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

City of Bonita Springs
City Council
Meeting Agenda

May 15, 2024
9:00 a.m.

If you intend to address the City Council, please submit a "Public Comment Slip" to the City Clerk before the meeting commences. Blank comment slips are available on the table outside of Chambers.

To submit a written public comment in advance of the meeting, email your name, address, and comment to CITYMEETINGS@CITYOFBONITASPRINGS.ORG. **Written comments must be received by 3 p.m., May 14.**

The City of Bonita Springs is committed to equal opportunity and does not discriminate on the basis of race, color, national origin, gender, age, disability, religion, income, or marital status. Under the Americans with Disabilities Act, anyone who requires an ADA-qualified accommodation to participate in this proceeding should contact City Clerk Mike Sheffield at (239) 949-6248 at least 48 hours in advance of the meeting. Such reasonable accommodation will be provided at no cost to the requester.

Any person who may seek to appeal a decision made by the City Council on any matter at this meeting is responsible for ensuring that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is to be based.

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Mayor's Welcome
6. Approval of the Agenda
7. Public Comment on Agenda Items
8. Ceremonial Presentations:
   A. Presentation of a Certificate of Recognition to #70 Peter Simmons III, for his outstanding achievements as a defensive lineman on the University of Michigan's national championship football team. (Council Member Purdon)

   B. Reading of the Lee County Republican Executive Committee's resolution in support of Israel. (Deputy Mayor Forbes, Green Sheet 24-05-076)

9. Zoning and Land Use Items:

   A. (FIRST READING AND PUBLIC HEARING) A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST FOR AN AMENDMENT TO A RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO DEVELOP UP TO TEN (10) DETACHED VILLAS, BOAT DOCKS, AND OTHER ACCESSORY USES, AND TO ADD FIVE (5) DEVIATIONS; LOCATED AT 27495-511 BIG BEND ROAD AND 27523 BIG BEND ROAD, BONITA SPRINGS, FLORIDA 34134; PROVIDING FOR AN EFFECTIVE DATE. (Green Sheet 24-05-071)

10. Presentations:

   A. Presentation and update of the Bonita Springs Wonder Gardens Master Plan. (Green Sheet 24-05-069)

11. Consent Agenda:

   A. Approve minutes from the City Council meeting held on May 1, 2024.

   B. Confirm and ratify Resolutions extending the local State of Emergency due to Hurricane Ian. (Green Sheet 24-05-068)

   C. Approve a Resolution awarding the Mowing & Maintenance of Stormwater Ponds Project RFB 24-04 to P & T Lawn and Tractor Service, in the annual bid amount of $63,700.04. (Green Sheet 24-05-070)

   D. Approve Amendment #3 with the Florida Department of Environmental Protection (FDEP) for the Imperial Bonita Estates/Quinn/Downs/Dean west of Imperial Parkway Drainage Improvement Project, extending the project timeline to Dec. 31, 2025. (Green Sheet 24-05-073)

   - Opportunity for City Council Comments on Consent Agenda

12. Mayor and Council Member Items:

   A. Direct staff to pursue an electric vehicle (EV) charging station at Riverside Park or in the downtown area. (Council Member Corrie, Green Sheet 24-05-074)

13. City Attorney's Items:

   A. Approve a Resolution of necessity for the acquisition and condemnation of parcels required for the Bonita Grande drive extension to the City's planned park facilities adjacent to the Larry Kiker Preserve. (Green Sheet 24-05-075)

14. City Manager's Items:

    A. Presentation and review of the March Financial Report. (Green Sheet 24-05-072)

    B. Update on Hurricane Ian recovery.

15. Mayor and Council Member Reports

16. Public Comment

17. Adjournment

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 24-05-076
May 15, 2025

REQUESTED MOTION: Reading of the Resolution passed by the Lee County Republican Executive Committee supporting Israel's right to defend itself from unprovoked attacks.

REQUESTOR: Fred Forbes, Deputy Mayor

AGENDA: Ceremonial Presentations

STRATEGIC PRIORITY: N/A

BACKGROUND:

Ms. Tara Jenner, Vice Chair of the Lee County Republican Executive Committee (LCREC), will read the LCREC resolution in support of Israel's right to defend itself from unprovoked attacks from terrorist groups or other countries, which passed by a 98% majority of LCREC members in attendance at the LCREC meeting held on April 16, 2024 (see attached copy of the resolution).

ATTACHMENTS:

1. LCREC Resolution in Support of Israel, adopted 04/16/24.

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield

REPUBLICAN PARTY OF LEE COUNTY

Lee County Republican Executive Committee, Inc.

12995 S. Cleveland Ave #239 • Fort Myers, FL 33907 • 239-936-8779

Adopted April 16, 2024

RESOLUTION DECLARING HAMAS A TERRORIST ORGANIZATION, SUPPORTING ISRAEL'S RIGHT AS A SOVEREIGN NATION TO DEFEND ITS BORDERS AND CITIZENS, AND CONDEMNING ANTI-SEMITISM

Whereas, Israel is a sovereign nation re-established in 1948 by international agreement as a refuge and sanctuary for Jewish people after millennia of persecution, and thereby has the authority and responsibility to defend its borders and citizens from hostile attacks no differently than the U.S.A. has a right to defend its borders and citizens from invasion;

Whereas, On October 8, 1997 Hamas was designated a foreign terrorist organization by the US Department of State's Bureau of Counterterrorism;

Whereas, On October 7, 2023, Hamas launched an offensive and unprovoked attack against the nation of Israel resulting in 1139 dead from the attacks, with 373 military personnel and 766 civilians among those numbers;

Whereas, These attacks took place in areas of civilian population, including drone and hang glider-paratroop assault at a music festival, culminating with the taking 247 civilians and military personnel hostages, removing them from Israel and dragging them back to Gaza with hostages still being held by Hamas;

Whereas, Israel has the right to respond to threats to its existence and the intentional attacks made against it, and to actively seek out and recover hostages taken by Hamas held in Gaza;

Whereas, When there is a misuse of protected buildings and symbols, non-combatant edifices and symbols forfeit their protected status, attacks on them may be permitted and are justifiable, so long as the rules of proportionality and precaution are followed, which reasonably include the elimination of Hamas which has declared its goal to be the total annihilation of Israel;

Whereas, Israel has an obligation to minimize collateral damage to non-combatants but still has the right to protect its borders and citizens;

Whereas, It is acknowledged and tragic that non-combatant residents of Gaza used as human shields by Hamas have lost their lives as a direct result of the initial unprovoked attack on Israel on October 7, 2023; and

Whereas, Anti-Semitism is taking place in U.S institutions of higher learning, businesses, houses of worship, schools, and even government agencies and by elected government representatives at local, state, and federal levels as seen by a significant uptick in anti-Semitism including physical violence,

verbal threats of imminent harm or death, vandalism, and rallies featuring support for terrorism with a focus on organizations that call for the genocide and annihilation of all Jews.

Resolved, The Lee County Republican Party condemns Hamas as a terrorist organization**,** denounces its acts of violence perpetrated against the sovereign State of Israel, the citizens of Israel, and the non-combatants in Gaza used as human shields, and further rebukes Hamas' calls for worldwide anti-Semitism, the annihilation of Jews, the total destruction of the Jewish Nation of Israel, and affirms that anti-Semitic speech and/or actions will be met with staunch condemnation, and that Jews who are facing anti-Semitism will be actively defended and supported.

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 24-05-071
May 15, 2024

REQUESTED MOTION: (FIRST READING AND PUBLIC HEARING) A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST FOR AN AMENDMENT TO A RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO DEVELOP UP TO TEN (10) DETACHED VILLAS, BOAT DOCKS, AND OTHER ACCESSORY USES, AND TO ADD FIVE (5) DEVIATIONS; LOCATED AT 27495-511 BIG BEND ROAD AND 27523 BIG BEND ROAD, BONITA SPRINGS, FLORIDA 34134; PROVIDING FOR AN EFFECTIVE DATE.

REQUESTOR: Mike Fiigon II, Senior Planner, Community Development

AGENDA: First reading of a Zoning Ordinance

STRATEGIC PRIORITY:

BACKGROUND: The request is to amend Zoning Ordinance 10-02 by decreasing the residential unit count from 16 units to 10 units, to amend the schedule of uses by removing single-family, two-family attached, and multi-family dwelling units, and replace it with detached villas, and to add five (5) deviations.

The City's current land development code (LDC) does not contain a definition for "detached villas," so, at Staff's direction, the Applicant supplied the following definition: *a dwelling unit that is occupied by one family and is not connected to any other structure. Multiple detached villas may be located on a single parcel.*

The Zoning Board heard the case on April 16, 2024. During the Zoning Board hearing, there was opposition to the amendment that was presented by a neighboring resident represented by his attorney Douglas Lewis who also presented binders of documentation to the Zoning Board. Staff was not provided with the information ahead of time but have since obtained a copy and it is attached to this green sheet. The concerns outlined by Attorney Lewis were in part that the Application is insufficient since there are no lot lines associated with the request, and that the boat docks and additional boat traffic presents a safety hazard to the Imperial River. Staff can clarify that the application is sufficient and that the decrease in density correlates to a decrease in the number of proposed boat slips (one per unit).

The Zoning Board recommended approval of the amendment and the deviation requests by a vote of 5-1. Part of their recommendation was for City Council to consider providing Staff direction to update the definitions of the LDC to include detached villas.

While the typical process is for the Applicant and Staff to provide a full presentation as part of the second reading, Staff is prepared to address the concerns raised at Zoning Board at City Council's pleasure.

STAFF RECOMMENDATION: Move to the Second Reading and Public Hearing

ATTACHMENTS:

1. Draft Zoning Ordinance (prepared by City Attorney)
2. Zoning Board Meeting Minutes (April 16, 2024)
3. Staff Report
4. Opposition documentation supplied by Douglas Lewis, Attorney
5. Opposition petitions from Bonita Bay residents

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Michael Sheffield
Department Director:	John Dulmer, AICP

CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 24 -

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; AMENDING ORDINANCE 10-02 FOR A RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO DEVELOP UP TO TEN (10) DETACHED VILLAS, BOAT DOCKS, AND OTHER ACCESSORY USES, AND TO ADD FIVE (5) DEVIATIONS; LOCATED AT 27495-511 BIG BEND ROAD AND 27523 BIG BEND ROAD, BONITA SPRINGS, FLORIDA 34134; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, BB Sunset Properties, LLC, has filed an application to request to amend an existing residential planned development (RPD) develop up to ten (10) detached villas, boat docks, and other accessory uses, and five (5) deviations;

WHEREAS, the subject property is located on the west side of Big Bend Road; STRAP: 32-47-25-B2- 00003.0000 (27495-511 Big Bend Road) & 32-47-25-B2-00003.0010 (27523 Big Bend Road), Bonita Springs, Florida 34134.

WHEREAS, a Public Hearing was advertised and heard on April 16, 2024, by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case PD22-95976-BOS, which considered the evidence available and recommended approval with a vote of 5-1 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 March 21, 2024 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: APPROVAL OF REQUEST

City Council of Bonita Springs hereby approves the request to amend the existing RPD Ordinance 10-02 to allow up to ten (10) detached villa and accessory uses, subject to the following uses, conditions and deviations with additions reflected in <u>underlined</u> language and deletions through use of ~~strikethroughs~~ and editorial notations and other necessary language included in [*italicized parentheticals*]:

A. CONDITIONS

1. The development of this project must be <u>generally</u> consistent with the Master Concept Plan entitled <u>"Riverbend RPD", prepared by Grady Minor and Associates dated May 2020 (Exhibit B)</u> ~~"River Bend," prepared by Progressive Engineering received September 22, 2009~~

~~(Attachment A)~~, except as modified by the conditions below. This development must comply with all requirements of the City of Bonita Springs Land Development Code (LDC) at time of the local development order approval. If changes to the Master Concept Plan are subsequent pursued, appropriate approvals will be necessary.

The maximum number of residential units is limited to ~~16~~ 10 dwelling units.

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

   a. Schedule of Uses

Accessory Uses, Buildings and Structures
Docks, seawalls
Dwelling Units (Maximum total ~~16~~ 10 units)
~~Single-Family (maximum total 2 units)~~
~~Two-Family Attached (maximum total 4 units)~~
~~Multi-family building (maximum total 10 units)~~
~~Townhomes (maximum total 10 units)~~
Detached Villa **
Models:
Model Home (for marketing purposes withing project only)
Real Estate Sales Office (temporary for marketing purposes withing the project only within one dwelling unit)
Recreational facilities:
Personal
Private-Onsite
Residential Accessory Uses

** The term “Detached Villa” is defined as follows: a dwelling unit that is occupied by one family and is not connected to any other structure. Multiple Detached Villas may be located on a single parcel.

   b. Site Development Regulations

Minimum Lot Width:	~~324.95 feet~~	N/A
Minimum Lot Depth:	~~223 feet~~	N/A
Minimum Lot Area:	~~1.52 +/- acres~~	N/A
Maximum Lot Coverage:	40%	
Minimum Open Space:	40%	

	Detached Villa	~~Single-Family~~	~~Two-Family Attached~~	~~Townhouse Multi-Family~~	Accessory Structures
Maximum Building Height	35 feet	~~Not to exceed 35 feet~~	~~Not to exceed 35 feet~~	~~Not to exceed 39 feet~~	~~35~~ 25 feet
Setbacks ~~Street~~ ~~Side Yard~~ ~~Rear Yard~~ ~~Water Body~~ North PD Boundary Imperial River South PD Boundary Big Bend Road	 10 feet 25 feet 10 feet 20 feet (Building 10 to be reduced to 10 feet)	 ~~50 feet~~ ~~7.5 feet~~ ~~25 feet~~ ~~25 feet~~	 ~~50 feet~~ ~~0/10 feet~~ ~~25 feet~~ ~~25 feet~~	 ~~50 feet~~ ~~0/20 feet~~ ~~25 feet~~ ~~25 feet~~	 ~~50 feet~~ ~~10 feet~~ ~~25 feet~~ ~~25 feet~~ 10 feet 0 feet (for docks, seawalls, walkways and accessways) 10 feet 10 feet
Minimum Building Separation	10 feet	~~10 feet~~	~~10 feet~~	~~20 feet~~	~~5 feet~~ 0 feet

3. ~~Reserved.~~ The Applicant is required to coordinate with Community Development and Public Works to discuss roadway and drainage improvements along the project's frontage on Big Bend Road. This coordination shall take place during the development order review process. This coordination is intended to be separate from the Applicant's responsibilities to provide adequate on-site and off-site complete streets facilities as required by City of Bonita Springs Land Development Code.

4. Enviornmental Conditions

    a. Prior to local development order approval, a tree survey will be required to determine if there are any Heritage trees on-site. If Heritage trees are present and are planned for removal, an

appearance before the Tree Advisory Board prior to the issuance of local development order is required.

b. At the time of Dock and Shoreline permitting, mitigation measures for new wet slips shall be met for compliance with the Lee County Manatee Protection Plan which include but are not limited to: 1. Standard manatee construction conditions; 2. Manatee education activities as required per section 8.4.5; and 3. Funding for enhanced marine law enforcement per section 8.4.5. Manatee protection and education signs shall be depicted on the local development order. Final dock and shoreline design (filling, riprap, and docks) shall be subject to state and federal permitting requirements.
c. The proposed conservation adjacent to the Imperial River shall be recorded and any modifications to the existing easement shall be recorded.

d. At the time of local development order, the applicant must submit an Indigenous Preservation and Restoration Plan depicting a 20' wide indigenous buffer on the property adjacent to the Imperial River. This buffer shall be planted with native vegetation consistent with the final planned use of this area. If the use is for dry detention, species commonly found in wetland areas shall be utilized such as, but not limited to, cordgrass, fakahatchee grass, pond apple tree, cypress tree, green buttonwood tree. If the final planned use of this area will be level in elevation similar to the rest of the property, species used shall be those commonly found in our coastal hardwood hammocks and shall be planted in a manner to mimic a natural condition. A variety of tree and understory vegetation shall be planted at a ratio of five trees and eighty understory plants per one hundred linear feet.

    i. The following tree and understory species are recommended for the buffer:

    Selected Tree Species: Gumbo Limbo, Strangler Fig, Mangroves, Buttonwood, Lancewood, Willow Bustic, Mastic, Pigeon Plum, Jamaican Dogwood.

    Selected understory species: Simpsons Stopper, White Indigo Berry, Cocoplum, Jamaican Caper, Spanish Stopper, White Stopper, Wild Coffee.

    ii. The square footage planted may be credited twice towards the indigenous open space requirement.

iii. Trees must be at least 15 gallons (apx. 6-8' tall), and understory plants must be 3 gallon (apx. 24" tall).

iv. Five-foot pedestrian paths consisting of pervious material and seating areas are permitted to meander within this buffer area.

v. A temporary irrigation system is required during the initial landscape establishment period and may be eliminated approximately one year after the material has been planted.

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

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

5. Any infrastructure associated with the model home will need to be shown on the development order plans. If the model home will require a temporary parking lot, the proposed layout shall be shown on the plans. The requirements of LDC 4- 1665—Model Homes and Model Units, remains in full force and effect, unless modified below.
    a. A maximum of one model home is permitted for each model type in the development.

    b. Hours of operation for the model homes are restricted to Sunday – Saturday, 8:00 a.m. – 6:00 p.m.

6. The Real Estate Sales Office is permitted to occur within a maximum of one (1) dwelling unit. The hours of operation for the sales office shall be Sunday – Saturday, 8:00 a.m. – 6:00 p.m.
    a. Sales are limited to the sale of units within the development. The sales office is valid for a time period of three (3) years from the date of the certificate of occupancy for the sales office. A one-time extension of two (2) years may be granted by the Director of Community Development. Additional time will require special exception approval.
7. In order to demonstrate consistency with single-family development, at time of local development order submittal, the Applicant shall provide renderings of the proposed home elevations for review.

8. Pursuant to Deviation 3, a wildland mitigation plan is required to be provided at time of local development order, to be reviewed and approved by the Bonita Springs Fire Control & Rescue District.

9. Pursuant to Deviation 4, a right-of-way planting plan shall be provided at time of local development order, to be reviewed and approved by Community Development and Public Works.

10. At time of local development order and building permit, the Applicant shall demonstrate compliance with all local, state, and federal regulations for construction within floodways and floodplains.

11. Approval of this zoning action does not guarantee approval of a local development order or building permit.

B. DEVIATIONS

1. Requesting relief from LDC Section 3-418 (d)(6) requires if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet. Where residences will be constructed between the road, drive, or parking area and the existing residential subdivision or lots, the wall or wall and berm combination are not required. Uses or activities that generate noise, dust, odor, heat, glare, or other similar impacts, must provide a type C or F buffer unless it can be shown the proposed development will not have a significantly adverse impact on adjacent property to instead allow a 10' wide buffer with 8' high wall and landscaped between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet.

2. [Previously approved in Ordinance 10-02]: An update to the affected code section has been provided (going from Lee County Land Development Code Section 34-934, to City of Bonita Springs Land Development Code Section 4-740) and no further modifications or alterations are being sought. This deviation approved the use of model units within the RPD without having to go through subsequent administrative actions. The deviation with the updated code section language, subject to Condition 5.

3. Requesting relief from LDC Section 3-417 (b)(6), Indigenous native vegetation. Setbacks, which requires a minimum 30-foot setback from

all preserve (wildland) areas is required for buildings and accessory structures for the purposes of fire protection. Buildings and accessory structures located closer than 30 feet from a preserve (wildland) area shall require special mitigation measures as determined by the Bonita Springs Fire Control and Rescue District, in accordance with the National Fire Protection Association ("NFPA"), Standard 1144, "Standard for Protection of Life and Property from Wildfire." To instead allow structures to be located 10 feet from an off-site preserve and to provide a wildland mitigation plan with the development order, subject to Condition 8.

4. Requesting relief from LDC Section 3-418 (d)(3), buffering requirements, which requires a 15 foot wide type 'D' buffer to instead allow a modified landscape buffer with an average of 1 tree per ROW abutting residential unit, planting within the ROW abutting dry detention area (cypress trees or similar), and no buffer required when abutting mangroves, subject to Condition 9.

5. 5. Requesting relief from LDC Section 3-417(b)(1)a, Indigenous native vegetation, which requires a minimum setback of 30 feet is required from any habitable structure to instead allow for a minimum setback of 10 feet from the .02 acre mangrove preserve, is APPROVED, subject to Condition 8.

6. Requesting relief from LDC Section 4-741(b)(1)b, Minimum setbacks of structures and buildings from development perimeter boundaries, which requires all buildings and structures must be set back from the development perimeter a distance equal to the greater of: Fifteen feet, if the subject property is, or will be zoned RPD, MHPD, CFPD, or CPD. To instead allow buildings #1, #7 and #10 to have a ten-foot setback from the perimeter of the RPD boundary as shown on the MCP.

SECTION TWO: 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:

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.

SECTION THREE: INCORPORATION OF RECORD

City Council of Bonita Springs hereby adopts and incorporates into this ordinance the record hearing exhibits and attachments considered as part of the application as follows:

EXHIBITS:

A. Legal Description and Sketch of the Subject Property
B. The Riverbend Master Concept Plan (MCP)

ATTACHMENTS:

A. Background and Informational Analysis
B. City of Bonita Springs Zoning Ordinance 10-02
C. Application Backup

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 5th day of June, 2024.

AUTHENTICATION:

_____ _____
Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr	Corrie
Purdon	Bogacz
Forbes	Steinmeyer
Fullick	

Date filed with City Clerk: _____

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

Meeting Minutes
Tuesday, April 16, 2024
9:00 a.m.

I. CALL TO ORDER

Chairman Rascio called the meeting to order at 9:00 am.

II. INVOCATION

Chairman Rascio gave the invocation.

III. PLEDGE OF ALLEGIANCE

Chairman Rascio asked Board Member Gambrell to lead the Pledge of Allegiance.

IV. ROLL CALL

City Clerk Sheffield called the roll:
Present – Rascio, Waterhouse, Galloway, Winn, Gambrell, Benson, and Hershenson
Absent – Russ Winn (excused)

V. APPROVAL OF MINUTES: Meeting of October 17, 2023

Board Member Hershenson motioned to approve the minutes, Seconded by Board Member Waterhouse; the motion carried 6-0.

VI. PUBLIC COMMENT

Chairman Rascio announced that public comments will be heard at the conclusion of the presentations.

VII. PUBLIC HEARINGS

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

Chairman Rascio swore in all those who intended to speak and/or give testimony.

A. CASE NAME: RIVERBEND RESIDENTIAL PLANNED DEVELOPMENT (PD22-95976-BOS)

AN AMENDMENT TO A RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO DEVELOP UP TO TEN (10) DETACHED VILLAS, BOAT DOCKS AND OTHER ACCESSORY USES, AND TO ADD FIVE (5) DEVIATIONS.

Draft

Mike Fiigon, Senior Planner with Community Development, introduced the item.

Noel Davies of Davies Duke Law Firm opened the applicant's presentation by introducing the team members present. He stated the nature of the request is "down zoning" - to reduce the number of units and boat slips from 16 to 10.

Next, Wayne Arnold with Q. Grady Minor provided a presentation of the project which included the proposed conceptual rendering, proposed schedule of uses, and proposed deviations. Next, Michael Herrera with Q. Grady Minor provided a brief overview of stormwater management on the site and answered questions from board members regarding flooding issues.

Mr. Fiigon provided the staff presentation which included schedule of uses, deviations requested, staff findings, and proposed conditions of approval. (Staff analysis on file in the Clerk's Office). He also responded to questions asked by board members.

Chairman Rascio called for public comments; the following individuals came forth:

Mayor Rick Steinmeyer - asked what the City's responsibilities are regarding drainage improvements.

Kathryn McLukas – stated that she lives close to the proposed project and questions the buffer wall preventing water flow.

Doreen Wayling- stated she is not opposed to the project but has flooding concerns.

Wolfgang Oster - ceded time to his attorney, Douglas Lewis.

Douglas Lewis, Attorney for Wolfgang Oster, provided a binder handout to board members (copy on file in the clerk's office). City Attorney Rooney stated that Mr. Lewis reached out to him regarding presenting at today's meeting on his client's behalf; City Attorney Rooney recommended that the Board allow Mr. Lewis additional time to speak. The Clerk set the clock for 20 minutes. Mr. Lewis then proceeded to speak, requesting that the board deny the application and stating the reasons for the denial request. He also replied to board member questions.

Noel Davies provided a rebuttal to Mr. Lewis' presentation.

Seeing no additional public comments, Chairman Rascio asked for a motion. Board Member Hershenson motioned to approve the applicant's request; Chairman Rascio seconded. The Clerk recorded the vote by roll call. ***The motion carried 5-1, as follows****:*

Gambrell	Waterhouse	Benson	Winn	Galloway	Hershenson	Rascio
Aye	Aye	Aye	Absent	Nay	Aye	Aye

Draft

VIII. CASE UPDATE: Tidal Wave Rezone & Special Exception, Lake Michigan Credit Union Special Exception

Mike Fiigon provided the update, stating both the Rezone and Special Exception were approved by City Council.

IX. NEXT MEETING: *The next meeting is scheduled for April 30, 2024 at 9:00 am.*

Additional Board Action
Board member Gambrell recommended that the Zoning Board take up the task of enhancing and clarifying the definition of a detached villa, and then provide LDC amendment recommendations to City Council. He then made such a motion; Seconded by Chairman Rascio. ***The motion carried 6-0.***

X. ADJOURNMENT

As there was no further business, Chairman Rascio adjourned the meeting at 10:57 a.m.

Respectfully submitted,

_____
Mike Sheffield, City Clerk

APPROVED:
BONITA SPRINGS ZONING BOARD:

Date: _____

AUTHENTICATED:

_____
Anthony Rascio, Chairman

Draft

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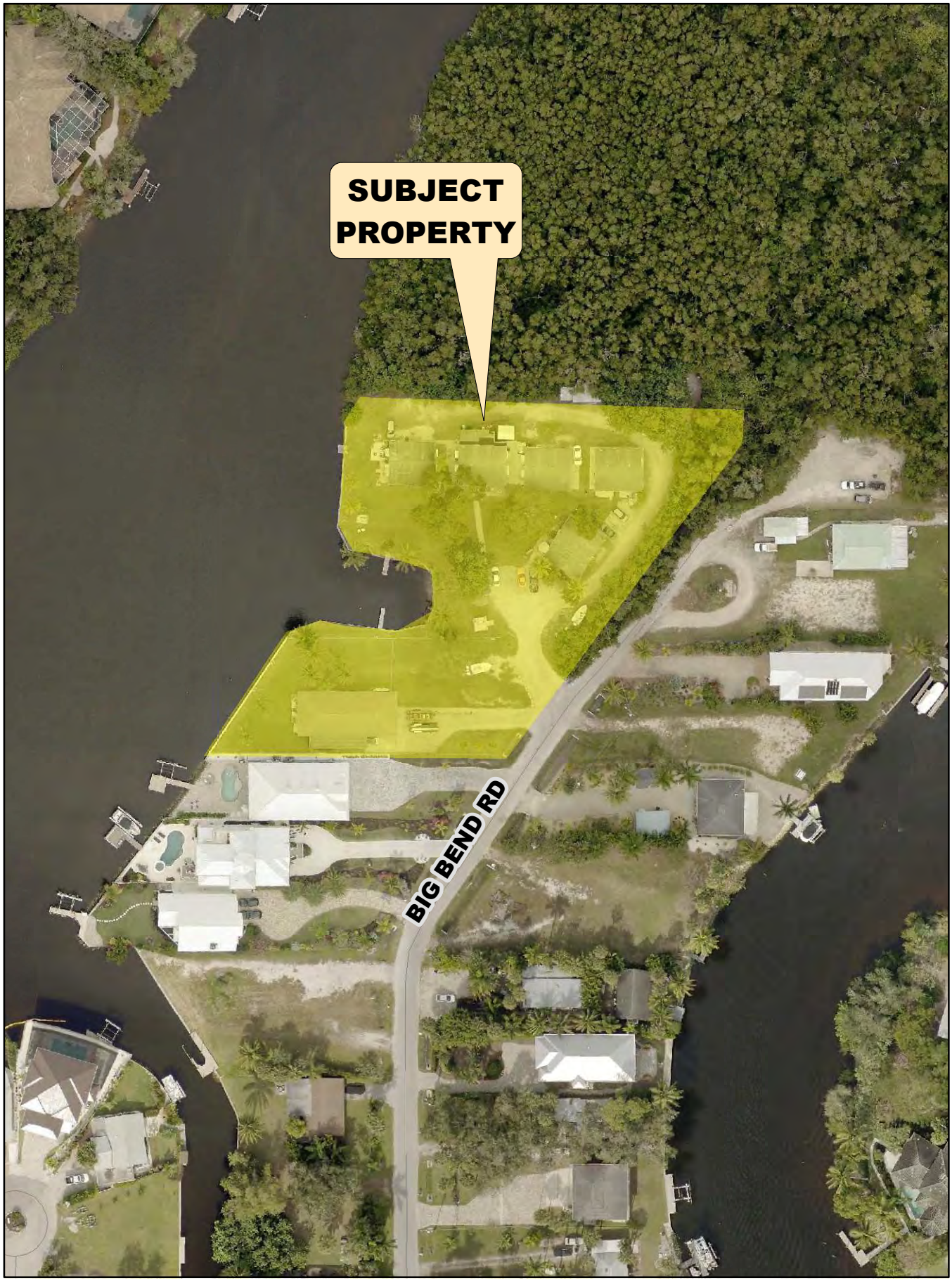
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ATTACHMENT C: APPLICATION BACKUP (ONLINE ONLY) Page 36

Riverbend RPD Amendment
Exhibit IV-N Aerial



BONITA SPRINGS, FLORIDA

COMMUNITY DEVELOPMENT DEPARTMENT

ZONING DIVISION

STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT AMENDMENT

CASE NUMBER: PD22-95976-BOS

HEARING DATE: March 21, 2024

PLANNER: Mike Fiigon II, Senior Planner

APPLICATION SUMMARY:

A. Applicant: BB Sunset Properties, LLC

B. Agent: Q. Grady Minor & Associates, P.A.

C. Request: To amend a Residential Planned Development (RPD) to develop up to ten (10) detached villas, boat docks, and other accessory uses, and to add five (5) deviations.

D. Location: West side of Big Bend Road; STRAP: 32-47-25-B2-00003.0000 (27495-511 Big Bend Road) & 32-47-25-B2-00003.0010 (27523 Big Bend Road), Bonita Springs, Florida 34134

E. Future Land Use Plan Designation: Medium Density Residential

F. Current Zoning: Residential Planned Development (RPD)

G. Current Land Use: Vacant

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

BACKGROUND:

The property was rezoned from the multi-family zoning designation (RM-2) and the two-family conservation designation (TFC-2) to a Residential Planned Development (RPD), pursuant to Bonita Springs Zoning Ordinance 10-02, passed by City Council on January 25, 2010. At the time, the intent was to construct up to 16 units and a variety of unit types, including single-family, two-family attached, and multi-family. Several residential structures (duplexes) were existing on-site at the time of the initial rezoning petition. The duplexes sustained heavy damage as the result of the aftermath of Hurricane Ian and were subsequently demolished. In late October 2022, the Applicant's agent (Q. Grady Minor & Associates, P.A.) filed for an amendment to the zoning ordinance to reduce the density from 16 units down to 10 units, and to amend the schedule of uses to remove the single-family, two-family, and multi-family unit types and to add "Detached Villas" to the list. The City's current regulations do not contain a definition for a detached villa, so Staff requested the Applicant provide a definition for consideration. The definition provided is: *a dwelling unit that is occupied by one family and is not connected to any other structure. Multiple detached villas may be located on a single parcel.* Subsequent review and analysis of this definition is provided in the Comprehensive Plan consistency section of this staff report.

Uses: As part of the amendment request, the Applicant proposes the following changes to the Schedule of Uses:

Accessory Uses, Buildings, and Structures
Docks, seawalls
Dwelling units (Maximum total ~~16~~ 10 units):
- ~~Single-Family (maximum total 2 units)~~
- ~~Two-Family Attached (maximum total (4 units)~~
- ~~Multi-family building (maximum total 10 units)~~
- Detached Villa **

Models:
- Model Home (for marketing purposes within the project only)

Real Estate Sales Office (temporary for marketing purposes within the project only within one dwelling unit)
Recreational facilities:
- Personal
- Private-Onsite

Residential Accessory Uses

** The term "Detached Villa" is defined as follows: a dwelling unit that is occupied by one family and is not connected to any other structure. Multiple Detached Villas may be located on a single parcel.

Property Development Regulations: The Applicant also proposes the following amendments to the property development standards, with regulations not listed intending to remain as previously approved:

Minimum Lot Width:	~~324.95 feet~~	N.A.
Minimum Lot Depth:	~~223 feet~~	N.A.
Minimum Lot Area:	~~1.52 +/- acres~~	N.A.
Maximum Lot Coverage:	40%	
Minimum Open Space:	40%	

	Detached Villa	~~Single-Family~~	~~Two-Family Attached~~	~~Townhouse Multi-Family~~	Accessory Structures
Maximum Building Height	35 feet	~~Not to exceed 35 feet~~	~~Not to exceed 35 feet~~	~~Not to exceed 39 feet~~	~~35~~ 25 feet
Setbacks					
~~Street~~		~~50 feet~~	~~50 feet~~	~~50 feet~~	~~50 feet~~
~~Side Yard~~		~~7.5 feet~~	~~0/10 feet~~	~~0/20 feet~~	~~10 feet~~
~~Rear Yard~~		~~25 feet~~	~~25 feet~~	~~25 feet~~	~~25 feet~~
~~Water Body~~		~~25 feet~~	~~25 feet~~	~~25 feet~~	~~25 feet~~
North PD Boundary	10 feet				10 feet
Imperial River	25 feet				0 feet (for docks, seawalls, walkways and accessways)
South PD Boundary	10 feet				10 feet
Big Bend Road	20 feet (Building 10 to be reduced to 10 feet)				10 feet
Minimum Building Separation	10 feet	~~10 feet~~	~~10 feet~~	~~20 feet~~	~~5 feet~~ 0 feet

Deviations: Two deviations were approved as part of the original zoning ordinance. The Applicant is requesting to amend one of them, and add four (4) more, for a total of five (5) new deviations. The request language, Applicant justification, and Staff response are shown below.

Deviation Request #1: Requesting relief from LDC Section 3-418 (d)(6) requires if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet. Where residences will be constructed between the road, drive, or parking area and the existing residential subdivision or lots, the wall or wall and berm combination are not required. Uses or activities that generate noise, dust, odor, heat, glare, or other similar impacts, must provide a type C or F buffer unless it can be shown the proposed development will not have a significantly adverse impact on adjacent property to instead allow a 10' wide buffer with 8' high wall and landscaped between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet.

Applicant Justification: *The proposed development will "appear" to be single family residence but will "function" as multi-family without lot lines and associated HOA docs. The appearance of the development will be consistent with the abutting residential neighborhood. Furthermore, each home will have a driveway or shared driveway that connects directly to Big Bend Road. The driveways don't function like a traditional roadway.*

Staff Analysis: The original deviation request as approved in Ordinance 10-02 reduced the buffer width from 25 feet to 15 feet. This deviation seeks a further reduction to 10 feet. However, the planting standard of a minimum of five (5) trees and 18 shrubs per 100 lineal feet is not being modified. Additionally, the previously-approved Master Concept Plan (MCP) allowed for a variety of dwelling unit types and a different layout, in which the increased buffer width may have been more appropriate. With this amendment, the site will be designed to be more in line with single-family development. Since the planting standard of the code section is remaining in place, and since the development will be more consistent with single-family development, Staff recommends **APPROVAL** of the deviation request.

Deviation Request #2: [Previously approved in Ordinance 10-02]: An update to the affected code section has been provided (going from Lee County Land Development Code Section 34-934, to City of Bonita Springs Land Development Code Section 4-740) and no further modifications or alterations are being sought. This deviation approved the use of model units within the RPD without having to go through subsequent administrative actions.

Deviation Request #3: Requesting relief from LDC Section 3-417 (b)(6), Indigenous native vegetation. Setbacks, which requires a minimum 30-foot setback from all preserve (wildland) areas is required for buildings and accessory structures for the purposes of fire

protection. Buildings and accessory structures located closer than 30 feet from a preserve (wildland) area shall require special mitigation measures as determined by the Bonita Springs Fire Control and Rescue District, in accordance with the National Fire Protection Association ("NFPA"), Standard 1144, "Standard for Protection of Life and Property from Wildfire." To instead allow structures to be located 10 feet from an off-site preserve and to provide a wildland mitigation plan with the development order.

Applicant Justification: *The off-site preserve is a mangrove preserve. The area north of the RPD is adjacent to the Imperial River and the risk from wildfire is non-existent. The risk of fire in this location is de minimis. The Bonita Springs Fire and Rescue District has approved the deviation, subject to submission of a Wildland Fire Mitigation Plan. There is a proposed 10-foot-wide pedestrian easement that allows structures to be located 10 feet from the on-site preserve, subject to submission of a Wildland Fire Mitigation Plan Reference Detail B- Proposed Site Plan.*

Staff Analysis: It should be noted that the referenced code section does not prohibit structures from being closer than 30 feet to preserve areas. Rather, it stipulates a requirement that, should this option be utilized, mitigation measures may be required by the Bonita Springs Fire Control & Rescue District (BSF). The Applicant will submit a mitigation plan as part of the development order process and it will be reviewed by BSF. It appears the Applicant has already spoken to BSF about mitigation. Staff recommends **APPROVAL** of the reduced setback, subject to approval of the mitigation plan by BSF at time of local development order.

Deviation Request #4: Requesting relief from LDC Section 3-418 (d)(3), buffering requirements, which requires a 15 foot wide type 'D' buffer to instead allow a modified landscape buffer with an average of 1 tree per ROW abutting residential unit, planting within the ROW abutting dry detention area (cypress trees or similar), and no buffer required when abutting mangroves.

Applicant Justification: *In an attempt to have a unified appearance with the existing residential community, the proposed development is looking to have similar landscaping as the existing abutting residential homes, with open view corridors, limited shrubs or bushes, and front yard canopy trees.*

Staff Analysis: As part of the review for this deviation, Staff requested a right-of-way exhibit that provided a concept showing the proposed planting areas. It is the Staff's understanding that the Applicant has been in touch with the City's Public Works Department with regards to obtaining easements to provide additional outfall structures to better drain this portion of Big Bend Road. With negotiations ongoing, Staff cannot say definitively if the proposed planting concept is appropriate. Staff is recommending a right-of-way planting plan/exhibit to be provided at time of local development order, especially for any plants proposed in the dry detention areas, to better understand the implications of this deviation request. If the Applicant agrees to this condition, Staff does not object to

recommending **APPROVAL** of the deviation request, subject to the approval of the right-of-way planting plan from Community Development and Public Works.

Deviation Request #5: Requesting relief from LDC Section 3-417(b)(1)a, Indigenous native vegetation, which requires a minimum setback of 30 feet is required from any habitable structure to instead allow for a minimum setback of 10 feet from the .02 acre mangrove preserve.

Applicant Justification: *The reduced setback is applicable for a single structure and the 10-foot dimension is for the closest portion of the home to the preserve. The .02-acre preserve is immediately adjacent to Big Bend Road and has been impacted by the road construction. The Bonita Springs Fire and Rescue District has approved the deviation from a preserve setback, and we will provide a Wildland Fire Mitigation Plan with the Development Order.*

Staff Analysis: This deviation request is similar to Deviation #3. While that deviation was to address setbacks to the mangrove preserve area to the north, this deviation is to address the setbacks of Building 10 to the mangrove preserve area to the east. Staff recommends **APPROVAL** of this deviation request, subject to approval of a mitigation plan reviewed by Bonita Springs Fire Control & Rescue District.

Deviation Request #6: Requesting relief from LDC Section 4-741(b)(1)b, Minimum setbacks of structures and buildings from development perimeter boundaries, which requires all buildings and structures must be set back from the development perimeter a distance equal to the greater of:

Fifteen feet, if the subject property is, or will be zoned RPD, MHPD, CFPD, or CPD.

To instead allow buildings #1, #7 and #10 to have a ten-foot setback from the perimeter of the RPD boundary as shown on the MCP.

Applicant Justification: *The proposed setback reduction to 10 feet only applies to buildings #1, #7 and #10. Building #1 is adjacent to a mangrove preserve and the applicant has requested a deviation from the 30-foot setback from a preserve. The setback is supported by the Bonita Springs Fire and Rescue District with submission of a wildland mitigation plan with the D.O. For building #10 the reduction in perimeter setback is only applicable to the southeast corner of the proposed structure, which can actually be a minimum of 11 feet from the RPD boundary. the balance of the structure will comply with the 15-foot setback requirement. The slight reduction in setback will allow the internal drive to have appropriate turning radii for emergency vehicles and to provide for appropriate building separation.*

Staff Analysis: One of the purposes of the perimeter setback is to provide for increased buffering in order to mitigate perceived impacts on neighboring properties. Adjacent to the north is a dedicated preserve area and to the east is the right-of-way of Big Bend

Road. The “impact” would be on the south side of the project, adjacent to Building 7. However, as demonstrated in Deviation #1 (and shown on the master concept plan), the Applicant will be providing an eight-foot high wall, in addition to a landscape buffer. The wall and landscaping will visually screen the project on the south side. Staff recommends **APPROVAL** of this deviation request, subject to the construction of the wall and landscape buffer.

CONCLUSIONS:

It is Staff’s opinion that the Applicant has properly demonstrated that the proposed amendment is appropriate for the RPD. Additional analysis performed by Staff in order to reach this conclusion can be found by reviewing “Attachment A.”

RECOMMENDATION:

Staff recommends **APPROVAL** of a Residential Planned Development (RPD) zoning amendment to Ordinance 10-02 to reduce the density to a maximum of 10 detached villa units (as defined below) and add five (5) deviations. This recommendation of approval is subject to the following conditions, which shall replace those stated in Ordinance 10-02:

Conditions:

1. The project shall be generally consistent with the Master Concept Plan provided and labeled as Exhibit “B.”

2. Schedule of Uses:

   Accessory Uses, Buildings, and Structures
   Docks, seawalls
   Dwelling units (Maximum total 10 units):
   - Detached Villa *

   Models:
   - Model Home (for marketing purposes within the project only)

   Real Estate Sales Office (temporary for marketing purposes within the project only within one dwelling unit)
   Recreational facilities:
   - Personal
   - Private-Onsite

   Residential Accessory Uses

   *** The term “Detached Villa” is defined as follows: a dwelling unit that is occupied by one family and is not connected to any other structure. Multiple Detached Villas may be located on a single parcel.*

3. Property Development Regulations: The Applicant proposes the following property development standards:

Minimum Lot Width:	N.A.
Minimum Lot Depth:	N.A.
Minimum Lot Area:	N.A.
Maximum Lot Coverage:	40%
Minimum Open Space:	40%

	Detached Villa	Accessory Structures
Maximum Building Height	35 feet	25 feet
Setbacks		
North PD Boundary	10 feet	10 feet
Imperial River	25 feet	0 feet (for docks, seawalls, walkways and accessways)
South PD Boundary	10 feet	10 feet
Big Bend Road	20 feet (Building 10 to be reduced to 10 feet)	10 feet
Minimum Building Separation	10 feet	0 feet

4. The Applicant is required to coordinate with Community Development and Public Works to discuss roadway and drainage improvements along the project's frontage on Big Bend Road. This coordination shall take place during the development order review process. This coordination is intended to be separate from the Applicant's responsibilities to provide adequate on-site and off-site complete streets facilities as required by City of Bonita Springs Land Development Code.

5. Environmental Conditions

a. Prior to local development order approval, a tree survey will be required to determine if there are any Heritage trees on-site. If Heritage trees are present and are planned for removal, an appearance before the Tree Advisory Board prior to the issuance of local development order is required.

b. At the time of Dock and Shoreline permitting, mitigation measures for new wet slips shall be met for compliance with the Lee County Manatee Protection Plan which include but are not limited to: 1. Standard manatee construction conditions; 2. Manatee education activities as required per section 8.4.5; and 3. Funding for enhanced marine law enforcement per section 8.4.5. Manatee protection and education signs shall be depicted on the local development order. Final dock and shoreline design (filling, riprap, and docks) shall be subject to state and federal permitting requirements.

c. The proposed conservation adjacent to the Imperial River shall be recorded and any modifications to the existing easement shall be recorded.

d. At the time of local development order, the applicant must submit an Indigenous Preservation and Restoration Plan depicting a 20' wide indigenous buffer on the property adjacent to the Imperial River. This buffer shall be planted with native vegetation consistent with the final planned use of this area. If the use is for dry detention, species commonly found in wetland areas shall be utilized such as, but not limited to, cordgrass, fakahatchee grass, pond apple tree, cypress tree, green buttonwood tree. If the final planned use of this area will be level in elevation similar to the rest of the property, species used shall be those commonly found in our coastal hardwood hammocks and shall be planted in a manner to mimic a natural condition. A variety of tree and understory vegetation shall be planted at a ratio of five trees and eighty understory plants per one hundred linear feet.

    i. The following tree and understory species are recommended for the buffer:

    Selected Tree Species: Gumbo Limbo, Strangler Fig, Mangroves, Buttonwood, Lancewood, Willow Bustic, Mastic, Pigeon Plum, Jamaican Dogwood.

    Selected understory species: Simpsons Stopper, White Indigo Berry, Cocoplum, Jamaican Caper, Spanish Stopper, White Stopper, Wild Coffee.

ii. The square footage planted may be credited twice towards the indigenous open space requirement.

iii. Trees must be at least 15 gallons (apx. 6-8' tall), and understory plants must be 3 gallon (apx. 24" tall).

iv. Five foot pedestrian paths consisting of pervious material and seating areas are permitted to meander within this buffer area.

v. A temporary irrigation system is required during the initial landscape establishment period and may be eliminated approximately one year after the material has been planted.

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

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

6. Any infrastructure associated with the model home will need to be shown on the development order plans. If the model home will require a temporary parking lot, the proposed layout shall be shown on the plans. The requirements of LDC 4-1665—Model Homes and Model Units, remains in full force and effect, unless modified below.
    a. A maximum of one model home is permitted for each model type in the development.
    b. Hours of operation for the model homes are restricted to Sunday – Saturday, 8:00 a.m. – 6:00 p.m.

7. The Real Estate Sales Office is permitted to occur within a maximum of one (1) dwelling unit. The hours of operation for the sales office shall be Sunday – Saturday, 8:00 a.m. – 6:00 p.m.
    a. Sales are limited to the sale of units within the development. The sales office is valid for a time period of three (3) years from the date of the certificate of occupancy for the sales office. A one-time extension of two (2) years may be granted by the Director of Community Development. Additional time will require special exception approval.

8. In order to demonstrate consistency with single-family development, at time of local development order submittal, the Applicant shall provide renderings of the proposed home elevations for review.

9. Pursuant to Deviation 3, a wildland mitigation plan is required to be provided at time of local development order, to be reviewed and approved by the Bonita Springs Fire Control & Rescue District.

10. Pursuant to Deviation 4, a right-of-way planting plan shall be provided at time of local development order, to be reviewed and approved by Community Development and Public Works.

11. At time of local development order and building permit, the Applicant shall demonstrate compliance with all local, state, and federal regulations for construction within floodways and floodplains.

12. Approval of this zoning action does not guarantee approval of a local development order or building permit.

Deviations

1. Requesting relief from LDC Section 3-418 (d)(6) requires if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet. Where residences will be constructed between the road, drive, or parking area and the existing residential subdivision or lots, the wall or wall and berm combination are not required. Uses or activities that generate noise, dust, odor, heat, glare, or other similar impacts, must provide a type C or F buffer unless it can be shown the proposed development will not have a significantly adverse impact on adjacent property to instead allow a 10' wide buffer with 8' high wall and landscaped between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet, is **APPROVED**

2. [Previously approved in Ordinance 10-02]: An update to the affected code section has been provided (going from Lee County Land Development Code Section 34-934, to City of Bonita Springs Land Development Code Section 4-740) and no further modifications or alterations are being sought. This deviation approved the use of model units within the RPD without having to go through

subsequent administrative actions. The deviation with the updated code section language is **APPROVED,** subject to Condition 6.

3. Requesting relief from LDC Section 3-417 (b)(6), Indigenous native vegetation. Setbacks, which requires a minimum 30-foot setback from all preserve (wildland) areas is required for buildings and accessory structures for the purposes of fire protection. Buildings and accessory structures located closer than 30 feet from a preserve (wildland) area shall require special mitigation measures as determined by the Bonita Springs Fire Control and Rescue District, in accordance with the National Fire Protection Association ("NFPA"), Standard 1144, "Standard for Protection of Life and Property from Wildfire." To instead allow structures to be located 10 feet from an off-site preserve and to provide a wildland mitigation plan with the development order, is **APPROVED,** subject to Condition 9.

4. Requesting relief from LDC Section 3-418 (d)(3), buffering requirements, which requires a 15 foot wide type 'D' buffer to instead allow a modified landscape buffer with an average of 1 tree per ROW abutting residential unit, planting within the ROW abutting dry detention area (cypress trees or similar), and no buffer required when abutting mangroves, is **APPROVED**, subject to Condition 10.

5. Requesting relief from LDC Section 3-417(b)(1)a, Indigenous native vegetation, which requires a minimum setback of 30 feet is required from any habitable structure to instead allow for a minimum setback of 10 feet from the .02 acre mangrove preserve, is **APPROVED**, subject to Condition 9.

6. Requesting relief from LDC Section 4-741(b)(1)b, Minimum setbacks of structures and buildings from development perimeter boundaries, which requires all buildings and structures must be set back from the development perimeter a distance equal to the greater of: Fifteen feet, if the subject property is, or will be zoned RPD, MHPD, CFPD, or CPD.
   To instead allow buildings #1, #7 and #10 to have a ten-foot setback from the perimeter of the RPD boundary as shown on the MCP, is **APPROVED**.

