

**Notice of Public Meeting
of the City of Bonita Springs
Board for Land Use Hearings & Adjustments
and Zoning Board of Appeals
TUESDAY, August 15, 2023 at 9:00am
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, FL 34135**

- I. CALL TO ORDER
- II. INVOCATION
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. APPROVAL OF MINUTES: June 13, 2023
- VI. PUBLIC COMMENT
- VII. PUBLIC HEARINGS

EACH CASE WILL INCLUDE A PUBLIC COMMENT PERIOD AT THE CONCLUSION OF THE APPLICANT AND STAFF PRESENTATION

- A. CASE NAME: Bayview on Estero Bay Residential Planned Development/Commercial Planned Development (RPD/CPD)

A request to amend the Bayview on Estero Bay Residential Planned Development/Commercial Planned Development (RPD/CPD) to:

- 1. Increase the RPD boundary by 5.3 ± acres;
- 2. Remove the northeastern preserve consisting of 0.62± acres and increase the mangrove preserve area from 3.51 acres to 3.64 acres;
- 3. Remove the ALF/ILF/CCRC development option (Option 1);
- 4. Add Townhomes and Two-Family Attached Homes to the Schedule of Uses within the RPD;
- 5. Add RPD development regulations for townhomes and two-family attached homes;
- 6. Add a trip conversion matrix to allow the multi-family units to be converted to other residential types with no increase to PM peak hour trip generation;
- 7. Modify Deviation 8 and Deviation 13 to address changes in building layout and removal of preserve acreage;
- 8. Add six new deviations; and
- 9. Modify the Master Concept Plan to provide for these changes

- VIII. CASE UPDATE: 26659 HICKORY BLVD. VARIANCE (VAR22-97621-BOS)
- IX. NEXT MEETING: September 19, 2023 at 9:00am (Tentative)
- X. ADJOURNMENT

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 City Clerk Mike Sheffield by calling (239) 949-6262 at least 48 hours prior to the meeting.

If a person decides to appeal a decision made by the Board in any matter considered at this meeting/hearing, such person may need to ensure that a verbatim record of the proceeding is made, to include the testimony and evidence upon which any such appeal is to be based.

**City of Bonita Springs
Board for Land Use Hearings & Adjustments
and Zoning Board of Appeals**

**Meeting Minutes
Tuesday, June 13, 2023
9 a.m.**

I. CALL TO ORDER

Chairman Rascio called the meeting to Order at 9:00 a.m.

II. INVOCATION

Board Member Winn gave the invocation.

III. PLEDGE OF ALLEGIANCE

Board Member Gambrell led the Pledge of Allegiance

IV. ROLL CALL

The City Clerk Sheffield called the roll.

Present 7 – Chairman Rascio, Board Members Galloway, Winn, Gambrell, Benson, Hershenson and Waterhouse

V. APPROVAL OF MINUTES: April 18, 2023

Board Member Benson motioned to approve the minutes, Second by Board Member Gambrell; the motion carried with all in favor.

VI. PUBLIC COMMENT

Chairman Rascio called for Public Comments; however, no one came forth.

VII. PUBLIC HEARINGS

EACH CASE WILL INCLUDE A PUBLIC COMMENT PERIOD AT THE CONCLUSION OF THE APPLICANT AND STAFF PRESENTATION

A. CASE NAME: 26659 HICKORY BLVD. VARIANCE (VAR22-9762 I-BOS)

A VARIANCE FROM LDC SECTION 4-2399(C)(2), WHICH REQUIRES A SETBACK OF 5 FEET, TO ALLOW A SETBACK OF 3.1 FEET ALONG THE NORTHERN SIDE PROPERTY LINE FOR A CANTILEVERED STRUCTURE ON A RESIDENTIAL PROPERTY IN BONITA SPRINGS.

City Attorney Rooney swore in all those who intended to speak and/or give testimony.

Amy Thibaut of Pavese Law Firm introduced the request of a variance from the setback due to pool equipment installed on the second floor of the house that can only be accessed by a steep ladder. They are requesting a variance from 5ft to 3.1 ft for the side setback for the second story only and a street setback from 25ft to 23ft.

Lindsay Robin of Morris-Depew Associates gave presentation as to why the request of a 23ft. setback is needed due to health and safety. She stated they do comply with variance criteria and code. She also stated the neighbors, who live in Germany have no issue with the variance.

Mary Zizzo with Community Development provided the staff presentation and responded to questions from board members.

Chairman Rascio made a motion to approve the request, Second by Board Member Waterhouse; The motion carried unanimously.

VIII. CASE UPDATE: Oakland CPD, The Grove RPD, Bonita Springs Motor Condos, Tommy's Express Car Wash (BBR)

Mary Zizzo stated all cases were approved by City Council.

IX. NEXT MEETING: July 18, 2023 at 9:00am (Tentative)

Mary Zizzo stated the next meeting will be tentatively August 15, 2023.

City Clerk stated the financial disclosure forms are due July 1st.

X. ADJOURNMENT

The Chairman adjourned the meeting at 9:22 a.m.

Respectfully submitted,

Teresa Grimes, Sr. Records & Compliance Clerk

APPROVED:
BONITA SPRINGS ZONING BOARD:

Date: _____

AUTHENTICATED:

Anthony Rascio, Chairman

CASE A: PD22-94263-BOS

STAFF REPORT

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Background	Page 2
Conclusions	Page 5
Recommendation	Page 6

EXHIBITS:

A. Legal Description and Sketch of the Subject Property stamped August 16, 2022	Page 15
B. Master Concept Plan stamped received April 26, 2023	Page 17
C. Schedule of Uses	Page 21
D. Traffic Impact Statement Memorandum (Trip Conversion) dated July 20, 2022	Page 24
E. Temporary Signage and Graphics stamped received February 10, 2023	Page 29

ATTACHMENTS:

A. Staff Informational Analysis	
a. Background and Informational Analysis	Page 44
b. Current Zoning: Zoning Ordinance No. 20-06, Zoning Ordinance No. 21-03, and ADD21-86841-BOS	Page 53
c. Bayview II CPD, Lee County Zoning Resolution No. 19-024	Page 94
d. Public Comment	Page 104
B. Applicant's Informational Analysis	
a. Application	Page 105
b. Request and Bonita Plan and LDC Consistency Narrative	Page 134
c. Schedule of Deviations	Page 155
d. Archaeological Information	Page 163
e. Surface Water Management Narrative	Page 167
f. Protected Species Survey Report	Page 168
g. Environmental Assessment Mapping	Page 189
h. Heritage Tree Information	Page 191
i. Agency Permit Information (ERP, Mitigation, and Conservation Easement)	Page 204
j. Pre-filing and Post-sufficiency Neighborhood Meeting Information	Page 246

BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT

TYPE OF CASE: AMENDMENT – PLANNED DEVELOPMENT
CASE NUMBER: PD22-94263-BOS
HEARING DATE: August 15, 2023
PLANNER: Jacqueline Genson, AICP

APPLICATION SUMMARY:

- A. Applicant: LB Estero Bay Investments, LLC and LB Raptor Development, LLC
- B. Agent: RVi Planning and Coleman, Yovanovich & Koester, P.A.
- C. Request: A request to amend the Bayview on Estero Bay Residential Planned Development/Commercial Planned Development (RPD/CPD) to:
 - 1. Increase the RPD boundary by 5.3 ± acres;
 - 2. Remove the northeastern preserve consisting of 0.62± acres and increase the mangrove preserve area from 3.51 acres to 3.64 acres;
 - 3. Remove the ALF/ILF/CCRC development option (Option 1);
 - 4. Add Townhomes and Two-Family Attached Homes to the Schedule of Uses within the RPD;
 - 5. Add RPD development regulations for townhomes and two-family attached homes;
 - 6. Add a trip conversion matrix to allow the multi-family units to be converted to other residential types with no increase to PM peak hour trip generation;
 - 7. Modify Deviation 8 and Deviation 13 to address changes in building layout and removal of preserve acreage;
 - 8. Add six new deviations; and
 - 9. Modify the Master Concept Plan to provide for these changes.
- D. Location: The property is located at the northwest corner of Coconut Road and Coconut Point Resort Drive.
- E. Future Land Use Map Designation: The property is designated as City of Bonita Springs Coconut Village (26.38+/- acres), Resource Protection (4.13+/- acres), and Lee County Outlying Suburban (5.3+/- acres)
- F. Current Zoning: The property was rezoned by the City to a Commercial Planned Development (CPD)/ Residential Planned Development (RPD) pursuant to Zoning Ordinance (ZO) 20-06 and amended in 2021 to increase the residential tower building

height and amend the schedule of uses to add a hotel/motel use and a 7,500 square foot restaurant open to the general public in ZO-21-03.

G. The CPD/RPD is approved to allow for a Continuing Care Facility (CCF) containing a maximum of 300 Independent Living Facility (ILF) units and a seventy-five (75) bed Assisted Living Facility (ALF) OR 300 multi-family dwelling units, a 7,500 square foot restaurant in the RPD; AND seventy-two (72) wet boat slips, twenty-five (25) dry boat slips (15 on-site and 10 off-site in the Bayview II CPD), and one (1) public boat ramp in the CPD.

H. Current Land Use: The property is currently approved for the phased construction of 224 residential units, marina uses, and associated infrastructure. A local development order is pending for the restaurant and other changes in anticipation that this amendment may be approved.

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

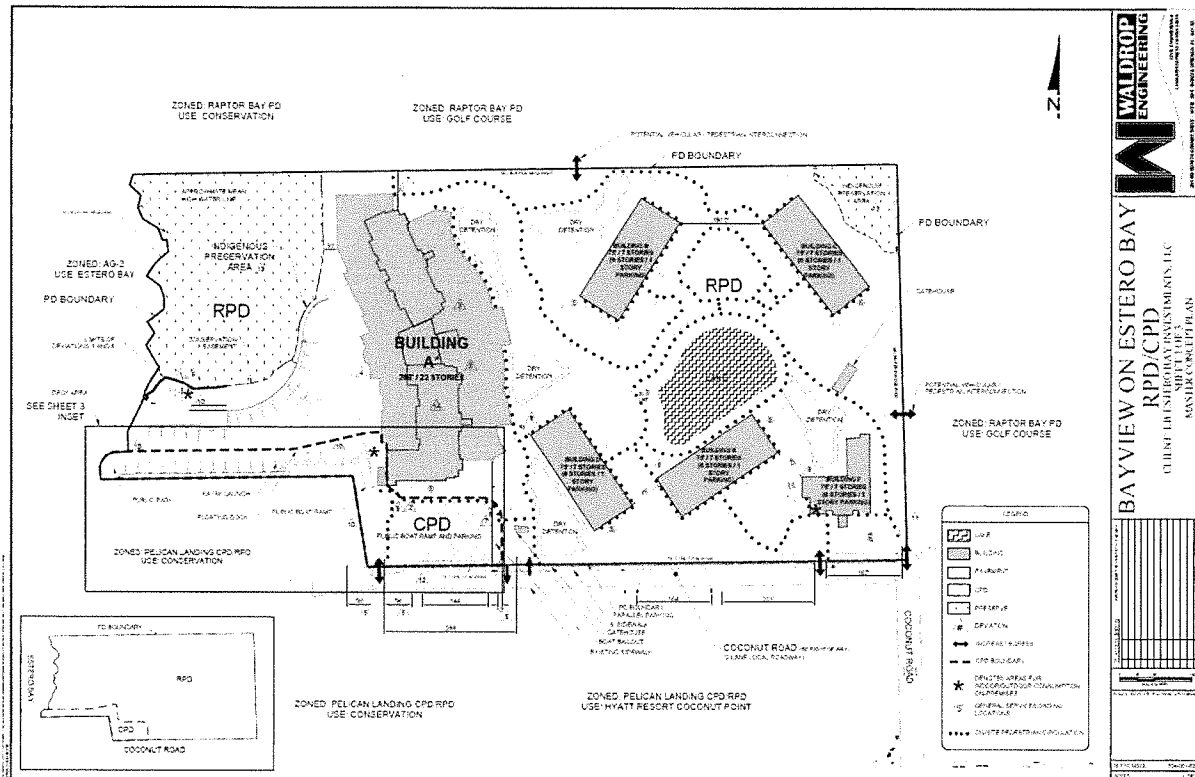
BACKGROUND:

Overview

The Applicant purchased the Bayview property and submitted land use and rezoning petitions for the property in 2018, which were approved by City Council in 2020 and amended in 2021. The current zoning contemplates two (2) residential development scenarios, both of which include a public access component to Estero Bay.

The residential development scenarios for the RPD portion contemplated a Continuing Care Facility (CCF) containing a maximum of 300 Independent Living Facility (ILF) units and a seventy-five (75) bed Assisted Living Facility (ALF) OR up to 300 multi-family dwelling units. However, now that the local development order for the multi-family dwelling units is approved, the Applicant is requesting to eliminate the CCF development scenario. The RPD portion also includes a 7,500 square foot restaurant open to the public.

The CPD portion, which includes a public access component to Estero Bay, was approved for seventy-two (72) wet boat slips, twenty-five (25) dry boat slips (15 on-site and 10 off-site in the Bayview II CPD), and one (1) public boat ramp.



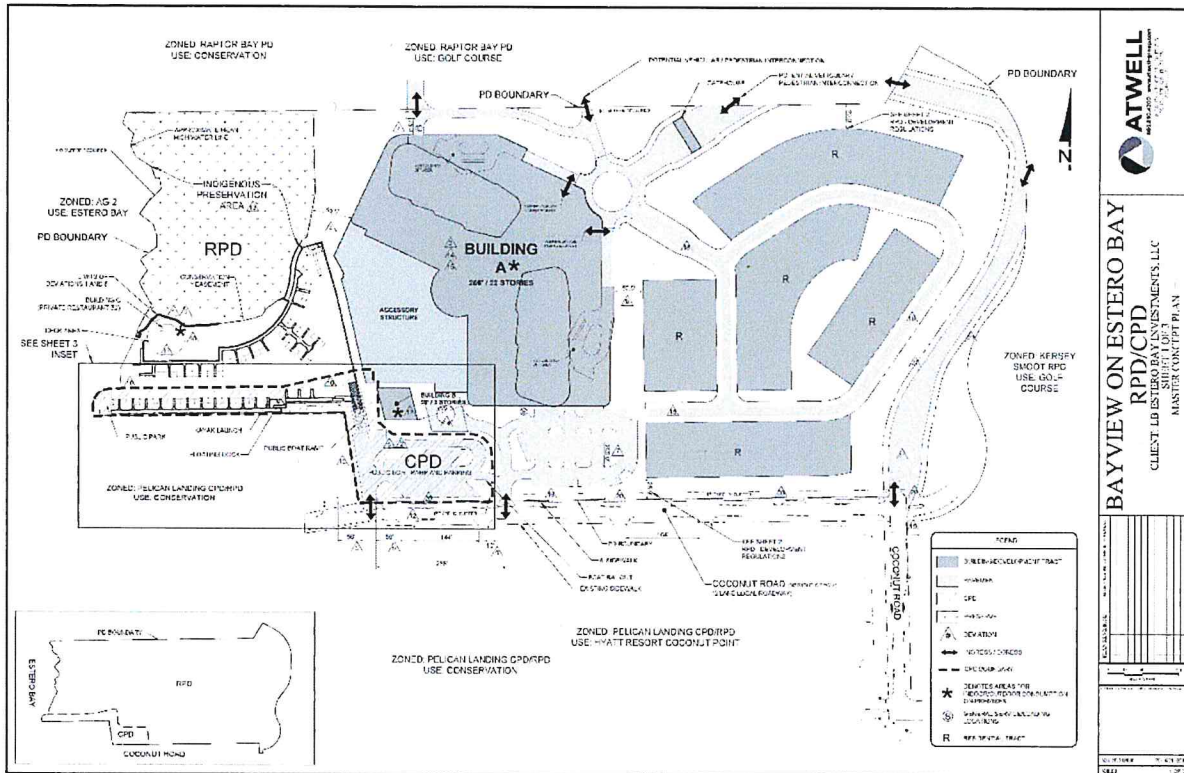
Approved Master Concept Plan (2021)

Source: Waldrop Engineering

The Applicant, under a different LLC (LB Bayview Development, LLC), purchased parcel directly north and east of Bayview, which is RPD Land Development Area F1 within the Pelican Landing RPD/CPD. The Applicant is requesting to add 5.3+/- acres from RPD Land Development Area F1, to the Bayview RPD/CPD. No additional dwelling units or intensity is requested, rather the Applicant will spread the remaining density over the remaining vacant Bayview RPD lands.

The Applicant is requesting to amend the Bayview on Estero Bay Residential Planned Development/Commercial Planned Development (RPD/CPD) as follows:

1. Increase the RPD boundary by 5.3 ± acres;
2. Remove the northeastern preserve consisting of 0.62± acres and increase the mangrove preserve area from 3.51 acres to 3.64 acres;
3. Remove the ALF/ILF/CCRC development option (Option 1);
4. Add Townhomes and Two-Family Attached Homes to the Schedule of Uses within the RPD;
5. Add RPD development regulations for townhomes and two-family attached homes;
6. Add a trip conversion matrix to allow the multi-family units to be converted to other residential types with no increase to PM peak hour trip generation;
7. Modify Deviation 8 and Deviation 13 to address changes in building layout and removal of preserve acreage;
8. Add six new deviations (signage and sidewalks); and
9. Modify the Master Concept Plan to provide for these changes.



Proposed Master Concept Plan (2023)

Source: Atwell, submitted by RVI Planning

Uses

The amendment seeks to modify the Schedule of Uses, with proposed changes shown in strikethrough (removal) and underline (new text) format. The modifications remove the ALF/ILF/CCRC development option (Option 1) and add Townhomes and Two-Family Attached.

Property Development Regulations and Deviations

All development is to be in accordance with the LDC Chapter 3 (Development Standards) and Chapter 4 (Zoning). This amendment request proposes to add development regulations for townhomes and two-family attached homes. These are included in amended **Condition 2b** and reflected in Sheet 2 of the Master Concept Plan, **Exhibit "B."**

Conditions and deviations set forth in the adopted zoning ordinances (ZO-20-06) augment certain development regulations such as development standards, buffering, deviations, and any associated conditions of approval. Deviations may be requested during the review process in accordance with [LDC 4-326](#) and [LDC 3-81\(b\)](#). The amendment request includes amendments to two (2) of the sixteen (16) previously approved deviations (building separation and indigenous vegetation), and adds six (6) additional deviations for parking, sidewalks, and temporary signage. All deviations and associated justifications by the Applicant are included in the Applicant's Analysis in **Attachment "B."** The City Staff's analysis and recommendation on each of the deviation requests are included later in this staff report.

Comprehensive Plan Considerations

Additional Staff Analysis is included in **Attachment "A."** The Applicant's Analysis is included in **Attachment "B."**

Transportation Summary Analysis

The zoning was previously approved for up to 300 multiple-family dwelling units of which 224 have been approved as part of the local development order review process. This request will allow the remaining 76 multiple-family dwelling units to be developed as townhomes or two-family attached (villa style). A Traffic Impact Statement Memorandum was provided to evaluate a trip conversion matrix for multi-family units to the townhomes or two-family attached residential type. This would be permitted so long as there is no increase to the PM peak hour trip generation. It is still possible that this project may need to make on-site and off-site related improvements; however, that analysis will be performed at time of local development order. The City Staff will continue to include the Village of Estero and Lee County Department of Transportation on all future application requests that have the potential to impact Coconut Road.

Conservation/Coastal Management Summary Analysis

The City of Bonita Springs is a coastal boating community and promotes the use of water-dependent uses. The Bonita Plan desires renovation of existing facilities over establishment of new facilities. The public water access and boating slips (wet and dry) provided with the redevelopment of this property were found to be consistent with the goals, objectives, and policies of the Conservation/Coastal Management Element of the Bonita Plan as part of the original zoning approval pursuant to Zoning Ordinance No. 20-06. No environmental changes to the CPD portion are proposed.

Resource and wetland protection will be decreased with the amended project design which proposes to remove the freshwater wetland in the northeast corner of the project. Additionally, there are substantial changes proposed to the stormwater management design. Prior to local development order approval, the applicant will be required to demonstrate that the project's stormwater management system has adequate capacity and design to treat the stormwater prior to discharge into the Estero Bay Aquatic Preserve.

The indigenous vegetation preservation amount will be decreased and impacted by this request (deviation 13). The project as proposed will only preserve half of the indigenous vegetation normally required by a large development.

Infrastructure Summary Analysis

The amendment request was distributed to the Community Development engineer and transportation engineer. All review disciplines had no objections to the request. As a result, it is the City Staff's opinion that the proposed project is consistent with the Infrastructure Element of the Bonita Plan.

CONCLUSIONS:

The following conclusions are based upon analysis of the submitted application reviewed for compliance with the Lee Plan, Bonita Plan and the City's LDC. **Attachment "A,"** which is attached hereto, and made a part hereof, demonstrates the type of analysis that was done. Submitted application materials and exhibits are included in **Attachment "B."**

Pursuant to the City's LDC, the applicant was required to hold two (2) neighborhood meetings. The first meeting was held on June 20, 2022, and a second meeting was held on June 12, 2023. Additional methods of public notice included mailed notices to properties within 375 feet of the property, rezoning property posting signs along Coconut Road and one on Estero Bay, and a legal liner ad in the Fort Myers News Press, for the Zoning Board public hearing.

The amendment request was evaluated by Community Development for planning, zoning, engineering, environmental, and transportation impacts. Lee County (Departments of Transportation and Natural Resources) also reviewed the request. The proposed development, as conditioned, is consistent with the requirements and standards of the Bonita Plan and the City's LDC. A detailed City Staff analysis is included in **Attachment "A"** of the Staff Report.

RECOMMENDATION:

The City Staff recommends **APPROVAL** of Petition PD22-94263-BOS Bayview on Estero Bay RPD/CPD which requests to amend Zoning Ordinance No. 20-06, as subsequently amended, to the Bayview on Estero Bay CPD/RPD to:

1. Increase the RPD boundary by 5.3 ± acres;
2. Remove the northeastern preserve consisting of 0.62± acres and increase the mangrove preserve area from 3.51 acres to 3.64 acres;
3. Remove
4. Add Townhomes and Two-Family Attached Homes to the Schedule of Uses within the RPD;
5. Add RPD development regulations for townhomes and two-family attached homes;
6. Add a trip conversion matrix to allow the multi-family units to be converted to other residential types with no increase to PM peak hour trip generation;
7. Modify Deviation 8 and Deviation 13 to address changes in building layout and removal of preserve acreage;
8. Add six new deviations; and
9. Modify the Master Concept Plan to provide for these changes.

This recommendation of **APPROVAL** is subject to the following conditions:

Conditions:

The amended zoning approval and master concept plan are subject to the following conditions:

1. Condition 1 of Zoning Ordinance No. 21-03 is amended as follows:

The development and use of the property must be in substantial compliance with the Master Concept Plan stamped received ~~June 28, 2024~~ April 25, 2023, and titled "Bayview on Estero Bay" prepared by ~~Waldrop Engineering, P.A.~~ Atwell, LLC, and attached hereto (**Exhibit "B,"** Sheets 1-3), except as modified by the conditions herein.

The total residential dwelling units may not exceed the approvals granted pursuant to Zoning Ordinance No. 20-06, which allowed for a maximum of ~~300 Independent Living Facility (ILF) units and a seventy five (75) bed Assisted Living Facility (ALF)~~ OR 300 multi-family dwelling units; AND seventy-two (72) wet boat slips, twenty-five (25) dry boat slips (15 on-site and 10 off-site in the Bayview II CPD), and one (1) public boat ramp. However, ~~under the 300 multi-family unit option~~, up to 120 multi-family dwelling units may be converted from multi-family dwelling units to hotel/motel units at the rate of one (1) multi-family unit to one (1) hotel/motel unit. The development also includes up to 7,500 square feet of restaurant uses that are open to the public. Additionally, the

maximum 300 dwelling units may include townhomes and/or two-family dwelling unit types subject to the trip conversion matrix in Exhibit "D."

The Applicant must provide a cumulative land development summary table as a part of any local development order application.

2. Condition 2 of Zoning Ordinance No. 20-06 is amended as follows:

- a. Schedule of Uses: **Exhibit "C"**
- b. The Development Regulations: See **Exhibit "B"**

3. Condition 4 Zoning Ordinance No. 20-06 is amended as follows:

Environmental

h. Open Space: ~~44.79~~ 13.91 acres of open space must be provided on the development order plans in compliance with LDC Chapter 3.

i. Indigenous Preserve: A minimum of 3.64 acres of mangrove swamp shall be provided onsite and an additional 0.70 ~~4-13~~ acres of indigenous preserve must be provided on development order plans for RPD Land Development Area F1 (aka Raptor Bay) within the Pelican Landing RPD/CPD in the general locations shown on Sheet 1 of the MCP. Final acreage is subject to change based upon final acreage for Commercial Planned Development and Residential Planned Development areas.

k. Per Tree Advisory Board approval, fifteen (15) heritage oaks shall be transplanted to appropriate locations within the Raptor Bay PD and the remaining four oaks and slash pine heritage trees on the eastern boundary of the project shall be retained in place. Should any of the transplanted or retained trees die, they shall be replaced with twenty-foot tall trees of similar species.

4. Deviation 7 is approved subject to the following.

- a. Building C does not require any parking as it is a private accessory restaurant available for use by the residents of Saltleaf and their registered guests.
- b. At time of local development order, the applicant shall demonstrate that the restaurant has sufficient parking by use of a valet service on-site in the RPD tract or at the Bayview II CPD. Conversely, the applicant may submit a Reduction in Parking Analysis in accordance with LDC Sec. 4-1735 to adjust the parking rate at time of local development order or at building permit.

5. In support of Deviation 18, at time of local development order, except as provided herein, all required multimodal and complete streets facilities (infrastructure, crossings, amenities, furnishings, access points, easements, etc.) both internal and external to the site, must meet or exceed the specifications and design standards provided by Chapters 3 and 4 of the City of Bonita Springs Land Development Code, as amended; the City of Bonita Springs Complete Streets Ordinance; and City of

Bonita Springs Long Range Bicycle/Pedestrian Master Plan, as may be amended; and all applicable design standards except as required by the Estero Fire Control and Rescue District and National Fire Protection Association (NFPA).

6. Deviations 19-22 are approved subject to **Exhibit “E”-Temporary Signage and Graphics**.
7. This Master Concept Plan is subject to conditions set forth herein and the rules, regulations, laws, and codes in place at the time of Development Order and Construction Plan approval. Approval of this Planned Development is not a guarantee of future approvals.
8. All terms and conditions of Zoning Ordinance No. 20-06 and Zoning Ordinance No. 21-03 remain in full force and effect, unless specifically modified by this amendment or other preceding actions.

Deviations:

Deviations may be requested during the review process in accordance with LDC 4-326. The Zoning Board and City Council may recommend to approve as requested, 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 Bayview on Estero Bay CPD/RPD has sixteen (16) approved deviations. This amendment request modifies two (2) of the existing deviations and adds six (6) new deviation requests. All deviations and associated justifications by the Applicant are included in the Applicant's Analysis in Attachment “B.” The City Staff's analysis and recommendation on each deviation request is as follows:

1. Deviation 1 seeks relief from LDC Section 3-417(6), setbacks, which requires a minimum thirty (30) foot setback from all preserve (wildland) areas for buildings and accessory structures for the purposes of fire protection, to permit principal and accessory structures to be located fifteen (15) feet from a preserve. **NO CHANGE REQUESTED.**
2. Deviation 2 seeks relief from LDC Section 3-418(d)(7), buffering adjacent property, which requires that all freestanding parking areas, whether commercial, public, or private, not associated with other development must provide a Type “D” buffer for the right-of-way and Type “C” buffer if they abut single-family residential or multiple-family residential uses or zoning, to permit the marina CPD area to provide no internal buffer between the proposed commercial and residential uses. **NO CHANGE REQUESTED.**
3. Deviation 3 seeks relief from LDC Section 4-1732(4)(n)1. and 2., Recreation facilities, indoor, 1. Gymnasiums, health clubs and similar type recreational establishments wherein large floor areas are required to accommodate equipment for individual users. Four (4) parking spaces per 1,000 square feet of total floor area. 2. All other indoor recreational facilities not specifically listed: One (1) parking space per 100 square feet of total floor area,

to permit indoor recreational parking requirements to be calculated at one (1) space per 1,000 square feet of floor area. **NO CHANGE REQUESTED.**

4. Deviation 4 seeks relief from LDC Section 4-303, duration of rights conferred by adopted Master Concept Plan, which remain valid for five years from the date the Planned Development was approved by City Council, to permit the Bayview on Estero Bay Master Concept Plan to remain valid for ten (10) years from the date of City Council approval. **NO CHANGE REQUESTED.**
5. Deviation 5 seeks relief from LDC Section 3-291(a)(1), connection separation, which requires a 125-foot motor vehicle entrance separation on local roadways, to allow for a minimum separation of ten (10) feet between the project entrance and existing driveways south of Coconut Road as shown on the MCP. This deviation request is from the technical standards for specific sections in LDC Chapter 3 and can be approved administratively. **NO CHANGE REQUESTED.**
6. Deviation 6 seeks relief from LDC Section 3-417(b)(1)a., which requires a minimum thirty (30) foot setback from indigenous native vegetation to any habitable structure, to permit a fifteen (15) foot setback from indigenous native vegetation to any habitable structure. **NO CHANGE REQUESTED.**
7. Deviation 7 seeks relief from LDC Section 4-741(b), which requires all buildings and structures to be setback from the development perimeter a distance equal to the greater of one-half the height of the building or structure, to allow Building A within the Bayview on Estero Bay RPD/CPD to be setback from the development perimeter at a distance equal to the distances as shown on the MCP, with seventy-five (75) feet being the smallest distance. Buildings seventy-five (75) feet or less must comply with the LDC, or one-half the height of the building. **NO CHANGE REQUESTED.**
8. Deviation 8 seeks relief from LDC Section 4-741(d)(4), minimum separation of buildings, which requires where there are two (2) or more principal buildings on a development tract, the minimum separation of buildings shall be one-half the sum of their heights, or twenty (20) feet, whichever is greater, to allow the minimum building separation between Buildings A1 and A2 to be twenty (20) feet, and the minimum separation between Buildings A and the low-rise residential (height of 75 feet or less) to be forty-five (45) feet, and 115' from Buildings A and Building B.

