanced Type "D" buffer consisting of 5 trees per every 100 linear feet minus driveway connections and a double row hedge with a minimum of 15-gallon container size at 48" in height plantings at time of installation. These hedges will be required to grow to 60" within one year after time of planting, providing a continuous visual screen. For open storage use, the hedges will be allowed to grow to 96" and an 8-foot-tall fence will also be required.

The previous zoning approval for the property was modified from LDC requirements through an approved deviation (#2). This required the Applicant to maintain the existing six (6) foot fence five (5) feet off the northern property line and provide a 5' Type C enhanced buffer. The hedge must be a 36" hedge at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. The trees must be canopy type trees such as oaks or slash pines or a combination of canopy trees. If the hedge does not provide a continuous visual screen at time of certificate of completion, the Applicant must install some type of opaque screening (filtering material) along the fence. For open storage use, the hedge must be maintained at 8' or 96".

Under the current review, staff finds the deviation no longer required. The project is within the Bonita Beach Road Corridor which allows for fences or walls required for buffering residential uses on the property line rather than set back 25' per the landscape code requirements. Should the adjacent properties redevelop with non-residential uses, buffering requirements will be required consistent with LDC 3.

The site contains a 0.427 acre man-made ditch considered Other Surface Waters by the South Florida Water Management District (SFWMD), which will be reviewed during permitting by that agency.

#### Engineering

At time of local development order, the Applicant will be required to submit engineering plans showing how the site will store and treat its surface water management, consistent with the City's Comprehensive Plan and LDC. The project will be designed in accordance with the South Florida Water Management District (SFWMD) regulatory requirements, and as outlined in the City's Comprehensive Plan, will provide water quality treatment volume for 150% of the SFWMD requirement. Consistent with the LDC, the Applicant will be required to demonstrate no adverse offsite stormwater impacts by incorporating the proposed project into the current City Interconnected Pond and Channel Routing (ICPR) Model. ICPR flood routing will need to be provided at time of local development order permitting.



### Floodplain

Proposed structures, utilities and equipment shall be reviewed for elevation and flood design compliance at time of permit application.

### Comprehensive Plan Considerations

#### **Future Land Use:**

The proposed project is located in the Interchange Commercial future land use category. In the Bonita Plan, the Interchange Commercial future land use category is described as follows:

***Policy 1.1.15: Interchange Commercial - Intended for uses that serve the traveling public such as automobile service/gas stations, hotel/motel, restaurants and gift shops; and a broad range of tourist-oriented, general commercial, light industrial, commercial office, and multi-family residential up to 10 dwelling units per acre with the approximately 385 acres of gross land area in the land use category.***

- a. If affordable housing is provided, residential density may be increased by up to five additional dwelling units per acre.*
- b. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves.*
- c. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2*

The proposed project is commercial in nature and includes uses that are listed in Policy 1.1.15. The proposed height of any structures will comply with the height listed in Policy 1.1.15.b.

#### **Transportation Element**

The proposed amendments do not result in allowed uses that would significantly increase the trip generation to and from the site. Therefore, a TIS was not required. The proposed amendment does not alter the approved limit (trip cap) on trips to and from the site. The approved trip cap limits the number of trips generated by all combined uses on the site to a maximum of 1,099 vehicles per day and 105 vehicles per hour including pass-by trips. All development on the site will require the submittal of a Traffic Impact Statement in accordance with the LDC.

As conditioned, the Applicant will be providing for the projects pedestrian related improvements (infrastructure and amenities) onsite and along the subject properties Oakland Drive frontage, prior to and concurrent with, the project's respective phases of site development and occupancy/use of the property (Transportation Condition 4a).

#### **Conservation and Coastal Management Element**

The proposed CPD will provide 30% open space and will be consistent with Policy 7.2.2.

**Planned Development Analysis, Formal Findings LDC 4-131 and LDC 4-299**

Review criteria	Yes – Mostly - Partly - No
Demonstrate compliance with the Bonita Plan, this Land Development Code, and any other applicable code or regulation; and	Yes.
The request meets or exceeds performance and location standards set forth for the proposed uses; and	Yes.
Including the use of TDR or affordable housing bonuses are the densities or intensities (general uses) consistent with the Comprehensive Plan; and	Yes.
The request is compatible with existing or planned uses in the surrounding area; and	Mostly; The proposal is for commercial development surrounded by commercial and existing residential, intending to serve the travelling public and residents. The existing residential structures cannot be voluntarily removed and replaced, unless a major planned development is sought. The open storage use will comply with code required buffers, as conditioned, and if approved as conditioned, will terminate after a set deadline. In addition, the open storage will develop the site to continue the street and sidewalk, serving those nearby residences for a safer connection through Oakland Drive. Further, the uses may serve nearby residents, as well as the general public, furthering the intent of the Bonita Beach Road Corridor Overlay. The proposed commercial development is located where commercial is intended.
Approval of the request 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; and	Yes; the conditions will provide the code-required improvements.
Will the request adversely affect environmentally critical areas and natural resources; and	No; the site has previously been disturbed.

Public facilities are, or will be, available and adequate to serve the proposed land use; and	Yes.
The proposed use or mix of uses is appropriate at the subject location; and	Yes, as conditioned.
The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest; and	Yes
The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development; and	Yes
Deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent of this chapter to protect the public health, safety and welfare	Yes; Staff analysis and recommendations of the deviations are found in the Staff report. In summary, there was one (1) deviation requested, Staff is recommending approval of one (1).



## Request for Submittal Requirement Waiver

Community Development Dept. | 9220 Bonita Beach Road, Suite 111 | Bonita Springs, FL 34135 | Phone: 239 444 6150 | Fax: 239 444 6140

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

### APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS (indicate the appropriate application type)

- Public Hearing - General Requirements (4-194)
- Public Hearing - Additional Requirements for:
- Development of Regional Impact (4-195(a))
  - Planned Developments (4-195(b))
  - Master Concept Plan Extension (4-303)
  - Master Concept Plan Reinstatement (4-303)
  - Rezoning other than Planned Developments (4-195(c))
  - Mobile Home Park (4-195(d))
  - Special Exception (4-195(e))
  - Variances (4-195(f))
- Administrative Action Requirements (4-196)
- Development Order - Submittal Requirements (3-133)
- Application Form and Contents (3-135)
  - Additional Required Submittals (3-136)
- Limited Review Development Order – Submittal Requirements (3-133)
- Required Submittals (3-160)

#### PLEASE PRINT OR TYPE:

STAP Number: 31-47-26-B4-00100.0050

Name of Project: Oakland CPD

Name of Agent: Brent Addison

Street Address: 10511 Six Mile Cypress Parkway, Suite 101

City: Fort Myers State: FL Zip: 33966

Phone #: 239-939-5490 Fax #: 239-939-2523

E-mail: baddison@bankseng.com

Name of Applicant\*: 2726 SCC LLC

Street Address: 12140 Carissa Commerce St., Suite 102

City: Fort Myers State: FL Zip: 33966

Phone #: 239-487-3800 Fax #: N/A

E-mail: stan.stouder@creconsultants.com

\* If applicant is not the owner, a letter of authorization from the owner must be submitted.

**A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:**

Section Number	Requirement
#1 _____	Please see the attached list _____
#2 _____	_____
#3 _____	_____
#4 _____	_____
#5 _____	_____
#6 _____	_____
#7 _____	_____
#8 _____	_____
#9 _____	_____

**B. SCOPE OF PROJECT AND REASON(S) FOR REQUEST:**

Describe the project scope and provide reason(s) why the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

This application only requests amendments to conditions 4c concerning heritage trees and 7e concerning open storage.

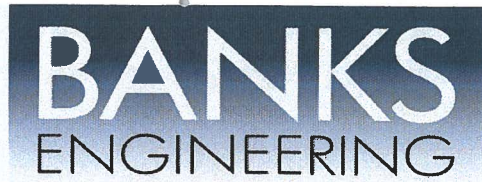
Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Signature of Applicant: John Goulder mbr 2/22/21

Directors Decision:  Request Approved *subject to comments.*  Request Denied

Comments: Please provide a revised MCP showing the revised heritage tree locations. Please provide a Soils, Vegetation, & Grand Cover Maps.

Signature: Mind a Just Date: 4-30-2021



Professional Engineers, Planners & Land Surveyors

**SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT**

SECTION NUMBER	REQUIREMENT
4-194(b)(2)	Deed Restrictions & Narrative
4-196(1)	Plat Book Page
4-295(a)(5) / 4-370	Bonita Springs Plan Amendment (if applicable)
4-325(c)	Environ. Sensitive Lands Map
4-1339	Environmental Assessment
4-295(a)(4)c	Soils, Vegetation and Ground Cover Maps
4-295(a)(4)c	Topography Map (if available)
4-295(a)(6)c	Density Calcs (if applicable)
4-987	Aviation Hazard (if applicable)
3-353	Sanitary Sewer Facilities (if applicable)
4-295	Traffic Impact Statement (if applicable)
4-295(a)(4)d	Public Transit Routes Map (if applicable)
4-295(a)(4)e	Existing Easements and R-O-W Map
4-295(a)(6)b	Master Concept Plan (Option 2)
4-295(a)(8)	Schedule of Uses
4-295(a)(9)	Schedule of Deviations & Justifications
4-295(b)(1)	Surface Water Management Plan
4-295(b)(2)	Protected Species Management Plan
4-295(b)(3)	Program for Phased Development (if applicable)
4-194	Hazardous Material Emergency Plan (if applicable)
4-195(d)	Mobile Home park Rezoning Information
4-295(a)(4)(f)	Map of Historical & Archaeological Sites
4-295(a)(4)(f)	Possible Impacts on Historical & Archaeological Sites



# PUBLIC HEARING APPLICATION FOR PLANNED DEVELOPMENT

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

**Applicant's Name:** \_\_\_\_\_

**Project Name:** \_\_\_\_\_

**STRAP Number(s):** \_\_\_\_\_

**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: \_\_\_\_\_

### TYPE OF APPLICATION

\_\_\_\_\_ DRI                      \_\_\_\_\_ PD – Existing Development                      \_\_\_\_\_ PD – Amendment

\_\_\_\_\_ Option 1                      \_\_\_\_\_ Option 2

\*\*\*\*\*



**PART I  
APPLICANT\PROPERTY OWNERSHIP INFORMATION**

A. Name(s) of applicant(s): \_\_\_\_\_

Mailing Address: Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext: \_\_\_\_\_

E-mail: \_\_\_\_\_

B. Relationship of applicant to property:

\_\_\_\_\_ Owner \_\_\_\_\_ Trustee \_\_\_\_\_ Option holder \_\_\_\_\_ Lessee \_\_\_\_\_ Contract Purchaser

\_\_\_\_\_ Other (indicate): \_\_\_\_\_

*If applicant is NOT the owner or the person authorized by the Covenant of Unified Control, submit a **Notarized Authorization Form** from the owner or his authorized representative. Label as Exhibit I-B.*

*\* If the application is City-initiated, enter the date the action was initiated by the Council: \_\_\_\_\_ Attach a copy of the "green sheet" and a list of all property owners, and their mailing addresses, for all properties within the area described. Names and addresses must be those appearing on the latest tax rolls of Lee County. Label the "green sheet" as "Exhibit I-B-2" and the list as "Exhibit I-B-3". **[Sec. 4-193]***

C. Name of owner(s) of property: \_\_\_\_\_

Mailing Address: Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext: \_\_\_\_\_

Fax Number: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

D. Date property was acquired by present owner(s): \_\_\_\_\_

E. Is the property subject to a sales contract or sales option? \_\_\_\_\_ NO \_\_\_\_\_ YES

F. Is owner(s) or contract purchaser(s) required to file a disclosure form? \_\_\_\_\_ NO \_\_\_\_\_ YES. If yes, please complete and submit Exhibit I-F (attached).

G. Are there any existing deed restrictions or other covenants on this property which may affect this request?  
\_\_\_\_\_ NO \_\_\_\_\_ YES. If yes, submit a copy of the deed restrictions or other covenants and a statement explaining how the restrictions may affect the requested action. Label as "Exhibit I-G".

H. Authorized Agent(s): List names of authorized agents (submit additional sheets if necessary).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**PART II  
GENERAL INFORMATION**

A. Request:

1. Rezoning from \_\_\_\_\_ TO:(check all applicable)

- |                          |                                   |
|--------------------------|-----------------------------------|
| _____ RPD - Residential  | _____ MPD - Mixed Use             |
| _____ MHPD - Mobile Home | _____ RVPD - Recreational Vehicle |
| _____ CPD - Commercial   | _____ CFPD - Community Facilities |
| _____ IPD - Industrial   | _____ AOPD - Airport Operations   |

2. Option Chosen: \_\_\_\_\_ Option 1 \_\_\_\_\_ Option 2

3. Other - Provide specific details. \_\_\_\_\_

B. Legal Description and Boundary Sketch: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

\_\_\_\_\_ NO. Attach a legible copy of the legal description (label it Exhibit II-B-1.) and Certified sketch of description as set out in chapter 5J-17.053. (labeled Exhibit II-B-2.). **If the legal description is available on computer disc (Word or Word Perfect) please provide a copy at time of application.**

\_\_\_\_\_ YES. Property is identified as:

Subdivision Name: \_\_\_\_\_

Plat Book: \_\_\_\_\_ Page: \_\_\_\_\_ Unit: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

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

C. Project Street Address: \_\_\_\_\_

D. General Location Of Property (referenced to major streets): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. City of Bonita Springs Plan Information

1. City of Bonita Springs Land Use Classification: \_\_\_\_\_

2. Are you proposing any City of Bonita Springs amendments which could affect the subject property?

\_\_\_\_\_ NO \_\_\_\_\_ YES If yes, submit a copy of the proposed amendment (labeled as "Exhibit II-E-1") along with a statement as to how the proposed amendment will affect your property (labeled as "Exhibit II-E-2").

F. Drainage, Water Control and Other Environmental Issues

1. Is the property within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s?

\_\_\_\_\_ NO \_\_\_\_\_ YES. If yes, specify the minimum elevation required for the first habitable floor).  
\_\_\_\_\_ NGVD (MSL)

2. Are there any environmentally sensitive lands such as, but not limited to: wetlands, mangrove forests, creek & river shorelines, sand dunes, xeric scrub, mature pine forests, or other unique land forms as defined in the Bonita Plan Goal 15 and it's Objectives and Policies, Objective 4.1, Policies 7.1.1 d. 2, 7.2.3, Goal 14 and Policies 14.1.1 through 14.3.5 and applicable sections of the Land Development Code (LDC). Are there any listed species occupied habitat as defined in the Bonita Plan or LDC on the subject property, Bonita Plan Policy 7.1.1 d. 2, 7.4.1 through 7.10.3, Objective 7.12 and Policies 7. 12.1 through 7.12.3, and applicable sections of the LDC?

\_\_\_\_\_ NO \_\_\_\_\_ YES If yes, delineate these areas on a map or aerial photo and label it Exhibit II-F-1. Also, complete Exhibit II-F-2 attached hereto.

G. Present Use of Property: Is the property vacant? \_\_\_\_\_ NO \_\_\_\_\_ YES

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 proposed use of the building or structure(s) will be in compliance with all applicable requirements of the Land Development Regulations. **[Sec. 4-194(b)(3)]**

Briefly describe current use of the property: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

H. Property Dimensions

1. Width (average if irregular parcel): \_\_\_\_\_ Feet
2. Depth (average if irregular parcel): \_\_\_\_\_ Feet
3. Frontage on road or street: \_\_\_\_\_ Feet on \_\_\_\_\_  
 (Name of street)
4. Total land area: \_\_\_\_\_ Acres or Square Feet

I. Land Area Calculations

1. Undevelopable Areas:
  - a. Freshwater wetland areas \_\_\_\_\_
  - b. Other wetland areas \_\_\_\_\_
  - c. Submerged land subject to tidal influence: \_\_\_\_\_
  - d. Total (a + b + c): \_\_\_\_\_
2. Remaining developable land (H.4 less I.1.d): \_\_\_\_\_

**PART III  
PROPOSED DEVELOPMENT**

A. Nature of Request

1. Will the development contain living units? \_\_\_\_\_NO \_\_\_\_\_YES. If the answer is yes, please indicate the total number of living units proposed, by type:

\_\_\_\_\_ Single Family      \_\_\_\_\_ Mobile Homes      \_\_\_\_\_ Recreational Vehicles  
\_\_\_\_\_ Zero-Lot-Line      \_\_\_\_\_ Duplex/Two Family      \_\_\_\_\_ Townhouses  
\_\_\_\_\_ Multiple Family      \_\_\_\_\_ TOTAL ALL TYPES

2. If the development will contain living units, please complete Exhibit III-A-2 (attached) and enter the following information:

- a. PERMITTED total units (from Exhibit III-A-2): \_\_\_\_\_
- b. PROPOSED total units (from A-1. above): \_\_\_\_\_
- c. PROPOSED density (from Exhibit III-A-2): \_\_\_\_\_

3. Will the development contain non-residential areas? \_\_\_\_\_NO \_\_\_\_\_YES. If the answer is yes, please indicate the size [gross square footage (gsf) unless indicated otherwise] of each general class of uses below:

Retail: \_\_\_\_\_ Total gsf

Offices: \_\_\_\_\_ Total gsf

Medical: \_\_\_\_\_ gsf      Non-medical: \_\_\_\_\_ gsf

Hotel/Motel: \_\_\_\_\_ Total units

Size of units: \_\_\_\_\_ 0-425 sq. Ft.      \_\_\_\_\_ 426-725 sq. Ft.      \_\_\_\_\_ 726 or more sq. Ft.

Industrial: \_\_\_\_\_ Total gsf

Under roof: \_\_\_\_\_ gsf      Not under roof: \_\_\_\_\_ gsf

Mines, Quarries, or General Excavation: Acres to be excavated: \_\_\_\_\_

Other-specify: \_\_\_\_\_

Number of Beds (if applicable): \_\_\_\_\_ OR: \_\_\_\_\_ gsf

4. Building Height

\_\_\_\_\_ Maximum height of buildings (in feet above grade)

\_\_\_\_\_ Number of Habitable Floors

**\*\*Commercial/Office Industrial/Restaurant: 45'/3 stories over parking; Hotel/Motel: 55'/5 stories over parking**

5. Aviation Hazard: Do you propose any structures, lighting, or other features that might affect safe flight conditions?

\_\_\_\_\_ NO \_\_\_\_\_ YES. If yes, please submit an explanation and label it Exhibit III-A-5.

B. Facilities

1. Fire District: \_\_\_\_\_

2. Water Supply

a. Estimated daily consumption of potable water:

1. Residential units: \_\_\_\_\_ gpd

2. Mobile Home units: \_\_\_\_\_ gpd

3. Rec. Vehicle units: \_\_\_\_\_ gpd

4. Commercial: \_\_\_\_\_ gpd

5. Industrial: \_\_\_\_\_ gpd

b. Source of potable water: \_\_\_\_\_

c. Do you have a written agreement from the utility company to serve your project?

\_\_\_\_\_ NO \_\_\_\_\_ YES. If yes, please submit a copy of the agreement.

d. Source of Non-potable water: \_\_\_\_\_

3. Sanitary Sewer Service

a. Estimated daily production of wastewater:

1. Residential units: \_\_\_\_\_ gpd

2. Mobile Home units: \_\_\_\_\_ gpd

3. Recreational Vehicles: \_\_\_\_\_ gpd

4. Commercial: \_\_\_\_\_ gpd

5. Industrial: \_\_\_\_\_ gpd

b. Is any special effluent anticipated? \_\_\_\_\_ NO \_\_\_\_\_ YES. If yes, please complete Exhibit III-B-3 (attached).

c. Source of sanitary sewer service: \_\_\_\_\_

d. Do you have a written agreement from the utility company to serve your project?

\_\_\_\_\_ NO \_\_\_\_\_ YES. If yes, please submit a copy of the agreement.

e. Will a private on-site disposal facility be used? \_\_\_\_\_ NO \_\_\_\_\_ YES. If yes, please complete Exhibit III-B-3 (attached).

f. Are individual sewage disposal systems proposed? \_\_\_\_\_ NO \_\_\_\_\_ YES.

C. Transportation

1. Has this project been exempted from filing a Traffic Impact Statement?

\_\_\_\_\_ NO \_\_\_\_\_ YES \_\_\_\_\_ NOT REQUIRED (Exist. development). If it has been exempted, attach a copy of the exemption and label it Exhibit III-C.

**EXHIBIT II-F-2  
ENVIRONMENTAL ISSUES**

**A. Topography:** Describe the range of surface elevations of the property:

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**B. Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the Comprehensive Plan), flow ways, creek beds, sand dunes, other unique land forms [see the Comprehensive Plan for listed species occupied habitat (see Sec. 4-1337 et seq. of the Land Development Code).

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**C. Preservation/Conservation of Natural Features:** Describe how the lands listed in B. above will be protected by the completed project:

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**D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

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**EXHIBIT III-A-2  
PRELIMINARY DENSITY CALCULATIONS\***

**A. Gross Residential Acres**

- 1. Total land area: \_\_\_\_\_ acres
- 2. Area to be used for non-residential uses: (Line A.2.a. plus A.2.b.): \_\_\_\_\_ acres
  - a. R-O-W providing access to non-residential uses: \_\_\_\_\_ acres
  - b. Non-residential use areas: \_\_\_\_\_ acres
- 3. Gross residential acres (Line A.1 less A.2): \_\_\_\_\_ acres
  - a. Uplands areas \_\_\_\_\_ acres
  - b. Freshwater Wetlands areas \_\_\_\_\_ acres
  - c. Other Wetland areas \_\_\_\_\_ acres

**B. Comprehensive Plan Land Use Classification:** \_\_\_\_\_ (If more than one classification, calculations for each classification must be submitted)

**Density Standards (from the Comprehensive Plan)**

- 1. Maximum density for Land Use Classification: \_\_\_\_\_ units/gross res. acre
- 2. Maximum total density for Land Use Classification: \_\_\_\_\_ units/gross res. acre

**MAXIMUM PERMITTED DWELLING UNITS**

**C. High Density Residential, High Density Mixed Use/Village, "Old 41" Town Center Mixed Use Redevelopment Overlay Area.**

- 1. Standard density uplands units (A.3.a. times B.1) \_\_\_\_\_ units
- 2. Standard density wetlands units (A.3.b. & A.3.c. times B.1) \_\_\_\_\_ units
- 3. Total standard density units (sum of C.1 & C.2) \_\_\_\_\_ units
- 4. Max. Total density units [A.3.a. times ((B.1 plus 1/2 of ( B.2 less B.1)))] \_\_\_\_\_ units
- 5. **Sub-total permitted std. density units** (line C.3 or C.4 - whichever is less): \_\_\_\_\_ **Units Sub-total**
- 6. BONUS UNITS (REQUESTED)
  - a. Low-moderate housing density: \_\_\_\_\_ units
  - b. TDR units: \_\_\_\_\_ units
  - c. **Sub-total (C.6.a plus C.6.b)** \_\_\_\_\_ units
- 7. **Total Permitted Units (C.5. plus C.6.c):** \_\_\_\_\_ **Units Total**

**NOTE:** may not exceed (A.3.a. times B.2) plus (A.3.b. and A.3.c. times .05).

\* Subject to staff review and correction.

**D. Moderate Density Mixed Use/Planned Development, Medium Density Multi-Family Residential, Medium Density Residential, Moderate Density Residential**

- 1. Standard density uplands units (A.3.a. times B.1) \_\_\_\_\_ units
- 2. Standard density freshwater wetlands units (A.3.b. times B.1) \_\_\_\_\_ units
- 3. Total standard density units (sum of D.1 & D.2) \_\_\_\_\_ units
- 4. Maximum upland density (A.3.a. times 8) \_\_\_\_\_ units
- 5. **Total permitted units** (line D.3 or D.4 - whichever is less): \_\_\_\_\_ **Units**

**E. Suburban Density Residential, Low Density Residential, Estate Residential**

- 1. Standard density uplands units (A.3.a. times B.1) \_\_\_\_\_ units
- 2. Standard density freshwater wetlands units (A.3.b times B.1) \_\_\_\_\_ units
- 3. Total standard density (sum of E.1 & E.2) \_\_\_\_\_ units
- 4. Maximum upland density (A.3.a. times 4) \_\_\_\_\_ units
- 5. **Total permitted units** (line E.3 or E.4 - whichever is less): \_\_\_\_\_ **Units Total**

**F. Conservation, Resource Protection, DRGR**

- 1. Total acres of "Open Land" \_\_\_\_\_ acres
- 2. Maximum density (F.1 times 0.2\*) \_\_\_\_\_ units
- 3. Total permitted units: \_\_\_\_\_ units



**EXHIBIT III-B-3  
SANITARY SEWER FACILITIES**

A. **Special Effluent:** If special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

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B. **Private On-site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

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2. Quality of the effluent:

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3. Expected life of the facility:

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4. Who will operate and maintain the internal collection and treatment facilities:

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5. Receiving bodies or other means of effluent disposal:

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C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

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2. Current water table conditions:

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3. Proposed rate of application:

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4. Back-up system capacity:

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**PART V**

**AFFIDAVIT**

I, Stan Stouder, Manager of 2726 SCC, LLC 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 the 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.

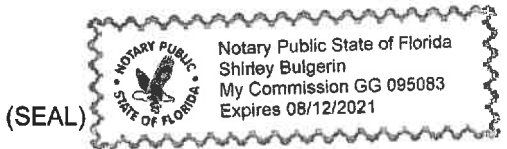
Stan Stouder  
Signature of Owner or Owner-authorized Agent

1/21/21  
Date

Stan Stouder, Manager of 2726 SCC, LLC  
Typed or printed name and title

STATE OF FLORIDA)  
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 20<sup>th</sup> day of January 2021, by Stan Stouder, who is personally known to me or who has produced as identification.



Shirley Bulgerin  
Signature of notary public  
Shirley Bulgerin  
Printed name of notary public

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

STRAP NO. 31-47-26-B4-00100.0050 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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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
<u>Stan Gauder</u>	<u>100%</u>
<u>12140 Carissa Comm Ct. #102</u>	_____
<u>FMY, FL 33966</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____

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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address, & Office (if applicable)	Percentage of Stock
N/A	

Date of Contract: N/A

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address
N/A

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

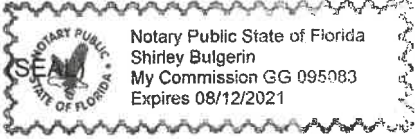
The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: Stan Stouder  
(Applicant)

**Stan Stouder, Manager of 2726 SCC, LLC**  
(Printed or typed name of applicant)

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument acknowledged before me this 20<sup>th</sup> day of January, 2021, by Stan Stouder, who is personally known to me or who has produced \_\_\_\_\_ as identification.



Shirley Bulgerin  
Signature of Notary Public  
Shirley Bulgerin  
Printed Name of Notary Public

**EXHIBIT I-B-4  
COVENANT OF UNIFIED CONTROL**

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 27971 Oakland Dr., Bonita Springs, FL 34135 and legally described in exhibit A attached hereto. (street address)

The property described herein is the subject of an application for planned development zoning. We hereby designate Banks Engineering as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorization of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended covenant of unified control is delivered to the City of Bonita Springs.

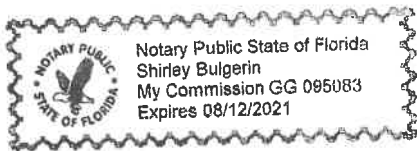
The undersigned recognize the following and will be guided accordingly in the pursuit of development of the project:

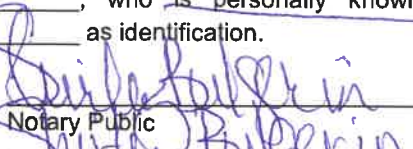
1. The property will be developed and used in conformity with the approved master concept plan including all conditions placed on the development and all commitments agreed to by the applicant in connection with the planned development rezoning.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the master concept plan, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by the City of Bonita Springs.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the planned development process will constitute a violation of the Land Development Code.
4. All terms and conditions of the planned development approval will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the planned development must be consistent with those terms and conditions.
5. So long as this covenant is in force, City of Bonita Springs can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the planned development, seek equitable relief as necessary to compel compliance. The City of Bonita Springs will not issue permits, certificates, or licenses to occupy or use any part of the planned development and the City may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the planned development.

  
\_\_\_\_\_  
Owner  
**Stan Stouder, Manager of 2726 SCC, LLC**  
Printed Name

**STATE OF FLORIDA  
COUNTY OF LEE**

Sworn to (or affirmed) and subscribed before me this 20<sup>th</sup> day of January 2021, by Stan Stouder, who is personally known to me or who has produced \_\_\_\_\_ as identification.



  
\_\_\_\_\_  
Notary Public  
(Name typed, printed or stamped)  
(Serial Number, if any)

CITY OF BONITA SPRINGS  
ZONING ORDINANCE NO. 09-13

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY OAKLAND CPD TO REZONE THE EXISTING COMMERCIAL PLANNED DEVELOPMENT (CPD) TO ALLOW STORAGE, OPEN IN PHASE 1; AND COMMERCIAL/OFFICE USES, RESTAURANT, OR A 90 ROOM HOTEL IN PHASE 2, ON LAND LOCATED AT 27971 OAKLAND DRIVE, BONITA SPRINGS, FLORIDA, ON 2.15 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Oakland CPD has filed an application for rezoning 2.15 +/- acres from Commercial Planned Development (CPD) to CPD, to allow 47,330 square feet of Storage, Open in Phase 1, and up to 32,700 square feet of commercial/office uses, a 7,780 square foot restaurant, or a 90 room hotel in Phase 2,

WHEREAS, the subject property is located at 27971 Oakland Drive, Bonita Springs, Florida, and is described more particularly as:

"See Exhibits"

WHEREAS, a Public Hearing was advertised and heard on October 2, 2009 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case PD08-BOS00006 who gave full consideration to the evidence available and recommended approval (5-0, Healy & Brandeth absent); 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 September 18, 2009 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 rezoning with the following conditions and deviations:

A. CONDITIONS

1. The development of this project must be consistent with the Master Concept Plan entitled "Oakland Drive CPD," prepared by ConsulTech Development Services, Inc. and Lake Hickory Ventures, Inc. stamped received August 21, 2009 (Attachment A), except as modified by the conditions below. This development must comply with all requirements of the City of Bonita Springs Land Development Code (LDC) at time of

local development order approval. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

For Phase 1, the site can store up to 47,330 square feet of Storage, Open. For Phase 2, the total gross floor area may not exceed 32,700 square feet of commercial/office uses, a 7,780 square foot restaurant, or a 90 room hotel in Phase 2.

2. The following limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures

ATM

Banks and Financial Establishments, Groups I & II

Bar and Cocktail Lounge

Business Services, Group I & II

Caterers

Cleaning and Maintenance Services

Consumption on Premises, indoor only, in conjunction with a full-service restaurant or hotel/motel. Outdoor consumption requires a special exception (public hearing required)

Drive-through facility for any permitted use

Entrance Gates and Gatehouses

Essential Service Facilities, Group I

Excavation, Water Retention

Fences, Walls

Gift and Souvenir Shop

Hotel/Motel (no to exceed 90 rooms)

Insurance Companies

Medical Office

Non-Store Retailers, Group I

Parks, Group I

Parking Lot, Accessory

Personal Services, Groups I, II, III & IV

Rental or Leasing Establishments: Groups I, II, III, & IV

Restaurants, Group III

Schools, Commercial

Signs, in accordance with Chapter 6 Land Development Code

Specialty Retail Shops, Groups I & II

Storage, Open (Phase 1 Only), as limited by Condition 9

Temporary Uses

b. Site Development Regulations

Minimum Area and Dimensions:

Lot Area: ± 2.15 acres



Lot Depth: ± 284 feet  
Lot Width: ± 316 feet

Minimum Setbacks for Phase 1 (Storage, Open):

Street: Variable, according to the Functional classification of the street or road (LDC Section 34-2192 et seq)  
Side yard: 20'  
Rear yard: 25'

Minimum Building Setbacks for Phase 2:

Front: 100'  
Side yard: 60'  
Rear yard: 100'

Maximum Building Height Phase 1:

Storage, Open 25'

Maximum Building Height Phase 2:

Commercial/Office/Restaurant 55'3 stories over parking  
Hotel/Motel 75'5 stories over parking

Maximum Lot Coverage: 58%

Minimum Open Space: 42%

3. Transportation Conditions

- a. The developer is responsible for the costs and improvements of Oakland Drive from the southern property line to the northern property line as a site-related improvement. This segment of the roadway must be completed prior to the certificate of completion for Phase 2. As part of Phase 1, the applicant will improve to city public road standards Oakland Drive from the southern property line to the north side entranceway. This segment of the roadway must be completed prior to the certificate of completion for Phase 1. During Phase 1, the applicant will provide a smooth transition from the road improvement above to the existing road (grading).
- 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 may be required to obtain local development order; and
- c. The Developer must comply with concurrency requirements (all conditions required by the Bonita Springs Comprehensive Plan

and the Land Development Code) in order to obtain a local development order; and

- d. A detailed traffic analysis including traffic from Bonita Exchange, will be required at local development order to determine and proportionately mitigate for any operational or geometric deficiencies at the intersections.
- e. The traffic analysis will have to include the traffic generated by the Bonita Exchange development to determine the overall impact in the build out year.
- f. The developer must provide a pedestrian connection between this project and the project to the south at time of certificate of completion for Phase 2. This may be a private sidewalk, public sidewalk in the Oakland Drive right-of-way to connect with the Best Western sidewalk to the Bonita Beach Road sidewalk, or other measures approved by Community Development as a part of the local development order process.

#### 4. Environmental Conditions

- a. The applicant must provide one hundred (100) percent native vegetation plantings within all required buffers; and
- b. Prior to local development order approval, the applicant must provide a planting plan for the dry detention areas that includes native wetland plants (minimum one gallon container size) providing 50% coverage at time of installation; and
- c. Per the Tree Advisory Board recommendation, the applicant must preserve 8 Heritage Trees.
- d. The applicant must demonstrate compliance with Comprehensive Plan Policy 9.3.3 of the Conservation/Coastal Management Element. The applicant must provide an additional fifty (50) percent retention/detention water quality treatment over that required in section 5.2.1(a) of the Basis of Review for Environmental Resource Permits within the South Florida Water Management District.

#### 5. Perimeter buffers

- a. In support of Deviation 2, the applicant must maintain the existing 6' fence 2' off the property line and provide a 5' Type C enhanced buffer. The hedge must be a 36" hedge at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. The trees must be canopy

type trees such as oaks or slash pines or a combination of canopy trees. If the hedge does not provide a continuous visual screen at time of certificate of completion for phase 1, the applicant must install some type of opaque screening (filtering material) along the fence.

- b. To protect the residential properties across Oakland Drive, the applicant shall enhance the Type D hedge row with a 48" hedge (minimum 15 gallon container size) at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting.
- c. Prior to local development order approval, the applicant must provide a planting plan for the dry detention areas that includes native wetland plants (minimum one gallon container size).

## 6. Flood Regulations

- a. The following "Floodway Notes" must be added/amended on the MCP:

### Floodway Notes

Development in areas waterward of the regulatory floodway is prohibited, unless all conditions specified in the zoning approval are met. FEMA and City of Bonita Springs development order approvals will be required for any proposed improvements affecting floodway and flood plain storage prior to future development order approval for entire property and/or any outparcel.

- b. The applicant agrees that no encroachment shall be placed within the floodway as defined by the FEMA Flood Insurance Rate Maps that are in effect at time of local development order approval, approved at the time of development order issuance, unless one of the following two conditions are applied for:
  - i. Certification with supporting technical data, made by a registered professional engineer, is needed demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge". Note that the words "supporting technical data" are paraphrased as "hydrologic and hydraulic analyses" in National Flood Insurance Program document (Answers to Questions about the NFIP, F-084 (5/06), FEMA). Appropriate supporting data or analyses to clarify any potential floodway encroachment issue is required. Certificates of No Rise are required prior to local development order approval.

or

- ii. A Conditional Letter of Map Revision (CLOMR) will be required by contacting FEMA. A CLOMR is FEMA's comment on a proposed project that would affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway or effective Base Flood Elevations. Conditional Letter of Map Revisions (CLOMR) must be approved by FEMA prior to submitting a development order application to the City.
  - c. At the time of local development order application for Phase 2, the applicant shall submit a drainage analysis that demonstrates that the site development plan causes no adverse impact on adjacent properties in terms of drainage capacity/conveyance, storm water discharge, and flood. The drainage analysis shall include but not limited to (1) a drainage map for all contributory areas within and into the development, showing flow paths/arrows, existing on site and offsite drainage structures (sizes and inverts), and sub basin areas; and (2) hydrologic and hydraulic calculations for the 5, 25, and 100-year design storm events in order to establish existing baseline conditions.
  - d. Development must be consistent with the local, State, and Federal regulations for development within any floodways, flood plains, or properties designated that will be effected by a tropical storm event.
7. Parking
- a. Final parking ratios shall be determined at the time of a local development order consistent with the Land Development Code (LDC) for the use requested.
  - b. In support of Deviation 3, the applicant may reduce one standard parking space required for any of the schedule of uses to accommodate the recommendations by the Tree Advisory Board to preserve a pair of heritage trees as shown on the Master Concept Plan.
8. In support of Deviation 4, the height of a hotel/motel, office, or medical office building is permitted up to 75'5 stories over parking.
9. Storage, Open and Rental or Leasing Establishment uses

- a. Uses for Rental or Leasing Establishments: All Groups and Storage, Open areas must comply with special setbacks for specific uses set forth in LDC Section 34-2443(D)(6) except as approved administratively by the City Manager or designee.
  - b. In open storage areas, surface parking materials should be selected to effectively reduce the amount of pollution generated and remain consistent with water quality goals.
  - c. Open storage of flammables and/or hazardous waste is prohibited.
  - d. Buffering and landscaping must be installed as a part of Phase 1.
  - e. Open storage is limited to November 16, 2017, at which time only Phase 2 uses are permitted.
  - f. Diesel engines may not idle for more than 5 minutes at the site, with appropriate signage informing customers of this condition.
10. Outside speaker systems, loud speakers, or public address systems for any use are prohibited.
  11. Consumption on premises requests in this CPD shall be reviewed individually as regulated by LDC, or through other approval processes as may be required by future regulations.
  12. The hours of operation for a business operating under the Phase 1 Storage, Open use are from 7:00 AM to 9:00 PM daily.
  13. Buildings exceeding 55 feet in height must maintain additional building separation as regulated by LDC Section 34-2175(B).
  14. The development must comply with the commercial lighting standards found in the LDC, Chapter 3. Lighting for buildings along the property lines that abut residential shall not emit glare and be limited to lighting for security purposes. Street, parking lot, and building lighting must be shielded so that light is directed downward to reduce light spillage to off-site parcels.
  15. The development must comply with the commercial design standards found in the LDC, Chapter 3.
  16. The development must comply with the sign code found in the LDC, Chapter 6.

17. Prior to local development order approval, the developer must provide facilities in compliance with the Bonita Springs LDC, for the pickup/disposal of solid waste and recyclables.
18. The development must comply with Ordinance No. 06-04 Noise Control.
19. The developer will use best efforts to incorporate principles for its building through the Florida Green Building Coalition program, in site design and construction, by emphasizing use of high energy efficiency designs and use of high energy efficient fixtures and appliances where possible. Building materials, both internal and external, will be comprised of durable and recycled materials where possible.
20. 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.
21. 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.

**B. DEVIATIONS**

1. Deviation 1 is approved, granting relief from LDC §3-416(D)(3) requiring a Type "A" buffer (5' wide) along the west property line to permit no buffer at that location.
2. Deviation 2 is approved, granting relief from LDC §3-416(D)(6) requiring a solid wall or combination berm and solid wall not less than eight feet in height be constructed not less than 25 feet from the property line with a Type C buffer plantings to permit a Type "A" (5' wide) with no wall at that location, as conditioned in Condition 5a.
3. Deviation 3 is approved, granting relief from LDC §34-2020 specifying the required parking spaces for a wide range of uses to allow a deficit of one (1) parking space when calculating the parking requirements for this project.
4. Deviation 4 is approved, granting relief from LDC §34-935(E)(1)(b) specifying that the building height in no event may exceed 65' unless a variance or deviation is approved by the City Council to allow for a maximum height of 75' above the minimum flood elevation, as conditioned in Condition 8.

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.
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; 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. will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities, as conditioned.
4. Urban services, as defined in the Bonita Springs Comprehensive Plan, are available and adequate to serve the proposed land use, as conditioned.
5. The proposed uses are appropriate at the subject location, as conditioned.
6. The recommended conditions to the master 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, as conditioned.
8. The deviations granted, as conditioned:
  - a. enhance the objectives of the planned development; and

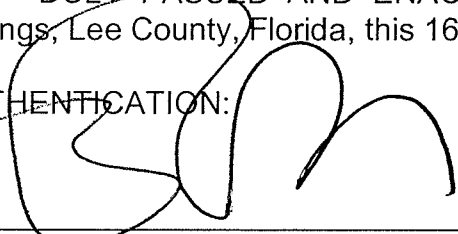
- b. preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

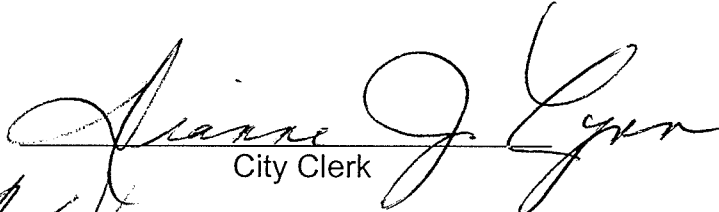
SECTION TWO: EFFECTIVE DATE

This ordinance shall take effect thirty (30) days from the date of adoption.

