

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

(Draft) Meeting Minutes
Tuesday, January 14, 2025
9:00 a.m.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Board Member Gambrell led the Pledge of Allegiance.

3. ROLL CALL

The City Clerk called the roll:

Present – Rascio, Gambrell, Waterhouse, Benson, Galloway and Winn

Absent – Hershenson (He informed the City Clerk in advance and asked to be excused).

4. PUBLIC HEARINGS

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

**A. CASE NAME: WEST TERRY RESIDENTIAL PLANNED DEVELOPMENT
(PD21-85709-BOS)**

A REQUEST TO REZONE APPROXIMATELY 1.94 ACRES (+/-) FROM TWO-FAMILY CONSERVATION (TFC-2) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD), TO PRESERVE THE EXISTING DUPLEX STRUCTURES, AND TO REQUEST TWO (2) DEVIATIONS.

City Attorney Derek Rooney swore in all those who intended to speak. Mike Fiigon, Senior Planner with Community Development, introduced the case.

Ms. Morgan Hila, with Davies Duke, LLC, presented on behalf of the applicant. She gave a brief presentation regarding deviations, density, buffer & setbacks and stated one deviation was withdrawn. Ms. Hila also answered questions from the Board.

Mike Fiigon, Senior Planner with Community Development, presented the staff report. Stating the conditions will apply to any future development, capping the density of units and a design that is in harmony with the downtown area. The applicant agrees with conditions and staff recommends approval. Mr. Fiigon also answered questions from the Board. (Staff report on file in the City Clerk's office).

Chairman Rascio called for public comments. Seeing none, and with no further questions from board members, he called for a motion. Board Member Galloway made a motion to approve the rezone request with the conditions proposed by staff; Board Member Winn seconded. The Clerk recorded the vote by roll

call. The motion carried 6-0, as follows:

Rascio	Gambrell	Waterhouse	Benson	Galloway	Winn	Hershenson
Yes	Yes	Yes	Yes	Yes	Yes	Absent

5. APPROVAL OF MINUTES: Meeting of December 17, 2024

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

6. UPDATE ON PREVIOUS CASES:

Mike Fiigon stated there were no cases to update.

7. PUBLIC COMMENT

Chairman Rascio called for any additional public comment. There were none.

8. NEXT MEETING: *The next meeting is scheduled for February 18, 2025 at 9:00 am.*

9. ADJOURNMENT: *As there was no further business, Chairman Rascio adjourned the meeting 9:19 a.m.*

Prepared by:

Teresa C. Grimes, Senior Records & Compliance Clerk

APPROVED:

BONITA SPRINGS ZONING BOARD:

Date: _____

AUTHENTICATED:

Anthony Rascio, Chairman

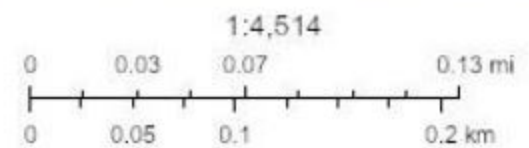
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PD21-85709-BOS

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WEST TERRY STREET RPD

EXHIBIT II-D, IV-N: LOCATION MAP



Environmental Science | Landscape Architecture | Architecture | Engineering | Urban Design | Survey
4100 Evans Avenue #7
Ft. Myers, FL 33901

WEB | nativetec.com

TEL | 239-332-1505

FAX | 239-236-0444

BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT REZONING

CASE NUMBER: PD21-85709-BOS

HEARING DATE: January 14, 2025

PLANNER: Mike Fiigon II, Senior Planner

APPLICATION SUMMARY:

- A. Applicant: West Terry, LLC
- B. Agent: Novel Davies, Esq.; Davies- Duke, PLLC
- C. Request: To rezone approximately 1.04 acres (+/-) from Two-Family Conservation (TFC-2) to Residential Planned Development (RPD), to preserve the existing duplex structures, and to request two (2) deviations.
- D. Location: 27036/038 Williams Road; 27020-028 Williams Road; 27001/031 Sun Aqua Lane; Bonita Springs, Florida 34135
- E. Future Land Use Plan Designation: Medium Density Residential
- F. Current Zoning: Two-Family Conservation (TFC-2)
- G. Current Land Use: Residential; Duplexes

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.

THE PURPOSE OF PLANNED DEVELOPMENT ZONING

Pursuant to LDC 4-737, one of the purposes of a Residential Planned Development (RPD) is 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 (i.e. Comprehensive Plan). A series of criteria are utilized to inform a Staff recommendation on the request. The criteria are found in "Attachment A" to this report.

BACKGROUND:

The properties in question contain duplex structures that appear to have been built between 1969 and 1976, which predates the incorporation of the City of Bonita Springs. Staff was unable to locate the original building permits through Lee County.

Under the current zoning designation of TFC-2, each lot of at least 7,500 square feet in area with a minimum lot width of 75 feet and a minimum lot depth of 100 feet would be able to house a duplex structure. Two of the three properties in question contain *multiple* duplex structures, which has created a non-conforming situation through no fault of the Applicant. However, the properties do not contain enough land area to suitably split the lots so that there would only be one duplex per lot (and have all setback and development regulations adhered to), as currently permitted in the TFC-2 designation. The Applicant's options for a potential remedy were to ask for a series of variances for lot width and setbacks, or, to request to rezone the properties to a planned development and provide a set of unifying development regulations for consideration. Rather than applying for 6+ variances for consideration, the Applicant chose the latter option and has provided a sufficient application for a rezoning request. Approval of the request would allow the Applicant to split the parcels so that one duplex would be present on each lot. **No new development is proposed as part of the Applicant's request.** However, Staff has suggested several conditions of approval that would address future development in the event the duplexes are torn down or removed.

The properties are located in the Medium Density Residential future land use category, which contains a density allowance of 11.6 units per acre. The existing density is 10 units over 1.04 acres, which is below the maximum threshold of the category.

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

- Accessory Uses and Structures
- Boat Ramps (noncommercial)
- Community Gardens
- Dwelling Units
 - Single-Family, conventional
 - Duplex
 - Two-Family Attached

Docks & Seawalls
Fences & Walls
Water Retention
Recreational Facilities, personal
Temporary Uses

Staff does not have any objections to the proposed uses, since they are customary and typically found in Residential Planned Developments.

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

	Listed Housing Types
Lot Width	58 feet, minimum
Lot Depth	100 feet, minimum
Lot Area	7,500sf, minimum
Street Setback*	20 feet
Side Setback*	6.5 feet
Rear Setback	20 feet
Waterbody Setback	25 feet
Lot Coverage	40%
Height	35 feet (2 habitable stories)
Maximum Lot Coverage**	40%

*Includes a deviation request for a perimeter & side street setback reduction

**The project is also required to have a minimum of 40% open space

Staff does not object to the proposed development regulations.

Deviations: Two deviations are being requested as part of the rezoning petition. The request language, Applicant justification, and Staff response are shown below.

Deviation Request #1: A deviation from LDC Section 4-741(b)(1)(a) & LDC 3-418(d) which together would require a buffer and setback requirement of at least 15 feet, to allow no buffer and a setback of 6.5 feet.

Applicant Justification: *A deviation from this requirement is necessary to enable the preservation of the existing duplex structures adjacent to Boula Drive. [Additionally] this request is made with reference to the provisions of LDC 3-418(d) which provides that, were the use of the property characterized as SFR and RFD, no buffer would be required.*

Staff Analysis: Staff agrees with the Applicant's justification that a deviation would be necessary in order to preserve the existing duplexes in their current location. However, Staff would also note that stating that if the properties were comprised of single-family residences (SFR) then no buffer would be required along Boula Drive, would not apply to

the existing duplex structures, but could apply to the future redevelopment of the property, since single family residences are proposed on the schedule of uses. Additionally, Staff would note that the deviation request would not solely apply to Boula Drive, but to the southern perimeter of the project area as well, which currently abuts existing residential units. Staff recommends **APPROVAL** of this deviation request.

Deviation Request #2: A deviation from LDC 3-526, Types of Lots and Lot Lines, to designate the northern lot lines of the perimeter boundary as side lot lines.

Applicant Justification: *Boula Drive extends only between Sun Aqua Lane and Williams Road, [and] provides vehicle access only to the immediately adjacent property and does not provide access to other properties located on either Sun Aqua Drive and Williams Road. Designation of the lot lines abutting Boula Drive as side lot lines will accommodate the preservation of the existing duplex structures.*

Staff Analysis: Staff does not believe this deviation is needed, since the lot line classification would only affect the setbacks of the existing structures. The setback concerns were addressed as part of Deviation 1, and thus, the Staff recommendation is for this deviation to be **WITHDRAWN**.

CONCLUSIONS:

It is Staff's opinion that the proposed RPD would be 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**, as conditioned below:

Conditions:

1. The project, as preserved in its existing state, shall be generally consistent with the Master Concept Plan provided and labeled as Exhibit "B." Any future development shall also be generally consistent with the MCP.
2. Schedule of Uses:

Accessory Uses, Buildings and Structures
 Boat Ramps (noncommercial)
 Community Gardens
 Dwelling Units
 Single-Family, conventional
 Duplex
 Two-Family Attached
 Docks & Seawalls
 Fences & Walls
 Water Retention
 Recreational Facilities, personal
 Temporary Uses

3. Property Development Regulations:

	Listed Housing Types
Lot Width	58 feet, minimum
Lot Depth	100 feet, minimum
Lot Area	7,500sf, minimum
Street Setback*	20 feet
Side Setback*	6.5 feet
Rear Setback	20 feet
Waterbody Setback	25 feet
Lot Coverage	40%
Height	35 feet (2 habitable stories)
Maximum Lot Coverage**	40%

*Includes a deviation request for a perimeter & side street setback reduction

**The project is also required to have a minimum of 40% open space

4. The Applicant is responsible for applying for a subdivision plat in order to effectively document the proposed lot splits. The approval and recordation of the plat will serve as the finalization of the lot split process.
5. No more than two (2) dwelling units will be permitted, per proposed lot. And the total number of dwelling units for the project shall not exceed 10. If a duplex is removed and a single-family home is chosen as the new dwelling unit type, no more than one (1) single-family home shall be permitted per lot.
6. Upon removal of any of the existing duplex structures, redevelopment shall be subject to the schedule of uses and property development regulations shown in Conditions 2 & 3 but will also be required to provide the appropriate front yard type, glazing, and frontage projections associated with the T3 Transect of the Downtown District Form-Based Code, as may be modified.
7. Removal of vegetation must be approved by the City of Bonita Springs Community Development Department.
8. Approval of this zoning action does not guarantee approval of a local development order or building permit.

Deviations

1. A deviation from LDC Section 4-741(b)(1)(a) & LDC 3-418(d) which together would require a buffer and setback requirement of at least 15 feet, to allow no buffer and a setback of 6.5 feet, is **APPROVED**.
2. A deviation from LDC 3-526, Types of Lots and Lot Lines, to designate the northern lot lines of the perimeter boundary as side lot lines, is **WITHDRAWN**.

EXHIBITS:

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

ATTACHMENTS:

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

EXHIBIT A

DESCRIPTION

EXHIBIT A

Being a portion of Section 35, Township 47 South, Range 25 East, Lee County, Florida, Being more particularly described as follows:

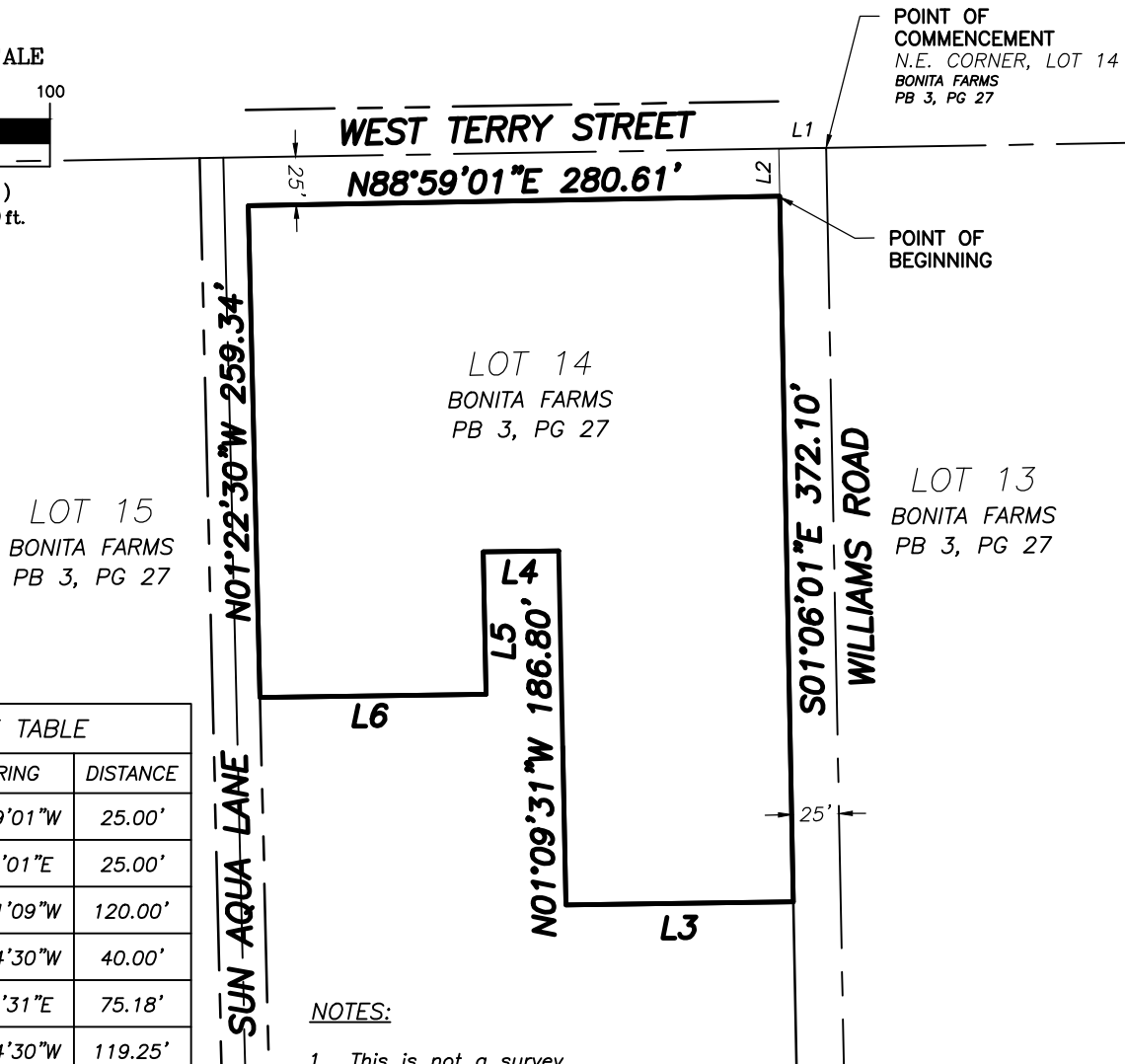
COMMENCING at the Northeast Corner of Lot 14, Bonita Farms, Plat Book 3, Page 27, Lee County, Florida; thence run South 88°59'01" West, along the North line of said Lot 14 for a distance of 25.00 feet; thence leaving said North line South 01°06'01" East, for a distance of 25.00' feet to the POINT OF BEGINNING; thence run South 01°06'01" West for a distance of 372.10' feet; thence South 89°11'09" West for a distance of 120.00' feet; thence run North 01°09'31" West for a distance of 186.80' feet; thence run South 89°14'30" West for a distance of 40.00' feet; thence run South 01°09'31" East for a distance of 75.18' feet; thence run South 89°14'30" West for a distance of 119.25' feet; thence North 01°22'30" West for a distance of 259.34' feet; thence North 88°59'01" East, for a distance of 280.61' feet to the POINT OF BEGINNING. Containing 83,173 square feet or 1.91 Acres more or less.



