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

City of Bonita Springs
City Council
Regular Meeting Agenda

September 3, 2025
5:30 p.m.
Will begin immediately following the Budget Hearing

If you intend to address the City Council at this proceeding, please complete a "Public Comment Slip" and submit it to the City Clerk, seated at the left-hand side of the dais. Blank slips can be found on the table outside of Council Chambers. If you wish to submit a written comment in advance of the meeting, email your name, address, and comment to citymeetings@cityofbonitasprings.org by 12:00 noon, September 3, 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. Reasonable accommodations will be provided at no cost to the requester.

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

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1. Call to Order

2. Invocation

3. Pledge of Allegiance

4. Roll Call

5. Public Comment on Agenda Items

6. Public Hearings - Zoning and Land Use:

   A. A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING 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, PURSUANT TO LDC SECTION 4-888; LOCATED AT 27695 IMPERIAL RIVER ROAD, STRAP NUMBER 32-47-25-B3-03202.0080, BONITA SPRINGS, FLORIDA, 34134; PROVIDING FOR AN EFFECTIVE DATE. (Green Sheet 25-09-207)

   B. (FIRST READING) AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, ADOPTING AN AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO REDESIGNATE APPROXIMATELY 0.7 ACRES +/- FROM THE MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL FUTURE LAND USE CATEGORY TO THE GENERAL COMMERCIAL FUTURE LAND USE CATEGORY; LOCATED AT 4752 BONITA BEACH ROAD SOUTHWEST, STRAP NUMBERS: 32-47-25-B4-00064.0000 AND 32-47-25-B4-0030A.0000, BONITA SPRINGS, FLORIDA 34135; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (Green Sheet 25-09-208)

C. (FIRST READING) A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; REZONING APPROXIMATELY FIVE (5) +/- ACRES FROM THE BEACH ZONE OF THE BONITA BEACH ROAD 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; LOCATED AT 4570, 4612, 4640, 4654, 4696, AND 4752 BONITA BEACH ROAD SOUTHWEST, STRAP NUMBERS: 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, BONITA SPRINGS, FLORIDA 34135; PROVIDING FOR AN EFFECTIVE DATE. (Green Sheet 25-09-209)

7. Consent Agenda Items:

A. Approve minutes from the City Council Meeting held on August 20, 2025.

B. Confirm and ratify Resolutions extending the local State of Emergency due to Hurricane Helene. (Green Sheet 25-09-197)

C. Confirm and ratify Resolutions extending the local State of Emergency due to Hurricane Milton. (Green Sheet 25-09-198)

D. Approve a special event permit for the Bonita Springs Downtown Alliance to use City greenspace to set up tables for their Bonita Springs Trick or Treat event on Friday, October 31, 2025. (Green Sheet 25-09-199)

E. Approve a Resolution awarding the Mowing & Maintenance of Vacant Parcels, Medians & Rights-of-Way Project RFB 25-11 to Superior Landscaping & Lawn Service, Inc. (Green Sheet 25-09-200)

F. Approve a Resolution awarding the Logan Boulevard Landscaping & Irrigation Maintenance Project RFB 25-10 to Duval Landscape Maintenance, LLC. (Green Sheet 25-09-201)

G. Approve a Resolution awarding the I-75/Bonita Beach Road Interchange Mowing & Litter Clean-Up Project RFB 25-12 to P & T Lawn and Tractor Service, Inc. (Green Sheet 25-09-202)

H. Accept proposal submitted by Wright Construction for Banyan Tree Splash Pad project and approve allocation of budget funding in the FY 25-26 draft Budget. (Green Sheet 25-09-203)

I. Approve an agreement between the City and ADEAS-Q, LLC for the City's Mobility Study. (Green Sheet 25-09-205)

J. Approve a Resolution authorizing the City Manager to enter into a Construction Agreement with FDOT per the permit process for the Pelican Landing/Old 41/US 41 Intersection Improvement Project. (Green Sheet 25-09-206)

K. Approve Task Order #3 with Portland State University for the scoping, drafting, and adoption of Comprehensive Plan and Land Development Code Amendments. (Green Sheet 25-09-213)

- Opportunity for City Council Comments on Consent Agenda

8. Public Hearings:

   (FIRST READING) AN ORDINANCE ESTABLISHING VIVID SHORES COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO SECTION 190.005(2), FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT OF THE COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING THAT THE CITY OF BONITA SPRINGS MAY NOT AND SHALL NOT MODIFY OR DELETE ANY PROVISION OF THE DISTRICT CHARTER SET FORTH IN SECTIONS 190.006 - 190.041, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Green Sheet 25-09-204)

9. City Manager Items:

   A. Discussion of the City of Bonita Springs 2026 Legislative Priorities. (Green Sheet 25-09-212)

   B. Update on the Fiscal Year 2025-2026 draft budget. (Green Sheet 25-09-210)

   C. Review and discuss Community Development fees in accordance with current standards and applicable state law. (Green Sheet 25-09-211)

   D. Update on hurricane recovery efforts.

10. Mayor and Council Member Reports

11. Public Comment

12. Adjournment

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 25-09-207
September 3, 2025

ITEM TITLE: A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING 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, PURSUANT TO LDC SECTION 4-898; LOCATED AT 27695 IMPERIAL RIVER ROAD, STRAP NUMBER 32-47-25-B3-03202.0080, BONITA SPRINGS, FLORIDA, 34134; PROVIDING FOR AN EFFECTIVE DATE.

REQUESTOR: Mike Fiigon II, Senior Planner

AGENDA SECTION: Public Hearings, Zoning and Land Use

STRATEGIC PRIORITY: N/A

BACKGROUND: The request is to approve a special exception application for a data center on property located within the Bonita Beach Road Corridor Overlay. As required by LDC 4-898, Group II Essential Service Facilities proposed in the Overlay are permitted by special exception only.

The data center building will be designed to look and function as an office building, thus removing many of the aesthetic concerns that would normally arise from other essential service facilities, such as utility substation or water treatment plant.

The proposed traffic impacts are de minimus, with the max number of employees proposed as six (6) at any one time. Access will be provided by taking Imperial River Road to W. 1st Street, an unconstructed roadway that will be built by the Applicant. No additional curb cuts onto Bonita Beach Road are proposed as part of this request.

The building itself is addressed towards Bonita Beach Road, lessening the impact on the residential community to the north. A site plan and sample architectural renderings are provided herein. The conditions of approval contain language for the site plan (Condition 1), renderings (Condition 1), parking (Condition 2), and controls to alleviate potential nuisance noise generated by the exterior generators (Condition 5).

The Zoning Board heard the case on August 19, 2025, and voted unanimously to approved the special exception request (5-0).

Attached for consideration are a copy of the zoning board meeting minutes, the draft resolution, and the Staff Report. The full application backup documentation is available online for review.

STAFF RECOMMENDATION: Approve the request for a Group II Essential Service Facility (Data Center) on the subject property within the Bonita Beach Road Corridor Overlay.

ATTACHMENTS:

1. Draft Resolution (Prepared by City Attorney)
2. Zoning Board Meeting Minutes [Draft], August 19, 2025
3. Staff Report
4. Application Backup (Online Only)

REVIEWERS:

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

CITY OF BONITA SPRINGS
ZONING RESOLUTION NO. 25 – XX

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING 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, PURSUANT TO LDC SECTION 4-898; LOCATED AT 27695 IMPERIAL RIVER ROAD, STRAP NUMBER 32-47-25-B3-03202.0080, BONITA SPRINGS, FLORIDA, 34134; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Applicant, Telcofacilities, LLC requested a special exception to allow a data center, a Group II Essential Service Facility, on property located within the Bonita Beach Road Corridor Overlay, pursuant to Section 4-898 of the City's land development code ("LDC");

WHEREAS, a Public Hearing was advertised and heard on August 19, 2025 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case SPE24-118640-BOS who voted unanimously (5-0) to recommended approval after giving full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all parties; and

WHEREAS, City Council at their September 3, 2025 meeting considered Case SPE24-118640-BOS, as well as a minutes of the Zoning Board hearing submitted as part of the City Council hearing record, and gave full consideration of the Staff Recommendation, the evidence and testimony, including the expert opinion of the Applicant.

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

SECTION ONE: APPROVAL OF REQUEST

City Council of Bonita Springs hereby approves the request for a special exception with conditions:

Subject Property:

This Special Exception applies to property located at along 27695 Imperial River Road, Bonita Springs, FL, 34134 (STRAP #32-47-25-B3-03202.0080) and the further described in Exhibit A and in accordance with the Site Plan

(Attachment A), both of record and included in the hearing staff report.

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, unless a deviation is approved during local development order.
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. 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.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of special exception and as conditioned, the Bonita Springs City Council makes finds that the special exception request for a data center at the proposed location is consistent with the provisions of the Comprehensive Plan and Section 4-898 of the LDC.

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SECTION TWO: RECORD

This Resolution incorporates all exhibits, staff reports, attachments, evidence and testimony presented before the Zoning Board and City Council

including but not limited to:

Exhibit A: Sketch and Legal Description
Attachment A: Site Plan
Attachment B: Proposed Architectural Elevations

SECTION THREE: EFFECTIVE DATE

This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 3rd day of September, 2025.

AUTHENTICATION:

_____ _____
Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr	Corrie
Purdon	Bogacz
Fitzpatrick	Gibson
Fullick	

Date filed with City Clerk: _____

Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, FL 34135

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

(Draft) Meeting Minutes
Tuesday, August 19, 2025
9:00 a.m.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Board Member Gambrell led the Pledge of Allegiance.

3. ROLL CALL

Present – Rascio, Waterhouse, Gambrell, Benson, Winn, and Hershenson (via zoom)
Absent – Galloway

Board Member Waterhouse made a motion to allow Member Hershenson to participate via zoom; Seconded by Board Member Benson. ***The motion carried 5-0***

4. PUBLIC HEARINGS

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

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

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.

Mike Fiigon, Senior Planner with Community Development, gave a brief overview of the project, stating it is an essential service providing internet connections with North and South America. Mr. Fiigon also went over the criteria for the special exception, and stated there are no requested deviations.

Wayne Arnold with Q. Grady Minor & Associates gave presentation. The property is located off of Imperial River Road and Bonita Beach Road, approximately .72 +/- acres. The project is for a data center which will have a low volume of employees to monitor servers, thus having low traffic. Mr. Arnold also stated the property is designated commercial with residents to the north. They have reviewed all criteria and agree with staff proposed conditions. They are also mitigating the gopher tortoises on property.

Chairman Rascio called for public comments. Seeing none, and with no further questions from board members, he called for a motion. Board Member Waterhouse made a motion to approve the Special Exception with the conditions proposed by staff; Seconded by Board Member Benson. ***The motion carried 5-0. (Hershenson, attending remotely, did not vote due to a technical issue)***

B. CASE NAME: HICKORY ON THE BAY COMMERCIAL PLANNED DEVELOPMENT (PDE23-109173-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

Mary Tornberg, Senior Planner with Community Development, gave a brief introduction of the project, stating this is a Rezone of 8 parcels to Commercial and went over revisions that the applicant agreed with. She also went over revisions that the applicant agrees with. Staff recommends approval.

Rich Yovanovich with Coleman, Yovanovich & Koester gave the presentation on behalf of the applicant. The applicant is requesting 5.07 +/- acres to be rezoned to Commercial PUD with six (6) multifamily residential units within the Bonita Beach Road Overlay. Mr. Yovanovich went over revisions that clarify size, parking, hours of operation, live entertainment, kayak storage and re-establishing an outdoor restaurant.

Traci Kautzman, applicant, read aloud a statement on the vision for the property.

Robert Mulhere, Planner with Bowman Consulting discussed the schedule of uses, property regulations, master concept plan, and parking requirements.

Mr. Ted Treesh with Transportation Consultants went over the traffic analysis and access plans. There will not be changes to the median openings on Bonita Beach Road unless the permit requires it.

Board Member Gambrell asked about the dates that the traffic studies were conducted. Mr. Treesh stated there were multiple studies performed, the latest one in December 2024.

Tim Hall with Turell Hall & Associates provided a history of the property, went over environmental issues and stated there will not be permanent storage of boats, even for residents.

Mr. Yovanovich answered questions from the Board regarding parking, the placement of a wall in *compliance with setback requirements, and the courtyard in front of the restaurant.*

Public Comment:
Doug Graham had questions regarding vehicle stacking for the drive-through along Bonita Beach Road.

Seeing no additional public comment, Chairman Rascio called for a motion. Board Member Waterhouse made a motion to recommend approval of the rezone request with the revised staff proposed conditions; Seconded by Board Member Winn. A discussion ensued regarding the wall versus a landscaping plan along Bonita Beach Road. Staff and Mr. Yovanovich answered questions from board members regarding

the setback requirements and a wall versus a landscaping plan. Mr. Yovanovich stated there was no request for a deviation to the setback requirement; however, the applicant would prefer an appropriate landscaping plan rather than a wall.

Board Member Waterhouse amended her motion to further recommend that between now and the City Council hearing, the applicant and staff work together on a deviation to the set-back standard for Bonita Beach Road. Board Member Winn, agreeing with the motion maker's amended motion, amended his *second accordingly.* ***The motion carried 5-1 (Chairman Rascio opposed)***

5. APPROVAL OF MINUTES: Meeting of July 15, 2025

Board Member Winn motioned to approve the minutes; Seconded by Board Member Waterhouse. ***The motion carried 6-0.***

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 September 16, 2025.*

9. **ADJOURNMENT:** *There being no further business, Chairman Rascio adjourned the meeting 10:23 a.m.*

Prepared by:

_____
Teresa C. Grimes, Senior Records & Compliance Clerk

APPROVED:
BONITA SPRINGS ZONING BOARD:

Date: _____

AUTHENTICATED:

_____
Anthony Rascio, Chairman

Draft

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SPE24-118640-BOS

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ATTACHMENT C: APPLICATION BACKUP (ONLINE ONLY)

Telcofacilities Data Center Special Exception Location Map



GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects

120 60 0 120 Feet

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:

Existing Zoning & Land Use	Future Land Use Map
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 Wish 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

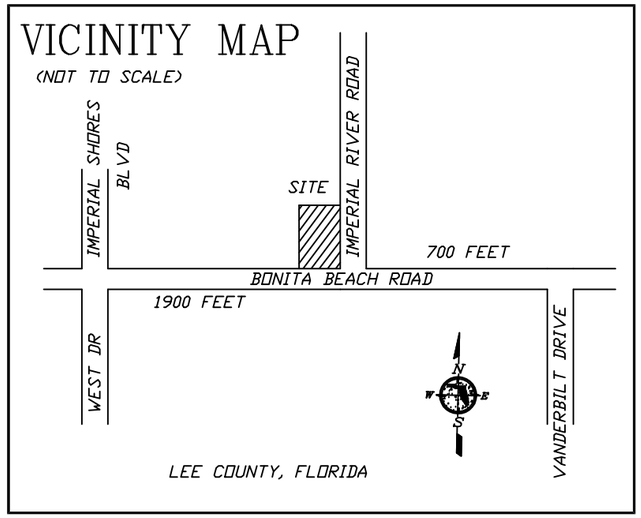
ELEVATIONS SHOWN ARE IN N.A.V.D. DATUM, WERE ACQUIRED USING GPS TECHNOLOGY AND HAVE A TOLERANCE OF +/- 0.4'

NOTE:
REMOVAL OF SPECIFIC NOTES
APPROVED BY CLIENT
05/08/2025

EXHIBIT A

NOTE: THE INTENT OF THIS SURVEY IS FOR TITLE TRANSFER ONLY
THE LINES ON THIS SKETCH DO NOT CONSTITUTE OWNERSHIP
COPYRIGHT 2025 F.L.A. SURVEYS CORP.

NOTE:
REMOVAL OF SPECIFIC NOTES
APPROVED BY CLIENT
05/08/2025



LEGAL DESCRIPTION :

PARCEL 1 (FEE SIMPLE): FROM THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 47, RANGE 25 EAST, LEE COUNTY, FLORIDA, RUN WEST ALONG THE SOUTH LINE OF SAID SECTION 665 FEET; THENCE RUN NORTH PARALLEL WITH THE EAST LINE OF SAID SECTION FOR 50 FEET TO THE NORTH LINE OF THE BONITA BEACH ROAD; THENCE RUN WEST 65 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE RUN WEST PARALLEL WITH THE SOUTH LINE OF SAID SECTION ALONG THE NORTH SIDE OF THE BONITA BEACH ROAD FOR 120 FEET; THENCE NORTH PARALLEL WITH EAST LINE OF SAID SECTION FOR 260 FEET TO A ROAD 50 FEET WIDE; THENCE EAST ALONG SAID ROAD 120 FEET TO THE WEST LINE OF A ROAD 130 FEET WIDE; THENCE SOUTH ALONG SAID 130 FOOT WIDE ROAD FOR 260.0 FEET TO THE POINT OF BEGINNING.

PARCEL 2 (EASEMENT): NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 OVER AND ALONG THE ROAD 50 FEET WIDE LYING NORTH OF PARCEL 1 AS CREATED BY INDENTURE RECORDED IN DEED BOOK 217, PAGE 305, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

MEASURED BEARINGS SHOWN ARE BASED ON STATE PLANE COORDINATES (FLORIDA WEST ZONE), WHICH IS GRID NORTH AS ESTABLISHED BY NDS, AS ACQUIRED BY USING GPS TECHNOLOGY AND IS THE "BASIS OF BEARINGS". MEASUREMENTS LABELED AS (G) ARE THE CALCULATED GPS PLAT BEARINGS.
GPS= GLOBAL POSITIONING SYSTEM

QUALITY CONTROL
BY : _____ DATE : 8/27/2024

CERTIFICATION:

DELANE R NELSON,
DAWN T NELSON,
DALE H STEINBERG,
JOYCE B ET ALSTEINBERG

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS _____ OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON _____ (DATE).

DATE OF PLAT OR MAP: _____

BY : _____ NOT SIGNED _____ SURVEY DATE : _____

CLINTON W. FINSTAD, PE, CFM, PLS #2453 LELAND F. DySARD, PLS #3859
MARY E. FINSTAD, CFM, PSM #5901

(SURVEYOR'S SIGNATURE, PRINTED NAME AND SEAL WITH REGISTRATION/LICENSE NUMBER)

ABBREVIATIONS AND NOTES:

N = NORTH
S = SOUTH
E = EAST
W = WEST, OR ANY COMBINATION THEREOF
1. ° = DEGREES
2. ' = MINUTES WHEN USED IN A BEARING
3. " = SECONDS WHEN USED IN A BEARING
4. ' = FEET WHEN USED IN A DISTANCE
5. " = INCHES WHEN USED IN A DISTANCE
6. ± = "MORE OR LESS" OR "PLUS OR MINUS"
7. A = ARC DISTANCE
8. AC = ACRES
9. A/C = AIR CONDITIONING PAD
10. AE = ACCESS EASEMENT
11. AF = ALUMINUM FENCE
12. AMUE = AVE MARIA UTILITY EASEMENT
13. B.E. = BUFFER EASEMENT
14. BM = BENCHMARK
15. BOB = BASIS OF BEARING
16. BRG = BEARING
17. C# = CURVE NUMBER
18. C = CALCULATED
19. CB = CATCH BASIN
20. CHB = CHORD BEARING
21. CHD = CHORD
22. CLF = CHAINLINK FENCE
23. CM = CONCRETE MONUMENT
24. CO = CLEAN OUT
25. COL = COLUMN
26. CONC = CONCRETE
27. CPP = CONCRETE POWER POLE
28. CSW = CONCRETE SIDEWALK
29. CTV= CABLE TV RISER
30. CUE= COLLIER COUNTY UTILITY EASEMENT
31. D = DEED
32. DE= DRAINAGE EASEMENT
33. DH = DRILL HOLE
34. DI = DROP INLET
35. ELEC= ELECTRIC
36. EOP = EDGE OF PAVEMENT
37. EOR = EDGE OF ROAD
38. EOW = EDGE OF WATER
39. F= AS LABELED OR FOUND IN THE FIELD
40. F.A.C. = FLORIDA ADMINISTRATIVE CODE
41. FCC = FOUND CROSS CUT
42. FCM = FOUND CONCRETE MONUMENT
43. FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY
44. FDH = FOUND DRILL HOLE
45. FFE = FINISH FLOOR ELEVATION
46. FH = FIRE HYDRANT
47. FIP = FOUND IRON PIPE
48. FIR = FOUND IRON ROD
49. FN = FOUND NAIL
50. FND = FOUND
51. FN&D = FOUND NAIL & DISC
52. FPK = FOUND PK NAIL
53. FPK&D = FOUND PK NAIL AND DISC WHEN OBTAINING SCALED DATA.
54. GCE = GOLF COURSE EASEMENT
55. HCP = HANDICAP PARKING
56. IE = IRRIGATION EASEMENT
57. LB = LICENSED BUSINESS
58. LBE = LANDSCAPE BUFFER EASEMENT
59. LE = LANDSCAPE EASEMENT
60. LME = LAKE MAINTENANCE EASEMENT
61. LP = LIGHT POLE
62. M = MEASURED
63. ME = MAINTENANCE EASEMENT
64. MH = MANHOLE
65. N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
66. N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
67. NO ID = NO IDENTIFYING MARKINGS
68. (NR) = NON-RADIAL
69. NTS= NOT TO SCALE
70. OHP= OVERHEAD POWER
71. OHU = OVERHEAD UTILITY LINE
72. O.R. = OFFICIAL RECORD BOOK
73. O/S = OFFSET
74. P = PLAT
75. PBIDDE = PELICAN BAY IMPROVEMENT DISTRICT DRAINAGE EASEMENT
76. PC = POINT OF CURVATURE
77. PCC POINT OF COMPOUND CURVATURE
78. PCP = PERMANENT CONTROL POINT
79. PG = PAGE
80. PI = POINT OF INTERSECTION
81. PK = PARKER KALON NAIL
82. PLS = PROFESSIONAL LAND SURVEYOR
83. POB = POINT OF BEGINNING
84. POC = POINT OF COMMENCEMENT
85. PP = POWER POLE
86. PRC = POINT OF REVERSE CURVE
87. PRM = PERMANENT REFERENCE MONUMENT
88. PSM= PROFESSIONAL SURVEYOR AND MAPPER
89. PU & DE = PUBLIC UTILITY & DRAINAGE EASEMENT
90. PUE = PUBLIC UTILITY EASEMENT
91. PT = POINT OF TANGENCY
92. PVS = PAVERS
93. Q.W.P.E. = QUAIL WEST PERPETUAL EASEMENT
94. (R) = RADIAL
95. R = RADIUS
96. RING = RING DETECTED BY METAL DETECTOR BUT NOT RECOVERED
97. RNG= RANGE
98. ROW = RIGHT-OF-WAY
99. RR SPK = RAILROAD SPIKE
100. SAT= SATELLITE DISH
101. SDE = STREET DRAINAGE EASEMENT
102. SEC = SECTION
103. SDH = SET DRILL HOLE, NO ID
104. SIR = SET 5/8" IRON ROD WITH LB NUMBER OF CORPORATION
105. SPK&D = SET PK WITH DISC WITH LB NUMBER
106. TBM TEMPORARY BENCH MARK
107. TEL = TELEPHONE FACILITIES
108. TOB = TOP OF BANK
109. TP = TRANSMITTER PAD
110. TWP= TOWNSHIP
111. UE = UTILITY EASEMENT
112. VF = VINYL FENCE
113. V.L.V = VALVE
114. W = WATER SERVICE
115. WB = WATER BOX
116. WF= WOOD FENCE
117. WPP= WOOD POWER POLE
118. Δ = DELTA OR CENTRAL ANGLE OF CURVE
119. DIMENSIONS ARE IN FEET AND IN DECIMALS THEREOF
120. ELEVATIONS SHOWN HEREON ARE N.A.V.D. UNLESS OTHERWISE STATED
121. ALL PHYSICAL IMPROVEMENTS SHOWN WITHOUT DIMENSIONS ARE FOR INFORMATIONAL PURPOSES ONLY. THAT THEY DO EXIST, BUT WERE NOT NECESSARILY MEASURED IN THE FIELD.
122. NOTE: LEGAL DESCRIPTION IS FROM LATEST DEED OF RECORD UNLESS OTHERWISE NOTED.
123. EASEMENTS AND RIGHT OF WAYS SHOWN ARE PER RECORDED PLAT OR AS FURNISHED BY THE CLIENT
124. FOUNDATION LINE BELOW THE SURFACE OF THE GROUND IS NOT REFLECTED
125. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNDER ANY CONDITION UNLESS OTHERWISE STATED
126. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED
127. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAYS, AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN
128. THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT THOSE AS DELINEATED ON THIS PLAT OF SURVEY
129. TIES ARE TO FIELD LINES UNLESS OTHERWISE NOTED
130. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR EASEMENTS THAT ARE NOT RECORDED ON SAID PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY
131. FENCES MEANDER ON AND OFF LINE, APPROXIMATE LOCATION ONLY UNLESS STATED OTHERWISE.
132. THE LINES ON THIS SKETCH DO NOT CONSTITUTE OWNERSHIP
133. THE INTENT OF THIS SURVEY IS FOR TITLE TRANSFER ONLY UNLESS STATED OTHERWISE
134. FLORIDA STATUTE 61G17-6.004: TWO SITE BENCHMARKS ARE REQUIRED FOR CONSTRUCTION.
135. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
136. F.E.M.A. FLOOD HAZARD MAPPING: THIS DATE PRODUCT WAS NOT DESIGNED TO MAKE PRECISE IN/OUT FLOOD RISK DETERMINATIONS. THIS PRODUCT IS NOT SUITABLE FOR ENGINEERING APPLICATIONS AND CANNOT BE USED TO DETERMINE ABSOLUTE DELINEATIONS OF FLOOD BOUNDARIES. CALL 1-877-FEMAMAP OR EMAIL A MAP SPECIALIST AT WWW.FEMA.DRG/NIT/TSD/FQ-MAP17.HTM.
137. PROPERTY OWNER SHOULD OBTAIN WRITTEN FLOOD ZONE DETERMINATION FROM LOCAL PERMITTING, PLANNING AND BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION PLANNING AND/OR CONSTRUCTION
138. IN COMPLIANCE WITH F.A.C. 61G17-6.0031 (4) (E) - IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.
139. IF APPLICABLE, FENCES SHOWN MEANDER ON OR OFF LINES (APPROXIMATE LOCATION ONLY)
140. ARCHITECTURAL FEATURES, SUCH AS FURRING STRIPS, SIDING, CORNICES, STUCCO, ETC., OUTSIDE THE LINE OF THE STRUCTURE HAVE BEEN TAKEN INTO ACCOUNT WHEN GIVING TIES FROM THE STRUCTURE TO THE LOT LINES.
141. ATTENTION IS DIRECTED TO THE FACT THAT THIS SURVEY MAY HAVE BEEN REDUCED OR ENLARGED IN SIZE DUE TO REPRODUCTION. THIS SHOULD BE TAKEN INTO CONSIDERATION WHEN OBTAINING SCALED DATA.
142. GPS = GLOBAL POSITIONING SYSTEM

NOT VALID WITHOUT SURVEYOR'S SIGNATURE AND EMBOSSED SEAL
NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.

NOT VALID WITHOUT SHEETS 2, 3, 4 & 5 OF 5

DATE	BY	REVISION
06/22/24	JMS	UPDATE PROPERTY

F.L.A. SURVEYS CORP.
PROFESSIONAL LAND SURVEYORS AND MAPPERS LB-6569
9220 BONITA BEACH ROAD, SUITE 200
BONITA SPRINGS, FLORIDA 34135
239-404-7139 239-992-2795
239-250-2782 239-370-1136
3884 PROGRESS AVE., SUITE 104
NAPLES, FLORIDA 34104

27695 IMPERIAL RIVER ROAD
BONITA SPRINGS, FLORIDA

PROJECT
PARCEL IN 32-47-25
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA

TITLE
SURVEY SKETCH FOR SITE PLAN ONLY

SHEET 1 OF 5
W.O. NO. 25-21008
DRN. BY LOU
PAR. CHP. NICK

SURVEY SKETCH OF: SURVEY FOR SITE PLAN ONLY

SKETCH OF : EXISTING CONDITIONS AND TOPOGRAPHIC SURVEY

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

NOTE:
REMOVAL OF SPECIFIC NOTES
APPROVED BY CLIENT
05/08/2025

THE LINES ON THIS SKETCH DO NOT CONSTITUTE OWNERSHIP
COPYRIGHT 2025: F.L.A. SURVEYS CORP.

NOTE:
REMOVAL OF SPECIFIC NOTES
APPROVED BY CLIENT
05/08/2025

STREET ADDRESS :
27695 IMPERIAL RIVER ROAD
BONITA SPRINGS, FLORIDA

STRAP # & OWNER:
PID #32-47-25-B3-03202.0020
UNKNOWN HEIRS OF
STANTON KENNETH M
OR BOOK 2818, PAGE 3570

WEST 120' (D)
S.89°34'41"W 120' (G)
S.89°38'05"W. 119.97' (M)

FIR 5/8" #6690

RIGHT OF WAY

W. 1ST STREET (P)
(50' ROW)
UNIMPROVED - NOT IN USE

49.89' (M)
50.0'
S.00°41'44"E.

PARCEL 2

EAST 120' (D)
N.89°34'41"E. 120. (G)
N.89°35'21"E. 119.90' (M)

48.80' (M)
25.0'
S.00°35'54"E.

CENTERLINE

FIRC 1/2" #3553

BLOCK TIE
FIRC 1/2"
NO ID
@BLOCK CORNER

FLANDERS LANE
OCCUPIED
STRAP # & OWNER:
PID #32-47-25-B3-03204.0010
BONITA BEACH LAND LLC
OR BOOK 2309, PAGE 3336

MANHOLE
RIM ELEVATION = 10.2' NAVD

NORTH 8" PIPE
INVERT ELEVATION = 4.4' NAVD

SOUTH 8" PIPE
INVERT ELEVATION = 4.5' NAVD

44.7' (C)

FIR 5/8"
NO ID

BM CENTRAL (ADJ) =
SPK&D #6569 =
ELEV. 10.1'+/- NAVD

130.0'

VACANT
STRAP # & OWNER:
PID #32-47-25-B3-03201.0010
BONITA BEACH LAND LLC
INSTRUMENT # 2019000214863

NOTE: THE ELEVATIONS ALONG THE EAST RIGHT OF WAY MAY VARY DID TO AREA BEING USED AS CONSTRUCTION LAY DOWN.

EDGE OF PAVEMENT

CSV

RIGHT OF WAY

REMAINDER OF
SECTION 32, TOWNSHIP 47, RANGE 25 EAST,
STRAP # & OWNER:
PID #32-47-25-B3-03202.0010
RIPLEY LAND CO LLC
OR BOOK 1747, PAGE 1314

NORTH
N.00°38'49"W. 260' (D)
N.00°37'42"W. 260.08' (M)
260' (C)

PARCEL 1
VACANT
HEAVY
VEGETATION
PID #32-47-25-B3-03202.0080
31211 SQ. FEET MORE OR LESS
0.72 ACRES MORE OR LESS
INSTRUMENT # 2023000292132

MANHOLE
(LOCATED HALF CSW - HALF GRASS)
RIM ELEVATION = 11.0' NAVD

NORTH 8" PIPE
INVERT ELEVATION = 5.4' NAVD

BM SOUTH (ADJ) =
SPK&D #6569 =
ELEV. 10.7'+/- NAVD

260.16' (M)
260' (D)
260' (C)
S.00°40'12"E.
S.00°38'49"E.
SOUTH

SOUTH BOUND LANES
CENTERLINE

IMPERIAL RIVER ROAD
(130' ROW)

WEST 65' (D)
S.89°34'41"W. 65' (G)
S.89°46'50"W. 65' (C)

POB
FIR 1/2"
NO ID

WEST 120.' (D)
S.89°34'41"W. 120' (G)
S.89°37'27"W. 120.09' (M)

FIR 1/2"
NO ID

RIGHT OF WAY

CONC. POLE

NORTH LINE OF BONITA BEACH RD

OVERHEAD LINES

FPK&D
#5151

CONC PP

TELE OVERHEAD LINES

CROSS WALK AREA

EDGE OF PAVEMENT

WEST BOUND LANES

CURB & GUTTER

PAVERS

CENTERLINE

BONITA BEACH ROAD
(100' ROW)

FPK&D
NO ID

FPK&D
ILLEG

SOUTH LINE OF
SECTION 32

NORTH
N.00°38'49"W.
N 00°38'49" W

WEST 665' (D)
S.89°34'41"W. 665' (G)
S 89°41'54" 664.94' W (C)

EAST LINE OF SECTION

POC
SE CORNER OF
SECTION 32, TOWNSHIP 47,
RANGE 25 EAST,
CERTIFIED CORNER RECORD
DOCUMENT #097458

×10.4 = SPOT ELEVATION IN NAVD DATUM
⊠10.4 = TREE BASE ELEVATIONS
~~~ = CURRENT DIRECTION OF DRAINAGE FLOW

NOTE:
ELEVATIONS SHOWN HEREON MAY BE INTERPOLATED

N
W E
S

SCALE 1" = 20'

0 20 40

VICINITY MAP

(NOT TO SCALE)

IMPERIAL SHORES BLVD
IMPERIAL RIVER ROAD
SITE
700 FEET
BONITA BEACH ROAD
WEST DR
VANDERBILT DRIVE
LEE COUNTY, FLORIDA

N
W E
S

MEASURED BEARINGS SHOWN ARE BASED ON STATE PLANE COORDINATES (FLORIDA WEST ZONE), WHICH IS GRID NORTH AS ESTABLISHED BY NOS, AS ACQUIRED BY USING GPS TECHNOLOGY AND IS THE "BASIS OF BEARINGS". MEASUREMENTS LABELED AS (G) ARE THE CALCULATED GPS PLAT BEARINGS.
GPS= GLOBAL POSITIONING SYSTEM

QUALITY CONTROL
BY : _____ DATE : 8/27/2024

CERTIFICATION :
I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE.

BY : NOT SIGNED SURVEY DATE : _____

CLINTON W. FINSTAD, PE, CFM, PLS #2463 LELAND F. DySARD, PLS #3859
MARY E. FINSTAD, CFM, PSM #5901

NOT VALID WITHOUT SURVEYOR'S SIGNATURE AND EMBOSSED SEAL
NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.

NOT VALID WITHOUT SHEETS 1, 3, 4, & 5 OF 5

DATE	BY	REVISION
06/22/24	JMS	UPDATE PROPERTY

F.L.A. SURVEYS CORP.
PROFESSIONAL LAND SURVEYORS AND MAPPERS LB-6569
9220 BONITA BEACH ROAD, SUITE 200
BONITA SPRINGS, FLORIDA 34135
239-404-7129 239-580-2725
239-290-2782 239-370-1139
3884 PROGRESS AVE., SUITE 104
NAPLES, FLORIDA 34104

27695 IMPERIAL RIVER ROAD
BONITA SPRINGS, FLORIDA

PROJECT
PARCEL IN 32-47-25
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA

TITLE
SURVEY SKETCH FOR SITE PLAN ONLY

SHEET 2 OF 5
W.O. NO. 25-21008
DRN. BY LOU
PAR. CHP. NICK
~~~

SURVEY SKETCH OF: SURVEY FOR SITE PLAN ONLY

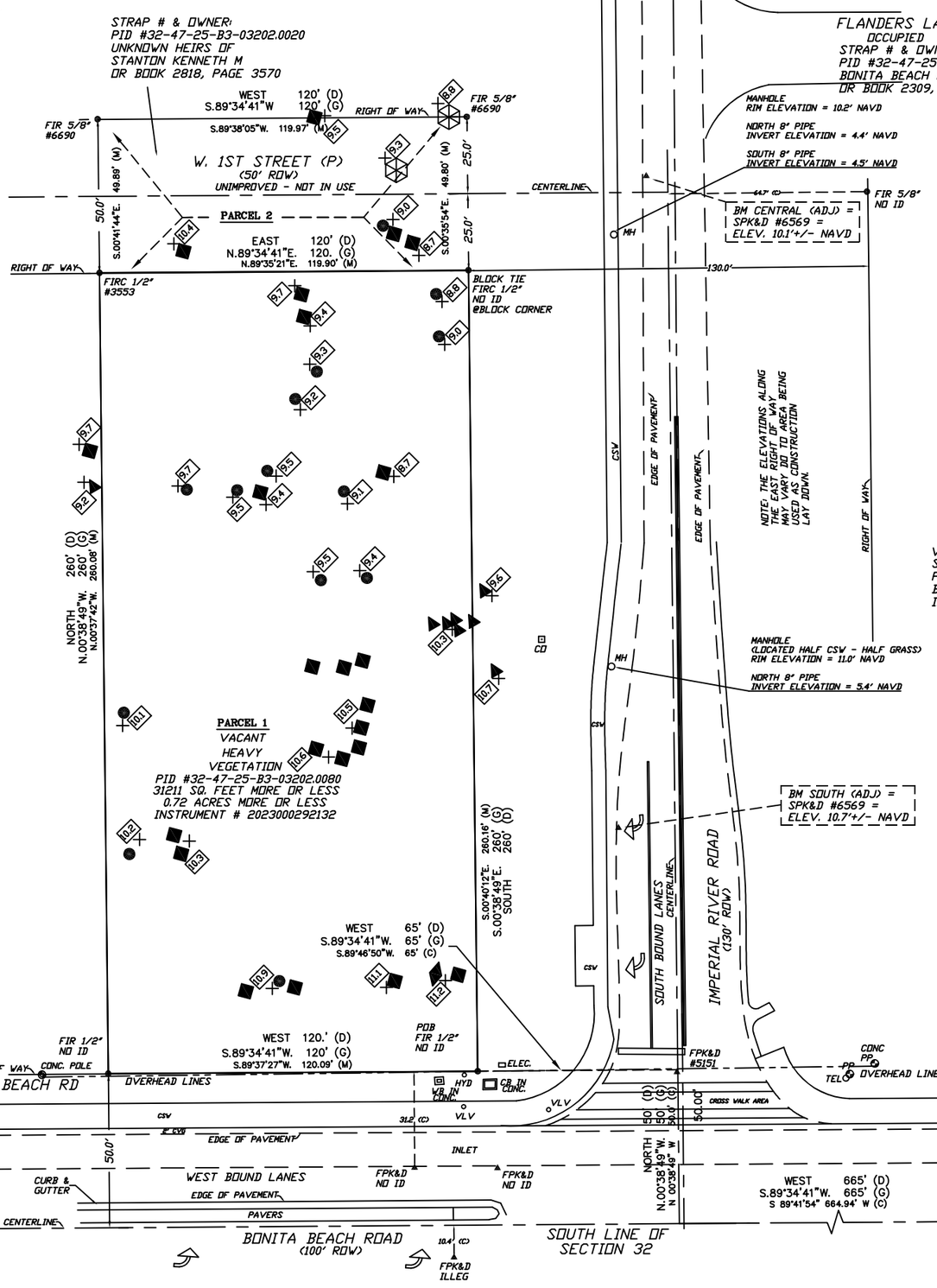
SKETCH OF : TREE SURVEY PER FLORIDA WETALNDS CONSULTANTS

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

NOTE:
REMOVAL OF SPECIFIC NOTES
APPROVED BY CLIENT
05/08/2025

STREET ADDRESS :
27695 IMPERIAL RIVER ROAD
BONITA SPRINGS, FLORIDA

THE LINES ON THIS SKETCH DO NOT CONSTITUTE OWNERSHIP
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NOTE:
REMOVAL OF SPECIFIC NOTES
APPROVED BY CLIENT
05/08/2025



REMAINDER OF
SECTION 32, TOWNSHIP 47, RANGE 25 EAST,
STRAP # & OWNER:
PID #32-47-25-B3-03202.0010
RIPLEY LAND CO LLC
OR BOOK 1747, PAGE 1314

VACANT
STRAP # & OWNER:
PID #32-47-25-B3-03201.0010
BONITA BEACH LAND LLC
INSTRUMENT # 2019000214863

TREE TABLE
TREES LOCATED PER:
NICK ROACH WITH
FLORIDA WETLAND
CONSULTANTS
(239) 595-1292

= LIVE OAK
= CABBAGE PALMS
= SLASH PINES
= GUMBO LIMBO
= SAND LIVE OAK

TREES DEPICTED HEREON
RECTIFIED FROM TREE SURVEY
BY NICK ROACH WITH
FLORIDA WETLAND CONSULTANTS
(239) 595-1292
(ARE FOR PICTORAL USE ONLY)

10.4 = TREE BASE ELEVATIONS

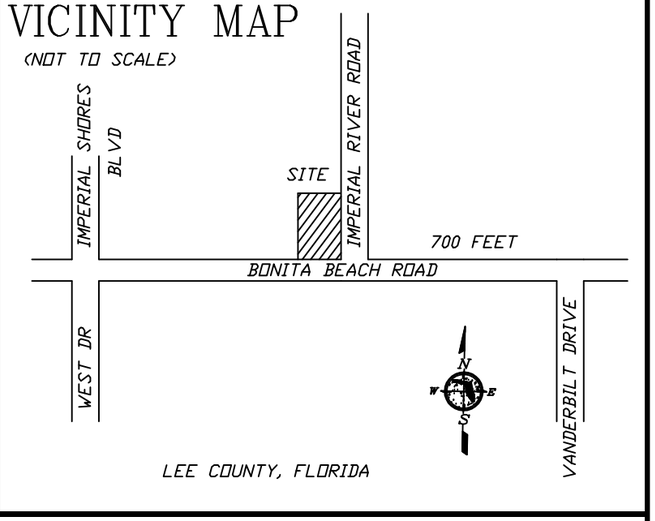
NOTE:
ELEVATIONS SHOWN HEREON MAY BE INTERPOLATED

SCALE 1" = 20'

0 20 40

VICINITY MAP

(NOT TO SCALE)



MEASURED BEARINGS SHOWN ARE BASED ON STATE PLANE COORDINATES (FLORIDA WEST ZONE), WHICH IS GRID NORTH AS ESTABLISHED BY NOS, AS ACQUIRED BY USING GPS TECHNOLOGY AND IS THE 'BASIS OF BEARINGS'. MEASUREMENTS LABELED AS (G) ARE THE CALCULATED GPS PLAT BEARINGS.
GPS= GLOBAL POSITIONING SYSTEM

QUALITY CONTROL
BY : _____ DATE : 8/27/2024

CERTIFICATION :
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BY : NOT SIGNED SURVEY DATE : _____

CLINTON W. FINSTAD, PE, CFM, PLS #2453 LELAND F. DySARD, PLS #3859
MARY E. FINSTAD, CFM, PSM #5901

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NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.

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

DATE	BY	REVISION
08/22/24	JMS	UPDATE PROPERTY

F.L.A. SURVEYS CORP.
PROFESSIONAL LAND SURVEYORS AND MAPPERS LB-6569
9220 BONITA BEACH ROAD, SUITE 200
BONITA SPRINGS, FLORIDA 34135
239-405-7128 239-560-2795
239-260-2782 239-370-1136
3884 PROGRESS AVE., SUITE 104
NAPLES, FLORIDA 34104

27695 IMPERIAL RIVER ROAD
BONITA SPRINGS, FLORIDA

PROJECT
PARCEL IN 32-47-25
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA

TITLE
SURVEY SKETCH FOR SITE PLAN ONLY

SHEET 3 OF 5
W.O. NO. 25-21008
DRN. BY LOU
PAR. CHF. NICK

SURVEY SKETCH OF: SURVEY FOR SITE PLAN ONLY

SKETCH OF : GOPHER TORTOISE HOLES PER OWEN ENVIROMENTAL CONSULTING, LLC

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

NOTE:
REMOVAL OF SPECIFIC NOTES
APPROVED BY CLIENT
05/08/2025

THE LINES ON THIS SKETCH DO NOT CONSTITUTE OWNERSHIP
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NOTE:
REMOVAL OF SPECIFIC NOTES
APPROVED BY CLIENT
05/08/2025

STREET ADDRESS :
27695 IMPERIAL RIVER ROAD
BONITA SPRINGS, FLORIDA

STRAP # & OWNER:
PID #32-47-25-B3-03202.0020
UNKNOWN HEIRS OF
STANTON KENNETH M
OR BOOK 2818, PAGE 3570

WEST 120' (D) 120' (G) S.89°34'41"W
S.89°38'05"W. 119.97' (M)
RIGHT OF WAY
FIR 5/8" #6690
FIR 5/8" #6690

W. 1ST STREET (P)
(50' ROW)
UNIMPROVED - NOT IN USE
CENTERLINE

49.89' (M) S.00°41'44"E.
48.80' (M) S.00°35'54"E.
25.0'
25.0'
50.0'

PARCEL 2

EAST 120' (D)
N.89°34'41"E. 120. (G)
N.89°35'21"E. 119.90' (M)

RIGHT OF WAY
FIRC 1/2" #3553

BLOCK TIE
FIRC 1/2"
NO ID
@BLOCK CORNER

FLANDERS LANE
OCCUPIED
STRAP # & OWNER:
PID #32-47-25-B3-03204.0010
BONITA BEACH LAND LLC
OR BOOK 2309, PAGE 3336

MANHOLE
RIM ELEVATION = 10.2' NAVD
NORTH 8" PIPE
INVERT ELEVATION = 4.4' NAVD
SOUTH 8" PIPE
INVERT ELEVATION = 4.5' NAVD

44.7' (C)
FIR 5/8" NO ID

BM CENTRAL (ADJ) =
SPK&D #6569 =
ELEV. 10.1'+/- NAVD

MH
130.0'

GOPHER TORTOISE TABLE
HOLES LOCATED PER:
OWEN ENVIROMENTAL
CONSULTATING
(239) 994-9007

= ACTIVE TORTOISE HOLES

= INACTIVE TORTOISE HOLES

GOPHER TORDISE HOLES
DEPICTED HEREON
RECTIFIED FROM TREE SURVEY
BY OWEN ENVIRDMENTAL
CONSULTING
(239) 595-1292
(ARE FOR PICTORAL USE ONLY)

N
W E
S

SCALE 1" = 20'

0 20 40

REMAINDER OF
SECTION 32, TOWNSHIP 47, RANGE 25 EAST,
STRAP # & OWNER:
PID #32-47-25-B3-03202.0010
RIPLEY LAND CO LLC
OR BOOK 1747, PAGE 1314

260' (D) 260' (G) 260.08' (M)
NORTH N.00°38'49"W. N.00°37'42"W.

PARCEL 1
VACANT
HEAVY
VEGETATION
PID #32-47-25-B3-03202.0080
31211 SQ. FEET MORE OR LESS
0.72 ACRES MORE OR LESS
INSTRUMENT # 2023000292132

260.16' (M) 260' (G) 260' (D)
S.00°40'12"E. S.00°38'49"E. SOUTH

WEST 65' (D)
S.89°34'41"W. 65' (G)
S.89°46'50"W. 65' (C)

CD

MH
MANHOLE
(LOCATED HALF CSV - HALF GRASS)
RIM ELEVATION = 11.0' NAVD
NORTH 8" PIPE
INVERT ELEVATION = 5.4' NAVD

CSV
EDGE OF PAVEMENT
EDGE OF PAVEMENT
NOTE: THE ELEVATIONS ALONG THE EAST RIGHT OF WAY MAY VARY DO TO AREA BEING USED AS CONSTRUCTION LAY DOWN.
RIGHT OF WAY

VACANT
STRAP # & OWNER:
PID #32-47-25-B3-03201.0010
BONITA BEACH LAND LLC
INSTRUMENT # 2019000214863

BM SOUTH (ADJ) =
SPK&D #6569 =
ELEV. 10.7'+/- NAVD

SOUTH BOUND LANES
CENTERLINE
IMPERIAL RIVER ROAD
(130' ROW)

FIR 1/2" NO ID
RIGHT OF WAY
CONC. POLE
WEST 120.' (D)
S.89°34'41"W. 120' (G)
S.89°37'27"W. 120.09' (M)
POB FIR 1/2" NO ID
ELEC.
HYD
WB IN CONC.
CB IN CONC.
FPK&D #5151
CONC PP
PP
TEL
OVERHEAD LINES
OVERHEAD LINES
VLV
VLV
CSV
E CVG
EDGE OF PAVEMENT
INLET
CROSS WALK AREA
90.00'
(D) (G) (C)
90.0 90.0 90.0
NORTH N.00°38'49"W. N 00°38'49" W
50.0'
CURB & GUTTER
WEST BOUND LANES
EDGE OF PAVEMENT
PAVERS
CENTERLINE
FPK&D NO ID
FPK&D NO ID
31.2' (C)
10.4' (C)
FPK&D ILLEG
BONITA BEACH ROAD
(100' ROW)
SOUTH LINE OF SECTION 32
WEST 665' (D)
S.89°34'41"W. 665' (G)
S 89°41'54" 664.94' W (C)
EAST LINE OF SECTION
PDC
SE CORNER OF
SECTION 32, TOWNSHIP 47,
RANGE 25 EAST,
CERTIFIED CORNER RECORD
DOCUMENT #097458

NORTH LINE OF BONITA BEACH RD

VICINITY MAP

(NOT TO SCALE)

IMPERIAL SHORES BLVD
IMPERIAL RIVER ROAD
SITE
700 FEET
BONITA BEACH ROAD
WEST DR
VANDERBILT DRIVE
LEE COUNTY, FLORIDA

N
W E
S

MEASURED BEARINGS SHOWN ARE BASED ON STATE PLANE COORDINATES (FLORIDA WEST ZONE), WHICH IS GRID NORTH AS ESTABLISHED BY NOS, AS ACQUIRED BY USING GPS TECHNOLOGY AND IS THE "BASIS OF BEARINGS". MEASUREMENTS LABELED AS (G) ARE THE CALCULATED GPS PLAT BEARINGS.
GPS= GLOBAL POSITIONING SYSTEM

QUALITY CONTROL
BY : _____ DATE : 8/27/2024

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BY : NOT SIGNED SURVEY DATE : _____

CLINTON W. FINSTAD, PE, CFM, PLS #2453 LELAND F. DySARD, PLS #3659
MARY E. FINSTAD, CFM, PSM #5901

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DATE	BY	REVISION
08/22/24	JMS	UPDATE PROPERTY

F.L.A. SURVEYS CORP.
PROFESSIONAL LAND SURVEYORS AND MAPPERS LB-6569
9220 BONITA BEACH ROAD, SUITE 200
BONITA SPRINGS, FLORIDA 34135
239-404-7129 239-590-2795
239-250-2792 239-370-1139
3884 PROGRESS AVE., SUITE 104
NAPLES, FLORIDA 34104

27695 IMPERIAL RIVER ROAD
BONITA SPRINGS, FLORIDA

PROJECT
PARCEL IN 32-47-25
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA

TITLE
SURVEY SKETCH FOR SITE PLAN ONLY

SHEET 4 OF 5
W.O. NO. 25-21008
DRN. BY LOU
PAR. CHF. NICK

SURVEY SKETCH OF: SURVEY FOR SITE PLAN ONLY

SKETCH OF : COMPOSITE SKETCH OF LAND SURVEY, TREE SURVEY, GOPHER TORTOISE SURVEY TOGETHER

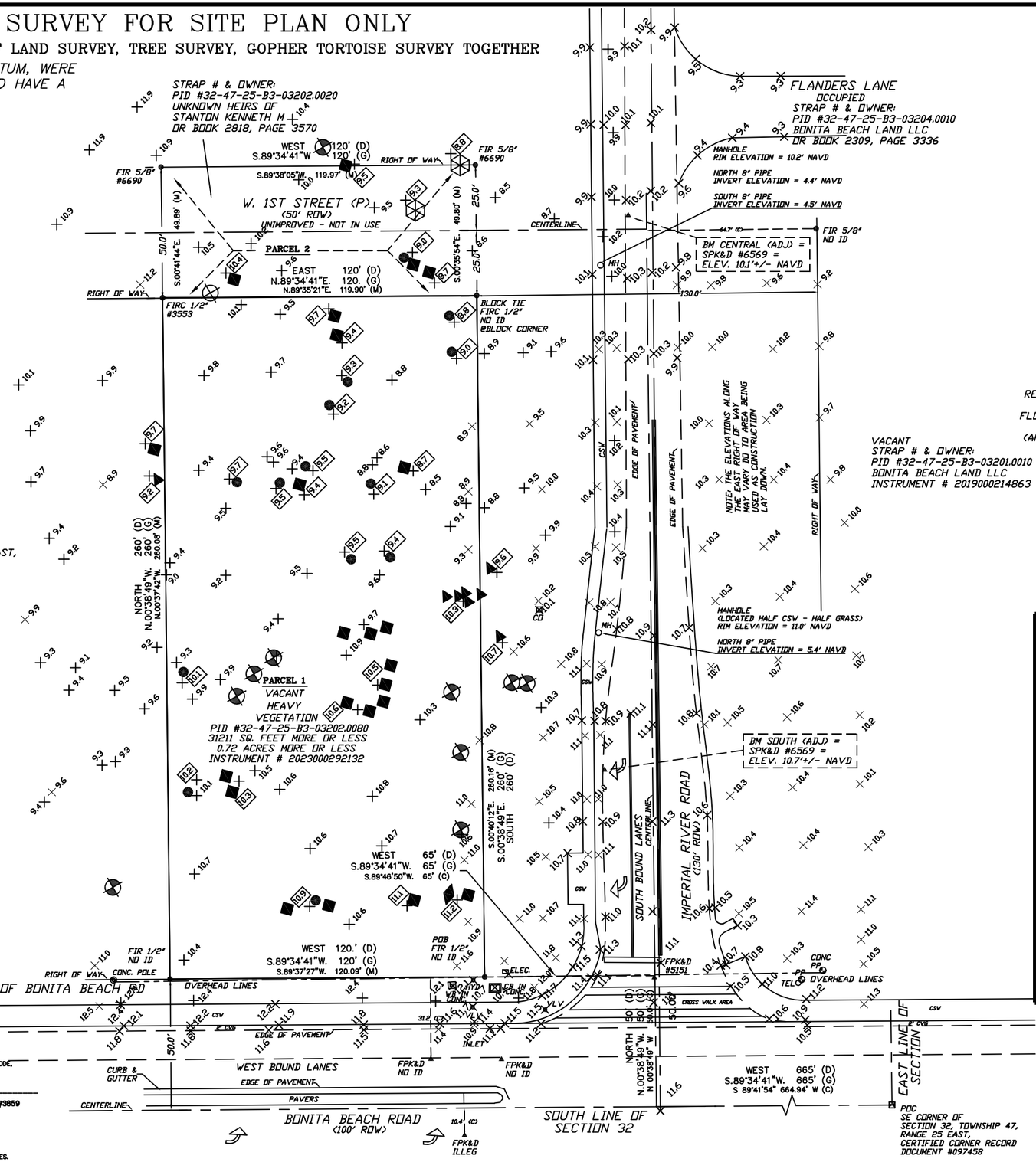
ELEVATIONS SHOWN ARE IN N.A.V.D. DATUM, WERE ACQUIRED USING GPS TECHNOLOGY AND HAVE A TOLERANCE OF +/- 0.4'

NOTE:
REMOVAL OF SPECIFIC NOTES
APPROVED BY CLIENT
05/08/2025

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NOTE:
REMOVAL OF SPECIFIC NOTES
APPROVED BY CLIENT
05/08/2025

STREET ADDRESS :
27695 IMPERIAL RIVER ROAD
BONITA SPRINGS, FLORIDA



TREE TABLE

TREES LOCATED PER:
NICK ROACH WITH
FLORIDA WETLAND
CONSULTANTS
(239) 595-1292

= LIVE OAK
= CABBAGE PALMS
= SLASH PINES
= GUMBO LIMBO
= SAND LIVE OAK

TREES DEPICTED HEREON
RECTIFIED FROM TREE SURVEY
BY NICK ROACH WITH
FLORIDA WETLAND CONSULTANTS
(239) 595-1292
(ARE FOR PICTORAL USE ONLY)

10.4 = SPOT ELEVATION IN NAVD DATUM
10.4 = TREE BASE ELEVATIONS
= CURRENT DIRECTION OF DRAINAGE FLOW

NOTE:
ELEVATIONS SHOWN HEREON MAY BE INTERPOLATED

GOPHER TORTOISE TABLE

HOLES LOCATED PER:
OWEN ENVIROMENTAL
CONSULTATING
(239) 994-9007

= ACTIVE TORTOISE HOLES
= INACTIVE TORTOISE HOLES

GOPHER TORTOISE HOLES
DEPICTED HEREON
RECTIFIED FROM TREE SURVEY
BY OWEN ENVIROMENTAL
CONSULTING
(239) 595-1292
(ARE FOR PICTORAL USE ONLY)

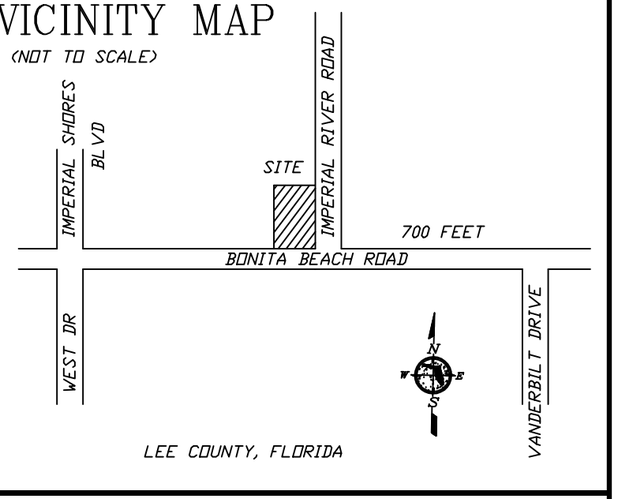
N
W E
S

SCALE 1" = 20'

0 20 40

VICINITY MAP

(NOT TO SCALE)



QUALITY CONTROL
BY : Mary E. Finstad DATE : 8/27/2024

CERTIFICATION :
I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE.

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DATE	BY	REVISION
06/22/24	JMS	UPDATE PROPERTY

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BONITA SPRINGS, FLORIDA

PROJECT
PARCEL IN 32-47-25
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA

TITLE
SURVEY SKETCH FOR SITE PLAN ONLY

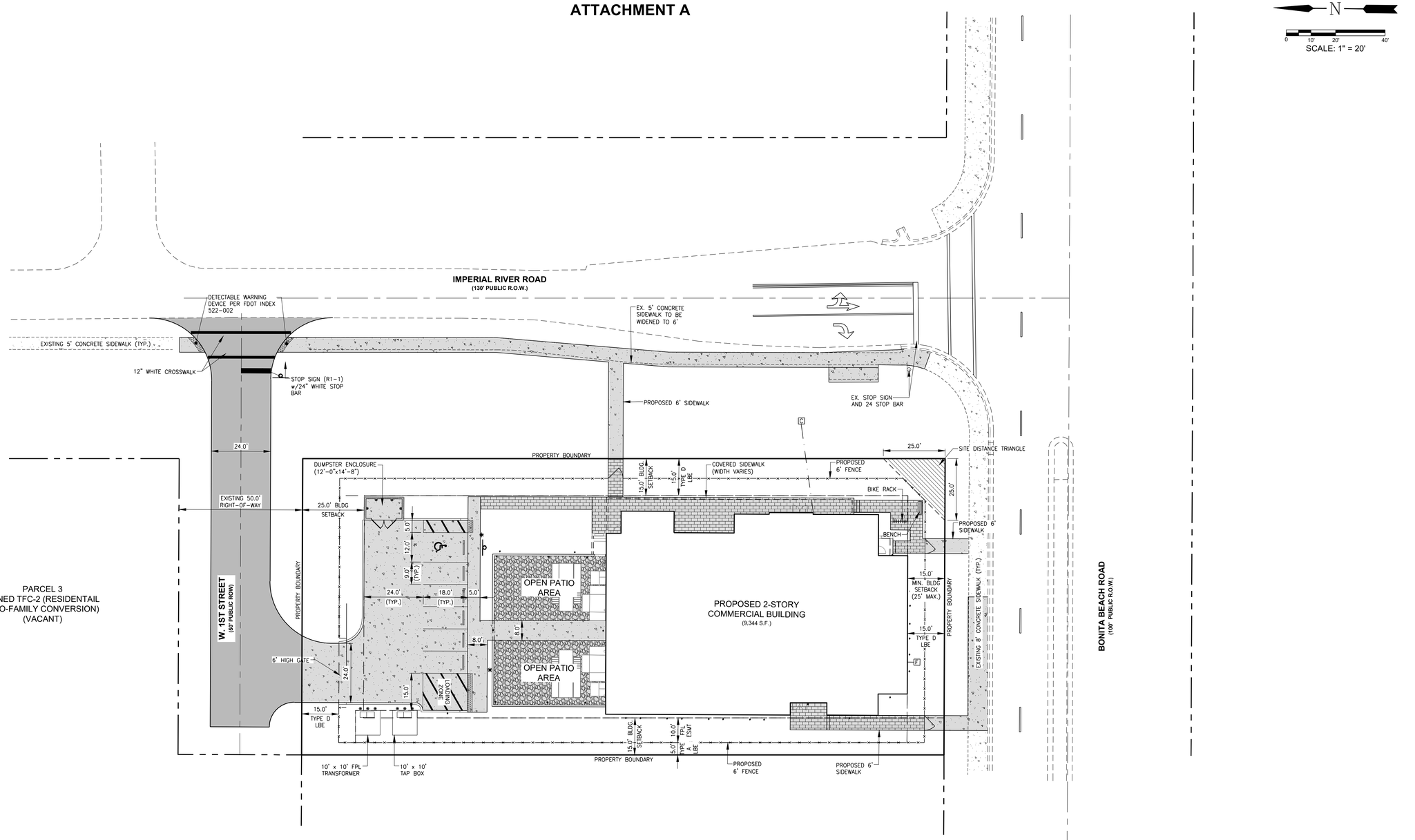
SHEET 5 OF 5
W.O. NO. 25-21008
DRN. BY LOU
PAR. CHF. NICK

ATTACHMENT A

N

0 10' 20' 40'

SCALE: 1" = 20'



LEGEND

- EX. PAVEMENT
- PROP. PAVEMENT
- EX. CONCRETE
- PROP. CONCRETE
- PROP. PAVERS

Revision	Date	Description	By

DESIGNED BY: OGMA
DRAWN BY: S.U.
APPROVED: D.W.A.
JOB CODE: TBBRDO
SCALE:

GradyMinor
a Pape-Dawson company

Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266

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

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

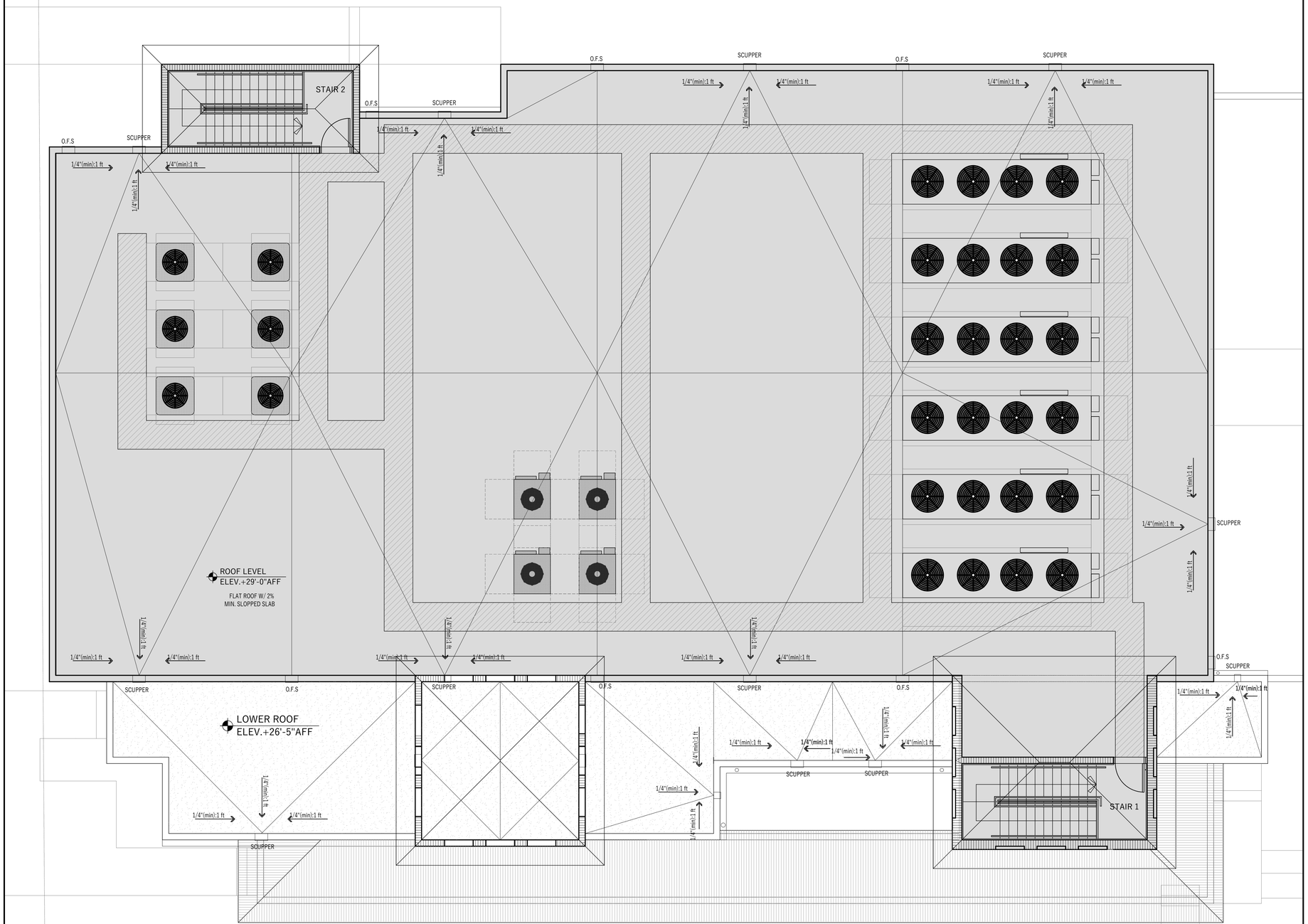
TELCOFACILITIES DATA CENTER

SPECIAL EXCEPTION SITE PLAN
REVISED MAY 16, 2025

MUNICIPALITY: BONITA SPRINGS
SEC/TWNSHP/RNG: 32/47S/25E
DATE: NOVEMBER 2024
SUBMITTAL TYPE: SPECIAL EXCEPTION
SHEET 1 OF 1

C:\PLANNING\PROJ - PLANNING\TBBRDO TELCOFACILITIES BONITA BEACH ROAD (SPE24-11840-BOS)\DRAWINGS\TBBRDO-CONCEPTUAL PLAN 2025-05-15.DWG 5/16/2025 8:06 AM

ATTACHMENT B



1 A-103 ROOF LEVEL FLOOR PLAN

SCALE: 3/16" = 1'-0"

NORTH

MEP+FP ENGINEER:

INGEMEL S.A. ENGINEERING COMPANY

State of Florida CA No. 9113
20871 Johnson Street, Suite 115
Phone: (954) 318-2264 Fax: (954) 450-7216
Pembroke Pines, Florida 33029

ARCHITECT:

CONCEPT DESIGN STUDIO
Arquitecture & Planning
10773 NW 58th Street, SUITE 115
Doral, FL 33178
PHONE: 786.367.1371

CIVIL ENGINEER:

GradyMinor
3800 Via del Rey Bonita
Springs, FL. 34134
Ph. (239) 947-1144

STRUCTURAL ENGINEER:

JCA ENGINEERS LLC
14449 SW 17 ST.
Miami, FL. 33175
Ph. (305) 979-6507

P.E. SEAL

TO THE BEST OF OUR KNOWLEDGE THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODE

REV No.	DATE	DESCRIPTION

PROJECT:

TELCO FACILITIES

TELCO FACILITIES
NEW DATA CENTER

PROJECT ADDRESS:
27965 Imperial River RD
Bonita Springs, FL, 34134

CONTENTS:

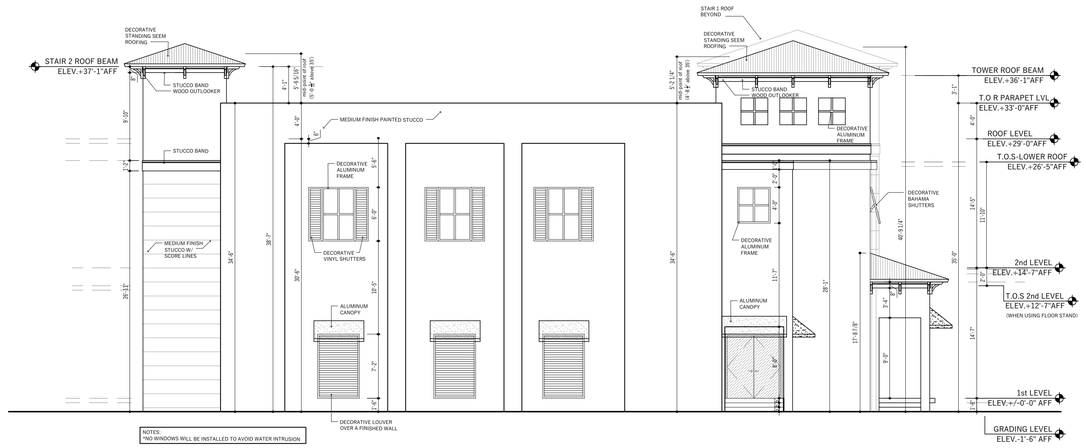
ROOF LEVEL FLOOR PLAN

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SCALE :	DATE:
DRAWN:	DWG FILE:
APPROVED:	PROJECT NO.:

SHEET No.: A-103

SHEET: OF:



SOUTH ELEVATION (BONITA BEACH RD)



EAST ELEVATION (IMPERIAL RIVER RD)

1
A-202

PROPOSED SOUTH AND EAST EXTERIOR ELEVATIONS

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

MEP+FP ENGINEER:

INGEMEL S.A.
ENGINEERING COMPANY

State of Florida CA No. 9113
20871 Johnson Street, Suite 115
Phone: (954) 318-2264 Fax: (954) 450-7216
Pembroke Pines, Florida 33029

ARCHITECT:

CONCEPT DESIGN STUDIO
Arquitecture & Planning

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PHONE: 786.367.1371

CIVIL ENGINEER:

GradyMinor

3800 Via del Rey Bonita
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P.E. SEAL

TO THE BEST OF OUR KNOWLEDGE THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODE

REV No.	DATE	DESCRIPTION

PROJECT:

TELCO FACILITIES

TELCO FACILITIES
NEW DATA CENTER

PROJECT ADDRESS:
27965 Imperial River RD
Bonita Springs, FL, 34134

CONTENTS:

SOUTH AND EAST ELEVATIONS

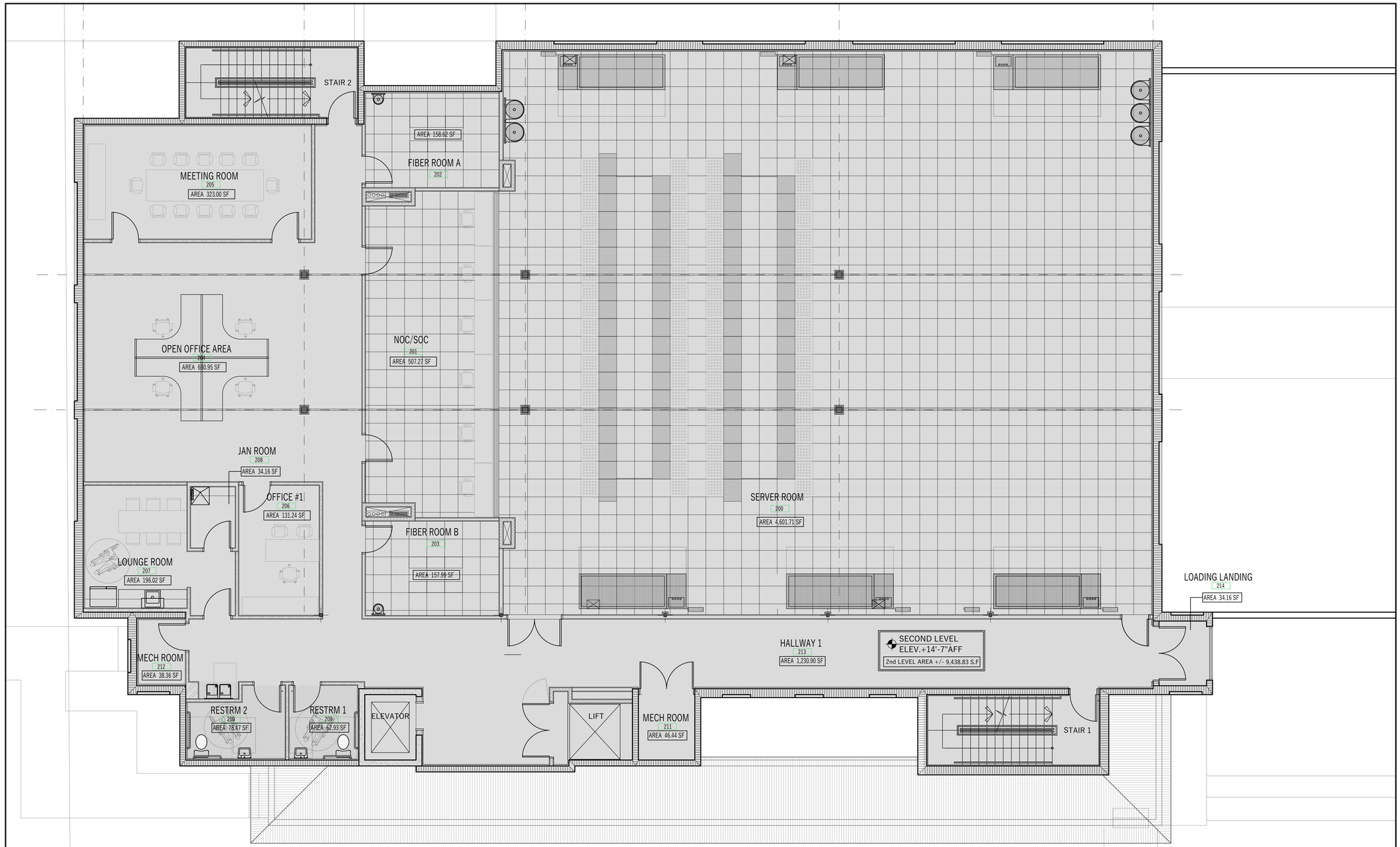
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APPROVED:	PROJECT NO.:

SHEET No.:

A-201

SHEET:	OF:



LIFE SAFETY LEGEND

- PATH OF TRAVEL.
- EXIT SIGN/ DIRECTION TO EXIT.
- EMERGENCY LIGHTS. W/BATTERY BACKUP
- FE — ABC FIRE EXTINGUISHER IN A CABINET (SEMI-RECESSED)
- SPRINKLER LINE/HEAD
- P — PULL STATION
- STROBE/HORN COMBO
- S — SMOKE DETECTOR
- CO — CARBON MONOXIDE DETECTOR
- HEAT DETECTOR

NOTE:
EQUIPPED W/AUTOMATIC FIRE SPRINKLER SYSTEM AT OFFICE AREA, STORAGES, MECHANICAL ROOMS, BATHROOMS, KITCHENETTE AND HALLWAYS, ALL OTHER ROOMS WILL HAVE "CLEAN AGENT FM200"

WALL & SYMBOL LEGEND:

- A — CONCRETE WALLS AND/OR COLUMN
- B — CONCRETE MASONRY UNIT (CMU) WALLS (MIN. 2 HR-RATED)
- C — NON-RATED MTL. STUD PARTITION. INSTALL GYP. BOARD 6" ABOVE SUSPENDED CLG. (USE 1/2" CEMENTITIOUS AT WET WALLS)
- D — 1HR-RATED MTL. STUD PARTITION (FULL HEIGHT) (G.C TO SEE STRUCT. DTL FOR STUD GAUGE AND SPACING)
- E — 2 HR-RATED PARTITION (FULL HEIGHT) (G.C TO SEE STRUCT. DTL FOR STUD GAUGE AND SPACING)

NOTE: G.C TO COORDINATE FURRING SPACE SIZE TO PROVIDE FI-FOIL R-5.1 INSULATION THROUGHOUT ALL EXTERIOR WALLS; R-11 AT BATHROOM AND R-30 RIGID INSULATION AT ROOF *ROOFING SYSTEM (FOAMULAR THERMAPINK "XPS" BY OWENS CORNING)

- 105-1 — DOOR DESIGNATION
- W-1 — WINDOW DESIGNATION
- L-1 — LOUVER DESIGNATION
- A — REFER TO KEY NOTE DESIGNATION
- SHEET 1 — REFER TO ROOM INTERIOR ELEVATION "1" DESIGNATION
- 2'x2' RAISED FLOOR TILE, WHEN SHOWN WITH HATCH W/CIRCLES INDICATES A PERFORATED TILE FOR VENTILATION

NORTH

1 / A-102 **SECOND LEVEL FLOOR PLAN**

SCALE: 3/16" = 1'-0"

MEP+FP ENGINEER:
INGEMEL S.A. ENGINEERING COMPANY
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PHONE: 786.367.1371

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Ph. (239) 947-1144

STRUCTURAL ENGINEER:
JCA ENGINEERS LLC
14449 SW 17 ST.
Miami, FL. 33175
Ph. (305) 979-6507

P.E. SEAL
TO THE BEST OF OUR KNOWLEDGE THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODE

REV No.	DATE	DESCRIPTION

PROJECT:
TELCO FACILITIES

TELCO FACILITIES
NEW DATA CENTER

PROJECT ADDRESS:
27965 Imperial River RD
Bonita Springs, FL, 34134

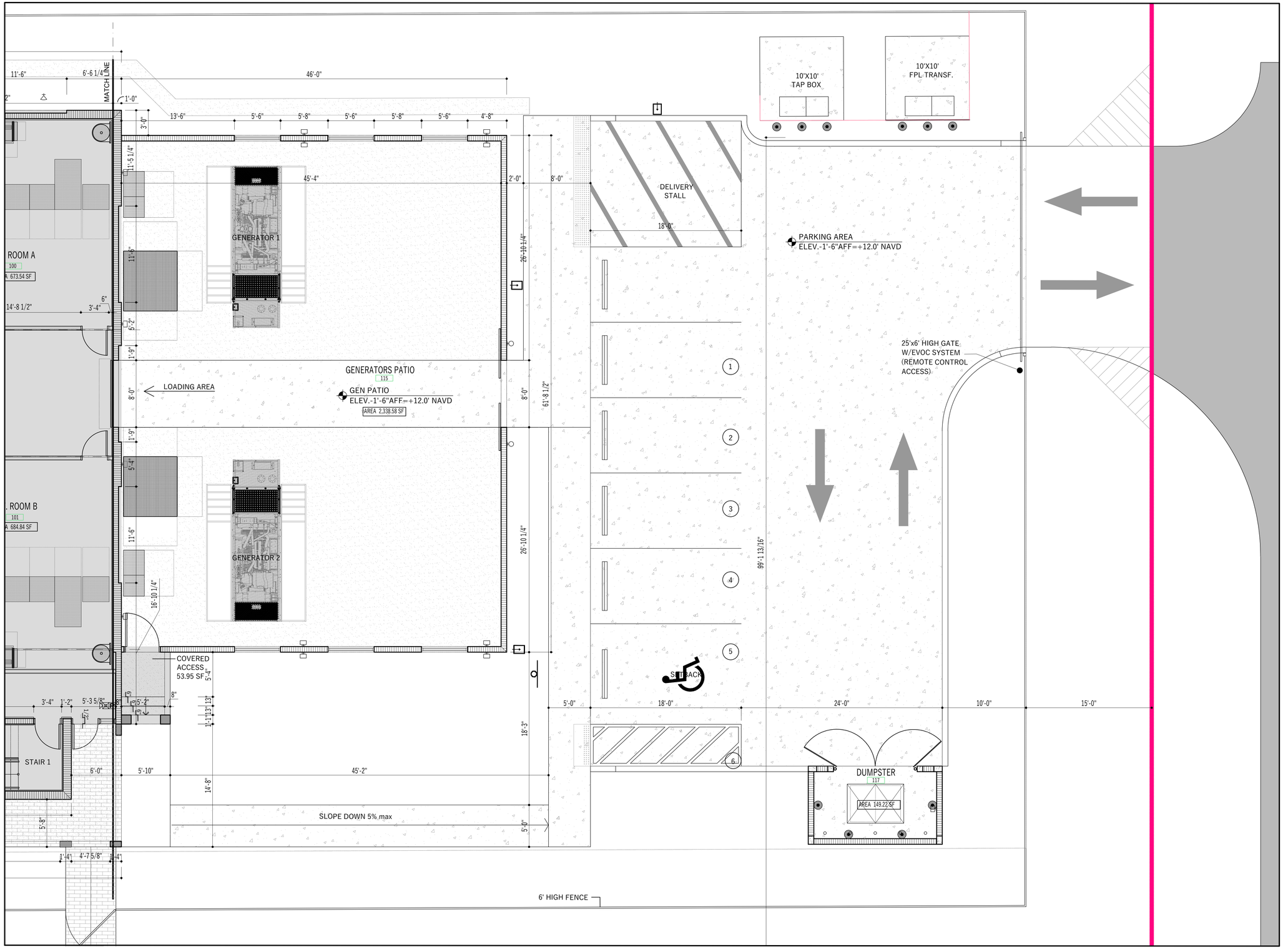
CONTENTS:
SECOND LEVEL FLOOR PLAN

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A-102

SHEET: OF:



GROUND LEVEL FLOOR PLAN - PARTIAL B

1 / A-101B

SCALE: 3/16" = 1'-0"

NORTH

MEP+FP ENGINEER:

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TELCO FACILITIES

TELCO FACILITIES
NEW DATA CENTER

PROJECT ADDRESS:
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Bonita Springs, FL, 34134

CONTENTS:

GROUND LEVEL FLOOR PLAN (SIDE B)

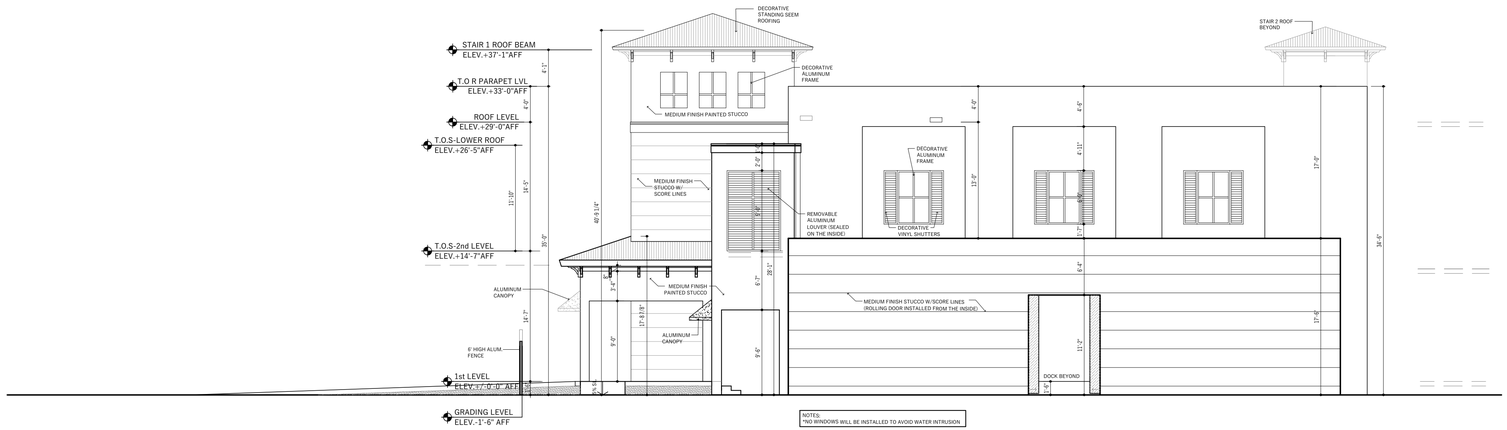
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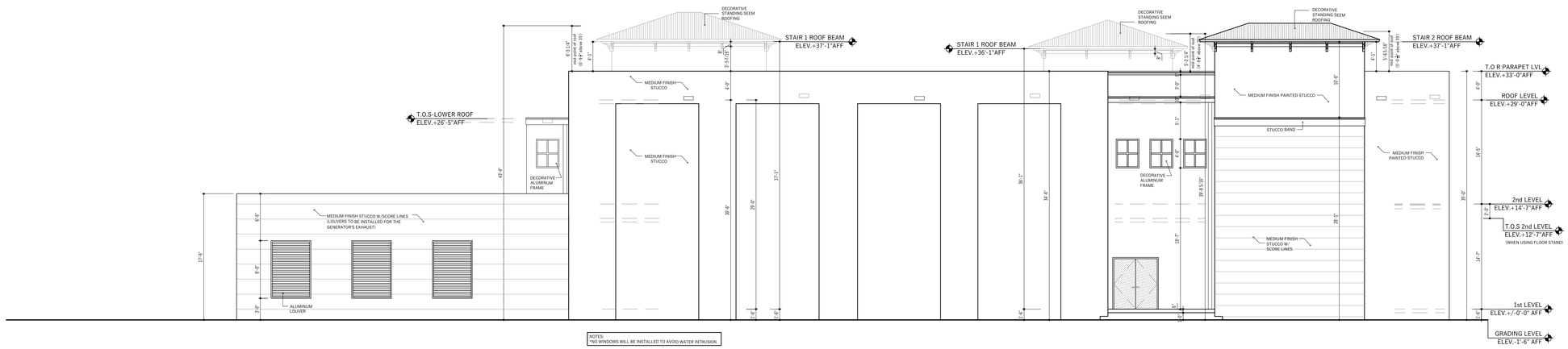
SHEET No.:

A-101B

SHEET:	OF:



NORTH ELEVATION (SERVICE ROAD)



WEST ELEVATION

1
A-201

PROPOSED NORTH AND WEST EXTERIOR ELEVATIONS

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

NORTH

MEP+FP ENGINEER:

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REV No.	DATE	DESCRIPTION

PROJECT:

TELCO FACILITIES

TELCO FACILITIES
NEW DATA CENTER

PROJECT ADDRESS:
27965 Imperial River RD
Bonita Springs, FL, 34134

CONTENTS:

NORTH AND WEST ELEVATIONS

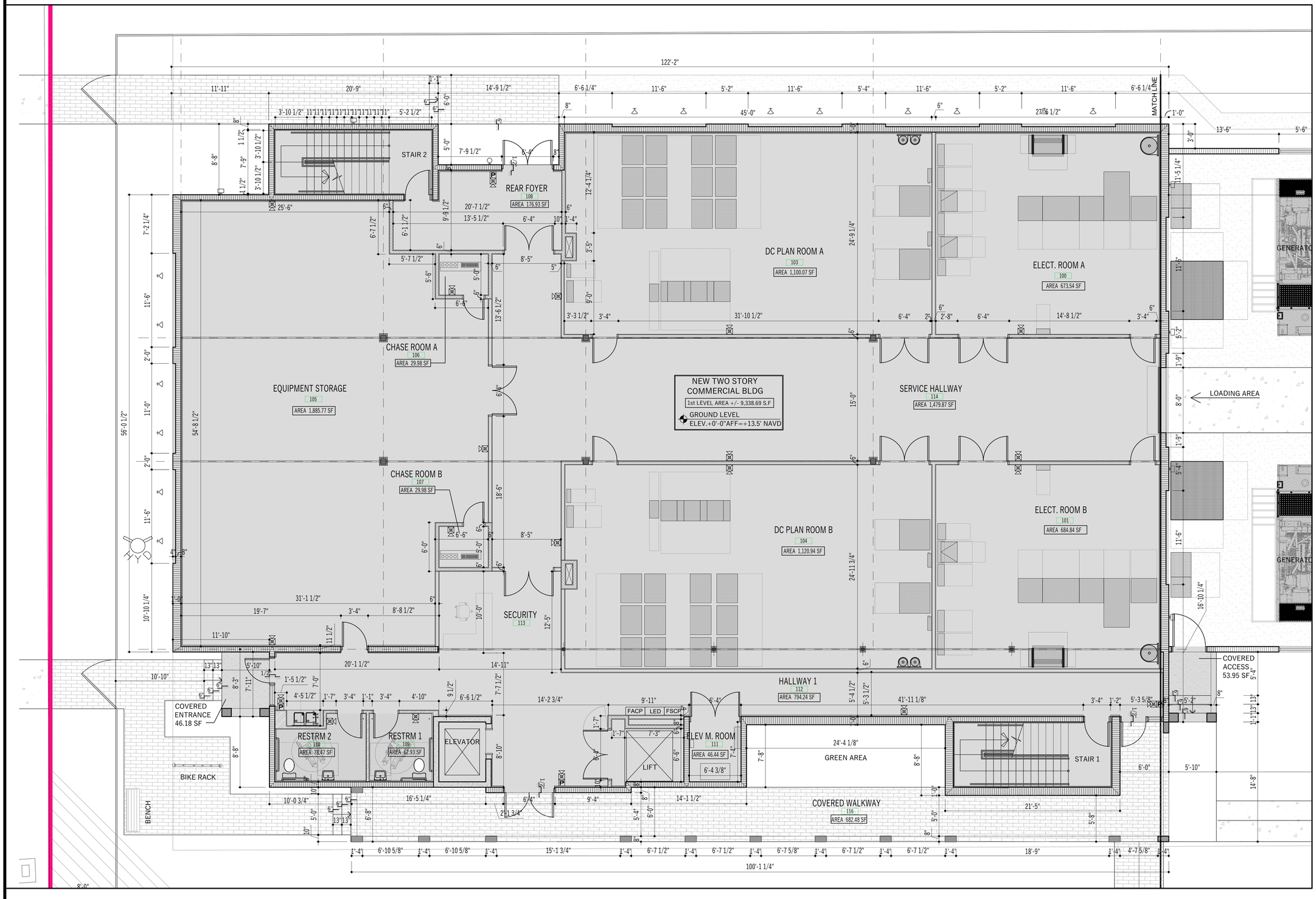
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A-202

SHEET:	OF:



1 A-101A **GROUND LEVEL FLOOR PLAN - PARTIAL A**

SCALE: 3/16" = 1'-0"

NORTH

MEP+FP ENGINEER:

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PROJECT:

TELCO FACILITIES

TELCO FACILITIES
NEW DATA CENTER

PROJECT ADDRESS:
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Bonita Springs, FL, 34134

CONTENTS:

GROUND LEVEL FLOOR PLAN (SIDE A)

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SHEET No.:

A-101A

SHEET:	OF:



SOUTH ELEVATION (BONITA BEACH RD)



EAST ELEVATION (IMPERIAL RIVER RD)

COLOR SCHEME:

SW 9542 Natural White	SW 9583 Sanctuary	SW 7036 Accessible Beige	SW 7037 Balanced Beige	SW 9619 Teakwood	SW 7048 Urbane Bronze
Emerald® Designer Edition™	Emerald® Designer Edition™			Emerald® Designer Edition™	

LEGEND:

1. PAINT OVER STUCCO W/ MEDIUM TEXTURE FINISH
2. 1/2" WIDE x 1/4" DEEP SCORE LINES ON THE STUCCO
3. PRE-FAB ALUMINUM CANOPY (COLOR: DARK BRONZE)
4. DECORATIVE ALUM. FRAME (NO GLASS INSERT); COLOR: DARK BRONZE
5. DECORATIVE VINYL SHUTTER; COLOR: DARK BRONZE
6. SOLID METAL DOOR PAINTED. (HURRICANE IMPACT RESISTANCE); COLOR : URBANE BRONZE (SW 7048)
7. ALUMINUM LOUVER; COLOR: DARK BRONZE
8. METAL FLASHING ALONG TOP OF WALL (SLOPPED TOWARDS THE INSIDE)
9. PAINT OVER STUCCO SCORED BANDS (8") W/MEDIUM TEXTURE FINISH
10. PAINT OVER STUCCO SCORED BANDS (12") W/MEDIUM TEXTURE FINISH
11. PAINT OVER STUCCO SCORED BANDS (14") W/MEDIUM TEXTURE FINISH
12. ALUMINUM FENCE; COLOR: URBANE BRONZE (SW 7048)
13. WOOD OUTLOOKS; COLOR: URBANE BRONZE (SW 7048)

COLOR SCHEME FOR WALLS AND BANDS:

1. SHERWIN WILLIAMS-NATURAL WHITE (SW 9542)
2. SHERWIN WILLIAMS-SANCTUARY (SW 9583)
3. SHERWIN WILLIAMS-ACCESSIBLE BEIGE (SW 7036)
4. SHERWIN WILLIAMS-BALANCE BEIGE (SW 7037)
5. SHERWIN WILLIAMS-TEAKWOOD (SW 9619)

1 A-202C

PROPOSED SOUTH AND EAST COLORED EXTERIOR ELEVATIONS

SCALE: N.T.S

NORTH

MEP+FP ENGINEER:

INGEMEL S.A. ENGINEERING COMPANY

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P.E. SEAL

TO THE BEST OF OUR KNOWLEDGE THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODE

REV No.	DATE	DESCRIPTION

PROJECT:

TELCO FACILITIES

TELCO FACILITIES
NEW DATA CENTER

PROJECT ADDRESS:
27965 Imperial River RD
Bonita Springs, FL, 34134

CONTENTS:

SOUTH AND EAST ELEVATIONS (COLORED)

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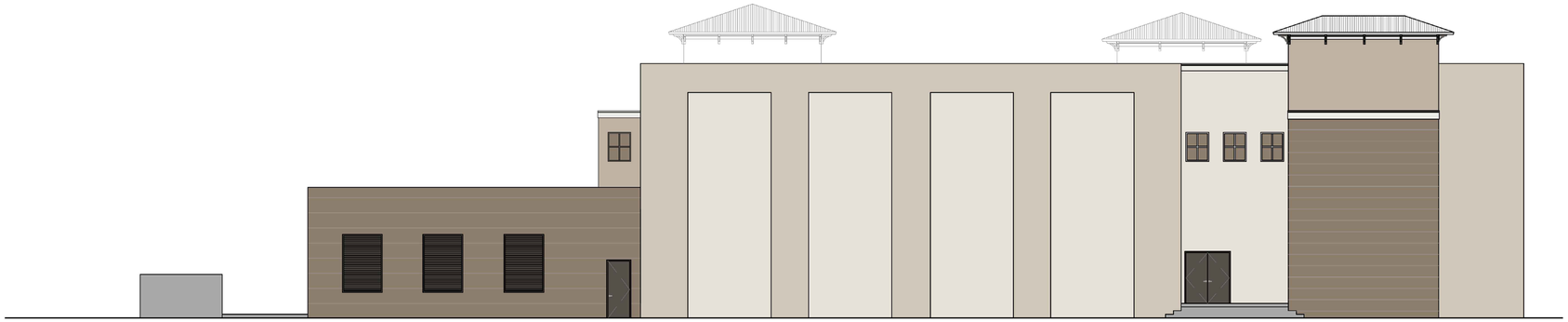
SHEET No.:

A-201C

SHEET: OF:



NORTH ELEVATION (SERVICE ROAD)



WEST ELEVATION

COLOR SCHEME:

SW 9542 Natural White	SW 9583 Sanctuary	SW 7036 Accessible Beige	SW 7037 Balanced Beige	SW 9619 Teakwood	SW 7048 Urbane Bronze
Emerald® Designer Edition™	Emerald® Designer Edition™			Emerald® Designer Edition™	

LEGEND:

1. PAINT OVER STUCCO W/ MEDIUM TEXTURE FINISH
2. 1/2" WIDE x 1/4" DEEP SCORE LINES ON THE STUCCO
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3. SHERWIN WILLIAMS-ACCESSIBLE BEIGE (SW 7036)
4. SHERWIN WILLIAMS-BALANCE BEIGE (SW 7037)
5. SHERWIN WILLIAMS-TEAKWOOD (SW 9619)

1 A-201C

PROPOSED NORTH AND WEST COLORED EXTERIOR ELEVATIONS

SCALE: N.T.S

NORTH

MEP+FP ENGINEER:
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REV No.	DATE	DESCRIPTION

PROJECT:
TELCO FACILITIES

TELCO FACILITIES
NEW DATA CENTER

PROJECT ADDRESS:
27965 Imperial River RD
Bonita Springs, FL, 34134

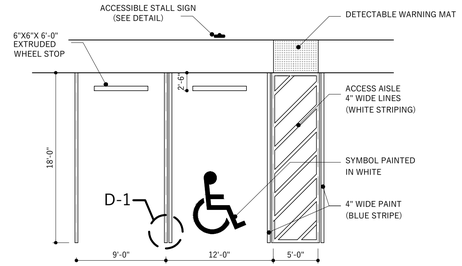
CONTENTS:
NORTH AND WEST ELEVATIONS (COLORED)

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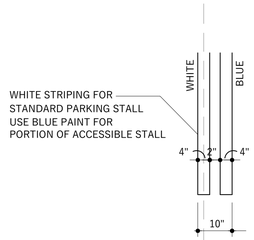
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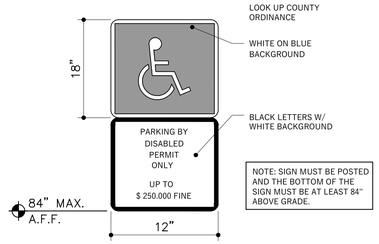


NOTE:
ACCESSIBLE PARKING SPACES AND ACCESS AISLES SHALL BE LEVEL WITH SURFACE SLOPES NOT EXCEEDING 1:48 (2%) IN ALL DIRECTIONS.

