

BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT REZONING

CASE NUMBER: PD23-106253-BOS

HEARING DATE: November 19, 2024

PLANNER: Mary Zizzo, Esq., AICP, Senior Planner

APPLICATION SUMMARY:

- A. Applicant: Dorset Harbor LLC
- B. Agent: Daniel DeLisi, AICP
- C. Request: A request to rezone approximately six (6) acres from Residential Planned Development (RPD) to Residential Planned Development (RPD), to allow up to ten (10) single family dwelling units.
- D. Location: The subject property is located at 27400 Arroyal Rd., Bonita Springs FL 34135. STRAP: 33-47-25-B2-00201.0000
- E. Future Land Use Plan Designation: Moderate 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.

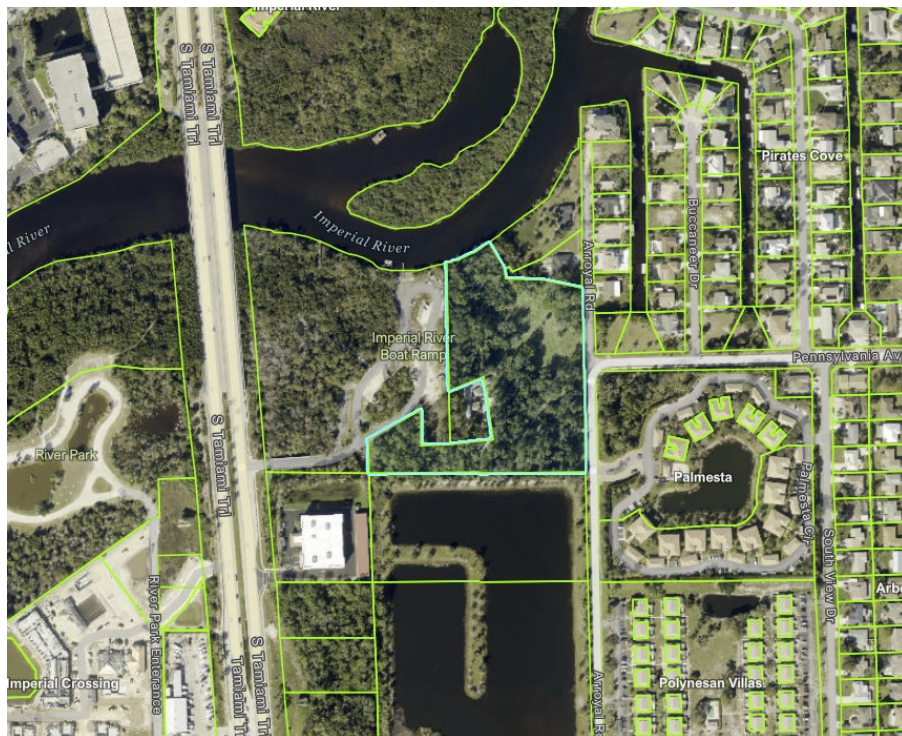
BACKGROUND:

This is a request to rezone approximately six (6) acres from Residential Planned Development (RPD) to Residential Planned Development (RPD), to develop a total of ten (10) single-family units. The site will also contain private community docks for the residents of the development, to be maintained by the Property Owners' Association. An existing single-family home, although not part of this rezoning request, is surrounded by the subject property and will be accessed by the proposed street system for the proposed development pursuant to an existing agreement, and as depicted on the Master Concept Plan (MCP).

The subject property is located on the west side of Arroyal Road, approximately one-half mile north of Bonita Beach Road, and is also on the Imperial River. The property has approximately 550 linear feet of frontage on Arroyal Road, and is currently comprised of one parcel. The property is covered with vegetation, and is currently vacant.

The property previously received a planned development rezoning approval in 2007 for 20 single-family homes (ZO-07-17). Pursuant to LDC Section 4-303, the 2007 MCP has expired. This current rezoning request includes a new schedule of uses, property development regulations, and review for compatibility based on current conditions.

The project was reviewed by multiple disciplines (Engineering, Surveying, Environmental, Bike-Ped, Traffic, Planning/Zoning and Public Works), and the analysis and conditions established in this Report are the result of their reviews and findings.



