

NOTICE OF PUBLIC MEETING
CITY COUNCIL
CITY OF BONITA SPRINGS
OFFICIAL AGENDA
NOVEMBER 3, 2021
5:30 P.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135

To submit your public comment in writing, please email your comments to the City at CITYMEETINGS@CITYOFBONITASPRINGS.ORG. Any written public comment must be received by 2:00 pm on November 3, 2021.

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. (Second Reading and Public Hearing of the following Zoning Ordinance): A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS TO AMEND THE RESIDENTIAL PLANNED DEVELOPMENT PORTION OF THE BAYVIEW ON ESTERO BAY COMMERCIAL PLANNED DEVELOPMENT TO INCREASE THE MAXIMUM PERMITTED BUILDING HEIGHT; ADD RESTAURANT, GROUP III, AND HOTEL/MOTEL USES TO THE SCHEDULE OF USES; ADD THREE (3) NEW DEVIATIONS RELATING TO RESTAURANT AND HOTEL/MOTEL USE; AND TO MODIFY TWO (2) EXISTING DEVIATION JUSTIFICATIONS RELATING TO INCREASE IN HEIGHT; AND MODIFY THE MASTER CONCEPT PLAN TO PROVIDE FOR THESE CHANGES; AND, PROVIDE FOR AN EFFECTIVE DATE. (Greensheet No. 21-11-233)
 - B. (Second Reading and Public Hearing of the following Zoning Ordinance): A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST TO REZONE 4.19± ACRES FROM RESIDENTIAL TWO-FAMILY CONSERVATION (TFC-2) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO ALLOW A 132-BED ASSISTED LIVING FACILITY; LOCATED AT 9726 BONITA BEACH ROAD SE, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE. (Greensheet No. 21-11-235)

Short recess, if needed

9. Consent Agenda: (Note: Items on the Consent Agenda will be considered as one unless a specific item is removed by a Council Member for separate discussion.)
 - A. Adopt Resolution to authorize the Supplemental Task Authorization (STA) Goodwin Street Pedestrian & Drainage Improvements Project to be designed by American StructurePoint in the amount of \$883,598.00. (Greensheet No. 21-11-227)
 - B. Authorize staff to purchase and prepare an agreement for City Manager approval of the “Family” sculpture art piece by artist Dale Rogers. (Quaremba; Greensheet No. 21-11-229)
 - C. Adopt Resolution accepting the only bid for the East Terry Street Visual Barrier Wall Project RFB 21-18 from Coastal Concrete Products, LLC d/b/a Coastal Site Development in the bid amount of \$249,495.00 upon approval of all documentation. (Greensheet No. 21-11-230)
 - D. Request approval of Special Event Permit and road closure for the annual Holiday in the Park at Riverside Park on Tuesday, December 7, 2021. (Greensheet No. 21-11-231)
 - E. Adopt Resolution awarding the Street Light Maintenance Project RFB 21-21 to the lowest responsive, responsible bidder, Emergency One Electric, LLC in the amount of \$106,260.00 upon approval of all documentation. (Greensheet No. 21-11-232)
- OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS
10. Proclamations and Presentations:
 - A. Presentation by Eve Haverfield, “Turtle Time, Inc.,” to provide an historical overview of marine turtle nesting data on Bonita Beach and year end-of-season nesting results. (Greensheet No. 21-11-234)
 - B. Receive presentation on traffic calming improvements for Pennsylvania Avenue and Terry Street roundabout. (Greensheet No. 21-11-228)

Short recess, if needed

11. Mayor and Council Member Items
 - A. Approve Mutual Confirmation of Easement Agreement confirming the existence of an access easement over Winter Park Way. (Gibson; Greensheet No. 21-11-241)
12. City Attorney’s Items
 - A. Authorize advertisement and amendment to the Development Agreement with 9161 BBR LLC and 9171 BBR LLC for additional height based on current design. (Greensheet 21-11-238)
 - B. Amend the settlement agreement with Angler’s Paradise of Bonita and approve purchase and sale agreements for NW quadrant plan roadway acquisition. (Greensheet No. 21-11-242)
 - C. Approve Interim Agreement with Barron Collier Companies for development of the Imperial Crossing parcel. (Greensheet No. 21-11-240)

13. City Manager's Items
 - A. Approve adding the Bonita Community Park Baseball Complex, Phase 2 Project to the City's FY 22-23 Legislative Funding Request. (Greensheet No. 21-11-236)
 - B. Update on the City's redistricting process. (Greensheet No. 21-11-237)
14. Mayor and Council Member Reports
15. Approval of Minutes: 10/20/21
16. Public Comment
17. Adjournment

ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS AT ANY OF THE MEETINGS BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT LISA ROBERSON, DIRECTOR OF FINANCIAL AND ADMINISTRATIVE SERVICES, AT 239-949-6262, AT LEAST 48 HOURS PRIOR TO THE MEETING. IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS TO BE MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.

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

REQUESTOR: Jacqueline Genson, AICP

AGENDA: Second reading and public hearing of a Zoning Ordinance

STRATEGIC PRIORITY: N/A

BACKGROUND: This is the second reading of an amendment to Zoning Ordinance 20-06, Bayview on Estero Bay CPD/RPD). The amendment request affects the RPD portion of the planned development only; no changes to the CPD are requested. The Applicant's request is to seek an amendment as follows:

1. Increase the maximum permitted building height from 245 feet (22 stories) for Building A-Phase 2 and 115 feet (10 stories) for Building A- Phase 1 to 286 feet (22 stories) for all of Building A; and
2. Add a 7,500 square foot Restaurant, Group III use to the Schedule of Uses (**Exhibit "C"**) for both residential development scenarios of the RPD. The restaurant use will be open to the general public; and
3. Add Hotel/Motel to the Schedule of Uses (**Exhibit "C"**) subject to a conversion rate under the multi-family development scenario; and
4. Add three (3) new deviations relating to the 7,500 SF restaurant and hotel/motel use based on requirements of the Land Development Code (LDC); and
5. Modify two (2) existing deviation justifications relating to the increase in height in the RPD area; and
6. Modify the Master Concept Plan to provide for the changes (**Exhibit "B"**).

The case was heard by the Zoning Board on September 21, 2021, with a recommendation to approve (6-1). The first reading and public hearing was held on October 20, 2021 with a motion to move the request to second reading and public hearing. The full staff report packet with Attachments A (Staff Informational Analysis) and B (Applicant's Informational Analysis) will be viewable online. Please contact the Clerk's Office for paper copy requests.

STAFF RECOMMENDATION: Approve as conditioned.

ATTACHMENTS:

1. Draft Zoning Ordinance
2. September 21, 2021 Zoning Board Minutes (Bayview case only)
3. Public Comments received by Community Development after the September 13, 2021 Staff Report
4. September 13, 2021 Staff Report (excludes Attachments A and B, which is viewable online only)

**CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY**

Green Sheet No. 21-11-233
November 3, 2021

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
ZONING ORDINANCE NO. 2021 -

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

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

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

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

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

SECTION ONE: RECITALS

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

SECTION TWO: APPROVAL OF REQUEST

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

Conditions:

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

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

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

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

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

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

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

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

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

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

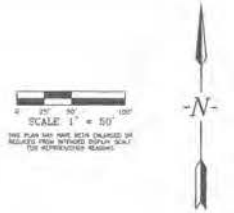
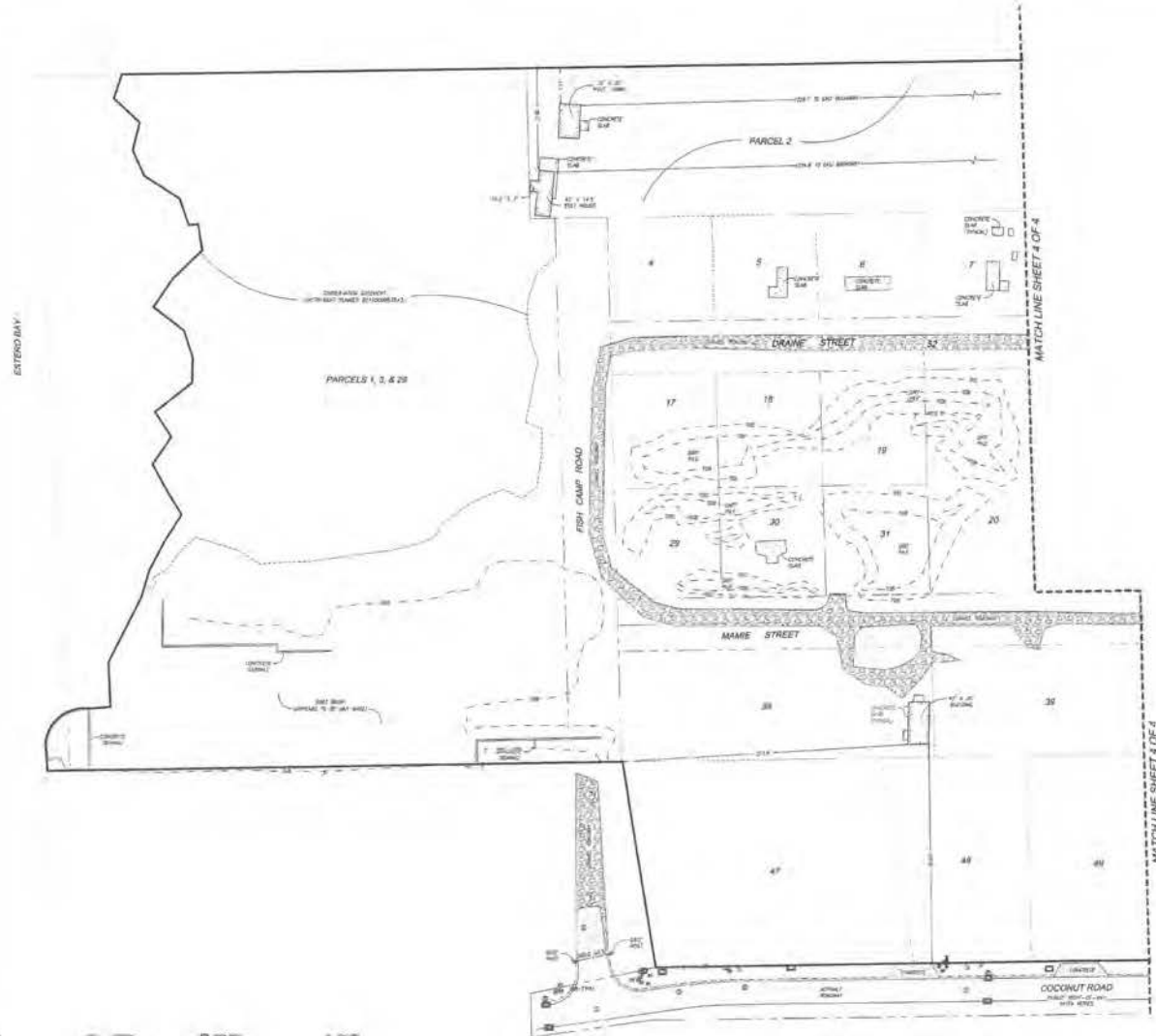
Deviations:

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

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

Deviations 14 through 16:

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



- LEGEND**
- 1. BOUNDARY SURVEY
 - 2. EASEMENT
 - 3. RIGHT-OF-WAY
 - 4. FISH CAMP ROAD
 - 5. DRAKE STREET
 - 6. MAINE STREET
 - 7. COCONUT ROAD
 - 8. LOT 1
 - 9. LOT 2
 - 10. LOT 3
 - 11. LOT 4
 - 12. LOT 5
 - 13. LOT 6
 - 14. LOT 7
 - 15. LOT 8
 - 16. LOT 9
 - 17. LOT 10
 - 18. LOT 11
 - 19. LOT 12
 - 20. LOT 13
 - 21. LOT 14
 - 22. LOT 15
 - 23. LOT 16
 - 24. LOT 17
 - 25. LOT 18
 - 26. LOT 19
 - 27. LOT 20
 - 28. LOT 21
 - 29. LOT 22
 - 30. LOT 23
 - 31. LOT 24
 - 32. LOT 25
 - 33. LOT 26
 - 34. LOT 27
 - 35. LOT 28
 - 36. LOT 29
 - 37. LOT 30
 - 38. LOT 31
 - 39. LOT 32
 - 40. LOT 33
 - 41. LOT 34
 - 42. LOT 35
 - 43. LOT 36
 - 44. LOT 37
 - 45. LOT 38
 - 46. LOT 39
 - 47. LOT 40
 - 48. LOT 41
 - 49. LOT 42
 - 50. LOT 43
 - 51. LOT 44
 - 52. LOT 45
 - 53. LOT 46
 - 54. LOT 47
 - 55. LOT 48
 - 56. LOT 49
 - 57. LOT 50
 - 58. LOT 51
 - 59. LOT 52
 - 60. LOT 53
 - 61. LOT 54
 - 62. LOT 55
 - 63. LOT 56
 - 64. LOT 57
 - 65. LOT 58
 - 66. LOT 59
 - 67. LOT 60
 - 68. LOT 61
 - 69. LOT 62
 - 70. LOT 63
 - 71. LOT 64
 - 72. LOT 65
 - 73. LOT 66
 - 74. LOT 67
 - 75. LOT 68
 - 76. LOT 69
 - 77. LOT 70
 - 78. LOT 71
 - 79. LOT 72
 - 80. LOT 73
 - 81. LOT 74
 - 82. LOT 75
 - 83. LOT 76
 - 84. LOT 77
 - 85. LOT 78
 - 86. LOT 79
 - 87. LOT 80
 - 88. LOT 81
 - 89. LOT 82
 - 90. LOT 83
 - 91. LOT 84
 - 92. LOT 85
 - 93. LOT 86
 - 94. LOT 87
 - 95. LOT 88
 - 96. LOT 89
 - 97. LOT 90
 - 98. LOT 91
 - 99. LOT 92
 - 100. LOT 93

REVISION: ADDED LABELS FOR LOTS 30 AND 31 4-15-18
 REVISION: ADDED LOTS 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 4-15-18
 REVISION: ADDED LOTS 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 4-15-18

GradyMinor
 Civil Engineers • Land Surveyors • Planners • Landscape Architects
 Fort Myers, FL 33901
 Phone: 239.947.1144 • www.GradyMinor.com • Fort Myers: 239.890.4389

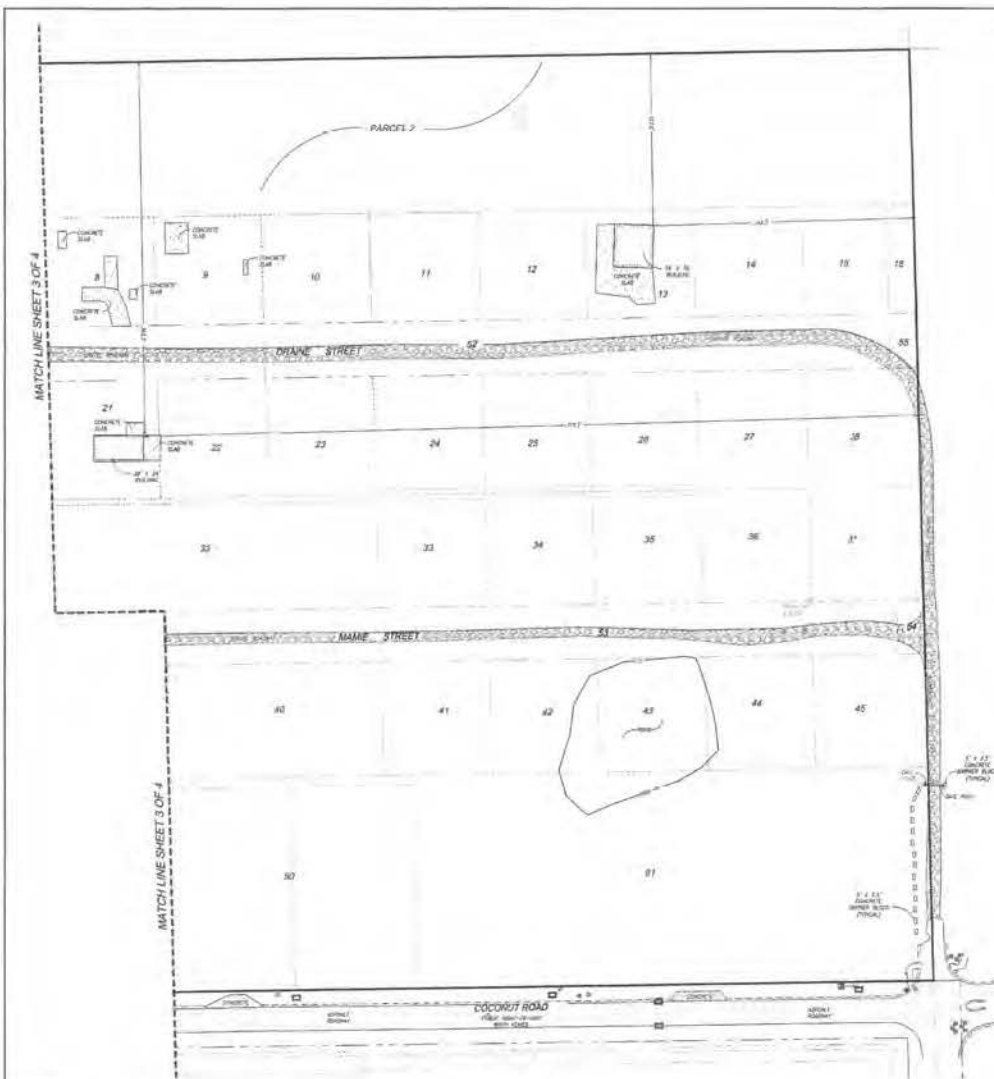
Grady Minor and Associates, P.A.
 3620 Via Del Rey
 Naples, Florida 34104

DATE: 18 AUGUST 2017
 JOB CODE: LHMFCSD
 SCALE: 1" = 50'
 SHEET: 3 OF 4

ALTA / NSPS LAND TITLE SURVEY
WEEKS FISH CAMP IMPROVEMENTS
A PARCEL OF LAND LYING IN
SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

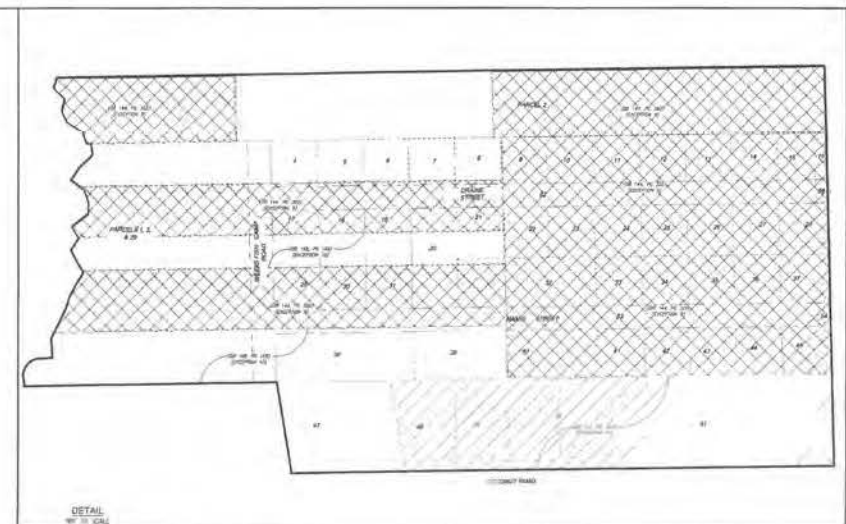
NOT TO SCALE
 SHEET: 3 OF 4

DRAWN BY: KJD
 CHECKED BY: DLS
 JOB CODE: LHMFCSD
 SCALE: 1" = 50'
 DATE: 18 AUGUST 2017
 JOB CODE: LHMFCSD
 SCALE: 1" = 50'
 SHEET: 3 OF 4



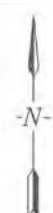
LEGEND

1. BOUNDARY LINE	10. CONCRETE CURB	19. CONCRETE CURB	28. CONCRETE CURB
2. EASEMENT	11. CONCRETE CURB	20. CONCRETE CURB	29. CONCRETE CURB
3. EASEMENT	12. CONCRETE CURB	21. CONCRETE CURB	30. CONCRETE CURB
4. EASEMENT	13. CONCRETE CURB	22. CONCRETE CURB	31. CONCRETE CURB
5. EASEMENT	14. CONCRETE CURB	23. CONCRETE CURB	32. CONCRETE CURB
6. EASEMENT	15. CONCRETE CURB	24. CONCRETE CURB	33. CONCRETE CURB
7. EASEMENT	16. CONCRETE CURB	25. CONCRETE CURB	34. CONCRETE CURB
8. EASEMENT	17. CONCRETE CURB	26. CONCRETE CURB	35. CONCRETE CURB
9. EASEMENT	18. CONCRETE CURB	27. CONCRETE CURB	36. CONCRETE CURB



NOTES:

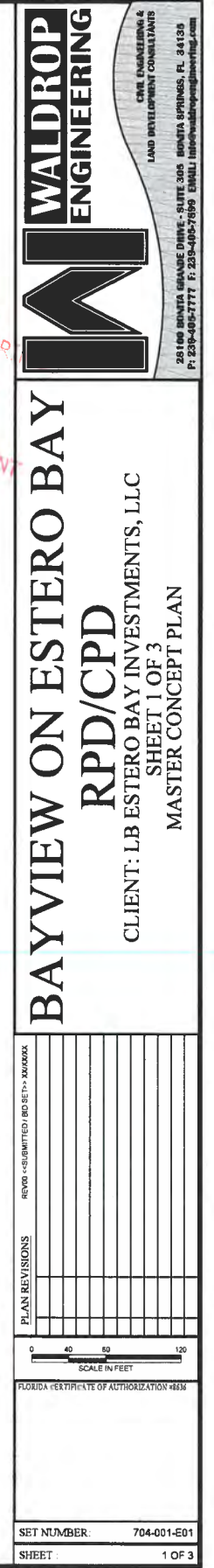
1. BOUNDARY LINE WHICH ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA, 1983, AND THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA, 1983, AND THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA, 1983.
2. THE SURVEY WAS CONDUCTED WITH THE ASSISTANCE OF A FIELD ENGINEER (REGISTERED IN THE STATE OF FLORIDA) AND A FIELD ENGINEER (REGISTERED IN THE STATE OF FLORIDA).
3. THE PROPERTY IS LOCATED WITHIN THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA.
4. THE PROPERTY IS LOCATED WITHIN THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA.
5. THE PROPERTY IS LOCATED WITHIN THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA.
6. THE PROPERTY IS LOCATED WITHIN THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA.
7. THE PROPERTY IS LOCATED WITHIN THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA.
8. THE PROPERTY IS LOCATED WITHIN THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA.
9. THE PROPERTY IS LOCATED WITHIN THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA.
10. THE PROPERTY IS LOCATED WITHIN THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA.
11. THE PROPERTY IS LOCATED WITHIN THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA, AND IS SUBJECT TO THE TOWN OF WEEKS, FLORIDA.

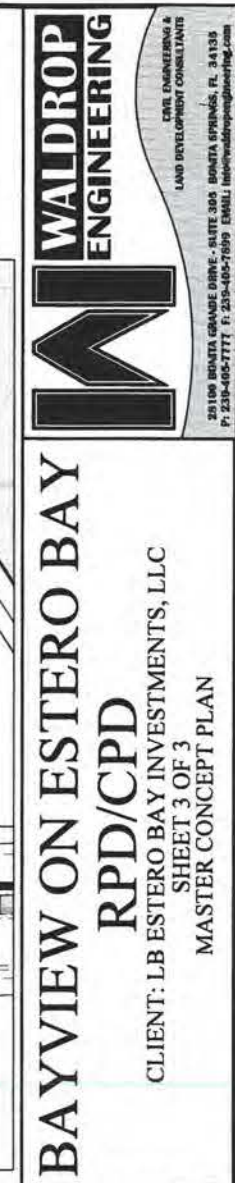


GradyMinor
Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. R3 0005131 Cert. of Auth. LR 0005131
Bozella Springs, 229.947.144 www.GradyMinor.com Fort Myers, 239.690.6390

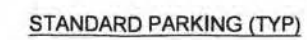
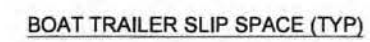
ALTA / NSPS LAND TITLE SURVEY
WEEKS FISH CAMP
IMPROVEMENTS
A PARCEL OF LAND
LYING IN
SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

NOT COMPLETE WITHOUT
SHEET 1 - 4 OF 4





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



PLAN REVISIONS	
 SCALE IN FEET	
FLORIDA CERTIFICATE OF AUTHORIZATION #8831	
SET NUMBER:	704-001-E01
SHEET	3 OF 3

Bayview on Estero Bay RPD/CPD Amendment

Exhibit C

Schedule of Uses

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

MAXIMUM DEVELOPMENT

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

OPTION 1 (CONTINUING CARE FACILITIES OPTION):

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

OR

OPTION 2 (MULTI-FAMILY OPTION):

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

RPD

Accessory uses and structures, residential Administrative offices

Assisted Living Facility (ALF)

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

Continuing Care Facility (CCF)

Clubs, country, private and fraternal

Accessory uses, including but not limited to:

ATM

Bait and tackle shop

Boat dock

Boat ramp

Consumption on premises, including outdoor seating

Day care center, adult and child

Food and beverage service

Locker rooms

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

CPD

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

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



**City of Bonita Springs Board
for
Land Use Hearings & Adjustments and Zoning Board of Appeals
MINUTES
Tuesday, September 21, 2021
9:00 A.M.**

I. CALL TO ORDER.

Chairman Anthony Rascio called the meeting to order at 9:02 A.M.

II. INVOCATION.

Board Member Russ Winn furnished the invocation.

III. PLEDGE OF ALLEGIANCE.

Chairman Anthony Rascio led the Board in the Pledge of Allegiance.

IV. ROLL CALL.

Members in attendance: Chairman Anthony Rascio, Board Member Gerald Benson, Board Member Bruce Galloway, Board Member Gary Gambrell, Board Member Ben Hershenson, Board Member Lynda Waterhouse, Board Member Russ Winn.

V. APPROVAL OF MINUTES: August 17, 2021.

Board Member Lynda Waterhouse motioned for approval of the minutes; Board Member Ben Hershenson seconded; motion passed unanimously.

VI. PUBLIC COMMENT.

None.

VII. PUBLIC HEARINGS.

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

- A. CASE NAME: CASE NAME: BAYVIEW ON ESTERO BAY RESIDENTIAL PLANNED DEVELOPMENT (RPD)/COMMERCIAL PLANNED DEVELOPMENT (CPD) AMENDMENT (PD21-80572-BOS).

A REQUEST TO AMEND ZONING ORDINANCE 20-06 FOR THE BAYVIEW ON ESTERO BAY RESIDENTIAL PLANNED DEVELOPMENT/COMMERCIAL PLANNED DEVELOPMENT SO AS TO:

1. INCREASE THE MAXIMUM PERMITTED BUILDING HEIGHT TO 286' (22 STORIES) FOR BUILDING A;
2. ADD A 7,500 SF RESTAURANT, GROUP III USE TO THE SCHEDULE OF USES; AND
3. ADD HOTEL/MOTEL TO THE SCHEDULE OF USES SUBJECT TO A CONVERSION RATE; AND
4. ADD THREE (3) NEW DEVIATIONS RELATING TO THE 7,500 SF RESTAURANT AND HOTEL/MOTEL USE; AND
5. MODIFY TWO (2) EXISTING DEVIATION JUSTIFICATION RELATING TO INCREASE IN HEIGHT; AND
6. MODIFY THE MASTER CONCEPT PLAN TO PROVIDE FOR THESE CHANGES.

- B. **CASE NAME: ERDMAN ASSISTED LIVING FACILITY RESIDENTIAL PLANNED DEVELOPMENT (RPD) (PD21-77930-BOS).

A REQUEST TO REZONE 4.19± ACRES FROM RESIDENTIAL TWO-FAMILY CONSERVATION (TFC-2) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO ALLOW A 132-BED ASSISTED LIVING FACILITY.

**THIS AGENDA IS REVISED TO REFLECT AN INCREASE IN BED COUNT FROM 120 TO 132 BEDS.

VIII. SWEARING IN.

- City Attorney Derek Rooney placed all witnesses under oath.

1. APPLICANT PRESENTATION – CASE A.**Presenters:**

Richard Yovanovich, Coleman, Yovanovich & Koester P.A.
Alexis Crespo, Waldrop Engineering

- Ms. Jacqueline Genson, Community Development, provided an introduction and history of the Bayview case and the reason it was before the Board again. The project had been approved by City Council last year, but Applicant had since made changes necessitating an

amendment to the Master Concept Plan. The changes also effect the exhibits attached to the Zoning Ordinance as well as requiring changes to deviations.

- Mr. Richard Yovanovich began discussion on behalf of the Applicant. Property location was reviewed along with a six-point summary of the request.
- Ms. Alexis Crespo provided a presentation (copy in Clerk's file), which gave an overview of London Bay Group and London Bay's vision. Coconut Village future land use was reviewed, and approved RPD/CPD were listed. The approved Master Concept Plan was shown and reviewed, and Public Amenities were listed. Ms. Crespo stated there would be no changes to the amenities.
- Ms. Crespo wanted to clarify for the record about the intended parking, which stated that the project would be parked per the code. Valet parking would be used to accommodate parking needs. The restaurant would not be parked in the public parking spaces within the CPD that were committed to the marina and the boating access.
- Ms. Crespo presented the proposed Master Concept Plan providing the details of the changes. As part of the application process, the Applicant was required to submit an Infrastructure Analysis to ensure the uses could accommodate for water, sewer, fire, and EMS. The applicant would be adding the hotel use to the schedule of uses. If Applicant elected to develop any hotel uses, that would be drawn out of the 300 units. The proposed visual compatibility was shown. Conclusions were summarized and reviewed.
- Chairman Anthony Rascio inquired when it would be determined which of the options would be chosen. Mr. Yovanovich stated it would be the multi-family option. Mr. Yovanovich clarified on the Proposed MCP slide that Building A would shift slightly east, which would require a future administrative revision to the MCP.
- Board Member Bruce Galloway asked if what would be built was an unknown, how could the Board respond and gage the impact of height, setback, separation, deviation. Mr. Yovanovich explained that building height was known at 286 feet, and the use was a multi-family project as per the current market conditions.
- Board Member Ben Hershenson inquired depending on the ultimate use, what the impact would be in a hurricane evacuation situation. Mr. Yovanovich stated in the initial analysis that they were required to look at hurricane evacuations for both options; they met the requirements for both options.

2. STAFF REPORT.

- Ms. Jacqueline Genson, Community Development, provided the presentation (copy in Clerk's file). The history of the case and the application process was presented. Once approved by the Board, the next steps in the application process would be the City Council Zoning public hearings: October 20th (first reading) and tentative November 3, 2021 (second reading and final action). The staff report format was laid out.
- The staff recommendation was detailed reviewing the Future Land Use Map Designation, Current Zoning and Use of Subject Property, Proposed Amended Master Concept Plan,

Proposed Amended Master Concept Plan with Location of Deviations, Proposed Master Concept Plan, Deviations, and Property Development Regulations, Schedule of Deviations and Uses.

- Environmental and Stormwater was reviewed by the City Environmentalist, City Engineer, in coordination with Lee County Department of Natural Resources and found no changes to environmental impacts and the conceptual stormwater management design. Transportation evaluation was reviewed by Lee County, Village of Estero, and City Traffic Engineer.
- Ms. Genson provided the staff analysis of findings and listed recommendations for conditions of approval.
- Board Member Gerald Benson asked if the zoning variances approved last year required a variance to go to the 245-foot level. Ms. Genson stated the height itself did not require a deviation or variance. Board Member Benson asked if the building would be the tallest in the area. Ms. Genson stated, based on the analysis provided by the Applicant, in the affirmative. Board Member Benson asked if a precedent was being set. Ms. Genson explained that each rezoning request would be based on an analysis of its own application. Board Member Benson expressed concern that they would be basing their zoning decision on market conditions.
- Board Member Gary Gambrell stated that public access to the waterfront was paramount to the community. He questioned how the Applicant proposed to enforce parking within the RPD portion and why the parking plan was not provided. Mr. Yovanovich provided a response.
- Board Member Bruce Galloway questioned if the staff was saying that the application provided justification for all the potential uses of the property for rezoning. Ms. Genson addressed and stated that staff was comfortable with their recommendation.
- Board Members engaged in a discussion of height concerns where City Attorney Derek Rooney provided clarification. Mr. Rooney explained what the findings must be for the Board to approve; none directly dealt with height.
- No in-person Public Comment. Written Public Comment was entered into the record.
- Chairman Anthony Rascio recessed the meeting for a short break until 10:50 A.M.
- Item A - Board Member Ben Hershenson entered a motion to approve the Applicant's request subject to the conditions proposed by staff; Board Member Russ Winn seconded; the motion carried 6-1.

RESULT:	PASSED [6-1]
MOTION BY:	Ben Hershenson, Board Member
SECOND BY:	Russ Winn, Board Member
AYES:	Benson, Gambrell, Hershenson, Rascio, Winn, Waterhouse
NAYS:	Galloway

Jacqueline Genson

From: Khs Corporation <khscor2@aol.com>
Sent: Monday, September 20, 2021 1:04 PM
To: Jacqueline Genson
Subject: PD21-80572-BOS

We are long time residents of the neighborhood in which the zoning variances are being requested to enable this proposed development. Being familiar with the area we wish to express our concerns regarding the proposed plan. The present roads that provide ingress and egress to the proposed development site can barely handle present traffic. Adding commercial development in the form of restaurants and increasing the population density by allowing higher structures will only create further traffic bottlenecks. At present the roads can not adequately handle two way traffic for large vehicles (fire engines, trucks etc). Two way traffic for cars is also presently difficult when vehicles are parked alongside the roadway. Road conditions will be unsafe especially in the event of a weather emergency (temporary road flooding during a heavy rainfall etc) that may require a sudden evacuation.

We hope that the City of Bonita Springs takes a serious look at the safety impact of granting any variances for the proposed site that will increase population density and bring commercial traffic beyond that which may be presently permitted especially considering the increasing frequency of severe weather events in the area. Safety of present and future residents must be one of government's highest priorities.

Frances and William Schwemlein
khscor2@aol.com

Jacqueline Genson

From: Jeff Konzak <jeffreykonzak@gmail.com>
Sent: Monday, September 20, 2021 5:43 PM
To: Jacqueline Genson
Subject: Objections to the Bayview Zoning Modifications

We are residents of the Navona at the Colony and have serious objections to the proposed zoning modifications to the Bayview Project that we would like to share with the Planning and Zoning Department.

The project as proposed will have strong negative impacts on the surrounding neighborhoods with regard to the high density of the project which includes a 22 story tower, hotel, and restaurant. This site is located on an environmentally sensitive flood zone, waterway, and wildlife corridor which should be protected from a large scale commercial development such as this.

These impacts include significantly higher traffic on Coconut Road and US 41, noise and light pollution, wildlife disturbance and species threats, obstruction of view corridors from further high rise development, and impacts on supporting infrastructure including water, sewer, and roads.

Converting this pristine waterfront environment to this huge commercial development is NOT in the public interest of Bonita Springs!

We strongly urge you to reject this zoning modifications requiring Bayview to develop a fully residential community without a Hotel and restaurant as well as reduce the height and density of the Tower.

Thanks for your consideration!

Jeff and Julie Konzak
23540 Via Veneto Blvd, Unit 1902
Bonita Springs, 4134

Jacqueline Genson

From: Marion Nichols <raymar.nichols@gmail.com>
Sent: Monday, September 20, 2021 7:26 PM
To: Jacqueline Genson
Subject: Zoning Meeting re: PD21-80572-BOS, Bayview

TO: City of Bonita Springs Community Development Department Attn: Jacqueline Genson
9220 Bonita Beach Road Suite 109, Bonita Springs, FL 34135

Support _____ Oppose X

Application PD21-80572-BOS, Bayview on Estero Bay (RPD)/(CPD)
Amendment

DATE: Sept. 20/21

NAME: Ray& Marion Nichols

ADDRESS: 24430 Reserve Ct.

PHONE: 239 221-8070 Or 705 571-7059

CITY/ Bonita Springs

STATE/ FL

ZIP: 34134

Comments: We oppose the restaurant because London Bay is not providing adequate public parking. At their August Public Meeting they stated only 7 additional parking spots will be provided for restaurant patrons. The public will be attempting to park on the nearby Pelican Landing parking lots.

The restaurant will also cause much more traffic on Coconut Road. Has this been taken into consideration when the traffic assessment was done?

Thank you.

Jacqueline Genson

From: Barbara Craig <bhc9514@gmail.com>
Sent: Monday, September 20, 2021 8:58 PM
To: Jacqueline Genson
Subject: Re: Zoning Meeting TOMORROW re Bayview Development

TO: City of Bonita Springs Community Development Department
Attn: Jacqueline Genson
9220 Bonita Beach Road Suite 109, Bonita Springs, FL 34135

Support _____ Oppose X

Application PD21-80572-BOS, Bayview on Estero Bay (RPD)/(CPD)
Amendment

DATE: September 20, 2021

NAME: Barbara Hinkson Craig

ADDRESS: 4171 Sawgrass Point Dr, Bonita Springs, FL 34134

PHONE: 239-908-7301

CITY/Bonita Springs

STATE/ *Florida*

ZIP: 34134

Comments: (Optional) I have no idea how this project has gotten so out of hand and so far removed from the zoning law of Bonita Springs. If we can not say NO to this monstrosity we might as well forget zoning and just let everyone do anything their hearts desire.

Jacqueline Genson

From: PS <psharick@earthnet.net>
Sent: Monday, September 20, 2021 8:58 PM
To: Jacqueline Genson
Subject: Bayview Feedback

TO: City of Bonita Springs Community Development Department
Attn: Jacqueline Genson
9220 Bonita Beach Road Suite 109, Bonita Springs, FL 34135

Support _____ Oppose X

Application: PD21-80572-BOS, Bayview on Estero Bay (RPD)/(CPD) Amendment

DATE: Sept 20, 2021

NAME: Paula Sharick

ADDRESS: 4121 Sawgrass Point Drive C204

PHONE: 8005551212

CITY/ Bonita Springs

STATE/ FL

ZIP: 34134

Comments: (Optional)

I strongly oppose this project. My understanding is that property in FEMA's high hazard zone are supposed to be off limits from development. Seems sheer insanity to assume Bayview has any chance of surviving more extreme weather, including increasing number and strength of hurricanes, and sea level rise. The negative impacts, absurdly tall buildings, increased population, impossible traffic, evacuation complications and public access will destroy the nature preserve we cherish and love. Lets give mother nature a chance for a change.

Jacqueline Genson

From: Elaine Paula <elaine.g.paula@gmail.com>
Sent: Monday, September 20, 2021 9:00 PM
To: Jacqueline Genson
Subject: Application: PD21-80572-BOS, Bayview on Estero Bay (RPD)/(CPD) Amendment

TO: City of Bonita Springs Community Development Department
Attn: Jacqueline Genson
9220 Bonita Beach Road Suite 109, Bonita Springs, FL 34135

Support _____ Oppose X

Application PD21-80572-BOS, Bayview on Estero Bay (RPD)/(CPD) Amendment

DATE: September 20, 2021

NAME: Elaine Paula

ADDRESS: 25070 Ballycastle Court #202

PHONE: 339-221-8597

CITY/ Bonita Springs

STATE/ *Florida*

ZIP 34134

Comments: I am unable to attend the meeting in person but strongly oppose this amendment.

Jacqueline Genson

From: JANIS FELVER <j7ran@aol.com>
Sent: Monday, September 20, 2021 9:21 PM
To: Jacqueline Genson
Subject: Fwd: Bayview Feedback

TO: City of Bonita Springs Community Development Department

Attn: Jacqueline Genson

9220 Bonita Beach Road, Suite 109, Bonita Springs, FL 34135

Support _____ Oppose X

Application PD21-80572-BOS, Bayview on Estero Bay (RPD)/(CPD) Amendment

DATE: Sept 20, 2021

NAME: Janis Felver

ADDRESS: 25244 Pelican Creek Circle, 201

PHONE: 847-703-0527

CITY/ Bonita Springs

STATE/ FL

ZIP: 34134

Comments: (Optional)

Let's not become another Miami and test Mother Nature with overdevelopment!!

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Bayview Zoning

City of Bonita Springs Community Development Department
Attn: Jacqueline Genson
9220 Bonita Beach Road, Suite 109, Bonita Springs, FL 34135

Support _____ Oppose X

Application: PD21-80572-BOS, Bayview on Estero Bay (RPD)/(CPD)
Amendment

DATE:

NAME: Creighton Phillips

ADDRESS: 25220 Galashields Cir.

PHONE:

CITY/ Bonita Springs

STATE/ FL

ZIP: 34134

Comments: (Optional)

I am against increasing the hight of the buildings and increasing the foot print from the current zoning. I am against creating a motel/hotel on the property. These are natural wetlands that should be preserved and I don't believe Coconut Rd or other roads in the area can support the increased traffic.

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Application: PD21-80572-BOS, Bayview on Estero Bay (RPD)/(CPD) Amendment

Support _____ Oppose X

Application: PD21-80572-BOS, Bayview on Estero Bay (RPD)/(CPD)
Amendment

DATE: September 20, 2021
NAME: Sheila Thompson Phillips
ADDRESS: 25220 Galashields Circle, Bonita Springs, FL 34134
PHONE: 239-494-1675
CITY/ Bonita Springs
STATE/ FL
ZIP: 34134

Comments: (Optional)

I am opposed to this development and changes to the original proposal, because the traffic on Coconut Road will be horrendous. This road is a major evacuation route for our community. It is also the only road our community has to access one of our most costly and precious amenities, the beach and bay.

Considering the size of the proposal, I am also concerned about having enough water and sewage supply in an environmentally sensitive area. I also wonder impact it will have on water supplies for our community in the near future.

I believe this development will not enhance our neighborhood, but only detract. I am opposed to this proposal.

Sincerely,

Sheila T. Phillips

Sheila Thompson Phillips
25220 Galashields Circle
Bonita Springs, FL 34134

Jacqueline Genson

From: Laurel Weber <laurelgoss@gmail.com>
Sent: Tuesday, September 21, 2021 7:10 AM
To: Jacqueline Genson
Subject: PD21-80572-BOS, Bayview on Estero Bay (RPD)/(CPD) Amendment

TO: City of Bonita Springs Community Development Department
Attn: Jacqueline Genson
9220 Bonita Beach Road Suite 109, Bonita Springs, FL 34135

Support _____ Oppose X

Application: PD21-80572-BOS, Bayview on Estero Bay (RPD)/(CPD)
Amendment

DATE: September 21, 2021

NAME: Laurel & Peter Weber

ADDRESS: 25130 Sandpiper Greens Ct. #103

PHONE: 603-254-5770

CITY/Bonita Springs

STATE/Florida

ZIP: 34134

Comments: (Optional)

We are unable to attend the meeting, but we strongly oppose this amendment.

Sent from [Mail](#) for Windows

Jacqueline Genson

From: dennis neyman <dennisneyman@icloud.com>
Sent: Tuesday, September 21, 2021 7:20 AM
To: Jacqueline Genson
Subject: PD21-80572-BOS, Bayview on Estero Bay (RPD)/(CPD) Amendment

TO: City of Bonita Springs Community Development Department
Attn: Jacqueline Genson
9220 Bonita Beach Road Suite 109, Bonita Springs, FL 34135

Support _____ Oppose X

Application PD21-80572-BOS, Bayview on Estero Bay (RPD)/(CPD) Amendment

DATE: 9-21-21
NAME: DENNIS NEYMAN
ADDRESS: 24941 BAY CEDAR DRIVE
PHONE: 502-500-5019
CITY/ BONITA SPRINGS
STATE/ FL
ZIP: 34114

Comments: (Optional)

I'M A NATIVE FLORIDIAN WHO IS IN DISPAIR AT THESE PLANS TO DESTROY MANGROVES AND PUT COASTAL EROSION AT RISK TO US ALL. I'M ALSO A SAILOR AND THIS WILL ADVERSELY IMPACT PARKING AND WALKING IN THE AREA. WHAT WILL HOLD THE SOIL WHEN THE NEXT BIG STORM THRASHES THE SHORELINE? THIS SO-CALLED DEVELOPMENT IS INSANE! THE INSERTION OF A RESTAURANT WITH ONLY 7 PARKING SPACE BOGGLES THE MIND. EVEN IF A SHUTTLE IS USED TO CONVEY PASSENGERS FROM A MORE DISTANT PARKING AREA, THIS CONSTRUCTION WILL PUT COCONUT ROAD UNDER EXTREME STRESS.

AS MUCH AS I LIKE A GOOD RESTAURANT WITH WATER VIEWS, THE LONG TERM CONSEQUENCES TO THE ECOLOGY OF THE AREA WILL DIMINISH THE COASTAL APPEAL AND DISPLACE VITAL VEGETATION AND WILDLIFE.

Highest Regards, Dennis Dennis Neyman

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Meeting Oct 20

From: Jeffrey Wacksman <jw_dw@yahoo.com>
Sent: Thursday, October 7, 2021 3:42 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Re: Meeting Oct 20

Thanks. I was reviewing the traffic problem on the schematics on the last report and if a boater wants to launch a boat at the public marina when he enters Coconut Rd he has to pass the Hyatt and then he must go down past the Hyatt (which is a smaller road) and proceed to the street that goes to the Marina launch. This appears to be halfway down the last stretch of Coconut Rd. There is no parking on the right side of the road and traffic will back up at that point. It will take around 15-20 min to launch then go to park the car and trailer and return to the boat. Couple that with large trucks servicing the Hyatt which deliver to and sometimes park on the other side for deliveries. Also we will have traffic coming down the same road to go to the beach. Not a problem now but will be a major issue in season.

On the other hand if LB would have a different route to the Marina and restaurant instead of turning Left when they pass the Hyatt just proceed straight. If they went straight across and enter LB property just west of the road that goes to Raptor Bay it should be a much better route for everyone. That route to the restaurant and marina thru LB property could help a lot.

The Traffic study that was done in 2019 by Estero just dealt with numbers but not routes since there was no Marina or restaurant mentioned among other issues.

These are critical issues for Pelican Landing residents.

Sorry for the long note but these problems need to be addressed with successful outcomes.

Do you know if they are broadcasting the meeting?

Thanks again

Dr, Wacksman

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Comment on Bayview Project - Pelican Landing Resident

From: gvelian@comcast.net <gvelian@comcast.net>
Sent: Friday, October 15, 2021 10:55 AM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Comment on Bayview Project - Pelican Landing Resident

I am not able to make the public hearing for the Bayview Project (old Week's place) but would like to comment. It appears they are throwing everything onto this proposal and see "what sticks" – there doesn't seem to be any real deliberate research/investigation – rather, we're going to put every kind of facility/home/structure/real estate in here hoping we'll make money. Although I am "OK" with the residential single family part (although in general I think the entire Bonita area is over building), I am opposed to the 22 story hotel/motels – don't need it. I am also not sure the need for a nursing care/nursing home center – not opposed but do you really want it here? I am also not real keen on the restaurants proposed – no clue as to kind, how many, where exactly. Must I remind folks, most restaurants are along 41 and many do not/have not survived and it's not because of seasonal volume anymore.

I appreciate the opportunity to send my comments and hope that without some clearer, better defined rationale and data the request will be limited to residential only.

George Velianoff
25235 Pelican Creek Circle
Pelican Landing
Bonita Springs, FL 34134

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Proposed Bayview Zoning Changes

From: Jeff Konzak <jeffreykonzak@gmail.com>
Sent: Friday, October 15, 2021 3:02 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Proposed Bayview Zoning Changes

We are residents of the Navona at the Colony and have serious objections to the proposed zoning modifications to the Bayview Project that we would like to share.

The project as proposed will have strong negative impacts on the surrounding neighborhoods with regard to the very high density of the project which includes 300 units in two 22 story towers, a restaurant, large Marina, possible hotel, and large boat trailer storage lots.

This site is located on an environmentally sensitive flood zone, waterway, and wildlife corridor which should be protected from a large scale commercial development such as this.

These impacts include significantly higher traffic on Coconut Road and US 41, noise and light pollution, wildlife disturbance and species threats, obstruction of view corridors from further high rise development, and impacts on supporting infrastructure including water, sewer, and roads.

Has a comprehensive environmental impact study been conducted and thoroughly reviewed?

Converting this pristine waterfront environment to this huge commercial development is NOT in the public interest of Bonita Springs!

We strongly urge you to reject this zoning modifications requiring Bayview to develop a fully residential community without a Hotel and restaurant as well as reduce the height and density of the Towers.

Thanks for your consideration!

Jeff and Julie Konzak
23540 Via Veneto Blvd, Unit 1902
Bonita Springs, 4134

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Bayview

From: tlelder1@comcast.net <tlelder1@comcast.net>
Sent: Friday, October 15, 2021 8:11 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Bayview

I object to the approval of Bayview Development as I feel the size and scope of the plan will create unacceptable amounts of traffic along a 2 lane Coconut Road. Infrastructure will not support the ingress/egress to the area for both construction as well as the finished product. Please reconsider approval.

thank you.

Meanwhile, have a great day!!
Linda Elder. 309-472-1026
4741 via del corso lane, #202
Bonita Springs, Fl.

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Bayview Project

From: Donna Geller <donna.f.geller@gmail.com>
Sent: Saturday, October 16, 2021 5:29 AM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Bayview Project

I live in Treviso at the Colony and am VERY concerned about the entire project, and even more with the thought that more stories will be added to the buildings. The traffic on Coconut Rd. will be horrendous, and for many will be the only route out of the area in case of a hurricane or other emergency.

Please don't let this happen!

Donna Geller

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Bayview project

From: Fred Kreckman <fred.kreckman@gmail.com>
Sent: Saturday, October 16, 2021 9:37 AM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Bayview project

I am submitting these comments as I will be unable to attend the meeting. My principal concerns are environmental protections, especially because Estero Bay is already environmentally compromised, and overburdening Coconut Road which is already very heavily used especially in season and will be additionally burdened with a new housing development which will begin having residents soon.

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Traffic due to development off Coconut Road.

From: Elizabeth Alexander Stevenson <emalexander53@hotmail.com>
Sent: Saturday, October 16, 2021 12:13 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Traffic due to development off Coconut Road.

Hi Ms. Genson,

We are residents of the Colony at Pelican Landing and are concerned about the proposed London Bay development near Raptor Bay and near Coconut Rd. The traffic is already bad there and getting worse every year. Residents who leave their developments by entering Coconut Road face have backups in the morning and evening when they try to leave or enter their streets. The town of Estero said they would put in roundabouts to help this, but nothing has been done yet...

We attended a meeting with the developer in August, held at the Elks club. Naturally, not many residents attended since it was scheduled in Summer when many residents are away on vacation! We were told they were planning to put large boat trailer parking on land they own on Coconut Road - which is directly across from the entrance to the Colony. They said it was not *directly* across, but it is! Since we live there, we know *exactly* where that land is! It would be an eyesore, especially if they have to open up the entrance more and remove the vegetation. And it would create MORE congestion on Coconut Rd. as trailers go in and out. There is already congestion in that area due to the vendor entrance just beyond the Colony entrance on the left side of the street. Large trucks go in and out all day. We have to wait and wait to get in the resident gates as trucks maneuver over and over to get in. This would be made worse by large boat trailers trying to get in and out of what is not a big entrance.

Please take these things into consideration as proposed changes are considered.

William and Elizabeth Stevenson
23821 Merano Court #101

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Amendment for the Bay View Project

From: Carolyn Kreckman <cafnaples@gmail.com>
Sent: Saturday, October 16, 2021 4:54 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Fwd: Amendment for the Bay View Project

----- Forwarded message -----

From: Carolyn Kreckman <cafnaples@gmail.com>
Date: Sat, Oct 16, 2021, 4:48 PM
Subject: Amendment for the Bay View Project
To: <jgenson@cityofbonitasprings.org>

As a resident of the Colony, Pelican Landing, my concern for the decision made by your Board leaves me no choice but to communicate those concerns to you.

I cannot understand the thinking behind your obvious lack of interest in the environment, the comfort and safety of the residents presently living in communities along Coconut Rd., and the traffic issues that will be compounded.

What was once a beautiful, natural area inhabited by a camp for fisherman, will be turned into Miami West.

With all of the information at your fingertips regarding water pollution and land management, surely a board of educated persons could make a better decision.

Please visit the area, and take time to reconsider the approval of the amendment for the benefit of everyone involved, with the exception of the developer.

A concerned citizen,
Carolyn Kreckman
Navona, The Colony

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Zoning Change

-----Original Message-----

From: ROBERT JACOBSON <ootz34@aol.com>
Sent: Saturday, October 16, 2021 11:42 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Zoning Change

I am against the zoning change for Bayview. I bought my property based on current zoning. The waterfront is filling up. Amenities will be stressed. I see no reason for a change especially of this magnitude.

The developers knew what they had and will be gone in a few years with their money. Leaving us including you to deal with the impact of the changes. It's bad enough we can't see the water except for slivers like Bonita Beach and Vanderbilt Beach Roads. Your predecessors gave away the natural beauty of the area. Please don't add to it.

Bob Jacobson
Pelican Landing Owner
3699 Olde Cottage Lane

Sent from my iPhone

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Bayview Project (Weeks Fish Camp) Development

From: Robert Mattucci <southold360@gmail.com>
Sent: Sunday, October 17, 2021 10:09 AM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Fwd: Bayview Project (Weeks Fish Camp) Development

Dear Ms. Genson,

Please be advised that I am an owner in the Colony (23760 Merano CT Unit 101, Estero) and will be unable to attend the meeting on October 20th to discuss the negative impact to the Community of this pending development.

In summary, I am vehemently opposed to this development for the primary reason of density and untenable amount of traffic on Coconut Road, west of U.S. 41. If you look at this situation in totality across all the pending developments, Coconut Road just cannot handle the volume of traffic once the various developments are fully built out! This is the development list I am aware of that will negatively impact Coconut Road:

1. Bayview Project including public boat launch area and public restaurant
2. Coconut Landing
3. The Colony-- two additional high rise towers planned
4. Raptor Bay--two high rise towers planned
5. Planned development (hotel and professional offices?) at the junction of U.S. 41 and Coconut Road (northwest and southwest corners)

In addition, the Hyatt Hotel complex creates a significant amount of traffic during peak travel periods and planned events. The staff for the Hyatt Hotel is enormous as well as the staff required for the Bayview Project once fully built out. This will only add more traffic to Coconut Road.

All of the existing residences and Hotel require access to Coconut Road and now there are plans to add a significant number of residences and facilities that will all have the same egress and ingress. I don't know the number of new planned residences in total, but I would estimate that it would be significant and result in safety issues for all of the residents/hotel staff, employees and guests west of U.S. 41. How can residents and first responders possibly resolve a life threatening emergency with all this traffic?

This note is focusing on traffic and congestion on Coconut Road. There will be various other impacts to the Community, including noise, pollution and environmental impacts to an already fragile area! How can construction possibly be handled along a narrow two lane road, along with all the other traffic?

I would implore the Town and County to carefully look at density/traffic impact and **deny** London Bay the ability to build to the density that has been requested and potentially scale the development back to single family homes.

Thank you for your consideration
Robert and Barbara Mattucci
23760 Merano CT Unit 101
Estero

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Bayview Project

-----Original Message-----

From: Judith wilkins <robertwilkins86@comcast.net>
Sent: Sunday, October 17, 2021 2:10 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Bayview Project

Dear Ms. Genson:

I do appreciate the opportunity to register my opinion of the project from an owner's perspective.

I do not approve the proposed accommodation for bay usage by private craft to the extent planned. It makes sense from the project perspective. However, I anticipate wishes to access our beach as boaters go ashore on the bay side of the island.

I will assume that controlled access will be enforced strictly, with no exceptions.

I anticipate a domino effect otherwise.

Increased vehicular traffic is unwelcome, but cannot be avoided.

My comments address only a few issues from a superficial perspective.

Wish I were down there to be more involved.

With concern for our community,
Judith Wilkins
Unit 202
4141 Sawgrass Point Drive

Sent from my iPad

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: PD 21-80572-bos Bayview

As a resident of Pelican Landing I am concerned about various aspects of the Bayview project which is currently proceeding through the zoning board approval process.

The proposed Marina which will have some slips available for non-residents in addition to the public access boat launch ramp does NOT include a fueling facility which Boaters require since there is no other way to refuel with in the vicinity. Unless this is corrected, and mandated this will be very unattractive for boaters.

I'm also concerned about the type of assisted living facility proposed to be in this location which might make for significant difficulties should a hurricane forces Evacuation of incapacitated residents along Coconut Road, our only route out!