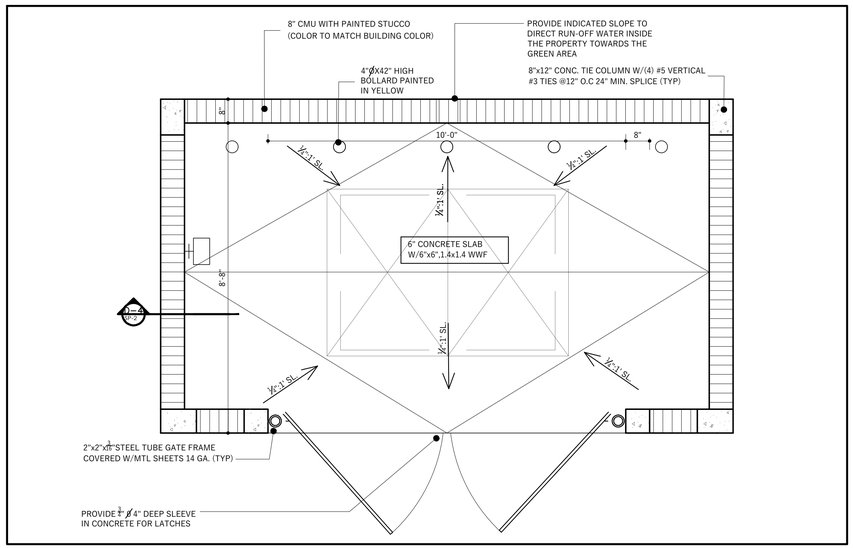
ACCESSIBLE PARKING DETAIL & TYP. PARKING
N.T.S.



D-1 / SP-1 STRIPING DETAIL
N.T.S.



ACCESSIBLE STALL SIGN DETAIL
N.T.S.



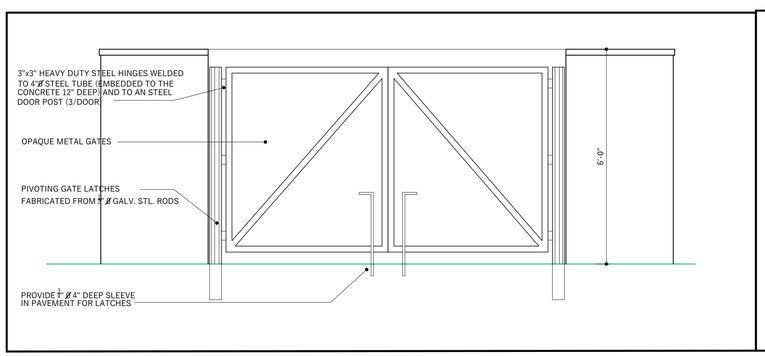
1 SP-102 DUMPSTER ENCLOSURE FLOOR PLAN
SCALE: 1/2" = 1'-0"



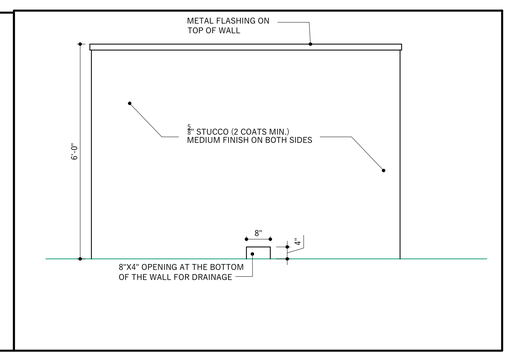
6 SP-102 PERIMETER FENCE AND GATE INTENT IMAGES
SCALE: N.T.S



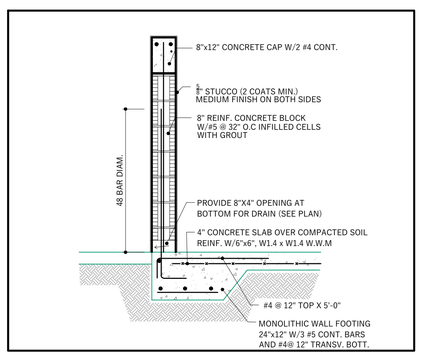
5 SP-102 BIKE RACK DETAIL
SCALE: N.T.S



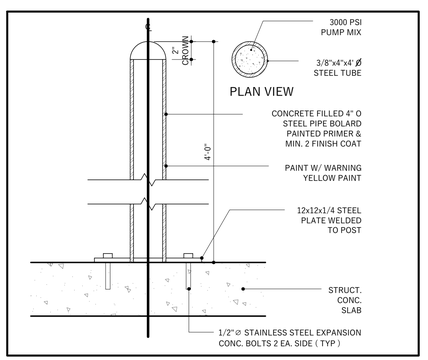
2 SP-102 DUMPSTER ENCLOSURE FRONT VIEW
SCALE: 1/2" = 1'-0"



3 SP-102 DUMPSTER ENCL. SIDE VIEW
SCALE: 1/2" = 1'-0"



4 SP-102 DUMPSTER ENCL.SECTION
SCALE: 1/2" = 1'-0"



5 SP-102 STEEL BOLLARD DETAIL
SCALE: 1 1/2" = 1'-0"

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P.E. SEAL
TO THE BEST OF OUR KNOWLEDGE THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODE

REV No.	DATE	DESCRIPTION

PROJECT:
TELCO FACILITIES
TELCO FACILITIES
NEW DATA CENTER

PROJECT ADDRESS:
27965 Imperial River RD
Bonita Springs, FL, 34134

CONTENTS:
SITE PLAN
DATA-DETAILS

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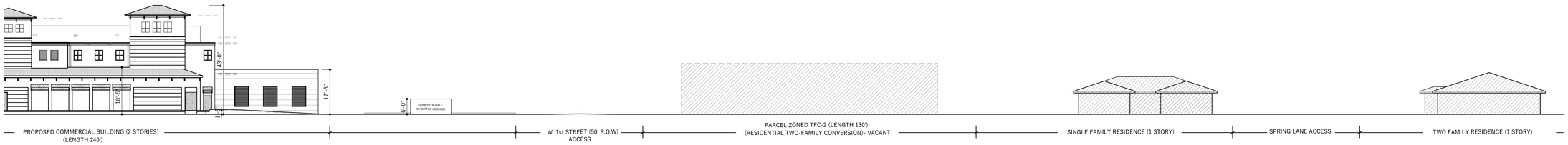
SHEET: | OF:



1
A-203

IMPERIAL RIVER ROAD - STREET PROFILE

SCALE: 1/20" = 1'-0"



2
A-203

IMPERIAL RIVER ROAD - STREET PROFILE

SCALE: 1/20" = 1'-0"







VIEWS FROM THE CORNER OF IMPERIAL RIVER ROAD AND BONITA BEACH ROAD WITH PROPOSED BUILDING INSERTED

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TELCO FACILITIES

TELCO FACILITIES
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PROJECT ADDRESS:
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Bonita Springs, FL, 34134

CONTENTS:

STREET
BLDG PROFILE

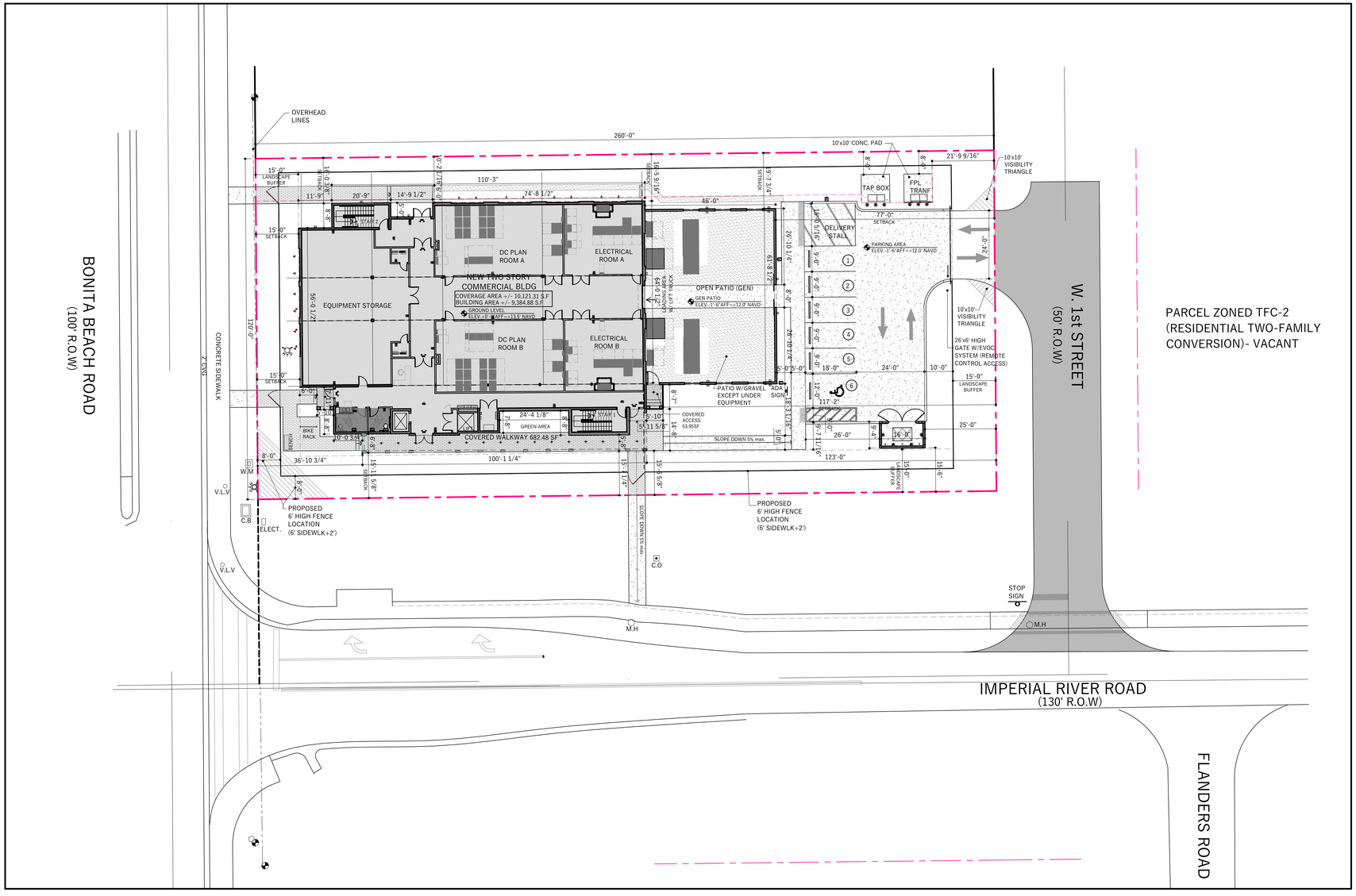
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SCALE :	DATE:
DRAWN:	DWG FILE:
APPROVED:	PROJECT NO.:

SHEET No.:

A-203

SHEET:	OF:



PARCEL ZONED TFC-2
(RESIDENTIAL TWO-FAMILY CONVERSION)- VACANT

SITE INFORMATION (CITY OF BONITA SPRINGS)

LEGAL DESCRIPTION:
SEE SURVEY PLAN

ZONING DISTRICT: B.B. RD. CORRIDOR OVERLAY-BEACH ZONE DEVELOPMENT

PROJECT USE: ESSENTIAL SERVICE FACILITY- GROUP II

FLOOD ZONE: X-500 (SPECIAL FLOOD HAZARD)
BUILDING FINISH FLOOR ELEVATION: 12" ABOVE C.O.R

	REQUIRED	PROVIDED
BUILDING STRUCTURE HEIGHT	35'	34'-6" (top of roof parapet)
ITEMS ABOVE ALLOWED HEIGHTS	EXCEPTION SEC 4-187(2)b-3)	
STAIR 1 MID ROOF HEIGHT ABOVE MAX.		5'-9 1/2"
STAIR 2 MID ROOF HEIGHT ABOVE MAX.	3 towers <20% of roof area	5'-0 3/4"
TOWER MID ROOF HEIGHT ABOVE MAX.		4'-8 1/2"

AREA CALCULATION

	REQUIRED	PROVIDED
GROSS SITE 31,200 S.F.(.716 acres)		
COVERAGE AREA	40% (12,480.00 SF)	
BUILDING AREA		9,338.69 SF
COVERED WALKWAY		682.48 SF
COVERED BLDG ENTRANCE		46.18 SF
COVERED ENTRY TO TRANSF. PATIO		53.95 SF
		10,121.30 SF(32.44%)
IMPERVIOUS AREA		
BUILDING COVERAGE AREA		10,121.30 SF(32.44%)
UNCOVERED GENERATOR AREA (CONCRETE PATH ONLY)		926.02 SF
DUMPSTER		149.33 SF
TRANSFORMER PAD		200.00 SF
OPEN CONC. WALKWAYS AND STEPS		1,144.85 SF
PARKING/DRIVEWAY (ASPHALT)		3,426.58 SF
		5,846.78 SF (18.74%)
TOTAL OPEN AREA (IMPERVIOUS)		15,968.08 SF (51.18%)
LANDSCAPE		
OPEN AREA (PERVIOUS)	20% min(6,242.29 SF)	15,231.92 SF(48.82%)
BUFFER FROM ROADWAY	15' min (Type D)	
BUFFER AROUND BLDG		
GRAVEL AT GEN. PATIO		

PARKING CALCULATION

	REQUIRED	PROVIDED
BUSINESS USE		
OFFICE 1,800 S.F./300	6 SPACES	6 SPACES(5 STD+1 HC)
INDUSTRIAL USE		NOT OCCUPIED SPACES-EQUIPMENT ONLY
		6 SPACES

SETBACKS

	REQUIRED	PROVIDED
MAIN BUILDING:		
FRONT (BONITA BEACH RD)	15'min-25'max	15'-0"
REAR: Building	20'-0"	117'-2"
Generator wall		77'-0"
SIDE	0' (West)/15'(East)	16'-0 3/4"(West)/ 15'-7 1/4"(East)

1 SP-101 **SITE PLAN**
SCALE: 1/20" = 1'-0"

NORTH

MEP+FP ENGINEER:
INGEMEL S.A. ENGINEERING COMPANY
State of Florida CA No. 9113
20871 Johnson Street, Suite 115
Phone: (954) 318-2264 Fax: (954) 450-7216
Pembroke Pines, Florida 33029

ARCHITECT:
CONCEPT DESIGN STUDIO Arquitecture & Planning
10773 NW 58th Street, SUITE 115
Doral, FL 33178
PHONE: 786.367.1371

CIVIL ENGINEER:
GradyMinor
3800 Via del Rey Bonita
Springs, FL. 34134
Ph. (239) 947-1144

STRUCTURAL ENGINEER:
JCA ENGINEERS LLC
14449 SW 17 ST.
Miami, FL, 33175
Ph. (305) 979-6507

P.E. SEAL
TO THE BEST OF OUR KNOWLEDGE THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODE

REV No.	DATE	DESCRIPTION

PROJECT:
TELCO FACILITIES
TELCO FACILITIES
NEW DATA CENTER

PROJECT ADDRESS:
27965 Imperial River RD
Bonita Springs, FL, 34134

CONTENTS:
SITE PLAN

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SCALE :	DATE:
DRAWN:	DWG FILE:
APPROVED:	PROJECT NO.:

SHEET No.:
SP-101

SHEET:	OF:

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet 25-09-208
September 3, 2025

ITEM TITLE: (FIRST READING AND PUBLIC HEARING) AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, ADOPTING AN AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO REDESIGNATE APPROXIMATELY 0.7 ACRES +/- FROM THE MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL FUTURE LAND USE CATEGORY, TO THE GENERAL COMMERCIAL FUTURE LAND USE CATEGORY; LOCATED AT 4752 BONITA BEACH ROAD SOUTHWEST, STRAP NUMBERS: 32-47-25-B4-00064.0000 AND 32-47-25-B4-0030A.0000, BONITA SPRINGS, FLORIDA 34134; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

REQUESTOR: Mary Tornberg, Esq., AICP, Senior Planner, Community Development

AGENDA SECTION: First Reading of an Ordinance

STRATEGIC PRIORITY:

BACKGROUND: The properties (4752 Bonita Beach Road and the attached northern submerged parcel) are vacant undeveloped parcels. The Applicant has filed this Future Land Use Map Amendment request in order to allow for commercial uses on these properties, which would allow for the proposed waterfront restaurant. The Applicant also has a pending companion rezoning request to redesignate these parcels within their Master Concept Plan to rezone to Commercial Planned Development (PD23-109173-BOS).

Due to the small scale of this request, the case does not require transmittal to the State (Department of Economic Opportunity [DEO]), but it does require two hearings in front of City Council.

Staff recommends approval of the request, as analyzed in the Staff Report. The Local Planning Agency (LPA) heard the case on August 7, 2025, and voted unanimously to approve the request 5-0 (meeting minutes attached). Public responses were received, which are included in this packet.

The City Attorney will distribute the draft ordinance to City Council prior to the start of the 9/3/25 meeting.

STAFF RECOMMENDATION: Move to Second Reading

ATTACHMENTS:

1. Draft Ordinance (Not attached; will be distributed by the City Attorney prior to the meeting)
2. LPA Meeting Minutes (August 7, 2025)
3. Staff Report with Exhibits and Attachments)
4. Public Responses Received

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Michael Sheffield
Community Development Dept. Director:	John Dulmer, AICP

Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, FL 34135

City of Bonita Springs
Local Planning Agency
Draft Meeting
Minutes

August 7, 2025
9:00 A.M.

1. **Call to Order** - *Chairman Steve Lohan called the meeting to order at 9:00 a.m.*

2. **Pledge of Allegiance** - *Chairman Lohan led the Pledge of Allegiance.*

3. **Roll Call** - *The City Clerk called the roll:*

   Present: 5 *Chairman Lohan, Members Maturo, Lombardo, Hartford, and Townsend*
   Absent: 2 *Members Dhooghe and Colapietro were excused*

4. **Approval of Agenda** - *Motion made by Member Maturo to approve the agenda; seconded by Chairman Lohan. The motion carried unanimously by members present.*

5. **Public Comment** - *Chairman Lohan announced public comments will be held after the presentations.*

6. **Review of the following comprehensive plan amendments for consistency with the City of Bonita Springs Comprehensive Plan:**

   A. Case Name: HICKORY ON THE BAY COMPREHENSIVE PLAN AMENDMENT (CPA23-109179-BOS)

   TO AMEND THE CITY OF BONITA SPRINGS FUTURE LAND USE MAP TO RE-DESIGNATE APPROXIMATELY 0.7 ACRES +/- FROM THE MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL FUTURE LAND USE CATEGORY, TO THE GENERAL COMMERCIAL FUTURE LAND USE CATEGORY OF A PROPERTY LOCATED AT 4752 BONITA BEACH ROAD SOUTHWEST.

   Mary Tornberg, Senior Planner with Community Development, introduced the item and provided a brief overview of the proposed amendment. The request is to change the Future Land Use Map from Multi-Family Residential to General Commercial.

   Rich Yovanovich, attorney for the applicant, presented an overview of the project and the applicant's request, stating the request is to correct an incorrect designation. The property is already zoned commercial, but the comprehensive plan has a different use attached. He is requesting a small-scale map change from multi-family residential to general commercial to match the surrounding area.

   Mary Tornberg reviewed the staff analysis which included the history of the site prior to the City's incorporation. Ms. Tornberg stated staff recommends approval of the requested amendment, for consistency with the General Commercial land use category designations of the surrounding parcels.

Public Comment

- *Terry Lenick, attorney representing the Bonita Fish House, spoke in opposition to the proposed redesignation. He commented that the signage intended to notify the public of the hearing was insufficiently displayed. He also expressed concerns regarding traffic and environmental impacts.*
- *Jesse Olsovsky, a neighboring homeowner, spoke in opposition to the proposed redesignation, citing noise concerns.*
- *John Guyett, a neighboring homeowner, spoke in opposition to the proposed redesignation, citing incompatibility with the residential neighborhood.*
- *Susan Guyett, a neighboring homeowner, spoke in opposition to the proposed redesignation, citing environmental and noise concerns.*
- *Stu Young spoke in opposition to the proposed redesignation, citing incompatibility with the residential neighborhood and environmental concerns.*

Mr. Yovanovich responded to the public concerns. He stated the signage was properly placed and is in compliance with City standards. He also stressed that the property is zoned commercial; however, it is the only property on the corridor placed in the residential land use category. The entire corridor was always intended to be commercial.

John Dulmer, Community Development Director, answered questions from the Board regarding the environmental impact, and residential verses commercial land use categories.

Motion and Vote

Member Townsend made a motion to recommend approval of the requested amendment to the Future Land Use Map, redesignating the property's land use category from Residential to General Commercial; Seconded by Member Lombardo. The City Clerk recorded the vote by roll call. ***The motion carried 5-0.***

7. Selection of a Vice Chair

Chairman Lohan made a motion to select Ray Townsend as Vice Chair; Seconded by Member Maturo. ***The motion carried 5-0***

8. Approval of minutes from the LPA meeting held on May 22, 2025

Member Townsend made a motion to approve the minutes; seconded by Member Lombardo. ***The motion carried 5-0.***

9. Adjournment - *There being no further business, Chairman Lohan adjourned the meeting at 9:45 A.M.*

PREPARED BY:

_____
Teresa C. Grimes

APPROVED BY THE LOCAL PLANNING AGENCY

Date: _____

_____
Steve Lohan, Chairman

Draft

CPA23-109179-BOS

Bonita Plan

Small-Scale Future Land Use Map Amendment

Privately Sponsored Application
and Staff Analysis

City of Bonita Springs
Planning Division
9220 Bonita Beach Road, Suite 109
Bonita Springs, Florida
(239) 444-6150

LPA Public Hearing Date:	August 7, 2025
City Council Public Hearing Date:	TBD, 2025
Project Name:	Hickory on the Bay Comprehensive Plan Map Amendment

City of Bonita Springs
Planning and Zoning Division

STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT

CPA23-109179-BOS

_ Text Amendment **X Map Amendment**

This Document Contains the Following Reviews:	
X	**Staff Review**
	Local Planning Agency Review and Recommendation
	City Council Transmittal Hearing Stage
	City Council Hearing for Adoption Stage

STAFF REPORT PREPARATION DATE: July 30, 2025

PART I- BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

Applicant: Traci G. Kautzman
Agent: John Vanni, JR Evans Engineering
Jeremie Chastain and Robert J. Mulhere, Bowman
Richard Yovanovich, Coleman, Yovanovich and Koester

2. REQUEST: A small-scale plan amendment to redesignate approximately 0.7 acres +/- from the Medium Density Multi-Family Residential Future Land Use Category to the General Commercial Future Land Use Category.

STRAPs: 32-47-25-B4-00064.0000 and 32-47-25-B4-0030A.0000.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

a. **RECOMMENDATION**: Staff recommends that the Local Planning Agency (LPA) and City Council vote to adopt the proposed Map Amendment, as requested.

b. **BASIS AND RECOMMENDED FINDINGS OF FACT**:

A. The vacant properties located at 4752 Bonita Beach Road and the Access Undetermined Parcel attached, are identified as STRAP Nos. 32-47-25-B4-00064.0000 and 32-47-25-B4-0030A.0000 ("Properties"). The Applicant is requesting a Map Amendment for the approximately 0.7 acres +/-, from Medium Density Multi-Family Residential to General Commercial, for the construction of a waterfront restaurant (Restaurant, Group III), which is consistent with the current commercial zoning in the Beach Zone of the Bonita Beach Road Corridor Overlay.

B. The proposed Map Amendment would be consistent and compatible with the existing uses in the surrounding area, which include a canal to the north then residential single-family and two-family homes, vacant commercial parcels to the west, and marina uses on the south side of the Bonita Beach Road right-of-way. The adjacent eastern parcels are included in the Planned Development rezoning request to allow for additional retail, office and multi-family residential dwelling uses.

C. Based on historic aerials, the Properties have remained vacant and undeveloped.

D. The Properties were purchased in March 2023 and September 2024 by the Applicant.

E. Prior to incorporation and adoption of the City's Future Land Use Map, the Properties were designated as Urban Community, according to the Lee Plan. This Category allowed a mixture of relatively intense commercial uses and lower density residential uses. Mixed-use developments were encouraged. When the City adopted its first Future Land Use map, it designated this Properties as Medium Density Multi-Family Residential, even though all surrounding properties fronting Bonita Beach Road were designated within the General Commercial Future Land Use Category.

F. The proposed Map Amendment would amend the Properties' future land use designation to allow for commercial uses and to be consistent with the surrounding parcels fronting Bonita Beach Road.

G. The Applicant has provided letters of service availability from the Bonita Springs Fire Control and Rescue District, Bonita Springs Utilities, the Lee County Sheriff's Office, Lee County School District, and Lee County Solid Waste.

H. The Applicant held the required neighborhood information meetings and compatibility concerns were raised.

I. A traffic impact analysis was provided with the Application and was reviewed by the City's Traffic Engineer. The project was also sent to Lee County Department of Transportation. This proposed Map Amendment will not impact the MPO's 2045 Long Range Transportation Plan or the City's adopted Capital Improvement Plan or the County's 5-year Capital Improvement Plan.

C. SUMMARY/BACKGROUND DISCUSSION:

HISTORY OF THE SUBJECT PROPERTIES

The Properties are located at 4752 Bonita Beach Road and the Access Undetermined Parcel known as Tract A of the Ledford Shores Plat. As far as historic aerials show, no development has occurred on either of the parcels. Over time, erosion has occurred. The Applicant purchased the Properties in March 2023 and September 2024. The current zoning of the Properties (Beach Zone of the Bonita Beach Road Corridor Overlay) allows for the requested waterfront restaurant use, but the current Future Land Use designation of Medium Density Multi-Family Residential does not. Accordingly, the Applicant submitted an application for the proposed Map Amendment, which is the appropriate path to correct such inconsistency. A companion Planned Development rezone request was also submitted for this project. Staff has reviewed the Application and Staff's findings are contained in this Report.

EXISTING CONDITIONS

The Properties are vacant and have not been developed. There are utilities available to service the site and the Applicant has provided letters of service availability from Bonita Springs Utilities, Bonita Springs Fire Control & Rescue District, Lee County Sherrif's Department, and Lee County Solid Waste.

EXISTING FUTURE LAND USE DESIGANTION, ZONING, AND EXISTING LAND USE

The existing Future Land Use category is Medium Density Multi-Family Residential, which states the following:

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

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

b. Residential density shall be limited to no more than six dwelling units per acre. If affordable housing is provided, residential density may be increased by up to four additional dwelling units per acre. This density range is consistent with the density previously afforded under the Urban Community land use designation in the Lee Plan.

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

d. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves, except that no new structures or modifications to existing structures located on the islands west of the mainland may be constructed in excess of 35 feet in height.

The current zoning designation for the Properties is the Beach Zone of the Bonita Beach Road Corridor Overlay, which, if the proposed Map Amendment is approved, would allow commercial uses, such as the proposed waterfront restaurant use.

SURROUNDING ZONING AND LAND USE

A majority of properties along this section of Bonita Beach Road, from Bay Point Lane to Imperial Shores Boulevard, were developed under Lee County's regulations, which were distinctly urban in character and allowed commercial, residential, public, and limited light industrial uses. Since the adoption of the City's first Comprehensive Plan, the City has engaged in three key planning efforts to address development along this important corridor: 1) Bonita Beach Road Study by Lee County (2003), 2) Bonita Beach Road Visioning Study by Toole Design Group (2016), and 3) Bonita Beach Road Land Use Report by DPZ CoDesign (2018). Both the Toole Design and the DPZ CoDesign studies were the basis for the adoption of the current Bonita Beach Road Corridor comprehensive plan policies and implementing land development regulations. The intent of the Bonita Beach Road Corridor Overlay is to guide future growth and redevelopment along the Bonita Beach Road Corridor within zones, quadrants, and nodes as identified in the Bonita Plan, Bonita Beach Road Visioning Study and Bonita Beach Road Land Use Report. The Bonita Beach Road Corridor District is intended 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 and aesthetically-pleasing streetscape

Recognizing the increasing urbanization of Bonita Springs and that these Properties will be incorporated into the companion planned development rezoning request, a General Commercial Future Land Use map designation is appropriate for these parcels. Further, the companion Planned Development request is required to demonstrate how their rezoning request and proposed Master Concept Plan are compatible with surrounding existing land uses and future land use patterns. Such mechanisms include spatial and/or vegetative buffers, walls or fences, or other appropriate measures that will ensure compatibility between residential uses and more intensive nonresidential uses.

APPLICANT DATA AND ANALYSIS

The Applicant's data and analysis is included in the Staff Report back-up materials (Attachment E).

PART II- STAFF ANALYSIS

SUMMARY

The request is to amend the Future Land Use Map designation for the Properties, from Medium Density Multi-Family Residential to the General Commercial designation.

The Medium Density Multi-Family Residential category states the following:

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

a. Appropriate residential housing types include conventional and modular constructed single-family and duplex structures, on permanent foundations, cluster housing, zero lot line, townhouses, multi-family structures, and mobile homes or recreational vehicles in existing mobile home or recreational vehicle parks.
b. Residential density shall be limited to no more than six dwelling units per acre. If affordable housing is provided, residential density may be increased by up to four additional dwelling units per acre. This density range is consistent with the density previously afforded under the Urban Community land use designation in the Lee Plan.
c. Commercial uses may be appropriate provided they are primarily intended to serve the residents of a mixed use project and are sensitive to nearby residential uses.
d. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves, except that no new structures or modifications to existing structures located on the islands west of the mainland may be constructed in excess of 35 feet in height.

The Properties were never developed under the current Future Land Use designation. The City's adoption of the Bonita Beach Road Corridor Overlay in 2019 rezoned the Properties, which now allows for a variety of residential and commercial uses, provided the proposed Map Amendment is approved.

The proposed Future Land Use category of General Commercial states the following:

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.*

Redesignating the Properties to the General Commercial Future Land Use category would allow a wider variety of commercial uses consistent with the Properties' existing zoning designation, including a waterfront restaurant, which is what is being proposed by the Applicant.

As part of the analysis of the request, Staff analyzed multiple sections of the City's Comprehensive Plan, as outlined below.

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 dated November 1, 2016 for the Bonita Beach Road Corridor, which is generally located between the Gulf of [America] 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 and aesthetically-pleasing streetscape.
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.

TRANSPORTATION ELEMENT

The Properties front Bonita Beach Road, a fully constructed County-maintained roadway. The project will receive formal review for required roadway improvements at time of local development order. The project is also required to comply with the City's Complete Streets requirements and provide pedestrian facilities.

INFRASTRUCTURE ELEMENT: POTABLE WATER & SANITARY SEWER SUB ELEMENTS

The Properties have water/sewer availability and are located within the Bonita Springs Utilities (BSU) franchise area, which demonstrates consistency with the Potable Water Sub Element and the Sanitary Sewer Sub Element of the Comprehensive Plan. A letter of service availability was provided by BSU stating that it has the capacity to serve the estimated 21,450 gallons per day usage of the proposed use of the Properties. Since no reuse water is available for the site, potable water would also be used for irrigation purposes.

CONSERVATION/COASTAL MANAGEMENT ELEMENT

The Properties are located within the Coastal Management Area (CMA) and Coastal High Hazard Area (CHHA), as shown on CMA Map Figure 7 within the administrative section of the Comprehensive Plan. Therefore, the project is subject to Goal 5 of the Conservation/Coastal Management Element of the Bonita Plan.

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 storm 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricane (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.

The Map Amendment and rezone requests do not propose residential units on the Properties. Therefore, Policy 5.1.1. is 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 5.2.3: 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.

The proposed Map Amendment does not reduce or increase the permitted density. However, the companion Planned Development request illustrates that no residential units are proposed for these Properties and that this request does not cause additional density within the proposed project.

Policy 5.2.4: Development in the Coastal Management Area, except as otherwise restricted by Policy 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 proposed project does not exceed the surrounding density or intensity.

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 project will comply with all FEMA and Florida Building Codes.

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

The project proposes retaining walls to maintain the elevation needed for FEMA requirements. The retaining walls are proposed interior to the mangroves.

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 is proposed to be filled to meet FEMA standards, with installation of underground drainage to ensure stormwater is maintained and treated.

<u>REMAINING ELEMENTS</u>
It is Staff's opinion that the remaining elements of Housing, Recreation, and Public School Facilities are not applicable to this Map Amendment request. There are no residential uses being proposed on these Properties. The Recreation Element provides the standards for availability of City parks and open space, which are not applicable to the request.

NOTICE OF PROPOSED ACTION:

If the Local Planning Agency finds the proposed Map Amendment to be consistent with the Comprehensive Plan, the proposed Map Amendment will be scheduled before the City Council for a public hearing, consistent with Section 163.3187, Florida Statutes.

CONCLUSIONS:

The purpose of the proposed Map Amendment is to allow for commercial uses that are consistent with the Beach Zone of the Bonita Beach Road Corridor Overlay. For the specific Properties, the Applicant proposed a waterfront restaurant in this area. The Properties are vacant and the Applicant is fully aware of the City's Code provisions for development consistent with the Bonita Beach Road Corridor Overlay and Complete Streets requirements. The Application was reviewed for consistency with the Comprehensive Plan, and no inconsistencies were identified.

STAFF RECOMMENDATION

Staff recommends **approval** of the proposed Map Amendment to redesignate the Properties from Medium Density Multi-Family to General Commercial.

ATTACHMENTS:

A. A copy of the adopted Future Land Use Map, City of Bonita Springs
B. Future Land Use Designations for Surrounding Area (Current and Proposed)
C. Policy 1.1.14, General Commercial Future Land Use Category
D. A copy of the boundary survey for the Parcels
E. Application Backup (available online only)

Submitted by:

Mary Tornberg, Esq., AICP
Senior Planner

Date: July 30, 2025

PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: August 7, 2025

A. LOCAL PLANNING AGENCY REVIEW

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

Chairman Steve Lohan _____

Don Colapietro _____

Daniel Dhooghe _____

Raymond Townsend _____

Robert Lombardo _____

Jeff Maturo _____

Tammy Hartford _____

PART IV – CITY COUNCIL
HEARING FOR ADOPTION OF PROPOSED AMENDMENT

DATE OF PUBLIC HEARING: XXXX XX, 2025

A. CITY COUNCIL REVIEW

B. CITY COUNCIL RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. COUNCIL ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

Mayor Mike Gibson _____

Jamie Bogcaz _____

Jesse Purdon _____

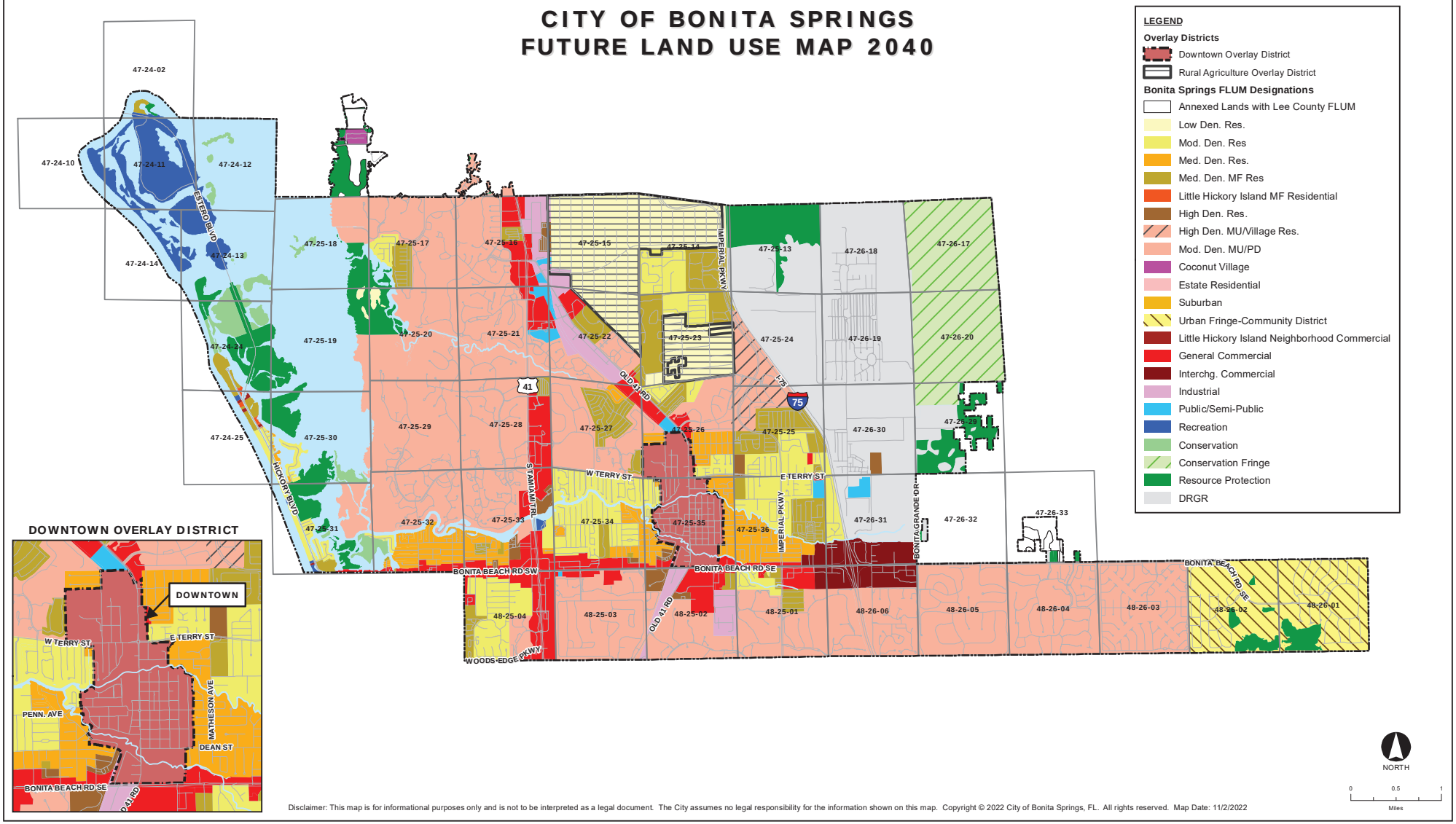
Laura Carr _____

Chris Corrie _____

Nigel Fullick _____

Jim Fitzpatrick _____

ATTACHMENT A



Disclaimer: This map is for informational purposes only and is not to be interpreted as a legal document. The City assumes no legal responsibility for the information shown on this map. Copyright © 2022 City of Bonita Springs, FL. All rights reserved. Map Date: 11/2/2022

NOT TO SCALE

ATTACHMENT B

LEGEND

- MEDIUM DENSITY RESIDENTIAL
- MEDIUM DENSITY MULTIFAMILY RESIDENTIAL
- GENERAL COMMERCIAL

REGAL RD

GARY RD

IMPERIAL SHORES BLVD

SUBJECT PROPERTY

LEE COUNTY

BONITA BEACH RD.

COLLIER COUNTY

ENGINEER: KEVIN M. DOWTY, P.E. LICENSE No. 82330

LETTER	REVISIONS	DATE
1		
2		
3		
4		
5		

HICKORY ON THE BAY

DESIGNED BY	DATE 5/23
DRAWN BY S.P.C.	DATE 5/23
CHECKED BY J.C.	DATE 12/23
VERTICAL SCALE N/A	HORIZONTAL SCALE N/A

HOLEMONTES a Benesch company
950 Encore Way
Naples, FL. 34110
Phone: (239) 254-2000
Florida Certificate of Authorization No.1772

EXHIBIT A-2
FUTURE LAND USE

THESE DRAWINGS ARE NOT APPROVED FOR CONSTRUCTION UNLESS SIGNED BELOW:

DATE _____

REFERENCE NO.	DRAWING NO.
118	2023118
PROJECT NO.	SHEET NO.
2023.118	1 OF 1

H:\2023\2023118\DWG\2023118_EXHIBIT_A2_FLU.dwg Tab: FLU AERIAL May 15, 2024 - 9:16am Plotted by: GarrettGrabowski

GRECOCKS SWAP SANCTUARY, INC 2023.003

NOT TO SCALE

LEGEND

- MEDIUM DENSITY RESIDENTIAL
- MEDIUM DENSITY MULTIFAMILY RESIDENTIAL
- GENERAL COMMERCIAL

REGAL RD

GARY RD

IMPERIAL SHORES BLVD

SUBJECT PROPERTY

LEE COUNTY

BONITA BEACH RD.

COLLIER COUNTY

ENGINEER: KEVIN M. DOWTY, P.E. LICENSE No. 82330

LETTER	REVISIONS	DATE
1		
2		
3		
4		
5		

HICKORY ON THE BAY

DESIGNED BY		DATE	5/23
DRAWN BY	S.P.C.	DATE	5/23
CHECKED BY	J.C.	DATE	12/23
VERTICAL SCALE	N/A	HORIZONTAL SCALE	N/A

HOLEMONTES a Stantec company
950 Encore Way
Naples, FL. 34110
Phone: (239) 254-2000
Florida Certificate of
Authorization No.1772

EXHIBIT A-2
FUTURE LAND USE

THESE DRAWINGS ARE NOT APPROVED FOR CONSTRUCTION UNLESS SIGNED BELOW:

DATE _____

REFERENCE NO.	DRAWING NO.
118	2023118
PROJECT NO.	SHEET NO.
2023.118	1 OF 1

H:\2023\2023118\DWG\2023118_EXHIBIT_A2_FLU_FUTUR.dwg Tab: FLU AERIAL May 16, 2024 - 9:15am Plotted by: GarrettGrabowski

GREGORY SWAMP SANCTUARY, INC 2023.003

ATTACHMENT C

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.

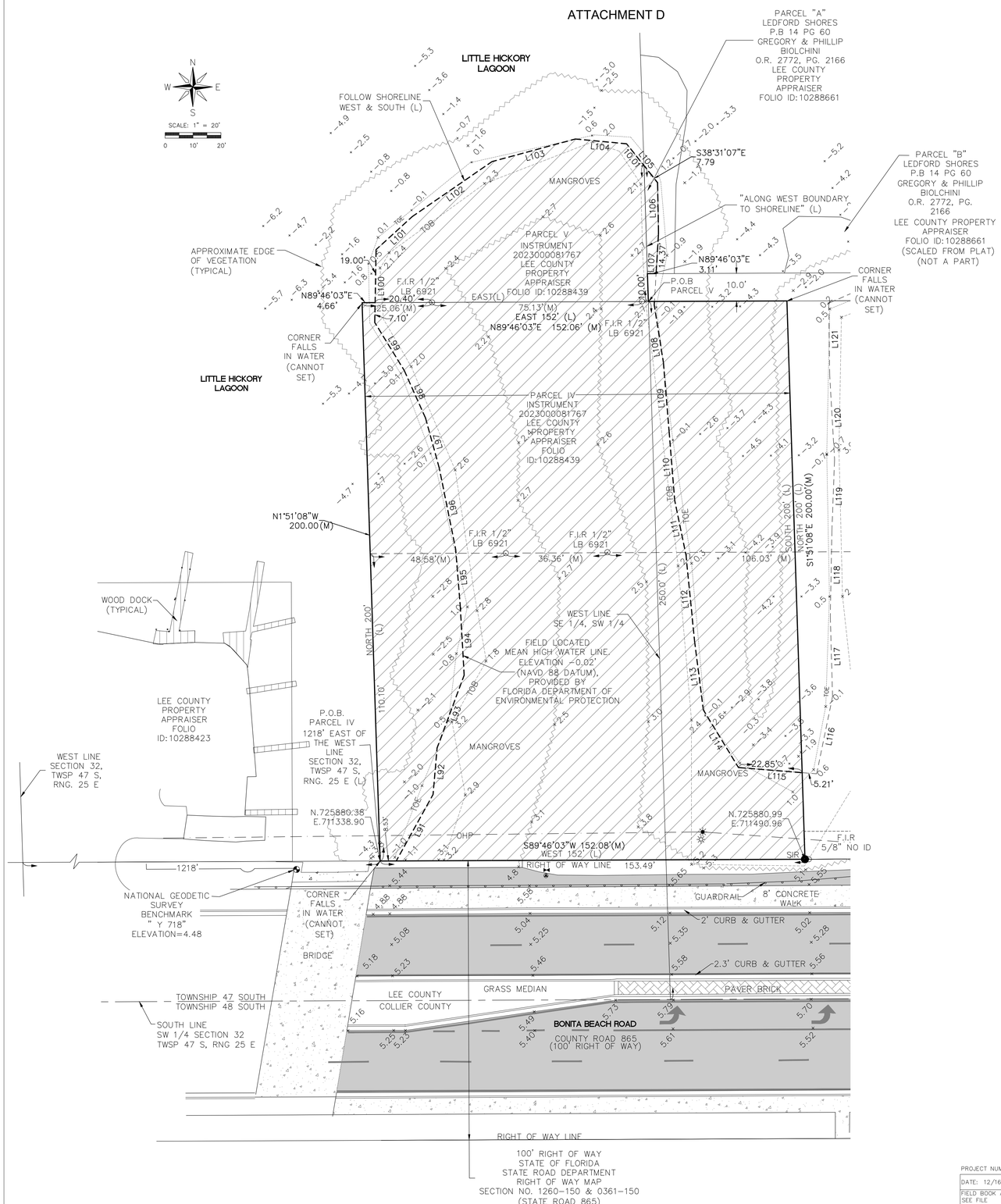
b. If affordable housing is provided, residential density may be increased by up to five additional units per acre.

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.

(Ord. No. 17-08, § 1, 6-7-17)

ATTACHMENT D



Line Table		
Line #	Direction	Length
L91	S28°57'28"W	27.21
L92	S4°56'48"W	16.70
L93	S20°23'41"W	27.81
L94	S3°15'47"E	24.84
L95	S4°35'00"E	20.27
L96	S11°24'54"E	29.80
L97	S15°24'04"E	18.54
L98	S24°05'24"E	18.66
L99	S31°34'48"E	20.12
L100	S1°03'14"W	26.10
L101	S47°36'14"W	17.60
L102	S55°25'14"W	34.63
L103	S74°50'45"W	30.90
L104	N84°40'54"W	18.42
L105	N38°31'07"W	17.81
L106	N1°03'37"W	18.21
L107	N3°26'19"E	25.56
L108	N9°01'25"W	21.02
L109	N4°42'33"W	25.12
L110	N4°37'00"W	24.31
L111	N11°39'27"W	20.11
L112	N5°41'55"W	31.04
L113	N7°17'13"W	24.67
L114	N31°23'17"W	24.15
L115	N85°26'08"W	28.06
L116	S11°37'52"W	28.26
L117	S1°37'29"E	28.60
L118	S1°03'29"W	30.06
L119	S2°06'53"W	26.26
L120	S3°18'36"E	29.82
L121	S0°48'05"E	26.16

LEGEND

SIR	●	SET 5/8" IRON ROD & CAP (L.B. 8033)
F.P/K	△	FOUND PARKER-KAYLON NAIL
F.I.R.	○	FOUND IRON ROD (SIZE & ID AS NOTED)
F.A.C.		FLORIDA ADMINISTRATIVE CODE
L.S.		LICENSED SURVEYOR
L.B.		LICENSED BUSINESS
F.I.R.M.		FLOOD INSURANCE RATE MAP
P.B.		PLAT BOOK
PG.(S)		PAGE(S)
O.R.		OFFICIAL RECORDS
INST.		INSTRUMENT
NO.		NUMBER
TOE		APPROXIMATE TOE OF SLOPE
TOB		APPROXIMATE TOP OF BANK
P.O.B.		POINT OF BEGINNING
P.O.C.		POINT OF COMMENCEMENT
NAVD		NORTH AMERICAN VERTICAL DATUM
I.D.		IDENTIFICATION
(M)		MEASURED
(P)		PLAT
(L)		LEGAL
TWSP.		TOWNSHIP
RNG.		RANGE
OHP		OVERHEAD POWER LINES
PVC		POLY VINYL CHLORIDE
NO.		NUMBER
		FIRE HYDRANT
		GATE VALVE
		CONCRETE POWER POLE
		WOOD POWER POLE
		CLEANOUT
		SANITARY MANHOLE
		GUY ANCHOR
		SINGLE POST SIGN
XXXX		EXISTING SPOT ELEVATION
		PAVEMENT
		PAVER BRICK
		CONCRETE

LEGAL DESCRIPTION

(PROVIDED BY CLIENT)

PARCEL IV:
BEGINNING AT A POINT 1218 FEET EAST FROM WHERE THE WEST BOUNDARY OF SECTION 32, INTERSECTS WITH THE NORTH BOUNDARY OF BONITA BEACH ROAD, THENCE NORTH 200 FEET; THENCE EAST 152 FEET, THENCE SOUTH 200 FEET, THENCE WEST TO THE POINT OF BEGINNING, IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

PARCEL V:
BEGINNING AT A POINT 250 FEET NORTH FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE ALONG THIS WEST BOUNDARY TO THE SHORELINE; THEN FOLLOWING THIS SHORELINE TO THE WEST AND SOUTH TO A POINT 250 NORTH OF THE SECTION; THENCE EAST TO THE POINT OF BEGINNING.

AND

PARCEL "A", LEDFORD SHORES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 14, PAGE 60 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL SURVEYED HEREON

SURVEYORS NOTES

1.) BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE GRID, FLORIDA WEST ZONE (NORTH AMERICAN DATUM OF 1983/2011 ADJUSTMENT), VERIFIED BY REAL TIME KINEMATIC (RTK) GLOBAL POSITIONING SYSTEM (GPS) UTILIZING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FLORIDA PERMANENT REFERENCE NETWORK (FPRN), WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, HAVING A BEARING OF S89°35'31"W.

2.) DIMENSIONS SHOWN HEREON ARE GRID DISTANCES SHOWN IN FEET AND DECIMALS THEREOF.

3.) THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

4.) THIS PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AE, HAVING A BASE FLOOD ELEVATION OF 10 FEET (NAVD 88), PER F.I.R.M. 12071C0654G, EFFECTIVE DATE 11/17/2022.

5.) FOUNDATIONS AND UTILITIES BENEATH THE SURFACE, IF ANY, HAVE NOT BEEN LOCATED.

6.) TOTAL AREA OF PROPERTY SURVEYED IS 0.805 ACRES ±.

7.) LAST DATE OF FIELD WORK WAS 06/21/23.

8.) THE INTENDED USE OF THIS SURVEY IS TO BE USED FOR DESIGN PURPOSES.

9.) ELEVATIONS SHOWN HEREON ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), AS THEY RELATE TO NATIONAL GEODETIC SURVEY BENCHMARK "Y 718" (POINT IDENTIFICATION NUMBER DN3708), HAVING AN ELEVATION OF 4.48'.

10.) COORDINATES SHOWN HEREON WERE MEASURED USING REAL TIME KINEMATIC (RTK) GLOBAL POSITIONING SYSTEM (GPS) UTILIZING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FLORIDA PERMANENT REFERENCE NETWORK (FPRN). COORDINATES SHOWN HEREON ARE STATE PLANE COORDINATES, FLORIDA WEST ZONE NAD 83, 2011 ADJUSTMENT.

CERTIFICATION:

I HEREBY CERTIFY TO:

1. J.R. EVANS ENGINEERING, P.A.

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY OF THE HEREON DESCRIBED PROPERTY WAS SURVEYED UNDER MY RESPONSIBLE CHARGE ON 05/25/2023 THROUGH 12/16/2024. THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.051-.053, F.A.C. PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

STEPHEN E. BERRY, License Number 5296, STATE OF FLORIDA, Professional Surveyor and Mapper

STEPHEN E. BERRY, STATE OF FLORIDA, (L.S. #5296)
BBLS SURVEYORS INC. (L.B. #8033)

PROJECT NUMBER 23.24

DATE: 12/16/2024	
FIELD BOOK AND PAGE: SEE FILE	
DRAWN BY: SEB,JRB,MAC	
APPROVED: SEB	
SCALE: 1"=20'	

BOUNDARY SURVEY

LEE COUNTY PROPERTY APPRAISER
STRAP NO. 32-47-25-B4-00064.0000 AND 32 47 25 B4 0030A.0000
A PORTION OF SECTION 32, TOWNSHIP 47 SOUTH
RANGE 25 EAST, LEE COUNTY, FLORIDA

BBLS SURVEYORS, INC.
9001 HIGHLAND WOODS BLVD., SUITE 6
BONITA SPRINGS, FLORIDA, 34135
(239) 597-1315

\\10.0.0.10\data\PROJECTS\2023\23.24 HICKORY AT BAYSIDE\23.24 HICKORY AT BAYSIDE BNDY SURVEY STRAPS COMBINED.dwg

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 PHONE: 239-209-2552
ADDRESS: 4757 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.

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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.

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

See Attached

DATE: July 30, 2025
NAME: Trenton Sonia 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.

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.

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 **Green Sheet No. 25-09-209**
AGENDA ITEM SUMMARY **September 3, 2025**

ITEM TITLE: (FIRST READING AND PUBLIC HEARING) A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST TO REZONE APPROXIMATELY FIVE (5) ACRES FROM THE BEACH ZONE OF THE BONITA BEACH ROAD CORRIDOR OVERLAY AND RESIDENTIAL PLANNED DEVELOPMENT (RPD) ZONING DISTRICTS TO A COMMERCIAL PLANNED DEVELOPMENT (CPD), TO ALLOW UP TO 23,717 SQUARE FEET OF COMMERCIAL USES AND SIX (6) MULTI-FAMILY DWELLING UNITS; LOCATED AT 4570, 4612, 4640, 4654, 4696, AND 4752 BONITA BEACH ROAD SOUTHWEST, STRAP NUMBERS: 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, BONITA SPRINGS, FLORIDA 34134; PROVIDING FOR AN EFFECTIVE DATE.

REQUESTOR: Mary Tornberg, Esq., AICP, Senior Planner, Community Development

AGENDA SECTION: Public Hearings - Zoning and Land Use Items

STRATEGIC PRIORITY:

BACKGROUND: The request is to rezone approximately five (5) acres of vacant property within the Bonita Beach Road Corridor Overlay, to a Commercial Planned Development (CPD) zoning designation.

The Applicant also requests a companion Comprehensive Plan Amendment petition (CPA23-109179-BOS) to amend the two western-most parcels so the entire project will be located within the General Commercial future land use category.

Staff recommends approval, subject to the amended conditions, which were amended after publication of the Staff Report.

The Zoning Board recommended approval of the petition (5-1) at their August 19, 2025, meeting, with the revised conditions, and direction to Staff to coordinate with the Applicant regarding a potential deviation for consideration of removal of the proposed courtyard wall and drive-thru wall shown on the Master Concept Plan. The Applicant has not provided Staff this language for analysis yet, as of the date of this greensheet. If available prior to the first reading, revised documents will be provided to Council.

Public comments were received for this project as part of the public notice requirements. Those comments are included in this packet.

This is the first reading and public hearing where the title block is read into the record and the Applicant and Staff presentations are provided. The second reading and public hearing is scheduled for 09/17/2025, in order to afford due process in accordance with the land development code and state law.

STAFF RECOMMENDATION: Move to the Second Reading and Public Hearing

ATTACHMENTS:

1. Draft Zoning Ordinance (prepared by City Attorney)
2. Draft Zoning Board Meeting Minutes from August 19, 2025
3. Revised Staff Recommended Conditions
4. Staff Report with Exhibits and Attachments
5. Resident Responses

REVIEWERS:

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

CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 25 - __

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; REZONING APPROXIMATELY FIVE (5) ACRES FROM THE BEACH ZONE OF THE BONITA BEACH ROAD CORRIDOR OVERLAY AND RESIDENTIAL PLANNED DEVELOPMENT (RPD) ZONING DISTRICTS TO A COMMERCIAL PLANNED DEVELOPMENT (CPD), TO ALLOW UP TO 23,717 SQUARE FEET OF COMMERCIAL USES AND SIX (6) MULTI-FAMILY DWELLING UNITS; LOCATED AT 4570, 4612, 4640, 4654, 4696, AND 4752 BONITA BEACH ROAD SOUTHWEST, STRAP NUMBERS: 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, BONITA SPRINGS, FLORIDA 34134; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Bayside Holdings on Hickory, LLC has requested to rezone approximately five (5) acres of vacant property within the Bonita Beach Road Corridor Overlay, to a Commercial Planned Development (CPD) zoning designation

WHEREAS, 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; and, is described more particularly as:

See Exhibit “A”

WHEREAS, a Public Hearing was advertised and heard on August 19, 2025 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals (“Zoning Board”), who gave full consideration to the evidence available and recommended approval (5-1) of the applicant’s request and gave full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all interested parties. The Staff Report prepared by Community Development, and evidence submitted at the Zoning Board hearing is on file with the City Clerk; and

WHEREAS, the case was presented for First Reading for the City Council at their September 3, 2025, meeting; and

WHEREAS, City Council at their September 17, 2025 meeting considered the record of the Zoning Board on Case PD23-109173-BOS, and gave full consideration of the Staff Recommendation, the evidence and testimony.

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

SECTION ONE: APPROVAL OF REQUEST

City Council of Bonita Springs hereby approves the request to rezone ±5 acres from Residential Planned Development (RPD) to Commercial Planned Development, preserving existing duplex structures. In so doing the City Council makes the following findings and conclusions, upon an analysis of the application and the standards for approval subject to the following conditions and deviations:

Conditions:

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

2. Schedule of Uses (not to exceed 23,717 commercial square feet:

    a. Accessory Uses and Structures
    b. Administrative Offices
    c. Clothing Stores, General
    d. Consumption on Premises Associated with Restaurant, Group III, including Outdoor Seating Areas
    e. Drive-Thru Facility (Limited to One (1))
    f. Dwelling Units: Multiple-Family Building (A Maximum of Six (6) Dwelling Units)
    g. Essential Services
    h. Essential Service Facilities, Group I
    i. Excavation, Water Retention, Including Excess Spoil Removal in Compliance with the LDC, subject to Condition 9.
    j. Fences, Walls
    k. Food Stores, Group I
    l. Gift and Souvenir Shop
    m. Open Space (Minimum 20% Required)
    n. Package Sales for Off-Premises Consumption- limited to One (1) for sales within the ancillary retail store of the Waterfront Restaurant.
    o. Parking Lot, Accessory
    p. Rental or Leasing Establishments, Group I (Kayaks, Stand-up Paddle Boards, and Other
    q. Non-Powered Personal Water Vessels)
    r. Residential Accessory Uses
    s. Restaurant, Fast Food
    t. Restaurant, Group I, II, and III; With Outdoor Seating

u. Signs, In Accordance with Chapter 6
v. Temporary Uses
w. 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.
x. 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.

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

Regulation	**Standards**
Lot Width	As depicted in Master Concept Plan
Lot Depth	As depicted in Master Concept Plan
Min. Lot Area	As depicted in Master Concept Plan
Max. Lot Coverage	40%
Max. Height	35 feet (2 stories) where as shown in MCP
Street Setback*	Min. 15 feet, Max. 25 feet
Side Setback	5 feet
Rear Setback **	20 feet (principal) 10 foot; (accessory)
Waterbody Setback***	25 feet (principal) 10 foot; (accessory)**
Preserve Setback	30 feet (principal) 0 feet (accessory)
Open Space	20%

*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.
***Measured from the mean high-water line.

Deviations:

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.

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.

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.

4. A deviation from LDC Section 4-899, Bonita Beach Road Corridor Overlay Site Design Standards:

    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.
    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.
    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.
    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.
    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.

5. Parking. Parking shall be provided consistent with LDC Sec. 4-1728, et seq., to be reviewed at time of local development order. When valet is not provided, a reduced square footage of the restaurant shall be utilized for occupancy, provided parking is provided at the required rate in the LDC. 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. A parking reduction may be reviewed administratively with sufficient data, consistent with LDC Section 4-1735.

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 operation and consumption on premises are limited from:
        i. Indoor
            1. 9:00 AM- 10:00 PM Sunday-Thursday
            2. 9:00 AM- 11:00 PM Friday and Saturday
        ii. Outdoor
            1. 9:00 AM- 9:30 PM Sunday through Thursday
            2. 9:00 AM- 10:00 PM Friday and Saturday
    c. There shall be no live entertainment in the outdoor area unless approved at time of local development order with the submittal of a certified sound study and sound engineering to ensure compliance with the Bonita Springs Noise Control Ordinance. 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 herein, with the most restrictive being applicable.
        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 delineated at time of local development order and designed to meet LDC Chapter 3-486 et. seq. 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.

Exhibits:

A. Legal Description and Sketch of the Subject Property
B. Master Concept Plan dated March 20, 2025
C. Proposed Architectural Elevations
D. Proposed Valet Parking Plan

Attachments:

A. Staff Informational Analysis
B. Applicant's Informational Analysis

SECTION TWO: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 17th day of September, 2025.

AUTHENTICATION:

_____ _____
Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:	Carr	Corrie
	Purdon	Fullick
	Fitzpatrick	Bogacz
	Gibson	

Date filed with City Clerk: _____

Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, FL 34135

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

(Draft) Meeting Minutes
Tuesday, August 19, 2025
9:00 a.m.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Board Member Gambrell led the Pledge of Allegiance.

3. ROLL CALL

Present – Rascio, Waterhouse, Gambrell, Benson, Winn, and Hershenson (via zoom)
Absent – Galloway

Board Member Waterhouse made a motion to allow Member Hershenson to participate via zoom; Seconded by Board Member Benson. ***The motion carried 5-0***

4. PUBLIC HEARINGS

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

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

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.

Mike Fiigon, Senior Planner with Community Development, gave a brief overview of the project, stating it is an essential service providing internet connections with North and South America. Mr. Fiigon also went over the criteria for the special exception, and stated there are no requested deviations.

Wayne Arnold with Q. Grady Minor & Associates gave presentation. The property is located off of Imperial River Road and Bonita Beach Road, approximately .72 +/- acres. The project is for a data center which will have a low volume of employees to monitor servers, thus having low traffic. Mr. Arnold also stated the property is designated commercial with residents to the north. They have reviewed all criteria and agree with staff proposed conditions. They are also mitigating the gopher tortoises on property.

Chairman Rascio called for public comments. Seeing none, and with no further questions from board members, he called for a motion. Board Member Waterhouse made a motion to approve the Special Exception with the conditions proposed by staff; Seconded by Board Member Benson. ***The motion carried 5-0. (Hershenson, attending remotely, did not vote due to a technical issue)***

B. CASE NAME: HICKORY ON THE BAY COMMERCIAL PLANNED DEVELOPMENT (PDE23-109173-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

Mary Tornberg, Senior Planner with Community Development, gave a brief introduction of the project, stating this is a Rezone of 8 parcels to Commercial and went over revisions that the applicant agreed with. She also went over revisions that the applicant agrees with. Staff recommends approval.

Rich Yovanovich with Coleman, Yovanovich & Koester gave the presentation on behalf of the applicant. The applicant is requesting 5.07 +/- acres to be rezoned to Commercial PUD with six (6) multifamily residential units within the Bonita Beach Road Overlay. Mr. Yovanovich went over revisions that clarify size, parking, hours of operation, live entertainment, kayak storage and re-establishing an outdoor restaurant.

Traci Kautzman, applicant, read aloud a statement on the vision for the property.

Robert Mulhere, Planner with Bowman Consulting discussed the schedule of uses, property regulations, master concept plan, and parking requirements.

Mr. Ted Treesh with Transportation Consultants went over the traffic analysis and access plans. There will not be changes to the median openings on Bonita Beach Road unless the permit requires it.

Board Member Gambrell asked about the dates that the traffic studies were conducted. Mr. Treesh stated there were multiple studies performed, the latest one in December 2024.

Tim Hall with Turell Hall & Associates provided a history of the property, went over environmental issues and stated there will not be permanent storage of boats, even for residents.

Mr. Yovanovich answered questions from the Board regarding parking, the placement of a wall in *compliance with setback requirements, and the courtyard in front of the restaurant.*

Public Comment:
Doug Graham had questions regarding vehicle stacking for the drive-through along Bonita Beach Road.

Seeing no additional public comment, Chairman Rascio called for a motion. Board Member Waterhouse made a motion to recommend approval of the rezone request with the revised staff proposed conditions; Seconded by Board Member Winn. A discussion ensued regarding the wall versus a landscaping plan along Bonita Beach Road. Staff and Mr. Yovanovich answered questions from board members regarding

the setback requirements and a wall versus a landscaping plan. Mr. Yovanovich stated there was no request for a deviation to the setback requirement; however, the applicant would prefer an appropriate landscaping plan rather than a wall.

Board Member Waterhouse amended her motion to further recommend that between now and the City Council hearing, the applicant and staff work together on a deviation to the set-back standard for Bonita Beach Road. Board Member Winn, agreeing with the motion maker's amended motion, amended his *second accordingly.* ***The motion carried 5-1 (Chairman Rascio opposed)***

5. APPROVAL OF MINUTES: Meeting of July 15, 2025

Board Member Winn motioned to approve the minutes; Seconded by Board Member Waterhouse. ***The motion carried 6-0.***

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 September 16, 2025.*

9. **ADJOURNMENT:** *There being no further business, Chairman Rascio adjourned the meeting 10:23 a.m.*

Prepared by:

_____
Teresa C. Grimes, Senior Records & Compliance Clerk

APPROVED:
BONITA SPRINGS ZONING BOARD:

Date: _____

AUTHENTICATED:

_____
Anthony Rascio, Chairman

Draft

HICKORY ON THE BAY CPD

RECOMMENDATION (Revised 8/19/2025):

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: ((**Applicable to Conditions 3 and 4 only)** 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 (not to exceed 25,500 square feet upon transportation and parking review))**
    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. **When valet is not provided, a reduced square footage of the restaurant shall be utilized for occupancy, provided parking is provided at the required rate in the LDC.** ~~**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. **A parking reduction may be reviewed administratively with sufficient data, consistent with LDC Section 4-1735.**
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 operation and consumption on premises are limited from:

1. **Indoor**

a. 9:00 AM- 10:00 PM Sunday-Thursday

b. 9:00 AM- 11:00 PM Friday and Saturday

2. Outdoor

a. 9:00 AM- 9:30 PM Sunday through Thursday

b. 9:00 AM- 10:00 PM Friday and Saturday

~~**c. 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.**~~

d. There shall be no live entertainment in the outdoor area **unless approved at time of local development order with the submittal of a certified sound study and sound engineering to ensure compliance with the Bonita Springs Noise Control Ordinance**. 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.

e. Live music performed inside the establishment may be piped outside adhering to the Bonita Springs Noise Control Ordinance and the provisions found herein, 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 ~~**be enclosed at all times, except when rented,**~~ **delineated at time of local development order and designed to meet LDC Chapter 3-486 et. seq**. 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.

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EXHIBITS

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Exhibit B: 2-Page Master Concept Plan dated March 20, 2025	Page 27
Exhibit C: Proposed Architectural Elevations	Page 29
Exhibit D: Proposed Valet Parking Plan	Page 31
Exhibit E: Historic Slip Approval Review	Page 32
Exhibit F: Proposed Schedule of Deviations and Justifications	Page 49
Exhibit G: Applicant's Narrative of Consistency	Page 56

ATTACHMENTS:

Attachment A:		
i.	Staff Analysis (Background and Informational Analysis)	Page 78
ii.	Public Responses Received	Page 87
Attachment B:	Applicant's Informational Analysis and Project Submittal Documents	Separate Cover

200 0 200 400

SCALE IN FEET

	ZONING	EXISTING LAND USE
SUBJECT SITE	C-1, RPD (BLUE MARLIN COVE)	UNDEVELOPED
NORTH	TFC-2	CANAL, SINGLE AND TWO-FAMILY RESIDENTIAL.
SOUTH	C-4(COLLIER COUNTY)	COMMERCIAL MARINA, RESTAURANTS, RETAIL.
EAST	C-1	7-ELEVAEN
WEST	CM, C-1	COMMERCIAL MARINA

ESPLANADE ST

REGAL RD

IMPERIAL SHORES BLVD

GARY RD

LEE COUNTY

SUBJECT PROPERTY

BONITA BEACH RD.

COLLIER COUNTY

ENGINEER: KEVIN M. DOWTY, P.E., LICENSE No. 82330

LETTER	REVISIONS	DATE
1		
2		
3		
4		
5		

HICKORY ON THE BAY

DESIGNED BY	DATE 5/23
DRAWN BY S.P.C.	DATE 5/23
CHECKED BY J.C.	DATE 12/23
VERTICAL SCALE N/A	HORIZONTAL SCALE 1"= 200'

HOLEMONTES a Bowman company

950 Encore Way
Naples, FL. 34110
Phone: (239) 254-2000
Florida Certificate of
Authorization No.1772

EXHIBIT A
AERIAL LOCATION MAP

THESE DRAWINGS ARE NOT APPROVED FOR CONSTRUCTION UNLESS SIGNED BELOW:

DATE _____

REFERENCE NO.	DRAWING NO.
118	2023118
PROJECT NO.	SHEET NO.
2023.118	1 OF 1

H:\2023\2023118\DWG\2023118_EXHIBITS.dwg Tab: AERIAL Dec 07, 2023 - 11:36am Plotted by: SeanCoulturier

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

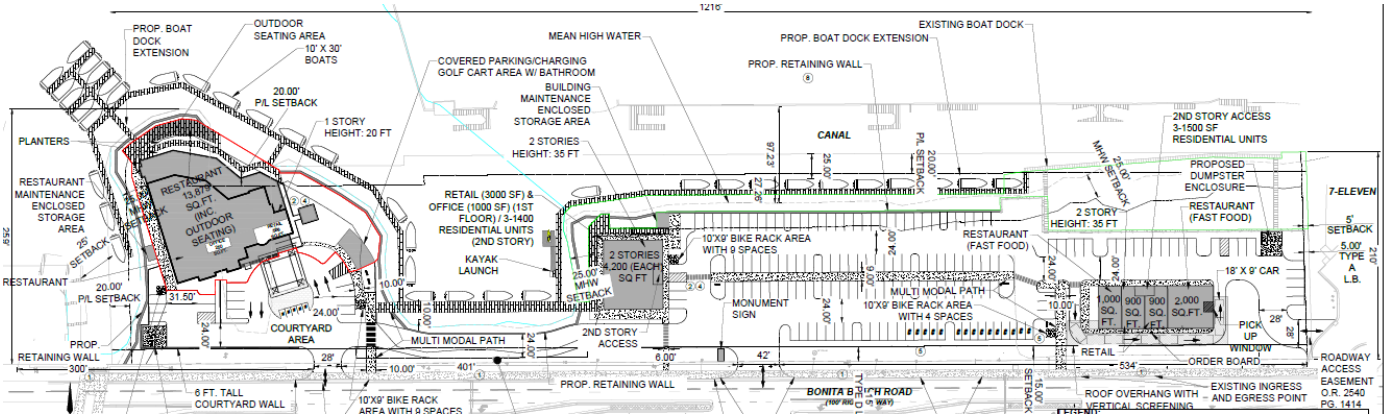
Bonita Beach Road Corridor Overlay

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

LEGAL DESCRIPTION
(PROVIDED BY CLIENT)

INSTRUMENT #2023000081012

BEGINNING AT THE POINT 207.5 FEET WEST OF WHERE THE EAST BOUNDARY OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, INTERSECTS WITH THE NORTH BOUNDARY OF THE BONITA BEACH ROAD, THEN RUNNING NORTH 210 FEET, THEN WEST 312.1 FEET, THENCE SOUTH 210 FEET, AND THEN EAST TO THE POINT OF BEGINNING, ALL IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.
AND

INSTRUMENT #2023000081767

PARCEL I:
BEGINNING AT A POINT ON THE NORTH SIDE OF BONITA BEACH ROAD 1870 FEET EAST OF INTERSECTION WITH WEST LINE OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, THENCE NORTH 210 FEET; THENCE EAST A DISTANCE OF 100 FEET; THENCE SOUTH A DISTANCE OF 210 FEET; THENCE WEST A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.

PARCEL II:
BEGINNING AT A POINT ON THE NORTH SIDE OF BONITA BEACH ROAD 1770 FEET EAST OF INTERSECTION WITH WEST LINE OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, THENCE NORTH 210 FEET; THENCE EAST A DISTANCE OF 100 FEET; THENCE SOUTH A DISTANCE OF 210 FEET; THENCE WEST A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.

PARCEL III:
BEGINNING ON THE NORTH SIDE OF BONITA BEACH ROAD AT A POINT 1370 FEET EAST OF THE INTERSECTION WITH THE WEST LINE OF THE SECTION; NORTH 200 FEET; EAST 150 FEET; NORTH 10 FEET; EAST 600 FEET; SOUTH 210 FEET; WEST 750 FEET TO BEGINNING, LESS THE EAST 350 FEET THEREOF, IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

PARCEL IV:
BEGINNING AT A POINT 1218 FEET EAST FROM WHERE THE WEST BOUNDARY OF SECTION 32, INTERSECTS WITH THE NORTH BOUNDARY OF BONITA BEACH ROAD, THENCE NORTH 200 FEET; THENCE EAST 152 FEET, THENCE SOUTH 200 FEET, THENCE WEST TO THE POINT OF BEGINNING, IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

PARCEL V:
BEGINNING AT A POINT 250 FEET NORTH FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE ALONG THIS WEST BOUNDARY TO THE SHORELINE; THEN FOLLOWING THIS SHORELINE TO THE WEST AND SOUTH TO A POINT 250 NORTH OF THE SECTION; THENCE EAST TO THE POINT OF BEGINNING.