EXHIBITS:

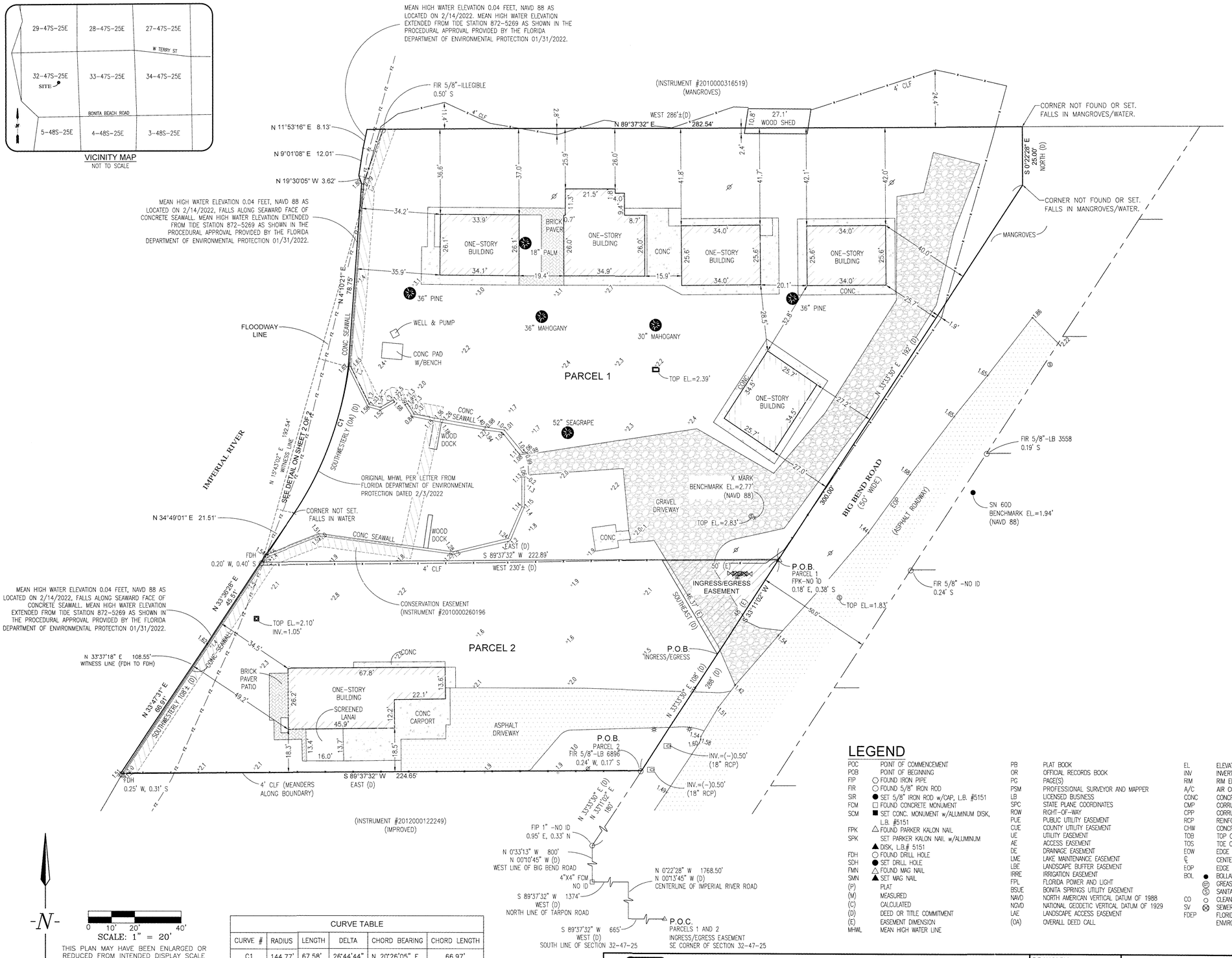
A. Legal Description and Sketch of the Subject Property
B. Riverbend RPD Master Concept Plan (MCP)

ATTACHMENTS:

A. Background and Informational Analysis
B. City of Bonita Springs Zoning Ordinance 10-02
C. Application Backup (Final Documents—Online only)

EXHIBIT "A"

VICINITY MAP
NOT TO SCALE


MEAN HIGH WATER ELEVATION 0.04 FEET, NAVD 88 AS LOCATED ON 2/14/2022. MEAN HIGH WATER ELEVATION EXTENDED FROM TIDE STATION 872-5269 AS SHOWN IN THE PROCEDURAL APPROVAL PROVIDED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION 01/31/2022.
FIR 5/8"-ILLEGIBLE 0.50' S
(INSTRUMENT #2010000316519)
(MANGROVES)
N 11°53'16" E 8.13'
N 9°01'08" E 12.01'
N 19°30'05" W 3.62'
WEST 286'±(D)
N 89°37'32" E 282.54'
27.1' WOOD SHED
CORNER NOT FOUND OR SET. FALLS IN MANGROVES/WATER.
S 0°22'28" E 25.00' NORTH (D)
CORNER NOT FOUND OR SET. FALLS IN MANGROVES/WATER.
MANGROVES
MEAN HIGH WATER ELEVATION 0.04 FEET, NAVD 88 AS LOCATED ON 2/14/2022, FALLS ALONG SEAWARD FACE OF CONCRETE SEAWALL. MEAN HIGH WATER ELEVATION EXTENDED FROM TIDE STATION 872-5269 AS SHOWN IN THE PROCEDURAL APPROVAL PROVIDED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION 01/31/2022.
N 4°10'21" E 78.75'
CONC SEAWALL
FLOODWAY LINE
ONE-STORY BUILDING
BRICK PAVER
18" PALM
36" PINE
36" MAHOGANY
30" MAHOGANY
WELL & PUMP
CONC PAD W/BENCH
PARCEL 1
TOP EL.=2.39'
CONC SEAWALL
WOOD DOCK
52" SEAGRAPE
ORIGINAL MHWL PER LETTER FROM FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION DATED 2/3/2022
SOUTHWESTERLY (0A) (D)
C1
IMPERIAL RIVER
N 15°43'02" E 192.54' WITNESS LINE
SEE DETAIL ON SHEET 2 OF 2
N 34°49'01" E 21.51'
CORNER NOT SET. FALLS IN WATER
FDH 0.20' W, 0.40' S
S 89°37'32" W 222.89'
WEST 230'± (D)
4" CLF
CONSERVATION EASEMENT (INSTRUMENT #2010000260196
TOP EL.=2.10' INV.=1.05'
MEAN HIGH WATER ELEVATION 0.04 FEET, NAVD 88 AS LOCATED ON 2/14/2022, FALLS ALONG SEAWARD FACE OF CONCRETE SEAWALL. MEAN HIGH WATER ELEVATION EXTENDED FROM TIDE STATION 872-5269 AS SHOWN IN THE PROCEDURAL APPROVAL PROVIDED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION 01/31/2022.
N 33°36'28" E 49.91'
N 33°37'18" E 108.55' WITNESS LINE (FDH TO FDH)
N 33°47'31" E 69.91'
SOUTHWESTERLY 108'± (D)
PARCEL 2
BRICK PAVER PATIO
ONE-STORY BUILDING
SCREENED LANAI
CONC CARPORT
ASPHALT DRIVEWAY
P.O.B. PARCEL 2 FIR 5/8"-LB 6896 0.24' W, 0.17' S
P.O.B. "INGRESS/EGRESS
N 33°33'30" E 108' (D)
288' (D)
INV.=(-)0.50' (18" RCP)
INV.=(-)0.50' (18" RCP)
FDH 0.25' W, 0.31' S
S 89°37'32" W 224.65'
EAST (D)
4' CLF (MEANDERS ALONG BOUNDARY)
(INSTRUMENT #2012000122249)
(IMPROVED)
FIP 1" -NO ID 0.95' E, 0.33' N
N 0°33'13" W 800' N 00°10'45" W (D) WEST LINE OF BIG BEND ROAD
4"X4" FCM NO ID
S 89°37'32" W 1374' WEST (D) NORTH LINE OF TARPON ROAD
N 0°22'28" W 1768.50' N 00°13'45" W (D) CENTERLINE OF IMPERIAL RIVER ROAD
P.O.C. PARCELS 1 AND 2 INGRESS/EGRESS EASEMENT SE CORNER OF SECTION 32-47-25
S 89°37'32" W 665' WEST (D) SOUTH LINE OF SECTION 32-47-25
N 33°33'30" E (D) N 33°11'02" E 180'
X MARK BENCHMARK EL.=2.77' (NAVD 88)
GRAVEL DRIVEWAY
TOP EL.=2.83'
CONC
INGRESS/EGRESS EASEMENT
50' (E)
P.O.B. PARCEL 1 FPK-NO ID 0.18' E, 0.38' S
TOP EL.=1.83'
SOUTHEAST (D)
S 33°11'02" W 46.17' (E) 46.48' (D)
BIG BEND ROAD (50' WIDE)
EOP (ASPHALT ROADWAY)
300.00'
FIR 5/8"-LB 3558 0.19' S
SN 60D BENCHMARK EL.=1.94' (NAVD 88)
FIR 5/8" -NO ID 0.24' S
N 15°43'02" E 192.54' (D)
CONC SEAWALL
WOOD DOCK
EAST (D)
CONC
ONE-STORY BUILDING
CONC
ONE-STORY BUILDING
CONC
ONE-STORY BUILDING

POC		POINT OF COMMENCEMENT
POB		POINT OF BEGINNING
FIP	○	FOUND IRON PIPE
FIR	○	FOUND 5/8" IRON ROD
SIR	●	SET 5/8" IRON ROD w/CAP, L.B. #5151
FCM	□	FOUND CONCRETE MONUMENT
SCM	■	SET CONC. MONUMENT w/ALUMINUM DISK, L.B. #5151
FPK	△	FOUND PARKER KALON NAIL
SPK		SET PARKER KALON NAIL w/ALUMINUM ▲ DISK, L.B.# 5151
FDH	○	FOUND DRILL HOLE
SDH	●	SET DRILL HOLE
FMN	△	FOUND MAG NAIL
SMN	▲	SET MAG NAIL
(P)		PLAT
(M)		MEASURED
(C)		CALCULATED
(D)		DEED OR TITLE COMMITMENT
(E)		EASEMENT DIMENSION
MHWL		MEAN HIGH WATER LINE

PB	PLAT BOOK
OR	OFFICIAL RECORDS BOOK
PG	PAGE(S)
PSM	PROFESSIONAL SURVEYOR AND MAPPER
LB	LICENSED BUSINESS
SPC	STATE PLANE COORDINATES
ROW	RIGHT-OF-WAY
PUE	PUBLIC UTILITY EASEMENT
CUE	COUNTY UTILITY EASEMENT
UE	UTILITY EASEMENT
AE	ACCESS EASEMENT
DE	DRAINAGE EASEMENT
LME	LAKE MAINTENANCE EASEMENT
LBE	LANDSCAPE BUFFER EASEMENT
IRRE	IRRIGATION EASEMENT
FPL	FLORIDA POWER AND LIGHT
BSUE	BONITA SPRINGS UTILITY EASEMENT
NAVD	NORTH AMERICAN VERTICAL DATUM OF 1988
NGVD	NATIONAL GEODETIC VERTICAL DATUM OF 1929
LAE	LANDSCAPE ACCESS EASEMENT
(OA)	OVERALL DEED CALL

EL		ELEVATION
INV		INVERT ELEVATION
RIM		RIM ELEVATION
A/C		AIR CONDITIONING UNIT/PAD
CONC		CONCRETE
CMP		CORRUGATED METAL PIPE
CPP		CORRUGATED PLASTIC PIPE
RCP		REINFORCED CONCRETE PIPE
CHW		CONCRETE HEADWALL
TOB		TOP OF BANK
TOS		TOE OF SLOPE
EOW		EDGE OF WATER
℄		CENTER LINE
EOP		EDGE OF PAVEMENT
BOL	●	BOLLARD
	GT	GREASE TRAP
	S	SANITARY MANHOLE
CO	○	CLEAN OUT
SV	⊗	SEWER VALVE
FDEP		FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

		CATCH BASIN
	Ⓓ	DRAINAGE MANHOLE
		MITERED END
		YARD DRAIN
WV	⊗	WATER VALVE
	W	WATER METER
		BACK FLOW PREVENTOR
		FIRE HYDRANT
		FIRE DEPARTMENT CONNECTION
		BACTERIA SAMPLE POINT
		AIR RELEASE VALVE
IRV	⊗	IRRIGATION VALVE/ CONTROL VALVE
GV	⊗	GAS VALVE
	G	GAS METER/SERVICE
		GAS MARKER
		UTILITY POLE – WOOD
		UTILITY POLE – CONCRETE
		GUY ANCHOR
		OVERHEAD WIRES
SE		SIGN EASEMENT
LAE		LAKE ACCESS EASEMENT
WLT		WITNESS LINE TIE

	LIGHT POLE
Ⓣ	TELEPHONE MANHOLE
T	TELEPHONE RISER/BOX
C	CABLE TELEVISION RISER/BOX
Ⓔ	ELECTRIC MANHOLE
E	ELECTRIC RISER/BOX/METER
ET	ELECTRIC TRANSFORMER
	TRAFFIC LIGHT
	UNDERGROUND UTILITY MARKER
	SIGN ON POLE
PC	POINT OF CURVATURE

= CONCRETE

= ASPHALT

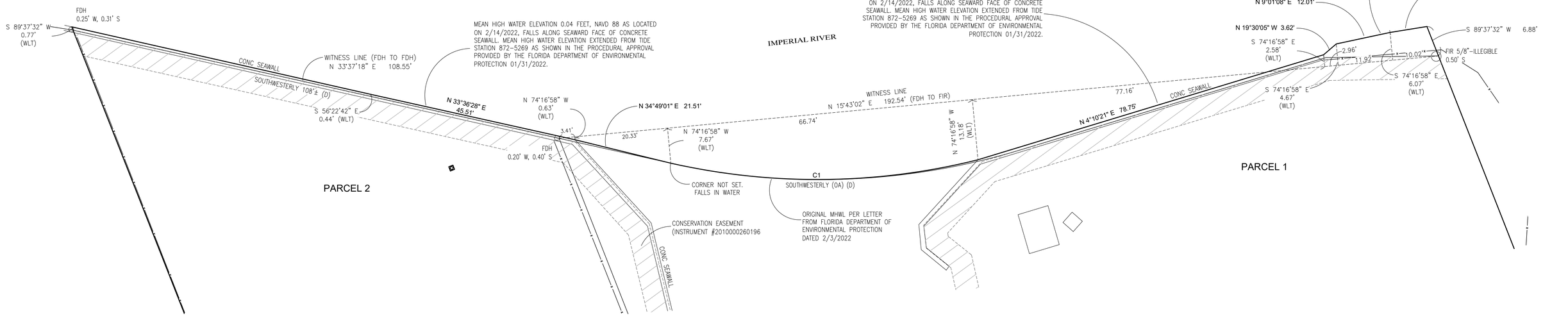
= BRICK PAVER

FZ — FZ — FZ — SCALED FLOOD WAY LINE

0 5' 10' 20'

SCALE: 1" = 10'

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



REVISION: REVISED PER COUNTY COMMENTS (4/21/2022)

GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects

Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266

Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

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

DRAWN BY:	AH
CHECKED BY:	DLS
JOB CODE:	BBSPDO
SCALE:	1" = 10'
DATE:	14 JANUARY 2022
FILE:	22-14-BST.001.DWG
SHEET:	2 of 2

BOUNDARY AND TIDAL WATER SURVEY

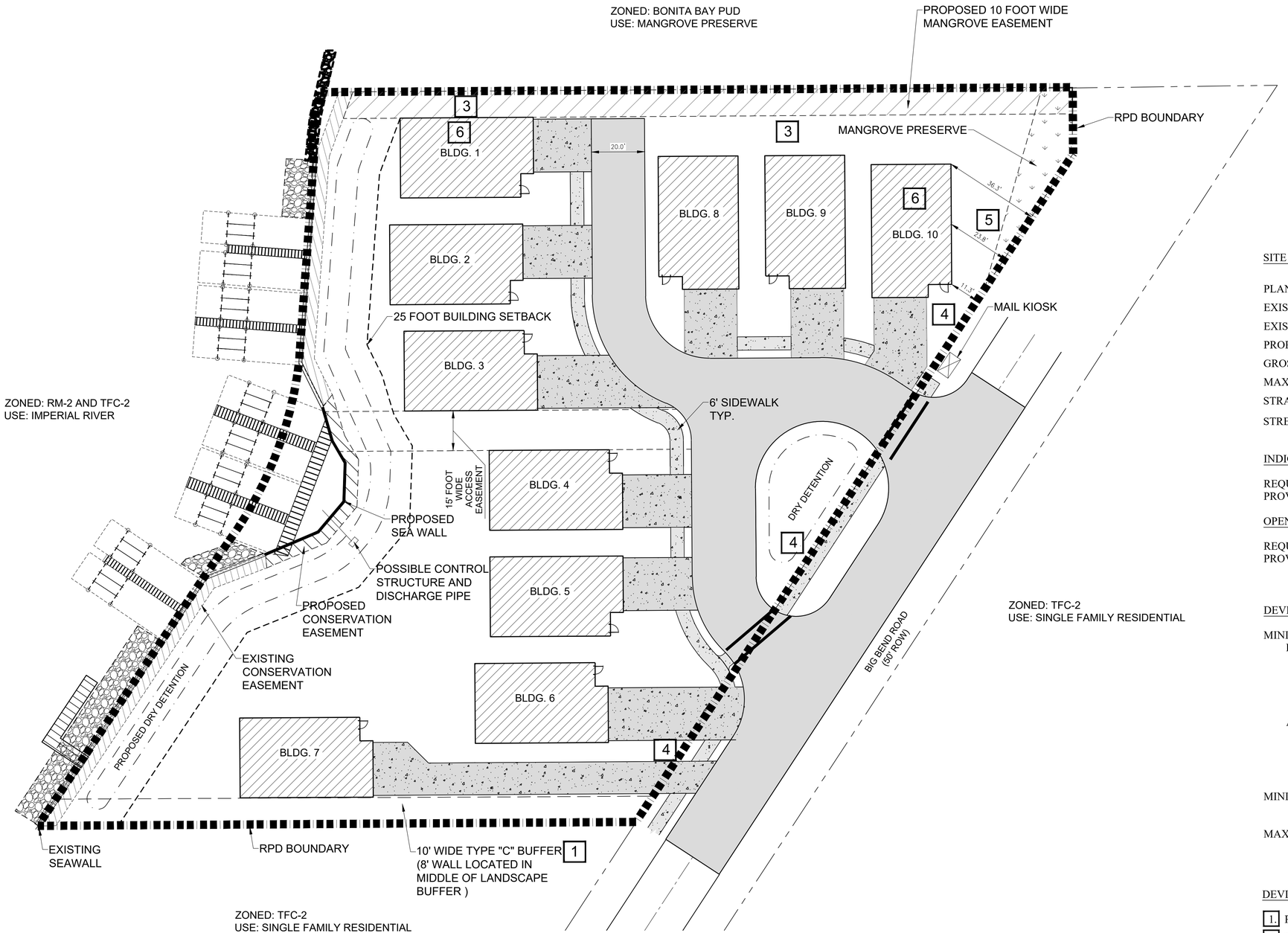
27523 & 27495-511 BIG BEND RD
BONITA SPRINGS, FL 34134

LYING IN
SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

NOT VALID WITHOUT SHEETS 2 OF 2

G:\SURVEY\PROJECT SURVEY 2022\14 - BIG BEND (BBSPDO)\SURVEY\22-14-BST.001.DWG

EXHIBIT "B"



N

0 10' 20' 40'

SCALE: 1" = 20'
WHEN PLOTTED @ 24" X 36"

SITE SUMMARY

PLAN DESIGNATION:	MEDIUM DENSITY SINGLE FAMILY/DUPLEX RESIDENTIAL
EXISTING ZONING DESIGNATION:	RIVERBEND RPD
EXISTING LAND USE:	RESIDENTIAL
PROPOSED ZONING DESIGNATION:	RPD, RESIDENTIAL PLANNED DEVELOPMENT
GROSS AREA:	1.5± ACRES
MAXIMUM DWELLING UNITS:	10 UNITS
STRAP NUMBERS:	32-47-25-B2-00003.0000 and 32-47-25-B2-00003.0010
STREET ADDRESS:	27495-511 AND 27523 BIG BEND ROAD

INDIGENOUS PRESERVE:

REQUIRED: 0
PROVIDED: 0.02 (MANGROVE PRESERVE)

OPEN SPACE:

REQUIRED: 0.6± ACRE (1.5± ACRE X 0.40)
PROVIDED: 0.6± ACRE

DEVELOPMENT REGULATIONS:

MINIMUM SETBACKS:
- PRINCIPAL:
  - NORTH PD BOUNDARY: 10 FEET
  - IMPERIAL RIVER: 25 FEET
  - SOUTH PD BOUNDARY: 10 FEET
  - BIG BEND ROAD: 20 FEET, HOWEVER BLDG. 10 MAY BE REDUCED TO 10 FEET
- ACCESSORY:
  - NORTH PD BOUNDARY: 10 FEET
  - IMPERIAL RIVER: 0 FEET
  - SOUTH PD BOUNDARY: 10 FEET
  - BIG BEND ROAD: 10 FEE

MINIMUM BUILDING SEPARATION: PRINCIPAL: 10 FEET; ACCESSORY: 0 FEET

MAXIMUM BUILDING HEIGHT:
- PRINCIPAL: 35 FEET
- ACCESSORY: 25 FEET

DEVIATIONS:

1. RELIEF FROM LDC SECTION 3-418(d)(6), LANDSCAPE STANDARDS
2. RELIEF FROM LDC SECTION 4-740, USE REGULATIONS TABLE
3. RELIEF FROM LDC SECTION 3-417(b)(6), INDIGENOUS PRESERVE SETBACKS
4. RELIEF FROM LDC SECTION 3-418(d)(3), BUFFER REQUIREMENTS
5. RELIEF FROM LDC SECTION 3-417(B)(1)A, INDIGENOUS NATIVE VEGETATION SETBACK
6. RELIEF FROM LDC SECTION 4-741(B)(1)B, MINIMUM SETBACKS OF STRUCTURES AND BUILDINGS FROM DEVELOPMENT PERIMETER BOUNDARIES

NOTES

1. THIS PLAN DOCK AND RIP RAP 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.
2. ALL ACREAGES 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).

LEGEND

Revision	Date	Description	By

DESIGNED BY: QGMA
DRAWN BY: S.U.
APPROVED: D.W.A.
JOB CODE: BBSPDO
SCALE:

GradyMinor
Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380
Business LC 26000266
Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

RIVERBEND RPD

EXHIBIT IV-E
MASTER CONCEPT PLAN
REVISED AUGUST 16, 2023

MUNICIPALITY: BONITA SPRINGS
SEC/TWNSHP/RNG: 32/47S/25E
DATE: MAY 2020
SUBMITTAL TYPE: RPD AMENDMENT
SHEET 1 OF 1

G:\PLANNING\PROJ - PLANNING\BBSPDO RIVERBEND RPDs (PD22-9597G-BOS)\DRAWINGS\BBSPDO-MCP-R1.DWG 8/16/2023 3:02 PM

ATTACHMENT "A"

BACKGROUND AND INFORMATIONAL ANALYSIS:

Surrounding Land Use:

Existing Zoning & Land Use	Future Land Use Map
Subject Parcel: RPD, Vacant	Med. Den. Res. 11.6du/ac
North: PUD, Mangrove Preserve	Mod. Den. MU/PD. 9du/ac
*East: TFC-2, SF Residential	Med. Den. Res. 11.6du/ac
South: TFC-2, SF Residential	Med. Den. Res. 11.6du/ac
**West: Imperial River	N/A

*Immediately adjacent to the subject property is road right-of-way of Big Bend Road, a city-maintained roadway

**On the adjacent [west] side of the Imperial River is a portion of the Bonita Bay PUD that includes single-family homes and the Bonita Bay Marina

Planned Development Analysis

Review criteria	Yes – Mostly - Partly - No
Demonstrate compliance with the Bonita Plan, this Land Development Code, and any other applicable code or regulation	Yes – The application is in compliance with the Comprehensive Plan and applicable Land Development Code Regulations
The request meets or exceeds performance and location standards set forth for the proposed uses	Yes – The MCP with associated conditions presented by Staff will meet the standards of the Land Development Code.
Including the use of TDR or affordable housing bonuses are the densities or intensities (general uses) consistent with the Comprehensive Plan	Yes – Ordinance 10-02 approved up to 16 units; The proposal represents a reduction to 10 units total. The density does not violate the provisions of the Comprehensive Plan.
The request is compatible with existing or planned uses in the surrounding area	Yes – The surrounding uses are residential in nature. The proposed development is also residential. A preserve easement will

	also be provided along the northern boundary, adjacent to the existing mangrove preserve.

Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development	Yes-- The proposed residential development will account for less than 1% of the roadway capacity of the analyzed segments.
Will the request adversely affect environmentally critical areas and natural resources	No – The on-site mangrove preserve areas are being maintained and an easement is being placed on the north boundary to buffer the preserve area on the neighboring property.
Public facilities are, or will be, available and adequate to serve the proposed land use	Yes - Public facilities are available to the site.
Deviations needed to enhance or to achieve the objectives of the planned development	Yes –the proposed deviations will allow adequate separation of the dwelling units, while still providing suitable access and buffering.
Deviations needed to preserve, promote and or protect the public health, safety and welfare	Yes – the proposed deviations as conditioned will provide adequate protections and preservation of the surrounding areas and properties, while still promoting a viable residential project with a decreased density from the previous approval.

Environmental

There is an on-site mangrove swamp area (0.02 acres) in the northeast corner of the property that is contiguous with the mangrove preserve area on the adjoining property to the north. The Applicant will be preserving this area. With regards to landscaping/buffering, a deviation is being requested regarding the location of a wall on the south side, eight (8) feet in height. Pursuant to LDC 3-418, a wall or a berm/wall combination is required for any roads, drives, or parking areas that are located less than 125 feet from existing residential areas. The wall is required to be at least 25 feet from the abutting property. The deviation (#1) is to allow the wall to be placed within a buffer 10 feet wide. Staff's analysis of the deviation is provided in the Staff Report. Additionally, deviations are being requested for the standards related to setbacks from preserve areas. The Staff analysis of these deviations (# 3 and #5) are contained in the Staff report. Finally, a deviation is being requested from the buffering standards for the right-of-way along Big Bend Road (#4). Staff is recommending approval of this deviation, subject to Condition 10, which requires and right-of-way planting plan to be reviewed an approved

by Community Development and Public Works. Analysis of all deviations are contained in the Staff report.

Stormwater

At the time of the submittal of the project, the property was located in a FEMA X-zone, which is considered a non-flood hazard area. A map update occurred in November of 2022, which included a redesignation of the subject property. The property is now located in a flood hazard area AE-10. The Florida Building Code requires an extra 12" of elevation, meaning the lowest horizontal member shall be at 11 feet. Historically, the property has been affected by tidal influences. Flooding from Hurricane Ian caused significant damage to the on-site duplexes and they were subsequently demolished. The City's Public Works department has an active and ongoing project within the road right of way of Big Bend, designed to provide better drainage during tidal events. Currently, Public Works is in negotiations with the Applicant regarding an on-site easement that could be used to further address flooding and drainage issues. Condition 4 was drafted as a means to promote the continued conversation between the two parties. Regardless, the project will be required to handle its stormwater. The proposed plan calls for an on-site retention area for storage and water quality treatment before discharging into the Imperial River. In addition, the project cannot negatively impact historic flows in the area and cannot cause additional runoff onto adjacent properties. The project will be required to provide additional details during the local development order process and a water management permit from South Florida Water Management District will be required. A project that does not meet LDC requirements for water quality, quantity, or flood regulations cannot be approved.

Traffic

The Applicant provided a Traffic Impact Statement (TIS), which was reviewed by the City's transportation engineer. The project is located at the tip of Big Bend Road and the master concept plan (MCP) proposes two access points. The previous master concept plan provided for 16 units and included a variety of unit types. The proposed plan reduces the density to 10 detached villa units, which, for traffic impacts, were reviewed as single-family homes. Tables 1B and 1C of the TIS show the trip computations from the previous plan of 16 units to the current proposal of 10 units. In terms of the project's projected traffic impacts during the peak hour and peak direction, the analysis provided is for Bonita Beach Road, west of Vanderbilt Drive, and Bonita Beach Road, west of US 41. The projected impact of the site is less than 1%. The City's standard is that anything less than 2% is not considered a project of significant impact. With that said, the project will still be required to meet the multi-modal requirements of the City's Land Development Code (LDC). The MCP shows a proposed sidewalk within the Big Bend right of way. Construction of the sidewalk will require coordination with the City's Public Works Department. Additionally, the Applicant is aware that additional improvements to Big Bend Road may be required.

Comprehensive Plan

The property is located in the Medium Density Residential future land use category. This category is described as follows:

> ***Policy 1.1.8: Medium Density Residential*** *- Intended to accommodate areas with a mix of single-family, duplex and town homes residential development at a maximum density of up to 11.6 dwelling units per gross acre and approximately 1,056 acres of gross land area in the land use category; group homes and foster care facilities; public schools and other public, semi-public and recreational uses on a limited basis.*
>
> *a. Appropriate residential housing types include conventional and modular constructed single-family and duplex structures on permanent foundations.*
>
> *b. As an alternative to a duplex structure, and in order to encourage dispersing affordable housing throughout the community, one accessory dwelling, such as a garage apartment or accessory apartment, may be located on a single lot occupied by one single-family structure, provided development of the lot remains within the maximum allowable density. Conditions on accessory dwelling units may be required within the Land Development Regulations to prevent over crowding and to ensure compatibility.*
>
> *c. Maximum allowable height of structures shall be 55 feet from the base flood elevation to the eaves.*

The proposed project is not exceeding the density allowances of the future land use category. Additionally, while the category allows for a maximum allowable height of 55 feet, the proposed development regulations identify a height maximum of 35 feet for the principal structures. 35 feet is compatible with the allowances of the surrounding zoning designations on Big Bend Road. It is also compatible [and in some instances, less than] the allowable height of the residential portions of Bonita Bay, pursuant to their PUD resolution, Z-81-452.

While this future land use category does not label detached villas as a dwelling unit type, Staff performed analysis of the proposal pursuant to Policy 1.1.4., which states the following:

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

It has been determined that the proposed detached villa concept is similar in character, intensity, and impact to single-family development. The structures will not share walls and will be on individual building pads. The traffic analysis was conducted based on a proposal of single-family units and was found to be acceptable.

As a result, it is Staff's opinion that the project does not conflict with the future land use designation of the subject properties.

With regards to the Traffic Element, a Traffic Impact Statement (TIS) was provided and was reviewed by the City's traffic engineer. The plan is not one of significant impact to the roadway network. Provisions for multi-modal facilities will be provided. It is the Staff opinion that the project is consistent with the traffic element of the Bonita Plan.

With regards to the Housing Element, this residential project is proposed in a residential area, where projects of this nature are appropriate. The housing type is unique in that detached villas will function as single-family homes, but the site will remain under unified control and a Homeowner's Association (HOA) will be established to address maintenance of the buildings and the site. The Staff opinion is that the project is consistent with the housing element of the Bonita Plan.

The project is located within the Coastal High Hazard Area and the Coastal Management Area, and as such, Staff requested that the Applicant supply a narrative demonstrating consistency with this element. The proposal is an infill project and the proposed density reflects a reduction from the 16 units previously approved under Ordinance 10-02, to 10 units. The project will be required to be designed in accordance with the City's Flood Damage Protection Ordinance and the Florida Building Code. Any wetland impacts will need to be appropriately mitigated and the Applicant will be responsible for maintaining their portion of the mangrove preserve area. On the surface, a potential conflict could exist with Policy 7.12.1 which would not allow filling or dredging and would promote the natural contours of the bank. Based on the proposed MCP, the inlet appears to be more shallow, which would suggest either reshaping, or removal and replacement of the seawall in a different configuration. However, based on aerials provided in the Environmental assessment, this inlet is considered artificial in nature and the proposed reshaping would put the contour more in line with the historic configuration of the river bank.

The remaining comprehensive plan elements would not apply to this project.

ATTACHMENT "B"

CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 10-02

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY RIVERBEND RPD, HLH REAL ESTATE PROPERTIES, LLC. TO REZONE FROM RESIDENTIAL MULTIPLE-FAMILY (RM-2) AND RESIDENTIAL TWO FAMILY CONSERVATION (TFC-2), TO A RESIDENTIAL PLANNED DEVELOPMENT (RPD); ON LAND LOCATED AT 27495-27511 AND 27523 BIG BEND ROAD, BONITA SPRINGS, FLORIDA, ON 1.52 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Riverbend RPD, has filed an application for rezoning 1.52 +/- acres from Residential Multiple-Family (RM-2) and Residential Two Family Conservation (TFC-2), to allow a Residential Planned Development (RPD) for two single family dwelling units, two two-family attached dwelling units, and ten multi-family dwelling units, and

WHEREAS, the subject property is located at 27495-27511 Big Bend Road and 27523 Big Bend Road, Bonita Springs, Florida, and is described more particularly as:

"See Exhibits"

WHEREAS, a Public Hearing was advertised and heard on November 6, 2009 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case PD08-BOS00005 who gave full consideration to the evidence available and recommended approval (5-0, Mathes and Norris absent, with Pastore expressing concern as to the density and the Coastal High Hazard regulations); and gave full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all interested parties. The October 23, 2009 Staff Report prepared by Jacqueline Toemmes, Planner II, Community Development and evidence submitted at the Zoning Board hearing is on file with the City Clerk.

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

SECTION ONE: APPROVAL OF REQUEST

City Council of Bonita Springs hereby approves the rezoning from Residential Multiple Family (RM-2) and Two Family Conservation 2 (TFC-2) to Residential Planned Development (RPD) with the following conditions:

A. <u>CONDITIONS</u>

1. The development of this project must be consistent with the Master Concept Plan entitled "River Bend," prepared by Progressive Engineering received September 22, 2009 **(Attachment A),** except as modified by the conditions below. This development must comply with all requirements of the City of Bonita Springs Land Development Code (LDC) at time of local development order approval. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

   The maximum number of residential units is limited to 16 dwelling units.

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

a. Schedule of Uses

Accessory Uses, Buildings and Structures
Docks, seawalls
Dwelling Units (Maximum total 16 units):
- Single-Family (maximum total 2 units)
- Two-Family Attached (maximum total 4 units)
- Multi-family building (maximum total 10 units)
- Townhomes (maximum total 10 units)

Models:
- Model Home (for marketing purposes within the project only)

Real Estate Sales Office (temporary for marketing purposes within the project only within one dwelling unit)
Recreational facilities:
- Personal
- Private-Onsite

Residential Accessory Uses

b. Site Development Regulations

Minimum Lot Width:	324.95 feet
Minimum Lot Depth:	223 feet
Minimum Lot Area:	1.52 +/- acres
Maximum Lot Coverage:	40%
Minimum Open Space:	40%

	Single-Family	Two-Family Attached	Townhouse Multi-Family	Accessory Structures
Maximum Building Height [3]	Not to exceed 35 feet	Not to exceed 35 feet	Not to exceed 39 feet	35 feet
Setbacks [1]				
Street	50 feet	50 feet	50 feet	50 feet
Side Yard	7.5 feet	0/10 feet [2]	0/20 feet	10 feet [2]
Rear Yard	25 feet	25 feet	25 feet	25 feet
Water Body	25 feet	25 feet	25 feet	25 feet
Minimum Building Separation	10 feet [1]	10 feet [1]	20 feet	5 feet [1]

[1] Principle and Accessory Structures

[2] Side yard shall be a minimum of zero (0') with a ten foot (10') separation between principal structures where not attached.

[3] Building height is measured from the FEMA base flood elevation line to the bottom of the eaves. The maximum height for purely ornamental structural appurtenances may not exceed 55' from the FEMA base flood elevation line.

3. Reserved

4. Transportation Conditions

   a. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the City of Bonita Springs Land Development Code may be required to obtain local development order.

   b. The Developer must comply with concurrency requirements (all conditions required by the Bonita Springs Comprehensive Plan and the Land Development Code) in order to obtain a local development order.

   c. The developer is responsible for the costs and improvements of Big Bend Road from the southern property line to the northern property line as a site-related improvement. This segment of the roadway must be completed prior to obtaining the certificate of completion.

d. As a part of the local development order approval, the applicant will provide a TIS containing an intersection analysis of Tarpon and Big Bend and Tarpon and Imperial River Road.

5. Environmental Conditions

a. Prior to local development order approval, a tree survey will be required to determine if there are any Heritage trees on-site. If Heritage trees are present, an appearance before the Tree Advisory Board prior to the issuance of local development order is required.

b. Prior to local development order an ACOE dredge & fill permit to dredge the boat basin shall be obtained.

c. Manatee protection and education signs according to the Lee County Manatee Protection Plan are required and must be depicted on the local development order.

d. A 5 foot conservation easement shall be recorded adjacent to the Imperial River. This area shall be rip-rapped in areas not immediately adjacent to the boat slips. Mangrove seedlings shall be planted in the rip rap on spacing requirements consistent with the Bonita Springs LDC, Dock & Shoreline Section.

e. Prior to local development approval, the applicant must submit an Indigenous Preservation and Restoration Plan depicting a 20' wide indigenous buffer on the property adjacent to the Imperial River. This buffer shall be planted with native vegetation consistent with species commonly found in our coastal hardwood hammocks and shall be planted in a manner to mimic a natural condition. A variety of tree and understory vegetation shall be planted at a ratio of five trees and eighty understory plants per one hundred linear feet.

i. The following tree and understory species are recommended for the buffer:

Selected Tree Species: Gumbo Limbo, Strangler Fig, Mangroves, Buttonwood, Lancewood, Willow Bustic, Mastic, Pigeon Plum, Jamaican Dogwood.

Selected understory species: Simpsons Stopper, White Indigo Berry, Cocoplum, Jamaican Caper, Spanish Stopper, White Stopper, Wild Coffee.

ii. The square footage planted may be credited twice towards the indigenous open space requirement.

iii. Trees must be at least 15 gallons (apx. 6-8' tall), and understory plants must be 3 gallon (apx. 24" tall).

iv. Five foot pedestrian paths consisting of pervious material are permitted to meander within this buffer area.

v. A temporary irrigation system is required during the initial landscape establishment period and may be eliminated approximately one year after the material has been planted.

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

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

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

6. In support of Deviation 1, the wall along the southern property line must be constructed at 6' feet and trees must be canopy type trees such as oaks or slash pines or a combination of there of.

7. Flood Regulations

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

Floodway Notes
Development in areas waterward of the regulatory floodway is prohibited, unless all conditions specified in the zoning approval are met. FEMA and City of Bonita Springs development order

approvals will be required for any proposed improvements affecting floodway and flood plain storage prior to future development order approval for entire property and/or any outparcel.

b. The applicant agrees that no encroachment shall be placed within the floodway as defined by the FEMA Flood Insurance Rate Maps that are in effect at time of local development order approval, approved at the time of development order issuance, unless one of the following two conditions are applied for:

    i. Certification with supporting technical data, made by a registered professional engineer, is needed demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge". Note that the words "supporting technical data" are paraphrased as "hydrologic and hydraulic analyses" in National Flood Insurance Program document (Answers to Questions about the NFIP, F-084 (5/06), FEMA). Appropriate supporting data or analyses to clarify any potential floodway encroachment issue is required. Certificates of No Rise are required **prior** to local development order **approval**.

    or

    ii. A Conditional Letter of Map Revision (CLOMR) will be required by contacting FEMA. A CLOMR is FEMA's comment on a proposed project that would affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway or effective Base Flood Elevations. Conditional Letter of Map Revisions (CLOMR) must be approved by FEMA **prior** to submitting a development order **application** to the City.

c. At the time of local development order application, the applicant shall submit a drainage analysis that demonstrates that the site development plan causes no adverse impact on adjacent properties in terms of drainage capacity/conveyance, storm water discharge, and flood. The drainage analysis shall include but not limited to (1) a drainage map for all contributory areas within and into the development, showing flow paths/arrows, existing on site and offsite drainage structures (sizes and inverts), and sub basin areas; and (2) hydrologic and hydraulic calculations for the 5, 25,

and 100-year design storm events in order to establish existing baseline conditions.

d. Development must be consistent with the local, State, and Federal regulations for development within any floodways, flood plains, or properties designated that will be effected by a tropical storm event.

8. Docks

a. Docks must receive all necessary State and Federal permits.

b. Docks must be an accessory use to the residential units and may not be constructed without approved building permits for the residential units.

c. Fuel sales are not permitted on the subject property.

d. No rental or leasing of the slips is permitted by owners, occupants or homeowner's association.

e. Lighting must meet the single family provisions in Bonita Springs Ordinance No. 07-24 in addition to Land Development Code Chapter 3, whichever is most restrictive.

9. Model homes and model units are permitted uses, but must be consistent with the following conditions:

a. A maximum of one model home is permitted for each type of dwelling unit within the development; and

b. Hours of operation for the model homes are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.; and

c. Each model home must be a unique example. Multiple examples of the same model are not permitted.

10. A Real Estate Sales Office is a permitted use, but must be consistent with the following conditions:

a. A maximum of one (1) real estate sales office is permitted; and

b. Hours of operation for the real estate sales office restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.; and

c. The real estate sales office is limited to the sale of units within the development, and is valid for a period of time not to exceed three (3) years from the date the certificate of occupancy for the sales office is issued. The director may grant one two-year extension. Additional time will require a special exception approval.

11. The development must comply with the commercial lighting standards found in the LDC, Chapter 3. Lighting for all structures shall not emit glare and be limited to lighting for security purposes. Street, parking lot, and building lighting must be shielded so that light is directed downward to reduce light spillage to off-site parcels.

12. The development must comply with the sign code found in the LDC, Chapter 6.

13. Prior to local development order approval, the developer must provide facilities in compliance with the Bonita Springs LDC, for the pickup/disposal of solid waste and recyclables.

14. The development must comply with Ordinance 06-04 Noise Control.

15. The developer will use best efforts to incorporate principles for its building through the Florida Green Building Coalition program, in site design and construction, by emphasizing use of high energy efficiency designs and use of high energy efficient fixtures and appliances where possible. Building materials, both internal and external, will be comprised of durable and recycled materials where possible.

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

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

18. Prior to local development order approval, the applicant will submit architectural renderings indicating that the multi-family structure will create the appearance of a townhome structure.

B. DEVIATIONS

Deviation 1 is approved, subject to **Condition 6,** granting relief from Land Development Code §3-416(D) (6) requiring a solid wall or combination berm and solid wall not less than eight feet in height be constructed not less than 25 feet from the property line with a Type C buffer plantings to allow a 15' wide buffer with 8' high wall and landscaped between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet.

Deviation 2 is approved, subject to **Condition 9,** granting relief from Land Development Code §34-934 requiring that model units be approved with an Administrative Action, to allow Model Units to be approved as a permitted use with the RPD rezoning.

C. FINDINGS AND CONCLUSIONS:

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

1. The applicant has proven entitlement to the rezoning to Residential Planned Development (RPD) by demonstrating compliance with the Bonita Springs Comprehensive Plan, the Land Development Code, and other applicable codes and regulations. City Council considers the Schedule of Uses **(Attachment B)** and Master Concept Plan, as conditioned in this Ordinance, consistent the Medium Density Residential Future Land Use Category in accordance with the City of Bonita Springs Comprehensive Plan, Future Land Use Element Policy 1.1.4 as "other uses that are similar in character, intensity or impacts".
2. The requested RPD zoning as conditioned:
    a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and
    b. is consistent with the densities, intensities and general uses set forth in the Bonita Springs Comprehensive Plan; and
    c. is compatible with existing or planned uses in the surrounding area; and
    d. will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities, as conditioned.
4. Urban services, as defined in the Bonita Springs Comprehensive Plan, are available and adequate to serve the proposed land use, as conditioned.

5. The proposed uses are appropriate at the subject location, as conditioned.

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

7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development, as conditioned.

8. The deviations granted, as conditioned:

    a. enhance the objectives of the planned development; and
    b. preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

SECTION TWO: EFFECTIVE DATE

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

DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 25th day of January, 2010.

AUTHENTICATION:

_____ _____

Mayor City Clerk

APPROVED AS TO FORM: _____

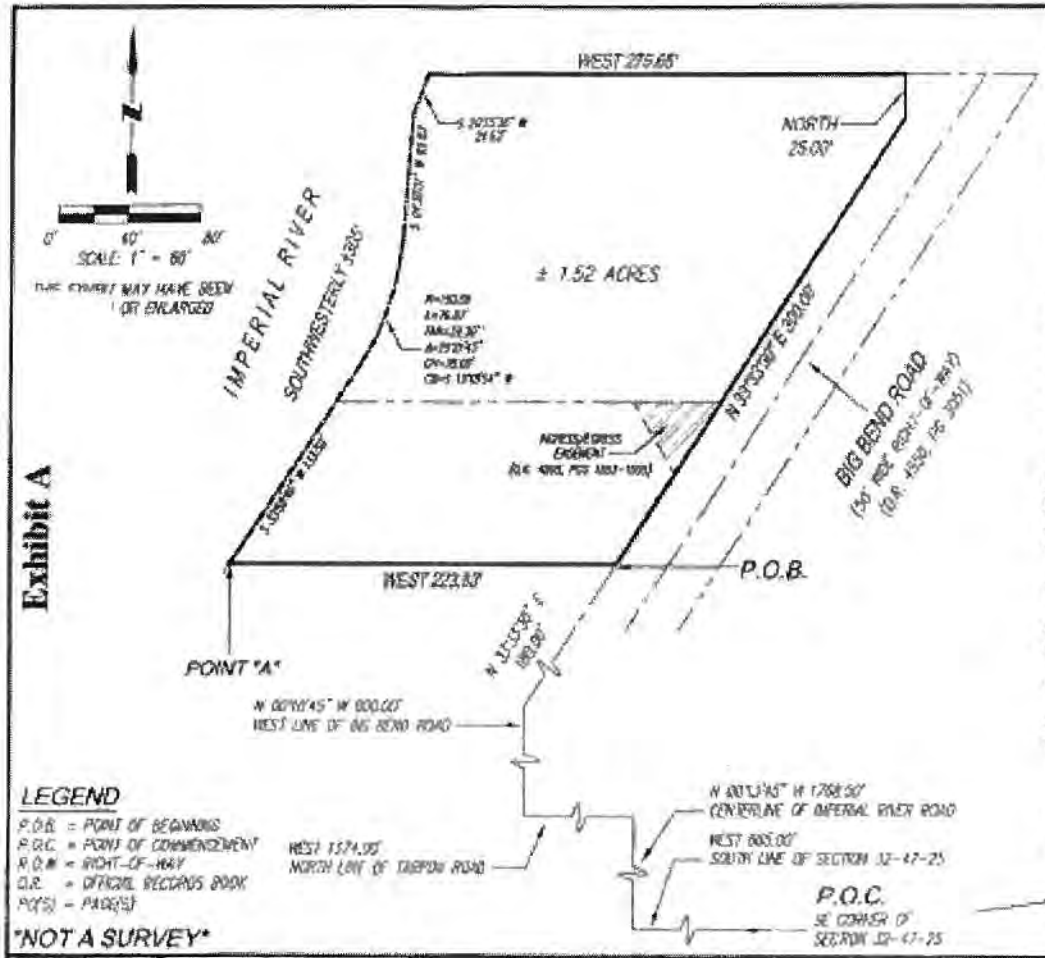
City Attorney

Vote:

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

Date filed with City Clerk: 1-28-10

Exhibit A



PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN WEST, ALONG THE SOUTH LINE OF SAID SECTION 32, FOR A DISTANCE OF 665.00 FEET TO A POINT ON THE CENTERLINE OF IMPERIAL RIVER ROAD; THENCE RUN NORTH 33°55'30" WEST, ALONG SAID CENTERLINE, FOR A DISTANCE OF 1,768.50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF TARPON ROAD; THENCE RUN WEST, ALONG SAID NORTH RIGHT-OF-WAY, FOR A DISTANCE OF 1,374.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF BIG BEND ROAD; THENCE RUN ALONG SAID WEST RIGHT-OF-WAY FOR THE FOLLOWING TWO (2) COURSES:
1) THENCE RUN NORTH 00°01'45" WEST, FOR A DISTANCE OF 600.00 FEET;
2) THENCE RUN NORTH 33°55'30" EAST, FOR A DISTANCE OF 300.00 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN WEST, FOR 223.83 FEET TO A DRILL HOLE ON A 1.25 FOOT WIDE CONCRETE SEAWALL, SAID POINT HEREIN CALLED **POINT "A"**; THENCE RETURN TO THE AFOREMENTIONED **POINT OF BEGINNING**; THENCE RUN NORTH 33°55'30" EAST, ALONG THE WEST RIGHT-OF-WAY OF BIG BEND ROAD, FOR A DISTANCE OF 308.00 FEET; THENCE RUN NORTH, FOR A DISTANCE OF 25.00 FEET; THENCE RUN WEST, FOR A DISTANCE OF 275.65 FEET TO A DRILL HOLE ON A 1.25 FOOT WIDE CONCRETE SEAWALL, ALSO BEING THE APPROXIMATE MEAN HIGH WATER LINE OF THE EAST BANKS OF THE IMPERIAL RIVER; THENCE MEANDER SOUTHWESTERLY ALONG THE MEAN HIGH WATER LINE FOR APPROXIMATELY 3300 FEET TO THE AFOREMENTIONED **POINT "A"** AND THE POINT OF ENDING. SITUATED IN LEE COUNTY AND CONTAINING 1.52 ACRES, MORE OR LESS.

NOTES

1. BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF BIG BEND ROAD, A 80' WIDE RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 4550 AT PAGE 3331 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N 33°55'30" E.
2. THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.
3. THIS SURVEY MAP AND THE COPIES THEREOF, ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER.
4. DIMENSIONS SHOWN HEREON ARE IN UNITED STATES SURVEY FEET AND DECIMALS THEREOF.
5. ANY ADDITIONS AND/OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT.

LEGEND

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R.O.W. = RIGHT-OF-WAY
O.R. = OFFICIAL RECORDS BOOK
PG(S) = PAGE(S)

"NOT A SURVEY"

© GRADY MINOR AND ASSOCIATES, P.A.

SIGNED 11/13/2008

JUAN ARAQUE — P.S.M. #6455 STATE OF FLORIDA

RECEIVED MAY 04 BY

REVISION:

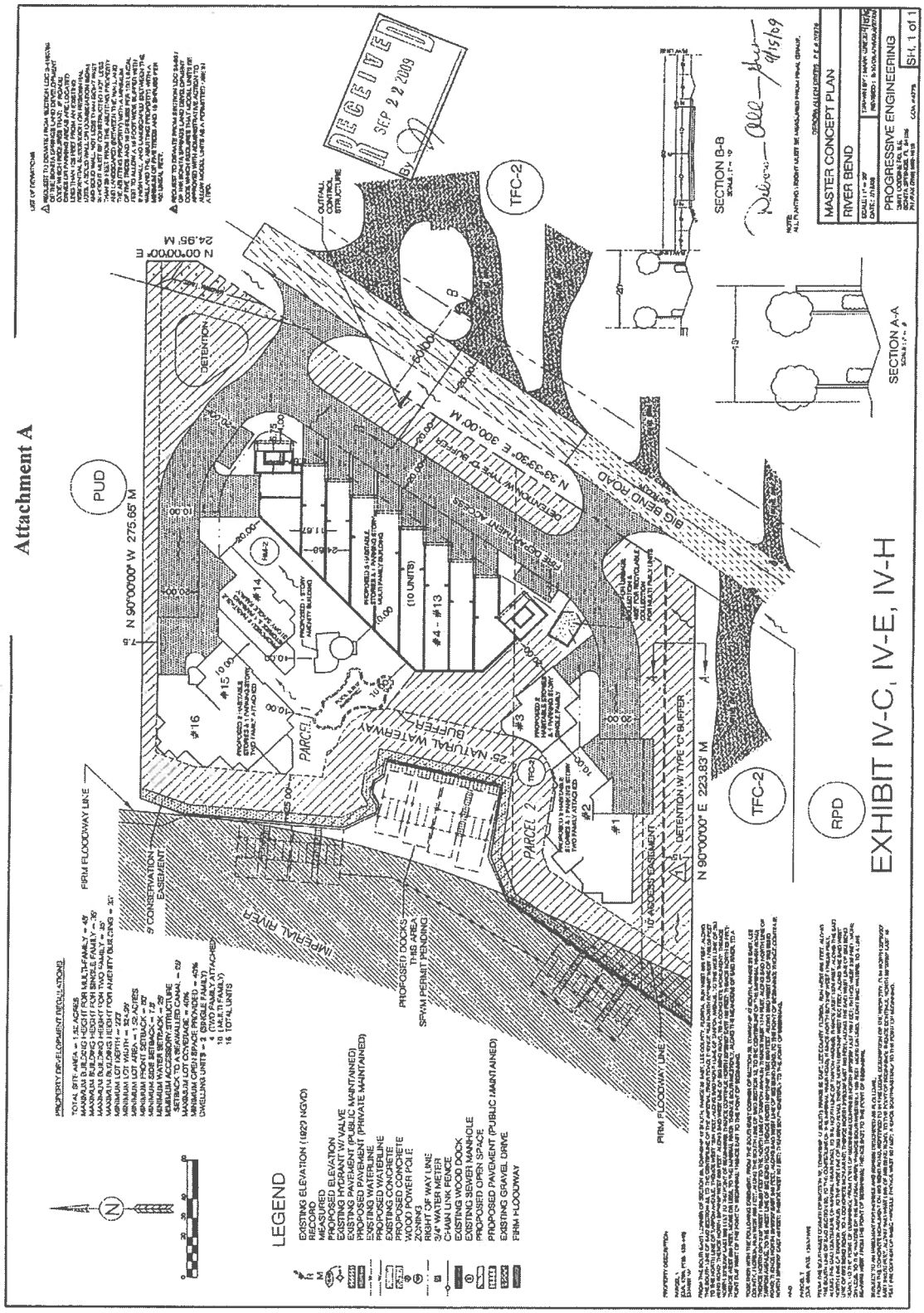
Q. GRADY MINOR & ASSOCIATES, P.A.
CIVIL ENGINEERS ■ LAND SURVEYORS ■ PLANNERS ■ LANDSCAPE ARCHITECTS
BONITA SPRINGS — 3800 VIA DEL REY, BONITA SPRINGS, FL 34134, (239) 947-1144
FORT MYERS — 11940 FAWNA LAKES DR., FT. MYERS, FL 33913, (239) 690-4380
NORTH PORT — 2562 COMMERCE PKWY., NORTH PORT, FL 34289, (941) 426-5859
DESIGNATED CERT. OF AUTH. (LB 6690) SURVEYING CERT. OF AUTH. (LB 6690) LANDSCAPE AREA ARCHITECTS IN ZONING
www.gradyminor.com

SKETCH AND LEGAL DESCRIPTION

A PORTION OF
SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DRAWN BY:	JD
CHECK BY:	JA
JOB CODE:	H:\SEC\R
SCALE:	1" = 80'
DATE:	NOVEMBER 2008
FILE:	B-3729
SHEET:	1 OF 1

C:\PROJECTS\SURVEY 2008\FILES\B-3729\DWG


Attachment A
EXHIBIT IV-C, IV-E, IV-H
PUD
RPD
TFC-2
LEGEND
PROPOSED DOCKS
SPWMM PERMIT PENDING
PARCEL 1
PARCEL 2
IMPERIAL RIVER
BIG BEND ROAD
DETENTION
MASTER CONCEPT PLAN
RIVER BEND
PROGRESSIVE ENGINEERING
SHT. 1 of 1

THOMPSON LEWIS
counselors at law

745 12TH AVENUE SOUTH
SUITE 105
NAPLES, FL 34102
239.316.3006 OFFICE
239.307.4839 FACSIMILE
DOUG@TLLFIRM.COM

TO: The City of Bonita Springs & SOMAX, LLC

FROM: Douglas A. Lewis, Esq.

DATE: May 8, 2024

RE: **Riverbend RPUD PD22-95976-BOS**

I. Background:

The information contained in this memorandum not attorney/client privileged communication and is a summary of some of the key issues pertaining to the Riverbend RPUD PD22-95976-BOS and arguments made on behalf of SOMAX, LLC before the City of Bonita Springs Zoning Board on April 16, 2024.

The Riverbend RPUD PD22-95976-BOS residential, infill project (the "Project") is 1.52 acres of real property owned by BB Sunset Properties, LLC and is located on the Imperial River, within the Estero Bay Aquatic Preserve, at 27495-511 and 27523 Big Bend Road, Bonita Springs, Florida 34134 (the "Property").

The Property is bordered: (i) to the north by a mangrove preserve area owned by Bonita Bay Community Association and zoned Bonita Bay PUD, (ii) to the south by a single-family residence zoned TFC-2, (iii) to the east by Big Bend Road and additional single-family residences; and (iv) to the west by the Imperial River and Bonita Bay (including the single-family residence owned by SOMAX, LLC) on the opposite side of the river.

The property has a "Medium Density Residential" land use designation under the City's Comprehensive Plan, Future Land Use Element ("FLUE"). The Property was rezoned from Residential Multiple-Family (RM-2) and Residential Two-Family Conservation (TFC-2) to Residential Planned Development (RPD) under Ordinance 10-02 ("Existing RPD"). Pursuant to Section 4-303 of the City's Code, the Master Concept Plan for the Existing RPD is expired. The Property remains zoned RPD, but no development can occur under the Existing RPD's Master Concept Plan, as it has expired. The current owner bought the Property knowing that it did not have rights to develop the Property pursuant to the Existing RPD. As such the owner took title to the Property subject to a zoning risk, and this Project is not a downzoning as the Existing RPD's Master Concept Plan is expired.

The Project seeks approval for the construction of ten (10) individually owned single family homes, one (1) wet slip (2 wet slips per dock) for each of the 10 single family homeowners as part of a "multi-slip residential marina", and other related improvements on the 1.52-acre parcel. According to the Project applicant, the multi-slip residential marina will be owned as a common element of the residents. The Project applicant seeks to amend the permitted schedule of uses under the Existing RPD to allow for applicant's invented housing category called "detached villa" (not recognized or defined under the City's Code), which applicant defines as being a "dwelling unit that is occupied by one family and is not connected to any other structure." The Project would allow multiple detached villas to be located on a single parcel. Also, the Existing RPD contains the following conditions that appear to have been removed by staff and the applicant from the Riverbend RPUD PD22-95976-BOS: (i) A. Conditions 4. Transportation Conditions a. through d.; (ii) A. Conditions 5. Environmental Conditions; (iii) A. Conditions 7. Flood Regulations; (iv) A. Conditions 8. Docks; (v) A. Conditions 11. Through 17.

II. Discussion and Analysis:

At the April 16, 2024 Zoning Board Hearing for the Project, SOMAX, LLC through counsel, asserted that the Project application is: 1. not legally sufficient and 2. does not comply with the City's Comprehensive Plan and Code. Further, that Project applicant's requested deviations 1, 4, 5 and 6 should be denied on the basis that they: 1. are not justified, 2. create incompatibilities with the surrounding area, 3. reduce the Code's health, safety and welfare protections by more than doubling the allowable boat traffic for this Property and impairing navigation on the Imperial River; and 4. Reduce Code protections for both the on-site and off-site mangrove preserves.

The following analysis was provided to the City's Zoning Board:

The Project applicant proposes 10 single family residences (see, binder Tab 2) priced at the $1 to $2.5 million dollar range, but the applicant is not doing standard single family platted lots as the Code would not allow them to do that and also have one (1) wet slip for each of the 10 single family homeowners as part of a "multi-slip residential marina." At this price point, the applicant will be selling river access. However, platting and building single family homes and docks does not allow for the type of river access intensity as proposed by the Project. The applicant focuses on its single-family use component in relation to permitted use and density provisions of the City's Comprehensive Plan in support of its 10 single-family homes, however the applicant cannot at the same time reject Code provisions appliable to single family docks and claim entitlement to a multi-slip residential marina.

Further, given the aging condition of the neighboring homes along the Imperial River, the precedent created by this Project in approving a multi-slip residential marina for this single-family residential area will have adverse impacts on the Imperial River and will undermine the City's Comprehensive Plan and Code. This project (and anticipated projects in the future like this one)

will also have an adverse impact on Bonita Bay and its residents who also utilize the Imperial River.

In order to sell off the 10 single-family homes and wet slip, the applicant will need to create at least 10 lots by either platting the land or by doing a land condominium. A lot created by either a plat or land condo/condo is a "lot" as defined under Sec. 4-879 of the LDC as it is "a parcel of land accommodating a building or buildings of unified design."

The Project's Master Concept Plan (see, binder Tab 4) provides no detail on what these lots would look like and/or how such "lots" would comply with the dimensional standards of the LDC for single family docks. In fact, the applicant cannot comply with the dimensional standards and achieve 10 lots having dock access for each lot owner.

The Project application is not sufficient

The master concept plan does not comply with Section 4-295 of the LDC.

Pursuant to Sec 4-295 (a)(6) b., (6) Master Concept Plan, the following applies to the Master Concept Plan, "Where the subject property will be divided into ***lots*** or parcels, the plan ***must*** indicate the general ***location, configuration, and approximate dimensions of the lots or parcels (including outparcels) as well as lot coverage, and the minimum proposed setbacks for principal structures***. The proposed use of the ***lots or parcels must be keyed to the list of proposed uses submitted with the application***. If the property development regulations for a specific zoning district will be used, reference to the specific district will be sufficient" [Emphasis added].

The Master Concept Plan is not legally sufficient as it does not indicate the location, configuration, and approximate dimensions of the ten (10) lots for the single-family homes to be sold. Further, the Master Concept Plan does not indicate lot coverage for the ten (10) lots and contains no minimum proposed setbacks for each of the ten (10) lots. Also, the Project applicant has stated that multi-slip residential marina will be owned as a common element of the residents, yet the Master Concept Plan does not identify the boundaries for the common element are and does not key the future "lots" to the list of proposed uses submitted with the application.

The multi-slip residential marina is also not listed as a use in the Project's proposed RPD, nor can it be as such is not permitted in the Comprehensive Plan (discussed below).

Pursuant to Sec 4-295 (a)(6) c.2., (6) Master Concept Plan. c. 2, the Master Concept Plan must contain "[t]he maximum height, in feet ***and number of habitable stories***; if parking under the buildings is proposed, the ***number of stories proposed for parking must be indicated*** and included in the total maximum height of the building;" [Emphasis added].

The Master Concept Plan is not legally sufficient as it does not indicate the number of habitable and parking stories.

The Project application does not comply with the Comprehensive Plan

The following land uses are permitted on the Property pursuant to the City's FLUE of the Comprehensive Plan, Policy 1.1.8: Medium Density Residential - Intended to accommodate areas with a mix of ***single-family***, ***duplex and town homes residential development*** at a maximum density of up to 11.6 dwelling units per gross acre and approximately 1,056 acres of gross land area in the land use category; ***group homes*** and ***foster care facilities***; ***public schools*** and ***other public, semi-public and recreational uses on a limited basis***.

a. Appropriate residential housing types include conventional and modular constructed single-family and duplex structures on permanent foundations.
b. ***As an alternative to a duplex structure***, and in order to encourage dispersing affordable housing throughout the community, ***one accessory dwelling, such as a garage apartment or accessory apartment, may be located on a single lot occupied by one single-family structure***, provided development of the lot remains within the maximum allowable density. Conditions on accessory dwelling units may be required within the Land Development Regulations to prevent overcrowding and to ensure compatibility.

The FLUE does not appear to allow more than one single-family structure on a lot, and the Master Concept Plan shows a single lot with ten (10) single-family structures. Further, multi-slip residential marinas[1] and "detached villas" are not listed as a permitted use of the Property.

The Project applicant relies on the following Policy 1.1.4: Allowable Uses under the FLUE to support "detached villas" as being a permitted use under the FLUE, "The listing of appropriate land uses in each of the individual land use categories identifies those uses generally expected to be appropriate. However, *other uses which are* ***similar in character***, ***intensity*** *and* ***impacts*** *to those listed* ***may*** *also be deemed to be appropriate*."

For purposes of seeking to comply with Policy 1.1.8 of the FLUE, the Project applicant correctly asserts that its "detached villa" is similar in character to a single-family dwelling unit[2], however, the proposed multi-slip residential marina is clearly not similar in character, intensity and impacts to a single-family dock. When compared to the lot dimensions and setbacks of neighboring single family platted lots, this 1.5-acre Property can get 4 (perhaps 5 maximum) platted lots, and all single-family dock/boat slip usage would only involve 4 or 5 owners. This Project seeks to more than double the number of owners that would be accessing the Imperial River and using boat slips. The applicant cannot fairly claim to be doing a single-family project

[1] In other FLUE categories and unlike Medium Density Residential, like for example Policy 1.1.10.2 for Coconut Village, "marina and marine accessory uses" are expressly listed as appropriate uses under the Comprehensive Plan.

[2] We agree that the residential product that the Project applicant seeks to build on the property is a single-family residence. However, the Code does not permit ten (10) platted single-family lots on the 1.5-acre parcel, with each platted lot having its own wet slip and none of the neighboring single-family lots have the same intensity or impacts of entitlements. As such, this Project is not similar in intensity and impacts as to a single-family structure having a single-family dock.

on the one hand while at the same time seeking to apply the Code provisions for a multi-slip commercial and residential facilities under Section 7-357 of the City's Code in order to achieve one (1) wet slip for each of the ten (10) lots. The Project applicant is not constructing single family accessory use boat docks and is not able to build a multi-slip residential marina, with 10 platted single-family lots, on this 1.5-acre Property.

