



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

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

August 19, 2025
9:00 a.m.

If you intend to address the board, please submit a completed "Public Comment Slip" to the City Clerk before the meeting begins. Blank comment slips are available on the table outside of Chambers. To submit a public comment in advance of the meeting, email your name, address, and comment to citymeetings@cityofbonitasprings.org by 2:00 p.m., August 18, 2025.

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

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

1. Call to Order
2. Pledge of Allegiance
3. Roll Call by City Clerk
4. Public Hearings

Each case will include a public comment period after the applicant and staff presentation.

A. Case Name: TELCOFACILITIES SPECIAL EXCEPTION (SPE24-118640-BOS)

A SPECIAL EXCEPTION REQUEST TO ALLOW A GROUP II ESSENTIAL SERVICE FACILITY (DATA CENTER) ON A PROPERTY LOCATED WITHIN THE BEACH ZONE OF THE BONITA BEACH ROAD CORRIDOR OVERLAY.

B. Case Name: HICKORY ON THE BAY COMMERCIAL PLANNED DEVELOPMENT (PD23-109173-BOS)

A REQUEST TO REZONE APPROXIMATELY 5.0 +/- ACRES FROM THE BEACH ZONE OF THE BONITA BEACH ROAD CORRIDOR OVERLAY AND RESIDENTIAL PLANNED DEVELOPMENT (RPD) ZONING DESIGNATIONS TO A COMMERCIAL PLANNED DEVELOPMENT (CPD), TO ALLOW UP TO 23,717 SQUARE FEET OF COMMERCIAL USES AND SIX (6) MULTI-FAMILY DWELLING UNITS.

5. Approval of Meeting Minutes from July 15, 2025
6. Update on Previous Cases
7. Public Comment
8. Next Meeting: 9:00 a.m., September 16, 2025 (Tentative)
9. Adjournment

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SPE24-118640-BOS

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Telcofacilities Data Center Special Exception Location Map



**BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT**

PROJECT NAME: TELCOFACILITIES DATA CENTER

TYPE OF CASE: SPECIAL EXCEPTION

CASE NUMBER: SPE24-118640-BOS

HEARING DATE: AUGUST 19, 2025

PLANNER: MIKE FIIGON II, SENIOR PLANNER

REQUEST AND STAFF RECOMMENDATION

A special exception request to allow a Group II Essential Service Facility (Data Center) on a property located within the Beach Zone of the Bonita Beach Road Corridor Overlay.

Deviations Requested: None

Staff recommends **APPROVAL** of the request in conjunction with the conditions outlined later in this Staff Report.

I. **APPLICATION SUMMARY:**

A. Applicant: Telcofacilities, LLC

B. Agent: Q. Grady Minor and Associates, LLC & Pavese Law

C. Request: A special exception request to allow a Group II Essential Service Facility (Data Center) on a property located within the Beach Zone of the Bonita Beach Road Corridor Overlay.

D. Location: 27695 Imperial River Road, Bonita Springs, FL, 34134

E. Future Land Use Designation, Current Zoning and Use of Property:

Future Land Use: General Commercial

Current Zoning: Beach Zone

Current Use: Vacant

F. Surrounding Land Use:

<u>Existing Zoning & Land Use</u>	<u>Future Land Use Map</u>
North: Right of Way, TFC-2; Vacant	General Commercial
East: Right of Way, Beach Zone/MPD; Vacant	General Commercial
South: Bonita Beach Road Right of Way, Collier County	Urban Subdistrict*
West: Beach Zone/MPD; Vacant	General Commercial

*Property not located within the City limits of Bonita Springs or Lee County, but appears to be designated as a mixed use subdistrict according to the Collier County Future Land Use Map.

II. BACKGROUND AND INFORMATIONAL ANALYSIS

Introduction/Synopsis

The request is for a special exception to allow a Group II Essential Service Facility (data center) within the Bonita Beach Road Corridor Overlay. According to the narrative supplied by the Applicant, the data center will function as an office building in which employees will monitor computer servers to ensure that the equipment functions properly in order to support a fiber optic network between North America and South America. The building is not open to the public and it is anticipated that no more than six (6) employees will be on-site at any one time.

The property is located within the Beach Zone of the overlay which allows the Group II Essential Service Facility subject to special exception approval. While the use activity group does not call out a data center specifically, it has been determined by Staff that the Group II designation is most appropriate. The Applicant was made aware of this during several pre-application meetings that took place prior to the submittal of the special exception application.

Currently, the Applicant has submitted their development order plans (permit number DOS25-122609-BOS) and they are aware that special exception approval is required first.

In reviewing old aerials and permit data history, the subject property has always been vacant and would therefore be subject to the payment of impact fees should the project be approved.

Special Exception Review Criteria

Pursuant to LDC 4-131(c)(2), the following criteria are to be used to evaluate special exception requests:

- a. Whether there exists changed or changing conditions that make approval of the request appropriate
- b. The testimony of any applicant
- c. The recommendation of Staff
- d. The testimony of the public
- e. Where the request is consistent with the goals, objectives, policies, and intent of the Bonita Plan
- f. Whether the request meets or exceeds all performance and locational standards set forth of the proposed use
- g. Where the request will protect, conserve or preserve environmentally critical areas and natural resources

- h. Whether the request will be compatible with existing or planned uses
- i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property
- j. Whether the requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter

In reviewing the request and documentation provided by the Applicant, Staff is able to make the following findings based on the aforementioned criteria:

Criterion a: Whether there exists changed or changing conditions that make the approval of the request appropriate.

Applicant Narrative: *Telcofacilities operates fiber optic cable systems for worldwide internet services. The Bonita Springs data center will provide a vital link for telecommunications between North America and South America through a subterranean fiber optic cable network. The Bonita Springs Land Development Code does not specifically address a "data center" and staff has determined that although the building will function as an office building, it is an essential service use; thereby, requiring the Special Exception application. The C-1 zoning category was created by Lee County prior to the advent of the internet. The changing conditions are the rapid advances in communication and technology that are not addressed by the Land Development Code.*

Staff Analysis: In 2019, the Bonita Beach Road Corridor Overlay was established and constituted significant revisions to the previous standards of the Bonita Beach Road Corridor. Part of the revisions included the creation of "zones" that would replace the conventional zoning designations of property included in the Overlay. The property in question were effectively rezoned from C-1 (commercial) to the Beach Zone of the Overlay. This action was done by the City and approved by City Council when the Overlay revisions were adopted. The revisions included a list of uses, which allows essential service facilities (such as a data center) provided the project is approved via a special exception. As the Applicant has stated, the building will look and function as an office building, which helps to address many of the aesthetic concerns that is the focus of the overlay district.

Criterion b: The testimony of the Applicant

Staff Analysis: The Applicant has provided a narrative supporting the project. They will also provide an in-person presentation for consideration.

The application submittal package can be reviewed as part of the backup to this staff report.

Criterion c: The recommendation of Staff

Staff Analysis: The staff recommendation is to approve the special exception request, subject to the conditions proposed later in this report.

Criterion d: The testimony of the public

Staff Analysis: The public has been notified of the request pursuant to LDC requirements. The Applicant held the required two neighborhood information meetings (pre-submittal and post sufficiency) and the contents of those meetings are contained as part of the application backup. The primary concern raised by the public at the neighborhood meetings was noise from the proposed generators. Staff has established a condition that limits the testing of the generators to no more than thirty (30) minutes, once a week. Additionally, the site is subject to the City's Noise Control Ordinance, which is enforced by the Lee County Sheriff's Office.

Additionally, hearing notices were sent to the surrounding property owners that contained the request language and the proposed hearing dates. Owners have the opportunity to state their support or opposition to the request and return the notice to Staff. At the time of this report, Staff has not received any returned notices in support or opposition of the request, but has received one phone call to better understand the project.

Criterion e: Consistency with the goals, objectives, policies, and intent of the Bonita Plan.

Applicant Narrative: *The proposed use is consistent with the goals, objectives and policies of the Bonita Springs Comprehensive Plan. The property is designated General Commercial on the Future Land Use Map. Policy 1.1.14: General Commercial is intended to accommodate general retail, office, light industrial and multi-family dwelling units. The proposed use is an office building and is consistent with the uses authorized for the site by the City of Bonita Springs Comprehensive Plan.*

Staff Analysis: The Applicant is correct in that property is within the General Commercial future land use category as described in the Comprehensive

Plan (Bonita Plan). The proposed use is commercial in nature and does not conflict with the future land use policy. Additionally, the property is located in a coastal high hazard area, which has a prohibition on rezoning to allow higher density. Since the project will not contain residential uses, the proposed use is also consistent with the Coastal Element.

Criterion f: Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.

Applicant Narrative: *Neither the LDC or Comprehensive Plan establish performance or locational standards for the proposed use. The General Commercial Future Land Use Category does establish a maximum floor area ratio of 1.2. The proposed office building is approximately 19,500 square feet and the site is approximately 1.1+/- acres, which equates to an FAR of .4, well within the permitted maximum FAR.*

Staff Analysis: Staff concurs with the analysis provided by the Applicant.

Criterion g: Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.

Applicant Narrative: *The applicant has retained the services of an ecologist to evaluate the site. There were no heritage trees observed on the property. The ecologist did identify 3 gopher tortoise burrows located near the western property line. The Florida Fish and Wildlife Commission guidance for small sites supports off-site mitigation as the preferred long-term method to handle gopher tortoise in urban settings. The ecologist has begun the mitigation process with the Florida Fish and Wildlife Commission, and the applicant has entered into a contract with Triple B Ranch LLC as the recipient site for the gopher tortoise mitigation.*

Staff Analysis: Staff concurs with this analysis.

Criterion h: Whether the request will be compatible with existing or planned uses.

Applicant Narrative: *Yes, the proposed data center office use is compatible with existing and planned uses. The site is zoned commercial and was zoned commercial prior to the incorporation of the City of Bonita Springs. The City recognized the commercial nature of the property when they placed the*

property in the General Commercial Future Land Use Category. The property immediately to the west is vacant but was zoned CPD for a hotel. The property immediately to the north is vacant and zoned TFC-2; however, it is also owned by Telcofacilities, LLC and is not part of the Special Exception request. To the east across Imperial River Road is vacant property which is zoned C-1 and MPD and designated General Commercial on the Future Land Use Map. To the south across Bonita Beach Road is Collier County. The properties are zoned and developed with general commercial land uses.

The site will be developed to standards of the Bonita Springs Land Development Code which will include architectural design standards and landscape buffers.

Staff Analysis: The property is located within the Beach Zone of the Bonita Beach Road Corridor Overlay. An Essential Service Facility (Group II) could be considered appropriate if a special exception is granted. The Applicant is correct in terms of existing and/or planned uses in the surrounding area. The advent of a low-traffic data center would not be out of character or scale. Additionally, the Applicant will be responsible for building out the primary access point (W. 1st Street), which was also contemplated as being a point of access for the abutting CPD to the west. This would be in line with the development standards of the Bonita Beach Road Corridor Overlay, which places a premium on interconnections between properties to help reduce the number of driveway cuts on Bonita Beach Road.

Criterion i: Whether the request will cause damage, hazard, nuisance, or other detriment to persons or property.

Applicant Narrative: *The development of the site as a data center office building will not cause damage, hazard or nuisance to persons or property. The site and building will be constructed to meet all applicable building and zoning requirements. No deviations from the LDC are being requested.*

Staff Analysis: The proposed use of a data center will be a low traffic generator and will be designed to look like an office building. Conditions have been placed on the exterior generator run times and they will need to be screened on all sides and have noise attenuation. It is the Staff opinion that the conditions help to safeguard the general public from potential hazards or nuisance. The Applicant is correct in that the site will be required to follow the development standards of the City's land development code and no deviations are being requested at this time.

Criterion j: Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use as set forth in this chapter (LDC Chapter 4).

Applicant Narrative: *Yes, the request will be in compliance with all Chapter 4 zoning regulations. No code deviations are required for the use. The Special Exception process does provide staff and the applicant to impose conditions of approval for the project to ensure that the site and facility will function in a manner that is appropriate for the location. A list of draft conditions has been submitted with the Special Exception application. These conditions address building design, use of emergency generators and parking.*

Staff Analysis: Staff is in agreement that the requested use will be in compliance with the standards of LDC Chapter 4. The Applicant has provided the necessary application and supplemental materials for the special exception, which were reviewed by Staff and serve as the basis for this report and the recommendation of approval. There are several conditions tied to the approval, all of which have been agreed to by the Applicant.

Surrounding Zoning

A table showing the surrounding land use and zoning is contained earlier in this report. Abutting properties to the east and west are part of Planned Development zoning projects and are also located within the Beach Zone of the Bonita Beach Road Corridor Overlay. The property to the north is zoned residential (TFC-2) but is located within the General Commercial future land use category. The property is owned by the Applicant but is not part of this application. The property is intended for commercial use as part of the City's long range plan (Comprehensive Plan/Bonita Plan). To the south is the right of way of Bonita Beach Road, followed by Collier County properties that are commercial in nature.

Neighborhood Compatibility

The data center is a commercial use that is proposed within a commercial future land use category. While it does not directly abut residential uses, Staff analyzed the impact of the site on the nearby homes of the Imperial Shores area. The perceived impact of the exterior generators will be conditioned to limit the potential nuisance caused by their noise. Staff will be requiring sound proofing and will be limiting testing protocols of the equipment—conditions that the Applicant has already agreed to. The data center is a low traffic

generator and will function as a standard office building. It is the Staff opinion that the requested data center is not incompatible with the surrounding area.

Environmental Considerations

In terms of vegetation, the site consists of disturbed lands and uplands which contain invasive exotic vegetation. In terms of listed species, the environmental report identified ten (10) potentially occupied gopher tortoise burrows and one (1) abandoned burrow. Removal of tortoises is in conjunction with guidance provided by Florida Fish and Wildlife Commission. The ecologist for the Applicant has begun the mitigation process and a contract has been established with Triple B Ranch LLC as the recipient for the tortoises.

Traffic

The Applicant provided a Traffic Impact Statement, which was reviewed by the City's Traffic Engineer. Multiple roadway segments were analyzed including Bonita Beach Road west of Imperial River Road, Bonita Beach Road east & west of Vanderbilt Drive, and Vanderbilt Drive south of Bonita Beach Road. As can be seen in Table 2 of TIS (available in the application backup), none of the analyzed segments would be significantly impacted by the proposed project. Another TIS will be evaluated during the local development order process.

Comprehensive Plan Considerations

The subject property is located in the General Commercial future land use category, according to the future land use map of Bonita Springs. The category includes the following provisions:

Policy 1.1.14: General Commercial - *Intended to accommodate a wide range of commercial uses serving the general population of the City. This designation recognizes, but is not specifically limited to, properties that have been developed, have received development approval or have been zoned for commercial use prior to the adoption of the Comprehensive Plan.*

- a. Appropriate uses include a wide range of commercial retail and service uses for residents and visitors; hotels/motels; offices; light industrial uses; schools; recreation; public and semi-public uses; multi-family uses up to 10 units per acre within the approximately 1,468 acres of gross land area in the land use category; and mixed residential and commercial use in planned developments.*

- b. If affordable housing is provided, residential density may be increased by up to five additional units per acre.*
- c. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves except that no new structures or modification of existing structures located on the islands west of the mainland may be constructed in excess of 35 feet in height.*
- d. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2.*

The project is commercial in nature and is located on a property that permits commercial uses within the City. The proposed FAR is below the maximum 1.2 shown in the category. It is the Staff opinion the requested use does not violate the provisions of the future land use category as outlined in the Comprehensive Plan/Bonita Plan.

With regards to the Traffic Element of the Comprehensive Plan, the project fronts Bonita Beach Road (fully constructed) and Imperial River Road (fully constructed) and will build out their portion of W 1st Street as the primary access point to the site. The Applicant will be widening the sidewalk along Imperial River Road and will provide a pedestrian connection from their site to existing sidewalk infrastructure on Bonita Beach Road. It is the Staff opinion the request does not violate the applicable provisions of the Traffic Element of the Bonita Plan. As discussed earlier in this report, a traffic impact statement was submitted by the Applicant and reviewed by Staff. None of the analyzed roadway segments will operate below their level of service (LOS) as a result of this project. It is the Staff opinion that the project does not violate the goals, objectives, or policies of the Traffic Element.

With regards to the Conservation/Coastal Management Element, the property is located in a Coastal High Hazard area and the Coastal Management Area. Development restrictions in this element are largely geared towards residential uses and directing them away from hazardous areas (however, there is an allowance for infill development). There are no residential uses being proposed as part of this request. The building will need to meet floodplain and stormwater management requirements with no deviations. With regards to the conservation portion of this element, an environmental study was conducted and reviewed by City Staff. The report showed the presence of gopher tortoises and the Applicant is in the process of mitigating. Additionally, native scrubs were found to be present and Condition 6 has been proposed by Staff to allow harvesting prior to ground-disturbing activities.

It is the Staff opinion that the remaining Comprehensive Plan elements of Intergovernmental Coordination, Housing, Capital Improvements, and Recreation/Open Space are not applicable to this request. This determination was made after Staff examined all elements for applicability to this request.

It is the Staff opinion the request does not violate the applicable provisions of the Comprehensive Plan.

Findings & Conclusion

It is Staff's opinion that the special exception request for a data center is consistent with the provisions of the Comprehensive Plan, is compatible with existing uses within the area, will not cause damage, hazards or nuisance, will not impact environmentally critical areas, and is located in an area with adequate public facilities.

Based upon an analysis of the Application and the special exception approval criteria, Staff makes the following findings and conclusions, as conditioned:

1. The requested special exception, as conditioned:
 - a) Meets or exceed all applicable performance and locational standards set forth for the proposed use;
 - b) is consistent with the goals, objectives, policies and intent set forth in the City of Bonita Springs Comprehensive Plan;
 - c) is compatible with existing or planned uses in the surrounding area;
 - d) will not cause damage, hazard, nuisance or other detriment to persons or property;
 - e) will not have an adverse effect on surrounding properties; and
 - f) will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in the City's Land Development Code.

III. RECOMMENDATION:

Staff recommends **APPROVAL** of the request with the following conditions:

1. The project shall be generally consistent with the proposed site plan (Attachment A) and architectural elevations (Attachment B).
2. On-site parking is permitted to only be provided for the office portion of the data center. Should the data center use cease to operate and if a new use is proposed, a detailed parking analysis will need to be provided to determine whether the existing parking is adequate to support that use. If the analysis determines that additional parking is required, the site must be brought in to compliance unless an alternative parking standard is approved by the City.
3. Additional information or changes to the plan not covered by this approval may require additional approvals. Such approvals will follow the processes outlined in the Land Development Code.
4. The Applicant is responsible for the build out of W. 1st Street in order to provide suitable access to the property, as shown on the site plan. The street shall be built according to the standards of the City's Land Development Code regulations.
5. Testing protocols for the generators are as follows: No more than 30 minutes per week, and the testing must take place between the hours of 8:00am and 5:00pm on weekdays.
 - a. The generators must be screened on all sides and must be equipped with noise attenuation features.
6. The Applicant shall allow the harvesting of native scrub species for a 45-day period prior to the start of any clearing activities, which shall be coordinated with the City's Environmental Sciences personnel.
7. Approval of this special exception does not guarantee approval of a local development order or building permit.

SUBJECT PROPERTY

The Applicant indicates the current STRAP number is: 32-47-25-B3-03202.0080

EXHIBITS

- A. Sketch and Legal Description, Provided by F.L.A. Surveys Corp.

ATTACHMENTS

- A. Proposed Site Plan
- B. Proposed Architectural Elevations
- C. Application Backup (available online)

SURVEY SKETCH OF: SURVEY FOR SITE PLAN ONLY

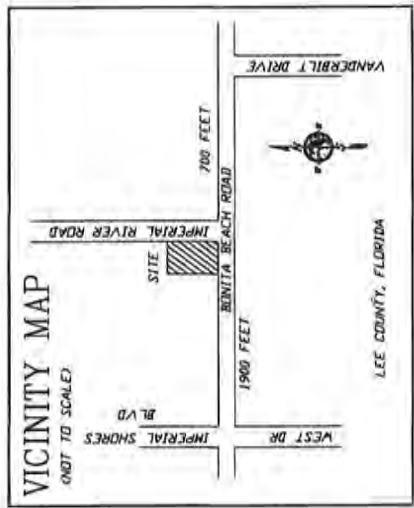
EXHIBIT A

ELEVATIONS SHOWN ARE IN N.A.V.D. DATUM, WERE ACQUIRED USING GPS TECHNOLOGY AND HAVE A TOLERANCE OF +/- 0.4'

NOTED: ALL OF SURVEY NOTES APPROVED BY CLIENT 05/28/2025

NOTES: THE INTENT OF THIS SURVEY IS FOR TITLE TRANSFER ONLY THE LINES ON THIS SECTION DO NOT CONSTITUTE OWNERSHIP OR EVIDENCE OF TITLE

NOTE: APPROVED BY SURVEYOR: APPROVED BY CLIENT: 05/28/2025



LEGAL DESCRIPTION:
PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 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SURVEY SKETCH OF: SURVEY FOR SITE PLAN ONLY

SKETCH OF : TREE SURVEY PER FLORIDA WETLANDS CONSULTANTS

ELEVATIONS SHOWN ARE IN N.A.S.D. DATUM. WERE ACQUIRED USING GPS TECHNOLOGY AND HAVE A TOLERANCE OF +/- 0.4'

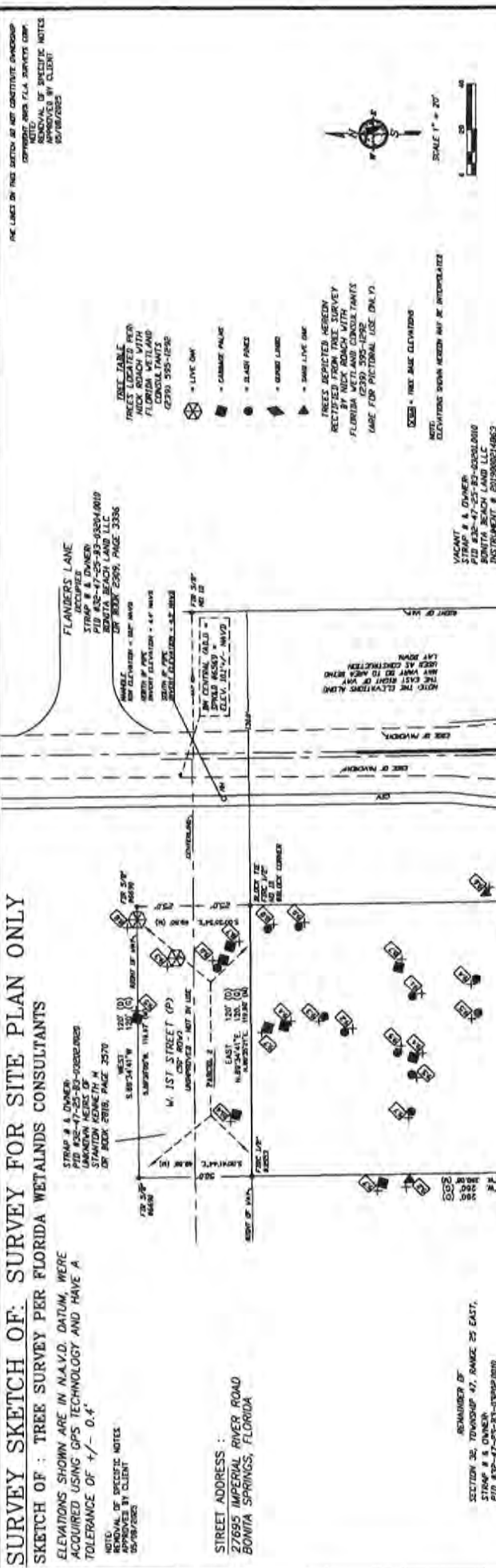
NOTE: REMOVAL OF SPECIFIC NOTES BY CLIENT 05/18/2023

STRAP & S. DUNN
FLORIDA WETLANDS CONSULTANTS
STANTON KENNETH M
DR BOOK 2818, PAGE 2570

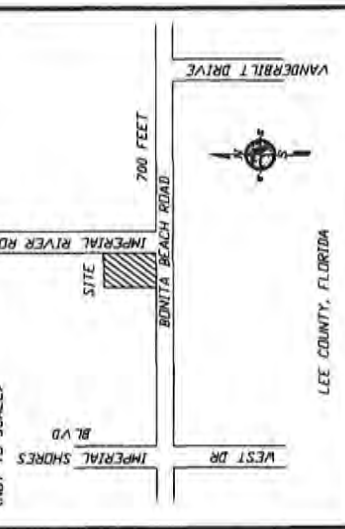
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STRAP & S. DUNN
P.D. 432-47-25-83-0304/010
BONITA BEACH LAND, LLC
DR BOOK 2595, PAGE 3336

STREET ADDRESS :
27695 IMPERIAL RIVER ROAD
BONITA SPRINGS, FLORIDA

REMARKER OF:
SECTION 32, TOWNSHIP 47, RANGE 25 EAST,
SECTION 32, TOWNSHIP 47, RANGE 25 EAST,
P.D. 432-47-25-83-0304/010
RIPLEY LAND CO LLC
DR BOOK 1747, PAGE 1214



VICINITY MAP (NOT TO SCALE)



MEASURED READINGS SHOWN ARE BASED ON THE N.A.S.D. DATUM. WERE ACQUIRED BY ESTABLISHED BY GPS, AS ACQUIRED BY FLORIDA WETLANDS CONSULTANTS. READINGS LABELLED AS TO BE THE CALCULATED GPS-GLONASS POSITIONING SYSTEM

NOT VALID WITHOUT SHEETS 1, 2, 4 & 5 OF 5

DATE	BY	REVISION	DESCRIPTION
05/18/2023	STANTON KENNETH M	1	REVISION
05/18/2023	STANTON KENNETH M	2	REVISION
05/18/2023	STANTON KENNETH M	3	REVISION
05/18/2023	STANTON KENNETH M	4	REVISION
05/18/2023	STANTON KENNETH M	5	REVISION

DATE	BY	REVISION	DESCRIPTION
05/18/2023	STANTON KENNETH M	1	REVISION
05/18/2023	STANTON KENNETH M	2	REVISION
05/18/2023	STANTON KENNETH M	3	REVISION
05/18/2023	STANTON KENNETH M	4	REVISION
05/18/2023	STANTON KENNETH M	5	REVISION

DATE	BY	REVISION	DESCRIPTION
05/18/2023	STANTON KENNETH M	1	REVISION
05/18/2023	STANTON KENNETH M	2	REVISION
05/18/2023	STANTON KENNETH M	3	REVISION
05/18/2023	STANTON KENNETH M	4	REVISION
05/18/2023	STANTON KENNETH M	5	REVISION

THE LINES ON THIS SECTION DO NOT CONSTITUTE ENDORSEMENT

NOTE:
REMOVAL OF SPECIFIC NOTICES
APPROVED BY CLIENT
05/10/2025

STUMP # 1, TURNED
270, 43-47-55-83-2324-2620
STANTON HEDGES OF
STANTON KENNETH W
DR BOX 2010, PAGE 3570

GERMAN NORTHSEA TABLE
HOLES LOCATED PER
GIVEN ENVIRONMENTAL
CONSULTING
(277) 594-5007

VACANT
STRAP # 1 OWNER
PID #32-47-25-N3-03261.0010
SONITA BEACH LAND LLC
INSTRUMENT # 20140653

MAP

ER 4

RIV

SITE	TRIAL
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RONITA BEAC

LEE COUNTY, FLORIDA

MEASURED BEARINGS

ON STATE FORM
VEST ZONE, W
ESTABLISHED BY
USING GPS TECH

TRADES OF BEAR
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WPS- GLOBAL M