I would like to request that these comments be included in the next zoning board hearing regarding this parcel. Thank you.

Hilton Adler MD

Sent from my iPhone

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: London Bay Bayview towers

From: Diane Ketcham <dketcham@att.net>
Sent: Monday, October 18, 2021 2:19 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: London Bay Bayview towers

We are strongly opposed to any increase in height in the proposed London Bay Bayview towers down by the Hyatt Hotel. This would affect our view from our home and decrease our property values. There is no reason any waiver should be given for an increase in height.

Sincerely,
Diane and Terry Ketcham
Navona at the Colony
23540 via veneto blvd
Unit 1702

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Waiver request from London Bay Builders

-----Original Message-----

From: Sue <susanmjacobi@gmail.com>
Sent: Monday, October 18, 2021 2:23 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Fwd: Waiver request from London Bay Builders

>>> J Genson,

>>>

>>> We own a condo at 23540 Via Veneto blvd, Bonita springs. We object to the request of London Bay Builders to build towers higher than the current statutes of the township allow. We feel it would impact the value of our home. The current statute keeps uniformity among all of the condominium buildings and hotel in the immediate area, which we think is very important.

>>> Please make our e- mail known to the board.

>>>

>>> Robert and Susan Jacobi

>>>

>>>

>>> Sent from my iPad

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Coconut road/future development

From: Carol Milove <zoemilove@gmail.com>
Sent: Monday, October 18, 2021 3:14 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Coconut road/future development

Dear Ms Genson:

When driving from the Hyatt and Raptor Bay east on Coconut, there is no emergency exit off this road until you get just about 1/10 of a mile shy of 41 where you can turn off of Coconut Road by the Elks Club or the back road to the shops on the west side of 41 (First Watch, etc)

There have been two accidents on Coconut Road between the Hyatt and 41 in the last 2 years and there is no way out! You are stuck!

In addition:

"Coconut Road currently operates at a satisfactory Level of Service (called LOS C). Minimum LOS is E. LOS is a rating system used, A thru F, where A is the best (least congestion/delay) and F is the worst (most congestion/delay). Countywide, typical minimum standards are D and E. F is always failure.
— The section of Coconut Road west of US 41 is projected to be operating at a failing Level of Service (F) in the future as developments are completed in approximately 5 years"

This study was in 2016, which was 5 years ago! Therefore Coconut Road west of 41 will be a failing road with all the new development!

<https://estero-fl.gov/wp-content/uploads/2016/04/Coconut-Road-Traffic-Study-Presentation-04-20-2016R3.pdf>

Respectfully
Carol Milove
23741 Merano Court
Estero

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Development Issues and Coconut Road

From: Mac Corum <trcorum@aol.com>
Sent: Tuesday, October 19, 2021 9:39 AM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Fwd: Development Issues and Coconut Road

-----Original Message-----

From: Mac Corum <trcorum@aol.com>
To: jgenson@cityofbonitasprings.org <jgenson@cityofbonitasprings.org>
Sent: Tue, Oct 19, 2021 9:32 am
Subject: Development Issues and Coconut Road

Mr. Genson: As discussions continue about further amending approved and/or new plans for development along Coconut Road, please consider traffic flow at the US-41/Coconut intersection. During "season," it may take multiple light changes to turn north onto 41. Certainly, this is frustrating, but we believe it also represents a safety concern as many drivers seem to be compelled to "run" the light after a long wait. We can also foresee a possible safety issue as weather concerns may force hasty retreat by individuals/families attempting to move away from the coastal setting. Coconut Road must be improved before hundreds of new "doors" are opened along this corridor. Thanks, Taft & Betty Corum (24360 Woodsage Dr., Bonita Springs 34134)

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Traffic Impacts Coconut Road & The Bayview Marina

From: Gina Hanft <gina.hanft@gmail.com>
Sent: Tuesday, October 19, 2021 10:22 AM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Traffic Impacts Coconut Road & The Bayview Marina

Bayview Marina Plans:

London Bay intends to build a Marina on the former Weeks Fish Camp property with one public boat launch ramp, slips available for residents and 15 parking spaces for vehicles with boat trailers. Current plans indicate boat trailer parallel parking is also being planned on the northern side of Coconut Road in front of the Bayview property. In addition, provisions for additional boat trailer parking and shuttle services is also planned for property London Bay owns at 4798 Coconut Road which is located directly across from the main residential gate entrance of The Colony.

Government Interaction On The Development Of The Property:

Since 2014, local and county governments have expressed their strong desire to retain public access to Estero Bay at the former Weeks property. It has been recognized that there is extremely limited access for the public to launch boats on the east side of the bay in light of high demand due to a major increase in boat registrations in South West Florida. It would appear that authorities have taken this into account in approving development plans for the former Fish Camp.

Primary Concerns With The Current Public Access Marina Plan:

Local officials have attempted to address the Public's desire by requiring London Bay to include Public ramp access in their applications for project approval.

Since the development plans have become public, some local residents and communities have expressed concern as to the impact of boat trailer traffic in the immediate area of the proposed ramp.

Currently the plan calls for an entrance to the ramp off Coconut Rd. There is parking for fifteen trailers.

- What happens when 20 or 40 trailers seek launching in a short time span on a weekend morning or when reloading boats on trailers in the afternoon?
- Where do they turn around if the entry into the launching facility is full?
- Do they just park on the northside of Coconut Road and wait until the ramp access clears?
- Does parallel parking of boat trailers on north side of Coconut Rd pose potential traffic congestion and safety hazards issues related to:
 - Other traffic volume desiring to access the Bayview public park area,
 - Routine traffic volume from Pelican Landing residents who access their private Marina and boat shuttles to their private beach amenity (3300 residential units)
 - Additional road traffic volumes in this same area for shuttle traffic from the London Bay's overflow lot at 4798 Coconut Road.
 - Additional road traffic and / or shuttle volumes from 250 additional beach rights granted to London Bay as part of the Settlement Agreement in 2019.

One only has to visit the Collier County Boat Ramp, the Bay View Boat Ramp Naples or the Punta Rassa ramp in Fort Myers to see chaos on a weekend. A similar situation appears to be in the making with the current Bayview plans.

Knowing London Bay management, it is most unlikely they would want this situation to occur with the public boating access to Bayview.

The concerns noted above related to traffic impacts and safety issues at the planned Bayview Marina are substantial. It would seem that the City of Bonita Springs along with other local / governmental officials would have a strong interest in addressing those concerns along with London Bay as local development orders move forward.

Perhaps a meeting with appropriate town officials, the management of London Bay, along with representatives from the Pelican Landing and Colony Foundation Boards is in order to seek resolution of these concerns and to help make the proposed project a benefit to all involved.

Sincerely,

Chip and Gina Hanft
Bonita Springs Year Round Residents

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Bayview on the Estero

From: Jeffrey Wacksman <jw_dw@yahoo.com>
Sent: Tuesday, October 19, 2021 11:50 AM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Bayview on the Estero

Members of Bonita Springs City Council:

Last Oct. 23 2020 you approved a project put forth by London Bay. During this period of severe Covid Restriction Floridians who live in the area did not extensively review the Exhibit B . It was approved. I submit to you that over 50% of the Communities of Bonita Springs and Estero were not aware of this project as the announcements of meetings were limited ,they were out of town and discussion barely existent.No mention at PLCA Board minutes about any discussion. This project has great appeal in a large number of areas too numerous to opine. It should go forward after 2 important areas our addressed.

1. The traffic issue needs to be re examined. It was done by a projection using a study from 2019 Estero city study of traffic. The projections made were for the 300 units to be built on the project. Unfortunately this is not the current picture. There is a large home building project on Coconut rd as well as 2 large residential towers with an additional 200 units to be constructed in the Colony.Also there will be more development in Raptor Bay and the Timeshare as well as a public Restaurant and a Public Marina. This projection study although done by an excellent firm should be seriously questioned. So if traffic is an issue on Coconut Rd some of

the impact fees should be earmarked for a widening of Coconut rd to decompress the problem.

2. The second major issue centers around the route taken to launch Motorized boats and Jet skis from the Public Marina. The Exhibit B(**which is very hard to see with the naked eye**) depicts the routes. The launch vehicles coming down the smaller and more narrow aspect of Coconut along side the Hyatt and entering the Marina area about 1/3 the way down this narrow rd. You ask why was this issue not addressed earlier prior to Oct.23 2020. Easy to understand because of Covid 19 and a very small Exhibit B which is difficult to read.

So what would be prudent would be to help Pelican Landing residents and the surrounding communities work with LB to develop an alternate route either thru the RPD with a single one way road just inside the RPD to the marina. Perhaps a turnaround circle could be constructed where boat owners that cannot turn into the marina because of traffic and congestion their vehicle would use the turnaround to go back out and come back.

Sitting on Coconut rd in traffic for PL residents and Hyatt customers going to the beach is a major issue. We suggest approving the amendment after an alternate plan is developed and is acceptable to all parties. To not recognize the major problem at this area could be a grave error and not safe for residents going to the beach from PL and the Hyatt as well as well as boaters.

Thank You

Jeffrey Wacksman, M.D.,
Pelican Landing Bonita Springs Fl.

To: Jacqueline Genson
Subject: RE: Bayview Developer Project

From: Martin Kamber <martin_kamber@msn.com>
Sent: Tuesday, October 19, 2021 1:04 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Bayview Developer Project

TO WHOM IT MAY CONCERN

The City of Bonita Springs should reject the request of the Developer to amend the RPD portion of the Bayview development project to:

1. "Increase the maximum permitted building height of 286 feet (22 stories) for Building A
2. Add a 7500 square feet (SF) Restaurant, Group III use to the Schedule of Uses
3. Add Hotel/Motel to the Schedule of Uses subject to a conversion rate
4. Add three (3) new deviations relating to the 7500 SF restaurant and hotel/motel use
5. Modify to existing deviation justifications relating to increase in height
6. Modify the Master Concept Plan to provide these changes."

This request is significant, adding a substantial commercial component to the project scope. The magnitude of the proposed amendments reflects unprofessional project planning. Thus, the proposed changes should not be taken as mere amendments. They should be judged at as progressive disclosures by the Developer and thus rejected by the Planning Department of the City of Bonita Springs.

It is difficult to imagine, for instance, that the ceiling height matter was not known when the original plans were developed. This is but one example. Another issue is traffic. Despite all the assurances provided in the form of attachments to the Staff Report, major changes to the traffic patterns along Coconut Road are to be expected.

Any 2019 to early 2021 data used in the traffic studies should be considered suspect because of the prevailing Covid-19 crisis in the United States. Why? Because resident traffic patterns/additional parking space needs do not include vehicular peak traffic/parking needs caused by absent non-resident/part-time owners and/or domestic and foreign tourists staying at the Hyatt or renting vacation properties at Pelican Landing and The Colony. The same applies to

any future traffic growth projections based on 2019 to early 2021 observed data affected by the prevailing Covid 19 crisis. Note that travel and tourism were significantly curtailed in the 2019 to 2021 period. This trend will likely continue well into 2022, albeit at a somewhat less significant rate. The planned restaurant and marina will add further traffic/parking space pressure.

The magnitude of the project amendments adds up to a quite different plan compared to the one initially submitted. The Bayview Development Project should be treated as a new plan and should be re-assessed as such by the Planning Department of the City of Bonita Springs and surrounding communities. This implies setting the clock back, requesting resubmission of a plan which does not resemble a restaurant menu, but one that will be executed. The traffic impact/parking space needs must be re-assessed, using meaningful data and data estimates, accounting for the impact of the Covid-19 pandemic.

Martin Kamber
The Colony resident

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Comments regarding: Bayview Amendment for London Bay project

From: Vicki White <white.vicki@me.com>
Sent: Wednesday, October 20, 2021 5:39 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Cc: Roy Hyman <roy@pelicanlanding.com>; Ellen Dennis <edennisplca@gmail.com>; Bill Packard <bpackardplca@gmail.com>; Ray Mcquiston <raymc321@gmail.com>; Chip Hanft <chip.hanft@gmail.com>; John Watson <johntwatson@aol.com>; Linda Bilodeau <lindabilodeau19@gmail.com>; James Fuglsang <jfuglsang6210@gmail.com>; Marilyn Price <mpriceplca@gmail.com>
Subject: Comments regarding: Bayview Amendment for London Bay project

Reference to the Bayview Amendment for London Bay project

We have attended many meeting where presentations were made by the London Bay Property Group over the last few years. In several of the earlier meetings, London Bay representatives after going through vary lengthy descriptions would make a one or two line mention of filing a second permit for their project which was for a housing development instead of a assisted living style development, just in case the market changed and they would need to adjust what the project would end up being.

Whenever questions from the audience asked about their intent to move in that direction they would very dodge answering. Many in the audience commented about how professionally they would re-direct their supposed answer to change the subject without giving answers to the question.

We are very concerned about how this development will really impact the roads (Coconut Road and further to our marina) which will lead into their development. The traffic study which they had referred to, in their presentations was done several years back and at the time I recall we were told they were in August/September but there was an adjustment for the peak season - some small percentage. As we all know, traffic has increased a lot recently. With London Bay putting in a public access to Estero Bay for boats/trailers/etc. the roads which include Coconut Road/Weeks Street/etc. will certainly create issues with their comings/goings because of the corner turns and shortness. Most any intelligent person can see that if you add in the prospect of vehicles w/boat trailers/etc. plus the other pubic traffic from London Bay project which is to include more facilities such as restaurants, and the likelihood of a housing community, Coconut Road (especially at the end where it turns at Weeks Street) in its current set up will not be able to handle the comings/goings. And, this is not to mention that the eastbound traffic exiting Coconut Road into Highway 41 will be greatly impacted as these vehicles with boats/trailers will jam up at the light which will not be able to handle as many as single cars. Isn't the northeast side of Highway 41/Coconut Road have parcels owned by Lee Health which they intend to use as an adjunct to their facilities on the southwest corner of Highway 41/Coconut Road? Not only with there be major traffic issues at that light, but traffic will be backed up past North Commons Drive and Walden Center Dr. Coconut Road which leads to Estero Bay is not wide enough nor or the turns leading to the London Bay project entrance.

Residents are urged to attend or email their concerns to jgenson@cityofbonitaspringscd.org.

BAYVIEW AMENDMENT

On Tuesday, September 21st, the Bayview (London Bay Project) which is located to the north of the Coconut Point Marina, at the old Weeks Fish Camp, presented an Amendment to their original plans to the Bonita Springs Zoning Board. The Amendment in part is requesting a deviation from prior approval for the Project. The lengthy Staff Report can be found on the Bonita Springs Zoning Website and at <http://www.cityofbonitasprings.org/common/pages/DisplayFile.aspx?itemId=18006061> for your reference. The major issue of the deviation is to increase the overall height of the two (2) main buildings from 245 feet to 286 feet. Another deviation is for a public restaurant. The buildings will remain 22 stories; however the floor will be higher. The intent is to have the buildings used for 300 single-family units; however, the developer wants to reserve the right to adjust to hotel rooms or an assisted living facility as an option.

The Project also contains up to five (5) smaller buildings east of the tall buildings; 72 wet boat slips; 25 large parking spots for trailers; a public boat ramp; a small park at the west end of the marina; and off-site parking lots which are located near our current shuttle bus parking lot. The Amendment requesting the deviation was approved 6 – 1 at the meeting.

First Reading will be held on October 20, 2021 at 9am (Tentative) at the Bonita Springs City Hall (9101 Bonita Beach Road, Bonita Springs, FL 34135).

Second Reading will be held on November 3, 2021 at 5:30pm (Tentative) at the Bonita Springs City Hall (9101 Bonita Beach Road, Bonita Springs, FL 34135).

Cynthia Vargas

To: Vicki White
Subject: RE: Comments regarding: Bayview Amendment for London Bay project

From: Vicki White <white.vicki@me.com>
Sent: Friday, October 22, 2021 9:11 AM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Cc: Roy Hyman <roy@pelicanlanding.com>; Ellen Dennis <edennisplca@gmail.com>; Bill Packard <bpackardplca@gmail.com>; Ray Mcquiston <raymc321@gmail.com>; Chip Hanft <chip.hanft@gmail.com>; John Watson <johntwatson@aol.com>; Linda Bilodeau <lindabilodeau19@gmail.com>; James Fuglsang <jfuglsang6210@gmail.com>; Marilyn Price <mpriceplca@gmail.com>; debbie.filipek@cityofbonitasprings.org; Cynthia Vargas <CVargas@cityofbonitaspringscd.org>; Derek Rooney (Derek.Rooney@gray-robinson.com) <derek.rooney@gray-robinson.com>; David A. Theriaque (dat@theriaquelaw.com) <dat@theriaquelaw.com>; Tom.Ross2@jacobs.com; Alexis Crespo <Alexis.Crespo@waldropengineering.com>; Richard Yovanovich <ryovanovich@cyklawfirm.com>; Mary Gibbs <gibbs@estero-fl.gov>
Subject: Re: Comments regarding: Bayview Amendment for London Bay project

Jacqueline,

Thank you so very much for you confirming receipt of my correspondence. It is nice to know that there is someone reading our concerns.

Besides the comments we made regarding types of vehicles/trailers which will be using these narrow two lane roads (west end toward the bay) and at the intersection of Coconut/HWY 41, **we urge the City of Bonita/Estero and Lee County to question the traffic studies which were done at least 4 maybe 5 years ago**, and as I recall in early on London Bay meetings when asked about traffic studies, we were told they were done in August/September not peak season. Hopefully Lee County/Estero will be pushed by Bonita and citizens to have a **current study done in peak season and adjust accordingly. And take into consideration that the public access to Estero Bay will bring more that family cars but trailers, not to mention years of large construction vehicles/equipment at the development is being built.**

Thank you
Vicki White

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Bay view by the Bay project

From: patti shensa <pattishensa@gmail.com>
Sent: Friday, October 22, 2021 8:03 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Fwd: Bay view by the Bay project

Patti Shensa
Sent from my iPhone

Begin forwarded message:

From: Patti Shensa <pattishensa@gmail.com>
Date: October 18, 2021 at 4:37:29 PM EDT

Subject: Bay view by the Bay project

I am a resident of the Colony and live in the Navona condominium. I am highly opposed to the Bay View by the Bay project asking for an increase in the height restriction. This increase would highly impact our views from the Navona condominium and feel that the developers should abide by the existing statute. I am emailing my opinion as I am unable to attend the upcoming meeting.

Patti Shensa
Sent from my iPhone

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Bayview

-----Original Message-----

From: Lisa Turner <blturner82@gmail.com>
Sent: Saturday, October 23, 2021 7:07 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Bayview

The new development with the amended design will overwhelm the capacity of Coconut Road. Please decline the amendments for the Bayview development.

Bruce and Lisa Turner
25020 Cypress Hollow Court
Unit 102
Bonita Springs, FL 34134

Cynthia Vargas

To: Jacqueline Genson
Subject: RE: Bayview

-----Original Message-----

From: Howard Lowe <lowehl@gmail.com>
Sent: Sunday, October 24, 2021 7:20 AM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Bayview

This project should be scaled back to the original plan; We don't need another hotel down there, or another restaurant. Coconut Rd will be a mess!

Do the developers ALWAYS have to win?

Howard Lowe
Bonita Springs voter

RETURN TO:

City of Bonita Springs
Community Development Department
Attn: Jacqueline Genson
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135

Support _____ Oppose XXXXX

Application: PD21-80572-BOS, Bayview on Estero Bay (RPD)/(CPD) Amendment

I strongly object and oppose any extensions to the London Bay project.

~~1. The requested height will soar over all existing structures and be a significant sore thumb. At the last town hall the representatives would not answer direct zoom questions comparing the new proposed tower to the existing Hyatt. The number is 70 feet higher than the Hyatt and more than 40 feet higher than any Colong Building.~~

~~2. At the same town hall the representatives would not acknowledge or answer a direct question of what were the dates of the traffic study? This was intentional with the objective of not answering the question. If they are permitted to proceed without addressing the traffic impact the results will be catastrophic. I challenge the accuracy of the study and also asked is there any accountability if the traffic and parking study are inaccurate. This question also not acknowledged.~~

DATE: 9/19/2021

NAME: Robert Maynes PHONE: 6313654050

ADDRESS: 24651 Canary island Ct. CITY/STATE/ZIP: Bonita Sgs, FL, 34134

RECOMMENDATIONS AND POSTPONEMENTS: The Board may accept, reject or modify staff recommendations and take such other appropriate and lawful action including continuing said public hearings.

CONDUCT OF HEARINGS: These hearings are quasi-judicial and must be conducted to afford all parties due process. Any communication that Council Members have outside of the public hearing must be fully disclosed at the hearing. Anyone who wishes to speak at the hearing will be sworn in and may be subject to questions by the board, city staff or applicant. Public comment is encouraged, and all relevant information should be presented to the Board so a fair and appropriate decision can be made. Tapes are limited to three (3) minutes in length and are to be submitted to the Zoning Division one week prior to the meeting date for review. All tapes/information submitted for the public record will not be returned.

GROUP REPRESENTATIVES: Any person representing a group or organization must provide written authorization to speak on behalf of that group. The representative shall inform Staff prior to the hearing of their intent to speak on behalf of a group and provide staff the name of that group.

I will have a representative at the Zoning Board Hearing and/or City Council. My representative's name, address, and phone are:

NAME: _____ PHONE: _____
ADDRESS: _____ CITY/STATE/ZIP: _____

APPEALS: If a person decides to appeal any final decision made by the City Council, with respect to any matter considered at such hearing, they are responsible at their own expense for ordering from the court reporter to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence on which the appeal is to be based.



Joanne Ribble
District One

Larry Fiesel
District Two

Jon McLain
Vice Mayor
District Three

Katy Errington
Mayor
District Four

Jim Boesch
District Five

Jim Ward
District Six

Jim Wilson
District Seven

Steve Sarkozy
Village Manager

Burt Saunders
Village Attorney

October 26, 2021

The Honorable Mayor and City Council Members
City of Bonita Springs
c/o Ms. Arlene Hunter
City Manager
9101 Bonita Beach Road
Bonita Springs, FL 34135

Dear Arlene:

We understand that London Bay's "Bayview on Estero Bay" project is scheduled for the second reading and public hearing at the City Council on November 3, 2021. During the review process, neighbors of the project along Coconut Road have voiced concerns about increasing traffic impacts and issues on Coconut Road.

While the project is located in the City of Bonita Springs, Coconut Road is primarily owned and maintained by the Village of Estero. This is a somewhat unique situation.

The Village would like to work with the City for planning and implementing any needed road improvements for the future mutual benefit of both City and Village residents. The Council recently discussed this issue in light of the London Bay project scheduled hearing at City Council and believes this is an opportune time to reach out to the City of Bonita Springs for mutual planning efforts and a potential interlocal agreement.

Once you have an opportunity to review this, I would be happy to discuss further with you.

Sincerely,

Steve Sarkozy
Village Manager
Village of Estero

cc: Estero Village Council

CASE A: PD21-80572-BOS

STAFF REPORT

Application Summary	Page 1
Background	Page 2
Conclusions	Page 5
Recommendation	Page 5

EXHIBITS:

A. Legal Description and Sketch of the Subject Property stamped November 8, 2018	Page 12
B. Master Concept Plan stamped received June 28, 2021	Page 16
C. Schedule of Uses	Page 19

ATTACHMENTS:

A. Staff Informational Analysis	
a. Background and Informational Analysis	Page 22
b. Current Zoning, Zoning Ordinance No. 20-06	Page 31
c. Bayview II CPD, Lee County Zoning Resolution No. 19-024	Page 50
d. Public Comment	Page 60
B. Applicant's Informational Analysis	
a. Application	Page 62
b. Request and Bonita Plan and LDC Consistency Narrative	Page 83
c. Project Request Narrative	Page 89
d. Traffic Impact Analysis	Page 95
e. Schedule of Deviations	Page 182
f. Visualization Study (Line of Sight Exhibits)	Page 184
g. Pre-filing and Post-sufficiency Neighborhood Meeting Information	Page 188

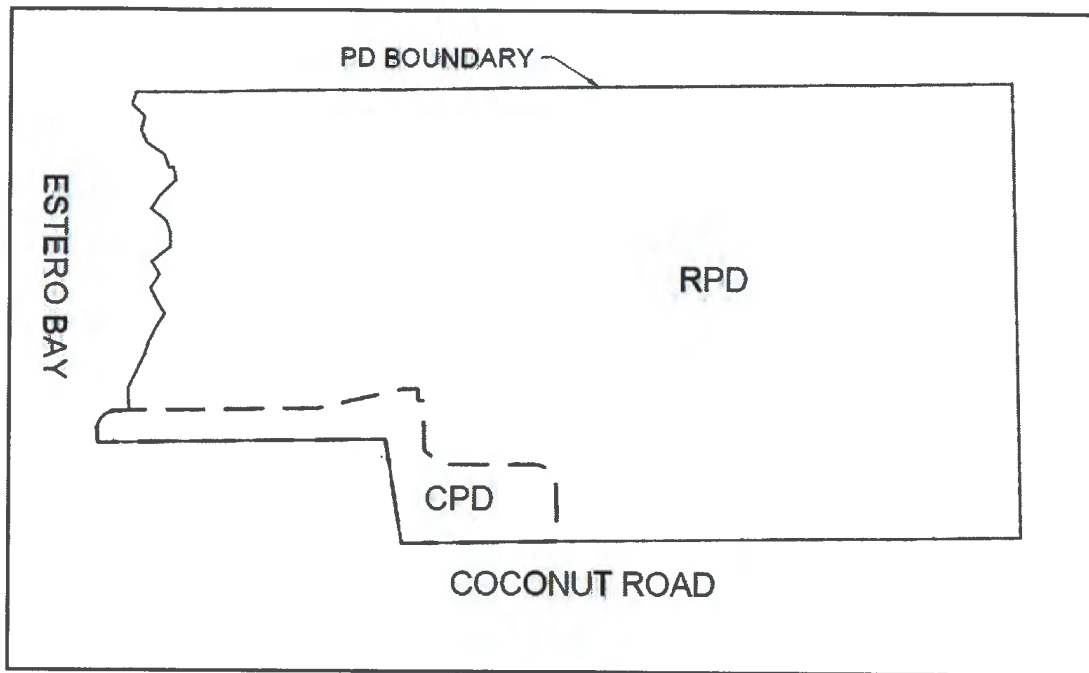
BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT

TYPE OF CASE: AMENDMENT – PLANNED DEVELOPMENT
CASE NUMBER: PD21-80572-BOS
HEARING DATE: September 21, 2021
PLANNER: Jacqueline Genson, AICP

APPLICATION SUMMARY:

- A. Applicant: LB Estero Bay Investments, LLC
- B. Agent: Waldrop Engineering, P.A.
Coleman, Yovanovich & Koester, P.A.
- C. Request: A request to amend the Residential Planned Development (RPD) portion of the Bayview on Estero Bay Commercial Planned Development (CPD/RPD) to:
1. Increase the maximum permitted building height to 286 feet (22 stories) for Building A; and
 2. Add a 7,500 square feet (SF) Restaurant, Group III use to the ~~Schedule of Uses~~; and
 3. Add Hotel/Motel to the Schedule of Uses subject to a conversion rate; and
 4. Add three (3) new deviations relating to the 7,500 SF restaurant and hotel/motel use; and
 5. Modify two (2) existing deviation justifications relating to increase in height; and
 6. Modify the Master Concept Plan to provide for these changes.
- D. Location: The property is located at the northwest corner of Coconut Road and Coconut Point Resort Drive.
- E. Future Land Use Map Designation: The property is designated as City of Bonita Springs Coconut Village (26.38 acres) and Resource Protection (4.13+/- acres)
- F. Current Zoning: The property was rezoned by the City to a Commercial Planned Development (CPD)/ Residential Planned Development (RPD) pursuant to Zoning Ordinance 20-06 in 2020. The CPD/RPD was approved to allow for a Continuing Care Facility (CCF) containing a maximum of 300 Independent Living Facility (ILF) units and

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



CPD/RPD Boundary

Source: Waldrop Engineering

- G. Current Land Use: The property contains a closed marina waterfront and a few vacant residential structures.

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

BACKGROUND:

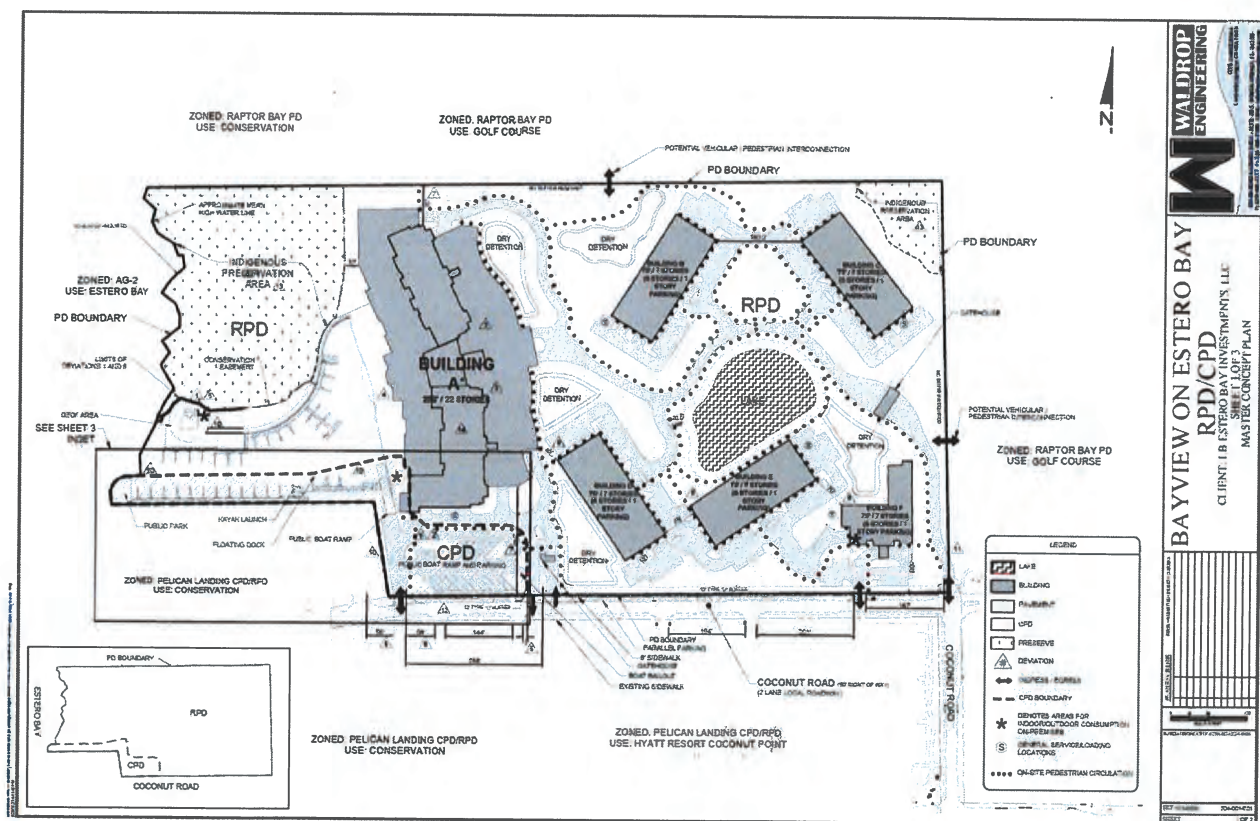
Overview

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

The residential development scenarios for the RPD portion allow a Continuing Care Facility (CCF) containing a maximum of 300 Independent Living Facility (ILF) units and a seventy-five (75) bed Assisted Living Facility (ALF) OR up to 300 multi-family dwelling units. The CPD portion, which includes a public access component to Estero Bay, was approved for seventy-two (72) wet boat slips, twenty-five (25) dry boat slips (15 on-site and 10 off-site in the Bayview II CPD), and one (1) public boat ramp.

This amendment request affects the RPD portion of the planned development; no changes to the CPD are requested. The Applicant's request is to seek an amendment as follows:

1. Increase the maximum permitted building height from 245 feet (22 stories) for Building A-Phase 2 and 115 feet (10 stories) for Building A-Phase 1 to 286 feet (22 stories) for all of Building A; and
2. Add a 7,500 square foot Restaurant, Group III use to the Schedule of Uses (**Exhibit "C"**) for both residential development scenarios of the RPD. The restaurant use will be open to the general public; and
3. Add Hotel/Motel to the Schedule of Uses (**Exhibit "C"**) subject to a conversion rate under the multi-family development scenario; and
4. Add three (3) new deviations relating to the 7,500 SF restaurant and hotel/motel use based on requirements of the Land Development Code (LDC); and
5. Modify two (2) existing deviation justifications relating to the increase in height in the RPD area; and
6. Modify the Master Concept Plan to provide for the changes (**Exhibit "B"**).



Proposed Master Concept Plan

Source: Waldrop Engineering

Uses

The amendment request includes modifications to the previously-approved Schedule of Uses. The proposed changes are shown in underline format, which indicate new text. The first request adds up to 7,500 SF of restaurant uses that will be open to the public within the RPD portion of the project. The Applicant is also requesting to add Hotel/Motel uses to the Schedule of Uses subject to a conversion rate under the multi-family development scenario only. This request is based on a trip generation and is conditioned by the City Staff so that the number of residential and hotel units does not exceed 300 units.

Property Development Regulations and Deviations

All development is to be in accordance with the LDC Chapter 3 (Development Standards) and Chapter 4 (Zoning). Conditions and deviations set forth in the adopted zoning ordinance (ZO-20-06) augment certain development regulations such as development standards, buffering, deviations, and any associated conditions of approval.

This amendment request proposes to amend the development regulations for height, building separation, and perimeter setbacks. These are included in **Condition 2b** and reflected in **Exhibit "C."** Deviations may be requested during the review process in accordance with [LDC 4-326](#) and [LDC 3-81\(b\)](#). The amendment request includes amendments to two (2) of the thirteen (13) previously approved deviations, and adds three (3) additional deviations for the restaurant use. All deviations and associated justifications by the Applicant are included in the Applicant's Analysis in **Attachment "B."** The City Staff's analysis and recommendation on each of the deviation requests are included later in this staff report.

Comprehensive Plan Considerations

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

Transportation Summary Analysis

The amendment request has been reviewed by the City's Community Development, Lee County Department of Transportation (LCDOT), and the Village of Estero. The Applicant's analysis indicates that this amendment to add 7,500 SF of restaurant uses will generate thirty-eight (38) total net new trips to the surrounding roadway network when compared to the current zoning approval. Coconut Road will continue to operate at a Level of Service "E" with this project. It is possible that this project may need to make on-site and off-site related improvements; however, that analysis will be performed at time of local development order. The City Staff will continue to include the Village of Estero and LCDOT on all future application requests that have the potential to impact Coconut Road.

Conservation/Coastal Management Summary Analysis

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

Resource and wetland protection will continue to be enhanced with the project design and water quality will be improved from that of the previously proposed project.

The indigenous vegetation preservation amount remains the same and is not impacted by this request. The majority of the indigenous vegetation is highly impacted by exotic vegetation and previous land uses on the property.

Infrastructure Summary Analysis

The amendment request was distributed to Bonita Springs Utilities (BSU), Estero Fire Rescue, Public Works, and the Community Development Engineer and Transportation Engineer. All review disciplines had no objections to the request. As a result, it is the City Staff's opinion that the proposed project is consistent with the Infrastructure Element of the Bonita Plan.

CONCLUSIONS:

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

Pursuant to the City's LDC, the Applicant was required to hold two (2) neighborhood meetings. The first meeting was held on April 5, 2021, and a second meeting was held on August 25, 2021. Additional methods of public notice included mailed notices to properties within 375 feet of the property, rezoning property posting signs along Coconut Road and one on Estero Bay, and a legal ad in the Fort Myers News Press that ran on September 9, 2021, for the Zoning Board public hearing.

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

RECOMMENDATION:

The City Staff recommends **APPROVAL** of Petition PD21-80572-BOS Bayview on Estero Bay RPD/CPD which requests to amend Zoning Ordinance No. 20-06 for an amendment to the Residential Planned Development (RPD) portion of the Bayview on Estero Bay Commercial Planned Development (CPD)/RPD to:

1. Increase the maximum permitted building height to 286 feet (22 stories) for Building A; and
2. Add a 7,500 SF Restaurant, Group III use to the Schedule of Uses; and
3. Add Hotel/Motel to the Schedule of Uses subject to a conversion rate; and
4. Add three (3) new deviations relating to the 7,500 SF restaurant and hotel/motel use; and
5. Modify two (2) existing deviation justifications relating to increase in height; and
6. Modify the Master Concept Plan to provide for these changes.

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

Conditions:

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

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

The total residential dwelling units may not exceed the approvals granted pursuant to Zoning Ordinance No. 20-06, which allowed for a maximum of 300 Independent Living Facility (ILF) units and a seventy-five (75) bed Assisted Living Facility (ALF) OR 300 multi-family dwelling units; AND seventy-two (72) wet boat slips, twenty-five (25) dry

boat slips (15 on-site and 10 off-site in the Bayview II CPD), and one (1) public boat ramp. However, under the 300 multi-family unit option, up to 120 multi-family dwelling units may be converted from multi-family dwelling units to hotel/motel units at the rate of one (1) multi-family unit to one (1) hotel/motel unit. The development also includes up to 7,500 square feet of restaurant uses that are open to the public.

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

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

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

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

3. Parking for the restaurant must be accommodated within the RPD portion of the project and not within the CPD portion. Parking within the CPD is limited to the public access uses of the marina pursuant to Zoning Ordinance No. 20-06, Condition 7.
4. This Master Concept Plan is subject to conditions set forth herein and the rules, regulations, laws, and codes in place at the time of Development Order and Construction Plan approval. Approval of this Planned Development is not a guarantee of future approvals.
5. All terms and conditions of Zoning Ordinance No. 20-06 remain in full force and effect, unless specifically modified by this amendment or other preceding actions.

Deviations:

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

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

The City Manager or designee is also authorized to grant deviations from the technical standards for specific sections in LDC Chapter 3 based on review criteria established in [LDC 3-81\(b\)](#). In those instances, the City Staff has evaluated those deviations as a part of this review process and may approve, approve with conditions, or reject the Applicant's request. The Applicant must ensure that the following criteria have been met:

1. The proposed alternative is based on sound engineering practices; and
2. The proposed alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested; and

3. For division 7 of article III of this chapter, Public Transit, the required facility would unnecessarily duplicate existing facilities; and
4. The granting of the deviation is not inconsistent with any specific policy directive of the city council, any other ordinance, or any city comprehensive plan provision; and
5. The granting of the deviation is not inconsistent with in the intent of the bicycle and pedestrian master plan, Bonita Beach Road Visioning Study, and the complete streets policy.

The Bayview on Estero Bay CPD/RPD was originally approved with thirteen (13) deviations. This amendment request modifies two (2) of the existing deviations and adds three (3) new deviation requests. All deviations and associated justifications by the Applicant are included in the Applicant's Analysis in Attachment "B." The City Staff's analysis and recommendation on each deviation request is as follows:

1. Deviation 1 seeks relief from LDC Section 3-417(6), setbacks, which requires a minimum thirty (30) foot setback from all preserve (wildland) areas for buildings and accessory structures for the purposes of fire protection, to permit principal and accessory structures to be located fifteen (15) feet from a preserve. **NO CHANGE REQUESTED.**
2. Deviation 2 seeks relief from LDC Section 3-418(d)(7), buffering adjacent property, which requires that all freestanding parking areas, whether commercial, public, or private, not associated with other development must provide a Type "D" buffer for the right-of-way and Type "C" buffer if they abut single-family residential or multiple-family residential uses or zoning, to permit the marina CPD area to provide no internal buffer between the proposed commercial and residential uses. **NO CHANGE REQUESTED.**
3. Deviation 3 seeks relief from LDC Section 4-1732(4)(n)1. and 2., Recreation facilities, indoor, 1. Gymnasiums, health clubs and similar type recreational establishments wherein large floor areas are required to accommodate equipment for individual users. Four (4) parking spaces per 1,000 square feet of total floor area. 2. All other indoor recreational facilities not specifically listed: One (1) parking space per 100 square feet of total floor area, to permit indoor recreational parking requirements to be calculated at one (1) space per 1,000 square feet of floor area. **NO CHANGE REQUESTED.**
4. Deviation 4 seeks relief from LDC Section 4-303, duration of rights conferred by adopted Master Concept Plan, which remain valid for five years from the date the Planned Development was approved by City Council, to permit the Bayview on Estero Bay Master Concept Plan to remain valid for ten (10) years from the date of City Council approval. **NO CHANGE REQUESTED.**
5. Deviation 5 seeks relief from LDC Section 3-291(a)(1), connection separation, which requires a 125-foot motor vehicle entrance separation on local roadways, to allow for a minimum separation of ten (10) feet between the project entrance and existing driveways south of Coconut Road as shown on the MCP. This deviation request is from the technical standards for specific sections in LDC Chapter 3 and can be approved administratively. **NO CHANGE REQUESTED.**

6. Deviation 6 seeks relief from LDC Section 3-417(b)(1)a., which requires a minimum thirty (30) foot setback from indigenous native vegetation to any habitable structure, to permit a fifteen (15) foot setback from indigenous native vegetation to any habitable structure. **NO CHANGE REQUESTED.**
7. Deviation 7 seeks relief from LDC Section 4-741(b), which requires all buildings and structures to be setback from the development perimeter a distance equal to the greater of one-half the height of the building or structure, to allow ~~all buildings and structures~~ Building A within the Bayview on Estero Bay RPD/CPD to be setback from the development perimeter at a distance equal to the distances as shown on the MCP, with ~~forty-five (45)~~ seventy-five (75) feet being the smallest distance. Buildings seventy-five (75) feet or less must comply with the LDC, or one-half the height of the building.

Justification: This was a previously approved deviation based on the building height approved pursuant to ZO-20-06 of 245 feet for Building A, Phase 2. The amendment is requesting a building height of 286 feet for all of Building A, which would require a 143-foot perimeter setback. The City Staff agrees that the intent of this standard is for compatibility purposes relative to spatial distancing. The property north of the perimeter is owned by LB Raptor Investments, LLC, which includes the same authorized representatives as this property owner, LB Estero Bay, LLC. LB Raptor Investments, LLC, intends to redevelop the property to the north with a similar high-rise development pattern. The Applicant still states that this request and site design maximizes public access to the marina and preserves the on-site wetlands. The City Staff recommends **APPROVAL** of the deviation request subject to consistency with building and NFPA codes.

8. Deviation 8 seeks relief from LDC Section 4-741(d)(4), minimum separation of buildings, which requires where there are two (2) or more principal buildings on a development tract, the minimum separation of buildings shall be one-half the sum of their heights, or twenty (20) feet, whichever is greater, to allow the minimum building separation between buildings A1 and A2 to be twenty (20) feet, and the **minimum separation** between buildings A and D to be forty-five (45) feet.

Justification: This was a previously approved deviation based on the building height approved pursuant to ZO-20-06 for Building A, Phases 1 (115 feet) and 2 (245 feet). Similar to Deviation 7, the City Staff agrees that the intent of this standard is for compatibility purposes relative to spatial distancing. As previously stated, the Applicant states the site design maximizes public access to the marina and preserves on-site wetlands. The site design places the tallest buildings closest to the waterfront to maximize views of Estero Bay and five (5) other mid-rise buildings to the east. This site design and the redesign of Building A still requires relief from the building separation requirement. The Applicant states that its architectural elevations and perspective views from the surrounding area demonstrate the proposed project will allow for an attractive development that is of a consistent height and development form when compared to mid- and high-rise buildings in the area. The City Staff has no objection to the request, subject to review and approval by the building department and Estero Fire Rescue. The City Staff recommends **APPROVAL** of the deviation request.

9. Deviation 9 seeks relief from LDC Section 4-1723, which requires all residential and non-residential uses to provide off-street parking spaces in accordance with specific regulations, to allow for off-site parking for the CPD, which is for the public use, as shown on the MCP. **NO CHANGE REQUESTED.**
10. Deviation 10 seeks relief from LDC Section 7-381(4), setbacks for multi-slip docking facilities, which requires docking facilities to be setback a minimum of twenty-five (25) feet from side lot lines, to allow for a zero (0) foot setback along the southern PD boundary/side lot line. **NO CHANGE REQUESTED.**
11. Deviation 11 seeks relief from LDC Section 4-741(b)(2), property development regulations, which requires that parking or internal roads or drives may not be closer to the development perimeter than the width of any buffer area or landscape strip, or five (5) feet, to allow parking and internal roads to be less than five (5) feet from the development perimeter only in areas identified on the MCP. **NO CHANGE REQUESTED.**
12. Deviation 12 seeks relief from LDC Section 3-418(d)(3), landscape buffers, which requires a fifteen (15) foot Type "D" landscape buffer for commercial to right-of-way, to allow a ten (10) foot Type "D" buffer where the public accessible boat ramp and parking abut Coconut Road. **NO CHANGE REQUESTED.**
13. Deviation 13 seeks relief from LDC Section 3-417(b)(1)a, indigenous vegetation, which requires large developments to provide 50% of their open space requirements through on-site preservation of existing native vegetative communities, thus requiring Bayview on Estero Bay to provide 5.90 acres of indigenous preservation, to allow the project to satisfy this requirement by providing 4.13 acres of on-site indigenous vegetation. **NO CHANGE REQUESTED.**
14. Deviation 14 seeks relief from LDC Section 4-743, commercial uses in RPD zoning districts, which requires a minimum of 301 dwelling units to allow for 7,500 square feet of commercial uses in the RPD zoning district, to allow for 7,500 square feet of commercial uses with 300 dwelling units.

Justification: The Applicant intends to develop a publicly accessible restaurant oriented within the waterfront portion of the RPD. Both residential development scenarios are one (1) unit "short" of the threshold to allow for the requested 7,500 SF of commercial uses. The City Staff agrees that the deviation does not alter the intent of the LDC to ensure a reasonable proportion of residential to non-residential uses, thereby maintaining the underlying zoning's intent to be predominantly residential. Additionally, this use adds greater opportunities for the public to access and enjoy an additional amenity on Estero Bay. The City Staff recommends **APPROVAL** of the deviation request subject to **Condition 3**.

15. Deviation 15 seeks relief from LDC Section 4-739, Permitted Uses in Planned Development zoning districts, which does list not list the hotel/motel uses within Table 4-740 within the RPD zoning district.

The City Staff does not believe a deviation is required. Per LDC Sec. 4-739, uses that are not specifically listed in Table 4-740 may also be permitted if, in the opinion of the director, they are substantially similar to a listed permitted use. The original redevelopment plans for the Weeks Fish Camp property contemplated a resort and residential waterfront project and is consistent with the underlying Coconut Village future land use category that explicitly encourages a mix of resort-oriented uses including residential dwellings and hotels. Additionally, the Kersey Smoot RPD to north is a similar style of timeshare and resort style development. Therefore, it is the City Staff's opinion that the use as conditioned is compatible and substantially similar to the residential uses. The City Staff recommends **WITHDRAWAL** of the deviation request

16. Deviation 16 seeks relief from LDC Section 4-743(5), Commercial uses in RPD and MHPD districts, which prohibits signs for commercial uses other than project sales to be visible from the perimeter of the project, to allow for signage associated with the proposed restaurant to be visible from Coconut Road.

Justification: The City Staff agrees that proposed signage from Coconut Road will assist in wayfinding and visibility to the proposed public restaurant and will serve as an enhancement to public safety. The sign will conform with all height and size limitations set forth in LDC Chapter 6. The City Staff recommends **APPROVAL** of the deviation request.

SUBJECT PROPERTY:

The Applicant indicates the STRAP numbers are: 074725B2000030060, 074725B200003011A, 074725B2000030350, 074725B2000030000, 074725B2000030170, 074725B2000030190, 074725B2000030320, 074725B2000030080, 074725B2000030120, 074725B2000030150, 074725B2000050000, 074725B2000030310, 074725B2000030340, 074725B2000030280, 074725B2000030030, 074725B2000030100, 074725B2000030270, 074725B200003014B, 074725B2000030010, 074725B200003003A, 074725B2000030110, 074725B200006001A, 074725B2000030240, 074725B2000030230, 074725B200003014C, 074725B2000030390, 074725B2000020000, 074725B2000030050, 074725B2000030140, 074725B2000030200, 074725B2000030160, 074725B2000030220, 074725B2000030260, 074725B2000030130, 074725B2000030070, 074725B2000060010, 074725B2000030090, 074725B2000060000, 074725B2000030250, 074725B2000030380, 074725B200003014A, 074725B2000030360, 074725B2000030330, 074725B2000030040, 074725B200006001C, 074725B2000030210, 074725B2000030290, 074725B2000030400, 074725B2000030370, 074725B200003011B, 074725B2000030300, 074725B2000030020, 074725B2000030410, and 074725B2000030180.

EXHIBITS:

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

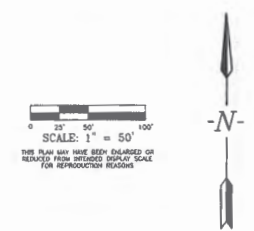
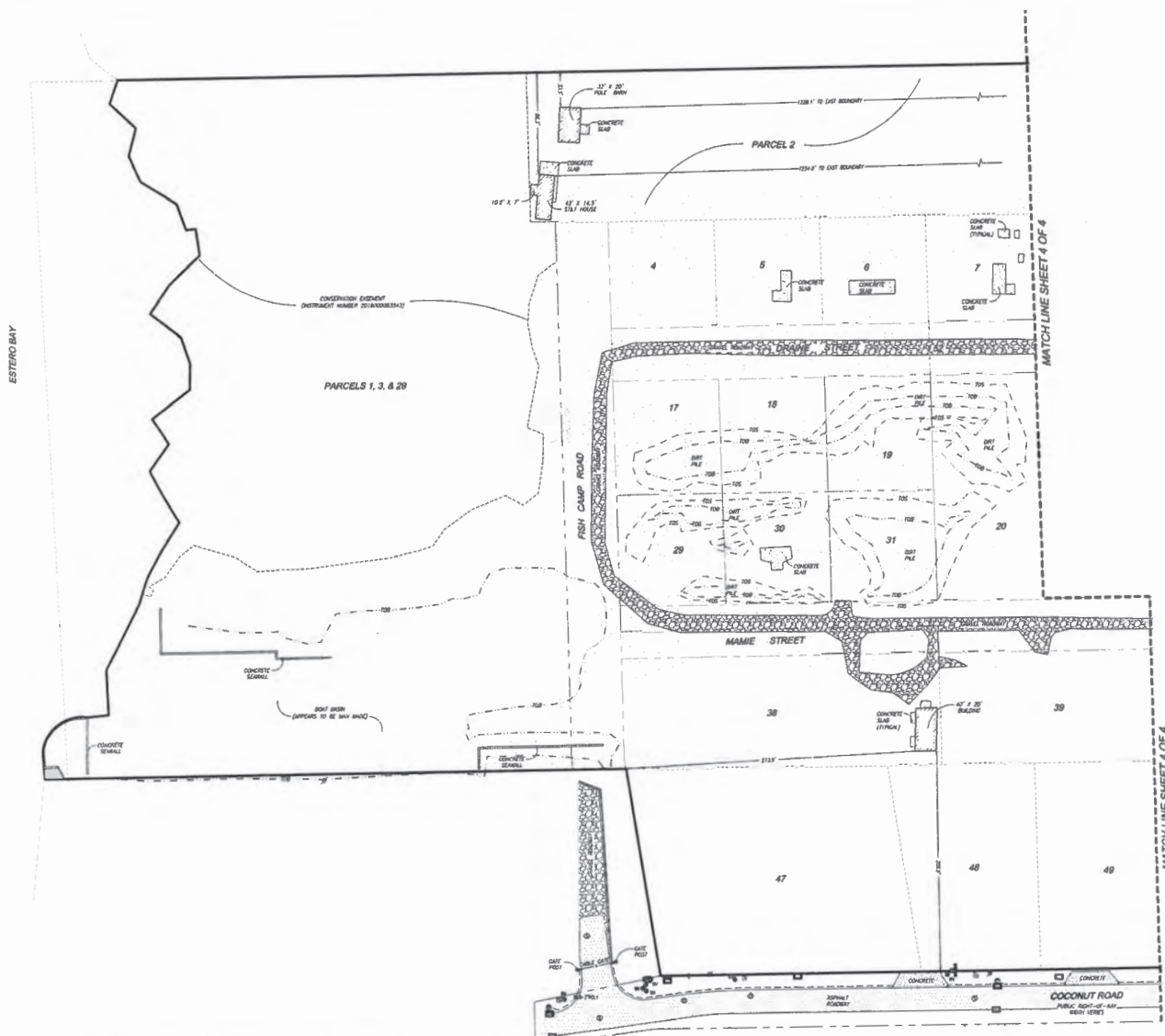
ATTACHMENTS:

- A. Staff Informational Analysis
 - i. Background and Informational Analysis
 - ii. Current Zoning, Zoning Ordinance No. 20-06

- iii. Bayview II CPD, Lee County Zoning Resolution No. 19-024
- iv. Public Comment documentation

B. Applicant's Informational Analysis

- i. Application
- ii. Request and Bonita Plan and LDC Consistency Narrative
- iii. Traffic Impact Analysis
- iv. Schedule of Deviations
- v. Visualization Study (Line of Site Exhibits)
- vi. Pre-filing and Post-sufficiency Neighborhood Meeting Information

[illegible]

GradyMior

Civil Engineers • Land Surveyors • Planners • Landscape Architects

Cert. of Auth. KB 0005151 Cert. of Auth. LA 0005151

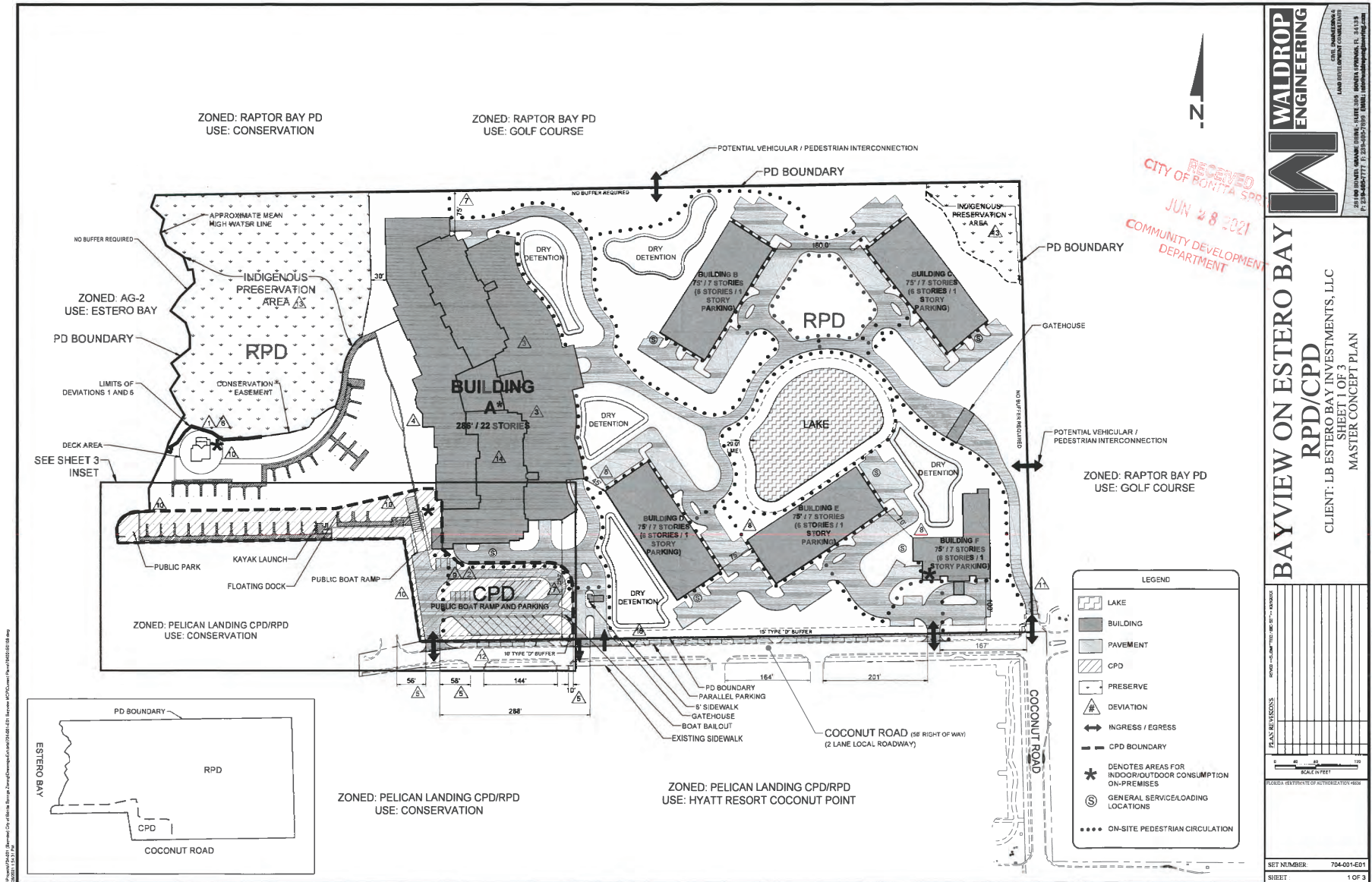
Business Lic. 239.947.1144 www.GradyMior.com

Fort Myers: 239.690.4380

DRAWN BY: KJG
CHECKED BY: DLE
JOB CODE: LEAWF000
SCALE: 1" = 5'-0"
DATE: 18 AUGUST 2017
FILE: 115-AL-7A-3-18-DWG
SHEET: 3 of 4

ALTA / NSPS LAND TITLE SURVEY
WEEKS FISH CAMP
IMPROVEMENTS
A PARCEL OF LAND
LYING IN
SECTION 7, TOWNSHIP 47 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

NOT COMPLETE WITHOUT
SHEETS 1 - 4 OF 4



SITE SUMMARY:
EXISTING PLAN DESIGNATION: COCONUT VILLAGE

DESIGNATION: CPD, RPD, MHPD, AND AG-2

EXISTING LAND USE: VACANT

EXISTING ZONING DESIGNATION:
RESIDENTIAL PLANNED DEVELOPMENT (RPD) AND
COMMERCIAL PLANNED DEVELOPMENT (CPD)

GROSS AREA: 30.51± ACRES

MAXIMUM DEVELOPMENT POTENTIAL:

OPTION 1:

300 CONTINUING CARE FACILITY - INDEPENDENT LIVING FACILITY UNITS (ILF)
75 ASSISTED LIVING FACILITY (ALF) BEDS
72 WET BOAT SLIPS & 25 DRY BOAT SLIPS (15 ON-SITE AND 10 OFF-SITE DRY SLIPS)
1 PUBLIC BOAT RAMP
7,500 SF RESTAURANT, GROUPS I-III

OR

OPTION 2:

300 MULTI-FAMILY DWELLING UNITS AND/OR HOTEL/MOTEL UNITS SUBJECT TO CONVERSION MATRIX
72 WET BOAT SLIPS & 25 DRY BOAT SLIPS (15 ON-SITE AND 10 OFF-SITE DRY SLIPS)
1 PUBLIC BOAT RAMP
7,500 SF RESTAURANT, GROUPS I-III

SITE DATA TABLE:

RPD AREA: 28.45 ACRES
CPD AREA: 2.06 ACRES

OPEN SPACE:

RPD AREA: 11.38± ACRES (28.45 ACRES X 0.40)
CPD AREA: 0.41± ACRES (2.06 ACRES X 0.20)
TOTAL REQUIRED: 11.79 ACRES
TOTAL PROVIDED: 11.79 ACRES

INDIGENOUS PRESERVE:

TOTAL REQUIRED: 5.89± ACRES (11.79± ACRES X 0.50)
TOTAL PROVIDED: 4.13± ACRES

INDIGENOUS PRESERVE	
INDIGENOUS PRESERVE	TOTAL
3.51 AC (WETLANDS)	3.51 AC
0.63 AC (EXOTIC WETLAND HARDWOODS)	0.63 AC
TOTAL REQUIRED	5.89 AC
TOTAL PROVIDED	4.13 AC

DEVIATIONS

- FROM LDC SECTION 3-417(6), SETBACKS
- FROM LDC SECTION 3-418(D)(7), BUFFERING ADJACENT PROPERTY
- FROM LDC SECTION 4-1732(4)(N)1. AND 2., REQUIRED PARKING
- FROM LDC SECTION 4-303(A)(2), DURATION OF RIGHTS CONFERRED BY ADOPTED MASTER CONCEPT PLAN
- FROM LDC SECTION 3-291(A)(1), CONNECTION SEPARATION
- FROM LDC SECTION 3-417(B)(1)A., WETLAND HABITABLE STRUCTURE SETBACK
- FROM LDC SECTION 4-741(B), DEVELOPMENT PERIMETER SETBACK
- FROM LDC SECTION 4-741(D)(4), MINIMUM SEPARATION OF BUILDINGS
- FROM LDC SECTION 4-1723, OFF-SITE PARKING
- FROM LDC SECTION 7-381(4), MULTI-SLIP DOCKING SETBACKS FROM SIDE LOT LINES
- FROM LDC SECTION 4-741(B)(2), PARKING AND INTERNAL ROADS SETBACK FROM DEVELOPMENT PERIMETER
- FROM LDC SECTION 3-418(D)(3), LANDSCAPE BUFFERS
- FROM LDC SECTION 3-417(B)(1)A, INDIGENOUS VEGETATION
- FROM LDC SECTION 4-743, COMMERCIAL USES IN RPD ZONING DISTRICT
- FROM LDC SECTION 4-739, TO ALLOW HOTEL/MOTEL IN RPD PORTION OF CPD/RPD
- FROM LDC SECTION 4-743(5) TO ALLOW FOR SIGNAGE ASSOCIATED WITH THE PROPOSED RESTAURANT TO BE VISIBLE FROM COCONUT ROAD

NOTES:

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

DEVELOPMENT REGULATIONS (RPD)

MINIMUM LOT AREA: N.A.
MINIMUM LOT WIDTH: N.A.
MINIMUM LOT DEPTH: N.A.

