



City Council Chambers
9101 Bonita Beach Road
Bonita Springs, Florida 34135

CITY COUNCIL MEETING AGENDA

May 4, 2022
5:30 p.m.

If you plan to address the City Council, please complete a “Public Comment Card” located on the table outside of Chambers. Completed comment cards should be submitted to the City Clerk who sits to the left of the podium prior to the start of the meeting.

To submit your public comment in writing, please email your name, address, and comments to CITYMEETINGS@CITYOFBONITASPRINGS.ORG. **Any written public comment must be received by 2:00 p.m. on May 4, 2022.**

The City of Bonita Springs will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income, or marital status. To request an ADA-qualified reasonable modification at no charge to the requestor, please contact Lisa Roberson by calling (239) 949-6262 at least 48 hours prior to the meeting.

If a person decides to appeal a decision made by the Council on any matter at this meeting, such person must have a verbatim record of the proceeding to include the testimony and evidence upon which such appeal is to be based.

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Agenda
6. Mayor’s Welcome
7. Public Comment on Agenda Items
8. Zoning and Land Use Items:
 - A. An application to appeal an act of administration for the Entrada local development order (Case #DOS19-59032-BOS). The Appellant is appealing the terms of the January 21, 2022 minor change approval letter to the local development order. (Green Sheet No. 22-05-068)

- B. (Second Reading and Public Hearing) A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS CONSIDERING A REQUEST TO REZONE APPROXIMATELY TWENTY (20) ACRES FROM RESIDENTIAL PLANNED DEVELOPMENT (RPD), TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) FOR 200 DWELLING UNITS, AND TO REQUEST FOUR (4) DEVIATIONS; LOCATED AT 12585 EAST TERRY STREET, BONITA SPRINGS, FLORIDA, 34135; PROVIDING FOR AN EFFECTIVE DATE. (Green Sheet No. 22-05-072)

9. Proclamations and Presentations:

- A. Proclamation of National Day of Prayer (Mayor Steinmeyer)
- B. Proclamation of May as Bicycle Safety Month (Deputy Mayor Gibson)

10. Consent Agenda:

- A. Recertify an Administrative Code for the Title VI Nondiscrimination Program Implementation Plan as a requirement for the Florida Department of Transportation Local Agency Program (LAP) Certification (Green Sheet No. 22-05-067)
 - B. Approve a request from the American Legion, Post 303, to donate the Veteran's Memorial Monument that was previously damaged during Hurricane Irma. (Green Sheet No. 22-05-070)
 - C. Resolution of the City of Bonita Springs, Florida declaring miscellaneous information technology equipment as surplus and authorizing the City Manager to dispose of surplus property; and providing for an effective date. (Green Sheet No. 22-05-071)
 - D. Approve temporary road closures of Old 41 and Special Event permit for Fourth of July "Star Spangled Bonita" and Parade on Monday, July 4, 2022 at Riverside Park. (Green Sheet No. 22-05-073)
- Opportunity for City Council comments on Consent Agenda

11. Mayor and Council Member Items:

- A. (ITEM CONTINUED FROM APRIL 20TH) Discussion of incorporation of raised crosswalks along W. Terry Street. (Gibson; Green Sheet No. 22-05-075)

B. Discussion on the status of the vacant building located at 27120 Old 41 Road.
(Green Sheet No. 22-05-069)

12. City Attorney's Items:

13. City Manager's Items:

14. Mayor and Council Member Reports

15. Approval of the Minutes: April 20, 2022

16. Public Comment

17. Adjournment

REQUESTED MOTION: An application to appeal an act of administration for the Entrada local development order (Case #DOS19-59032-BOS). The Appellant is appealing the terms of the January 21, 2022 minor change approval letter to the local development order.

REQUESTOR: John Dulmer, AICP, Director of Community Development

AGENDA: Zoning and Land Use

STRATEGIC PRIORITY: N/A

BACKGROUND:

This is a continuance of an appeal of administrative interpretation from the April 6, 2022 City Council meeting agenda (Green Sheet #20-04-054).

The Appellant is appealing the terms of the January 21, 2022 minor change approval letter to the local development order (DO). The Appellant disagrees with the basis for determining the fee-in-lieu amount by Staff. The Appellant further states that the amount was improper, incorrect and should not have been required and that the City's Bicycle and Pedestrian Master Plan does not require additional sidewalk improvements at the site. Therefore, the Appellant's opinion is that because no improvements were required the payment of a fee-in-lieu, which was paid under protest, is similarly not required and should be refunded.

Staff does not agree with the Appellant's position and contends that while the Master Plan serves as a planning document initially identifying the City's multimodal corridors and needs, the Master Plan has been incorporated, implemented, and updated with standards and specifications within the Land Development Code. It is within those implementing LDC regulations that the requirement for additional sidewalk improvements are contained, and they apply to the Appellant's property.

STAFF RECOMMENDATION: See Staff Memorandum

ATTACHMENTS:

1. Staff Memorandum, development order and correspondence.
2. Appellant Legal Memorandum
3. Land Development and Administrative Code References
4. Bicycle and Pedestrian Master Plan

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director: John Dulmer

Council Action: Approved ☐ Denied ☐ Deferred ☐ Other ☐



COMMUNITY DEVELOPMENT MEMORANDUM

To: Mayor and City Council Members

From: Community Development Department, City of Bonita Springs

Date: 4/27/22

RE: Continuance of the Entrada Sidewalk Appeal (PDA22-88888-BOS)

As a follow-up to the statements presented at Council's April 6, 2022, meeting, please see below for clarification.

In 2017, the City of Bonita Springs adopted the Bike/Ped Master Plan as a tool to identify those roadways and location within the City in which there was a desire to create and/or improve access for bicycles and pedestrians. As a planning document it does not create specifications or standards. The Bonita Springs Land Development Code 3-263(A) binds the location of these improvements to projects on identified roadways or within a 1/4 mile of identified facilities in the Bike/Ped Master Plan. Standards for what improvements are required are established in Bonita Springs LDC 3-303. For arterial roads, as Old 41 is classified, a 10' sidewalk is required. A relief provision is provided when enough right of way does not exist to reduce the sidewalk to 8'. That condition does not exist on the subject property so the minimum sidewalk width would be 10'.

City of Bonita Springs Land Development Code (hereinafter "LDC") Sec. 3-263 provides a subsection incorporating the Bicycle and Pedestrian Master Plan ("Plan") into the design standards, providing locations of existing and proposed bike facilities and pedestrian facilities within the city. Pursuant to Sec. 3-263(a), development proposed along the roadways depicted on the Plan must provide for bike facilities and pedestrian facilities in accordance with the Section, and as further provided for in the Administrative Code ("AC"), additionally requiring that all bike and pedestrian facilities comply with the complete streets policy.

Adopted on February 15, 2017, the Plan is a tool used to identify key multimodal corridors and infrastructure to aid the development of the city's growing multimodal network and the development of complete streets, policies and design requirements. However, the Plan does not provide design details or specifications, explicitly state which complete street facilities are required for specific roadways (types), provide its own limits/exempts or require the provision of specific complete streets infrastructure. The specific types, designs and requirements for the provision of complete streets infrastructure (multimodal facilities) are provided for in the LDC and AC.

Cited in the provisions of LDC Sec. 3-263(b)(1) and (2)a., off-site bike facilities and pedestrian facilities are mandatory for all new developments, redevelopment projects, and for expansion of an existing development, requiring a developer to construct a bike facility or pedestrian facility in the public road right-of-way if the subject property abuts a street shown on the Plan, in accordance with the LDC's roadway cross sections for complete streets. These facilities must be constructed prior to issuance of a certificate of

compliance for the infrastructure of the development unless the developer posts a bond or other surety acceptable to the city as assurance of completion of the improvements.

Alternatively, AC-06-1104 provides a procedure for the implementation (expenditure and construction) of bicycle and pedestrian facilities throughout the city; including a mechanism for fee-in-lieu contributions when a waiver of requirement(s) is requested and approved consistent with the provisions of LDC Sec. 4-263(f).

Further, LDC Sec. 3-258 requires that a developer shall demonstrate that the proposed development complies with all provisions of the city comprehensive plan, Chapters 3 and 4, and other laws, ordinances and regulations, as applicable. Neither this Section nor LDC Sec. 3-263 provide exemptions for developers from providing for this infrastructure.

Therefore, all new developments, redevelopment projects and expansions of existing developments require the developer to construct a bike or pedestrian facility in the public road right-of-way if the subject property abuts a street shown on the Plan, consistent with the provisions of the Plan and LDC.

In the present case, the Appellant requested to expand an existing facility along a road right-of-way, Old US 41, which is classified as an arterial roadway, requiring a minimum 10' wide sidewalk and a minimum 7' wide bike lane, in addition to other multimodal features, pursuant to LDC Sec. 3-303. This sidewalk can be reduced to 8' if adequate right of way doesn't exist. Currently, a 5' wide brick paver sidewalk exists, with no bike lanes (or shared lane markings) and does not meet the minimum complete streets requirements. Consistent with LDC Sec. 3-263, the expansion of the existing facility requires complete street compliance for bike and pedestrian facilities, to be provided by the developer.

The Appellant elected to construct a 12' wide multi-use sidewalk to accommodate all users (modalities) due to right-of-way constraints and a reduced speed environment, providing compliance with the complete street provisions, and submitted accordingly with this on their local development order plan. At no time throughout the development order review and approval process did the Appellant object to complying with the complete street provisions, request a waiver from the provisions, or seek a fee-in-lieu alternative, which would have been the appropriate time to do so.

The Appellant's local development order plan was reviewed and issued, and the Appellant constructed accordingly, yet failed to provide the bike and pedestrian facilities along Old US 41 required *and* shown on their plan. Near completion of all on-site work, the Appellant requested that Staff allow a fee-in-lieu contribution for the 360 linear feet of 12' wide multi-use sidewalk shown on their local development order plans, as opposed to constructing it themselves.

Rule 7.00 in AC-06-11-04, adopted in Resolution No. 06-155, provides fee-in-lieu calculations for pedestrian and bicycle facilities. The total for 360 linear feet of 10' sidewalk (the minimum width required in LDC Sec. 3-303) at a required rate of \$173.00/foot would equate to a \$62,280 contribution amount. In addition, the total for 360 feet of 8' sidewalk at the required rate of 138.40/foot would equate to a \$49,824 contribution amount.

The Appellant was provided the opportunity to utilize the fee-in-lieu option after issuance of the local development order at a less costly alternative rate for a 12' wide bicycle path, and the Appellant paid the \$48,227.40 rate.

The Appellant now objects to complying with the aforementioned standards, after issuance of an approved local development order that included a 12' multi-use sidewalk, after failure to request a waiver, and payment of the fee-in-lieu contribution.

In short, the Master Plan was developed to provide an assessment, needs evaluation, and vision for future multimodal facilities in the City. It was adopted as a planning document but its various findings and recommendations were never intended to be utilized as a regulatory framework. Pursuant to Section 3-263(a) the plan serves only to identify those areas where “development proposed along the roadways depicted on the plan **must** [emphasis added] provide for bike facilities and pedestrian facilities in accordance with this section.” To that end the Master Plan identifies the roadways, the LDC and AC provide the required improvements. The reference to “Existing Sidewalk to Remain” in section 4.4 of the Master Plan was a recommendation provided at the time of the Plan’s initial visioning assessment, however upon receiving and implementing that plan along with all the City’s other redevelopment initiatives the City Council adopted regulations which do require the Appellant to either build additional sidewalk or pay the fee-in-lieu.



October 30, 2020

3220 Bonita Beach Rd Ste 111
Bonita Springs, FL 34135
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Mayor

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Council Member
District One

Jesse Purdon
Council Member
District Two

Laura Carr
Council Member
District Three

Chris Corrie
Council Member
District Four

Michael Gibson
Council Member
District Five

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City Clerk
(239) 949-6247

Public Works
(239) 949-6246

Neighborhood Services
(239) 949-6257

Parks & Recreation
(239) 992-2556

Community Development
(239) 444-6150

Mr. Kevin McVicker, P.E.
Fort Construction Group of South Florida, Inc.
16000 Old 41 Road N., Unit 205
Naples, FL 34110

RE: DOS19-59032-BOS: Entrada

Dear Mr. McVicker:

Your plans for the above referenced Development Order (Signed and Sealed 7/20/2020), Architectural Plans (Signed and Sealed 1/30/2020), Lighting Plans (Signed and Sealed 6/30/2020) and Landscape Plans (Signed and Sealed 6/25/2020) have been approved for the above-referenced project for Concurrency (CNC20-75001-BOS) and a Development Order with stipulations. This Development Order is granted for the following:

Approved for a remodel of the existing building and associated site improvements, as shown on the plans stamped and approved by the City of Bonita Springs Community Development Department.

This Development Order approval is required prior to issuance of any building permit application in accordance with LDC 3-78 (development orders) and LDC 3-156 (limited review development orders). Please submit 1 copy of this approval letter and site plan, as required in the commercial and residential permitting procedures, with any associated building permit applications. Failure to submit this documentation may delay your permit and result in rejection of your permit through zoning.

This Certificate of Concurrency shall be valid and effective until 10/30/2023. During the next three (3) years, the City of Bonita Springs is authorized to issue building permits for the construction of the buildings indicated above without further review of the Concurrency requirements. Upon expiration of the Concurrency Certificate, the project will be subject to the concurrency program in effect at the time of expiration. No vested right to a Concurrency Certificate will exist solely due to existence of an otherwise effective Development order. This Development Order Approval is valid for a period of six (6) years and is scheduled to expire 10/30/2026. Attached is the Development Inspection Card, which highlights the required inspections for this job. Upon completion of the job please submit a Letter of Substantial Compliance to request a Certificate of Completion per LDC Sec. 3-193.

If you have any questions concerning this matter, please contact this office.

Sincerely,

Stuart Smith, P.E.
Development Engineer
City of Bonita Springs
Community Development Department

Bonita Springs Engineering Comments:

1. **STIPULATION:** Prior to construction, please provide documentation from SFWMD that an ERP Permit Mod may not be required. This Application calls for stormwater discharge to an existing structure covered by an active ERP Permit.
2. **STIPULATION:** A Public Works Right of Way permit will be required for all sidewalk and driveway improvements.
3. **STIPULATION:** Once the Development Order is approved a recording fee will be assessed as set forth in the fee schedule in City of Bonita Springs Ordinance No. 17-18. These are not flat fees but are subject to those fees identified in the ordinance.
4. **STIPULATION:** Per Florida Statutes Section 166.033(5):
Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.
5. **STIPULATION:** A Pre-Construction meeting with BSU and Community Development will be required prior to construction.
6. **STIPULATION:** Prior to construction a notice of intent (NOI) from FDEP is required. More information is available online at <http://www.dep.state.fl.us/stormwater/npdes/construction3.htm>

Please Contact: Stuart Smith, P.E.
Phone: 239-444-6164
E-Mail: ssmith@cityofbonitaspringscd.org

Bonita Springs Zoning Comments:

1. **STIPULATION:** The applicant shall make every effort to coordinate with BSU to consider using aluminum style picket fencing or additional landscaping to screen the chain link fence for the Pump Station facing Old 41.
2. **STIPULATION:** All uses are limited to those as enumerated in LDC Sec. 4-872(b) unless modified by future LDC amendments.
3. **STIPULATION:** The fencing for the Pump Station on Old 41 shall be aluminum style picket and not chain link.
4. **STIPULATION:** All utility equipment is located, sized, and designed to be as inconspicuous as possible. All utility lines on the private property should be located underground, LDC Sec. 4-870.
5. **STIPULATION:** Staff acknowledges that the applicant elected not to submit a unified sign plan for the project at this time. Signage (type, size, and location) will be reviewed at time of building permit application in accordance with LDC 6. The applicant is encouraged to have the City Architect review and approve a unified sign plan as identified in LDC 3-494. The City Architect does not

review for compliance with LDC Chapter 6; therefore, the sign type, number of signs, size, dimension, and general placement will be reviewed at time of building permit application.

6. **STIPULATION:** The applicant is on notice that the City of Bonita Springs is considering the adoption of a form based code. Please coordinate with staff and/or monitor the agendas here: www.cityofbonitasprings.org
7. **STIPULATION:** The applicant is on notice that the City of Bonita Springs adopted LDC amendments to incorporate the Bonita Beach Road Visioning and Quadrant Comprehensive Plan Amendments.

Please Contact: Jacqueline Genson, AICP, Planning and Zoning Manager
Phone: 239-444-6163
E-mail: jgenson@cityofbonitaspringscd.org

Bonita Springs Environmental Comments:

1. **STIPULATION:** Silt fencing shall be placed near the trees to remain so that installation does not damage the tree or their roots.
2. **STIPULATION:** Before the pre-construction meeting, the Landscape Plan shall be resubmitted to reflect the following required changes:
 - a. Green buttonwood trees proposed as VUA trees shall be replaced with subtropical native trees such as gumbo limbo, Jamaican dogwoods, or wild tamarinds that reach an average mature canopy of 30'.
 - b. At least one additional VUA tree is needed. There are only 15 trees on the plan and 16 are required. Additional trees are required if parking spaces are farther than 65' from a VUA tree.
 - c. Include changes as required by BSU, letter attached.
3. **STIPULATION:** Required landscape buffer plantings will avoid the bottom and bottom slope of detention areas and may be divided across the detention area to avoid these areas if there are no easement conflicts. A minimum of half of the buffer width shall be planted per code.

Please Contact: Laura Gibson, Environmental Specialist
Phone: 239-444-6142
E-Mail: lgibson@cityofbonitaspringscd.org

Bonita Springs Bike/Pedestrian Comments:

1. **STIPULATION:** As provided for by LDC 3-263, all proposed development (new, redevelopment or expansion of existing) which abuts roadways shown on the Bicycle Pedestrian Master Plan [PATH] must be constructed (or provided for by payment in lieu in, AC-06-11-04) according to LDC 3-302 & 3-303. As provided by the planning and design documents governing the BBR Corridor Overlay, a seven foot (7ft) wide pedestrian facility (sidewalk) is required along the sites southern (BBR) frontage. The existing sidewalk within the BBR ROW is only six feet (6ft) wide and will ultimately require expansion. Please provide a payment in lieu for the required one foot (1ft) expansion of the existing sidewalk facility as provided for in LDC3-263(b)(2)(b)(5) and Administrative Code AC-06-11-04.

2. **STIPULATION:** All required bicycle, pedestrian and multimodal facilities must meet or exceed the specifications set forth in LDC 3-263, 3-302, 3-303 and 3-491, as may be amended; The City Bonita Springs Bicycle Pedestrian Master Plan (PATH); as well as any applicable elements of the *Bonita Beach Road Corridor Design Standards*.

Please Contact: Sean Gibbons, MPA, Planner II
Phone: 239-444-6176
E-Mail: sgibbons@cityofbonitaspringscd.org

Bonita Springs Landscape Architecture Comments:

1. **STIPULATION:** Before the pre-construction meeting, the Landscape Plan shall be resubmitted to reflect the following required changes:
 - a. Show all landscape buffer lines around the perimeter to show that no structures or parking area overlaps buffers. (BSLDR 3-416).
 - b. 37 trees and palms are labeled "G" on the plan. General Tree calculations show 30 are required. Verify General Tree calculations show the correct number of "Provided" credits in the calculations (BSLDR 3-416).
 - c. Only 10 north buffer tree symbols are shown on the plan. Correct BUR SIM tag that labels one symbol as two trees. There are 18 west buffer trees required and 19 provided. The COC DIV can be relabeled as a north buffer tree. Verify north and west buffer tree calculations and BUR SIM quantity in the plant schedule (BSLDR 3-416).
 - d. Planting details C & D show a requirement for 2-3 inches and 4 inches of mulch, and the "General Landscape Notes" #3 contradicts that stating that 3 inches is required.

Please Contact: Scott Barber, RLA
Phone: 561-309-7263
E-Mail: scott.barber@jacobs.com

Bonita Springs Architectural Comments:

1. Please see attached letter from City Architect, dated, May 1, 2020.

Please Contact: Sam Vincent, AIA
Phone: 239-963-6693
E-Mail: sam@vincentarchitects.com

Bonita Springs Utilities Comments:

1. Please see attached letter dated, October 19, 2020.

Please Contact: Dominic Strollo
Phone: 239-992-0711
E-Mail: dstrollo@bsu.us

Bonita Springs Public Works Comments:

1. **STIPULATION:** A restored utility strip along the new sidewalk is required. The utility strip shall be Bahia grass that is installed green and growing.
2. **STIPULATION:** A right-of-way (ROW) permit from Public Works is required prior to doing any work within the Old 41 ROW.

Please Contact: Matt Feeney
Phone: 239-949-6246
E-Mail: matt.feeney@cityofbonitaprsrings.org

DPZ CoDesign Comments:

1. **STIPULATION:** The project shall be consistent with the Architectural Plans dated January 30, 2020 and stamped received October 21, 2020. The City's consultant DPZ CoDesign has provided the Applicant the ability and flexibility to remove a couple of the canopies in the field. The Applicant shall provide a minor change prior to certificate of compliance for the project.

Please Contact: F. Xavier Iglesias, CNU-A
Phone: 786-871-2174
E-Mail: xavier@dpz.com



PRE-APPLICATION
DESIGN REVIEW MEETING
TRANSMITTAL LETTER/RECOMMENDATIONS
BONITA SPRINGS

Project Name (maximum 30 characters & spaces):	Entrada
Project Address:	27975 Old 41 Road
STRAP Number(s):	LDO19-59032-BOS
Date(s) of Pre-Application Meeting(s):	August 09, 2018
Architect's Name:	Gregory S. Goertler Architectural License No. AR0009382

City Designated Design Reviewer Recommendations:

☐	Approved
☐	Not Approved
☒	Approved with Stipulations

List of Drawings Reviewed:

Drawing No.	Drawing Date	Revision No.	Other Drawing Reference
A1	03.08.19	1	Cover Sheet and General Information
A3	03.08.19	1	Remodeling First and Second Floor Plans
A4.0	03.08.19		Proposed Exterior Elevations
A4.1	03.08.19		Proposed Exterior Elevations
A5	03.08.19		Dumpster Plan, Elevations and Details, Light Post and Lamp Literature

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Review Comments / Requirements

The review below, and as it specifically references the project noted above for Project Name and Project Location, is as follows. Please refer to the Chapters and Articles referenced below.

BONITA SPRINGS LAND DEVELOPMENT CODE

Chapter 4 Zoning

Article V District Regulations

Division 6 Commercial Districts

Division 11 Redevelopment Overlay District

Article VI Supplementary District Regulations

Compliance with all applicable sections as follows:

Sec. 4-487 – Purpose and Intent

"The images in Exhibit V illustrate acceptable building forms and architectural styles.

These images are for informational purposes only and do not dictate actual design.

They are representative of the intent of these regulations. These regulations encourage architectural style that demonstrates "Old Florida Coastal", vernacular, Mediterranean or the Bermuda/Island style."

Other, alternative, styles will be reviewed and considered per Section 3-488, Alternative Architectural Design.

A. Review comments as follows:

1. **Applicability.** Buildings and uses may apply for an administrative approval by the city manager or designee of an alternative design and the deviations from this article in compliance with section 3-488(a)(2). For any application where compliance with the literal interpretation of the building design standards will compromise the function and/or integrity of design of the building, exceptions to this section can approved by the city manager or designee.

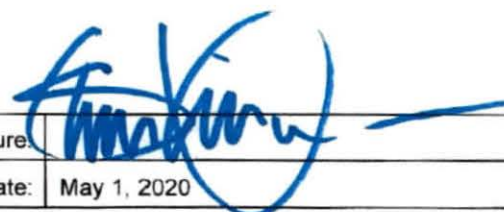
Submittal requirements. In addition to the base submittal requirements, applicants shall provide the following:

- a. Architectural design drawings, building elevations, clearly labeled as an **"Alternative Architectural Design Standards Plan."**

2. **Stipulation 1:**

Resubmit the building elevation sheets, only, labeled as noted above in item "a".

END OF REVIEW

Signature:	
Date:	May 1, 2020

Attachments:

Drawings (One set only)

Copies: Community Development Department and Applicant's Architect

October 19, 2020

Kevin H. McVicker, P.E.
Fort Construction Group of South Florida, Inc.
16000 Old 41 Road, Unit 205
Naples, FL 34110



Via email: kevinm@ftconstgrp.com

Reference: **Entrada (DOS19-59032-BOS)
Construction Plan Approval**

Mr. McVicker,

The construction plans for the aforementioned project have been reviewed and approved by BSU. A pre-construction meeting with BSU's Engineering Department is required prior to commencement of utility construction. The pre-construction meeting is to be held at BSU, unless otherwise agreed upon, and the Engineer of Record, Underground Utility Contractor, and Owner/Developer are required to be present. Prior to scheduling the pre-construction meeting, any stipulations to this approval listed below must be satisfied.

1. Provide an FDEP permit application for signature for the proposed force main extension, or provide correspondence from FDEP that no permit is required.
2. The proposed construction plans require the following modifications (see attached redlines):
 - a. The BSU easement for the proposed pump station electrical service will need to be extended to cover all the way to the proposed FPL transformer location.
3. The proposed landscaping plans require the following modifications:
 - a. Provide adequate separation from all landscaping to the proposed pump station electrical service.
4. Submit **six (6)** complete sets of the construction plans inclusive of any revisions noted above.
5. Submit a **.pdf** of the construction plans inclusive of any revisions noted above.
6. Submit a **CAD** file of the project inclusive of any revisions noted above.
7. Submit a **.pdf** of the landscaping plans inclusive of any revisions noted above.
8. Submit the signed **Acknowledgement Letter**.

Please confirm the meters below. If the meter sizes or quantities are incorrect, contact the engineering department.

# of Meters:	Size:	Specific Use:	Class of Service:	# of Units/ERC's:
1 (existing)	1½"	Office/Retail/Restaurant Multi-Unit Building	COM	5 W & 5 WW
				Total # of Units/ERC's: 5 W & 5 WW

The following milestones require scheduling and BSU Inspection presence; not all milestones apply to every project. Forty-eight (48) hours advance notice is required. The Engineer of Record must be present for items shown in **bold**.

- **Pre-construction meeting**
- Material Check (Full or Partial)
- Construction Meter Delivery

11900 East Terry Street • Bonita Springs, FL 34135
(239) 992-0711 • <http://www.bsu.us>



Entrada (DOS19-59032-BOS)
Construction Plan Approval
October 19, 2020

- Full Bore/Fire Line Flush
- Fire Line Flow
- **Hydrostatic Pressure Test (utilize form as specified by BSU)**
- Chlorination
- Chlorine Flush
- Bacteriological Testing (performed by the Florida Department of Health or an approved independent laboratory)
- Tapping Sleeve Pressure Test
- Hot Taps
- Cut-Ins (Sewer T-TH, Water M-W)
- **Low Pressure Air Test (utilize form as specified by BSU)**
- **Pump Station Start Up**
- Gravity Sewer Video Inspection (per BSU Specifications)
- Ball Marker Check
- **Pre-acceptance Walkthrough Inspection (site must be deemed ready by the BSU Inspector)**
- Tie-In and Final Inspection (punch list must be complete and verified by the BSU Inspector prior to)

All water used for construction will be metered and charged based on BSU's Tariff. The contractor or owner can contact BSU Customer Service to complete the application and payment for a construction meter. Two-inch (2") construction meters and backflows are available from BSU. In the event a larger meter is required, it is the responsibility of the contractor to provide it. Hydrant meters are not permitted for construction without prior consent of the Director of Engineering or the Director of Operations.

Engineer of Record inspection services during construction are required for certification. The Engineer of Record is responsible for compliance with BSU Standard Specifications. Accurate certification will minimize errors and delays during the Turnover and Approval for Service process. BSU reserves the right to withhold water and wastewater service for out of compliance projects. In the event where it is desired to have BSU consider a deviation, utilize BSU's Deviation Request form. All deviations are taken on a case-by-case basis.

BSU will perform a warranty inspection for this project in the eleventh (11th) month after completion. Subsequent to the inspection, the Engineer of Record and/or Owner/Developer will be notified of any warranty deficiencies requiring correction.

We look forward to working with you on this project. If any questions arise during construction or turnover over the course of the project from your project team, please contact me or another member of the BSU Engineering staff.

Entrada (DOS19-59032-BOS)
Construction Plan Approval
October 19, 2020

Respectfully,

Bonita Springs Utilities, Inc.



Dominic M. Strollo II
Staff Engineer

Cc: Stuart Smith, P.E. (ssmith@cityofbonitaspringscd.org)
Trisha L. Goff, E.I. (tgoff@cityofbonitaspringscd.org)
Leah Fontanez (lfontanez@cityofbonitaspringscd.org)
Craig R. Stephens (craigs@ftconstgrp.com)
Steve Hovland (sthovland@icloud.com)

Entrada (DOS19-59032-BOS)
Construction Plan Approval
October 19, 2020

ACKNOWLEDGEMENT LETTER



Staff Engineer
Bonita Springs Utilities, Inc.
11900 E. Terry Street
Bonita Springs, FL 34135

PROJECT ADDRESS: _____

PROJECT STRAP: _____

Dear Mr. Strollo:

I have read and acknowledge this letter. I have a copy of the BSU Standard Specifications and I agree to be bound by these Specifications.

I acknowledge that BSU has the right to withhold water and sewer service for out of compliance projects.

(Signature and Printed Name)
Engineer of Record

Date

I have read and acknowledge this letter; have authorized construction inspection services by the Engineer of Record, and understand BSU expects my engineer to coordinate utility activities for this project. BSU requires a Turnover process, conveying the utility infrastructure to BSU, prior to placing a meter in service. This process typically takes thirty (30) days, is a prerequisite for a Certificate of Occupancy and can be started prior to construction completion. Although coordinated by my engineer, this process will involve my attorney, lenders, and partners.

(Signature and Printed Name)
Owner

Date

(Company and Title)
Owner



DEVELOPMENT INSPECTION CARD

Community Development | 9220 Bonita Beach Rd, Suite 111 | Bonita Springs, FL 34135 | Phone: 239.444.6150

PERMIT NUMBER: DOS19-59032-BOS

ISSUED: 10/30/2020

Job Address: Entrada

INSPECTION REQUEST LINE ➔ (239) 444-6170

OR

ONLINE PERMITTING SERVICES PORTAL

<http://cityofbonitaspringscd.org/scheduled-inspections/>

Re-inspections will be subject to a \$100.00 re-inspection fee

DATE

BY

701 CLEARING LIMITS	<u></u>	<u></u>
702 SILT FENCE	<u></u>	<u></u>
601 GRADING	<u></u>	<u></u>
602 DRAINAGE	<u></u>	<u></u>
603 ROADWAY SUBGRADE	<u></u>	<u></u>
604 ROADWAY BASE	<u></u>	<u></u>
605 ASPHALT/SURFACE	<u></u>	<u></u>
607 FINAL ARCHITECTURAL	<u></u>	<u></u>
608 FINAL ENGINEERING	<u></u>	<u></u>
609 FINAL LANDSCAPING	<u></u>	<u></u>
610 PUBLIC WORKS	<u></u>	<u></u>
611 BONITA SPRINGS UTILITIES	<u></u>	<u></u>
612 FINAL ENVIRONMENTAL	<u></u>	<u></u>

IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS CITY. THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENTAL ENTITIES SUCH AS WATER MANAGEMENT DISTRICTS, STATE OR FEDERAL AGENCIES. BUILDING PLANS MUST BE ON JOBSITE AT TIME OF INSPECTION.

THIS CARD MUST BE PLACED ON A BOARD AT EYE LEVEL SO IT CAN BE READ FROM STREET AND BE PROTECTED FROM THE WEATHER.

From: [Molly Jacobs](#)
To: [Brooks Witcher \(brooksw@ftconstgrp.com\)](#); [Kevin McVicker \(kevinm@ftconstgrp.com\)](#)
Cc: [Jacqueline Genson](#); [John Dulmer](#); [Laura Gibson](#); [Sam Vincent \(sam@vincentarchitects.com\)](#); [Derek Rooney - Gray Robinson \(derek.rooney@gray-robinson.com\)](#); [David Theriaque \(dat@theriaquelaw.com\)](#); [Leah Fontanez](#); [Stuart Smith](#); [trisha goff](#)
Subject: 27975 Old 41 Rd_DOS19-59032_Entrada Inspections
Date: Wednesday, October 27, 2021 3:29:06 PM
Attachments: [image001.png](#)
[FW Entrada Inspection Update.msg](#)

We recently received a phone request, to our engineering inspector, for several inspections on the Entrada Site. We have attached the current inspection status for this project, that was sent to you September 27, 2021. Per your request we will immediately schedule the following inspections. Results will be provided to you.

- 601 Grading and 602 Drainage – our records show that the two grading inspections failed on March 19, 2021, and July 8, 2021, and we will be looking for corrections to the documented failures.
- 603 Subgrade passed on 2/26/21 and will be so noted.
- 604 Roadway Base and 605 Asphalt surface were not previously called in by the contractor. Now that the work is completed, we will require cores, to verify approved plan pavement depths.
- 611 BSU, the utility acceptance documents have not been approved. Please check with BSU concerning this matter.
- 702 Silt Screen is not present on jobsite; therefore, inspection not necessary, at this time.

Outstanding Items:

- Digital copy of approved plans must be submitted.
- As-built drawings, detailing any/all changes during construction.
- Prior to CC applicant must demonstrate final acceptance from BSU.
- Prior to CC applicant must provide Community Development the final approval from Public Works.
- Prior to CC all fees need to be paid.
 - Fees need to be paid. Either a check can be submitted for payment, or a faxed credit card form can be sent to the permitting office (payment by credit card will incur a 3% processing fee)
 - https://cityofbonitaspringscd.org/forms/Credit_Card_Payment_Authorization_20200304.pdf
- 607, 608, 609, and 612 Final Inspections cannot be completed at this time. The EOR, LA and Building Architect must submit a signed and sealed certificate of completion prior to final city inspection (LDC Sec. 3-193)
 - <https://cityofbonitaspringscd.org/development-services/>

Please let us know if you have any questions or if there's anything we may do to help.

Regards,

Molly Jacobs
Engineering Inspector

City of Bonita Springs



9220 Bonita Beach Road, Suite 111

Bonita Springs, FL 34135

(239) 444-6150 main line

(239) 444-6180 direct line

mjacobs@cityofbonitaspringscd.org

<http://cityofbonitaspringscd.org/>

Florida has a very broad public records law. Most written communications to or from City Employees and officials regarding City business are public records available to the public and media upon request. Your email communication may be subject to public disclosure. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: [Molly Jacobs](#)
To: [Brooks Witcher](#); [Kevin McVicker](#)
Cc: [Stuart Smith](#); [Leah Fontanez](#); [Jacqueline Genson](#); [Derek Rooney - Gray Robinson \(derek.rooney@gray-robinson.com\)](#); [David Theriaque \(dat@theriaquelaw.com\)](#); [Laura Gibson](#)
Subject: 27975 Old 41 Rd_DOS19-59032_Grading Drainage Asphalt Inspections
Date: Tuesday, November 2, 2021 4:25:07 PM
Attachments: [image001.png](#)

601 Grading – Passed

602 Drainage – Partial Pass

- Rip-rap missing from the southeast flume
- Complete stabilization along detention area #1
- SE yard drain needs cleaned & consider moving tree.
- Construct sidewalk, located along northwest corner of site, connecting site to Old 41.
- Provide Public Works approval, for the sidewalk.
- Provide as built, to verify elevations of pipe inverts and grate elevations

605 Asphalt – Partial Pass

- Smooth out ruts, located:
 - Southeast corner
 - Furthest south ADA stall
 - Five stalls north of the furthest south ADA stall
 - Northeast corner
- Patch missing/torn pavement, located in the east middle parking area
- Provide cores to verify depth of pavement
- Address ponding issue in northwest corner of site
- Provide as built, to verify surface and berm elevations

Inspectors Notes & Comments

- Remove trash from swales and jobsite
- Drain pipes for weepholes
- Fence missing around pump-station
- Knee wall appears to end at LC sidewalk; however, the plans indicate the knee wall ends at the property line (a distance prior to the sidewalk)
- As-builts required prior to conducting Final Inspections
- BSU turn-over approval required prior to conducting Final Inspections
- Letters of Substantial Compliance required prior to conducting Final Inspections.
- Provide Public Works approval prior to Certificate of Compliance

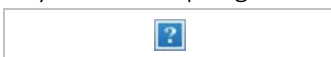
Please let us know if you have any questions, pertaining to the punchlist items, or if there's anything we may do to help.

Regards,

Molly Jacobs

Engineering Inspector

City of Bonita Springs



9220 Bonita Beach Road, Suite 111

Bonita Springs, FL 34135

(239) 444-6150 main line

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mjacobs@cityofbonitaspringscd.org

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From: [Stuart Smith](#)
To: [Kevin H. McVicker, P.E. \(kevinm@ftconstgrp.com\)](#)
Cc: [Jacqueline Genson](#)
Subject: FW: DOS19-59032-BOS, Entrada Site Inspection Status
Date: Monday, January 3, 2022 12:20:48 PM
Attachments: [27975 Old 41 Rd DOS19-59032 Grading Drainage Asphalt Inspections.msg](#)

Here is the November 2nd inspection documentation and my recent e-mail summary of the Entrada Inspection Status. I will call you at 3pm today to discuss.

Stuart Smith, P.E.
Community Development Engineer
City of Bonita Springs
Bonita Springs, FL 34135
stuart.smith@cityofbonitaspringscd.org
(239) 444-6164 Cell (954) 553-4475

From: Stuart Smith
Sent: Wednesday, December 29, 2021 3:21 PM
To: John Dulmer <jdulmer@cityofbonitaspringscd.org>
Cc: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>; Molly Jacobs <mjacobs@cityofbonitaspringscd.org>; Peter Haigis <phaigis@cityofbonitaspringscd.org>; Leah Fontanez <lfontanez@cityofbonitaspringscd.org>
Subject: DOS19-59032-BOS, Entrada Site Inspection Status

On November 2, 2021, we documented by e-mail the 601 Grading, 602 Drainage and 605 Asphalt site Inspections for the Entrada Project. A punch-list of items was included (copy attached). Although we know that site work has been ongoing, we have not received the contractors request for a reinspection of this site construction.

To update our project files a progress site inspection was performed by our engineering inspector and myself today. Listed below is a current summary of all site inspections.

601 Grading – Passed

602 Drainage – Partial Pass

- Riprap missing from southeast flume.
- SE yard drain needs cleaning and consider moving tree.
- Construct 12 ft. sidewalk along Old 41. See approved plan.
- Provide Public Works Permit for sidewalk construction.
- Provide as-built drawings to verify elevations of pipe inverts and grate elevations.

603 Roadway Subgrade – Passed

604 Roadway Base – Provide pavement cores to verify depth prior to passing inspection.

605 Asphalt surface – Partial Pass. Provide pavement cores to verify depth.

- Smooth out asphalt ruts, Southeast corner, and furthest south ADA stall.
- Address surface ponding issue on north side of site.
- Provide as-built drawings to verify surface and berm elevations.

607 Final Architectural – Pending receipt of signed and sealed certification by AOR. City final inspection TBS.

608 Final Engineering – Pending receipt of signed and sealed certification by EOR. City final inspection TBS.

609 Final Landscaping – Pending receipt of signed and sealed certification by LA. City final inspection TBS.

610 Final Public Work – Pending completion of work within PW ROW. PW final inspection TBS.

611 Bonita Springs Utilities – Pending BSU Acceptance.

Inspectors Notes and Comments

- Fence missing around BSU Pump Station.
- As-built drawings required prior to conducting Final inspections.
- Letters of Substantial Compliance required prior to conducting Final Inspections.
- BSU Turn-over and Public Works approval prior to Certificate of Compliance.

Please let me know if you have any questions , pertaining to the punch-list items.

Stuart Smith, P.E.

Community Development Engineer

City of Bonita Springs

Bonita Springs, FL 34135

stuart.smith@cityofbonitaspringscd.org

(239) 444-6164 Cell (954) 553-4475

From: [Jacqueline Genson](#)
To: ["Steve Hovland"](#)
Cc: [Gianna Kawicki](#); [Matt Feeney](#); [Laura Carr](#); [Connie DiBruno](#); [Stuart Smith](#); [Sean Gibbons](#); [Leah Fontanez](#); [Joel Langaney](#); [John Dulmer](#)
Subject: RE: Matt Feeney
Date: Monday, January 10, 2022 2:09:22 PM

Good afternoon Steve,

The approved local development order plans showed improvements to the sidewalk along Old 41. I understand that your Engineer of Record and our Engineer, Stuart Smith, had a discussion early last week where your engineer inquired about a pay in lieu option for the sidewalk instead of building the sidewalk per the approved plan. I also understand that due to construction activity, the existing brick paver sidewalk has been impacted and will need to be restored for safety purposes.

If you would like to pursue the pay in lieu option, please have your agent work with our staff on a minor change to the approved local development order. We will work on the pay in lieu amount and will provide that amount to your agent.

You will also need to coordinate with Public Works on what would be needed for their right of way permit. Matt Feeney is the Public Works Director. He can be reached at 239-949-6262. I am also cc'ing him, his administrative assistant, Connie DiBruno and Joel Langaney, Project Manager, on this message.

Thanks and be well.

Jacqueline Toemmes Genson, AICP
Planning and Zoning Manager
City of Bonita Springs Community Development
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
jgenson@cityofbonitaspringscd.org
(239) 444-6163
(239) 444-6140 fax
(239) 216-7410 mobile

The zoning information contained within does not constitute an official Zoning Verification Letter and may be subject to changes and may contain errors. The application for an official Zoning Verification Letter can be found here:
http://cityofbonitaspringscd.org/forms/Zoning_Verification_Letter_20170502.pdf

How are we doing? If you have a quick minute, please participate in a brief online Customer Satisfaction Survey. We'd love to hear from you as we value and welcome customer feedback. To participate in the survey, click here:
<http://cityofbonitaspringscd.org/customer-survey/>

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From: Steve Hovland <sthovland@icloud.com>
Sent: Monday, January 10, 2022 1:14 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>; Laura Carr <laura.carr@cityofbonitasprings.org>
Cc: Gianna Kawicki <balancemedispa@icloud.com>
Subject: Re: Matt Feeney

If someone will email me exactly what to do, I will do it.

Steve Hovland
Hovland Real Estate
808 Wiggin's Pass Road, #200
Naples, FL 34110

[239-594-7777](tel:239-594-7777) Office
[239-451-7777](tel:239-451-7777) Mobile

On Jan 10, 2022, at 1:12 PM, Steve Hovland <sthovland@icloud.com> wrote:

I know it's Matt Feeney according to Laura's message which is the name I used when I called.

Steve Hovland
Hovland Real Estate
808 Wiggin's Pass Road, #200
Naples, FL 34110

[239-594-7777](tel:239-594-7777) Office
[239-451-7777](tel:239-451-7777) Mobile

On Jan 10, 2022, at 12:58 PM, Steve Hovland <sthovland@icloud.com> wrote:

Hi, My customer Gianna Kawicki was told I needed to contact Matt Feeley in your office but they say they haven't heard of him. I left a message at the planner's desk also but haven't heard back. Please provide his phone number so I can do whatever is necessary for the sidewalk at Entrada. Thank you.

Steve Hovland
Hovland Real Estate
808 Wiggin's Pass Road, #200
Naples, FL 34110

[239-594-7777](tel:239-594-7777) Office
[239-451-7777](tel:239-451-7777) Mobile



9220 Bonita Beach Rd Ste 111
Bonita Springs, FL 34135
Tel: (239) 444-6150
Fax: (239) 444-6140
www.cityofbonitaspringscd.org

Rick Steinmeyer
Mayor

Amy Quaremba
Council Member
District One

Jesse Purdon
Council Member
District Two

Laura Carr
Council Member
District Three

Chris Corrie
Council Member
District Four

Michael Gibson
Council Member
District Five

Fred Forbes, AIA
Council Member
District Six

Arleen M. Hunter
City Manager
(239) 949-6267

Derek P. Rooney
City Attorney
(239) 949-6254

City Clerk
(239) 949-6247

Public Works
(239) 949-6246

Neighborhood Services
(239) 949-6257

Parks & Recreation
(239) 992-2556

Community Development
(239) 444-6150

January 21, 2022

Mr. Brooks Witcher
28290 Old 41 Rd., Unit 16
Bonita Springs, FL 34135

RE: DOS19-59032-BOS: Entrada (Minor Change)

Dear Mr. Witcher:

Your application for the above referenced Development Order Minor Change has been reviewed and approved. A Development Order Minor Change is granted for the following:

Minor Change approved allowing a waiver from the requirement for constructing the 12 ft. bike path/walkway shown on the approved Development Order. Consistent with the requirements of LDC Chapter 3-263 and City Resolution No. 06-155 the applicant must provide to the city a Fee-In-Lieu amount of \$48,227.40 prior to issuance of a TCC for Entrada. The calculation of this fee was provided to the contractor by Stuart Smith e-mail of 1/11/2022 (copy attached). Accordingly, the bike path/walkway should also be removed from the Entrada final as-built record drawings and any associated site pavement markings.

This Development Order Approval still valid and is scheduled to expire 11/1/2027.

If you have any questions concerning this matter, please contact this office.

Sincerely,

Stuart Smith, P.E.
Development Engineer
City of Bonita Springs
Community Development Department

From: Stuart Smith
Sent: Tuesday, January 11, 2022 1:04 PM
To: 'Brooks Witcher'; kevin mcvicker
Cc: Jacqueline Genson; John Dulmer; Leah Fontanez
Subject: RE: Entrada Project

We acknowledge receipt of your final inspection documents and the request for a re-inspection of the Entrada Site. Consistent with the site inspection status summary that was provided to Kevin McVicker, P.E. on January 3, 2022, we will today re-inspect the site and provide you a punch-list of any outstanding items tomorrow.

Concerning the minor change request for "FEE-IN-LIEU" payment for sidewalk in the ROW of Old 41 and Bonita Beach Road. Consistent with the requirements of LDC Chapter 3-263 and AC 06-11-04 Bike and Ped Facilities document, we have included below a calculation of the estimated fee required.

12 ft. sidewalk length 360 ft. X \$89.31 X 1.5 (conversion to 12 ft. path) = \$48,227.40

From: Brooks Witcher <brooksw@fcgflorida.com>
Sent: Tuesday, January 11, 2022 6:45 AM
To: Stuart Smith <ssmith@cityofbonitaspringscd.org>; Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Cc: kevin mcvicker <kevin@fcgflorida.com>; Molly Jacobs <MJacobs@cityofbonitaspringscd.org>
Subject: Entrada

Mr. Smith,

Please see the attached documents for the final inspection requirements for the Entrada project at 27975 Old 41 Rd. We are seeking the Certificate of Compliance from your office. Hard copies of the attached documents are being couriered to your office this morning as well as a .pdf copy of the same. We have also submitted for the Minor Change "In Lieu of payment" as requested on 01/10/2022. We will be calling in all final inspections for the site today utilizing the City of Bonita Springs Voicemail inspection service as well as requesting them via email to Molly Jacobs.

We ask that you follow up with the department in charge of inspections to ensure that all inspection requests were received properly for all open inspections.

We look forward to wrapping up this project as soon as possible. Let us know if you have any questions.

Regards,

Brooks Witcher



3372 Woods Edge Circle
Suite 101
Bonita Springs, FL
34134

www.DaviesDuke.com
Offices: Naples, Fort Myers,
Bonita Springs

Noel J. Davies, Esq.
239.216.2792
Noel.Davies@DaviesDuke.com

April 27, 2022

LEGAL MEMORANDUM – ENTRADA APPEAL
APPELLANT'S SUMMARY AND ANALYSIS

TO:

Honorable Mayor and City Councilors
City of Bonita Springs
c/o
Derek Rooney, City Attorney
Derek.Rooney@gray-robinson.com

FROM:

Noel J. Davies, Esq.
DAVIES DUKE, PLLC

The existing sidewalk improvements (approximately five feet in width) are not required to be widened (to approximately twelve feet in width). Given the foregoing, the City cannot require a payment of \$48,227.40 as a fee in lieu of widening the sidewalk.

In correspondence relating to this matter, the City has cited to a number of different governing regulations (for example, Sections 3-263, 3-302, 3-303, 3-491 of the Land Development Code, Ordinance 18-15, Resolution 01-155 adopting AC-06-11-04), all of which then refer to the City of Bonita Springs' Bicycle and Pedestrian Master Plan (the "Master Plan"), which was adopted on February 15, 2017. As explained at the last hearing, the Master Plan is a detailed, relatively complex document with a number of different maps and graphics depicting various road segments within the City. Each road segment then includes a corresponding requirement.

The road segment at issue in this matter – the northeast corner of Bonita Beach Road and Old 41 ("Appellant's Road Segment") – does not require modifications to the existing sidewalk

improvements. Specifically, Section 4.4 of the Master Plan, which is entitled “Sidewalk Plan,” states “existing sidewalk to remain” for Appellant’s Road Segment. Accordingly, it is improper and unlawful to require the widening of the subject improvements or a payment in lieu of same.

Should you have any questions or concerns regarding the foregoing, please do not hesitate to contact my office. Thank you.

Sincerely,

DAVIES DUKE, PLLC

A handwritten signature in black ink, appearing to read "Noel J. Davies", written in a cursive style.

Noel J. Davies, Esq.

Sec. 3-263. - Bikeways facilities and pedestrian facilities.

(a) *Bicycle and Pedestrian Master Plan.* The Bicycle and Pedestrian Master Plan adopted on February 15, 2017 and as amended (hereinafter "the plan") shows locations of existing and proposed bike facilities and pedestrian facilities in the incorporated areas of the city. All development proposed along the roadways depicted on the plan must provide for bike facilities and pedestrian facilities in accordance with this section. Construction of bicycle and pedestrian facilities shown on the plan along the frontage of subject property are deemed to be site-related improvements. Any constructed bicycle and pedestrian facilities, such as sidewalks and bike lanes, must connect to existing facilities as well as to the internal development footprint in order to provide a safe network for all users, as required herein. All bike facilities and pedestrian facilities must comply with the complete streets policy.

(b) *Provision of off-site bike facilities and pedestrian facilities.*

(1) *General.* Off-site bike facilities and pedestrian facilities are required for all new developments, redevelopment projects, and for expansion of any existing development,

(2) *Off-site facilities.*

a. Off-site facilities shown on the Bicycle and Pedestrian Master Plan. The developer must construct a bike facility or pedestrian facility in the public road right-of-way if the subject property abuts a street shown on the plan in accordance with the roadways cross sections set forth in **LDC Section 3-302.**

Note: The developer may choose to construct the facility outside of the public road right-of-way on their own property. If the developer opts to construct the facility across the property in this manner, the easement must be at least two feet wider in width than the bike facility or pedestrian facility and perpetually open to the public.

b. Off-site facilities; other.

1. When any portion of the property to be developed is located within one-quarter mile (as measured along the principal perimeter street) of any other road shown on the plan as requiring either a bike facility or pedestrian facility, or within a one-quarter mile (as measured along the principal perimeter street) of an existing facility, the developer must construct a similar facility within the existing road right-of-way from the subject

property to the existing or proposed facility. This section will not require the purchase of right-of-way or easements where none exist. Where the facility cannot be constructed due to right-of-way constraints, a payment in lieu will be required in accordance AC-06-11-04, as it may be amended.

2. When any portion of a proposed residential subdivision is located within one-quarter mile (as measured along the principal perimeter street) of an existing or proposed pedestrian generator such as schools, parks, playgrounds, shopping centers or employment centers, or transit facilities, the developer must construct a bike facilities and pedestrian facilities within the existing road right-of-way connecting the subdivision to the pedestrian generator in accordance with the roadway cross sections set forth in LDC Section 3-302. This section will not require the purchase of right-of-way or easements where none exist. Where the facility cannot be constructed due to right-of-way constraints, a payment in lieu will be required in accordance AC-06-11-04, as it may be amended.
3. In instances where a proposed development is within one-quarter mile of a road shown on the plan as requiring a bike facility or pedestrian facility and is also within one-quarter mile of an existing facility in the opposite direction on the same principal perimeter street, all connecting links will be required.
4. The developer must construct or bond the required bicycle and pedestrian facilities along all street frontages, including non-buildable lots, common areas, stormwater ponds and other similar areas prior to issuance of a certificate of compliance for a project's infrastructure.
5. Development and redevelopment within the Bonita Beach Road Corridor Overlay may provide a payment in lieu in accordance with AC-06-11-04, as it may be amended, for the required facility upon approval by the city manager, or designee.

c. Impact fee credit. See section 2-202.

(3) *Location.*

- a. *County roads.* Off-site bike facilities or pedestrian facilities may be located within the county road right-of-way or within any easement if approved by the affected utility companies, the city manager or designee, and the county department of transportation.

