



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**

January 14, 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 3:00 p.m., January 13, 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: WEST TERRY RESIDENTIAL PLANNED DEVELOPMENT (PD21-85709-BOS)

A REQUEST TO REZONE APPROXIMATELY 1.04 ACRES (+/-) FROM TWO-FAMILY CONSERVATION (TFC-2) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD), TO PRESERVE THE EXISTING DUPLEX STRUCTURES, AND TO REQUEST TWO (2) DEVIATIONS.

5. Approval of Meeting Minutes from December 17, 2024

6. Update on Previous Cases
7. Public Comment
8. Next Meeting: 9:00 a.m., February 18, 2025 (Tentative)
9. Adjournment

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PD21-85709-BOS

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WEST TERRY STREET RPD

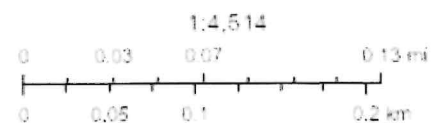


EXHIBIT II-D, IV-N: LOCATION MAP



Environmental Science | Landscape Architecture | Architecture | Engineering | Urban Design | Survey

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BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT REZONING

CASE NUMBER: PD21-85709-BOS

HEARING DATE: January 14, 2025

PLANNER: Mike Fiigon II, Senior Planner

APPLICATION SUMMARY:

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

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

THE PURPOSE OF PLANNED DEVELOPMENT ZONING

Pursuant to LDC 4-737, one of the purposes of a Residential Planned Development (RPD) is to provide a property owner or land developer with a development technique that can increase residential density and its ancillary development in areas designated by the Bonita Plan (i.e. Comprehensive Plan). A series of criteria are utilized to inform a Staff recommendation on the request. The criteria are found in "Attachment A" to this report.

BACKGROUND:

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

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

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

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

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

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

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

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

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

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

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

Staff does not object to the proposed development regulations.

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

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

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

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

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

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

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

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

CONCLUSIONS:

It is Staff's opinion that the proposed RPD would be appropriate subject to the conditions outlined below. Additional analysis performed by Staff in order to reach this conclusion can be found by reviewing "Attachment A."

RECOMMENDATION:

Staff recommends **APPROVAL**, as conditioned below:

Conditions:

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

2. Schedule of Uses:

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

3. Property Development Regulations:

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

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

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

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

Deviations

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

EXHIBITS:

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

ATTACHMENTS:

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

EXHIBIT A

DESCRIPTION

EXHIBIT A

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

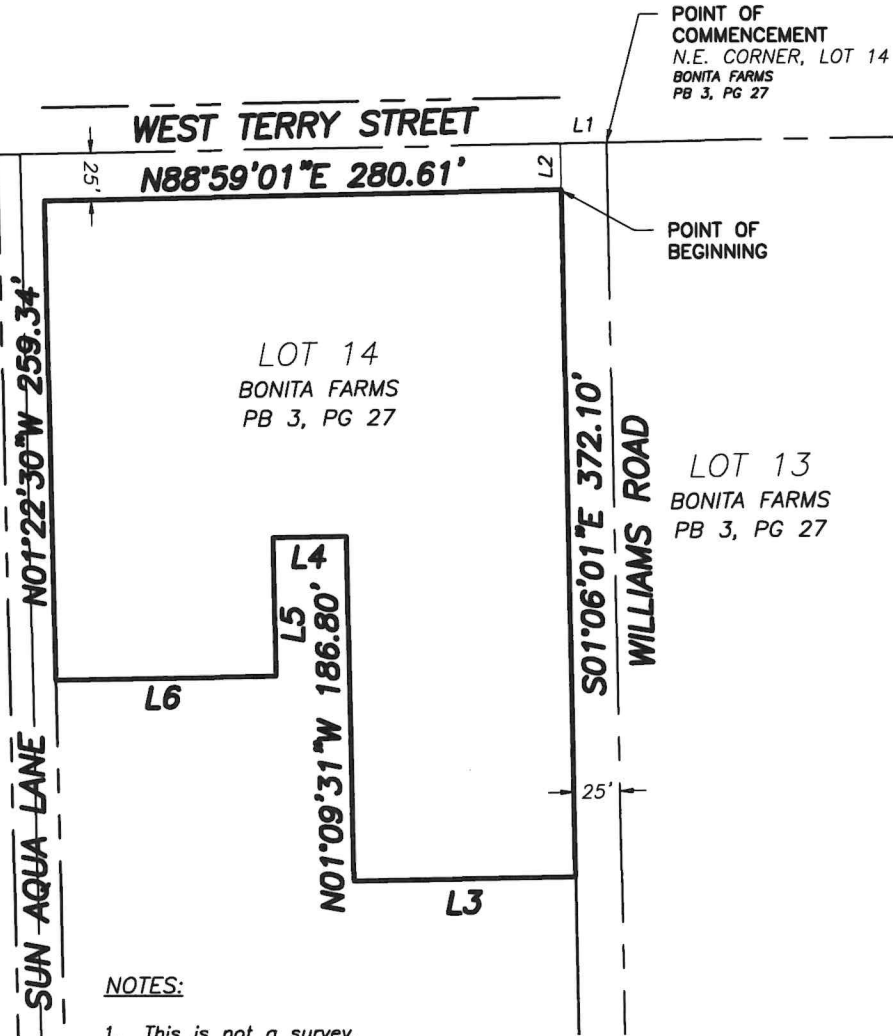
COMMENCING at the Northeast Corner of Lot 14, Bonita Farms, Plat Book 3, Page 27, Lee County, Florida; thence run South 88°59'01" West, along the North line of said Lot 14 for a distance of 25.00 feet; thence leaving said North line South 01°06'01" East, for a distance of 25.00' feet to the POINT OF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



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.