MINIMUM SETBACKS:

PRINCIPAL STRUCTURE:

PD PERIMETER: 7

BUILDINGS 75' ABOVE MINIMUM BASE FLOOD ELEVATION OR LESS IN HEIGHT: PER LDC.

BUILDINGS 75' ABOVE MINIMUM BASE FLOOD ELEVATION OR GREATER IN HEIGHT: 75 FEET

INTERNAL CPD/RPD BOUNDARY: 0 FEET

ACCESSORY STRUCTURES: **INCLUDES COVERED PARKING AND PARKING DECK LEVELS

PD PERIMETER: 15 FEET

INTERNAL CPD/RPD BOUNDARY: 0 FEET

INTERNAL RPD/RPD BOUNDARY: 0 FEET

MINIMUM BUILDING SEPARATION: 8

PRINCIPAL STRUCTURES: 60 FEET

PRINCIPAL TO ACCESSORY: 0 FEET**

COVERED PARKING ATTACHED TO PRINCIPAL BUILDING: 0 FEET**

COVERED PARKING TO COVERED PARKING: 20 FEET**

**COVERED PARKING INCLUDES PARKING DECK LEVELS EXTENDING FROM PRINCIPALS STRUCTURES

MAXIMUM LOT COVERAGE: 60 PERCENT

MAXIMUM BUILDING HEIGHT:

BUILDING A: 286 FEET (22 STORIES)

BUILDINGS B-E: 75 FEET (7 STORIES)

BUILDING F: 75 FEET (7 STORIES)



INDIGENOUS VEGETATION SETBACK: 15 FEET

DEVELOPMENT REGULATIONS (CPD)

MINIMUM LOT AREA: 10,000 SQUARE FEET

MINIMUM LOT WIDTH: N.A.

MINIMUM LOT DEPTH: N.A.

MINIMUM SETBACKS:

PRINCIPAL STRUCTURES - PD PERIMETER: 15 FEET

ACCESSORY STRUCTURES - PD PERIMETER: 0 FEET

INTERNAL CPD/RPD BOUNDARY: 0 FEET

MINIMUM BUILDING SEPARATION:

PRINCIPAL STRUCTURES: 20 FEET

PRINCIPAL TO ACCESSORY: 0 FEET

MAXIMUM LOT COVERAGE: 50%

MAXIMUM BUILDING HEIGHT: 286 FEET (BUILDING A)

45 FEET (ALL OTHER STRUCTURES)

INDIGENOUS VEGETATION SETBACK: 30 FEET

**WALDROP
ENGINEERING**

BAYVIEW ON ESTERO BAY

RPD/CPD

CLIENT: LB ESTERO BAY INVESTMENTS, LLC

SHEET 2 OF 3

MASTER CONCEPT PLAN

PLAN REVISIONS

NET TO SCALE

APPROVED FOR SUBMITTAL TO THE CITY OF MIAMI

SET NUMBER 704-001-ED1

SHEET 2 OF 3

**CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY**

Green Sheet No. 21-11-235
November 3, 2021

REQUESTED MOTION: (Second Reading and Public Hearing) A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST TO REZONE 4.19± ACRES FROM RESIDENTIAL TWO-FAMILY CONSERVATION (TFC-2) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO ALLOW A 132-BED ASSISTED LIVING FACILITY; LOCATED AT 9726 BONITA BEACH ROAD SE, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

REQUESTOR: Mary Zizzo, Planner II

AGENDA: Second reading and public hearing of a Zoning Ordinance

STRATEGIC PRIORITY: N/A

BACKGROUND: This is the second reading of case PD21-77930-BOS, a request to rezone the property at 9726 Bonita Beach Road to Residential Planned Development (RPD) to allow for an assisted living facility with 108 units and 132 beds with memory care units. The Master Concept Plan (MCP) demonstrates compliance with the Commercial Zone of the Bonita Beach Road Overlay. One deviation is sought to allow for parking beyond 15% of the minimum required.

The case was heard by the Zoning Board on September 21, 2021, with a recommendation to approve (7-0). The first reading and public hearing was held on October 20, 2021, with a motion to move the request to second reading and public hearing. The full staff report packet with Attachments A and B will be viewable online. Please contact the Clerk's Office for paper copy requests.

STAFF RECOMMENDATION: Approve as conditioned.

ATTACHMENTS:

1. Draft Zoning Ordinance
2. September 21, 2021, Zoning Board Minutes
3. Proposed Master Concept Plan (MCP)
4. Staff Report

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
ZONING ORDINANCE NO. 21 -

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST TO REZONE 4.19± ACRES FROM RESIDENTIAL TWO-FAMILY CONSERVATION (TFC-2) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO ALLOW A 132-BED ASSISTED LIVING FACILITY; LOCATED AT 9726 BONITA BEACH ROAD SE, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Applicant, Erdman Health Care Real Estate Group, LLC, has filed an application to request to rezone 4.19± acres to allow a 132-bed assisted living facility with a schedule of uses; and

WHEREAS, the subject property is located at 9726 Bonita Beach Road., Strap No. 34-47-25-B3-00254.0040, and is described more particularly as:

“See Exhibit A”

WHEREAS, a Public Hearing was advertised and heard on September 21, 2021, by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals (“Zoning Board”) on Case PD21-77930-BOS which considered the evidence available and recommended approval with conditions after giving full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City, and the testimony of all interested parties. The Staff Report prepared by Community Development and evidence submitted at the Zoning Board hearing, as part of the City Council hearing record, are on file with the City Clerk.

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

SECTION ONE: RECITALS

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

SECTION TWO: APPROVAL OF REQUEST

City Council of Bonita Springs hereby approves the request in PD21-77930-BOS to rezone the subject 4.19± acres from Two-Family Conservation (TFC-2) to Residential Planned Development (RPD) to allow for an assisted living facility with a maximum of 132 beds, subject to the following conditions:

1. The project shall be consistent with the Master Concept Plan titled “Erdman Master Concept Plan” prepared by Agnoli, Barber and Brundage, Inc., dated

09-2021, attached hereto and made a part hereof (**Exhibit “B”**), except as modified by the conditions below. The approved development intensity allows for a maximum of 132 beds for the permitted principal uses.

2. Schedule of Uses

Tract A:

Principal Uses:

- a. Assisted Living Facilities
- b. Memory Care Units
- c. Health Care Facilities, Group III, Skilled Nursing Care Facilities (4-408(19)c.)

Accessory Uses: Accessory uses and structures customarily associated with the permitted uses and structures, including:

- a. Food Services, limited to residents and their guests
- b. Consumption on premises, limited to residents and their guests
- c. Parking, limited to residents, their guests and staff
- d. Facility Office Area
- e. Fitness Facility, limited to residents and their guests
- f. Pools/Hot Tubs, limited to residents and their guests
- g. Patios and Raingardens
- h. Outdoor Dining Areas
- i. Internal Pathways and Sidewalks, limited to use by staff, residents and their guests
- j. Uses and structures that are accessory and incidental to the RPD for recreational use.

Tract B:

Principal Uses:

- a. Preserve

Accessory Uses: Accessory uses and structures customarily associated with the permitted principal uses and structures as allowed by the LDC in indigenous preserves, including:

- a. Pathways and Boardwalks
- b. Other passive uses as allowed by the LDC in indigenous preserves.

3. Property Development Regulations:

- | | |
|---------------------------------|---------------------|
| a. Minimum Setbacks: | Principal Structure |
| i. *Bonita Beach Road (south) | 21 feet |
| | *25 feet maximum |
| ii. Wisconsin Street (east) | 21 feet |
| iii. Alabama Street (north) | 21 feet |
| iv. Side | 20 feet |
| v. Rear: | 20 feet |
| b. Maximum Building Height: | 42 feet |
| c. Minimum Building Separation: | 20 feet |
| d. Minimum Open Space: | 40 percent |

4. Parking: In support of Deviation 1, a maximum of 70 parking spaces are permitted for the site.
5. Environmental
 - a. At the time of local development order, a preserve management plan for the 0.42 acre preserve, as shown on the Master Concept Plan, shall be submitted in accordance with Land Development Code Section 3-417(e) and shall include a restoration plant list to include upland scrub plant species found on the site, including pawpaw (genus Asimina), prickly-pear cactus (genus Opuntia), pineland heliotrope (Euploca polyphylla), and narrowleaf silkgrass (Pityopsis graminifolia). The plan shall also provide for trees required to fulfill the Type D buffer requirement after the invasive tree removal along Alabama Street and Wisconsin Street.
 - b. At the time of local development order, the Applicant shall demonstrate compliance with the Tree Advisory Board's approval for the removal and replacement of 3 heritage Florida slash pines with two 20' native trees, species to be agreed on by the Applicant and Staff and one Florida slash pine with a diameter at breast height of 19.5" to be retained in the preserve area. No construction shall be allowed within the dripline of the pine to be retained.
 - c. Prior to commencement of construction, the Applicant will allow for retrieval of native upland scrub groundcover plant species by members of the Florida Native Plant Society.
6. At the time of local development order, a permit will be required for any work within the Wisconsin Street and Alabama Street rights-of-way. Coordination with Public Works is required regarding the ultimate design for drainage in the roadway swales, which may require closed drainage.
7. Transportation and Multimodal
 - a. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions for on-site improvements consistent with the City of Bonita Springs Land Development Code may be required to obtain local development order approval; and
 - b. 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 Bonita Beach Road Corridor Design Standards, 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 Area (NFPA).
8. Access. To maintain and provide access to adjacent property owners, the Applicant shall provide and record in the Public Records of Lee County,

Florida, cross access easements for ingress and egress with the properties to the North and Northwest, consistent with the Cross-Access Easement Exhibit (**Exhibit “C”**).

- a. At the time of development or redevelopment of the properties to the West and Northwest, the Applicant shall connect consistent with the Cross-Access Easement Exhibit (**Exhibit “C”**).
9. This Master Concept Plan is subject to conditions set forth herein and the rules, regulations, laws and codes in place at the time of local development order and Building Permit approval.
10. Approval of this Planned Development is not a guarantee of future approvals.

Deviations:

- a. Deviation 1 is **approved** subject to **Condition 4**, requesting relief from LDC Section 4-899(b)(3)a., to allow parking beyond 15 percent of the minimum required in LDC Section 4-1732.

SECTION THREE: FINDINGS AND CONCLUSIONS

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

1. The Applicant has proven entitlement to the rezoning by demonstrating compliance with the Bonita Springs Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.
2. Approval of this request will not place an undue burden upon existing transportation or planned infrastructure facilities. The appropriate roadway links are currently over capacity, but the traffic generated by the proposed zoning will not have a significant impact on the volume.
3. Urban services, as defined in the Bonita Springs Comprehensive Plan, are available and adequate to serve the proposed land use.
4. The requested planned development:
 - a. appropriately conditioned meets or exceeds all general performance and locational standards set forth for potential uses allowed by the request;
 - b. is consistent with the intensities and general uses set forth in the Bonita Springs Comprehensive Plan, while the request does not include residential density, outside of a caretaker's residence within the

proposed building, and thus, the project is well below the permitted maximum density; and

- c. is compatible with existing uses in the surrounding area.
5. Additionally, pursuant to section 4-299(a)(2) and (4) of the LDC;
- a. The proposed use or mix of uses is appropriate at the subject location;
 - b. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
 - c. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

SECTION FOUR: INCORPORATION OF RECORD

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

EXHIBITS:

- A. Legal Description and Sketch of the Subject Property
- B. Master Concept Plan (MCP)
- C. Cross-Access Easement Plan
- D. Block Layout Plan

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption.

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

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney

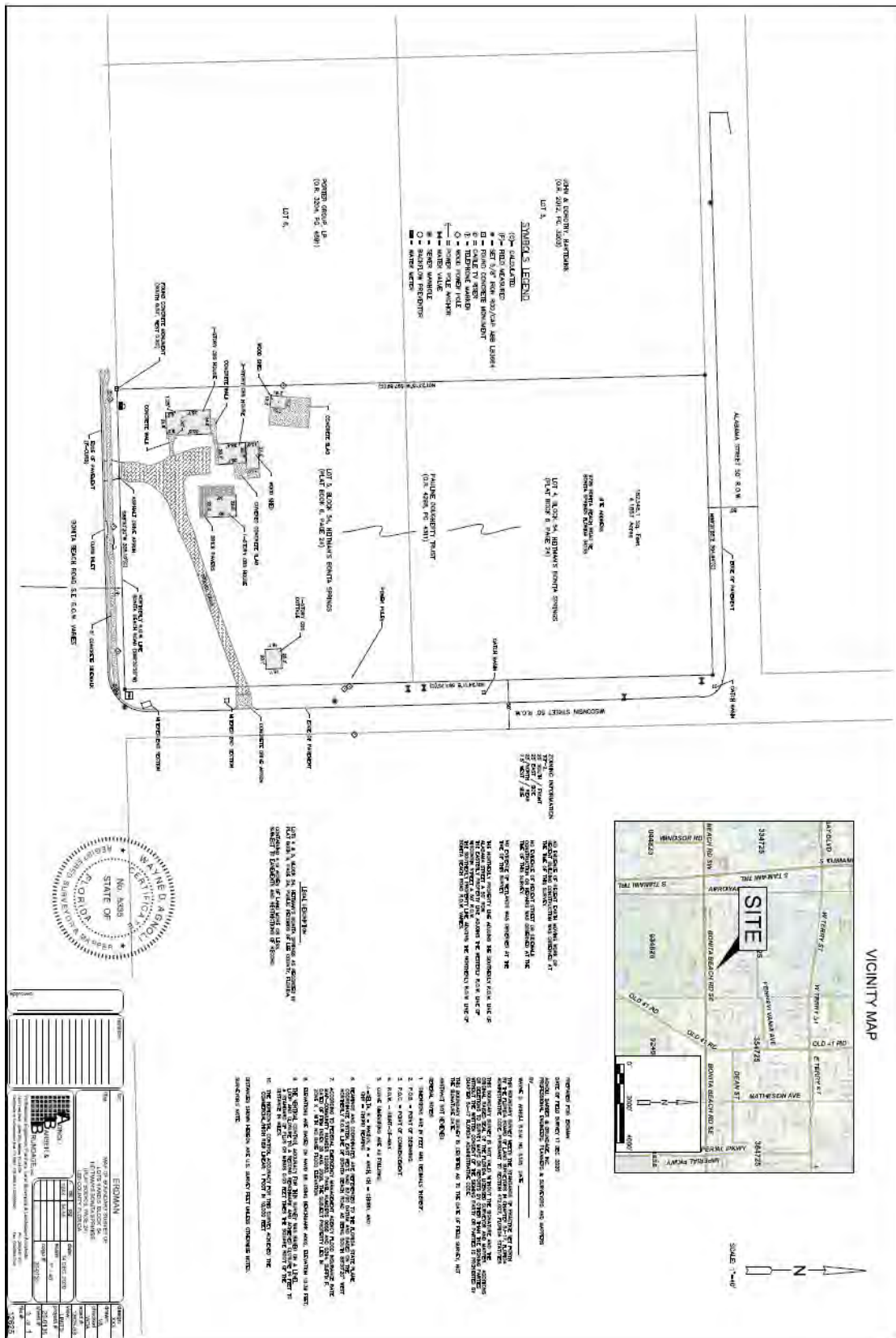
Vote:

Carr
Purdon
Forbes
Gibson

Corrie
Quaremba
Steinmeyer

Date filed with City Clerk: _____

Exhibit A



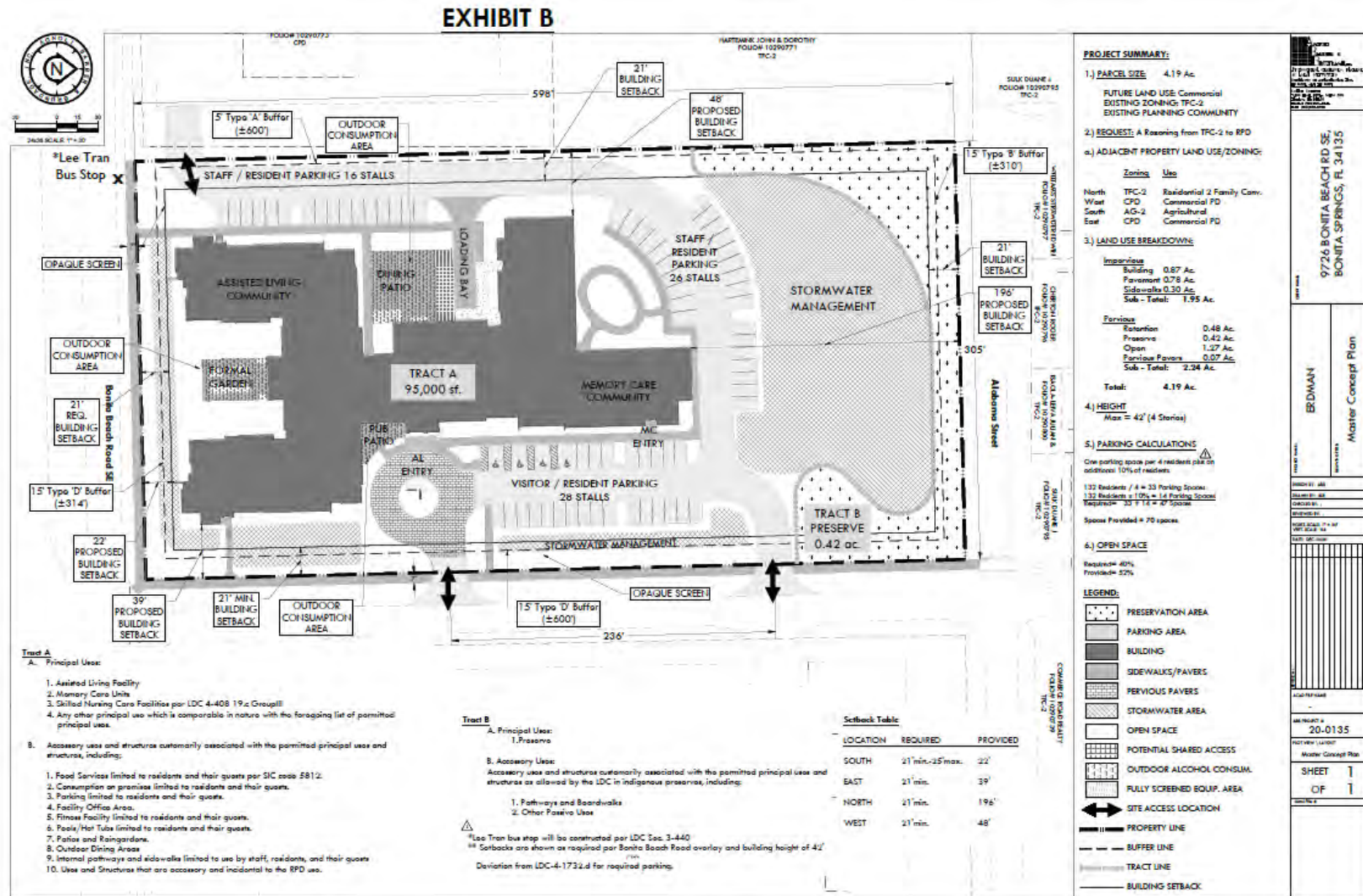


Exhibit C

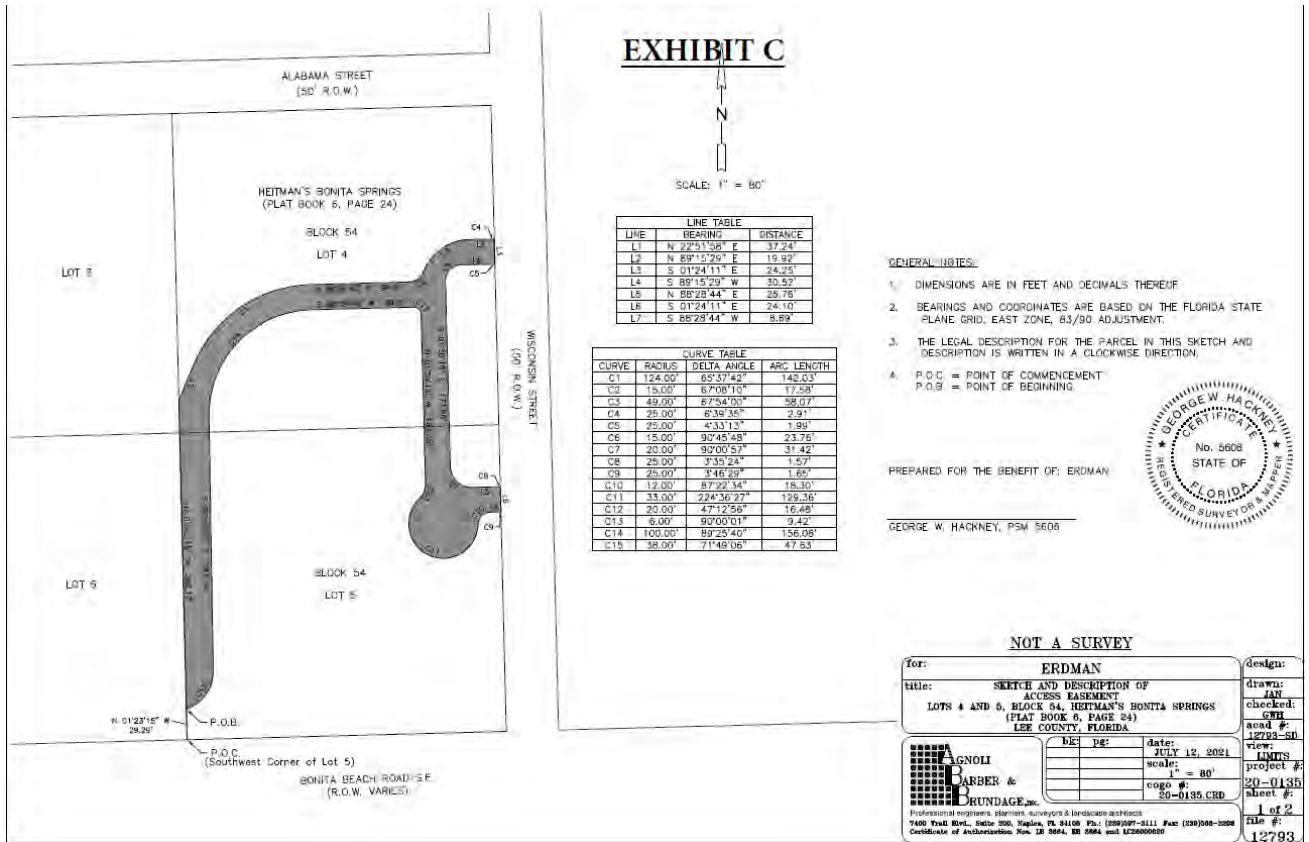
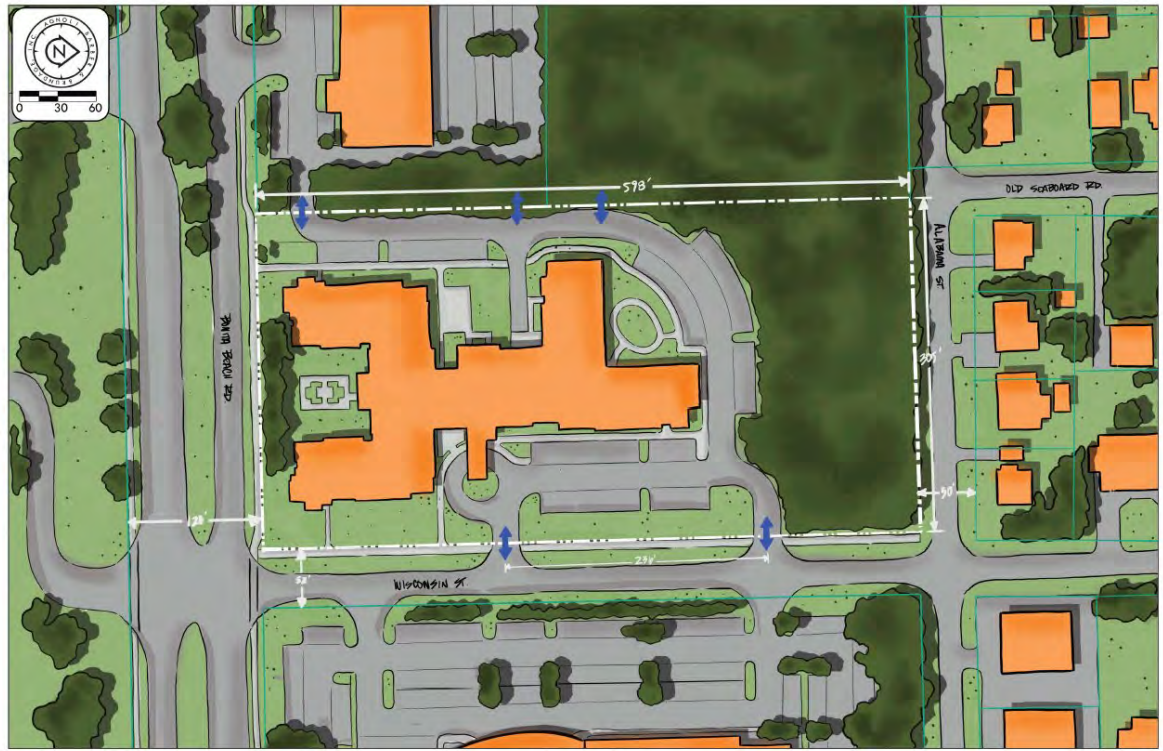


Exhibit D



AGNOLI
BARBER &
BRUNDAGE, INC.

EXHIBIT D

Erdman Assisted Living Facility
Block Plan

Exhibit:
Source: 888
Created: 5/12/21
AAB PM, 20-01-22



**City of Bonita Springs Board
for
Land Use Hearings & Adjustments and Zoning Board of Appeals
MINUTES
Tuesday, September 21, 2021
9:00 A.M.**

I. CALL TO ORDER.

Chairman Anthony Rascio called the meeting to order at 9:02 A.M.

II. INVOCATION.

Board Member Russ Winn furnished the invocation.

III. PLEDGE OF ALLEGIANCE.

Chairman Anthony Rascio led the Board in the Pledge of Allegiance.

IV. ROLL CALL.

Members in attendance: Chairman Anthony Rascio, Board Member Gerald Benson, Board Member Bruce Galloway, Board Member Gary Gambrell, Board Member Ben Hershenson, Board Member Lynda Waterhouse, Board Member Russ Winn.

V. APPROVAL OF MINUTES: August 17, 2021.

Board Member Lynda Waterhouse motioned for approval of the minutes; Board Member Ben Hershenson seconded; motion passed unanimously.

VI. PUBLIC COMMENT.

None.

VII. PUBLIC HEARINGS.

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

- A. CASE NAME: CASE NAME: BAYVIEW ON ESTERO BAY RESIDENTIAL PLANNED DEVELOPMENT (RPD)/COMMERCIAL PLANNED DEVELOPMENT (CPD) AMENDMENT (PD21-80572-BOS).

A REQUEST TO AMEND ZONING ORDINANCE 20-06 FOR THE BAYVIEW ON ESTERO BAY RESIDENTIAL PLANNED DEVELOPMENT/COMMERCIAL PLANNED DEVELOPMENT SO AS TO:

1. INCREASE THE MAXIMUM PERMITTED BUILDING HEIGHT TO 286' (22 STORIES) FOR BUILDING A;
2. ADD A 7,500 SF RESTAURANT, GROUP III USE TO THE SCHEDULE OF USES; AND
3. ADD HOTEL/MOTEL TO THE SCHEDULE OF USES SUBJECT TO A CONVERSION RATE; AND
4. ADD THREE (3) NEW DEVIATIONS RELATING TO THE 7,500 SF RESTAURANT AND HOTEL/MOTEL USE; AND
5. MODIFY TWO (2) EXISTING DEVIATION JUSTIFICATION RELATING TO INCREASE IN HEIGHT; AND
6. MODIFY THE MASTER CONCEPT PLAN TO PROVIDE FOR THESE CHANGES.

- B. **CASE NAME: ERDMAN ASSISTED LIVING FACILITY RESIDENTIAL PLANNED DEVELOPMENT (RPD) (PD21-77930-BOS).

A REQUEST TO REZONE 4.19± ACRES FROM RESIDENTIAL TWO-FAMILY CONSERVATION (TFC-2) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO ALLOW A 132-BED ASSISTED LIVING FACILITY.

**THIS AGENDA IS REVISED TO REFLECT AN INCREASE IN BED COUNT FROM 120 TO 132 BEDS.

VIII. SWEARING IN.

- City Attorney Derek Rooney placed all witnesses under oath.

1. APPLICANT PRESENTATION – CASE A.**Presenters:**

Richard Yovanovich, Coleman, Yovanovich & Koester P.A.
Alexis Crespo, Waldrop Engineering

- Ms. Jacqueline Genson, Community Development, provided an introduction and history of the Bayview case and the reason it was before the Board again. The project had been approved by City Council last year, but Applicant had since made changes necessitating an

amendment to the Master Concept Plan. The changes also effect the exhibits attached to the Zoning Ordinance as well as requiring changes to deviations.

- Mr. Richard Yovanovich began discussion on behalf of the Applicant. Property location was reviewed along with a six-point summary of the request.
- Ms. Alexis Crespo provided a presentation (copy in Clerk's file), which gave an overview of London Bay Group and London Bay's vision. Coconut Village future land use was reviewed, and approved RPD/CPD were listed. The approved Master Concept Plan was shown and reviewed, and Public Amenities were listed. Ms. Crespo stated there would be no changes to the amenities.
- Ms. Crespo wanted to clarify for the record about the intended parking, which stated that the project would be parked per the code. Valet parking would be used to accommodate parking needs. The restaurant would not be parked in the public parking spaces within the CPD that were committed to the marina and the boating access.
- Ms. Crespo presented the proposed Master Concept Plan providing the details of the changes. As part of the application process, the Applicant was required to submit an Infrastructure Analysis to ensure the uses could accommodate for water, sewer, fire, and EMS. The applicant would be adding the hotel use to the schedule of uses. If Applicant elected to develop any hotel uses, that would be drawn out of the 300 units. The proposed visual compatibility was shown. Conclusions were summarized and reviewed.
- Chairman Anthony Rascio inquired when it would be determined which of the options would be chosen. Mr. Yovanovich stated it would be the multi-family option. Mr. Yovanovich clarified on the Proposed MCP slide that Building A would shift slightly east, which would require a future administrative revision to the MCP.
- Board Member Bruce Galloway asked if what would be built was an unknown, how could the Board respond and gage the impact of height, setback, separation, deviation. Mr. Yovanovich explained that building height was known at 286 feet, and the use was a multi-family project as per the current market conditions.
- Board Member Ben Hershenson inquired depending on the ultimate use, what the impact would be in a hurricane evacuation situation. Mr. Yovanovich stated in the initial analysis that they were required to look at hurricane evacuations for both options; they met the requirements for both options.

2. STAFF REPORT.

- Ms. Jacqueline Genson, Community Development, provided the presentation (copy in Clerk's file). The history of the case and the application process was presented. Once approved by the Board, the next steps in the application process would be the City Council Zoning public hearings: October 20th (first reading) and tentative November 3, 2021 (second reading and final action). The staff report format was laid out.
- The staff recommendation was detailed reviewing the Future Land Use Map Designation, Current Zoning and Use of Subject Property, Proposed Amended Master Concept Plan,

Proposed Amended Master Concept Plan with Location of Deviations, Proposed Master Concept Plan, Deviations, and Property Development Regulations, Schedule of Deviations and Uses.

- Environmental and Stormwater was reviewed by the City Environmentalist, City Engineer, in coordination with Lee County Department of Natural Resources and found no changes to environmental impacts and the conceptual stormwater management design. Transportation evaluation was reviewed by Lee County, Village of Estero, and City Traffic Engineer.
- Ms. Genson provided the staff analysis of findings and listed recommendations for conditions of approval.
- Board Member Gerald Benson asked if the zoning variances approved last year required a variance to go to the 245-foot level. Ms. Genson stated the height itself did not require a deviation or variance. Board Member Benson asked if the building would be the tallest in the area. Ms. Genson stated, based on the analysis provided by the Applicant, in the affirmative. Board Member Benson asked if a precedent was being set. Ms. Genson explained that each rezoning request would be based on an analysis of its own application. Board Member Benson expressed concern that they would be basing their zoning decision on market conditions.
- Board Member Gary Gambrell stated that public access to the waterfront was paramount to the community. He questioned how the Applicant proposed to enforce parking within the RPD portion and why the parking plan was not provided. Mr. Yovanovich provided a response.
- Board Member Bruce Galloway questioned if the staff was saying that the application provided justification for all the potential uses of the property for rezoning. Ms. Genson addressed and stated that staff was comfortable with their recommendation.
- Board Members engaged in a discussion of height concerns where City Attorney Derek Rooney provided clarification. Mr. Rooney explained what the findings must be for the Board to approve; none directly dealt with height.
- No in-person Public Comment. Written Public Comment was entered into the record.
- Chairman Anthony Rascio recessed the meeting for a short break until 10:50 A.M.
- Item A - Board Member Ben Hershenson entered a motion to approve the Applicant's request subject to the conditions proposed by staff; Board Member Russ Winn seconded; the motion carried 6-1.

RESULT:	PASSED [6-1]
MOTION BY:	Ben Hershenson, Board Member
SECOND BY:	Russ Winn, Board Member
AYES:	Benson, Gambrell, Hershenson, Rascio, Winn, Waterhouse
NAYS:	Galloway

3. APPLICANT PRESENTATION – CASE B.**Presenters:**

Thomas Barber, Agnoli, Barber, & Brundage, Inc.

Isaac Wallace, Erdman Health Care Real Estate Group, LLC.

- Ms. Mary Zizzo, Community Development, provided an introduction. The Applicant, Mr. Isaac Wallace, provided a presentation (copy in Clerk's file). The background of Erdman's was given. The request and project information of the Assisted Living Facility was provided, which was comprised of 90 assisted living units, 18 memory care units, and 95,000 square feet.
- Mr. Thomas Barber provided discussion of the block plan layout and site function, and the Master Concept Plan was also reviewed. Schedule of uses and proposed uses were listed. The site development information was offered. and the Comprehensive Plan Density Standards proposed were detailed in the discussion. Transportation was addressed.
- Mr. Wallace presented the design features, entry perspective, and elevations.
- Mr. Barber provided a detailed explanation of the Parking Deviation request and the calculation breakdown.
- Chairman Anthony Rascio inquired if there would be a turn lane when coming east on Wisconsin to which Mr. Barber confirmed. Chairman Rascio asked if the Applicant considered that flooding sometimes occurred in the area. Mr. Barber stated in the affirmative.
- A Board Member asked if the stormwater would be dry with some trees. Mr. Barber explained that it would be dry retention, planting things like grass that would survive being inundated with water. Mr. Barber discussed the required buffer.

4. STAFF REPORT.

- Ms. Zizzo provided the staff presentation (copy in Clerk's file). She summarized the findings of staff, first reviewing the application request. Two Neighborhood Meetings were held as required with two attendees in the first meeting, and four attendees in the second. The feedback was positive. No responses to the courtesy mailing. A summary of the meetings was provided in the Board packet.
- Once approved by the Board, the next steps in the application process would be the City Council Zoning public hearings: October 20th (first reading) and tentative November 3, 2021 (second reading and final action).
- Ms. Zizzo stated that staff recommended approval with the proposed conditions; to provide sufficient safeguards to the public interest; are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- The background of the project was discussed and detailed reviewing the Future Land Use Map Designation, Current and Requested Zoning and Surrounding Land Uses. The staff analysis addressed the Master Concept Plan and Comprehensive Plan. Proposed Property Development Regulations were listed along with Schedule of Deviations and Uses. Environmental, Stormwater, and Traffic were addressed.

- A Board Member asked for the description of a Heritage Tree. Laura Gibson, Community Development, stated that the Land Development Code identified these trees as slash pines and live oaks with the diameter breast-height of 20 inches or greater.
- No Public Comment.
- Item B - Board Member Ben Hershenson entered a motion to approve the Applicant's rezoning and deviation request subject to the conditions proposed by staff; Board Member Gerald Benson seconded; the motion carried 7-0.

RESULT:	PASSED [7-0]
MOTION BY:	Ben Hershenson, Board Member
SECOND BY:	Gerald Benson, Board Member
AYES:	Benson, Galloway, Gambrell, Hershenson, Rascio , Winn, Waterhouse
NAYS:	None

IX. ADJOURNMENT.

There being no further items to discuss, Chairman Rascio adjourned the meeting at 11:25 A.M.

Respectfully submitted,

Laurie K. Hamm, Recording Secretary

APPROVED:

BONITA SPRINGS ZONING BOARD:

Date: _____

AUTHENTICATED:

Anthony Rascio, Chairman



FOLIO# 10290773
CPD

HARTEMINK JOHN & DOROTHY
FOLIO# 10290771
TFC-2

SULK DUANE J
FOLIO# 10290795
TFC-2

*Lee Tran
Bus Stop

5' Type 'A' Buffer
(±600')

OUTDOOR
CONSUMPTION
AREA

STAFF / RESIDENT PARKING 14 STALLS

LOADING BAY

ASSISTED LIVING
COMMUNITY

FORMAL
GARDEN

TRACT A
95,000 sf.

MEMORY CARE
COMMUNITY

PUB
PATIO

AL
ENTRY

VISITOR / RESIDENT PARKING
28 STALLS

STORMWATER
MANAGEMENT

TRACT B
PRESERVE
0.42ac.

STORMWATER
MANAGEMENT

OPAQUE SCREEN

15' Type 'D' Buffer
(±600')

236'

Tract A

A. Principal Uses:

1. Assisted Living Facility
2. Memory Care Units
3. Skilled Nursing Care Facilities per LDC 4-408 19.c GroupIII

B. Accessory uses and structures customarily associated with the permitted principal uses and structures, including:

1. Food Services limited to residents and their guests per SIC code 5812.
2. Consumption on premises limited to residents and their guests.
3. Parking limited to residents and their guests.
4. Facility Office Area.
5. Fitness Facility limited to residents and their guests.
6. Pools/Hot Tubs limited to residents and their guests.
7. Patios and Rangelandens.
8. Outdoor Dining Areas
9. Internal pathways and sidewalks limited to use by staff, residents, and their guests
10. Uses and Structures that are accessory and incidental to the RPD use.

Tract B

A. Principal Uses:

1. Preserve

B. Accessory Uses:

Accessory uses and structures customarily associated with the permitted principal uses and structures as allowed by the LDC in indigenous preserves, including:

1. Pathways and Boardwalks
2. Other Passive Uses

△ *Lee Tran bus stop will be constructed per LDC Sec. 3-440

** Setbacks are shown as required per Bonita Beach Road overlay and building height of 42' Deviation from LDC-4-1732.d for required parking.

Setback Table

LOCATION	REQUIRED	PROVIDED
SOUTH	21' min.-25' max.	22'
EAST	21' min.	39'
NORTH	21' min.	196'
WEST	21' min.	48'

PROJECT SUMMARY:

1.) PARCEL SIZE: 4.19 Ac.

FUTURE LAND USE: Commercial
EXISTING ZONING: TFC-2
EXISTING PLANNING COMMUNITY

2.) REQUEST: A Rezoning from TFC-2 to RPD

a.) ADJACENT PROPERTY LAND USE/ZONING:

Zoning Use

North TFC-2 Residential 2 Family Conv.
West CPD Commercial PD
South AG-2 Agricultural PD
East CPD Commercial PD

3.) LAND USE BREAKDOWN:

Impervious Building 0.87 Ac.
Pavement 0.78 Ac.
Sidewalks 0.30 Ac.
Sub - Total: 1.95 Ac.

Pervious Retention 0.48 Ac.
Preserve 0.42 Ac.
Open 1.27 Ac.
Pervious Pavers 0.07 Ac.
Sub - Total: 2.24 Ac.

Total: 4.19 Ac.

4.) HEIGHT
Max = 42' (4 Stories)

5.) PARKING CALCULATIONS
△

One parking space per 4 residents plus an additional 10% of residents

132 Residents / 4 = 33 Parking Spaces
132 Residents x 10% = 14 Parking Spaces
Required= 33 + 14 = 47 Spaces

Spaces Provided = 70 spaces

6.) OPEN SPACE

Required= 40%
Provided= 52%

LEGEND:

- PRESERVATION AREA
- PARKING AREA
- BUILDING
- SIDEWALKS/PAVERS
- PERVIOUS PAVERS
- STORMWATER AREA
- OPEN SPACE
- OUTDOOR ALCOHOL CONSUM.
- FULLY SCREENED EQUIP. AREA
- SITE ACCESS LOCATIONS
- PROPERTY LINE
- BUFFER LINE
- TRACT LINE
- BUILDING SETBACK

CLIENT NAME: ERDMAN
DRAWING TITLE: Master Concept Plan

PROJECT NAME:
DESIGN BY: ABB
DRAWN BY: ABB
CHECKED BY: .
REVIEWED BY: .
HORIZ. SCALE: 1" = 30'
VERT. SCALE: NA
DATE: DEC. 2020

REVISION:
ACAD FILE NAME:

ABB PROJECT # 20-0135
PLOT VIEW LAYOUT

Master Concept Plan

SHEET 1 OF 1

Acad File #

AGNOLI BARBER & ASSOCIATES, INC.
Professional engineers, planners
& land surveyors
12438
12438 and 12439
Culinary County, Florida
12438 and 12439
12438 and 12439
12438 and 12439

9726 BONITA BEACH RD SE,
BONITA SPRINGS, FL 34135

TABLE OF CONTENTS

CASE B: Erdman Assisted Living Facility RPD—PD21-77930-BOS

Staff Report	
Application Summary	Page B2
Background	Page B3
Conclusions	Page B3
Recommendation	Page B5
Deviations	Page B7
Exhibit A: Sketch and Legal Description of the Subject Property	Page B9
Exhibit B: Master Concept Plan	Page B11
Exhibit C: Cross Access Easement Plan	Page B12
Exhibit D: Block Layout Plan	Page B14
Exhibit E: Conceptual Architectural Renderings	Page B15
<u>Attachment A: Staff's Information Analysis:</u>	
Background and Informational Analysis	Page B27
<u>Attachment B: Applicant's Informational Analysis:</u>	
i. Application	Page B35
ii. Area Location Map	Page B51
iii. Existing Zoning Map	Page B52
iv. Public Transit Routes Map	Page B53
v. Architectural Site Plan	Page B54
vi. Applicant's Narrative	Page B55
vii. Coastal Management Area Compliance Narrative	Page B67
viii. Floor to Area Ratio Map	Page B69
ix. Proposed Schedule of Uses	Page B70
x. Schedule of Deviations and Justifications	Page B72
xi. Traffic Impact Statement	Page B75
xii. Surface Water Management Plan	Page B116
xiii. Preserve Area Management Plan	Page B117
xiv. Environmental Assessment	Page B129
xv. Heritage Tree Map	Page B140
xvi. Soils, Vegetation and Ground Cover Maps	Page B141
xvii. Topography Map	Page B142
xviii. Environmentally Sensitive Lands Map	Page B143
xix. Variance Map	Page B144
xx. Neighborhood Information Meeting 1 Submittal	Page B145
xxi. Neighborhood Information Meeting 2 Submittal	Page B149
xxii. Tree Advisory Board Meeting Minutes	Page B219

BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT

TYPE OF CASE: REZONE – RESIDENTIAL PLANNED DEVELOPMENT
CASE NUMBER: PD21-77930-BOS
HEARING DATE: September 21, 2021
PLANNER: Mary Zizzo, Esq., Planner II

APPLICATION SUMMARY:

- A. Applicant: Erdman Health Care Real Estate Group, LLC
- B. Agent: Tom Barber, AICP; Agnoli, Barber & Brundage, Inc.
- C. Request: A request to rezone 4.19± acres from Residential Two-Family Conservation (TFC-2) to Residential Planned Development (RPD) to allow a 132-bed assisted living facility.
- D. Location: The subject property is located at 9726 Bonita Beach Rd, Bonita Springs, FL 34135. STRAP: 34-47-25-B3-00254.0040
- E. Future Land Use Map Designation: General Commercial
- F. Current Zoning: Two-Family Conservation (TFC-2)
Commercial Zone of the Bonita Beach Road Corridor Overlay
- G. Current Land Use: Residential

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

BACKGROUND:

History and Overview

The subject property is currently occupied with multi-family residences, the first constructed in 1942. The Applicant is a contract purchaser requesting to rezone the property to Residential Planned Development (RPD), proposing a 108-unit assisted living facility with 132 beds on the 4.19± acre parcel. The property is located within the Commercial Zone of the Bonita Beach Road Corridor Overlay and the project is designed to comply with those standards.

Pursuant to LDC Sec. 4-1182, facilities with 50 or more beds are permissible in RPD districts when approved as part of a master concept plan. The Applicant proposes 90 traditional assisted living facility rooms, and 18 memory care unit rooms. LDC Sec. 4-2 defines assisted living facilities as

a residential land use, licensed under Florida Administrative Code ch. 58A-5, which may be a building, whether for profit or not, which undertakes through its ownership or management to provide, for a period exceeding 24 hours, housing and food service plus one or more personal services for four or more adults not related to the owner or administrator by blood or marriage.

For purposes of the assisted living facility definition, *personal services* means “assistance with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating, supervision of self-administered medications, restoration therapy and assistance with securing health care from appropriate sources.”

The proposed assisted living facility offers housing, central food services, housekeeping, drivers, as well as additional assistance services. Within the facility, a portion of the rooms are reserved for memory care units. These are proposed to be access restricted, providing for a higher tier of assistance if needed.

The proposed project is located within the Bonita Beach Road Corridor Overlay, which regulations were adopted in Ordinance 19-10. Part of the stated purpose and intent of the overlay is to foster urbanized development patterns that focus on interconnectivity, mobility, human scale, and various design and architectural standards, among other items. Of the four zones created by the overlay, this project is within the Commercial Zone.

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

The request seeks one deviation, to allow for parking in excess of 15% of the required minimum per LDC Sec. 4-1732, in accordance with the Applicant's standard practice and experience. All other development will be in conformance with the existing Development Standards of Chapter 3 and the Property Development Regulations of the Commercial Zone of the Bonita Beach Road Corridor Overlay.

Uses

Requested uses are included in **Attachment “B.”** The uses are generally consistent with what would be permitted by right within the Commercial Zone of the Bonita Beach Road Corridor Overlay. All proposed commercial uses are limited to the residents of the facility and their guests. Staff's recommendations on the requested uses are enumerated in **Condition 2**.

Property Development Regulations and Deviations

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

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

Comprehensive Plan Considerations

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

Transportation Summary Analysis

The project is designed to provide multiple modes of transportation, including pathways and boardwalks, sidewalks, a bus stop, and vehicular roads. Roads, drives and paths will be developed consistent with the City's vision for the Bonita Beach Road Corridor Overlay, including the widening of the sidewalk along Bonita Beach Road to 7' and the installation of a 7' sidewalk along Wisconsin Street.

Infrastructure Summary Analysis

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

CONCLUSIONS:

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

Pursuant to the City's LDC, the Applicant is required to hold two (2) neighborhood meetings. The first meeting was held on November 12, 2020, with two members of public present. The Applicant held their second meeting on August 3, 2021, with four members of public present, two virtually and two in person. At both meetings, concerns of traffic patterns and the levels of care were discussed. The second neighborhood meeting thoroughly explained the programs offered and the difference between this Applicant and other projects. Additional methods of public notice included mailed notices to properties within 375 feet of the property, property-posting signs along Bonita Beach Road, Wisconsin Street and Alabama St, and a legal ad in the Fort Myers News-Press that ran on September 8 and September 9, 2021, for the Zoning Board public hearing.

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

RECOMMENDATION:

Staff recommends **APPROVAL** of Petition PD21-77930-BOS, Erdman Assisted Living Facility Residential Planned Development (RPD), which proposes to rezone 4.19 +/- acres from Two-Family Conservation (TFC-2) to a Residential Planned Development (RPD). This recommendation of APPROVAL is subject to the following conditions:

Conditions:

1. The project shall be consistent with the Master Concept Plan titled “Erdman Master Concept Plan” prepared by Agnoli, Barber and Brundage, Inc., dated 09-2021, attached hereto and made a part hereof (**Exhibit “B”**).

The approved development intensity allows for a maximum of 108 units and 132 beds.

2. Schedule of Uses:

Tract A:

Principal Uses:

- a. Assisted Living Facilities
- b. Memory Care Units
- c. Health Care Facilities, Group III, Skilled Nursing Care Facilities (4-408 (19)c.)

Accessory Uses: Accessory uses and structures customarily associated with the permitted uses and structures, including:

- a. Food Services, limited to residents and their guests
- b. Consumption on premises, limited to residents and their guests
- c. Parking, limited to residents, their guests and staff
- d. Facility Office Area
- e. Fitness Facility, limited to residents and their guests
- f. Pools/Hot Tubs, limited to residents and their guests
- g. Patios and Raingardens
- h. Outdoor dining areas
- i. Internal pathways and sidewalks, limited to use by staff, residents and their guests
- j. Uses and structures that are accessory and incidental to the RPD for recreational use.

Tract B:

Principal Uses:

- a. Preserve

Accessory Uses: Accessory uses and structures customarily associated with the permitted principal uses and structures as allowed by the LDC in indigenous preserves, including:

- a. Pathways and Boardwalks
- b. Other passive uses as allowed by the LDC in indigenous preserves.

3. Property Development Regulations: The Applicant proposes the following property development standards:
 - a. Minimum Setbacks:

	Principal Structure
i. *Bonita Beach Road (south)	21 feet *25 feet maximum
ii. Wisconsin Street (east)	21 feet
iii. Alabama Street (north)	21 feet
iv. Side	21 feet
v. Rear:	20 feet
 - b. Maximum Building Height: 42 feet
 - c. Minimum Building Separation: 20 feet
 - d. Minimum Open Space: 40 percent
4. Parking. In support of deviation 1, a maximum of 70 parking spaces are permitted for the site.
5. Environmental
 - a. At the time of local development order, a preserve management plan for the 0.42 acre preserve, as shown on the Master Concept Plan, shall be submitted in accordance with Land Development Code Section 3-417(e) and shall include a restoration plant list to include upland scrub plant species found on the site including pawpaw (genus Asimina), prickly-pear cactus (genus Opuntia), pineland heliotrope (Euploca polyphylla), and narrowleaf silkgrass (Pityopsis graminifolia). The plan shall also provide for trees required to fulfill the Type D buffer requirement after the invasive tree removal along Alabama Street and Wisconsin Street.
 - b. At the time of local development order, the Applicant shall demonstrate compliance with the Tree Advisory Board's approval for the removal and replacement of 3 heritage Florida slash pines with two 20' native trees, species to be agreed on by the Applicant and Staff and one Florida slash pine with a diameter at breast height of 19.5" to be retained in the preserve area. No construction shall be allowed within the dripline of the pine to be retained.
 - c. Prior to commencement of construction, the Applicant will allow for retrieval of native upland scrub groundcover plant species by members of the Florida Native Plant Society.
6. At the time of local development order, a permit will be required for any work within the Wisconsin Street and Alabama Street rights-of-way. Coordination with Public Works is required regarding the ultimate design for drainage in the roadside swales, which may require closed drainage.
7. Transportation and Multimodal
 - a. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions for on-site improvements consistent with the City of Bonita Springs Land Development Code may be required to obtain local development order; and
 - b. 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 Bonita Beach Road Corridor Design Standards, 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 Area (NFPA).