- b. *State roads.* Off-site bike facilities or pedestrian facilities may be located within state road rights-of-way subject to approval and issuance of a general use permit by FDOT.
 - c. *City roads.* Off-site bike facilities or pedestrian facilities may be located within the city road right-of-way or within any easement if approved by the affected utility companies and the city manager or designee.
 - d. Maintenance of the constructed facility will be determined at the time of certification of compliance with the appropriate jurisdiction(s).
- (4) *Time of construction.* All off-site bike facilities and pedestrian facilities must be constructed prior to issuance of a certificate of compliance for the infrastructure of the development unless the developer posts a bond or other surety acceptable to the city as assurance of completion of the improvements. The city will not require construction of the bike facilities or pedestrian facilities where the right-of-way is scheduled for improvement within two years pursuant to the current city CIP and the right-of-way improvement would result in the destruction of the facility.
- (c) *Provision of on-site bike facilities and pedestrian facilities.*
- (1) *General.*
- a. All developments. Interior bike facilities and pedestrian facilities are required for both privately maintained and publicly maintained roadways, in accordance with the roadways cross sections set forth in LDC Section 3-302.
 - b. Alternate betterment plan. The city manager or designee may approve developments that provide an alternate betterment plan for an internal bike facility/pedestrian facility circulation system if the alternate system is functionally equivalent to the standards set forth herein, connects with existing facilities, meets all off-site requirements. The alternate plan must be submitted simultaneously with the request for a development order for a subdivision plat. The master plan must be drawn to scale sufficient to indicate all lots and include the following:
 - (i) The location of all lots and the number and type of dwelling units on each lot.
 - (ii) The location, width, and type of each bike facility and pedestrian facility including those to be connected to the bike facilities/pedestrian facilities off-site.

(iii) Description of alternate design for the provision of bicycle/pedestrian circulation within the development.

- (2) *Location.* The bike facilities or pedestrian (or any other bicycle and pedestrian-related facility, such as street furniture and street trees) facilities may be located within the road right-of-way or within any easement if approved by the affected utility companies and the city manager or designee, and where sited in accordance with the roadway cross sections in LDC Section 3-302.
- (3) *Time of construction.* All on-site facilities must be coordinated with the bike facilities/pedestrian facilities of the surrounding area. Bike facilities and pedestrian facilities in a proposed development must connect to existing facilities on adjacent property. Where facilities do not exist on adjacent property the development must provide for future connection, including necessary easement(s). Pedestrian facilities along non-buildable lots, common areas, stormwater ponds, and other similar areas must be constructed by the developer prior to issuance of a certificate of compliance for the infrastructure unless the developer posts a bond or other surety acceptable to the city as assurance of completion of the improvements. Pedestrian facilities along buildable lots will be the responsibility of the lot owner and must be constructed prior to issuance of a certificate of occupancy for any building on the lot. To ensure compliance, the covenants for the development must reflect that the lot owner must construct the required pedestrian facility prior to requesting a certificate of occupancy.

(d) *Construction standards.*

(1) *General.*

All roadways must be designed in accordance with the roadway cross sections in LDC Section 3-302, in accordance with the Americans with Disabilities Act (ADA) Accessibility Guidelines, and applicable administrative codes.

- a. Curb cut ramps (wheelchair ramps) are required at all intersections where pedestrian facilities ways intersect roadway curb and gutter. Curb ramps may not exceed 12 foot horizontal to one foot vertical and must have a slip-resistant surface texture.
- b. Bike and pedestrian facilities. A minimum 72-inch-wide pathway, clear of obstacles, must be maintained within a bike facility or pedestrian facility (sidewalk six feet or less). Bike facilities and pedestrian facilities narrowed for

some distance to the 36-inch minimum by the installation of a permanent obstacle must provide a passing space of at least 60 inches long by 60 inches wide every 200 feet. Permanent obstacles such as utility poles, signs, and similar items located within the pedestrian facility on city-maintained streets must maintain a minimum eight-foot height clearance above the pedestrian facility.

- c. If permanent obstacles such as utility pole signs, mailboxes, and similar items are located within a bike facility that is wide enough to accommodate two-way bike traffic on a city-maintained street, then a minimum eight-foot-wide pathway must be maintained within the bike facility.
- d. Bike facilities and pedestrian facilities must be located in the right-of-way or within adjacent easements of interior or perimeter streets. However, the facility may not be closer than one foot to an abutting property line. Sufficient distance from obstacles such as mailboxes, fire hydrants, drainage inlets, manholes, utility structures and streets must be maintained for the safety of the bike facility or pedestrian facility user. Where preventable, pedestrian facilities should not be located within the recovery area of the traveled way of the street.
- e. There must be no unsafe curves or sudden elevation changes in the bike facility or pedestrian facility that would present a hazard to the user. All developments or redevelopments must be designed with bicycle and pedestrian street crossings at traffic-control signals, crosswalks, or intersections.

(2) *Off-site facilities.*

- a. *On-road.* Where the Bicycle and Pedestrian Master Plan shows the use of bike lanes adjacent to the roadway, those lanes must be constructed in compliance with the roadway cross sections set forth in 3-302.
- b. *Off-road.* All bike facilities and pedestrian facilities constructed off-site or along a street perimeter to the development must be eight feet in width and constructed of either:
 - 1. Four-inch thick Portland cement concrete, or
 - 2. A minimum 1½-inch asphaltic concrete of FDOT type S-III on a four-inch limerock base and six-inch type B sub-grade.

For facilities constructed of Portland cement concrete, all driveway crossings must be a minimum of six inches thick. The applicant may submit an alternate design, subject to the approval of the city manager or designee; provided it is structurally equal to, or better than, the options set forth above.

(3) *On-site facilities.* All sidewalks constructed within the development must be a minimum of six feet in width and constructed of either:

- a. Four-inch-thick Portland cement concrete, or
- b. A minimum of 1½-inch asphaltic concrete of FDOT type S-III on a four-inch limerock base and six-inch type B sub-grade.

For facilities constructed of Portland cement concrete, all driveway crossings must be a minimum of six inches thick. The applicant may submit an alternative design, subject to the approval of the city manager or designee, provided it is structurally equal to, or better than, the options set forth above.

(e) *Maintenance.* On-site bikeways and pedestrian ways must be maintained by the property owners' association through the operation and maintenance covenants. The city public works department will maintain bikeway and pedestrian way facilities located within city rights-of-way. The city public works department will also maintain off-site bikeway and pedestrian way facilities, constructed adjacent to the on-site property within a perpetual non-exclusive right-of-way easement upon acceptance by the city council.

(f) *Waiver of requirement.*

- (1) Notwithstanding the provisions of subsections (a) through (e) of this section, bikeways and pedestrian ways will not be required where the city manager or designee determines that:
 - a. Their establishment would be contrary to public safety;
 - b. The cost would be excessively disproportionate to the need or probable use; and
 - c. Other available means or factors suggest an absence of need.
- (2) A funds-in-lieu contribution of the equivalent cost of construction of the site-related improvement must be paid as a condition of approval of the waiver of requirement. The amount of the funds shall be determined based on an administrative code for construction of bicycle and pedestrian facilities.

(g) *Special standards for large-scale retail establishments.*

(1) *Applicability.* The following requirements are in addition to the sections above.

Large-scale retail establishments must be designed to accommodate safe and convenient pedestrian and bicycle access within the development, in accordance with the following:

- a. Sidewalks must be provided internal to the site to provide pedestrian and bicycle connectivity between external sidewalk systems and bike lanes along adjacent roadways and the internal parking areas and buildings. Crosswalks must be provided internal to the site where sidewalks cross parking areas or driveways.
- b. All sidewalks and crosswalks internal to the site shall be distinguished from driving surfaces through the use of durable, low maintenance surface material (s), such as pavers, bricks, or scored concrete.
- c. Sidewalks must be provided along the full length of the building along any facade featuring a customer entrance, and along any facades abutting public parking areas. Sidewalks in these locations must be a minimum of eight feet in width, and located at least six feet from the facade of the building to provide for building perimeter plantings, street furniture, and other required features. For outparcels, this requirement is reduced to a six-foot sidewalk located at least two feet from the facade of the building.
- d. Bicycle racks must be located outside of the parking lots, and within 100 feet of the main entrance(s) of the large-scale retail establishment. Bicycle racks must provide a minimum of one bicycle parking space per 5,000 square feet of building area.

(Ord. No. 05-03, § 1(3-256), 1-19-2005; Ord. No. 14-18, § 1, 7-2-2014; Ord. No. 14-025, § 1, 10-15-2014; Ord. No. 18-05, § 1, 5-16-2018.)

Sec. 3-303. - Complete streets design.

(a) *Typical street design.* All roadways will be designed and constructed in accordance with this subsection.

Table 3: Complete streets requirements.

PUBLICLY AND PRIVATELY MAINTAINED STREETS ⁽¹⁾										
	Lane Width	Design Speed (MPH)	Landscaped Median	Sidewalk	Separated Multi-Use Path	On-Street Separated Bike Lane	Street Trees	Planted Strip ⁽³⁾	Furnishing Zone	Street Lighting
Arterial ⁽²⁾	11'—12'	35—55	16'—50'	8'-10'	11'—12'	7'	R	6'—8'	4'—6'	R
Collector	11'—12'	25—45	16'—35'	8'—10'	11'—12'	7'	R	5'	4'—6'	R
Local	10'—11'	15—25	0'—20'	6'—8'	10'—12'	5'—7'	R	5'	4'—6'	R

NOTES:

R = Required

⁽¹⁾ Subject to provisions of Administrative Code Bicycle Pedestrian Facilities (AC-06-11-04), as amended.

⁽²⁾ See subsection 3-304 for roadway design requirements for the Bonita Beach Road Corridor Context Zones.

⁽³⁾ A 4-foot planted strip may only be permitted within the Downtown District. A minimum of 5-feet is required in all other areas.

- (b) *[Developer requirements.]* The developer must provide the required complete streets improvements as applicable to the project in accordance with Table 3 above, except where the proposed minimum dimensions and complete streets requirements cannot be provided due to constrained rights-of-way and/or other development constraints. In the case of constraints, a schedule of improvements will be applied to the roadway design, as prioritized by the city manager, or designee based upon the following priority elements and dependent upon the roadway classification and improvements proposed or existing on adjacent properties.

At the discretion of the city manager, or designee, a deviation may be administratively approved from this section in accordance with the criteria set forth in LDC Section 3-81.

(i) **Arterial roadway priority elements.**

- (a) Posted speed of 35—55 mph.
- (b) Closed drainage.
- (c) 11-foot-wide minimum travel lanes. 12 ft. outside lane should be provided where there is a Type "F" vertical curb.
- (d) Bicycle and pedestrian facilities—A minimum bike lane width of seven feet, and a minimum sidewalk width of eight feet are required on both sides of the right-of-way. A minimum 11-foot wide multi-use path may be permitted in lieu of the on-street, separated bike lane and sidewalk. See diagram in subsection [d] below.
- (e) Planting strips—Planted areas separating the travel lanes from the pedestrian facilities must be a minimum of six feet in width, and demonstrate that the plantings do not conflict with sidewalk and utilities infrastructure.
- (f) Median treatment—Medians are encouraged to be provided where sufficient right-of-way exists. Where provided, the minimum median width must be at least 16-feet wide to accommodate landscaping.

- (g) Furnishing zone—For segments of the roadway currently used, or planned to be bicycle and pedestrian-oriented based upon the type of development and/or provision of pedestrian access to and from the development, a sidewalk amenity, furnishing zone in encouraged.

(ii) *Collector roadway priority elements.*

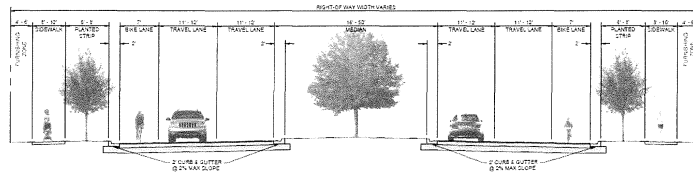
- (a) Posted speed of 25—45 mph.
- (b) Closed drainage.
- (c) Eleven-foot wide minimum travel lanes. 12 ft. outside lane should be provided where there is a Type "F" vertical curb.
- (d) Bicycle and pedestrian facilities—A minimum bike lane width of 7 feet, and a minimum sidewalk width of eight feet are required on both sides of the right-of-way. A minimum 11-foot wide multi-use path may be permitted in lieu of the on-street, separated bike lane and sidewalk. A marked on-street shared bike lane with optional vertical hardened separator may be provided in lieu of an on-street separate bike lane on roadways where travel speeds are posted at 25 mph or less. See diagram in subsection [d] below.
- (e) Planting strips—Planted areas separating the travel lanes from the pedestrian facilities must be a minimum of five feet in width, and demonstrate that the plantings do not conflict with sidewalk and utilities infrastructure.
- (f) Median treatment—Medians are encouraged to be provided where sufficient right-of-way exists. Where provided, the minimum median width must be at least 16-feet wide to accommodate landscaping.
- (g) On-street parking—Desirable in areas with street-oriented, pedestrian scale development, especially retail development, but not required.
- (h) Furnishing zone—For segments of the roadway currently used, or planned to be bicycle and pedestrian-oriented based upon the type of development and/or provision of pedestrian access to and from the development, a sidewalk amenity, furnishing zone in encouraged.

(iii) *Local roadway priority elements.*

- (a) Posted speed of 20—25 mph.
- (b) Closed drainage.
- (c) 10 to 11-foot-wide minimum travel lanes.
- (d) Bicycle and pedestrian facilities—A minimum bike lane width of five feet, and a minimum sidewalk width of six feet are required on both sides of the right-of-way. A minimum 11-foot wide multi-use path may be permitted in lieu of the on-street, separated bike lane and sidewalk. A marked on-street shared bike lane may be provided in lieu of an on-street separate bike lane on privately maintained local roadways where travel speeds are posted at 25 mph or less. See diagrams in subsection [d] below.
- (e) Planting strips—Planted areas separating the travel lanes from the pedestrian facilities must be a minimum of five feet in width, and demonstrate that the plantings do not conflict with sidewalk and utilities infrastructure. In the Downtown District, minimum planted area may be reduced to two feet in width.
- (f) On-street parking—Desirable in areas with street-oriented, pedestrian scale development, especially retail development, but not required.
- (g) Furnishing zone—For segments of the roadway currently used, or planned to be bicycle and pedestrian-oriented based upon the type of development and/or provision of pedestrian access to and from the development, a sidewalk amenity, furnishing zone in encouraged.

[c] *Complete streets cross sections.* The following typical street cross-sections are illustrative of the above complete street requirements. All cross-section drawings reflect closed drainage facilities as set forth in this section.

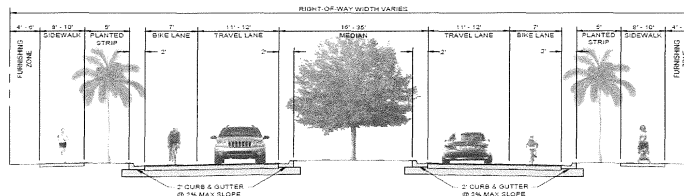
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ARTERIAL

N.T.S.

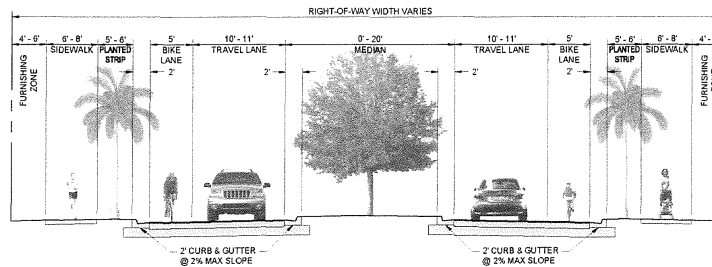
(DESIGN SPEED: 25 - 45 MPH)



COLLECTOR

N.T.S.

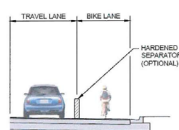
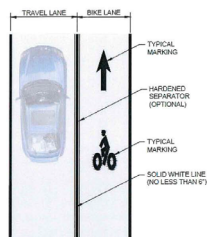
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LOCAL

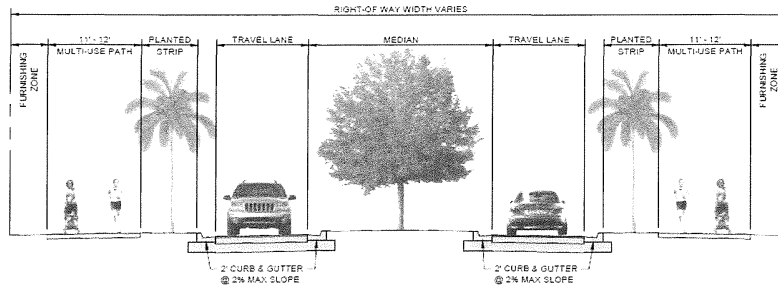
N.T.S.

[d] *Complete streets diagrams.* The following typical diagrams are illustrative of the above complete street requirements.



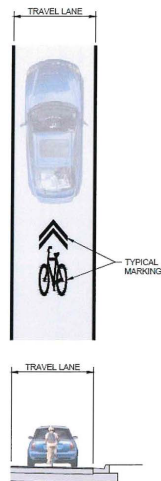
MARKED ON-STREET
SEPARATED BIKE LANE

N.T.S.



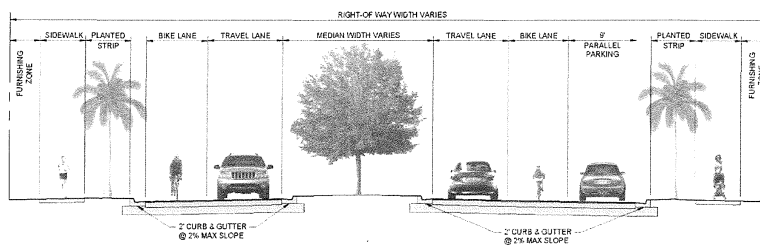
MULTI-USE PATH

N.T.S.



MARKED ON-STREET SHARED BIKE LANE

N.T.S.



ON-STREET PARKING

N.T.S.

[e] *Additional street requirements.*

1. *Conformance with state standards.* All construction materials, methods and equipment shall conform to the requirements of the FDOT Standard Specifications for Road and Bridge Construction, current edition, and such other editions, amendments or supplements as may be adopted by the FDOT.
2. *Dedication of right-of-way and completion of improvements.* Prior to acceptance of the streets or the release of security, the developer shall dedicate such rights-of-way and complete such improvements, or provide funds for the completion or installation of such improvements in conformance with the standards and specifications of this chapter.
3. *Horizontal curve for changes in direction.* Horizontal curves shall be used for all changes in direction greater than ten

degrees.

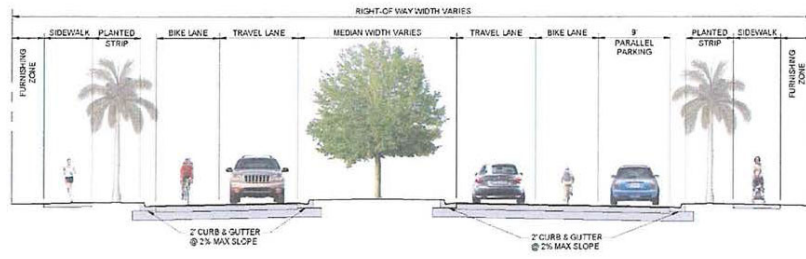
4. *Existing nonconforming access routes.* Existing nonconforming access routes to new proposed subdivisions shall be permitted upon approval of a variance or a planned development deviation.
5. *State roads.* Streets which are designated as state roads shall be required to meet all additional state department of transportation requirements.
6. *Intersection design.* Intersections shall be designed in accordance with the criteria in Traditional Neighborhood Development Street Design or Neighborhood Street Design Guidelines (or successor recommend practices published by the Institute of Transportation Engineers).
7. *Cul-de-sac.* (If necessary) shall be designed in accordance with the criteria in Traditional Neighborhood Development Street Design (or successor recommended) practices published by the Institute of Transportation Engineers.
8. *On-road and off-road bike facilities.* All city-maintained arterial, collector, and local streets must be designed and constructed in accordance with this section and the city administrative code policy relating to on-road and off-road bike facilities and associated roadway width.
9. *Privately maintained accessways.* The following privately maintained accessways are not required to meet the minimum roadway right-of-way widths specified in subsection (b) of this section:
 - (1) Parking lot aisles (as defined in chapter 4);
 - (2) Parking lot accesses (as defined in chapter 4);
 - (3) Driveways (as defined in chapter 4); and
 - (4) Accessways which meet the following three requirements:
 - a. Provide vehicle access to 50 or fewer multifamily residential units;
 - b. Pavement width meets the dimensional requirements for parking lot aisles at areas of back-out parking; and
 - c. Provide for utility easements in accordance with section 3-355(a)(1) if utilities are to be located in, or adjacent to, the accessway.
10. *Streets and driveways in wetland areas.* Notwithstanding other provisions of this chapter, new roads or driveways permitted in wetland areas in accordance with the city comprehensive plan policy 1.2.2 must be culverted or bridged to maintain the pre-development volume, direction, distribution, and surface water hydroperiod.
11. *Work in city and/or San Carlos Estates Water Control District (SCEWCD) right-of-way.*
 - (1) No individual, firm, or corporation may do any work within city-maintained rights-of-way or easements without first having obtained a permit from the city public works department. For rights-of-way located within and maintained by San Carlos Estates Water Control District, a permit shall first be obtained from SCEWCD.
 - (2) The city public works department will not issue a permit for any private road to connect to any city-maintained road other than a residential driveway without approval of drainage plans prepared by a registered engineer. (See section 3-535 for approved utility piping materials for use in city rights-of-way.)
 - (3) For single residential buildings of two dwelling units or less on city-maintained streets, the city public works department will do all necessary field survey work to establish the proper grade, pipe diameter, and length for driveway culverts. For property located within the San Carlos Estates Water Control District, the same shall be provided by SCEWCD.
12. *Bicycle and pedestrian facilities.* Bicycle and pedestrian facilities must be provided in accordance with section 3-263.
13. *Transit facilities.* Transit facilities must be provided in accordance with division 7 of this chapter.
14. *Street trees.*
 - (1) Street trees and plant installation. Street trees are required within all publicly and privately maintained rights-of-way. A tree's growth habit must be considered in advance of planting to avoid potential conflicts (e.g. views, signage, overhead power lines, lighting, buildings, circulation). Trees may not be placed where they will interfere with drainage, subsurface or overhead utilities, or where they will require frequent pruning to avoid interference with

overhead power lines. Horizontal separation between underground utilities to required street trees will be five feet for palm trees and ten feet for shade trees. When this requirement cannot be achieved, additional preventative measures to protect the underground utilities must be provided at the discretion of the development services director or designee. See also subsection (5) below and section 3-423.

- i. At least 75 percent of the trees must be native Florida species.
 - ii. Trees must be a minimum ten feet in height, have two-inch caliper (at 12 inches above the ground) and a four-foot spread at the time of installation. Palm trees must have a minimum of ten feet of clear trunk at planting.
- (2) Mulch requirements. A two-inch minimum layer, after watering in, of mulch or other recycled materials must be placed and maintained around all newly installed street trees. Each tree must have a ring of mulch no less than 24 inches beyond its trunk in all directions. The use of cypress mulch is prohibited.
- (3) Soil conditions. Plant materials must be installed in soil conditions conducive to proper growth of the plant material. Prior to planting, limerock located in the planting area must be removed and replaced with native or growing quality soil before planting.
- (4) Irrigation required. All landscape areas shall provide an automatic irrigation system to improve the survivability of the required landscaping. Prior to the issuance of any certificate of occupancy for a use required to provide street trees in accordance with this section, all required landscaping and irrigation shall be installed and in place as set out in the approved development order plans.
- (5) An approved root barrier system shall be installed where streets trees are planted closer than ten feet to a sidewalk, underground utility or paved area with no curbing, or curbing which extends less than 18 inches below grade. This requirement may be waived where the registered landscape architect demonstrates the tree specimen will not interfere with infrastructure at full maturity.

15. *On-street parking.*

- (1) On-street parking facilities may be permitted on privately-maintained roadways at the discretion of the city manager or designee, as specified in this section. The director of the public works will determine where on-street parking is appropriate on city-maintained roads.
- (2) The city reserves the option to operate and maintain on-street parking on city-maintained roadways, including collection of parking fees.
- (3) As part of the review and approval of on-street parking, the developer must provide a written agreement, subject to review by the city in accordance with AC-XX-XX.
- (4) Where approved, on-street parking will be located adjacent to the curb and gutter or paved shoulder. On-street parking space width will be nine feet for parallel parking, twelve feet for disabled parking, and twenty feet for angled parking. Any relocation of roadway elements such as curb and gutter, roadway drainage structures, transit facilities, landscaping, street furniture, utilities, bicycle and pedestrian facilities, as a result of adding parking spaces to meet development parking requirements, will be considered a site-related improvement. On-street parking spaces will be separated from turn lane tapers and intersection turning radius to provide adequate sight distance. Parking spaces may alternate with other intermittent streetside features such as wider planting areas for canopy trees, transit facilities, and pedestrian bulb-outs.



ON-STREET PARKING
N.T.S

(Ord. No. 18-05, § 1, 5-16-2018; Ord. No. 21-02, § 2(Exh. A), 5-19-2021)

CITY OF BONITA SPRINGS FLORIDA

RESOLUTION NO. 06-155

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CREATING AN ADMINISTRATIVE CODE FOR BICYCLE AND PEDESTRIAN FACILITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Bonita Springs City Council, as the duly elected governing body for the City of Bonita Springs, has the authority to adopt administrative codes for the operation of City business; and

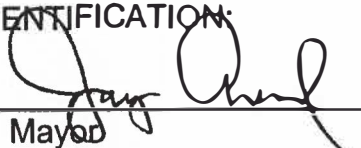
WHEREAS, City Council finds it necessary and desirable to adopt an Administrative Code setting forth the technical requirements, procedures and standards to be adhered to relating to submittals for bicycle and pedestrian facilities.

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

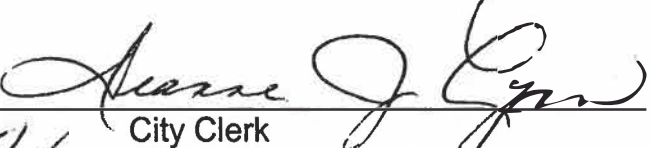
1. City Council declares that the procedures set forth, attached hereto, and incorporated by reference herein by Exhibit "A", is applicable for bicycle and pedestrian facilities.
2. The Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 1st day of November, 2006.

AUTHENTICATION:

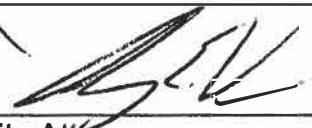


Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Arend	Aye	McCourt	Aye
Ferreira	Aye	Nelson	Aye
Grantt	Aye	Simons	Aye
Joyce	Aye		

Date filed with City Clerk: 11-3-06

EXHIBIT "A"

ADMINISTRATIVE CODE BICYCLE AND PEDESTRIAN FACILITIES

CODE NUMBER: AC- 06-11-04
TITLE: Bicycle and Pedestrian Facilities
ADOPTED: November 2, 2006
ORIGINATING DEPARTMENT: City Manager
PURPOSE /SCOPE: Provide bicycle and pedestrian facilities within the City of Bonita Springs.

Rule 1.00 Purpose

Bicyclists and pedestrians are permitted to use public highways, except where otherwise prohibited in accordance with federal, state and local regulations. Bicycle and pedestrian facilities along major roadways provide improved safety and encourage alternate modes of utilitarian transportation. They also provide recreational opportunities that generally improve the quality of life and are therefore desirable.

This Policy provides location and design criteria for construction of bicycle and pedestrian facilities along City, County and State maintained roadways. It also provides a consistent policy/procedure for implementations of facilities and a mechanism for a fee-in-lieu contribution if a waiver is requested.

Rule 2.00 Policy and Procedure

Projects submitting an application for a local development order must provide bicycle and pedestrian facilities consistent with the Bonita Springs Land Development Code.

Rule 3.00 Definitions

Adjacent facilities – Proposed bicycle or pedestrian facilities shown on the Plan along the frontage of a project on a public roadway.

Bicycle lane – A portion of a roadway designated by signing and pavement markings for the preferential or exclusive use by bicyclists. A bicycle lane is designated in each direction.

Bicycle path – A multiuse two-way off-road facility primarily designed for bicyclists that are also used by pedestrians.

Excessively disproportionate cost – An estimated cost of the facility improvement that is more than triple the fee-in-lieu cost per linear foot or will require a substantial ditch enclosure or modification along more than one-half of the proposed frontage.

Factors suggest absence of need – A situation where it can be reasonably demonstrated that the facility is not likely connect to an existing or planned facility scheduled for construction in a five year transportation work program.

Bikeways/Walkways Facilities Plan – Planned future bicycle and pedestrian facilities as adopted by City Council.

Major roadway – A roadway with a functional classification as an arterial or major collector.

Off-road facility – A bicycle path or sidewalk that is within the road right-of-way but physically separated from the roadway travel lanes.

On-road facility – A bicycle facility that is along or within the roadway travel lanes.

Other available means – An existing parallel bicycle and pedestrian facility on the same side of the road as the project within ¼ mile.

Paved shoulder – The portion of a highway which is contiguous to the traffic lanes that can be used for motor vehicle emergencies, specialized use by pedestrian and bicyclists, and lateral support of base and surface courses.

Sidewalk – The portion of a right-of-way designed for preferential use by pedestrians. A sidewalk may legally be used by a bicyclist consistent with Florida Statutes §316.2065(5) A.11.

The Plan – The City of Bonita Springs Bikeways/Walkways Facilities Plan.

Rule 4.00 Bikeways/Walkways Facility Plan

The Plan was developed with input from the public and has been incorporated into the Bonita Springs Comprehensive Plan. The Plan will be updated on a regular basis to include changes in the roadway network and address changing land uses. Proposed facilities on the Plan are more specifically defined in attached "Exhibit 1".

The Plan includes State Roads and County roadways through Bonita Springs necessary to develop a comprehensive network. Staff will coordinate with adjacent jurisdictions as appropriate.

Rule 5.00 Design Criteria

Standards, criteria and guidelines for bicycle and pedestrian facilities published by

AASHTO and FDOT are incorporated by reference, except where specially amended in the Land Development Code or herein.

Paved Shoulder – It is recommended that paved shoulders be constructed on both sides of the roadway. The geometric design of a paved shoulder should be similar to a bicycle lane.

The minimum paved shoulder widths to accommodate bicycle traffic are as follows:

<i>Posted Speed</i>	<i>Closed Drainage (Urban)</i>	<i>Open Drainage (Rural)</i>
30 MPH or below	2	2
35-45 MPH	4	6
50 MPH or more	6	6

Bicycle Lanes – The standard width of a bicycle lane is five feet. The width may be reduced by one foot adjacent to a Type E or F curb and gutter.

A paved shoulder may be considered for signing and marking as a bicycle lane when the Public Works Manager, in his sole discretion, determines that it is appropriate. A bicycle lane should not be placed between a through lane and a continuous turn lane that serves multiple access points.

Bicycle Path – The standard width of a bicycle path is eight feet. The path width may be increased based on volume of usage. A bicycle path may be reduced to six feet wide at an obstruction.

Sidewalks – The standard width of a sidewalk with a vegetative strip on each side is five feet. The standard width of a sidewalk along a curb, barrier or wall is six feet. The path width may be increased based on volume of usage. A sidewalk may be decreased to three feet wide at an obstruction.

Rule 6.00 Easements

At the developer's option, the facility may be constructed adjacent to the roadway right-of-way within the area of an easement donated or otherwise held by the City for the purposes of constructing and maintaining a bikeway and pedestrian facility. The easement grant must include the right to be used as a perpetual non-exclusive right-of-way easement for bikeway and pedestrian way facilities. The easement width must be the width of the facility plus two feet on each side for a sidewalk and four feet on each side for a bicycle path. However, easements of a lesser dimension may be approved by the discretion of the Public Works Manager.

City Council must formally accept the easement grant and the facility after construction is complete. The City of Bonita Springs will maintain the facility when accepted by the City Council.

Rule 7.00 FEE-IN-LIEU

If the Director of Development Services determines that a waiver from the requirement to provide the bike path/walkway is appropriate, the applicant must submit the appropriate fee-in-lieu contribution prior to issuance of any development order approval for the project. The contribution may be in the form of cash, roads or park impact fee credits.

The fee-in-lieu in the form of cash will be deposited in CIP 11.853.3632400 Citywide Sidewalk & Bike Facilities created for expenditure on a bicycle or pedestrian facility within the same planning community the project is located. The controlling fee calculation table is set forth herein. Unit prices are based on the average unit prices for the last three years of City projects to retrofit bicycle and pedestrian facilities along City roadways.

Calculation of fee-in-lieu contribution:

FY 2005/06 CIP WORK	Sidewalk (5 foot concrete) average cost per linear foot	Bicycle path (8 foot concrete) average cost per linear foot
Design	\$7.42	\$6.71
Startup	\$13.20	\$16.12
Embankment	\$4.06	\$10.82
Drainage	\$43.03	\$28.18
Sidewalk and grading	\$11.60	\$21.38
Bridge, gravity wall & handrail	\$0.93	\$0.93
Finish items	\$6.26	\$5.17
TOTAL	\$86.50	\$89.31

+/- \$17.30/ft

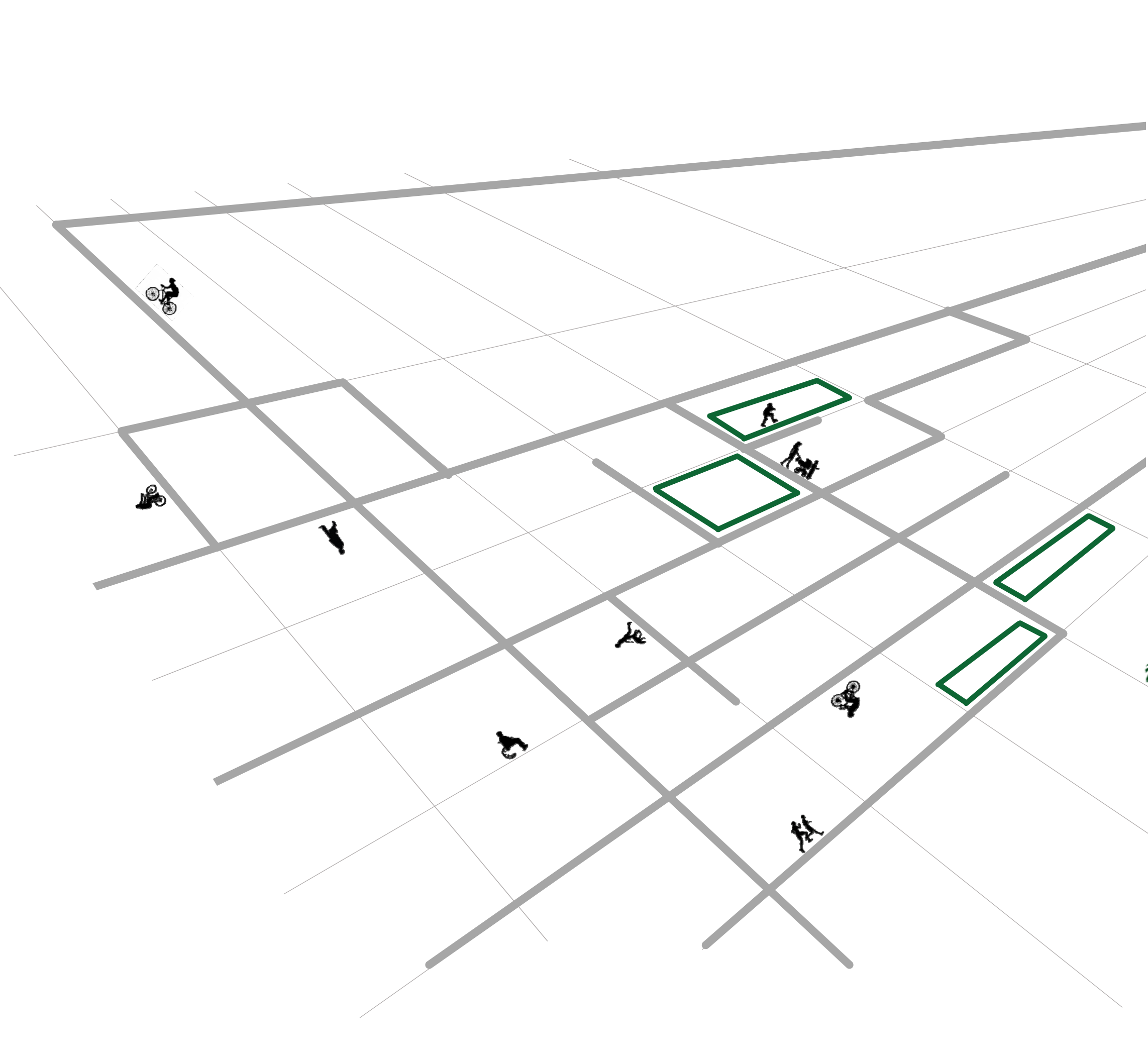
+/- \$11.16/ft

NOTES:

- 1) Startup costs include mobilization, clearing and grubbing, relocation/adjustment and maintenance of traffic pay items. Drainage costs includes inlets, grates, headwalls, pipes and mitered end sections. Finish items include sod and miscellaneous driveway work.

Rule 8.00 Waiver

The waiver criteria requirements of "excessively disproportionate cost", "factors suggest absence of need" and "other available means" in the Land Development Code 3-256(f) are further defined herein.



Bonita Springs PATH

A Bicycle & Pedestrian Master Plan

Prepared For



Prepared By



February 2017

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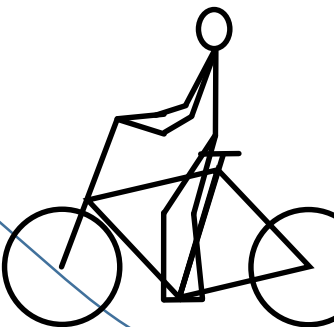
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1.0 Introduction

This Bicycle and Pedestrian Master Plan is the first created for the City of Bonita Springs and represents the vision for a multimodal transportation network within the City. The plan is divided into five (5) sections:

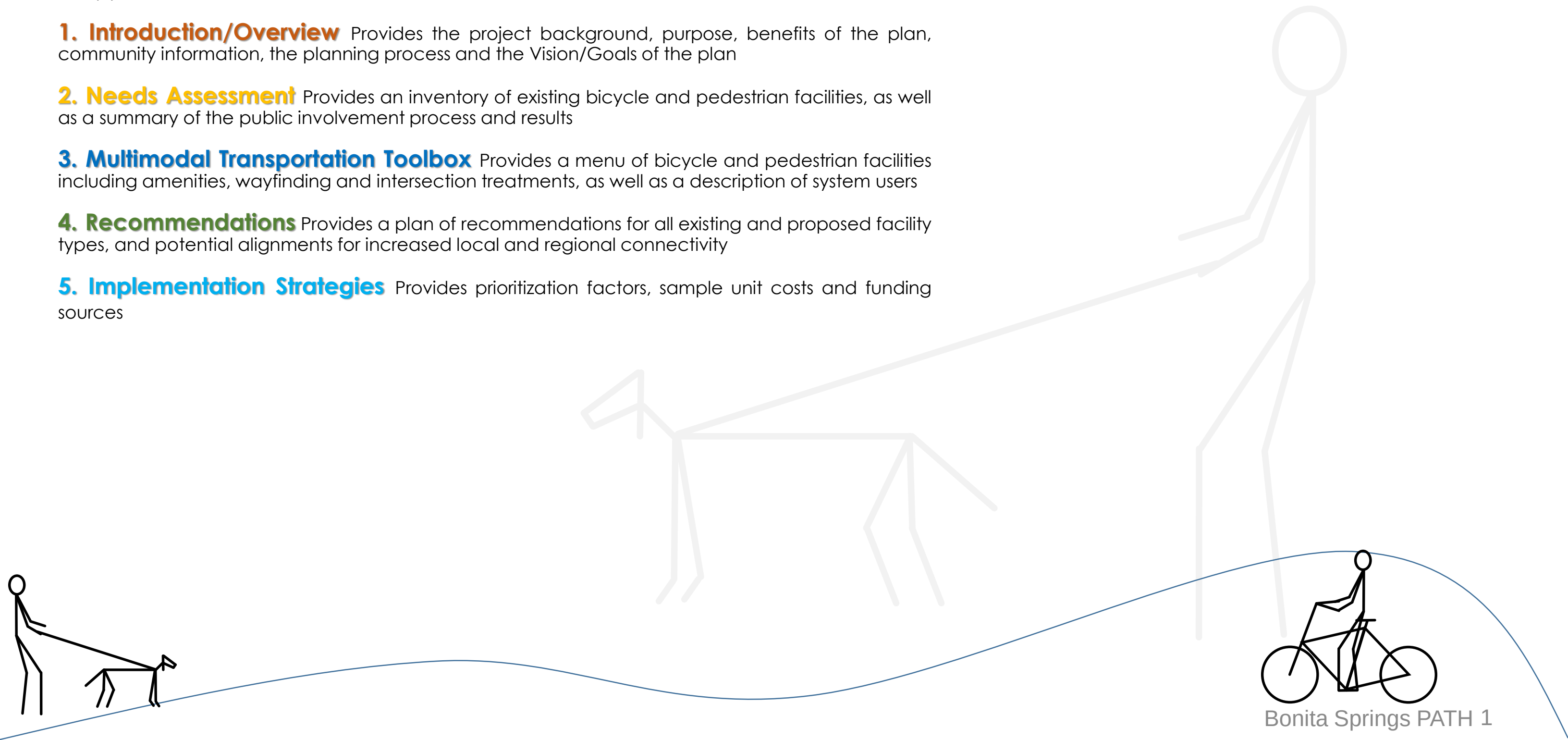
1. Introduction/Overview Provides the project background, purpose, benefits of the plan, community information, the planning process and the Vision/Goals of the plan

2. Needs Assessment Provides an inventory of existing bicycle and pedestrian facilities, as well as a summary of the public involvement process and results

3. Multimodal Transportation Toolbox Provides a menu of bicycle and pedestrian facilities including amenities, wayfinding and intersection treatments, as well as a description of system users

4. Recommendations Provides a plan of recommendations for all existing and proposed facility types, and potential alignments for increased local and regional connectivity

5. Implementation Strategies Provides prioritization factors, sample unit costs and funding sources

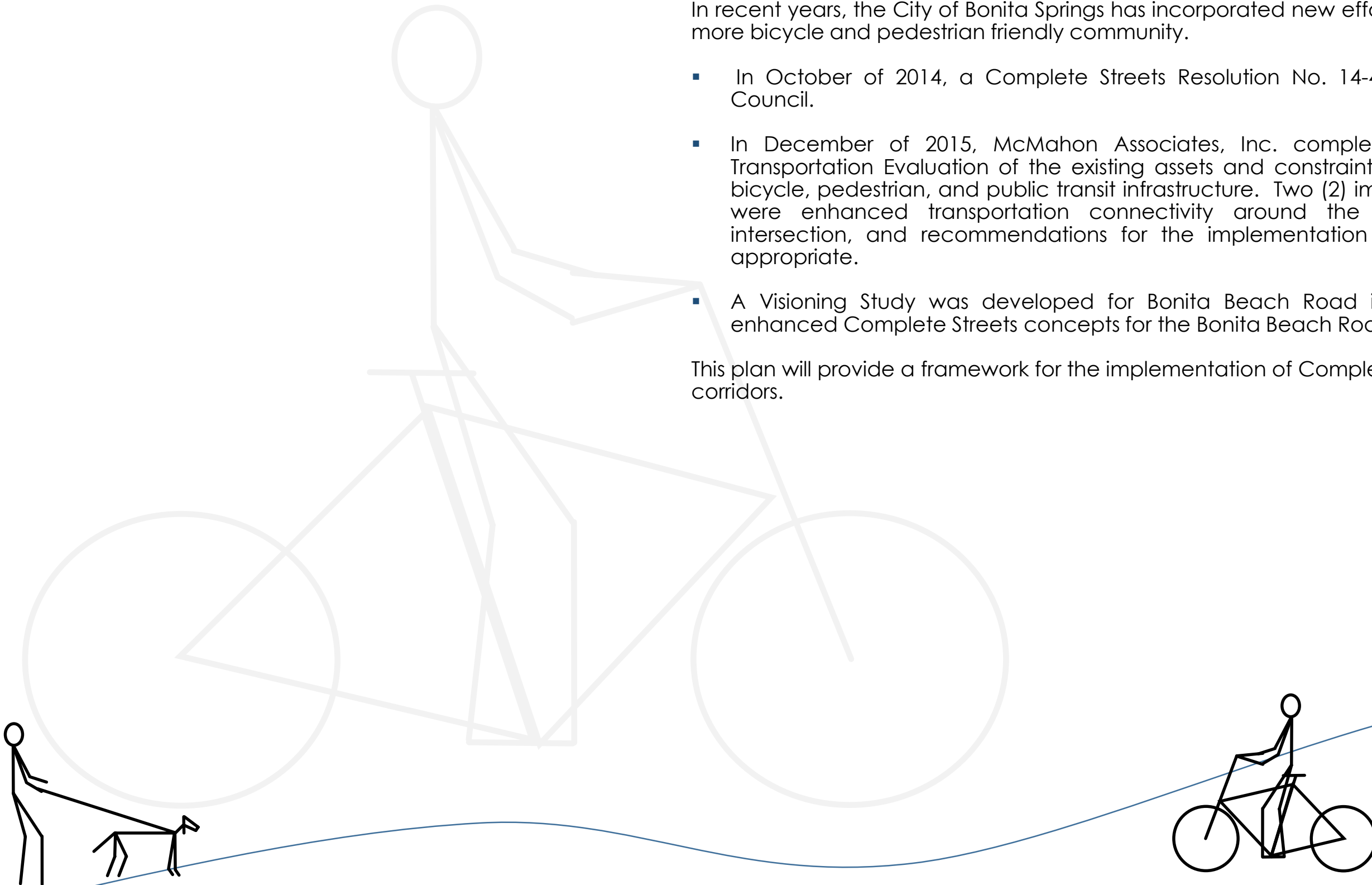


1.1 Project Background

In recent years, the City of Bonita Springs has incorporated new efforts to transform the City into a more bicycle and pedestrian friendly community.

- In October of 2014, a Complete Streets Resolution No. 14-43 was adopted by the City Council.
- In December of 2015, McMahon Associates, Inc. completed a Key Corridor/Network Transportation Evaluation of the existing assets and constraints on key corridors that affect bicycle, pedestrian, and public transit infrastructure. Two (2) important elements of the study were enhanced transportation connectivity around the US 41/Bonita Beach Road intersection, and recommendations for the implementation of Complete Streets, where appropriate.
- A Visioning Study was developed for Bonita Beach Road in the Spring of 2016, which enhanced Complete Streets concepts for the Bonita Beach Road corridor.

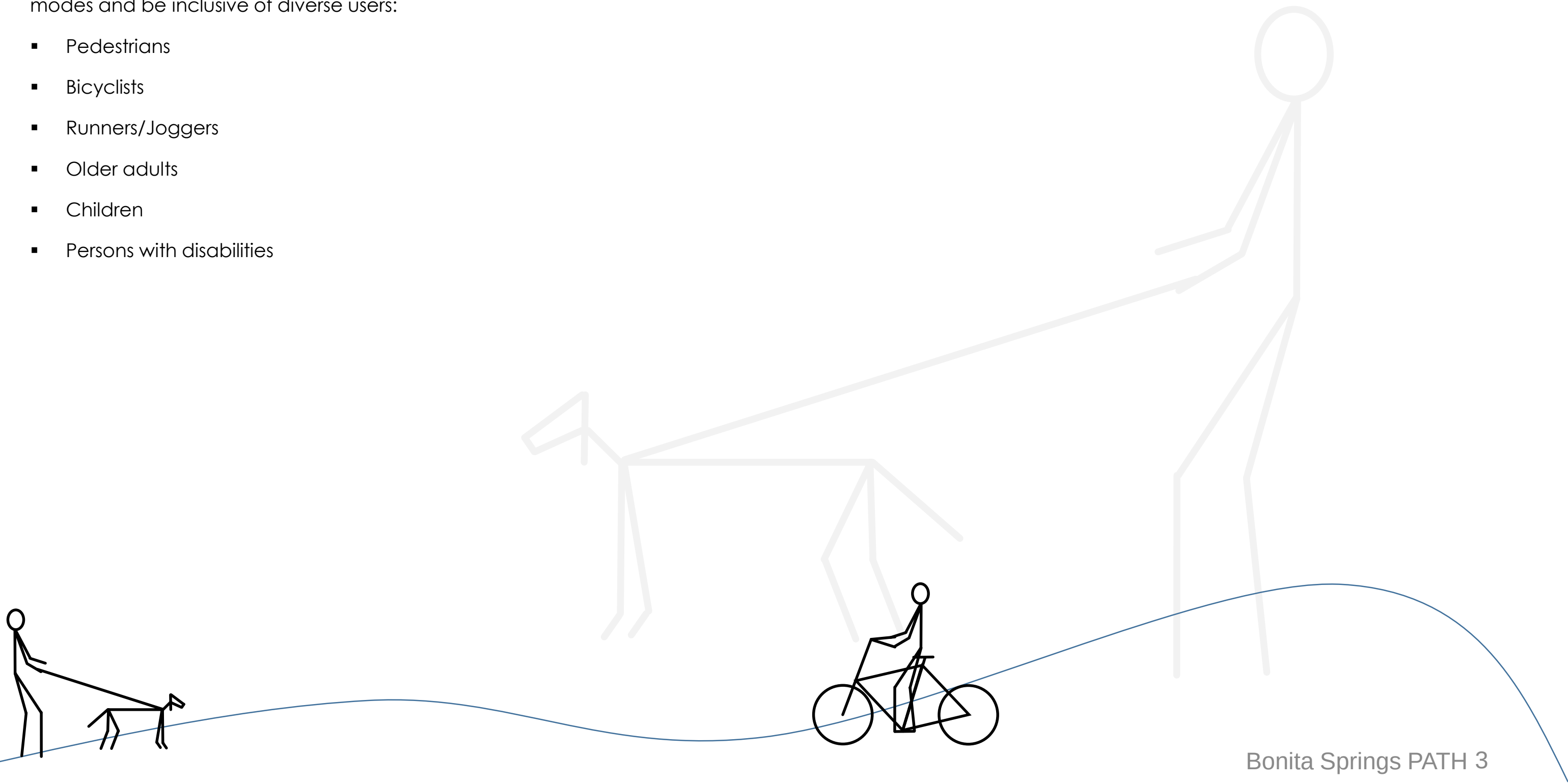
This plan will provide a framework for the implementation of Complete Streets strategies along key corridors.



1.2 Purpose of Master Plan

The purpose of this master plan is to guide the creation of an efficient multimodal transportation system for the City of Bonita Springs. This system should enhance connectivity for different travel modes and be inclusive of diverse users:

- Pedestrians
- Bicyclists
- Runners/Joggers
- Older adults
- Children
- Persons with disabilities

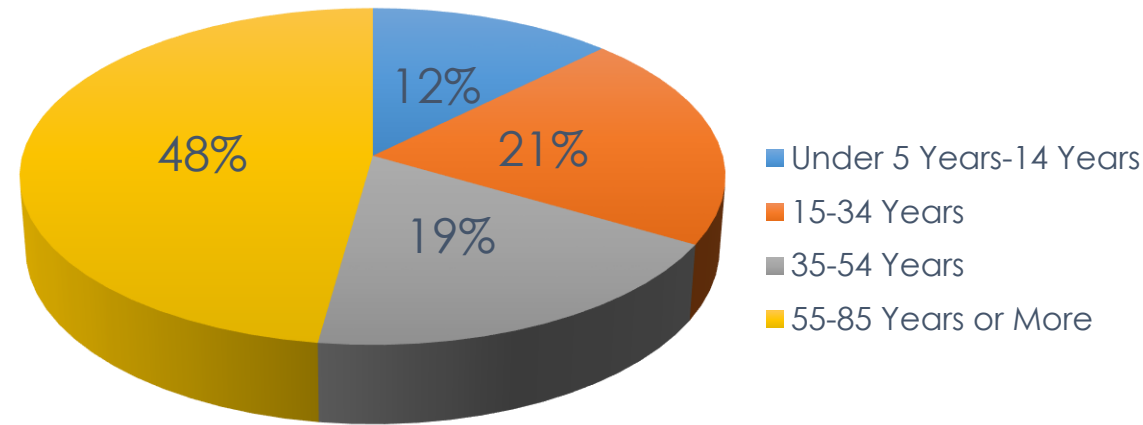
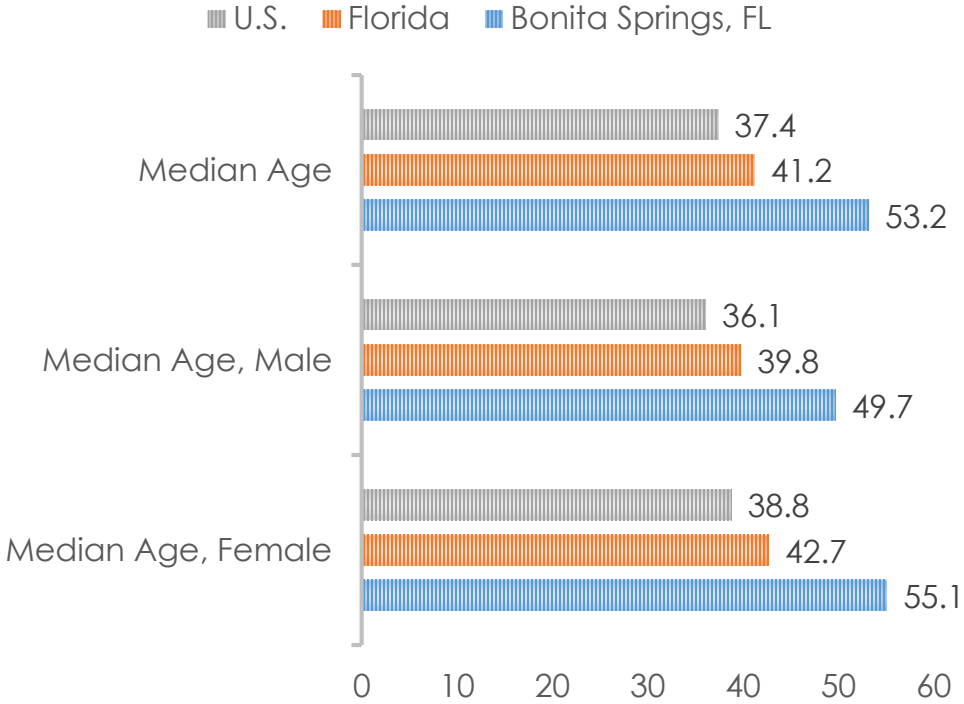


1.3 Community Profile

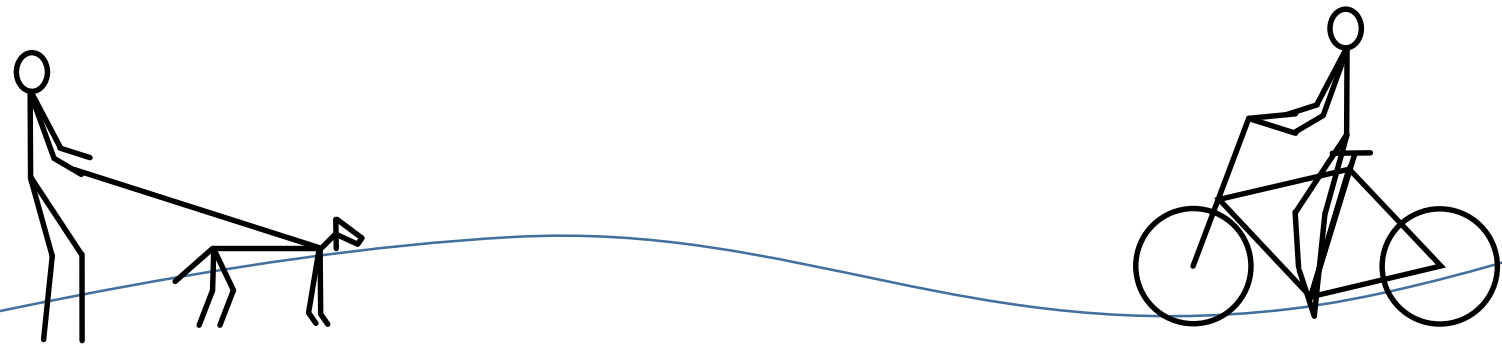
The City of Bonita Springs is located in Lee County, Florida. The City holds about 7.2 percent of the population of Lee county. According to the 2010 Census, the population density of Bonita Springs is approximately 1.5 times greater than that of Lee County. Since the year 2000, the population of Bonita Springs has grown approximately 41 percent.