PARCEL VI
BEGINNING AT A POINT ON THE NORTH SIDE OF BONITA BEACH ROAD, 1970 FEET EAST OF INTERSECTION WITH THE WEST LINE OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 210 FEET; THENCE EAST A DISTANCE OF 50 FEET; THENCE SOUTH A DISTANCE OF 210 FEET, THENCE WEST A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING.

PARCEL VII:
BEGINNING AT A POINT ON THE NORTH SIDE OF BONITA BEACH ROAD 2020 FEET EAST OF INTERSECTION WITH THE WEST LINE OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 210 FEET; THENCE EAST A DISTANCE OF 100 FEET; THENCE SOUTH A DISTANCE OF 210 FEET; THENCE WEST A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION OF PROPERTY ACQUIRED BY LEE COUNTY FOR ROADWAY IMPROVEMENTS, RECORDED IN OFFICIAL RECORDS BOOK 2615, PAGE 2473, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

AND

PARCEL "A" AND PARCEL "B", LEDFORD SHORES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 14, PAGE 60 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

"AS SURVEYED" DESCRIPTION

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

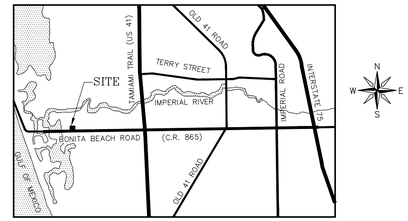
COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE RUN S.89°46'03"W., ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, FOR A DISTANCE OF 208.81 FEET; THENCE LEAVING SAID SOUTH LINE, RUN N.01°13'57"E., FOR A DISTANCE OF 50.00 FEET TO A THE NORTH RIGHT OF WAY LINE OF BONITA BEACH ROAD (A 100' RIGHT OF WAY) AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.89°46'03"W., ALONG SAID NORTH RIGHT OF WAY LINE, FOR A DISTANCE OF 1,209.28 FEET TO THE MEAN HIGH WATER LINE OF LITTLE HICKORY LAGOON, (ELEVATION -0.02 FEET NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE LEAVING SAID NORTH RIGHT OF WAY LINE, RUN N.28°57'28"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.21 FEET; THENCE RUN N.04°56'48"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 16.70 FEET; THENCE RUN N.20°23'41"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.81 FEET; THENCE RUN N.03°15'47"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.84 FEET; THENCE RUN N.04°35'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.27 FEET; THENCE RUN N.11°24'54"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.80 FEET; THENCE RUN N.15°24'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 18.54 FEET; THENCE RUN N.24°05'24"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 18.66 FEET; THENCE RUN N.31°34'48"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.12 FEET; THENCE RUN N.01°03'14"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 26.10 FEET; THENCE RUN N.47°36'14"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.60 FEET; THENCE RUN N.55°25'14"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 34.63 FEET; THENCE RUN N.74°50'45"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.90 FEET; THENCE RUN S.84°40'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 18.42 FEET; THENCE RUN S.38°31'07"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.81 FEET; THENCE RUN S.01°03'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 18.21 FEET; THENCE RUN S.03°26'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.56 FEET; THENCE RUN S.09°01'25"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 21.02 FEET; THENCE RUN S.04°42'33"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.12 FEET; THENCE RUN S.04°37'00"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.31 FEET; THENCE RUN S.11°39'27"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.11 FEET; THENCE RUN S.05°41'55"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.04 FEET; THENCE RUN S.07°17'13"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.67 FEET; THENCE RUN S.31°23'17"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.15 FEET; THENCE RUN S.85°26'08"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 28.06 FEET; THENCE RUN N.11°37'52"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 28.26 FEET; THENCE RUN N.01°37'29"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 28.60 FEET; THENCE RUN N.01°03'29"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.06 FEET; THENCE RUN N.02°06'53"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 26.26 FEET; THENCE RUN N.03°18'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.82 FEET; THENCE RUN N.00°48'05"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 26.16 FEET; THENCE RUN N.66°33'52"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 19.66 FEET; THENCE RUN S.62°46'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 35.19 FEET; THENCE RUN S.59°12'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.19 FEET; THENCE RUN S.56°14'23"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 32.10 FEET; THENCE RUN S.31°43'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 32.57 FEET; THENCE RUN S.05°56'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.12 FEET; THENCE RUN S.03°32'39"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 28.00 FEET; THENCE RUN S.24°00'38"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.08 FEET; THENCE RUN S.41°25'34"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.59 FEET; THENCE RUN S.79°23'25"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 18.58 FEET; THENCE RUN N.85°48'25"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.42 FEET; THENCE RUN N.89°03'18"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.40 FEET; THENCE RUN S.83°40'10"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.39 FEET; THENCE RUN N.83°12'03"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 32.33 FEET; THENCE RUN N.68°31'38"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.92 FEET; THENCE RUN N.16°16'05"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 18.52 FEET; THENCE RUN N.10°36'54"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 61.70 FEET; THENCE RUN N.01°27'31"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 18.23 FEET; THENCE RUN N.63°05'32"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.86 FEET; THENCE RUN S.88°10'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.04 FEET; THENCE RUN N.76°59'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 35.08 FEET; THENCE RUN N.88°35'40"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.46 FEET; THENCE RUN N.87°59'17"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.23 FEET; THENCE RUN S.89°33'52"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 21.84 FEET; THENCE RUN S.89°10'30"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 26.88 FEET; THENCE RUN N.88°50'41"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.13 FEET; THENCE RUN N.87°56'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.84 FEET; THENCE RUN N.89°33'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 32.70 FEET; THENCE RUN S.76°41'06"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 19.90 FEET; THENCE RUN N.80°22'30"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.93 FEET; THENCE RUN S.87°41'19"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 11.41 FEET; THENCE RUN N.84°26'38"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 14.49 FEET; THENCE RUN N.89°23'14"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 21.02 FEET; THENCE RUN N.89°17'53"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 19.61 FEET; THENCE RUN N.75°21'27"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.63 FEET; THENCE RUN N.56°56'17"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 19.17 FEET; THENCE RUN S.88°33'48"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.51 FEET; THENCE RUN N.64°11'27"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 21.22 FEET; THENCE RUN S.48°35'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.76 FEET; THENCE RUN S.75°17'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 10.20 FEET; THENCE RUN N.66°43'46"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 22.88 FEET; THENCE RUN N.88°24'21"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 26.10 FEET; THENCE RUN N.85°10'35"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.03 FEET; THENCE RUN N.53°14'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 11.40 FEET; THENCE RUN N.77°58'05"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.08 FEET; THENCE RUN S.89°28'34"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.08 FEET; THENCE RUN S.84°41'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.72 FEET; THENCE RUN N.82°39'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.40 FEET TO THE WEST LINE OF LANDS DESCRIBED IN INSTRUMENT NUMBER 2012000119496 OF SAID PUBLIC REORDS OF LEE COUNTY FLORIDA; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN S.01°43'42"E., ALONG SAID WEST LINE, FOR A DISTANCE OF 200.91 FEET TO THE POINT OF BEGINNING.

Line Table		
Line #	Direction	Length
L91	N28°57'28"E	27.21
L92	N4°56'48"E	16.70
L93	N20°23'41"E	27.81
L94	N3°15'47"W	24.84
L95	N4°35'00"W	20.27
L96	N11°24'54"W	29.80
L97	N15°24'04"W	18.54
L98	N24°05'24"W	18.66
L99	N31°34'48"W	20.12
L100	N1°03'14"E	26.10
L101	N47°36'14"E	17.60
L102	N55°25'14"E	34.63
L103	N74°50'45"E	30.90
L104	S84°40'54"E	18.42
L105	S38°31'07"E	17.81
L106	S1°03'37"E	18.21
L107	S3°26'19"W	25.56
L108	S9°01'25"E	21.02
L109	S4°42'33"E	25.12
L110	S4°37'00"E	24.31

Line Table		
Line #	Direction	Length
L111	S11°39'27"E	20.11
L112	S5°41'55"E	31.04
L113	S7°17'13"E	24.67
L114	S31°23'17"E	24.15
L115	S85°26'08"E	28.06
L116	N11°37'52"E	28.26
L117	N1°37'29"W	28.60
L118	N1°03'29"E	30.06
L119	N2°06'53"E	26.26
L120	N3°18'36"W	29.82
L121	N0°48'05"W	26.16
L122	N66°33'52"E	19.66
L123	S62°46'04"E	35.19
L124	S59°12'02"E	29.19
L125	S56°14'23"E	32.10
L126	S31°43'37"E	32.57
L127	S5°56'22"W	24.12
L128	S3°32'39"E	28.00
L129	S24°00'38"E	25.08
L130	S41°25'34"E	20.59

Line Table		
Line #	Direction	Length
L131	S79°23'25"E	18.58
L132	N85°48'25"E	33.42
L133	N89°03'18"E	27.40
L134	S83°40'10"E	31.39
L135	N83°12'03"E	32.33
L136	N68°31'38"E	23.92
L137	N16°16'05"E	18.52
L138	N10°36'54"W	61.70
L139	N1°27'31"W	18.23
L140	N63°05'32"E	20.86
L141	S88°10'37"E	51.04
L142	N76°59'20"E	35.08
L143	N88°35'40"E	24.46
L144	N87°59'17"E	36.23
L145	S89°33'52"E	21.84
L146	S89°10'30"E	26.88
L147	N88°50'41"E	45.13
L148	N87°56'22"E	29.84
L149	N89°33'37"E	32.70
L150	S76°41'06"E	19.90

Line Table		
Line #	Direction	Length
L151	N80°22'30"E	51.93
L152	S87°41'19"E	11.41
L153	N84°26'38"E	14.49
L154	N89°23'14"E	21.02
L155	N89°17'53"E	19.61
L156	N75°21'27"E	30.63
L157	N56°56'17"E	19.17
L158	S88°33'48"E	17.51
L159	N64°11'27"E	21.22
L160	S48°35'54"E	20.76
L161	S75°17'37"E	10.20
L162	N66°43'46"E	22.88
L163	N88°24'21"E	26.10
L164	N85°10'35"E	27.03
L165	N53°14'16"E	11.40
L166	N77°58'05"E	24.08
L167	S89°28'34"E	30.08
L168	S84°41'02"E	23.72
L169	N82°39'12"E	23.40



LOCATION MAP
NOT TO SCALE

LEGEND

F.P/K	△	FOUND PARKER-KAYLON NAIL
F.I.R.	○	FOUND IRON ROD (SIZE & ID AS NOTED)
F.A.C.		FLORIDA ADMINISTRATIVE CODE
L.S.		LICENSED SURVEYOR
L.B.		LICENSED BUSINESS
F.I.R.M.		FLOOD INSURANCE RATE MAP
P.B.		PLAT BOOK
PG.(S)		PAGE(S)
O.R.		OFFICIAL RECORDS
INST.		INSTRUMENT
NO.		NUMBER
TOE		APPROXIMATE TOE OF SLOPE
TOB		APPROXIMATE TOP OF BANK
P.O.B.		POINT OF BEGINNING
P.O.C.		POINT OF COMMENCEMENT
NAVD		NORTH AMERICAN VERTICAL DATUM
I.D.		IDENTIFICATION
(M)		MEASURED
(P)		PLAT
(L)		LEGAL
TWSP.		TOWNSHIP
RNG.		RANGE
OHP		OVERHEAD POWER LINES
PVC		POLY VINYL CHLORIDE
		FIRE HYDRANT
		GATE VALVE
		CONCRETE POWER POLE
		WOOD POWER POLE
		CLEANOUT
		SANITARY MANHOLE
		GUY ANCHOR
		SINGLE POST SIGN

SURVEYORS NOTES

1.) BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE GRID, FLORIDA WEST ZONE (NORTH AMERICAN DATUM OF 1983/2011 ADJUSTMENT), VERIFIED BY REAL TIME KINEMATIC (RTK) GLOBAL POSITIONING SYSTEM (GPS) UTILIZING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FLORIDA PERMANENT REFERENCE NETWORK (FPRN), WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, HAVING A BEARING OF S89°35'31"W.

2.) DIMENSIONS SHOWN HEREON ARE GRID DISTANCES SHOWN IN FEET AND DECIMALS THEREOF.

3.) THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

4.) THIS PROPERTY APPEARS TO BE LOCATED IN FLOOD ZONE AE, HAVING A BASE FLOOD ELEVATION OF 10 FEET (NAVD 88), PER F.I.R.M. 12071C0654G, EFFECTIVE DATE 11/17/2022.

5.) FOUNDATIONS AND UTILITIES BENEATH THE SURFACE, IF ANY, HAVE NOT BEEN LOCATED.

6.) TOTAL AREA OF PROPERTY SURVEYED IS 5.897± ACRES (INCLUDING 1.745± ACRES OF SUBMERGED LAND). AREA OF UPLAND PARCEL IS 4.152± ACRES.

7.) LAST DATE OF FIELD WORK WAS 06/21/23.

8.) THE INTENDED USE OF THIS SURVEY IS TO BE USED FOR DESIGN PURPOSES.

9.) ELEVATIONS SHOWN HEREON ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), AS THEY RELATE TO NATIONAL GEODETIC SURVEY BENCHMARK "Y 718" (POINT IDENTIFICATION NUMBER DN3708), HAVING AN ELEVATION OF 4.48'.

10.) COORDINATES SHOWN HEREON WERE MEASURED USING REAL TIME KINEMATIC (RTK) GLOBAL POSITIONING SYSTEM (GPS) UTILIZING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FLORIDA PERMANENT REFERENCE NETWORK (FPRN). COORDINATES SHOWN HEREON ARE STATE PLANE COORDINATES, FLORIDA WEST ZONE NAD 83, 2011 ADJUSTMENT.

CERTIFICATION:

I HEREBY CERTIFY TO:

1. J.R. EVANS ENGINEERING, P.A.

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY OF THE HEREON DESCRIBED PROPERTY WAS SURVEYED UNDER MY RESPONSIBLE CHARGE ON 05/25/23 THROUGH 04/02/24. THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.051-.053, F.A.C. PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

STEPHEN E. BERRY
License Number
5296
STATE OF
FLORIDA
Professional Surveyor and Mapper

STEPHEN E. BERRY, STATE OF FLORIDA, (L.S. #5296)
BBLS SURVEYORS INC. (L.B. #8033)
REVISED PER COMMENTS 07/08/2023
REVISED 05/13/2024: ADDED PARCELS "A"&"B", LEDFORD SHORES
REVISED 06/17/2024: ADDED SEWER MANHOLE DATA
REVISED 08/22/2024: REVISED LOCATION OF PARCELS A & B, LEDFORD SHORES
REVISED 09/11/2024: REVISED NOTE 6
REVISED 01/03/2025: ADDED AQUATIC PRESERVE
REVISED 02/19/2025: REVISED AREA SUMMARY

SHEET 1 OF 4

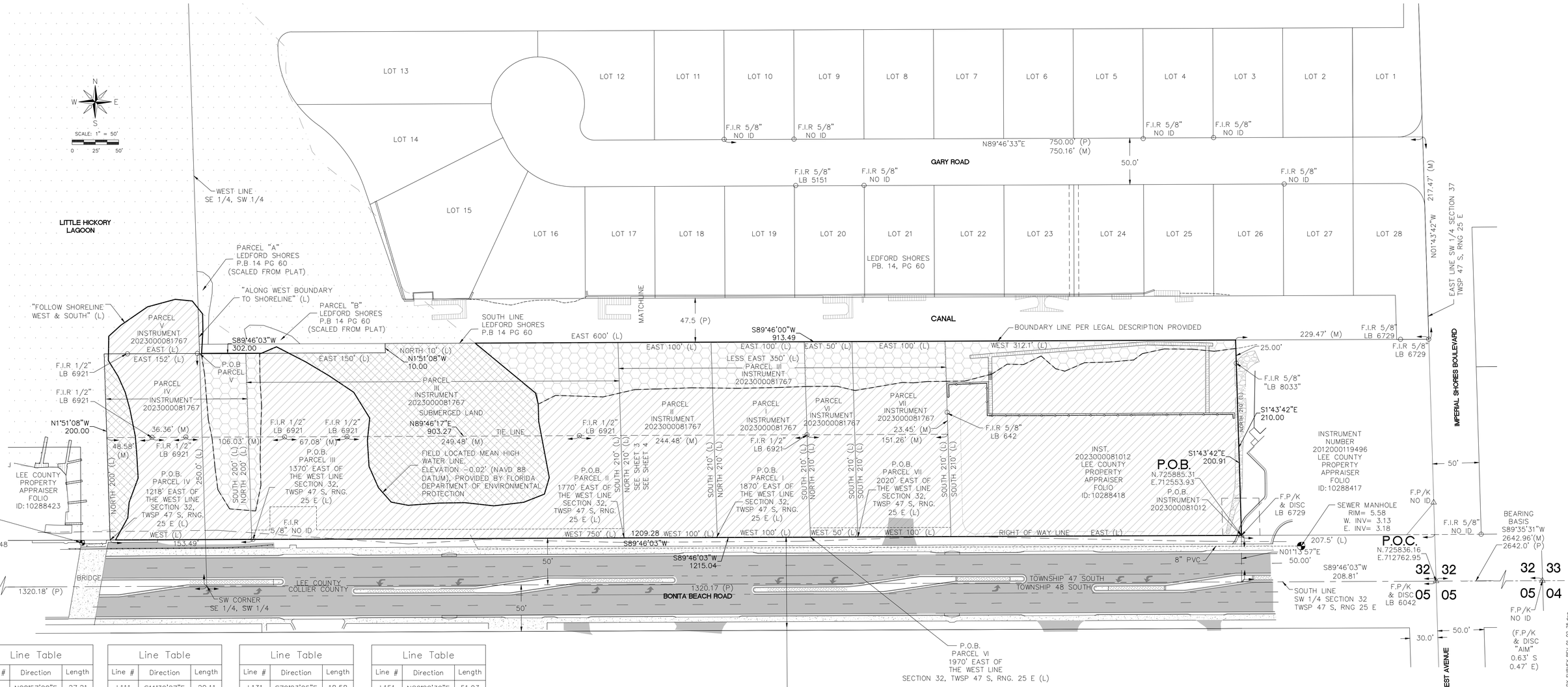
PROJECT NUMBER 23.24

DATE: 04/02/2024	
FIELD BOOK AND PAGE: SEE FILE	
DRAWN BY: SEB, JRB	
APPROVED: SEB	
SCALE: 1"=50'	

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

BBLS SURVEYORS, INC.
9001 HIGHLAND WOODS BLVD, SUITE 6
BONITA SPRINGS, FLORIDA, 34135
(239) 597-1315

\\10.0.0.10\data\PROJECTS\2023\23.24 HICKORY AT BAYSIDE\23.24 HICKORY AT BAYSIDE BNDY SURVEY REV 01 02 25.dwg



Line Table		
Line #	Direction	Length
L91	N28°57'28"E	27.21
L92	N4°56'48"E	16.70
L93	N20°23'41"E	27.81
L94	N3°15'47"W	24.84
L95	N4°35'00"W	20.27
L96	N11°24'54"W	29.80
L97	N15°24'04"W	18.54
L98	N24°05'24"W	18.66
L99	N31°34'48"W	20.12
L100	N1°03'14"E	26.10
L101	N47°36'14"E	17.60
L102	N55°25'14"E	34.63
L103	N74°50'45"E	30.90
L104	S84°40'54"E	18.42
L105	S38°31'07"E	17.81
L106	S1°03'37"E	18.21
L107	S3°26'19"W	25.56
L108	S9°01'25"E	21.02
L109	S4°42'33"E	25.12
L110	S4°37'00"E	24.31

Line Table		
Line #	Direction	Length
L111	S11°39'27"E	20.11
L112	S5°41'55"E	31.04
L113	S7°17'13"E	24.67
L114	S31°23'17"E	24.15
L115	S85°26'08"E	28.06
L116	N11°37'52"E	28.26
L117	N1°37'29"W	28.60
L118	N1°03'29"E	30.06
L119	N2°06'53"E	26.26
L120	N3°18'36"W	29.82
L121	N0°48'05"W	26.16
L122	N66°33'52"E	19.66
L123	S62°46'04"E	35.19
L124	S59°12'02"E	29.19
L125	S56°14'23"E	32.10
L126	S31°43'37"E	32.57
L127	S5°56'22"W	24.12
L128	S3°32'39"E	28.00
L129	S24°00'38"E	25.08
L130	S41°25'34"E	20.59

Line Table		
Line #	Direction	Length
L131	S79°23'25"E	18.58
L132	N85°48'25"E	33.42
L133	N89°03'18"E	27.40
L134	S83°40'10"E	31.39
L135	N83°12'03"E	32.33
L136	N68°31'38"E	23.92
L137	N16°16'05"E	18.52
L138	N10°36'54"W	61.70
L139	N1°27'31"W	18.23
L140	N63°05'32"E	20.86
L141	S88°10'37"E	51.04
L142	N76°59'20"E	35.08
L143	N88°35'40"E	24.46
L144	N87°59'17"E	36.23
L145	S89°33'52"E	21.84
L146	S89°10'30"E	26.88
L147	N88°50'41"E	45.13
L148	N87°56'22"E	29.84
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L155	N89°17'53"E	19.61
L156	N75°21'27"E	30.63
L157	N56°56'17"E	19.17
L158	S88°33'48"E	17.51
L159	N64°11'27"E	21.22
L160	S48°35'54"E	20.76
L161	S75°17'37"E	10.20
L162	N66°43'46"E	22.88
L163	N88°24'21"E	26.10
L164	N85°10'35"E	27.03
L165	N53°14'16"E	11.40
L166	N77°58'05"E	24.08
L167	S89°28'34"E	30.08
L168	S84°41'02"E	23.72
L169	N82°39'12"E	23.40

LEGEND

F.P/K △	FOUND PARKER-KAYLON NAIL
F.I.R. ○	FOUND IRON ROD (SIZE & ID AS NOTED)
F.A.C.	FLORIDA ADMINISTRATIVE CODE
L.S.	LICENSED SURVEYOR
L.B.	LICENSED BUSINESS
F.I.R.M.	FLOOD INSURANCE RATE MAP
P.B.	PLAT BOOK
PG.(S)	PAGE(S)
O.R.	OFFICIAL RECORDS
INST.	INSTRUMENT
NO.	NUMBER
TOE	APPROXIMATE TOE OF SLOPE
TOB	APPROXIMATE TOP OF BANK
P.O.B.	POINT OF BEGINNING
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NAVD	NORTH AMERICAN VERTICAL DATUM
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(M)	MEASURED
(P)	PLAT
(L)	LEGAL
TWSP.	TOWNSHIP
RNG.	RANGE
OHP	OVERHEAD POWER LINES
	FIRE HYDRANT
	GATE VALVE
	CONCRETE POWER POLE
	WOOD POWER POLKE
	CLEANOUT
	SANITARY MANHOLE
	GUY ANCHOR
	SINGLE POST SIGN

100' RIGHT OF WAY
STATE OF FLORIDA
STATE ROAD DEPARTMENT RIGHT OF WAY MAP
SECTION NO. 1260-150 & 0361-150
(STATE ROAD 865)

AQUATIC PRESERVE
(PROVIDED BY CLIENT)

AREA SUMMARY

AREA ABOVE MEAN HIGH WATER LINE ("AS SURVEYED AREA")	4.152 ACRES±
AREA BELOW HIGH WATER LINE NOT LOCATED IN AQUATIC PRESERVE	
WESTERLY AREA (AREA TO BE FILLED)	0.202 ACRES±
EASTERLY AREA	0.713 ACRES±
	5.067 ACRES±
AREA BELOW HIGH WATER LINE LOCATED IN AQUATIC PRESERVE	0.830 ACRES±
TOTAL AREA	5.897 ACRES±

SHEET 2 OF 4

PROJECT NUMBER 23.24

DATE: 01/02/2025	
FIELD BOOK AND PAGE: SEE FILE	
DRAWN BY: SEB, JRB	
APPROVED: SEB	
SCALE: 1"=50'	

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

BBLS SURVEYORS, INC.
9001 HIGHLAND WOODS BLVD, SUITE 6
BONITA SPRINGS, FLORIDA, 34135
(239) 597-1315

\\10.0.0.10\data\PROJECTS\2023\23.24 HICKORY AT BAYSIDE\23.24 HICKORY AT BAYSIDE BNDY SURVEY REV 01 02 25.dwg

N
W E
S
SCALE: 1" = 20'
0 10' 20'

PARCEL "A"
LEDFORD SHORES
P.B 14 PG 60
GREGORY & PHILLIP BIOLCHINI
O.R. 2772, PG. 2166
LEE COUNTY PROPERTY APPRAISER
FOLIO ID:10288661
(SCALED FROM PLAT)

PARCEL "B"
LEDFORD SHORES
P.B 14 PG 60
GREGORY & PHILLIP BIOLCHINI
O.R. 2772, PG. 2166
LEE COUNTY PROPERTY APPRAISER
FOLIO ID:10288661
(SCALED FROM PLAT)

LITTLE HICKORY LAGOON

CONCRETE SEA WALL CAP
LOT 15
LEDFORD SHORES
PB. 14, PG 60
LOT 16
LOT 17
CONCRETE SEA WALL CAP
JET SKI DOCK
WOOD DOCK
PLATTED LINE
APPROXIMATE SHORELINE
WOOD DOCK
MATCHLINE

FOLLOW SHORELINE WEST & SOUTH (L)

"ALONG WEST BOUNDARY TO SHORELINE" (L)

SOUTH LINE LEDFORD SHORES P.B 14 PG 60

APPROXIMATE EDGE OF VEGETATION (TYPICAL)

MANGROVES

PARCEL V
INSTRUMENT 2023000081767
LEE COUNTY PROPERTY APPRAISER
FOLIO ID:10288439

F.I.R 1/2" LB 6921

P.O.B PARCEL V

S89°46'03"W 302.00

EAST 600' (L)

NORTH 10' (L)

EAST 150' (L)

N1°51'08"W 10.00

PARCEL IV
INSTRUMENT 2023000081767
LEE COUNTY PROPERTY APPRAISER
FOLIO ID:10288439

PARCEL III
INSTRUMENT 2023000081767
LEE COUNTY PROPERTY APPRAISER
FOLIO ID:10288419

SEE SHEET 3
SEE SHEET 4

SUBMERGED LANDS

APPROXIMATE EDGE OF VEGETATION (TYPICAL)

N1°51'08"W 200.00

N89°46'17"E 903.27

FIELD LOCATED MEAN HIGH WATER LINE, ELEVATION =0.02' (NAVD 88 DATUM), PROVIDED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTH 200' (L)

NORTH 200' (L)

WEST LINE SE 1/4, SW 1/4

NORTH 200' (L)

WOOD DOCK (TYPICAL)

LEE COUNTY PROPERTY APPRAISER FOLIO ID:10288423

P.O.B. PARCEL IV 1218' EAST OF THE WEST LINE SECTION 32, TWSP 47 S, RNG. 25 E (L)

P.O.B. PARCEL III 1370' EAST OF THE WEST LINE SECTION 32, TWSP 47 S, RNG. 25 E (L)

F.I.R 5/8" NO ID

10' TEMPORARY CONSTRUCTION EASEMENT O.R. 2615 PG. 2483

SEWER MANHOLE RIM= 5.00 NW. INV= 0.64 E. INV= 0.57

SEWER MANHOLE RIM= 3.62 SE. INV= 0.79

WEST 152' (L)

153.49'

RIGHT OF WAY LINE

S89°46'0

NATIONAL GEODETIC SURVEY BENCHMARK " Y 718" ELEVATION=4.48

CORNER FALLS IN WATER (CANNOT SET)

BRIDGE

GUARDRAIL

8' CONCRETE WALK

2' CURB & GUTTER

2.3' CURB & GUTTER

CURB OPENING FOR ACCESS

CABLE BOX

FIBER OPTIC BOX

OHP

8" PVC

GRASS MEDIAN

PAVER BRICK

LEE COUNTY
COLLIER COUNTY

TOWNSHIP 47 SOUTH
TOWNSHIP 48 SOUTH

SOUTH LINE SW 1/4 SECTION 32 TWSP 47 S, RNG 25 E

BONITA BEACH ROAD
COUNTY ROAD 865
(100' RIGHT OF WAY)

RIGHT OF WAY LINE

100' RIGHT OF WAY
STATE OF FLORIDA
STATE ROAD DEPARTMENT
RIGHT OF WAY MAP
SECTION NO. 1260-150 & 0361-150
(STATE ROAD 865)

NOTE: SEE SHEET 1 AND 2 FOR LINE TABLES AND LEGEND.

SHEET 3 OF 4

PROJECT NUMBER	23.24
DATE:	06/20/2023
FIELD BOOK AND PAGE:	SEE FILE
DRAWN BY:	SEB, JRB
APPROVED:	SEB
SCALE:	1"=20'

BOUNDARY SURVEY

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

BBLS SURVEYORS, INC.
9001 HIGHLAND WOODS BLVD., SUITE 6
BONITA SPRINGS, FLORIDA, 34135
(239) 597-1315

\\10.0.0.10\data\PROJECTS\2023\23.24 HICKORY AT BAYSIDE\23.24 HICKORY AT BAYSIDE BNDY SURVEY REV 01 02 25.dwg

LOT 17 | LOT 18 | LOT 19 | LOT 20 | LEDFORD SHORES PB. 14, PG 60 LOT 21 | LOT 22 | LOT 23 | 10.0' DRAINAGE EASEMENT | LOT 24 | LOT 25 | LOT 26

CONCRETE SEA WALL CAP

PLATTED LINE

WOOD DOCK

APPROXIMATE SHORELINE

MATCHLINE

N
W E
S

SCALE: 1" = 20'
0 10' 20'

LITTLE HICKORY LAGOON

S89°46'00"W 913.49

SEE SHEET 3
SEE SHEET 4

EAST 100' (L) | EAST 100' (L) | EAST 50' (L) | EAST 100' (L) | 76.52' (M) | WEST 312.1' (L)

APPROXIMATE EDGE OF VEGETATION (TYPICAL)

MANGROVES

TOE

TOB

L143 L144 L145 L146 L147 L148 L149 L150 L151 L152 L153 L154 L155 L156 L157 L158 L159 L160 L161 L162 L163 L164 L165 L166 L167 L168 L169

FIELD LOCATED MEAN HIGH WATER LINE ELEVATION −0.02' (NAVD 88 DATUM), PROVIDED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPROXIMATE EDGE OF VEGETATION (TYPICAL)

F.I.R 5/8" LB 642

STEPS

WOOD DOCK

GATE

1.6' CONCRETE SEA WALL CAP

6' CHAIN LINK FENCE

1.6' CONCRETE SEA WALL CAP

INSTRUMENT #2012000119496 LEE COUNTY PROPERTY APPRAISER FOLIO ID: 10288417

S1°43'42"E 210.00

STONE RIP RAP

2' CURB & GUTTER

S1°43'42"E 200.91

244.48' (M) | TIE LINE | 151.26' (M) | 23.45' (M) | 110.03' (M)

PARCEL II
INSTRUMENT 2023000081767
LEE COUNTY PROPERTY APPRAISER FOLIO ID: 10288422

SOUTH 210' (L) NORTH 210' (L)

PARCEL I
INSTRUMENT 2023000081767
LEE COUNTY PROPERTY APPRAISER FOLIO ID: 10288421

SOUTH 210' (L) NORTH 210' (L)

PARCEL VI
INSTRUMENT 2023000081767
LEE COUNTY PROPERTY APPRAISER FOLIO ID: 10288420

SOUTH 210' (L) NORTH 210' (L)

PARCEL VII
INSTRUMENT 2023000081767
LEE COUNTY PROPERTY APPRAISER FOLIO ID: 10288420

SOUTH 210' (L)

INST. 2023000081012
LEE COUNTY PROPERTY APPRAISER FOLIO ID: 10288420

P.O.B.
N.725885.31
E.712553.93

P.O.B. PARCEL I
1870' EAST OF THE WEST LINE SECTION 32, TWSP 47 S, RNG. 25 E (L)

P.O.B. PARCEL VI
1970' EAST OF THE WEST LINE SECTION 32, TWSP 47 S, RNG. 25 E (L)

P.O.B. PARCEL VII
2020' EAST OF THE WEST LINE SECTION 32, TWSP 47 S, RNG. 25 E (L)

10' TEMPORARY CONSTRUCTION EASEMENT O.R. 2615 PG. 2483

PAVED APRON

STACK OF 3 BRICKS

ROADWAY ACCESS EASEMENT O.R. 2540 PG. 1414

1209.28
S89°46'03"W
OHP

CLEAN OUT TOP ELEV.= 4.02

WEST 100' (L) | WEST 100' (L) | WEST 50' (L) | WEST 100' (L) | EAST (L) 312.00'

CLEAN OUT TOP ELEV.= 4.86

SWITCH CABINET

F. P/K & DISC LB 6729

8" CONCRETE WALK

8" PVC

S89°46'03"W 1215.04

CURB OPENING FOR ACCESS

SEWER MANHOLE RIM= 5.29 W. INV= −0.85 E. INV= −0.90

PAINTED TRAFFIC STRIPE (TYP)

2.3' CURB & GUTTER

N01°13'57"E 50.00'

8" PVC (SEE SHEET 2 FOR CONTINUANCE)

PAVER BRICK

GRASS MEDIAN

SOUTH LINE SW 1/4 SECTION 32 TWSP 47 S, RNG 25 E

TOWNSHIP 47 SOUTH
TOWNSHIP 48 SOUTH

LEE COUNTY
COLLIER COUNTY

S89°46'03"W 208.81'

BONITA BEACH ROAD
COUNTY ROAD 865
(100' RIGHT OF WAY)

F.N.& D. "LB 642"

100' RIGHT OF WAY
STATE OF FLORIDA
STATE ROAD DEPARTMENT
RIGHT OF WAY MAP
SECTION NO. 1260-150 & 0361-150
(STATE ROAD 865)

NOTE: SEE SHEET 1 AND 2 FOR LINE TABLES AND LEGEND.

\\10.0.0.10\data\PROJECTS\2023\23.24 HICKORY AT BAYSIDE\23.24 HICKORY AT BAYSIDE BNDY SURVEY REV 01 02 25.dwg

SHEET 4 OF 4

PROJECT NUMBER 23.24

DATE: 06/20/2023	
FIELD BOOK AND PAGE: SEE FILE	
DRAWN BY: SEB, JRB	
APPROVED: SEB	
SCALE: 1"=20'	

BOUNDARY SURVEY

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

BBLS SURVEYORS, INC.
9001 HIGHLAND WOODS BLVD., SUITE 6
BONITA SPRINGS, FLORIDA, 34135
(239) 597-1315

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:

	Zoning	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

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: 0.66 AC.

7. PARKING: (6)

PARKING REQUIREMENTS			
USE	VALUE	REQUIREMENT	REQUIRED
RESTAURANT	13,879	14 SPACES PER 1,000 SQ.FT.	195
OFFICE	1,450	1 SPACES PER 300 SQ.FT.	5
MULTIPLE-FAMILY UNITS (4 - 2 BED; 2 - 1 BED)	6	1.75 SPACES PER 2 BED UNIT; 1.5 SPACES PER 1 BED UNIT; 10% GUEST PARKING.	11
RETAIL	5,388	1 SPACES PER 250 SQ.FT.	22
RESTAURANT (FAST FOOD)	1,000	13 SPACES PER 1,000 SQ.FT.	13
RESTAURANT (FAST FOOD)	2,000	13 SPACES PER 1,000 SQ.FT.	26
TOTAL PARKING SPACES REQUIRED			*272*
PARKING REDUCTION			
USE	REQUIREMENT		REDUCTION
VALET PARKING	50% REDUCTION OF REQUIRED PARKING SPACES FOR RESTAURANT		97
BIKE RACK	27 BIKE RACKS WILL BE PROVIDED THROUGH THE SITE WITH 3:1 RATIO		9
TOTAL REDUCTION OF PARKING SPACES			*106*
TOTAL PARKING SPACES REQUIRED WITH REDUCTION			***166***
TOTAL PARKING SPACES PROVIDED			***166***

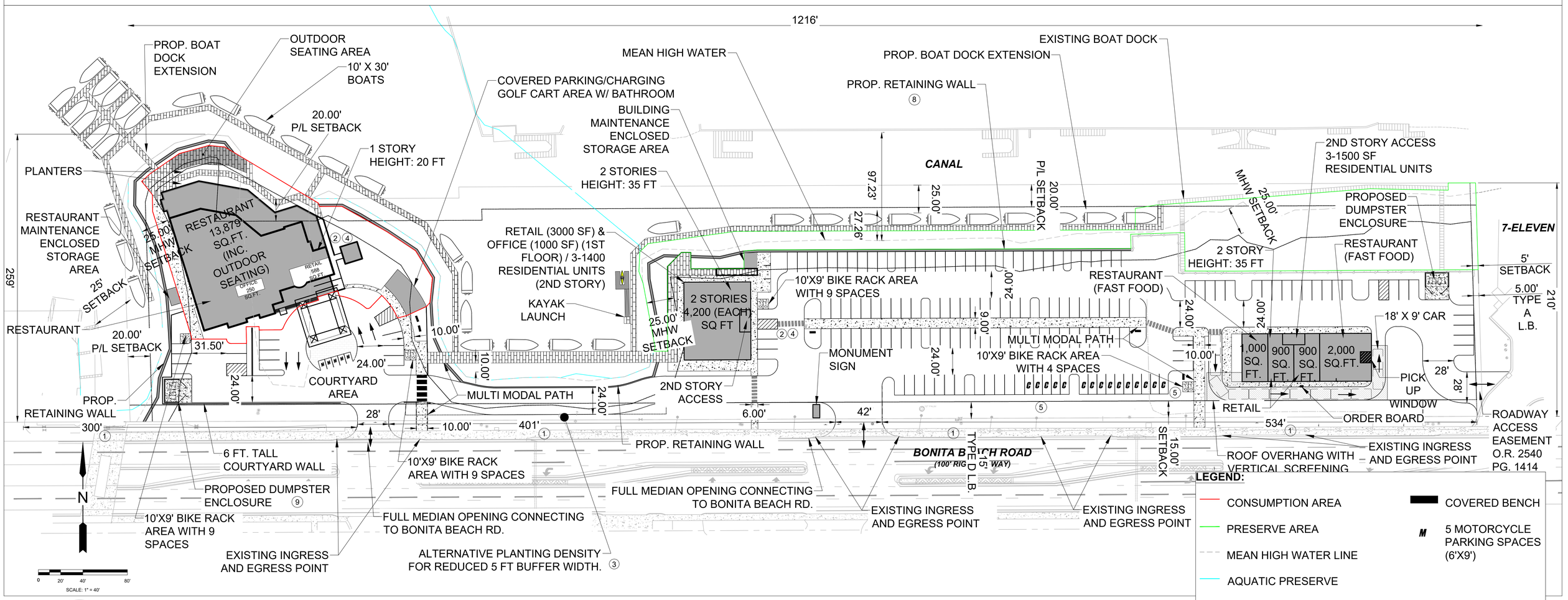
8. PUBLIC TRANSPORTATION:
THE PROPERTY IS WITHIN THE BONITA SPRINGS ULTRA ON DEMAND TRANSIT SERVICE AREA.

9. LANDSCAPE BUFFERS:
FOR DETAILS REFER TO DEVIATIONS.

10. DEVIATIONS: SEE SHEET 2

11. PROJECT NOTES:

- LDC SEC. 4-899 (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

MCP.DWG
March 20, 2025

SCHEDULE OF DEVIATIONS
HICKORY ON THE BAY

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.

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.

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-OR-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.

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.

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.

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.

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.

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.

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.

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.

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 ACRE 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.

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.

SCHEDULE OF USES
HICKORY ON THE BAY

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 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
HICKORY 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 TH 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

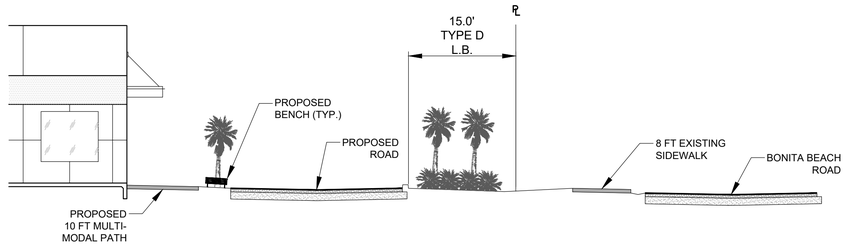
MINIMUM BUILDING SEPERATION:
50% OF THE SUM OF THE HEIGHTS OF THE BUILDINGS, BUT NOT LESS THAN 15 FT.

MINIMUM OPEN SPACE: 20%

MAXIMUM LOT COVERAGE: 40%

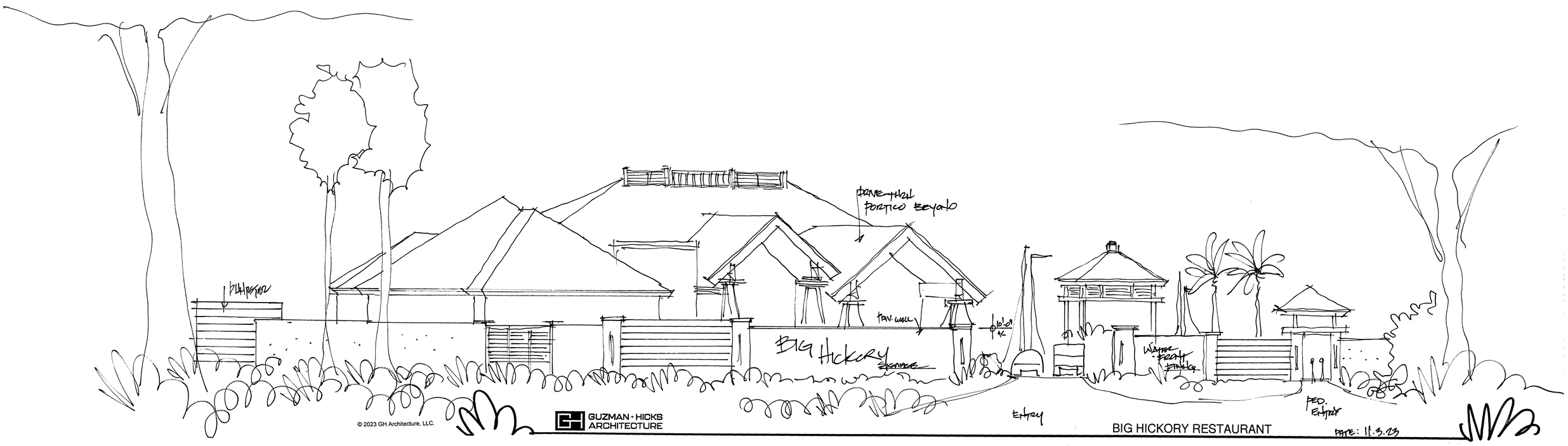
MAXIMUM BUILDING HEIGHT: 35 FT. (2 STORIES)

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

EXHIBIT C

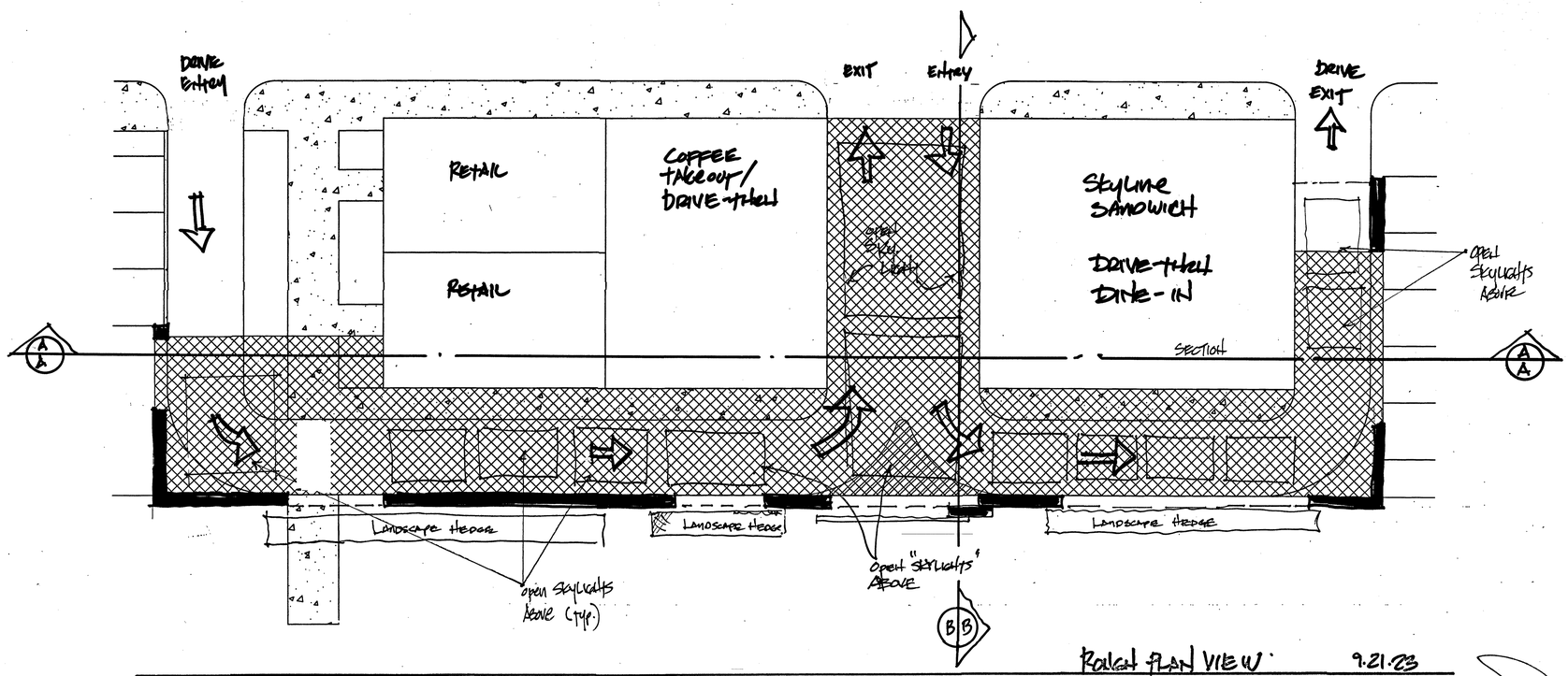


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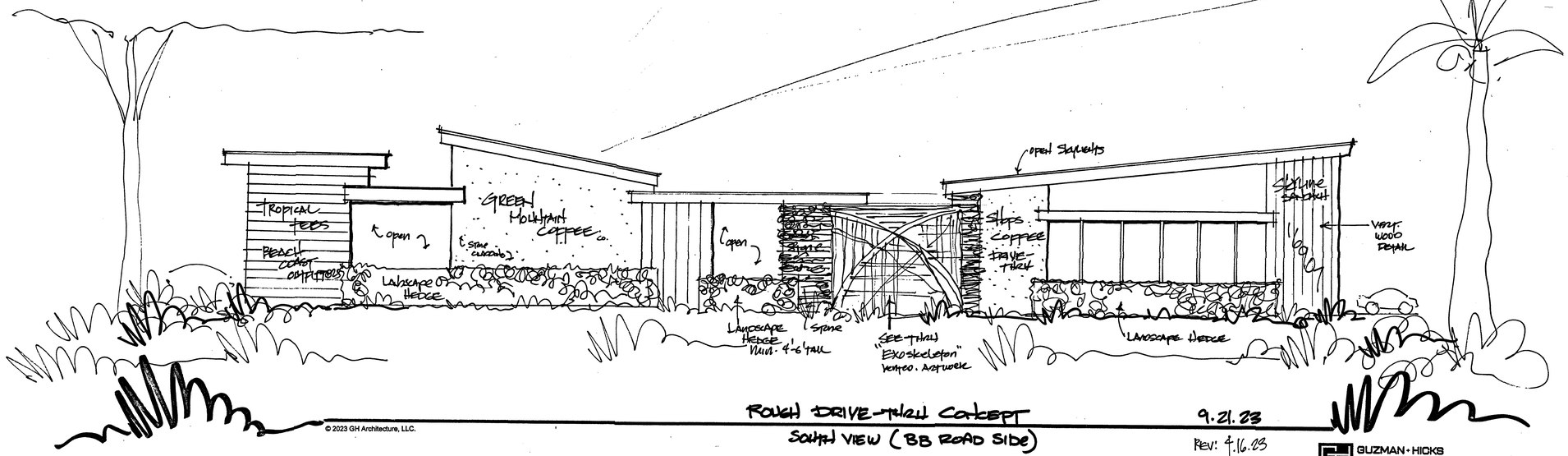
GUZMAN + HICKS ARCHITECTURE

BIG HICKORY RESTAURANT

DATE: 11.3.23



ROOF PLAN VIEW 9.21.23



ROUGH DRIVE-THRU CONCEPT 9.21.23
SOUTH VIEW (BB ROAD SIDE)
REV: 4.16.23
REV: 4.28.23

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GUZMAN · HICKS ARCHITECTURE

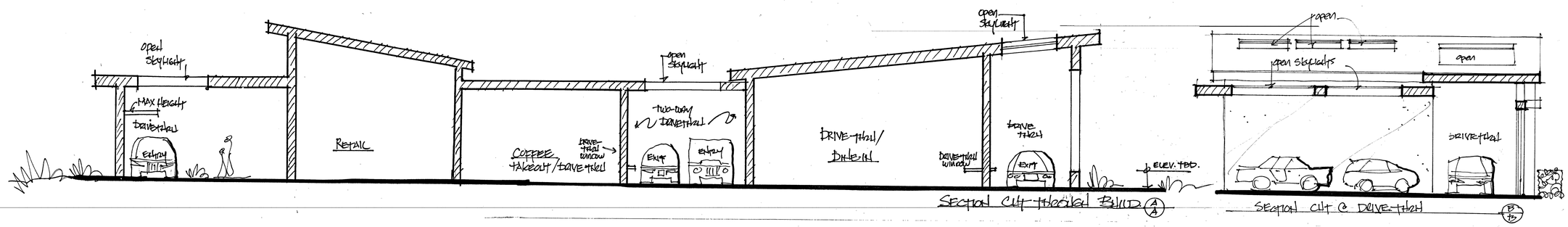
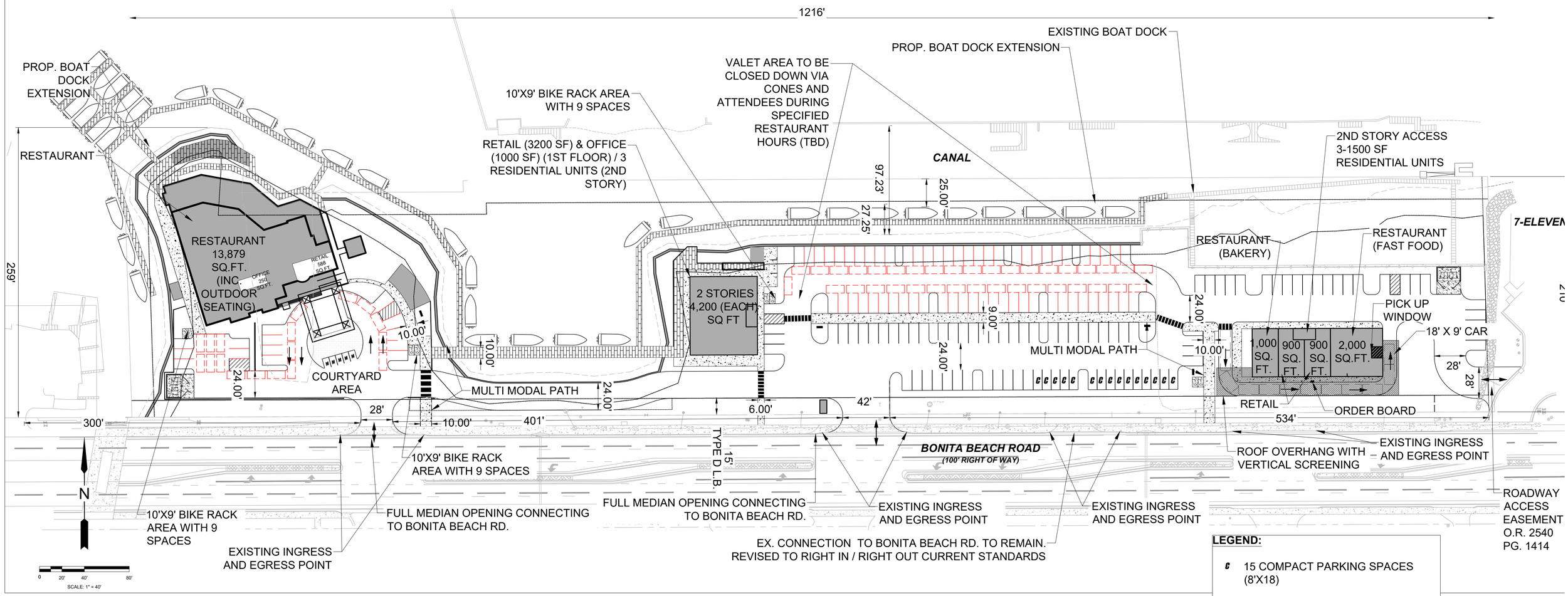


EXHIBIT D

PARKING REQUIREMENTS			
USE	VALUE	REQUIREMENT	REQUIRED
RESTAURANT	13,879	14 SPACES PER 1,000 SQ.FT.	195
OFFICE	1,450	1 SPACES PER 300 SQ.FT.	5
MULTIPLE-FAMILY UNITS (4 - 2 BED; 2 - 1 BED)	6	1.75 SPACES PER 2 BED UNIT; 1.5 SPACES PER 1 BED UNIT.	10
RETAIL	5,388	1 SPACES PER 250 SQ.FT.	22
RESTAURANT (FAST FOOD)	1,000	13 SPACES PER 1,000 SQ.FT.	13
RESTAURANT (FAST FOOD)	2,000	13 SPACES PER 1,000 SQ.FT.	26
TOTAL PARKING SPACES REQUIRED			*271*
PARKING REDUCTION			
USE	REQUIREMENT		REDUCTION
VALET PARKING	50% REDUCTION OF REQUIRED PARKING SPACES FOR RESTAURANT		97
BIKE RACK	27 BIKE RACK WILL BE PROVIDED THROUGH THE SITE WITH 3:1 RATIO		9
TOTAL REDUCTION OF PARKING SPACES			*106*
TOTAL PARKING SPACES REQUIRED WITH REDUCTION			***165***
TOTAL PARKING SPACES PROVIDED			***166***



LEGEND:

- **C** 15 COMPACT PARKING SPACES (8'X18)
- **M** 5 MOTORCYCLE PARKING SPACES (6'X9')

J.R. EVANS ENGINEERING

HICKORY ON THE BAY

VALET PLAN

VALET PLAN.DWG
September 25, 2024

EXHIBIT E

Hickory on the Bay

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

Historic Slip Review

1994


Gary Rd
Gary Rd
Gary Rd
Gary Rd
h Rd SW
865
Bonita Beach Rd SW
865
Bonita Beach Rd SW

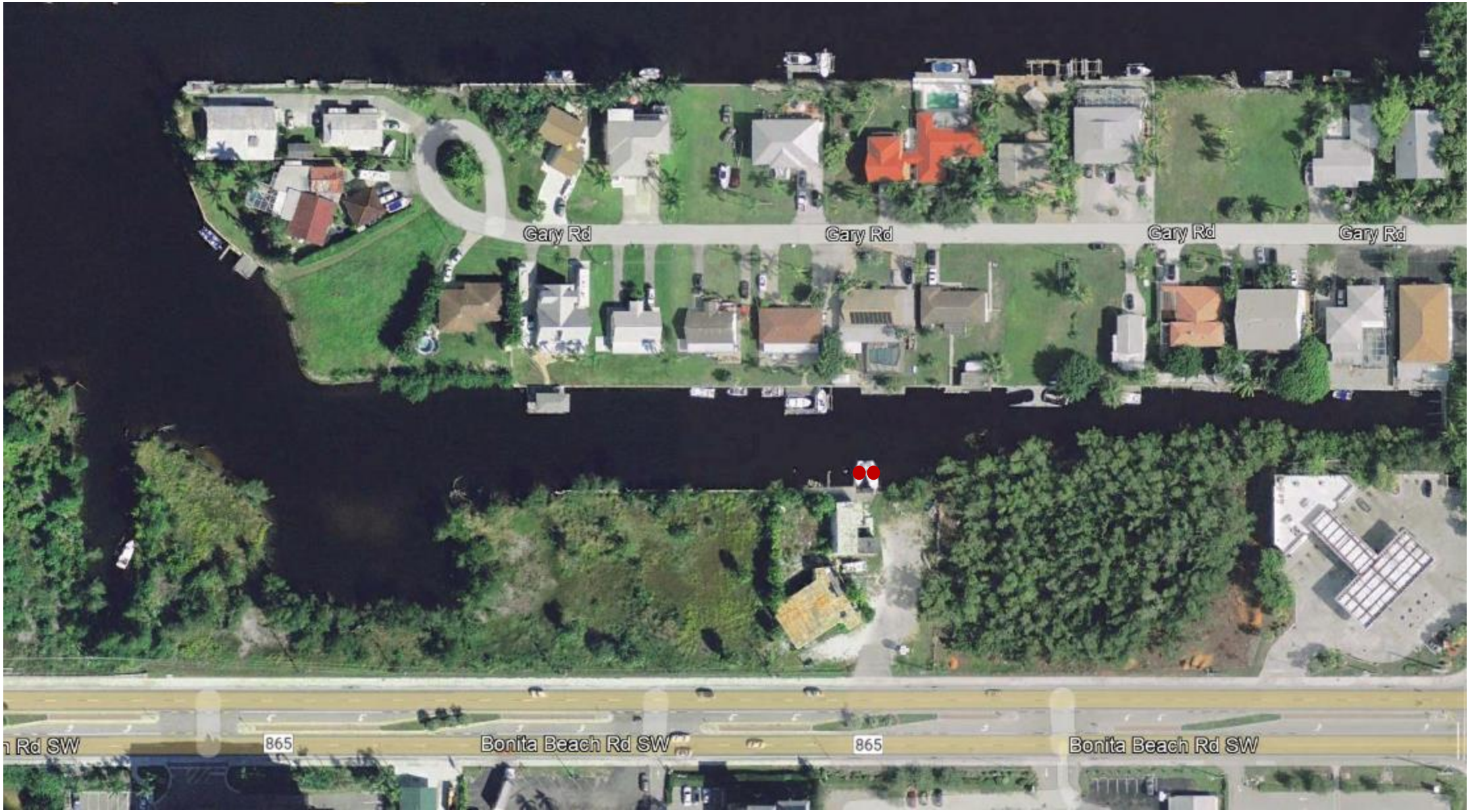
2004


Gary Rd
Gary Rd
Gary Rd
Gary Rd
Lucky Landing Associates
2 wet slips (Seagrant, 1999)
Rd SW
865
Bonita Beach Rd SW
865
Bonita Beach Rd SW

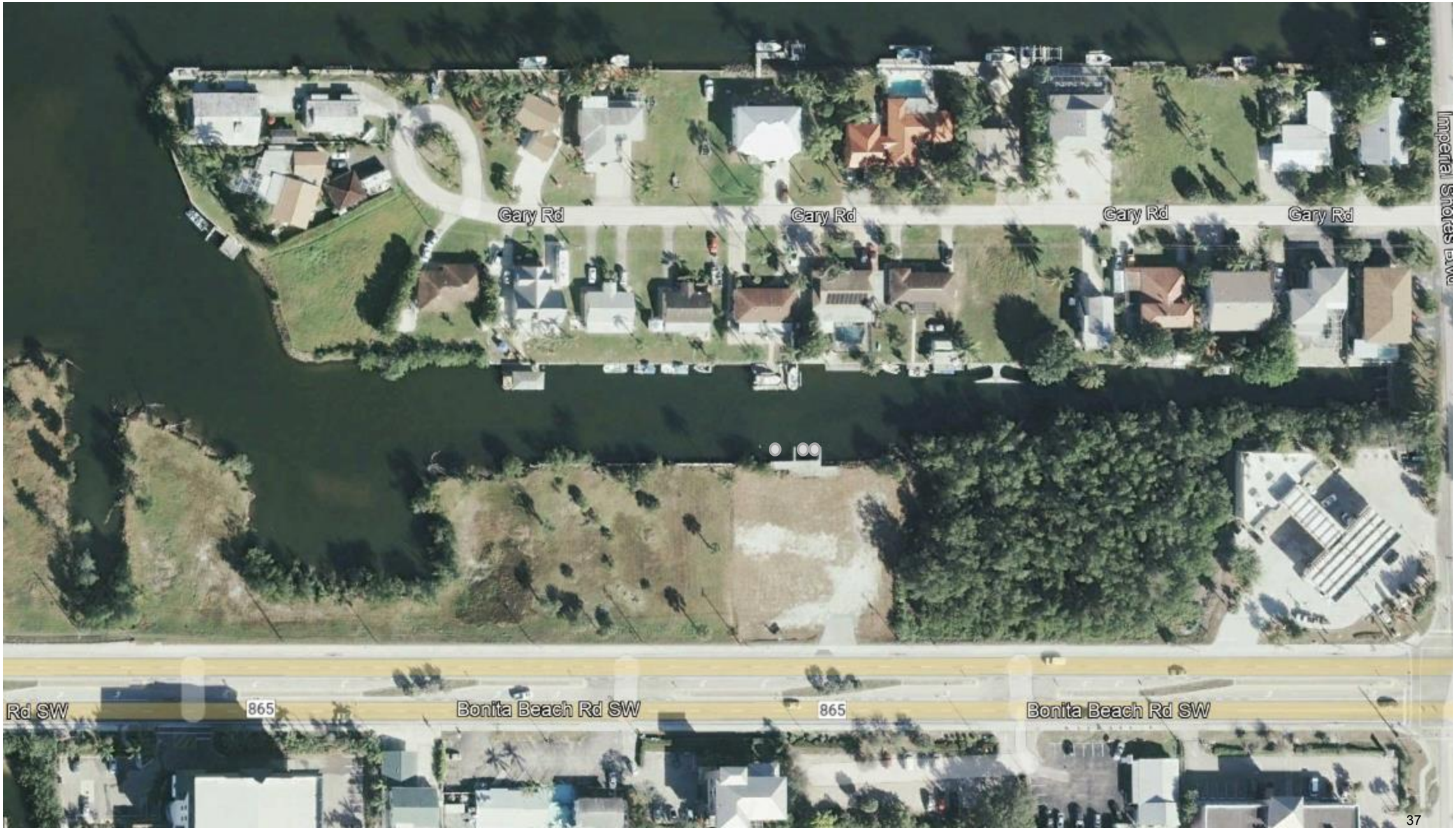
2005


Gary Rd
Gary Rd
Gary Rd
Gary Rd
Imperial Shores Pkwy
h Rd SW
865
Bonita Beach Rd SW
865
Bonita Beach Rd SW

2007


Gary Rd
Gary Rd
Gary Rd
Gary Rd
865
Bonita Beach Rd SW
865
Bonita Beach Rd SW

2008


Gary Rd
Gary Rd
Gary Rd
Gary Rd
Rd SW
865
Bonita Beach Rd SW
865
Bonita Beach Rd SW

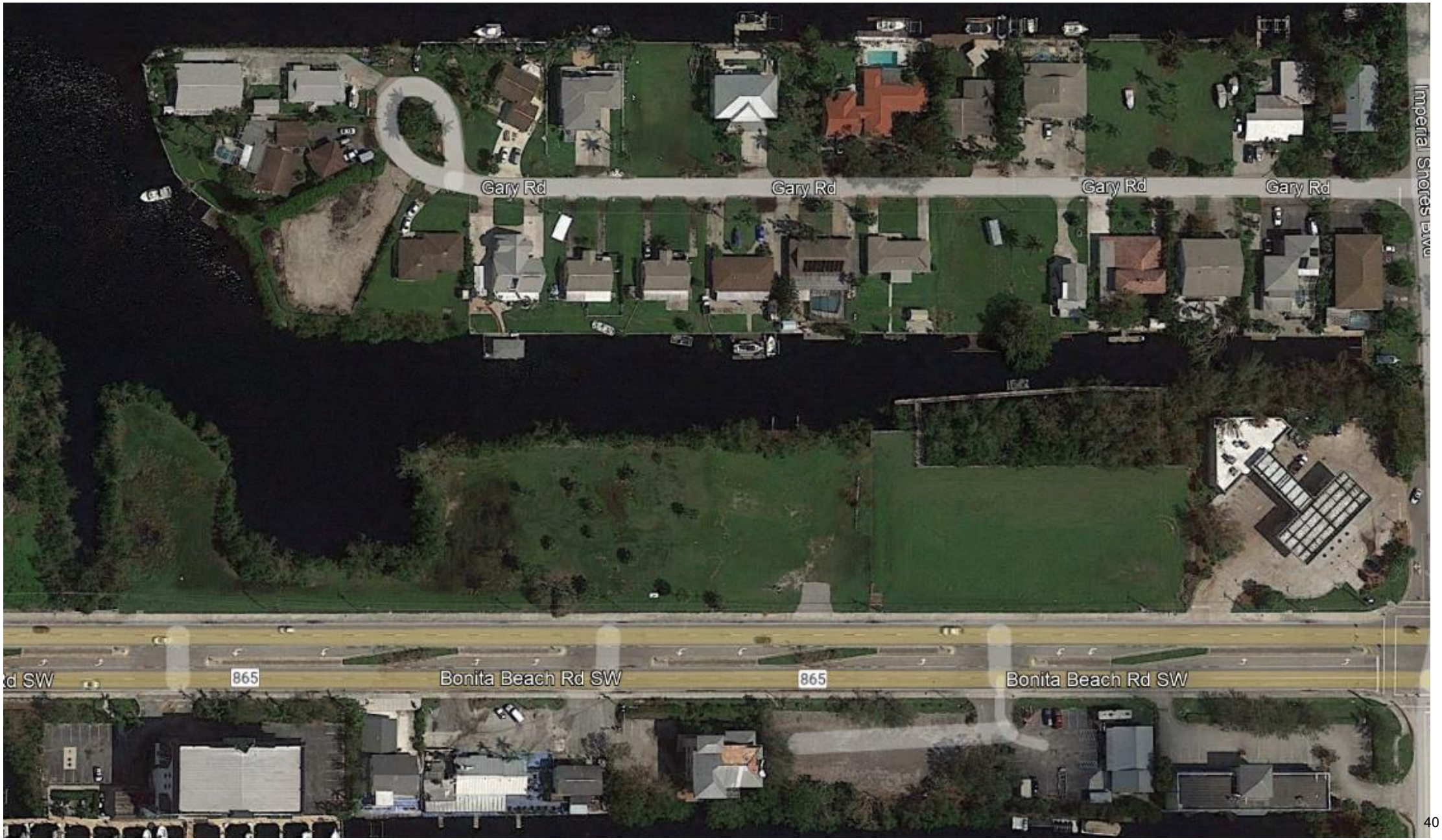
2009


Gary Rd
Gary Rd
Gary Rd
Gary Rd
h Rd SW
865
Bonita Beach Rd SW
865
Bonita Beach Rd SW

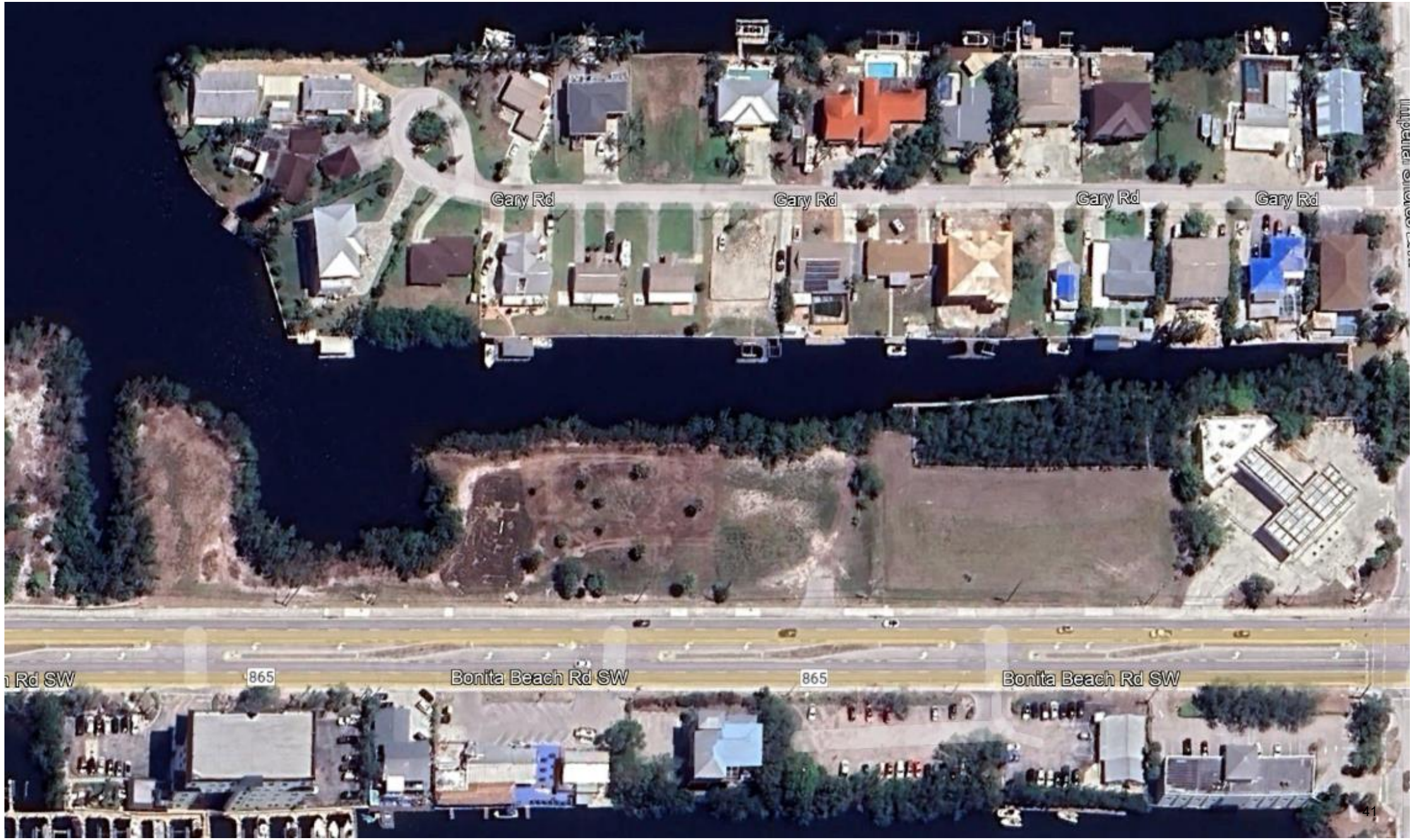
2010


Gary Rd
Gary Rd
Gary Rd
Gary Rd
Imperial Shores Blvd
Mangrove Waterways
Original authorization – 2003
(notes 6 slips)
Re-authorized – 2007
865
Bonita Beach Rd SW
865
Bonita Beach Rd SW

2017


Gary Rd
Gary Rd
Gary Rd
Gary Rd
Imperial Shores Blvd
865
Bonita Beach Rd SW
865
Bonita Beach Rd SW

2023


Gary Rd
Gary Rd
Gary Rd
Gary Rd
865
Bonita Beach Rd SW
865
Bonita Beach Rd SW

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

Form #0941
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 19 General Conditions (See Pages : 2 - 4 of 9),
3. the attached 37 Special Conditions (See Pages : 5 - 8 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.

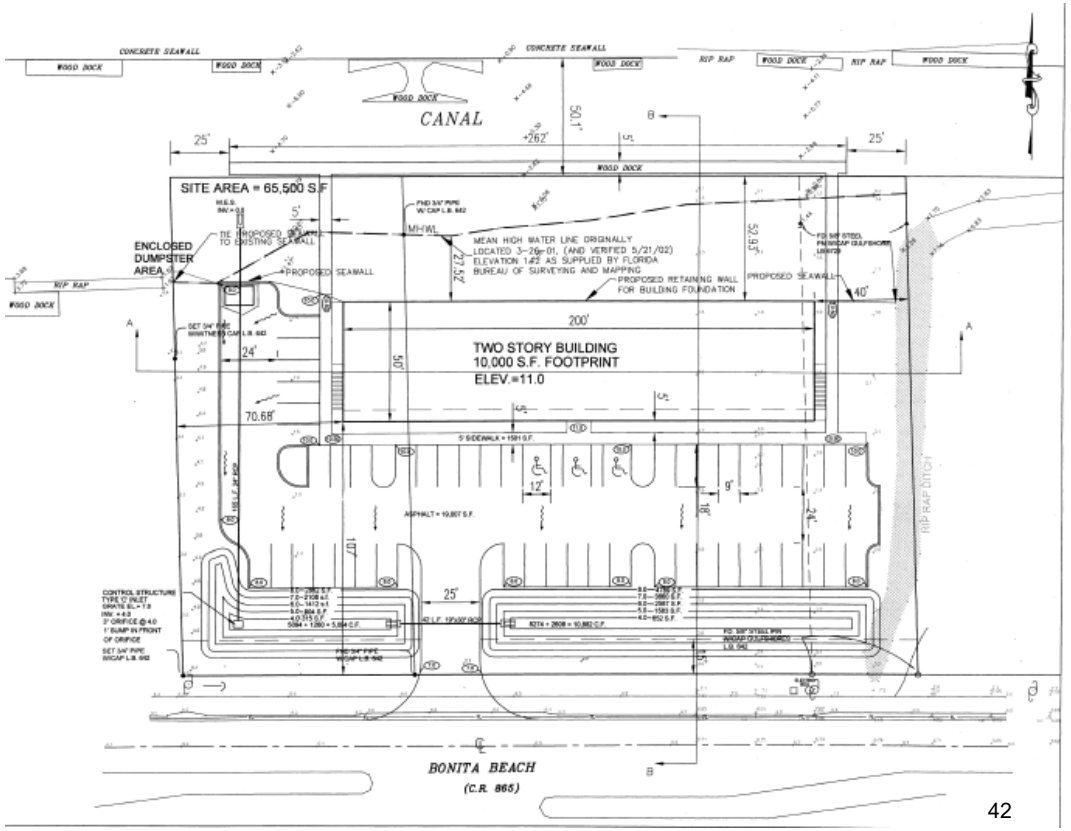
BY: Carla N. Palmer
Carla N. Palmer, P.E.
Director
Lower West Coast Service Center

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

No documentation of Final FWC Comments

November 7, 2002

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

ADD/REVISED SUBMITTAL
FEB 20 2003
LWC SERVICE CENTER

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 ½" 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 exit on-site.

APPLICATION NUMBER
020820-17

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

   Response: The commercial dock facility will moore a boat for short watercraft 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 appartly 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 watercraft related to the proposed real estate office and residential units. Please elaborate on the proposed upland use and the use of watercraft, 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 watercraft 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. Adair
Director of Environmental Services

Enclosures

ADD/REVISED SUBMITTAL
FEB 20 2003
LWC SERVICE CENTER

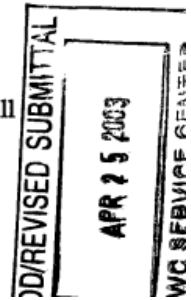
Corps Permit - 200205846 (IP-MN) - 2003

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 watercraft 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

Form #0941
08/95

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

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 19 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

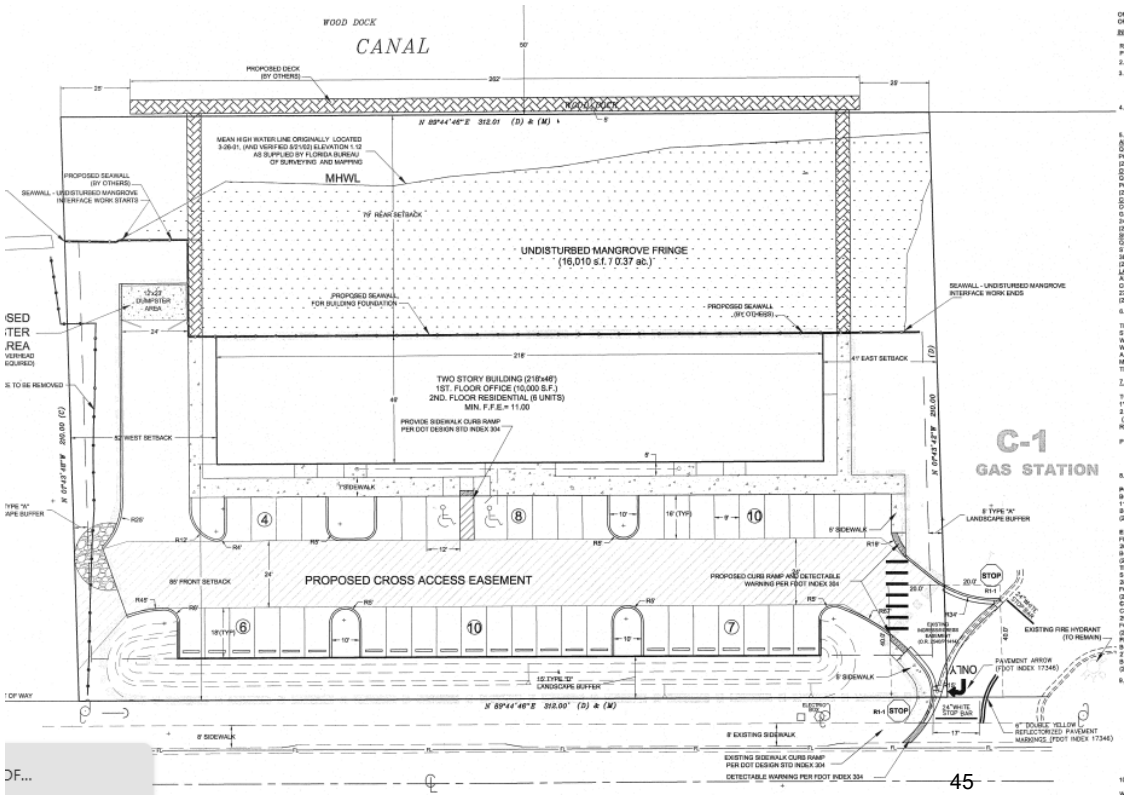
Parcel no. 10288418
Issued in 2007, constructed in 2008

- 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 storr water management system. During the ACOE permit process the applicant was forced to reduc mangrove impacts and therefore the project was moved towards the Bonita Beach Road ROW, sacrificin the stormwater management areas to preserve mangroves.



RE: MPP Review - 4752-4570 Bonita Beach Rd., Bonita Springs

HL

Haynes, Lesli <LHaynes@leegov.com>
To LaVere, Ashley

Reply | Reply All | Forward

Tue 4/15/2025 10:42 AM

Retention Policy Email Retention - 10 Years (12 years) Expires 4/12/2037

[EXTERNAL SENDER] Use Caution opening links or attachments

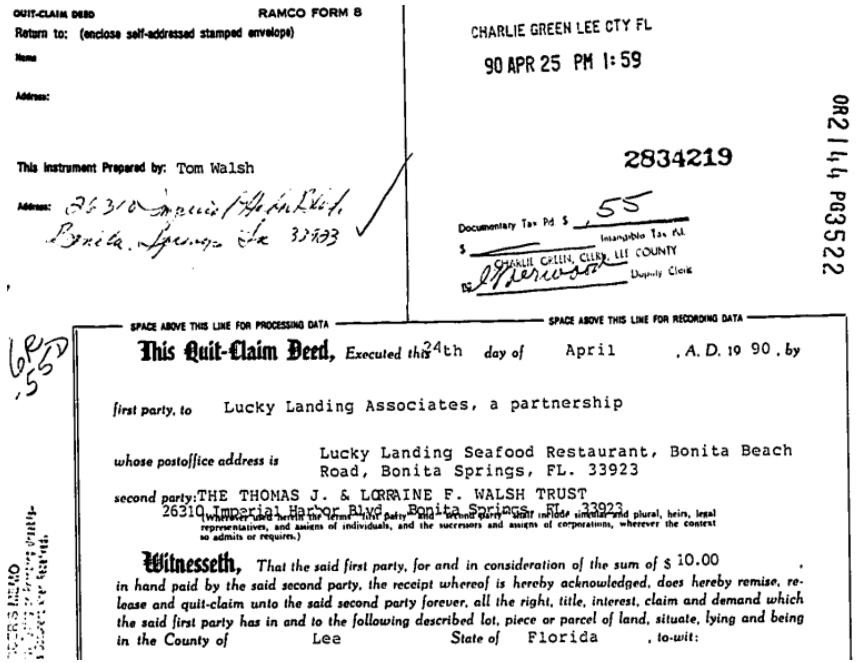
Hi Ashley,

Regarding the historic slip count, I was digging through old data and can confirm that there used to be a restaurant/shop on one of the parcels (32-47-25-B4-00056.0010). It was owned by Lucky Landing Associates, Sea Grant documented 2 wet slips on that parcel in 1999. Just wanted to pass that along.