Source: Lee County GIS

THE PURPOSE OF PLANNED DEVELOPMENT ZONING

The purpose and intent of the various planned development districts is to further implement the Goals, Objectives, and Policies of the Bonita Springs Comprehensive Plan (Bonita Plan) by providing some degree of flexibility in planning and designing developments as defined in [Land Development Code \(LDC\) Section 4-200\(2\)](#). Pursuant to LDC Section 4-737, The intent of the RPD district is to further the general purpose of planned developments set forth in LDC Section 4-400(2) as it relates to residential areas. It is also the intent of the RPD district to provide a property owner or land developer with a development technique that can increase residential density and its ancillary development in areas designated by the Bonita Plan, provided that the proposed development is completely independent of City subsidized facilities and services, and that the project demonstrates that it will not have an adverse economic, environmental, fiscal or social impact to its surrounding environs or to the City.

The standard of review conducted by the City Staff and other review agencies provides the basis for the City Staff's recommendation on this rezoning request as outlined in [LDC Section 4-131\(d\)\(3\)](#) and [LDC Section 4-299\(a\)\(2\) and \(4\)](#) (See "Attachment A"). This recommendation is then presented to the City Council which has the final-decision making authority.

REQUEST

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

Accessory uses and structures
Boat Docks
Dwelling Units: Single Family (10 units)
Essential services
Entrance gates and gatehouses
Excavation, Water Retention
Fences, Walls
Home occupation
Model home
Open Space (minimum 40%)
Recreational facilities, On-site, personal and private
Residential Accessory Uses
Signs

Property Development Regulations: The Applicant is proposing the following development regulations for the project:

Min. Lot Width	60 feet *see Deviation 4

Min. Lot Depth	60 feet
Min. Lot Area	6,500 sf
Max. Lot Coverage	60%
Max. Height*	35 feet (3 stories max.)
Front Setback	23 feet front load garage 10 feet side entry garage
Side Setback	5 feet
Corner Lot Side Setback	10 feet
Rear Setback	10 feet
Waterbody Setback	25 feet from MHWL
Open Space	Minimum 40%

DEVIATIONS

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

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

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

1. The proposed alternative is based on sound engineering practices; and
2. The proposed alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested; and
3. For division 7 of article III of this chapter, Public Transit, the required facility would unnecessarily duplicate existing facilities; and
4. The granting of the deviation is not inconsistent with any specific policy directive of the city council, any other ordinance, or any city comprehensive plan provision; and
5. The granting of the deviation is not inconsistent with in the intent of the bicycle and pedestrian master plan, Bonita Beach Road Visioning Study, and the complete streets policy.

Four (4) deviations are being requested as part of this planned development rezoning request. The request language, Applicant justification, and Staff response are shown below.

Deviation Request #1: A deviation from LDC Sections 3-534(1) and 3-355(A)(1), which require utility easements on each side of the street right of way to allow for the placement of utility easements within the right of way provided no objection from utility companies.

Applicant Justification: *The proposed street cross section includes the placement of a utility easement within the right of way, rather than the residential lot. This allows for better maintenance by and accessibility by the master association.*

Staff Analysis: Staff does object to the deviation based on the input received from Bonita Springs Utilities'. Should the Applicant find resolution with Bonita Springs Utilities, Staff will recommend **APPROVAL** of the deviation request.

Deviation Request #2: A deviation from LDC Section 3-297(3) which requires that where practical, any residential development of more than five acres, must provide two or more means of ingress or egress for the development, to allow for one access point to Arroyal Road and an emergency only access point also to Arroyal Road.

Applicant Justification: *The proposed planned development is adjacent to only one roadway – Arroyal Road and is barely over 5 acres in area. The proposed development includes only 10 units. For such a small development with so few units, two access points are unnecessary and would otherwise be located too close to each other along the same street, not meeting separation criteria. Emergency access is being provided in case access is blocked.*

Staff Analysis: Staff does not object to the deviation based on the Applicant's justification. Staff recommends **APPROVAL** of the deviation request.