The Project's multi-slip residential marina also violates the Conservation/Coastal Management Plan Policy 22.3 and does not meet the siting criteria. (this is detailed by separate memorandum).

The Project application does not comply with the LDC

The Project applicant asserts that Sec. 7-358 of the City's Code does not apply as they are not doing single family docks as part of their single-family residential Project. However, as noted above, the FLUE does not allow the Project applicant to do a Sec. 7-357 multi-slip commercial and residential marina on the Property. As a single-family use under the FLUE, Sec. 7-358. - Primary structures single/two family docks, fishing piers, kayak/canoe launch, boat ramps; boardwalks applies to this Project, which relevant provisions are as follows:

(a) Number of slips.

(1) ***No more than one boat mooring dock with two wet slips is permitted per single-family lot***, and no more than two boat mooring docks with up to four wet slips is permitted per two-family unit on a single lot. If a parcel abuts both a natural waterbody and an artificial waterbody, one slip may be allowed on each waterbody.

(2) A shared property line dock can be permitted for up to four wet slips with a joint use agreement.

(3) More than two slips may be approved with a special exception in accordance with section 4-131(c).

(c) Design and maximum dimensions.

(2) Except for a kayak launch that is normally built closer to the water line, ***only one structure*** as permitted in this section ***shall be allowed per lot*** unless the lot abuts both a natural and artificial waterbody or the lot has a shoreline greater than 150 linear feet. Docks, fishing piers, and kayak launches may be combined and built at the same height so long as state and federal permits can be obtained as applicable.

At a minimum the Project applicant needs to show the lot lines for its ten (10) single-family units (along with the riparian access rights of the owners) on its Master Concept Plan to see how these provisions of the Code will ultimately impact the Project. In the staff's packet to the Zoning Board, the Project applicant indicated that all of the docks will be constructed on a single lot owned as a common element of the residents. As such, a plain read of Section 7-358(c) (2) of the LDC limits the applicant to only one common element dock. Further and as a part of any revised Master Concept Plan, no more than one boat mooring dock with two (2) wet slips is permitted per single-

family lot, and a shared property line dock can be permitted for up to four wet slips with a joint use agreement.

While one can certainly appreciate the need for each of the ten (10) proposed lots to have boat slip access to the Imperial River in order to achieve the Project applicant's desired price point, when the City's Code and Comprehensive Plan provisions are properly applied, the ten (10) different lot owners on this 1.5 acre Property would not have their own individual boat slip. This project sets a very dangerous precedent as it creates significant economic incentives for this practice to continue and to be replicated along the Imperial River, and it undermines the City's Code and Comprehensive Plan.

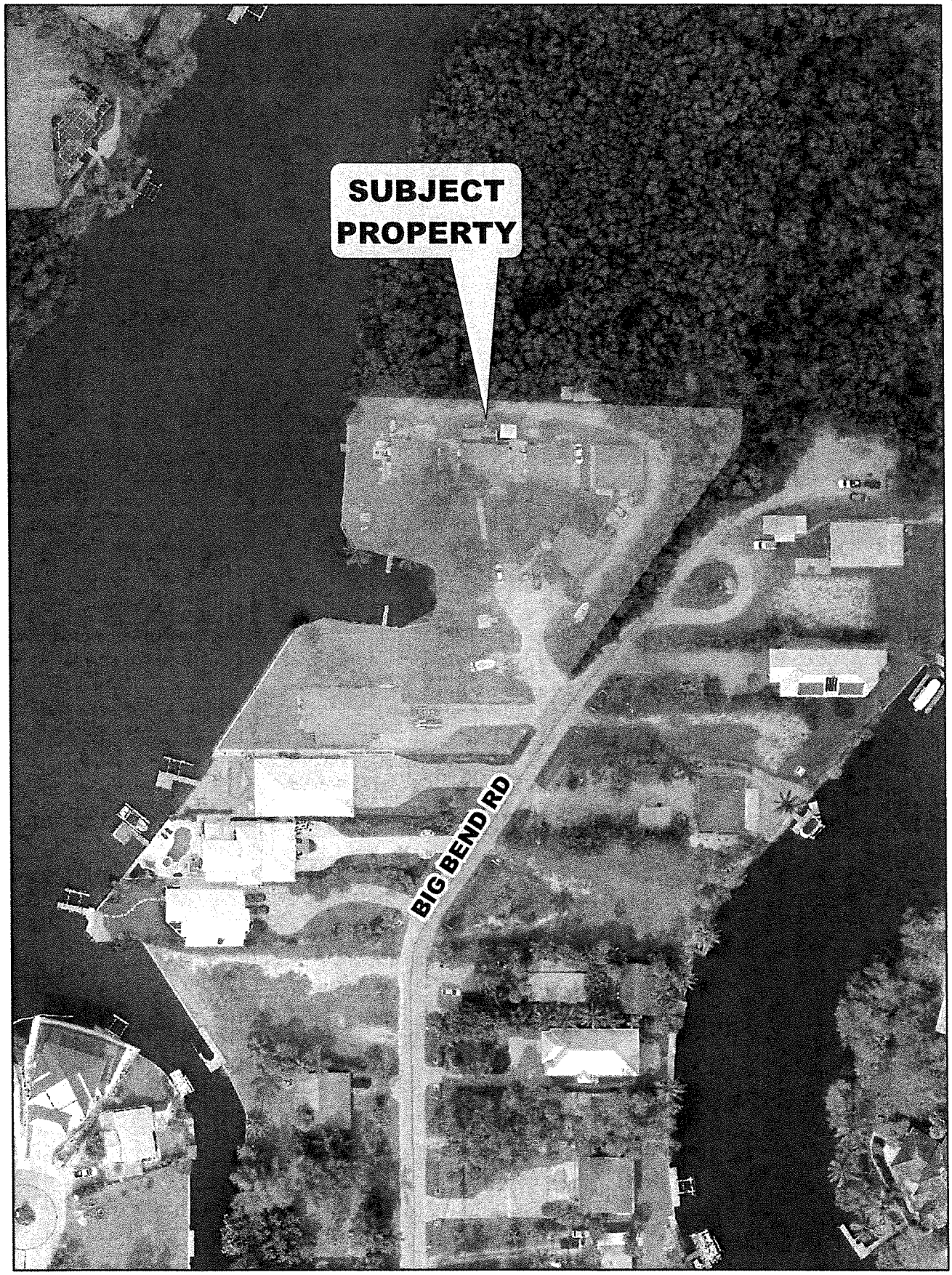
RIVERBEND RPUD
PD22-95976-BOS

ZONING BOARD
HEARING
4/16/2024

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1. Locational and Zoning Maps.
2. Preliminary Concept Elevation.
3. Staff Report - Background.
4. Staff Report - Exhibit "B" – Riverbend RPUD Master Concept Plan.
5. Staff Report – Attachment "A".
6. Staff Report – Attachment "B" Ord. 10-02.
7. Page 5 of the RPUD Application.
8. Portions of NIM Transcript.
9. Applicable Comprehensive Plan and LDC Provisions
10. HWA Report.
11. Requested Deviations and Applicant Justifications.

Riverbend RPD Amendment
Exhibit IV-N Aerial

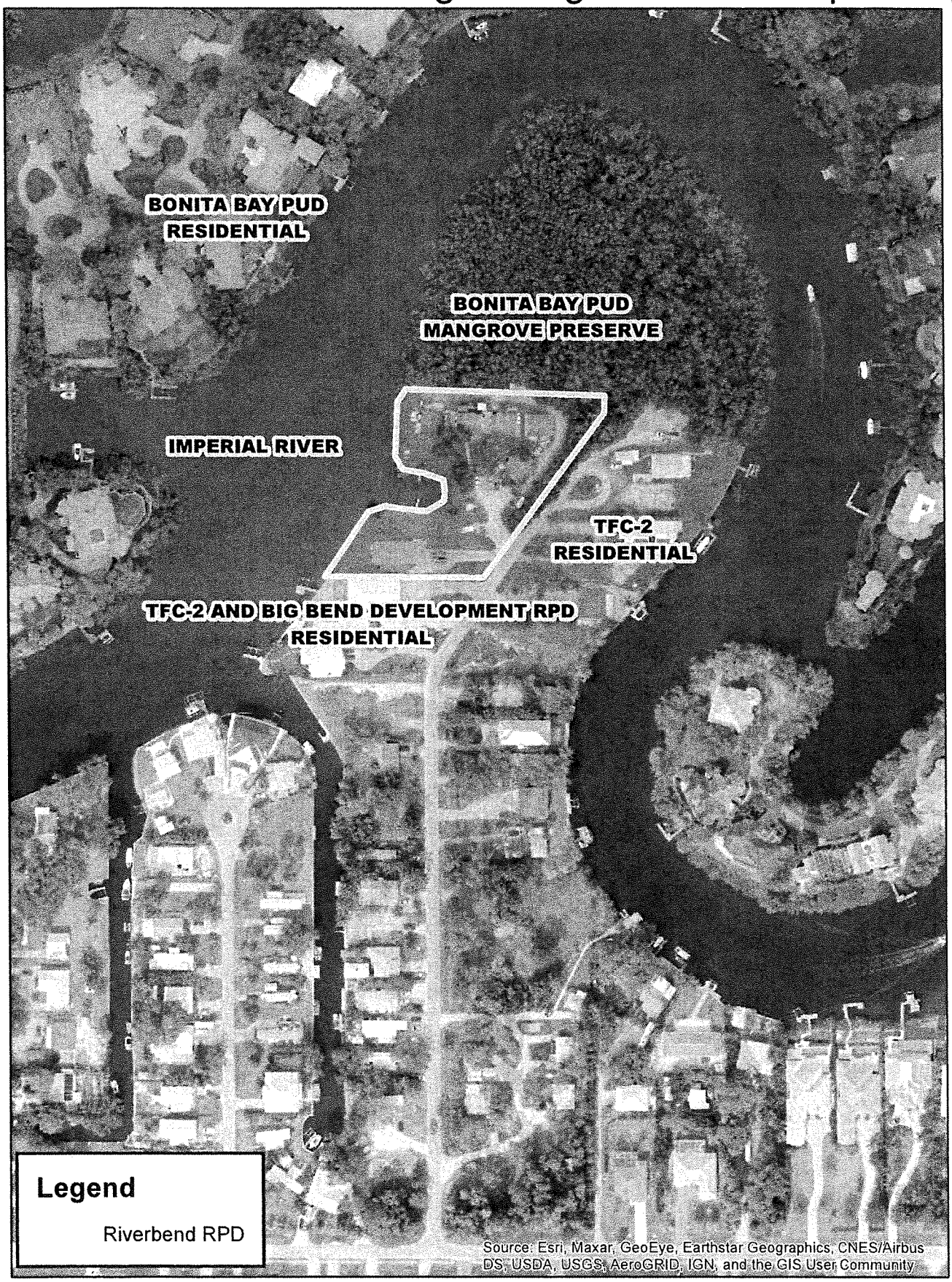


GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects

120 60 0 120 Feet

Riverbend RPD
Exhibit II-F-3 Existing Zoning/Land Use Map



GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects

230 115 0 230 Feet

PRELIMINARY CONCEPTUAL ELEVATION



Front elevation Concept

1/8" = 1'-0"

3/22/22

BACKGROUND:

The property was rezoned from the multi-family zoning designation (RM-2) and the two-family conservation designation (TFC-2) to a Residential Planned Development (RPD), pursuant to Bonita Springs Zoning Ordinance 10-02, passed by City Council on January 25, 2010. At the time, the intent was to construct up to 16 units and a variety of unit types, including single-family, two-family attached, and multi-family. Several residential structures (duplexes) were existing on-site at the time of the initial rezoning petition. The duplexes sustained heavy damage as the result of the aftermath of Hurricane Ian and were subsequently demolished. In late October 2022, the Applicant's agent (Q. Grady Minor & Associates, P.A.) filed for an amendment to the zoning ordinance to reduce the density from 16 units down to 10 units, and to amend the schedule of uses to remove the single-family, two-family, and multi-family unit types and to add "Detached Villas" to the list. The City's current regulations do not contain a definition for a detached villa, so Staff requested the Applicant provide a definition for consideration. The definition provided is: *a dwelling unit that is occupied by one family and is not connected to any other structure. Multiple detached villas may be located on a single parcel.* Subsequent review and analysis of this definition is provided in the Comprehensive Plan consistency section of this staff report.

Uses: As part of the amendment request, the Applicant proposes the following changes to the Schedule of Uses:

Accessory Uses, Buildings, and Structures
Docks, seawalls
Dwelling units (Maximum total ~~16~~ 10 units):
- ~~Single-Family (maximum total 2 units)~~
- ~~Two-Family Attached (maximum total (4 units)~~
- ~~Multi-family building (maximum total 10 units)~~
- Detached Villa **

Models:
- Model Home (for marketing purposes within the project only)

Real Estate Sales Office (temporary for marketing purposes within the project only within one dwelling unit)
Recreational facilities:
- Personal
- Private-Onsite

Residential Accessory Uses

** The term "Detached Villa" is defined as follows: a dwelling unit that is occupied by one family and is not connected to any other structure. Multiple Detached Villas may be located on a single parcel.

Property Development Regulations: The Applicant also proposes the following amendments to the property development standards, with regulations not listed intending to remain as previously approved:

Minimum Lot Width:	~~324.95 feet~~	N.A.
Minimum Lot Depth:	~~223 feet~~	N.A.
Minimum Lot Area:	~~1.52 +/- acres~~	N.A.
Maximum Lot Coverage:	40%	
Minimum Open Space:	40%	

	Detached Villa	~~Single-Family~~	~~Two-Family Attached~~	~~Townhouse Multi-Family~~	Accessory Structures
Maximum Building Height	35 feet	~~Not to exceed 35 feet~~	~~Not to exceed 35 feet~~	~~Not to exceed 39 feet~~	~~35~~ 25 feet
Setbacks ~~Street~~ ~~Side Yard~~ ~~Rear Yard~~ ~~Water Body~~		~~50 feet~~ ~~7.5 feet~~ ~~25 feet~~ ~~25 feet~~	~~50 feet~~ ~~0/10 feet~~ ~~25 feet~~ ~~25 feet~~	~~50 feet~~ ~~0/20 feet~~ ~~25 feet~~ ~~25 feet~~	~~50 feet~~ ~~10 feet~~ ~~25 feet~~ ~~25 feet~~
North PD Boundary	10 feet				10 feet
Imperial River	25 feet				0 feet (for docks, seawalls, walkways and accessways)
South PD Boundary	10 feet				10 feet
Big Bend Road	20 feet (Building 10 to be reduced to 10 feet)				10 feet
Minimum Building Separation	10 feet	~~10 feet~~	~~10 feet~~	~~20 feet~~	~~5 feet~~ 0 feet

Deviations: Two deviations were approved as part of the original zoning ordinance. The Applicant is requesting to amend one of them, and add four (4) more, for a total of five (5) new deviations. The request language, Applicant justification, and Staff response are shown below.

Deviation Request #1: Requesting relief from LDC Section 3-418 (d)(6) requires if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet. Where residences will be constructed between the road, drive, or parking area and the existing residential subdivision or lots, the wall or wall and berm combination are not required. Uses or activities that generate noise, dust, odor, heat, glare, or other similar impacts, must provide a type C or F buffer unless it can be shown the proposed development will not have a significantly adverse impact on adjacent property to instead allow a 10' wide buffer with 8' high wall and landscaped between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet.

Applicant Justification: *The proposed development will "appear" to be single family residence but will "function" as multi-family without lot lines and associated HOA docs. The appearance of the development will be consistent with the abutting residential neighborhood. Furthermore, each home will have a driveway or shared driveway that connects directly to Big Bend Road. The driveways don't function like a traditional roadway.*

Staff Analysis: The original deviation request as approved in Ordinance 10-02 reduced the buffer width from 25 feet to 15 feet. This deviation seeks a further reduction to 10 feet. However, the planting standard of a minimum of five (5) trees and 18 shrubs per 100 lineal feet is not being modified. Additionally, the previously-approved Master Concept Plan (MCP) allowed for a variety of dwelling unit types and a different layout, in which the increased buffer width may have been more appropriate. With this amendment, the site will be designed to be more in line with single-family development. Since the planting standard of the code section is remaining in place, and since the development will be more consistent with single-family development, Staff recommends **APPROVAL** of the deviation request.

Deviation Request #2: [Previously approved in Ordinance 10-02]: An update to the affected code section has been provided (going from Lee County Land Development Code Section 34-934, to City of Bonita Springs Land Development Code Section 4-740) and no further modifications or alterations are being sought. This deviation approved the use of model units within the RPD without having to go through subsequent administrative actions.

Deviation Request #3: Requesting relief from LDC Section 3-417 (b)(6), Indigenous native vegetation. Setbacks, which requires a minimum 30-foot setback from all preserve (wildland) areas is required for buildings and accessory structures for the purposes of fire

protection. Buildings and accessory structures located closer than 30 feet from a preserve (wildland) area shall require special mitigation measures as determined by the Bonita Springs Fire Control and Rescue District, in accordance with the National Fire Protection Association ("NFPA"), Standard 1144, "Standard for Protection of Life and Property from Wildfire." To instead allow structures to be located 10 feet from an off-site preserve and to provide a wildland mitigation plan with the development order.

Applicant Justification: *The off-site preserve is a mangrove preserve. The area north of the RPD is adjacent to the Imperial River and the risk from wildfire is non-existent. The risk of fire in this location is de minimis. The Bonita Springs Fire and Rescue District has approved the deviation, subject to submission of a Wildland Fire Mitigation Plan. There is a proposed 10-foot-wide pedestrian easement that allows structures to be located 10 feet from the on-site preserve, subject to submission of a Wildland Fire Mitigation Plan Reference Detail B- Proposed Site Plan.*

Staff Analysis: It should be noted that the referenced code section does not prohibit structures from being closer than 30 feet to preserve areas. Rather, it stipulates a requirement that, should this option be utilized, mitigation measures may be required by the Bonita Springs Fire Control & Rescue District (BSF). The Applicant will submit a mitigation plan as part of the development order process and it will be reviewed by BSF. It appears the Applicant has already spoken to BSF about mitigation. Staff recommends **APPROVAL** of the reduced setback, subject to approval of the mitigation plan by BSF at time of local development order.

Deviation Request #4: Requesting relief from LDC Section 3-418 (d)(3), buffering requirements, which requires a 15 foot wide type 'D' buffer to instead allow a modified landscape buffer with an average of 1 tree per ROW abutting residential unit, planting within the ROW abutting dry detention area (cypress trees or similar), and no buffer required when abutting mangroves.

Applicant Justification: *In an attempt to have a unified appearance with the existing residential community, the proposed development is looking to have similar landscaping as the existing abutting residential homes, with open view corridors, limited shrubs or bushes, and front yard canopy trees.*

Staff Analysis: As part of the review for this deviation, Staff requested a right-of-way exhibit that provided a concept showing the proposed planting areas. It is the Staff's understanding that the Applicant has been in touch with the City's Public Works Department with regards to obtaining easements to provide additional outfall structures to better drain this portion of Big Bend Road. With negotiations ongoing, Staff cannot say definitively if the proposed planting concept is appropriate. Staff is recommending a right-of-way planting plan/exhibit to be provided at time of local development order, especially for any plants proposed in the dry detention areas, to better understand the implications of this deviation request. If the Applicant agrees to this condition, Staff does not object to

recommending **APPROVAL** of the deviation request, subject to the approval of the right-of-way planting plan from Community Development and Public Works.

Deviation Request #5: Requesting relief from LDC Section 3-417(b)(1)a, Indigenous native vegetation, which requires a minimum setback of 30 feet is required from any habitable structure to instead allow for a minimum setback of 10 feet from the .02 acre mangrove preserve.

Applicant Justification: *The reduced setback is applicable for a single structure and the 10-foot dimension is for the closest portion of the home to the preserve. The .02-acre preserve is immediately adjacent to Big Bend Road and has been impacted by the road construction. The Bonita Springs Fire and Rescue District has approved the deviation from a preserve setback, and we will provide a Wildland Fire Mitigation Plan with the Development Order.*

Staff Analysis: This deviation request is similar to Deviation #3. While that deviation was to address setbacks to the mangrove preserve area to the north, this deviation is to address the setbacks of Building 10 to the mangrove preserve area to the east. Staff recommends **APPROVAL** of this deviation request, subject to approval of a mitigation plan reviewed by Bonita Springs Fire Control & Rescue District.

Deviation Request #6: Requesting relief from LDC Section 4-741(b)(1)b, Minimum setbacks of structures and buildings from development perimeter boundaries, which requires all buildings and structures must be set back from the development perimeter a distance equal to the greater of:

Fifteen feet, if the subject property is, or will be zoned RPD, MHPD, CFPD, or CPD.

To instead allow buildings #1, #7 and #10 to have a ten-foot setback from the perimeter of the RPD boundary as shown on the MCP.

Applicant Justification: *The proposed setback reduction to 10 feet only applies to buildings #1, #7 and #10. Building #1 is adjacent to a mangrove preserve and the applicant has requested a deviation from the 30-foot setback from a preserve. The setback is supported by the Bonita Springs Fire and Rescue District with submission of a wildland mitigation plan with the D.O. For building #10 the reduction in perimeter setback is only applicable to the southeast corner of the proposed structure, which can actually be a minimum of 11 feet from the RPD boundary. the balance of the structure will comply with the 15-foot setback requirement. The slight reduction in setback will allow the internal drive to have appropriate turning radii for emergency vehicles and to provide for appropriate building separation.*

Staff Analysis: One of the purposes of the perimeter setback is to provide for increased buffering in order to mitigate perceived impacts on neighboring properties. Adjacent to the north is a dedicated preserve area and to the east is the right-of-way of Big Bend

Road. The "impact" would be on the south side of the project, adjacent to Building 7. However, as demonstrated in Deviation #1 (and shown on the master concept plan), the Applicant will be providing an eight-foot high wall, in addition to a landscape buffer. The wall and landscaping will visually screen the project on the south side. Staff recommends **APPROVAL** of this deviation request, subject to the construction of the wall and landscape buffer.

CONCLUSIONS:

It is Staff's opinion that the Applicant has properly demonstrated that the proposed amendment is appropriate for the RPD. Additional analysis performed by Staff in order to reach this conclusion can be found by reviewing "Attachment A."

RECOMMENDATION:

Staff recommends **APPROVAL** of a Residential Planned Development (RPD) zoning amendment to Ordinance 10-02 to reduce the density to a maximum of 10 detached villa units (as defined below) and add five (5) deviations. This recommendation of approval is subject to the following conditions, which shall replace those stated in Ordinance 10-02:

Conditions:

1. The project shall be generally consistent with the Master Concept Plan provided and labeled as Exhibit "B."

2. Schedule of Uses:

   Accessory Uses, Buildings, and Structures
   Docks, seawalls
   Dwelling units (Maximum total 10 units):
   Detached Villa *
   Models:
   Model Home (for marketing purposes within the project only)
   Real Estate Sales Office (temporary for marketing purposes within the project only within one dwelling unit)
   Recreational facilities:
   Personal
   Private-Onsite
   Residential Accessory Uses

   *** The term "Detached Villa" is defined as follows: a dwelling unit that is occupied by one family and is not connected to any other structure. Multiple Detached Villas may be located on a single parcel.*

3. Property Development Regulations: The Applicant proposes the following property development standards:

Minimum Lot Width:	N.A.
Minimum Lot Depth:	N.A.
Minimum Lot Area:	N.A.
Maximum Lot Coverage:	40%
Minimum Open Space:	40%

	Detached Villa	Accessory Structures
Maximum Building Height	35 feet	25 feet
Setbacks		
North PD Boundary	10 feet	10 feet
Imperial River	25 feet	0 feet (for docks, seawalls, walkways and accessways)
South PD Boundary	10 feet	10 feet
Big Bend Road	20 feet (Building 10 to be reduced to 10 feet)	10 feet
Minimum Building Separation	10 feet	0 feet

4. The Applicant is required to coordinate with Community Development and Public Works to discuss roadway and drainage improvements along the project's frontage on Big Bend Road. This coordination shall take place during the development order review process. This coordination is intended to be separate from the Applicant's responsibilities to provide adequate on-site and off-site complete streets facilities as required by City of Bonita Springs Land Development Code.

5. Environmental Conditions

a. Prior to local development order approval, a tree survey will be required to determine if there are any Heritage trees on-site. If Heritage trees are present and are planned for removal, an appearance before the Tree Advisory Board prior to the issuance of local development order is required.

b. At the time of Dock and Shoreline permitting, mitigation measures for new wet slips shall be met for compliance with the Lee County Manatee Protection Plan which include but are not limited to: 1. Standard manatee construction conditions; 2. Manatee education activities as required per section 8.4.5; and 3. Funding for enhanced marine law enforcement per section 8.4.5. Manatee protection and education signs shall be depicted on the local development order. Final dock and shoreline design (filling, riprap, and docks) shall be subject to state and federal permitting requirements.

c. The proposed conservation adjacent to the Imperial River shall be recorded and any modifications to the existing easement shall be recorded.

d. At the time of local development order, the applicant must submit an Indigenous Preservation and Restoration Plan depicting a 20' wide indigenous buffer on the property adjacent to the Imperial River. This buffer shall be planted with native vegetation consistent with the final planned use of this area. If the use is for dry detention, species commonly found in wetland areas shall be utilized such as, but not limited to, cordgrass, fakahatchee grass, pond apple tree, cypress tree, green buttonwood tree. If the final planned use of this area will be level in elevation similar to the rest of the property, species used shall be those commonly found in our coastal hardwood hammocks and shall be planted in a manner to mimic a natural condition. A variety of tree and understory vegetation shall be planted at a ratio of five trees and eighty understory plants per one hundred linear feet.

    i. The following tree and understory species are recommended for the buffer:

    Selected Tree Species: Gumbo Limbo, Strangler Fig, Mangroves, Buttonwood, Lancewood, Willow Bustic, Mastic, Pigeon Plum, Jamaican Dogwood.

    Selected understory species: Simpsons Stopper, White Indigo Berry, Cocoplum, Jamaican Caper, Spanish Stopper, White Stopper, Wild Coffee.

ii. The square footage planted may be credited twice towards the indigenous open space requirement.

iii. Trees must be at least 15 gallons (apx. 6-8' tall), and understory plants must be 3 gallon (apx. 24" tall).

iv. Five foot pedestrian paths consisting of pervious material and seating areas are permitted to meander within this buffer area.

v. A temporary irrigation system is required during the initial landscape establishment period and may be eliminated approximately one year after the material has been planted.

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

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

6. Any infrastructure associated with the model home will need to be shown on the development order plans. If the model home will require a temporary parking lot, the proposed layout shall be shown on the plans. The requirements of LDC 4-1665—Model Homes and Model Units, remains in full force and effect, unless modified below.
   a. A maximum of one model home is permitted for each model type in the development.
   b. Hours of operation for the model homes are restricted to Sunday – Saturday, 8:00 a.m. – 6:00 p.m.

7. The Real Estate Sales Office is permitted to occur within a maximum of one (1) dwelling unit. The hours of operation for the sales office shall be Sunday – Saturday, 8:00 a.m. – 6:00 p.m.
   a. Sales are limited to the sale of units within the development. The sales office is valid for a time period of three (3) years from the date of the certificate of occupancy for the sales office. A one-time extension of two (2) years may be granted by the Director of Community Development. Additional time will require special exception approval.

8. In order to demonstrate consistency with single-family development, at time of local development order submittal, the Applicant shall provide renderings of the proposed home elevations for review.

9. Pursuant to Deviation 3, a wildland mitigation plan is required to be provided at time of local development order, to be reviewed and approved by the Bonita Springs Fire Control & Rescue District.

10. Pursuant to Deviation 4, a right-of-way planting plan shall be provided at time of local development order, to be reviewed and approved by Community Development and Public Works.

11. At time of local development order and building permit, the Applicant shall demonstrate compliance with all local, state, and federal regulations for construction within floodways and floodplains.

12. Approval of this zoning action does not guarantee approval of a local development order or building permit.

Deviations

1. Requesting relief from LDC Section 3-418 (d)(6) requires if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet. Where residences will be constructed between the road, drive, or parking area and the existing residential subdivision or lots, the wall or wall and berm combination are not required. Uses or activities that generate noise, dust, odor, heat, glare, or other similar impacts, must provide a type C or F buffer unless it can be shown the proposed development will not have a significantly adverse impact on adjacent property to instead allow a 10' wide buffer with 8' high wall and landscaped between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet, is **APPROVED**

2. **[Previously approved in Ordinance 10-02]:** An update to the affected code section has been provided (going from Lee County Land Development Code Section 34-934, to City of Bonita Springs Land Development Code Section 4-740) and no further modifications or alterations are being sought. This deviation approved the use of model units within the RPD without having to go through

subsequent administrative actions. The deviation with the updated code section language is **APPROVED,** subject to Condition 6.

3. Requesting relief from LDC Section 3-417 (b)(6), Indigenous native vegetation. Setbacks, which requires a minimum 30-foot setback from all preserve (wildland) areas is required for buildings and accessory structures for the purposes of fire protection. Buildings and accessory structures located closer than 30 feet from a preserve (wildland) area shall require special mitigation measures as determined by the Bonita Springs Fire Control and Rescue District, in accordance with the National Fire Protection Association ("NFPA"), Standard 1144, "Standard for Protection of Life and Property from Wildfire." To instead allow structures to be located 10 feet from an off-site preserve and to provide a wildland mitigation plan with the development order, is **APPROVED,** subject to Condition 9.

4. Requesting relief from LDC Section 3-418 (d)(3), buffering requirements, which requires a 15 foot wide type 'D' buffer to instead allow a modified landscape buffer with an average of 1 tree per ROW abutting residential unit, planting within the ROW abutting dry detention area (cypress trees or similar), and no buffer required when abutting mangroves, is **APPROVED**, subject to Condition 10.

5. Requesting relief from LDC Section 3-417(b)(1)a, Indigenous native vegetation, which requires a minimum setback of 30 feet is required from any habitable structure to instead allow for a minimum setback of 10 feet from the .02 acre mangrove preserve, is **APPROVED**, subject to Condition 9.

6. Requesting relief from LDC Section 4-741(b)(1)b, Minimum setbacks of structures and buildings from development perimeter boundaries, which requires all buildings and structures must be set back from the development perimeter a distance equal to the greater of: Fifteen feet, if the subject property is, or will be zoned RPD, MHPD, CFPD, or CPD.
   To instead allow buildings #1, #7 and #10 to have a ten-foot setback from the perimeter of the RPD boundary as shown on the MCP, is **APPROVED**.

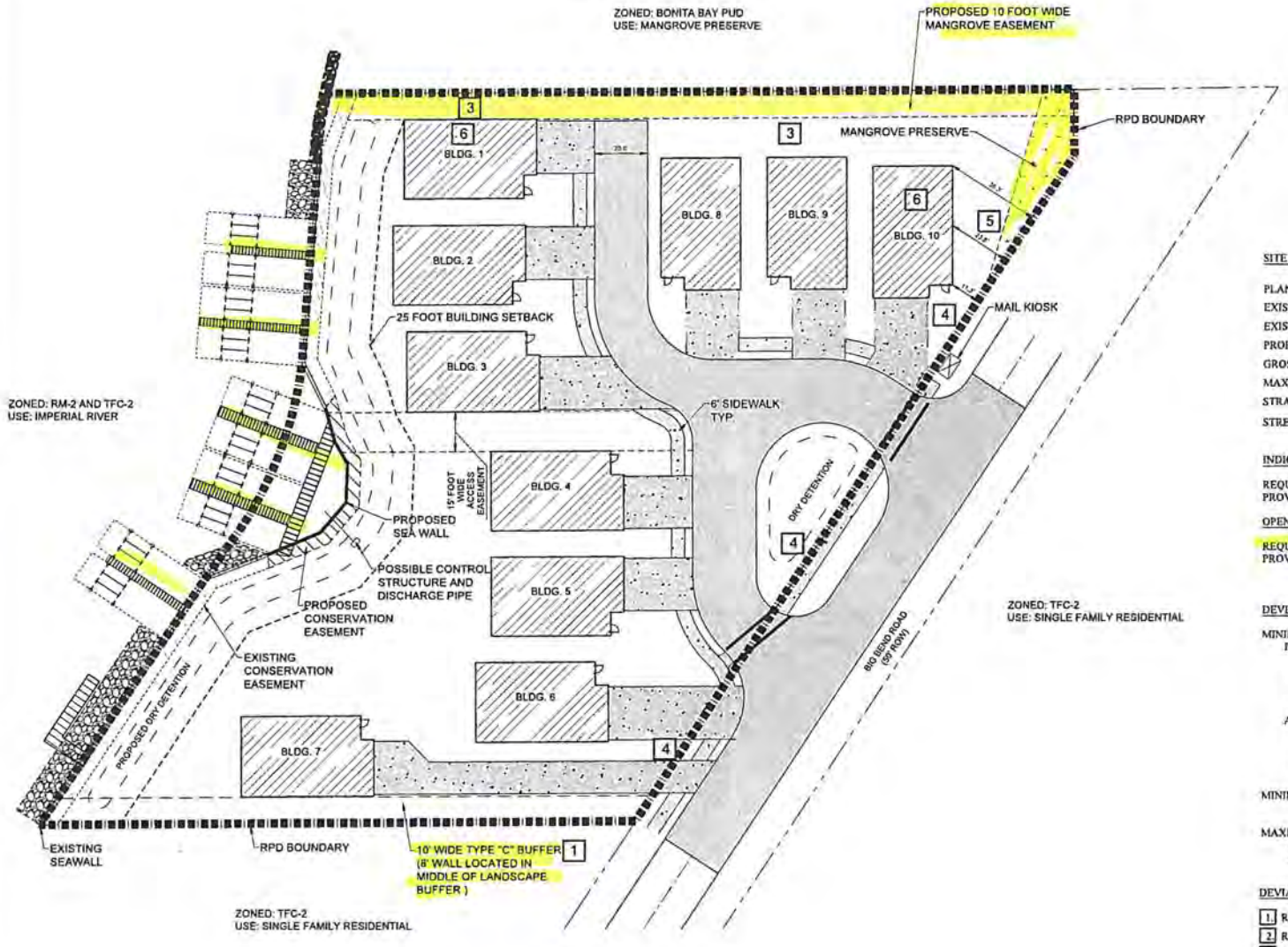
EXHIBITS:

A. Legal Description and Sketch of the Subject Property
B. Riverbend RPD Master Concept Plan (MCP)

ATTACHMENTS:

A. Background and Informational Analysis
B. City of Bonita Springs Zoning Ordinance 10-02
C. Application Backup (Final Documents—Online only)

EXHIBIT "B"



SITE SUMMARY

PLAN DESIGNATION:	MEDIUM DENSITY SINGLE FAMILY/DUPLEX RESI
EXISTING ZONING DESIGNATION:	RIVERBEND RPD
EXISTING LAND USE:	RESIDENTIAL
PROPOSED ZONING DESIGNATION:	RPD, RESIDENTIAL PLANNED DEVELOPMENT
GROSS AREA:	1.5± ACRES
MAXIMUM DWELLING UNITS:	10 UNITS
STRAP NUMBERS:	32-47-25-B2-00003.0000 and 32-47-25-B2-00003.0010
STREET ADDRESS:	27495-511 AND 27523 BIG BEND ROAD

INDIGENOUS PRESERVE:

REQUIRED: 0
PROVIDED: 0.02 (MANGROVE PRESERVE)

OPEN SPACE:

REQUIRED: 0.6± ACRE (1.5± ACRE X 0.40)
PROVIDED: 0.6± ACRE

DEVELOPMENT REGULATIONS:

MINIMUM SETBACKS:

PRINCIPAL:

NORTH PD BOUNDARY:	10 FEET
IMPERIAL RIVER:	25 FEET
SOUTH PD BOUNDARY:	10 FEET
BIG BEND ROAD:	20 FEET, HOWEVER BLDG. 10 MAY BE REDUCED TO

ACCESSORY:

NORTH PD BOUNDARY:	10 FEET
IMPERIAL RIVER:	0 FEET
SOUTH PD BOUNDARY:	10 FEET
BIG BEND ROAD:	10 FEE

MINIMUM BUILDING SEPARATION: PRINCIPAL: 10 FEET; ACCESSORY: 0 FEET

MAXIMUM BUILDING HEIGHT:
PRINCIPAL: 35 FEET
ACCESSORY: 25 FEET

DEVIATIONS:

1. RELIEF FROM LDC SECTION 3-418(d)(6), LANDSCAPE STANDARDS
2. RELIEF FROM LDC SECTION 4-740, USE REGULATIONS TABLE
3. RELIEF FROM LDC SECTION 3-417(b)(6), INDIGENOUS PRESERVE SETBACKS
4. RELIEF FROM LDC SECTION 3-418(d)(3), BUFFER REQUIREMENTS
5. RELIEF FROM LDC SECTION 3-417(B)(1)A, INDIGENOUS NATIVE VEGETATION SETB
6. RELIEF FROM LDC SECTION 4-741(B)(1)B, MINIMUM SETBACKS OF STRUCTURES AI BUILDINGS FROM DEVELOPMENT PERIMETER BOUNDARIES

NOTES

1. THIS PLAN DOCK AND RIP RAP 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.
2. ALL ACREAGES 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).

LEGEND

Revision	Date	Description	By

DESIGNED BY: DCMA
DRAWN BY: S.U.
APPROVED: D.M.A.
JOB CODE: 19SPDD
SCALE:

GradyMinor
Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005124 Cert. of Auth. LB 0005124 Business LC 26000266
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380
D. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

RIVERBEND RPD

EXHIBIT IV-E
MASTER CONCEPT PLAN
REVISED AUGUST 16, 2023

ATTACHMENT "A"

BACKGROUND AND INFORMATIONAL ANALYSIS:

Surrounding Land Use:

Existing Zoning & Land Use	Future Land Use Map
Subject Parcel: RPD, Vacant	Med. Den. Res. 11.6du/ac
North: PUD, Mangrove Preserve	Mod. Den. MU/PD. 9du/ac
*East: TFC-2, SF Residential	Med. Den. Res. 11.6du/ac
South: TFC-2, SF Residential	Med. Den. Res. 11.6du/ac
**West: Imperial River	N/A

*Immediately adjacent to the subject property is road right-of-way of Big Bend Road, a city-maintained roadway

**On the adjacent [west] side of the Imperial River is a portion of the Bonita Bay PUD that includes single-family homes and the Bonita Bay Marina

Planned Development Analysis

Review criteria	Yes – Mostly - Partly - No
Demonstrate compliance with the Bonita Plan, this Land Development Code, and any other applicable code or regulation	Yes – The application is in compliance with the Comprehensive Plan and applicable Land Development Code Regulations
The request meets or exceeds performance and location standards set forth for the proposed uses	Yes – The MCP with associated conditions presented by Staff will meet the standards of the Land Development Code.
Including the use of TDR or affordable housing bonuses are the densities or intensities (general uses) consistent with the Comprehensive Plan	Yes – Ordinance 10-02 approved up to 16 units; The proposal represents a reduction to 10 units total. The density does not violate the provisions of the Comprehensive Plan.
The request is compatible with existing or planned uses in the surrounding area	Yes – The surrounding uses are residential in nature. The proposed development is also residential. A preserve easement will

	also be provided along the northern boundary, adjacent to the existing mangrove preserve.

Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development	Yes-- The proposed residential development will account for less than 1% of the roadway capacity of the analyzed segments.
Will the request adversely affect environmentally critical areas and natural resources	No – The on-site mangrove preserve areas are being maintained and an easement is being placed on the north boundary to buffer the preserve area on the neighboring property.
Public facilities are, or will be, available and adequate to serve the proposed land use	Yes - Public facilities are available to the site.
Deviations needed to enhance or to achieve the objectives of the planned development	Yes –the proposed deviations will allow adequate separation of the dwelling units, while still providing suitable access and buffering.
Deviations needed to preserve, promote and or protect the public health, safety and welfare	Yes – the proposed deviations as conditioned will provide adequate protections and preservation of the surrounding areas and properties, while still promoting a viable residential project with a decreased density from the previous approval.

Environmental

There is an on-site mangrove swamp area (0.02 acres) in the northeast corner of the property that is contiguous with the mangrove preserve area on the adjoining property to the north. The Applicant will be preserving this area. With regards to landscaping/buffering, a deviation is being requested regarding the location of a wall on the south side, eight (8) feet in height. Pursuant to LDC 3-418, a wall or a berm/wall combination is required for any roads, drives, or parking areas that are located less than 125 feet from existing residential areas. The wall is required to be at least 25 feet from the abutting property. The deviation (#1) is to allow the wall to be placed within a buffer 10 feet wide. Staff's analysis of the deviation is provided in the Staff Report. Additionally, deviations are being requested for the standards related to setbacks from preserve areas. The Staff analysis of these deviations (# 3 and #5) are contained in the Staff report. Finally, a deviation is being requested from the buffering standards for the right-of-way along Big Bend Road (#4). Staff is recommending approval of this deviation, subject to Condition 10, which requires and right-of-way planting plan to be reviewed an approved

by Community Development and Public Works. Analysis of all deviations are contained in the Staff report.

Stormwater

At the time of the submittal of the project, the property was located in a FEMA X-zone, which is considered a non-flood hazard area. A map update occurred in November of 2022, which included a redesignation of the subject property. The property is now located in a flood hazard area AE-10. The Florida Building Code requires an extra 12" of elevation, meaning the lowest horizontal member shall be at 11 feet. Historically, the property has been affected by tidal influences. Flooding from Hurricane Ian caused significant damage to the on-site duplexes and they were subsequently demolished. The City's Public Works department has an active and ongoing project within the road right of way of Big Bend, designed to provide better drainage during tidal events. Currently, Public Works is in negotiations with the Applicant regarding an on-site easement that could be used to further address flooding and drainage issues. Condition 4 was drafted as a means to promote the continued conversation between the two parties. Regardless, the project will be required to handle its stormwater. The proposed plan calls for an on-site retention area for storage and water quality treatment before discharging into the Imperial River. In addition, the project cannot negatively impact historic flows in the area and cannot cause additional runoff onto adjacent properties. The project will be required to provide additional details during the local development order process and a water management permit from South Florida Water Management District will be required. A project that does not meet LDC requirements for water quality, quantity, or flood regulations cannot be approved.

Traffic

The Applicant provided a Traffic Impact Statement (TIS), which was reviewed by the City's transportation engineer. The project is located at the tip of Big Bend Road and the master concept plan (MCP) proposes two access points. The previous master concept plan provided for 16 units and included a variety of unit types. The proposed plan reduces the density to 10 detached villa units, which, for traffic impacts, were reviewed as single-family homes. Tables 1B and 1C of the TIS show the trip computations from the previous plan of 16 units to the current proposal of 10 units. In terms of the project's projected traffic impacts during the peak hour and peak direction, the analysis provided is for Bonita Beach Road, west of Vanderbilt Drive, and Bonita Beach Road, west of US 41. The projected impact of the site is less than 1%. The City's standard is that anything less than 2% is not considered a project of significant impact. With that said, the project will still be required to meet the multi-modal requirements of the City's Land Development Code (LDC). The MCP shows a proposed sidewalk within the Big Bend right of way. Construction of the sidewalk will require coordination with the City's Public Works Department. Additionally, the Applicant is aware that additional improvements to Big Bend Road may be required.

Comprehensive Plan

The property is located in the Medium Density Residential future land use category. This category is described as follows:

> ***Policy 1.1.8: Medium Density Residential*** *- Intended to accommodate areas with a mix of single-family, duplex and town homes residential development at a maximum density of up to 11.6 dwelling units per gross acre and approximately 1,056 acres of gross land area in the land use category; group homes and foster care facilities; public schools and other public, semi-public and recreational uses on a limited basis.*
>
> a. *Appropriate residential housing types include conventional and modular constructed single-family and duplex structures on permanent foundations.*
>
> b. *As an alternative to a duplex structure, and in order to encourage dispersing affordable housing throughout the community, one accessory dwelling, such as a garage apartment or accessory apartment, may be located on a single lot occupied by one single-family structure, provided development of the lot remains within the maximum allowable density. Conditions on accessory dwelling units may be required within the Land Development Regulations to prevent over crowding and to ensure compatibility.*
>
> c. *Maximum allowable height of structures shall be 55 feet from the base flood elevation to the eaves.*

The proposed project is not exceeding the density allowances of the future land use category. Additionally, while the category allows for a maximum allowable height of 55 feet, the proposed development regulations identify a height maximum of 35 feet for the principal structures. 35 feet is compatible with the allowances of the surrounding zoning designations on Big Bend Road. It is also compatible [and in some instances, less than] the allowable height of the residential portions of Bonita Bay, pursuant to their PUD resolution, Z-81-452.

While this future land use category does not label detached villas as a dwelling unit type, Staff performed analysis of the proposal pursuant to Policy 1.1.4., which states the following:

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

It has been determined that the proposed detached villa concept is similar in character, intensity, and impact to single-family development. The structures will not share walls and will be on individual building pads. The traffic analysis was conducted based on a proposal of single-family units and was found to be acceptable.

As a result, it is Staff's opinion that the project does not conflict with the future land use designation of the subject properties.

With regards to the Traffic Element, a Traffic Impact Statement (TIS) was provided and was reviewed by the City's traffic engineer. The plan is not one of significant impact to the roadway network. Provisions for multi-modal facilities will be provided. It is the Staff opinion that the project is consistent with the traffic element of the Bonita Plan.

With regards to the Housing Element, this residential project is proposed in a residential area, where projects of this nature are appropriate. The housing type is unique in that detached villas will function as single-family homes, but the site will remain under unified control and a Homeowner's Association (HOA) will be established to address maintenance of the buildings and the site. The Staff opinion is that the project is consistent with the housing element of the Bonita Plan.

The project is located within the Coastal High Hazard Area and the Coastal Management Area, and as such, Staff requested that the Applicant supply a narrative demonstrating consistency with this element. The proposal is an infill project and the proposed density reflects a reduction from the 16 units previously approved under Ordinance 10-02, to 10 units. The project will be required to be designed in accordance with the City's Flood Damage Protection Ordinance and the Florida Building Code. Any wetland impacts will need to be appropriately mitigated and the Applicant will be responsible for maintaining their portion of the mangrove preserve area. On the surface, a potential conflict could exist with Policy 7.12.1 which would not allow filling or dredging and would promote the natural contours of the bank. Based on the proposed MCP, the inlet appears to be more shallow, which would suggest either reshaping, or removal and replacement of the seawall in a different configuration. However, based on aerials provided in the Environmental assessment, this inlet is considered artificial in nature and the proposed reshaping would put the contour more in line with the historic configuration of the river bank.

The remaining comprehensive plan elements would not apply to this project.

ATTACHMENT "B"

CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 10-02

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY RIVERBEND RPD, HLH REAL ESTATE PROPERTIES, LLC. TO REZONE FROM RESIDENTIAL MULTIPLE-FAMILY (RM-2) AND RESIDENTIAL TWO FAMILY CONSERVATION (TFC-2), TO A RESIDENTIAL PLANNED DEVELOPMENT (RPD); ON LAND LOCATED AT 27495-27511 AND 27523 BIG BEND ROAD, BONITA SPRINGS, FLORIDA, ON 1.52 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Riverbend RPD, has filed an application for rezoning 1.52 +/- acres from Residential Multiple-Family (RM-2) and Residential Two Family Conservation (TFC-2), to allow a Residential Planned Development (RPD) for two single family dwelling units, two two-family attached dwelling units, and ten multi-family dwelling units, and

WHEREAS, the subject property is located at 27495-27511 Big Bend Road and 27523 Big Bend Road, Bonita Springs, Florida, and is described more particularly as:

"See Exhibits"

WHEREAS, a Public Hearing was advertised and heard on November 6, 2009 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case PD08-BOS00005 who gave full consideration to the evidence available and recommended approval (5-0, Mathes and Norris absent, with Pastore expressing concern as to the density and the Coastal High Hazard regulations); and gave full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all interested parties. The October 23, 2009 Staff Report prepared by Jacqueline Toemmes, Planner II, Community Development and evidence submitted at the Zoning Board hearing is on file with the City Clerk.

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

SECTION ONE: APPROVAL OF REQUEST

City Council of Bonita Springs hereby approves the rezoning from Residential Multiple Family (RM-2) and Two Family Conservation 2 (TFC-2) to Residential Planned Development (RPD) with the following conditions:

A. <u>CONDITIONS</u>

1. The development of this project must be consistent with the Master Concept Plan entitled "River Bend," prepared by Progressive Engineering received September 22, 2009 **(Attachment A),** except as modified by the conditions below. This development must comply with all requirements of the City of Bonita Springs Land Development Code (LDC) at time of local development order approval. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

   The maximum number of residential units is limited to 16 dwelling units.

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

a. Schedule of Uses

Accessory Uses, Buildings and Structures
Docks, seawalls
Dwelling Units (Maximum total 16 units):
- Single-Family (maximum total 2 units)
- Two-Family Attached (maximum total 4 units)
- Multi-family building (maximum total 10 units)
- Townhomes (maximum total 10 units)

Models:
- Model Home (for marketing purposes within the project only)

Real Estate Sales Office (temporary for marketing purposes within the project only within one dwelling unit)
Recreational facilities:
- Personal
- Private-Onsite

Residential Accessory Uses

b. Site Development Regulations

Minimum Lot Width:	324.95 feet
Minimum Lot Depth:	223 feet
Minimum Lot Area:	1.52 +/- acres
Maximum Lot Coverage:	40%
Minimum Open Space:	40%

	Single-Family	Two-Family Attached	Townhouse Multi-Family	Accessory Structures
Maximum Building Height [3]	Not to exceed 35 feet	Not to exceed 35 feet	Not to exceed 39 feet	35 feet
Setbacks [1]				
Street	50 feet	50 feet	50 feet	50 feet
Side Yard	7.5 feet	0/10 feet [2]	0/20 feet	10 feet [2]
Rear Yard	25 feet	25 feet	25 feet	25 feet
Water Body	25 feet	25 feet	25 feet	25 feet
Minimum Building Separation	10 feet [1]	10 feet [1]	20 feet	5 feet [1]

[1] Principle and Accessory Structures

[2] Side yard shall be a minimum of zero (0') with a ten foot (10') separation between principal structures where not attached.

[3] Building height is measured from the FEMA base flood elevation line to the bottom of the eaves. The maximum height for purely ornamental structural appurtenances may not exceed 55' from the FEMA base flood elevation line.

3. Reserved

4. Transportation Conditions

   a. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the City of Bonita Springs Land Development Code may be required to obtain local development order.

   b. The Developer must comply with concurrency requirements (all conditions required by the Bonita Springs Comprehensive Plan and the Land Development Code) in order to obtain a local development order.

   c. The developer is responsible for the costs and improvements of Big Bend Road from the southern property line to the northern property line as a site-related improvement. This segment of the roadway must be completed prior to obtaining the certificate of completion.

d. As a part of the local development order approval, the applicant will provide a TIS containing an intersection analysis of Tarpon and Big Bend and Tarpon and Imperial River Road.

5. Environmental Conditions

a. Prior to local development order approval, a tree survey will be required to determine if there are any Heritage trees on-site. If Heritage trees are present, an appearance before the Tree Advisory Board prior to the issuance of local development order is required.

b. Prior to local development order an ACOE dredge & fill permit to dredge the boat basin shall be obtained.

c. Manatee protection and education signs according to the Lee County Manatee Protection Plan are required and must be depicted on the local development order.

d. A 5 foot conservation easement shall be recorded adjacent to the Imperial River. This area shall be rip-rapped in areas not immediately adjacent to the boat slips. Mangrove seedlings shall be planted in the rip rap on spacing requirements consistent with the Bonita Springs LDC, Dock & Shoreline Section.

e. Prior to local development approval, the applicant must submit an Indigenous Preservation and Restoration Plan depicting a 20' wide indigenous buffer on the property adjacent to the Imperial River. This buffer shall be planted with native vegetation consistent with species commonly found in our coastal hardwood hammocks and shall be planted in a manner to mimic a natural condition. A variety of tree and understory vegetation shall be planted at a ratio of five trees and eighty understory plants per one hundred linear feet.

i. The following tree and understory species are recommended for the buffer:

Selected Tree Species: Gumbo Limbo, Strangler Fig, Mangroves, Buttonwood, Lancewood, Willow Bustic, Mastic, Pigeon Plum, Jamaican Dogwood.

Selected understory species: Simpsons Stopper, White Indigo Berry, Cocoplum, Jamaican Caper, Spanish Stopper, White Stopper, Wild Coffee.

ii. The square footage planted may be credited twice towards the indigenous open space requirement.

iii. Trees must be at least 15 gallons (apx. 6-8' tall), and understory plants must be 3 gallon (apx. 24" tall).

iv. Five foot pedestrian paths consisting of pervious material are permitted to meander within this buffer area.

v. A temporary irrigation system is required during the initial landscape establishment period and may be eliminated approximately one year after the material has been planted.

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

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

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

6. In support of Deviation 1, the wall along the southern property line must be constructed at 6' feet and trees must be canopy type trees such as oaks or slash pines or a combination of there of.

7. Flood Regulations

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

Floodway Notes
Development in areas waterward of the regulatory floodway is prohibited, unless all conditions specified in the zoning approval are met. FEMA and City of Bonita Springs development order

approvals will be required for any proposed improvements affecting floodway and flood plain storage prior to future development order approval for entire property and/or any outparcel.

b. The applicant agrees that no encroachment shall be placed within the floodway as defined by the FEMA Flood Insurance Rate Maps that are in effect at time of local development order approval, approved at the time of development order issuance, unless one of the following two conditions are applied for:

   i. Certification with supporting technical data, made by a registered professional engineer, is needed demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge". Note that the words "supporting technical data" are paraphrased as "hydrologic and hydraulic analyses" in National Flood Insurance Program document (Answers to Questions about the NFIP, F-084 (5/06), FEMA). Appropriate supporting data or analyses to clarify any potential floodway encroachment issue is required. Certificates of No Rise are required **prior** to local development order **approval**.

   or

   ii. A Conditional Letter of Map Revision (CLOMR) will be required by contacting FEMA. A CLOMR is FEMA's comment on a proposed project that would affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway or effective Base Flood Elevations. Conditional Letter of Map Revisions (CLOMR) must be approved by FEMA **prior** to submitting a development order **application** to the City.

c. At the time of local development order application, the applicant shall submit a drainage analysis that demonstrates that the site development plan causes no adverse impact on adjacent properties in terms of drainage capacity/conveyance, storm water discharge, and flood. The drainage analysis shall include but not limited to (1) a drainage map for all contributory areas within and into the development, showing flow paths/arrows, existing on site and offsite drainage structures (sizes and inverts), and sub basin areas; and (2) hydrologic and hydraulic calculations for the 5, 25,

and 100-year design storm events in order to establish existing baseline conditions.

d. Development must be consistent with the local, State, and Federal regulations for development within any floodways, flood plains, or properties designated that will be effected by a tropical storm event.

8. Docks

a. Docks must receive all necessary State and Federal permits.

b. Docks must be an accessory use to the residential units and may not be constructed without approved building permits for the residential units.

c. Fuel sales are not permitted on the subject property.

d. No rental or leasing of the slips is permitted by owners, occupants or homeowner's association.

e. Lighting must meet the single family provisions in Bonita Springs Ordinance No. 07-24 in addition to Land Development Code Chapter 3, whichever is most restrictive.

9. Model homes and model units are permitted uses, but must be consistent with the following conditions:

a. A maximum of one model home is permitted for each type of dwelling unit within the development; and

b. Hours of operation for the model homes are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.; and

c. Each model home must be a unique example. Multiple examples of the same model are not permitted.

10. A Real Estate Sales Office is a permitted use, but must be consistent with the following conditions:

a. A maximum of one (1) real estate sales office is permitted; and

b. Hours of operation for the real estate sales office restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.; and

c. The real estate sales office is limited to the sale of units within the development, and is valid for a period of time not to exceed three (3) years from the date the certificate of occupancy for the sales office is issued. The director may grant one two-year extension. Additional time will require a special exception approval.

11. The development must comply with the commercial lighting standards found in the LDC, Chapter 3. Lighting for all structures shall not emit glare and be limited to lighting for security purposes. Street, parking lot, and building lighting must be shielded so that light is directed downward to reduce light spillage to off-site parcels.

12. The development must comply with the sign code found in the LDC, Chapter 6.

13. Prior to local development order approval, the developer must provide facilities in compliance with the Bonita Springs LDC, for the pickup/disposal of solid waste and recyclables.

14. The development must comply with Ordinance 06-04 Noise Control.

15. The developer will use best efforts to incorporate principles for its building through the Florida Green Building Coalition program, in site design and construction, by emphasizing use of high energy efficiency designs and use of high energy efficient fixtures and appliances where possible. Building materials, both internal and external, will be comprised of durable and recycled materials where possible.

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

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

18. Prior to local development order approval, the applicant will submit architectural renderings indicating that the multi-family structure will create the appearance of a townhome structure.

B. DEVIATIONS

Deviation 1 is approved, subject to **Condition 6,** granting relief from Land Development Code §3-416(D) (6) requiring a solid wall or combination berm and solid wall not less than eight feet in height be constructed not less than 25 feet from the property line with a Type C buffer plantings to allow a 15' wide buffer with 8' high wall and landscaped between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet.

Deviation 2 is approved, subject to **Condition 9,** granting relief from Land Development Code §34-934 requiring that model units be approved with an Administrative Action, to allow Model Units to be approved as a permitted use with the RPD rezoning.