Justification: This was a previously approved deviation based on the building height approved pursuant to ZO-20-06 for Building A, as amended in ZO-21-03 for Buildings A (A1 and A2). This deviation is amended to reflect the change from mid-rise residential development to low-rise development (townhouse and two-family attached). This also clarifies the building separation of Buildings A to the restaurant (Building B). Similar to Deviation 7, the City Staff agrees that the intent of this standard is for compatibility purposes relative to spatial distancing. As previously stated, the Applicant states the site design maximizes public access to the marina and preserves on-site wetlands. The site design places the tallest buildings closest to the waterfront to maximize views of Estero Bay and the remaining low-rise buildings to the east. The Applicant states that its architectural

elevations and perspective views from the surrounding area demonstrate the proposed project will allow for an attractive development that is of a consistent height and development form when compared to mid- and high-rise buildings in the area. The City Staff has no objection to the request, subject to review and approval by the building department and Estero Fire Rescue. The City Staff recommends **APPROVAL** of the deviation request.

9. Deviation 9 seeks relief from LDC Section 4-1723, which requires all residential and non-residential uses to provide off-street parking spaces in accordance with specific regulations, to allow for off-site parking for the CPD, which is for the public use, as shown on the MCP. **NO CHANGE REQUESTED.**
10. Deviation 10 seeks relief from LDC Section 7-381(4), setbacks for multi-slip docking facilities, which requires docking facilities to be setback a minimum of twenty-five (25) feet from side lot lines, to allow for a zero (0) foot setback along the southern PD boundary/side lot line. **NO CHANGE REQUESTED.**
11. Deviation 11 seeks relief from LDC Section 4-741(b)(2), property development regulations, which requires that parking or internal roads or drives may not be closer to the development perimeter than the width of any buffer area or landscape strip, or five (5) feet, to allow parking and internal roads to be less than five (5) feet from the development perimeter only in areas identified on the MCP. **NO CHANGE REQUESTED.**
12. Deviation 12 seeks relief from LDC Section 3-418(d)(3), landscape buffers, which requires a fifteen (15) foot Type "D" landscape buffer for commercial to right-of-way, to allow a ten (10) foot Type "D" buffer where the public accessible boat ramp and parking abut Coconut Road. **NO CHANGE REQUESTED.**
13. Deviation 13 seeks relief from LDC Section 3-417(b)(1)a, indigenous vegetation, which requires large development to provide 50% of their open space requirement through on-site preservation of existing native vegetative communities, thus requiring Bayview on Estero Bay to provide 6.96 acres of indigenous preservation, to allow the project to satisfy this requirement through 3.64 acres of on-site indigenous mangrove swamp.

Justification: The revised and expanded Planned Development is requesting to further modify this deviation from the LDC Section that implements Policy 7.2.2 of the Conservation/Coastal Management Element of the comprehensive plan regarding indigenous vegetation preservation. The applicant would provide 3.32 acres less than typically required. The applicant's justification is that the high-quality mangrove swamp being preserved and the offsite mitigation of the 0.62 acre freshwater wetland required by the South Florida Water Management District suffices for this requirement. The City Staff did not initially recommend approval of the deviation request; however, post sufficiency discussions with the applicant have led to a general agreement to recommend approval subject to **Condition 3 (ZO-20-06 amended Condition 4.i.)**.

14. Deviation 14 seeks relief from LDC Section 4-743, commercial uses in RPD zoning districts, which requires a minimum of 301 dwelling units to allow for 7,500 square feet of commercial uses in the RPD zoning district, to allow for 7,500 square feet of commercial uses with 300 dwelling units. **NO CHANGE REQUESTED.**
15. Deviation 15 seeks relief from LDC Section 4-739, Permitted Uses in Planned Development zoning districts, which does list not list the hotel/motel uses within Table 4-740 within the RPD zoning district. **NO CHANGE REQUESTED.**
16. Deviation 16 seeks relief from LDC Section 4-743(5), Commercial uses in RPD and MHPD districts, which prohibits signs for commercial uses other than project sales to be visible from the perimeter of the project, to allow for signage associated with the proposed restaurant to be visible from Coconut Road. **NO CHANGE REQUESTED.**
17. Deviation 17 is a new deviation request that seeks relief from LDC Section 4-1732(2)(m)2., Restaurants/Bakeries. Whereas when a restaurant is located within the same building as the principal use and is clearly provided primarily for the employees and customers of the principal use, no additional parking spaces are required. In all other cases, parking will be as follows: The minimum requirement is 14 spaces per 1,000 square feet of total floor area, with outdoor seating calculated at the same rate, to allow for no additional parking to be required for the accessory private restaurant within Building C and to allow for 7 spaces per 1,000 square feet of total floor area, with outdoor seating calculated at the same rate for the public restaurant located within Building B when a valet program is provided.

Justification: Staff agrees with the Applicant's justification that the private restaurant complies with the intent of the LDC as this is an accessory use that has been conditioned to be primarily for residents of the project and its employees creating no additional parking needs. Staff also has no objection to the reduction in parking ratio for the outdoor seating as proposed. Staff agrees that a parking valet, multi-modal infrastructure, and the use of ride-share programs may reduce typical off-street parking needs, but no data has been provided to support a 50% reduction. Staff supports the use of a valet program on the RPD site and the Bayview II CPD site in Lee County that demonstrates the restaurant can be parked at the 14 spaces/1,000SF rate. The City Staff recommends **APPROVAL** of the deviation request subject to **Condition 4**.

18. Deviation 18 seeks relief from LDC Section 3-303(b)(iii)(d), which requires local private roadways to provide a minimum bike lane width of 5 feet, and a minimum sidewalk width of 6 feet on both sides of the right-of-way, to allow 5-foot sidewalks along both sides of the roadway within the residential tract area to the east of Building A. The deviation also requests no marked bike lanes subject to the provision of signage indicating the roadway is shared.

Justification: As requested by the Applicant, this proposed deviation (Deviation 18), seeks a one (1) foot reduction of sidewalk widths and the employment of cycle usage (shared roadway) signage. This request would only apply to the looped interior roadways serving the residential tract area(s) on the MCP (just to the east of "Building A"). Due to the low

speed and residential environment of the development this nominal decrease in sidewalk widths (shared roadway) signage residential environment should not negatively impact public health, safety, or welfare. Additionally, the proposal would have a slight, but positive impact associated with additional impervious areas and heat reflecting materials, while still allowing for appropriate pedestrian and bike facilities to serve residents, and visitors. Staff has no objections to the deviation as requested. The City Staff recommends **APPROVAL** of the deviation request subject to **Condition 5**.

Deviations 19-22 seek relief from the LDC Chapter 6 Sign Code for a temporary signage plan (**Exhibit "E"**). These deviations are requested separately in case the City does not recommend approval of all deviation requests for the signage plan. There are examples of new commercial development and residential community's implementing temporary signage to market and garner positive attention with redevelopment efforts (Lakewood Ranch, Town of Ave Maria, new Bonita Downtown Construction signage). The signage is all based on context. This part of the City has limited access and the proposed signage is designed to inform the public and interested parties of this redevelopment project, which includes public access amenities and private residential uses. As designed it will enhance the redevelopment efforts and not cause a detriment to public health, safety, and welfare.

19. **Deviation 19** seeks relief from LDC Section 6-112 (4), On-site directional signs, which allows a permanent wall or ground mounted sign along any interior collector street at the interconnections with other interior streets at maximum of 10 square feet in sign area not to exceed six feet in height above the crown of the abutting street, and set back a minimum of 15 feet from the edge of the street right-of-way or easement ; **TO ALLOW FOR** one (1) temporary on-site directional sign to be installed near the intersection of Coconut Road and Coconut Resort Point Resort Drive, as identified on the "Temporary Signage & Graphics" Exhibit, to not to exceed eight (8) feet in height, to be setback 1-foot from the right-of-way, and posted for an 24-month period from the date of erection before continued use of the sign is subject to approval by the building official.

Justification: Chapter 6- Signs of the City's LDC includes a section for temporary and permanent residential signs. The Applicant's request does not meet any of the size and timeframes for their desired temporary signage marketing plans. This part of the City has limited access and the proposed signage is designed to inform the public and interested parties of this redevelopment project, which includes public access amenities and private residential uses. As designed it will enhance the redevelopment efforts and not cause a detriment to public health, safety, and welfare. The City Staff recommends **APPROVAL** of the deviation request subject to **Condition 5**.

20. **Deviation 20** seeks relief from Section 6-111 (4), Temporary Signs, Announcement Signs, which allows for one (1) ground mounted sign per street frontage at a maximum of 32 square feet in sign area not to exceed six (6) feet in height above the crown of the abutting street and limited to being posted for a 180-day period before continued use of the sign is subject to approval by the building official; **TO ALLOW FOR** a continuous Announcement Sign along the construction fence to be installed along Coconut Road and near the intersection of Coconut Road Coconut Resort Point Resort Drive (approximately 1,320 linear feet), as identified on the "Temporary Signage & Graphics" Exhibit, not to exceed

eight (8) feet in height, to be setback 1-foot from the right-of-way, and posted for an 24-month period from the date of erection before continued use of the sign is subject to approval by the building official.

Justification: Chapter 6- Signs of the City's LDC includes a section for temporary signs. The Applicant's request does not meet any of the size and timeframes for their desired temporary signage marketing plans. This part of the City has limited access and the proposed signage is designed to inform the public and interested parties of this redevelopment project, which includes the marina with public access amenities. The signage request is comparable to signage one would see in urban environments and is generally consistent with the new Bonita Downtown Construction signage that the City Council just approved. As designed it will enhance the redevelopment efforts and not cause a detriment to public health, safety, and welfare. The City Staff recommends **APPROVAL** of the deviation request subject to **Condition 5**.

21. **Deviation 21** seeks relief from LDC Section 6-112 (4), On-site directional signs, which allows a permanent wall or ground mounted sign along any interior collector street at the interconnections with other interior streets at maximum of 10 square feet in sign area not to exceed six feet in height above the crown of the abutting street, and set back a minimum of 15 feet from the edge of the street right-of-way or easement; **TO ALLOW FOR** a temporary on-site directional sign as part of a continuous construction fence to be installed along a portion of Coconut Resort Point Resort Drive, as identified on the "Temporary Signage & Graphics" Exhibit, not to exceed eight (8) feet in height, to be setback 1-foot from the right- of-way, and posted for an 24-month period from the date of erection before continued use of the sign is subject to approval by the building official.

Justification: Chapter 6- Signs of the City's LDC includes a section for temporary signs. The Applicant's request does not meet any of the size and timeframes for their desired temporary signage marketing plans. This part of the City has limited access and the proposed signage is designed to inform the public and interested parties of this redevelopment project, which includes the marina with public access amenities in addition to the residential development. The signage request is comparable to signage one would see in urban environments and is generally consistent with the new Bonita Downtown Construction signage that the City Council just approved. As designed it will enhance the redevelopment efforts and not cause a detriment to public health, safety, and welfare. The City Staff recommends **APPROVAL** of the deviation request subject to **Condition 5**.

22. **Deviation 22** seeks relief from LDC Section 6-111 (b)(6)(a)(1)(iii), Temporary Signs, Real Estate, for any property ten acres or more in size, which allows for one (1) non-illuminated real estate sign per every 330 linear feet or major fraction on any one street, at a maximum of 32 square feet in sign area not to exceed six (6) feet in height above the crown of the abutting street, and setback a minimum of 15 feet from the right-of way line and 15 feet from the side lines; **TO ALLOW FOR** up to ten (10) non-illuminated real estate signs at one (1) sign per every 10 linear feet along Coconut Point Resort Drive, as identified on the "Temporary Signage & Graphics" Exhibit, not to exceed 28 SF per sign (4'x7'), to be setback 1-foot from the edge of pavement of private easement, not to exceed eight (8) feet in height above the crown of the abutting street for each sign, and posted for a 24-month period from the date of erection before continued use of the sign is subject to approval by the building official.

Justification: Chapter 6- Signs of the City's LDC includes a section for temporary signs. The Applicant's request does not meet their desired temporary signage marketing plan for this section of roadway. There are examples of new residential community's implementing temporary signage to market the brand of a community such as Lakewood Ranch and the Town of Ave Maria. The section of roadway is located internal to the Hyatt Coconut Pointe Resort (timeshares) and the new Saltleaf Community (aka Bayview Towers). As designed it will enhance the redevelopment efforts and not cause a detriment to public health, safety, and welfare. The City Staff recommends **APPROVAL** of the deviation request subject to **Condition 5**.

SUBJECT PROPERTY:

The Applicant indicates the STRAP numbers are: 074725B2010C30000, 074725B2010C10000, 074725B2010C20000, 074725B20100P00CE, and a portion of 074725B2000000010 (5.3 +/- acres)

EXHIBITS:

- A. Legal Description and Sketch of the Subject Property stamped August 16, 2022
- B. Master Concept Plan stamped received April 26, 2023
- C. Schedule of Uses stamped received August 16, 2022
- D. Traffic Impact Statement Memorandum (Trip Conversion) dated July 20, 2022
- E. Temporary Signage and Graphics stamped received February 10, 2023

ATTACHMENTS:

- A. Staff Informational Analysis
 - i. Background and Informational Analysis
 - ii. Current Zoning: Zoning Ordinance No. 20-06, Zoning Ordinance No. 21-03, ADD21-86841-BOS
 - iii. Bayview II CPD, Lee County Zoning Resolution No. 19-024
 - iv. Public Notice Responses
- B. Applicant's Informational Analysis
 - i. Application
 - ii. Request and Bonita Plan and LDC Consistency Narrative
 - iii. Schedule of Deviations
 - iv. Archaeological Information
 - v. Surface Water Management Narrative
 - vi. Protected Species Survey Report
 - vii. Environmental Assessment Mapping
 - viii. Heritage Tree Information
 - ix. Agency Permit Information (ERP, Mitigation, and Conservation Easement)
 - x. Pre-filing and Post-sufficiency Neighborhood Meeting Information

PD22-94263-BOS
EXHIBIT A
RHODES & RHODES LAND SURVEYING, INC.
28100 BONITA GRANDE DRIVE, SUITE 107
BONITA SPRINGS, FL 34135
PHONE (239) 405-8166 FAX (239) 405-8169

LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN GOVERNMENT LOT 2, SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF GOVERNMENT LOT 2, SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 31°10'47" EAST, A DISTANCE OF 148.79 FEET TO A POINT ON A NON-TANGENTIAL CURVE, THE SAME BEING A POINT ON THE BOUNDARY OF THOSE LANDS DESCRIBED AND RECORDED IN CITY OF BONITA SPRINGS, FLORIDA ORDINANCE NUMBER 14-10 (ANNEXATION AREA); THENCE RUN THE FOLLOWING ELEVEN (11) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: SOUTHEASTERLY, 59.11 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 610.00 FEET, THROUGH A CENTRAL ANGLE OF 05°33'06" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 61°35'46" EAST, 59.08 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 2: SOUTHEASTERLY, 68.09 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 675.00 FEET, THROUGH A CENTRAL ANGLE OF 05°46'48" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 61°28'55" EAST, 68.07 FEET TO A POINT OF COMPOUND CURVATURE; COURSE NO. 3: SOUTHEASTERLY, 273.04 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 260.00 FEET, THROUGH A CENTRAL ANGLE OF 60°10'09" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 28°30'26" EAST, 260.66 FEET; COURSE NO. 4: SOUTH 01°34'37" WEST, 129.72 FEET TO A POINT OF CURVATURE; COURSE NO. 5: SOUTHERLY, 147.14 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 225.00 FEET, THROUGH A CENTRAL ANGLE OF 37°28'04" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 20°18'39" WEST, 144.53 FEET; COURSE NO. 6: SOUTH 39°02'41" WEST, 55.64 FEET TO A POINT OF CURVATURE; COURSE NO. 7: SOUTHERLY, 225.28 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 190.00 FEET, THROUGH A CENTRAL ANGLE OF 67°56'02" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 05°04'40" WEST, 212.31 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 8: SOUTHWESTERLY, 294.51 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 155.00 FEET, THROUGH A CENTRAL ANGLE OF 108°52'02" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 25°32'40" WEST, 252.17 FEET; COURSE NO. 9: SOUTH 79°58'40" WEST, 20.35 FEET; COURSE NO. 10: SOUTH 01°34'59" EAST, 30.27 FEET; COURSE NO. 11: SOUTH 88°25'01" WEST, 26.60 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 3421, PAGES 1095 THROUGH 1097 (INCLUSIVE) OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING FIVE (5) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: NORTH 01°34'59" WEST, 84.84 FEET; COURSE NO. 2: SOUTH 89°05'44" WEST, 25.00 FEET TO A POINT ON THE EAST LINE OF AFORESAID GOVERNMENT LOT 2; COURSE NO. 3: SOUTH 89°05'44" WEST, 263.94 FEET; COURSE NO. 4: SOUTH 89°09'57" WEST, 666.41 FEET; COURSE NO. 5: SOUTH 89°06'07" WEST, 247.33 FEET TO THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN INSTRUMENT NUMBER 2013000046383, PUBLIC RECORDS OF SAID LEE

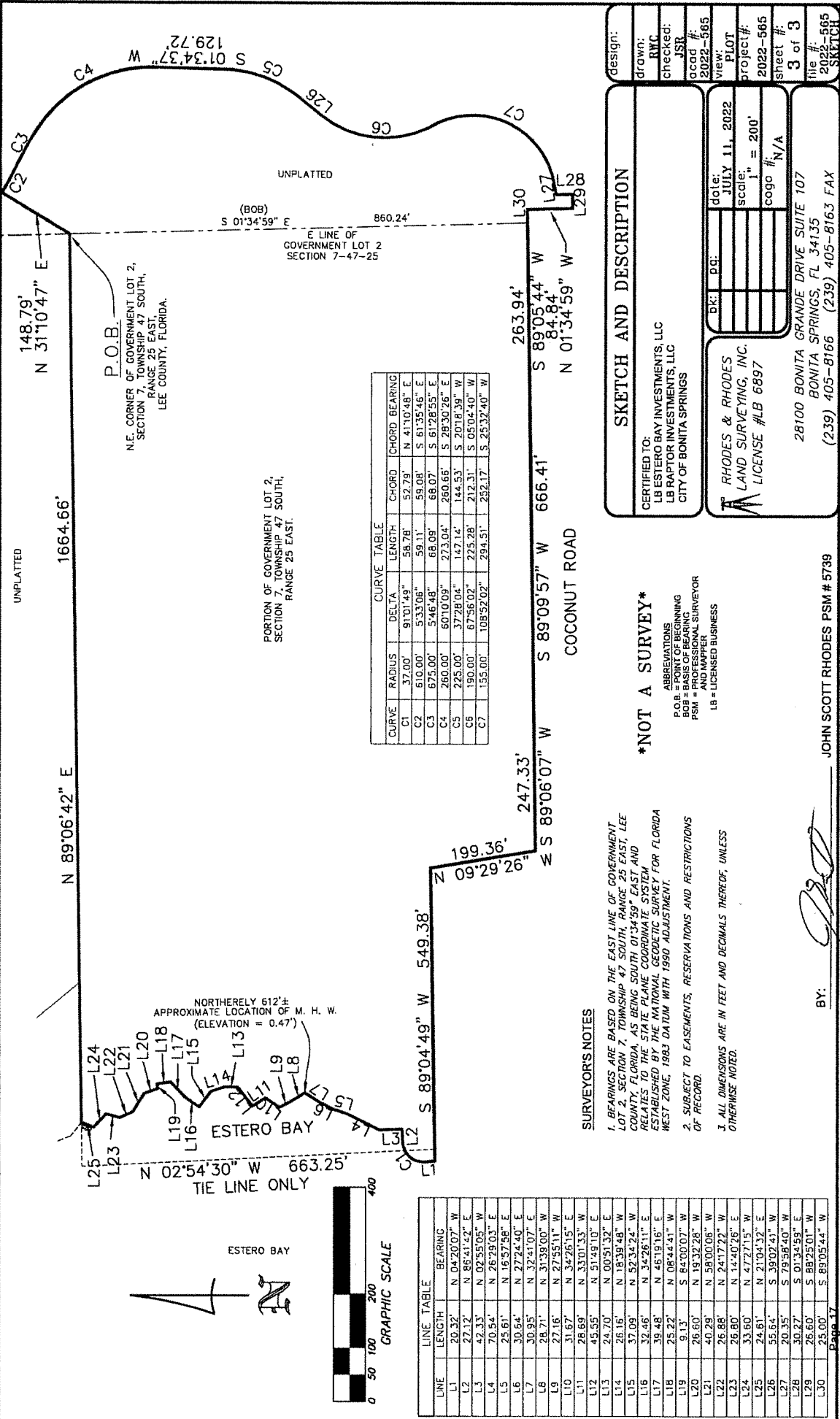
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RHODES & RHODES LAND SURVEYING, INC.

**28100 BONITA GRANDE DRIVE, SUITE 107
BONITA SPRINGS, FL 34135
PHONE (239) 405-8166 FAX (239) 405-8163**

COUNTY, FLORIDA; THENCE RUN ALONG THE WESTERLY BOUNDARY OF SAID LANDS, NORTH 09°29'26" WEST, A DISTANCE OF 199.36 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE AFOREMENTIONED GOVERNMENT LOT 2; THENCE RUN ALONG SAID SOUTH LINE, SOUTH 89°04'49" WEST, A DISTANCE OF 549.38 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF ESTERO BAY, A PORTION OF WHICH IS DEPICTED ON THE MEAN HIGH WATER LINE SURVEY PUBLISHED ON LABINS.ORG WITH A FILE NUMBER OF 3955; THENCE RUN THE FOLLOWING TWENTY-SIX (26) COURSES ALONG SAID MEAN HIGH WATER LINE; COURSE NO. 1: NORTH 04°20'07" WEST, 20.32 FEET TO A POINT OF CURVATURE; COURSE NO. 2: NORTHEASTERLY, 58.78 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 37.00 FEET, THROUGH A CENTRAL ANGLE OF 91°01'49" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 41°10'48" EAST, 52.79 FEET; COURSE NO. 3: NORTH 86°41'42" EAST, 27.12 FEET; COURSE NO. 4: NORTH 02°55'05" WEST, 42.33 FEET; COURSE NO. 5: NORTH 26°29'03" EAST, 70.54 FEET; COURSE NO. 6: NORTH 16°57'58" EAST, 25.61 FEET; COURSE NO. 7: NORTH 27°24'40" EAST, 30.64 FEET; COURSE NO. 8: NORTH 32°41'07" EAST, 30.95 FEET; COURSE NO. 9: NORTH 31°39'00" WEST, 28.71 FEET; COURSE NO. 10: NORTH 27°55'11" WEST, 27.16 FEET; COURSE NO. 11: NORTH 34°26'15" EAST, 31.67 FEET; COURSE NO. 12: NORTH 33°01'33" WEST, 28.69 FEET; COURSE NO. 13: NORTH 51°49'10" EAST, 45.55 FEET; COURSE NO. 14: NORTH 00°51'32" EAST, 24.70 FEET; COURSE NO. 15: NORTH 18°39'48" WEST, 26.16 FEET; COURSE NO. 16: NORTH 52°34'24" WEST, 37.09 FEET; COURSE NO. 17: NORTH 34°26'11" EAST, 32.46 FEET; COURSE NO. 18: NORTH 46°19'16" EAST, 39.48 FEET; COURSE NO. 19: NORTH 08°44'41" WEST, 25.22 FEET; COURSE NO. 20: SOUTH 84°00'07" WEST, 9.13 FEET; COURSE NO. 21: NORTH 19°32'28" WEST, 26.60 FEET; COURSE NO. 22: NORTH 58°00'06" WEST, 40.29 FEET; COURSE NO. 23: NORTH 24°17'22" WEST, 26.88 FEET; COURSE NO. 24: NORTH 14°40'26" EAST, 26.80 FEET; COURSE NO. 25: NORTH 47°27'15" WEST, 33.60 FEET; COURSE NO. 26: NORTH 21°04'32" EAST, 24.61 FEET TO A POINT ON THE NORTH LINE OF SAID GOVERNMENT LOT 2; THENCE RUN ALONG SAID NORTH LINE, NORTH 89°06'42" EAST, A DISTANCE OF 1,664.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,561,366 SQUARE FEET OR 35.844 ACRES, MORE OR LESS.



UNPLATTED

148.79'
N 31°10'47\" E

1664.66'

N 89°06'42\" E

P.O.B.
N.E. CORNER OF GOVERNMENT LOT 2,
SECTION 7, TOWNSHIP 47 SOUTH,
RANGE 25 EAST,
LEE COUNTY, FLORIDA.

PORTION OF GOVERNMENT LOT 2,
SECTION 7, TOWNSHIP 47 SOUTH,
RANGE 25 EAST.

UNPLATTED

(BOB)
S 01°34'59\" E 860.24'
E LINE OF
GOVERNMENT LOT 2
SECTION 7-47-25

CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	37.00'	91°01'49\"	58.78'	52.73'	N 41°10'48\" E
C2	610.00'	5°33'06\"	59.11'	59.08'	S 61°35'46\" E
C3	675.00'	5°46'48\"	68.09'	68.07'	S 61°28'55\" E
C4	260.00'	6°10'09\"	273.04'	260.65'	S 28°30'26\" E
C5	225.00'	37°28'04\"	147.14'	144.53'	S 20°18'39\" W
C6	190.00'	67°58'02\"	225.28'	212.31'	S 05°04'40\" W
C7	135.00'	108°52'02\"	294.51'	252.17'	S 25°32'40\" W

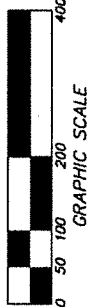
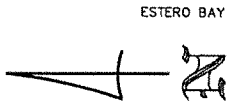
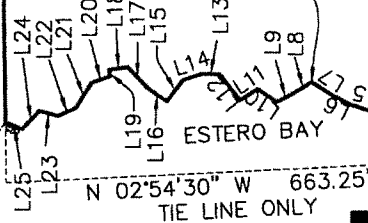
263.94'
S 89°05'44\" W
84.84'
N 01°34'59\" W

247.33'
S 89°09'57\" W 666.41'
COCONUT ROAD

199.36'
N 09°29'26\" W

247.33'
S 89°06'07\" W

NORTHERLY 612'±
APPROXIMATE LOCATION OF M. H. W.
(ELEVATION = 0.47')



LINE	LENGTH	BEARING
L1	20.32'	N 04°20'07\" W
L2	27.12'	N 86°41'42\" E
L3	42.13'	N 02°55'05\" W
L4	20.54'	N 26°29'03\" E
L5	25.61'	N 15°37'58\" E
L6	30.64'	N 27°24'40\" E
L7	30.95'	N 32°41'07\" E
L8	28.71'	N 31°39'00\" W
L9	27.16'	N 27°55'11\" W
L10	31.67'	N 34°26'15\" E
L11	28.69'	N 33°01'33\" W
L12	45.55'	N 51°49'10\" E
L13	24.70'	N 00°51'32\" E
L14	26.16'	N 18°39'48\" W
L15	37.09'	N 52°34'24\" W
L16	32.46'	N 34°26'11\" E
L17	38.48'	N 45°19'16\" E
L18	25.22'	N 08°44'41\" W
L19	9.13'	S 84°00'07\" W
L20	26.60'	N 19°32'28\" W
L21	40.29'	N 58°00'06\" W
L22	26.88'	N 24°17'22\" W
L23	26.80'	N 14°40'76\" E
L24	33.60'	N 47°27'15\" W
L25	24.61'	N 21°04'32\" E
L26	55.54'	S 39°02'41\" W
L27	20.35'	S 79°56'40\" W
L28	30.27'	S 81°34'58\" E
L29	26.60'	S 85°25'01\" W
L30	25.00'	S 89°05'44\" W

SKETCH AND DESCRIPTION

CERTIFIED TO:
LB ESTERO BAY INVESTMENTS, LLC
LB RAPTOR INVESTMENTS, LLC
CITY OF BONITA SPRINGS

DATE: JULY 11, 2022
SCALE: 1\" = 200'
CAGE #: N/A

28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

NOT A SURVEY

ABBREVIATIONS
P.O.B. = POINT OF BEGINNING
BOB = BASIS OF BEARING
PSM = PROFESSIONAL SURVEYOR
LB = LICENSED BUSINESS

SURVEYOR'S NOTES

- BEARINGS ARE BASED ON THE EAST LINE OF GOVERNMENT LOT 2, SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. THE COORDINATE SYSTEM AND CURVES TO THE SKETCH ARE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 1980 ADJUSTMENT.
- SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.
- ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

JOHN SCOTT RHODES PSM # 5739

BY:

design: RWC
drawn: JJSR
checked: JJSR
code #: 2022-565
view: PLOT
project #: 2022-565
sheet #: 3 of 3
file #: 2022-565 SKETCH



Bayview on Estero Bay RPD/CPD Amendment

Schedule of Uses

**Changes to conditions of Zoning Ordinance No. 20-06, as modified by Zoning Ordinance NO. 21-03, and ADD21-86841 are shown in ~~strikethrough~~/underline format*

MAXIMUM DEVELOPMENT

The Planned Development is approved for a maximum of the following:

OPTION 1 (CONTINUING CARE FACILITIES OPTION):

- ~~*A Continuing Care Facility (CCF) containing a maximum of 300 Independent Living Facility (ILF) units calculated at a density of 2 ILF units: 1 residential dwelling unit per 4-1183(c);~~
- ~~75 Assisted Living Facility (ALF) at a density of 4 ALF beds: 1 residential dwelling unit per 4-1283(a)(1); and~~
- ~~72 wet boat slips and 25 dry boat slips (15 on-site & 10 off-site in the Bayview II CPD)~~
- ~~1 public boat ramp~~
- ~~7,500 SF of Restaurants, Group I-III~~

OR

OPTION 2 (MULTI-FAMILY OPTION):

- 300 multi-family, townhomes and/or two-family dwelling units or hotel/motel subject to conversation matrix; and
- 72 wet boat slips and 25 dry boat slips (15 on-site & 10 off-site in the Bayview II CPD)
- 1 public boat ramp
- 7,500 SF of Restaurants, Group I-III

RPD

Accessory uses and structures, residential

Administrative offices

Assisted Living Facility (ALF)

~~ALF/CCF Accessory uses and structures, ALF/CCF including but not limited to: small-scale retail and personal services for use by residents such as ATM's, auditoriums, banking, barber and/or beauty shop, spa services, laundry and/or dry cleaning (Group I and II), medical offices, pharmacy, postal services, rehabilitation facilities, sundries, other community recreational facilities and similar uses)~~

Continuing Care Facility (CCF)

Clubs, country, private and fraternal

Accessory uses, including but not limited to:

- ATM
- Bait and tackle shop
- Boat dock
- Boat ramp
- Consumption on premises, including outdoor seating
- Day care center, adult and child
- Food and beverage service
- Locker rooms
- Personal services (Groups I and II limited to ATM, barber or beauty shop, health club and massage establishment)
- Rental or leasing establishments, Group I only
- Restaurants Groups I, II and III with consumption on premises and outdoor seating
- Specialty retail shop, Groups I and II
- Swimming pools
- Sports courts
- Communication facilities, wireless
- Community gardens
- Cultural facilities
- Dwelling units:
 - Multi-family Building
 - Townhomes
 - Two-Family Attached
- Entrance gates and gatehouse
- Essential services
- Essential services facilities, Group I
- Excavation, water retention
- Fences, walls
- Health Care Facilities, Groups I, II and III
- Home occupations in accordance with LDC Chapter 4
- Hotel/motel
- ~~Independent Living Units (ILF)~~
- Models, display center, model unit limited to residential uses within the PD
- Multi-Slip Docking Facility
- Parks, public and private
- Parks, Groups I and II excluding fishing piers
- Parking lot, accessory, commercial, garage, temporary
- Real estate sales office
- Recreational facilities, commercial Group III, outdoor cultural, passive and active recreational (private on-site) and educational activities only
- Restaurant, Group I-III (limited to 7,500 SF within the overall RPD/CPD)
- Signs in accordance with Chapter 6
- Storage, indoor, accessory only
- Temporary uses in accordance with Chapter 4
- Transportation services, Group I and II

CPD

Accessory uses and structures

Administrative offices
ATM
Boat parts store
Boat rental and leasing establishments, Group I
Club, private
 Accessory uses, including but not limited to:
 Bait and tackle shop
 Boat dock
 Consumption on premises, including outdoor seating
 Food and beverage service
 Locker rooms
 Personal services (Groups I and II limited to ATM, barber or beauty shop,
 health club and massage establishment)
 Rental or leasing establishments, Group I only
 Restaurants Groups I, II and III with consumption on premises and
 outdoor seating and accessory to private club only
 Specialty retail shop, Groups I and II
 Swimming pools
 Sports courts
Excavation, water retention
Fences, walls
Marina
Marina, accessory uses, excluding fueling facilities
Multi-slip docking facility
Restaurant, Group I-III (limited to 7,500 SF within the overall RPD/CPD)
Parking lot, accessory
Parks, Groups I and II (excluding fishing piers)
Recreation Facilities, Commercial Group III, outdoor cultural, passive and active
recreational and educational activities only
Signs in accordance with Chapter 6
Transportation services, Groups I and II



2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

MEMORANDUM

TO: Ms. Alexis Crespo
RVI Planning

FROM: Ted Treesh, PTP
President

DATE: July 20, 2022

RE: Bayview of Estero Bay Zoning Amendment
City of Bonita Springs, Florida

TR Transportation Consultants, Inc. has completed the following memorandum in support of the zoning amendment to add additional residential uses to the Schedule of Uses to the Bayview on Estero Bay project located at the western terminus of Coconut Road in the City of Bonita Springs, Florida. The proposed amendment seeks to increase the overall acreage of the Planned Development to approximately 36 acres, eliminate the Independent Living and Assisted Living and CCRC uses from the Schedule of Uses and add two-family and townhome dwelling types, and the eliminate a preserve area that will be mitigated off-site. No other changes are proposed to the PUD, including the maximum density of 300 dwelling units and commitments for public access to Estero Bay and associated public amenities.