Deviation Request #3: A deviation from LDC Section 3-261(c) which [requires] side lots to be drawn on right angles to allow for flexibility in lot design as shown on the master concept plan.

Applicant Justification: *The proposed development is being designed around natural features on site and therefore has some lots that are irregularly shaped. Rather than have pockets of difficult to maintain common area, the subdivision is enhanced by incorporating these areas into private lots, creating in a few cases configurations that may not be compliant with LDC Section 3-261(c). Therefore, this deviation is included to enhance the development without having any negative impact on health, safety, or the general welfare of the public.*

Staff Analysis: Staff does not object to the deviation based on the Applicant's justification. Staff recommends **APPROVAL** of the deviation request.

Deviation Request #4: A deviation from LDC Section 4-2, which defines "Lot Width" as "the distance between the side lot lines as measured along the minimum required street

setback line” to allow for a lot setback from the street, connected by a driveway that is not part of the lot.

Applicant Justification: *The proposed development includes a single lot located west of the terminus of the internal roadway, accessing the internal road by a 25’ width driveway. The lot itself does not have direct road frontage but accesses the road by a shared driveway. The driveway functions identically to a home setback from a road with a long driveway. This deviation enhances the site plan by reducing the amount of impervious pavement needed for local roads without having any negative impacts to the health, safety, or the public welfare.*

Staff Analysis: Staff does not object to the deviation based on the Applicant’s justification. Staff recommends **APPROVAL** of the deviation request, for the proposed Lot 6, only.

CONCLUSIONS:

It is Staff’s opinion that the proposed RPD is appropriate, subject to the conditions outlined below. 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) for a maximum of ten (10) dwelling units with four (4) deviations, as conditioned below:

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 and Structures
 - Multi-slip Docking Facility (Private)
 - Dwelling Units: Single-Family (Maximum 10 units)
 - Essential services
 - Entrance gates and gatehouses
 - Excavation, Water Retention
 - Fences, Walls
 - Home Occupation
 - Model Homes, Subject to Condition #5
 - Open Space (Minimum 40%)
 - Recreational Facilities, On-Site, Personal and Private
 - Residential Accessory Uses
 - Signs

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

Min. Lot Width	60 ft* *see Deviation 4
Min. Lot Depth	60 ft
Min. Lot Area	6,500 sf
Max. Lot Coverage	60%
Max. Height	35 feet, 3 stories maximum
Front Setback	23 ft, front load garage 10 ft, side entry garage
Side Setback	5ft
Corner Lot Side Yard Setback	10 ft
Rear Setback	10 ft
Waterbody	25 ft from MHWL
Open Space	Minimum 40%
Perimeter Setback	See Sec. 4-741

4. The Applicant is limited to a maximum of ten (10) single-family dwelling units, subject to site development.
5. Model homes are a permitted use, subject to the following conditions:
- A maximum of three (3) model homes are permitted, with no separate sales center; and
 - Hours of operation for the model homes are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.; and
 - Each model home must be a unique example. Multiple examples of the same model are not permitted.

6. Environmental Conditions:

- a. The Tree Advisory Board has recommended approval for the removal of the heritage trees necessary for construction of the project (65). Due to some of the trees being historically grown on the property for nursery or forestry practices, a minimum of 42 heritage trees shall be retained or replanted in appropriate areas of the site. The replacement trees shall be native trees or palms 20' in height with a 4" minimum caliper and several species shall be utilized to increase diversity on the site. Replacement trees may be added to the preserve areas in coordination with the Preserve Management Plan or installed to meet landscape requirements. In addition, the replanting plan for the preserve areas shall include upsized groundcover and understory plants starting at a minimum of 1 gallon container size, to be reviewed at time of local development order.
- b. At the time of local development order, the Preserve Management Plan shall include a replanting plan for the preserve areas with high levels of invasive exotic vegetation.
- c. Manatee Protection Plan consistency shall be provided prior to local development order and building permit approval of the docks and wet slips. All construction requirements for Manatee Protection Plan consistency shall be met at the time of building permit issuance or prior to closure of the building permit (Dock and Shoreline Permit).