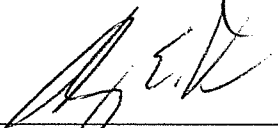
DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 16<sup>th</sup> day of November, 2009.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Vote:

Ferreira	Aye	Nelson	Aye
Lonkart	Aye	Simons	Aye
McCourt	Aye	Spear	Aye
Martin	Aye		

Date filed with City Clerk: 11-16-09



**Exhibit A**

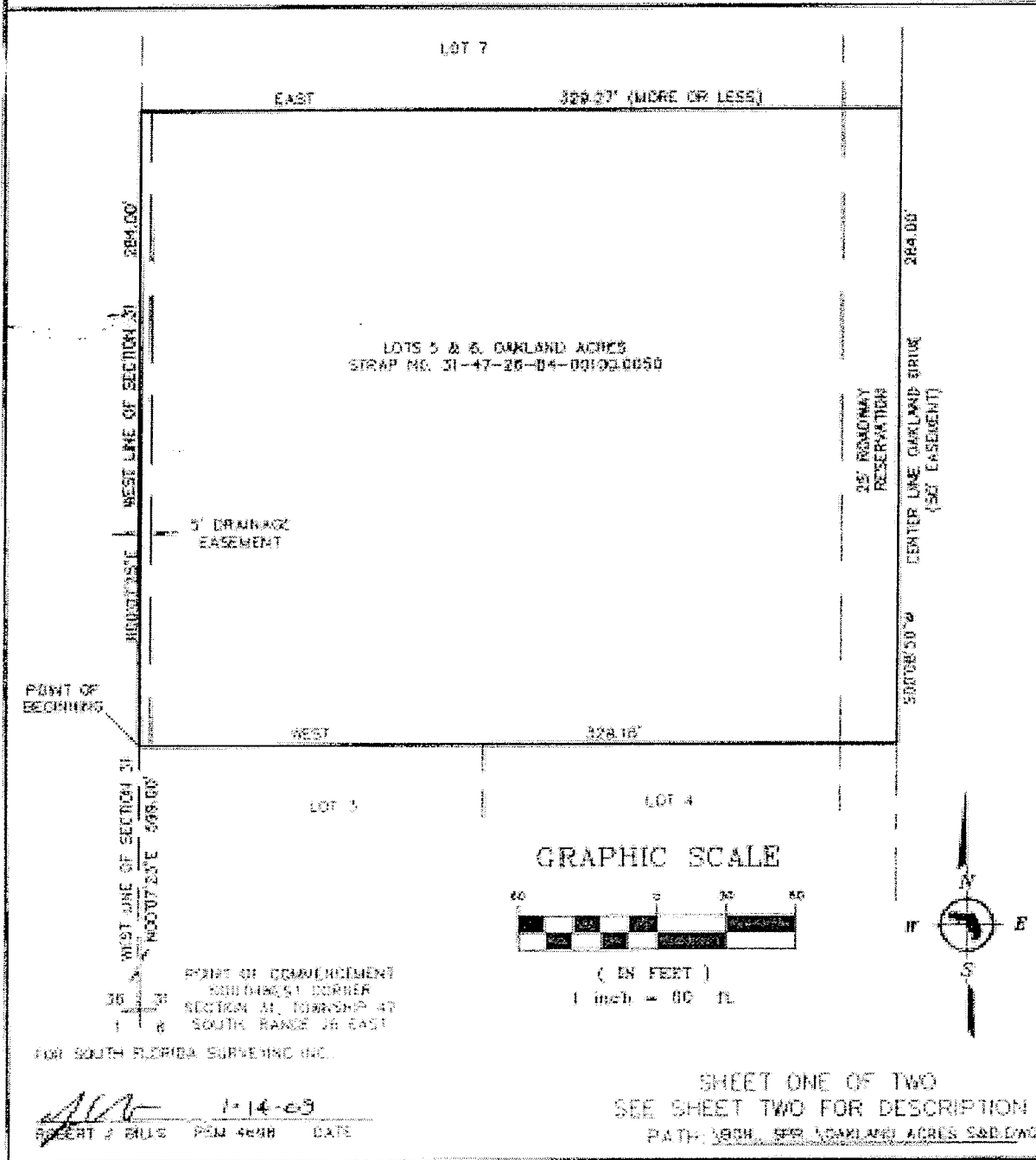
*South Florida Surveying Inc.*

2431 23rd Street S.W. Naples, Florida 34117

Phone: (239) 348-1169 Facsimile: (239) 353-5941 [sfsinc3516@aol.com](mailto:sfsinc3516@aol.com)

CERTIFICATE OF AUTHORIZATION #187824

**LEGAL DESCRIPTION AND SKETCH - NOT A BOUNDARY SURVEY**



# South Florida Surveying Inc.

2421 23rd Street S.W. Naples, Florida 34117

Phone: (239) 348-1169 Facsimile: (239) 353-5941 [sfinc3316@aol.com](mailto:sfinc3316@aol.com)

CERTIFICATE OF AUTHORIZATION #LBT624

## LEGAL DESCRIPTION AND SKETCH – NOT A BOUNDARY SURVEY

### LEGAL DESCRIPTION:

LOT 5 & 6, OAKLAND ACRES, AS SAME IS RECORDED IN MISC. BOOK 51 AT PAGE 471 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID LOTS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA THENCE NORTH  $00^{\circ}07'25''$  EAST, ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 599.00 FEET, TO THE POINT OF BEGINNING;

AND FROM SAID POINT OF BEGINNING, CONTINUE NORTH  $00^{\circ}07'25''$  EAST, STILL ALONG THE SAID WEST LINE OF SECTION 31, A DISTANCE OF 284.00 FEET;

THENCE EAST, A DISTANCE OF 329.27 FEET, MORE OR LESS, TO THE CENTERLINE OF THE 50 FOOT WIDE OAKLAND DRIVE;

THENCE SOUTH  $00^{\circ}08'50''$  WEST, ALONG SAID CENTERLINE, A DISTANCE OF 284.00 FEET;

THENCE WEST, A DISTANCE OF 329.16 FEET, TO THE POINT OF BEGINNING.

SUBJECT TO A 25 FOOT WIDE ROADWAY RESERVATION OVER AND ACROSS THE EASTERLY 25 FEET AND A 5 FOOT WIDE DRAINAGE EASEMENT OVER AND ACROSS THE WESTERLY 5 FEET THEREOF.

SAID PARCEL CONTAINS 2.13 ACRES TO CENTER LINE OF OAKLAND DRIVE.

SHEET TWO OF TWO  
SEE SHEET ONE FOR SKETCH  
PATH: \\C:\WORK\SPR\OAKLAND ACRES S&O.DWG



CITY OF BONITA SPRINGS  
ZONING ORDINANCE NO. 16 - 07

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY 2726 SCC LLC, TO AMEND CITY OF BONITA SPRINGS ZONING ORDINANCE NO. 09-13, OAKLAND CPD; AMENDING THE MASTER CONCEPT PLAN, SCHEDULE OF USES, DEVELOPMENT STANDARDS, AND CONDITIONS OF APPROVAL; REDUCING COMMERCIAL INTENSITY; LOCATED AT 27971 OAKLAND DRIVE, BONITA SPRINGS, FLORIDA; ON 2.15 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, 2726 SCC LLC, has filed an application to amend City of Bonita Springs Zoning Ordinance No. 09-13, Oakland Park Commercial Planned Development, to incorporate the following changes:

1. Amend the Master Concept Plan, Schedule of Uses, Development Standards, and Conditions of Approval; and
2. Reduce the commercial intensity from 32,700 square feet to 25,000 square feet of commercial and light industrial uses.

**WHEREAS**, the subject property is located at 27971 Oakland Drive, Bonita Springs, Florida, and is described more particularly as:

See Exhibit "A"

**WHEREAS**, a Public Hearing was advertised and heard on November 15, 2016 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case PD16-29060-BOS, who gave full consideration to the evidence available and recommended approval (5-2, with Barnes-Buchanan and Donnelly voting to deny) of the applicant's request 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 Staff Report prepared by Community Development and submitted on September 13, 2016, 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**

Bonita Springs City Council hereby approves the request to amend City of Bonita Springs Zoning Ordinance No. 09-13, Oakland Park CPD, subject to the following amendments, showing additions by underlining and deletions by cross-hatching the text below:

**A. Conditions:**

1. The development of this project must be consistent with the Master Concept Plan entitled "Oakland Drive CPD," prepared by ~~ConsulTech Development Services, Inc. and Lake Hickory Ventures, Inc.~~ Q. Grady Minor and Associates, P.A. stamped received ~~June 8, 2016~~ August 21, 2009 (Attachment A), except as modified by the conditions below. This development must comply with all requirements of the City of Bonita Springs Land Development Code (LDC) at time of local development order approval. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

~~For Phase 1, the site can store up to 47,330 square feet of Storage, Open.~~  
~~For Phase 2, the total gross floor area may not exceed 32,700~~ 25,000  
square feet of commercial/office light industrial uses, a 7,780 square foot restaurant, or a 90-room hotel ~~in Phase 2.~~

2. The following limits apply to the project and uses:

- a. Schedule of Uses

Accessory Uses and Structures

Administrative Offices

ATM

~~Banks and Financial Establishments, Groups I & II~~

Business Services, Group I & II

Caterers

Cleaning and Maintenance Services

Consumption on Premises, indoor only, in conjunction with a full-service restaurant or hotel/motel. Outdoor consumption requires a special exception (public hearing required)

Contractors and Builders Group I

Drive-through facility for any permitted use

Entrance Gates and Gatehouses

Essential Service Facilities, Group I

Excavation, Water Retention

Fences, Walls

~~Gift and Souvenir Shop~~

Hotel/Motel (no to exceed 90 rooms)

~~Insurance Companies~~

~~Medical Office~~

Insurance Companies

Medical Office

Non-Store Retailers, Group I

Parks, Group I

Parking Lot, Accessory

Personal Services, Groups I, II, III & IV (excluding massage establishment or parlors, steam or turkish baths, escort services, palm readers, fortune teller or card reader, and tattoo parlors, except massage may be permitted within a health or beauty spa)

Rental or Leasing Establishments: Groups I, and II, III, & IV (limited to indoor use only)  
 Restaurants, Group III  
 Schools, Commercial  
 Signs, in accordance with Chapter 6 Land Development Code  
 Specialty Retail Shops, Groups I & II  
 Storage, Open (~~Phase 1 Only~~) as limited by Condition ~~9-8~~  
Temporary/mobile office as limited by Condition 8  
 Temporary Uses  
 Mini-warehouse

Site Development Regulations

*Minimum Area and Dimensions:*

Lot Area:	<del>± 2.15 acres</del> <u>20,000 S.F.</u>
Lot Depth:	<del>± 284 feet</del> <u>100'</u>
Lot Width:	<del>± 316 feet</del> <u>100'</u>

*Minimum Setbacks for ~~Phase 1 (Storage, Open):~~*

Street:	Variable, according to the functional classification of the street or road (LDC Section <del>34-2192-4-1893</del> et seq)
Side yard:	<u>20'/25'</u> *
Rear yard:	25'

*Minimum Building Setbacks for Phase 2:*

Front:	<u>100'</u>
Side yard:	<u>60'</u>
Rear yard:	<u>100'</u>

\*In support of Deviation 2, parking, access ways/drives, vehicle storage, and/or storage, open for any use is prohibited within 25' of the northern property line. Building setbacks shall only be permitted at 20' when property to the north redevelops into a non-residential use. Accessway, drives, parking and storage, open may also be permitted in accordance with the LDC when property to the north redevelops into a non-residential use.

*Maximum Building Height ~~Phase 1:~~*

Storage, Open	<u>25' 15'</u>
---------------	----------------

*Maximum Building Height Phase 2:*

Commercial/Office Industrial/Restaurant	<u>55 45'/3</u> stories over parking
Hotel/Motel	<u>75 55'/5</u> stories over parking

Maximum Lot Coverage: 58%

Minimum Open Space: 42%

3. Transportation Conditions

- a. The developer is responsible for the costs and improvements of Oakland Drive from the southern property line to the northern property line as a site-related improvement. The applicant shall improve Oakland Drive from 5' to the north of its driveway to the limits of its southern property line prior to local development order approval and occupancy of any use of the site to a local private road standard. This entire segment of the roadway along the property's frontage must be completed as a part of any local development order with a permanent building Phase 2 consistent with LDC 3-531. A 5' wide sidewalk is shall be installed and completed prior to the certificate of completion for any phase of development and/or occupancy of the site.
- 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 may be required to obtain local development order; and
- c. The Developer must comply with concurrency requirements (all conditions required by the Bonita Springs Comprehensive Plan and the Land Development Code) in order to obtain a local development order; and
- d. ~~A detailed traffic analysis including traffic from Bonita Exchange, will be required at local development order to determine and proportionately mitigate for any operational or geometric deficiencies at the intersections.~~
- e. ~~The traffic analysis will have to include the traffic generated by the Bonita Exchange development to determine the overall impact in the build-out year.~~
- d. At time of local development order application the developer shall submit a Traffic Impact Statement that includes the following analysis in addition to the City of Bonita Springs Traffic Impact Statement Guidelines:
  - i. A Project Trip Distribution figure generated by percentage and a Peak Hour Project Traffic Assignment figure (including AM and PM peak hour turning movements) and peak hour directional trips along Bonita Beach Road.

Secondary Links - If the directional peak hour project trips assigned to a direct link equal or exceed 2% of the directional

peak hour capacity of the level of service standard for that segment, then the project trips shall be assigned to the adjacent roadway segments. The adjacent roadway segments to the direct link shall include both segments on either end of the direct link and any segments of roadways that intersect the direct link. The adjacent roadway segments shall be referred to as Secondary Links.

Additional Links - If the directional peak hour project trips assigned to any secondary link equal or exceed 2% of the directional peak hour capacity of the level of service standard for that segment, then the project trips shall be assigned to the next roadway segment(s) adjacent to the secondary link. These adjacent roadway segments shall be referred to as Additional Links.

If the directional peak hour project trips assigned to any additional link equal or exceed 3% of the directional peak hour capacity of the level of service standard for that segment, then the project trips shall be assigned to the next roadway segment(s) adjacent to the additional link. These adjacent roadway segments shall also be referred to as Additional Links.

Directional peak hour project trips shall continue to be assigned in this manner until the value of directional peak hour project trips is less than the directional peak hour capacity of the level of service standard for that segment. When the percentage is less than 3% of the capacity, then project trip assignment will stop after that link has been assigned.

- ii. The AM and PM peak hour turning movements for the intersection of Bonita Beach Road and Oakland Drive. These volumes should include both background and project trips, which clearly distinguish between background trips and site generated trips.
  - iii. The applicant shall analyze and conduct a traffic signal operations analysis for the development's impacts on the intersections at Bonita Beach Road and Oakland Drive, and shall address mitigation through conditions to the Development Order mitigation.
- e. Trip cap. The total daily and peak hour trips of the combined uses will not exceed 1,099 vehicles per day (Average Daily Traffic – ADT) and 105 vehicles per hour (including pass-by trips).
- f. The County retains the right to modify the median opening at Oakland and Bonita Beach Road, if necessary, to maintain the safety and efficiency of the arterial street (Florida Statute 316.00 Powers of local authorities).



g. At time of development order, the applicant will work with staff to include additional conditions related to the Bonita Beach Road Visioning, to the greatest extent feasibly possible, which will be incorporated into the development order.

4. Environmental Conditions

a. The applicant must provide one hundred (100) percent native vegetation plantings within all required buffers; and

b. Prior to local development order approval, the applicant must provide a planting plan for the dry detention areas that includes native wetland plants (minimum one gallon container size) providing 50% coverage of the bottom of the basin at time of installation; and

c. Per the Tree Advisory Board recommendation, the applicant must preserve 8 9 Heritage Trees as identified on the MCP stamped received June 8, 2016.

d. The applicant must demonstrate compliance with Comprehensive Plan Policy 9.3.3 of the Conservation/Coastal Management Element. The applicant must provide an additional fifty (50) percent retention/detention water quality treatment over that required in section 5.2.1(a) of the Basis of Review for Environmental Resource Permits within the South Florida Water Management District.

e. Any use with open storage and/or a business services group II use (with outdoor equipment and/or vehicle storage) that contains potential pollutants such as oil, grease and gasoline shall be required at a minimum to provide additional safeguards at time of local development order, which may include a wash out station, a maintenance provision to keep oil and gas absorbent material on-site for accidental spills, and proper storage and containment of materials in accordance with Florida Friendly Yards and Florida Department of Environmental Protection.

5. Perimeter buffers

a. In support of Deviation 2, the applicant ~~must maintain the existing~~ shall install a 6' opaque fence 2' 5' off south of the property line and provide a modified 5' Type C enhanced buffer. Trees and shrubs shall be planted in the 5' strip between the opaque fence and the northern property line. The hedge must be a 36" hedge at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. The trees must be canopy type trees such as oaks or mahoganies or a combination of canopy trees. ~~If the hedge does not provide a continuous visual screen at time of certificate of completion for phase 1, the applicant must install some type of opaque screening along~~

the fence. Should the property to the north redevelop with non-residential uses, buffering requirements may be modified for the northern buffer consistent with LDC 3.

- b. To protect the residential properties across Oakland Drive, the applicant shall enhance the Type D hedge row with a 48" hedge (minimum 15 gallon container size) at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting.
- c. Prior to local development order approval, the applicant must provide a planting plan for the dry detention areas that includes native wetland plants (minimum one gallon container size).
- d. In support of Deviation 1, the existing vegetated banks along the western property line shall be maintained. Any exotic removal that results in loss of the native vegetation along these banks shall be replaced and maintained with native vegetation for a low and mid-story buffer.

## 6. Flood Regulations

- ~~a. The following "Floodway Notes" must be added/amended on the MCP:~~

### Floodway Notes

~~Development in areas waterward of the regulatory floodway is **prohibited**, unless all conditions specified in the zoning approval are met. FEMA and City of Bonita Springs development order approvals will be required for any proposed improvements affecting floodway and flood plain storage prior to future development order approval for entire property and/or any outparcel.~~

- ~~b. The applicant agrees that no encroachment shall be placed within the floodway as defined by the FEMA Flood Insurance Rate Maps that are in effect at time of local development order approval, approved at the time of development order issuance, unless one of the following two conditions are applied for:~~
  - ~~i. Certification with supporting technical data, made by a registered professional engineer, is needed demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge". Note that the words "supporting technical data" are paraphrased as "hydrologic and hydraulic analyses" in National Flood Insurance Program document (Answers to Questions About the NFIP, F-084 (5/06), FEMA). Appropriate supporting data or analyses to clarify any potential floodway encroachment issue is required. Certificates of No Rise are required prior to local development order approval.~~

of

- ~~ii. A Conditional Letter of Map Revision (CLOMR) will be required by contacting FEMA. A CLOMR is FEMA's comment on a proposed project that would affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway or effective Base Flood Elevations. Conditional Letter of Map Revisions (CLOMR) must be approved by FEMA prior to submitting a development order application to the City.~~
- e. a. At the time of local development order application for any site grading work for Phase 2, the applicant shall submit a drainage analysis that demonstrates that the site development plan causes no adverse impact on adjacent properties in terms due to of drainage capacity/conveyance, storm water discharge, and flood. The drainage analysis shall include but not limited to (1) a drainage map for all contributory areas within and into the development, showing flow paths/arrows, existing on site and offsite drainage structures (sizes and inverts), and sub basin areas; and (2) hydrologic and hydraulic calculations for the 5, 25, and 100-year design storm events in order to establish existing baseline conditions.
- d. b. Development must be consistent with the local, State, and Federal regulations for development within any floodways, flood plains, or properties designated that will be effected affected by a tropical storm event.

## 7. Parking

- a. Final parking ratios shall be determined at the time of a local development order consistent with the Land Development Code (LDC) for the uses requested.
  - b. ~~In support of Deviation 3, the applicant may reduce one standard parking space required for any of the schedule of uses to accommodate the recommendations by the Tree Advisory Board to preserve a pair of heritage trees as shown on the Master Concept Plan.~~
  - c. In support of Deviation 2, parking is prohibited within 25' of the northern property line until the property to the north redevelops into a non-residential use.
  - d. Parking within the Oakland Drive right of way is prohibited.
8. ~~In support of Deviation 4, the height of a hotel/motel, office, or medical office building is permitted up to 75'5 stories over parking.~~

8.-9. Business Services Group II, Storage, Open, and Rental or Leasing Establishment uses

- a. ~~Uses for Rental or Leasing Establishments: All Groups and Storage, Open~~ areas must comply with special setbacks for specific uses set forth in LDC Section ~~34-2443(D)(6)~~ 4-2014(D)(6) except as approved administratively by the City Manager or designee; and
- b. In open storage areas, surface parking materials should be selected to effectively reduce the amount of pollution generated and remain consistent with water quality goals; and
- c. Open storage of flammables and/or hazardous waste is prohibited; and
- d. Buffering and landscaping must be installed prior to any occupancy of the property as a part of Phase 1. Buffering for this use must be either increased or open storage must be positioned in such a manner that there is no view of any open storage from Oakland Drive.
- e. Open storage, vehicle and equipment dealers, and business services group II (with outdoor equipment and/or vehicle storage) is limited to November 16, 2016, at which time only Phase 2 uses are permitted. a period of no more than three years from the effective date of this ordinance regardless of the property's ownership; however, 2726 SCC LLC and its tenants may continue an existing open storage use beyond the third anniversary of this ordinance for an additional period of no more than two years if they obtain administrative approval, which will be dependent on whether redevelopment occurs to the western border of the parcel (mobile homes/Saldivar). Should the ownership of the property change after the third anniversary of this ordinance all open storage uses shall terminate immediately.
- f. Diesel engines may not idle for more than 5 minutes at or on the site, with appropriate signage informing customers of this condition.
- g. The storage, chipping, or mulching of landscape material is prohibited
- h. Hours of operation for this use is limited from 7:00 am to 7:00 pm, from Monday through Saturday. Activities related to this use on Sundays or before or after hours is prohibited.

9.-10. Outside speaker systems, loud speakers, or public address systems for any use are prohibited.

10.-11. Consumption on premises requests in this CPD shall be reviewed individually as regulated by LDC, or through other approval processes as may be required by future regulations.

- ~~11. 2~~ ~~The hours of operation for a business operating under the Phase 4 Storage, Open use are from 7:00 AM to 9:00 PM daily. Should the property be developed as a hotel / motel, the property development regulations contained for conventional zoning in LDC §4-1529, excluding subsection (4) d of this section.~~
12. 3 Buildings exceeding 55 feet in height must maintain additional building separation as regulated by LDC Section ~~34-2175(B)~~ 4-1874(3).
13. 4 The development must comply with the commercial lighting standards found in the LDC, Chapter 3. Lighting for buildings along the property lines that abut residential shall not emit glare and be limited to lighting for security purposes. Street, parking lot, and building lighting must be shielded so that light is directed downward to reduce light spillage to off-site parcels.
- ~~14. 5.~~ All development must comply with the commercial design standards found in the LDC, Chapter 3. Mini-warehouse, warehouse, and industrial uses shall comply with the commercial design standards.
15. 6. The development must comply with the sign code found in the LDC, Chapter 6.
16. 7. Prior to local development order approval, the developer must provide facilities in compliance with the Bonita Springs LDC, for the pickup/disposal of solid waste and recyclables.
- ~~17. 8. The development must comply with Ordinance 06-04 Noise Control. All development and uses must comply with City's Noise Control ordinance.~~
- ~~18. 9. The developer will use best efforts to incorporate principles for its building through the Florida Green Building Coalition program, in site design and construction, by emphasizing use of high energy efficiency designs and use of high energy efficient fixtures and appliances where possible. Building materials, both internal and external, will be comprised of durable and recycled materials where possible. 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.~~
19. 20. 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.

- 20 4. 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.

**B. DEVIATION**

1. Deviation 1 is approved, granting relief from LDC ~~§3-416~~ §3-418(D)(3) requiring a Type "A" buffer (5' wide) along the west property line to permit no buffer at that location.
2. Deviation 2 is approved, granting relief from LDC ~~§3-416~~ §3-418(D)(6) requiring a solid wall or combination berm and solid wall not less than eight feet in height be constructed not less than 25 feet from the property line with a Type C buffer plantings to permit a Type "A" (5' wide) with no wall at that location, as conditioned in Condition 5a.
3. Deviation 3 is ~~approved, granting relief from LDC §34-2020 specifying the required parking spaces for a wide range of uses to allow a deficit of one (1) parking space when calculating the parking requirements for this project.~~ WITHDRAWN.
4. Deviation 4 is ~~approved, granting relief from LDC §34-935(E)(1)(b) specifying that the building height in no event may exceed 65' unless a variance or deviation is approved by the City Council to allow for a maximum height of 75' above the minimum flood elevation, as conditioned in Condition 8.~~ WITHDRAWN.

**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 not proven entitlement to the amend the 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:
  - 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 not compatible with existing or planned uses in the surrounding area; and


- d. will not adversely affect environmentally critical areas or natural resources.
- 3. Approval of the request may place an undue burden upon existing transportation or planned infrastructure facilities. However, modifications can be made to the existing infrastructure that could mitigate these impacts.
- 4. Urban services, as defined in the Bonita Springs Comprehensive Plan, will be available and adequate to serve the proposed land use.
- 5. The proposed mix of uses are not appropriate at the subject location.
- 6. Adequate conditions to the master concept plan and other applicable regulations will 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 can be recommended to offset the impacts.
- 8. 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.

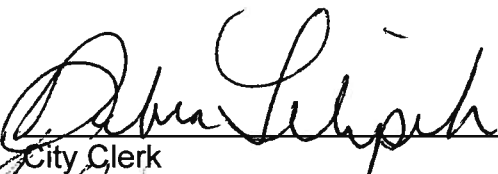
**SECTION TWO: EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days from the date of adoption.

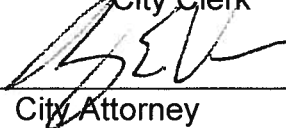
DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 19<sup>th</sup> day of December, 2016.

AUTHENTICATION:

  
 \_\_\_\_\_  
 Mayor

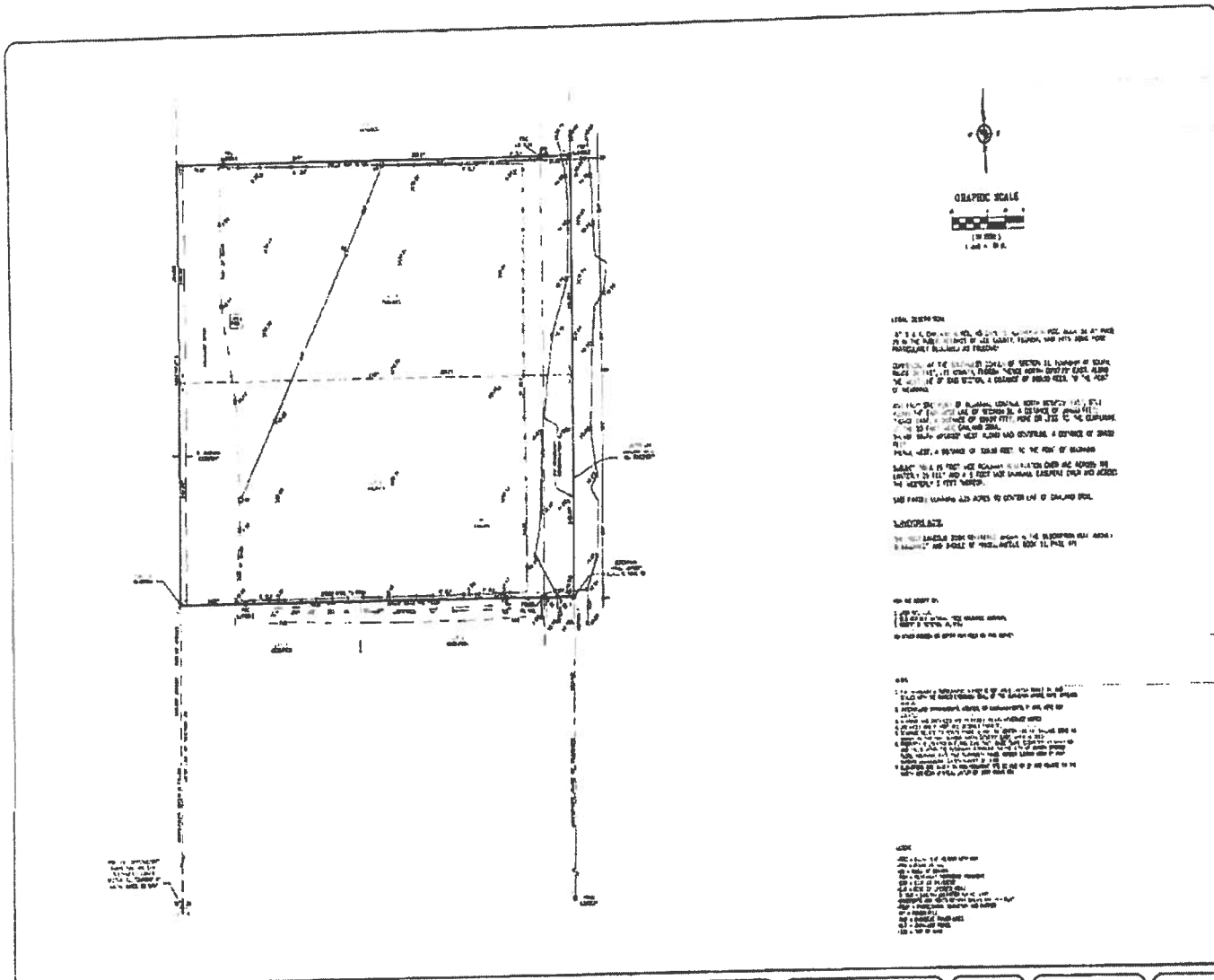
  
 \_\_\_\_\_  
 City Clerk

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 City Attorney

Vote: DeWitt	Aye	Quaremba	Aye
Forbes	Aye	Simmons	Aye
Gibson	Aye	Slachta	Aye
O'Flinn	Aye		

Date filed with City Clerk: 1/3/17



PD15-29060-BOS  
Exhibit A

**LEGAL DESCRIPTION**  
 A 3.16 AC. PARCEL, more or less, situated in the City of Oakland, State of Florida, and more particularly described as follows:  
 CONTAINS ALL THE UNDIVIDED REMAINDER OF SECTION 22, TOWNSHIP 22 NORTH, RANGE 17 WEST, COUNTY OF DALLAS, TEXAS, EXCEPT THAT PART OF SAID SECTION 22 WHICH IS RESERVED TO THE STATE OF TEXAS, A CERTAIN OF SAID SECTION 22, TO THE CITY OF OAKLAND.

**REMARKS**  
 THIS SURVEY WAS MADE IN ACCORDANCE WITH SECTION 141.01, P.L. 80-91, AND THE SURVEYING ACT OF TEXAS, AS AMENDED. THIS SURVEY WAS MADE FOR THE PURPOSE OF DIVIDING SAID PARCEL INTO TWO (2) PARCELS, AS SHOWN ON THIS SURVEY MAP. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT OF TEXAS, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, STATE OF TEXAS.

**MONUMENTS**  
 ALL MONUMENTS SHOWN ON THIS SURVEY MAP WERE PLACED BY THE SURVEYOR AT THE TIME THIS SURVEY WAS MADE.

**ADJACENT OWNERS**  
 ALL ADJACENT OWNERS WERE NOTICED BY FIRST CLASS REGISTERED MAIL AND ADVISED BY PERSONAL DELIVERY OF THIS SURVEY MAP.

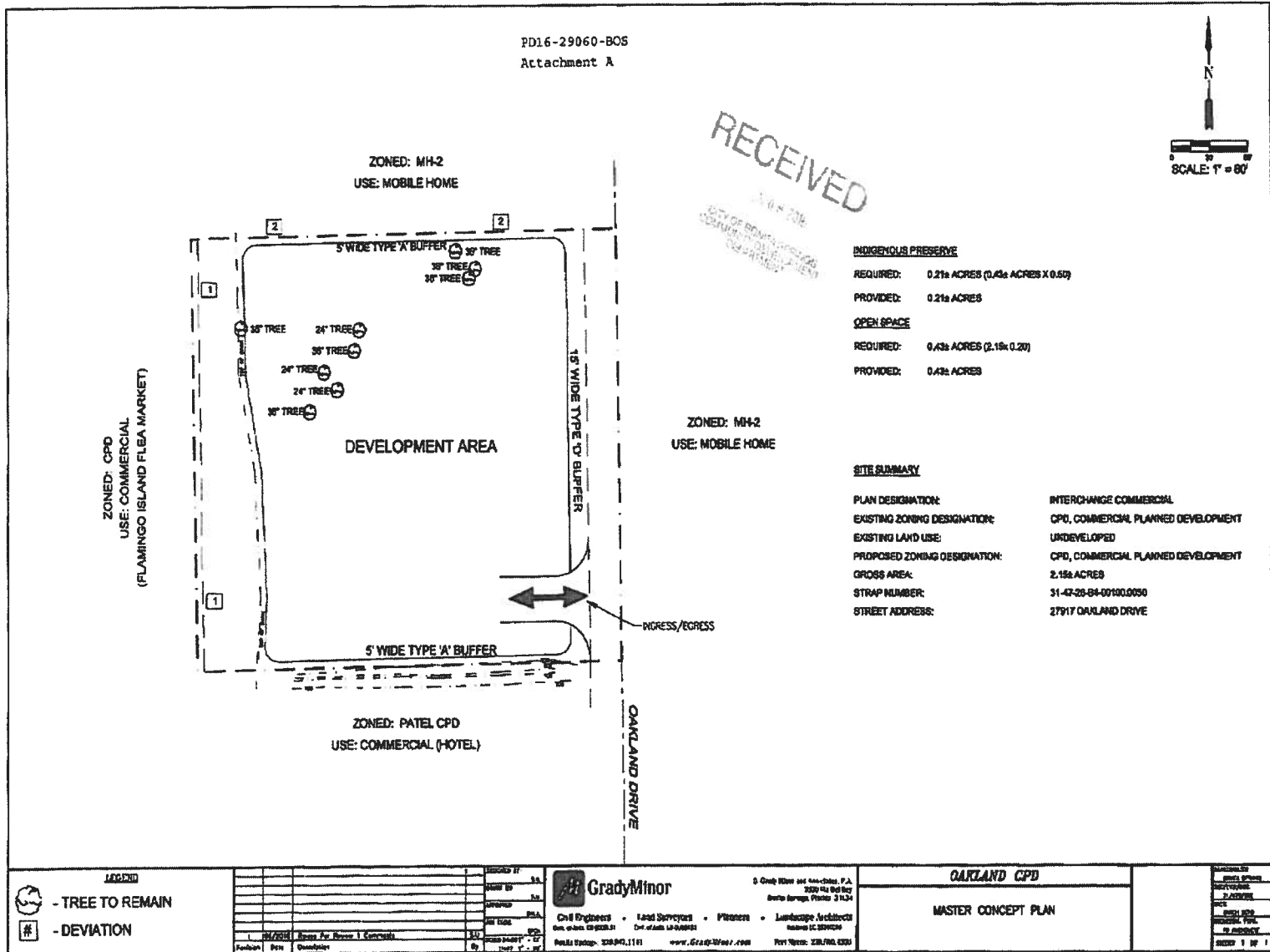
**WARRANTY**  
 THE SURVEYOR WARRANTS AND AGREES TO DEFEND AND HOLD HARMLESS ALL PERSONS WHO MAY BE INJURED BY THIS SURVEY MAP.

**LEGEND**  
 ALL LINES SHOWN ON THIS SURVEY MAP ARE THE PROPERTY OF THE SURVEYOR. ALL LINES SHOWN ON THIS SURVEY MAP ARE THE PROPERTY OF THE SURVEYOR.

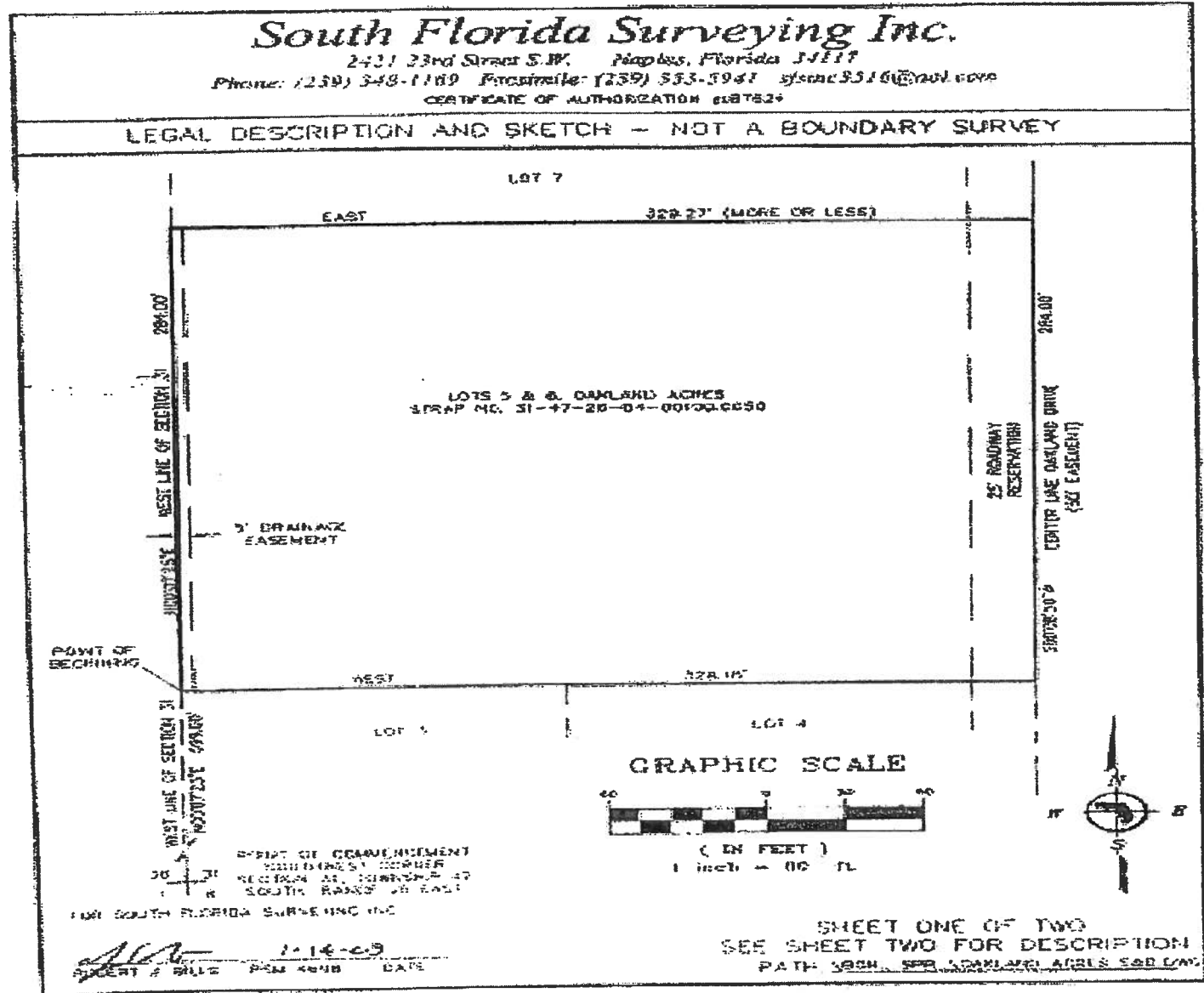
**NOTES**  
 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
 2. ALL DIMENSIONS ARE TO BE TAKEN AS SHOWN ON THIS SURVEY MAP.  
 3. ALL DIMENSIONS ARE TO BE TAKEN TO THE CENTER LINE OF ALL LINES SHOWN ON THIS SURVEY MAP.  
 4. ALL DIMENSIONS ARE TO BE TAKEN TO THE CORNER POINTS OF ALL LINES SHOWN ON THIS SURVEY MAP.  
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 39. ALL DIMENSIONS ARE TO BE TAKEN TO THE POINTS OF BEGINNING AND ENDING OF ALL WATERSHED DIVISION AGREEMENTS SHOWN ON THIS SURVEY MAP.  
 40. ALL DIMENSIONS ARE TO BE TAKEN TO THE POINTS OF BEGINNING AND ENDING OF ALL WATERSHED DIVISION DECISIONS SHOWN ON THIS SURVEY MAP.