Journal of Management Education

VALID THROUGH APRIL 2005

FOR SITE PLAN

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TELCOFACILITIES DATA CENTER

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[illegible]

LEGEND

	1. Indicated
	2. Not Indicated
	3. Limited
	4. Extensive
	5. Very Extensive
	6. Not Applicable



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INGENIERIA Y CONSTRUCCION
Sede en Miami, FL, 33133
Tel: (305) 344-2288 Fax: (305) 333-4718
E-mail: info@ingvel.com

ARCHITECT



GradyMinor
3001 Via del Rio Suite
Spring, FL 32158
Tel: (407) 321-1144

STRUCTURAL ENGINEER

JCA ENGINEERS LLC
14400 SW 17 ST
MIAMI, FL 33157
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PROJECT

TELCO FACILITIES
NEW DATA CENTER

PROJECT ADDRESS:
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MIAMI, FL 33157

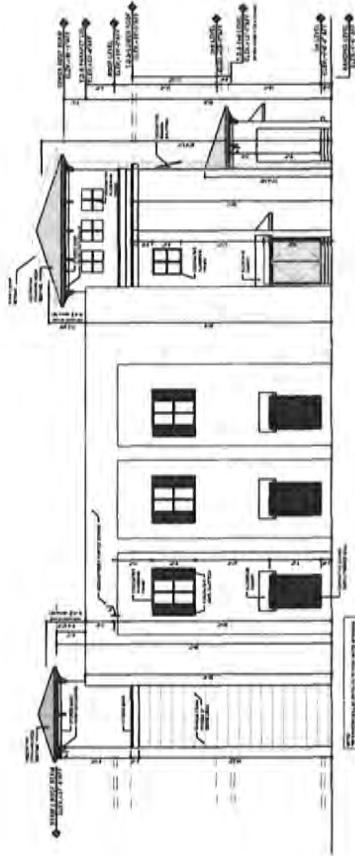
DATE: 01/15/2015
DRAWN BY: JCA
CHECKED BY: JCA
APPROVED BY: JCA

SOUTH AND EAST ELEVATIONS

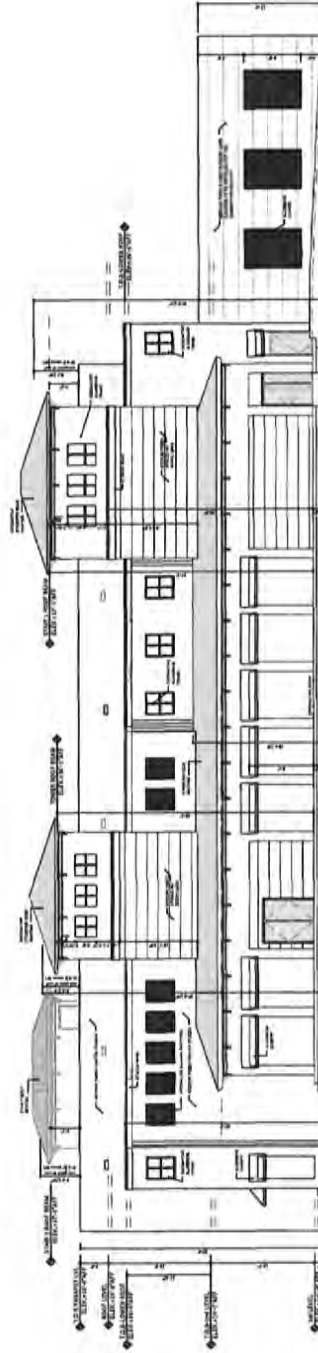
Scale: 1/8" = 1'-0"

DATE: 01/15/2015
DRAWN BY: JCA
CHECKED BY: JCA
APPROVED BY: JCA

A-201



SOUTH ELEVATION (BONITA BEACH RD)



EAST ELEVATION (IMPERIAL RIVER RD)

1. PROPOSED SOUTH AND EAST EXTERIOR ELEVATIONS

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



DATE	10/10/91	DATE	10/10/91
NAME	JOHN J. MURPHY	NAME	JOHN J. MURPHY
ADDRESS	1000 10TH AVE N	ADDRESS	1000 10TH AVE N
CITY	MINNEAPOLIS	CITY	MINNEAPOLIS
STATE	MINN	STATE	MINN
ZIP	55403	ZIP	55403
PHONE	612-338-1234	PHONE	612-338-1234
TELETYPE		TELETYPE	
FAX		FAX	
EMAIL		EMAIL	
WEB		WEB	
DATE	10/10/91	DATE	10/10/91
NAME	JOHN J. MURPHY	NAME	JOHN J. MURPHY
ADDRESS	1000 10TH AVE N	ADDRESS	1000 10TH AVE N
CITY	MINNEAPOLIS	CITY	MINNEAPOLIS
STATE	MINN	STATE	MINN
ZIP	55403	ZIP	55403
PHONE	612-338-1234	PHONE	612-338-1234
TELETYPE		TELETYPE	
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EMAIL		EMAIL	
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1. **KEY OF SYMBOLS**
 2. **ONE HOUR INSTRUCTION TO GET**
 3. **EXPERIMENTAL LIMITS, IN RELATION TO MARK**
 4. **AND FIVE CONSIDERATIONS IN A MARKET**
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1 SECOND LEVEL FLOOR PLAN
A-192 SCALE: 3/16" = 1'-0"



INGVEL S.A.
INGENIERIA Y ARQUITECTURA

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Pinar del Rio, P.R. 01901

ARCHITECT

DATE: 10/10/2018
PROJECT: A-202

OWNER: GradyMinor

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Phone: (813) 941-1144

STRUCTURAL ENGINEER

JCA ENGINEERS LLC

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Miami, FL 33155
Phone: (305) 555-1000

FILE NAME: 10/10/2018

PROJECT: TELCO FACILITIES NEW DATA CENTER

PROJECT ADDRESS: 3800 Via del Rey, Suite 200, Spring, FL 34154

CONTENTS

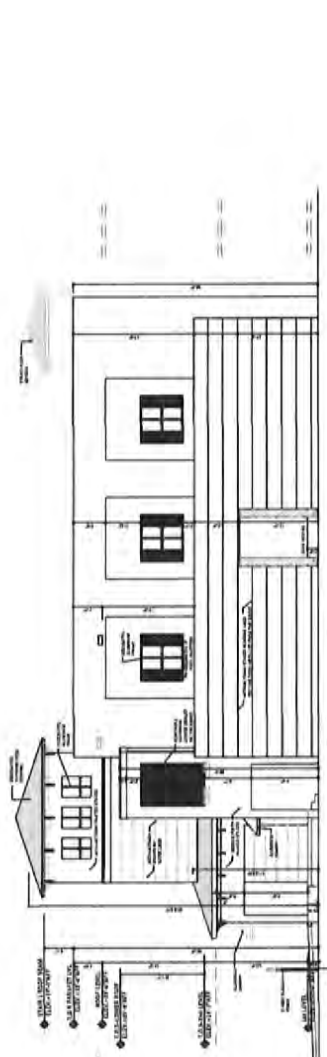
NORTH AND WEST ELEVATIONS

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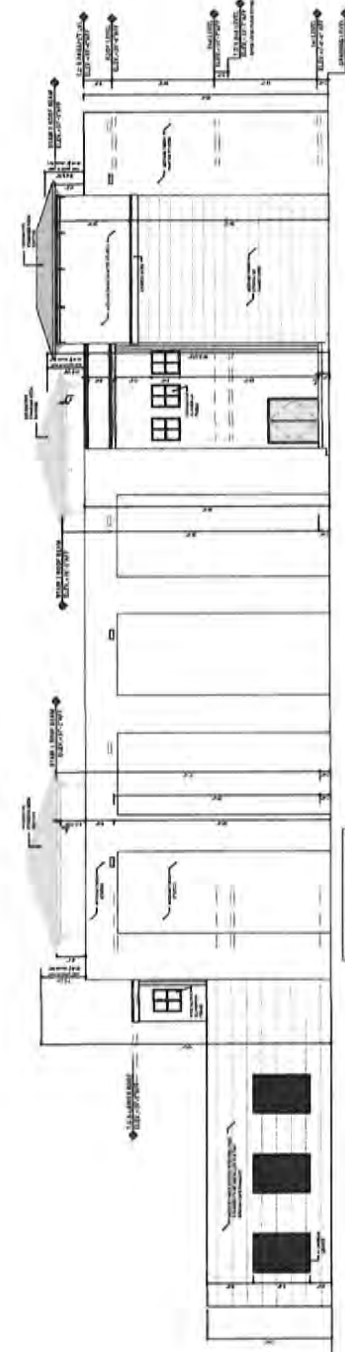
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SHEET NO.: **A-202**



NORTH ELEVATION (SERVICE ROAD)



WEST ELEVATION



PROPOSED NORTH AND WEST EXTERIOR ELEVATIONS

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



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STRUCTURAL ENGINEER

FOR THE CLIENT OF THE BUILDING: THE
PLANS AND SPECIFICATIONS COMPLY WITH
THE APPLICABLE PERMITS AND CODES.

REV.	DATE	DESCRIPTION



TELCO FACILITIES
NEW DATA CENTER

PROJECT ADDRESS
San Jose, Costa Rica

CONTENTS

GROUND LEVEL FLOOR PLAN (SIDE A)

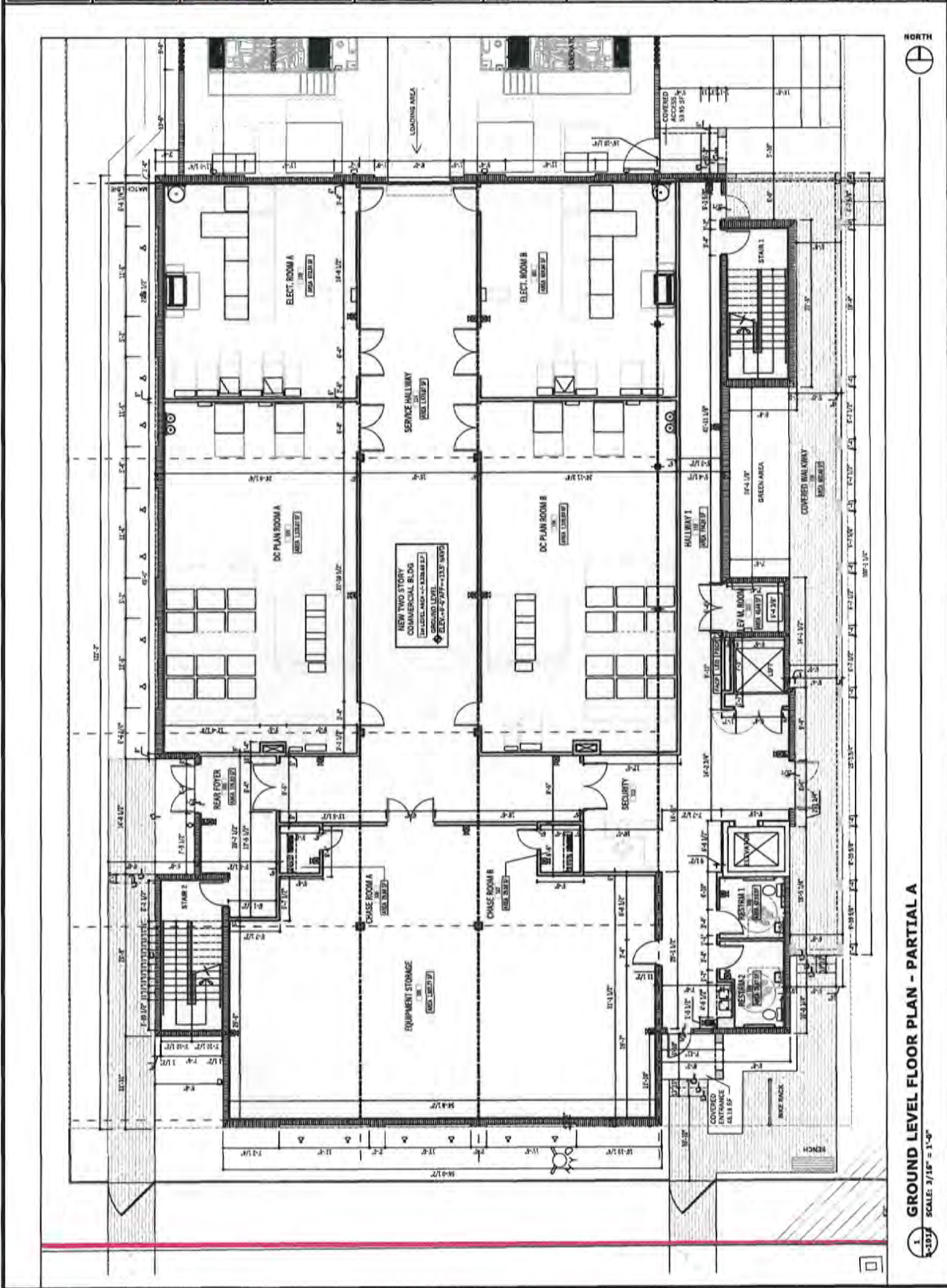
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SCALE	DATE

APPROVED	PROJECT NO.

SHEET NO.

A-101A



1 GROUND LEVEL FLOOR PLAN - PARTIAL A
SCALE: 3/16" = 1'-0"

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PROJECT
TELCO FACILITIES
NEW DATA CENTER
14450 SW 11th St.
Miami, FL 33186
Phone: (305) 744-1111
Fax: (305) 744-1112

DATE
10/1/2012

DESCRIPTION
SOUTH AND EAST ELEVATIONS
(COLORED)

SCALE
1" = 10'-0"

DESIGN
JCA ENGINEERS LLC

CHECKED
JCA ENGINEERS LLC

PROJECT NO.
A-201C

SHEET NO.
1

SOUTH ELEVATION (BONITA BEACH RD)

EAST ELEVATION (IMPERIAL RIVER RD)

LEGEND

- 1. 10' HIGH FENCE ALONG BOUNDARY LINE
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PROPOSED SOUTH AND EAST COLORED EXTERIOR ELEVATIONS

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



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PROJECT

CONTENT
NORTH AND WEST ELEVATIONS (COLORED)

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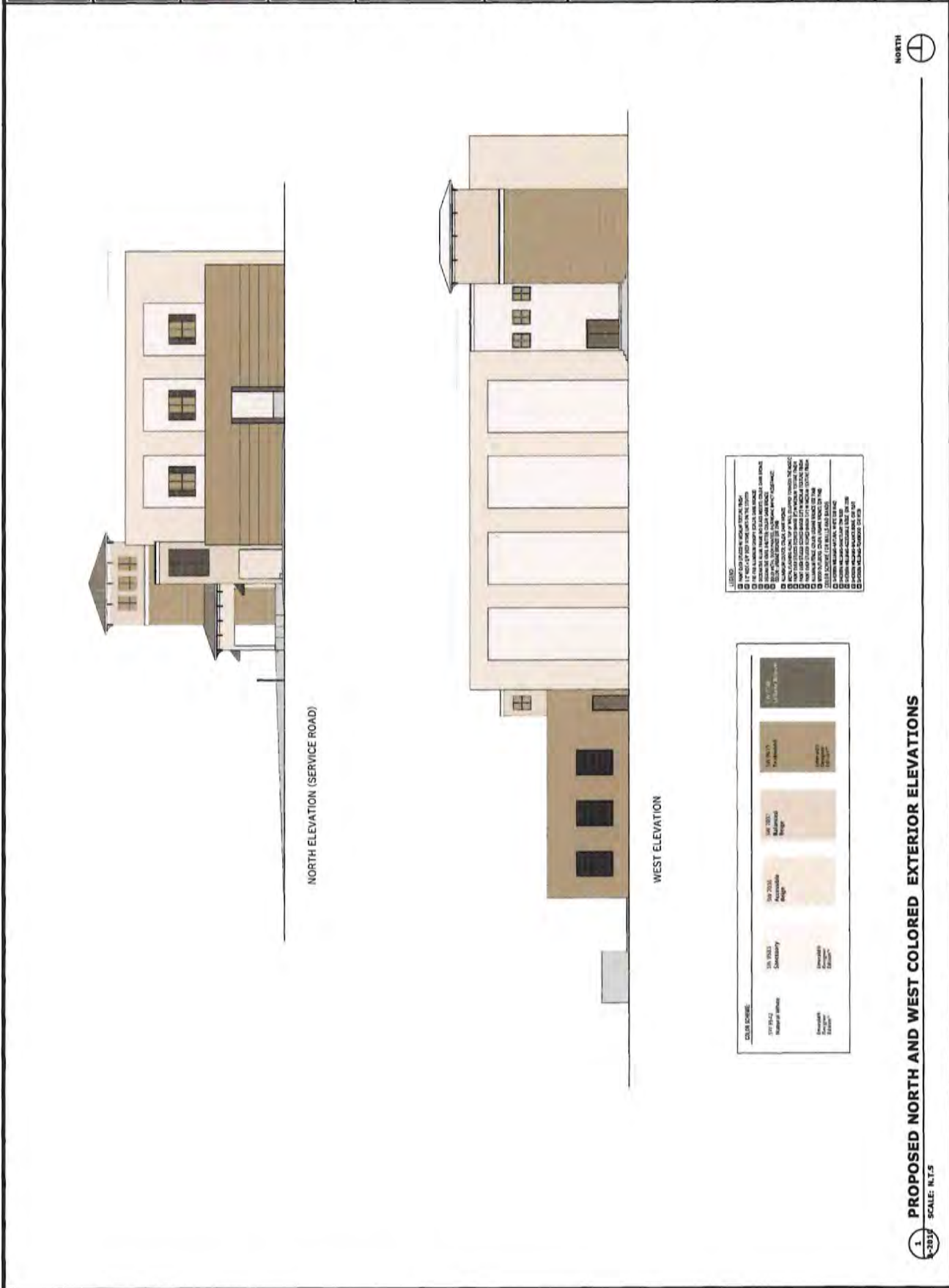
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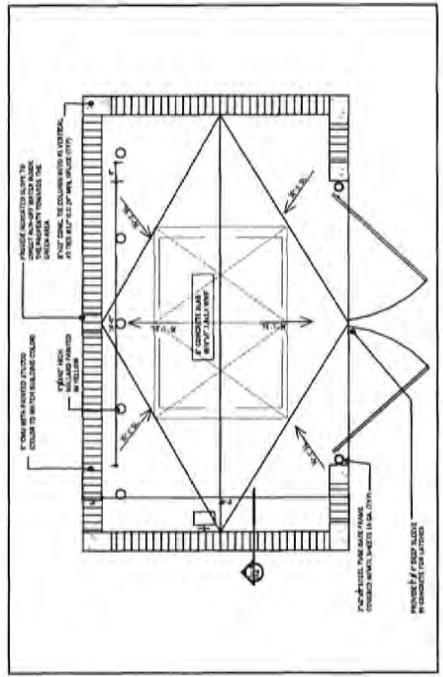
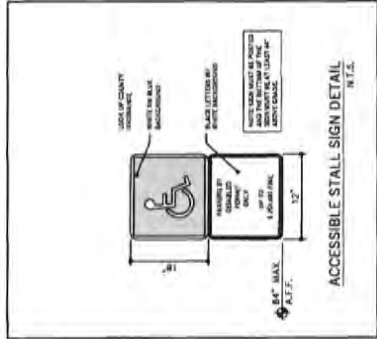
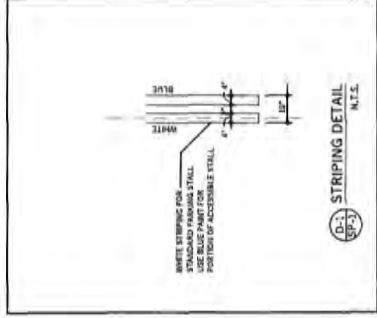
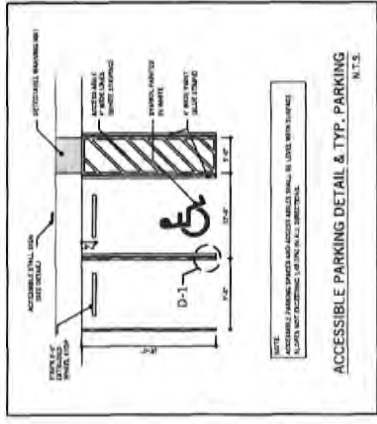
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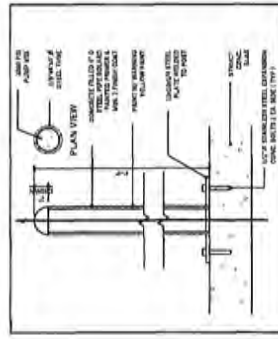
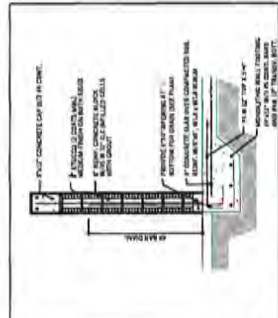
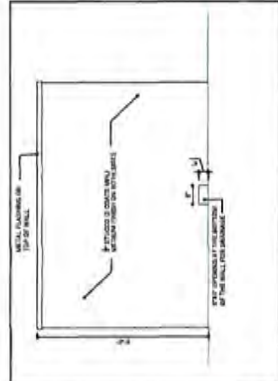
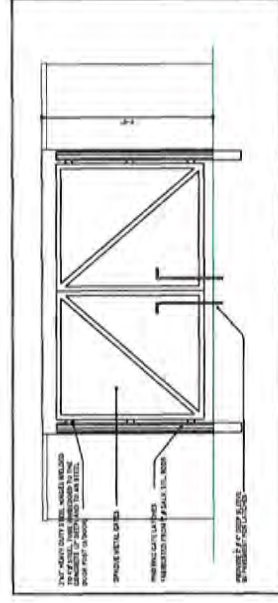




1 DUMPSTER ENCLOSURE FLOOR PLAN
 SCALE: 1/2" = 1'-0"

5 PERIMETER FENCE AND GATE INTENT IMAGES
 SCALE: N.T.S.

5 BIKE RACK DETAIL
 SCALE: N.T.S.



2 DUMPSTER ENCLOSURE FRONT VIEW
 SCALE: 1/2" = 1'-0"

3 DUMPSTER ENCLOSURE SIDE VIEW
 SCALE: 1/2" = 1'-0"

4 DUMPSTER ENCLOSURE SECTION
 SCALE: 1/2" = 1'-0"

5 STEEL BOLLARD DETAIL
 SCALE: 1 1/2" = 1'-0"

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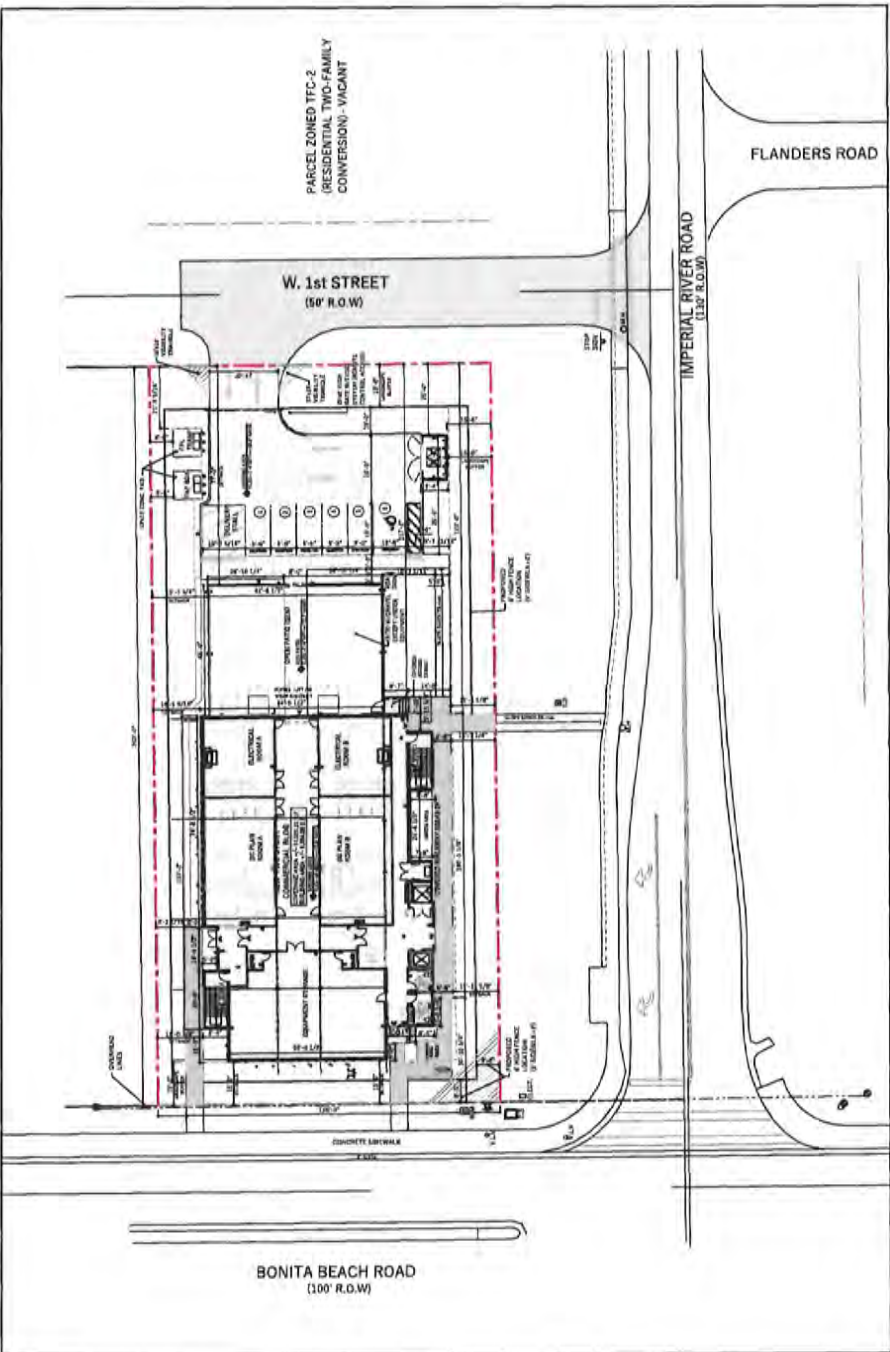
TELCO FACILITIES

NEW DATA CENTER

PROJECT ADDRESS
10000 W. FORT WORTH BLVD.
Ft. Worth, TX 76104

SITE PLAN

DATE: 10/1/2010
PROJECT NO.: 10000 W. FORT WORTH BLVD.
SHEET NO.: SP-101



SITE INFORMATION (CITY OF BONITA SPRINGS)

PROJECT NAME	NEW DATA CENTER	PROJECT NO.	10000 W. FORT WORTH BLVD.
CLIENT	TELCO FACILITIES	DATE	10/1/2010
LOCATION	10000 W. FORT WORTH BLVD., FT. WORTH, TX 76104	PROJECT NO.	10000 W. FORT WORTH BLVD.
AREA CALCULATIONS		DATE	10/1/2010
TOTAL SITE AREA	100,000 SQ. FT.	PROJECT NO.	10000 W. FORT WORTH BLVD.
EXISTING BUILDING AREA	50,000 SQ. FT.	DATE	10/1/2010
NEW BUILDING AREA	50,000 SQ. FT.	PROJECT NO.	10000 W. FORT WORTH BLVD.
TOTAL NEW BUILDING AREA	100,000 SQ. FT.	DATE	10/1/2010
EXISTING PARKING	100 SPACES	PROJECT NO.	10000 W. FORT WORTH BLVD.
NEW PARKING	100 SPACES	DATE	10/1/2010
TOTAL PARKING	200 SPACES	PROJECT NO.	10000 W. FORT WORTH BLVD.
EXISTING LANDSCAPE	10,000 SQ. FT.	DATE	10/1/2010
NEW LANDSCAPE	10,000 SQ. FT.	PROJECT NO.	10000 W. FORT WORTH BLVD.
TOTAL LANDSCAPE	20,000 SQ. FT.	DATE	10/1/2010
EXISTING UTILITIES	10,000 SQ. FT.	PROJECT NO.	10000 W. FORT WORTH BLVD.
NEW UTILITIES	10,000 SQ. FT.	DATE	10/1/2010
TOTAL UTILITIES	20,000 SQ. FT.	PROJECT NO.	10000 W. FORT WORTH BLVD.
EXISTING FLOODING	10,000 SQ. FT.	DATE	10/1/2010
NEW FLOODING	10,000 SQ. FT.	PROJECT NO.	10000 W. FORT WORTH BLVD.
TOTAL FLOODING	20,000 SQ. FT.	DATE	10/1/2010

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Exhibit D: Proposed Valet Parking Plan	Page 31
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Attachment B: Applicant's Informational Analysis and Project Submittal Documents	Separate Cover

BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT

TYPE OF CASE: REZONE – PLANNED DEVELOPMENT
CASE NUMBER: PD23-109173-BOS
ZONING BOARD DATE: August 19, 2025
PLANNER: Mary Tornberg, Esq., AICP

APPLICATION SUMMARY:

- A. Applicant: Traci Kautzman, Manager of Bayside Holdings on Hickory, LLC
- B. Agent: John Vanni, JR Evans Engineering
Jeremie Chastain and Robert J. Mulhere, Bowman
Richard Yovanovich, Coleman, Yovanovich and Koester
- C. Request: A request to rezone approximately 5.0 +/- acres from the Beach Zone of the Bonita Beach Road Corridor Overlay and Residential Planned Development (RPD) zoning designations to a Commercial Planned Development (CPD), to allow up to 23,717 square feet of commercial uses and six (6) multi-family dwelling units.
- D. Location: The properties are located on the eastern side of Bonita Beach Road, north of Imperial Shores Blvd. The addresses provided are: 4570, 4612, 4640, 4654, 4696, and 4752 Bonita Beach Road Southwest. The Applicant indicates the STRAP numbers are: 32-47-25-B4-00055.0000, 32-47-25-B4-00056.0010, 32-47-25-B4-00056.0040, 32-47-25-B4-00056.0020, 32-47-25-B4-00056.0000, 32-47-25-B4-00064.0000, 32-47-25-B4-0030A.0000 and 32-47-25-B4-0030B.0000 ("Properties").
- E. Future Land Use Map Designation: The Properties are designated as Medium Density Multi-Family Residential and General Commercial. A companion Comprehensive Plan Map Amendment is requested to amend the project so all Properties will be General Commercial (Case CPA23-109179-BOS).
- F. Current Zoning: The Properties are located within the Beach Zone of the Bonita Beach Road Corridor Overlay. One of the parcels was also located within a Residential Planned Development, that now has an expired master concept

plan. This rezone request will rezone all subject Properties to Commercial Planned Development (CPD), if approved.