8. Access. To maintain and provide access to adjacent property owners, the Applicant shall provide and record in the Public Records of Lee County, Florida, cross access easements for ingress and egress with the properties to the West and Northwest consistent with the Cross-Access Easement Exhibit (**Exhibit "C"**)
 - a. At the time of development or redevelopment of the properties to the West and Northwest, the Applicant shall connect consistent with the Cross-Access Easement Exhibit (**Exhibit "C"**)
9. This Master Concept Plan is subject to conditions set forth herein and the rules, regulations laws and codes in place at the time of Development Order and Building Permit approval.
10. Approval of this Planned Development is not a guarantee of future approvals.

Deviations:

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

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

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

1. Deviation (1) requests relief from LDC Section 4-899(b)(3)a., Parking requirements for Bonita Beach Road Corridor Overlay. Maximum parking spaces are limited to no more than 15 percent more than the minimum required in 4-1732.

Justification: Pursuant to 4-1732, the proposed use requires 47 parking spaces. 4-899(b)(3) requires a deviation for parking provided beyond 15% of the maximum required. The Application proposes, based on previous developments, approximately one-quarter (1/4) of the traditional assisted living facility residents, or 29 of the residents will have their own transportation parked on-site. Further, one staff member parking space is proposed per four residents based on staffing schedules, or 33 staff parking spaces. In addition, the Applicant proposes one parking space per 20 residents, plus one space, be permitted for guest spaces, to allow for 7 guest spaces, totaling 69 parking spaces. The Applicant is requesting 70 spaces. The site will also provide a van or other vehicle for driving arrangements of residents by employees.

Based on the Applicant's request and justification, Staff recommends **APPROVAL** of the deviation request.

SUBJECT PROPERTY:

The Applicant indicates the STRAP number is:

34-47-25-B3-00254.0040

EXHIBITS:

- A. Legal Description and Sketch of the Subject Property
- B. Master Concept Plan
- C. Cross Access Easement Plan
- D. Block Layout Plan
- E. Conceptual Architectural Renderings

ATTACHMENTS:

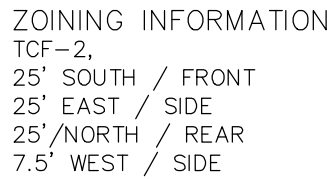
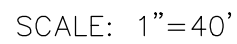
- A. Staff Informational Analysis
 - i. Background and Informational Analysis
- B. Applicant's Informational Analysis
 - i. Application
 - ii. Area Location Map
 - iii. Existing Zoning Map
 - iv. Public Transit Routes Map
 - v. Architectural Site Plan
 - vi. Applicant's Narrative
 - vii. Coastal Management Area Compliance Narrative
 - viii. Floor to Area Ratio Map
 - ix. Proposed Schedule of Uses
 - x. Schedule of Deviations and Justifications
 - xi. Traffic Impact Statement
 - xii. Surface Water Management Plan
 - xiii. Preserve Area Management Plan
 - xiv. Environmental Assessment
 - xv. Heritage Tree Map
 - xvi. Soils, Vegetation and Ground Cover Maps
 - xvii. Topography Map
 - xviii. Environmentally Sensitive Lands Map
 - xix. Variance Map
 - xx. Neighborhood Information Meeting 1 Submittal
 - xxi. Neighborhood Information Meeting 2 Submittal
 - xxii. Tree Advisory Board Meeting Minutes

EXHIBIT A

LOTS 4 & 5 BLOCK 54, HEITMAN'S BONITA SPRINGS AS RECORDED IN PLAT BOOK 6, PAGE 24, PUBLIC
RECORDS OF LEE COUNTY, FLORIDA.

CONTAINING 4.19 ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.



NO EVIDENCE OF RECENT EARTH MOVING WORK OR RECENT BUILDING CONSTRUCTION WAS OBSERVED AT THE TIME OF THIS SURVEY.

NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WAS OBSERVED AT THE TIME OF THIS SURVEY.

NO EVIDENCE OF WETLANDS WAS OBSERVED AT THE TIME OF THIS SURVEY.

THE NORTHERLY PROPERTY LINE ADJOINS THE SOUTHERLY R.O.W. LINE OF ALABAMA STREET A 50' ROW.
THE EASTERLY PROPERTY LINE ADJOINS THE WESTERLY R.O.W. LINE OF WISCONSIN STREET A 50' R.O.W.
THE SOUTHERLY PROPERTY LINE ADJOINS THE NORTHERLY R.O.W. LINE OF BONITA BEACH ROAD R.O.W. VARIES.

LEGAL DESCRIPTION

LOTS 4 & 5, BLOCK 54, HEITMAN'S BONITA SPRINGS AS RECORDED IN
PLAT BOOK 6, PAGE 24, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

CONTAINING 4.19 ACRES OF LAND MORE OR LESS.
SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD

PREPARED FOR: ERDMAN

DATE OF FIELD SURVEY 17 DEC. 2020

AGNOLI, BARBER & BRUNDAGE, INC.
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS AND MAPPERS

BY _____

WAYNE D. AGNOLI, R.S.M. NO. 5335 DATE _____

THIS BOUNDARY SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH
BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA
ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES

THIS BOUNDARY SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTIES WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES IS PROHIBITED BY CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE.

THIS BOUNDARY SURVEY IS CERTIFIED AS TO THE DATE OF FIELD SURVEY, NOT THE SIGNATURE DATE.

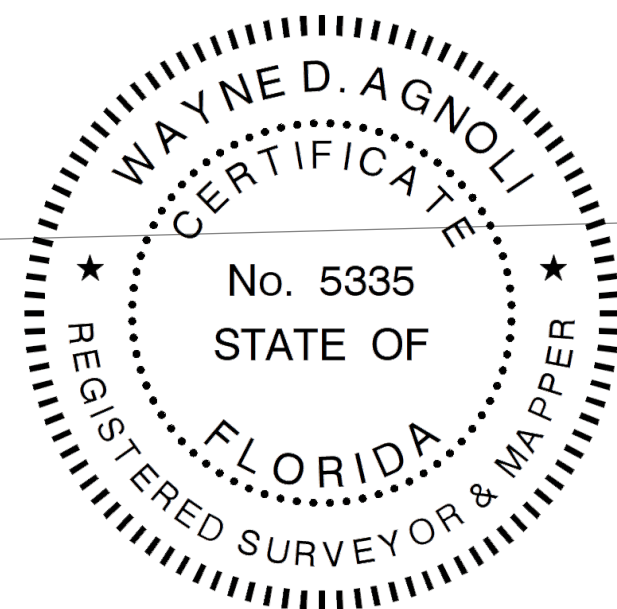
ABSTRACT NOT REVIEWED

GENERAL NOTES:

1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. P.O.B. = POINT OF BEGINNING.
3. P.O.C. = POINT OF COMMENCEMENT.
4. R.O.W. = RIGHT-OF-WAY.
5. CURVE DIMENSIONS ARE AS FOLLOWS:
 Δ = DELTA, R = RADIUS, A = ARCH, CH = CHORD, AND
CHB = CHORD BEARING.
6. BEARINGS AND COORDINATES ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST WEST, NAD 83/90 DATUM AND BASED ON THE NORTHERLY R.O.W. LINE OF BONITA BEACH ROAD AS BEING SOUTH 88°30'20" WEST
7. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP-COMMUNITY NUMBER 120680, PANEL NUMBERS 0658 AND 0394, SUFFIX F, THE FIRM INDEX 28 AUG. 2008, THE SUBJECT PROPERTY LIES IN ZONE X, WITH NO BASE FLOOD ELEVATION.
8. ELEVATIONS ARE BASED ON NAVD 88, USING BENCHMARK A002, ELEVATION 10.39 FEET
9. THE VERTICAL CONTROL ACCURACY FOR THIS SURVEY WAS BASED ON A LEVEL LOOP AND CLOSURE TO A SECOND BENCHMARK AND ACHIEVED CLOSURE IN FEET TO A STANDARD OF PLUS OR MINUS 0.05 FEET TIMES THE SQUARE ROOT OF THE DISTANCE IN MILES.
10. THE HORIZONTAL CONTROL ACCURACY FOR THIS SURVEY ACHIEVED THE COMMERICAL/HIGH RISK LINEAR: 1 FOOT IN 10,000 FEET

DISTANCES SHOWN HEREON ARE U.S. SURVEY FEET UNLESS OTHERWISE NOTED.

SURVEYOR'S NOTE:



approved:

revision:

for:

ERDMAN

title:	
--------	--

MAP OF BOUNDARY SURVEY OF
LOTS 4 AND 5, BLOCK 54
HEITMAN'S BONITA SPRINGS
(PLAT BOOK 6, PAGE 24)
LEE COUNTY, FLORIDA

bk:	pg:	date:
1243	54-55	14 DEC. 2020
		scale:
		1" = 40'
		cogo #:
		20-0135



AGNOLI
BARBER &
BRUNDAGE, INC.

Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108 Ph.: (239)597-7000
Certificate of Authorization Nos. LB 3864, EB 3864 & LC26000620 Fax: (239)586-0000

design:

drawn:

VA
checked:

WDA

acad #: 13635

view:

LIMITS:
project #

project #

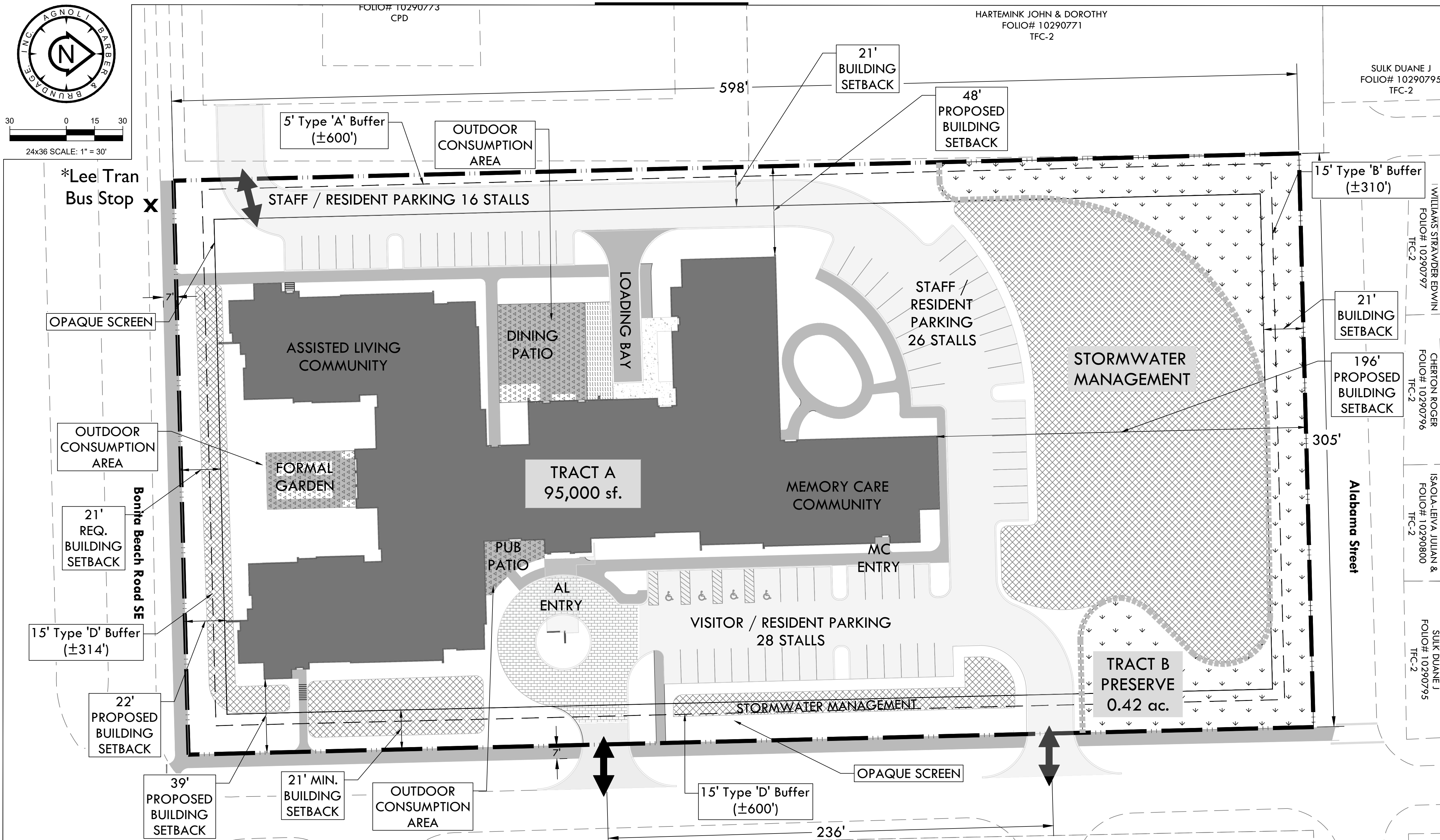
88 814

20-01,
sheet #:

1 of

file #:

1262



	LOCATION	REQUIRED	PROVIDED
d	SOUTH	21'min.-25'max.	22'
	EAST	21'min.	39'
	NORTH	21'min.	196'
	WEST	21'min.	48'

 SITE ACCESS LOCATION
 PROPERTY LINE
 BUFFER LINE
 TRACT LINE
 BUILDING SETBACK

**AGNOLI
BARBER &
BRUNDAGE, INC.**

Professional engineers, planners,
& land surveyors

Certificate of Authorization Nos.
LE 3664 and EB 3664

Collier County:
7400 Trail Blvd., Suite 200
Naples, FL 34108
Phone: (239)597-3111
Fax: (239)566-2203

9726 BONITA BEACH RD SE,
BONITA SPRINGS, FL 34135

CLIENT NAME:

ERDMAN

PROJECT NAME: _____

Master Concept Plan

DESIGN BY: ABB

DESIGN BY: ABB

CHECKED BY: .

REVIEWED BY: .

HORIZ. SCALE: 1" =

VERT. SCALE: NA

DATE: DEC. 2020

--	--	--	--	--	--	--

[illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible]

INC:

EVI

ACAD FILE NAME:

© 2005 Blackwell Publishing Ltd *Journal of Internal Medicine* 258: 105–112

•

ABB PROJECT #

20-C

PLOT VIEW \ LAYO

Master C

Master Co.

SHEET

OF

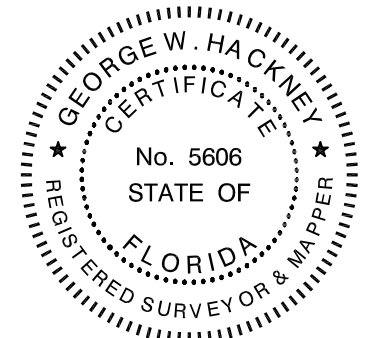
Acad File #



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 22°51'58" E	37.24'
L2	N 89°15'29" E	19.92'
L3	S 01°24'11" E	24.25'
L4	S 89°15'29" W	30.52'
L5	N 88°28'44" E	25.76'
L6	S 01°24'11" E	24.10'
L7	S 88°28'44" W	8.69'

CURVE TABLE			
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH
C1	124.00'	65°37'42"	142.03'
C2	15.00'	67°08'10"	17.58'
C3	49.00'	67°54'00"	58.07'
C4	25.00'	6°39'35"	2.91'
C5	25.00'	4°33'13"	1.99'
C6	15.00'	90°45'48"	23.76'
C7	20.00'	90°00'57"	31.42'
C8	25.00'	3°35'24"	1.57'
C9	25.00'	3°46'29"	1.65'
C10	12.00'	87°22'34"	18.30'
C11	33.00'	224°36'27"	129.36'
C12	20.00'	47°12'56"	16.48'
C13	6.00'	90°00'01"	9.42'
C14	100.00'	89°25'40"	156.08'
C15	38.00'	71°49'06"	47.63'

1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS AND COORDINATES ARE BASED ON THE FLORIDA STATE PLANE GRID, EAST ZONE, 83/90 ADJUSTMENT.
3. THE LEGAL DESCRIPTION FOR THE PARCEL IN THIS SKETCH AND DESCRIPTION IS WRITTEN IN A CLOCKWISE DIRECTION.
4. P.O.C. = POINT OF COMMENCEMENT.
P.O.B. = POINT OF BEGINNING.



GEORGE W. HACKNEY, PSM 5606

for:	ERDMAN	design:
title:	SKETCH AND DESCRIPTION OF ACCESS EASEMENT LOTS 4 AND 5, BLOCK 54, HEITMAN'S BONITA SPRINGS (PLAT BOOK 6, PAGE 24) LEE COUNTY, FLORIDA	drawn: JAN
		checked: GWH
		acad #: 12793-SD
		view: LIMITS
		project #: 20-0135
		sheet #: 1 of 2

LEGAL DESCRIPTION

ALL THAT PART OF LOTS 4 AND 5, BLOCK 54, HEITMAN'S BONITA SPRINGS, AS RECORDED IN PLAT BOOK 6, PAGE 24, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 5, SAID CORNER ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 6 AND THE NORTH RIGHT-OF-WAY OF BONITA BEACH ROAD S.E. (R.O.W. VARIES);
THENCE N 01°23'15" W ALONG THE WEST BOUNDARY OF SAID LOT 5 AND THE EAST BOUNDARY OF SAID LOT 6 A DISTANCE OF 29.29 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED;

THENCE CONTINUING ALONG SAID EAST AND WEST BOUNDARIES, NORTH 01° 23' 15" WEST A DISTANCE OF 295.12 FEET;
THENCE LEAVING SAID EAST AND WEST BOUNDARIES NORTH 22°51'58" EAST A DISTANCE OF 37.24 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 124.00 FEET;
THENCE NORTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 65°37'42" AN ARC DISTANCE OF 142.03 FEET;
THENCE N 88°29'40" E A DISTANCE OF 94.51 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 15.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 67°08'10" AN ARC DISTANCE OF 17.58 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 49.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 67°54'00" AN ARC DISTANCE OF 58.07 FEET;
THENCE N 89°15'29" E A DISTANCE OF 19.92 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 25.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°39'35" AN ARC DISTANCE OF 2.91 FEET TO AN INTERSECTION WITH THE EAST BOUNDARY OF SAID LOT 4 AND THE WEST RIGHT-OF-WAY OF WISCONSIN STREET;
THENCE S 01°24'11" E ALONG SAID EAST BOUNDARY AND SAID WEST RIGHT-OF-WAY A DISTANCE OF 24.25 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 25.00 FEET;
THENCE LEAVING SAID EAST BOUNDARY AND SAID WEST RIGHT-OF-WAY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°33'13" AN ARC DISTANCE OF 1.99 FEET;
THENCE S 89°15'29" W A DISTANCE OF 30.52 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 15.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°45'48" AN ARC DISTANCE OF 23.76 FEET;
THENCE S 01°30'19" E A DISTANCE OF 177.86 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 20.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'57" AN ARC DISTANCE OF 31.42 FEET;
THENCE N 88°28'44" E A DISTANCE OF 25.76 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 25.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°35'24" AN ARC DISTANCE OF 1.57 FEET TO AN INTERSECTION WITH THE EAST BOUNDARY OF SAID LOT 5 AND SAID WEST RIGHT-OF-WAY;
THENCE S 01°24'11" E ALONG SAID EAST BOUNDARY AND SAID WEST RIGHT-OF-WAY A DISTANCE OF 24.10 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 25.00 FEET;
THENCE LEAVING SAID EAST BOUNDARY AND SAID WEST RIGHT-OF-WAY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°46'29" AN ARC DISTANCE OF 1.65 FEET;
THENCE S 88°28'44" W A DISTANCE OF 8.69 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 12.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 87°22'34" AN ARC DISTANCE OF 18.30 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 33.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 224°36'27" AN ARC DISTANCE OF 129.36 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 20.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 47°12'56" AN ARC DISTANCE OF 16.48 FEET;
THENCE N 01°30'19" W A DISTANCE OF 162.65 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 6.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" AN ARC DISTANCE OF 9.42 FEET;
THENCE S 88°29'40" W A DISTANCE OF 99.21 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 100.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°25'40" AN ARC DISTANCE OF 156.08 FEET;
THENCE S 00°56'00" E A DISTANCE OF 243.04 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 38.00 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 71°49'06" AN ARC DISTANCE OF 47.63 FEET TO AN INTERSECTION WITH THE WEST BOUNDARY OF SAID LOT 5, THE EAST BOUNDARY OF SAID LOT 6 AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

CONTAINING A TOTAL AREA OF APPROXIMATELY 0.57 ACRES.

NOT A SURVEY

for: ERDMAN			design:	
title: SKETCH AND DESCRIPTION OF ACCESS EASEMENT LOTS 4 AND 5, BLOCK 54, HEITMAN'S BONITA SPRINGS (PLAT BOOK 6, PAGE 24) LEE COUNTY, FLORIDA			drawn: JAN	
			checked: GWH	
			acad #: 12793-SD	
			view: LIMITS	
			project #:	
			20-0135	
			sheet #:	
			2 of 2	
Professional engineers, planners, surveyors & landscape architects 7400 Trail Blvd., Suite 200, Naples, FL 34108 Ph.: (239)597-3111 Fax: (239)566-2203 Certificate of Authorization Nos. LB 3664, EB 3664 and LC26000620			file #:	
			12793	

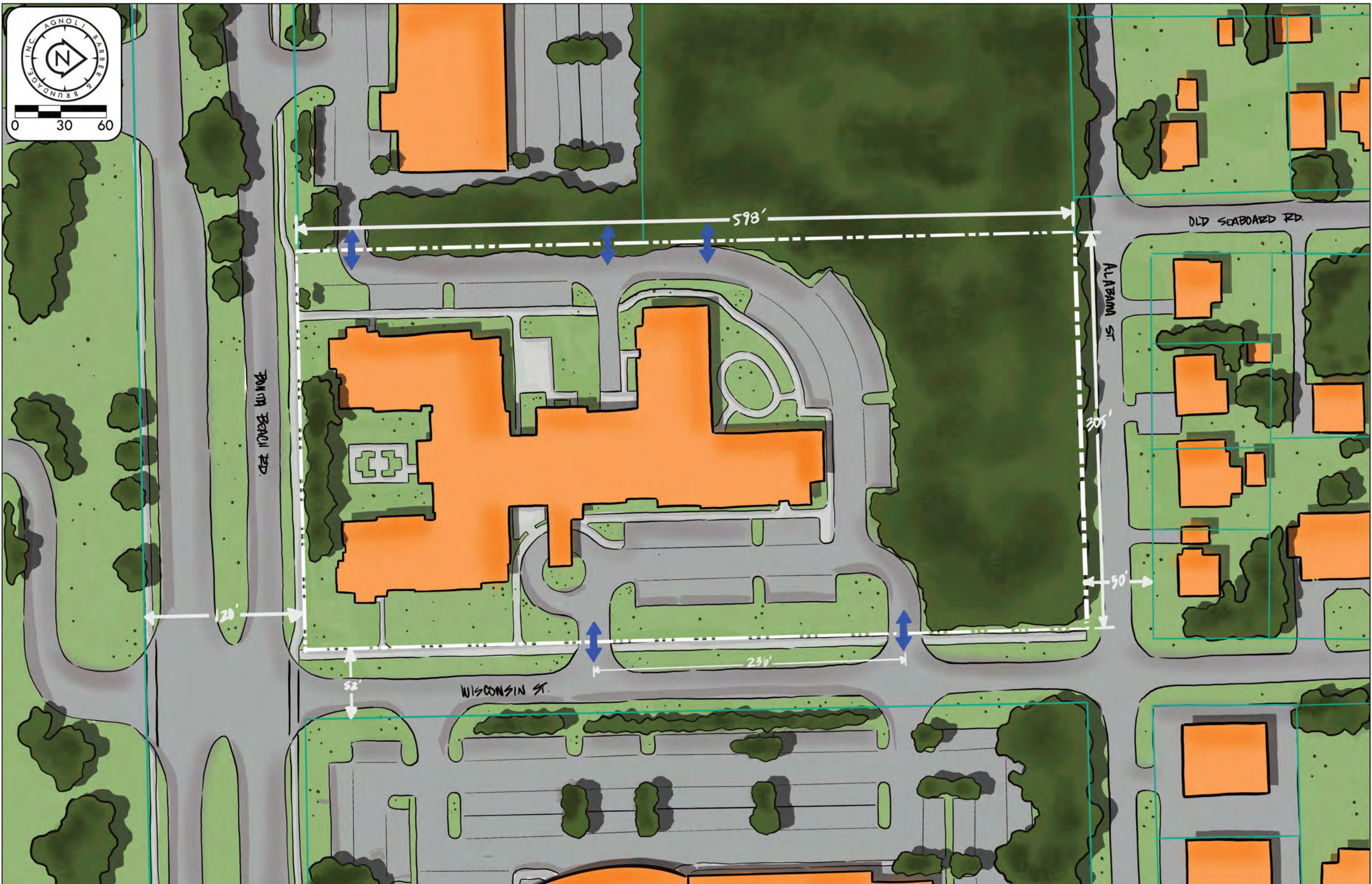


EXHIBIT D

Erdman Assisted Living Facility Block Plan

Exhibit:

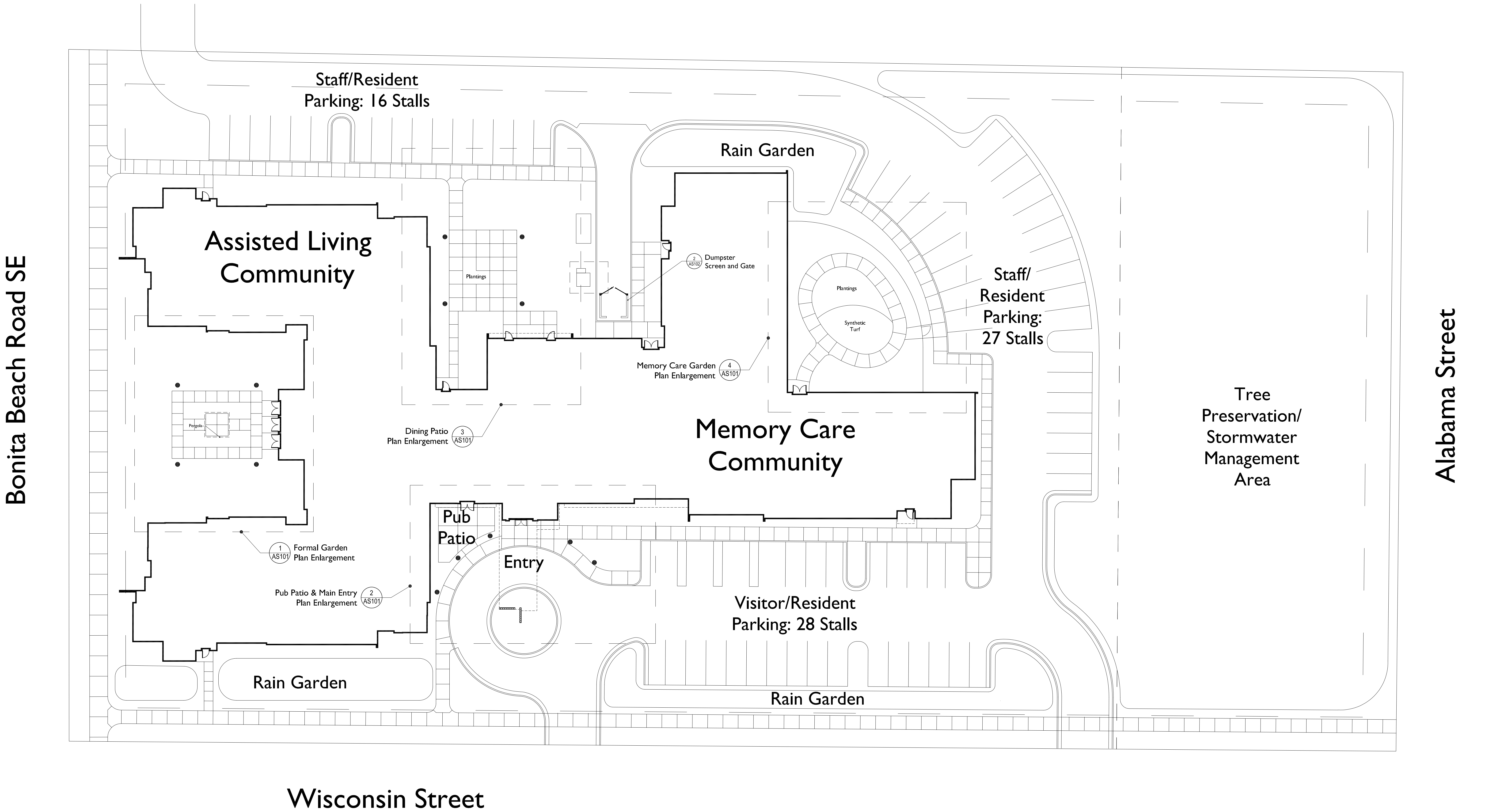
Source: ???

Created: 5/12/21

B14

ABB PN: 20-0135

EXHIBIT E



5	Adjust Parking	07/07/2021
4	Coordination	06/15/2021
3	City Review	05/14/2021
2	Coordination	04/29/2021
1	Schematic Design Final	02/26/2021
No.	Description	Date
Document Release		

NOT FOR
CONSTRUCTION

Sheet Name
ARCHITECTURAL
SITE LAYOUT PLAN

Dmr:rsalayton Chk:kluesschow

Sheet Number

AS100

JOB # 668120

© 2020 ERDMAN COMPANY

BONITA SPRINGS
SENIOR LIVING

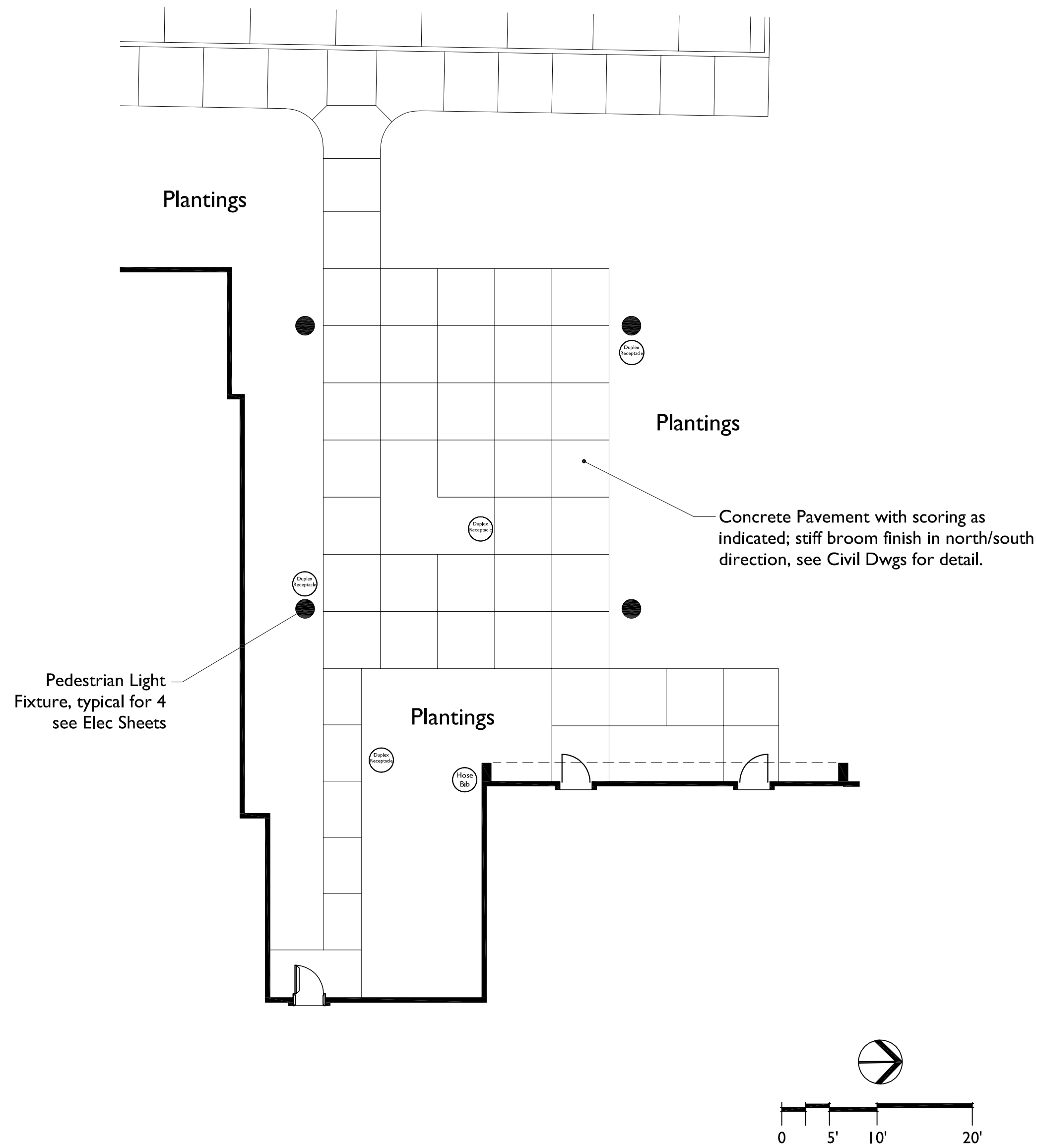
BONITA SPRINGS, FL

Architectural Services Provided By:
ERDMAN COMPANY
COA# -

Engineering Services Provided By:
ERDMAN COMPANY
COA# -

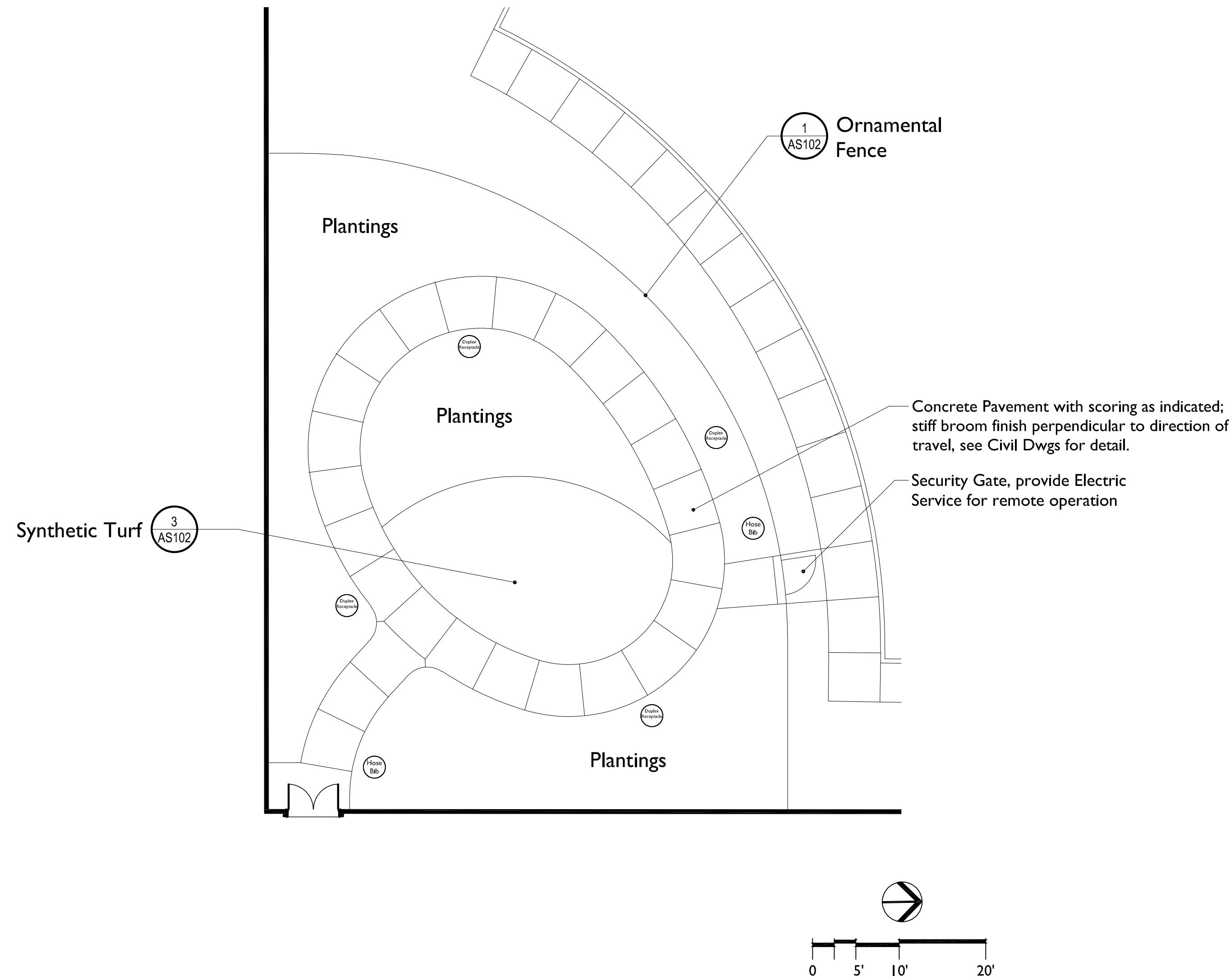
Contractor Services Provided By:
ERDMAN COMPANY
Lic. No. -

Consultant Services Provided By:



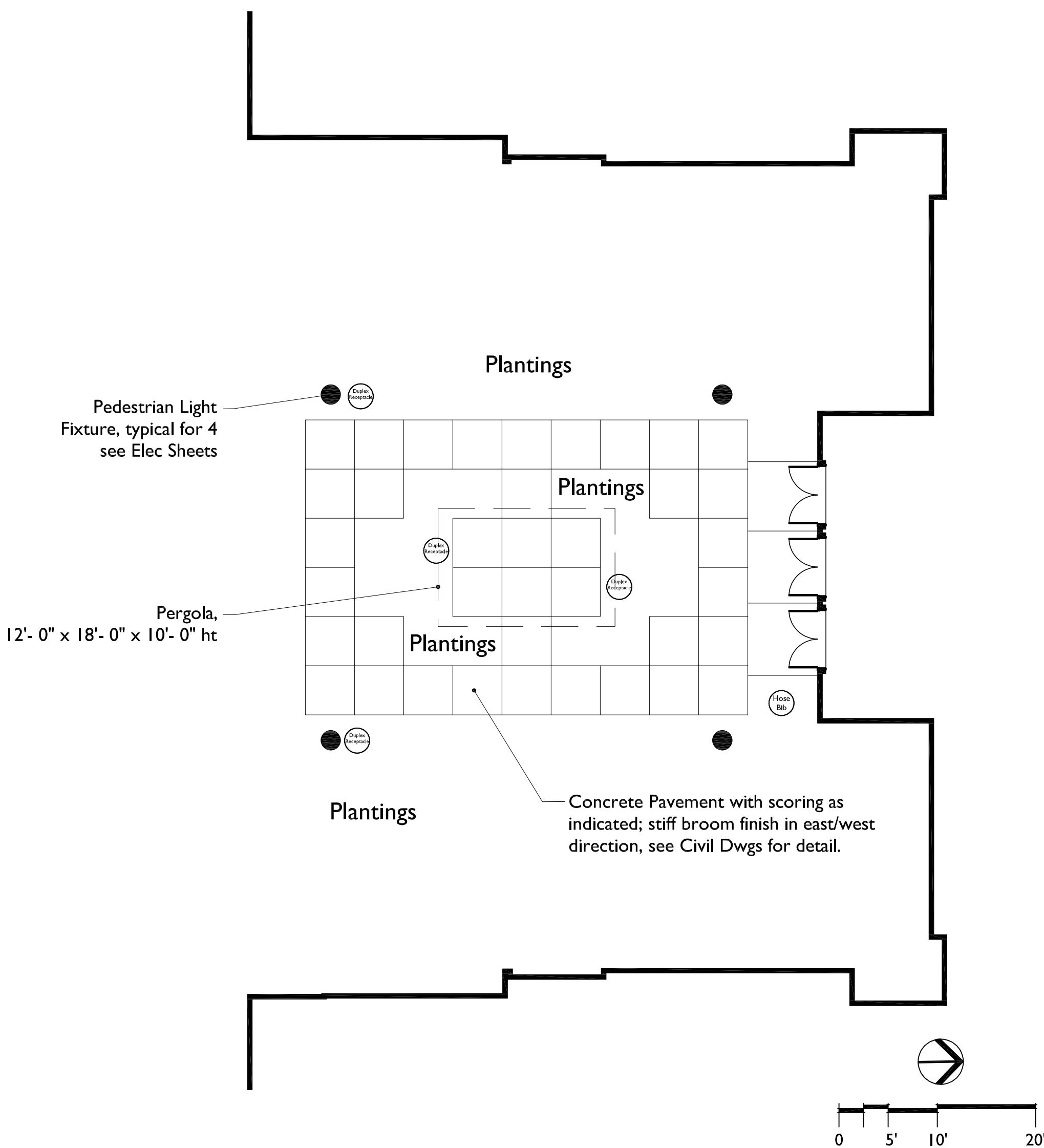
3 DINING PATIO LAYOUT AND SCORING PLAN

SCALE: 1" = 10'



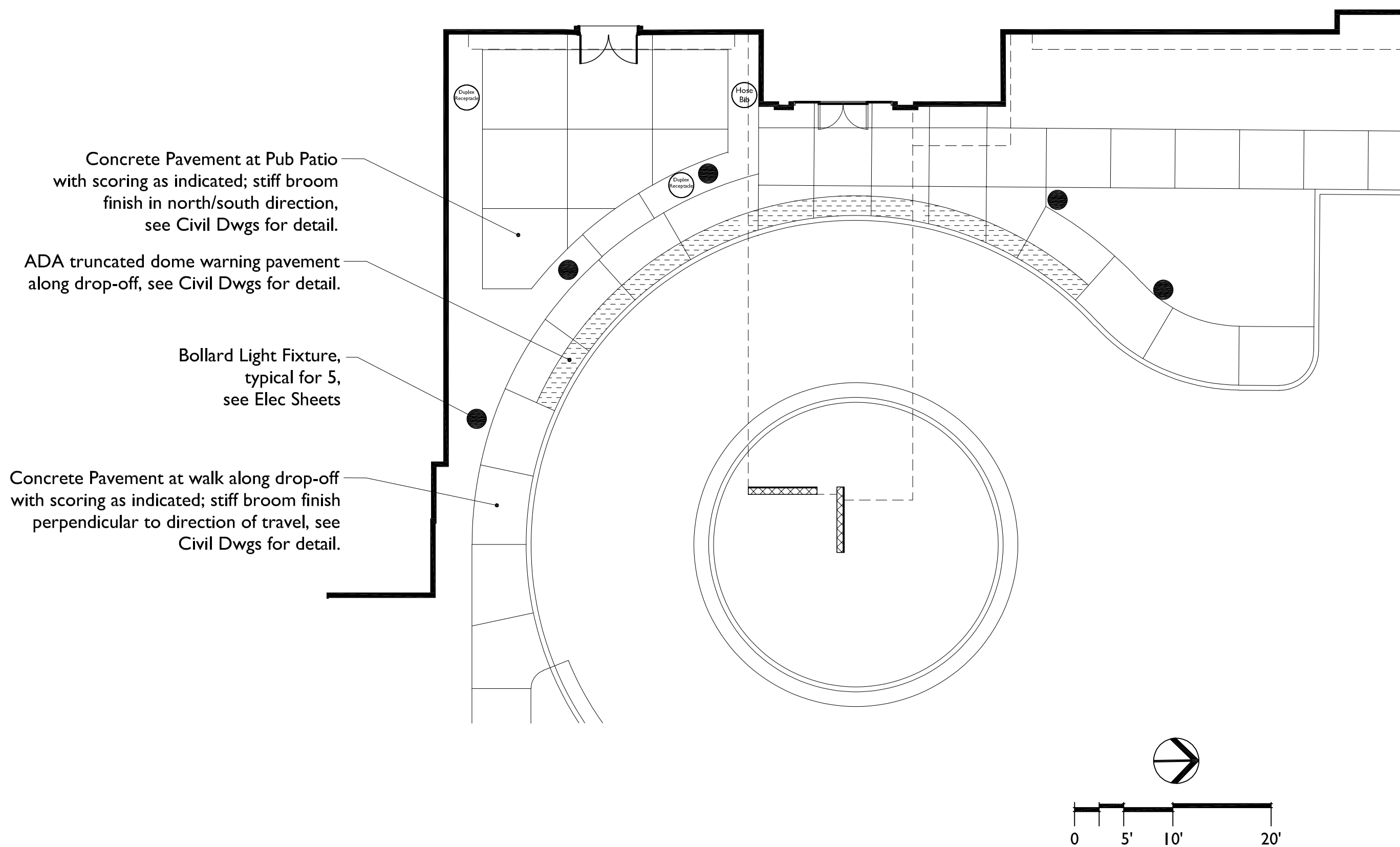
4 MEMORY CARE GARDEN LAYOUT AND SCORING PLAN

SCALE: 1" = 10'



1 FORMAL GARDEN LAYOUT AND SCORING PLAN

SCALE: 1" = 10'



2 PUB PATIO AND MAIN ENTRY LAYOUT AND SCORING PLAN

SCALE: 1" = 10'



1	City Review	05/14/2021
No.	Description	Date
Document Release		

NOT FOR
CONSTRUCTION

Sheet Name
**ARCHITECTURAL
SITE PLAN
ENLARGEMENTS**

Dwn:rsleyton Chikklueschow

Sheet Number

AS101

JOB # 668120

BONITA SPRINGS
SENIOR LIVING

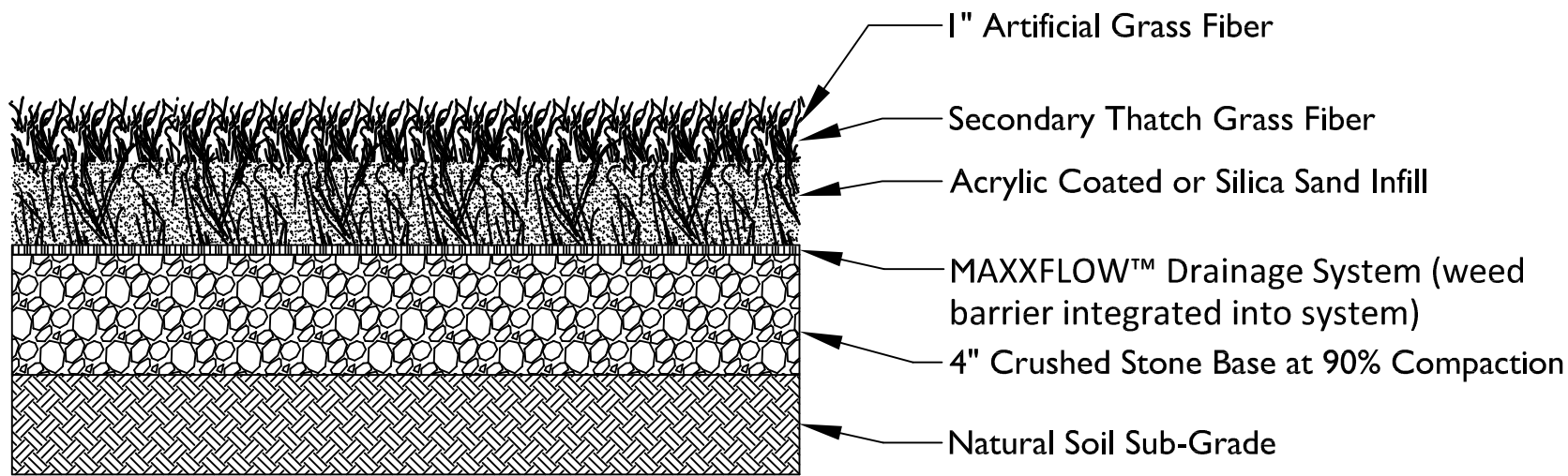
BONITA SPRINGS, FL

Architectural Services Provided By:
ERDMAN COMPANY
COA# -

Engineering Services Provided By:
ERDMAN COMPANY
COA# -

Contractor Services Provided By:
ERDMAN COMPANY
Lic. No. -

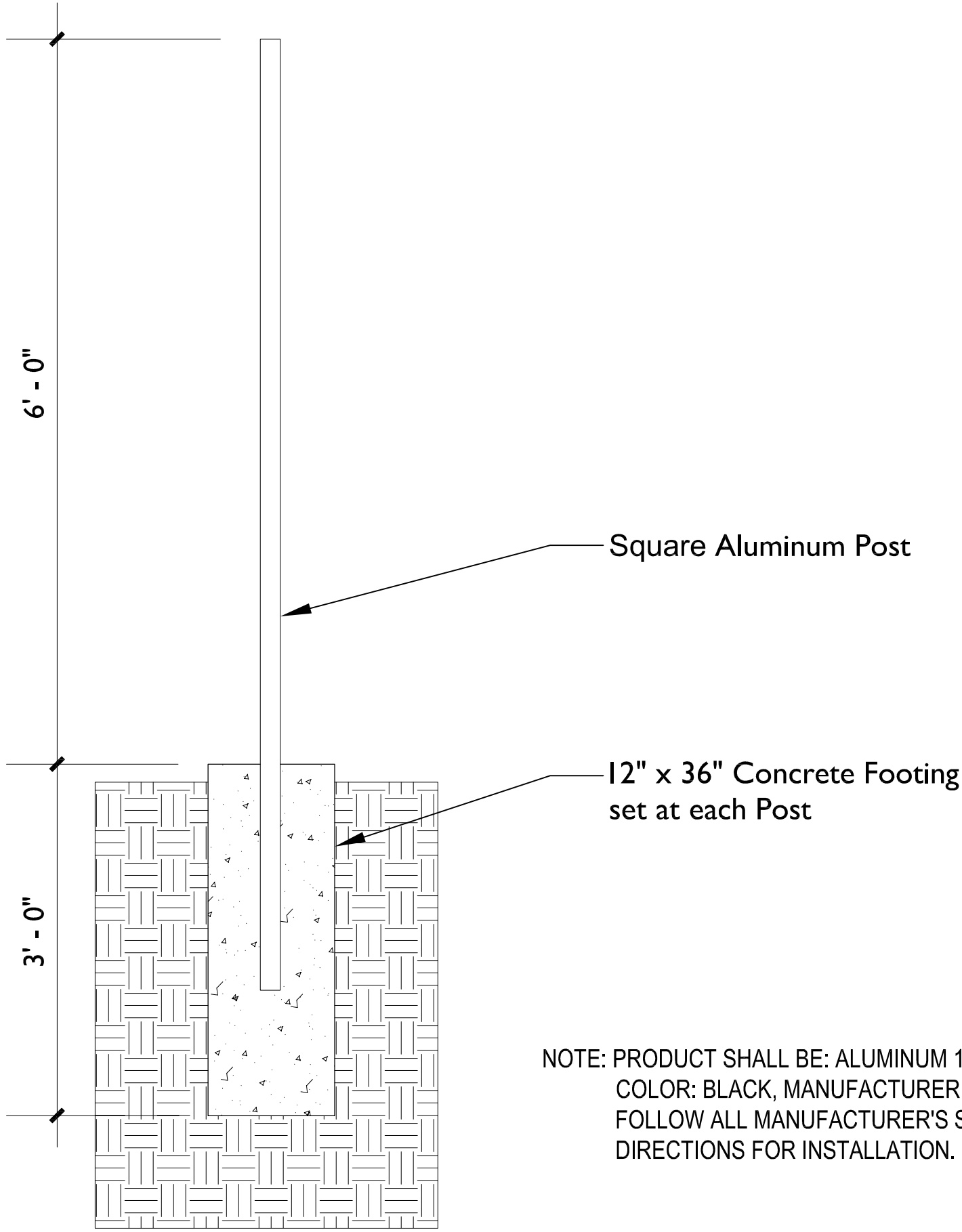
Consultant Services Provided By:



NOTE: PRODUCT SHALL BE 'SYNTHETIC TURF' AS MANUFACTURED BY SYNTHETIC TURF OF ILLINOIS, CHICAGO, IL 773-717-6987 Info@SynTurfIL.com OR APPROVED EQUAL. FOLLOW ALL MANUFACTURER'S SPECIFICATIONS AND DIRECTIONS FOR INSTALLATION.