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.



LINE TABLE

LINE	BEARING	DISTANCE
L1	S88°59'01"W	25.00'
L2	S1°06'01"E	25.00'
L3	S89°11'09"W	120.00'
L4	S89°14'30"W	40.00'
L5	S1°09'31"E	75.18'
L6	S89°14'30"W	119.25'

NOTES:

1. This is not a survey.
2. Bearings shown hereon are based on the North line of Bonita Farms, Plat Book 3, Page 27, Lee County, Florida as located in State Plane coordinate system Florida East Zone, NAD 83, 2011 adjustment being S88°59'01"W
3. All Dimensions are in feet and decimals thereof, unless otherwise indicated.
4. Subject to easements, reservations and restrictions of record.

For the Exclusive Use Of:
West Terry LLC

David B. Bruns, PLS,
Florida License No. 4520
Not valid without the signature and
original seal of the Florida Licensed
Professional Surveyor and Mapper
Certificate of Authorization #7705.



SKETCH & DESCRIPTION

A Portion of Lot 14,
Bonita Farms,
Lee County, Florida

CLIENT: West Terry LLC

PROJECT #:	P842	SUB PROJECT:			
DRAFTED BY:	DATE	SCALE	WO NUMBER	SHEET #	DRAWING NO.
R.Y.	08/2021	1" = 100'	20-137	1	1-172

TRANSECT ZONE T4

BOULA DRIVE

WILLIAMS ROAD

TRANSECT
ZONE T3

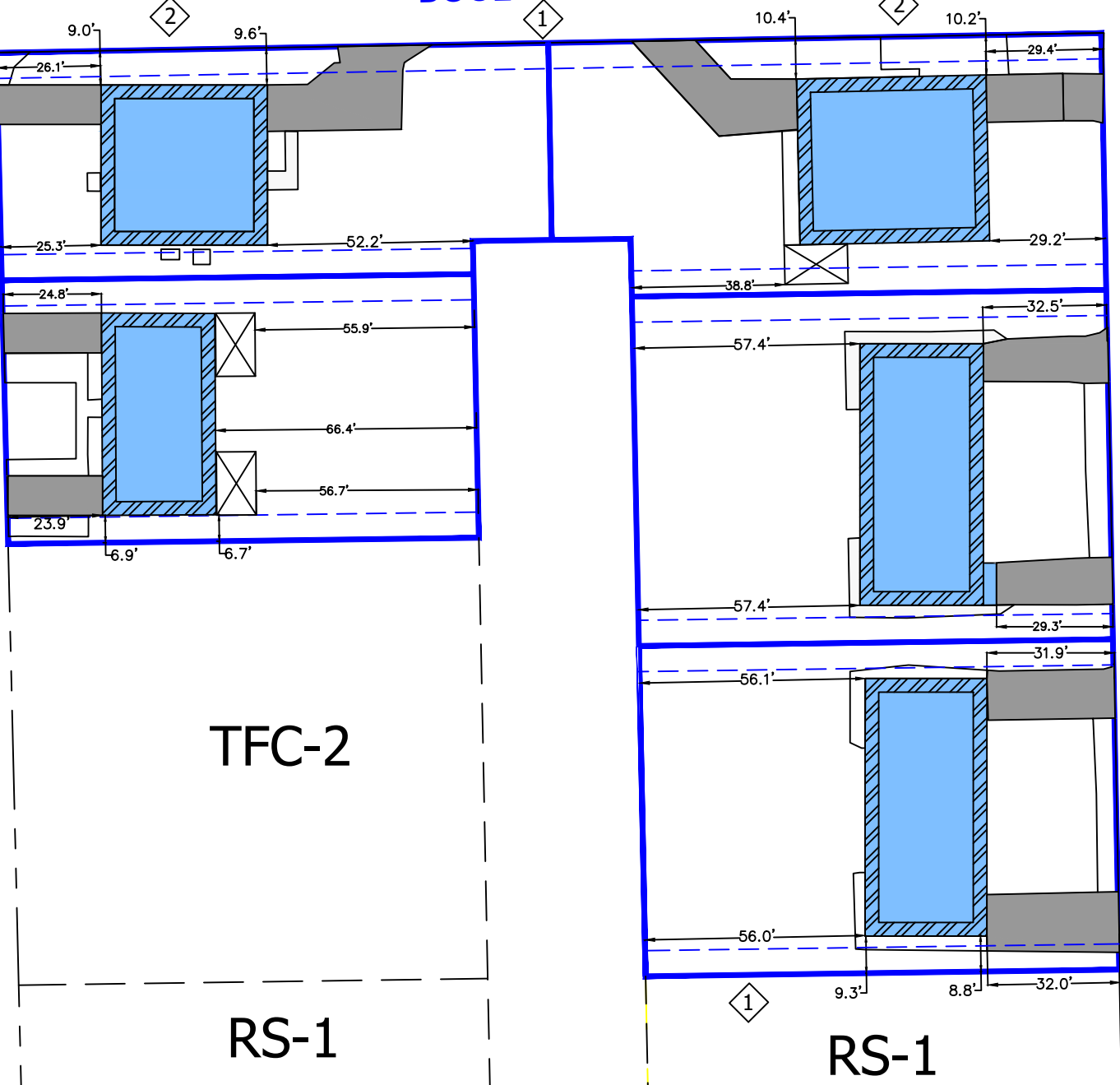
RS-1

SUN AQUA LANE

TFC-2

RS-1

RS-1



SITE SUMMARY

PLAN DESIGNATION	MEDIUM DENSITY MULTIFAMILY RESIDENTIAL
EXISTING ZONING DESIGNATION	TFC-2
EXISTING LAND USE	DEVELOPED RESIDENTIAL
PROPOSED ZONING DESIGNATION	RPD- RESIDENTIAL PLANNED DEVELOPMENT
GROSS AREA	1.04 ±ACRES

NOTES:
1- THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION AT THE TIME OF AGENCY PERMITTING, D.O. OR PLAT APPROVAL.

EXHIBIT B

DEVELOPMENT REGULATIONS

MINIMUM LOT AREA	7,500 SF
MINIMUM LOT WIDTH	58 FT
MINIMUM LOT DEPTH	100 FT
MINIMUM SETBACKS	
STREET	20 FT
SIDE	6.5 FT
REAR	20 FT
MAXIMUM HEIGHT	2 STORIES/35 FT
MAXIMUM LOT COVERAGE	40%

DEVIATIONS (SEE EXHIBIT IV-H)

- 1 PERIMETER BUFFER
- 2 SIDE LOT LINES

LEGEND

- PROPOSED LOT BOUNDARY
- REQUIRED SIDE YARD

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WEST TERRY STREET
RPD

ARCHITECTURE & CIVIL



NOAM KILINSKY
TN CAPITAL INVESTMENTS LLC
TNCAPITALINVESTMENTS.COM
20533 BISCAYNE BLVD., SUITE 1238,
AVENTURA, FL 33180

SEAL:

REVISION: A

NO.	DATE	DESCRIPTION

DRAWING TITLE:

MASTER CONCEPT
PLAN

DRAWN BY:

CHECKED BY: JK

SCALE: 1" = 40' (11X17)

DATE: 6/20/2024

PROJECT NO.:

DRAWING NO.:

MCP-1

PROJECT LOCATION:

ATTACHMENT “A”

BACKGROUND AND INFORMATIONAL ANALYSIS:

Surrounding Land Use:

<u>Existing Zoning & Land Use</u>	<u>Future Land Use Map</u>
Subject Parcel: TFC-2; Duplex	Medium Density Residential 11.6 dwelling units/acre (du/ac)
North: Boula Drive ROW, T4 Transect; Duplex	Downtown District 20du/ac
East: T3-R Transect; Church	Downtown District 20du/ac
South: TFC-2; Single-Family and Duplex	Medium Density Residential 11.6du/ac
West: RS-1; Single-Family	Mod. Den. Res. 5.8du/ac

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 – The existing density is below the maximum allowance of the Future Land Use Category 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 existing duplex structures are also residential. Any redevelopment will also be residential in nature.

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 existing development of 10 units has a de minimus effect on the surrounding roadway network.
Will the request adversely affect environmentally critical areas and natural resources	No – the properties are already developed and there are no environmental sensitivities on-site
Public facilities are, or will be, available and adequate to serve the proposed land use	Yes - Public facilities are available and currently serve the properties.
Deviations needed to enhance or to achieve the objectives of the planned development	Yes– The deviations will allow the existing development to remain and will allow and future development to follow the existing established pattern.
Deviations needed to preserve, promote and or protect the public health, safety and welfare	Yes – the proposed deviations are required in order to allow the existing duplex structures to remain in their current location.

Environmental

Since the site is being preserved with the existing structures and no new development is proposed, the Applicant applied for a waiver of the requirement to provide an environmental assessment. The waiver was granted after the City's environmental specialist visited the site. However, a condition has been proposed by Staff that will require approval from City of Bonita Springs Community Development Department before any vegetation is removed.

Stormwater

Currently, stormwater is handled by directing on-site flows to existing drainage infrastructure along the abutting roadways. Since no new development is proposed at this time, the Applicant applied for a waiver of the requirement for a storm water narrative. However, pursuant to LDC 4-2224, all new residential structures, additions, decks, and pools will require a drainage plan to accompany the permit application.

Traffic

The Applicant requested a waiver from the requirement of providing a Traffic Impact Statement (TIS). The project was reviewed by the City's Traffic Engineer and it was

determined that since no new structures are proposed and since the density is capped at 10 units, a TIS was not warranted.

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 project does not exceed the density allowances of the future land use category and is compliant.

With regards to the Traffic Element, the project fronts fully constructed roadways that are suitable for vehicular traffic.

With regards to the Housing Element, this is an existing residential project in a residential land use category. However, if approved, and if redeveloped, a variety of housing options would be available, as shown on the schedule of uses. Due to the project's immediate proximity to the Downtown District, a condition has been presented by Staff that would require redevelopment to meet certain standards that would be applicable to residential development within the Downtown District.

The project is located within the Coastal High Hazard Area and the Coastal Management Area. However, no new development is proposed and future development is capped at

the existing density of 10 units. All new construction will be required to meet the standards of the floodplain ordinance and the Florida Building Code.

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

CITY OF BONITA SPRINGS

Community Development Department
9220 Bonita Beach Road, Ste. 111
Bonita Springs, FL 34135
Phone: (239) 444-6150
email: permitting@cityofbonitaspringscd.org

ATTACHMENT B

PUBLIC HEARING REQUEST – PLANNED DEVELOPMENT (2023)

ACTION REQUEST INFORMATION

A. Project Name: _____

STRAP Number(s): _____

B. Type of Request (please check one):

☐ DRI ☐ PD – Existing Development ☐ PD – Amendment ☐ Option 1 ☐ Option 2

PART I

APPLICANT\PROPERTY OWNERSHIP INFORMATION

A. Applicant's Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ Ext: _____ E-mail Address: _____

NOTE: The Applicant must sign the Applicant's Signature and Certification form [See "PART V"].

B. Applicant relationship to property: ☐ Owner ☐ Trustee ☐ Option holder ☐ Lessee ☐ Contract Purchaser

☐ Other (indicate): _____

*If applicant is NOT the owner or the person authorized by the Covenant of Unified Control, submit a **Notarized Authorization Form** from the owner or his authorized representative. Label as Exhibit I-B.*

** If the application is City-initiated, enter the date the action was initiated by the Council: _____. Attach a copy of the "green sheet" and a list of all property owners, and their mailing addresses, for all properties within the area described. Names and addresses must be those appearing on the latest tax rolls of Lee County. Label the "green sheet" as "Exhibit I-B-2" and the list as "Exhibit I-B-3". [Sec. 4-193]*

C. Property Owner's Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ Ext: _____ E-mail Address: _____

D. Date property was acquired by present owner(s): _____

E. Is the property subject to a sales contract or sales option? _____ NO _____ YES

F. Is owner(s) or contract purchaser(s) required to file a disclosure form? _____ NO _____ YES. If yes, please complete and submit Exhibit I-F (attached).

G. Are there any existing deed restrictions or other covenants on this property which may affect this request?

_____ NO _____ YES. If yes, submit a copy of the deed restrictions or other covenants and a statement explaining how the restrictions may affect the requested action. Label as "Exhibit I-G".

H. Authorized Agent(s): List names of authorized agents (submit additional sheets if necessary).

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ Ext: _____ E-mail Address: _____

PART II GENERAL INFORMATION

A. Request:

1. Rezoning from _____ TO:(check all applicable)

☐ RPD - Residential ☐ MPD - Mixed Use ☐ MHPD - Mobile Home ☐ RVPD - Recreational Vehicle

☐ CPD - Commercial ☐ CFPD - Community Facilities ☐ IPD - Industrial ☐ AOPD - Airport Operations

2. Option Chosen: ☐ Option 1 ☐ Option 2

3. Other - Provide specific details. _____

B. Legal Description and Boundary Sketch: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

_____ NO. Attach a legible copy of the legal description (label it Exhibit II-B-1.) and Certified sketch of description as set out in chapter 5J-17.053. (labeled Exhibit II-B-2.). **If the legal description is available on computer disc (Word or Word Perfect) please provide a copy at time of application.**

_____ YES. Property is identified as:

Subdivision Name: _____

Plat Book: _____ Page: _____ Unit: _____ Block: _____ Lot: _____

Section: _____ Township: _____ Range: _____

Attach a copy of the Plat Book page with subject property clearly marked. Label this Exhibit II-B-3.

C. Project Street Address: _____

D. General Location of Property (referenced to major streets): _____

E. City of Bonita Springs Plan Information

1. City of Bonita Springs Land Use Classification: _____
2. Are you proposing any City of Bonita Springs amendments which could affect the subject property?
_____ NO _____ YES If yes, submit a copy of the proposed amendment (labeled as "Exhibit II-E-1") along with a statement as to how the proposed amendment will affect your property (labeled as "Exhibit II-E-2").

F. Drainage, Water Control and Other Environmental Issues

1. Is the property within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s?
_____ NO _____ YES. If yes, specify the minimum elevation required for the first habitable floor).
_____ NGVD (MSL)
2. Are there any environmentally sensitive lands such as, but not limited to: wetlands, mangrove forests, creek & river shorelines, sand dunes, xeric scrub, mature pine forests, or other unique land forms as defined in the Bonita Plan Goal 15 and it's Objectives and Policies, Objective 4.1, Policies 7.1.1 d. 2, 7.2.3, Goal 14 and Policies 14.1.1 through 14.3.5 and applicable sections of the Land Development Code (LDC). Are there any listed species occupied habitat as defined in the Bonita Plan or LDC on the subject property, Bonita Plan Policy 7.1.1 d. 2, 7.4.1 through 7.10.3, Objective 7.12 and Policies 7. 12.1 through 7.12.3, and applicable sections of the LDC?
_____ NO _____ YES If yes, delineate these areas on a map or aerial photo and label it Exhibit II-F-1. Also, complete Exhibit II-F-2 attached hereto.