<p><b>South Florida Surveying Inc.</b>          3420 134th Street, E.M., Royal Palm Beach, Florida 33411          Phone: (561) 744-1166          Fax: (561) 744-1166</p>	<table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>FOR</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	DATE	DESCRIPTION	BY	FOR																	<p>PROJECT: <b>27971 OAKLAND DRIVE</b></p> <p>SURVEY TYPE: <b>BOUNDARY &amp; TOPOGRAPHIC SURVEY</b></p>	<p>FOR SOUTH FLORIDA SURVEYING INC.</p> <p>DATE: 07/15/16</p> <p>BY: [Signature]</p>	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY												
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NO.	DATE	DESCRIPTION	BY																																					





**Exhibit A**



# South Florida Surveying Inc.

2421 23rd Street S.W. Naples, Florida 34117

Phone: (239) 348-1169 Facsimile: (239) 353-5941 [sfsinc3316@aol.com](mailto:sfsinc3316@aol.com)

CERTIFICATE OF AUTHORIZATION #LB7624

## LEGAL DESCRIPTION AND SKETCH - NOT A BOUNDARY SURVEY

### LEGAL DESCRIPTION:

LOT 5 & 6, OAKLAND ACRES, AS SAME IS RECORDED IN NISC. BOOK 57 AT PAGE 471 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID LOTS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA THENCE NORTH  $00^{\circ}07'25''$  EAST, ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 509.00 FEET, TO THE POINT OF BEGINNING;

AND FROM SAID POINT OF BEGINNING, CONTINUE NORTH  $00^{\circ}07'25''$  EAST, STILL ALONG THE SAID WEST LINE OF SECTION 31, A DISTANCE OF 284.00 FEET.

THENCE EAST, A DISTANCE OF 329.27 FEET, MORE OR LESS, TO THE CENTERLINE OF THE 50 FOOT WIDE OAKLAND DRIVE;

THENCE SOUTH  $00^{\circ}08'50''$  WEST, ALONG SAID CENTERLINE, A DISTANCE OF 284.00 FEET;

THENCE WEST, A DISTANCE OF 329.16 FEET, TO THE POINT OF BEGINNING.

SUBJECT TO A 25 FOOT WIDE ROADWAY RESERVATION OVER AND ACROSS THE EASTERLY 25 FEET AND A 5 FOOT WIDE DRAINAGE EASEMENT OVER AND ACROSS THE WESTERLY 5 FEET THEREOF.

SAID PARCEL CONTAINS 2.15 ACRES TO CENTER LINE OF OAKLAND DRIVE.

SHEET TWO OF TWO  
SEE SHEET ONE FOR SKETCH  
PARTIAL SECTION 31, OAKLAND ACRES, SAID 0-0

# South Florida Surveying Inc.

2431 23rd Street S.W. Naples, Florida 34117

Phone: (239) 348-1189 Facsimile: (239) 333-5941 sfline3316@aol.com

CERTIFICATE OF AUTHORIZATION #187524

## LEGAL DESCRIPTION AND SKETCH - NOT A BOUNDARY SURVEY

LOT 7

EAST

328.27' (MORE OR LESS)

284.00'

WEST LINE OF SECTION 31

1/4 ACRES

5' DRAINAGE EASEMENT

LOTS 5 & 6, OAKLAND ACRES  
SRAP NO. 31-47-26-04-001000050

284.00'

25' ROADWAY RESERVATION  
CENTER LINE, OAKLAND BRUK  
(56' EASEMENT)

3000R/50' W

WEST

328.18'

POINT OF BEGINNING

WEST LINE OF SECTION 31

1/4 ACRES

36'

31'

POINT OF COMMENCEMENT  
SOUTHWEST CORNER  
SECTION 31, TOWNSHIP 47  
SOUTH RANGE 26 EAST

LOT 5

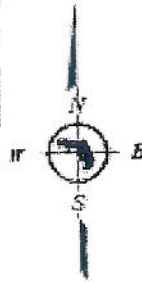
LOT 4

GRAPHIC SCALE



( IN FEET )

1 inch = 60 ft.



FOR SOUTH FLORIDA SURVEYING INC.

SHEET ONE OF TWO

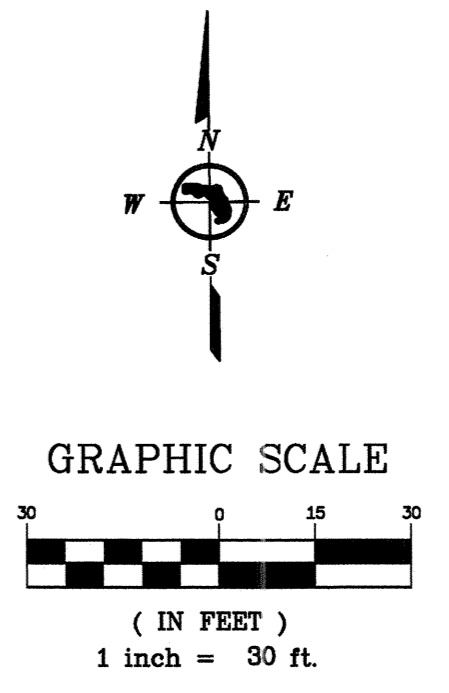
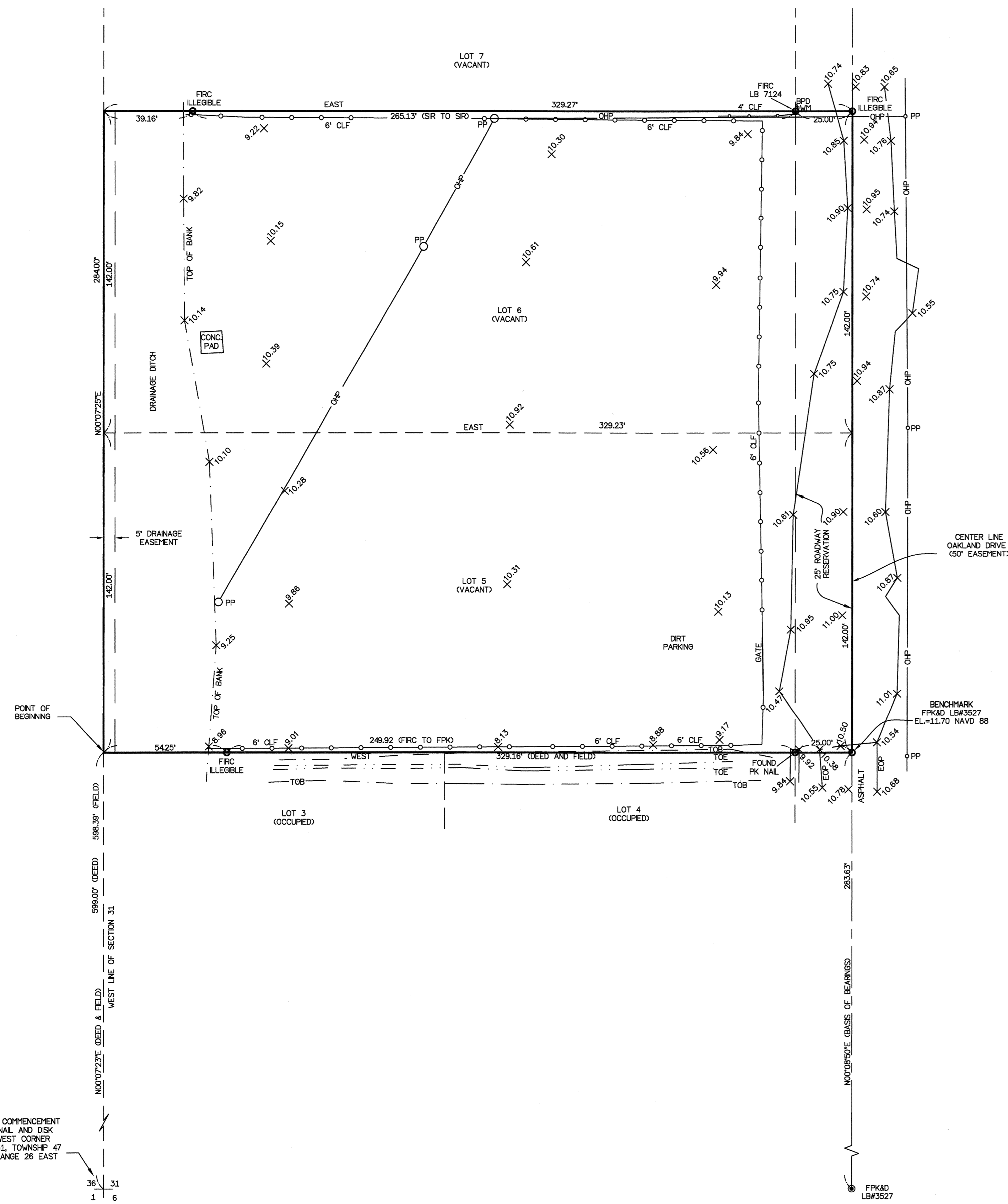
SEE SHEET TWO FOR DESCRIPTION

PATH: \\SRV\SRV\OAKLAND ACRES S&B.DWG

ALC 1-14-09  
SHEET 2 OF 2 P&M 4500 DATE

91

PD21-85799-BOS - Exhibit II-B-2



**LEGAL DESCRIPTION:**

LOT 5 & 6, OAKLAND ACRES, AS SAME IS RECORDED IN MISC. BOOK 51 AT PAGE 23 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID LOTS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA THENCE NORTH 00°07'25" EAST, ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 599.00 FEET, TO THE POINT OF BEGINNING;

AND FROM SAID POINT OF BEGINNING, CONTINUE NORTH 00°07'25" EAST, STILL ALONG THE SAID WEST LINE OF SECTION 31, A DISTANCE OF 284.00 FEET; THENCE EAST, A DISTANCE OF 329.27 FEET, MORE OR LESS, TO THE CENTERLINE OF THE 50 FOOT WIDE OAKLAND DRIVE; THENCE SOUTH 00°08'50" WEST, ALONG SAID CENTERLINE, A DISTANCE OF 284.00 FEET; THENCE WEST, A DISTANCE OF 329.16 FEET, TO THE POINT OF BEGINNING.

SUBJECT TO A 25 FOOT WIDE ROADWAY RESERVATION OVER AND ACROSS THE EASTERLY 25 FEET AND A 5 FOOT WIDE DRAINAGE EASEMENT OVER AND ACROSS THE WESTERLY 5 FEET THEREOF.

SAID PARCEL CONTAINS 2.15 ACRES TO CENTER LINE OF OAKLAND DRIVE.

**SURVEYOR'S NOTE:**

THE MISCELLANEOUS BOOK REFERENCE SHOWN IN THE DESCRIPTION (SEE ABOVE) IS INCORRECT AND SHOULD BE MISCELLANEOUS BOOK 51, PAGE 47.1.

**FOR THE BENEFIT OF:**

- 2726 SCC, LLC;
- OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY;
- ROBERT D. ROYSTON, JR., P.A.;

NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY

**NOTES:**

- THIS BOUNDARY & TOPOGRAPHIC SURVEY IS NOT VALID UNLESS SIGNED BY, AND SEALED WITH THE RAISED EMBOSSED SEAL, OF THE SURVEYOR WHOSE NAME APPEARS HEREON.
- UNDERGROUND IMPROVEMENTS, UTILITIES, OR ENCROACHMENTS, IF ANY, WERE NOT LOCATED.
- BEARINGS AND DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.
- DISTANCES ARE IN FEET AND DECIMALS THEREOF.
- BEARINGS RELATE TO POINTS FOUND ALONG THE CENTER LINE OF OAKLAND DRIVE AS SHOWN ON THIS MAP, BEARING NORTH 00°08'50" EAST, WHICH IS DEED.
- PROPERTY IS LOCATED IN FLOOD ZONE "AE", (BASE FLOOD ELEVATION 13 NAVD 88) AND FALLS WITHIN THE FLOODWAY ACCORDING TO THE CITY OF BONITA SPRINGS FLOOD INSURANCE RATE MAP "COMMUNITY PANEL NUMBER 120680 0659 0", MAP NUMBER 1207100659F, DATED AUGUST 28, 2008.
- ELEVATIONS ARE BASED ON MONUMENT 175 B1 A10 R1 2" AND RELATE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).

**LEGEND**

- FRC = FOUND 5/8" RE-BAR WITH CAP
- FPK = FOUND PK NAIL
- BB = BASIS OF BEARING
- PRM = PERMANENT REFERENCE MONUMENT
- EOP = EDGE OF PAVEMENT
- ELR = EDGE OF LIMEROCK ROAD
- X 10.0 = EXISTING ELEVATION N.A.V.D. 1988
- EASEMENTS AND RIGHTS-OF-WAY SHOWN ARE PER PLAT.
- PS&M = PROFESSIONAL SURVEYOR AND MAPPER
- PP = POWER POLE
- OHP = OVERHEAD POWER LINES
- CLF = CHAIN LINK FENCE
- TOB = TOP OF BANK

**South Florida Surveying Inc.**  
 2421 23rd Street S.W. Naples, Florida 34117  
 Phone: (239) 348-1169  
 sfsinc@southfloridasurveying.com http://www.southfloridasurveying.com  
 CERTIFICATE OF AUTHORIZATION #LB7624

REVISIONS:					
DATE	DESCRIPTION	BY	DATE	DESCRIPTION	BY

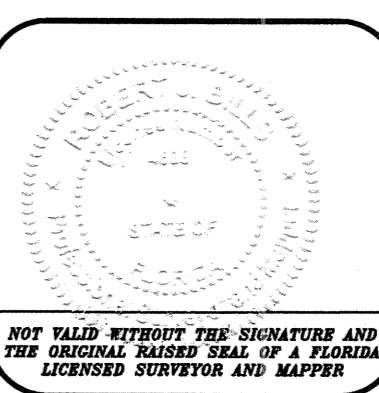
**PROJECT**  
 27971 OAKLAND DRIVE

**SURVEY TYPE:**  
 BOUNDARY & TOPOGRAPHIC SURVEY

FOR SOUTH FLORIDA SURVEYING INC.:

*Robert J. Bills*  
**ROBERT J. BILLS**  
 PROFESSIONAL SURVEYOR AND MAPPER  
 F.S.M. 4696, STATE OF FLORIDA

DATE: 1-05-16



**SURVEY DATE:** 12/30/15

S-T-R : 31-47-26

SCALE: 1" = 30'

DRAWN BY: RJB

CHK BY:

DWG FILE: BONITA SPRINGS OAKLAND ACRES L5-6.DWG

PROJECT NO.:

SHEET 1 OF 1

F. B. PG.

SEE FILE

DWG NO.:



AERIAL AND AERA LOCATION MAP

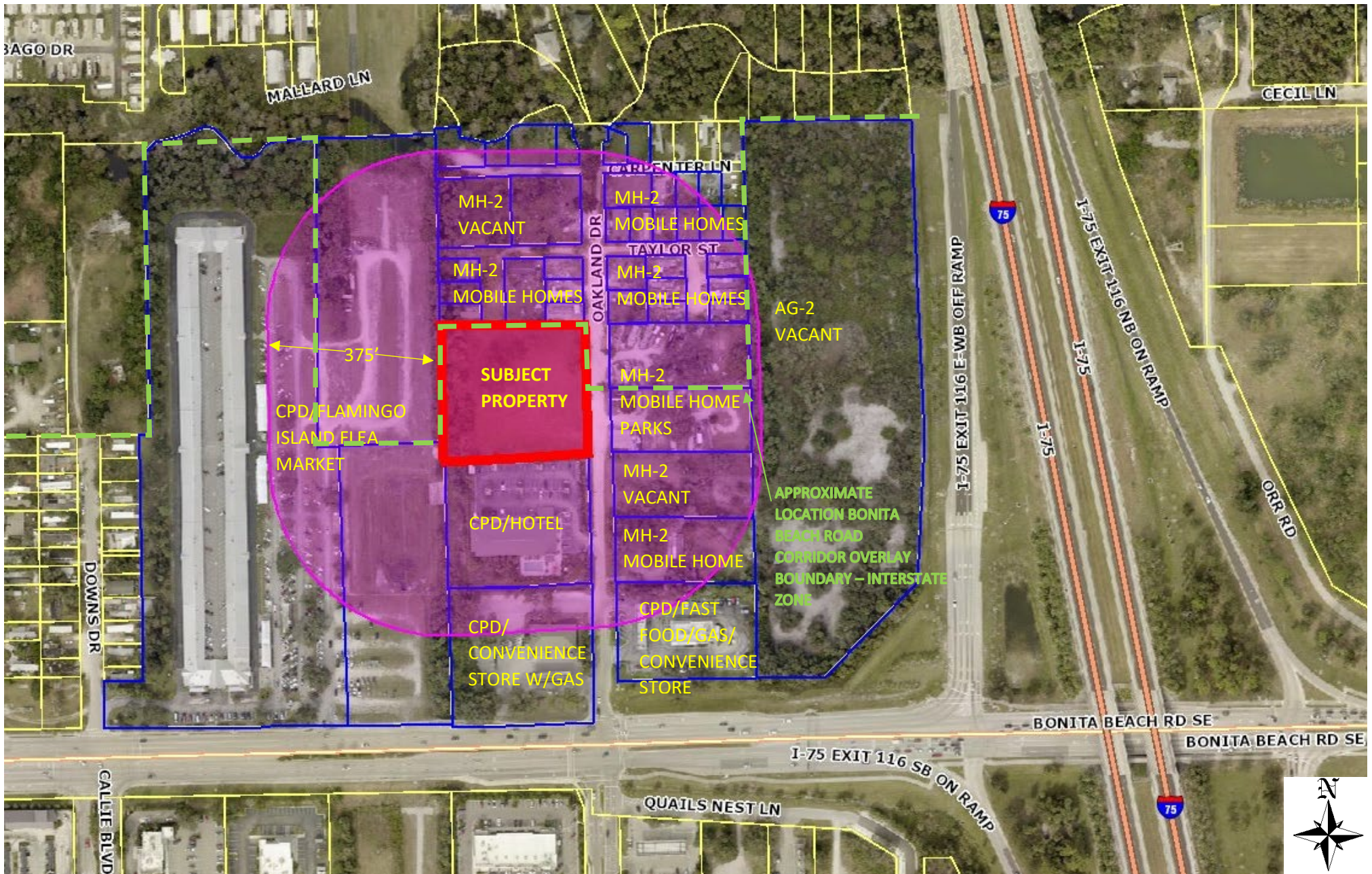




AERIAL AND AERA LOCATION MAP









# Oakland CPD Amendment Narrative of Request Exhibit II-E-2 & IV-D PD21-85799-BOS Revised December 2022

## Introduction

The applicant, 2726 SCC, LLC, is requesting to amend the approved Oakland Park Commercial Planned Development (CPD) latest Ordinance 16-07 to adopt a new Master Concept Plan (MCP) to update conditions and demonstrate compliance with the Bonita Beach Road Corridor Overlay including uses, property development regulations and Conditions 3.a and 3.g, update Condition 4.c concerning heritage trees, amend Conditions 5.a and 5.b concerning open storage screening and amend Condition 8 concerning open storage use. The proposed development will be a benefit to the City by facilitating infill development within the Bonita Beach Road Corridor Overlay increasing property taxes from this investment.

The subject property is 2.15± acres located at 27971 Oakland Drive on the west side of Oakland Drive, approximately 580 feet north of Bonita Beach Road S.E. in the northwest quadrant of the I-75 and Bonita Beach Road intersection as shown in the below aerial. The site is vacant and fenced, previously cleared land with an existing drainage swale along the west boundary and 284± feet of frontage on Oakland Drive. The area is characterized with intense commercial uses to the west and south and high density residential consisting of older mobile homes to the north and east.



## **Background**

The subject property was originally rezoned to Commercial Planned Development (CPD) in 1997 by Lee County Zoning Resolution Z-97-084 which included the parcel adjacent to the south. The property to the south was developed with a hotel, while the only historical use on the subject property was an unpermitted limestone parking lot for the staging/storing of utility vehicles adjacent to the existing mobile homes to the north and east. This lot was used for the storage of utility service trucks during the 2004 and 2005 hurricane seasons and prior years. Although the site has been permitted for commercial use since 1997, the property was sold in 2010 and again in 2016, no applications for development orders, building or use permits have been submitted. The property was cited in 2006 for the storage of those utility vehicles, which was not permitted under the 1997 CPD Schedule of Uses. The property was rezoned from CPD to CPD in 2009 by City of Bonita Springs Zoning Ordinance No. 09-13 for 2 phases with phase 1 allowing up to 47,330 square feet of open storage with a time limit of seven years and phase 2 allowed 32,700 square feet of commercial/office use, a 7,780 square foot restaurant, or a 90-room hotel. The anticipation was that phase 2 would develop on the site within that seven year time limit, but the site remains undeveloped. The property was purchased by the current owner in 2016 and the zoning was amended by City of Bonita Springs Zoning Ordinance No. 16-07 which reduced the commercial intensity from 32,700 square feet to 25,000 square feet, amended the Master Concept Plan, Schedule of Uses, Development Standards and Conditions of Approval. As part of these conditions, 9 heritage trees were required to be preserved (Condition 4.c) and the open storage use was limited to 3-5 years from date of approval (8.e). The site remains vacant due to these time limitations which have precluded the applicant's ability to successfully secure a user for the site which is a precursor to the applicant making the improvements requested herein by the City.

## **Request**

The request seeks to adopt a new MCP to update conditions and demonstrate compliance with the Bonita Beach Road Corridor Overlay including uses, property development regulations and Conditions 3.a and 3.g, update Condition 4.c concerning heritage trees, amend Conditions 5.a and 5.b concerning open storage screening and amend Condition 8 concerning open storage use. These requests are outlined in more detail below.

### **Bonita Beach Road Corridor Overlay**

The subject property lies within the outer edge of the Interstate Zone of the Bonita Beach Road Corridor Overlay. The existing MCP was approved in December of 2016 and therefor did not comply with the Bonita Beach Road Corridor Overlay and was set to expire thirty (30) days past the fifth anniversary date of adoption in December 2016, pending Executive Order State of Emergency extension(s). Pursuant to Land Development Code (LDC) Section 4-897(g)(2)iv, the applicant is required to bring the MCP into compliance with the Overlay since no buildings or infrastructure has been constructed. The applicant proposes to provide the required lighting, streetscape amenity such as a bench under a buffer shade tree, shaded pedestrian facility, bike racks, update property development regulations for reduced lot coverage, clarify open space and add the additional uses identified as permitted in the Interstate Zone of the Bonita Beach Road Corridor Overlay (except where noted otherwise in the schedule of uses), subject to the existing trip cap included in existing Condition 3e. Compliance with the LDC requirements are detailed in the LDC Bonita Beach Road Corridor Overlay analysis beginning on page 11 of this narrative.

### **Heritage Trees**

The existing zoning ordinance Condition 4.c states, "Per the Tree Advisory Board recommendation, the application must preserve 9 Heritage Trees as identified on the MCP Stamped received June 8, 2016." In 2018, David M. Jones, Jr. and Associates, Inc. prepared the attached Memorandum of Record, Heritage Tree Exhibit and Tree Evaluations Exhibit A which determined the following:

- 1 tree in the southwest corner was 19” in diameter so it did not qualify as a heritage tree, but is proposed for preservation
- 2 trees scored poorly when evaluating health so therefore removal would not require replacement for mitigation of removal,
- 4 heritage trees will be impacted by fill requirements for the site when developed so will be removed and mitigated by replanting 4 trees, on site, of similar species or ecologic value with a minimum height of twenty feet (20’ Ht.) at installation.
- 2 heritage trees are proposed for preservation, one along the north property line and another along the west.

This information was presented to the Heritage Tree Advisory Board on October 8, 2018. The board agreed with the new analysis and unanimously approved this proposed plan resulting in the preservation of the three (3) trees shown on the attached proposed revised MCP. A strike-through/underline of the conditions contained in Zoning Ordinance 16-07 is attached with Condition 4.c proposed to be revised as follows:

- 4.c. Per the Tree Advisory Board recommendation on October 8, 2018, the applicant must preserve the 3 9 Heritage Live Oak Trees as identified on the MCP and must mitigate removal of 4 Heritage Trees and mitigate by replanting 4 trees, on site, of similar species or ecologic value with a minimum height of twenty feet (20’ Ht.) at installation. stamped received June 8, 2016.

### **Buffers and Open Storage Use**

The property has been zoned for commercial development since 1997 yet remains undeveloped. The property owner has received interest from multiple parties concerning the open storage use that is currently expired, but has been unable to secure a permanent Phase 2 use. In order to make the property economically viable until a permanent Phase 2 user secures the property, the owner would like to be able to lease the property for open storage use. Although time limitations were placed on the outdoor storage use in both the 2009 and 2016 approvals, other conditions were included to ensure compatibility of the open storage use with the adjacent properties. This is a low traffic generating use compared to other permitted uses on the site which furthers the intent of condition 3.e which includes a trip cap of 1,099 vehicles per day and 105 vehicles per hour for the site. Allowing the requested use by a planned development public hearing amendment process is keeping with the intent to bring the site more into compliance with the Bonita Beach Road Corridor Overlay which only requires a special exception for Storage, open in the Interstate Zone of the Bonita Beach Road Corridor Overlay and the site is going through a more thorough review process as a public hearing amendment to the PD. Allowing the use on this site will reduce the likelihood of the use to be requested on a less appropriate site within the overlay. As stated in the submitted narrative, the property owner has received interest from multiple parties concerning the open storage use and no interest in the Phase 2 uses. The only historical use on this property was an unpermitted limestone parking lot for the staging/storing of utility vehicles adjacent to the existing mobile homes to the north and east. This lot was used for the storage of utility service trucks during the 2004 and 2005 hurricane seasons and prior years. Although the site has been permitted for commercial use since 1997, the property was sold in 2010 and again in 2016, no applications for development orders, building or use permits have been submitted. The property was cited in 2006 for the storage of those utility vehicles, which was not permitted under the 1997 CPD Schedule of Uses. Zoning Ordinance 09-13 approved a 2-phase development. Phase 1 limited the open storage use to a seven year time period, with the expectation that the property would develop with those uses anticipated in Phase 2. Zoning Ordinance 16-07 limited the open storage use for three years. The site remains vacant due to these time limitations which have precluded the applicant’s ability to successfully secure a user for the site. The applicant believes that the required buffers and conditions of approval continue to provide adequate compatibility for the open storage use. The site is not visible from I-75 and is not visible from Bonita Beach Road since it is approximately 580 feet north of Bonita Beach Road behind an existing hotel, gas stations and fast food uses. LDC Section 4-898 provides that Open storage is only allowed within the Bonita Beach

Road Corridor Overlay when permitted by Special Exception within the Interstate Zone and is not permitted at all in the other three zones. The subject property is going through the public hearing process, already includes the open storage use and is an appropriate location for this use within the Overlay as demonstrated by the prior approvals and the user interest in the site. Development of the site will result in adding a 284± linear foot vital extension of shaded 6' wide sidewalk pedestrian facilities with landscape buffer connecting the high density mobile homes to the north and east to the commercial uses to the south including a bench or other streetscape amenity to be located under a buffer shade tree. These improvements would provide a benefit to the surrounding properties and the City. The existing buffer conditions were deemed compatible in 2016; however the applicant proposes to update conditions 5a and 5b to increase the visual screen to from 6' to 8' to north residential and from 60" to 6' (72") to the road easement for roads, drives or parking within 125 feet of residential or 8' (96") for open storage use visible from residential use. This application also requests to amend Condition 8 to add the following further conditions on the open storage uses and to allow the storage of pre-packaged palletized material:

A strike-through/underline of the conditions contained in Zoning Ordinance 16-07 is attached with Conditions 5.a, 5.b and 8 proposed to be revised as follows:

- 5.a. ~~In support of Deviation 2, t~~The applicant shall install a 6' opaque fence 5' south of the property line and provide a modified 5' Type C enhanced buffer. Trees and shrubs shall be planted in the 5' strip between the opaque fence and the northern property line. The hedge must be a 36" hedge at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. The trees must be canopy trees such as oaks or mahoganies or a combination of canopy trees. For open storage use, the opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' continuous visual screen to residential. Should the property to the north redevelop with non-residential uses, buffering requirements may be modified for the northern buffer consistent with LDC 3.
- 5.b. To protect the residential properties across Oakland Drive, the applicant shall enhance the Type D hedge row with a 48" hedge (minimum 15 gallon container size) at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. For open storage use, an 8' continuous visual screen must be provided when visible from residential use or zoning. If roads, drives or parking are located within 125 feet of residential, an opaque fence, hedge or combination berm and opaque fence or hedge must provide a 6' must be provided. Should the property to the east redevelop with non-residential uses, buffering requirements may be modified for the eastern buffer consistent with the LDC.
8. Business Services Group II (with outdoor equipment and/or vehicle storage), Storage, Open, and Rental or Leasing Establishment uses
  - e. ~~Open storage, vehicle and equipment dealers, and business services group II (with outdoor equipment and/or vehicle storage) is further limited as follows: to a period of no more than three years from the effective date of this ordinance, regardless of the property's ownership; however, 2726 SCC LLC and its tenants may continue an existing open storage use beyond the third anniversary of this ordinance for an additional period of no more than two years if they obtain administrative approval, which will be dependent on whether redevelopment occurs to the western border of the parcel (mobile homes/Saldivar). Should the ownership of the property change after the third anniversary of the ordinance all open storage uses shall terminate immediately.~~
    - i. Must submit development order application within 120 days from approval of this ordinance.
    - ii. 90 days instead of 180 days to respond to development order review

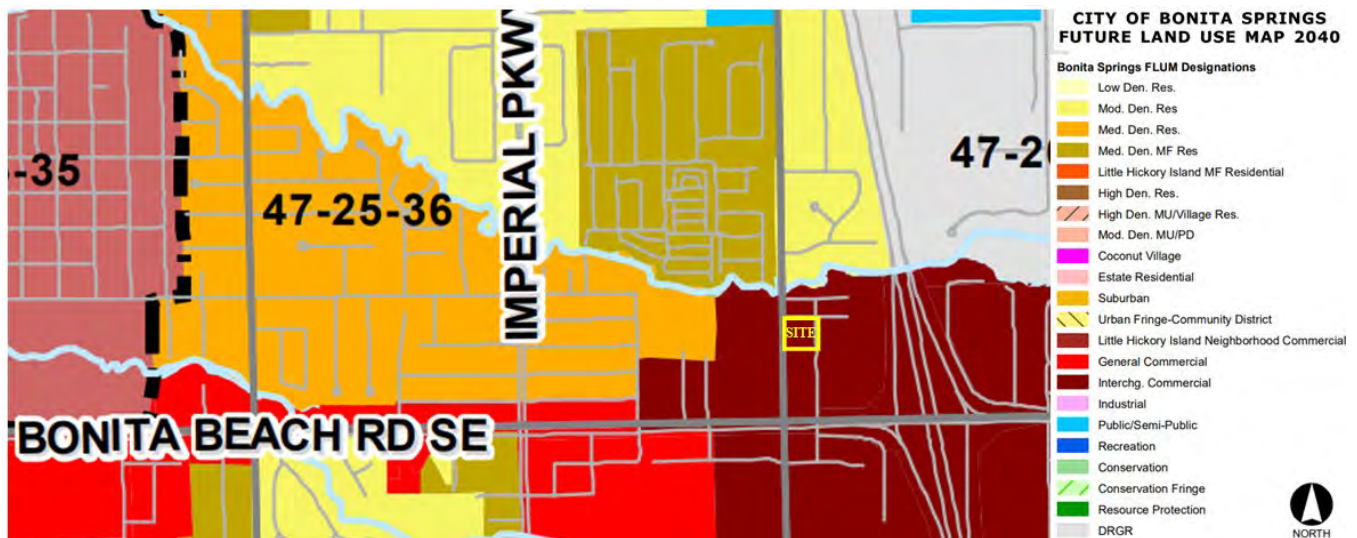
- iii. comments.  
Must obtain development order approval within 12 months from the effective date of this ordinance.
  - iv. Use is permitted for a period of no more than 65 months from development order approval date.
  - v. Maximum height of open storage is 15 feet.
  - vi. Storage of 53-foot tractor trailers is prohibited.
  - vii. No banners on boom trucks.
  - viii. Temporary trailer may be provided.
  - ix. Consistent with LDC Section 4-2073(b)(2), Storage areas do not need to be paved. Grass or other ground cover may be used provided it is kept in a slightly and dustfree manner and complies with other requirements of this ordinance. ...
- g. The storage, chipping, or mulching of landscape material is prohibited. Storage of pre-packaged palletized material is permitted.

### Subject and Adjacent Properties

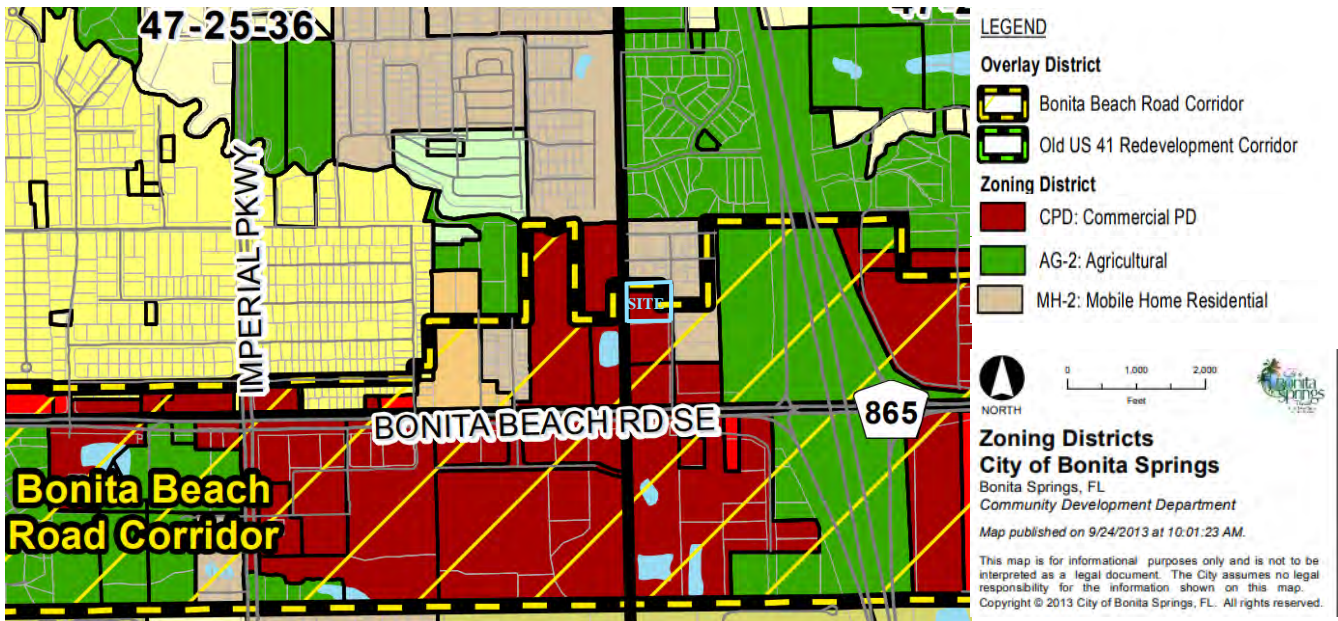
The area is characterized with intense commercial uses to the west and south and high density residential uses to the north and east. The subject and surrounding properties future land use designation, zoning, Bonita Beach Road Overlay designation and current land use are summarized in the following table.

	Future Land Use	BBRC Overlay	Zoning	Use
<b>Subject</b>	Interchange Commercial	Yes	CPD	Vacant
<b>North</b>	Interchange Commercial	No	MH-2	Mobile Homes on lots
<b>East</b>	Interchange Commercial	N ½ No S ½ Yes	MH-2	Oakland Drive then 2 Mobile Home Parks
<b>South</b>	Interchange Commercial	Yes	CPD	Days Inn & Suites Hotel
<b>West</b>	Interchange Commercial	No	CPD	Flamingo Island Flea Market overflow parking

Below are excerpts of the Future Land Use Map and Zoning Map followed by a detailed description of the area.







**North**

Adjacent to the north are properties within the Interchange Commercial future land use map designation, zoned Mobile Home MH-2 and developed with high density residential consisting of individual lots with mobile homes averaging at 10± dwelling units per acre. The mobile homes are an existing inconsistent use in this future land use category, however may remain until voluntarily removed or reduced by attrition. If redeveloped, the future land use designation allows a maximum 1.2 FAR for nonresidential uses or a maximum density of up to 15 dwelling units per acre for multi-family residential and maximum allowable height of 75 feet. The City’s Carpenter Lane Park is located at the end of Oakland Drive and Carpenter Lane along the Imperial River.

**West**

Adjacent to the west is property within the Interchange Commercial future land use map designation, zoned CPD and consists of Flamingo Island Flea Market overflow parking area.

**East**

Adjacent to the east is Oakland Drive, a two lane, privately maintained dirt road, and then property within the Interchange Commercial future land use map designation, zoned MH-2 and developed with higher density residential comprised of mobile home parks on two large lots. The mobile homes are an existing inconsistent use in this future land use category, however may remain until voluntarily removed or reduced by attrition. If redeveloped, the future land use designation allows a maximum 1.2 FAR for nonresidential uses or a maximum density of up to 15 dwelling units per acre for multi-family residential and maximum allowable height of 75 feet. Three lots south of this area is the Frank Clesen CPD, which is occupied by a fast food restaurant, gas station and convenience store fronting on Bonita Beach Road.

**South**

Adjacent to the south is property within the Interchange Commercial future land use map designation, zoned as Patel CPD (Lee County zoning resolution number Z-97-084) and developed with Days Inn & Suites Hotel. South of the hotel is a gas station and convenience store approved by the Kwik Pick Store CPD. This site was previously included in the original zoning resolution for the subject property.

The existing approved MCP is a bubble plan and a new MCP is proposed which provides the Phase 1 open storage conditions, Phase 2 building and parking layout and incorporates the existing buffer conditions and applicable requirements of the Bonita Beach Road Corridor Overlay Interstate Zone. The same singular vehicular access point onto Oakland Drive is proposed in generally the same location as the existing gated

access point into the property for the Phase 1 open storage use. A second access is proposed as part of Phase 2. The request proposes to incorporate the existing approved Deviations 1 regarding the west buffer. Deviation 2 is being withdrawn since it is no longer necessary due to the Bonita Beach Road Corridor Overlay LDC Section 4-899(b)(4)d.ii allowing the solid fence, opaque landscape hedge, or combination berm and solid fence or opaque landscape hedge not less than six feet in height to be constructed along the property line without landscaping.

Deviation 1 approved no buffer to the west to Flamingo Island Flea Market overflow parking since the western portion of the site contains a 5' drainage easement and an existing drainage way averaging 35' to 55' in width (containing a ditch of 20'-30' in width). This area is recommended to remain as originally approved in Z-97-084, ZO-09-13 and ZO-16-07 for a continued drainage way and open space area. It was previously determined that adequate buffering is provided with the existing vegetated banks of the drainage area. The proposed design does not modify the drainage way and provides approximately 39'± of open space with vegetated banks between the proposed parking area and adjacent commercial development. Existing condition 5d provides that any exotic removal that results in loss of the native vegetation along these banks are required to be replaced and maintained with native vegetation for a low and mid-story buffer.

Existing Deviation 2/Condition 5.a approved a north buffer of a 6' opaque fence 5' south of the property line with a modified 5' Type C enhanced buffer. Trees and shrubs shall be planted in the 5' strip between the opaque fence and the northern property line. The hedge must be a 36" hedge at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. The trees must be canopy trees such as oaks or mahoganies or a combination of canopy trees. As previously stated, the applicant is proposing additional language to require that the opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' continuous visual screen to residential. Should the property to the north redevelop with non-residential uses, buffering requirements may be modified for the northern buffer consistent with LDC 3. The applicant is maintaining the previous condition that was in support of Deviation 2 that parking, access ways/drives, vehicle storage, and/or storage, open for any use is prohibited within 25' of the northern property line. Building setbacks shall only be permitted at 20' when property to the north redevelops into a non-residential use. Accessway, drives, parking and storage, open may also be permitted in accordance with the LDC when property to the north redevelops into a non-residential use.

To protect the residential properties across Oakland Drive, Condition 5.b requires the applicant to enhance the Type D hedge row with a 48" hedge (minimum 15 gallon container size) at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. As previously stated, the applicant is proposing additional language to require an opaque fence or hedge or combination berm and opaque fence or hedge to provide an 8' (96") visual screen to the street easement for open storage use visible from residential or a 6' (72") visual screen for roads, drives or parking within 125 feet of residential. Should the property to the east redevelop with non-residential uses, buffering requirements may be modified for the east buffer consistent with the LDC. The south buffer is commercial to commercial so a 5' Type A buffer is required and provided.

## **Comprehensive Plan Consistency Analysis**

*Policy 1.1.3: Height - While each individual land use category may include a maximum allowable height, the actual allowable height for any given property will be stated in the Land Development Code based on consideration of compatibility with surrounding existing land uses and future land use patterns.*

The 2009 CPD amendment approval allowed a height of 75 feet for a hotel use, 55 feet for commercial, industrial or restaurant and 25 feet for open storage which is consistent with the Interchange

Commercial future land use category's maximum height of 75 feet. The 2016 CPD amendment approval reduced the maximum height to 55 feet for a hotel use; 45 feet for commercial, office, industrial or restaurant use and 15 feet for open storage. The subject application does not propose any changes to these existing height limitations which were previously found compatible with surrounding residential and commercial uses. The requested amendment remains consistent with Policy 1.1.3.