Thank you,
Lesli



STRAP	Folio	Owner Name	Site Address	Last Trans. Date	Last Trans. Amt	Just Value	Taxable Value
32-47-25-B4-00056.0010	10288420	BAYSIDE HOLDINGS ON HICKORY LL	4612 BONITA BEACH RD SW, BONITA S...	3-2023	$ 4,800,000	$ 1,329,383	$ 1,329,383



QUIT-CLAIM DEED RAMCO FORM 8

Return to: (enclose self-addressed stamped envelope)

Name

Address:

This instrument Prepared by: Tom Walsh

Address: 26310 Imperial Harbor Blvd Bonita Springs Fla 33923

CHARLIE GREEN LEE CTY FL

90 APR 25 PM 1:59

2834219

OR2144 PG3522

Documentary Tax Pd $ .55

$ Intangible Tax Pd

CHARLIE GREEN, CLERK LEE COUNTY

By Deputy Clerk

SPACE ABOVE THIS LINE FOR PROCESSING DATA — SPACE ABOVE THIS LINE FOR RECORDING DATA

This Quit-Claim Deed, Executed this 24th day of April, A. D. 19 90, by

first party, to Lucky Landing Associates, a partnership

whose postoffice address is Lucky Landing Seafood Restaurant, Bonita Beach Road, Bonita Springs, FL. 33923

second party: THE THOMAS J. & LORRAINE F. WALSH TRUST
26310 Imperial Harbor Blvd Bonita Springs FL 33923

(Wherever used herein the terms first party and second party shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the said first party, for and in consideration of the sum of $ 10.00, in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee State of Florida, to-wit:

Listed in MPP under Lucky Landing Associates pg. 130

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)

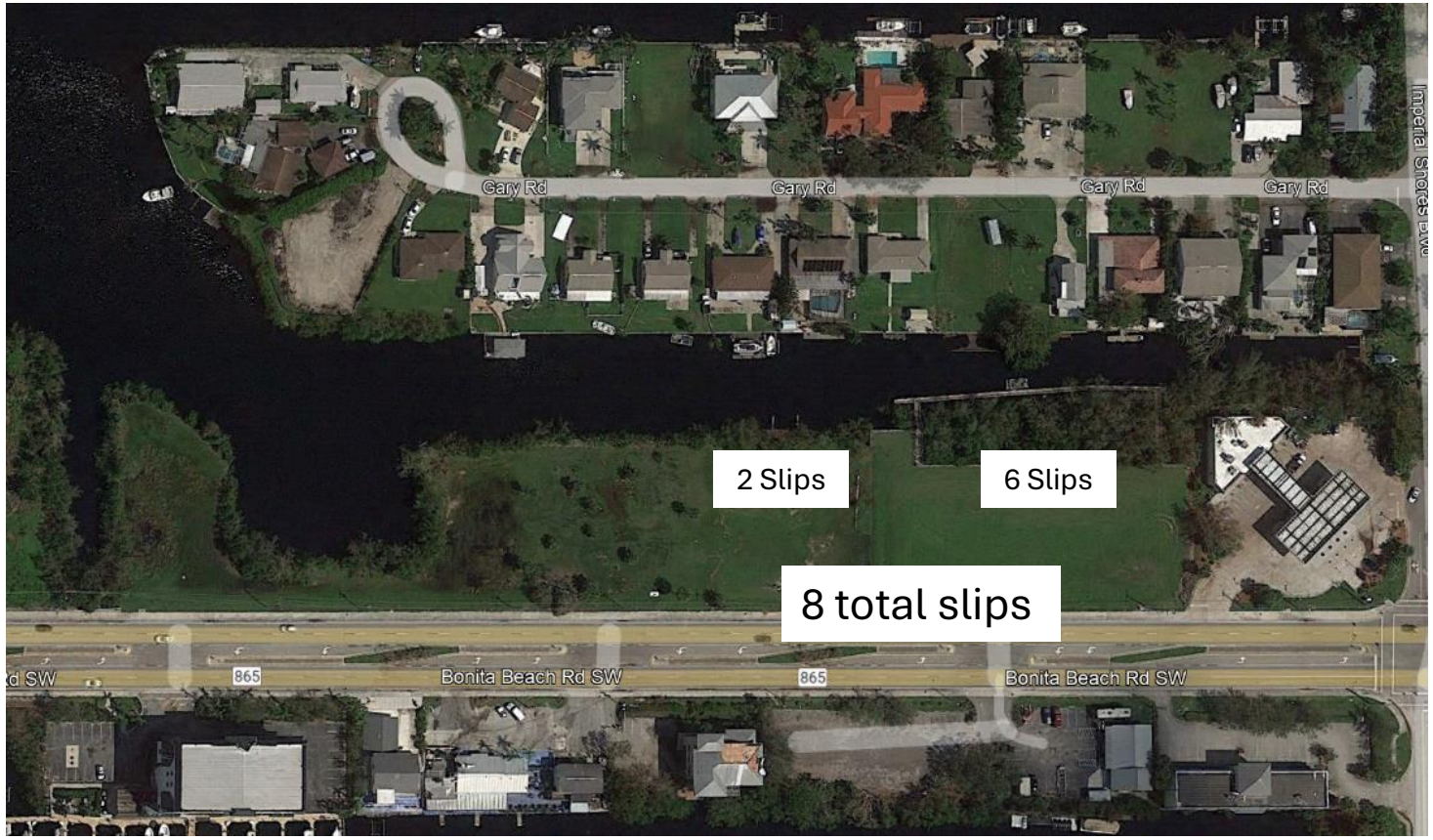


Exhibit IV-H
Schedule of Deviations & Justification
Hickory on the Bay CPD

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-or-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

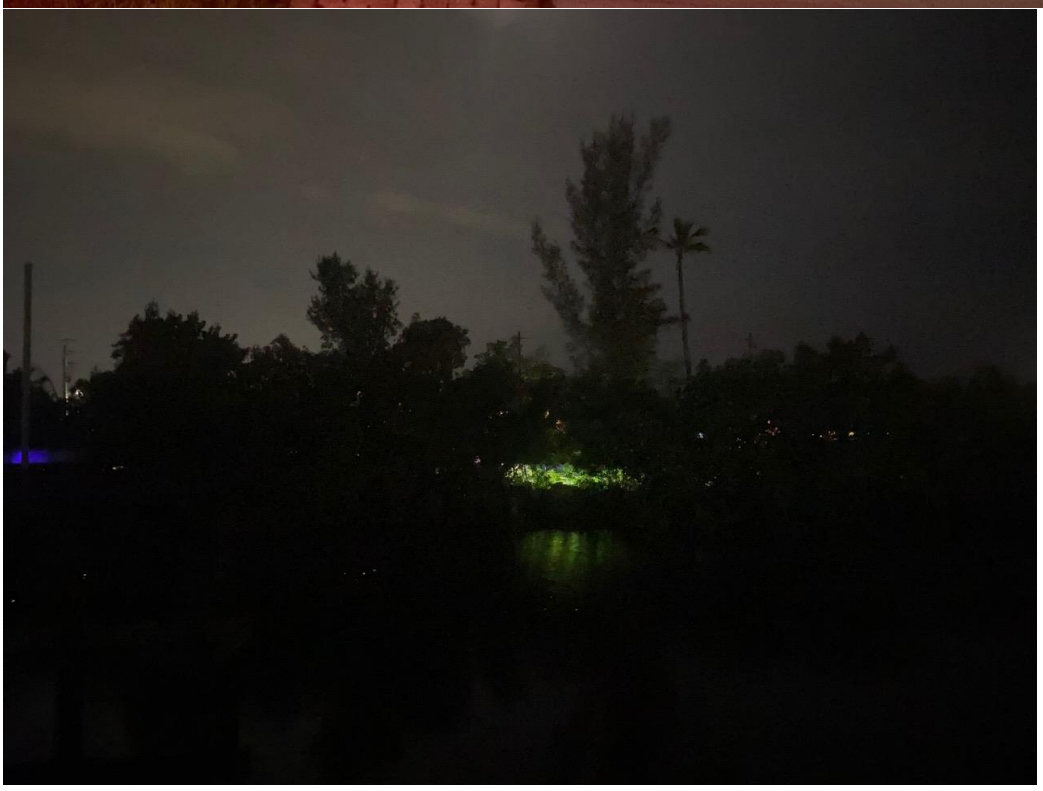
vegetation, supplemental shoreline plantings (such as Sea Grapes or Green Buttonwood) shall be provided to ensure the parking is adequately buffered.

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 acre 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 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 ot serve the development at the time of issuance of a certification of occupancy through an enforceable development agreement pursuant to Section 163.3220, Florida Statues, 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 mange 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 and 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 that 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:

Existing Zoning & Land Use	Future Land Use Map
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

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, 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

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,

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 PHONE: 239-209-2552
ADDRESS: 4757 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.

Cynthia Vargas

From: Mary Zizzo
Sent: Tuesday, June 17, 2025 1:04 PM
To: Jchastain@bowman.com; rxfilr@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/Pnz_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 VanderrLaan 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

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.

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ADDRESS: _____ CITY/STATE/ZIP: _____

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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 PHONE: 239-209-2552
ADDRESS: 4757 Bonita Beach Rd CITY/STATE/ZIP: Bonita Springs FL

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Cynthia Vargas

From: Mary Zizzo
Sent: Tuesday, June 17, 2025 1:04 PM
To: Jchastain@bowman.com; rxfilr@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
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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 VanderrLaan 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.

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- 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

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

City of Bonita Springs
City Council
Draft Meeting Minutes

August 20, 2025
9:00 a.m.

1. **Call to Order** - *Mayor Gibson called the meeting to order at 9:00 a.m.*

2. **Invocation** - *Provided by Fr. Jarek Sniosek, Pastor, St. Leo the Great Catholic Church.*

3. **Pledge of Allegiance**

4. **Roll Call**

   Present: 6 — *Council Member Bogacz, Council Member Carr, Mayor Gibson, Council Member Corrie, Council Member Fullick, Council Member Fitzpatrick*

   Absent: 1 — *Deputy Mayor Purdon (Excused)*

5. **Public Comment on Agenda Items** - *None*

6. **Consent Agenda Items:**

   Council Member Carr motioned to approve the Consent Agenda; Seconded by Council Member Bogacz. ***The motion carried 6-0.***

   A. Approve minutes from the City Council Regular Meeting held on August 6, 2025.

   B. Confirm and ratify Resolutions extending the local State of Emergency due to Hurricane Helene.

   C. Confirm and ratify Resolutions extending the local State of Emergency due to Hurricane Milton.

   D. Approve proposal from Ajax Paving Industries of Florida, LLC for asphalt repair work at**:** Cockleshell Dr, Dortch Ave, Hunters Ridge Blvd, Orangewood Dr, Tangelo Tr, and Murat Ct. (Green Sheet 25-08-190)

   E. Approve Joint Partnership Agreement between the City and Bonita Springs Utilities for stormwater & utility improvements for the Quinn/Downs/Dean West of Imperial Parkway Infrastructure Project. (Green Sheet 25-08-191)

7. **Public Hearings:**

   A. (SECOND READING) AN ORDINANCE OF THE CITY OF BONITA SPRINGS; EXTENDING THE ELECTRIC UTILITY FRANCHISE AND RATE STRUCTURE FOR FLORIDA POWER AND LIGHT COMPANY; AND PROVIDING FOR AN EFFECTIVE DATE. (Green Sheet 25-08-192)

The City Clerk read the title block into the record. City Attorney Rooney summarized the item and noted that Charlotte Miller, External Affairs Manager for Florida Power & Light, was present to address any questions from Council Members. Mayor Gibson called for public comment; seeing none, Council Member Carr motioned to approve, seconded by Council Member Corrie. ***The motion carried 6-0. Ordinance 25-08 adopted.***

8. City Attorney Items:

A. A Resolution recognizing the enactment of Senate Bill 180 by the Florida Legislature and affirming that the City shall not enforce building permitting requirements using historical valuation (lookback). (Green Sheet 25-08-195)

City Attorney Rooney summarized the item, stating the proposed resolution originated from a discussion initiated by Council Member Corrie during the July 16 meeting. Following that discussion, Council directed the City Attorney to bring back a resolution for consideration. Council Member Corrie motioned to approve, seconded by Council Member Carr; ***the motion carried 6-0. Resolution 25-103 approved.***

9. City Manager Items:

A. Presentation of the June Financial Report and discussion of fiscal year 2025-2026 budget. (Green Sheet 25-08-193)

Finance Director Lisa Griggs Roth presented the June Financial Report, followed by an update on the Fiscal Year 2025-2026 draft budget. As part of her presentation, she reviewed the budget timeline, noting that two public hearings will be held on the proposed budget and millage rate, the first at 5:30 pm, September 3, and the final hearing at 5:30 pm, September 17. (Presentation on file in the Clerk's office)

B. Presentation of the Community Development Activity Report for July. (Green Sheet 25-08-194)

John Dulmer, Director of Community Development, presented the July activity report and answered Council Member questions. (Presentation on file in the Clerk's office)

C. Discussion of the City of Bonita Springs 2026 Legislative Priorities. (Green Sheet 25-08-196)

City Manager Hunter informed Council that the SWF Legislative Delegation hearing will be held in October 2025. In preparation for the hearing, staff is initiating discussions with Council to receive input and direction for the City's 2026 legislative priorities. As part of the process, staff will recommend shovel-ready Capital Improvement Projects for Council's consideration and potential inclusion in the priorities.

Council Member Fitzpatrick suggested funding to demolish the Old Library building and construct a new facility to serve the City's emergency and hurricane response/recovery operations. Council Member Corrie suggested funding to expedite the Paradise Road improvement project. He also proposed funding for the BERT project. Council Member Fullick proposed funding for the Aquatic Complex.

City Manager Hunter noted that the discussion will continue at the next Council meeting, with the City's lobbyist, Hayden Dempsey, participating remotely.

DRAFT

D. Update on hurricane recovery efforts.

City Manager Hunter reported that staff have been coordinating with Lee County staff to obtain permitting status updates on beach park restoration projects following Hurricane Ian, including the restoration of beach access points and public restroom facilities.

10. Mayor and Council Member Reports

Council Member Fitzpatrick – Provided *an update regarding the I-75 widening project based on communication received from FDOT Project Manager Nicole Harris. He stated that the project has been put on hold and the public hearing postponed. In addition, planned improvements to the Bonita Beach Road interchange are not included in the current PD&E study, and the sound study to evaluate the need for noise barriers along the corridor is also on hold. The email from Ms. Harris will be forwarded to Council Members by the City Clerk.*

Council Member Fullick – Provided an update from the Tourist Development Council, stating local funding has been approved for the Wonder Gardens, Arts Bonita, and the Bonita Springs Concert Band. Next, he provided an update from the Art in Public Places Board, distributing photos of the *two selected art proposals for installation at Midtown Center. Following his negotiations with the artist, the pricing was reduced, resulting in savings of $35,000. He requested the City Attorney prepare the purchase agreement.*

Council Member Corrie – Shared several updates related to the Wonder Gardens, as follows: The Rotary Foundation has awarded a grant toward the construction of an educational center. Also, the Wonder Gardens has received State funding for a capital project and he expressed gratitude to Representative Botana for his support. Additionally, the grand opening of the new Otter Exhibit is scheduled for August 28, from 9 am-10 am, and the Wonder Gardens will celebrate its 90th anniversary on January 31, 2026. Finally, he requested that a Council workshop be scheduled to discuss Auxiliary Dwelling Units.

Council Member Bogacz – Provided an update on the San Carlos Estates Water Control District (SCEWCD), stating that the letter to district landowners, which was authorized by Council on August 6 and signed by Mayor Gibson, will be mailed this week. She also reported on the SCEWCD Board meeting that she attended on August 18, requesting that the City Clerk forward the audio recording of the meeting to Council Members once it is posted on the SCEWCD website.

Mayor Gibson and Council Member Carr reported on the Florida League of Cities 2025 Conference. Both extended congratulations to new League president, Sanibel Vice Mayor Holly Smith.

11. Public Comment – *None*

12. Adjournment - *There being no further business, Mayor Gibson adjourned the meeting at 9:39 am.*

Prepared by:

_____
Michael J. Sheffield, City Clerk

APPROVED BY CITY COUNCIL
Date: _____

_____
Mike Gibson, Mayor

DRAFT

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 25-09-197
September 3, 2025

ITEM TITLE: Confirm and ratify Resolutions extending the Local State of Emergency due to Hurricane Helene.

REQUESTOR: Arleen M. Hunter, City Manager; Derek Rooney, City Attorney

AGENDA SECTION: Consent

STRATEGIC PRIORITY: 6) Government Transparency and Efficiency

BACKGROUND:

Governor Ron DeSantis signed Executive Orders 2024-208 and 2024-209 in response to the anticipated landfall of Tropical Storm Helene and has declared that a state of emergency exists in several counties including Lee County, pursuant to Chapter 252, Florida Statutes.

Sec. 14-41 of the City's Code of Ordinances empowers the Mayor to declare a local state of emergency whenever a natural or manmade disaster has occurred or threat of one is imminent and requires immediate and expeditious action.

Tropical Storm Helene poses a serious threat to the lives and property of residents of the City of Bonita Springs and therefore on September 24, 2024, Mayor Steinmeyer executed Resolution 24-72 declaring a local state of emergency for all territory within the legal boundaries of the City of Bonita Springs.

Consistent with Florida Statutes §252.38(3), the duration of this state of emergency declared locally is limited to 7 days and may be extended, as necessary by resolution, in 7-day increments.

STAFF RECOMMENDATION: Approve

ATTACHMENTS:

1. Resolution No. 25-101 issued on August 18, 2025
2. Resolution No. 25-104 issued on August 25, 2025

REVIEWERS:

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

CITY OF BONITA SPRINGS
RESOLUTION NO. 25-101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, FLORIDA EXTENDING THE STATE OF LOCAL EMERGENCY WHICH PROVIDED FOR EMERGENCY GOVERNMENTAL OPERATIONS RELATED TO HURRICANE HELENE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Governor Ron DeSantis signed Executive Orders 24-208 and 24-209 declaring that a State of Emergency exists within the State of Florida inclusive of Lee County, due to the threat posed by then Tropical Storm Helene, and

WHEREAS, Chapter 252, Florida Statutes authorize municipalities to declare a state of local emergency and to waive procedures and formalities otherwise required to take whatever prudent action necessary to ensure the health, safety, and welfare of the City in the event of a state of local emergency; and

WHEREAS, Section 14-41 of the Bonita Springs City Code authorizes the Mayor to declare a state of emergency; and

WHEREAS, Tropical Storm Helene, later designated a Hurricane, posed a serious threat to the lives and property of residents of the City and therefore on September 24, 2024, the Mayor executed Resolution 24-72 declaring a local state of emergency, which was confirmed and ratified by City Council on October 2, 2024; and

WHEREAS, the effects of Hurricane Helene continue to pose a serious threat to the lives and property of residents of the City of Bonita Springs; and

NOW, THEREFORE, be it resolved by the Mayor on behalf of the City Council of the City of Bonta Springs, Lee County, Florida:

Section 1. The recitals above are hereby incorporated herein.

Section 2. The current State of Emergency is extended.

Section 3. This Resolution shall take effect immediately upon adoption. Consistent with Florida Statutes §252.38(3), the duration of this state of emergency declared locally is limited to 7 days and may be extended, as necessary, in 7-day increments.

DULY PASSED AND ENACTED by the Mayor of the City of Bonita Springs, Lee County, Florida this 18th day of August, 2025.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney Office

Date filed with City Clerk: 8/18/25

CITY OF BONITA SPRINGS
RESOLUTION NO. 25-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, FLORIDA EXTENDING THE STATE OF LOCAL EMERGENCY WHICH PROVIDED FOR EMERGENCY GOVERNMENTAL OPERATIONS RELATED TO HURRICANE HELENE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Governor Ron DeSantis signed Executive Orders 24-208 and 24-209 declaring that a State of Emergency exists within the State of Florida inclusive of Lee County, due to the threat posed by then Tropical Storm Helene, and

WHEREAS, Chapter 252, Florida Statutes authorize municipalities to declare a state of local emergency and to waive procedures and formalities otherwise required to take whatever prudent action necessary to ensure the health, safety, and welfare of the City in the event of a state of local emergency; and

WHEREAS, Section 14-41 of the Bonita Springs City Code authorizes the Mayor to declare a state of emergency; and

WHEREAS, Tropical Storm Helene, later designated a Hurricane, posed a serious threat to the lives and property of residents of the City and therefore on September 24, 2024, the Mayor executed Resolution 24-72 declaring a local state of emergency, which was confirmed and ratified by City Council on October 2, 2024; and

WHEREAS, the effects of Hurricane Helene continue to pose a serious threat to the lives and property of residents of the City of Bonita Springs; and

NOW, THEREFORE, be it resolved by the Mayor on behalf of the City Council of the City of Bonta Springs, Lee County, Florida:

Section 1. The recitals above are hereby incorporated herein.

Section 2. The current State of Emergency is extended.

Section 3. This Resolution shall take effect immediately upon adoption. Consistent with Florida Statutes §252.38(3), the duration of this state of emergency declared locally is limited to 7 days and may be extended, as necessary, in 7-day increments.

DULY PASSED AND ENACTED by the Mayor of the City of Bonita Springs, Lee County, Florida this 25th day of August, 2025.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney Office

Date filed with City Clerk: 8/25/25

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 25-09-198
September 3, 2025

ITEM TITLE: Confirm and ratify Resolutions extending the Local State of Emergency due to Hurricane Milton.

REQUESTOR: Arleen M. Hunter, City Manager; Derek Rooney, City Attorney

AGENDA SECTION: Consent

STRATEGIC PRIORITY: 6) Government Transparency and Efficiency

BACKGROUND:

Governor Ron DeSantis signed Executive Orders 2024-214 in response to the anticipated landfall of Hurricane Milton and has declared that a state of emergency exists in several counties including Lee County, pursuant to Chapter 252, Florida Statutes.

Sec. 14-41 of the City's Code of Ordinances empowers the Mayor to declare a local state of emergency whenever a natural or manmade disaster has occurred or threat of one is imminent and requires immediate and expeditious action.

Hurricane Milton poses a serious threat to the lives and property of residents of the City of Bonita Springs and therefore on October 6, 2024, Mayor Steinmeyer executed Resolution 24-76 declaring a local state of emergency for all territory within the legal boundaries of the City of Bonita Springs.

Consistent with Florida Statutes §252.38(3), the duration of this state of emergency declared locally is limited to 7 days and may be extended, as necessary by resolution, in 7-day increments.

STAFF RECOMMENDATION: Approve

ATTACHMENTS:

1. Resolution No. 25-102 issued on August 18, 2025
2. Resolution No. 25-105 issued on August 25, 2025

REVIEWERS:

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

CITY OF BONITA SPRINGS
RESOLUTION NO. 25-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, FLORIDA EXTENDING THE STATE OF LOCAL EMERGENCY WHICH PROVIDED FOR EMERGENCY GOVERNMENTAL OPERATIONS RELATED TO HURRICANE MILTON; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Governor Ron DeSantis signed Executive Order 24-214 declaring that a State of Emergency exists within the State of Florida inclusive of Lee County, due to the threat posed by Hurricane Milton; and

WHEREAS, Chapter 252, Florida Statutes authorize municipalities to declare a state of local emergency and waive procedures and formalities otherwise required to take whatever prudent action necessary to ensure the health, safety, and welfare of the City in the event of a state of local emergency; and

WHEREAS, Section 14-41 of the Bonita Springs City Code authorizes the Mayor to declare a state of emergency; and

WHEREAS, the Mayor executed Resolution 24-076 declaring a local state of emergency in advance of Hurricane Milton which was confirmed and ratified by City Council on October 23, 2024; and

WHEREAS, Hurricane Milton continues to have a significant impact on the City, the effects of which include extensive flooding, wind and water damage, not only to public infrastructure but to homes and businesses throughout the City; and

NOW, THEREFORE, be it resolved by the Mayor on behalf of the City Council of the City of Bonta Springs, Lee County, Florida:

Section 1. The recitals above are hereby incorporated herein.

Section 2. The current State of Emergency is extended.

Section 3. This Resolution shall take effect immediately upon adoption. Consistent with Florida Statutes §252.38(3), the duration of this state of emergency declared locally is limited to 7 days and may be extended, as necessary, in 7-day increments.

DULY PASSED AND ENACTED by the Mayor of the City of Bonita Springs, Lee County, Florida this 18th day of August, 2025.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney Office

Date filed with City Clerk: 8/18/25

CITY OF BONITA SPRINGS
RESOLUTION NO. 25-105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, FLORIDA EXTENDING THE STATE OF LOCAL EMERGENCY WHICH PROVIDED FOR EMERGENCY GOVERNMENTAL OPERATIONS RELATED TO HURRICANE MILTON; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Governor Ron DeSantis signed Executive Order 24-214 declaring that a State of Emergency exists within the State of Florida inclusive of Lee County, due to the threat posed by Hurricane Milton; and

WHEREAS, Chapter 252, Florida Statutes authorize municipalities to declare a state of local emergency and waive procedures and formalities otherwise required to take whatever prudent action necessary to ensure the health, safety, and welfare of the City in the event of a state of local emergency; and

WHEREAS, Section 14-41 of the Bonita Springs City Code authorizes the Mayor to declare a state of emergency; and

WHEREAS, the Mayor executed Resolution 24-076 declaring a local state of emergency in advance of Hurricane Milton which was confirmed and ratified by City Council on October 23, 2024; and

WHEREAS, Hurricane Milton continues to have a significant impact on the City, the effects of which include extensive flooding, wind and water damage, not only to public infrastructure but to homes and businesses throughout the City; and

NOW, THEREFORE, be it resolved by the Mayor on behalf of the City Council of the City of Bonta Springs, Lee County, Florida:

Section 1. The recitals above are hereby incorporated herein.

Section 2. The current State of Emergency is extended.

Section 3. This Resolution shall take effect immediately upon adoption. Consistent with Florida Statutes §252.38(3), the duration of this state of emergency declared locally is limited to 7 days and may be extended, as necessary, in 7-day increments.

DULY PASSED AND ENACTED by the Mayor of the City of Bonita Springs, Lee County, Florida this 25th day of August, 2025.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney Office

Date filed with City Clerk: 8/25/25

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 25-09-199
September 3, 2025

ITEM TITLE: Approve a special event permit for the Bonita Springs Downtown Alliance to use City greenspace to set up tables for their Bonita Springs Trick or Treat event on Friday, October 31, 2025.

REQUESTOR: Lora Tayor, Director, Communications & Facilities

AGENDA: Consent

STRATEGIC PRIORITY: 6) Government Transparency and Efficiency

BACKGROUND:

The Bonita Springs Downtown Alliance is requesting permission to set up tables at the edge of the Banyan Tree greenspace/sidewalk and the edge of the sidewalk/Riverside Park greenspace during their Trick or Treat Event scheduled for Friday, October 31, 2025, from 5:00 p.m. to 9:00 p.m. The applicant is not renting Riverside Park. A list of businesses setting up tables on the space must be approved by city staff.

The applicant has been notified that the City will be hosting a downtown Halloween Stroll and that city owned spaces will be decorated for Halloween. There will also be music broadcast nightly. The applicant has also been informed of potential construction limiting the use of the Banyan lot.

Staff recommends permitting the amplified sound not to exceed 65 dB from the point of the closest residence during the duration of the event.

STAFF RECOMMENDATION: Approve a special event permit allowing the Bonita Springs Downtown Alliance to use City greenspace to set up tables for their Trick or Treat event, scheduled for Friday, October 31, 2025, from 5:00 p.m. to 9:00 p.m.

ATTACHMENTS:

1. Special Event Application
2. Layout

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield
Dept. Director:	Lora Taylor

You do not have to partner with the charities on this list. You may choose any charity. This list is intended as informational only.

SPECIAL EVENT PERMIT APPLICATION **PERMIT. SEP-** _____

City of Bonita Springs
9101 Bonita Beach Road
Bonita Springs, FL 34135
Phone: 239/949-6262
Fax: 949-6239

Date Received: _____

Effective Date/Time: _____

Application Fee: ☐ $50.00
☒ $25.00 (501C3 organizations)
Fee is non-refundable

Use this form for: Parades, Festival/Carnival, Any Activity Requiring Off-Site Parking, Street Closure, Sound Amplification or City Personnel, Run/Race/Walk, Art Shows, Concerts, Special Musical Presentation, Street Dances, Photography Shoots, and Fireworks. For information call 949-6262.

Completed Special Event Permits take 45 days to process with all necessary attachments and without errors. Your permit will go to the next City Council Meeting after the 45 days. Please take this into consideration when planning your event.

Organization: Bonita Springs Downtown Alliance
Nature of Event: Trick or Treat
Location (Attach Site Plan): Old 41 from Tennessee St to Wilson St.a

Date	Set-Up Time		Actual Event Times		Take Down Time	
10-31-25	3:00	to 5:00	5:00	to 9:00	9:00	to 10:00

For multiple dates, please attach letter.

Has this event been held in the past? Yes If so, when was the last event? 10-31-23 10-31-24
Individual Contact for Activity/Event: Zach Smith Phone: 239-272-9484
Address: 10441 Packinghouse Lane Website: _____
E-Mail Address: info@ceeramybrewing.coma
Major Sponsor(s): N/Aa
Promoter(s): B.S. Downtown Alliance Phone or Contact #: _____

	Yes	No
1.a Crowd: Is anticipated crowd size 1,000 or more?a	☑	☐
Actual Anticipated number: TBD		
2.a Parking: Will off-site parking be provided? _____a	☐	☑
Will "shuttle" service to parking be provided? By whom? _____	☐	☑
4.a Noise: Will there be amplified music or entertainment? If yes, please attach type(s) of a Entertainment and time(s) of performances(s). Indicated stage location(s) on siteplan.a	☐	☑

	Yes	No
5. City Co-Sponsorship: Is City co-sponsorship being requested? If yes, please explain with letter of attachment, listing benefitting organizations.	☑	☐
6. Fireworks: Is this a public_____or private_____display? Applicant must comply with State Law F.S. 791; and NFPA 1123 and obtain any applicable Lee County permit.	☐	☑
7. Banners, Signs, Etc.: Will exterior banners, balloons, signs or other types of advertising techniques be used? Temporary signs may only be placed in accordance with the Sign Ordinance.	☑	☐
8. Alcohol Beverages: Will alcoholic beverages be sold_____or consumed_____on the premises? Please check one or both. A copy of the Florida Beverages Commission permit is required to finalize before event. Permit Holder: _____ **Division of Alcoholic Beverages and Tobacco: (239) 278-7195.**	☐	☑
9. Security: Will private security be provided to protect exhibits, equipment or facilities brought on-site for the event? Name of Company: _____ Contact Number: _____	☐	☑
10. Private Property: Does the applicant own the property where the event is to be held? If not, please attach a letter of permission from the property owner.	☑	☑
11. Public Safety: Will Police and Fire District Personnel be requested? (Based on responses to questions 1-6 certain Public Safety personnel may be required, i.e., Lee County Sheriff's Office, emergency services, fire, etc. Once staffing needs are determined, applicant will be required to provide copies of its contracts detailing obligated public safety staff necessary for event.	☑	☐
12. Tents/Canopies: Will tents or canopies be used? If yes, indicate on site plan the tent size, location, and type of surface on which the tent(s) will be installed and intended use of each tent. None larger than 10x10	☑	☐
13. Air Conditioning Units/Power Generators: Will exterior air conditioning units or power generating equipment be operated from vehicles or trailers? If yes, indicate location of equipment on-site plan.	☐	☑
14. Food/Cooking: Will food be cooked_____ catered_____on-site during this event? Indicate on site plan the location of vendors and cooking equipment to be used. (Appropriately rated fire extinguishers required.) Lee County Health Department approval is required to finalize permit before event. Environmental Health Section: (239) 332-9559.	☐	☑

15. Sanitary Facilities:

	Yes	No
Will temporary sanitary facilities be provided? If yes, indicate location on site plan.	☐	☑
Will disposable cardboard trash receptacles be provided? If yes, indicate on site plan.	☐	☑
Will additional refuse containers/dumpsters be provided?	☐	☑

If yes, by whom: _____

16. Insurance Requirement: Permittee is required to obtain and present evidence of surety indemnity bond or comprehensive liability insurance naming the city as an additional insured. The insurance requirement is a minimum of $1,000,000.00 general liability (personal injury) and $100,000.00 property damage against all claims arising from permits issued pursuant to this ordinance, naming the city of Bonita Springs **as additional insured**. If the event poses higher risks than covered by such insurance, permittee shall be responsible for assessing the risks of the event and obtaining additional insurance coverage.
17. Non-Profits are required to provide either a form 990 or a financial report to the city showing revenue from the event where at least 10% of the proceeds will remain within the Bonita Springs area, supporting the community or charities, within 60 days after the event. If the event is of a non-monetary nature, the non-profit must show they provide an impact to 5% of the area.

DURING REVIEW BY VARIOUS CITY DEPARTMENTS, ADDITIONAL CONDITIONS MAY BE IMPOSED. THIS PERMIT IS VALID ONLY FOR THE TIME INDICATED ON THIS PERMIT. IN THE EVENT THAT THE APPLICANT FAILS TO FULFILL THE REQUIREMENT(S) AS SET FORTH IN THIS PERMIT, OR FAILS TO OBTAIN PROPER AUTHORIZATION TO PROCEED IF CONDITIONS HAVE CHANGED ON THE EXPECTED OUTCOMES, IMPACTS, OR SPECIFICATIONS, INCLUDING BUT NOT LIMITED TO TIME AND ACTIVITIES, THE PERMIT MAY BE CANCELLED BY THE CITY MANAGER AND THE ACTIVITY SHALL CEASE IMMEDIATELY.

I, the undersigned, will indemnify, defend, and hold harmless, the City of Bonita Springs, its agents, employees, officers and any and all other associates, from and against any and all actions, in law or in equity, from liability or claims for damages, demands or judgments to any person or property which may result now or in the future from the conduct of this event.

The undersigned has read and voluntarily signed the release and waiver of liability and Indemnity Agreement, and further agrees that no oral representations, statements, or inducements apart from the foregoing written agreement have been made.

2-10-25

Signature of Applicant Date

Comments: _____

_____

City Manager Date

Comments: _____

Application Fee is non-refundable.

PLEASE NOTE: Lee County Sheriff's Department will not sign-off on your event unless they see a completed Special Event Packet. This sign-off sheet must be completed by the Lee County Sheriff's Office with your Special Event Packet when you return it to Bonita Springs City Hall.

CITY OF BONITA SPRINGS SPECIAL EVENT DEPARTMENT
9101 BONITA BEACH ROAD | BONITA SPRINGS. FL 34135 | (239) 949-6262

LEE COUNTY SHERIFF'S DEPARTMENT SIGN-OFF

Details Unit - (239) 477-1199 or jhillery@sheriffleefl.org or asellers@sheriffleefl.org

Event Name Bonita Springs Downtown Alliance - Trick or Treat Event

Parking:

All parking must be in authorized areas on site and must not impede the right-of-way.

Road Closures (Please Explain):

No road closures will be required for this event. LCSO extra duty detail deputies will be required at various intersections though for vehicle traffic/pedestrian traffic control.

Alcoholic Beverages:

According to permit application, alcohol will not be available for consumption as a part of this event.

Special Arrangements:

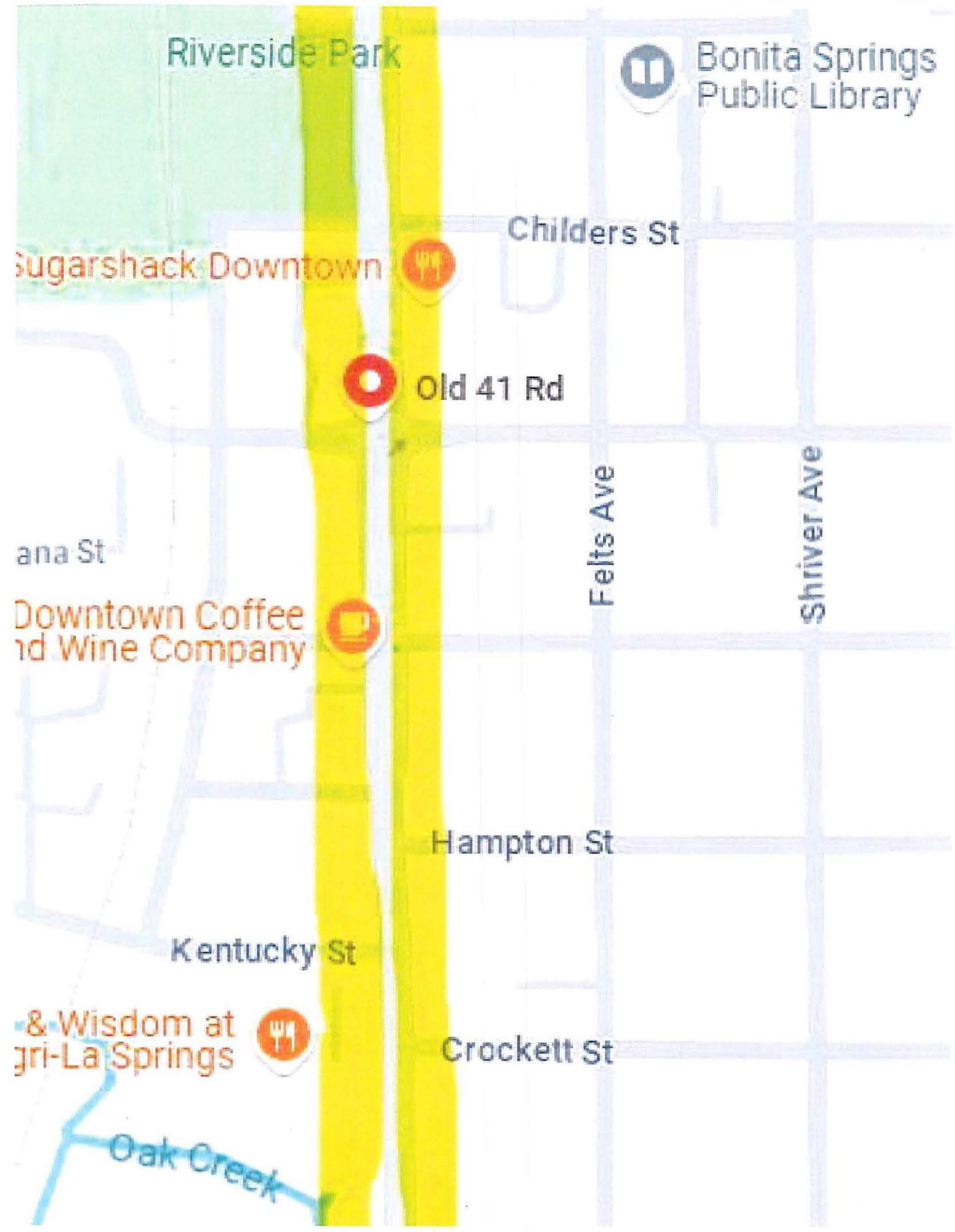
While the trick or treating events will be coordinated with private entities, the nature of the event will increase the vehicle and pedestrian traffic throughout the event area causing safety concerns that can only be addressed with the presence of extra duty detail deputies. Hiring extra duty detail deputies will be at the coordinator's expense. This approval is contingent upon that requirement being met and deputies being secured prior to the start of the event.

SHERIFF'S PERSONNEL USE ONLY

LCSO DETAIL COMMANDER: _____ DATE: 6 11 25
SIGNATURE

DEPUTIES BOOKED FOR EVENT (How Many?): 1 supervisor & 7 deputies DATE BOOKED: _____

Please Note: *"Deputies Booked for Event" is an estimate. Amount of Deputies may change at any time before or during your event.*


Riverside Park
Bonita Springs Public Library
Childers St
Sugarshack Downtown
Old 41 Rd
Felts Ave
Shriver Ave
ana St
Downtown Coffee nd Wine Company
Hampton St
Kentucky St
& Wisdom at gri-La Springs
Crockett St
Oak Creek

8/15/25

Bonita Springs City Council,

The Bonita Springs Downtown Business Alliance (501c3) is seeking city sponsorship for our Annual City-Wide Trick or Treat to be held on October 31st, 2025, from 5:00-8:00pm.

About the event:

This event was born out of necessity, to create a safe trick or treating environment for the families of Bonita Springs. Many of our neighborhoods have inadequate sidewalks and lighting and therefore our families are driving to other communities to trick or treat. This is why we set out to create a safe, free, family friendly trick or treating experience utilizing our beautiful Old 41. The event is primarily set up on private property. The businesses along Old 41 set up decorated tables along the sidewalk and handout candy. These businesses along old 41 also allow other businesses to set up and participate. It is completely free for families to attend and completely free for businesses to participate. There are no fees and no transactions of any kind. Last year we had over 30 businesses and organizations including Bonita Springs Fire, LCSO, and Bonita Springs Elementary participate. The event was a resounding success and a new tradition for Bonita Springs.

Our Request:

As stated, this event is primarily set up on private property, however as the event grows, we are running out of space on Private Property. Furthermore, the city owns both sides of Old 41 at Riverside Park and the Banyan Tree Lot. With no tables throughout this block many families think the event has ended and turn around. We are asking the city to allow us to utilize the space to accommodate more businesses. We ask that businesses be permitted to set up folding tables along the Old 41 portion of sidewalk at Riverside Park and The Banyan Tree Lot. This would keep a steady and consistent flow of participating businesses to handing out candy bridging the gap north and south of the park. We only request about 10 feet of land from the edge of the sidewalk. We request that the city waive the rental fees to support this event. It would be a great service for our community.

We thank you for your time and consideration and hope that you will choose to support this event.

Kindly,

Zach Smith
Owner/Brewer of Ceremony Brewing
Bonita Springs Resident
Bonita Springs Downtown Alliance Member
239-272-9484

Jennifer Hillery

From: zach@ceremonybrewing.com
Sent: Friday, March 28, 2025 12:52 PM
To: Jennifer Hillery
Subject: RE: Special Event Application- Halloween 2025
Attachments: Trick or Treat Event Map.png; Downtown Alliance Trick or Treat.pdf

External Email Alert

This email has been sent from an account outside of the LCSO Systems network.

Please treat the email with caution, especially if you are requested to click on a link, decrypt/open an attachment, or enable macros. For further information on how to spot phishing, Please contact the Help Desk.

That would probably help. I attached the approved application from last year that has a lot more information as well a map of where the event takes place. Also below I pulled a screen shot form that application that explains what the event is. For the past two years I have informed LCSO of the event and LSCO has come out to support by not only participating with a booth to give out candy but have also had deputies out patrolling. It has been a beautiful thing. I think the city just wants confirmation that LCSO is aware of the event, hence the sign off.

To Whom it may concern,

The Bonita Springs Downtown Business Alliance (501c3) is seeking city sponsorship for our Annual City ide Trick or Treat to be held on October 31st, 2024, from 5:00-9:00pm.

About the event:

This event was born out of necessity, to create a safe trick or treating environment for the families of Bonita Springs. Many of our neighborhoods have inadequate sidewalks and lighting and therefore our families are driving to other communities to trick or treat. This is why we set out to create a safe, free, family friendly trick or treating experience utilizing our beautiful Old 41. The event is primarily set up on private property. The businesses along old 41 set up decorated tables along the sidewalk and handout candy. These businesses along old 41 also allow other businesses to set up and participate. It is completely free for families to attend and completely free for businesses to participate. There are no fees and no transactions of any kind. Last year we had over 30 businesses and organizations including Bonita Springs Fire, LCSO, and Bonita Springs Elementary participate. The event was a resounding success and a new tradition for Bonita Springs.

I hope I provided enough information but please let me know if there is anything else you need.

Happy Friday,
Zach

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: FEB 2 6 2019

BONITA SPRINGS DOWNTOWN ALLIANCE INC
27655 KENT RD
BONITA SPRINGS, FL 34135-6248

Employer Identification Number:
81-1385933
DLN:
17053190302048
Contact Person:
JOSEPH LAUX ID# 31077
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
September 30
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
January 12, 2016
Contribution Deductibility:
No
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(6). This letter could help resolve questions on your exempt status. Please keep it for your records.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-NC" in the search bar to view Publication 4221-NC, Compliance Guide for Tax-Exempt Organizations (Other than 501(c)(3) Public Charities and Private Foundations), which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,

Stephen A. Martin

Director, Exempt Organizations
Rulings and Agreements

Letter 948

Bonita Springs Downtown Alliance presents:

TRICK OR TREAT
DOWNTOWN BONITA SPRINGS



OCT 31
5 - 9 PM

A FRIGHTFULLY FUN NIGHT OF TRICK-OR-TREATING
DOWN OLD 41 RD: FROM DEAN ST. TO WILSON ST.

FREE • FAMILY FRIENDLY • CANDY & TREATS

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 25-09-200
September 3, 2025

ITEM TITLE: Approve a Resolution awarding the Mowing & Maintenance of Vacant Parcels, Medians & Rights-of-Way Project RFB 25-11 to Superior Landscaping & Lawn Service, Inc.

REQUESTOR: Matt Feeney, Assistant City Manager

AGENDA SECTION: Consent

STRATEGIC PRIORITY: #3 Enhance Community Aesthetics

BACKGROUND:

June 11, 2025 – City staff advertised for sealed bids for the Mowing and Maintenance of Vacant Parcels, Medians and Rights-of-Way Project RFB 25-11 which has a three-year term with the option to renew for two additional years.

RFB 25-11 was designed to award both a fixed bid amount for scheduled recurring services and additional mowing and maintenance on an as-needed basis as provided in the City's annual operating budget.

July 15, 2025 – City received three (3) sealed bids for the scheduled recurring services as follows:

- Duval Landscape Maintenance $234,030.94
- P & T Lawn and Tractor Service $232,089.00
- Superior Landscaping & Lawn Service $203,999.12

Staff is recommending awarding the Mowing & Maintenance of Vacant Parcels, Medians & Rights-of Way Project RFB 25-11 to the lowest responsive, responsible bidder, Superior Landscaping & Lawn Service, Inc.

The total annual award amount of these bid services will not exceed $233,450 and is contained in roadway maintenance account 10.950.541.3474. Roadway maintenance includes mowing services for various areas in the City and totals $341,272 for current fiscal year 24-25.

STAFF RECOMMENDATION: Approve Resolution.

ATTACHMENTS:

1. Resolution

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield
Department Director:	Matt Feeney

CITY OF BONITA SPRINGS, FLORIDA
RESOLUTION NO. 25 - XX

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA APPROVING A RECOMMENDATION OF AWARD TO SUPERIOR LANDSCAPING & LAWN SERVICE, INC. FOR THE MOWING & MAINTENANCE OF VACANT PARCELS, MEDIANS & RIGHTS-OF-WAY PROJECT AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT WITH THE AWARDED FIRM.

WHEREAS, on July 15, 2025, the City received three (3) submittals in response to the City's Request for Bids for the Mowing & Maintenance of Vacant Parcels, Medians & Rights-of-Way Project (RFB 25-11); and

WHEREAS, RFB 25-11 was designed to award both a fixed bid amount for scheduled recurring services and additional mowing and litter clean-up on an as needed basis as provided in the City's annual operating budget.

WHEREAS, on August 4, 2025, Public Works reviewed the bids submitted and recommended award to the lowest responsive, responsible bidder, Superior Landscaping & Lawn Service, Inc. A summary of the responding firms, in no particular order, is attached hereto as Exhibit "A."

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

Section 1. The foregoing recommendation is hereby approved.

Section 2. Staff is hereby authorized to enter into an agreement with Superior Landscaping & Lawn Service, Inc. for the Mowing & Maintenance of Vacant Parcels, Medians & Rights-of-Way Project as the lowest responsive, responsible bidder.

The total annual award amount of these bid services will not exceed $233,450 and is contained in roadway maintenance account 10.950.541.3474. Roadway maintenance includes mowing services for various areas in the City and totals $341,272 for current fiscal year 24-25.

Section 3. This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 3rd day of September, 2025.

AUTHENTICATION:

_____ _____

Mayor Mike Gibson City Clerk

APPROVED AS TO FORM: _____

City Attorney

EXHIBIT A

Bidder	Total Bid Amount for scheduled recurring services
Duval Landscape Maintenance, LLC	$ 234,030.94
P & T Lawn and Tractor Service	$ 232,089.00
Superior Landscaping	$ 203,999.12

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 25-09-201
September 3, 2025

ITEM TITLE: Approve a Resolution awarding the Logan Boulevard Landscaping & Irrigation Maintenance Project RFB 25-10 to Duval Landscape Maintenance, LLC.

REQUESTOR: Matt Feeney, Assistant City Manager

AGENDA SECTION: Consent

STRATEGIC PRIORITY: #3 Enhance Community Aesthetics

BACKGROUND:

June 11, 2025 – City staff advertised for sealed bids for the Logan Boulevard Landscaping & Irrigation Project RFB 25-10 which has a three-year term with the option to renew for two additional years.

RFB 25-10 was designed to award both a fixed bid amount for scheduled recurring services and additional landscaping and irrigation maintenance on an as-needed basis as provided in the City's annual operating budget.

July 15, 2025 – City received three (3) sealed bids for the scheduled recurring services as follows:

- Duval Landscape Maintenance $109,116.12
- P & T Lawn and Tractor Service $129,655.00
- Superior Landscaping & Lawn Service $145,209.00

Staff is recommending awarding the Logan Boulevard Landscaping & Irrigation Maintenance Project RFB 25-10 to the lowest responsive, responsible bidder, Duval Landscape Maintenance, LLC.

The total annual award amount of these bid services will not exceed the budget line item for Logan Boulevard Landscaping & Irrigation Maintenance 00.250.541.3497 which is $201,435 for current fiscal year 24-25.

STAFF RECOMMENDATION: Approve Resolution.

ATTACHMENTS:

1. Resolution

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield
Department Director:	Matt Feeney

CITY OF BONITA SPRINGS, FLORIDA
RESOLUTION NO. 25 - XX

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA APPROVING A RECOMMENDATION OF AWARD TO DUVAL LANDSCAPE MAINTENANCE, LLC FOR THE LOGAN BOULEVARD LANDSCAPING & IRRIGATION MAINTENANCE PROJECT AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT WITH THE AWARDED FIRM.

WHEREAS, on July 15, 2025, the City received three (3) submittals in response to the City's Request for Bids for the Logan Boulevard Landscaping and Irrigation Maintenance Project (RFB 25-10); and

WHEREAS, RFB 25-10 was designed to award both a fixed bid amount for scheduled recurring services and additional landscaping and irrigation maintenance on an as-needed basis as provided in the City's annual operating budget.

WHEREAS, on August 4, 2025, Public Works reviewed the bids submitted and recommended award to the lowest responsive, responsible bidder, Duval Landscape Maintenance, LLC. A summary of the responding firms, in no particular order, is attached hereto as Exhibit "A".

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

Section 1. The foregoing recommendation is hereby approved.

Section 2. Staff is hereby authorized to enter into an agreement with Duval Landscape Maintenance, LLC for the Logan Boulevard Landscaping and Irrigation Maintenance Project as the lowest responsive, responsible bidder.

The total annual award amount of these bid services will not exceed the budget line item for Logan Boulevard Landscaping and Irrigation Maintenance 00.250.541.3497 which is $201,435 for current fiscal year 2024-2025.

Section 3. This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 3rd day of September, 2025.

AUTHENTICATION:

_____ _____

Mayor Mike Gibson City Clerk

APPROVED AS TO FORM: _____

City Attorney's Office

EXHIBIT A

Bidder	Total Bid Amount for scheduled recurring services
Duval Landscape Maintenance	$ 109,116.12
P & T Lawn and Tractor Service	$ 129,655.00
Superior Landscaping	$ 145,209.00

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 25-09-202
September 3, 2025

ITEM TITLE: Approve a Resolution awarding the I-75/Bonita Beach Road Interchange Mowing & Litter Clean-Up Project RFB 25-12 to P & T Lawn and Tractor Service, Inc.

REQUESTOR: Matt Feeney, Assistant City Manager

AGENDA SECTION: Consent

STRATEGIC PRIORITY: #3 Enhance Community Aesthetics

BACKGROUND:

June 11, 2025 – City staff advertised for sealed bids for the I-75/Bonita Beach Road Interchange Mowing & Litter Clean-Up Project RFB 25-12 which has a three-year term with the option to renew for two additional years.

RFB 25-12 was designed to award both a fixed bid amount for scheduled recurring services and additional mowing and litter clean-up on an as-needed basis as provided in the City's annual operating budget.

July 15, 2025 – City received three (3) sealed bids for the scheduled recurring services as follows:

- Duval Landscape Maintenance, LLC $94,093.13
- P & T Lawn and Tractor Service, Inc. $88,375.00
- Superior Landscaping & Lawn Service, Inc. $97,735.00

Staff is recommending awarding the I-75/Bonita Beach Road Interchange Mowing & Litter Clean-Up Project RFB 25-12 to the lowest responsive, responsible bidder, P & T Lawn and Tractor Service, Inc.

The total annual award amount of these bid services will not exceed the budget line item for I-75/Bonita Beach Road Interchange Mowing & Litter Clean-Up 00.250.541.3490 which is $105,536 for current fiscal year 24-25.

STAFF RECOMMENDATION: Approve Resolution.

ATTACHMENTS:

1. Resolution

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield
Department Director:	Matt Feeney

CITY OF BONITA SPRINGS, FLORIDA
RESOLUTION NO. 25 - XX

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA APPROVING A RECOMMENDATION OF AWARD TO P & T LAWN AND TRACTOR SERVICE FOR THE I-75/BONITA BEACH ROAD INTERCHANGE MOWING & LITTER CLEAN-UP PROJECT AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT WITH THE AWARDED FIRM.

WHEREAS, on July 15, 2025, the City received three (3) submittals in response to the City's Request for Bids for the I-75/Bonita Beach Road Interchange Mowing & Litter Clean-Up Project (RFB 25-12); and

WHEREAS, RFB 25-12 was designed to award both a fixed bid amount for scheduled recurring services and additional mowing and litter clean-up on an as-needed basis as provided in the City's annual operating budget; and

WHEREAS, on August 4, 2025, Public Works reviewed the bids submitted and recommended award to the lowest responsive, responsible bidder, P & T Lawn and Tractor Service. A summary of the responding firms, in no particular order, is attached hereto as Exhibit "A".

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

Section 1. The foregoing recommendation is hereby approved.

Section 2. Staff is hereby authorized to enter into an agreement with P & T Lawn and Tractor Service for the I-75/Bonita Beach Road Interchange Mowing & Litter Clean-Up Project as the lowest responsive, responsible bidder.

The total annual award amount of these bid services will not exceed the budget line item for I-75/Bonita Beach Road Interchange Mowing & Litter Clean-Up 00.250.541.3490 which is $105,536 for current fiscal year 2024-2025.

Section 3. This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 3rd day of September, 2025.

AUTHENTICATION:

_____ _____
Mayor Mike Gibson City Clerk

APPROVED AS TO FORM: _____
City Attorney'

EXHIBIT A

Bidder	Total Bid Amount for Scheduled recurring services
Duval Landscape Maintenance	$ 94,093.13
P & T Lawn and Tractor Service	$ 88,375.00
Superior Landscaping & Lawn Service	$ 97,735.00

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 25-09-203
September 3, 2025

ITEM TITLE: Accept proposal submitted by Wright Construction for Banyan Tree Splash Pad project and approve allocation of budget funding in the FY 25-26 Draft Budget

REQUESTOR: Matt Feeney, Assistant City Manager

AGENDA SECTION: Consent

STRATEGIC PRIORITY: #3 Enhance Community Aesthetics, Parks and Facilities

BACKGROUND:

February 19, 2025 – City Council approved the Splash Pad Design concept and authorized contractor to develop final design and a Guaranteed Maximum Price (GMP) for construction.

August 15, 2025 - Wright Construction submitted proposal with a guaranteed Not-To-Exceed project amount of $4,669,800.34 for construction of the Banyan Tree Splash Pad under the Construction Manager at Risk Continuing Services Agreement. The FY 25/26 Draft Budget Capital Improvement Plan (CIP) item for this project was developed prior to the GMP and will require an additional $809,610 to fund this project.

Staff recommends approving the increase to CIP Budget account 30.609.572.6025 for FY 25/26 by $809,610.

STAFF RECOMMENDATION: Approve proposal for project and budget funding

ATTACHMENTS:

1. Wright Construction Proposal
2. Change Order #2
3. Resolution

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield
Department Director:	Matt Feeney

August 15, 2025

City of Bonita Springs
9101 Bonita Beach Road
Bonita Springs, Florida 34134

Attention: Matt Feeney
RE: Banyan Tree Splash Pad & Park

Dear Mr. Feeney,

Wright Construction Group would like to thank you for the opportunity to provide you with our Design/Build proposal to perform the work required for the above-referenced project. Pursuant to your request, we propose to provide all labor, equipment, materials, subcontractor participation, and supervision as required to provide the following scope of work:

General Requirements:
1. Performance Bond and General Liability
2. Project Supervision and Management
3. Safety Inspections
4. Quality Control Testing
5. Maintenance of Traffic
6. Erosion Control
7. Survey, Layout, and As-Builts
8. Asbestos Survey / Sampling (Existing Structure)

Subcontractor Participation:
1. Furnish and install Fountain / Splash Pad.
2. Furnish and install Exterior Improvements.
3. Furnish and install Lighting and Electrical work.
4. Furnish and install Site Furnishings and Shade Structures.
5. Furnish and install Landscaping & Irrigation.
6. Furnish and install Utility Improvements.
7. Furnish and install Restroom Building.
8. Grading, furnish and installation of Floratam Sod.

Our proposed price to perform the scope of work identified in this proposal is **$4,669,800.34 (four million six hundred sixty-nine thousand eight hundred dollars and thirty-four cents).**

1. Division 2 – EXISTING CONDITIONS
   a. Site Demolition
   - Remove & dispose (7) Carstops
   - Remove & dispose existing Brick Pavers
   - Remove & dispose existing Concrete Walks & Drives
   - Remove & dispose existing Curbs, Concrete Band, Brick Pilasters, Low Brick Wall
   - Remove & dispose existing Signs (2), Flag Poles (2), and Bollards
   - Remove "Community Events" Sign (to be returned to COBS)
   - Remove & dispose existing 4' Chain Link Fence, remove existing Gas Tank (return to AmeriGas)

b. Structure Demolition
- Remove & dispose existing Building & Sheds (includes bollards, Asbestos Survey & Abatement)
- Remove & dispose existing Dumpster Area
- Remove Bus Stop Structure (to be returned to COBS)

2. Division 12 – FURNISHINGS
   a. Site Furnishings
- Furnish & install (14) Loop Bike Racks
- Furnish & install (5) Lakeside Bench with Back
- Furnish & install (9) Lakeside Bench, Backless
- Furnish & install (5) Lakeside Litter Receptacles
- Furnish & install (8) Victor Stanley Camille Picnic Tables
- Furnish & install (16) Victor Stanley Camille Bench Seats

   b. Shade Structures
- Furnish & install (4) 30.0' x 17.0' Four Point Sail Structures
- Furnish & install (1) 9.5' x 5.0' Bus Shelter
- Scope includes Signed & Sealed Engineered Drawings

3. Division 13 – SPECIAL CONSTRUCTION
   a. Fountain
- Furnish & install the mechanical and electrical fountain equipment.
- Furnish & install an underground collector tank.
- Furnish & install concrete fountain equipment yard slab.
- Furnish & install complete recirculating pumps, controller, valve manifold, water treatment and filtration systems. The fountain equipment yard will be located within 100.0' of the fountain.
- Furnish & install recirculating pipe between the collector tank, equipment yard and the fountain.
- Furnish & install wire and conduit between the fountain control panel and the electrical fountain equipment. The fountain control panel will be located in the fountain equipment yard.
- Furnish & install a choreographable show control system with audio amplification equipment and speaker system.
- Furnish & install a rinse shower and rules sign.
- Construct a 1,950.0 SF, poured in place concrete fountain deck surrounded by a 4.0' wide wet deck. IWF decks will be constructed of natural gray concrete with a colored acrylic deck coating.
- Provide equipment submittals and engineered shop drawings.
- Start up and adjustment of the mechanical and electrical splash pad systems.
- Provide daytime play and nighttime choreographed musical show programs.
- Provide operation and maintenance manuals (3) copies, and a walk-through on maintenance procedures for maintenance personnel.
- Provide a (1) Year equipment and workmanship warranty

   b. Restroom Building (Design in progress, scope to include):
- Men's and Women's separate facilities with both under single roof system and within 200.0' of the nearest edge of the water feature
- Handicap accessible
- Open-air concept (not climate controlled)
- Men's restroom equipped with (1) Urinal, (1) Water Closet, and (1) Lavatory
- Women's restroom equipped with (2) Water Closets and (1) Lavatory
- Both restrooms to include (1) each baby changing station
- Exterior finish to resemble the concept drawing below



4. Division 26 – ELECTRICAL (Reference General Qualification Item #2)
   a. General Electrical
   - Power and lighting for new restroom building
   - Pole mounted lighting for walkways / splash pad area; (10) total light poles for the site
   - (4) power pedestals
   - Power for free WIFI
   - Power and lighting for two (2) memorials to include two (2) flags and signs.
   - Conduit, wiring and a 250-amp electric service (within 10.0' of the closest transformer).
   - Wiring and connections for fountain / splash pad to include 120/208V, 3-phase, 4-wire, 250A service to control panel & fountain equipment

   b. Exterior Lighting (deliver a premium RGBW lighting experience, centered around the iconic Banyan Tree and extending to the surrounding landscape for a cohesive, beautifully illuminated environment)
   - Furnish & install wire circuits throughout the property in underground 1.0" PVC conduit to power all high-performance color-changing fixtures at the Banyan Tree as well as standard fixtures along the perimeter, including palm trees and other key landscape features
   - Mount weather-sealed junction boxes within the Banyan Tree canopy using flexible, liquid-tight conduit to protect and manage fixture leads at multiple locations throughout the tree
   - Furnish & install all lighting fixtures (uplights, downlights, and well lights), including proper mounting, wire terminations, beam aiming, and adjustment to achieve a balanced and professional nighttime presentation
   - Furnish & install / Set up lighting transformers with appropriate voltage taps to ensure consistent power delivery and long- term performance across all circuits
   - Program and configure all LPCUs (Lighting Power Control Units), including automated zone control, color selections, and scheduled lighting scenes as requested
   - Full system testing and verification of functionality, performance, and coverage before final walkthrough and client handoff
   - Includes lift rental for safe access to tree-mounted fixture zones

5. Division 31 – EARTHWORK
   a. General Earthwork
   - Furnish & install Type III Silt Fence and Inlet Protection
   - Includes Tree Protection only for the Banyan Tree and (2) Live Oaks

- Temp. Construction Entrance
- Clearing & Grubbing (remove up to 50 existing trees, existing shrubs, ground cover, strip sod)
- Embankment 470.0 CY in place measure
- Rough Grading
- Final Grade

6. Division 32 – EXTERIOR IMPROVEMENTS (Site & Old 41 Roadway)
   a. General Exterior
- 12.0" Stabilized Subgrade (Sidewalks & Brick Pavers)
- 4.0" Limerock Base (Crushed Granite & Brick Pavers only)
- Remove Existing Asphalt
- Remove Existing Brick Pavers
- Remove Existing Concrete Walks
- Remove Existing "F" Curb
- Remove Existing "A" Curb
- Clear & Grub Existing Median Landscape Island
- Rough Grade (Includes Island Grading)
- Final Grade
- Maintenance of Traffic
- Testing (LBR, Density)

   b. Rigid Paving / Sidewalks
- 75.0 LF Type "D" Curb (Hand Formed)
- 12.0 LF Type "F" Curb Transitions (East & South sidewalk connections)
- 50.0 LF 2.0' Drop Curb
- 10,790 SF 6.0" Thick Concrete Sidewalks
- 2,285.0 SF 6.0" Thick Concrete Under Synthetic Turf (Splash Pad)
- 220.0 LF 8.0" Ribbon Curb (Hand Formed) (Splash Pad)

Old 41 Roadway:
- 680.0 SF 8.0" Concrete Pan/Base for Pavers (Reinforced)
- 65.0 LF 16.0" Ribbon Curb (Hand Formed)
- 65.0 LF 24.0" Ribbon Curb
- 25.0 LF Type "A" Curb (Median)

   c. Unit Paving – Brick
- Furnish & install approximately 700.0 SF of specialty pavers, on no more than 1.0" of compacted screening sand at the pedestrian crossing on Old US 41 Detail 1; Pavers: Pine Hall Brick, 2 ¾", 4"x8", Color: Pathway Beale Street (Courtyard Beale Street discontinued by manufacturer), Pattern: Staggered running bond, Border: None
- Furnish & install approximately 2,400.0 SF of specialty pavers, on no more than 1.0" of compacted screening sand at the pedestrian entrance areas including corner areas as shown in Details 2, 3, and 5; Pavers: Pine Hall Brick, 2 ¼", 4"x8", Color: English Edge Full Range (Georgian Edge Harvest discontinued by manufacturer), Pattern: As detailed on drawings, Border: Cut in Soldier Course borders at corners entrances; all corner entrances to have artistic 8x8 Roadlock inlay as in detail 3, Tan Color. ADA pavers included at pedestrian entrances of Old 41 (2) and Felts Ave., Charcoal color
- Furnish & install approximately 650.0 SF of permeable vehicular pavers, on no more than 2.0" of compacted 89 stone in the additional parking area Detail 4; Pavers: BELGARD, 80MM, ECO-HOLLAND, Color: Brown Chestnut, Pattern: Herringbone, Line Striping: ECO-HOLLAND White

- Furnish & install approximately 7,000.0 SF of specialty pavers, on no more than 1” of compacted screening sand in plazas, pavilions, and fountain areas details 6 and 7; Pavers: Artistic, 1-5/8” Steplock, Shellock Atlantic Series, Field Sizes: 8"x12" and 12"x12", Color: Tan, Pattern: As detailed, Border: 12"x24" Single Soldier Course

d. Synthetic Turf
- Furnish & install approximately 2,668.0 SF synthetic grass at Splash Pad, 126SW-338 Play Safe Select + 50, Field Green/Olive Blend w/Jute Thatch, per plans; glued down to concrete by others
- Turf is 1.50” pile height, 50 oz. face weight, 74.5 oz. total weight. Infilled with 2.0 lbs/SF silica sand.

e. Landscaping & Irrigation
- Furnish & install Plants & Ground Cover per lists on Sheet L-1 from Plans dated 7/14/25.
- Includes 125 CY Brown Mulch allowance
- Includes Milorganite per plans
- Furnish & install approximately 120.0 SY multi-color granite gravel at 1.50” thick
- Furnish & install approximately 500.0 LF Curvrite 3000 Series Aluminum Edging
- Relocate (1) Sylvester Palm
- Furnish & install approximately 1,200 LF Bio-Barrier (4407-006, 19.5” H) root barrier
- Furnish & install architect designed 2-wire irrigation system as per plan notes and specification provided and dated 7/14/2025. System is existing and assumes designed system is fully functional and can support additional irrigation as provided on plan
- Irrigation includes connecting to existing 2-wire system and controller
- Includes 4” HDPE SDR11 Sleeve Bore

f. Turf and Grasses (Floratam)
- Furnish & install approximately 28,010 SF Floratam Sod
- Irrigation System must be installed and fully operable prior to installation of Floratam sod.

7. Division 33 – UTILITIES
   a. General Site Utilities

Potable Water
- 6.0" DR18
- 6.0" RPBFA w/ Meter Box
- Connect to existing 6.0" Water Main
- 3/4" Water Service
- 4" DR18 Irrigation Main
- Testing
- Includes an allowance for pavement restoration on Reynolds St. for WM tie-in

Storm Drainage
- 15.0" ADS Pipe
- 18.0" ADS Pipe
- 12.0" Yard Drain (ADS In Line or Equal)
- 6.0" ADS Storm Pipe (Drain Line for Fountain)
- Connect to Existing Inlet

Sanitary Sewer
- 6.0" SDR26 Sewer Pipe
- 6.0" Cleanout Assembly
- Connect to existing 6.0" Gravity Sewer

b. Fountain Equipment Connections & Drinking Fountain

- Safe off plumbing to existing building before demo (demo by others)
- 2.0" water service including backflow, from existing utilities to fountain equipment area
- 2.0" water service including backflow, from existing utilities to restroom building
- 6.0" PVC SCH40 drain line from Splash Pad to fountain equipment area
- Water meters provided by others, set by this contractor
- Furnish & install (1) Freestanding Outdoor Drinking Fountain with Bottle filling station and Pet fountain; model similar to photo below; Color: TBD



General Qualifications:

1. This project is intended to provide a distinguished, memorable, and cohesive means to enhance the City of Bonita Springs Park and Recreation improvements.
2. This proposal includes an allowance for FPL Coordination and Electrical tie-in (electrical design & drawings not available at time of proposal). Only single-phase power currently available at / immediately adjacent to the site. Three Phase power will need to be brought to the site.
3. This proposal includes an allowance for Irrigation Backflow Preventer, setting water meter*, Electrical connections and Permitting (water meter provided by others).
4. This proposal includes an allowance for Design Fees for post 60% plan development, Close-out, etc.
5. This proposal is based on a (5) day work week, Monday through Friday between 7:00 am to 5:00 pm. We have not included premium costs for night, weekend, or holiday work. No allowance has been made to accelerate the schedule. If the Construction Manager is required to accelerate the schedule or work outside of these regular working hours for reasons outside of the Construction Manager's control, the project duration will be adjusted accordingly.
6. WCG will provide a SOV for procurement and schedule for construction upon receipt of award
7. This project includes a 3.0% contingency utilized at the Construction Manager's discretion with the City of Bonita Springs approval to achieve the project requirements.
8. Any required permits will be discussed and reviewed with the City of Bonita Springs representative prior to application and acquisition requests. All construction will begin after the acquisition of all necessary permits.
9. This is not a line-item proposal. Any monies generated in ways of savings as a result of buyout for this project shall be applied at the Construction Manager's discretion to any other line item(s) as necessary to achieve the project requirements.

10. KBJ Development Services, Inc. – Wright Construction Group may engage the services of KBJ Development – a company with which it shares mutual ownership – to perform a specific scope of service. This partnership allows us to combine our expertise and resources to ensure a seamless workflow and uphold the highest quality standards.

Exclusions

1. FDOT, Demolition, Dewatering, Environmental, SFWMD, and ROW Permits.
2. FPL Charges & Usage Fees, Impact Fees, Zoning, Specialty Engineering Fees, FDOT Inspections/Fees, LCDOT Bond, 3rd Party Inspection Fees, or Special Inspection Fees.
3. Builders Risk insurance and deductibles.
4. S.U.E. Investigations other than the utility investigation required by Florida State Sunshine Law
5. Costs associated with obtaining regulatory approval, wetland mitigation & credits, environmental studies, inspections, permits, or relocation of environmentally protected species.
6. Costs of services for a Certified arborist, or environmental specialist.
7. Handling or disposal of unclassified or hazardous material. If encountered the owner or his representative will be notified, and construction halted until all parties agree on how to proceed.
8. Rock excavation, punching, drilling, or remediation.
9. Hand clearing of exotic / invasive vegetation.
10. Abandonment of existing services (wells, electrical, sanitary, etc.).
11. Relocation of any private utility.
12. Relocation, removal, or replacement of existing obstructions within the proposed improvements.
13. Temporary facilities (i.e., power, water, lighting, etc.) for the duration of the construction project.

Please contact me with any questions or comments regarding this proposal.

Respectfully Submitted,



Ruan Hill
Civil Estimator

CITY OF BONITA SPRINGS

Banyan Tree Park

DESIGN/BUILD BUDGET PROPOSAL

August 15, 2025

Cost Code	Description	Qty	Unit	Cost Type 2 Labor	Cost Type 4 Rental	Cost Type 5 Material	Cost Type 6 Subcontracts	Cost Type 7 Other Costs	Cost Type 8 Outside Labor	Totals
DIVISION 01 - GENERAL REQUIREMENTS										
01 21 00	**Allowances**									
01 21 01	Allowance 1 - FPL Coordination / Electrical	1	LS	$ -	$ -	$ -	$ -	$ 100,000.00	$ -	$ 100,000.00
01 21 02	Allowance 2 - Irrigation (BFP, set water meter*, Electrical, Permits; water meter provided by others)	1	LS	$ -	$ -	$ -	$ -	$ 25,000.00	$ -	$ 25,000.00
01 21 03	Allowance 4 - Permits	1	LS	$ -	$ -	$ -	$ -	$ 7,500.00	$ -	$ 7,500.00
01 30 00	**ADMINISTRATIVE REQUIREMENTS**									
01 31 00	**Project Management and Coordination**									
01 31 01	Project Superintendent	1	LS	$ 102,960.00	$ -	$ -	$ -	$ -	$ -	$ 102,960.00
01 31 04	Project Manager	1	LS	$ 57,120.00	$ -	$ -	$ -	$ -	$ -	$ 57,120.00
01 31 05	Project Assistant	1	LS	$ 26,240.00	$ -	$ -	$ -	$ -	$ -	$ 26,240.00
01 31 07	General Superintendent	1	LS	$ 26,000.00	$ -	$ -	$ -	$ -	$ -	$ 26,000.00
01 33 70	Software Fee (Procore Project Management)	1	LS	$ -	$ -	$ -	$ -	$ 7,500.00	$ -	$ 7,500.00
01 35 26	Safety Training / Inspections	1	LS	$ -	$ -	$ -	$ 4,200.00	$ -	$ -	$ 4,200.00
01 45 23	Testing & Inspections	1	LS	$ -	$ -	$ -	$ 5,580.00	$ 1,420.00	$ -	$ 7,000.00
01 52 19	Sanitary Facilities	1	LS	$ -	$ -	$ -	$ -	$ 1,500.00	$ -	$ 1,500.00
01 55 26	Traffic Control	1	LS	$ -	$ -	$ -	$ -	$ -	$ 9,500.00	$ 9,500.00
01 58 13	Temporary Project Signage	1	LS	$ -	$ -	$ -	$ -	$ 1,500.00	$ -	$ 1,500.00
01 71 23	Survey / Layout / Asbuilts	1	LS	$ -	$ -	$ -	$ 10,675.00	$ 2,500.00	$ -	$ 13,175.00
01 73 10	Equipment Rental	1	LS	$ -	$ 4,500.00	$ -	$ -	$ -	$ -	$ 4,500.00
01 73 20	Fuel - Equipment Rental	1	LS	$ -	$ -	$ -	$ -	$ 3,820.00	$ -	$ 3,820.00
01 73 50	Miscellaneous Field Expenses	1	LS	$ -	$ -	$ -	$ -	$ 2,500.00	$ -	$ 2,500.00
01 74 19	Waste Removal	1	LS	$ -	$ -	$ -	$ -	$ 5,000.00	$ -	$ 5,000.00
DIVISION 02 - EXISITING CONDITIONS										
02 41 13	Site Demolition	1	LS	$ -	$ -	$ -	$ 74,400.00	$ -	$ -	$ 74,400.00
02 41 16	Structure Demolition	1	LS	$ -	$ -	$ -	$ 26,500.00	$ -	$ -	$ 26,500.00
DIVISION 12 - FURNISHINGS										
12 93 00	Site Furnishings	1	LS	$ -	$ -	$ -	$ 167,078.73	$ 5,000.00	$ -	$ 172,078.73
12 93 10	Shade Structures	1	LS	$ -	$ -	$ -	$ 141,050.00	$ -	$ -	$ 141,050.00
DIVISION 13 - SPECIAL CONSTRUCTION										
13 12 00	Fountain	1	LS	$ -	$ -	$ -	$ 1,750,000.00	$ 3,850.00	$ -	$ 1,753,850.00
13 42 00	Restroom Building	1	LS	$ -	$ -	$ -	$ 250,000.00	$ -	$ -	$ 250,000.00
DIVISION 26 - ELECTRICAL										
26 01 00	General Electrical	1	LS	$ -	$ -	$ -	$ 175,000.00	$ -	$ -	$ 175,000.00
26 56 00	Exterior Lighting	1	LS	$ -	$ -	$ -	$ 154,709.21	$ -	$ -	$ 154,709.21
DIVISION 31 - EARTHWORK										
31 01 00	General Earthwork	1	LS	$ -	$ -	$ -	$ 98,519.95	$ 1,500.00	$ -	$ 100,019.95
31 11 00	Clearing and Grubbing	1	LS	$ -	$ -	$ -	$ 47,000.00	$ -	$ -	$ 47,000.00

CITY OF BONITA SPRINGS

Banyan Tree Park

DESIGN/BUILD BUDGET PROPOSAL

August 15, 2025

Cost Code	Description	Qty	Unit	Cost Type 2 Labor	Cost Type 4 Rental	Cost Type 5 Material	Cost Type 6 Subcontracts	Cost Type 7 Other Costs	Cost Type 8 Outside Labor	Totals
DIVISION 32 - EXTERIOR IMPROVEMENTS										
32 01 00	**Operation and Maintenance of Exterior Improvements**									
32 01 00	General Exterior	1	LS	$ -	$ -	$ -	$ 107,753.75	$ -	$ -	$ 107,753.75
32 13 00	Rigid Paving / Sidewalks	1	LS	$ -	$ -	$ -	$ 120,223.00	$ -	$ -	$ 120,223.00
32 14 00	Unit Paving - Brick	1	LS	$ -	$ -	$ -	$ 147,300.00	$ -	$ -	$ 147,300.00
32 18 00	Synthetic Turf	1	LS	$ -	$ -	$ -	$ 32,622.00	$ -	$ -	$ 32,622.00
32 80 00	Landscaping & Irrigation (Incl Crushed Granite & Alum. Edging)	1	LS	$ -	$ -	$ -	$ 303,896.00	$ 5,000.00	$ -	$ 308,896.00
32 92 00	Turf and Grasses (Floratam)	1	LS	$ -	$ -	$ -	$ 18,766.70	$ -	$ -	$ 18,766.70
DIVISION 33 - UTILITIES										
33 01 00	General Site Utilities	1	LS	$ -	$ -	$ -	$ 134,760.00	$ 10,000.00	$ -	$ 144,760.00
33 11 20	Fountain Equipment Connections & Drinking Fountains	1	LS	$ -	$ -	$ -	$ 45,000.00	$ -	$ -	$ 45,000.00
SUBTOTALS										
	SUBTOTAL			**$ 212,320.00**	**$ 4,500.00**	**$ -**	**$ 3,815,034.34**	**$ 183,590.00**	**$ 9,500.00**	**$ 4,224,944.34**
BONDS AND INSURANCE										
01 00 16	Performance & Payment Bonds	1	LS	$ 2,123.00	$ 45.00	$ -	$ 38,150.00	$ 1,836.00	$ 95.00	$ 42,249.00
01 00 17	General Liability Insurance	1	LS	$ 2,548.00	$ 54.00	$ -	$ 45,780.00	$ 2,203.00	$ 114.00	$ 50,699.00
SUBTOTALS										
	SUBTOTAL			**$ 216,991.00**	**$ 4,599.00**	**$ -**	**$ 3,898,964.34**	**$ 187,629.00**	**$ 9,709.00**	**$ 4,317,892.34**
CONTINGENCY										
01 21 16	Contingency (3.0%)									$ 129,537.00
SUBTOTALS										
	SUBTOTAL									**$ 4,447,429.34**
FEE										
	CMAR Fee (5.0%)	1	LS							$ 222,371.00
TOTALS										
	TOTAL									**$ 4,669,800.34**

CITY OF BONITA SPRINGS PROFESSIONAL SERVICE/SERVICE PROVIDER AGREEMENT
CHANGE ORDER/SUPPLEMENTAL TASK AUTHORIZATION

☒ Change Order Number: Two (2)

☐ Supplemental Task Authorization Number: N/A

(A Change Order or Supplemental Task Authorization Requires Approval by the City Manager for Expenditures under $50,000 or Approval by the Bonita Springs City Council for Expenditures over $50,000).

MISC. CONTRACT: CMAR Continuing Services / SOLICITATION NUMBER: CN-19-12

PROJECT NAME: Banyan Tree Splash Pad Improvements (STA 7) / CONTRACT NUMBER: BSC-19-12-246

CONSULTANT: Wright Construction Group / ACCOUNT NUMBER: 30.609.572.6025

REQUESTED BY: Matt Feeney Public Works / DATE OF REQUEST: August 27, 2025

Upon the completion and execution of this Change Order or Supplemental Task Authorization by both parties the Consultant is authorized to and shall proceed with the following:

EXHIBIT A:	SCOPE OF PROFESSIONAL SERVICE:	DATED: August 27, 2025
EXHIBIT B:	COMPENSATION & METHOD OF PAYMENT:	DATED: August 27, 2025
EXHIBIT C:	TIME AND SCHEDULE OF PERFORMANCE:	DATED: August 27, 2025
EXHIBIT D:	CONSULTANT'S ASSOCIATED SUB-CONSULTANT(S)/SUB-CONTRACTOR(S):	DATED: N/A
EXHIBIT E:	PROJECT GUIDELINES AND CRITERIA:	DATED: N/A

Consultant certifies that it is not on the Scrutinized Companies that Boycott Israel List or engaged in a boycott of Israel. Pursuant to Florida Statute §287.135, the City may immediately terminate this Agreement at its sole option if the Consultant is found to have submitted a false certification; or if the Consultant is placed on the Scrutinized Companies that Boycott Israel List or is engaged in the boycott of Israel during the term of the Agreement. As provided in Florida Statute 287.135(8), if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

If this Agreement is for more than one million dollars, the Consultant certifies that it is also not on the Scrutinized Companies with Activities in Sudan, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria as identified in Section 287.135, F.S. Pursuant to Section 287.135, F.S., the City may immediately terminate this Agreement at its sole option if the Consultant is found to have submitted a false certification; or if the Consultant is placed on the Scrutinized Companies with Activities in Sudan List or Scrutinized Companies with activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria during the term of the Agreement.

As provided in Subsection 287.135(8), F.S., if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

This space intentionally left blank

It is understood and agreed that the acceptance of this modification by the Consultant constitutes an accord and satisfaction. All the remaining terms in the original Agreement, remain the same.

ACCEPTED:	ATTEST:	CITY APPROVAL:
Fred M. Edman		
Consultant Signature	City Clerk	City Manager (Under $50,000)
Fred M. Edman		
Print Name	Date	Date Approved
5811 Youngquist Rd		
Address	Approved By:	Approved By:
Fort Myers, FL 33912		
Address	City Attorney's Office	Mayor, City Council for Bonita Springs
08/26/2025		
Date Accepted	Date Approved	Date Approved
Corporate Seal		

Exhibit A

Scope of Professional Services
Banyan Tree Splash Pad Improvements (STA 7)

Date: August 27, 2025

☒ Change Order Number: Two (2)

☐ Supplemental Task Authorization Number: N/A

Section 1 Changes to Professional Services

The Scope of Professional Services as set forth in Exhibit A of the Professional Services Agreement is hereby supplemented or changed, so that the Consultant shall provide and perform the following professional services, tasks or work as a supplement to or change to the Scope of Services previously agreed to and authorized.

Section 2 Tasks

Pursuant to the general scope of the basic services stated herein above, the Consultant shall perform all services and/or work necessary to complete the following task(s) and/or provide the following item(s) which are enumerated to correspond to the task(s) and/or item(s) set forth in Compensation and Method of Payment.

1. To revise the cost of the project to a guaranteed Not-To-Exceed amount of $4,669,800.34. (STA 7 was for preconstruction services only in the amount of $175,000.00.)

Note: See Vendor's Proposal dated 8/15/25 (attached) for additional detail.

Exhibit B

Compensation and Method of Payment
Banyan Tree Splash Pad Improvements (STA 7)

Date: August 27, 2025

☒ Change Order Number: Two (2)

☐ Supplemental Task Authorization Number: N/A

Section 1 Change(s) in Compensation

The compensation the Consultant shall be entitled to receive for providing and performing the supplemented or changed services, tasks or work as set forth and enumerated in the Scope of Professional Services set forth in this Change Order or Supplemental Task Authorization, attached hereto shall be as follows:

NOTE: A lump sum (LS) or not-to-exceed (NTE) amount of compensation to be paid the Consultant should be established and set forth below for each task or sub-task described and authorized in the Scope of Professional Services. Tasks to be paid on a work-in-progress payment basis should be identified (WIPP).

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (WIPP)
1	To revise the guaranteed Not-To-Exceed Amount of the project. (STA 7 was for Pre-Construction Services in the amount of $175,000.00.)	$4,669,800.34	LS	
TOTAL		$4,669,800.34		

Section 2 Summary of Change(s) in Compensation

Pursuant to and in consideration of the change(s) in the Scope of Professional Services set forth in this Change Order or Supplemental Task Authorization, the compensation the City has previously agreed to pay to the Consultant, as set forth in the Professional Services Agreement, shall be changed to be as follows:

Section/Task Number	Section/Task Name	Compensation in the Basic Agreement	Adjustment(s) by Previous CO or STA Nos.	Adjustment(s) Due to this CO or STA	Summary of Changed Compensation
	Pre-Construction Services via STA 7	$175,000.00	$0.00	$0.00	$175,000.00
	Change Order No. 1 - Time Extension		$0.00		$ 0.00
	Change Order No. 2 - Setting Guaranteed Not-To-Exceed Price			$4,669,800.34	$4,669,800.34
					$ 0.00
					$ 0.00
					$ 0.00
					$ 0.00
					$ 0.00
					$ 0.00
					$ 0.00
					$ 0.00
					$ 0.00
					$ 0.00
					$ 0.00
					$ 0.00
					$ 0.00
					$ 0.00
TOTAL		$175,000.00	$ 0.00	$4,669,800.34	$4,844,800.34

Exhibit C

Time and Schedule of Performance
Banyan Tree Splash Pad Improvements (STA 7)

Date: August 27, 2025

☒ Change Order Number: Two (2)

☐ Supplemental Task Authorization Number: N/A

Section 1 Change(s) in Time and Schedule of Performance

The time and schedule of completion for the various phases or tasks required to provide and perform the services, tasks or work set forth in this Change Order or Supplemental Task Authorization is as follows:

Phase and/or Task Reference As Enumerated in Scope of Professional Services	Name or Title of Phase and/or Task	Number of Calendar Days For Completion of Each Phase and/or Task	Cumulative Number of Calendar Days for Completion From Date of Notice to Proceed

Section 2 Summary of the Impact of Change(s) in Time and Schedule of Performance on the Overall Project

Pursuant to and in consideration of the changes in the Scope of Professional Services in this Change Order or Supplemental Task Authorization, the time and schedule the City and the Consultant have previously agreed to for all of the work to be done under the Professional Service Agreement shall be changed as follows:

Phase and/or Task Reference As Enumerated in Scope of Professional Services	Name or Title of Phase and/or Task	Number of Calendar Days For Completion of Each Phase and/or Task	Cumulative Number of Calendar Days for Completion From Date of Notice to Proceed
N/A			

EXHIBIT D

Consultant's Associated Sub-Consultant(s) and Subcontractor(s)
Banyan Tree Splash Pad Improvements (STA 7)

Date: August 27, 2025

☒ Change Order Number: Two (2)

☐ Supplemental Task Authorization Number: N/A

Consultant has identified the following sub-consultant(s) and/or subcontractor(s) which may be engaged to assist the Consultant in providing and performing the services, tasks or work required under this Change Order or Supplemental Task Authorization:

(If none, enter the word "none" in the space below.)

Service and/or Work to be Provided or Performed	Name and Address of Individual or Firm	Sub-Consultant Services are Exempted from Prime Consultant's Insurance Coverage (Yes or No)

EXHIBIT F

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion

Vendor Covered Transactions

(1) The prospective vendor certifies, by submission of this Agreement, that neither it nor its principles are presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the vendor is unable to certify to the above statement, the prospective vendor shall attach an explanation to this form.

VENDOR:

WRIGHT CONSTRUCTION GROUP, INC.
Company Name

873118199
Unique Entity ID # (from SAM.gov)

Signature

8.26.25
Date

FRED M. EDMAN
Print Name

5811 YOUNGQUIST RD
Street Address

FORT MYERS, FL 33912
City State Zip Code

For City of Bonita Springs use only

To access the debarment search: https://www.sam.gov/SAM/ > Search Records tab > Enter DUNS number > Click Search

Company: ☐ is debarred ☐ is not debarred

Verified by:

Name Date

EXHIBIT E

Project Guidelines and Criteria
Banyan Tree Splash Pad Improvements (STA 7)

Date: August 27, 2025

☒ Change Order Number: Two (2)

☐ Supplemental Task Authorization Number: N/A

As a supplement or change to the project guidelines and criteria set forth in the Professional Services Agreement, the City has established the following guidelines, criteria, goals, objectives, constraints, schedule, budget and/or requirements which shall serve as a guide to the Consultant in performing the services, tasks or work to be provided pursuant to the professional services set forth in this Change Order or Supplemental Task Authorization as follows:

(If none, enter the word "none" in the space below)

Item No. 1
None.