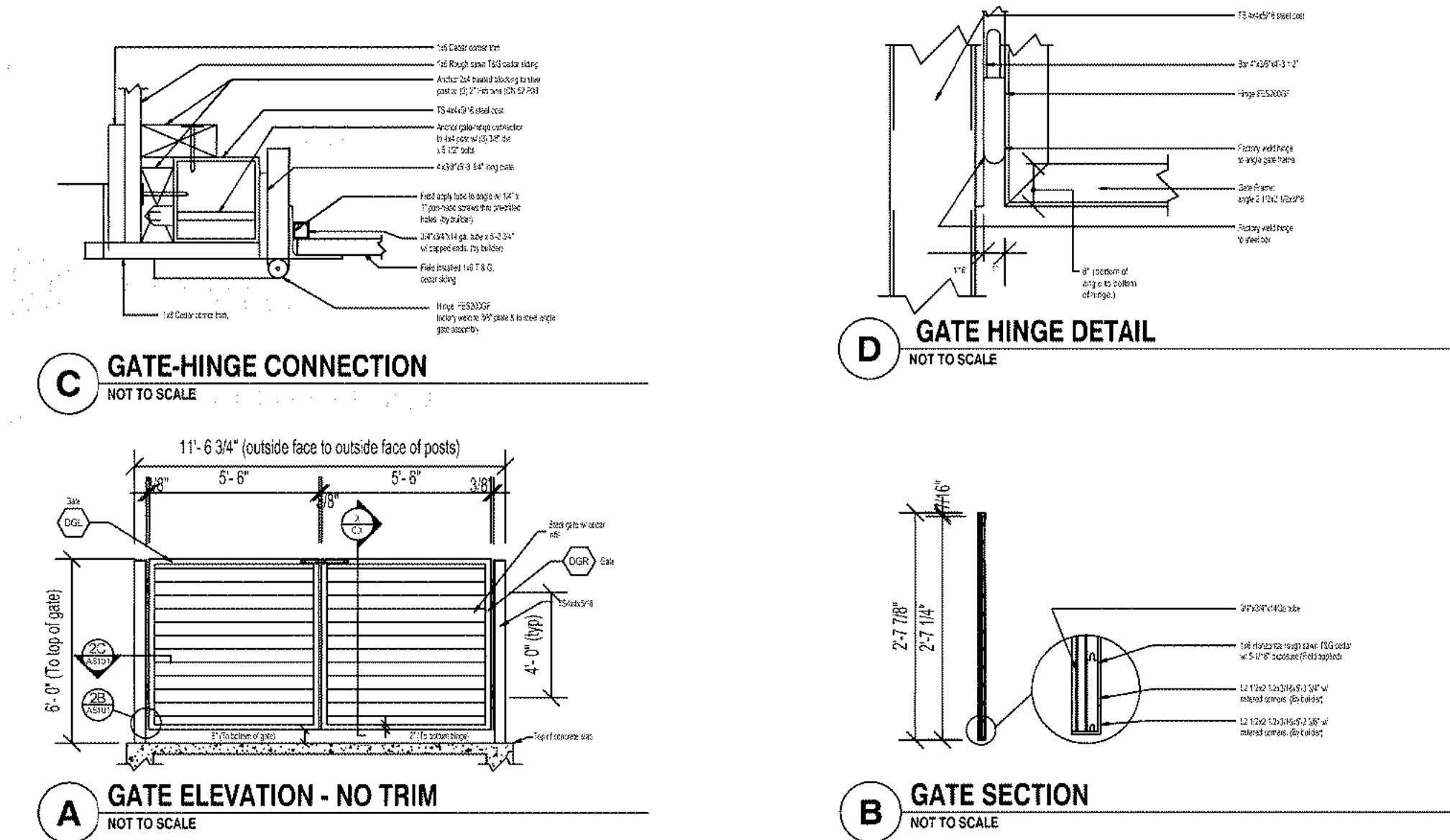
3 SYNTHETIC TURF

NOT TO SCALE

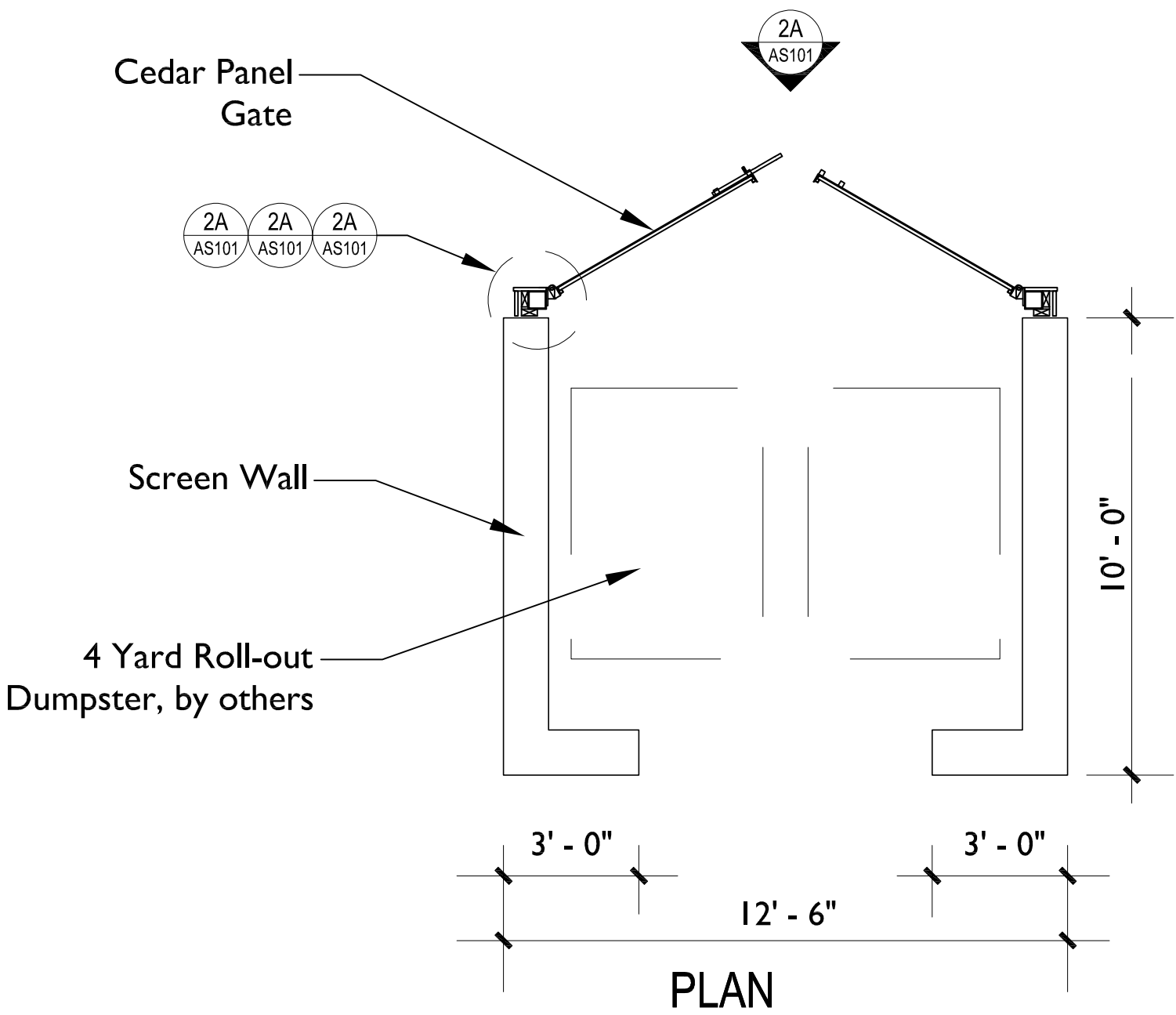


1 DECORATIVE FENCE

NOT TO SCALE

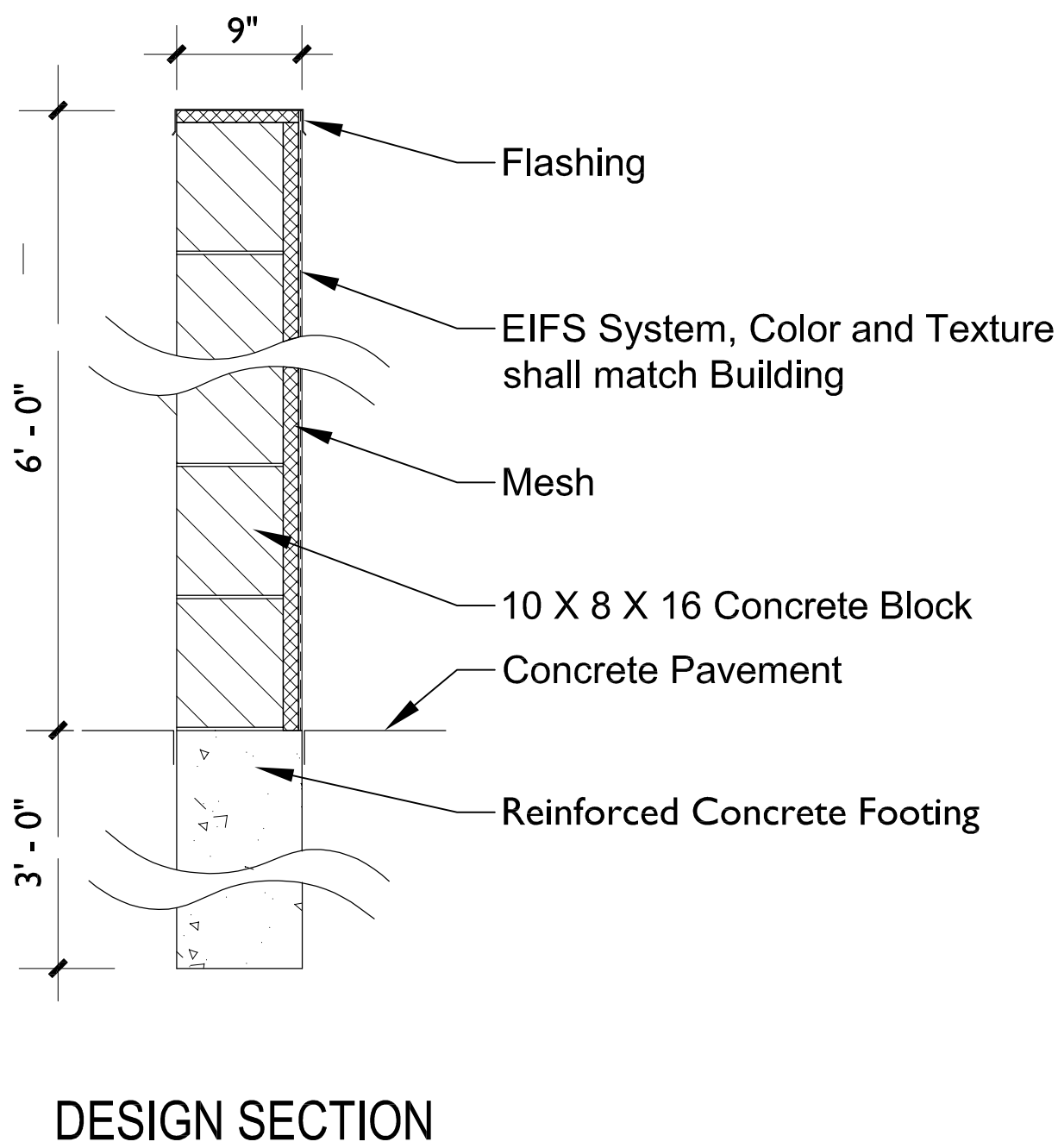


GATE DETAILS



2 DUMPSTER SCREEN

NOT TO SCALE



1	City Review	05/14/2021
No.	Description	Date
Document Release		

NOT FOR
CONSTRUCTION

SITE DETAILS

Sheet Name

Dmr:rsalayton Chck:kueschow

Sheet Number

AS102

JOB # 668120

**BONITA SPRINGS
SENIOR LIVING**

9726 BONITA BEACH RD. SE.
BONITA SPRINGS, FL 34135

Architectural Services Provided By:
ERDMAN COMPANY
ROBERT A. PRATT
COA# - AR99801

Engineering Services Provided By:
ERDMAN COMPANY
STRUCTURAL
ANDREW HOFFMAN
LIC# - 83813

MECHANICAL & PLUMBING
MIKE METEYER
LIC# - 55094

ELECTRICAL
RANDY WILDE
LIC# - 78054

Contractor Services Provided By:
ERDMAN COMPANY

Consultant Services Provided By:
CIVIL
ABB, INC



2	SCHEMATIC DESIGN FINAL	02/26/2021
1	CITY SUBMITTAL 1	01/25/2021
No.	Description	Date
Document Release		

**NOT FOR
CONSTRUCTION**

Sheet Name
**FIRST FLOOR
PLAN - OVERALL**

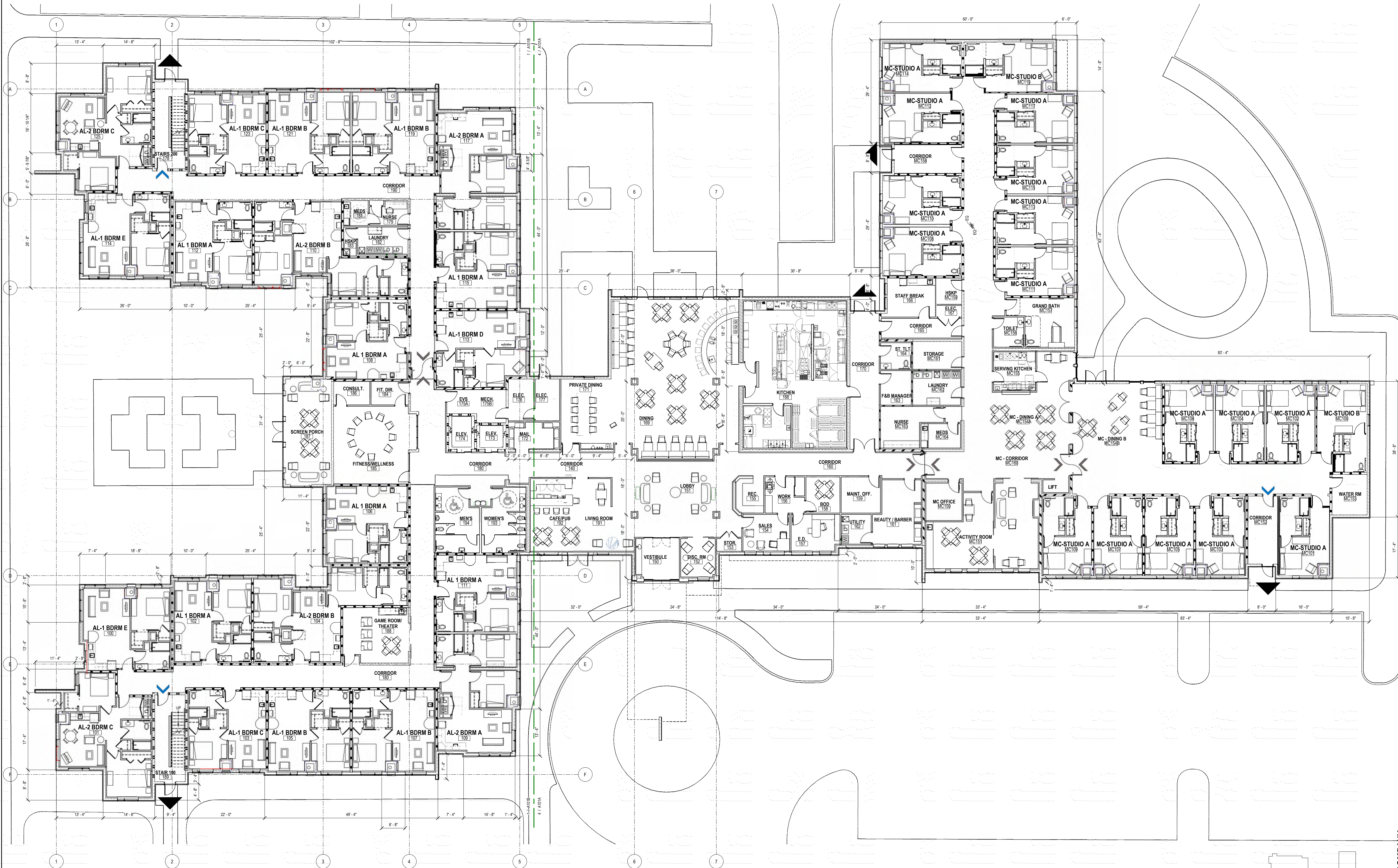
Dm:KTHAO Chk:WALLACE

Sheet Number

A101

JOB # 668120

© 2021 ERDMAN COMPANY



1 FIRST FLOOR PLAN - OVERALL

SCALE: 3/32" = 1'-0"

BONITA SPRINGS
SENIOR LIVING

9726 BONITA BEACH RD. SE.
BONITA SPRINGS, FL 34135

Architectural Services Provided By:
ERDMAN COMPANY
ROBERT A. PRATT
COA# - AR99801

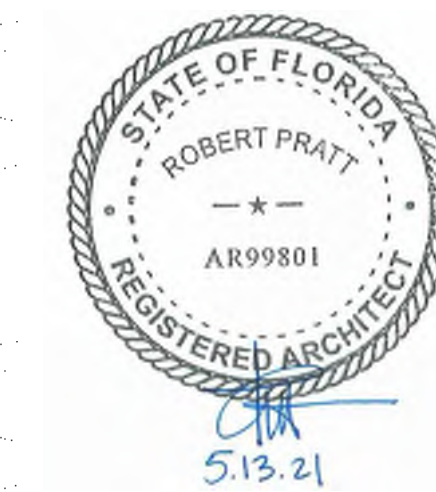
Engineering Services Provided By:
ERDMAN COMPANY
STRUCTURAL
ANDREW HOFFMAN
LIC# - 83813

MECHANICAL & PLUMBING
MIKE METEYER
LIC# - 55094

ELECTRICAL
RANDY WILDE
LIC# - 78054

Contractor Services Provided By:
ERDMAN COMPANY

Consultant Services Provided By:
CIVIL
ABB, INC



2	SCHEMATIC DESIGN FINAL	02/26/2021
1	CITY SUBMITTAL 1	01/25/2021
No.	Description	Date
Document Release		

NOT FOR
CONSTRUCTION

Sheet Name
**SECOND FLOOR
PLAN - OVERALL**

Dm:KTHAO Chk:WALLACE

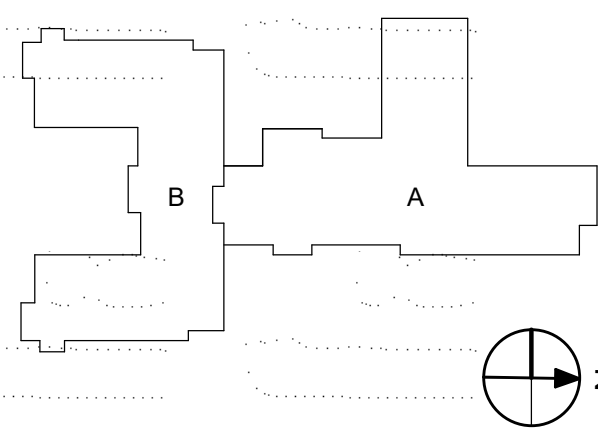
Sheet Number

A102

JOB # 668120



1 SECOND FLOOR PLAN - OVERALL
SCALE: 3/32" = 1'-0"



BONITA SPRINGS
SENIOR LIVING

9726 BONITA BEACH RD. SE.
BONITA SPRINGS, FL 34135

Architectural Services Provided By:
ERDMAN COMPANY
ROBERT A. PRATT
COA# - AR99801

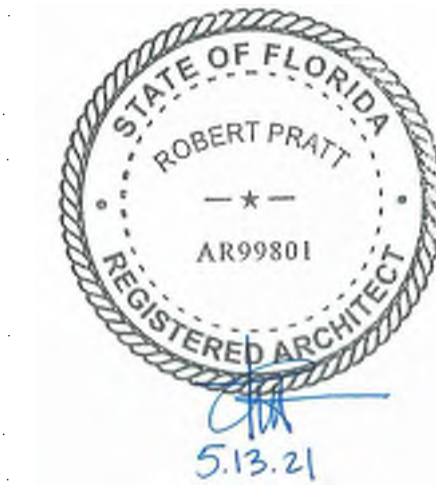
Engineering Services Provided By:
ERDMAN COMPANY
STRUCTURAL
ANDREW HOFFMAN
LIC# - 83813

MECHANICAL & PLUMBING
MIKE METEYER
LIC# - 55094

ELECTRICAL
RANDY WILDE
LIC# - 78054

Contractor Services Provided By:
ERDMAN COMPANY

Consultant Services Provided By:
CIVIL
ABB, INC



2	SCHEMATIC DESIGN FINAL	02/26/2021
No.	Description	Date
Document Release		

NOT FOR
CONSTRUCTION

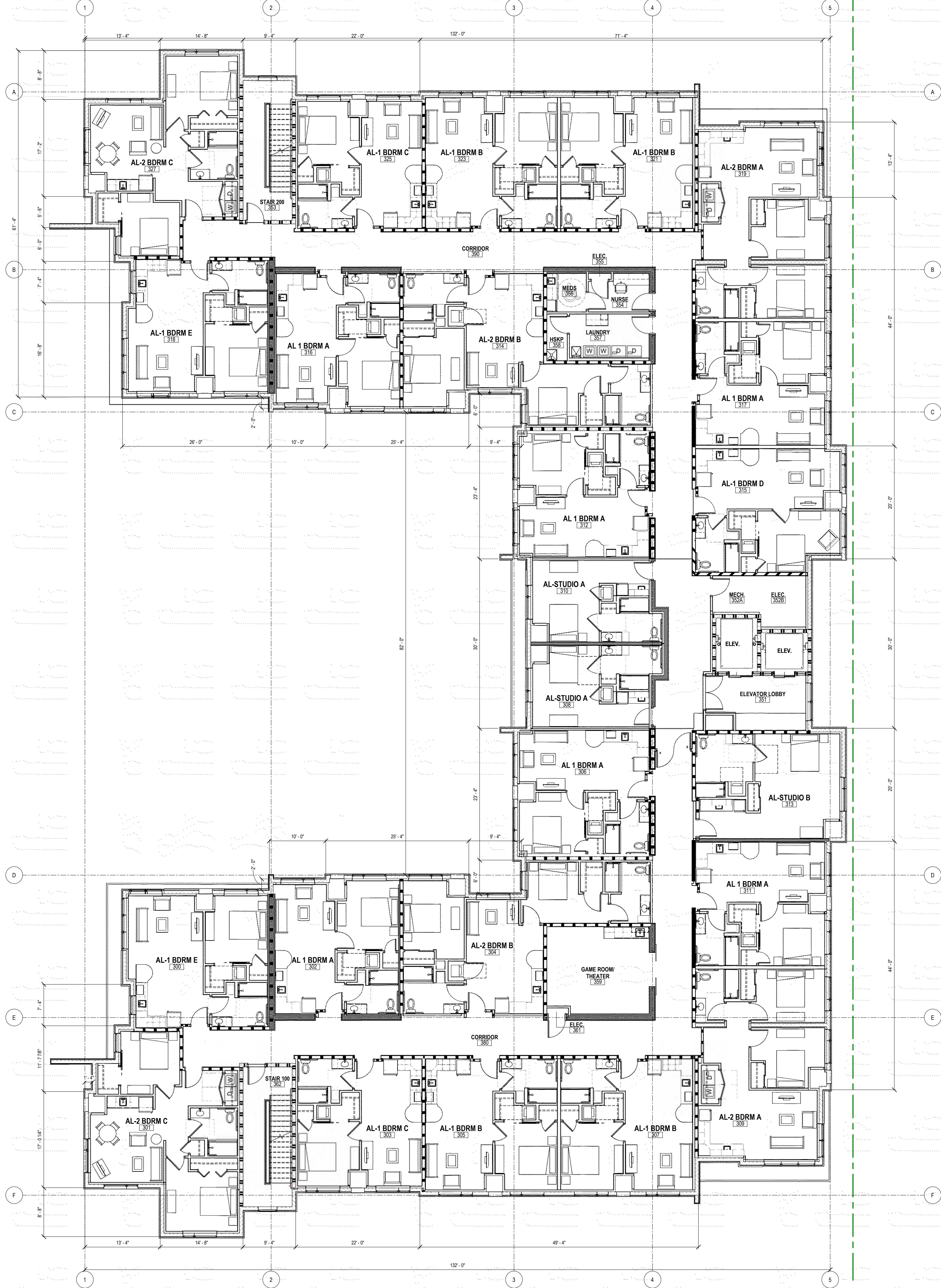
Sheet Name
THIRD FLOOR
PLAN - AREA B

Dm:KTHAO Chk:WALLACE

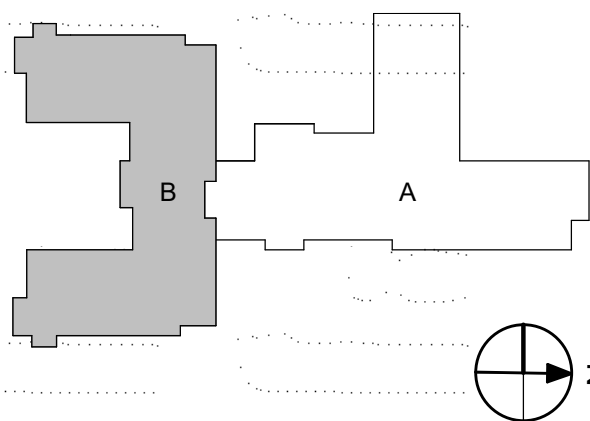
Sheet Number

A103B

JOB # 668120



1 THIRD FLOOR PLAN AREA B
SCALE: 1/8" = 1'-0"



BONITA SPRINGS
SENIOR LIVING

9726 BONITA BEACH RD. SE.
BONITA SPRINGS, FL 34135

Architectural Services Provided By:
ERDMAN COMPANY
ROBERT A. PRATT
COA# - AR99801

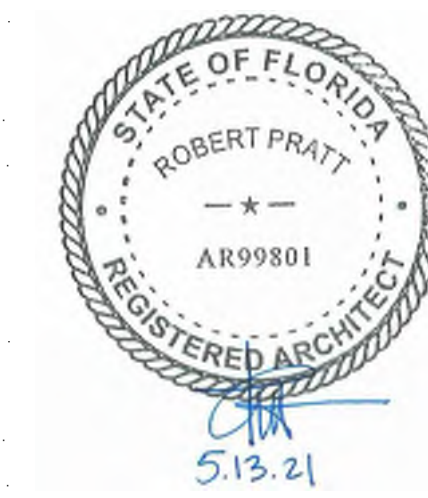
Engineering Services Provided By:
ERDMAN COMPANY
STRUCTURAL
ANDREW HOFFMAN
LIC# - 83813

MECHANICAL & PLUMBING
MIKE METEYER
LIC# - 55094

ELECTRICAL
RANDY WILDE
LIC# - 78054

Contractor Services Provided By:
ERDMAN COMPANY

Consultant Services Provided By:
CIVIL
ABB, INC



2	SCHEMATIC DESIGN FINAL	02/26/2021
No.	Description	Date
Document Release		

NOT FOR
CONSTRUCTION

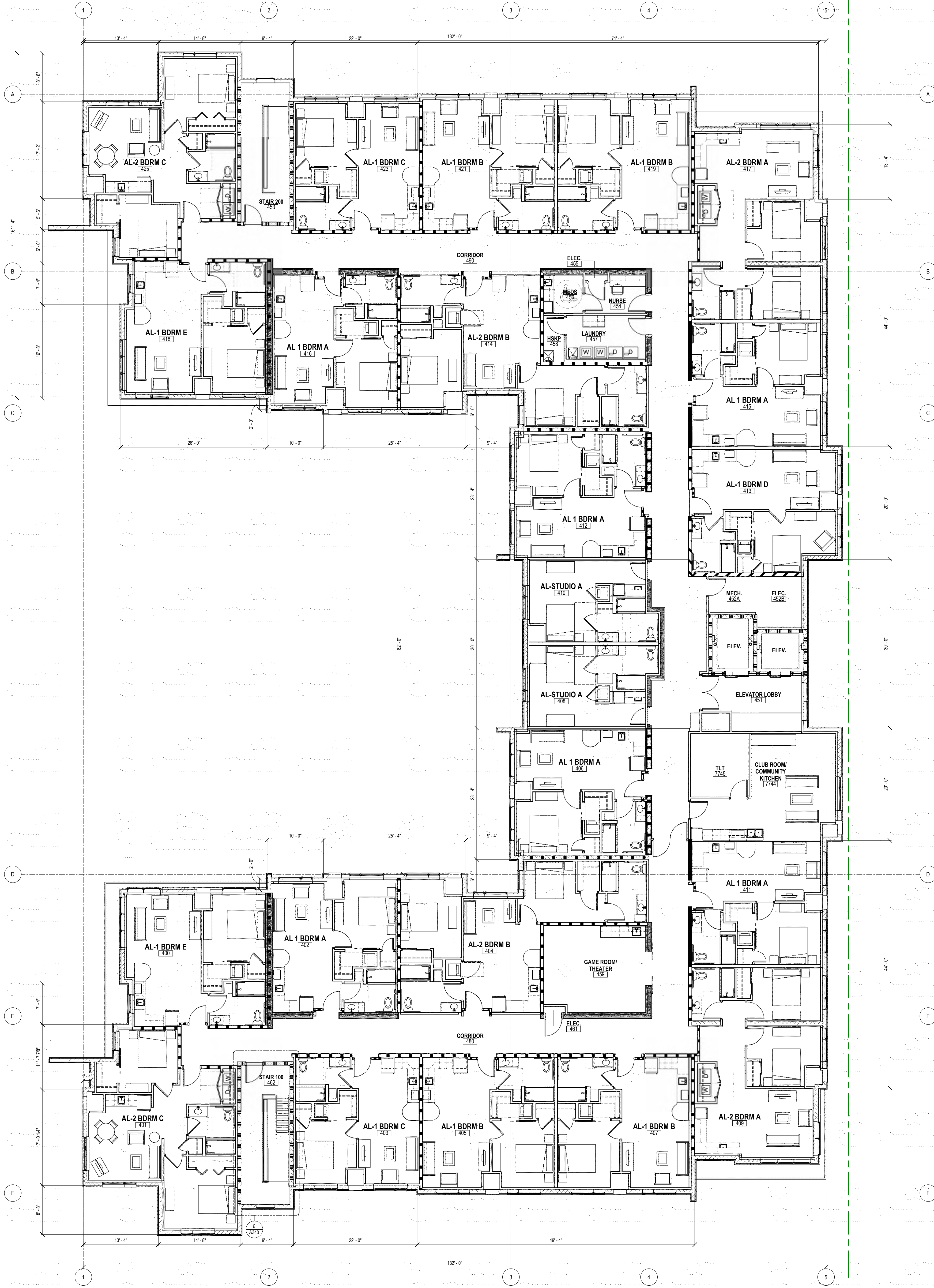
Sheet Name
FOURTH FLOOR
PLAN - AREA B

Dm:KTHAO Chk:WALLACE

Sheet Number

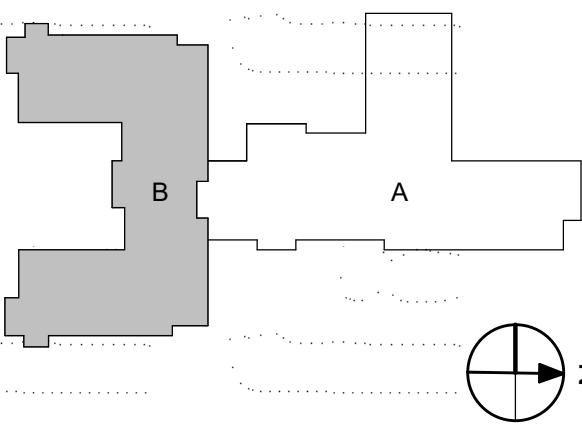
A104B

JOB # 668120



1 FOURTH FLOOR PLAN - AREA B

SCALE: 1/8" = 1'-0"



BONITA SPRINGS
SENIOR LIVING

9726 BONITA BEACH RD. SE.
BONITA SPRINGS, FL 34135

Architectural Services Provided By:
ERDMAN COMPANY
ROBERT A. PRATT
COA# - AR99801

Engineering Services Provided By:
ERDMAN COMPANY
STRUCTURAL
ANDREW HOFFMAN
LIC# - 83813

MECHANICAL & PLUMBING
MIKE METEYER
LIC# - 55094

ELECTRICAL
RANDY WILDE
LIC# - 78054

Contractor Services Provided By:
ERDMAN COMPANY

Consultant Services Provided By:
CIVIL
ABB, INC



2	SCHEMATIC DESIGN FINAL	02/26/2021
No.	Description	Date
Document Release		

NOT FOR
CONSTRUCTION

Sheet Name
**ROOF PLAN -
OVERALL**

Dm:DMONTOYA Chk:WALLACE

Sheet Number

A105

JOB # 668120

© 2021 ERDMAN COMPANY

ROOF PLAN NOTES & SYMBOLS

- COORDINATE OPENINGS AND PENETRATIONS
- PROVIDE SADDLES AND CRICKETS AT ROOF TOP EQUIPMENT AND PENETRATIONS TO ENSURE POSITIVE DRAINAGE
- REFER TO ROOF PLANS ON MECHANICAL, ELECTRICAL & PLUMBING PLANS FOR ADDITIONAL INFORMATION
- ROOF TO SLOPE TO DRAIN AT 1/4" PER FOOT MIN. (TYPICAL)
- SLOPING STRUCTURAL STEEL IS TYPICAL, U.N.O.

- 24" X 24" CONCRETE PAVER
- 30" WIDE MINIMUM WALKWAY PAD (2' APART)
- INDICATES ROOF AREAS WHERE SLOPES ARE ACHIEVED THROUGH TAPERED INSULATION
- INDICATES ROOF AREAS WHERE SLOPES ARE ACHIEVED THROUGH SLOPED STEEL STRUCTURE
- INDICATES AREAS OF SLOPING METAL ROOF TO RECEIVE SNOW GUARDS. SNOW GUARD LAYOUT AND SPACING BASED ON NFPA RECOMMENDATIONS
- INDICATES DOWNSPOUT
- ROOF SOUPPER
- HP HIGH POINT OF ROOF INSULATION IN INCHES ABOVE THE DECK
- LP LOW POINT OF ROOF INSULATION IN INCHES ABOVE THE DECK
- DS DOWNSPOUT
- RS ROOF SOUPPER

A-ROOF PLAN NOTES

- FOR ADDITIONAL UTILITY INFORMATION AND SYMBOLS REFER TO ROOF PLANS ON THE PLUMBING, HVAC AND ELECTRICAL DRAWINGS
- WHEN TETHER IS INSTALLED INTO BACK OF VERTICAL STEEL STUD PANEL. UPON COMPLETION OF THE PROJECT, REMOVE TETHER AND REPAIR ROOFING MEMBRANE PER MANUFACTURER'S SPECIFICATIONS. WHEN INSTALLED INTO BACK OF PRECAST PANEL, UPON COMPLETION OF PROJECT, REMOVE LIFTING EYE AND FILL HOLE WITH SEALANT. WOOD BLOCKING AND NALERS USED IN ROOF CONSTRUCTION EXPOSED TO THE RETURN PLENUM SHALL BE FIRE RETARDANT TREATED LUMBER, EXAMPLE: HVAC CURB FRAMING.

THESE NOTES COPIED FROM HECKTOWNNORCO
REVISE TO SUIT PROJECT THEN DELETE THIS TEXT



One Erdman Place P.O. Box 44975
Madison, Wisconsin 53717
Phone: (608) 410-8500
FAX: (608) 410-8500

BONITA SPRINGS
SENIOR LIVING

9726 BONITA BEACH RD. SE.
BONITA SPRINGS, FL 34135

Architectural Services Provided By:
ERDMAN COMPANY
ROBERT A. PRATT
COA# - AR99801

Engineering Services Provided By:
ERDMAN COMPANY
STRUCTURAL
ANDREW HOFFMAN
LIC# - 83813

MECHANICAL & PLUMBING
MIKE METEYER
LIC# - 55094

ELECTRICAL
RANDY WILDE
LIC# - 78054

Contractor Services Provided By:
ERDMAN COMPANY

Consultant Services Provided By:
CIVIL
ABB, INC

EXTERIOR GLAZING CALCULATIONS

Total Glazing % (Wall to Glazing Ratio)

Total Wall (SF) = +/- 40, 279 SF
Total glazing (Including Doors w/ glazing) = +/- 10,880 SF
Total Glazing % = +/- 27%

South Elevation (Excluding Hidden Elevations)

Total Wall (SF) = +/- 5,918 SF
Total glazing (Including Doors w/ glazing) = +/- 2,141 SF
Total Glazing % = +/- 41%

North Elevation (Excluding Hidden Elevations)

Total Wall (SF) = +/- 1,501 SF
Total glazing (Including Doors w/ glazing) = +/- 263 SF
Total Glazing % = +/- 18%

East Elevation (Excluding Hidden Elevations)

Total Wall (SF) = +/- 6,016 SF
Total glazing (Including Doors w/ glazing) = +/- 2,093 SF
Total Glazing % = +/- 35%

West Elevation (Excluding Hidden Elevations)

Total Wall (SF) = +/- 6,237 SF
Total glazing (Including Doors w/ glazing) = +/- 1,981 SF
Total Glazing % = +/- 31%



4 AL SOUTHERN ELEVATION
SCALE:



3 ENTRY PERSPECTIVE
SCALE:



2 NORTH EAST AXON
SCALE:



1 SOUTH EAST AXON
SCALE:



2	SCHEMATIC DESIGN FINAL	02/26/2021
1	CITY SUBMITTAL 1	01/25/2021
No.	Description	Date
Document Release		

NOT FOR
CONSTRUCTION

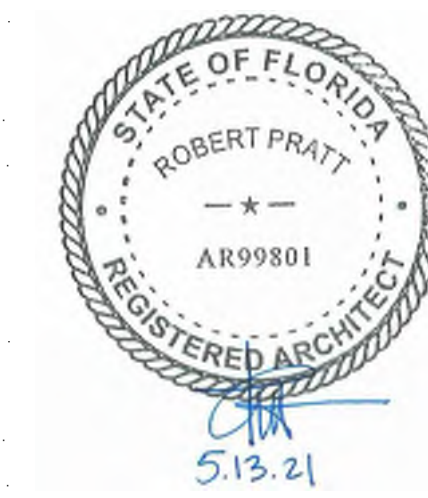
Sheet Name
EXTERIOR
MASSING

Dm: MBOOTH Chk: IWALLACE

Sheet Number

A200

JOB # 668120



2	SCHEMATIC DESIGN FINAL	02/26/2021
1	CITY SUBMITTAL 1	01/25/2021
No.	Description	Date
Document Release		

NOT FOR
CONSTRUCTION

Sheet Name
**EXTERIOR
ELEVATIONS - AL**

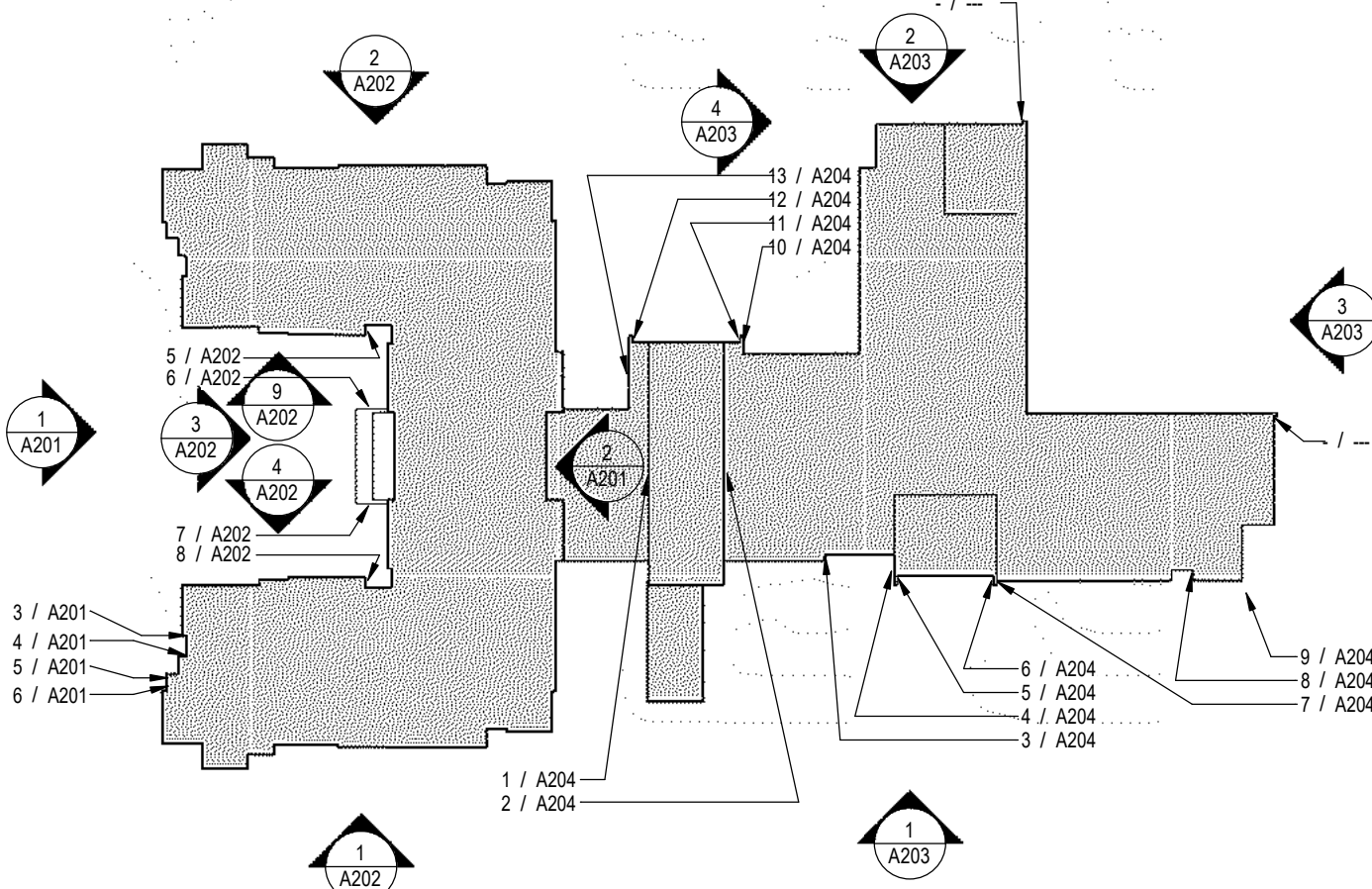
Dm:MB00TH Chk:WALLACE

Sheet Number

A201

JOB # 668120

© 2021 ERDMAN COMPANY

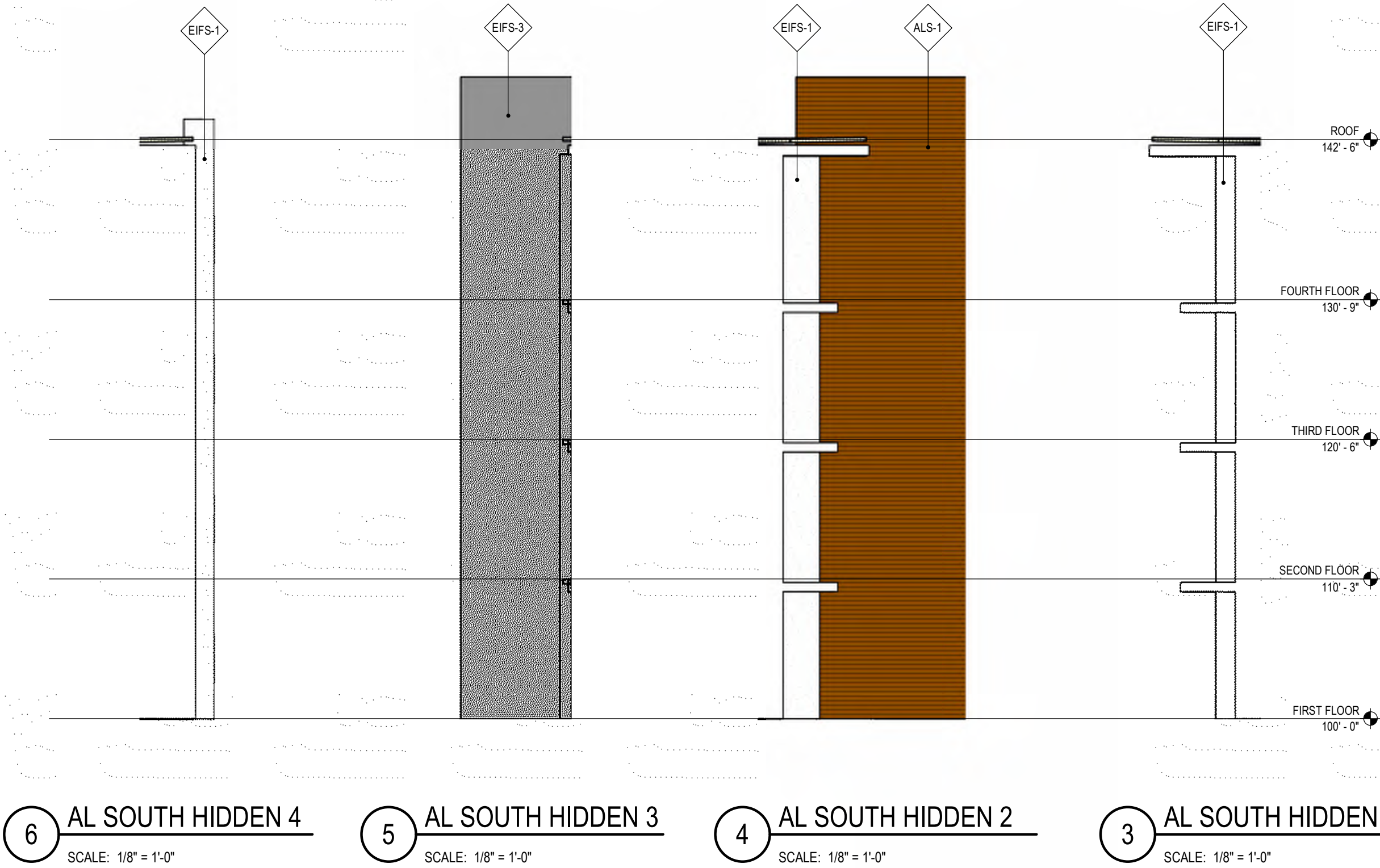


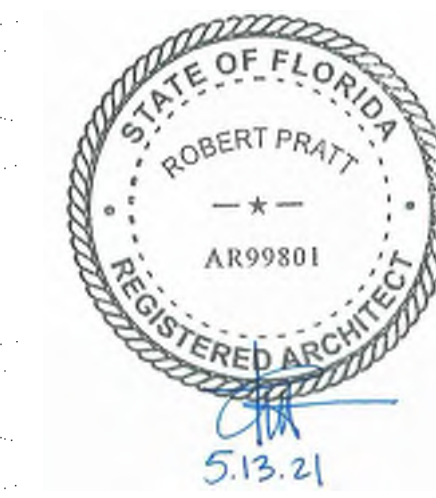
ELEVATION KEY PLAN

SCALE: 1/8" = 1'-0"

EXTERIOR MATERIAL INFORMATION

- 050200 - METAL RAILINGS
WMR-1 WIRE MESH RAILING
- 074600 - ALUMINUM SIDING AND SOFFIT SYSTEM
ALS-1 HORIZONTAL LONGBOARD ARCHITECTURAL ALUMINUM SIDING
WOOD GRAIN FINISH, COLOR: DARK CHERRY
ALS-2 VERTICAL LONGBOARD ARCHITECTURAL ALUMINUM SIDING
WOOD GRAIN FINISH, COLOR: DARK CHERRY
- 072400 - EXTERIOR INSULATION AND FINISH SYSTEM - EFS
EFS-1 3" EFS, TEXTURED, WHITE
EFS-2 2" EFS, SMOOTH TEXTURE, BLACK
EFS-3 3" EFS, SMOOTH TEXTURE, GRAY
- 071100 - MANUFACTURED ROOF SPECIALTIES
DS-1 DOWNSPOUT
ALUMINUM COPING CAP
ACC-1 PREFABRICATED TAPERED METAL COPING
- 084413 - GLAZED ALUMINUM CURTAINWALL
CW-1 7 1/2" ALUMINUM CURTAIN WALL SYSTEM
CWC-1 CURTAINWALL STRUCTURAL GLAZED MULLION CAP
CWC-2 CURTAINWALL FULLY CAPTURED MULLION CAP
- 090100 - PAINTS
P-1 HIGH PERFORMANCE PAINT ON STEEL
- 100200 - ARCHITECTURAL GRILLES AND SCREENS
AG-1 BY HVAC CONTRACTOR, SEE MECHANICAL DRAWINGS
COLOR: PAINTED TBD
- MISCELLANEOUS
CJ CONTROL JOINT
EJ EXPANSION JOINT





2	SCHEMATIC DESIGN FINAL	02/26/2021
1	CITY SUBMITTAL 1	01/25/2021
No.	Description	Date
Document Release		

NOT FOR
CONSTRUCTION

Sheet Name
**EXTERIOR
ELEVATIONS - AL**

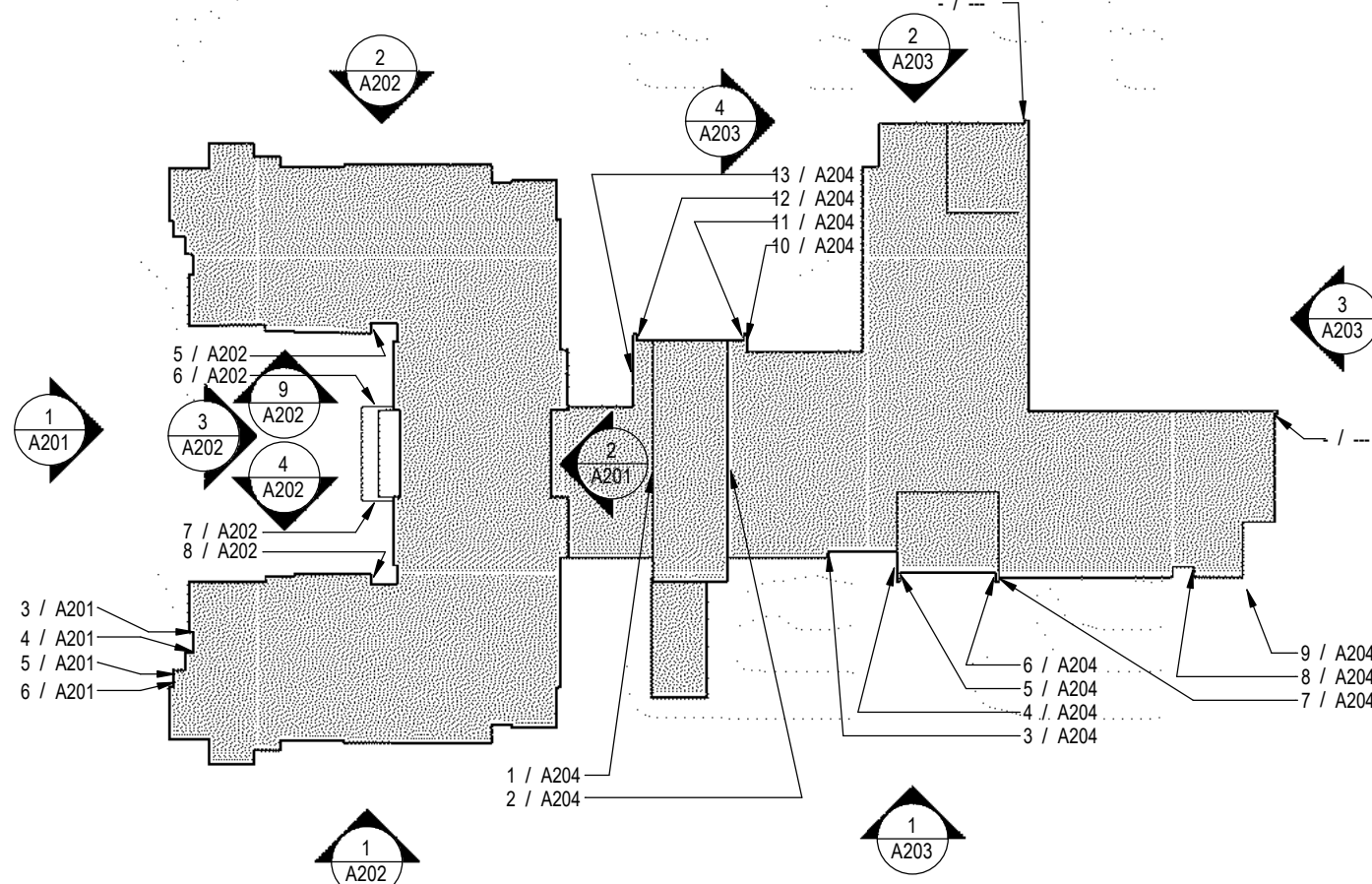
Drm:MB00TH Chk:IWALLACE

Sheet Number

A202

JOB # 668120

© 2021 ERDMAN COMPANY



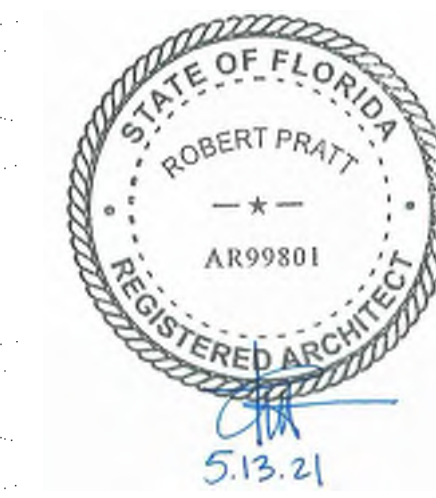
ELEVATION KEY PLAN

SCALE: 1/8" = 1'-0"

EXTERIOR MATERIAL INFORMATION

- 050200 - METAL RAILINGS
WMR-1 WIRE MESH RAILING
- 074000 - ALUMINUM SIDING AND SOFFIT SYSTEM
ALS-1 HORIZONTAL LONGBOARD ARCHITECTURAL ALUMINUM SIDING
WOOD GRAIN FINISH, COLOR: DARK CHERRY
ALS-2 VERTICAL LONGBOARD ARCHITECTURAL ALUMINUM SIDING
WOOD GRAIN FINISH, COLOR: DARK CHERRY
- 072000 - EXTERIOR INSULATION AND FINISH SYSTEM - EFS
EFS-1 3" EFS, TEXTURED, WHITE
EFS-2 2" EFS, SMOOTH TEXTURE, BLACK
EFS-3 3" EFS, SMOOTH TEXTURE, GRAY
- 071100 - MANUFACTURED ROOF SPECIALTIES
DS-1 DOWNSPOUT
ALUMINUM COPING CAP
ACC-1 PREFABRICATED TAPERED METAL COPING
- 084413 - GLAZED ALUMINUM CURTAINWALL
CW-1 7 1/2" ALUMINUM CURTAIN WALL SYSTEM
CWC-1 CURTAINWALL STRUCTURAL GLAZED MULLION CAP
CWC-2 CURTAINWALL FULLY CAPTURED MULLION CAP
- 090100 - PAINTS
P-1 HIGH PERFORMANCE PAINT ON STEEL
- 100200 - ARCHITECTURAL GRILLES AND SCREENS
AG-1 BY HVAC CONTRACTOR, SEE MECHANICAL DRAWINGS
COLOR: PAINTED T80
- MISCELLANEOUS
CJ CONTROL JOINT
EJ EXPANSION JOINT





2	SCHEMATIC DESIGN FINAL	02/26/2021
1	CITY SUBMITTAL 1	01/25/2021
No.	Description	Date
Document Release		

NOT FOR
CONSTRUCTION

Sheet Name
**EXTERIOR
ELEVATIONS - MC**

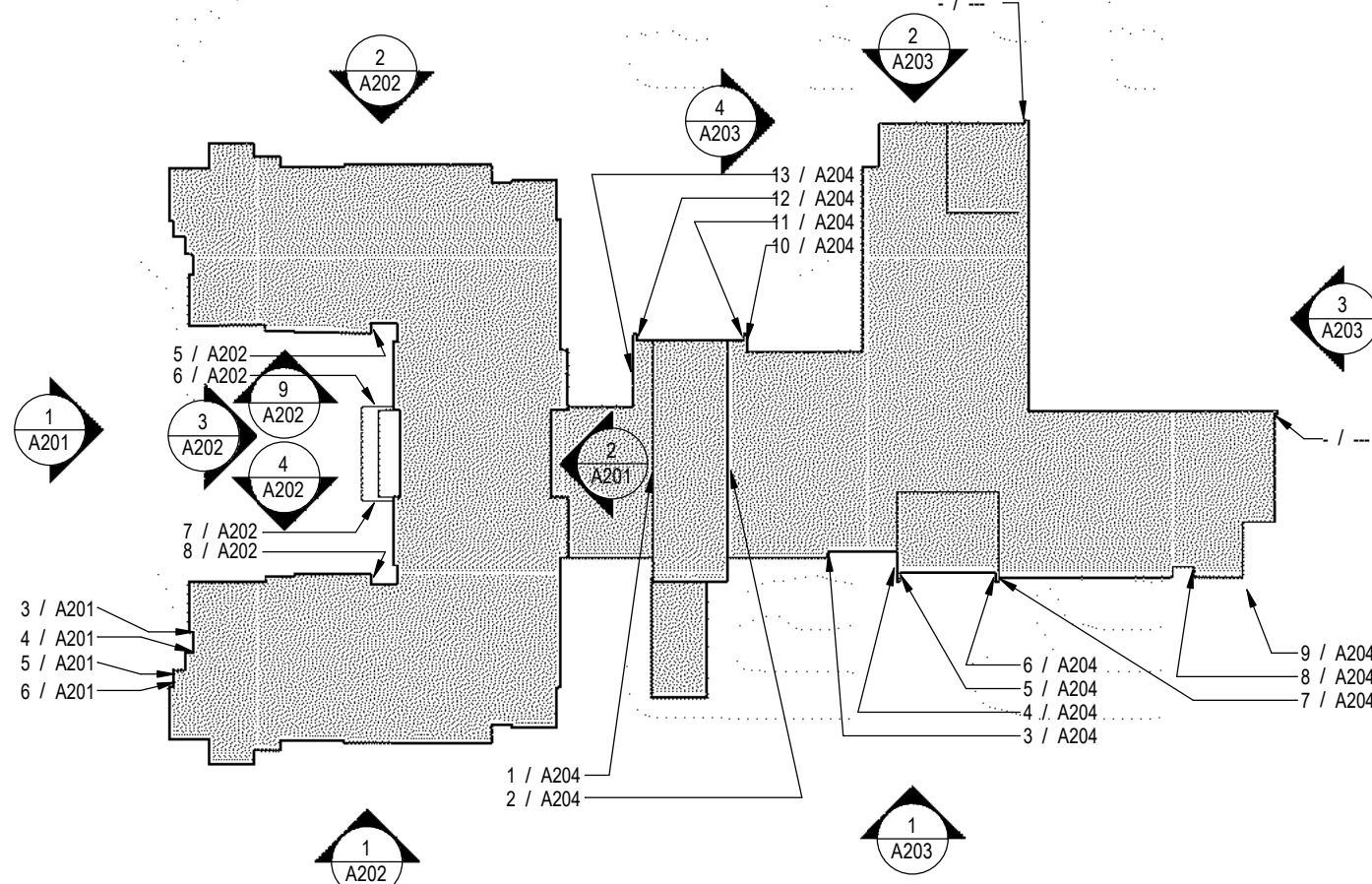
Dm:MB00TH Chk:WALLACE

Sheet Number

A203

JOB # 668120

© 2021 ERDMAN COMPANY

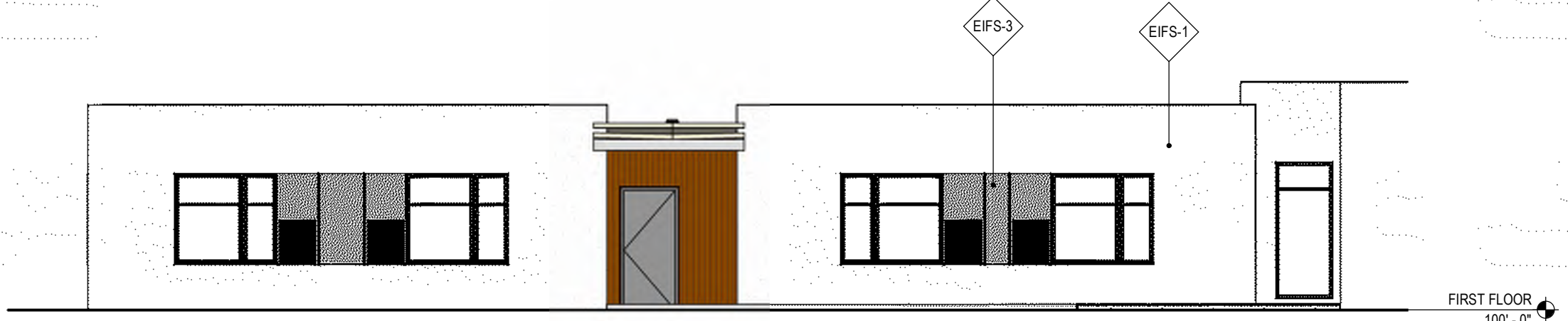


ELEVATION KEY PLAN

SCALE: 1/64" = 1'-0"

EXTERIOR MATERIAL INFORMATION

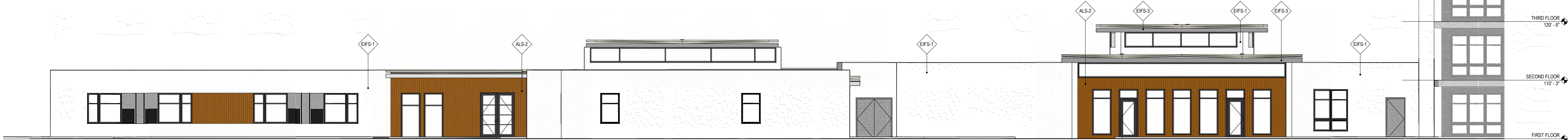
- 95300 - METAL RAILINGS
VMR-1 WIRE MESH RAILING
- 074000 - ALUMINUM SIDING AND SOFFIT SYSTEM
ALS-1 HORIZONTAL LONGBOARD ARCHITECTURAL ALUMINUM SIDING
WOOD GRAIN FINISH, COLOR: DARK CHERRY
ALS-2 VERTICAL LONGBOARD ARCHITECTURAL ALUMINUM SIDING
WOOD GRAIN FINISH, COLOR: DARK CHERRY
- 072400 - EXTERIOR INSULATION AND FINISH SYSTEM - EIFS
EFS-1 3" EIFS, TEXTURED, WHITE
EFS-2 2" EIFS, SMOOTH TEXTURE, BLACK
EFS-3 3" EIFS, SMOOTH TEXTURE, GRAY
- 071100 - MANUFACTURED ROOF SPECIALTIES
DS-1 DOWNSPOUT
ACC-1 PREFABRICATED TAPERED METAL CORING
084415 - GLAZED ALUMINUM CURTAINWALL
CW-1 7' 1/2" ALUMINUM CURTAIN WALL SYSTEM
CW-2 CURTAINWALL STRUCTURAL GLAZED MULLION CAP
CW-2 CURTAINWALL FULLY CAPTURED MULLION CAP
099100 - PAINTS
P-1 HIGH PERFORMANCE PAINT ON STEEL
108200 - ARCHITECTURAL GRILLES AND SCREENS
AG-1 BY HVAC CONTRACTOR, SEE MECHANICAL DRAWINGS
COLOR: PAINTED TBD
- MISCELLANEOUS
CJ CONTROL JOINT
EJ EXPANSION JOINT



4 MC SOUTH
SCALE: 1/8" = 1'-0"



3 MC NORTH
SCALE: 1/8" = 1'-0"



2 MC WEST
SCALE: 1/8" = 1'-0"



1 MC EAST
SCALE: 1/8" = 1'-0"

REQUESTED MOTION: Adopt Resolution to authorize the Supplemental Task Authorization (STA) Goodwin Street Pedestrian & Drainage Improvements Project to be designed by American StructurePoint in the amount of \$883,598.00.