*Policy 1.1.4: Allowable Uses - The listing of appropriate land uses in each of the individual land use categories identifies those uses generally expected to be appropriate. However, other uses which are similar in character, intensity and impacts to those listed may also be deemed to be appropriate.*

The existing schedule of uses was found consistent with this Policy. Intense commercial uses are consistent with the existing land use patterns or those that are proposed within the Interchange Commercial area. As previously stated, the application intends to add the additional uses identified as permitted in the Interstate Zone of the Bonita Beach Road Corridor Overlay (except where noted otherwise in the schedule of uses), subject to the existing trip cap included in existing Condition 3.e and the proposed MCP. Although the applicant would prefer that these uses remain in order to encourage Phase 2 development which is desired by the City, the applicant agrees to require a special exception for a drive-through and remove non-store retailers to bring the site more into compliance with the Bonita Beach Road Corridor Overlay should the Phase 1 Open Storage use be approved. The property has been zoned for commercial development since 1997 yet remains undeveloped. Exclusive interest has been from multiple parties concerning the open storage use which will immediately improve the property's appearance concurrently generating revenue to repay the owner for the site improvements required in advance of allowing Open Storage and over time fund the equity needed to complete Phase 2 of the development. In order to make the property economically viable until a permanent Phase 2 user secures the property, the owner would like to be able to lease the property for open storage use. Although time limitations were placed on the outdoor storage use in both the 2009 and 2016 approvals, other conditions were included to ensure compatibility of the open storage use with the adjacent residential and commercial properties. The site is not visible from I-75 and is not visible from Bonita Beach Road since it is approximately 580 feet north of Bonita Beach Road behind an existing hotel, gas stations and fast food uses. LDC Section 4-898 provides that Open storage is only allowed within the Bonita Beach Road Corridor Overlay when permitted by Special Exception within the Interstate Zone and is not permitted at all in the other three overlay zones. The subject property is going through the public hearing process, already includes the open storage use and is an ideal use particularly given users of Open Storage often travel interstates. The subject property's near proximity and short access to I-75 eliminates a user of Open Storage from traveling longer distances on Bonita Beach Road. It is an appropriate location for this use within the Overlay as demonstrated by the prior approvals and the user interest in the site. The existing conditions of approval and the proposed amendments ensure compatibility of the proposed use. The proposed amendment remains consistent with Policy 1.1.4.

*Policy 1.1.22: In order to minimize incompatibility when commercial, industrial or more intensive land uses share a common boundary with residential land uses, lower intensity uses shall be located adjacent to residential uses and the Land Development Code shall include provisions for buffering in the form of fences, walls, vegetation or spatial buffers to minimize the impacts upon the residential use.*

The existing conditions of approval provide setback and buffering requirements as well as height limitations that were deemed consistent with this Policy and no changes are proposed to the existing setbacks and height limitations. The buffers are proposed to be revised to increase screening to ensure the open storage use provides the required 8' visual screen to existing residential to the north and east or 6' visual screen to the east if roads, drives or parking are within 125' of residential. The proposed revised time limitations for the open storage use does not change the fact that the conditioned buffers



and setbacks provide compatibility with the adjacent residential uses. The request remains consistent with Policy 1.1.22.

*Objective 1.16: Bonita Beach Road Corridor and Bonita Beach Road Corridor Quadrant Map: Establish regulations to implement the Bonita Beach Road Visioning Study by Toole Design Group dated November 1, 2016 for the Bonita Beach Road Corridor, which is generally located between the Gulf of Mexico and the City limits to the East. The corridor serves as the main gateway to the City, and is intended for an interconnected mix of uses including commercial, civic, residential, and mixed-use development, with emphasis on compatibility, a human-scale of development, walkability and bike-ability, and a vibrant and aesthetically-pleasing streetscape.*

The project site is located on Oakland Drive, a dead end side street within the Bonita Beach Road Overlay Corridor Interstate Zone. The site is not visible from I-75 and is not visible from Bonita Beach Road since it is approximately 580 feet north of Bonita Beach Road behind an existing hotel, gas stations and fast food uses. Its unique location makes it appropriate for the potential open storage use proposed revised time limitations and remaining Phase 2 uses. The request brings the MCP into compliance with the LDC requirements for developments within the Bonita Beach Road Corridor. Development of the site will provide a 6' sidewalk with landscape buffer providing shade with a bench or other streetscape amenity and extension of Oakland Drive along the site's 284± linear feet of frontage connecting the residential uses to the north and east with the commercial uses to the south benefiting the surrounding properties and the City. The request is consistent with Objective 1.16.

The subject property is located in the Interchange Commercial future land use category. The Comprehensive Plan describes the Interchange Commercial land use designation as follows:

*Policy 1.1.15: Interchange Commercial - Intended for uses that serve the traveling public such as automobile service/gas stations, hotel/motel, restaurants and gift shops; and a broad range of tourist-oriented, general commercial, light industrial, commercial office, and multi-family residential up to 10 dwelling units per acre within the approximately 385 acres of gross land area in the land use category.*

- a. If affordable housing is provided, residential density may be increased by up to five additional dwelling units per acre.*
- b. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves.*
- c. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2.*

The existing approved schedule of uses provides a wide range of commercial, light industrial, or hotel/motel uses which are permitted in the Interchange Commercial land use designation. The proposed inclusion of the uses permitted in the Bonita Springs Road Corridor Overlay Interstate Zone are also consistent with the Interchange Commercial land use designation and appropriate for the area. No changes are proposed to the existing approved maximum height of 55 feet which is less than the maximum of 75 feet allowed in this category. No changes are proposed to the existing maximum intensity of 25,000 square feet which is a floor area ratio of 0.27. The maximum floor area ratio of 1.2 would allow up to 112,000± square feet. The request remains consistent with Policy 1.1.15.

*Objective 1.11: Development orders and permits for new development or redevelopment shall be issued only if public facilities and services for potable water, sanitary sewer, solid waste, and stormwater management are necessary to meet the City's adopted Level of Service (LOS) standards are available concurrent with the impacts of the development...*

Policy 1.11.1: Refers to the availability of public facilities and services necessary to support development

and setbacks provide compatibility with the adjacent residential uses. The request remains consistent with Policy 1.1.22.

*Objective 1.16: Bonita Beach Road Corridor and Bonita Beach Road Corridor Quadrant Map: Establish regulations to implement the Bonita Beach Road Visioning Study by Toole Design Group dated November 1, 2016 for the Bonita Beach Road Corridor, which is generally located between the Gulf of Mexico and the City limits to the East. The corridor serves as the main gateway to the City, and is intended for an interconnected mix of uses including commercial, civic, residential, and mixed-use development, with emphasis on compatibility, a human-scale of development, walkability and bike-ability, and a vibrant and aesthetically-pleasing streetscape.*

The project site is located on Oakland Drive, a dead end side street within the Bonita Beach Road Overlay Corridor Interstate Zone. The site is not visible from I-75 and is not visible from Bonita Beach Road since it is approximately 580 feet north of Bonita Beach Road behind an existing hotel, gas stations and fast food uses. Its unique location makes it appropriate for the potential open storage use proposed revised time limitations and remaining Phase 2 uses. The request brings the MCP into compliance with the LDC requirements for developments within the Bonita Beach Road Corridor. Development of the site will provide a 6' sidewalk with landscape buffer providing shade with a bench or other streetscape amenity and extension of Oakland Drive along the site's 284± linear feet of frontage connecting the residential uses to the north and east with the commercial uses to the south benefiting the surrounding properties and the City. The request is consistent with Objective 1.16.

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- b. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves.*
- c. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2.*

The existing approved schedule of uses provides a wide range of commercial, light industrial, or hotel/motel uses which are permitted in the Interchange Commercial land use designation. The proposed inclusion of the uses permitted in the Bonita Springs Road Corridor Overlay Interstate Zone are also consistent with the Interchange Commercial land use designation and appropriate for the area. No changes are proposed to the existing approved maximum height of 55 feet which is less than the maximum of 75 feet allowed in this category. No changes are proposed to the existing maximum intensity of 25,000 square feet which is a floor area ratio of 0.27. The maximum floor area ratio of 1.2 would allow up to 112,000± square feet. The request remains consistent with Policy 1.1.15.

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Policy 1.11.1: Refers to the availability of public facilities and services necessary to support development

concurrent with its impacts, prior to the issuance of a development order or permit. The subject property is within the Bonita Springs Utilities franchise area for both water and sewer. Solid waste capacity is available to service the site. Access to the site will be provided via the existing access on Oakland Drive for Phase 1. An additional access will be provided with Phase 2. The existing conditions of approval 3.a through 3.g provide transportation requirements including improving portions of Oakland Drive and a trip cap. Minor revisions are proposed to these conditions to clarify the sidewalk width, provide a streetscape amenity, provide for a cross-access easement to the north, and require Oakland Drive improvements along the property frontage. The approximate location of storm water management areas are shown on the proposed MCP. Detailed storm water management design and utility connections will be provided at the time of local development order review. The proposed amendment to the CPD is consistent with Objective 1.11 and Policy 1.11.1.

## Land Development Code Analysis

### Planned Development General Standards

The proposed amendment complies with the general standards for planned developments provided in the Land Development Code Section 4-325 as follows:

*(a) All planned developments shall be consistent with the provisions of the Bonita Plan.*

The proposed amendment to the CPD is consistent with the Bonita Plan as demonstrated above.

*(b) All planned developments, unless otherwise excepted, shall be designed and constructed in accordance with the provisions of all applicable city development regulations in force at that time.*

The proposed development will comply with applicable city development regulations, together with continuation of the previously approved deviations.

*(c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water. In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian and cyclist activity and community interaction.*

The proposed development has been previously approved and is designed to minimize any potential negative effects on the surrounding properties and the public interest generally. The existing conditions of the CPD require buffering along the north side of the subject property where it directly abuts residential uses. The conditions also require an enhanced buffer along the northern and eastern property line to shield the headlights and vehicles from intruding into the surrounding residential uses. The north buffer consists of a 6' opaque fence 5' south of the property line with a modified 5' Type C enhanced buffer (5 trees and 18 shrubs/100 LF). The hedge must be 36" at installation and maintained at 60" high within one year after planting. The trees must be canopy trees. The opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' high continuous visual screen for open storage use. Parking, access ways/drives, vehicle storage, or open storage for any use is prohibited within 25' of the north property line. Open storage is limited to a maximum height of 15 feet. Building setback will only be permitted at 20' when property to the north redevelops as non-residential. The east buffer along Oakland Drive is an enhanced Type D buffer (5 trees/100 LF with double staggered hedge) with the hedge row 48" (minimum 15 gallon) at time of installation and maintained at 60 " high within one year after planting. An opaque fence or hedge

or combination berm and opaque fence or hedge must provide an 8' (96") visual screen to the street easement for open storage use visible from residential or a 6' (72") visual screen for roads, drives or parking within 125 feet of residential. The proposed development plan provides open space in the form of perimeter buffers and internal landscaping. The development plan adequately accommodates the proposed structure, required open space, buffers, parking, access, utilities, and storm water management areas. There are no environmentally sensitive features on site. Development of the site will result in adding a 284± linear foot vital extension of Oakland Drive with a shaded 6' wide sidewalk pedestrian facilities with landscape buffer connecting the high density residential to the north and east to the commercial uses to the south including a bench or other streetscape amenity to be located under a buffer shade tree. These improvements would provide a benefit to the surrounding properties and the City.

*(d) The tract or parcel shall have access to existing or proposed roads:*

*(1) In accordance with chapter 3 and as specified in the Bonita Plan traffic circulation element or the official trafficways map of the county;*

*(2) That have either sufficient existing capacity or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a level of service D or better on an annual average basis and level of service E or better during the peak season, except where higher levels of service on specific roads have been established in the Bonita Plan; and*

*(3) That provide ingress and egress without requiring site-related industrial traffic to move through predominantly residential areas.*

Access to the site will be provided via the existing access on Oakland Drive which connects to Bonita Beach Road for Phase 1. An additional access is proposed with Phase 2 which will provide a cross access easement to the north. The existing conditions of approval 3.a through 3.g provide transportation requirements including improving portions of Oakland Drive and a trip cap. Minor revisions are proposed to these conditions to clarify the sidewalk width, provide a streetscape amenity, provide for a cross-access easement to the north, and require Oakland Drive improvements along the property frontage. No changes are proposed to the approved development intensity. Ingress and egress are provided without requiring any potential site related industrial traffic to move through residential areas.

*(e) If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.*

The subject property is located within the Ultra On Demand Transit Service area.

*(f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.*

The proposed development will not create or increase any hazards to persons or property nor shall it impose a nuisance on surrounding land uses or the public's interest generally. The conditions of approval as amended by this request continue to provide sufficient protection and compatible development that will be further reviewed at the time of local development order approval.

*(g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historical or archaeological*

*features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.*

There are no natural, historical, archaeological or environmentally sensitive features existing on site however the site does contain mature native trees. The Tree Advisory Board reviewed and unanimously approved the proposed plan resulting in the preservation of the three (3) trees shown on the attached proposed revised MCP.

*(h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.*

There are no environmentally sensitive lands or archaeological features existing on site. The proposed master concept plan and site design provides creative use of the open space requirement by placing the dry detention area to the north to provide additional separation to the adjacent residential uses. The proposed design continues to incorporate the drainage way and provides approximately 39' of open space with vegetated banks between the proposed parking area and adjacent commercial development. The enhanced buffer along Oakland Drive and the internal landscape areas where the parking is proposed will provide shade for the proposed sidewalk and bench or other streetscape amenity to produce an architecturally integrated human environment while allowing the remainder of the site to function appropriately for its intended use.

*(i) Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.*

As previously stated, the surrounding land and land uses to the west and south are compatible commercial development. The existing conditions of the CPD require buffering along the north side of the subject property where it directly abuts residential uses. The conditions also require an enhanced buffer along the northern and eastern property line to shield the headlights and vehicles from intruding into the surrounding residential uses. The north buffer consists of a 6' opaque fence 5' south of the property line with a modified 5' Type C enhanced buffer (5 trees and 18 shrubs/100 LF). The hedge must be 36" at installation and maintained at 60" high within one year after planting. The trees must be canopy trees. The opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' high continuous visual screen for open storage use. Parking, access ways/drives, vehicle storage, or open storage for any use is prohibited within 25' of the north property line. Open storage is limited to a maximum height of 15 feet. Building setback will only be permitted at 20' when property to the north redevelops as non-residential. The east buffer along Oakland Drive is an enhanced Type D buffer (5 trees/100 LF with double staggered hedge) with the hedge row 48" (minimum 15 gallon) at time of installation and maintained at 60" high within one year after planting. An opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' (96") visual screen to the street easement for open storage use visible from residential or a 6' (72") visual screen for roads, drives or parking within 125 feet of residential. The existing conditions of approval were deemed compatible with the surrounding residential and commercial uses. Development of the site will result in adding a 284± linear foot vital extension of Oakland Drive with a shaded 6' wide sidewalk pedestrian facilities with landscape buffer connecting the high density residential to the north and east to the commercial uses to the south including a bench or other streetscape amenity to be located under a buffer shade tree. These improvements would provide a benefit to the surrounding properties and

the City. The proposed amendment will allow compatible infill development of the site with buffering, setbacks and height limitations that minimize any negative impacts of the planned development on surrounding land and land uses.

*(j) Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.*

The surrounding existing development to the west and south are compatible and of an equivalent intensity of use so the design provides for continuation of the existing drainage ditch on the west and LDC required buffering to the commercial use to the south. The proposed Oakland Drive and associated pedestrian way and buffer will integrate with the existing pedestrian facilities to the south and will connect to the north property line, providing a vital segment of Oakland Drive with shaded pedestrian facilities including a bench or other streetscape amenity connecting the adjacent residential uses to the commercial uses to the south.

*(k) Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significantly higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.*

As previously stated, the surrounding land and land uses to the west and south are compatible commercial development. The existing conditions of the CPD require buffering along the north side of the subject property where it directly abuts residential uses. The conditions also require an enhanced buffer along the northern and eastern property line to shield the headlights and vehicles from intruding into the surrounding residential uses. The north buffer consists of a 6' opaque fence 5' south of the property line with a modified 5' Type C enhanced buffer (5 trees and 18 shrubs/100 LF). The hedge must be 36" at installation and maintained at 60" high within one year after planting. The trees must be canopy trees. The opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' high continuous visual screen for open storage use. Parking, access ways/drives, vehicle storage, or open storage for any use is prohibited within 25' of the north property line. Open storage is limited to a maximum height of 15 feet. Building setback will only be permitted at 20' when property to the north redevelops as non-residential. The east buffer along Oakland Drive is an enhanced Type D buffer (5 trees/100 LF with double staggered hedge) with the hedge row 48" (minimum 15 gallon) at time of installation and maintained at 60" high within one year after planting. An opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' (96") visual screen to the street easement for open storage use visible from residential or a 6' (72") visual screen for roads, drives or parking within 125 feet of residential. The existing conditions of approval were deemed compatible with the surrounding residential and commercial uses. Development of the site will result in adding a 284± linear foot vital extension of Oakland Drive with a shaded 6' wide sidewalk pedestrian facilities with landscape buffer connecting the high density residential to the north and east to the commercial uses to the south including a bench or other streetscape amenity to be located under a buffer shade tree. These improvements would provide a benefit to the surrounding properties and the City. The proposed amendment will allow compatible infill development of the site with buffering, setbacks and height limitations that minimize any negative impacts of the planned development on surrounding land and land uses.

*(l) In large residential or commercial planned developments, the site planner is encouraged to*

*create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.*

This standard is not applicable to the subject application.

*(m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.*

There are no conflicting uses within the planned development.

*(n) Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.*

The project site is small and does not require varying use, height, bulk or intensity.

*(o) Unless otherwise provided for in this article, minimum parking and loading requirements shall be as set forth in article VI, divisions 25 and 26, of this chapter. Where it can be reasonably anticipated that specified land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces subject to the condition that it be constructed and maintained so as to prevent erosion of soil. In all cases, however, sufficient parking shall be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.*

The proposed development will provide sufficient parking consistent with City requirements.

*(p) Joint use of parking by various land uses within the planned development may be permitted by special condition where it can be demonstrated or required that the demand for parking by the various uses will not conflict. Joint parking agreements between uses within and uses without the planned development shall be governed by agreement per general regulation (see section 4-1730), without exception.*

Joint use of parking is not proposed for this development.

*(q) Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.*

The proposed development will provide internal consistency throughout the development.

### **Bonita Beach Road Corridor Overlay LDC Requirements**

The subject parcel is located within the Interstate Zone of the Bonita Beach Road Corridor Overlay. The Master Concept Plan (MCP) is required to be brought into compliance with the Overlay pursuant to LDC Section 4-897(g)(2)iv. The existing schedule of uses is very limited compared to that which is allowed

within the Overlay. Since the existing approval includes condition 3.e with a cap on trips, the application requests to keep the existing schedule of uses, but also allow utilization of the Interstate Zone Uses allowed pursuant to LDC Section 4-898 (except where noted otherwise in the schedule of uses) to expand the development opportunities and economic viability of the site with uses specifically designated for this area.

The CPD complies with the Property Development Regulations for the Interstate Zone contained in LDC Section 4-899(a) as follows:

- Pursuant to Note (1), the site is less than 3 acres and therefore does not require a block layout plan.

<b>Setbacks:</b>	<u>Overlay</u>	<u>CPD</u>
Minimum Street:	20'	20' (Private Local Road)
Maximum Street:	Not applicable pursuant to Note (3) since on a secondary street	
Side:	0'/15'	20'/25'*
Rear:	20'	25'
Maximum Height	35'/55' per 4-1874	55'
Maximum Lot Coverage:	40%	58% being revised to 40% <sup>1</sup>
Minimum Open Space :	N/A	42% being revised to 30%

\*Although Deviation 2 is no longer necessary, no changes are proposed to the existing condition that parking, access ways/drives, vehicle storage, and/or storage, open for any use is prohibited within 25' of the northern property line. Building setbacks shall only be permitted at 20' when property to the north redevelops into a non-residential use. Accessway, drives, parking and storage, open may also be permitted in accordance with the LDC when property to the north redevelops into a non-residential use.

The CPD complies with the following additional design standards contained in LDC Section 4-899(b):

- (1) The site is not visible from Bonita Beach Road. Drive-thru is a permitted use today and has been a permitted use since the 1997 zoning approval. Although the applicant would prefer that this use remain in order to encourage Phase 2 development which is desired by the City, the applicant agrees to require a special exception to bring the site more into compliance with the Bonita Beach Road Corridor Overlay should the Phase 1 Open Storage use be approved. The applicant believes that the required buffers and conditions of approval provide adequate compatibility for the drive-thru use. Any auto oriented use will need to demonstrate at time of local development order that any drive-thru and associated stacking will be located along the side and rear property lines.
- (2) A note has been added to the MCP that lighting will be provided on the building or free standing along the street right of way. A photometric plan will be provided at the time of local development order.
- (3) Parking requirements
  - a. The minimum LDC required parking will be provided and demonstrated at the time of local development order for the end user. Provided parking will not exceed more than 15 percent more than the minimum required.
  - b. Not applicable. No reduction by parking study is proposed.
  - c. Not applicable since no on-street parking exists.
  - d. Not applicable since the adjacent existing parking lot to the south is not designed to allow for connection and the use to the west is separated by the existing drainage ditch.

<sup>1</sup> The maximum lot coverage is proposed to be revised to match the 40% requirement in the Bonita Beach Road Corridor Overlay Interstate Zone. This lot coverage is consistent with the original CPD approval in 1997. In the 2009 approval, there appears to be a typo in the Lot Coverage and Open Space requirements because these do not typically add up to 100%. For example LDC Section 3-417 requires 20% open space for commercial uses and conventional commercial zoning districts all have a maximum lot coverage of 40%. This apparent typo of Lot Coverage 58% and Open Space 42% was carried over on the 2016 approval, however the MCP depicted a 20% open space requirement. The applicant requests to update these requirements to Maximum Lot Coverage of 40% and Minimum Open Space of 30%.



- e. Not applicable as no valet parking is proposed.
  - f. A note has been added to the MCP that bike racks will be provided which will be demonstrated at the time of local development order approval.
- (4) Parking placement
- a. On-street parking is not proposed since the road is a privately maintained roadway with existing residential uses.
  - b. The MCP demonstrates one full bay of parking along the frontage line, consistent with the Interstate Zone.
  - c. Not applicable to the Interstate Zone.
  - d. Buffering adjacent property.
    - i. The right-of-way buffer is not proposed within the easement since it is a privately maintained road.
    - ii. Deviation 2 is no longer necessary. The MCP has drives or parking areas less than 125 feet from residential uses to the north and east and revised conditions 5a requires a 6' opaque fence or 8' visual screen for open storage and revised condition 5b requires a 6' visual screen or 8' for open storage, consistent with this requirement.
- (5) Continuous shaded bike facilities and pedestrian facilities.
- a. Compliance with Chapter 3 must be demonstrated at the time of local development order.
  - b. The right-of-way buffer is not proposed within the easement since it is a privately maintained road.
  - c. A note has been added to the MCP that the enhanced landscape buffer pursuant to condition 5b provides pedestrian shade which must be demonstrated at the time of local development order.
- (6) A note has been added to the MCP that a minimum of 1 bench or other streetscape amenity must be provided.
- (7) The MCP demonstrates a screened dumpster that is not located on a frontage line

The site has no frontage on Bonita Beach Road and is not located within one of the three Gateways listed in LDC Section 4-899(c).

### **LDC Findings**

The proposed amendment to the CPD complies with the guidelines for decision-making embodied in Land Development Code section 4-131(d)(3) as follows:

*a. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Bonita Plan, this Land Development Code, and any other applicable code or regulation;*

The proposed rezoning is in compliance with the Bonita Plan as demonstrated above. The site will be developed in compliance with the Land Development Code, together with continuation of the existing approved deviations.

*b. The request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request;*

The site will meet or exceed all performance and locational standards set forth for the potential uses allowed, together with existing approved deviations.

*c. The request, including the use of TDR or affordable housing bonus density units, is consistent*

*with the densities, intensities and general uses set forth in the Bonita Plan;*

The request is consistent with intensities and uses set forth in the Bonita Plan. The proposed CPD amendment expands the economic viability of the site and allows for the infill development of a FAR below the maximum allowed within the Interchange Commercial future land use designation.

*d. The request is compatible with existing or planned uses in the surrounding area;*

As previously stated, the surrounding land and land uses to the west and south are compatible commercial development. The existing conditions of the CPD require buffering along the north side of the subject property where it directly abuts residential uses. The conditions also require an enhanced buffer along the northern and eastern property line to shield the headlights and vehicles from intruding into the surrounding residential uses. The north buffer consists of a 6' opaque fence 5' south of the property line with a modified 5' Type C enhanced buffer (5 trees and 18 shrubs/100 LF). The hedge must be 36" at installation and maintained at 60" high within one year after planting. The trees must be canopy trees. The opaque fence or hedge must provide an 8' high continuous visual screen for open storage use. Parking, access ways/drives, vehicle storage, or open storage for any use is prohibited within 25' of the north property line. Open storage is limited to a maximum height of 15 feet. Building setback will only be permitted at 20' when property to the north redevelops as non-residential. The east buffer along Oakland Drive is an enhanced Type D buffer (5 trees/100 LF with double staggered hedge) with the hedge row 48" (minimum 15 gallon) at time of installation and maintained at 60" high within one year after planting. An opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' (96") visual screen to the street easement for open storage use visible from residential or a 6' (72") visual screen for roads, drives or parking within 125 feet of residential. The existing conditions of approval were deemed compatible with the surrounding residential and commercial uses and the proposed revised conditions provide further compatibility. Development of the site will result in adding a 284± linear foot vital extension of Oakland Drive with a shaded 6' wide sidewalk pedestrian facilities with landscape buffer connecting the high density residential to the north and east to the commercial uses to the south including a bench or other streetscape amenity to be located under a buffer shade tree. These improvements would provide a benefit to the surrounding properties and the City. The proposed amendment will allow compatible infill development of the site with buffering, setbacks and height limitations that minimize any negative impacts of the planned development on surrounding land and land uses.

*e. Approval of the request 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;*

Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities. No changes are proposed to the existing approved intensity or transportation conditions of approval except for minor revisions to clarify the sidewalk width, provide a streetscape amenity, provide for a cross-access easement to the north, and require Oakland Drive improvements along the property frontage. These conditions must be complied with at the time of local development order approval.

*f. Where applicable, the request will not adversely affect environmentally critical areas and natural resources;*

Not applicable since there are no environmentally critical areas or natural resources located on site.

*g. In the case of a planned development rezoning, the decision of the zoning board must also be supported by the formal findings required by section 4-299(a)(2) and (4);*

*4-299(a)(2) The recommendation made to the city council must be supported by formal findings that address the guidelines set forth in section 4-131. In addition, the findings must address whether the following criteria can be satisfied:*

*a. The proposed use or mix of uses is appropriate at the subject location;*

*b. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.*

*c. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.*

*(4) If the application includes a schedule of deviations pursuant to section 4-326, the zoning board's recommendation must approve, approve with modification or reject each requested deviation based upon a finding that each item:*

*a. Enhances the achievement of the objectives of the planned development; and*

*b. Preserves and promotes the general intent of this chapter to protect the public health, safety and welfare.*

*If the zoning board concludes that the application omits necessary deviations, they may include those omitted deviations in its recommendation without an additional hearing.*

The proposed schedule of uses is appropriate at the subject location and includes uses consistent with the Interchange Commercial future land use category and the Bonita Beach Road Corridor Overlay Interstate Zone. The conditions proposed by the applicant with the master concept plan, schedule of uses, property development regulations and 20 conditions of approval provide sufficient safeguards and are appropriate for the proposed development. The requested continuation of deviation 1 enhances the achievements of the objectives of the planned development and preserves and promotes the general intent to protect the public health, safety and welfare.

*h. The zoning board must also find that public facilities are, or will be, available and adequate to serve the proposed land use.*

There are existing public facilities in place and adequate to serve the proposed land use and existing approval. No changes are proposed to the existing approved intensity.

In conclusion, the proposed amendment to the CPD is in compliance with the Bonita Plan, the Land Development Code with continued approval of requested deviation, and other applicable codes and regulations; is consistent with the intensities and general uses set forth in the Bonita Plan, is compatible with existing or planned uses in the surrounding area; 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; will not adversely affect environmentally critical or sensitive areas and natural resources; the proposed use is appropriate at the subject location; the proposed conditions are reasonably related and appropriate for the project, the requested deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent to protect the public health safety and welfare; public facilities are available and adequate to serve the proposed use. For these reasons, the applicant respectfully submits that the CPD amendment should be approved.

# Oakland CPD Amendment

PD21-85799-BOS

PROPOSED AMENDMENT TO CONDITIONS OF CITY OF BONITA SPRINGS

ZONING ORDINANCE NO. 16-07

Revised December 2022

## A. Conditions:

1. The development of this project must be consistent with the Master Concept Plan entitled "Oakland CPD," prepared by ~~Q. Grady Minor and Associates, P.A. stamped received June 8, 2016~~ **Banks Engineering dated December 15, 2022** (Attachment A), except as modified by the conditions below. This development must comply with all requirements of the City of Bonita Springs Land Development Code (LDC) at time of local development order approval. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The total gross floor area may not exceed 25,000 square feet of commercial/light industrial uses, a 7,780 square foot restaurant, or a 90-room hotel.

2. The following limits apply to the project and uses:

### a. Schedule of Uses

Accessory Uses and Structures

Administrative Offices

ATM

Business Services, Group I & II

**Caterers**

Cleaning and Maintenance Services

Consumption on Premises, indoor only, in conjunction with a full-service restaurant or hotel/motel. Outdoor consumption requires a special exception (public hearing required)

Contractors and Builders Group I

Drive-through facility for any permitted use **(requires Special Exception)**

Entrance Gates and Gatehouses

Essential Service Facilities, Group I

Excavation, Water Retention

Fences, Walls

**Health Care Facilities, Group I**

Hotel/Motel (not to exceed 90 rooms)

**Insurance Companies**

**Medical Office**

**Non-Store Retailers, Group I**

Parks, Group I

Parking Lot, Accessory  
 Personal Services, Groups I, II, III & IV (excluding massage establishment or parlors, steam or turkish baths, escort services, palm readers, fortune teller or card reader, and tattoo parlors, except massage may be permitted within a health or beauty spa)  
 Rental or Leasing Establishments: Groups I and II (limited to indoor use only)  
 Restaurants, Group III  
 Schools, Commercial  
 Signs, in accordance with Chapter 6 Land Development Code  
 Specialty Retail Shops, Group II  
 Storage, Open as limited by Condition 8  
 Temporary/mobile office as limited by Condition 8  
 Temporary Uses  
 Mini-warehouse  
**Bonita Beach Road Corridor Overlay Interstate Zone Permitted Uses per LDC, except where otherwise noted above**

Site Development Regulations

*Minimum Area and Dimensions:*

Lot Area:	20,000 S.F.
Lot Depth:	100'
Lot Width:	100'

*Minimum Setbacks:*

Street:	Variable, according to the functional classification of the street or road (LDC Section 1893 et seq)
Side yard:	20'/25'*
Rear yard:	25'

\*In support of Deviation 2, parking, access ways/drives, vehicle storage, and/or storage, open for any use is prohibited within 25' of the northern property line. Building setbacks shall only be permitted at 20' when property to the north redevelops into a non-residential use. Accessway, drives, parking and storage, open may also be permitted in accordance with the LDC when property to the north redevelops into a non-residential use.

*Maximum Building Height:*

Storage, Open	15'
Commercial/Office Industrial/Restaurant	45'/3 stories over parking
Hotel/Motel	55'/5 stories over parking

Maximum Lot Coverage: **58% 40%**

Minimum Open Space: **42% 30%**

3. Transportation conditions

- a. The developer is responsible for the costs and improvements of Oakland Drive from the southern property line to the northern property line as a site-related improvement. The applicant shall improve Oakland Drive ~~from 5' to the north of its driveway to the limits of its southern property line prior to local development order approval and occupancy of any use of the site~~ to a local private road standard. This entire segment of the roadway along the property's frontage must be completed as a part of any local development order ~~with a permanent building consistent with LDC 3-531~~. A ~~5-~~ **6'** wide sidewalk **and minimum 1 bench or other streetscape amenity under a buffer shade tree** shall be installed and completed prior to the certificate of completion for any phase of development and/or occupancy of the site.
- 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 may be required to obtain local development order; and
- c. The Developer must comply with concurrency requirements (all conditions required by the Bonita Springs Comprehensive Plan and the Land Development Code) in order to obtain a local development order;
- d. At time of local development order application the developer shall submit a Traffic Impact Statement that includes the following analysis in addition to the City of Bonita Springs Traffic Impact Statement Guidelines:
  - i. A Project Trip Distribution figure generated by percentage and a Peak Hour Project Traffic Assignment figure (including AM and PM peak hour turning movements) and peak hour directional trips along Bonita Beach Road.

Secondary Links – if the directional peak hour project trips assigned to a direct link equal or exceed 2% of the directional peak hour capacity of the level of service standard for that segment, then the project trips shall be assigned to the adjacent roadway segments. The adjacent roadway segments to the direct link shall include both

segments on either end of the direct link and any segments of roadways that intersect the direct link. The adjacent roadway segments shall be referred to as Secondary Links.

Additional Links – If the directional peak hour project trips assigned to any secondary link equal or exceed 2% of the directional peak hour capacity of the level of service standard for that segment, then the project trips shall be assigned to the next roadway segment(s) adjacent to the secondary link. These adjacent roadway segments shall be referred to as Additional Links.

If the directional peak hour project trips assigned to any additional link equal or exceed 3% of the directional peak hour capacity of the level of service standard for that segment, then the project trips shall be assigned to the next roadway segment(s) adjacent to the additional link. These adjacent roadways segments shall also be referred to as Additional Link.

Directional peak hour project trips shall continue to be assigned in this manner until the value of directional peak hour project trips is less than the directional peak hour capacity of the level of service standard for that segment. When the percentage is less than 3% of the capacity, then project trip assignment will stop after that link has been assigned.

- ii. The AM and PM peak hour turning movements for the intersection of Bonita Beach Road and Oakland Drive. These volumes should include both background and project trips, which clearly distinguish between background trips and site generated trips.
- iii. The applicant shall analyze and conduct a traffic signal operations analysis for the development's impacts on the intersections at Bonita Beach Road and Oakland Drive, and shall address mitigation through conditions to the Development Order mitigation.
- e. Trip cap. The total daily and peak hour trips of the combined uses will not exceed 1,099 vehicles per day (Average Daily Traffic – ADT) and 105 vehicles per hour (including pass-by trips).
- f. The County retains the right to modify the median opening at Oakland and Bonita Beach Road, if necessary, to maintain the safety and efficiency of the arterial street (Florida Statute 316.00 Powers of local authorities).
- g. At time of development order, the applicant will work with staff to include additional conditions related to the Bonita Beach Road Visioning, to the greatest extent feasibly possible, which will be incorporated into the development order.

**i. A cross access easement as depicted on the Master Concept Plan and consistent with the draft on file with this zoning case will be recorded upon approval of a development order including a building and the northern driveway.**

4. Environmental Conditions

- a. The applicant must provide one hundred (100) percent native vegetation planting within all required buffers; and
- b. Prior to local development order approval, the applicant must provide a planting plan for the dry detention areas that includes native wetland plants (minimum one gallon container size) providing 50% coverage of the bottom of the basin at time of installation; and
- c. Per the Tree Advisory Board recommendation on October 8, 2018, the applicant must preserve **the 3 9 Heritage Live Oak** Trees as identified on the MCP **and must mitigate removal of 4 Heritage Trees and mitigate by replanting 4 trees, on site, of similar species or ecologic value with a minimum height of twenty feet (20' Ht.) at installation.** stamped received June 8, 2016.
- d. The applicant must demonstrate compliance with Comprehensive Plan Policy 9.3.3 of the Conservation/Coastal Management Element. The applicant must provide an additional fifty (50) percent retention/detention water quality treatment over that required in section 5.2.1(a) of the Basis of Review for Environmental Resource Permits within the South Florida Water Management District.
- e. Any use with open storage and/or a business services group II use (with outdoor equipment and/or vehicle storage) that contains potential pollutants such as oil, grease and gasoline shall be required at a minimum to provide additional safeguards at time of local development order, which may include a wash out station, a maintenance provision to keep oil and gas absorbent material on-site for accidental spills, and proper storage and containment of materials in accordance with Florida Friendly Yards and Florida Department of Environmental Protection.

5. Perimeter buffers

- a. ~~In support of Deviation 2, t~~ The applicant shall install a 6' opaque fence 5' south of the property line and provide a modified 5' Type C enhanced buffer. Trees and shrubs shall be planted in the 5' strip between the opaque fence and the northern property line. The hedge must be a 36" hedge at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. The trees must be canopy trees such as oaks or mahoganies or a combination of canopy trees. **For open storage use, the opaque fence or hedge or combination berm and**



**opaque fence or hedge must provide an 8' continuous visual screen to residential.** Should the property to the north redevelop with non-residential uses, buffering requirements may be modified for the northern buffer consistent with LDC 3.

- b. To protect the residential properties across Oakland Drive, the applicant shall enhance the Type D hedge row with a 48" hedge (minimum 15 gallon container size) at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. **For open storage use, an 8' continuous visual screen must be provided when visible from residential use or zoning. If roads, drives or parking are located within 125 feet of residential, an opaque fence, hedge or combination berm and opaque fence or hedge not less than 6' must be provided. Should the property to the east redevelop with non-residential uses, buffering requirements may be modified for the eastern buffer consistent with the LDC.**
- c. Prior to local development order approval, the applicant must provide a planting plan for the dry detention areas that includes native wetland plants (minimum one gallon container size).
- d. In support of Deviation 1, the existing vegetated banks along the western property line shall be maintained. Any exotic removal that results in loss of the native vegetation along these banks shall be replaced and maintained with native vegetation for a low and mid-story buffer.

6. Flood regulations

- a. At the time of local development order application for any site grading work, the applicant shall submit a drainage analysis that demonstrates that the site development plan causes no adverse impact on adjacent properties due to of drainage capacity/conveyance, storm water discharge, and flood. The drainage analysis shall include but not limited to (1) a drainage map for all contributory areas within and into the development, showing flow paths/arrows, existing on site and offsite drainage structures (sizes and inverts), and sub basin areas; and (2) hydrologic and hydraulic calculations for the 5, 25, and 100-year design storm events in order to establish existing baseline conditions.
- b. Development must be consistent with the local, State, and Federal regulations for development within any floodway, flood plains, or properties designated that will be affected by a tropical storm event.

7. Parking

- a. Final parking ratios shall be determined at the time of a local development order consistent with the Land Development Code (LDC) for the uses requested.

- b. In support of Deviation 2, parking is prohibited within 25' of the northern property line until the property to the north redevelops into a nonresidential use.
  - c. Parking within the Oakland Drive right of way is prohibited.
8. Business Services Group II **(with outdoor equipment and/or vehicle storage)**, Storage, Open, and Rental or Leasing Establishment uses
- a. All areas must comply with special setbacks for specific uses set forth in LDC Section 4-2014(D)(6) except as approved administratively by the City Manager or designee; and
  - b. In open storage areas, surface parking materials should be selected to effectively reduce the amount of pollution generated and remain consistent with water quality goals; and
  - c. Open storage of flammables and/or hazardous waste is prohibited; and
  - d. Buffering and landscaping must be installed prior to any occupancy of the property. Buffering for this use must be either increased or open storage must be positioned in such a manner that there is no view of any open storage from Oakland Drive.
  - e. **Open storage, vehicle and equipment dealers, and business services group II (with outdoor equipment and/or vehicle storage) is further limited as follows:** to a period of no more than three years from the effective date of this ordinance, regardless of the property's ownership; however, 2726 SCC LLC and its tenants may continue an existing open storage use beyond the third anniversary of this ordinance for an additional period of no more than two years if they obtain administrative approval, which will be dependent on whether redevelopment occurs to the western border of the parcel (mobile homes/Saldivar). Should the ownership of the property change after the third anniversary of the ordinance all open storage uses shall terminate immediately.
    - i. **Must submit development order application within 120 days from approval of this ordinance.**
    - ii. **90 days instead of 180 days to respond to development order review comments.**
    - iii. **Must obtain development order approval within 12 months from the effective date of this ordinance.**
    - iv. **Use is permitted for a period of no more than 65 months from development order approval date.**
    - v. **Maximum height of open storage is 15 feet.**
    - vi. **Storage of 53-foot tractor trailers is prohibited.**
    - vii. **No banners on boom trucks.**
    - viii. **Temporary trailer may be provided.**
    - ix. **Consistent with LDC Section 4-2073(b)(2), Storage areas do not need to be paved. Grass or other ground cover may be used**

**provided it is kept in a sightly and dustfree manner and complies with other requirements of this ordinance.**

- f. Diesel engines may not idle for more than 5 minutes at or on the site, with appropriate signage informing customers of this condition.
  - g. The storage, chipping, or mulching of landscape material is prohibited.  
**Storage of pre-packaged palletized material is permitted.**
  - h. Hours of operation for this use is limited from 7:00am to 7:00pm, from Monday through Saturday. Activities related to this use on Sundays or before or after hours is prohibited.
- 9. Outside speaker systems, loud speakers, or public address systems for any use are prohibited.
  - 10. Consumption on premises requests in this CPD shall be reviewed individually as regulated by LDC, or through other approval processes as may be required by future regulations.
  - 11. Should the property be developed as a hotel / motel, the property development regulations contained for conventional zoning in LDC §4-1529, excluding subsection (4) d of this section.
  - 12. Buildings exceeding 55 feet in height must maintain additional building separation as regulated by LDC Section 4-1874(3).
  - 13. The development must comply with the commercial lighting standards found in the LDC, Chapter 3. Lighting for buildings along the property lines that abut residential shall not emit glare and be limited to lighting for security purposes. Street, parking lot, and building lighting must be shielded so that light is directed downward to reduce light spillage to off-site parcels.
  - 14. All development must comply with the commercial design standards found in the LDC, Chapter 3. Mini-warehouse, warehouse, and industrial uses shall comply with the commercial design standards.
  - 15. The development must comply with the sign code found in the LDC, Chapter 6.
  - 16. Prior to local development order approval, the developer must provide facilities in compliance with the Bonita Springs LDC, for the pickup/disposal of solid waste and recyclables.
  - 17. All development and uses must comply with City's Noise Control ordinance.
  - 18. 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.