TRIP GENERATION

The previous traffic study submitted for the rezoning application was based on the “worst case” scenario of the site being developed as 100% traditional multi-family dwelling units. With the introduction of two-family attached units, it is the intent of the PUD not to exceed the trip generation of the project based on the 300 traditional multi-family dwelling units. A conversion table below identifies an approximately conversion from the traditional multi-family dwelling units to the two-family attached units based on the Institute of Transportation Engineer’s (ITE) report, titled *Trip Generation Manual*, 11th Edition. The average trip rates for the Weekday P.M. peak hour were utilized to determine the conversion rates. The exact conversion of units will be determine with each Development Order application and will demonstrate that the P.M. peak hour trip generation will not exceed the trips analyzed in the original zoning analysis based on the 300 traditional multi-family dwelling units

Table 1
Conversion Table
Bayview on Estero Bay

	MULTI-FAMILY HIGH-RISE (DU)	MULTI-FAMILY MID-RISE (DU)	SINGLE-FAMILY ATTACHED (DU)
MULTI-FAMILY HIGH-RISE (1 DU)	1	0.82	0.56
MULTI-FAMILY MID-RISE (1 DU)	1.22	1	0.70
SINGLE-FAMILY ATTACHED (1 DU)	1.78	1.46	1

Based on the above conversion chart, two-family attached dwelling units can be constructed on the site in exchange for mid-rise and high-rise units so that the trip generation that was originally analyzed in the zoning approval for this case will not be exceeded. Therefore, no additional transportation analysis is required since the Amendment will have no additional transportation impacts beyond what was previously analyzed and approved by the City of Bonita Springs.

Attachments

K:\2022\07 July\15 Bayview on Estero Bay Zoning Amendment\7-20-2022 TIS Memorandum.doc

Single-Family Attached Housing (215)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 51

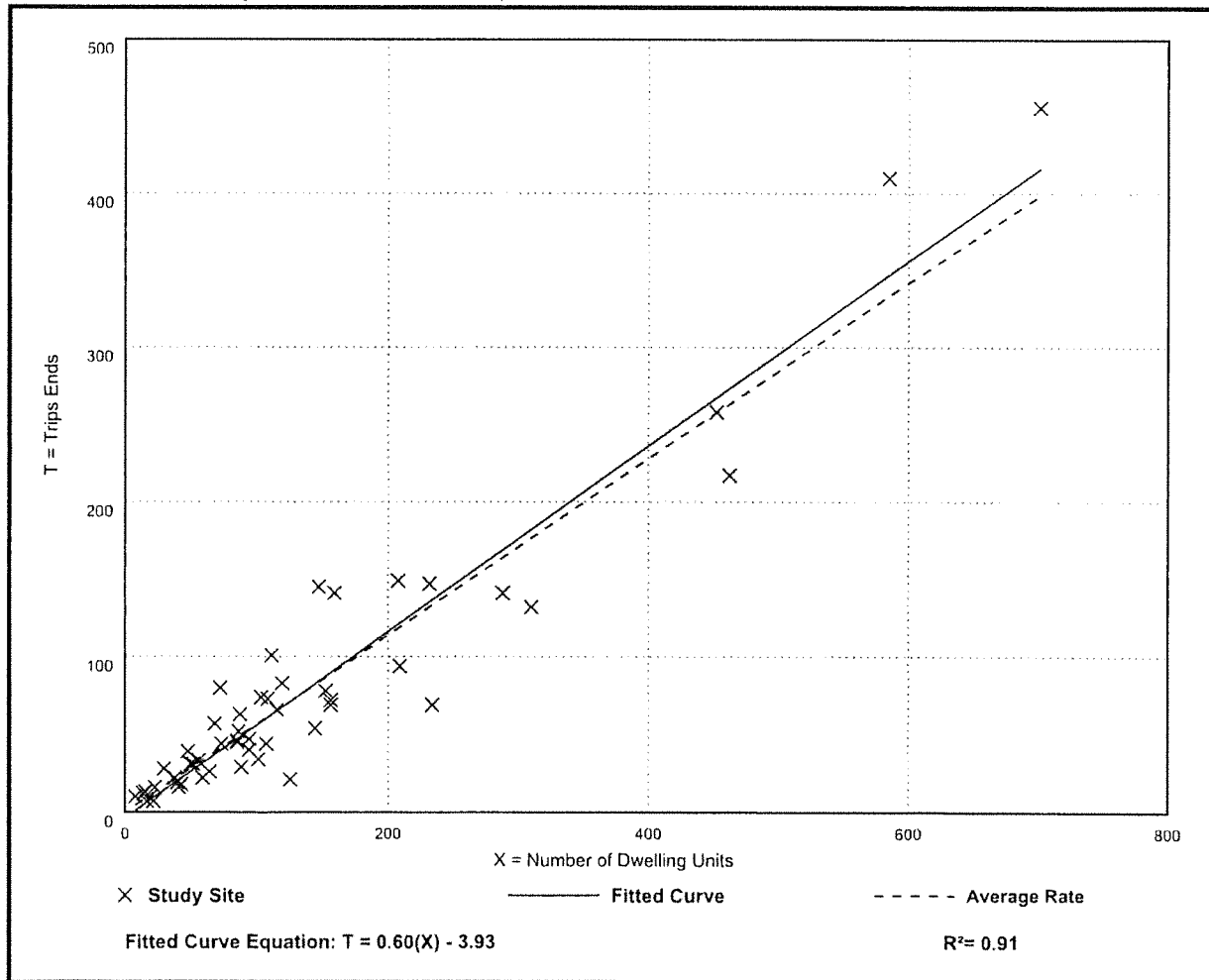
Avg. Num. of Dwelling Units: 136

Directional Distribution: 57% entering, 43% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.57	0.17 - 1.25	0.18

Data Plot and Equation



Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 31

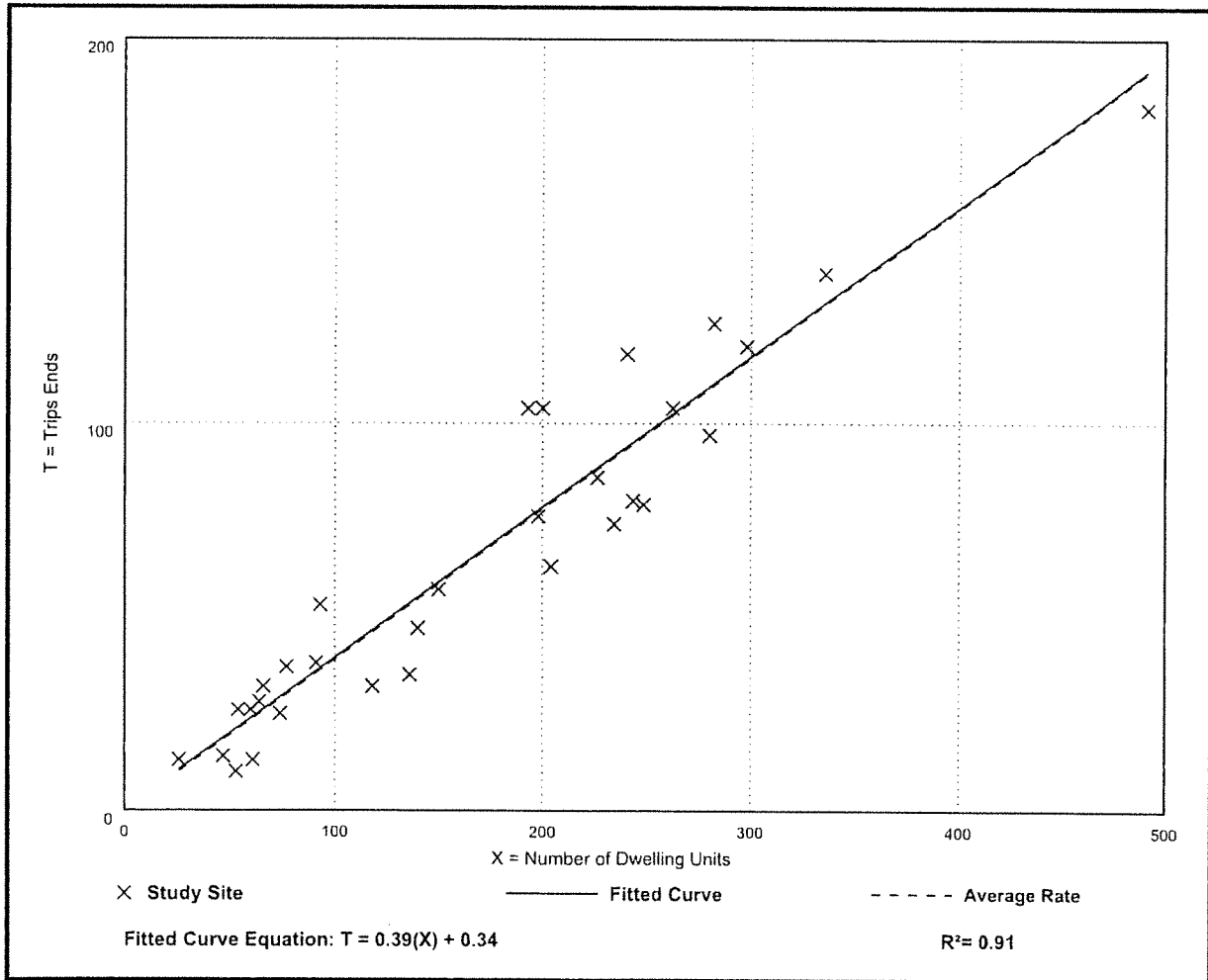
Avg. Num. of Dwelling Units: 169

Directional Distribution: 61% entering, 39% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.39	0.19 - 0.57	0.08

Data Plot and Equation



Multifamily Housing (High-Rise) Not Close to Rail Transit (222)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 45

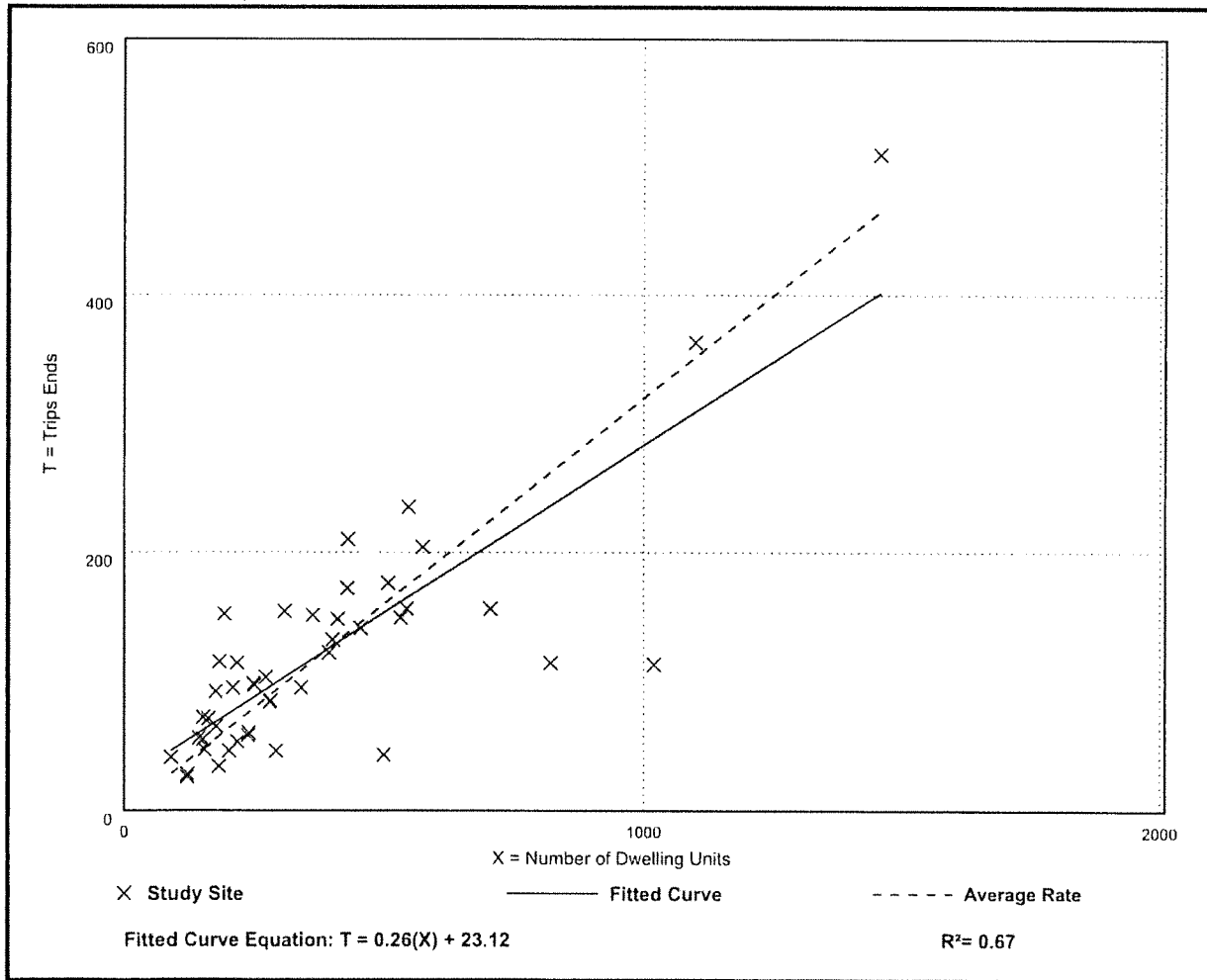
Avg. Num. of Dwelling Units: 372

Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.32	0.09 - 0.80	0.13

Data Plot and Equation



PD22-94263-BOS
Exhibit E



SALTLEAF

ON ESTERO BAY

TEMPORARY SIGNAGE & GRAPHICS
CITY SUBMITTAL

1.24.2023

rsmdesign





CREATING A KIT OF PARTS FOR TEMPORARY GRAPHICS

- ① ON-SITE DIRECTIONAL SIGNS
- ② ANNOUNCEMENT SIGNS
- ③ ON-SITE DIRECTIONAL SIGNS
- ④ REAL ESTATE SIGNS
- ⑤ ANNOUNCEMENT SIGNS

Please note the following is intended to show a kit of parts system. The various locations can and will vary as all signs illustrated can be utilized throughout the site. Messaging is placeholder and to be reviewed / provided by ownership team.

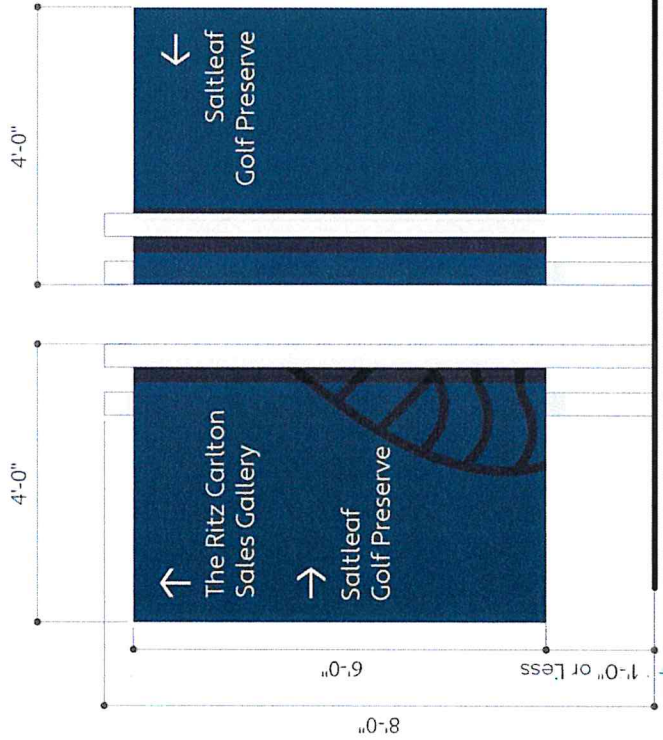
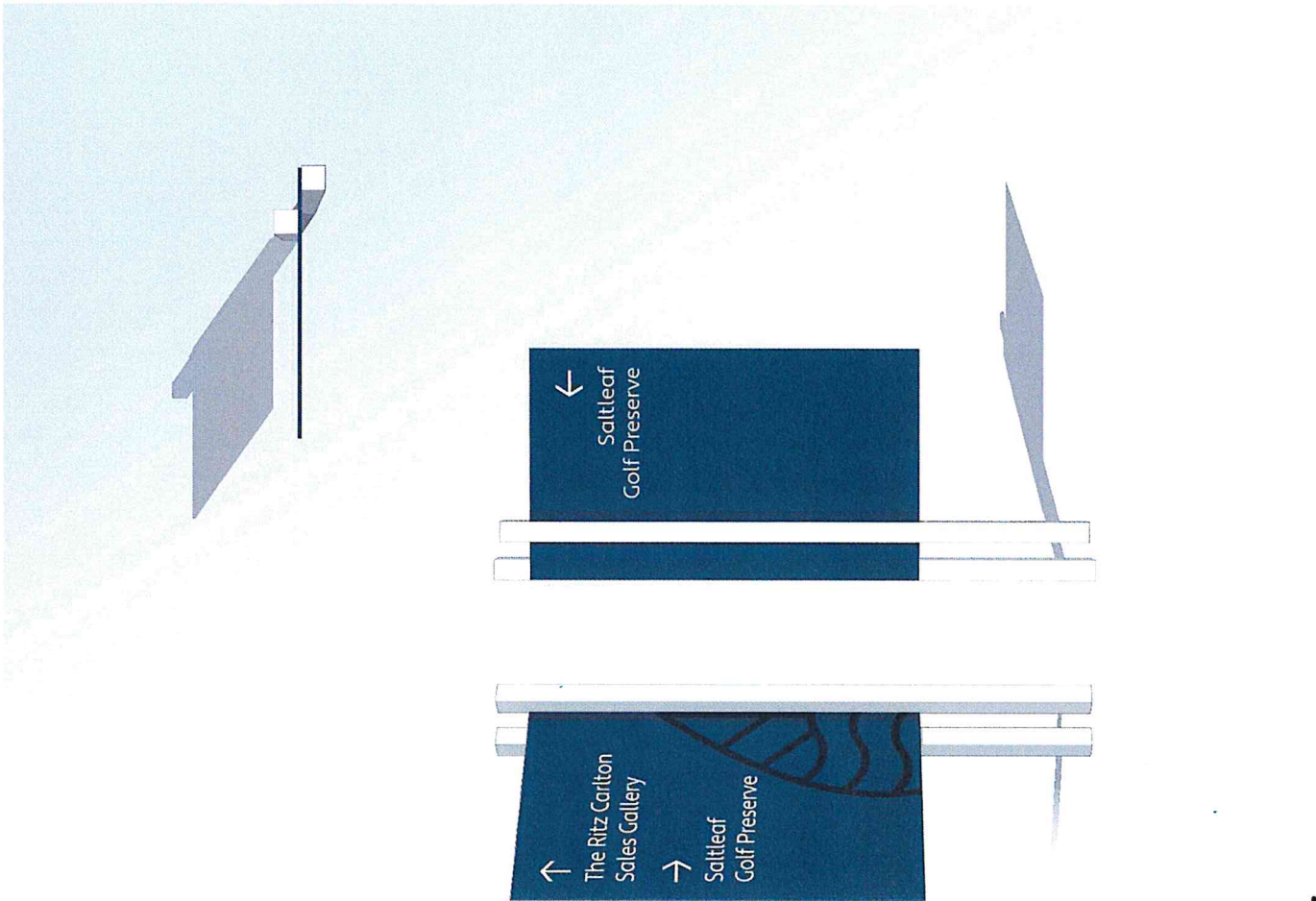


① ON-SITE DIRECTIONAL SIGNS

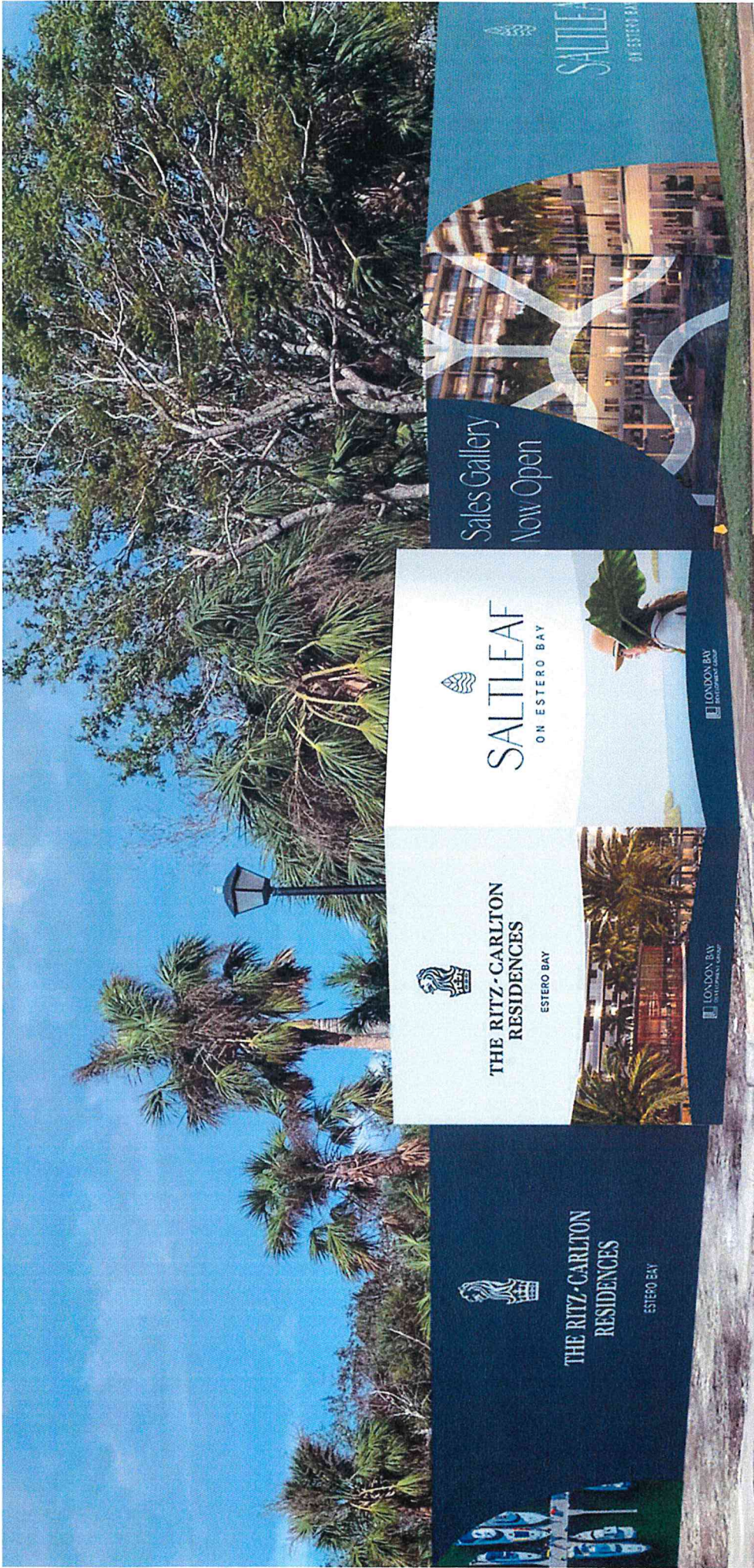
ONSITE DIRECTIONAL SIGNS WITH TWO BELOW GRADE ANCHORED POSTS AND 6'X4' PANEL WITH DIGITALLY PRINTED GRAPHICS ON BOTH SIDES.



LOCATION REFERENCE
Scale : NTS



ON-SITE DIRECTIONAL SIGNS
Scale: 3/8"=1'

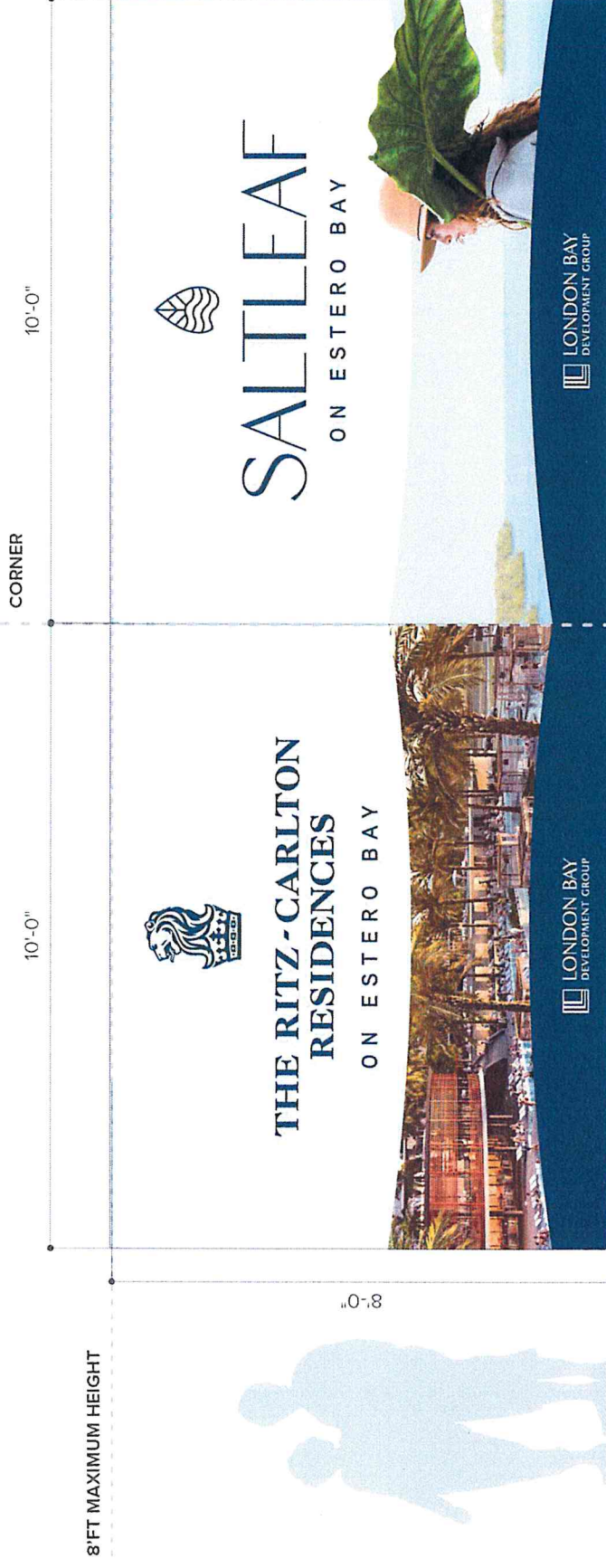


② ANNOUNCEMENT SIGNS

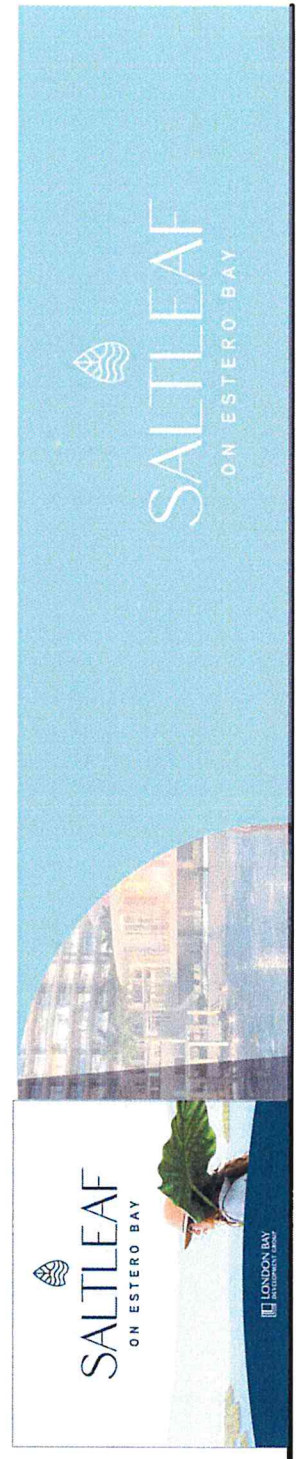
ANNOUNCEMENT SIGNS WITH DIGITALLY PRINTED GRAPHICS ADHERED TO WOOD PANELS AND ANCHORED BY WOOD POSTS.