7. Multimodal and Transportation Conditions:

- a. At the time of local development order, the Applicant shall coordinate with the City of Bonita Springs Public Works Department for any/all work within City maintained Rights-Of-Way (ROW's) for any/all additional/separate permitting, design requirements, and inspections.
- b. At time of Development Order, all required multimodal facilities (infrastructure, crossings, amenities, furnishings, access points, easements, etc.) both internal and external to the site, shall meet or exceed the intent of the standards provided by Chapters 3 and 4 of the LDC, the City of Bonita Springs Long Range Bicycle Pedestrian Master Plan, and all applicable design requirements except as required by the Bonita Springs Fire Control and Rescue District and National Fire Protection Association (NFPA).

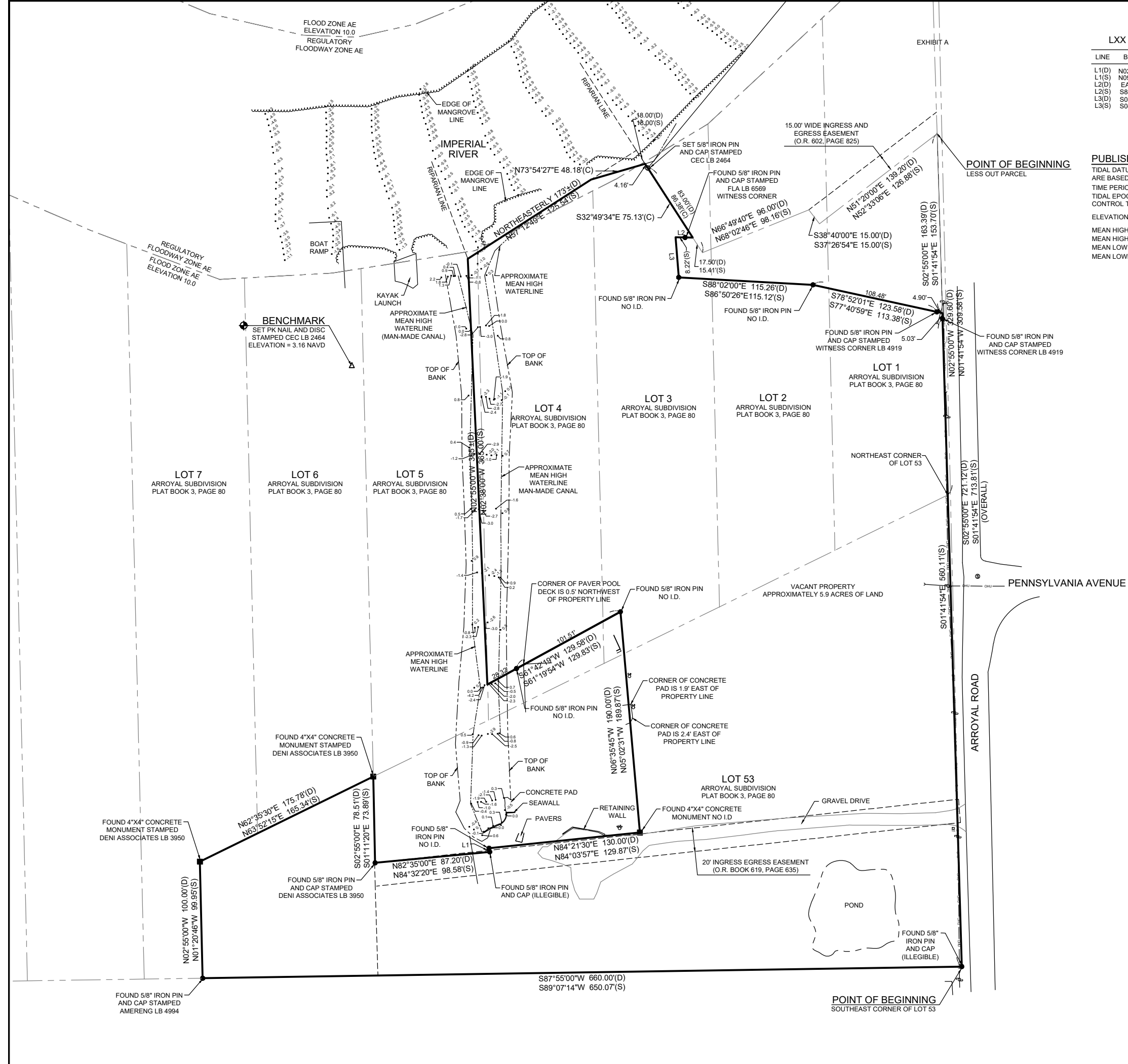
- c. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Bonita Springs LDC may be required to obtain a local development order.
- 8. At the time of local development order and building permit, the Applicant shall demonstrate compliance with all local, state, and federal regulations for construction within floodways and floodplains.
- 9. Approval of this zoning action does not guarantee approval of a local development order or building permit.