LOT 15
BONITA FARMS
PB 3, PG 27

LOT 14
BONITA FARMS
PB 3, PG 27

LOT 13
BONITA FARMS
PB 3, PG 27

LINE TABLE

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

NOTES:

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

For the Exclusive Use Of:
West Terry LLC

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



SKETCH & DESCRIPTION

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

CLIENT: West Terry LLC

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

EXHIBIT B
DEVELOPMENT REGULATIONS

DEVELOPMENT REGULATIONS

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

DEVIATIONS (SEE EXHIBIT IV-H)

- 1 PERIMETER BUFFER
2 SIDE LOT LINES

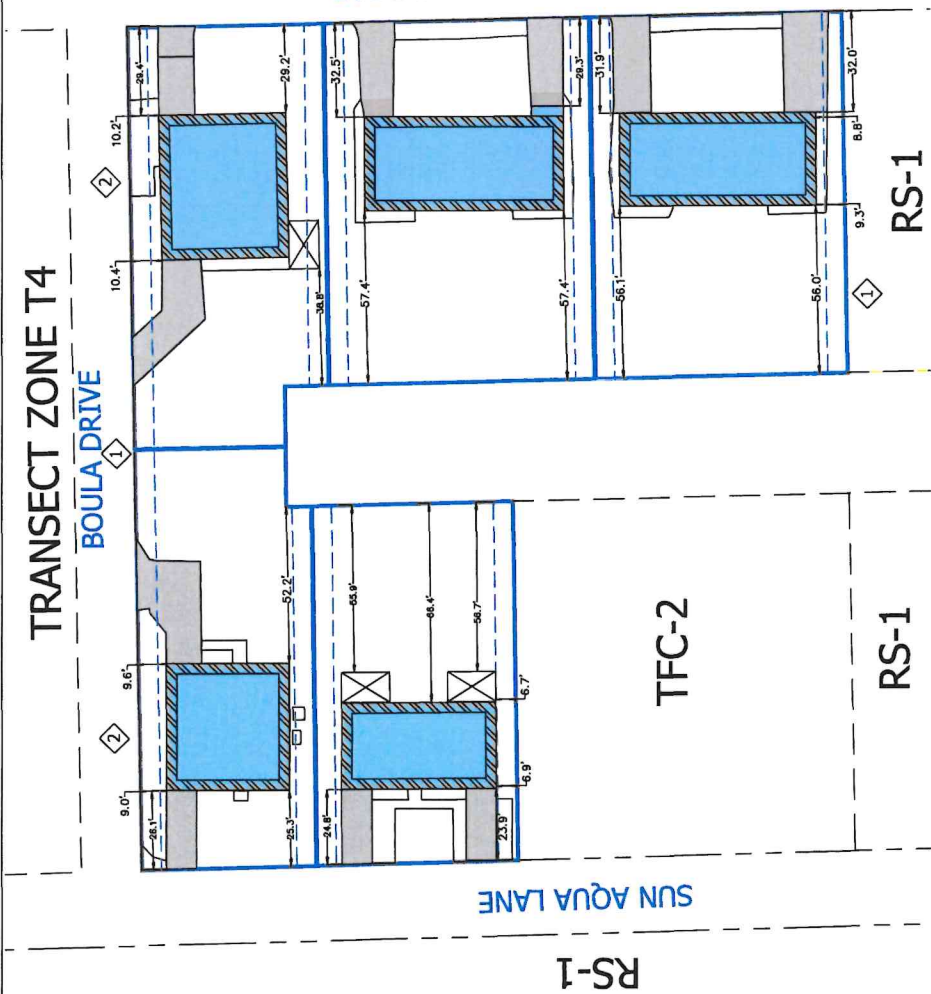
LEGEND

PROPOSED LOT BOUNDARY

REQUIRED SIDE YARD

NOTES:

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



SITE SUMMARY

PLAN DESIGNATION

EXISTING ZONING DESIGNATION

EXISTING I AND USE

PROPOSED ZONING DESIGNATION

GROSS AREA

MEDIUM DENSITY MULTIFAMILY RESIDENTIAL

TFC-2

DEVELOPED RESIDENTIAL

RPD- RESIDENTIAL PLANNED DEVELOPMENT

1.04 ± ACRES

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WEST TERRY STREET
RPD

ARCHITECTURE & CIVIL

NATIVEtec

ARCHITECTURE ■ FORT MYERS
GRI. 4100 EVANS AVE
DESIGN/INTERIOR FORT MYERS, FL 33901
LANDSCAPE ARCHITECTURE TEL. 238.560.3182