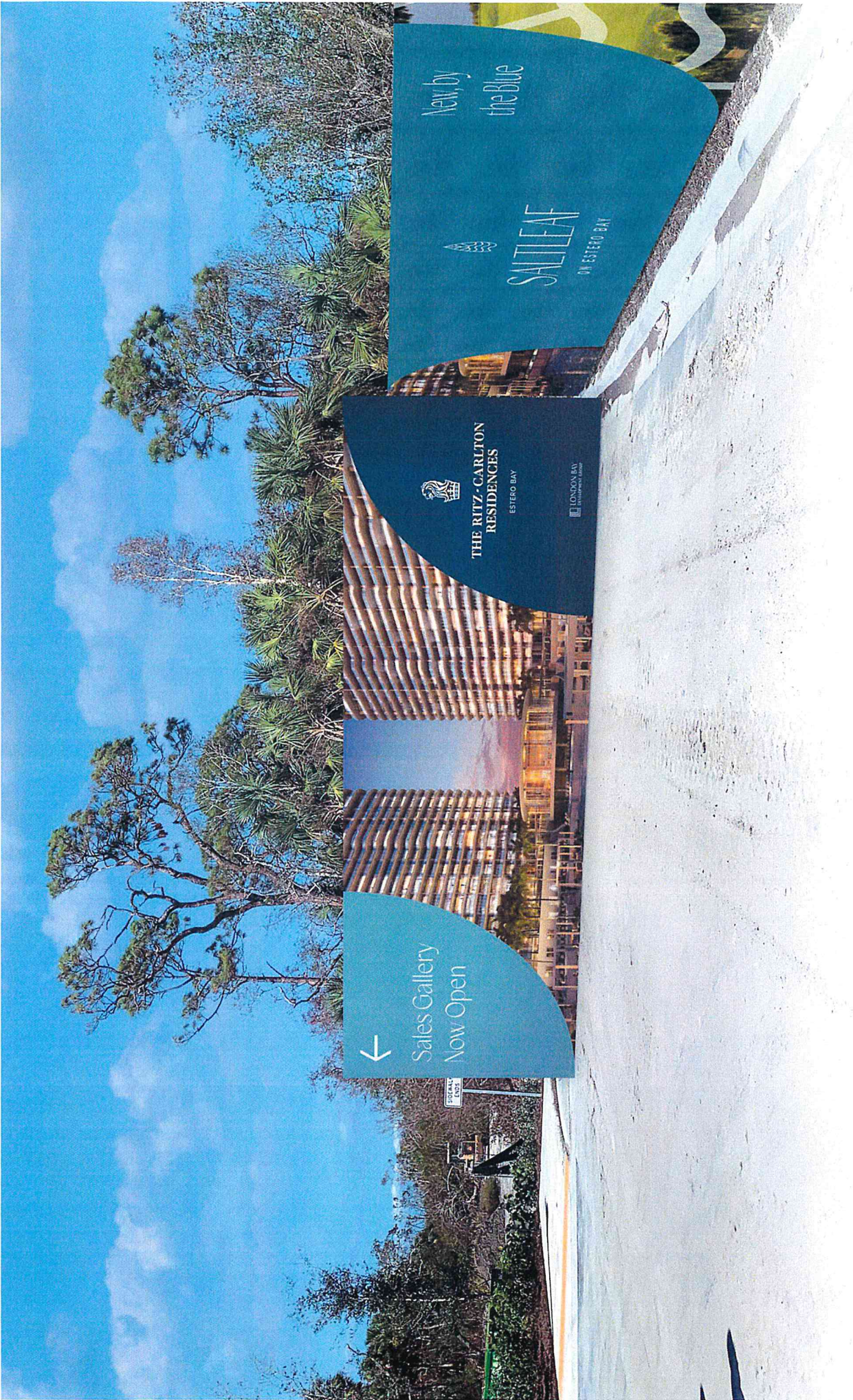
LOCATION REFERENCE
Scale: NTS



ANNOUNCEMENT SIGNS
Scale : 3/8"=1'



ANNOUNCEMENT SIGNS
Scale : 3/16"=1'



③ ON-SITE DIRECTIONAL SIGNS

ON-SITE DIRECTIONAL PANEL WITH DIGITALLY PRINTED GRAPHICS ADHERED TO WOOD PANELS AND ANCHORED BY WOOD POSTS.



LOCATION REFERENCE
Scale: NTS

8' FT MAXIMUM HEIGHT

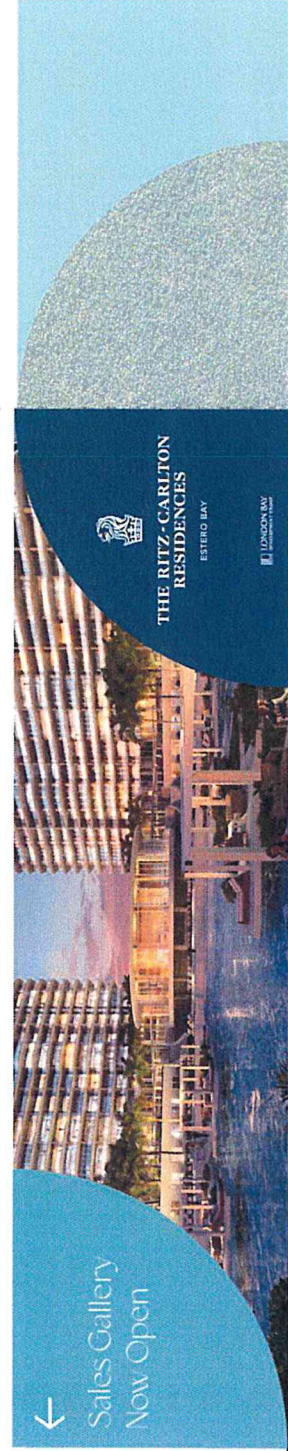
30'-0" VIF



ON-SITE DIRECTIONAL SIGNS

Scale : 1/4"=1'

CORNER



ON-SITE DIRECTIONAL SIGNS

Scale : 3/16"=1'

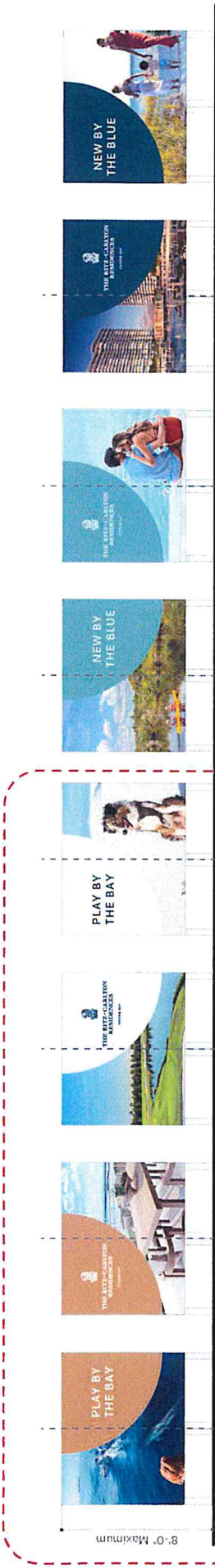


④ REAL ESTATE SIGNS

A SERIES OF WEDGE SHAPED REAL ESTATE SIGNS WITH DIGITALLY PRINTED GRAPHICS ON 2 PANELS ANCHORED BY 3 POSTS MARCHING DOWN THE PATH TO THE NEW SALTLEAF GOLF PRESERVE.

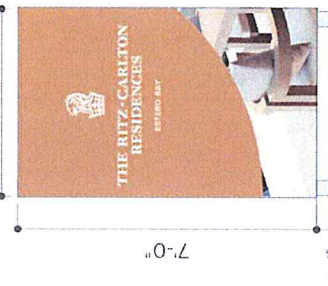


LOCATION REFERENCE
Scale : NTS



REAL ESTATE SIGNS - FULL ELEVATION
Scale : 1/8"=1'

4'-0"



7'-0"

1'-0" OR LESS



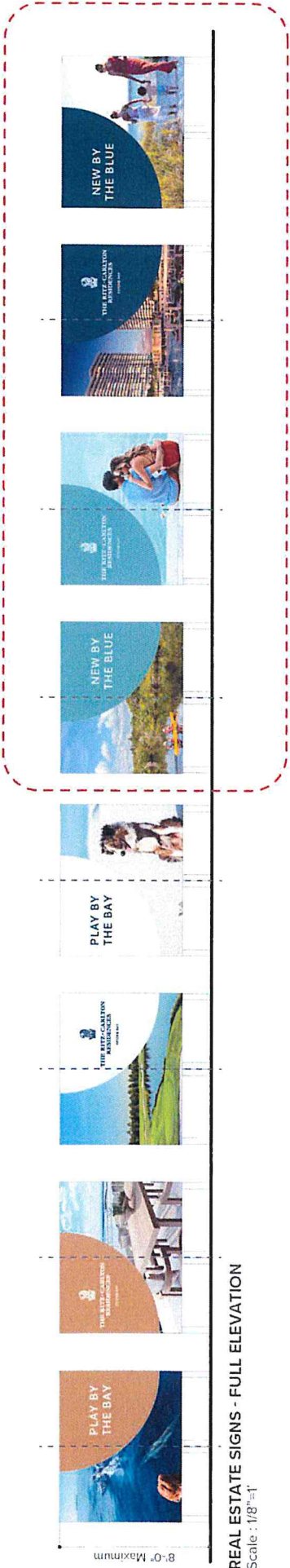
REAL ESTATE SIGNS - NORTH ELEVATION
Scale : 1/4"=1'



8'-0" Maximum

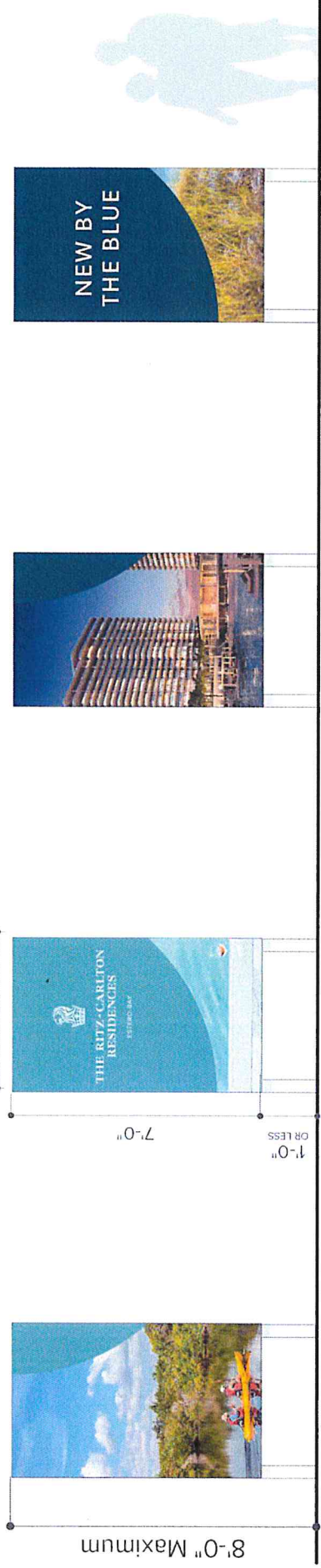


REAL ESTATE SIGNS - SOUTH VIEW
Scale : 1/4"=1'



REAL ESTATE SIGNS - FULL ELEVATION

Scale : 1/8"=1'



REAL ESTATE SIGNS - NORTH ELEVATION

Scale : 1/4"=1'



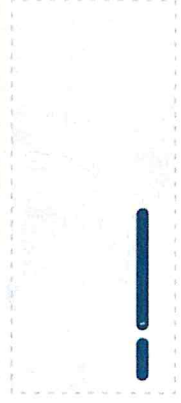
REAL ESTATE SIGNS - SOUTH VIEW

Scale : 1/4"=1'



⑤ ANNOUNCEMENT SIGNS

ANNOUNCEMENT SIGNS WITH
DIGITALLY PRINTED GRAPHICS
ON A MESH SCRIM.



LOCATION REFERENCE
Scale: NTS



LOCATION REFERENCE

Scale : NTS



8' FT



TOTAL LENGTH: 220'

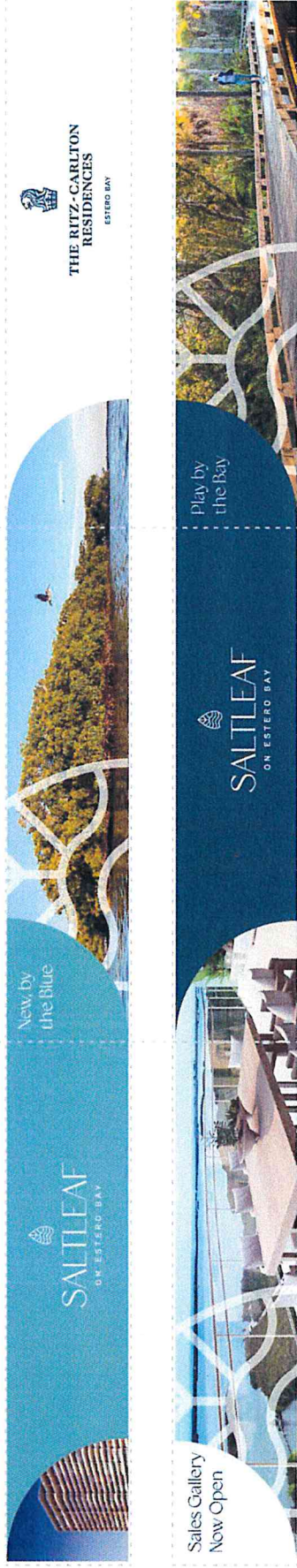
ANNOUNCEMENT SIGNAGE - 3 PANEL ELEVATION

Scale : 3/32"=1'



LOCATION REFERENCE

Scale : NTS



8' FT



TOTAL LENGTH: 880'

ANNOUNCEMENT SIGNAGE - 3 PANEL ELEVATION

Scale : 3/32"=1'

THANK YOU

PLEASE NOTE

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DESIGNED AND CRAFTED BY

rsmdesign

ATTACHMENT "A"

BACKGROUND AND INFORMATIONAL ANALYSIS

Introduction/Synopsis

The purpose and intent of the various planned development districts is to further implement the goals, objectives, and policies of the Bonita Springs Comprehensive Plan (Bonita Plan) by providing some degree of flexibility in planning and designing developments as defined in [Land Development Code \(LDC\) 4-200\(2\)](#). The standard of review conducted by the City Staff and other review agencies provides the basis for the City Staff's recommendation on this planned development amendment request as outlined in [LDC 4-131\(d\)\(3\)](#) and [LDC 4-299\(a\)\(2\) and \(4\)](#). This recommendation is then presented to the City Council, which has the final-decision making authority.

This request is to amend the existing Bayview on Estero Bay Residential Planned Development/Commercial Planned Development (RPD/CPD) to:

1. Increase the RPD boundary by 5.3 ± acres;
2. Remove the northeastern preserve consisting of 0.62± acres and increase the mangrove preserve area from 3.51 acres to 3.64 acres;
3. Remove the ALF/ILF/CCRC development option (Option 1);
4. Add Townhomes and Two-Family Attached Homes to the Schedule of Uses within the RPD;
5. Add RPD development regulations for townhomes and two-family attached homes;
6. Add a trip conversion matrix to allow the multi-family units to be converted to other residential types with no increase to PM peak hour trip generation;
7. Modify Deviation 8 and Deviation 13 to address changes in building layout and removal of preserve acreage;
8. Add six new deviations; and
9. Modify the Master Concept Plan to provide for these changes.

Master Concept Plan

The amendment request requires revisions to portions of the three (3) page Master Concept Plan (**Exhibit "B"**).

Sheet 1

Sheet 1 of the Master Concept Plan delineates the areas designated as RPD and CPD. The RPD portion of the proposed project remains gated and separated from the public access portion of the project (CPD). The RPD area includes portions of the marina for private access; three (3) residential buildings (multi-family); five (5) residential tracts (accommodate low-rise multiple-family, two-family attached, or townhomes); a 7,500 square foot restaurant; reconfiguration of the stormwater management system; a vehicular and pedestrian circulation system; one (1) area for on-site preservation; and the ability to interconnect to the RPD Land Development Area F1 parcel (f/k/a Raptor Bay parcel within the Pelican Landing CPD/RPD), which is under common ownership. The additional 5.3+/- acres from RPD Land Development Area F1 parcel has been incorporated into the Master Concept Plan along the easterly side, which includes a small portion of the residential tracts and associated infrastructure (stormwater management and roadways).

The CPD portion remains unchanged, with the exception of the temporary signage deviation (Deviation 20), and remains designed for public access with the following amenities: boat ramp, kayak launch, a passive park, ship store, indoor restroom facilities, ten (10) public boat slips, fifteen (15) boat trailer spaces, eight (8) parking spaces (including one disabled parking space), and an opportunity for twenty-six (26) additional on-street parallel parking spaces along the north side of Coconut Road. The Applicant will still provide additional boat trailer and standard parking spaces at the commercial parking lot in the Bayview II CPD located at 4798 Coconut Road (**Attachment "A"**). The Applicant, and its successors or assigns, are required to dedicate the CPD area to the City for public use in perpetuity pursuant to Zoning Ordinance No. 20-06.

Sheet 2

Sheet 2 includes the site summary, maximum development potential (project density and intensity), open space calculations, indigenous calculations, deviations, notes, and development regulations. The property development regulations included on this sheet specify how the project may develop. Proposed changes to this sheet include:

1. Changes to acreage and open space calculations;
2. Addition of the townhomes and two-family attached uses under the RPD portion; and
3. Addition of the text relating to the six (6) new deviation requests; and

Sheet 3

Sheet 3 is the CPD Inset, which provides additional detail and scale for the public access portion of the marina. No changes are proposed as part of this application.

Schedule of Uses

The amendment seeks to modify the Schedule of Uses, with proposed changes shown in strikethrough (removal) and underline (new text) format. The modifications remove the ALF/ILF/CCRC development option (Option 1) and add Townhomes and Two-Family Attached. No increase in the total number of dwelling units is requested.

Surrounding Land Use and Neighborhood Compatibility

The surrounding land use analysis has not changed since the last amendment. The area is still surrounded by conservation, hospitality, and recreational uses. Directly to the north are conservation and recreational uses within the Raptor Bay Golf Club and Hyatt Residence Club (resort and timeshare area). The mangroves and golf course are a part of the timeshare property, which are zoned RPD under two (2) planned development zoning approvals (Kersey Smoot RPD and Pelican Landing CPD/RPD). In August 2020, the City Council approved an amendment to the Pelican Landing CPD/RPD that memorialized the Final Judgment Confirming Final Arbitration Order for Case No. 17-CA-3966 where the Court ordered and adjudged that Lee County Zoning Resolution No. 94-014 was amended to allow a maximum of four (4) residential buildings with a height greater than seventy-five (75) feet on the property owned by LB Raptor LLC. The owner, LB Raptor LLC, agreed to limit the development of the four (4) buildings to twenty (20) habitable floors over two (2) floors of parking.

Directly to the east is Coconut Resort Drive (50-foot private driveway easement) and the entrance to the Raptor Bay Golf Club and Hyatt Residence Club resort and timeshare area. Directly to the south is Coconut Road, a two-lane County collector roadway and a portion of the Pelican Landing Community Association (PLCA) Marina parcel. This portion of the Marina parcel that directly abuts the proposed project is a roadway and mangrove area protected by a conservation easement. South of Coconut Road is the Hyatt Regency at Coconut Point, a hotel and conference/event facility at a height of 213 feet/18 stories. This northernmost section of the Hyatt's facility encompasses an outdoor recreational area (swimming pool and lazy river), parking garage, loading/unloading area, waste management, and other service function areas. Directly to the west is a portion of the PLCA Marina parcel and Estero Bay. This portion of the Marina parcel also directly abuts a mangrove area protected by a conservation easement. The Applicant is in the process of modifying existing permits with the Florida Department of Environmental Protection (FDEP) and the United States Army Corps of Engineers (ACOE) and states that the proposed project will improve the water quality in this area above current conditions.

The surrounding properties have the following attributes:

<u>Existing Zoning & Land Use</u>	<u>Future Land Use Map</u>
North: Kersey Smoot RPD and Pelican Landing RPD/CPD, Pelican Landing Golf Resort	Lee County Wetlands and Lee County Outlying Suburban
East: Kersey Smoot RPD, Pelican Landing Golf Resort	Lee County Outlying Suburban
South: Pelican Landing RPD/CPD, Pelican Landing Community Association Marina and the Hyatt Regency Coconut Point Resort and Spa	Lee County Wetlands and Lee County Outlying Suburban
West: Estero Bay	N/A

Environmental Considerations

Boat basin impacts and areas of environmental sensitivity within the original development boundary were previously analyzed as part of the planned development approval of Zoning Ordinance No. 20-06.

The current request expands the acreage of the Planned Development to the east by 5.3 acres. This area is uplands and was previously permitted for development. A wooded area remains on the site which an expanded parking area was planned for but never constructed. No listed species or areas of archeological significance are present.

A total of 19 living heritage live oak and slash pine trees were found within this addition. The Tree Advisory Board approved the relocation of 15 of the live oak heritage trees to areas within the RPD Land Development Area F1 of the Pelican Landing CPD/RPD. Should the trees not survive the relocation, they shall be replaced with native trees of similar species at 20 feet height and 4-

inch or greater caliper diameter at breast height (dbh). The remaining 4 slash pine and live oak heritage trees are along the edge of the property and will be retained in place.

Stormwater/Drainage

The existing stormwater runoff characteristics and proposed drainage plan was evaluated by the City's Community Development Engineer and Lee County Department of Natural Resources as part of the planned development approval in Zoning Ordinance No. 20-06. This amendment request includes modifications to the Master Concept Plan that alters the stormwater management narrative and proposed surface water management system. According to the Applicant stormwater narrative, the project will be served by the master water management system located on the adjacent site, which will contain infrastructure to convey water to the master system. They continue to state that the stormwater management system will be consistent with the rules and regulations governing the SFWMD Environmental Resource Permitting requirements and that they will demonstrate that water leaving the development will meet or exceed the requirements in terms of discharge rates and water quality.

Traffic

The zoning was previously approved for up to 300 multiple-family dwelling units of which 224 have been approved as part of the local development order review process. This request will allow the remaining 76 multiple-family dwelling units to be developed as townhomes or two-family attached (villa style). A Traffic Impact Statement Memorandum was provided to evaluate a trip conversion matrix for multi-family units to the townhomes or two-family attached residential type. This would be permitted so long as there is no increase to the PM peak hour trip generation. It is still possible that this project may need to make on-site and off-site related improvements; however, that analysis will be performed at time of local development order. The City Staff will continue to include the Village of Estero and Lee County Department of Transportation on all future application requests that have the potential to impact Coconut Road.

Comprehensive Plan Considerations

The Applicant has prepared a comprehensive plan consistency analysis as part of this application request (See Attachment "B").

This request includes the original Bayview CPD/RPD boundary and with the addition of 5.3+/- acres from RPD Land Development Area F1 of the Pelican Landing CPD/RPD (WCI litigation). Pursuant to Section 171.062(2), *Florida Statutes*, this 5.3 +/- acres is subject to the Lee County Comprehensive Plan (Lee Plan) and the County's LDC that were in effect as of March 26, 2014, until the City adopts a comprehensive plan amendment that includes the annexed area. A comprehensive plan amendment was filed in 2015, consistent with the Annexation Agreement, but was denied at the City Council adoption hearing in February 2016. Therefore, this rezoning petition was remanded to the City of Bonita Springs Board for Land Use Hearing and Adjustment and Zoning Board of Appeals for review pursuant to the Lee Plan and the County's LDC that were in effect at the time of annexation. The Court ordered and adjudged that the rezoning application, PD15-23946-BOS, was approved and City Council acknowledged the order and approved minor modifications in ZO-20-04.

Lee Plan, Future Land Use Element and Map (5.3+/- acres)

LEE PLAN POLICY 1.1.6: *The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre)*

Lands within the Outlying Suburban FLUCC that are within the RPD Land Development Area F1 of the Pelican Landing CPD/RPD had previously been reviewed for consistency with the Lee Plan and the County's LDC for multi-family development. Therefore, this request is consistent with prior approvals for residential uses.

Bonita Plan, Future Land Use Element

Future Land Use Element Goal 1 of the Bonita Plan addresses land use patterns by providing a variety of land uses, encouraging a mixture of uses, and preserving the natural environment and economic vitality of the community with the availability of essential services. The City Council agreed that the recently amended Coconut Village Future Land Use category (Ordinance No. 20-09) would encourage the redevelopment of the marina into current compliance and would provide public access to the Estero Bay waterfront. The project encourages redevelopment of the marina with public and private marine uses and non-residential uses, while still preserving environmentally sensitive areas in the Resource Protection category.

The amendment request is consistent with transportation level of services standards for both the residential and non-residential uses. No change in impacts are anticipated. It is possible that this proposed project may need to pay a proportionate share of intersection improvements at time of local development order review. The City Staff will continue to include the Village of Estero and Lee County on these application requests. The request is consistent with **Future Land Use Element Objective 1.11**. of the Bonita Plan.

The project was previously reviewed and found consistent with the level of service standards for potable water, sanitary sewer, solid waste, and stormwater sub-elements of the Bonita Plan. The Applicant is still required to obtain the necessary federal and state permits/modifications from the ACOE and FDEP relative to water quality and stormwater management. The request is still consistent with **Future Land Use Element Policy 1.11.1**. of the Bonita Plan.

Policy 1.1.10.2: Coconut Village: *Intended to accommodate marine, retail, restaurant, hotel, Continuing Care Facilities (CCF) including ancillary medical, skilled nursing care facilities, personal service and similar uses, Independent Living Facility (ILF) units, Assisted Living Facility (ALF) units, multi-family dwelling units, and office uses designed to enhance and protect the public use of, and access to, the marina and waterfront areas of Estero Bay. Development of wet and dry slips, boat ramps and other marine related uses will provide access for public and private club members. This future land use category is applicable to areas along Estero Bay, and shall not be located on any barrier island. Proposed development within this and future land use category shall*

adhere to innovative design and planning principles that incorporate the protection of the natural resources of Estero Bay while providing the recreational and boating opportunities to the City of Bonita Springs.

- a. *All new development within the Coconut Village category shall be required to be zoned planned development. All density, intensity, height and types of uses will be established during the planned development rezoning process.*
- b. *Appropriate uses within the Coconut Village future land use category include the following:*
 - i. *Marina and marine accessory uses. Marina uses shall not be solely for private use.*
 - ii. *Limited private club use as defined in planned development process may be allowed.*
 - iii. *Hotels/resorts and ancillary retail, cultural, and public and private recreational uses.*
 - iv. *Residential dwellings.*
 - v. *CCF, ILF, and ALF units.*
- c. *Development Standards:*
 - i. *Development shall be located to minimize loss of environmentally sensitive areas.*
 - ii. *Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2. If the development includes residential and/or CCF uses, non-residential uses shall be limited to ancillary uses only.*
 - iii. *Residential uses with a resort character and lifestyle may be integrated into resort use and may share in resort amenities.*
 - iv. *Residential density shall be limited to not more than 11.4 dwelling units per acre, not to exceed 300 multi-family residential units; or a Continuing Care Facility (CCF) containing 300 Independent Living Facility (ILF) units and 75 Assisted Living Facility (ALF) beds, within the approximately 26.38 acres of gross land area in this land use category. Where 300 ILF units and 75 ALF beds are developed within a CCF, the residential density shall not exceed 6.4 dwelling units per acre based upon the density equivalency factors in the Land Development Code of two ILF units equal to one residential dwelling unit.*
 - v. *Residential density calculations shall be considered for the gross project acreage regardless of other non-residential uses on the project.*
 - vi. *No buffer shall be required between the CPD/RPD areas.*
- d. *Height.*
 - i. *Buildings over 75 feet from the base flood (FEMA + 1') elevation to the eaves shall be limited to locations that do not negatively impact adjacent property view corridors or neighborhood compatibility.*
 - ii. *Compatibility with surrounding buildings.*

- e. *Locations shall have access to a transportation network with adequate capacity and sufficient and navigable access to waters of Estero Bay.*
- f. *Coastal High Hazard. Impacts on sheltering and evacuation resulting from development/redevelopment activities within the CHHA shall be mitigated through cooperation and coordination with Lee County Emergency Management Operations at time of local development order and shall be consistent with Chapter 163, Florida Statutes.*

The request involves a proposed amendment to the existing zoning ordinance. The addition of townhomes and two family attached units are considered multi-family as defined by the Bonita Plan. The amendment to the schedule of uses is **consistent** with Future Land Use Element **Policy 1.1.10.2** of the Bonita Plan.

Transportation Element

Transportation Element Policy 1.7.4. of the Bonita Plan states as follows "*The City shall review requests for development orders and building permits for compliance with the Bikeways/Walkways Facilities Plan and the bikeways and pedestrian ways requirements in the Land Development Code.*"

No changes are proposed that impact multimodal infrastructure. The multimodal features provided have been designed to allow for multimodal users (vehicles, small private transit, and pedestrians) in, through, and out of the site via a system of internalized infrastructure (pathways). The Applicant is required to coordinate with the City and Lee County on required right-of-way improvements for vehicular and pedestrian (sidewalk) improvements. The request as conditioned is **consistent** with Transportation Element **Policy 1.7.4** of the Bonita Plan.

Conservation/Coastal Management Element

Conservation/Coastal Management Element Goal 4: Coastal Resource Protection, Goal 7 Resource Protection, Objective 7.2 Plant Communities, Goal 14 Coastal Areas, and Goal 15 Wetlands

In compliance with Bonita Plan Conservation and Coastal Management Element Goal 7 Resource Protection, all large developments within the city with indigenous vegetation are required to retain an amount equal to half of the required open space. The city has established this requirement to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics within all applicable developments. Retention and restoration of indigenous areas also provide many other proven direct and indirect ecosystem service benefits such as increasing property value and improved air quality. Additionally CCME Goals 4, 14, and 15 establish wetlands as environmentally critical/sensitive areas and provide direction for the protection of wetlands in the city.