CITY OF BONITA SPRINGS, FLORIDA
RESOLUTION NO. 25 - XX

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA ACCEPTING THE PROPOSAL SUBMITTED BY WRIGHT CONSTRUCTION FOR THE BANYAN TREE SPLASH PAD PROJECT AND APPROVE ALLOCATION OF BUDGET FUNDING IN THE FY 25-26 DRAFT BUDGET.

WHEREAS, on February 19, 2025, City Council approved the Splash Pad Design concept and authorized contractor to develop final design and a guaranteed Maximum Price (GMP) for construction; and

WHEREAS, on August 15, 2025, Wright Construction submitted a proposal with a guaranteed Not-To-Exceed project amount of $4,669,800.34 for the construction of the Banyan Tree Splash Pad under the Construction Manager at Risk Continuing Services Agreement; and

WHEREAS, The FY 25/26 Draft Budget Capital Improvement Plan (CIP) item for this project was developed prior to the GMP and will require an additional $809,610 to fund this project.

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

Section 1. The foregoing recommendation is hereby approved.

Section 2. Staff is hereby authorized to increase the CIP Budget account 30.609.572.6025 for FY 25/26 by $809,610 and accept the proposal from Wright Construction for the Banyan Tree Splash Pad Project.

Section 3. This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 3rd day of September, 2025.

AUTHENTICATION:

_____ _____

Mayor Mike Gibson City Clerk

APPROVED AS TO FORM: _____

City Attorney's Office

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet 25-09-205
September 3, 2025

ITEM TITLE: Approve an agreement between the City and ADEAS-Q LLC for the City's Mobility Study.

REQUESTOR: Elly Soto McKuen, Senior Project Manager

AGENDA SECTION: Consent

STRATEGIC PRIORITY: 2) Vehicular and Multi-Modal Transportation Networks

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BACKGROUND: The City advertised RFQ 24-07 for the City's Mobility Study on January 10, 2025 with a bid opening date of March 10, 2025. The City's Selection Committee met on April 3, 2025 to evaluate the submittals. After reviewing the submittals, the committee recommended all four (4) firms to prepare presentations. The committee met on April 21, 2025 and April 23, 2025 to hear presentations. The selection committee ranked ADEAS-Q, LLC as the top ranked firm. At the May 7, 2025 City Council meeting the City's Selection Committee recommendation for the top ranked firm, ADEAS-Q, LLC was approved.

The City received a planning grant for the City's Mobility Study from the Lee County Office of Strategic Resources and Government Affairs as part of the U.S. Housing and Urban Development Community Development Block Grant – Disaster Recovery (HUD CDBG-DR) direct allocation as a result of Hurricane Ian's devastation to Lee County in 2022. Funding is budgeted for the mobility plan in the City's Capital Improvement Project Plan – 30.250.541.3100.

STAFF RECOMMENDATION: Approve an agreement between the City and ADEAS-Q, LLC for the City's Mobility Study.

ATTACHMENTS:

1. ADEAS-Q, LLC Agreement

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield
Dept. Director:	Matt Feeney

CITY OF BONITA SPRINGS, FLORIDA
PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement (hereinafter referred to as "Agreement") is made and entered into this _____day of _____, 2025, between the City Council of the City of Bonita Springs, a municipality incorporated in the State of Florida (hereinafter referred to as the "City") and **ADEAS-Q, LLC** (hereinafter referred to as the "Consultant").

WITNESSETH

WHEREAS, the City desires to obtain the professional services of said Consultant to provide and perform professional services as further described hereinafter concerning the project to be referred to and identified as: **City of Bonita Springs Community-Wide Mobility Study**, and

WHEREAS, the Consultant hereby certifies that Consultant has been granted and possesses valid, current licenses to do business in the State of Florida and in the City of Bonita Springs, Florida, issued by the respective State Boards and Government Agencies responsible for regulating and licensing the professional services to be provided and performed by the Consultant pursuant to this Agreement; and

NOW, THEREFORE, in consideration of the mutual covenants, terms and provisions contained herein, the parties hereto agree that with the mutual acceptance of this Agreement as indicated hereinafter by the execution of this Agreement by both parties that a contract shall exist between both parties consisting of:

ARTICLE 1.00-SCOPE OF PROFESSIONAL SERVICES
Consultant hereby agrees to provide and perform the professional services required and necessary to complete the services and work as set forth in the Scope of Professional Services, which is attached hereto and made a part of this Agreement.

1.01 COMPLIANCE WITH FEDERAL LAW, REGULATIONS AND EXECUTIVE ORDERS
This is an acknowledgement that U.S. Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery financial assistance will be used to fund all or a portion of the contract. The consultant will comply with all applicable federal laws, regulations, executive orders, HUD CDBG-DR policies, procedures and directives as outlined in Exhibit L.

ARTICLE 2.00-DEFINITIONS
The following definition of terms associated with this Agreement is provided to establish a common understanding between both parties to this Agreement as to the intended usage, application, and interpretation of such terms pertaining to this Agreement.

2.01 CITY
The term "City" shall refer to the City of Bonita Springs, a municipality incorporated within the State of Florida, and any official and/or employees thereof who shall be duly authorized to act on the City's behalf relative to this Agreement.

2.02 CONSULTANT
The term "Consultant" shall refer to the individual or firm offering professional services which by execution of this Agreement shall be legally obligated, responsible, and liable for providing and performing any and all of the services, work and materials, including services and/or work of sub-consultants and subcontractors, required under the covenants, terms and provisions contained in this Agreement and any and all change orders thereto.

2.03 PROFESSIONAL SERVICES
The term "Professional Services" shall refer to all of the services, work materials and all related professional, technical and administrative activities which are necessary to be provided and performed by the Consultant and its employees and any and all sub-consultants and subcontractors

the Consultant may engage to provide, perform and complete the services required pursuant to the covenants, terms and provisions of this Agreement.

ARTICLE 3.00-OBLIGATIONS OF THE CONSULTANT

The obligations of the Consultant with respect to all the basic services and additional services authorized pursuant to this Agreement shall include, but not be limited to, the following:

3.01 LICENSES

The Consultant agrees to obtain and maintain throughout the period this Agreement is in effect all such licenses as are required to do business in the State of Florida, Lee County and in the City of Bonita Springs, Florida, including, but not limited to, licenses required by the respective State Boards and other governmental agencies responsible for regulating and licensing the professional services provided and performed by the Consultant pursuant to this Agreement.

3.02 STANDARDS OF PROFESSIONAL SERVICE

The work and/or services to be provided and/or performed by the Consultant and by any sub-consultant(s) and/or subcontractor(s) engaged by the Consultant as set forth in the Scope of Professional Services shall be done in accordance with the generally accepted standards of professional practice and in accordance with the laws, rules, regulations, ordinances, codes, policies, standards or other guidelines issued by those governmental agencies which have jurisdiction over all or a portion of this project and which are in effect at the time the City approves this Agreement, or which may subsequently be changed or revised. Any subsequent change or revision to such laws, rules, regulations, ordinances, codes, policies, standards or other guidelines which requires the Consultant to provide and/or perform work and/or services which are significantly different from that set forth in the Scope of Professional Services shall serve as a basis for the City to consider the development and issuance of a change order to provide for a change to, or additional services to the services set forth in this Agreement.

3.03 CITY'S APPROVAL SHALL NOT RELIEVE PROVIDER OF RESPONSIBILITY

Neither review, approval, or acceptance by the City of data, studies, surveys, designs, specifications, calculations, estimates, plans, drawings, construction documents, photographs, reports, memoranda, other documents and instruments, and incidental professional services, work and materials furnished hereunder by the Consultant, or any sub-consultant(s) or subcontractor(s) engaged by the Consultant to provide and perform services in connection with this Agreement. Neither the City's review, approval or acceptance of, nor payment for, any of the Consultant's services, work and materials shall be construed to operate as a waiver of any of the City's rights under this Agreement, or any cause of action it may have arising out of the performance of this Agreement.

3.04 LIABILITY AND HOLD HARMLESS

To the fullest extent permitted by Florida law, the Consultant shall be liable and agrees to be liable for and shall indemnify and hold harmless the City of Bonita Springs, its officers and employees from any and all third party liabilities, damages, losses and costs, to person or property arising out of or caused by any negligent or willful act, omission, error or default by the Consultant, its subcontractors, materialmen, or agents of any tier or their employees arising out of this agreement or its performance. This indemnification obligation shall not be construed to negate, abridge or reduce any other rights or remedies which otherwise may be available to an indemnified party or person described in this paragraph. This section does not pertain to any incident arising from the negligence or willful misconduct of the City of Bonita Springs. If there is a claim of, or liability for, a joint negligent act, error, or omission of the Consultant and the City of Bonita Springs, the indemnification and hold harmless obligation of this provision shall be apportioned on a comparative fault basis.

3.05 SCRUTINIZED COMPANIES STATEMENT

Consultant certifies that it is not on the Scrutinized Companies that Boycott Israel List or engaged in a boycott of Israel. Pursuant to Florida Statute §287.135, the City may immediately terminate

this Agreement at its sole option if the Consultant is found to have submitted a false certification; or if the Consultant is placed on the Scrutinized Companies that Boycott Israel List or is engaged in the boycott of Israel during the term of the Agreement. As provided in Florida Statute 287.135(8), if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

If this Agreement is for more than one million dollars, the Consultant certifies that it is also not on the Scrutinized Companies with Activities in Sudan, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria as identified in Section 287.135, F.S. Pursuant to Section 287.135, F.S., the City may immediately terminate this Agreement at its sole option if the Consultant is found to have submitted a false certification; or if the Consultant is placed on the Scrutinized Companies with Activities in Sudan List or Scrutinized Companies with activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria during the term of the Agreement.

As provided in Subsection 287.135(8), F.S., if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

As provided in Subsection 287.133(2)(a), Florida Statutes, as it relates to the management of an entity that has been convicted of a public entity crime. The term “affiliate” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate.

As provided in Subsection 287.607.1501(1), Florida Statutes. A foreign corporation may not transact business in the state of Florida until it obtains a certificate of authority from the Department of State.

3.06 NOT TO DIVULGE CERTAIN INFORMATION

Consultant agrees, during the term of this Agreement, not to divulge, furnish or make available to any third person, firm, or organization, without City’s prior written consent, or unless incident to the proper performance of Consultant’s obligations hereunder, or in the course of judicial or legislative proceedings where such information has been properly subpoenaed, any non-public information concerning the services to be rendered by Consultant or any sub-consultant(s) or subcontractor(s) pursuant to this Agreement. Consultant shall require all of its employees, sub-consultant(s) and subcontractor(s) to comply with the provisions of this paragraph.

3.07 ADDITIONAL SERVICES

Should the City request the Consultant to provide and perform professional services for this project which are not set forth in the Scope of Professional Services, the Consultant agrees to provide and perform such additional services as may be agreed to in writing by both parties to this Agreement.

Additional services shall be administered and authorized as change orders or supplemental task authorizations under this Agreement. The Consultant shall not provide or perform, nor shall the City incur or accept any obligation to compensate the Consultant for any additional services unless and until a written change order or supplemental task authorization has been agreed to and executed by both parties.

3.08 TRUTH-IN-NEGOTIATIONS CERTIFICATE

The City may request the Consultant to execute a Truth-in-Negotiations Certificate (“Certificate”). The Certificate shall state that wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time this Agreement is executed. The original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the City determines the contract price was increased due to inaccurate, incomplete or noncurrent wage rates or other factual unit costs.

3.09 IMMIGRATION LAW COMPLIANCE

Consistent with Bonita Springs Code §36.22, effective June 1, 2009, Contractors providing services to the City, as a condition of each contract, must use E-Verify to verify the employment of any person hired during the contract term by the contractor and assigned by the Contractor to perform work for the City. Before any contract with the City is signed, proof of enrollment with E-Verify must be provided. The Contractor acknowledges that he will comply with the Immigration Reform and Control Act of 1986 and is committed to employing only those individuals who are authorized to work in the United States, by hiring employees who properly complete, sign and date the first section of the Immigration and Naturalization Services (INS) Form I-9 and presenting to the Contractor the original necessary document(s) to prove identity and employment eligibility, as verified through E-Verify.

The Contractor must also be responsible for entering into an agreement with each and every vendor and subcontractor that states that vendors, and subcontractors (and their vendors) are independently responsible for its own employment decisions, including hiring, disciplinary and termination decisions, and will comply with the Immigration Reform and Control Act of 1986 and use the E-Verify system for verification. The agreements shall also state that each business is responsible for its own I-9 and other employment record-keeping requirements, and with compliance with all immigration laws.

ARTICLE 4.00-COMPENSATION AND METHOD OF PAYMENT

4.01 BASIC AND ADDITIONAL SERVICES

The City shall pay the Consultant for all requested and authorized basic services rendered hereunder by the Consultant and completed in accordance with the requirements, provisions, and/or terms of this Agreement and accepted by the City in accordance with the provisions for compensation and payment of said basic services set forth and prescribed in the Compensation and Method of Payment or on the basis of such changes to the established compensation as may be mutually agreed to by both parties to this Agreement as evidenced by a written change order executed by both parties.

4.02 METHOD OF PAYMENT

1) MONTHLY STATEMENTS

The City shall pay the Consultant in accordance with the Local Government Prompt Payment Act, Section 218.70, Florida Statutes, upon receipt of the Consultant's invoice and written approval for same by the City indicating that the products and services have been provided in conformity with this Agreement. The Consultant shall be entitled to submit not more than one (1) invoice statement to the City each calendar month covering services rendered during the preceding calendar month. The Consultant's invoice statement(s) shall be itemized to correspond to the basis of compensation as set forth in the Agreement or change order(s) and supplemental task authorization(s) thereunder.

2) PAYMENT SCHEDULE

The City shall issue payment to the Consultant within thirty (30) calendar days after receipt of an invoice statement from the Consultant in an acceptable form and containing the requested breakdown and detailed description and documentation of charges. Should the City object or take exception to the amount of any Consultant's invoice statement, the City shall notify the Consultant of such objection or exception within the thirty (30) calendar day payment period set forth hereinbefore. If such objection or exception remains unresolved at the end of said thirty (30) calendar day period, the City shall withhold the disputed amount and make payment to the Consultant of the amount not in dispute. Payment of any disputed amount, or adjustments thereto, shall be made within thirty (30) calendar days of the date such disputed amount is resolved by mutual agreement of the parties to this Agreement.

4.03 PAYMENT WHEN SERVICES ARE TERMINATED AT THE CONVENIENCE OF THE CITY

In the event of termination of this Agreement at the convenience of the City, not at the fault of the Consultant, the City shall compensate the Consultant only for the services performed prior to the

effective date of termination, reimbursable expenses then due and reasonable expenses incurred by the Consultant in affecting the termination of services and work, and incurred by the submittal to the City of project drawings, plans, data, and other project documents.

ARTICLE 5.00-TIME AND SCHEDULE OF PERFORMANCE

5.01 NOTICE-TO-PROCEED

Following the execution of this Agreement by both parties, and after the Consultant has complied with insurance and E-Verify requirements, the Consultant shall commence work promptly and shall carry on all such services and work as may be required in a timely and diligent manner to completion. Date of the last signatory will be the Notice-to-Proceed date.

5.02 FAILURE TO PERFORM IN A TIMELY MANNER

Should the Consultant fail to commence, provide, perform and/or complete any of the services and work required pursuant to this Agreement in a timely and diligent manner, the City may consider such failure as justifiable cause to terminate this Agreement.

5.03 LIQUIDATED DAMAGES

The City and Consultant recognize that time is of the essence to this agreement and that the City will suffer financial loss if the work is not completed within the times specified in the above, plus and extensions thereof allowed by change order. The City and Consultant also recognize the delays, expense, and difficulties invoiced in proving in a legal proceeding the actual loss suffered by the City if the work is not completed on time. Accordingly, instead of requiring any such proof, City and Consultant agree that as Liquidated Damages for delay (but not as a penalty) the sum of $200.00 per day shall be deducted from monies due the Consultant or paid by the Consultant to the City for each calendar day that expires after the time specified for the delivery of the final Transportation Mobility Plan. The City shall have the right to deduct Liquidated Damages; the City shall give the Consultant seven (7) calendar days' notice prior to submitting the adjusted amount due to the City's Finance Department payment. The City reserves the right to effect repairs itself as may be required to remedy any deficiency or to achieve final completion and to charge the Consultant for such costs.

ARTICLE 6.00-ASSIGNMENT, TRANSFER AND SUBCONTRACTS

The Consultant shall not assign or transfer any of its rights, benefits or obligations hereunder, except for transfers that result from: (1) the merger or consolidation of Consultant with a third party: or (2) the disestablishment of the Consultant's professional practice and the establishment of a successor Consultant, or consulting organization. Nor shall the Consultant subcontract any of its service obligations hereunder to third parties, except as otherwise authorized in this Agreement thereto, without prior written approval of the City. The Consultant shall have the right, subject to the City's prior written approval, to employ other persons and/or firms to serve as sub-consultants and/or subcontractors to Consultant in connection with Consultant providing and performing services and work pursuant to the requirements of this Agreement. The City shall have the right and be entitled to withhold such approval. Such approval shall not be unreasonably withheld.

In providing and performing the services and work required pursuant to this Agreement, Consultant intends to engage the assistance of the sub-consultant(s) and/or subcontractor(s) set forth in Consultant's Associated Sub-Consultants and Subcontractors, which is attached hereto and made a part of this Agreement.

ARTICLE 7.00-APPLICABLE LAW

Unless otherwise specified, this Agreement shall be governed by the laws, rules, regulations of the State of Florida, or the laws, rules, and regulations of the United States when providing services funded by the United States Government.

ARTICLE 8.00- COVENANTS AGAINST DISCRIMINATION FOR PROJECTS WITH FUNDS APPROPRIATED FROM BONITA SPRINGS GENERAL REVENUES

The Consultant for itself, its successors in interest, and assigns as part of the consideration thereof, does hereby covenant and agree that in the furnishing of services to City hereunder, no person on the grounds of race, color, national origin, handicap, or sex shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination. The Consultant shall comply with the state laws in the hiring of sub-consultants.

ARTICLE 9.00-INSURANCE

For the Insurance Section and Exhibit, Consultant will be referred to as "Vendor". The Vendor shall at its own expense, carry and maintain insurance coverage from responsible companies duly authorized to do business in the State of Florida as set forth in Insurance and Bonding Requirements of this solicitation.

The Vendor shall procure and maintain property insurance (Builder's Risk, Installation Floaters etc.) upon the entire project, if required, to the full insurable value of the scope of work. The City and the Vendor waive against each other and the City's separate Vendors, Contractors, Design Consultants, Subcontractors, agents and employees of each and all of them, all damages covered by property insurance provided herein, except such rights as they may have to the proceeds of such insurance. The Vendor and City shall, where appropriate, require similar waivers of subrogation from the City's separate Vendors, Design Consultants and Subcontractors and shall require each of them to include similar waivers in their contracts. All deductibles for property insurance procured by the Vendor shall be the responsibility of the Vendor.

Certificates issued as a result of the award of this solicitation must identify: "For any and all work performed on behalf of the City of Bonita Springs."

The General Liability Policy provided by Vendor to meet the requirements of this solicitation shall name the City of Bonita Springs, Florida, as an additional insured including completed operations (and products if applicable). The policy shall be endorsed to be primary to any similar coverage carried by the City.

The Certificate Holder shall be named as: City of Bonita Springs. The Certificates of Insurance must state the Contract Number, or Project Number, or specific project description, or must read: "For any and all work performed on behalf of the City of Bonita Springs."

The amounts and types of insurance coverage shall conform to the minimum requirements set forth in Insurance and Bonding Requirements with the use of Insurance Services Office (ISO) forms and endorsements or their equivalents. If Vendor has any self-insured retentions or deductibles under any of the below listed minimum required coverage, Vendor must identify on the Certificate of Insurance the nature and amount of such self-insured retentions or deductibles and provide satisfactory evidence of financial responsibility for such obligations. All self-insured retentions or deductibles will be Vendor's sole responsibility.

Coverage(s) shall be maintained without interruption from the date of commencement of the work until at least thirty (30) days beyond the date of completion or warranty period, whichever is greater, or otherwise as specified in this solicitation if longer.

The Vendor and/or its insurance carrier shall provide thirty (30) days written notice to the City of policy cancellation or non-renewal on the part of the insurance carrier or the Vendor except for non-payment which shall be ten (10) days. The Vendor shall also notify the City, in a like manner, within twenty-four (24) hours after receipt, of any notices of expiration, cancellation, non-renewal or material change in coverage or limits received by Vendor from its insurer and nothing contained herein shall relieve Vendor of this requirement to provide notice.

Should at any time the Vendor not maintain the insurance coverage(s) required herein, the City may terminate the Agreement or at its sole discretion shall be authorized to purchase such coverage(s) and charge the Vendor for such coverage(s) purchased. If Vendor fails to reimburse the City for such costs within thirty (30) days after demand, the City has the right to offset these costs from any amount due Vendor

under this Agreement or any other agreement between the City and Vendor. The City shall be under no obligation to purchase such insurance, nor shall it be responsible for the coverage(s) purchased or the insurance company or companies used. The decision of the City to purchase such insurance coverage(s) shall in no way be construed to be a waiver of any of its rights under the Contract Documents.

If the initial or any subsequently issued Certificate of Insurance expires prior to the completion of the scope of work, the Vendor shall furnish to the City renewal or replacement Certificate(s) of Insurance not later than ten (10) calendar days after the expiration date on the certificate. Failure of the Vendor to provide the City with such renewal certificate(s) shall be considered justification for the City to terminate any and all contracts.

ARTICLE 10.00-DUTIES AND OBLIGATIONS IMPOSED ON THE CONSULTANT

The duties and obligations imposed upon the Consultant by this Agreement and the rights and remedies available hereunder shall be in addition to, and not a limitation of, any otherwise imposed or available by law or statute.

The Consultant, in support of the City, will cooperate with Florida Statutes 20.055(5) that includes every state officer, employee, agency, special district, board, commission, contractor, and subcontractor to cooperate with the inspector general in any investigation, audit, inspection, review, or hearing pursuant to the Florida Statutes.

ARTICLE 11.00-MAINTENANCE OF RECORDS

The Consultant will keep and maintain adequate records and supporting documentation applicable to all of the services, work, information, expense, costs, invoices and materials provided and performed pursuant to the requirements of this Agreement. Said records and documentation will be retained by the Consultant for a minimum of five (5) years from the date of termination of this Agreement.

The City and its authorized agents shall, with reasonable prior notice, have the right to audit, inspect and copy all such records and documentation as often as the City deems necessary during the period of this Agreement, and during the period five (5) years thereafter; provided, however, such activity shall be conducted only during normal business hours and at the expense of the City, and provided further that to the extent provided by law the City shall retain all such records confidential.

11.01 COMPLIANCE WITH PUBLIC RECORDS LAW

The Consultant must comply with Florida public records laws, specifically to:

a. Keep and maintain public records required by the City to perform the service.

b. Upon request from the City's custodian of public records, provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Florida Statutes §119 or as otherwise provided by law.

c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the Contract if the Consultant does not transfer the records to the City.

d. Upon completion of the Contract, transfer, at no cost, to the City of Bonita Springs all public records in possession of the Consultant or keep and maintain public records required by the City to perform the service. If the Consultant transfers all public records to the City upon completion of the Contract, the Consultant shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Consultant keeps and maintains public records upon completion of the Contract, the Consultant shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request from the City's custodian of public records, in a format that is compatible with

the information technology systems of the City.

e. The City will consider it a breach of contract should the Consultant fail to comply with any public records request.

f. A Consultant who fails to provide the public records to the City within a reasonable time may be subject to penalties under Florida Statutes §119.10.

g. **IF THE CONSULTANT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE DESGIN-BUILDER'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS (CITY CLERK) AT: 239-949-6262, CITY OF BONITA SPRINGS, 9101 BONITA BEACH ROAD, BONITA SPRINGS, FL 34135, clerk@cityofbonitasprings.org.**

h. If the Consultant is not providing the requested public records, the burden of proof is on the Consultant to show why they did not comply with the request.

ARTICLE 12.00-HEADINGS

The headings of the articles, sections, exhibits, attachments, phases or tasks as contained in this Agreement are for the purpose of convenience only and shall not be deemed to expand, limit or change the provisions contained in such articles, sections, exhibits, attachments, phases or tasks.

ARTICLE 13.00-ENTIRE AGREEMENT

This Agreement, including referenced exhibits and attachments hereto, constitutes the entire agreement between the parties hereto and shall supersede, replace and nullify any and all prior agreements or understandings, written or oral, relating to the matters set forth herein, and any such prior agreements or understandings shall have no force or affect whatever on this Agreement.

ARTICLE 14.00-NOTICES AND ADDRESS OF RECORD

14.01 NOTICES BY CONSULTANT TO CITY

All notices required and/or made pursuant to this Agreement to be given by the Consultant to the City shall be in writing and shall be given by the United States Postal Service Department first class mail service postage prepaid, addressed to the following City address of record and sent to the attention of the City's Project Manager if waived by City:

Elly Soto McKuen, Public Works
City of Bonita Springs
9101 Bonita Beach Road
Bonita Springs, FL 34135

Copy: City Attorney
City of Bonita Springs
9101 Bonita Beach Road
Bonita Springs, FL 34135

14.02 NOTICES BY CITY TO CONSULTANT

All notices required and/or made pursuant to this Agreement to be given by the City to the Consultant shall be made in writing and shall be given by the United States Postal Service Department first class mail service, postage prepaid, addressed to the following Consultant's address of record if waived by Consultant:

ADEAS-Q, LLC
201 E. Kennedy Boulevard, Suite 950
Tampa, FL 33602
Telephone Number: 813-495-7382
Fax Number: N/A
ATTENTION: Dr. Jason Collins

14.03 CHANGE OF ADDRESS OF RECORD

Either party may change its address of record by written notice to the other party per above contacts.

ARTICLE 15.00-TERM

It is anticipated that a contract will be awarded for an agreed upon term of time (5 years) to complete the project and to begin upon approval and execution by the City with the opportunity to extend the contract for additional time (2-1 year extensions) as may be deemed necessary and when in the best interest of the City. The decision to extend the Contract shall be at the discretion of the City.

ARTICLE 16.00-TERMINATION

This Agreement may be terminated by the City at its convenience, or due to the fault of the Consultant, by the City giving thirty (30) calendar days written notice to the Consultant.

16.01 TERMINATION FOR CAUSE AND/OR CONVENIENCE

The City, by written notice to the Consultant, may terminate this Agreement with or without cause, in whole or in part, when the City determines in its sole discretion that it is in the City's best interest to do so. In the event of termination, the Consultant will not incur any new obligations for the terminated portion of the Agreement after the Consultant has received notification of termination.

If the Agreement is terminated before performance is completed, the Consultant shall be paid only for that work satisfactorily performed for which costs can be substantiated. Such payment, however, may not exceed an amount that is the same percentage of the Agreement price as the amount of work satisfactorily completed is a percentage of the total work called for by this Agreement. All work in progress shall become the property of the City and shall be turned over promptly by the Consultant.

ARTICLE 17.00-MODIFICATIONS

Modifications to covenants, terms and provisions of this Agreement shall only be valid when issued in writing as a properly executed change order(s) or supplemental task authorization(s). In the event of any conflicts between the requirements, provisions, and/or terms of this Agreement and any written change order(s), and/or supplemental task authorizations, the latest executed change order(s), and/or supplemental task authorization(s) shall take precedence.

ARTICLE 18.00-ACCEPTANCE

Acceptance of this Agreement shall be indicated by the signature of the duly authorized representative of the hereinabove named parties in the space provided hereinafter and being attested and witnessed as indicated.

ARTICLE 19.00-CONTRACT PROVISIONS

All contracts shall contain the following provisions as applicable.

19.01 EQUAL EMPLOYMENT OPPORTUNITY:

During the performance of this Contract, the Consultant agrees as follows:

(1) The Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity or national origin. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the

provisions of this nondiscrimination clause.

(2) The Consultant will, in all solicitations or advertisements for employees placed by or on behalf of the Consultant, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity or national origin.

(3) The Consultant will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the Consultant's legal duty to furnish information.

(4) The Consultant will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the Consultant's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The Consultant will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The Consultant will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(7) In the event of the Consultant's non-compliance with the nondiscrimination clauses of this Contract or with any of such rules, regulations, or orders, this Contract may be canceled, terminated or suspended, in whole or in part, and the Consultant may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed an remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of labor or as otherwise provided by law.

(8) The Consultant will include the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 4, 1965, so that such provisions will be binding upon each subconsultant or vendor. The Consultant will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the Consultant becomes involved in, or is threatened with, litigation with a subconsultant or vendor as a result of such direction, the Consultant my request the United States to enter into such litigation to protect the interests of the United States.

19.02 CONTRACT WORK HOURS & SAFETY STANDARDS (40 U.S.C. 3701-3708):

Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 C.F.R. Part 5). Under 40 U.S.C. 3702 of the Act, each Contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week.

The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that not laborer or mechanic must be required to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous. These requirements do not apply to the purchases of

supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

19.03 CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT:
Consultant agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387) and will report violations to FEMA and the Regional Office of the Environmental Protection Agency (EPA).

19.04 ENERGY POLICY AND CONSERVATION ACT:
Consultant must follow any mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201).

19.05 SUSPENSION AND DEBARMENT:
This Contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the Consultant is required to verify that none of the Consultant, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

The Consultant must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction into which it enters.

This certification is a material representation of fact relied upon by City of Bonita Springs. If it is later determined that the Consultant did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the City of Bonita Springs, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.

The Consultant agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

19.06 BYRD ANTI-LOBBYING AMENDMENT:
Consultants who apply or bid for an award of $100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay and person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with nonfederal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

19.07 MAINTENANCE OF RECORDS/ACCESS TO RECORDS
Consultant will keep and maintain adequate records and supporting documentation applicable to all of the services, work, information, expense, costs, invoices and materials provided and performed pursuant to the requirements of this agreement. Said records and documentation will be retained by the Consultant for a minimum of five (5) years from the date of termination of this agreement, or for such period is required by law.

Consultant shall provide, when requested, access by the City, the U.S. Department of Housing and Urban Development, the Comptroller General of the United States, the Chief Financial Officer of the State of Florida, the Auditor General of the State of Florida, the Florida Office of Program Policy Analysis and Government Accountability, or any of their duly authorized representatives to any

books, documents, papers, and records of the Consultant which are directly pertinent to this contract for the purpose of making audit, examination, excerpts, and transcriptions.

Consultant agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

Consultant agrees to provide the City Manager or his/her authorized representatives' access to construction or other work sites pertaining to the work being completed under the contract.

Consultant shall retain all records associated with this solicitation and any agreements that are created in response to the solicitation for a period of no less than five (5) years after final payments and all other pending matters are closed.

The City and its authorized agents shall, with reasonable prior notice, have the right to audit, inspect and copy all such records and documentation as often as the City deems necessary during the period of this agreement, and during the period as set forth in the paragraphs above; provided, however, such activities shall be conducted only during normal business hours of the Consultant and at the expense of the City.

19.08 RECOVERED MATERIALS:

Consultant must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. [78 FR 78608, De. 26, 2013, as amended at 79 FR 75855, De. 19, 2014].

19.09 REMEDIES:

In the event the Consultant fails to satisfactorily perform or has failed to adhere to the terms and conditions under this Agreement, the City may, upon fifteen (15) calendar days, exercise any one of more of the following remedies, either concurrently or consecutively:

- Withhold or suspend payment of all or any part of a request for payment.
- Require that the Consultant refund to the City any monies used for ineligible purposes under the laws, rules and regulations governing the use of these funds.
- Requesting additional information from the Consultant to determine the reasons for or the extent of non-compliance or lack of performance;
- Issuing a written warning to advise that more serious measures may be taken if the situation is not corrected;
- Advising the Consultant to suspend, discontinue or refrain from incurring costs for any activities in question; or
- Requiring the Consultant to reimburse the City for the amount for reasonable costs incurred for any items determined to be ineligible.

19.10 HUD REIMBURSEMENT

Work completed under this Agreement may be reimbursed by HUD. The Vendor agrees to abide by and comply with all Federal terms, conditions, provisions, certifications, affidavits, or otherwise as applicable and stated within this solicitation package. Vendors are required to comply in accordance with Federal Grant Requirements, 2 CFR part 200, terms, conditions, and specifications.

19.11 Federal Funding

When property or services are procured using funds derived from a Federal grant or Agreement whether direct to the City or "pass-through" from another entity, the City is required to and will follow the Federal procurement standards in the "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards", 2 C.F.R. Part 200, Sections 200.318 through 200.327

Consultant, further referred to as Consultant within this section, shall work with the City under this Agreement to assure that it will comply with the following statutes and regulations to the extent applicable:
(1) 2 CFR, Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Appendix II.
(2) 24 CFR Part 570 – Community Development Block Grants as amended by the CDBG-DR Consolidated Waivers and applicable Alternative Requirements Notices.
(3) The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5121 et seq., and Related Authorities.

Contract Cost and Price: The City shall perform a cost or price analysis in connection with every procurement subject to Federal procurement guidelines, which shall include an independent estimate of cost prior to issuing bids or proposals. For proposals where price is not considered in the award, profit shall be negotiated as a separate element of the price. In determining whether profit is fair and reasonable, the City shall consider the complexity of work, the risk to be borne by the contractor, the contractor's investment, the amount of subcontracting necessary, the quality of the contractor's record and past performance, and industry profit rates for the surrounding geographical area. "Cost Plus Percentage" methods for determining profit may not be used.

19.12 DOMESTIC PREFERENCE FOR PROCUREMENT (2 CFR §200.322)

As appropriate and to the greatest extent consistent with law, state and non-state entities should, to the greatest extent practicable under its GRANT AGENCY award, provide a preference for the purchase of goods, products or materials produced in the United States (including but not limited to iron, aluminum, steel, cement and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award. 2 CFR §200.322 also provides specific definitions for "Produced in the United States" and "manufactured products" that states should review.

Pursuing any of the above remedies will not keep the City from pursuing any other rights or remedies that may be otherwise available under law or inequity. If the City waives any right or remedy in this Agreement or fails to insist on strict performance by the Consultant, it will not affect, extend or waive any other right or remedy of the City, or affect the later exercise of the same right or remedy by the City for any other default by the Consultant.

19.13 BUSINESS RELATIONSHIP DISCLOSURE REQUIREMENT (If applicable)

Florida Statutes 112.313(2) and 112.313(7) prohibit certain business relationships on the part of public officers and employees, their spouses, and their children. It is the responsibility of the Consultant to disclose this relationship and failure to do so may result in being declared non-responsive.

Under the provisions of Florida Statutes 112.317, a failure to make any required disclosures constitutes grounds for, and may be punished by, one or more of the following: impeachment, removal or suspension form office or employment, demotion, reduction in salary, reprimand, or a civil penalty not to exceed $10,000.00.

19.14 BACKGROUND SCREENING COMPLIANCE

As applicable, the Consultant is responsible for ensuring that any required background screening is conducted in accordance with Florida Statutes 435. Florida Statutes 435 governs required background screenings for any employees, contractors, subcontractors, or agents of the Consultant who will have contact with any vulnerable person, as defined in the statute, or who

otherwise are required to undergo a Level 1 or Level 2 background screening in accordance with Florida Law. Such requirements shall flow down to sub-contractors of the prime Consultant and Consultant shall ensure compliance with Chapter 435 of such parties.

19.15 MONITORING AND REPORTING PROGRAM PERFORMANCE

The City is responsible for the oversight of the federal funding ensuring compliance with all requirements and meeting performance expectations. The City may request information from the Consultant to provide quarterly reports to Lee County as the funder. The City reserves the right to request the Consultant disclose and certify and requested activities in accordance with reporting requirements noted within the Agreement Any reporting obligations or requirements shall comply with 2 CFR 200.329 (Notice of the awarding agency requirements and regulation pertaining to reporting).

(This section intentionally left blank)

This Contract may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same Agreement, and, in making proof of this Contract, it shall not be necessary to produce or account for more than one such counterpart.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have executed this Agreement effective the day and year first written above.

ATTEST:

CITY CLERK

DATE

CITY OF BONITA SPRINGS:

AUTHORIZED SIGNATURE

DATE

APPROVED AS TO FORM:

CITY ATTORNEY

DATE

ATTEST:

Witness Zapporah McKelvin

Witness Ricardo Pasiano

CONSULTANT:

AUTHORIZED SIGNATURE

President

TITLE

8/22/25

DATE

CORPORATE SEAL

EXHIBIT A

Scope of Professional Services
City of Bonita Springs Community-Wide Mobility Study

Date: August 19, 2025

Basic Services

Section 1 General Scope Statement

The Consultant shall provide and perform the following professional services, which shall constitute the general scope of the basic services under the covenants, terms, and provisions of this Professional Services Agreement.

Section 2 Tasks

Pursuant to the general scope of the basic services stated herein above, the Consultant shall perform all services and/or work necessary to complete the following task(s) and/or provide the following item(s) which are enumerated to correspond to the task(s) and/or items set forth in Compensation and Method of Payment.

Subtasks:

1. Scenario Development

At the beginning of the project the Consultant will work with City staff and multiple stakeholders to prepare initial scenario development. This task is to summarize the current status of transportation and travel habits within the City. The workshop concepts will be developed and refined in this task toward meeting the goals of the finished product.

a. *Capturing Emerging Trends and Scenario Development*

The Consultant, in consultation with City staff, will develop alternative scenarios around new mobility, economic development, and land use. Emerging mobility trends will be reviewed toward their impact on Bonita Springs. Defining the scale of new mobility trends and the preferred visions/goals of the City will be considered in the planning process and serve as the foundation of the first workshop. Then a vision of the scenario planning products as it relates to plan development and critical stakeholders will be created for the first workshop content. This vision may include scenarios around modes (transit, ped/bike, and motor vehicles), implementation, and non-mobility variables (parking, form-based code, jobs, etc.).

Presentations and materials required to conduct audience engagement for the first workshop will be created under this task. The City is anticipated to identify and invite these initial stakeholders, and to coordinate the logistics for meeting events during the project.

Key variables that influence implementation will be identified. Three scenario time horizons are assumed (near, medium, and long-term). The level of risk, opportunity, and influencing factors to test ideas will be covered under this task. Examples for informational presentations, group discussions, and scenario concepts for policy will be explored. This step will develop the foundation for this plan so that it does not quickly become obsolete and allows the city to harness the benefits of new mobility in the near term while limiting the risks of future technologies.

Priority Criteria - In coordination with public/stakeholder feedback, the Consultant will work with City staff to develop prioritization criterion and a scoring matrix to rank projects. Criterion may include safety, network connectivity, adequacy of existing infrastructure, public input, and proximity to destinations. The weighted scoring criteria will be used to rank projects for programming and implementation.

2. Existing Conditions Assessment

The existing conditions assessment will review transportation planning documents and conduct a citywide network traffic study.

a. Review Current and Previous Planning Documents

One objective of this Transportation Mobility Plan is to create a centralized planning document and process that is built upon referencing existing resources. Therefore, the Consultant shall become familiar and Review Current & Previous Transportation Planning Documents which will include:

- 2008 Transportation Master Plan
- 2017 Bicycle-Pedestrian Master Plan
- 2017 Old 41 Redevelopment Plan
- US 41 & Bonita Beach Road PD&E Study
- City Parks Master Plan (coordination of current plan)
- "Bypass 41" Study
- Old 41 & Bonita Beach Road project

Other Regional Plans from the County, Lee Tran, the Lee County Metropolitan Planning Organization and the Florida Department of Transportation that impact the City may also be considered. A summary of these planning documents will be prepared by City staff. The Consultant will review the summary to provide input, if requested. The Consultant will meet with City staff to discuss the results of this summary for inclusion into the Mobility Study.

b. Community Profile

Analyze existing demographic and population trends. trending information related to work/jobs from around the region and state will be collected. Demographic, commute, and employment information for the City to establish a baseline for comparison to other peer cities similar in size, population, and development patterns will be evaluated. This information will be used to describe how and where people live, travel, and work by both regions and seasons.

c. GIS Evaluation

The Consultant will review available data from the City's GIS department. Coordination with City staff is anticipated to determine which available data sets/maps from the City can be applied into the Mobility Study, such as crash data, transit routes/amenities, sidewalk coverage, bicycle routes/facilities, etc. Additional development of data sets/maps is not assumed. The Consultant will use the appropriate information to determine how it may be applied into the priority criteria.

d. Citywide Network Traffic Study

A major component of the Transportation Mobility Plan will be collaboration between Planning and Public Works to complete a City-Wide Traffic Network Study. Therefore, the following activities are assumed:

- Gathering existing traffic data – This will include gathering traffic data available from FDOT, the County, previous City traffic impact studies, and other potential sources. The study will reference existing traffic data provided by City. The City is assumed to access necessary traffic data counts to the Consultant via a StreetLightData subscription. If more data is required to be collected by the Consultant, this can be performed as additional services.

- Review of travel-demand projections – The Consultant will review the approved District One Regional Planning Model (D1RPM) for this task. The purpose of these projections is to provide an estimate of future traffic projections. Refinement to the network, z-data projections, or centroids is not anticipated.

  Using the existing/adopted build out years for the Existing plus Committed (E+C), Cost Feasible, and Needs Plan are anticipated from the MPO. The Consultant will review these D1RPM volume projections provided by the City. The Consultant will interpret the volume projections and coordinate with City staff as a reference to review roadway needs and corrective measures.

- The Consultant will review the traffic projections for the horizon year for both the Cost Feasible and Needs networks and evaluate the level of congestion for each. This will be done by measuring the volume/capacity ratio for each road to identify the most highly traveled and congested roadways.

- Review of existing roadway needs – The Consultant will work with City staff to review existing roadway needs. The identification of these needs will be a result of public feedback/engagement. Existing needs will be evaluated in detail using *Synchro* transportation capacity analysis software throughout several different corridors within the City and with a total of five (5) intersections. Microsimulation is not assumed for public meetings, nor is responding to outside agency review comments. This baseline condition will be what the corrective measures are for comparison.

- The Consultant will review and evaluate possible expansion of roadway grid network within the City as well as the proposed projects from the cost feasible and needs networks.

- Evaluate for bike, pedestrian, and/or vehicular mobility improvements to provide interconnectors throughout the City. The feasibility, benefit, and phasing of improvements should be considered.

- Identification of corrective measures to address network deficits – This will be the basis to compare alternatives from the existing roadway needs. Corrective measures may include capacity improvement (additional lane miles), roadway extensions and connections, or changes in facility types. Traffic volumes from the travel demand projections will be used for this alternatives analysis for future year scenarios. Two different alternatives, which include the future no-build alternative, are assumed for each study location. In total, three travel demand model runs are assumed. A technical memorandum with supporting graphics/charts is to be prepared summarizing the evaluation process and results.

The Consultant will coordinate with City staff to identify which alternatives should be considered for short, medium, and long-range considerations. The Citywide Network Traffic Study is anticipated to be evaluated in collaboration with Task 3 – Needs Analysis & Opportunities.

3. <u>Needs Analysis & Opportunities</u>

This task will be the basis to identify best practices as they relate to the City of Bonita Springs, and to use the information from previous tasks toward developing an implementation plan.

a. Best practices – The Consultant shall review the best practices identified by City staff and identify additional best practices for multimodal transportation options. This research will be coordinated with the Scenario Development task. The effort shall familiarize realistic case studies with consideration to the City, that may include the following items:
   - Mass transit for cities of comparable sizes
   - Bicycle networks
   - Shuttle and trolley systems
   - Rideshare and private “micro transit” operations (Uber, Lyft, iRide, etc.)

- Resiliency and sustainability
- Complete streets (review existing City policy)

b. Policy direction – In addition to infrastructure opportunities, the Consultant shall work with City staff to review and identify general policy opportunities regarding transportation. The intent is to document current City policy limitations and provide direction that may facilitate implementation of the Plan's objectives. This direction may be related to level-of-service standards, development impact mitigation, design standards, performance measurement, monitoring, etc.

c. Pilot project demonstration - For new mobility options, pilot projects have become a more formal and critical aspect of transportation planning. To assist from demonstration projects stalling in the initial phases due to being perceived as an iterative project, a free project rather than an investment, or because they are not planned beyond the first phase, this task will formalize a process for permission to implement new mobility options.

   One example scenario of this task may be (but not limited to) providing guidance on writing effective permits regarding technology, so that technology companies should not launch products used in the public right-of-way without necessary approvals. The consultant will work with the Planning team to develop one different potential scenario for review and evaluation with City staff.

d. Develop project alternatives that identify:
   - Priority, cost, and funding sources for short-term projects ("shovel ready")
   - Priority, cost, and funding sources for medium-term projects
   - Priority, cost, and funding sources for long-term projects

   Project List - A prioritized project list will be developed for the Plan. The project list will include, but is not limited to, information about project description, unique project ID, funding source, and timing for implementation.

   Project Sheets - The Consultant will develop detailed project sheets for up to ten (10) selected infrastructure projects, which will be selected by City staff. These project sheets can address key intersections/corridors identified during the planning process. Project sheets will describe key characteristics of each project, such as:

   - Street or intersection name
   - Plan view concept drawing or photo simulation
   - Logical termini and geographic location
   - Planning level cost estimate
   - Proposed facility type(s)
   - Key safety issues
   - Jurisdictional responsibility
   - Required actions

   Required drawings needing to show different projects are anticipated to be general concept drawings, and long range estimating tools are the anticipated reference material when developing the cost for alternative projects. Other types of policy recommendations/strategies can also be assumed within the project alternatives.

e. Financing – The needs analysis and opportunities shall include a transportation financing review within the City of Bonita Springs. The purpose of this task is to compare the total cost estimate from the implementation plan with the projected revenues.

The ability for the City to become more self-sufficient with transportation revenues will be considered. New revenue opportunities will be explored. Suggestions to potentially modify transportation revenues within the City that help support the implementation plan will then be identified and coordinated with City staff.

To help facilitate project schedule and effort, City staff is anticipated to provide background materials within this task related to the City of Bonita Springs. Considerations regarding existing conditions, and previous initiatives evaluated within the City, shall be provided and summarized to the Consultant. The Consultant shall review these background materials with City staff and coordinate with them toward developing potential alternatives.

4. <u>Community Engagement</u>

The community engagement component of the study aims to foster inclusive participation and ensure the voices of residents, businesses, and other stakeholders are heard. Through accessible outreach efforts, transparent communication, and interactive forums, the study will gather valuable insights on mobility challenges, identify community priorities, and develop informed solutions that enhance transportation accessibility, safety, and efficiency for all. By creating meaningful opportunities for dialogue, this initiative will build trust, promote collaboration, and empower the community to shape the future of mobility in the City of Bonita Springs.

To optimize resources and ensure cost-efficiency, the community engagement component will be a collaborative effort between the Consultant team and City staff. The Consultant team will lead engagement initiatives by:

- Designing and preparing meeting materials, including presentations, display boards, handouts, and interactive tools, to facilitate meaningful participation;
- Providing professional facilitators to guide discussions, engage directly with attendees, and foster an inclusive environment;
- Offering subject matter expertise to explain technical aspects of the study, address community concerns, and respond to public questions with clarity; and
- Gathering, synthesizing, and reporting community input to inform project recommendations and implementation strategies, ensuring that decisions reflect community priorities.

City staff will support the outreach process by handling logistical coordination, securing meeting venues, and issuing public notices to maximize awareness and participation.

a. Community Engagement Plan

The Consultant will develop a Community Engagement Plan (CEP) to guide and coordinate all outreach and engagement activities throughout the duration of the study.

The CEP will outline a multi-pronged approach that integrates in-person and digital engagement. The engagement opportunities will be designed to “meet people where they are,” providing flexible options for participation to accommodate diverse schedules, levels of access, and preferences.

Key elements of the CEP will include:

- A clear outline of engagement objectives and desired outcomes

- Identification of target audiences, including year-round residents, seasonal residents, business operators, institutional representatives, neighborhood associations, transportation partners, and other key community stakeholders
- A schedule of engagement activities aligned with major study milestones
- Methods and tools for engaging the public, such as online surveys, interactive maps, pop-up outreach, roundtable discussions, and open houses
- Strategies to reach underrepresented and hard-to-reach populations, including residents with limited English proficiency and individuals with limited mobility or digital access
- A process for collecting, documenting, and synthesizing public input, questions, and feedback received through various channels
- A plan for communicating how public input informed study recommendations

The Consultant will submit the CEP to the City for review and approval and may be updated as the study progresses to reflect emerging needs, new stakeholders, and refined engagement strategies.

Deliverable:
Community Engagement Plan

b. Public Meetings

The purpose of public meetings is to foster open, two-way communication with community members through accessible and interactive forums. These events will be designed to present project information, gather public input on existing conditions, and collaboratively explore potential mobility solutions.

The Consultant will support the City in planning and executing up to three (3) single-day workshop as open house-style public meetings. Each event is expected to involve participation by the public at-large and will be strategically timed to correspond with study milestones. Anticipated public meetings and the purpose served are:

Public Meeting	Primary Purpose
Public Workshop #1: Study Kickoff, Scenarios Development and Priority Setting	Introduce study and present emerging mobility scenarios/challenges developed under Task 1. Identify community priorities.
Public Workshop #2: Alternatives Evaluation	Evaluate and gather input on draft conceptual alternatives
Community Open House (#3): Draft Recommendations	Present preliminary recommendations for public review and feedback

The Consultant will comprehensively document each public meeting to support transparent feedback loops with the community and for the project record including outcomes, including public input, questions, and key discussion themes. The public meeting results will inform the refinement of mobility scenarios, development and evaluation of alternatives, and formulation of study recommendations.

Deliverables:
- Public meetings (up to 3)
- Related materials (agenda, presentation, handouts, visual aids, tools)
- Related maps, renderings, and infographics to support comprehension of technical content
- Workshop summary documenting attendance, presentation topics, and input

c. Digital Outreach and Engagement

The Consultant will support the City in deploying a comprehensive suite of digital engagement tools to effectively inform, involve, and gather feedback from a diverse range of community stakeholders, including individuals who may be unable to attend in-person meetings. These digital initiatives will complement traditional outreach efforts, fostering ongoing participation while driving awareness and attendance at public meetings.

The Consultant will assist the City in implementing a suite of digital tools to inform, engage, and collect feedback from a cross-section of community interests and perspectives, including people who may be unable to attend in-person meetings. Digital engagement will be used to drive participation at public meetings.

The Consultant will be responsible for developing content for digital engagement tools employed. For any digital tools procured by the Consultant, coding and programming source files shall become the property of the City. City staff will be responsible for promotion through its existing communications channels and partner networks to maximize community information and participation.

Study Webpage

To centralize study communications and enhance digital outreach, the Consultant will assist the City in deploying an online platform dedicated to the study. The website will serve as the primary hub for study updates, community engagement opportunities, and access to study materials. Depending on the City's preferred approach, the following scenarios outline potential website development and management options:

The Consultant will develop all study-related content, including study updates, engagement opportunities, and supporting materials, while the City takes responsibility for hosting and maintaining the webpage within its existing infrastructure. The Consultant will:

- Supply professionally developed content aligned with study goals.
- Deliver digital assets (graphics, text, downloadable materials) for easy integration.
- Advise on layout and user experience enhancements. City staff will manage webpage updates, public inquiries, and overall website maintenance.

Online Community Survey

To ensure broad and inclusive community participation, the Consultant will design and administer an online survey to gather input on travel behaviors, mobility needs, preferences, and priorities. The survey will be available in English and Spanish, ensuring accessibility for a diverse demographic, including seasonal residents. Findings from the survey will directly inform the community’s mobility vision, goals, and the development of mobility alternatives.

To optimize resources and leverage existing digital infrastructure, the Consultant will explore utilizing ArcGIS Survey123, which the City may already subscribe to. This platform allows for seamless integration with the City's existing GIS framework, enhancing data visualization and spatial analysis to provide geographically relevant insights. If ArcGIS Survey123 is unavailable or unsuitable, the Consultant will propose alternative survey platforms, such as SurveyMonkey or other web-based tools, to effectively facilitate engagement and capture community input.

Social Media Campaign

To amplify community engagement and ensure broad outreach, the Consultant will develop compelling social media content and assets tailored to the City’s platforms. Content will be crafted to align with study milestones, incorporating visually engaging graphics, concise messaging, and interactive elements to encourage public participation. The Consultant will advise the City on targeted strategies such as boosted posts and geofencing to reach specific audiences, ensuring effective dissemination of key updates and engagement opportunities. The Consultant will provide recommendations on content frequency and campaign themes to maintain sustained interest and active dialogue throughout the study process.

Digital Newsletters

To keep residents, businesses, and stakeholders informed, the Consultant will curate engaging content for the City's quarterly e-newsletters. These updates will feature project information, upcoming community engagement opportunities, and direct links to surveys or input tools. The Consultant will work collaboratively with the City to align newsletter messaging with broader outreach efforts, optimizing distribution through project subscriber lists and municipal communication channels.

Deliverables:

- Dedicated project website content
- Digital media content (website, social media, newsletter, mapping tool)
- Multilingual survey questionnaire and response analysis report
- Analytics summary reports

d. Public Input Collection and Documentation

The Consultant will be responsible for managing the collection and analysis of public comments to ensure that community feedback informs the study analyses and recommendations. Key consultant responsibilities include input collection, data organization, response management, and documentation and reporting.

- City Council
  Assistance with preparation and attending regular updates/reports to City Commission (maximum of 4).

- Coordination Meetings
  Monthly project coordination meetings with City staff. This will be completed between a mixture of meetings at the City (12) and calls/conferences via telephone.

- Miscellaneous Meetings
  Miscellaneous meetings intended for individuals or small groups (maximum of 3).

5. Write Plan

The culmination of this project will be documented in a written plan. This plan is intended to summarize the project objectives, activities, findings, and recommendations into an easy-to-read document complete with supporting graphics. This Consultant will work with City staff on the development of logo/branding options at the beginning of the project.

The plan is intended to be written into four (4) separate sections. The following process is assumed toward writing the plan:

a. Work with City staff to draft plan that summarizes the following:
   - Scenario Development and Priorities
   - Existing Conditions and Network Traffic Study
   - Needs Analysis and Opportunities
   - Implementation Plan
b. Work with City staff to receive and address comments. The comments for each section shall be provided to the Consultant in a document/message that represents all draft review comments. One round of comments is assumed.
c. Work with City staff to finalize Transportation Mobility Study and present to the City Council for adoption. Additional modifications requested to each section after the final submittal of the plan can be provided as additional services or is assumed to be completed within one of the additional contract terms identified below.

Consultant's Duties and Responsibilities

Consultant will provide the following deliverables:

a. Existing conditions and citywide network traffic study report

b. Monthly progress/update reports
c. Public outreach and community engagement reports
d. Preliminary recommendations for improved accessibility and mobility
e. Draft Transportation Mobility Plan
f. Final Transportation Mobility Plan

EXHIBIT B

Compensation and Method of Payment
City of Bonita Springs Community-Wide Mobility Study

Date: August 19, 2025

Section 1 Basic Services/Task(s)

The City shall compensate the Consultant for providing and performing the task(s) set forth and enumerated in the Scope of Professional Services, as follows:
NOTE: A lump sum (LS) or not-to-exceed (NTE) amount of compensation to be paid the Consultant should be established and set forth below for each task or sub-task described and authorized in the Scope of Professional Services. Tasks to be paid on a work-in-progress payment basis should be identified (WIPP).

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (WIPP)
1	Scenario Development	$ 25,645	LS	
2	Existing Conditions Assessment	$ 181,145	LS	
3	Needs Analysis and Opportunities	$ 81,215	LS	
4	Community Engagement	$ 136,351	LS	
5	Write Plan	$ 75,442	LS	
Total		**$ 499,798**	**LS**	

Compensation and Method of Payment – Page 2
City of Bonita Springs Community-Wide Mobility Study
Consultant's Personnel Hourly Rate Schedule*

Date: August 19, 2025

Should it be mutually agreed to base compensation for additional services on an hourly rate charge basis for each involved professional and technical employee's wage rate classification, the applicable hourly rates to be charged are as set forth and contained below.
CONSULTANT OR SUB-CONSULTANT NAME: N/A
(A separate page should be included for each sub-consultant.)

(1) Project Position or Classification (Function to be Performed)	(2) Current Direct** Payroll Average Hourly Rate	(3) Hourly Rate To Be Charged
N/A	N/A	$ 0.00
		$ 0.00
		$ 0.00
		$ 0.00
		$ 0.00
		$ 0.00
		$ 0.00
		$ 0.00
		$ 0.00
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		$ 0.00
		$ 0.00
		$ 0.00
		$ 0.00
		$ 0.00
		$ 0.00
		$ 0.00

*NOTE: A separate personnel hourly rate schedule should also be attached for each sub-consultant listed in Consultant's Associated Sub-Consultant(s) and Subcontractor(s).
**NOTE: Direct Payroll Hourly Rate means the actual gross hourly wage paid.

EXHIBIT C

Time and Schedule of Performance
City of Bonita Springs Community-Wide Mobility Study

Date: August 19, 2025

This Exhibit establishes times of completion for the various phases and tasks required to provide and perform the services and work set forth in the Scope of Professional Services. The Times and Schedule of Performance set forth hereinafter is established pursuant to Time and Schedule of Performance.

Note: Some phases may overlap, and specific dates will depend on notice to proceed, dates of engagement events and/or council meetings, timeliness of approval of documents from the City, and other unforeseen circumstances.

Task Number	Task Title	Number of Calendar Days For Completion of Each Phase and/or Task	Cumulative Number of Calendar Days for Completion From Date of Notice to Proceed
1	Scenario Development	Month 1 and 2	
2	Existing Conditions Assessment	Months 1-11	
3	Needs Analysis and Opportunities	Months 4-12	
4	Community Engagement	Months 2-16	
5	Write Plan	Months 2-18	
	Total Project Completion		**547 days**

EXHIBIT D

Consultant's Associated Sub-Consultant(s) and Subcontractor(s)
City of Bonita Springs Community-Wide Mobility Study

Date: August 19, 2025

Consultant has identified the following sub-consultant(s) and/or subcontractor(s) which may be engaged to assist the Consultant in providing and performing services and work on this project:

(If none, enter the word "none" in the space below.)

Service and/or Work to be Provided or Performed	Name and Address of Individual or Firm	Sub-Consultant Services are Exempted from Prime Consultant's Insurance Coverage (Yes or No)
Travel Demand Modeling	Benesch, Inc. 1000 N. Ashley Drive, Suite 400 Tampa, FL 33602	Yes
Data Collection and Surveys	National Data Services 7520 NW 5th Street, Suite 206 Plantation, FL 33317	Yes
Public Involvement and Education	Vrana Consulting, Inc. 260 Tucker Street Safety Harbor, FL 34695	Yes

EXHIBIT E

Project Guidelines and Criteria
City of Bonita Springs Community-Wide Mobility Study

Date: August 19, 2025

The City has established the following guidelines, criteria, goals, objectives, constraints, schedule, budget and/or requirements which shall serve as a guide to the Consultant in performing the professional services and work to be provided pursuant to this Agreement:

(If none, enter the word "none" in the space below)

Item No. 1
None

EXHIBIT F

Truth in Negotiation Certificate
City of Bonita Springs Community-Wide Mobility Study

Date: August 19, 2025

This Certificate is executed and given by the undersigned as a condition precedent to entering into a Professional Services Agreement with the City Council of the City of Bonita Springs for the project known as the City of Bonita Springs Community-Wide Mobility Study.

Before me, the undersigned authority personally appeared, who having personal knowledge as to the facts and statements contained herein after being duly sworn, deposes and states under oath that:

1. This Certificate shall be attached to and constitute an integral part of the above said Professional Services Agreement as provided in Truth-In-Negotiations Certificate.

2. The undersigned hereby certifies that the wage rates and other factual unit costs supporting the compensation on which this Professional Services Agreement is established are accurate, complete, and current on the date set forth here-in-above.

3. The truth of statements made herein may be relied upon by the City and the undersigned is fully advised of the legal effect and obligations imposed upon them by the execution of this instrument under oath.

Executed on behalf of the Party to the Professional Services Agreement referred to as the Consultant, doing business as:

Company Name: ADEAS-Q

By: [signature]

Title: President

STATE OF FLORIDA
COUNTY OF Hillsborough

The foregoing instrument was signed and acknowledged before me this 22nd day of August, 2025, by Jason Collins, who is personally known to me, or has produced _____ as identification and who did (did not) take an oath.

Notary Public Seal

[signature]
Signature of Notary Public

Amira Sirag
Printed Name of Notary Public

NOTARY PUBLIC
AMIRA SIRAG
Notary Public, State of Florida
Commission# HH 459709
My comm. expires Oct. 30, 2027

EXHIBIT G

Insurance and Bonding Requirements

All policies shall be Best's Rated "A-" or better or subject to approval

Insurance / Bond Type	**Required Limits**
☒ Worker's Compensation	Statutory Limits of Florida Statutes, Chapter 440 and all Federal Government Statutory Limits and Requirements. ☒ **The policy shall be endorsed to provide a waiver of subrogation in favor of the City.** NOTE: Any "non-construction industry" company employing more than 3 employees (not including a sole proprietor owner) must have workers' compensation coverage. ALL "construction industry" (as defined by FL Rule # 69L-6.021) companies with ANY employees must have coverage or if no statutory employees, then up to three officers or a sole proprietor MUST have a current exemption certificate from the Division of Workers' Compensation on file.
☒ Employer's Liability	**$**1,000,000 single limit per occurrence (Workers' Compensation Part B)
☒ Commercial General Liability (Occurrence Form) patterned after the current ISO form	Bodily Injury and Property Damage ☒ **$**1,000,000 per occurrence, **$**1,000,000 aggregate (Per Project) for Bodily Injury Liability and Property Damage Liability. This shall include Premises and Operations; Independent Contractors; Products and Completed Operations and Contractual Liability.
☒ Indemnification	To the fullest extent permitted by Florida law, the Contractor/Vendor/ Consultant shall be liable and agrees to be liable for and shall indemnify and hold harmless the City of Bonita Springs, its officers and employees from any and all third party liabilities, damages, losses and costs, to person or property arising out of or caused by any negligent or willful act, omission, error or default by the Contractor/Vendor/Consultant, its subcontractors, materialmen, or agents of any tier or their employees arising out of this agreement or its performance. This indemnification obligation shall not be construed to negate, abridge or reduce any other rights or remedies which otherwise may be available to an indemnified party or person described in this paragraph. This section does not pertain to any incident arising from the negligence or willful misconduct of the City of Bonita Springs. If there is a claim of, or liability for, a joint negligent act, error, or omission of the Contractor/Vendor/Consultant and the City of Bonita Springs, the indemnification and hold harmless obligation of this provision shall be apportioned on a comparative fault basis.
☒ Automobile Liability	☒ **$** 1,000,000 Each Occurrence; Bodily Injury & Property Damage Owned/Non-owned/Hired; Automobile Included
☒ Other insurance as noted:	☐ Watercraft **$** Per Occurrence ☐ United States Longshoreman's and Harbor Worker's Act coverage shall be maintained where applicable to the completion of the work. **STATUTORY** ☐ Maritime Coverage (Jones Act) shall be maintained where applicable to the completion of the work.

	$ Per Occurrence ☐ Property Insurance (Or Builder's Risk) **Full insurable value of the scope of the work** ☐ Pollution **$** Per Occurrence ☒ Professional Liability **$ 1,000,000** per claim and in the aggregate ☐ Umbrella Excess **$** Per Occurrence
☐ Railroad Right of Way	☐ Railroad Protective Liability Insurance per occurrence limit of not less than **Two Million Dollars ($2,000,000)** and aggregate limits of **Six Million Dollars ($6,000,000)** to include Seminole Gulf Railway LP and CSX Transportation, Inc. as a named Insured. Seminole Gulf Railway also requires your General Liability policy coverage to be $5,000,000. They require you to include Seminole Gulf Railway LP and CSX Transportation, Inc. as a named Additional Insured for General Liability and the policy must include the endorsement CG 2417, Contractual Liability and must not exclude underground coverage. For additional information on their insurance requirements and other requirements such as payment for and scheduling Railroad Inspector / Flagman, please contact Seminole Gulf Railway LP, 4110 Centerpointe Dr. Suite 207, Ft. Myers FL 33916, Phone # 239-275-6060 and FAX 239-275-0581.
☐ Bid bond	Shall be submitted with proposal response in the form of certified funds, cashiers' check or an irrevocable letter of credit, a cash bond posted with The City Clerk, or proposal bond in a sum equal to 5% of the cost proposal. All checks shall be made payable to the City of Bonita Springs on a bank or trust company located in the State of Florida and insured by the Federal Deposit Insurance Corporation.
☐ Performance and Payment Bonds	If the box is checked for a project less than $200,000, a performance bond will be required. For projects in excess of $200,000, bonds shall be submitted with the executed contract by Proposers receiving award, and written for 100% of the Contract award amount, the cost borne by the Proposer receiving an award. The Performance and Payment Bonds shall be underwritten by a surety authorized to do business in the State of Florida and otherwise acceptable to Owner; provided, however, the surety shall be rated as "A-" or better as to general policy holders rating and Class V or higher rating as to financial size category and the amount required shall not exceed 5% of the reported policy holder's surplus, all as reported in the most current Best Key Rating Guide, published by A.M. Best Company, Inc. of 75 Fulton Street, New York, New York 10038. **Per FS §255.05, the Contractor shall provide a certified copy of the recorded bond to the City.**

☒ Vendor shall ensure that all subcontractors comply with the same insurance requirements that he is required to meet. The same Vendor shall provide City with certificates of insurance meeting the required insurance provisions.

☒ The City of Bonita Springs must be named as "**ADDITIONAL INSURED**, **INCLUDING PRODUCTS AND**

COMPLETED OPERATIONS" on the Insurance Certificate for Commercial General Liability.

☒ The Certificate Holder shall be named as the City of Bonita Springs. The Certificates of Insurance must state the Contract Number, or Project Number, or specific Project description, or must read: "For any and all work performed on behalf of The City of Bonita Springs."

☒ **Thirty (30) Days Cancellation Notice (Except for Non-Payment of Premium which is ten (10) days)** Provided by the Insurance Carrier and/or the Vendor.

Policy shall be endorsed for Thirty (30) Days' Notice of Cancellation by the Insurance Carrier and a copy of the endorsement provided to The City of Bonita Springs.

EXHIBIT H

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion

Vendor Covered Transactions

(1) The prospective vendor certifies, by submission of this Agreement, that neither it nor its principles are presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the vendor is unable to certify the above statement, the prospective vendor shall attach an explanation to this form.

VENDOR:

ADEAS-Q
Company Name

27-3687248
Unique Entity ID # (from SAM.gov)

Signature

8/22/25
Date

Jason Collins
Print Name

201 E. Kennedy Blvd #950
Street Address

Tampa FL 33602
City State Zip Code

For City of Bonita Springs use only

To access the debarment search: https://www.sam.gov/SAM/ > Search Records tab > Enter DUNS number > Click Search

Company: ☐ is debarred ☐ is not debarred

Verified by: _____ Date: _____
Name

EXHIBIT I

Drug-Free Workplace Certification

The undersigned will provide drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensations, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of the prohibition;

2. Establishing a drug-free awareness program to inform employees about:
   a. The dangers of drug abuse in a workplace;
   b. The person's policy of maintaining a drug-free workplace;
   c. Any available drug counseling, rehabilitation, and employee assistance programs; and
   d. The penalties that may be imposed upon employees for drug violation;

3. Making it a requirement that each employee to be engaged in the performance of the agreement be given a copy of the statement required by item 1;

4. Notifying the employee in the statement required by item 1 that, as a condition of employment of this agreement, the employee will:
   a. Abide by the terms of the statement; and
   b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction;

5. Notifying the City within ten days after receiving notice under item 4b from an employee or otherwise receiving actual notice of the conviction;

6. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance, or rehabilitation program by, any employee convicted as required in Section 44-107-50; and

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of items 1,2,3,4,5, and 6.

Vendor Signature	**Date** 8/22/25
Vendor Name Jason Collins	**Company Name** ADEAS-Q

EXHIBIT J

Scrutinized Companies & Foreign Countries of Concern Statement

SWORN STATEMENT UNDER SECTION 287.135(5) and SECTION 287.138(2) (a)-(c), FLORIDA STATUTES: THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted for **RFQ 24-07 City of Bonita Springs Community-Wide Mobility Study**

2. This sworn statement is submitted by ADEAS-Q whose business
[Name of entity submitting sworn statement]

address is 201 E. Kennedy Blvd #950, Tampa, FL 33602 and (if applicable) its Federal Employer Identification Number (FEIN) is 27-3687248 (If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____.

3. My name is Jason Collins and my relationship to the above is
[Please print name of individual signing]
Pres. Dual
_____.

4. I understand that "awarding body" as defined in section 287.135(1) (a), Florida Statutes, means, for purposes of state contracts, an agency or the department, and for purposes of local contracts, the governing body of the local governmental entity.

5. I understand that "Boycott of Israel" as defined in section 287.135(1) (b), Florida Statutes, has the same meaning as defined in s. 215.4725.

6. I understand that "business operations" as defined in section 287.135(1) (c), Florida Statutes, means, for purposes specifically related to Cuba or Syria, engaging in commerce in any form in Cuba or Syria, including, but not limited to, acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, military equipment, or any other apparatus of business or commerce.

7. I understand that "foreign country of concern" as defined in section 287.138(1) (c), Florida Statutes, means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern.

8. I understand that "local governmental entity" as defined in section 287.135(1) (d) and section 287.138(1) (d) means a county, municipality, special district, or other political subdivision of the state.

9. Based on information and belief, the statement, which I have marked below, is true in relation to the entity submitting this sworn statement. **[Please indicate which statements apply].**

☒ **Scrutinized Companies that Boycott Israel List (bid, proposal or contract renewal for any amount)**

[ ] The entity submitting this sworn statement is not on the Scrutinized Companies that Boycott Israel List.

[ ] The entity submitting this sworn statement is on the Scrutinized Companies that Boycott Israel List.

☐ **Scrutinized Companies with Activities in Sudan List (bid, proposal or contract renewal for $1 Million or more)**

[ ] The entity submitting this sworn statement is not on the Scrutinized Companies with Activities in Sudan List.

[ ] The entity submitting this sworn statement is on the Scrutinized Companies with Activities in Sudan List.

☐ **Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List (bid, proposal or contract renewal for $1 Million or more)**

[ ] The entity submitting this sworn statement is not on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.

[ ] The entity submitting this sworn statement is on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.

☐ **Business Operations in Cuba or Syria (bid, proposal or contract renewal for $1 Million or more)**

[ ] The entity submitting this sworn statement does not have business operations in Cuba or Syria.

[ ] The entity submitting this sworn statement does have business operations in Cuba or Syria.

☒ **Foreign Country of Concern (bid, proposal or contract renewal for any amount)**

[✓] The entity submitting this sworn statement does not have a "controlling interest" regarding any of the countries on the Foreign Country of Concern list.

The City will follow Florida Statute §287.135. If the City determines this Vendor has been placed on the Scrutinized Companies that Boycott Israel List or is engaged in a boycott of Israel after the contract is executed, the contract may be terminated by the City by written notification. If the City determines this Vendor is found to have submitted a false certification, placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List or been engaged in business operations with Cuba or Syria, the City shall notify the Vendor of its determination by written notification.

The City will follow Florida Statute §287.138. If the City determines this Vendor has a controlling interest with a "foreign country of concern" as listed herein after the contract is executed, the contract may be terminated by the City by written notification.

By the signature(s) below, I/we, the undersigned, as authorized signatory to commit the firm, certify that the information as provided in this attachment, Scrutinized Companies Statement, is truthful and correct at the time of submission.

(This section intentionally left blank)

Jason Collins

AFFIANT

Typed Name of AFFIANT

President

Title

STATE OF Florida COUNTY OF hillsbrough

The foregoing instrument was executed before me this 22 day of August,

2025,

by Jason Collins as

President of

ADEAS-Q, who personally swore or affirmed that he/she is

authorized to

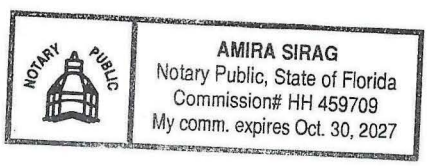
execute this document and thereby bind the Corporation, and who is personally known to me OR

has produced FLDL as identification.

Amira Sirag

NOTARY PUBLIC, State of Florida

(stamp)



For City of Bonita Springs use only

To access the lists: http://www.sbafla.com/fsb/ > Funds We Manage tab > FRS Pension Plan - Global Governance Mandates > Global Governance Mandate Quarterly Reports > most current quarter

Scrutinized Companies that Boycott Israel List:
[ ] entity is **NOT** on list [ ] entity is on list

Scrutinized Companies with Activities in Sudan List:
[ ] entity is **NOT** on list [ ] entity is on list

Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List:
[ ] entity is **NOT** on list [ ] entity is on list

Business Operations in Cuba or Syria:
[ ] entity is **NOT** on list [ ] entity is on list

Verified by:_____
Date:_____
Print Name

EXHIBIT K

AFFIDAVIT OF COMPLIANCE

FLORIDA STATUTES

SECTION 287.138 and 787.06

PROPOSAL NO.: RFQ 24-07 PROJECT NAME: City of Bonita Springs Community-Wide Mobility Study

Before me, the undersigned authority, personally appeared (Name of Affiant) Jason Collins who, after being duly sworn, deposes and

1. Affiant is the **(Title)** President of **(Business Name)** AOEAS-Q which does business in the State of Florida, hereinafter called the "Vendor."

2. Vendor, pursuant to Section 287.138, Florida Statues, certifies that (1) Vendor is not owned by a government of a foreign country of concern; (2) a government of a foreign country of concern does not have a "controlling interest" in Vendor, as defined by Section 287.138(1)(a), Florida Statutes; and (3) Vendor is not organized under the law of nor has its principal place of business in a foreign country of concern. For the purposes of this affidavit, foreign country of concern means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity of significant control of such foreign country of concern, as defined in Section 287.138(1)(c), Florida Statutes, as amended from time to time.

3. Vendor, pursuant to Section 787.06, Florida Statues, certifies that Vendor does not use coercion for labor or services as defined in Section 787.06, Florida Statutes, as amended from time to time.

4. This Affidavit is executed by the Vendor in accordance with Section 287.138, Florida Statutes, for the purposes of preventing the County from entering contracts with foreign entities of concern which would provide Vendor access to an individual's personal identifying information.

5. This Affidavit is executed by the Vendor in accordance with Section 787.06, Florida Statutes.

(This section intentionally left blank.)

(Signature)

8/22/25

(Date)

STATE OF Florida
COUNTY OF Hillsborough

The foregoing instrument was executed before me this 22 day of August, 2025, by Jason Collins as President of ADEDS-Q, who personally swore or affirmed that he/she is authorized to execute this document and thereby bind the Corporation, and who is personally known to me OR has produced FLDL as identification.

Amira Sirag
NOTARY PUBLIC, State of Florida

(stamp)

AMIRA SIRAG
Notary Public, State of Florida
Commission# HH 459709
My comm. expires Oct. 30, 2027

EXHIBIT L
CERTIFICATIONS
CDBG-DR COMPLIANCE PROVISIONS
Planning Services

This Exhibit to the Community Development Block Grant Disaster Recovery ("CDBG-DR") Program Subrecipient Agreement contains supplementary compliance conditions for use with procured contracts and subrecipient agreements that are funded in whole or in part by the U.S. Department of Housing and Urban Development ("HUD") under Title I of the Housing and Community Development Act of 1974 (Pub. L. 93-383) as amended.

This Exhibit shall be included as part of the terms of the agreement for all procured contracts and subrecipient agreements funded fully or in part by the CDBG-DR Program by Lee County and the selected contractor or subrecipient.

By signing this Exhibit, the Consultant certifies they understand that all the compliance provisions below will apply to all projects that are awarded CDBG-DR funds.

1. NATIONAL OBJECTIVES

In accordance with 24 CFR 570.208, Section 104(b)(3) of the Housing and Community Development Act of 1974, all CDBG-DR funded activities must meet a National Objective. Under Section 101(c) of the authorizing Act (42 U.S.C. 5301), all CDBG-DR Activities must satisfy one of the named National Objectives.

1. Benefit to Low-to-Moderate Income Persons (LMI)
2. Urgent Need (UN)
3. Elimination of Slum and Blight (SB)

Planning Exemption
Planning activities are presumed to meet a National Objective. HUD's Federal Register Notice (88 FR 32046) governing the CDBG-DR funds describes planning efforts as addressing the National Objectives without the limitation of any circumstances. In the CDBG Entitlement Program, these more general planning activities are presumed to meet a national objective under the requirements at 24 CFR 570.208(d)(4). HUD notes that almost all effective recoveries in the past have relied on some form of area-wide or comprehensive planning activity to guide overall redevelopment, independent of the ultimate source of implementation funds.

Upon completion of approved activity(ies) funded under this Agreement and prior to the funding expiration date of this Agreement, whichever comes first, the Subrecipient must document that the approved activity(ies) met the approved National Objective, as necessary.

For Subrecipients with a National Objective requirement, the County shall review the actual National Objective achievements of the activity. If the Subrecipient does not or cannot satisfactorily document the National Objective achievement of an approved activity(ies), the activity(ies) may be deemed ineligible, and repayment of funds may be required of the Subrecipient.

2. DUPLICATION OF BENEFITS

A Duplication of Benefits (DOB) occurs when a person, household, business, or other entity receives disaster assistance from multiple sources for a cumulative amount that exceeds the total need for a particular recovery purpose. The amount of the duplication is the amount of assistance provided in excess of the total need for the same purpose. It is the County's responsibility to ensure that CDBG-DR programs provide assistance only to the extent that the disaster recovery need has not been fully met by funds that

have already been paid, or will be paid, from another source.

The Subrecipient or Contractor must report all funds obtained for the same activity from any source from the date of the disaster until the activity is completed.

The Subrecipient or Contractor agrees to repay the County, immediately upon demand, any assistance later received for the same purpose as the CDBG-DR funds and that exceeds the total need for the particular recovery purpose.

3. EQUAL EMPLOYMENT OPPORTUNITY

The obligations undertaken by the Subrecipient or Contractor include, but are not limited to, the obligation to comply with all Federal laws and regulations described in Subpart K of 24 CFR Part 570 and specifically with each of the following, among other things, as the same may be amended from time to time:

a. Title VI of the Civil Rights Act of 1964: This act provides that no person shall be excluded from participation, denied program benefits, or subject to discrimination based on race, color, and/or national origin under any program or activity receiving Federal financial assistance.

b. Title VII of the Civil Rights Act of 1968 (The Fair Housing Act): This act prohibits discrimination in housing on the basis of race, color, religion, sex and/or national origin. This law also requires actions which affirmatively promote fair housing.

c. Restoration Act of 1987: This act restores the broad scope of coverage and clarifies the application of the Civil Rights Act of 1964. It also specifies that an institution which receives Federal financial assistance is prohibited from discriminating on the basis of race, color, national origin, religion, sex, disability or age in a program or activity which does not directly benefit from such assistance.

d. Section 109 of Title 1 of the Housing and Community Development Act of 1974 [42 U.S.C. 5309]: This Section of Title 1 provides that no person shall be excluded from participation (including employment), denied program benefits, or subject to discrimination on the basis of race, color, national origin, or sex under any program or activity funded in whole or in part under Title 1 of the Act.

e. The Fair Housing Amendment Act of 1988: This act amended the original Fair Housing Act to provide for the protection of families with children and people with disabilities, strengthen punishment for acts of housing discrimination, expand the Justice Department jurisdiction to bring suit on behalf of victims in federal district courts, and create an exemption to the provisions barring discrimination on the basis of familial status for those housing developments that qualify as housing for persons age 55 or older.

f. The Age Discrimination Act of 1975: This act provides that no person shall be excluded from participation, denied program benefits, or subject to discrimination on the basis of age under any program or activity receiving federal funding assistance. Effective January 1987, the age cap of 70 was deleted from the laws. Federal law preempts any State law currently in effect on the same topic.

g. Section 504 of the Rehabilitation Act of 1973: It is unlawful to discriminate based on disability in Federally assisted programs. This Section provides that no otherwise qualified individual shall, solely because of his or her disability, be excluded from participation (including employment), denied program benefits, or subjected to discrimination under any program or activity receiving federal funding assistance.

h. The Americans with Disabilities Act of 1990 (ADA): This act modifies and expands the Rehabilitation Act of 1973 to prohibit discrimination against "a qualified individual with a disability" in employment and public accommodations. The ADA requires that an individual with a physical or mental impairment who is otherwise qualified to perform the essential functions of a job, with or without reasonable accommodation, be afforded equal employment opportunity in all phases of employment.

i. Executive Order 11063: This executive order provides that no person shall be discriminated against on the basis of race, color, religion, sex, or national origin in housing and related facilities provided with Federal assistance and lending practices with respect to residential property when such practices are connected with loans insured or guaranteed by the Federal government.

j. Executive Order 12259: This executive order provides that the administration of all Federal programs and activities relating to housing and urban development be carried out in a manner to further housing opportunities throughout the United States.

k. The Equal Employment Opportunity Act: This act empowers the Equal Employment Opportunity Commission (EEOC) to bring civil action in Federal court against private sector employers after the EEOC has investigated the charge, found "probable cause" of discrimination, and failed to obtain a conciliation agreement acceptable to the EEOC. It also brings Federal, state, and local governments under the Civil Rights Act of 1964.

l. The Uniform Guidelines on Employee Selection Procedures adopted by the Equal Employment Opportunity Commission in 1978: This manual applies to employee selection procedures in the areas of hiring, retention, promotion, transfer, demotion, dismissal, and referral. It is designed to assist employers, labor organizations, employment agencies, licensing, and certification boards in complying with the requirements of Federal laws prohibiting discriminatory employment.

m. The Vietnam Era Veterans' Readjustment Act of 1974 (revised Jobs for Veterans Act of 2002): This act was passed to ensure equal employment opportunity for qualified disabled veterans and veterans of the Vietnam War. Affirmative action is required in the hiring and promotion of veterans.

n. Executive Order 11246: This executive order applies to all Federally-assisted construction contracts and subcontracts. It provides that no person shall be discriminated against on the basis of race

4. CERTIFICATION OF NONSEGREGATED FACILITIES
(applicable to contracts and subcontracts over $10,000)

The Consultant and its subcontractor(s) certifies that the entity does not maintain or permit employees to perform their services at any location where segregated facilities are maintained. The Subrecipient or Contractor certifies further that it shall not maintain or provide for employees any segregated facilities at any of its establishments and will not permit employees to perform their services at any location under its control where segregated facilities are maintained. The Subrecipient or Contractor and its subcontractor(s) agrees that a breach of this certification is a violation of the equal opportunity clause of this contract.

As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are segregated by explicit directive or are, in fact, segregated on the basis of race, color, religion, or national origin because of habit, local custom, or any other reason.

The Subrecipient or Contractor further agrees that (except where it has obtained for specific time periods) it will obtain identical certification from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the equal opportunity clause; that it will retain such certifications in project files; and will provide notice to such proposed subcontractors (except where proposed subcontractors have submitted identical certifications for specific time periods).

5. ENVIRONMENTAL PROTECTION AND ACTS

a. National Environmental Protection Act (NEPA): All Federally funded activities are subject to the National Environmental Policy Act of 1969 (NEPA) and its regulations under 40 CFR 1500 – 1508. Additionally, 24 CFR 58.22 prohibits committing or spending HUD or non-HUD funds on any activity that

could have an adverse environmental impact or limit the choice of reasonable alternatives prior to completion of an environment review once a project has Federal funding, in full or in part. This prohibition on "choice-limiting actions" prohibits physical activity, including acquisition, rehabilitation, and construction, as well as contracting for or committing to any of these actions, prior to completion of the environmental review. Awarded activities must have completed an environmental review to demonstrate compliance with NEPA, as well as 24 CFR 58.

b. Clean Air and Water Acts: *(applicable to contracts and subcontracts exceeding $100,000)* The Subrecipient or Contractor and all subcontractors shall comply with the requirements of the Clean Air Act, as amended, 42 USC 1857 et seq., the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq., and the regulations of the Environmental Protection Agency with respect thereto, at 40 CFR Part 15, as amended.

c. Flood Disaster Protection: The Subrecipient or Contractor shall comply with the requirements of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001). The Subrecipient shall assure that for activities located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, flood insurance under the National Flood Insurance Program is obtained and maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).

d. Energy Efficiency: The Subrecipient or Contractor shall comply with mandatory standards and policies relating to energy efficiency under the Energy Policy and Conservation Act (Public Law 94-163).

e. Procurement of Recovered Materials: Per 2 CFR 200.323, a non-Federal entity that is a state agency or an agency of a political subdivision of a state, and its contractors, must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

Lee County CDBG-DR Exhibit H Compliance Provisions guidelines of the Environmental Protection Agency (EPA)at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

6. CONTRACTING WITH SMALL AND MINORITY FIRMS, WOMEN'S BUSINESSENTERPRISES, AND LABOR SURPLUS AREA FIRMS

The Subrecipient or Contractor will take necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used in subcontracting when possible. Steps include:

a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists:
b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources:
c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; and
e. Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.

7.POLITICAL ACTIVITY

The Subrecipient or Contractor will comply with the provisions of the Hatch Act (5 U.S.C.1501 et seq.),which limits the political activity of employees.