EXHIBITS:

- A. Legal Description and Sketch of the Subject Property
- B. Dorset Harbor Master Concept Plan (MCP) received October 25, 2024

ATTACHMENTS:

- A. Background and Informational Analysis
- B. Application Backup (Final Documents – Online only)



LXX - LINE TABLE			
LINE	BEARING	DISTANCE	
L1(D)	N02°55'00"W	2.45'	
L1(S)	N09°23'08"W	3.19'	
L2(D)	EASTERLY	16'±	
L2(S)	S88°48'26"E	14.73'	
L3(D)	S05°51'33"E	35.50'	
L3(S)	S04°39'59"E	34.54'	

PUBLISHED TIDAL INFORMATION

TIDAL DATUMS AT IMPERIAL RIVER ENTRANCE
ARE BASED ON FLORIDA 872 5269

TIME PERIOD = APRIL 1978 - AUGUST 1978
TIDAL EPOCH = 1983 - 2001
CONTROL TIDE STATION = 8725110 NAPLES, GULF OF MEXICO

ELEVATIONS OF TIDAL DATUMS ARE REFERENCED IN NAVD 1988

MEAN HIGHER HIGH WATER (MHHW) = +0.23 FT NAVD
MEAN HIGH WATER (MHW) = +0.04 FT NAVD
MEAN LOW WATER (MLW) = -0.58 FT NAVD
MEAN LOWER LOW WATER (MLLW) = -0.69 FT NAVD

LEGEND

(S) = SURVEY DATA
(D) = DESCRIPTION DATA
(C) = CALCULATED DATA
(TYP.) = TYPICAL

○ = OVERHEAD UTILITY LINE
⊕ = SANITARY SEWER MANHOLE
⊕ = WOOD POWER POLE
⊕ = ELECTRIC SERVICE
⊕ = TELEPHONE RISER

GENERAL NOTES

1. ■ = FOUND 4"x4" CONCRETE MONUMENT AS NOTED.
2. ● = FOUND 5/8" IRON PIN AS NOTED.
3. BEARINGS BASED ON A GRID BEARING OF S89°07'14"W ON THE SOUTH LINE OF LOT 53.
4. DESCRIBED PROPERTY LIES IN FLOOD ZONE AE, ELEVATION 10.00 PER F.I.R.M. COMMUNITY PANEL NO. 120680 MAP NO. 12071C 0658G DATED NOVEMBER, 17, 2022.
5. ELEVATIONS SHOWN HEREON ARE RELATIVE TO NORTH AMERICAN VERTICAL DATUM 1988 (N.A.V.D. 88).
6. ELEVATIONS AND DISTANCES SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
7. THIS SURVEY IS CERTIFIED TO THE DATE OF THE FIELD SURVEY, NOT THE DATE OF SIGNATURE.