19. 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.
20. 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.

**B. DEVIATION**

1. Deviation 1 is approved, granting relief from LDC §3-418(D)(3) requiring a Type “A” buffer (5’ wide) along the west property line to permit no buffer at that location.
2. Deviation 2 is **WITHDRAWN** approved, granting relief from LDC §3-418(D)(6) requiring a solid wall or combination berm and solid wall not less than eight feet in height be constructed not less than 25 feet from the property line with a Type C buffer plantings to permit a Type “A” (5’ wide) with no wall at that location, as conditioned in Condition 5a.
3. Deviation 3 is WITHDRAWN.
4. Deviation 4 is WITHDRAWN.

**Oakland CPD Amendment**  
**Schedule of Uses**  
**Exhibit IV-G**  
**PD21-85799-BOS**  
**Revised December 2022**

Accessory Uses and Structures  
Administrative Offices  
ATM  
Business Services, Group I & II  
Cleaning and Maintenance Services  
Consumption on Premises, indoor only, in conjunction with a full-service restaurant or hotel/motel. Outdoor consumption requires a special exception (public hearing required)  
Contractors and Builders Group I  
Drive-through facility for any permitted use (requires Special Exception)  
Entrance Gates and Gatehouses  
Essential Service Facilities, Group I  
Excavation, Water Retention  
Fences, Walls  
Health Care Facilities, Group I  
Hotel/Motel (not to exceed 90 rooms)  
Parks, Group I  
Parking Lot, Accessory  
Personal Services, Groups I, II, III & IV (excluding massage establishment or parlors, steam or turkish baths, escort services, palm readers, fortune teller or card reader, and tattoo parlors, except massage may be permitted within a health or beauty spa)  
Rental or Leasing Establishments: Groups I and II (limited to indoor use only)  
Restaurants, Group III  
Schools, Commercial  
Signs, in accordance with Chapter 6 Land Development Code  
Specialty Retail Shops, Group II  
Storage, Open as limited by Condition 8  
Temporary/mobile office as limited by Condition 8  
Temporary Uses  
Mini-warehouse  
Bonita Beach Road Corridor Overlay Interstate Zone Permitted Uses per LDC, except where otherwise noted above

**Oakland CPD Amendment**  
**Schedule of Deviations and Justifications**  
**Exhibit IV-H**  
**PD21-85799-BOS – Revised December 2022**

The applicant proposes to continue the application and use of existing approved deviation 1 regarding the west buffer. Existing deviation 2 from Land Development Code (LDC) section 3-418(d)(6) regarding the north buffer is being withdrawn since it is no longer necessary due to the Bonita Beach Road Corridor Overlay LDC Section 4-899(b)(4)d.ii allowing the solid fence, opaque landscape hedge, or combination berm and solid fence or opaque landscape hedge not less than six feet in height to be constructed along the property line without landscaping.

Deviation 1 is approved, granting relief from LDC §3-418(d)(3) requiring a Type “A” buffer (5’ wide) along the west property line to permit no buffer at that location.

Justification: Deviation 1 approved no buffer to the west to Flamingo Island Flea Market overflow parking since the western portion of the site contains a 5’ drainage easement and an existing drainage way averaging 35’ to 55’ in width (containing a ditch of 20’-30’ in width). This area is recommended to remain as originally approved in Z-97-084, ZO-09-13 and ZO-16-07 for a continued drainage way and open space area. It was previously determined that adequate buffering is provided with the existing vegetated banks of the drainage area. The proposed design does not modify the drainage way and provides approximately 39’± of open space with vegetated banks between the proposed parking area and adjacent commercial development. Existing condition 5.d provides that any exotic removal that results in loss of the native vegetation along these banks are required to be replaced and maintained with native vegetation for a low and mid-story buffer. This deviation enhances the achievement of the objectives of the planned development and preserves and promotes the general intent to protect the public health, safety and welfare.

Deviation 2 is WITHDRAWN.

Deviation 3 was WITHDRAWN.

Deviation 4 was WITHDRAWN.

FIFM RE LLC  
7007 EAST 88TH AVE  
HENDERSON CO 80640

FIFM RE LLC  
7007 EAST 88TH AVE  
HENDERSON CO 80640

FIFM RE LLC  
7007 EAST 88TH AVE  
HENDERSON CO 80640

SCHROEDER WILLIAM E +  
10800 SOUTHWEST HWY  
WORTH IL 60482

ANABI REAL ESTATE DEVELOPMENT  
REAL ESTATE  
1450 N BENSON AVE  
UPLAND CA 91786

BONITA SPRINGS HOTEL LLC  
27991 OAKLAND DR  
BONITA SPRINGS FL 34135

JOHN P KINGSTON SR TRUST LLC  
PO BOX 1083  
BONITA SPRINGS FL 34133

SALDIVAR MARY ELLEN TR  
27870 LIME ST  
BONITA SPRINGS FL 34135

BONITA LEE FLORIDA CO INC  
622 DELAWARE AVE  
SAINT CLOUD FL 34769

BONITA-LEE FLORIDA CO INC  
622 DELAWARE AVE  
SAINT CLOUD FL 34769

MCDONALDS CORP  
PO BOX 182571  
COLUMBUS OH 43218

FUENTES MARY G  
PO BOX 503  
BONITA SPRINGS FL 34133

BESSE AVELINA & JASON T  
14320 SUNDIAL PL  
LAKEWOOD RANCH FL 34202

DEHERRERA ENRIQUETA C +  
PO BOX 3031  
BONITA SPRINGS FL 34133

FUENTES MARY G  
PO BOX 503  
BONITA SPRINGS FL 34133

TORRES JUAN MONTES +  
PO BOX 3378  
BONITA SPRINGS FL 34135

PATINO MARIA G  
PO BOX 367962  
BONITA SPRINGS FL 34135

PATINO MARIA G  
PO BOX 367962  
BONITA SPRINGS FL 34135

CLINECO 2 INCORPORATED  
27101 LOST LAKE LN  
BONITA SPRINGS FL 34134

CITY OF BONITA SPRINGS  
9101 BONITA BEACH RD  
BONITA SPRINGS FL 34135

CLINECO 2 INCORPORATED  
27330 RIDGE LAKE CT  
BONITA SPRINGS FL 34134

IMPERIAL RIVER OAKS LLC  
1185 IMMOKALEE RD STE 110  
NAPLES FL 34110

IMPERIAL RIVER OAKS LLC  
1185 IMMOKALEE RD STE 110  
NAPLES FL 34110

IMPERIAL RIVER OAKS LLC  
1185 IMMOKALEE RD STE 110  
NAPLES FL 34110

LOPEZ LEONEL  
PO BOX 3391  
BONITA SPRINGS FL 34135

GOMEZ PAZ PEDRO J  
PO BOX 748  
BONITA SPRINGS FL 34133

JOHN P KINGSTON SR TRUST LLC  
PO BOX 1083  
BONITA SPRINGS FL 34133

HERNANDEZ MARIBEL CHAVEZ +  
12067 TAYLOR ST  
BONITA SPRINGS FL 34135

TORRES LAZARO  
PO BOX 3378  
BONITA SPRINGS FL 34133

WEISS LORETTA S  
14511 OCEAN BLUFF DR  
FORT MYERS FL 33908

WEISS LORETTA S  
14511 OCEAN BLUFF DR  
FORT MYERS FL 33908

FOREMAN PETER  
5830 SW 64TH AVE  
DAVIE FL 33314

BEACH ROAD & 29 LLC  
PO BOX 366748  
BONITA SPRINGS FL 34136

GALLAGHER GAVIN A  
126 MILL RIVER RD  
SOUTH SALEM NY 10590

BOTTCHER ANNE  
PO BOX 233  
BONITA SPRINGS FL 34133

JOHN P KINGSTON SR TRUST LLC  
PO BOX 1083  
BONITA SPRINGS FL 34133

PATINO ARNULFO  
PO BOX 184  
ESTERO FL 33929

JOHN P KINGSTON SR TRUST LLC  
PO BOX 1083  
BONITA SPRINGS FL 34133

JOHN P KINGSTON SR TRUST LLC  
PO BOX 1083  
BONITA SPRINGS FL 34133

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BONITA SPRINGS FL 34133

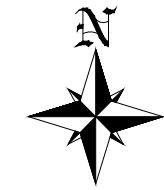


JOHN P KINGSTON SR TRUST LLC  
PO BOX 1083  
BONITA SPRINGS FL 34133

JOHN P KINGSTON SR TRUST LLC  
PO BOX 1083  
BONITA SPRINGS FL 34133

PATINO MARIA G +  
12084 TAYLOR ST  
BONITA SPRINGS FL 34135

PATINO MARIA G +  
12084 TAYLOR ST  
BONITA SPRINGS FL 34135



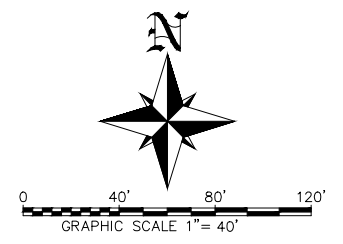
**DOT FLUCFCS CODES:**

FLUCFCS CODE 740 DISTURBED LANDS	±1.66 AC
FLUCFCS CODE 427 LIVE OAKS	±0.06 AC
FLUCFCS CODE 520 STREAMS AND WATERWAYS	±0.27 AC
<b>TOTAL SITE</b>	<b>±1.99 AC</b>

\* THERE ARE NO ENVIRONMENTALLY SENSITIVE LANDS ON THE PROPERTY

PREPARED FOR: <b>STAN STOUWER</b> <b>2726 SCC, LLC</b> P.O. BOX 6122 FORT MYERS BEACH, FLORIDA 33932	129 NO. DATE REVISION DESCRIPTION BY	<b>BANKS ENGINEERING</b> <small>Professional Engineers, Planners, &amp; Land Surveyors Serving The State Of Florida</small> 10511 SIX MILE CYPRESS PARKWAY FORT MYERS, FLORIDA 33966 PHONE: (239) 939-5490 FAX: (239) 939-2523 ENGINEERING LICENSE # EB 6469 SURVEY LICENSE # LB 6690 WWW.BANKSENG.COM	<b>FLUCCS/VEGETATION MAP</b> <b>OAKLAND CPD</b> BONITA SPRINGS, FLORIDA																
		D. BRENT ADDISON P.E. LIC. #70611	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>DATE</th> <th>PROJECT</th> <th>DRAWING</th> <th>DESIGN</th> <th>DRAWN</th> <th>CHECKED</th> <th>SCALE</th> <th>SHEET</th> </tr> <tr> <td>04-05-2022</td> <td>8332</td> <td>F/V M</td> <td>DBA</td> <td>RJV</td> <td>DBA</td> <td>1" = 40'</td> <td>01</td> </tr> </table>	DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	04-05-2022	8332	F/V M	DBA	RJV	DBA	1" = 40'	01
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET												
04-05-2022	8332	F/V M	DBA	RJV	DBA	1" = 40'	01												





MAP UNIT LEGEND			
MAP UNIT LEGEND	MAP UNIT NAME	ACRES OF AOI	PERCENT OF AOI
127	ORSINO FINE SAND-URBAN LAND COMPLEX, 0 TO 5 PERCENT SLOPES	1.9	100.0%
TOTALS FOR AREA OF INTEREST		1.9	100.0%

S:\005\BANKS\ENGINEERING\MASTER CONCEPT PLAN\B332\_SOIL\_MAP\_EXHIBIT\_04-12-2022.DWG 4/12/2022 9:47 AM RJV VELDTT

###

PREPARED FOR:  
**STAN STOUWER**  
**2726 SCC, LLC**  
 P.O. BOX 6122  
 FORT MYERS BEACH, FLORIDA 33932

NO.	DATE	REVISION DESCRIPTION	BY

**BANKS ENGINEERING**  
 Professional Engineers, Planners, & Land Surveyors  
 Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY  
 FORT MYERS, FLORIDA 33966  
 PHONE: (239) 939-5490 FAX: (239) 939-2523  
 ENGINEERING LICENSE # EB 6469  
 SURVEY LICENSE # LB 6690  
 WWW.BANKSENG.COM

D. BRENT ADDISON  
 P.E. LIC. #70611

SOIL MAP EXHIBIT  
**OAKLAND CPD**  
 BONITA SPRINGS, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
02-14-2022	8332	SME	SH	RJV	SH	1" = 40'	01



# DMJA

DAVID M. JONES, JR. AND ASSOCIATES, INC.  
LANDSCAPE ARCHITECTS • SITE PLANNERS

## MEMORANDUM FOR RECORD

**Date:** September 26, 2018

**To:** D. Brent Addison, P.E., Vice President, Banks Engineering,  
[BAddison@BanksEng.com](mailto:BAddison@BanksEng.com)

**From:** Jarod Prentice, Design Associate, I.S.A. Certified Arborist (FL-5296AM)

**Project:** Oakland Drive CPD, Bonita Springs

**Subject:** Heritage Tree Inspection

David M. Jones, Jr. and Associates, Inc. (DMJA) inspected the subject project site on September 18, 2018 for identification and verification of Heritage Trees existing on the development site. The site was found to be vacant yet with a previous use recognizable. Several scattered Sabal Palm trees were found about the property. Additionally, several large live oaks were also found situated to the northwest corner and property boundaries north and west. Please see the Heritage Tree Exhibit attached for location and sizes of the nine total Live Oak species and relative location(s) of Sabal Palms situated on the development site.

Based on ground-level inspection, eight of nine total Live Oaks found meet the City of Bonita Springs Landscape Code criteria for Heritage Tree; qualified as being of size twenty inches (20") Diameter at Breast Height (D.B.H.) and species, in this case being Live Oak. Except as noted below, these trees were generally observed without obvious signs of structural defect(s) or signs/symptoms of pest or disease.

Further observation of trees numbered #4 and #5, shown on the Heritage Tree Exhibit, presented significant structural defects with apparent signs of disease and internal trunk decay. Trees #4 and #5 were specifically evaluated to assess their condition of health, which both scored poorly. Please see the attached 'Exhibit A' for factors of evaluation, methods of scoring and resultant scores for trees #4 and #5.

The Heritage Tree Exhibit also provides a visual overlay to the location of the trees found on site and in relation to the proposed development improvements. Given the necessary addition of fill soils and the proposed siting of development impacts; we recommend removal of Heritage Trees #1-#6, shown on the Heritage Tree Exhibit. Furthermore, given the poor health condition of trees #4 and #5, these should qualify as exempt from replacement mitigation described in the City of Bonita Springs Landscape Code.

In summary, nine Live Oak species were identified on site. Eight of which qualify as Heritage Tree. Six of those eight are recommended for removal; two of those six, being in poor health, not to be replaced with mitigation trees. The remaining four Heritage Live Oaks are proposed for replacement mitigation by replanting another tree, on site, of similar species or ecologic value with a minimum height of twenty feet (20' Ht.) at installation.

Should there be any questions or concerns regarding the information provided herein, please feel free to contact us.

#### ATTACHMENTS

Cc: Greg Diserio, RLA, DMJA



**SITE DATA**

STRAP: 31-47-26-B4-00100.0050  
 SITE AREA: 88,683 S.F. (2.0 AC.)

ZONING: COMMERCIAL PLANNED DEVELOPMENT (C.P.D.)  
 LAND USE: INDUSTRIAL

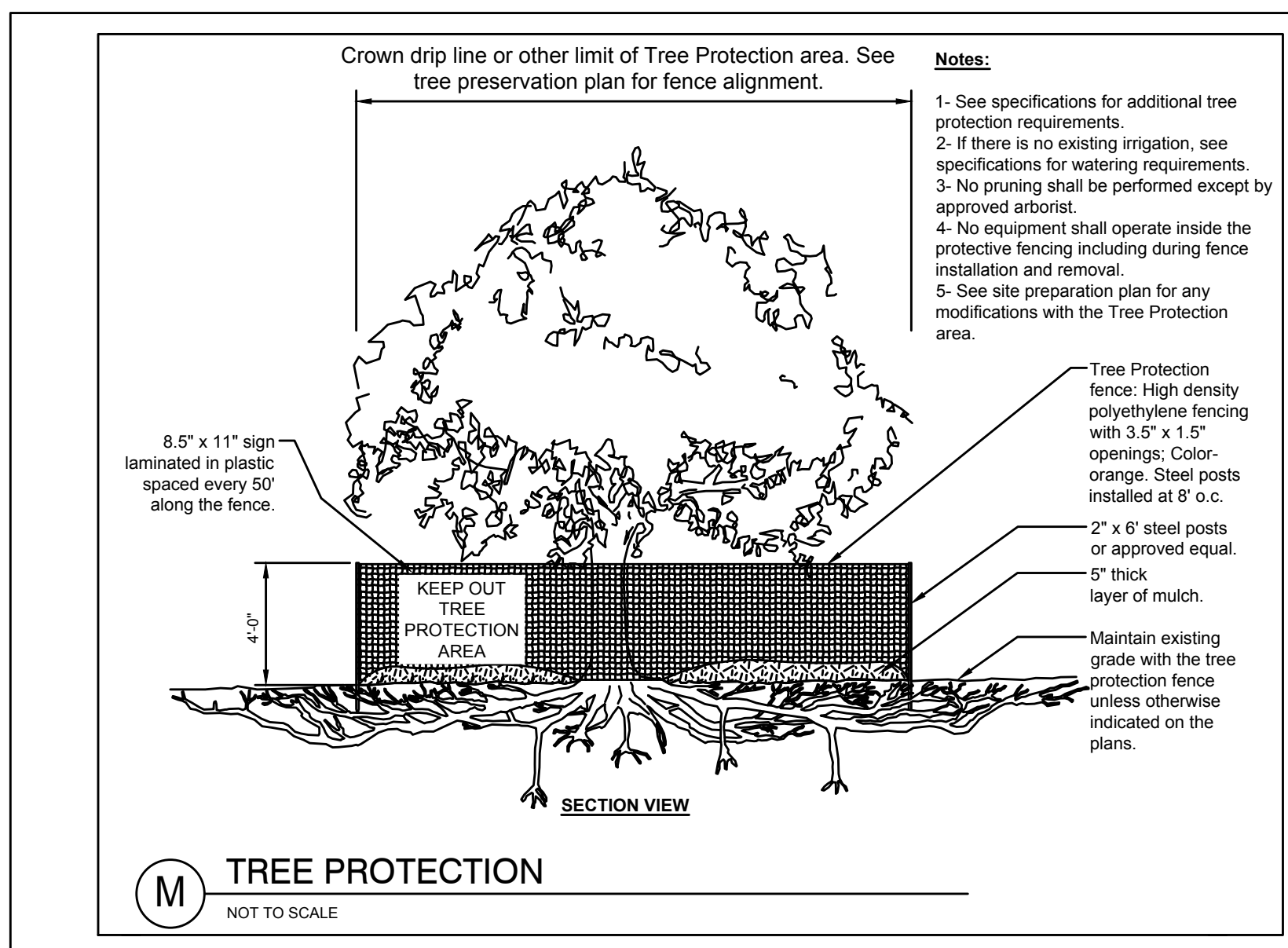
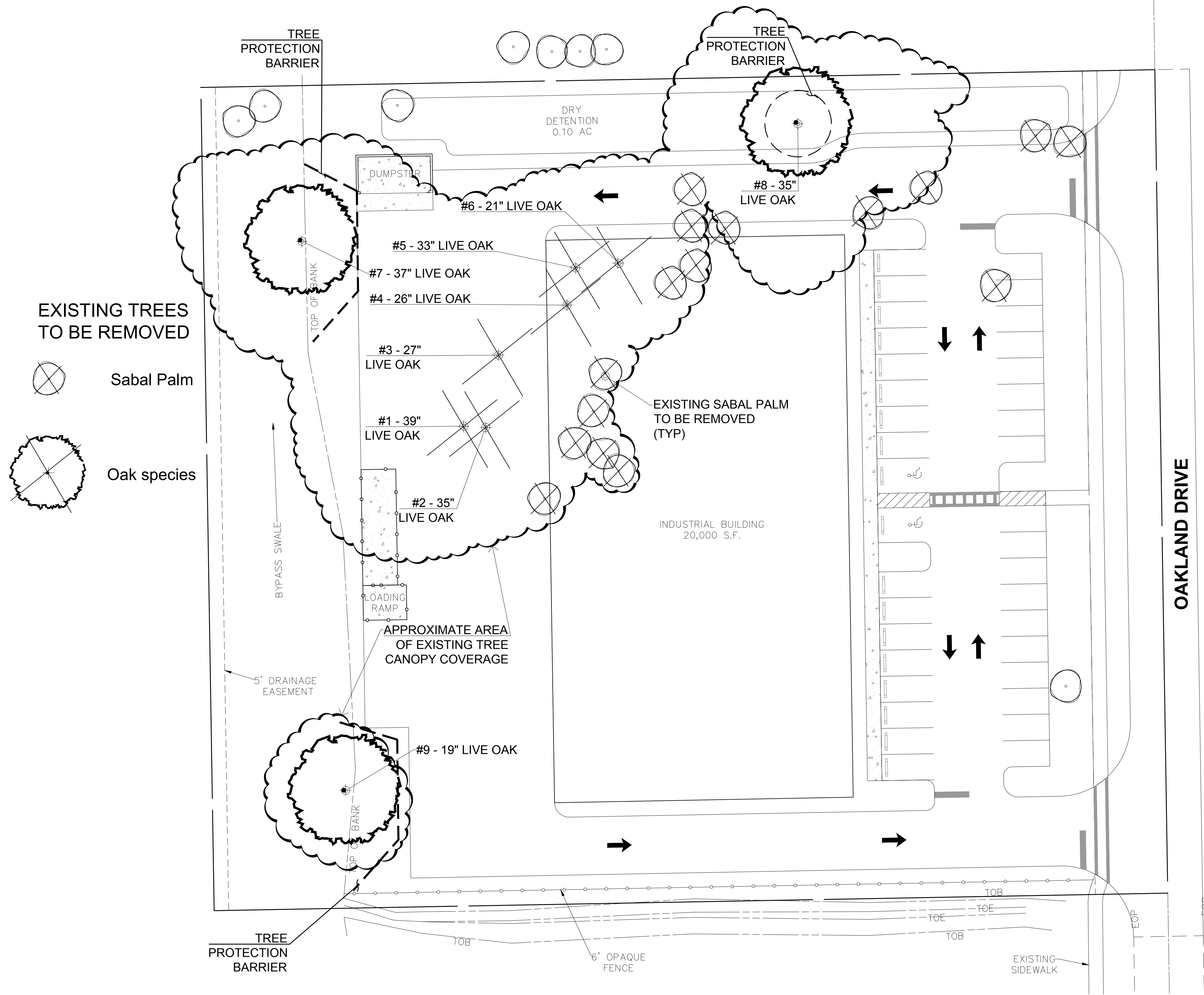
**EXISTING HERITAGE TREES**

HERITAGE TREES LOCATED ON SITE (SEE ADJACENT GRAPHIC FOR ASSOCIATED TREE IDENTIFICATIONS)

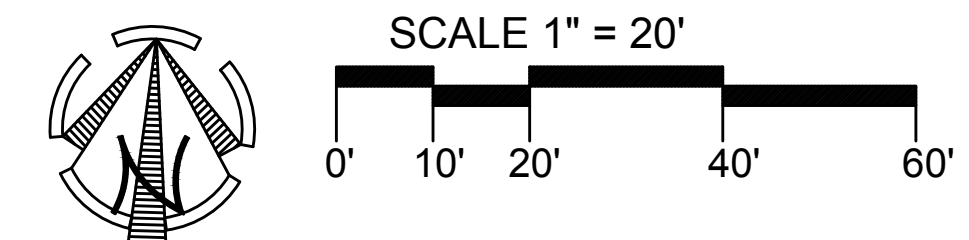
- TREE #1: 39" D.B.H. LIVE OAK TO BE REMOVED; BASED ON PROPOSED SITE FILL.
- TREE #2: 35" D.B.H. LIVE OAK TO BE REMOVED; BASED ON PROPOSED SITE FILL.
- TREE #3: 27" D.B.H. LIVE OAK TO BE REMOVED; BASED ON PROPOSED SITE FILL.
- TREE #4: 26" D.B.H. LIVE OAK TO BE REMOVED; BASED ON POOR TREE HEALTH CONDITION PER ARBORISTS REPORT (EXHIBIT ?)
- TREE #5: 33" D.B.H. LIVE OAK TO BE REMOVED; BASED ON POOR TREE HEALTH CONDITION PER ARBORISTS REPORT (EXHIBIT ?)
- TREE #6: 21" D.B.H. LIVE OAK TO BE REMOVED; BASED ON PROPOSED SITE FILL.
- TREE #7: 37" D.B.H. LIVE OAK TO BE RETAINED.
- TREE #8: 35" D.B.H. LIVE OAK TO BE RETAINED.
- TREE #9: 19" D.B.H. LIVE OAK TO BE RETAINED.

**HERITAGE TREE MITIGATION**

SIX HERITAGE TREES, LIVE OAK SPECIES TWENTY INCHES OR GREATER ARE TO BE REMOVED FROM THE DEVELOPMENT SITE. FOUR OF WHICH ARE BASED ON DEVELOPMENT IMPACTS FROM FILL AND REQUIRE MITIGATION. WHILE TWO, DESCRIBED ABOVE, REQUIRE NO MITIGATION DUE TO POOR HEALTH, SEE ARBORISTS REPORT EXHIBIT FOR SPECIFIC INFORMATION. PER BONITA SPRINGS LAND DEVELOPMENT CODE, SECTION 3-417 (b) (1) (b) (4); EACH HERITAGE TREE REMOVED MUST BE REPLACED WITH A TREE HAVING A MINIMUM HEIGHT OF TWENTY FEET (20'). FOUR REPLACEMENT TREES ARE REQUIRED WITH A MINIMUM HEIGHT OF 20'.



**HERITAGE TREE REMOVAL AND PRESERVATION PLAN**



**DMJA**

DAVID M. JONES, JR.  
AND ASSOCIATES, INC.

LANDSCAPE ARCHITECTS  
AND PLANNERS

2221 McGregor Blvd.  
Fort Myers, Florida 33901  
Phone: (239) 337-5525  
Fax: (239) 337-4494

4161 Tamiami Trail  
Building 5, Unit 501  
Port Charlotte, Florida 33952  
Phone: (941) 235-2217  
Fax: (239) 337-4494

L.A. LICENSE: LC 000063

PROJECT INFORMATION:

**OAKLAND DR.  
C.P.D.**

BONITA SPRINGS, FL

PREPARED FOR:

**BANKS ENGINEERING**  
10511 Six Mile Cypress Pkwy,  
Ste 101  
Fort Myers, Florida 33966  
Office: (239) 939-5490  
Fax: (239) 939-2523

CONSULTANT:

DESIGN PROFESSIONAL:

GREGORY J. DISERIO, RLA  
RLA NO. 840 DATE:  
STATE OF FLORIDA

PROJECT NO.	218xxx
PROJECT MGR.	GREG DISERIO
FILE NAME:	Oakland Dr.-CPD_LS
DESIGNER:	JAP
CAD TECH:	JAP
CHECKED BY:	GJD
ISSUED FOR:	Zoning

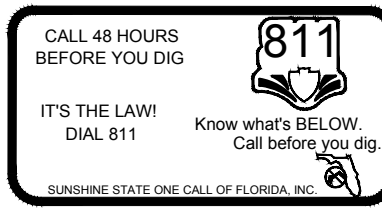
ISSUED DATE: Sept. 25, 2018

REVISIONS:

SHEET TITLE:  
**HERITAGE TREE  
EXHIBIT**

SHEET NUMBER:

**EX - 1**



**Tree Advisory Board  
Monday, October 8, 2018, 4:00 P.M.  
City of Bonita Springs  
9101 Bonita Beach Road, Room 118  
Bonita Springs, Florida 34135**

**MINUTES**

1) MEETING CALLED TO ORDER

Tree Advisory Board Meeting called to order at 4 p.m.

2) ROLL CALL

**Present**

Janet Martin  
Patti McKeon  
Altony Lee  
Jack Brown  
Suzy Valentine  
Phil Buck  
Ben Hershenson (via phone)

**Staff**

Laura Gibson  
Jane Swanson  
Carly Sanseverino

**Guests**

Jarod A. Prentice – David M. Jones & Assoc.  
Brent Addison

3) PUBLIC COMMENT

No public comment.

4) APPROVAL OF MINUTES FOR TREE ADVISORY BOARD MEETING FOR:  
September 10, 2018

Ms. Martin asked for an amendment to the motion for the Habitat for Humanity-Streetsboro property to add that the mitigated trees “to be 15 feet tall or taller”. The motion was appended to read:

*Mr. Lee made a motion to allow the removal of the heritage trees in the plans way on Streetsboro and allow the mitigated trees to be 15 feet tall or taller and planted in the preserve area, the public area, around the border and other open areas within the development; Ms. Martin seconded; motion passed unanimously.*

*Mr. Lee moved to correct the motion in the September 10, 2018, minutes as above, Ms. Martin seconded; motion passed unanimously.*

*Ms. Valentine made a motion to approve the September 10, 2018, minutes as amended above, Mr. Buck seconded; motion passed unanimously.*

5) NEW BUSINESS:

A. Oakland Drive CPD – Heritage Tree Removal and Preservation Plan  
(Banks Engineering)

Mr. Brent Addison with Banks Engineering gave a presentation to the Board explaining where the trees to be mitigated are located.

Mr. Jarod Prentice, certified arborist, spoke about the condition and plans for the heritage trees on the site.

Ms. Martin asked Ms. Gibson if she had any feedback. Ms. Gibson said taking into consideration the new plans, the perimeter and the health of the heritage trees, she is comfortable with the request to remove the heritage trees.

***Mr. Buck made a motion to approve removal of the trees and mitigate with trees as staff finds appropriate, motion was seconded and passed unanimously.***

B. Discuss script ideas for “Green” Public Service Announcements for BTV

Ms. Swanson announced Mr. Antonio Correia from Bonita TV would like to work with the Tree Board to do some “Green” public service announcements.

Ideas from the Board:

- A public service announcement recommending people not plant the Norfolk Pines.
- Education on invasive non-native plants.
- Short burst for Arbor Day, what it is and what it means, which could be run in April.

Assignments:

- Ms. McKeon will work on a script for invasives.
- Ms. Valentine to work on a script for Norfolk Pines.
- Mr. Lee will write a script for having a green picnic in the park.

6) OLD BUSINESS:

A. Arbor Day Discussion

Mr. Lee will reach out to the Special Events Committee to see if the Tree Board could have a presence at Celebrate Bonita. Ms. Martin asked Mr. Lee if he could find out between now and next meeting so they can firm up plans.

Ms. Martin asked the Board for suggestions for a planting of some kind. The Board discussed ideas of locations to plant trees.

Mr. Lee will reach out to the High School to find out what their irrigation situation is and if the Board could plant a tree in honor of the opening of the new high school.

The Board discussed displaying the student Arbor Day posters at City Hall. Mr. Brown will work on ideas for the poster contest.



Ms. Martin asked Ms. Swanson if she could email Mr. Ryals to see if saplings constituted a planting for the Arbor Day Society.

Ms. Swanson asked the Board when they wanted to display the street sign banners. The Board discussed displaying the banners in April for Arbor Day.

B. Continue Discussions of Tree Planting Opportunities – YMCA / Rotary, etc.

The rotary has not come back to the Tree Board regarding tree plantings, Ms. Martin stated they may want to remove this agenda item from the list of opportunities.

Mr. Lee recommended the proposed pocket park on West Terry Street. Ms. Swanson will ask Ms. Perino about the West Terry pocket park and if there may be possibilities for plantings there.

C. Discuss Landscape Review Process Date

The Board discussed scheduling the Landscape Review Process discussion when there are no other projects on the agenda.

D. Other

Ms. Valentine spoke again about the landscaping around the Felts Avenue bio reactor, on the northwest corner (Felts and Ragsdale) and the southeast corner (Shriver and Abernathy) which is overgrown with exotic invasives (Albizia and Brazilian pepper).

Ms. Swanson will speak with Public Works about the landscaping around the bio reactor.

The Board discussed the feasibility of keeping trees in parking lot areas where the number of spaces may be negotiable. The Board decided to keep this discussion in mind next time they review a project.

7) ESTABLISH NEXT MEETING: November 5, 2018

Since the regularly scheduled meeting falls on a holiday (November 12 is Veterans Day) the next meeting was confirmed for ***Monday, November 5, 2018.***

8) ADJOURNMENT

Meeting adjourned 5:09 p.m.

Respectfully Submitted:



Nadine Chiamonte – Office Assistant

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Any person requiring special accommodations at any of the meetings because of a disability or physical impairment should contact Meg Weiss, Director Administrative Services, at 239-949-6262, at least 48 hours prior to the meeting. If a person decides to appeal a decision made by the council in any matter considered at this meeting/hearing, such person may need to ensure that a verbatim record of the proceedings is made, to include the testimony and evidence upon which such appeal is to be based.

**Condition of Health Evaluation**

**Scoring System:**

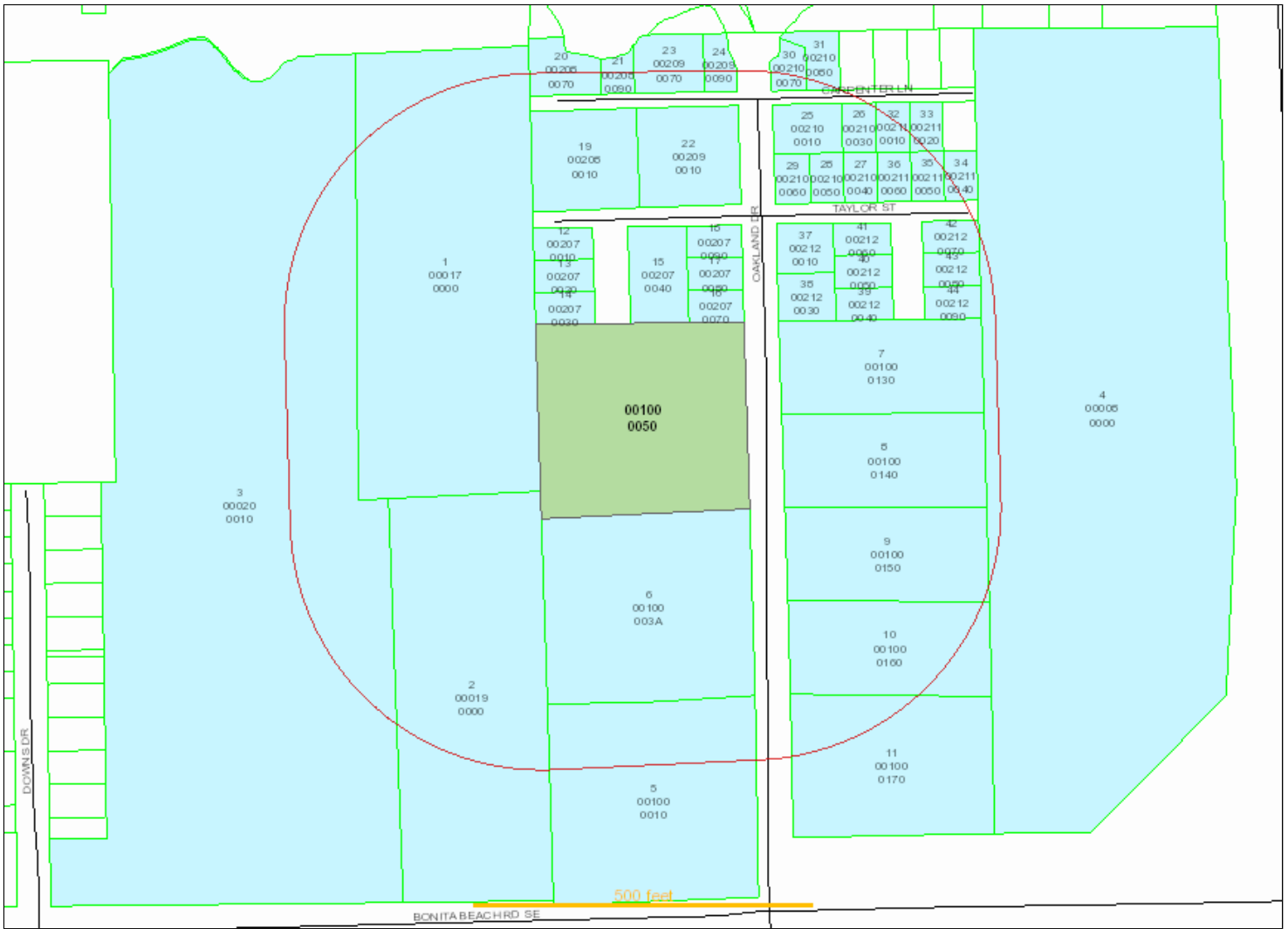
No apparent problems - 4	Minor Problems -3	Major Problems - 2	Extreme Problems - 1
Observations and noted deficiencies are indicated by - X			

**Trees Observed**

Factors: SPECIES CALIPER INCHES (unless otherwise specified)	Tree #	Tree #	Tree #	Tree #	Tree #	Tree #	Tree #	Tree #	Tree #	Tree #	Tree #
	1	2	3	4	5	6	7	8	9	10	11
	D.B.H	D.B.H	D.B.H	Q.V. 26"	Q.V. 33"	D.B.H	D.B.H	D.B.H	D.B.H	D.B.H	D.B.H
<b>Root Zone</b>											
Poor root anchorage					X						
Compaction / Poor Drainage											
Mechanical injury				X	X						
Poor collar flare				X							
Girdling roots					X						
Chemical symptoms											
Presence of insects or											
Mushrooms/Conks											
Hardscape features w/in 10'											
<b>Points for structure</b>				3	2						
<b>Points for health</b>				3	3						
<b>Trunk</b>											
Cavities: Minor / Major					X						
Significant lean											
Mechanical injury					X						
Cracks, vertical crevasses				X	X						
Swollen or sunken areas				X	X						
Presence of insects or				X	X						
Conks				X							
Co dominant leaders					X						
<b>Points for structure</b>				2	2						
<b>Points for health</b>				2	2						
<b>Scaffold branches</b>											
Poor vertical branch				X	X						
Strong attachments											
Included bark				X	X						
Decay and cavities				X	X						
Proper wound closer											
Improper wound closer				X	X						
Dead wood				X	X						
Insects or disease					X						
<b>Points for structure</b>				2	2						
<b>Points for health</b>				3	2						
<b>Small branches and twigs</b>											
Vigorous current shoots											
Good distribution in canopy											
Poor distribution in canopy				X	X						
Weak or dead twigs				X	X						
Insects or disease											
<b>Points for health</b>				3	3						
<b>Foliage, buds, flowers</b>											
Small foliage size				X							
Chlorosis of foliage				X	X						
Nutrient Disorders											
Pesticide pollution/injury											
Wilted or dead leaves					X						
Dry buds											
Insects or disease											
<b>Points for health</b>				3	3						
<b>Total Points Possible</b>	32	32	32	32	32	32	32	32	32	32	32
<b>Total Points Awarded</b>	0	0	0	21	19	0	0	0	0	0	0
<b>Total Health Condition %</b>	0	0	0	65.625	59.375	0	0	0	0	0	0

Divide total points awarded by total points possible (32) to arrive at the percentage. Based on a total of 100%.