G. Current Land Use: Vacant

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

BACKGROUND:

Overview

The Applicant, Bayside Holdings on Hickory, LLC, is the Owner of the previous restaurant, Big Hickory Waterfront Grille and Marina, which was located on Hickory Blvd. Due to hurricane damage, the restaurant suffered damage and the parcel was sold to the Bonita Springs Fire Control and Rescue District. The Applicant purchased the Properties on Bonita Beach Road in 2023 and 2024, proposing to construct a new waterfront restaurant with boat docks for patrons, retail and office facilities, take-out and fast food restaurants, and six (6) multi-family dwelling units located above the proposed commercial buildings.



Title: 2025 Aerial Image of Properties

Source: Lee County GIS

Prior development occurred on the Properties, including a restaurant and hotel. Additional approval was provided under DOS08-BOS00018 for clearing, a multi-use building with second-floor multi-family dwelling units, and a dock. Only the dock was constructed. Additionally, the two easternmost parcels received historic approvals for siting of eight (8) dock slips through Lee County (**Exhibit "E"**). The commercial structures have since been demolished and all Properties are vacant, except for the remaining dock on the easternmost parcel.



Title: 2002 Aerial Image of 4612 Bonita Beach Road SW

Source: Lee County GIS



Title: 2011 Aerial Image of 4570 Bonita Beach Road SW

Source: Lee County GIS

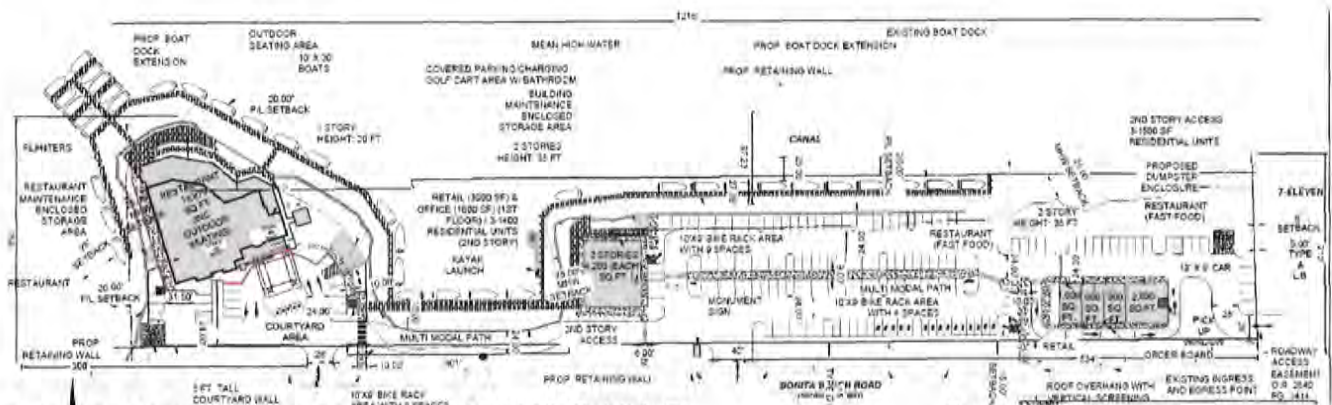
Bonita Beach Road Corridor Overlay

The project is located within the Beach Zone of the Bonita Beach Road Corridor Overlay, which the project shall comply with, except where deviations are approved. The Bonita Beach Road Corridor Overlay was adopted in Ordinance 19-10. Part of the stated purpose and intent of the overlay is to foster urbanized development patterns that focus on interconnectivity, mobility, human scale, and various design and architectural standards,

among other items, which this project incorporates and meets the intent of. The project also incorporates the required Bonita Beach Road multi-modal pathway through the site, and provides for a public viewing area of the water.

The project requests eight (8) deviations. Staff analysis is included later in this Staff Report.

The request includes a 13,879 square foot waterfront restaurant with outdoor seating; 1,450 square feet of office space; six (6) second-story multi-family dwelling units; 5,388 square feet of retail space; two fast food restaurants, up to 3,000 square feet; thirty-seven (37) wet boat slips; and a private kayak launch. The Master Concept Plan can be found in **Exhibit B**.



Proposed Master Concept Plan dated 3/20/2025 (Exhibit B)

Source: Applicant

The Applicant filed a companion Comprehensive Plan Map Amendment (CPA23-109179-BOS) to amend the westernmost parcels from Medium Density Multi-Family Residential to General Commercial, providing consistency to all the Properties within the project.

THE PURPOSE OF PLANNED DEVELOPMENT ZONING

The purpose and intent of the various planned development districts is to further implement the Goals, Objectives, and Policies of the Bonita Springs Comprehensive Plan (Bonita Plan) by providing some degree of flexibility in planning and designing developments as defined in [Land Development Code \(LDC\) Section 4-200\(2\)](#). Pursuant to LDC Section 4-737, the intent of the CPD district is to further the general purpose of planned developments set forth in LDC Section 4-400(2) as it relates to commercial development. The principal uses of any commercial planned development are generally the retail sale and distribution of consumer goods and services, or the provision of standard office space for various purposes, including the delivery of professional services (including health care, short of inpatient facilities), or financial services, or for the administration of business and general business purposes. Ancillary uses which may be permitted in the commercial planned development district include permanent human

habitation in multiple-family buildings and townhouses, transient housing in hotel or motel rooms, health care facilities, and other limited institutional uses and selected light industrial uses.

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

REQUEST

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

Accessory Uses and Structures
Administrative Offices
Clothing Stores, General
Consumption on Premises Associated with Restaurant, Group III, including Outdoor Seating Areas
Drive-Thru Facility (Limited to One (1))
Dwelling Units: Multiple-Family Building (A Maximum of Six (6) Dwelling Units)
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention, Including Excess Spoil Removal in Compliance with the LDC
Fences, Walls
Food Stores, Group I
Gift and Souvenir Shop
Open Space (Minimum 20% Required)
Parking Lot, Accessory
Rental or Leasing Establishments, Group I (Kayaks, Stand-up Paddle Boards, and Other Non-Powered Personal Water Vessels)
Residential Accessory Uses
Restaurant, Fast Food
Restaurant, Group I, II, and III; With Outdoor Seating
Signs, In Accordance with Chapter 6
Temporary Uses
Variety Store
Variety Store with Package Sales of Alcohol for Off-Premises Consumption, Located within a Restaurant (Limited to One (1))
Wet Slips, Accessory (A Maximum of 37 Wet Slips). These slips shall be transient and only be available for use by patrons of the commercial uses within the CPD.

Property Development Regulations and Deviations

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

These property development regulations set forth development standards shall apply to all land uses within the Hickory on the Bay CPD. Standards not specifically set forth herein shall not be those specified in applicable sections of the Land Development Code in effect as of the date of approval of the development order.

Minimum Lot Area and Dimensions:

The minimum lot area, width, and depth are as depicted on th[e] Master Concept Plan for the entire project. No divisions or lot splits shall be granted for this development unless the planned development is amended to provide alternative property development regulations.

Minimum Setbacks:

Street: (Bonita Beach Road): Minimum 15 ft., Maximum 25 ft.

(1) Principal and Accessory Structure[s]

Side: 5 ft.

Rear (Waterbody): 25 ft. Principal structures, measured from mean high-water line;

10 ft. Accessory Structures (2) measured from mean high-water line.

Preserve: 30 ft. Principal Structures;

0 ft. Accessory Structures

1. Per Deviation (4), the maximum setback shall not be applicable to principal waterfront structures and accessory structures.
2. A minimum setback of 0 ft. from waterbodies shall be permitted for pedestrian boardwalks and outdoor seating.

Minimum Building Separation:

50% of the sum of the heights of the buildings, but not less than 15 ft.

Minimum Open Space: 20%

Maximum Lot Coverage: 40%

Maximum Building Height: 35 FT. (2 Stories)

DEVIATIONS

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

1. Enhances the achievement of the objectives of the planned development; and

2. Preserves and promotes the general intent of this chapter to protect the public health, safety and welfare.

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

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

Eight (8) deviations are being requested as part of this planned development rezoning request, found below and in **Exhibit F**. The request language, Applicant justification, and Staff response are shown below.

Deviation Request #1: A deviation from LDC Section 3-289(A), *Special Access Provisions for Bonita Beach Road*, which requires a minimum connection separation of 660 feet for any access to Bonita Beach Road, to allow a minimum connection separation of 200 feet.

Applicant Justification: *The proposed MCP provides three access points: two right-out egress only in the eastern and western portion of the project and one full access centrally located. Due to the irregular shape of the property caused by the bank of the canal, the proposed egress[-]only access points have been located to facilitate the flow of traffic through the project. The full access point is centrally located in the [CPD]. Due to the presence of a full median opening and the central location, the connection will allow for improved site circulation and provide a direct route from development to the east and west of the proposed development. There is sufficient distance from between the accesses for cars to safely enter and exit the site.*

Staff Analysis: Staff does not object to the deviation based on the Applicant's justification. Staff recommends **APPROVAL** of the deviation request. The request was reviewed by the City's Traffic Engineer and Lee County Department of Transportation. As required in Condition 10, additional review for off-site impacts will take place at time of local development order.

Deviation Request #2: A deviation from LDC Section 3-418(D)(3), *Buffer Requirements*, which requires a minimum 5-foot wide Type A buffer between commercial uses, to allow no landscape buffer between commercial uses internal to the property.

Applicant Justification: *This is proposed to be a walkable, waterfront project with an emphasis on interconnection for all users. Landscape buffers separating commercial elements are not necessary nor are they consistent with a more walkable, urban environment. All other required landscaping (for parking areas, general tree requirements, and building perimeter plantings) will be provided as required by code, [unless specifically requested otherwise.]*

Staff Analysis: Staff does not object to the deviation based on the Applicant's justification. Staff recommends **APPROVAL** of the deviation request. The deviation will allow the site to be more integrated and accessible, while providing for a well-landscaped project.

Deviation Request #3: A deviation from LDC Section 3-418(D)(3), *Buffer Requirements*, which requires a minimum 15-foot-wide Type D buffer along rights-of-way, to allow a section of the required perimeter landscape buffer to be 5-feet in width in the location depicted on the Master Concept Plan.

Applicant Justification: *In this section of the project, an inlet from the canal is ±35 feet from the property line. In order to facilitate the flow of traffic through the project and make the best use of a limited developable area, an internal access is proposed in this location. To accommodate the required setbacks to the waterbody, seawall, and 24 foot-wide access drive, a reduced width landscape buffer is necessary. There is no parking proposed on this portion of the site.*

Staff Analysis: Staff does not object to the deviation based on the Applicant's justification. Staff recommends **APPROVAL** of the deviation request. Given the constraints of the site, the request is reasonable for this portion of the project. Landscaping will be provided that can be accommodated in the 5-foot planting area.

Deviation Request #4: A deviation from LDC Section 4-899, *Bonita Beach Road Corridor Overlay Site Design Standards*:

4(a): LDC Section 4-899(A), *Property Development Regulations*, which requires a maximum street setback of 25 feet within the Beach Zone of the Bonita Beach Road Corridor Overlay, to allow no maximum street setback for principal waterfront structures and accessory structures.

Applicant Justification: *A maximum street setback of 25 feet will not allow for the proposed waterfront uses. The intent is to provide an attractive waterfront, commercial*

experience adding to the aesthetics of the Bonita Beach Road Corridor for residents and visitors of the area. The proposed CPD rezoning will allow for [the] site to be designed to create a multi-modal, waterfront destination via multiple connections to the existing pedestrian network within the Bonita Beach Road right-of-way; transient boat slips; and an internal, cohesively designed pedestrian network within the site that utilizes internal sidewalks and waterfront walkways and seating areas.

4(b): LDC Section 4-899(B)(4)B, *Parking Placement*, which requires surface parking lots shall not be permitted on a frontage line or within 30 feet of the frontage line within the Commercial, Historic, and Beach Zone, to allow for parking to be setback 20 feet from the frontage line.

Applicant Justification: *The developable area of the site is limited by the undulating bank of the canal and the inlet. The reduced frontage setback is required to accommodate the required parking for the proposed restaurant and provide a safe design to facilitate the movement of pedestrians and vehicles through the site. The required perimeter landscaping will provide sufficient screening of the parking area and shade for the adjacent Bonita Beach Road right-of-way, establishing a more attractive landscaped view for the traveling public.*

4(c): LDC Section 4-899(B)(4)C., *Parking Placement*, which restricts parking within the Beach, Commercial, and Historic Zone to the side or rear yards of those properties fronting Bonita Beach Road, to allow for parking within the Bonita Beach Road frontage and no street wall or opaque screen.

Applicant Justification: *The developable area of the site is limited by the undulating bank of the canal and the inlet. The intent is to provide an attractive waterfront, commercial experience adding to the aesthetics of the Bonita Beach Road Corridor for residents and visitors of the area. The proposed CPD rezoning will allow for site to be designed to create a multi-modal, waterfront destination via multiple connections to the existing pedestrian network within the Bonita Beach Road right-of-way; transient boat slips; and an internal, cohesively designed pedestrian network within the site that utilizes internal sidewalks and waterfront walkways and seating areas. The required perimeter landscaping will provide sufficient screening of the parking area and shade for the adjacent Bonita Beach Road right-of-way, establishing a more attractive landscaped view for the traveling public.*

4(d): LDC Section 4-899(B)(4)D.II., *Buffering Adjacent Property*, which requires that roads, drives, or parking areas located less than 125 feet from an existing residential dwelling or residential lot, a solid fence, opaque hedge, or combination berm and solid fence or opaque landscaping hedge not less than six feet in height must be constructed along the property line, to allow for the buffer to consist of the existing mangroves and native vegetation along the shoreline.

Applicant Justification: *There are existing mature mangroves along the shoreline between the proposed parking and the residential development to the north. The mangroves can be maintained to provide opaque screening at a height greater than the required hedge (if necessary) and we'll provide buffering and screening that meets the*

intent of the required plantings. After the removal of exotic vegetation, supplemental shoreline planting (such as Sea Grapes or Green Buttonwood) shall be provided to ensure the parking is adequately buffered.

Photos from a vacant lot located on Gary Street, looking south across the canal towards the subject property:





4(e): LDC Section 4-899(B)(7), *Dumpsters*, which states that dumpsters shall not be located on frontage lines, to allow for a dumpster within the Bonita Beach Road frontage in the location depicted on the Master Concept Plan.

Applicant Justification: *The dumpster shall be located behind a street wall six feet in height. The proposed wall will fully screen the dumpster from view off-site, as well as screened from the water body in the rear by the proposed development. Additionally, this location ensures that solid waste vehicles will easily be able to serve the proposed development.*

Staff Analysis: Staff does not object to the deviations based on the Applicant's justification. Staff recommends **APPROVAL** of the deviation request. Once invasive exotic vegetation is removed from the indigenous preserve area, native plantings that will provide buffering will be installed. The combination of the existing conditions and proposed enhancements will provide the required buffers, as further conditioned, meeting the intent of the Bonita Beach Road Corridor Overlay.

Deviation Request #5: A deviation from LDC Section 4-1122(H)(1), *Right-of-Way Buffer Landscaping*, which requires that landscaping adjacent to rights-of-way external to the development project must be located within a landscape buffer easement that is a minimum of 25 feet in width where drive-[thru] facilities abut rights-of-way external to the development, to allow for a landscape buffer easement a minimum of 15 feet in width.

Applicant Justification: *The developable area of the site is limited by the undulating bank have the canal in the inlet. The reduced frontage setback is required to accommodate the required parking for the proposed use and provide a safe design to facilitate the movement of pedestrians and vehicles through the site the proposed building will utilize a roof overhang attached to a wall adjacent to the perimeter buffer. This wall in the required perimeter landscaping will provide sufficient screening of the parking area and shade for the adjacent Bonita Beach Road right-of-way, establishing a more attractive landscaped view for the travelling public.*

Staff Analysis: Staff does not object to the deviation based on the Applicant's justification. The added wall and associated landscaping will provide the screening intended. Staff recommends **APPROVAL** of the deviation request.

Deviation Request #6: A deviation from LDC Section 4-1122(H)(2), *Right-of-way Buffer Landscaping*, which requires that the buffer includes an undulating berm with a maximum slope of 3:1 where drive-[thru] facilities abut rights-of-way external to the development, to allow for a buffer with no berm.

Applicant Justification: *The proposed drive-through facilities will be designed to be incorporated into the buildings and screened from view from Bonita Beach Road. The buildings will utilize a roof overhang attached to a wall located adjacent to the proposed buffer along Bonita Beach Road to provide vertical screening, exceeding the screening that would be provided by the 3-foot-tall berm required by the LDC. Please see the architectural elevations of drive-[thru] included with this application for additional details.*

Staff Analysis: Staff does not object to the deviation based on the Applicant's justification and the provided **Exhibit C**, as further conditioned. The added wall and associated landscaping will provide the screening intended. Staff recommends **APPROVAL** of the deviation request.

Deviation Request #7: A deviation from LDC Section 4-1022(E), *Sale for Off-Premises Consumption*, which requires [that] a package store or other establishment primarily engaged in the retail sale of liquor for consumption off-site be setback a minimum of 500 feet to any religious facility, school (noncommercial), day care center (child), park or dwelling unit, or any public entrance or exit of any other establishment primarily engaged in the sale of alcoholic beverages, to instead allow for a package store setback a minimum of 175 feet from dwelling units.

Applicant Justification: *There will be a small retail shop within the proposed waterfront restaurant, similar to the previous location. It is anticipated that the retail shop will sell the following items:*

- *promotional items, such as apparel, hats, souvenirs, etc.*
- *Snacks and candy.*
- *Toys, stuffed animals, puzzles, books, cards.*
- *Bags of ice.*
- *Ice cream novelties.*
- *Beverage cooler for singles and 6 packs of beer and seltzers, soft drinks, water, energy drinks.*
- *Sundries including packaged over the counter medicine (Tylenol, Dramamine, tums), phone chargers, sunscreen, bandages, etc.*
- *Boat supplies - oil, ropes, etc. This is mainly just as a convenience when boaters need something while out on the water.*

Based on the previous location, the estimated breakdown of sales is as follows:

- *Promotional items: 85%*
- *Snacks, drinks, ice, etc.: 10%*
- *Sundries and toys: 5%*

The retail shop will operate with the same operating hours as the restaurant and will not stay open past the closing time of the restaurant. The package sales are provided as a convenience for boaters and are not expected to be a substantial portion of the overall retail shop sales. Package sales such as these are typically found in other waterside restaurants in the area without issue. Additionally, there is a 7-Eleven adjacent to the east of the project making it more unlikely that the retail shop will sell large quantities of packaged alcohol. There are dwelling units along Gary Road to the north of the proposed development that are within 500 feet of the proposed restaurant and accessory retail shop. The closest residential lot is approximately 175 feet north. The uses are separated by a canal and do not share a common property line. Due to the low volume of packaged alcohol sales expected and the natural separation of the users, the requested deviation to allow for the sale of alcoholic beverages for off-premises consumption will have no adverse impact on the nearby dwelling units.

Staff Analysis: Staff does not object to the deviation based on the Applicant's justification. As conditioned, the proposed package sales for off-site consumption are provided as an

ancillary component of the retail store within the waterfront restaurant. Additional package stores are not included in the Schedule of Uses. Staff recommends **APPROVAL** of the deviation request.

Deviation Request #8: A deviation from LDC Section 4-899(A)(1), *Bonita Beach Road Corridor Overlay Site Design Standards*, which requires that projects exceeding three (3) acres in size shall submit a block layout plan, to allow for no block layout plan to be submitted.

Applicant Justification: *LDC Section 9-27 defines blocks as follows:*

- *Block means a group of lots, including a tier of lots, existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name by which it may be identified.*

The proposed development does not meet the definition of blocks, above, as it consists of various commercial uses utilizing a centralized parking area that will not be subdivided into multiple lots. Furthermore, there is an existing canal in the aquatic preserve to the North and Bonita Beach Road to the South. Because of the shoreline, the depth of the project is inconsistent and as such there are no internal roadways, but rather internal access drives through the parking lot. Since there are no vehicular roadways or lots proposed, blocks cannot be established and a block layout plan cannot be submitted.

Staff Analysis: Staff does not object to the deviation based on the Applicant's justification, similar to other projects within the Bonita Beach Road Corridor Overlay. Staff recommends **APPROVAL** of the deviation request. As proposed, the Applicant is providing multiple locations of ingress and egress to distribute trips from Bonita Beach Road.

Comprehensive Plan Considerations

This project was reviewed for compliance with the City of Bonita Springs Comprehensive Plan, including future land use, transportation, conservation/coastal management, and infrastructure elements. The project is subject to a companion Comprehensive Plan Map Amendment (CPA23-109179-BOS. If approved, all Properties will be located within the General Commercial future land use category. Additional Staff Analysis is included in **Attachment "A."** The Applicant's Analysis is included in **Attachment "B."**

Transportation Summary Analysis

The project is designed to accommodate multiple modes of transportation, including an internal multi-modal sidewalk, allowing for pedestrians, bicyclists, runners, etc., and access points and parking for vehicular traffic. Additionally, the transient wet slips allow for patrons of the commercial businesses to travel by boat. The project was reviewed by the Lee County Department of Transportation and the City's Traffic Engineer. Further review for required traffic improvements will be reviewed at time of local development order.

Conservation/Coastal Management Summary Analysis

The City of Bonita Springs is a coastal boating community and promotes the use of multiple modes of transportation. The Bonita Plan provides goals, objectives and policies for development of facilities with consideration for limiting environmental impacts, protecting water access, and consistency with State and Federal agency requirements.

The public water access and wet boating slips provided with the development of this property were found to be consistent with the goals, objectives and policies of the Conservation/Coastal Management Element of the Bonita Plan.

A preliminary Manatee Protection Plan Consistency Determination has been conducted in coordination with Lee County Natural Resources Department to determine the number of slips the site will allow. The number of slips will be contingent on the finalized analysis expected prior to or at time of local development order, not to exceed 37 wet slips.

The location of wet slips and docks, as shown on the MCP, complies with the Marina Siting Requirements and minimize wetland impacts. The project proposed to have direct and secondary impacts to herbaceous and forested wetlands and some of the mangroves currently on the site. Less than 20% of the direct wetland impacts will be on the higher quality mangrove swamps which currently have less than 50% exotic vegetation coverage. Prior to the start of construction, the Applicant will be required to provide State and Federal permits and proof of mitigation for wetland impacts.

The indigenous preserve requirement is being met with the remaining mangrove fringe and the amount to be preserved exceeds the amount required by the Bonita Plan and Land Development Code. Additional mangrove fringe along the shoreline will also be preserved outside of the designated indigenous preserve area.

Infrastructure Summary Analysis

The City's potable water and sanitary sewer utility franchise, Bonita Springs Utilities, has reviewed the request and did not raise any concerns regarding potential burdens on infrastructure, or infrastructure availability. Drainage will be fully assessed at time of local development order, to be developed in accordance with City standards. As a result, it is the Staff opinion that the project is consistent with the infrastructure element of the Bonita Plan.

CONCLUSIONS:

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

Pursuant to the City's LDC, the Applicant is required to hold two (2) neighborhood meetings. The first meeting was held on October 30, 2023, with approximately fifty (50) members of the public present. The Applicant held their second meeting on March 20, 2025, with approximately forty-five (45) members of public present. At both meetings, questions of traffic, environmental inquiries and project design were discussed. Additional

methods of public notice included mailed notices to properties within 375 feet of the property, rezoning property posting signs along Bonita Beach Road and at the submerged parcels, and a legal ad in the Fort Myers News-Press for the Zoning Board public hearing.

The rezoning request was evaluated by Community Development for planning, zoning, engineering, environmental, and transportation impacts. Lee County (Departments of Transportation and Natural Resources), and Bonita Springs Utilities also reviewed the request. The proposed development, as conditioned, is consistent with the requirements and standards of the City of Bonita Springs Comprehensive Plan and LDC. A detailed analysis is included in **Attachment "A"** of the Staff Report.

RECOMMENDATION:

The City Staff recommends **APPROVAL, with conditions**, of Petition PD23-109173-BOS, Hickory on the Bay CPD, which proposes to rezone approximately 5± acres from the Beach Zone of Bonita Beach Road Corridor Overlay and Residential Planned Development (RPD) to Commercial Planned Development (CPD). This recommendation of APPROVAL is subject to the following conditions.

Conditions: (Where underline or strikethrough occurs, Staff is notating the difference from the Applicant's proposed request in Staff's recommendation.)