Community	Land Area (Square mile)	2010 2014 Population	Population Density (Per Square Mile)	Population Growth (%) (Since 2000)
Bonita Springs	38.60	46,384	1137.7	41.13
Fort Myers	39.96	66,167	1559.1	37.25
Lee County	784.51	647,554	788.7	46.87
Florida	53,625	19,361,792	350.6	21.14
USA	3,531,905.43	308,745,538	87.4	11.61

Source: <http://www.usa.com>; <http://www.census.gov>



About half of the population **(48%) is over 55 years of age**. The **Median Age is 53**, compared to 37 for the U.S. Therefore, the multimodal network should accommodate for the needs of older adults.

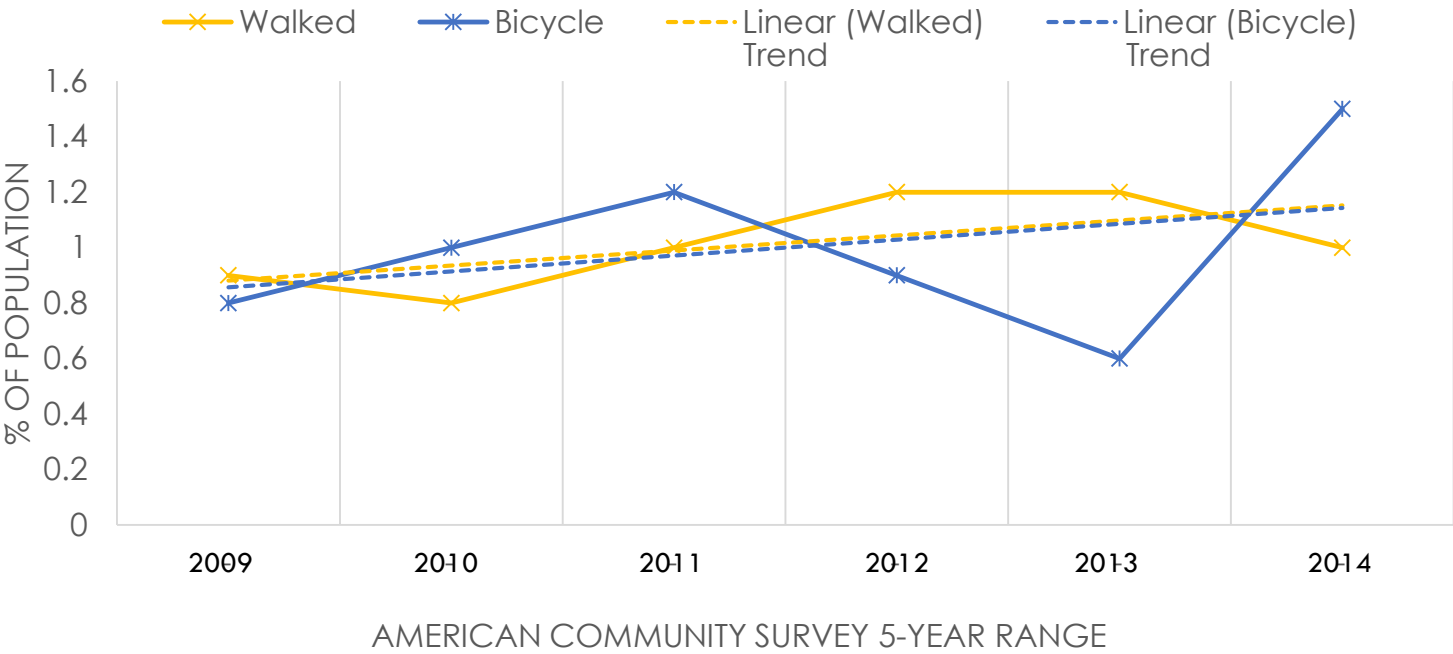


According to the 2014 American Community Survey, 2.6 percent of the population (16 years of age or over) commutes to work by public transit, 1 percent walks to work, and 1.5 percent bikes to work. Additionally 7.6 percent works from home.

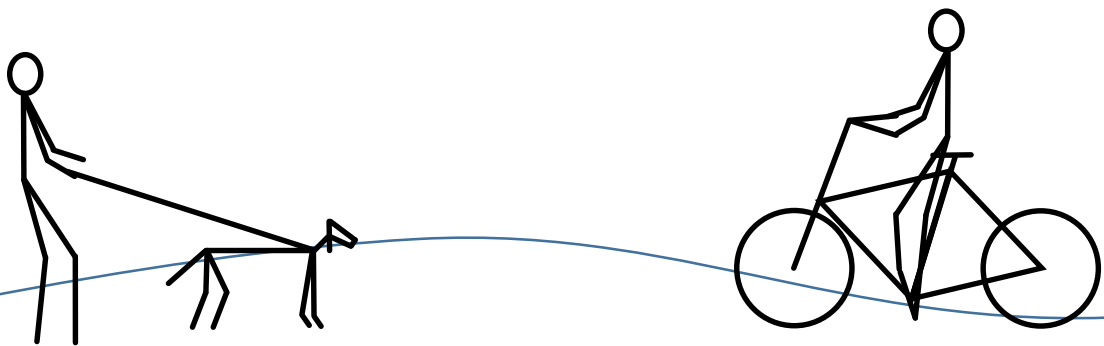
Travel Mode	2009	2010	2011	2012	2013	2014
Drove Alone	76.5	74.7	73.6	72	75.3	71
Carpooled	12.6	11.6	12.1	11.2		11.3
Public Transportation (excluding taxicab)	0.6	1.6	1.8	3	2.1	2.6
Walked	0.9	0.8	1	1.2	1.2	1
Bicycle	0.8	1	1.2	0.9	0.6	1.5
Taxicab, motorcycle or other means	0.9	2.2	2.6	2.6	4	5.1
Worked at home	7.8	8.1	7.7	9.1	7.3	7.6

Source: <http://www.census.gov>

LINEAR INCREASING TREND OF WALKING AND BIKING



The data shows that the mode share for walk to work rates and bike to work rates has an increasing trend. Similarly, the amount of people **driving to work alone has diminished from 76.5 percent in 2009 to 71 percent in 2014.**



1.4 Benefits of Walking and Biking

Non-motorized forms of transportation have many benefits that can impact a community's quality of life.



Source: <http://la.streetsblog.org>



Source: <http://bloximages.chicago2.vip.townnews.com>



Source: <http://www.vivacity-peterborough.com>



Source: <https://upload.wikimedia.org>

Improved mobility

Building a multimodal transportation network provides alternative modes of transport that are accessible to a wide range of users, including older adults and children who may not have access to a vehicle. Additionally, encouraging walking and biking has the potential to reduce motorized vehicle trips and increase capacity on the road.

Health

Increased walking and biking can impact physical activity levels and in turn, physical and mental health.

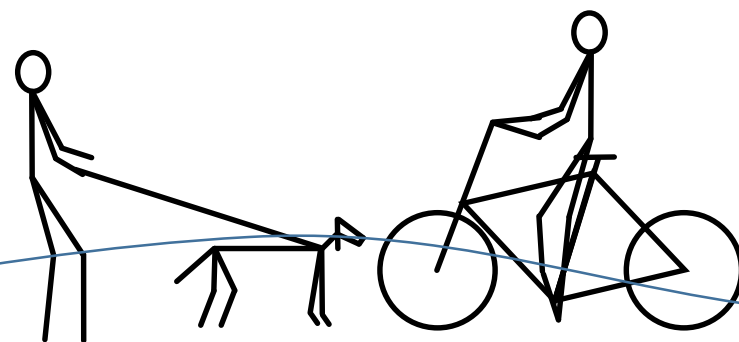
Environmental

The use of motorized vehicles is a major contributor to greenhouse gas emissions and environmental pollution. The use of non-motorized modes of transportation can reduce environmental pollution and strengthen the connection with nature.

Economic

Pedestrian and bicycle friendly places benefit from increased activity on the roadway, which may generate revenue for local businesses. Additionally, streetscape improvements and other amenities help to create a sense of place, which increases property values and attracts visitors and can increase revenue.

All of these benefits can enhance the character of Bonita Springs and help to make it a top destination.



1.5 Vision and Goals

VISION

The vision of this masterplan is to create a PATH for all forms of mobility.

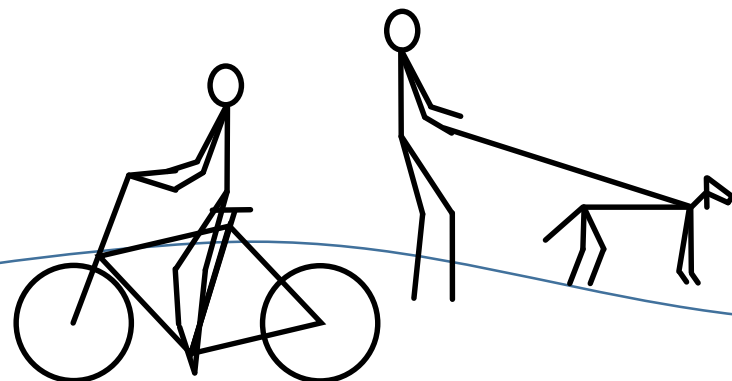
GOALS

Place: create a sense of **Place**, emphasizing the City of Bonita Springs as a livable, walkable community, with consideration to the aesthetic quality of transportation facilities

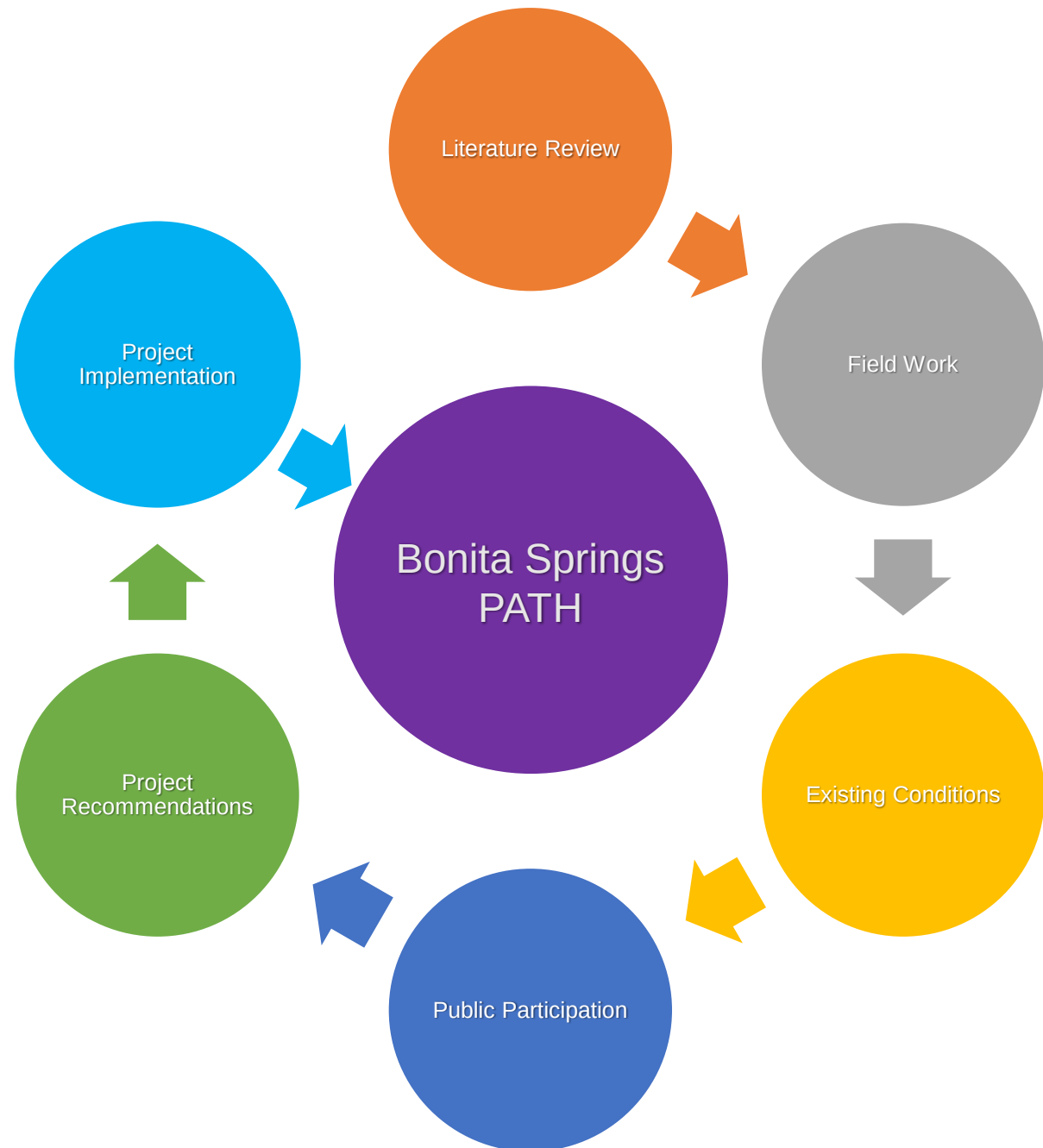
Access: provide **Access** to points of interest within the City and across City boundaries

Travelways: build and enhance **Travelways** that are safe and efficient for users of all modes of transportation, including bicyclists and pedestrians

Harmony: foster **Harmony** among users with different trip purposes and tolerances of traffic stress



1.6 Planning Process



Literature Review: The first step of the master planning process involved a literature review of existing plans, including the Key Corridor Evaluation, the Visioning Study for Bonita Beach Road and other relevant plans and data from Lee County and the Lee County Metropolitan Planning Organization (MPO). Additionally, demographic information was gathered from the US. Census.

Field Work: The project team performed field visits to gather information on existing pedestrian, bicycle, and transit facilities along the subject corridors. Key points of interest within the city were also identified.

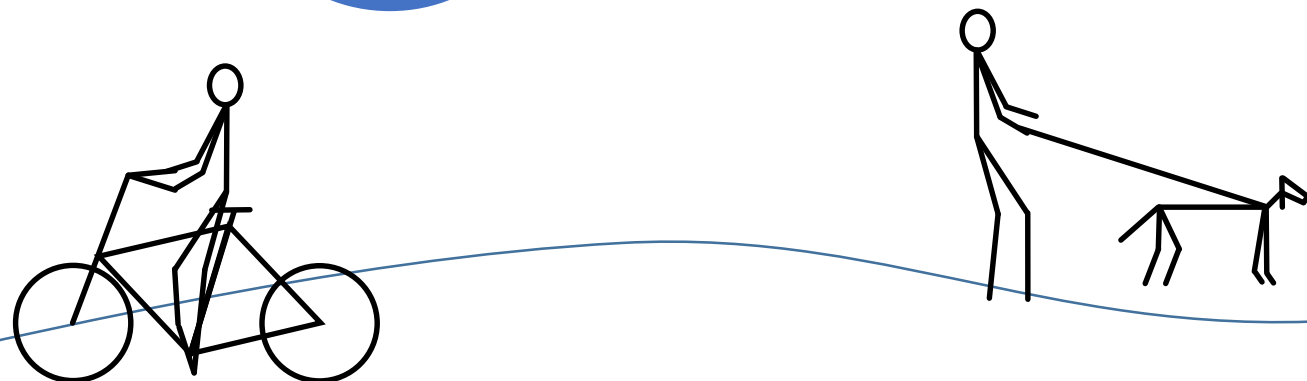
Existing Conditions: An inventory of existing facilities was created and analyzed to identify gaps in the network.



Public Participation: The existing conditions were used as the framework for the public involvement process. A public workshop was held at the City of Bonita Springs Recreation Center, where stakeholders were invited to attend and provide input on existing and potential future bicycle and pedestrian facilities. Questionnaires were also distributed through the Café of Life organization for public input.

Project Recommendations: The information gathered during the literature review, field visits, existing inventory, and public involvement process were utilized to create a master plan vision for the City of Bonita Springs. This was composed of separate plans for each facility type and graphical representation of existing, enhanced, and proposed facilities.

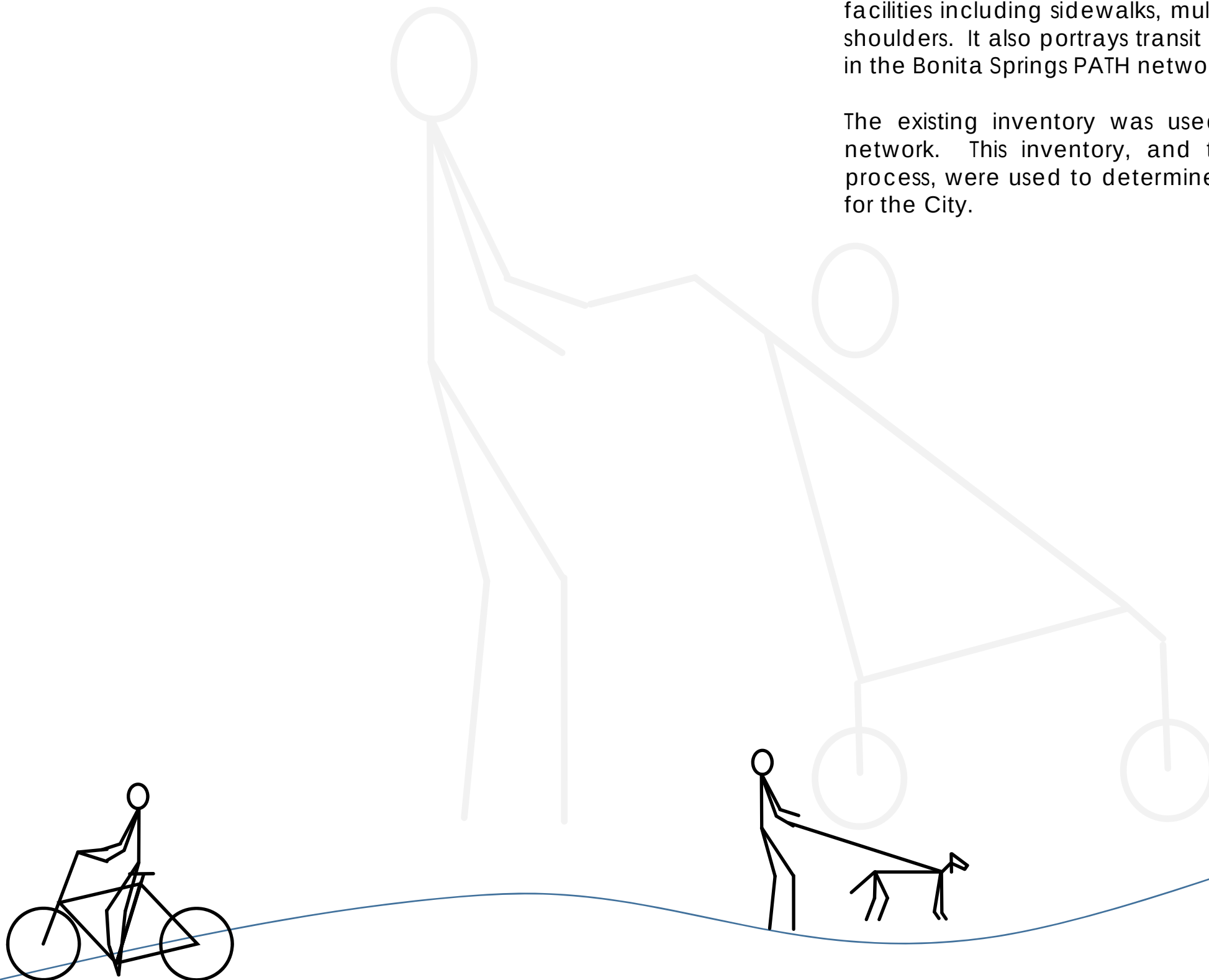
Project Implementation: Finally, priority factors, sample unit costs, and possible funding sources were identified to assist in the implementation of the Bonita Springs PATH.



2.0 Needs Assessment

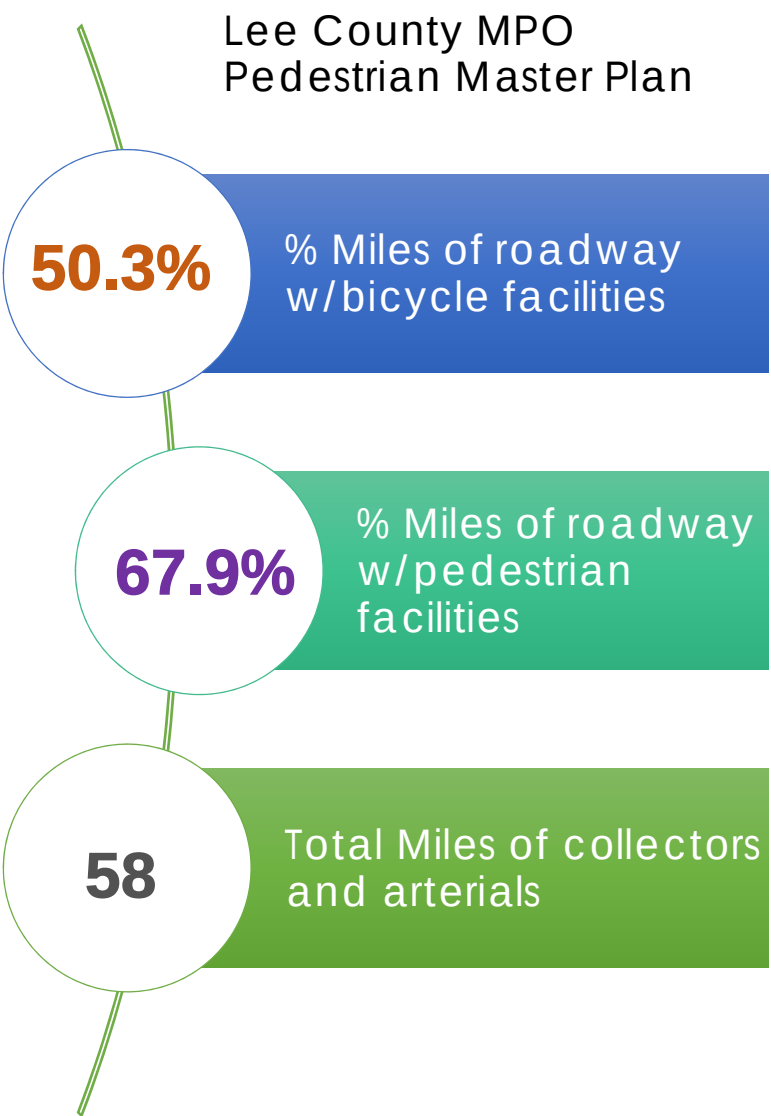
This chapter depicts the **existing conditions** for a variety of pedestrian and bicycle facilities including sidewalks, multi-use trails (shared-use paths), bike lanes and paved shoulders. It also portrays transit routes and points of interest that are important nodes in the Bonita Springs PATH network.

The existing inventory was used to analyze and identify gaps in the multimodal network. This inventory, and the data gathered during the public involvement process, were used to determine needs and opportunities, and form the master plan for the City.



2.1 Subject Corridors

Subject corridors are comprised of arterials, collectors and strategically important local City streets. A list of subject corridors was developed by City staff. The following corridors were evaluated:

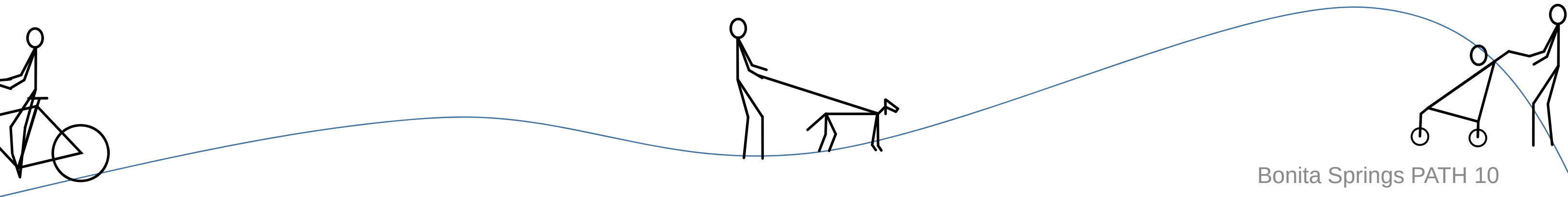


North/South Corridors

- Hickory Boulevard
- Vanderbilt Drive
- Windsor Road
- US-41/Tamiami Trail
- Arroyal Road
- Wisconsin Street
- Michigan Street
- Pine Avenue
- Old 41 Road
- Paradise Road
- Matheson Avenue
- Imperial Parkway
- Southern Pines Drive
- Kent Road
- Bonita Grande Drive
- Logan Boulevard

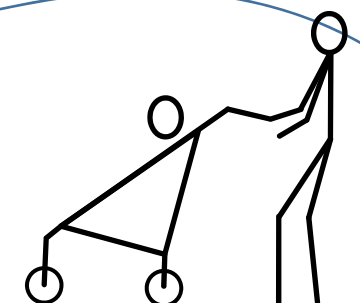
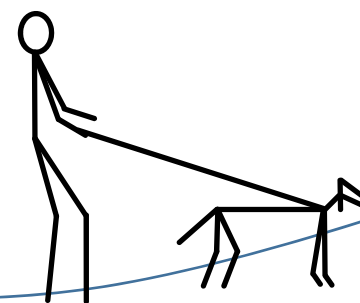
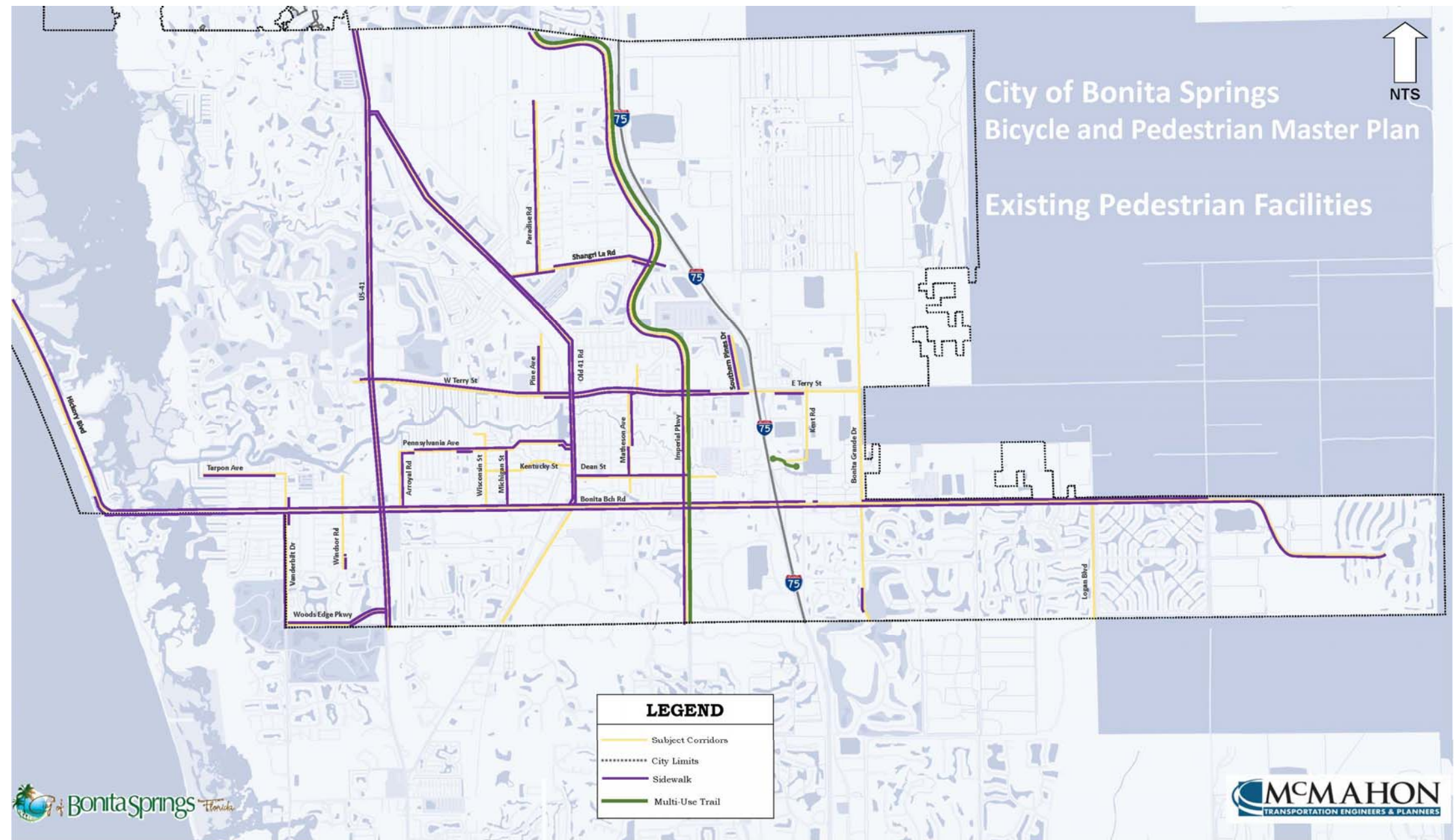
East/West Corridors

- Woods Edge Parkway
- Bonita Beach Road
- Tarpon Avenue
- Dean Street
- Kentucky Street
- Pennsylvania Avenue
- Terry Street
- Shangri-La Road

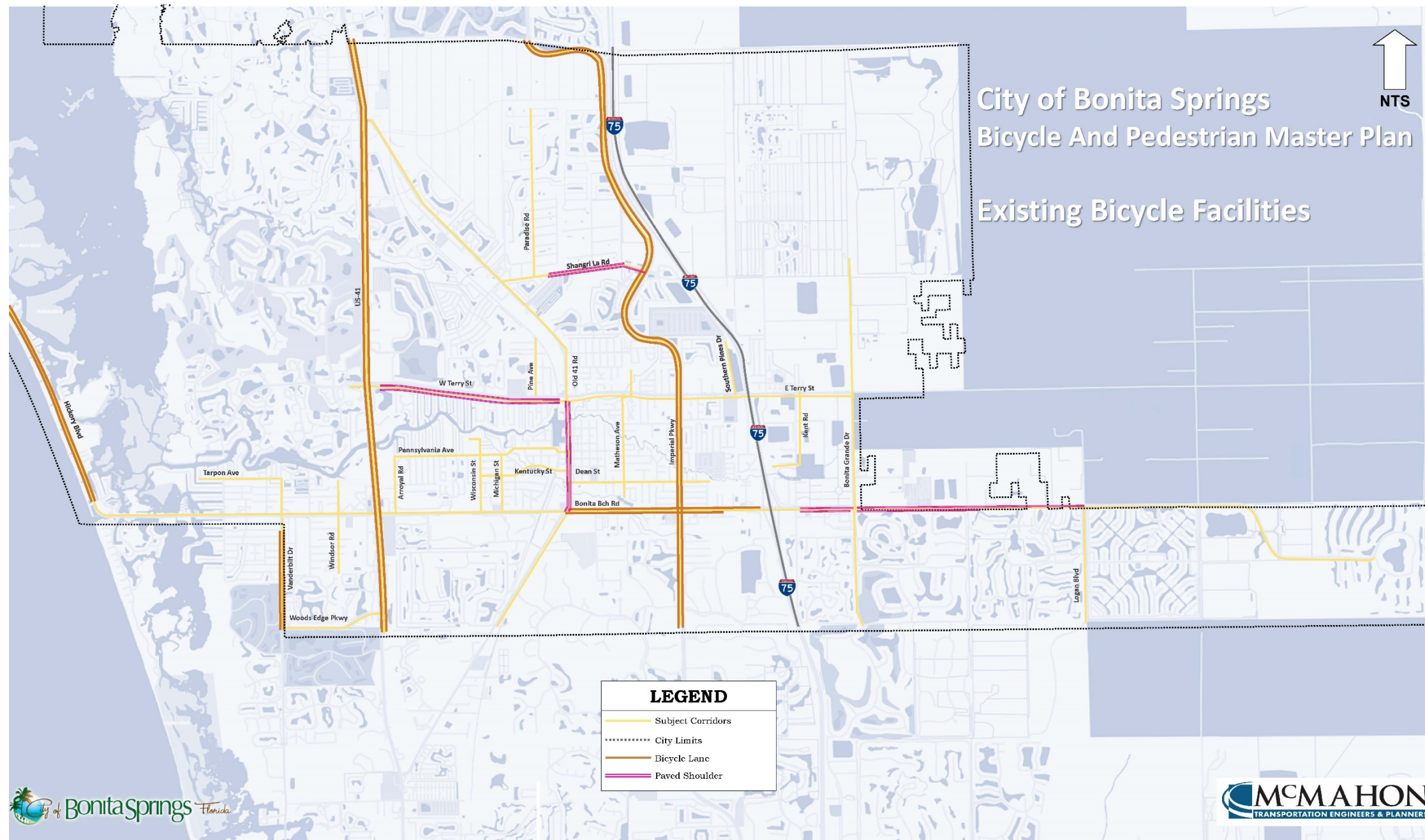


2.2 Existing Pedestrian Facilities

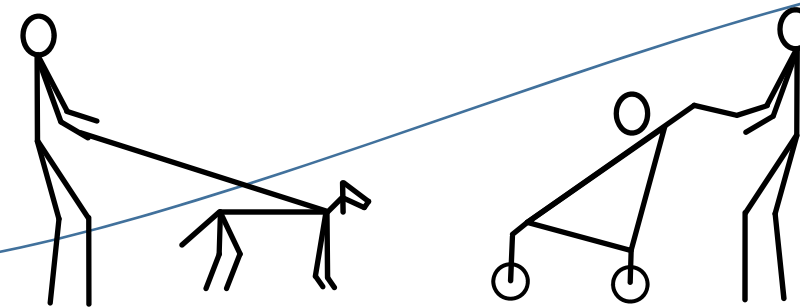
This map shows the existing sidewalk and multi-use trail routes in the City. Most of the subject corridors have sidewalks along at least one (1) side.



2.3 Existing Bicycle Facilities



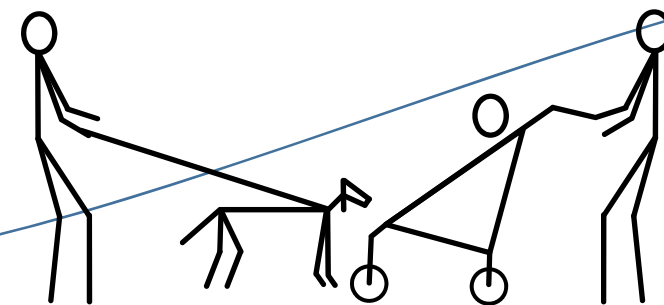
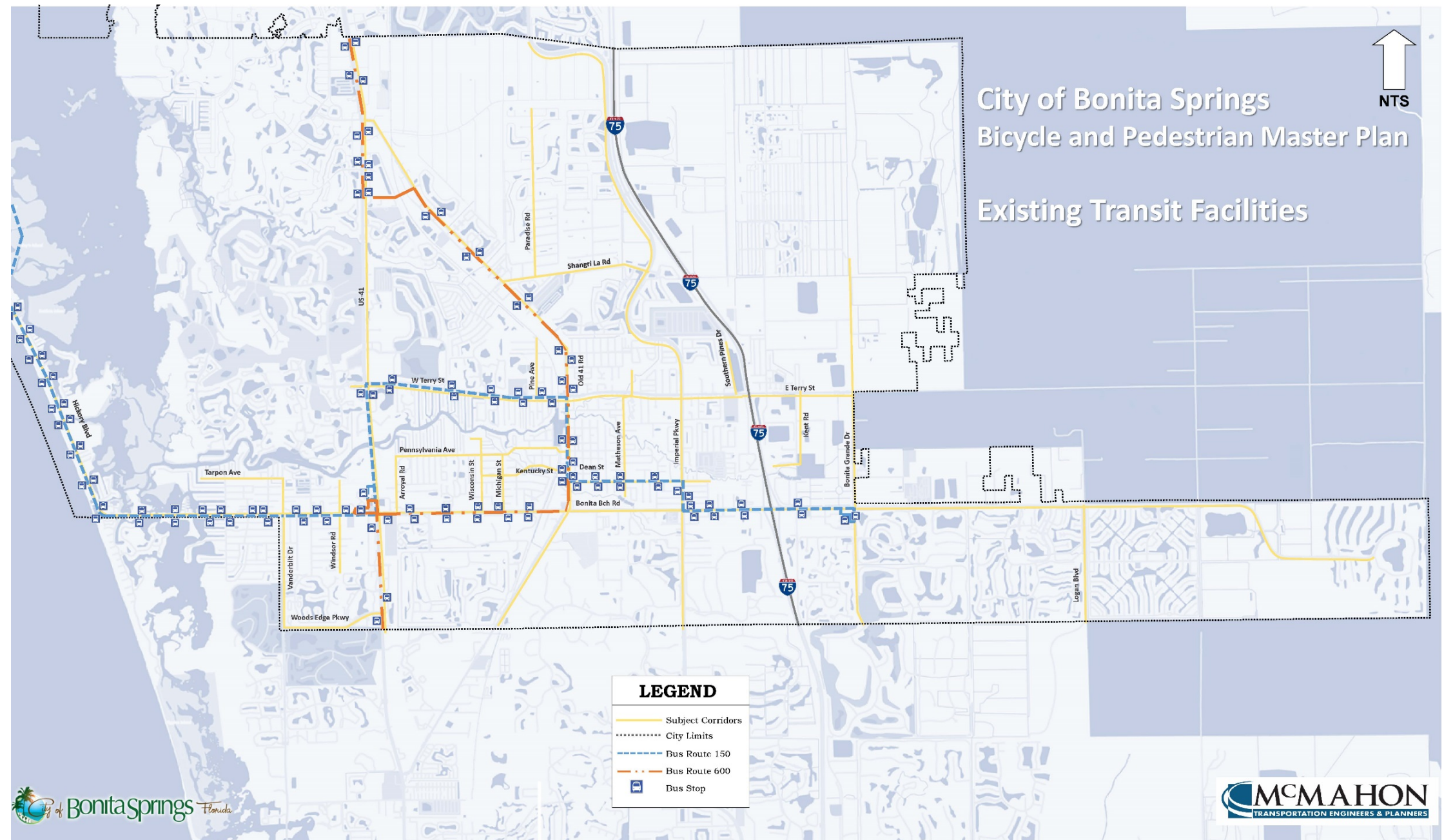
This map shows the existing bicycle lanes and paved shoulder routes in the City. Bicycle lanes currently exist along Imperial Parkway, US-41, Vanderbilt Drive, Hickory Boulevard, and portions of Bonita Beach Road. Segments of Terry Street, Old 41 Road, Shangri-La Road, and Bonita Beach Road have paved shoulders.



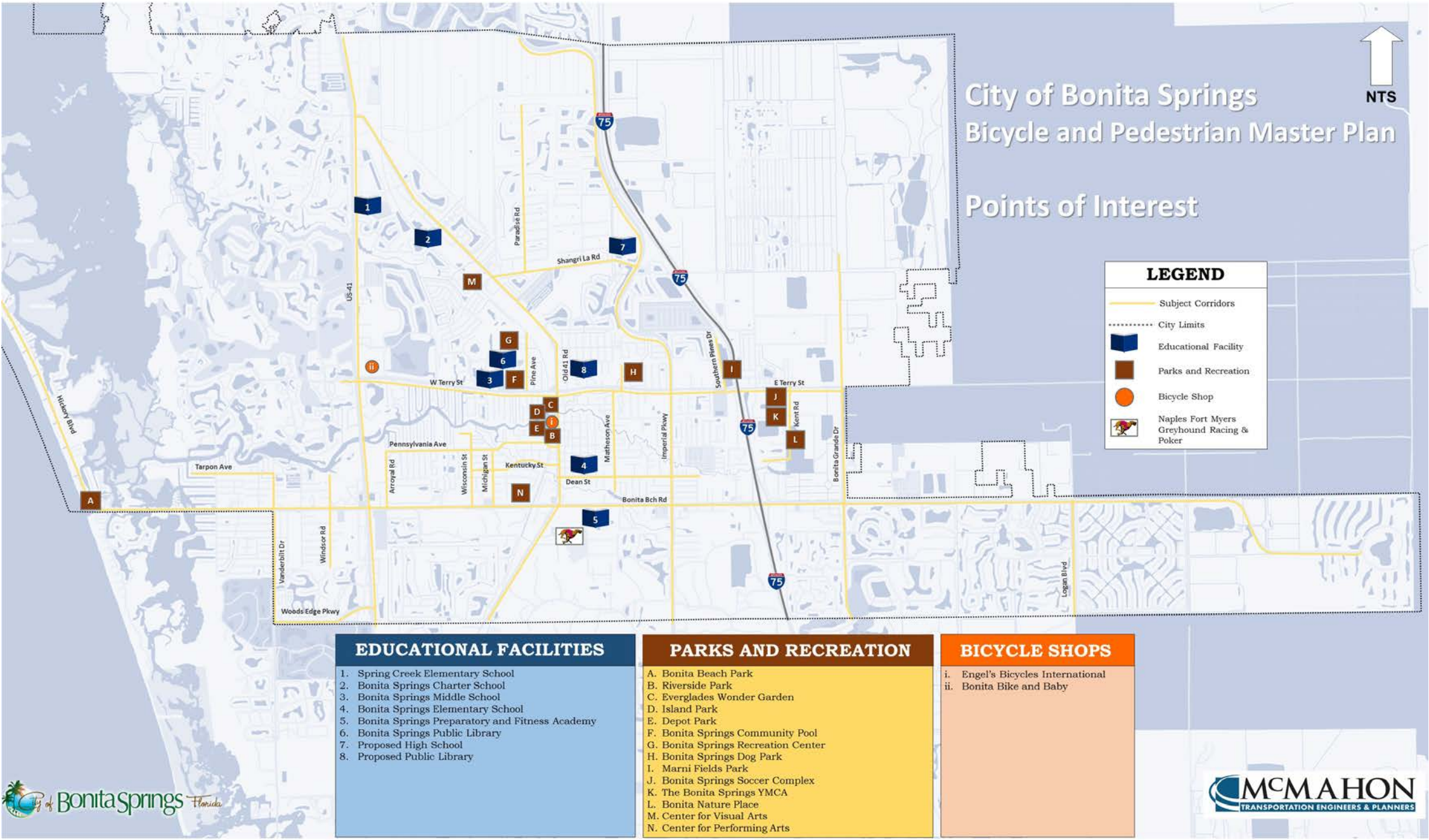
2.4 Existing Transit Facilities

Currently, two (2) Lee Tran bus routes serve the City of Bonita Springs, these include 150 Summer and 600. Route 150 Summer operates between April 28th and January 4th. It generally runs east/west through the City along Bonita Beach Road, Dean Street, and West Terry Road, as well as parts of Imperial Parkway, Old 41 Road and US 41, and continues north along Hickory Boulevard. Route 600 runs north/south along US 41 and Old 41 with a connection along Bonita Beach Road.

These routes connect to most of the major interest points within downtown and provide access to beach areas, parks and schools. They also have connecting transfer points, which facilitate the use of both routes for residents and visitors.



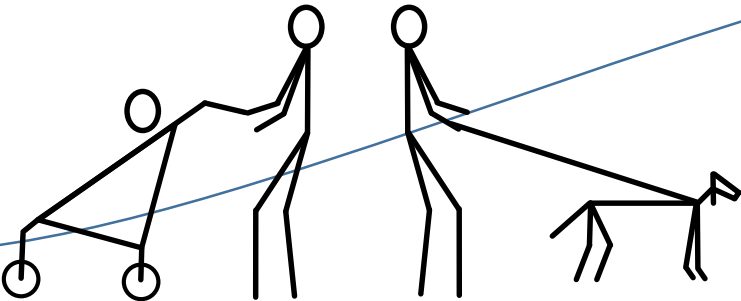
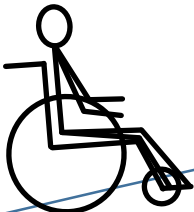
2.5 Points of Interest



This map shows the major points of interest in Bonita Springs, including educational facilities, parks and recreational facilities, and bicycle shops that are available to the community.

A significant number of points of interests are concentrated along Old 41 Road and Terry Street. Therefore, these corridors are essential in the master planning process.

In addition to existing points of interest, a proposed high school was approved by the school board in June 2016 to be located on the northwest corner of Shangri-La Road and Imperial Parkway.



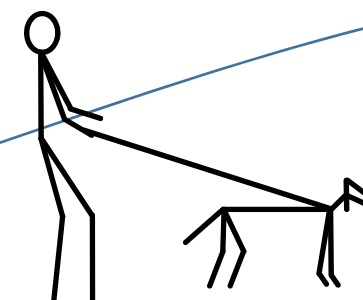
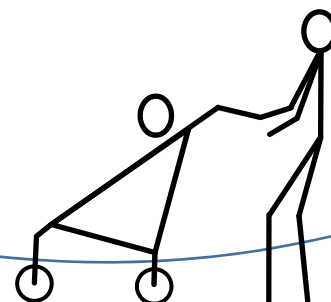
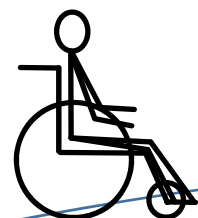
2.6 Public Involvement

A public workshop was held on March 10, 2016 at the City of Bonita Springs Recreation Center. Community residents, relevant organizations and City officials were invited to attend. The public was provided with maps of the existing network and was asked to provide input on:

- Specific routes utilized
- Major points of interest frequented
- Existing conflict points
- Desired routes and facilities

The primary goal of the workshop was to gain a deeper understanding of the collective community vision, including existing constraints, corridors that are considered priorities, and desired outcomes or preferred facilities. The attendees were asked to complete a questionnaire regarding how to improve bicycle and pedestrian facilities in the City. They were also provided with blank maps of the City roadway network where they could graphically depict their concerns on the existing network and/or ideas on improvements and desired routes. Questionnaires and blank City roadway network maps were also sent to the Café of Life organization to assist in obtaining feedback from groups unlikely to attend the public workshop. The questionnaires were prepared in English and Spanish.

The collective thoughts and ideas gathered during the public participation process are incorporated into the master plan and were used to develop proposed routes and facility types.