8. LOBBYING PROHIBITION AND BYRD ANTI-LOBBYING AMENDMENT

The Subrecipient is prohibited from using contracted funds for the following purposes:

(1) political activities; (2)lobbying; (3)political patronage;(4) nepotism activities; and (5)inherently religious activities such as worship, religious instruction, or proselytization.

(2) The Subrecipient will also comply with Chapter 216.347, Florida Statutes, which prohibits the expenditure of Agreement funds for the purpose of lobbying the legislature, state or county agencies.

Additionally and in accordance with 24 CFR 87, the Subrecipient certifies that it will not use CDBG-DR funds received from the County to directly or indirectly influence legislation or any other official action by the Florida legislature, any state agency, or other local government and county (BOCC) business, including through the use of Federal appropriated funds being paid to any person for influencing or attempting to influence an office or employee of any agency, a member of Congress, an office or employee of Congress or an employee of a member of Congress in connection with this Federal contract, grant, loan or cooperative agreement. If the County and/or the Subrecipient suspects such action of occurring, the County reserves the right to request that the Subrecipient disclose and certify such activities in accordance with reporting requirements noted within the Agreement.

The Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) requires that Contractors that apply or bid for an award exceeding $100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier, up to the non-Federal award.

The Contractor certifies, to the best of his or her knowledge and belief that:
1) No Federally appropriated funds have been paid or will be paid by, or on behalf of, the contractor, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2) If any funds other than Federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the contractor shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

9. CONFLICT OF INTEREST

No officer or employee of the local jurisdiction or its designees or agents, no member of the governing body, and no other public official of the locality during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed. Further, the Subrecipient or Contractor shall cause to be incorporated in all subcontracts the language set forth in this paragraph prohibiting conflict of interest.

No member of, or delegate to, Congress, or any Resident Commissioner, shall be admitted to any share or part of any contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to any contract if made with a corporation for its general benefit.

10. DOMESTIC PREFERENCES FOR PROCUREMENTS.

Per 2 CFR 200.322, as appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award. For purposes of this section: (1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. (2) "Manufactured products" means items and construction materials composed in whole, or in part, of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; or aggregates such as concrete; glass, including optical fiber; and lumber.

11. PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT.

Per 2 CFR 200.216, Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to (1) Procure or obtain; (2) Extend or renew a contract to procure or obtain; or (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

As described in Public Law 117–328, section 208, subsection (a), covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities). Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country, is prohibited.

12. AGREEMENTS BETWEEN SUBRECIPIENTS AND CONTRACTORS

a. The Subrecipient shall not enter into any agreement, written or oral, with any contractor or other party without the prior determination that the contractor or other party is eligible to receive federal funds and is not listed on the Federal Consolidated List of Debarred, Suspended, and Ineligible contractors.

The terms "other party" is defined as public or private nonprofit agencies or organizations and certain (limited) private for-profit entities who receive grant funds from a Subrecipient to undertake Approved Activities.

b. An agreement between the Subrecipient and any contractor or other party shall require:
1) Compliance with all State and Federal requirements described in this Agreement including, without limitation, those that pertain to labor standards, nondiscrimination, Americans with Disabilities Act, Equal Employment Opportunity and Drug Free Workplace, and prevailing wages.

2) Maintenance of at least the minimum State required Workers' Compensation Insurance for those employees who will perform the Approved Activities.

3) Maintenance, as required by law, of unemployment insurance, disability insurance and liability insurance, which is reasonable to compensate any person, firm, or corporation, who may be injured or damaged by the contractor, or any subcontractor, in performing the Approved Activities.

4) Compliance with the applicable Equal Opportunity Requirements described in Section 3 of this Exhibit.

c. Contractors shall:

1) Perform activities in accordance with Federal, state, and local regulations, as applicable.

13. RIGHTS TO INVENTIONS MADE UNDER A CONTRACT OR AGREEMENT

If a Federal award meets the definition of "funding agreement" under 37 CFR 401.2(a) and the Subrecipient or Contractor wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment, or performance, the Subrecipient or Contractor must comply with requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulation issued by the awarding agency.

14. PATENTS

a. The Subrecipient or Contractor shall hold and save the Owner and its officers, agents, servants, and employees harmless from liability of any nature or kind, including cost and expenses for, or on account of any patented or unpatented invention, process, article, or appliance manufactured or used in the performance of the contract including its use by the Owner, unless otherwise specifically stipulated in the Contract Document.

b. License or Royalty Fees: License and/or Royalty Fees for the use of a process which is authorized by the Owner of the project must be reasonable, and paid to the holder of the patent, or his authorized license, direct by the Owner and not by or through the Subrecipient or Contractor.

c. If the Subrecipient or Contractor uses any design device or materials covered by letters, patents or copyrights, he shall provide for such use by suitable agreement with the owner of such patented or copy-righted design device or material. It is mutually agreed and understood that without exception the contract prices shall include all royalties or costs arising from the use of such design, device, or materials, in any way involved in the work. The Subrecipient or Contractor and/or his Sureties shall indemnify and save harmless the Owner of the project from any and all claims for infringement by reason of the use of such patented or copy-righted design, device, materials, or any trademark or copy-right in connection with work agreed to be performed under this contract, and shall indemnify the Owner for any cost, expense, or damage which it may be obliged to pay by reason of such infringement at any time during the prosecution of the work or after completion of the work.

15. COPYRIGHT

No materials, to include but not limited to reports, maps, or documents produced as a result of this contract, in whole or in part, shall be available to the Subrecipient or Contractor for copyright purposes. Any such materials produced as a result of this contract that might be subject to copyright shall be the property of the Owner and all such rights shall belong to the Owner.

16. DRUG-FREE WORKPLACE ACT OF 1988

a. Publish and give a policy statement to all covered employees informing them that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the covered workplace and specifying the actions that will be taken against employees who violate the policy.

b. Establish a drug-free awareness program to make employees aware of a) the dangers of drug abuse in the workplace; b) the policy of maintaining a drug-free workplace; c) any available drug counseling, rehabilitation, and employee assistance programs; and d) the penalties that may be imposed upon employees for drug abuse violations.

c. Notify employees that as a condition of employment on a Federal contract or grant, the employee must a) abide by the terms of the policy statement; and b) notify the employer, within 5 calendar days, if he or she is convicted of a criminal drug violation in the workplace.

d. Notify the contracting or granting agency within 10 days after receiving notice that a covered employee has been convicted of a criminal drug violation in the workplace.

e. Impose a penalty on or require satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is convicted of a reportable workplace drug conviction.

f. Make an ongoing, good faith effort to maintain a drugfree workplace by meeting the requirements of the act.

17. SPECIAL CONDITIONS PERTAINING HAZARDS, SAFETY STANDARDS, AND ACCIDENT PREVENTION

a. Use of Explosives: When the use of explosives is necessary for the prosecution of the work, the contractor shall observe all local, state, and Federal laws in purchasing and handling explosives. The contractor shall take all necessary precautions to protect completed work, neighboring property, water lines, or other underground structures. Where there is danger to structures or property from blasting, the charges shall be reduced, and the material shall be covered with suitable timber, steel, or rope mats.

b. The contractor shall notify all owners of public utility property of intention to use explosives at least 8 hours before blasting is done close to such property. Any supervision or direction of use of explosives by the engineer does not in any way reduce the responsibility of the contractor or his Surety for damages that may be caused by such use.

c. Danger Signals and Safety Devices: The contractor shall make all necessary precautions to guard against damages to property and injury to persons. The contractor shall put up and maintain in good condition, sufficient red or warning lights at night, suitable barricades, and other devices necessary to protect the public.

d. Protection of Lives and Health: The contractor shall exercise proper precautions at all times for the protection of persons and property and shall be responsible for all damages to persons or property, either on or off the worksite, which occur as a result of prosecution of the work. The safety provisions of applicable laws and building and construction codes, in addition to specific

safety and health regulations described by Chapter XIII, Bureau of Labor Standards, Department of Labor, Part 1518, Safety and Health Regulations for Construction, as outlined in the Federal Register, Volume 36, No. 75, Saturday, April 17, 1971, Title 29 - LABOR, shall be observed and the contractor shall take, or cause to be taken,, such additional safety and health measures as the Developer may determine to be reasonably necessary.

18. PROHIBITION AGAINST PAYMENTS OF BONUS OR COMMISSION

The assistance provided under this Agreement shall not be used in the payment of any bonus or commission for the purpose of:
a. Obtaining the County's approval of the Application for such assistance; or,

b. Any other approval or concurrence of the County required under this Agreement, Title I of the Housing and Community Development Act of 1974, or State regulations with respect thereto; provided, however, that reasonable fees for bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.

19. CONFIDENTIAL FINDINGS

All of the reports, information, data, etc., prepared or assembled by the Subrecipient or Contractor under any Agreement are confidential, and the Subrecipient or Contractor agrees that they shall not be made available to any individual or organization without prior written approval of the Owner.

20. ACCESS TO RECORDS - MAINTENANCE OF RECORDS

Lee County, the Department of Housing and Urban Development, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Subrecipient or Contractor which are directly pertinent to this specific contract, for the purpose of audits, examinations, and making excerpts and transcriptions. All records connected with any contract will be maintained in a central location by the unit of local government and will be maintained for a period of five (5) years from the official date of the County's final closeout of the grant.

21. INSPECTION

The authorized representative and agents of Lee County and the Department of Housing and Urban Development shall be permitted to inspect all work, materials, payrolls, records of personnel, invoices of materials, and other relevant data and records.

22. PROVISIONS REQUIRED BY LAW DEEMED INSERTED

Each and every provision of law and clause required by law to be inserted in any contract shall be deemed to be inserted herein and the contract shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either party the contract shall forthwith be physically amended to make such insertion or correction.

BY:

Signature: _____ Date: 8/22/25

Name (print): Jason Collins

EXHIBIT M

Affidavit Certification Immigration Laws

AFFIDAVIT CERTIFICATION

IMMIGRATION LAWS

SOLICITATION NO.: RFP 24-07 **PROJECT NAME**: Bonita Springs Community Wide Mobility Study

IMMIGRATION LAW COMPLIANCE

Consistent with Bonita Springs Code §36.22 effective June 1, 2009, and Chapter 448.095, Florida Statutes, Consultant providing services to the City, as a condition of each contract, must use E-Verify to verify the employment of: any person hired during the contract term by the Contractor/Consultant and assigned by the Contractor/Consultant to perform work for the City. **Before any contract with the City is signed, proof of enrollment with E-Verify must be provided.** To register with E-Verify, go to www.uscis.gov/e-verify for information and instructions.

The Contractor/Consultant acknowledges that he is independently responsible for his own employment decisions, including hiring, disciplinary and termination decisions. The Consultant acknowledges that he will comply with the Immigration Reform and Control Act of 1986 and is committed to employing only those individuals who are authorized to work in the United States, by hiring employees who properly complete, sign and date the first section of the Immigration and Naturalization Services (INS) Form I-9 and presenting to the Contractor/Consultant the original necessary document(s) to prove identity and employment eligibility.

The Consultant shall also be responsible for entering into an agreement with each and every vendor and subcontractor that states that vendors, and subcontractors (and their vendors) are independently responsible for its own employment decisions, including hiring, disciplinary and termination decisions, and will comply with the Immigration Reform and Control Act of 1986. The agreements shall also state that each business is responsible of its own I-9 and other employment record-keeping requirements, and with compliance with all immigration laws.

COMPANY NAME: ADEAS-Q, LLC

Signature	Title	Date
	President	8/22/25

STATE OF FLORIDA

COUNTY OF Hillsborough

The foregoing instrument was signed and acknowledged before me this 22nd day of August, 2025 by Jason Gilling, who is personally known to me, or has produced FLDL as identification and who did (did not) take an oath.

Notary Public Seal

Signature of Notary Public

Amira Sirag

Printed Name of Notary Public

NOTARY PUBLIC
AMIRA SIRAG
Notary Public, State of Florida
Commission# HH 459709
My comm. expires Oct. 30, 2027

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 25-09-206
September 3, 2025

ITEM TITLE: Approve a Resolution authorizing the City Manager to enter into a Construction Agreement with FDOT per the permit process for the Pelican Landing/Old 41/US 41 Intersection Improvement Project.

REQUESTOR: Matt Feeney, Assistant City Manager

AGENDA SECTION: Consent

STRATEGIC PRIORITY: #2 Improve Vehicular and Multimodal Transportation Networks.

BACKGROUND:

The City's design engineer for the Pelican Landing/Old 41/US 41 Intersection Improvements Project has developed a design that requires the installation of a new signal head at the Pelican Landing/Old 41/US41 intersection. As part of the FDOT permitting process to install the signal head, the city is required to enter into a Construction Agreement with FDOT.

This resolution authorizes the City Manager to enter into this agreement with FDOT as part of the permit process.

STAFF RECOMMENDATION: Approve resolution

ATTACHMENTS:

1. Resolution

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield
Dept. Director:	Matt Feeney

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION 25 -

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY AN AGREEMENT BETWEEN THE CITY OF BONITA SPRINGS AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR A CONSTRUCTION AGREEMENT.

WHEREAS, the City of Bonita Springs and the State of Florida Department of Transportation hereto mutually recognize the need for entering into an Agreement pursuant to Section 334.044(13) and Section 339.282, Florida Statutes, designating and setting for the responsibilities of each party regarding a Construction Agreement for the US 41 & Pelican Landing Parkway/Old 41 improvements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bonita Springs, that:

1. The above recitals are incorporated herein and form a factual basis for the passage of this Resolution.

2. The City of Bonita Springs City Council authorizes the City Manager to execute and enter into a Construction Agreement with the State of Florida Department of Transportation, and any subsequent amendments and other documents specifically related to said Agreement in the for attached as Exhibit A.

3. Any Resolution in conflict herewith is hereby repealed but only in the extent of the conflict and as required in order to give this Resolution full force and effect.

4. This Resolution shall take effect immediately upon passage.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 3’rd day of September, 2025.

AUTHENTICATION:

_____ _____

Mike Gibson, Mayor City Clerk

APPROVED AS TO FORM: _____

City Attorney

Date filed with the City Clerk: _____

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 25-09-213
September 3, 2025

ITEM TITLE: Approve Task Order #3 with Portland State University for the scoping, drafting, and adoption of Comprehensive Plan and Land Development Code Amendments.

REQUESTOR: Arleen M. Hunter, City Manager

AGENDA SECTION: Consent

STRATEGIC PRIORITY: #1 Stormwater Management, #2 Transportation, #3 Community Aesthetics, #4 Environmental Protection, #6 Government Transparency, #7 Economic Development

BACKGROUND:

On September 6, 2023, Council approved a Master Agreement with Portland State University as well as Task Order #1 and Task Order #2, which provided for the scoping, drafting, and adoption of State-mandated Comprehensive Plan Amendments, as well as optional amendments that the Council wished to pursue.

Since then, Dr. Margaret Banyan has been working with staff to identify potential amendments for Council's consideration. The attached Task Order #3 in the amount of $97,192 provides for the drafting of the amendments and public participation. Funding is provided in the FY 2024-2025 Budget as well as the draft FY 2025-2026 Budget, as this is a multi-year project.

STAFF RECOMMENDATION: Approve Task Order #3.

ATTACHMENTS:

1. Task Order #3

REVIEWERS:

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

Task Order 3
Portland State University
City of Bonita Springs (FLORIDA)

Project: Comprehensive Plan Amendments and Land Development Codes Updates

This Task Order supplements the Intergovernmental Agreement for Professional Services ("Agreement") entered into between Portland State University on behalf of its Mark O. Hatfield School of Government Center for Public Service ("PSU"), and City of Bonita Springs, Florida ("AGENCY"), individually "the Party", collectively the "Parties", hereinafter agree that the Agreement is supplemented as follows:

Description of Services:

Overview
AGENCY seeks to amend its comprehensive plan to be consistent with state law and its vision. To accomplish this, PSU will develop and propose comprehensive plan language necessary to achieve this goal, including new goals, objectives and policies and amendments to existing goals, objectives and policies. PSU anticipates key tasks associated with distinct phases that may occur in a linear or overlapping timeline.

Comprehensive Plan Amendments

Comprehensive Plan Amendments task focuses on the amendments to the City of Bonita Springs to comply with state legislation passed subsequent to the 2023 Evaluation and Appraisal Report (2023 EAR). This task may include other amendments as may be necessary to accomplish the City's objectives.

a) ***Project Initiation.*** Review plan update requirements and other recent legislation to outline the scope of the required comprehensive plan amendments. Draft an outline of amendments for review. Engage with city staff and council to develop final approach and focus of amendments.
b) ***City Council and LPA Meeting(s).*** Conduct individual one-on-one meetings with City Council members to communicate the process and the scope of proposed amendments. Prepare and present overview of proposed amendments to the Local Planning Agency (LPA). Participate in City Council meeting for direction on proposed amendments. Revise scope of proposed amendments as needed and directed. Conduct additional individual one-on-one meetings with City Council members following Tasks 2(c) and 2e).
c) ***Draft Amendments.*** Draft goals, objectives, policies, principles, guidelines, standards, strategies, and maps necessary to comply and maintain consistency with state laws. Formatting will be consistent with generally accepted standards for amendments (e.g., underlining and strikethrough). Task includes additional research and stakeholder meetings needed to ensure amendments are consistent with state law and the City's vision. Draft amendments include the development of spatial analysis / GIS maps.
a) ***Civic Engagement.*** Host no more than two (2) public meetings with stakeholders, business owners, civic groups, and citizens to obtain feedback on amendments. One (1) meeting will be held prior to amendment draft(s) and one (1) meeting after amendments are drafted. Civic engagement outreach efforts will be coordinated with the city staff to ensure maximum access and participation. Revise amendments as needed based upon public input. Additional public meetings are optional and will be negotiated in subsequent task orders as needed.
d) ***Draft Final Report and Amendment Package.*** Prepare draft final report and amendment package for internal staff review and comment. Report will include a project overview, amendment package, and a summary of feedback from members of the public and City Council. Revise as needed.
e) ***Final Project Report.*** Revise project report to document the amendment process.
f) ***Adopt Amendments.*** Prepare presentation and present draft amendment package to LPA and City Council consistent with Expedited Review process; revise project report to respond to LPA and City Council comments. Task includes one (1) LPA transmittal hearing; and 1 (1) City Council transmittal hearings (first reading); one (1) city council adoption hearings (second reading).
g) ***Florida Commerce.*** Coordinate with the Florida Commerce consistent with Expedited Review process. Update proposed amendment package based upon Florida Commerce comments and staff direction.

Land Development Code Amendments

The intent of the land development code amendments is to update the City of Bonita Springs land development code for alignment with state law, current practice, and opportunities for furthering the City's vision. The following tasks are reflected in the process and are based on a time and materials fee.

b) Scoping: Land Development Code. Review materials in coordination with key City staff, consultants and council to identify code amendments to align the City's land development code with state law, current practice, and advancement of the City vision. Scope includes meeting time with staff and council to finalize amendment list.

c) Civic Engagement. Facilitate public meeting(s) to share amendment intent and strategy with members of the public. Fee includes hosting no more than two (2) public meetings with stakeholders, business owners, civic groups, and citizens to obtain feedback on amendments. One (1) meeting will be held prior to amendment draft(s) and one (1) meeting after amendments are drafted. Civic engagement outreach efforts will be coordinated with the city staff to ensure maximum access and participation. Revise amendments as needed based upon public input. Additional public meetings are optional and will be negotiated in subsequent task orders as needed.

d) LDC Draft Language. Provide draft LDC revisions necessary to comply and maintain consistency with state laws, current practice, and City vision. Formatting will be consistent with generally accepted standards for amendments (e.g., underlining and strikethrough). Task includes additional research and stakeholder meetings as needed. Task includes facilitating review processes with City staff, consultants, and stakeholders.

e) Draft Final Report and Amendment Package. Prepare draft final report and amendment package for internal staff review and comment. Report will include a project overview, amendment package, and a summary of feedback from members of the public and City Council. Revise as needed. Revise project report to document the amendment process.

f) ***Adopt LDC Amendments.*** Prepare presentation and present draft amendment package consistent with City processes; revise project report and amendments to respond to feedback and comments. Task includes City Council hearings.

Project Schedule and Key Deliverables:

TABLE 1

	Estimated Date of Deliverable
Comprehensive Plan Amendments	
Population and Demographic Update(s)	9/30/2025 (permanent) 10/15/2025 (seasonal)
Proposed Scope of Amendments	10/30/2025
Civic Engagement	11/2025 & 2/2026
Amendments Draft	1/31/2026
Amendments Final Report and Amendment Package	2/20/2026
Amendment package for final adoption	2/27/2026
Transmittal hearing	3/4/2026
Adoption hearing (estimated)	4/15/2026
Land Development Code Revisions	
Assessment of Code Updates	10/15/2025
Proposed Scope of Amendments	10/30/2025
City Council Approval	11/3/2025
Civic Engagement	11/2025
Amendments Draft	1/31/2026
Amendments Report and Amendment Package	2/20/2026
Amendment package for final adoption	2/27/2026

Cost:

Payment for services provided shall not exceed $97,192.00 as reflected in Table 2 and Table 3.

TABLE 2: City of Bonita Springs Fiscal Year 2025 (October 1, 2024-September 30, 2025)

Deliverable	Faculty (Banyan)	Graduate Research Assistant	Total
Total Hours: See Table 4 below for hours by task	38	0	0
Hourly rate	$ 216.00	$ 95.00	
Total budget			**$ 8,208**

TABLE 3: City of Bonita Springs Fiscal Year 2026 (October 1, 2025-September 30, 2026)

Deliverable	Faculty (Banyan)	Graduate Research Assistant	Total
Total Hours: See Table 4 below for hours by task	224	180	**404**
Hourly rate	$ 216.00	$ 95.00	
Total Cost For Hours Worked	$ 48,384	$ 17,100	**$ 65,484**
Services and Supplies			
Travel	$ 6,000.00		**$ 6,000**
Supplies & printing	$ 500.00		**$ 500**
Professional services			
FGCU Regional Economic Research Institute			**$ 12,000**
PSU Population Research Center			**$ 5,000**
Total budget			**$ 88,984**

TABLE 4: Overall Task and Hours (Not to Exceed Hours Budgeted)

	Fiscal Year	Faculty (Banyan) FY25	Faculty (Banyan) FY26	Graduate Research Assistant
Task 1a: Project Management				
Project management and coordination	FY26		8	
Coordinating review meetings with City Staff	FY26		8	
Subtotal Task Hours			16	0
Task 1b: City Council & LPA Meetings				
One-on-One meetings with City Council (7)	FY26		7	
City Council Meeting & Presentation (with Prep)	FY26		2	
Subtotal Task Hours			9	0
Task 2a: Analyze and Draft Amendments				
Assess comprehensive plan required changes	FY25	8		
Update seasonal comprehensive plan demographics (planning horizon) (FGCU)	FY26			
Update permanent comprehensive plan demographics (planning horizon)	FY25	30		
Demographic review (Population Research Center at PSU)	FY26			
Draft & revise comprehensive plan state-mandated amendments	FY26		30	
Draft and revise comprehensive plan maps (GIS)	FY26			60
Subtotal Task Hours		38	30	60
Task 2b: Civic Engagement				
Public meetings (2)	FY26		30	
Subtotal Task Hours			30	0
Task 2c: Draft Final Report & Amendment Package				
Draft amendment package for LPA and Council review	FY26		8	
Subtotal Task Hours			8	0
Task 2d: Adopt Comprehensive Plan Amendments				
Transmittal hearings (1) LPA & (1) Council	FY26		4	
Adoption hearings (1) Council	FY26		2	
Revise final report and amendment package for submission	FY26		2	
Subtotal Task Hours			8	0
Task 2e: FL Commerce Coordination				
Coordinate transmittal package	FY26		4	
Update amendments following FL Commerce review	FY26		6	

Subtotal Task Hours			10	0
Task 3a Scoping: Land Development Code				
Participate in scoping meetings with key City staff and consultants	FY26		8	
Participate in scoping meetings with City Council (1:1)	FY26		7	
City Council Meeting Scoping Presentation (with prep)	FY26		2	
Subtotal Task Hours			17	0
Task 3b: Civic Engagement				
Public meetings for LDC input (Estimated - no fee when combined with comprehensive plan)	FY26		20	
Subtotal Task Hours			20	0
Task 3c: LDC Draft Language				
Draft updated LDC (estimated - not to exceed)	FY26		40	120
Facilitate Review Processes (estimated - not to exceed)	FY26		20	
Subtotal Task Hours			60	120
Task 3d: Draft Report & Amendment Package				
Draft staff report and package (estimated - not to exceed)	FY26		8	
Subtotal Task Hours			8	0
Task 3e: Adopt LDC Amendments				
First and Second Readings (2)	FY26		6	
Revise final report and amendment package	FY26		2	
Subtotal Task Hours			8	0
Total Not to Exceed Hours		38	224	180

Project Contacts:

PSU:

For Project
Margaret Banyan
CPS Research Professor
Portland State University
Hatfield School of Government
Center for Public Service
PO Box 751 (PA-ELI)
Portland, Oregon 97207-0751
Email: mbanyan@pdx.edu

For administration:
Erica Fulton
Operations Manager
PO Box 751, MC: PA-ELI

Portland, OR 97207
Telephone: 503-725-6129
Email: fultoner@pdx.edu

Agency:
City of Bonita Springs FL
Attn: Arleen Hunter
9101 Bonita Beach Road
Bonita Springs FL 34135
Telephone: 239-949-6262
Email: arleen.hunter@cityofbonitasprings.org

Other: N/A

IN WITNESS HEREOF, the parties have duly executed this Task Order effective the date of last signature:

PORTLAND STATE UNIVERSITY

By: _____
Sara Saltzberg, Center for Public Service Director

Date: _____

By: _____
Contracts officer

Date: _____

AGENCY

By: _____

Name: _____

Title: _____

Date: _____

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 25-09-204
September 3, 2025

ITEM TITLE: Petition to Establish Vivid Shores Community Development District (CDD).

REQUESTOR: Derek Rooney, City Attorney; Jacqueline Genson, Planning and Zoning Manager

AGENDA SECTION: Public Hearing

STRATEGIC PRIORITY:

BACKGROUND:
The current property owners of the Vivid Shores Property (formerly known as the Bonita Grande Mine) have submitted a petition to establish the Vivid Shores Community Development District (CDD), pursuant to Florida Statutes Chapter 190.005.

City staff has reviewed the petition and determined that the proposed CDD aligns with the approved entitlements for the included parcels. The establishment of the CDD is expected to benefit City taxpayers by facilitating the construction and ongoing maintenance of essential public infrastructure associated with the Vivid Shores project.

Ownership of the Vivid Shores acreage includes Pulte Home Company LLC, SD GRANDE SHORES LLC (Stock Homes), BONITA GRANDE 80 LLC, and BG Mine LLC. The project has received development permits for the Bonita Grande Drive Extension (north of East Terry Street), 386 single-family residential units, and related infrastructure. A permit for the community amenity is currently in process. Future development permits may allow for up to an additional 314 dwelling units.

The establishment of the CDD requires approval by ordinance. This meeting represents the first reading and public hearing of the ordinance. The second reading and final public hearing is scheduled for September 17, 2025. At that time, the City Council will conduct a formal review of the petition in accordance with §190.005, to determine whether it meets the statutory criteria for the creation of a Community Development District, as set forth below:

1. Whether all statements contained within the petition have been found to be true and correct.
2. Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.
3. Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.
5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.
6. Whether the area that will be served by the district is amenable to separate special-district government.

STAFF RECOMMENDATION: Move to second reading.

ATTACHMENTS:

1. DRAFT Ordinance
2. Petition to Establish Vivid Shores CDD

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Michael Sheffield
Dept. Director:	John Dulmer

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 25-____

AN ORDINANCE ESTABLISHING VIVID SHORES COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO SECTION 190.005(2), FLORIDA STATUTES; PROVIDING FOR THE ESTABLISHMENT OF THE COMMUNITY DEVELOPMENT DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; NAMING THE DISTRICT; PROVIDING THAT THE CITY OF BONITA SPRINGS MAY NOT AND SHALL NOT MODIFY OR DELETE ANY PROVISION OF THE DISTRICT CHARTER SET FORTH IN SECTIONS 190.006 - 190.041, FLORIDA STATUTES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Pulte Home Company, LLC, a Michigan limited liability company, has petitioned the City Council of the City of Bonita Springs, Florida (the "City") to establish VIVID SHORES COMMUNITY DEVELOPMENT DISTRICT; and

WHEREAS, the City Council (the "City Council"), after proper published notice, conducted a local public information-gathering ordinance hearing as required by law and finds as follows:

1. The petition is complete in that it meets the requirements of Section 190.005(1)(a), Florida Statutes; and all statements contained within the petition are true and correct.

2. The City has reviewed and approved the petition for establishment of the proposed district.

3. The costs to the City and government agencies from establishment of the district are nominal. There is no adverse impact on competition or employment from district establishment. The persons affected by establishment are the future landowners, present

landowners, the City and its taxpayers, and the State of Florida. There is a net economic benefit flowing to these persons from district establishment as the entity to manage and finance the statutory services identified. The impact of district establishment and function on competition and the employment market is marginal and generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the ordinance, is as economically viable as establishing the district. Methodology is set forth in the economic impact statement on file. The statement of estimated regulatory costs of this petition on district establishment is adequate.

4. Establishment of the proposed district, whose charter is Section 190.006 - 190.041, Florida Statutes, was created by general law, is not inconsistent with the applicable local Comprehensive Plan or the State Comprehensive Plan.

5. The area of land within the proposed district is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developed as one functional interrelated community.

6. The district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.

7. The community development services and facilities of the district will be compatible with the capacity and uses of existing local and regional community development services and facilities.

8. The area that will be served by the district is amenable to separate special district government.

9. The proposed district, once established, may petition the City Council for consent to exercise one or more of the powers granted by charter in Section 190.012(2), Florida Statutes.

10. Upon the effective date of this Ordinance, the proposed Vivid Shores Community Development District will be duly and legally authorized to exist and exercise all of its general and special powers as limited by law; and has the right to seek consent from the City for the grant of authority to exercise special powers in accordance with Section 190.012(2), Florida Statutes, without question as to the district's continued right, authority and power to exercise its limited powers as established by this Ordinance.

11. All notice requirements of law were met and complete notice was timely given.

THE CITY OF BONITA SPRINGS, HEREBY ORDAINS:

Section 1. Recitals. The forgoing recitals are hereby ratified and confirmed as being true and correct and hereby made a part of this Ordinance and adopted as legislative findings.

Section 2. District Name. The community development district herein established will be known as Vivid Shores Community Development District.

Section 3. Authority for Ordinance. This Ordinance is adopted pursuant to Section 190.005(2), Florida Statutes, and other applicable provisions of law governing City ordinances.

Section 4. Establishment of Community Development District. Vivid Shores Community Development District is hereby established within the boundaries of the real property described in Exhibit “A” attached hereto and incorporated by reference.

Section 5. Designation of Initial Board Members. The following five persons are designated to be the initial members of the Board of Supervisors:

1.	Scott Brooks	24311 Walden Center Drive, Suite 300 Bonita Springs, Florida 34134
2.	Naomi Robertson	24311 Walden Center Drive, Suite 300 Bonita Springs, Florida 34134
3.	Laura Ray	24311 Walden Center Drive, Suite 300 Bonita Springs, Florida 34134
4.	Jason Sawyer	2639 Professional Circle, Suite 101 Naples, Florida 34119
5.	Ned Dewhirst	6200 Whiskey Creek Drive Fort Myers, Florida 33919

Section 6. Statutory Provisions Governing District.

Vivid Shores Community Development District will be governed by the provisions of Chapter 190, Florida Statutes. In addition, the developer(s) of the land within the boundaries of Vivid Shores Community Development District, and any successors or assigns, shall include the disclosure statement contained in Section 190.048, Florida Statutes, in subsequent land purchase agreements.

Section 7. Conflicts and Severability.

In the event this Ordinance conflicts with any other City ordinance or other applicable law, the more restrictive will apply. If any phase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion will be deemed a separate, distinct and independent provision and such holding will not affect the validity of the remaining portion.

Section 8. Effective Date. This ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this _____ day of _____, 2025.

AUTHENTICATION:

_____ _____
Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Bogacz	_____	Fitzpatrick	_____
Carr	_____	Fullick	_____
Corrie	_____	Purdon	_____
Gibson	_____		

Date filed with City Clerk: _____, 2025

PETITION TO ESTABLISH VIVID SHORES COMMUNITY DEVELOPMENT DISTRICT

Submitted by: Alyssa C. Willson
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KUTAK ROCK LLP
107 West College Avenue
Tallahassee, Florida 32301
Telephone: (850) 692-7300
Facsimile: (850) 692-7319

BEFORE THE CITY COUNCIL
CITY OF BONITA SPRINGS, FLORIDA

AMENDED AND RESTATED PETITION TO ESTABLISH THE VIVID SHORES COMMUNITY DEVELOPMENT DISTRICT

Petitioner, Pulte Home Company, LLC, a Michigan limited liability company ("**Petitioner**"), hereby petitions the City Council of the City of Bonita Springs, Florida, pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to establish a Community Development District ("**District**") with respect to the land described herein. In support of this petition, Petitioner states:

1. Location and Size. The proposed District is located entirely within the City of Bonita Springs, Florida. **Exhibit 1** depicts the general location of the project. The proposed District covers approximately 1,294.95 acres of land. The site is generally located north of East Terry Street, and east of Bonita Grande Drive and west of Crew Wildlife Management Area. The metes and bounds description of the proposed external boundaries of the District is set forth in **Exhibit 2.**

2. Excluded Parcels. There are no parcels within the boundaries of the proposed District which are to be excluded from the District.

3. Landowner Consent. Petitioner has obtained written consent to establish the District from the Landowners of one hundred percent (100%) of the real property located within the boundaries of the proposed District in accordance with Section 190.005, Florida Statutes. Documentation of this consent is contained in **Exhibit 3.**

4. Initial Board Members. The five persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Name: Scott Brooks
Address: 24311 Walden Center Drive, Suite 300
Bonita Springs, Florida 34134

Name: Naomi Robertson
Address: 24311 Walden Center Drive, Suite 300
Bonita Springs, Florida 34134

Name: Laura Ray
Address: 24311 Walden Center Drive, Suite 300
Bonita Springs, Florida 34134

Name: Jason Sawyer
Address: 2639 Professional Circle, Suite 101
Naples, Florida 34119

Name: Ned Dewhirst
Address: 6200 Whiskey Creek Drive
Fort Myers, Florida 33919

All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

5. Name. The proposed name of the District is Vivid Shores Community Development District.

6. Future Land Uses. The general distribution, location, and extent of the public and private future land uses proposed for the District, in accordance with the future land use plan element of the City's Future Land Use Plan, is identified in **Exhibit 4**. The proposed development within the District contemplates the construction of approximately 634 single family residential units. The proposed land uses for lands contained within the proposed District are consistent with the City's approved Future Land Use Plan.

7. Major Water and Wastewater Facilities. **Exhibit 5** shows the major trunk water mains and sewer interceptors and outfalls that would serve the proposed District, as well as the proposed drainage patterns for lands within the proposed District.

8. District Facilities and Services. **Exhibit 6** describes the type of facilities Petitioner presently expects the District to finance, construct, acquire and/or install, as well as the anticipated owner and entity responsible for maintenance. These facilities will serve the residential development within the District. The estimated costs of constructing the infrastructure serving lands within the proposed District are also identified. Currently, these improvements are estimated to be made, acquired, constructed, and/or installed between 2025 and 2030. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions. The proposed District will exercise certain additional powers to finance, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: (1) parks and facilities for indoor and outdoor recreational, cultural and educational uses; and (2) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, both as authorized and described by Section 190.012(2), Florida Statutes.

9. Statement of Estimated Regulatory Costs. **Exhibit 7** is the statement of estimated regulatory costs ("**SERC**") prepared in accordance with the requirements of Section 120.541, Florida Statutes. The SERC is based upon presently available data.

10. Authorized Agent. The Petitioner is authorized to do business in Florida. **Exhibit 8** identifies the authorized agent for the Petitioner. Copies of all correspondence and official notices should be sent to:

Alyssa C. Willson
Alyssa.Willson@KutakRock.com
KUTAK ROCK LLP
107 West College Avenue
Tallahassee, Florida 32301

11. This petition to establish the Vivid Shores Community Development District should be granted for the following reasons:

a. Establishment of the District and all land uses, and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the local Comprehensive Plan.

b. The area of land within the proposed District is part of a planned community. It is of a sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community.

c. The establishment of the District will prevent the general body of taxpayers in the City of Bonita Springs from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the District. The District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

d. The community development services, and facilities of the District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District's services and facilities.

e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the City Council of the City of Bonita Springs, Florida to:

a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), Florida Statutes;

b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes; and

c. consent to the District's exercise of certain additional powers to finance, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: (1) parks and facilities for indoor and outdoor recreational, cultural and educational uses; and (2) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, both as authorized and described by Section 190.012(2), Florida Statutes; and

d. grant such other relief as appropriate.

The undersigned certifies the above statements to be true and correct.

RESPECTFULLY SUBMITTED this 12th day of August, 2025.

BY: */s/ Alyssa C. Willson*

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Attorney for Petitioner

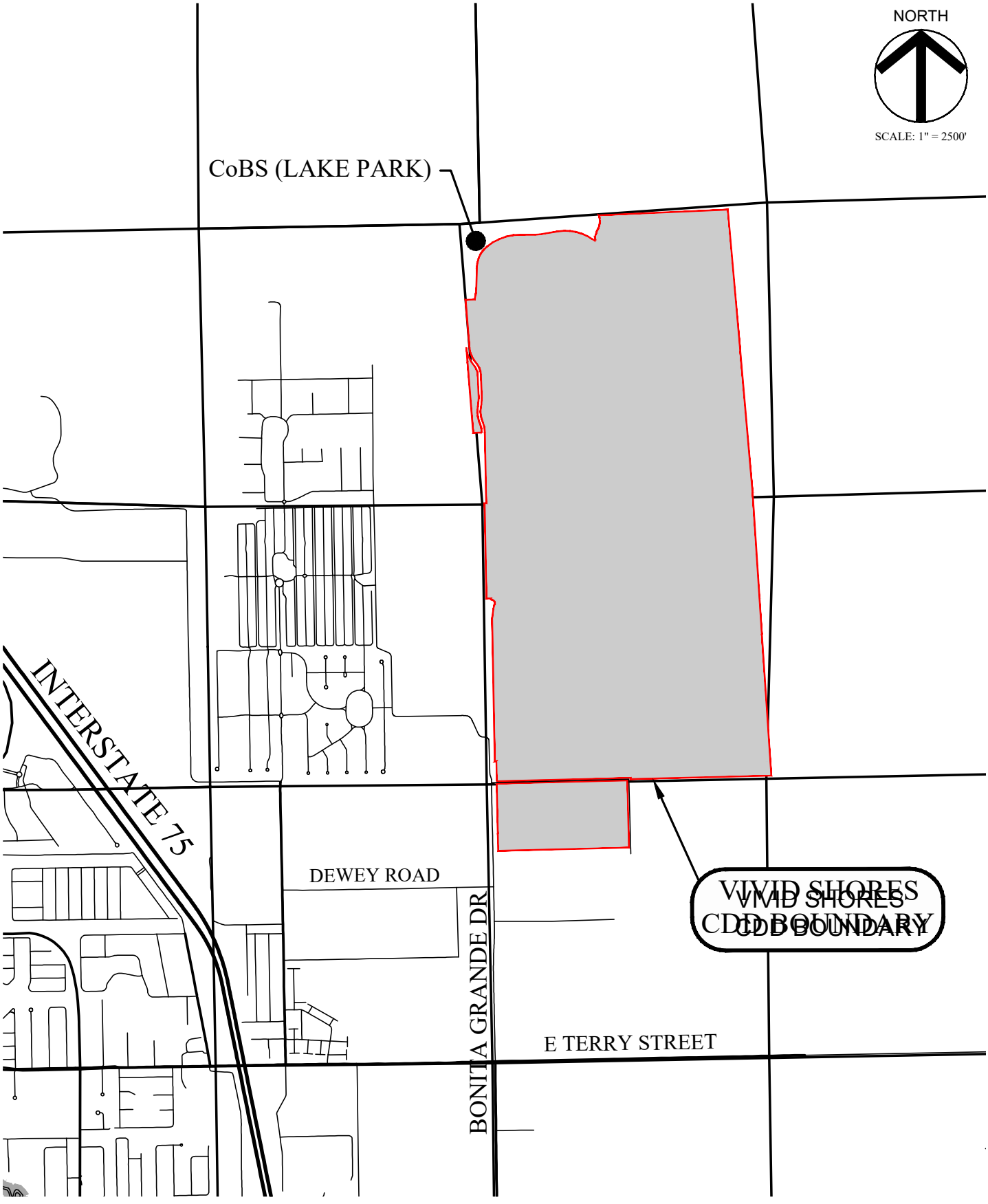


EXHIBIT 1: LOCATION MAP

PREPARED FOR:

PULTE HOME COMPANY, LLC
24311 WALDEN CENTER, SUITE 300
BONITA SPRINGS, FLORIDA 34134

SECTION: TOWNSHIP: RANGE:
17, 20, 29 47S 26E
LEE COUNTY, FL

FILE NAME: 12025000102.dwg
SHEET: 2 OF 13

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

JEREMY H. ARNOLD, P.E.
FL LICENSE NO. 66421

ATWELL
239.390.4200 www.atwell-group.com
28100 BONITA GRANDE DR., SUITE 305
BONITA SPRINGS, FL 34135
239.405.7777

B:\Projects\1202-500 (Bonita Grande Mine) RPD CDD Establishment\Drawings-Exhibits\1202-500-01 CDD Exhibits\Current Plans\12025000102.dwg

LEGAL DESCRIPTION

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.88°37'32”E., ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 20, A DISTANCE OF 130.00 FEET TO THE **POINT OF BEGINNING**, ALSO BEING A POINT LYING ON THE EAST LINE OF PARCEL 211, AS DESCRIBED AND RECORDED IN INSTRUMENT 2024000107340 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE THE FOLLOWING SIX (6) CALLS ALONG SAID EAST LINE: (1) N.01°05'11”W., A DISTANCE OF 396.54 FEET; THENCE (2) S.88°54'49”W., A DISTANCE OF 30.00 FEET; THENCE (3) N.01°05'11”W., A DISTANCE OF 2715.54 FEET; THENCE (4) N.08°27'02”E., A DISTANCE OF 187.67 FEET; THENCE (5) N.60°09'56”E., A DISTANCE OF 87.92 FEET; THENCE (6) N.01°05'11”W., A DISTANCE OF 101.21 FEET TO A POINT LYING ON THE NORTH LINE OF SAID PARCEL 211; THENCE N.67°05'30”W., ALONG SAID NORTH LINE, A DISTANCE OF 99.91 FEET; THENCE S.88°54'51”W., ALONG SAID NORTH LINE, A DISTANCE OF 117.31 FEET TO A POINT LYING ON AN AGREED UPON LINE , AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2061, PAGE 3137, SAID PUBLIC RECORDS; THENCE N.01°05'35”W., ALONG SAID AGREED UPON LINE, A DISTANCE OF 984.47 FEET TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 19°38'06", AND A CHORD WHICH BEARS N.08°27'40”E. 180.74 FEET, SAID POINT LYING ON THE EAST LINE OF PARCEL 211B, AS DESCRIBED AND RECORDED IN SAID INSTRUMENT 2024000107340; THENCE NORTHEASTERLY ALONG SAID EAST LINE OF PARCEL 211B AND THE ARC OF SAID CURVE, A DISTANCE OF 181.63 FEET; THENCE N.01°04'13”W., ALONG SAID EAST LINE OF PARCEL 211B, A DISTANCE OF 641.39 FEET TO A POINT LYING ON THE EAST LINE OF PARCEL 22C , AS DESCRIBED AND RECORDED IN SAID INSTRUMENT 2024000107340; THENCE THE FOLLOWING ELEVEN (11) CALLS ALONG SAID EAST LINE OF SAID PARCEL 22C: (1) N.01°04'13”W., A DISTANCE OF 1342.33 FEET, CROSSING THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 20, AND THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 18°28'36", AND A CHORD WHICH BEARS N.10°17'51”W. 170.17 FEET; THENCE (2) NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 170.91 FEET; THENCE (3) N.19°32'09”W., A DISTANCE OF 74.64 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 470.00 FEET, A CENTRAL ANGLE OF 29°39'20", AND A CHORD WHICH BEARS N.04°42'29”W. 240.56 FEET; THENCE (4) NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 243.27 FEET; THENCE (5) N.10°07'11”E., A DISTANCE OF 57.33 FEET TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 12°29'25", AND A CHORD WHICH BEARS N.03°52'28”E. 115.31 FEET; THENCE (6) NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 115.54 FEET; THENCE (7) N.02°22'14”W., A DISTANCE OF 444.34 FEET TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 330.00 FEET, A CENTRAL ANGLE OF 32°52'40", AND A CHORD WHICH BEARS N.18°48'34”W. 186.77 FEET; THENCE (8) NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 189.36 FEET; THENCE (9) N.35°14'54”W., A DISTANCE OF 122.77 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 470.00 FEET, A CENTRAL ANGLE OF 30°34'04", AND A CHORD WHICH BEARS N.19°56'34”W. 247.79 FEET; THENCE (10) NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 250.75 FEET; THENCE (11) N.04°37'44”W., A DISTANCE OF 906.79 FEET TO A POINT LYING ON THE SOUTH BOUNDARY A PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS INSTRUMENT 2024000061394; THENCE THE FOLLOWING TWENTY-SIX (26) CALLS ALONG THE BOUNDARY OF SAID PARCEL OF LAND: (1) N.87°40'02"E., A DISTANCE OF 171.20 FEET; THENCE (2) N.10°30'10"E., A DISTANCE OF 122.05 FEET; THENCE (3) N.06°12'14"E., A DISTANCE OF 74.97 FEET; THENCE (4) N.01°54'16"E., A DISTANCE OF 434.19 FEET TO THE BEGINNING OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET, A CHORD WHICH BEARS N.26°06'46"E. 410.05 FEET, AND A CENTRAL ANGLE OF 48°24'56"; THENCE (5) NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 422.51 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A

RADIUS OF 1,000.00 FEET, A CHORD WHICH BEARS N.70°09'32"E. 678.73 FEET, AND A CENTRAL ANGLE OF 39°40'36"; THENCE (6) EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 692.49 FEET; THENCE (7) N.89°59'50"E., A DISTANCE OF 282.01 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET, A CHORD WHICH BEARS N.85°23'58"E. 80.16 FEET, AND A CENTRAL ANGLE OF 09°11'45"; THENCE (8) EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 80.25 FEET; THENCE (9) N.80°48'05"E., A DISTANCE OF 355.83 FEET TO THE BEGINNING OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 892.71 FEET, A CHORD WHICH BEARS S.77°23'28"E. 663.29 FEET, AND A CENTRAL ANGLE OF 43°37'01"; THENCE (10) EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 679.58 FEET; THENCE (11) S.60°41'36"E., A DISTANCE OF 57.31 FEET; THENCE (12) N.28°15'07"E., A DISTANCE OF 23.04 FEET; THENCE (13) N.11°11'18"W., A DISTANCE OF 33.40 FEET; THENCE (14) N.17°25'29"W., A DISTANCE OF 13.23 FEET; THENCE (15) N.21°34'52"E., A DISTANCE OF 27.20 FEET; THENCE (16) N.20°08'26"E., A DISTANCE OF 29.18 FEET; THENCE (17) N.22°42'58"E., A DISTANCE OF 29.56 FEET; THENCE (18) N.11°36'31"E., A DISTANCE OF 25.40 FEET; THENCE (19) N.24°10'14"E., A DISTANCE OF 22.68 FEET; THENCE (20) N.28°38'37"E., A DISTANCE OF 25.35 FEET; THENCE (21) N.25°55'11"E., A DISTANCE OF 26.12 FEET; THENCE (22) N.18°24'14"E., A DISTANCE OF 51.19 FEET; THENCE (23) N.09°08'13"E., A DISTANCE OF 45.21 FEET; THENCE (24) N.03°06'58"E., A DISTANCE OF 39.17 FEET; THENCE (25) N.04°51'46"W., A DISTANCE OF 66.75 FEET; THENCE (26) N.14°54'47"W., A DISTANCE OF 43.86 FEET TO A POINT LYING ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.87°31'48”E., ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 17, A DISTANCE OF 2445.00 FEET TO THE NORTHEAST CORNER OF SAID SECTION 17; THENCE S.04°58'39”E., ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 17, A DISTANCE OF 2688.80 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 17; THENCE S.04°58'06”E., ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 17, A DISTANCE OF 2688.81 FEET TO THE SOUTHEAST CORNER OF SECTION 17, ALSO BEING THE NORTHEAST CORNER OF SECTION 20; THENCE S.03°47'43”E., ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 20, A DISTANCE OF 2684.40 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 20; THENCE S.03°47'39”E., ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 20, A DISTANCE OF 2684.72 FEET TO THE SOUTHEAST CORNER OF SECTION 20; THENCE S.88°37'32”W., ALONG THE SOUTH LINE OF SAID SECTION 20, A DISTANCE OF 2773.30 FEET; THENCE DEPART SAID SOUTH LINE OF SECTION 20, S.01°19'03" E., ALONG THE NORTHERLY EXTENSION THEREOF THE EASTERLY LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS INSTRUMENT NUMBER 2020000310163, A DISTANCE OF 1299.05 FEET; THENCE S.88°42'19" W., ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS INSTRUMENT NUMBER 2020000310163, A DISTANCE OF 2429.87 FEET TO THE INTERSECTION WITH THE EAST LINE OF PARCEL 209A, OF THE AFORESAID OFFICIAL RECORDS INSTRUMENT NUMBER 2024000107360; THENCE N.01°08'44" W., ALONG SAID EASTERLY LINE, AND THE EASTERLY EXTENSION THEREOF LINE OF SAID PARCEL 210A, A DISTANCE OF 1295.67 FEET TO THE **POINT OF BEGINNING**, BEING AND LYING IN A PORTION OF LOTS 1 THROUGH 16, AS DEPICTED AND RECORDED IN SUNCOAST ACRES, AN UNRECORDED PLAT AS REFERENCED IN OFFICIAL RECORDS INSTRUMENT BOOK 23, PAGE 113, OF SAID PUBLIC RECORDS AND IN THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION OF SECTION 29, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY FLORIDA.

TOGETHER WITH - (PARCEL #1)

A PARCEL OF LAND LOCATED IN SECTION 17, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.88°37'32”E., ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 20, A DISTANCE OF 130.00 FEET, TO A POINT LYING ON THE EAST LINE OF PARCEL 211, AS DESCRIBED AND RECORDED IN INSTRUMENT 2024000107340 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE THE FOLLOWING SIX (6) CALLS ALONG SAID EAST LINE: (1) N.01°05'11”W., A DISTANCE OF 396.54 FEET; (2) S.88°54'49”W., A DISTANCE OF 30.00 FEET; THENCE (3) N.01°05'11”W., A DISTANCE OF 2715.54 FEET; THENCE (4) N.08°27'02”E., A DISTANCE OF 187.67 FEET; THENCE (5) N.60°09'56”E., A DISTANCE OF 87.92 FEET; THENCE (6) N.01°05'11”W., A DISTANCE OF 101.21 FEET TO A POINT LYING ON THE NORTH LINE OF SAID PARCEL 211; THENCE N.67°05'30”W., ALONG SAID NORTH LINE, A DISTANCE OF 99.91 FEET; THENCE S.88°54'51”W., ALONG SAID NORTH LINE, A DISTANCE OF 117.31 FEET TO A POINT LYING ON AN AGREED UPON LINE , AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2061, PAGE 3137 OF SAID PUBLIC RECORDS; THENCE N.01°05'35”W., ALONG SAID AGREED UPON LINE, A DISTANCE OF 1803.65 FEET TO A POINT LYING ON THE WEST LINE OF PARCEL 22C , AS DESCRIBED AND RECORDED IN SAID INSTRUMENT 2024000107340; THENCE THE FOLLOWING TWO (2) CALLS ALONG SAID AGREED UPON LINE: (1) N.01°03'33”W., ALSO ALONG SAID WEST LINE OF PARCEL 22C, A DISTANCE OF 1339.84 FEET CROSSING THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 20 AND THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE (2) S.89°01'18”W. A DISTANCE OF 30.00 FEET TO THE **POINT OF BEGINNING**, SAID POINT ALSO LYING ON SAID AGREED UPON LINE; THENCE THE FOLLOWING THREE (3) CALLS ALONG SAID AGREED UPON LINE: (1) S.89°01'18”W., A DISTANCE OF 161.18 FEET TO A POINT LYING ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 17; THENCE (2) N.04°37'30”W., ALONG SAID WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 17, A DISTANCE OF 1348.90 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 17; THENCE (3) CONTINUE N.04°37'30”W., ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 261.24 FEET TO A POINT LYING ON THE WEST LINE OF SAID PARCEL 22C AND TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 30°36'36", AND A CHORD WHICH BEARS OF S.19°56'25”E., 279.79 FEET; THENCE THE FOLLOWING TEN (10) CALLS ALONG SAID WEST LINE OF PARCEL 22C: (1) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 283.15 FEET; THENCE (2) S.35°14'54”E., A DISTANCE OF 122.40 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 32°52'40", AND A CHORD WHICH BEARS S.18°48'34”E. 152.82 FEET; THENCE (3) SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE A DISTANCE OF 154.93 FEET; THENCE (4) S.02°22'14”E., A DISTANCE OF 444.34 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 470.00 FEET, A CENTRAL ANGLE OF 12°29'25", AND A CHORD WHICH BEARS S.03°52'28”W. 102.26 FEET; THENCE (5) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 102.46 FEET; THENCE (6) S.10°07'10”W., A DISTANCE OF 57.33 FEET TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 29°39'20", AND A CHORD WHICH BEARS S.04°42'29”E. 271.27 FEET; THENCE (7) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 274.32 FEET; THENCE (8) S.19°32'09”E., A DISTANCE OF 74.64 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 470.00 FEET, A CENTRAL ANGLE OF 18°28'35", AND A CHORD WHICH BEARS S.10°17'51”E. 150.91 FEET; THENCE (9) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 151.56 FEET; THENCE (10) S.01°03'33”E., A DISTANCE OF 2.91 FEET TO A POINT LYING ON SAID AGREED UPON LINE, SAID POINT ALSO BEING THE **POINT OF BEGINNING**.

LESS AND EXCEPT

A PARCEL OF LAND LOCATED IN SECTION 29, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.88°37'32"E., A DISTANCE OF 130.00 FEET TO THE **POINT OF BEGINNING**, SAID POINT ALSO LYING ON THE NORTH LINE OF A 25' ROAD RIGHT OF WAY AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS INSTRUMENT 2020000310302 OF THE PUBLIC RECORDS OF LEE COUNTY; THENCE N.88°37'32"E., ALONG THE NORTH LINE OF SAID 25' ROAD RIGHT OF WAY, A DISTANCE OF 2,425.99 FEET; THENCE S.01°19'03"E., DEPARTING THE NORTH LINE OF SAID 25' ROAD RIGHT OF WAY, A DISTANCE OF 25.99 FEET TO A POINT LYING ON THE SOUTH LINE OF SAID 25' ROAD RIGHT WAY, SAID POINT ALSO LYING ON THE NORTH LINE OF LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS INSTRUMENT 2020000310163, OF SAID PUBLIC RECORDS; THENCE S.88°38'51"W., ALONG THE SOUTH LINE OF SAID 25' ROAD RIGHT OF WAY, A DISTANCE OF 2,426.06 FEET TO THE NORTHEAST CORNER OF PARCEL 210A AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS INSTRUMENT 2024000107360, OF SAID PUBLIC RECORDS; THENCE N.01°08'47"W., DEPARTING THE SOUTH LINE OF SAID 25' ROAD RIGHT OF WAY, A DISTANCE OF 25.05 FEET TO THE **POINT OF BEGINNING**.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD, IF ANY,

CONTAINING 56,408,228 SQUARE FEET, OR 1,294.95 ACRES, MORE OR LESS.

METES AND BOUNDS DESCRIPTION OF SKETCH

Sections 17, 20 & 29, Township 47 South, Range 26 East

LEGAL DESCRIPTION

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.88°37'32"E., ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 20, A DISTANCE OF 130.00 FEET TO THE **POINT OF BEGINNING**, ALSO BEING A POINT LYING ON THE EAST LINE OF PARCEL 211, AS DESCRIBED AND RECORDED IN INSTRUMENT 2024000107340 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE THE FOLLOWING SIX (6) CALLS ALONG SAID EAST LINE: (1) N.01°05'11"W., A DISTANCE OF 396.54 FEET; THENCE (2) S.88°54'49"W., A DISTANCE OF 30.00 FEET; THENCE (3) N.01°05'11"W., A DISTANCE OF 2715.54 FEET; THENCE (4) N.08°27'02"E., A DISTANCE OF 187.67 FEET; THENCE (5) N.60°09'56"E., A DISTANCE OF 87.92 FEET; THENCE (6) N.01°05'11"W., A DISTANCE OF 101.21 FEET TO A POINT LYING ON THE NORTH LINE OF SAID PARCEL 211; THENCE N.67°05'30"W., ALONG SAID NORTH LINE, A DISTANCE OF 99.91 FEET; THENCE S.88°54'51"W., ALONG SAID NORTH LINE, A DISTANCE OF 117.31 FEET TO A POINT LYING ON AN AGREED UPON LINE , AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2061, PAGE 3137, SAID PUBLIC RECORDS; THENCE N.01°05'35"W., ALONG SAID AGREED UPON LINE, A DISTANCE OF 984.47 FEET TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 19°38'06", AND A CHORD WHICH BEARS N.08°27'40"E. 180.74 FEET, SAID POINT LYING ON THE EAST LINE OF PARCEL 211B, AS DESCRIBED AND RECORDED IN SAID INSTRUMENT 2024000107340; THENCE NORTHEASTERLY ALONG SAID EAST LINE OF PARCEL 211B AND THE ARC OF SAID CURVE, A DISTANCE OF 181.63 FEET; THENCE N.01°04'13"W., ALONG SAID EAST LINE OF PARCEL 211B, A DISTANCE OF 641.39 FEET TO A POINT LYING ON THE EAST LINE OF PARCEL 22C , AS DESCRIBED AND RECORDED IN SAID INSTRUMENT 2024000107340; THENCE THE FOLLOWING ELEVEN (11) CALLS ALONG SAID EAST LINE OF SAID PARCEL 22C: (1) N.01°04'13"W., A DISTANCE OF 1342.33 FEET, CROSSING THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 20, AND THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 18°28'36", AND A CHORD WHICH BEARS N.10°17'51"W. 170.17 FEET; THENCE (2) NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 170.91 FEET; THENCE (3) N.19°32'09"W., A DISTANCE OF 74.64 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 470.00 FEET, A CENTRAL ANGLE OF 29°39'20", AND A CHORD WHICH BEARS N.04°42'29"W. 240.56 FEET; THENCE (4) NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 243.27 FEET; THENCE (5) N.10°07'11"E., A DISTANCE OF 57.33 FEET TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 12°29'25", AND A CHORD WHICH BEARS N.03°52'28"E. 115.31 FEET; THENCE (6) NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 115.54 FEET; THENCE (7) N.02°22'14"W., A DISTANCE OF 444.34 FEET TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 330.00 FEET, A CENTRAL ANGLE OF 32°52'40", AND A CHORD WHICH BEARS N.18°48'34"W. 186.77 FEET; THENCE (8) NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 189.36 FEET; THENCE (9) N.35°14'54"W., A DISTANCE OF 122.77 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 470.00 FEET, A CENTRAL ANGLE OF 30°34'04", AND A CHORD WHICH BEARS N.19°56'34"W. 247.79 FEET; THENCE (10) NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 250.75 FEET; THENCE (11) N.04°37'44"W., A DISTANCE OF 906.79 FEET TO A POINT LYING ON THE SOUTH BOUNDARY A PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS INSTRUMENT 2024000061394; THENCE THE FOLLOWING TWENTY-SIX (26) CALLS ALONG THE BOUNDARY OF SAID PARCEL OF LAND: (1) N.87°40'02"E., A DISTANCE OF 171.20 FEET; THENCE (2) N.10°30'10"E., A DISTANCE OF 122.05 FEET; THENCE (3) N.06°12'14"E., A DISTANCE OF 74.97 FEET; THENCE (4) N.01°54'16"E., A DISTANCE OF 434.19 FEET TO THE BEGINNING OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET, A CHORD WHICH BEARS N.26°06'46"E. 410.05 FEET, AND A CENTRAL ANGLE OF 48°24'56"; THENCE (5) NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 422.51 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 1,000.00 FEET, A CHORD WHICH BEARS N.70°09'32"E. 678.73 FEET, AND A CENTRAL ANGLE OF 39°40'36"; THENCE (6) EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 692.49 FEET; THENCE (7) N.89°59'50"E., A DISTANCE OF 282.01 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET, A CHORD WHICH BEARS N.85°23'58"E. 80.16 FEET, AND A CENTRAL ANGLE OF 09°11'45"; THENCE (8) EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 80.25 FEET; THENCE (9) N.80°48'05"E., A DISTANCE OF 355.83 FEET TO THE BEGINNING OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 892.71 FEET, A CHORD WHICH BEARS S.77°23'28"E. 663.29 FEET, AND A CENTRAL ANGLE OF 43°37'01"; THENCE (10) EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 679.58 FEET; THENCE (11) S.60°41'36"E., A DISTANCE OF 57.31 FEET; THENCE (12) N.28°15'07"E., A DISTANCE OF 23.04 FEET; THENCE (13) N.11°11'18"W., A DISTANCE OF 33.40 FEET; THENCE (14) N.17°25'29"W., A DISTANCE OF 13.23 FEET; THENCE (15) N.21°34'52"E., A DISTANCE OF 27.20 FEET; THENCE (16) N.20°08'26"E., A DISTANCE OF 29.18 FEET; THENCE (17) N.22°42'58"E., A DISTANCE OF 29.56 FEET; THENCE (18) N.11°36'31"E., A DISTANCE OF 25.40 FEET; THENCE (19) N.24°10'14"E., A DISTANCE OF 22.68 FEET; THENCE (20) N.28°38'37"E., A DISTANCE OF 25.35 FEET; THENCE (21) N.25°55'11"E., A DISTANCE OF 26.12 FEET; THENCE (22) N.18°24'14"E., A DISTANCE OF 51.19 FEET; THENCE (23) N.09°08'13"E., A DISTANCE OF 45.21 FEET; THENCE (24) N.03°06'58"E., A DISTANCE OF 39.17 FEET; THENCE (25) N.04°51'46"W., A DISTANCE OF 66.75 FEET; THENCE (26) N.14°54'47"W., A DISTANCE OF 43.86 FEET TO A POINT LYING ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.87°31'48"E., ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 17, A DISTANCE OF 2445.00 FEET TO THE NORTHEAST CORNER OF SAID SECTION 17; THENCE S.04°58'39"E., ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 17, A DISTANCE OF 2688.80 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 17; THENCE S.04°58'06"E., ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 17, A DISTANCE OF 2688.81 FEET TO THE SOUTHEAST CORNER OF SECTION 17, ALSO BEING THE NORTHEAST CORNER OF SECTION 20; THENCE S.03°47'43"E., ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 20, A DISTANCE OF 2684.40 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 20; THENCE S.03°47'39"E., ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 20, A DISTANCE OF 2684.72 FEET TO THE SOUTHEAST CORNER OF SECTION 20; THENCE S.88°37'32"W., ALONG THE SOUTH LINE OF SAID SECTION 20, A DISTANCE OF 2773.30 FEET; THENCE DEPART SAID SOUTH LINE OF SECTION 20, S.01°19'03" E., ALONG THE NORTHERLY EXTENSION THEREOF THE EASTERLY LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS INSTRUMENT NUMBER 2020000310163, A DISTANCE OF 1299.05 FEET; THENCE S.88°42'19" W., ALONG THE SOUTHERLY LINE OF SAID CERTAIN PARCEL IN OFFICIAL RECORDS INSTRUMENT NUMBER 2020000310163, A DISTANCE OF 2429.87 FEET TO THE INTERSECTION WITH THE EAST LINE OF PARCEL 209A, OF THE AFORESAID OFFICIAL RECORDS INSTRUMENT NUMBER 2024000107360; THENCE N.01°08'44" W., ALONG SAID EASTERLY LINE, AND THE EASTERLY EXTENSION THEREOF LINE OF SAID PARCEL 210A, A DISTANCE OF 1295.67 FEET TO THE **POINT OF BEGINNING**, BEING AND LYING IN A PORTION OF LOTS 1 THROUGH 16, AS DEPICTED AND RECORDED IN SUNCOAST ACRES, AN UNRECORDED PLAT AS REFERENCED IN OFFICIAL RECORDS INSTRUMENT BOOK 23, PAGE 113, OF SAID PUBLIC RECORDS AND IN THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION OF SECTION 29, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY FLORIDA.

(LEGAL DESCRIPTION CONTINUED ON SHEET 2 OF 8)

REVISIONS:
08/11/2025 REVISED BOUNDARY AND LEGAL DESCRIPTION

PREPARED FOR:
PULTE HOME COMPANY, LLC

ATWELL
866.850.4200 www.atwell.com
CERTIFICATE OF AUTHORIZATION LB 0007832
6813 STATE ROAD 70 EAST, BRADENTON, FL 34203
OFFICE 941.748.8340 FAX 941.896.9938

Digitally signed by Kyle E. Cross
DN: CN=Kyle E Cross, dnQualifier=A01410D2000018EC9C3D9F000AC9F9, O=Atwell LLC, C=US
Date: 2025.08.11 15:33:04 -04'00'

KYLE E. CROSS PSM No. 7176
NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY KYLE E. CROSS., P.S.M.

SHEET	Scale: 1"= NA	Drawn by: BH	FB/PG: NA	DATE: 04/11/2025
1 OF 8				JOB: 23007044-M&B

Drawing name: C:\Users\bhabora\OneDrive - Atwell LLC\Documents\Atwell Projects\CDD Metes-Bounds Sketch\DWG\23007044-M&B.dwg 1 Aug 11, 2025 2:46pm by: bhabora

METES AND BOUNDS DESCRIPTION OF SKETCH

Sections 17, 20 & 29, Township 47 South, Range 26 East

(LEGAL DESCRIPTION CONTINUED FROM SHEET 1 OF 8)

TOGETHER WITH - (PARCEL #1)

A PARCEL OF LAND LOCATED IN SECTION 17, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.88°37'32"E., ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 20, A DISTANCE OF 130.00 FEET, TO A POINT LYING ON THE EAST LINE OF PARCEL 211, AS DESCRIBED AND RECORDED IN INSTRUMENT 2024000107340 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE THE FOLLOWING SIX (6) CALLS ALONG SAID EAST LINE: (1) N.01°05'11"W., A DISTANCE OF 396.54 FEET; (2) S.88°54'49"W., A DISTANCE OF 30.00 FEET; THENCE (3) N.01°05'11"W., A DISTANCE OF 2715.54 FEET; THENCE (4) N.08°27'02"E., A DISTANCE OF 187.67 FEET; THENCE (5) N.60°09'56"E., A DISTANCE OF 87.92 FEET; THENCE (6) N.01°05'11"W., A DISTANCE OF 101.21 FEET TO A POINT LYING ON THE NORTH LINE OF SAID PARCEL 211; THENCE N.67°05'30"W., ALONG SAID NORTH LINE, A DISTANCE OF 99.91 FEET; THENCE S.88°54'51"W., ALONG SAID NORTH LINE, A DISTANCE OF 117.31 FEET TO A POINT LYING ON AN AGREED UPON LINE , AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2061, PAGE 3137 OF SAID PUBLIC RECORDS; THENCE N.01°05'35"W., ALONG SAID AGREED UPON LINE, A DISTANCE OF 1803.65 FEET TO A POINT LYING ON THE WEST LINE OF PARCEL 22C , AS DESCRIBED AND RECORDED IN SAID INSTRUMENT 2024000107340; THENCE THE FOLLOWING TWO (2) CALLS ALONG SAID AGREED UPON LINE: (1) N.01°03'33"W., ALSO ALONG SAID WEST LINE OF PARCEL 22C, A DISTANCE OF 1339.84 FEET CROSSING THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 20 AND THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE (2) S.89°01'18"W. A DISTANCE OF 30.00 FEET TO THE **POINT OF BEGINNING**, SAID POINT ALSO LYING ON SAID AGREED UPON LINE; THENCE THE FOLLOWING THREE (3) CALLS ALONG SAID AGREED UPON LINE: (1) S.89°01'18"W., A DISTANCE OF 161.18 FEET TO A POINT LYING ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 17; THENCE (2) N.04°37'30"W., ALONG SAID WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 17, A DISTANCE OF 1348.90 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 17; THENCE (3) CONTINUE N.04°37'30"W., ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 261.24 FEET TO A POINT LYING ON THE WEST LINE OF SAID PARCEL 22C AND TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 30°36'36", AND A CHORD WHICH BEARS OF S.19°56'25"E., 279.79 FEET; THENCE THE FOLLOWING TEN (10) CALLS ALONG SAID WEST LINE OF PARCEL 22C: (1) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 283.15 FEET; THENCE (2) S.35°14'54"E., A DISTANCE OF 122.40 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 32°52'40", AND A CHORD WHICH BEARS S.18°48'34"E. 152.82 FEET; THENCE (3) SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE A DISTANCE OF 154.93 FEET; THENCE (4) S.02°22'14"E., A DISTANCE OF 444.34 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 470.00 FEET, A CENTRAL ANGLE OF 12°29'25", AND A CHORD WHICH BEARS S.03°52'28"W. 102.26 FEET; THENCE (5) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 102.46 FEET; THENCE (6) S.10°07'10"W., A DISTANCE OF 57.33 FEET TO A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 530.00 FEET, A CENTRAL ANGLE OF 29°39'20", AND A CHORD WHICH BEARS S.04°42'29"E. 271.27 FEET; THENCE (7) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 274.32 FEET; THENCE (8) S.19°32'09"E., A DISTANCE OF 74.64 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 470.00 FEET, A CENTRAL ANGLE OF 18°28'35", AND A CHORD WHICH BEARS S.10°17'51"E. 150.91 FEET; THENCE (9) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 151.56 FEET; THENCE (10) S.01°03'33"E., A DISTANCE OF 2.91 FEET TO A POINT LYING ON SAID AGREED UPON LINE, SAID POINT ALSO BEING THE **POINT OF BEGINNING**.

LESS AND EXCEPT

A PARCEL OF LAND LOCATED IN SECTION 29, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.88°37'32"E., A DISTANCE OF 130.00 FEET TO THE **POINT OF BEGINNING**, SAID POINT ALSO LYING ON THE NORTH LINE OF A 25' ROAD RIGHT OF WAY AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS INSTRUMENT 2020000310302 OF THE PUBLIC RECORDS OF LEE COUNTY; THENCE ALONG THE NORTH LINE OF SAID 25' ROAD RIGHT OF WAY, N.88°37'32"E., A DISTANCE OF 2,425.99 FEET; THENCE DEPARTING THE NORTH LINE OF SAID 25' ROAD RIGHT OF WAY, S.01°19'03"E., A DISTANCE OF 25.99 FEET TO A POINT LYING ON THE SOUTH LINE OF SAID 25' ROAD RIGHT WAY, SAID POINT ALSO LYING ON THE NORTH LINE OF LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS INSTRUMENT 2020000310163, OF SAID PUBLIC RECORDS; THENCE ALONG THE SOUTH LINE OF SAID 25' ROAD RIGHT OF WAY, S.88°38'51"W., A DISTANCE OF 2,426.06 FEET TO THE NORTHEAST CORNER OF PARCEL 210A AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS INSTRUMENT 2024000107360, OF SAID PUBLIC RECORDS; THENCE DEPARTING THE SOUTH LINE OF SAID 25' ROAD RIGHT OF WAY, N.01°08'47"W., A DISTANCE OF 25.05 FEET TO THE **POINT OF BEGINNING**.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD, IF ANY,

CONTAINING 56,408,228 SQUARE FEET, OR 1,294.95 ACRES, MORE OR LESS.

NOTES:

1. THIS SKETCH IS NOT A SURVEY.
2. THIS DESCRIPTION IS NOT COMPLETE WITHOUT THE SKETCH(S).
3. BEARINGS SHOWN HEREON ARE PLANE COORDINATE FOR THE FLORIDA WEST ZONE (NORTH AMERICAN DATUM OF 1983/1990 ADJUSTMENT).
4. NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

REVISIONS:
08/11/2025 REVISED BOUNDARY AND LEGAL DESCRIPTION

PREPARED FOR:
PULTE HOME COMPANY, LLC

ATWELL
866.850.4200 www.atwell.com
CERTIFICATE OF AUTHORIZATION LB 0007832
6813 STATE ROAD 70 EAST, BRADENTON, FL 34203
OFFICE 941.748.8340 FAX 941.896.9938

Digitally signed by Kyle E. Cross
DN: CN=Kyle E Cross, O=Quantier=A01410C3000018EC035C0F000AC9F9, Atwell LLC, C=US
Date: 2025.08.11 15:15:50-04'00'

KYLE E. CROSS PSM No. 7176
NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY KYLE E. CROSS., P.S.M.