During the previous application approved in 2020, 11.44 acres of indigenous upland and wetland native vegetation were identified on site. This included a 3.51-acre mangrove swamp on the west side of the property bordering Estero Bay Aquatic Preserve and 7.93 acres of oak, pine, and cabbage palm; an upland plant community which was broadly present throughout the site. The applicant originally requested and was granted a deviation to decrease the required amount of

indigenous by 1.77 acres, subject to final acreage of development areas. The applicant proposed to meet the indigenous requirement by retaining the mangrove swamp and a freshwater wetland area in the northeast corner of the property which was highly impacted by invasive non-native vegetation and would be restored with native vegetation and maintained as indigenous preserve in perpetuity. Retaining this area instead of a portion of the native oak, pine, and cabbage palm area was supported by staff since the state and federal permitting agencies may have required retention of this wetland area onsite. Often, preserves are planned and designated to meet all agency requirements.

The current amendment request proposes a further reduction to the site's indigenous retention requirements. The addition of 5.3 acres to the Bayview Planned Development increases the open space retention requirement on the Bayview CPD/RPD by 2.12 acres, increasing the indigenous retention requirement to 6.96 acres. The applicant has requested to decrease the total on site indigenous retention to retain only the mangrove swamp. This area has been reevaluated for accuracy and expanded for restoration and 0.13 acres of mangrove swamp area has been added for a total of 3.64 acres.

Staff is not in support of such a decrease in the indigenous retention requirement and would like to see the previous commitment of indigenous retention maintained at a minimum. Staff recognizes the current state of the freshwater wetland as low quality due to invasive vegetation and was supportive of the original plan by the applicant to retain this area in anticipation of other agency requirements. Though this low-quality wetland has been approved for offsite mitigation by the South Florida Water Management District and the Land Development Code recognizes the state as the authority on wetland protection and mitigation, all separate local, state, and federal agency requirements must be fulfilled. The city does not recognize other agency's off site mitigation requirements as a fulfillment of the city's own indigenous retention requirements. These are separate and distinct regulations which require their own fulfillment or approval.

Shortly before the completion of the staff report, staff and the applicant were able to agree on preserving 0.70 acres of additional upland or wetland indigenous land not currently designated as indigenous preservation on the adjacent site to the north under unified property control (RPD Land Development Area F1, Pelican Landing CPD/RPD). This will be added as a condition in the approved zoning ordinance.

The amendment request is **consistent with Conservation/Coastal Management Element 4 (Coastal Resource Protection), 7 (Resource Protection), 14 (Coastal Areas), and 15 (Wetlands)** as the applicant has obtained the required state permit for impacting the freshwater wetland and is providing for retention and preservation of indigenous vegetation.

Planned Development Analysis, Formal Findings LDC Sections 4-131 and 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	Mostly
The request meets or exceeds performance and location standards set forth for the proposed uses; and	Non-applicable. This is a carry-over provision from Lee County where performance and location standards are evaluated as a part of the Lee Plan.
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	Yes
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
Will the request adversely affect environmentally critical areas and natural resources; and	Yes
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
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 preserves and promotes the general intent of this chapter to protect the public health, safety and welfare.	Yes

CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 20 - 06

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS TO REZONE 30.51 +/- ACRES FROM COMMERCIAL PLANNED DEVELOPMENT (CPD), RESIDENTIAL PLANNED DEVELOPMENT (RPD), MOBILE HOME PLANNED DEVELOPMENT (MHPD), AND AGRICULTURE (AG-2) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) AND COMMERCIAL PLANNED DEVELOPMENT (CPD) TO ALLOW A PUBLIC BOAT RAMP, WET AND DRY BOAT SLIPS, A CONTINUING CARE FACILITY (CCF) CONTAINING A MAXIMUM OF 300 INDEPENDENT LIVING FACILITY (ILF) UNITS AND A 75 BED ASSISTED LIVING FACILITY (ALF) OR 300 MULTIFAMILY DWELLING UNITS AT THE NORTHWEST CORNER OF COCONUT ROAD AND COCONUT POINT RESORT DRIVE; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an petition has been submitted by LB Estero Bay Investments, LLC (hereinafter "Developer" and to include any successors in interest) is requesting to rezone 30.51 +/- acres from Commercial Planned Development (CPD), Residential Planned Development (RPD), Mobile Home Planned Development (MHPD), and Agriculture AG-2 to an RPD/CPD to allow for a Continuing Care Facility (CCF) containing a maximum of 300 Independent Living Facility (ILF) units and a seventy-five (75) bed Assisted Living Facility (ALF) OR 300 multi-family dwelling units; AND seventy-two (72) wet boat slips, twenty-five (25) dry boat slips (15 on-site and 10 off-site in the Bayview II CPD), and one (1) public boat ramp; and

WHEREAS, the subject property is located at the northwest corner of Coconut Road and Coconut Point Resort Drive and is described more particularly in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, a Public Hearing was advertised and heard on September 15, 2020, by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case PD18-55071-BOS which recommended denial (3-2), after giving 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 15, 2020 Staff Report prepared by Community Development and evidence submitted at the Zoning Board hearing, as part of the City Council hearing record, are on file with the City Clerk.

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

SECTION ONE: RECITALS

The forgoing recitals are true and correct and are incorporated herein by this reference.

SECTION TWO: APPROVAL OF REQUEST

The City Council hereby approves Petition PD19-62429-BOS to rezone 30.51 +/- acres from Commercial Planned Development (CPD), Residential Planned Development (RPD), Mobile Home Planned Development (MHPD), and Agriculture AG-2 to an RPD/CPD to allow for a Continuing Care Facility (CCF) containing a maximum of 300 Independent Living Facility (ILF) units and a seventy-five (75) bed Assisted Living Facility (ALF) OR 300 multi-family dwelling units; AND seventy-two (72) wet boat slips, twenty-five (25) dry boat slips (15 on-site and 10 off-site in the Bayview II CPD), and one (1) public boat ramp; consistent with the Master Concept Plan; subject to the following conditions and deviations:

Conditions:

1. The project shall be consistent with the Master Concept Plan and Urban Design Plan Overlay stamped received August 18, 2020, and titled "Bayview on Estero Bay" prepared by Waldrop Engineering, P.A., and attached hereto (**Exhibit "B,"** Sheets 1-3), except as modified by the conditions below.

The approved development allows for a maximum of 300 Independent Living Facility (ILF) units and a seventy-five (75) bed Assisted Living Facility (ALF) OR 300 multi-family dwelling units; AND seventy-two (72) wet boat slips, twenty-five (25) dry boat slips (15 on-site and 10 off-site in the Bayview II CPD), and one (1) public boat ramp.

The Developer must provide a cumulative land development summary table as a part of any local development order application.

2. Duration of rights. Pursuant to Section 4-303(a)(2) of the Land Development Code, the MCP will expire within five (5) years of the date of approval unless, within such timeframe, the Developer obtains development orders for construction of the public access portion of the project (public marina and park) and the Bayview II CPD local development order (off-site parking) to account for a substantial portion of the project.
3. The following limits apply to the project and uses:
 - a. Schedule of Uses: **Exhibit "C"**
 - b. The Development Regulations: See **Exhibit "B"**
4. Environmental
 - a. The Developer shall provide 100% native vegetation plantings within all required buffers, as shown on the MCP, except that coconut palms may be used and counted as native palms.

- b. The Developer shall implement the Best Management Practices for DEP's Clean Marina facilities. Within one (1) year of the certificate of completion for the marina, the Developer shall submit for and pursue the DEP Clean Marina Program Designation for the marina.
- c. Prior to the first certificate of occupancy, the Developer shall place signs visible to all users within the marina portion of the project educating such users about the following:
 - i. The importance of sea grass beds, oyster bars, bird rookeries, listed species, and clean water; and
 - ii. Scaring of seagrass beds from vessels and the long-term negative impacts from such scaring; and
 - iii. A statement that it is against the law to destroy sea grass beds, disturb bird rookeries, molest manatees, and that this preserve is patrolled by law enforcement; and
 - iv. A full-sized map depicting how to exit the marina and pathway to the closest marked channel; and
 - v. A second map showing the marked channels in Estero Bay.

The City Staff may administratively approve the location of any signs, so as to allow them within setbacks, if necessary, to be most visible for the marina users.

- d. At the time of local development order, the Preserve Management Plan shall include signage demarcating the limits and protected status at a minimum of every 300 feet of the preserve areas.
- e. The Preserve Management Plan shall be recorded as an addendum to the Home Owners/Property Owners Association's documents.
- f. At the time of local development order, documentation from the United States Fish and Wildlife Service confirming the number of slips, including slip transfers, approved at Bayview on Estero Bay shall be submitted to the City. The Developer must specify the number of slips allocated to the subject property.
- g. The mangroves shall not be trimmed for the purpose of providing view corridors to the water. Any proposed trimming shall be included in the Preserve Management Plan approved by the City Environmental Sciences Staff.
- h. Open Space: 11.79 acres of open space must be provided on the development order plans in compliance with LDC Chapter 3.
- i. Indigenous Preserve: A minimum of 4.13 acres of indigenous preserve must be provided on development order plans in the general locations shown on

Sheet 1 of the MCP. Final acreage is subject to change based upon final acreage for Commercial Planned Development and Residential Planned Development areas.

- j. Removal of septic systems: The proposed project shall connect to Bonita Springs Utilities' centralized potable water and sewer service, except for interim facilities used on a temporary basis during construction, and unmanned essential services on a temporary basis until water and sewer is extended to the development. All existing septic systems shall be removed from the property.
5. Engineering. At the time of local development order, the Developer shall provide or meet the following criteria:
 - a. The use of gutters, downspouts, and bubblers/yard drains may be required to properly channelize and direct runoff to a suitable outfall.
 - b. To help prevent erosion and improve stormwater quality, the Developer may be required to utilize the following: (1) swale and berms surrounding the perimeter of the lakes and/or, (2) flatter slopes (as flat as a 6:1 slope) than currently required (4:1 slope) for lake banks and littoral planting areas, (3) a greater quantity of littoral plantings than currently required and/or, (4) if necessary, other shoreline stabilization methods, such as bulkheads or rip rap.
 6. Informational Interpretive Signage: A minimum of one (1) sign, 18 inches by 24 inches in area, shall be provided within the Commercial Planned Development, providing information on historical background of the property.
 7. Public Access
 - a. The Developer, and its successors or assigns, shall dedicate the public access area to the City for public use in perpetuity. The legal mechanism for the dedication will be determined and finalized at time of local development order review. The dedication may only be vacated if the public use is terminated by the City or with the approval of the City. Property and uses identified as open to the public shall be constructed and operational as part of the first phase of the development.
 - b. At a minimum, the following public facilities shall be designed, permitted, and constructed by the Developer:
 - i. Boat ramp;
 - ii. Kayak launch;
 - iii. Passive park;
 - iv. Ship store;

- v. Indoor restroom facilities connected to sanitary sewer and potable water services;
 - vi. Ten (10) wet slips, one (1) boat slip provided to Estero Fire Rescue, and one (1) boat slip provided to Lee County Sheriff's Office;
 - vii. Fifteen (15) on-site boat trailer parking spaces and eight (8) on-site standard parking spaces (including one disabled parking space), with up to ten (10) additional boat trailer spaces and fourteen (14) additional standard parking spaces available at the Bayview II CPD located at 4789 Coconut Road, if demand requires; and
 - viii. Shuttle services shall be provided to the additional public parking spaces in the commercial parking lot in the Bayview II CPD located at 4798 Coconut Road. The hours of operation for the shuttle service will be provided at the time of local development order review and shall be based upon the parking needs of the project and fluctuations in seasonal demand.
- c. The above-referenced public facilities shall be open to the public daily from dawn until dusk.
 - d. Public use does not require that the public must join a club or group prior to leasing, renting, or purchasing a dock space. The Developer or the marina operator may charge a reasonable fee for such use of the wet slips or ramp.
 - e. The Developer, and its successors or assigns, shall be responsible for the operations and maintenance of the CPD area, which may be assigned to a third-party operator.
 - f. The Developer may charge a usage fee for the boat ramp and/or parking facilities.

8. Transportation and Multimodal

- a. Should the Developer co-develop, re-entitle, or otherwise integrate the subject property into the adjacent project PD15-23946-BOS the Developer shall be obligated to contribute towards the cost of design, permitting, and construction of the traffic signal at the intersection of US 41 and Pelican Colony Boulevard as provided in Zoning Ordinance 20-04, Condition 4.
- b. Other than the deviations and/or exceptions provided by this approval, at the time of local development order, all required multimodal facilities (infrastructure, crossings, amenities, furnishings, access points, easements, etc.) both internal and external to the site, shall meet or exceed the intent of the design standards provided by LDC Chapter 3 and all applicable design standards except as modified herein and as required by the Estero Fire Rescue and National Fire Protection Area (NFPA).

- c. The proposed access points along the Coconut Road right-of-way will need to be approved by the Lee County Department of Transportation.
 - d. Prior to construction, a Lee County Type 'D' Limited Review Development Order (LDO) will be required for the offsite improvements within the County maintained rights-of-way.
9. The subject property has a multitude of easements across it. Prior to approval of any local development order, any easement in conflict with the development plan must be vacated or otherwise extinguished.
 10. At the time of local development order, the Developer shall plat the property in accordance with the City's subdivision regulations.
 11. A Tall Structures Permit shall be provided for by Lee County prior to issuance of the local development order for buildings that exceed 125 feet in height.
 12. The Developer or the Developer's representative shall conduct an assessment model to determine whether the minimum radio signal's strength for the fire department communication is in compliance in accordance with NFPA 1: 11.10, and NFPA 1221: 11.3.9, standards for inbound and outbound signal strength and quality. If minimum signal strength is not available, the Developer shall install radio enhancement in the building.
 13. The Master Concept Plan is subject to conditions set forth herein and the rules, regulations laws, and codes in place at the time of Development Order and Constructions Plan approval. Approval of this Planned Development is not a guarantee of future approvals.

Deviations:

1. Deviation 1 is approved seeking relief from LDC Section 3-417(6), setbacks, which requires a minimum thirty (30) foot setback from all preserve (wildland) areas for buildings and accessory structures for the purposes of fire protection, to permit principal and accessory structures to be located fifteen (15) feet from a preserve.
2. Deviation 2 is approved seeking relief from LDC Section 3-418(d)(7), buffering adjacent property, which requires that all freestanding parking areas, whether commercial, public, or private, not associated with other development must provide a Type "D" buffer for the right-of-way and Type "C" buffer if they abut single-family residential or multiple-family residential uses or zoning, to permit the marina CPD area to provide no internal buffer between the proposed commercial and residential uses.

3. Deviation 3 is approved seeking relief from LDC Section 4-1732(4)(n)1. and 2., Recreation facilities, indoor, 1. Gymnasiums, health clubs and similar type recreational establishments wherein large floor areas are required to accommodate equipment for individual users. Four (4) parking spaces per 1,000 square feet of total floor area. 2. All other indoor recreational facilities not specifically listed: One (1) parking space per 100 square feet of total floor area, to permit indoor recreational parking requirements to be calculated at one (1) space per 1,000 square feet of floor area.
4. Deviation 4 is approved seeking relief from LDC Section 4-303, duration of rights conferred by adopted Master Concept Plan, which remain valid for five years from the date the Planned Development was approved by City Council, to permit the Bayview on Estero Bay Master Concept Plan to remain valid for ten (10) years from the date of City Council approval.
5. Deviation 5 is approved subject to Condition 9 seeking relief from LDC Section 3-291(a)(1), connection separation, which requires a 125-foot motor vehicle entrance separation on local roadways, to allow for a minimum separation of ten (10) feet between the project entrance and existing driveways south of Coconut Road as shown on the MCP. This deviation request is from the technical standards for specific sections in LDC Chapter 3 and can be approved administratively.
6. Deviation 6 is approved subject to Condition 4d seeking relief from LDC Section 3-417(b)(1)a., which requires a minimum thirty (30) foot setback from indigenous native vegetation to any habitable structure, to permit a fifteen (15) foot setback from indigenous native vegetation to any habitable structure.
7. Deviation 7 is approved seeking relief from LDC Section 4-741(b), which requires all buildings and structures to be setback from the development perimeter a distance equal to the greater of one-half the height of the building or structure, to allow all buildings and structures within the Bayview on Estero Bay RPD/CPD to be setback from the development perimeter at a distance equal to the distances as shown on the MCP, with forty-five (45) feet being the smallest distance.
8. Deviation 8 is approved seeking relief from LDC Section 4-741(d)(4), minimum separation of buildings, which requires where there are two (2) or more principal buildings on a development tract, the minimum separation of buildings shall be one-half the sum of their heights, or twenty (20) feet, whichever is greater, to allow the minimum building separation between Building A Phase I and II to be twenty (20) feet, and the minimum separation between Buildings A and D to be forty-five (45) feet.
9. Deviation 9 is approved subject to Condition 2 seeking relief from LDC Section 4-1723, which requires all residential and non-residential uses to provide off-street parking spaces in accordance with specific regulations, to allow for off-site parking for the CPD, which is for the public use, as shown on the MCP.
10. Deviation 10 is approved seeking relief from LDC Section 7-381(4), setbacks for multi-slip docking facilities, which requires docking facilities to be setback a minimum

11. not be closer to the development perimeter than the width of any buffer area or landscape strip, or five (5) feet, to allow parking and internal roads to be less than five (5) feet from the development perimeter only in areas identified on the MCP.
12. Deviation 12 is approved seeking relief from LDC Section 3-418(d)(3), landscape buffers, which requires a fifteen (15) foot Type "D" landscape buffer for commercial to right-of-way, to allow a ten (10) foot Type "D" buffer where the public accessible boat ramp and parking abut Coconut Road.
13. Deviation 13 is approved seeking relief from LDC Section 3-417(b)(1)a, indigenous vegetation, which requires large developments to provide 50% of their open space requirements through on-site preservation of existing native vegetative communities, thus requiring Bayview on Estero Bay to provide 5.90 acres of indigenous preservation, to allow the project to satisfy this requirement by providing 4.13 acres of on-site indigenous vegetation.

SECTION THREE: INCORPORATION OF RECORD

City Council of Bonita Springs hereby adopts and incorporates into this Ordinance the record of hearings, including testimony, reports, exhibits and attachments considered as part of the application, including specifically:

EXHIBITS:


- A. Legal Description and Sketch of the Subject Property stamped received November 8, 2018
- B. Master Concept Plan stamped received August 31, 2020
- C. Schedule of Uses

SECTION FOUR: EFFECTIVE DATE


This Ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 21st of October, 2020.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

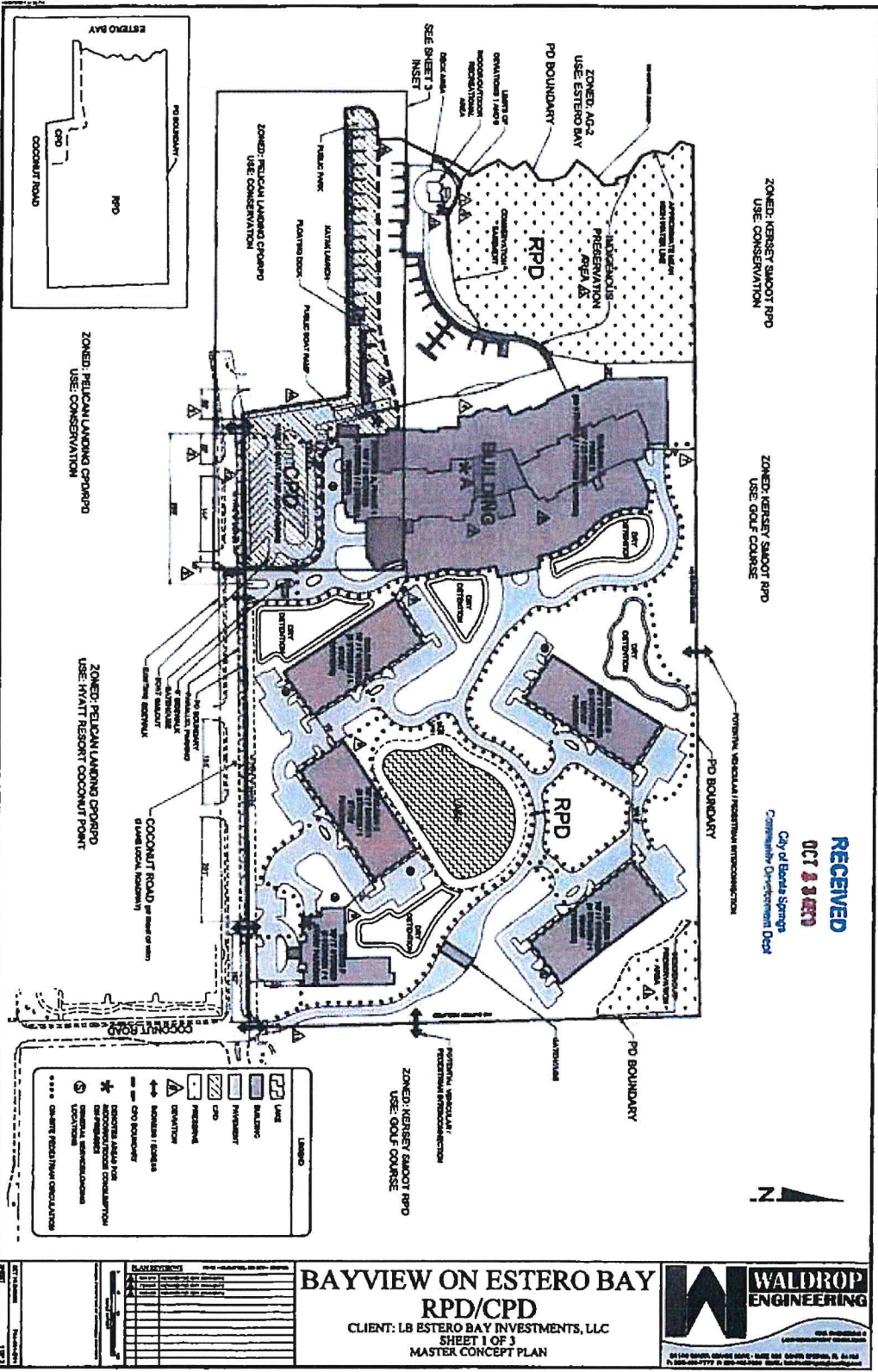
Carr	Aye	Gibson	Aye
Purdon	Aye	Quaremba	Nay
Forbes	Aye	Simmons	Aye
Corrie	Aye		

Date filed with City Clerk: 10/21/2020

<p>PROPERTY DESCRIPTION</p> <p>...</p>	<p>PROPERTY DESCRIPTION</p> <p>...</p>
<p>...</p>	<p>...</p>
<p>...</p>	<p>...</p>
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<p>...</p>	<p>...</p>

<p>GradyMinor</p> <p>5. Copy Plans and Assessments, 74 2000 No. 1st St Suite 200, York, PA 17403 (717) 765-1111 www.gradymenor.com</p>	<p>ALTA/INSURANCE TITLE SERVICE WESLEY FISH CLARK A PARTNER OF LAND SYSTEMS 1700 N. MARKET STREET, SUITE 100 LEE COUNTY, FLORIDA 33906</p> <p>DATE: 03/20/18</p>
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BAYVIEW ON ESTERO BAY
RPD/CPD
 CLIENT: LB ESTERO BAY INVESTMENTS, LLC
 SHEET 1 OF 3
 MASTER CONCEPT PLAN

WALDROP ENGINEERING
 1001 W. PALM BEACH BLVD., SUITE 200, BOCA RATON, FL 33432
 P. 561-996-4777 F. 561-996-4778 WWW.WALDROPENGINEERING.COM



Bayview on Estero Bay RPD/CPD

**Exhibit IV-G
Schedule of Uses**

REVISED DECEMBER 2019



MAXIMUM DEVELOPMENT

The Planned Development is approved for a maximum of the following:

OPTION 1 (CONTINUING CARE FACILITIES OPTION):

- *A Continuing Care Facility (CCF) containing a maximum of 300 Independent Living Facility (ILF) units calculated at a density of 2 ILF units: 1 residential dwelling unit per 4-1183(c);
- 75 Assisted Living Facility (ALF) at a density of 4 ALF beds: 1 residential dwelling unit per 4-1283(a)(1); and
- 72 wet boat slips and 25 dry boat slips (15 on-site & 10 off-site in the Bayview II CPD)
- 1 public boat ramp

OR

OPTION 2 (MULTI-FAMILY OPTION):

- 300 multi-family dwelling units; and
- 72 wet boat slips and 25 dry boat slips (15 on-site & 10 off-site in the Bayview II CPD)
- 1 public boat ramp

RPD

Accessory uses and structures, residential
Administrative offices

Assisted Living Facility (ALF)

ALF/CCF Accessory uses and structures, ALF/CCF including but not limited to: small-scale retail and personal services for use by residents such as ATM's, auditoriums, banking, barber and/or beauty shop, spa services, laundry and/or dry cleaning (Group I and II), medical offices, pharmacy, postal services, rehabilitation facilities, sundries, other community recreational facilities and similar uses)

Continuing Care Facility (CCF)

Clubs, country, private and fraternal

Accessory uses, including but not limited to:

- ATM
- Bait and tackle shop
- Boat dock
- Boat ramp
- Consumption on premises, including outdoor seating
- Day care center, adult and child
- Food and beverage service
- Locker rooms

Personal services (Groups I and II limited to ATM, barber or beauty shop, health club and massage establishment)
 Rental or leasing establishments, Group I only
 Restaurants Groups I, II and III with consumption on premises and outdoor seating
 Specialty retail shop, Groups I and II
 Swimming pools
 Sports courts
 Communication facilities, wireless
 Community gardens
 Cultural facilities
 Dwelling units:
 Multi-family Building
 Entrance gates and gatehouse
 Essential services
 Essential services facilities, Group I
 Excavation, water retention
 Fences, walls
 Health Care Facilities, Groups I, II and III
 Home occupations in accordance with LDC Chapter 4
 Independent Living Units (ILF)
 Models, display center, model unit limited to residential uses within the PD
 Multi-Slip Docking Facility
 Parks, public and private
 Parks, Groups I and II excluding fishing piers
 Parking lot, accessory, commercial, garage, temporary
 Real estate sales office
 Recreational facilities, commercial Group III, outdoor cultural, passive and active recreational (private on-site) and educational activities only
 Signs in accordance with Chapter 6
 Storage, indoor, accessory only
 Temporary uses in accordance with Chapter 4
 Transportation services, Group I and II

CPD

Accessory uses and structures
 Administrative offices
 ATM
 Boat parts store
 Boat rental and leasing establishments, Group I
 Club, private
 Accessory uses, including but not limited to:
 Bait and tackle shop
 Boat dock
 Consumption on premises, including outdoor seating
 Food and beverage service
 Locker rooms
 Personal services (Groups I and II limited to ATM, barber or beauty shop, health club and massage establishment)
 Rental or leasing establishments, Group I only

Restaurants Groups I, II and III with consumption on premises and outdoor seating
and accessory to private club only
Specialty retail shop, Groups I and II
Swimming pools
Sports courts
Excavation, water retention
Fences, walls
Marina
Marina, accessory uses, excluding fueling facilities
Multi-slip docking facility
Parking lot, accessory
Parks, Groups I and II (excluding fishing piers)
Recreation Facilities, Commercial Group III, outdoor cultural, passive and active recreational and
educational activities only
Signs in accordance with Chapter 6
Transportation services, Groups I and II

CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 21 – 03

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS TO AMEND THE RESIDENTIAL PLANNED DEVELOPMENT PORTION OF THE BAYVIEW ON ESTERO BAY COMMERCIAL PLANNED DEVELOPMENT TO INCREASE THE MAXIMUM PERMITTED BUILDING HEIGHT; ADD RESTAURANT, GROUP III, AND HOTEL/MOTEL USES TO THE SCHEDULE OF USES; ADD THREE (3) NEW DEVIATIONS RELATING TO RESTAURANT AND HOTEL/MOTEL USE; AND TO MODIFY TWO (2) EXISTING DEVIATION JUSTIFICATIONS RELATING TO INCREASE IN HEIGHT; AND MODIFY THE MASTER CONCEPT PLAN TO PROVIDE FOR THESE CHANGES; AND, PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted by LB Estero Bay Investments, LLC (hereinafter “Developer” and to include any successor in interest) to amend the Bayview on Estero Bay CPD/RPD to increase the maximum permitted building height, amend the schedule of uses to add restaurant and hotel uses, add three (3) new deviations, modify two (2) existing deviation justifications, and modify the Master Concept Plan to provide for the changes; and

WHEREAS, the subject property is located at the northwest corner of Coconut Road and Coconut Point Resort Drive and is described more particularly in Exhibit “A” attached hereto and incorporated herein; and

WHEREAS, a Public Hearing was advertised and heard on September 21, 2021, by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals (“Zoning Board”) on Case PD21-80572-BOS, which recommended approval (6-1), after giving 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 13, 2021 Staff Report prepared by Community Development and evidence submitted at the Zoning Board hearing, as part of the City Council hearing record, are on file with the City Clerk.

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

SECTION ONE: RECITALS

The forgoing recitals are true and correct and are incorporated herein by this reference.

SECTION TWO: APPROVAL OF REQUEST

The City Council hereby approves Petition PD21-80572-BOS to amend the Bayview on Estero Bay CPD/RPD subject to the following conditions and deviations:

Conditions:

The amended zoning approval and master concept plan are subject to the following conditions:

1. The development and use of the property must be in substantial compliance with the Master Concept Plan stamped received June 28, 2021, and titled "Bayview on Estero Bay" prepared by Waldrop Engineering, P.A., and attached hereto (**Exhibit "B,"** Sheets 1-3), except as modified by the conditions herein.

The total residential dwelling units may not exceed the approvals granted pursuant to Zoning Ordinance No. 20-06, which allowed for a maximum of 300 Independent Living Facility (ILF) units and a seventy-five (75) bed Assisted Living Facility (ALF) OR 300 multi-family dwelling units; AND seventy-two (72) wet boat slips, twenty-five (25) dry boat slips (15 on-site and 10 off-site in the Bayview II CPD), and one (1) public boat ramp. However, under the 300 multi-family unit option, up to 120 multi-family dwelling units may be converted from multi-family dwelling units to hotel/motel units at the rate of one (1) multi-family unit to one (1) hotel/motel unit. The development also includes up to 7,500 square feet of restaurant uses that are open to the public.

The Applicant must provide a cumulative land development summary table as a part of any local development order application.

2. Condition 2 of Zoning Ordinance No. 20-06 is amended as follows:

- a. Schedule of Uses: **Exhibit "C"**
- b. The Development Regulations: See **Exhibit "B"**

Building A is limited to 286 feet (20 habitable stories/2 stories of parking).

3. Parking for the restaurant must be accommodated within the RPD portion of the project and not within the CPD portion. Parking within the CPD is limited to the public access uses of the marina pursuant to Zoning Ordinance No. 20-06, Condition 7.
4. This Master Concept Plan is subject to conditions set forth herein and the rules, regulations, laws, and codes in place at the time of

Development Order and Constructions Plan approval. Approval of this Planned Development is not a guarantee of future approvals.