G. Present Use of Property: Is the property vacant? _____ NO _____ YES

If the property is not vacant, the owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the proposed use of the building or structure(s) will be in compliance with all applicable requirements of the Land Development Regulations. **[Sec. 4-194(b)(3)]**

Briefly describe current use of the property: _____

H. Property Dimensions

1. Width (average if irregular parcel): _____ Feet
2. Depth (average if irregular parcel): _____ Feet
3. Frontage on road or street: _____ Feet on _____
(Name of street)
4. Total land area: _____ Acres or Square Feet

I. Land Area Calculations

1. Undevelopable Areas:

- a. Freshwater wetland areas _____
- b. Other wetland areas _____
- c. Submerged land subject to tidal influence: _____
- d. Total (a + b + c): _____

2. Remaining developable land (H.4 less I.1.d): _____

PART III
PROPOSED DEVELOPMENT

A. Nature of Request

1. Will the development contain living units? _____ NO _____ YES. If the answer is yes, please indicate the total number of living units proposed, by type:

_____ Single Family _____ Mobile Homes _____ Recreational Vehicles
_____ Zero-Lot-Line _____ Duplex/Two Family _____ Townhouses
_____ Multiple Family _____ 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): _____
- b. PROPOSED total units (from A-1. above): _____
- c. PROPOSED density (from Exhibit III-A-2): _____

3. Will the development contain non-residential areas? _____ 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

____ Maximum height of buildings (in feet above grade)

____ Number of Habitable Floors

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

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

B. Facilities

1. Fire District: _____

2. Water Supply

a. Estimated daily consumption of potable water:

Residential units: _____ gpd Mobile Home units: _____ gpd

Rec. Vehicle units: _____ gpd Commercial: _____ gpd

Industrial: _____ gpd

b. Source of potable water: _____

c. Do you have a written agreement from the utility company to serve your project?

____ NO ____ YES. If yes, please submit a copy of the agreement.

d. Source of Non-potable water: _____

3. Sanitary Sewer Service

a. Estimated daily production of wastewater:

Residential units: _____ gpd Mobile Home units: _____ gpd

Rec. Vehicles: _____ gpd Commercial: _____ gpd

Industrial: _____ gpd

b. Is any special effluent anticipated? ____ NO ____ YES. If yes, please complete Exhibit III-B-3 (attached).

c. Source of sanitary sewer service: _____

d. Do you have a written agreement from the utility company to serve your project?

____ NO ____ YES. If yes, please submit a copy of the agreement.

e. Will a private on-site disposal facility be used? ____ NO ____ YES. If yes, please complete Exhibit III-B-3 (attached).

f. Are individual sewage disposal systems proposed? ____ NO ____ YES.

C. Transportation

1. Has this project been exempted from filing a Traffic Impact Statement?

____ NO ____ YES ____ NOT REQUIRED (Exist. development). If it has been exempted, attach a copy of the exemption and label it Exhibit III-C.

PART IV - SUBMITTAL REQUIREMENTS

COPIES REQUIRED				Exhibit #	Item
DRI	PD	EXIST	MINOR		
15	15	15	15		Completed application [4-193(b)]
1	1	1	1		Application Fee [2-571]
1	1	1	1		Summary of Neighborhood Informational Meeting [4-28]
2	2	2	2	I-B-1	Notarized Authorization Form (if applicable) [4-194]
2	2	2	2	I-B-2	Green Sheet (If applicable)
2	2	2	2	I-B-3	List of Property Owners (If applicable) [4-194(a)(5)]
2	2	2	2	I-B-4	Notarized Covenant & Doc. of Unified Control [4-194(b)(1)(b)]
1	1	1	1	I-B-5	Surrounding Property Owners List [4-194(a)(6)]
2	2	2	2	I-B-6	Property Owners Map [4-194(a)(7)]
2	2	2	2	I-F	Notarized Disclosure Form (if applicable) [4-194(b)(1)]
2	2	2	2	I-G	Deed Restrictions & Narrative (if applicable) [4-194(b)(2)]
15	15	15	15	II-B-1	Legal Description [4-196(1)]
15	15	15	15	II-B-2	Certified sketch of description (if applicable) [4-196(1)]
2	2	2	2	II-B-3	Plat Book Page (if applicable) [4-196(1)]
15	15	15	15	II-D	Area Location Map [4-194(a)(4)]
15	15	15	15	II-E-1	Bonita Springs Plan Amendment (if applicable) [4-295(a)(5) & 4-370]
15	15	15	15	II-E-2	Narrative/how prop. complies with Bonita Comp Plan, etc. [4-295(a)(5)]
15	15	15	15	II-F-1	Environ. Sensitive Lands map (if app.) [4-325(c)]
4	4	4	4	II-F-2	Environmental Assessment [4-1339]
15	15	4	4	II-F-3	Exist. zoning & current land use map/photo [4-295(a)(4)a]
15	15	4	4	II-F-4	Soils, vegetation and ground cover maps [4-295(a)(4)c.]
15	15	4	4	II-F-5	Topography map (if available) [4-295(a)(4)c.]
15	15	-	-	III-A-2	Density Calcs (if applicable) [4-295(a)(6)c.]
15	15	-	-	III-A-5	Aviation Hazard (if applicable) [4-987 et seq.]
15	15	-	-	III-B-3	Sanitary Sewer Facilities (if applicable) [3-353]
6	6	-	6	III-C	Traffic Imp. Statement (if applicable) [4-295 (a)(7)]
6	6	-	6	III-C	TIS Exemption Form (if applicable) [4-295(a)(7)]
15	15	6	6	IV-A	Public transit routes map (if applicable) [4-295(a)(4)d.]
15	15	6	6	IV-C	Existing easements and r-o-w map. [4-295(a)(4)e.]
15	15	15	15	IV-D	Description of proposed development. [4-295(a)(6)]
15	15	15	15	IV-E	Master Concept Plan (Option 1) [4-295(a)(6)a]
15	15	15	15	IV-F	Master Concept Plan (Option 2) [4-295(a)(6)b]
1	1	1	1		11 inch by 17 inch copy of the Master Concept Plan
15	15	15	15	IV-G	Schedule of Uses [4-295(a)(8)]
15	15	15	15	IV-H	Schedule of Dev. & Justification [4-295(a)(9)]
4	4	-	-	IV-I	Surface Water Management Plan [4-295(b)(1)]
4	4	-	-	IV-J	Protected Species Management Plan [4-295(b)(2)]
15	15	15	15	IV-K	Program for phased development (if applicable) [4-295(b)(3)]
15	15	15	15	IV-L	Hazardous Material Emergency Plan (if applicable) [4-194]
-	-	4	-	IV-M	Mobile Home Park Rezoning Information [4-195(d) et seq.]
3	3	3	3	IV-N	Aerial [4-295(a)(4)(b)]
3	3	3	3	IV-O	Map of Historical & Archaeological Sites [4-295(a)(4)(f)]
3	3	3	3	IV-P	Possible Impacts on Historical & Archaeological Sites[4-295(a)(4)(f)]
1	1	1	1	IV-Q	Application and Exhibits on CD-ROM

***At least one copy must be an original.**

PART V
APPLICANT'S SIGNATURE AND CERTIFICATION

I, _____, certify that I am the owner or owner's authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of the City of Bonita Springs Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

STATE OF: _____ COUNTY OF: _____

Signature: _____

Signatory's Printed Name: _____

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence ☐ or online notarization, this _____ (day) of _____, (month) _____ (year), by _____ (name of person making statement).

Signature of Notary Public - State of Florida: _____

Name of Notary Typed, Printed, or Stamped: _____

Personally Known ☐ OR Produced Identification ☐

Type of Identification Produced: _____

**EXHIBIT I-F
DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. _____ **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

<u>Name and Address</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

<u>Name, Address, and Office</u>	<u>Percentage of Stock</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

<u>Name and Address</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

<u>Name and Address</u>	<u>Percentage of Ownership</u>

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

<u>Name, Address, & Office (if applicable)</u>	<u>Percentage of Stock</u>

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

<u>Name and Address</u>

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

STATE OF: _____ COUNTY OF: _____

Signature: _____

Signatory's Printed Name: _____

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence ☐ or online notarization, this _____ (day) of _____, (month) _____ (year), by _____ (name of person making statement).

Signature of Notary Public - State of Florida: _____

Name of Notary Typed, Printed, or Stamped: _____

Personally Known ☐ OR Produced Identification ☐

Type of Identification Produced: _____

**EXHIBIT II-F-2
ENVIRONMENTAL ISSUES**

A. Topography: Describe the range of surface elevations of the property:

B. Sensitive Lands: Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the Comprehensive Plan), flow ways, creek beds, sand dunes, other unique landforms [see the Comprehensive Plan for listed species occupied habitat (see Sec. 4-1337 et seq. of the Land Development Code)].

C. Preservation/Conservation of Natural Features: Describe how the lands listed in B. above will be protected by the completed project:

D. Shoreline Stabilization: If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

**EXHIBIT III-A-2
PRELIMINARY DENSITY CALCULATIONS***

A. Gross Residential Acres

- | | |
|---|-------------|
| 1. Total land area: | _____ acres |
| 2. Area to be used for non-residential uses: (Line A.2.a. plus A.2.b.): | _____ acres |
| a. R-O-W providing access to non-residential uses: | _____ acres |
| b. Non-residential use areas: | _____ acres |
| 3. Gross residential acres (Line A.1 less A.2): | _____ acres |
| a. Uplands areas | _____ acres |
| b. Freshwater Wetlands areas | _____ acres |
| c. Other Wetland areas | _____ acres |

B. Comprehensive Plan Land Use Classification: _____ (If more than one classification, calculations for each classification must be submitted)

Density Standards (from the Comprehensive Plan)

- | | |
|---|-----------------------------|
| 1. Maximum density for Land Use Classification: | _____ units/gross res. acre |
| 2. Maximum total density for Land Use Classification: | _____ units/gross res. acre |

MAXIMUM PERMITTED DWELLING UNITS

C. High Density Residential, High Density Mixed Use/Village, "Old 41" Town Center Mixed Use Redevelopment Overlay Area.

- | | |
|---|------------------------------|
| 1. Standard density uplands units (A.3.a. times B.1) | _____ units |
| 2. Standard density wetlands units (A.3.b. & A.3.c. times B.1) | _____ units |
| 3. Total standard density units (sum of C.1 & C.2) | _____ units |
| 4. Max. Total density units [A.3.a. times ((B.1 plus 1/2 of (B.2 less B.1)))] | _____ units |
| 5. Sub-total permitted std. density units (line C.3 or C.4 - whichever is less): | _____ Units Sub-total |

6. BONUS UNITS (REQUESTED)

a. Low-moderate housing density: _____ units

b. TDR units: _____ units

c. **Sub-total (C.6.a plus C.6.b)** _____ units

7. **Total Permitted Units (C.5. plus C.6.c):** _____ **Units Total**

NOTE: may not exceed (A.3.a. times B.2) plus (A.3.b. and A.3.c. times .05).

* Subject to staff review and correction.

D. Moderate Density Mixed Use/Planned Development, Medium Density Multi-Family Residential, Medium Density Residential, Moderate Density Residential

1. Standard density uplands units (A.3.a. times B.1) _____ units

2. Standard density freshwater wetlands units (A.3.b. times B.1) _____ units

3. Total standard density units (sum of D.1 & D.2) _____ units

4. Maximum upland density (A.3.a. times 8) _____ units

5. **Total permitted units** (line D.3 or D.4 - whichever is less): _____ **Units**

E. Suburban Density Residential, Low Density Residential, Estate Residential

1. Standard density uplands units (A.3.a. times B.1) _____ units

2. Standard density freshwater wetlands units (A.3.b times B.1) _____ units

3. Total standard density (sum of E.1 & E.2) _____ units

4. Maximum upland density (A.3.a. times 4) _____ units

5. **Total permitted units** (line E.3 or E.4 - whichever is less): _____ **Units Total**

F. Conservation, Resource Protection, DRGR

1. Total acres of "Open Land" _____ acres

2. Maximum density (F.1 times 0.2*) _____ units

3. Total permitted units: _____ units

**EXHIBIT III-B-3
SANITARY SEWER FACILITIES**

A. **Special Effluent:** If special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

B. **Private On-site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

2. Quality of the effluent:

3. Expected life of the facility:

4. Who will operate and maintain the internal collection and treatment facilities:

5. Receiving bodies or other means of effluent disposal:

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

2. Current water table conditions:

3. Proposed rate of application:

4. Back-up system capacity:

**EXHIBIT I-B-4
COVENANT OF UNIFIED CONTROL**

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as _____ and legally described in exhibit A attached hereto.
(street address)

The property described herein is the subject of an application for planned development zoning. We hereby designate _____ as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorization of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended covenant of unified control is delivered to the City of Bonita Springs.

The undersigned recognize the following and will be guided accordingly in the pursuit of development of the project:

1. The property will be developed and used in conformity with the approved master concept plan including all conditions placed on the development and all commitments agreed to by the applicant in connection with the planned development rezoning.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the master concept plan, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by the City of Bonita Springs.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the planned development process will constitute a violation of the Land Development Code.
4. All terms and conditions of the planned development approval will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the planned development must be consistent with those terms and conditions.
5. So long as this covenant is in force, City of Bonita Springs can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the planned development, seek equitable relief as necessary to compel compliance. The City of Bonita Springs will not issue permits, certificates, or licenses to occupy or use any part of the planned development and the City may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the planned development.

STATE OF: _____ COUNTY OF: _____

Owner's Signature: _____

Owner's Printed Name: _____

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence ☐ or online notarization, this _____ (day) of _____, (month) _____ (year), by _____ (name of person making statement).

Signature of Notary Public - State of Florida: _____

Name of Notary Typed, Printed, or Stamped: _____

Personally Known ☐ OR Produced Identification ☐

Type of Identification Produced: _____

**EXHIBIT I-B-4
COVENANT OF UNIFIED CONTROL**

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as see attached list and legally described in exhibit A attached hereto.
(street address)

The property described herein is the subject of an application for planned development zoning. We hereby designate Noel J Davies Esq, Davies Duke PLLC as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorization of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended covenant of unified control is delivered to the City of Bonita Springs.

The undersigned recognize the following and will be guided accordingly in the pursuit of development of the project:

1. The property will be developed and used in conformity with the approved master concept plan including all conditions placed on the development and all commitments agreed to by the applicant in connection with the planned development rezoning.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the master concept plan, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by the City of Bonita Springs.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the planned development process will constitute a violation of the Land Development Code.
4. All terms and conditions of the planned development approval will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the planned development must be consistent with those terms and conditions.
5. So long as this covenant is in force, City of Bonita Springs can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the planned development, seek equitable relief as necessary to compel compliance. The City of Bonita Springs will not issue permits, certificates, or licenses to occupy or use any part of the planned development and the City may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the planned development.