C. FINDINGS AND CONCLUSIONS:

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

1. The applicant has proven entitlement to the rezoning to Residential Planned Development (RPD) by demonstrating compliance with the Bonita Springs Comprehensive Plan, the Land Development Code, and other applicable codes and regulations. City Council considers the Schedule of Uses **(Attachment B)** and Master Concept Plan, as conditioned in this Ordinance, consistent the Medium Density Residential Future Land Use Category in accordance with the City of Bonita Springs Comprehensive Plan, Future Land Use Element Policy 1.1.4 as "other uses that are similar in character, intensity or impacts".
2. The requested RPD zoning as conditioned:
    a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and
    b. is consistent with the densities, intensities and general uses set forth in the Bonita Springs Comprehensive Plan; and
    c. is compatible with existing or planned uses in the surrounding area; and
    d. will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities, as conditioned.
4. Urban services, as defined in the Bonita Springs Comprehensive Plan, are available and adequate to serve the proposed land use, as conditioned.

5. The proposed uses are appropriate at the subject location, as conditioned.

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

7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development, as conditioned.

8. The deviations granted, as conditioned:

    a. enhance the objectives of the planned development; and
    b. preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

SECTION TWO: EFFECTIVE DATE

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

DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 25th day of January, 2010.

AUTHENTICATION:

Mayor

City Clerk

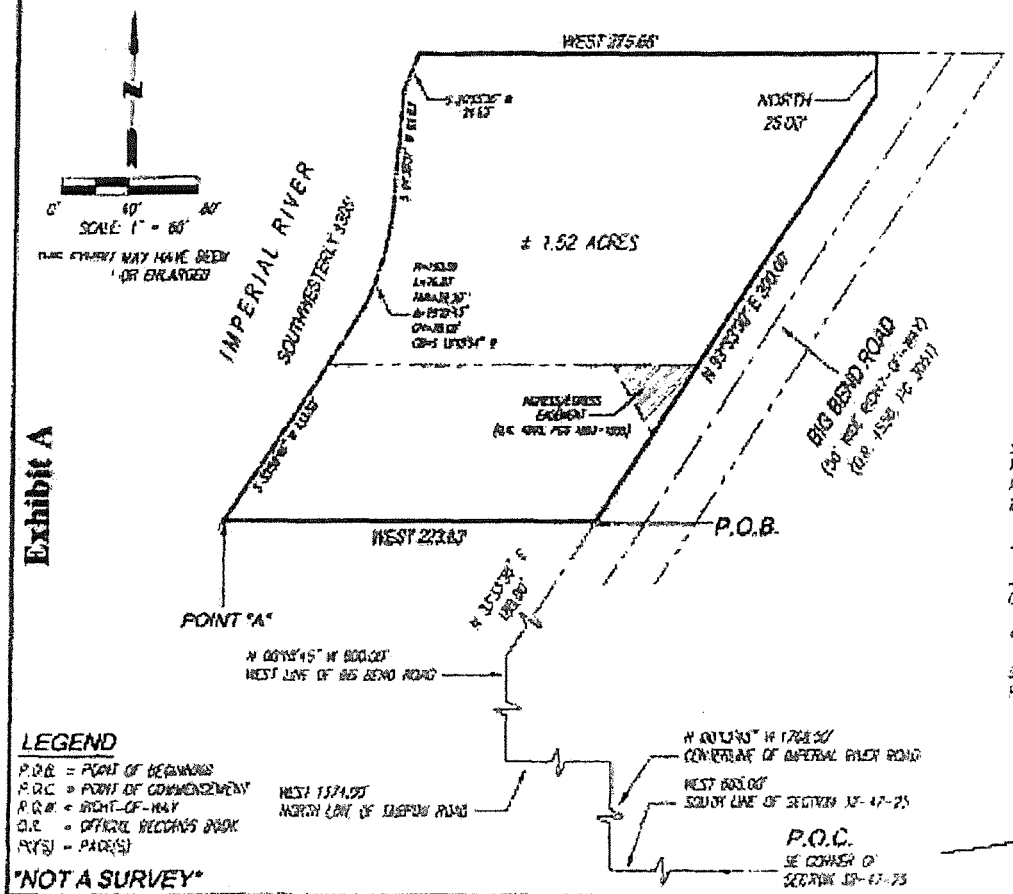
APPROVED AS TO FORM: _____
City Attorney

Vote:

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

Date filed with City Clerk: 1-28-10

Exhibit A



PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN WEST, ALONG THE SOUTH LINE OF SAID SECTION 32, FOR A DISTANCE OF 668.55 FEET TO A POINT ON THE CENTERLINE OF IMPERIAL RIVER ROAD; THENCE RUN NORTH 00°16'45" WEST, ALONG SAID CENTERLINE FOR A DISTANCE OF 1,368.50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF CAMPION ROAD; THENCE RUN WEST, ALONG SAID NORTH RIGHT-OF-WAY, FOR A DISTANCE OF 1,374.55 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF BIG BEND ROAD; THENCE RUN ALONG SAID WEST RIGHT-OF-WAY FOR THE FOLLOWING TWO (2) COURSES:
1) THENCE RUN NORTH 00°16'45" WEST, FOR A DISTANCE OF 800.00 FEET;
2) THENCE RUN NORTH 31°35'30" EAST, FOR A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN WEST, FOR 223.67 FEET TO A DRILL HOLE ON A 1.25 FOOT WIDE CONCRETE SEAWALL, SAID POINT HEREIN CALLED POINT "A"; THENCE RETURN TO THE AFOREMENTIONED POINT OF BEGINNING; THENCE RUN NORTH 31°35'30" EAST, ALONG THE WEST RIGHT-OF-WAY OF BIG BEND ROAD, FOR A DISTANCE OF 200.00 FEET; THENCE RUN NORTH, FOR A DISTANCE OF 25.00 FEET; THENCE RUN WEST, FOR A DISTANCE OF 275.65 FEET TO A DRILL HOLE ON A 1.25 FOOT WIDE CONCRETE SEAWALL, ALSO BEING THE APPROXIMATE MEAN HIGH WATER LINE OF THE EAST BANKS OF THE IMPERIAL RIVER; THENCE MEANDER SOUTHWESTERLY ALONG THE MEAN HIGH WATER LINE FOR APPROXIMATELY 1825 FEET TO THE AFOREMENTIONED POINT "A" AND THE POINT OF ENDING. SITUATED IN LEE COUNTY AND CONTAINING 1.52 ACRES, MORE OR LESS.

NOTES

1. BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF BIG BEND ROAD, A 50' WIDE RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 4550 AT PAGE 3511 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N 31°35'30" E.
2. THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD.
3. THIS SURVEY MAP AND THE COPIES THEREOF, ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER.
4. DIMENSIONS SHOWN HEREON ARE IN UNITED STATES SURVEY FEET AND DECIMALS THEREOF.
5. ANY ADDITIONS AND/OR DELETIONS TO THIS SURVEY MAP OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT.

LEGEND

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
O.R. = OFFICIAL RECORDS BOOK
PG(S) = PAGE(S)

"NOT A SURVEY"

© GRADY MINOR AND ASSOCIATES, P.A.

SIGNED 11/13/2008

JUAN ARAQUE — P.S.M. [illegible] STATE OF FLORIDA

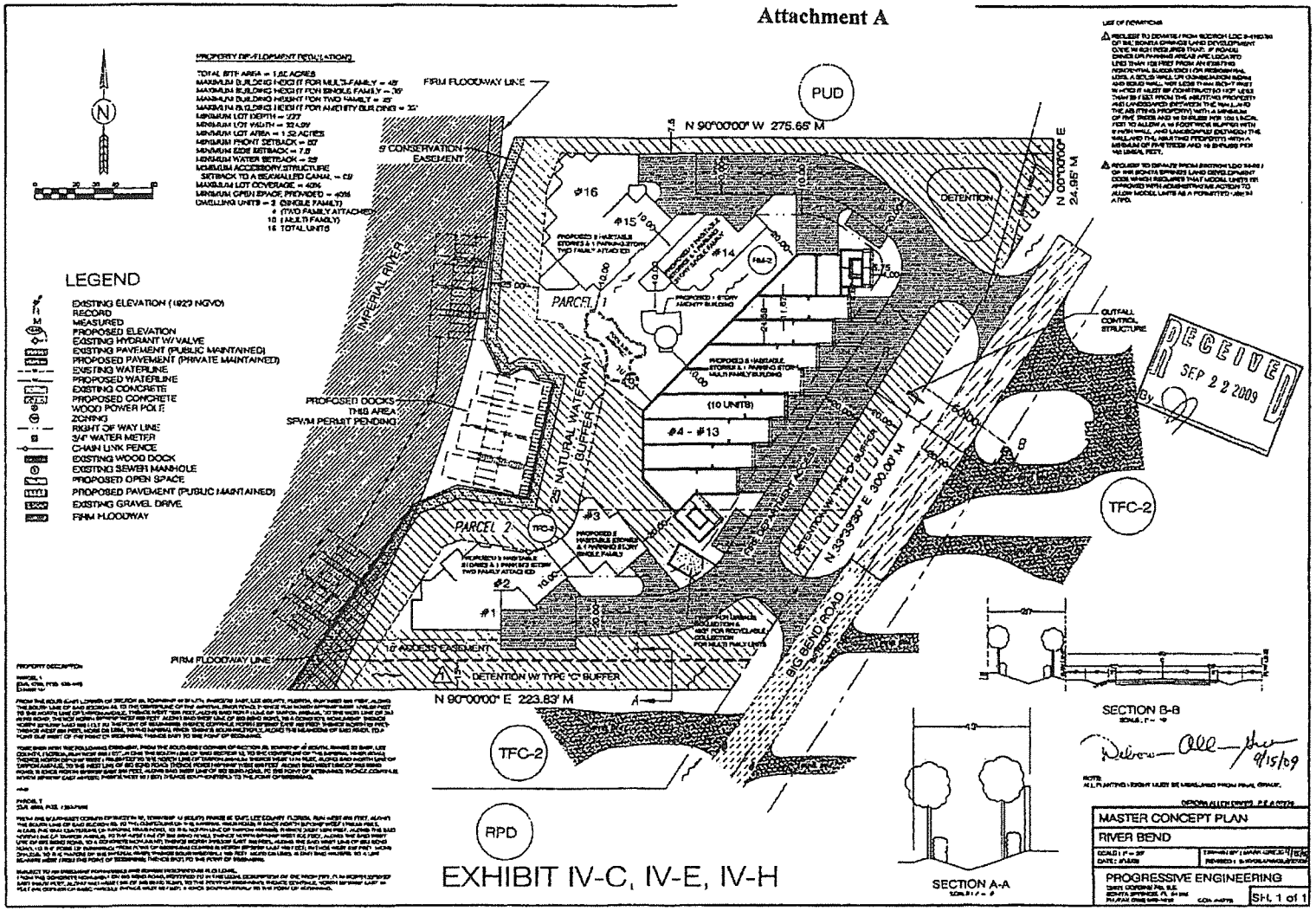
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REVISION:	Q. GRADY MINOR & ASSOCIATES, P.A.	SKETCH AND LEGAL DESCRIPTION	DRAWN BY: JC
	CIVIL ENGINEERS ■ LAND SURVEYORS ■ PLANNERS ■ LANDSCAPE ARCHITECTS BONITA SPRINGS ■ FORT MYERS ■ NORTH PORT 3800 RAY DEL REY, BONITA SPRINGS, FL 34134 (239) 947-1144 ■ 11940 FAIRWAY LAKES DR., FT. MYERS, FL 33913 (239) 690-4300 ■ 2387 COMMERCE PKWY., NORTH PORT, FL 34289 (941) 426-5859 DIGITALLY SIGNED BY JUAN M. ARAQUE DN: c=US, o=GRADY MINOR AND ASSOCIATES, P.A., cn=JUAN M. ARAQUE, e=jarague@gradyminor.com Reason: I am the author of this document Date: 2008.11.13 15:54:40 -05'00' www.gradyminor.com	A PORTION OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA	CHECK BY: JA JOB CODE: H:\SEC\JA\ SCALE: 1" = 80' DATE: NOVEMBER 2008 FILE: B-STR SHEET: 1 OF 1

35

V:\PROJECTS\B-STR\JOBS\H-SEC\JA\DWG\H-SEC JA BIG BEND ROAD.DWG

Attachment A



RPD

EXHIBIT IV-C, IV-E, IV-H

PART III
PROPOSED DEVELOPMENT

A. Nature of Request

1. Will the development contain living units? _____NO X_____YES. If the answer is yes, please indicate the total number of living units proposed, by type:

10
_____ Single Family _____ Mobile Homes _____ Recreational Vehicles

_____ Zero-Lot-Line _____ Duplex/Two Family _____ Townhouses

_____ Multiple Family 10 _____ TOTAL ALL TYPES

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

   a. PERMITTED total units (from Exhibit III-A-2): 11.84

   b. PROPOSED total units (from A-1. above): 10

   c. PROPOSED density (from Exhibit III-A-2): 11.84

3. Will the development contain non-residential areas? X NO ____YES. If the answer is yes, please indicate the size [gross square footage (gsf) unless indicated otherwise] of each general class of uses below:

   Retail: _____ Total gsf

   Offices: _____ Total gsf

   Medical: _____ gsf Non-medical: _____ gsf

   Hotel/Motel: _____ Total units

   Size of units: _____ 0-425 sq. Ft. _____426-725 sq. Ft. _____ 726 or more sq. Ft.

   Industrial: _____ Total gsf

   Under roof: _____ gsf Not under roof: _____ gsf

   Mines, Quarries, or General Excavation: Acres to be excavated: _____

   Other-specify: _____

   Number of Beds (if applicable): _____ OR: _____gsf

4. Building Height

   35'
   ____Maximum height of buildings (in feet above grade)

   3
   ____Number of Habitable Floors

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

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

Wayne Arnold: We can go ahead and get started. I don't see any late comers yet. So, we'll go ahead and get to our short presentation and then take a little Q&A at the end of that. So – If everybody's ready, we'll get started. Sharon, are we ready?

Sharon Umpenhour: Yep.

Wayne: So, I'm Wayne Arnold and I'm here representing the, Riverbend RPD. It's an existing residential plan development, located at the end of Big Bend Road. I'm sure all of you must have received notice for that. I'll try to speak up so everybody can hear me. That's better. Yeah. So, with me tonight, this is Sharon Umpenhour from our office. Sharon's in charge of recording and – and helping us with the audio visuals. the city requires that we hold a neighborhood informational meeting, prior to us making any type of application to the city, to change the zoning of the property.

So, this is a first look for, people that are within the noticed area and, anybody who reads the public notice that – in the newspaper, chooses to come. So, Sharon's here and what we do when we ask the questions and answers, we've got a microphone. We – we're recording this, and we have to create a transcript, so we ask that people speak up and don't take over ourselves because it doesn't – it doesn't pick up very well.

[00:01:08] And the city staff and the elected officials who end up listening to this stuff at the end of the day would like to hear what the communications are. So, with me tonight is Mark Raudenbush. Mark is with the ownership group that has purchased the property in the last year. And with him, is Frank Feeney. Frank is one of our professional civil engineers in our firm, and we'll do our best to answer what questions you have. If not, we'll try to get answers and get back with you.

So, location map, I'm sure most of you are familiar with the property. It's about an acre and a half. It's got, I think, six units on it today. This property was zoned back in 2010 for 16 units and it was going to be a condominium building of multi-units as well as a couple of other, smaller, buildings to make it to 16 total units. So, the doctor who owned the property back at the time, didn't proceed with the development and the zoning master plan is technically vacated in the City of Bonita Springs.

[00:02:07] If you don't act on it within five years, they, technically – sort of, the zoning doesn't go away but the master plan does. So, to reactivate that master plan, we, essentially, have to go back through a rezoning process. So, this is our introduction to you of our intent to go file an application with the city to rezone it, and with that, we're going to be making some proposed changes and I'm gonna go through those. We don't have a lot of details yet. We're still working with the architect to come up with some

Participant 5: I'm talking about what's there now, not the prior –

Wayne: Oh, what's there now. I don't know how we would compare to that but I'm sure it's more square footage under air today, than it is on site. Back there in the front, this gentleman back here in the –?

[Background talking]

Participant 6: I'm a resident across the river.

Wayne: Okay.

Participant 6: How many, docks do you propose it?

Wayne: I think the last one I saw had 10 –

Mark: Ten.

Wayne: Ten docks to match the 10 proposed homes.

Participant 6: Okay.

Wayne: Yeah.

Participant 5: Part of that question, how many docks are there now?

Participant 6: There isn't any, I believe. Or maybe one.

[Cross talk]

Mark: Yeah. Historically, there have been approximately eight. some of those show up the whole aerials or anything **[cross talk]**.

Jon: We – we – we can't hear the answer.

Wayne: Yeah. You might want to –

Mark: Okay. Yeah.

[00:10:00] So, historically, there were eight docks on the property but some of those, um, aren't there anymore. Earlier aerials there were eight docks.

Participant 7: In what year?

Mark: I'm not sure.

Wayne: We're not certain of that.

Participant 7: Forty years ago?

Mark: No. Probably later than that. Probably about the time that –

Wayne: Ma'am if we could – we need you to be on a microphone to ask a question, if you don't mind, please.

Participant 7: I'm sorry. Like 40 years ago?

Wayne: I think the response would be, we think sooner than that but I'm not sure the relevance – the – the city has a – a boat dock siting criteria that we go by and it qualifies for 10 slips. Any other questions? Yes, sir.

Participant 8: Yeah. Hi. I'm a resident of Big Bend. When do you think you'll be going to the city for any, you know, approval of any changes, plus currently – that they're currently going to approve and what – what's that time frame look like?

[00:11:01]

Wayne: Okay. Well, the time frame is probably about 10 months from the date we file. So, we haven't filed anything. It's probably at least another 30 days before we would file an application with the city. So, they'll do sufficiency review and that process takes 30 to 45 days. We're almost certain we'll have at least one round of back and forth with the city. And then, once we're deemed sufficient, we have to hold another neighborhood informational meeting before we can go to the zoning board, which would be the first public hearing we have and the zoning board makes a recommendation to city council. And then, council will make the final decision.

So, it's roughly, the zoning cases in the city take about 10 months to get through the process, once you submit them.

Participant 8: And that's filing that youre gonna be doing soon or whatever it is. That, will be online here but we'll be able to see that?

Wayne: It will be. They're actually online at the city and we also post them on our website. Yes, sir.

Jen: Jen and a resident. Um, just curious to know what sort of spacing you're doing. Like lot lines between the buildings that you're proposing.

[00:12:03] Um, if you have an idea of how much the setback from house to house –

Wayne: I don't think we know that yet. Our architect at the March group has retained, is trying to work on what that concept elevation could be. So, we're not exactly sure how they're going to be arranged. They probably all won't be the same and those probably won't be, as I said, platted lots. So, probably be condominiumized buildings. So, there would be a common ownership underneath the building and then a condo – condo ownership of the unit.

Jen: But considerable, they're second buildings. You'll have five feet?

Frank Feeney: Technically. Yes. Ten – ten – ten-foot separations. Yes.

Wayne: Yeah. Probably a 10-foot separation. That's pretty typical.

Jen: Um, and what sort of materials on the exterior, do you plan – or do you think will –?

Mark: so –

[Cross talk]

Wayne: **[Inaudible]** so they can here you.

Mark: Yeah. So, in – in – in fact, as – as we went through those elevations, the first elevations were more of an old Florida cottage but, looking at the current, uh – what the community demands from architecture, we're moving this more towards a coastal contemporary.

[00:13:05] So, it'll be a stucco vaneer with some architectural trims on it. we're going for the – a current – a more current design than say the – the old Florida.

Wayne: And – and I think when we get back before you in our next informational meeting, we would have a more illustrative site plan. We'll have some of these details worked out and we'll be able to show you some typical building elevations with some color and things that are much easier to read.

Jen: And that – that diagram you had with what you conceptualize now, is that on the site because I don't see it. Unless I'm scrolling wrong here. Um –

Wayne: No. It's not.

Jen: Oh –

Wayne: I'm sorry.

Jen: Okay. Could we scroll just so we can –?

Wayne: Sure. Tell me which – tell me which one you want to see.

Jen: The concept – the new concept. Not that – the, um, the layout of the property.

Wayne: That?

Jen: Yeah.

Wayne: Mm-hmm.

Jen: **[Quiet talking]** I need to have this so I can take a screenshot.

Wayne: Other questions? Oh. Yes, sir.

Participant 6: **[Inaudible] [00:13:59]** have you put together a targeted price point?

[00:14:01]

Wayne: Not yet.

Participant 6: I mean, you're probably talking two, two and a half?

Wayne: At least.

Participant 6: Yeah.

Wayne: Yeah.

Participant 6: So, I mean, the – we're gonna have reasonably good news.

Wayne: **[Laughs]** We hope – we hope we have great news. This gentleman in the back. One minute. We'll get back to you.

Participant 9: Um, how much parts is – is there on the land now, and how much are you predicting there'll be as a percentage in land use?

Wayne: I don't know. The – the city has an open space requirement that we have to meet. So, my presumption is, we're gonna meet the minimum open – open space requirement by the end of the number today, versus what we're proposing.

Jen: Sorry. One last question. I – I believe you own the lot across. Is that –?

Participant 8: If I could ask a follow up. The – the, plan that was a development plan approved in 2010, in January, that's gone, right? It's vacated so it's not relevant anymore?

Wayne: It's relevant in the sense that the zoning is intact. They consider the master plan vacated. So, we could either go through the process to reinstate it or modify the plan.

Participant 8: The other question is, this development was really a combination of the only multi-unit place on the river, for miles. That's those small bungalows on the, North side. And it was combined with a single-family home, and then, the whole thing was rezoned, I guess, at a higher density. Is it open for us to go back and look at that zoning change and put that single-family label back on that property, at this point in time? I mean, you're – what you're really doing is you're taking and putting multi-family units on a single-family. A couple of other questions too.

[00:27:01] Um, will you – when you meet the Dark Skies –?

Wayne: I'm sorry. I couldn't understand your –

Participant 10: For the lighting – will the lighting that you're proposed to do here, meet dark skies requirements?

Wayne: I'm not sure that single-family style development has to meet the Dark Sky requirement in Bonita but I – I don't think you're going to find the lightings here any – any different than any other single-family residents in the city.

Participant 10: Thank you.

Wayne: Another question? Ma-am, in the front row. Frank? Oh, this gentleman next to you. I'm sorry.

Calvin: Calvin Mitchell. I live across the river. the thing – is this too loud? I haven't been here – **[Laughter]**. I went over there to look at it a few days ago and looked at what is now, that little lip of water, that one is not according to measurement.

[00:28:01] And there's barely room for one dock in that present place. You might say two. There's a picture of two but those are not really docks. They're just pieces of wood – wood sticking out. And that's what I saw when I was over there. You can – you can take a trailer and back – back a boat into the water but now we're talking about, I don't know, eight or ten boat – boat docks. And probably across the river, there's about one boat dock per

three quarters of an acre, is – is the ratio. And here, we're talking about eight boat docks for an acre and a half. That doesn't make sense. And I can tell by some of the other drawings I've seen that what they hope to do is come in there and make that little circle of water much bigger than it is now. Just dig – the dirt out.

[00:29:04] Don't worry about where it goes. And – and then, they might have room for four docks but then if you have eight docks, you've got more docks on the outside just sticking out in the water, and that's more high density than you'll see across the road – across the river with houses over there. They're not – they're not as dense, in terms of number of boat docks.

Wayne: It may not be but, I mean, I'm familiar with Bonita Bay and their zoning, and you have a commercial marina operation.

Calvin: I can't hear you.

Wayne: I said, you have a marina at Bonita Bay. The – the need for individual docks was lessened because you put in a marina for your community.

Participant 7: And that's pretty dense in there.

Wayne: Yeah.

Participant 7: We go over there for gas and to the restaurant.

[Cross talk] [Something falls]

Wayne: But we're – that's why we've engaged a marine biologist to look at the dock situation, manatee protection, all those things that we're required to look at. So –

[00:30:00]

Wolfgang: So, you're saying you're building a marina?

Sharon: We can't hear you.

Wayne: I can't hear you if you're not on a microphone, sir.

Wolfgang: So, are you saying that you're building a marina?

Wayne: No, sir.

Wolfgang: Okay. You just compared what you do, to a marina. Didn't you?

Wayne: No, sir.

Frank: No.

Participant 7: No.

Wayne: I did not. You misunderstood what I said. Sorry. This gentleman in the front row.

[Cross talk]

Wolfgang: I think the fact – just a second. The fact that you've mentioned that there's a marina in Bonita Bay, has nothing to do with what we are discussing.

Wayne: Okay. You don't think it's relevant in a –?

Wolfgang: its not – totally not

[Cross talk]

Participant 8: You can't even see a **[inaudible] [00:30:30]** from here.

Wayne: Frank, do you want to help this gentleman with his microphone?

Participant 8: He's got it.

Wayne: okay, he's trying to pass it down here.

Participant 8: Just a follow up. Fifty-foot lots can never, uh – of a dock is one, two, three, four, five. So, you can easily fit two or three into that little hole of water. What's the issue here?

Wayne: Like I said, it'll be permitted at the appropriate authorities and subject to all your codes.

[00:31:00]

Participant 8: I have a question and that's, is there or will there be an environmental impact study because you're doing water inland?

Wayne: The city makes us do an environmental assessment.

Participant 8: Okay. Assessment. All right. Traffic, um, currently today, we have a lot of people come down that road, cutting grass –

Participant 7: Building.

Participant 8: Building past, whatever might come. It's hard. They – they use any property they can find. I see, it looks – in somewhat of a roundabout again. Thank you. Really, thank you. I don't know how you're doing it but thank you. Um, when you start this, is it in phases or is it going to be all one tap at the hip? Meaning two years, three years you're done, or is this going to go on for five or six years? If you can't answer, say it.

Mark: It's hard to see into the future. we expect to pre-sell and be able to knock these out in a pretty short order.

Participant 8: Okay. So, let's say that you're going through all these questions.

[00:32:01] Is there a spot or place that I can send these questions to?

Wayne: Sure. Absolutely.

Participant 8: Not that you can –

Wayne: Email them to Sharon and we'll be happy to try to get the best responses we can to you and we'll let you know that it may take some time –

Participant 8: I'm not sure I'm looking for a response. I'm looking more for that you see something that you might not realize.

Wayne: Okay.

Participant 8: And that may have a follow up to all of us.

Wayne: Okay.

Participant 8: And, uh – and then I'll ask questions let me ask about lighting **[00:32:22]**. I think what they really meant was, you have one life down there. You're gonna have more life so that – because you're gonna not let traffic go in there and really have one lane, depends on that property in halfway of my driveway. It doesn't help me.

Mark: Street lighting?

Frank: Yeah. The street light –

Wayne: Frank, do you know the answer to that?

Participant 8: I have more questions.

Wayne: Okay. Thank you.

[Cross talk]

Wayne: It will be. Once we submit it, it will be a public record and you're welcome to it. Yeah.

Participant 10: Thank you.

Wayne: Mm-hmm. Sure. Yes, ma'am.

Participant 7: I'm – I'm sorry. I – we love how – that you're – you're coming together with all of this and making our homes very, um, bright and beautiful, you know, just what we wanted. And overall, we have a – a concern issue of down the street, as well.

[00:36:04] We're all worried about aswell because it's a narrow street, it has a curve to it, they race down that street already. We are worried about how many places that you're gonna build, into this, to worry about this street. That's all.

Wayne: Okay. Well noted. We'll have a traffic analysis that accompanies the zoning application as well.

Participant 7: Okay. Yeah, because you know, it's got that curve to it. I mean, they're always racing down there. There's mailboxes being taken out constantly. It's just –

Wayne: Yep. Understood. Yep. Yes, sir. Try to wrap up a couple more questions if you have them.

Unknown speaker: Just a clarification. Did you say that everything that – that's been developed – the dwellings will all be detached?

Wayne: I think that's the intent. To have them as detached structures, yes.

[Background talking] [Muffled talking]

[00:37:04] Can – if you're gonna speak, can you please be on the microphone, please?

Unknown speaker: I – I thought your response earlier was that – that that was somewhat fluid and there may be some condominium – condominiumizing or whatever your term was.

Wayne: We may – yes. We may condominiumize the units but that doesn't mean they're attached. The condominium is a type of ownership, not a building type. So – **[Background talking]** This gentleman on the front row has –?

GOALS, OBJECTIVES AND POLICIES

Goal 1: A balanced land use pattern that promotes a high quality of life and allows for a variety of land uses, densities and intensities and the preservation and stabilization of existing neighborhoods; encourages mixed use development; promotes an efficient transportation system; preserves the natural environment and economic vitality of the community; and, is consistent with the availability of essential services.

Objective 1.1: Designate on the Future Land Use Map a full range of land use categories of varying density consistent with the natural and built-up environment and with existing and developing growth patterns, topography and soils conditions, and the availability of essential services. Development orders shall be issued by the City only for new development or redevelopment that is consistent with the Future Land Use Map and associated Future Land Use Designations set forth in the following policies.

Policy 1.1.1: Legal Effect - The density and intensity limits and land use restrictions described in the following land use categories are legally binding immediately upon adoption of this Comprehensive Plan. During the preparation of the Land Development Code that will fully implement this plan, conflicts may arise with previous regulations, development approvals or zoning districts. The Administrative Section following these Goals, Objectives and Policies describes how such conflicts will be resolved.

Policy 1.1.2: Density, Affordable Housing Density Bonus, and Wetlands Transfer of Density

a. While each individual land use category may include a maximum allowable density for residential uses, the actual allowable density for any given property will be stated in the Land Development Code (LDC) based on, but not necessarily limited to, consideration of the following factors:

   1. Compatibility with surrounding existing land uses and future land use patterns;
   2. Vehicular access and existing and planned roadway patterns;
   3. Availability of public services and facilities; and,
   4. Environmental considerations.

b. The City shall include in its Land Development Regulations a provision for a housing density bonus to encourage private developers to include housing for low and very low income families in their development projects. This provision shall be based on the following guidelines:

   1. The number of additional units resulting from the granting of bonus density shall not exceed the number of rental or owner-occupied housing units allocated specifically to low and very low income households within the project.
      (a) A low income household is defined as a household whose annual income does not exceed 80% of the countywide median as defined by the Department of Housing and Urban Development (DHUD).
      (b) A very low income household is defined as a household whose annual income does not exceed 50% of the countywide median as defined by the Department of Housing and Urban Development (DHUD).

2. The maximum bonus density, in excess of the maximum density otherwise allowable within the future land use category, available to a given project shall be as set forth in the following schedule:

Maximum Density Per Land Use And Maximum Density With Bonus Density

Land Use Category	Maximum Standard Density	Maximum Density With Bonus
Estate Residential	.33 units/acre	.33 units/acre
Low Density Residential	1.3 units/acre	1.3 units/acre
Suburban Density Residential	3 units/acre	5 units/acre
Moderate Density Residential	5.8 units/acre	7 units/acre
Moderate Density Mix/PUD	6 units/acre	9 units/acre
Urban Fringe Community	2.54 to 2.77 units/acre	2.54 to 2.77 units/acre
Medium Density One & Two Family	11.6 units/acre	11.6 units/acre
Medium Density Residential-MF	6 units/acre	10 units/acre
High Density Residential-Multifamily	10 units/acre	15 units/acre
Downtown District	20 units/acre	N/A
High Density Mixed Use	10 units/acre	15 units/acre

3. The City may include a provision for a cash contribution to a housing trust fund dedicated to the provision of housing for low and very low income households in lieu of the allocation of on-site units to low and very low income households.

4. Any project for which a density bonus provision is applied must meet the following criteria:

   (a) the resulting development does not have substantially increased intensities of land use along its perimeter unless it is adjacent to an existing or approved development of a similar intensity;

   (b) the additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road;

   (c) existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest;

   (d) there will be no decrease in required open space, buffering, landscaping and preservation areas or cause adverse impacts on surrounding land uses; and,

   (e) storm shelters or other appropriate mitigation is provided if the development is located within the Category 1 Storm Surge Area for a land-falling storm as defined by the most current Hurricane Storm Tide Atlas for Lee County prepared by the Florida Department of Emergency Management.

c. Development in freshwater wetlands located in residential land use categories shall be limited to very low density residential uses and uses of a recreational, open space, or

conservation nature that are compatible with wetland functions. The maximum density in freshwater wetlands identified on Figure 4, Evaluated Wetlands, in the Future Land Use Map Series shall be one unit per 20 acres, except:

1. One single-family residence will be permitted on lots meeting the single-family residence provision contained in the Administrative Section of the Future Land Use Element; and.
2. Transfer of density provision - Owners of identified freshwater wetlands may transfer densities to contiguous uplands under common ownership as displayed in the following table at the maximum rate indicated. The table is cumulative in that the amounts shown are what is permitted under the land use, permitted with an affordable housing bonus and that permitted as a transfer. The area receiving the density transfer will be, thereafter, compatible with existing or planned development on adjacent lands and not negatively impact sensitive upland habitats and species.

Density Transfer - Wetlands to Uplands Per Upland Acre (All Numbers Reflect Dwelling Units Per Acre)

Future Land Use Category	Standard Maximum Density	Maximum Additional Bonus Density	Maximum Additional Density With Transfer
Estate Residential	.33	0	0
Low Density Residential	1.3	0	0
Suburban Density Residential	3	0	0
Moderate Density Residential	5.8	0	0
Mod. Den. Res. PUD	3	3	0
Moderate Density Mix/PUD	6	3	1.5
Medium Density One & Two Family	11.6	0	0
Medium Density Residential-MF	6	4	2
Urban Fringe Community	2.54 to 2.77	0	0
High Density Residential-Multifamily	10	5	2.5
Downtown District	20	N/A	N/A
High Density Mixed Use	10	5	2.5
General Commercial, Interchange Commercial and Industrial	10	5	0

(Ord. No. 06-18, § 1, 12-6-06; Ord. No. 09-05, § 1, 4-15-09; Ord. No. 20-06, § 2, 10-7-20; Ord. No. 20-07, § 2, 10-21-20)

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

Policy 1.1.4: Allowable Uses - The listing of appropriate land uses in each of the individual land use categories identifies those uses generally expected to be appropriate. However, other uses which

are similar in character, intensity and impacts to those listed may also be deemed to be appropriate.

Policy 1.1.4.1: Gross acreages in Future Land Use Categories - The approximate gross area identified for each future land use category is as of June 7, 2017. The City may update the approximate gross area calculations from time to time as part of major updates to the comprehensive plan, such update is not required for individual future land use map amendments.

(Ord. No. 19-11, § 2, 12-4-19)

Policy 1.1.4.2: Estate Residential - Intended to accommodate a very rural style of single family living allowing for development at a maximum density of one unit for every three acres and approximately 0 acres of gross land area in the land use category; group homes and foster care facilities; public schools and other public, semi-public and recreational uses on a limited basis.

a. Appropriate residential housing types include conventional and modular constructed single family homes on permanent foundation.

b. Maximum allowable height of structures shall be 35 feet from the base flood elevation to the eaves.

(Ord. No. 09-05, § 1, 4-15-09; Ord. No. 17-08, § 1, 6-7-17; Ord. No. 19-11, § 2, 12-4-19)

Policy 1.1.5: Low Density Residential - Intended to accommodate and preserve semi-rural type single-family residential development at a maximum density of up to 1.3 dwelling units per gross acre and approximately 1.482 acres of gross land area in the land use category; group homes and foster care facilities; public schools and other public, semi-public and recreational uses on a limited basis.

a. Appropriate residential housing types include conventional and modular constructed single-family homes on permanent foundations. Clustering shall be employed to avoid clearing and other development impacts on wetlands or rare and unique upland habitats.

b. Maximum allowable height of structures shall be 35 feet from the base flood elevation to the eaves.

(Ord. No. 17-08, § 1, 6-7-17)

Policy 1.1.6: Suburban Density Residential - Intended to accommodate and preserve single-family development at a maximum density of three dwelling units per acre; planned unit developments with single and multi-family units at a maximum density of 3 units per acre and approximately 0 acres of gross land area in the land use category; group homes and foster care facilities; public schools and other public, semi-public and recreational uses on a limited basis.

a. Appropriate residential housing types include conventional and modular constructed single-family homes on permanent foundations.

b. Maximum allowable height of all residential structures shall be 35 feet from the base flood elevation to the eaves.

(Ord. No. 17-08, § 1, 6-7-17)

Policy 1.1.7: Moderate Density Residential - Intended to accommodate and preserve single-family residential development at a maximum density of up to 5.8 dwelling units per gross acre and approximately 1,977 acres of gross land area in the land use category; planned unit developments at a maximum density of six units per acre;

group homes and foster care facilities; public schools and other public, semi-public and recreational uses on a limited basis.

a. Appropriate residential housing types include conventional and modular constructed single-family homes on permanent foundations.

b. Maximum allowable height of structures shall be 35 feet from the base flood elevation to the eaves.

(Ord. No. 17-08, § 1, 6-7-17)

Policy 1.1.8: Medium Density Residential - Intended to accommodate areas with a mix of single-family, duplex and town homes residential development at a maximum density of up to 11.6 dwelling units per gross acre and approximately 1,056 acres of gross land area in the land use category; group homes and foster care facilities; public schools and other public, semi-public and recreational uses on a limited basis.

a. Appropriate residential housing types include conventional and modular constructed single-family and duplex structures on permanent foundations.

b. As an alternative to a duplex structure, and in order to encourage dispersing affordable housing throughout the community, one accessory dwelling, such as a garage apartment or accessory apartment, may be located on a single lot occupied by one single-family structure, provided development of the lot remains within the maximum allowable density. Conditions on accessory dwelling units may be required within the Land Development Regulations to prevent over crowding and to ensure compatibility.

c. Maximum allowable height of structures shall be 55 feet from the base flood elevation to the eaves.

(Ord. No. 06-18, § 1, 12-6-06; Ord. No. 17-08, § 1, 6-7-17)

Policy 1.1.8.1: Medium Density Multi-Family Residential - Intended to accommodate multi-family, modular and manufactured housing, and existing mobile home and recreational vehicle parks up to a maximum density of 10 units per gross acre and approximately 1,341 acres of gross land area in the land use category; group homes and foster care facilities, public schools and other public, semi-public and recreational uses on a limited basis. This land use category is applied primarily to existing properties developed with multi-family or mobile home/recreational vehicle parks located within the Coastal Management Area (CMA), or lands formerly afforded a land use designation of Urban Community in the Lee Plan, or properties adjacent to existing or planned major roadways.

a. Appropriate residential housing types include conventional and modular constructed single-family and duplex structures, on permanent foundations, cluster housing, zero lot line, townhouses, multi-family structures, and mobile homes or recreational vehicles in existing mobile home or recreational vehicle parks.

b. Residential density shall be limited to not more than six units dwelling units per acre. If affordable housing is provided, residential density may be increased by up to four additional dwelling units per acre. This density range is consistent with the density previously afforded under the Urban Community land use designation in the Lee Plan.

c. Commercial uses may be appropriate provided they are primarily intended to serve the residents of a mixed use project and are sensitive to nearby residential uses.

(Ord. No. 17-08, § 1, 6-7-17; Ord. No. 20-07, § 2, 10-21-20)

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

a. All new development within the Coconut Village category shall be required to be zoned planned development. All density, intensity, height and types of uses will be established during the planned development rezoning process.

b. Appropriate uses within the Coconut Village future land use category include the following:

   i. Marina and marine accessory uses. Marina uses shall not be solely for private use.

   ii. Limited private club use as defined in planned development process may be allowed.

   iii. Hotels/resorts and ancillary retail, cultural, and public and private recreational uses.

   iv. Residential dwellings.

   v. CCF, ILF, and ALF units.

c. Development Standards:

   i. Development shall be located to minimize loss of environmentally sensitive areas.

   ii. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2. If the development includes residential and/or CCF uses, non-residential uses shall be limited to ancillary uses only.

   iii. Residential uses with a resort character and lifestyle may be integrated into resort use and may share in resort amenities.

   iv. Residential density shall be limited to not more than 11.4 dwelling units per acre, not to exceed 300 multi-family residential units; or a Continuing Care Facility (CCF) containing 300 Independent Living Facility (ILF) units and 75 Assisted Living Facility (ALF) beds, within the approximately 26.38 acres of gross land area in this land use category. Where 300 ILF units and 75 ALF beds are developed within a CCF, the residential density shall not exceed 6.4 dwelling units per acre based upon the density equivalency factors in the Land Development Code of two ILF units equal to one residential dwelling unit.

   v. Residential density calculations shall be considered for the gross project acreage regardless of other non-residential uses on the project.

   vi. No buffer shall be required between the CPD/RPD areas.

d. Height.

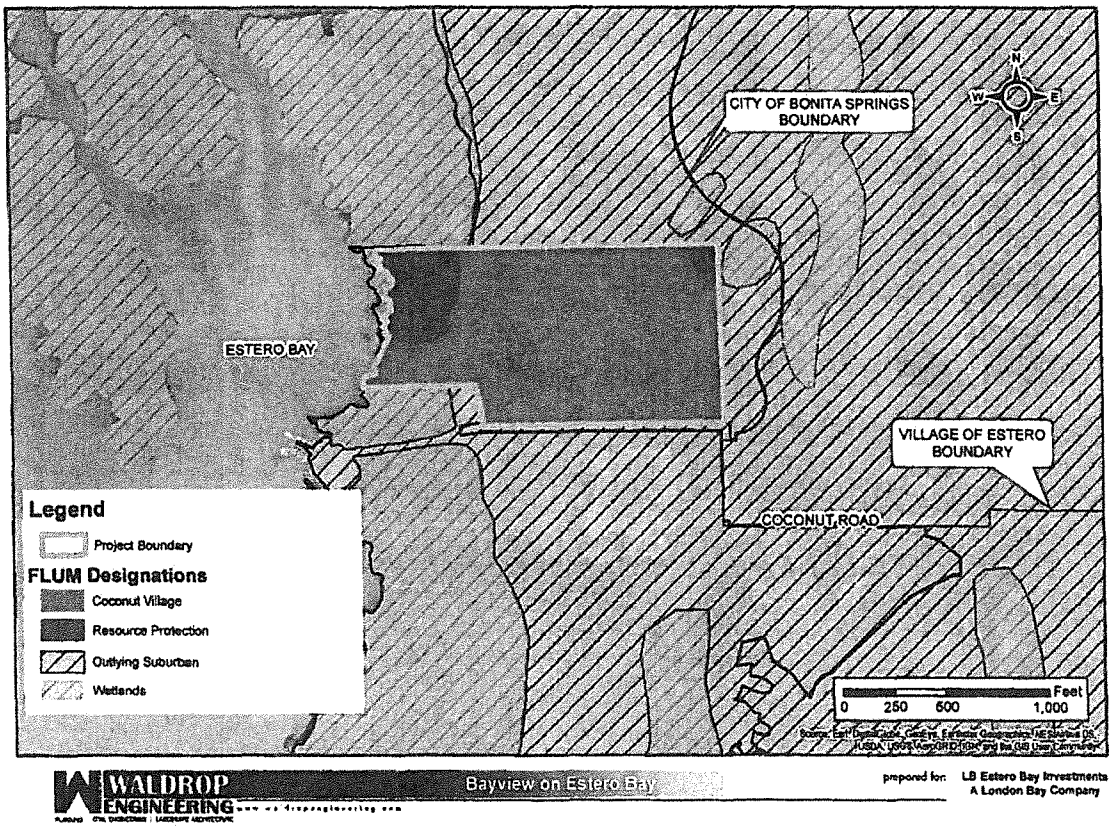
i. Buildings over 75 feet from the base flood (FEMA + 1') elevation to the eaves shall be limited to locations that do not negatively impact adjacent property view corridors or neighborhood compatibility.

ii. Compatibility with surrounding buildings.

e. Locations shall have access to a transportation network with adequate capacity and sufficient and navigable access to waters of Estero Bay.

f. Coastal High Hazard. Impacts on sheltering and evacuation resulting from development/redevelopment activities within the CHHA shall be mitigated through cooperation and coordination with Lee County Emergency Management Operations at time of local development order and shall be consistent with Chapter 163, Florida Statutes.

g. At minimum the development must provide the following waterfront public facilities: one (1) publicly accessible boat ramp; ten (10) boat slips for use by the public; one (1) boat slip dedicated to the Estero Fire District; one (1) boat slip dedicated to the Lee County Sheriff's Office; and fifteen (15) boat trailer parking spaces subject to Boat Facility Siting Plan of Lee County consistency review.



(Ord. No. 14-23, § 1, 10-15-14; Ord. No. 17-08, § 1, 6-7-17; Ord. No. 20-07, § 2, 10-21-20; Ord. No. 20-09, § 2, 10-21-20)

Editor's note(s)—Ord. No. 14-23, § 1, adopted October 15, 2014, amended the Comprehensive Plan by adding a new policy to be numbered 1.1.11. In order to prevent the duplication of policy numbers, the new provisions have been designated as 1.1.10.2 at the discretion of the editor.

Policy 1.1.10.3: Annexed Areas: Areas that have been annexed, but have not been formally placed in a City of Bonita Springs Future Land Use category, will carry forward their existing or underlying unincorporated county future land use designation until such time that the City has assigned a future land use category to such properties.

(Ord. No. 17-08, § 1, 6-7-17; Ord. No. 20-07, § 2, 10-21-20)

Policy 1.1.11: Downtown District: The City shall adopt the Downtown District Map and re- designate the area previously known as the "Old 41" Town Center Mixed-Use Redevelopment Overlay Area to hereinafter known as the "Downtown District." The Downtown District Map, Figure 2, reflects the boundaries generally located from Tropical Drive to Bonita Beach Road between Tennessee Street/Williams Road and Dortch Avenue. The Downtown District is intended to promote the development of a mixed use downtown with a variety of building types and uses that support viable and diverse local business and cultural institutions, walkable and complete streets, predictable standards, business investment, attractive small-town urban character, and context-based development. To implement this vision, the City of Bonita Springs will adopt a Form-Based Code into the City's LDC. Permitted uses are specified in the Downtown District Plan as set forth in the City's Land Development Code (LDC).

a. The permitted form and land uses in the Downtown District are designated by the Downtown Plan as set forth in the City's LDC and that described in the Terry Street Subdistrict.

b. The following requirements shall apply to the Downtown District:

1. Density. The maximum density within the Downtown District is limited to 20 du/acre. The City of Bonita Springs Downtown Plan in the City's LDC provides additional specificity on densities.

The maximum density set forth in Policy 1.1.11.b.1 is not applicable to the Terry Street Subdistrict. The maximum densities allowable within the Terry Street Subdistrict are identified in Policy 1.1.11.b.5.

2. To encourage vertical mixed-use, when residential and commercial uses are contained within one building, the City will exclude commercial square footage when determining the number of residential units otherwise allowable. This provision is not applicable to properties located within the Terry Street Subdistrict.

Mixed-use developments are intended to permit a mix of residential uses, not to exceed 20 units per acre, with commercial, light industrial and public and semi- public uses to provide live-work opportunities for residents within the area. Such uses shall accommodate retail or commercial uses and residential units in the same building. The appropriate form in mixed use areas shall comply with the standards set forth in the City's LDC.

3. Maximum allowable height of structures shall be 65 feet as measured from 12 inches above the crown of the frontage road.

4. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2.

Objective 22.1: Commercial Water-Dependent Uses - The City shall continue to support its programs which enhance and protect commercial water-dependent uses.

Policy 22.1.1: Commercial Marinas shall be zoned for marina use to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.

Policy 22.1.2: The City shall designate the area between Imperial Shores Boulevard and the Bonita Beach Road bridge to Little Hickory Island as a marine-related water-dependent use zone. The City shall:

a. Examine the area for general consistency with the City's marina siting criteria as identified in this Comprehensive Plan.

b. Identify any existing impediments to potential future marine related water dependent uses.

c. Identify potential incentives to promote such uses in the zone.

d. Prepare a marine-related water dependent uses overlay zone in the City's land development regulations for application to the area. The intensity of the zone shall not exceed that identified on the future land use map.

Policy 22.1.3: The City shall encourage the maximum use of dry storage by commercial marinas when reviewing rezoning and/or development-of regional-impact applications.

Objective 22.2: Criteria for Prioritizing Shoreline Uses - Priority shall be given to new and substantially expanded shoreline land uses as indicated in the following policies.

Policy 22.2.1: Existing commercial marinas classified by the City under marina zoning shall have their rights to rebuild and expand to prevent their conversion to non-water-dependent uses without a public hearing.

Policy 22.2.2: In all other non-wetland shoreline areas, water-dependent land uses shall have priority over water-related uses. Water-related land uses that provide some form of water access for the public shall be encouraged, particularly when the site has previously provided water access for the public. (This policy shall not be interpreted as a prohibition of new land uses which are only water-related, but instead as a reminder of the diminishing opportunities for water access in the City and the desirability of maintaining and increasing such access.)

a. Water-dependent uses: Land uses are those for which water access is essential and which could not exist without water access.

b. Water-related uses: Land uses that might be enhanced by proximity to the water, but for which water access is not essential.

Objective 22.3: Marina Siting Criteria - The City of Bonita Springs shall consider the following marina siting criteria in evaluating requests for new and substantially expanded marinas, other wet slip facilities, and boat ramps in order to make efficient use of limited shoreline locations and to minimize environmental impacts.

Policy 22.3.1: Proposed marinas (and expansion of wet slips at existing marinas and new boat ramps) in the following areas face a variety of technical, legal, or environmental obstacles which much be addressed during the review process:

a. Aquatic Preserve (FDEP)

b. Outstanding Florida Waters (FDEP)

c. Class I Waters (FDEP)

d. Maine or Estuarine Sanctuaries (NOAA)

e. Manatee Sanctuaries or Critical Manatee Habitats FFWCC, USFWS, COE)

f. Approved or conditionally approved shellfish harvesting area's FFWCC)

g. Bridge/road right-of-way easement (County DOT, State DOT)

h. Other Endangered/Threatened Species Habitat (USFWS, FFWCC, COE)

Extra caution and consideration shall be given prior to authorizing use of areas with high environmental values.

Policy 22.3.2: Cumulative effects of several marinas and/or boat ramps in a small area shall be considered in the review of proposed marina projects.

Policy 22.3.3: Marina and/or boat ramp siting shall be consistent with the aquatic preserve management plan.

Policy 22.3.4: Marinas and boat ramp siting shall be consistent with the following recommendations of the FDNR Blue Ribbon Marina Committee (Final Report, January 1983):

a. Priority should be given to the expansion of existing facilities, if environmentally sound, over new facilities.

b. Marinas are encouraged in previously disturbed areas and in areas that have historically been used for marina-related activities.

c. Marinas should be located as close as possible to boating demand.

d. Marinas should be encouraged where adequate uplands are available to develop related support activities and to allow for possible future expansion.

e. Location of marinas in highly productive marine habitats should be discouraged.

f. Location of marinas in or near well-flushed, deep-water areas should be encouraged.

g. Impacts upon state-designed manatee sanctuaries should be considered. Particular marina locations or design features which threaten manatees in sanctuaries should be discouraged.

Policy 22.3.5: The siting of all boat facilities in the City of Bonita Springs shall be consistent with the guidelines, methodologies, procedures, and policies established in the *Boat Facility Siting Plan for Lee County*. This applies to any plans for the expansion of existing facilities or the development of new facilities.

Policy 22.3.6: New marinas shall be designed to avoid erosion on adjacent shorelines.

Policy 22.3.7: Marina and boat ramp siting preference shall be given to those properties which are located in proximity to large navigable water bodies outside areas of critical manatee concern.

Policy 22.3.8: Marinas, multi-slip docking facilities, and boat ramps which would disturb or destroy wetlands or grassbeds must demonstrate a pressing need and public purpose for the proposed facility and must provide for continued use by the general public.

Policy 22.3.9: New marinas should be located in areas of maximum physical advantage (e.g. adequate water depth). Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as only minimal dredging may be considered.

Policy 22.3.10: Marina and boat ramp locations which minimize natural shoreline disruption are preferred.

Policy 22.3.11: Marina and boat ramp construction in dead-end canals are discouraged due to difficulty in meeting State water quality standards.

Policy 22.3.12: Proposed marinas and boat ramps shall demonstrate that the marina site has adequate uplands to provide support facilities for all activities proposed on site without damaging or removing wetlands or rare and unique systems.

Policy 22.3.13: Rezoning and DRI applications for marinas and boat ramps shall be evaluated in the context of cumulative impacts on manatees and marine resources.

Objective 22.4: Marina Design Criteria - The City shall utilize the following criteria in evaluating the design of new marinas or expansion of wet slip facilities at existing marinas in order to minimize negative impacts to water quality. Detailed regulations on these subjects may be contained in the City's Land Development Regulations.

Policy 22.4.1: Piling construction and other non-dredge-and-fill techniques shall be utilized where possible to minimize habitat destruction.

Policy 22.4.2: Mitigation or restoration to offset proposed adverse environmental effects will be required as a condition of approval for any new or expanded marina facilities. Mitigation/restoration is not preferred over preservation of existing resources.

Policy 22.4.3: To reduce dredging, docks should extend to naturally deep waters when possible. City regulations shall specify the criteria for such extensions.

Policy 22.4.4: Dry storage of small boats should be encouraged, with dry storage structures located inland as far as feasible.

Policy 22.4.5: Marina designs shall not reduce water quality in adjacent natural water bodies in order to accommodate an increase in water quality in the marina basin itself.

Policy 22.4.6: Existing navigational channels shall be used to access new marina sites where possible.

Policy 22.4.7: Expansion of dry storage capabilities shall be strongly encouraged to reduce dredging.

Objective 22.5: The Regional Planning Council will be the lead agency addressing the need for adequate sites for water-dependent uses on a regional basis.

Policy 22.5.1: The City will cooperate with the Regional Planning Council in addressing the need for water-dependent sites on a regional basis.

Goal 23: Environmental Education. An environmentally informed and educated citizenry who will thus protect the environmental resources within the City.

Objective 23.1: To provide better environmental protection the City shall take an active support role in environmental education and show the importance and involvement of the City in environmental protection and the need of support from its citizenry.

Policy 23.1.1: The City shall encourage its schools to offer environmental based contests where a City dignitary presents awards.

Policy 23.1.2: The City shall prepare news releases for its environmental programs and projects and encourage other agencies working in the City to do the same.

Issue: DCA10-DEC-146. The petitioner seeks a declaratory statement requesting clarification of whether it is the intent of the 2007 FBC, Residential to require the same code standards for bungalows/cabins that are not permanent residences? The petitioner states he is in the process of reviewing a wood frame structure on concrete piers tied down with helix auger hurricane anchors that is 1023 sq. ft. The occupancy load of the structure will in most cases will be about 4. The structure has 2 bunk rooms, a living room, a kitchen, and a bathroom. All rooms meet the requirements of FBC Sect. 303. The structure is designed by a Florida Design Professional and meets the wind load requirements.

Additionally, the petitioner states that the electric will be powered by a generator, the heat and cooking is provided by propane gas. There is a well on site.

The petitioner request' that the Commission issues a Declaratory Statement to answer the following questions:

1. Would these type structures be included in the classification as residential in accordance with FBC 2007 Residential?
2. If they are considered residential, even though they will be used on a part time basis (2 weeks per year), would they still be required to meet all the criteria as set forth in the code?
3. Would the building be defined as living and habitable space i.e. sleeping, eating, and bathing? Heating and sanitation purposes, as set forth in FBC 2007 Residential.
4. If the answer to the above questions is yes, then would it also have to meet all the requirements as set forth in NEC 2008 for residential construction?

Background:

FBC, RESIDENTIAL CODE:

R101.2 The provisions of the *Florida Building Code, Residential*, shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height with a separate means of egress and their accessory structures.

R202 DEFINITIONS:

Building. Building shall mean any one- and two-family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto. (emphasis added)

FBC, BUILDING CODE:

310.1 Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *Florida Building Code, Residential* in accordance with Section 101.2. (Emphasis added)

102.2 (FBC, Building). Exempted buildings 102.2 Building. The provisions of the *Florida Building Code* shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in Chapter 34 of this code. The following buildings, structures and facilities are exempt from

Sec. 4-879. Definitions.

(a) *Definitions of building uses.*

Accessory building: an accessory dwelling with an accessory unit.

Accessory unit: means an apartment not greater than 800 square feet sharing ownership and utility connections with a principal building; it may or may not be within an accessory dwelling. See Table 10 and Table 17. (Syn: Ancillary unit).

Affordable housing: means dwellings consisting of rental or for-sale units that have a rent (including utilities) or mortgage payment typically no more than 30 percent of the income of families earning no more than 80 percent of median incomes by family size for the county. (Alt. definition: Rental or for-sale dwellings that are economically within the means of the starting salary of a local elementary school teacher.)

Allee: means a regularly spaced and aligned row of trees usually planted along a thoroughfare or path.

Apartment: means a residential unit sharing a building and a lot with other units and/or uses; may be for rent, or for sale as a condominium.

Arcade: means a private frontage conventional for retail use wherein the facade is a colonnade supporting habitable space that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage line.

Attic: means the interior part of a building contained within a pitched roof structure.

Avenue (AV): means a thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

Awning: means a sheet of canvas or other material stretched on a frame and used to keep the sun or rain off a storefront, window, doorway, or deck.

Backbuilding: means a single-story structure connecting a principal building to an accessory dwelling.

Base density: means the number of dwelling units per acre before adjustment for other functions and/or TDR. See *Density*.

Bed and breakfast: means an owner-occupied lodging type offering one to five bedrooms, permitted to serve breakfast in the mornings to guests.

Bicycle lane (BL): means a dedicated lane for cycling within a moderate-speed vehicular thoroughfare, demarcated by striping.

Block: means the aggregate of private lots, passages, rear alleys and rear lanes, circumscribed by thoroughfares.

Block face: means the aggregate of all the building facades on one side of a block.

Brownfield: means an area previously used primarily as an industrial site.

By right: means characterizing a proposal or component of a proposal that complies with the Code and is permitted and processed administratively, without public hearing. See *Warrant and special exception.*

Civic: means the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civic building: means a building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

Civic parking reserve: means parking structure or parking lot within a quarter-mile of the site that it serves.