5. All terms and conditions of Zoning Ordinance No. 20-06 remain in full force and effect, unless specifically modified by this amendment or other preceding actions.

Deviations:

Deviations 7 and 8 of Zoning Ordinance No. 20-06 are amended as follows:

7. Deviation 7 is approved from LDC Section 4-741(b), which requires all buildings and structures to be setback from the development perimeter a distance equal to the greater of one-half the height of the building or structure, to allow ~~all buildings and structures~~ Building A within the Bayview on Estero Bay RPD/CPD to be setback from the development perimeter at a distance equal to the distances as shown on the MCP, with ~~forty-five (45)~~ seventy-five (75) feet being the smallest distance. Buildings seventy-five (75) feet or less must comply with the LDC, or one-half the height of the building.
8. Deviation 8 is approved from LDC Section 4-741(d)(4), minimum separation of buildings, which requires where there are two (2) or more principal buildings on a development tract, the minimum separation of buildings shall be one-half the sum of their heights, or twenty (20) feet, whichever is greater, to allow the minimum building separation between buildings A1 and A2 to be twenty (20) feet, and the minimum separation between buildings A and D to be forty-five (45) feet.

Deviations 14 through 16:

14. Deviation 14 is approved subject to **Condition 3** for relief from LDC Section 4-743, commercial uses in RPD zoning districts, which requires a minimum of 301 dwelling units to allow for 7,500 square feet of commercial uses in the RPD zoning district, to allow for 7,500 square feet of commercial uses with 300 dwelling units.
15. Deviation 15 is **WITHDRAWN** seeking relief from LDC Section 4-739, Permitted Uses in Planned Development zoning districts, which does list not list the hotel/motel uses within Table 4-740 within the RPD zoning district.
16. Deviation 16 is approved from LDC Section 4-743(5), Commercial uses in RPD and MHPD districts, which prohibits signs for commercial uses other than project sales to be visible from the perimeter of the project, to allow for signage associated with the proposed restaurant to be visible from Coconut Road.

SECTION THREE: INCORPORATION OF RECORD

City Council of Bonita Springs hereby adopts and incorporates into this Ordinance the record of hearings, including testimony, reports, exhibits and attachments considered as part of the application, including specifically:

EXHIBITS:


- A. Legal Description and Sketch of the Subject Property stamped received November 8, 2018
- B. Master Concept Plan stamped received June 28, 2021
- C. Schedule of Uses

SECTION FOUR: EFFECTIVE DATE

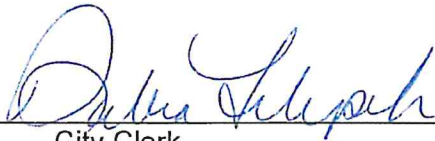
This Ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 3rd of November, 2021.


AUTHENTICATION:



 Mayor



 City Clerk

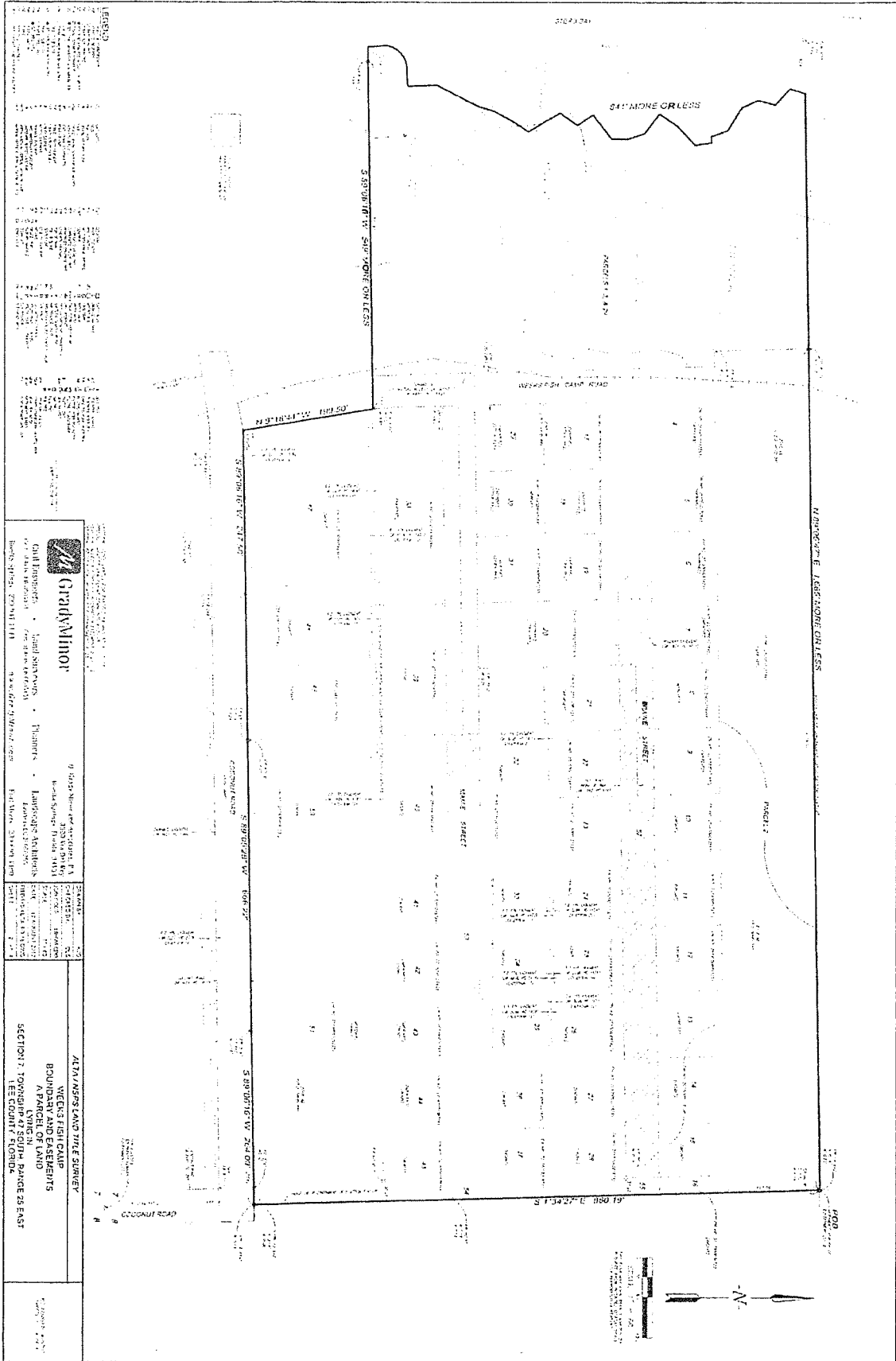
APPROVED AS TO FORM: 

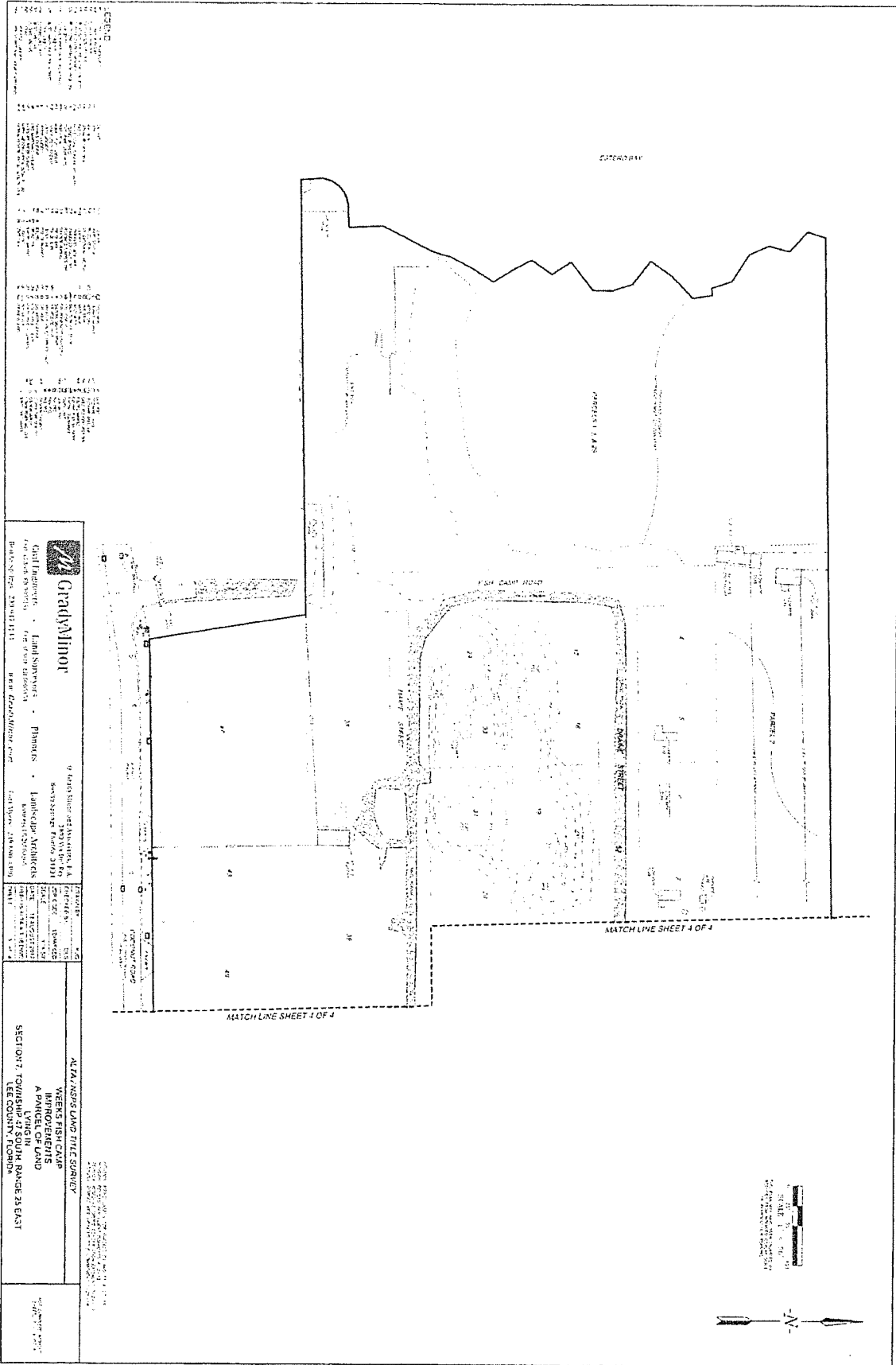
 City Attorney

Vote:

Carr	Aye	Gibson	Aye
Purdon	Aye	Quaremba	Aye
Forbes	Absent	Steinmeyer	Nay
Corrie	Aye		

Date filed with City Clerk: 11/4/21





REVISIONS

NO.	DATE	DESCRIPTION
1	11/15/07	ISSUED FOR PERMITS
2	11/15/07	ISSUED FOR PERMITS
3	11/15/07	ISSUED FOR PERMITS
4	11/15/07	ISSUED FOR PERMITS
5	11/15/07	ISSUED FOR PERMITS
6	11/15/07	ISSUED FOR PERMITS
7	11/15/07	ISSUED FOR PERMITS
8	11/15/07	ISSUED FOR PERMITS
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43	11/15/07	ISSUED FOR PERMITS
44	11/15/07	ISSUED FOR PERMITS
45	11/15/07	ISSUED FOR PERMITS
46	11/15/07	ISSUED FOR PERMITS
47	11/15/07	ISSUED FOR PERMITS
48	11/15/07	ISSUED FOR PERMITS
49	11/15/07	ISSUED FOR PERMITS
50	11/15/07	ISSUED FOR PERMITS

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 Civil Engineers • Land Surveyors • Planners
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 Phone: 817.336.1111 • Fax: 817.336.1112
 www.gradvallnor.com

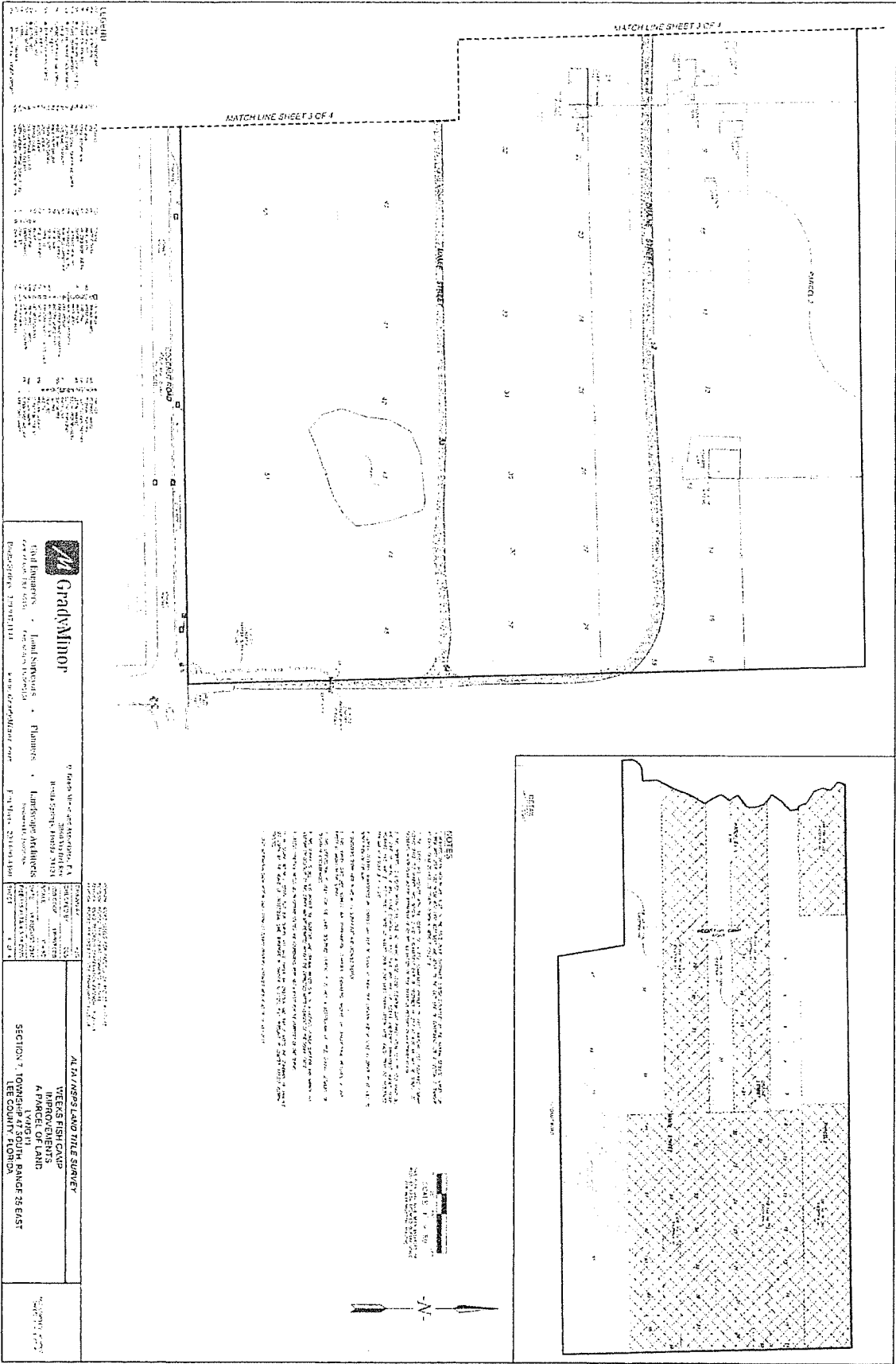
PROJECT
 ALMA / NINE LIND TITLE SPANRY
 WREN'S FISH CAMP
 IMPROVEMENTS
 A PARCEL OF LAND
 SECTION 7, TOWNSHIP 27 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA

DATE
 11/15/07

SCALE
 1" = 40'

PROJECT NO.
 07-001

DATE
 11/15/07



LEGEND

1. BOUNDARY LINES

2. EXISTING BUILDINGS

3. EXISTING DRIVEWAYS

4. EXISTING WALKWAYS

5. EXISTING FENCES

6. EXISTING UTILITIES

7. EXISTING EASEMENTS

8. EXISTING SETBACKS

9. EXISTING CURBS

10. EXISTING DRIVEWAYS

11. EXISTING WALKWAYS

12. EXISTING FENCES

13. EXISTING UTILITIES

14. EXISTING EASEMENTS

15. EXISTING SETBACKS

16. EXISTING CURBS

17. EXISTING DRIVEWAYS

18. EXISTING WALKWAYS

19. EXISTING FENCES

20. EXISTING UTILITIES

21. EXISTING EASEMENTS

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57. EXISTING SETBACKS

58. EXISTING CURBS

59. EXISTING DRIVEWAYS

60. EXISTING WALKWAYS

61. EXISTING FENCES

62. EXISTING UTILITIES

63. EXISTING EASEMENTS

64. EXISTING SETBACKS

65. EXISTING CURBS

66. EXISTING DRIVEWAYS

67. EXISTING WALKWAYS

68. EXISTING FENCES

69. EXISTING UTILITIES

70. EXISTING EASEMENTS

71. EXISTING SETBACKS

72. EXISTING CURBS

73. EXISTING DRIVEWAYS

74. EXISTING WALKWAYS

75. EXISTING FENCES

76. EXISTING UTILITIES

77. EXISTING EASEMENTS

78. EXISTING SETBACKS

79. EXISTING CURBS

80. EXISTING DRIVEWAYS

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83. EXISTING UTILITIES

84. EXISTING EASEMENTS

85. EXISTING SETBACKS

86. EXISTING CURBS

87. EXISTING DRIVEWAYS

88. EXISTING WALKWAYS

89. EXISTING FENCES

90. EXISTING UTILITIES

91. EXISTING EASEMENTS

92. EXISTING SETBACKS

93. EXISTING CURBS

94. EXISTING DRIVEWAYS

95. EXISTING WALKWAYS

96. EXISTING FENCES

97. EXISTING UTILITIES

98. EXISTING EASEMENTS

99. EXISTING SETBACKS

100. EXISTING CURBS

GradyMinor

Land Surveyors • Land Surveyors • Planners • Landscape Architects

10000 W. US HWY 90, SUITE 100, FORT WORTH, TEXAS 76134

PH: 817.335.1111 FAX: 817.335.1112 WWW.GRADMINEOR.COM

ALTA / NPS LAND TITLE SURVEY

WEEKS FISH CAMP IMPROVEMENTS A PARCEL OF LAND SECTION 7, TOWNSHIP 6 SOUTH, RANGE 28 EAST LEE COUNTY, FLORIDA

NOTES

1. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING AND MAPPING ACT, CHAPTER 461, F.S., AND THE RULES OF THE BOARD OF SURVEYING AND MAPPING, CHAPTER 61G, F.A.C.

2. THE SURVEY WAS MADE BY MEASUREMENT OF ANGLES AND DISTANCES.

3. THE SURVEY WAS MADE ON THE DATE OF 10/15/2010.

4. THE SURVEY WAS MADE BY MEASUREMENT OF ANGLES AND DISTANCES.

5. THE SURVEY WAS MADE BY MEASUREMENT OF ANGLES AND DISTANCES.

6. THE SURVEY WAS MADE BY MEASUREMENT OF ANGLES AND DISTANCES.

7. THE SURVEY WAS MADE BY MEASUREMENT OF ANGLES AND DISTANCES.

8. THE SURVEY WAS MADE BY MEASUREMENT OF ANGLES AND DISTANCES.

9. THE SURVEY WAS MADE BY MEASUREMENT OF ANGLES AND DISTANCES.

10. THE SURVEY WAS MADE BY MEASUREMENT OF ANGLES AND DISTANCES.



SITE SUMMARY:
 EXISTING PLAN DESIGNATION: COCONUT VILLAGE
 DESIGNATION: CPD, RPD, MHFD, AND AG-2
 EXISTING LAND USE: VACANT
 EXISTING ZONING DESIGNATION:
 RESIDENTIAL PLANNED DEVELOPMENT (RPD) AND
 COMMERCIAL PLANNED DEVELOPMENT (CPD)
 GROSS AREA: 30,514 ACRES
 MAXIMUM DEVELOPMENT POTENTIAL:
 OPTION 1:
 300 CONTINUING CARE FACILITY - INDEPENDENT LIVING FACILITY UNITS (LIF)
 75 ASSISTED LIVING FACILITY (ALF) BEDS
 72 WET BOAT SLIPS & 28 DRY BOAT SLIPS (15 ON-SITE AND 10 OFF-SITE DRY SLIPS)
 1 PUBLIC BOAT RAMP
 7,500 SF RESTAURANT, GROUPS Hill
 OR
 OPTION 2:
 300 MULTI-FAMILY DWELLING UNITS AND/OR HOTEL/MOTEL UNITS SUBJECT TO CONVERSION MATRIX
 72 WET BOAT SLIPS & 28 DRY BOAT SLIPS (15 ON-SITE AND 10 OFF-SITE DRY SLIPS)
 1 PUBLIC BOAT RAMP
 7,500 SF RESTAURANT, GROUPS Hill
 SITE DATA TABLE:
 RPD AREA: 28.45 ACRES
 CPD AREA: 2.06 ACRES
 OPEN SPACE:
 RPD AREA: 11.284 ACRES (28.45 ACRES X 0.40)
 CPD AREA: 0.412 ACRES (2.06 ACRES X 0.20)
 TOTAL REQUIRED: 11.796 ACRES
 TOTAL PROVIDED: 11.796 ACRES
 INDIGENOUS PRESERVE:
 TOTAL REQUIRED: 3.888 ACRES (11.796 ACRES X 0.33)
 TOTAL PROVIDED: 4.132 ACRES

INDIGENOUS PRESERVE	TOTAL
3.81 AC (WETLANDS)	3.81 AC
0.078 AC (EXCOT. WETLAND WARDRODS)	0.078 AC
TOTAL REQUIRED	3.888 AC
TOTAL PROVIDED	4.132 AC

- DEVIATIONS:**
- FROM LDC SECTION 3-4(17)(B), SETBACKS
 - FROM LDC SECTION 3-4(18)(D)(7), BUFFERING ADJACENT PROPERTY
 - FROM LDC SECTION 4-1(72)(4)(N)1 AND 2, REQUIRED PARKING
 - FROM LDC SECTION 4-3(3)(A)(2), DURATION OF RIGHTS CONFERRED BY ADOPTED MASTER CONCEPT PLAN
 - FROM LDC SECTION 3-2(81)(A)(1), CONNECTION SEPARATION
 - FROM LDC SECTION 3-4(17)(B)(1), WETLAND HABITABLE STRUCTURE SETBACK
 - FROM LDC SECTION 4-7(1)(B), DEVELOPMENT PERIMETER SETBACK
 - FROM LDC SECTION 4-7(1)(D)(9), MINIMUM SEPARATION OF BUILDINGS
 - FROM LDC SECTION 4-7(2), OFF-SITE PARKING
 - FROM LDC SECTION 7-3(81)(6), MULTI-SLIP DOCKING SETBACKS FROM SIDE LOT LINES
 - FROM LDC SECTION 4-1(18)(2), PARKING AND INTERNAL ROADS SETBACK FROM DEVELOPMENT PERIMETER
 - FROM LDC SECTION 4-1(18)(3), LANDSCAPE BUFFERS
 - FROM LDC SECTION 3-4(18)(D)(3), LANDSCAPE BUFFERS
 - FROM LDC SECTION 4-7(4), COMMERCIAL USES IN RPD ZONING DISTRICT
 - FROM LDC SECTION 4-7(2), TO ALLOW HOTEL/MOTEL IN RPD PORTION OF CPD/RD
 - FROM LDC SECTION 4-7(4)(5) TO ALLOW FOR STORAGE ASSOCIATED WITH THE PROPOSED RESTAURANT TO BE VISIBLE FROM COCONUT ROAD

NOTES:

- THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION AT THE TIME OF AGENCY PERMITTING, D.O. OR PLAY APPROVAL, HOWEVER, ANY SUCH MODIFICATION SHALL BE IN COMPLIANCE WITH THE APPLICABLE LAND DEVELOPMENT CODE (LDC) DESIGN STANDARDS AND GUIDELINES EXCEPT WHERE A DEVIATION HAS BEEN APPROVED.
- ALL ACREAGES AND CPD/RD TRACT LINES ARE APPROXIMATE AND SUBJECT TO MODIFICATION AT THE TIME OF AGENCY PERMITTING, D.O. OR PLAY APPROVAL IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE (LDC). THE MINIMUM REQUIRED OPEN SPACE WILL BE MET WITHIN BOTH TRACTS PER THE LDC BASED UPON THE FINAL ACRESAGE OF THE RPD AND CPD AREAS.
- PEDESTRIAN FACILITIES ON-SITE ARE SUBJECT TO FINAL PLACEMENT OF BUILDINGS.
- FINAL JURISDICTION DETERMINATION (JD) FOR INDIGENOUS PRESERVE AREA IN THE NORTHEAST CORNER SHALL BE DETERMINED AT THE TIME OF D.O. PERMITTING.
- SERVICE AND LOADING AREAS ARE CONCEPTUAL AND SUBJECT TO CHANGE AT THE TIME OF D.O. PERMITTING.

DEVELOPMENT REGULATIONS (RPD)
 MINIMUM LOT AREA: N/A
 MINIMUM LOT WIDTH: N/A
 MINIMUM LOT DEPTH: N/A
 MINIMUM SETBACKS:
 PRINCIPAL STRUCTURE:
 PD PERIMETER: 75 FEET
 BUILDINGS 75' ABOVE MINIMUM BASE FLOOD ELEVATION OR LESS IN HEIGHT: PER LDC
 BUILDINGS 75' ABOVE MINIMUM BASE FLOOD ELEVATION OR GREATER IN HEIGHT: 75 FEET
 INTERNAL CPD/RPD BOUNDARY: 0 FEET
 ACCESSORY STRUCTURES: **INCLUDES COVERED PARKING AND PARKING DECK LEVELS
 PD PERIMETER: 15 FEET
 INTERNAL CPD/RPD BOUNDARY: 0 FEET
 INTERNAL RPD/RPD BOUNDARY: 0 FEET
 MINIMUM BUILDING SEPARATION: 0 FEET
 PRINCIPAL STRUCTURES: 60 FEET
 PRINCIPAL TO ACCESSORY: 0 FEET
 COVERED PARKING ATTACHED TO PRINCIPAL BUILDING: 0 FEET
 COVERED PARKING TO COVERED PARKING: 20 FEET
 **COVERED PARKING INCLUDES PARKING DECK LEVELS EXTENDING FROM PRINCIPALS STRUCTURES


MAXIMUM LOT COVERAGE: 80 PERCENT
MAXIMUM BUILDING HEIGHT:
 BUILDING A: 288 FEET (22 STORIES)
 BUILDINGS B-E: 75 FEET (7 STORIES)
 BUILDING F: 75 FEET (7 STORIES)

INDIGENOUS VEGETATION SETBACK: 15 FEET
DEVELOPMENT REGULATIONS (CPD)
 MINIMUM LOT AREA: 10,000 SQUARE FEET
 MINIMUM LOT WIDTH: N/A
 MINIMUM LOT DEPTH: N/A
 MINIMUM SETBACKS:
 PRINCIPAL STRUCTURES - PD PERIMETER: 15 FEET
 ACCESSORY STRUCTURES - PD PERIMETER: 0 FEET
 INTERNAL CPD/RPD BOUNDARY: 0 FEET

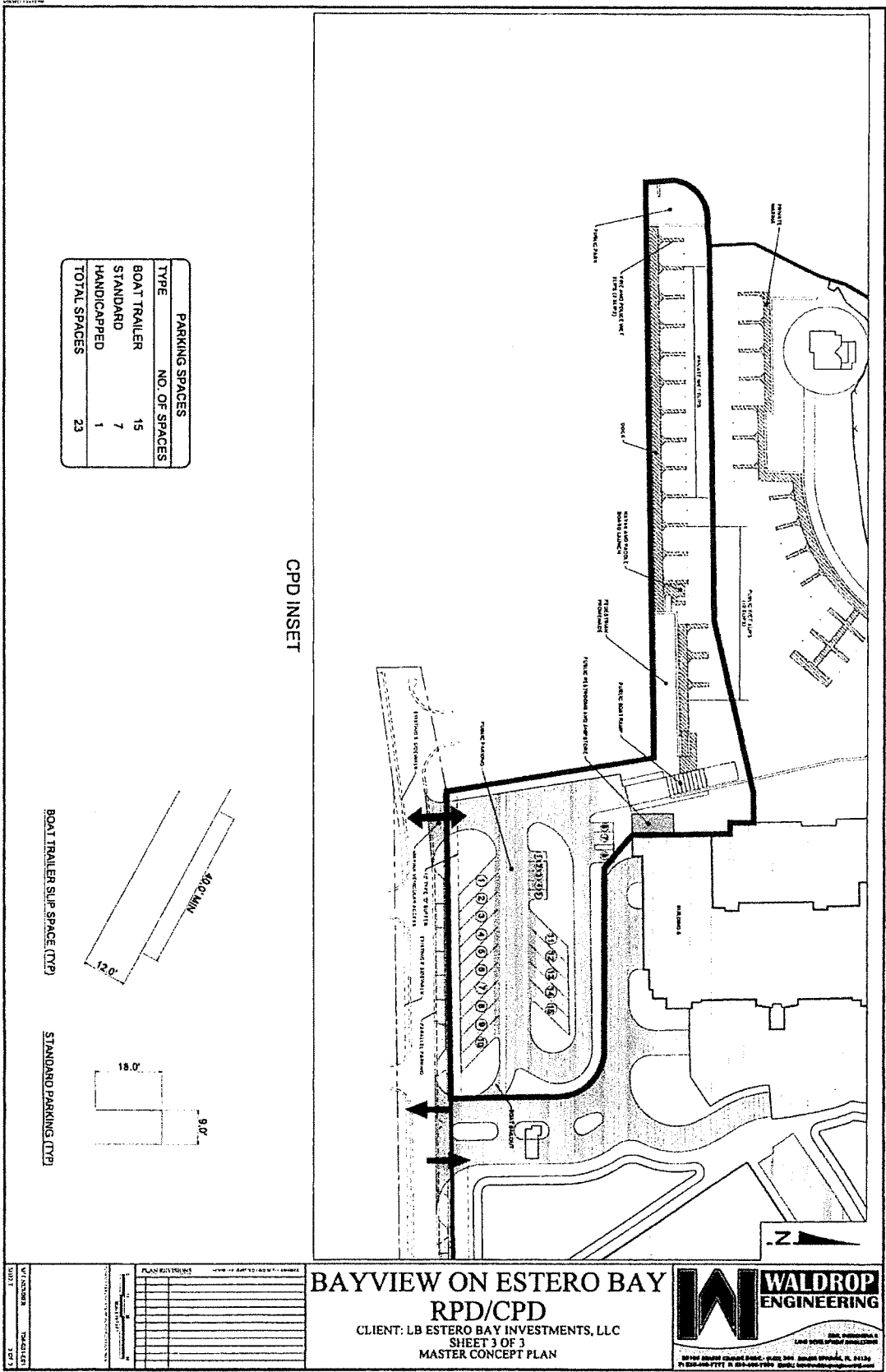
MINIMUM BUILDING SEPARATION:
 PRINCIPAL STRUCTURES: 20 FEET
 PRINCIPAL TO ACCESSORY: 0 FEET