1. This request is only permitted provided the companion Comprehensive Plan Map Amendment, CPA23-109179-BOS is approved.
2. The project shall be consistent with the Master Concept Plan titled "Hickory on the Bay Master Concept Plan" prepared by J.R. Evans Engineering., dated March 20, 2025, attached hereto and made a part hereof (**Exhibit "B"**), except as modified by the conditions below. This development must comply with all requirements of the Bonita Springs Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
3. **Schedule of Uses: (not to exceed 23,717 square feet of commercial uses)**
 1. Accessory Uses and Structures
 2. Administrative Offices
 3. Clothing Stores, General
 4. Consumption on Premises Associated with Restaurant, Group III, including Outdoor Seating Areas
 5. Drive-Thru Facility (Limited to One (1))
 6. Dwelling Units: Multiple-Family Building (A Maximum of Six (6) Dwelling Units)
 7. Essential Services
 8. Essential Service Facilities, Group I
 9. Excavation, Water Retention, Including Excess Spoil Removal in Compliance with the LDC, subject to Condition 9.
 10. Fences, Walls
 11. Food Stores, Group I

12. Gift and Souvenir Shop
13. Open Space (Minimum 20% Required)
14. Package Sales for Off-Premises Consumption- limited to One (1) for sales within the ancillary retail store of the Waterfront Restaurant.
15. Parking Lot, Accessory
16. Rental or Leasing Establishments, Group I (Kayaks, Stand-up Paddle Boards, and Other Non-Powered Personal Water Vessels)
17. Residential Accessory Uses
18. Restaurant, Fast Food
19. Restaurant, Group I, II, and III; With Outdoor Seating
20. Signs, In Accordance with Chapter 6
21. Temporary Uses, subject to LDC Section 4-2124
- ~~22. Variety Store~~
23. Variety Store with Package Sales of Alcohol for Off-Premises Consumption, Located within the Waterfront Restaurant (Limited to One (1))- No consumption of package beverages shall take place on the Properties or associated wet slips.
24. Multi-Slip Docking Facility (Private), Wet Slips, Accessory (A Maximum of 37 Wet Slips). These slips shall be transient and only be available for use by patrons of the commercial uses within the CPD, subject to Condition 10. Slips are not to be rented or sold. No boat ramp shall be provided, nor parking for vehicles and trailers. No dry storage, service, repairs, rentals, or sale of marine fuel and lubricants shall occur.

4. Property Development Regulations:

These property development regulations set forth herein apply to all land uses within the Hickory on the Bay CPD. Standards not specifically set forth herein shall not be those specified in applicable sections of the Land Development Code in effect as of the date of approval of the development order. The project shall be consistent with the Bonita Beach Road Corridor Overlay, except where specific deviations are approved.

Minimum Lot Area and Dimensions:

The minimum lot area, width, and depth are as depicted on the Master Concept Plan for the entire project. No divisions or lot splits shall be granted for this development unless the planned development is amended to provide alternative property development regulations.

Minimum Setbacks:

Street: (Bonita Beach Road): Minimum 15 ft., Maximum 25 ft.

*Principal and Accessory Structures

Sides: 5 ft.

Rear (Waterbody): 25 ft. Principal structures, measured from mean high-water line***

10 ft. Accessory Structures** measured from mean high-water line. ***

Rear (Property Line): 20 ft. Principal Structures**/**

10 ft. Accessory Structures**/**

Preserve: 30 ft. Principal Structures;
0 ft. Accessory Structures

* Per Deviation (4), their associated setback shall not be applicable to principal waterfront structures and accessory structures.

** A minimum setback of 0 ft. from waterbodies shall be permitted for pedestrian boardwalks and outdoor seating. This includes outdoor seating that is structurally part of the principal structure, for the waterfront restaurant only.

*** Most restrictive applies

Minimum Building Separation:

50% of the sum of the heights of the buildings, but not less than 15 ft.

Minimum Open Space: 20%

Maximum Lot Coverage: 40%

Maximum Building Height: 35 ft. (2 Stories permitted where shown on the site plan, maximum 35 ft.)

5. Parking. Parking shall be provided consistent with LDC Sec. 4-1728, et seq., to be reviewed at time of local development order. Valet parking shall be available at all times of operation of the waterfront restaurant. Should the proposed Valet Plan (**Exhibit "D"**), not function accordingly, the Project is required to provide proposed alternatives to correct the deficiency, to be reviewed by Community Development.
6. The drive-thru facilities shall be generally consistent with **Exhibit C**, as further conditioned in this Staff Report, and shall be further analyzed by the City Architect at time of local development order.
7. The Applicant shall provide an easement to the public for the use of the multi-modal pathway through the site.
8. The golf cart parking on site is solely intended for maintenance and operation purposes of the site. Patrons are not permitted to bring golf carts to the site for any purpose unless they are authorized to be legally driven on the public roadways and shall be parked within the designated vehicle parking spaces.
9. Consumption on Premises and Bonita Springs Noise Control Ordinance.
 - a. The kitchen shall stay open during all hours of operation.
 - b. The sale and service of alcoholic beverages for on-site consumption will be in conjunction with the Restaurant, Group III use. A request for outdoor consumption for any other use requires separate approvals. Hours of consumption on premises are limited from 9:00 am-9:30 pm daily. Indoor consumption on premises is permitted until 11:00 pm daily, provided outdoor seating is ceased and the Noise Control Ordinance is complied with. This shall be strictly enforced.

- c. There shall be no live entertainment in the outdoor area. Music or sound that is piped into the outdoor seating areas shall not exceed 70 dba when measured from the property line.
 - i. All televisions, speakers and lighting shall be oriented towards the site. The Applicant will also provide, to the greatest extent possible, sound deadening equipment and angle their speakers in a manner that reduces sound travel to nearby residents.
 - ii. If televisions are located outside, the sounds from the televisions shall not exceed 70 dba when measured from the property line. Televisions screens and lighting cannot be visible or emanate glare onto any arterial, collector or local road or onto properties outside the boundaries of **Exhibit A**.
 - iii. All lighting shall be Dark Skies compliant, consistent with LDC Section 3-269.
- d. Live music performed inside the establishment may be piped outside adhering to the Bonita Springs Noise Control Ordinance and the provisions found here, with the most restrictive being applicable. Windows and doors shall not stay open for the purpose of providing indoor/outdoor entertainment.
 - i. Musicians and entertainers shall only be permitted to use the speaker system provided by the establishment.

10. Environmental

- a. In support of Deviation 4, a Planting Plan shall be provided with the Preserve Management Plan to provide sufficient buffering with appropriate native vegetation after invasive exotic vegetation removal. The Preserve Management Plan shall be provided at the time of local development order application. Plantings outside of the indigenous preserve will be provided with the Landscape Plan. These plantings shall be installed prior to the start of vertical building construction on the site.
 - i. Additionally, after the removal of exotic vegetation, supplemental shoreline planting shall be provided to ensure the parking is adequately buffered.
- b. In support of Deviation 5, at the time of local development order, the landscape and architectural plans shall demonstrate screening and buffering that meets the intent of this code section.
- c. Prior to issuance of local development order and associated building permits, the Applicant shall demonstrate consistency with the Lee County Manatee Protection Plan. The wet slip count confirmation, and amount of law enforcement fee payment required for consistency shall be provided to City staff and shall be completed/paid prior to the use of the docks or as required by Lee County.
- d. A maximum of thirty-seven (37) wet slips are permitted for the project, in the areas outlined in the Master Concept Plan, as further restricted by agency review. This number is subject to reduction based on permitting review from

all required agencies, including but not limited to the Lee County Manatee Protection Plan and Conservation/Coastal Management Element of the Bonita Plan consistency.

- i. These wet slips are solely intended on a transient basis to serve the patrons visiting the on-site commercial uses. Overnight and permanent docking are prohibited. Occupancy of the dock is solely permitted for docking during use of the site. After restaurant/retail use is complete, vessels shall leave the dock. Patrons of the site are subject to the Bonita Springs Noise Control Ordinance at all times.
- ii. Signage shall be posted indicating use rules of docking facilities. Additionally, signage shall be installed in visible location warning slip users against dumping of any wastes into the waterway.
 - 1. Boat mooring is not permitted overnight. Slips are not available for rent or lease for use as boat storage.
 - 2. No fueling facilities or boat services and repairs permitted.
- iii. The mangroves shall not be trimmed for the purpose of providing view corridors to the water.
- e. The kayak launch is solely intended for the patrons renting the non-powered personal water vessels on the day of rental.
 - i. Storage of all non-powered personal water vessels shall be enclosed at all times, except when rented. Storage in designated parking spaces is not permitted.

11. Transportation and Multimodal

- a. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. At time of local Development Order, the Applicant shall submit a complete Traffic Impact Statement (TIS) in accordance with the LDC. Additional conditions for off-site improvements consistent with the City of Bonita Springs Land Development Code may be required to obtain local development order; and
- b. At time of local development order, except as provided herein, all required multimodal and complete streets facilities (infrastructure, crossings, amenities, furnishings, access points, easements, etc.) both internal and external to the site, must meet or exceed the specifications and design standards provided by Chapters 3 and 4 of the City of Bonita Springs Land Development Code, as amended; the City of Bonita Springs Complete Streets Ordinance; and City of Bonita Springs Long Range Bicycle/Pedestrian Master Plan, as may be amended; and all applicable design standards except as required by the Bonita Springs Fire Control and Rescue District and National Fire Protection Association (NFPA).
- c. All work within County maintained rights-of-ways (ROW's) will require permitting and approval by the Lee County Department of Transportation (LDOT). Accordingly, the Applicant will need to coordinate with LDOT for additional/separate permitting, design requirements and material specifications, approvals, and inspections.

12. This Master Concept Plan is subject to conditions set forth herein and the rules, regulations, laws, and codes in place at the time of Development Order and Constructions Plan approval. Approval of this Planned Development is not a guarantee of future approvals.

SUBJECT PROPERTIES:

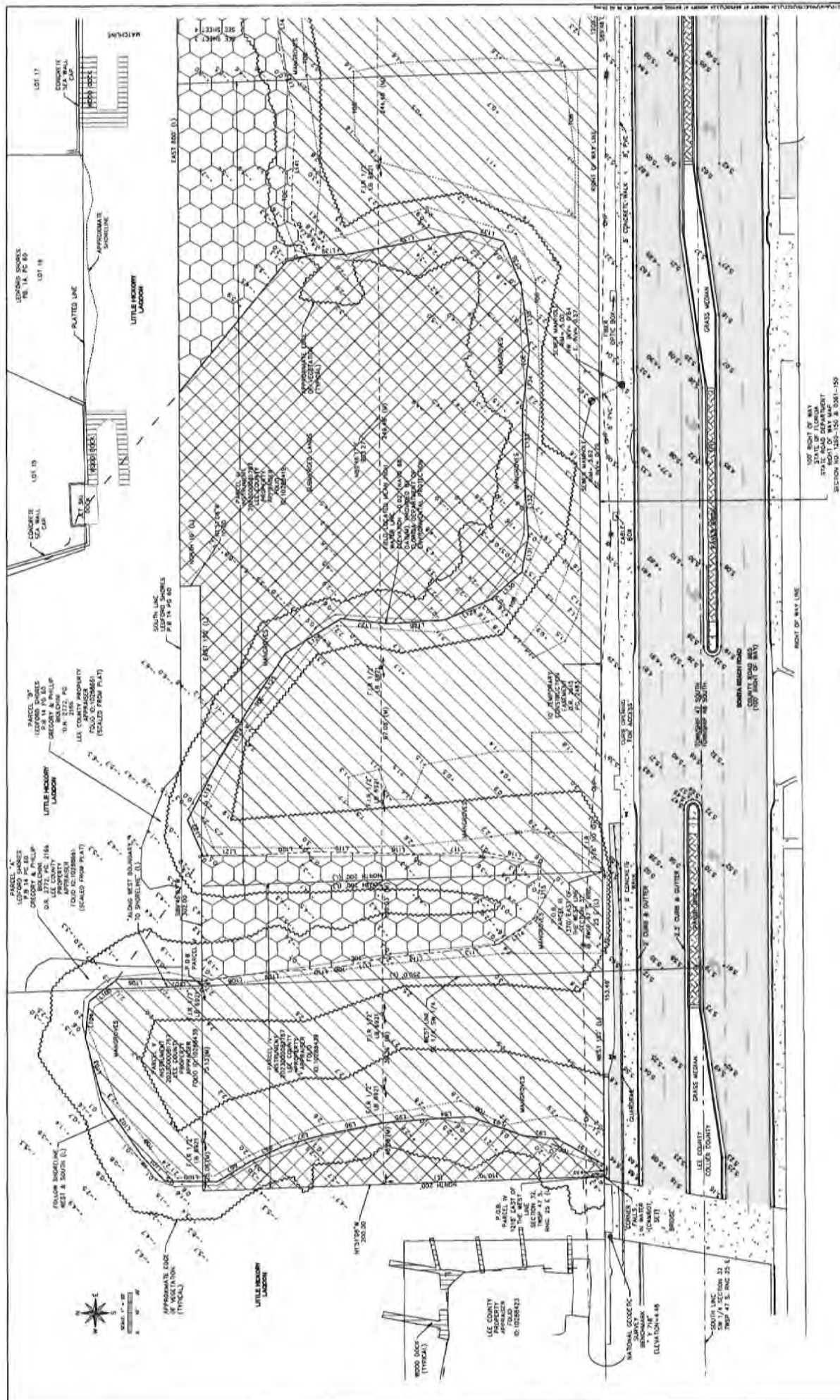
The Applicant indicates the STRAP numbers are: 32-47-25-B4-00055.0000, 32-47-25-B4-00056.0010, 32-47-25-B4-00056.0040, 32-47-25-B4-00056.0020, 32-47-25-B4-00056.0000, 32-47-25-B4-00064.0000, 32-47-25-B4-0030A.0000 AND 32-47-25-B4-0030B.0000.

EXHIBITS:

- A. Legal Description and Sketch of the Properties
- B. Master Concept Plan dated March 20, 2025
- C. Proposed Architectural Elevations
- D. Proposed Valet Parking Plan
- E. Historic Slip Approval Review
- F. Proposed Schedule of Deviations and Justifications
- G. Applicant's Narrative of Consistency

ATTACHMENTS:

- A. Staff Informational Analysis
 - i. Background and Informational Analysis
 - ii. Public Notice Responses
- B. Applicant's Informational Analysis
 - i. Application
 - ii. Request and Bonita Plan and LDC Consistency Narrative
 - iii. Schedule of Deviations and Justifications
 - iv. Surface Water Management Narrative
 - v. Environmental Assessment Report
 - vi. Traffic Impact Statement
 - vii. Pre-filing and Post-sufficiency Neighborhood Meeting Information
 - viii. Remainder of Application Materials



BOUNDARY SURVEY
(HICKORY AT BAYSIDE)
A PORTION OF SECTION 32, TOWNSHIP 47 SOUTH
RANGE 25 EAST, LEE COUNTY, FLORIDA

BELS SURVEYORS, INC.
9001 HIGHLAND WOODS BLVD., SUITE 6
BONITA SPRINGS, FLORIDA 34085
(239) 597-1315

SEE SHEET 1 AND 2 FOR LINE TABLES AND LEGEND.

SHEET 3 OF 4

PROJECT NUMBER: 1234

DATE: 08/15/2023	BY: J. B. SMITH	CHECKED: M. J. DAVIS	SCALE: 1"=40'
DATE: 08/15/2023	BY: J. B. SMITH	CHECKED: M. J. DAVIS	SCALE: 1"=40'

PROJECT SUMMARY

1. PARCEL DATA:
PROJECT SIZE: 5.07 AC±
FUTURE LAND USE: GENERAL COMMERCIAL
EXISTING ZONING: C-1 & RPD
EXISTING LAND USE: UNDEVELOPED
2. REQUEST:
REZONE FROM C-1 AND RPD TO MPD.
3. ADJACENT PROPERTY ZONING/LAND USE:

[illegible]

4. CONCEPTUAL LAND USE BREAKDOWN:
PROPOSED WETLAND AREA TO BE FILLED: 0.20 AC
EXISTING UPLANDS: 4.15 AC
SITE AREA: 4.35 AC

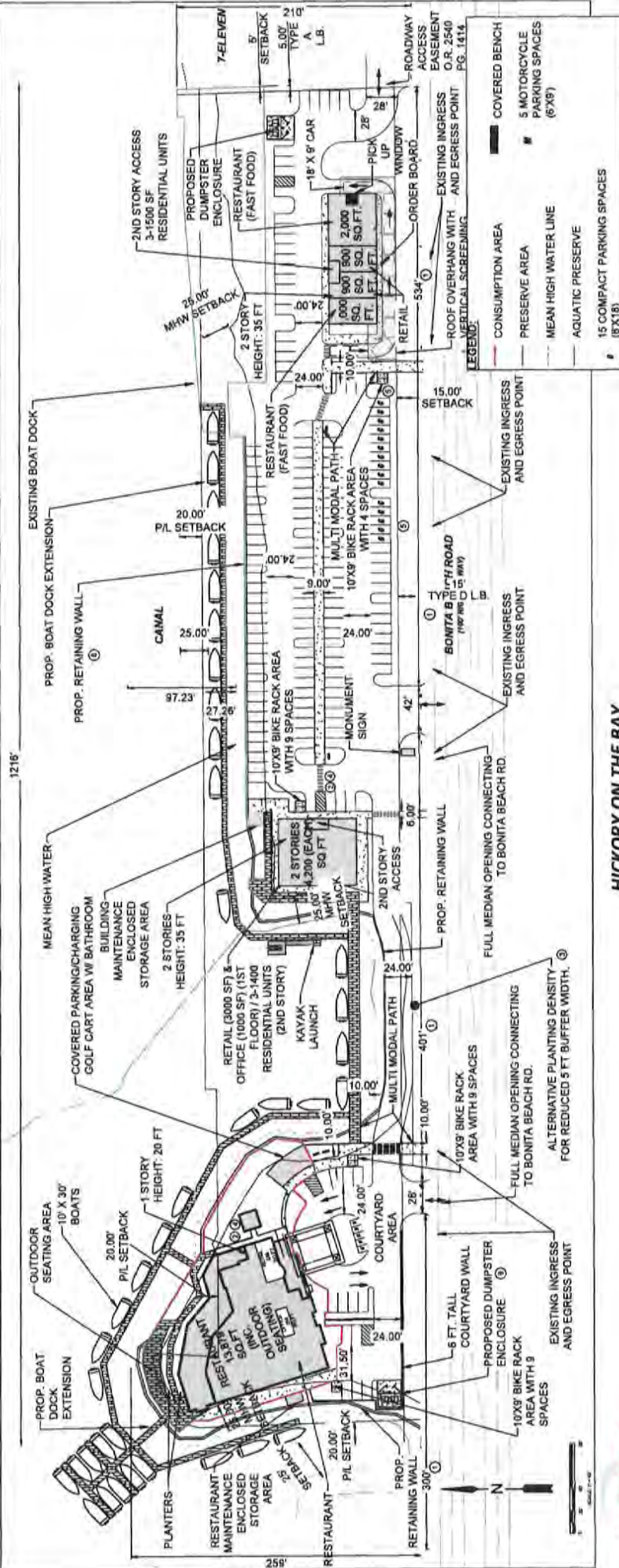
PROPOSED BUILDING: 0.63 AC
PROPOSED ASPHALT & SIDEWALK: 2.29 AC
OPEN SPACE / GREEN AREAS: 1.43 AC
TOTAL: 4.35 AC

STATE OWNED WATERS: 0.83 AC
OTHER WATERS: 0.72 AC
TOTAL PROJECT AREA 5.90 AC±
5. OPEN SPACE:
COMMERCIAL DEVELOPMENT: 5.00 AC X 0.2 = 1.00 AC
RESIDENTIAL DEVELOPMENT: 0.21 AC X 0.4 = 0.08 AC
OPEN SPACE REQ./PROVIDED (MIN.): 1.08 AC±
6. INDIGENOUS OPEN SPACE:
REQUIRED: 1.08 AC, X 0.5 = 0.54 AC.
PROVIDED: 0.86 AC

7. PARKING: ⑥

[illegible]

- 8. PUBLIC TRANSPORTATION:
THE PROPERTY IS WITHIN THE BONITA SPRINGS ULTRA ON
DEMAND TRANSIT SERVICE AREA.
- 9. LANDSCAPE BUFFERS:
FOR DETAILS REFER TO DEVIATIONS.
- 10. DEVIATIONS: SEE SHEET Z
- 11. PROJECT NOTES:
 - LDC SEC. 4-989 (B)(4) D II. IF ROADS, DRIVES, OR PARKING AREAS ARE LOCATED LESS THAN 125 FEET FROM AN EXISTING RESIDENTIAL DWELLING OR RESIDENTIAL LOT, A SOLID FENCE, OPAQUE LANDSCAPE HEDGE, OR COMBINATION BERM AND SOLID FENCE OR OPAQUE LANDSCAPE HEDGE NOT LESS THAN SIX FEET IN HEIGHT MUST BE CONSTRUCTED ALONG THE PROPERTY LINE. FENCE, BERMS, AND HEDGES MUST NOT BE PLACED SO THEY VIOLATE THE VEHICLE VISIBILITY REQUIREMENTS OF LDC.
 - 37 BOAT SLIPS ARE ANTICIPATED TO BE PROVIDED.
 - RESIDENTIAL UNITS LOCATED ON 2ND STORY OF 2 STORY BUILDING.



J. R. EVANS
ENGINEERING

HICKORY ON THE BAY MASTER CONCEPT PLAN

SCHEDULE OF USES HICKORY ON THE RAY

PERMITTED USES:

- * ACCESSORY USES AND STRUCTURES
- * ADMINISTRATIVE OFFICES

- CONSUMPTION ON PREMISES ASSOCIATED WITH RESTAURANT, CLOTHING STORES, GENERAL
- GROUP III, INCLUDING OUTDOOR SEATING AREAS
- DRIVE-THROUGH FACILITY (LIMITED TO ONE (1))

- (F) DWELLING UNITS)
- ESSENTIAL SERVICE FACILITIES, GROUP I
- EXCAVATION, WATER RETENTION, INCLUDING EXCESS SPOIL
- REMOVAL IN COMPLIANCE WITH THE LDC

- FENCES, WALLS
- FOOD STORES, GROUP 1
- GIFT AND SOUVENIR SHOP

- * OPEN SPACE, MINIMUM REQUIRED (PROVIDED (20%)
- * PARKING LOT, ACCESSORY
- * RENTAL OR LEASING ESTABLISHMENTS, GROUP 1 (KAYAKS, STAND-UP PADDLE BOARDS, AND OTHER NON-POWERED PERSONAL WATERCRAFT)

- RESIDENTIAL ACCESSORY USES
- RESTAURANT, FAST FOOD
- RESTAURANT, GROUPS I, II AND III WITH OUTDOOR SEATING

- * SIGNS, IN ACCORDANCE WITH CHAPTER 6
- * TEMPORARY USES
- * VARIETY STORE
- * VARIETY STORE WITH PACKAGE SALES OF ALCOHOL FOR OFF-PREMISES CONSUMPTION, LOCATED WITHIN A RESTAURANT

* (LIMITED TO ONE (1))
WET SLIPS, ACCESSORY (A MAXIMUM OF 37 WET SLIPS), THESE
SLIPS SHALL BE TRANSIENT AND ONLY BE AVAILABLE FOR USE BY
PATRONS OF THE COMMERCIAL USES WITHIN THE CPD

1	2
---	---

SCHEDULE OF USES HICKORY ON THE RAY

PERMITTED USES:

- ACCESSORY USES AND STRUCTURES
- ADMINISTRATIVE OFFICES
- CLOTHING STORES, GENERAL
- CONSUMPTION ON PREMISES ASSOCIATED WITH RESTAURANT,
- GROUP III, INCLUDING OUTDOOR SEATING AREAS
- DRIVE-THROUGH FACILITY (LIMITED TO ONE (1))
- DWELLING UNIT; MULTIPLE-FAMILY BUILDING (A MAXIMUM OF SIX (6) DWELLING UNITS)
- ESSENTIAL SERVICES
- ESSENTIAL SERVICE FACILITIES, GROUP I
- EXCAVATION, WATER RETENTION, INCLUDING EXCESS SPOIL REMOVAL IN COMPLIANCE WITH THE LDC
- FENCES, WALLS
- FOOD STORES, GROUP I
- GIFT AND SOUVENIR SHOP
- OPEN SPACE, MINIMUM REQUIRED PROVIDED (20%)
- PARKING LOT, ACCESSORY
- RENTAL OR LEASING ESTABLISHMENTS, GROUP I (KAYAKS, STAND UP PADDLE BOARDS, AND OTHER NON-POWERED PERSONAL WATER VESSELS)
- RESIDENTIAL ACCESSORY USES
- RESTAURANT; FAST FOOD
- RESTAURANT; GROUPS I, II, AND III, WITH OUTDOOR SEATING SIGNS, IN ACCORDANCE WITH CHAPTER 6
- TEMPORARY STORES
- VARIETY STORE
- VARIETY STORE WITH PACKAGE SALES OF ALCOHOL FOR OFF-PREMISES CONSUMPTION, LOCATED WITHIN A RESTAURANT (LIMITED TO ONE (1))
- WET SLIPS, ACCESSORY (A MAXIMUM OF 37 WET SLIPS). THESE SLIPS SHALL BE TRANSIENT AND ONLY BE AVAILABLE FOR USE BY PATRONS OF THE COMMERCIAL USES WITHIN THE CPD

PROPERTY DEVELOPMENT REGULATIONS
WICKORY ON THE BAY

THESE PROPERTY DEVELOPMENT REGULATIONS SET FORTH DEVELOPMENT STANDARDS SHALL APPLY TO ALL LAND USES WITHIN THE HICKORY ON THE BAY CPD. STANDARDS NOT SPECIFICALLY SET FORTH HEREIN SHALL NOT BE THOSE SPECIFIED IN APPLICABLE SECTIONS OF THE LAND DEVELOPMENT CODE IN EFFECT AS OF THE DATE OF APPROVAL OF THE DEVELOPMENT ORDER.

MINIMUM LOT AREA AND DIMENSIONS:

THE MINIMUM LOT AREA, WIDTH, AND DEPTH ARE AS DEPICTED ON THE MASTER CONCEPT PLAN FOR THE ENTIRE PROJECT. NO DIVISIONS OR LOT SPLITS SHALL BE GRANTED FOR THIS DEVELOPMENT UNLESS THE PLANNED DEVELOPMENT IS AMENDED TO PROVIDE ALTERNATIVE PROPERTY DEVELOPMENT REGULATIONS.

MINIMUM SETBACKS:

STREET (BONITA BEACH ROAD): MINIMUM 15 FT., MAXIMUM 25 FT. (1) PRINCIPAL AND ACCESSORY STRUCTURE

SIDE: 5 FT.

REAR (WATERBODY): 25 FT. PRINCIPAL STRUCTURES, MEASURED FROM MEAN HIGH-WATER LINE; 10 FT. ACCESSORY STRUCTURES (2).

MEASURED FROM MEAN HIGH-WATER LINE.

PRESERVE: 30 FT, PRINCIPAL STRUCTURES; 0 FT, ACCESSORY STRUCTURES

MINIMUM BUILDING SEPERATION:
50% OF THE SUM OF THE HEIGHTS OF THE BUILDINGS, BUT NOT LESS THAN 15 FT.