Live-work: means a mixed use unit consisting of a commercial and residential function. The commercial function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity or industry. See *Work-live.* (Syn: Flexhouse).

Lodging: means premises available for daily and weekly renting of bedrooms.

Lot: means a parcel of land accommodating a building or buildings of unified design. The size of a lot is controlled by its width in order to determine the grain (i.e., fine grain or coarse grain) of the urban fabric.

Lot line: means the boundary that legally and geometrically demarcates a lot.

Lot width: means the length of the principal frontage line of a lot.

Main civic space: means the primary outdoor gathering place for a community. The main civic space is often, but not always, associated with an important civic building.

Manufacturing: means premises available for the creation, assemblage and/or repair of artifacts, using table-mounted electrical machinery or artisanal equipment, and including their retail sale.

Marquee: means a metal or wood protective projection usually over a building entrance or storefront. (Syn: Canopy).

Meeting hall: means a building available for gatherings, including conferences, that accommodates at least one room equivalent to a minimum of ten square feet per projected dwelling unit within the pedestrian shed in which it is located.

Mixed use: means multiple functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency, or at a proximity determined by warrant.

Mobile food vendor: means a person or business selling foods other than fresh fruits or vegetables from a mobile food vehicle, mobile food cart or food stand.

Mobile food vendor park: means a site approved through a special exception to allow for permanent location for three or more mobile food vehicles. Such sites must include required infrastructure and public seating for all vehicles serving in the park.

Net site area: means all developable land within a site including thoroughfares but excluding land allocated as civic zones.

Office: means premises available for the transaction of general business but excluding retail, artisanal and manufacturing uses.

Open space: means land intended to remain undeveloped; it may be for civic space.

Park: means a civic space type that is a natural preserve available for unstructured recreation.

Parking structure: means a building containing one or more stories of parking above grade.

Passage (PS): means a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages.

Path (PT): means a pedestrian way traversing a park or rural area, with landscape matching the contiguous open space, ideally connecting directly with the urban sidewalk network.

Pedestrian shed: means an area that is centered on a common destination. Its size is related to average walking distances for the applicable community unit type. Pedestrian sheds are applied to structure communities. (Syn: Walkshed, walkable catchment).

Planter: means the element of the public frontage which accommodates street trees, whether continuous or individual.

Plaza: means a civic space type designed for civic purposes and commercial activities in the more urban transect zones, generally paved and spatially defined by building frontages.

Principal building: means the main building on a lot, usually located toward the frontage.

Principal entrance: means the main point of access for pedestrians into a building.

Principal frontage: means on corner lots, the private frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width. Prescriptions for the parking layers pertain only to the principal frontage. Prescriptions for the first layer pertain to both frontages of a corner lot. See *Frontage.*

Private frontage: means the privately held layer between the frontage line and the principal building facade.

Public frontage: means the area between the curb of the vehicular lanes and the frontage line.

Rear alley (RA): means a vehicular way located to the rear of lots providing access to service areas, parking, and accessory dwellings and containing utility easements. Rear alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll curbs at the edges.

Rear lane (RL): means a vehicular way located to the rear of lots providing access to service areas, parking, and accessory dwellings and containing utility easements. Rear lanes may be paved lightly to driveway standards. The streetscape consists of gravel or landscaped edges, has no raised curb, and is drained by percolation.

Rearyard building: means a building that occupies the full frontage line, leaving the rear of the lot as the sole yard. (Var: Rowhouse, townhouse, apartment house).

Recess line: means a line prescribed for the full width of a facade, above which there is a stepback of a minimum distance, such that the height to this line (not the overall building height) effectively defines the enclosure of the enfronting public space. (Var: Extension line).

Regulating plan: means a zoning map or set of maps that shows the transect zones, civic zones, special districts if any, and special requirements if any, of areas subject to, or potentially subject to, regulation by the Code.

Residential: means characterizing premises available for long-term human dwelling.

Retail: means characterizing premises available for the sale of merchandise and food service.

Retail frontage: means frontage designated on a regulating plan that requires or recommends the provision of a shopfront, encouraging the ground level to be available for retail use. See *Special requirements.*

Road (RD): means a local, rural and suburban thoroughfare of low-to-moderate vehicular speed and capacity. This type is allocated to the more rural transect zones (T3).

Rowhouse: means a single-family dwelling that shares a party wall with another of the same type and occupies the full frontage line. See *Rearyard building.* (Syn: Townhouse, single-family attached).

Secondary frontage: means on corner lots, the private frontage that is not the principal frontage. As it affects the public realm, its first layer is regulated.

Setback: means the area of a lot measured from the lot line to a building facade or elevation that is maintained clear of permanent structures. (Var: Build-to-line).

Shared parking factor: means an accounting for parking spaces that are available to more than one function.

Shall: means indicates code standards which are regulatory in nature. Deviations from these standards shall only be permitted by variance or special exception.

Shopfront: means a private frontage conventional for retail use, with substantial glazing and an awning, wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade.

describe the physical form and character of a place, according to the density and intensity of its land use and urbanism.

Transect zone (T-zone): means one of several areas on a zoning map regulated by the SmartCode. Transect zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot and building and public frontage.

Turning radius: means the curved edge of a thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the turning radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn.

Two-family dwelling: means two residential units sharing a single lot and having the massing, appearance, and setbacks of a single-family dwelling and where each unit is assigned its own yard space. These units can be attached side-by-side, sharing a party wall, or occur one above the other. (Syn: Duplex, two-family attached).

Warrant: means a ruling that would permit a practice that is not consistent with a specific provision of this Code, but that is justified by its intent. Warrants are usually granted administratively by the city.

Work-live: means a mixed use unit consisting of a commercial and residential function. It typically has a substantial commercial component that may accommodate employees and walk-in trade. The unit is intended to function predominantly as work space with incidental residential accommodations that meet basic habitability requirements. See *Live-work.* (Syn: Live-with).

Yield: means characterizing a thoroughfare that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation. Also, characterizing parking on such a thoroughfare.

Zoning map: means the official map or maps that are part of the zoning ordinance and delineate the boundaries of individual zones and districts. See *Regulating plan.*

(Ord. No. 20-10 , § 2(Exh. A, § 14), 11-4-2020)

Sec. 4-489. - Property development regulations table.

Property development regulations for one- and two-family residential districts are as follows:

TABLE 4-489. PROPERTY DEVELOPMENT REGULATIONS FOR ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS

	Special Notes or Regulations	RSA	RS-1	RS-2	RS-3	RS-4	RS-5	TFC-1	TFC-2	TF-1
Minimum lot area and dimensions:	4-1921, 4-1922, 4-1841									
Single-family detached:										
Lot area (square feet)		6,500	7,500	12,500	20,000	40,000	2 acres	6,000	7,500	7,500
Lot width (feet)		65	75	100	100	100	130	50	75	75
Lot depth (feet)		75	100	100	100	100	130	100	100	100
Duplex:										
Lot area (square feet)		-	-	-	-	-	-	6,000	7,500	10,000
Lot width (feet)		-	-	-	-	-	-	50	75	75
Lot depth (feet)		-	-	-	-	-	-	100	100	100
Two-family attached:										
Lot area per unit (square feet)		-	-	-	-	-	-	-	3,750	12,000
Lot width per unit (feet)		-	-	-	-	-	-	-	37.5	120
Lot depth (feet)		-	-	-	-	-	-	-	100	100
Minimum setbacks:										
Street (feet)	Note (1) 4-1892 et seq.	Variable according to the functional classification of the street or road. See section 4-1893.								
Side yard (feet):	Notes (1) and (3), 4-1892 et seq.									
Single-family or duplex		6.5	7.5	10	12	15	15	6	7.5	7.5
Two-family attached		-	-	-	-	-	-	-	0/7.5	10(2)
Rear yard (feet)	Note (1), 4-1892 et seq.	20	20	20	20	20	20	20	20	20
Water body (feet):	4-1892 et seq.									
Gulf of Mexico:		50	50	50	50	50	50	50	50	50
Other		25	25	25	25	25	25	25	25	25

Special regulations:		Refer to the section specified for exceptions or additions to the minimum setback requirements listed in this table.							
Animals, reptiles, marine life	4-1045 et seq.								
Consumption on premises	4-1020 et seq.								
Docks, seawalls, etc.	4-1588 et seq.								
Essential services	4-1362 et seq.								
Essential service facilities (4-408(c)(13))	4-1362 et seq.								
Fences, walls, gate-houses	4-1841 et seq.								
Nonroofed accessory structures	4-1894(c)(3)								
Railroad right-of-way	4-1895								
Maximum height (feet)	4-1871 et seq.	35	35	35	35	35	35	35	35	35
		Note: Special height limitations apply to all uses located within Bonita Beach and the Bonita Beach Road Corridor. See section 4-1874.							
Maximum lot coverage (percent of total lot area)		45%	40%	40%	40%	40%	40%	45%	40%	45%

Notes:

(1) Modifications to required setbacks for collector or arterial streets, or for solar or wind energy purposes, are permitted by variance only. See section 4-1892 et seq.

(2) Accessory buildings and uses can be located closer to the front of the property than the main building, but must comply with all other setback requirements for accessory building uses.

(3) No side yard setback required from common side lot line for two-family attached.

(Ord. No. 03-15; Ord. No. 06-12; Ord. No. 07-18, § 1, 11-7-2007; Ord. No. 11-02, § 3(4-695), 1-19-2011; Ord. No. 20-12 , § 2, 11-4-2020)

DIVISION 2. LOCATION AND DESIGN

Sec. 7-356. Shoreline and water quality protections.

(a) All structures must be placed so as to provide the least possible impact to aquatic or native shoreline vegetation and benthic resources.

(b) During work that will generate turbidity, turbidity screens must be installed and properly maintained until turbidity levels are reduced to normal (ambient) levels.

(Ord. No. 21-08 , § 2(Exh. A), 10-20-2021; Ord. No. 23-11 , § 2(Exh. A), 9-6-2023)

Sec. 7-357. Multi-slip commercial and residential facilities (greater than 4 slips)

(a) The general screening process in the Manatee Protection Plan will be used to identify desirable locations for new marine facilities, as well as to evaluate the redesign and expansion of existing sites. The results of the screening process will also result in a determination of the maximum number of slips that may be approved at a requested location. The screening, design, and location criteria are set forth in chapter 4, the Manatee Protection Plan and Bonita Plan Objective 22.3 and 22.4, with its associated policies.

(b) In order to reduce the pollution from copper bottom paint and bilge water, all new or modified multifamily or commercial docking facilities shall be required to install one boat lift per slip. Slips that contain boats with a gross weight of over 10,000 pounds are not required to have boat lifts and boats are required to be stored on boat lifts when not in use. Slips used to moor boats less than 24 hours are not required to install boat lifts.

(c) Except when a reduced water depth for a public service marina has been approved by variance, there must be a minimum depth of one foot clearance between the deepest draft of a boat (with the engine in the down position) and an unvegetated bottom or the top of submerged aquatic vegetation (e.g., seagrasses) at mean low water, with a minimum water depth of at least four feet within mooring areas, turning basins, and ingress and egress pathways.

(d) Transfer of (boat) slip credits (TSC).

  (1) The Manatee Protection Plan provides for the transfer of boat slips when certain requirements are satisfied.

  (2) Credits from shorelines with legally existing docks. The Manatee Protection Plan contains provisions that may give credit for the removal of legally existing docks.

  (3) Procedural rules for creating transfer watercraft slip credit under the Lee County Manatee Protection Plan. Until such time the city finds it necessary to adopt its own regulations, it will use Lee County regulations to guide credit issuance. The city may also consider transfer of slips outside of its jurisdiction by interlocal agreement with another government.

(e) All multi-slip and marina docking facilities, except boat davits, in or adjacent to natural waterbodies must be set back a minimum of 25 feet from all adjoining side lot lines.

(Ord. No. 21-08 , § 2(Exh. A), 10-20-2021)

Sec. 7-358. Primary structures single/two family docks, fishing piers, kayak/canoe launch, boat ramps; boardwalks.

(a) *Number of slips.*

(1) No more than one boat mooring dock with two wet slips is permitted per single-family lot, and no more than two boat mooring docks with up to four wet slips is permitted per two-family unit on a single lot. If a parcel abuts both a natural waterbody and an artificial waterbody, one slip may be allowed on each waterbody.

(2) A shared property line dock can be permitted for up to four wet slips with a joint use agreement.

(3) More than two slips may be approved with a special exception in accordance with section 4-131(c).

(b) *Length of docks.*

(1) No structure, including mooring area, may be permitted or constructed to exceed 25 percent of the navigable channel width. Boat mooring areas that are waterward of the dock will be deemed ten feet in width.

(2) Docks and their associated watercraft mooring areas in the Estero Bay Aquatic Preserve shall not exceed 20 percent of the waterway width measured from mean high water line to mean high water line.

(3) No structure addressed by this section shall extend further into a closed waterbody, such as a lake, than where a reasonable water depth for a single boat mooring is achieved, and in no event shall such depth exceed five feet during normal hydrological conditions unless existing natural conditions of the waterbody necessitate a greater water depth to allow safe mooring conditions.

(4) The director may permit administrative deviations from the length allowed by this subsection (2) based upon the following criteria:

a. The proposed dock has been approved by all applicable state and federal agencies; and

b. The increased length will not result in a hazard to navigation; and

c. The proposed dock is compatible with docks or other structures and uses on adjoining lots; and, except for closed waterbodies.

d. If the increase in length results in an area over water of 500 square feet or greater, a benthic species survey assessment conducted between June 1 and September 30 may be required demonstrating the increase in length will lessen the dock's impacts on seagrass beds or other marine resources.

(c) *Design and maximum dimensions.*

(1) Structures permitted by this section must comply with the following maximum dimensional requirements. The application of these regulations is illustrated in Figures 7-1 through 7-3. For the purposes of this section, the term vessel on the following figures shall be synonymous with boat and seawall shall be synonymous with shoreline.

g. Boardwalks over or adjacent to waterbodies shall meet all of the following criteria:

1. Shall be ADA compliant.
2. Shall have hardened handrails.
3. If part of a development, may require architectural review and shall be compliant with any other part of the city's regulations and applicable zoning ordinances or resolutions.
4. Shall be designed, constructed, and maintained to avoid adverse effects to the water body.
5. Shall be no higher than five feet above the ordinary high water line or MHWL except and only where necessary to make a connection to the upland shore.
6. Vertical elements such as pilings and railings shall extend no higher than four feet above the boardwalk surface and shall not include or accommodate screen houses or other enclosed structures.

(2) Except for a kayak launch that is normally built closer to the water line, only one structure as permitted in this section shall be allowed per lot unless the lot abuts both a natural and artificial waterbody or the lot has a shoreline greater than 150 linear feet. Docks, fishing piers, and kayak launches may be combined and built at the same height so long as state and federal permits can be obtained as applicable.

(3) Dock facilities, fishing piers, kayak launch structures, boardwalks, or any combination thereof with 500 square feet or greater over water may be required to provide a benthic species survey assessment if benthic resources are expected to be found. If the assessment shows resources will be impacted, adjustment to the site plan or a mitigation plan will be required. An assessment will not be required for closed waterbodies such as lakes.

(4) All wood pilings shall be wrapped from one foot above of the mean highwater line to one foot below the sediment line with PVC so as to reduce the leaching of wood preservation materials.

(5) Plastic or marine-resistant materials shall be used on all docks in the tidal range. Except for pilings in the tidal range, wood should not be used for construction of any dock or related facility.

(6) Deviations from this section that do not result in an increase to the size of the structure may be approved with a special exception in accordance with section 4-131(c).

(d) *Setbacks.*

(1) All structures in natural waterbodies must be set back from all adjoining side lot and side riparian lines as follows:

a. Marginal docks, boat lifts, and mooring pilings—No less than ten feet.

b. All other boat mooring docks, fishing piers, boardwalks, or combination thereof—No less than 25 feet for lots with a water frontage of 65 feet or more and no less than 15 feet for lots with a water frontage of less than 65 feet.

All docking facilities, fishing piers, and boardwalks in artificial waterbodies must be set back from all adjoining side lot and side riparian lines as follows:

a. Five feet for lots with a water frontage of less than 65 feet;

b. Ten feet for lots with a water frontage of 65 feet or greater;

c. Lots abutting the end or concave corner of a canal shall follow the structure and vessel limitation limits as shown in Figures 7-1a through 7-1e.

(2) All boat ramps must be set back ten feet from all adjoining side lot and side riparian lines.

(3) The director, in his discretion, may permit administrative deviations from the setbacks required by this subsection (d) subject to the following:

a. Construction of the structure outside the setback area will not cause or will minimize damage to wetland vegetation or other environmental resources or will not cause greater damage than will occur if the deviation is not granted; and

b. The decreased setback will not create a hazard to navigation; and

c. Adjoining property owners execute a written agreement in recordable form, agreeing to a setback less than that required or to a zero setback.

(e) *Location.*

(1) Docking structures in natural or artificial waterbodies that create a hazard to navigation are prohibited.

(2) Boat ramps located in a manner that will result in a change in the mean high-water line are prohibited.

(3) Docks located at the end or bend of a canal will require a survey sealed by a PSM depicting the riparian area. The dock must be designed to allow for adequate ingress/egress and mooring within the subject property's riparian area.

(4) A minimum canal width of 40' is required for docking facilities including boat lifts unless the boat lift is of diagonal style to pull the boat completely over land or davits are used.

(5) Docking facilities will be placed at the most impacted area of the property as long as the other criteria of this section can be met. If impacts to natural resources such as mangroves cannot be avoided, replacement may be required as described in section 7-362.

(f) *Minimum water depths.* Boat slips shall project into natural waterbodies no less than necessary:

(1) To reach a minimum depth of minus three feet mean low water; or

(2) So as to maintain, from the lowest point of the keel or propeller, whichever is lower, of the boat to be berthed at the dock, a minimum clearance over any submerged bottom lands or the top of submerged aquatic vegetation or other marine resources (e.g., seagrasses) of one foot as measured at mean low water.

(Ord. No. 21-08 , § 2(Exh. A), 10-20-2021; Ord. No. 23-11 , § 2(Exh. A), 9-6-2023)

Sec. 7-359. Seawalls, retaining walls and riprap revetment.

(a) Riprap rock or other similar approved material must be placed waterward along 50 percent of the linear length of a new or replacement seawall where not prohibited by state or federal agencies. This riprap is not required where it would interfere with designated boat tie-up areas. The rock must be placed a minimum of three feet in height above the bottom, waterward of the seawall, or up to the mean high-water line. The rock must be a minimum average size of 12 inches in diameter.

(b) *Seawalls on artificial waterbodies*

(1) New seawalls may be permitted in artificial canals except for V flood zones. A new seawall must be installed in line with the existing seawall(s) and new or replacement seawalls may be constructed at no more than a maximum of two feet above the adjacent seawall(s), vertically transitioning at no greater than a 45-degree angle or a return wall is used to sufficiently provide for the break in grade at the property line, as required by the drainage plan per subsection (e) within this section. Replacement seawalls may be installed no greater than one foot waterward of an existing seawall. Until the backfill area is stabilized, silt fence or sod must be placed immediately landward of the seawall cap to minimize erosion into the water.

Sec. 4-295. Application.

(a) *Minimum required information for all planned development zoning applications.* Rezoning applications for planned developments must include the following information, supplemented, where necessary, with written material, maps, plans, or diagrams. Wherever this section calls for the exact or specific location of anything on a map or plan, the location must be indicated by dimensions from an acceptable reference point, survey marker or monument.

(5) *Explanation.* A narrative explanation as to how the proposed development complies with the Bonita Plan, the design standards set forth in section 4-325, and the guidelines for decision-making embodied in section 4-131.

The subject project, which is located on Big Bend Road, is currently zoned Riverbend RPD (ZO-10-02).

Sec. 4-131. Zoning board standard for review.

(d) *Zoning matters.*

(3) *Findings.* Before preparing their recommendation to the city council on a rezoning, the zoning board must find that:

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

Future Land Use Element

The property is located within the Medium Density Residential Future Land Use Category. This land use category is described in Policy 1.1.8 of the City of Bonita Springs Comprehensive Plan, Policy 1.1.8.

Policy 1.1.8: Medium Density Residential - *Intended to accommodate areas with a mix of single-family, duplex and town homes residential development at a maximum density of up to 11.6 dwelling units per gross acre and approximately 1,056 acres of gross land area in the land use category; group homes and foster care facilities; public schools and other* public, semi-public and recreational uses on a limited basis.

a. Appropriate residential housing types include conventional and modular constructed single-family and duplex structures on permanent foundations.

b. As an alternative to a duplex structure, and in order to encourage dispersing affordable housing throughout the community, one accessory dwelling, such as a garage apartment or accessory apartment, may be located on a single lot occupied by one single-family structure, provided development of the lot remains within the maximum allowable

density. Conditions on accessory dwelling units may be required within the Land Development Regulations to prevent over crowding and to ensure compatibility.
c. Maximum allowable height of structures shall be 55 feet from the base flood elevation to the eaves.

The RPD amendment proposes to reduce the permitted number of dwelling units from the currently authorized 16 dwelling units to a maximum of 10 dwelling units. The RPD approval in 2010 authorized a combination of single family, two-family, townhouse and multi-family dwelling unit types. The proposed amendment would authorize only single-family dwelling unit structures, which have been termed and defined as "detached villas" for purposes of this RPD. This detached unit is consistent with the types of units authorized in this land use category. The resulting density is 6.5+/- dwelling units per acre, which is below the maximum density of 11.6 dwelling units per acre authorized under the comprehensive plan. Further, FLUE Policy 1.1.4 provides for the City to determine that other uses not specifically listed within a land use category are permitted where similar in character, intensity, and impacts. We submit that the detached villa as defined in this RPD is similar in character to a single-family dwelling, which is specifically permitted in this land use category.

Transportation Element

Access to the property is Big Bend Road, an existing two-lane local roadway. Policy 1.1.3 establishes a level of service standard D for local roads. The TIS prepared in support of the RPD application concludes that Big Bend Road will continue to operate at level of service C after approval of the RPD.

Conservation and Coastal Management Element

The subject property is located within the Coastal High Hazard Area (CHHA) and Coastal Management Area as depicted on Figures 9 and 7 respectively in the Future Land Use Element. Goal 5, and implementing objectives and policies discuss development in the Coastal Management Area and CHHA in order to minimize flood risk for at risk areas within the City.

> ***Policy 5.2.4:*** *Development in the Coastal Management Area, except as otherwise restricted by 5-2 1 and the City's redevelopment project on Old U.S. 41, shall be infill only and shall not exceed the surrounding properties' density/intensity except as allowed by existing zoning at the time of the adoption of this Comprehensive Plan.*

The subject RPD amendment is an infill project, and the proposed density/intensity reflects a reduction over the existing RPD entitlements, which would allow a density of 11.6 du/ac versus the proposed 6.5 du/ac.

> ***Policy 5.2.6:*** *All development and major redevelopment in the Coastal Management Area shall conform to the City's Flood Damage Protection Ordinance and be consistent with the flood-resistant construction requirements in the Florida Building Code and applicable flood plan management regulations set forth in 44 C.F.R. part 60.*

The proposed development is not considered a major redevelopment; however, structures will be built in conformance with the City's Flood Damage Protection Ordinance.

> ***Policy 7.12.1:*** *The City shall adopt a stream protection overlay zone for the Imperial River and Bayside drainage area of Little Hickory Island. The overlay zone shall require the use of "state of the art" Best Environmental Management techniques for new development and redevelopment and will target pollution control and water conservation education to existing residents.*

The City has not adopted specific stream protection standards in the Land Development Code. Policy 7.12.1 does discuss several considerations for development within the protection zone:

> *a. Request the USDA Natural Resources Conservation Service (NRCS) make avail-able the services of a mobile irrigation lab to, on request of the property owner, provide expert advice on lawn watering, fertilizer, pesticide and herbicide use in the zone. The City should also request the NRCS to examine the river and its tributaries for the sources of erosion and provide specific methods and means for controlling erosion and the resulting sedimentation and shoaling in the estuary. Water conservation, erosion and pollutant control is a major goal of the Service.*
> *b. Prohibit outside storage of fertilizer, pesticides, and herbicides.*
> *c. Sponsor special pickups for disposal of hazardous containers, oil and such potential pollutants.*
> *d. Promote erosion control through non-structural means where natural native vegetation within flowways and natural systems will be retained to the greatest extent possible.*
> *e. Promote removal of invasive exotic species.*
> *f. Produce and/or distribute educational brochures on pollution control and other environmental topics, including Manatee protection, germane to the zone's residents.*
> *g. Urge existing residents to use xeriscape plants when gardening or installing new shrubbery. Require such use for new development in the zone to conserve water and reduce pollution.*
> *h. Allow no further channelization of remaining natural watercourses to occur.*
> *i. Minimize impervious surfaces where possible.*
> *j. Use swales for water quality benefits where possible.*
> *k. Target compliance and enforcement of existing environmental regulations as a top priority for regulatory agencies*
> *l. Involve neighborhood organizations.*
> *m. Use non-structural approaches versus structural approaches for water resource management solutions.*
> *n. Demonstrate the use of best management practices in all city road planning and construction and all other city projects in the zone.*
> *o. Retain the relic natural features of the tributary bank contours.*
> *p. Reconnect, where possible, historic natural flowways that have been diverted or severed.*

q. Allow no special accommodations for boats (e.g. no cutting of overstory vegetation, no removal of oxbows, no dredging or filling except for permitted maintenance of navigation channels).

r. Promote programs such as the "Keep it Clean" and "Florida Yards and Neighborhoods" to minimize inputs of stormwater pollutants into the bay.

s. Examine the City's required 25-foot setback from water bodies as it applies to the Imperial River and its tributaries for adequacy of riparian vegetation, erosion, water quality and flood protection.

The development that will occur following the RPD approval will not channelize the Imperial River, nor fill or dredge the river. The existing sea wall is proposed to be removed and riverine plantings and rip rap will be utilized for the upland development.

Policy 9.3.1: *The City shall require new developments requiring a development order to design stormwater treatment systems using a treatment train (multiple-method) approach incorporating multiple Best Management Practices (BMPs) to ensure the maximum potential treatment of stormwater. Such treatment train approach would require a selection of five Best Management Practices from the enclosed Table V-1 labeled Southwest Florida Basin BMPs. The site and the surface water management system design shall include: a minimum of two (2) BMPs from Group A of Table V-1; and a minimum of two (2) BMPs from Group B of Table V-1; and a minimum of one (1) BMP from Group C of Table V-1. The City will consider alternative BMPs which are not listed in Table V-1, provided that the application includes: descriptions and construction plans for the proposed BMPs; information demonstrating the effectiveness of the proposed BMPs; calculations that demonstrate that no impacts to flood protection will occur; and operation and maintenance plans for the proposed BMPs. "Best Management Practices (BMPs)" means structural and non-structural facilities or practices intended to reduce pollution either through source control or treatment of stormwater. Additionally, pre- and post-construction water quality monitoring shall be required (according to FDEP Water Quality Sampling protocol) to demonstrate whether post-development pollutant loadings are equal to or less than pre-development pollutant loadings and to assure that the numerical standard adopted by the City are attained. If monitoring indicates that the development is contributing to increased pollutant loading over predevelopment conditions, or the numerical standard has not been attained, additional BMPs will be required until monitoring indicates that loading is reduced to equal or less than pre-development and the numeric standard is attained. In all developments, there shall be no reduction in Groundwater Recharge.*

The resulting development will be in compliance with the best management practices required by this policy. A series of on-site surface water management systems will be utilized for the project prior to discharge to the Imperial River. The site will be required by the SFWMD and the City of Bonita Springs to demonstrate compliance at the time of Development Order Approval. In accordance with Policy 9.3.3., the project will also provide an additional 50% water quality treatment.

Policy 7.7.9: *The City shall utilize the Boat Facility Siting Plan for Lee County to review proposed marina and other boat facility permitting requests.*

The RPD includes an environmental assessment, which has addressed the siting criteria for boat docking facilities as well as protection of the West Indian Manatee consistent with this policy.

Goal 15: Wetlands. *The City shall maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.*

Response: There are proposed fish attractors (pallet balls) to be placed under and between the access dock and the proposed seawall. These will create habitat for sessile organisms and attract fish, thus supporting the ecological functions of the aquatic system. Additionally, the proposed fill landward of the proposed seawall will act as a buffer between the upland system and the proposed boat lifts and finger piers, assisting in protecting the wetland system around the project site and supporting the ecological characteristics of the wetland system. Riverine plantings and rip rap will also be utilized for the upland development, providing another layer of protection to the natural system. There is a proposed wetland fill of 3,273 sf./0.075 acres associated with the entrance drive, and another proposed wetland fill of 855sf./0.02 acres associated with stormwater detention (refer to Detail B- Proposed Site Plan). These impacts will be offset by buying mitigation credits through Little Pine Island Mitigation Bank.

Policy 15.1.6: *The natural functions of wetlands located in the City, as identified in the wetland inventory and evaluation contained in the Conservation/Coastal Management Element, shall be maintained and not degraded; and, degraded wetlands shall be restored whenever possible.*

There is a proposed wetland fill of 3,273 sf./0.075 acres associated with the entrance drive, and another proposed wetland fill of 855sf./0.02 acres associated with stormwater detention (refer to Detail B- Proposed Site Plan). These impacts will be offset by buying mitigation credits through Little Pine Island Mitigation Bank.

Policy 15.1.7: *All mangrove swamp wetlands (FLUCCS #612) and stream and lake swamp wetlands (FLUCCS #615) located in the City, as identified in the wetland inventory and evaluation contained in the Conservation/Coastal Management Element, shall be afforded the highest degree of protection.*

Understood.

Policy 15.1.8: *Where a portion of a wetland is protected through an existing development order, the City shall notify the SFWMD to stringently review any proposed alteration to the remaining wetland area to prevent loss of any of the wetland's*

hydrology, functions and habitat; and, if alterations must be made for exotic removal, etc., such alterations shall not negatively impact the protected wetland.

There is no known existing development order protecting the wetland in the project area.

Policy 15.1.9: Wetland #1 as identified on the map of evaluated wetlands contained in the Future Land Use Map Series and classified as FLUCCS #621, is by far the largest freshwater wetland in the City and should be nominated for public purchase under the 20/20 program or other appropriate program; and,

a. An average 25-foot buffer shall be required around this wetland, and

b. No industrial or commercial land uses shall be allowed adjacent to this wetland except where such uses clearly demonstrate that through the use of Best Environmental Management Practices (BEMP), that such uses will not negatively impact the wetland.

Understood; there is no proposed industrial or commercial land use adjacent to the wetland.

Policy 15.1.10: *Wetlands infested with exotics shall, where feasible, be restored to their historical hydrology, functions, and habitat.*

Understood.

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

There are no performance or locational standards for the uses. The proposed uses are to be sited in a compatible manner with the surrounding community but taking into account the relationship with the adjacent roads and access.

c. The request, including the use of TDR or affordable housing bonus density units, is consistent with the densities, intensities and general uses set forth in the Bonita Plan;

The proposed use of residential dwelling units will be in compliance with the LDC and Comprehensive Plan.

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

The surrounding areas are residential to the south and east. The imperial river is to the west and a mangrove preserve is to the north.

e. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development;

The traffic impact statement (TIS) submitted with this application confirms the proposed uses will not have an adverse impact on capacity.

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

The site is currently developed with single family residential units.

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

Acknowledged.

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

Acknowledged.

Chapter 4-325 Consistency

The CPD/RPD as proposed is in compliance with the General Standards for Planned Developments found in Chapter 4-325.

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

As discussed in the Chapter 4—295 analysis, the project is consistent with the Bonita Springs Comprehensive Plan.

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

Except as approved by deviation, the planned development is designed and will be consistent with applicable City regulations in effect at the time of Development Order approval.

(c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties

and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water. In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian and cyclist activity and community interaction.

The MCP identifies the areas to be developed for residential uses. The MCP also identifies areas of buffers, open space, and water management areas, which minimize impacts to surrounding properties.

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

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

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

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

Project access for the 10 detached units will be via Big Bend Road. The TIS prepared for the RPD concludes that fewer trips are generated from the proposed project for the existing PD. No LOS roadway issues result from the project.

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

The closest Lee Tran stop is located on the corner of Bonita Beach Road and U.S 41.

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

The proposed revisions to the PD will not create hazards to persons or property off-site. The site has previously been issued an ERP through the SFWMD and will be modified to be consistent with the proposed revised plan. Glare, dust and odor will not be issues as the site is less intense than originally approved.

(g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historical or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.

There are no known archeological sites on the property. The site has been previously developed and there are no native vegetation communities remaining on the site.

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

The site has been designed to utilize open spaces for integration of the human environment. The dry detention areas will be designed to provide areas for human and pet use during the dry season.

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

The site has been designed to have no impact on surrounding uses. Building heights, setbacks and placement of open space areas are utilized to reduce any negative impacts.

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

The PD amendment proposes to reduce the number of dwelling units to 10 which is the existing number formally on-site before the flooding from Hurricane Ian. The

proposed units are to be detached single family dwellings in lieu of the previously approved multi-family units.

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

The uses located within the PD have been designed to lessen any impact to neighboring properties by providing units that are detached single family dwellings.

(l) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.

The project is approximately 1.5 acres in size and due to the size it is not possible to create subunits. The site will be arranged so that all residents will have good access to project amenities.

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

Buffers will be provided as identified on the MCP. The master developer intends to develop an integrated community.

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

The perimeter of the PD is protected by the placement of open space areas including buffers and water management areas.

(o) Unless otherwise provided for in this article, minimum parking and loading requirements shall be as set forth in article VI, divisions 25 and 26, of this chapter. Where it can be reasonably anticipated that specified land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces subject to the condition that it be constructed and

maintained so as to prevent erosion of soil. In all cases, however, sufficient parking shall be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.

Parking is intended to be developed at a ratio consistent with that needed for the development per the LDC.

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

No parking agreement is necessary as each unit will have dedicated parking.

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

The Developer will establish architecture and buffers schedules which will insure internal consistency.

27523 Big Bend Road

Section 32, Township 47 South, Range 25 East

Lee County, Florida

Revised 2-9-24

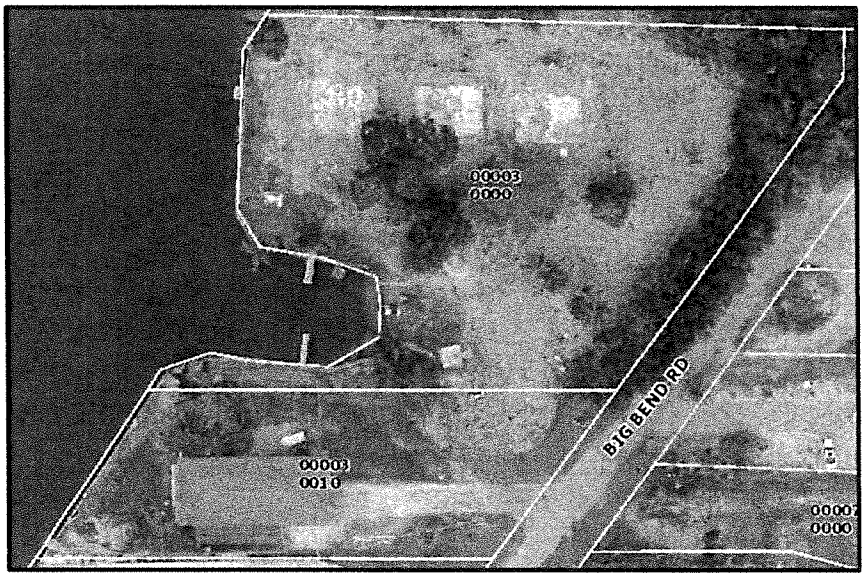


Photo from Lee County Property Appraiser Website

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INTRODUCTION

The project is located on a residential development on the Imperial River within the Estero Bay Aquatic Preserve, Section 32, Township 47 South, Range 25 East, Lee County, Florida. The site is bordered by a vegetated area to the north and a residential property to the south. East of the site is a mangrove swamp, and west of the site is an open waterway of the Imperial River.

SITE CONDITIONS

This site is an open residential area with maintained landscape. This site has two existing finger piers and an existing boat ramp. There is no vegetation around any of these structures. There is a small pocket of red mangrove on the northeast side of the project site, located east of the northern existing finger pier.

VEGETATIVE CLASSIFICATIONS

The predominant vegetative associations were mapped on a 2022, 1"= 60' scale, aerial photograph. Three vegetative associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS) obtained from the Florida Department of Transportation Handbook, January 1999. Table 1 summarizes the acreages by FLUCCS Code. A description of each code is provided.

Table 1. Acreage by FLUCCS Code

FLUCCS CODE	DESCRIPTION	ACREAGE
131	Fixed Single Family Units	1.39
510	Streams and Waterways	0.11
612	Mangrove Swamps	0.02
	Total	1.52

FLUCCS Code 131, Fixed Single Family Units

The site contains six single family dwellings, along with two sheds on the property line. There is an open maintained landscape, with access roads to the dwellings and parking area. The site is composed of landscaped grass with a few coconut palm trees.

FLUCCS Code 510, Streams, and Waterways

This site is on an open waterway of the Imperial River, in the Estero Bay Aquatic Preserve. The width of the river at the project site is approximately 360 feet. The area calculated for this code was based on open water within the property boundary established by Grady Minor.

FLUCCS Code 612, Mangrove Swamps

The northern adjacent property is composed of red and white mangroves (*Rhizophora mangle; Laguncularia racemosa*), Brazilian pepper (*Schinus terebinthifolia*), coin vine (*Dalbergia ecastaphyllum*), mahoe (*Taliparitі tiliaceum*), and air potato (*Dioscorea bulbifera*). West of Big Bend Road along the east property line is an existing drainage ditch. At the very northern extent of the ditch we observed red and white mangroves, an insignificant number of black mangroves (*Avicennia germinans*), coin vine and mahoe. There is a large mahoe tree on the northeast corner of the property line. The area occupied by mangroves within the northeast corner property limits is 0.02 ac.

SURVEY METHOD

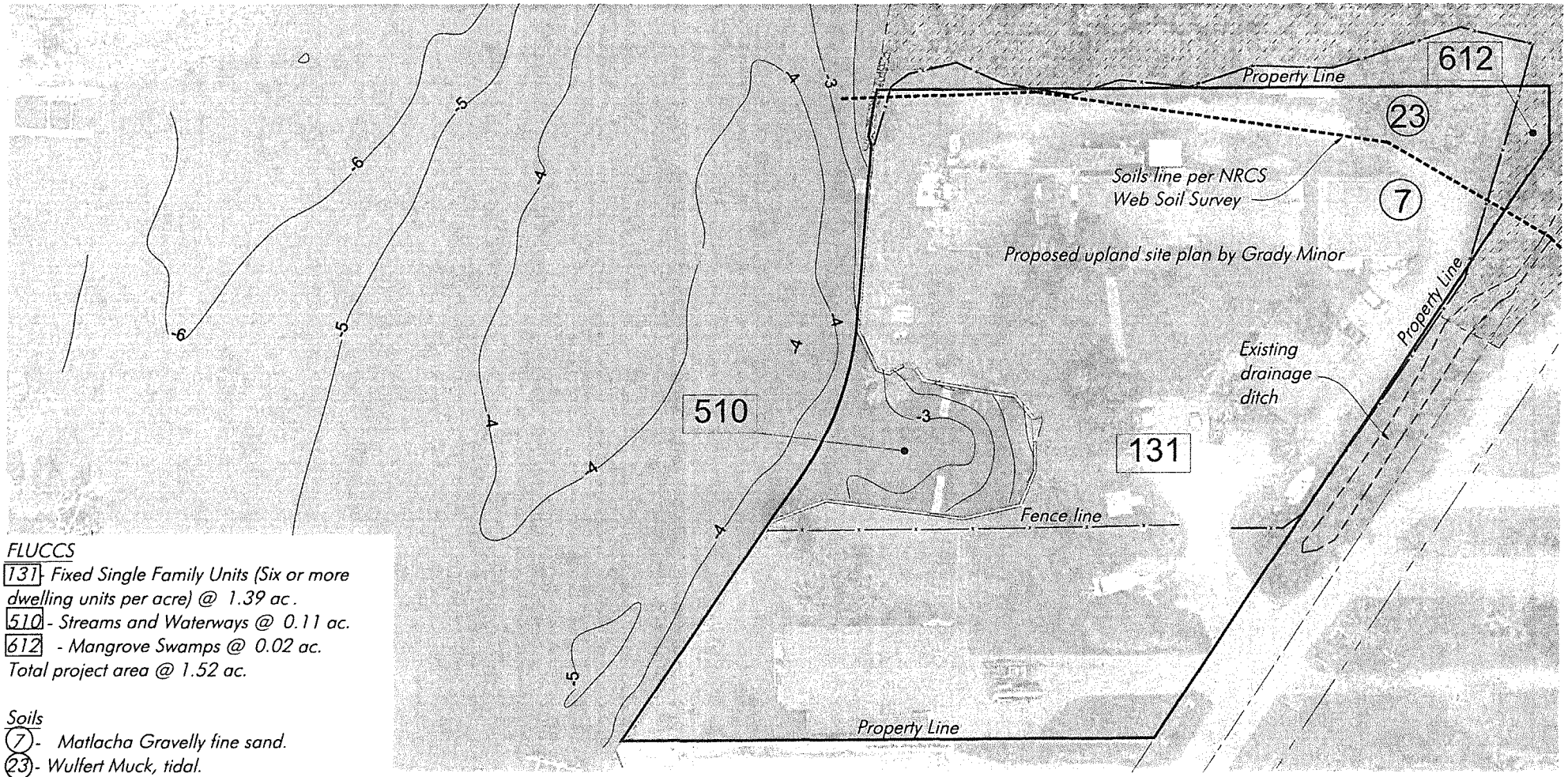
The City of Bonita Springs has adopted the Lee County Protected Species Ordinance No. 89-34, via LDC Section 3-455, which lists protected species of animals that could potentially occur on-site based on the vegetative associations within the project limits. The site was surveyed for the occurrence of any species that may be present using meandering linear pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology. Due to the open unvegetated nature of the site, it was able to be thoroughly walked and observed, and since the site is an open unvegetated landscaped area, there was at least 80 percent visual coverage of habitat types as listed in Ordinance No. 89- 34. In the FLUCCS area code 612, Mangrove Swamps, four transects were placed to determine the species present in the ditch and mangrove swamp habitat. Species that could potentially use this site for foraging are the American alligator (*Alligator mississipiensis*), herons, and egrets (*Egretta spp.*), and limpkins (*Aramus guarauna*). These species may also use an exposed mud flat for foraging during an extreme low tide, as well as wood storks (*Mycteria americana*) and brown pelicans (*Pelecanus occidentalis*). Swimming birds may utilize the waterway, like Anhingas (*Anhinga anhinga*) and Cormorants (*Phalacrocoracidae sp.).* Exotic species that were observed onsite include iguanas (*Ctenosaura spp.).*

Species that may be present in the open waterway of the Imperial River include the American alligator, West Indian Manatee (*Trichechus manatus*), Smalltooth sawfish (*Pristis pectinata*), and various fish including but not limited to Snook (*Centropomus undecimalis*), Red fish (*Sciaenops ocellatus*), Jack crevalle (*Caranx hippos*), Spotted Sea trout (*Cynoscion nebulosus*), Mojarras (*Ulaema spp.*), and Peacock cichlids (*Aulonocara sp.*). The listed species survey was conducted during July and August 2022.

SURVEY RESULTS

No imperiled species listed in the FWS or FWC species database were observed onsite or immediately adjacent to the project for the protected species survey.

SECTION: 32
TOWNSHIP: 47 South
RANGE: 25 East



FLUCCS
131 - Fixed Single Family Units (Six or more dwelling units per acre) @ 1.39 ac.
510 - Streams and Waterways @ 0.11 ac.
612 - Mangrove Swamps @ 0.02 ac.
Total project area @ 1.52 ac.

Soils
(7) - Matlacha Gravelly fine sand.
(23) - Wulfert Muck, tidal.

Detail A - FLUCFCS/Soils

SCALE: 1" = 20' on 24" x 36" paper

FLUCFCS Codes from Florida Dept. of Transportation Handbook, January 1999.

Notes: Bathymetric survey completed by HWA, Inc. on 12-16-21. Depths reference MLW per DEP Tidal Datum Request. MLW El = -0.58' NAVD88.

HWA
Hans Wilson & Associates
1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

Riverbend RPL
Idyll Construction

DATE: 8-25-23 Revised 7.9.24	FILE: RAUD-1	SCALE
DRAFTER: HJMW	DATUM: NAVD	SHEET

Sec. 7-356. - Work in this division will be permitted in accordance with the following regulations.

(a) All structures must be placed so as to provide the least possible impact to aquatic or native shoreline vegetation.

(b) During work that will generate turbidity, turbidity screens must be installed and properly maintained until turbidity levels are reduced to normal (ambient) levels.

Response: The project design will have little impact to aquatic and native shoreline vegetation. No seagrasses were observed in the basin or offshore of the vertical seawall. The design adds habitat to the base of the existing seawall, eliminates a dead end pocket by filling the basin, and includes placement of 31 Pallet Balls for intertidal habitat. The project design includes placement of turbidity curtains during all phases of in-water construction, including turbidity reporting requirements.

Sec. 7-357. - Multi-slip commercial and residential facilities (greater than 4 slips)

(a) The general screening process in the Manatee Protection Plan will be used to identify desirable locations for new marine facilities, as well as to evaluate the redesign and expansion of existing sites. The results of the screening process will also result in a determination of the maximum number of slips that may be approved at a requested location. The screening, design, and location criteria are set forth in chapter 4, the Manatee Protection Plan and Bonita Plan Objective 22.3 and 22.4, with its associated policies.

(b) In order to reduce the pollution from copper bottom paint and bilge water, all new or modified multifamily or commercial docking facilities shall be required to install one boat lift per slip. Slips that contain boats with a gross weight of over 10,000 pounds are not required to have boat lifts and boats are required to be stored on boat lifts when not in use. Slips used to moor boats less than 24 hours are not required to install boat lifts.

(c) Except when a reduced water depth for a public service marina has been approved by variance, there must be a minimum depth of one foot clearance between the deepest draft of a boat (with the engine in the down position) and an unvegetated bottom or the top of submerged aquatic vegetation (e.g., seagrasses) at mean low water, with a minimum water depth of at least four feet within mooring areas, turning basins, and ingress and egress pathways.

(d)Transfer of (boat) slip credits (TSC).

(1) The Manatee Protection Plan provides for the transfer of boat slips when certain requirements are satisfied.

(2) Credits from shorelines with legally existing docks. The Manatee Protection Plan contains provisions that may give credit for the removal of legally existing docks.

(3) Procedural rules for creating transfer watercraft slip credit under the Lee County Manatee Protection Plan. Until such time the city finds it necessary to adopt its own regulations, it will use Lee County regulations to guide credit issuance. The city may also consider transfer of slips outside of its jurisdiction by interlocal agreement with another government.

(e) All multi-slip and marina docking facilities, except boat davits, in or adjacent to natural waterbodies must be set back a minimum of 25 feet from all adjoining side lot lines.

Response: (a) This multi-slip residential facility meets the criteria associated with the Lee County Manatee Protection Plan allowing up to 25 boat slips. Refer to the attached correspondence with Lee County Natural Resources. Residential facilities do not exceed 4 slips per dock. (b) All slips are proposed to include boat lifts. (c) There is a minimum of 4' of depth in the mooring and access areas. (d) There is no transfer of boat slip credits proposed at this time. (e) All docks meet the minimum 25' setbacks from the adjoining lot lines extended as riparian lines consistent with DEP SLER 0950 standards for establishing riparian lines.

Sec. 7-358. - Primary structures single/two family docks, fishing piers, kayak/canoe launch, boat ramps; boardwalks.

(a) *Number of slips.*

(1) No more than one boat mooring dock with two wet slips is permitted per single-family lot, and no more than two boat mooring docks with up to four wet slips is permitted per two-family unit on a single lot. If a parcel abuts both a natural waterbody and an artificial waterbody, one slip may be allowed on each waterbody.

(2) A shared property line dock can be permitted for up to four wet slips with a joint use agreement.

(3) More than two slips may be approved with a special exception in accordance with section 4-131(c).

Response: (a) This is a multi-slip residential marina.

(b) *Length of docks.*

(1) No structure, including mooring area, may be permitted or constructed to exceed 25 percent of the navigable channel width. Boat mooring areas that are waterward of the dock will be deemed ten feet in width.

Response: Proposed finger piers do not exceed 25 percent of the navigable channel width, which includes the boat mooring areas. Refer to Detail B- Proposed Site Plan for additional information.

(2) Docks and their associated watercraft mooring areas in the Estero Bay Aquatic Preserve shall not exceed 20 percent of the waterway width measured from mean high water line to mean high water line.

Response: This project is located on the Imperial River within the Estero Bay Aquatic Preserve. As shown on Detail B – Proposed Site Plan the docks are well within the 25% mark and meet the 20% limit outlined in Chapter 18-20 F.A.C.

(3) No structure addressed by this section shall extend further into a closed waterbody, such as a lake, than where a reasonable water depth for a single boat mooring is achieved, and in no event shall such depth exceed five feet during normal hydrological conditions unless existing natural conditions of the waterbody necessitate a greater water depth to allow safe mooring conditions.

Response: This project is proposed in the open water body of the Imperial River.

(4) The director may permit administrative deviations from the length allowed by this subsection (2) based upon the following criteria:

a.The proposed dock has been approved by all applicable state and federal agencies; and

b.The increased length will not result in a hazard to navigation; and

c.The proposed dock is compatible with docks or other structures and uses on adjoining lots; and, except for closed waterbodies.

d.If the increase in length results in an area over water of 500 square feet or greater, a benthic species survey assessment conducted between June 1 and September 30 shall be provided demonstrating the increase in length will lessen the dock's impacts on seagrass beds or other marine resources.

Response: The multi-slip dock component does not have any proposed deviations from the LDC.

(c) *Design and maximum dimensions.*

(1) Structures permitted by this section must comply with the following maximum dimensional requirements. The application of these regulations is illustrated in Figures 7-1 through 7-3, Dock Structure Plan View.

a. The access walkway to the docking facility, fishing pier, or kayak launch shall not exceed four feet in width and finger piers extending from docking facilities shall not exceed three feet in width.

Response: All docks meet the design criteria in this section.

b. In natural water bodies the terminal platform shall not exceed 160 square feet.

Response: There is no proposed terminal platform.

c. Marginal docks may have a maximum access walkway length of 25 feet to a dock running parallel to the shoreline and immediately adjacent to any existing wetland vegetation.

Response: There are no proposed marginal docks. The proposed access dock is 55 feet in length.

d. Docks and other water-oriented structures permitted by this section may protrude up to ten feet landward of the mean highwater line to provide access to the structure and allowed uses. The landward portion of the structure shall not be higher in elevation than the adjacent land. Docks and other structures permitted in this section may connect to additional accessory structures via stairway or access walkways as long as said structures are in compliance with other Code sections.

Response: The proposed finger piers and access dock is all waterward of the seawall and mean high water line.

(2) Except for a kayak launch that is normally built closer to the water line, only one structure as permitted in this section shall be allowed per lot unless the lot abuts both a natural and artificial waterbody or the lot has a shoreline greater than 150 linear feet. Docks, fishing piers, and kayak launches may be combined and built at the same height so long as state and federal permits can be obtained as applicable.

(3) Dock facilities, fishing piers, kayak launch structures, boardwalks, or any combination thereof with 500 square feet or greater over water shall provide a benthic species survey assessment. If the assessment shows resources will be impacted, adjustment to the site plan or a mitigation plan will be required. An assessment will not be required for closed waterbodies such as lakes.

Response: (2) The multi-slip docks is located on landed owned as a common element of the residents. (3) The total over water coverage (673 sf.) exceeds the 500 sf. limit. Benthic surveys at the site and the surrounding areas have shown no seagrasses to be present.

(4) All wood pilings shall be wrapped from one foot above of the mean highwater line to one foot below the sediment line with PVC so as to reduce the leaching of wood preservation materials.

Response: Proposed wood pilings include plans to be PVC wrapped from 1 foot below the mud line to 1 foot above the mean highwater line. Reference Cross Section A-A.

(5) Plastic or marine-resistant materials shall be used on all docks in the tidal range. Except for pilings in the tidal range, wood should not be used for construction of any dock or related facility.

Response: The docks will be constructed using CCA treated pilings and substructure lumber, treated for salt water exposure. The decking of the proposed docks will be a composite.

(d) *Setbacks.*

(1) All structures in natural waterbodies must be set back from all adjoining side lot and side riparian lines as follows:

a. Marginal docks, boat lifts, and mooring pilings—No less than ten feet.

b. All other boat mooring docks, fishing piers, boardwalks, or combination thereof—No less than 25 feet for lots with a water frontage of 65 feet or more and no less than 15 feet for lots with a water frontage of less than 65 feet.

Response: Proposed structures have a 25-foot setback from riparian lines.

(e) *Location.*

(1) Docking structures in natural or artificial waterbodies that create a hazard to navigation are prohibited.

(2) Boat ramps located in a manner that will result in a change in the mean high-water line are prohibited.

Response: Proposed finger piers and boat lifts do not pose a hazard to navigation as they are less than 25 percent of the navigable waterway. There are no proposed boat ramps.

(3) Docks located at the end or bend of a canal will require a survey sealed by a PSM depicting the riparian area. The dock must be designed to allow for adequate ingress/egress and mooring within the subject property's riparian area.

Response: N/A

(4) A minimum canal width of 40′ is required for docking facilities including boat lifts unless the boat lift is of diagonal style to pull the boat completely over land or davits are used.

Response: N/A

(5) Docking facilities will be placed at the most impacted area of the property as long as the other criteria of this section can be met. If impacts to natural resources such as mangroves cannot be avoided, replacement may be required as described in section 7-362.

Response: This project does not include impacts to mangroves. The applicant will be filling a dead end boat basin and creating intertidal habitat. Refer to Detail B- Proposed Site Plan.

(f) *Minimum water depths.* Boat slips shall project into natural waterbodies no less than necessary:

(1) To reach a minimum depth of minus three feet mean low water; or

(2) So as to maintain, from the lowest point of the keel or propeller, whichever is lower, of the boat to be berthed at the dock, a minimum clearance over any submerged bottom lands or the top of submerged aquatic vegetation or other marine resources (e.g., seagrasses) of one foot as measured at mean low water.

Response: The proposed docks and boat lifts extend to minus four feet mean low water. The lowest component of any of the boats will still retain at least 12" of clearance above the bottom on a mean low tide.

Sec. 7-359. - Seawalls, retaining walls and riprap revetment.

(a) Riprap rock or other similar approved material must be placed waterward along 50 percent of the linear length of a new or replacement seawall where not prohibited by state or federal agencies. This riprap is not required where it would interfere with designated boat tie-up areas. The rock must be placed a minimum of three feet in height above the bottom, waterward of the seawall, or up to the mean high-water line. The rock must be a minimum average size of 12 inches in diameter.

Response: Proposed riprap is to be placed where it would not interfere with boat mooring areas. The riprap will be placed in accordance with this section of the LDC. Refer to Cross Section C-C for details.

(b) *Seawalls on artificial waterbodies*

(1) New seawalls may be permitted in artificial canals except for V flood zones. A new seawall must be installed in line with the existing seawall(s) and new or replacement seawalls may be constructed at no more than a maximum of two feet above the adjacent seawall(s), vertically transitioning at no greater than a 45-degree angle or a return wall is used to sufficiently provide for the break in grade at the property line, as required by the drainage plan per subsection (e) within this section. Replacement seawalls may be installed no greater than one foot waterward of an existing seawall. Until the backfill area is stabilized, silt fence or sod must be placed immediately landward of the seawall cap to minimize erosion into the water.

Response: A retaining wall and fill is proposed in the artificially created boat basin.

(c) *Seawalls on natural waterbodies.*

(1) New or expanded seawalls are not allowed along natural waterbodies, including the Gulf of Mexico, however hardened structures, including, but not limited to, geotextiles tubes, groin, fencing and other similar structures, may be permitted along natural waterbodies, if emergency situations exist.

Response: All retaining wall work is taking place within the artificially created boat basin.

(2) Lawfully existing seawalls along natural waterbodies may be maintained or repaired and may be replaced, built no more than a maximum of two feet above the existing seawall height, vertically transitioning at no greater than a 45-degree angle when adjacent to existing seawalls at a lower height or a return wall is used to sufficiently provide for the break in grade at the property line, as required by the drainage plan per subsection (e) within this section. Replacement seawalls may be placed no greater than one foot waterward of an existing seawall if the seawall will not be waterward of the existing seawall alignment on adjacent shorelines. Until the backfill area is stabilized, silt fence or sod must be placed immediately landward of the seawall cap to minimize erosion into the water. Seawalls must be maintained or replaced with another seawall or different method of shoreline protection.

Response: N/A

(d) *Retaining walls.*

(1) A retaining wall may be built as an alternative to a vertical seawall, provided that all activities, including dredging, filling, slope grading, or equipment access and similar activities and all portions of the wall are located at one of the following distances, whichever is further:

a. Five feet landward of the mean high water line, or

b. Landward of any wetland vegetation, or

c. Landward of a wetland area adjacent to surface water as depicted in the image below.

Response: N/A

(e) Seawalls, retaining walls, and riprap revetments shall be designed and installed to prevent erosion adjacent to the ends of the wall and to fully contain added fill so as to have no adverse impact to adjacent properties. Any addition, or removal, of material used to alter the elevation of the property, as measured from the top of the bank (TOB) landward, will be required to meet the drainage requirements as outlined in LDC section 4-2224.

Response: The proposed retaining wall is designed to contain fill at an elevation consistent with the existing seawalls. Refer to Cross Section B-B.