MAXIMUM LOT COVERAGE: 50%
MAXIMUM BUILDING HEIGHT: 288 FEET (BUILDING A)
45 FEET (ALL OTHER STRUCTURES)
INDIGENOUS VEGETATION SETBACK: 30 FEET

BAYVIEW ON ESTERO BAY
RPD/CPD
 CLIENT: LB ESTERO BAY INVESTMENTS, LLC
 SHEET 2 OF 3
 MASTER CONCEPT PLAN

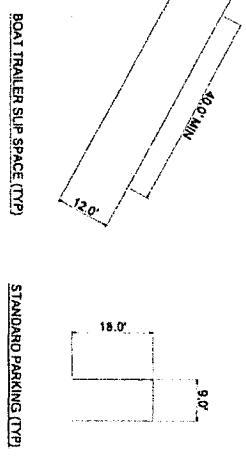


WALDROP ENGINEERING
 Civil, Mechanical & Land Development Engineers
 6815 US Highway 90 South, Suite 200, Naples, FL 34109
 P: 239-440-7777 • F: 239-440-7897 • Email: info@waldropeng.com



PARKING SPACES	
TYPE	NO. OF SPACES
BOAT TRAILER	15
STANDARD	7
HANDICAPPED	1
TOTAL SPACES	23

CPD INSET



NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITTING	08/15/2018	WALDROP ENGINEERING
2	REVISED PER COMMENTS	08/22/2018	WALDROP ENGINEERING
3	REVISED PER COMMENTS	09/05/2018	WALDROP ENGINEERING
4	REVISED PER COMMENTS	09/12/2018	WALDROP ENGINEERING
5	REVISED PER COMMENTS	09/19/2018	WALDROP ENGINEERING
6	REVISED PER COMMENTS	09/26/2018	WALDROP ENGINEERING
7	REVISED PER COMMENTS	10/03/2018	WALDROP ENGINEERING
8	REVISED PER COMMENTS	10/10/2018	WALDROP ENGINEERING
9	REVISED PER COMMENTS	10/17/2018	WALDROP ENGINEERING
10	REVISED PER COMMENTS	10/24/2018	WALDROP ENGINEERING
11	REVISED PER COMMENTS	10/31/2018	WALDROP ENGINEERING
12	REVISED PER COMMENTS	11/07/2018	WALDROP ENGINEERING
13	REVISED PER COMMENTS	11/14/2018	WALDROP ENGINEERING
14	REVISED PER COMMENTS	11/21/2018	WALDROP ENGINEERING
15	REVISED PER COMMENTS	11/28/2018	WALDROP ENGINEERING
16	REVISED PER COMMENTS	12/05/2018	WALDROP ENGINEERING
17	REVISED PER COMMENTS	12/12/2018	WALDROP ENGINEERING
18	REVISED PER COMMENTS	12/19/2018	WALDROP ENGINEERING
19	REVISED PER COMMENTS	12/26/2018	WALDROP ENGINEERING
20	REVISED PER COMMENTS	01/02/2019	WALDROP ENGINEERING
21	REVISED PER COMMENTS	01/09/2019	WALDROP ENGINEERING
22	REVISED PER COMMENTS	01/16/2019	WALDROP ENGINEERING
23	REVISED PER COMMENTS	01/23/2019	WALDROP ENGINEERING
24	REVISED PER COMMENTS	01/30/2019	WALDROP ENGINEERING
25	REVISED PER COMMENTS	02/06/2019	WALDROP ENGINEERING
26	REVISED PER COMMENTS	02/13/2019	WALDROP ENGINEERING
27	REVISED PER COMMENTS	02/20/2019	WALDROP ENGINEERING
28	REVISED PER COMMENTS	02/27/2019	WALDROP ENGINEERING
29	REVISED PER COMMENTS	03/06/2019	WALDROP ENGINEERING
30	REVISED PER COMMENTS	03/13/2019	WALDROP ENGINEERING
31	REVISED PER COMMENTS	03/20/2019	WALDROP ENGINEERING
32	REVISED PER COMMENTS	03/27/2019	WALDROP ENGINEERING
33	REVISED PER COMMENTS	04/03/2019	WALDROP ENGINEERING
34	REVISED PER COMMENTS	04/10/2019	WALDROP ENGINEERING
35	REVISED PER COMMENTS	04/17/2019	WALDROP ENGINEERING
36	REVISED PER COMMENTS	04/24/2019	WALDROP ENGINEERING
37	REVISED PER COMMENTS	05/01/2019	WALDROP ENGINEERING
38	REVISED PER COMMENTS	05/08/2019	WALDROP ENGINEERING
39	REVISED PER COMMENTS	05/15/2019	WALDROP ENGINEERING
40	REVISED PER COMMENTS	05/22/2019	WALDROP ENGINEERING
41	REVISED PER COMMENTS	05/29/2019	WALDROP ENGINEERING
42	REVISED PER COMMENTS	06/05/2019	WALDROP ENGINEERING
43	REVISED PER COMMENTS	06/12/2019	WALDROP ENGINEERING
44	REVISED PER COMMENTS	06/19/2019	WALDROP ENGINEERING
45	REVISED PER COMMENTS	06/26/2019	WALDROP ENGINEERING
46	REVISED PER COMMENTS	07/03/2019	WALDROP ENGINEERING
47	REVISED PER COMMENTS	07/10/2019	WALDROP ENGINEERING
48	REVISED PER COMMENTS	07/17/2019	WALDROP ENGINEERING
49	REVISED PER COMMENTS	07/24/2019	WALDROP ENGINEERING
50	REVISED PER COMMENTS	07/31/2019	WALDROP ENGINEERING
51	REVISED PER COMMENTS	08/07/2019	WALDROP ENGINEERING
52	REVISED PER COMMENTS	08/14/2019	WALDROP ENGINEERING
53	REVISED PER COMMENTS	08/21/2019	WALDROP ENGINEERING
54	REVISED PER COMMENTS	08/28/2019	WALDROP ENGINEERING
55	REVISED PER COMMENTS	09/04/2019	WALDROP ENGINEERING
56	REVISED PER COMMENTS	09/11/2019	WALDROP ENGINEERING
57	REVISED PER COMMENTS	09/18/2019	WALDROP ENGINEERING
58	REVISED PER COMMENTS	09/25/2019	WALDROP ENGINEERING
59	REVISED PER COMMENTS	10/02/2019	WALDROP ENGINEERING
60	REVISED PER COMMENTS	10/09/2019	WALDROP ENGINEERING
61	REVISED PER COMMENTS	10/16/2019	WALDROP ENGINEERING
62	REVISED PER COMMENTS	10/23/2019	WALDROP ENGINEERING
63	REVISED PER COMMENTS	10/30/2019	WALDROP ENGINEERING
64	REVISED PER COMMENTS	11/06/2019	WALDROP ENGINEERING
65	REVISED PER COMMENTS	11/13/2019	WALDROP ENGINEERING
66	REVISED PER COMMENTS	11/20/2019	WALDROP ENGINEERING
67	REVISED PER COMMENTS	11/27/2019	WALDROP ENGINEERING
68	REVISED PER COMMENTS	12/04/2019	WALDROP ENGINEERING
69	REVISED PER COMMENTS	12/11/2019	WALDROP ENGINEERING
70	REVISED PER COMMENTS	12/18/2019	WALDROP ENGINEERING
71	REVISED PER COMMENTS	12/25/2019	WALDROP ENGINEERING
72	REVISED PER COMMENTS	01/01/2020	WALDROP ENGINEERING
73	REVISED PER COMMENTS	01/08/2020	WALDROP ENGINEERING
74	REVISED PER COMMENTS	01/15/2020	WALDROP ENGINEERING
75	REVISED PER COMMENTS	01/22/2020	WALDROP ENGINEERING
76	REVISED PER COMMENTS	01/29/2020	WALDROP ENGINEERING
77	REVISED PER COMMENTS	02/05/2020	WALDROP ENGINEERING
78	REVISED PER COMMENTS	02/12/2020	WALDROP ENGINEERING
79	REVISED PER COMMENTS	02/19/2020	WALDROP ENGINEERING
80	REVISED PER COMMENTS	02/26/2020	WALDROP ENGINEERING
81	REVISED PER COMMENTS	03/05/2020	WALDROP ENGINEERING
82	REVISED PER COMMENTS	03/12/2020	WALDROP ENGINEERING
83	REVISED PER COMMENTS	03/19/2020	WALDROP ENGINEERING
84	REVISED PER COMMENTS	03/26/2020	WALDROP ENGINEERING
85	REVISED PER COMMENTS	04/02/2020	WALDROP ENGINEERING
86	REVISED PER COMMENTS	04/09/2020	WALDROP ENGINEERING
87	REVISED PER COMMENTS	04/16/2020	WALDROP ENGINEERING
88	REVISED PER COMMENTS	04/23/2020	WALDROP ENGINEERING
89	REVISED PER COMMENTS	04/30/2020	WALDROP ENGINEERING
90	REVISED PER COMMENTS	05/07/2020	WALDROP ENGINEERING
91	REVISED PER COMMENTS	05/14/2020	WALDROP ENGINEERING
92	REVISED PER COMMENTS	05/21/2020	WALDROP ENGINEERING
93	REVISED PER COMMENTS	05/28/2020	WALDROP ENGINEERING
94	REVISED PER COMMENTS	06/04/2020	WALDROP ENGINEERING
95	REVISED PER COMMENTS	06/11/2020	WALDROP ENGINEERING
96	REVISED PER COMMENTS	06/18/2020	WALDROP ENGINEERING
97	REVISED PER COMMENTS	06/25/2020	WALDROP ENGINEERING
98	REVISED PER COMMENTS	07/02/2020	WALDROP ENGINEERING
99	REVISED PER COMMENTS	07/09/2020	WALDROP ENGINEERING
100	REVISED PER COMMENTS	07/16/2020	WALDROP ENGINEERING

BAYVIEW ON ESTERO BAY
RPD/CPD
 CLIENT: LB ESTERO BAY INVESTMENTS, LLC
 SHEET 3 OF 3
 MASTER CONCEPT PLAN

WALDROP ENGINEERING
 2000 W. PALM BEACH BLVD., SUITE 200, PALM BEACH, FL 33480
 TEL: 561-832-1111 FAX: 561-832-1112 WWW.WALDROPENGINEERING.COM

Bayview on Estero Bay RPD/CPD Amendment

Exhibit C

Schedule of Uses

*Changes to conditions of Zoning Ordinance No. 20-06 are shown in ~~strike through~~/underline format

MAXIMUM DEVELOPMENT

The Planned Development is approved for a maximum of the following:

OPTION 1 (CONTINUING CARE FACILITIES OPTION):

- *A Continuing Care Facility (CCF) containing a maximum of 300 Independent Living Facility (ILF) units calculated at a density of 2 ILF units: 1 residential dwelling unit per 4-1183(c);
- 75 Assisted Living Facility (ALF) at a density of 4 ALF beds: 1 residential dwelling unit per 4-1283(a)(1); and
- 72 wet boat slips and 25 dry boat slips (15 on-site & 10 off-site in the Bayview II CPD)
- 1 public boat ramp
- 7,500 SF of Restaurants, Group I-III

OR

OPTION 2 (MULTI-FAMILY OPTION):

300 multi-family dwelling units or hotel/motel subject to conversation matrix in Condition 1;
and
72 wet boat slips and 25 dry boat slips (15 on-site & 10 off-site in the Bayview II CPD)
1 public boat ramp
7,500 SF of Restaurants, Group I-III

RPD

Accessory uses and structures, residential Administrative offices

Assisted Living Facility (ALF)

ALF/CCF Accessory uses and structures, ALF/CCF including but not limited to: small-scale retail and personal services for use by residents such as ATM's, auditoriums, banking, barber and/or beauty shop, spa services, laundry and/or dry cleaning (Group I and II), medical offices, pharmacy, postal services, rehabilitation facilities, sundries, other community recreational facilities and similar uses)

Continuing Care Facility (CCF)

Clubs, country, private and fraternal

Accessory uses, including but not limited to:

ATM

Bait and tackle shop

Boat dock

Boat ramp

Consumption on premises, including outdoor seating

Day care center, adult and child

Food and beverage service

Locker rooms

- Personal services (Groups I and II limited to ATM, barber or beauty shop, health club and massage establishment)
- Rental or leasing establishments, Group I only
- Restaurants Groups I, II and III with consumption on premises and outdoor seating
- Specialty retail shop, Groups I and II
- Swimming pools
- Sports courts
- Communication facilities, wireless
- Community gardens
- Cultural facilities
- Dwelling units:
 - Multi-family Building
- Entrance gates and gatehouse
- Essential services
- Essential services facilities, Group I
- Excavation, water retention
- Fences, walls
- Health Care Facilities, Groups I, II and III
- Home occupations in accordance with LDC Chapter 4
- Hotel/motel
- Independent Living Units (ILF)
- Models, display center, model unit limited to residential uses within the PD
- Multi-Slip Docking Facility
- Parks, public and private
- Parks, Groups I and II excluding fishing piers
- Parking lot, accessory, commercial, garage, temporary
- Real estate sales office
- Recreational facilities, commercial Group III, outdoor cultural, passive and active recreational (private on-site) and educational activities only
- Restaurant, Group I-III (limited to 7,500 SF within the overall RPD)
- Signs in accordance with Chapter 6
- Storage, indoor, accessory only
- Temporary uses in accordance with Chapter 4
- Transportation services, Group I and II

CPD

- Accessory uses and structures
- Administrative offices
- ATM
- Boat parts store
- Boat rental and leasing establishments, Group I
- Club, private
 - Accessory uses, including but not limited to:
 - Bait and tackle shop
 - Boat dock
 - Consumption on premises, including outdoor seating
 - Food and beverage service

Locker rooms
Personal services (Groups I and II limited to ATM, barber or beauty shop, health club and massage establishment)
Rental or leasing establishments, Group I only
Restaurants Groups I, II and III with consumption on premises and outdoor seating and accessory to private club only
Specialty retail shop, Groups I and II
Swimming pools
Sports courts
Excavation, water retention
Fences, walls
Marina
Marina, accessory uses, excluding fueling facilities
Multi-slip docking facility
Parking lot, accessory
Parks, Groups I and II (excluding fishing piers)
Recreation Facilities, Commercial Group III, outdoor cultural, passive and active recreational and educational activities only
Signs in accordance with Chapter 6
Transportation services, Groups I and II

ADMINISTRATIVE AMENDMENT (MCP)
TO ZONING ORDINANCE NO. 20-06 (AMENDED BY ORDINANCE NO. 21-03)
BAYVIEW ON ESTERO BAY (RPD/CPD)
ADD21-86841-BOS(A)

ADMINISTRATIVE ACTION
BONITA SPRINGS, FLORIDA

WHEREAS, Josephine Medina on behalf of LB Estero Bay Investments, LLC., has filed a request to amend the Bayview on Estero Bay Residential Planned Development/Commercial Planned Development (RPD/CPD) to amend the Master Concept Plan (MCP); and

WHEREAS, the subject properties are located at the northwest intersection of Coconut Road in Bonita Springs, described more particularly as:

See legal description attached hereto as “Exhibit A”

WHEREAS, the property owner has authorized RVI Planning to pursue this administrative amendment; and

WHEREAS, the subject properties are located in the Resource Protection, and Coconut Village Future Land Use categories as designated by the City of Bonita Springs Future Land Use Map; and

WHEREAS, the project was approved originally as an RPD/CPD in City of Bonita Springs Zoning Ordinance (ZO) No. 20-06 and subsequently amended in ZO-21-03; and

WHEREAS, the applicant is requesting to amend the master concept plan based on the proposed changes shown at the November 3, 2021 adoption hearing for ZO-21-03; and

WHEREAS, the following changes are requested:

1. Amend the location of Building A’s footprint to the east;
2. Reduce the number of residential buildings from six (6) to five (5) (Buildings A-E);
3. Relocate Building B, reduce the height, establish the use as a restaurant with indoor and outdoor consumption on premises, and include the public restrooms and ship store within the westerly portion;
4. Amend ZO-20-06 to allow for the public restrooms and ship store within the RPD area as prescribed instead of the CPD area; and
5. Clarify the waterbody setbacks;
6. Further refinement of the potential vehicular/pedestrian interconnection along the northern PD boundary adjacent to the Pelican Landing RPD/CPD;
7. Acknowledge an alternate design plan for those walkways that abut the marina.

WHEREAS, these changes were delineated on the proposed master concept plan shown at the November 3, 2021 adoption hearing for ZO-21-03 with the understanding that an administrative amendment was forthcoming to incorporate those changes; and

WHEREAS, the applicant is requesting a reduction in the number of Principal Buildings from six (6) to five (5) (Buildings A-E) and re-orientation of some of the buildings within the development; and

WHEREAS, Building B will be reduced in height from seven (7) stories (75') to three (3) stories (50'); and

WHEREAS, Building B is denoted for Indoor and Outdoor Consumption on Premises (COP) in association with a restaurant; and

WHEREAS, the proposed location of Building B is within the previous location of Building A, Phase 1, which was previously denoted for Consumption on Premises within the approved MCP; and

WHEREAS, restaurants with consumption on premises and outdoor seating is permitted within the Residential Planned Development (RPD) schedule of uses; and

WHEREAS, the applicant is also requesting movement of the Public Restrooms and Ship Store from CPD area to Building B in the RPD area; and

WHEREAS, the intent and preservation of Condition 7 of ZO-20-06 for public access will be maintained; and

WHEREAS, only the Public Restrooms and Ship Store are to be permitted within the RPD portion of the project; and

WHEREAS, the development regulations did not specifically identify the waterbody setbacks to implement the MCP; and

WHEREAS, the applicant has provided waterbody setbacks to implement the MCP as proposed at the November 3, 2021 adoption hearing for ZO-21-03; and

WHEREAS, the applicant is requesting movement of the potential vehicular/pedestrian interconnection along the northern PD boundary which will allow for the potential to connect to the proposed internal circulation identified for the development on the MCP; and

WHEREAS, the applicant is proposing an alternate design plan for those portions of the boardwalk and walkways that abut the marina; and

WHEREAS, the Bonita Springs Land Development Code provides for certain administrative changes to planned development master concept plans; and

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

WHEREAS, is it found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC or Zoning Resolution; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping to preservation areas; and does not otherwise adversely impact surrounding land uses; and

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Bayview on Estero Bay (RPD/CPD) Master Concept Plan **APPROVED** subject to the following conditions:

1. The development and use of the property must be consistent with the Master Concept Plan stamped received March 21, 2022.
2. The Public Restrooms and Ship Store within the RPD portion must be accessible to the public and constructed pursuant to Condition 7 of ZO-20-06.
3. At time of local development order, the Applicant will provide an Alternate Design in accordance with LDC Sec. 3-488 to address shaded pathways along the waterfront. The Alternate Design shall include:
 - a. Placement of at least four (4) canopy trees within the bay side of Building A.
 - b. Placement of palms above the code requirement east of the subject walkway by the accessory building.
4. All terms and conditions of the original zoning resolution remain in full force and effect, unless specifically modified by this amendment or other preceding actions.

DULY signed this 5th day of April, A.D., 2022

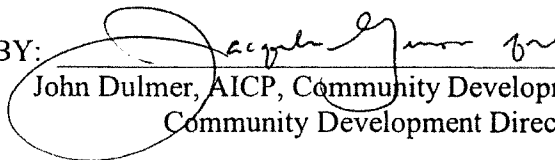
BY: 
John Dulmer, AICP, Community Development Director
Community Development Director

Exhibit A

RHODES & RHODES LAND SURVEYING, INC.

***28100 BONITA GRANDE DRIVE #107 NAPLES, FLORIDA 34135
PHONE (239) 405-8166 FAX (239) 405-8163***

LEGAL DESCRIPTION

(AS SURVEYED)

A PARCEL OF LAND LYING WITHIN GOVERNMENT LOT 2, SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF GOVERNMENT LOT 2, SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA; THENCE RUN ALONG THE EAST LINE OF SAID LOT 2, SOUTH 01°34'59" EAST, A DISTANCE OF 860.24 FEET TO A POINT ON THE NORTH BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3421, PAGE 1095, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN ALONG SAID LANDS FOR THE FOLLOWING THREE (3) COURSES AND DISTANCES, 1) SOUTH 89°05'44" WEST, A DISTANCE OF 263.94 FEET; 2) THENCE SOUTH 89°09'57" WEST, A DISTANCE OF 666.41 FEET; 3) THENCE SOUTH 89°06'07" WEST, A DISTANCE OF 247.33 FEET TO THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN INSTRUMENT NUMBER 2013000046383, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN ALONG THE WESTERLY BOUNDARY OF SAID LANDS, NORTH 09°29'26" WEST, A DISTANCE OF 199.36 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE AFOREMENTIONED GOVERNMENT LOT 2; THENCE RUN ALONG SAID SOUTH LINE, SOUTH 89°04'49" WEST, A DISTANCE OF 549 FEET MORE OR LESS TO A POINT ON THE MEAN HIGH WATER LINE OF ESTERO BAY, A PORTION OF WHICH IS DEPICTED ON THE MEAN HIGH WATER LINE SURVEY PUBLISHED ON LABINS.ORG WITH A FILE NUMBER OF 3955; THENCE RUN ALONG SAID MEAN HIGH WATER LINE, NORTHERLY A DISTANCE OF 841 FEET MORE OR LESS TO A POINT ON THE NORTH LINE OF SAID GOVERNMENT LOT 2; THENCE RUN ALONG SAID NORTH LINE, NORTH 89°06'42" EAST, A DISTANCE OF 1,665 FEET MORE OR LESS TO THE POINT OF BEGINNING.

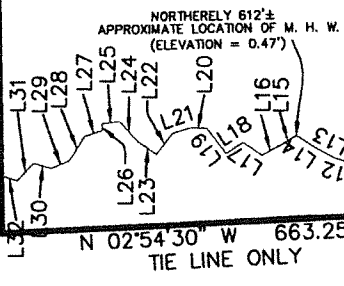
CONTAINING 30.51 ACRES, MORE OR LESS.

P.O.B.
 N.E. CORNER OF GOVERNMENT LOT 2,
 SECTION 7, TOWNSHIP 47 SOUTH,
 RANGE 25 EAST, LEE COUNTY,
 FLORIDA.

UNPLATTED

N 89°06'42" E 1747.62'

PORTION OF GOVERNMENT LOT 2,
 SECTION 7, TOWNSHIP 47 SOUTH,
 RANGE 25 EAST.



ESTERO BAY

S 01°34'59" E 860.24'

263.94'

S 89°05'44" W

666.41'

S 89°09'57" W

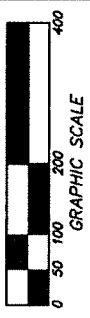
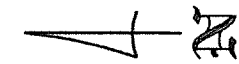
247.33'

S 89°06'07" W

N 09°29'26" E 199.36'

S 89°04'49" W 549±'

COCONUT ROAD



GRAPHIC SCALE

BY: JOHN SCOTT RHODES PSM # 5739
 DESIGNER

SKETCH AND DESCRIPTION

CERTIFIED TO:
 LONDON BAY DEVELOPMENT GROUP

ABBREVIATIONS
 P.O.B. = POINT OF BEGINNING
 PSM = PROFESSIONAL SURVEYOR
 AND MAPPER

SURVEYOR'S NOTES
 1. BEARINGS ARE BASED ON THE EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING NORTH 01°27'43" WEST AND RELATES TO THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT.
 2. SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.
 3. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

RHODES & RHODES
 LAND SURVEYING, INC.
 LICENSE #LB 6897

DATE: OCTOBER 18, 2021
 SCALE: 1" = 200'
 COGO #: 19-204

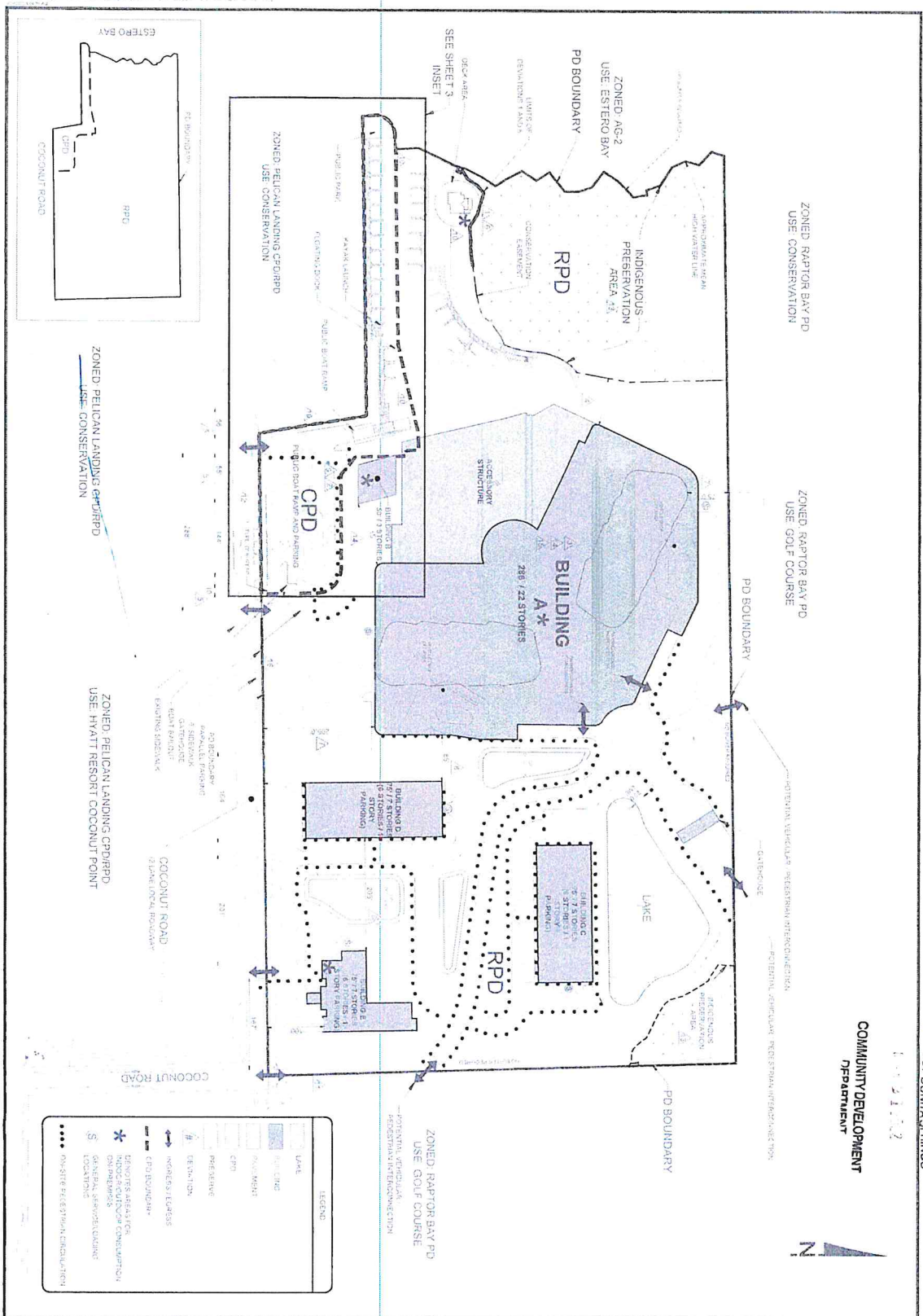
28100 BONITA GRANDE DRIVE SUITE 107
 BONITA SPRINGS, FL 34135
 (239) 405-8166 (239) 405-8163 FAX

NOT A SURVEY

LINE	LENGTH	BEARING
L6	14.64	S 37°26'41" E
L7	13.78	N 87°10'02" E
L8	16.55	S 04°20'07" E
L9	43.33	N 84°36'31" E
L10	43.33	N 84°36'31" E
L11	76.48	N 26°20'03" E
L12	26.73	N 18°51'21" E
L13	50.70	N 27°24'20" E
L14	50.09	N 32°53'38" E
L15	26.73	N 31°37'28" E
L16	27.18	N 27°56'23" W
L17	26.68	N 25°24'02" E
L18	45.58	N 31°48'20" E
L19	24.68	N 01°02'07" E
L20	26.16	N 18°39'11" W
L21	37.11	N 52°37'05" W
L22	32.48	N 34°28'48" E
L23	38.45	N 48°17'31" E
L24	31.45	N 05°49'05" E
L25	6.11	N 18°20'41" W
L26	26.81	N 18°20'41" W
L27	46.28	N 87°45'34" W
L28	26.85	N 24°18'25" W
L29	24.78	N 14°54'15" E
L30	33.06	N 47°26'12" W
L31	24.15	N 18°57'37" E

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CITY OF BONITA SPRINGS

COMMUNITY DEVELOPMENT
DEPARTMENT



BAYVIEW ON ESTERO BAY
RPD/CPD
 CLIENT: LB ESTERO BAY INVESTMENTS, LLC
 SHEET 1 OF 3
 MASTER CONCEPT PLAN

WALDROP ENGINEERING
 CIVIL ENGINEERING &
 LAND DEVELOPMENT CONSULTANTS
 25100 BONITA GRANDE DRIVE - SUITE 105, BONITA SPRING, FL 34135
 P: 329-465-7777 F: 329-455-7994 EMAIL: info@waldropengineering.com

SITE SUMMARY
 EXISTING PLAN DESIGNATION: COCONUT VILLAGE & RESOURCE PROTECTION
 DESIGNATION: CPD, RPD, MHP, AND AG-2

EXISTING ZONING DESIGNATION:
 RESIDENTIAL PLANNED DEVELOPMENT (RPD) AND
 COMMERCIAL PLANNED DEVELOPMENT (CPD)
 MAXIMUM DEVELOPMENT POTENTIAL:
 APPROX. AREA: 26.54 ACRES
 OPTION 1:
 100 CONTINUING CARE FACILITY, INDEPENDENT LIVING FACILITY UNIT 8, RFLP
 75 ASSISTED LIVING FACILITY, ALI BEDS
 72 WET BOAT SLIPS & 25 DRY BOAT SLIPS (15 ON-SITE AND 10 OFF-SITE DRY SLIPS)
 1 PUBLIC BOAT RAMP
 1,500 SF RESTAURANT GROUPS MH
 OR
 OPTION 2:
 300 HOLIDAY DWELLING UNITS AND/OR HOTEL/MOTEL UNITS SUBJECT TO CONVERSION MATRIX
 72 WET BOAT SLIPS & 25 DRY BOAT SLIPS (15 ON-SITE AND 10 OFF-SITE DRY SLIPS)
 1 PUBLIC BOAT RAMP
 1,500 SF RESTAURANT GROUPS MH
 OR
 SITE DATA TABLE
 RPD AREA: 26.54 ACRES
 CPD AREA: 2.08 ACRES
 OTHER SPACE:
 RPD AREA: 11.38+ ACRES (28.45 ACRES X 0.40)
 CPD AREA: 0.18 ACRES (2.08 ACRES X 0.20)
 TOTAL REQUIRED: 11.79 ACRES
 TOTAL PROVIDED: 11.79 ACRES