QUESTIONNAIRE

Bicycle and Pedestrian Master Plan Public Workshop #1—March 10, 2016

1. You are a..... (check all that apply)

☒ Full-time resident of Bonita Springs
 Which Neighborhood Sudbury Estates (Windsor Rd S of Bonita Beach Rd)

☐ Seasonal resident of Bonita Springs
 Which neighborhood _____

☐ Worker in Bonita Springs

☒ Property owner in the Bonita Springs (on Spring Creek, off Coconut W of 41)

2. My age range is (check the one that applies):

☐ 60 or above
 ☒ 30 to 39
 ☐ 14 to 20

☐ 50 to 59
 ☐ 20 to 29
 ☐ Less than 14

☐ 40 to 49

3. Transportation Options (check all that apply)

Motor Vehicles

☒ I own a car/motorcycle
 ☐ I mostly drive a motor vehicle within the City
 ☒ I rarely/never drive a motor vehicle within the City

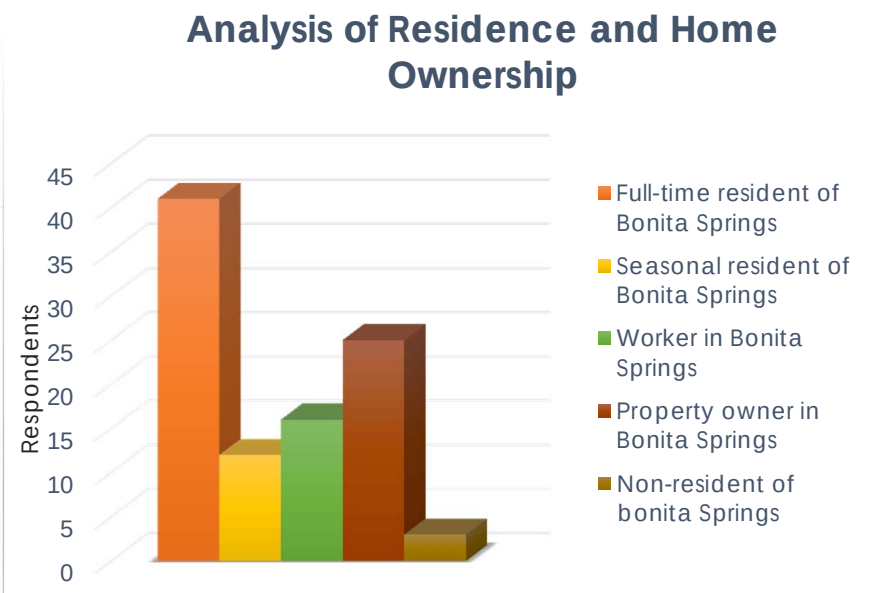
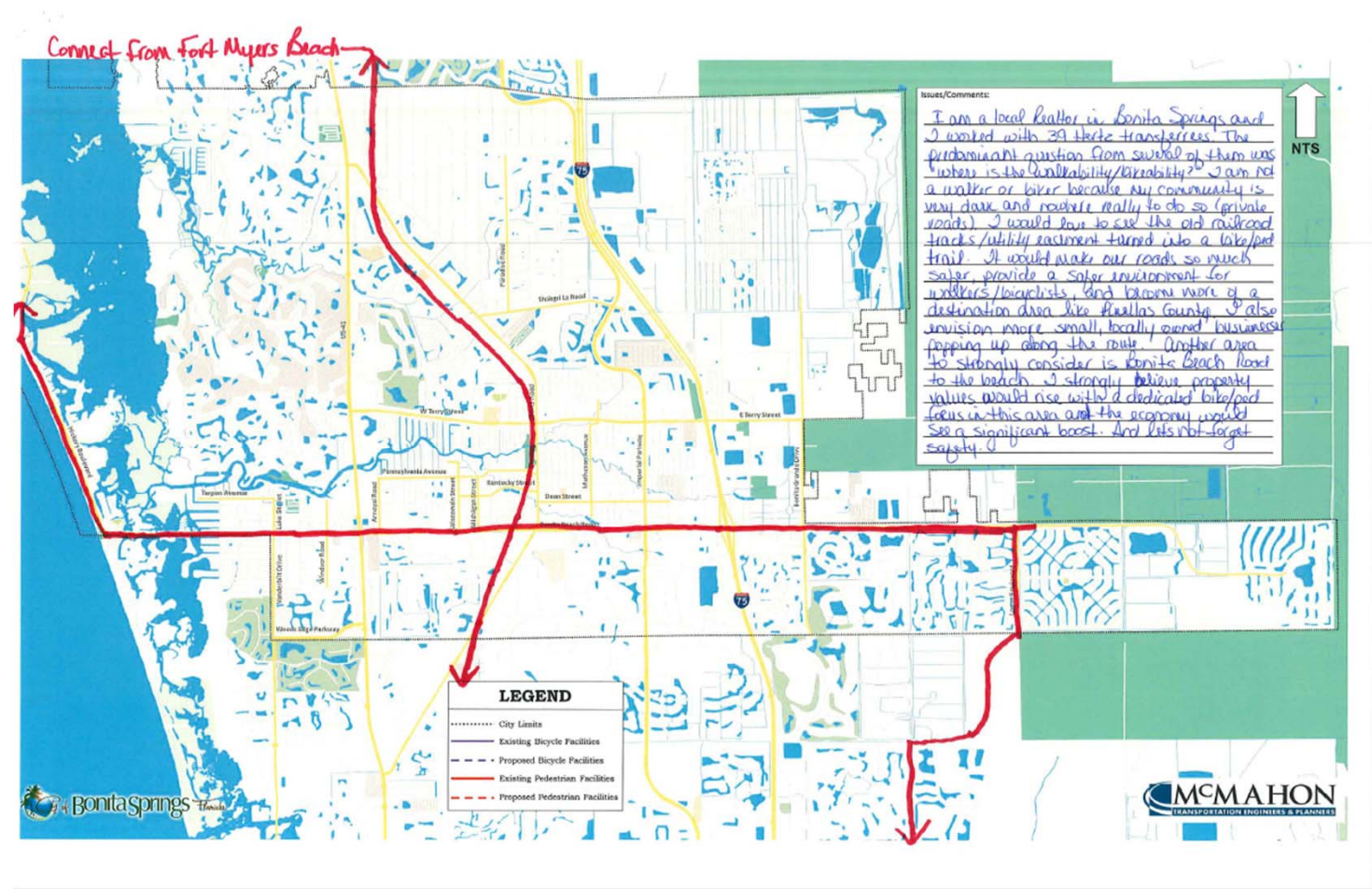
Walkers

☒ I currently walk/run along roads in the City
 ☐ I am an off-road/trail walker
 ☐ I rarely/never walk/run along roads in the City

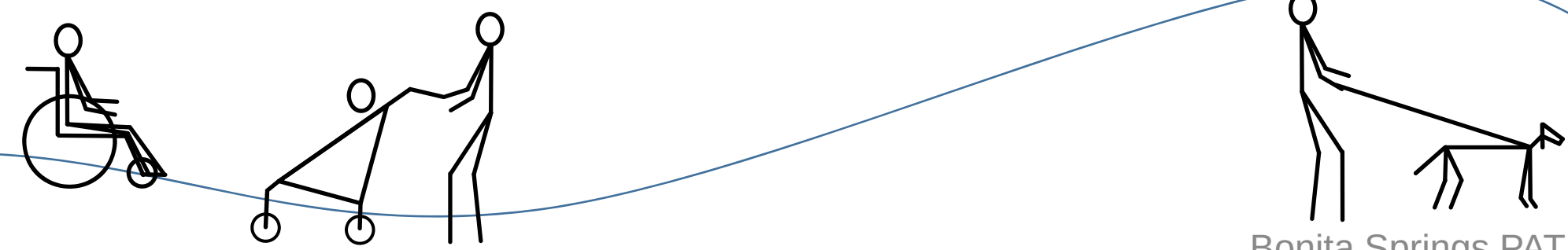
Bicycle Riders

☐ I am comfortable riding along paved roads in the City today (and sidewalks)
☒ I ride paved roads but would feel more comfortable not having to ride with motor vehicles
 ☐ I am an off-road/trail bicycle rider
 ☐ I am not a bike rider

Page 1



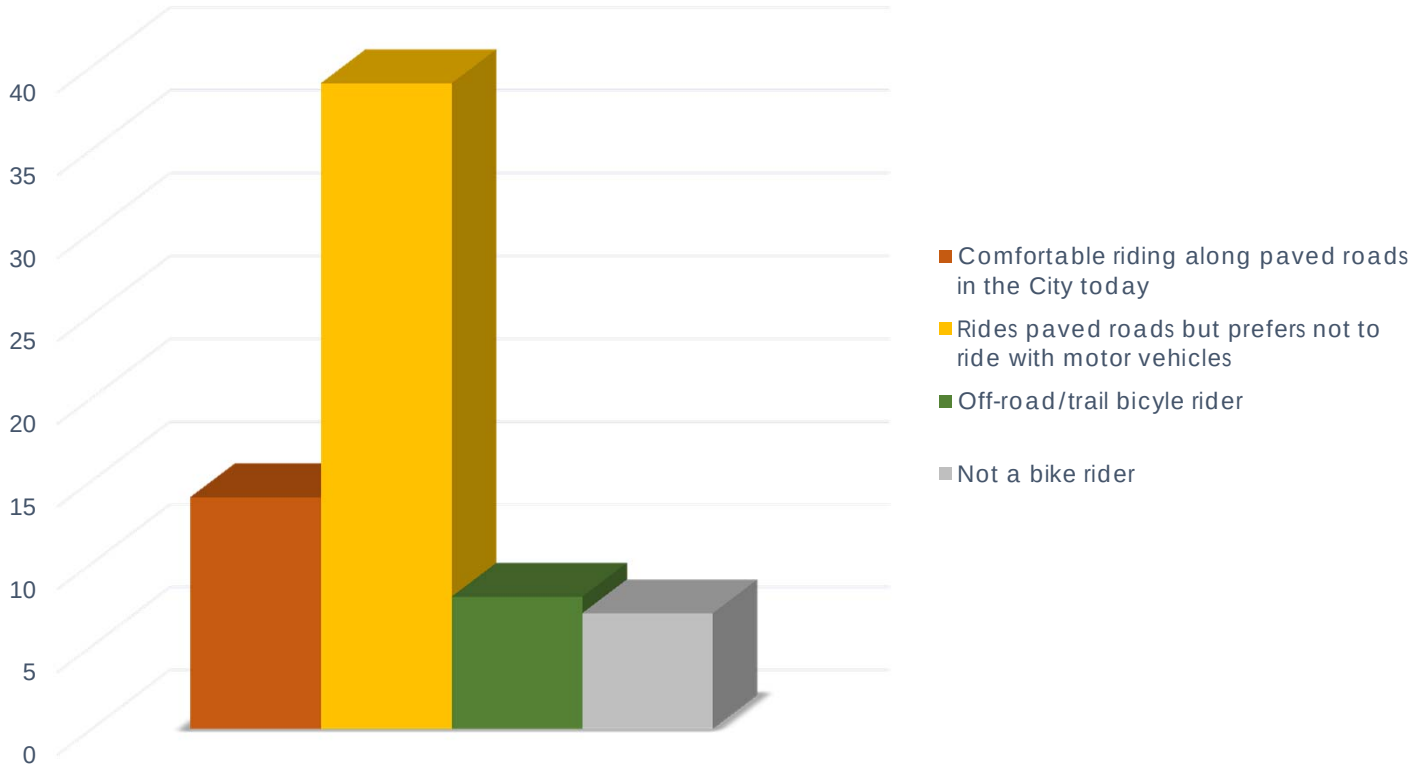
A total of 61 questionnaires were submitted through the public participation process. The majority of the respondents, approximately 67 percent, indicated that they were full-time residents of the City of Bonita Springs.



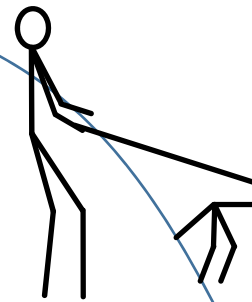
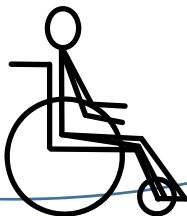
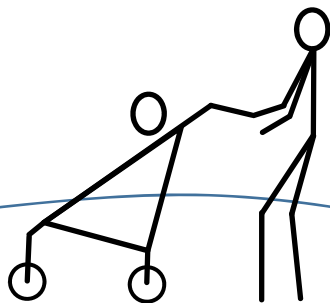
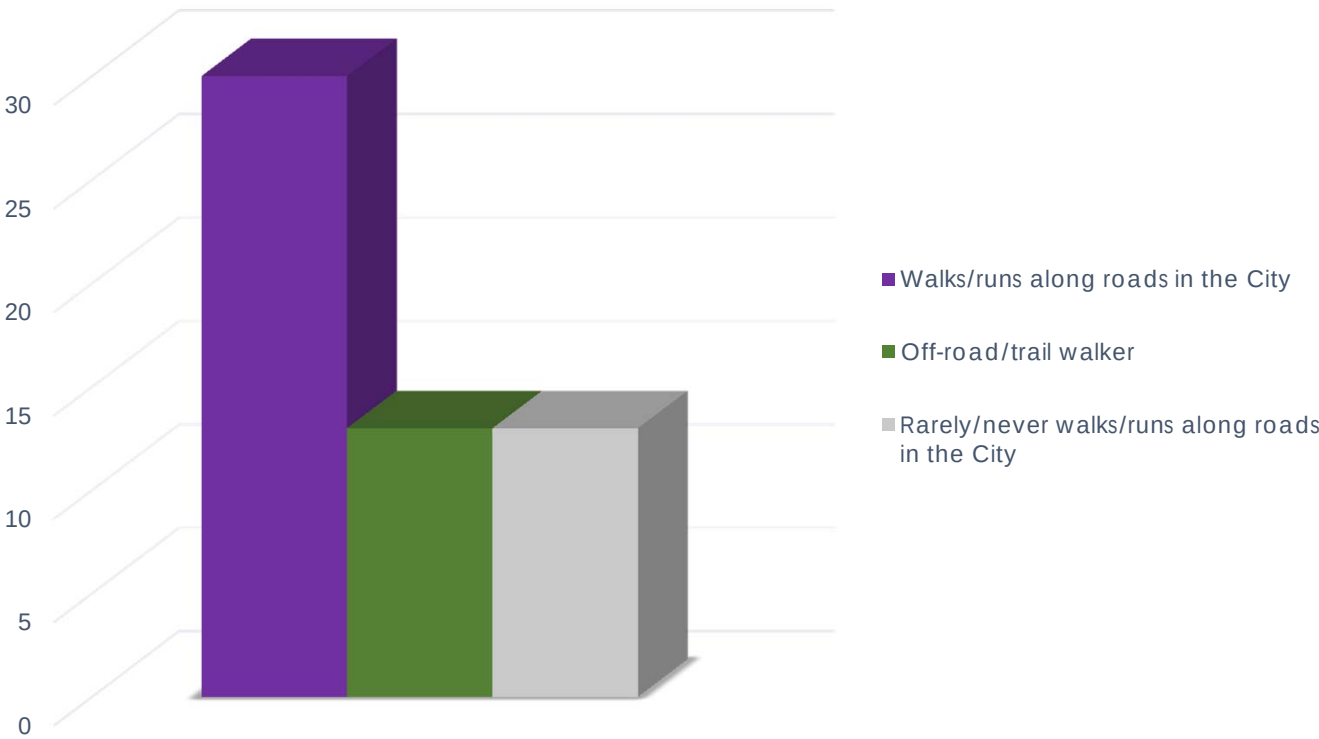
Bonita Springs PATH 16

The results of the public involvement process indicate that a majority of residents own a car and driving a motor vehicle is their primary mode of transportation. Almost 90 percent of respondents ride a bicycle in some manner. Responses show a preference for bicycle facilities that limit exposure to motor vehicles. This may include separated bike paths or multi-use trails that allow users to ride their bikes away from paved roads. Some attendees, however, specifically indicated that they would only ride their bicycle on the roadway. A high percentage of respondents also walk or run along City roads. Therefore, closing key gaps in the pedestrian network is of great importance.

Analysis of Bike Ridership



Analysis of Walkers/Runners



Using the provided maps, workshop attendees identified key routes and gaps in the existing pedestrian and bicycle network. Participants indicated that they would like to see additional bicycle facilities along the following roadways:

- Terry Street
- Shangri-La Road
- Bonita Beach Road
- Old 41 Road

Some additional comments included:

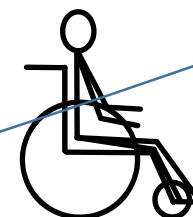
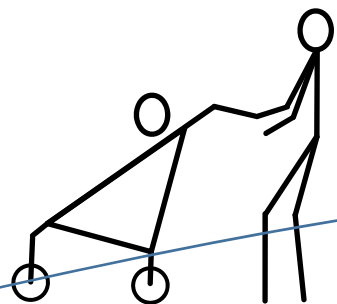
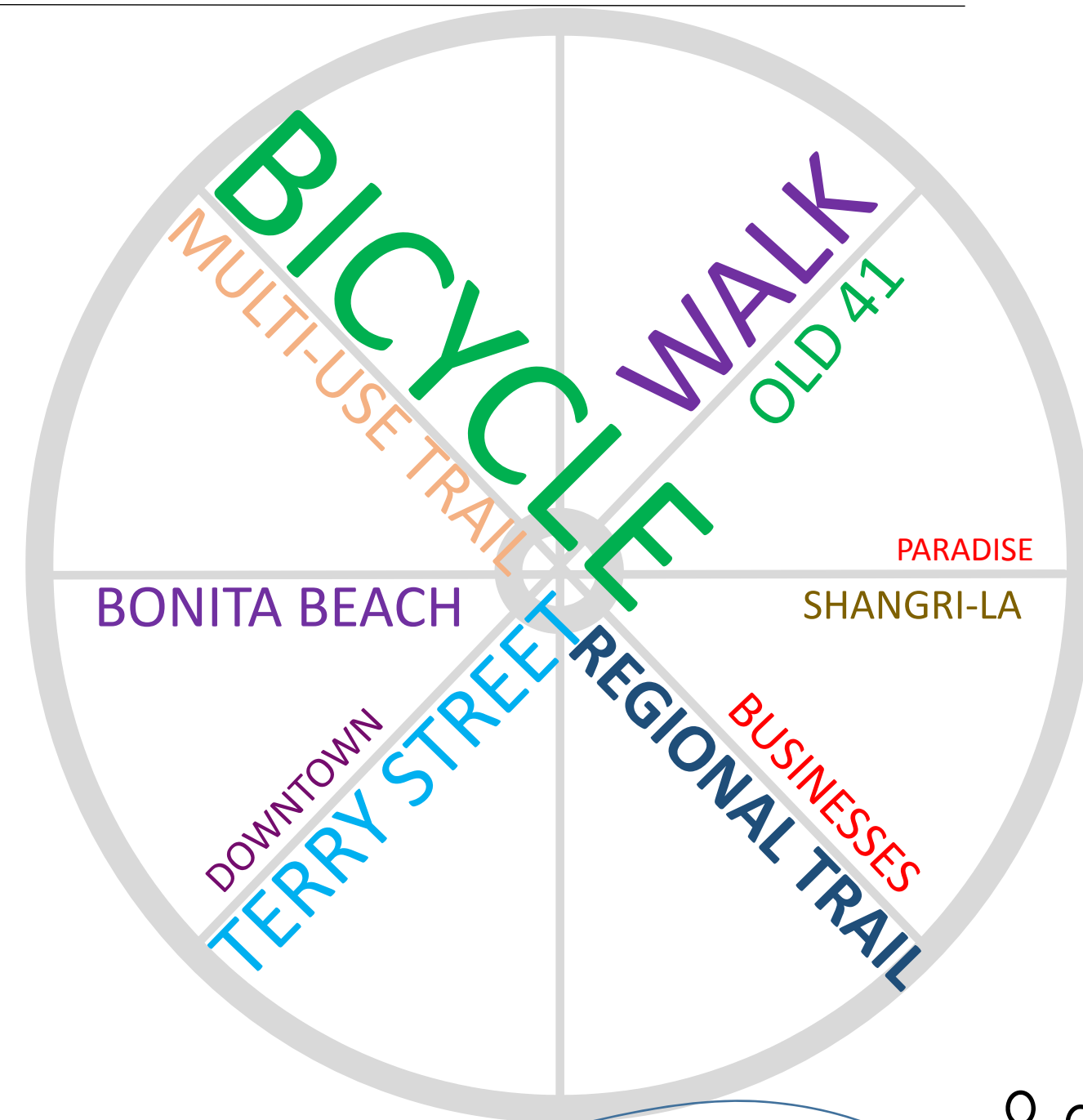
- Hickory Boulevard was mentioned as a common bicycle route.
- The community desires continued bicycle facilities south of the City limit.
- Several people supported the addition of a regional trail along the existing railroad.

Several workshop participants mentioned the desire for pedestrian facilities along:

- Terry Street
- Bonita Beach Road
- Old 41 Road

Several people mentioned the desire for more multi-use trails and larger sidewalks.

Stakeholder input also included conversations with Lee County MPO staff. The MPO is interested in a regional trail that connects the City of Tarpon Springs with Naples and runs through the City of Bonita Springs. Their preferred alignment would include portions of the railroad right-of-way and Florida Power and Light easements.

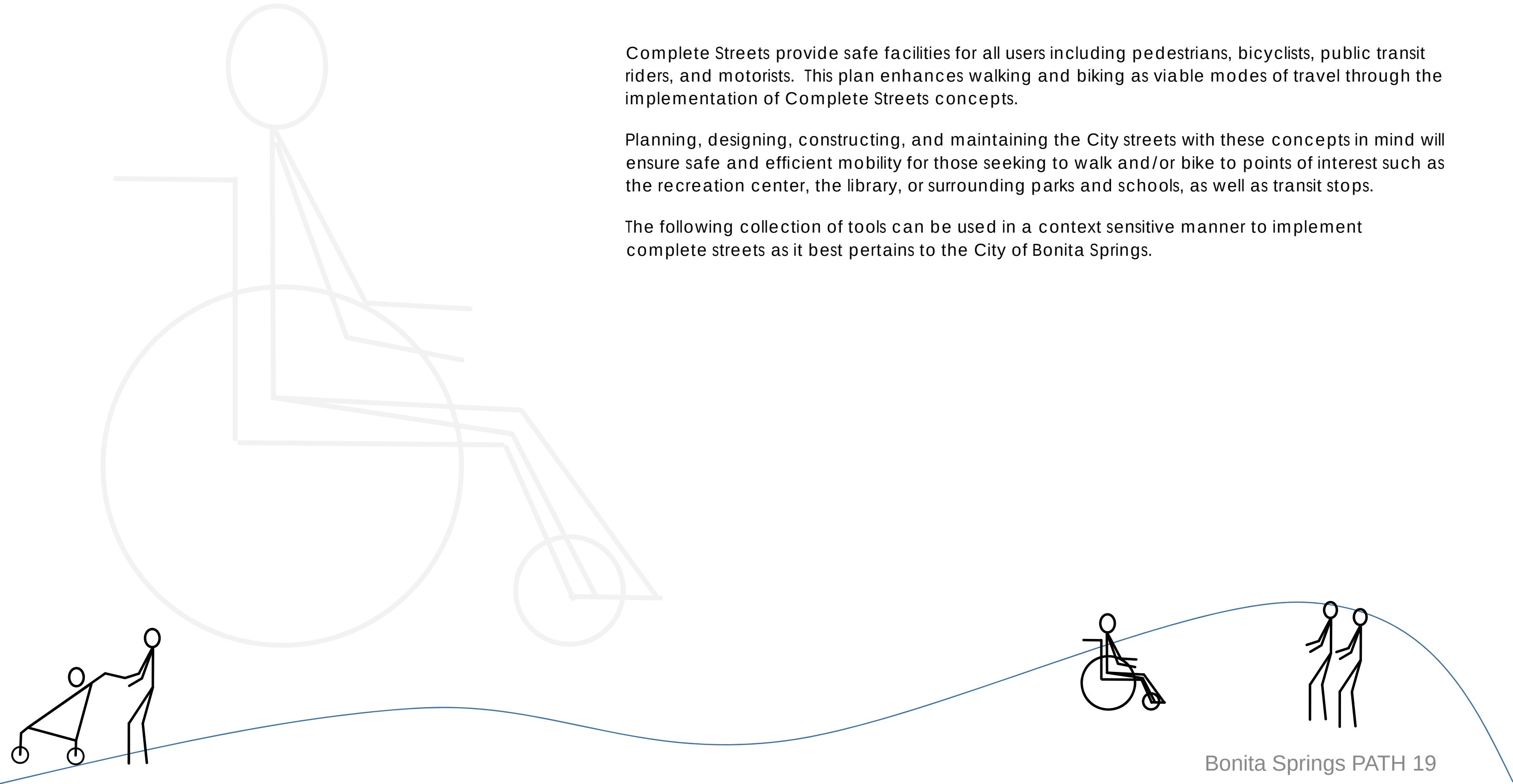


3.0 Multimodal Transportation Toolbox

Complete Streets provide safe facilities for all users including pedestrians, bicyclists, public transit riders, and motorists. This plan enhances walking and biking as viable modes of travel through the implementation of Complete Streets concepts.

Planning, designing, constructing, and maintaining the City streets with these concepts in mind will ensure safe and efficient mobility for those seeking to walk and/or bike to points of interest such as the recreation center, the library, or surrounding parks and schools, as well as transit stops.

The following collection of tools can be used in a context sensitive manner to implement complete streets as it best pertains to the City of Bonita Springs.

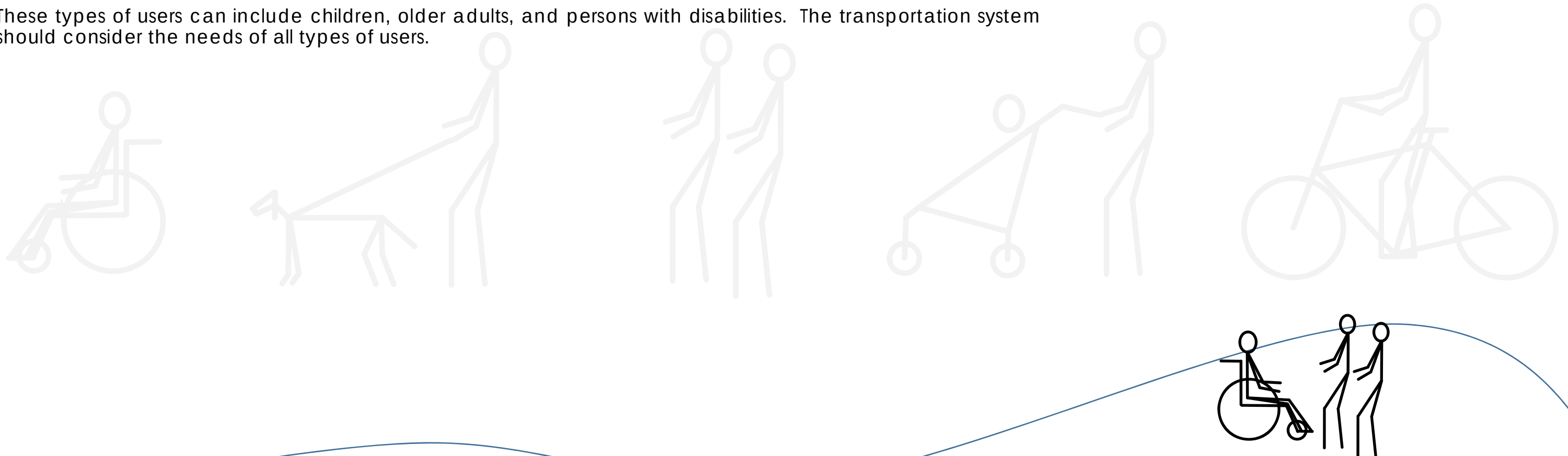


3.1 System Users

When creating a multimodal transportation system, it is important to consider the diversity of users and the varying levels of comfort using certain facilities.

- **Pedestrians:** This group may include people walking to their destinations, running/jogging, or accessing transit.
- **Advanced Bicyclists:** This group usually bikes on a regular basis for commuting, fitness and recreational purposes. Bikers in this group prefer the fastest, most direct route and often prefer on-street facilities, such as bicycle lanes, paved shoulders, and shared lanes (signage and/or sharrows).
- **Occasional Bicyclists:** This group includes less experienced bikers, who prefer off-road facilities or low speed, low volume routes that minimize conflict with vehicles. Off-road facilities include multi-use trails, paths and separated bike paths.

These types of users can include children, older adults, and persons with disabilities. The transportation system should consider the needs of all types of users.



3.2 Pedestrian Facilities



Sidewalk

A paved pathway parallel to a roadway and physically separated from vehicular traffic that is intended for use of pedestrians. Sidewalks must typically be at least five feet (5ft) wide to comply with ADA, but are often wider with spaces for landscaping, street lighting and other street furniture. However, a reduced four-foot width can be provided under certain conditions



Path

A side path (or an off-road path) can be paved or unpaved and is often an appropriate facility to accommodate pedestrians in rural and low-density suburban areas. Typically, paths are not placed adjacent to a roadway, but rather offset by a natural buffer area or swale. In many cases, paths can deviate from their proximity to the roadway particularly in order to provide a more direct pedestrian route.



Crosswalk

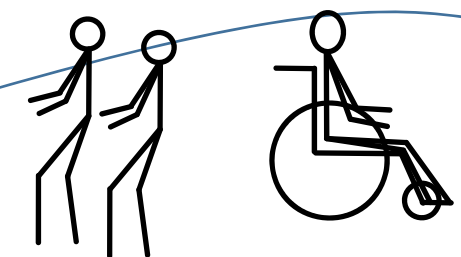
A designated pedestrian area for crossing a roadway. At an intersection, crosswalks serve as an extension of the sidewalk or connection of pedestrian facilities. At signalized intersections, accommodations such as pedestrian signal heads and phasing, pedestrian actuated push buttons, and ADA handicap ramps may be installed to enhance safety and comfort. At mid-block crossings, safety enhancements such as raised surfaces and signalized features can be implemented. Some such features are Rectangular Rapid Flashing Beacons (RRFB), and Pedestrian Hybrid Beacons (HAWK).

Multi-Use Trail

A multi-use trail or shared-use path is a facility that is physically separated from the roadway and typically accommodates bi-directional travel by both bicyclists and pedestrians. The path can be situated within publicly owned right-of-way, an exclusive right-of-way, or an easement. Shared use paths typically have hard surfaces and a recommended width per AASHTO of 10 feet or wider for high-use facilities (a minimum eight-foot [8ft] width can be used where space is constrained). Some off-road trails do, however, restrict certain user types due to trail width, surface, topography, condition and potential user conflicts.



Source: <http://www.bikeflorida.net>





Source: <http://www.pedbikesafe.org>

Rectangular Rapid Flashing Beacons (RRFB)

These are warning beacons that supplement standard pedestrian crossing warning signs at school or pedestrian crossings. They use a rapid flashing frequency of about 190 times per minute. The flashing pattern may be activated using push buttons or it can be automated. The device may be constructed using solar power.

Source: <http://www.pedbikesafe.org>



Source: <http://www.pedbikesafe.org>

Pedestrian Hybrid Beacon

This is also known as a High intensity Activated crossWalk (HAWK). It is a pedestrian activated warning beacon generally located on mast arms and best suited for use at uncontrolled crossings in multi-lane, high speed/volume roadways. The volume thresholds for this type of device are much lower than for a traffic signal. Therefore, this treatment may be used in locations where traffic signals are not warranted by MUTCD standards.

Source: <http://www.pedbikesafe.org>

Raised Intersection

This is a type of vertical speed control element where the intersection is flush with the sidewalk. This element reinforces slow speeds and encourages drivers to travel slowly through pedestrian crosswalks. The crosswalks are also elevated to the same level and do not need to be marked. The treatment for these areas may include asphalt concrete or pavers.

Source: <http://nacto.org>



Source: <http://nacto.org>

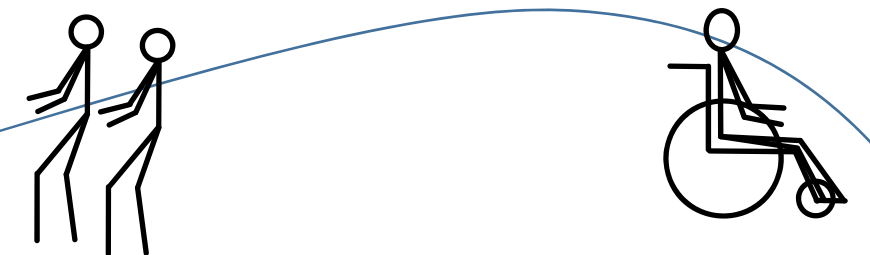
In-Pavement Lighting

This type of lighting is installed in the pavement surface. It increases the visibility and safety of pedestrians at night time. According to MUTCD guidelines, In-Pavement lighting should be installed only at marked crosswalks with applicable warning signs and they shall not be used at crosswalks controlled by yield signs, stop signs, or traffic control signs.

Source: <http://mutcd.fhwa.dot.gov>



Source: <http://www.27east.com>



3.3 Bicycle Facilities



Shared lane (Sharrow) and Signage

A roadway with travel lanes that are shared by both vehicles and bicycles. **The roadway can include signage “Share the Road” or “Bicycle May Use Full Lane,” and pavement markings to indicate shared bicycle traffic.** Sharrow pavement markings is a type of Shared Lane Marking (SLM) indicating that cyclists can use the travel lane. It helps to position bicyclists within the shared lane and ensures safe passing.



Source: <http://www.frombarbsbars.com>

Paved Shoulder

Paved shoulders provide accommodations for bicyclists adjacent to the travel lanes. They can vary in width depending on the available pavement.



Bike Lane

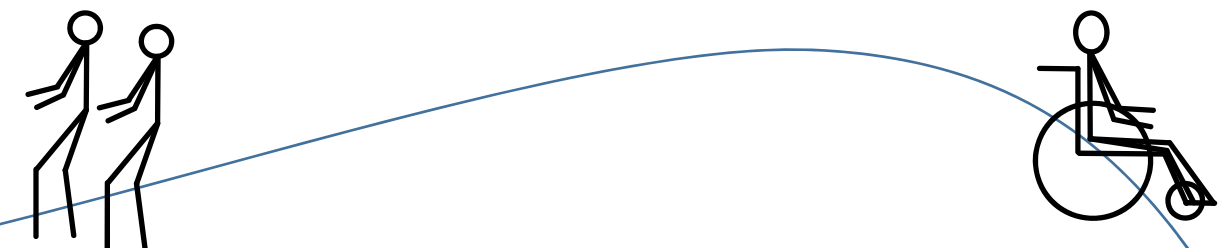
Bike lanes are designated travel lanes for exclusive use by bicyclists. Specific pavement markings and signage are required to identify the bike lane.



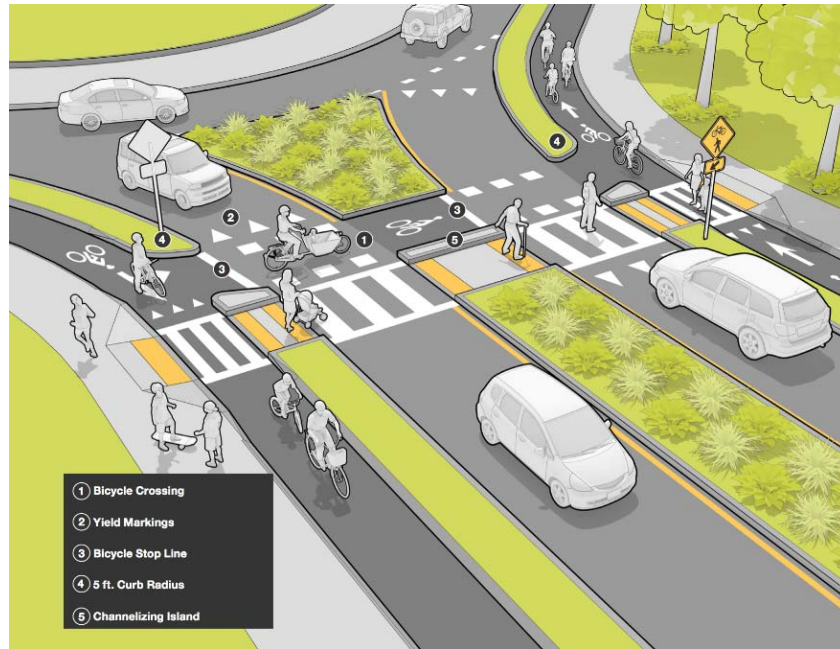
Source: <http://www.bikeflorida.net>

Separated Bike Path

Separated bike path refers to bicycle lanes that are completely separated from motor vehicles by a buffer. They usually include pavement markings or designation for bicycle travel in both directions.



3.4 Intersection Treatments



Roundabouts

Circular intersection in which traffic flows continuously in one (1) direction around a central island. They are often used for traffic calming as they reduce speeding, crash rates, and crash severity. They can be designed to be inclusive of pedestrians and cyclists with dedicated crossing paths for each user.

Source: <https://en.wikipedia.org>

Source: <https://bikeeastbay.org>



Bicycle Crossing

A designated area for bicycles to cross the roadway. These are usually located next to the crosswalk and may be applied at mid-block crossings, driveways or even signalized intersections.

Source: <http://b.3cdn.net>

Pedestrian Features

Pedestrian crosswalks with Special Emphasis markings, pedestrian signal heads with countdowns, push buttons, ADA ramps, and associated signage.

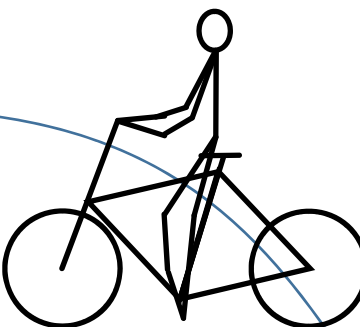
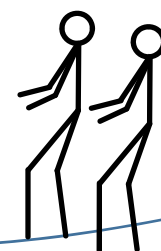


Bike Box

A designated area for bicyclists in front of vehicular travel lanes at signalized intersections to increase visibility, reduce delay, and help prevent accidents with right turning vehicles.



Source: <http://nacto.org>



3.5 Amenities



Source: <https://shutterstock.com>

Lighting

Pedestrian scale lighting improves visibility, enhances aesthetics of the roadway, and provides safety and security for pedestrians and bicyclists.



Street Vegetation

Street vegetation may include street trees, shrubs, grass, or flowers. The vegetation can be in the median or along the roadside and can provide a buffer between transportation elements such as motorized vehicular traffic and a multi-use trail. These could be planted at ground level or in planters. Vegetation can be used not only as a buffer, but also for shade and to enhance aesthetics.



Source: <https://commons.wikimedia.org>; <http://www.geograph.org.uk>

Street Furniture

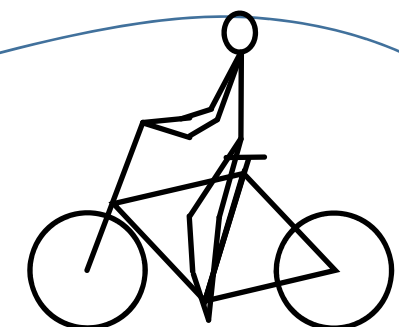
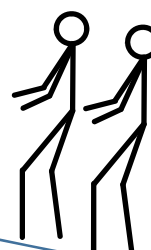
Benches, trash cans, and bus shelters are examples of street furniture that can enhance the pedestrian experience. These components may be designed with a consistent theme that reflects the character of the roadway.



Source: <https://commons.wikimedia.org>

Bike Parking

Bike parking includes stand-alone bike racks, bike racks with shelters, or indoor secure facilities. It is a key component of bicycle infrastructure, as it encourages the use of biking as a mode of transportation for short trips to the grocery store, city parks and other local points of interest. Bike parking may be placed outside businesses or civic buildings near entry points.



3.6 Wayfinding



Gateway

Gateway signage is meant to give a sense of welcoming and is typically placed near the entrance of a City. These signs create the initial impression visitors experience as they are generally the first ones visitors see when they approach City limits. As such, these signs have an ingrained meaning for residents, visitors, and investors alike.

Source: <http://www.cityofrockledge.org>



Source: <http://provomayor.com>; <https://dennismapanningdept.wordpress.com>

Landmark Identification

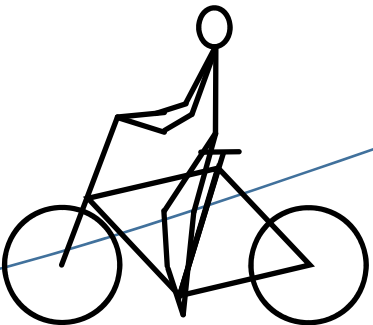
Landmark identification signs are located at parks, museums, and other places of significance in order to clearly establish their location.



Source: <http://provomayor.com>; <http://www.beavertonoregon.gov>

Directional

Directional signs lead street users to nearby points of interest, including cultural and historical landmarks. These types of signs are particularly beneficial to those who are unfamiliar with their destination or the surrounding area. Directional signs can be used to guide users to other facilities such as parking and public restrooms.





District

District signs designate an area of the City such as the historic district or downtown area. As a result, residents and visitors alike are encouraged to further explore nearby areas. Labeling the respective districts also provides valuable branding for businesses and various programming that takes place. Signage should also blend in with the surrounding streetscape.

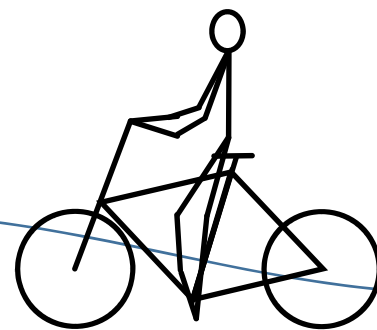
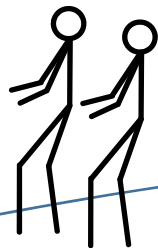
Bicycle/Trail Routes



Source: <http://altaplanning.com>; <http://pixodesigncanada.files.wordpress.com>

Clear bicycle and trail signage make routes easily available and encourages people to use non-motorized means of transportation. These types of signs can include bicycle route designations, mile markers, directional signs/maps to points of interest.

Source: <https://dennismaplanningdept.wordpress.com>; <http://true-north-usa.com>; <http://provomayor.com>; <http://www.lhsigns.com>; <https://commons.wikimedia.org>

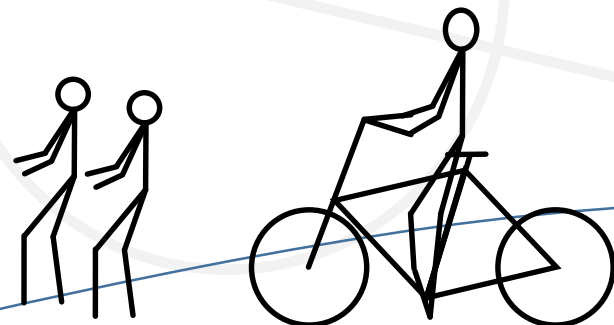


4.0 Recommendations

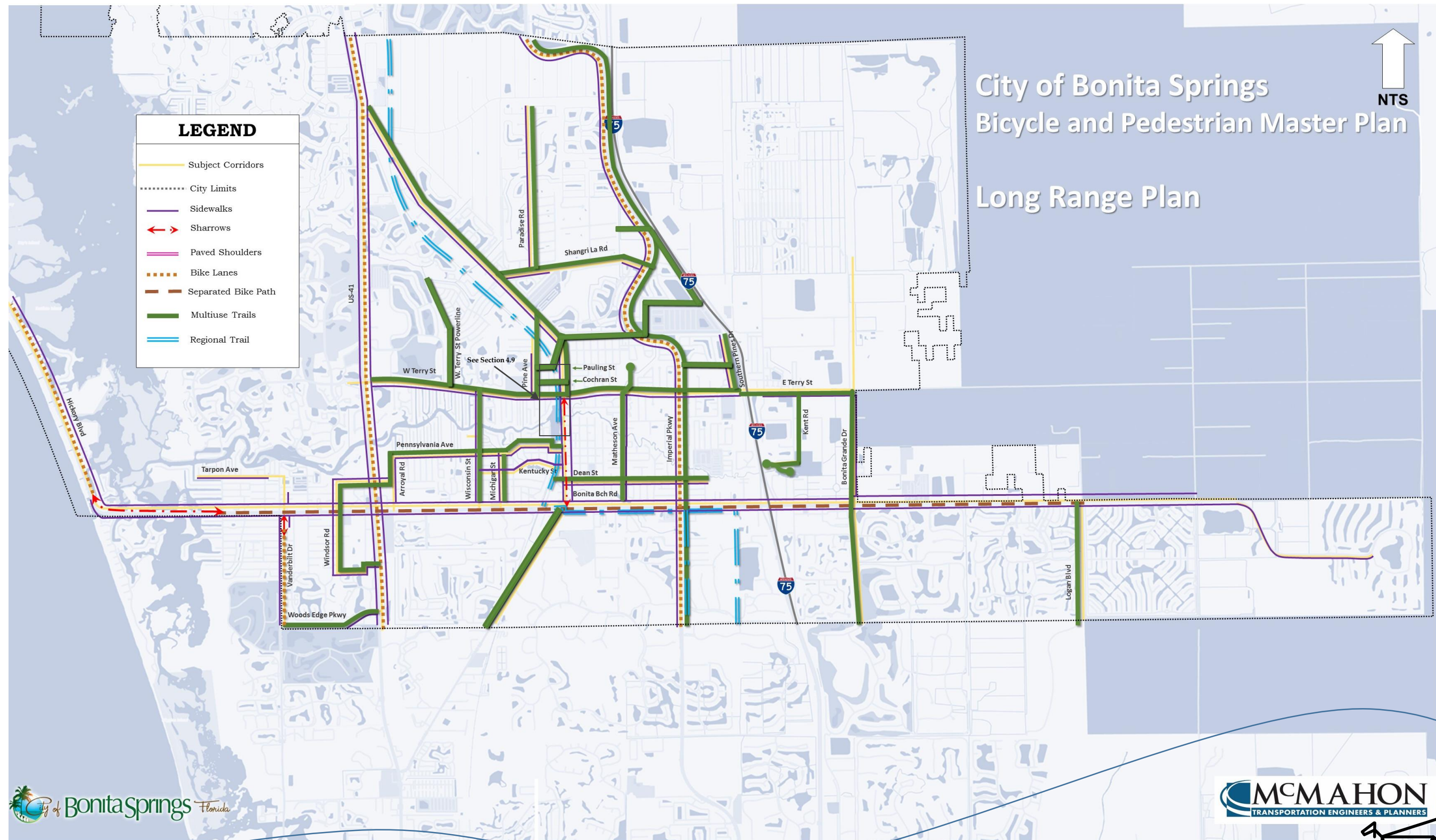
This chapter contains the culmination of the **needs assessment** and **public involvement** process. The information gathered during these phases were used to develop the Master Plan for the City of Bonita Springs. A comprehensive set of facility plans were created for each facility type:

- Muti-Use Trail
- Sidewalk
- Bicycle
- Separated Bicycle Path
- Paved Shoulder
- Sharrows

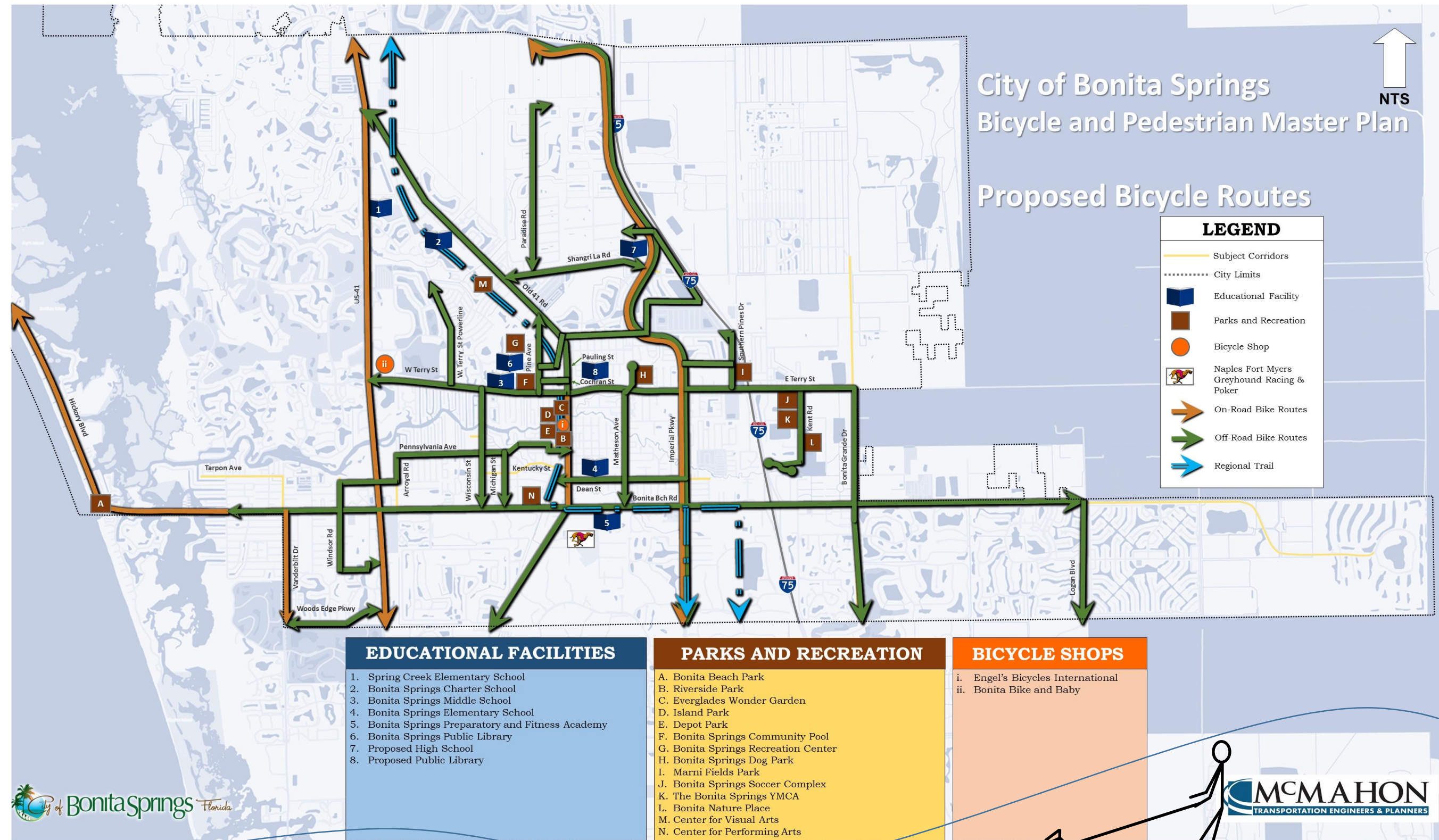
These individual facility plans were combined to create the long range plan shown in section 4.1. Recommendations for local and regional connectivity are proposed. It is also recommended that implementation of the facility plans include features from the toolboxes that will enhance the pedestrian and bicycle experience.