DESCRIPTION AS RECORDED IN O.R. BOOK 2156, PAGE 4708:

BEGINNING AT THE SE CORNER OF LOT 53, ARROYAL SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 80, LEE COUNTY RECORDS; THENCE RUN S87°55'00"W, ALONG THE SOUTH LINE OF SAID LOT 53, 660.0 FEET TO THE SW CORNER OF LOT 53; THENCE RUN N2°55'00"W, ALONG THE WEST LINE OF SAID LOT 53, 100.0 FEET TO THE NW CORNER OF LOT 53; THENCE RUN N82°35'30"E, ALONG THE NORTH LINE OF SAID LOT 53, 175.78 FEET, MORE OR LESS, TO INTERSECTION WITH THE WEST LINE OF LOT 5, SAID ARROYAL SUBDIVISION; THENCE RUN S2°55'00"E, ALONG SAID WEST LINE OF LOT 5 AND ALONG THE WEST LINE OF PROPERTIES DESCRIBED IN O.R. 619, PAGE 635, 78.51 FEET TO THE NORTH LINE OF A 20 FT ROAD EASEMENT FOR INGRESS AND EGRESS AS DESCRIBED IN O.R. 619, PAGE 635; SAID LEE COUNTY RECORDS; THENCE RUN N82°35'00"E, ALONG SAID NORTH 20 FT. EASEMENT LINE, 87.20 FEET; THENCE RUN N2°55'00"W, 2.45 FEET TO THE SW CORNER OF PROPERTIES DESCRIBED IN O.R. BOOK 104, PAGE 14; THENCE RUN N82°41'30"E, ALONG S. LINE OF SAID PROPERTIES IN O.R. 104, PAGE 14, 130.00 FEET TO THE SE CORNER OF SAID PROPERTIES; THENCE RUN N6°35'45"W, ALONG E. LINE OF SAID PROPERTIES, 190.00 FEET TO THE NE CORNER OF SAID PROPERTIES; THENCE RUN S61°42'19", ALONG THE NORTH LINE OF SAID OR 104, PAGE 14, 129.58 FEET TO THE CENTERLINE OF A CANAL; THENCE RUN N2°55'00"W ALONG SAID CANAL CENTERLINE, AS DESCRIBED IN OR BOOK 619, PAGE 635 FEET MORE OR LESS TO THE WATERS OF THE IMPERIAL RIVER; THENCE RUN NELY ALONG SAID WATERS OF THE IMPERIAL RIVER, 173 FEET, MORE OR LESS, TO A POINT ON A LINE WHICH BEARS N32°31'56"W, OF THE NW CORNER OF OR 602, PAGE 825; THENCE RUN S32°31'56"E, ALONG SAID LINE, 18 FEET, MORE OR LESS TO SAID NW CORNER OF OR 602, PAGE 825; THENCE CONTINUE S32°31'56"E ALONG WLY LINE OF SAID OR 602, PAGE 825, 83.00 FEET TO SW CORNER OF 602, PAGE 825; THENCE RUN N66°49'40"E, ALONG SLY LINE OF SAID OR BOOK, 96.00 FEET; THENCE RUN S38°40'00"E, ALONG WEST LINE OF 15.00 FEET EASEMENT FOR INGRESS AND EGRESS, AS DESCRIBED IN SAID OR 602, PAGE 825, 15.00 FEET; THENCE RUN N51°20'00"E, ALONG THE SOUTH LINE OF SAID EASEMENT, 139.20 FEET TO A POINT ON THE EAST LINE OF LOT 1, SAID ARROYAL SUBDIVISION. SAID POINT LIES N2°55'00"W, OF THE P.O.B.; THENCE RUN S2°55'00"E, ALONG THE EAST LINE OF SAID LOT 1 AND ALONG THE EAST LINE OF AFOREMENTIONED LOT 52, 721.12 FEET TO THE P.O.B. SUBJECT TO THE WEST 15 FEET OF THE EAST 25 FEET OF SECTION 33-47-25, FROM THE SOUTH LINE OF SAID OR 602, PAGE 825 TO THE CENTERLINE OF PENNSYLVANIA AVENUE.