REQUESTOR: Matt Feeney, Assistant City Manager

AGENDA: Consent

STRATEGIC PRIORITY: #5 Community Aesthetics

BACKGROUND:

March 14, 2021 – Staff advertised for an RFP for engineering consultants to design the Goodwin Street Pedestrian & Drainage Improvements Project.

May 5, 2021 – Staff received four (4) proposals for Goodwin Street Pedestrian & Drainage Improvements Project.

July 21, 2021 – City Council approved the Selection Committee’s recommendation to accept the proposal from American StructurePoint for the Goodwin Street Pedestrian & Drainage Improvements Project.

STAFF RECOMMENDATION: Adopt Resolution

ATTACHMENTS:

1. Resolution
2. Supplemental Task Authorization

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, FLORIDA

RESOLUTION NO. 21 –

ADOPT RESOLUTION TO AUTHORIZE THE SUPPLEMENTAL TASK AUTHORIZATION (STA) FOR GOODWIN STREET PEDESTRIAN & DRAINAGE IMPROVEMENTS PROJECT TO BE DESIGNED BY AMERICAN STRUCTUREPOINT IN THE AMOUNT OF \$883,598.00 PENDING APPROVAL OF ALL DOCUMENTATION.

WHEREAS, City staff advertised for Goodwin Street Pedestrian & Drainage Improvements Project

WHEREAS, City Council approved the Selection Committee's recommendation to accept the proposal from American StructurePoint for the Goodwin Street Pedestrian & Drainage Improvements Project;

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

Section 1. To enter into an agreement with American StructurePoint;

Section 2. 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 3rd day of November 2021

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr ____	Purdon ____
Corrie ____	Quaremba ____
Forbes ____	Steinmeyer ____
Gibson ____	

Date filed with City Clerk: _____

CITY OF BONITA SPRINGS PROFESSIONAL SERVICE/SERVICE PROVIDER AGREEMENT
CHANGE ORDER/SUPPLEMENTAL TASK AUTHORIZATION

☐ Change Order Number: Enter change order number or N/A

☒ Supplemental Task Authorization Number: PW - 01

(A Change Order or Supplemental Task Authorization Requires Approval by the City Manager for Expenditures under \$50,000 or Approval by the Bonita Springs City Council for Expenditures over \$50,000).

MISC. CONTRACT: Enter Misc Contract name if applicable / SOLICITATION NUMBER: RFP 21-03

PROJECT NAME: Goodwin St Pedestrian & Drainage Improvements / CONTRACT NUMBER: BSC 21-08-181

CONSULTANT: American StructurePoint / ACCOUNT NUMBER: 2020.03535

REQUESTED BY: Matt Feeney PW / DATE OF REQUEST: October 25, 2021

Upon the completion and execution of this Change Order or Supplemental Task Authorization by both parties the Consultant is authorized to and shall proceed with the following:

EXHIBIT A:	SCOPE OF PROFESSIONAL SERVICE:	DATED: October 27, 2021
EXHIBIT B:	COMPENSATION & METHOD OF PAYMENT:	DATED: October 27, 2021
EXHIBIT C:	TIME AND SCHEDULE OF PERFORMANCE:	DATED: October 27, 2021
EXHIBIT D:	CONSULTANT'S ASSOCIATED SUB-CONSULTANT(S)/SUB-CONTRACTOR(S):	DATED: October 27, 2021
EXHIBIT E:	PROJECT GUIDELINES AND CRITERIA:	DATED: October 27, 2021

Consultant certifies that it is not on the Scrutinized Companies that Boycott Israel List or engaged in a boycott of Israel. Pursuant to Florida Statute §287.135, the City may immediately terminate this Agreement at its sole option if the Consultant is found to have submitted a false certification; or if the Consultant is placed on the Scrutinized Companies that Boycott Israel List or is engaged in the boycott of Israel during the term of the Agreement. As provided in Florida Statute 287.135(8), if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

If this Agreement is for more than one million dollars, the Consultant certifies that it is also not on the Scrutinized Companies with Activities in Sudan, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria as identified in Section 287.135, F.S. Pursuant to Section 287.135, F.S., the City may immediately terminate this Agreement at its sole option if the Consultant is found to have submitted a false certification; or if the Consultant is placed on the Scrutinized Companies with Activities in Sudan List or Scrutinized Companies with activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria during the term of the Agreement.

As provided in Subsection 287.135(8), F.S., if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

This space intentionally left blank

It is understood and agreed that the acceptance of this modification by the Consultant constitutes an accord and satisfaction. All the remaining terms in the original Agreement, remain the same.

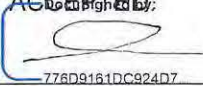
ACCEPTED:	ATTEST:	CITY APPROVAL:
		
776D9161DC924D7		
Consultant Signature	City Clerk	City Manager (Under \$50,000)
Steven J. Davidson, PE		
Print Name	Date	Date Approved
5405 Cypress Center Drive, Suite 310		
Address	Approved By:	Approved By:
Tampa, Florida 33609		
Address	City Attorney's Office	Mayor, City Council for Bonita Springs
10/27/2021		
Date Accepted	Date Approved	Date Approved
Corporate Seal		



Exhibit A

Scope of Professional Services
Goodwin St Pedestrian & Drainage Improvements

Date: October 25, 2021

☐ Change Order Number: Enter change order number or N/A

☒ Supplemental Task Authorization Number: PW - 01

Section 1 Changes to Professional Services

The Scope of Professional Services as set forth in Exhibit A of the Professional Services Agreement is hereby supplemented or changed, so that the Consultant shall provide and perform the following professional services, tasks or work as a supplement to or change to the Scope of Services previously agreed to and authorized.

Section 2 Tasks

Pursuant to the general scope of the basic services stated herein above, the Consultant shall perform all services and/or work necessary to complete the following task(s) and/or provide the following item(s) which are enumerated to correspond to the task(s) and/or item(s) set forth in Compensation and Method of Payment.

Basic Services

Section 1 - General Scope Statement

1. The CONSULTANT shall prepare preliminary engineering alternatives and final construction plans and documents required for roadway, bridge, and drainage improvement, on Goodwin Street from Old US 41 to Matheson Avenue, Bonita Springs, Florida.

2. In fulfillment of this Contract, the CONSULTANT shall comply with the requirements of the appropriate regulations and requirements of the City of Bonita Springs, Lee County, Florida Department of Transportation, Federal Highway Administration, and permitting agencies.

Section 2 - Tasks

1. Project Management

The CONSULTANT shall coordinate and manage the efforts of the design team. This includes creation and maintenance of a project specific project management plan (PMP), assembly and storage of all contract documents required for interim milestone submittals and final construction plans, monthly progress reporting and invoicing, and continual correspondence with CITY, stakeholders, and third party agencies.

The CONSULTANT shall make arrangements for and attend meetings in cooperation with the CITY, local officials, planning agencies or commissions, and civic organizations for appropriate project coordination with the local stakeholders and the community. The CONSULTANT will prepare meeting minutes and letter responses to questions as needed. The following meetings are included in this scope.

A. Monthly progress meetings (eighteen (18) assumed) with the CITY. Assume in-person and virtual attendance by the CONSULTANT will be on a bi-monthly basis unless otherwise directed by the CITY.

B. 60% "plans in hand" field check meeting.

C. Stakeholder coordination meetings in addition to public meetings identified in Section 7. (Two (2) assumed).

2. Preliminary Engineering Alternatives

The CONSULTANT shall prepare two (2) preliminary engineering alternatives for the purpose of presenting various design ideas to the CITY and local community and soliciting feedback regarding said ideas related to parking, multimodal accommodations, safety improvements, impact to properties, or any other items that may be important to them.

A general description of the scope of services is as follows:

A. Prepare two (2) conceptual design schematics on roll plots with aerial background depicting typical sections and roadway alignments that include alternatives for on-street bicycle accommodations, on-street parking, sidewalk and shared-use path, mid-block crossings and raised intersections, a roundabout at Matheson Avenue, varying buffer distances and approximate right-of-way needs.

B. Bridge replacement alternatives for structure over Leitner Creek including typical sections and structure lengths.

C. Prepare preliminary construction cost estimates based on conceptual designs and the preferred alternative.

3. Final Design and Construction Plan Development

A. Topographic Survey

1) The CONSULTANT shall provide necessary field surveys, topographic and utility mapping for the limits attached in Exhibit 1 utilizing LIDAR survey data and in general accordance with ASCE Standard 38.02.

B. Subsurface Utility Engineering

1) The CONSULTANT shall provide Subsurface Utility Engineering (SUE) for the limits attached in Exhibit 1 in general accordance with ASCE Standard 38-02.

C. Road Design

1) Upon selection the preferred alternative by the CITY, the CONSULTANT shall prepare 60%, 90% and Final Plans, technical special provisions, and Engineer's Estimate, which will be in accordance with the accepted standards for such work and in accordance with the following documents in effect at the time the plans or reports are submitted: Florida Green Book, FDOT Standard Specifications and Standard Plans, City Specifications as applicable. The Engineer's Estimate for construction shall be prepared as described in Section 4.

2) The road design limits are generally described in Exhibit 1.

3) The anticipated project design scope is described below:

a) Project will include reconstruction and widening of the existing roadway on similar horizontal and vertical alignment with one (1) travel lane in each direction, curb and gutter, storm sewer, sidewalk or shared-use path on each side of roadway, and accommodations for parking.

b) Sidewalk and ADA compliant curb ramps as determined during project design.

c) Signage and pavement markings.

d) Maintenance-of-traffic is anticipated to utilize a combination of phased construction and detours in order to maintain access to properties along Goodwin Street. The use of a detour will be required during construction of the bridge replacement as it assumed the road will be closed. Other various short term closures of the roadway with detour routes may also be required during construction.

e) The CONSULTANT shall perform pavement design in accordance with the FDOT 2021 Flexible Pavement Design Manual.

f) Conduct two (2) field reviews at the project site.

D. Drainage Design

1) The CONSULTANT shall provide drainage design in accordance with all applicable manuals, guidelines, standards, handbooks, procedures, and current design memorandums for improvements as required for the above noted construction, including new storm sewer, inlets, and curb and gutter. The CONSULTANT shall also include designing a drainage and stormwater management system what shall comply with all requirements of the appropriate regulatory agencies and CITY's standards. It is assumed that the proposed storm sewer will outlet into the existing Leitner Creek. The drainage

design shall include pre- and post- condition working drainage basin map to define system hydrology, analysis of high water and groundwater elevation, analysis of cross drains, floodplain encroachments and coordination with regulatory agencies and develop proposed compensation area layout, and design of French drain systems for stormwater treatment and attenuation.

2) Compile drainage design documentation into report format to be included in permitted applications. Include documentation for all the drainage design tasks and associated meetings and decisions, except for stand-alone reports, such as the Bridge Hydraulics Report.

3) Data gathering including desktop analysis of local, state and federal drainage permits.

4) Conduct two (2) field reviews at the project site.

5) The CONSULTANT shall prepare drainage plan sheets, notes and details for 60%, 90%, and Final plans to convey drainage in accordance with the accepted standards for such work. This work shall include Erosion Control and SWPPP sheets.

E. Bridge Replacement Design

1) The CONSULTANT shall prepare bridge design and construction documents. The scope of work assumes a structure replacement that will accommodate the preferred typical section. The approaching roadway and bridge will be on alignment of Goodwin Street as determined by the scope of work described in Section 3.c. A detour is assumed to be necessary for construction of the replacement bridge.

2) The CONSULTANT shall attend a field review meeting and subsequently complete a scoping report that summarizes the evaluation of replacement alternatives and a final recommendation in concert with Section 3.

3) The CONSULTANT shall calculate hydrology, hydraulics, deck drainage, and scour with appropriate counter measures. Prepare Bridge Hydraulics Report and the information for the Bridge Hydraulics Recommendation Sheet.

4) The CONSULTANT shall prepare 60%, 90%, and Final plans, technical special provisions, and preliminary engineer's estimate in accordance with the accepted standards for such work and in accordance with the following documents in effect at the time the construction documents or reports are submitted: AASHTO LRFD Bridge Design Specifications, 8th Edition and subsequent interim specifications.

F. Lighting Design

1) The CONSULTANT shall provide lighting design and plan development, including appropriate coordination, along Goodwin Street, including voltage drop calculations. The CONSULTANT shall coordinate the type of lighting fixtures and hardware with the CITY.

2) The lighting plans will be an independent plan component set and will include 60%, 90%, and Final plan submittals.

G. Landscaping Design

1) The CONSULTANT shall provide landscaping design and plan development, including all necessary coordination with the CITY, including proposed landscape, hardscape features, irrigation, stormwater management, tree preservation and removal plans, along Goodwin Street. These features are to be compatible with landscaping along Old US 41. The CONSULTANT shall coordinate the type and extent of landscaping with the CITY.

2) The landscape plans will be an independent plan component set and will include 60%, 90%, and Final plan submittals.

3) The CONSULTANT shall attend one (1) coordination meeting with the CITY to identify appropriate plantings and requirements, and one (1) field review meeting to discuss and evaluate the final landscape plan.

4. Engineer's Estimate

A. The engineer's estimate will be prepared according to the current practices for FDOT and will include all items of work required for the complete construction of the work, including all temporary work necessary in connection therewith, but

shall not include the cost of such items of work for which the CITY, through its own forces or through other party or parties, will prepare detail plans. The unit prices to be used shall be in accordance with the methods used by FDOT. Engineer's estimates shall be prepared for 60%, 90%, and Final plan submittals.

5. Utility Coordination

A. The CONSULTANT shall provide utility coordination services in general compliance with FDOT's Utility Accommodation guidance, including all required coordination with UAO's impacted by the project.

B. The CONSULTANT will create an 811 Design Ticket, verify UAO design contacts, provide RGB plans and UWS, a conflict matrix, utility status sheets, and certification letter to the EOR that utility coordination efforts are complete.

6. Environmental Permits and Clearances

A. The CONSULTANT shall provide the necessary services required to secure the environmental permits for the PROJECT. Anticipated permits include SFWMD ERP and USACE Section 404 permit. The CITY will be responsible for the cost of permit applications. Tasks associated with this scope of work include:

1) Conduct project research including review of existing agency permits, review of relevant GIS databases and desktop reviews of species/habitat/wetland in the PROJECT vicinity. Coordination letter to Florida Department of Environmental Protection (FDEP) for Leitner Creek Sovereign Submerged Lands Determination.

2) Conduct desktop and field reviews for one (1) floodplain compensation site (location to be determined) for inclusion in the environmental permitting documentation.

3) Delineate wetland and surface water features and delineation along Leitner Creek as defined by the SFWMD and USACE. Document findings in Environmental Resource Narrative document to support state and federal permitting requirements.

4) Wildlife field review for listed species habitat.

5) Joint review meeting with SFWMD and USACE to review and verify jurisdictional wetland and other water resource boundaries and data.

6) Completion and submission of permit applications.

7) Coordinate and review dredge and fill sketches.

8) Essential fish habitat coordination with NMFS and documentation.

9) Analyze impacts to all cultural and historic resources and prepare FMSF letters for SHPO and prepare Cultural Resource Assessment Survey Report.

10) Prepare a Level 1 Contamination Screening Evaluation Report (CSER).

11) Provide asbestos and metal-based coatings surveys.

7. Public Involvement

A. The CONSULTANT shall prepare necessary documentation to advertise, attend and conduct two (2) public workshop meetings for the project. Public notices and presentation graphics will be prepared for each meeting. Responses to public comment will be prepared as directed by the CITY. If the CITY requests additional public involvement meetings be held, additional or supplemental services will be required to facilitate these additional public meetings. The CITY will be responsible for securing a facility for the public workshops.

8. Control and Right-of-Way Survey

A. The CONSULTANT shall perform field and plan production services required to prepare a right-of-way mapping submittal including control survey, right-of-way details, alignment and Table of Ownership.

B. The CONSULTANT shall prepare parcel sketches including descriptions of required acquisitions for up to 48 parcels.

C. The CONSULTANT shall obtain title searches for each of the 48 parcels within the project limits. Title searches will be provided as part of the project scope. It is assumed that 48 parcels will require land acquisition.

9. Geotechnical Services

A. The CONSULTANT shall make or cause to be made a geotechnical investigation compatible with the expected Project characteristics. The general scope of geotechnical services includes the following:

- 1) Utility location services, coordination of right of way permits, and maintenance of traffic.
- 2) Two (2) standard penetration test borings to a depth of 100 feet at the bridge location, fourteen (14) hand auger borings to a depth of 6 feet to determine roadway soil conditions, and four (4) hand auger infiltration tests to support drainage design.
- 3) Three (3) limerock bearing ratio test examples to support pavement design.
- 4) Visual classify and stratify soil samples in a laboratory.
- 5) A written report of the entire subsurface investigation signed and sealed by a professional engineer.

10. Bidding Phase Services

A. The CONSULTANT shall prepare the contract bid package and coordinate any necessary corrections with the CITY.

11. Post Design Phase Services

A. Following the award of a construction contract, the CONSULTANT will be responsible for attending one (1) pre-construction meeting.

B. The CONSULTANT shall review all shop drawings for this Contract during construction. Such reviews and approvals or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto, or accuracy or completeness of details, such as quantities, dimensions, weights or gauges, fabrication processes, coordination of the work with other trades, all of which are the sole responsibility of the Contractor. The CONSULTANT's review shall be conducted with reasonable promptness while allowing sufficient time in the CONSULTANT's judgment to permit adequate review. Review of a specific item shall not indicate that the CONSULTANT has reviewed the entire assembly of which the item is a component. The CONSULTANT shall not be responsible for any deviations from the Construction Documents not brought to the attention of the CONSULTANT in writing by the Contractor. The CONSULTANT shall not be required to review partial submissions or those for which submissions of correlated items have not been received.

C. During the course of construction, the CONSULTANT shall be available at reasonable times during normal working hours to respond to reasonable inquiries concerning the accuracy or intent of the CONSULTANT's plans. All such inquiries shall be made only by persons designated by the OWNER to interpret the plans and contract documents for the benefit of the contractors and subcontractors performing the work. The CONSULTANT shall not be required to respond to inquiries by persons other than the CITY's designated representative and shall not be required to engage in exhaustive or extensive analysis or interpretation of the plans.

12. Land Acquisition Services

A. The CONSULTANT is not providing land acquisition services for this project. However, the CONSULTANT shall assist and coordinate with the CITY's attorney and provide information related to need and use of necessary required land for the project.

13. Project Deliverables

Upon completion and final approval of the work by the CITY, the CONSULTANT shall deliver to the CITY the following, which shall become the property of the CITY:

A. Preliminary roll plots and electronic sets of plans at 30%, 60%, 90% plan submittals.

B. One (1) set of final approved tracings of the contract plans drawn to a suitable scale on standard 11" x 17" sheets prepared in .pdf format.

C. One (1) set of technical specifications in .pdf format.

D. One (1) copy of the engineer's estimate in .pdf format.

14. Services Not Included in This Contract

A. Pond design.

B. Culvert design.

C. Utility design and utility relocation plans.

D. Traffic data collection, traffic analysis, and traffic signal design beyond scope items included above.

E. Signal interconnect design.

F. Phase I and Phase II Environmental Site Assessment.

G. Stream and wetland mitigation design and plan development.

H. Hazardous material remediation plan.

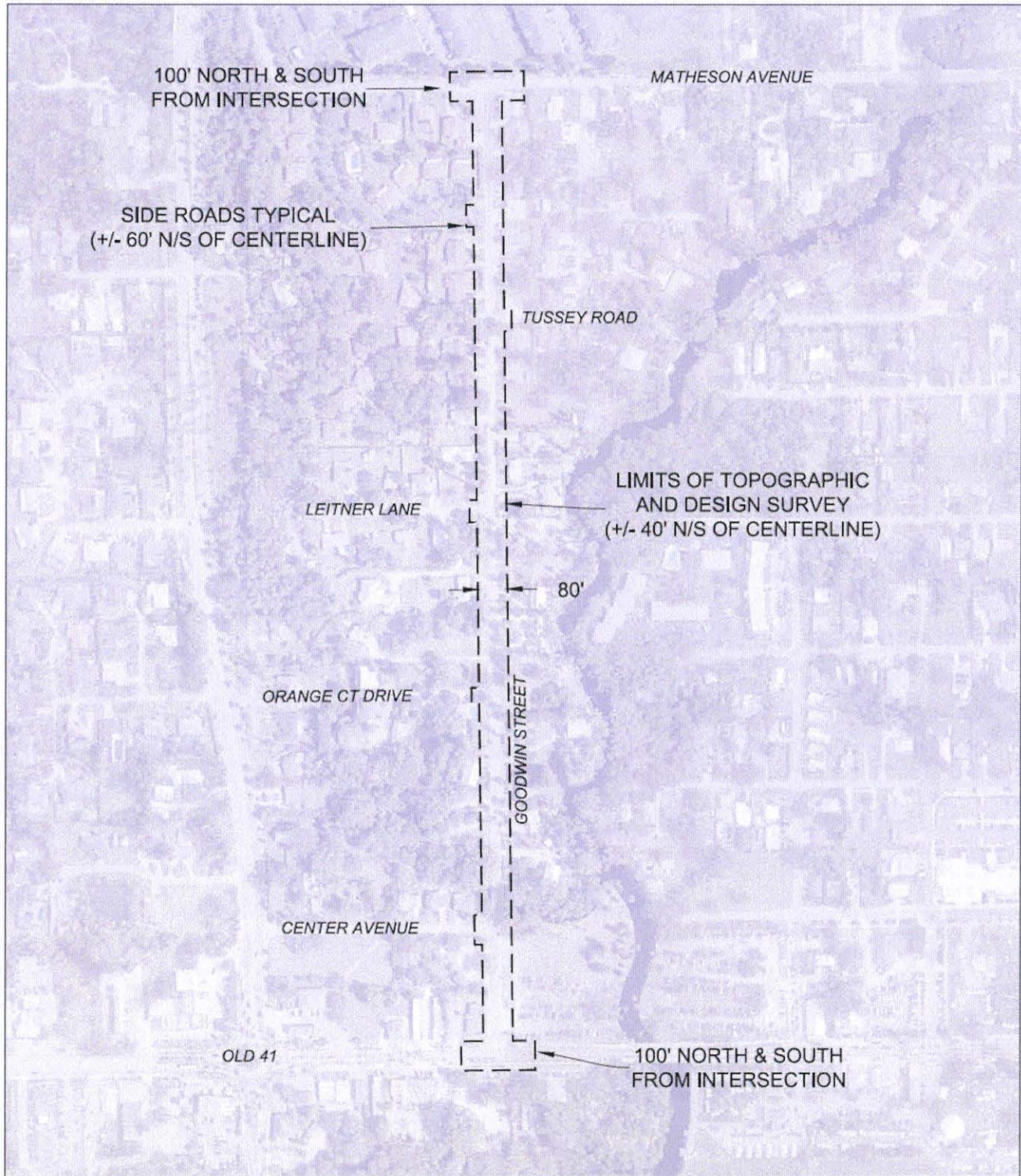
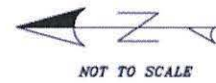
I. Bridge design services for multiple spans or multiple separate structures, any non-standard aesthetic details beyond provisions for preferred form liners, and temporary shoring required for any phased construction.

J. Additional documents and exhibits for condemnation proceedings beyond what has been identified above.

K. Retaining Wall Design.

L. Water Line and Sanitary Sewer Design.

EXHIBIT 1



LIMITS OF SURVEY EXHIBIT
GOODWIN STREET
Bonita Springs, Florida



5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

Exhibit B

Compensation and Method of Payment
Goodwin St Pedestrian & Drainage Improvements

Date: October 26, 2021

☐ Change Order Number: Enter change order number or N/A☒ Supplemental Task Authorization Number: PW - 01Section 1 Change(s) in Compensation

The compensation the Consultant shall be entitled to receive for providing and performing the supplemented or changed services, tasks or work as set forth and enumerated in the Scope of Professional Services set forth in this Change Order or Supplemental Task Authorization, attached hereto shall be as follows:

NOTE: A lump sum (LS) or not-to-exceed (NTE) amount of compensation to be paid the Consultant should be established and set forth below for each task or sub-task described and authorized in the Scope of Professional Services. Tasks to be paid on a work-in-progress payment basis should be identified (WIPP).

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (WIPP)
1	Project Management	\$25,000.00	LS	
2	Topographic Survey	\$22,925.00	LS	
3	Subsurface Utility Engineering	\$17,985.00	LS	
4	Preliminary Engineering Alternatives	\$6,540.00	LS	
5	Road Final Design and Plan Development	\$176,725.00	LS	
6	Bridge Replacement Design and Plan Developments	\$109,000.00	LS	
7	Roadway Drainage Design	\$108,498.00	LS	
8	Bridge Hydraulics Design	\$66,024.00	LS	
9	Environmental Permits and Clearances	\$79,894.00	LS	
10	Lighting Design and Plan	\$30,000.00	LS	
11	Utility Coordination	\$28,050.00	LS	

EXHIBIT B

Compensation and Method of Payment
Goodwin Street Pedestrian & Drainage Improvements
-CONTINUATION FROM PAGE 1-

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (WIPP)
12	Landscaping Design and Plan Development	\$23,000	LS	
13	Public Involvement	\$18,370	LS	
14	Bid Phase Services	\$5,000	LS	
15	Post Design Phase Services	\$17,000	LS	
LS SUBTOTAL		\$734,011		
1	Control and Right of Way Survey Services	\$115,800	NTE	
2	Geotechnical Services	\$33,787	NTE	
NTE SUBTOTAL		\$149,587		
TOTAL		\$883,598		

(Unless list is continued on next page.)

The CONSULTANT shall be compensated for control and right-of way survey services based on the specific cost per unit multiplied by the actual units of work. Estimated costs are shown in Exhibit 1a, which is attached hereto and incorporated herein. The final amount will be adjusted according to the actual subconsultant invoices; however, the final amount shall not exceed \$115,800 unless and until a supplemental agreement is executed. Forty Eight (48) parcels are assumed.

The CONSULTANT shall receive payment for the work performed under this Contract related to geotechnical services based on the specific cost per unit as shown in Exhibit 2, attached hereto and incorporated herein, multiplied by the actual units of work performed. The final amount will be adjusted according to the actual units of work performed; however, the final amount shall not exceed \$33,787 unless and until a supplemental agreement is executed.

The CONSULTANT shall not be paid for any service performed by the CITY or not required to develop this project.

EXHIBIT 1a
10/5/2021

T2 UES, INC.																	
PROJECT NAME -		Goodwin street															
		Approx Length 2,600 ft															
ACTIVITY		Branch	Survey	Project	Field crew	Field crew	Field crew	Survey Cad	Senior Utility	Utility	SUE DES	SUE VAC	Chief			TOTAL	
RATE PER HOUR		Manager	PM	Surveyor	3-person	2-person	1-person	Tech III	Coordinator	Coordinator	crew	crew	UC	Clerical	EXPENSE	COST	TASK Subtotal
		\$ 235.00	\$ 125.00	\$ 105.00	\$ 185.00	\$ 150.00	\$ 95.00	\$ 90.00	\$ 150.00	\$ 100.00	\$ 250.00	\$ 275.00	\$ 240.00	\$ 65.00			
		-	-	-	-	-	-	-	-	-	-	-	-	-	\$0.00	\$0.00	
		-	-	-	-	-	-	-	-	-	-	-	-	-	\$0.00	\$0.00	
		-	-	-	-	-	-	-	-	-	-	-	-	-	\$0.00	\$0.00	
TASK 1 - Control and RW Survey		-	-	-	-	-	-	-	-	-	-	-	-	-	\$0.00	\$0.00	
Survey Effort - Office		-	-	-	-	-	-	-	-	-	-	-	-	-	\$0.00	\$0.00	
a) Assemble records, plats, deeds, easements and online GIS data		-	8.00	-	-	-	-	-	-	-	-	-	-	-	\$0.00	\$1,000.00	
b) Records and title review		2.00	24.00	-	-	-	-	-	-	-	-	-	-	-	\$0.00	\$3,470.00	
c) Process field data		-	-	-	-	-	-	-	-	-	-	-	-	-	\$0.00	\$0.00	
d) Calculations		-	40.00	-	-	-	-	-	-	-	-	-	-	-	\$0.00	\$5,000.00	
e) Mapping		-	-	-	-	-	-	160.00	-	-	-	-	-	-	\$0.00	\$14,400.00	
f) Sketches and descriptions (48) (6 hours per sketch CAD)		-	50.00	-	-	-	-	288.00	-	-	-	-	-	-	\$0.00	\$32,170.00	
g) Management, supervision, QA/QC		20.00	40.00	-	-	-	-	-	-	-	-	-	-	4.00	\$0.00	\$9,960.00	\$115,800.00
h) Title search (48 Parcels)		-	-	-	-	-	-	-	-	-	-	-	-	-	\$33,600.00	\$33,600.00	
		-	-	-	-	-	-	-	-	-	-	-	-	-	\$0.00	\$0.00	
		-	-	-	-	-	-	-	-	-	-	-	-	-	\$0.00	\$0.00	
		-	-	-	-	-	-	-	-	-	-	-	-	-	\$0.00	\$0.00	
Survey Effort - Field		-	-	-	-	-	-	-	-	-	-	-	-	-	\$0.00	\$0.00	
a) Alignment and RW		-	-	-	-	16.00	-	-	-	-	-	-	-	-	\$0.00	\$2,400.00	
b) Section corners		-	-	-	-	12.00	-	-	-	-	-	-	-	-	\$0.00	\$1,800.00	
c) Subdivision / property lines		-	-	-	-	40.00	-	-	-	-	-	-	-	-	\$0.00	\$6,000.00	
d) Alignment and RW staking		-	-	-	-	40.00	-	-	-	-	-	-	-	-	\$0.00	\$6,000.00	

EXHIBIT 2



August 27, 2021

Brian Zimmerman PE, MCE, CPM
American StructurePoint
5405 Cypress Center Dr. #310
Tampa, FL 33609

Subject: **Proposal for Geotechnical Engineering Services
Goodwin Road Pedestrian and Drainage Improvements
Bonita Springs, Florida**

AREHNA Engineering, Inc. is pleased to present this fee proposal to provide geotechnical engineering services for the referenced project. This proposal summarizes our understanding of the project, presents our scope of services, and provides a fee and schedule.

Scope of Services

The purpose of our geotechnical study is to obtain information on the general subsurface soil conditions at the project site. The subsurface materials encountered will then be evaluated with respect to the available project characteristics. In this regard, engineering assessments for the following items will be formulated:

- Identification of the existing groundwater levels at the time of the field work and estimated normal seasonal high groundwater table.
- General location and description of potentially deleterious materials encountered in the borings which may have an impact on the proposed construction.
- Evaluation of the subsurface soil properties and general recommendations regarding suitability for the proposed improvements.
- Foundation analysis and alternatives.

The following services will be performed:

- Request utility location services from Sunshine 811 as required by law.
- Coordinate Right-of-Way permits and Maintenance of Traffic.
- Perform a total of two Standard Penetration Test (SPT) borings to a depth of 100 feet at the bridge location. Soil samples will be collected, and Standard Penetration Test resistances measured in the SPT borings at approximate intervals of two feet for the top ten feet and at approximate intervals of 2½ feet thereafter. The boreholes will be backfilled with soil cutting and bentonite chips upon completion.
- Perform 14 hand auger boring up to a depth of approximately 6 foot each, spaced approximately every 200 feet along the proposed alignment to provide information for the roadway soil survey.
- Perform four (4) infiltration tests to support drainage design.
- Collect three (3) Limerock Bearing Ratio Test samples along the alignment to support pavement design.
- Visually classify and stratify soil samples in the laboratory using the AASHTO and Unified Soil Classification System and conduct a laboratory testing program.
- Report the results of the field exploration with general recommendations. The results of the subsurface exploration will be presented in a written report signed and sealed by a professional engineer specializing in geotechnical engineering.

EXHIBIT 2

Goodwin Road Pedestrian and Drainage Improvements
Bonita Springs, Florida

August 27, 2021

Schedule

We can start the field work within approximately three weeks from receiving the notice to proceed. The field work should require up to 7 days to complete, based on weather permitting. Our signed and sealed report should be available within three weeks from completion of the field work and/or laboratory testing. Preliminary data may be provided prior to report completion upon request.

Service Fee

We propose to complete our geotechnical engineering services in accordance with the attached fee schedule and staff hour estimate. To authorize our services, please sign the work order or reference this proposal in a letter of authorization.

We appreciate the opportunity to support you on this project. If you have any questions with regard to this proposal, please do not hesitate to contact us at 813.944.3464.

Sincerely,
AREHNA Engineering, Inc.

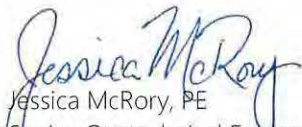

Jessica McRory, PE
Senior Geotechnical Engineer



EXHIBIT 2



Fee Estimate

Project	Proposal Date	PREPARED BY	PREPARED FOR
City of Bonita Springs Goodwin Pedestrian and Drainage Improvements	8/27/2021	K. Eastman	American StructurePoint

SCOPE SUMMARY			
Item	Quantity	Depth (ft)	Total
SPT Borings (2.5ft Intervals)	2	100	200
Field Perm in Borehole <10'	4	N/A	4
Hand Auger Borings	14	6	84

A. ENGINEERING SERVICES		QUANTITY	UNIT TYPE	UNIT PRICE	SUBTOTAL
MAT Chief Engineer		10	Hour	\$ 151.21	\$ 1,512.11
MAT Senior Engineer		14	Hour	\$ 165.62	\$ 2,318.67
MAT Engineer		14	Hour	\$ 126.11	\$ 1,765.53
MAT Engineer Intern		36	Hour	\$ 84.26	\$ 3,033.45
MAT CADD/Computer Designer		29	Hour	\$ 95.86	\$ 2,779.80
MAT Sr. Eng. Technician (Utility Coord.)		21	Hour	\$ 79.38	\$ 1,666.98
MAT Engineering Technician		14	Hour	\$ 59.91	\$ 838.73
MAT Secretary/Clerical		4	Hour	\$ 56.91	\$ 227.66
TOTAL ENGINEERING SERVICES					\$ 14,142.93
B. FIELD SERVICES		QUANTITY	UNIT TYPE	UNIT PRICE	TOTAL COST
401 Geo Auger Borings-HA & Truck/Mud Bug		84	LF	\$ 10.85	\$ 911.40
418 Geo Drill Crew Support Vehicle		7	Day	\$ 175.00	\$ 1,225.00
427 Geo Extra SPT Samples-Truck/Mud Bug 0-50 Ft		16	Each	\$ 60.00	\$ 960.00
428 Geo Extra SPT Samples-Truck/Mud Bug 50-100 Ft		20	Each	\$ 65.00	\$ 1,300.00
432 Geo Field Perm 0-10 Ft Open-End Borehole Method		4	Each	\$ 350.00	\$ 1,400.00
440 Geo Grout Boreholes- Truck/Mud Bug 0-50 Ft		100	LF	\$ 6.00	\$ 600.00
441 Geo Grout Boreholes- Truck/Mud Bug 50-100 Ft		100	LF	\$ 7.50	\$ 750.00
478 Geo SPT Truck/Mud Bug 0-50 Ft		100	LF	\$ 14.75	\$ 1,475.00
479 Geo SPT Truck/Mud Bug 50-100 Ft		100	LF	\$ 18.95	\$ 1,895.00
488 Geo Temp Casing 3in Truck/Mud Bug 0-50 Ft		50	LF	\$ 10.35	\$ 517.50
TOTAL FIELD SERVICES					\$ 11,033.90
C. LABORATORY SERVICES		QUANTITY	UNIT TYPE	UNIT PRICE	TOTAL COST
810 Soils Limerock Bearing Ratio (LBR) FM 5-515		3	Test	\$ 355.00	\$ 1,065.00
817 Soils Moisture Content Laboratory AASHTO T265		10	Test	\$ 16.00	\$ 160.00
819 Soils Organic Content Ignition FM 1 T-267		5	Test	\$ 47.00	\$ 235.00
822 Soils Particle Size Anlys AASHTO T88 (No Hydrometer)		10	Test	\$ 73.00	\$ 730.00
826 Soils Plastic Limit & Plasticity Index AASHTO T90		6	Test	\$ 70.00	\$ 420.00
TOTAL LABORATORY SERVICES					\$ 2,610.00
D. OTHER SERVICES		QUANTITY	UNIT TYPE	UNIT PRICE	TOTAL COST
Maintenance of Traffic		4	Task	\$ 1,500.00	\$ 6,000.00
TOTAL OTHER SERVICES					\$ 6,000.00

Estimate Total \$ 33,786.83

EXHIBIT 2

ESTIMATE OF WORK EFFORT AND COST - SUBCONSULTANT

Name of Project: Goodwin Street Pedestrian and Drainage Improvements
 County: Lee
 FPN: RFP 21-03
 FAP No.: 54321

Consultant Name: American Structurepoint/AREHNA Engineering
 Consultant No.:
 Date: 8/28/2021
 Estimator: K. Eastman

Staff Classification	Total Staff Hours From "SH Summary Firm"	Project Manager	MAT Chief Engineer	MAT Senior Engineer	MAT Engineer	MAT Engineer Intern	MAT CADD/Computer Designer	MAT Senior Engineering Technician	MAT Engineering Technician	MAT Secretary/Clerical	Staff Classification 10	Staff Classification 11	Staff Classification 12	SH By Activity	Salary Cost By Activity	Average Rate Per Task
		\$0.00	\$50.48	\$55.29	\$42.10	\$38.19	\$22.00	\$26.50	\$20.00	\$19.00	\$0.00	\$0.00	\$0.00			
3. Project General and Project Common Tasks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
4. Roadway Analysis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
5. Roadway Plans	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
6a. Drainage Analysis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
6b. Drainage Plans	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
7. Utilities	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
8. Environmental Permits, and Env. Clearances	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
9. Structures - Misc. Tasks, Dwgs, Non-Tech.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
10. Structures - Bridge Development Report	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
11. Structures - Temporary Bridge	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
12. Structures - Short Span Concrete Bridge	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
13. Structures - Medium Span Concrete Bridge	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
14. Structures - Structural Steel Bridge	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
15. Structures - Segmental Concrete Bridge	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
16. Structures - Movable Span	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
17. Structures - Retaining Walls	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
18. Structures - Miscellaneous	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
19. Signing & Pavement Marking Analysis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
20. Signing & Pavement Marking Plans	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
21. Signalization Analysis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
22. Signalization Plans	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
23. Lighting Analysis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
24. Lighting Plans	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
25. Landscape Analysis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
26. Landscape Plans	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
27. Survey (Field & Office Support)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
28. Photogrammetry	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
29. Mapping	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
30. Terrestrial Mobile LiDAR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
31. Architecture Development	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
32. Noise Barriers Impact Design Assessment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
33. Intelligent Transportation Systems Analysis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
34. Intelligent Transportation Systems Plans	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
35. Geotechnical	142	0	10	14	14	36	29	21	14	4	0	0	0	142	\$4,721	\$33.25
36. 3D Modeling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	#DIV/0!
Total Staff Hours	142	0	10	14	14	36	29	21	14	4	0	0	0	142		
Total Staff Cost		\$0.00	\$504.80	\$774.06	\$589.40	\$1,012.68	\$928.00	\$556.50	\$280.00	\$76.00	\$0.00	\$0.00	\$0.00		\$4,721.44	\$33.25

Notes:

1. This sheet to be used by Subconsultant to calculate its fee.

SALARY RELATED COSTS:				\$4,721.44
OVERHEAD:		161%		\$7,598.69
OPERATING MARGIN:		34%		\$1,605.29
FCCM (Facilities Capital Cost Money):		0.95%		\$44.71
EXPENSES:		3.66%		\$172.80
SUBTOTAL ESTIMATED FEE:				\$14,142.93
Survey (Field)	0	4-person crew	\$ - / day	\$0.00
Geotechnical Field and Lab Testing				\$19,643.90
SUBTOTAL ESTIMATED FEE:				\$33,786.83
Optional Services				\$0.00
GRAND TOTAL ESTIMATED FEE:				\$33,786.83

EXHIBIT 2

35. Geotechnical

Estimator: K Eastman

Goodwin Street Pedestrian and Drainage Improvements

RFP 21-03

Representing	Print Name	Signature / Date
City of Bonita Springs		
AREHNA Engineering		

NOTE: Signature Block is optional, per District preference

Task No.	Task	Units	No of Units	Hours/ Unit	Total Hours	Comments
	Roadway					
35.1	Document Collection and Review	LS	1	2	2	
35.2	Develop Detailed Boring Location Plan	LS	1	2	2	
35.3	Stake Borings/Utility Clearance	Boring	14	0.3	4	The project length is approximately 0.5 miles with a typical existing section of 2 -11' travel lanes in each direction. The project improvements consist of full depth pavement reconstruction. The proposed section will consist of 2 - 14' travel lanes in each direction, 6' and 8' wide sidewalks on the north and south sides respectively and a closed drainage system with exfiltration trenches. AREHNA will perform one hand auger boring to a depth of 6 feet at an interval of approximately every 200 feet on alternating sides of the alignment (14 x 6' HA borings).
35.4	Muck Probing	Crew Day	0	0	0	
35.5	Coordinate and Develop MOT Plans for Field Investigation	EA	2	2	4	
35.6	Drilling Access Permits	Location	0	0	0	
35.7	Property Clearances	EA	0	0	0	
35.8	Groundwater Monitoring	EA	0	0	0	
35.9	LBR/Resilient Modulus Sampling	EA	0	0	0	
35.10	Coordination of Field Work	100 lf of boring	0.84	2	2	14 x 6' HA Borings (84 LF)
35.11	Soil and Rock Classification - Roadway	100 lf of boring	0.84	2	2	14 x 6' HA Borings (84 LF)
35.12	Design LBR	LS	1	0	0	Only if LBR tests are required
35.13	Laboratory Data	100 lf of boring	0.84	2	2	14 x 6' HA Borings (84 LF)
35.14	Seasonal High Water Table	Boring	14	0.5	7	14 x 6' HA Borings (84 LF)
35.15	Parameters for Water Retention Areas	EA	0	0	0	
35.16	Delineate Limits of Unsuitable Material	Cross-section	0	0	0	
35.17	Electronic Files for Cross-Sections	100 lf of boring	0.84	2	2	14 x 6' HA Borings (84 LF)
35.18	Embankment Settlement and Stability	Embankment Boring	0	0	0	

EXHIBIT 2

35. Geotechnical

Task No.	Task	Units	No of Units	Hours/ Unit	Total Hours	Comments
35.19	Monitor Existing Structures	LS	1	0	0	
35.20	Stormwater Volume Recovery and/or Background Seepage Analysis	EA	0	0	0	Duplication of Drainage Effort?
35.21	Geotechnical Recommendations	LS	1	0	0	
35.22	Pavement Condition Survey and Pavement Evaluation Report	LS	1	0	0	Pavement reconstruction anticipated.
35.23	Preliminary Roadway Report	LS	1	8	8	
35.24	Final Report	EA	1	12	12	
35.25	Auger Boring Drafting	100 lf boring	0.84	5	4	14 x 6' HA Borings (84 LF)
35.26	SPT Boring Drafting	100 lf boring	0	0	0	
Roadway Geotechnical Subtotal					51	
	Structures					
35.27	Develop Detailed Boring Location Plan	LS	1	2	2	
35.28	Stake Borings/Utility Clearance	Boring	2	0.3	1	Structures improvements will consist of improvements to the bridge over Leitner Creek. The replacement of the existing structure with a new bridge structure, a box culvert structure or bridge widening of the existing structure are being considered. Two SPT borings will be performed to a depth of 100 ft for the proposed bridge improvements. Total of 2 SPT borings (200 LF)
35.29	Coordinate and Develop MOT Plans for Field Investigation	EA	1	2	2	
35.30	Drilling Access Permits	Location	1	8	8	
35.31	Property Clearances	EA	0	0	0	
35.32	Collection of Corrosion Samples	EA	2	0.5	1	
35.33	Coordination of Field Work	100 lf of boring	2	1	2	2 SPT borings (200 LF)
35.34	Soil and Rock Classification - Structures	100 lf of boring	2	2	4	2 SPT borings (200 LF)
35.35	Tabulation of Laboratory Data	100 lf of boring	2	1	2	2 SPT borings (200 LF)
35.36	Estimate Design Groundwater Level for Structures	EA	0	0	0	
35.37	Selection of Foundation Alternatives (BDR)	Bridge boring	2	0	0	
35.38	Detailed Analysis of Selected Foundation Alternate(s)	Bridge boring	2	5	10	
35.39	Bridge Construction and Testing Recommendations	Bridge boring	2	2	4	
35.40	Lateral Load Analysis (Optional)	Bridge boring	0	0	0	
35.41	Walls	Wall Boring	0	0	0	
35.42	Sheet Pile Wall Analysis (Optional)	Wall Boring	0	0	0	

EXHIBIT 2

35. Geotechnical

Task No.	Task	Units	No of Units	Hours/ Unit	Total Hours	Comments
35.43	Design Soil Parameters for Signs, Signals, High Mast Lights, and Strain Poles and Geotechnical Recommendations	Boring	0	1	0	
35.44	Box Culvert Analysis	EA	0	0	0	
35.45	Preliminary Report - BDR	EA	1	12	12	
35.46	Final Report - Bridge and Associated Walls	EA	1	18	18	
35.47	Final Reports - Signs, Signals, Box Culvert, Walls and High Mast Lights	EA	0	16	0	
35.48	SPT Boring Drafting	100 lf of boring	2	2.5	5	2 SPT borings (200 LF)
35.49	Other Geotechnical	LS	0	0	0	
Structural Geotechnical Subtotal					71	
Geotechnical Technical Subtotal					122	
35.50	Technical Special Provisions and Modified Special Provisions	EA	0	0	0	
35.51	Field Reviews	LS	1	0	0	
35.52	Technical Meetings	LS	1	4	4	Meetings listed below
35.53	Quality Assurance/Quality Control	LS	%	5%	6	
35.54	Supervision	LS	%	5%	6	
Geotechnical Nontechnical Subtotal					16	
35.55	Coordination	LS	%	3%	4	
35. Geotechnical Total					142	

Technical Meetings	Units	No of Units	Hours/ Unit	Total Hours	Comments	PM Attendance at Meeting Required?	Number
Kickoff Meeting with FDOT	EA	0	1	0			0
Boring Layout Approval	EA	1	1	1			0
Attend in BDR Review Meeting	EA	0	0	0			0
30/60/90% Submittal Review	EA	1	1	1			0
Other Meetings	EA	1	2	2			0
Subtotal Technical Meetings				4	Subtotal Project Manager Meetings		0
Progress Meetings (if required by FDOT)	EA	0	0	0	PM attendance at Progress Meetings is manually entered on General Task 3		--
Phase Review Meetings	EA	0	0	0	PM attendance at Phase Review Meetings is manually entered on General Task 3		--
Total Meetings				4	Total Project Manager Meetings (carries to Tab 3)		0

Carries to 35.52

Carries to Tab 3

Compensation and Method of Payment – Page 2
Goodwin St Pedestrian & Drainage Improvements

Section 2 Summary of Change(s) in Compensation

Pursuant to and in consideration of the change(s) in the Scope of Professional Services set forth in this Change Order or Supplemental Task Authorization, the compensation the City has previously agreed to pay to the Consultant, as set forth in the Professional Services Agreement, shall be changed to be as follows:

Section/Task Number	Section/Task Name	Compensation in the Basic Agreement	Adjustment(s) by Previous CO or STA Nos.	Adjustment(s) Due to this CO or STA	Summary of Changed Compensation
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
TOTAL		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Exhibit C

Time and Schedule of Performance
Goodwin St Pedestrian & Drainage Improvements

Date: October 26, 2021

☐ Change Order Number: Enter change order number or N/A☒ Supplemental Task Authorization Number: PW - 01Section 1 Change(s) in Time and Schedule of Performance

The time and schedule of completion for the various phases or tasks required to provide and perform the services, tasks or work set forth in this Change Order or Supplemental Task Authorization is as follows:

Phase and/or Task Reference As Enumerated in Scope of Professional Services	Name or Title of Phase and/or Task	Number of Calendar Days For Completion of Each Phase and/or Task	Cumulative Number of Calendar Days for Completion From Date of Notice to Proceed
Section 2.2	Preliminary Engineering Alternatives	90	90
Section 3.0 to 10.0	Final Design and Construction Plan Development	450	540

Time and Schedule of Performance – Page 2
Goodwin St Pedestrian & Drainage Improvements

Section 2 Summary of the Impact of Change(s) in Time and Schedule of Performance on the Overall Project

Pursuant to and in consideration of the changes in the Scope of Professional Services in this Change Order or Supplemental Task Authorization, the time and schedule the City and the Consultant have previously agreed to for all of the work to be done under the Professional Service Agreement shall be changed as follows:

Phase and/or Task Reference As Enumerated in Scope of Professional Services	Name or Title of Phase and/or Task	Number of Calendar Days For Completion of Each Phase and/or Task	Cumulative Number of Calendar Days for Completion From Date of Notice to Proceed

EXHIBIT D

Consultant's Associated Sub-Consultant(s) and Subcontractor(s)
Goodwin St Pedestrian & Drainage Improvements

Date: October 26, 2021

☐ Change Order Number: Enter change order number or N/A☒ Supplemental Task Authorization Number: PW - 01

Consultant has identified the following sub-consultant(s) and/or subcontractor(s) which may be engaged to assist the Consultant in providing and performing the services, tasks or work required under this Change Order or Supplemental Task Authorization:

(If none, enter the word "none" in the space below.)

Service and/or Work to be Provided or Performed	Name and Address of Individual or Firm	Sub-Consultant Services are Exempted from Prime Consultant's Insurance Coverage (Yes or No)
Drainage and Permitting	RK&K 402 S. Kentucky Avenue, Suite 400 Lakeland, Florida 33801	Yes
Landscape Architecture	Halff Associates 1000 N. Ashley Drive, Suite 900 Tampa, Florida 33602	Yes
Surveying and SUE	T2 UES, Inc. 3905 Crescent Park Drive Tampa, Florida 33578	Yes
Geotechnical Investigation	Arehna Engineering 5012 W. Lemon Street Tampa, Florida 33609	Yes
Environmental Services	Archaeological Consultants, Inc. 8110 Blaikie Court, Suite A Sarasota, Florida 34240	Yes

EXHIBIT E

Project Guidelines and Criteria
Goodwin St Pedestrian & Drainage Improvements

Date: October 26, 2021

☐ Change Order Number: Enter change order number or N/A

☐ Supplemental Task Authorization Number: PW - 01

As a supplement or change to the project guidelines and criteria set forth in the Professional Services Agreement, the City has established the following guidelines, criteria, goals, objectives, constraints, schedule, budget and/or requirements which shall serve as a guide to the Consultant in performing the services, tasks or work to be provided pursuant to the professional services set forth in this Change Order or Supplemental Task Authorization as follows:

(If none, enter the word "none" in the space below)

Item No. 1

None

EXHIBIT F

**Certification Regarding Debarment, Suspension,
Ineligibility and Voluntary Exclusion**

Vendor Covered Transactions

- (1) The prospective vendor certifies, by submission of this Agreement, that neither it nor its principles are presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the vendor is unable to certify to the above statement, the prospective vendor shall attach an explanation to this form.

VENDOR:

American Structurepoint, Inc.

Company Name

062816517

DUNS Number

DocuSigned by:


776D9161DC924D7....

Signature

10/27/2021

Date

Steven J. Davidson, Executive Vice President

Print Name

5405 Cypress Center Drive, Suite 310

Street Address

Tampa

City

Florida

State

33609

Zip Code

For City of Bonita Springs use only

To access the debarment search: <https://www.sam.gov/SAM/> > Search Records tab > Enter DUNS number > Click Search

Company: ☐ is debarred ☐ is not debarred

Verified by:

Name

Date

REQUESTED MOTION: Authorize staff to purchase and prepare an agreement for City Manager approval of the “Family” sculpture art piece by artist Dale Rogers.

REQUESTOR: Amy Quaremba, Councilmember District 1; Nicole Perino, Parks and Recreation Director

AGENDA: Consent

STRATEGIC PRIORITY: #8 Community Aesthetics

BACKGROUND:

On September 7, 2021, the Art in Public Places Board (APPB) voted to recommend the purchase of the “Family” sculpture art piece by artist Dale Rodgers. The APPB is recommending the placement of the sculpture to be at the Palm Avenue Pocket Park, once renovations are complete, as this would allow the sculpture to be visible to the public along West Terry St.

The purchase price for the artwork is \$12,000 and funding is available in the Art in Public Places line item. If approved, staff will prepare a standard public art agreement for the City Manager’s signature.

STAFF RECOMMENDATION: Consistent with the APPB recommendation, authorize the purchase of the “Family” sculpture by artist Dale Rogers as a permanent acquisition in the amount of \$12,000. Authorize staff to prepare agreement for approval by City Manager.

ATTACHMENTS:

1. Photograph of “Family” Sculpture
-

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Debra Filipek
Department Director:	Nicole Perino

Council Action: Approved ___ Denied ___ Deferred ___ Other_____



REQUESTED MOTION: Adopt Resolution accepting the only bid for the East Terry Street Visual Barrier Wall Project RFB 21-18 from Coastal Concrete Products, LLC d/b/a Coastal Site Development in the bid amount of \$249,495.00 upon approval of all documentation.