INDIGENOUS PRESERVE
 5.33+ ACRES (11.79 ACRES X 0.45)
 TOTAL PROVIDED: 4.19 ACRES

INDIGENOUS PRESERVE	5.33 AC	4.19 AC
3.51 AC (3.51 AC)	3.51 AC	3.51 AC
1.82 AC (1.82 AC)	1.82 AC	1.82 AC
TOTAL REQUIRED	11.66 AC	11.66 AC
TOTAL PROVIDED	11.66 AC	11.66 AC

- DEVIATIONS**
- FROM LDC SECTION 4.1(1)(b) SETBACKS
 - FROM LDC SECTION 4.1(1)(d) BUFFERING ADJACENT PROPERTY
 - FROM LDC SECTION 4.2(1)(a) AND 4.2(1)(b) REQUIRED PARKING
 - FROM LDC SECTION 4.2(1)(c) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(d) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(e) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(f) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(g) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(h) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(i) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(j) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(k) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(l) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(m) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(n) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(o) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(p) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(q) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(r) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(s) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(t) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(u) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(v) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(w) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(x) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(y) MAXIMUM DEVELOPMENT DENSITY
 - FROM LDC SECTION 4.2(1)(z) MAXIMUM DEVELOPMENT DENSITY

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 OFFICE OF BENTON SPAINWINE
 MAY 21 2012

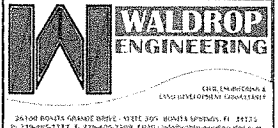
COMMUNITY DEVELOPMENT
 DEPARTMENT

- DEVELOPMENT REGULATIONS (RPD)
 MINIMUM LOT AREA: N/A
 MINIMUM LOT WIDTH: N/A
 MINIMUM LOT DEPTH: N/A
 MINIMUM SETBACKS:
 PRINCIPAL STRUCTURE
 PD PERMETER: 7
 BUILDINGS 75' ABOVE MINIMUM BASE FLOOD ELEVATION OR LESS IN HEIGHT PER LDC
 BUILDINGS 75' ABOVE MINIMUM BASE FLOOD ELEVATION OR GREATER IN HEIGHT 75 FEET
 INTERNAL OPD/RPD BOUNDARY: 0 FEET
 WATER BODY: 10 FEET
 ACCESSORY STRUCTURES: **INCLUDES COVERED PARKING AND PARKING DECK LEVELS
 PD PERMETER: 15 FEET
 INTERNAL OPD/RPD BOUNDARY: 0 FEET
 INTERNAL RPD/RPD BOUNDARY: 0 FEET
 WATER BODY: 0 FEET
 MINIMUM BUILDING SEPARATION: 2
 PRINCIPAL STRUCTURES: 40 FEET
 PRINCIPAL TO ACCESSORY: 0 FEET**
 COVERED PARKING ATTACHED TO PRINCIPAL BUILDING: 0 FEET**
 COVERED PARKING TO COVERED PARKING: 20 FEET**
 **COVERED PARKING INCLUDES PARKING DECK LEVELS EXTENDING FROM PRINCIPALS STRUCTURES

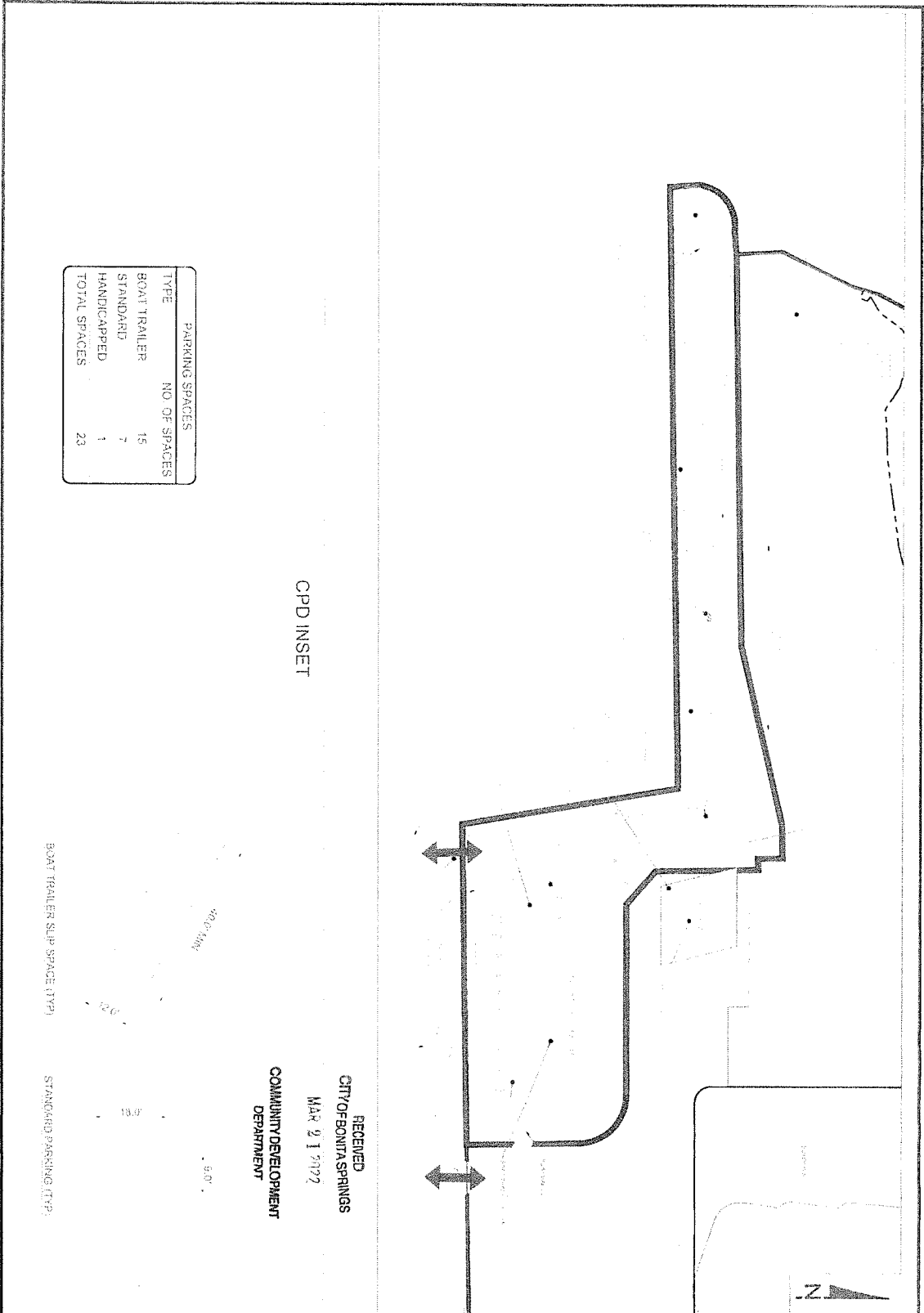
- MAXIMUM LOT COVERAGE: 60 PERCENT
 MAXIMUM BUILDING HEIGHT:
 BUILDINGS 256 FEET (22 STOREYS)
 BUILDINGS 6-50 FEET (3 STOREYS)
 BUILDINGS 6-78 FEET (7 STOREYS)
 INDIGENOUS VEGETATION SETBACK: 15 FEET 1 0
 DEVAL ORIENT REGULATION (CPD)
 MINIMUM LOT AREA: 10,000 SQUARE FEET
 MINIMUM LOT WIDTH: N/A
 MINIMUM LOT LENGTH: N/A
 MINIMUM SETBACKS:
 PRINCIPAL STRUCTURES - PD PERMETER: 15 FEET
 ACCESSORY STRUCTURES - PD PERMETER: 0 FEET
 INTERNAL OPD/RPD BOUNDARY: 0 FEET
 PRINCIPAL STRUCTURES WATER BODY: 10 FEET
 ACCESSORY STRUCTURES WATER BODY: 0 FEET

- MINIMUM BUILDING SEPARATION:
 PRINCIPAL STRUCTURES: 20 FEET
 PRINCIPAL TO ACCESSORY: 0 FEET
 MAXIMUM LOT COVERAGE: 90%
 MAXIMUM BUILDING HEIGHT: 45 FEET
 INDIGENOUS VEGETATION SETBACK: 30 FEET

BAYVIEW ON ESTERO BAY
 RPD/CPD
 CLIENT: LB ESTERO BAY INVESTMENTS, LLC
 SHEET 2 OF 3
 MASTER CONCEPT PLAN



26100 BOULEVARD BOULEVARD, SUITE 300, BOYD SPRINGS, FL 32125
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	<p>BAYVIEW ON ESTERO BAY RPD/CPD CLIENT: LB ESTERO BAY INVESTMENTS, LLC SHEET 3 OF 3 MASTER CONCEPT PLAN</p>	<p>WALDROP ENGINEERING <small>1000 BUNNELS BLVD. SUITE 300 BONITA SPRING, FL 33435 (813) 381-2122 FAX (813) 381-2123 WWW.WALDROPENGINEERING.COM</small></p>
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RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Alexis V. Crespo filed an application on behalf of the property owner, Mark D. Wilson to rezone a 1.44± acre parcel from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) in reference to Bayview II CPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on September 12, 2019. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her Office on or before October 4, 2019; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2019-00002 and recommended APPROVAL WITH CONDITIONS; and

WHEREAS, a second public hearing was advertised and held on December 4, 2019 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 1.44± acre parcel from RS-1 to CPD, to permit development of an accessory parking lot.

The property is located in the Outlying Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Bayview II CPD," prepared by Waldrop Engineering, date stamped received August 20, 2019, and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The development approved herein is as follows: Commercial Parking lot with a maximum of 95 parking spaces.

2. Schedule of Uses and Property Development Regulations

a. Schedule of Uses

Accessory uses and structures
Boat storage, dry: Subject to Condition 5
Excavation, water management
Entrance gate and gatehouses
Parking lot, subject to Condition 3:
 Accessory
 Commercial
Signs

b. Property Development Regulations

Minimum Lot Area: 1.44 acres
Minimum Lot Width: 170 feet
Minimum Lot Depth: 360 feet

Minimum Setbacks (feet)(principal/accessory)

Street: 20/20
Side: 15/10
Rear: 15/15

Minimum Building Separation (feet)

Principal to Principal: 10
Principal to Accessory: 5

Maximum Lot Coverage: 80%

Maximum Building Height: 35 feet

3. Use

Use of the property is limited to accessory parking for Bayview on Estero Bay. Operation of a standalone parking facility or other change of use requires further development approval.

4. Gated Access, Hours of Operation

The parking lot must be gated and access restricted to employees, residents, and guests of Bayview on Estero Bay. Gates may be left open daily between 7:00 a.m. and 10:00 p.m.; access to the lot for guest and boat trailer parking must be restricted to the hours of 7:00 a.m. and 10:00 p.m.

Access for employee parking may be permitted 24 hours a day, 7 days a week.

5. Dry Slip Storage

Developer must submit documentation from the United State Fish and Wildlife Service confirming the number of dry slips, including slip transfers, approved at Bayview on Estero Bay. Developer must specify the number of dry slips allocated to the subject property.

The development order plans must reflect the number of dry slips proposed on the site (boat trailer parking spaces).

6. Design Standards
Commercial buildings and structures must comply with LDC Design Standards and Guidelines for Commercial Buildings and Development.
7. Development Permits
County development permits do not establish a right to obtain permits from state or federal agencies. Further, those county permits do not establish liability on the county if the developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions resulting in violation of state or federal law.
8. Access from Coconut Road
The developer must submit documentation of the Village of Estero's approval to access Coconut Road with the application for development order approval. If the Village requires improvements as a condition of access, the developer must submit plans for those improvements to County Development Services to ensure the improvements do not adversely affect on-site requirements of unincorporated Lee County.
9. Coconut Road Buffer
The local development order plans must delineate an enhanced right-of-way buffer along Coconut Road. The buffer must be 20 feet wide and contain a three-foot-high berm, a double-staggered hedgerow, and five (5) canopy trees per 100 linear feet. The double-staggered hedgerow must be 24 inches in height at the time of planting and must be maintained at a minimum height of 36 inches within one year after time of planting. Canopy trees must be a minimum of 45 gallons, 12-14 feet in height at the time of planting, with a 6-foot spread and 3-inch caliper.
10. Shuttle
The developer must provide public shuttle service from the Bayview II CPD property to the Bayview on Estero Bay project. Developer must provide the days and hours of the shuttle service at the time of local development order application. Days/hours of operation must be based on project parking needs and fluctuations in demand.
11. Lighting
Light poles cannot exceed 15 feet in height and must comply with LDC requirements for full cutoff and shielded fixtures. Light color (temperature) for LED may not exceed 3000K.
12. Parking
The number of standard vehicle parking spaces and dry boat slips may not exceed 95 spaces. The developer may modify parking space configuration at time of local development order approval without triggering an administrative amendment. The developer may convert standard vehicle parking spaces to dry boat slips and vice-versa, subject to compliance with LDC dimension standards. The dry boat slips developed within the CPD must be transferred from the "Bayview on Estero Bay" project in Bonita Springs.

SECTION C. DEVIATIONS:

1. Connection Separation. Deviation (1) seeks relief from LDC 10-285, which requires a

connection separation of 330 feet for major collector roadways in future suburban areas, to allow connection separation distances of 210 and 255 feet between the proposed site access and access to adjacent properties to the west and east respectively. This deviation is APPROVED, SUBJECT TO Condition 8.

2. Buffer. Deviation (2) seeks relief from LDC 10-416(d)(6), which requires parking areas located less than 125 feet from existing single-family development to be buffered by a 25-foot-wide buffer consisting of an eight-foot-high solid wall or combination berm and solid wall with a minimum of five trees and 18 shrubs per 100 linear feet, or a 30-foot-wide Type F buffer with a hedge planted a minimum 20 feet from the abutting property, to allow a 15-foot-wide buffer consisting of an eight-foot-high solid wall or combination berm and solid wall with a minimum of five trees and 18 shrubs per 100 linear feet. This deviation is APPROVED.
3. Location and Design of Parking. Deviation 3 seeks relief from LDC 34-2015(1), which requires parking spaces to be provided on the same premises and within the same zoning district as the use they serve, or within a zoning district that permits the same use, to allow an off-premises parking lot. This deviation is APPROVED, SUBJECT TO Condition 3.
4. Entrance Gates and Gatehouses. Deviation 4 seeks relief from LDC 34-1748(1)d, which requires entrance gates/gate houses to be located a minimum of 100 feet back from an intersecting street right-of-way/easement and to provide stacking for a minimum of five vehicles, to allow stacking within a right-turn lane in the Coconut Road right of way. This deviation is APPROVED, SUBJECT TO Condition 8.

SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The request for CPD zoning is consistent with the Lee Plan. See Lee Plan Vision Statement - Paragraph 21 (Estero Planning Community), Goals 4, 6, 77; Objectives 2.1, 2.2 and Policies 1.1.6, 1.7.6, 2.1.2, 5.1.5, 6.1.4; Lee Plan Maps 1 and 16.*
2. As conditioned, the CPD zoning designation:
 - a. is consistent with the LDC and other county regulations. See LDC 34-411, 34-413, 34-341, 34-491, 34-612(2), 34-931(e), 34-932, 34-934;
 - b. is compatible with existing or planned uses in the surrounding area. See Lee Plan Goal 5, 6; Objective 2.1, and Policies 5.1.5, 6.1.4; LDC 34-411;
 - c. provides access sufficient to support the proposed development intensity. See Lee Plan Policy 6.1.1; LDC 34-411(d);
 - d. expected impacts on transportation facilities will be addressed by county regulations and conditions of approval;
 - e. will not adversely affect environmentally sensitive areas or natural resources.

3. Urban Services are available to serve the property. Lee Plan Policy 2.2.1.
4. The proposed uses are appropriate at the proposed location. See Lee Plan 6.1.4.
5. County regulations and recommended conditions of approval sufficiently protect the public interest and reasonably relate to the impacts expected from the proposed development. See Lee Plan Policies 5.1.5, 5.2.4, 6.1.4, 6.1.6; LDC 34-411, and 34-932.
6. The requested deviations enhance the planned development and protect public health, safety and welfare. See LDC 34-377(a)(4).

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

Commissioner Sandelli made a motion to adopt the foregoing resolution, seconded by Commissioner Manning. The vote was as follows:

Adopted by unanimous consent.

John Manning	Aye
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 3rd day of December 2019.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Joyce Townsend*
Deputy Clerk

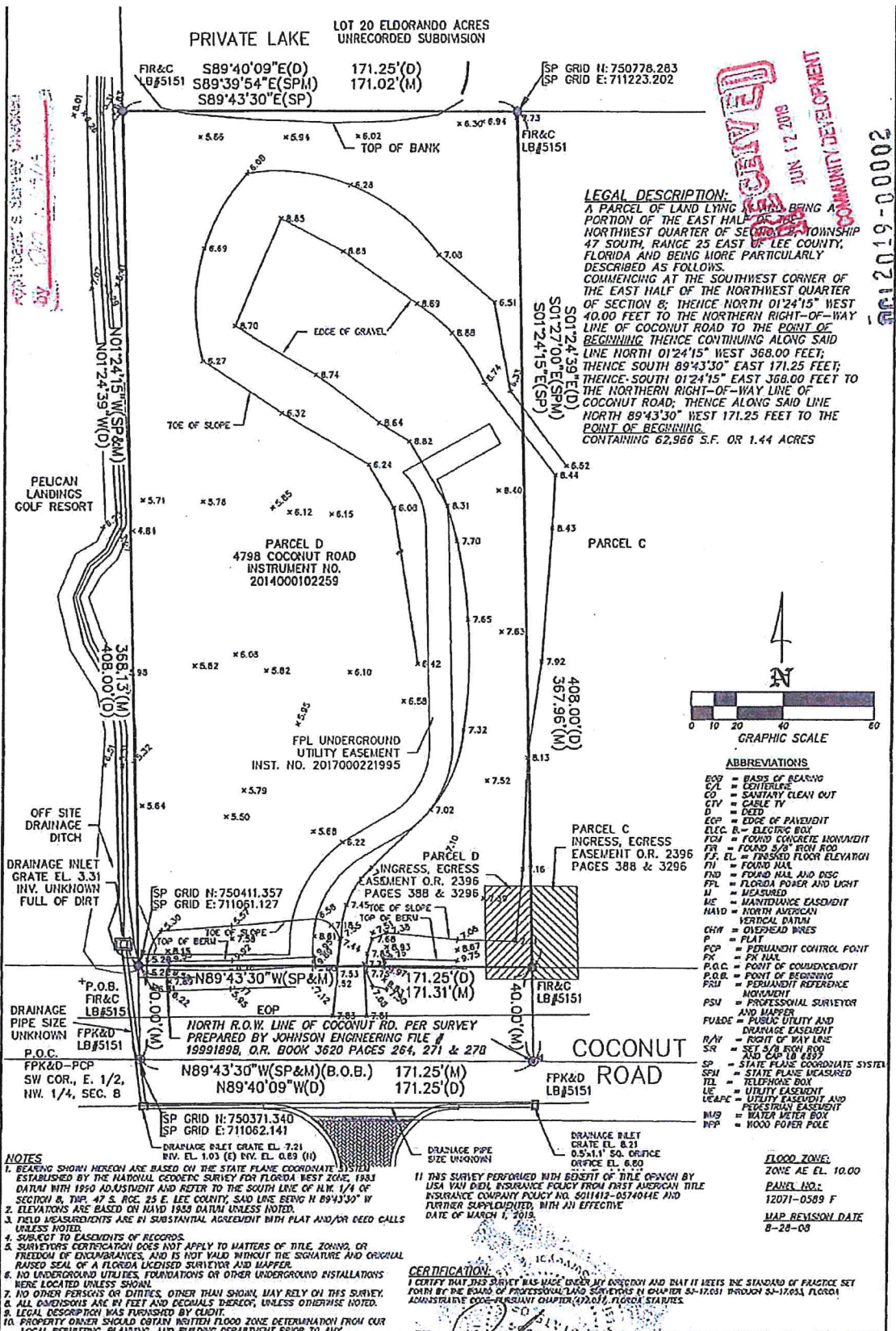
BY: *Brian Hamman*
Brian Hamman, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Amanda L. Swindle
Amanda L. Swindle
Assistant County Attorney
County Attorney's Office

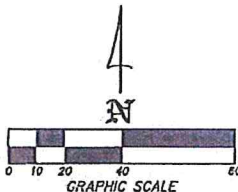
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MINUTES OFFICE
2019 DEC 11 PM 5:29



RECEIVED
JUN 12 2019
COMMUNITY DEVELOPMENT

2019-0002

LEGAL DESCRIPTION:
 A PARCEL OF LAND LYING AND BEING A PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST OF LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 8; THENCE NORTH 01°24'15" WEST 40.00 FEET TO THE NORTHERN RIGHT-OF-WAY LINE OF COCONUT ROAD TO THE POINT OF BEGINNING THENCE CONTINUING ALONG SAID LINE NORTH 01°24'15" WEST 368.00 FEET; THENCE SOUTH 89°43'30" EAST 171.25 FEET; THENCE SOUTH 01°24'15" EAST 368.00 FEET TO THE NORTHERN RIGHT-OF-WAY LINE OF COCONUT ROAD; THENCE ALONG SAID LINE NORTH 89°43'30" WEST 171.25 FEET TO THE POINT OF BEGINNING.
 CONTAINING 62,966 S.F. OR 1.44 ACRES



ABBREVIATIONS

- BOB = BASIS OF BEARING
- CA = CENTERLINE
- CO = SANITARY CLEAN OUT
- CTV = CABLE TV
- DE = DEED
- EOP = EDGE OF PAVEMENT
- ELEC. B. = ELECTRIC BOX
- FCH = FOUND CONCRETE FOUNDATION
- FEL = FOUND 5/8" IRON ROD
- F.F. EL. = FINISHED FLOOR ELEVATION
- FI = FOUND WALL
- FND = FOUND HALL AND DISC
- FPL = FLORIDA POWER AND LIGHT
- LI = MEASURED
- LE = LEAST SQUARE EASEMENT
- NAVD = NORTH AMERICAN VERTICAL DATUM
- CHT = OVERHEAD WIRE
- PL = PLAT
- PCP = PERMANENT CONTROL POINT
- PK = PK HALL
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- PRM = PERMANENT REFERENCE MONUMENT
- PSU = PROFESSIONAL SURVEYOR AND MAPPER
- FUADE = PUBLIC UTILITY AND DRAINAGE EASEMENT
- R/W = RIGHT OF WAY LINE
- SR = SET 5/8" IRON ROD AND CAP LB 8515
- SP = STATE PLANE COORDINATE SYSTEM
- SPM = STATE PLANE MEASURED
- TEL = TELEPHONE BOX
- UE = UTILITY EASEMENT
- UEAPE = UTILITY EASEMENT AND PROFESSIONAL EASEMENT
- WMB = WATER METER BOX
- WPP = WOOD POWER POLE

NOTES

1. BEARING SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT AND REFER TO THE SOUTH LINE OF BLK 1/4 OF SECTION 8, TWP. 47 S., R. 25 E. LEE COUNTY, SAID LINE BEING N 89°43'30" W
2. ELEVATIONS ARE BASED ON NAVD 1983 DATUM UNLESS NOTED.
3. FIELD MEASUREMENTS ARE IN SUBSTANTIAL AGREEMENT WITH PLAT AND/OR DEED CALLS UNLESS NOTED.
4. SUBJECT TO EASEMENTS OF RECORDS.
5. SURVEYOR'S CERTIFICATION DOES NOT APPLY TO MATTERS OF TITLE, ZONING, OR FREEDOM OF ENCUMBRANCES, AND IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
6. NO UNDERGROUND UTILITIES FOUNDATIONS OR OTHER UNDERGROUND INSTALLATIONS WERE LOCATED UNLESS SHOWN.
7. NO OTHER PERSONS OR DITIES, OTHER THAN SHOWN, MAY RELY ON THIS SURVEY.
8. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
9. LEGAL DESCRIPTION WAS FURNISHED BY CLIENT.
10. PROPERTY OWNER SHOULD OBTAIN WRITTEN FLOOD ZONE DETERMINATION FROM OUR LOCAL PERMITTING, PLANNING, AND BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION PLANNING AND/OR CONSTRUCTION.

CERTIFICATION

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY SUPERVISION AND THAT IT MEETS THE STANDARD OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 45-17.001 THROUGH 45-17.003, FLORIDA ADMINISTRATIVE CODE-PERMITTING CHAPTER 45-17.001, FLORIDA STATUTES.

BY: *[Signature]* JOHN SCOTT RHODES, SR. PSM # 5739

RHODES & RHODES
 LAND SURVEYING, INC.
 LICENSE #LB 6897

bk:	pg:	date:
802	43	MARCH 21, 2019
858	01-03	scale:
1192	50-56 & 60	1" = 40'
		cogo #:
		19-204

BOUNDARY & TOPOGRAPHIC SURVEY
 CERTIFIED TO:
 LB ESTERO BAY INVESTMENTS, LLC.
 LEE COUNTY

drawn:	acad #:	project#:	sheet#:
EBC	2019-204	2019-204	
checked:	view:	file #:	
JTR	SITE	2019-204	1 of 1

20100 BONITA GRANDE DRIVE SUITE 107
 BONITA SPRINGS, FL 34135
 (239) 405-8166 (239) 405-8163 FAX

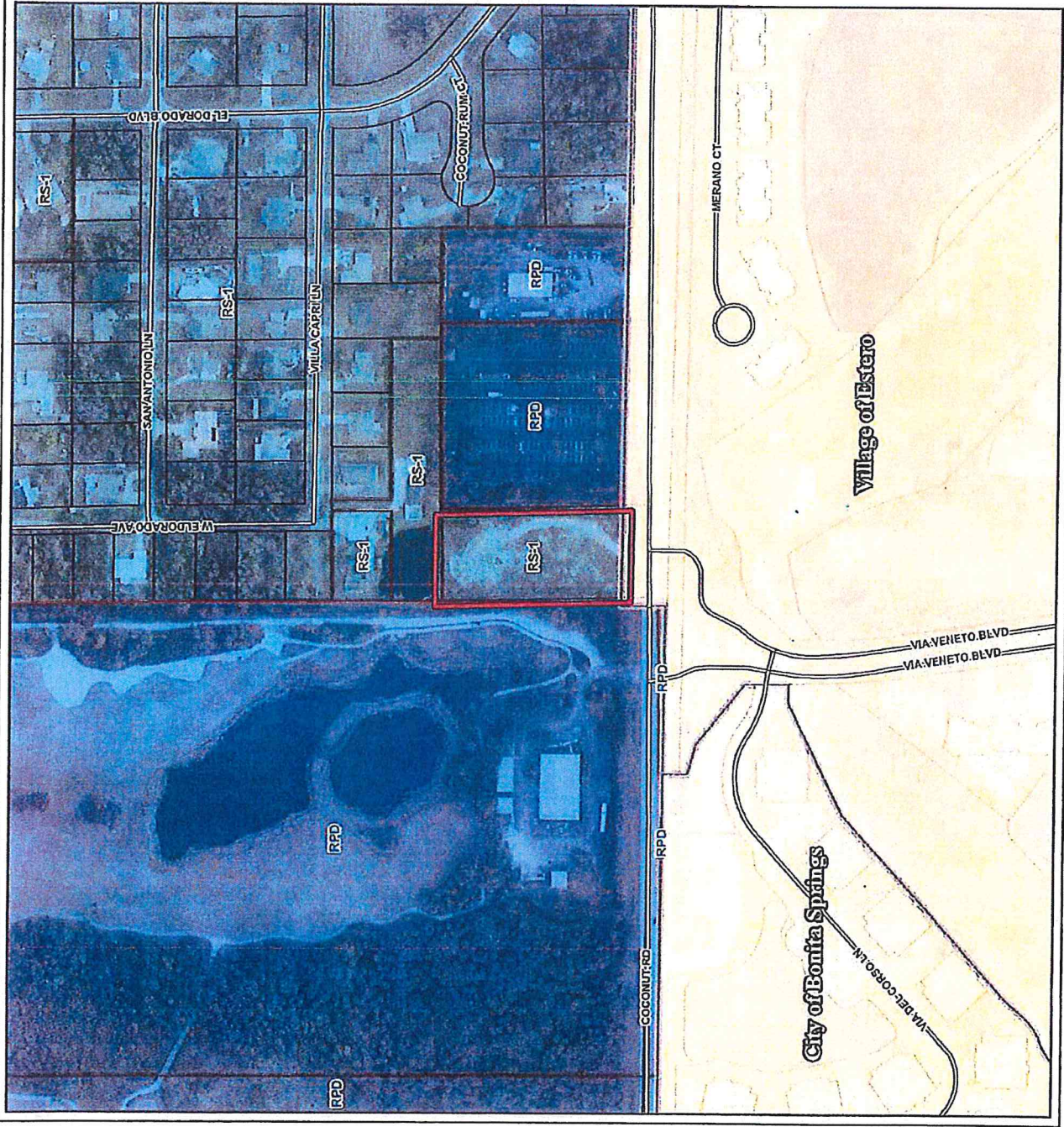
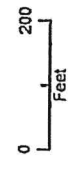
EXHIBIT A

EXHIBIT B

DCI2019-00002
Zoning

Legend

- Subject Parcel
- City Limits



RETURN TO:

City of Bonita Springs
Community Development Department
Attn: Jacqueline Genson
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
jgenson@cityofbonitaspringscd.org

Support _____ Oppose X X

Application: PD22-94263-BOS: Bayview on Estero Bay Residential Planned Development (RPD)/
Commercial Planned Development (CPD) Amendment

DATE: 7-25-2023
NAME: GUY P. CAPUTO PHONE: _____
ADDRESS: 4761 VIA DEL CORSO LN CITY/STATE/ZIP: BONITA SPRINGS, FL 34134
UNIT 201

RECOMMENDATIONS AND POSTPONEMENTS: The Board may accept, reject or modify staff recommendations and take 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.