TREE EVALUATION (MAY 2018)	Above Average = 100% - 90%	Average = 89% - 79% Poor Health = 67% - 55%	Below Average = 78% - 68% Failure = <55%
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Date of Report: October 14, 2021

Buffer Distance:  feet

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

Parcels Affected: 44

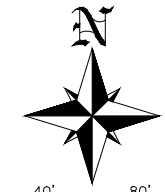
Subject Parcel: **31-47-26-B4-00100.0050**

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
FIFM RE LLC 7007 EAST 88TH AVE HENDERSON CO 80640	<b>36-47-25-B3-00017.0000</b> ACCESS UNDETERMINED BONITA SPRINGS FL	E 286 FT OF NE 1/4 OF SE 1/4 OF SE 1/4	1
FIFM RE LLC 7007 EAST 88TH AVE HENDERSON CO 80640	<b>36-47-25-B3-00019.0000</b> 11998 BONITA BEACH RD SE BONITA SPRINGS FL 34135	PARL IN SE 1/4 OF SE 1/4 AS DESC OR 282/194 LESS OR 2021/479	2
FIFM RE LLC 7007 EAST 88TH AVE HENDERSON CO 80640	<b>36-47-25-B3-00020.0010</b> 11902 BONITA BEACH RD SE BONITA SPRINGS FL 34135	PARL LOC IN SE 1/4 OF THE SE 1/4	3
SCHROEDER WILLIAM E + 10800 SOUTHWEST HWY WORTH IL 60482	<b>31-47-26-B4-00008.0000</b> ACCESS UNDETERMINED BONITA SPRINGS FL	E 1/2 OF SW 1/4 OF SW 1/4 LESS I-75 R/W	4
ANABI REAL ESTATE DEVELOPMENT REAL ESTATE 1450 N BENSON AVE UPLAND CA 91786	<b>31-47-26-B4-00100.0010</b> 12030 BONITA BEACH RD SE BONITA SPRINGS FL 34135	OAKLAND ACRES PB 51 PG 471 LOTS 1 + 2	5
BONITA SPRINGS HOTEL LLC	<b>31-47-26-B4-00100.003A</b> 139	OAKLAND ACRES	6

27991 OAKLAND DR BONITA SPRINGS FL 34135	27991 OAKLAND DR BONITA SPRINGS FL 34135	MB 51 PG 471 LOTS 3 + 4	
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00100.0130</b> 27966 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND ACRES MB 51 PG 470 LOT 13	7
SALDIVAR MARY ELLEN TR 27870 LIME ST BONITA SPRINGS FL 34135	<b>31-47-26-B4-00100.0140</b> 27974 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND ACRES PB 51 PG 470 LOT 14	8
BONITA LEE FLORIDA CO INC 622 DELAWARE AVE SAINT CLOUD FL 34769	<b>31-47-26-B4-00100.0150</b> 27986 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND ACRES PB 51 PG 471 LOT 15	9
BONITA-LEE FLORIDA CO INC 622 DELAWARE AVE SAINT CLOUD FL 34769	<b>31-47-26-B4-00100.0160</b> 27990 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND ACRES PB 51 PG 471 LOT 16	10
MCDONALDS CORP PO BOX 182571 COLUMBUS OH 43218	<b>31-47-26-B4-00100.0170</b> 27996/998 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND ACRES MB 51 PG 471 LOTS 17 + 18 LESS I-75 R/W	11
FUENTES MARY G PO BOX 503 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00207.0010</b> 12000 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK.7 MB 51 PG 470 LOT 1	12
BESSE AVELINA & JASON T 14320 SUNDIAL PL LAKEWOOD RANCH FL 34202	<b>31-47-26-B4-00207.0020</b> 12008 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 7 PB 51 PG 470 LOT 2	13
DEHERRERA ENRIQUETA C + PO BOX 3031 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00207.0030</b> 12016 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 7 PB 51 PG 470 LOT 3	14
FUENTES MARY G PO BOX 503 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00207.0040</b> 12038 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 7 PB 51 PG 470 LOTS 4 THRU 6	15
TORRES JUAN MONTES + PO BOX 3378 BONITA SPRINGS FL 34135	<b>31-47-26-B4-00207.0070</b> 27800 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITE BLK 7 PB 51 PG 470 LOT 7	16
PATINO MARIA G PO BOX 367962 BONITA SPRINGS FL 34135	<b>31-47-26-B4-00207.0080</b> 27790 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK.7 MB 51 PG 470 LOT 8	17
PATINO MARIA G PO BOX 367962 BONITA SPRINGS FL 34135	<b>31-47-26-B4-00207.0090</b> 27780 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 7 MB 51 PG 470 LOT 9	18
CLINECO 2 INCORPORATED 27101 LOST LAKE LN BONITA SPRINGS FL 34134	<b>31-47-26-B4-00208.0010</b> 12001 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 8 MB 51 PG 470 LOTS 1 THRU 6	19
CITY OF BONITA SPRINGS 9101 BONITA BEACH RD BONITA SPRINGS FL 34135	<b>31-47-26-B4-00208.0070</b> 12001 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 8 MB 51 PG 470 LOTS 7 + 8	20
CLINECO 2 INCORPORATED 27330 RIDGE LAKE CT BONITA SPRINGS FL 34134	<b>31-47-26-B4-00208.0090</b> 12015 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 8 MB 51 PG 470 LOT 9	21
IMPERIAL RIVER OAKS LLC 1185 IMMOKALEE RD STE 110 NAPLES FL 34110	<b>31-47-26-B4-00209.0010</b> 27770 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 9 MB 51 PG 470 LOTS 1 THRU 6	22
IMPERIAL RIVER OAKS LLC 1185 IMMOKALEE RD STE 110 NAPLES FL 34110	<b>31-47-26-B4-00209.0070</b> 12025 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK.9 MB 51 PG 470 LOTS 7 + 8	23
IMPERIAL RIVER OAKS LLC 1185 IMMOKALEE RD STE 110 NAPLES FL 34110	<b>31-47-26-B4-00209.0090</b> 12045 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 9 MB 51 PG 470 LOT 9	24
LOPEZ LEONEL PO BOX 3391 BONITA SPRINGS FL 34135	<b>31-47-26-B4-00210.0010</b> 27761 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 10 PB 51 PG 470 LOTS 1 +2	25

GOMEZ PAZ PEDRO J PO BOX 748 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00210.0030</b> 12076 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 10 PB 51 PG 470 LOT 3	26
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00210.0040</b> 12075 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITE BLK 10 PB 51 PG 470 LOT 4	27
HERNANDEZ MARIBEL CHAVEZ + 12067 TAYLOR ST BONITA SPRINGS FL 34135	<b>31-47-26-B4-00210.0050</b> 12067 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITE BLK 10 PB 51 PG 467 LOT 5	28
TORRES LAZARO PO BOX 3378 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00210.0060</b> 27771 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 10 PB 51 PG 467 LOT 6	29
WEISS LORETTA S 14511 OCEAN BLUFF DR FORT MYERS FL 33908	<b>31-47-26-B4-00210.0070</b> 12057 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 10 MB 51 PG 470 LOT 7	30
WEISS LORETTA S 14511 OCEAN BLUFF DR FORT MYERS FL 33908	<b>31-47-26-B4-00210.0080</b> 12067 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 10 PB 51 PG 470 LOT 8	31
FOREMAN PETER 5830 SW 64TH AVE DAVIE FL 33314	<b>31-47-26-B4-00211.0010</b> 12086 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 11 PB 51 PG 470 LOT 1	32
BEACH ROAD & 29 LLC PO BOX 366748 BONITA SPRINGS FL 34136	<b>31-47-26-B4-00211.0020</b> 12096 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND TRAILER SITES TRACT 11 MB 51 PG 470 LOT 2	33
GALLAGHER GAVIN A 126 MILL RIVER RD SOUTH SALEM NY 10590	<b>31-47-26-B4-00211.0040</b> 12101 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 11 MB 51 PG 470 ALL LOT 4	34
BOTTCHER ANNE PO BOX 233 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00211.0050</b> 12093 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK.11 MB 51 PG 470 LOT 5	35
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00211.0060</b> 12085 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITE BLK 11 MB 51 PG 470 LOT 6	36
PATINO ARNULFO PO BOX 184 ESTERO FL 33929	<b>31-47-26-B4-00212.0010</b> 27781 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 12 PB 51 PG 470 LOT 1 + LOT PT 2	37
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00212.0030</b> 27801 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 12 MB 51 PG 470 LOT 3 + S 1/2 LOT 2	38
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00212.0040</b> 12076 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 12 MB 51 PG 470 LOT 4	39
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00212.0050</b> 12072 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 12 PB 51 PG 470 LOT 5	40
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00212.0060</b> 12068 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 12 MB 51 PG 470 LOT 6	41
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00212.0070</b> 12088 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITE BLK 12 PB 51 PG 470 LOT 7	42
PATINO MARIA G + 12084 TAYLOR ST BONITA SPRINGS FL 34135	<b>31-47-26-B4-00212.0080</b> 12084 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PK TRLR SITES BLK 12 PB 51 PG 470 LOT 8	43
PATINO MARIA G + 12084 TAYLOR ST BONITA SPRINGS FL 34135	<b>31-47-26-B4-00212.0090</b> 12080 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRILER SITES BLK 12 PB 51 PG 470 LOT 9	44



FLU: INTERCHANGE COMMERCIAL  
 ZONING: MH-2  
 USE: MOBILE HOMES

APPROXIMATE LOCATION  
 6' OPAQUE FENCE  
 (FOR OPEN STORAGE USE, INCREASED  
 TO 8' OR BUFFER HEDGE MUST PROVIDE  
 8' CONTINUOUS VISUAL SCREEN TO  
 RESIDENTIAL. SEE CONDITION 5.A)

50' EASEMENT  
 (O.R. BOOK 826, PAGE 651)

PHASE 1: SIDEWALK  
 PHASE 2: ADDITIONAL ACCESS

25' ROADWAY RESERVATION  
 (O.R. BOOK 3190, PAGE 699)

FLU: INTERCHANGE COMMERCIAL  
 ZONING: MH-2  
 USE: MOBILE HOME PARK

FLU: INTERCHANGE COMMERCIAL  
 BONITA BEACH ROAD COMMERCIAL  
 CORRIDOR OVERLAY/INTERSTATE ZONE  
 ZONING: MH-2  
 USE: MOBILE HOME PARK

LIGHTING ON BUILDING OR  
 FREE STANDING ALONG  
 FRONTAGE

**OPEN SPACE**

REQUIRED: 0.65 ACRES (2.15 x 0.30)  
 PROVIDED: 0.65 ACRES

**SITE SUMMARY**

**FUTURE LAND USE:** INTERCHANGE COMMERCIAL  
 BONITA BEACH ROAD OVERLAY  
 CORRIDOR/INTERSTATE ZONE

**EXISTING ZONING DESIGNATION:** CPD, COMMERCIAL PLANNED DEVELOPMENT

**EXISTING LAND USE:** UNDEVELOPED

**PROPOSED ZONING DESIGNATION:** CPD, COMMERCIAL PLANNED DEVELOPMENT

**GROSS AREA:** 2.15± ACRES

**STRAP NUMBER:** 31-47-26-B4-00100.0050

**STREET ADDRESS:** 27917 OAKLAND DRIVE  
 BONITA SPRINGS, FL 34135

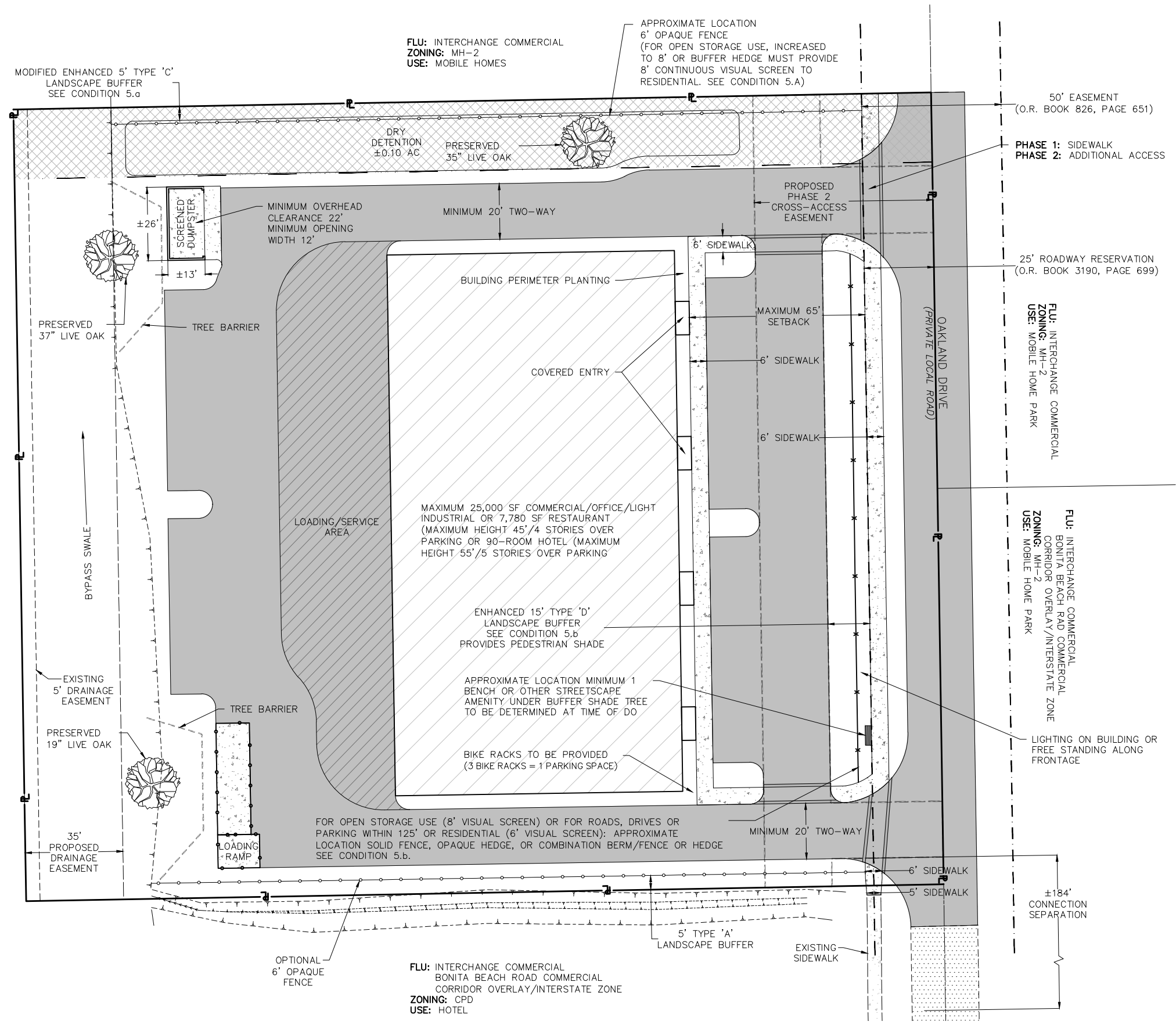
**PHASE 1:** OPEN STORAGE, SOUTH ACCESS & OAKLAND ROW IMPROVEMENTS  
**PHASE 2:** BUILDING, NORTH ACCESS & CROSS-ACCESS EASEMENT

**LEGEND:**

	DEVIATION		TREE TO REMAIN
	BUILDING		PAVEMENT
	PARKING, ACCESS WAYS/DRIVES, VEHICLE STORAGE, OPEN FOR ANY USE IS PROHIBITED WITHIN 25' OF THE NORTHERN PROPERTY LINE. BUILDING SETBACKS SHALL ONLY BE PERMITTED AT 20' WHEN PROPERTY TO THE NORTH REDEVELOPS INTO A NON-RESIDENTIAL USE. ACCESSWAY, DRIVES, PARKING AND STORAGE, OPEN MAY ALSO BE PERMITTED IN ACCORDANCE WITH THE LDC WHEN PROPERTY TO THE NORTH REDEVELOPS INTO A NON-RESIDENTIAL USE.		CONCRETE

1  
 NO BUFFER  
 REQUIRED

FLU: INTERCHANGE COMMERCIAL  
 ZONING: CPD  
 USE: COMMERCIAL  
 (FLAMINGO ISLAND FLEA MARKET)



FLU: INTERCHANGE COMMERCIAL  
 BONITA BEACH ROAD COMMERCIAL  
 CORRIDOR OVERLAY/INTERSTATE ZONE  
 ZONING: CPD  
 USE: HOTEL

PREPARED FOR:  
**STAN STOUWER**  
 2726 SCC, LLC  
 P.O. BOX 6122  
 FORT MYERS BEACH, FLORIDA 33932

NO.	DATE	REVISION DESCRIPTION	BY
142			

**BANKS ENGINEERING**  
 Professional Engineers, Planners, & Land Surveyors  
 Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY  
 FORT MYERS, FLORIDA 33966  
 PHONE: (239) 939-5490 FAX: (239) 939-2523  
 ENGINEERING LICENSE # EB 6469  
 SURVEY LICENSE # LB 6690  
 WWW.BANKSENG.COM

MASTER CONCEPT PLAN  
**OAKLAND CPD**  
 BONITA SPRINGS, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
01-23-2023	8332	MCP	DBA	RJV	DBA	1" = 40'	01

24 BANKS ENGINEERING, INC. ENGINEERING PLAN NO. 2023-0001-1/23/2023 8:15 AM REV. 01

**SCHEDULE OF USES:**

CONSUMPTION ON PREMISES, INDOOR ONLY, IN CONJUNCTION WITH A FULL-SERVICE RESTAURANT OR HOTEL/MOTEL. OUTDOOR CONSUMPTION REQUIRES A SPECIAL EXCEPTION (PUBLIC HEARING REQUIRED)

DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE (REQUIRES SPECIAL EXCEPTION)

HOTEL/MOTEL (NOT TO EXCEED 90 ROOMS)

RENTAL OR LEASING ESTABLISHMENTS: GROUPS I AND II (LIMITED TO INDOOR USE ONLY)

STORAGE, OPEN AS LIMITED BY CONDITION 8

TEMPORARY USES

MINI-WAREHOUSE

BONITA BEACH ROAD CORRIDOR OVERLAY INTERSTATE ZONE PERMITTED USES PER LDC

**SITE DEVELOPMENT REGULATIONS**

**MINIMUM AREA AND DIMENSIONS:**

LOT AREA: 20,000 S.F.

LOT DEPTH: 100'

LOT WIDTH: 100'

**MINIMUM SETBACKS:**

STREET/ FRONT (PUBLIC ROAD): 20 FEET\*  
\*MAXIMUM 25', LDC SEC.4-899(a), NOTES 2 & 5, AS AMENDED

SIDE YARD: 0 FEET /15 FEET

REAR YARD: 20 FEET

**MAXIMUM BUILDING HEIGHT:**

STORAGE, OPEN 15'

COMMERCIAL/LIGHT INDUSTRIAL/RESTAURANT 45'/3 STORIES OVER PARKING

HOTEL/MOTEL 55'/5 STORIES OVER PARKING

**MAXIMUM LOT COVERAGE:** 40%

**MINIMUM OPEN SPACE:** 30%

**SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS**

**DEVIATION 1** IS APPROVED, GRANTING RELIEF FROM LDC §3-418(D)(3) REQUIRING A TYPE "A" BUFFER (5' WIDE) ALONG THE WEST PROPERTY LINE TO PERMIT NO BUFFER AT THAT LOCATION.

**JUSTIFICATION:** DEVIATION 1 APPROVED NO BUFFER TO THE WEST TO FLAMINGO ISLAND FLEA MARKET OVERFLOW PARKING SINCE THE WESTERN PORTION OF THE SITE CONTAINS A 5' DRAINAGE EASEMENT AND AN EXISTING DRAINAGE WAY AVERAGING 35' TO 55' IN WIDTH (CONTAINING A DITCH OF 20'-30' IN WIDTH). THIS AREA IS RECOMMENDED TO REMAIN AS ORIGINALLY APPROVED IN Z-97-084, ZO-09-13 AND ZO-16-07 FOR A CONTINUED DRAINAGE WAY AND OPEN SPACE AREA. IT WAS PREVIOUSLY DETERMINED THAT ADEQUATE BUFFERING IS PROVIDED WITH THE EXISTING VEGETATED BANKS OF THE DRAINAGE AREA. THE PROPOSED DESIGN DOES NOT MODIFY THE DRAINAGE WAY AND PROVIDES APPROXIMATELY 39'± OF OPEN SPACE WITH VEGETATED BANKS BETWEEN THE PROPOSED PARKING AREA AND ADJACENT COMMERCIAL DEVELOPMENT. EXISTING CONDITION 5.D PROVIDES THAT ANY EXOTIC REMOVAL THAT RESULTS IN LOSS OF THE NATIVE VEGETATION ALONG THESE BANKS ARE REQUIRED TO BE REPLACED AND MAINTAINED WITH NATIVE VEGETATION FOR A LOW AND MID-STORY BUFFER. THIS DEVIATION ENHANCES THE ACHIEVEMENT OF THE OBJECTIVES OF THE PLANNED DEVELOPMENT AND PRESERVES AND PROMOTES THE GENERAL INTENT TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.

**DEVIATION 2** WAS WITHDRAWN.

**DEVIATION 3** WAS WITHDRAWN.

**DEVIATION 4** WAS WITHDRAWN.

PREPARED FOR:  
**STAN STOUWER**  
**2726 SCC, LLC**  
P.O. BOX 6122  
FORT MYERS BEACH, FLORIDA 33932

NO.	DATE	REVISION DESCRIPTION	BY
143			

**BANKS ENGINEERING**  
Professional Engineers, Planners, & Land Surveyors  
Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY  
FORT MYERS, FLORIDA 33966  
PHONE: (239) 939-5490 FAX: (239) 939-2523  
ENGINEERING LICENSE # EB 6469  
SURVEY LICENSE # LB 6690  
WWW.BANKSENG.COM

MASTER CONCEPT PLAN							
OAKLAND CPD							
BONITA SPRINGS, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
01-23-2023	8332	MCP	DBA	RJV	DBA	N.T.S.	02

P:\BANKS\8332\BANKS\MASTER CONCEPT PLAN\8332\_SCP\_01-16-2023.dwg / 23/2023 8:21 AM RJV 1/11/23



## **Oakland CPD**

### **Summary of Pre-Application Neighborhood Meeting**

A meeting was held on January 21, 2019 at the Bonita Springs Fire Department. There were six (6) people from the public in attendance. The applicant presented the proposed changes to the PD. No one in the public had concerns about the changes. They did ask why this meeting was necessary and asked questions about items not related to the project.

Attached please find the following backup documentation:

- Public Notice – Affidavit of meeting notice in The News Press dated November 08, 2020 regarding Public Information Session
- Surround Property Owner's Notice
- Sign-In Sheet
- PowerPoint Presentation

# The News-Press media group

news-press.com | A GANNETT COMPANY

Attn: Stacy Ellis Hewitt  
**BANKS ENGINEERING**  
**10511 SIX MILE CYPRESS PARKWAY**  
**FORT MYERS, FL 33966**

PUBLIC MEETING NOTICE  
CITY OF BONITA SPRINGS NEIGHBORHOOD INFORMATION MEETING  
PUBLIC PRESENTATION DATE: January 21, 2019 at 5:30 p.m.  
MEETING LOCATION: Bonita Springs Fire Department Station #24, 27701 Bonita Grande Drive, Bonita Springs, FL 34135.  
APPLICANT: 2726 SCC LLC c/o Brent Addison, P.E., Banks Engineering (239-939-5490/ baddison@bankseng.com)  
PROJECT NAME: Oakland CPD  
PROJECT LOCATION: 27971 Oakland Drive, Bonita Springs, FL 34135, West side of Oakland Drive, approximately 580 feet north of Bonita Beach Road S.E.  
ACTION REQUESTED: Amendment to existing Commercial Planned Development to revise two conditions.  
AD# 3310112 December 24, 2018

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Cheryl Eller, 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 Public Hearing

In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

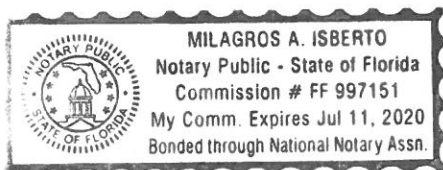
12/24/18

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 the said newspaper.

Sworn to and Subscribed before me this 26th of December 2018, by Cheryl Eller who is personally known to me.



Milagros A. Isberto  
Notary Public for the State of Florida  
My Commission expires July 11, 2020



# NOTICE TO SURROUNDING PROPERTY OWNERS

**CASE NAME:** Oakland CPD

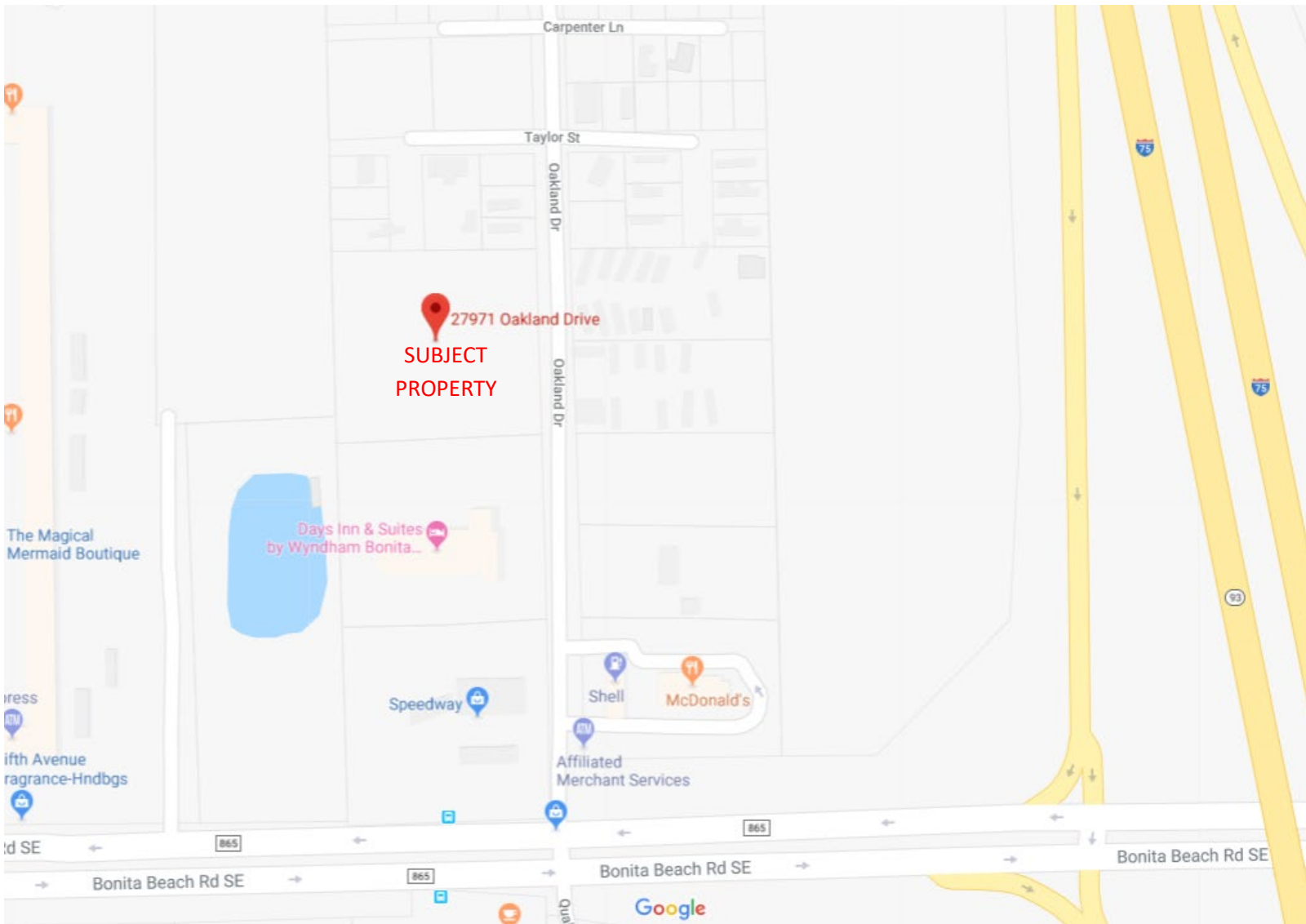
**REQUEST:** Amendment to existing Commercial Planned Development to revise two conditions.

**LOCATION:** 27971 Oakland Drive, City of Bonita Springs, Florida 34135  
West side of Oakland Drive, approximately 580 feet north of Bonita Beach Road S.E. (See location map opposite side of page)

**PROPERTY OWNER'S REPRESENTATIVE:** D. BRENT ADDISON, P.E, BANKS ENGINEERING (239) 939-5490

Notice is hereby given that the applicant's representative, Banks Engineering, will hold a neighborhood information meeting at **5:30 p.m. on Monday, January 21, 2019** on the above case. The meeting will be held at the Bonita Springs Fire Department Station #24, 27701 Bonita Grande Drive, Bonita Springs, FL 34135.

At the neighborhood meeting, the applicant will explain the development proposal, inform attendees of the character and nature of the process for review, and respond to comments and questions that attendees may have about the application.

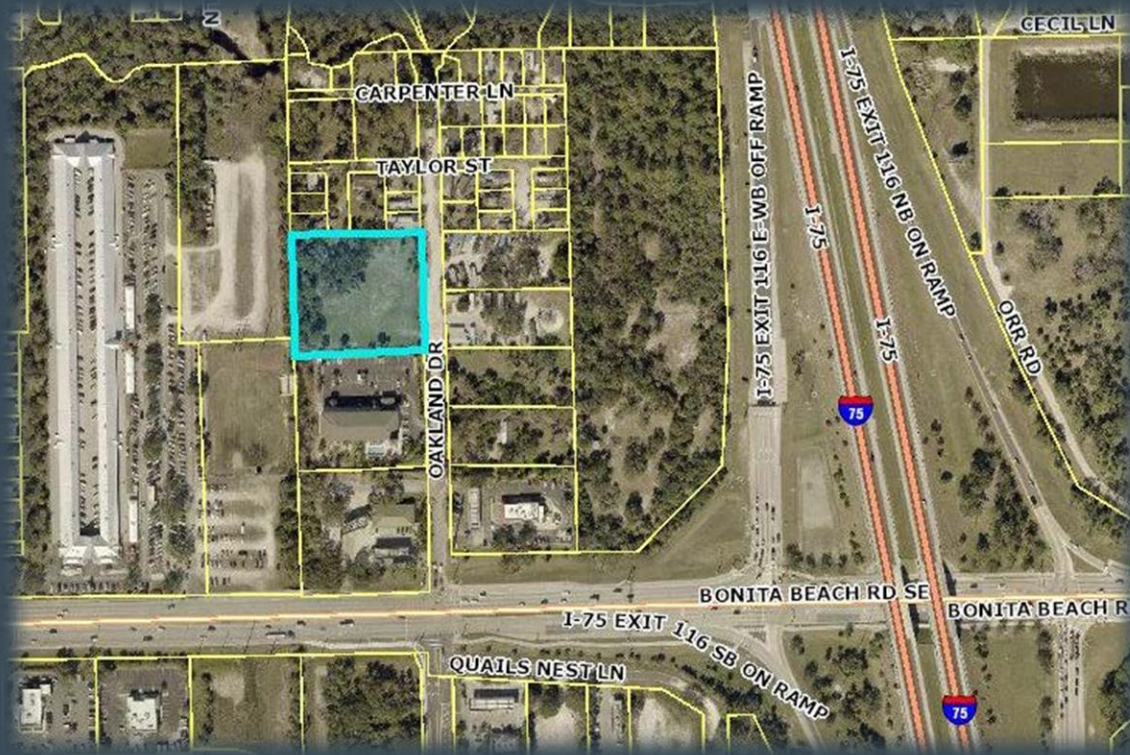






# OAKLAND CPD

ORDINANCES 09-13 AND 16-07



## Pre-application Neighborhood Meeting

JANUARY 21, 2019

# INTRODUCTION

The applicant, 2726 SCC, LLC, is requesting approval to amend the approved Oakland CPD (Latest Ordinance 16-07). The proposed revisions include the following:

- Condition 4c.
  - Reduce the number of heritage trees being preserved from 9 trees to 3 Trees as approved by the Heritage Tree Advisory Board on October 8, 2018
- Master Concept Plan
  - Provide a revised Master Concept Plan as the previous plan had shown the Heritage Tree locations
- Condition 8e.
  - Extend the time period allowed for Open Storage by revising the effective date to the approval of this application

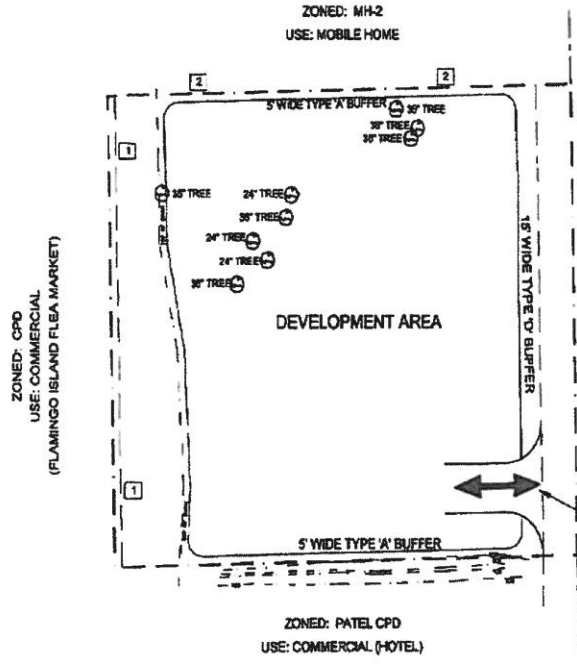
# PROJECT LOCATION





# APPROVED MASTER CONCEPT PLAN

PD16-29060-B05  
Attachment A



**RECEIVED**  
11/08/2016  
CITY OF BROWARD COUNTY  
PLANNING AND ZONING DEPARTMENT

**INDIGENOUS PRESERVE**  
REQUIRED: 0.21a ACRES (0.43a ACRES X 0.50)  
PROVIDED: 0.21a ACRES  
**OPEN SPACE**  
REQUIRED: 0.43a ACRES (2.15a X 0.20)  
PROVIDED: 0.43a ACRES

ZONED: MH-2  
USE: MOBILE HOME

**SITE SUMMARY**  
PLAN DESIGNATION: INTERCHANGE COMMERCIAL  
EXISTING ZONING DESIGNATION: CPD, COMMERCIAL PLANNED DEVELOPMENT  
EXISTING LAND USE: UNDEVELOPED  
PROPOSED ZONING DESIGNATION: CPD, COMMERCIAL PLANNED DEVELOPMENT  
GROSS AREA: 2.15a ACRES  
STRAP NUMBER: 31-42-05-04-00100.0050  
STREET ADDRESS: 27017 OAKLAND DRIVE

**LEGEND**

	- TREE TO REMAIN
	- DEVIATION

NO.	REVISION	DATE	BY	CHKD BY
1	ISSUED	08/24/2016	J. GARDNER	J. GARDNER
2	REVISED	09/01/2016	J. GARDNER	J. GARDNER
3	REVISED	09/01/2016	J. GARDNER	J. GARDNER
4	REVISED	09/01/2016	J. GARDNER	J. GARDNER
5	REVISED	09/01/2016	J. GARDNER	J. GARDNER

**GradyMinor**  
Civil Engineers • Land Surveyors • Planners • Landscape Architects  
101 W. 1st St. Suite 100, Ft. Lauderdale, FL 33304  
Phone: 754.344.1111 • Fax: 754.344.1112 • www.GradyMinor.com • POC: Tom Grady

**OAKLAND CPD**  
MASTER CONCEPT PLAN

APPROVED	DATE
PLANNING	08/24/2016
ZONING	08/24/2016
PLANNING	08/24/2016
ZONING	08/24/2016
PLANNING	08/24/2016
ZONING	08/24/2016
PLANNING	08/24/2016
ZONING	08/24/2016
PLANNING	08/24/2016
ZONING	08/24/2016

# HERITAGE TREE REMOVAL AND PRESERVATION PLAN

## SITE DATA

STRAP: 31-47-26-B4-00100.0050  
 SITE AREA: 88,683 S.F. (2.0 AC.)  
 ZONING: COMMERCIAL PLANNED DEVELOPMENT (C.P.D.)  
 LAND USE: INDUSTRIAL

## EXISTING HERITAGE TREES

HERITAGE TREES LOCATED ON SITE (SEE ADJACENT GRAPHIC FOR ASSOCIATED TREE IDENTIFICATIONS)

TREE #1: 39' D.B.H. LIVE OAK TO BE REMOVED; BASED ON PROPOSED SITE FILL.

TREE #2: 35' D.B.H. LIVE OAK TO BE REMOVED; BASED ON PROPOSED SITE FILL.

TREE #3: 27' D.B.H. LIVE OAK TO BE REMOVED; BASED ON PROPOSED SITE FILL.

TREE #4: 26' D.B.H. LIVE OAK TO BE REMOVED; BASED ON POOR TREE HEALTH CONDITION PER ARBORISTS REPORT (EXHIBIT ?)

TREE #5: 33' D.B.H. LIVE OAK TO BE REMOVED; BASED ON POOR TREE HEALTH CONDITION PER ARBORISTS REPORT (EXHIBIT ?)

TREE #6: 21' D.B.H. LIVE OAK TO BE REMOVED; BASED ON PROPOSED SITE FILL.

TREE #7: 37' D.B.H. LIVE OAK TO BE RETAINED.

TREE #8: 35' D.B.H. LIVE OAK TO BE RETAINED.

TREE #9: 19' D.B.H. LIVE OAK TO BE RETAINED.

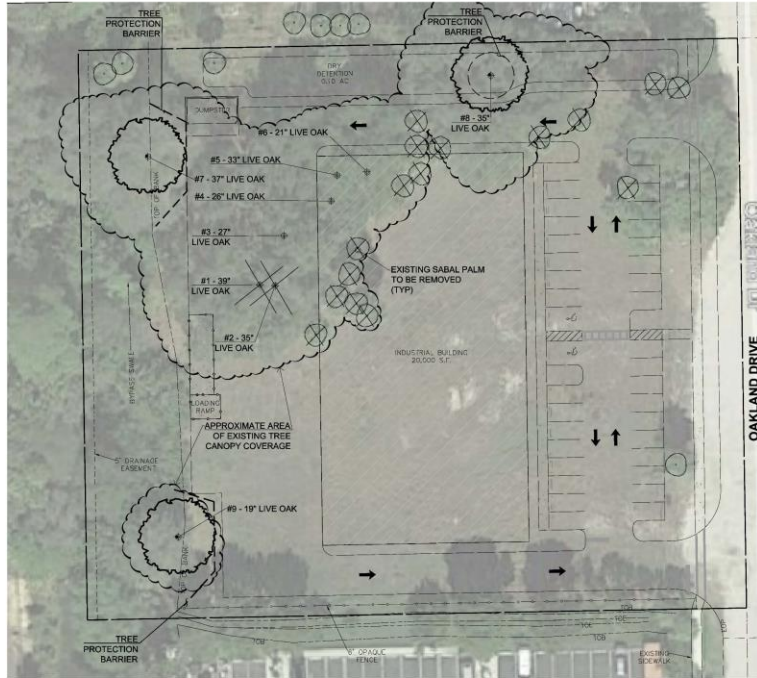
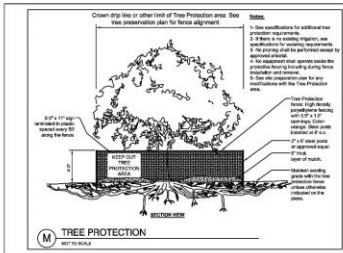
EXISTING TREES TO BE REMOVED

 Sabal Palm

 Oak species

## HERITAGE TREE MITIGATION

SIX HERITAGE TREES, LIVE OAK SPECIES TWENTY INCHES OR GREATER, ARE TO BE REMOVED FROM THE DEVELOPMENT SITE. FOUR OF WHICH ARE BASED ON DEVELOPMENT IMPACTS FROM FILL AND REQUIRE MITIGATION. WHILE TWO, DESCRIBED ABOVE, REQUIRE NO MITIGATION DUE TO POOR HEALTH. SEE ARBORISTS REPORT EXHIBIT FOR SPECIFIC INFORMATION. PER BONITA SPRINGS LAND DEVELOPMENT CODE, SECTION 3.4.17 (b) (1) (B) (4) - EACH HERITAGE TREE REMOVED MUST BE REPLACED WITH A TREE HAVING A MINIMUM HEIGHT OF TWENTY FEET (20'). FOUR REPLACEMENT TREES ARE REQUIRED WITH A MINIMUM HEIGHT OF 20'.



HERITAGE TREE REMOVAL AND PRESERVATION PLAN



**DMJA**  
 DAVID M. JONES, JR.  
 AND ASSOCIATES, INC.  
 LANDSCAPE ARCHITECTS  
 AND PLANNERS

2201 McGregor Blvd  
 Fort Myers, Florida 33901  
 Phone: (239) 337-5028  
 Fax: (239) 337-4464

4100 Langford Road  
 Building G, Unit 201  
 Fort Charlotte, Florida 33902  
 Phone: (813) 331-2277  
 Fax: (239) 337-4494  
 U.S. LICENSE NO. 0000000

PROJECT INFORMATION:

OAKLAND DR.  
 C.P.D.  
 BONITA SPRINGS, FL

PREPARED FOR:  
 BANKS ENGINEERING  
 10011 5th Mile Cypress Pkwy.,  
 Suite 101  
 Fort Myers, Florida 33906  
 Office: (239) 839-0490  
 Fax: (239) 839-2823

CONSULTANT:

DESIGN PROFESSIONAL:

DESIGNER: JAMES H. HARRIS, P.E.  
 STATE OF FLORIDA

PROJECT NO.: 218131  
 PROJECT NAME: OAKLAND DRIVE  
 FILE NAME: OAKLAND DR 13  
 DESIGNER: JAH  
 CHECKER: JAH  
 DATE: 6/20  
 SHEET NO.:  
 Public Information Meeting

REVISIONS:  
 1  
 2  
 3  
 4

SHEET TITLE:  
 HERITAGE TREE  
 EXHIBIT

SHEET NUMBER:  
**EX - 1**

# PLANT IMAGE BOARD - SHRUBS



Dwarf Firebush



Mrs Schillers Viburnum



Cocoplum



Clusia / Pitch Apple / Autograph Tree



Muhly Grass



Green Island Ficus



Super King Ixora



Walter's Viburnum



**DMJA**

DAVID M. JONES, JR.  
AND ASSOCIATES, INC.  
LANDSCAPE ARCHITECTS  
AND PLANNERS

2221 MacGregor Blvd.  
Fort Myers, Florida 33905  
Phone: (239) 337-5525  
Fax: (239) 337-4494

4185 Sandhill Trail  
Aurora, IL 60011  
Fort Lauderdale, Florida 33309  
Phone: (954) 331-2277  
Fax: (239) 337-4494  
L.A. LICENSE: LC-0500000

PROJECT INFORMATION:

OAKLAND DR.  
C.P.D.  
BONITA SPRINGS, FL.