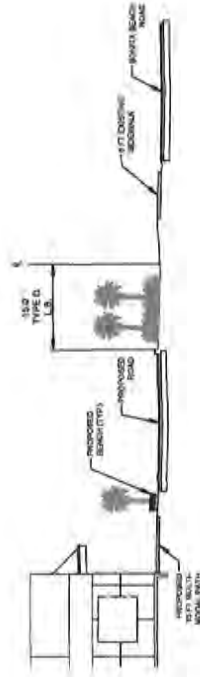
MINIMUM OPEN SPACE: 20%

MAXIMUM LOT COVERAGE: 40%

MAXIMUM BUILDING HEIGHT: 35 FT. (2 STORIES)

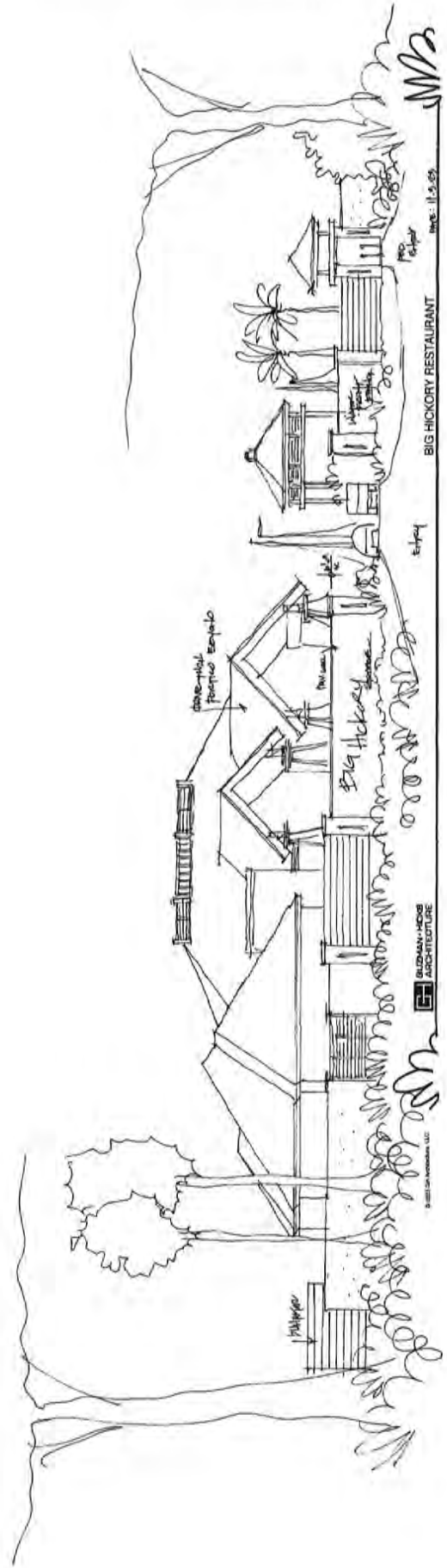
FOOTNOTES

1. PER DEVIATION (4), THE MAXIMUM SETBACK SHALL NOT BE APPLICABLE TO PRINCIPAL WATERFRONT STRUCTURES AND ACCESSORY STRUCTURES.
2. A MINIMUM SETBACK OF 0 FT. FROM WATERBODIES SHALL BE PERMITTED FOR PEDESTRIAN BOARDWALKS AND OUTDOOR SEATING.

TYPICAL SITE PAVEMENT
CROSS-SECTION

HICKORY ON THE BAY

MASTER CONCEPT PLAN



[illegible]

J.R. EVANS
ENGINEERING

HICKORY ON THE BAY

VALET PLAN

VALET PLANNING
September 25, 2018

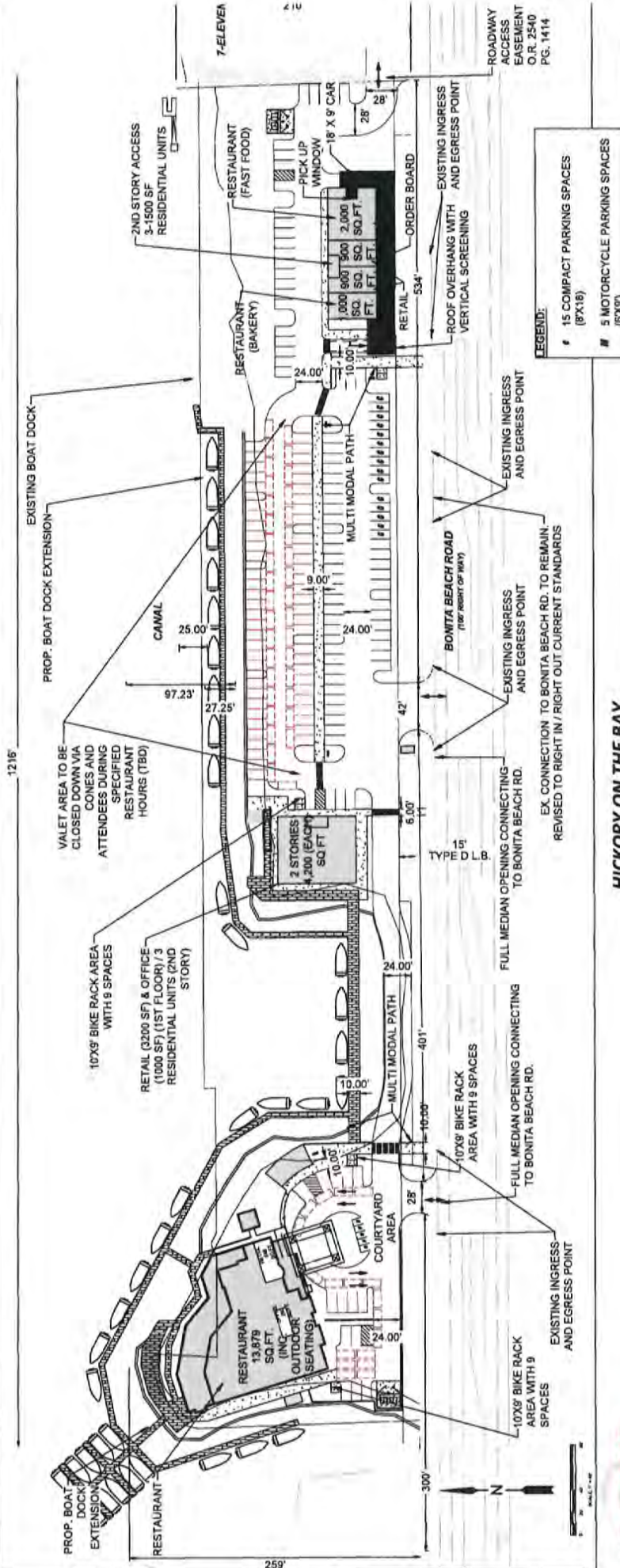


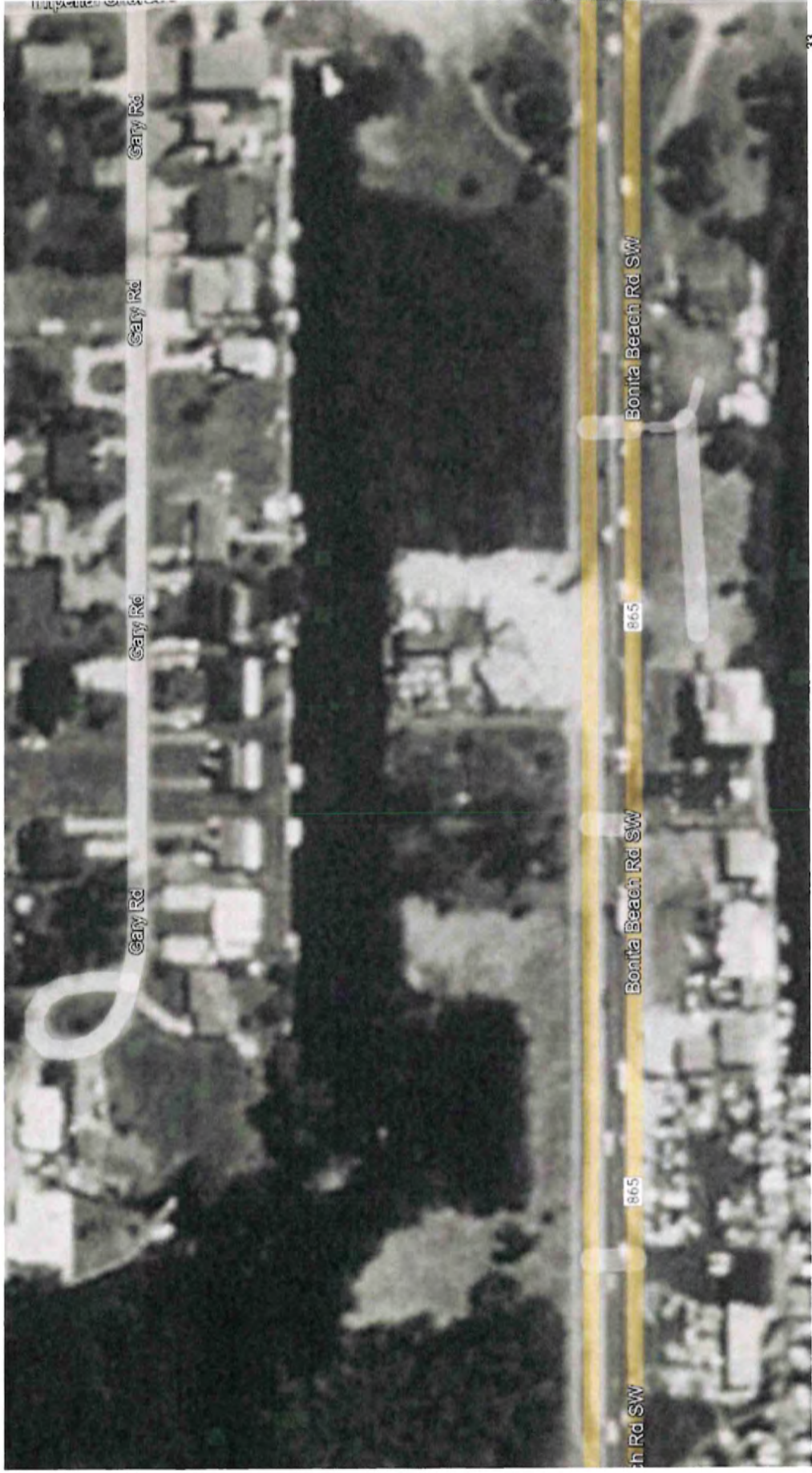
EXHIBIT E

Hickory on the Bay

Folio No. 10288439, 10288419, 10288422, 10288421, 10288420, 10288418

Historic Slip Review

1994



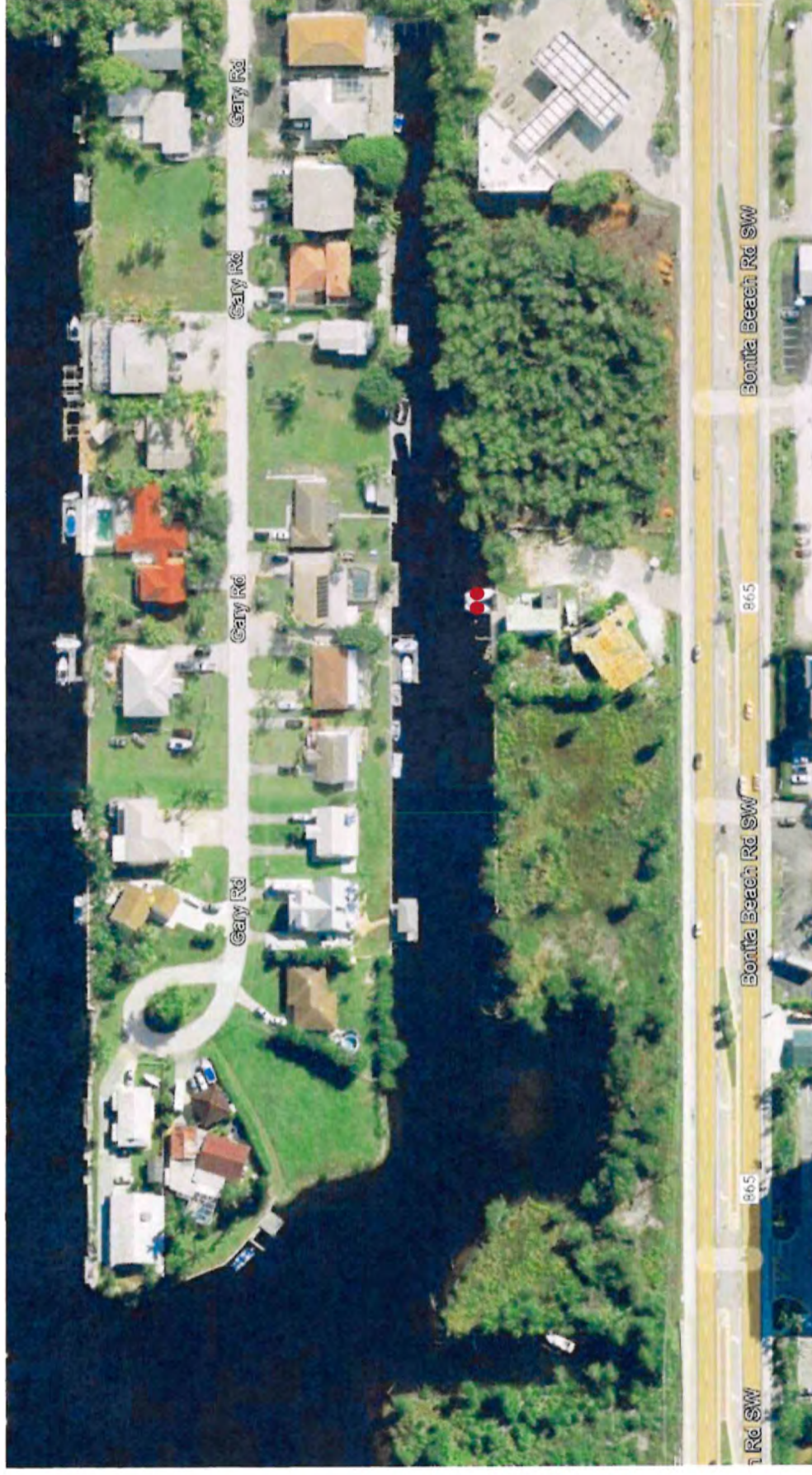
2004



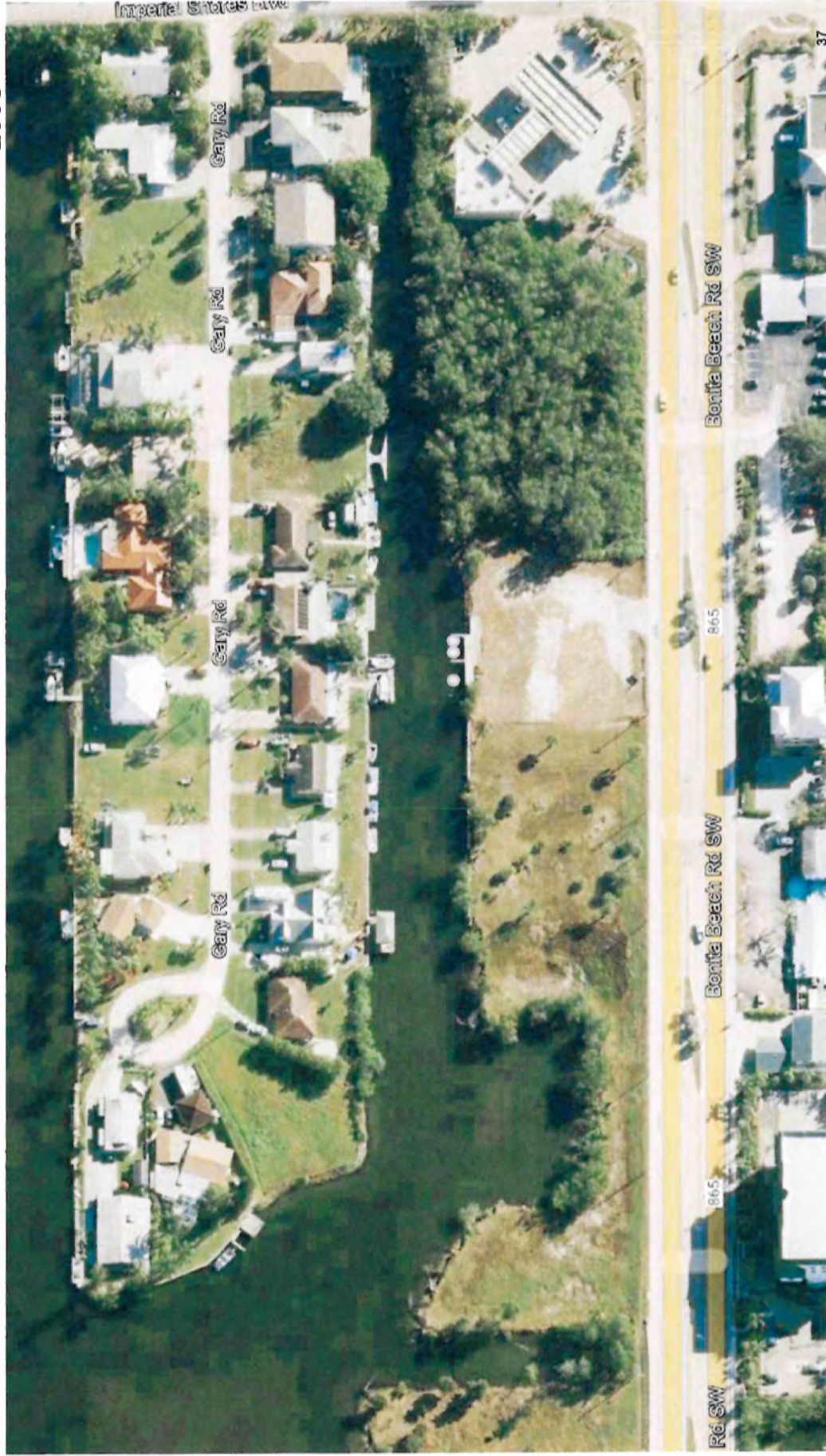
2005



2007



2008



2009



2010



2017



2023





**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
STANDARD GENERAL PERMIT NO. 36-04603-P
DATE ISSUED: June 5, 2003**

Form #0541
08/95

PERMITTEE: QUINN RUELLE INC
23 MCKEE DR
MAHWAH, NJ 07430

PROJECT DESCRIPTION: Construction and operation of a surface water management system serving 1.5 acres of commercial project known as Nease Building (F.K.A. Bonita Commercial) with ultimate discharge to Estero Bay.

PROJECT LOCATION: LEE COUNTY, SEC 32 TWP 47S RGE 25E

PERMIT DURATION: See Special Condition No.1. See attached Rule 40E-4.321, Florida Administrative Code.

This is to notify you of the District's agency action concerning Notice of Intent for Permit Application No. 020820-17, dated August 20, 2002. This action is taken pursuant to Rule 40E-1.603 and Chapter 40E-40, Florida Administrative Code (F.A.C.).

Based on the information provided, District rules have been adhered to and an Environmental Resource General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 18 General Conditions (See Pages : 2 - 4 of 9).
3. the attached 37 Special Conditions (See Pages : 5 - 6 of 9)
5. the attached 7 Exhibit(s).

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on this 5th day of June, 2003, in accordance with Section 120.60(3), Florida Statutes.

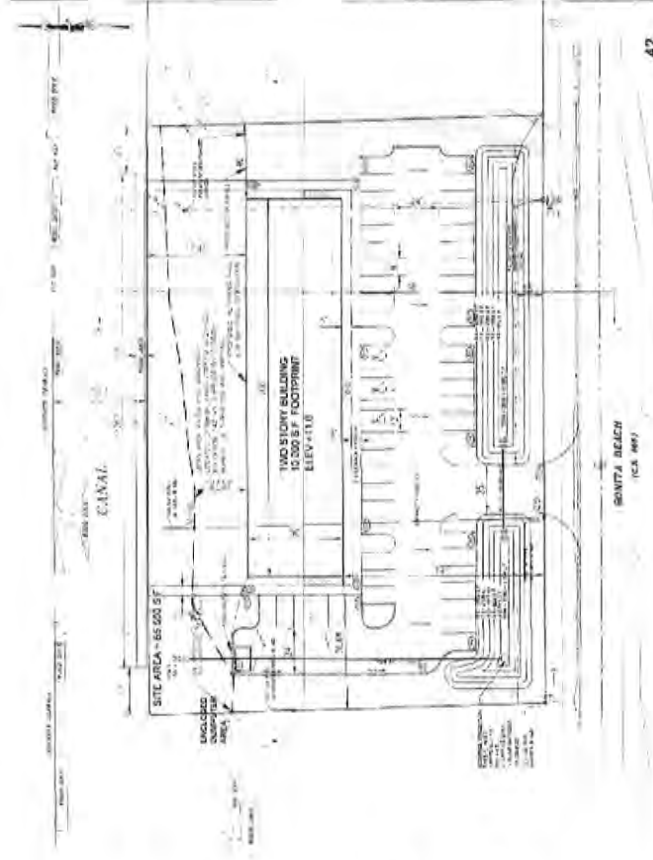
BY: *Carla N. Palmer*
Carla N. Palmer, P.E.
Director
Lower West Coast Service Center

Certified mail number 7002 2410 0000 5729 5828

App No. 020820-17
Parcel no. 10288418
Issued in 2003 – not constructed

No slip number noted on plans or in permit.

Manatee conditions included in permit.



FWC Comments – App No. 020820-17

November 7, 2002

Mary Duncan
Bureau of Protected Species Management
Florida Fish & Wildlife Conservation Commission
620 S. Meridian Street
Tallahassee, FL 32399-1600

RE: File No. 020820-17
Bonita Commercial, Lee County
CTE Project No. 02040640



Dear Ms. Duncan:

The purpose of this correspondence is to provide a direct response to your October 3, 2002 RAI to Mr. Harry Spotts, SFWMD. As such we offer the following:

1. Please provide a clear and easy-to-read site plan and a location map with geographic locators that provide a frame of reference. Please send a complete application with associated drawings of the proposed six slips.
Response: One set of plan view and cross sectional 8 1/2" x 11" drawings is enclosed for your review.
2. What is the linear feet of shoreline owned or controlled by the applicant at this project location?
Response: The property line measures 312.01 ft. along the canal.
3. Are there any existing native, submerged aquatic vegetation (such as seagrass) located in the project vicinity? If so, please forward all surveys and estimated extent of potential adverse impact.
Response: The canal adjacent to the subject property has been inspected for seagrass. None was observed.
4. Please provide the number of existing wet and dry slips. Is there an existing boat ramp?
Response: No wet or dry slips, or boat ramp, currently exist on-site.

APPLICATION NUMBER
020820-17

**No documentation of
Final FWC Comments**

5. Will there be any temporary mooring uses such as restaurants, hotels, water taxis, rental boats, tour/cruise boats?

Response: The commercial dock facility will moor a boat for short waterfront tours of water front property. The mooring is considered permanent.

6. Is the project located on sovereign submerged lands? Will approval by the Board of Trustees be required?

Response: To date, a determination by the Division of State Lands is apparently pending. We will forward any related information to you as we receive it from the SFWMD.

7. Please provide bathymetry information for the project site.

Response: We anticipate that a bathymetric survey will be conducted in the near future. Such information will be forwarded to you upon receipt.

8. The application states the dock will provide mooring for waterfront related to the proposed real estate office and residential units. Please elaborate on the proposed upland use and the use of waterfront, especially for the real estate office.

Response: Offices will utilize the first floor and residential units will occupy the second floor of the complex. The real estate office will utilize a waterfront to show water front property in proximity to the office.

We trust the enclosed information addresses your comments and assists in your review. Should you have any additional questions, please do not hesitate to call me directly.

Sincerely,

Jeff A. Gidair

Jeff A. Gidair
Director of Environmental Services

Enclosures



Corps Permit - 200205846 (IP-MN) - 2003

BIOLOGICAL OPINION

DESCRIPTION OF PROPOSED ACTION

The project discussed below occurs within Reach 30 of the Corps' Reach Characterization Analysis.

Nease Incorporated proposes to construct a dock that will provide waterfront access for six new boats. The project is located in Section 32, Township 47 South, Range 25 East, Bonita Springs, Lee County, Florida. The Corps has assigned application number 200205846 (IP-MN) to this project. To reduce potential construction-related impacts to the manatee, the applicant has agreed to utilize the Service's *Standard Manatee Protection Construction Conditions*. There will be no dredging or seagrass impacts associated with this project.

STATUS OF THE SPECIES/CRITICAL HABITAT

Species/critical habitat description

Manatee Protection Plans

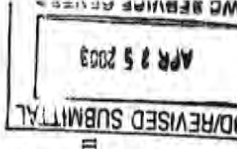
Countywide Manatee Protection Plans (MPPs) are identified in the Manatee Recovery Plan as a method for protecting suitable manatee habitat and designated critical habitat. In 1989, the State of Florida directed 13 key manatee counties to develop MPPs. The purpose of a MPP is to present a summary of existing information about manatee use and watercraft use within the county and to develop strategies to balance manatee protection, resource protection, water resource uses, facility siting, speed zones, and boating safety as well as provide for public education and on-the-water enforcement of manatee laws and regulations. Miami-Dade County was the first county on the Atlantic Coast to adopt a MPP. The plan was approved by the State in November 1995 (Miami-Dade County DERM 1995). The MPP identified actions that can reduce manatee mortality, including regulatory speed zones for watercraft and marine facility siting policies. The MPP also discusses conservation measures to protect seagrass beds and other aquatic natural resources. The State of Florida approved the Duval County MPP in June 1999. Indian River County's MPP was approved in November 2000. Broward County has submitted a revised MPP to the State for review and approval. The State requested revisions to the plan, the revisions were expected to be complete by the middle of March 2001 (P. Fletcher, personal communication, Broward County). Other counties, including Collier, Citrus, and St. Lucie have adopted MPPs and several others are in the process of developing MPPs. Palm Beach, Martin, and Sarasota Counties have drafted plans that the State is currently reviewing.

CONCLUSION

After reviewing the current status of the manatee, the environmental baseline for the action area, the effects of the proposed action, and the cumulative effects, it is the Service's opinion that the action, as proposed, are not likely to jeopardize the continued existence of the manatee and is not likely to adversely modify critical habitat.

Our conclusion is based on the lack of reasonable certainty of take of manatees due to adequacy of existing speed zones, adequacy of existing signage, sufficiency of existing speed zone enforcement to prevent watercraft collisions from occurring as a result of the project, and the fact that these measures are in place prior to project implementation.

Description notes 6-slip dock
Final Determination: Approval
Review/Comments prior to Lee County MPP





SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
STANDARD GENERAL PERMIT NO. 36-04603-P
DATE ISSUED: January 23, 2007

Form #0341
08/95

PERMITTEE: QUINN RUELLE INC
 PO BOX 340
 BONITA SPRINGS, FL 34133

PROJECT DESCRIPTION: This application is a request for a Modification of an Environmental Resource Permit to authorize construction and operation of a surface water management system serving 1.5 acres of mixed use residential/commercial project known as Mangrove Waterways (FKA Bonita Commercial) with discharge into waters of Estero Bay via an existing man-made canal.

PROJECT LOCATION: LEE COUNTY, SEC 32 TWP 47S RGE 25E

PERMIT DURATION: See Special Condition No.1. See attached Rule 40E-4.321, Florida Administrative Code.

This is to notify you of the District's agency action concerning Notice of Intent for Permit Application No. 060511-19, dated May 11, 2006. This action is taken pursuant to Rule 40E-1.603 and Chapter 40E-40, Florida Administrative Code (F.A.C.).

Based on the information provided, District rules have been adhered to and an Environmental Resource General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 10 General Conditions (See Pages . 2 - 4 of 6).
3. the attached 16 Special Conditions (See Pages . 5 - 6 of 6) and
4. the attached 4 Exhibit(s)

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on this 23rd day of January, 2007, in accordance with Section 120.60(3), Florida Statutes.