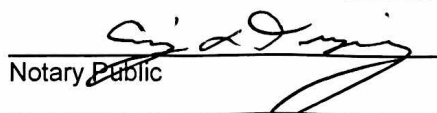
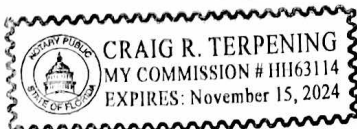


Owner

Thomas Portmann, Manager, West Terry, LLC
Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 22nd day of July 2021, by Thomas Portmann, Manager, West Terry, LLC, who is personally known to me or who has produced as identification.


Notary Public

(Name typed, printed or stamped)
(Serial Number, if any)

WEST TERRY, LLC
PUBLIC HEARING APPLICATION FOR PLANNED DEVELOPMENT
WEST TERRY RPD

<u>STRAP Nos.</u>	<u>Address</u>
35-47-25-B1-02500.0010	10180 W. Terry St.
35-47-25-B1-02500.0020	10170 W. Terry St.
35-47-25-B1-02500.0030	10160 W. Terry St.
35-47-25-B1-02500.0040	10150 W. Terry St.
35-47-25-B1-02500.0050	27001/031 Sun Aqua Ln.
35-47-25-B1-02500.0390	27036/38 Williams Rd.
35-47-25-B1-02500.0400	27020/028 Williams Rd.

Prepared by:

Kristine Kokinda

Licensed Title Agent

Paradise Coast Title & Escrow, LLC

2670 Airport Road South

Naples, FL 34112

239-963-1635

File Number: **5036 9176**

Consideration: **\$575,000.00**

Parcel Identification No. **35-47-25-B1-02500.0050**

Prepared without Opinion of Title.

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 29 day of **March, 2018** between **RHM, LLC, a Florida limited liability company** whose post office address is **26871 Nicki J Ct., Bonita Springs, FL 34135** of the County of **Lee, State of Florida**, grantor*, and **West Terry LLC, a Florida limited liability company**, whose post office address is **20533 Biscayne Blvd., Suite 1238, Miami, FL 33180** of the County of **Miami-Dade, State of Florida**, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Lee County, Florida**, to-wit:

From the Northwest corner of Lot 14 of that certain subdivision known as Bonita Farms lying in Section 35, Township 47 South Range 25 East, as recorded in Plat Book 3, Page 27, of Lee County, Florida, Public Records; thence run South along the West line of said Lot 14 a distance of 160 feet to the Point of Beginning of the lands hereby conveyed; from said P.O.B. run East parallel to the North line of said Lot 14 for 145 feet; thence run South parallel to the West line of Lot 14 for a distance of 125 feet; thence run West parallel to the North line of said Lot 14 for 145 feet; thence run North along the West line of Lot 14 to the P. O. B., subject to road right- of-way and utility easement over the westerly 25 feet thereof.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) nor any members of the household of the Grantor(s) reside thereon, or on adjacent or contiguous lands.

Subject To: easements, restriction and reservations of record common to the subdivision, applicable zoning ordinances and taxes accruing subsequent to December 31, 2017.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Micole A. Heath
Witness Name: Micole A. Heath

Kristine Kokinda
Witness Name: Kristine Kokinda

RHM, LLC, a Florida limited liability company

By: Rebecca M Mahan
Rebecca M. Mahan, Managing Member

State of Florida
County of Collier

The foregoing instrument was acknowledged before me this 28 day of March, 2018 by Rebecca M. Mahan, Managing Member of RHM, LLC, a Florida limited liability company, on behalf of the limited liability company. He/she ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



Kristine Kokinda
Notary Public

Printed Name: Kristine Kokinda

My Commission Expires: _____

Prepared by:

Sam J. Saad, III

President

Paradise Coast Title & Escrow, LLC

2670 Airport Road South

Naples, FL 34112

239-963-1635

File Number: **5036 9077**

Consideration: **\$925,000.00**

Parcel Identification No. **35-47-25-B1-02500.0390**

Prepared without Opinion of Title.

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 15th day of **June, 2018** between **RHM, LLC, a Florida limited liability company** whose post office address is **26871 Nicki J Ct., Bonita Springs, FL 34135** of the County of **Lee**, State of **Florida**, grantor*, and **West Terry LLC, a Florida limited liability company**, whose post office address is **20533 Biscayne Blvd., Suite 1238, Miami, FL 33180** of the County of **Miami-Dade**, State of **Florida**, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Lee County, Florida**, to-wit:

See attached Exhibit "A" attached hereto and made a part thereof.

Subject To: easements, restriction and reservations of record common to the subdivision, applicable zoning ordinances and taxes accruing subsequent to December 31, 2017.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

RHM, LLC, a Florida limited liability company

By: Rebecca M Mahan
Rebecca M. Mahan, Managing Member

Kristine Kokinda
Witness Name: Kristine Kokinda

Amy Saad
Witness Name: Amy Saad

State of Florida
County of Collier

The foregoing instrument was acknowledged before me this 15 day of June, 2018 by Rebecca M. Mahan, Managing Member of RHM, LLC, a Florida limited liability company, on behalf of the limited liability company. He/she ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



Kristine Kokinda
Notary Public

Printed Name: Kristine Kokinda

My Commission Expires: _____

Exhibit A

Parcel One

The South 110 Feet of the North 135 feet of the East 70 feet of the West 95 feet of Lot 14, Bonita Farms, according to the map or plat thereof as recorded in Plat Book 3, Page 27, located in Section 35, Township 47 South, Range 25 East, Public Records of Lee County, Florida.

Parcel Two

The North 160 feet of Lot 14, Bonita Farms, according to the map or plat thereof as recorded in Plat Book 3, Page 27, located in Section 35, Township 47 South, Range 25 East, Public Records of Lee County, Florida, less and except the West 95 feet thereof and less the North 25 feet thereof for road right of way and subject to an additional road right of way over and across the South and East 25 feet thereof.

Parcel Three

The North 154 feet of the East half of the South 320 feet of the North 480 feet of Lot 14, Bonita Farms, in Section 35, Township 47 South, Range 25 East, according to the map or plat thereof as recorded in Plat Book 3, Page 27, Public Records of Lee County, Florida. Subject to the East 25 feet thereof for right-of-way and less and except the West 20 feet thereof for canal right-of-way.

Parcel Four

The East 20 feet of the West $\frac{1}{2}$ of the South 50 feet of the North 210 feet; and the West 20 feet of the East $\frac{1}{2}$ of the South 50 feet of the North 210 feet of Lot 14, Bonita Farms, in Section 35, Township 47 South, Range 25 East, according to the map or plat thereof as recorded in Plat book 3, Page 27, Public Records of Lee County, Florida.

Parcel Five

The South 83.0 feet of the North 237.0 feet of the East $\frac{1}{2}$ of the South 320.0 feet of the North 480.0 feet, less the East 25.0 feet thereof for road right of way and less the West 20.00 feet thereof for canal right-of-way, all of Lot 14, Bonita Farms, according to the map or plat thereof as recorded in Plat Book 3, Page 27, Public Records of Lee County, Florida.

**EXHIBIT I-F
DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. _____ **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address, and Office	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address, & Office (if applicable)

Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

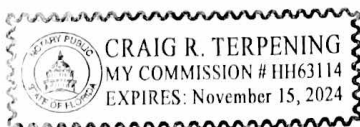
Signature: _____
(Applicant)

Thomas Portmann, Manager, West Terry, LLC
(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument acknowledged before me this 22nd day of July, 2021, by Thomas Portmann, Manager, West Terry, LLC, who is personally known to me or who has produced _____ as identification.

(SEAL)



Signature of Notary Public

Printed Name of Notary Public

WEST TERRY, LLC
PUBLIC HEARING APPLICATION FOR PLANNED DEVELOPMENT
WEST TERRY RPD

<u>STRAP Nos.</u>	<u>Address</u>
35-47-25-B1-02500.0010	10180 W. Terry St.
35-47-25-B1-02500.0020	10170 W. Terry St.
35-47-25-B1-02500.0030	10160 W. Terry St.
35-47-25-B1-02500.0040	10150 W. Terry St.
35-47-25-B1-02500.0050	27001/031 Sun Aqua Ln.
35-47-25-B1-02500.0390	27036/38 Williams Rd.
35-47-25-B1-02500.0400	27020/028 Williams Rd.



Public Hearing Submittal Requirements Waiver

Community Development Dept. | 9220 Bonita Beach Road, Suite 111 | Bonita Springs, FL 34135 | Phone: 239 444 6150 | Fax: 239 444 6140

Upon written request, the Director may modify the submittal requirements for Public Hearings (and other administrative applications) where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS (indicate the appropriate application type)

- ☐ Public Hearing - General Requirements **(4-194)**
- ☐ Public Hearing - Additional Requirements for:
- ☐ Development of Regional Impact **(4-195)**
 - ☐ Planned Developments **(4-295)**
 - ☐ Master Concept Plan Extension **(4-303)**
 - ☐ Master Concept Plan Reinstatement **(4-303)**
 - ☐ Rezoning other than Planned Developments **(4-195(b))**
 - ☐ Mobile Home Park **(4-195(d))**
 - ☐ Special Exception **(4-195(e))**
 - ☐ Variances **(4-195(f))**
- ☐ Administrative Action Requirements

PLEASE PRINT OR TYPE:

STAP Number: _____

Name of Project: _____

Name of Agent: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____ Fax #: _____

E-mail: _____

Name of Applicant*: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____ Fax #: _____

E-mail: _____

*** If applicant is not the owner, a letter of authorization from the owner must be submitted.**

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

Section Number	Requirement
#1 _____	_____
#2 _____	_____
#3 _____	_____
#4 _____	_____
#5 _____	_____
#6 _____	_____
#7 _____	_____
#8 _____	_____
#9 _____	_____

B. SCOPE OF PROJECT AND REASON(s) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type) _____

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Signature of Applicant

Directors Decision: _____ Request Approved _____ Request Denied

Comments: _____

Signature: _____ Date: _____

WEST TERRY STREET RPD
PD21-85709-BOS

WAIVERS of SUBMITTAL REQUIREMENTS

Section Number

- 4-325(c) The property is fully developed and no sensitive lands are present.
- 4-1139 The property is fully developed and no sensitive lands are present.
- 4-295(a)(4)c. The property is fully developed.
- 4-295(a)(6)c. No topographic map is available; Topo map and a FEMA Firmette have been submitted as Exhibit II-F-5 in place thereof.
- 4-353 Waiver of this Submittal Requirement and of the Application Requirement for information regarding Potable Water is requested. Water and sewer service is provided for the existing development by Bonita Springs Utilities, Inc. and no changes in service demands will be created by the RPD.
- 4-295(a)(7) The property is fully developed. There will be no increase in the number of residential units and no increase in trip generation will result from the adoption of the RPD.
- 4-295(b)(1) The property is fully developed and no changes that would affect surface water management are contemplated.
- 4-295(b)(2) No protected species have been observed with the boundaries of the RPD.
- 4-295(a)(4)(f) The property is fully developed and there is no indication of the presence of historical & archaeological sites.

WEST TERRY STREET RPD
PD21-85709-BOS

EXHIBIT II-D

Area Location Map



WEST TERRY STREET RPD

1:4,514

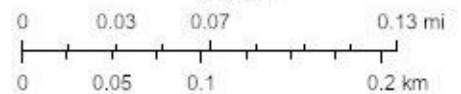


EXHIBIT II-D, IV-N: LOCATION MAP



Environmental Science | Landscape Architecture | Architecture | Engineering | Urban Design | Survey
4100 Evans Avenue #7
Ft. Myers, FL 33901

WEB | nativetec.com

TEL | 239-332-1505

FAX | 239-236-0444

WEST TERRY STREET RPD
PD21-85709-BOS

EXHIBIT II-E-2

Narrative

WEST TERRY STREET RPD
PD21-85709-BOS

EXHIBIT II-E-2

The area encompassed by the proposed RPD is occupied by five (5) duplex structures containing a total of ten (10) residential units. The existing duplexes are legally non-conforming but cannot be made conforming in accordance with the provisions of the TFC-2 district. In addition, in two (2) instances, there are two (2) duplex structures on an individual lot. This creates an impediment to financing and implementing desired improvements to the existing structures. The proposed development consists of the preservation of the existing duplexes by establishing development standards that will enable the creation of an individual lot for each duplex structure.

The property is currently within a TFC-2 zoning district. Pursuant to LDC Section 4-485:

The purpose and intent of the TFC residential two-family conservation district is to recognize and protect existing two-family residential developments. Lots, structures and uses, previously permitted but not conformable to the regulations of the other two-family residential districts set forth in this chapter, and to accommodate residential use of existing lots that were nonconforming under previous zoning regulations.

The requested RPD Zoning:

- a. meets and 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 place undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
- e. will not adversely affect environmentally critical areas or natural resources; and
- f. demonstrates public facilities are available and adequate to serve the proposed land use; and
- g. meets the approval criteria identified in LDC Sect. 4-299(a)(2) and (4) which states:
 - 1. The proposed use is appropriate at the subject location;
 - 2. The recommended conditions to the Master Concept Plan and other applicable regulations provide sufficient safeguards to the public interest;
 - 3. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

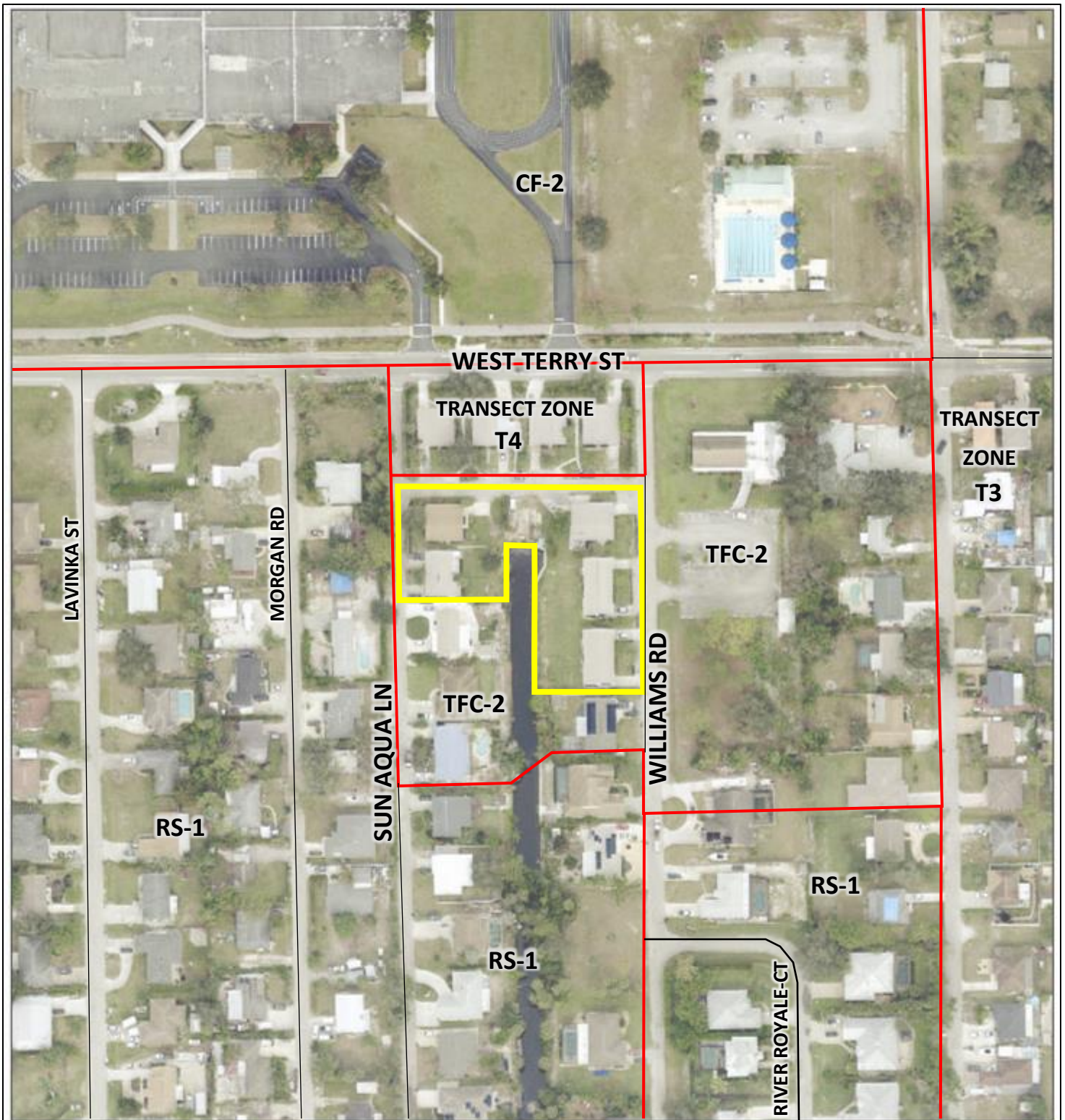
The entire property is developed, each residence has direct vehicular and pedestrian access and is served by public utilities. As a result, the proposed RPD will have no impact upon density, traffic generation or other infrastructure requirements.