REQUESTOR: Matt Feeney, Assistant City Manager

AGENDA: Consent

STRATEGIC PRIORITY: #5 Community Aesthetics

BACKGROUND:

September 28, 2021 - City staff advertised for sealed bids for the East Terry Street Visual Barrier Wall Project RFB 21-18.

October 21, 2021 – City received only one bid for East Terry Street Visual Barrier Wall Project RFB 21-18 from Coastal Concrete Products, LLC, in the amount of \$249,495.00. (It should be noted, Coastal Concrete Products, LLC is the manufacturer of the barrier wall sections)

STAFF RECOMMENDATION: Adopt Resolution

ATTACHMENTS:

1. Resolution
2. Bid Tabulation

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, FLORIDA

RESOLUTION NO. 21 –

APPROVE RESOLUTION AWARDING THE EAST TERRY STREET VISUAL BARRIER WALL PROJECT RFB 21-18 TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, COASTAL CONCRETE PRODUCTS, LLC D/B/A COASTAL SITE DEVELOPMENT, IN THE AMOUNT OF \$249,495.00 AND TO EXECUTE AGREEMENT UPON APPROVAL OF ALL DOCUMENTATION.

WHEREAS, City staff advertised for the East Terry Street Visual Barrier Wall Project and received one (1) sealed bid,

Coastal Concrete Products, LLC	\$249,495.00
--------------------------------	--------------

WHEREAS, the lowest responsive and responsible submittal was from Coastal Concrete Products, LLC in the amount of \$249,495.00 (Coastal Concrete Products, LLC is the manufacturer of the barrier wall sections):

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

Section 1. To enter into an agreement with the lowest responsive and responsible bidder, Coastal Concrete Products, LLC d/b/a Coastal Site Development;

Section 2. 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 3rd day of November 2021

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr _____	Corrie _____
Purdon _____	Quaremba _____
Forbes _____	Steinmeyer _____
Gibson _____	

Date filed with City Clerk: _____

EAST TERRY STREET VISUAL BARRIER WALL PROJECT RFB 21-18

October 21, 2021 Bid Tabulation

**Coastal Concrete Products, LLC d/b/a
Coastal Site Development**

PAY ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	PAY ITEM TOTAL
	ROADWAY ITEMS				
101 1	Mobilization	LS	1	\$21,500.00	\$21,500.00
102 1	Maintenance of Traffic	LS	1	\$18,500.00	\$18,500.00
104 10 3	Sediment Barrier (Silt Fence)	LF	1,276	\$2.00	\$2,552.00
104 18	Inlet Protection System	EA	3	\$150.00	\$450.00
110 1 1	Clearing & Grubbing	LS	1	\$25,000.00	\$25,000.00
120 1	Regular Excavation	LS	1	\$9,500.00	\$9,500.00
120 6	Embankment	LS	1	\$10,500.00	\$10,500.00
534 72	Precast Barrier Wall	LF	1,211	\$87.00	\$105,357.00
570 1 2	Performance Turf (Sod)	SY	2,348	\$7.00	\$16,436.00
430 94 104	Desilt Pipe, Contingency	LF	80	\$35.00	\$2,800.00
SIGN 1	Sign Relocation (Entrance Sign)	LS	1	\$350.00	\$350.00
ASB 1	As-Builts	LS	1	\$4,500.00	\$4,500.00
570 1 2A	Performance Turf, Sod, Contingency	SY	1000	\$7.00	\$7,000.00
110 1 1A	Fence Removal, Contingency (In PUE)	LF	800	\$20.00	\$16,000.00
110 23	Tree Removal, Contingency (In PUE)	EA	10	\$450.00	\$4,500.00
522 2	Sidewalk Repair, Remove and Replace, 6" Thick, Contingency	SY	70	\$65.00	\$4,550.00
				GRAND TOTAL	\$249,495.00

Pay Item Notes:

110 1 1 Shall include the removal of all fencing and vegetation, including large trees, stumps, and tree trimming within right-of-way unless noted in plans.

120 6 Includes all finished grade preparation within existing right-of-way for barrier wall construction.

534 72 Cost shall include all costs associated with procurement, preparation, and installation of pre-cast wall system.

SIGN-1 Cost shall include all costs associated with complete relocation of existing sign and other existing entry feature components adjacent to sign.

570 1 2A, 110 1 11 Contingency items, actual amount to be determined during construction by City of Bonita Springs. 110 23, 522 2, 430 94 104 No compensation will be made for bid quantity unutilized during construction.

The City received only one bid submittal for this project

**CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY**

Green Sheet No. 21-11-231
November 3rd, 2021

REQUESTED MOTION: Request approval of Special Event Permit and road closure for the annual Holiday in the Park event to be held at Riverside Park on Tuesday, December 7, 2021.

REQUESTOR: Lora Taylor, Communications Director

AGENDA: Consent

STRATEGIC PRIORITY: #8 Economic Development

BACKGROUND:

The City of Bonita Springs Holiday in the Park event is scheduled for Tuesday, December 7, 2021, from 4:30 p.m. to 8:30 p.m. The event will include the annual tree lighting, the arrival of Santa Clause, children's activities, musical performances, as well as food and beverages. Additionally, we will be closing Old U.S. 41 Road during the event between Wilson Street and Ragsdale Street. City Council has approved a budget of \$34,000.00 for the event.

The City of Bonita Springs will also be conducting a Holiday Lighting Contest in Downtown Bonita Springs. The participating businesses will be judged by the Special Events Committee in the evening of December 6th, 2021. The first, second, and third place winners will be announced during the Holiday in the Park event before the tree lighting.

Staff recommends not permitting the amplified sound to exceed 65 dB from the point of the closest residence during the duration of the event.

STAFF RECOMMENDATION: Approve Special Event Permit and road closure for Holiday in the Park at Riverside Park on Tuesday, December 7th, 2021

ATTACHMENTS:

1. Special Event Application

REVIEWERS:

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

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

**SPECIAL EVENT
PERMIT APPLICATION**

PERMIT. SEP- _____

Date Received: _____ Application Fee: \$50.00 \$25.00 (501C3 organizations) Fee is non-refundable	City of Bonita Springs 9101 Bonita Beach Road Bonita Springs, FL 34135 Phone: 239/949-6262 Fax: 949-6239	Effective Date/Time: _____
--	---	----------------------------

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 30 days to process with all necessary attachments. Your permit will go to the next Council Meeting after the 30 days. Please take this into consideration when planning your event.

Organization: _____
Nature of Event: _____
Location (Attach Site Plan): _____

Date	Set-Up Time	Actual Event Times	Take Down Time
_____	_____	_____	_____ to _____

For multiple dates, please attach letter.

Has this event been held in the past? _____ If so, when was the last event? _____
Individual Contact for Activity/Event: _____ Phone: _____
Address: _____ Fax: _____
E-Mail Address: _____
Major Sponsor(s): _____
Promoter(s): _____ Phone or Contact #: _____

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Crowd: Is anticipated crowd size 1,000 or more? | ☐ | ☐ |
| Actual Anticipated number: _____ | | |
| 2. Parking: Will off-site parking be provided? _____ | ☐ | ☐ |
| Will "shuttle" service to parking be provided? By whom? _____ | ☐ | ☐ |
| 3. Streets/Traffic: Will any street(s) or sidewalk(s) be closed? <u>(If yes, provide location on site plan.)</u> Signs, barricades and traffic control plans will be the responsibility of the applicant and will be required in conjunction with Lee County Sheriff's Office, Public Works and the Fire District for review and approval. | ☐ | ☐ |

Note: If any traffic will be affected on U.S. 41 a separate permit must be filed with the Florida Department of Transportation, District One, P.O. Box 1030, Ft. Myers, FL 33902. (239) 694-2941

- | | Yes | No |
|---|-------------------------------------|-------------------------------------|
| 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> | ☒ | ☐ |
| 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 _____ 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 _____ or consumed _____ 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: _____
Contact Number: _____ | ☐ | ☒ |
| 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 _____ x _____ catered _____ x _____ 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? <u>If yes, indicate location on site plan.</u>	☒	☐
Will disposable cardboard trash receptacles be provided? <u>If yes, indicate on site plan.</u>	☒	☐
Will additional refuse containers/dumpsters be provided?	☒	☐
If yes, by whom: _____		

16. Insurance Requirement: (Events on City property or City co-sponsored) Please provide the City of Bonita Springs with a Certificate of Insurance for property and liability coverage of the event, naming the City as additional insured. (Liability - \$1,000,000 each occurrence, \$2,000,000 aggregate; Property Damage - \$500,000). Must be provided to finalize permit before event.

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 CHANGES, OR THE EXPECTED OUTCOMES, IMPACTS, OR SPECIFICATIONS, INCLUDING BUT NOT LIMITED TO TIME AND ACTIVIES, 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.

		Comments: _____
Signature of Applicant	Date	
		Comments: _____
City Manager	Date	

Application Fee is non refundable.



**The City of Bonita Springs
Presents an Old Fashioned**

Holiday in the Park

& Annual Tree Lighting

**Tuesday December 7th
Riverside Park, Bonita Springs**

(10450 Reynolds St. Bonita Springs, FL 34135)

4:30-8:30pm

Enjoy the sounds of the season!

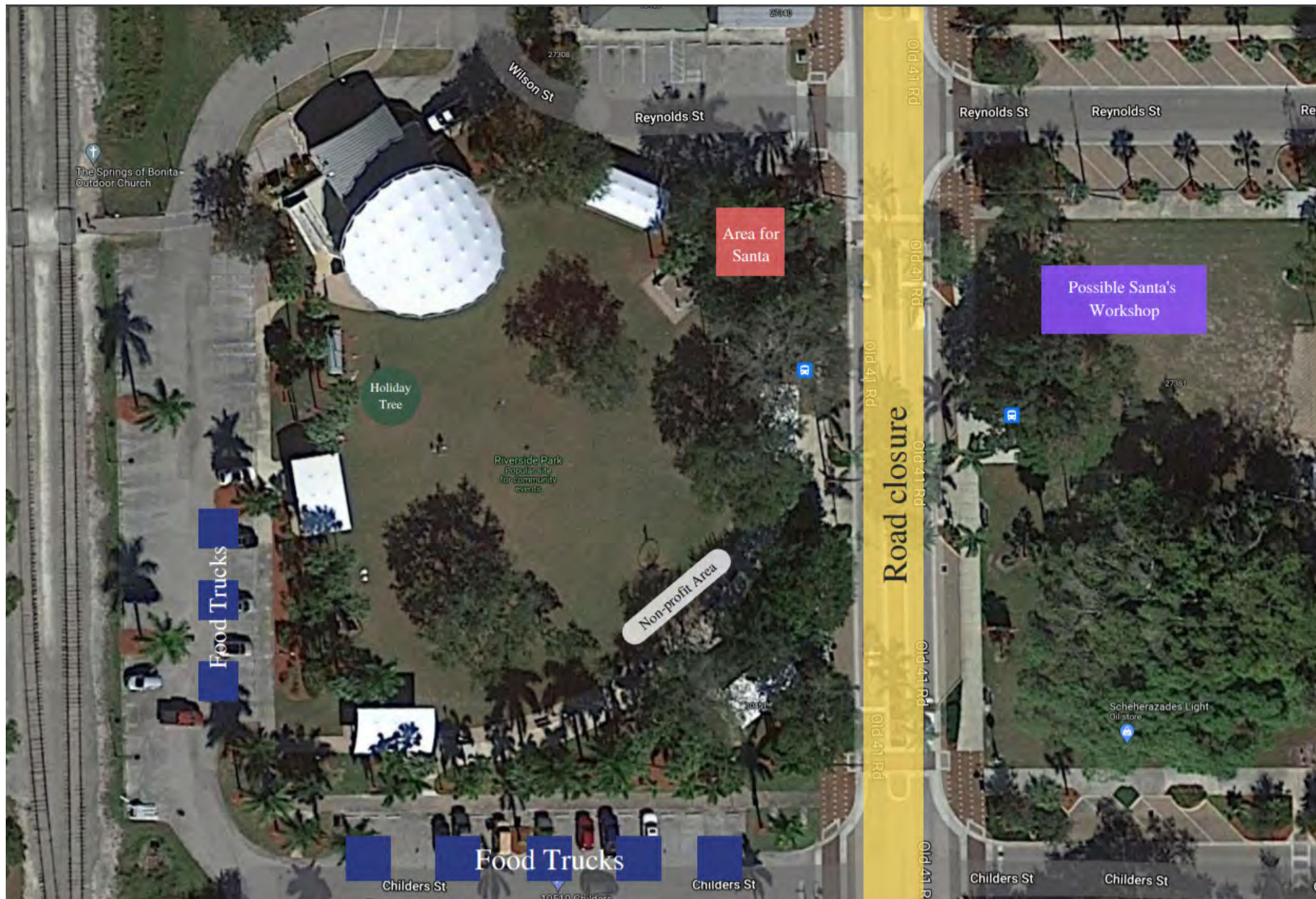
Showcasing some of the best musical talent in the area.

With snow flurries in the park!

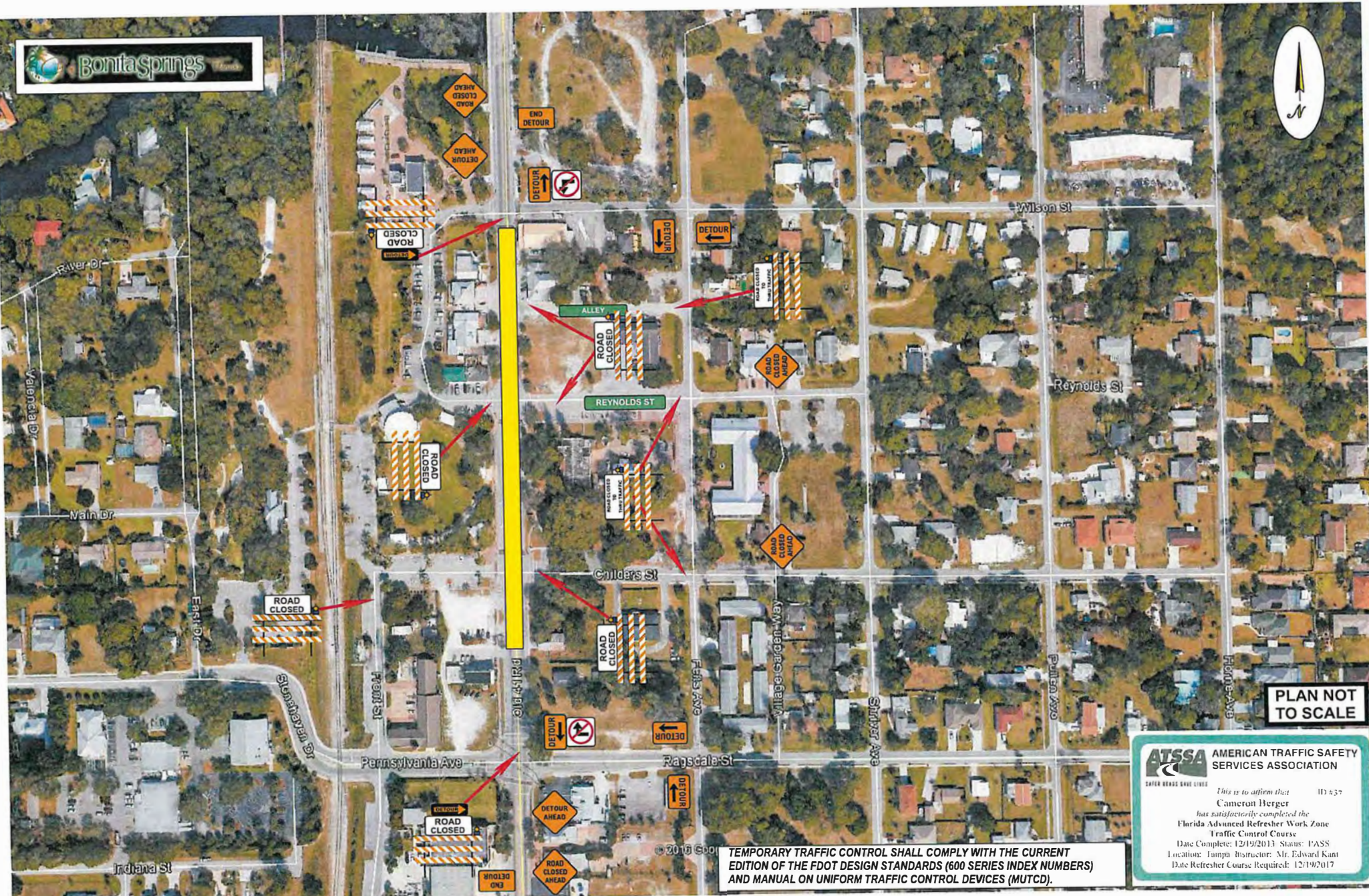
And a visit from Santa & Mrs. Claus!

**Artist Cottages &
the Historical Society
will be open!**





Holiday in the Park 2021 Event Layout Map



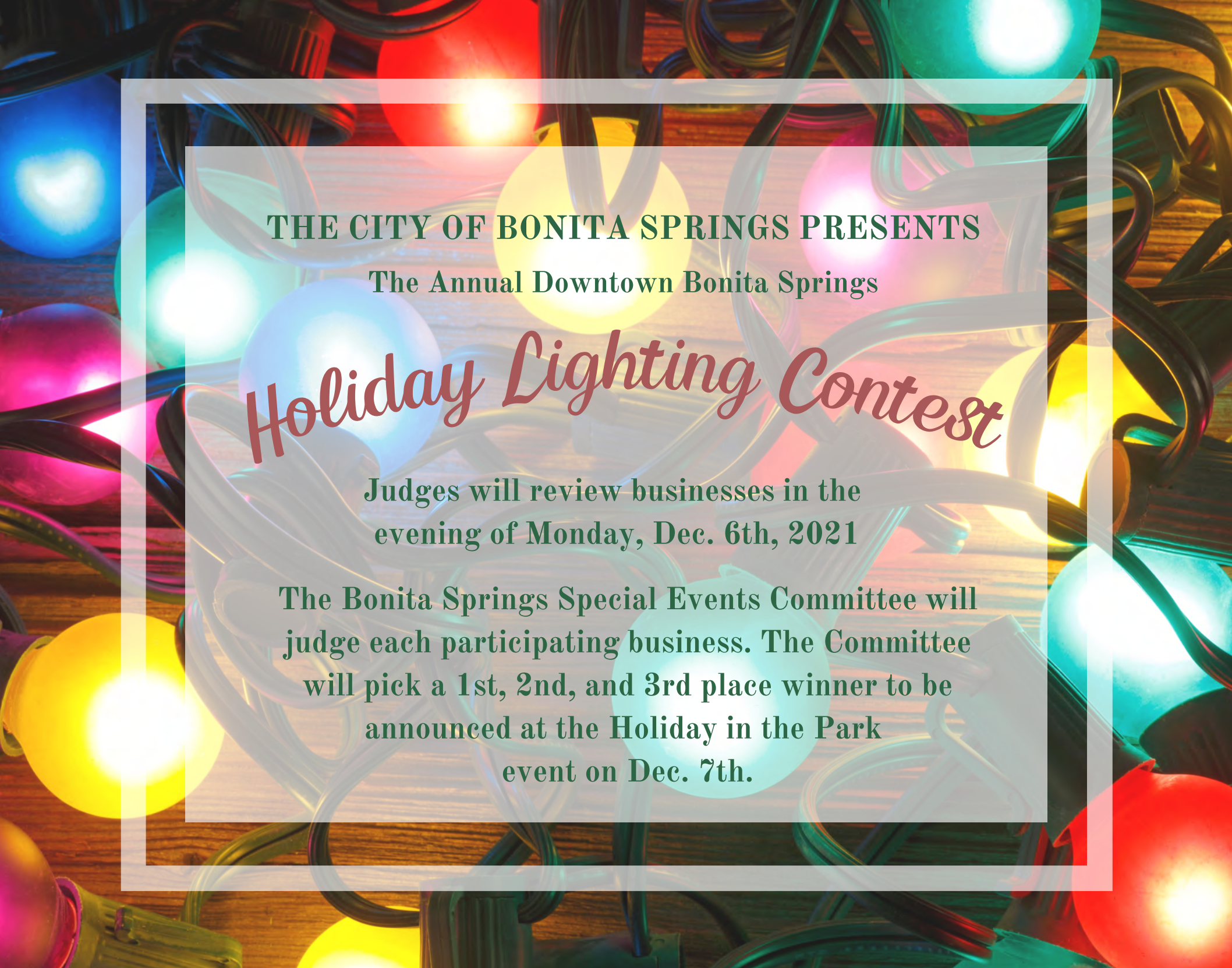
PLAN NOT TO SCALE

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 HEADS 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 437



THE CITY OF BONITA SPRINGS PRESENTS

The Annual Downtown Bonita Springs

Holiday Lighting Contest

Judges will review businesses in the
evening of Monday, Dec. 6th, 2021

The Bonita Springs Special Events Committee will
judge each participating business. The Committee
will pick a 1st, 2nd, and 3rd place winner to be
announced at the Holiday in the Park
event on Dec. 7th.

**CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY**

Green Sheet No. 21-11-232
November 3, 2021

REQUESTED MOTION: Adopt Resolution awarding the Street Light Maintenance Project RFB 21-21 to the lowest responsive, responsible bidder, Emergency One Electric, LLC in the amount of \$106,260.00 upon approval of all documentation.

REQUESTOR: Matt Feeney, Assistant City Manager

AGENDA: Consent

STRATEGIC PRIORITY: #2 Transportation

BACKGROUND:

September 28, 2021 – City Staff advertised for bids for the Street Light Maintenance Project RFB 21-21

October 21, 2021 – City received four (4) sealed bids for the Street Light Maintenance Project.

Emergency One Electric, LLC	\$109,043.00**/\$106,260.00
Professional Highway Maintenance	\$106,260.00
Simmonds Electrical of Naples, Inc.	\$265,650.00
Gulf Shore Electric	\$748,880.00

** Although Professional Highway Maintenance was the apparent low bidder, they are not a local contractor. Therefore, Emergency One Electric, LLC, being the next lowest bidder, was given the opportunity to claim local preference because they were within 10% of the lowest bid, as per City ordinance No. 09-04. They agreed to match the Professional Highway Maintenance bid amount of \$106,260.00.

STAFF RECOMMENDATION: Adopt Resolution

ATTACHMENTS:

1. Resolution
2. Bid Tabulation

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, FLORIDA

RESOLUTION NO. 21 –

ADOPT RESOLUTION AWARDING THE STREET LIGHT MAINTENANCE PROJECT RFB 21-21 TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, EMERGENCY ONE ELECTRIC, LLC, IN THE AMOUNT OF \$106,260.00 UPON APPROVAL OF ALL DOCUMENTATION.

WHEREAS, City staff advertised for the Street Light Maintenance Project and received four (4) sealed bids,

Emergency One Electric, LLC	\$109,043.00**/\$106,260.00
Professional Highway Maintenance	\$106,260.00
Simmonds Electrical of Naples, Inc.	\$265,650.00
Gulf Shore Electric	\$748,880.00

WHEREAS, ** Although Professional Highway Maintenance was the apparent low bidder, they are not a local contractor. Therefore, Emergency One Electric, LLC, being the next lowest bidder, was given the opportunity to claim local preference because they were within 10% of the lowest bid, as per City ordinance No. 09-04. They agreed to match the Professional Highway Maintenance bid amount of \$106,260.00.

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

Section 1. To enter into an agreement with the lowest responsive and responsible bidder, Emergency One Electric, LLC;

Section 2. 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 3rd day of November 2021

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr ____
Purdon ____
Forbes ____
Gibson ____

Corrie ____
Quaremba ____
Steinmeyer ____

Date filed with City Clerk: _____

CITY OF BONITA SPRINGS - STREET LIGHT MAINTENANCE PROJECT RFB 21-21

October 21, 2021

BID TABULATION SHEET

Prepared by City of Bonita Springs

				Emergency One Electric, LLC 26950 N. Riverside Dr Bonita Springs, FL 33135		Simmonds Electrical of Naples, Inc. 8981 Quality Road Bonita Springs, FL 34119		Gulf Shore Electric 1495 Rail Head Blvd Naples, FL 34110		Professional Highway Maintenance 7250 61st St. N Pinellas Park, FL 33781	
ITEM	DESCRIPTION	UNIT	QTY.	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Task 1 Troubleshooting and Repair	Ea	1012	\$107.75	\$109,043.00	\$262.50	\$265,650.00	\$740.00	\$748,880.00	\$105.00	\$106,260.00
TOTAL FOR TASK 1					\$109,043.00		\$265,650.00		\$748,880.00		\$106,260.00
Rates for Tasks 2, 3 and Miscellaneous Electrical Work											
2	Labor Rate for Supervisor/Electrician - Per Hour	Hr	1		\$95.00		\$75.00		\$89.00		\$110.00
3	Laborer/Electrician Helper -Per Hour	Hr	1		\$45.00		\$75.00		\$79.00		\$60.00
Equipment Rates											
4	Bucket Truck-Per Running Hour	Hr	1		\$85.00		\$195.00		\$69.00		\$110.00
5	Crane (Pole replacement)-Per Running Hour	Hr	1		\$95.00		\$250.00		\$750.00		\$70.00
6	Pickup Truck/Van-Per Running Hour	Hr	1		\$40.00		\$35.00		\$50.00		\$50.00
7	Arrow Board (Trailer mount)-Per Running Hour	Hr	1		\$5.00		\$30.00		\$39.00		\$12.50
8	Backhoe-Per Running Hour	Hr	1		\$50.00		\$50.00		\$125.00		\$70.00
9	Air compressor w/components - Per Running Hour	Hr	1		\$10.00		\$30.00		\$99.00		\$15.00

REQUESTED MOTION: Presentation by Eve Haverfield, “Turtle Time, Inc.,” to provide an historical overview of marine turtle nesting data on Bonita Beach and year end-of-season nesting results.

REQUESTOR: Rick Steinmeyer, Mayor

AGENDA: Presentations

STRATEGIC PRIORITY: 4) Environmental Protection

BACKGROUND: “Turtle Time, Inc.” is a not-for-profit organization dedicated to the recovery and conservation of marine turtles. Established in 1989, the group is the Florida state-permitted monitoring organization for sea turtle activity from Fort Myers Beach to the Lee-Collier County line. Daily patrols during the nesting season are conducted to gather important scientific data about population estimates, distribution of nests, nesting patterns and hatching success rates. Ms. Haverfield will be providing City Council with an historical overview of marine turtle nesting data on Bonita Beach and this year’s end-of-season nesting results.

STAFF RECOMMENDATION: Receive presentation

ATTACHMENTS: None

REVIEWERS:

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

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

**CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY**

Green Sheet No. 21-11-228
November 3, 2021

REQUESTED MOTION: Receive presentation on traffic calming improvements for Pennsylvania Avenue and Terry Street roundabout.

REQUESTOR: Matt Feeney, Assistant City Manager

AGENDA: Presentations

STRATEGIC PRIORITY: #2 Transportation

BACKGROUND:

Receive presentation on traffic calming improvements for Pennsylvania Avenue and Terry Street roundabout.

American StructurePoint is retained under our Continuous Services contracts for Miscellaneous Roadway & Bridge Services, and Miscellaneous Traffic Engineering.

STAFF RECOMMENDATION: Receive presentation

ATTACHMENTS:

1. PowerPoint Presentation

REVIEWERS:

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

Council Action: Approved __ Denied __ Deferred __ Other _____

Pennsylvania Ave Traffic Calming Study

Terry St/Old 41 Roundabout Review



AMERICAN
STRUCTUREPOINT
INC.

Pennsylvania Avenue Traffic Calming Study

AMERICAN STRUCTUREPOINT

Purpose

- There was growing concern of vehicles traveling at excessive speeds
- Study investigated presence of speeding in the corridor and relation to crashes
- Stop signs were recently installed at Wisconsin St and Playa del Rey Ln
 - Review for effect of stop signs and if speed is still an issue
- Determine low-cost and phased solutions

Study limits

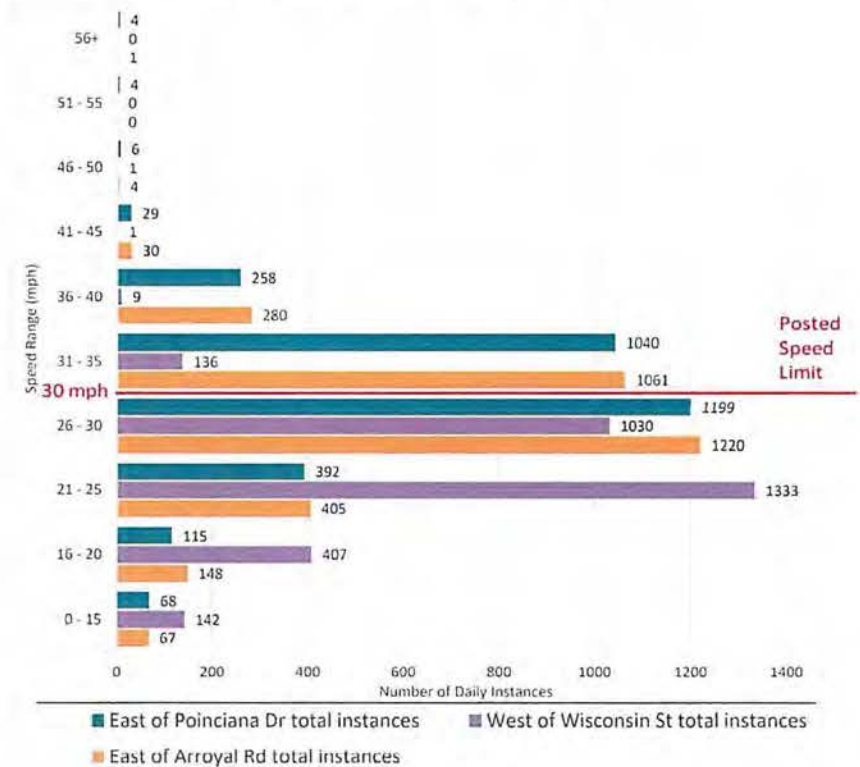
Arroyal Rd to East Dr



Speed Study

- Speed counts performed at 3 locations in corridor
- Results
 - 31% of speed measurements over posted speed (30 mph)
 - 1% more than 10+ mph over speed limit
 - Less than 1% were 25+ mph over

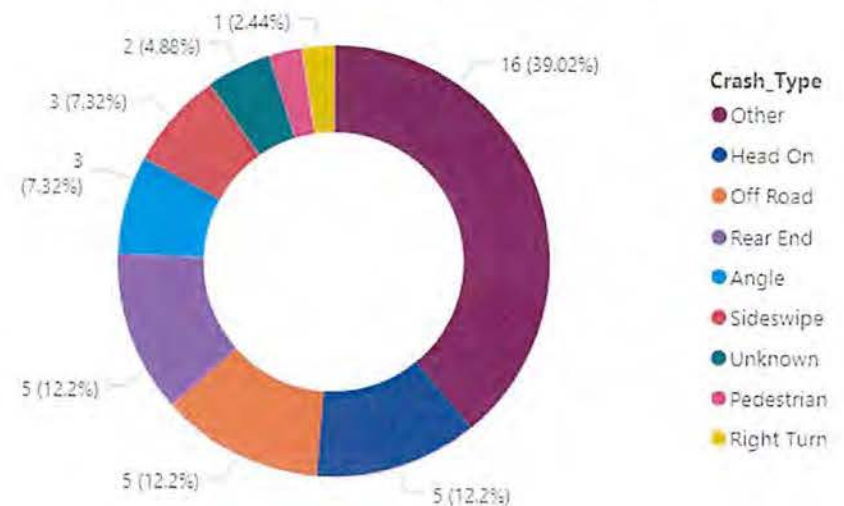
Speed Data Summary - Pennsylvania Ave



Crash Analysis

- Crashes concentrated on segments from the Railroad to Rio Vista Circle and from Tennessee St to Hacienda Blvd
- 41 crashes (April 2013 – December 2019)
 - 4 fatal, 7 injury
- Most common crashes:
 - 12% Roadway departures (5 crashes)
 - 2 Fatalities – traveling too fast (1 near curves)
 - 12% Head-on (5 crashes)
 - 12% Rear-end (5 crashes)
 - 7% Sideswipe (3 crashes)

Figure 4.2. Pennsylvania Ave Crashes by Type

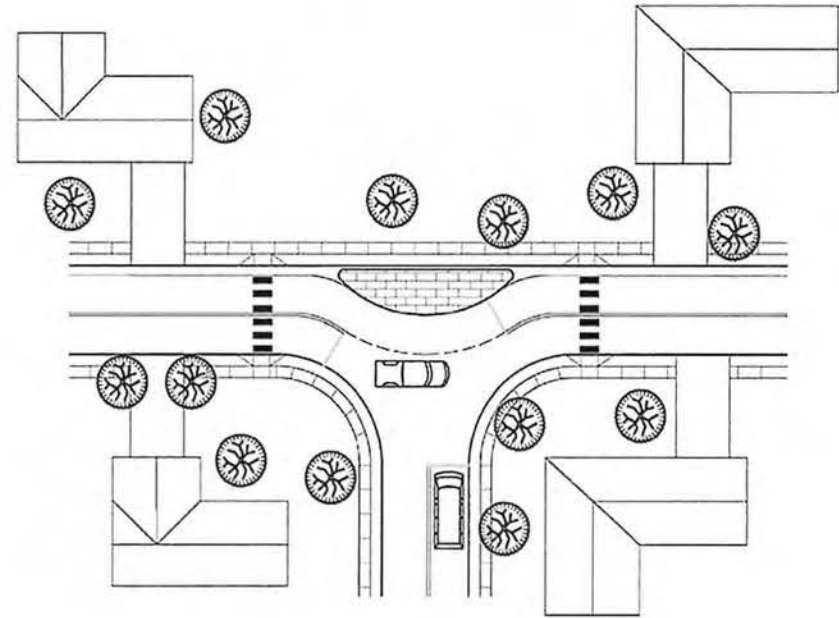


Speed Management Alternatives

Chicane



Realigned Intersection



Speed Management Alternatives

Raised Crosswalk

- Can use existing features (such striped crosswalk) to enhance as raised crosswalk
- Allows pedestrians safe crossing
- Different material type options



Speed Management Alternatives

Raised Intersection

- Can be combined with crosswalk
- Different material type options



Speed Management Alternatives

Speed Feedback Sign

- Provides vehicles with their speed

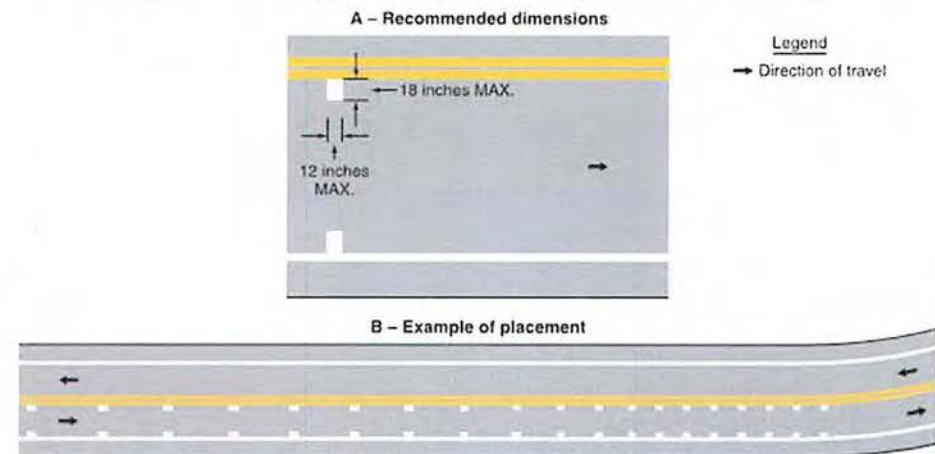


Speed Management Alternatives

Speed Reduction & Speed Limit Pavement Markings

- Appearance of narrower lane
- Visual speed limit

Figure 3B-28. Example of the Application of Speed Reduction Markings

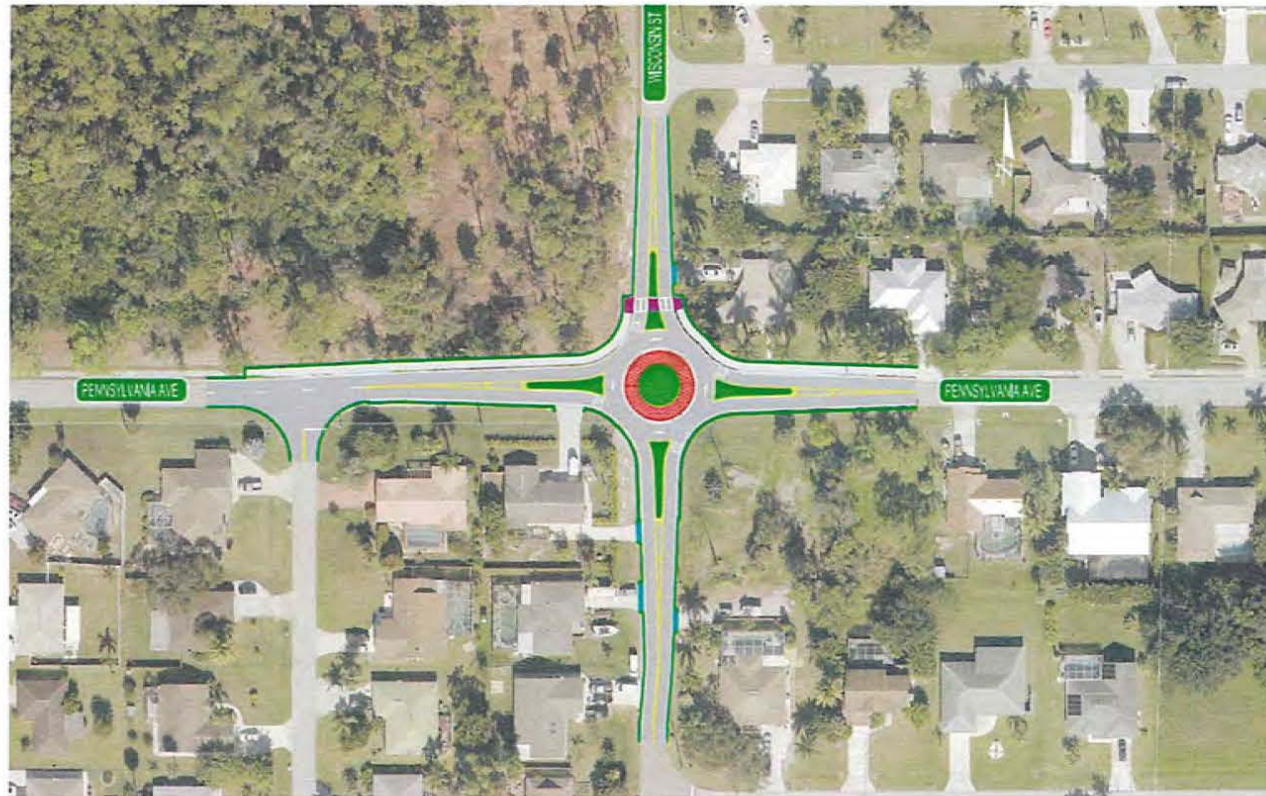


Recommendations



Phase II alternatives

- Single-Lane roundabout at Wisconsin St concept



Phase II alternatives

- Re-Aligned intersection at Illinois/Poinciana – Slow before curve west



Summary of Estimated Costs

- Phase I & Phase II improvements

Item No.	Location	Recommended Improvement	
		Phase I	Phase II
1	East of Arroyal Rd	Speed limit signs and pavement markings ~\$5,000	
2	Gasparilla Dr	Raised crosswalk ~\$30,000	
3	Between Playa del Rey Ln and Wisconsin St	Speed feedback signs ~\$10,000	Construct roundabout at Wisconsin St ~\$500,000
4	Michigan St	Raised crosswalk ~\$30,000	
5	East of Rio Vista Cir	Speed reduction pavement markings ~\$2,000	
6	Illinois St/Poinciana Dr	Speed feedback signs ~\$10,000	Realigned intersection at Illinois St ~\$150,000
7	East Dr	Raised crosswalk ~\$30,000	

Terry St / Old 41 Roundabout Review

AMERICAN STRUCTUREPOINT

Purpose

- Observational study of roundabout operations during school peak hour
- Study was limited to field review of operations; did not include traffic simulation analysis
- Determine phased short-term and longer-term solutions

Study Area

Old 41 at Terry St

East of Bonita Springs
Middle School



Approach

- Observed traffic operations at Terry St / Old 41
 - During Bonita Springs Middle School afternoon release
 - Focused on vehicular-pedestrian interaction
 - Obtained anecdotal observations
- Evaluated crashes
- Evaluated geometry/pavement marking
- Coordination with City staff for recently completed midblock crosswalk at Bonita Dr.

Observations

- EB to NB movement backs up entire roundabout during observed period
- Drivers get aggressive / timid
 - Gap acceptance
- Pedestrian crossings further compounds
- Geometric deficiencies



Crash Analysis

- 142 crashes from 2017-2020
- 2 incapacitating – before roundabout built
- 29 Injury
- 7 Bike/Pedestrian
- 49% of all crashes were Angle/Sideswipe
- 36% were rear-end crashes
- 21% of all crashes occurred during PM peak 3pm-5pm

	Total	Injury	Fatal/ Incapacitating
2017	28	13	2
2018	34	6	0
2019	47	7	0
2020	33	3	0
2017-2020	142	29	2

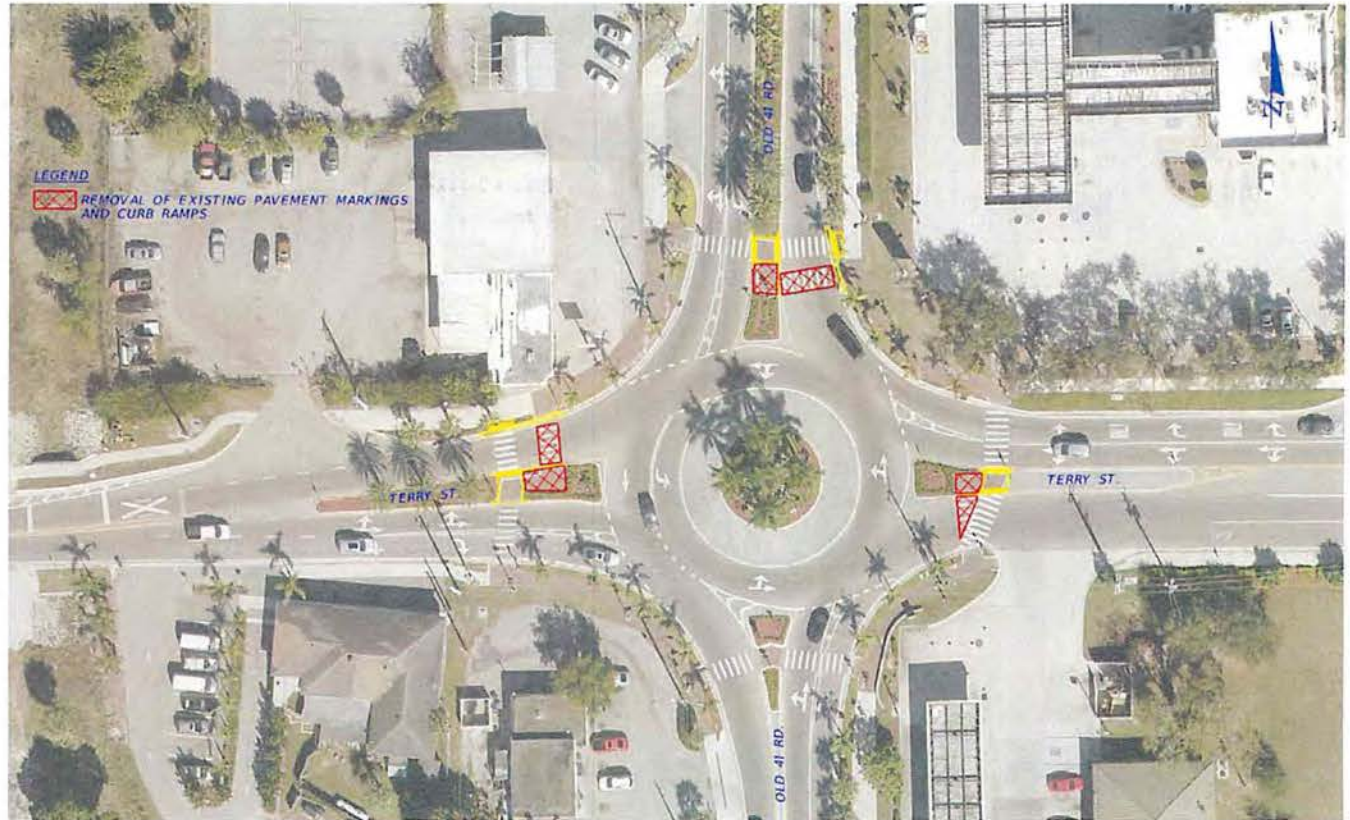
Recommendation #1

- Minor striping modifications



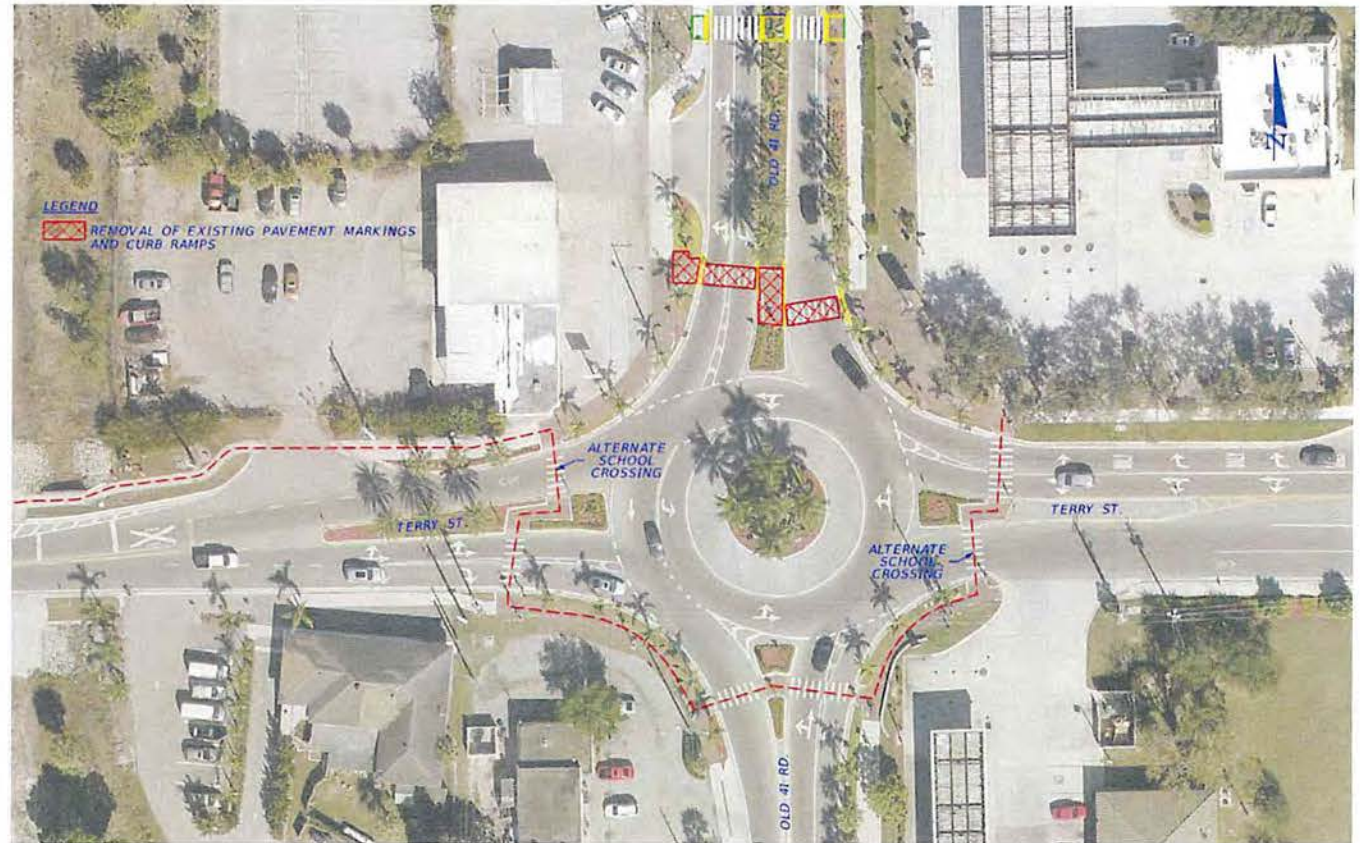
Recommendation #2

- Evaluate “Z” configuration crosswalks and two-stage crossings



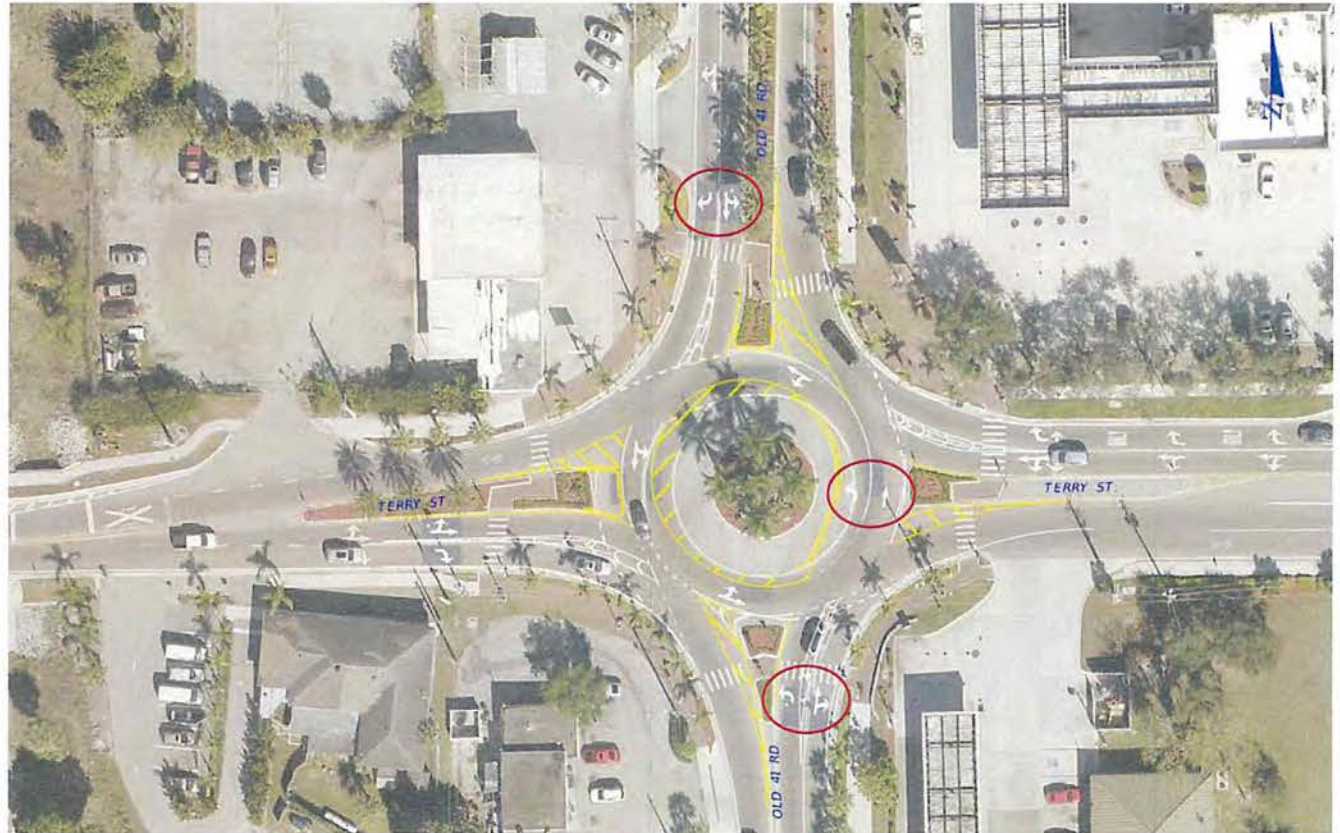
Recommendation #3 and 3a

- Evaluate Bonita Dr crosswalk and need to relocate north leg crosswalk
- Modify school crossing pattern



Recommendation #4

- Long-Range
- **Requires further analysis**
- Evaluate roundabout lane configuration



**CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY**

Green Sheet No. 21-11-241
November 3, 2021

REQUESTED MOTION: Approve Mutual Confirmation of Easement Agreement confirming the existence of an access easement over Winter Park Way.

REQUESTOR: Mike Gibson, Deputy Mayor; Derek Rooney, City Attorney

AGENDA: Mayor and Councilmember Items

STRATEGIC PRIORITY: N/A

BACKGROUND:

Bonita resident William Glass is interested in acquiring a vacant lot near the Kentucky Street Neighborhood Park but is having trouble securing clear legal access to the property. The lot lies along Winter Park Way an east-west paper street (previously described as Park Street) in the Plat of Heitman's Bonita Springs. The City has not accepted this right-of-way.

Mr. Glass is requesting the City recognize access through the paper street for legal access and for development purposes, if improved. Mr. Glass is not asking the City to recognize any portion of the drive which transects the Kentucky Street Neighborhood Park as we have no record of a legal authorization for its construction, and it is not maintained by the City presently.

STAFF RECOMMENDATION: Approve agreement and authorize Mayor to execute all necessary documents to complete the transaction.

ATTACHMENTS:

1. Easement Acknowledgement
2. Aerial of 10080/10090 Winter Park Place

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Debra Filipek

Council Action: Approved __ Denied __ Deferred __ Other _____

Prepared By:
Richard C. Grant, Esq.
Grant Fridkin Pearson, P.A.
5551 Ridgewood Drive Suite 501
Naples, FL 34108
239-514-1000

[Space Above This Line For Recording Data]

MUTUAL CONFIRMATION OF EASEMENT

This Mutual Confirmation of Easement is made by and among Kristopher M. Fuzi, a single man ("Fuzi"), Joshua Trone, as Personal Representative of the Estates of Charles L. Trone and Rita J. Trone, Joshua Trone, Charly C. Trone, and Matthew L. Trone, as beneficiaries under the Wills of Charles L. Trone and Rita J. Trone (the "Beneficiaries"), and the City of Bonita Springs, a municipal corporation of the State of Florida ("Bonita Springs") (collectively the "Parties").

BACKGROUND

A. That certain Plat of Heitman's Bonita Springs Townsite, recorded in Plat Book 6, page 24, of the Public Records of Lee County, Florida (the "Plat"), shows a "Park Street" abutting Lots 1-14 of Block 24 therein ("Park Street"), representing a means of access to Lots 1-14, with an area denominated and depicted as a "Park" immediately north thereof (the "Park").

B. Park Street as shown on the Plat has not been improved. That portion of Park Street on the Plat abutted by Lots 1-4 to the south, abutted by the Park on its north, and abutted by Kentucky Street to the west is hereinafter referred to as the "Easement Area."

C. The City of Bonita Springs has not maintained the Easement Area.

D. Fuzi is the fee simple owner of two of the Lots abutting the Easement Area, more particularly described as:

Lots 1 and 2, Block 24, HEITMAN'S BONITA SPRINGS TOWNSITE, a subdivision according to the plat or map thereof described in Plat Book 6, at page(s) 24, of the Public Records of Lee County, Florida.

E. The Beneficiaries are the fee simple owners of two of the Lots abutting the Easement Area, more particularly described as:

Lots 3 and 4, Block 24, Heitman's Bonita Springs Townsite, a subdivision according to the Plat thereof as recorded in Plat Book 6, page 24, Public Records of Lee County, Florida.

F. Bonita Springs is the fee simple owner of the Park abutting the Easement Area, more particularly described as:

Park Parcel located at the intersection of Kentucky Street and Tennessee Street, as so depicted on the Plat of HEITMAN'S BONITA SPRINGS TOWNSITE, according to the map or plat thereof recorded in Plat Book 6, Page 24, Public Records of Lee County, Florida.

G. As the owners of Lots 1-4 and the Park shown in the Plat, the Parties desire to enter into this Mutual Confirmation of Easement to confirm that an access easement exists over the Easement Area for the benefit of the owners of Lots 1-4 and the Park.

NOW THEREFORE, in consideration of the promises and mutual covenants herein contained, the Parties agree as follows:

1. The Parties confirm the existence of an access easement over, upon and across the Easement Area and for that purpose and to that end the Parties hereby mutually grant and convey such an easement to each other, and consent to the improvement and maintenance of the Easement Area.
2. This Mutual Confirmation of Easement and all rights and obligations arising hereunder shall run with the land as an easement, and shall be appurtenant to the Lots and Park, and shall be binding upon and inure to the benefit of the Parties, and their respective successors and assigns.