PREPARED FOR:  
BANKS ENGINEERING  
10811 SW 15th Street, Plant  
City, FL 33511  
For: Mrs. Florida 20996  
Office: (239) 899-8899  
Fax: (239) 899-2823

CONSULTANT:

DESIGN PROFESSIONAL:

DESIGNER: DAVID M. JONES, JR.  
L.S. No. 10, 1071  
STATE OF FLORIDA

PROJECT NO.: 218131  
PROJECT NAME: OAKLAND DR. (C.P.D.)  
FILE NAME: OAKLAND DR. C.P.D.  
DESIGNER: JAP  
CHECKER: JAP  
DATE: 6/10/09  
PROJECT TYPE: Public Information Meeting

REVISED DATE: Jan. 21, 2010  
REVISIONS:  
1.  
2.  
3.  
4.

SHEET TITLE:  
PLANT IMAGE  
BOARD - SHRUBS



SHEET NUMBER:  
**IB - 1**



# PLANT IMAGE BOARD - TREES



Green Buttonwood



Red Maple



Live Oak Species



Sabal Palm



Royal Palm



Bald Cypress



Silver Buttonwood



Pigeon Plum



**DMJA**

DAVID M. JONES, JR.  
AND ASSOCIATES, INC.  
LANDSCAPE ARCHITECTS  
AND PLANNERS

2221 MacDugan Blvd.  
Fort Myers, Florida 33905  
Phone: (239) 337-5525  
Fax: (239) 337-4494

4185 Sandhill Trail  
Building 3, Suite 101  
Fort Charlotte, Florida 33904  
Phone: (813) 351-2277  
Fax: (239) 337-4494

L.A. LEVINE 11-0500000

PROJECT INFORMATION:

OAKLAND DR.  
C.P.D.

BONITA SPRINGS, FL.

PREPARED FOR:  
BANKS ENGINEERING  
10811 SW 14th Cypress Pkwy.,  
Suite 101  
Fort Myers, Florida 33906  
Office: (239) 899-8899  
Fax: (239) 899-2823

CONSULTANT:

DESIGN PROFESSIONAL:

DESIGNER: JAMES M.A.  
S.A. No. 10, 5271  
STATE OF FLORIDA

PROJECT NO.: 218131  
PROJECT NAME: OAKLAND DR/IB/IB  
FILE NAME: Oakland Dr IB/IB  
DESIGNER: JAP  
CHECKED BY: JAP  
DATE: 1/20/10  
Public Information Meeting

REVISED DATE: Jan. 21, 2010

REVISIONS:  
1.  
2.  
3.  
4.

SHEET TITLE:  
PLANT IMAGE  
BOARD - TREES

SHEET NUMBER:  
IB - 1



# OPEN STORAGE

Condition 8e. will be revised in order to change the effective date of the open storage time frame to reference the first Development Order Approval as shown below.

- Existing Language

e. Open storage, vehicle and equipment dealers, and business services group II (with outdoor equipment and/or vehicle storage) is limited to November 16, 2016, at which time only Phase 2 uses are permitted. a period of no more than three years from the effective date of this ordinance regardless of the property's ownership; however, 2726 SCC LLC and its tenants may continue an existing open storage use beyond the third anniversary of this ordinance for an additional period of no more than two years if they obtain administrative approval, which will be dependent on whether redevelopment occurs to the western border of the parcel (mobile homes/Saldivar). Should the ownership of the property change after the third anniversary of this ordinance all open storage uses shall terminate immediately.

- Proposed Language

- e. Open storage, vehicle and equipment dealers, and business services group II (with outdoor equipment and/or vehicle storage) is limited to a period of no more than three years from the effective date of **this ordinance the first Development Order** regardless of the property's ownership; however, 2726 SCC LLC and it's tenants may continue an existing open storage use beyond the third anniversary of **this ordinance the first Development Order** for an additional period of no more than two years if they obtain administrative approval, which will be dependent on whether redevelopment occurs to the western border of the parcel (mobile homes/Saldivar). Should the ownership of the property change after the third anniversary of **this ordinance the first Development Order** all open storage uses shall terminate immediately.

# **Oakland CPD Amendment**

PD21-85799-B0S

## **Summary of Post-Sufficiency Neighborhood Meeting**

A meeting was held on November 7, 2022 at 5:30 p.m. at SWFL Inc., 25071 Chamber of Commerce Drive, Bonita Springs, FL 34135. The applicant waited 20 minutes and no one showed up. The applicant received calls and emails from a few individuals and provided them with information regarding the request.

Attached please find the following backup documentation:

- Public Notice – Affidavit of meeting notice in The News Press dated October 14, 2022 regarding Public Information Session
- Surround Property Owner's Mailed Notice and copy of labels mailed October 14, 2022
- Sign-In Sheet
- PowerPoint Presentation

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

Attn:  
**BANKS ENGINEERING**  
**10511 BEN C PRATT/6 MILE**  
**FORT MYERS, FL 33966**

**PUBLIC MEETING NOTICE**  
**CITY OF BONITA SPRINGS NEIGHBORHOOD INFORMATION MEETING**  
**PUBLIC PRESENTATION DATE: November 7, 2022 at 5:30 p.m.**  
**MEETING LOCATION: SWFL Inc., 25071 Chamber of Commerce Dr, Bonita Springs, FL 34135**  
**APPLICANT: 2726 SCC LLC, c/o Stacy Ellis Hewitt, AICP, Banks Engineering (239-770-2527/239-939-5490/shewitt@bankseng.com)**  
**PROJECT NAME: Oakland CPD (City of Bonita Application No.: PD21-85799-BOS)**  
**PROJECT LOCATION: 27971 Oakland Drive, City of Bonita Springs, Florida 34135, West side of Oakland Drive, approximately 580 feet north of Bonita Beach Road S.E. ACTION REQUESTED: A request to amend Zoning Ordinance 16-07 for the Oakland Commercial Planned Development, with the addition of a master concept plan and amended conditions.**  
**AD #5446776 Oct. 14, 2022**

State of Wisconsin, County of Brown:  
Before the undersigned authority personally appeared D. Roberts, 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 Meetings

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

10/14/2022

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 the said newspaper.

Sworn to and Subscribed before me this 29th of November 2022, by legal clerk who is personally known to me.

D. Roberts  
Affiant

Kathleen Allen  
Notary State of Wisconsin, County of Brown

1-7-25  
My commission expires

# of Affidavits: 1

This is not an invoice

**KATHLEEN ALLEN**  
**Notary Public**  
**State of Wisconsin**



# NOTICE TO SURROUNDING PROPERTY OWNERS

## Neighborhood Information Meeting

**CASE NAME:** Oakland CPD (City of Bonita Application No.: PD21-85799-BOS)

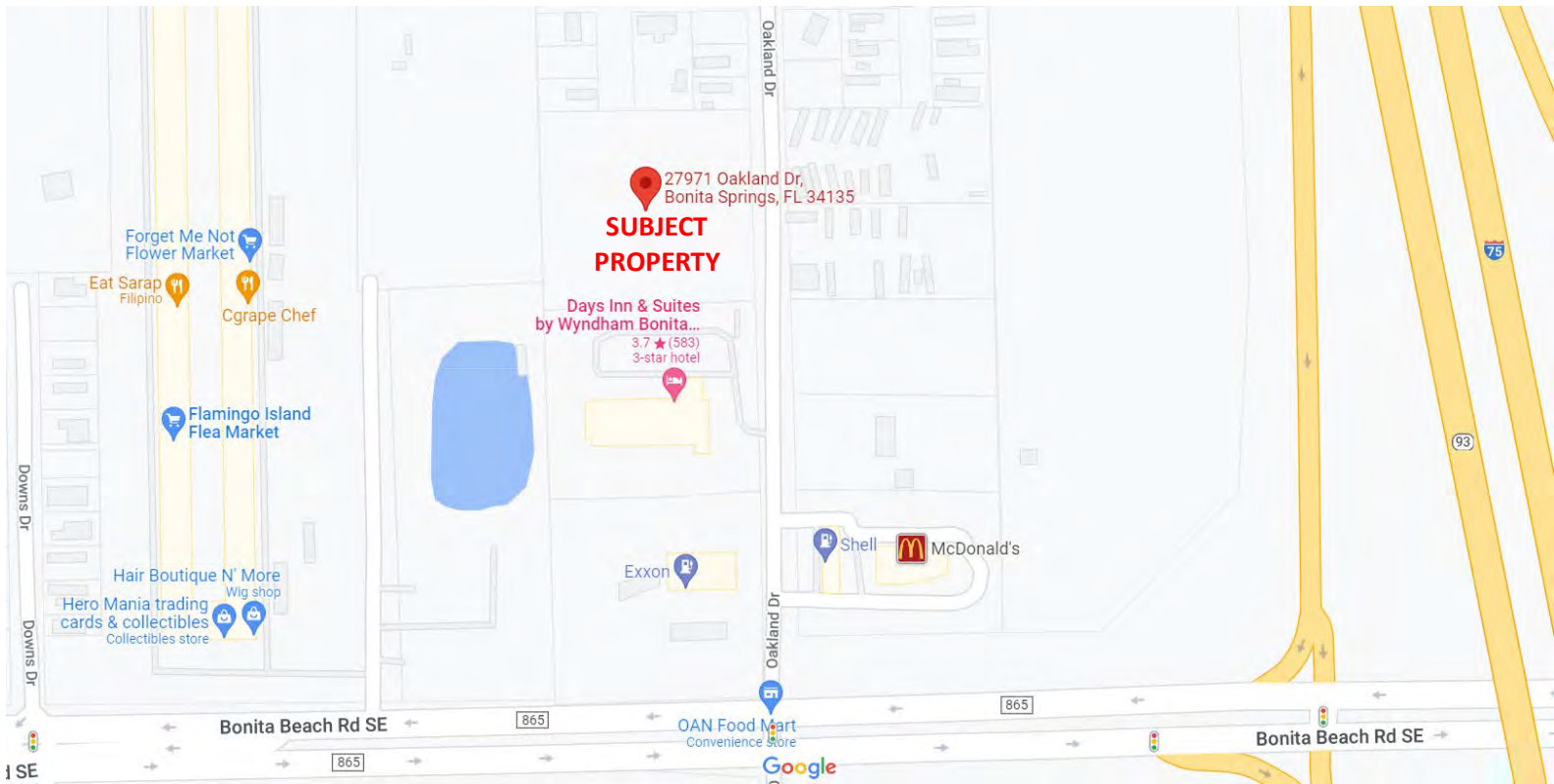
**REQUEST:** A request to amend Zoning Ordinance 16-07 for the Oakland Commercial Planned Development, with the addition of a master concept plan and amended conditions.

**PROPERTY LOCATION:** 27971 Oakland Drive, City of Bonita Springs, Florida 34135  
West side of Oakland Drive, approximately 580 feet north of Bonita Beach Road S.E. (See location map opposite side of page)

**APPLICANT/PROPERTY OWNER'S REPRESENTATIVE:** 2726 SCC LLC, c/o Stacy Ellis Hewitt, AICP, Banks Engineering  
(239) 770-2527/239-939-5490  
[shewitt@bankseng.com](mailto:shewitt@bankseng.com)

Notice is hereby given that the applicant's representative, Banks Engineering, will hold a post-sufficiency neighborhood information meeting at **5:30 p.m. on Monday, November 7, 2022** on the above case. The meeting will be held at **SWFL Inc., 25071 Chamber of Commerce Drive, Bonita Springs, FL 34135.**

At the neighborhood meeting, the applicant will explain the development proposal, inform attendees of the character and nature of the process for review, and respond to comments and questions that attendees may have about the application. Should you be unable to attend this meeting, but have questions or comments, please contact the Applicant/Property Owner's Representative.



IMPERIAL BONITA ESTATES CO-OP  
27700 BOURBONNIERE DR  
BONITA SPRINGS FL 34135

FIFM RE LLC  
7007 EAST 88TH AVE  
HENDERSON CO 80640

WI-FL CONNECTION LLP  
11589 ARON CT  
ESTERO FL 33928

LEE COUNTY  
PO BOX 398  
FORT MYERS FL 33902

VANDERHOEF CHRISTOPHER  
21310 BRAXFIELD LOOP  
ESTERO FL 33928

BONITA BOARDWALK LLC  
414 ROSEMEADE LN  
NAPLES FL 34105

BAUTISTA BERNARDINO &  
27850 EDITH LN  
BONITA SPRINGS FL 34135

FIFM RE LLC  
7007 EAST 88TH AVE  
HENDERSON CO 80640

FIFM RE LLC  
7007 EAST 88TH AVE  
HENDERSON CO 80640

SANTIAGO GUADALUPE J  
PO BOX 680  
BONITA SPRINGS FL 34133

ZURITA CIRILA  
27932 DOWNS DR  
BONITA SPRINGS FL 34135

BONITA BOARDWALK LLC  
414 ROSEMEADE LN  
NAPLES FL 34105

GONZALEZ ANTONIO JR +  
10300 TARRAH LN  
BONITA SPRINGS FL 34135

IBANEZ ADRIAN HERNANDEZ  
27920 DOWNS DR  
BONITA SPRINGS FL 34135

VICTORIA GROUP INVESTMENTS LLC  
1726 BROKEN BOW DR E  
JACKSONVILLE FL 32225

VICTORIA GROUP INVESTMENTS LLC  
1726 BROKEN BOW DR E  
JACKSONVILLE FL 32225

GONZALEZ MARIA E  
27912 DOWNS DR  
BONITA SPRINGS FL 34135

BONITA BOARDWALK LLC  
414 ROSEMEADE LN  
NAPLES FL 34105

HERNANDEZ JOSE ARISTIDES  
4531 5TH AVE NW  
NAPLES FL 34119

RAMIREZ REGINO ORNELAS  
27991 DOWNS DR  
BONITA SPRINGS FL 34135

ZAMORA RAMIRO & JUANA  
PO BOX 1704  
BONITA SPRINGS FL 34133

GONZALEZ ANTONIO JR +  
10300 TARRAH LN  
BONITA SPRINGS FL 34135

BONITA BOARDWALK LLC  
414 ROSEMEADE LN  
NAPLES FL 34105

LOPEZ DEMECIO & THELMA  
27940 DOWNS DR  
BONITA SPRINGS FL 34135

M OSPINA INCORPORATED  
3114 16TH ST W  
LEHIGH ACRES FL 33971

ZAMORA RAMIRO & JUANA  
PO BOX 1704  
BONITA SPRINGS FL 34133

M OSPINA INCORPORATED  
3114 16TH ST W  
LEHIGH ACRES FL 33971

M OSPINA INCORPORATED  
3114 16TH ST W  
LEHIGH ACRES FL 33971

GONZALEZ SAN JUANA  
PO BOX 366568  
BONITA SPRINGS FL 34136

BONITA BOARDWALK LLC  
414 ROSEMEADE LN  
NAPLES FL 34105

GONZALEZ ANTONIO JR +  
10300 TARRAH LN  
BONITA SPRINGS FL 34135

VICTORIA GROUP INVESTMENTS LLC  
1726 BROKEN BOW DR  
JACKSONVILLE FL 32225

VICTORIA GROUP INVESTMENTS LLC  
1726 BROKEN BOW DR  
JACKSONVILLE FL 32225

VICTORIA GROUP INVEST LLC +  
1726 BROKEN BOW DR E  
JACKSONVILLE FL 32225

TORRES MARTINIANO &  
27926 DOWNS DR  
BONITA SPRINGS FL 34135

LALAIN ALEXANDER MARCO  
133 EAGLE CREST DR  
SOUTH LYON MI 48178

FLOWERS STEVEN T +  
27957 DOWNS DR  
BONITA SPRINGS FL 34135

FLOWERS ALBERT & ALICE  
PO BOX 2353  
BONITA SPRINGS FL 34133

LOPEZ MATEO FERNANDO &  
27967 DOWNS DR  
BONITA SPRINGS FL 34135

EVANS ANNIE LAVERNE +  
PO BOX 165  
BONITA SPRINGS FL 34133

ARNOLD IRA +  
201 QUAIL FOREST BLVD  
NAPLES FL 34105

VICTORIA GROUP INVESTMENTS LLC  
1726 BROKEN BOW DR EAST  
JACKSONVILLE FL 32225

SANTIAGO GUADALUPE J  
PO BOX 680  
BONITA SPRINGS FL 34135

CUEVAS-SANCHEZ FILEMON  
27943 DOWNS DR  
BONITA SPRINGS FL 34135

CUEVAS-SANCHEZ FILEMON  
27943 DOWNS DR  
BONITA SPRINGS FL 34135

IMPERIAL BONITA ESTATES LOT OW  
27700 PRAIRIE DR  
BONITA SPRINGS FL 34135

MITCHELL DENNIS S & PAMELA  
11910 YELLOWSTONE DR  
BONITA SPRINGS FL 34135

WOLFENBARGER JUDITH A +  
11920 YELLOWSTONE DR  
BONITA SPRINGS FL 34135

GREISBACH FRANZ & ULRIKE  
11930 YELLOWSTONE DR  
BONITA SPRINGS FL 34135

WINEBRENNER DAVID C TR  
9510 N STIENBARGER LAKE RD  
WAWAKA IN 46794

BULLOCK DUANE &  
1880 HERITAGE RD  
KINGSVILLE ON N9Y 2E6  
CANADA

STEEN PATRICIA & THOMAS  
11901 MARATHON DR  
BONITA SPRINGS FL 34135

LAWHON DENISE  
17754 GRANDE BAYOU CT  
FORT MYERS FL 33908

TWOMEY ROSEMARY  
11921 MARATHON DR  
BONITA SPRINGS FL 34135

BOWERS BRADLEY +  
11931 MARATHON DR  
BONITA SPRINGS FL 34135

PINKSTER JERRY A &  
12700 MERLAU AVE  
PLAINWELL MI 49080

WORKMAN JOSHUA & BETH A  
11951 MARATHON DR  
BONITA SPRINGS FL 34135

BUSCH TAMERA L  
603 BERNAS LN  
NEW PRAGUE MN 56071

HANS MARGARET E  
11910 MARATHON DR  
BONITA SPRINGS FL 34135

DEBOER SYBREN & JOANNA G  
217-72 TOWN CENTRE DR  
TOWNSEND ON N0A 1S0  
CANADA

NIENOW MARK & VALERIE L  
1811 FLEMING ST  
WAUSAU WI 54403

SPRINGER JON A & BONNIE J  
1282 160TH ST  
SAINT CROIX FALLS WI 54024

SPIESS THOMAS A TR  
2828 KENWOOD BLVD  
TOLEDO OH 43606

LONGTIN PIERRE &  
11951 MALLARD LN  
BONITA SPRINGS FL 34135

THIELMAN LINDA M &  
11941 MALLARD LANE  
BONITA SPRINGS FL 34135

RYCKMAN LINDA ADAMS  
2621 ESTERO BLVD #3  
FORT MYERS BEACH FL 33931

S & L PROPERTIES BONITA SPRING  
2651 KIRKING CT  
PORTAGE WI 53901

B AND D GORMAN CORP  
227 DOLPHIN COVE CT  
BONITA SPRINGS FL 34134

HOME DEPOT USA INC  
PROPERTY TAX DEPT # 6373  
PO BOX 105842  
ATLANTA GA 30348

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PO BOX 105842  
ATLANTA GA 30348

HOME DEPOT USA INC  
PROPERTY TAX DEPT # 6373  
PO BOX 105842  
ATLANTA GA 30348

SCHROEDER WILLIAM E +  
10800 SOUTHWEST HWY  
WORTH IL 60482

ANABI REAL ESTATE DEVELOPMENT  
REAL ESTATE  
1450 N BENSON AVE  
UPLAND CA 91786

BONITA SPRINGS HOTEL LLC  
27991 OAKLAND DR  
BONITA SPRINGS FL 34135

JOHN P KINGSTON SR TRUST LLC  
PO BOX 1083  
BONITA SPRINGS FL 34133

SALDIVAR MARY ELLEN TR  
27870 LIME ST  
BONITA SPRINGS FL 34135

BONITA LEE FLORIDA CO INC  
622 DELAWARE AVE  
SAINT CLOUD FL 34769

BONITA-LEE FLORIDA CO INC  
622 DELAWARE AVE  
SAINT CLOUD FL 34769

MCDONALDS CORP  
PO BOX 182571  
COLUMBUS OH 43218

FUENTES MARY G  
PO BOX 503  
BONITA SPRINGS FL 34133

BESSE AVELINA & JASON T  
14320 SUNDIAL PL  
LAKEWOOD RANCH FL 34202

DEHERRERA ENRIQUETA C +  
PO BOX 3031  
BONITA SPRINGS FL 34133

FUENTES MARY G  
PO BOX 503  
BONITA SPRINGS FL 34133

TORRES JUAN MONTES +  
PO BOX 3378  
BONITA SPRINGS FL 34135

MIRELES RICHARD  
27790 OAKLAND DR  
BONITA SPRINGS FL 34135

MIRELES RICHARD  
27790 OAKLAND DR  
BONITA SPRINGS FL 34135

CLINECO 2 INCORPORATED  
27101 LOST LAKE LN  
BONITA SPRINGS FL 34134

CITY OF BONITA SPRINGS  
9101 BONITA BEACH RD  
BONITA SPRINGS FL 34135

CLINECO 2 INCORPORATED  
27101 LOST LAKE LN  
BONITA SPRINGS FL 34134

IMPERIAL RIVER OAKS LLC  
1185 IMMOKALEE RD STE 110  
NAPLES FL 34110

IMPERIAL RIVER OAKS LLC  
1185 IMMOKALEE RD STE 110  
NAPLES FL 34110

IMPERIAL RIVER OAKS LLC  
1185 IMMOKALEE RD STE 110  
NAPLES FL 34110

LOPEZ LEONEL  
PO BOX 3391  
BONITA SPRINGS FL 34135

GOMEZ PAZ PEDRO J  
PO BOX 748  
BONITA SPRINGS FL 34133

JOHN P KINGSTON SR TRUST LLC  
PO BOX 1083  
BONITA SPRINGS FL 34133

SAY SANTOS NAZARIO PEREZ  
3553 BRINK CIR  
BONITA SPRINGS FL 34134

TORRES LAZARO  
PO BOX 3378  
BONITA SPRINGS FL 34133

WEISS LORETTA S  
14511 OCEAN BLUFF DR  
FORT MYERS FL 33908

WEISS LORETTA S  
14511 OCEAN BLUFF DR  
FORT MYERS FL 33908

GOMEZ FIDENCIO REYES  
26861 PALM ST  
BONITA SPRINGS FL 34135



FOREMAN PETER  
5830 SW 64TH AVE  
DAVIE FL 33314

BEACH ROAD & 29 LLC  
PO BOX 366748  
BONITA SPRINGS FL 34136

BOTTCHER ANNE  
PO BOX 233  
BONITA SPRINGS FL 34133

GALLAGHER GAVIN A  
126 MILL RIVER RD  
SOUTH SALEM NY 10590

BOTTCHER ANNE  
PO BOX 233  
BONITA SPRINGS FL 34133

JOHN P KINGSTON SR TRUST LLC  
PO BOX 1083  
BONITA SPRINGS FL 34133

GOMEZ FIDENCIO REYES  
26861 PALM ST  
BONITA SPRINGS FL 34135

LEON ERNESTINO M +  
PO BOX 979  
BONITA SPRINGS FL 34133

LOYALTY 2016 LLC  
3510 25TH AVE SW  
NAPLES FL 34117

PATINO ARNULFO  
PO BOX 184  
ESTERO FL 33929

JOHN P KINGSTON SR TRUST LLC  
PO BOX 1083  
BONITA SPRINGS FL 34133

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PO BOX 1083  
BONITA SPRINGS FL 34133

JOHN P KINGSTON SR TRUST LLC  
PO BOX 1083  
BONITA SPRINGS FL 34133

PATINO MARIA G +  
12084 TAYLOR ST  
BONITA SPRINGS FL 34135

PATINO MARIA G +  
12084 TAYLOR ST  
BONITA SPRINGS FL 34135

IMPERIAL RIVER ESTATES  
BONITA SPRINGS FL 34135

IMPERIAL RIVER ESTATES  
BONITA SPRINGS FL 34135

NICOLAS ANTONIO &  
27693 PINECREST LN  
BONITA SPRINGS FL 34135

RUIZ JOSEPH J &  
27631 PINECREST LN  
BONITA SPRINGS FL 34135

NADLE GLENN J &  
12025 RIVER VIEW DR  
BONITA SPRINGS FL 34135

GUTIERREZ LUIS FERNANDO MARIN  
12023 RIVER VIEW DR  
BONITA SPRINGS FL 34135

SORIANO LAIR  
12019 RIVER VIEW DR  
BONITA SPRINGS FL 34135

MARCOZZI STEVEN & JENNIFER  
12030 CIRCLE DR  
BONITA SPRINGS FL 34135

LEOMBRUNO NICHOLAS  
12040 CIRCLE DR  
BONITA SPRINGS FL 34135

MAUNG SHINE WIN & MON EI Z  
12050 CIRCLE DR  
BONITA SPRINGS FL 34135

ORTEZ MARGARITA +  
26931 NICKI J CT  
BONITA SPRINGS FL 34135

FRANTA VLADIMIR & VERONIKA  
ZLATE PIESKY 8  
BRATISLAVA SK-821 04  
SLOVAKIA

BAKER LAWRENCE +  
12010 RIVER VIEW DR  
BONITA SPRINGS FL 34135

NEAL MARJORIE NELL  
12020 RIVER VIEW DR  
BONITA SPRINGS FL 34135

STRATTON BARRY W & SONYA D  
12030 RIVER VIEW DR  
BONITA SPRINGS FL 34135

LAYMAN BRUCE  
12040 RIVER VIEW DR  
BONITA SPRINGS FL 34135

TEEMS BRITTON R & LYNN  
12050 RIVER VIEW DR  
BONITA SPRINGS FL 34135

KELLEY BRIAN P & RENATA  
27053 JARVIS RD  
BONITA SPRINGS FL 34135

MEJIA STEPHANIE L  
27670 PINECREST LN  
BONITA SPRINGS FL 34135

MACCLUGAGE MITCHELL B  
27688 PINECREST LN  
BONITA SPRINGS FL 34135

MACCLUGAGE MITCHEL B  
471 NE 25TH ST APT 202  
MIAMI FL 33137

DICKERSON MARISOL  
27694 PINECREST LN  
BONITA SPRINGS FL 34135

EWERT NANCY C  
27700 PINECREST LN  
BONITA SPRINGS FL 34135

PRI-CAR LLP  
6601 BAYSHORE RD  
NORTH FORT MYERS FL 33917

IMPERIAL RIVER OAKS LLC  
1185 IMMOKALEE RD STE 110  
NAPLES FL 34110

IMPERIAL RIVER OAKS LLC  
1185 IMMOKALEE RD STE 110  
NAPLES FL 34110

WEISS LORETTA S  
14511 OCEAN BLUFF DR  
FORT MYERS FL 33908

CITY OF BONITA SPRINGS  
9101 BONITA BEACH RD  
BONITA SPRINGS FL 34135

VINCES AUREA  
2219 SE 27TH TER  
CAPE CORAL FL 33904

ANABI REAL ESTATE DEVELOPMENT  
1450 NORTH BENSON AVE UNIT A  
UPLAND CA 91786

EAST COAST WAFFLES INC  
5986 FINANCIAL DR  
NORCROSS GA 30071

NISA BONITA LLC  
999 BRICKELL AVE STE 101  
MIAMI FL 33131

MARC + SHANNON HAGLE CHARITABL  
270 WEST NEW ENGLAND AVE  
WINTER PARK FL 32789

BONITA EXCHANGE LLC  
9015 STRADA STELL CT STE 102  
NAPLES FL 34109

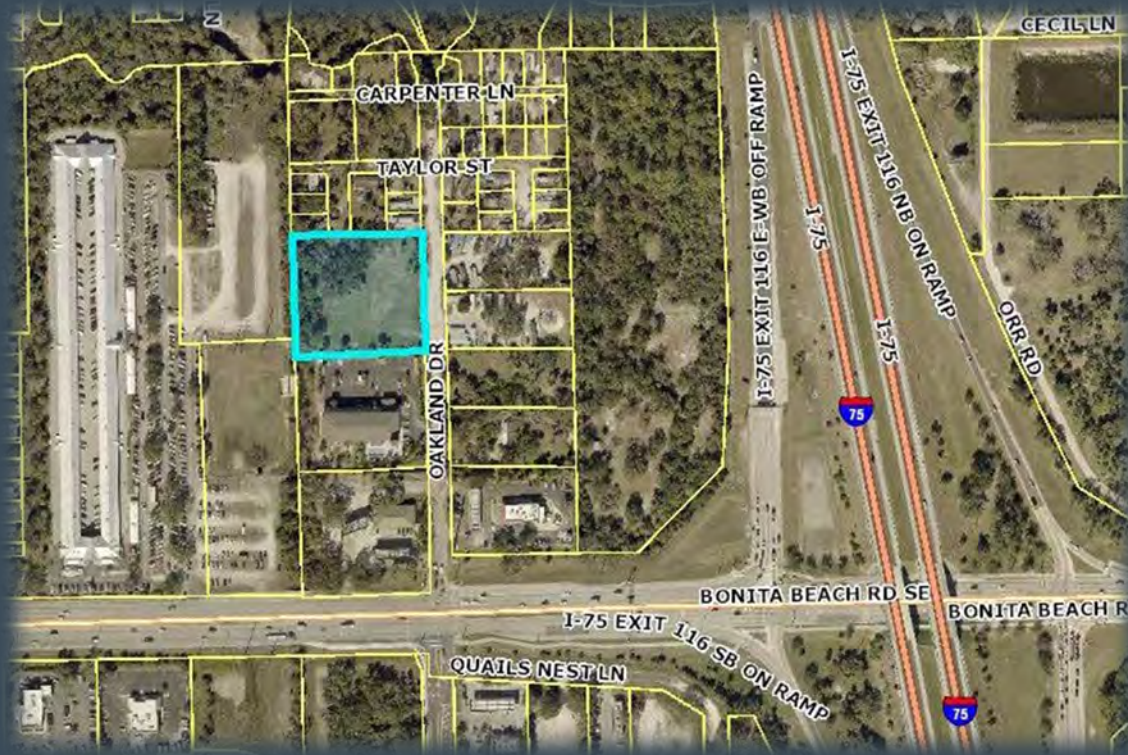
BONITA EXCHANGE LLC  
9015 STRADA STELL CT STE 102  
NAPLES FL 34109

City of Bonita Springs  
c/o Arleen Hunter, City Manager  
9101 Bonita Beach Road  
Bonita Springs, FL 34135



# OAKLAND CPD

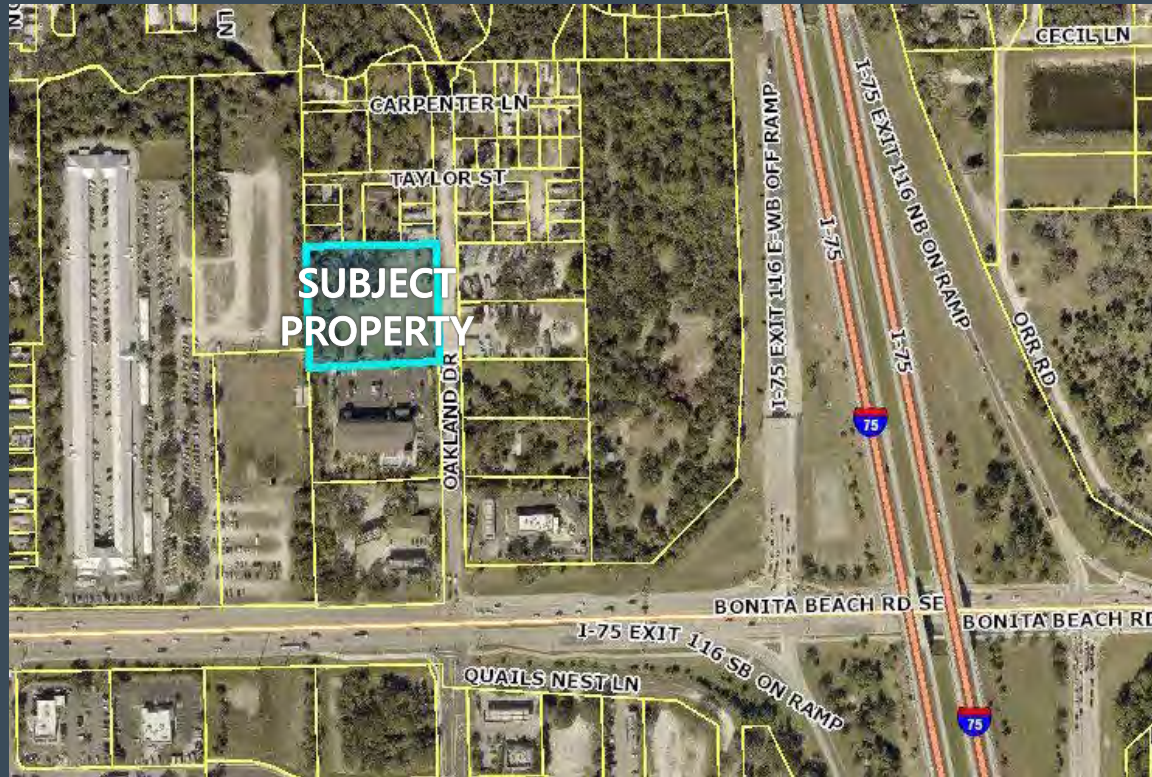
ORDINANCES 09-13 AND 16-07



## Post Sufficiency Neighborhood Meeting

NOVEMBER 7, 2022

# PROJECT LOCATION



2.15± AC on W side of Oakland Drive 580'± N of Bonita Beach Road SE  
27971 Oakland Drive



# INTRODUCTION

Property has been zoned CPD since 1997 in Lee County Resolution Z-97-084.

City of Bonita Springs amendments in 2009 (09-13) & 2016 (16-07).

The applicant, **2726 SCC, LLC**, is requesting approval to amend the approved Oakland CPD (Latest Ordinance 16-07). The proposed revisions from meeting January 21, 2019 included the following:

- Condition 4c.
  - Reduce the number of heritage trees being preserved from 9 trees to 3 Trees as approved by the Heritage Tree Advisory Board on October 8, 2018
- Master Concept Plan
  - Provide a revised Master Concept Plan as the previous plan had shown the Heritage Tree locations
- Condition 8e.
  - Extend the time period allowed for Open Storage by revising the effective date to the approval of this application
- Applicant has been coordinating with City staff on the application which has been found sufficient





# HERITAGE TREE REMOVAL AND PRESERVATION PLAN

## SITE DATA

STRAP: 31-47-26-B4-00100.0050  
 SITE AREA: 88,693 S.F. (2.0 AC.)

ZONING: COMMERCIAL PLANNED DEVELOPMENT  
 (C.P.D.)  
 LAND USE: INDUSTRIAL

## EXISTING HERITAGE TREES

HERITAGE TREES LOCATED ON SITE (SEE ADJACENT GRAPHIC FOR ASSOCIATED TREE IDENTIFICATIONS)

TREE #1: 35' D.B.H. LIVE OAK TO BE REMOVED; BASED ON PROPOSED SITE FILL

TREE #2: 35' D.B.H. LIVE OAK TO BE REMOVED; BASED ON PROPOSED SITE FILL

TREE #3: 27' D.B.H. LIVE OAK TO BE REMOVED; BASED ON PROPOSED SITE FILL

TREE #4: 26' D.B.H. LIVE OAK TO BE REMOVED; BASED ON POOR TREE HEALTH CONDITION PER ARBORIST'S REPORT (EXHIBIT ?)

TREE #5: 33' D.B.H. LIVE OAK TO BE REMOVED; BASED ON POOR TREE HEALTH CONDITION PER ARBORIST'S REPORT (EXHIBIT ?)


TREE #6: 21' D.B.H. LIVE OAK TO BE REMOVED; BASED ON PROPOSED SITE FILL


TREE #7: 37' D.B.H. LIVE OAK TO BE RETAINED.

TREE #8: 35' D.B.H. LIVE OAK TO BE RETAINED.

TREE #9: 19' D.B.H. LIVE OAK TO BE RETAINED.

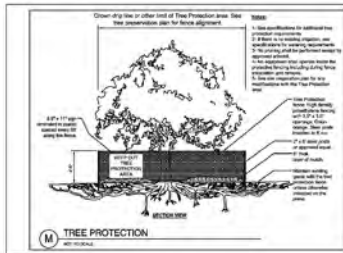
EXISTING TREES TO BE REMOVED

 Sabal Palm

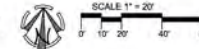
 Oak species

## HERITAGE TREE MITIGATION

SIX HERITAGE TREES, LIVE OAK SPECIES TWENTY INCHES OR GREATER, ARE TO BE REMOVED FROM THE DEVELOPMENT SITE. FOUR OF WHICH ARE BASED ON DEVELOPMENT IMPACTS FROM FILL AND REQUIRE MITIGATION, WHILE TWO, DESCRIBED ABOVE, REQUIRE NO MITIGATION DUE TO POOR HEALTH. SEE ARBORIST'S REPORT EXHIBIT FOR SPECIFIC INFORMATION. PER BONITA SPRINGS LAND DEVELOPMENT CODE, SECTION 3-4-17 (b) (1) (b) (4) - EACH HERITAGE TREE REMOVED MUST BE REPLACED WITH A TREE HAVING A MINIMUM HEIGHT OF TWENTY FEET (20'). FOUR REPLACEMENT TREES ARE REQUIRED WITH A MINIMUM HEIGHT OF 20'.



## HERITAGE TREE REMOVAL AND PRESERVATION PLAN



**DMJA**  
 DAVID M. JONES, JR.  
 AND ASSOCIATES, INC.  
 LANDSCAPE ARCHITECTS  
 AND PLANNERS

2201 Hedinger Blvd.  
 Fort Myers, Florida 33901  
 Phone: (239) 337-1528  
 Fax: (239) 337-1444

4101 Sampson Road  
 Building 1, Suite 207  
 Fort Lauderdale, Florida 33309  
 Phone: (954) 331-2277  
 Fax: (954) 331-4444  
 U.S. LICENSE NO. 0000000

PROJECT INFORMATION

OAKLAND DR.  
 C.P.D.  
 BONITA SPRINGS, FL.

PREPARED FOR:  
 BANKS ENGINEERING  
 10011 SW 5th Coastal Pkwy.  
 Bonita Sp.  
 Fort Myers, Florida 33906  
 Office: (239) 339-9400  
 Fax: (239) 339-9202

COMBATANT:

DESIGN PROFESSIONAL:

DESIGNER: David M. Jones, P.E.  
 STATE OF FLORIDA

Project No: 218131  
 Drawing No: 0001 (TREE REMOVAL)  
 Title: Heritage Tree Removal  
 Date: 08/13/13  
 Designer: DMJ  
 Checker: DMJ  
 Project Manager: GAO  
 Date: 08/13/13  
 Public Information Meeting

REVISIONS: 08/13/13  
 1. 08/13/13  
 2. 08/13/13  
 3. 08/13/13

SHEET TITLE:  
 HERITAGE TREE EXHIBIT

SHEET NUMBER:  
**EX - 1**

# PROPOSED CHANGES TO CONDITIONS

2. The following limits apply to the project and uses:  
a. Schedule of Uses

Accessory Uses and Structures  
Administrative Offices  
ATM  
Business Services, Group I & II  
~~Caterers~~  
Cleaning and Maintenance Services  
Consumption on Premises, indoor only, in conjunction with a full-service restaurant or hotel/motel. Outdoor consumption requires a special exception (public hearing required)  
Contractors and Builders Group I  
Drive-through facility for any permitted use **requires Special Exception**  
Entrance Gates and Gatehouses  
Essential Service Facilities, Group I  
Excavation, Water Retention  
Fences, Walls  
**Health Care Facilities, Group I**  
Hotel/Motel (not to exceed 90 rooms)  
~~Insurance Companies~~  
~~Medical Office~~  
~~Non-Store Retailers, Group I~~  
Parks, Group I  
Parking Lot, Accessory  
Personal Services, Groups I, II, III & IV (excluding massage establishment or parlors, steam or ~~turkish~~ baths, escort services, palm readers, fortune teller or card reader, and tattoo parlors, except massage may be permitted within a health or beauty spa)  
Rental or Leasing Establishments: Groups I and II (limited to indoor use only)  
Restaurants, Group III  
Schools, Commercial  
Signs, in accordance with Chapter 6 Land Development Code  
Specialty Retail Shops, Group II  
Storage, Open as limited by Condition 8  
Temporary/mobile office as limited by Condition 8  
Temporary Uses  
Mini-warehouse  
**Bonita Beach Road Corridor Overlay Interstate Zone Permitted Uses per LDC**

## Maximum Building Height:

Storage, Open	15'
Commercial/Office Industrial/Restaurant	45/3 stories over parking
Hotel/Motel	55/5 stories over parking

Maximum Lot Coverage: **58% 40%**

Minimum Open Space: **42% 30%**

## 3. Transportation conditions

- a. The developer is responsible for the costs and improvements of Oakland Drive from the southern property line to the northern property line as a site-related improvement. The applicant shall improve Oakland Drive ~~from 8' to the north of its driveway to the limits of its southern property line prior to local development order approval and occupancy of any use of the site~~ to a local private road standard. This entire segment of the roadway along the property's frontage must be completed as a part of any local development order with a permanent building consistent with LDC 3-531. A ~~8'-8'~~ wide sidewalk **and minimum 1 bench or other streetscape amenity under a buffer shade tree** shall be installed and completed prior to the certificate of completion for any phase of development and/or occupancy of the site.