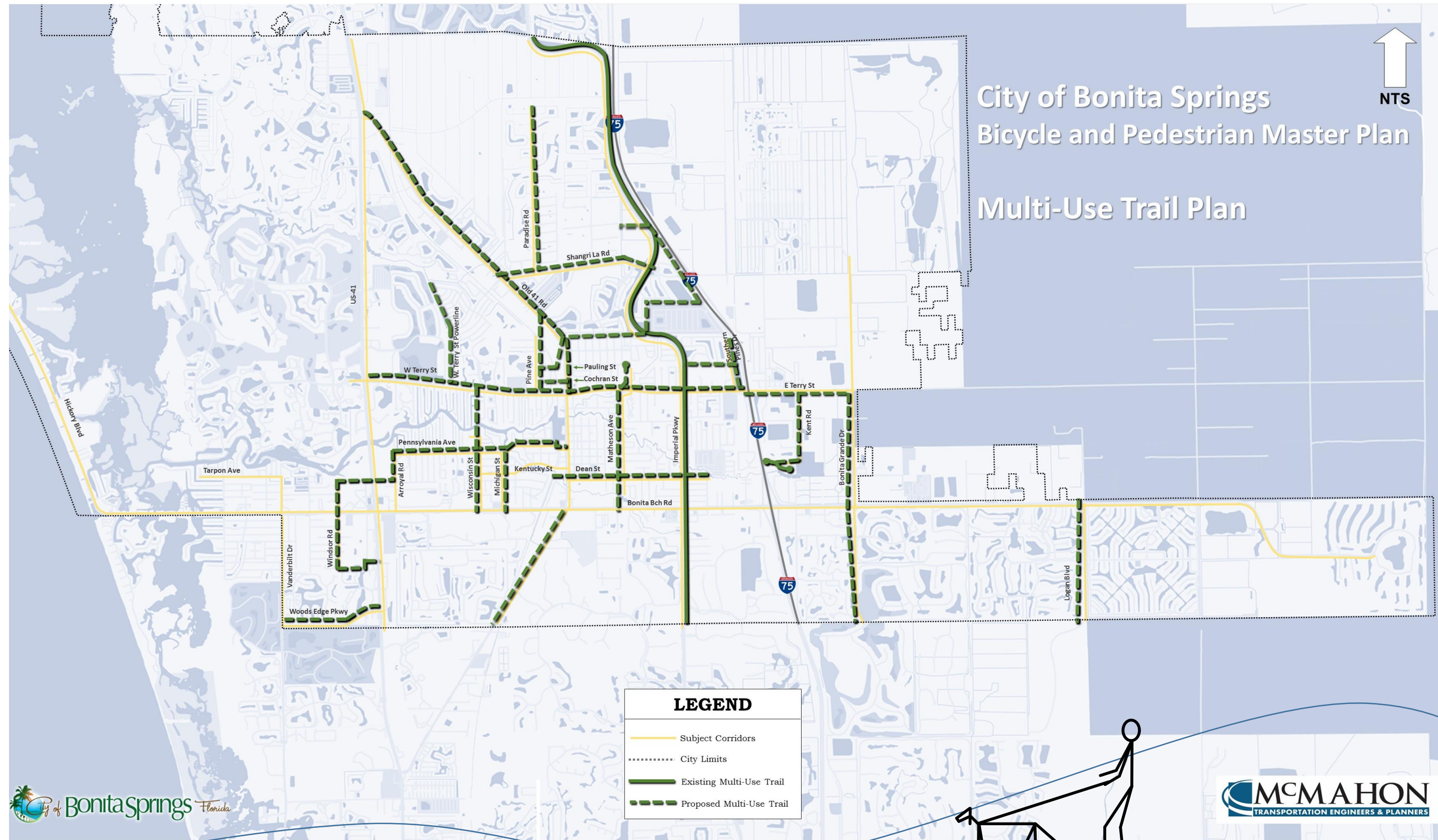
4.1 The Long Range Plan



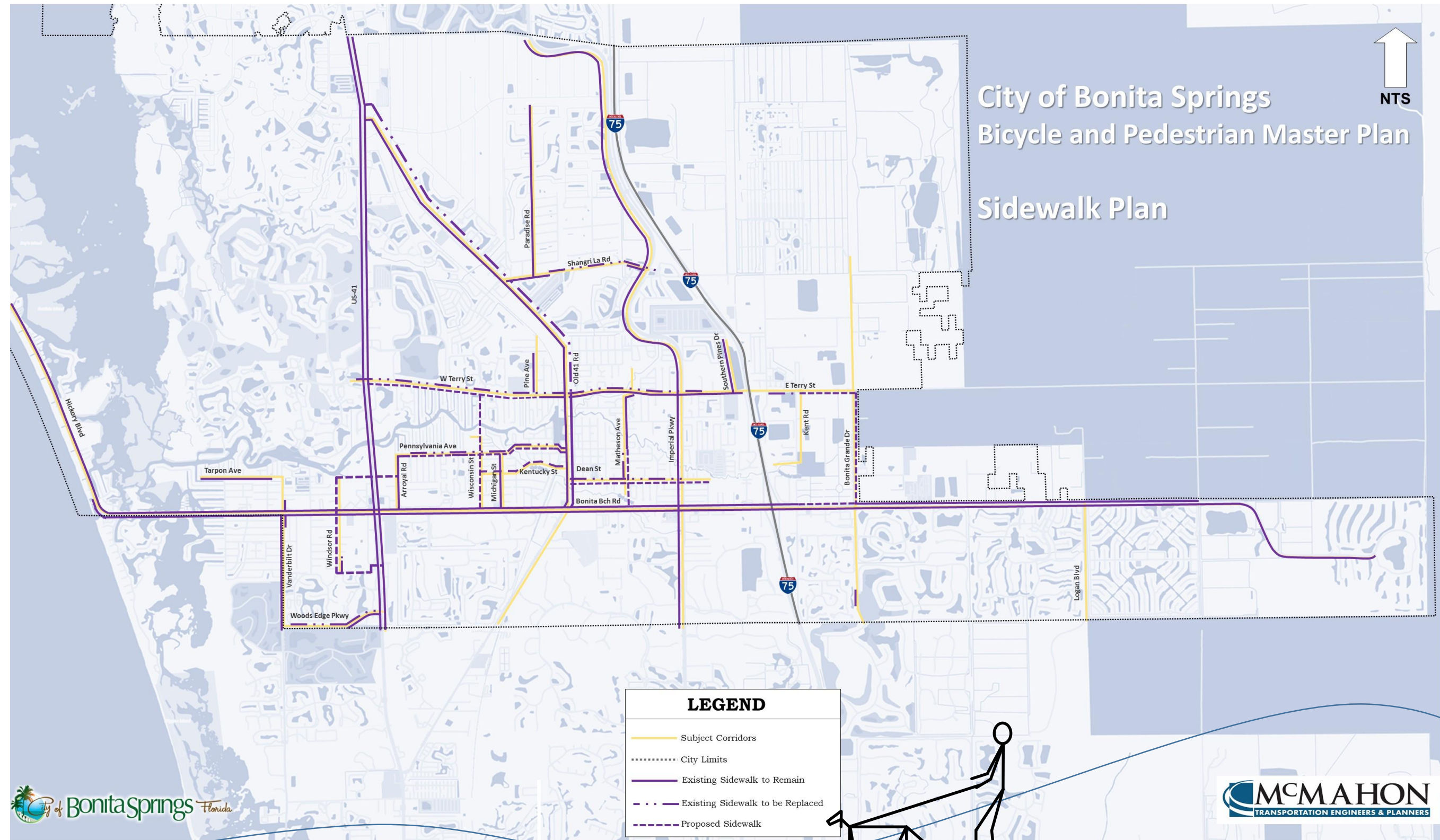
4.2 Bicycle Routes



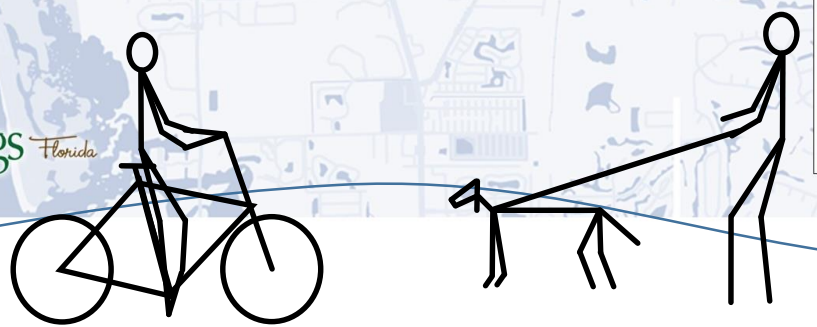
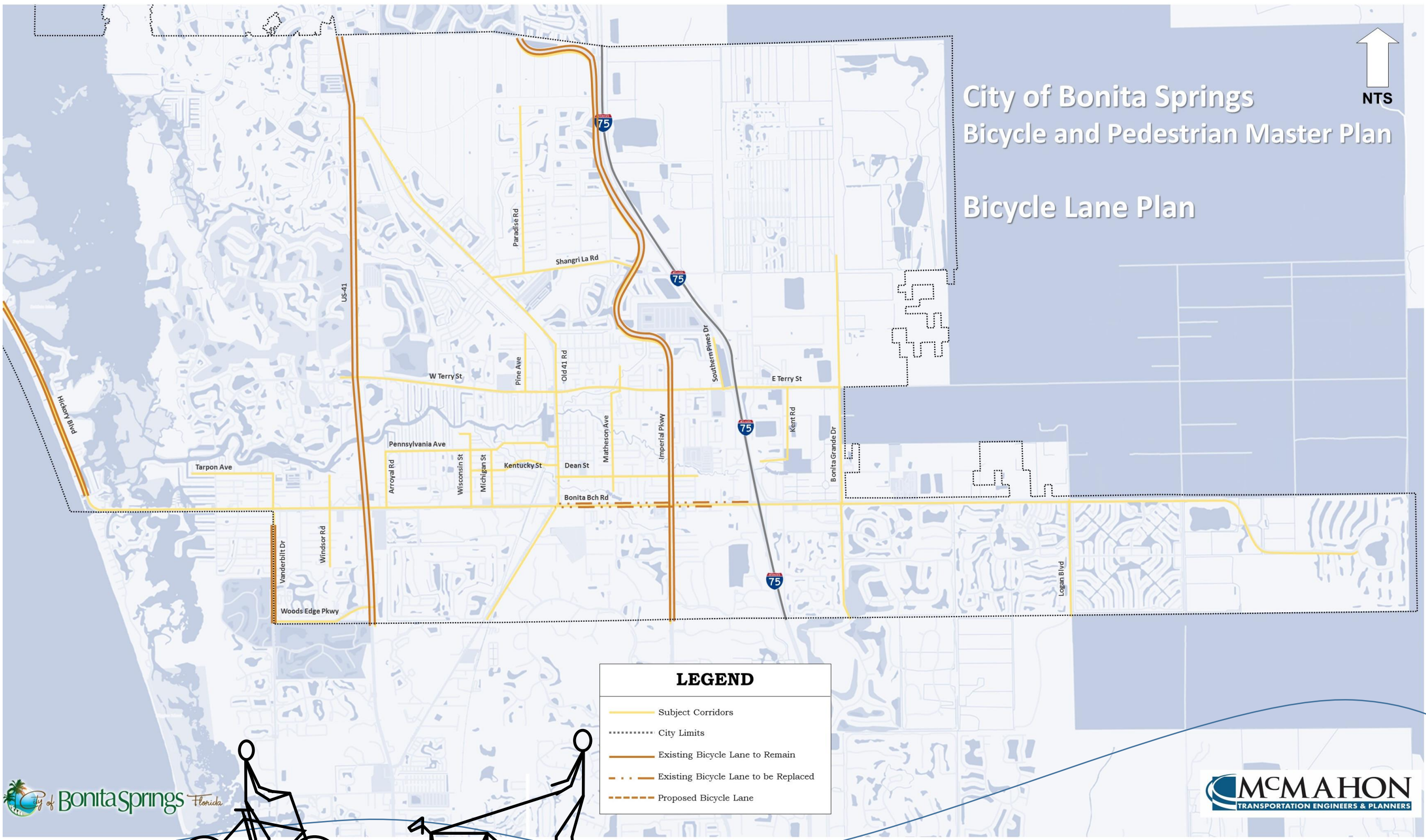
4.3 Multi-use Trail Plan



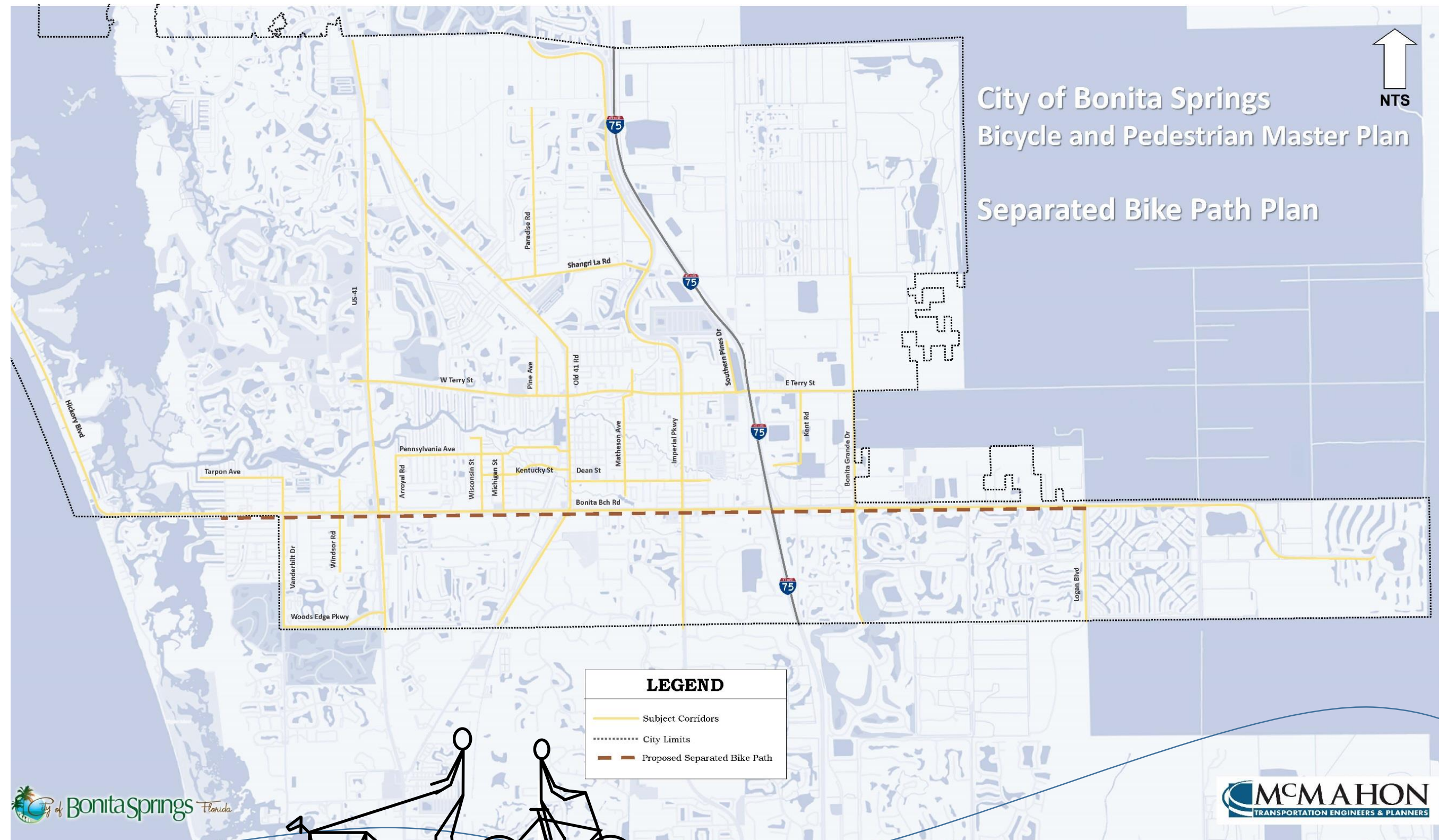
4.4 Sidewalk Plan



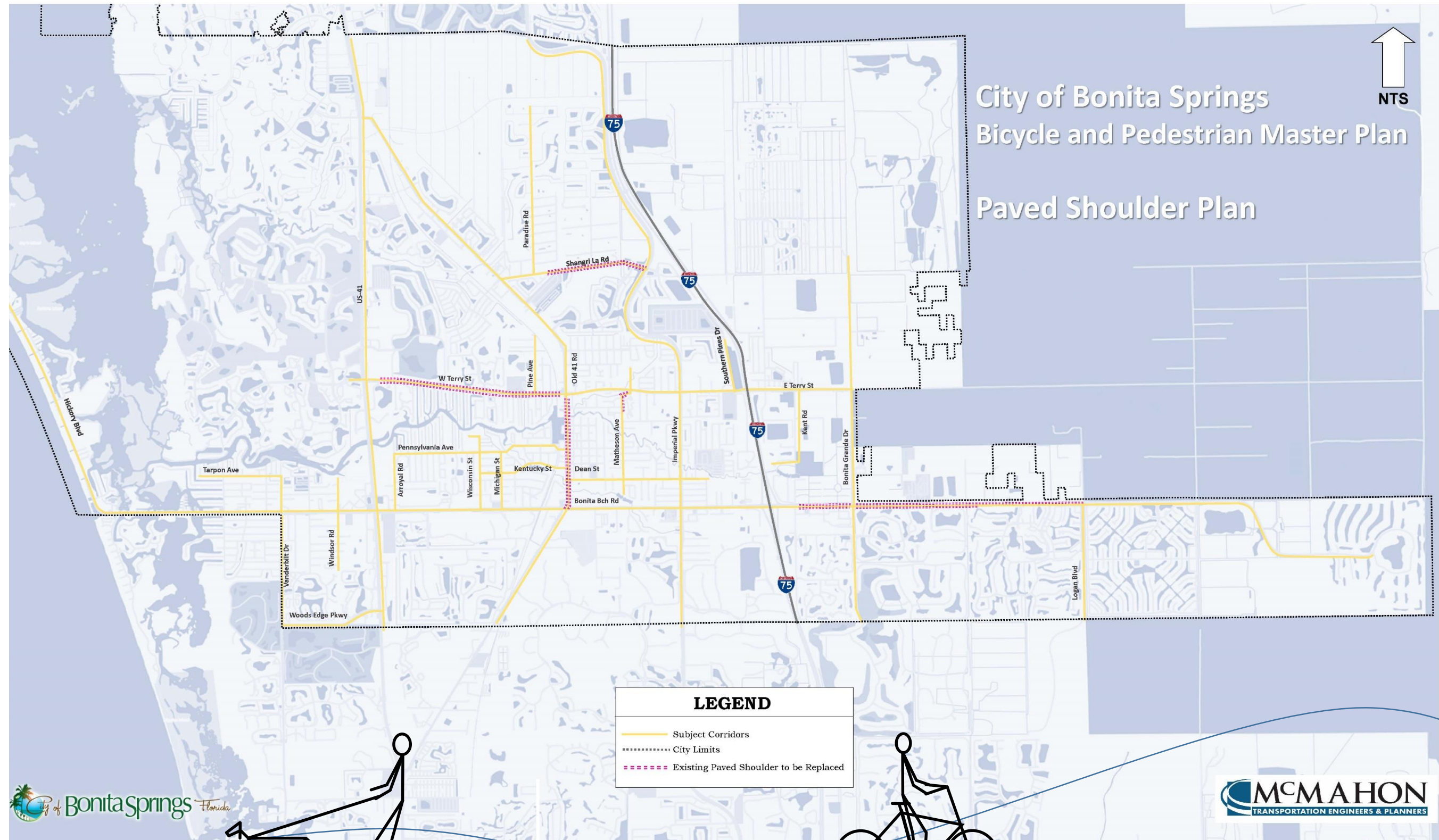
4.5 Bicycle Lane Plan



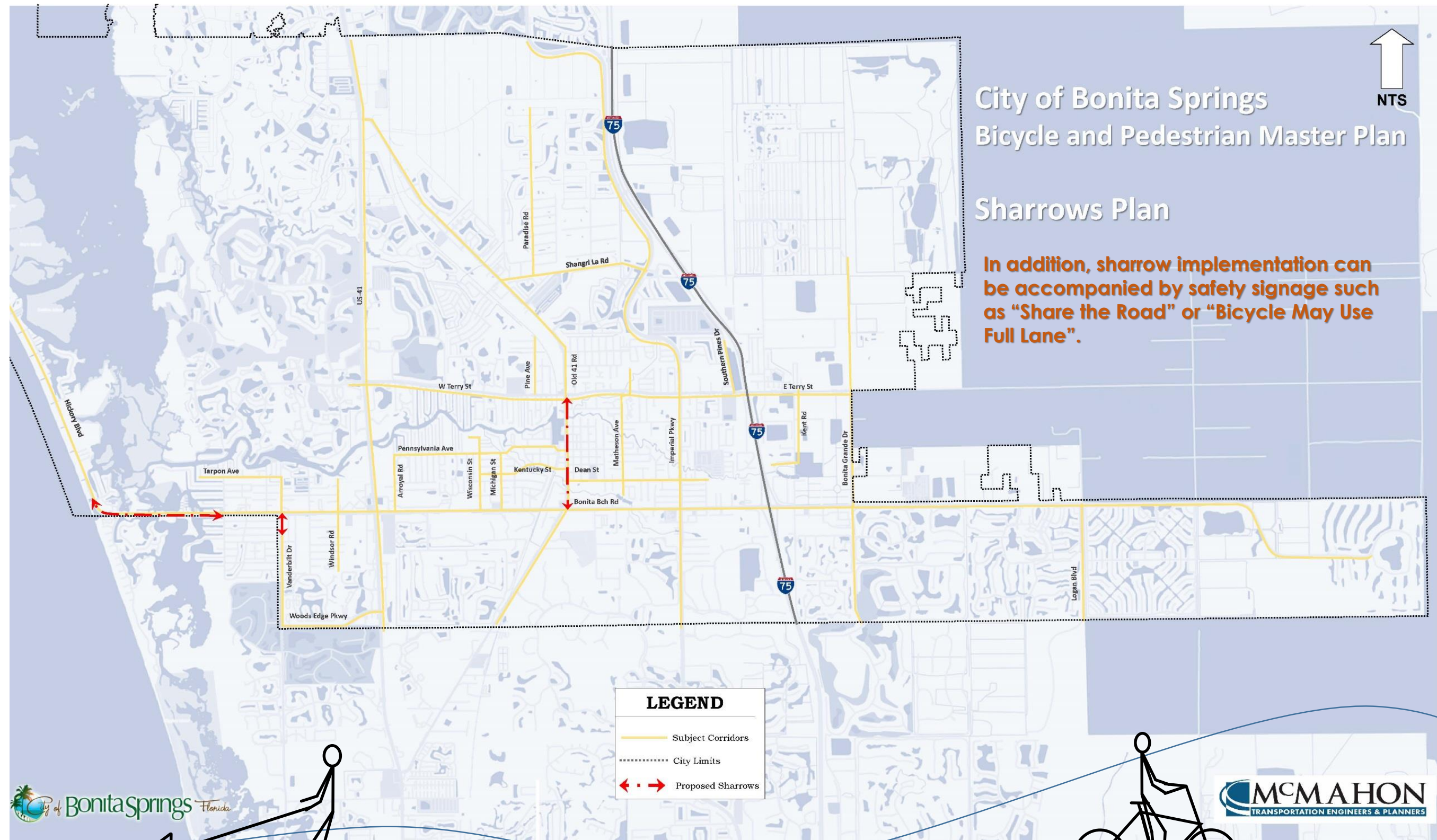
4.6 Separated Bicycle Path Plan



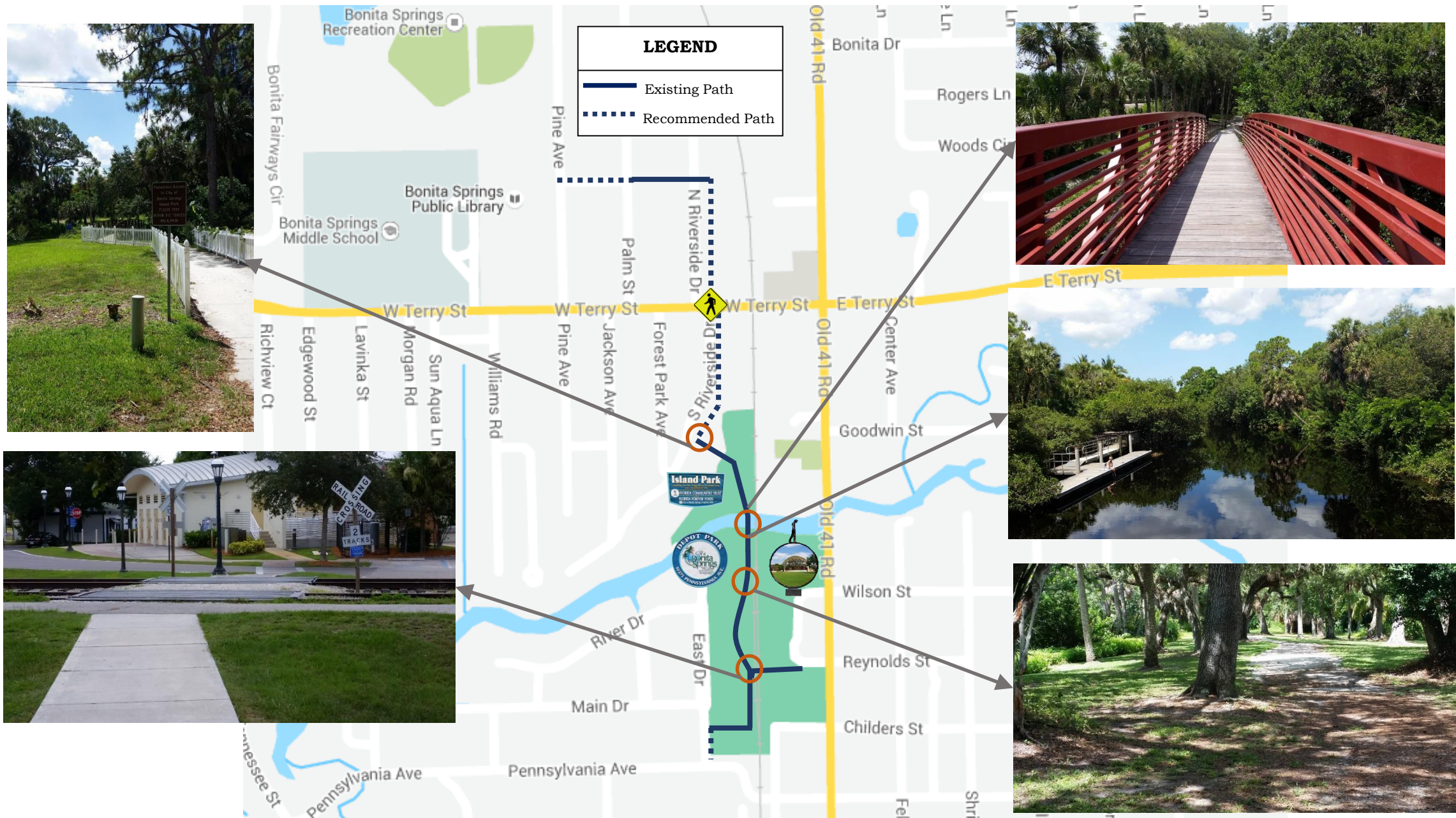
4.7 Paved Shoulder Plan



4.8 Sharrows Plan



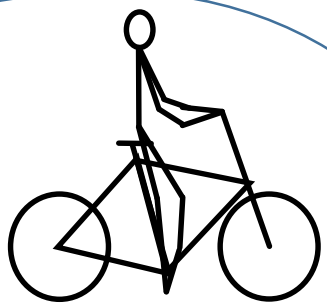
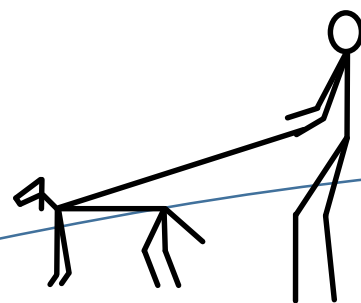
4.9 Local Pathway



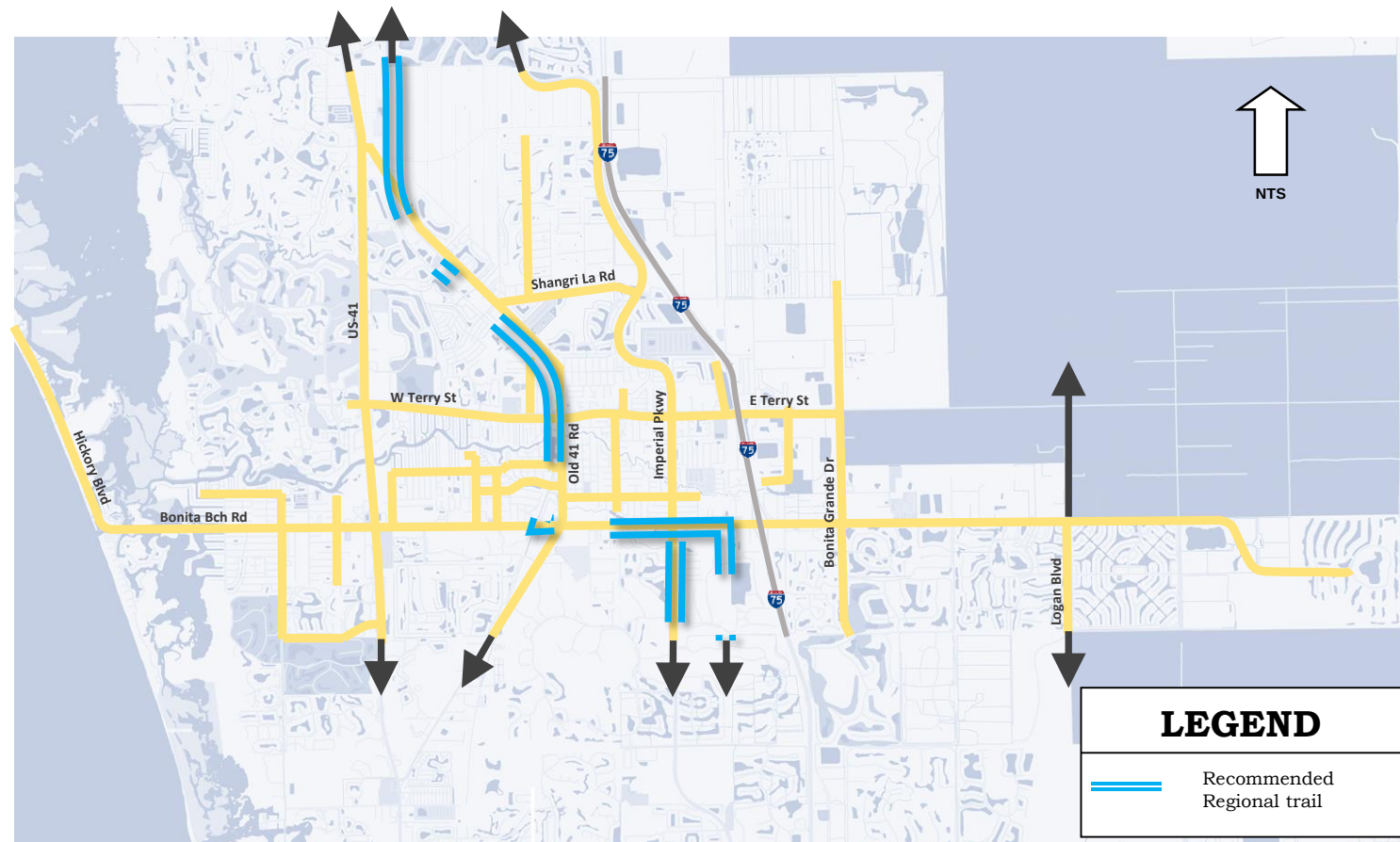
There is a paved path that connects Palm Street and N. Riverside Drive, aligned with Cochran Street. There is a system of paths comprised of unpaved trails, pedestrian bridges and sidewalks that traverse through Island Park, Depot Park, and Riverside Park. The paths include a crossing of the railroad, providing a key east/west link in the system.

These paths, in conjunction with roadway segments of N. Riverside Drive, S. Riverside Drive, and Cochran Street connect residential areas and points of interest from north of Terry Street to points of interest as far south as Pennsylvania Avenue. To complete the system of paths, multi-use trails along Riverside Drive and Cochran Street are recommended.

An enhanced crossing of Terry Street is recommended at Riverside Drive. This could include elements such as a raised crosswalk, Rectangular Rapid Flashing Beacons (RRFB), and/or in-pavement lighting.



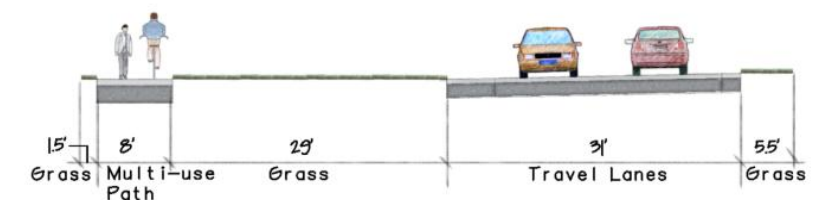
4.10 Regional Connectivity



Connections of the bicycle and pedestrian system north and south of the City is a key component of the master plan. In addition to facilities along the existing roadways that traverse the City boundaries, new facilities along proposed Logan Boulevard and a planned regional trail will enhance the regional connectivity.

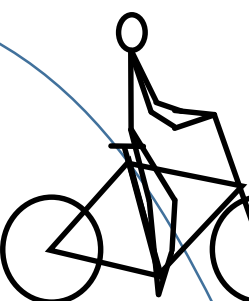
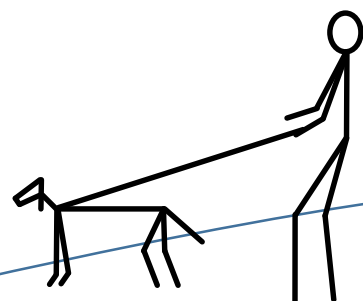
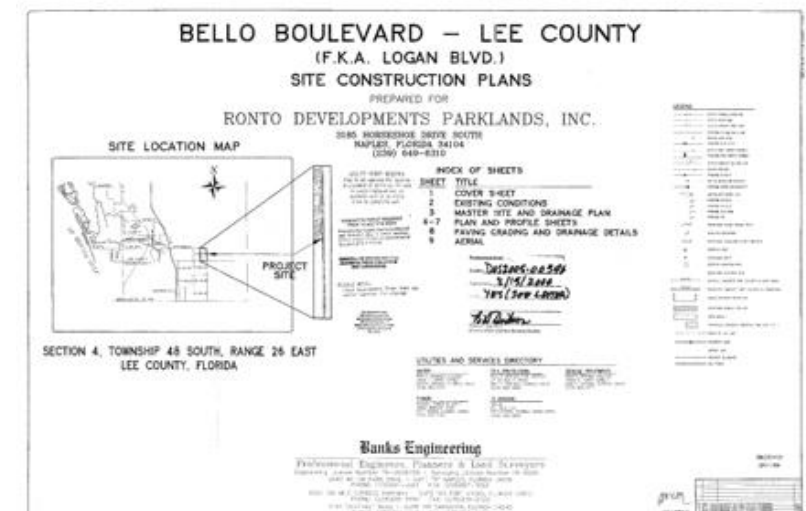
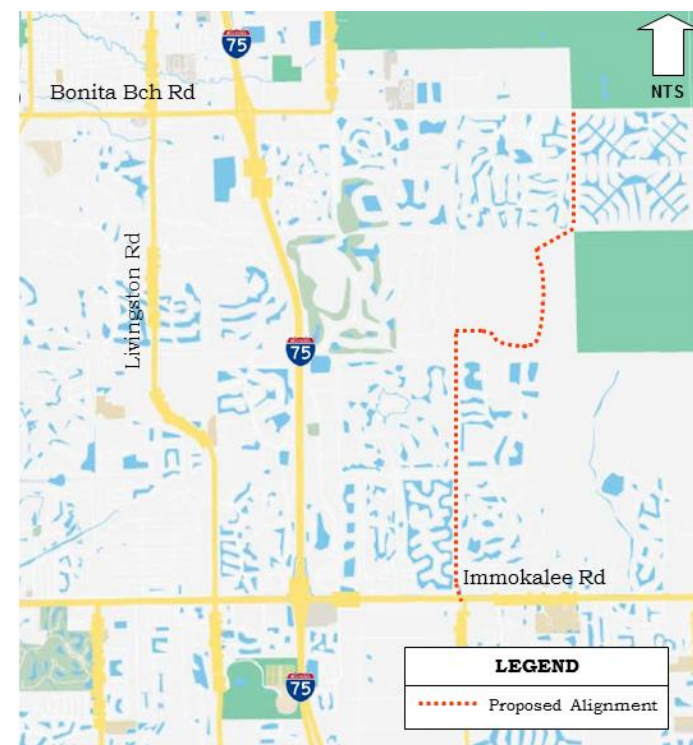
This Master Plan recommends a regional trail alignment crossing the north City boundary along the railroad right-of-way to Bonita Beach Road, a segment of Bonita Beach Road and connecting Bonita Beach Road to the south City boundary via Imperial Parkway and/or Florida Power and Light (FPL) easements.

Logan Boulevard

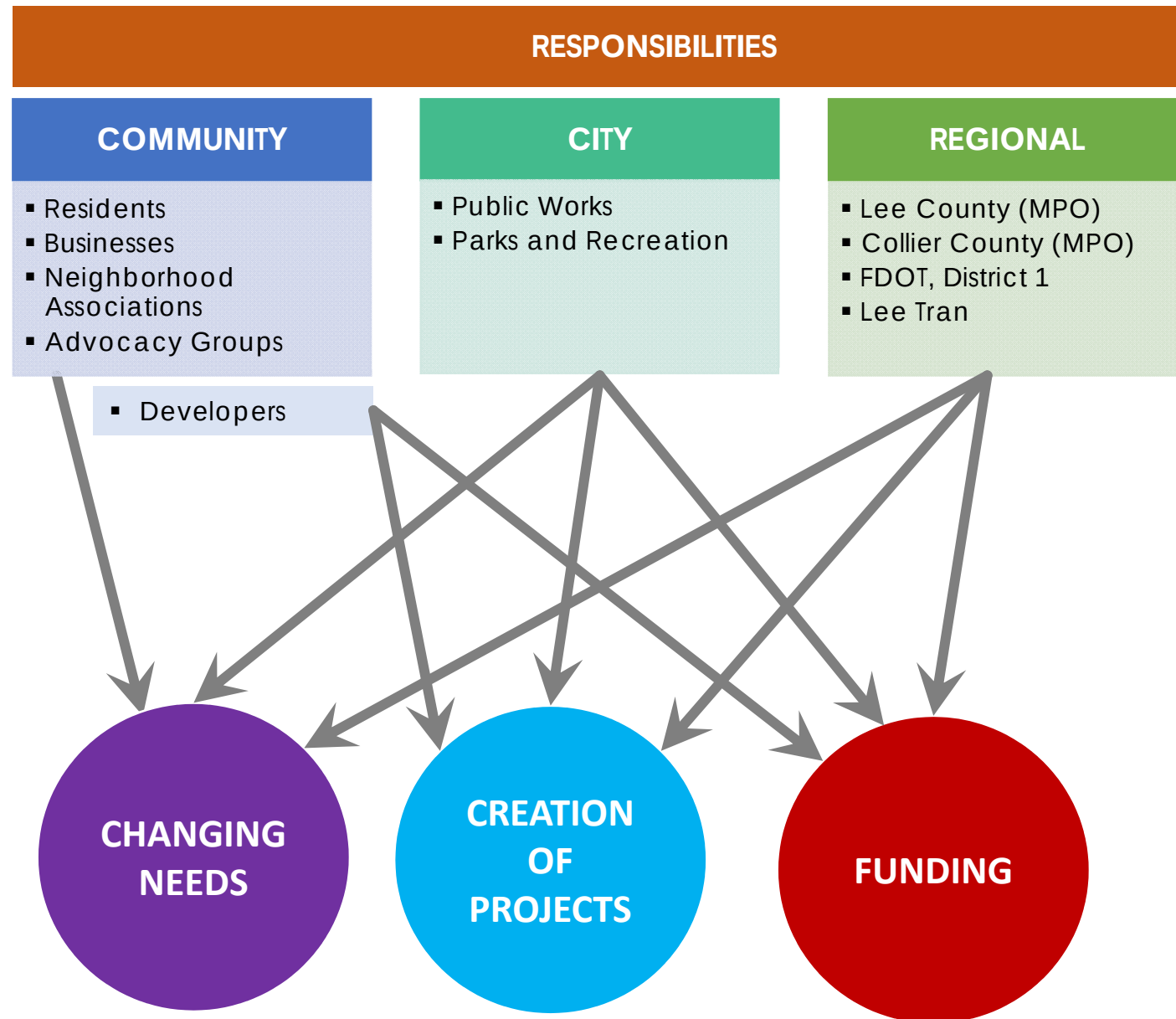


Logan Boulevard

Extension of this roadway is planned south in Collier County with a terminus at Immokalee Road. This includes a multi-use trail.

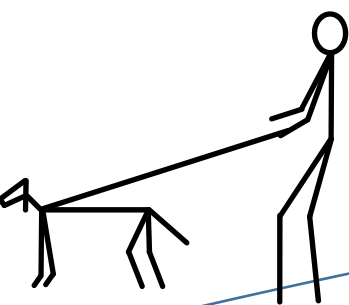


5.0 Implementation Strategies



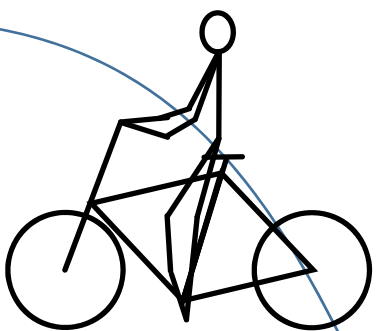
The Bonita Springs vision for a walkable, livable community begins on this PATH. As with most journeys, there are decisions to make along the way, some of which will alter the PATH. The next step on the PATH will be to identify specific projects to implement the elements of the Long Range Pedestrian and Bicycle Plan that do not currently exist. A collaborative effort is required for implementation.

Priority projects will be designed and constructed as funding is available. Implementation will also result from the appropriate planning of multi-faceted projects, such as roadway and park projects. Still, other projects will come from partnering as properties adjacent to the planned facilities are developed.



5.1 Prioritization Factors

The two (2) general considerations for prioritization are importance of the project and the cost. High importance and low cost constitute the highest priority. Importance is qualitative by nature. The City will rank importance favoring facilities that are characterized by higher activity, larger concentrations of relevant activity centers, and proximity to areas that are identified to have users who rely on non-motorized or public transportation. Prioritization by cost will tend to favor projects that cover a shorter distance. Also, projects that add elements to existing facilities, such as adding a sidewalk to an existing road, will score higher than projects requiring construction along a new alignment.



5.2 Sample Unit Costs

As projects are created and designed to implement the master plan, construction costs will be developed. Preliminary planning level cost estimates will be important for budgeting and seeking funding sources. Preliminary costs can be estimated based on the quantity or length of recommended improvements and unit costs that are current at the time of estimation. Sample unit costs for potential elements of projects are provided below.

Unless otherwise noted, unit costs are based on the University of North Carolina (UNC) Highway Safety Research Center publication, *Costs for Pedestrian and Bicyclist Infrastructure Improvements: A Resource for Researchers, Engineers, Planners, and the General Public*, October 2013. The average costs include engineering, design, mobilization, construction/installation, and materials. Right-of-way, utilities, special structures, easements, permitting and legal fees are not included in the cost estimates.

Actual costs can vary significantly based on location, site conditions, project scale, funding sources, permitting requirements, and several other factors. The potential costs are provided for planning level purposes only.

Pedestrian Accommodations

High Visibility Crosswalk	\$2,540 each
Striped Crosswalk	\$770 each
Sidewalk (concrete)	\$32 per linear foot
Sidewalk (asphalt)	\$35 per linear foot
Truncated Dome	\$42 per square foot
Wheelchair Ramp	\$810 each

Bicycle Facilities

Bike Rack	\$660 each
Bicycle Lane	\$133,170 per mile
Shared Lane (Sharrow)	\$180 each
Bicycle Box	\$11.50 per square foot*

Shared Accommodations

Multi-use Path (paved)	\$481,140 per mile
Multi-use Path (unpaved)	\$121,390 per mile

*Source: <http://www.pedbikesafe.org>

Traffic Calming

Raised Crosswalk	\$8,170 each
Raised Intersection	\$50,540 each
Roundabout	\$85,370 each

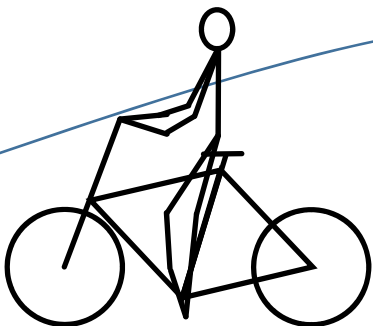
Signals/Signs

Pedestrian Signal	\$1,480 each
Push Button	\$350 each
Countdown Timer Module	\$740 each
Rectangular Rapid Flashing beacon	\$22,250 each

Streetscape Improvements

Street Trees	\$430 each
Bench	\$1,550 each
Trash/Recycling Receptacle	\$1,420 each
Streetlight	\$4,880 each
Wayfinding-Gateway sign	\$340 each
Wayfinding-Bicycle Route sign	\$160 each*
Wayfinding-Detailed sign	Over\$500 each*

*Source: <http://www.pedbikesafe.org>



5.3 Funding Sources

There are many ways to fund the types of projects necessary to build the Bonita Springs PATH. Transportation projects are commonly funded as capital improvement projects approved as part of the City's annual budget. Many cities direct impact fees to fund the transportation projects. In some cases, overlay, improvement, or special taxing districts are developed to capture funding to shape the vision of a corridor, including the transportation facilities.

There are multiple sources for grants and cost reimbursement programs that can be sought specifically for non-motorized transportation projects.

- **TIGER Discretionary Grants:** This program from the U.S Department of Transportation provides funds for a variety of transportation projects including transit, port, rail, road, planning, and bicycle and pedestrian facilities.
- **Transportation Alternatives Program (TAP):** This is a cost-reimbursement program where projects are selected by the MPO but administered by the Florida Department of Transportation (FDOT). The program funds on and off-road pedestrian and bicycle facilities in order to provide enhanced mobility. In the State of Florida, the following programs are also covered under the TAP:
 - Recreational Trails Program (RTP)
 - Safe Routes to School Program (SRTP)
- **Shared Non-Motorized (SUN) Trail Network Program:** This program is administered by FDOT and provides funds for the development of a statewide, paved, multi-use trail network for non-motorized modes.
- **Congestion Mitigation and Air Quality Improvement Program (CMAQ):** This program is administered by the Florida Highway Administration and provides funds to transportation related environmental projects that have the potential to reduce harmful emissions and improve air quality.
- **Florida Forever:** This is a program administered by the Florida Department of Environmental Protection for the acquisition of conservation and recreation lands. Some of the funds are devoted to trails and greenways.
- **Impact Fees:** These are payments required from a new development for the purpose of providing new or expanded public facilities to serve that development.
 - Regional Park Impact Fees
 - Community Park Impact Fees
 - Transportation impact Fees

While the City actively budgets for prioritized projects and seeks funding available from the state and federal sources, the development community can also play an important role.



REQUESTED MOTION: (Second Reading and Public Hearing) A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS CONSIDERING A REQUEST TO REZONE APPROXIMATELY TWENTY (20) ACRES FROM RESIDENTIAL PLANNED DEVELOPMENT (RPD), TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) FOR 200 DWELLING UNITS, AND TO REQUEST FOUR (4) DEVIATIONS; LOCATED AT 12585 EAST TERRY STREET, BONITA SPRINGS, FLORIDA, 34135; PROVIDING FOR AN EFFECTIVE DATE.

REQUESTOR: Mike Fiigon II, Senior Planner

AGENDA: Second Reading and Public Hearing

STRATEGIC PRIORITY: N/A

BACKGROUND: Pursuant to Bonita Springs Zoning Ordinance 08-08, this property was rezoned from Mobile Home (MH-2) to a Residential Planned Development (RPD) for 200 multi-family dwelling units. The project, while approved, was never developed and the master concept plan (MCP) has expired. As such, this request proposes a new master concept plan with new and updated submittal documentation. This is not an amendment to the previous approval.

This request proposes 200 “muti-family detached” units and four (4) deviations. The Applicant worked closely with Staff to provide sufficient documentation for review and consideration. The Applicant held three (3) neighborhood information meetings, which is above the code requirement for two (2) meetings.

The case was heard by the City of Bonita Springs Zoning Board on April 19, 2022. The Zoning Board recommended to approve the request by a vote of 5-2. However, it was recommended that Staff and the Applicant continue to work on revised language for Conditions 5 and 6 regarding traffic. Staff’s proposed language revisions have been included in the draft ordinance. It is Staff’s understanding the Applicant still has concerns about the draft language and will be presenting additional changes for consideration by City Council.

Additionally, during discussion, the Zoning Board raised concerns regarding Deviation 4, which is a request to decrease the perimeter setback of 15 feet to 5 feet. The cross sections provided as part of the Master Concept Plan show the building line on the opposite side of a berm, and the berm is approximately five feet from the property line. This would mean the buildings would be more than five feet from the property line. To make this deviation clearer, Staff is proposing options for consideration:

- Option One: Amend Condition 11 to require a setback of a minimum of five (5) feet for the berm. This would provide an additional safeguard that a building or wall would be more than five (5) feet from the perimeter boundary since the building would be on the opposite side of the berm.
- Option Two: Amend Condition 11 to require a building setback of at least five (5) feet from the berm.

A third option would be to allow the original condition language to remain, without changes or edits.

All options would allow the structures to be within the perimeter setback of 15 feet, as requested.

Staff is looking for direction from City Council regarding Condition 11.

STAFF RECOMMENDATION: Approve, as conditioned, and provide direction regarding Condition 11.

ATTACHMENTS:

1. Zoning Board Meeting Minutes from April 19, 2022
2. Draft Ordinance with Staff's Revisions
3. Staff Report & Attachment A—Background and Informational Analysis
4. Exhibit A: Legal Description and Boundary Survey
5. Exhibit B: Proposed Master Concept Plan

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director: John Dulmer

Council Action: Approved ___ Denied ___ Deferred ___ Other _____



**City of Bonita Springs
Land Use Hearings & Adjustments and Zoning Board of Appeals
MINUTES
Tuesday, April 19, 2022
9:00 A.M.**

I. CALL TO ORDER

Chairman Anthony Rascio called the meeting to order at 9:00 A.M.

II. INVOCATION

Board Member Russ Winn furnished the invocation.

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

Chairman Rascio, Board Members Bruce Galloway, Russ Winn, Gary Gambrell, Ben Hershenson, Gerald Benson and Lynda Waterhouse were all in attendance.

V. APPROVAL OF MINUTES: March 15, 2022

Board Member Ben Hershenson motioned to approve the March 15, 2022 meeting minutes, seconded by Board Member Bruce Galloway. Motion passed unanimously.

VI. PUBLIC COMMENT

None

VII. PUBLIC HEARINGS

- A. CASE NAME: SOLTURA AT EAST TERRY RESIDENTIAL PLANNED DEVELOPMENT (PD21-84737-BOS)

A REQUEST TO REZONE APPROXIMATELY TWENTY (20) ACRES FROM RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) FOR 200 DWELLING UNITS, AND TO REQUEST FOUR (4) DEVIATIONS.

City Attorney Derek Rooney placed all witnesses under oath.

Mike Fiigon with Community Development gave a brief introduction. Staff and the Applicant are in agreement with regards to the conditions except for the traffic conditions.

Jeremy Frantz, AICP, with RVi Planning introduced the Applicant's team and utilized a PowerPoint presentation (copy in Clerk's office) to address their request and stated that the project is a multi-family cottage style apartments. No request for a change in density and height. They are asking for four deviations, with disagreement on traffic condition.

Ted Treesh, with TR Transportation, addressed the traffic conditions and his traffic analysis, disputing the need for the traffic monitoring provision.

Mr. Fiigon presented a Powerpoint presentation (copy in Clerk's file) to address the request.

Tom Ross, Traffic Engineer with Community Development, addressed via telephone the traffic trip generation and traffic monitoring.

Mr. Fiigon next addressed the environmental, including gopher tortoise burrows on the site, housing, infrastructure, stormwater and solid waste. He next addressed the four requested deviations, 3 of which Staff has recommended approval. The fourth deviation Staff has requested be withdrawn as it is not needed.

Board Member Gambrell questioned why they would want a sinuous lake design, to which Mr. Fiigon explained that can they utilize plants in a sinuous manner for certain areas of the lake where it's straighter than other areas, instead of taking over more of the preserve area. The intent is to plant more littorals, which will help with erosion.

Attorney Rooney clarified deviation standards regarding setbacks.

Board Member Benson questioned if the setbacks were restricting the build out size. Board Member Gambrell questioned the 15ft setback related to the fire component.

John Dulmer, Community Development, answered questions regarding setbacks with Laura Gibson answering questions regarding open spaces, impervious areas and tree replacement.

Board Member Galloway next posed several questions and asked what the distance is from the amenity center to the rear residential tract is approximately 1,000 feet.

Mr. Galloway next addressed Deviation 2, lake setbacks from right-of-way. Discussion was held.

PUBLIC COMMENT:

None

MOTION:	Motion to Approve with Conditions
RESULT:	5-2
MOTION BY:	Chairman Rascio
SECOND BY:	Board Member Hershenson
OPPOSED:	Board Members Gary Gambrell and Bruce Galloway

VIII. CASE UPDATE: ROYAL SCOOP

Mike Fiigon stated the project was approved.

Ben Hershenson commented on process and meeting packet. Summary be provided in hard copy. Historical component be available only on internet. Discussion was held.

IX. NEXT MEETING: May 17, 2022 at 9:00 A.M. (tentative)

X. ADJOURNMENT

There being no further items to discuss, meeting adjourned at 11:53 a.m.

Respectfully submitted,

Teresa Cannon, Recording Secretary

Approved by the Land Use Hearings & Adjustments and Zoning Board of Appeals on the ____ day of _____, 2022.

Anthony Rascio, Chairman

CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 22 - __

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS CONSIDERING A REQUEST TO REZONE APPROXIMATELY TWENTY (20) ACRES FROM RESIDENTIAL PLANNED DEVELOPMENT (RPD), TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) FOR 200 DWELLING UNITS, AND TO REQUEST FOUR (4) DEVIATIONS; LOCATED AT 12585 EAST TERRY STREET, BONITA SPRINGS, FLORIDA, 34135; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Soltura Development Group, LLC has filed an application to rezone 20+/- acres from Residential Planned Development (RPD) to Residential Planned Development (RPD) for 200 dwelling units, and to request four (4) deviations; and

WHEREAS, the subject property is located at 12585 E. Terry St. Bonita Springs, Florida, STRAP number 30-47-26-B3-00001.2010; and is described more particularly as:

See Exhibit "A"

WHEREAS, a Public Hearing was advertised and heard on April 19, 2022 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board"), who gave full consideration to the evidence available and recommended approval (5-2) of the applicant's request and gave full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all interested parties. The Staff Report prepared by Community Development, and evidence submitted at the Zoning Board hearing is on file with the City Clerk; and

WHEREAS, the case was presented for First Reading for the City Council at their April 20, 2022, meeting; and

WHEREAS, City Council at their May 4, 2022, meeting considered the record of the Zoning Board on Case PD21-84737-BOS, and gave full consideration of the Staff Recommendation, the evidence and testimony.

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

SECTION ONE: APPROVAL OF REQUEST

City Council of Bonita Springs hereby approves the request to rezone the property from Residential Planned Development (RPD) zoning district to Residential Planned Development (RPD) zoning district to allow 200 dwelling units. In so doing the City Council makes the following findings and conclusions,

upon an analysis of the application and the standards for approval subject to the following conditions and deviations:

Conditions:

1. The development shall be generally consistent with the proposed four-page MCP, Exhibit B, not to exceed 200 dwelling units.
2. The Schedule of Uses are as follows:

Residential Tract

Accessory Uses and Structures

Administrative Offices

Clubs:

Country

Private

Dwelling Units

Multi-Family

A building or buildings consisting of three or more units located on a single lot or site

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention

Fences, Walls

Food and Beverages Services, limited to use of in Clubs

Entrance Gates and Gatehouses

Health Club or Spa, accessory to a Club only

Models:

Display Center/Sales Center

Model Home

Model Unit

Parks, Group I

Parking Lot, Accessory

Recreation Facilities:

Personal

Private, On-Site

Residential Accessory Uses

Signs in conformance with Chapter 6 of Bonita Springs Land Development Code (LDC)

Temporary Uses, including a temporary sales office, temporary construction office, temporary construction storage, temporary amenity structures

Preserve Tract

Accessory structures associated with passive recreational uses

Hiking and Nature Study

Including pedestrian ways, hiking trails, boardwalks, outdoor education

Preserves

Recreation activities

Including boardwalks, paths, and passive recreation and active recreation requiring little or no facilities, capital investment or alteration of the natural landscape

Signs in conformance with LDC Chapter 6

3. The Setback Development Regulations shall be as follows:

Location/Dimension	Residential Use	Accessory Use	Clubhouse/Amenity Use
Minimum Lot Size	NA	NA	NA
Minimum Lot Width	NA	NA	NA
Minimum Lot Depth	NA	NA	NA
Maximum Building Height	35 feet	35 feet	35 eat
Minimum Building Separation	10 feet	10 feet	20 feet
Minimum Building Setbacks			
Street	20 feet	20 feet	20 feet
Waterbody	5 feet	5 feet	5 feet
Preserve	30 feet	30 feet	30 feet
Perimeter	<u>Subject to Condition 11</u>	<u>Subject to Condition 11</u>	<u>Subject to Condition 11</u>

4. At time of local development order submittal, the developer shall provide a copy of the recorded documentation as evidence of the extinguishment of the 80' wide ingress/egress easement along the western boundary of the subject property. If the developer is unable to provide such documentation for review, the developer shall submit an application of an amendment to the Planned Development to amend the MCP to address the easement.

- ~~5. At time of local development order, the developer shall submit, along with the traffic impact statement, an intersection control evaluation study for the Kent Road/East Terry Street intersection.~~ At time of local development order, in addition to the TIS, the Applicant shall provide a study of the intersection of Kent Road and East Terry Street, to include an evaluation of each of the following scenarios as it relates to the new movements resulting from this project. At a minimum, each scenario will include a capacity analysis, summary of delay and volume-to-capacity ratio for each movement, a

summary of the number of conflict points including a diagram of the intersection illustrating the conflict points, and address bicycle and pedestrian safety:

- i. How the intersection performs with no modifications
- ii. How the intersection performs with a two-way stop
- iii. How the intersection performs with a roundabout
- iv. How the intersection performs with a traffic signal

6. ~~The developer shall provide traffic monitoring stations for the project and provide the data for the City for review. The location of the stations, data collection method and timeframes are to be determined at time of local development order.~~ Upon completion of the project, the Applicant shall provide traffic monitoring stations at each ingress and egress point of the site for a period of at least one (1) year, to include collection of data for at least one (1) peak season in order to verify the Applicant's proposed traffic counts. At time of local development order, the Applicant shall work with the City to determine the appropriate data collection method and frequency of reporting.
7. The proposed multi-use path and corresponding sidewalk easement shown on the MCP shall be dedicated to the public
8. In addition to the proposed internal sidewalk system, the developer shall provide bicycle racks throughout the community, including the amenity center, in an effort to foster multi-modal transportation within the site.
9. If Deviation 2 is revised, amended, or denied during the local development order phase, the developer shall provide a revised cross sections for the MCP.
10. Pursuant to Deviation 3, non-sinuuous shoreline/lake areas shall include additional littoral plantings in undulating form. At time of local development order, the developer shall work with the City to establish a littoral planting plan that meets the intent of the sinuosity requirement.
11. [Option One] Pursuant to Deviation 4 and the proposed cross sections contained on the MCP documentation, ~~no structure, including a fence or wall, shall be located closer than 5 feet to the perimeter boundary~~ the berm shall be located at least five (5) feet from the perimeter boundary of the RPD, and no structure shall be permitted to be closer than five (5) feet to the perimeter boundary. ~~and that~~ For fences and walls, the buffer trees shall be on the outside of the fence/wall facing the adjacent property. Proper space shall be provided for trees in accordance with their growth habit to reduce growth conflicts and shall the need for sever pruning. In addition to the standard

landscaping plan requirements that are reviewed during the local development order process, the developer shall provide a space planting plan exhibit for areas where the perimeter setback of 15 feet is not being met. The developer shall work with City staff to establish a planting plan that provides sufficient screening and safeguards for abutting properties.