(f) *Drainage systems.* French drains or other drainage systems that divert water from going over the retaining wall and/or seawall are required on all new or replacement seawalls and retaining walls and must be approved by the city. See example in Figure 7-5. The drainage system must run the entire length of the seawall or retaining wall.

Response: The upland site is part of a multi-family development and will include a stormwater management system that diverts all surface run-off to interior treatment areas before discharge to waters of the state. The new retaining wall will include a French drain treatment.

(g) *Riprap revetment.*

(1) Riprap must be located and placed so as not to damage or interfere with the growth of wetland vegetation.

Response: The proposed riprap is located 75 feet away from wetland vegetation to the north and 20 feet away to the south. This will not damage or interfere with the growth of wetland vegetation.

(2) Material used for riprap should be sized properly for intended use, be a minimum average of 12 inches in diameter, and installed at a 45-degree angle or less on top of filter fabric or equivalent material to prevent erosion of subgrade. Riprap must be clean and free of debris deemed harmful to the environment and public safety. Riprap shall not be cemented together.

Response: The material used for riprap will vary in diameter from 36" at the toe to nothing less than 12" diameter, evenly distributed in rock sizes.

From: Haynes, Lesli
To: Jack Archambault
Cc: "Hans Wilson"
Subject: RE: [EXTERNAL] Raud1 SlipCountRatio 2-15-22
Date: Monday, February 21, 2022 12:28:20 PM
Attachments: image002.jpg
image001.png
image007.png
image004.jpg
BB Sunset Properties LLC.xlsx

Mr. Archambault,

Good afternoon. As requested, we've reviewed the below listed properties for consistency with the Lee County Manatee Protection Plan (MPP). Based on current conditions and data, the project ranks out as follows. The full score sheet is attached for reference.

2/18/2022

Facility	Corps reach	Shore ft	existing "slips"	ratio	rounded	Slips per 100'	max slip	expansion
BB Sunset Properties LLC	30	445	not provided	4.45	5	5	25	
				0	0			
2 parcels								

In accordance with Section 8.4 of the MPP, the project qualifies as**Conditional**. This property can construct a total of 25 slips and remain compliant with the MPP. This number is the total number of allowed slips and existing slips should be subtracted from any new construction. Please note that assumptions have been made about the depth and presence of submerged aquatic vegetation that may need to be specifically addressed by the applicant.**Mitigation measures** for new slips at this property include but are not limited to: 1. Standard manatee construction conditions; 2. Manatee education activities as required per section 8.4.5; and 3. Funding for enhanced marine law enforcement per section 8.4.5. Note that the MPP determination does not alleviate the need to comply with zoning and all other applicable local, state and federal regulations, some or all of which may be more restrictive. Please feel free to contact me with any questions.

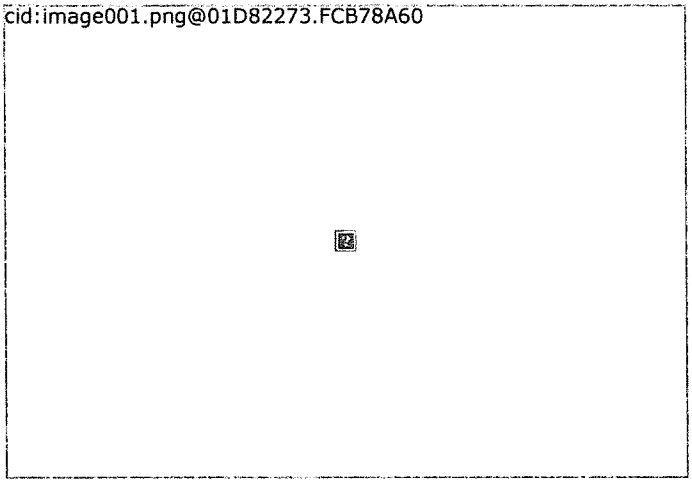
Thank you,
Lesli

Lesli Haynes | Marine Environmental Specialist
Natural Resources Division
1500 Monroe Street, 3rd Floor
Fort Myers, FL 33901
office: (239) 533-8566
email:lhaynes@leegov.com
website: www.leegov.com

From: Jack Archambault <jack@hanswilson.com>
Sent: Tuesday, February 15, 2022 1:58 PM
To: Haynes, Lesli <LHaynes@leegov.com>
Cc: 'Hans Wilson' <hans@hanswilson.com>
Subject: [EXTERNAL] Raud1 SlipCountRatio 2-15-22

Good afternoon Lesli,

Requesting a slip count ratio for 27523 Big Bend Rd based off the Lee County Manatee Protection Plan. The property is being constructed into a multi-slip facility. Referring to the Layouts attached, the 1974 and 2021 aerials showing comparisons of the shorelines. It appears the seawall and basin were existing before 1989 and therefore applies to the definition of a linear shoreline and can be included in the shoreline count. The shoreline was calculated using a 1974 aerial of Lee County. Refer to "Raud1OverallAerial19742-15-22.pdf" (attached). The shoreline's limits were extended from the property boundaries that were surveyed by Grady Minor & Associates. The shoreline, according to the 1974 aerial and the Grady Minor surveyed property lines, is about 445 linear feet. Refer to "Raud1ShorelineCompare2-15-22.pdf" (attached).



Best Regards,

Jack W. Archambault, EI
O: 239-334-6870
C: 239-464-7307
F: 239-334-7810
www.hanswilson.com

KNOWLEDGE QUALITY SERVICE

Receive updates from Lee County Government bysubscribing to our newsletter

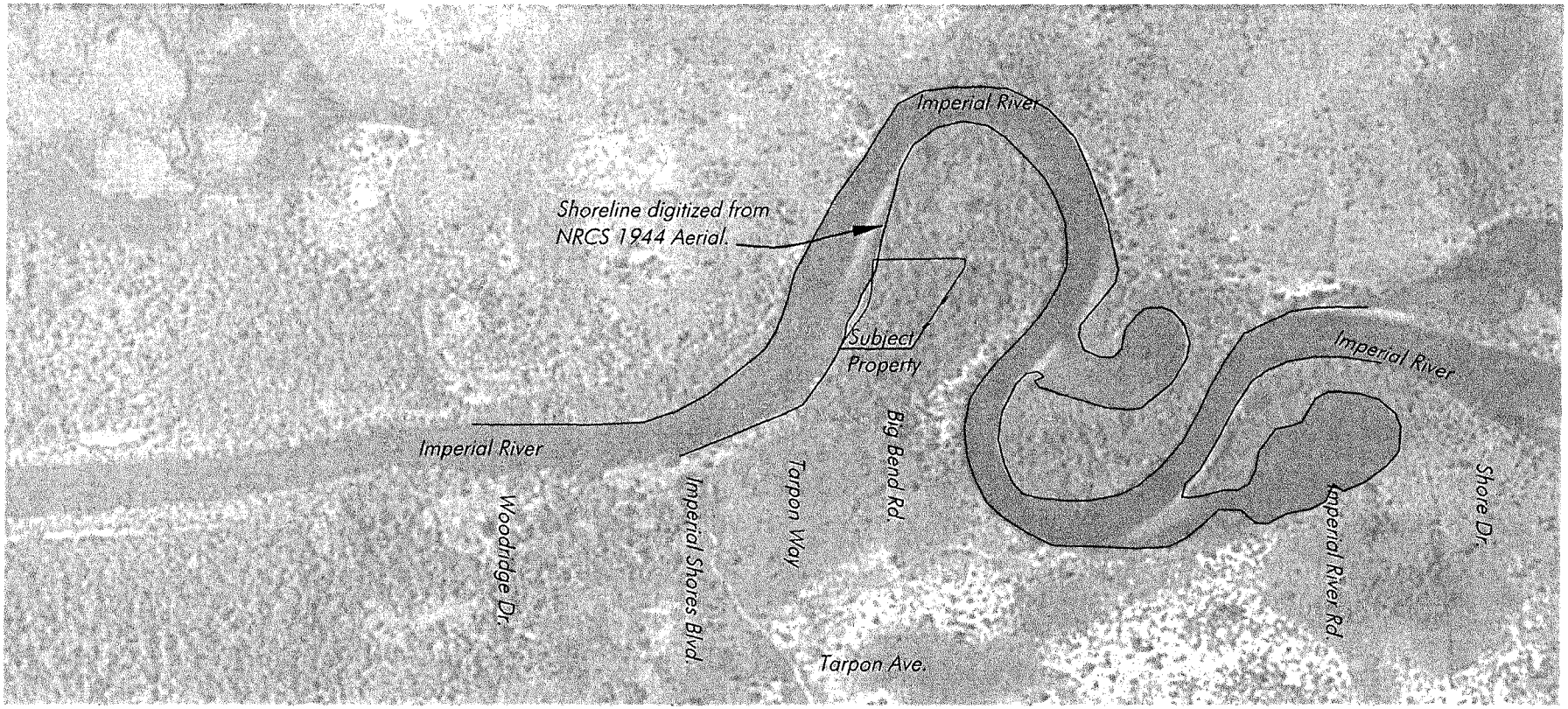
Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

SECTION: 32
TOWNSHIP: 47 South
RANGE: 25 East

NRCS Aerial 1944

0 250 500
SCALE FEET



Overall Aerial - 1944

SCALE: 1" = 500'

DISCUSSION PLANS, NOT FOR CONSTRUCTION

February 14, 2024 5:02:07 p.m.
Drawing: RAUD1MASTER.DWG

HWA Hans Wilson & Associates
1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-14-24

JWA

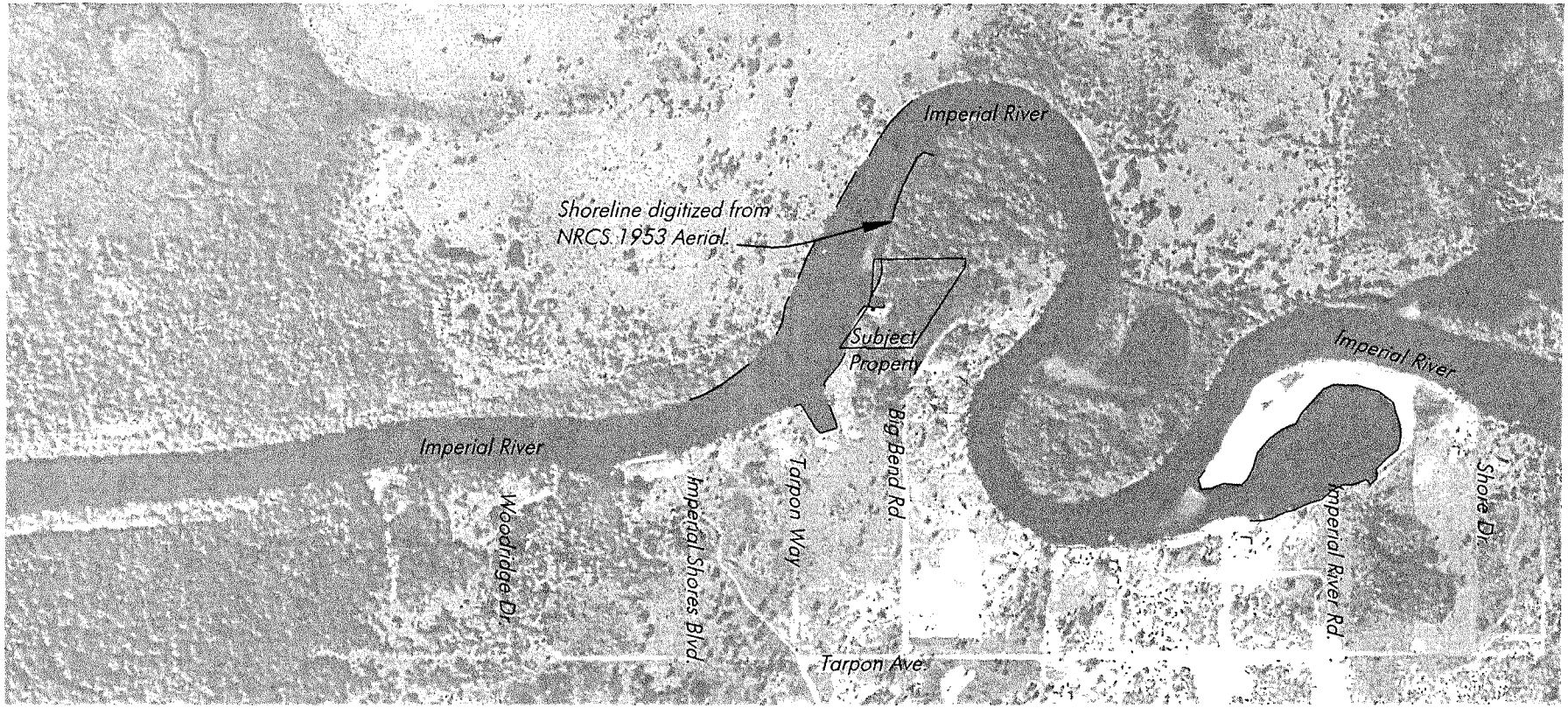
Idyll Construction, Inc.

SHEET

SECTION: 32
TOWNSHIP: 47 South
RANGE: 25 East

NRCS Aerial 1953

0 250 500
SCALE FEET



Overall Aerial - 1953

SCALE: 1" = 500'

DISCUSSION PLANS, NOT FOR CONSTRUCTION

February 14, 2024 5:02:07 p.m.
Drawing: RAUD1MASTER.DWG

HWA Hans Wilson & Associates
1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

10-18-22

JWA

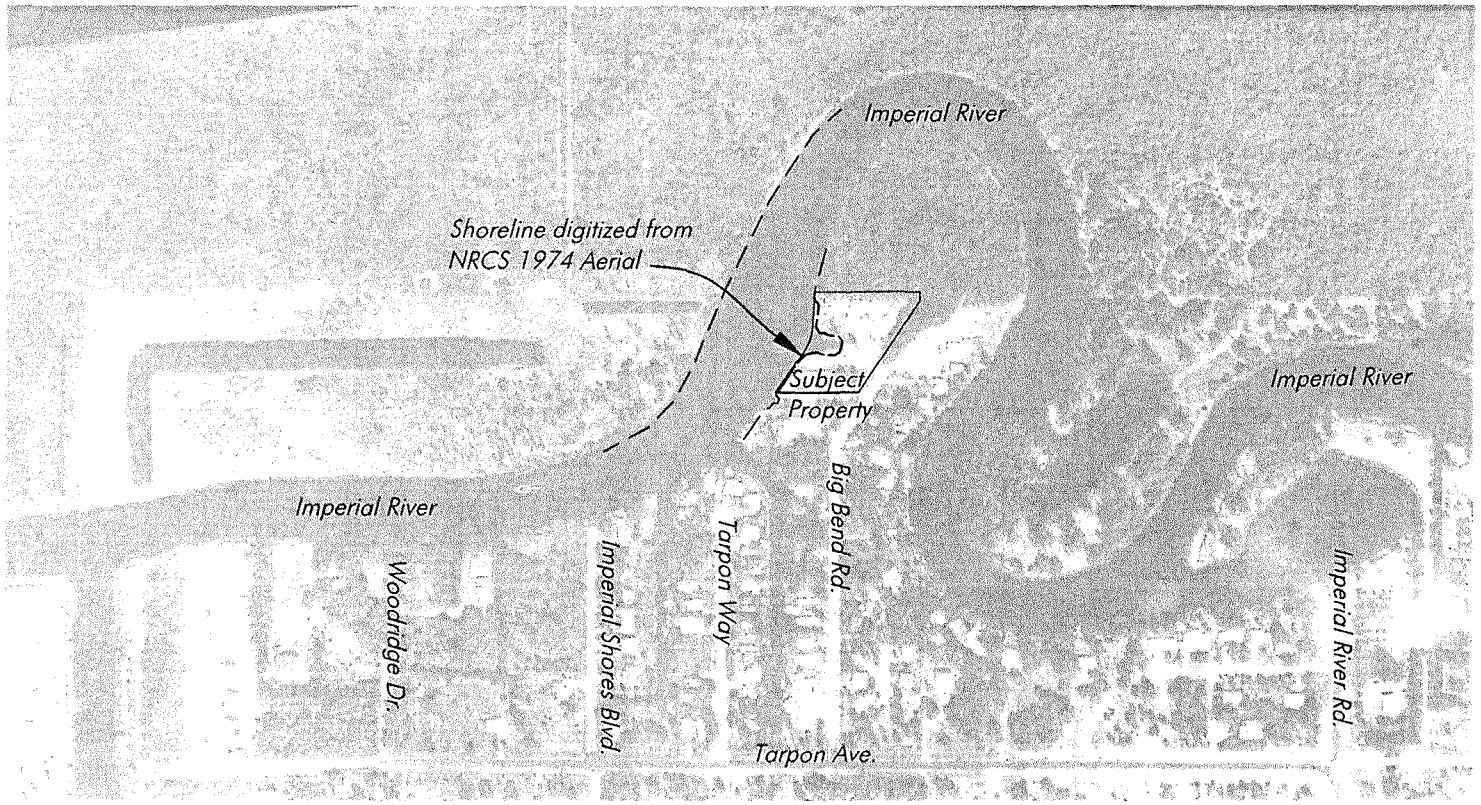
Idyll Construction, Inc.

SHEET

SECTION: 32
TOWNSHIP: 47 South
RANGE: 25 East

Lee County Aerial 1974

0 250 500
SCALE FEET



Overall Aerial - 1974

SCALE: 1" = 500'

Note: Property lines surveyed by Grady Minor & Associates.

DISCUSSION PLANS, NOT FOR CONSTRUCTION

February 14, 2024 5:02:07 p.m.
Drawing: RAUD1MASTER.DWG

HWA Hans Wilson & Associates
1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-14-24

JWA

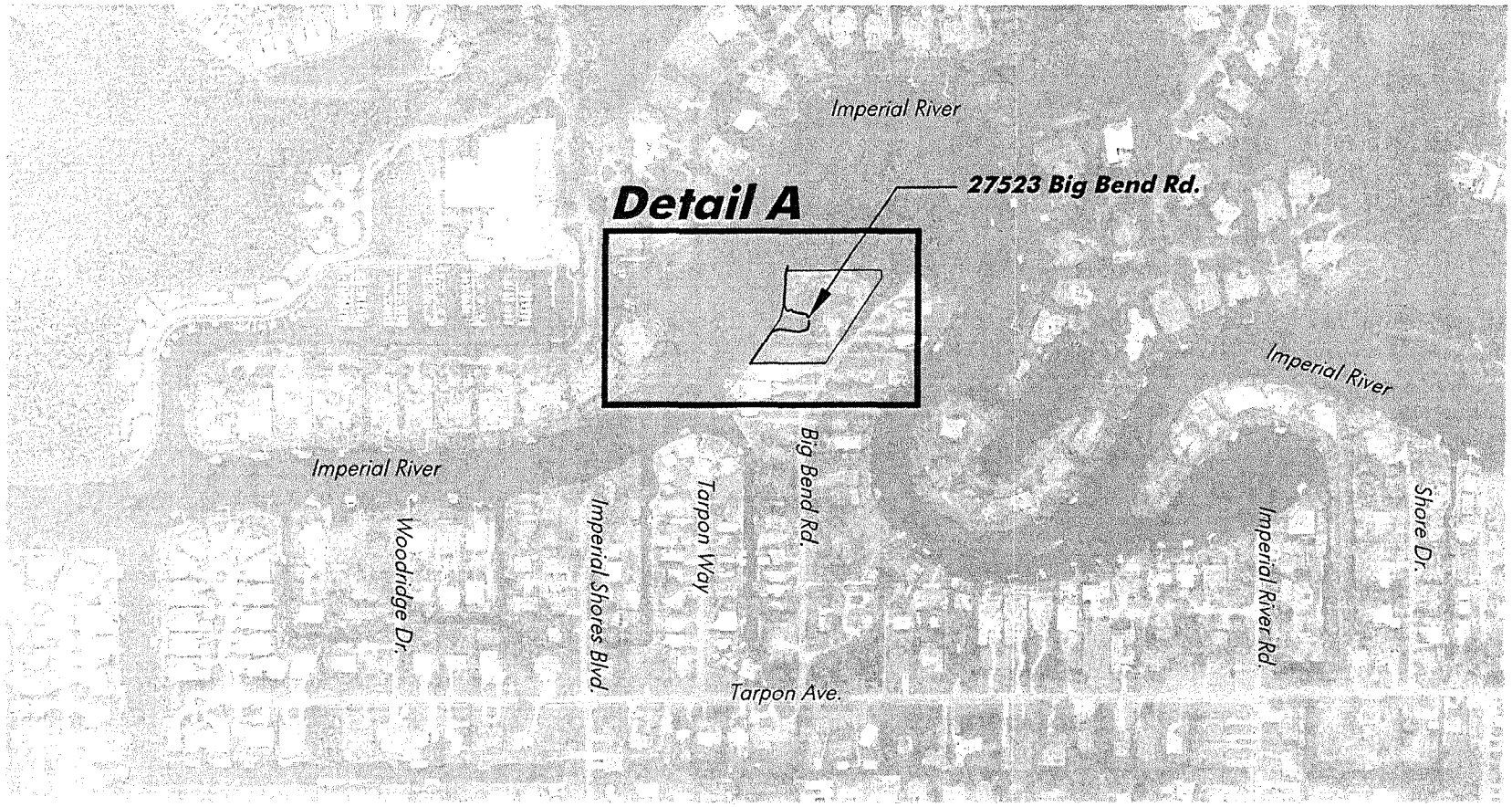
Idyll Construction, Inc.

SHEET

SECTION: 32
TOWNSHIP: 47 South
RANGE: 25 East

Lee County Aerial 2021

0 250 500
SCALE FEET



Overall Aerial

SCALE: 1" = 500'

DISCUSSION PLANS, NOT FOR CONSTRUCTION

February 14, 2024 5:02:07 p.m.
Drawing: RAUD1MASTER.DWG

HWA Hans Wilson & Associates
1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-14-24

JWA

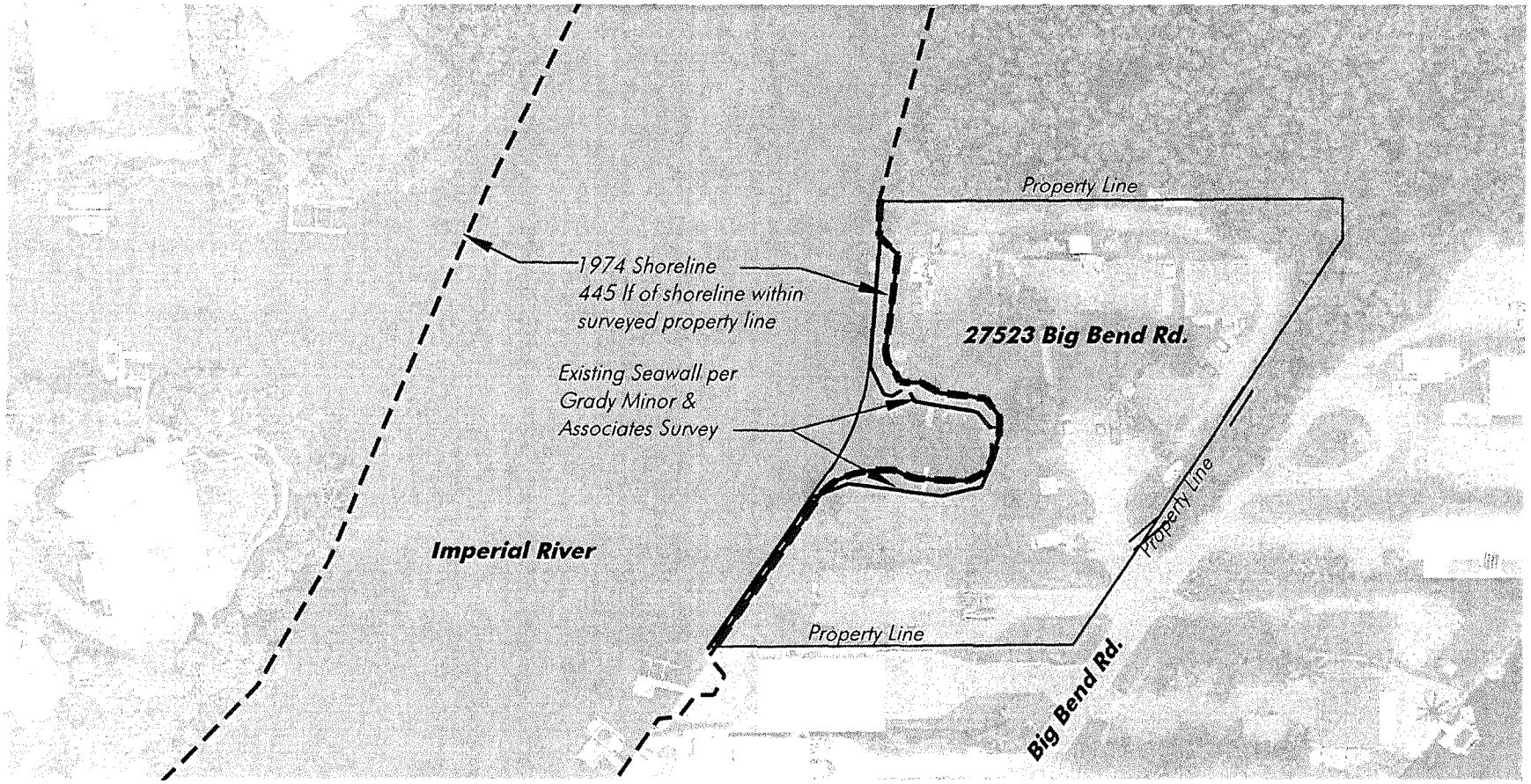
Idyll Construction, Inc.

SHEET

SECTION: 32
TOWNSHIP: 47 South
RANGE: 25 East

Lee County Aerial 2021

0 50 100
SCALE FEET



Detail A - Shoreline Comparison

SCALE: 1" = 100'

Note: Property lines surveyed by Grady Minor & Associates.

DISCUSSION PLANS, NOT FOR CONSTRUCTION

February 14, 2024 5:02:07 p.m.
Drawing: RAUD1MASTER.DWG

HWA Hans Wilson & Associates
1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-14-24

JWA

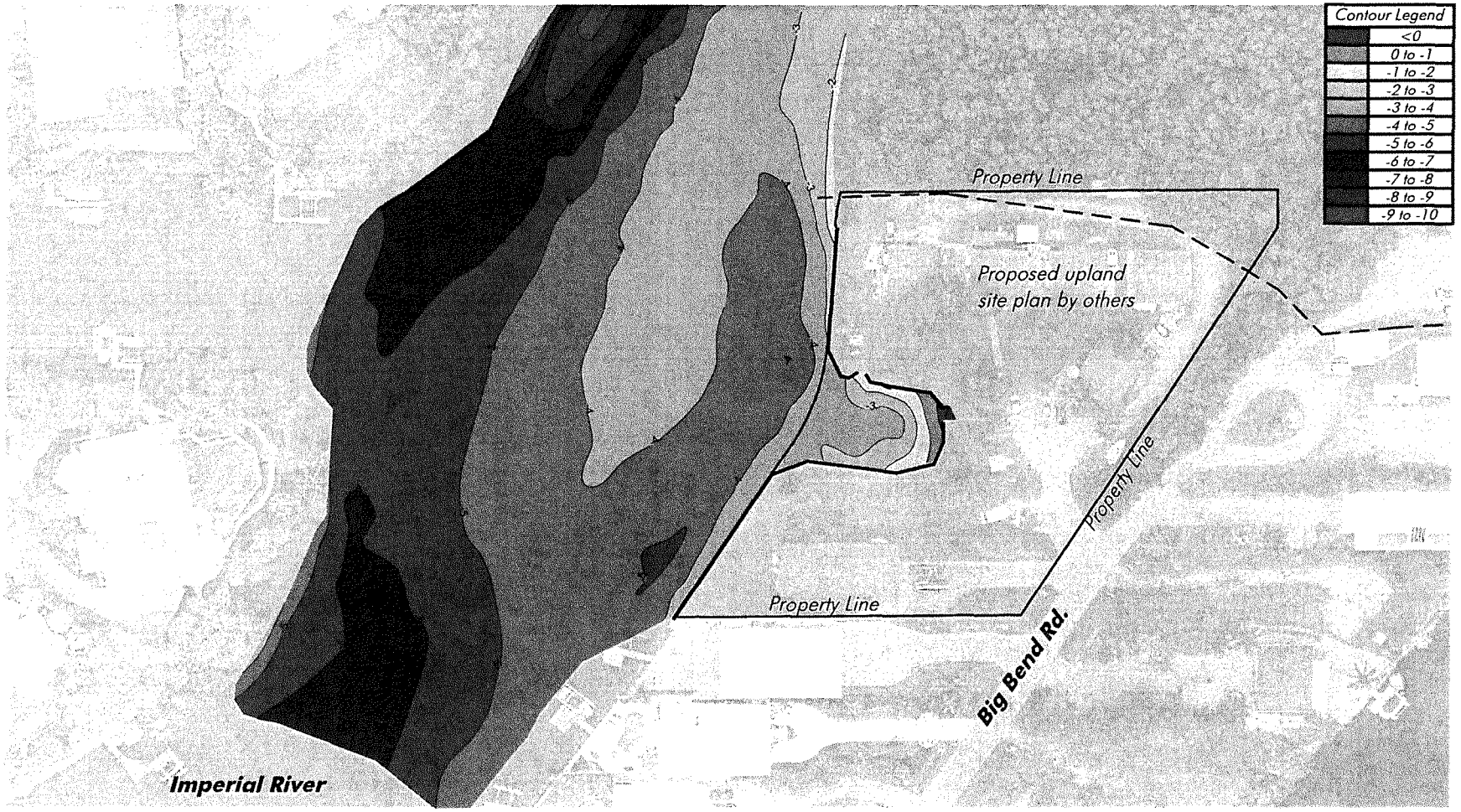
Idyll Construction, Inc.

SHEET

SECTION: 32
TOWNSHIP: 47 South
RANGE: 25 East

Lee County Aerial 2021

0 50 100
SCALE FEET



Notes: Bathymetric survey completed by HWA, Inc. on 12-16-21. Depths reference MLW per DEP Tidal Datum Request. MLW El = -0.58' NAVD88.

Detail A - Bathymetric Survey

SCALE: 1" = 100'

DISCUSSION PLANS, NOT FOR CONSTRUCTION

February 14, 2024 5:02:07 p.m.
Drawing: RAUD1MASTER.DWG

HWA Hans Wilson & Associates
1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-14-24

JWA

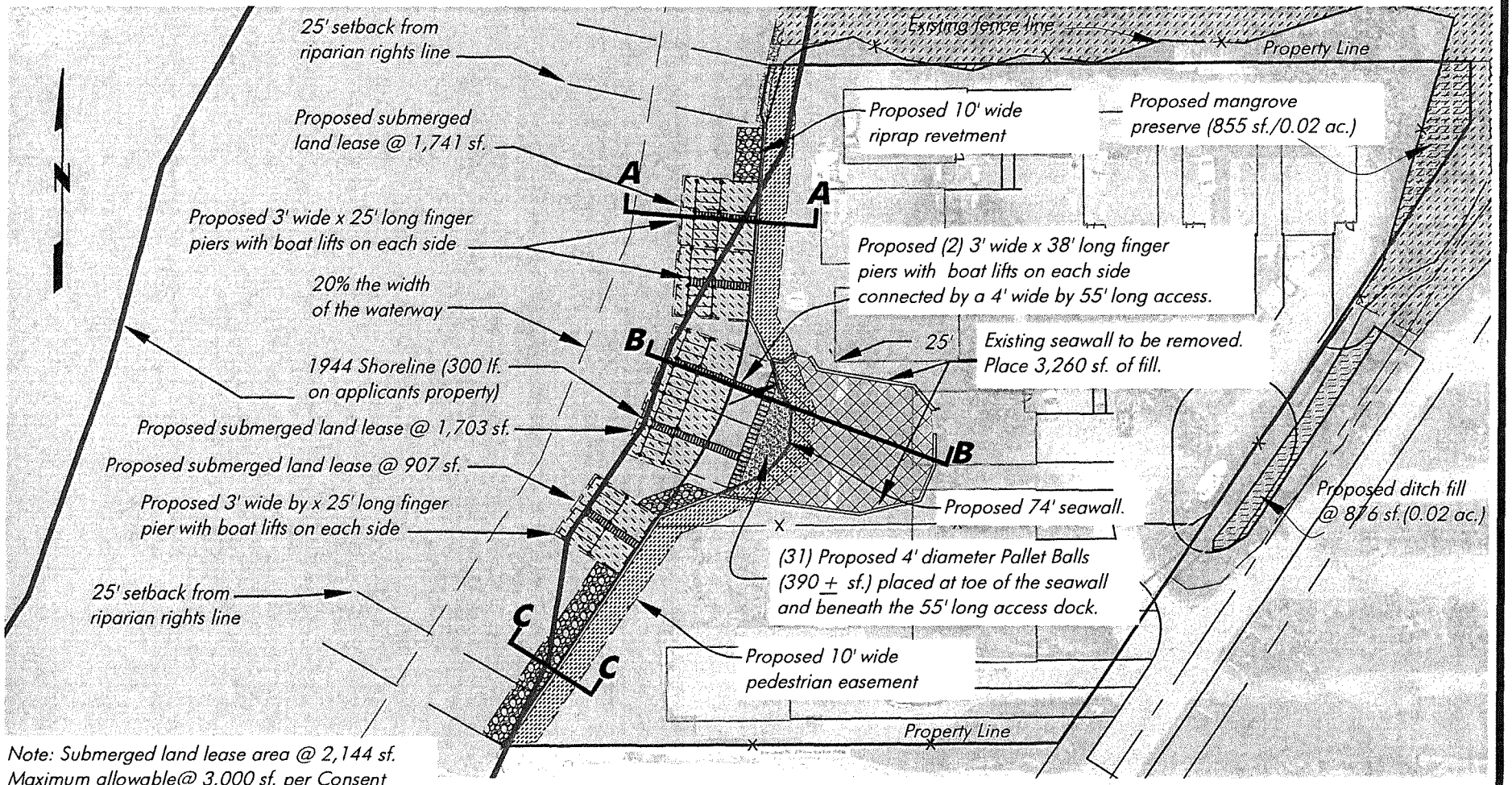
Idyll Construction, Inc.

SHEET

SECTION: 32
TOWNSHIP: 47 South
RANGE: 25 East

Lee County Aerial 2021

0' 30' 60'
SCALE FEET



Note: Submerged land lease area @ 2,144 sf. Maximum allowable@ 3,000 sf. per Consent to Use (Chap. 18-21 F.A.C.)

Detail B - Proposed Site Plan

SCALE: 1" = 60'

Notes: Bathymetric survey completed by HWA, Inc. on 12-16-21. Depths reference MLW per DEP Tidal Datum Request. MLW El = -0.58' NAVD88.

DISCUSSION PLANS, NOT FOR CONSTRUCTION

Proposed upland site plan by Grady Minor.

February 14, 2024 5:02:07 p.m.
Drawing: RAUD1MASTER.DWG

HWA Hans Wilson & Associates
1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

2-14-23

HJMW

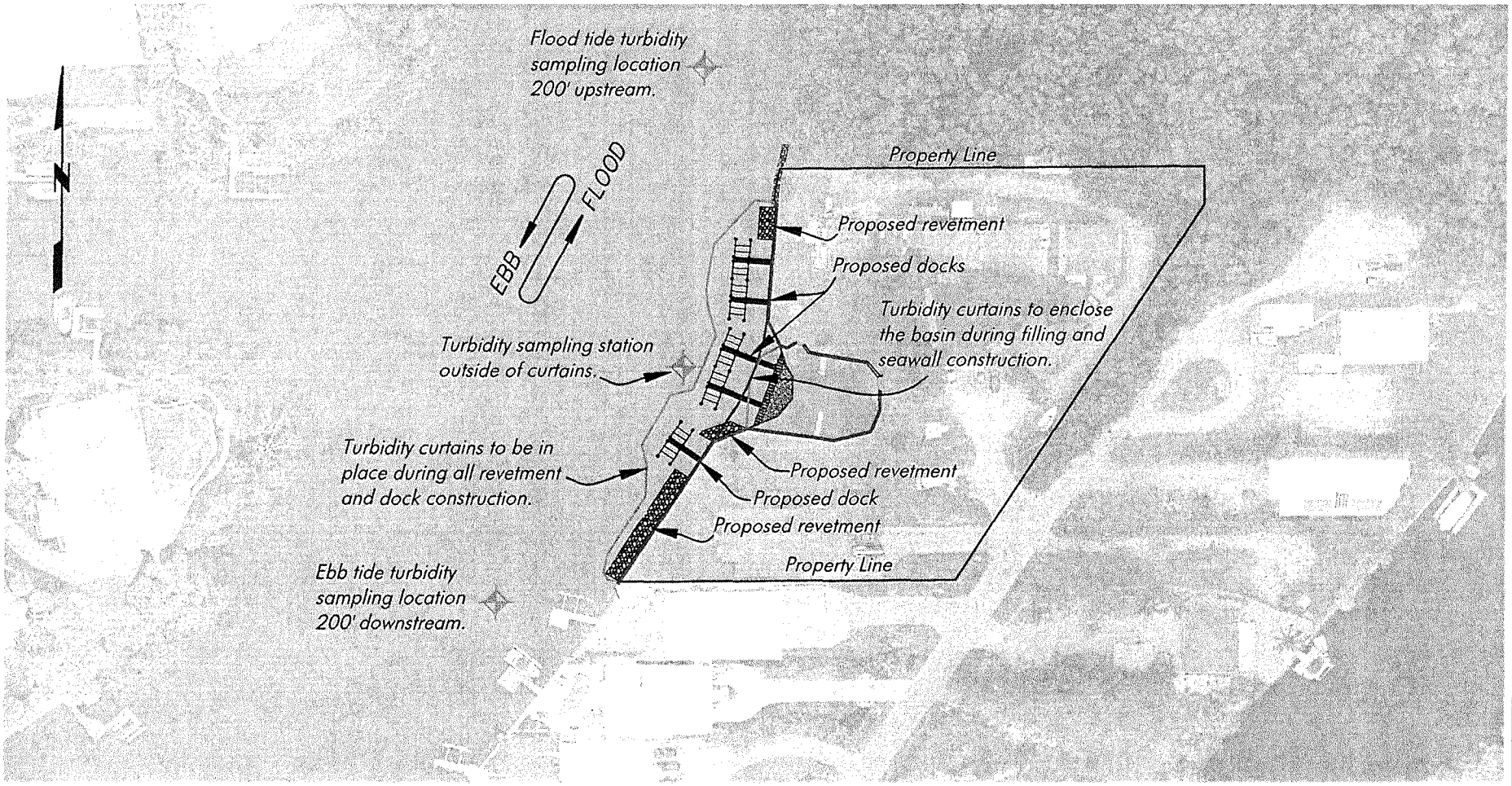
Idyll Construction, Inc.

SHEET

SECTION: 32
TOWNSHIP: 47 South
RANGE: 25 East

Lee County Aerial 2021

0' 50' 100'
SCALE FEET



Detail B - Proposed Turbidity Mgmt

SCALE: 1" = 100'

Notes: Bathymetric survey completed by HWA, Inc. on 12-16-21. Depths reference MLW per DEP Tidal Datum Request. MLW El = -0.58' NAVD88.

DISCUSSION PLANS, NOT FOR CONSTRUCTION

February 14, 2024 5:02:07 p.m.
Drawing: RAUD1MASTER.DWG

HWA Hans Wilson & Associates
1938 Hill Avenue, Fort Myers, Florida 33901
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MARINE and ENVIRONMENTAL CONSULTANTS

2-14-24

HJMW

Idyll Construction, Inc.

SHEET

Sharon Umpenhour

From: Vovsi, Eman M. <Eman.Vovsi@DOS.MyFlorida.com>
Sent: Tuesday, August 15, 2023 12:01 PM
To: Sharon Umpenhour
Subject: RE: BBSPDO | Historical/Archaeological Search
Attachments: Template_102.pdf

Completed; no cultural resources detected

From: Sharon Umpenhour <SUmpenhour@gradyminor.com>
Sent: Tuesday, August 15, 2023 8:55 AM
To: FMSFILE <FMSFILE@dos.myflorida.com>
Subject: BBSPDO | Historical/Archaeological Search

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Good morning,
I would like to request an historical/archaeological search for Section 32, Township 47 East, Range 25 South, more particularly a 1.5+/- acre parcel located on the north end of Big Bend Road in the City of Bonita Springs, Florida.

Property address is 27495-511 and 27523 Big Bend Road, Bonita Springs, FL.

Attached are Location Maps for reference.

Regards,

Sharon Umpenhour
Senior Planning Technician

GradyMinor

Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL 34134
239.947.1144
Teams Chat: SUmpenhour@gradyminor.com
Home | GradyMinor | Southwest Florida Civil Engineers

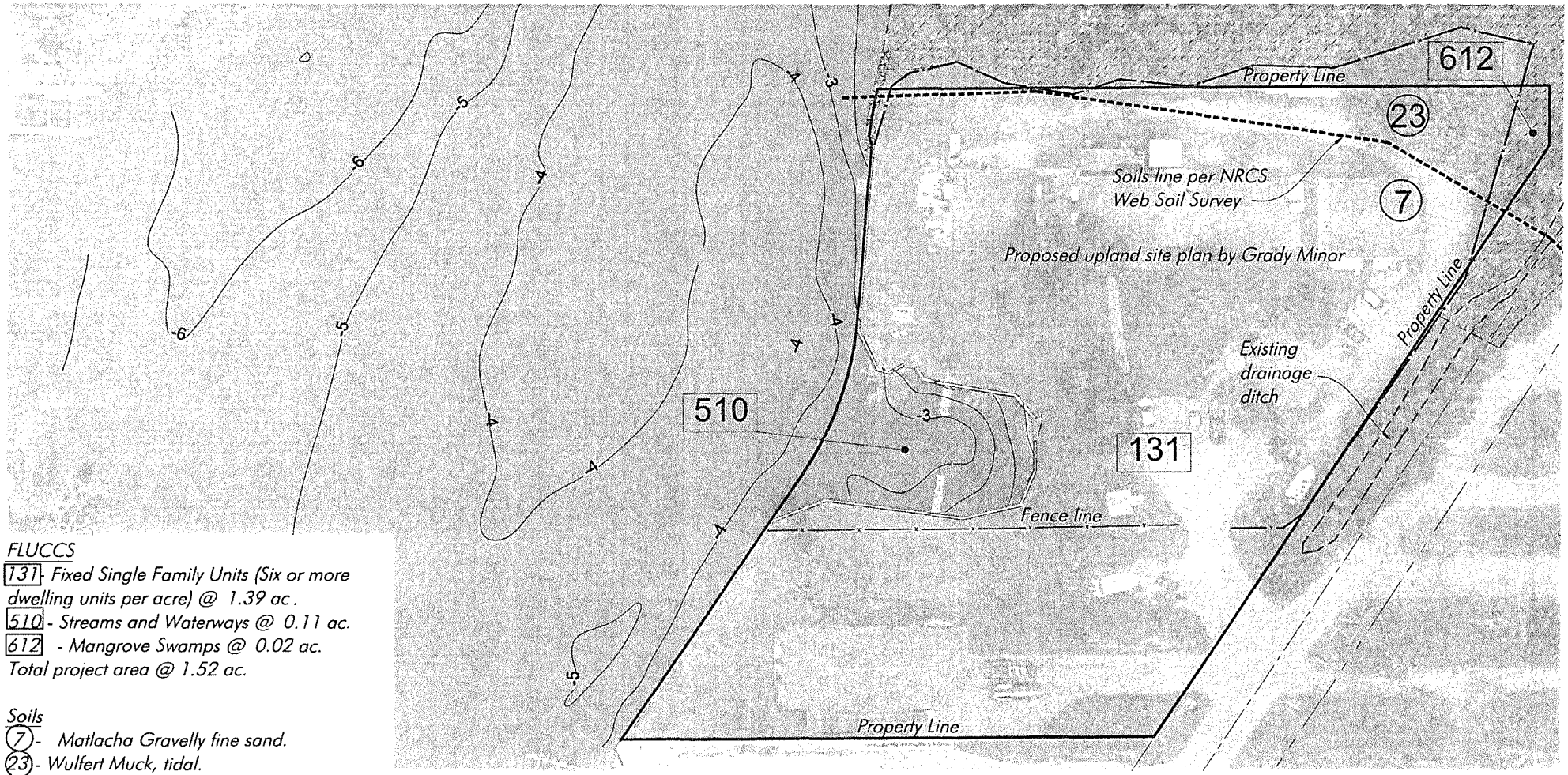
Please consider the environment before printing this email

DISCLAIMER: This communication from Q. Grady Minor & Associates, P.A., along with any attachments or electronic data is intended only for the addressee(s) named above and may contain information that is confidential, legally privileged or otherwise exempt from disclosure. The recipient agrees and accepts the following conditions: The electronic file/data is for informational purposes only and is

the responsibility of the recipient to reconcile this electronic file/data with the approved and certified "plan of record" along with actual project site conditions. Q. Grady Minor & Associates, P.A. reserves the right to revise, update and improve its electronically stored data without notice and assumes no responsibility due to a virus or damages caused by receiving this email.


LL00729
LL00712
LL00711
LL00710
LL00709
Source: Esri, Maxar, Earthstar Geographics, and the

SECTION: 32
TOWNSHIP: 47 South
RANGE: 25 East



FLUCCS
131- Fixed Single Family Units (Six or more dwelling units per acre) @ 1.39 ac.
510 - Streams and Waterways @ 0.11 ac.
612 - Mangrove Swamps @ 0.02 ac.
Total project area @ 1.52 ac.

Soils
(7) - Matlacha Gravelly fine sand.
(23) - Wulfert Muck, tidal.

Detail A - FLUCFCS/Soils

SCALE: 1" = 20' on 24" x 36" paper

FLUCFCS Codes from Florida Dept. of Transportation Handbook, January 1999.

Notes: Bathymetric survey completed by HWA, Inc. on 12-16-21. Depths reference MLW per DEP Tidal Datum Request. MLW El = -0.58' NAVD88.

HWA
Hans Wilson & Associates
1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

Riverbend RPD
Idyll Construction

DATE: 8-25-23
Revised 2-9-24
FILE: RAUD-1
SCALE
DRAFTER: HWW
DATUM: NAVD
SHEET

1. Deviation 1 seeks relief from LDC Section 3-418 (d)(6) requires if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet. Where residences will be constructed between the road, drive, or parking area and the existing residential subdivision or lots, the wall or wall and berm combination are not required. Uses or activities that generate noise, dust, odor, heat, glare, or other similar impacts, must provide a type C or F buffer unless it can be shown the proposed development will not have a significantly adverse impact on adjacent property to instead allow a 10' wide buffer with 8' high wall and landscaped between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet.

   Justification:
   The proposed development will "appear" to be single family residence but will "function" as multi-family without lot lines and associated HOA docs. The appearance of the development will be consistent with the abutting residential neighborhood. Furthermore, each home will have a driveway or shared driveway that connects directly to Big Bend Road. The driveways don't function like a traditional roadway.

2. Deviation 2 is approved, subject to **Condition 9**, granting relief from Land Development Code ~~§34-934~~Section 4-740, use regulations table, requiring that model units be approved with an Administrative Action, to allow Model Units to be approved as a permitted use with the RPD rezoning. **(Previously approved by ZO-10-02)**

3. Deviation 3 seeks relief from LDC Section 3-417 (b)(6), Indigenous native vegetation. Setbacks, which requires a minimum 30-foot setback from all preserve (wildland) areas is required for buildings and accessory structures for the purposes of fire protection. Buildings and accessory structures located closer than 30 feet from a preserve (wildland) area shall require special mitigation measures as determined by the Bonita Springs Fire Control and Rescue District, in accordance with the National Fire Protection Association ("NFPA"), Standard 1144, "Standard for Protection of Life and Property from Wildfire." To instead allow structures to be located 10 feet from an off-site preserve and to provide a wildland mitigation plan with the development order.

   Justification:
   The off-site preserve is a mangrove preserve. The area north of the RPD is adjacent to the Imperial River and the risk from wildfire is non-existent. The risk of fire in this location is de minimis. The Bonita Springs Fire and Rescue District has approved the deviation, subject to submission of a Wildland Fire Mitigation Plan. There is a proposed 10-foot-wide pedestrian easement that allows structures to be located 10 feet from the on-site preserve, subject to submission of a Wildland Fire Mitigation Plan Reference Detail B- Proposed Site Plan.

4. Deviation 4 seeks from relief LDC Section 3-418 (d)(3), buffering requirements, which requires a 15 foot wide type 'D' buffer to instead allow a modified landscape buffer with an average of 1 tree per ROW abutting residential unit, planting within the ROW abutting dry detention area (cypress trees or similar), and no buffer required when abutting mangroves".

   Justification:
   In an attempt to have a unified appearance with the existing residential community, the proposed development is looking to have similar landscaping as the existing abutting residential homes, with open view corridors, limited shrubs or bushes, and front yard canopy trees.

5. Deviation 5 seeks relief from LDC Section 3-417(b)(1)a, Indigenous native vegetation, which requires a minimum setback of 30 feet is required from any habitable structure to instead allow for a minimum setback of 10 feet from the .02 acre mangrove preserve.

   Justification:
   The reduced setback is applicable for a single structure and the 10-foot dimension is for the closest portion of the home to the preserve. The .02-acre preserve is immediately adjacent to Big Bend Road and has been impacted by the road construction. The Bonita Springs Fire and Rescue District has approved the deviation from a preserve setback, and we will provide a Wildland Fire Mitigation Plan with the Development Order.

6. Deviation 6 seeks relief from LDC Section 4-741(b)(1)b, Minimum setbacks of structures and buildings from development perimeter boundaries, which requires all buildings and structures must be set back from the development perimeter a distance equal to the greater of:

   Fifteen feet, if the subject property is, or will be zoned RPD, MHPD, CFPD, or CPD.

   To instead allow buildings #1, #7 and #10 to have a ten-foot setback from the perimeter of the RPD boundary as shown on the MCP.

   Justification:
   The proposed setback reduction to 10 feet only applies to buildings #1, #7 and #10. Building #1 is adjacent to a mangrove preserve and the applicant has requested a deviation from the 30-foot setback from a preserve. The setback is supported by the Bonita Springs Fire and Rescue District with submission of a wildland mitigation plan with the D.O. For building #10 the reduction in perimeter setback is only applicable to the southeast corner of the proposed structure, which can actually be a minimum of 11 feet from the RPD boundary. the balance of the structure will comply with the 15-foot setback requirement. The slight reduction in setback will allow the internal drive to have appropriate turning radii for emergency vehicles and to provide for appropriate building separation.

DIVISION 2. APPLICATION AND PROCEDURE FOR APPROVAL

Sec. 4-293. Generally.

All applications for planned development zoning or master concept plan approval must follow the requirements detailed in sections 4-193 through 4-195 and the requirements set out in this division.

(Ord. No. 11-02, § 3(4-371), 1-19-2011)

Sec. 4-294. Preapplication conference.

The applicant may initiate the planned development process by requesting an optional preapplication conference with the department staff. In this request, the applicant shall provide a description of the property in question, the location of the property, the existing use, special features and the use proposed. Through this meeting, the applicant may avail himself of staff in order to be oriented to the planned development process, to determine what application materials are required (if a minor planned development), and to be advised of the impacts of the Bonita Plan, surrounding development and zoning, and other public policy on the development proposal.

(Ord. No. 11-02, § 3(4-372), 1-19-2011)

Sec. 4-295. Application.

(a) *Minimum required information for all planned development zoning applications.* Rezoning applications for planned developments must include the following information, supplemented, where necessary, with written material, maps, plans, or diagrams. Wherever this section calls for the exact or specific location of anything on a map or plan, the location must be indicated by dimensions from an acceptable reference point, survey marker or monument.

(1) *General application.* A general application for public hearing in accordance with the requirements set forth in sections 4-193, through 4-195. Two or more planned development categories may be combined in one application under the following circumstances:

a. The subject property is divided into development areas, each of which corresponds to a different planned development category; and

b. Each development area is identified by a separate legal description and boundary sketch.

(2) *Filing fee.* The filing fee in accordance with the duly adopted fee schedule. (See section 4-31.)

(3) *Covenants.* A covenant and documentation of unified control. (See section 4-296.)

(4) *Description of existing conditions.* The application for a planned development must be accompanied by:

a. A map or other depiction of the existing zoning and current land uses (i.e., single-family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 375 feet.

b. An aerial photograph with the site clearly delineated.

c. Maps drawn at the same scale as the master concept plan marked or overprinted to show:

1. Soils, classified in accordance with the USDA/SCS system;

2. Vegetation and ground cover, classified in accordance with the state land use and cover classification system;

3. Significant areas of rare and unique upland habitats as defined in the Bonita Plan; and

4. A county topographic map (required if available) or a USGS quadrangle map showing the subject property.

d. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area.

e. A map showing the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property.

f. The nature and location of any known or recorded historical or archaeological sites as listed on the state master site file or the county historical Site survey, and the location of any part of the property that is located within Level 1 or Level 2 zones of archaeological sensitivity pursuant to chapter 5. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided.

(5) *Explanation.* A narrative explanation as to how the proposed development complies with the Bonita Plan, the design standards set forth in section 4-325, and the guidelines for decision-making embodied in section 4-131.

(6) *Master concept plan.* All applications must be accompanied by a graphic illustration (master concept plan) of the proposed development. Copies of the master concept plan must be provided in two sizes, 24 inches by 36 inches, and 11 inches by 17 inches in size. Both sizes of the master concept plan must be clearly legible and drawn at a scale sufficient to adequately show and identify the following information:

a. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. If a subdivision, the plan must also show the general location of all proposed internal street rights-of-way or easements and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial, or industrial use lots.

b. Where the subject property will be divided into lots or parcels, the plan must indicate the general location, configuration, and approximate dimensions of the lots or parcels (including outparcels) as well as lot coverage, and the minimum proposed setbacks for principal structures. The proposed use of the lots or parcels must be keyed to the list of proposed uses submitted with the application. If the property development regulations for a specific zoning district will be used, reference to the specific district will be sufficient.

c. Individual development areas (i.e., residential, retail, office, manufacturing, mixed use-listed, etc.) with detail showing:

1. The boundary of each development area within which buildings, parking or other uses will be located;

2. The maximum height, in feet and number of habitable stories; if parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the building;

3. If residential, the maximum number of dwelling units by type;

4. If a hotel or motel, the number of rooms by size;

5. If a health care facility, the number of beds; and

6. If commercial or industrial, the types and the total floor area of each use.

d. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions.

e. The general location of proposed parks and recreation areas and facilities, as well as indigenous areas to be preserved.

f. The percentage of open space, unless the proposed development is a development consisting solely of conventional single-family dwelling units on lots of no less than 6,500 square feet. For commercial and industrial developments, the percentage of open space within each lot or outparcel must be as set forth in section 4-328(c).

g. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses require buffer separations. References to types of buffers as described in chapter 3 are acceptable.

h. Proposed access and facilities for public transit in accordance with sections 4-325(e) and 3-450.

i. The general location of excavations for on-site fill and wet retention. If the applicant proposes to remove excavated material from the property a planned development for mining and a general mining permit may be required. See section 3-331.

j. If the development is located within a floodplain or flow way, it is the applicant's responsibility at the time of local development order or district permitting to compensate for impacts to flood storage capacity or flow ways due to filling of the site.

k. The location of any requested deviations, keyed to the schedule of deviations, including drawings demonstrating the effect on the site plan.

(7) *Traffic impact statement.* A traffic impact statement in a format and to the degree of detail required by a form furnished by the city and in conformance with the adopted administrative code. Upon written request, the director may waive this requirement for minor planned developments.

(8) *Schedule of uses.* A schedule of uses keyed to the master concept plan as well as a summary for the entire property, including the following information, as well as:

a. The types of uses proposed for the entire site. For projects with residential uses, the summary must include the types of proposed dwelling units.

b. The number of units (gross square feet for commercial/industrial uses, number of units for residential or motel/hotel uses, beds for institutional types of uses, etc.) for each proposed use.

c. The proposed percentage of open space for the entire site.

(9) *Schedule of deviations.* A schedule of deviations and a written justification for each deviation requested as part of the master concept plan. The location of each requested deviation must be indicated on the master concept plan.

(10) *Filling of site to compensate for impacts.* If the development is located within a floodplain or flow way, it is the applicant's responsibility to compensate for impacts to flood storage capacity or flow ways due to filling of the site at the time of local development order or district permitting.

(b) *Additional required information for all major planned development zoning.*

(1) A written description of the surface water management plan that includes:

a. The runoff characteristics of the property in its existing state.

b. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies, including how drainage flows from adjacent properties will be maintained.

c. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance.

d. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate.

e. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding.

(2) For large developments (defined in chapter 9), a protected species survey as required by section 3-455.

(3) If the development is to be constructed in phases or if the traffic impact statement utilized phasing, then a description of the phasing program must be submitted.

(4) Developments of regional impact. The contents of a complete and sufficient application for development approval (ADA) per F.S. ch. 380 duplicate or exceed the submittal requirements of this chapter.

(c) *Amendments to built planned developments (PD).*

(1) Part or all of a planned development which is built may be the subject of an application for a variance or other approval covered by this chapter wherein the subject property is the only part of the original planned development for which the approval is sought. If the subject property meets the threshold for a development of city impact, it will be reviewed in accordance with the provisions in this chapter which apply to developments of city impact. If the subject property is not a development of city impact, it will be reviewed in accordance with the provisions in this chapter which apply to conventional zoning districts. In either case, the applicant will be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

(2) For purposes of this subsection (c), the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved master concept plan have been constructed and acknowledged by the city as complete. In the case of residential planned developments or mixed developments which include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots.