Therefore, the adoption of the RPD is consistent with both the Bonita Springs Comprehensive Plan and Land Development Code.

WEST TERRY STREET RPD
PD21-85709-BOS

EXHIBIT II-F-3

Existing Zoning & Land Use



WEST TERRY STREET
CURRENT ZONING

LEGEND



SUBJECT PROPERTY

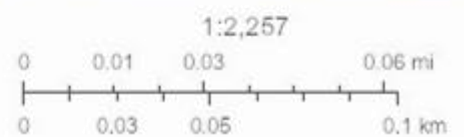


EXHIBIT II-F-3: CURRENT ZONING



Environmental Science | Landscape Architecture | Architecture | Engineering | Urban Design | Survey
4100 Evans Avenue #7
Ft. Myers, FL 33901

WEB | nativetec.com

TEL | 239-332-1505

FAX | 239-236-0444



WEST TERRY STREET
EXISTING LAND USE

LEGEND
 **SUBJECT PROPERTY**

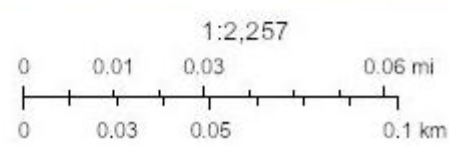


EXHIBIT II-F-3: EXISTING LAND USE



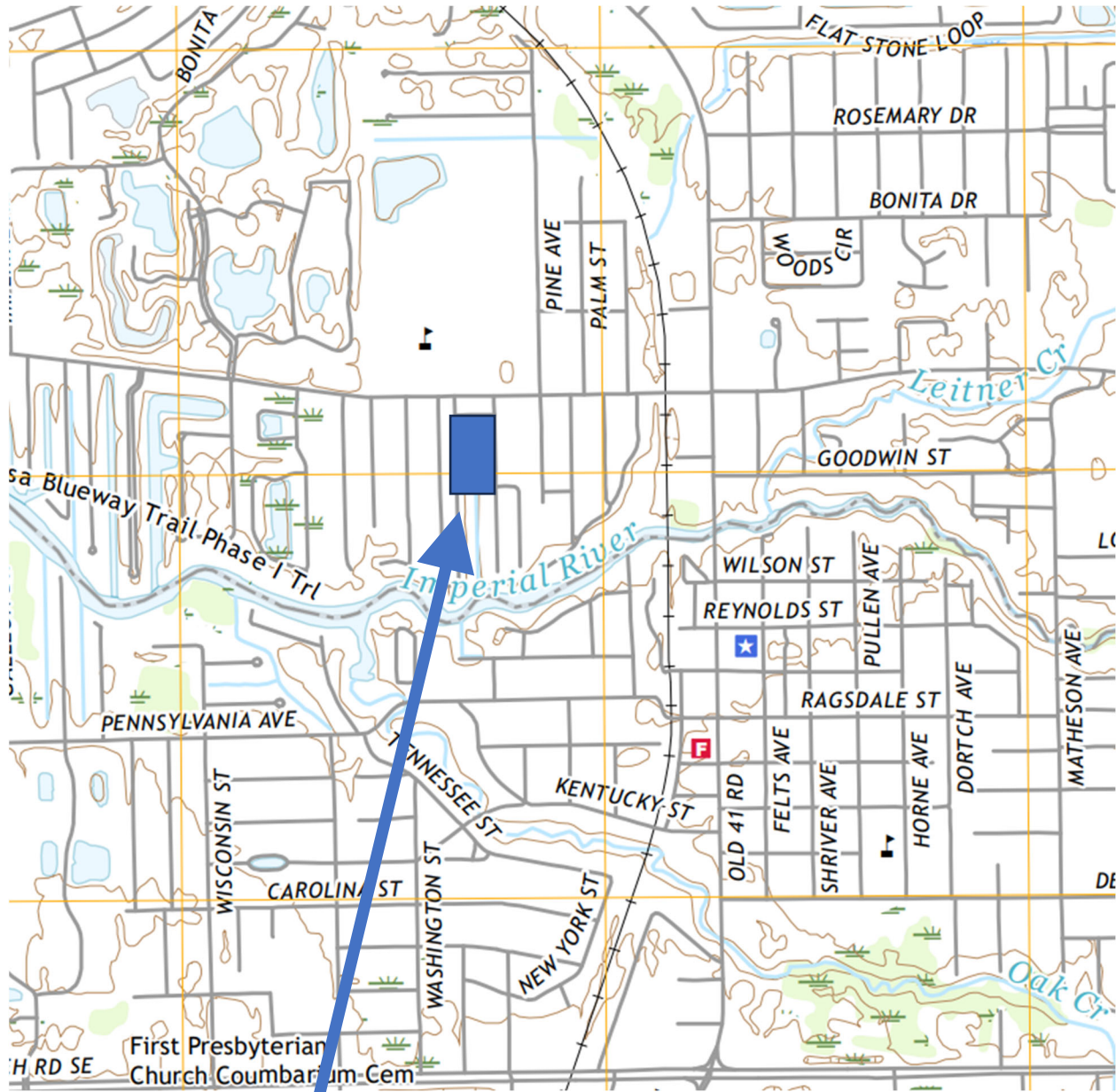
Environmental Science | Landscape Architecture | Architecture | Engineering | Urban Design | Survey
4100 Evans Avenue #7
Ft. Myers, FL 33901

WEB | nativetec.com TEL | 239-332-1505 FAX | 239-236-0444

WEST TERRY STREET RPD
PD21-85709-BOS

EXHIBIT II-F-5

Topography Maps



SUBJECT PROPERTY

EXHIBIT II-F-5: TOPO USGS

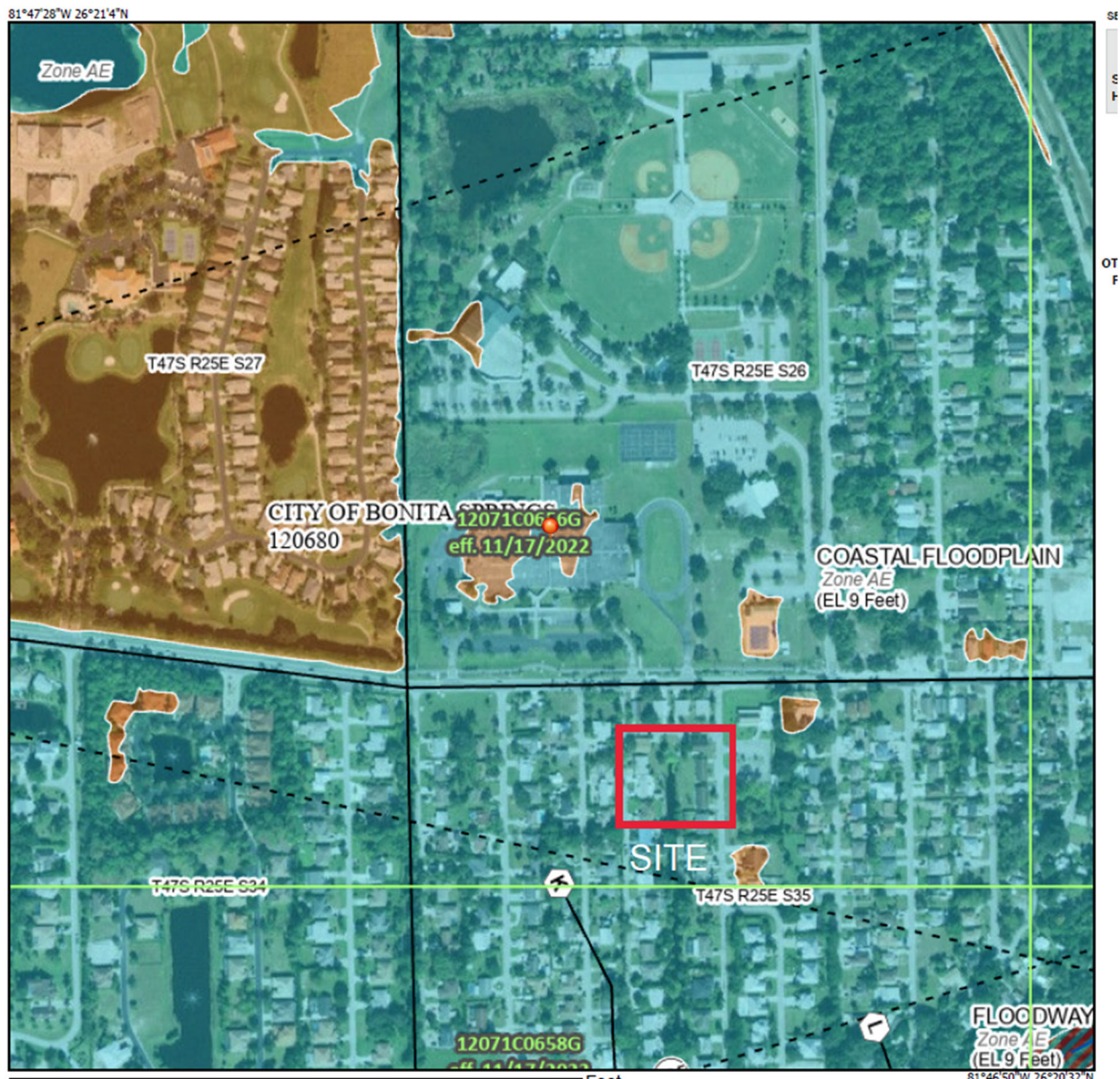


EXHIBIT II-F-5: FEMA FIRMETTE



Environmental Science | Landscape Architecture | Architecture | Engineering | Urban Design | Survey
4100 Evans Avenue #7 Ft. Myers, FL 33901

WEB | nativetec.com

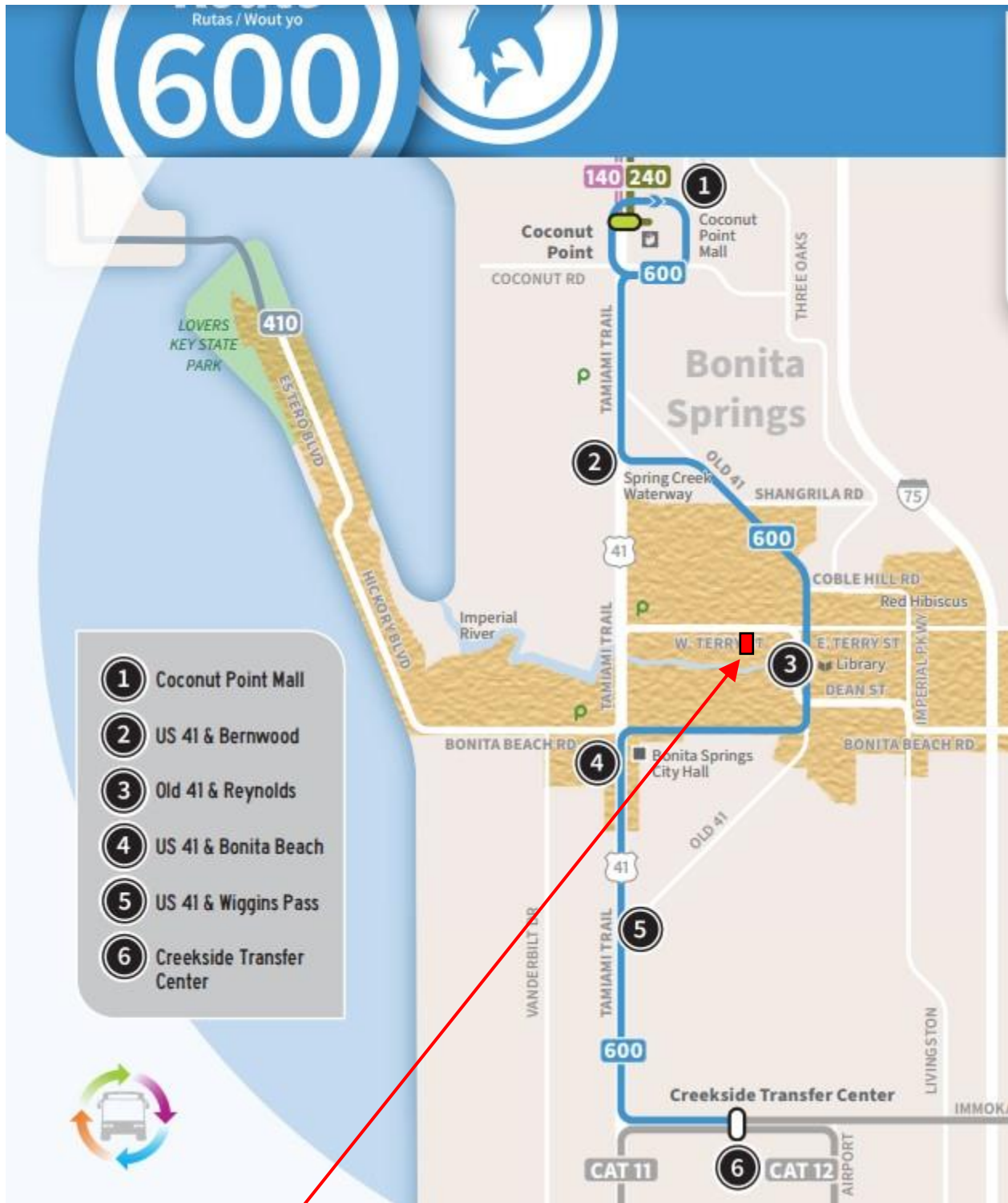
TEL | 239-332-1505

FAX | 239-236-0444

WEST TERRY STREET RPD
PD21-85709-BOS

EXHIBIT IV-A

Public Transportation



SUBJECT PROPERTY

EXHIBIT IV-A: PUBLIC TRANSPORTATION



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4100 Evans Avenue #7
Ft. Myers, FL 33901