[Option Two] Pursuant to Deviation 4, no structure, including a fence or wall, shall be located less than five (5) feet from the proposed perimeter berm. For fences and walls, buffer trees shall be on the outside of the fence/wall facing the adjacent property. Proper space shall be provided for trees in accordance with their growth habit to reduce growth conflicts and shall the need for sever pruning. In addition to the standard landscaping plan requirements that are reviewed during the local development order process, the developer shall provide a space planting plan exhibit for areas where the perimeter setback of 15 feet is not being met. The developer shall work with City staff to establish a planting plan that provides sufficient screening and safeguards for abutting properties.

12. Six Florida slash pine and one oak heritage trees were found on the site. One pine and oaks shall be retained within the designated preserve area. One additional pine shall be retained adjacent to the preserve as shown on the MCP. These retained trees shall be protected with tree protection barricading appropriate for each species. The other four pines may be removed, and every effort shall be made to replace each tree with one 20-foot-tall tree like for like (angiosperm or gymnosperm), or two 12-foot-tall trees may be used for each heritage tree to be replace in appropriate locations within the site. The developer shall work with the City staff during the local development order process to determine the tree specifications.
13. Less the deviations and/or exceptions provided by this RPD approval, unless approved by a deviation, or unless there are conflicts with the water management design or companion developer's agreement, 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 Chapter 3 of the LDC, the City of Bonita Springs Bicycle Pedestrian Master Plan, the City of Bonita Springs Golf Course Redevelopment Regulations and all applicable design standards, except as modified herein and as required by the Bonita Springs Fire Control and Rescue and Control District and National Fire Protection Association.
14. Approval of this RPD does not guarantee local development order approval. Unless modified as part of this approval, future development order approvals must satisfy the requirements of the City of Bonita Springs Land Development Code and the Bonita Plan.

Deviations:

1. Deviation 1 is approved.
2. Deviation 2 is withdrawn, subject to Condition 9.
3. Deviation 3 is approved, subject to Condition 10.
4. Deviation 4 is approved, subject to Condition 11.

SECTION TWO: EFFECTIVE DATE

This Ordinance shall take effect immediately upon of adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 4th day of May, 2022.

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote: Carr	Corrie
Purdon	Quaremba
Forbes	Steinmeyer
Gibson	

Date filed with City Clerk: _____

BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT

TYPE OF CASE: REZONE – RESIDENTIAL PLANNED DEVELOPMENT (RPD)
CASE NAME: SOLTURA AT EAST TERRY
CASE NUMBER: PD21-84737-BOS
HEARING DATE: April 19, 2022
PLANNERS: Mike Fiigon II, Senior Planner

APPLICATION SUMMARY:

- A. Applicant: Soltura Development Group, LLC
- B. Agent: RVI Planning; Pavese Law Firm
- C. Request: A request to rezone approximately twenty (20) acres from Residential Planned Development (RPD) to Residential Planned Development (RPD) for 200 dwelling units, and to request four (4) deviations.
- D. Location: The subject parcel as the following STRAP Number:
30-47-26-B3-00001.2010 (12585 E. Terry St.)
Bonita Springs, Florida 34135
- E. Future Land Use Map Designation: High Density Residential
- F. Current Zoning: RPD
- G. Current Land Use: Vacant

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

BACKGROUND: The property was rezoned in May of 2008, pursuant to City of Bonita Springs Zoning Ordinance 08-08. At that time, the request was to rezone from Mobile Home (MH-2) to a Residential Planned Development (RPD) for 200 multi-family dwelling units. The project, while approved, was never developed and the master concept plan (MCP) has expired. As such, this

request proposes a new master concept plan with new and updated submittal documentation and is not an amendment to the previous approval.

The site used to be the home of the Glades Haven Mobile Park, which was developed in the late 1960's and early 1970's. The previous owners and applicants of the prior rezoning request bought the mobile homes from the unit owners, in compliance with Section 723.006116, Florida Statutes, and the site was cleared. Around this time, the City approved a comprehensive plan amendment to change the Future Land Use (FLU) category from Density Reduction Groundwater Resource (DRGR) to High Density Residential (Ordinance 07-05).

This request is for 200 dwelling units, which is consistent with the High Density Residential FLU category at 10 units per acre. The type of dwelling unit proposed is called multi-family, detached. Since this is an undefined term and does not appear in the City's Land Development Code (LDC), Staff requested the Applicant to provide a definition for consideration. The definition proposed is as follows:

Multi-Family, Detached: A building or buildings consisting of three or more dwelling units located on a single lot or site.

The type of product being proposed could be considered horizontal multi-family, in that the units are side-by-side instead of on-top of one another like a more common design would yield. At this time, it is Staff's understanding that it will be a rental project and will stay under unified ownership.

Uses: The proposed uses provided by the Applicant are considered customary and consistent with the request for a Residential Planned Development (RPD) and are broken down as uses for the residential tract and uses for the preserve tract. The schedule of uses indicates the following:

Residential Tract

Accessory uses, buildings and structures

Administrative Offices

Clubs:

Country

Private

Dwelling Units:

Multi-Family

A building or buildings consisting of three or more units located on a single lot or site

Essential Services

Essential Service Facilities, Group I

Excavation:

Water Retention

Food and Beverage Services, limited to use of a club

Fences, Walls

Entrance Gates and Gatehouses

Health Club or Spa, accessory to a Club only

Models:

Display Center/Sales Center

Model Home

Model Unit

Parks, Group I

Parking Lot, Accessory
 Real Estate, Sales Office
 Recreation Facilities
 Personal
 Private-On-site
 Residential Accessory Uses
 Signs in conformance with LDC Chapter 6
 Temporary Uses, including a temporary sales office, temporary construction office,
 temporary construction storage, temporary amenity structures

Preserve Tract

Accessory structures associated with passive recreational uses
 Hiking and Nature Study
 Including pedestrian ways, hiking trails, boardwalks, outdoor education
 Preserves
 Recreation activities
 Including boardwalks, paths, and passive recreation and the active recreation
 requiring little or no facilities, capital investment or alteration of the natural
 landscape
 Signs in conformance with LDC Chapter 6

Property Development Regulations:

The proposed development regulations are contained on the Master Concept Plan (MCP) and are as follows:

SETBACK DATA:

FRONT:	20.0'	(PUBLIC ROAD)
FRONT:	10.0'	(PRIVATE ROAD)
REAR:	5.0'	
SIDE:	5.0'	
WATER	25.0'	
REAR:	30.0'	(PRESERVE)
PERIMETER	5.0'	
MINIMUM BUILDING SEPARATION	10.0'	
MAXIMUM BUILDING HEIGHT	35.0'	
MAXIMUM LOT COVERAGE	60.0%	

PARKING REQUIRED:

LOFT UNIT	12 UNITS @ 1.25/UNIT	=	15 SPACES
1-BEDROOM	84 UNITS @ 1.50/UNIT	=	126 SPACES
2-BEDROOM	52 UNITS @ 1.75/UNIT	=	91 SPACES
3-BEDROOM	52 UNITS @ 2.0/UNIT	=	104 SPACES
1	PRIVATE CLUBHOUSE 2088 SF	=	0 SPACES (ANICILLARY TO PRINCIPAL USE)
	REQUIRED SPACES	=	336 SPACES
	10% ADDITIONAL GUEST	=	34 SPACES
	TOTAL REQUIRED SPACES	=	370 SPACES

SPACES PROVIDED:

9'X18' STANDARD	=	286 SPACES
11'X18' CARPORT	=	48 SPACES
GARAGE	=	36 SPACES
12'X18' ADA	=	8 SPACES
TOTAL SPACES PROVIDED:	=	378 SPACES

The Applicant has requested two (2) deviations related to the development regulations – for parking and for perimeter setback requirements. All deviations are analyzed in the below section.

Deviations:

Deviations may be requested during the review process in accordance with [LDC Section 4-326](#). The Zoning Board may recommend to approve, approve with modifications, 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 City Manager or designee is also authorized to grant deviations from the technical standards for specific sections in LDC Chapter 3 based upon the review criteria set forth in [LDC Section 3-81\(b\)](#). In those instances, the City Staff has evaluated those deviations as a part of this review process.

Deviation No. 1: Requesting relief from LDC Section 4-1732(4)(j), which requires minimum parking spaces for meeting halls and other places for group assembly not otherwise listed at one space per 100 square feet of floor area, to allow for no parking spaces for the amenity center.

Applicant's Justification: *The Applicant is requesting approval of this deviation in order to provide flexibility in site design for multi-family buildings and to reduce unnecessary impervious areas within the RPD. The community is highly walkable, and the compact nature of the community provides a natural limit the number of residents needing to drive from their dwelling to the amenity center. The community design provides shared parking among all residential lots and the amenity center. Furthermore, the amenity center will not be open to the public and therefore will not be a significant generator of traffic from the outside public.*

Providing reduced parking for the amenity center does not increase the density of the development in anyway; does not decrease the amount of open space required by the LDC; does not underutilize public infrastructure or public resources; does not in any way reduce the preserve areas; and does not otherwise adversely impact surrounding land uses.

As proposed, parking will be provided as follows:

Minimum Required Spaces = 337 spaces

Minimum Guest Spaces = 34 spaces

Total Minimum Spaces = 371 spaces

Approval of this deviation request will not negatively impact the public health, safety, or welfare as adequate parking will be provided and the compact nature of the development will provide improved walkability and reduces impervious area.

Staff Analysis: The amenity center is not open to the public and is designed to only serve the residents of the community. The project is less than one-half square-mile in size, and is proposed to have a sidewalk system connecting all residential tracts to the amenity center. Staff agrees with the Applicant's justification that the project is walkable and due to its compact nature would likely not generate significant car traffic to the amenity center. The Applicant is providing the Code required parking for the residential units, plus the required number of guest spaces. Staff recommends **APPROVAL** of this deviation, with the condition that, in addition to the proposed

sidewalk system, the Applicant provide multiple bike racks throughout the site (including the amenity center) to help foster multi-modal transportation.

Deviation No. 2: Requesting relief from LDC Section 3-331(d)(1)(a)(3), which requires a 50-foot setback from lands under separate ownership to allow the water management lake to have a 25-foot setback along the southern property line along E. Terry St., with the condition that littorals as required by LDC Section 3-418(A) must be planted on a minimum 6:1 slope, and clustered adjacent to the property line.

Applicant's Justification: *The Applicant is requesting approval of this deviation in order to provide flexibility in site design for stormwater management within the RPD. A 50-foot setback will be provided along the east and west boundaries of the Property and the requested deviation is only needed to allow for a 25-foot setback from the E. Terry St. right-of-way. When combined with the existing E. Terry St. right-of-way the water management lake setback from lands under separate ownership to the south will exceed 50 feet.*

The lake edge will be a minimum 6:1 slope, and drainage swales, buffer plantings will all be located between the lakes and the E. Terry St. ROW. These characteristics will provide additional protection against passing motorists or pedestrians from potentially entering the lake.

Approval of this deviation request will not negatively impact the public health, safety, or welfare as locating the water management features along the ROW creates a more attractive streetscape along E. Terry St. and provides larger setback for residential structures.

Staff Analysis: Pursuant to LDC Section 3-81, this is a deviation that can be processed administratively during the local development order phase. The Applicant appears to be meeting the standards for a technical deviation from this Section by providing elements for the protection from wayward vehicles. Staff recommends this deviation to be **WITHDRAWN**, and to instead be submitted during the local development order phase. If the deviation is not approved or if it is amended, the Applicant shall provide revised cross sections for the MCP.

Deviation No. 3: Requesting relief from LDC Sections 3-331 and 3-420, which require sinuous design of shorelines of retention areas, to allow for a non-sinuous lake shoreline.

Applicant's Justification: *The Applicant is requesting approval of this deviation to provide non-sinuous lake shorelines in order to maximize indigenous vegetation preservation requirements on site.*

Due to the spatial constraints associated with a heavily impacted site the deviation is necessary to provide sufficient developable area that meets the proposed setbacks as well as the required open space and indigenous vegetation preservation, and the preservation of heritage trees.

The lakes will continue to meet the LDC regarding littorals and other code requirements. For these reasons, the deviation request will not negatively impact public health, safety or welfare.

Staff Analysis: One of the purposes of the lake sinuosity requirement is to increase the length and diversity of the littoral zone. In addition to providing greenery around a lake, littorals play a key role in the prevention of erosion and serve as a filter marsh to help improve water quality.

The Applicant has stated that the lakes will meet the LDC requirements for littorals. Additionally, sinuosity can be achieved using littorals by offsetting their planted positions around a lake and creating undulation. The lakes would need to be generally consistent with what is proposed on the MCP. These lakes tend to have a mix of sinuous bank areas with less sinuous areas. Approving this deviation would not nullify the requirement for littoral plantings and would not allow a redesign of the lakes to create even fewer sinuous areas. Staff recommends **APPROVAL** of this deviation request, with the condition that areas of non-sinuous lake bank include additional littoral plantings in an undulating form.

Deviation No. 4: Requesting relief from LDC Section 4-741(b)(1)b, which requires a minimum setback of 15 feet for structures and buildings from a perimeter boundary, to allow a five-foot perimeter setback along the north, east, and west property lines.

Applicant's Justification: *The Applicant is requesting approval of this deviation to provide a five-foot perimeter setback along the north, east and west property lines in order to provide flexibility in site design.*

Due to the spatial constraints associated with a heavily impacted site the deviation is necessary to provide sufficient developable area as well as the required open space and indigenous vegetation preservation, and the preservation of heritage trees.

This deviation will primarily be utilized to allow for fences, walls, or accessory structures to be located less than 15 feet from the property line, however, a five-foot landscaped buffer will be provided wherever a principal structure is less than 15 feet from the property line.

Approval of this deviation request will not negatively impact the public health, safety, or welfare as additional plantings will provide buffering for neighboring properties.

Staff Analysis: This deviation request would pertain to the northern, eastern, and western property lines. The current permitted setbacks for the abutting properties would be as follows:

LOCATION	PRINCIPAL SETBACK	ACCESSORY SETBACK	FENCE SETBACK
North	25 feet	5 feet	0 feet
East	15 feet	10 feet	0 feet
West	15 feet	10 feet/5 feet	0 feet

The abutting properties are currently able to place several structures at 15 feet or closer to the property line. As a result, the Applicant's request to be able to deviate from the RPD perimeter setback requirement of 15 feet would not be considered an incompatibility. The Applicant is correct, in that, in order to meet the preserve area requirements, open space requirements, and to provide the necessary lake area for stormwater attenuation, the development areas may appear to be compacted, especially along the north and west sides. The Applicant has agreed to provide a landscape buffer wherever a principal structure is placed closer than 15 feet to a perimeter boundary line. Staff recommends **APPROVAL** of this deviation, with the condition that no structure, including a fence or wall, shall be located closer than 5 feet to the perimeter boundary of the RPD, and that for fences and walls, the buffer trees shall be on the outside of the fence/wall facing the adjacent property. Proper space shall be provided for trees in accordance with their growth habit to reduce growth conflicts and the need for severe pruning. In addition to the standard landscaping plan requirements that are reviewed during the local development order process, the

Applicant shall provide a separate planting plan exhibit for areas where the perimeter setback of 15 feet is not being met. The Applicant shall work with Staff to establish a planting plan that provides sufficient screening and safeguards for abutting properties.

CONCLUSIONS:

The following conclusions are based upon the Applicant's Application being reviewed for compliance with the City's Code of Ordinances and the application of sound planning, engineering, surveying, and environmental practices.

The Applicant held three (3) neighborhood meetings, two (2) of which were required by the City's LDC. The pre-filing meeting was held on August 26, 2021, and the post-sufficiency meetings were held on January 25, 2022, and February 24, 2022. All meetings were advertised in accordance with the City's LDC.

The rezoning request was evaluated by Community Development for planning, zoning, engineering, environmental, and transportation impacts.

RECOMMENDATION:

Staff recommends **APPROVAL** of Petition PD21-84737-BOS Soltura at East Terry Residential Planned Development (RPD), subject to the following conditions:

1. The development shall be generally consistent with the proposed four-page MCP, Exhibit B, not to exceed 200 dwelling units.
2. The Schedule of Uses are as follows:

Residential Tract

Accessory uses, buildings and structures

Administrative Offices

Clubs:

Country

Private

Dwelling Units:

Multi-Family

A building or buildings consisting of three or more units located on a single lot or site

Essential Services

Essential Service Facilities, Group I

Excavation:

Water Retention

Food and Beverage Services, limited to use of a club

Fences, Walls

Entrance Gates and Gatehouses

Health Club or Spa, accessory to a Club only

Models:

Display Center/Sales Center

Model Home
 Model Unit
 Parks, Group I
 Parking Lot, Accessory
 Real Estate, Sales Office
 Recreation Facilities
 Personal
 Private-On-site
 Residential Accessory Uses
 Signs in conformance with LDC Chapter 6
 Temporary Uses, including a temporary sales office, temporary construction office,
 temporary construction storage, temporary amenity structures

Preserve Tract

Accessory structures associated with passive recreational uses
 Hiking and Nature Study
 Including pedestrian ways, hiking trails, boardwalks, outdoor education
 Preserves
 Recreation activities
 Including boardwalks, paths, and passive recreation and the active recreation
 requiring little or no facilities, capital investment or alteration of the natural
 landscape
 Signs in conformance with LDC Chapter 6

3. The Setback Development Regulations shall be as follows:

Location/Dimension	Residential Use	Accessory Use	Clubhouse/Amenity Use
Minimum Lot Size	NA	NA	NA
Minimum Lot Width	NA	NA	NA
Minimum Lot Depth	NA	NA	NA
Maximum Building Height	35 feet	35 feet	35 feet
Minimum Building Separation	10 feet	10 feet	20 feet
Minimum Building Setbacks			
Street	20 feet	20 feet	20 feet
Waterbody	5 feet	5 feet	5 feet
Preserve	30 feet	30 feet	30 feet
Perimeter	5 feet	5 feet	5 feet

4. At time of local development order submittal, the Applicant shall provide a copy of the recorded documentation as evidence of the extinguishment of the 80' wide ingress/egress easement along the western boundary of the subject property. If the Applicant is unable

to provide recorded documentation for review, the Applicant shall submit an application for an amendment to the Planned Development to amend the MCP.

5. At time of local development order, the Applicant shall submit, along with the TIS, an Intersection Control Evaluation (ICE) study for the Kent Road/East Terry Street intersection.
6. The Applicant shall provide traffic monitoring stations for the project and provide the data to the City for review. The location of the stations, data collection method and timeframes are to be determined at time of local development order.
7. The proposed multi-use path and corresponding sidewalk easement shown on the MCP shall be dedicated to the public.
8. In addition to the proposed internal sidewalk system, the Applicant shall provide bicycle racks throughout the community, including the amenity center, in an effort to foster multi-modal transportation within the site.
9. If Deviation 2 is revised, amended, or denied during the local development order phase, the Applicant shall provide revised cross sections for the MCP.
10. Pursuant to Deviation 3, non-sinuuous shoreline/lake areas shall include additional littoral plantings in undulating form. At time of local development order, the Applicant shall work with the City to establish a littoral planting plan that meets the intent of the sinuosity requirement.
11. Pursuant to Deviation 4, no structure, including a fence or wall, shall be located closer than 5 feet to the perimeter boundary of the RPD, and that for fences and walls, the buffer trees shall be on the outside of the fence/wall facing the adjacent property. Proper space shall be provided for trees in accordance with their growth habit to reduce growth conflicts and the need for severe pruning. In addition to the standard landscaping plan requirements that are reviewed during the local development order process, the Applicant shall provide a separate planting plan exhibit for areas where the perimeter setback of 15 feet is not being met. The Applicant shall work with Staff to establish a planting plan that provides sufficient screening and safeguards for abutting properties.
12. Six Florida slash pine and one oak heritage tree were found on the site. One pine and the oak shall be retained within the designated preserve area. One additional pine shall be retained adjacent to the preserve as shown on the MCP. These retained trees shall be protected with tree protection barricading appropriate for each species. The other four pines may be removed, and every effort shall be made to replace each tree with one 20-foot-tall tree like for like (angiosperm or gymnosperm), or two 12-foot-tall trees may be used for each heritage tree to be replaced in appropriate locations within the site. The Applicant shall work with Staff during the local development order process to determine the tree specifications.

13. Less the deviations and/or exceptions provided by this RPD approval, unless approved by a deviation, or unless there are conflicts with the water management design or companion developer's agreement, 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 Chapter 3 of the City of Bonita Springs Land Development Code, the City of Bonita Springs Bicycle Pedestrian Master Plan (PATH), the City of Bonita Springs Golf Course Redevelopment Regulations and all applicable design standards, except as modified herein and as required by the Bonita Springs Fire Control and Rescue District and National Fire Protection Association (NFPA).
14. Approval of this RPD does not guarantee local development order approval. Unless modified as part of this approval, future development order approvals must satisfy the requirements of the City of Bonita Springs Land Development Code and the Bonita Plan.

Deviations

1. **Deviation No. 1:** Staff recommends **APPROVAL** of this deviation.
2. **Deviation No. 2:** Staff recommends **WITHDRAWAL** of this deviation, subject to Condition 9.
3. **Deviation No. 3:** Staff recommends **APPROVAL** of this deviation, subject to Condition 10.
4. **Deviation No. 4:** Staff recommends **APPROVAL** of this deviation, subject to Condition 11.

SUBJECT PROPERTY:

The Applicant indicates the STRAP number is: 30-47-26-B3-00001.2010

EXHIBITS:

- A. Boundary Survey and Legal Description
- B. The four-page Master Concept Plan titled "Soltura at East Terry"

ATTACHMENTS:

- A. Staff Analysis (Background and Information Analysis)
- B. Applicant's Informational Analysis and Project Submittal History

EXHIBIT A



NOTES:

- ITEMS LISTED IN SCHEDULE B-II OF THE TITLE COMMITMENT PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, HAVING A FILE NO. 2071.016 AND A COMMITMENT DATE OF APRIL 23, 2021 AT 11:00 PM HAVE BEEN REVIEWED AS FOLLOWS:
- ROADWAY EASEMENT O.R. 1264, PG. 18 IS LOCATED ON THIS PROPERTY AS SHOWN HEREON.
 - THIS PROPERTY FALLS WITHIN ORDINANCES, O.R. 2189, PG. 3281 AND O.R. 2189, PG. 3334, BLANKET IN NATURE.
 - ROADWAY EASEMENT O.R. 3086, PG. 1592 IS LOCATED ON THIS PROPERTY AS SHOWN HEREON.
 - THIS PROPERTY FALLS WITHIN AGREEMENT, INSTR. NO. 2007000095052, BLANKET IN NATURE.
 - EASEMENT, INSTR. NO. 2017000200712 IS LOCATED ON THIS PROPERTY AS SHOWN HEREON.

LEGAL DESCRIPTION:

THE WEST ONE-HALF (1/2) OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 30, TOWNSHIP 47 SOUTH, RANGE 26 EAST, SITUATE AND LYING IN LEE COUNTY FLORIDA.

THE SAME BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTH EAST QUARTER OF SECTION 30, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN N01°02'39\"/>

NOTES:

COORDINATES SHOWN HEREON REFER TO FLORIDA STATE PLANE WEST.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, AS BEING S88°59'29\"/>

NOTES:

THIS PROPERTY WAS SURVEYED UNDER MY DIRECTION ON 9/1/2021.

THIS PROPERTY WAS VACANT ON 9/1/2021.

ASPHALT DRIVE AND CONCRETE SLAB LOCATIONS SHOWN HEREON ARE BASED UPON A BOUNDARY SURVEY PREPARED BY GRADY MINOR, WITH DATED 9/20/2017. REMNANTS OF SLABS AND DRIVE ARE OVERGROWN, EDGES AND LOCATIONS ARE APPROXIMATE.

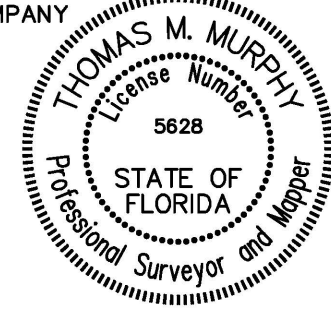
AERIAL PHOTOGRAPHY PROVIDED BY HOLE MONTES, INC. FLIGHT DATE 8/31/2021.

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFIED TO: SOLTURA DEVELOPMENT GROUP, LLC, A FLORIDA LIMITED LIABILITY COMPANY
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy 155628
THOMAS M. MURPHY STATE OF FLORIDA



- Symbol Description
(D) DESCRIPTION
(M) MEASURED
— SINGLE POST SIGN
MFIP ○ FOUND IRON PIN
MFND ▲ FOUND NAIL / DISK "LB1772"
□ CABLE PULL-BOX
▣ DRAINAGE INLET
— GUY ANCHOR
⌵ WOOD POLE

EXHIBIT A
BOUNDARY SURVEY

NOT VALID WITHOUT
THE SIGNATURE AND
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

PARTY CHIEF: DF DATE: 9/1/21
DRAWN BY: BEN DATE: 9/21
SHEET 1 OF SHEET 1
SEC-TWN-RGE:
30-47-26



6200 Whiskey Creek Dr.
Ft. Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No. 1772

EAST TERRY ST
SOLTURA

DRAWING NO.
H-1703
PROJECT NO.
21.650
FILE NAME:
21650 Bound.dwg

- Residential
- Lakes
- Preserve Area
- Pavement
- Property Boundary
- Proposed Traffic Flow Patterns
- Proposed Conceptual Internal Sidewalk Connections
- Heritage Tree to Remain
- Heritage Tree to be Removed
- 8' Paved Multi-Use trail
±580 lf, Responsibility of Developer

1. LAND USE BREAKDOWN:

Residential	9.75	Ac.±
Lake	2.43	Ac.±
Indigenous Area	1.69	Ac±
Open Space and Landscape Buffers	2.95	Ac.±
Pavement	3.25	Ac.±
TOTAL	20.07	Ac±

2. DENSITY:

9.96 UNITS PER ACRE

3. NOTES:

MAXIMUM NUMBER OF DWELLING UNITS = 200

4. DEVIATIONS:

- 1 Parking Standards
- 2 Lake Setback from Right-of-Way
- 3 Lake Sinuosity – Littorals Proposed to Mimic Sinuous Shoreline.
- 4 RPD Perimeter Setback (5' min.), add Landscape Buffer for Structures less than 15'.

5. OPEN SPACE:

OPEN SPACE REQUIRED : 40.00% 8.00 AC.

PROPOSED OPEN SPACE DATA

Land Use	Acreage	Open Space (Percentage)	Open Space (Acres)
(1.) Residential	9.75	40	3.90
Lake	2.43	100 (2 AC. MAX.)	2.00
Indigenous Preserve Area	1.69	varies	1.94
Open Space and Landscape Buffers	2.97	100	2.97
Right-of-Way	3.25	0	0
TOTAL:	20.07		10.81

1. ASSUMES NO GREATER THAN 60% LOT COVERAGE

* ENTRANCE GATE LOCATION IS CONCEPTUAL
IN NATURE AND SHALL COMPLY WITH THE LDC
AT THE TIME OF LOCAL DEVELOPMENT ORDER.

MASTER CONCEPT PLAN

SOLTURA AT EAST TERRY

DESIGNED BY REB	DATE 08/24/21
DRAWN BY K.L.P.	DATE 08/24/21
CHECKED BY REB	DATE 08/24/21
VERTICAL SCALE N/A	HORIZONTAL SCALE 1"=60'



6200 Whiskey Creek Dr.
Fort Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No.1772

THESE DRAWINGS ARE NOT APPROVED FOR CONSTRUCTION UNLESS SIGNED BELOW: _____ DATE _____	REFERENCE NO.	DRAWING NO.
	PROJECT NO.	SHEET NO.
	2021082	1 of 4

H:\2021\2021082\DW\RPD Plan -00.dwg Tab: MCP Mar 22, 2022 - 8:20am Plotted by: KevinPayne

EXISTING CONDITIONS

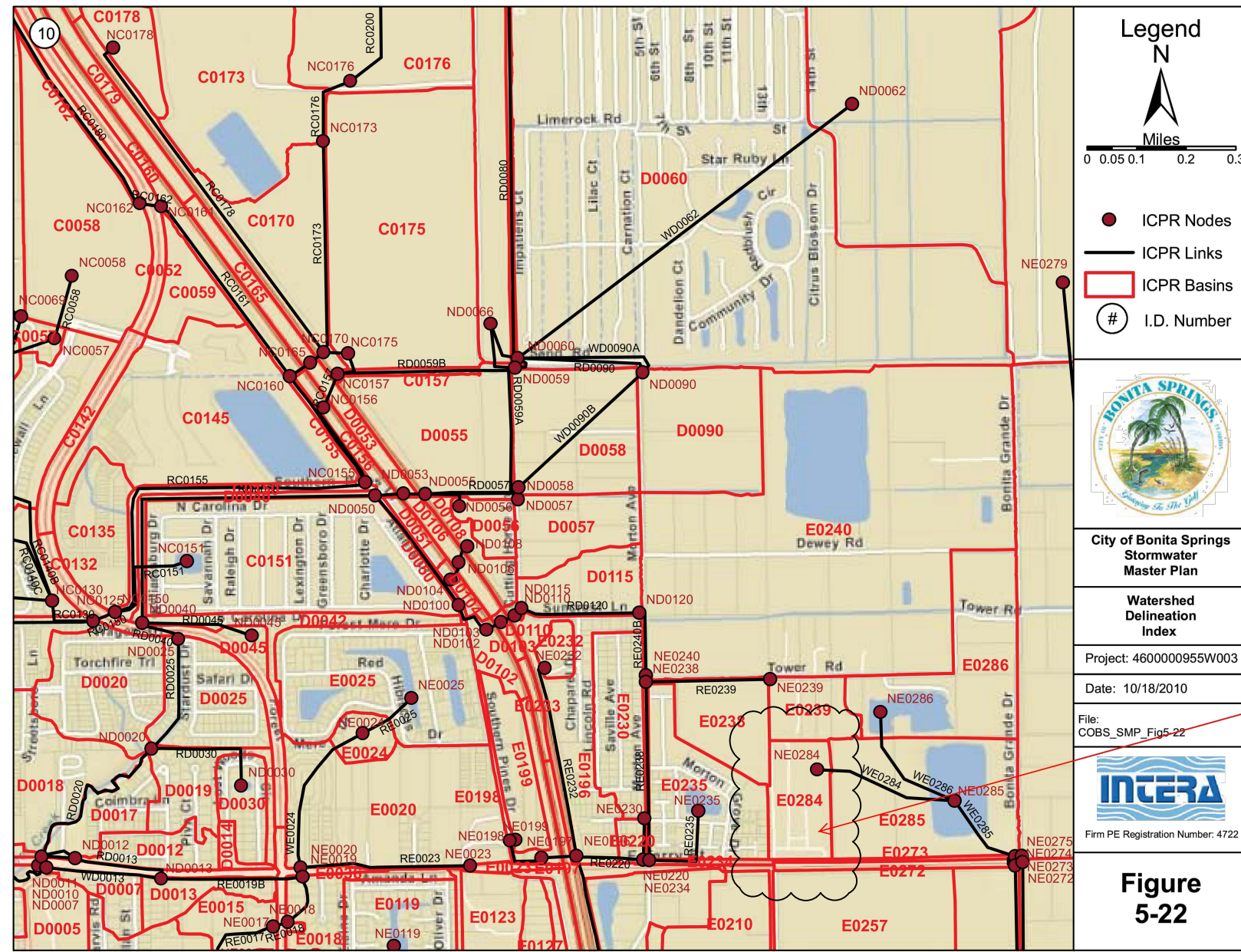


Figure 5-22

Table 7-3 (Continued)
Simulated Node Peak Flow Rates (cfs) of Selected Design Storm Events
Note: Link locations are provided in Figures 5-12 to 5-31

LINK	2yr_1hr	2yr_24hr	5yr_1hr	5yr_24hr	10yr_1hr	10yr_24hr	25yr_1hr	100yr_1hr	100yr_24hr
RA0182	0.23	0.73	0.38	0.93	0.53	1.06	1.82	3.20	
RA0183	4.37	6.62	5.50	7.75	5.97	8.30	9.85	11.11	
RA0184	0.00	0.00	0.01	0.00	0.31	0.00	0.00	0.00	
RA0184B	6.24	6.24	6.24	6.24	6.24	6.24	6.24	6.24	
RA0185	21.46	14.76	28.45	14.73	32.75	17.61	97.73	102.06	
RA0186	21.74	13.70	28.81	15.19	33.15	13.25	78.79	78.90	
RA0188	0.38	0.41	0.40	0.43	0.41	0.45	0.67	1.67	
RA0190	13.99	10.82	18.72	13.15	21.99	15.61	29.48	32.71	
RA0197	7.10	8.95	9.36	11.45	10.80	13.68	25.42	27.75	
RA0198	6.63	8.99	8.03	11.31	9.22	13.57	22.96	24.78	
RA0199	6.63	8.74	7.21	11.20	7.51	14.86	22.68	23.78	
RA0200	3.44	5.44	3.93	7.87	4.18	9.95	20.54	21.65	
RA0201A	6.35	2.68	7.05	2.64	7.36	2.67	0.00	0.35	
RA0205B	3.33	3.32	3.37	3.36	3.40	3.41	3.46	3.53	
RA0240	471.25	696.46	616.21	922.48	700.80	1095.02	1959.05	2276.45	
RA0241	0.18	0.27	0.21	0.31	0.23	0.34	3.55	5.84	
RA0242	0.24	0.32	0.28	0.38	0.30	0.42	1.86	5.23	
RA0250	99.63	49.56	121.43	62.03	132.29	69.27	200.95	200.01	
RA0250B	21.10	9.88	20.97	12.88	20.86	12.96	7.69	6.92	
RA0280	74.92	40.51	102.04	50.91	120.20	59.13	234.60	290.93	
RA0281	36.38	11.39	44.11	16.00	47.95	19.25	32.47	28.29	
RA0282A	21.21	8.97	24.80	12.82	26.13	15.59	26.22	25.43	
RA0282B	13.31	5.44	14.25	5.58	14.67	5.68	9.69	7.93	
RA0282C	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282D	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282E	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282F	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282G	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282H	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282I	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282J	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282K	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282L	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282M	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282N	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282O	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282P	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282Q	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282R	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282S	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282T	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282U	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282V	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282W	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282X	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282Y	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0282Z	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0283	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0284	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0285	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0286	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0287	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0288	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0289	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0290	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0291	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0292	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0293	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0294	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0295	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0296	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0297	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0298	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0299	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	
RA0300	20.31	1.78	25.36	14.09	25.29	16.86	22.19	20.97	

STORMWATER MASTER PLAN
ICPR MODEL EXIST. CONDITIONS (CFS)

Table 7-3 (Continued)
Simulated Node Peak Flow Rates (cfs) of Selected Design Storm Events
Note: Node locations are provided in Figures 5-12 to 5-31

NODE	2yr_1hr	2yr_24hr	5yr_1hr	5yr_24hr	10yr_1hr	10yr_24hr	25yr_1hr	100yr_1hr	100yr_24hr
NE0198	11.05	10.82	11.40	10.93	11.61	11.00	12.57	12.76	
NE0199	12.51	12.70	12.68	12.81	12.76	12.88	13.25	13.34	
NE0205	7.85	8.28	7.98	8.47	8.05	8.60	9.66	10.30	
NE0207	10.18	10.22	10.35	10.39	10.44	10.56	11.82	12.16	
NE0208	12.41	10.54	12.64	10.83	12.76	12.76	13.27	13.43	
NE0209	12.39	12.36	12.64	12.42	12.76	12.47	13.27	13.44	
NE0210	13.17	13.75	13.35	14.07	13.46	14.31	15.07	15.31	
NE0215	9.30	9.67	9.40	9.91	9.46	10.09	10.78	11.15	
NE0220	11.51	10.68	11.74	10.85	11.87	10.97	12.54	12.71	
NE0230	12.50	11.81	12.66	12.85	12.74	12.18	13.27	13.44	
NE0232	13.28	13.52	13.37	13.64	13.42	13.72	14.16	14.31	
NE0234	11.84	10.84	12.09	11.09	12.22	11.30	12.86	13.06	
NE0235	12.13	12.91	12.38	13.37	12.53	13.68	14.52	14.66	
NE0238	12.61	11.16	12.93	11.52	13.08	11.78	13.46	13.62	
NE0239	12.99	11.17	13.23	11.53	13.53	11.82	13.74	13.88	
NE0240	10.44	11.43	10.72	11.97	10.89	12.40	13.81	14.10	
NE0250	4.81	6.18	5.20	6.89	5.40	7.44	9.84	10.39	
NE0251	5.20	6.62	5.61	7.35	5.82	7.92	10.33	10.97	
NE0252	9.78	9.73	10.07	9.89	10.20	10.27	11.79	12.14	
NE0253	12.06	11.54	12.30	11.63	12.43	11.70	13.01	13.17	
NE0254	9.55	10.00	9.71	10.22	9.82	10.38	11.39	11.59	
NE0255	9.70	10.22	9.83	10.51	9.91	10.75	11.87	12.15	
NE0257	12.97	13.02	13.07	13.17	13.12	13.28	13.56	13.68	
NE0259	5.73	7.22	6.16	8.01	6.38	8.42	11.20	11.90	
NE0260	6.51	8.11	6.97	9.98	7.21	9.64	12.45	13.18	
NE0265	6.76	8.39	7.23	9.28	7.47	9.96	12.86	13.61	
NE0270	7.15	8.79	7.62	9.69	7.86	10.39	13.38	14.14	
NE0271	7.18	8.82	7.65	9.73	7.89	10.43	13.44	14.25	
NE0272	12.16	11.59	12.34	12.11	12.41	12.44	13.38	14.14	
NE0273	12.34	12.18	12.39	12.45	12.42	12.66	13.42	14.14	
NE0274	12.27	12.18	12.36	12.45	12.42	12.66	13.42	14.14	
NE0275	12.27	12.18	12.36	12.45	12.42	12.66	13.42	14.15	
NE0276	8.94	9.86	9.17	10.32	9.31	10.39	12.86	13.61	
NE0277	13.87	14.25	13.99	14.40	14.05	14.50	14.86	14.99	
NE0278	13.86	14.25	13.98	14.39	14.05	14.49	14.84	14.96	
NE0279	13.30	13.40	13.37	13.78	13.42	13.93	14.64	14.91	
NE0280	7.26	8.90	7.74	9.41	7.97	10.52	13.54	14.55	
NE0281	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	
NE0282	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	
NE0283	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	
NE0284	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	
NE0285	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	
NE0286	11.70	12.43	11.91	12.72	12.04	12.89	13.57	14.14	

STORMWATER MASTER PLAN
ICPR MODEL EXIST. CONDITIONS MAX. STAGE

EXHIBIT B

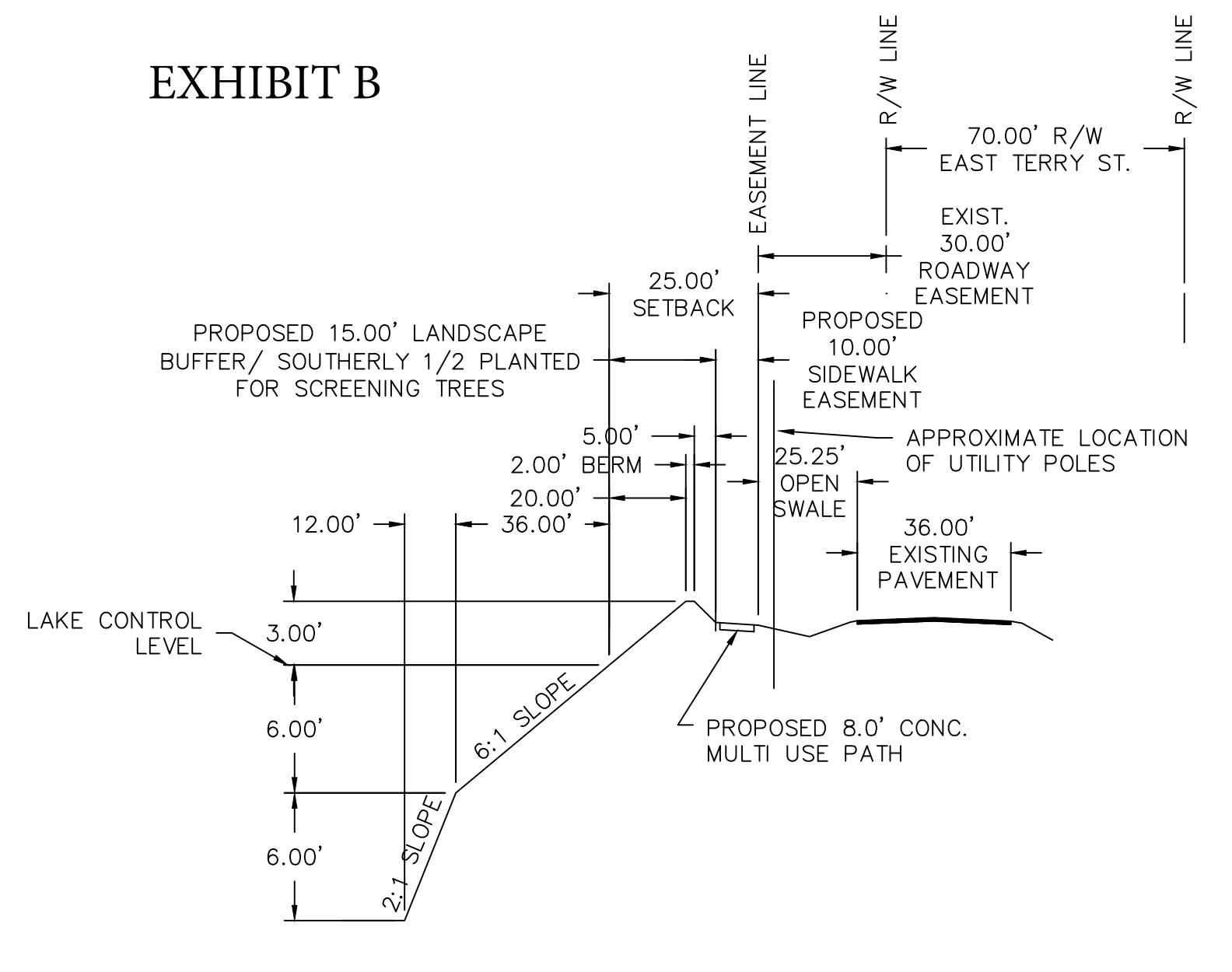
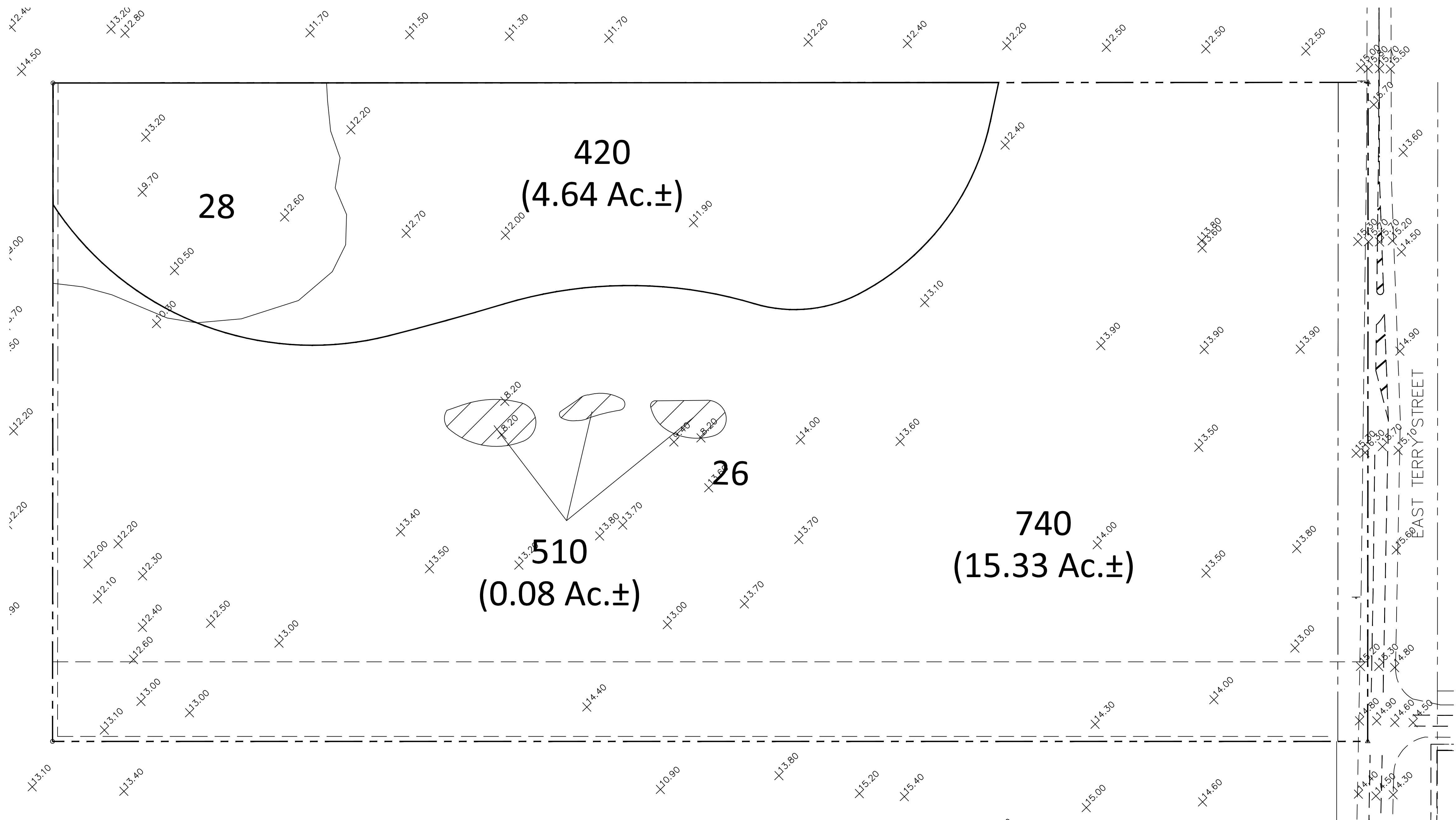
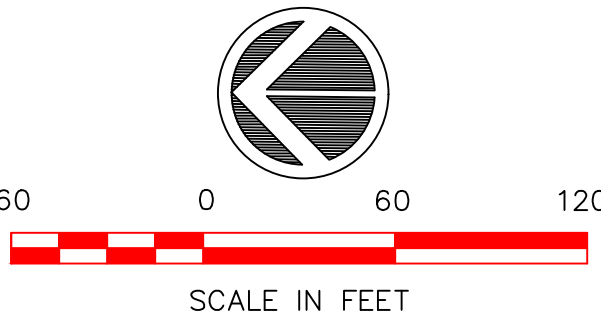


EXHIBIT B



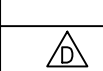
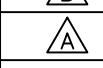
FLUCFCS LEGEND		
FLUCFCS CODE	COMMUNITY	ACRES
420	Mixed Upland Hardwoods	4.64 Ac.±
510	OSW Ponds and Ditches	0.08 Ac. ±
740	Disturbed Lands (Previously Cleared Mobile Home Park)	15.35 Ac. ±
TOTAL:		20.07 Ac. ±

NCRS SOILS LEGEND		
SOIL No.	DESCRIPTION	STATUS
26	Pineda Fine Sand	Hydric
28	Immokalee Sand	Non-Hydric

-  SURFACE WATERS (0.08 AC.)
- 740 FLUCFCS No.
- 26 NCRS SOILS No.

FLUCFCS MAP AND SOILS MAP PROVIDED
BY BEARPAWS ENVIRONMENTAL CONSULTING
1599 COVINGTON CIR. EAST, FORT MYERS, FL.
DRAWING DATED 6/15/21.