(d) *Sufficiency.*

(1) No hearing will be scheduled for an application for a planned development until the application has been found sufficient.

a. All applications for planned developments will be deemed sufficient unless a letter advising the applicant of insufficiencies has been provided within 45 working days of submittal of the application.

b. All amended applications will be deemed sufficient unless a subsequent letters advising the applicant of any insufficiencies has been mailed within 45 working days of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in this section and any provisions within the Land Development Code.

c. Staff may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing. Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the city, at the applicant's request, shall proceed to process the application for approval or denial.

d. After notice of insufficiency, the applicant has 60 days to submit supplemental or corrected documents, unless a longer time is agreed to in writing by the director and the applicant prior to the expiration of the 60 days. If the supplement or corrections are not submitted within the 60 days (or other time period agreed to) the application will be deemed withdrawn.

e. Once an application has been found sufficient, it will be scheduled for public hearing. Any new information submitted by the applicant, or any changes made to information submitted for the sufficiency review, which is provided after the finding of sufficiency may, at the discretion of the director, be grounds for a deferral or continuance of the public hearing, depending on the advertised status of the hearing.

(2) DRIs. Where a proposed planned development is identified by staff as a possible development of regional impact, the applicant will be notified that the application will be deemed sufficient only when accompanied by either a binding letter of interpretation from DEO or a complete and sufficient application for development approval (ADA). Failure by the city to notify the applicant in a timely manner (within 30 days of the application) will nullify any finding of insufficiency based on this requirement. Assuming the application is sufficient in all other respects, staff will commence its review of the planned development. However, there will be no hearing held before the zoning board until the applicant submits a binding letter of interpretation from DEO or a complete and sufficient ADA.

(Ord. No. 11-02, § 3(4-373), 1-19-2011; Ord. No. 17-04 , § 1, 4-5-2017)

Sec. 4-296. Covenant of unified control.

(a) Any applicant for a rezoning or master concept plan confirmation under the planned development regulations as provided in this article must submit documentation corroborating unified control over the subject property.

(b) If the initial applicant conveys all or part of the subject property to a subsequent purchaser, the conveyance is subject to the original covenant of unified control unless an amended covenant is filed with the director. This document must be filed within 60 days of closing, and must be recorded with other notices related to the planned development. This requirement does not apply to individual homesites or units (apartments) of a residential development or to any development wherein the obligation to enforce the regulations and conditions or covenants and restrictions is delegated to property owners or a condominium association or cooperative.

(Ord. No. 11-02, § 3(4-374), 1-19-2011)

Sec. 4-297. Prehearing conference.

Prior to the public hearing by the zoning board on an application under this division, community development may schedule and conduct a conference to facilitate a meeting of the applicant and staff persons from all relevant city, county, state, substate regional and federal agencies and special use districts. The purpose of this meeting is to identify, discuss and resolve various issues and to advise the applicant of staff concerns and potential recommendations. The product of this conference will include the staff's recommendations based upon the original or an amended application, and the applicant's written objections, if any.

(Ord. No. 11-02, § 3(4-375), 1-19-2011)

Sec. 4-298. Prehearing stipulation.

(a) If the applicant wishes to enter a stipulation under this division he must file a stipulation setting out the issues on which he and the staff do not agree, with the zoning board no less than one working day prior to the date of the hearing. The stipulation must be signed by the applicant or his representative and, if there are any disputed issues, by the city planner responsible for the preparation of the staff report. Neither the staff nor the applicant may alter their positions on issues that were not listed as disputed on the stipulation at the hearing without the consent of the other party or the zoning board.

(b) The prehearing stipulation will not be construed to limit the issues that may be raised by the zoning board or members of the general public. Neither the applicant nor the staff will be bound by the terms of the stipulation to the extent that new issues may be raised by the general public or the zoning board.

(c) If the stipulation is not filed by the date required in subsection (a) of this section, the hearing must be continued unless the zoning board determines that the absence of the stipulation will not materially impair the ability to understand the case.

(Ord. No. 11-02, § 3(4-376), 1-19-2011)

Sec. 4-299. Public hearing.

(a) *Hearing before zoning board.* After the staff prehearing conference required by this division, the application will be scheduled for a public hearing before the zoning board.

  (1) At the public hearing the zoning board will consider the application in accordance with article II of this chapter.

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

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

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

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

  (3) If the zoning board determines that a recommended condition is insufficient, they may recommend an alternate condition for consideration by the city council.

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

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

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

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

(5) As a condition of approval of a deviation, the zoning board may recommend that the applicant receive administrative approval of a more detailed development plan for each affected development area. Applications for administrative approval will be processed as administrative amendments in accordance with section 4-302 and may be granted by the director upon a finding that public health, safety, and welfare will not be adversely affected by the request.

(b) *Hearing before city council.*

(1) After the zoning board's hearing, an application for a planned development, together with all attendant information, staff reports and the zoning board minutes and draft ordinance of the recommendation, will be forwarded to the city council. The city council will consider the application in public hearing in accordance with article II of this chapter.

a. After reviewing all the identified information, the city council may either:

1. Continue further consideration until additional information is provided by the applicant or staff or until the applicant makes changes in the application, subject to re-review by the staff and the zoning board as required; or

2. Formally approve, approve with modification, or deny the application.

b. If the city council denies the application without prejudice, it may remand the proposal to the staff with directions to bring the application back to the zoning board once the application is amended. If new or additional information, not previously provided to the staff or the zoning board, is supplied by the applicant subsequent to the zoning board hearing, the city council may remand the application to the zoning board for rehearing.

(2) The decision of the city council must be supported by a formal finding that, in addition to the guidelines set forth in article II of this chapter, the criteria set forth in subsection (a)(2) of this section have or have not been satisfied.

(3) In addition to adopting a master concept plan for the planned development, the city council may adopt any special conditions necessary to address unique aspects of the subject property in the interest of protecting the public health, safety and welfare. If any recommended special condition is found to be insufficient, the city council may substitute its own language for such special condition in the final resolution.

(4) If a schedule of deviations from other provisions of this chapter (see section 4-326) is a part of the planned development application, the city council may approve, approve with modification, or reject the entire schedule or specific items based upon their finding that each item:

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

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

(5) The city council may require, as a condition of approval of the deviation, that the applicant receive administrative approval of a more specific development plan for each affected development area or parcel. Applications for administrative approval will be processed as administrative amendments in accordance with section 4-302 and may be granted by the director only upon a finding that the public health, safety, and welfare will not be adversely affected by the request.

(6) If the city council denies or modifies the requested use, deviation, or other information shown on the master concept plan, a revised master concept plan must be submitted to community development reflecting the substance of the approved ordinance prior to execution of the ordinance. Legible copies of the revised master concept plan must be provided in three sizes, 24 inches by 36 inches, 11 inches by 17 inches, and 8½ inches by 11 inches.

(7) An application remanded for further consideration must be brought to hearing before the zoning board within six months of the date the remand order is rendered. If the application is not brought forward as ordered within six months, it will be deemed withdrawn. Thereafter, the applicant will be required to file a new application for consideration by the zoning board and the city council.

(Ord. No. 11-02, § 3(4-377), 1-19-2011; Ord. No. 12-13, § 1(4-377), 8-15-2012)

Sec. 4-300. Effect of planned development zoning.

(a) *Compliance with applicable regulations.* After the adoption of the master concept plan and the conditions and auxiliary documentation that govern it, any and all development and subsequent use of land, water and structures within the planned development must be in compliance with the following, in order of precedence:

(1) The Bonita Plan.

(2) Divisions 1, 2 and 3 of this article.

(3) The master concept plan and attendant conditions and auxiliary documentation.

(4) Applicable city development regulations in force at the time of final plan submission.

(5) The general provisions of this chapter, unless otherwise excepted by an approved schedule of deviations.

(b) *Applicability of development regulations.* All approvals of general aspects of the master concept plan (see section 4-295(a)(5)) are conceptual only, and are subject to all development regulations established to protect health, safety and welfare that are in force at the time of the final plan review. Reliance in detail on the approval of a general aspect of the master concept plan is not justified and is not in good faith.

(c) *Recording of notice.* The department must record a notice of master concept plan approval in the official records of the county. The notice should include a statement which explains that the master concept plan approval is an encumbrance on the real estate described in the plan.

(d) *Prohibitions.*

(1) The introduction of a use of land or water not provided for on the master concept plan or attendant documentation thereto.

(2) Creation of a development parcel or outparcel not specified on the master concept plan.

(3) No development parcel or outparcel may be created that is not of sufficient size and configuration to support the principal use proposed together with all accessory land and water uses, such as open space, parking, surface water management and the like, or that does not have permanent and irrevocable rights to such space or use on adjacent and abutting property.

(e) *Enforcement.* The obligation to enforce the conditions attached to the master concept plan remains with the original applicant until all of the subject property is developed and certificated for use and occupancy or until a subsequent owner assumes that obligation for all or part of the subject property. Completion or vacation of a phase of the development, or conveyance of a development parcel or outparcel, will relieve the original applicant only as to that phase, development parcel or outparcel, and then only when notice is filed and recorded in accordance with section 4-296. The obligation to enforce the conditions attached to a reaffirmed master concept plan will lie with whoever files the covenant of unified control for that reaffirmation.

(f) *Noncompliance.* If the city discovers noncompliance with the regulations or the master concept plan and its attachments, the city may withhold any permit, certificate or license to construct, occupy or use any part of the planned development. This will not be construed to injure the rights of tenants of previously completed and properly occupied phases.

(Ord. No. 11-02, § 3(4-378), 1-19-2011)

Sec. 4-301. Binding nature of approval of master concept plan.

All terms, conditions, safeguards and stipulations made at the time of the approval of a master concept plan are binding upon the applicant or any successor in title or interest to all or part of the planned development. Departure from the approved plans or failure to comply with any requirement, condition or safeguard constitutes a violation of this chapter.

(Ord. No. 11-02, § 3(4-379), 1-19-2011)

Sec. 4-302. Amendments to approved master concept plan.

(a) Amendments to an approved master concept plan or its attendant documentation may be requested at any time during the development of or useful life of a planned development.

(b) Amendments that may be approved by the director include, in general, any change to the interior of the development which does not increase density or intensity (i.e., number of dwelling units or quantity of commercial or industrial floor area), or decrease buffers or open space. The director may not approve a change which results in the substantial underutilization of public resources and public infrastructure committed to the support of the development. In addition, the director may not approve changes which result in a reduction of total open space, buffering, landscaping and preservation areas or which adversely impacts on surrounding land uses.

(c) All other requests for amendments to a master concept plan or its auxiliary documentation will treated procedurally as minor planned developments, but with application information and materials specified by section 4-295(a)(7).

(d) Any application for an amendment that proposes a development which, taken by itself, would constitute a major planned development (development of city impact see sections 4-195(b) and 4-272(b)(1)) may not be treated as a minor planned development unless it clearly meets the criteria set forth in section 4-272(b)(2). Otherwise, it must proceed as a new and separate major planned development.

(e) Notice of a plan amendment must be recorded in the same manner as the approved master concept plan itself.

(Ord. No. 11-02, § 3(4-380), 1-19-2011)

Sec. 4-303. Duration of rights conferred by adopted master concept plan.

(a) *Duration of rights for planned developments.*

(1) All development rights conferred by an adopted master concept plan are valid for five years from the date the planned development was approved by the city council, unless a greater time is approved for a development of regional impact (DRI). A master concept plan that is approved as part of a (DRI) is valid from the date the planned development was approved by the city council until the initial build out date provided in the DRI development order.

(2) An applicant must acquire a development order for a substantial portion of the project within five years of the date of the approval of the planned development, unless a greater time is approved in accordance with the provisions below. The development order must be submitted before the master concept plan expires. A substantial portion of the project is defined as no less than 20 percent of the lots, dwelling units, square feet, or other applicable measurements of intensity as applicable, unless a lesser percentage is approved by the city council.

(3) Master concept plans for planned developments that do not require development orders pursuant to chapter 3 are not subject to the time frames in this section.

(4) The duration of a master concept plan that is part of a development of regional impact DRI will be automatically extended if the DRIs phasing or build-out dates are extended. The MCP duration extension is limited to the length of the extension of the build-out date granted in the DRI.

(b) *Status of expired master concept plans.* When a master concept plan expires the property will remain zoned planned development, but no additional development can occur or be approved until a new master concept plan is approved in compliance with section 4-295 et seq.; the original master concept plan is reinstated in accordance with subsection (d) of this section; or the property is rezoned.

(c) *Extensions of master concept plans through public hearing process.*

(1) An approved master concept plan that is not vacated may be extended by the city council at a public hearing for one additional extension not to exceed four years; provided that:

a. The applicant submits a completed application form for extension (on a form provided by the community development) not more than one year and not fewer than 120 days prior to the date the current master concept plan vacates as provided in subsection (a) of this section together with the appropriate fee. The application must include, unless waived by the city council, at a minimum:

1. All submittal requirements for a public hearing pursuant to sections 4-193 and 4-194;

2. A copy of the approved master concept plan amended in accordance with section 4-299(b)(6) to reflect the uses, deviations and other modifications set forth in the approving ordinance (no changes may be made to the master concept plan);

3. A copy of the approved planned development zoning ordinance and all approved amendments;

4. A written statement describing how the criteria listed in subsection (c)(1)b. of this section have been met;

5. A current traffic impact statement (TIS) pursuant to section 4-295(a)(7); and

6. A detailed narrative explaining why the required development order is not approved and a chronology documenting that the required development order has been diligently pursued.

7. The director may require additional information as described in section 4-295 if necessary to review the request.

The director may require additional information as described in section 4-295 if necessary to review the request.

b. The city council, after reviewing the recommendation of the staff, determines that:

1. The master concept plan is consistent with the Bonita Plan;

2. The master concept plan is compatible with existing and approved development;

3. There will be sufficient capacity for potable water, sanitary sewer, surface water management, solid waste disposal, parks and recreation, roadway facilities and public schools to serve the development at the time the impacts of the development will occur without causing these facilities and services to function at a level of service below the minimum regulatory levels established in the Bonita Plan; and

4. The reason the required development order is not approved is reasonably beyond the control of the applicant and the applicant is diligently pursuing approval of the required development order.

(2) Prior to granting any extension, the city council will review uses for compatibility with existing and approved development, and may remove uses or add conditions to make the use consistent with the Bonita Plan. The city council may approve, deny, or limit the requested extension to a period less than the applicant's request. The decision of the city council is discretionary. A master concept plan that has not received a development order and diligently pursued construction, prior to the master concept plan extension expiration, may not receive a second extension but must be reviewed in accordance with section 4-295 et seq.

(d) *Reinstatement of master concept plans not permitted.*

(1) An expired master concept plan or a phase of a master concept plan may only not be reinstated by the city council; unless an application was submitted to community development prior to August 1, 2017. Any application submitted before such date must meet former section 4-303(d) and will be processed in accordance with said section. The director may require additional information as described in section 4-295 if necessary to review the request.

(Ord. No. 11-02, § 3(4-381), 1-19-2011; Ord. No. 12-13, § 1(4-381), 8-15-2012; Ord. No. 17-09 , § 1, 7-21-17)

Secs. 4-304—4-324. Reserved.

NEIGHBORHOOD PETITION TO OPPOSE

REZONE APPLICATION RIVERBEND RPD PD22-95976- BOS

Dear Members of the Bonita Springs City Council and City Staff,

I own residentially zoned property in the neighborhood directly adjacent on the Imperial River to the proposed RIVERBEND RPD PD22-95976-BOS. The application is not legally sufficient and does not comply with the City's Comprehensive Plan and Code. Further, requested deviations 1, 4, 5 and 6 should be denied on the basis that they: 1. are not justified, 2. create incompatibilities with the surrounding area, 3. reduce the City Code's health, safety and welfare protections by more than doubling the allowable boat traffic for this property and impairing navigation on the Imperial River; and 4. reduce Code protections for both the on-site and off-site mangrove preserves.

The Project's Master Concept Plan does not contain the required "lot" and other detail pursuant to Sec 4-295 (a)(6) b of the Code, and it does not demonstrate how such "lots" would comply with the dimensional standards of the LDC for single family docks. In fact, the applicant cannot comply with the Code and achieve 10 "lots" having dock access for each "lot" owner. The applicant focuses on its single-family use component in relation to permitted use and density provisions of the City's Comprehensive Plan in support of its 10 single-family homes, however the applicant cannot, at the same time, reject Code provisions appliable to single family docks and claim use entitlement under the Comprehensive Plan for its proposed multi-slip residential marina.

Given the aging condition of neighboring homes along the same side of the Imperial River, the precedent created by approving a multi-slip residential marina for this single-family residential project will incentivize more projects like this, adversely impact the Imperial River and undermine the City's Comprehensive Plan and Code.

Dated May 7, 2024

OWNER NAME

Print Name: ADEN SHEA

Address:
27761 MARINA POINTE DR
BONITA SPRINGS, FL 34134

NEIGHBORHOOD PETITION TO OPPOSE

REZONE APPLICATION RIVERBEND RPD PD22-95976- BOS

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Dated May 8, 2024

OWNER NAME

Print Name: Christopher Shea

Address: 27781 Marina Pointe Dr
Bonita Springs, Fl. 34134

NEIGHBORHOOD PETITION TO OPPOSE REZONE APPLICATION RIVERBEND RPD PD22-95976-BOS

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Dated May _____, 2024

OWNER NAME

Karen A. Feringa

Print Name: Karen A. Feringa

Address:

3808 Sarum Circle
Bonita Springs, FL
34134

NEIGHBORHOOD PETITION TO OPPOSE REZONE APPLICATION RIVERBEND RPD PD22-95976-BOS

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Dated May _____, 2024

OWNER NAME

Print Name: Scott D. Feringa

Address:
3808 Survey Circle
Bonita Springs, FL
34134

NEIGHBORHOOD PETITION TO OPPOSE

REZONE APPLICATION RIVERBEND RPD PD22-95976- BOS

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Dated May ___6____, 2024

OWNER NAME



Print Name: Wolfgang Oster_____

Address:
27381 Oak Knoll Drive
Bonita Springs, FL 34134

NEIGHBORHOOD PETITION TO OPPOSE

REZONE APPLICATION RIVERBEND RPD PD22-95976- BOS

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Dated May 5, 2024

OWNER NAME

Print Name: LOUIS GIDDING

Address:
4971 BONITA BAY BLVD
#1403
BONITA SPRINGS, FL 34134

NEIGHBORHOOD PETITION TO OPPOSE

REZONE APPLICATION RIVERBEND RPD PD22-95976- BOS

Dear Members of the Bonita Springs City Council and City Staff,

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Dated May 5, 2024

OWNER NAME

Susan Gidding

Print Name: Susan Gidding

Address:
4971 Bonita Bay Blvd.
Unit 1403
Bonita Springs, FL 34134

Attn: Mike Fiigon
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
mfiiaon(öcityofbonitaspringscd.ora

~~Support~~ Oppose X

Application: PD22-95976-BOS: Riverbend Residential Planned Development

BOAT TRAFFIC CONGESTION, LOSS OF HABITAT FOR MANATEES, DAMAGE TO MANGROVES, AND OVERBUILDING ARE A FEW OF THE REASONS I OPPOSE THIS DEVELOPMENT

I AUTHORIZE WOLFGANG OSTER TO UTILIZE MY SPEAKING TIME AT ALL PUBLIC HEARINGS ON THIS APPLICATION

DATE: 4-14-24

NAME: LOUIS M GIDDING PHONE: 908 421 0643

ADDRESS: 4971 BONITA BAY BLVD #1403 CITY/STATE/ZIP: BONITA SPRINGS FL 34134

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

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

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

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

NAME: WOLFGANG OSTER PHONE: 267 421 4498

ADDRESS: 27381 OAK KNOLL DR CITY/STATE/ZIP: BONITA SPRINGS FL 34134

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

CITY OF BONITA SPRINGS COMMUNITY DEVELOPMENT DEPARTMENT

SED**NOTICE OF PUBLIC HEARING
APPLICATION: PD22-95976-BOS

This is a courtesy notice of a proposed zoning action within 375 feet of property you own. You are encouraged to attend these public hearings and/or complete and return the attached Citizen Response Form, should you have any comments or concerns regarding this matter. If you have any questions or would like further information, please contact Mike Fiigon, Planner, at (239) 444-6151, or mfiigon@cityofbonitaspringscd.org. Copies of the staff report will be available one week prior to the hearing. This file may be reviewed at the Community Development department, 9220 Bonita Beach Road, Suite 109, Bonita Springs, FL 34135 or online at:

http://cityofbonitasprings.org/cms/one.aspx?pageId=13788499

Zoning Board of Adjustments:	City Council:
April 16th, 2024 at 9:00am Bonita Springs City Hall 9101 Bonita Beach Road Bonita Springs, FL 34135	May 1 5th, 2024 at 9:00am (Tentative) Bonita Springs City Hall 9101 Bonita Beach Road Bonita Springs, FL 34135 June 5th, 2024 at 5:30pm (Tentative) Bonita Springs City Hall 9101 Bonita Beach Road Bonita Springs, FL 34135

CASE	PD22-95976-BOS
CASE NAME:	Riverbend Residential Planned Development
REQUEST:	An amendment to a Residential Planned Development (RPD) to develop up to ten (10) detached villas, boat docks and other accessory uses, and to add five (5) deviations.
LOCATION:	The subject property is located at 27495/511 and 27523 Big Bend Rd. Bonita Springs FL 34135. STRAP: 32-47-25-B2-00003.OOOO and 32-4725-B2-00003.0010.

The City of Bonita Springs will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income, or marital status. To request an ADA-qualified reasonable modification at no charge to the requestor, please contact City Clerk Mike Sheffield by calling (239) 9496262 at least 48 hours prior to the meeting.

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

RETURN TO:

City of Bonita Springs
Community Development Department
Attn: Mike Fiigon
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
mfiigon@cityofbonitaspringscd.org

Support_____ Oppose X_____

Application: PD22-95976-BOS: Riverbend Residential Planned Development

DATE:April 14, 2024

NAME:Edward and Julie Malmstrom PHONE:917-655-4602

ADDRESS:27391 Oak Knoll Dr.CITY/STATE/ZIP:Bonita Springs/FL/34134

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

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

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

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

NAME: Wolfgang Oster_____ PHONE:267-421-4498

ADDRESS: 2727381 Oak Knoll Dr. Bonita Springs/FL/34134

_____ CITY/STATE/ZIP:_____

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The City of Bonita Springs will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income, or marital status. To request an ADA-qualified reasonable modification at no charge to the requestor, please contact City Clerk Mike Sheffield by calling (239) 9496262 at least 48 hours prior to the meeting.

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

RETURN TO:

City of Bonita Springs
Community Development Department
Attn: Mike Fiigon
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
mfiiaoncityofbonitaspringscd.ora

Support_____ Oppose Yes Oppose X

Application: PD22-95976-BOS: Riverbend Residential Planned Development

---

DATE: 4/13/2024

NAME: Daniel Robbins PHONE: 612-396-1955

ADDRESS: 27711 Marina Pointe Dr CITY/STATE/ZIP: Bonita Springs, FL 34134

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

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

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

I will have a representative at the Zoning Board Hearing and/or City Council. My representative's name, address, and phone are:
NAME: Wolfgang Oster PHONE: 267-421-4498
ADDRESS: 27381 Oak Knoll Drive CITY/STATE/ZIP: Bonita Springs, FL 34134

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

CITY OF BONITA SPRINGS COMMUNITY DEVELOPMENT DEPARTMENT
SED**NOTICE OF PUBLIC HEARING
APPLICATION: PD22-95976-BOS

This is a courtesy notice of a proposed zoning action within 375 feet of property you own. You are encouraged to attend these public hearings and/or complete and return the attached Citizen Response Form, should you have any comments or concerns regarding this matter. If you have any questions or would like further information, please contact Mike Fiigon, Planner, at (239) 444-6151, or mfiigon@cityofbonitaspringscd.org. Copies of the staff report will be available one week prior to the hearing. This file may be reviewed at the Community Development department, 9220 Bonita Beach Road, Suite 109, Bonita Springs, FL 34135 or online at:

http://cityofbonitasprings.org/cms/one.aspx?pageId=13788499

Zoning Board of Adjustments: April 16th, 2024 at 9:00am Bonita Springs City Hall 9101 Bonita Beach Road Bonita Springs, FL 34135	City Council: May 1 5th, 2024 at 9:00am (Tentative) Bonita Springs City Hall 9101 Bonita Beach Road Bonita Springs, FL 34135 June 5th, 2024 at 5:30pm (Tentative) Bonita Springs City Hall 9101 Bonita Beach Road Bonita Springs, FL 34135
CASE NUMBER:	PD22-95976-BOS
CASE NAME:	Riverbend Residential Planned Development
REQUEST:	An amendment to a Residential Planned Development (RPD) to develop up to ten (10) detached villas, boat docks and other accessory uses, and to add five (5) deviations.
LOCATION:	The subject property is located at 27495/511 and 27523 Big Bend Rd. Bonita Springs FL 34135. STRAP: 32-47-25-B2-00003.OOOO and 32-4725-B2-00003.0010.

The City of Bonita Springs will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income, or marital status. To request an ADA-qualified reasonable modification at no charge to the requestor, please contact City Clerk Mike Sheffield by calling (239) *9496262 at least 48 hours prior to the meeting.*

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

RETURN TO:

City of Bonita Springs
Community Development Department
Attn: Mike Fiigon
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
mfiiaon(öcityofbonitasprinqscd.ora

Support _____ Oppose X

Application: PD22-95976-BOS: Riverbend Residential Planned Development

DATE: April 14 2024.

NAME: PHONE: 239 405 4514 Robert Scott.

ADDRESS: CITY/STATE/ZIP: 27701 Marina Pointe, Bonita Springs FL. 34104.

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

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

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

NAME: W. Oster PHONE: 267-491-4498

ADDRESS: 27381 Oak Knoll CITY/STATE/ZIP: Bonita Springs, FL

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

Attn: Mike Fiigon
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
mfiiaon(öcityofbonitaspringscd.ora

Support ____ Oppose X

Application: PD22-95976-BOS: Riverbend Residential Planned Development

Please extend my 5 minutes of speaking time to Wolfgang Oster and his representatives

DATE: 4/14/24

NAME: Don & Susan Young PHONE: 239 949 5750 203 550 9122 (mobile)

ADDRESS: 27331 Oak Knoll Drive CITY/STATE/ZIP: Bonita Springs, FL

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

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

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NEIGHBORHOOD PETITION TO OPPOSE

REZONE APPLICATION RIVERBEND RPD PD22-95976- BOS

Dear Members of the Bonita Springs City Council and City Staff,

I own residentially zoned property in the neighborhood directly adjacent on the Imperial River to the proposed RIVERBEND RPD PD22-95976-BOS. The application is not legally sufficient and does not comply with the City's Comprehensive Plan and Code. Further, requested deviations 1, 4, 5 and 6 should be denied on the basis that they: 1. are not justified, 2. create incompatibilities with the surrounding area, 3. reduce the City Code's health, safety and welfare protections by more than doubling the allowable boat traffic for this property and impairing navigation on the Imperial River; and 4. reduce Code protections for both the on-site and off-site mangrove preserves.

The Project's Master Concept Plan does not contain the required "lot" and other detail pursuant to Sec 4-295 (a)(6) b of the Code, and it does not demonstrate how such "lots" would comply with the dimensional standards of the LDC for single family docks. In fact, the applicant cannot comply with the Code and achieve 10 "lots" having dock access for each "lot" owner. The applicant focuses on its single-family use component in relation to permitted use and density provisions of the City's Comprehensive Plan in support of its 10 single-family homes, however the applicant cannot, at the same time, reject Code provisions appliable to single family docks and claim use entitlement under the Comprehensive Plan for its proposed multi-slip residential marina.

Given the aging condition of neighboring homes along the same side of the Imperial River, the precedent created by approving a multi-slip residential marina for this single-family residential project will incentivize more projects like this, adversely impact the Imperial River and undermine the City's Comprehensive Plan and Code.

Dated May 7, 2024

OWNER NAME

Print Name: ADEN SHEA

Address:
27761 MARINA POINTE DR
BONITA SPRINGS, FL 34134

NEIGHBORHOOD PETITION TO OPPOSE

REZONE APPLICATION RIVERBEND RPD PD22-95976- BOS

Dear Members of the Bonita Springs City Council and City Staff,

I own residentially zoned property in the neighborhood directly adjacent on the Imperial River to the proposed RIVERBEND RPD PD22-95976-BOS. The application is not legally sufficient and does not comply with the City's Comprehensive Plan and Code. Further, requested deviations 1, 4, 5 and 6 should be denied on the basis that they: 1. are not justified, 2. create incompatibilities with the surrounding area, 3. reduce the City Code's health, safety and welfare protections by more than doubling the allowable boat traffic for this property and impairing navigation on the Imperial River; and 4. reduce Code protections for both the on-site and off-site mangrove preserves.

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Dated May 8, 2024

OWNER NAME

Print Name: Christopher Shea

Address: 27781 Marina Pointe Dr
Bonita Springs, Fl. 34134

NEIGHBORHOOD PETITION TO OPPOSE REZONE APPLICATION RIVERBEND RPD PD22-95976-BOS

Dear Members of the Bonita Springs City Council and City Staff,

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Dated May _____, 2024

OWNER NAME

Karen A. Feringa

Print Name: Karen A. Feringa

Address:

3808 Sarum Circle
Bonita Springs, FL
34134

NEIGHBORHOOD PETITION TO OPPOSE REZONE APPLICATION RIVERBEND RPD PD22-95976-BOS

Dear Members of the Bonita Springs City Council and City Staff,

I own residentially zoned property in the neighborhood directly adjacent on the Imperial River to the proposed RIVERBEND RPD PD22-95976-BOS. The application is not legally sufficient and does not comply with the City's Comprehensive Plan and Code. Further, requested deviations 1, 4, 5 and 6 should be denied on the basis that they: 1. are not justified, 2. create incompatibilities with the surrounding area, 3. reduce the City Code's health, safety and welfare protections by more than doubling the allowable boat traffic for this property and impairing navigation on the Imperial River; and 4. reduce Code protections for both the on-site and off-site mangrove preserves.

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Dated May _____, 2024

OWNER NAME

Print Name: Scott D. Feringa

Address:
3808 Survey Circle
Bonita Springs, FL
34134

NEIGHBORHOOD PETITION TO OPPOSE REZONE APPLICATION RIVERBEND RPD PD22-95976-BOS

Dear Members of the Bonita Springs City Council and City Staff,

I own residentially zoned property in the neighborhood directly adjacent on the Imperial River to the proposed RIVERBEND RPD PD22-95976-BOS. The application is not legally sufficient and does not comply with the City's Comprehensive Plan and Code. Further, requested deviations 1, 4, 5 and 6 should be denied on the basis that they: 1. are not justified, 2. create incompatibilities with the surrounding area, 3. reduce the City Code's health, safety and welfare protections by more than doubling the allowable boat traffic for this property and impairing navigation on the Imperial River; and 4. reduce Code protections for both the on-site and off-site mangrove preserves.

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Dated May 6th, 2024

OWNER NAME

Print Name: CARL R Bengqvist

Address:
27771 Marina Pointe Dr
Bonita Springs FL
34134

NEIGHBORHOOD PETITION TO OPPOSE

REZONE APPLICATION RIVERBEND RPD PD22-95976- BOS

Dear Members of the Bonita Springs City Council and City Staff,

I own residentially zoned property in the neighborhood directly adjacent on the Imperial River to the proposed RIVERBEND RPD PD22-95976-BOS. The application is not legally sufficient and does not comply with the City's Comprehensive Plan and Code. Further, requested deviations 1, 4, 5 and 6 should be denied on the basis that they: 1. are not justified, 2. create incompatibilities with the surrounding area, 3. reduce the City Code's health, safety and welfare protections by more than doubling the allowable boat traffic for this property and impairing navigation on the Imperial River; and 4. reduce Code protections for both the on-site and off-site mangrove preserves.

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Dated May ___6____, 2024

OWNER NAME



Print Name: Wolfgang Oster_____

Address:
27381 Oak Knoll Drive
Bonita Springs, FL 34134

NEIGHBORHOOD PETITION TO OPPOSE REZONE APPLICATION RIVERBEND RPD PD22-95976-BOS

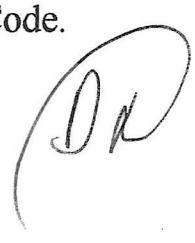
Dear Members of the Bonita Springs City Council and City Staff,

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Dated May 6, 2024



OWNER NAME

_____

Print Name: Daniel Robbins

Address: DANIEL ROBBINS

27711 Marina Pointe Dr

Bonita Springs, FL 34134

612-396-1955

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 24-05-069
May 15, 2024

REQUESTED MOTION: Presentation and update of the Bonita Springs Wonder Gardens Master Plan

REQUESTOR: Nicole Perino, Parks and Recreation Director

AGENDA: Presentations

STRATEGIC PRIORITY: #5 Community Aesthetics

BACKGROUND:

Pursuant to Council's request and in compliance of the Public/Private Partnership agreement between the City and the Wonder Gardens, Neil Anderson, Executive Director of the Bonita Springs Wonder Gardens, will present updated statistics of the facility as well as the Wonder Gardens Master Plan.

STAFF RECOMMENDATION: Receive presentation.

ATTACHMENTS: None.

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield
Department Director:	Nicole Perino

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

City of Bonita Springs
City Council
Draft Meeting Minutes

May 1, 2024
5:30 p.m.

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1. **Call to Order:** *Mayor Steinmeyer called the meeting to order at 5:30 pm.*

2. **Invocation:** *The invocation was provided by Pastor PJ Beaver of Hope City Church.*

3. **Pledge of Allegiance:** *Mayor Steinmeyer led the Pledge of Allegiance.*

4. **Roll Call**

The City Clerk called the roll:
Present: 7 *Council Member Bogacz, Council Member Purdon, Council Member Carr, Mayor Steinmeyer, Council Member Corrie, Council Member Fullick, Deputy Mayor Forbes*
Absent: 0

5. **Approval of Agenda**

Mayor Steinmeyer motioned to approve the agenda; Seconded by Council Member Corrie. ***The motion carried unanimously.***

6. **Mayor's Welcome:**

Mayor Steinmeyer welcomed everyone in attendance and extended a special welcome to the children from Bonita Springs Elementary School.

7. **Public Comment on Agenda Items:** *None*

8. **Proclamations and Presentations:**

A. Presentation - Bonita Springs Elementary School Arbor Day Poster Contest Winners. (Mayor Steinmeyer, Green Sheet 24-05-065)

The student winners, accompanied by their families and art teacher, were present to accept their awards, which were presented by Jack Brown, Chairman of the Tree Advisory Committee

9. Consent Agenda:

Deputy Mayor Forbes motioned to approve the Consent Agenda; Seconded by Council Member Bogacz. ***The motion carried unanimously.***

A. Approve minutes from the City Council meeting held on April 17, 2024.

B. Confirm and ratify Resolutions extending the local State of Emergency due to Hurricane Ian. (Green Sheet 24-05-062)

C. Approve a Resolution to award the selection and engagement of eight (8) firms for the City's Miscellaneous Surveying Services (CN 24-01), award two (2) firms for grant related services and authorize staff to approve agreements with the firms selected. (Green Sheet 24-05-063)

D. Approve ammended Interlocal Agreement with Lee County for the nourishing of the South Bonita Beach segment. (Green Sheet 24-05-064)

E. Approve the proposal from EnviroStruct, LLC under the Construction Manager at Risk Continuing Services agreement for the Bonita Springs Soccer Complex Concession and Restroom facility renovation project and approve a budget transfer in the amount of $27,980. (Green Sheet 24-05-067)

- Opportunity for City Council Comments on Consent Agenda

Council Member Purdon stated he is pleased that the Soccer Complex renovation project is moving forward, as approved under Consent Agenda Item 9E.

10. City Attorney's Items:

A. Approve an Interlocal Agreement with the Lee County Supervisor of Elections relating to the provision of election services to the City and authorize the Mayor to provide written notification to the Supervisor of Elections of the City's intent to fulfill candidate qualifying responsibilities for the 2024 Municipal Election, in accordance with the Bonita Springs City Charter. (Green Sheet 24-05-066)

Council Member Corrie motioned to approve the interlocal agreement with the Supervisor of Elections; Seconded by Council Member Purdon. ***The motion carried unanimously.***

Council Member Purdon motioned to provide written notification to the Supervisor of Elections of the City's intent to fulfill candidate qualifying responsibilities for the 2024 Election cycle; Seconded by Council Member Corrie. ***The motion carried unanimously.***

DRAFT

11. City Manager's Items:

City Manager Hunter stated that the City received a communication from Lee County, asking for a representative to serve on the newly created CDBG-DR Housing Evaluation Committee. City staff members are qualified to serve. Senior Project Manager Elly McKuen provided a brief overview of the purpose and mission of the new committee. Mayor Steinmeyer motioned to designate Elly McKuen to serve as the City's representative on the CDBG-DR Housing Evaluation Committee; Seconded by Council Member Bogacz. ***The motion carried unanimously.***

Next, City Manager Hunter provided an update on the City's ongoing communications with FEMA regarding the *National Flood Insurance Program, Community Rating System. The City has submitted packets of information to FEMA on all 106 identified sites and is awaiting written indication of compliance. She further stated that Senator Scott and Representative Donalds continue to provide support and assistance.*

Next, City Manager Hunter spoke about the Wonder Gardens, stating that it is important for consistency's sake and for the avoidance of potential sunshine law issues, that there be only one Council Member acting as the contact person for the Wonder Gardens Board of Directors. Council Member Corrie is the Council's designated liaison to the Wonder Gardens, while Council Member Purdon was designated as the Council's liaison during the lease renegotiation process. Council Member Purdon stated that he was happy to serve as Council's designee during the lease renegotiation process, but going forward, he is supportive of Council Member Corrie maintaining the role of Council liaison. Council Member Fullick so moved; seconded by Mayor Steinmeyer. ***The motion carried unanimously.***

12. Mayor and Council Member Reports

The Mayor and Council Members expressed their pleasure over the highly successful and well-attended Celebrate Bonita Festival. They also extended appreciation to everyone involved with planning and carrying out the event.

Council Member Fullick followed up on City Manager Hunter's update on the FEMA National Flood Insurance Community Rating System program, recognizing the efforts of Senator Scott, Rep. Donalds, and Rep. Botana.

13. Public Comment: *None*

14. Adjournment: *There being no further business, the meeting adjourned at 6:17 p.m.*

Prepared by:

_____
Mike Sheffield, City Clerk

Approved by City Council:

Date: _____

_____
Rick Steinmeyer, Mayor

DRAFT

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 24-05-068
May 15, 2024

REQUESTED MOTION: Confirm and ratify Resolutions extending the Local State of Emergency due to Hurricane Ian.

REQUESTOR: Arleen M. Hunter, City Manager; Derek Rooney, City Attorney

AGENDA: Consent

STRATEGIC PRIORITY:

BACKGROUND:

Governor Ron DeSantis signed Executive Orders 2022-218 and 2022-219, in response to the anticipated landfall of Hurricane Ian and declared a state of emergency, pursuant to Chapter 252, Florida Statutes. As Hurricane Ian posed a serious threat to our area, an ultimate landfall directly affected the City of Bonita Springs. Consistent with Florida statutes, the following Resolutions were prepared and signed by the Mayor and staff to extend the Local State of Emergency in seven-day increments.

At this time, it is appropriate for City Council to ratify the continued Local State of Emergency.

STAFF RECOMMENDATION: Approve

ATTACHMENTS:

1. Resolution No. 24-029 issued on April 29, 2024
2. Resolution No. 24-032 issued on May 6, 2024

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Mike Sheffield

CITY OF BONITA SPRINGS
RESOLUTION NO. 24-029

AN EMERGENCY RESOLUTION OF THE CITY OF BONITA SPRINGS DECLARING A STATE OF LOCAL EMERGENCY RESULTING FROM HURRICANE IAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Governor Ron DeSantis signed Executive Orders 2022-218 and 2022-219, in response to the anticipated landfall of Hurricane Ian and has declared a state of emergency, pursuant to Chapter 252, Florida Statutes; and,

WHEREAS, on September 26, 2022 the City declared a local State of Emergency ahead of the landfall of Hurricane Ian; and

WHEREAS, Hurricane Ian had a significant impact on this area, the effects of which are still being fully ascertained and include extensive flooding, wind and water damage, not only to public infrastructure but to homes and businesses throughout the City; and

WHEREAS, the effects of Hurricane Ian continue to pose a serious threat to the lives and property of residents of the City of Bonita Springs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor on behalf of the City Council of the City of Bonita Springs, Lee County, Florida;

Section 1. The recitals above are hereby incorporated herein.

Section 2. The current State of Emergency is extended.

Section 3. This resolution shall take effect immediately upon adoption. Consistent with Florida Statutes §252.38(3), the duration of this state of emergency declared locally is limited to 7 days and may be extended, as necessary by resolution, in 7-day increments.

DULY PASSED AND ENACTED by the Mayor of the City of Bonita Springs, Lee County, Florida, this 29th day of April, 2024.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney Office

Date filed with City Clerk: MAY 2, 2024

CITY OF BONITA SPRINGS
RESOLUTION NO. 24-032

AN EMERGENCY RESOLUTION OF THE CITY OF BONITA SPRINGS DECLARING A STATE OF LOCAL EMERGENCY RESULTING FROM HURRICANE IAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Governor Ron DeSantis signed Executive Orders 2022-218 and 2022-219, in response to the anticipated landfall of Hurricane Ian and has declared a state of emergency, pursuant to Chapter 252, Florida Statutes; and,

WHEREAS, on September 26, 2022 the City declared a local State of Emergency ahead of the landfall of Hurricane Ian; and

WHEREAS, Hurricane Ian had a significant impact on this area, the effects of which are still being fully ascertained and include extensive flooding, wind and water damage, not only to public infrastructure but to homes and businesses throughout the City; and

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NOW, THEREFORE, BE IT RESOLVED by the Mayor on behalf of the City Council of the City of Bonita Springs, Lee County, Florida;

Section 1. The recitals above are hereby incorporated herein.

Section 2. The current State of Emergency is extended.

Section 3. This resolution shall take effect immediately upon adoption. Consistent with Florida Statutes §252.38(3), the duration of this state of emergency declared locally is limited to 7 days and may be extended, as necessary by resolution, in 7-day increments.

DULY PASSED AND ENACTED by the Mayor of the City of Bonita Springs, Lee County, Florida, this 6th day of May, 2024.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney Office

Date filed with City Clerk: May 2, 2024

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 24-05-070
May 15, 2024

REQUESTED MOTION: Approve a Resolution awarding the Mowing & Maintenance of Stormwater Ponds Project RFB 24-04 to P & T Lawn and Tractor Service, in the annual bid amount of $63,700.04.

REQUESTOR: Matt Feeney, Assistant City Manager

AGENDA: Consent

STRATEGIC PRIORITY: # 3 Community Aesthetics

BACKGROUND:

April 16, 2024 – City staff advertised for sealed bids for the Mowing & Maintenance of Stormwater Ponds Project RFB 24-04.

May 2, 2024 – City received three (3) sealed bids as follows:

- P & T Lawn and Tractor Service $57,900.04
- Superior Landscaping and Lawn Service $75,842.14
- Bobby's Plant & Lawn Service $105,057.04

Staff is recommending awarding the Mowing & Maintenance of Stormwater Ponds Project RFB 24-04 to the lowest responsive, responsible bidder, P & T Lawn and Tractor Service.

Also, due to the need for flexibility with respect to the frequency of mowing and maintenance, staff is requesting a **contingency amount of $5,800.00** (equal to 10% of the awarded annual bid amount) for unforeseen additional services which may be required.

The total annual contract amount is $63,700.04 with funding available in 10.950.541.3474 line item in the City's current budget.

STAFF RECOMMENDATION: Adopt Resolution.

ATTACHMENTS:

1. Resolution
2. Bid Comparison

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Mike Sheffield
Department Director: Matt Feeney

The City of Bonita Springs

9101 Bonita Beach Road

Bonita Springs, FL 34135

BID OPENING – TABULATION SHEET

BID NO.: RFB 24-04

BID TITLE: Mowing & Maintenance of Stormwater Ponds Project

OPENING DATE: May 2, 2024

TIME: 2:00 P.M.

OPENED BY: Mike Sheffield

Bidder	Annual Maintenance Total
P & T Lawn and Tractor Service	$ 57,900.04
Superior Landscaping & Lawn Service	$ 75,842.14
Bobby's Plant & Lawn Service	$ 105,057.04*

*Corrected Total

Options:

Item 7 – Misc. Mowing & Maint. Services/2-Men Crew

P & T: $9,690.00

Superior: $330.00

Bobby's: $No Bid

Item 8 – Misc. Mowing & Maint. Services/4-Men Crew

P & T: $9,635.00

Superior: $660.00

Bobby's: $No Bid

CITY OF BONITA SPRINGS, FLORIDA
RESOLUTION NO. 24 -

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA APPROVING A RECOMMENDATION OF AWARD TO P & T LAWN AND TRACTOR SERVICE FOR THE MOWING & MAINTENANCE OF STORMWATER PONDS PROJECT AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT WITH THE AWARDED FIRM.

WHEREAS, on May 2, 2024, the City received three (3) submittals in response to the City's Request for Bids for the Mowing & Maintenance of Stormwater Ponds Project (RFB 24-04); and

WHEREAS, on May 6, 2024, Public Works reviewed the bids submitted and recommended award to the lowest responsive, responsible bidder, P & T Lawn and Tractor Service.

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

Section 1. The foregoing recommendation is hereby approved.

Section 2. Staff is hereby authorized to enter into an agreement with P & T Lawn and Tractor Service for the Mowing & Maintenance of Stormwater Ponds Project as the lowest responsive, responsible bidder. A summary of the responding firms, in no particular order, is attached hereto as Exhibit "A."

Section 3. 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 15'th day of May, 2024.

AUTHENTICATION:

_____ _____
Rick Steinmeyer, Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney's Office

Vote:

Bogacz	Steinmeyer
Purdon	Fullick
Carr	Forbes
Corrie	

Date filed: _____

EXHIBIT A

Bidder	Annual Maintenance Total
P & T Lawn and Tractor Service	$ 57,900.04
Superior Landscaping & Lawn Service	$ 75,842.14
Bobby's Plant & Lawn Service	$ 105,057.04*

*Corrected Total

Options:
Item 7 – Misc. Mowing & Maint. Services/2-Men Crew
P & T: $9,690.00
Superior: $330.00
Bobby's: $No Bid

Item 8 – Misc. Mowing & Maint. Services/4-Men Crew
P & T: $9,635.00
Superior: $660.00
Bobby's: $No Bid

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 24-05-073
May 15, 2024

REQUESTED MOTION: Approve Amendment #3 with the Florida Department of Environmental Protection (FDEP) for the Imperial Bonita Estates/Quinn/Downs/Dean west of Imperial Parkway Drainage Improvement Project.

REQUESTOR: Elly Soto McKuen, Senior Project Manager

AGENDA: Consent

STRATEGIC PRIORITY: 1) Improve Stormwater Management, 2) Transportation, 3) Strengthen City Finances, 4) Environmental Protection, 5) Community Aesthetics and 8) Economic Development

---

BACKGROUND: During the FY2019-2020 legislative session, the legislators awarded funds to develop infrastructure plans for the Imperial Bonita Estates/Quinn/Downs/Dean West of Imperial Parkway Area.

The original contract (BSC21-01-003) was approved by City Council on January 6, 2021 with FDEP for $750,000. Amendment #1, approved on June 15, 2022, added a project management task and reallocates the budget to include $75,000 for project management. Amendment #2 extended the project timeline to June 30, 2024.

Amendment #3 extends the project timeline from June 30, 2024 to December 31, 2025.

STAFF RECOMMENDATION: Approve amendment #3 for the Imperial Bonita Estates/Quinn/Downs/Dean west of Imperial Parkway Drainage Improvement Project.

ATTACHMENTS:

1. FDEP Amendment #3

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield
Department Director:	Matt Feeney

AMENDMENT NO. 3
TO AGREEMENT NO. LPA0092
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
CITY OF BONITA SPRINGS

This Amendment to Agreement No. LPA0092 (Agreement), as previously amended, is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and the City of Bonita Springs (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for Imperial Bonita Estates/Quinn/Downs/Dean West of Imperial Parkway Drainage Improvement Project (Project), effective January 8, 2021; and,

WHEREAS, the Grantee has requested an extension of the Agreement due to permit delays and,

WHEREAS, the parties have agreed to amend the Agreement as set forth herein.

NOW THEREFORE, the parties agree as follows:

1. Section 3. of the Standard Grant Agreement is hereby revised to change the Date of Expiration to December 31, 2025. The Department and the Grantee shall continue to perform their respective duties during this extension period pursuant to the same terms and conditions provided in the Agreement.

2. Section 6. of the Standard Grant Agreement is hereby revised to the following:

Department's Grant Manager
Name: Amada Fullerton
Address: Florida Department of Environmental Protection
3900 Commonwealth Blvd
Tallahassee, FL 32304
Phone: 850-245-2991
Email: Amada.Fullerton@FloridaDEP.gov

3. The following is hereby added to Attachment 1 in Section 8:

   State Funds Documentation. Pursuant to section 216.1366, F.S., if Contractor meets the definition of a non-profit organization under section 215.97(2)(m), F.S., Contractor must provide the Department with documentation that indicates the amount of state funds:

   i. Allocated to be used during the full term of the contract or agreement for remuneration to any member of the board of directors or an officer of Contractor.
   ii. Allocated under each payment by the public agency to be used for remuneration of any member of the board of directors or an officer of the Contractor.

   The documentation must indicate the amounts and recipients of the remuneration. Such information must be posted on the State's contract tracking system and maintained pursuant to

section 215.985, F.S., and must be posted on the Contractor's website, if Contractor maintains a website.

4. Attachment 3-1, Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment 3-2, Revised Grant Work Plan, as attached to this Amendment and hereby incorporated into the Agreement. All references in the Agreement to Attachment 3 and Attachment 3-1 shall hereinafter refer to Attachment 3-2, Revised Grant Work Plan.

5. All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistency may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

CITY OF BONITA SPRINGS

By: _____
Authorized Signature

Rick Steinmeyer, Mayor
Print Name and Title

Date: _____

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Secretary or Designee

Angela Knecht, Division Director
Print Name and Title

Date: _____

_____
Amada Fullerton, DEP Grant Manager

_____
Amanda Peck, DEP QC Reviewer

List of attachments/exhibits included as part of this Amendment:

Specify Type	Letter/ Number	Description
Exhibit	A-1	Progress Report Form
Attachment	3-2	Revised Grant Work Plan

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Exhibit A-1
Progress Report Form

The current **Exhibit A-1, Progress Report Form** for this grant can be found on the Department's website at this link:

https://floridadep.gov/wra/wra/documents/progress-report-form

Please use the most current form found on the website, linked above, for each progress report submitted for this project.

ATTACHMENT 3-2
REVISED GRANT WORK PLAN

PROJECT TITLE: Bonita Imperial Bonita Estates (IBE)/Quinn/Downs/Dean Street Drainage Project

PROJECT LOCATION: The Project will be located in the City of Bonita Springs within Lee County; Lat/Long (26.339444, -81.7575). See Figures 1 and 2 for project maps, in two areas to represent scaling.

PROJECT BACKGROUND: During and following Hurricane Irma the project area experienced as much as four feet of standing water within areas of the City for more than a month. Neighborhoods located east of Imperial Parkway and north of Bonita Beach Road include a mix of single family, multifamily, duplexes and mobile home structures at a lower elevation than the surrounding areas, creating a "bowl" effect. This low-lying area does not have backflow prevention at its outfalls, so the existing stormwater infrastructure experiences prolonged flooding when the Imperial River undergoes any early flooding events. Phase I of the project, Modeling & Conceptual Design, has been completed and was used to select the BMPs that will be planned for within the current phase of the project.

PROJECT DESCRIPTION: The Grantee will develop detailed design plans for a storm sewer with back flow prevention and strategic floodwater storage areas, in order to reduce or eliminate the effects of riverine flooding to the project area.

TASKS: All documentation should be submitted electronically unless otherwise indicated.

Task #1: Design and Permitting

Deliverables: The Grantee will select a contractor through a bidding process, complete the design of the Bonita Imperial Bonita Estates (IBE)/Quinn/Downs/Dean Street Drainage Project and obtain all necessary permits for construction of the project.

Documentation: The Grantee will submit: 1) a signed acceptance of the completed work to date, as provided in the Grantee's Certification of Payment Request; and 2) a summary of design activities to date, indicating the percentage of design completion for the time period covered in the payment request. For the final documentation, the Grantee will also submit a copy of the design completed with the funding provided for this task and a list of all required permits identifying issue dates and issuing authorities.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than monthly.

Task #2: Project Management

Deliverables: The Grantee will perform project management, to include field engineering services, construction observation, site meetings with construction contractor(s) and design professionals, and overall project coordination and supervision.

Documentation: The Grantee will submit interim progress status summaries including summary of inspection(s), meeting minutes and field notes, as applicable.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than quarterly.

PROJECT TIMELINE & BUDGET DETAIL: The tasks must be completed by, and all documentation received by, the corresponding task end date. Cost reimbursable grant funding must not exceed the budget amounts as indicated below.

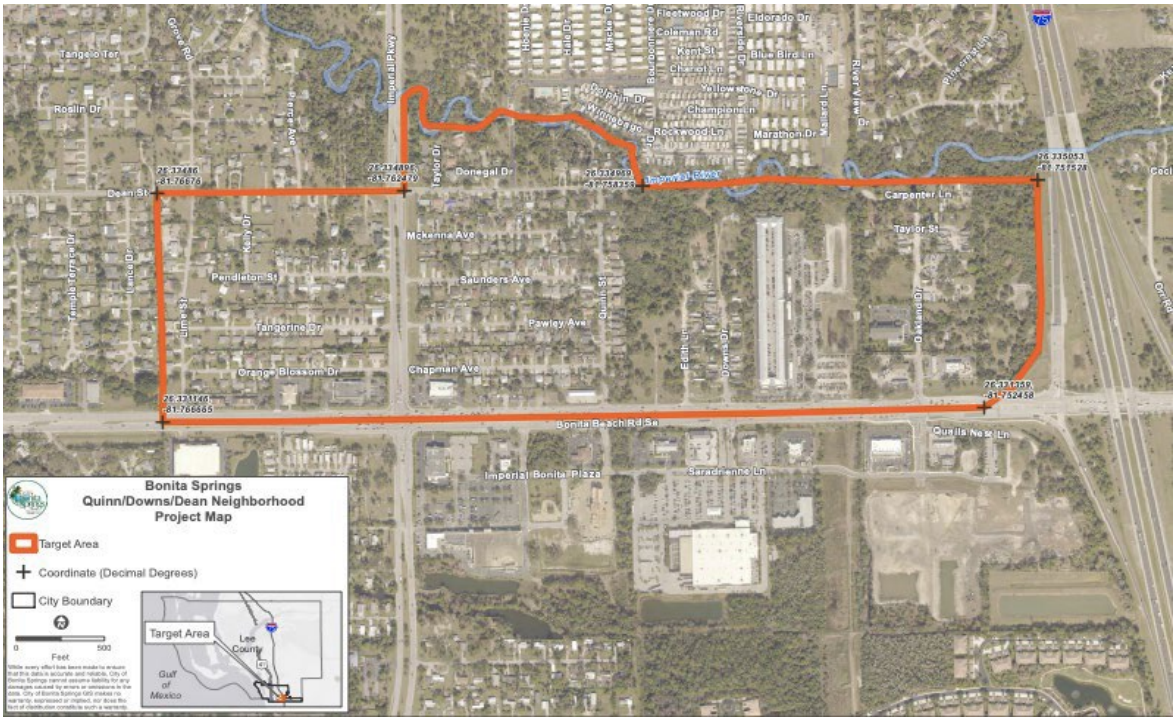
Task No.	Task Title	Budget Category	Grant Amount	Task Start Date	Task End Date
1	Design and Permitting	Contractual Services	$675,000	07/01/2020	06/30/2025
2	Project Management	Contractual Services	$74,048	07/01/2020	06/30/2025
		Miscellaneous/ Other Expenses	$952		
		Total:	$750,000		

Note that, per Section 8 of Attachment 1 in the Agreement, authorization for continuation and completion of work and any associated payments may be rescinded, with proper notice, at the discretion of the Department if the Legislature reduces or eliminates appropriations. Extending the contract end date carries the risk that funds for this project may become unavailable in the future. This should be a consideration for the Grantee with this and future requests for extension.

Figure 1. Project Location Map Area 1



Figure 2. Project Location Map Area 2



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CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet 24-05-074
May 15, 2024

REQUESTED MOTION: Direct staff to pursue an EV charging station at Riverside Park or in the downtown area.

REQUESTOR: Chris Corrie, Council Member

AGENDA: Mayor and Council Member Items

STRATEGIC PRIORITY: N/A

BACKGROUND:

The Technology Advisory Board has been researching electric charging stations and how to make Bonita Springs EV-Friendly. Florida is the second largest state for EV registrations. As EV prices drop and new models are introduced, many residents & visitors will need a place to charge. We were successful in attracting the public sector to install high speed charging near the interstate for travelers passing through the city. The Technology Advisory Board would like staff to encourage a medium speed operator to install a pilot charging site in downtown Bonita at no cost to the City. The charge point operator would provide equipment, installation, service, and electricity. The City's only responsibility would be to provide the operator with an easement for equipment installation. An added benefit is potential revenue sharing with operators. Operators are attracted to downtown areas where there are businesses, restaurants, residences, and activities. Their goal is high utilization. Equally important is readily available power typically used for RVs. The Technology Advisory Committee would like staff to research placing a charging station in the Riverside Park area, either on the street or in the parking lot. Due to it being the center for major activity and ample power is readily available.

STAFF RECOMMENDATION: Council's pleasure.

ATTACHMENTS:

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield
Department Director:	Lora Taylor

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 23-05-075
May 15, 2024

REQUESTED MOTION: Approve a Resolution of necessity for the acquisition and condemnation of parcels required for the Bonita Grande drive extnesion to the City's planned park facilities adjacent to the Larry Kiker Preserve.