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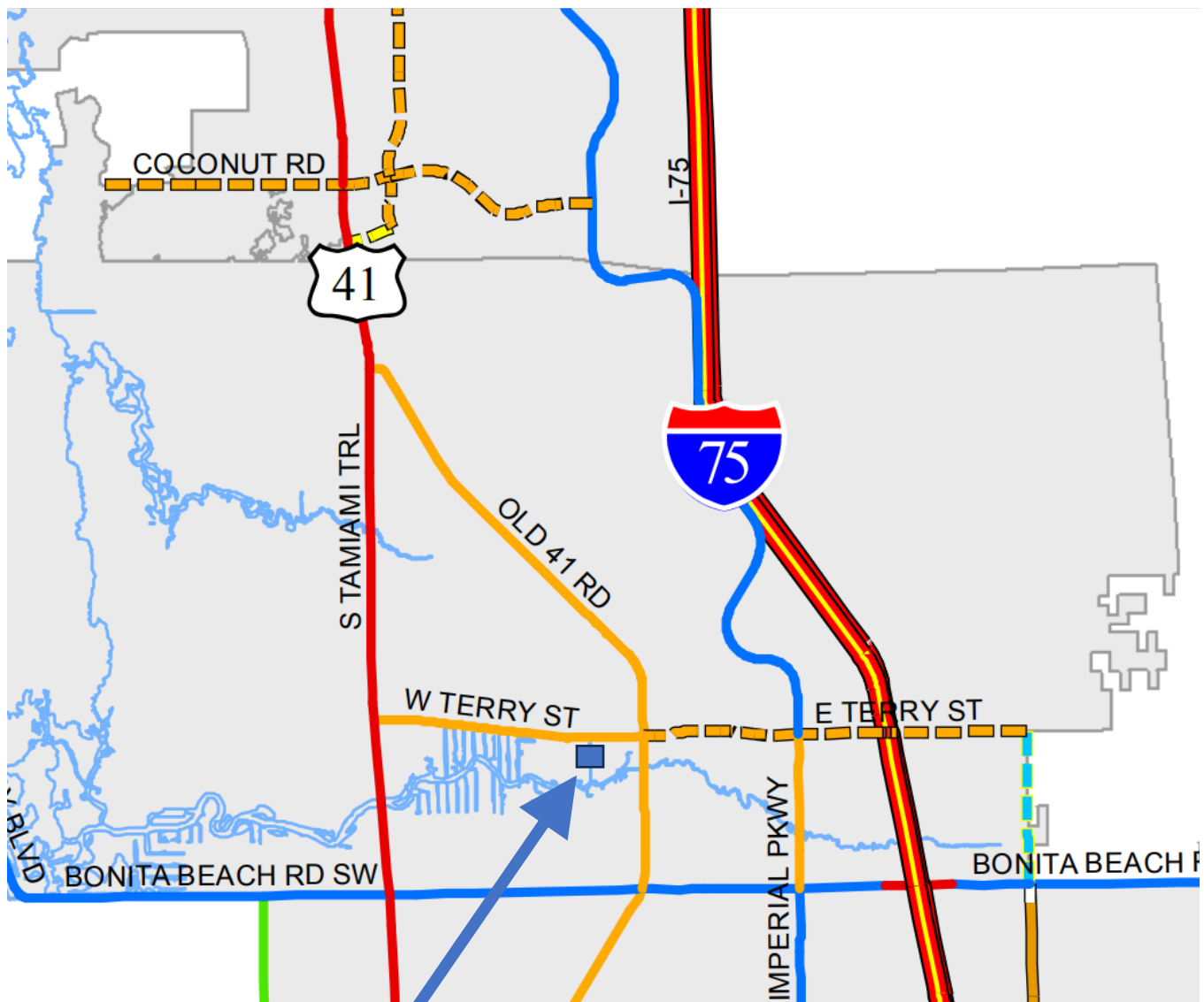
TEL | 239-332-1505

FAX | 239-236-0444

**WEST TERRY STREET RPD
PD21-85709-BOS**

EXHIBIT IV-C

Arterial and Collector Streets



SUBJECT PROPERTY

- Interstate, FDOT Maintained
- Arterial, Lee County DOT Maintained
- Arterial, FDOT Maintained
- Arterial, City Maintained
- Arterial, Non-County Maintained
- - - Major Collector, City Maintained

EXHIBIT IV-C: ARTERIAL AND COLLECTOR STREETS



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4100 Evans Avenue #7 Ft. Myers, FL 33901

WEB | nativetec.com

TEL | 239-332-1505

FAX | 239-236-0444

WEST TERRY STREET RPD
PD21-85709-BOS

EXHIBIT IV-N

Aerial



WEST TERRY STREET RPD

1:4,514

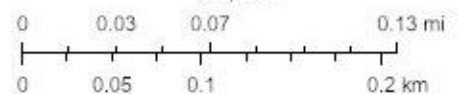


EXHIBIT II-D, IV-N: LOCATION MAP



Environmental Science | Landscape Architecture | Architecture | Engineering | Urban Design | Survey
4100 Evans Avenue #7
Ft. Myers, FL 33901

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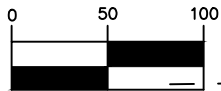
DESCRIPTION

Being a portion of Section 35, Township 47 South, Range 25 East, Lee County, Florida, Being more particularly described as follows:

COMMENCING at the Northeast Corner of Lot 14, Bonita Farms, Plat Book 3, Page 27, Lee County, Florida; thence run South 88°59'01" West, along the North line of said Lot 14 for a distance of 25.00 feet; thence leaving said North line South 01°06'01" East, for a distance of 25.00' feet to the **POINT OF BEGINNING**; thence run South 01°06'01" West for a distance of 372.10' feet; thence South 89°11'09" West for a distance of 120.00' feet; thence run North 01°09'31" West for a distance of 186.80' feet; thence run South 89°14'30" West for a distance of 40.00' feet; thence run South 01°09'31" East for a distance of 75.18' feet; thence run South 89°14'30" West for a distance of 119.25' feet; thence North 01°22'30" West for a distance of 259.34' feet; thence North 88°59'01" East, for a distance of 280.61' feet to the **POINT OF BEGINNING**. Containing 83,173 square feet or 1.91 Acres more or less.



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

LOT 15
BONITA FARMS
PB 3, PG 27

LOT 14
BONITA FARMS
PB 3, PG 27

POINT OF
COMMENCEMENT
N.E. CORNER, LOT 14
BONITA FARMS
PB 3, PG 27

POINT OF
BEGINNING

LOT 13
BONITA FARMS
PB 3, PG 27

LINE TABLE

LINE	BEARING	DISTANCE
L1	S88°59'01"W	25.00'
L2	S1°06'01"E	25.00'
L3	S89°11'09"W	120.00'
L4	S89°14'30"W	40.00'
L5	S1°09'31"E	75.18'
L6	S89°14'30"W	119.25'

NOTES:

1. This is not a survey.
2. Bearings shown hereon are based on the North line of Bonita Farms, Plat Book 3, Page 27, Lee County, Florida as located in State Plane coordinate system Florida East Zone, NAD 83, 2011 adjustment being S88°59'01"W
3. All Dimensions are in feet and decimals thereof, unless otherwise indicated.
4. Subject to easements, reservations and restrictions of record.

For the Exclusive Use Of:
West Terry LLC

David B. Bruns, PLS,
Florida License No. 4520
Not valid without the signature and
original seal of the Florida Licensed
Professional Surveyor and Mapper
Certificate of Authorization #7705.



SKETCH & DESCRIPTION

A Portion of Lot 14,
Bonita Farms,
Lee County, Florida

CLIENT: West Terry LLC

PROJECT #:	P842	SUB PROJECT:			
DRAFTED BY:	DATE	SCALE	WO NUMBER	SHEET #	DRAWING NO.
R.Y.	08/2021	1" = 100'	20-137	1	1-172

RS-1

SUN AQUA LANE

TFC-2

RS-1

RS-1

SITE SUMMARY

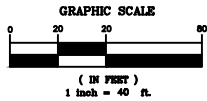
PLAN DESIGNATION	MEDIUM DENSITY MULTIFAMILY RESIDENTIAL
EXISTING ZONING DESIGNATION	TFC-2
EXISTING LAND USE	DEVELOPED RESIDENTIAL
PROPOSED ZONING DESIGNATION	RPD- RESIDENTIAL PLANNED DEVELOPMENT
GROSS AREA	1.04 ±ACRES

TRANSECT ZONE T4

BOULA DRIVE

WILLIAMS ROAD

TRANSECT
ZONE T3



DEVELOPMENT REGULATIONS

MINIMUM LOT AREA	7,500 SF
MINIMUM LOT WIDTH	58 FT
MINIMUM LOT DEPTH	100 FT
MINIMUM SETBACKS	
STREET	20 FT
SIDE	6.5 FT
REAR	20 FT
MAXIMUM HEIGHT	2 STORIES/35 FT
MAXIMUM LOT COVERAGE	40%

DEVIATIONS (SEE EXHIBIT IV-H)

- 1 PERIMETER BUFFER
- 2 SIDE LOT LINES

LEGEND

- PROPOSED LOT BOUNDARY
- REQUIRED SIDE YARD

NOTES:

1- THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION AT THE TIME OF AGENCY PERMITTING, D.O. OR PLAT APPROVAL.

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WEST TERRY STREET
RPD

ARCHITECTURE & CIVIL



NOAM KILINSKY
TN CAPITAL INVESTMENTS LLC
TNCAPITALINVESTMENTS.COM
20533 BISCAYNE BLVD., SUITE 1238,
AVENTURA, FL 33180

SEAL:

REVISION: A

NO.	DATE	DESCRIPTION

DRAWING TITLE:

MASTER CONCEPT
PLAN

DRAWN BY:

CHECKED BY: JK

SCALE: 1" = 40' (11X17)

DATE: 6/20/2024

PROJECT NO.:

DRAWING NO.:

MCP-1

PROJECT LOCATION:

-

WEST TERRY STREET RPD
PD21-85709-BOS

EXHIBIT IV-H

Schedule of Deviations

1. Deviation from LDC 4-741(b)(1)(a)

A deviation is requested from the requirement of LDC 4-71(b)(1)(a.) and LDC 3-418(d) that provide a fifteen (15) foot perimeter buffer adjacent to the Boula Dive easement.

A deviation from the+ requirement of a fifteen (15) foot buffer requirement is necessary to enable the preservation of the existing duplex structures adjacent to Boula Drive.

This request is made with reference to the provisions of LDC 3-418(d) which provides that, were the use of the property characterized as SFR and RFD, no not no buffer would be required.
buffer would be required.

2. Deviation from LDC 3-526 – Types of lots and lot lines

A deviation is requested to designate the lot lines abutting Boula Drive as a side lot lines.

Boula Drive extends only between Sun Aqua Lane and Williams Road, provides vehicular access only to the immediately adjacent property and does not provide access to other properties located on either Sun Aqua Drive and Williams Road. Designation of the lot lines abutting Boula Drive as side lot lines will accommodate the preservation of the existing duplex structures.

WEST TERRY STREET RPD
PD21-85709-BOS

EXHIBIT II-F-4

Protected Tree Plan

WEST TERRY STREET
RPD

 **NATIVEtec**

ARCHITECTURE
CIVIL
ENVIRONMENTAL
LANDSCAPE ARCHITECTURE
LAND SURVEYING

■ Fort Myers
4100 EVANS AVE
FORT MYERS, FL 33901
TEL. 239.560.3182

SEAL:

[illegible]

EXISTING TREE PLAN

RM

SCALE: 1" = 40' (11X17)

DATE: 8/25/2023

ETP-1

NOTE:
PT = PROTECTED TREE

PROJECT LOCATION:

WEST TERRY RPD
SUMMARY OF PRE-APPLICATION NEIGHBORHOOD MEETING

The neighborhood meeting was held on Tuesday, June 15, 2021 at 5:30 p.m., at the Bonita Springs Fire Department Station 4, located at 27701 Bonita Grande Dr., Bonita Springs, FL 34135

Issues related to the development proposal that were discussed:

An application to rezone 1.68 acres from the Residential two-family (TFC2) and Downtown Form-Based Code Transect Zone T4 (T4) Districts to allow a Residential Planned Development (RPD) to conserve eighteen (18) existing duplex dwelling units with accessory uses.

Those in attendance:

See attached Sign-In Sheet.

Comments by those in attendance about the development proposal:

The project was introduced via a PowerPoint presentation (copy attached) then the audience asked questions. Questions that were asked included parking/access on Boula Drive, including pedestrian access and access to the nearby waterbody, how long the property has been owned by the current owners and who the current owners are, maintenance of the subject roadways and the length/timing of the zoning process.

Documents and Exhibits presented during the meeting: (list)

Power Point Presentation

Copies of newspaper Notice and Notices to Property Owners are attached.

NAME	ADDRESS	PHONE	EMAIL
Calvin Carter	Bonita Springs 27110 Williams Rd	239 289 1725	calvin2holeinonegolf earts,com
Kriste Broussard	27209 River Royale Ct	903 517 7818	alastakikeya@aol.com
MICHELE BERTUZZI	RIVER ROYALE CT. 27209 BONITA SPRINGS 27051 SunAqua Ln	339 777 6807	KatTeach96@AOL.com
Ed & Kathie Kad			
Kristen Catrabue	27081 SunAqua Ln	724-713-8071	Kcatrabue@gmail.com
Patricia Kayne Pukhan	2724 SunAqua	239-771-2681	Patpukhan@aol.com
Ernie Harvaul	27141 Morgan	239 707 9530	H For Him 77@Comcast
Darlene Harvard	27141 Morgan Rd	239-707-9536	scissorhappy2757@comcast
Holly Wasyluk	27260 River Royale Ct		
Cindy Salac	27121 Pine ave	412 480 0883	
Erich Salac	27121 Pine Ave	412 735 1501	
Rose and Wally Krul			



DAVIES | DUKE

West Terry LLC Draft RPD Ordinance

NOEL J. DAVIES, ESQ.



DAVIES | DUKE

2375 Tamiami Trail N., Ste 306
Naples, FL 34103

www.DaviesDuke.com
Offices: Naples, Fort Myers

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

May 19, 2021

Dear Property Owner,

The public is invited to attend a Neighborhood Information Meeting held by Davies Duke, PLLC, on:

***Tuesday, June 15, 2021 at 5:30 p.m., at the Bonita Springs Fire Department Station 4,
located at 27701 Bonita Grande Dr., Bonita Springs, FL 34135***

The subject property is comprised of seven (7) separate parcels located at 10150-80 West Terry Street; 27020-38 Williams Road; and 27001-31 Sun Aqua Lane, in Section 35, Township 47 South and Range 25 East, and is approximately ± .3 miles west of the West Terry Street/Old U.S. 41 Road intersection and 1.5 east of the West Terry Street/U.S. 41, S. Tamiami Trail intersection.