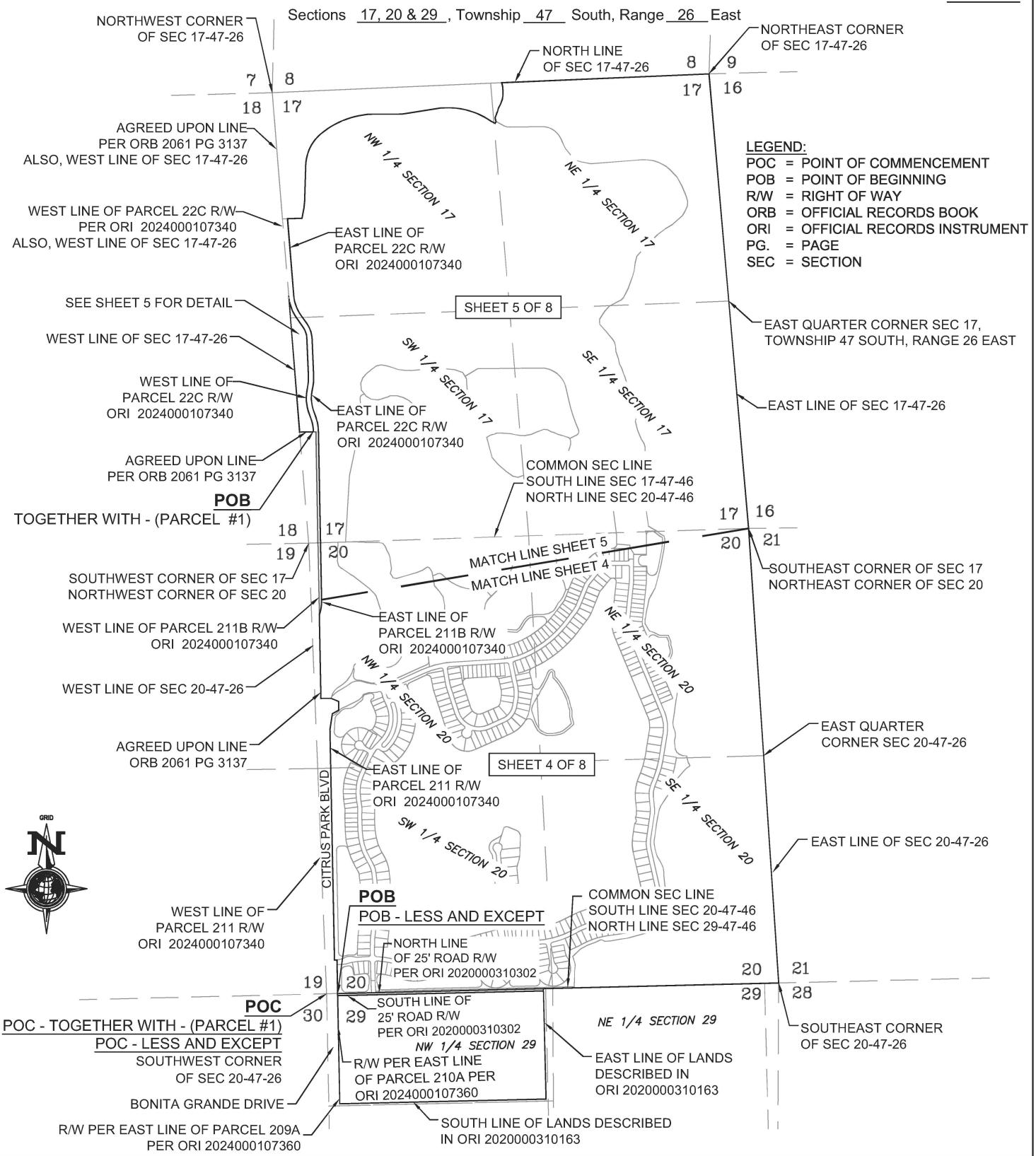
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METES AND BOUNDS SKETCH OF DESCRIPTION

Sections 17, 20 & 29, Township 47 South, Range 26 East

INDEX



REVISIONS:
08/11/2025 REVISED BOUNDARY AND LEGAL DESCRIPTION

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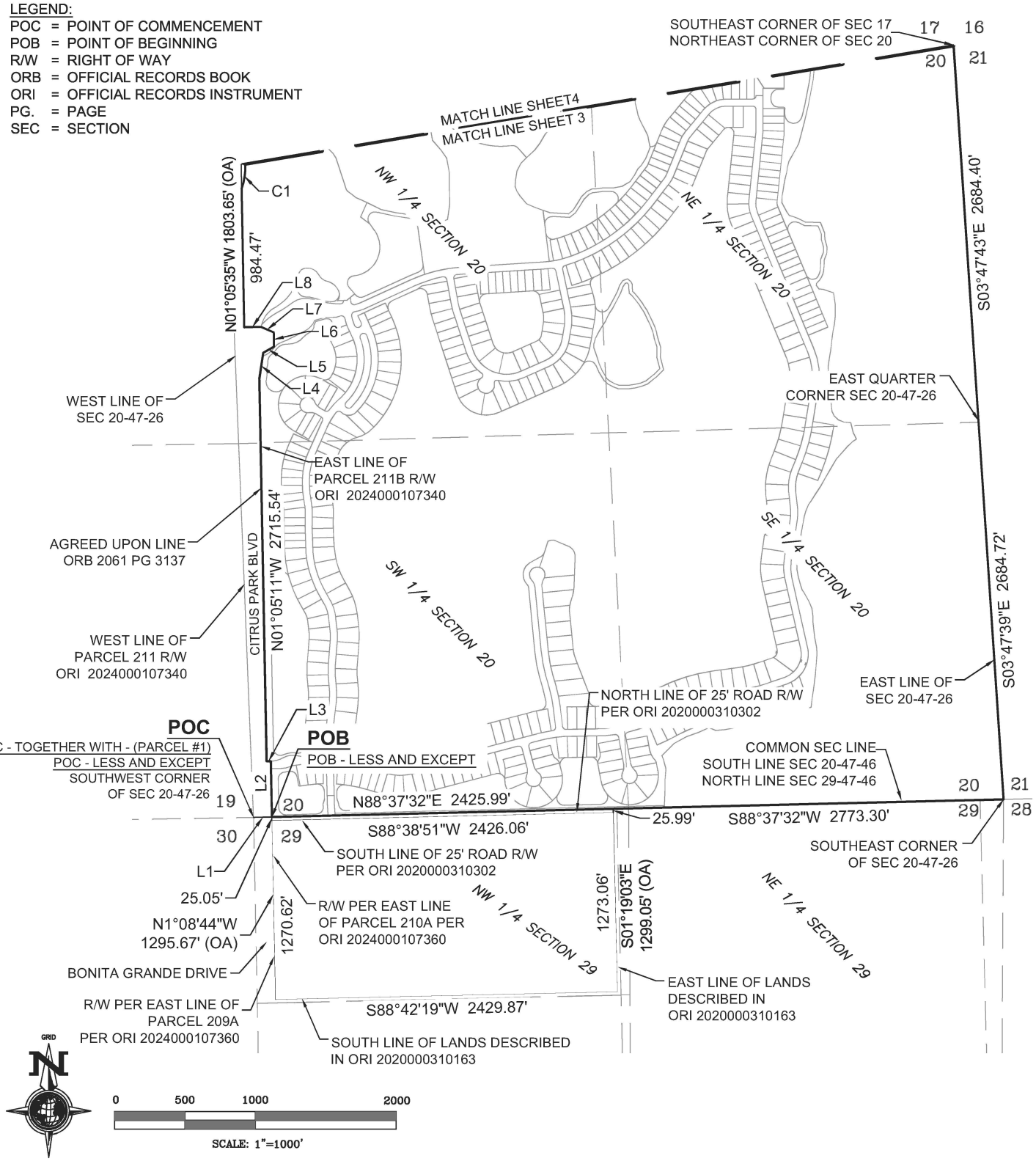
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Sections 17, 20 & 29, Township 47 South, Range 26 East

LEGEND:
POC = POINT OF COMMENCEMENT
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ORB = OFFICIAL RECORDS BOOK
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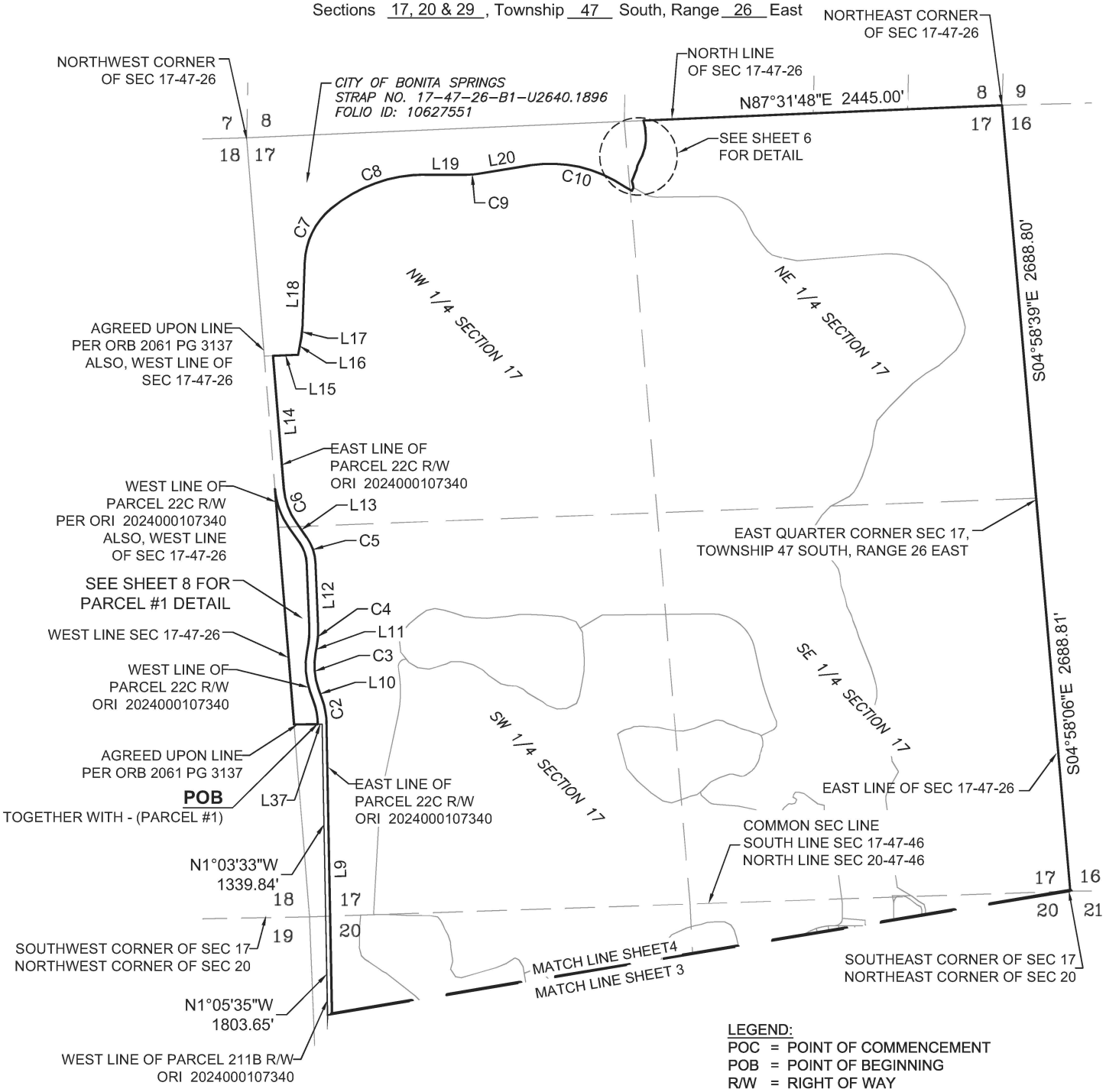
SEE SHEET 7 FOR LINE AND CURVE TABLES

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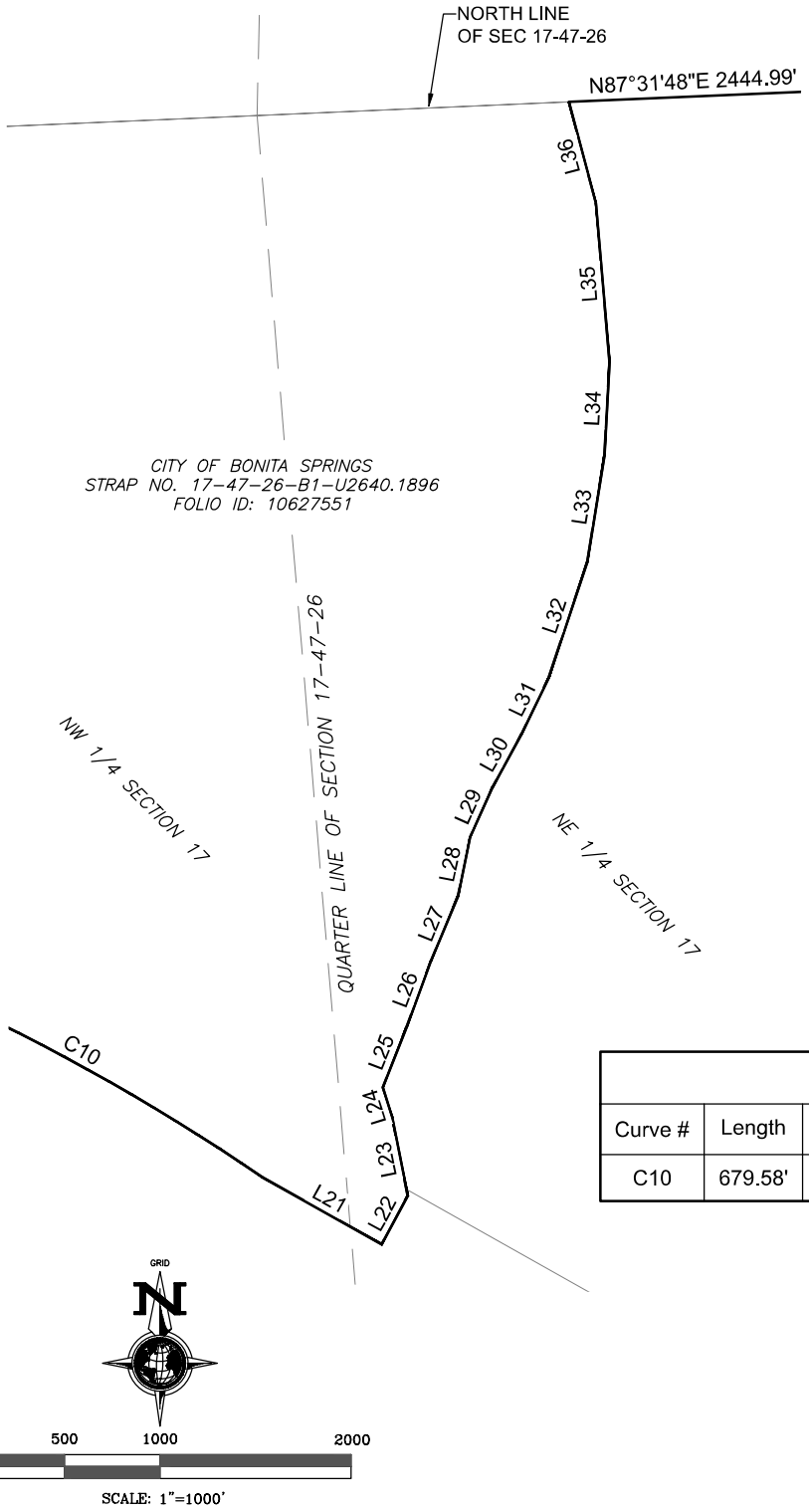
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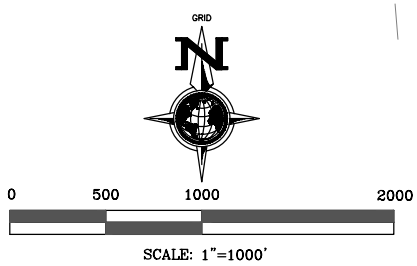
METES AND BOUNDS DESCRIPTION OF SKETCH

Sections 17, 20 & 29, Township 47 South, Range 26 East



Line Table		
Line #	Direction	Length
L21	S60°41'36"E	57.31'
L22	N28°15'07"E	23.04'
L23	N11°11'18"W	33.40'
L24	N17°25'29"W	13.23'
L25	N21°34'52"E	27.20'
L26	N20°08'26"E	29.18'
L27	N22°42'58"E	29.56'
L28	N11°36'31"E	25.40'
L29	N24°10'14"E	22.68'
L30	N28°38'37"E	25.35'
L31	N25°55'11"E	26.12'
L32	N18°24'14"E	51.19'
L33	N9°08'13"E	45.21'
L34	N3°06'58"E	39.17'
L35	N4°51'46"W	66.75'
L36	N14°54'47"W	43.86'

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C10	679.58'	892.71'	43°37'01"	S77° 23' 28"E	663.29'



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METES AND BOUNDS DESCRIPTION OF SKETCH

Sections 17, 20 & 29, Township 47 South, Range 26 East

Line Table		
Line #	Direction	Length
L1	N88°37'32"E	130.00'
L2	N1°05'11"W	396.54'
L3	S88°54'49"W	30.00'
L4	N8°27'02"E	187.67'
L5	N60°09'56"E	87.92'
L6	N1°05'11"W	101.21'
L7	N67°05'30"W	99.91'
L8	S88°54'51"W	117.31'
L9	N1°04'13"W	1983.72'
L10	N19°32'09"W	74.64'

Line Table		
Line #	Direction	Length
L11	N10°07'11"E	57.33'
L12	N2°22'14"W	444.34'
L13	N35°14'54"W	122.77'
L14	N4°37'44"W	906.79'
L15	N87°40'02"E	171.20'
L16	N10°30'10"E	122.05'
L17	N6°12'14"E	74.97'
L18	N1°54'16"E	434.19'
L19	N89°59'50"E	282.01'
L20	N80°48'05"E	355.83'

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	181.63'	530.00'	19°38'06"	N08° 27' 40"E	180.74'
C2	170.91'	530.00'	18°28'36"	N10° 17' 51"W	170.17'
C3	243.27'	470.00'	29°39'20"	N04° 42' 29"W	240.56'
C4	115.54'	530.00'	12°29'25"	N03° 52' 28"E	115.31'
C5	189.36'	330.00'	32°52'40"	N18° 48' 34"W	186.77'
C6	250.75'	470.00'	30°34'04"	N19° 56' 34"W	247.79'
C7	422.51'	500.00'	48°24'56"	N26° 06' 46"E	410.05'
C8	692.49'	1000.00'	39°40'36"	N70° 09' 32"E	678.73'
C9	80.25'	500.00'	9°11'45"	N85° 23' 58"E	80.16'
C10	679.58'	892.71'	43°37'01"	S77° 23' 28"E	663.29'

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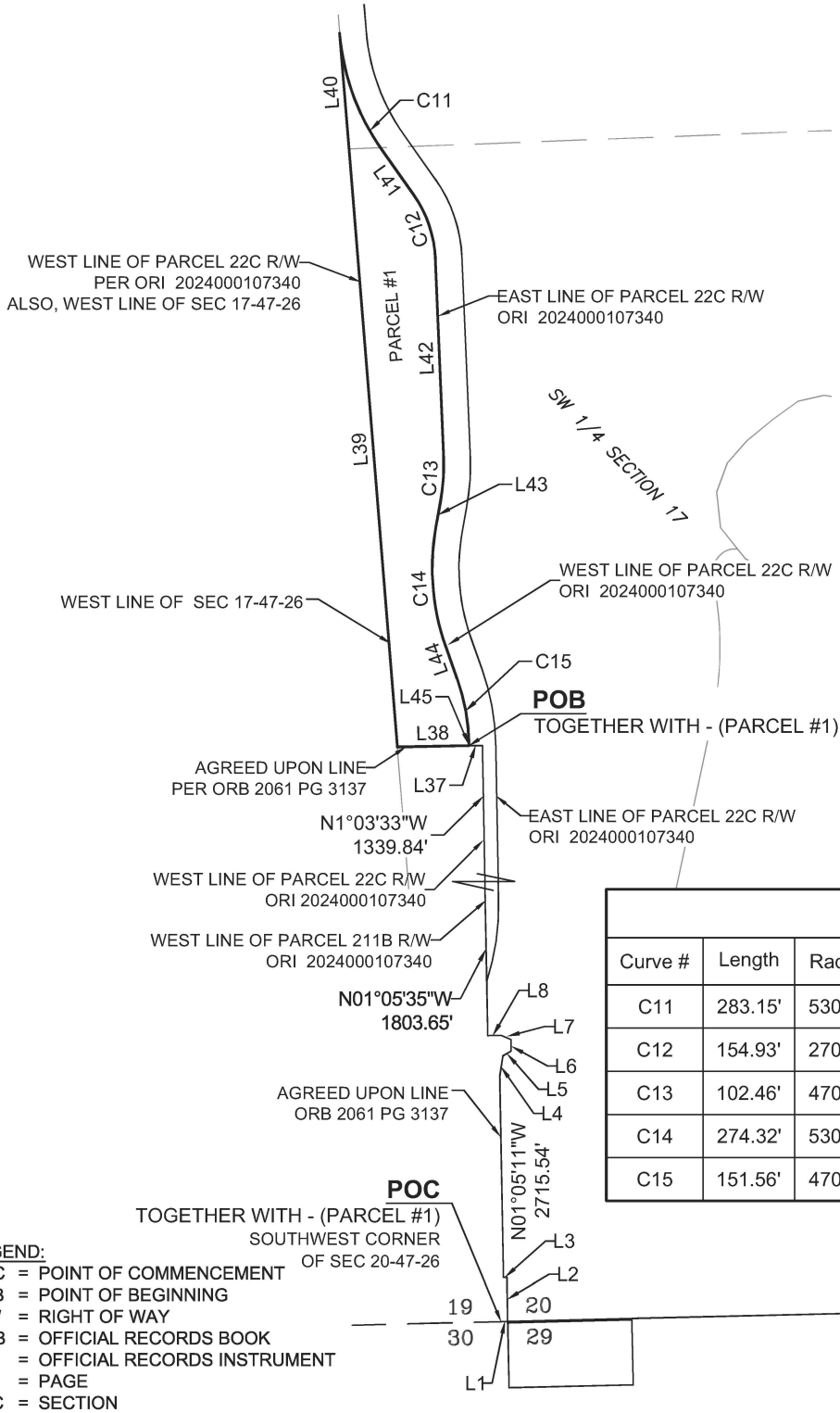
SEE SHEET 4 AND 5 FOR SKETCH

SHEET	Scale:	Drawn by:	FB/PG:	DATE:
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Line Table		
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L7	N67°05'30"W	99.91'
L8	S88°54'51"W	117.31'
L37	S89°01'18"W	30.00'
L38	S89°01'18"W	161.18'
L39	N4°37'30"W	1348.90'
L40	N4°37'30"W	261.24'
L41	S35°14'54"E	122.40'
L42	S2°22'14"E	444.34'
L43	S10°07'10"W	57.33'
L44	S19°32'09"E	74.64'
L45	S1°03'33"E	2.91'

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C11	283.15'	530.00'	30°36'36"	S19° 56' 25"E	279.79'
C12	154.93'	270.00'	32°52'40"	S18° 48' 34"E	152.82'
C13	102.46'	470.00'	12°29'25"	S03° 52' 28"W	102.26'
C14	274.32'	530.00'	29°39'20"	S04° 42' 29"E	271.27'
C15	151.56'	470.00'	18°28'35"	S10° 17' 51"E	150.91'

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GRID N

0 200 400 800

SCALE: 1"=400'

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CONSENT TO ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT

The undersigned is the owner of certain lands more fully described in **Exhibit A** attached hereto and made a part hereof ("Property").

The undersigned, under certain conditions being met and pursuant to a separate written agreement, has authorized Pulte Home Company, LLC, a Michigan limited liability company ("Petitioner") to perform certain actions necessary to entitle and develop the Property, all pursuant to said separate written agreement.

The undersigned understands and acknowledges that Petitioner intends to submit an application to establish a community development district in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which are intended to constitute a portion of the community development district, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the community development district of one hundred percent (100%) of the owners of the lands to be included within the community development district.

The undersigned hereby consents to the establishment of the community development district which will include the Property within the lands to be a part of the community development district and agrees to further execute any reasonable documentation necessary or convenient to evidence this consent during the application process for the establishment of the community development district.

The undersigned acknowledges that the consent will remain in full force and effect until the community development district is established or a written revocation is issued, which ever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest, other than Petitioner, of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, a consent to establishment of the community development district in substantially this form from the next purchaser or successor in interest that is not Petitioner.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent by the person executing this instrument.

[*signatures on following page*]

Executed this 10th day of June, 2025.

WITNESSES:

Pamela S. Kraft
Name: Pamela S. Kraft

Name: SCOTT BROOKS

PULTE HOME COMPANY, LLC
a Michigan limited liability company

By: Naomi Robertson
Name: Naomi Robertson
Title: VP Finance

STATE OF FLORIDA
COUNTY OF Lee

I hereby certify that on this day, before me, by means of ☑ physical presence or ☐ online notarization, an officer duly authorized to take acknowledgments, personally appeared Naomi Robertson, as VP Finance of Pulte Home Company, LLC, who executed the foregoing instrument, acknowledged before me that he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal this 10th day of June, 2025.

JACQUELINE KRAMER
MY COMMISSION # HH 184227
EXPIRES: November 15, 2025
Bonded Thru Notary Public Underwriters

Jacqueline Kramer
Notary Public Jacqueline Kramer

Personally known: ✓
Produced Identification: _____
Type of Identification: _____

Exhibit A: Property Description

Exhibit A

Property Description

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.01°05'35"W., ALONG AN AGREED UPON LINE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2061, PAGE 3137, PUBLIC RECORDS OF LEE COUNTY FLORIDA, A DISTANCE OF 3481.93 FEET THENCE N.88°54'51"E., A DISTANCE OF 117.31 FEET; THENCE S.67°05'30"E., A DISTANCE OF 3.47 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 188.74 FEET AND A CHORD WHICH BEARS N.36°16'09"E. 177.35 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 56°02'44", A DISTANCE OF 184.62 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 354.90 FEET, A CHORD WHICH BEARS N.36°08'05"E. 272.27 FEET, AND A CENTRAL ANGLE OF 45°06'44"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 279.44 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 53.39 FEET, A CHORD WHICH BEARS N.36°46'47"E. 66.45 FEET, AND A CENTRAL ANGLE OF 76°57'48"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 71.72 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 91.67 FEET, A CHORD WHICH BEARS S.75°39'40"E. 87.85 FEET, AND A CENTRAL ANGLE OF 57°15'38"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 91.62 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 295.10 FEET, A CHORD WHICH BEARS S.36°01'45"E. 53.96 FEET, AND A CENTRAL ANGLE OF 10°29'30"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 54.04 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 87.24 FEET, A CHORD WHICH BEARS S.63°20'22"E. 58.66 FEET, AND A CENTRAL ANGLE OF 39°17'19"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 59.82 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 128.93 FEET, A CHORD WHICH BEARS S.47°43'13"E. 103.18 FEET, AND A CENTRAL ANGLE OF 47°10'24"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 106.15 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET, A CHORD WHICH BEARS S.07°48'06"W. 68.76 FEET, AND A CENTRAL ANGLE OF 63°52'13"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 72.46 FEET; THENCE N.86°37'05"E., A DISTANCE OF 67.35 FEET; THENCE N.51°06'02"E., A DISTANCE OF 71.29 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1011.21 FEET, A CHORD WHICH BEARS N.40°34'29"W. 59.12 FEET, AND A CENTRAL ANGLE OF 03°21'02"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 59.13 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, A CHORD WHICH BEARS N.21°01'12"E. 89.31 FEET, AND A CENTRAL ANGLE OF 126°32'24"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 110.43 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 205.00 FEET, A CHORD WHICH BEARS N.24°37'34"E. 353.86 FEET, AND A CENTRAL ANGLE OF 119°19'40"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 426.95 FEET; THENCE N.35°02'16"W., A DISTANCE OF 56.71 FEET; THENCE N.53°00'49"W., A DISTANCE OF 82.95 FEET; THENCE N.23°47'24"E., A DISTANCE OF 111.94 FEET; THENCE N.63°36'46"W., A

DISTANCE OF 34.59 FEET; THENCE N.68°08'59"W., A DISTANCE OF 50.77 FEET; THENCE N.51°21'27"W., A DISTANCE OF 42.38 FEET; THENCE N.55°09'39"W., A DISTANCE OF 28.55 FEET; THENCE N.39°16'51"W., A DISTANCE OF 19.17 FEET; THENCE N.18°11'00"W., A DISTANCE OF 235.59 FEET; THENCE N.31°59'17"W., A DISTANCE OF 41.38 FEET; THENCE N.45°08'35"W., A DISTANCE OF 80.13 FEET; THENCE N.51°52'41"W., A DISTANCE OF 244.65 FEET; THENCE N.62°47'08"W., A DISTANCE OF 32.93 FEET; THENCE N.54°54'21"W., A DISTANCE OF 39.01 FEET; THENCE N.55°04'20"W., A DISTANCE OF 71.87 FEET; THENCE N.57°57'04"W., A DISTANCE OF 31.70 FEET; THENCE N.44°02'11"W., A DISTANCE OF 36.73 FEET; THENCE N.14°03'07"W., A DISTANCE OF 54.60 FEET; THENCE N.00°35'56"E., A DISTANCE OF 139.24 FEET; THENCE N.04°38'16"E., A DISTANCE OF 82.92 FEET; THENCE N.88°03'57"E., A DISTANCE OF 87.67 FEET; THENCE N.03°15'43"E., A DISTANCE OF 772.89 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 132.00 FEET, A CHORD WHICH BEARS N.07°37'09"E. 20.06 FEET, AND A CENTRAL ANGLE OF 08°42'52"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 20.08 FEET; THENCE N.11°58'58"E., A DISTANCE OF 587.10 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 747.00 FEET, A CHORD WHICH BEARS N.02°22'46"E. 249.24 FEET, AND A CENTRAL ANGLE OF 19°12'25"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 250.41 FEET; THENCE N.07°13'27"W., A DISTANCE OF 71.29 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, A CHORD WHICH BEARS N.43°57'59"E. 77.92 FEET, AND A CENTRAL ANGLE OF 102°22'52"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 89.34 FEET; THENCE N.38°37'27"W., A DISTANCE OF 60.72 FEET; THENCE N.06°25'15"W., A DISTANCE OF 81.20 FEET; THENCE N.20°29'27"E., A DISTANCE OF 69.87 FEET; THENCE N.41°23'56"E., A DISTANCE OF 66.92 FEET; THENCE N.50°43'14"E., A DISTANCE OF 76.86 FEET; THENCE N.54°15'05"E., A DISTANCE OF 67.66 FEET; THENCE N.76°53'55"E., A DISTANCE OF 60.07 FEET; THENCE S.80°13'08"E., A DISTANCE OF 64.11 FEET; THENCE S.73°38'18"E., A DISTANCE OF 77.12 FEET; THENCE S.71°01'47"E., A DISTANCE OF 66.80 FEET; THENCE S.82°59'27"E., A DISTANCE OF 74.57 FEET; THENCE S.87°23'42"E., A DISTANCE OF 81.33 FEET; THENCE N.84°21'28"E., A DISTANCE OF 145.16 FEET; THENCE N.81°13'46"E., A DISTANCE OF 82.22 FEET; THENCE S.89°56'14"E., A DISTANCE OF 81.25 FEET; THENCE S.87°08'50"E., A DISTANCE OF 74.11 FEET; THENCE S.85°02'34"E., A DISTANCE OF 126.84 FEET; THENCE S.70°34'12"E., A DISTANCE OF 103.34 FEET; THENCE S.31°58'03"E., A DISTANCE OF 52.40 FEET; THENCE N.59°20'36"E., A DISTANCE OF 175.01 FEET; THENCE N.89°23'21"E., A DISTANCE OF 743.60 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, A CHORD WHICH BEARS S.51°33'26"E. 378.03 FEET, AND A CENTRAL ANGLE OF 78°06'25"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 408.97 FEET; THENCE S.12°30'14"E., A DISTANCE OF 155.57 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 1780.00 FEET, A CHORD WHICH BEARS S.18°16'26"E. 357.91 FEET, AND A CENTRAL ANGLE OF 11°32'25"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 358.52 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, A CHORD WHICH BEARS S.20°13'17"W. 69.80 FEET, AND A CENTRAL ANGLE OF 88°31'51"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 77.26 FEET; THENCE S.64°29'12"W., A DISTANCE OF 86.85 FEET; THENCE S.44°17'49"E., A DISTANCE OF 3.36 FEET; THENCE S.20°13'08"E., A DISTANCE OF 17.33 FEET; THENCE S.11°24'12"E., A DISTANCE OF 16.18 FEET; THENCE S.05°32'45"E., A DISTANCE OF 21.68 FEET; THENCE S.08°50'36"W., A DISTANCE OF 14.74 FEET; THENCE S.22°08'57"W., A DISTANCE OF

14.88 FEET; THENCE S.14°07'27"W., A DISTANCE OF 18.95 FEET; THENCE S.17°55'03"W., A DISTANCE OF 17.11 FEET; THENCE S.16°32'57"W., A DISTANCE OF 15.97 FEET; THENCE S.06°09'39"W., A DISTANCE OF 14.90 FEET; THENCE S.15°10'09"W., A DISTANCE OF 25.41 FEET; THENCE S.28°02'03"W., A DISTANCE OF 30.15 FEET; THENCE S.33°42'53"W., A DISTANCE OF 17.39 FEET; THENCE S.36°49'25"W., A DISTANCE OF 12.65 FEET; THENCE S.39°41'32"W., A DISTANCE OF 10.87 FEET; THENCE S.47°36'28"W., A DISTANCE OF 8.10 FEET; THENCE S.53°28'35"W., A DISTANCE OF 9.54 FEET; THENCE S.55°33'39"W., A DISTANCE OF 12.38 FEET; THENCE S.54°18'37"W., A DISTANCE OF 18.20 FEET; THENCE S.56°23'55"W., A DISTANCE OF 11.07 FEET; THENCE S.63°29'55"W., A DISTANCE OF 12.98 FEET; THENCE S.73°33'46"W., A DISTANCE OF 6.83 FEET; THENCE S.87°27'10"W., A DISTANCE OF 11.31 FEET; THENCE N.81°17'17"W., A DISTANCE OF 12.12 FEET; THENCE N.77°13'46"W., A DISTANCE OF 12.35 FEET; THENCE N.74°31'40"W., A DISTANCE OF 14.35 FEET; THENCE N.72°49'30"W., A DISTANCE OF 11.50 FEET; THENCE N.76°56'05"W., A DISTANCE OF 14.52 FEET; THENCE N.87°12'21"W., A DISTANCE OF 16.18 FEET; THENCE S.70°32'51"W., A DISTANCE OF 81.75 FEET; THENCE S.62°24'17"W., A DISTANCE OF 61.07 FEET; THENCE S.44°43'33"W., A DISTANCE OF 71.91 FEET; THENCE S.44°53'41"W., A DISTANCE OF 8.58 FEET; THENCE S.51°19'38"W., A DISTANCE OF 10.32 FEET; THENCE S.52°06'53"W., A DISTANCE OF 5.93 FEET; THENCE S.13°56'59"E., A DISTANCE OF 25.08 FEET; THENCE S.49°28'04"E., A DISTANCE OF 70.91 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 56.00 FEET, A CHORD WHICH BEARS S.67°33'11"E. 34.77 FEET, AND A CENTRAL ANGLE OF 36°10'13"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 35.35 FEET; THENCE S.85°38'18"E., A DISTANCE OF 166.50 FEET; THENCE S.78°00'59"E., A DISTANCE OF 118.44 FEET; THENCE S.60°42'47"E., A DISTANCE OF 23.02 FEET; THENCE S.45°21'29"E., A DISTANCE OF 15.64 FEET; THENCE S.34°43'30"E., A DISTANCE OF 31.53 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 56.00 FEET, A CHORD WHICH BEARS S.49°26'56"E. 57.45 FEET, AND A CENTRAL ANGLE OF 61°43'11"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 60.32 FEET; THENCE S.80°18'31"E., A DISTANCE OF 18.69 FEET; THENCE S.81°28'30"E., A DISTANCE OF 25.59 FEET; THENCE S.79°21'40"E., A DISTANCE OF 6.70 FEET; THENCE N.36°23'57"E., A DISTANCE OF 17.08 FEET; THENCE N.06°47'29"W., A DISTANCE OF 33.00 FEET; THENCE N.62°35'52"E., A DISTANCE OF 23.79 FEET; THENCE N.20°17'55"E., A DISTANCE OF 13.95 FEET; THENCE N.26°49'20"E., A DISTANCE OF 37.93 FEET; THENCE N.50°39'16"E., A DISTANCE OF 35.17 FEET; THENCE N.53°14'39"E., A DISTANCE OF 13.24 FEET; THENCE S.78°23'35"E., A DISTANCE OF 15.89 FEET; THENCE N.78°15'18"E., A DISTANCE OF 21.37 FEET; THENCE N.51°25'11"E., A DISTANCE OF 7.00 FEET; THENCE N.22°11'17"E., A DISTANCE OF 25.51 FEET; THENCE N.57°28'44"W., A DISTANCE OF 30.70 FEET; THENCE N.18°25'12"E., A DISTANCE OF 15.89 FEET; THENCE N.33°59'59"E., A DISTANCE OF 21.08 FEET; THENCE S.87°49'13"E., A DISTANCE OF 28.30 FEET; THENCE S.74°03'58"E., A DISTANCE OF 33.30 FEET; THENCE S.53°04'33"E., A DISTANCE OF 116.76 FEET; THENCE S.77°34'30"E., A DISTANCE OF 45.16 FEET; THENCE S.00°39'11"W., A DISTANCE OF 103.97 FEET; THENCE S.03°41'07"E., A DISTANCE OF 76.45 FEET; THENCE S.33°41'30"W., A DISTANCE OF 29.85 FEET; THENCE S.18°25'27"W., A DISTANCE OF 32.68 FEET; THENCE S.30°43'29"W., A DISTANCE OF 13.31 FEET; THENCE S.47°11'30"E., A DISTANCE OF 2.52 FEET; THENCE S.44°44'38"E., A DISTANCE OF 21.73 FEET; THENCE S.70°15'30"E., A DISTANCE OF 59.55 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, A CHORD WHICH BEARS S.38°56'19"E. 51.98 FEET, AND A CENTRAL ANGLE OF 62°38'21"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 54.66 FEET; THENCE S.07°37'09"E., A

DISTANCE OF 350.03 FEET; THENCE S.00°02'49"E., A DISTANCE OF 97.01 FEET; THENCE S.85°02'25"E., A DISTANCE OF 156.67 FEET; THENCE S.01°44'12"W., A DISTANCE OF 28.80 FEET; THENCE S.32°45'57"E., A DISTANCE OF 95.55 FEET; THENCE N.89°16'24"E., A DISTANCE OF 143.19 FEET; THENCE N.00°02'49"W., A DISTANCE OF 225.24 FEET; THENCE N.11°17'22"W., A DISTANCE OF 51.51 FEET; THENCE S.89°57'29"E., A DISTANCE OF 126.73 FEET; THENCE N.59°01'51"W., A DISTANCE OF 28.48 FEET; THENCE N.59°56'54"W., A DISTANCE OF 39.60 FEET; THENCE N.57°37'07"W., A DISTANCE OF 40.42 FEET; THENCE N.08°01'39"W., A DISTANCE OF 39.39 FEET; THENCE N.09°11'02"W., A DISTANCE OF 64.39 FEET; THENCE N.07°07'29"W., A DISTANCE OF 65.87 FEET; THENCE N.08°47'20"W., A DISTANCE OF 37.39 FEET; THENCE N.02°49'10"W., A DISTANCE OF 69.55 FEET; THENCE N.08°08'23"W., A DISTANCE OF 326.65 FEET; THENCE N.07°20'51"E., A DISTANCE OF 24.54 FEET; THENCE N.15°43'57"E., A DISTANCE OF 31.58 FEET; THENCE N.29°31'03"E., A DISTANCE OF 155.37 FEET; THENCE N.31°00'38"W., A DISTANCE OF 84.41 FEET; THENCE N.06°34'28"W., A DISTANCE OF 28.13 FEET; THENCE N.00°06'28"E., A DISTANCE OF 39.22 FEET; THENCE N.16°10'37"W., A DISTANCE OF 42.90 FEET; THENCE N.30°06'55"W., A DISTANCE OF 32.87 FEET; THENCE N.33°04'26"W., A DISTANCE OF 22.15 FEET; THENCE N.27°04'06"W., A DISTANCE OF 16.43 FEET; THENCE N.23°05'49"W., A DISTANCE OF 21.67 FEET; THENCE N.24°55'42"W., A DISTANCE OF 41.80 FEET; THENCE N.21°50'19"W., A DISTANCE OF 28.65 FEET; THENCE N.17°51'19"W., A DISTANCE OF 33.13 FEET; THENCE N.14°16'31"W., A DISTANCE OF 22.95 FEET; THENCE N.13°13'26"W., A DISTANCE OF 65.06 FEET; THENCE N.04°08'29"E., A DISTANCE OF 12.01 FEET; THENCE N.15°04'43"E., A DISTANCE OF 49.35 FEET; THENCE N.02°05'42"E., A DISTANCE OF 43.88 FEET; THENCE N.07°59'38"W., A DISTANCE OF 44.05 FEET; THENCE N.14°26'05"W., A DISTANCE OF 42.83 FEET; THENCE N.16°43'10"W., A DISTANCE OF 75.79 FEET; THENCE N.21°59'28"W., A DISTANCE OF 228.97 FEET; THENCE N.16°17'19"W., A DISTANCE OF 51.30 FEET; THENCE N.21°42'19"W., A DISTANCE OF 45.09 FEET; THENCE N.20°20'57"W., A DISTANCE OF 22.39 FEET; THENCE N.15°08'55"W., A DISTANCE OF 17.84 FEET; THENCE N.20°57'05"W., A DISTANCE OF 27.42 FEET; THENCE N.26°36'49"W., A DISTANCE OF 20.65 FEET; THENCE N.27°22'24"W., A DISTANCE OF 24.38 FEET; THENCE N.20°58'03"W., A DISTANCE OF 19.07 FEET; THENCE N.12°25'00"W., A DISTANCE OF 52.63 FEET; THENCE N.18°37'33"W., A DISTANCE OF 51.06 FEET; THENCE N.18°04'04"W., A DISTANCE OF 38.53 FEET; THENCE N.06°52'08"W., A DISTANCE OF 27.52 FEET; THENCE N.04°33'16"W., A DISTANCE OF 46.16 FEET; THENCE N.16°11'08"W., A DISTANCE OF 44.26 FEET; THENCE N.34°24'27"W., A DISTANCE OF 42.67 FEET; THENCE N.40°09'45"W., A DISTANCE OF 35.22 FEET; THENCE N.40°01'42"W., A DISTANCE OF 31.79 FEET; THENCE N.39°47'31"W., A DISTANCE OF 23.05 FEET; THENCE N.40°58'10"W., A DISTANCE OF 136.66 FEET; THENCE N.07°11'03"W., A DISTANCE OF 31.42 FEET; THENCE N.04°54'54"E., A DISTANCE OF 31.26 FEET; THENCE N.31°11'45"E., A DISTANCE OF 50.33 FEET; THENCE N.34°14'53"E., A DISTANCE OF 61.74 FEET; THENCE N.42°44'11"E., A DISTANCE OF 83.05 FEET; THENCE N.61°34'40"E., A DISTANCE OF 61.30 FEET; THENCE N.62°48'42"E., A DISTANCE OF 86.02 FEET; THENCE N.45°54'32"E., A DISTANCE OF 45.76 FEET; THENCE N.29°49'43"E., A DISTANCE OF 48.51 FEET; THENCE N.25°30'04"E., A DISTANCE OF 72.06 FEET; THENCE N.19°29'13"E., A DISTANCE OF 93.40 FEET; THENCE N.20°39'16"E., A DISTANCE OF 59.71 FEET; THENCE N.15°48'00"E., A DISTANCE OF 68.61 FEET; THENCE N.07°05'40"E., A DISTANCE OF 94.79 FEET; THENCE N.14°27'48"E., A DISTANCE OF 76.73 FEET; THENCE N.41°13'24"E., A DISTANCE OF 130.21 FEET; THENCE N.45°22'02"E., A DISTANCE OF 145.44 FEET; THENCE N.45°02'07"E., A DISTANCE OF 77.05 FEET; THENCE N.52°58'16"E., A DISTANCE OF 111.78 FEET; THENCE N.58°29'42"E., A DISTANCE OF 105.05 FEET; THENCE N.48°17'04"E., A

DISTANCE OF 150.91 FEET; THENCE N.31°51'47"E., A DISTANCE OF 62.30 FEET; THENCE N.23°09'22"E., A DISTANCE OF 64.87 FEET; THENCE N.07°36'36"E., A DISTANCE OF 49.57 FEET; THENCE N.13°40'15"W., A DISTANCE OF 54.92 FEET; THENCE N.20°47'17"W., A DISTANCE OF 53.81 FEET; THENCE N.23°01'56"W., A DISTANCE OF 95.21 FEET; THENCE N.28°41'25"W., A DISTANCE OF 114.55 FEET; THENCE N.43°36'00"W., A DISTANCE OF 60.71 FEET; THENCE CONTINUE NORTHWESTERLY ALONG SAID LINE, A DISTANCE OF 60.70 FEET; THENCE N.49°16'23"W., A DISTANCE OF 55.59 FEET; THENCE N.58°33'02"W., A DISTANCE OF 54.33 FEET; THENCE N.65°06'11"W., A DISTANCE OF 26.87 FEET; THENCE CONTINUE NORTHWESTERLY ALONG SAID LINE, A DISTANCE OF 26.87 FEET; THENCE N.69°41'10"W., A DISTANCE OF 24.45 FEET; THENCE CONTINUE WESTERLY ALONG SAID LINE, A DISTANCE OF 24.45 FEET; THENCE N.78°14'14"W., A DISTANCE OF 21.02 FEET; THENCE N.81°19'41"W., A DISTANCE OF 48.77 FEET; THENCE N.87°16'40"W., A DISTANCE OF 69.86 FEET; THENCE S.85°57'29"W., A DISTANCE OF 82.80 FEET; THENCE S.85°25'10"W., A DISTANCE OF 532.17 FEET; THENCE N.78°42'35"W., A DISTANCE OF 119.59 FEET; THENCE N.73°40'49"W., A DISTANCE OF 56.77 FEET; THENCE N.51°58'40"W., A DISTANCE OF 43.89 FEET; THENCE N.38°57'19"W., A DISTANCE OF 142.27 FEET; THENCE N.28°29'43"W., A DISTANCE OF 39.73 FEET; THENCE N.24°04'30"W., A DISTANCE OF 56.64 FEET; THENCE CONTINUE NORTHWESTERLY ALONG SAID LINE, A DISTANCE OF 32.54 FEET; THENCE N.29°18'20"W., A DISTANCE OF 44.85 FEET; THENCE N.38°34'27"W., A DISTANCE OF 34.65 FEET; THENCE N.45°18'23"W., A DISTANCE OF 23.13 FEET; THENCE N.50°36'54"W., A DISTANCE OF 22.44 FEET; THENCE N.55°20'24"W., A DISTANCE OF 18.12 FEET; THENCE N.60°42'13"W., A DISTANCE OF 27.91 FEET; THENCE N.65°50'38"W., A DISTANCE OF 16.21 FEET; THENCE N.71°16'25"W., A DISTANCE OF 30.40 FEET; THENCE N.77°50'45"W., A DISTANCE OF 26.01 FEET; THENCE N.83°13'00"W., A DISTANCE OF 20.09 FEET; THENCE N.88°11'32"W., A DISTANCE OF 22.62 FEET; THENCE S.89°11'45"W., A DISTANCE OF 89.42 FEET; THENCE S.89°10'23"W., A DISTANCE OF 65.20 FEET; THENCE S.89°10'08"W., A DISTANCE OF 114.80 FEET; THENCE S.89°11'02"W., A DISTANCE OF 109.70 FEET; THENCE N.84°22'18"W., A DISTANCE OF 28.97 FEET; THENCE N.74°51'52"W., A DISTANCE OF 34.59 FEET; THENCE N.60°35'14"W., A DISTANCE OF 111.42 FEET; THENCE N.11°11'18"W., A DISTANCE OF 30.61 FEET; THENCE N.17°25'29"W., A DISTANCE OF 13.23 FEET; THENCE N.21°34'52"E., A DISTANCE OF 27.20 FEET; THENCE N.20°08'26"E., A DISTANCE OF 29.18 FEET; THENCE N.22°42'58"E., A DISTANCE OF 29.56 FEET; THENCE N.11°36'31"E., A DISTANCE OF 25.40 FEET; THENCE N.24°10'14"E., A DISTANCE OF 22.68 FEET; THENCE N.28°38'37"E., A DISTANCE OF 25.35 FEET; THENCE N.25°55'11"E., A DISTANCE OF 26.12 FEET; THENCE N.18°24'14"E., A DISTANCE OF 51.19 FEET; THENCE N.09°08'13"E., A DISTANCE OF 45.21 FEET; THENCE N.03°06'58"E., A DISTANCE OF 39.17 FEET; THENCE N.04°51'46"W., A DISTANCE OF 66.75 FEET; THENCE N.14°54'47"W., A DISTANCE OF 43.86 FEET; FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 47 SOUTH RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.87°31'48"E., ALONG SAID NORTH LINE, A DISTANCE OF 2444.99 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S.04°58'39"E., ALONG THE EAST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 2688.80 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S.04°58'06"E., ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 17, A DISTANCE OF 2688.81 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S.03°47'43"E., ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 20, A DISTANCE OF 2684.40 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S.03°47'39"E., ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 20, A DISTANCE OF 2684.72 FEET TO THE SOUTHEAST CORNER THEREOF;

THENCE S.88°37'32"W., ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF SECTION 20, A DISTANCE OF 2664.64 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE S.88°37'32"W., ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 20, A DISTANCE OF 2534.64 FEET; THENCE N.01°05'11"W., A DISTANCE OF 396.54 FEET; THENCE S.88°54'49"W., A DISTANCE OF 30.00 FEET; THENCE N.01°05'11"W., A DISTANCE OF 2715.54 FEET; THENCE N.08°27'02"E., A DISTANCE OF 187.67 FEET; THENCE N.60°09'56"E., A DISTANCE OF 87.92 FEET; THENCE N.01°05'11"W., A DISTANCE OF 101.21 FEET; THENCE N.67°05'30"W., A DISTANCE OF 96.44 FEET TO THE POINT OF BEGINNING BEING AND LYING IN SECTIONS 17 AND 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

PARCEL 1:

LEGAL DESCRIPTION (LOTS 30-61)

A PARCEL OF LAND, LYING IN AND BEING A PORTION OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.01°05'35"W. ALONG AN AGREED UPON LINE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2061, PAGE 3137, PUBLIC RECORDS OF LEE COUNTY FLORIDA, A DISTANCE OF 444.97 FEET; THENCE DEPARTING SAID AGREEMENT LINE RUN N.88°54'25" E., A DISTANCE OF 334.41 FEET TO THE POINT OF BEGINNING; THENCE N.01°18'29"W., A DISTANCE OF 110.15 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 08°02'27", A RADIUS OF 833.22 FEET, A LONG CHORD THAT BEARS N.02°42'45"E., 116.84 FEET, AN ARC DISTANCE OF 116.93 FEET; THENCE N.06°47'12"E., A DISTANCE OF 165.81 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 14°54'05", A RADIUS OF 275.00 FEET, A LONG CHORD THAT BEARS N.00°39'50"W., 71.32 FEET, AN ARC DISTANCE OF 71.52 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 12°34'45", A RADIUS OF 856.00 FEET, A LONG CHORD THAT BEARS N.01°49'30"W., 187.56 FEET, AN ARC DISTANCE OF 187.93 FEET; THENCE N.04°27'52"E., A DISTANCE OF 185.70 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 11°03'13", A RADIUS OF 44.00 FEET, A LONG CHORD THAT BEARS N.01°03'45"W., 8.48 FEET, AN ARC DISTANCE OF 8.49 FEET; THENCE N.06°35'21"W., A DISTANCE OF 98.40 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 22°34'48", A RADIUS OF 90.00 FEET, A LONG CHORD THAT BEARS N.17°52'45"W., 35.24 FEET, AN ARC DISTANCE OF 35.47 FEET; THENCE N.29°10'09"W., A DISTANCE OF 78.72 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 13°42'16", A RADIUS OF 910.00 FEET, A LONG CHORD THAT BEARS N.22°19'01"W., 217.14 FEET, AN ARC DISTANCE OF 217.66 FEET; THENCE N.02°12'28"W., A DISTANCE OF 73.54 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 09°05'08", A RADIUS OF 896.00 FEET, A LONG CHORD THAT BEARS N.06°20'25"W., 141.93 FEET, AN ARC DISTANCE OF 142.08 FEET; THENCE N.88°12'09"E., A DISTANCE OF 176.00 FEET; THENCE N.87°27'24"E., A DISTANCE OF 50.00 FEET; THENCE N.88°13'47"E., A DISTANCE OF 192.57 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 03°55'08", A RADIUS OF 980.00 FEET, A LONG CHORD THAT BEARS S.07°50'07"E.,

67.02 FEET, AN ARC DISTANCE OF 67.03 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 19°22'29", A RADIUS OF 475.00 FEET, A LONG CHORD THAT BEARS S.19°28'55"E., 159.86 FEET, AN ARC DISTANCE OF 160.62 FEET; THENCE S.29°10'09"E., A DISTANCE OF 78.72 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 22°34'48", A RADIUS OF 525.00 FEET, A LONG CHORD THAT BEARS S.17°52'45"E., 205.56 FEET, AN ARC DISTANCE OF 206.90 FEET; THENCE S.06°35'21"E., A DISTANCE OF 98.40 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 11°03'13", A RADIUS OF 479.00 FEET, A LONG CHORD THAT BEARS S.01°03'45"E., 92.27 FEET, AN ARC DISTANCE OF 92.41 FEET; THENCE S.04°27'52"W., A DISTANCE OF 185.70 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 12°34'45", A RADIUS OF 421.00 FEET, A LONG CHORD THAT BEARS S.01°49'30"E., 92.24 FEET, AN ARC DISTANCE OF 92.43 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 14°54'05", A RADIUS OF 710.00 FEET, A LONG CHORD THAT BEARS S.00°39'50"E., 184.14 FEET, AN ARC DISTANCE OF 184.66 FEET; THENCE S.06°47'12"W., A DISTANCE OF 241.07 FEET; THENCE S.88°41'31"W., A DISTANCE OF 188.26 FEET; THENCE S.28°21'00"W., A DISTANCE OF 104.65 FEET; THENCE S.88°41'31"W., A DISTANCE OF 188.22 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

PARCEL 2:

LEGAL DESCRIPTION (LOTS 75-78)

A PARCEL OF LAND, LYING IN AND BEING A PORTION OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.01°05'35"W. ALONG AN AGREED UPON LINE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2061, PAGE 3137, PUBLIC RECORDS OF LEE COUNTY FLORIDA, A DISTANCE OF 2844.49 FEET; THENCE DEPARTING SAID AGREEMENT LINE RUN N.88° 54' 25" E., A DISTANCE OF 711.94 FEET TO THE POINT OF BEGINNING; THENCE N.13°19'30"E., A DISTANCE OF 20.00 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 57°35'26", A RADIUS OF 55.12 FEET, A LONG CHORD THAT BEARS N.74°31'47"E., 53.10 FEET, AN ARC DISTANCE OF 55.40 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 30°11'35", A RADIUS OF 504.97 FEET, A LONG CHORD THAT BEARS N.30°35'16"E., 263.03 FEET, AN ARC DISTANCE OF 266.10 FEET; THENCE S.74°30'28"E., A DISTANCE OF 224.00 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 30°20'47", A RADIUS OF 729.00 FEET, A LONG CHORD THAT BEARS S.30°39'56"W., 381.61 FEET, AN ARC DISTANCE OF 386.11 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 11°36'35", A RADIUS OF 275.00 FEET, A LONG CHORD THAT BEARS S.51°38'37"W., 55.63 FEET, AN ARC DISTANCE OF 55.72 FEET; THENCE N.45°48'56"W., A DISTANCE OF 233.21 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

PARCEL 3:

LEGAL DESCRIPTION (LOTS 169-177)

A PARCEL OF LAND, LYING IN AND BEING A PORTION OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.01°05'35"W. ALONG AN AGREED UPON LINE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2061, PAGE 3137, PUBLIC RECORDS OF LEE COUNTY FLORIDA, A DISTANCE OF 808.96 FEET; THENCE DEPARTING SAID AGREEMENT LINE RUN N.88°54'25" E., A DISTANCE OF 2,046.29 FEET TO THE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 03°30'02 SECONDS, A RADIUS OF 890.00 FEET, A LONG CHORD THAT BEARS N.14°05'19"W., A DISTANCE OF 54.37 FEET, AN ARC DISTANCE OF 54.37 FEET; THENCE N.15°50'20"W., A DISTANCE OF 82.50 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 10°16'55 SECONDS, A RADIUS OF 1110.00 FEET, A LONG CHORD THAT BEARS N.10°41'52"W., A DISTANCE OF 198.93 FEET, AN ARC DISTANCE OF 199.19 FEET; THENCE N.05°33'25"W., A DISTANCE OF 451.43 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 37°31'25 SECONDS, A RADIUS OF 5.00 FEET, A LONG CHORD THAT BEARS N.24°19'07"W., A DISTANCE OF 3.22 FEET, AN ARC DISTANCE OF 3.27 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 103°46'23 SECONDS, A RADIUS OF 140.00 FEET, A LONG CHORD THAT BEARS N.08°48'22"EAST, 220.30 FEET, AN ARC DISTANCE OF 253.57 FEET; THENCE N.60°41'34"E., A DISTANCE OF 88.03 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 42°53'11 SECONDS, A RADIUS OF 10.00 FEET, A LONG CHORD THAT BEARS N.39°14'58"EAST, 7.31 FEET, AN ARC DISTANCE OF 7.49 FEET; THENCE N.17°48'23"E., A DISTANCE OF 82.86 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 38°23'59 SECONDS, A RADIUS OF 40.00 FEET, A LONG CHORD THAT BEARS N.37°00'22"EAST, 26.31 FEET, AN ARC DISTANCE OF 26.81 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 56°50'01 SECONDS, A RADIUS OF 93.62 FEET, A LONG CHORD THAT BEARS N.84°37'22"EAST, 89.10 FEET, AN ARC DISTANCE OF 92.86 FEET; THENCE S.67°15'11"E., A DISTANCE OF 100.08 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 69°23'37 SECONDS, A RADIUS OF 120.00 FEET, A LONG CHORD THAT BEARS S.32°33'22"EAST, 136.62 FEET, AN ARC DISTANCE OF 145.34 FEET; THENCE S.02°08'26"W., A DISTANCE OF 219.14 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 15°33'46 SECONDS, A RADIUS OF 264.00 FEET, A LONG CHORD THAT BEARS S.09°55'19"W., A DISTANCE OF 71.49 FEET, AN ARC DISTANCE OF 71.71 FEET; THENCE S.17°42'12"W., A DISTANCE OF 42.40 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 23°15'37 SECONDS, A RADIUS OF 136.00 FEET, A LONG CHORD THAT BEARS S.06°04'24"W., A DISTANCE OF 54.83 FEET, AN ARC DISTANCE OF 55.21 FEET; THENCE S.05°33'25"E., A DISTANCE OF 261.15 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 15°40'39 SECONDS, A RADIUS OF 260.00 FEET, A LONG CHORD THAT BEARS S.13°23'44"EAST, 70.92 FEET, AN ARC DISTANCE OF 71.14 FEET; THENCE S.21°14'04"E., A DISTANCE OF 250.76 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 13°17'58 SECONDS, A RADIUS OF 70.00 FEET, A LONG CHORD THAT BEARS S.14°35'05"EAST, 16.21 FEET, AN ARC DISTANCE OF 16.25 FEET; THENCE S.84°26'35"W., A DISTANCE OF 392.36 FEET TO THE POINT OF BEGINNING HEREIN DESCRIBED.

PARCEL 4:

LEGAL DESCRIPTION (148-157, 197-220, 267-271)

A PARCEL OF LAND, LYING IN AND BEING A PORTION OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.01°05'35"W. ALONG AN AGREED UPON LINE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2061, PAGE 3137, PUBLIC RECORDS OF LEE COUNTY FLORIDA, A DISTANCE OF 949.68 FEET; THENCE DEPARTING SAID AGREEMENT LINE RUN N.88°54'25" E., A DISTANCE OF 2,993.92 FEET TO THE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 13°16'26", A RADIUS OF 1249.00 FEET, A LONG CHORD THAT BEARS N.75°32'00"E., 288.71 FEET, AN ARC DISTANCE OF 289.36 FEET; THENCE N.82°10'13"E., A DISTANCE OF 176.90 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 11°20'55", A RADIUS OF 769.00 FEET, A LONG CHORD THAT BEARS N.76°29'45"E., 152.07 FEET, AN ARC DISTANCE OF 152.32 FEET; THENCE N.70°49'18"E., A DISTANCE OF 101.19 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 83°28'13", A RADIUS OF 10.00 FEET, A LONG CHORD THAT BEARS N.29°05'12"E., 13.31 FEET, AN ARC DISTANCE OF 14.57 FEET; THENCE N.12°38'55"W., A DISTANCE OF 479.87 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 21°06'11", A RADIUS OF 566.00 FEET, A LONG CHORD THAT BEARS N.02°05'49"W., 207.29 FEET, AN ARC DISTANCE OF 208.47 FEET; THENCE N.08°27'17"E., A DISTANCE OF 297.07 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 14°38'13", A RADIUS OF 71.00 FEET, A LONG CHORD THAT BEARS N.01°08'10"E., 18.09 FEET, AN ARC DISTANCE OF 18.14 FEET; THENCE N.06°10'56"W., A DISTANCE OF 117.83 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 27°59'39", A RADIUS OF 547.00 FEET, A LONG CHORD THAT BEARS N.07°48'53"E., 264.61 FEET, AN ARC DISTANCE OF 267.26 FEET; THENCE N.21°48'42"E., A DISTANCE OF 74.89 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 12°41'19", A RADIUS OF 919.00 FEET, A LONG CHORD THAT BEARS N.15°28'03"E., 203.11 FEET, AN ARC DISTANCE OF 203.52 FEET; THENCE N.09°07'23"E., A DISTANCE OF 299.42 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 31°37'42", A RADIUS OF 260.00 FEET, A LONG CHORD THAT BEARS N.06°41'28"W., 141.71 FEET, AN ARC DISTANCE OF 143.53 FEET; THENCE N.22°30'19"W., A DISTANCE OF 222.93 FEET; THENCE N.67°29'41"E., A DISTANCE OF 194.50 FEET; THENCE S.42°29'58"E., A DISTANCE OF 146.23 FEET; THENCE N.67°29'41"E., A DISTANCE OF 185.17 FEET; THENCE S.09°26'35"W., A DISTANCE OF 288.66 FEET; THENCE S.05°58'52"E., A DISTANCE OF 79.71 FEET; THENCE S.18°05'21"E., A DISTANCE OF 59.11 FEET; THENCE S.05°17'30"W., A DISTANCE OF 105.09 FEET; THENCE S.05°46'37"E., A DISTANCE OF 54.90 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 79°52'02", A RADIUS OF 148.38 FEET, A LONG CHORD THAT BEARS S.47°34'45"E., 190.49 FEET, AN ARC DISTANCE OF 206.83 FEET; THENCE S.18°43'05"E., A DISTANCE OF 99.04 FEET; THENCE S.44°17'18"W., A DISTANCE OF 192.05 FEET; THENCE S.30°36'14"W., A DISTANCE OF 381.86 FEET; THENCE S.22°40'45"W., A DISTANCE OF 52.42 FEET; THENCE S.12°52'47"W., A DISTANCE OF 86.71 FEET; THENCE S.08°30'16"W., A DISTANCE OF 286.73 FEET; THENCE S.01°50'26"W., A DISTANCE OF 46.18 FEET; THENCE S.14°16'00"E., A DISTANCE OF 159.26 FEET; THENCE S.30°21'27"E., A DISTANCE OF 93.30 FEET;

THENCE S.10°41'51"E., A DISTANCE OF 149.56 FEET; THENCE S.06°52'38"E., A DISTANCE OF 105.31 FEET; THENCE S.10°51'58"E., A DISTANCE OF 70.67 FEET; THENCE S.03°48'29"E., A DISTANCE OF 45.17 FEET; THENCE S.05°27'04"W., A DISTANCE OF 230.24 FEET; THENCE N.53°40'43"W., A DISTANCE OF 166.42 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 24°00'35", A RADIUS OF 175.00 FEET, A LONG CHORD THAT BEARS S.58°49'00"W., 72.80 FEET, AN ARC DISTANCE OF 73.33 FEET; THENCE S.70°49'18"W., A DISTANCE OF 136.55 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 11°20'55", A RADIUS OF 968.00 FEET, A LONG CHORD THAT BEARS S.76°29'45"W., 191.42 FEET, AN ARC DISTANCE OF 191.73 FEET; THENCE S.82°10'13"W., A DISTANCE OF 176.90 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 13°16'26", A RADIUS OF 1050.00 FEET, A LONG CHORD THAT BEARS S.75°32'00"W., 242.71 FEET, AN ARC DISTANCE OF 243.26 FEET; THENCE N.21°06'13"W., A DISTANCE OF 199.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

CONSENT TO ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT

The undersigned is the owner of certain lands more fully described in **Exhibit A** attached hereto and made a part hereof ("Property").

The undersigned, under certain conditions being met and pursuant to a separate written agreement, has authorized Pulte Home Company, LLC, a Michigan limited liability company ("Petitioner") to perform certain actions necessary to entitle and develop the Property, all pursuant to said separate written agreement.

The undersigned understands and acknowledges that Petitioner intends to submit an application to establish a community development district in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which are intended to constitute a portion of the community development district, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the community development district of one hundred percent (100%) of the owners of the lands to be included within the community development district.

The undersigned hereby consents to the establishment of the community development district which will include the Property within the lands to be a part of the community development district and agrees to further execute any reasonable documentation necessary or convenient to evidence this consent during the application process for the establishment of the community development district.

The undersigned acknowledges that the consent will remain in full force and effect until the community development district is established or a written revocation is issued, which ever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest, other than Petitioner, of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, a consent to establishment of the community development district in substantially this form from the next purchaser or successor in interest that is not Petitioner.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent by the person executing this instrument.

[*signatures on following page*]

Executed this 31st day of March, 2025.

WITNESSES:

Judith M Seale
Name: Judith M Seale

Name: Christopher L. Johnson

SD GRANDE SHORES, LLC
a Florida limited liability company

By:
Name: Keith Gebler
Title: Vice President

STATE OF FLORIDA
COUNTY OF Collier

I hereby certify that on this day, before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to take acknowledgments, personally appeared Keith Gebler, as VP of SD Grande Shores, LLC, who executed the foregoing instrument, acknowledged before me that he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal this 31st day of March, 2025.

JUDITH M SEALE
Notary Public - State of Florida
Commission # HH 598150
My Comm. Expires Oct 1, 2028
Bonded through National Notary Assn.

Judith M Seale
Notary Public

Personally known: X
Produced Identification: _____
Type of Identification: _____

Exhibit A: Property Description

Exhibit A

Property Description

PARCEL 1:

LEGAL DESCRIPTION (LOTS 30-61)

A PARCEL OF LAND, LYING IN AND BEING A PORTION OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.01°05'35"W. ALONG AN AGREED UPON LINE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2061, PAGE 3137, PUBLIC RECORDS OF LEE COUNTY FLORIDA, A DISTANCE OF 444.97 FEET; THENCE DEPARTING SAID AGREEMENT LINE RUN N.88°54'25" E., A DISTANCE OF 334.41 FEET TO THE POINT OF BEGINNING; THENCE N.01°18'29"W., A DISTANCE OF 110.15 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 08°02'27", A RADIUS OF 833.22 FEET, A LONG CHORD THAT BEARS N.02°42'45"E., 116.84 FEET, AN ARC DISTANCE OF 116.93 FEET; THENCE N.06°47'12"E., A DISTANCE OF 165.81 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 14°54'05", A RADIUS OF 275.00 FEET, A LONG CHORD THAT BEARS N.00°39'50"W., 71.32 FEET, AN ARC DISTANCE OF 71.52 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 12°34'45", A RADIUS OF 856.00 FEET, A LONG CHORD THAT BEARS N.01°49'30"W., 187.56 FEET, AN ARC DISTANCE OF 187.93 FEET; THENCE N.04°27'52"E., A DISTANCE OF 185.70 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 11°03'13", A RADIUS OF 44.00 FEET, A LONG CHORD THAT BEARS N.01°03'45"W., 8.48 FEET, AN ARC DISTANCE OF 8.49 FEET; THENCE N.06°35'21"W., A DISTANCE OF 98.40 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 22°34'48", A RADIUS OF 90.00 FEET, A LONG CHORD THAT BEARS N.17°52'45"W., 35.24 FEET, AN ARC DISTANCE OF 35.47 FEET; THENCE N.29°10'09"W., A DISTANCE OF 78.72 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 13°42'16", A RADIUS OF 910.00 FEET, A LONG CHORD THAT BEARS N.22°19'01"W., 217.14 FEET, AN ARC DISTANCE OF 217.66 FEET; THENCE N.02°12'28"W., A DISTANCE OF 73.54 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 09°05'08", A RADIUS OF 896.00 FEET, A LONG CHORD THAT BEARS N.06°20'25"W., 141.93 FEET, AN ARC DISTANCE OF 142.08 FEET; THENCE N.88°12'09"E., A DISTANCE OF 176.00 FEET; THENCE N.87°27'24"E., A DISTANCE OF 50.00 FEET; THENCE N.88°13'47"E., A DISTANCE OF 192.57 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 03°55'08", A RADIUS OF 980.00 FEET, A LONG CHORD THAT BEARS S.07°50'07"E., 67.02 FEET, AN ARC DISTANCE OF 67.03 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 19°22'29", A RADIUS OF 475.00 FEET, A LONG CHORD THAT BEARS S.19°28'55"E., 159.86 FEET, AN ARC DISTANCE OF 160.62 FEET; THENCE S.29°10'09"E., A DISTANCE OF 78.72 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 22°34'48", A RADIUS OF 525.00 FEET, A LONG CHORD THAT BEARS S.17°52'45"E., 205.56 FEET, AN ARC DISTANCE OF 206.90 FEET; THENCE S.06°35'21"E., A DISTANCE OF 98.40 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 11°03'13", A RADIUS OF 479.00 FEET, A LONG CHORD THAT BEARS S.01°03'45"E., 92.27 FEET, AN ARC DISTANCE OF 92.41 FEET; THENCE S.04°27'52"W., A DISTANCE OF 185.70 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 12°34'45", A RADIUS OF 421.00 FEET, A LONG CHORD THAT BEARS S.01°49'30"E., 92.24 FEET, AN ARC DISTANCE OF 92.43 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 14°54'05", A RADIUS OF 710.00 FEET, A LONG CHORD THAT BEARS S.00°39'50"E., 184.14 FEET, AN ARC DISTANCE OF 184.66 FEET; THENCE S.06°47'12"W., A DISTANCE OF 241.07 FEET; THENCE S.88°41'31"W., A DISTANCE OF 188.26 FEET; THENCE S.28°21'00"W., A DISTANCE OF 104.65 FEET; THENCE S.88°41'31"W., A

DISTANCE OF 188.22 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

PARCEL 2:

LEGAL DESCRIPTION (LOTS 75-78)

A PARCEL OF LAND, LYING IN AND BEING A PORTION OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.01°05'35"W. ALONG AN AGREED UPON LINE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2061, PAGE 3137, PUBLIC RECORDS OF LEE COUNTY FLORIDA, A DISTANCE OF 2844.49 FEET; THENCE DEPARTING SAID AGREEMENT LINE RUN N.88° 54' 25" E., A DISTANCE OF 711.94 FEET TO THE POINT OF BEGINNING; THENCE N.13°19'30"E., A DISTANCE OF 20.00 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 57°35'26", A RADIUS OF 55.12 FEET, A LONG CHORD THAT BEARS N.74°31'47"E., 53.10 FEET, AN ARC DISTANCE OF 55.40 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 30°11'35", A RADIUS OF 504.97 FEET, A LONG CHORD THAT BEARS N.30°35'16"E., 263.03 FEET, AN ARC DISTANCE OF 266.10 FEET; THENCE S.74°30'28"E., A DISTANCE OF 224.00 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 30°20'47", A RADIUS OF 729.00 FEET, A LONG CHORD THAT BEARS S.30°39'56"W., 381.61 FEET, AN ARC DISTANCE OF 386.11 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 11°36'35", A RADIUS OF 275.00 FEET, A LONG CHORD THAT BEARS S.51°38'37"W., 55.63 FEET, AN ARC DISTANCE OF 55.72 FEET; THENCE N.45°48'56"W., A DISTANCE OF 233.21 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

PARCEL 3:

LEGAL DESCRIPTION (LOTS 169-177)

A PARCEL OF LAND, LYING IN AND BEING A PORTION OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.01°05'35"W. ALONG AN AGREED UPON LINE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2061, PAGE 3137, PUBLIC RECORDS OF LEE COUNTY FLORIDA, A DISTANCE OF 808.96 FEET; THENCE DEPARTING SAID AGREEMENT LINE RUN N.88°54'25" E., A DISTANCE OF 2,046.29 FEET TO THE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 03°30'02 SECONDS, A RADIUS OF 890.00 FEET, A LONG CHORD THAT BEARS N.14°05'19"W., A DISTANCE OF 54.37 FEET, AN ARC DISTANCE OF 54.37 FEET; THENCE N.15°50'20"W., A DISTANCE OF 82.50 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 10°16'55 SECONDS, A RADIUS OF 1110.00 FEET, A LONG CHORD THAT BEARS N.10°41'52"W., A DISTANCE OF 198.93 FEET, AN ARC DISTANCE OF 199.19 FEET; THENCE N.05°33'25"W., A DISTANCE OF 451.43 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 37°31'25 SECONDS, A RADIUS OF 5.00 FEET, A LONG CHORD THAT BEARS N.24°19'07"W., A DISTANCE OF 3.22 FEET, AN ARC DISTANCE OF 3.27 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 103°46'23 SECONDS, A RADIUS OF 140.00 FEET, A LONG CHORD THAT BEARS N.08°48'22"EAST, 220.30 FEET, AN ARC DISTANCE OF 253.57 FEET;

THENCE N.60°41'34"E., A DISTANCE OF 88.03 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 42°53'11 SECONDS, A RADIUS OF 10.00 FEET, A LONG CHORD THAT BEARS N.39°14'58"EAST, 7.31 FEET, AN ARC DISTANCE OF 7.49 FEET; THENCE N.17°48'23"E., A DISTANCE OF 82.86 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 38°23'59 SECONDS, A RADIUS OF 40.00 FEET, A LONG CHORD THAT BEARS N.37°00'22"EAST, 26.31 FEET, AN ARC DISTANCE OF 26.81 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 56°50'01 SECONDS, A RADIUS OF 93.62 FEET, A LONG CHORD THAT BEARS N.84°37'22"EAST, 89.10 FEET, AN ARC DISTANCE OF 92.86 FEET; THENCE S.67°15'11"E., A DISTANCE OF 100.08 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 69°23'37 SECONDS, A RADIUS OF 120.00 FEET, A LONG CHORD THAT BEARS S.32°33'22"EAST, 136.62 FEET, AN ARC DISTANCE OF 145.34 FEET; THENCE S.02°08'26"W., A DISTANCE OF 219.14 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 15°33'46 SECONDS, A RADIUS OF 264.00 FEET, A LONG CHORD THAT BEARS S.09°55'19"W., A DISTANCE OF 71.49 FEET, AN ARC DISTANCE OF 71.71 FEET; THENCE S.17°42'12"W., A DISTANCE OF 42.40 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 23°15'37 SECONDS, A RADIUS OF 136.00 FEET, A LONG CHORD THAT BEARS S.06°04'24"W., A DISTANCE OF 54.83 FEET, AN ARC DISTANCE OF 55.21 FEET; THENCE S.05°33'25"E., A DISTANCE OF 261.15 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 15°40'39 SECONDS, A RADIUS OF 260.00 FEET, A LONG CHORD THAT BEARS S.13°23'44"EAST, 70.92 FEET, AN ARC DISTANCE OF 71.14 FEET; THENCE S.21°14'04"E., A DISTANCE OF 250.76 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 13°17'58 SECONDS, A RADIUS OF 70.00 FEET, A LONG CHORD THAT BEARS S.14°35'05"EAST, 16.21 FEET, AN ARC DISTANCE OF 16.25 FEET; THENCE S.84°26'35"W., A DISTANCE OF 392.36 FEET TO THE POINT OF BEGINNING HEREIN DESCRIBED.

PARCEL 4:

LEGAL DESCRIPTION (148-157, 197-220, 267-271)

A PARCEL OF LAND, LYING IN AND BEING A PORTION OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.01°05'35"W. ALONG AN AGREED UPON LINE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2061, PAGE 3137, PUBLIC RECORDS OF LEE COUNTY FLORIDA, A DISTANCE OF 949.68 FEET; THENCE DEPARTING SAID AGREEMENT LINE RUN N.88°54'25" E., A DISTANCE OF 2,993.92 FEET TO THE POINT OF BEGINNING; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 13°16'26", A RADIUS OF 1249.00 FEET, A LONG CHORD THAT BEARS N.75°32'00"E., 288.71 FEET, AN ARC DISTANCE OF 289.36 FEET; THENCE N.82°10'13"E., A DISTANCE OF 176.90 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 11°20'55", A RADIUS OF 769.00 FEET, A LONG CHORD THAT BEARS N.76°29'45"E., 152.07 FEET, AN ARC DISTANCE OF 152.32 FEET; THENCE N.70°49'18"E., A DISTANCE OF 101.19 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 83°28'13", A RADIUS OF 10.00 FEET, A LONG CHORD THAT BEARS N.29°05'12"E., 13.31 FEET, AN ARC DISTANCE OF 14.57 FEET; THENCE N.12°38'55"W., A DISTANCE OF 479.87 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 21°06'11", A RADIUS OF 566.00 FEET, A LONG CHORD THAT BEARS N.02°05'49"W., 207.29 FEET, AN ARC DISTANCE OF 208.47 FEET; THENCE N.08°27'17"E., A DISTANCE OF 297.07 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 14°38'13", A RADIUS OF 71.00 FEET, A LONG CHORD THAT BEARS N.01°08'10"E., 18.09 FEET, AN ARC DISTANCE OF 18.14 FEET; THENCE N.06°10'56"W., A DISTANCE OF 117.83 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 27°59'39", A RADIUS OF 547.00 FEET, A LONG CHORD THAT BEARS N.07°48'53"E., 264.61 FEET, AN ARC DISTANCE OF 267.26 FEET; THENCE

N.21°48'42"E., A DISTANCE OF 74.89 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 12°41'19", A RADIUS OF 919.00 FEET, A LONG CHORD THAT BEARS N.15°28'03"E., 203.11 FEET, AN ARC DISTANCE OF 203.52 FEET; THENCE N.09°07'23"E., A DISTANCE OF 299.42 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 31°37'42", A RADIUS OF 260.00 FEET, A LONG CHORD THAT BEARS N.06°41'28"W., 141.71 FEET, AN ARC DISTANCE OF 143.53 FEET; THENCE N.22°30'19"W., A DISTANCE OF 222.93 FEET; THENCE N.67°29'41"E., A DISTANCE OF 194.50 FEET; THENCE S.42°29'58"E., A DISTANCE OF 146.23 FEET; THENCE N.67°29'41"E., A DISTANCE OF 185.17 FEET; THENCE S.09°26'35"W., A DISTANCE OF 288.66 FEET; THENCE S.05°58'52"E., A DISTANCE OF 79.71 FEET; THENCE S.18°05'21"E., A DISTANCE OF 59.11 FEET; THENCE S.05°17'30"W., A DISTANCE OF 105.09 FEET; THENCE S.05°46'37"E., A DISTANCE OF 54.90 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 79°52'02", A RADIUS OF 148.38 FEET, A LONG CHORD THAT BEARS S.47°34'45"E., 190.49 FEET, AN ARC DISTANCE OF 206.83 FEET; THENCE S.18°43'05"E., A DISTANCE OF 99.04 FEET; THENCE S.44°17'18"W., A DISTANCE OF 192.05 FEET; THENCE S.30°36'14"W., A DISTANCE OF 381.86 FEET; THENCE S.22°40'45"W., A DISTANCE OF 52.42 FEET; THENCE S.12°52'47"W., A DISTANCE OF 86.71 FEET; THENCE S.08°30'16"W., A DISTANCE OF 286.73 FEET; THENCE S.01°50'26"W., A DISTANCE OF 46.18 FEET; THENCE S.14°16'00"E., A DISTANCE OF 159.26 FEET; THENCE S.30°21'27"E., A DISTANCE OF 93.30 FEET; THENCE S.10°41'51"E., A DISTANCE OF 149.56 FEET; THENCE S.06°52'38"E., A DISTANCE OF 105.31 FEET; THENCE S.10°51'58"E., A DISTANCE OF 70.67 FEET; THENCE S.03°48'29"E., A DISTANCE OF 45.17 FEET; THENCE S.05°27'04"W., A DISTANCE OF 230.24 FEET; THENCE N.53°40'43"W., A DISTANCE OF 166.42 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 24°00'35", A RADIUS OF 175.00 FEET, A LONG CHORD THAT BEARS S.58°49'00"W., 72.80 FEET, AN ARC DISTANCE OF 73.33 FEET; THENCE S.70°49'18"W., A DISTANCE OF 136.55 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA OF 11°20'55", A RADIUS OF 968.00 FEET, A LONG CHORD THAT BEARS S.76°29'45"W., 191.42 FEET, AN ARC DISTANCE OF 191.73 FEET; THENCE S.82°10'13"W., A DISTANCE OF 176.90 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 13°16'26", A RADIUS OF 1050.00 FEET, A LONG CHORD THAT BEARS S.75°32'00"W., 242.71 FEET, AN ARC DISTANCE OF 243.26 FEET; THENCE N.21°06'13"W., A DISTANCE OF 199.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

CONSENT TO ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT

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As the owner of lands which are intended to constitute a portion of the community development district, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the community development district of one hundred percent (100%) of the owners of the lands to be included within the community development district.

The undersigned hereby consents to the establishment of the community development district which will include the Property within the lands to be a part of the community development district and agrees to further execute any reasonable documentation necessary or convenient to evidence this consent during the application process for the establishment of the community development district.

The undersigned acknowledges that the consent will remain in full force and effect until the community development district is established or a written revocation is issued, which ever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest, other than Petitioner, of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, a consent to establishment of the community development district in substantially this form from the next purchaser or successor in interest that is not Petitioner.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent by the person executing this instrument.

[*signatures on following page*]

Executed this 16 day of June, 2025.

WITNESSES:

Name: Jackelyn Lopez

Name: RICHARD BRZOZOWSKI

BG MINE, LLC
a Florida limited liability company

By: _____
Name: NED DEWHIRST
Title: SR VP OAK BROOK PROPERTIES, INC., MANAGER FOR OBP FL-BG MINE, LLC, MANAGER FOR LLC

STATE OF FLORIDA
COUNTY OF Lee

I hereby certify that on this day, before me, by means of ☑ physical presence or ☐ online notarization, an officer duly authorized to take acknowledgments, personally appeared Ned Dewhirst, as Sr. Vice President OBP, Manager of BG Mine, LLC, who executed the foregoing instrument, acknowledged before me that he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal this 16 day of June, 2025.

JACKELYN LOPEZ
MY COMMISSION # HH275120
EXPIRES: July 19, 2026

Notary Public

Personally known: ✓
Produced Identification: _____
Type of Identification: _____

Exhibit A: Property Description

Exhibit A

Property Description

BGM REMAINING PROPERTY DESCRIPTION (PHASE 2):

A PORTION OF SECTIONS 17 AND 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE POINT OF BEGINNING WHICH IS THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 01°08'52" WEST FOR 5285.70 FEET ALONG AN AGREED UPON LINE PER OFFICIAL RECORD BOOK 2061, PAGE 3137 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE ALONG SAID AGREED UPON LINE NORTH 01°06'50" WEST 1339.84 FEET; THENCE SOUTH 88°58'01" WEST 191.18 FEET ALONG AN AGREED UPON LINE PER OFFICIAL RECORDS BOOK 2061, PAGE 3137, AND PAGE 3139 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA TO THE WEST LINE OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE CONTINUE ALONG SAID AGREED UPON LINE WHICH IS THE WEST LINE OF SAID SECTION 17 NORTH 04°41'01" WEST FOR 4013.11 FEET TO THE NORTHWEST CORNER OF SAID SECTION 17; THENCE NORTH 87°28'17" EAST FOR 2575.75 FEET ALONG THE NORTH LINE OF SAID SECTION 17 TO THE NORTH ¼ CORNER OF SAID SECTION 17; THENCE CONTINUE ALONG SAID NORTH LINE NORTH 87°28'22" EAST FOR 2575.93 FEET TO THE NORTHEAST CORNER OF SAID SECTION 17; THENCE ALONG THE EAST LINE OF SAID SECTION 17, SOUTH 05°01'45" EAST 2689.09 FEET THE EAST 1/4 CORNER OF SAID SECTION 17; THENCE CONTINUE ALONG THE SAID EAST LINE SOUTH 05°01'37" EAST 2688.71 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 17 AND THE NORTHEAST CORNER OF SAID SECTION 20; THENCE ALONG THE EAST LINE OF SAID SECTION 20 SOUTH 03°50'45" EAST FOR 2684.71 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 20; THENCE CONTINUE ALONG SAID EAST LINE SOUTH 03°50'58" EAST FOR 2684.65 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 20; THENCE ALONG THE SOUTH LINE OF SAID SECTION 20, SOUTH 88°34'10" WEST 2665.01 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 20; THENCE CONTINUE ALONG SAID SOUTH LINE OF SECTION 20 SOUTH 88°34'05" WEST FOR 2664.64 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT (30 ACRE CITY PARK):

A PORTION OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE NORTH 01°05'40" WEST FOR 5285.50 FEET ALONG AN AGREED UPON LINE PER OFFICIAL RECORD BOOK 2061, PAGE 3137, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE ALONG SAID AGREED UPON LINE NORTH 01°02'53" WEST 1339.84 FEET; THENCE SOUTH 88°55'55" WEST 191.18 FEET ALONG AN AGREED UPON LINE PER OFFICIAL RECORDS BOOK 2061, PAGE 3137, AND PAGE 3139, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA TO THE WEST LINE OF SECTION 17, TOWNSHIP 47, SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE CONTINUE ALONG SAID AGREED UPON LINE WHICH IS THE WEST LINE OF SAID SECTION 17 NORTH 04°37'43"

WEST FOR 2519.88 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE CONTINUE NORTH 04°37'43" WEST 1493.23 FEET TO THE NORTH EAST CORNER OF SAID SECTION 17; THENCE NORTH 87°31'49" EAST 2575.70 FEET ALONG THE NORTH LINE OF SAID SECTION 17 TO THE NORTH 1/4 CORNER OF SAID SECTION 17; THENCE NORTH 87°32'14" EAST, 130.67 FEET; THENCE SOUTH 14°54'37" EAST, 43.86 FEET; THENCE SOUTH 04°51'36" EAST, 66.75 FEET; THENCE SOUTH 03°07'08" WEST, 39.17 FEET; THENCE SOUTH 09°08'23" WEST, 45.21 FEET; THENCE SOUTH 18°24'24" WEST, 51.19 FEET; THENCE SOUTH 25°55'21" WEST, 26.12 FEET; THENCE SOUTH 28°38'47" WEST, 25.35 FEET; THENCE SOUTH 24°10'24" WEST, 22.68 FEET; THENCE SOUTH 11°36'41" WEST, 25.40 FEET; THENCE SOUTH 22°43'08" WEST, 29.56 FEET; THENCE SOUTH 20°08'36" WEST, 29.18 FEET; THENCE SOUTH 21°35'02" WEST, 27.20 FEET; THENCE SOUTH 17°25'19" EAST, 13.23 FEET; THENCE SOUTH 11°11'08" EAST, 33.40 FEET; THENCE SOUTH 28°15'17" WEST, 23.04 FEET; THENCE NORTH 60°41'26" WEST, 57.31 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 892.71 FEET; THENCE NORTHWESTERLY, 679.58 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 43°37'01" (CHORD BEARS NORTH 77°23'18" WEST, 663.29 FEET); THENCE SOUTH 80°48'15" WEST, 355.83 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 500.00 FEET; THENCE SOUTHWESTERLY, 80.25 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°11'45" (CHORD BEARS SOUTH 85°24'07" WEST, 80.16 FEET); THENCE NORTH 90°00'00" WEST, 282.01 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1000.00 FEET; THENCE SOUTHWESTERLY, 692.49 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 39°40'36" (CHORD BEARS SOUTH 70°09'42" WEST, 678.73 FEET) TO THE BEGINNING OF A COMPOUND CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 500.00 FEET; THENCE SOUTHWESTERLY, 422.51 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 48°24'56" (CHORD BEARS SOUTH 26°06'56" WEST, 410.05 FEET); THENCE SOUTH 01°54'26" WEST, 434.19 FEET; THENCE SOUTH 06°12'24" WEST, 74.97 FEET; THENCE SOUTH 10°30'20" WEST, 122.05 FEET; THENCE SOUTH 87°40'12" WEST, 230.92 FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT (BONITA GRANDE DRIVE PARCEL 211):

A PARCEL OF LAND LOCATED IN SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, THENCE RUN NORTH 01°05'33" WEST FOR A DISTANCE OF 3481.93 FEET; THENCE RUN NORTH 88°54'54" EAST FOR A DISTANCE OF 117.31 FEET; THENCE RUN SOUTH 67°05'27" EAST FOR A DISTANCE OF 99.91 FEET; THENCE RUN SOUTH 01°05'08" EAST FOR A DISTANCE OF 101.21 FEET; THENCE RUN SOUTH 60°09'58" WEST FOR A DISTANCE OF 87.92 FEET; THENCE RUN SOUTH 08°27'04" WEST FOR A DISTANCE OF 187.67 FEET; THENCE RUN SOUTH 01°05'08" EAST FOR A DISTANCE OF 2715.54 FEET; THENCE RUN NORTH 88°54'52" EAST FOR A DISTANCE OF 30.00 FEET; THENCE RUN SOUTH 01°05'08" EAST FOR A DISTANCE OF 396.58 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 20; THENCE RUN ALONG THE SAID SOUTH LINE SOUTH 88°38'33" WEST FOR A DISTANCE OF 130.00 FEET, TO THE POINT OF BEGINNING.

BEARINGS REFER TO SOUTH LINE OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, AS BEING SOUTH 88°38'33" WEST.

AND LESS AND EXCEPT (BONITA GRANDE DRIVE PARCEL 211B):

A PARCEL OF LAND LOCATED IN SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, THENCE RUN NORTH 01°05'33" WEST FOR A DISTANCE OF 4466.40 FEET; TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUE NORTH 01°05'33" WEST FOR A DISTANCE OF 819.30 FEET; THENCE RUN NORTH 88°03'52" EAST FOR A DISTANCE OF 30.00 FEET; THENCE RUN SOUTH 01°03'33" EAST FOR A DISTANCE OF 641.51 FEET, TO THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE TO THE RIGHT; HAVING A RADIUS OF 530.00 FEET, THROUGH A CENTRAL ANGLE OF 19°38'06" AND BEING SUBTENDED BY A CHORD OF 180.74 FEET AT A BEARING OF SOUTH 08°27'43" WEST, FOR AN ARC LENGTH OF 181.63 FEET, TO THE POINT OF BEGINNING.

BEARINGS REFER TO SOUTH LINE OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, AS BEING SOUTH 88°37'24" WEST.

AND LESS AND EXCEPT (BONITA GRANDE DRIVE PARCEL 212):

A PARCEL OF LAND LOCATED IN SECTION 17 AND SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, THENCE RUN NORTH 01°05'33" WEST FOR A DISTANCE OF 5285.70 FEET; TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE RUN NORTH 01°03'31" WEST FOR A DISTANCE OF 1339.84 FEET; THENCE RUN SOUTH 89°01'20" WEST FOR A DISTANCE OF 30.00 FEET; THENCE RUN NORTH 01°03'31" WEST FOR A DISTANCE OF 2.91 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT; HAVING A RADIUS OF 469.99 FEET, THROUGH A CENTRAL ANGLE OF 18°28'37" AND BEING SUBTENDED BY A CHORD OF 150.91 FEET AT A BEARING OF NORTH 10°17'48" WEST, FOR AN ARC LENGTH OF 151.56 FEET; THENCE RUN NORTH 19°32'06" WEST FOR A DISTANCE OF 74.64 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE RIGHT; HAVING A RADIUS OF 530.00 FEET, THROUGH A CENTRAL ANGLE OF 29°39'20" AND BEING SUBTENDED BY A CHORD OF 271.27 FEET AT A BEARING OF NORTH 04°42'27" WEST, FOR AN ARC LENGTH OF 274.32 FEET; THENCE RUN NORTH 10°07'13" EAST FOR A DISTANCE OF 57.33 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT; HAVING A RADIUS OF 470.00 FEET, THROUGH A CENTRAL ANGLE OF 12°29'25" AND BEING SUBTENDED BY A CHORD OF 102.26 FEET AT A BEARING OF NORTH 03°52'31" EAST, FOR AN ARC LENGTH OF 102.46 FEET; THENCE RUN NORTH 02°22'12" WEST FOR A DISTANCE OF 444.34 FEET, TO

THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT; HAVING A RADIUS OF 270.00 FEET, THROUGH A CENTRAL ANGLE OF 32°52'40" AND BEING SUBTENDED BY A CHORD OF 152.82 FEET AT A BEARING OF NORTH 18°48'32" WEST, FOR AN ARC LENGTH OF 154.93 FEET; THENCE RUN NORTH 35°14'52" WEST FOR A DISTANCE OF 122.79 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE RIGHT; HAVING A RADIUS OF 529.84 FEET, THROUGH A CENTRAL ANGLE OF 30°34'51" AND BEING SUBTENDED BY A CHORD OF 279.45 FEET AT A BEARING OF NORTH 19°56'26" WEST, FOR AN ARC LENGTH OF 282.79 FEET; THENCE RUN NORTH 04°37'42" WEST FOR A DISTANCE OF 918.08 FEET; THENCE RUN NORTH 87°40'12" EAST FOR A DISTANCE OF 60.05 FEET; THENCE RUN SOUTH 04°37'42" EAST FOR A DISTANCE OF 915.67 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT; HAVING A RADIUS OF 469.80 FEET, THROUGH A CENTRAL ANGLE OF 30°34'51" AND BEING SUBTENDED BY A CHORD OF 247.79 FEET AT A BEARING OF SOUTH 19°56'31" EAST, FOR AN ARC LENGTH OF 250.75 FEET; THENCE RUN SOUTH 35°14'52" EAST FOR A DISTANCE OF 122.77 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE RIGHT; HAVING A RADIUS OF 330.00 FEET, THROUGH A CENTRAL ANGLE OF 32°52'40" AND BEING SUBTENDED BY A CHORD OF 186.77 FEET AT A BEARING OF SOUTH 18°48'32" EAST, FOR AN ARC LENGTH OF 189.36 FEET; THENCE RUN SOUTH 02°22'12" EAST FOR A DISTANCE OF 444.34 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE RIGHT; HAVING A RADIUS OF 530.00 FEET, THROUGH A CENTRAL ANGLE OF 12°29'25" AND BEING SUBTENDED BY A CHORD OF 115.31 FEET AT A BEARING OF SOUTH 03°52'31" WEST, FOR AN ARC LENGTH OF 115.54 FEET; THENCE RUN SOUTH 10°07'13" WEST FOR A DISTANCE OF 57.33 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT; HAVING A RADIUS OF 470.00 FEET, THROUGH A CENTRAL ANGLE OF 29°39'20" AND BEING SUBTENDED BY A CHORD OF 240.56 FEET AT A BEARING OF SOUTH 04°42'27" EAST, FOR AN ARC LENGTH OF 243.27 FEET; THENCE RUN SOUTH 19°32'06" EAST FOR A DISTANCE OF 74.64 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE RIGHT; HAVING A RADIUS OF 530.00 FEET, THROUGH A CENTRAL ANGLE OF 18°28'36" AND BEING SUBTENDED BY A CHORD OF 170.17 FEET AT A BEARING OF SOUTH 10°17'49" EAST, FOR AN ARC LENGTH OF 170.91 FEET; THENCE RUN SOUTH 01°03'31" EAST FOR A DISTANCE OF 1342.33 FEET; THENCE RUN SOUTH 88°03'52" WEST FOR A DISTANCE OF 30.00 FEET, TO THE POINT OF BEGINNING.