- e. Trip cap. The total daily and peak hour trips of the combined uses will not exceed 1,099 vehicles per day (Average Daily Traffic – ADT) and 105 vehicles per hour (including pass-by trips).

- f. The County retains the right to modify the median opening at Oakland and Bonita Beach Road, if necessary, to maintain the safety and efficiency of the arterial street (Florida Statute 316.00 Powers of local authorities).

- ~~g.~~ At time of development order, the applicant will work with staff to include additional conditions related to the Bonita Beach Road Visioning, to the greatest extent feasibly possible, which will be incorporated into the development order.

**A cross access easement as depicted on the Master Concept Plan and consistent with the draft on file with this zoning case will be recorded upon approval of a development order including a building and the northern driveway.**

## 4. Environmental Conditions

- a. The applicant must provide one hundred (100) percent native vegetation planting within all required buffers; and

- b. Prior to local development order approval, the applicant must provide a planting plan for the dry detention areas that includes native wetland plants (minimum one gallon container size) providing 50% coverage of the bottom of the basin at time of installation; and

- c. **Per the Tree Advisory Board recommendation on October 8, 2018, the applicant must preserve the 3 9 Heritage Live Oak Trees as identified on the MCP and must mitigate removal of 4 Heritage Trees and mitigate by replanting another 4 tree(s) of similar species or ecologic value with a minimum height of twenty feet (20' Ht.) at installation. stamped received June 8, 2016**

## 5. Perimeter buffers

- a. In support of Deviation 2, the applicant shall install a 6' opaque fence 5' south of the property line and provide a modified 5' Type C enhanced buffer. Trees and shrubs shall be planted in the 5' strip between the opaque fence and the northern property line. The hedge must be a 36" hedge at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. The trees must be canopy trees such as oaks or mahoganies or a combination of canopy trees. **For open storage use, the opaque fence or hedge or combination berm and opaque fence or hedge must provide an 8' continuous visual screen to residential.** Should the property to the north redevelop with non-residential uses, buffering requirements may be modified for the northern buffer consistent with LDC 3.

- b. To protect the residential properties across Oakland Drive, the applicant shall enhance the Type D hedge row with a 48" hedge (minimum 15 gallon container size) at time of installation and be maintained at 60" high, providing a continuous visual screen within one year after time of planting. **For open storage use or roads, drives or parking within 125 feet of residential, an opaque fence or hedge or combination berm and opaque fence or hedge must provide a 6' continuous visual screen to the street easement.** **Should the property to the east redevelop with non-residential uses, buffering requirements may be modified for the eastern buffer consistent with the LDC.**

## 8. Business Services Group II, Storage, Open, and Rental or Leasing Establishment uses

- a. All areas must comply with special setbacks for specific uses set forth in LDC Section 4-2014(D)(6) except as approved administratively by the City Manager or designee; and

- b. In open storage areas, surface parking materials should be selected to effectively reduce the amount of pollution generated and remain consistent with water quality goals; and

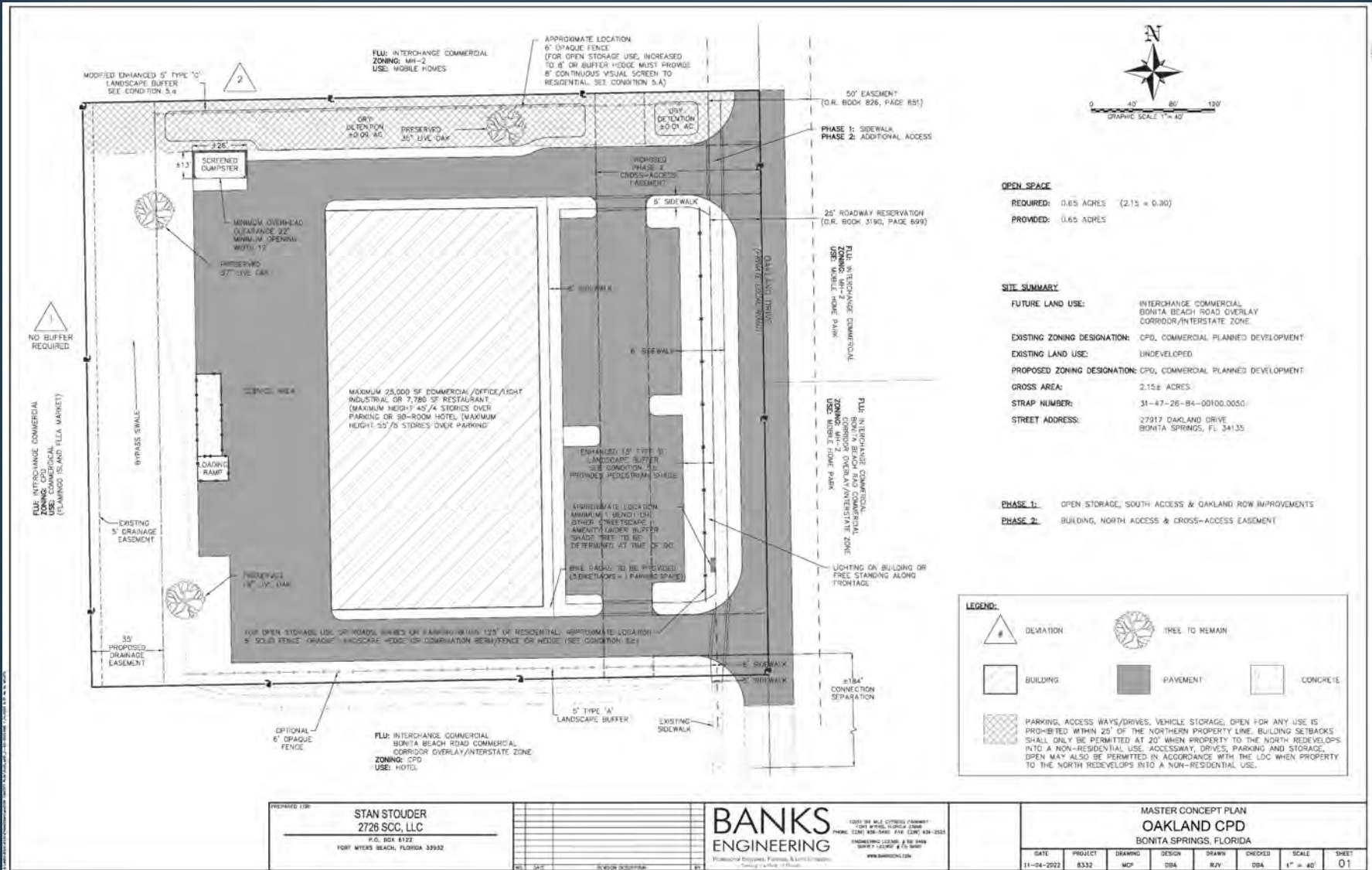
- c. Open storage of flammables and/or hazardous waste is prohibited; and

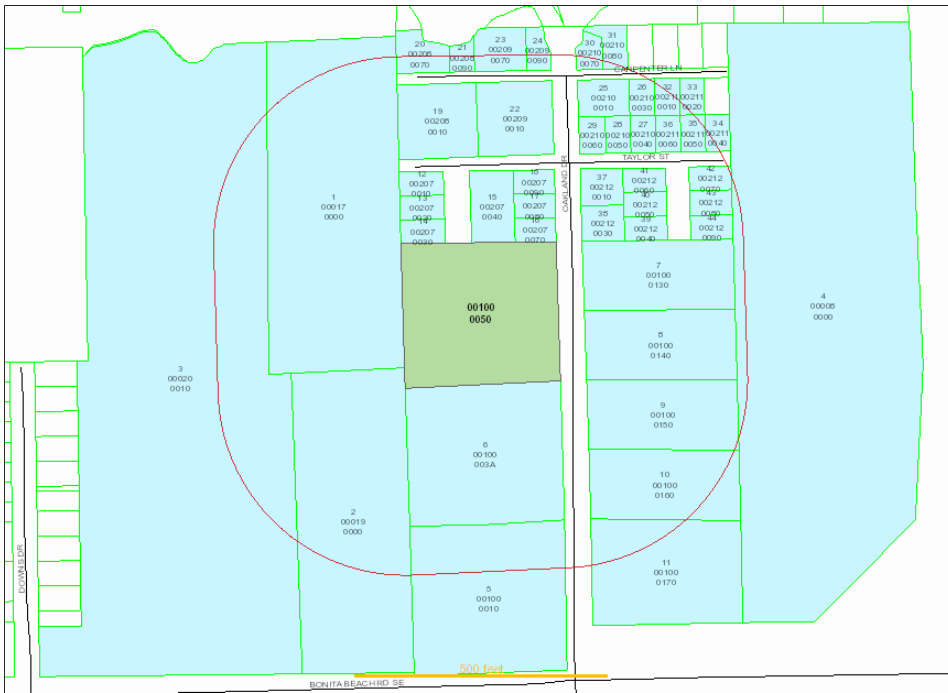
- d. Buffering and landscaping must be installed prior to any occupancy of the property. Buffering for this use must be either increased or open storage must be positioned in such a manner that there is no view of any open storage from Oakland Drive.

- e. Open storage, vehicle and equipment dealers, and business services group II (with outdoor equipment and/or vehicle storage) is limited to a period of no more than three years from the effective date of this ordinance until a permanent Phase 2 use is established, regardless of the property's ownership; however, 2726 SCC LLC and its tenants may continue an existing open storage use beyond the third anniversary of this ordinance for an additional period of no more than two years if they obtain administrative approval, which will be dependent on whether redevelopment occurs to the western border of the parcel (mobile homes/Saldivar). Should the ownership of the property change after the third anniversary of the ordinance all open storage uses shall terminate immediately.**



# PROPOSED MASTER CONCEPT PLAN





Date of Report: December 13, 2022  
 Buffer Distance: 375 feet   
 Parcels Affected: 44  
 Subject Parcel: 31-47-26-B4-00100.0050

[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
FIFM RE LLC 7007 EAST 88TH AVE HENDERSON CO 80640	36-47-25-B3-00017.0000 ACCESS UNDETERMINED BONITA SPRINGS FL	E 286 FT OF NE 1/4 OF SE 1/4 OF SE 1/4	1
FIFM RE LLC 7007 EAST 88TH AVE HENDERSON CO 80640	36-47-25-B3-00019.0000 11998 BONITA BEACH RD SE BONITA SPRINGS FL 34135	PARL IN SE 1/4 OF SE 1/4 AS DESC OR 282/194 LESS OR 2021/479	2
FIFM RE LLC 7007 EAST 88TH AVE HENDERSON CO 80640	36-47-25-B3-00020.0010 11902 BONITA BEACH RD SE BONITA SPRINGS FL 34135	PARL LOC IN SE 1/4 OF THE SE 1/4	3
SCHROEDER WILLIAM E + 10800 SOUTHWEST HWY WORTH IL 60482	31-47-26-B4-00008.0000 ACCESS UNDETERMINED BONITA SPRINGS FL	E 1/2 OF SW 1/4 OF SW 1/4 LESS 1-75 R/W	4
ANABI REAL ESTATE DEVELOPMENT REAL ESTATE 1450 N BENSON AVE UPLAND CA 91786	31-47-26-B4-00100.0010 12030 BONITA BEACH RD SE BONITA SPRINGS FL 34135	OAKLAND ACRES PB 51 PG 471 LOTS 1 + 2	5
BONITA SPRINGS HOTEL LLC 27991 OAKLAND DR BONITA SPRINGS FL 34135	31-47-26-B4-00100.003A 27991 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND ACRES MB 51 PG 471 LOTS 3 + 4	6
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	31-47-26-B4-00100.0130 27966 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND ACRES MB 51 PG 470 LOT 13	7
SALDIVAR MARY ELLEN TR 27870 LIME ST BONITA SPRINGS FL 34135	31-47-26-B4-00100.0140 27974 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND ACRES PB 51 PG 470 LOT 14	8
BONITA LEE FLORIDA CO INC 622 DELAWARE AVE SAINT CLOUD FL 34769	31-47-26-B4-00100.0150 27986 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND ACRES PB 51 PG 471 LOT 15	9
BONITA-LEE FLORIDA CO INC 622 DELAWARE AVE SAINT CLOUD FL 34769	31-47-26-B4-00100.0160 27990 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND ACRES PB 51 PG 471 LOT 16	10
MCDONALDS CORP PO BOX 182571 COLUMBUS OH 43218	31-47-26-B4-00100.0170 27996/998 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND ACRES MB 51 PG 471 LOTS 17 + 18 LESS 1-75 R/W	11
FUENTES MARY G PO BOX 503 BONITA SPRINGS FL 34133	31-47-26-B4-00207.0010 12000 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK.7 MB 51 PG 470 LOT 1	12
BESSE AVELINA 14320 SUNDIAL PL LAKEWOOD RANCH FL 34202	31-47-26-B4-00207.0020 12008 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 7 PB 51 PG 470 LOT 2	13
DEHERRERA ENRIQUETA C + PO BOX 3031 BONITA SPRINGS FL 34133	31-47-26-B4-00207.0030 12016 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 7 PB 51 PG 470 LOT 3	14
FUENTES MARY G PO BOX 503 BONITA SPRINGS FL 34133	31-47-26-B4-00207.0040 12038 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 7 PB 51 PG 470 LOTS 4 THRU 6	15
TORRES JUAN MONTES + PO BOX 3378 BONITA SPRINGS FL 34135	31-47-26-B4-00207.0070 27800 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITE BLK 7 PB 51 PG 470 LOT 7	16
MIRELES RICHARD 27790 OAKLAND DR	31-47-26-B4-00207.0080 27790 OAKLAND DR	OAKLAND PARK TRAILER SITES BLK.7 MB 51 PG 470	17

BONITA SPRINGS FL 34135	BONITA SPRINGS FL 34135	LOT 8	
MIRELES RICHARD 27790 OAKLAND DR BONITA SPRINGS FL 34135	<b>31-47-26-B4-00207.0090</b> 27780 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 7 MB 51 PG 470 LOT 9	18
CLINECO 2 INCORPORATED 27101 LOST LAKE LN BONITA SPRINGS FL 34134	<b>31-47-26-B4-00208.0010</b> 12001 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 8 MB 51 PG 470 LOTS 1 THRU 6	19
CITY OF BONITA SPRINGS 9101 BONITA BEACH RD BONITA SPRINGS FL 34135	<b>31-47-26-B4-00208.0070</b> 12001 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 8 MB 51 PG 470 LOTS 7 + 8	20
CLINECO 2 INCORPORATED 27101 LOST LAKE LN BONITA SPRINGS FL 34134	<b>31-47-26-B4-00208.0090</b> 12015 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 8 MB 51 PG 470 LOT 9	21
IMPERIAL RIVER OAKS LLC 14511 OCEAN BLUFF DR FORT MYERS FL 33908	<b>31-47-26-B4-00209.0010</b> 27770 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 9 MB 51 PG 470 LOTS 1 THRU 6	22
IMPERIAL RIVER OAKS LLC 14511 OCEAN BLUFF DR FORT MYERS FL 33908	<b>31-47-26-B4-00209.0070</b> 12025 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 9 MB 51 PG 470 LOTS 7 + 8	23
IMPERIAL RIVER OAKS LLC 14511 OCEAN BLUFF DR FORT MYERS FL 33908	<b>31-47-26-B4-00209.0090</b> 12045 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 9 MB 51 PG 470 LOT 9	24
LOPEZ LEONEL PO BOX 3391 BONITA SPRINGS FL 34135	<b>31-47-26-B4-00210.0010</b> 27761 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 10 PB 51 PG 470 LOTS 1 +2	25
GOMEZ PAZ PEDRO J PO BOX 748 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00210.0030</b> 12076 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 10 PB 51 PG 470 LOT 3	26
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00210.0040</b> 12075 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITE BLK 10 PB 51 PG 470 LOT 4	27
SAY SANTOS NAZARIO PEREZ 3553 BRINK CIR BONITA SPRINGS FL 34134	<b>31-47-26-B4-00210.0050</b> 12067 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITE BLK 10 PB 51 PG 467 LOT 5	28
TORRES LAZARO PO BOX 3378 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00210.0060</b> 27771 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 10 PB 51 PG 467 LOT 6	29
WEISS LORETTA S 14511 OCEAN BLUFF DR FORT MYERS FL 33908	<b>31-47-26-B4-00210.0070</b> 12057 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 10 MB 51 PG 470 LOT 7	30
WEISS LORETTA S 14511 OCEAN BLUFF DR FORT MYERS FL 33908	<b>31-47-26-B4-00210.0080</b> 12067 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 10 PB 51 PG 470 LOT 8	31
FOREMAN PETER 5830 SW 64TH AVE DAVIE FL 33314	<b>31-47-26-B4-00211.0010</b> 12086 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 11 PB 51 PG 470 LOT 1	32
BEACH ROAD & 29 LLC PO BOX 366748 BONITA SPRINGS FL 34136	<b>31-47-26-B4-00211.0020</b> 12096 CARPENTER LN BONITA SPRINGS FL 34135	OAKLAND TRAILER SITES TRACT 11 MB 51 PG 470 LOT 2	33
GALLAGHER GAVIN A 126 MILL RIVER RD SOUTH SALEM NY 10590	<b>31-47-26-B4-00211.0040</b> 12101 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 11 MB 51 PG 470 ALL LOT 4	34
BOTTCHER ANNE PO BOX 233 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00211.0050</b> 12093 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK.11 MB 51 PG 470 LOT 5	35
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00211.0060</b> 12085 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITE BLK 11 MB 51 PG 470 LOT 6	36
PATINO ARNULFO PO BOX 184 ESTERO FL 33929	<b>31-47-26-B4-00212.0010</b> 27781 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 12 PB 51 PG 470 LOT 1 + LOT PT 2	37
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00212.0030</b> 27801 OAKLAND DR BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 12 MB 51 PG 470 LOT 3 + S 1/2 LOT 2	38
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00212.0040</b> 12076 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 12 MB 51 PG 470 LOT 4	39
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00212.0050</b> 12072 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 12 PB 51 PG 470 LOT 5	40
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00212.0060</b> 12068 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITES BLK 12 MB 51 PG 470 LOT 6	41
JOHN P KINGSTON SR TRUST LLC PO BOX 1083 BONITA SPRINGS FL 34133	<b>31-47-26-B4-00212.0070</b> 12088 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRAILER SITE BLK 12 PB 51 PG 470 LOT 7	42
PATINO MARIA G + 12084 TAYLOR ST BONITA SPRINGS FL 34135	<b>31-47-26-B4-00212.0080</b> 12084 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PK TRLR SITES BLK 12 PB 51 PG 470 LOT 8	43
PATINO MARIA G + 12084 TAYLOR ST BONITA SPRINGS FL 34135	<b>31-47-26-B4-00212.0090</b> 12080 TAYLOR ST BONITA SPRINGS FL 34135	OAKLAND PARK TRLR SITES BLK 12 PB 51 PG 470 LOT 9	44

If you have a disability and the format of this document interferes with your ability to access some information, please contact us at (239) 444-6150 during regular business hours (8:00am-5:00pm, Monday-Friday), and we'll gladly assist.

**CITY OF BONITA SPRINGS**

Community Development Department  
9220 Bonita Beach Road, Ste. 111  
Bonita Springs, FL 34135  
Phone: (239) 444-6150  
email: permitting@cityofbonitaspringscd.org

**MAILING NOTICES  
AFFIDAVIT**

Property owners within 375 feet (or 500 feet in the case of on-premises consumption special exceptions) of the subject parcel(s) must be notified in writing of the proposed zoning action going before council within thirty CALENDAR (30) days of the initial Public Hearing. Property owners must be informed of their ability to participate in these hearings and/or given the opportunity to return a Citizen Response Form, should they have any comments or concerns regarding the matter. This affidavit must be returned assuring the following:

- a. Affidavit for case # PD21-85799-BOS sent on December 16, 2022.
- b. Names and addresses of property owners are those appearing on the latest tax rolls for Lee County.
- c. The Zoning Board for land use adjustments and City Council public hearing dates, times, and locations of hearings that were provided in the notices.
- d. All notices have been sent by first-class mail.

NOTE: AFTER THE NOTICES HAVE BEEN SENT, THE AFFIDAVIT OF THE MAILING NOTICES, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO CITY OF BONITA SPRINGS ZONING DIVISION, 9220 BONITA BEACH ROAD, SUITE 109, BONITA SPRINGS, FL 34135.

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Megan Knight WHO ON OATH SAYS THAT HE/SHE HAS SENT PROPER NOTICE AS REQUIRED BY SECTION 4-229(B) OF THE CITY OF BONITA SPRINGS LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:

ZONING APPLICATION CASE NUMBER: PD21-85799-BOS  
SIGNATURE OF APPLICANT OR AGENT: Megan Knight  
NAME (TYPED OR PRINTED): Megan Knight  
SITE ADDRESS OR P.O. BOX: 10511 Six Mile Cypress Parkway  
CITY, STATE & ZIP: Fort Myers, FL 33966

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me by means of physical presence  or online notarization ,  
this (day) 16 of (month) December, (year) 2022,  
by (name of person making statement) Megan Knight

Signature of Notary Public - State of Florida: Carrie M. Snyder  
Name of Notary Typed, Printed, or Stamped: Carrie M. Snyder

Personally Known  OR Produced Identification

Type of Identification Produced: \_\_\_\_\_





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**CROSS EASEMENT AGREEMENT**

**THIS CROSS EASEMENT AGREEMENT ("Agreement") made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022 by 2726 SCC LLC, a Florida limited liability company ("Grantor"), whose address is 990 1st Avenue South, Ste. 201, Naples, Florida 34102 and \_\_\_\_\_ ("Grantee") whose address is \_\_\_\_\_.**

**RECITALS**

**WHEREAS, Lee County Land Development Code (LDC) §10-285 establishes intersection spacing regulations providing for the public's health and safety; and**

**WHEREAS, the Grantor is the current titleholder of the property commonly known as 27971 Oakland Drive, Bonita Springs, Florida, having Folio ID# 31-47-26-B4-00100.0050 Florida, and legally described in attached Exhibit "A" ("Parcel A") and Grantee is the current titleholder of the property commonly known as 27800 Oakland Drive, Bonita Springs, Florida, having Folio ID# 31-47-26-B4-00207.0070 and legally described in attached Exhibit "B" ("Parcel B"); and**

**WHEREAS, as a condition of approval of a site development plan for Parcel A and in order to maintain compliance with Lee County Land Development Code (LDC) §10-285 the City of Bonita Springs, Florida requires that Grantor provide an ingress and egress easement to and for the benefit of Property B in order to maintain required distances between access points while still providing adequate ingress and egress to both Parcel A and Parcel B.**

**NOW, THEREFORE,** for and in consideration of the premises, the sum of TEN DOLLARS (\$10.00) in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the parties hereto agree as follows:

1. The above recitals are true and correct and are incorporated herein by reference.
2. Grantor does by these presents grant unto Grantee, his successors and assigns, to and for the benefit of Parcel B. a perpetual, non-exclusive, appurtenant easement over and across the "Access Easement" described in Exhibit "C", attached hereto and made a part hereof, which Access Easement shall run with the land as a burden on Parcel A and as a benefit to Parcel B for the purpose of access, ingress and egress, both vehicular and pedestrian.

3. Grantor, its successors and assigns, shall have the sole right to install improvements in the Access Easement in accordance with plans approved by the City of Bonita Springs, and shall be obligated to maintain in good condition and repair (making replacements when reasonably necessary) or cause to be maintained and kept in repair, at its sole cost and expense, the entry facilities constructed on the Access Easement.
4. The rights contained within this Agreement shall run with the land and inure to and be for the benefit of the Owner of Parcel B his successors and assigns, tenants, and subtenants, licensees, concessionaires, mortgagees in possession, customers and business invitees of such persons.
5. Whenever a transfer of ownership of any parcel takes place, the transferor will not be liable for a breach of this Agreement occurring after the date of the transfer.

**IN WITNESS WHEREOF**, the patties have caused this Cross Easement Agreement to be executed as of the day and year first above written.

STATE OF FLORIDA  
 COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledge before me by  physical presence or  online notarization this \_\_\_\_ day of \_\_\_\_\_, 202\_\_ by Stan Stouder, as Manager of 2726 SCC LLC LLC, who \_\_\_is/are personally known to me or who \_\_\_has/have produced \_\_\_\_\_(type of ID) as identification.

\_\_\_\_\_  
 Notary Public – State of Florida  
 Printed Name \_\_\_\_\_  
 Commission No: \_\_\_\_\_  
 Expiration No: \_\_\_\_\_

*South Florida Surveying Inc.*

2421 23rd Street S.W. Naples, Florida 34117

Phone: (239) 348-1169 Facsimile: (239) 333-5941 *sfinc3316@aol.com*

CERTIFICATE OF AUTHORIZATION #B7524

## LEGAL DESCRIPTION AND SKETCH - NOT A BOUNDARY SURVEY

## LEGAL DESCRIPTION:

LOT 5 & 6, OAKLAND ACRES, AS SAME IS RECORDED IN NISC, BOOK 51 AT PAGE 471 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID LOTS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA THENCE NORTH  $00^{\circ}07'25''$  EAST, ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 599.00 FEET, TO THE POINT OF BEGINNING;

AND FROM SAID POINT OF BEGINNING, CONTINUE NORTH  $00^{\circ}07'25''$  EAST, STILL ALONG THE SAID WEST LINE OF SECTION 31, A DISTANCE OF 284.00 FEET,

THENCE EAST, A DISTANCE OF 329.27 FEET, MORE OR LESS, TO THE CENTERLINE OF THE 50 FOOT WIDE OAKLAND DRIVE;

THENCE SOUTH  $00^{\circ}08'50''$  WEST, ALONG SAID CENTERLINE, A DISTANCE OF 284.00 FEET;

THENCE WEST, A DISTANCE OF 329.18 FEET, TO THE POINT OF BEGINNING.

SUBJECT TO A 25 FOOT WIDE ROADWAY RESERVATION OVER AND ACROSS THE EASTERLY 25 FEET AND A 5 FOOT WIDE DRAINAGE EASEMENT OVER AND ACROSS THE WESTERLY 5 FEET THEREOF.

SAID PARCEL CONTAINS 2.13 ACRES TO CENTER LINE OF OAKLAND DRIVE.





# APPLICATION FOR REQUEST FOR CONTINUANCE, DEFERRAL, WITHDRAWAL, OR REHEARING

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

Check One:  Continuance  Deferral  Withdrawal  Rehearing  Withdrawal of Administrative Appeal

If a deferral or continuance is requested, please indicate:

Length of time: 30 days

From:  Zoning Board  City Council

1. Date of Scheduled Hearing: 1/17/2023

2. Applicant/Project Name: 2726 SCC, LLC/Oakland CPD Amendment

3. Tracking/Hearing/Application Number: PD21-85799-BOS

4. Date Decision was Rendered: N/A

5. Type of Application (Check One):

Rezoning  Special Exception  Variance  Other

6. Reason for request (If rehearing is requested):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Megan Knight

1/13/2023

Signature of applicant or authorized agent  
Megan Knight, Banks Engineering, Authorized Agent

Date

Name (Printed) of applicant or authorized agent  
10511 Six Mile Cypress Pkwy, Fort Myers, FL 33966

Address

STATE OF FLORIDA  
COUNTY OF LEE

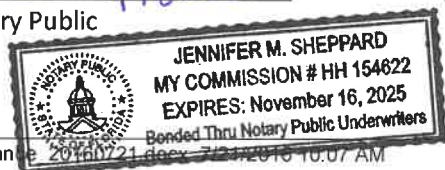
The following instrument was acknowledged before me this 13<sup>th</sup> day of January, 2023 by Megan Knight who is personally known to me or produced \_\_\_\_\_ as identification.

Jennifer M. Sheppard

Jennifer M. Sheppard

Signature of Notary Public

Printed Name of Notary Public



ATTACHMENT C

**CITY OF BONITA SPRINGS  
COMMUNITY DEVELOPMENT DEPARTMENT  
NOTICE OF PUBLIC HEARING  
APPLICATION: PD21-85799-BOS**

This is a courtesy notice of a proposed zoning action within 375 feet of property you own. You are encouraged to attend these public hearings and/or complete and return the attached Citizen Response Form, should you have any comments or concerns regarding this matter. If you have any questions or would like further information, please contact **Mary Zizzo, Planner**, at **(239) 444-6162**, or **mzizzo@cityofbonitaspringscd.org**. Copies of the staff report will be available one week prior to the hearing. This file may be reviewed at the Community Development department, 9220 Bonita Beach Road, Suite 109, Bonita Springs, FL 34135 or online at:

<http://cityofbonitasprings.org/cms/one.aspx?pagelId=13788499>

<p><b>Zoning Board of Adjustments:</b> January 17th, 2023 at 9:00am (Tentative) Bonita Springs City Hall 9101 Bonita Beach Road Bonita Springs, FL 34135</p>	<p><b>City Council:</b> February 15th, 2023 at 9:00am (Tentative) Bonita Springs City Hall 9101 Bonita Beach Road Bonita Springs, FL 34135</p> <p>March 1st, 2023 at 5:30pm (Tentative) Bonita Springs City Hall 9101 Bonita Beach Road Bonita Springs, FL 34135</p>
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CASE NUMBER: PD21-85799-BOS

CASE NAME: Oakland Commercial Planned Development

REQUEST: A request to amend Zoning Ordinance 16-07 for the Oakland Commercial Planned Development, with the addition of a master concept plan, amended conditions and an amended schedule of uses.

LOCATION: The subject property is located at 27971 Oakland Dr, Bonita Springs FL 34135. STRAP: 31-47-26-B4-00100.0050.

*The City of Bonita Springs will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income, or marital status. To request an ADA-qualified reasonable modification at no charge to the requestor, please contact Lisa Roberson by calling (239) 949-6262 at least 48 hours prior to the meeting.*

*If a person decides to appeal a decision made by the Council on any matter at this meeting, such person must have a verbatim record of the proceeding to include the testimony and evidence upon which such appeal is to be based.*

RETURN TO:  
City of Bonita Springs  
Community Development Department  
Attn: Mary Zizzo  
9220 Bonita Beach Road, Suite 109  
Bonita Springs, FL 34135  
[mzizzo@cityofbonitaspringscd.org](mailto:mzizzo@cityofbonitaspringscd.org)

Support \_\_\_\_\_ Oppose \_\_\_\_\_

Application: PD21-85799-BOS: Oakland Commercial Planned Development

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DATE: \_\_\_\_\_  
NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ CITY/STATE/ZIP: \_\_\_\_\_

**RECOMMENDATIONS AND POSTPONEMENTS:** The Board may accept, reject or modify staff recommendations and take such other appropriate and lawful action including continuing said public hearings.

**CONDUCT OF HEARINGS:** These hearings are quasi-judicial and must be conducted to afford all parties due process. Any communication that Council Members have outside of the public hearing must be fully disclosed at the hearing. Anyone who wishes to speak at the hearing will be sworn in and may be subject to questions by the board, city staff or applicant. Public comment is encouraged, and all relevant information should be presented to the Board so a fair and appropriate decision can be made. Tapes are limited to three (3) minutes in length and are to be submitted to the Zoning Division one week prior to the meeting date for review. All tapes/information submitted for the public record will not be returned.

**GROUP REPRESENTATIVES:** Any person representing a group or organization must provide written authorization to speak on behalf of that group. The representative shall inform Staff prior to the hearing of their intent to speak on behalf of a group and provide staff the name of that group.

I will have a representative at the Zoning Board Hearing and/or City Council. My representative's name, address, and phone are:	
NAME: _____	PHONE: _____
ADDRESS: _____	CITY/STATE/ZIP: _____

**APPEALS:** If a person decides to appeal any final decision made by the City Council, with respect to any matter considered at such hearing, they are responsible at their own expense for ordering from a court reporter to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence on which the appeal is to be based.





## AFFIDAVIT OF POSTING NOTICE

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

### INSTRUCTIONS

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of a Public Hearing and maintained through the City of Bonita Springs Public Hearing, if any. This sign will be provided by the Zoning Division in the following manner:

- a. Signs for case # PD21-85799-BOS must be posted by January 2, 2023.
- b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest right-of-way or easement.
- c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or pother structure. The sign may not be affixed to a tree or other foliage.
- d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
- e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.
- f. The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF THE POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO CITY OF BONITA SPRINGS ZONING DIVISION, 9220 BONITA BEACH ROAD, SUITE 109, BONITA SPRINGS, FL 34135.

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)



December 19, 2022

City of Bonita Springs  
Community Development Department  
Attn: Mary Zizzo  
9220 Bonita Beach Rd., Suite 109  
Bonita Springs, FL 34135

Dear Board:

I am the owner of lot 2 and lot 3 addressed as 12008 and 12016 Taylor St. Bonita Springs, FL. It is directly adjacent to the north of 27971 Oakland Drive. I am in favor and support City Council's approval of Oakland CPD Amendment PD21-85799-BOS Bonita Springs, FL 34135.

Mr. Stouder graciously worked with my family to accommodate delivery of my mother's mobile home through his 27971 parcel in 2018. His willingness to assist and allow not only access but temporary removal of a portion of his fence helped my mother and conveys the nature of his desire to be a good neighbor and for improvements in the area.

My support is also based on these positive attributes:

- Approval of this CPD greatly improve the overall aesthetic of our neighborhood
- The subsequent development of any portion of the pothole laced Oakland Dr will allow for safer and easier access to all residents on Oakland drive as well as to the city's kayak launch at the end of Oakland.
- The CPD fencing and buffering requirement will further enhance specifically the aesthetic of this never improved vacant parcel.
- The installation of a sidewalk will improve my mother and her neighbor's safety and appearance of the street.
- Once approved and improved it may start other positive economic improvements to this interstate area.

The approval of this proposed development will dramatically improve this area and has my and my mothers support.

Thank you,



Avelina Besse

(239)777-5794 cell



RETURN TO:  
City of Bonita Springs  
Community Development Department  
Attn: Mary Zizzo  
9220 Bonita Beach Road, Suite 109  
Bonita Springs, FL 34135  
[mzizzo@cityofbonitaspringscd.org](mailto:mzizzo@cityofbonitaspringscd.org)

Support  Oppose

Application: PD21-85799-BOS: Oakland Commercial Planned Development

I am in full support of the proposed improvements. The plan will help greatly improve the safety, access and quality of life for my mother and all the residents of Oakland Park.

DATE: 12-19-22  
NAME: Avelina Besse  
ADDRESS: 14320 Sundial Pl  
PHONE: 239-777-5794  
CITY/STATE/ZIP: Lakewood Ranch, FL 34202

**RECOMMENDATIONS AND POSTPONEMENTS:** The Board may accept, reject or modify staff recommendations and take such other appropriate and lawful action including continuing said public hearings.

**CONDUCT OF HEARINGS:** These hearings are quasi-judicial and must be conducted to afford all parties due process. Any communication that Council Members have outside of the public hearing must be fully disclosed at the hearing. Anyone who wishes to speak at the hearing will be sworn in and may be subject to questions by the board, city staff or applicant. Public comment is encouraged, and all relevant information should be presented to the Board so a fair and appropriate decision can be made. Tapes are limited to three (3) minutes in length and are to be submitted to the Zoning Division one week prior to the meeting date for review. All tapes/information submitted for the public record will not be returned.

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I will have a representative at the Zoning Board Hearing and/or City Council. My representative's name, address, and phone are:

NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ CITY/STATE/ZIP: \_\_\_\_\_

**APPEALS:** If a person decides to appeal any final decision made by the City Council, with respect to any matter considered at such hearing, they are responsible at their own expense for ordering from a court reporter to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence on which the appeal is to be based.

RETURN TO:  
City of Bonita Springs  
Community Development Department  
Attn: Mary Zizzo  
9220 Bonita Beach Road, Suite 109  
Bonita Springs, FL 34135  
[mzizzo@cityofbonitaspringscd.org](mailto:mzizzo@cityofbonitaspringscd.org)

Please confirm you got this by email,  
Baileygdead@yahoo.com

Support \_\_\_\_\_

Oppose X

NIMBY

Application: PD21-85799-BOS: Oakland Commercial Planned Development <sup>My Concerns</sup>

are the Oakland Com. PD will adversely affect the lands directly north and create an Bonita Springs Slum and wasteland with horrible conditions. The PD 21-85799-BOS be made subject to a study of the 375' area radius streets and drainage and social impact of slum creation and subject to that blacktop not end at the project site but all DIRT Roads with sidewalks and sewage systems up to the City Imperial River Park. This project will develop one parcel and destroy the area adjacent. God

DATE: 12/18/22

NAME: Peter Robert

PHONE: cell 954-588-6775

Bless  
US

ADDRESS: Carpenter Lane

CITY/STATE/ZIP: BS, FL

Email: Baileygdead@yahoo.com

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I will have a representative at the Zoning Board Hearing and/or City Council. My representative's name, address, and phone are:

NAME: \_\_\_\_\_

PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

**APPEALS:** If a person decides to appeal any final decision made by the City Council, with respect to any matter considered at such hearing, they are responsible at their own expense for ordering from a court reporter to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence on which the appeal is to be based.

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City of Bonita Springs  
Community Development Department  
Attn: Mary Zizzo  
9220 Bonita Beach Road, Suite 109  
Bonita Springs, FL 34135  
[mzizzo@cityofbonitaspringscd.org](mailto:mzizzo@cityofbonitaspringscd.org)

Support  Oppose

Application: PD21-85799-BOS; Oakland Commercial Planned Development

*I am in full support of the proposed improvements. This plan will, of course, greatly improve the safety, access and quality of life for all involved, tenants, & owners of said residents of Oakland Drive - (PARK).*

DATE: 1-13-2023

NAME: MARY ELLEN SALDIVAR

ADDRESS: 27870 Lime St.

PHONE: 239-287-4133

CITY/STATE/ZIP: Bonita Spgs, FL 34135

**RECOMMENDATIONS AND POSTPONEMENTS:** The Board may accept, reject or modify staff recommendations and take such other appropriate and lawful action including continuing said public hearings.

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I will have a representative at the Zoning Board Hearing and/or City Council. My representative's name, address, and phone are:

NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ CITY/STATE/ZIP: \_\_\_\_\_

**APPEALS:** If a person decides to appeal any final decision made by the City Council, with respect to any matter considered at such hearing, they are responsible at their own expense for ordering from a court reporter to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence on which the appeal is to be based.

MARY ELLEN SALDIVAR  
27870 LIME STREET  
BONITA SPRINGS, FL 34135  
239-287-4133

JANUARY 13, 2023

CITY OF BONITA SPRINGS  
COMMUNITY DEVELOPMENT DEPARTMENT  
ATT: MARY ZIZZO  
9220 BONITA BEACH RD., SUITE 109  
BONITA SPRINGS, FL 34135

Dear Board:

I am owner of 27974 Oakland Drive, Bonita Springs, and Florida 3413. It is directly adjacent to my property. I am in favor and support City Council's approval of Oakland CPD Amendment PD21-85799-BOS  
Bonita Springs, FL 34135.

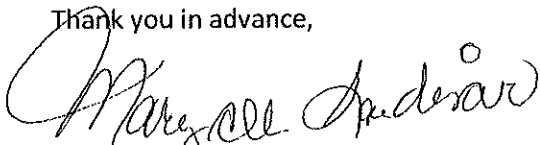
Mr. Stouder graciously worked with me with any on coming problems (situations) that I have had.

My support is also based on these positive attributes:

Approval of this CPD greatly improve the overall aesthetic of our neighborhood  
The subsequent development of any portion of the potholes laced Oakland Drive  
Will allow for safer and easier access to all residents on Oakland drive as well as to the city's  
Kayak launch at the end of Oakland drive.  
The CPD fencing and buffering requirements will further enhance specifically the aesthetic  
Of this never improved vacant parcel.  
The installation of a sidewalk will improve my property and our safety appearance of the street.  
Once approved and improved it may start other positive economic improvements to this  
Interstate area.

The approval this proposed development will dramatically improve this area and has my support.

Thank you in advance,



Mary Ellen Saldivar