An application will be submitted to the City of Bonita Springs seeking approval for the following:

An application to rezone 1.68 acres from the Residential two-family (TFC2) and Downtown Form-Based Code Transect Zone T4 (T4) Districts to allow a Residential Planned Development (RPD) to conserve eighteen (18) existing duplex dwelling units with accessory uses.

Business and property owners, residents and visitors are welcome to attend the presentation to discuss the project. If you are unable to attend the meeting in-person and would like the opportunity to participate virtually, an on-line Zoom meeting will be available. Reservations for in-person meeting attendance are required to ensure that the CDC guidelines for social distancing can be achieved. Details related to joining the meeting via Zoom can be obtained by contacting the individual listed below.

If you are unable to attend the meeting in-person or participate virtually, and have questions or comments, they can also be directed by mail, phone or e-mail to the individual below:

Noel J. Davies, Esq.
Davies Duke, PLLC
2375 Tamiami Trail N., Ste 306
Naples, FL 34103
Phone: 239-216-2792
Email: Noel.Davies@daviesduke.com

Letter to Neighbors

- 
- West Terry LLC intends to file an application to rezone 1.85 acres from the Residential two-family (TFC2) and Downtown Form-Based Code Transect Zone T4 (T4) Districts to allow a Residential Planned Development (RPD) to conserve eighteen (18)) existing duplex dwelling units.

Subject property is located at:

- ▶ 10150, 10160, 10170, 10180 West Terry Street
- ▶ 10180 Boula Drive
- ▶ 27020, 27026/028, 27036/038 Williams Road
- ▶ 27001/031 Sun Aqua Lane



Educare Academy

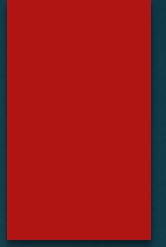
PROCESS

- File application with the City.
- Comments from City Staff; resubmittal.
- Public hearings. Requires ultimate approval by City Council.

INTENT

- Interior improvements to existing structures (no demolition)
- Improve landscaping
- Create more “cottage” aesthetic

DEVELOPMENT REGULATIONS



▶ RPD Perimeter Regulations

- ▶ Minimum Street Setback: 25 feet
- ▶ Minimum Side Yards: 7.5 feet
- ▶ Minimum Rear Yards: 20 feet

▶ Interior Regulations

- ▶ Minimum Building Separation: 15 feet
- ▶ Maximum Height: 35 feet
- ▶ Maximum Lot Coverage: 40%



The development regulations are subject to the following exceptions:

27031 Sun Aqua Lane

Minimum Street Setback: 23.90 feet

27031 Sun Aqua Lane

Minimum Side Yard: 6.70 feet

BOULA DRIVE

- Boula Drive shall be vacated, the area encompassed by Boula Drive incorporated into the abutting lots, and the vacation reflected in the replat.
- An easement shall be reserved to provide ingress and egress for vehicle access to adjacent duplex units from both Sun Aqua Lane or Williams Road.

RE-PLAT

- The property encompassed by this RPD shall be subject to a replat (Attachment B) that shall create a single parcel.
- Each existing duplex shall comply with the Development Regulations.
- Said replat shall be submitted for approval contemporaneously with the approval of this Ordinance.

NEIGHBORHOOD INFORMATION MEETING

The public is invited to attend a Neighborhood Information Meeting, held by Davies Duke, PLLC, on:

***Tuesday, June 15, 2021 at 5:30 p.m., at the Bonita Springs Fire Department Station 4,
located at 27701 Bonita Grande Dr., Bonita Springs, FL 34135***

The subject property is comprised of seven (7) separate parcels located at 10150-80 West Terry Street; 27020-38 Williams Road; and 27001-31 Sun Aqua Lane, in Section 35, Township 47 South and Range 25 East, and is approximately $\pm .3$ miles west of the West Terry Street/Old U.S. 41 Road intersection and 1.5 east of the West Terry Street/U.S. 41, S. Tamiami Trail intersection.



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2375 Tamiami Trail N., Ste 306
Naples, FL 34103
Phone: 239-216-2792
Email: Noel.Davies@daviesduke.com

The News-Press media group

news-press.com | A GANNETT COMPANY

Attn:
DAVIS DUKE, PLLC
APT 101
NAPLES, FL 34103

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared
Shelly Hora, who on oath says that
he or she is a Legal Assistant of the News-Press, a daily
newspaper published at Fort Myers in Lee County, Florida; that
the attached copy of advertisement, being a Legal Ad in the
matter of

NEIGHBORHOOD INFORMATION MEETING The public is
invited to attend a Neighborhood Information Meeting, held by
Davies Duke, PLLC, on: Tuesday, June 15, 2021 at

In the Twentieth Judicial Circuit Court was published in said
newspaper in the issues of:

05/24/2021

Affiant further says that the said News-Press is a paper of
general circulation daily in Lee County and published at Fort
Myers, in said Lee County, Florida, and that the said newspaper
has heretofore been continuously published in said Lee County,
Florida each day and has been entered as periodicals matter at
the post office in Fort Myers, in said Lee County, Florida, for a
period of one year next preceding the first publication of the
attached copy of advertisement; and affiant further says that
he or she has never paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for the
purpose of securing this advertisement for publication in the
said newspaper.

Sworn to and Subscribed before me this 24th of May 2021, by
legal clerk who is personally known to me.

Shelly Hora
Affiant

Kathleen Allen
Notary State of Wisconsin, County of Brown

1-7-25
My commission expires

of Affidavits 1

This is not an invoice

KATHLEEN ALLEN
Notary Public
State of Wisconsin

NEIGHBORHOOD INFORMATION MEETING

The public is invited to attend a Neighborhood Information Meeting, held by Da-
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Tuesday, June 15, 2021 at 5:30 p.m., at the
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West Terry Street; 27020-38 Williams Road; and 27001-31 Sun Aqua Lane, in Sec-
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Davies Duke, PLLC
2375 Tamiami Trail N, Ste 306
Naples, FL 34103
Phone: 239-216-2792
Email: Noel.Davies@daviesduke.com

AD#4745521

May 24, 2021

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

May 19, 2021

Dear Property Owner,

The public is invited to attend a Neighborhood Information Meeting held by Davies Duke, PLLC, on:

***Tuesday, June 15, 2021 at 5:30 p.m., at the Bonita Springs Fire Department Station 4,
located at 27701 Bonita Grande Dr., Bonita Springs, FL 34135***

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9220 Bonita Beach Road
Suite 111
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Tel: (239) 444-6150
Fax: (239) 444-6140
www.cityofbonitaspringscd.org

Rick Steinmeyer
Mayor

Jamie A. Bogacz
Council Member
District One

Jesse Purdon
Council Member
District Two

Laura Carr
Council Member
District Three

Chris Corrie
Council Member
District Four

Nigel P. Fullick
Council Member
District Five

Fred Forbes, AIA
Council Member
District Six

Arleen Hunter
City Manager
(239) 949-6267

Derek Rooney
City Attorney
(239) 949-6254

City Clerk
(239) 949-6248

Public Works
(239) 949-6246

Neighborhood Services
(239) 949-6257

Parks & Recreation
(239) 992-2556

**Community
Development**
(239) 444-6150

August 30, 2024

Mr. Noel J. Davies, Esq.
Davies Duke, PLLC
1415 Panther Ln, Ste 442
Naples, Florida 34109

Re: West Terry Residential Planned Development – PD21-85709-BOS, Sufficiency

Dear Mr. Davies:

The Zoning Division has reviewed the information provided and supplemented for the above-referenced planned development. The Application has been found sufficient and the following language is being drafted for the request:

A request to rezone approximately 1.04 acres (+/-) from Two-Family Conservation (TFC-2) to Residential Planned Development (RPD), to preserve the existing duplex structures, and to request two (2) deviations.

Please review the proposed language carefully and notify me in writing no later than September 6, 2024, if the above stated language is sufficient or if changes are requested.

Staff has provided additional substantive comments for consideration. Please review them accordingly and contact Staff if you have any questions.

Pursuant to LDC Sec. 4-28, a post-sufficiency neighborhood meeting shall be held within 30 days of the date of sufficiency. A notice of the meeting shall be provided to the City.

Please note that City of Bonita Springs Ordinance 22-03 (attached) has updated the public noticing requirements, where it is now the responsibility of the Applicant to send notices to the surrounding property owners of the hearing dates. These notices are required and are no longer a courtesy. A copy of the notice to be mailed will be provided by Staff to the Applicant, but it remains the Applicant's responsibility to mail the notices in accordance with the adopted regulations. Please review Ordinance 22-03 for additional information.

Feel free to contact me if you have any questions.

Sincerely,
DEPARTMENT OF COMMUNITY DEVELOPMENT
Planning and Zoning Division

Mike Fiigon II

Mike Fiigon II
Senior Planner

Copy:
Derek Rooney, City Attorney
John Dulmer, AICP, Community Development Director
Jacqueline Genson, Planning & Zoning Manager
Jay Sweet, AICP, PSM, City Surveyor
Laura Gibson, Senior Environmental Specialist
Sean Gibbons, Bike-Ped Coordinator
Stuart Smith, Development Engineer
Joel Langaney, Public Works



3301 Bonita Beach Road,
Suite 213
Bonita Springs, FL 34134

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

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

September 4, 2024

Dear Property Owner,

The public is invited to attend a Neighborhood Information Meeting held by Davies Duke, PLLC, on:

***Monday, September 30, 2024 at 5:00 p.m., at the Bonita Springs Fire Department Station 4,
located at 27701 Bonita Grande Dr., Bonita Springs, FL 34135***

The subject property is comprised of seven (7) separate parcels located at 10150-80 West Terry Street; 27020-38 Williams Road; and 27001-31 Sun Aqua Lane, in Section 35, Township 47 South and Range 25 East, and is approximately $\pm$.3 miles west of the West Terry Street/Old U.S. 41 Road intersection and 1.5 east of the West Terry Street/U.S. 41, S. Tamiami Trail intersection.



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3301 Bonita Beach Road, Suite 213
Bonita Springs, FL 34134
Phone: 239-405-8033
Noel.Davies@daviesduke.com
Catherine.Louise@daviesduke.com

WEST TERRY RPD
SUMMARY OF POST SUFFICIENCY NEIGHBORHOOD MEETING

The neighborhood meeting was held on Monday, September 30, 2024 at 5:00 p.m. at the Bonita Springs Fire Department Station 4, located at 27701 Bonita Grande Dr., Bonita Springs, FL 34135

Issues related to the development proposal that were discussed:

A request to rezone approximately 1.04 acres (+/-) from Two-Family Conservation (TFC-2) to Residential Planned Development (RPD), to preserve the existing duplex structures, and to request two (2) deviations.

Those in attendance:

See attached Sign-In Sheet.

Comments by those in attendance about the development proposal:

The project was introduced via a PowerPoint presentation (copy attached) then the audience asked questions. Questions that were asked included clarification on what changes the development proposes, why the applicant is seeking to rezone legally nonconforming property, the impact that the development will have on Boula Drive and the easement thereon, how the development will affect the alienability of the property, and whether the easement on Boula Drive will be preserved and continue to support public access.

Documents and Exhibits presented during the meeting: (list)

Power Point Presentation

Copies of newspaper Notice and Notices to Property Owners are attached.

WEST TERRY NEIGHBORHOOD MEETING

[illegible]



DAVIES | DUKE

Post-Sufficiency Neighborhood Meeting

West Terry LLC

Rezone From TFC-2 to RPD

NOEL J. DAVIES, ESQ.

CHARLES J. THOMAS, LAND PLANNER

Letter to Neighbors



3301 Bonita Beach Road,
Suite 213
Bonita Springs, FL 34134

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

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

September 4, 2024

Dear Property Owner,

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Phone: 239-405-8033
Noel.Davies@daviesduke.com
Catherine.Louise@daviesduke.com

Subject property is located at:

- ▶ 27020-028 Williams Road
- ▶ 27036/038 Williams Road
- ▶ 27001/031 Sun Aqua Lane

- ▶ 5 duplex structures
- ▶ Total of 10 residential dwelling units

Rezoning Request

- West Terry LLC has applied to rezone approximately 1.04 acres from the Two-Family Conservation (TFC-2) Zoning District to the Residential Planned Development (RPD) Zoning District, to preserve the existing duplex structures, and to request two (2) deviations.

Rezoning Request

- Rezone cures the existing legal non-conformities of the property.
- Purpose is that the RPD establishes development standards that will enable the creation of conforming individual lots for each respective duplex structure.

Rezoning Request

- The subject property is occupied today by 5 duplex structures (10 total residential units).
- No proposed physical changes.

Subject property is located at:

- ▶ 27020-028 Williams Road
 - ▶ 27036/038 Williams Road
 - ▶ 27001/031 Sun Aqua Lane
-
- ▶ 5 duplex structures
 - ▶ Total of 10 residential dwelling units

Subject Property



Subject Property

- Developed today.
- Each residence has direct vehicular/pedestrian access today.
- Each residence is served by public utilities today.
- The subject proposal will have no impact upon density, traffic generation or other infrastructure requirements.

Subject Property

- Developed today.
- Each residence has direct vehicular/pedestrian access today.
- Each residence is served by public utilities today.
- The subject proposal will have no impact upon density, traffic generation or other infrastructure requirements.