H:\2021\2021082\01A\GPD Plan -00.dwg Tab: FLUX Mar 21, 2022 - 10:27am Plotted by: Kevin Payne

		
		
	REVISIONS PER CITY COMMENTS	01/19/22
	REVISIONS PER CITY COMMENTS	11/10/21
LETTER	REVISIONS	DATE

SOLTURA AT EAST TERRY

DESIGNED BY REB	DATE 08/24/2021
DRAWN BY K.L.P.	DATE 08/24/2021
CHECKED BY REB	DATE 08/24/2021
VERTICAL SCALE N/A	HORIZONTAL SCALE 1"=60'

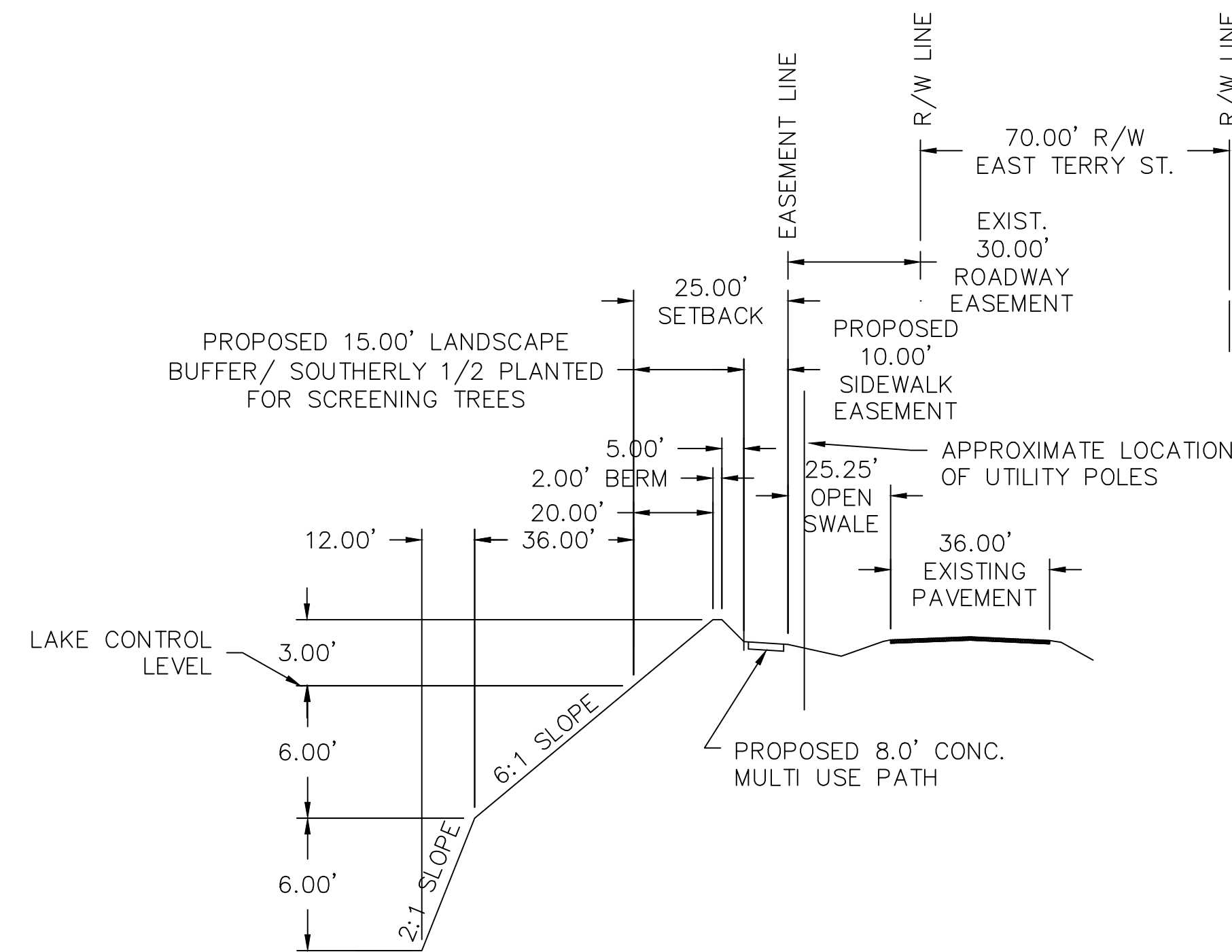


6200 Whiskey Creek Dr.
Fort Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No.1772

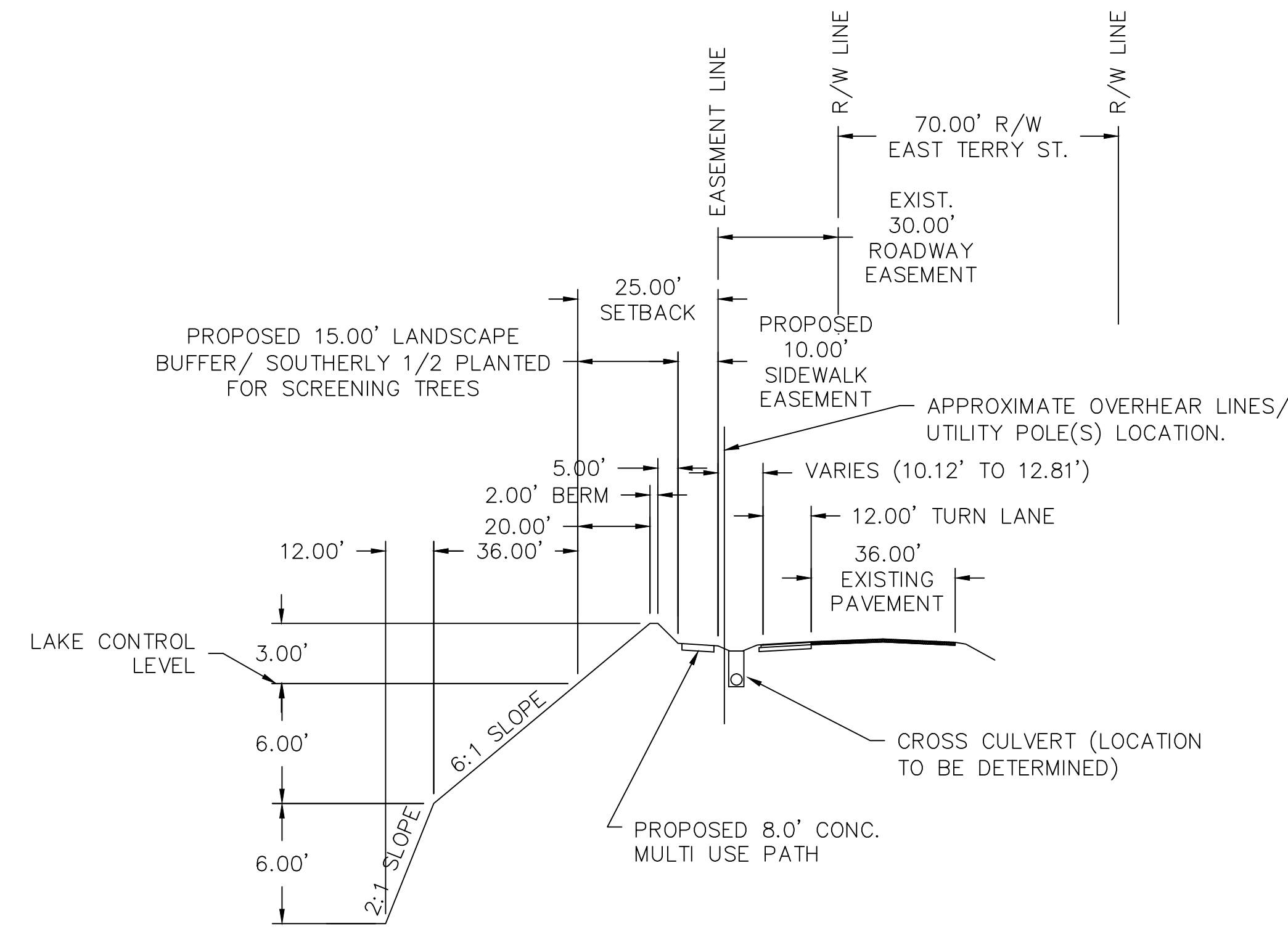
EXHIBIT B
FLUCFCS & SOILS MAP

THESE DRAWINGS ARE NOT APPROVED FOR CONSTRUCTION UNLESS SIGNED BELOW. DATE _____	REFERENCE NO. -	DRAWING NO.
	PROJECT NO. 2021082	SHEET NO. 3 of 4

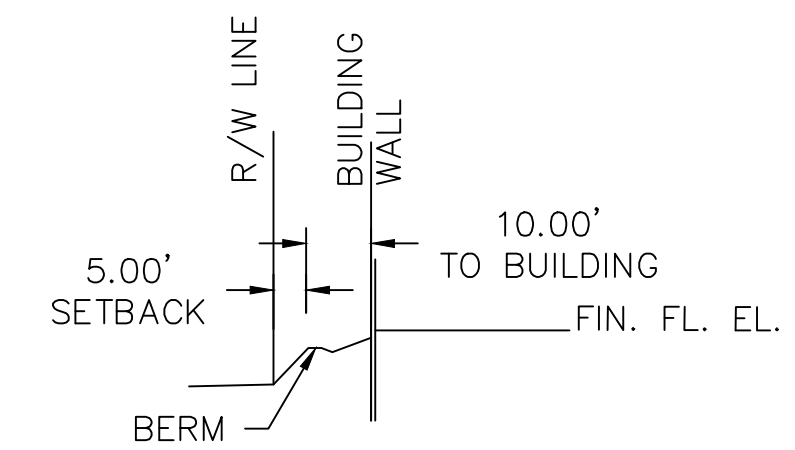
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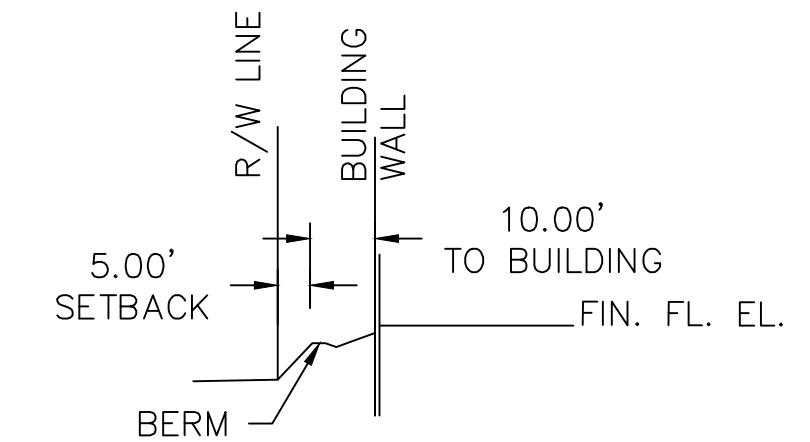
SECTION 1 AT LAKE
NTS



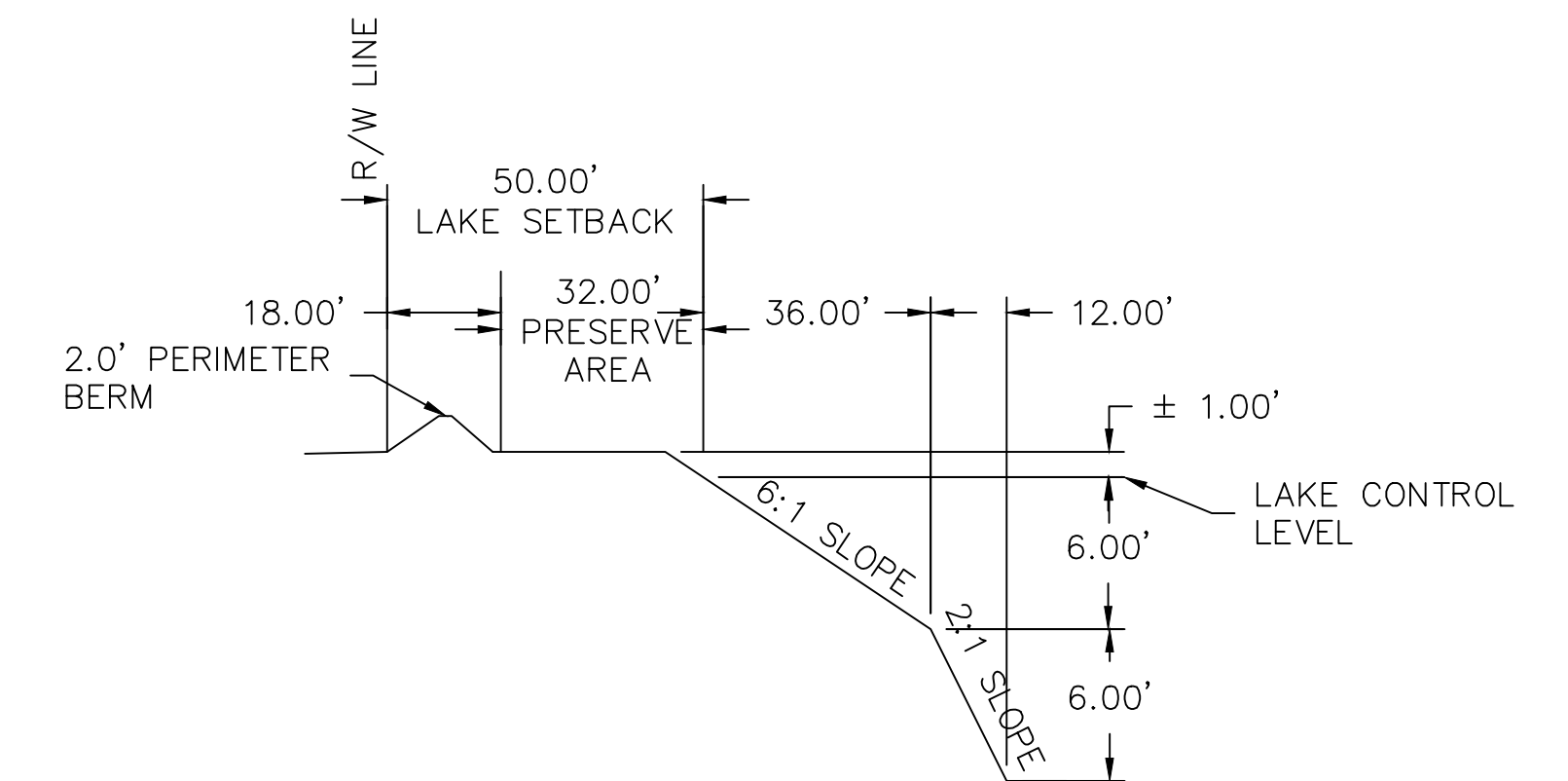
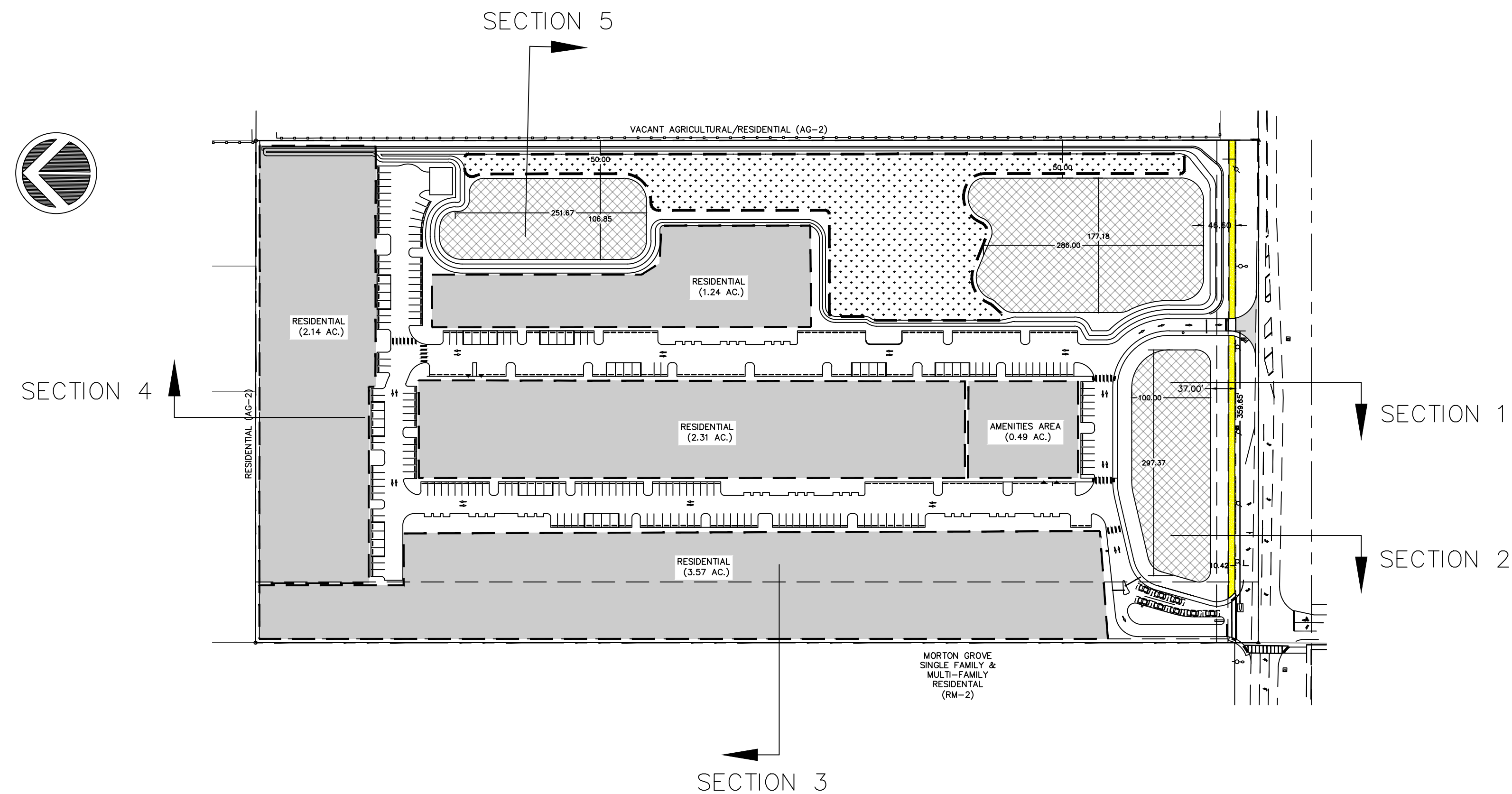
SECTION 2 AT TURN LANE



SECTION 3 AT WEST P/L
NTS



SECTION 4 AT NORTH P/L
NTS



SECTION 5 AT EAST P/L
NTS

		SOLTURA AT EAST TERRY		DESIGNED BY REB DATE 08/24/2021 DRAWN BY K.L.P. DATE 08/24/2021 CHECKED BY REB DATE 08/24/2021 VERTICAL SCALE N/A HORIZONTAL SCALE 1"=60'		HM HOLE MONTES ENGINEERS LANDSCAPE ARCHITECTS PLANNERS SURVEYORS SCALE: 1/8"=1'-0"	6200 Whiskey Creek Dr. Fort Myers, FL. 33919 Phone: (239) 985-1200 Florida Certificate of Authorization No.1772	EXHIBIT B TYPICAL SECTIONS		THESE DRAWINGS ARE NOT APPROVED FOR CONSTRUCTION UNLESS SIGNED BELOW:	REFERENCE NO. -	DRAWING NO.
					PROJECT NO.			SHEET NO.				
					2021082			4 of 4				
DATE _____												

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

Surrounding Land Use

<u>Existing Zoning & Land Use</u>	<u>Future Land Use Map</u>
Subject Parcel: RPD; Vacant	High Density Residential (10 units/acre)
North: Agriculture (AG-2); Plant Nursery; Residential Single-Family	Density Reduction Groundwater Resource – DRGR (1 unit/10 acres)
East: Agriculture (AG-2); Vacant	Density Reduction Groundwater Resource – DRGR (1 unit/10 acres)
*South: Agriculture AG-2; Lee County- Owned Conservation Land	Density Reduction Groundwater Resource – DRGR (1 unit/10 acres)
West: Residential Multi-Family (RM-2); Single-Family and Multi-Family Residential	Density Reduction Groundwater Resource – DRGR (1 unit/10 acres)

**While the land is owned by Lee County, there is a conservation easement over and across said lands that is dedicated to the South Florida Water Management District. Additionally, to the southwest of the project is the YMCA and city-owned soccer fields, zoned Community Facilities Planned Development (CFPD), located in the Public and Semi-Public future land use category.*

Environmental Considerations

The Applicant submitted the required environmental assessment for review by the City's environmental specialist. Several site visits were also conducted. The results showed that approximately 15.35 acres of the 20-acre site consists of disturbed lands due to the previously-cleared mobile home park (Glades Haven). Approximately 4.64 acres are classified as a mixed upland forest, which includes several species of native and invasive vegetation. The remaining acreage (approximately 0.08 acres) is comprised of man-made ponds and ditches.

The Applicant has provided a 1.69-acre preserve area on the MCP, shown on the east side of the property.

Seven heritage trees were observed on site (six slash pine and one oak) and it was agreed that two pines and one oak would be maintained in the designated preserve area shown on the MCP. Staff has proposed a condition that requires these remaining heritage trees to be protected with barricading. The other four pines may be removed (pursuant to approval from the City of Bonita Springs Tree Advisory Board), and every effort shall be made to replace each tree with one 20-foot tall tree (like for like) or two 12-foot tall trees per one heritage tree. The Applicant shall work with Staff during the local development order process to determine the tree specifications.

A listed species survey was also provided and reviewed by City Staff. While no nest-like structures or tree cavities were noted, there are two active gopher tortoise burrows [as well as two inactive burrows] on the site. A relocation permit will need to be obtained from Florida Fish and Wildlife for the safe relocation of the tortoises.

The project is also intending to use xeriscape techniques to the maximum extent possible, within code allowances. Using xeriscape will help conserve water resources by cutting back on landscape irrigation.

Traffic

The Applicant provided the required Traffic Impact Statement (TIS), which was reviewed by Staff's transportation engineer. The initial concern stemmed from the fact that the project contains buildings similar to conventional single-family dwellings, but the Applicant states the traffic impacts are those of multi-family dwellings (Land Use Code 220 of the ITE trip generation manual). The Applicant provided a project for comparison in Lakewood Ranch, Florida and three sites in Dallas, Texas. The opinion of the Applicant's traffic engineer was that the impact of the proposed Soltura project would be more in line with conventional multi-family development, despite the fact that the project has taken the traditional "stacked" multi-family building concept and put them on individual pads, similar to conventional single-family development. As done with previous projects that were not able to be completely placed within an appropriate Land Use Code in the trip generation manual, Staff is proposing a traffic monitoring condition for the Soltura RPD. The outcome of the monitoring may yield additional roadway improvements.

Additionally, Staff wants to better understand the impacts the project would have on the intersection of Kent Road and East Terry Street. The development would introduce additional movements that are not currently taking place. The project is proposing two connection points; one aligned with Kent Road and another approximately 350 feet to the east. The Applicant intends to allow both points to have the full range of turning movements (left/right for the eastern-most point and left/right/straight for the Kent Road/East Terry Street point). As a result, Staff has established a condition of approval requiring an Intersection Control Evaluation (ICE) study to be submitted at time of local development order for the Kent Road/East Terry Street intersection. The purpose of the study is to determine the best configuration for this connection and the safest way to operate it. Additionally, it is Staff's opinion that the eastern-most connection

point (which is currently shown as egress only) should be reevaluated at time of local development order to determine the safety [or hazards] of a left-turn movement.

At this time, it is Staff's opinion that these traffic concerns can be addressed sufficiently through required monitoring, reevaluation of turning movements, and the ICE study.

Stormwater/Drainage

The Applicant submitted a sample stormwater management plan and provided a narrative in response to Staff's comments. As part of the local development order submittal, the Applicant is required to provide a description of groundwater and surface water impacts. The Applicant will be required to demonstrate no adverse offsite stormwater impacts, by incorporating the project into the appropriate City of Bonita Springs Interconnected Pond and Channel Routing (ICPR) Model. To this end, the Applicant states the following:

The subject parcel is located in ICPR Basin E0284 as studied in the City of Bonita Springs Phase 1 Storm Water Master Plan dated December 2010. That study determined the basin delineation and hydrologic connection to offsite lands based upon Lidar land surface mapping, existing drainage and storm sewer infrastructure, and permit records to name several resources similar to what the City is now requesting.

Basin E0284 does not include any existing storm water management features, but as runoff occurs it sheet flows to the east and south and ultimately discharges to the public rights-of-way via overland flow and existing swales to the intersection of East Terry Street and Bonita Grande Drive.

The neighboring parcel to the west of the proposed RPD (ICPR Basin E0235-West Morton Apartments) has a permitted surface water management system (36-00869-S) in place using a wet detention lake system for on-site runoff storage. Their development includes a storm water control structure with a 6" orifice at elevation 11.2 ft NGVD that discharges to East Terry Street roadway swale system, westerly of the RPD site. The project constructed a perimeter berm at elevation to 15.0 FT NGVD to contain their storm runoff. These perimeter berms are shown within the approved SFWMD permit – application # 030121-4. Between the perimeter berms and the boundary, there is a shallow swale located within a drainage easement, and this swale is graded to drain also to East Terry Street along the property boundary.

This is consistent with the City of Bonita Springs ICPR basin mapping showing the basin delineation and location of their outfall to East Terry Street. The adjacent offsite land to the north is mapped as ICPR basin E0239. This basin is shown to convey their excess runoff to the northwest of their land and ultimately flow westerly via Tower Road swales to Morton Avenue.

In summary, the subject RPD does not have any adjacent lands which discharge through their property. It will maintain the historic flow pattern by a proposed control structure discharging to East Terry Street meeting the restricted release rate for Imperial River watershed.

The conceptual drainage plan is included as part of the four-page MCP exhibit (i.e., Exhibit B). At this time, it is Staff's opinion that the conceptual plan is adequate to properly convey stormwater through the site to appropriate discharge points along East Terry Street. The Applicant will be required to provide a more detailed plan at time of local development order and will be required to obtain a permit from the South Florida Water Management District.

Comprehensive Plan Considerations

Future Land Use:

The proposed project is located in the High Density Residential future land use category. The High Density Residential category states the following:

Policy 1.1.9: High Density Residential - Intended to accommodate multi-family, modular and manufactured housing, and existing mobile home and recreational vehicle parks up to a maximum density of 15 units per gross acre and approximately 194 acres of gross land area in the land use category; group homes and foster care facilities, public schools and other public, semi-public and recreational uses on a limited basis.

- a. Appropriate residential housing types include conventional and modular constructed single-family and duplex structures on permanent foundations, cluster housing, zero lot line, townhouses, and multi-family structures.*
- b. Residential density shall be limited to not more than 10 dwelling units per acre. In the case of multi-family, if affordable housing is provided, residential density may be increased by up to five additional dwelling units per acre.*
- c. Commercial uses may be appropriate provided they are primarily intended to serve the residents of a mixed-use project and are sensitive to nearby residential uses.*
- d. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves, except that no new structures or modification of existing structures located on the islands west of the mainland may be constructed in excess of 35 feet in height.*

The proposed project is residential in nature, below the maximum permitted height of 75 feet, and meets the density provisions of the Comprehensive Plan. The property is approximately 20.1 acres in size and is afforded a maximum density of 10 units per acre, which equate to a maximum of 200 units.

Transportation Element

As described above, the Applicant provided the required TIS documentation for review. There is disagreement between the Applicant and Staff regarding the appropriate Land Use Code (LUC) for trip generation. The opinion of the Applicant's traffic engineer was that the impact of the proposed Soltura project would be more in line with conventional multi-family development, despite the fact that the project has taken the traditional "stacked" multi-family building concept and put them on individual pads, similar to conventional single-family development. As done with previous projects that were not able to be completely placed within an appropriate Land Use Code in the trip generation manual, Staff is proposing a traffic monitoring condition for the Soltura RPD. The outcome of the monitoring may yield additional roadway improvements.

Additionally, Staff is requiring the Applicant to provide an Intersection Control Evaluation (ICE) study at time of local development order. The purpose of the study is to determine the safest way to operate the Kent Road/East Terry Street intersection, with increased turning movements as a result of this project.

The Applicant has demonstrated compliance with Policy 2.4.3 of the Transportation Element, which is intended to promote and encourage walkable and integrated land uses. The project will include an interconnected sidewalk system and will be providing a multi-use path that is eight (8) feet in width along East Terry Street. The pathway is shown on the proposed MCP as being located on the Applicant's property and Staff has included a condition that will require the pathway to be dedicated to the public.

Housing Element

Goal 1: To provide affordable, safe and sanitary housing in a decent living environment to meet the diverse needs of the existing and projected population of Bonita Springs.

Objective 1.1: Housing Availability - Provide for an amount and distribution of residential land in the City adequate to allow for a variety of housing types, including mobile and manufactured homes, and sites for affordable workforce housing as defined in 380.0651(3)(h), F.S. and very low, low and moderate income households, sufficient to meet the infrastructure and public facility needs of current and anticipated residents.

The proposed project meets the intent of Goal 1 and a portion of Objective 1.1 in that this Goal and Objective require the City to allow for a variety of housing types and to provide for affordable, safe and sanitary housing in a decent living environment. The project is intended to be a rental

project that will utilize a horizontal multi-family design – the first of its kind in Bonita Springs. The project is intended to be gated and will include an amenity center that will provide opportunities for residents and guests to recreate and be active within their environment.

Infrastructure Element

This Element provides goals, objectives and policies for potable water, sanitary sewer, solid waste, and stormwater/aquifer recharge guidelines. Bonita Springs Utilities will serve the site through available connections. The City coordinates and cooperates with Lee County project guidelines for sanitary facilities, including appropriate refuse locations, sizing and pickup schedules. For the stormwater sub-element, the Applicant provided a sample stormwater plan and narrative (provided earlier in this Report), and the project will be required to design the site to the stormwater levels of service outlined in the Comprehensive Plan, which include the 3-day, 25-year storm event for roads, and the 3-day, 100-year storm event for the residential structures.

It is Staff's opinion the project has demonstrated consistency with the Bonita Plan and that the remaining elements (Coastal Management, Capital Improvements, and Intergovernmental Coordination) are not applicable.

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

Review criteria	Yes – Mostly – Partly – No
Demonstrate compliance with the Bonita Plan, this Land Development Code, and any other applicable code or regulation; and	Yes
The request meets or exceeds performance and location standards set forth for the proposed uses; and	Yes
Including the use of TDR or affordable housing bonuses are the densities or intensities (general uses) consistent with the Comprehensive Plan; and	Yes; The proposed density does not exceed the allowances of the Comprehensive Plan.
The request is compatible with existing or planned uses in the surrounding area; and	Yes; The proposed project is residential in nature and is in an area of existing residential and agricultural uses.

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	Mostly; Staff has provided transportation conditions for consideration in order to address remaining concerns.
Will the request adversely affect environmentally critical areas and natural resources; and	No
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 requested uses are ancillary to typical residential projects.
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

REQUESTED MOTION: Recertify an Administrative Code for the Title VI Nondiscrimination Program Implementation Plan as a requirement for the Florida Department of Transportation Local Agency Program (LAP) Certification

REQUESTOR: Elly Soto McKuen, Senior Project Manager

AGENDA: Consent

STRATEGIC PRIORITY: #2 Transportation #3 Strengthen City Finances

BACKGROUND: Staff is in the final phase with the Florida Department of Transportation (FDOT) for the City's Local Agency Program (LAP) Certification. Once the City is LAP certified, the City will be eligible for FDOT and Federal Highway Administration (FHWA) grant funds.

The City's Title VI Nondiscrimination Program Implementation Plan is a component in the certification process. This plan describes how the City will effectuate nondiscrimination in the delivery of federally and non-federally assisted programs, services, and activities. The Plan implements the compliance requirements outlined in the Title VI of the Civil Rights Act of 1964 and other related civil rights laws and regulations.

The Administrative Code for the Title VI Nondiscrimination Program Implementation Plan was adopted on February 20, 2019 by resolution and must be re-certified every three (3) years.

STAFF RECOMMENDATION: Recertify Administrative Code for the Title VI Nondiscrimination Program Implementation Plan

ATTACHMENTS:

1. Resolution
2. Title VI Nondiscrimination Program Implementation Plan

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director: Matt Feeney

Council Action: Approved __ Denied __ Deferred __ Other _____

CITY OF BONITA SPRINGS

RESOLUTION NO. 22-

**A RESOLUTION OF THE CITY OF BONITA SPRINGS,
FLORIDA, RECERTIFYING AN ADMINISTRATIVE CODE
EFFECTUATING A TITLE VI NONDISCRIMINATION
PROGRAM IMPLEMENTATION PLAN AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, the Bonita Springs City Council, as the duly elected governing body for the City of Bonita Springs, has the authority to adopt administrative codes for the operation of City business; and

WHEREAS, an entity must formally adopt and publicly circulate a Title VI nondiscrimination program in order to apply for and be designated as a certified Local Agency under the Florida Department of Transportation Local Agency Program (LAP); and

WHEREAS, the City Council approved Resolution 19-10 on February 20, 2022 adopting an Administrative Code for the Title VI Nondiscrimination Program Implementation Plan; and

WHEREAS, the City Council has determined that it is necessary and desirable to formally re-certify the administrative code to effectuate its nondiscrimination policies.

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

1. The City Council declares that the procedures set forth, attached hereto, and incorporated by reference herein as "Exhibit A", as amended, is applicable to non-federally and federally funded construction projects.
2. This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 4th day of May, 2022.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney's Office

Vote: Purdon	Quaremba
Forbes	Steinmeyer
Gibson	Carr
Corrie	

Date filed with City Clerk: _____

EXHIBIT A
ADMINISTRATIVE CODE
TITLE VI NONDISCRIMINATION PROGRAM
IMPLEMENTATION PLAN

CODE NUMBER:	AC-19-10
TITLE:	TITLE VI NONDISCRIMINATION PROGRAM IMPLEMENTATION PLAN
ADOPTED:	February 20, 2019 Recertified May 4, 2022
ORIGINATING DEPARTMENT:	Public Works
PURPOSE/SCOPE:	Provide documentation of compliance with Title VI Nondiscrimination Program

Rule 1.00 - Purpose

The City of Bonita Springs is a recipient of federal funds from the U.S. Department of Transportation modal agencies, including Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). All Recipients of federal funding must comply with the requirements of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes, regulations, and authorities. This Implementation Plan describes how the City effectuates nondiscrimination in the delivery of its federally assisted programs, services, and activities. The Plan includes the structure of the City's Title VI/Nondiscrimination program as well as the policies, procedures, and practices that the City uses to comply with nondiscrimination requirements. The Plan is intended to be a living document, regularly policed, and updated by the City to meaningfully reflect the program as it changes and grows. Anyone wishing to provide input into the City's Title VI Nondiscrimination Implementation Plan is encouraged to contact the Title VI Nondiscrimination Program Coordinator, Brenda Reetz, whose email address is Brenda.Reetz@cityofbonitasprings.org, or by calling City Hall at (239) 949-6262. One may also submit input in writing mailed to City Hall, whose mailing address is City of Bonita Springs, 9101 Bonita Beach Road, Bonita Springs, Florida 34135-4215.

Rule 2.00 - Policy Statement

The City of Bonita Springs (hereinafter, the "City") values diversity and welcomes input from all interested parties, regardless of cultural identity, background, or income level. Moreover, the City believes that the best programs and services result from careful consideration of the needs of its communities and of when those communities are involved in the transportation decision-making process. Thus, the City does not tolerate discrimination in any of its programs, services, or

activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the City will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, or family status.

It is the policy of the City to comply with all federal and state authorities requiring nondiscrimination, including but not limited to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination Act of 1975 and Executive Order 12898 (Environmental Justice) and 13166 (Limited English Proficiency). In addition, the City complies with the Florida Civil Rights Act and does not permit discrimination on the basis of religion or family status in its programs, services, or activities.

The City has adopted the Florida Department of Transportation Department Title VI Nondiscrimination policy and ADA policy by reference Topic No.: 275-010-010-f-Title VI Program and Related Statutes – Implementation and Review Procedures.

Rule 3.00 - Nondiscrimination Assurances

Every three years, the City must certify to Federal Highway Administration (FHWA) and Florida Department of Transportation (FDOT) that its programs, services, and activities are being conducted in a nondiscriminatory manner. These certifications are termed ‘assurances’ and serve two important purposes. First, they document the City’s commitment to nondiscrimination and equitable service to the community. Secondly, they serve as a legally enforceable agreement by which the City may be held liable for breach. Citizens wishing to view the City’s Nondiscrimination Assurance may do so by visiting the City’s website or administration offices.

Rule 4.00 - Complaint Procedures

The City has established a discrimination complaint procedure as described herein and will take prompt and reasonable action to investigate and eliminate discrimination when found.

1. Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination or retaliation prohibited by the Title VI of the Civil Rights Act of 1964, as amended, and related statutes, may file a written complaint. All written complaints received by the City shall be referred immediately by the City’s Title VI Coordinator to the FDOT’s District One Title VI Coordinator for processing in accordance with approved State procedures.
2. Verbal and other non-written complaints received by the City shall be resolved informally by the City’s Title VI Coordinator. If the issue has not been satisfactorily resolved through informal means, or if at any time the person(s) request(s) to file a formal written complaint, the City’s Title VI Coordinator shall refer the complainant to the FDOT’s District One Title VI Coordinator for processing in accordance with approved State procedures.

3. The City's Title VI Coordinator will advise the FDOT's District One Title VI Coordinator within five (5) business days of receipt of the allegations. The following information will be included in every notification to the FDOT's District One Title VI Coordinator:
 - a. Name, address, and phone number of the complainant.
 - b. Name(s) and address(es) of respondent.
 - c. Basis of complaint (i.e., race, color, national origin, sex, age, disability, religion, familial status, or retaliation).
 - d. Date of alleged discriminatory act(s).
 - e. Date of complaint received by the recipient.
 - f. A statement of the complaint.
 - g. Other agencies (state, local or federal) where the complaint has been filed.
 - h. An explanation of the actions the recipient has taken or proposed to resolve the allegation(s) raised in the complaint.
4. Within ten (10) business days, the City's Title VI Coordinator will acknowledge receipt of the allegation(s), inform the complainant of action taken or proposed action to process the allegation(s), and advise the complainant of other avenues of redress available, such as the FDOT's Equal Opportunity Office (EEO).
5. Within sixty (60) business days, the City's Title VI Coordinator will conduct and complete a review of the verbal or non-written allegation(s) and based on the information obtained, will render a recommendation for action in a report of findings to the City Manager.
6. Within ninety (90) business days of receipt of verbal or non-written allegation(s), the City Manager, or designee, will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of their right to file a formal complaint with the FDOT's EEO, if they are dissatisfied with the final decision rendered by the recipient. The City's Title VI Coordinator will also provide the FDOT's District One Title VI Coordinator with a copy of this decision and summary of findings.
7. The City's Title VI Coordinator will maintain a log of all verbal and non-written complaints received by the recipient. The log will include the following information:
 - a. Name of complainant
 - b. Name of respondent
 - c. Basis of complain (i.e., race, color, national origin, sex, age, disability, religion, familial status, or retaliation)
 - d. Date verbal or non-written complaint was received by the City
 - e. Date the City notified the FDOT's District One Title VI Coordinator of the verbal or non-written complaint.
 - f. Explanation of the actions the City has taken or proposed to resolve the issue in the complaint.

Rule 5.00 - ADA/504 Posted Statement

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA), and related federal and state laws and regulations forbid discrimination against those who have disabilities. Furthermore, these laws require federal-aid recipients and other government entities to take affirmative steps to reasonably accommodate those with disabilities and ensure that their needs are equitably represented in transportation programs, services and activities.

The City will make every effort to ensure its facilities, programs, services, and activities are accessible to those with disabilities. The City will also make every effort to ensure its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The City encourages the public to report any facility, program, service, or activity that appears inaccessible to those who are disabled. Furthermore, the City will provide reasonable accommodation to individuals with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services, or activities. Because providing reasonable accommodation may require outside assistance, organization or resources, the City asks that requests be made at least two (2) business days prior to the need for accommodation.

Questions, concerns, comments, or requests for accommodation should be made to the City's ADA Coordinator:

Brenda Reetz
9101 Bonita Beach Road
Bonita Springs, FL 34135
Brenda.Reetz@cityofbonitasprings.org
(239) 949-6262
Hearing Impaired: Upon Request

Rule 6.00 - Limited English Proficiency (LEP) Guidance

Title VI of the Civil Rights Act of 1964, Executive Order 13166 and various directives from the U.S. Department of Justice (DOJ) and the U.S. Department of Transportation (DOT) require federal-aid recipients to take reasonable steps to ensure meaningful access to programs, services, and activities by those who do not speak English proficiently. To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four (4) factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the City's programs, services, or activities.
- The frequency with which LEP individuals come in contact with these programs, services, or activities.
- The nature and importance of the program, service, or activity to people's lives and.
- The resources available to the City and the likely costs of the LEP services.

1. Using Census Data, the City has determined that LEP individuals speaking English “less than very well” represent approximately 26.7% (US Census Data American Community Survey 2020) of the City of Bonita Springs community. The City realizes such statistical data can become outdated or inaccurate. Therefore, the City contacted local law enforcement, social services agencies, and the school board to validate the proportion of LEP served by those entities. Spanish was reported to be the prevalent LEP language with an estimate of 21.1% eligible to be served.
2. The City has not received requests for translation or interpretation of its programs, services, or activities into Spanish or other language(s). In addition, the City sponsored community outreach or public events are not attended by significant numbers of LEP individual speakers. Thus, the City estimates its contact with the LEP individuals to be moderate.
3. The City believes transportation is of critical importance to its public, as access to health care, emergency services, employment and other essentials would be difficult or impossible without reliable transportation systems. In that spirit, the City defines as essential any document that advises the public of how to access nondiscrimination and public involvement policies, as well as those that impact public safety, health and welfare and emergency services. A translated essential document may be obtained by contacting the City’s Title VI Nondiscrimination Coordinator.
4. The City is fortunate to house within/near its jurisdiction one or more institutions of higher education which have extensive language resources. Further, the City maintains cordial relationships with faith-based organizations and community organizations that offer competent language services at low or no cost to the City. Finally, the City employs a number of proficient Spanish speakers that are able to interpret or provide translation services. At a minimum, the City commits to:
 - Maintaining a list of employees who competently speak the LEP language(s) and who are willing to provide translation or interpretation services.
 - Distribute this list to staff that regularly has contact with the public.
 - Provide public notification in the LEP language of the availability of language assistance free of charge.
5. The City understands that its community characteristics change and that the four-factor analysis may reveal the need for more or varied LEP services in the future. As such, the City will at least triennially examine its LEP plan to ensure it remains reflective of the community’s needs.
6. Persons requiring special language services are encouraged to contact the Title VI Nondiscrimination Coordinator.

Rule 7.00 - Public Involvement

In order to plan for efficient, effective, safe, equitable and reliable transportation systems, the City must have the input of its public. The City spends extensive staff and financial resources in furtherance of this goal and strongly encourages the participation of the entire community. The City hosts an informative website that advises the public how it can access information and provide input. The City also holds public meetings, workshops and other events designed to gather public input on program/project planning and construction. Further, the City sponsors, attends and participates in other community events to promote its services to the public. Finally, the City is constantly seeking ways of measuring the effectiveness of its public involvement.

Persons wishing to request special presentation by the City; volunteer in any of its activities; offer suggestions for improvements; or to simply learn more about City programs and services should visit the City's website at www.cityofbonitasprings.org, or contact:

Name and Title: Lora Taylor, Director of Communications

Address: 9101 Bonita Beach Road, Bonita Springs, FL 34135

Email: lora.taylor@cityofbonitasprings.org

Phone: (239) 949-6262

Hearing Impaired: Upon Request

Rule 8.00 – Data Collection

FHWA regulations require federal-aid recipients to collect racial, ethnic, and other similar demographic data on beneficiaries of or those affected by transportation programs, services, and activities. The City accomplishes this through the use of census data, American Community Survey reports, Environmental Screening Tools (EST), driver and ridership surveys, its community development department, and other methods. From time to time, the City may find it necessary to request voluntary identification of certain racial, ethnic, or other data from those who participate in City programs, services, or activities. This information assists the City with improving service equity and ensuring effective outreach. Self-identification of personal data to the City will *always* be voluntary and anonymous. Moreover, the City will not release or otherwise use this data in any manner inconsistent with the FHWA regulations.

Rule 9.00 – Annual Certification Compliance

Title VI of the Civil Rights Act of 1964 provides that: “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from, participation in, or be denied the benefits of, or be subjected to discrimination under any program, or activity receiving Federal financial assistance.” Other federal legislation extended the protections under Title VI of the Civil Rights Act of 1964 to prohibit discrimination based on sex, disability, and age.

Federal rule, 23 CFR 450.316(b)(2), requires that the City's transportation construction and construction administration process "be consistent with Title VI of Civil Rights Act of 1964 and the Title VI assurance executed by each State under 23 U.S.C. 324 and 29 U.S.C. 794, which ensure that no person shall, on the grounds of race, color, sex, national origin, or physical handicap, be excluded from participation in, be denied benefits, or be otherwise subjected to discrimination under any program receiving Federal assistance from the United States Department of Transportation." An effective public involvement process is integral to providing assurances that the City's transportation construction and construction administration process is consistent with Title VI.

The City must annually certify to the FHWA that the City's transportation construction and construction administration process is being conducted in accordance with Title VI of the Civil Rights Act of 1964. No specific federal guidance exists regarding what a City must do to demonstrate that its transportation construction and construction administration process is consistent with Title VI. Each City has flexibility regarding how it will ensure consistency with Title VI.

The City uses a variety of strategies to demonstrate their construction process is consistent with Title VI. These strategies include, but are not limited to, the following:

- Developing and updating a Title VI plan.
- Designing the City's public involvement plan with specific Title VI strategies.
- Evaluating any existing public involvement Title VI strategies.
- Reviewing projects for socioeconomic and culture evaluation in the EDTM process; and,
- Maintaining documentation of its Title VI strategies.

As part of the annual Federal Planning Certification process, the FDOT Department staff will review the City's activities ensuring its transportation construction process is consistent with Title VI. In addition, records may be requested and reviewed that documented the City's Title VI strategy and implementation. Such records could include:

- Specific mention of Title VI issues in various plan documents (e.g., Title VI plan, public involvement plan, long-range transportation plan).
- Records pertaining to public involvement strategies (e.g., public notice, sign-in sheets, minutes of public meetings/hearing); and
- Records of comments received on the City's plans and how the City considered those comments in the development of transportation plans.

FDOT Department staff should certify the City's transportation construction process is consistent with Title VI if the City:

1. Has a documented process or strategy for ensuring Title VI consistency.
2. Can document implementation of this strategy.

Attachments:

FY2022 City of Bonita Springs Title VI Nondiscrimination Assurance
Appendices A and E

TITLE VI/ NONDISCRIMINATION ASSURANCE

Pursuant to Section 9 of US DOT Order 1050.2A, the City of Bonita Springs "Subrecipient" assures the Florida Department of Transportation (FDOT) that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Florida Civil Rights Act of 1992 and other nondiscrimination authorities be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The Subrecipient further assures FDOT that it will undertake the following with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the Subrecipient's Chief Executive Officer.
2. Issue a policy statement signed by the Chief Executive Officer, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Subrecipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
3. Insert the clauses of *Appendices A and E* of this assurance in every contract subject to the Acts and the Regulations
4. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against the Subrecipient shall immediately be forwarded to the FDOT District Title VI Coordinator.
5. Participate in training offered on Title VI and other nondiscrimination requirements.
6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.
7. Have a process to collect racial and ethnic data on persons impacted by your agency's programs.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the Subrecipient.

Dated May 4, 2022

by _____, Chief Executive Officer

APPENDICES A and E

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agrees as follows:

- (1.) **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- (2.) **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3.) **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.
- (4.) **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5.) **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the *Florida Department of Transportation* shall impose such contract sanctions as it or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - b. cancellation, termination or suspension of the contract, in whole or in part.
- (6.) **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the

Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event a Contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the Contractor may request the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation*, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

- (7.) **Compliance with Nondiscrimination Statutes and Authorities:** Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

**CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY**

Green Sheet No. 22-05-070
May 4, 2022

REQUESTED MOTION: Approve a request from the American Legion, Post 303, to donate the Veteran's Memorial Monument that was previously damaged during Hurricane Irma.

REQUESTOR: Lora Taylor, Director of Communications

AGENDA: Consent

STRATEGIC PRIORITY: N/A

BACKGROUND:

On April 14th, 2022, the Veterans Advisory Committee held a discussion about their continued effort to remove the Veterans Memorial Monument that was damaged as a result of Hurricane Irma. The monument is currently being stored at the City's skatepark area at the City of Bonita Springs Recreation Center. Due to the upcoming construction of the skatepark, the monument needs to be removed by June 1st.

With the City's approval, the Legion would relocate the damaged pieces to their local post until such time they can develop a plan to relocate them to their post property on Imperial Shores Boulevard for display. This would be at no cost to the City.

STAFF RECOMMENDATION: Approve a request from the American Legion, Post 303, to donate the Veteran's Memorial Monument that was previously damaged during Hurricane Irma.

ATTACHMENTS:

1. Letter from Adam A. Prentki III, 2nd Vice Commander, American Legion Post 303
2. Photos of the Veterans Memorial Monument

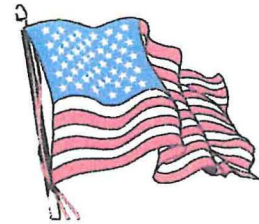
REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director: Lora Taylor

Council Action: Approved ___ Denied ___ Deferred ___ Other _____



THE AMERICAN LEGION
John F. Murphy Post 303
27678 Imperial Shores Blvd., P.O. Box 1931
Bonita Springs, Florida 34133
Phone – (239) 992-2422 Fax – (239) 947-6762
fl.alpost0303@gmail.com



Adam A. Prentki III
Vice Commander
American Legion, Post-303
PO Box 1931
Bonita Springs, FL 34133

March 2, 2020

RE: Veterans Memorial Monument

To Whom It May Concern,

I am writing on behalf of American Legion Post-303, in regards to the Veterans Memorial Monument which was damaged during hurricane Irma.

Recently, at the Veterans Advisory Committee Meeting held in February, a discussion took place as to the damaged monument, which the City currently has in storage. During the meeting, the Commander of American Legion Post-303 and myself, expressed interest in obtaining the monument for our local American Legion Post.

Our intention, if the City would grant approval, would be to relocate the damaged pieces of the monument to our Post property, on Imperial Shores Blvd. We would then keep them in storage until the Post could develop a plan and location to erect the monument at our local Post home.

Though, the monument was damaged during hurricane Irma, it is still an amazing piece of art and a genuine tribute to the men and women who have served our great Nation, in our Armed Services. The American Legion would be honored to take custody of the monument, at no cost to the City, for relocation to our Post, to honor the sacrifices of our men and women serving in uniform.

Respectfully Submitted,

Adam A. Prentki III
2nd Vice Commander



**CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY**

Green Sheet No. 22-05-071
May 4, 2022

REQUESTED MOTION: A Resolution of the City of Bonita Springs, Florida declaring miscellaneous information technology equipment as surplus and authorizing the City Manager to dispose of surplus property; and providing for an effective date.

REQUESTOR: Lora Taylor, Communications Director; Addison Smelko, IT Manager

AGENDA: Consent

STRATEGIC PRIORITY: None

BACKGROUND:

The attached list of property has been determined by staff to be surplus , and staff is recommending that the surplus items be removed from the City's inventory. The list represents outdated and end of life equipment no longer needed for Information Technology functions.

STAFF RECOMMENDATION: Approve resolution which authorizes staff to remove inventory and provide for an effective date.

ATTACHMENTS:

1. Resolution
 2. IT Surplus List
-

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director: Lora Taylor

Council Action: Approved __ Denied __ Deferred __ Other _____

CITY OF BONITA SPRINGS, FLORIDA
RESOLUTION NO. 22-

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA
DECLARING MISCELLANEOUS INFORMATION TECHNOLOGY
EQUIPMENT AS SURPLUS AND AUTHORIZING THE CITY
MANAGER TO DISPOSE OF SURPLUS PROPERTY; AND
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sec. 36-30 of the City's Code of Ordinance provides that City departments shall submit to the City Manager inventory reports of supplies which are no longer used or have become obsolete; and

WHEREAS, staff has identified miscellaneous information technology equipment, such as outdated computer equipment and end-of-life phone equipment, that no longer serves its purpose.

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

Section 1. The attached list of items ("Exhibit A") located at the City of Bonita Springs City Hall, 9101 Bonita Beach Road, Bonita Springs, Florida, are hereby determined to be surplus property.

Section 2. The City Manager is authorized to dispose of the surplus property as deemed appropriate.

Section 3. Effective date. This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 4th day of May 2022.

AUTHENTICATION:

Mayor Steinmeyer

City Clerk

APPROVED AS TO FORM: _____
City Attorney's Office

Vote:

Purdon
Forbes
Gibson
Corrie

Quaremba
Steinmeyer
Carr

Date Filed With City Clerk: _____

EXHIBIT A

IT Equipment Surplus List

- 1 x IPAD A1566
- 4 x Sophos Red 50 Firewalls
- 1 x Cisco ASA SSM-10
- 1 x Linksys SLM2048
- 2 x Ubiquiti Nano-Station Loco m5
- 1 x Acer Monitor S21 HL
- 2 x Wall Mounts for TV's
- 5 x Anbe Cameras Mini PTZ
- 1 x Cisco ASA5515x
- 1 x IBM Monitor (2704-HB7)
- 1 x ASUS Monitor (MX279)
- 2 x Samsung 700T Notebook (XE700T1A)
- 3 x Samsung Dock AA-RD5NDOC
- 5 x KTC Surveillance Cameras
- 1 x Sony Bravia TV
- 1 x Dell Studio XPS Desktop Computer
- 1 x Brother Intellifax 2840
- 10 x Dell Desktop Monitors
- 3 x Dell Optiplex 790
- 1 x MacBook A1286
- 1 x MacBook Pro A1398
- 1 x MacBook Pro A1502
- 1 x MacBook 1990 partial
- 1 x IBM ThinkCentre Desktop
- 1 x Dell Optiplex 9010
- 1 x Dell Optiplex 990
- 2 x Dell Optiplex 3020
- 1 x Dell Optiplex 960
- 1 x Dell Optiplex 980
- 1 x Dell Optiplex 755
- 2 x Dell Latitude (E5540)
- 2 x Element TV's
- 9 x Dell monitors
- 1 x Lenovo 9227-AC1
- 1 x HP LaserJet P1606dn
- 17 x iPhone
- 2 x HP LaserJet P1102w
- 1 x Serta Broken Chair

**CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY**

Green Sheet No. 22-05-073
May 4, 2022

REQUESTED MOTION: Approve temporary road closures of Old 41 and Special Event permit for Fourth of July “Star Spangled Bonita” and Parade on Monday, July 4, 2022 at Riverside Park.

REQUESTOR: Lora Taylor, Communications Director

AGENDA: Consent

STRATEGIC PRIORITY: No

BACKGROUND: The Bonita Springs Professional Firefighters Local 3444 will be hosting its annual Fourth of July Parade on Monday, July 4, 2022, starting at 9:00 am. The firefighters will be working in partnership with the Lee County Sheriff’s Office to coordinate the safe movement of pedestrians and traffic from the setup to the completion of the parade. Portions of Old US 41 Road from Rosemary Dr to Kentucky Street will be closed for the parade. The closure will begin at approximately 8:30 a.m. through 10:30 a.m. for pedestrian safety. The road will reopen after the parade and Old US 41 Road from Wilson Street to Childers Street will be closed again at 5:30 p.m. for Star Spangled Bonita.

The City will then hold its celebration of the Annual “Star-Spangled Bonita” event scheduled for Monday, July 4, 2022, from 6:00 p.m. to 9:00 p.m. There will be live musical entertainment from the “Ben Allen Band”, food, beverages, and a laser light show/fireworks display choreographed to music. The Rotary Club of Bonita Springs, Inc. will partner with the City for the sale of beer and wine, and proceeds from the sales will benefit the club’s non-profit activities. Staff is coordinating the events with the Bonita Springs Fire Control and Rescue District and with the Lee County Sheriff’s Office.

The road between the Liles Hotel Plaza and Riverside Park is to be closed at 8:00 pm to through traffic. Old 41 from Wilson to Ragsdale will be closed from 5:30 pm-10:00 pm. The road closure would be to assist in pedestrian traffic and safety during a portion of the evening event in preparation for the fireworks show. Portions of Reynolds will also be closed for pedestrian safety.

City Council has approved funds for the 4th of July event available in line item 00.430.574.4804

STAFF RECOMMENDATION: Approve road closures and special event permit for the 4th of July Party in the Park and Parade with the condition that the amplified sound to not exceed 65 dB from the point of the closest residence during the duration of the event.

ATTACHMENTS:

1. Special Event permit application

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director: Lora Taylor

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

You do not have to partner with the charities on this list. You may choose any charity. This list is intended as informational only.

**SPECIAL EVENT
PERMIT APPLICATION**

PERMIT. SEP- _____



City of Bonita Springs
9101 Bonita Beach Road
Bonita Springs, FL 34135

Date Received: _____

Effective Date/Time: _____

Application Fee: ☐ \$50.00 Phone: 239/949-6262
☐ \$25.00 (501C3 organizations)
Fee is non-refundable

Fax: 949-6239

Use this form for: Parades, Festival/Carnival, Any Activity Requiring Off-Site Parking, Street Closure, Sound Amplification or City Personnel, Run/Race/Walk, Art Shows, Concerts, Special Musical Presentation, Street Dances, Photography Shoots, and Fireworks. For information call 949-6262.