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

SEAL:

[illegible]

DRAWING TITLE:

MASTER CONCEPT
PLAN

Q1000000	717
----------	-----

714

1" = 40' (11X17)

1" = 40' (11X17)

DATE: 6/20/2024

6/20/2024

10	10
----	----

DRAWING NO.:

NOTES

PROJECT LOCATION:

ATTACHMENT “A”

BACKGROUND AND INFORMATIONAL ANALYSIS:

Surrounding Land Use:

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

Planned Development Analysis

Review criteria	Yes – Mostly - Partly - No
Demonstrate compliance with the Bonita Plan, this Land Development Code, and any other applicable code or regulation	Yes – The application is in compliance with the Comprehensive Plan and applicable Land Development Code Regulations
The request meets or exceeds performance and location standards set forth for the proposed uses	Yes – The MCP with associated conditions presented by Staff will meet the standards of the Land Development Code.
Including the use of TDR or affordable housing bonuses are the densities or intensities (general uses) consistent with the Comprehensive Plan	Yes – The existing density is below the maximum allowance of the Future Land Use Category of the Comprehensive Plan.
The request is compatible with existing or planned uses in the surrounding area	Yes – The surrounding uses are residential in nature. The existing duplex structures are also residential. Any redevelopment will also be residential in nature.

Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development	Yes-- The existing development of 10 units has a de minimus effect on the surrounding roadway network.
Will the request adversely affect environmentally critical areas and natural resources	No – the properties are already developed and there are no environmental sensitivities on-site
Public facilities are, or will be, available and adequate to serve the proposed land use	Yes - Public facilities are available and currently serve the properties.
Deviations needed to enhance or to achieve the objectives of the planned development	Yes– The deviations will allow the existing development to remain and will allow and future development to follow the existing established pattern.
Deviations needed to preserve, promote and or protect the public health, safety and welfare	Yes – the proposed deviations are required in order to allow the existing duplex structures to remain in their current location.

Environmental

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

Stormwater

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

Traffic

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

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

Comprehensive Plan

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

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

- a. *Appropriate residential housing types include conventional and modular constructed single-family and duplex structures on permanent foundations.*
- b. *As an alternative to a duplex structure, and in order to encourage dispersing affordable housing throughout the community, one accessory dwelling, such as a garage apartment or accessory apartment, may be located on a single lot occupied by one single-family structure, provided development of the lot remains within the maximum allowable density. Conditions on accessory dwelling units may be required within the Land Development Regulations to prevent over crowding and to ensure compatibility.*
- c. *Maximum allowable height of structures shall be 55 feet from the base flood elevation to the eaves.*

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

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

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

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

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

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

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

(Draft) Meeting Minutes
Tuesday, December 17, 2024
9:00 a.m.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Board Member Gambrell led the Pledge of Allegiance.

3. ROLL CALL

The City Clerk called the roll:

Present – Rascio, Hershenson, Gambrell, Benson, and Galloway

Absent – Waterhouse and Winn (both informed the City Clerk in advance asked to be excused).

4. PUBLIC HEARINGS

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

A. CASE NAME: NAPLES COASTAL KITCHEN SPECIAL EXCEPTION (COP24-114830-BOS)

A SPECIAL EXCEPTION REQUEST FOR OUTDOOR CONSUMPTION ON PREMISES, ASSOCIATED WITH A 4-COP RESTAURANT, GROUP III USE.

City Attorney Derek Rooney swore in all those who intended to speak. Mary Zizzo, Senior Planner with Community Development, presented the staff report which included background information, special exception review criteria, and staff recommended conditions of approval. She also answered questions from the Board and stated that staff recommends approval. (Staff report on file in the City Clerk's office).

Mr. Nick White, General Manager of Naples Coastal Kitchen, presented on behalf of the restaurant and answered questions from the Board.

*Chairman Rascio called for public comments. Seeing none, and with no further questions from board members, he called for a motion. Vice-Chairman Hershenson made a motion to approve the rezone request with the conditions proposed by staff; Chairman Rascio seconded. The Clerk recorded the vote by roll call. **The motion carried 5-0, as follows:***

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

5. APPROVAL OF MINUTES: Meeting of November 19, 2024

Board Member Benson motioned to approve the minutes, Seconded by Vice Chairman Hershenson. The motion carried 4-0. Chairman Rascio excused himself from voting since was not at the last meeting.

6. UPDATE ON PREVIOUS CASES:

Mary Zizzo, Senior Planner with Community Development, provided the update.

7. PUBLIC COMMENT

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

8. NEXT MEETING: *The next meeting is scheduled for January 14, 2025 at 9:00 am.*

9. ADJOURNMENT: *As there was no further business, Chairman Rascio adjourned the meeting 9:24 a.m.*

Prepared by:

Teresa C. Grimes, Senior Records & Compliance Clerk

APPROVED:
BONITA SPRINGS ZONING BOARD:

Date: _____

AUTHENTICATED:

Anthony Rascio, Chairman