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WEST TERRY STREET
RPD

ARCHITECTURE & CIVIL
NATIVEtec
ARCHITECTURE CIVIL
PORT MYERS
4100 EVANS AVE
PORT MYERS, FL 33901
TEL: 239.550.3182

NOAM KILINSKY
TN CAPITAL INVESTMENTS LLC
TNCAPITALINVESTMENTS.COM
20533 BISCAYNE BLVD., SUITE 1238,
AVENTURA, FL 33180

SEAL:

REVISION: 		
NO.	DATE	DESCRIPTION

DRAWING TITLE:
**MASTER CONCEPT
PLAN**

DRAWN BY:
CHECKED BY: **JK**
SCALE: **1" = 40' (11X17)**
DATE: **6/20/2024**
PROJECT NO.:

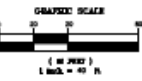
DRAWING NO.:
MCP-1

PROJECT LOCATION:

TRANSECT ZONE T4

BOULA DRIVE

WILLIAMS ROAD



DEVELOPMENT REGULATIONS

MINIMUM LOT AREA	7,500 SF
MINIMUM LOT WIDTH	58 FT
MINIMUM LOT DEPTH	100 FT
MINIMUM SETBACKS	
STREET	20 FT
SIDE	6.5 FT
REAR	20 FT
MAXIMUM HEIGHT	2 STORIES/35 FT
MAXIMUM LOT COVERAGE	40%

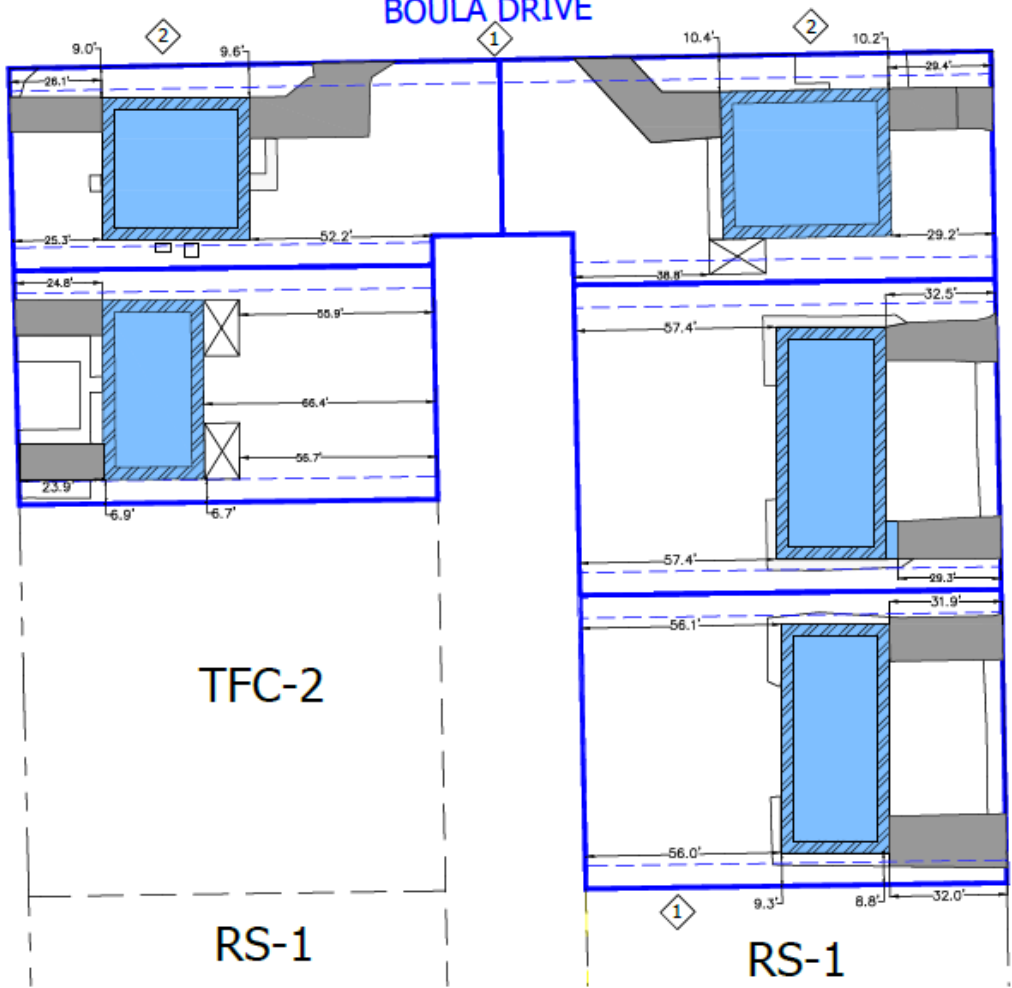
DEVIATIONS (SEE EXHIBIT IV-H)

- 1 PERIMETER BUFFER
- 2 SIDE LOT LINES

LEGEND

-  PROPOSED LOT BOUNDARY
-  REQUIRED SIDE YARD

SUN AQUA LANE



SITE SUMMARY

PLAN DESIGNATION	MEDIUM DENSITY MULTIFAMILY RESIDENTIAL
EXISTING ZONING DESIGNATION	TFC-2
EXISTING LAND USE	DEVELOPED RESIDENTIAL
PROPOSED ZONING DESIGNATION	RPD- RESIDENTIAL PLANNED DEVELOPMENT
GROSS AREA	1.04 ±ACRES

NOTES:

1- THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION AT THE TIME OF AGENCY PERMITTING, D.O. OR PLAT APPROVAL.

PROCESS

- File application with the City (completed).
- Staff issuance of sufficiency letter (completed).
- This Post-Sufficiency Neighborhood Meeting (LDC Sec. 4-28).
- Public hearings. Requires ultimate approval by City Council. (Not scheduled yet.)



9220 Bonita Beach Road
Suite 111
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Tel: (239) 444-6150
Fax: (239) 444-6140
www.cityofbonitaspringscd.org

Rick Steinmeyer
Mayor

Jamie A. Bogacz
Council Member
District One

Jesse Purdon
Council Member
District Two

Laura Carr
Council Member
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Public Works
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Neighborhood Services
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Parks & Recreation
(239) 992-2556

**Community
Development**
(239) 444-6150

August 14, 2024

Mr. Noel J. Davies, Esq.
Davies Duke, PLLC
1415 Panther Ln, Ste 442
Naples, Florida 34109

Re: West Terry Residential Planned Development – PD21-85709-BOS, Sufficiency

Dear Mr. Davies:

The Zoning Division has reviewed the information provided and supplemented for the above-referenced planned development. The Application has been found sufficient and the following language is being drafted for the request:

A request to rezone approximately 1.04 acres (+/-) from Two-Family Conservation (TFC-2) to Residential Planned Development (RPD), to preserve the existing duplex structures, and to request two (2) deviations.

Please review the proposed language carefully and notify me in writing no later than August 21, 2024, if the above stated language is sufficient or if changes are requested.

Staff has provided additional substantive comments for consideration. Please review them accordingly and contact Staff if you have any questions.

Pursuant to LDC Sec. 4-28, a post-sufficiency neighborhood meeting shall be held within 30 days of the date of sufficiency. A notice of the meeting shall be provided to the City.

Please note that City of Bonita Springs Ordinance 22-03 (attached) has updated the public noticing requirements, where it is now the responsibility of the Applicant to send notices to the surrounding property owners of the hearing dates. These notices are required and are no longer a courtesy. A copy of the notice to be mailed will be provided by Staff to the Applicant, but it remains the Applicant's responsibility to mail the notices in accordance with the adopted regulations. Please review Ordinance 22-03 for additional information.

Feel free to contact me if you have any questions.

Sincerely,
DEPARTMENT OF COMMUNITY DEVELOPMENT
Planning and Zoning Division

Mike Fiigon II

Mike Fiigon II
Senior Planner

Copy:
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John Dulmer, AICP, Community Development Director
Jacqueline Genson, Planning & Zoning Manager
Jay Sweet, AICP, PSM, City Surveyor
Laura Gibson, Senior Environmental Specialist
Sean Gibbons, Bike-Ped Coordinator
Stuart Smith, Development Engineer
Joel Langaney, Public Works

Rezoning Criteria

➤ The requested RPD Zoning:

- ▶ meets and exceeds all performance and locational standards set forth for the potential uses allowed by the request; and
- ▶ is consistent with the densities, intensities and general uses set forth in the Bonita Springs Comprehensive Plan; and is compatible with existing or planned uses in the surrounding area; and
- ▶ will not place undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
- ▶ will not adversely affect environmentally critical areas or natural resources; and
- ▶ demonstrates public facilities are available and adequate to serve the proposed land use; and

Rezoning Criteria

➤ The requested RPD Zoning:

- ▶ meets the approval criteria identified in LDC Sect. 4-299(a)(2) and (4) which states:
 1. The proposed use is appropriate at the subject location;
 2. The recommended conditions to the Master Concept Plan and other applicable regulations provide sufficient safeguards to the public interest;
 3. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

Conclusion

- The requested RPD Zoning meets the rezone criteria.
- Next steps: Public hearings. City Council has final approval. Notice will be provided.



Questions?

AFFIDAVIT OF PUBLICATION

Catherine Louise
Davis Duke, PLLC
2375 Tamiami TRL N
Ste 306
Naples FL 34103-4440

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

09/08/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

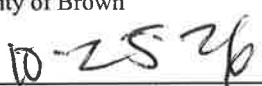
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 09/08/2024



Legal Clerk



Notary, State of WI, County of Brown

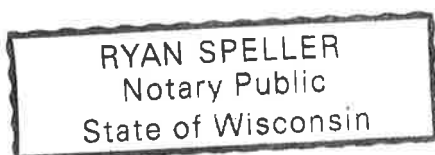


My commission expires

Publication Cost:	\$198.04	
Tax Amount:	\$0.00	
Payment Cost:	\$198.04	
Order No:	10544297	# of Copies:
Customer No:	1126047	0
PO #:	LSAR0153596	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.



NEIGHBORHOOD INFORMATION MEETING



The public is invited to attend a Neighborhood Information Meeting, held by Davies Duke, PLLC, on:

Monday, September 30, 2024 at 5:00 p.m., at the Bonita Springs Fire Department Station 4, located at 27701 Bonita Grande Dr., Bonita Springs, FL 34135

The subject property is comprised of seven (7) separate parcels located at 10150-80 West Terry Street; 27020-38 Williams Road; and 27001-31 Sun Aqua Lane, in Section 35, Township 47 South and Range 25 East, and is approximately $\pm$.3 miles west of the West Terry Street/Old U.S. 41 Road intersection and 1.5 east of the West Terry Street/U.S. 41, S. Tamiami Trail intersection.

An application has been submitted to the City of Bonita Springs seeking approval for the following:

A request to rezone approximately 1.04 acres (+/-) from Two-Family Conservation (TFC-2) to Residential Planned Development (RPD), to preserve the existing duplex structures, and to request two (2) deviations.

Business and property owners, residents and visitors are welcome to attend the presentation of the project and have any questions answered. If you are unable to attend the meeting in-person and would like the opportunity to participate virtually, an on-line Zoom meeting will be available. Details related to joining the meeting via Zoom can be obtained by contacting the individual listed below.

If you are unable to attend the meeting in-person or participate virtually, and have questions or comments, they can also be directed by mail, phone or e-mail to the individual below:

Noel J. Davies, Esq.

Davies Duke, PLLC

3301 Bonita Beach Road, Suite 213

Bonita Springs, FL 34134

Phone: 239-405-8033

Email: Noel.Davies@daviesduke.
com

September 8 2024

LSAR0153596



3301 Bonita Beach Road,
Suite 213
Bonita Springs, FL 34134

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

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

September 4, 2024

Dear Property Owner,

The public is invited to attend a Neighborhood Information Meeting held by Davies Duke, PLLC, on:

***Monday, September 30, 2024 at 5:00 p.m., at the Bonita Springs Fire Department Station 4,
located at 27701 Bonita Grande Dr., Bonita Springs, FL 34135***

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Noel J. Davies, Esq.
Davies Duke, PLLC
3301 Bonita Beach Road, Suite 213
Bonita Springs, FL 34134
Phone: 239-405-8033
Noel.Davies@daviesduke.com
Catherine.Louise@daviesduke.com

If you have a disability and the format of this document interferes with your ability to access some information, please contact us at (239) 444-6150 during regular business hours (8:00am-5:00pm, Monday-Friday), and we'll gladly assist.

CITY OF BONITA SPRINGS

Community Development Department

9220 Bonita Beach Road, Ste. 111

Bonita Springs, FL 34135

Phone: (239) 444-6150

email: permitting@cityofbonitaspringscd.org

**MAILING NOTICES
AFFIDAVIT**

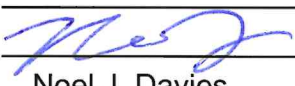
Property owners within 375 feet (or 500 feet in the case of on-premises consumption special exceptions) of the subject parcel(s) must be notified in writing of the proposed zoning action going before council within thirty CALENDAR (30) days of the initial Public Hearing. Property owners must be informed of their ability to participate in these hearings and/or given the opportunity to return a Citizen Response Form, should they have any comments or concerns regarding the matter. This affidavit must be returned assuring the following:

- Affidavit for case # PD21-85709-BOS sent on December 10, 2024.
- Names and addresses of property owners are those appearing on the latest tax rolls for Lee County.
- The Zoning Board for land use adjustments and City Council public hearing dates, times, and locations of hearings that were provided in the notices.
- All notices have been sent by first-class mail.

NOTE: AFTER THE NOTICES HAVE BEEN SENT, THE AFFIDAVIT OF THE MAILING NOTICES, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO CITY OF BONITA SPRINGS ZONING DIVISION, 9220 BONITA BEACH ROAD, SUITE 109, BONITA SPRINGS, FL 34135.

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Noel J. Davies WHO ON OATH SAYS THAT HE/SHE HAS SENT PROPER NOTICE AS REQUIRED BY SECTION 4-229(B) OF THE CITY OF BONITA SPRINGS LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:

ZONING APPLICATION CASE NUMBER: PD21-85709-BOS

SIGNATURE OF APPLICANT OR AGENT: 

NAME (TYPED OR PRINTED): Noel J. Davies

SITE ADDRESS OR P.O. BOX: 3301 Bonita Beach Road, Suite 213

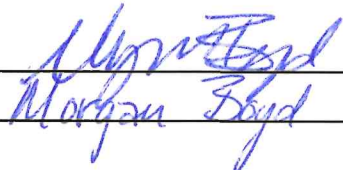
CITY, STATE & ZIP: Bonita Springs, FL 34134

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me by means of physical presence ☒ or online notarization ☐,

this (day) 10 of (month) December, (year) 2024,

by (name of person making statement) Noel J. Davies.

Signature of Notary Public - State of Florida: 

Name of Notary Typed, Printed, or Stamped: Morgan Boyd

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced: _____



MORGAN BOYD
Commission # HH 322006
Expires February 13, 2027



RECEIVED
CITY OF BONITA SPRINGS

DEC 30 2024

COMMUNITY DEVELOPMENT
DEPARTMENT

AFFIDAVIT OF POSTING NOTICE

Community Development Department | 9220 Bonita Beach Road, Suite 111 | Bonita Springs, FL 34135 | Phone: (239) 444-6150 | Fax: (239) 444-6140

INSTRUCTIONS

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of a Public Hearing and maintained through the City of Bonita Springs Public Hearing, if any. This sign will be provided by the Zoning Division in the following manner:

- a. Signs for case # _____ must be posted by _____.
- b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest right-of-way or easement.
- c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
- d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
- e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.
- f. The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF THE POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO CITY OF BONITA SPRINGS ZONING DIVISION, 9220 BONITA BEACH ROAD, SUITE 109, BONITA SPRINGS, FL 34135.

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED _____
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 4-
229(B) OF THE CITY OF BONITA SPRINGS LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN
THE ZONING APPLICATION REFERENCED BELOW:


SIGNATURE OF APPLICANT OR AGENT

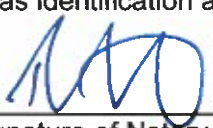
West Ferry LLC/Thomas Portman
NAME (TYPED OR PRINTED)

20533 Biscayne Blvd.
ST. OR P.O. BOX

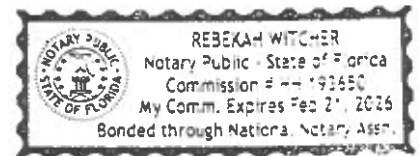
Arundel FL 33180
CITY, STATE & ZIP

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 30th day of Dec, 2024,
by thomas Portman, personally known to me or who produced
FL DC as identification and who did/did not take oath.


Signature of Notary Public

Printed Name of Notary Public



My Commission Expires:
(Stamp with serial number)