[Remainder of Page Intentionally Blank, Signature Pages to Follow]

In Witness Whereof, the Parties hereunto have set their hands on the dates noted beneath their respective signatures.

Signed, sealed and delivered in our presence:

Witness #1 Name _____

Kristopher M. Fuzi

Date: _____

Witness #2 Name _____

State of _____

County of _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ___ day of September, 2021 by Kristopher M. Fuzi, who is personally known to me or who has produced _____ as identification.

Notary Public

[Notary Seal]

Name typed, printed or stamped

My Commission Expires: _____

Witness #1 Name _____

Joshua Trone, as Personal Representative of the
Estates of Charles L. Trone and Rita J. Trone

Date: _____

Witness #2 Name _____

State of _____

County of _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ___ day of September, 2021 by Joshua Trone, as Personal Representative of the Estates of Charles L. Trone and Rita J. Trone, who is personally known to me or who has produced _____ as identification.

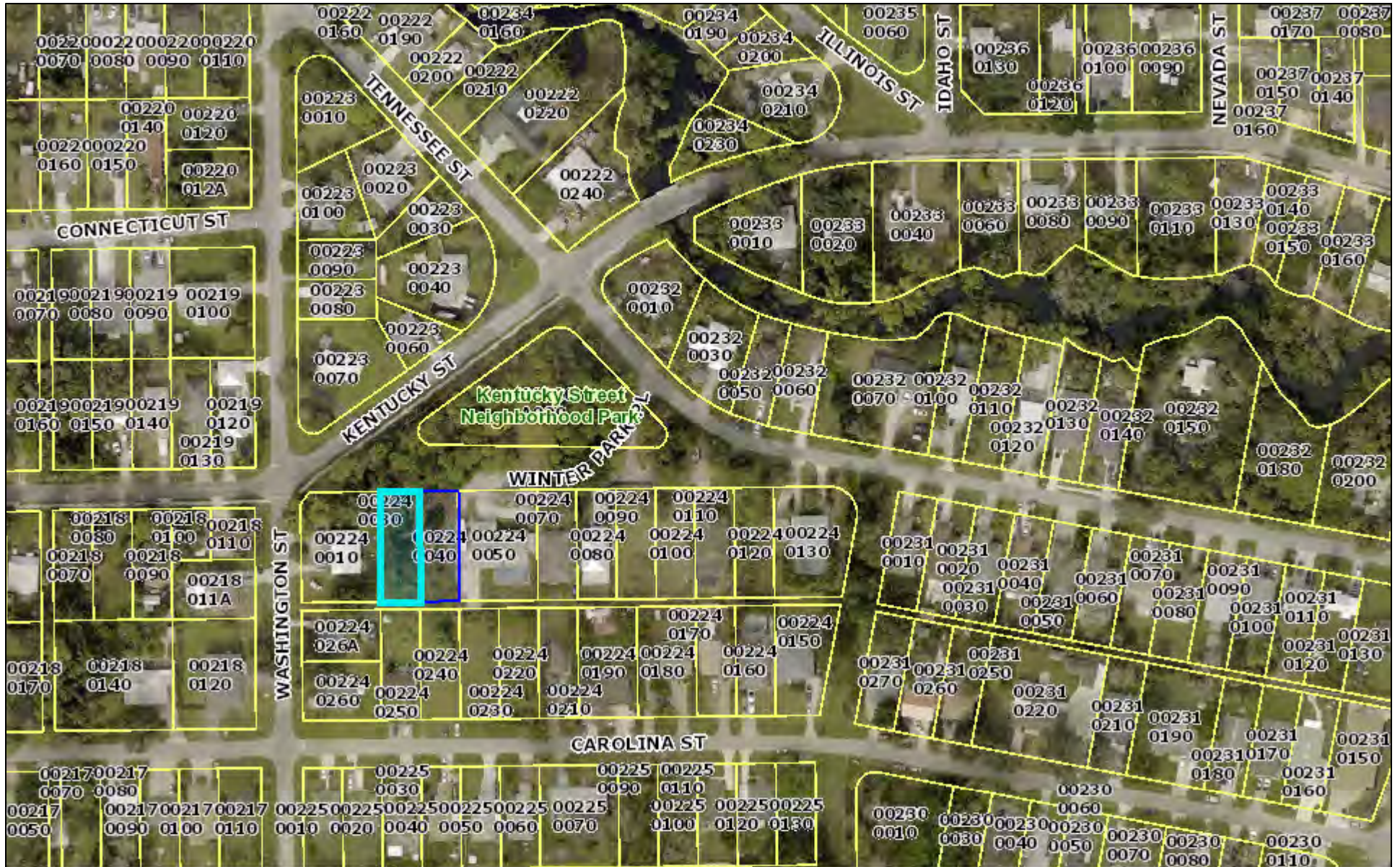
Notary Public

[Notary Seal]

Name typed, printed or stamped

My Commission Expires: _____

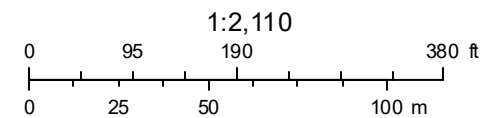
GeoView Map



October 29, 2021

Air Photos: 2021 Hi-Res (4 inch)

- | | | | | |
|--------------------|------------------|--------------------|----------------|--------------|
| Hospital Locations | School Locations | County Boundary | US 41 | Parcels Near |
| Library Locations | School Locations | Major Roads Medium | Other Highways | |
| CCC_Parks | I - 75 | Other Roads | | |



This map is NOT a legal land survey and should not be used or relied upon as such. No warranties, express or implied, are provided with the data, use, accuracy or interpretation.

Witness #1 Name _____

Joshua Trone

Date: _____

Witness #2 Name _____

State of _____

County of _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ___ day of September, 2021 by Joshua Trone, who is personally known to me or who has produced _____ as identification.

Notary Public

[Notary Seal]

Name typed, printed or stamped

My Commission Expires: _____

Witness #1 Name _____

Charly C. Trone

Date: _____

Witness #2 Name _____

State of _____

County of _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ___ day of September, 2021 by Charly C. Trone, who is personally known to me or who has produced _____ as identification.

Notary Public

[Notary Seal]

Name typed, printed or stamped

My Commission Expires: _____

Witness #1 Name _____

Matthew L. Trone

Date: _____

Witness #2 Name _____

State of _____

County of _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ___ day of September, 2021 by Matthew L. Trone, who is personally known to me or who has produced _____ as identification.

Notary Public

[Notary Seal]

Name typed, printed or stamped

My Commission Expires: _____

Witness #1 Name _____

City of Bonita Springs, a municipal corporation of
the State of Florida

Witness #2 Name _____

Arleen Hunter, as City Manager

Date: _____

State of _____

County of _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this __ day of September, 2021 by Arleen Hunter, as City Manager of the City of Bonita Springs, a municipal corporation of the State of Florida, who is personally known to me or who has produced _____ as identification.

Notary Public

[Notary Seal]

Name typed, printed or stamped

My Commission Expires: _____

REQUESTED MOTION: Authorize advertisement and amendment to the Development Agreement with 9161 BBR LLC and 9171 BBR LLC for additional height based on current design.

REQUESTOR: Derek Rooney, City Attorney

AGENDA: City Attorney's Items

STRATEGIC PRIORITY: #4 Environmental Protection

BACKGROUND:

On March 3, 2021, the City Council approved a home rule development agreement pursuant to Chapter 2 Article II of the Land Development Code (LDC) between the City of Bonita Springs and the owner of properties located at 9161 and 9171 Bonita Beach Road.

The proposed development will include up to 75,000 square feet of non-residential uses on 9161 Bonita Beach Road and up to 85,000 square feet of non-residential uses on 9171 Bonita Beach Road, consistent with those uses permitted within the Commercial Zone of the Bonita Beach Road Corridor District at a height not to exceed fifty (50) feet as prescribed and measured pursuant to the Bonita Springs LDC Section 4-187.

The agreement also set aside additional land for the preservation of rare and unique habitat and beneficial design to support this business expansion. In particular, it would allow the property owner surety that the space needed for business operations would be permitted while providing a larger preservation area than otherwise required by the LDC. The parcel at 9171 Bonita Beach Road contains a rare and unique habitat of xeric scrub. Utilizing a development agreement mechanism allowed the City and owner to shift a portion of the open space required from the western vacant parcel to the eastern parcel. Without an agreement, each parcel would be required to provide open space and native vegetation preservation individually. The result would be the loss of habitat as well as a probable reduction in developable square footage based on direct application of development standards on both properties.

The developer also agreed to parking agreement to cover overflow parking from City Hall.

Upon further planning and design, the owner is requesting additional height to meet the proposed design.

STAFF RECOMMENDATION: Authorize staff to advertise and bring the amended Development Agreement for approval.

ATTACHMENTS:

- 1) Draft Amendment to the Development Agreement
- 2) Current Renderings

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

**9161 AND 9171 BBR LLC
DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT (hereinafter, "Agreement") is entered into this _____ day of _____ 2020, by and between the **CITY OF BONITA SPRINGS**, a municipal corporation under the laws of Florida, having its principal office at 9101 Bonita Beach Road, Bonita Springs, Florida 34135 (hereinafter "City"), and **9161 BBR LLC and 9171 BBR LLC**, Florida limited liability companies, whose addresses are 26501 SOUTH TAMiami TRAIL Bonita Springs, Florida 34134 (hereinafter "Owner").

ARTICLE I. RECITATIONS

- A.** The Owner wants to pursue development of the Property generally consistent with the zoning and development regulations for the Commercial Zone of the Bonita Beach Road Corridor Overlay District and the CC zoning district; and
- B.** The City is permitted to enter into an agreement under its home rule powers where development is to be undertaken by a person who is not a local government, as set forth in Section 2-69(a), City of Bonita Springs Land Development Code; and
- C.** The Owner and City desire to enter into a development agreement under the City's home rule power; and

NOW THEREFORE, for and in consideration of the terms set forth below, the parties to this development agreement agree to the following:

ARTICLE II. DESCRIPTION OF THE PROPERTY

A. PROPERTY SUBJECT TO THIS AGREEMENT.

The properties that are the subject of this agreement are legally described in Exhibit "A" which is attached hereto and made a part hereof, referenced as "Property".

B. OWNERSHIP.

9161 BBR LLC and 9171 BBR LLC are the owners of the Property described in Exhibit A. All references herein to the Owner or Owners are understood to mean 9161 BBR LLC and/or 9171 BBR LLC, or their successors or assigns.

C. CONSISTENCY WITH COMPREHENSIVE PLAN.

The Future Land Use Map (FLUM) designates the property as General Commercial Future Land Use Category. The Proposed Development permitted by this Agreement will be consistent with the City's Comprehensive Plan.

D. CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS

The property is located within the Bonita Beach Road Corridor District. The Bonita Beach Road Corridor District (BBRCD) has four zones. The properties are located in the Commercial Zone. Upon the Parties' compliance with their respective obligations under this Agreement, the Proposed Development permitted by this Agreement will be consistent with the City's land development regulations.

E. PROPOSED DEVELOPMENT OF THE PROPERTY

The Proposed Development of the Property will comply with the following:

1. The parcel located at 9161 Bonita Beach Road (the "West Parcel") is permitted to be developed with up to 75,000 square feet of uses consistent with the BBRCD, Commercial zone and the CC zoning. The maximum lot coverage for the West Parcel is fifty-five percent (55%). The building envelope on the West Parcel is shifted to the east to be located closer to an adjacent property to facilitate interconnectivity.
2. The parcel located at 9171 Bonita Beach Road (the "East Parcel") may be developed with up to 80,000 square feet of uses consistent with the BBRCD, Commercial zone and underlying CC zoning. The building envelope on the East Parcel has been shifted to preserve rare and unique indigenous habitat on the parcel.
3. The maximum permitted building height for the development of the East and West Parcels is ~~fifty (50) feet~~ sixty (60) feet as prescribed and measured pursuant to the Bonita Springs Land Development Code Section 4-187, as it may be amended.
4. The Parties acknowledge that medical office, business services, and drug store/pharmacy are uses that are consistent with the BBRCD, Commercial zone and the underlying CC zoning. These uses are explicitly permitted uses for both the West and East Parcels. The medical office, business services and drug store/pharmacy (without a drive through) are not auto-oriented uses.
5. Lighting shall meet the standard requirements as set forth in the City of Bonita Springs Land Development Code. Luminaries along the frontage and on the building are not required per Section 4-899(b)(2), LDC. Site lighting will be provided, and photometric information will be submitted with the development order application.
6. Parking will be permitted within fifteen (15) feet of the Bonita Beach Road frontage. The general location of the parking areas shall be consistent with the attached graphic, Exhibit "B"

Formatted: Strikethrough

Formatted: Underline

7. The East and West property can be developed consistent with the attached graphic Exhibit "B" depicting a building envelope. A block layout plan is not required. The East and West property will not interconnect because they are not contiguous.
8. Buffers:
 - A. The required buffers for the West Property are set forth below:
 1. South Buffer: 15-ft Type "D" with 6-ft fence.
 2. North Buffer: 15-ft Type "D" without fence. This buffer shall include native canopy trees planted at a minimum height of 14 feet rather than the LDC required minimum height of 10 feet.
 3. East Buffer: 5-ft Type "A" without fence.
 4. West Buffer: 5-ft Type "A" without fence. Abutting Commercial.
 - B. The required buffers for the East Property are set forth below: we propose the following: except when adjacent to preserve, in which case a buffer is not required:
 1. Property line adjacent to a preserve: No buffer required.
 2. South Buffer: 15-ft Type "D" with 6-ft fence.
 3. North Buffer: 15-ft Type "D" without fence. This buffer shall include native canopy trees planted at a minimum height of 14 feet rather than the LDC required minimum height of 10 feet.
 4. East Buffer: 5-ft Type "A" without fence.
 5. West Buffer: 15-ft Type "D" without fence.
9. Planters or other landscaping amenities will be provided in the Spanish Wells easement, if permitted by Spanish Wells. If the landscape amenities cannot be placed in the Spanish Wells easement, the amenities will be placed elsewhere for each parcel. The applicant will submit an exhibit to the City that identifies the location of the planters and landscaping amenity prior to installation..
10. A pedestrian connection to the existing sidewalk in Bonita Beach Road right-of-way shall be provided at the time of building construction of the East and West Property. The property owner will not be required to modify the existing sidewalk located in Lee County's Bonita Beach Road right-of-way. The Development Order applicant will be required to pay a fee in lieu for the difference between the width of the existing sidewalk and the sidewalk required by the Bonita Beach Overlay. The funds will be utilized to provide for pedestrian or bicycle mobility proximate to the East and West property. No luminaries or shade trees are required within the Bonita Beach Road right of way.

11. No private roads will be constructed within the Property. The East Parcel and the West Parcel will be developed with drive aisles and driveways.
12. The Bonita Beach road frontage will utilize vegetation to screen the parking lot and drive aisle. No street walls are required. The shrubs will be three feet at the time of planting.
13. The parking on the West property will not exceed 25% above the minimum required parking. Parking for parcel West property will include a drive aisle to facilitate vehicular movement around the building and to be consistent with the designated street stub to the property to the west.
14. The West property will provide a street stub to the west. The street stub will align with the drive aisle located between the building and Bonita Beach Road. The street stub will be clearly marked to prevent traffic from traveling west until the adjoining property owner constructs the necessary improvements to provide the connection as provided in Section 3-301, LDC. Prior to the adjoining property owner obtaining a CC for the street stub the property owners will be required to provide mutual easement agreements to provide mutual access.
15. The East property will not provide an interconnect or an easement to the fenced Florida Power and Light facility due to Florida Power and Light restrictions and public safety. Should Florida Power and Light provide a cross access easement and other necessary authorizations to permit an interconnection at some future date, the owner of the East Property will coordinate with Florida Power and Light to provide the interconnection.
16. Dumpsters shall be screened.

F. OPEN SPACE REQUIREMENTS

The West Parcel open space requirement will be ten percent (10%). The West Parcel will not be required to provide indigenous open space. If there is indigenous vegetation that can be readily transplanted to the indigenous area on the east parcel, the replanting will be included in the first phase of the site work associated with the vegetation removal. If the vegetation cannot readily be transplanted then additional indigenous plantings may be required in the east parcel indigenous area.

The East Parcel will provide 1.18 acres of open space in the location depicted on Exhibit "B" for a total of 1.09 acres of indigenous (existing and restored). The 1.09 acres is in excess of the 1.02 acres total required indigenous for both parcels. Portions of the indigenous and/or xeric scrub habitat will be placed into a conservation easement for the benefit of the City, with maintenance responsibility by the Owner, and any successor in interest. The conservation easement will be provided to the City prior to issuance of a Development Order for either the West

or the East Parcel(s). The Owner can obtain a vegetation removal permit prior to the issuance of a Development Order to enable the Owner to remove exotic vegetation on both parcels within the development footprint identified on Exhibit "B". A Limited Development Order (LDO) will be required to obtain the vegetation removal permit, and a preserve management plan will be provided with the LDO application. Exotic vegetation must be removed prior to the creation of a conservation easement for the indigenous area. A planting/replanting plan will be provided, if needed, as part of the Development Order (DO) application for the building.

G. SETBACKS

The maximum street setback from Bonita Beach Road for the East and West Parcels is one hundred (100) feet. This 100' setback will include a fifteen (15) foot landscape buffer which may include decorative planters, double-loaded parking, a drive aisle, a five (5) foot sidewalk and a fifteen (15) foot perimeter building landscaping.

H. ACCESS, PARKING AND TRANSPORTATION IMPROVEMENTS

The access to the West Parcel will be from Bonita Beach Road and an eastern interconnection from 28000 Spanish Wells Boulevard. The access to the East Parcel will be from Bonita Beach Road and Spanish Wells Boulevard. The Owner will comply with Section 10-297, Lee County Land Development Code, in order to comply with applicable access and review standards for County roads lying in incorporated areas. The Owner will also comply with Division 2, Article III of the City of Bonita Springs LDC for special access provisions, connection separation, and continuation of existing street stub out.

The East and West Parcels will not be required to share parking due to the location of the parcels pursuant to the Bonita Beach Road Overlay. The Owner of West Parcel is encouraged to allow overflow parking during non-peak hours for government functions and events on the property at 9101 Bonita Beach Road, subject to a separate private agreement.

No on-street parking will be required for the Property.

ARTICLE III. OTHER PROVISIONS

A. EFFECT OF AGREEMENT

The failure of the Development Agreement to address a particular permit, condition, term or restriction, does not relieve the Owner of the necessity of

complying with the law governing those permitting requirements, conditions, terms or restrictions.

B. DURATION OF AGREEMENT

This Agreement will be effective upon execution of all parties and will continue in force for ten (10) years. It may only be terminated, amended, or extended as provided herein. The Development Agreement may be extended by mutual consent of the City and the Owner.

C. NOTICE

All Notices required by this agreement shall be provided in writing. All notices shall be provided to the parties at the address set forth below:

Derek Rooney
Gray Robinson
1404 Dean Street
Fort Myers, FL 33901

Neale Montgomery, Esq.
Pavese Law Firm
1833 Hendry Street
P.O. Box 1507
Fort Myers, Florida 33902-1507

Should the entity entitled to receive notice change, written notice must be sent to the other Party providing the name and address of the new entity that is to receive notice.

D. AMENDMENT OF AGREEMENT

This agreement may be amended or canceled by mutual consent of the parties or by their successors in interest. If State or Federal laws are enacted after the execution of this agreement that are applicable to, and preclude the parties' compliance with the terms of the Development Agreement, the agreement will be modified or revoked as necessary to comply with the relevant State or Federal laws after a public hearing.

E. TIME EXTENSIONS

Except as otherwise provided herein, extensions of the time of performance of any time-certain commitment in this Agreement may be granted.

F. REVOCATION OR TERMINATION OF AGREEMENT

This Agreement will terminate upon the first to occur of the following events:

- a) Revocation of the Agreement by the City Council based on an alleged violation of the agreement with written notice, a reasonable time to abate the violation, and due process; or
- b) Final build out or declared build out of the Property; or
- c) Mutual consent of the Parties.

G. ASSIGNMENT

Owner may assign the benefit and obligations of this Development Agreement to a third party. Assignments must be in writing, with two witnesses and notarized. Written evidence of assignment must be provided to the City. The City will provide written acknowledgment of the assignment to the parties identified in Article IV.C as well as to the assignee identified in the notice.

H. SEVERABILITY

If any part, term, or provision of this Agreement is found by a court of competent jurisdiction to be illegal, the validity of the remaining portions and provisions will not be affected and the rights and obligations of the parties will be construed and enforced as if this Agreement did not contain the particular part, term, or provision held to be invalid.

I. BINDING EFFECT

All terms, conditions, responsibilities, duties, promises and obligations of the parties are binding upon the parties, their successors and assigns.

J. RECORDATION IN PUBLIC RECORDS AND EFFECTIVE DATE

The City will record this Development Agreement with the Clerk of the Circuit Court promptly after the Chairman's signature, but in no event later than fourteen (14) days of its execution. This Development Agreement is not effective until it is properly recorded in the public records of Lee County.

IN WITNESS WHEREOF, the undersigned have executed this agreement below
on [Month] [day], 2020.

ATTEST:

**CITY OF BONITA SPRINGS, FLORIDA
CITY COUNCIL**

By: _____
[Clerk], City Clerk

By: _____
Rick Steinmeyer
Mayor

Approved as to form:

Derek Rooney, Esq.
City Attorney

Approved by the
City of Bonita Springs City Council
on _____
Greensheet #

9161 BBR LLC, a Florida limited liability company, by its _____,

Witness

Witness Printed Name

Witness

Witness Printed Name

By: _____
[Name]
Its: [Position]

STATE OF FLORIDA

COUNTY OF _____

The foregoing development agreement was acknowledged before me this _____ day of _____, 20____, by [name], [position] of 9161 BBR LLC, a Florida limited liability company, who is
[] personally known to me or has produced _____ as identification.

Notary

(SEAL)

9171 BBR LLC, a Florida limited liability
company, by its _____,

Witness

By: _____
[Name]
Its: [Position]

Witness Printed Name

Witness

Witness Printed Name

STATE OF FLORIDA

COUNTY OF _____

The foregoing development agreement was acknowledged before me this _____ day of _____, 20____, by [name], [position] of 9161 BBR LLC, a Florida limited liability company, who is [] personally known to me or has produced _____ as identification.

Notary

(SEAL)

Exhibits:

- A. Legal Description
- B. Open Space
- C. Conceptual Plans

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT B
INDIGENOUS OPEN SPACE







REQUESTED MOTION: Amend the settlement agreement with Angler's Paradise of Bonita and approve purchase and sale agreements for NW quadrant plan roadway acquisition.

REQUESTOR: Derek Rooney, City Attorney

AGENDA: City Attorney Item's

STRATEGIC PRIORITY: #2 – Transportation

BACKGROUND:

The property known as Angler's Paradise lies on the northwest quadrant of the Bonita Springs US 41 Intersection, just north of the shopping plaza. The City's quadrant plan conducted by McMahon and Associates identified this quadrant for a new reliever roadway to alleviate traffic congestion at the US 41/Bonita Beach Road intersection. In resolving interrelated claims relating to the property's entitlements, the City has worked with the property owner to develop a roadway alignment and an agreement to establish a means of acquisition of the NW quadrant roadway.

That agreement addressed both property valuation methodologies and development considerations but was ultimately unable to come to a resolution. Continued negotiations have resulted in a mutually agreeable price and additional changes to the settlement terms in order to accommodate the interests of the City and the property owner.

The Purchase & Sale Agreement will be provided to City Council Members via addendum prior to the Council meeting.

STAFF RECOMMENDATION: Approve agreement and authorize Mayor to execute all necessary documents to complete the transaction.

ATTACHMENTS:

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Debra Filipek

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

REQUESTED MOTION: Approve Interim Agreement with Barron Collier Companies for development of the Imperial Crossing parcel.

REQUESTOR: Derek Rooney, City Attorney

AGENDA: City Attorney Items

STRATEGIC PRIORITY: #5 Community Aesthetics; #8 Economic Development

BACKGROUND:

On May 28, 2021, Barron Collier Companies submitted an unsolicited letter of interest to design and construct public recreational and civic facilities under a long-term commercial and residential land lease in public-private partnership with the City. The City issued a notice to proceed and sought additional proposals. Following the June 16th City Council Workshop and subsequent selection process, Barron Collier Companies was selected to develop the project pursuant to Section 255.065, Florida Statutes.

The next step in the public-private partnership process is entering into an interim agreement under which Barron Collier Companies will conduct due diligence and work with the City and the public to develop a comprehensive final agreement detailing the specifics of the public amenities and terms of the lease.

STAFF RECOMMENDATION: Approve agreement and authorize Mayor to execute all necessary documents to complete the transaction.

ATTACHMENTS:

1. Interim Agreement
-

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Debra Filipek

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

INTERIM AGREEMENT

THIS INTERIM AGREEMENT ("Interim Agreement") is made and entered into this ____ day of _____, 2021 by and between the City of Bonita Springs Florida hereinafter referred to the "City"), and Barron Collier Companies (hereinafter referred to as ("BCC").

RECITALS:

WHEREAS, the City solicited proposals for the redevelopment of the downtown Imperial Crossing Project (the "Project") pursuant to Section 255.065, Florida Statutes; and

WHEREAS, the City Council finds that the Project involves certain real property, described in Exhibit "A" to this Interim Agreement, acquired by the City for redevelopment purposes serves a public purpose by creating a public recreational, cultural, and parking facility in the heart of the City's Old 41 downtown redevelopment area; and

WHEREAS, BCC submitted a proposal for the Project that was accepted by the City Council; and

WHEREAS, Pursuant to Section 255.065(6), Florida Statutes, City and BCC wish to enter into this Interim Agreement prior to the parties entering into a Comprehensive Agreement as contemplated by the aforementioned statute.

NOW, THEREFORE, the City and the BCC agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by this reference.
2. BCC shall have the right to access the Property to perform due diligence and testing of the Property. BCC shall provide City written notice of its intent to inspect the Property 48 hours prior to accessing the Property. Provided, however, that BCC shall provide evidence of comprehensive liability insurance acceptable to the City Attorney prior to conducting any due diligence activities on the Property. Notwithstanding, the City will retain possession and full use of the Property during the Term of this Interim Agreement.
3. BCC shall conduct two public meetings to obtaining public comment on the potential development of the Property. The first public meeting occurred on November 2, 2021. The second meeting shall occur in March 2022.
4. Unless terminated earlier by BCC, the Term of this Interim Agreement shall be from execution until the expiration of the due diligence period as provided in paragraph 5 below or until superseded by a Comprehensive Agreement.
5. BCC shall have a due diligence period of 180 days commencing upon the completion of the second public workshop. BCC may terminate this Interim Agreement or any Comprehensive Agreement entered into prior to the expiration of the due diligence period at BCC's sole discretion.

6. During the Term of this Interim Agreement, City and BCC shall negotiate a Comprehensive Agreement pursuant to Section 255.065(7), Florida Statutes. The City Council intends to consider a Comprehensive Agreement within 60 days of the occurrence of the second public workshop.
7. BCC shall have the right to assign the Comprehensive Agreement to an affiliate entity established specifically for the Project.
8. The City hereby provides BCC the exclusive right to inspect the Property, conduct public workshops relating to the use of the Property and negotiate a Comprehensive Agreement pertaining to the development of the Property during the Term of this Interim Agreement.
9. NOTICES. All notices required under this Agreement shall be directed to the following offices: For the City: Office of the City Manager, 901 Bonita Springs Road, Bonita Springs, Florida 34135. For the Landowner: David Genson/President of Development, Barron Collier Companies, 2600 Golden Gate Parkway, Naples, FL 34105.
10. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party who signature appears thereon and all of which shall together constitute one and the same instrument.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first written above.

CITY OF BONITA SPRINGS FLORIDA

Debbie Filipek, City Clerk

Clerk

BY: _____
Rick Steinmeyer, Mayor

Approved as to form and
legal sufficiency

Derek Rooney, City Attorney

ATTEST:

Debbie Filipek

Barron Collier Companies

BY: _____

PRINT: _____

TITLE: _____

[Signature]
MICK CASALANGUIDA
SVP Development
BARRON COLLIER

EXHIBIT A

Real property containing approximately 5.3± acres located in the plat of "Bonita Springs" according to the plat thereof recorded in Plat Book 3, Page 26 of the Public Records of Lee County, Florida, including Lots J and K and that part of Lot I South of Leffert Creek and North of the Imperial River and all of Blocks 6 and 7, and Lots 4, 5, 6, 7, and 8 of Block 5, together with the East ½ of the alley vacated by the Lee County Commission, Minutes Book 51, page 442, and the West ½ of the alley vacated by the Lee County Commission, Minutes Book 51, page 442, said lands situate, lying and being in the City of Bonita Springs, Lee County, Florida, commonly known as Imperial Crossing.

**CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY**

Green Sheet No. 21-11-236
November 3, 2021

REQUESTED MOTION: Approve adding the Bonita Community Park Baseball Complex, Phase 2 project to the City's FY 22-23 Legislative Funding Request

REQUESTOR: Arleen Hunter, City Manager; Matt Feeney, Assistant City Manager

AGENDA: City Manager's Items

STRATEGIC PRIORITY: #5 Community Aesthetics

BACKGROUND: Prior to each year's legislative session, the City develops a list of legislative priority projects to seek funding during the upcoming session.

Staff has been coordinating with Representative Botana and Carole Green on our current legislative requests. Representative Botana encouraged staff to present an additional appropriations request that may be beneficial to the City. Thus, staff is requesting that the Community Park Baseball Complex, Phase 2 be added to the legislative priority project list for fiscal year 2022-2023.

Phase 2 improvements include the renovation of 3 of the 4 baseball fields. The renovations will meet Little League baseball field standards consisting of turf replacement, grading and drainage improvements, irrigation modification and expansion, new bases, base lines, and pitcher's mounds, fencing and gates, backstops, and safety nets. Upgrade of scoreboards, dugouts, bleachers, scorekeeper areas, bullpens and shade structures will also be included.

The estimated cost of the project is approximately \$1.9 million, and the City's current budget provides for \$1.2 million of general funds for this project. Staff recommends a legislative appropriations request of \$750,000 to supplement the City's funding.

STAFF RECOMMENDATION: Approve adding the Bonita Community Park Baseball Complex, Phase 2 project to the City's FY 22-23 Legislative Funding Request.

REVIEWERS:

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

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

INFORMATIONAL ITEM: Update on City's redistricting process.

REQUESTOR: Arleen Hunter, City Manager; Carly Sanseverino, Staff Attorney

AGENDA: City Manager Items

STRATEGIC PRIORITY: #7 Government Transparency

BACKGROUND:

Section 53 of the City Charter provides that after each decennial census, the City Council may redivide the City into six districts as roughly equal in permanent population (along precinct lines) as practical.

The City will be working with Kurt Spitzer and Associates, Inc. (KSA) to assist the City in the redistricting process. KSA has served as the redistricting consultant and facilitator for 22 local redistricting projects in Florida and has worked with Florida local governments for over 40 years. Funding for the consulting services is provided within the current FY21-22 budget.

Part of the redistricting process will include public workshops to be held early next year. Staff will be providing further updates through out the process, including scheduling of public workshops and facilitators.

STAFF RECOMMENDATION: Informational Item Only.

ATTACHMENTS:

1. Proposal from Kurt Spitzer & Associates

REVIEWERS:

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

Council Action: Approved ___ Denied ___ Deferred ___ Other_____

Proposal For
Redistricting Services
to the
City of Bonita Springs

submitted by
Kurt Spitzer and Associates, Inc.
www.ksanet.net
(850) 228-6212
October 1, 2021

Executive Summary

This Proposal is to provide professional redistricting services for the City of Bonita Springs.

The US Census Bureau is required to conduct an “actual enumeration” of “all persons” in the United States every 10 years, meaning that their duty is to count the “whole number of persons in each State.” The census conducted in 2020 was the twenty-fourth time such a count has taken place.

Congress uses the census data to reapportion the number of congressional seats allocated to each state. State Legislatures use the information to realign state and congressional district boundaries in furtherance of the principal of “one person, one vote.” For similar reasons, local governments use the data to realign the district boundaries used to elect the members of their governing bodies. Counties in Florida are specifically required to examine the need to redistrict during the first odd-numbered year after each census is completed.

Kurt Spitzer (owner of Kurt Spitzer and Associates or “KSA”) has served as the redistricting consultant and facilitator for 22 local redistricting projects in Florida. He has worked with Florida local governments for well over 40 years and will serve as Project Manager and primary point of contact for the Project.

Assisting KSA with data collection and mapping will be Sean Reynolds and Bertram Melix. Mr. Reynolds is a systems engineer with Technology Corporation in Tallahassee. Mr. Reynolds holds a Master of Science degree in Geographic Information Systems. He is a Lecturer on geographic information systems at the American University in Armenia. He is highly skilled in data collection and manipulation, and in the use of the software needed in the redistricting process.

Mr. Melix holds a Master of Science degree in Geographic Information Systems and is currently pursuing his PhD in the Department of Geography at Florida State University in Tallahassee.

Curriculum Vitae

Kurt Spitzer

Kurt Spitzer is President and owner of Kurt Spitzer and Associates (KSA) a Tallahassee-based local government consulting firm. Prior to forming KSA in 1989, Mr. Spitzer was employed by the Florida Association of Counties for more than 10 years and by the Florida House of Representatives prior to that time.

Mr. Spitzer has served as the consultant in 22 local government redistricting projects in Florida, ranging in size from the City of Quincy to Pinellas County. He has served as the consultant to numerous county charter study and charter review commissions, ranging in size from Wakulla to Broward Counties. KSA was the lead consultant on local government matters to Florida's first Taxation and Budget Reform Commission and its second Local Government Study Commission.

Mr. Spitzer represents the Florida Stormwater Association in all legislative and regulatory matters and has been intimately involved in the development of Florida surface water policy for the past 25 years.

Mr. Spitzer received his Bachelor of Arts degree (biology and political science) from the University of South Florida and his Master of Science in Public Administration from Florida State University.

Sean Reynolds

Assisting in the Project for mapping and data manipulation services is Sean Reynolds. Mr. Reynolds has been a Systems Engineer for Technology Corporation in Tallahassee, Florida since November 2016. He is primarily responsible for the development of software, hardware, networking, domain management and database solutions for the company's clients. He provides Tier 3 IT support in networking and systems for clients in a variety of industries.

Since January of 2017 Mr. Reynolds has been a Lecturer and Researcher on Geographic Information Systems and Remote Sensing, Geography and Statistics at the American University of Armenia in Yerevan, Armenia. He was a Geospatial Analyst for Harris ImageLinks in Melbourne, Florida from 2010 through 2014.

Mr. Reynolds has extensive experience in the use of ESRI products and software, website development and use of social media when sharing information.

Mr. Reynolds received his Bachelor of Science (Anthropology) *cum laude* and his Master of Science (Geographic Information Systems) from Florida State University.

Bertram Melix

Also assisting in the Project for mapping and data manipulation services is Bertram Melix. Mr. Melix is a graduate research assistant at the Florida State University's Department of Geography, where he is pursuing his PhD in Geography. He holds a Master of Science in Geographic Information Systems from Florida State University and has extensive experience in the use of ESRI products and software.

Specific Experience and References

with significant notations included

Redistricting Projects

1. Brevard County Commission (Citizens Redistricting Committee) - 2001

Pursuant to an amendment to the County Charter, Brevard County was the first county in Florida to redistrict its Commission district boundaries based on the use of and recommendations from a Citizens Redistricting Committee.

References

Anselmo Baldonado, Chairman
Brevard Citizen's Redistricting Committee
(321) 777-9225

Peggy Busacca, Assistant County Manager (former)
Brevard County
(321) 633-2010
peggy.busacca@countygovt.brevard.fl.us

2. Brevard County School Board - 2001

3. City of Daytona Beach - 2011

4. City of Ft. Lauderdale - 2002

5. City of Ft. Myers - 2005

Through a charter amendment, the City of Ft. Myers changed the structure of the Council from a "Strong-Mayor" form of government that had an elected executive and five single-member districts, to a Council-Manager form of government that included a directly elected Mayor who was a member of the City Council and a City Manager who was hired/fired by the Council. The Council was increased to a total of six, single-member districts. Note that the City was a "pre-clearance" jurisdiction under the provisions of Section 5 of the Voting Rights Act; no challenges to the adopted plan were filed.

Reference

Grant Alley, City Attorney
Phone: 239-321-7640
galley@cityftmyers.com

6. City of Pompano Beach – 2011

KSA is currently engage by the City for redistricting services in 2021.

7. City of Quincy - 2020

The City had not redistricted its boundaries in 45 years, requiring consideration and adoption of significant changes to the existing redistricting plan. The adopted plan was challenged under the provisions of the Voting Rights Act but was upheld in federal court.

Reference

Jack L. McLean, Jr., City Manager

Phone: 850-618-0020

jmclean@myquincy.net

8. Columbia County Commission - 2021

The County Charter provides for a Citizens Redistricting Committee. The Committee adopted a plan that did not count the population of those incarcerated in the County's two prisons and submitted that plan to the County Commission for final approval.

Reference

Joel Foreman, County Attorney

Phone: 386-752-8420

jforeman@columbiacountyfla.com

9. Jefferson County Commission – 2013 and 2016

The 2013 redistricting plan was challenged based on whether prison population should be counted (as was the direction of the Florida Attorney General and case law) or excluded. A federal District Court in Tallahassee ruled that the prison population could not be counted. A revised plan was prepared and adopted in 2016 which did not count prison population; that plan was approved by the District Court. Note that the US Supreme Court has subsequently ruled that use of total population (including prison) is an acceptable approach in the redistricting process.

Reference

Buckingham Bird, County Attorney

Phone: 850-997-3503

tbbird@nettally.com

10. Leon County School Board - 2001

11. Levy County Commission and School Board - 2001 and 2011

12. Nassau County Commission, School Board and Port Authority - 2001

13. Pinellas County Commission – 1999 and 2001

KSA assisted the County in redistricting after a charter amendment passed changing the districting system from five commissioners elected on an “at-large” basis to a system of four single-member districts plus three at-large. After the year 2000 census data was released in 2001, KSA adjusted the 1999 district boundaries based on the new demographic information. KSA is currently engaged by Pinellas County for redistricting services in 2021, whose charter now provides for a Citizens Redistricting Advisory Board.

Reference

Susan Churuti, County Attorney (former)

Phone: 813-283-8666

susan.churuti@beachdriveretail.com

14. Pinellas County School Board – 2001

15. Sarasota County Commission - 2019

A 2018 amendment to the county charter changed the districting system from five members residing in residence areas but elected by all the voters countywide to five single-member districts, who were elected only by the voters of those districts. The County Commission thereafter decided to redistrict the Commission districts based on updated population data. KSA subcontracted with the University of Florida’s Bureau of Economic and Business Research to update the 2010 data and thereafter redrew the district lines based on that updated data. The adopted plan was challenged in federal court based on the provisions of the Voting Rights Act; the Court ruled in favor of the County. KSA is currently engaged by Sarasota County for redistricting services in 2021.

Reference

Brad Johnson, Assistant County Administrator

Phone: 941-861-5293

Brad.Johnson@scgov.net

16. Sumter County Commission - 2006

Other Relevant Experience

KSA has provided consulting services on charters and local government structure and finance for the below entities. All projects listed below required a high level of facilitation and consensus building skills.

- Broward County Charter Review Commission
- Columbia County Charter Commission
- Columbia County Charter Review Commission - two occasions
- Deltona Incorporation Study Commission (municipal incorporation feasibility study)
- Indian River County Commission (BCC proposed charter)
- Lee County Charter Review Advisory Commission - three occasions
- Leon County Charter Study Committee
- Leon County Charter Review Commission
- Local Government Study Commission II, State of Florida
- Okaloosa County Charter Study Commission
- Pasco County Commission (BCC proposed charter)
- Pinellas County Charter Review Commission - three occasions
- Polk County Charter Commission
- Polk County Charter Review Commission - three occasions
- Tallahassee-Leon County Consolidation Commission
- Taxation and Budget Reform Commission, State of Florida
- Wakulla County Commission (BCC proposed charter)

Suggested Approach and Work Plan

We propose the following (tentative) approach to complete the Project. A specific schedule will be identified as an attachment to an adopted Agreement with KSA.

Task	Event
1	Consultant Engaged
2	Consultant acquires necessary and available files and data from the City and Bureau of the Census for mapping.
3	Consultant conducts presentation for the City on redistricting process, criteria and practices, and anticipated work plan for the Project via zoom or other virtual mechanism.
4	Consultant prepares redistricting maps based on common redistricting principles and direction given during meeting with City during Task 3.
5	Consultant conducts presentation on at least three redistricting maps: “Existing” plan and two alternative plans via zoom or other virtual mechanism.
6	Consultant prepares redistricting map recommendation based on direction given during Task 5.
7	If recommendation is approved, consultant prepares draft legal description of new district boundaries and delivers all files to staff.
9	If recommendation is rejected, consultant prepares draft alternative maps.
10	Consultant presents revised maps to governing body.
11	Consultant prepares draft legal description of new district boundaries and delivers all files and maps to staff.

Price

We propose a fixed price of \$33,000, which would include the following services and all expenses, except as identified under “Out of Scope.”

1. Attendance by Mr. Spitzer at not more than five zoom meetings concerning the redistricting Project.
2. Preparation by Mr. Spitzer of a draft legal description of the adopted, final districts Map.
3. Time spent in preparation by Mr. Spitzer and other Team Members for attendance at all meetings and all other tasks identified in “Approach and Work Plan.”
4. Preparation of not more than seven districting maps or plans, including the initial “Existing Districts” map. Minor revisions to alternative plans will not be considered to be an additional map or plan.
5. All costs for necessary software.
6. Expenses adding the jurisdiction as a named insured to the KSA Liability Insurance policies for the purposes of the Project.
7. Regular, frequent communication on the status of the Project with designated staff, counsel and members of the Commission/Council.
8. Preparation of a draft narrative description of the adopted district boundaries.
9. Delivery of final maps and all related files and data to Commission/Council staff.

Payment Schedule

We propose the following payment schedule:

- \$11,000 due upon acceptance of the Agreement.
- \$11,000 due upon completion of Task 6.
- \$11,000 upon completion of the Project (Task 9.)

Expenses and fees for services provided outside of the scope of work (if any) will be billed monthly in arrears.

Out of Scope

The following services and related expenses are not included in the above price(s):

1. Preparation for or attendance at additional meetings related to the Project, or preparation of additional maps or reports, beyond those identified above will be billed at the following rates:

Kurt Spitzer \$275 per hour

Other Team Members \$175 per hour

2. Attendance at meetings related to the Project requiring in-person attendance requiring an overnight stay by Mr. Spitzer, will be billed at a total cost of \$2,750 per meeting, inclusive of all travel and meeting time, and all related travel and lodging expenses.

3. Testimony in Legal Proceedings

Mr. Spitzer will be paid at a rate of \$275 per hour for expert technical assistance in the event any legal action arises relating to the redistricting process or plans developed with KSA's assistance. Mr. Spitzer will provide expert testimony and technical services, if necessary, in state and federal court as it relates to the adopted redistricting plan.

In instances where Mr. Spitzer either does not or cannot qualify as an expert, and where necessary in a legal action, the Mr. Spitzer will provide fact testimony relating to the redistricting of plans developed with KSA's assistance. KSA will be reimbursed for expenses incurred and time lost in preparing for and providing the non-expert testimony. KSA will itemize and invoice for such expenses and will be compensated for time lost at an hourly rate of \$275 per hour.

The City, KSA and Mr. Spitzer understand and agree that payment cannot and will not influence the substance of Mr. Spitzer's testimony.

NOTICE OF PUBLIC MEETING
CITY COUNCIL
CITY OF BONITA SPRINGS
OCTOBER 20, 2021
9:00 A.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

1. Call to order

Mayor Rick Steinmeyer called the meeting to order at 9:00 A.M.

2. Invocation

Pastor Riley Grandell, with Gulfshore Church, furnished the invocation.

3. Pledge of Allegiance

Council Member Fred Forbes led in the Pledge of Allegiance.

4. Roll Call

Mayor Steinmeyer and all Council Members were in attendance.

5. Approval of Agenda

6. Mayor's Welcome

7. Public Comment on Agenda Items: No public comments were made.

8. Zoning and Land Use Items:

A. (First Reading and Public Hearing of the following Zoning Ordinance): A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS TO AMEND THE RESIDENTIAL PLANNED DEVELOPMENT PORTION OF THE BAYVIEW ON ESTERO BAY COMMERCIAL PLANNED DEVELOPMENT TO INCREASE THE MAXIMUM PERMITTED BUILDING HEIGHT; ADD RESTAURANT, GROUP III, AND HOTEL/MOTEL USES TO THE SCHEDULE OF USES; ADD THREE (3) NEW DEVIATIONS RELATING TO RESTAURANT AND HOTEL/MOTEL USE; AND TO MODIFY TWO (2) EXISTING DEVIATION JUSTIFICATIONS RELATING TO INCREASE IN HEIGHT; AND MODIFY THE MASTER CONCEPT PLAN TO PROVIDE FOR THESE CHANGES; AND, PROVIDE FOR AN EFFECTIVE DATE. (Greensheet No. 21-10-223)

City Attorney Derek Rooney read the title block of the Zoning Ordinance into the record.

Jackie Genson, Community Development, furnished an overview, adding that no changes were made to what was presented to the Zoning Board. She further addressed the Staff Report, etc., noting that public comment is welcome. The case will go forward on November 3, 2021, at which time the professionals for transportation will be in attendance as well as outside Land Use Counsel David Theriaque.

PUBLIC COMMENTS:

Roy Hyman, General Manager of Pelican Landing Community Association, which includes Pelican Landing and The Colonies. He addressed existing uses in Pelican Landing and presented slides (copy in Clerk's file) to show the area and to address their concerns and the effects the amendments will have on the 5,000 plus

residents in 3,350 homes. Their concerns relate to the traffic generated from the result of the change in uses and a parking lot that will be located right next to the Pelican Landing Beach shuttle parking lot and across from the Colonies entrance. He has not addressed environmental concerns in regard to clean water and runoff and whether or not there is a marina building and its impact on the water with gas, etc. He expanded on his photographs.

Dr. Jeffrey Wacksmans, a resident of Pelican Landing, addressed the previous approval in 2020, at which time over fifty percent of the people were not aware of this project as meetings were limited and people were out of town. The project should go forward after two areas are clearly addressed – 1) the traffic issues and study, which he addressed, and 2) and the route taken to launch motorized boats and jets skis from the public marina. He would suggest they meet with London Bay and Bonita Springs for an alternate plan and to develop an alternate route to the marina.

Bob Loos, president of the Colony Foundation, present on behalf of the 1,077 residential units in The Colony. There is going to be major development in this area, which he addressed, including approved additional development. He is specifically concerned with the amount of development occurring and the amount of traffic that will result on Coconut Road. He would suggest the City sit with Estero and Lee County and figure out this plan.

Jim Hollars, also a member of the Colony at Pelican Landing Foundation Board, feels this new development will place great stress on people in Pelican Landing, The Colony, The Hyatt and the entire Raptor Bay area. The difficulty is the feeder through the traffic that will cause jams on Coconut Road coming from Bonita Springs. There's going to be a lot more traffic and it's important the impact of the whole project be assessed between Lee County, and Estero and Bonita Springs, as that road is an evacuation road. They will regret it if they don't find a way to lighten the traffic load on the area going from the entrance to The Colony, to the entrance to the Hyatt, and the entrance of Weeks Fish Camp.

Joseph Winterberger feels it's a great project, but traffic is what everyone is concerned about. Traffic is the issue everyone is concerned about. He addressed ramp access for public access for boating, as the problem relates to the number of boats that can go in there to launch. The problem regards high demand for access to the water and there's no place to put boats in, which he further addressed. He would suggest working with Lee County and the City's planners, and London Bay to come up with a solution.

Judy Neyhart, a citizen of Bonita Springs. She addressed the Bayview plan for this boat launch she can see four serious congestions problems, which she expanded on, including the narrowness of the ramp, congestion of the parking lots, congestion with boats floating in the small harbor, and congestion on Coconut Road.

Council Member Laura Carr motioned to move to second reading; Council Member Jesse Purdon seconded; and the motion carried 6-1 (Mayor Steinmeyer opposed)

- B. (First Reading and Public Hearing of the following Zoning Ordinance): A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST TO REZONE 4.19± ACRES FROM RESIDENTIAL TWO-FAMILY CONSERVATION (TFC-2) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO ALLOW A 132-BED ASSISTED LIVING FACILITY; LOCATED AT 9726 BONITA BEACH ROAD SE, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE. (Greensheet No. 21-10-225)

9:31 am.

City Attorney Rooney read the title block of the Zoning Ordinance into the record.

Mary Zizzo, Community Development, noted this was procedurally an opportunity for additional public hearing to be heard at this time. Presentations will be provided at the next meeting.

No public comments were made.

Council Member Mike Gibson motioned to move to second reading; Council Member Carr seconded; and the motion carried unanimously.

9. Consent Agenda: (Note: Items on the Consent Agenda will be considered as one unless a specific item is removed by a Council Member for separate discussion.)

Mayor Steinmeyer motioned approval of the Consent Agenda; Council Member Gibson seconded; and the motion carried unanimously.

- A. Approve Agreement between Lee County and the City of Bonita Springs for West Coast Inland Navigation District grant funding to be used for marine law enforcement. (Greensheet No. 21-10-221)
- B. Authorize the fourth extension of the agreement allowing the Bonita Springs Lions Club to operate a Farmers Market on Wednesdays from 8:00 am-1:00 pm at the Lemon Tree Lot commencing October 21, 2021. At a date to be specified later, due to the Food Truck Park project, the Bonita Springs Lion's Club Farmers Market will be relocated to Front Street. (Greensheet No. 21-10-222)

• OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS

10. Proclamations and Presentations:

- A. Presentation of 15 Years of Service Award to City employee Brenda Reetz.

At the request of Mayor Steinmeyer, City Manager Arleen Hunter presented the 15 Years of Service Award to City employee Brenda Reetz. Ms. Reetz was in attendance to accept her Award, and thank Mayor Steinmeyer, City Council, and City Manager Arleen Hunter. Finance Director Lisa Roberson also congratulated and thanked Ms. Reetz for her service.

11. Second Reading and Public Hearing of the following Ordinance:

- A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE; CHAPTER 7— ENVIRONMENT, NATURAL RESOURCES AND MARINE FACILITIES, STRUCTURES AND EQUIPMENT—ARTICLE XII— DOCK AND SHORELINE STRUCTURES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE. (GREENSHEET NO. 21-10-224)

9:35 a.m.

City Attorney Rooney read the title block of the Ordinance into the record.

Laura Gibson, Environmental Specialist with Community Development, furnished a Powerpoint presentation (copy in Clerk's file) to address the need for the changes, the main changes to allow seawalls to be raised and not restricted in artificial canals, and continue protection for natural shorelines. She also addressed dock placement and size specifications, water quality, protection of aquatic life, and the protection of vegetation. The first reading was held in June.

9:49 a.m.

Council discussion was held, and in response to Council Member Quaremba, Ms. Gibson stated that input was also provided for these regulations from the staff engineer, building official, noting that several other municipalities have amended their regulations to allow for these changes as well.

City Attorney Rooney referred to comments by Council Member Forbes and referred to Section 3-59(b) on page 17 that states "...maximum of two feet above the adjacent seawall(s), vertically transitioning at no greater than a forty-five-degree angle or a return wall is used to sufficiently provide for the break in grade at the property

line,” and suggested a caveat at the end that ties into “as required by the drainage plan per section 3-59(e).” John Dulmer, Community Development, stated they asked that the language relating to the 45 percent be included so it can be used, if needed. All the language has to fit into the drainage plan and show that the site functions. He further addressed and discussion ensued.

Council Member Quaremba motioned to adopt the Ordinance; Council Member Chris Corrie seconded

No public comments were made.

The motion carried unanimously, with the revision to include the drainage plan. **ADOPTED ORDINANCE NO. 21-08**

12. City Attorney’s Items

- A. Amend the settlement agreement with Angler’s Paradise of Bonita and approve purchase and sale agreements for NW quadrant plan roadway acquisition. (Greensheet No. 21-10-226) **TO BE CONTINUED TO NOVEMBER 3, 2021**

13. City Manager’s Items

- A. Presentation and review of the August Monthly Financial Report. (Greensheet No. 21-10-220)

10:12 A.M.

Lisa Roberson, Finance Director, presented a Powerpoint presentation (copy in Clerk’s file) on the August Monthly Financial Report. Council posed several questions which Staff responded to questions relating to fines and impact fees. Council Member Forbes stated that FDOT has put out a series of graphs on the rate of cost increases on construction which he will provide to Staff and Council.

Additional Items:

City Manager Hunter congratulated City Staff Elly McKuen and Assistant City Manager Matt Feeney on the first three homes they are getting ready to close on in relation to the buyout program.

14. Mayor and Council Member Reports

10:29 A.M.

Council Member Forbes reported on the meeting held at FGCU this past Friday regarding the water compact, informing Council that FGCU’s water department laid out an agenda/action plan for the compact for the next year. He, along with County Commissioner Kevin Ruane, and County Manager Roger Dejaralis, informed them that they don’t want anything figured out until they talk to the three existing water comp. Discussion on the compact was held. He will inform Council, through the City Clerk, of future compact meetings. He further reported on a meeting he and Staff attended the previous day with Comcast who briefed them on everything from hotspots to 5G, etc. He would recommend Council ask Staff to set on one-on-ones who also want to hear this information from Comcast.

10:38 A.M.

Council Member Jesse Purdon addressed two potential Ordinances he would like to move forward with, first getting Council’s input. The first relates to not allowing septic in new development, and the second to clean up the building code so people can’t file for waivers so that they can’t do complete streets. Council Member Quaremba would like a clarification of what already exists in the code and the reason behind it relating to septic. Council is supposed to have a presentation by BSU to better understand the septic issue in the City. She is not in favor of an arbitrary regulation proposed by Council Member Purdon until Council has a more global understanding of what the problems are and how they can fix them. Council Member Purdon stated he will have Executive Secretary Jane Swanson reach out to Council Members to schedule a tour of the LCSO operations center.

He would encourage all Council to have individual tours as well. Fiesta Bonita video will be coming soon, and the Rally for Clean Water at Riverside occurred this past weekend. He concluded by addressing the FNIP insurance program, and updates on LOSOM and a sanctions bill on Cuba, per Congressman Byron Donalds office. Lastly, he reported that The Wildcats Youth Soccer team is undefeated!

Council Member Chris Corrie addressed comments made on sewer and septic in relation to the growth rate of Bonita Springs, and per the growth rate of 3.9% by 2031, the City will be a City of 92,000. He feels that Council needs to keep in mind long term growth which will have a huge impact on infrastructure.

Council Member Quaremba informed Council that she participated in the Southwest Florida Association prayer meeting at Bandshell. She also reported that the Veteran's Committee finalized plans for Veteran's Day.

Council Member Carr thanked Governor DeSantis for standing strong against mandating COVID-19 vaccines. She also attended the prayer meeting, which was very nice. Also, the Clean Water event was very informing and interesting, and a great event. She also thanked Bonita Springs Real Estate and FGCU, the City of Bonita Springs, and others who offered the event held Saturday. Lastly, she thanked and reported that the Rotary mulched and painted Bonita Springs Elementary School.

Council Member Forbes referred to Council Member Purdon's proposal regarding septic tanks and Council Member Quaremba's comment, and suggested that they include in the code language that says if you are in an area with standing water in wet seasons that you mound up your leaching field so it's above the water line. Mayor Steinmeyer also addressed septic and sewer.

15. Approval of Minutes: 09/14/21 & 09/29/21

Council Member Mike Gibson motioned approval of the Minutes; Council Member Purdon seconded; and the motion carried unanimously.

16. Public Comment

Andres Paz, Outreach Advisory Committee, reported that the Committee decided to host a virtual celebration of Fiesta Bonita Springs this year, which they have aired the Spanish version of the video on three TV networks, but have paused the English version from airing to afford the opportunity to preview the video and invite the Mayor and City Council and members of the Outreach Committee. He sent Council an email invitation to their visual pre-view party at City Hall on November 2, 2021 at 6:00 p.m. After further discussion, City Manager Hunter stated she will have Lora Taylor reach out and coordinate and call Council Members on a date for the event.

17. Adjournment

There being no further items to discuss, the meeting adjourned at 11:00 A.M.

Respectfully submitted,

Debra Filipek, City Clerk

APPROVED:
CITY COUNCIL

Date: _____

AUTHENTICATED:

Rick Steinmeyer, Mayor