BEARINGS REFER TO SOUTH LINE OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, AS BEING SOUTH 88°37'24" WEST.

AND LESS AND EXCEPT (PHASE ONE):

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.01°05'35"W., ALONG AN AGREED UPON LINE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2061, PAGE 3137, PUBLIC RECORDS OF LEE COUNTY FLORIDA, A DISTANCE OF 3481.93 FEET THENCE N.88°54'51"E., A DISTANCE OF 117.31 FEET; THENCE S.67°05'30"E., A DISTANCE OF 3.47 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 188.74 FEET AND A CHORD WHICH BEARS N.36°16'09"E. 177.35 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 56°02'44", A DISTANCE OF 184.62 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A

RADIUS OF 354.90 FEET, A CHORD WHICH BEARS N.36°08'05"E. 272.27 FEET, AND A CENTRAL ANGLE OF 45°06'44"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 279.44 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 53.39 FEET, A CHORD WHICH BEARS N.36°46'47"E. 66.45 FEET, AND A CENTRAL ANGLE OF 76°57'48"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 71.72 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 91.67 FEET, A CHORD WHICH BEARS S.75°39'40"E. 87.85 FEET, AND A CENTRAL ANGLE OF 57°15'38"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 91.62 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 295.10 FEET, A CHORD WHICH BEARS S.36°01'45"E. 53.96 FEET, AND A CENTRAL ANGLE OF 10°29'30"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 54.04 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 87.24 FEET, A CHORD WHICH BEARS S.63°20'22"E. 58.66 FEET, AND A CENTRAL ANGLE OF 39°17'19"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 59.82 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 128.93 FEET, A CHORD WHICH BEARS S.47°43'13"E. 103.18 FEET, AND A CENTRAL ANGLE OF 47°10'24"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 106.15 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET, A CHORD WHICH BEARS S.07°48'06"W. 68.76 FEET, AND A CENTRAL ANGLE OF 63°52'13"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 72.46 FEET; THENCE N.86°37'05"E., A DISTANCE OF 67.35 FEET; THENCE N.51°06'02"E., A DISTANCE OF 71.29 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1011.21 FEET, A CHORD WHICH BEARS N.40°34'29"W. 59.12 FEET, AND A CENTRAL ANGLE OF 03°21'02"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 59.13 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, A CHORD WHICH BEARS N.21°01'12"E. 89.31 FEET, AND A CENTRAL ANGLE OF 126°32'24"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 110.43 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 205.00 FEET, A CHORD WHICH BEARS N.24°37'34"E. 353.86 FEET, AND A CENTRAL ANGLE OF 119°19'40"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 426.95 FEET; THENCE N.35°02'16"W., A DISTANCE OF 56.71 FEET; THENCE N.53°00'49"W., A DISTANCE OF 82.95 FEET; THENCE N.23°47'24"E., A DISTANCE OF 111.94 FEET; THENCE N.63°36'46"W., A DISTANCE OF 34.59 FEET; THENCE N.68°08'59"W., A DISTANCE OF 50.77 FEET; THENCE N.51°21'27"W., A DISTANCE OF 42.38 FEET; THENCE N.55°09'39"W., A DISTANCE OF 28.55 FEET; THENCE N.39°16'51"W., A DISTANCE OF 19.17 FEET; THENCE N.18°11'00"W., A DISTANCE OF 235.59 FEET; THENCE N.31°59'17"W., A DISTANCE OF 41.38 FEET; THENCE N.45°08'35"W., A DISTANCE OF 80.13 FEET; THENCE N.51°52'41"W., A DISTANCE OF 244.65 FEET; THENCE N.62°47'08"W., A DISTANCE OF 32.93 FEET; THENCE N.54°54'21"W., A DISTANCE OF 39.01 FEET; THENCE N.55°04'20"W., A DISTANCE OF 71.87 FEET; THENCE N.57°57'04"W., A DISTANCE OF 31.70 FEET; THENCE N.44°02'11"W., A DISTANCE OF 36.73 FEET; THENCE N.14°03'07"W., A DISTANCE OF 54.60 FEET; THENCE N.00°35'56"E., A DISTANCE OF 139.24 FEET; THENCE N.04°38'16"E., A DISTANCE OF 82.92 FEET; THENCE N.88°03'57"E., A DISTANCE OF 87.67 FEET; THENCE N.03°15'43"E., A DISTANCE OF 772.89 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 132.00 FEET, A CHORD WHICH BEARS N.07°37'09"E. 20.06 FEET, AND A CENTRAL ANGLE OF 08°42'52"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 20.08 FEET; THENCE N.11°58'58"E., A DISTANCE OF 587.10 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 747.00 FEET, A CHORD WHICH BEARS N.02°22'46"E. 249.24 FEET, AND A CENTRAL ANGLE OF 19°12'25"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 250.41 FEET; THENCE N.07°13'27"W., A DISTANCE OF 71.29 FEET TO THE POINT OF CURVATURE OF A

CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, A CHORD WHICH BEARS N.43°57'59"E. 77.92 FEET, AND A CENTRAL ANGLE OF 102°22'52"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 89.34 FEET; THENCE N.38°37'27"W., A DISTANCE OF 60.72 FEET; THENCE N.06°25'15"W., A DISTANCE OF 81.20 FEET; THENCE N.20°29'27"E., A DISTANCE OF 69.87 FEET; THENCE N.41°23'56"E., A DISTANCE OF 66.92 FEET; THENCE N.50°43'14"E., A DISTANCE OF 76.86 FEET; THENCE N.54°15'05"E., A DISTANCE OF 67.66 FEET; THENCE N.76°53'55"E., A DISTANCE OF 60.07 FEET; THENCE S.80°13'08"E., A DISTANCE OF 64.11 FEET; THENCE S.73°38'18"E., A DISTANCE OF 77.12 FEET; THENCE S.71°01'47"E., A DISTANCE OF 66.80 FEET; THENCE S.82°59'27"E., A DISTANCE OF 74.57 FEET; THENCE S.87°23'42"E., A DISTANCE OF 81.33 FEET; THENCE N.84°21'28"E., A DISTANCE OF 145.16 FEET; THENCE N.81°13'46"E., A DISTANCE OF 82.22 FEET; THENCE S.89°56'14"E., A DISTANCE OF 81.25 FEET; THENCE S.87°08'50"E., A DISTANCE OF 74.11 FEET; THENCE S.85°02'34"E., A DISTANCE OF 126.84 FEET; THENCE S.70°34'12"E., A DISTANCE OF 103.34 FEET; THENCE S.31°58'03"E., A DISTANCE OF 52.40 FEET; THENCE N.59°20'36"E., A DISTANCE OF 175.01 FEET; THENCE N.89°23'21"E., A DISTANCE OF 743.60 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, A CHORD WHICH BEARS S.51°33'26"E. 378.03 FEET, AND A CENTRAL ANGLE OF 78°06'25"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 408.97 FEET; THENCE S.12°30'14"E., A DISTANCE OF 155.57 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 1780.00 FEET, A CHORD WHICH BEARS S.18°16'26"E. 357.91 FEET, AND A CENTRAL ANGLE OF 11°32'25"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 358.52 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, A CHORD WHICH BEARS S.20°13'17"W. 69.80 FEET, AND A CENTRAL ANGLE OF 88°31'51"; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 77.26 FEET; THENCE S.64°29'12"W., A DISTANCE OF 86.85 FEET; THENCE S.44°17'49"E., A DISTANCE OF 3.36 FEET; THENCE S.20°13'08"E., A DISTANCE OF 17.33 FEET; THENCE S.11°24'12"E., A DISTANCE OF 16.18 FEET; THENCE S.05°32'45"E., A DISTANCE OF 21.68 FEET; THENCE S.08°50'36"W., A DISTANCE OF 14.74 FEET; THENCE S.22°08'57"W., A DISTANCE OF 14.88 FEET; THENCE S.14°07'27"W., A DISTANCE OF 18.95 FEET; THENCE S.17°55'03"W., A DISTANCE OF 17.11 FEET; THENCE S.16°32'57"W., A DISTANCE OF 15.97 FEET; THENCE S.06°09'39"W., A DISTANCE OF 14.90 FEET; THENCE S.15°10'09"W., A DISTANCE OF 25.41 FEET; THENCE S.28°02'03"W., A DISTANCE OF 30.15 FEET; THENCE S.33°42'53"W., A DISTANCE OF 17.39 FEET; THENCE S.36°49'25"W., A DISTANCE OF 12.65 FEET; THENCE S.39°41'32"W., A DISTANCE OF 10.87 FEET; THENCE S.47°36'28"W., A DISTANCE OF 8.10 FEET; THENCE S.53°28'35"W., A DISTANCE OF 9.54 FEET; THENCE S.55°33'39"W., A DISTANCE OF 12.38 FEET; THENCE S.54°18'37"W., A DISTANCE OF 18.20 FEET; THENCE S.56°23'55"W., A DISTANCE OF 11.07 FEET; THENCE S.63°29'55"W., A DISTANCE OF 12.98 FEET; THENCE S.73°33'46"W., A DISTANCE OF 6.83 FEET; THENCE S.87°27'10"W., A DISTANCE OF 11.31 FEET; THENCE N.81°17'17"W., A DISTANCE OF 12.12 FEET; THENCE N.77°13'46"W., A DISTANCE OF 12.35 FEET; THENCE N.74°31'40"W., A DISTANCE OF 14.35 FEET; THENCE N.72°49'30"W., A DISTANCE OF 11.50 FEET; THENCE N.76°56'05"W., A DISTANCE OF 14.52 FEET; THENCE N.87°12'21"W., A DISTANCE OF 16.18 FEET; THENCE S.70°32'51"W., A DISTANCE OF 81.75 FEET; THENCE S.62°24'17"W., A DISTANCE OF 61.07 FEET; THENCE S.44°43'33"W., A DISTANCE OF 71.91 FEET; THENCE S.44°53'41"W., A DISTANCE OF 8.58 FEET; THENCE S.51°19'38"W., A DISTANCE OF 10.32 FEET; THENCE S.52°06'53"W., A DISTANCE OF 5.93 FEET; THENCE S.13°56'59"E., A DISTANCE OF 25.08 FEET; THENCE S.49°28'04"E., A DISTANCE OF 70.91 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 56.00 FEET, A CHORD WHICH BEARS S.67°33'11"E. 34.77 FEET, AND A CENTRAL ANGLE OF 36°10'13"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 35.35 FEET; THENCE S.85°38'18"E., A DISTANCE OF 166.50 FEET; THENCE S.78°00'59"E., A DISTANCE OF 118.44 FEET; THENCE S.60°42'47"E., A DISTANCE OF 23.02 FEET; THENCE S.45°21'29"E., A DISTANCE OF

15.64 FEET; THENCE S.34°43'30"E., A DISTANCE OF 31.53 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 56.00 FEET, A CHORD WHICH BEARS S.49°26'56"E. 57.45 FEET, AND A CENTRAL ANGLE OF 61°43'11"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 60.32 FEET; THENCE S.80°18'31"E., A DISTANCE OF 18.69 FEET; THENCE S.81°28'30"E., A DISTANCE OF 25.59 FEET; THENCE S.79°21'40"E., A DISTANCE OF 6.70 FEET; THENCE N.36°23'57"E., A DISTANCE OF 17.08 FEET; THENCE N.06°47'29"W., A DISTANCE OF 33.00 FEET; THENCE N.62°35'52"E., A DISTANCE OF 23.79 FEET; THENCE N.20°17'55"E., A DISTANCE OF 13.95 FEET; THENCE N.26°49'20"E., A DISTANCE OF 37.93 FEET; THENCE N.50°39'16"E., A DISTANCE OF 35.17 FEET; THENCE N.53°14'39"E., A DISTANCE OF 13.24 FEET; THENCE S.78°23'35"E., A DISTANCE OF 15.89 FEET; THENCE N.78°15'18"E., A DISTANCE OF 21.37 FEET; THENCE N.51°25'11"E., A DISTANCE OF 7.00 FEET; THENCE N.22°11'17"E., A DISTANCE OF 25.51 FEET; THENCE N.57°28'44"W., A DISTANCE OF 30.70 FEET; THENCE N.18°25'12"E., A DISTANCE OF 15.89 FEET; THENCE N.33°59'59"E., A DISTANCE OF 21.08 FEET; THENCE S.87°49'13"E., A DISTANCE OF 28.30 FEET; THENCE S.74°03'58"E., A DISTANCE OF 33.30 FEET; THENCE S.53°04'33"E., A DISTANCE OF 116.76 FEET; THENCE S.77°34'30"E., A DISTANCE OF 45.16 FEET; THENCE S.00°39'11"W., A DISTANCE OF 103.97 FEET; THENCE S.03°41'07"E., A DISTANCE OF 76.45 FEET; THENCE S.33°41'30"W., A DISTANCE OF 29.85 FEET; THENCE S.18°25'27"W., A DISTANCE OF 32.68 FEET; THENCE S.30°43'29"W., A DISTANCE OF 13.31 FEET; THENCE S.47°11'30"E., A DISTANCE OF 2.52 FEET; THENCE S.44°44'38"E., A DISTANCE OF 21.73 FEET; THENCE S.70°15'30"E., A DISTANCE OF 59.55 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET, A CHORD WHICH BEARS S.38°56'19"E. 51.98 FEET, AND A CENTRAL ANGLE OF 62°38'21"; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 54.66 FEET; THENCE S.07°37'09"E., A DISTANCE OF 350.03 FEET; THENCE S.00°02'49"E., A DISTANCE OF 97.01 FEET; THENCE S.85°02'25"E., A DISTANCE OF 156.67 FEET; THENCE S.01°44'12"W., A DISTANCE OF 28.80 FEET; THENCE S.32°45'57"E., A DISTANCE OF 95.55 FEET; THENCE N.89°16'24"E., A DISTANCE OF 143.19 FEET; THENCE N.00°02'49"W., A DISTANCE OF 225.24 FEET; THENCE N.11°17'22"W., A DISTANCE OF 51.51 FEET; THENCE S.89°57'29"E., A DISTANCE OF 126.73 FEET; THENCE N.59°01'51"W., A DISTANCE OF 28.48 FEET; THENCE N.59°56'54"W., A DISTANCE OF 39.60 FEET; THENCE N.57°37'07"W., A DISTANCE OF 40.42 FEET; THENCE N.08°01'39"W., A DISTANCE OF 39.39 FEET; THENCE N.09°11'02"W., A DISTANCE OF 64.39 FEET; THENCE N.07°07'29"W., A DISTANCE OF 65.87 FEET; THENCE N.08°47'20"W., A DISTANCE OF 37.39 FEET; THENCE N.02°49'10"W., A DISTANCE OF 69.55 FEET; THENCE N.08°08'23"W., A DISTANCE OF 326.65 FEET; THENCE N.07°20'51"E., A DISTANCE OF 24.54 FEET; THENCE N.15°43'57"E., A DISTANCE OF 31.58 FEET; THENCE N.29°31'03"E., A DISTANCE OF 155.37 FEET; THENCE N.31°00'38"W., A DISTANCE OF 84.41 FEET; THENCE N.06°34'28"W., A DISTANCE OF 28.13 FEET; THENCE N.00°06'28"E., A DISTANCE OF 39.22 FEET; THENCE N.16°10'37"W., A DISTANCE OF 42.90 FEET; THENCE N.30°06'55"W., A DISTANCE OF 32.87 FEET; THENCE N.33°04'26"W., A DISTANCE OF 22.15 FEET; THENCE N.27°04'06"W., A DISTANCE OF 16.43 FEET; THENCE N.23°05'49"W., A DISTANCE OF 21.67 FEET; THENCE N.24°55'42"W., A DISTANCE OF 41.80 FEET; THENCE N.21°50'19"W., A DISTANCE OF 28.65 FEET; THENCE N.17°51'19"W., A DISTANCE OF 33.13 FEET; THENCE N.14°16'31"W., A DISTANCE OF 22.95 FEET; THENCE N.13°13'26"W., A DISTANCE OF 65.06 FEET; THENCE N.04°08'29"E., A DISTANCE OF 12.01 FEET; THENCE N.15°04'43"E., A DISTANCE OF 49.35 FEET; THENCE N.02°05'42"E., A DISTANCE OF 43.88 FEET; THENCE N.07°59'38"W., A DISTANCE OF 44.05 FEET; THENCE N.14°26'05"W., A DISTANCE OF 42.83 FEET; THENCE N.16°43'10"W., A DISTANCE OF 75.79 FEET; THENCE N.21°59'28"W., A DISTANCE OF 228.97 FEET; THENCE N.16°17'19"W., A DISTANCE OF 51.30 FEET; THENCE N.21°42'19"W., A DISTANCE OF 45.09 FEET; THENCE N.20°20'57"W., A DISTANCE OF 22.39 FEET; THENCE N.15°08'55"W., A DISTANCE OF 17.84 FEET; THENCE N.20°57'05"W., A DISTANCE OF 27.42 FEET; THENCE N.26°36'49"W., A DISTANCE OF 20.65 FEET; THENCE N.27°22'24"W., A DISTANCE OF 24.38 FEET; THENCE N.20°58'03"W., A DISTANCE OF 19.07 FEET;

THENCE N.12°25'00"W., A DISTANCE OF 52.63 FEET; THENCE N.18°37'33"W., A DISTANCE OF 51.06 FEET; THENCE N.18°04'04"W., A DISTANCE OF 38.53 FEET; THENCE N.06°52'08"W., A DISTANCE OF 27.52 FEET; THENCE N.04°33'16"W., A DISTANCE OF 46.16 FEET; THENCE N.16°11'08"W., A DISTANCE OF 44.26 FEET; THENCE N.34°24'27"W., A DISTANCE OF 42.67 FEET; THENCE N.40°09'45"W., A DISTANCE OF 35.22 FEET; THENCE N.40°01'42"W., A DISTANCE OF 31.79 FEET; THENCE N.39°47'31"W., A DISTANCE OF 23.05 FEET; THENCE N.40°58'10"W., A DISTANCE OF 136.66 FEET; THENCE N.07°11'03"W., A DISTANCE OF 31.42 FEET; THENCE N.04°54'54"E., A DISTANCE OF 31.26 FEET; THENCE N.31°11'45"E., A DISTANCE OF 50.33 FEET; THENCE N.34°14'53"E., A DISTANCE OF 61.74 FEET; THENCE N.42°44'11"E., A DISTANCE OF 83.05 FEET; THENCE N.61°34'40"E., A DISTANCE OF 61.30 FEET; THENCE N.62°48'42"E., A DISTANCE OF 86.02 FEET; THENCE N.45°54'32"E., A DISTANCE OF 45.76 FEET; THENCE N.29°49'43"E., A DISTANCE OF 48.51 FEET; THENCE N.25°30'04"E., A DISTANCE OF 72.06 FEET; THENCE N.19°29'13"E., A DISTANCE OF 93.40 FEET; THENCE N.20°39'16"E., A DISTANCE OF 59.71 FEET; THENCE N.15°48'00"E., A DISTANCE OF 68.61 FEET; THENCE N.07°05'40"E., A DISTANCE OF 94.79 FEET; THENCE N.14°27'48"E., A DISTANCE OF 76.73 FEET; THENCE N.41°13'24"E., A DISTANCE OF 130.21 FEET; THENCE N.45°22'02"E., A DISTANCE OF 145.44 FEET; THENCE N.45°02'07"E., A DISTANCE OF 77.05 FEET; THENCE N.52°58'16"E., A DISTANCE OF 111.78 FEET; THENCE N.58°29'42"E., A DISTANCE OF 105.05 FEET; THENCE N.48°17'04"E., A DISTANCE OF 150.91 FEET; THENCE N.31°51'47"E., A DISTANCE OF 62.30 FEET; THENCE N.23°09'22"E., A DISTANCE OF 64.87 FEET; THENCE N.07°36'36"E., A DISTANCE OF 49.57 FEET; THENCE N.13°40'15"W., A DISTANCE OF 54.92 FEET; THENCE N.20°47'17"W., A DISTANCE OF 53.81 FEET; THENCE N.23°01'56"W., A DISTANCE OF 95.21 FEET; THENCE N.28°41'25"W., A DISTANCE OF 114.55 FEET; THENCE N.43°36'00"W., A DISTANCE OF 60.71 FEET; THENCE CONTINUE NORTHWESTERLY ALONG SAID LINE, A DISTANCE OF 60.70 FEET; THENCE N.49°16'23"W., A DISTANCE OF 55.59 FEET; THENCE N.58°33'02"W., A DISTANCE OF 54.33 FEET; THENCE N.65°06'11"W., A DISTANCE OF 26.87 FEET; THENCE CONTINUE NORTHWESTERLY ALONG SAID LINE, A DISTANCE OF 26.87 FEET; THENCE N.69°41'10"W., A DISTANCE OF 24.45 FEET; THENCE CONTINUE WESTERLY ALONG SAID LINE, A DISTANCE OF 24.45 FEET; THENCE N.78°14'14"W., A DISTANCE OF 21.02 FEET; THENCE N.81°19'41"W., A DISTANCE OF 48.77 FEET; THENCE N.87°16'40"W., A DISTANCE OF 69.86 FEET; THENCE S.85°57'29"W., A DISTANCE OF 82.80 FEET; THENCE S.85°25'10"W., A DISTANCE OF 532.17 FEET; THENCE N.78°42'35"W., A DISTANCE OF 119.59 FEET; THENCE N.73°40'49"W., A DISTANCE OF 56.77 FEET; THENCE N.51°58'40"W., A DISTANCE OF 43.89 FEET; THENCE N.38°57'19"W., A DISTANCE OF 142.27 FEET; THENCE N.28°29'43"W., A DISTANCE OF 39.73 FEET; THENCE N.24°04'30"W., A DISTANCE OF 56.64 FEET; THENCE CONTINUE NORTHWESTERLY ALONG SAID LINE, A DISTANCE OF 32.54 FEET; THENCE N.29°18'20"W., A DISTANCE OF 44.85 FEET; THENCE N.38°34'27"W., A DISTANCE OF 34.65 FEET; THENCE N.45°18'23"W., A DISTANCE OF 23.13 FEET; THENCE N.50°36'54"W., A DISTANCE OF 22.44 FEET; THENCE N.55°20'24"W., A DISTANCE OF 18.12 FEET; THENCE N.60°42'13"W., A DISTANCE OF 27.91 FEET; THENCE N.65°50'38"W., A DISTANCE OF 16.21 FEET; THENCE N.71°16'25"W., A DISTANCE OF 30.40 FEET; THENCE N.77°50'45"W., A DISTANCE OF 26.01 FEET; THENCE N.83°13'00"W., A DISTANCE OF 20.09 FEET; THENCE N.88°11'32"W., A DISTANCE OF 22.62 FEET; THENCE S.89°11'45"W., A DISTANCE OF 89.42 FEET; THENCE S.89°10'23"W., A DISTANCE OF 65.20 FEET; THENCE S.89°10'08"W., A DISTANCE OF 114.80 FEET; THENCE S.89°11'02"W., A DISTANCE OF 109.70 FEET; THENCE N.84°22'18"W., A DISTANCE OF 28.97 FEET; THENCE N.74°51'52"W., A DISTANCE OF 34.59 FEET; THENCE N.60°35'14"W., A DISTANCE OF 111.42 FEET; THENCE N.11°11'18"W., A DISTANCE OF 30.61 FEET; THENCE N.17°25'29"W., A DISTANCE OF 13.23 FEET; THENCE N.21°34'52"E., A DISTANCE OF 27.20 FEET; THENCE N.20°08'26"E., A DISTANCE OF 29.18 FEET; THENCE N.22°42'58"E., A DISTANCE OF 29.56 FEET; THENCE N.11°36'31"E., A DISTANCE OF 25.40 FEET; THENCE N.24°10'14"E., A DISTANCE OF 22.68 FEET; THENCE N.28°38'37"E., A DISTANCE OF 25.35 FEET; THENCE N.25°55'11"E., A DISTANCE OF 26.12 FEET; THENCE N.18°24'14"E., A

DISTANCE OF 51.19 FEET; THENCE N.09°08'13"E., A DISTANCE OF 45.21 FEET; THENCE N.03°06'58"E., A DISTANCE OF 39.17 FEET; THENCE N.04°51'46"W., A DISTANCE OF 66.75 FEET; THENCE N.14°54'47"W., A DISTANCE OF 43.86 FEET; FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 47 SOUTH RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE N.87°31'48"E., ALONG SAID NORTH LINE, A DISTANCE OF 2444.99 FEET TO THE NORTHEAST CORNER THEREOF; THENCE S.04°58'39"E., ALONG THE EAST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 2688.80 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S.04°58'06"E., ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 17, A DISTANCE OF 2688.81 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S.03°47'43"E., ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 20, A DISTANCE OF 2684.40 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S.03°47'39"E., ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 20, A DISTANCE OF 2684.72 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE S.88°37'32"W., ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF SECTION 20, A DISTANCE OF 2664.64 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE S.88°37'32"W., ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 20, A DISTANCE OF 2534.64 FEET; THENCE N.01°05'11"W., A DISTANCE OF 396.54 FEET; THENCE S.88°54'49"W., A DISTANCE OF 30.00 FEET; THENCE N.01°05'11"W., A DISTANCE OF 2715.54 FEET; THENCE N.08°27'02"E., A DISTANCE OF 187.67 FEET; THENCE N.60°09'56"E., A DISTANCE OF 87.92 FEET; THENCE N.01°05'11"W., A DISTANCE OF 101.21 FEET; THENCE N.67°05'30"W., A DISTANCE OF 96.44 FEET TO THE POINT OF BEGINNING BEING AND LYING IN SECTIONS 17 AND 20, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.

CONSENT TO ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT

The undersigned is the owner of certain lands more fully described in **Exhibit A** attached hereto and made a part hereof ("Property").

The undersigned, under certain conditions being met and pursuant to a separate written agreement, has authorized Pulte Home Company, LLC, a Michigan limited liability company ("Petitioner") to perform certain actions necessary to entitle and develop the Property, all pursuant to said separate written agreement.

The undersigned understands and acknowledges that Petitioner intends to submit an application to establish a community development district in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which are intended to constitute a portion of the community development district, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the community development district of one hundred percent (100%) of the owners of the lands to be included within the community development district.

The undersigned hereby consents to the establishment of the community development district which will include the Property within the lands to be a part of the community development district and agrees to further execute any reasonable documentation necessary or convenient to evidence this consent during the application process for the establishment of the community development district.

The undersigned acknowledges that the consent will remain in full force and effect until the community development district is established or a written revocation is issued, which ever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest, other than Petitioner, of all or any portion of the Property a copy of this consent form and obtain, if requested by Petitioner, a consent to establishment of the community development district in substantially this form from the next purchaser or successor in interest that is not Petitioner.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent by the person executing this instrument.

[*signatures on following page*]

Executed this 16 day of June, 2025.

WITNESSES:

Name: Jackelyn Lopez

Name: RICHARD BLANKET

BONITA GRANDE 80, LLC
a Florida limited liability company

By: _____
Name: NED DEWHIRST
Title: SR VP OAKBROOK PROPERTIES, INC., MANAGER FOR OBP FL-BG MINE, LLC, MANAGER FOR LLC

STATE OF FLORIDA
COUNTY OF Lee

I hereby certify that on this day, before me, by means of ☑ physical presence or ☐ online notarization, an officer duly authorized to take acknowledgments, personally appeared Ned Dewhirst, as Sr. Vice President, OBP, manager of Bonita Grande 80, LLC, who executed the foregoing instrument, acknowledged before me that he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal this 16 day of June, 2025.

JACKELYN LOPEZ
MY COMMISSION # HH275120
EXPIRES: July 19, 2026

Notary Public

Personally known: ✓
Produced Identification: _____
Type of Identification: _____

Exhibit A: Property Description

Exhibit A

Property Description

BONITA GRANDE 80 PROPERTY (SOUTH PARCEL):

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 47 SOUTH, RANGE 26 EAST, EXCEPTING THE NORTH 25 FEET AND THE EAST 25 FEET THEREOF RESERVED FOR A COUNTY ROAD RIGHT-OF-WAY, (KNOWN AS LOTS 5 THROUGH 8, SUN COAST ACRES), SAID LANDS LYING AND BEING IN LEE COUNTY, FLORIDA.

AND

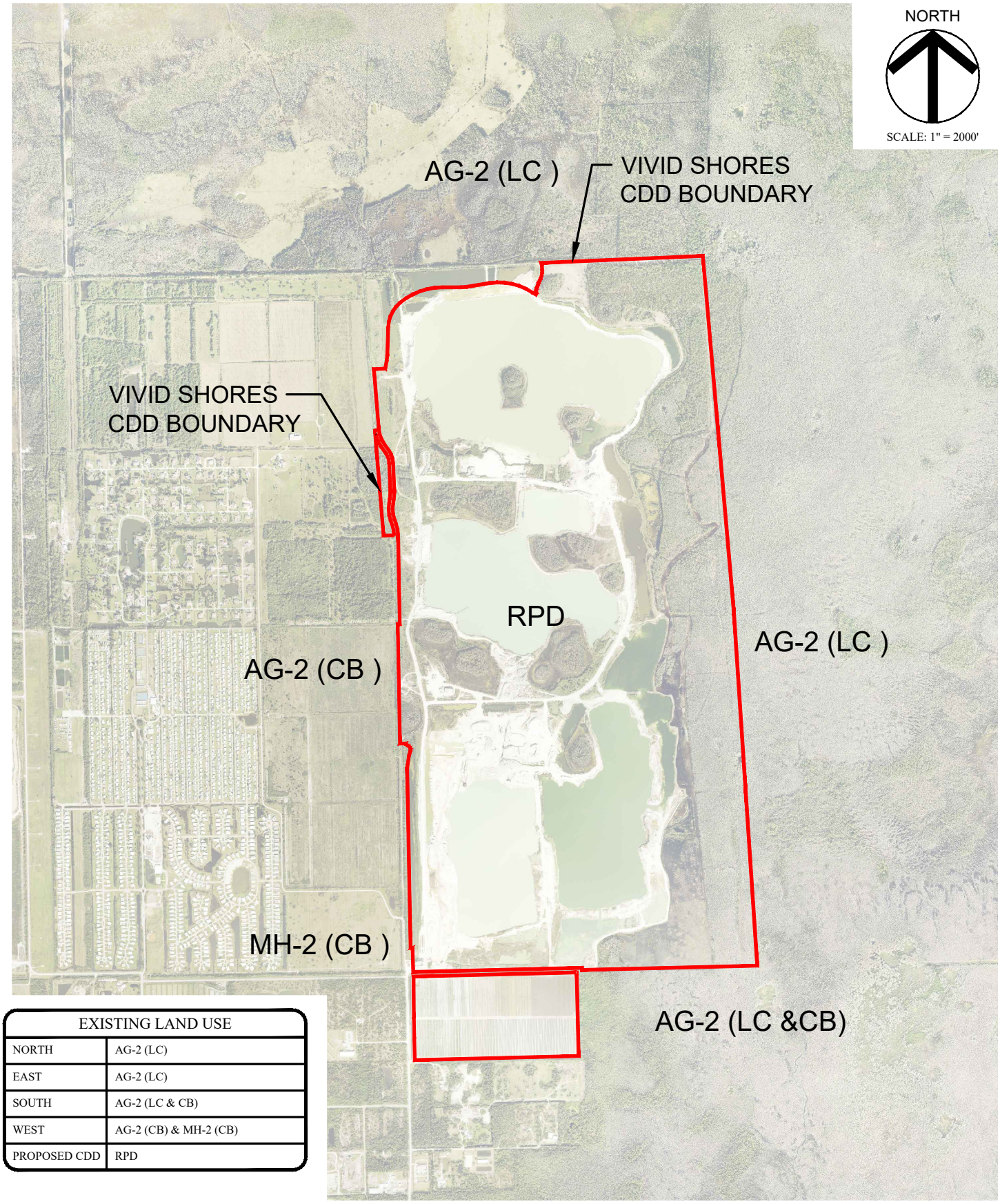
THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 47 SOUTH, RANGE 26 EAST, EXCEPTING THE EAST 25 FEET AND THE SOUTH 25 FEET THEREOF RESERVED FOR COUNTY ROAD RIGHT-OF-WAY, (KNOWN AS LOTS 9 THROUGH 12, SUN COAST ACRES), SAID LANDS LYING AND BEING IN LEE COUNTY, FLORIDA.

AND

THE NORTH HALF (N ½) OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 29, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, EXCEPT THE NORTH 25 FEET AND THE WEST 25 FEET THEREOF RESERVED FOR COUNTY ROADWAY.

AND

THE SOUTH ½ OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 29, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, EXCEPTING THE WEST 60 FEET THEREOF AND THE SOUTH 25 FEET THEREOF RESERVED FOR ROAD RIGHT-OF-WAY, (KNOWN AS LOTS 13 THROUGH 16, SUN COAST ACRES, AN UNRECORDED SUBDIVISION, A REFERENCE MAP BEING RECORDED IN O.R. BOOK 23, AT PAGE 113, LEE COUNTY RECORDS).



EXISTING LAND USE	
NORTH	AG-2 (LC)
EAST	AG-2 (LC)
SOUTH	AG-2 (LC & CB)
WEST	AG-2 (CB) & MH-2 (CB)
PROPOSED CDD	RPD

EXISTING LAND USE MAP

PREPARED FOR:

PULTE HOME COMPANY, LLC
24311 WALDEN CENTER, SUITE 300
BONITA SPRINGS, FLORIDA 34134

SECTION: TOWNSHIP: RANGE:
17, 20, 29 47S 26E
LEE COUNTY, FL

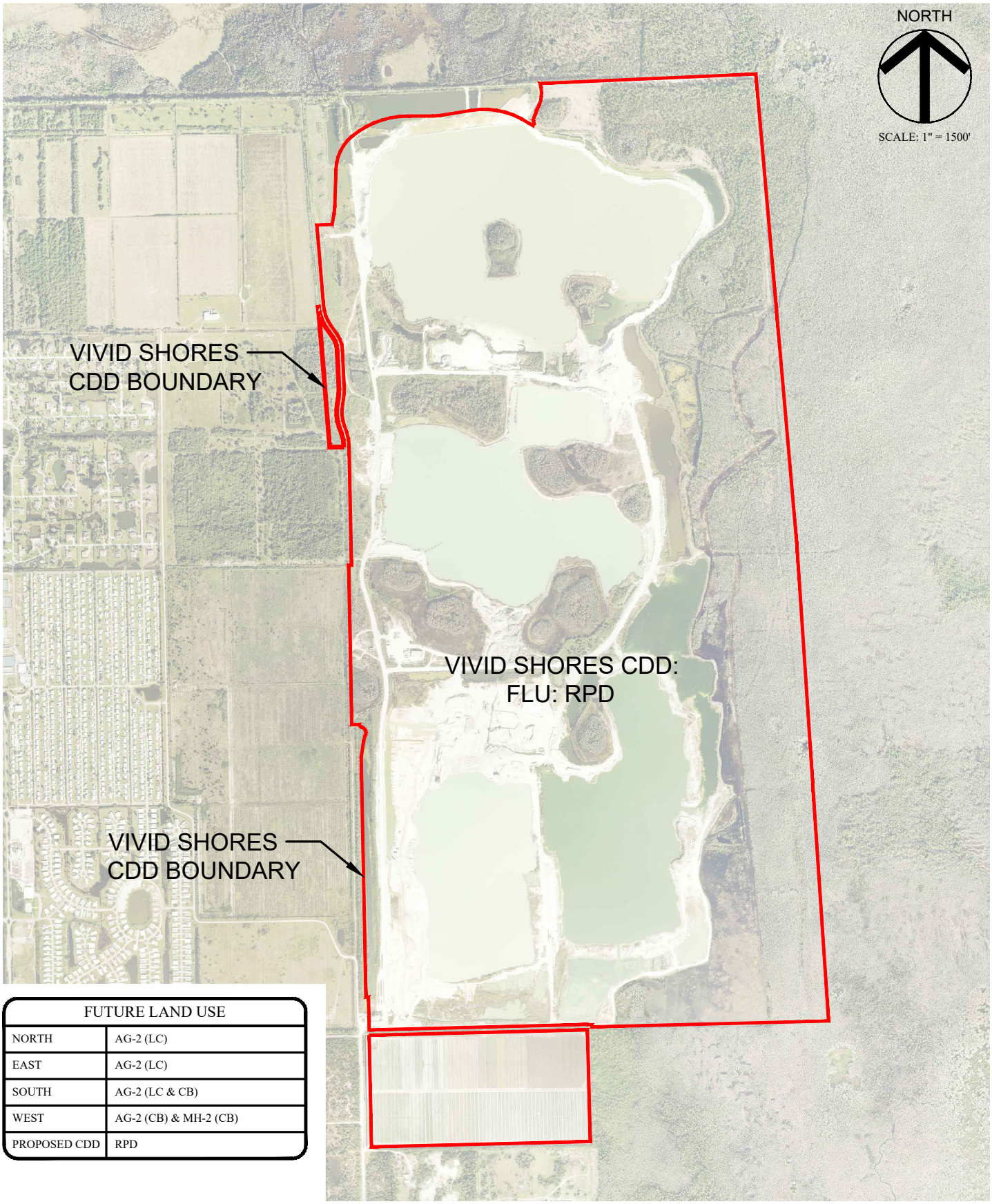
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SHEET: 6 OF 13

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

JEREMY H. ARNOLD, P.E.
FL LICENSE NO. 66421

ATWELL
866.850.4200 www.atwell-group.com
28100 BONITA GRANDE DR., SUITE 305
BONITA SPRINGS, FL 34135
239.405.7777

B:\Projects\1202-500 (Bonita Grande Mine) RPD CDD Establishment\Drawings-Exhibits\1202-500-01 CDD Exhibits\Current Plans\12025000105.dwg



FUTURE LAND USE	
NORTH	AG-2 (LC)
EAST	AG-2 (LC)
SOUTH	AG-2 (LC & CB)
WEST	AG-2 (CB) & MH-2 (CB)
PROPOSED CDD	RPD

FUTURE LAND USE MAP

PREPARED FOR:

PULTE HOME COMPANY, LLC
24311 WALDEN CENTER, SUITE 300
BONITA SPRINGS, FLORIDA 34134

SECTION: TOWNSHIP: RANGE:
17, 20, 29 47S 26E
LEE COUNTY, FL

FILE NAME: 12025000110.dwg
SHEET: 11 OF 13

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

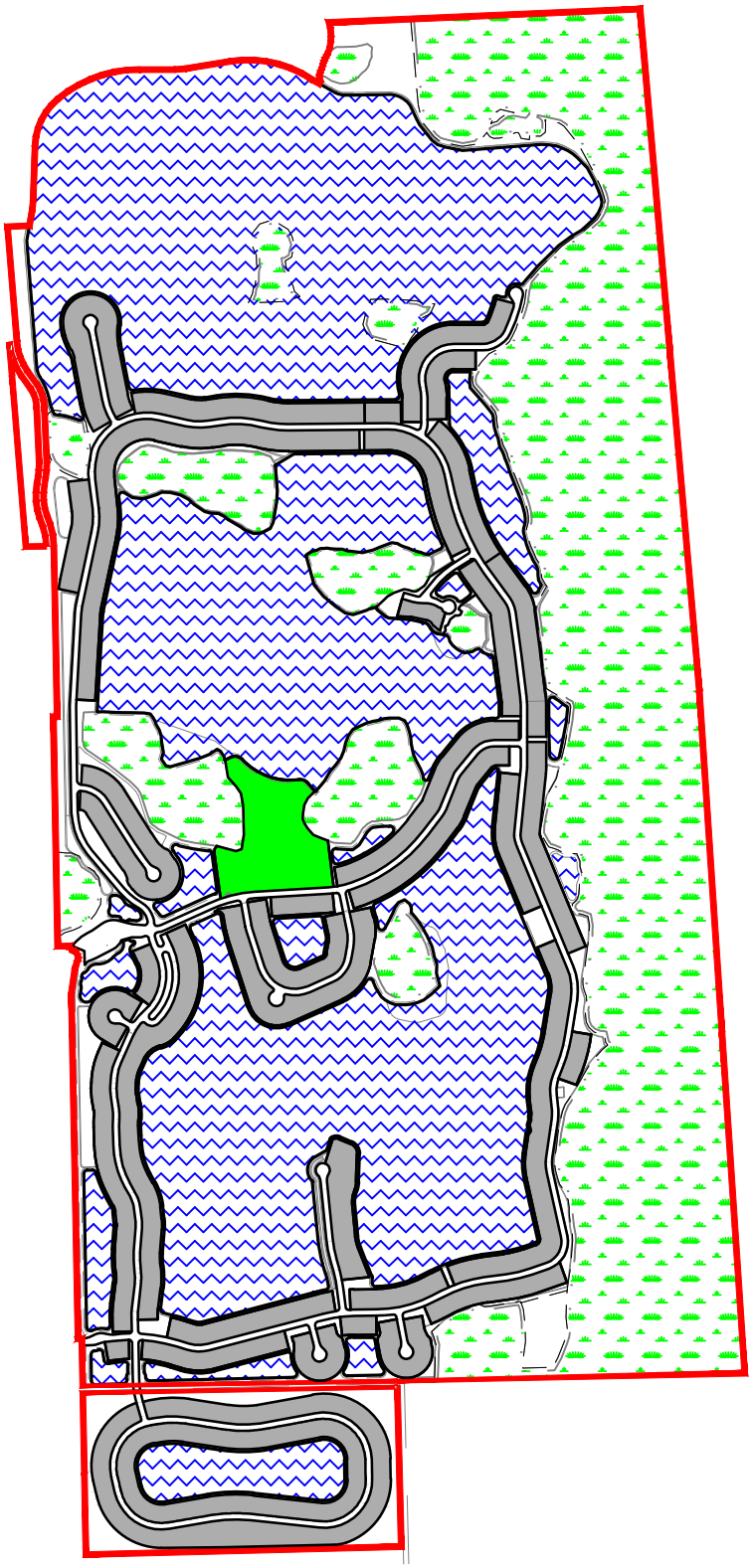
JEREMY H. ARNOLD, P.E.
FL LICENSE NO. 66421

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866.850.4200 www.atwell-group.com
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239.405.7777

B:\Projects\1202-500 (Bonita Grande Mine) RPD CDD Establishment\Drawings-Exhibits\1202-500-01 CDD Exhibits\Current Plans\12025000110.dwg

NORTH

SCALE: 1" = 1,500'



LEGEND

- VIVID SHORES CDD BOUNDARY
- PROPOSED LAKE
- PRESERVE AREA
- SINGLE FAMILY TRACTS
- AMENITY AREA

PROPOSED DEVELOPMENT PLAN

PREPARED FOR:

PULTE HOME COMPANY, LLC
24311 WALDEN CENTER, SUITE 300
BONITA SPRINGS, FLORIDA 34134

SECTION: TOWNSHIP: RANGE:
17, 20, 29 47S 26E
LEE COUNTY, FL

FILE NAME: 12025000106.dwg
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FLORIDA CERTIFICATE OF AUTHORIZATION #8636

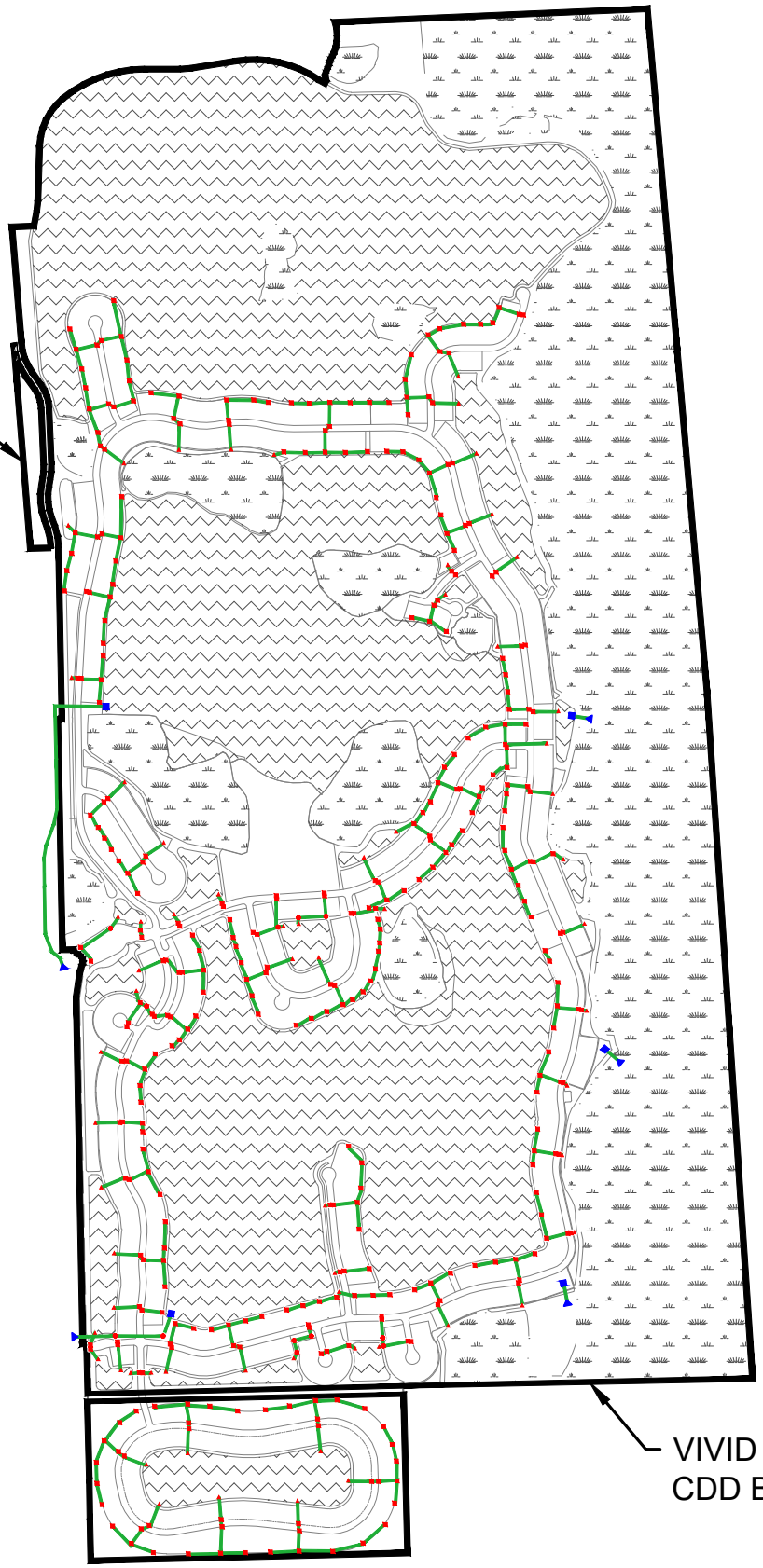
JEREMY H. ARNOLD, P.E.
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866.850.4200 www.atwell-group.com
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BONITA SPRINGS, FL 34135
239.405.7777

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NORTH

SCALE: 1" = 1400'



LEGEND

- CDD BOUNDARY
- PROPOSED LAKE
- PRESERVES
- STORM PIPE
- CONTROL STRUCTURE
- OUTFALLS
- INLET
- FLARED END / BUBBLER
- JUNCTION BOX

STORMWATER PLAN

PREPARED FOR:

PULTE HOME COMPANY, LLC
24311 WALDEN CENTER, SUITE 300
BONITA SPRINGS, FLORIDA 34134

SECTION: TOWNSHIP: RANGE:
17, 20, 29 47S 26E
LEE COUNTY, FL

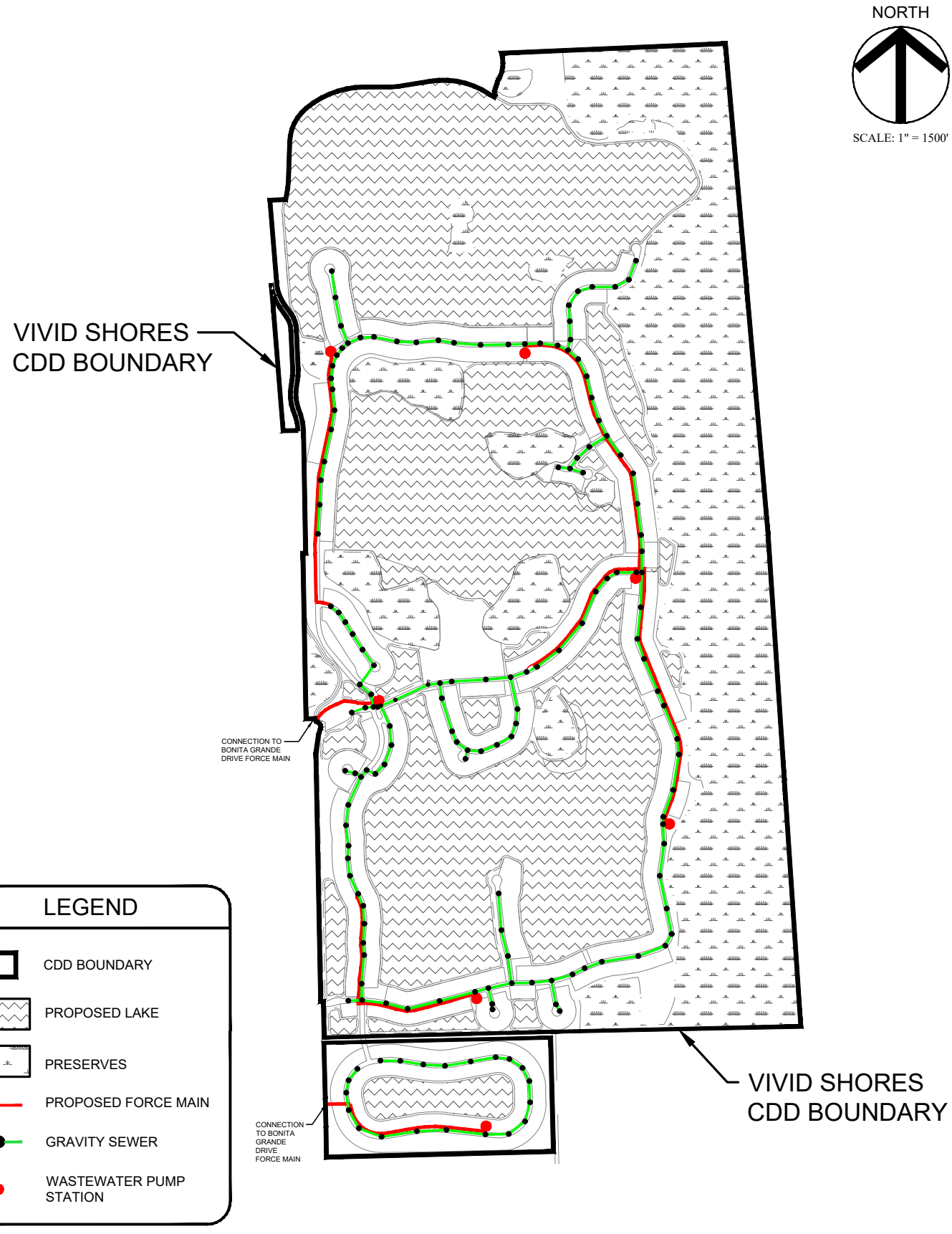
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FLORIDA CERTIFICATE OF AUTHORIZATION #8636

JEREMY H. ARNOLD, P.E.
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BONITA SPRINGS, FL 34135
239.405.7777

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WASTEWATER PLAN

PREPARED FOR:

PULTE HOME COMPANY, LLC
24311 WALDEN CENTER, SUITE 300
BONITA SPRINGS, FLORIDA 34134

SECTION: TOWNSHIP: RANGE:
17, 20, 29 47S 26E
LEE COUNTY, FL

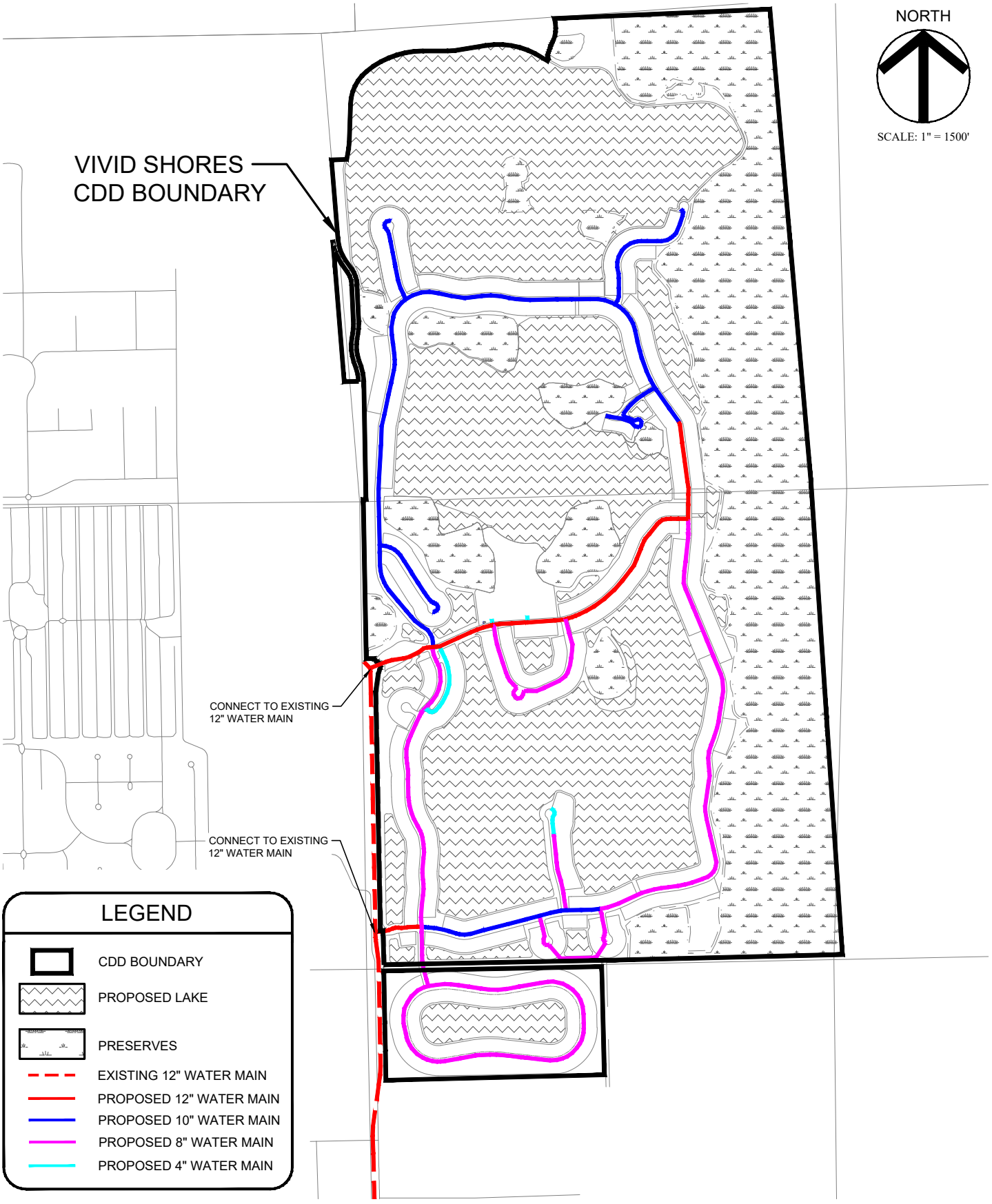
FILE NAME: 12025000108.dwg
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FLORIDA CERTIFICATE OF AUTHORIZATION #8636

JEREMY H. ARNOLD, P.E.
FL LICENSE NO. 66421

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BONITA SPRINGS, FL 34135
239.405.7777

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POTABLE WATER PLAN

PREPARED FOR:

PULTE HOME COMPANY, LLC
24311 WALDEN CENTER, SUITE 300
BONITA SPRINGS, FLORIDA 34134

SECTION: TOWNSHIP: RANGE:
17, 20, 29 47S 26E
LEE COUNTY, FL

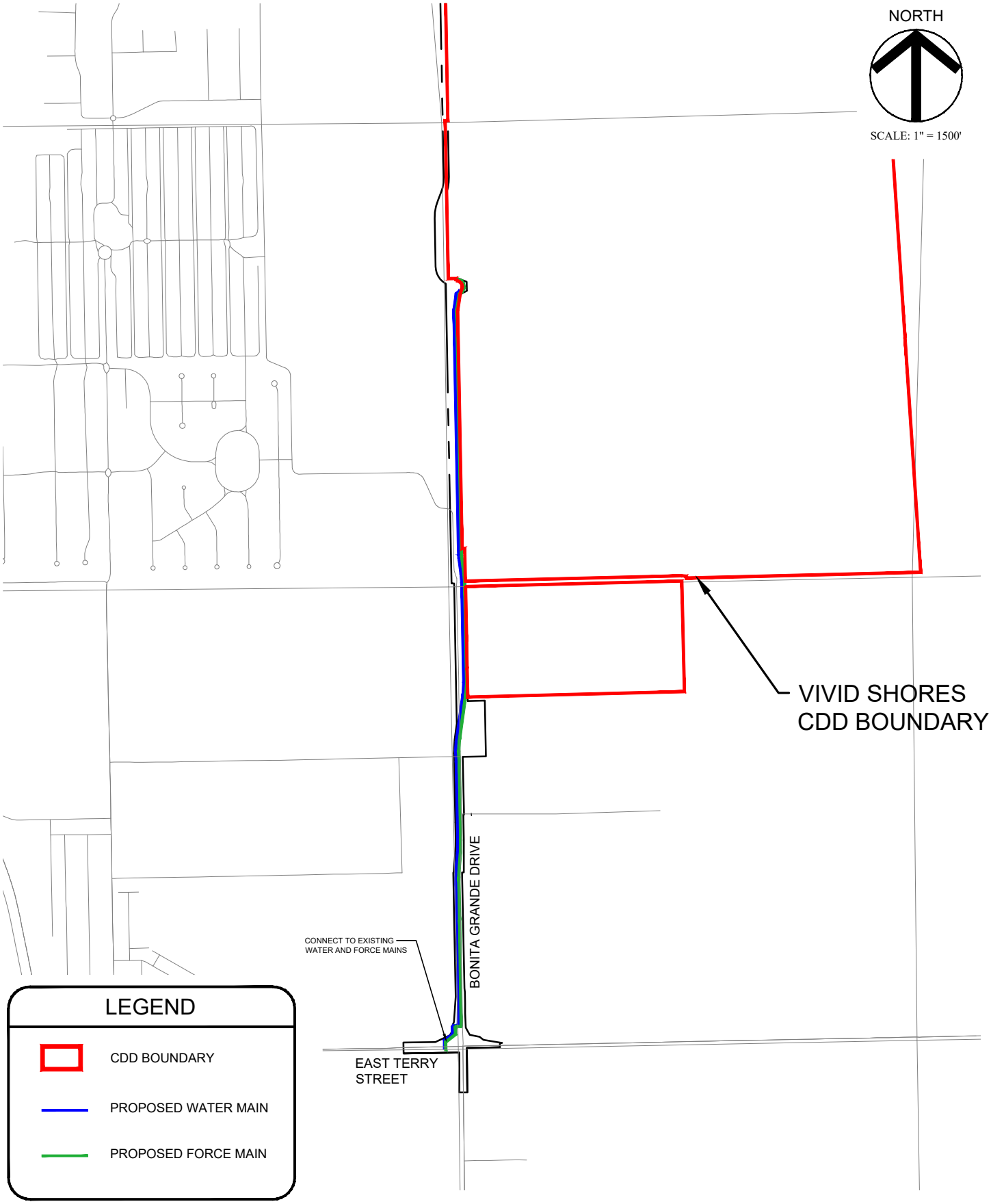
FILE NAME: 12025000109.dwg
SHEET: 10 OF 13

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

JEREMY H. ARNOLD, P.E.
FL LICENSE NO. 66421

ATWELL
866.850.4200 www.atwell-group.com
28100 BONITA GRANDE DR., SUITE 305
BONITA SPRINGS, FL 34135
239.405.7777

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OFFSITE IMPROVEMENTS - UTILITIES

PREPARED FOR:

PULTE HOME COMPANY, LLC
24311 WALDEN CENTER, SUITE 300
BONITA SPRINGS, FLORIDA 34134

SECTION: TOWNSHIP: RANGE:
17, 20, 29 47S 26E
LEE COUNTY, FL

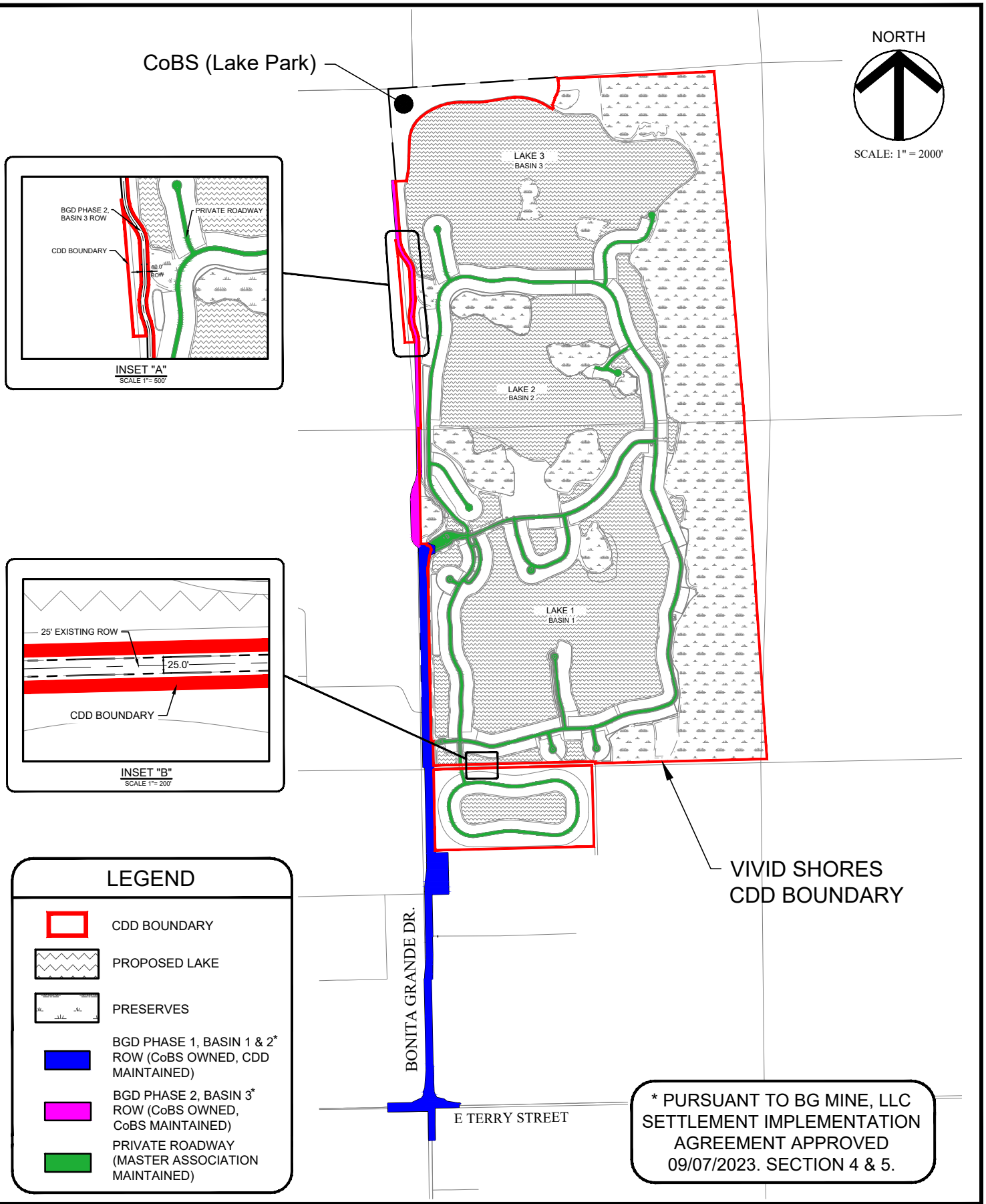
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SHEET: 12 OF 13

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

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OFFSITE IMPROVEMENTS - ROADWAY

PREPARED FOR:

PULTE HOME COMPANY, LLC
24311 WALDEN CENTER, SUITE 300
BONITA SPRINGS, FLORIDA 34134

SECTION: TOWNSHIP: RANGE:
17, 20, 29 47S 26E
LEE COUNTY, FL

FILE NAME: 12025000112.dwg
SHEET: 13 of 13

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

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VIVID SHORES COMMUNITY DEVELOPMENT DISTRICT

PROPOSED FACILITIES & ESTIMATED COSTS CHART

PROPOSED FACILITIES & ESTIMATED COSTS CHART			
Improvement	**Estimated Cost**	**Financing / Construction Entity**	**Final Owner / Maintenance Entity**
Internal Roadways	N/A Private Roadways	Developer	HOA
Earthwork for Stormwater Management	$22,400,000.00	Developer/CDD	CDD
Stormwater Management Systems	$ 6,805,000	Developer/CDD	CDD
Potable Water Systems	$ 3,130,000.00	CDD	BSU
Sanitary Sewer Systems	$ 7,145,000.00	CDD	BSU
Perimeter Walls	$ 885,000.00	Developer/CDD	CDD
Perimeter Landscaping	$ 832,000.00	Developer/CDD	CDD
On-Site Wetland Conservation	$ 1,112,000.00	CDD	CDD
Off-Site Road Improvements	$14,320,000.00	CDD	City/CDD
Professional Services & Permit Fees	$ 4,080,000.00	CDD	N/A
Contingency – 10%	$ 6,070,900.00	As above	As above
TOTAL	$66,779,900.00		

*Certain areas of the community are planned to be gated, and behind such gated areas, the CDD will only finance stormwater and utility improvements.

**The Developer reserves the right to privately finance any of the above improvements, and transfer them to a POA upon completion.

VIVID SHORES
COMMUNITY DEVELOPMENT DISTRICT

Statement of Estimated Regulatory Costs

August 12, 2025

Prepared by

Special District Services, Inc.
2501A Burns Road
Palm Beach Gardens, Florida 33410
(561) 630-4922

STATEMENT OF ESTIMATED REGULATORY COSTS

1.0 Introduction

1.1 Purpose and Scope

This Statement of Estimated Regulatory Costs ("SERC") supports the petition to establish the Vivid Shores Community Development District ("District"). The proposed District will comprise approximately 1,294.95 +/- acres of land located in the City of Bonita Springs, Florida. The limitations on the scope of this SERC are explicitly set out in Section 190.002(2) (d), F.S. (governing District establishment) as follows:

> "That the process of establishing such a district pursuant to uniform general law shall be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant (emphasis added)."

1.2 Overview of Vivid Shores Community Development District

The District is designed to provide public district infrastructure, services, and facilities along with their operations and maintenance to a development as approved by the City of Bonita Springs within the boundaries of the District.

1.3 Requirements for Statement of Estimated Regulatory Costs

Section 120.541(2), F.S., defines the elements a statement of estimated regulatory costs must contain:

(a) An economic analysis showing whether the rule directly or indirectly: (1) is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of $1 million in the aggregate within 5 years after the implementation of the rule; (2) is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of $1 million in the aggregate within 5 years after implementation of the rule; or (3) is likely to increase regulatory costs, including any transactional costs, in excess of $1 million in the aggregate within 5 years after the implementation of the rule.

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state and local revenues.

A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule. As used

in this section, "transactional costs" are direct costs that are readily ascertainable by the agency based upon standard business practices, as defined in Section 120.541(2), F.S.

(d) An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

(e) In evaluating the impacts described in paragraphs (a) and (e), an agency must include, if applicable, the market impacts likely to result from compliance with the proposed rule, including:

1. Changes to customer charges for goods or services.
2. Changes to the market value of goods or services produced, provided, or sold.
3. Changes to costs resulting from the purchase of substitute or alternative goods or services.
4. The reasonable value of time to be spent by owners, officers, operators, and managers to understand and comply with the proposed rule, including, but not limited to, time to be spent completing requiring education, training, or testing.

(f) Any additional information that the agency determines may be useful.

"Note: the references to "rule" in the statutory requirements for the Statement of Estimated Regulatory Costs also apply to an "ordinance" under section 190.005(2) (a), Florida Statutes."

2.0 An economic analysis of potential impacts on growth, business competitiveness or increased regulatory costs, in excess of $1 million within the next 5 years.

It is unlikely the establishment of the District will meet any of the adverse triggers referenced in Section 120.541(2)(a). The basis for this determination is that this Petition to establish the District is for the sole purpose of providing public infrastructure for the development of the development project, which was vetted by the City during the review process. Additional support of this determination is provided in the discussions in Section 3.0 through Section 6.0 herein.

3.0 A good faith estimate of the number of individuals and entities likely to be required to comply with the ordinance, together with a general description of the types of individuals likely to be affected by the ordinance.

The Vivid Shores Community Development District serves land that comprises an approximately 1,294.95 +/- acre residential development to be made up of an estimated 634 residential dwelling units. The estimated population of the District is 1,585 (2.5 per household). The property owners in the District will be individuals that may operate industrial, manufacturing and other retail and non-retail related businesses outside the boundaries of the District.

4.0 A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

4.1 Costs to Governmental Agencies of Implementing and Enforcing Ordinance

State Governmental Entities

There will be only modest costs to various State governmental entities to implement and enforce the proposed establishment of the District. The District as established on the proposed land, will encompass under 2,500 acres, therefore, the City of Bonita Springs is the establishing entity under 190.005(2), F.S. The modest costs to various State entities to implement and enforce the proposed ordinance relate strictly to the receipt and processing of various reports that the District is required to file with the State and its various entities. Appendix A lists the reporting requirements. The costs to those State agencies that will receive and process the District's reports are very small, because the District is only one of many governmental units that are required to submit the various reports. Therefore, the marginal cost of processing one additional set of reports is inconsequential. Additionally, the District must pay an annual fee to the State of Florida Department of Economic Development, which offsets such costs.

City of Bonita Springs

There will be only modest costs to the City for a number of reasons. First, review of the petition to establish the District does not include analysis of the project itself. Second, the petition itself provides much of the information needed for a staff review. Third, the City already possesses the staff needed to conduct the review without the need for new staff. Fourth, there is no capital required to review the petition. Finally, the City routinely processes similar petitions though for entirely different subjects, for land uses and zoning changes that are far more complex than is the petition to establish a community development district.

The annual costs to the City of Bonita Springs, because of the establishment of the District, are also very small. The District is an independent unit of local government. The only annual costs the City faces are the minimal costs of receiving and reviewing the various reports that the District is required to provide to the City, or any monitoring expenses the City may incur if it establishes a monitoring program for this District. However, consistent with section 190.005(1)(b)1, F.S., the Petitioner has included a one-time payment of $15,000 to offset any expenses the City may incur in the processing of this Petition, or in the monitoring of this District.

4.2 Impact on State and Local Revenues

Adoption of the proposed ordinance will have no negative impact on state or local revenues. The District is an independent unit of local government. It is designed to provide infrastructure facilities and services to serve the development project and it has its own sources of revenue. No state or local subsidies are required or expected.

In this regard it is important to note that any debt obligations incurred by the District to construct its infrastructure, or for any other reason, are not debts of the State of Florida or any other units of local government. In accordance with State law, debts of the District are strictly its own responsibility.

5.0 A good faith estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the ordinance.

The Petitioner has estimated the costs for providing the capital facilities to be approximately $66,779,900.00. The District may issue special assessment bonds to fund all or a portion of the costs of these facilities. These bonds would be repaid through the levy of non-ad valorem special assessments. Prospective future landowners in the District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition to the levy of non-ad valorem special assessments for debt service, the District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services.

Locating in the District by new property owners is completely voluntary. So, ultimately, all owners and users of the affected property choose to accept the non-ad valorem special assessments by various names and user fees as a tradeoff for the benefits and facilities that the District provides.

A Community Development District ("CDD") provides property owners with the option of having higher levels of facilities and services financed through self-imposed assessments. The District is an alternative means to manage necessary development services with related financing powers. District management, including transactional costs associated with infrastructure maintenance, monitoring and reporting, is no more expensive, and often less expensive, than the alternatives of a municipal service taxing unit (MSTU), a property association, County or City provision, or through developer equity and/or bank loans.

In considering these transactional costs, it shall be noted that owners of the lands to be included within the District will receive three major classes of benefits. First, landowners in the District will receive a higher long-term sustained level of public services and amenities sooner than would otherwise be the case.

Second, a CDD is a mechanism for assuring that the community services and amenities will be completed concurrently with development of lands within the District. This satisfies the revised growth management legislation, and it assures that growth pays for itself without undue burden on other taxpayers. Establishment of the District will ensure that these landowners pay for the provision of facilities, services and improvements to these lands.

Third, a CDD is a form of governance that allows District landowners, through landowner voting, and eventually qualified electors, through general elections, to determine the type, quality and expense of District services they receive.

The cost impact on the ultimate landowners in the District is not the total cost for the District to provide infrastructure services and facilities. Instead, it is the incremental costs above what the landowners would have paid to install infrastructure via an alternative management mechanism. Given the low cost of capital for a CDD, the cost impact to landowners is negligible. This incremental cost of the high-quality infrastructure provided by the District is likely to be fairly low.

6.0 An analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.

Approval of the Vivid Shores CDD will have positive impacts on small business as defined in Chapter 288.703 (1), F. S. These positive impacts will result because the additional population in the District will require goods and services from small businesses. These services can be provided by the small businesses that currently serve the general area. Additional opportunities will also be created for new businesses to be formed or relocate to the area. No negative impacts have been identified for small businesses as defined.

The City has an estimated population in 2020 that is greater than 10,000; therefore the City is not defined as a *"small" City* according to Section 120.52, F.S, and there will accordingly be no impact on a small City because of the formation of the District.

7.0 An evaluation of market impacts likely to result from compliance with the proposed rule.

There are mimimal market impacts as the ordinance establishing the District is not likely to result in market impacts such as changes to or additional customer charges, changes to the market value of goods or services produced, provided or sold, changes to costs resulting from the purchase of substitute or alternative goods or services or incur additional time be spent by State of Florida or City of Bonita Springs governmental staff to understand and comply with the proposed ordinance, including, but not limited to, time to be spent completing requiring education, training, or testing, as the proposed District will be one of many already existing CDDs in Florida and all development within the CDD is subject to existing City requirements.

8.0 Any additional useful information.

The analysis provided above is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Petitioner's Engineer and other professionals associated with the Petitioner.

****

APPENDIX A

LIST OF REPORTING REQUIREMENTS

REPORT	FL. STATUTE CITATION	DUE DATE
Annual Financial Audit	190.008/218.32	within 45 days of audit completion, but no later than 9 months after end of fiscal year
Annual Financial Report	190.008/218.32	within 45 days of financial audit completion, but no later than 12 months after end of fiscal year; if no audit required, no later than 9 months after the end of the fiscal year
TRIM Compliance Report	200.068	no later than 30 days following the adoption of the property tax levy ordinance/resolution (if levying property taxes)
Form 1: Statement of Financial	112.3145	within 30 days of accepting interest the appointment, then every year thereafter by 7/1 (by "local officers" appointed to special district's board); during the qualifying period, then every year thereafter by 7/1 (by "local officers" elected to special district's board)
Public Facilities Report	189.08	within one year of special district's creation; then annual notice of any changes; and updated report every 7 years, 12 months prior to submission of local government's evaluation and appraisal report
Public Meetings Schedule	189.015	quarterly, semiannually, or annually
Bond Report	218.38	within 120 days after the sale of bonds
Registered Agent	189.014	within 30 days after first meeting of governing board
Proposed Budget	190.008	annually by 6/15
Adopted Budget	190.008	annually by 10/1
Public Depositor Report	280.17	annually by 11/30
Notice of Establishment	190.0485	within 30 days of the effective date of an ordinance establishing the CDD
Notice/Disclosure of Public Financing	190.009	after the sale of bonds

AUTHORIZATION OF AGENT

This letter shall serve as a designation of Alyssa Willson of Kutak Rock LLP, whose address is 107 West College Avenue, Tallahassee, Florida 32301, to act as agent with regard to any and all matters pertaining to the Petition to the City Council of the City of Bonita Springs, Florida, to establish a Community Development District pursuant to Chapter 190, Florida Statutes. The petition is true and correct. This authorization shall remain in effect until revoked in writing.

Witnessed:

Pamela S. Kraft

Print Name: Pamela S. Kraft

Scott Brooks

Print Name: Scott Brooks

PULTE HOME COMPANY, LLC
a Michigan limited liability company

Naomi Robertson

By: Naomi Robertson
Its: VP Finance

STATE OF FLORIDA
COUNTY OF Lee

I hereby certify that on this day, before me, by means of ☑ physical presence or ☐ online notarization, an officer duly authorized to take acknowledgments, personally appeared Naomi Robertson, as VP Finance of Pulte Home Company, LLC, who executed the foregoing instrument, acknowledged before me that s/he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal this 10th day of June, 2025.

JACQUELINE KRAMER
MY COMMISSION # HH 184227
EXPIRES: November 15, 2025
Bonded Thru Notary Public Underwriters

Jacqueline Kramer

Notary Public Jacqueline Kramer

Personally known: ✓
Produced Identification:
Type of Identification:

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 25-09-212
September 3, 2025

ITEM TITLE: Discussion regarding the City of Bonita Springs 2026 Legislative Priorities.

REQUESTOR: Arleen M. Hunter, City Manager and Matt Feeney, Assistant City Manager

AGENDA SECTION: City Manager's Items

STRATEGIC PRIORITY: #1 Improve Stormwater Management, #2 Transportation, #3 Community Aesthetics, #4 Environmental Protection, #5 Strengthen City Finances, #6 Government Transparency, #7 Economic Development

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BACKGROUND:

This agenda item resumes the conversation initiated during the City Council Meeting held on August 20, 2025.

In preparation for the annual Lee County Delegation Meeting that will be scheduled prior to session, staff and the City's lobbyist will coordinate in preparing a request for a general presentation prior to the scheduled Delegation Meeting. We anticipate the meeting will be scheduled in October 2025.

In anticipation of this meeting, staff wishes to begin discussions to seek Council's direction regarding the City's 2026 legislative priorities. The final adopted priorities will be utilized by the City's lobbyist, staff and Council while advocating for the City throughout the 2026 legislative session. This item will also be placed on the upcoming agenda prior to the final adoption.

Tim Stanfield of Greenberg Traurig, the City's contract lobbyists, will attend the meeting virtually to provide guidance and address any questions or concerns from Council.

STAFF RECOMMENDATION: Discussion regarding the City's 2026 legislative priorities and direction to staff.

ATTACHMENTS:

REVIEWERS:

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

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet 25-09-210
September 3, 2025

ITEM TITLE: Update on the Fiscal Year 2025-2026 draft budget.

REQUESTOR: Lisa Griggs Roth, CPA, Director of Financial and Administrative Services

AGENDA SECTION: City Manager Items

STRATEGIC PRIORITY: 6) Government Transparency and Efficiency

BACKGROUND:

On June 18, 2025, the City of Bonita Springs Proposed Annual Operating and Capital Budget for Fiscal Year 2025-2026 was presented to City Council, followed by discussion by Council Members. During the City Council meetings from June 18 through August 20, budget changes were discussed which have been incorporated into the current budget draft.

The purpose of this agenda item is to provide City Council with an opportunity to discuss the proposed budget further and provide any additional direction to staff.

RECOMMENDATION: Receive update and provide any additional direction to staff.

ATTACHMENTS: None

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield
Department Director:	Lisa Griggs Roth

CITY OF BONITA SPRINGS
AGENDA ITEM SUMMARY

Green Sheet No. 25-09-211
September 3, 2025

ITEM TITLE: Review and discuss Community Development fees in accordance with current standards and applicable state law.

REQUESTOR: John Dulmer, Community Development Director

AGENDA SECTION: City Manager

STRATEGIC PRIORITY: 6) Government Transparency

BACKGROUND: In keeping with current levels of service and applicable state law, it is appropriate for Council to receive updates and review Community Development fees for consistency. Additionally, staff have been coordinating with surrounding jurisdictions, as many of them are updating their fees.

Staff wishes to provide an update on Community Development Department fees, specifically Impact Fees, Planning & Zoning Fees, and Building Permit Fees. Each of these fees is subject to a specific statute that regulate the fees and usage in a variety of ways.

Impact fees are also restricted fees governed by the Florida Impact Fee Act (§163.31801). The Legislature acknowledges these fees as a vital funding source for infrastructure required by new development. They also affirm that impact fee collection is a home rule power, allowing local governments to provide necessary services within their jurisdictions.

Planning & Zoning fees are the least restrictive of the fees. These include fees for applications such as comprehensive plan amendments, rezonings, special exceptions, etc. These fees need to be studied to match the permit fee with the level of effort for review and presentation based on current standards and practices. This also includes fees for ICPR review and fees for outside legal counsel.

Building permit fees are addressed in Florida Statutes 553.80 and establish the ability for local governments to charge reasonable fees to fund the enforcement of the Florida Building Code. Building permit fees are restricted specifically for that purpose.

STAFF RECOMMENDATION: Receive update presentation and provide direction to staff.

ATTACHMENTS:

Memorandum

REVIEWERS:

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

COMMUNITY DEVELOPMENT

OFFICE MEMORANDUM

To: City Council

From: John Dulmer, AICP, Community Development Director

Date: September 1, 2025

SUBJECT: Review and Proposed Updates Impact Fees, Planning & Zoning Fees, and Building Permit Fees

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This memorandum provides a comprehensive overview of the City of Bonita Springs' current fee structures related to development and recommends a strategic review of these fees. Recent and impending changes to state law, along with evolving operational costs and market conditions, necessitate this evaluation. The memo addresses three distinct fee categories: impact fees, planning and zoning fees, and building permit fees.

1. Impact Fee Program

Florida's Impact Fee Act (§163.31801) empowers local governments to collect impact fees as a home rule power, provided they are proportional to the new development's impact. The statute requires that supporting studies rely on the most recent, localized data and be updated at least every four years. Significant fee increases are subject to specific phase-in schedules. Furthermore, new legislation (SB 1080), effective January 1, 2026, imposes additional limitations, particularly on jurisdictions that have not adjusted their fees in the preceding five years.

- Purpose: The City levies impact fees for roads and parks, with funds dedicated to offsetting the capital costs for transportation and recreation infrastructure outlined in the Comprehensive Plan.

- Fee Structure: The City's impact fees are distinct from those for fire, EMS, and schools, which are managed at the county level.

- Assessment: The City's last impact fee study was conducted by Duncan Associates in April 2018. A review is necessary to ensure compliance with maximum duration between updates and the new provisions of SB 1080. The Community Development Department is currently coordinating with neighboring jurisdictions to assess their strategies and will provide an update at the next meeting.

2. Planning and Zoning Fee Schedule

Planning and Zoning fees are intended to offset the City's costs for processing and enforcing land use and development regulations, ensuring compliance with local ordinances and regional, state, and federal requirements. These fees are separate from building permit fees.
Review Justification:

- Outdated Schedule: The fee schedule was last updated in 2021, with only minor revisions, preceded by an update in 2017. This cadence is not responsive to changing market dynamics and operational expenses.

- Evolving Regulations: New state statutes impose strict timelines for permit reviews, with potential fee refunds for non-compliance, creating additional financial risk for the City.

- New Applications: Recent amendments to the Land Development Code (LDC) have introduced new applications, necessitating the establishment of new fees.

- Market Comparison: The City of Fort Myers recently approved significant fee updates, and other jurisdictions are also re-evaluating their schedules. The Community Development Department is monitoring these changes to provide context to these recommendations.

3. Building Permit Fees

Florida Statutes (§553.80) permit local governments to charge reasonable fees to enforce the Florida Building Code, mandating that revenues align with enforcement costs. Recent restrictions limit carry-forward balances, requiring excess funds to be used for rebates, technology, or training.

- Background: To address a budget surplus, the City implemented temporary fee reductions in 2021 and 2022, which expired on January 1, 2023.

- Current Deficiency: The fee structure has not been re-evaluated since the reductions expired, which is a critical oversight given current economic conditions and rising costs. For example, ICC Building Valuation Data cost factors have increased by over 75% since 2008.

- Operational Needs: A review is needed to ensure fees can support the Building Department's operations, fund necessary technology upgrades, and provide staff training.

- Regulatory Restrictions: New legislation prohibits fee increases within 180 days of a declared state emergency, making it prudent to assess fees now if there is a desire to modify the fee schedule.

4. Recommendations

Given the legal mandates, changing market conditions, and operational needs, a comprehensive and proactive review of the Community Development fee structure is recommended. This review should include:

1. Commissioning an Impact Fee Study: Procure an updated impact fee study to ensure compliance with the Florida Impact Fee Act and prepare for potential rate adjustments.

2. Evaluating the Planning and Zoning Fee Schedule: Conduct a thorough analysis to align fees with current costs of processing and enforcement, incorporating new LDC requirements and recent regulatory changes.

3. Assess Building Permit Fees: Review the current building permit fee structure to ensure it adequately covers operational costs, capital improvements, and training, all within state statutory limitations.

A detailed plan outlining the scope, timeline, and associated costs for these reviews will be presented at the direction of City Council.