REQUESTOR: Derek Rooney, City Attorney, and Matt Feeney, Assistant City Manager.

AGENDA: City Attorney

STRATEGIC PRIORITY: #2 Transporation

BACKGROUND: On December 4, 2019, the City entered into a settlement agreement with BG Mine, LLC which provided for the transfer of over 30 acres of future park land and access to the northern lake of the existing BG Mine immediately adjacent to the Kiker Preserve. Included in that agreement is the provision for BG Mine to provide sufficient roadway access to the park either upon lands owned by BG Mine or secured from adjacent owners. The City has engaged Hole Montes to conduct a route study to determine the most appropriate route for the drive to the park facilities. The route was approved on March 1, 2023 by the City Council following the presentation and recommendation of Hole Montes. Prior resolutions were approved beginning on August 16, 2023 and several segments have already been acquired; the specific request is for a segment identified as Parcel 109.

The current request is for the Council to approve the proposed resolution directing the City Attorney or his designee to make binding offers and authorize by negotiation, contract, eminent domain, or other lawful means the acquisition of the necessary right-of-way for the purposes described above.

To facilitate the design and acquisition of rights associated with this access the parties had previously entered into a Public Road Access Facilitation Agreement which requires BG Mine to maintain deposits with the City necessary for the City to recover its costs in conjunction with the planning of the proposed access. To clarify additional obligations relating to the City and BG Mine relating to funding, design approval, construction of their portion of the right-of-way, shared stormwater, indemnification, and park turnover.

STAFF RECOMMENDATION: Approve resolution and supplemental settlement agreement.

ATTACHMENTS:

1. Resolution for Parcel 109

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Michael Sheffield
Department Director:	Matt Feeney

PARCEL 109

RESOLUTION BY THE CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. _____

RESOLUTION BY THE CITY OF BONITA SPRINGS, FLORIDA; DIRECTING THE ACQUISITION OF CERTAIN PROPERTY NECESSARY FOR PLANNED CAPITAL IMPROVEMENTS: THE BONITA GRANDE DRIVE EXTENSION PROJECT; DIRECTING THE CITY ATTORNEY OR HIS DESIGNEE TO MAKE BINDING OFFERS TO ACQUIRE SAID PROPERTY BY VOLUNTARY TRANSFER; DECLARING THE NEED TO EXERCISE EMINENT DOMAIN POWERS TO ACQUIRE SAID PROPERTY FAILING AN AGREEMENT WITH THE LANDOWNER REGARDING THE AMOUNT OF COMPENSATION TO BE PAID FOR THE PROPERTY; SETTING FORTH THE USE, NECESSITY AND DESCRIPTION OF SAID PROPERTY; AUTHORIZING THE CITY ATTORNEY OR HIS DESIGNEE TO COMMENCE AND PROSECUTE ALL PROCEEDINGS NECESSARY FOR ACQUIRING SAID PROPERTY FOR THE BONITA GRANDE DRIVE EXTENSION PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS**,** after consideration of the availability of alternatives, including alternative configurations, the costs of the project, environmental factors, long range area planning, and safety concerns, the City of Bonita Springs has determined it is in the public interest to construct the Bonita Grande Drive Extension Project and has determined the property necessary for that use;

WHEREAS, the City of Bonita Springs therefore desires to acquire such property necessary for that use by negotiation, contract, condemnation or otherwise;

WHEREAS, the City of Bonita Springs has caused the property necessary for the Bonita Grande Drive Extension Project to be located and surveyed; and

WHEREAS, the City of Bonita Springs has caused appraisals to be prepared of the property necessary for the Bonita Grande Drive Extension Project; and

WHEREAS, based on the aforementioned appraisals, the City of Bonita Springs has determined a good faith estimate of value upon which to base a written offer of compensation to the fee owner as to the value of the property sought to be acquired

and, where less than the entire property is sought to be acquired, any damages to the remainder caused by the acquisition; and

WHEREAS, if following an attempt to negotiate in good faith with the fee owner(s) of the property to be acquired to determine the compensation to be paid for the property necessary for the Bonita Grande Drive Extension Project, consistent with Chapter 73, Florida Statutes, the City of Bonita Springs, acting through the City Attorney's Office and its designees and the fee owner(s) of the property to be acquired are unable to reach a timely agreement on the compensation to be paid, the City Council desires to exercise its power of eminent domain to condemn the property for public purposes; and

WHEREAS, the City of Bonita Springs has identified a funding source for the Bonita Grande Drive Extension Project and for the acquisition of the property to be acquired.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA, that:

SECTION ONE: GENERAL PROJECT DESCRIPTION

Construction of the Bonita Grande Drive Extension Project, Bonita Grande Drive from East Terry Street to the Larry Kiker Preserve and future Bonita Springs park facility, is a Planned Capital Improvement.

SECTION TWO: USE, NECESSITY AND DESCRIPTION OF PROPERTY

The City Council finds that a fee simple interest in the property described in the attached Schedule I ("Parcel 109") is necessary for the Bonita Grande Drive Extension Project and are being acquired for the following specific public use or purpose:

To provide access to the planned City of Bonita Springs park area and potentially to the Larry Kiker Preserve; to improve public and private traffic flow and transportation safety; to improve pedestrian safety; to extend and improve Bonita Grande Drive with

addition of curbing and gutters, sidewalks, roundabouts, stormwater drainage and underground utilities. No mobile homes are located on the property sought to be acquired and therefore it will not be necessary to remove any mobile homes from the property to be acquired.

SECTION THREE: AUTHORITY

By virtue of the authority granted to the City of Bonita Springs by Chapters 73, 74, and 166, Florida Statutes, and by all other statutory or common law which grant to the City Council the power to proceed with acquiring property for a public use or purpose, the City Council hereby authorizes and directs the City Attorney or his designee to acquire Parcel 109 in fee simple by negotiation, contract, eminent domain, or other lawful means, for the above-described public use or purposes necessary for the completion of the Bonita Grande Drive Extension project.

The City Council hereby authorizes and directs the City Attorney or his designee to utilize the statutory procedures in section 73.015, Florida Statutes to notify a Parcel 109 fee owner and any Parcel 109 business owners, and to make pre-suit offers pursuant to section 73.015, Florida Statutes, for Parcel 109, which parcel is sought to be acquired by the City. Having previously obtained an appraisal of Parcel 109, which appraisal also includes a good faith estimate upon which to base a written offer of compensation to the fee owner as to the value of the property sought to be acquired; and, where less than the entire property is sought to be acquired, any damages to the remainder caused by the acquisition, the City Council hereby directs the City Attorney or his designee to negotiate in good faith with the fee owner(s) of Parcel 109, and to provide the fee owner(s) a written offer binding on the City of Bonita Springs in the amount of Fifty-Nine Thousand Eight Hundred and 00/100 Dollars ($59,800.00), which sum is based on the aforementioned appraisal. The writing containing the offer binding on the City of Bonita Springs shall include a statement that the binding offer shall be valid for at least 30 days

after either receipt of the offer or the date the offer is retuned as undeliverable by the postal authorities. The City Council further directs the City Attorney or his designee to bring back for execution by the Mayor, or in his absence, the Deputy Mayor, without further City Council action, any agreement to consummate the sale of property sought to be acquired herein at a value consistent with the authority granted by the City Council.

The City Attorney or his designee is hereby authorized and directed to institute a suit in the name of the City of Bonita Springs and to fully exercise the City's power of eminent domain for the purpose of acquiring Parcel 109 in fee simple. The City Attorney or his designee is further authorized and directed to do all things necessary to prosecute such suit to final judgment by settlement or adjudication, and to also to do all things necessary to defend or prosecute any appeals. In pursuit of such acquisition, The City Attorney or his designee is specifically authorized to sign and file a Declaration of Taking so that the City of Bonita Springs may avail itself of the provisions of Chapter 74, Florida Statutes. The City Attorney or his designee is further authorized and directed to utilize and assert any and all constitutional and statutory authority of the City of Bonita Springs and the Bonita Springs City Council relative to the acquisition of the subject parcel including, but not limited to, the provisions of Chapters 73, 74, and 166, Florida Statutes.

SECTION FOUR: EFFECTIVE DATE

This Resolution is effective immediately.

[SIGNATURE PAGE FOLLOWS]

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Florida this ____ day of _____, 2024.

AUTHENTICATION:

_____ _____

Mayor City Clerk

APPROVED AS TO FORM: _____

City Attorney

Vote:

Steinmeyer	_____
Corrie	_____
Bogacz	_____
Flullick	_____
Purdon	_____
Forbes	_____
Carr	_____

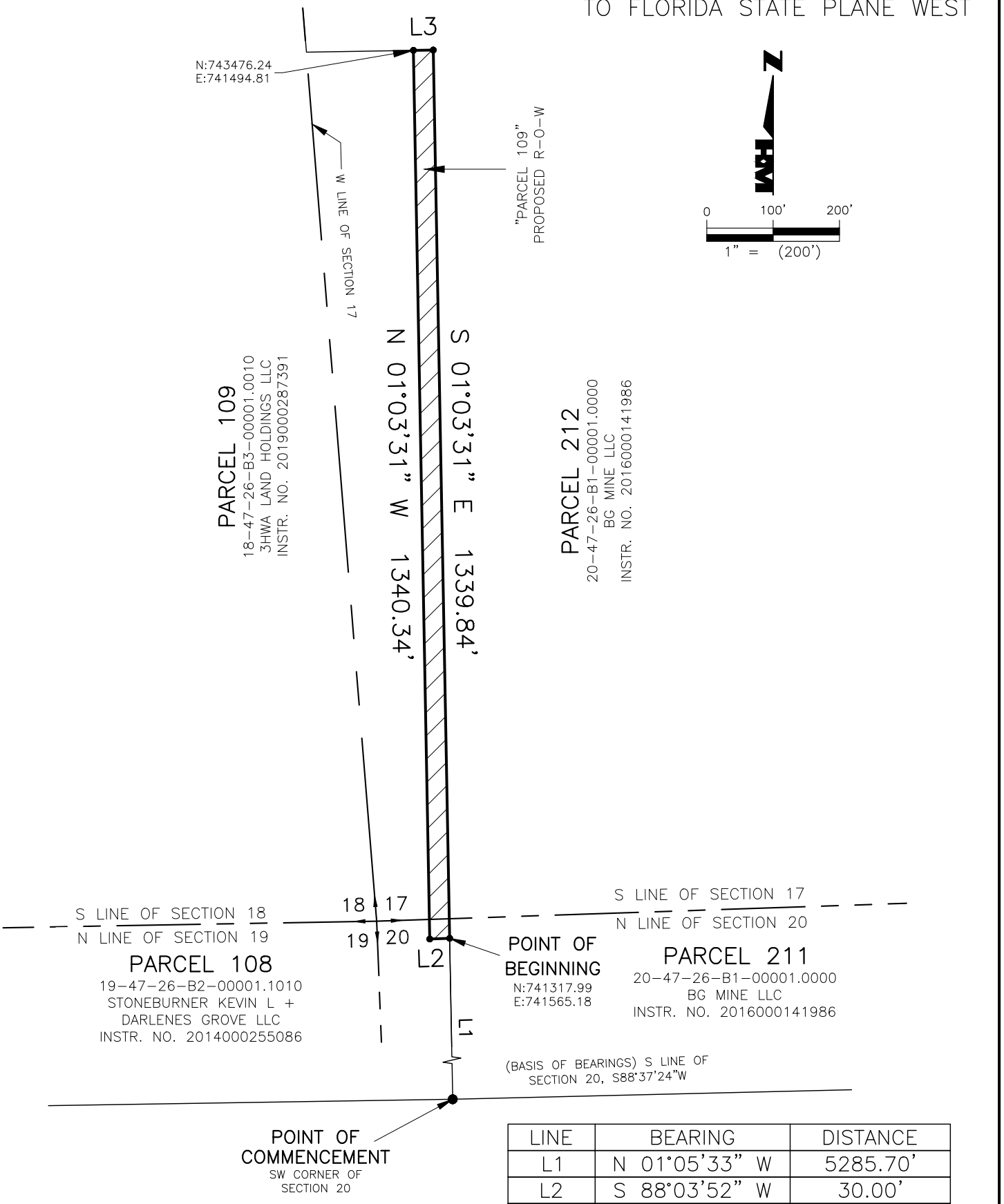
Date Filed With City Clerk: _____

Schedule I

Parcel 109

Fee Simple

COORDINATES SHOW HEREON REFER TO FLORIDA STATE PLANE WEST



LINE	BEARING	DISTANCE
L1	N 01°05'33" W	5285.70'
L2	S 88°03'52" W	30.00'
L3	N 89°01'27" E	30.00'

NOT A SURVEY

DRAWN BY: JNH	DATE: 5/14/2024	HOLE MONTES ENGINEERS | LANDSCAPE ARCHITECTS | PLANNERS | SURVEYORS SINCE 1956	6200 Whiskey Creek Dr. Ft. Myers, FL. 33919 Phone: (239) 985-1200 Florida Certificate of Authorization No.1772
SHEET # 1	OF SHEET 2		
SEC-TWN-RGE: 17-47-26			

SKETCH AND LEGAL PARCEL 109

BONITA GRANDE DRIVE EXTENSION

DRAWING NO.	H-2270-10
PROJECT NO.	2016.068
FILE NAME	2016068 S&L R10 (109).dwg

LEGAL DESCRIPTION

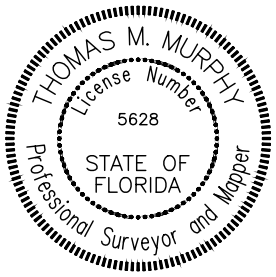
A PARCEL OF LAND LOCATED IN SECTION 17 AND SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, THENCE RUN N01°05'33"W FOR A DISTANCE OF 5285.70 FEET; TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE RUN S88°03'52"W FOR A DISTANCE OF 30.00 FEET; THENCE RUN N01°03'31"W FOR A DISTANCE OF 1340.34 FEET; THENCE RUN N89°01'27"E FOR A DISTANCE OF 30.00 FEET; THENCE RUN S01°03'31"E FOR A DISTANCE OF 1339.84 FEET, TO THE POINT OF BEGINNING.

CONTAINING 40202.07 SQUARE FEET OR 0.92 ACRE, MORE OR LESS.

BEARINGS REFER TO SOUTH LINE OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, AS BEING S88°37'24"W.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772



BY _____ LS5628
THOMAS M. MURPHY STATE OF FLORIDA

NOT A SURVEY

DRAWN BY: JNH	DATE: 5/14/2024	HOLE MONTES ENGINEERS | LANDSCAPE ARCHITECTS | PLANNERS | SURVEYORS SINCE 1956	6200 Whiskey Creek Dr. Ft. Myers, FL. 33919 Phone: (239) 985-1200 Florida Certificate of Authorization No.1772	DRAWING NO. H-2270-10
SHEET # 2	OF SHEET 2		SKETCH AND LEGAL PARCEL 109 BONITA GRANDE DRIVE EXTENSION	PROJECT NO. 2016.068
SEC-TWN-RGE: 17-47-26				FILE NAME 2016068 S&L R10 (109).dwg

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 24-05-072
May 15, 2024

REQUESTED MOTION: Presentation and review of the March Financial Report

REQUESTOR: Lisa Griggs Roberson, CPA, Director of Financial and Administrative Services

AGENDA: City Manager's Items

STRATEGIC PRIORITY: #7 Government Transparency

BACKGROUND:

Staff will be providing a brief presentation on the attached March 31, 2024, financial report. This is the initial 6 months of the new 2023-2024 fiscal year.

Please note that staff is in the process of developing an estimated fund balance as of September 30, 2023, which will be completed in June along with the audit completion.

STAFF RECOMMENDATION: Receive presentation and report.

ATTACHMENTS:

1. Presentation
2. Financial Report

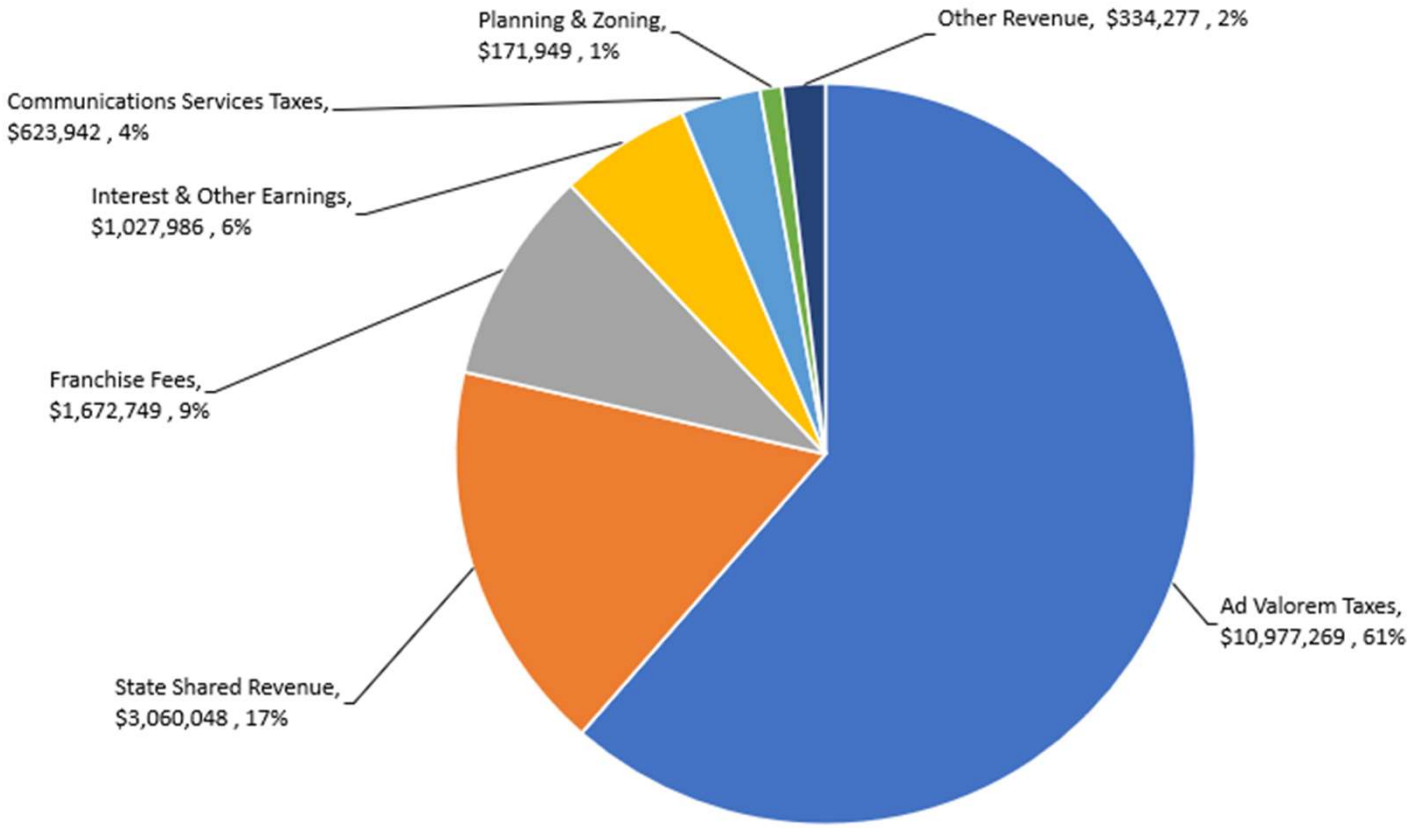
REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield
Department Director:	Lisa Griggs Roberson

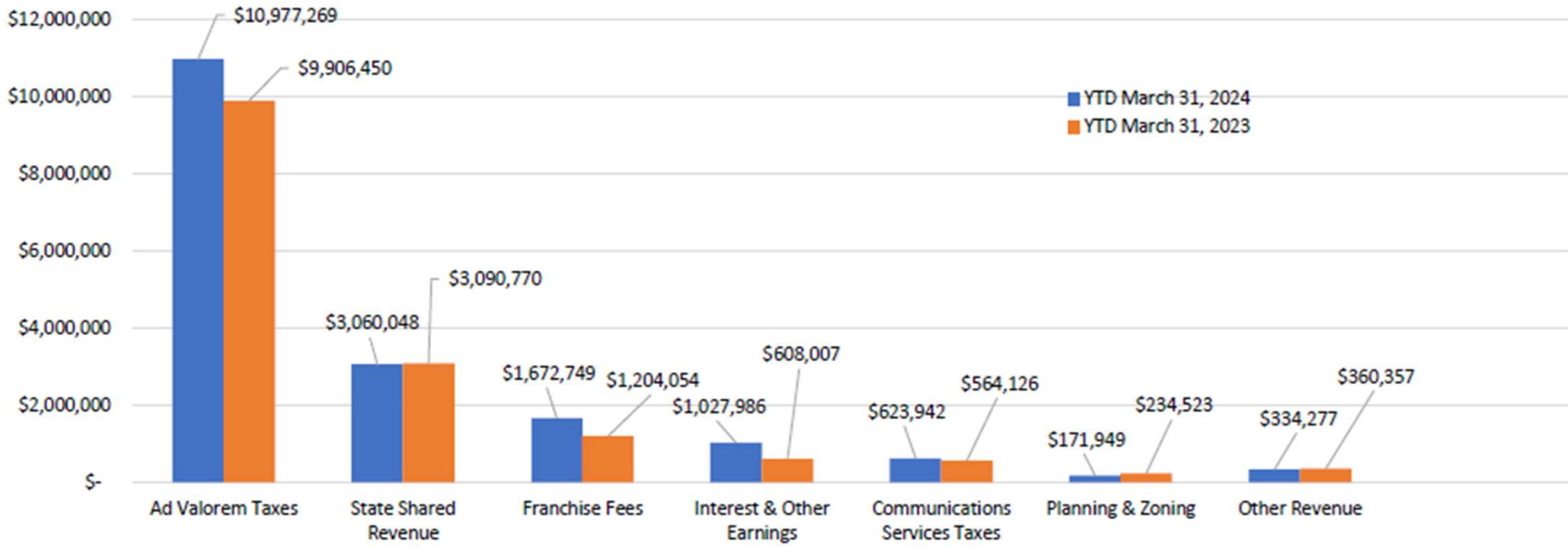
March Financial Report



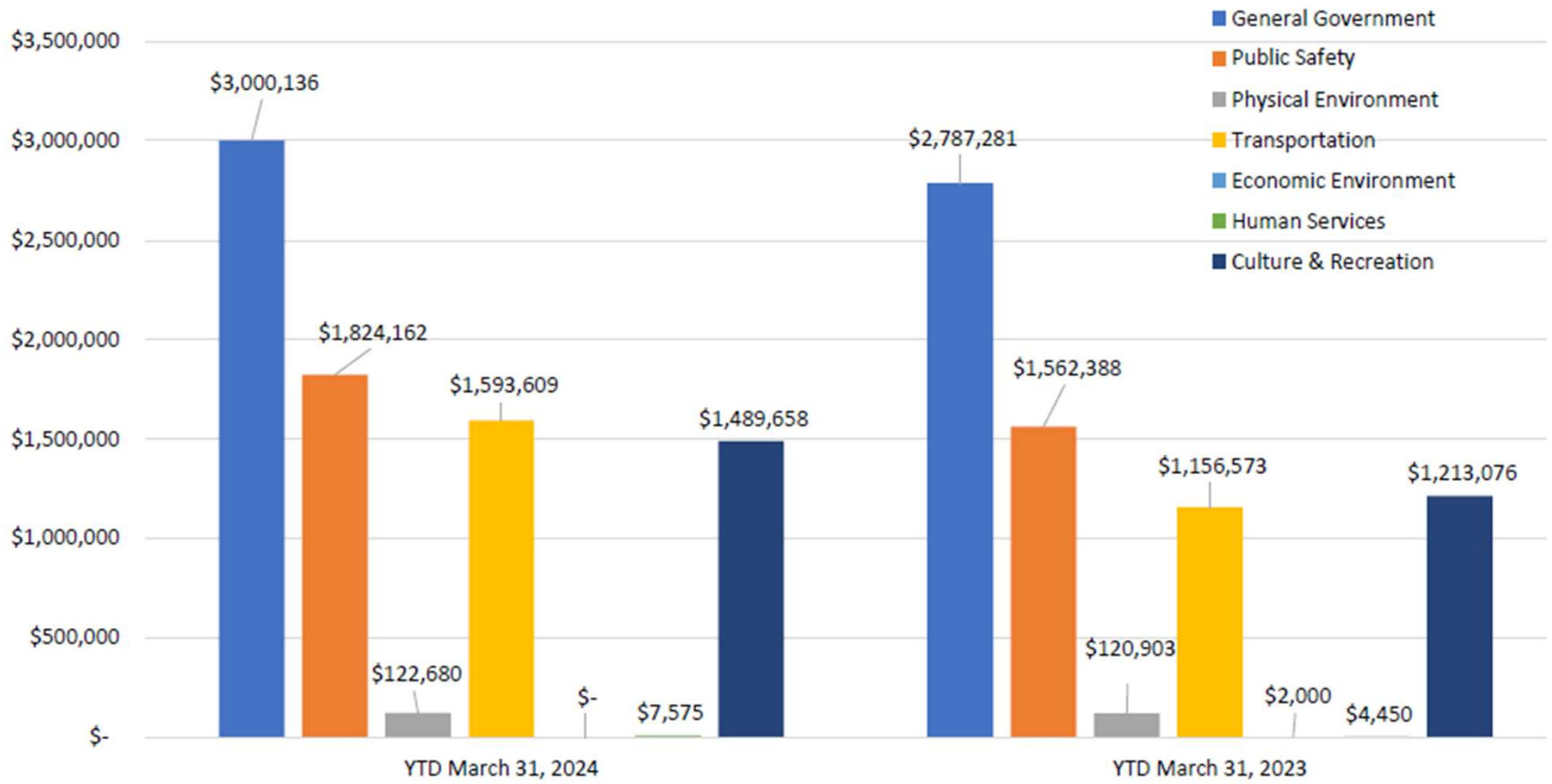
General Fund Revenue as of March 31, 2024



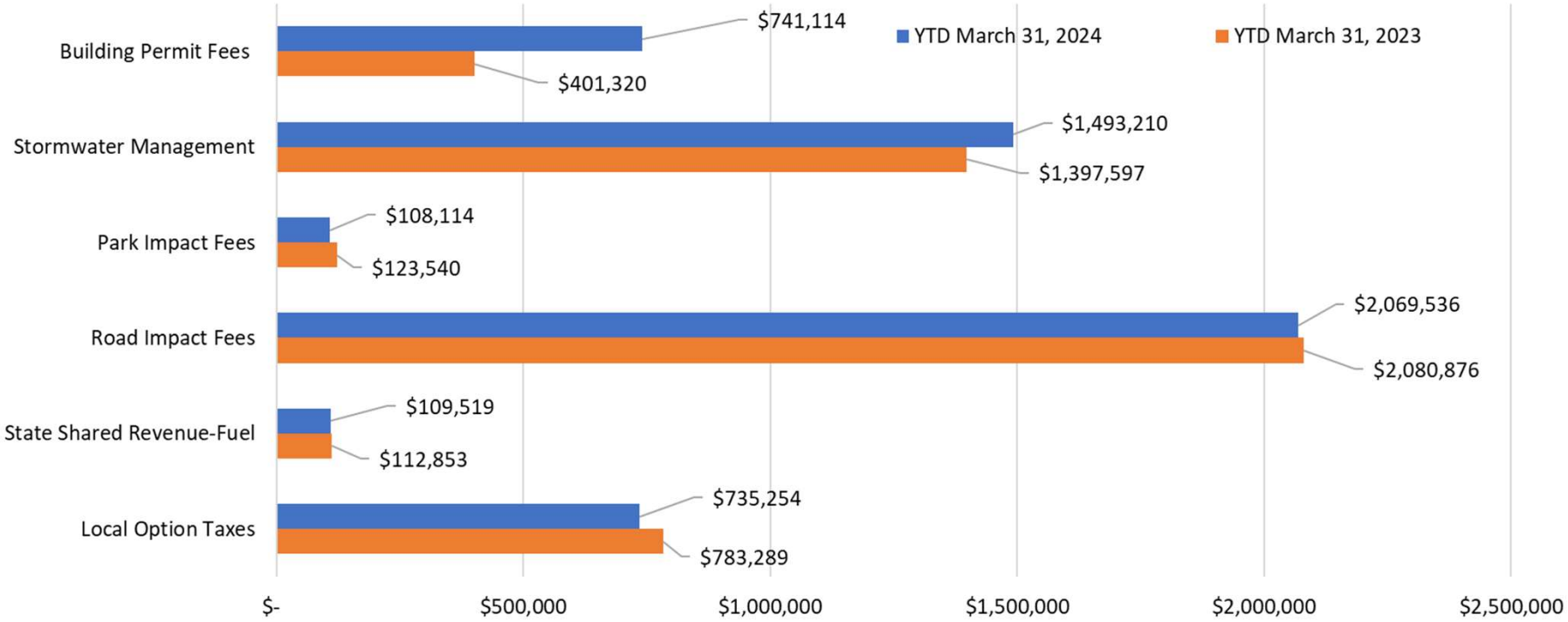
General Fund Revenue



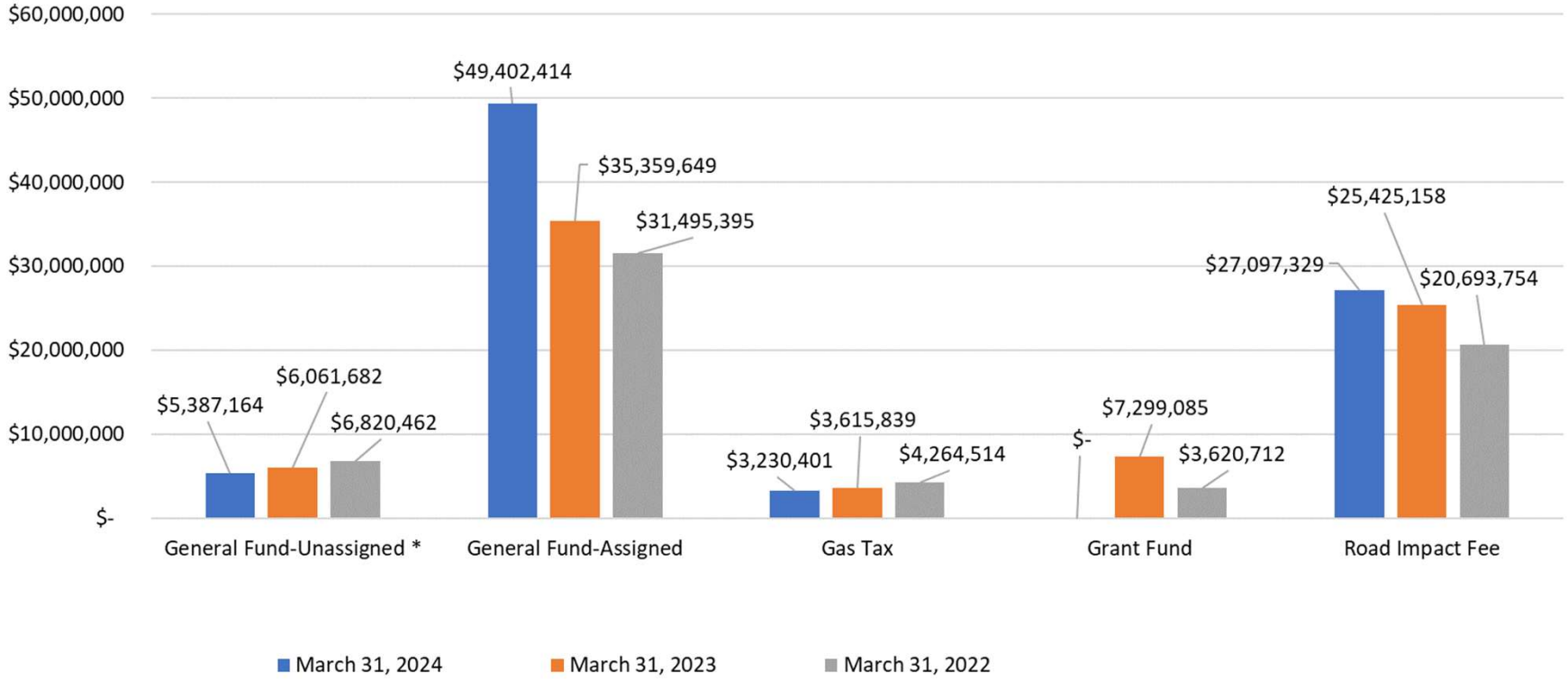
General Fund Expenditures



Restricted Revenue

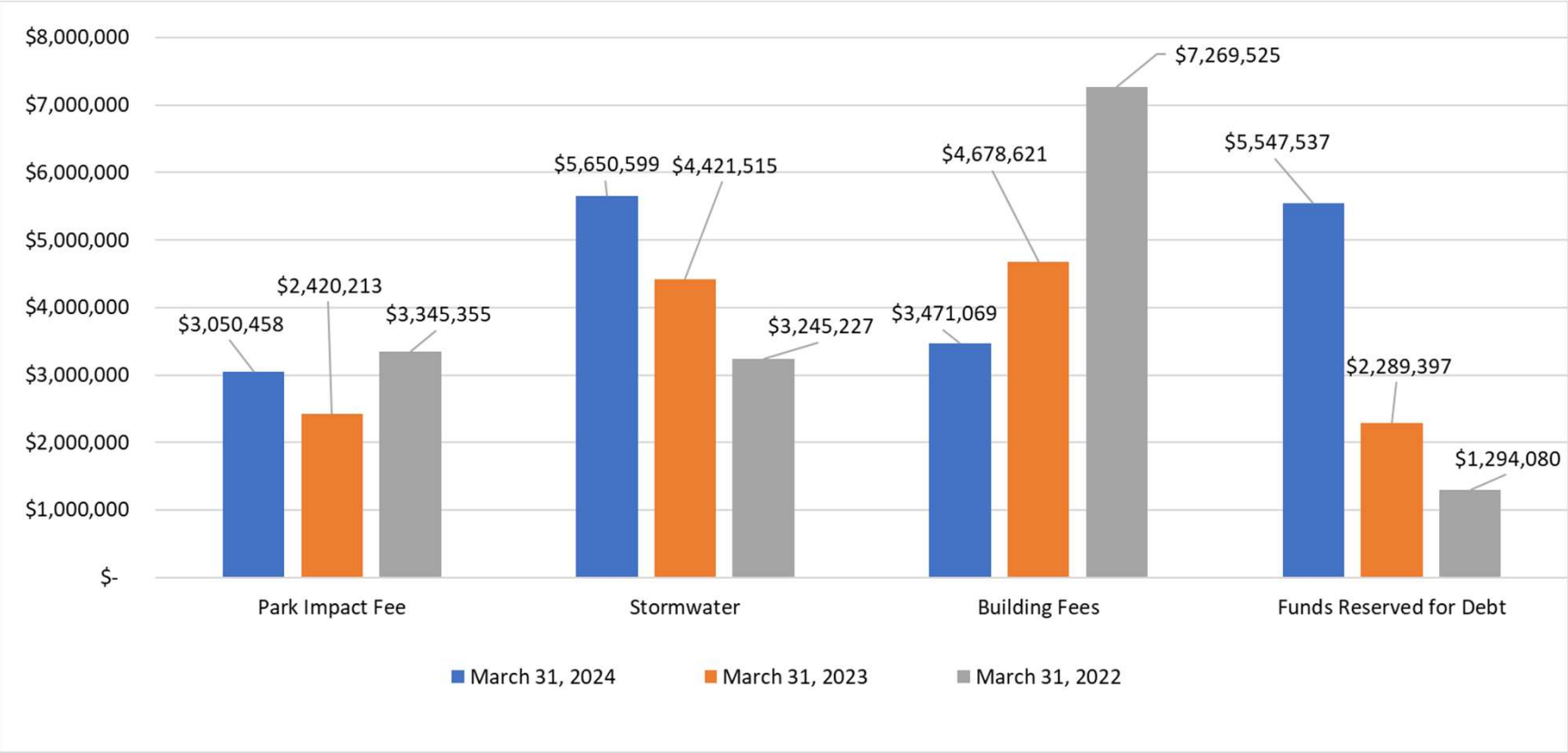


Cash Balances



* General fund unassigned fund balance will be calculated at the end of the fiscal year along with the audit completion.

Cash Balances



Thank you…

City of Bonita Springs, Florida
Balance Sheet
as of March 31, 2024

		Special Revenue Funds									
				Impact Fee Funds				Downtown	Debt	Capital	Total
	General Fund	Gas Tax	Grants	Road	Park	Stormwater Management	Building Fees	Area Revenue Sharing	Service Funds	Project Fund	Governmental Funds
ASSETS											
Cash and cash equivalents	$ 54,789,578	$ 3,230,401	$ -	$ 27,097,329	$ 3,050,458	$ 5,650,599	$ 3,471,069	$ 3,547,537	$ 2,000,000	$ -	$ 102,836,971
Receivables (net)	401,042	-		-	-	-	-	-	-	-	401,042
Due from other govt	-	.	279,849			-					279,849
Due from other funds	4,200,461	-	-	-	-	-	-	-	-	-	4,200,461
Total assets	$ 59,391,081	$ 3,230,401	$ 279,849	$ 27,097,329	$ 3,050,458	$ 5,650,599	$ 3,471,069	$ 3,547,537	$ 2,000,000	$ -	$ 107,718,323
LIABILITIES AND FUND BALANCES											
Liabilities:											
Accounts and contracts payable	$ 24,725	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 24,725
Accrued liabilities	6,009,731	-	-		-	-	-	-	-	-	6,009,731
Due to other funds		-	4,073,609		-	-	-	-	-	126,852	4,200,461
Due to other governments	46,328	-		37,737	-	-	-	-	-	-	84,065
Total liabilities	6,080,784	-	4,073,609	37,737	-	-	-	-	-	126,852	10,318,982
Total fund balances, beginning of the year	46,154,639	3,377,513	-	25,592,993	2,885,250	4,331,609	3,937,869	2,202,077	-	-	88,481,950
Revenues and Other Financing Sources over (under) Expenditures and Other Financing Uses	7,155,658	(147,112)	(3,793,760)	1,466,599	165,208	1,318,990	(466,800)	1,345,460	2,000,000	(126,852)	8,917,391
									-		
Fund balances	53,310,297	3,230,401	(3,793,760)	27,059,592	3,050,458	5,650,599	3,471,069	3,547,537	2,000,000	(126,852)	97,399,341
Total liabilities and fund balances	$ 59,391,081	$ 3,230,401	$ 279,849	$ 27,097,329	$ 3,050,458	$ 5,650,599	$ 3,471,069	$ 3,547,537	$ 2,000,000	$ -	$ 107,718,323

City of Bonita Springs, FL

General Fund Budget Report

Group Summary

For Fiscal: 2023-2024 Period Ending: 03/31/2024

RevAccountType;ExpFinStmtLineItem	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 00 - General Fund					
Revenue					
311 - Ad Valorem Taxes	11,633,600.00	11,633,600.00	206,556.59	10,977,268.50	656,331.50
315 - Communications Services Taxes	1,323,000.00	1,323,000.00	120,106.91	623,942.36	699,057.64
316 - Local Business Taxes	30,000.00	30,000.00	1,404.70	6,027.55	23,972.45
323 - Franchise Fees	3,733,800.00	3,733,800.00	315,393.74	1,672,748.98	2,061,051.02
329 - Other Permits, Fees & Special Assessment	41,100.00	41,100.00	5,280.00	28,950.00	12,150.00
335 - State Shared Revenue	7,235,400.00	7,235,400.00	617,336.66	3,060,048.18	4,175,351.82
341 - General Government	322,700.00	322,700.00	42,382.69	171,949.34	150,750.66
343 - Physical Environment	112,200.00	112,200.00	12,500.00	61,400.00	50,800.00
347 - Culture/Recreation	95,300.00	95,300.00	7,746.49	53,164.73	42,135.27
349 - Other Charges for Services	48,000.00	48,000.00	4,364.82	26,620.29	21,379.71
351 - Judgements, Fines-Traffic	22,400.00	22,400.00	5,542.03	21,192.62	1,207.38
354 - Fines Local Ordinance	140,000.00	140,000.00	250.00	28,359.05	111,640.95
361 - Interest & Other Earnings	800,000.00	800,000.00	187,539.10	1,027,986.28	-227,986.28
362 - Rents & Royalties	65,000.00	65,000.00	3,067.09	58,491.13	6,508.87
366 - Contributions	0.00	0.00	0.00	80.00	-80.00
369 - Other Misc Revenues	8,000.00	8,000.00	1,941.18	4,905.15	3,094.85
388 - Proceeds of General Capital Dispositons	0.00	0.00	0.00	45,086.35	-45,086.35
Revenue Total:	**25,610,500.00**	**25,610,500.00**	**1,531,412.00**	**17,868,220.51**	**7,742,279.49**
Expense					
51 - General Government	7,593,419.00	7,724,704.00	679,317.61	3,000,136.03	4,724,567.97
52 - Public Safety	4,163,832.00	4,163,832.00	85,732.70	1,824,162.19	2,339,669.81
53 - Physical Environment	459,034.00	459,034.00	58,655.23	122,680.05	336,353.95
54 - Transportation	4,337,759.00	4,415,338.00	453,281.36	1,593,609.41	2,821,728.59
55 - Economic Environment	27,550.00	27,550.00	0.00	0.00	27,550.00
56 - Human Services	147,070.00	147,070.00	890.00	7,575.00	139,495.00
57 - Culture & Recreation	3,923,742.00	4,106,583.00	352,899.24	1,489,658.20	2,616,924.80
58 - Other Uses/Transfers Out	14,674,616.00	39,025,977.00	815,249.15	2,674,741.31	36,351,235.69
Expense Total:	**35,327,022.00**	**60,070,088.00**	**2,446,025.29**	**10,712,562.19**	**49,357,525.81**
Fund: 00 - General Fund Surplus (Deficit):	**-9,716,522.00**	**-34,459,588.00**	**-914,613.29**	**7,155,658.32**	**-41,615,246.32**
Total Surplus (Deficit):	**-9,716,522.00**	**-34,459,588.00**	**-914,613.29**	**7,155,658.32**	

General Fund Department Expenditures Excluding Transfers

City of Bonita Springs, FL

Group Summary

For Fiscal: 2023-2024 Period Ending: 03/31/2024

Department	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 00 - General Fund					
101 - City Council	501,700.00	501,700.00	28,653.40	189,459.23	312,240.77
102 - Boards & Committees	80,000.00	80,000.00	0.00	0.00	80,000.00
201 - City Manager	641,380.00	641,380.00	38,259.19	237,800.52	403,579.48
211 - Planning & Zoning	2,105,635.00	2,105,635.00	316,167.96	951,377.47	1,154,257.53
220 - Law Enforcement/Security	2,945,996.00	2,945,996.00	3,950.00	1,291,153.04	1,654,842.96
230 - Neighborhood Services	1,110,106.00	1,110,106.00	80,401.88	474,342.15	635,763.85
240 - Information Technologies	430,300.00	430,300.00	34,644.75	140,202.42	290,097.58
250 - Public Works	4,743,393.00	4,820,972.00	511,936.59	1,712,526.62	3,108,445.38
260 - Emergency Preparedness	107,730.00	107,730.00	1,380.82	58,667.00	49,063.00
270 - Non-Departmental Expenditures	849,595.00	849,595.00	42,819.14	215,550.31	634,044.69
301 - City Attorney	763,340.00	763,340.00	35,950.29	171,169.29	592,170.71
401 - Adminstrative Services	542,528.00	551,595.00	39,182.53	243,918.60	307,676.40
402 - City Hall	330,350.00	330,350.00	36,207.70	128,997.20	201,352.80
410 - Human Resources	70,700.00	70,700.00	1,898.09	11,833.73	58,866.27
430 - Communications	1,362,036.00	1,362,036.00	132,857.63	571,992.87	790,043.13
501 - Finance	877,250.00	999,468.00	57,141.69	407,873.51	591,594.49
601 - Parks & Recreation Adminstration	830,790.00	830,790.00	66,194.54	345,150.02	485,639.98
602 - Receation Center	544,606.00	571,456.00	59,647.25	258,229.34	313,226.66
603 - Community Park & Ball Fields	196,361.00	217,969.00	25,442.76	77,710.40	140,258.60
604 - Community Pool	629,757.00	658,864.00	36,388.93	239,857.20	419,006.80
605 - Riverside Park	210,756.00	250,310.00	38,674.38	89,421.78	160,888.22
609 - Formerly Community Hall/Sherriff Substation	18,665.00	18,665.00	967.99	4,575.56	14,089.44
610 - Dog Park	83,378.00	83,378.00	4,599.58	29,488.13	53,889.87
611 - Beach Parks	29,740.00	29,740.00	20.48	233.55	29,506.45
612 - Hickory Blvd. North ROW	10,000.00	10,000.00	0.00	0.00	10,000.00
613 - BS Soccer Complex	107,756.00	134,606.00	10,031.30	70,346.23	64,259.77
614 - Kentucky Street Park	4,500.00	4,500.00	0.00	0.00	4,500.00
615 - Liles Hotel	111,138.00	116,138.00	10,066.94	37,312.89	78,825.11
617 - Bonita Nature Place	33,464.00	33,464.00	2,743.44	12,089.29	21,374.71
618 - Windsor Road Preserve	7,980.00	7,980.00	31.16	137.75	7,842.25
620 - Marni Fields	119,083.00	119,083.00	8,880.28	43,376.82	75,706.18
621 - BS River Park	25,748.00	34,770.00	1,437.76	5,423.56	29,346.44
622 - Cullum's Bonita Trail	18,300.00	18,300.00	0.00	800.00	17,500.00
623 - Carpenter Lane Canoe & Kayak	2,469.00	2,469.00	106.94	227.82	2,241.18
624 - Leitner Creek Neighborhood Park	12,476.00	37,326.00	2,649.76	5,941.77	31,384.23
626 - Oak Creek Preserve	6,000.00	6,000.00	0.00	750.00	5,250.00
629 - Oak Creek Kayak Launch	5,000.00	5,000.00	0.00	0.00	5,000.00
631 - Former Library Building	182,400.00	182,400.00	1,440.99	9,884.81	172,515.19
Fund: 00 - General Fund Total:	**20,652,406.00**	**21,044,111.00**	**1,630,776.14**	**8,037,820.88**	**13,006,290.12**
Total Surplus (Deficit):	**-20,652,406.00**	**-21,044,111.00**	**-1,630,776.14**	**-8,037,820.88**	



City of Bonita Springs, FL

Special Revenue Funds Budget Report

Group Summary

For Fiscal: 2023-2024 Period Ending: 03/31/2024

RevAccountType;ExpFinStmtLineItem	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 10 - Gas Tax Fund					
Revenue					
312 - Local Option Taxes	1,772,200.00	1,772,200.00	145,954.75	735,253.92	1,036,946.08
335 - State Shared Revenue	291,200.00	291,200.00	21,903.84	109,519.20	181,680.80
361 - Interest & Other Earnings	82,000.00	82,000.00	13,741.00	78,850.00	3,150.00
Revenue Total:	**2,145,400.00**	**2,145,400.00**	**181,599.59**	**923,623.12**	**1,221,776.88**
Expense					
54 - Transportation	1,309,104.00	1,309,104.00	-99,830.86	524,408.26	784,695.74
58 - Other Uses/Transfers Out	778,990.00	3,581,307.00	460,787.49	546,326.47	3,034,980.53
Expense Total:	**2,088,094.00**	**4,890,411.00**	**360,956.63**	**1,070,734.73**	**3,819,676.27**
Fund: 10 - Gas Tax Fund Surplus (Deficit):	**57,306.00**	**-2,745,011.00**	**-179,357.04**	**-147,111.61**	**-2,597,899.39**
Fund: 13 - Grant Fund					
Revenue					
331 - Federal Grants	0.00	30,261,353.00	-2,030,043.03	-1,710,223.90	31,971,576.90
334 - State Grants	11,945,467.00	16,631,974.00	0.00	-407,723.11	17,039,697.11
337 - Local Gvmt Grants	40,000.00	40,000.00	2,762.50	2,762.50	37,237.50
381 - Transfers In	40,000.00	40,000.00	5,740.00	-42,437.50	82,437.50
Revenue Total:	**12,025,467.00**	**46,973,327.00**	**-2,021,540.53**	**-2,157,622.01**	**49,130,949.01**
Expense					
52 - Public Safety	80,000.00	80,000.00	13,440.57	69,592.12	10,407.88
57 - Culture & Recreation	0.00	157,062.00	0.00	31,299.49	125,762.51
58 - Other Uses/Transfers Out	11,945,467.00	46,736,265.00	766,559.79	1,535,246.20	45,201,018.80
Expense Total:	**12,025,467.00**	**46,973,327.00**	**780,000.36**	**1,636,137.81**	**45,337,189.19**
Fund: 13 - Grant Fund Surplus (Deficit):	**0.00**	**0.00**	**-2,801,540.89**	**-3,793,759.82**	**3,793,759.82**
Fund: 14 - Road Impact Fee Fund					
Revenue					
324 - Impact Fees	3,180,960.00	3,180,960.00	355,962.82	2,069,536.15	1,111,423.85
361 - Interest & Other Earnings	400,000.00	400,000.00	112,767.00	634,608.00	-234,608.00
Revenue Total:	**3,580,960.00**	**3,580,960.00**	**468,729.82**	**2,704,144.15**	**876,815.85**
Expense					
58 - Other Uses/Transfers Out	4,076,454.00	27,159,152.00	101,956.90	1,237,544.85	25,921,607.15
Expense Total:	**4,076,454.00**	**27,159,152.00**	**101,956.90**	**1,237,544.85**	**25,921,607.15**
Fund: 14 - Road Impact Fee Fund Surplus (Deficit):	**-495,494.00**	**-23,578,192.00**	**366,772.92**	**1,466,599.30**	**-25,044,791.30**
Fund: 16 - Park Impact Fee Fund					
Revenue					
324 - Impact Fees	352,070.00	352,070.00	8,232.00	108,114.00	243,956.00
361 - Interest & Other Earnings	52,000.00	52,000.00	9,950.00	57,094.00	-5,094.00
Revenue Total:	**404,070.00**	**404,070.00**	**18,182.00**	**165,208.00**	**238,862.00**
Expense					
58 - Other Uses/Transfers Out	400,000.00	3,551,747.00	0.00	0.00	3,551,747.00
Expense Total:	**400,000.00**	**3,551,747.00**	**0.00**	**0.00**	**3,551,747.00**
Fund: 16 - Park Impact Fee Fund Surplus (Deficit):	**4,070.00**	**-3,147,677.00**	**18,182.00**	**165,208.00**	**-3,312,885.00**
Fund: 18 - Stormwater Management					
Revenue					
325 - Special Assessments - Charges for Public Services	1,470,000.00	1,470,000.00	25,056.80	1,493,209.60	-23,209.60
361 - Interest & Other Earnings	18,000.00	18,000.00	15,356.00	88,118.00	-70,118.00
Revenue Total:	**1,488,000.00**	**1,488,000.00**	**40,412.80**	**1,581,327.60**	**-93,327.60**
Expense					
53 - Physical Environment	657,111.00	657,111.00	0.00	262,338.50	394,772.50

RevAccountType;ExpFinStmtLineItem	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
58 - Other Uses/Transfers Out	700,000.00	3,500,000.00	0.00	0.00	3,500,000.00
Expense Total:	**1,357,111.00**	**4,157,111.00**	**0.00**	**262,338.50**	**3,894,772.50**
Fund: 18 - Stormwater Management Surplus (Deficit):	**130,889.00**	**-2,669,111.00**	**40,412.80**	**1,318,989.10**	**-3,988,100.10**
Fund: 19 - Building Fees Fund					
Revenue					
322 - Building Permits	875,000.00	875,000.00	138,690.38	741,113.84	133,886.16
329 - Other Permits, Fees & Special Assessment	0.00	0.00	18,684.00	354,030.00	-354,030.00
361 - Interest & Other Earnings	60,000.00	60,000.00	14,283.00	81,960.00	-21,960.00
Revenue Total:	**935,000.00**	**935,000.00**	**171,657.38**	**1,177,103.84**	**-242,103.84**
Expense					
52 - Public Safety	3,338,660.00	3,338,660.00	549,325.57	1,622,304.18	1,716,355.82
58 - Other Uses/Transfers Out	0.00	698,195.00	0.00	21,600.00	676,595.00
Expense Total:	**3,338,660.00**	**4,036,855.00**	**549,325.57**	**1,643,904.18**	**2,392,950.82**
Fund: 19 - Building Fees Fund Surplus (Deficit):	**-2,403,660.00**	**-3,101,855.00**	**-377,668.19**	**-466,800.34**	**-2,635,054.66**
Fund: 23 - Downtown Area Revenue Sharing					
Revenue					
311 - Ad Valorem Taxes	490,400.00	490,400.00	0.00	490,400.00	0.00
337 - Local Gvmt Grants	1,872,100.00	1,872,100.00	0.00	1,857,380.00	14,720.00
Revenue Total:	**2,362,500.00**	**2,362,500.00**	**0.00**	**2,347,780.00**	**14,720.00**
Expense					
58 - Other Uses/Transfers Out	1,076,100.00	1,076,100.00	0.00	1,002,320.00	73,780.00
Expense Total:	**1,076,100.00**	**1,076,100.00**	**0.00**	**1,002,320.00**	**73,780.00**
Fund: 23 - Downtown Area Revenue Sharing Surplus (Deficit):	**1,286,400.00**	**1,286,400.00**	**0.00**	**1,345,460.00**	**-59,060.00**
Total Surplus (Deficit):	**-1,420,489.00**	**-33,955,446.00**	**-2,933,198.40**	**-111,415.37**	



City of Bonita Springs, FL

Debt Service Funds Budget Report

Group Summary

For Fiscal: 2023-2024 Period Ending: 03/31/2024

RevAccountType;ExpFinStmtLineItem	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 20 - 2011 Debt Fund					
Revenue					
384 - Debt Proceeds	0.00	0.00	0.00	2,000,000.00	-2,000,000.00
Revenue Total:	**0.00**	**0.00**	**0.00**	**2,000,000.00**	**-2,000,000.00**
Fund: 20 - 2011 Debt Fund Total:	**0.00**	**0.00**	**0.00**	**2,000,000.00**	**-2,000,000.00**
Fund: 21 - 2014 Debt Fund					
Revenue					
381 - Transfers In	1,076,100.00	1,076,100.00	0.00	1,002,320.00	73,780.00
Revenue Total:	**1,076,100.00**	**1,076,100.00**	**0.00**	**1,002,320.00**	**73,780.00**
Expense					
51 - General Government	1,076,100.00	1,076,100.00	0.00	1,002,320.00	73,780.00
Expense Total:	**1,076,100.00**	**1,076,100.00**	**0.00**	**1,002,320.00**	**73,780.00**
Fund: 21 - 2014 Debt Fund Surplus (Deficit):	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**
Fund: 22 - 2020 Debt Fund					
Revenue					
381 - Transfers In	462,660.00	462,660.00	0.00	58,826.25	403,833.75
Revenue Total:	**462,660.00**	**462,660.00**	**0.00**	**58,826.25**	**403,833.75**
Expense					
51 - General Government	462,660.00	462,660.00	0.00	58,826.25	403,833.75
Expense Total:	**462,660.00**	**462,660.00**	**0.00**	**58,826.25**	**403,833.75**
Fund: 22 - 2020 Debt Fund Surplus (Deficit):	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**
Total Surplus (Deficit):	**0.00**	**0.00**	**0.00**	**2,000,000.00**	



City of Bonita Springs, FL

Capital Projects Funds Budget Report

Group Summary

For Fiscal: 2023-2024 Period Ending: 03/31/2024

ExpFinStmtLineItem;RevAccountType	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 30 - Cap Projects Fund					
Revenue					
366 - Contributions	1,500,000.00	1,500,000.00	0.00	-126,851.70	1,626,851.70
381 - Transfers In	31,562,867.00	120,380,026.00	2,138,813.33	5,999,070.08	114,380,955.92
Revenue Total:	**33,062,867.00**	**121,880,026.00**	**2,138,813.33**	**5,872,218.38**	**116,007,807.62**
Expense					
51 - General Government	2,613,000.00	7,663,785.00	340,168.71	731,110.10	6,932,674.90
53 - Physical Environment	21,709,423.00	48,545,639.00	994,032.20	1,953,613.40	46,592,025.60
54 - Transportation	5,730,444.00	55,156,129.00	553,258.98	2,116,489.47	53,039,639.53
57 - Culture & Recreation	3,010,000.00	10,514,473.00	251,353.44	1,197,857.11	9,316,615.89
Expense Total:	**33,062,867.00**	**121,880,026.00**	**2,138,813.33**	**5,999,070.08**	**115,880,955.92**
Fund: 30 - Cap Projects Fund Surplus (Deficit):	**0.00**	**0.00**	**0.00**	**-126,851.70**	**126,851.70**
Fund: 31 - Other Capital Projects Fund					
Revenue					
381 - Transfers In	510,000.00	3,369,957.00	0.00	0.00	3,369,957.00
Revenue Total:	**510,000.00**	**3,369,957.00**	**0.00**	**0.00**	**3,369,957.00**
Expense					
55 - Economic Environment	0.00	78,381.00	0.00	0.00	78,381.00
57 - Culture & Recreation	510,000.00	3,291,576.00	0.00	0.00	3,291,576.00
Expense Total:	**510,000.00**	**3,369,957.00**	**0.00**	**0.00**	**3,369,957.00**
Fund: 31 - Other Capital Projects Fund Surplus (Deficit):	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**
Total Surplus (Deficit):	**0.00**	**0.00**	**0.00**	**-126,851.70**	