LESS: FROM THE NE CORNER OF LOT 53, ARROYAL S/D, AS RECORDED IN PLAT BOOK 3, PAGE 80, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, RUN N2°55'00"W, ALONG THE EAST LINE OF LOT 1, FOR 329.6 FEET TO THE P.O.B. OF LANDS HEREIN DESCRIBED. FROM SAID P.O.B., RUN S2°55'00"E, ALONG SAID EAST LINE OF LOT 1, (OFFICIAL RECORD BOOK 2341, AT PAGE 4125 CALLS THIS DISTANCE TO BE 181.88 FEET) 163.39 FT.; THENCE RUN N78°52'01"W, 123.58 FT.; THENCE RUN N88°02'00"W, 115.26 FT.; THENCE RUN N5°51'33"W, 35.5 FT. MORE OR LESS TO THE WATERS OF A LAGOON; THENCE ELY ALONG SAID WATERS 16 FT. MORE OR LESS TO A POINT ON THE WLY LINE OF O.R. BOOK 602, PAGE 825; THENCE S32°31'56"E, ALONG SAID WLY LINE O.R. BOOK 602, PAGE 825; 17.5 FT., MORE OR LESS TO THE SW CORNER OF SAID O.R. BOOK 602, PAGE 825; THENCE N66°49'40"E, ALONG THE SOUTH LINE OF O.R. BOOK 602, PAGE 825, 96.00 FT TO THE NW CORNER OF A 15.00 FT. EASEMENT; THENCE S38°40'00"E, ALONG SAID EASEMENT LINE (AS RECORDED IN O.R. BOOK 602, PAGE 825) 15.00 FT.; THENCE N51°20'00"E, ALONG THE SLY LINE OF SAID 15 FT EASEMENT AND O.R. BOOK 602, PAGE 825, 139.20 FT. TO THE P.O.B.

PARCEL SUBJECT TO: EASEMENT OF RECORD.
SAID PARCEL CONTAINS 5.9 ACRES MORE OR LESS.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

RICHARD J. EWING, VP
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5295
NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER
DATE OF FIELD SURVEY: 11/22/2022
DATE OF SIGNATURE:

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28421 BONITA CROSSINGS BOULEVARD
BONITA SPRINGS, FLORIDA 34135

PHONE: (239)643-2324
FAX: (239)643-1143
www.coastalengineering.com
E-Mail: info@cecfl.com

COASTAL AND MARINE ENGINEERING
ENVIRONMENTAL AND GEOLOGICAL SERVICES
LAND AND MARINE SURVEY AND MAPPING

CLIENT: VINAYA SHARMA
TITLE: BOUNDARY SURVEY OF A PORTION OF LOTS 1-5 AND LOT 53, ARROYAL SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 80, LEE COUNTY RECORDS

DATE:	09/19/22	SCALE:	1" = 40'
DRAWN:	MMW	F.B.	LC098
CHECKED:	PG.	RJE	18
SEC.	33	TWP.	47S
ACAD NO.		RNG.	25E
REF. NO.			22.212
			22.212

NO. 2	05/02/24	RJE	REVISED PER CITY RAI
NO. 1	09/18/23	MMW	ADDED ADDITIONAL MHW LOCATIONS
NO.		BY	REVISION DESCRIPTION

ATTACHMENT “A”

BACKGROUND AND INFORMATIONAL ANALYSIS:

Surrounding Land Use:

<u>Existing Zoning & Land Use</u>	<u>Future Land Use Map</u>
Subject Parcel: Residential Planned Development (RPD); Vacant	Moderate Den. Res. 6du/ac
North: RS-1, and Residential Planned Development; SF Residential	Moderate Den. Res. 5.8du/ac
East: RS-1 and RM-2- SF Residential; C-1 – MF Residential*	Moderate Den. Res. 5.8du/ac and Medium. Den Res. 11.6du/ac
South: AG-2; FL DOT Retention Pond	Moderate Den. Res. 5.8du/ac
West: RM-6; Imperial Boat Ramp	Recreation

*Immediately adjacent to the subject property is the road right-of-way of Arroyal Road, a City-maintained roadway that turns into a private road right-of-way north of the access point.