BY:
 Rhonda Haag
 Service Center Director
 Lower West Coast Service Center

Certified mail number 7005 1160 0001 6703 4988

Parcel no. 10288418

Issued in 2007, constructed in 2008

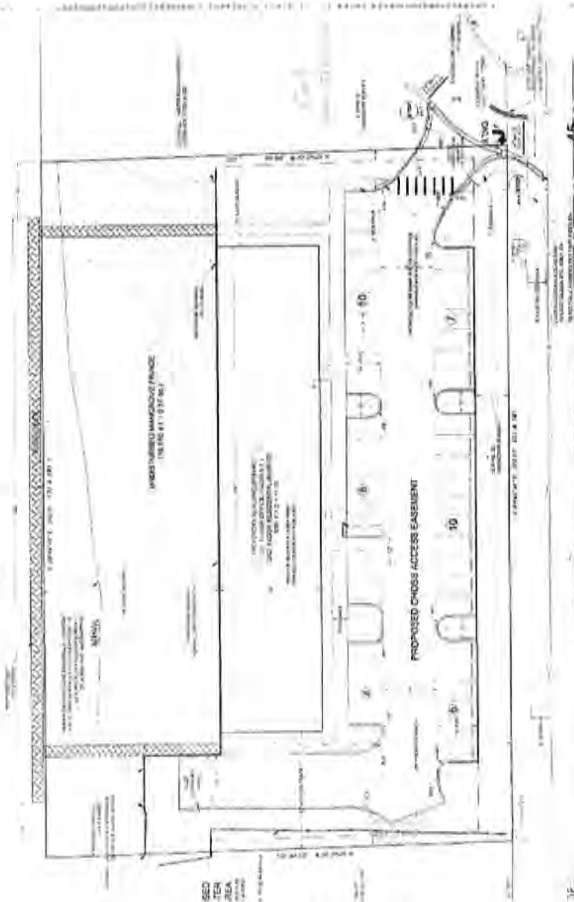
- Permit extension from 2012 to 2014; 2014 to 2016

****No slip number noted on plans or in permit.****

Permit History:

The previously approved project under Permit No. 36-04603-P, Application No. 020820-17 was basically the same scope of work but the wetland impacts were bigger and allowed for an open storm water management system. During the ACOE permit process the applicant was forced to reduce mangrove impacts and therefore the project was moved towards the Bonita Beach Road ROW, sacrificing the stormwater management areas to preserve mangroves.

CANAL



MPP Language

Pg. 43

Projects that have valid permits and currently hold Chapter 380 vested status which allows for construction of slips (wet or dry) that may not be constructed at the time in which the Lee County Manatee Protection plan is adopted and implemented by the Board of County Commissioners, shall be exempted from the MFSE screening process.

Conclusion

Parcel Folio No. 10288420 – Lucky Landings Association – 2 slips (1999)
Parcel Folio No. 10288418 – Mangrove Waterways – 6 slips (2003; re-authorized 2007)



EXHIBIT F

Exhibit IV-H Schedule of Deviations & Justification Hickory on the Bay CPD

Deviation (1) requests relief from LDC Sec. 3-289(a), *Special access provisions for Bonita Beach Road*, which requires a minimum connection separation of 660 feet for any access to Bonita Beach Road, to allow a minimum connection separation of 200 feet.

Justification: The proposed MCP provides three access points: two right-out, egress only in the eastern and western portion of the project and one full access centrally located. Due to the irregular shape of the property caused by the bank of the canal, the proposed egress only access points have been located to facilitate the flow of traffic through the project. The full access point is centrally located in the MPD. Due to the presence of a full median opening and the central location, the connection will allow for improved site circulation and provide a direct route from development to the east and west of the proposed development. There is sufficient distance from between the accesses for cars to safely enter and exit the site.

Deviation (2) requests relief from LDC Sec. 3-418(d)(3), *Buffer requirements*, which requires a minimum 5-foot-wide Type A buffer between commercial uses, to allow no landscape buffer between commercial uses internal to the property.

Justification: This is proposed to be a walkable, waterfront project with an emphasis on interconnection for all users. Landscape buffers separating commercial elements are not necessary nor are they consistent with a more walkable, urban environment. All other required landscaping (for parking areas, general tree requirements, and building perimeter plantings) will be provided as required by code.

Deviation (3) requests relief from LDC Sec. 3-418(d)(3), *Buffer requirements*, which requires a minimum 15-foot-wide Type D buffer along rights-of-way, to allow a section of the required perimeter landscape buffer to be 5-feet in width in the location depicted on the Master Concept Plan.

Justification: In this section of the project, an inlet from the canal is ± 35 feet from the property line. In order to facilitate the flow of traffic through the project and make the best use of a limited developable area, an internal access is proposed in this location. To accommodate the required setback to the waterbody, seawall, and 24 foot-wide-access drive, a reduced width landscape buffer is necessary. There is no parking proposed in this portion of the site.

Deviation (4) requests relief from the following requirements found in LDC Sec. 4-899, *Site design standards*:

LDC Sec. 4-899(a), *Property development regulations*, which requires a maximum street setback of 25 feet within the Beach Zone of the Bonita Beach Road Overlay, to allow no maximum street setback for principal waterfront structures and accessory structures.

Justification: A maximum street setback of 25 feet will not allow for the proposed waterfront uses. The intent is to provide an attractive waterfront, commercial experience adding to the aesthetics of the Bonita Beach Road corridor for residents and visitors of the area. The proposed CPD rezoning will allow for site to be designed to create a multi-modal, waterfront destination via multiple connections to the existing pedestrian network within the Bonita Beach Road right-of-way; transient boat slips; and an internal, cohesively designed pedestrian network within the site that utilizes internal sidewalks and waterfront walkways and seating areas.

LDC Sec. 4-899(b)(4)b., *Parking placement*, which requires surface parking lots shall not be permitted on a frontage line or within 30 feet of the frontage line within the Commercial, Historic, and Beach Zone, to allow for parking to be setback 20 feet from the frontage line.

Justification: The developable area of the site is limited by the undulating bank of the canal and the inlet. The reduced frontage setback is required to accommodate the required parking for the proposed restaurant and provide a safe design to facilitate the movement of pedestrians and vehicles through the site. The required perimeter landscaping will provide sufficient screening of the parking area and shade for the adjacent Bonita Beach Road right-of-way, establishing a more attractive landscaped view for the traveling public.

LDC Sec. 4-899(b)(4)c., *Parking placement*, which restricts parking within the Beach, Commercial, and Historic Zone to the side or rear yards of those properties fronting Bonita Beach Road, to allow for parking within the Bonita Beach Road frontage and no street wall or opaque screen.

The developable area of the site is limited by the undulating bank of the canal and the inlet. The intent is to provide an attractive waterfront, commercial experience adding to the aesthetics of the Bonita Beach Road corridor for residents and visitors of the area. The proposed CPD rezoning will allow for site to be designed to create a multi-modal, waterfront destination via multiple connections to the existing pedestrian network within the Bonita Beach Road right-of-way; transient boat slips; and an internal, cohesively designed pedestrian network within the site that utilizes internal sidewalks and waterfront walkways and seating areas. The required perimeter landscaping will provide sufficient screening of the parking area and shade for the adjacent Bonita Beach Road right-of-way, establishing a more attractive landscaped view for the traveling public.

LDC Section 4-899(b)(4)d.ii., *Buffering adjacent property*, which requires that roads, drives, or parking areas located less than 125 feet from an existing residential dwelling or residential lot, a solid fence, opaque hedge, or combination berm and solid fence or opaque landscape hedge not less than six feet in height must be constructed along the property line, to allow for the buffer to consist of the existing mangroves and native vegetation along the shoreline.

There are existing, mature mangroves along the shoreline between the proposed parking and the residential development to the north. The mangroves can be maintained to provide opaque screening at a height greater than the required hedge (if necessary) and will provide buffering and screening that meets the intent of the required plantings. After the removal of exotic

vegetation, supplemental shoreline plantings (such as Sea Grapes or Green Buttonwood) shall be provided to ensure the parking is adequately buffered.

Photos from a vacant lot located on Gary Street, looking south across the canal towards the subject property:





LDC Section 4-899(b)(7), *Dumpsters*, dumpsters shall not be located on frontage lines, to allow for a dumpster within the Bonita Beach Road frontage in the location depicted on the Master Concept Plan.

The dumpster shall be located behind a street wall six feet in height. The proposed wall will fully screen the dumpster from view off-site, as well as screened from the waterbody in the rear by the proposed development. Additionally, this location ensures that solid waste vehicles will easily be able to serve the proposed development.

Deviation (5) requests relief from LDC Section 4-1122(h)(1), *Right-of-way buffer landscaping*, which requires that landscaping adjacent to rights-of-way external to the development project must be located within a landscape buffer easement that is a minimum of 25 feet in width where drive-through facilities abut rights-of-way external to the development, to allow for a landscape buffer easement a minimum of 15 feet in width.

The developable area of the site is limited by the undulating bank of the canal and the inlet. The reduced frontage setback is required to accommodate the required parking for the proposed use and provide a safe design to facilitate the movement of pedestrians and vehicles through the site. The proposed building will utilize a roof overhang attached to a wall adjacent to the perimeter buffer. This wall and the required perimeter landscaping will provide sufficient screening of the parking area and shade for the adjacent Bonita Beach Road right-of-way, establishing a more attractive landscaped view for the traveling public.

Deviation (6) requests relief from LDC Section 4-1122(h)(2), *Right-of-way buffer landscaping*, which requires that the buffer includes an undulating berm with a maximum slope of 3:1 where drive-through facilities abut rights-of-way external to the development, to allow for a buffer with no berm.

The proposed drive through facilities will be designed to be incorporated into the buildings and screened from view from Bonita Beach Road. The buildings will utilize a roof overhang attached to a wall located adjacent to the proposed buffer along Bonita Beach Road to provide vertical screening, exceeding the screening that would be provided by the 3-foot-tall berm required by the LDC. Please see the architectural elevations of drive through included with this application for additional details.

Deviation (7) requests relief from LDC Section 4-1022(e), *Sale for off-premises consumption*, which that a package store or other establishment primarily engaged in the retail sale of liquor for consumption off-site be setback a minimum of 500 feet to any religious facility, school (noncommercial), day care center (child), park or dwelling unit, or any public entrance or exit of any other establishment primarily engaged in the sale of alcoholic beverages, to instead allow for a package store setback a minimum of 175 feet from dwelling units.

There will be a small retail shop within the proposed waterfront restaurant, similar to the previous location. It is anticipated that the retail shop will sell the following items:

- *Promotional items, such as apparel, hats, souvenirs, etc.*

- *Snacks and candy.*
- *Toys, stuffed animals, puzzles, books, cards.*
- *Bags of ice.*
- *Ice cream novelties.*
- *Beverage cooler for singles and 6 packs of beer and seltzers, soft drinks, water, energy drinks.*
- *Sundries including packaged over the counter medicine (Tylenol, dramamine, tums), phone chargers, sunscreen, bandages, etc.*
- *Boat supplies - oil, ropes, etc. This is mainly just as a convenience when boaters need something while out on the water.*

Based on the previous location, the estimated breakdown of sales is as follows:

- *Promotional items: 85%*
- *Snacks, drinks, ice, etc.: 10%*
- *Sundries and toys: 5%*

The retail shop will operate with the same operating hours as the restaurant and will not stay open past the closing time of the restaurant. The package sales are provided as a convenience for boaters and are not expected to be a substantial portion of the overall retail shop sales. Package sales such as these are typically found in other waterside restaurants in the area without issue. Additionally, there is a 7-Eleven adjacent to the east of the project making it more unlikely that the retail shop will sell large quantities of packaged alcohol. There are dwelling units along Gary Road to the north of the proposed developed that are within 500 feet of the proposed restaurant and accessory retail shop. The closest residential lot is approximately 175 feet north. The uses are separated by a canal and do not share a common property line. Due to the low volume of packaged alcohol sales expected and the natural separation of the uses, the requested deviation to allow for the sale of alcoholic beverages for off-premises consumption will have no adverse impact on the nearby dwelling units.

Deviation (8) requests relief from LDC Section 4-899(a)(1), *Site design standards*, which requires that projects exceeding three (3) acres in size shall submit a block layout plan, to allow for no block layout plan to be submitted.

Justification: *LDC Section 9-27 defines blocks as follows:*

- *Block means a group of lots, including a tier of lots, existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name by which it may be identified.*

The proposed development does not meet the definition of blocks, above, as it consists of various commercial uses utilizing a centralized parking area that will not be subdivided into multiple lots. Furthermore, there is an existing canal and the aquatic preserve to the north and Bonita Beach Road to the south. Because of the shoreline, the depth of the project is inconsistent and as such there are no internal roadways, but rather internal access drives through the parking

lot. Since there are no vehicular roadways or lots proposed, blocks cannot be established and a block layout plan cannot be submitted.

EXHIBIT G

Exhibit II-E-2 Narrative and Bonita Plan Consistency Hickory on the Bay CPD

Summary of Request

This application requests a rezone to Commercial Planned Development (CPD) to allow for a mixed-use development consisting of six multi-family dwelling units; and 25,500 square feet commercial/retail consisting of restaurants, retail, and offices; along with customary accessory uses, such as transient wet slips. The proposed slips are transient and only for use by the patrons of the proposed commercial uses within the PD. Boats will not be moored overnight and the slips will not be available for members of the public to rent or lease for use as boat storage. There are no fueling facilities or boat services and repairs proposed.

There is a companion Comprehensive Plan Amendment to the Future Land Use Map (FLUM) to redesignate a ±0.66-acre portion of the subject property from Medium Density Multi-Family Residential to General Commercial.

Development Location

The subject property is ±5.90 acres in size and located north of Bonita Beach Road SW, approximately 200 feet west of the intersection of Imperial Shores Blvd. and Bonita Beach Road SW. The property is designated Commercial General (±5.13 ac.) and Medium Density Multi-Family Residential (±0.66 ac.) on the FLUM in the Comprehensive Plan of Bonita Springs. There is a companion Comprehensive Plan Amendment to the Future Land Use Map (FLUM) to redesignate a ±0.66-acre portion of the subject property from Medium Density Multi-Family Residential to General Commercial.

The site is within the Bonita Beach Road Corridor Overlay, Beach Zone and a portion is currently zoned RPD (Blue Marlin Cove). The subject property is currently undeveloped. Please see the table below for zoning and existing land uses surrounding the property.

	Zoning	Existing Land Use
North	TFC-2	Canal, single and two-family residential.
South	C-4 (Collier County)	Commercial marina, restaurants, retail.
East	Bonita Beach Road Corridor Overlay, Beach Zone	7-Eleven.
West	Bonita Beach Road Corridor Overlay, Beach Zone	Commercial marina.

Justification

The Applicant for this petition and developer of the proposed project is Bayside Holdings on Hickory, LLC. Previously, they were the owners of the popular Big Hickory Waterfront Grille &

Marina waterfront style dining destination located Hickory Blvd. Due to damages because of Hurricane Ian, this location has since been shut down. Bayside Holdings on Hickory is introducing a similar casual “boater style” restaurant concept that is specifically designed for a waterfront setting and primed for the subject site. The intent is to establish an attractive waterfront destination. The proposed development will consist of a waterfront restaurant, family friendly waterfront activities along the bay for the community to enjoy (such as ping pong, cornhole, etc.), a coffee shop, ice cream and candy shop, and/or specialty regional retail or food shops along a boardwalk. The applicant intends to provide an attractive “boater style” destination for the area that is compatible with the surrounding community, and which adds a desired benefit to the area. The CPD also permits a kayak launch. It is not the intent currently for the kayak launch to be open for public use for free, but instead to allow for private kayak rental if there is interest from potential tenants. If developed, this kayak launch will provide additional opportunities for access to the adjacent aquatic preserve. The project will be designed to enhance the aesthetics of the Bonita Beach Road corridor for residents and visitors of the area to take pride in and enjoy. The proposed development also includes transient wet slips for use by patrons of the CPD to reduce parking demands and encourage alternative means of transportation to the development.

Based on the data and analysis provided with this application, the proposed rezoning is consistent with the land use pattern established by the Future Land Use Map; and represents a suitable zoning change, which will provide an attractive commercial destination that furthers the Goals, Objectives, and Policies of the Bonita Plan. The subject property is located off a major arterial that has adequate transportation capacity and the appropriate infrastructure required for the property to connect to central water and sewer.

Bonita Beach Road Corridor Overlay

The proposed development has been designed to be consistent with the vision of the Bonita Beach Road Overlay. The design seeks to organize the buildings in a way that highlights the natural features of the adjacent waterbody while inviting a public presence by locating walking paths along the waterfront that connect to Bonita Beach Road; and creating a waterfront destination for Bonita Springs using outdoor seating areas and wet slips to provide parking for boats.

Permitted Uses

The uses proposed within the CPD are permitted within the Beach Zone of the Bonita Beach Road Corridor Overlay district. For uses considered special exceptions, analysis of the criteria for approval of special exceptions has been provided below.

Site Design Standards

The proposed development will meet or exceed all performance and location standards set forth in the LDC for the Bonita Beach Road Corridor Overlay. The deviations requested enhance the planned development and meet the intent of the overlay; and will not be detrimental to the public health, safety, and welfare. The requested deviations are in response to the smaller size of the parcel and unique, waterfront uses not typically found along Bonita Beach Road.

Parking

The proposed development shall provide the minimum required parking set forth in LDC Section 4-132. Deviations have been requested regarding the location of the parking. Again, the deviations requested enhance the planned development and meet the intent of the overlay; and will not be detrimental to the public health, safety, and welfare. Application of the locational requirements for parking within the overlay would make the development of the proposed waterfront uses impossible and would instead result in locating parking along the shoreline of the adjacent waterbody.

Landscaping

The proposed perimeter buffering will meet the intent of the standards set forth in the LDC for the Bonita Beach Road Corridor Overlay. The deviations requested enhance the planned development and meet the intent of the overlay; and will not be detrimental to the public health, safety, and welfare.

There are existing, mature mangroves along the shoreline between the proposed parking and the residential development to the north. The mangroves can be maintained to provide opaque screening at a height greater than the required hedge (if necessary) and will provide buffering and screening that meets the intent of the required plantings. After the removal of exotic vegetation, supplemental shoreline plantings (such as Sea Grapes or Green Buttonwood) shall be provided to ensure the parking is adequately buffered.

The proposed dumpster along the Bonita Beach Road frontage shall be located behind a street wall six feet in height. The proposed wall will fully screen the dumpster from view off-site, as well as screened from the waterbody in the rear by the proposed development. Additionally, this location ensures that solid waste vehicles will easily be able to serve the proposed development.

Relevant Land Development Code Criteria

Restaurants, fast food, require a special exception in the Beach Zone of the Bonita Beach Road Corridor Overlay. The criteria for approval of special exceptions are found in Sec. 4-131. Please see below for analysis of how the requested Restaurants, fast food use complies with all relevant criteria.

- c) Special exceptions...
- 2) Considerations. In reaching their decision, the zoning board must consider the following, whenever applicable:
 - a. Whether there exist changed or changing conditions that make approval of the request appropriate.

Changing conditions such as an increase in tourism and increased population in the City of Bonita Springs make this an appropriate site for the proposed drive-through. Numerous design elements, such as a solid wall to screen the drive-through lane from Bonita Beach Road, have been utilized to minimize impact to the surrounding area. The property, and the surrounding area, is within the Bonita Beach Road Corridor Overlay. The intent of the overlay is to support urbanized development patterns that focus on human-scale development, an appropriate mixture of land uses, site design, interconnectivity, mobility, architectural standards, and a vibrant aesthetically pleasing streetscape. The proposed development furthers the intent of the overlay by providing an attractive waterfront, commercial experience adding to the aesthetics of the Bonita Beach Road corridor for residents and visitors of the area; and six multi-family dwelling units for employees of the commercial uses. The CPD rezoning will allow for site to be designed to create a multi-modal, waterfront destination via multiple connections to the existing pedestrian network within the Bonita Beach Road right-of-way; transient boat slips for use by patrons of the proposed development; and an internal, cohesively designed pedestrian network within the site.

- b. The testimony of the applicant.

To be provided.

- c. The recommendation of staff.

To be provided.

- d. The testimony of the public.

To be provided.

- e. Whether the request is consistent with the goals, objectives, policies and intent of the Bonita Plan.

Please see the analysis provided below which demonstrates the request is consistent with the goals, objectives, and policies of the Bonita Plan.

- f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.

The request meets or exceeds all performance and locational standards. Requested deviations will enhance the objectives of the CPD and are not detrimental to public health, safety, and welfare. Please see the schedule of deviations with justifications.

- g. Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.

The project site is a filled and previously developed property located along Bonita Beach Road. According to past aerial photographs, this property was one of the first sites west of US 41 that was cleared and filled for development. Mangroves have grown in along the shoreline since the site was first cleared and this mangrove shoreline will be protected and enhanced because of the proposed development. The wetland areas landward of the shoreline are not natural wetlands. They have established because of the past site clearing activities to remove nuisance and invasive vegetation. This has been done several times, in accordance with the City Code requirements to maintain open properties and has resulted in removal of small amounts of fill along with the stump and root material which has lowered the ground elevation over time. There are no high-quality uplands or wetlands present on the property which will be impacted by the proposed development activities.

- h. Whether the request will be compatible with existing or planned uses.

Bonita Beach Road acts as a major commercial corridor within the City. The property is located within a mostly developed, urban area. The requested use is compatible with the surrounding area. Property to the south (across Bonita Beach Road), east, and west is developed with commercial uses (gas station, restaurants, office, commercial marina). There is single and two-family residential development to the north, across a canal. The requested uses are compatible with and complementary to the surrounding area. The proposed development standards and perimeter buffering will further ensure compatibility. The proposed drive-through use is located along Bonita Beach Road and is setback approximately 182 feet from the residential properties to the north. Additionally, the proposed preserve area is located between the proposed drive through use and the residential development to provide further buffering and screening. The preserve area is heavily vegetated with mangrove.

- i. Whether the request cause damage, hazard, nuisance or other detriment to persons or property.

The request will not cause damage, hazard, nuisance, or other detriment to persons or property.

- j. Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.

The requested use is in compliance with all applicable zoning provisions and supplemental regulations, please see the additional analysis provided below.

- 3) Findings. Before making a recommendation to the city council to grant any special exceptions, the zoning board must find that the applicant has proved entitlement to the special exception by demonstrating compliance with:

- a. The Bonita Plan;

The property is designated General Commercial on the Future Land Use Map. The existing and proposed uses are consistent with the FLU designation, which is intended to “accommodate a wide range of commercial uses serving the general population of the City. This designation recognizes, but is not specifically limited to, properties that been developed, have received development approval or have been zoned for commercial use prior to the adoption of the Comprehensive Plan.” Appropriate uses are recognized as a wide range of commercial retail and service uses.

The landscaping at time of D.O. and will be consistent with FLU Objective 1.3, which encourages improving the visual and aesthetic appearance of the City; and Transportation Element Objective 1.4, which states the City shall improve the aesthetic qualities and appearances of roadways and their adjacent land uses. The site has access to adequate public facilities and services in accordance with FLU Objective 1.11.

- b. This chapter; and

Provided above.

- c. Any other applicable ordinances or codes.

Provided below.

- 4) Authority.

- a. The zoning board must make the recommendation to grant the special exception unless they find the request is contrary to the public interest and the health, safety, comfort, convenience and welfare of the citizens of the city, or that the request is in conflict with subsection (c)(3) of this section.

The request is not contrary to the public interest or to the health, safety, comfort, convenience or welfare of the citizens of the city and is not in conflict with the required findings of subsection (c)(3).

Bonita Plan Consistency

The proposed CPD rezoning is consistent with the goals, objectives, and policies set forth in the various elements of the Bonita Springs' Comprehensive Plan (Bonita Plan). More specifically, the proposed land uses are not contrary to any goals, objectives, and policies outlined in the Bonita Plan. The proposed CPD rezoning is consistent with and furthers the following applicable Goals, Objectives, and Policies, as demonstrated by the analysis below.

Future Land Use Element

Policy 1.1.14: General Commercial- Intended to accommodate a wide range of commercial uses serving the general population of the City. This designation recognizes, but is not specifically limited to, properties that have been developed, have received development approval or have been zoned for commercial use prior to the adoption of the Comprehensive Plan.

- a. Appropriate uses include a wide range of commercial retail and service uses for residents and visitors; hotels/motels; offices; light industrial uses; schools; recreation; public and semi-public uses; multi-family uses up to 10 units per acre within the approximately 1,468 acres of gross land area in the land use category; and mixed residential and commercial use in planned developments.
- b. If affordable housing is provided, residential density may be increased by up to five additional units per acre.
- c. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves except that no new structures or modification of existing structures located on the islands west of the mainland may be constructed in excess of 35 feet in height.
- d. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2.

The uses proposed are consistent with those permitted by the land use category and height and FAR limitations.

Policy 1.1.22: In order to minimize incompatibility when commercial, industrial or more intensive land uses share a common boundary with residential land uses, lower intensity uses shall be located adjacent to residential uses and the Land Development Code shall include provisions for buffering in the form of fences, walls, vegetation or spatial buffers to minimize the impacts upon the residential use.

The subject property does not share a common boundary with the residential land uses to the north. There is an ±46-foot-wide canal/navigable waters owned by the state between the subject property and the nearby residential parcels, that is not part of either the subject property nor the residential parcels. The PD provides property development regulations to ensure compatibility with the surrounding area; and the shoreline of the canal meanders within the subject property, providing further separation. Additionally, the more intense uses proposed (the restaurant and drive-through facilities) are located so as to provide increased separation to the residences to the north along Gary Road. Further more, the proposed development incorporates buffering minimize the impacts to the residential uses to the north via a preserve area in the southeastern corner of the property; and retaining and maintaining existing mangroves and vegetation along the shoreline at an appropriate height to provide adequate screening and buffering. The existing shoreline plantings will be enhanced with additional shoreline vegetation where necessary to further ensure adequate screening is provided.

Policy 1.1.24: In order to limit further strip commercial development, new major roadways in the City will be protected from over-commercialization.

The proposed amendment will allow for commercial development on commercially zoned property, in an area with existing commercial uses. The property fronts on Bonita Beach Road, a roadway that already serves as a commercial corridor.

Objective 1.7: To maintain, protect, and where feasible restore, the City's natural environment and resources, and to protect the City's historic resources.

Subsurface and surface water resources will be improved and enhanced as a result of the design and best management practices criteria. A Storm Water Management Plan will be provided as part of this PD rezoning. The project will not adversely affect the long-term water and wastewater supply and disposal needs of the utility. The site will have access to potable water and sanitary sewer. The development will have positive effects on water resources; adhere to best management practices; and improve surface and subsurface water quality.

Objective 1.16: Bonita Beach Road Corridor and Bonita Beach Road Corridor Quadrant Map: Establish regulations to implement the Bonita Beach Road Visioning Study by Toole Design Group date November 1, 2016 for the Bonita Beach Road Corridor, which is generally located between the Gulf of Mexico and the City limits to the East. The corridor serves as the main gateway to the City, and is intended for an interconnected mix of uses including commercial, civic, residential, and mixed-use development, with emphasis on compatibility, a human-scale of development, walkability and bike-ability, and a vibrant aesthetically-pleasing streetscape.

Policy 1.16.1: Implement a cohesive set of provisions in the Land Development Code to provide enhanced standards for new development along the Bonita Beach Road Corridor relating to site design, access, land use, landscaping, parking requirements, interconnectivity, and mobility.

Policy 1.16.2: Provide for the protection and enhancement of viewsheds along Bonita Beach Road through design features and elements that emphasize the gateway character of this corridor.

Policy 1.16.3: Ensure that publicly-owned land and right-of-way is attractively and appropriately landscaped with a consistent design theme.