Completed Special Event Permits take 45 days to process with all necessary attachments and without errors. Your permit will go to the next City Council Meeting after the 45 days. Please take this into consideration when planning your event.

Organization: City of Bonita Springs
Nature of Event: Star Spangled Bonita 2022
Location (Attach Site Plan): Riverside Park

Date	Set-Up Time	Actual Event Times	Take Down Time
<u>7/4/2022</u>	<u>9 am</u> to <u>6 pm</u>	<u>6 pm</u> to <u>9 pm</u>	<u>9 pm</u> to <u>11 pm</u>

For multiple dates, please attach letter.

Has this event been held in the past? yes If so, when was the last event? 7/4/2021
Individual Contact for Activity/Event: Karessa Minori Phone: 239-949-6262
Address: 9101 Bonita Beach Rd, Bonita Springs, FL 34135 Fax: N/A
E-Mail Address: Karessa.minori@cityofbonitasprings.org
Major Sponsor(s): N/A
Promoter(s): N/A Phone or Contact #: 239-949-6262

- | | Yes | No |
|---|-------------------------------------|-------------------------------------|
| 1. Crowd: Is anticipated crowd size 1,000 or more? | ☒ | ☐ |
| Actual Anticipated number: <u>8,000</u> | | |
| 2. Parking: Will off-site parking be provided? _____ | ☒ | ☐ |
| Will "shuttle" service to parking be provided? By whom? _____ | ☐ | ☒ |
| 4. Noise: Will there be amplified music or entertainment? If yes, please attach type(s) of Entertainment and time(s) of performances(s). <u>Indicated stage location(s) on site plan.</u> | ☒ | ☐ |

- | | Yes | No |
|---|-------------------------------------|-------------------------------------|
| 5. City Co-Sponsorship:
Is City co-sponsorship being requested? If yes, please explain with letter of attachment, listing benefitting organizations. | ☐ | ☒ |
| 6. Fireworks: Is this a public <u>X</u> or private _____ display? Applicant must comply with State Law F.S. 791; and NFPA 1123 and obtain any applicable Lee County permit. | ☒ | ☐ |
| 7. Banners, Signs, Etc.: Will exterior banners, balloons, signs or other types of advertising techniques be used? Temporary signs may only be placed in accordance with the Sign Ordinance. | ☐ | ☒ |
| 8. Alcohol Beverages: Will alcoholic beverages be sold <u>X</u> or consumed <u>X</u> on the premises? Please check one or both. A copy of the Florida Beverages Commission permit is required to finalize before event. Permit Holder: _____
Division of Alcoholic Beverages and Tobacco: (239) 278-7195. | ☒ | ☐ |
| 9. Security: Will private security be provided to protect exhibits, equipment or facilities brought on-site for the event? Name of Company: <u>Diamond Investigations + Security</u>
Contact Number: <u>239 542 1113</u> | ☒ | ☐ |
| 10. Private Property: Does the applicant own the property where the event is to be held?
If not, please attach a letter of permission from the property owner. | ☒ | ☐ |
| 11. Public Safety: Will Police and Fire District Personnel be requested? (Based on responses to questions 1-6 certain Public Safety personnel may be required, i.e., Lee County Sheriff's Office, emergency services, fire, etc. Once staffing needs are determined, applicant will be required to provide copies of its contracts detailing obligated public safety staff necessary for event. | ☒ | |
| 12. Tents/Canopies: Will tents or canopies be used? <u>If yes, indicate on site plan the tent size, location, and type of surface on which the tent(s) will be installed and intended use of each tent.</u> | ☐ | ☒ |
| 13. Air Conditioning Units/Power Generators: Will exterior air conditioning units or power generating equipment be operated from vehicles or trailers? <u>If yes, indicate location of equipment on-site plan.</u> | ☐ | ☒ |
| 14. Food/Cooking: Will food be cooked <u>X</u> catered _____ on-site during this event? <u>Indicate on site plan the location of vendors and cooking equipment to be used.</u>
(Appropriately rated fire extinguishers required.) Lee County Health Department approval is required to finalize permit before event. Environmental Health Section: (239) 332-9559. | ☒ | ☐ |

Yes No

15. Sanitary Facilities:

Will temporary sanitary facilities be provided? If yes, indicate location on site plan.

☒
☐

Will disposable cardboard trash receptacles be provided? If yes, indicate on site plan.

☐
☒

Will additional refuse containers/dumpsters be provided?

☒
☐

If yes, by whom: Waste Management

16. Insurance Requirement: (Events on City property or City co-sponsored) Permittee is required to obtain and present evidence of surety indemnity bond or comprehensive liability insurance naming the city as an additional insured. The insurance requirement is a minimum of \$1,000,000.00 general liability (personal injury) and \$100,000.00 property damage against all claims arising from permits issued pursuant to this ordinance, naming the city of Bonita Springs as additional insured. If the event poses higher risks than covered by such insurance, permittee shall be responsible for assessing the risks of the event and obtaining additional insurance coverage.

17. Non-Profits are required to provide either a form 990 or a financial report to the city showing revenue from the event where at least 10% of the proceeds will remain within the Bonita Springs area, supporting the community or charities, within 60 days after the event. If the event is of a non-monetary nature, the non-profit must show they provide an impact to 5% of the area.

DURING REVIEW BY VARIOUS CITY DEPARTMENTS, ADDITIONAL CONDITIONS MAY BE IMPOSED. THIS PERMIT IS VALID ONLY FOR THE TIME INDICATED ON THIS PERMIT. IN THE EVENT THAT THE APPLICANT FAILS TO FULFILL THE REQUIREMENT(S) AS SET FORTH IN THIS PERMIT, OR FAILS TO OBTAIN PROPER AUTHORIZATION TO PROCEED IF CONDITIONS HAVE CHANGED ON THE EXPECTED OUTCOMES, IMPACTS, OR SPECIFICATIONS, INCLUDING BUT NOT LIMITED TO TIME AND ACTIVITIES, THE PERMIT MAY BE CANCELLED BY THE CITY MANAGER AND THE ACTIVITY SHALL CEASE IMMEDIATELY.

I, the undersigned, will indemnify, defend and hold harmless, the City of Bonita Springs, its agents, employees, officers and any and all other associates, from and against any and all actions, in law or in equity, from liability or claims for damages, demands or judgments to any person or property which may result now or in the future from the conduct of this event.

The undersigned has read and voluntarily signed the release and waiver of liability and Indemnity Agreement, and further agrees that no oral representations, statements, or inducements apart from the foregoing written agreement have been made.

R. Minoli 04/28/2022
Signature of Applicant Date

Comments: _____

City Manager Date

Comments: _____

Application Fee is non-refundable.

STAR SPANGLED
BONITA 2022

Fire
Department

Fire Dept
First Aide

Lost & Found

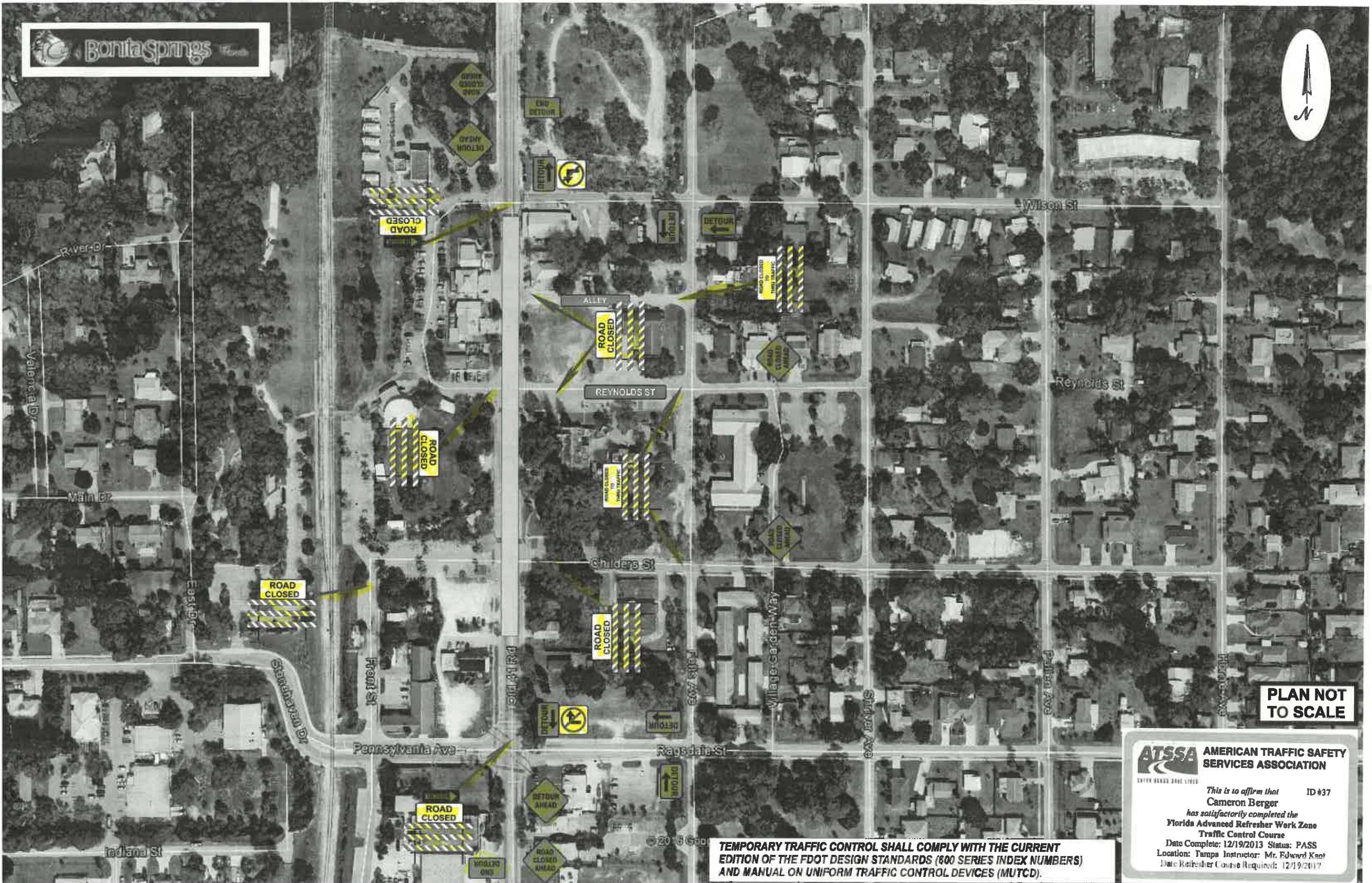
ATM

Food Truck

Rotary
Refreshment
Truck

Food Truck Area

- 1
- 2
- 3
- 4
- 5
- 5
- 6
- 7
- 8
- 9



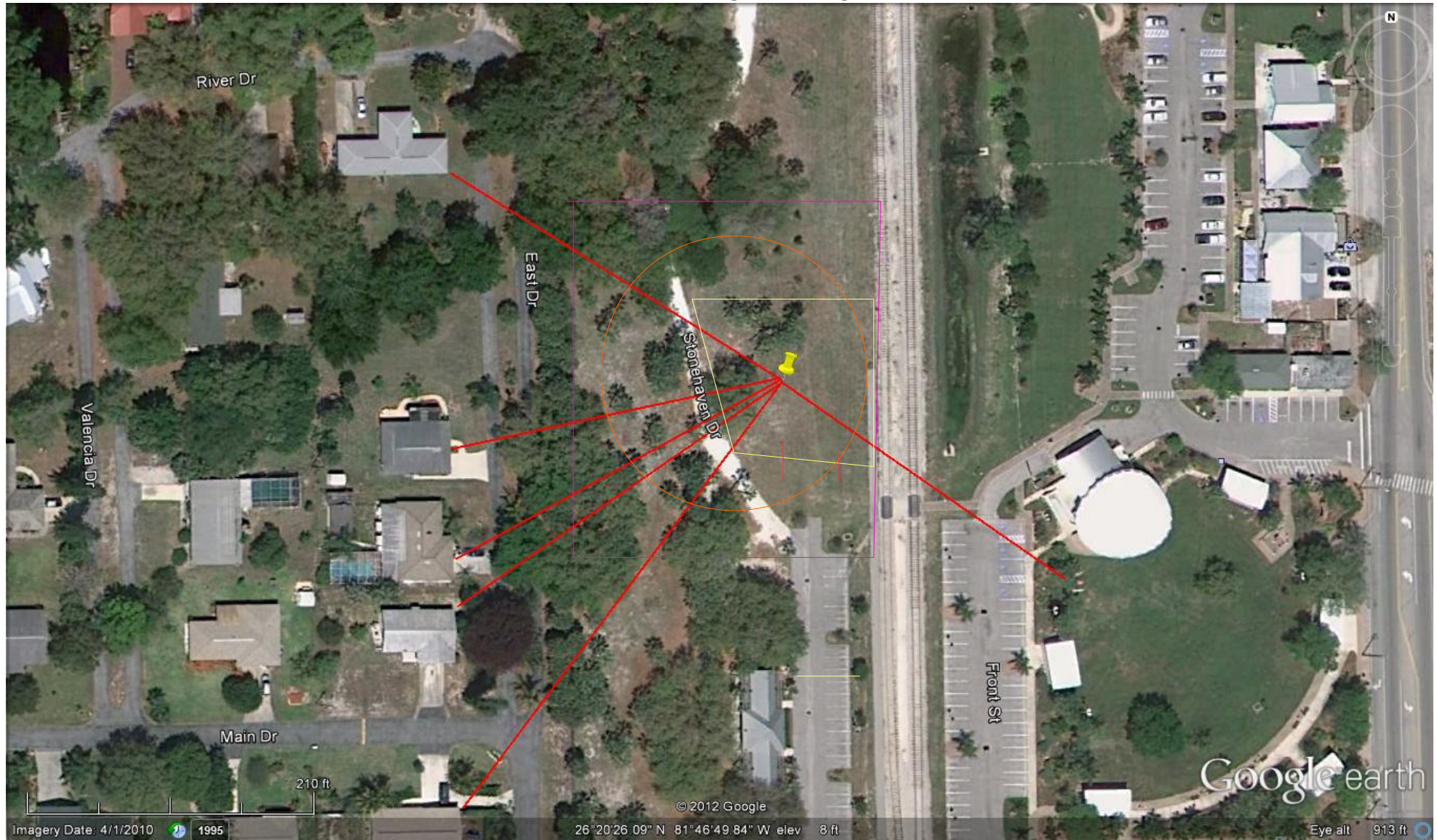
PLAN NOT TO SCALE

ATSSA AMERICAN TRAFFIC SAFETY SERVICES ASSOCIATION
EXPERIENCE MAKES THE DIFFERENCE

This is to affirm that
Cameron Berger ID #37
 has satisfactorily completed the
Florida Advanced Refresher Work Zone Traffic Control Course
 Date Complete: 12/19/2013 Status: PASS
 Location: Tampa Instructor: Mr. Edward Kent
 Date Refresher Course Required: 12/19/2017

TEMPORARY TRAFFIC CONTROL SHALL COMPLY WITH THE CURRENT EDITION OF THE FDOT DESIGN STANDARDS (600 SERIES INDEX NUMBERS) AND MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).

Area Marked With Yellow Lines Proposed Fenced Area This Will Keep The Firing Site Secure Red Lines Indicate Gate Access Big Enough To allow a 16' Box Truck.



We will extend out the area as usual with tape for the actual show for fallout area. Fall out area marked as orange circle, Pink Lines extended caution tape area.

Karessa Minoli

From: Laura Fay <L.Fay@railcold.com>
Sent: Monday, April 25, 2022 1:05 PM
To: Karessa Minoli
Cc: Justin Morris; Laura Shively; Kevin Sheehan; Matt Milz; Bruce Fay; Sandy Christiansen; Gordon Fay
Subject: FW: City of Bonita Springs 4th of July Event request for Railway Suspension
Attachments: FMIT 0927 Seminole Gulf Railway.4.25.2022.pdf

Hi Karessa,

We will suspend all railway activity in your area for 7/4/2022. Thank you kindly for sending the certificate of insurance. I hope your special event goes well. Thanks!

Laura A. Fay

Seminole Gulf Railway LP
Bay Colony Railroad Corp
Florida Freezer LP
FLGO Freight

www.flfreezer.com / www.floridarail.com / www.baycolonyrailroad.com / www.flgofreight.com / www.sem Gulf.com

4110 Centerpointe Drive, Suite 207

Fort Myers, FL 33916

Office: 239-275-6060, ext. *103#

Fax: 239-275-0581

From: Karessa Minoli <karessa.minoli@cityofbonitasprings.org>
Sent: Monday, April 25, 2022 11:53 AM
To: Laura Fay <L.Fay@railcold.com>
Subject: City of Bonita Springs 4th of July Event request for Railway Suspension

SJC Technology Graphus

Warning: Sender @karessa.minoli@cityofbonitasprings.org has never sent any emails to your organization. Please be careful before replying or clicking/downloading the attachment and URLs.

[Report Phishing](#) [Remove Banner](#)

powered by Graphus®

Good morning,

My name is Karessa and I am the Community Relations Specialist with the City of Bonita Springs. I assist with organizing community events.

We are hosting our annual 4th of July Star Spangled Bonita event on Monday, July 4th, 2022. Star-Spangled Bonita will take place from 6 pm-dusk. The firework launch site will be placed in Depot Park, near the railroad, as usual. Set up will begin the day before the event.

As in the past, we are requesting you suspend the use of the railway during the event. Please send confirmation if this is approved.

Attached is the certificate of insurance.

Please let me know if you have any questions.

Thank you and have a wonderful day!

Thank you,

Karessa Minoli | Community Relations Specialist



9101 Bonita Beach Road, Bonita Springs, FL 34135

phone | (239) 949-6262

email | Karessa.Minoli@cityofbonitasprings.org

website | www.cityofbonitasprings.org



-Click these icons to connect with us on social media!

CERTIFICATE OF COVERAGE**Certificate Holder**

SEMINOLE GULF RAILWAY
4110 CENTERPOINTE DRIVE SUITE 2017
FORT MYERS FLORIDA 3316

Administrator

Issue Date 4/22/2021

Florida League of Cities, Inc.
Department of Insurance and Financial Services
P.O. Box 530065
Orlando, Florida 32853-0065

COVERAGES

THIS IS TO CERTIFY THAT THE AGREEMENT BELOW HAS BEEN ISSUED TO THE DESIGNATED MEMBER FOR THE COVERAGE PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE COVERAGE AFFORDED BY THE AGREEMENT DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH AGREEMENT

COVERAGE PROVIDED BY:

FLORIDA MUNICIPAL INSURANCE TRUST**AGREEMENT NUMBER:** FMIT 0927**COVERAGE PERIOD:** FROM 10/1/21**COVERAGE PERIOD:** TO 10/1/22 12:01 AM STANDARD TIME**TYPE OF COVERAGE - LIABILITY****General Liability**

- ☒ Comprehensive General Liability, Bodily Injury, Property Damage, Personal Injury and Advertising Injury
- ☒ Errors and Omissions Liability
- ☒ Employment Practices Liability
- ☒ Employee Benefits Program Administration Liability
- ☒ Medical Attendants'/Medical Directors' Malpractice Liability
- ☒ Broad Form Property Damage
- ☐ Law Enforcement Liability
- ☒ Underground, Explosion & Collapse Hazard

Limits of Liability

* Combined Single Limit

Deductible N/A

Automobile Liability

- ☒ All owned Autos (Private Passenger)
- ☒ All owned Autos (Other than Private Passenger)
- ☒ Hired Autos
- ☒ Non-Owned Autos

Limits of Liability

* Combined Single Limit

Deductible N/A

TYPE OF COVERAGE - PROPERTY

- ☒ **Buildings**
- ☒ Basic Form
- ☒ Special Form
- ☒ **Personal Property**
- ☐ Basic Form
- ☒ Special Form
- ☐ Agreed Amount
- ☒ Deductible \$10,000
- ☒ Coinsurance 80%
- ☐ Blanket
- ☒ Specific
- ☒ Replacement Cost
- ☐ Actual Cash Value
- ☒ **Miscellaneous**
- ☒ Inland Marine
- ☒ Electronic Data Processing
- ☐ Bond

Limits of Liability on File with Administrator**TYPE OF COVERAGE - WORKERS' COMPENSATION**

- ☒ Statutory Workers' Compensation
- ☒ Employers Liability
- \$1,000,000 Each Accident
- \$1,000,000 By Disease
- \$1,000,000 Aggregate By Disease
- ☐ Deductible N/A
- ☐ SIR Deductible N/A

Automobile/Equipment - Deductible

- ☒ Physical Damage
- Per Schedule - Comprehensive - Auto
- Per Schedule - Collision - Auto
- Per Schedule - Miscellaneous Equipment

Other

* The limit of liability is \$200,000 Bodily Injury and/or Property Damage per person or \$300,000 Bodily Injury and/or Property Damage per occurrence. These specific limits of liability are increased to \$5,000,000 (combined single limit) per occurrence, solely for any liability resulting from entry of a claims bill pursuant to Section 768.28 (5) Florida Statutes or liability/settlement for which no claims bill has been filed or liability imposed pursuant to Federal Law or actions outside the State of Florida.

Description of Operations/Locations/Vehicles/Special ItemsRE: Fireworks for 4th of July, 2022 Event

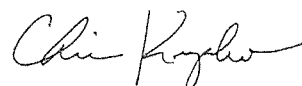
THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE AGREEMENT ABOVE.

Designated Member

City of Bonita Springs
9101 Bonita Beach Road
Bonita Springs FL 34135-4215

Cancellations

SHOULD ANY PART OF THE ABOVE DESCRIBED AGREEMENT BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 45 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED ABOVE, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE PROGRAM, ITS AGENTS OR REPRESENTATIVES.



AUTHORIZED REPRESENTATIVE



INVOICE

Date	Invoice #
3/16/2022	INV 548/9

20209 NE 15th Ct
Miami, FL 33179

Bill To
Bonita Springs

Ship To
LaserNet Contact: Christine Jenkin @ 305-690-6885 Chris@lasernet.com

P.O. Number	Terms	F.O.B.	Due Date	Project	
July 4, 2022	50/50	Miami	3/31/2022		
Quantity	Item Code	Description	Price Each	Serial Number	Amount
1	Laser Show Rental	per LUA 22-0028	10,500.00		10,500.00
				Total	\$10,500.00
Please note that all prices have been reduced for cash or wire payment. If credit card is used, prices will increase by 4%.				Payments/Credits	\$0.00
Phone #	Fax #	Web Site	Balance Due:		
305-690-6885	305-690-6881		\$10,500.00		



Quote Number	22-0028
Name	July 4 Bonita Lasers 2022
Account Manager	Glenn Wright
Quote Date	3/15/2022

Client
City of Bonita Springs Lora Taylor 9101 Bonita Beach Rd Bonita Springs, FL 34135 Phone: 239-949-6260 lora.taylor@cityofbonitasprings.org

Ship to:
City of Bonita Springs Lora Taylor 9101 Bonita Beach Rd Bonita Springs, FL 34135 Phone: 239-949-6260 lora.taylor@cityofbonitasprings.org

Ship Date	Return Date	Status	Terms	Total
7/3/2022 2:00 PM	7/5/2022 1:00 PM	Confirmed	50% Dep/50% at show	\$10,500.00

Terms and conditions of Agreement

Lite Up America (LUA) agrees to rent to Client the listed equipment on the proposal provided subject to the terms and conditions set forth below.

Acceptance - All proposals will be valid for a period of 10 days from the proposal date. In the event the proposal is not accepted, signed, and returned to LUA within this period, it will be void. All prices are subject to change without notice following the acceptance period. When accepting proposal, client agrees to use the equipment in a proper manner and agrees that, in the event any of the rented equipment is lost or damaged before it is returned, they will promptly pay an amount equal to the reasonable cost of repair or replacement.

Charges - It is understood that the rental commences as of the date and time specified and ends only when the rented equipment is returned. Should said property not be returned to LUA at the time specified, Client agrees to pay additional rental charges. It is agreed that if the Client fails to pay the rental charges, or if default is made in any of the other terms hereof, LUA may at once take possession of said rented equipment wherever the same may be found and remove the same, and LUA or its agents shall in no way be liable for any claims for damages or injury in the removal of said equipment.

Client further agrees that all charges for rental will be paid as specified in proposal and that all collection fees, attorney's fees, or any other expense incurred in collecting rental charges will be paid by Client. If credit card is supplied by Client to LUA, Client acknowledges and grants LUA the unequivocal right to recover from Client's credit card any charges or amounts due to LUA until paid in full.

Payment - All payments for services are due as marked on this quotation. Unless otherwise noted on this quotation, balance will be due upon arrival of LUA at venue. Interest of 1.25% per month will be charged for past due balances. Payment of Deposit by Client to LUA will be considered as acceptance of LUA standard terms and conditions even if this document is not signed and returned.

Credit Cards - The quoted price reflects a 4% discount for customers that pay with cash or check. We accept Visa, Mastercard, and American Express but cannot extend the discount for credit card purchases.

Cancellations and Refunds - All deposits and payments are non refundable. Should the Client cancel for any reason, once deposit has been accepted, the full balance of the project becomes due.

Damage - LUA is hereby released from any and all claims for damages to Client, by reason of use of said property. Client agrees to indemnify LUA from any and all claims for damage to any person or property by reason of the use of said property by Client or any other from start of rental until said property is returned to LUA.

Indemnity - To the greatest extent permitted by law, Client shall indemnify, defend, hold and save LUA, its officers shareholders, directors, agents, employees, and independent contractors, harmless from all claims and expenses, including court costs and attorney's fees, from damages including death and injury to persons or property which are related in any manner, directly or indirectly, to this lease or the equipment which is the subject hereof, regardless of whether injury is caused in whole or in part by the passive or active negligence, including the gross negligence, of LUA or any other act or omission of LUA or its agents.

Insurance Certificates - LUA may require a certificate of insurance as a prerequisite to the rental of equipment. Client is responsible for all equipment and legal fees connected with rental or collection. Client assumes liability for damages incurred to

the equipment during rental period and will be charged for any lost or damaged equipment. Upon request, LUA will issue Client an additional insured certificate covering Client and or venue for up to 2 million dollars in liability coverage.

Expenses and Freight - Unless otherwise stated in this quotation all freight charges, and travel expenses, including, but not limited to technician's airfare, hotel, per diem charges, ground transportation charges; are considered additional charges for the Client and will be invoiced.

This quotation is based on information and specifications given by the customer at time of proposal. LUA is not responsible for correcting any inadequacies as a result of customer omissions or changing specifications. Conditions at time of show may require additional labor/equipment charges to correct. These additional charges are for the account or the Client.

Fog/Haze - The lasers are dependent upon fog or haze. Client will not hold LUA responsible for the impact of the lasers if Client provided fog/haze is not correct AND/OR if the venue does not allow the use of fog/haze.

Outdoor Shows - requires FAA approval, LUA will obtain this at no charge. If FAA approval is not possible, LUA will terminated all beams (not allow beams to go free into airspace).

Weather Conditions - If weather conditions arise that prevent the show from commencing, LUA will reschedule the show for the following date. Client will not be charged for the additional show day rental; however, the Client will be responsible for all expenses that are incurred for the schedule change. These fees include, but are not limited to, show labor, hotel, per diem, and all travel charges related to the show change. If the rain date cannot be the next day, then LUA will offer Client a credit of equal to 50% of the total show fee to be used on another event within 6 months from the date of the original show. However, if LUA is already on site when the show is rescheduled or cancelled, payment in full is still required.

Personal Guaranty - the Guarantor hereby unconditionally and irrevocably guarantees payment of the amounts agreed to be paid under this Agreement, including payment for the equipment rental, any other damages or indemnity agreed to, including, but not limited to, attorney fees as described above.

The foregoing information is deemed confidential and is to be used solely by the prospective Client. Equipment is subject to availability.

Date: 3/28/22

Date: _____

Company
Signature: [Signature]

Client
Signature: _____

Name/Title: Christie Jeron VP

Name/Title: _____



LASER PRODUCTION NETWORK

20209 NE 15th Ct
Miami, FL 33179

INVOICE

Date	Invoice #
3/15/2022	INV 541/3

Bill To
Bonita Springs

Ship To
LaserNet Contact: Christine Jenkin @ 305-690-6885 Chris@lasernet.com

P.O. Number	Terms	F.O.B.	Due Date	Project	
July 4, 2022	50/50	Miami	3/31/2022		
Quantity	Item Code	Description	Price Each	Serial Number	Amount
1	Laser Show Rental	Firework only show, 20 minutes, quote 22-0030	13,175.00		13,175.00
1	misc	Additional 10 minutes of fireworks	5,000.00		5,000.00
		As always client provide hotel rooms			
				Total	\$18,175.00
Please note that all prices have been reduced for cash or wire payment. If credit card is used, prices will increase by 4%.				Payments/Credits	\$0.00
Phone #	Fax #	Web Site	Balance Due:		
305-690-6885	305-690-6881	www.lasernet.com	\$18,175.00		



Miami
20209 NE 15th Ct
Miami, FL 33179
Phone: 305-690-6885
Fax: 305-690-6881
www.lasernet.com

Quote Number	22-0030
Name	July 4 Bonita Pyro 2022
Account Manager	Glenn Wright
Quote Date	3/15/2022

Client
City of Bonita Springs Lora Taylor 9101 Bonita Beach Rd Bonita Springs, FL 34135 Phone: 239-949-6260 lora.taylor@cityofbonitasprings.org

Ship to:
City of Bonita Springs Lora Taylor 9101 Bonita Beach Rd Bonita Springs, FL 34135 Phone: 239-949-6260 lora.taylor@cityofbonitasprings.org

Ship Date	Return Date	Status	Terms	Total
7/3/2022 2:00 PM	7/5/2022 1:00 PM	Confirmed	50% Dep/50% at show	\$18,175.00

Terms and conditions of Agreement

Laser Production Network, Inc. (LPN) agrees to rent to Client the listed equipment on the proposal provided subject to the terms and conditions set forth below.

Acceptance - All proposals will be valid for a period of 10 days from the proposal date. In the event the proposal is not accepted, signed, and returned to LPN within this period, it will be void. All prices are subject to change without notice following the acceptance period. When accepting proposal, client agrees to use the equipment in a proper manner and agrees that, in the event any of the rented equipment is lost or damaged before it is returned, they will promptly pay an amount equal to the reasonable cost of repair or replacement.

Charges - It is understood that the rental commences as of the date and time specified and ends only when the rented equipment is returned. Should said property not be returned to LPN at the time specified, Client agrees to pay additional rental charges. It is agreed that if the Client fails to pay the rental charges, or if default is made in any of the other terms hereof, LPN may at once take possession of said rented equipment wherever the same may be found and remove the same, and LPN or its agents shall in no way be liable for any claims for damages or injury in the removal of said equipment.

Client further agrees that all charges for rental will be paid as specified in proposal and that all collection fees, attorney's fees, or any other expense incurred in collecting rental charges will be paid by Client. If credit card is supplied by Client to LPN, Client acknowledges and grants LPN the unequivocal right to recover from Client's credit card any charges or amounts due to LPN until paid in full.

Payment - All payments for services are due as marked on this quotation. Unless otherwise noted on this quotation, balance will be due upon arrival of LPN at venue. Interest of 1.25% per month will be charged for past due balances. Payment of Deposit by Client to LPN will be considered as acceptance of LPN standard terms and conditions even if this document is not signed and returned.

Credit Cards - The quoted price reflects a 4% discount for customers that pay with cash or check. We accept Visa, Mastercard, and American Express but cannot extend the discount for credit card purchases.

Cancellations and Refunds - All deposits and payments are non refundable. Should the Client cancel for any reason, once deposit has been accepted, the full balance of the project becomes due.

Damage - LPN is hereby released from any and all claims for damages to Client, by reason of use of said property. Client agrees to indemnify LPN from any and all claims for damage to any person or property by reason of the use of said property by Client or any other from start of rental until said property is returned to LPN.

Indemnity - To the greatest extent permitted by law, Client shall indemnify, defend, hold and save LPN, its officers shareholders, directors, agents, employees, and independent contractors, harmless from all claims and expenses, including court costs and attorney's fees, from damages including death and injury to persons or property which are related in any manner, directly or indirectly, to this lease or the equipment which is the subject hereof, regardless of whether injury is caused in whole or in part by the passive or active negligence, including the gross negligence, of LPN or any other act or omission of LPN or its agents.

Insurance Certificates - LPN may require a certificate of insurance as a prerequisite to the rental of equipment. Client is responsible for all equipment and legal fees connected with rental or collection. Client assumes liability for damages incurred to

the equipment during rental period and will be charged for any lost or damaged equipment. Upon request, LPN will issue Client an additional insured certificate covering Client and or venue for up to 2 million dollars in liability coverage.

Expenses and Freight - Unless otherwise stated in this quotation all freight charges, and travel expenses, including, but not limited to technician's airfare, hotel, per diem charges, ground transportation charges; are considered additional charges for the Client and will be invoiced.

This quotation is based on information and specifications given by the customer at time of proposal. LPN is not responsible for correcting any inadequacies as a result of customer omissions or changing specifications. Conditions at time of show may require additional labor/equipment charges to correct. These additional charges are for the account or the Client.

Fog/Haze - The lasers are dependent upon fog or haze. Client will not hold LPN responsible for the impact of the lasers if Client provided fog/haze is not correct AND/OR if the venue does not allow the use of fog/haze.

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Personal Guaranty - the Guarantor hereby unconditionally and irrevocably guarantees payment of the amounts agreed to be paid under this Agreement, including payment for the equipment rental, any other damages or indemnity agreed to, including, but not limited to, attorney fees as described above.

The foregoing information is deemed confidential and is to be used solely by the prospective Client. Equipment is subject to availability.

Date: 3/28/2022
Company
Signature: [Signature]
Name/Title: Christine Jenkin VP

Date: _____
Client
Signature: _____
Name/Title: _____

STAR SPANGLED BONITA

Laser & Fireworks Display

4th of July Celebration

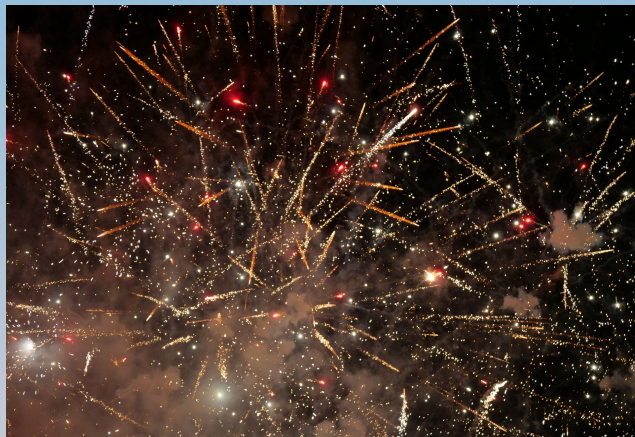
MONDAY, JULY 4TH 2022



FEATURING THE BEN ALLEN BAND!



**LIVE MUSIC, FOOD TRUCKS,
LASER LIGHTS & FIREWORKS,
AND MORE!**



**LOCATION: RIVERSIDE PARK
10450 REYNOLDS ST, BONITA SPRINGS,
FL 34135**

TIMES: 6PM TO 9PM

**FOR MORE INFORMATION PLEASE CALL
239-949-6262**



SMALL TOWN BIG PARADE

HOSTED BY - *Bonita Springs Firefighters* - LOCAL 3444

WWW.BONITASPRINGSPARADE.COM

(239) 298-4706

bhornberger@bonitafire.org





2022 Independence Day Parade

Help us make this year the best yet

SPONSORSHIP

DONATE



ABOUT THE PARADE

The Bonita Springs Independence Day Parade takes place annually on July 4th at 9:00 am on Old 41 between Kentucky St & Rosemary Dr. The parade is has been organized by the Bonita Springs Firefighters Union since 1958.

MARCH IN THE PARADE

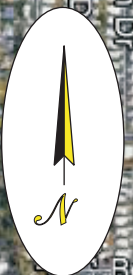
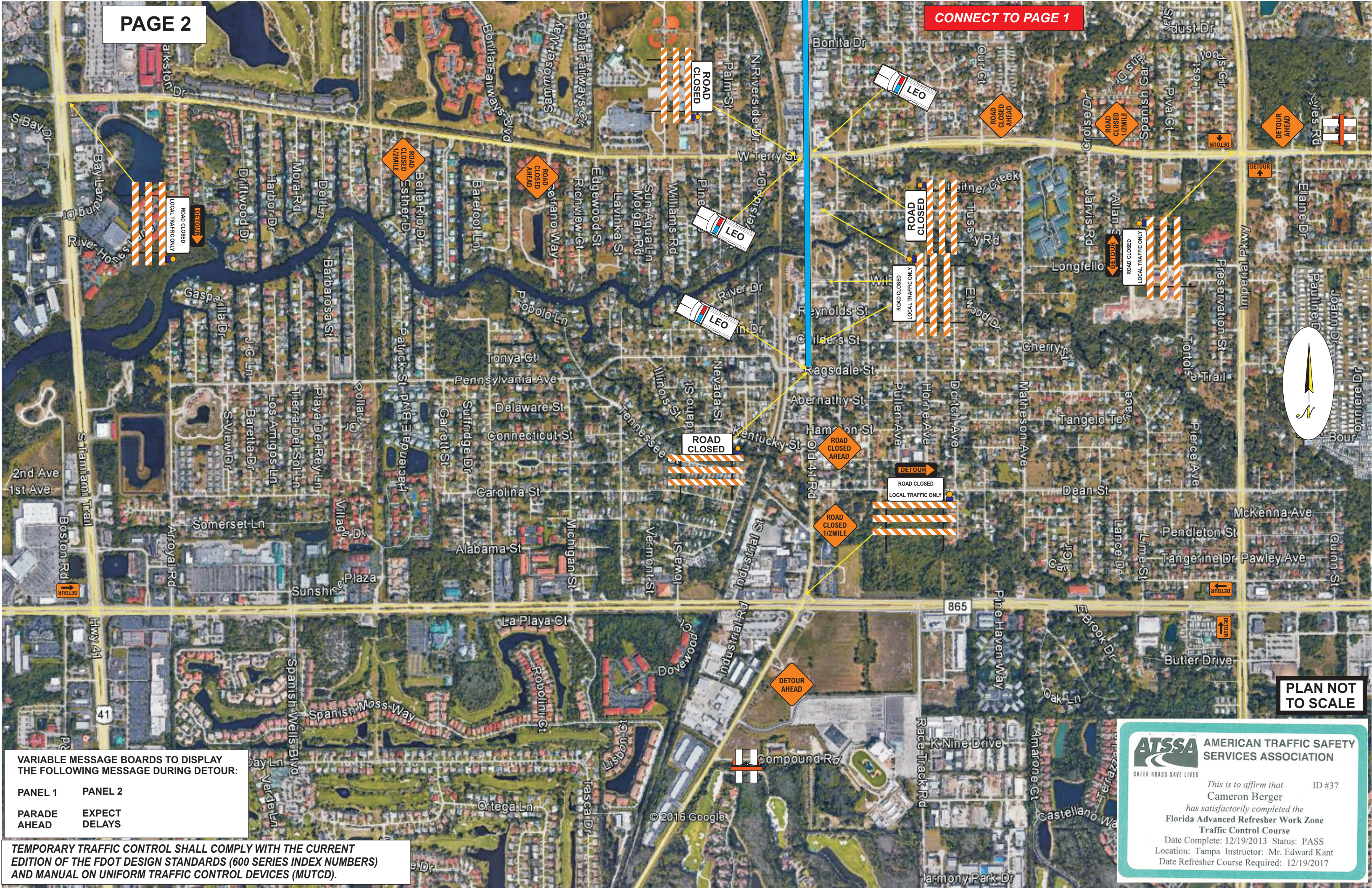
The Parade consists of invited bands, fife and drum corps, floats, military and specialty units, equestrian, drill teams, VIP's, national dignitaries, and celebrity participants. Click below to apply to join the Parade!

VOLUNTEER

Without a doubt, volunteers are key to making a large-scale event happen! If you are looking for opportunities to volunteer in a fun and fulfilling event, we would love to have you join us in helping organize this incredible experience!

BE IN THE PARADE

SIGN UP



PLAN NOT TO SCALE

VARIABLE MESSAGE BOARDS TO DISPLAY THE FOLLOWING MESSAGE DURING DETOUR:

PANEL 1	PANEL 2
PARADE AHEAD	EXPECT DELAYS

TEMPORARY TRAFFIC CONTROL SHALL COMPLY WITH THE CURRENT EDITION OF THE FDOT DESIGN STANDARDS (600 SERIES INDEX NUMBERS) AND MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).


AMERICAN TRAFFIC SAFETY SERVICES ASSOCIATION
SAFER ROADS SAVE LIVES

This is to affirm that **Cameron Berger** ID #37

has satisfactorily completed the **Florida Advanced Refresher Work Zone Traffic Control Course**

Date Complete: 12/19/2013 Status: PASS
 Location: Tampa Instructor: Mr. Edward Kant
 Date Refresher Course Required: 12/19/2017



LEGEND

-  = PARADE ROUTE
-  = LAW ENFORCEMENT OFFICER
-  = VARIABLE MESSAGE BOARD

TEMPORARY TRAFFIC CONTROL SHALL COMPLY WITH THE CURRENT EDITION OF THE FDOT DESIGN STANDARDS (600 SERIES INDEX NUMBERS) AND MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).

PLAN NOT TO SCALE



AMERICAN TRAFFIC SAFETY SERVICES ASSOCIATION

SAFER ROADS SAVE LIVES

This is to affirm that

Cameron Berger

has satisfactorily completed the

Florida Advanced Refresher Work Zone Traffic Control Course

Date Complete: 12/19/2013 Status: PASS

Location: Tampa Instructor: Mr. Edward Kant

Date Refresher Course Required: 12/19/2017

ID #37

CONNECT TO PAGE 2

REQUESTED MOTION: (ITEM CONTINUED FROM APRIL 20TH) Discussion of incorporation of raised crosswalks along W. Terry Street.

REQUESTOR: Mike Gibson, Deputy Mayor, District 5

AGENDA: Council Member Items

STRATEGIC PRIORITY: #2 Transportation

BACKGROUND:

On March 2, 2022, the City Council discussed concerns regarding the existing crosswalks along West Terry Street and directed staff to pursue procurement of rapidly reflecting flashing lights to be installed at the crosswalks along West Terry Street.

On April 6, 2022, Council authorized a contract for the procurement and installation of the lights. At the meeting, there was also discussion regarding the potential for raised crosswalks to be installed, but no formal action of Council was taken at that time. I wish to discuss with City Council the possibility of installing raised crosswalks in the future.

The West Terry Street South sidewalk is included the City's CIP. I would like to discuss the possibility of incorporating the raised crosswalks as a part of this project.

UPDATE TO AGENDA ITEM SUMMARY: On April 20, 2022, the City Council directed staff to review the previous discussion and provide clarification regarding the direction previously provided regarding the raised crosswalks. Council also requested an update on the planned construction of the sidewalk on the south side of West Terry Street.

STAFF RECOMMENDATION: Council's pleasure.

ATTACHMENTS: None.

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director:

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

REQUESTED MOTION: Discussion on the status of the vacant building located at 27120 Old 41 Road.

REQUESTOR: Mayor Rick Steinmeyer

AGENDA: Mayor & Council Items

STRATEGIC PRIORITY: #5 Community Aesthetics #8 Downtown Revitalization

BACKGROUND:

In September 2019, City Council provided direction to solicit letters of interest from potential tenants for use of the Wonder Gardens Café building located at 27120 Old 41 Road. The solicitation stated that the City was seeking a restaurant use of the building. During the review of the solicitation, the Bonita Wonder Gardens (BWG) requested the opportunity to submit a proposal for an alternative use. BWG's proposal was to incorporate the building into the Wonder Gardens facility to use it as an educational learning center, and possibly explore a pre-packaged food and beverage component or catering kitchen for their events.

On April 21, 2022, staff received the attached correspondence from the BWG stating that they do not wish to move forward with the original proposal and are withdrawing their interest in RFP 19-16 for use of the building.

In light of BWG withdrawing their interest, I wish to discuss next steps for the building and provide direction to staff.

STAFF RECOMMENDATION: City Council's Pleasure

ATTACHMENTS:

1. Letter from Bonita Wonder Gardens

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director:

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

Arleen Hunter

From: David Rahahe:tih Webb <david@evergladeswondergardens.com>
Sent: Thursday, April 21, 2022 1:42 PM
To: Arleen Hunter
Cc: Donna Flammang
Subject: RFP 19-16 Restaurant Building

Hello Arleen,

The Wonder Gardens Board of Directors has requested I withdraw and release our interest in RFP 19-16 for use of the restaurant building.

We are looking forward to working together on our partnership.

Thank you,
David

David Rahahe:tih Webb
President & C.E.O.
THE WONDER GARDENS
239-992-2591 ext 207
27180 Old 41 Road. Bonita Springs, FL 34135
wondergardens.org





City Council Chambers
9101 Bonita Beach Road
Bonita Springs, Florida 34135

CITY COUNCIL MEETING AGENDA

April 20, 2022

9:00 a.m.

MINUTES

1. Call to Order

Mayor Rick Steinmeyer called the meeting to order at 9:00 a.m.

2. Invocation

Pastor Susan Fannon, with the Springs Church, furnished the invocation.

3. Pledge of Allegiance

Ron George led in the Pledge of Allegiance.

4. Roll Call

Mayor Steinmeyer and all Council Members were in attendance, except for Council Member Mike Gibson.

5. Approval of Agenda

6. Mayor's Welcome

7. Public Comment on Agenda Items

Debra Giambo spoke in support of approval of the raised crosswalks on West Terry.

8. Zoning and Land Use Items:

- A. (First Reading and Public Hearing) A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS CONSIDERING A REQUEST TO REZONE APPROXIMATELY TWENTY (20) ACRES FROM RESIDENTIAL PLANNED DEVELOPMENT (RPD), TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) FOR 200 DWELLING UNITS, AND TO REQUEST FOUR (4) DEVIATIONS; LOCATED AT 12585 EAST TERRY STREET, BONITA SPRINGS, FLORIDA, 34135; PROVIDING FOR AN EFFECTIVE DATE. (Green Sheet No. 22-04-062)

City Attorney Derek Rooney read the title block of the Zoning Ordinance into the record.

Mayor Steinmeyer motioned to move the Zoning Ordinance to second reading; Council Member Laura Carr seconded; and the motion carried unanimously.

9. Proclamations and Presentations:

A. Proclamation declaring April 29, 2022, as Arbor Day in the City of Bonita Springs.

Jack Brown, Chairman of the Tree Advisory Board, read the Proclamation aloud declaring April 29, 2022 as Arbor Day in the City of Bonita Springs.

B. Receive presentation from Lee County and approve Amendment to Interlocal Agreement to provide an additional vehicle for the Lee Tran North/South on-demand bus service. (Green Sheet No. 22-04-057)

Robert Codie, Director of Lee Tran, was in attendance to provide a brief overview of the Ultra program in the City of Bonita Springs and to request funding for a third vehicle.

Council Member Carr motioned to approve; Council Member Jesse Purdon seconded; and the motion carried unanimously.

C. Presentation of overview of FGCU – Fairwinds HOA Pond Project. (Corrie; Green Sheet No. 22-04-061)

Dr. Ben Hershenson, President of the Fairwinds HOA, introduced Dr. James Douglas, with FGCU, who presented a PowerPoint presentation (copy in Clerk's file) on the Fairwinds HOA pond project. The following are his three (3) recommendations:

- Promote pond rules that foster the functionality of ponds
- Require water quality testing to ensure ponds are working and target dysfunctional ponds; and
- Education

D. Presentation by Capitol Strategies on the 2022 Session of the Florida Legislature. (Green Sheet No. 22-04-060)

Carole Green and Ashley Stacell were in attendance to present an update on 2022 Session of the Florida Legislature.

Council Member Chris Corrie addressed concerns he received from homeowners regarding insurance premiums. Discussion was held with Ms. Green informing Council that she anticipates a special session to address the insurance issue within a month.

City Manager Arleen Hunter informed Council that Representative Adam Botana has requested that City Council consider legislative appropriations for next year, for which staff will bring forward options in an upcoming workshop.

10. Consent Agenda:

Council Member Fred Forbes motioned approval of the Consent Agenda; Council Member Quaremba seconded; and the motion carried unanimously.

- A. Adopt Resolution providing for the adoption of the 2022 Joint Local Mitigation Strategy Plan. (Green Sheet No. 22-04-055) **ADOPTED RESOLUTION NO. 22-31**
- B. Approve contract renewals for CrowderGulf Disaster Recovery and Debris Management for debris removal services and with Thompson Consulting Services to provide disaster debris removal monitoring for an additional term of one year. (Green Sheet No. 22-04-059)
- C. Approve the proposed Grace Classical Academy's drainage swale as pursuant to Land Development Code (LDC) Sec. 3-327. (Green Sheet No. 22-04-064)
- D. Adopt a resolution approving a budget transfer to fund a Cost-of-Living Adjustment for City Staff. (Green Sheet No. 22-04-063) **ADOPTED RESOLUTION NO. 22-32**
 - Opportunity for City Council comments on Consent Agenda

11. Mayor and Council Member Items:

- A. Provide direction to staff regarding LDC amendment recommendations from the Tree Advisory Board. (Steinmeyer; Green Sheet No. 22-04-058)

Sean Gibbons, Community Development, provided an overview of the Tree Advisory Board's recommendations to the Land Development Code for consideration by City Council.

Council Member Amy Quaremba suggested input from contractors who do this type of work. A brief discussion was held.

Council Member Quaremba motioned for Staff to continue to work on this with the proviso that they vet it with those people who will be working with the changes in the future; Council Member Carr seconded; and the motion carried unanimously.

- B. Discussion of incorporation of raised crosswalks along W. Terry Street. (Gibson; Green Sheet No. 22-04-066)

Item continued to May 4, 2022.

12. City Attorney's Items: No items

13. City Manager's Items:

- A. Adopt Resolution to award contract and approve budget transfer to fund the Skate Park and Pump Track project RFB 21-01 to the lowest responsive bidder, New Line Skateparks FL, Inc. (Green Sheet No. 22-04-056)

City Manager Hunter provided a brief overview.

Council Member Quaremba motioned to approve; Council Member Purdon seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 22-33**

- B. Presentation and review of the February Financial Report. (Green Sheet No. 22-04-065)

Lisa Roberson, Finance Director, provided a PowerPoint presentation (copy in Clerk's Office) to address the February Financial Report.

ADDITIONAL ITEMS:

City Manager Hunter next requested approval to hold a workshop on May 4, 2022 at 4:00 p.m., to address stormwater infrastructure, capital improvements, and legislative appropriations to submit to the Florida Legislature. She next addressed an opportunity that is due tomorrow for the City from Representative Byron Donalds office on federal appropriations requests. Staff has the ability to look at stormwater infrastructure, transportation, and recreation to present as an option for congressional funding. Any award of funding would come back before Council for approval via a contract with the Federal Government. City Council provided consensus with the approved projects in the CIP for stormwater, transportation, and recreation, to do something in general for those items.

City Manager Hunter next reported that April 27th is Administrative Professional Day and thanked all of the City's administrative staff.

City Manager Hunter next provided an update on the Wayfinding Signage and Gateway Feature Masterplan workshop and project.

Assistant City Manager Matt Feeney next provided update on the workshop held for Goodwin Street drainage project and the PD&E workshop held by FDOT.

14. Mayor and Council Member Reports

Council Member Fred Forbes addressed the Water Compact meeting he attended last year and informed Council that there will be another meeting in May.

Council Member Purdon applauded the Bonita Film Festival and commended Eagle Scout Leader Alan Backus and Troop #109 for their work on the Leitner Creek cleanup project.

Council Member Corrie reported on the TAB meeting he attended and a concern addressed by the Board regarding the height per the LDC for cell towers. The Board would like to bring forward a request to Council to look at increasing the current allowed height of 75 feet to 125 feet.

Council Member Carr reminded everyone that Earth Day is April 23 and that all Lee Tran buses will be free. Also, Memorial Day and Fourth of July events are all set.

Council Member Quaremba also applauded the film festival event, and she reported on the Art in Public Places Board meeting she attended, informing everyone that they were currently doing installations. Lastly, she reported on the Horizon Council Executive Board meeting she attended in which the focus was affordable housing, specifically a task force they are forming to address the issue.

15. Approval of the Minutes:

A. April 6, 2022 City Council Workshop Minutes

Council Member Corrie motioned approval of the Minutes; Council Member Purdon seconded; and the motion carried unanimously.

B. April 6, 2022 City Council Meeting Minutes

Council Member Corrie motioned approval of the Minutes; Council Member Quaremba seconded; and the motion carried unanimously.

16. Public Comment

Diane Benge addressed concerns with traffic, the width of the road, etc., in relation to development planned for Windsor Road.

17. Adjournment

There being no further items to discuss, the meeting adjourned at 11:03 A.M.

Respectfully submitted,

Debra Filipek, City Clerk

APPROVED:
CITY COUNCIL

Date: _____

AUTHENTICATED:

Mayor Rick Steinmeyer

DRAFT