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 substantially 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	Not-applicable. This is a carry-over provision from Lee County where performance and location standards are evaluated as a part of the Lee Plan.
Including the use of TDR or affordable housing bonuses are the densities or intensities (general uses) consistent with the Comprehensive Plan	Yes – The proposal requests up to ten (10) dwelling units over approximately six (6) acres. The requested density is consistent with 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. The proposal maintains access for the single-family home located adjacent to parcel. By rezoning to a planned development, the project must meet open space requirements, provide a storm water management plan, and shall meet landscape and buffer requirements.
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 only add 9 peak AM trips and 11 peak PM trips daily. Additional review will take place at time of local development order.
Will the request adversely affect environmentally critical areas and natural resources	No – The project saves the mangrove shoreline less the dock access walkway and shall be compliant with state and federal regulations for wetland impacts.
Public facilities are, or will be, available and adequate to serve the proposed land use	Yes – Public facilities are available and adequate to serve the site.
Deviations needed to enhance or to achieve the objectives of the planned development	Yes – The proposed deviations will allow adequate placement of the lots 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

The project submitted an Environmental Report as part of this Application, which concluded that no protected species were located within the property. The Tree Advisory Board reviewed the proposed Master Concept Plan and recommended that a minimum of 42 heritage trees be retained or replanted within the site, subject to Condition 6.a.

There are 1.07 acres of hydric pine flatwoods wetlands on the south side of the project. This wetland is invaded with more than 75% invasive non-native vegetation. The applicant proposes to retain 0.68 acres and restore it to native wetland habitat. There are 0.19

acres of submerged lands and mangrove fringe within the project area along the river. The project will impact 0.06 acres for installation of the dock. These wetland impacts will require state and federal permitting which will be required prior to the start of construction.

The project proposes seven (7) docks for use by the project residents and property owners. A Boat Dock Screening and Siting Evaluation was provided which resulted in a Conditional Rating for the project. Lee County will verify the Screening Results and the number of slips allowed prior to local development order approval. The docks will be required to meet all requirements of the Manatee Protection Plan, including signage and fee payment for education and enforcement, as well as requirements of the Land Development Code for construction, design, and placement of the docks.

Stormwater/Floodplain

The project is located in the mapped special flood hazard area identified as zones AE and AE-Floodway with a base flood elevation of 10' NAVD according to FEMA's Flood Insurance Rate Map Panel 0658G dated 11/17/2022. All construction applications shall comply with the higher regulatory standards as outlined in Chapters 10 and 24 of the Bonita Springs City Code and the Florida Building Code at the time of local development order and permitting.

The post development flows will emulate and maintain the general characteristics of the predevelopment historic flow. The proposed water management system will consist of dry detention to treat and attenuate stormwater runoff. The project will be designed in accordance with South Florida Water Management District (SFWMD) regulatory requirements and, as outlined in the City's Comprehensive Plan, will provide water quality treatment for one hundred and fifty percent (150%) of the SFWMD requirement. There will be no direct discharge into the Imperial River. Consistent with the LDC, the Applicant will be required to demonstrate no adverse offsite stormwater impacts by incorporating the project into the appropriate City of Bonita Springs Interconnected Pond and Channel Routing (ICPR) Model. ICPR flood routing will need to be provided at the time of local development order permitting.

Traffic

The Applicant provided a Traffic Impact Statement (TIS), which was reviewed by the City's transportation engineer. Pursuant to LDC Section 2-397(3), residential developments over five (5) acres must have two or more means of ingress or egress for the development. Deviation #2 requests to allow for one point of ingress and egress for residents, in addition to an additional emergency access point, which Staff agrees with based on the request and location of the project. A further review of traffic impacts will take place at time of local development order by the City's transportation engineer and the Public Works Department to determine if additional traffic mitigation measures are required.

Comprehensive Plan

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

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 6 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.*

The proposed project does not exceed the density allowances of the MDR future land use category. As a result, it is Staff's opinion that the project does not conflict with the MDR future land use designation of the subject property.

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 twenty (20) units previously approved under Zoning Ordinance 07-17, to ten (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.

As a result, it is Staff's opinion that the project does not conflict with Goal 5 of the Coastal/Conservation Element of the Bonita Plan.

Staff has no objections to the Applicant's Bonita Plan consistency analysis.