Policy 1.16.4: Promote use of aesthetically pleasing architectural standards, accessory structures, and additional hardscape and landscape features to create a strong sense of place along Bonita Beach Road.

Policy 1.16.5: New development and redevelopment projects shall be designed and developed to coordinate land uses, site design, access, and required infrastructure improvements with the mobility network identified in the Bonita Beach Road Visioning Study by Toole Design Group dated November 1, 2016.

Policy 1.16.6: Evaluate new development and redevelopment projects along the Bonita Beach Road Corridor in relationship to the "Bonita Beach Road Corridor Quadrant Map" and "Corridor Network Zones Map" to encourage appropriate land use, site design techniques, interconnectivity, and multi-modal access.

The intent is to provide an attractive waterfront, commercial experience adding to the aesthetics of the Bonita Beach Road corridor for residents and visitors of the area; and six multi-family dwelling units for employees of the commercial uses. The CPD rezoning will allow for site to be

designed to create a multi-modal, waterfront destination via multiple connections to the existing pedestrian network within the Bonita Beach Road right-of-way; transient boat slips for use by patrons of the proposed development; and an internal, cohesively designed pedestrian network within the site.

The design will incorporate Complete Street design elements to promote walkability within the site and along Bonita Beach Road. There will be a centralized, pathway system consisting of a multi-use-path (MUP) a minimum of 8' in width that travels east/west through the site to connect the proposed uses to Bonita Beach Road and establish internal walkability. The MUP will connect to Bonita Beach Road via multiple direct, pedestrian only connections to the existing sidewalk within the Bonita Beach Road right-of-way. The parking lot utilizes multiple pedestrian paths, the MUP, and landscaped islands to interrupt the parking and create a more pedestrian friendly experience. The proposed drive-through facilities will be designed to be incorporated into the buildings and screened from view from Bonita Beach Road. The buildings will utilize a roof overhang attached to a wall to provide vertical screening to create a visually appealing building frontage. The design assimilates the function of a drive-through with the site conditions to create a building that will be practical for the owner but also integrated into the context of the overall site design and the street. There is a courtyard area proposed in front of the restaurant to soften the valet parking area and facilitate pedestrian movement. The courtyard will also act as an extension of the restaurant, allowing for the building to appear closer to Bonita Beach Road and activating the frontage. The project will be designed to utilize a consistent, architectural theme throughout that will be a positive contribution to the City and Bonita Springs. The six residential units proposed will be affordable for and are to provide housing for the workers of the proposed development.

The proposed development has been designed to be consistent with the vision of the Bonita Beach Road Overlay. The design seeks to organize the buildings in a way that highlights the natural features of the adjacent waterbody while inviting a public presence by locating walking paths along the waterfront that connect to Bonita Beach Road; and creating a waterfront destination for Bonita Springs through the use of outdoor seating areas and wet slips to provide parking for boats.

In summary, the goal of the project planning and design was to create a project that creates public, waterfront space via the emphasis on public walking paths and uses providing outdoor gathering spaces and seating areas.

Transportation Element

Objective 1.1: The implementation of a safe, convenient, healthy, and energy efficient multi-modal transportation system which will be maintained and improved to accommodate the forecasted traffic demand for the year 2040 and which is consistent, to the extent possible, with the most current Long Range Transportation Plan of the Metropolitan Planning Organization (MPO), the roadway system established by Lee County, and the Adopted Five-Year Work Program of the Florida Department of Transportation (FDOT).

Any traffic impacts must be mitigated during the required Planned Development rezoning process through payment of road impact fees; dedication of grant or property; or construction of all or a portion of the necessary transportation infrastructure improvement.

Based on the transportation analysis, no modifications are necessary to the adopted work programs of the City of Bonita Springs, Lee County, or FDOT. No changes are required to the adopted Long Range Transportation Plan to support the proposed Comprehensive Plan amendment. Please also refer to the TIS included with this submittal for specific information.

Infrastructure Element

Sanitary Sewer Sub-Element

Policy 1.1.3: The City shall enforce these levels of service standards under the concurrency requirements of Florida law by requiring on of the following before issuance of development permits:

- a. Development orders or building permits will be issued subject to the condition that, at the time of issuance of a certificate of occupancy, the necessary facilities and services must be in place and available to serve the development being authorized; or
- b. At the time development orders or building permits are issued, the necessary facilities and services are guaranteed to be in place and available to serve the development at the time of issuance of a certification of occupancy through an enforceable development agreement pursuant to Section 163.3220, Florida Statutes, or through an agreement or development order pursuant to Chapter 380, Florida Statutes.

The property is located within the Bonita Springs Utilities (BSU) wastewater service area. BSU has adequate capacity to serve the site.

Solid Waste Sub-Element

Goal 1: To ensure the health, safety and general welfare of the citizens of Bonita Springs through the proper management and disposal of solid waste.

The Comprehensive Plan indicates that the minimum acceptable level of service standards for availability of solid waste disposal shall be 7 pounds per capita per day. The project will have no impact on solid waste disposal, which is contracted through Lee County to a private waste hauler.

Stormwater Management/Aquifer Recharge Sub-Element

Objective 1.1: Improve stormwater management, in terms of both quantity and quality, within the City.

Stormwater facilities will be designed in accordance with applicable regulations and will incorporate and be compatible with on-site wetland systems. A master drainage and surface

water system will be constructed to serve the developed lands. The system will be composed of Best Management Practices (BMP's) which will provide improved water quality and flood protection. Please also refer to the Drainage/Surface Water Management Analysis included with this submittal for more detailed information.

Conservation/Coastal Management Element

Policy 4.1.1: Development shall be limited in Rare and Unique Upland Habitats and strictly controlled in wetlands (as stated in Policy 15.1.1.) in the City.

The project site is a filled and previously developed property located along Bonita Beach Road. According to past aerial photographs, this property was one of the first sites west of US 41 that was cleared and filled for development. Mangroves have grown in along the shoreline since the site was first cleared and this mangrove shoreline will be protected and enhanced as a result of the proposed development. The wetland areas landward of the shoreline are not natural wetlands. They have established because of the past site clearing activities to remove nuisance and invasive vegetation. This has been done several times, in accordance with the City Code requirements to maintain open properties and has resulted in removal of small amounts of fill along with the stump and root material which has lowered the ground elevation over time. There are no high-quality uplands or wetlands present on the property which will be impacted by the proposed development activities.

Goal 5: Protection of Life and Property in Coastal High Hazard and Coastal Management Areas. To protect human life and developed property from natural disasters.

Objective 5.1: Development in Coastal High Hazard Areas - The City shall minimize flood risk that results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise by directing population concentrations away from the City's coastal high hazard area by limiting new development within the Coastal High Hazard Area (CHHA). The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Policy 5.1.1: Comprehensive plan amendments within the CHHA must meet one of the following criteria in accordance with state statutory requirements in Section 163.3178(8)(a), F.S.

Not applicable.

Objective 5.2: Development in the Coastal Management Area (CMA). The City shall minimize flood risk that results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise in the Coastal Management Area (CMA).

Policy 5.2.1: Rezoning to allow higher densities shall not be permitted on barrier and coastal islands.

Although the project is not located on barrier and coastal islands, the proposed rezoning furthers this policy as it will result in a density lower than what is currently permitted.

Policy 5.2.2: Shoreline development in V Zones shall be protected from flood risk, coastal erosion, wave action, and storms by vegetation, setbacks, and/or beach renourishment, rather than by seawalls or other hardened structures that tend to hasten beach erosion. Repairs of lawfully constructed, functional, hardened structures as defined in F.S. Chapter 161 may be allowed subject to applicable state and local review and approval.

Not applicable. The subject property is located Zone AE.

Policy 5.2.3: Through the City's Comprehensive Plan amendment process, land use designations of undeveloped areas within the Coastal Management Area shall be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding.

Although this is not a request to amend the Comprehensive Plan, the proposed rezoning furthers this policy as it will result in a density lower than what is permitted within the Commercial General Future Land Use.

Policy 5.2.4: Development in the Coastal Management Area, except as otherwise restricted by 5-2 1 and the City's redevelopment project on Old U.S. 41, shall be infill only and shall not exceed the surrounding properties' density/intensity except as allowed by existing zoning at the time of the adoption of this Comprehensive Plan.

The subject property is adjacent to development to the north, south, east, and west. The proposed rezoning will result in infill development that will not exceed the surrounding properties' density/intensity.

Policy 5.2.5: The City shall continue to target its land acquisition program to provide public access to the estuary, open space, preservation and recreation, and shall consider vacant properties in the Coastal Management Area for public acquisition.

Not applicable.

Policy 5.2.6: All development and major redevelopment in the Coastal Management Area shall conform to the City's Flood Damage Protection Ordinance and be consistent with the flood-resistant construction requirements in the Florida Building Code and applicable flood plan management regulations set forth in 44 C.F.R. part 60.

The proposed development shall conform to the applicable requirements in the City's Flood Damage Protection Ordinance; and consistent with the applicable flood-resistant construction requirements in the Florida Building Code and flood plan management regulations set forth in 44 C.F.R. part 60.

Policy 5.2.7: No new mobile home parks will be allowed within the Coastal Management Area.

Mobile home parks are not a permitted use within the proposed CPD.

Policy 5.2.8: Development seaward of the Coastal Construction Control Line (CCCL) shall require applicable State of Florida approval and will be consistent with Ch. 161, F.S.

No portion of the subject property is seaward of the Coastal Construction Control Line (CCCL).

Policy 5.2.9: New development requiring seawalls for protection from coastal erosion shall not be permitted.

The walls proposed for this development are not being installed to protect against coastal erosion but are instead being installed to protect the coastal resources from the proposed upland development. The walls will be placed on the landward side of the existing mangroves and allow for the project to meet the flood plain elevation requirements of the project without impacting the shoreline mangroves. The only location where the wall will cross/meet the open waters is where the small canal is proposed to be filled in. In this location, a rock planter will be established on the waterward side of the wall to allow for future growth of mangroves and other shoreline vegetation.

Policy 5.2.10: Development in coastal areas shall consider site development techniques to reduce losses due to flooding and claims made under flood insurance policies issued in the state. These may include accommodation strategies, such as elevating structures, drainage improvements, or green infrastructure techniques that function to absorb or store water.

The site will be filled and elevated by means of a retaining wall and will provide underground detention for traditional stormwater management. The main restaurant will be elevated further to completely raise it above anticipated flood elevations. The remaining development structures will be wet flood proofed where necessary if they do not exceed anticipated flood elevations.

Policy 5.2.11: The Downtown District, as defined in the Future Land Use Element, is exempt from Policies 5.2.3 and 5.2.4 of this Coastal Management Element.

Not applicable.

Goal 7: Resource Protection. To manage the City's wetland and upland ecosystem so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

As stated in the response under Policy 4.1.1, there are no historically natural habitats on this property. The entire site was cleared for development several decades ago and has been cleared several times since to remove invasive and nuisance vegetation. The small ditch which is proposed to be filled is a man-made ditch which originally was open to the south then was later modified to open to the north instead. It is a dead-end surface water with a lot of organic debris. The shoreline is a mix of mangroves and invasive vegetation. Filling this canal will enhance water quality within the adjacent Aquatic Preserve eliminating the poorer flushed area as well

as the organic conglomeration within it. The loss of the mangroves along the ditch will be offset by the supplemental plantings which will be done along the remainder of the project shoreline after the invasive vegetation is removed. The benthic habitat under the proposed docks has been investigated to ensure that no benthic resources such as seagrasses or oysters will be impacted by the proposed slips. The construction of the slips will be done in accordance with approvals that will be needed from both the FDEP and USACE and will include protective measures to ensure that impacts to the adjacent waters are minimized.

Policy 7.2.4: The city shall encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.

The only high-quality plant assemblage on the project site is the mangrove shoreline and this will be protected and maintained throughout and following the development of the site.

Policy 7.2.8: The City shall use regulations and incentives, such as the following for preserving and planting native species for controlling invasive exotic plants, particularly within environmentally sensitive areas...

All applicable goals, objectives, and policies of the Bonita Plan will continue to be applied within the proposed CPD. The project area will remove invasive exotic vegetation and maintain control of exotics in perpetuity.

Policy 7.2.9: Development adjacent to aquatic and other nature preserves and recreation areas shall protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

The intent is to provide an attractive waterfront, commercial experience adding to the aesthetics of the Bonita Beach Road corridor for residents and visitors of the area. The CPD rezoning will allow for the site to be designed to create a multi-modal, waterfront destination. In addition to the expansion of the multi-modal network and waterfront pedestrian facilities, the proposed development will provide a public restroom, public seating, and multiple bike racks throughout the development.

Policy 7.7.9: The City shall utilize the Boat Facility Siting Plan for Lee County to review proposed marina and other boat facility permitting requests.

The proposed project site was reviewed under the Boat Facility Siting criteria from the Lee County Manatee Protection Plan and the site warrants a Conditional ranking allowing up to 5 slips per 100 feet of shoreline. The property has approximately 2,041 feet of shoreline so would be allowed up to 102 slips. The project is proposing 37 slips so is consistent with the MPP and Siting criteria.

Policy 14.2.2: Vertical seawalls shall not be constructed along natural waterways except where such a wall is the most reasonable alternative (using criteria established by ordinance), and vertical seawalls along artificial canals shall not be permitted unless an adequate littoral zone consistent with the surrounding environment is provided. Seawalls in artificial canals where 50% of the canal

or greater is seawalled or for seawalls of less than 300 feet where both adjoining properties are seawalled, will be exempt for this requirement.

As outlined in the response related to Policy 5.2.9, the wall proposed is located behind the mangrove shoreline, The mangrove shoreline to remain will provide the littoral component required under this Policy. As seen on the site plans, the only location where the seawall abuts open water will be where the small canal is being filled in. For this stretch of the wall, a rip-rap planter will be placed waterward on the wall to allow for mangrove plantings and additional recruitment in the future.

Policy 14.2.3: The City shall encourage planting of mangroves or placement of rip-rap in artificial and natural canal systems to replace existing seawalls in need of repair.

As stated previously, rip-rap will be placed on the waterward side of the proposed wall in the location where the canal is being filled in. Mangrove plantings will also be installed within this rip-rap placement.

Policy 15.1.1: Development in wetlands shall be limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in wetlands is one unit per 20 acres, except that one single-family residence will be permitted on lots meeting the standards in the administration section of the Future Land Use Element of the City's Comprehensive Plan.

The property is currently zoned for commercial use and has been zoned as such in the past. The location along a busy highway amongst other commercial uses makes this zoning designation appropriate for the property. As stated in other responses (Policy 4.1.1, Goal 7), the presence of the wetland on this site are the result of past activities. They are not natural as any wetlands which would have been present historically, were filled in during the sites original development back in the 1950's. Limiting this property to residential development is not consistent with the City's zoning map and is not the highest and best use for this site.

Policy 15.1.6: The natural functions of wetlands located in the City, as identified in the wetland inventory and evaluation contained in the Conservation/Coastal Management Element, shall be maintained and not degraded; and, degraded wetlands shall be restored whenever possible.

Wetlands will be impacted because of the proposed project, but as stated previously these wetlands are not natural and are instead the result of activities which have occurred over time on the project site. Every time the property has been cleared; the elevation has lowered due to the loss of soil associated with the vegetation removal. The minimal wetland functions which will be lost because of the project will be compensated/mitigated for through the state FDEP/SFWMD and federal USACE permitting process. Remaining wetland (mangrove) areas will be protected during construction, enhanced through the elimination of invasive vegetation, and maintained along the shoreline following the development of the site.

Objective 19.3: Marine Sanitation - The City shall prevent the dumping of marine generated waste into the waters of the City.

The facility is providing transient mooring for patrons visiting the restaurant and other upland uses on the site. No long-term mooring is anticipated at this time. Signage will be installed in visible location warning slip users against dumping of any wastes into the waterway.

Objective 19.5: Propeller Scarring of Grass Beds - The City shall ensure the protection of sea grass beds reduce propeller scarring of grass beds in the estuary and the pollution attendant to such scarring.

There are no seagrass beds at the project site. If there are seagrass beds that the City is aware of that need protection, the owners would be amenable to assisting with signage to help protect seagrass areas. As stated previously, the project is not adding boats to the waterway, it is simply providing mooring for restaurant and business patronage within the water, providing an alternative to visiting the site by car.

Objective 20.1: Public Access, Physical and Visual - The City shall increase the public's access to waters within the City.

Policy 20.1.1: Upon adoption of this Comprehensive Plan, the City shall include visual and physical access to waters within the City as components of the City's parks and recreation planning.

The proposed development furthers Objective 20.1 and Policy 20.1.1 by providing visual access to waters within the City. The proposed multi-modal facilities within the site are located along the water where possible, are connected to the existing pedestrian facilities within the Bonita Beach Road right-of-way and are open to the public.

Policy 20.2.1: The establishment of vegetated buffer zones along waterways in the City to prevent erosion of natural shorelines, establish additional wetlands habitat, and enhance the scenery shall be preferred to the indiscriminate clearing of vegetation. These buffer zones shall be evaluated in the review of planned developments and developments of regional impact, and also by specific City regulations.

The shoreline vegetation present will be protected and enhanced through the proposed development. A retaining wall is proposed on the landward side of the shoreline vegetation to protect the vegetation from the upland uses and stormwater runoff. In addition, the exotic vegetation present along the shoreline will be removed and replaced with native mangroves and other shoreline vegetation where needed to protect the shoreline.

Goal 22: Shoreline Management. To encourage the maintenance and development of water-dependent shoreline uses and to avoid their displacement by non-water-dependent uses.

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

- a. Water-dependent uses: Land uses are those for which water access is essential and which could not exist without water access.
- b. Water-related uses: Land uses that might be enhanced by proximity to the water, but for which water access is not essential.

The proposed development includes water-related uses that provide water access via a public, waterfront walking path and wet slips that provide boat parking for patrons.

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

Proximity to other docking facilities will minimize environmental impacts by concentrating similar uses in an area that already supports the use, as opposed to within a natural waterway with higher quality natural shorelines. This waterway has supported commercial use of docks in the past and the adjacent property is commercially zoned. The proposal to provide temporary mooring to travel to the site by boat instead of cars encourages recreational use of the waterways, will result in a reduction of vehicular trips to the proposed development, and is being done in a manner that preserves the more natural shoreline vegetation as opposed to the sea-walled residential properties on the opposite side of the waterway. The proposed use is less environmentally impactful than the single-family residences across the waterway because of the protection of the shoreline, temporary mooring as opposed to long term mooring, and less overall vessels that are associated with the single-family residences.

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

- a. Aquatic Preserve (FDEP)
- b. Outstanding Florida Waters (FDEP)
- c. Class I Waters (FDEP)
- d. Marine or Estuarine Sanctuaries (NOAA)
- e. Manatee Sanctuaries or Critical Manatee Habitats (FFWCC, USFWS, COE)
- f. Approved or conditionally approved shellfish harvesting area's (FFWCC)
- g. Bridge/road right-of-way easement (County DOT, State DOT)
- h. Other Endangered/Threatened Species Habitat (USFWS, FFWCC, COE)

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

The project falls within the area between Imperial Shores Blvd and the Bonita Beach Road Bridge to Little Hickory Island which is identified under Policy 22.1 as an area designated for marine-related water dependent use. The proposed project is specifically identified as a restaurant destination for boaters within the local waterways. Given that it is located within the Estero Bay Aquatic Preserve, additional coordination with the permitting regulatory agencies and with aquatic preserve staff will be undertaken during the permitting review of the project.

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

The project proposed is not a full-service marina, but instead a transient mooring facility ancillary to the restaurant and other proposed uses within the project. This facility will not add any vessels into the local waterways and proposes no overnight mooring. It is simply a safe destination for boaters to visit for a meal without having to drive their cars to get there. The proposed docks will also provide launching for non-motorized vessels such as paddle and pedal craft.

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

The project will undergo review by the Aquatic Preserve staff and will be consistent with the aquatic preserve management plan, in accordance with this policy.

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

- a. Priority should be given to the expansion of existing facilities, if environmentally sound, over new facilities.
- b. Marinas are encouraged in previously disturbed areas and in areas that have historically been used for marina-related activities.
- c. Marinas should be located as close as possible to boating demand.
- d. Marinas should be encouraged where adequate uplands are available to develop related support activities and to allow for possible future expansion.
- e. Location of marinas in highly productive marine habitats should be discouraged.
- f. Location of marinas in or near well-flushed, deep-water areas should be encouraged.
- g. Impacts upon state-designed manatee sanctuaries should be considered. Particular marina locations or design features which threaten manatees in sanctuaries should be discouraged.

As stated previously, while this proposed facility meets the definition of a marina under the City Codes, it will not provide facilities normally associated with marina use. There will be no fueling or repair services, there will be no overnight mooring. The docks are for temporary transient mooring for patrons of the upland restaurant and for launching of non-motorized craft such as paddle boards, canoes, and kayaks. The location has been previously disturbed through

dredging and filling activities and is in a well flushed area. The filling in of the dead-end canal proposed will help improve flushing within the immediate vicinity of the project site.

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

The project is consistent with the Lee County Manatee Protection Plan (MPP) as well as the siting criteria outlined within the MPP.

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

The project as proposed maintains all the natural shoreline currently present at the site. The mangroves present in association with the supplemental planting proposed will ensure that the shoreline is maintained. Retaining walls planned as a component of the upland development will minimize the potential for upland erosion into the mangrove shoreline.

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

This project is not located within an area of critical manatee concern. Navigable waters are present adjacent to the project site to provide safe access to and from the site.

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

The adjacent waters have been inspected by the project team as well as by Aquatic Preserve staff and no seagrasses or other benthic resources are present which would be impacted by the proposed slips. The project site has been cleared and filled for decades. Ongoing maintenance of the site involving periodic removal of exotic vegetation has depressed the site elevation in area to the point that wetlands have been created on the site and these wetlands compose enough of the property that it could not be re-developed without impacting these manmade wetland areas. Likewise, the shoreline vegetation on the property is there only because this area was dredged and filled in the past. The impacts to shoreline vegetation along the man-made canal as well as the impacts for the development overall, will be reviewed by the State and Federal regulatory agencies and appropriate mitigation provided as a part of the regulatory permitting process.

The docking facility does not result in any wetland impacts except for the access walkways across the shoreline. The access walkways are in areas with minimal impact to the shoreline vegetation. The wetland impacts associated with the project (filling in of the dead-end canal and filling of man-made wetlands on the site) are the result of trying to build anything on this project site. The parking and stormwater management for any upland use would still impact these wetlands even if the boat docks are eliminated from the project. There are no impacts to

submerged resources (seagrasses, oysters, etc.) or the shoreline vegetation except for trimming of overhanging branches. As such, the impacts to wetlands on the upland portion of the site are not associated with the proposed docks and the project is consistent with this policy.

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

Water depths at the site are sufficient for the uses proposed. Navigational access to and from the site is of sufficient water depths to allow safe navigation. No dredging is proposed for the project.

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

All the proposed docks are located waterward of the mangrove shoreline. Access walkways to the dock will be field located to minimize any mangrove impacts associated with the access.

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

The proposed project is not in a dead-end canal and proposes to fill in an existing dead-end canal which will improve flushing within the adjacent waters. The proposed plan limits the number of vessels within the canal to 9 or 10 vessels at any one time and proposes none within the back 450 feet of the canal. These vessels would only be there on a temporary basis during the day, with no overnight mooring. The number of vessels proposed in the canal is less than half what is currently permitted on the opposite side of the canal and the transitory use poses less risk to water quality than permanent mooring would. As part of the State permitting process, water quality concerns will be examined and addressed as part of the permitting process.

The docks proposed within the canal are located towards the mouth of the canal to minimize any potential water quality issues associated with the docks being in the canal. The orientation of the moorings also limits the number of vessels that can moor in this area. For comparison's sake, there are 14 residential properties on the opposite side of the canal which could each propose 2 vessels. This would result in between 14 and 28 vessels on the north side of the canal (there currently appear to be moorings for 13 vessels). The project under review is proposing only 11 vessels along the south side of the canal. Plus, these vessels are for transient mooring only, so will not be moored in the canal long term. The project as proposed will have less impact on the canal waters than the homes across the waterway in that there are less vessels, and the vessels will be within the canal for less time. Additionally, the applicant has conducted a flushing study of the marina basin which shows that the waterway flushes within the parameters set by the State so no adverse impacts to water quality are expected.

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

The upland properties associated with the proposed docks have been filled in the past and cleared several times of exotic vegetation. The past clearing has lowered the previously filled elevations to the point where wetlands have been created on the property which will be filled as part of the upland development. The wetland areas are disturbed sites and not any rare or unique system. Mitigation for the wetland impacts proposed will be required as a part of the regulatory permitting for the proposed project.

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

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

Due to the nature of the site in which a small canal has been dredged through the property in the past, some fill will be required to create conditions allowing the proposed development. Piling construction will be utilized to meet the floodplain and other regulatory requirements for the project. The small canal which will be filled in was dredged out of the uplands in the 1950's so filling it will be restoring the upland peninsula to its historical configuration.

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

The project is currently under review by both the SFWMD and USACE regulatory agencies. Any mitigation required will be provided prior to the start of construction.

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

No dredging is proposed.

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

As stated above, the facility proposed is for the transient mooring of vessels visiting the upland restaurant and providing launching for paddle and pedal craft. No impacts to water quality are anticipated because of the proposed use.

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

No new navigational channel(s) are proposed or necessary to access the proposed development.

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

No dredging is proposed. The upland portion of the site is not capable of supporting a dry storage facility but the use for transient mooring provides a safe destination for vessels to visit the upland commercial use (restaurant) without adding any new vessels into the adjacent waters.

ATTACHMENT "A"

BACKGROUND AND INFORMATIONAL ANALYSIS:

Introduction/Synopsis

The purpose and intent of the various planned development districts is to further implement the goals, objectives, and policies of the Bonita Springs Comprehensive Plan (Bonita Plan) by providing some degree of flexibility in planning and designing developments as defined in [Land Development Code \(LDC\) 4-200\(2\)](#). The standard of review conducted by the City Staff and other review agencies provides the basis for the City Staff's recommendation on this rezoning request as outlined in [LDC 4-131\(d\)\(3\)](#) and [LDC 4-299\(a\)\(2\) and \(4\)](#). This recommendation is then presented to the City Council which has the final decision-making authority.

This request is to rezone the subject property into a Commercial Planned Development (CPD) to allow for a new waterfront restaurant with an ancillary store and boat slips for patrons, retail and office facilities, take-out and fast food restaurants, one (1) drive-thru restaurant, and six (6) multi-family dwelling units located above the proposed commercial buildings.

Master Concept Plan

The rezoning request includes a two (2) page Master Concept Plan (**Exhibit "B"**), that depicts the proposed Master Concept Plan; Site Summary, Open Space calculations, Deviations, Notes, and Development Regulations; and Schedule of Uses. The maximum proposed height of the project is thirty-five (35) feet in height. Only two structures are proposed to be two-story, with multi-family dwelling units on the second floor. Interconnectivity to the eastern parcel, the 7-Eleven Gas station, is provided, as a cross-access easement already exists.

The CPD provides for the required Bonita Beach Road multi-modal pathway through the site, providing the public with a closer view at the waterfront property. Up to thirty-seven (37) boat slips are proposed, subject to the conditions recommended and further review by all applicable agencies. The project satisfies the required parking space count with the incorporation of the Valet Plan (**"Exhibit D"**).

The Schedule of Uses included in Sheet 2 of **Exhibit "B"** identifies the specific uses for the proposed project. The property development regulations are also included on Sheet 2 of **Exhibit "B"** and further determine how these uses may develop under this Master Concept Plan, while maintaining consistency with the Bonita Beach Road Corridor Overlay intent.

Staff agree with the Applicant's Narrative and analysis of Planned Development Criteria in **Exhibit G**.

Surrounding Land Use:

<u>Existing Zoning & Land Use</u>	<u>Future Land Use Map</u>
Subject Parcels: Beach Zone of Bonita Beach Road Corridor Overlay and Residential Planned Development (RPD), Vacant	Medium Density Multi-Family Residential: 6 du/acre, up to 10 and General Commercial: 10 du/acre*, 1.2 FAR
North: Two-Family Residential Conservation District (TFC-2), Single-Family, Two-Family and Multi-Family Homes	Med. Den. Res.: 11.6 du/ac
East: Beach Zone of the Bonita Beach Road Corridor Overlay, 7-Eleven Gas Station and Convenience Store	General Commercial: 10 du/acre, 1.2 FAR
South: Bonita Beach Road Right-of-Way, Collier County Commercial Zoning (C-4), Commercial Marina Restaurants, Retail Stores and Offices	
West: Beach Zone of Bonita Beach Road Corridor Overlay, Vacant	General Commercial 10/du/ac, 1.2 FAR

*Companion Comprehensive Plan Map Amendment application (CPA23-109179-BOS so all Properties are located within the General Commercial Future Land Use category.

Planned Development Analysis

<u>Review criteria</u>	<u>Yes – Mostly - Partly - No</u>
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, provided the Companion Comprehensive Plan Map Amendment is approved.
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, except where specific deviations are approved.

Including the use of TDR or affordable housing bonuses are the densities or intensities (general uses) consistent with the Comprehensive Plan	Yes – The proposed density and intensity 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 adjacent uses and sites are commercial in nature. The proposed development is also commercial in nature and is considered an infill project. The nearby residential uses will be adequately buffered and shielded. The conditions outlined in the Staff Report are to promote compatibility with all surrounding uses, including required buffering, Noise Ordinance compliance, and use restrictions.

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- adequate facilities and infrastructure are available to serve and service the project.
Will the request adversely affect environmentally critical areas and natural resources	No – Wetland impacts will be appropriately mitigated. The wet slip count will meet the Boat Facility Siting Criteria, as found in the Bonita Plan and Lee County Manatee Protection Plan. The project is required to be approved by the State in compliance with the Estero Bay Aquatic Preserve Management Plan.
Public facilities are, or will be, available and adequate to serve the proposed land use	Yes - Public facilities are available to the site.
Deviations needed to enhance or to achieve the objectives of the planned development	Yes– Staff recommends approval of the eight (8) requested deviations.
Deviations needed to preserve, promote and or protect the public health, safety, and welfare.	Yes – the eight (8) proposed deviations, as conditioned, will provide safeguards for the health safety and welfare of the proposed development and the existing surrounding development.

Environmental

The site has been impacted since the 1950's, as seen on historic aerials and has been used for water-based activities for many years. The eastern end of the site was cleared and filled with permits more recently, and a dock and access walkway were constructed. A retaining wall was installed adjacent to the mangroves. A mangrove fringe has reestablished along the northern boundary over time on the rest of the parcels included in the project.

The Applicant provided a listed species survey and a wetland map for review by the City's Senior Environmental Specialist. The site was reviewed for evidence of a variety of species, including: the American Alligator, Blue Heron, Reddish Egret, Spoonbills, Snowy Egrets, Tri-Colored Herons, and the Florida Bonneted Bat. There was one listed species, the Blue Heron (*Egretta caerulea*) observed onsite. Additionally, approximately 2.75 acres of potential wetlands were observed, and 1.26 acres of the project are covered by water. There are expected to be 1.85 acres of wetlands impacted and 0.58 acres of secondary wetland impacts, both of which will need to be mitigated. Of the 2.43 acres of wetlands to be impacted, 0.85 acres would consist of native wetlands with exotic vegetation coverage under 50%.

The project will preserve 0.66 acres of mangroves and additional mangrove fringe outside of the indigenous preserve area. All invasive exotic vegetation will be required to be removed from the site in perpetuity. Additional native plantings will be required in the indigenous preserve area after exotic vegetation removal to restore the preserve and provide buffering for the residences to the north.

The project proposes thirty-seven (37) wet slips for use by the public with no overnight mooring. A Marina Facility Siting Evaluation was approved which resulted in a Conditional Rating for the project. Lee County Natural Resources will verify the Screening Results and the number of slips allowed prior to local development order approval. The docks will be required to meet all requirements of the Manatee Protection Plan, including signage and fee payment for education and enforcement, as well as the requirements of the Land Development Code for construction, design, and placement of the docks.

Stormwater

The Applicant provided a Surface Water Management narrative for review by Staff. A more detailed water management plan will be required as part of the development order process. The post development flows will emulate and maintain the general characteristics of the predevelopment historic flow. The project will be designed in accordance with South Florida Water Management District (SFWMD) regulatory requirements and, and as outlined in the City's Comprehensive Plan, will provide water quality treatment for beyond that of the SFWMD requirement. Consistent with the City of Bonita Springs Land Development Code, the Applicant will be required to demonstrate

PD23-109173-BOS- Hickory on the Bay CPD

Attachment A

no adverse offsite stormwater impacts by incorporating the project into the appropriate City of Bonita Springs Interconnected Pond and Channel Routing (ICPR) Model. ICPR flood routing will need to be provided at the time of local development order permitting.

Traffic

The City's transportation engineer reviewed the Applicant's Traffic Impact Statement (TIS) as part of this rezoning request. Additional review will take place at time of local development order.

The Applicant's TIS is available for review as part of the Application backup.

Comprehensive Plan

A companion Comprehensive Plan Amendment accompanies this request under CPA23-109179-BOS to amend the future land use of the western parcels so all Properties within the project will be located in the General Commercial Future Land Use category. The Applicant's analysis can be found in **Exhibit G**. The General Commercial future land use category is described as follows:

Policy 1.1.14: General Commercial - Intended to accommodate a wide range of commercial uses serving the general population of the City. This designation recognizes, but is not specifically limited to, properties that have been developed, have received development approval or have been zoned for commercial use prior to the adoption of the Comprehensive Plan.

- a. Appropriate uses include a wide range of commercial retail and service uses for residents and visitors; hotels/motels; offices; light industrial uses; schools; recreation; public and semi-public uses; multi-family uses up to 10 units per acre within the approximately 1,468 acres of gross land area in the land use category; and mixed residential and commercial use in planned developments.
- b. If affordable housing is provided, residential density may be increased by up to five additional units per acre.
- c. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves except that no new structures or modification of existing structures located on the islands west of the mainland may be constructed in excess of 35 feet in height.
- d. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2.

The uses proposed within the project are commercial in nature and include retail uses for residents and visitors below a floor area ratio of 1.2. Additionally, recreational opportunities are provided for. Six (6) multi-family dwelling units are also proposed, which do not exceed the density allowances of the future land use category and the proposed housing type is compatible.

Objective 1.16: Bonita Beach Road Corridor and Bonita Beach Road Corridor Quadrant Map: Establish regulations to implement the Bonita Beach Road Visioning Study by Toole Design Group date November 1, 2016 for the Bonita Beach Road Corridor, which is generally located between the Gulf of Mexico and the City limits to the East. The corridor serves as the main gateway to the City, and is intended for an interconnected mix of uses including commercial, civic, residential, and mixed-use development, with emphasis on compatibility, a human-scale of development, walkability and bike-ability, and a vibrant aesthetically-pleasing streetscape.

Policy 1.16.1: Implement a cohesive set of provisions in the Land Development Code to provide enhanced standards for new development along the Bonita Beach Road Corridor relating to site design, access, land use, landscaping, parking requirements, interconnectivity, and mobility.

Policy 1.16.2: Provide for the protection and enhancement of viewsheds along Bonita Beach Road through design features and elements that emphasize the gateway character of this corridor.

Policy 1.16.4: Promote use of aesthetically pleasing architectural standards, accessory structures, and additional hardscape and landscape features to create a strong sense of place along Bonita Beach Road.

Policy 1.16.5: New development and redevelopment projects shall be designed and developed to coordinate land uses, site design, access, and required infrastructure improvements with the mobility network identified in the Bonita Beach Road Visioning Study by Toole Design Group dated November 1, 2016.

Policy 1.16.6: Evaluate new development and redevelopment projects along the Bonita Beach Road Corridor in relationship to the "Bonita Beach Road Corridor Quadrant Map" and "Corridor Network Zones Map" to encourage appropriate land use, site design techniques, interconnectivity, and multi-modal access.

As required, the project was designed to be consistent with the Bonita Beach Road Corridor Overlay, except where specific deviations are approved. As discussed in the Applicant's narrative, the project was designed to create a multi-modal, waterfront destination via multiple connections to the existing pedestrian network within the Bonita Beach Road right-of-way; transient boat slips for use by patrons of the proposed development; and an internal, cohesively designed pedestrian network within the site.

Staff agrees with the Applicant's analysis of Objective 1.16, which states:

The design will incorporate Complete Street design elements to promote walkability within the site and along Bonita Beach Road. There will be a centralized, pathway system consisting of a multi-use-path (MUP) a minimum of 8' in width that travels east/west through the site to connect the proposed uses to Bonita Beach Road and establish internal walkability. The MUP will connect to Bonita Beach Road via multiple direct,

PD23-109173-BOS- Hickory on the Bay CPD

Attachment A

pedestrian only connections to the existing sidewalk within the Bonita Beach Road right-of-way. The parking lot utilizes multiple pedestrian paths, the MUP, and landscaped islands to interrupt the parking and create a more pedestrian friendly experience. The proposed drive-through facilities will be designed to be incorporated into the buildings and screened from view from Bonita Beach Road. The buildings will utilize a roof overhang attached to a wall to provide vertical screening to create a visually appealing building frontage. The design assimilates the function of a drive-through with the site conditions to create a building that will be practical for the owner but also integrated into the context of the overall site design and the street. There is a courtyard area proposed in front of the restaurant to soften the valet parking area and facilitate pedestrian movement. The courtyard will also act as an extension of the restaurant, allowing for the building to appear closer to Bonita Beach Road and activating the frontage. The project will be designed to utilize a consistent, architectural theme throughout that will be a positive contribution to the City and Bonita Springs. The six residential units proposed will be affordable for and are to provide housing for the workers of the proposed development.

The proposed development has been designed to be consistent with the vision of the Bonita Beach Road Overlay. The design seeks to organize the buildings in a way that highlights the natural features of the adjacent waterbody while inviting a public presence by locating walking paths along the waterfront that connect to Bonita Beach Road; and creating a waterfront destination for Bonita Springs through the use of outdoor seating areas and wet slips to provide parking for boats.

In summary, the goal of the project planning and design was to create a project that creates public, waterfront space via the emphasis on public walking paths and uses providing outdoor gathering spaces and seating areas.

Transportation Element

The Applicant provided a Traffic Impact Statement (TIS), which was reviewed by the City's transportation engineer and analyzed earlier in this Report. Additionally, Objective 1.2 of the Transportation Element provides for the City's Complete Streets Policy, which is designed to provide for multi-modal transportation opportunities. The project will be

providing multi-modal transportation opportunities, including sidewalks on both sides of Miller Road and along Bonita Beach Road.

Conservation and Coastal Management Element

Objective 5.2: Development in the Coastal Management Area (CMA). The City shall minimize flood risk that results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise in the Coastal Management Area (CMA).

Policy 5.2.4: Development in the Coastal Management Area, except as otherwise restricted by 5-2 1 and the City's redevelopment project on Old U.S. 41, shall be infill only and shall not exceed the surrounding properties' density/intensity except as allowed by existing zoning at the time of the adoption of this Comprehensive Plan.

The subject property is adjacent development and future redevelopment. The proposed rezoning will result in infill development that will not exceed the surrounding properties' density/intensity. The Applicant has provided an FAR map to demonstrate this within **Attachment B**.

Policy 5.2.6: All development and major redevelopment in the Coastal Management Area shall conform to the City's Flood Damage Protection Ordinance and be consistent with the flood-resistant construction requirements in the Florida Building Code and applicable flood plan management regulations set forth in 44 C.F.R. part 60.

The proposed development shall conform to the applicable requirements in the City's Flood Damage Protection Ordinance, Florida Building Code and FEMA requirements.

Policy 5.2.9: New development requiring seawalls for protection from coastal erosion shall not be permitted.

Staff agrees with the Applicant's analysis, which states:

The walls proposed for this development are not being installed to protect against coastal erosion but are instead being installed to protect the coastal resources from the proposed upland development. The walls will be placed on the landward side of the existing mangroves and allow for the project to meet the flood plain elevation requirements of the project without impacting the shoreline mangroves. The only location where the wall will cross/meet the open waters is where the small canal is proposed to be filled in. In this location, a rock planter will be established on the waterward side of the wall to allow for future growth of mangroves and other shoreline vegetation.

Policy 5.2.10: Development in coastal areas shall consider site development techniques to reduce losses due to flooding and claims made under flood insurance policies issued in the state. These may include accommodation strategies, such as elevating structures,

drainage improvements, or green infrastructure techniques that function to absorb or store water.

The site will be filled and elevated by means of a retaining wall and will provide underground detention for traditional stormwater management.

Staff finds that the project complies with the Coastal Management Area requirements of the Bonita Plan.

Goal 7: Resource Protection. To manage the City's wetland and upland ecosystem so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

Policy 7.2.4: The city shall encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.

Policy 7.2.8: The City shall use regulations and incentives, such as the following for preserving and planting native species for controlling invasive exotic plants, particularly within environmentally sensitive areas...

Policy 7.2.9: Development adjacent to aquatic and other nature preserves and recreation areas shall protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

Policy 7.7.9: The City shall utilize the Boat Facility Siting Plan for Lee County to review proposed marina and other boat facility permitting requests.

Policy 14.2.3: The City shall encourage planting of mangroves or placement of rip-rap in artificial and natural canal systems to replace existing seawalls in need of repair.

Staff agrees with the Applicant's analysis of Goal 7 of the Conservation and Coastal Management Element of the Bonita Plan. Staff finds that the project complies with Goal 7.

The project is located within the Coastal High Hazard Area and the Coastal Management Area. However, the proposal is an infill project and the proposed density is less than the permitted maximum. The project will be required to be designed in accordance with the City's Flood Damage Protection Ordinance and the Florida Building Code. Any wetland impacts will need to be appropriately mitigated.

RETURN TO:
City of Bonita Springs
Community Development Department
Attn: Mary Tornberg
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
mzizzo@cityofbonitaspringscd.org

Support _____ Oppose X

Application: CPA23-109179-BOS: Hickory on the Bay Comprehensive Plan Amendment

DATE: 7-24-25
NAME: D. LUCIANO PHONE: 239-209-2552
ADDRESS: 4751 Bonita Beach Rd CITY/STATE/ZIP: BONITA SPRINGS FL

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

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

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

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

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

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

RETURN TO:
City of Bonita Springs
Community Development Department
Attn: Mary Tornberg
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
mzizzo@cityofbonitaspringscd.org

Support _____

Oppose X

Application: PD23-109173-BOS: Hickory on the Bay CPD

DATE: 7-24-25

NAME: D. LUCIANO

ADDRESS: 4251 Bonita Beach Rd

PHONE: 239-209-2552

CITY/STATE/ZIP: BONITA SPRINGS FL

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

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Cynthia Vargas

From: Mary Zizzo
Sent: Tuesday, June 17, 2025 1:04 PM
To: Jchastain@bowman.com; nxflr@gmail.com
Cc: Cynthia Vargas
Subject: Re: Rezoning

Good afternoon,
Thank you for your public comment. We will include it in the file for Zoning Board and City Council.

Thank you,
Mary Tornberg, Esq., AICP
Senior Planner
City of Bonita Springs Community Development
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
Direct: 239-444-6162
Email: Mzizzo@cityofbonitaspringscd.org

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

https://www.cityofbonitaspringscd.org/forms/Priz_Zoning_Verification_Letter_20240418_final.pdf

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

From: Edward Ting R. Ph.
Sent: Tuesday, June 17, 2025 11:34 AM
To: Mary Zizzo ; Jchastain@bowman.com
Subject: Rezoning

Subject: Concerns Regarding Rezoning Notice – Hickory on the Bay CPD

To: Mr. Jeremie Chastain, AICP Lead Planner and Mrs. Mary Thornburg, Bonita Springs City Planner

RE: Rezoning Notice – Hickory on the Bay CPD

Property Addresses: 4752, 4696, 4640, 4612, 4750, and 4570 Bonita Beach Road, Bonita Springs, FL
As neighboring property owners at **27671 Bay Point Lane Unit A1, Bonita Springs, Florida**, we are writing to express serious concerns regarding the proposed rezoning of the Hickory on the Bay CPD properties.

Our primary concern is the significant increase in boat traffic and associated wake damage from the proposed restaurant/marina. Current resident boat traffic already necessitates annual **rip rap maintenance**. Increased transient boaters will dramatically amplify wakes, especially given the canal's

angled layout, causing severe **shoreline erosion and damage**. Enforcing wake damage liability is impractical, meaning repair burdens will inevitably fall on property owners.

We purchased our home expecting residential development, not a commercial destination generating high boat traffic. The increased wake damage presents a significant risk to our shoreline, lanai supports, and overall property stability. Due to the peninsula's shape and lack of buffer space, individual seawall installation is **cost-prohibitive** and unforeseen under current zoning, becoming necessary only if this rezoning is approved.

Therefore, we respectfully request that any approved rezoning be conditioned on the applicant/developer either:

- Funding annual **rip rap reinforcement/restoration** along affected shorelines, OR
- Constructing an effective **seawall or protective wake buffer** for nearby properties.

Thank you for your attention to this matter and for your commitment to ensuring future development respects existing homes and infrastructure in Bonita Springs.

Sincerely,

Edward and Stephanie Ting
27671 Bay Point Lane Unit A1
Bonita Springs, FL 34134

Cynthia Vargas

From: Mary Zizzo
Sent: Friday, May 30, 2025 2:42 PM
To: Cynthia Vargas
Subject: FW: Rezoning Notice – Hickory on the Bay CPD Property Addresses: 4752, 4696, 4640, 4612, 4750, and 4570 Bonita Beach Road, Bonita Springs, FL

For rezone file.

Thank you,

Mary Tornberg, Esq., AICP
Senior Planner
City of Bonita Springs Community Development
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
Direct: 239-444-6162
Email: Mzizzo@cityofbonitaspringscd.org

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From: Sandy Kiesel
Sent: Friday, May 30, 2025 2:52 PM
To: Mary Zizzo ; Jchastain@bowman.com
Cc: Tom VanderLaan
Subject: RE: Rezoning Notice – Hickory on the Bay CPD Property Addresses: 4752, 4696, 4640, 4612, 4750, and 4570 Bonita Beach Road, Bonita Springs, FL

Mr. Thomas VanderLaan and Mrs. Sandra M. Kiesel VanderLaan
27670 Bay Point Lane B\$
Bonita Springs, FL 34134
tomvanderlaan127@gmail.com

goldenbayinc@gmail.com

248-814-8809 Tom

248-505-1188 Sandy

May 30, 2025

To: Mr. Jeremie Chastain, AICP Lead Planner and Mrs Mary Thornburg Bonita Springs City Planner

RE: Rezoning Notice – Hickory on the Bay CPD

Property Addresses: 4752, 4696, 4640, 4612, 4750, and 4570 Bonita Beach Road, Bonita Springs, FL

Dear Planning Staff and Relevant Authorities,

Thank you both for taking my call last week. I am writing as a neighboring property owner residing at 27670 Bay Point Lane B4 in Bonita Springs, Florida, to express my serious concerns regarding the proposed rezoning of the above-referenced properties for the Hickory on the Bay CPD.

A primary concern relates to the anticipated increase in boat traffic associated with the proposed restaurant and possible marina uses. Currently, boat traffic in our canal is limited to residents, and even with that minimal activity, the rip rap shoreline protecting our property requires regular maintenance and replenishment each year.

The addition of transient boaters visiting a restaurant—potentially many per day—would dramatically increase the volume and frequency of wakes in our canal. Due to the layout of the waterway and the shape of the peninsula, boats traveling through the area do so at an angle relative to the shoreline. Even at no-wake speeds, this angled movement creates more intense wave action. In our experience, these angled wakes cause significantly more shoreline disruption, erosion and damage than direct traffic.

While we understand that boaters may technically be liable for wake damage they cause, in reality, there is no feasible way to enforce this on an ongoing basis. The burden of repair would inevitably fall on neighboring property owners like ourselves.

When we purchased our home, we did so with the understanding that the land in question would be developed for residential purposes—perhaps adding a few private docks consistent with the character of the area. A commercial destination drawing large numbers of daily boaters was never anticipated.

We recognize and respect the need for progress and development. However, such changes must be responsibly managed to avoid placing undue burdens on existing residents. In this case, the wake damage from increased and intensified boat traffic poses a very real risk to our shoreline, our lanai support structures, and our overall property stability. Given that the shore line goes around a peninsula, installing a sea wall as individual owners would be cost prohibitive. Additionally since there is little to no buffer space between the waterline and our homes, installing a seawall would be physically difficult adding to the cost—especially considering that such an expense and need were not foreseen under the current zoning and would only be required if this zoning change is allowed to proceed.

Therefore, I respectfully request that as a condition of any approved rezoning, the applicant/developer be required to:

- Fund and maintain annual reinforcement and restoration of the rip rap along affected neighboring shorelines, or
- Construct and maintain an effective seawall or protective wake buffer to shield nearby properties from increased wave action.

Thank you for your attention to this matter and for your commitment to ensuring that future development respects and preserves the integrity of existing homes and infrastructure in Bonita Springs.

Sincerely,

Tom

Mr. Thomas Vanderlaan

Sandy

Mrs Sandra M. Kiesel VanderLaan

27670 Bay Point Lane, B4
Bonita Springs, FL 3413

RETURN TO:
City of Bonita Springs
Community Development Department
Attn: Mary Tornberg
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
mzizzo@cityofbonitaspringscd.org

Support _____ Oppose X

Application: PD23-109173-BOS: Hickory on the Bay CPD

SEE ATTACHED

DATE: July 30, 2025
NAME: Trent & Sonya ESS PHONE: 952-212-6218
ADDRESS: 4869 Regal Drive CITY/STATE/ZIP: Bonita Springs, FL 34134

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

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

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

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

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

Trent and Sonja Ess
4869 Regal Drive
Bonita Springs, FL 34134
sunnyess@hotmail.com
952-212-6218
July 30, 2025

City of Bonita Springs Community Development Department

Re: Opposition to Proposed Rezoning CPA23-109179-BOS and PD23-109173-BOS

Dear Members of the City Planning Department,

I am writing as a concerned homeowner at 4869 Regal Drive, to formally oppose the proposed rezoning of the area directly across from my property to allow for multiple restaurants, boat slips, retail space and multi-family housing.

I purchased my home in February 2025, making a substantial investment based on the peaceful nature of the area, the unobstructed views, and the understanding that the land across from me would remain low-density and residential. These proposed changes threaten to drastically alter the character and livability of this neighborhood.

This home represents more than just a property—it is our future retirement home. We plan to enjoy the peace and beauty of this location. The proposed rezoning not only threatens our current experience as homeowners but also undermines the future we envisioned when making this major life investment.

I understand one restaurant being proposed was previously destroyed during Hurricane Ian. I also understand the owners made a choice to forgo rebuilding on that site. I am finding it difficult to understand how this site, directly across from residential homes and along a shallow canal, could be a more appropriate site.

My concerns with this proposal include:

- Traffic congestion: The road in question is already overburdened. Adding a commercial restaurants, retail and multi-family units will further strain infrastructure and raise safety concerns.
- Environmental impact: The canal is shallow and not appropriate for commercial use. The increased boat traffic and slips would risk ecological damage and navigation hazards. I am not an expert on reading plans, but the current plan appears to involve filling in part of the canal, which would disrupt and harm the current ecosystem. Additionally, I do not see any of

the mangroves preserved in the proposed layout. Their removal would represent a significant loss to our local environment.

- Property value and quality of life: This rezoning will SIGNIFICANTLY alter the landscape, diminish views, increase noise and activity, and devalue surrounding properties.

I am especially concerned to see that the proposed restaurant includes outdoor seating. This feature poses serious quality-of-life concerns for adjacent homeowners—especially those, like us, who purchased our property for its tranquility and privacy. Outdoor dining introduces persistent noise, extended operating hours, amplified music, and increased traffic—all of which are incompatible with the quiet residential setting. The proximity of this commercial activity to private homes should raise red flags for any thoughtful zoning board.

I believe it is important to recognize that this is an established residential neighborhood, and the residents chose to live here because of its quiet, peaceful character. Long story short, the neighborhood was here first, and the burden of adapting to the increased traffic, noise and disruption should not fall on longtime homeowners.

I respectfully request that this letter be added to the public record and that I be notified of any future public hearings, decisions, or opportunities to provide input. I urge you to reconsider the long-term impact this proposal will have on existing residents and the integrity of our community.

Sincerely,

Sonja Ess

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

(Draft) Meeting Minutes

Tuesday, July 15, 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 Galloway led the Pledge of Allegiance.

3. ROLL CALL

Present – Rascio, Hershenson, Waterhouse and Galloway.

Absent – Gambrell, Benson and Winn

4. PUBLIC HEARINGS

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

A. CASE NAME: TOMMY’S EXPRESS CAR WASH SPECIAL EXCEPTION (SPE24-118448-BOS)

A SPECIAL EXCEPTION REQUEST TO ALLOW A CAR WASH FACILITY ON PROPERTY LOCATED WITHIN THE U.S. 41 CORRIDOR OVERLAY, PURSUANT TO LDC 4-888.

City Attorney Rooney swore in all those who intended to give testimony.

Patty Kulak with RVi Planning gave presentation. Ms. Kulak stated the subject property is 1.24+/- acres located within the 41 Overlay District and currently undeveloped. The property is not accessible on Tamiami Trail, only via US41 access Road. Ms. Kulak stated there were two neighborhood meetings held and discussed the setbacks and buffers.

Michael Herrera with Blue Shoe Engineering discussed the site design, the existing water/sewer and explained the modifications to the ERP permit.

Michael Keane with Keane Acoustics, performed the sound study with regards to the blowers and vacuums.

Ms. Kulak went over the traffic and marketing studies performed and stated the project is consistent and compatible with neighbors. The applicant agrees with the staff’s conditions, also stating staff recommends approval.

Mary Tornberg, Senior Planner with Community Development answered questions regarding special exception criteria and what constitutes an exception.

Board Member Galloway questioned the market study considering there are already 3 car washes in the area. Ms. Kulak stated with no direct access to US 41 they are targeting residents in the area.

*Chairman Rascio called for public comments. Seeing none, and with no further questions from board members, he called for a motion. Board Member Hershenson made a motion to approve the Special Exception with the conditions proposed by staff; Seconded by Chairman Rascio. **The motion carried 3-1. (Board Member Galloway opposed)***

5. APPROVAL OF MINUTES: Meeting of May 27, 2025

Board Member Waterhouse motioned to approve the minutes; Seconded by Board Member Hershenson. The motion carried 4-0.

6. UPDATE ON PREVIOUS CASES:

Provided by Jackie Genson, Planning and Zoning Manager.

7. PUBLIC COMMENT

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

8. NEXT MEETING: The next meeting is scheduled for August 19, 2025.

9. ADJOURNMENT: There being no further business, Chairman Rascio adjourned the meeting 9:33 a.m.

Prepared by:

Teresa C. Grimes, Senior Records & Compliance Clerk

APPROVED:
BONITA SPRINGS ZONING BOARD:

Date: _____

AUTHENTICATED:

Anthony Rascio, Chairman