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OLD 41 RD COMMERCIAL • AERIAL MAP

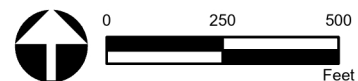
📍 City of Bonita Springs, FL

📅 07/5/2024

24004030

👤 Forager

28100 Bonita Grande Drive
Suite 305
Bonita Springs, FL 33901
Tel: 239.344.0000
www.rviplanning.com



Information furnished regarding this property is from sources deemed reliable. RVI has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT

TYPE OF CASE: COMMERCIAL PLANNED DEVELOPMENT REZONING (CPD)
CASE NUMBER: PD24-117097-BOS
HEARING DATE: September 16, 2025
PLANNER: Mary Tornberg, Esq., AICP, Senior Planner

APPLICATION SUMMARY:

- A. Applicant: FREP (OLD 41) DEVELOPMENT LP
- B. Agent: Patty Kulak, RVi Planning + Landscape Architecture
- C. Request: A request to rezone approximately 10 acres ± from the Commercial Planned Development (CPD) zoning district to a Commercial Planned Development (CPD) zoning district, to develop up to six buildings with a maximum of 39,500 square feet of commercial uses, 80,000 square feet of self-storage/mini-warehouse uses and 70,000 square feet of light industrial uses.
- D. Location: The subject property is located at 25211 Old 41 Road,
Bonita Springs, FL 34135. STRAP: 22-47-25-B1-00002.4010.
- E. Future Land Use Map Designation: General Commercial
- F. Current Zoning: Commercial Planned Development (CPD)
- G. Current Land Use: Landscape Supply Facility

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

BACKGROUND:

History and Overview

The subject property is requesting to rezone the parcel from Commercial Planned Development (CPD) to a new Commercial Planned Development (CPD). The Applicant is the current owner of the property.

The parcel was previously rezoned to Commercial Planned Development pursuant to Zoning Ordinance ZBA-04-16, which allowed for a variety of commercial, retail, and mini-warehouse uses. Pursuant to LDC Section 4-303, the Master Concept Plan approved in Zoning Ordinance ZBA-04-16 was valid for five years from the date the planned development was approved. That MCP is now expired, requiring the adoption of a new MCP or a rezone in order for development to occur.

The request seeks three (3) deviations, which are analyzed further below.

The request includes six buildings, to allow for a variety of retail, commercial, office, professional service, mini-warehouse, manufacturing and light industrial uses. No residential uses are proposed. The Master Concept Plan can be found in **Exhibit B** and below.

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:

ALL BUILDINGS

- Administrative Offices
- Animals: Clinic or Kennel, Indoor Only, No Outdoor Runs
- Auto Parts Store
- Auto Repair and Service, Groups I and II, Indoor Only
- Banks and Financial Establishments, Groups I and II
- Boat Parts Store
- Boat Repair and Service, Indoor Only
- Boat Sales
- Building Material Sales and Service, Groups I and II
- Business Services, Groups I and II
- Cleaning and Maintenance Services
- Contractor and Builders, Groups I and II
- Fences, Walls
- Food and Beverage Service, Limited
- Food Stores, Groups I and II
- Hardware Store
- Hobby, Toy, and Game Shops
- Household and Office Furnishing, Group I
- Lawn and Garden Supply Store
- Manufacturing of:
 - Food and Kindred Products, Group I
- Nonstore Retailers: All Groups
- Paint, Glass, and Wallpaper Store
- Personal Services, All Groups
- Pet Service

- Pet Shop
- Printing and Publishing
- Processing and Warehousing
- Real Estate Sales Office
- Recreational Facilities, Groups I and IV
- Recreational Facilities, Private
 - On-site
 - Off-site
- Religious Facilities
- Rental or Leasing Establishment, Groups I, II, and III
- Repair Shops, Groups I, II, and III
- Research and Development Laboratories: Groups II and IV
- Retail and Wholesale Sales
- Schools
 - Commercial
 - Noncommercial
- Special Retail Store: Groups I, II, and III
- Storage, Indoor
- Studios
- Wholesale Establishment, Groups III and IV
- Vehicle and Equipment Dealer, Groups I, II, III, and IV

BUILDINGS 1 & 2 ONLY

- Wholesale Establishment, Group I
- Manufacturing of:
 - Apparel Products*
 - Electric Machinery and Equipment*
 - Fabricated Metal Products, Group II*
 - Food and Kindred Products, Group II*
 - Leather Products, Group I*
 - Lumber and Wood Products, Group I**
 - Measuring, Analyzing and Controlling Instruments*

*USE LIMITED TO UNITS WITHIN BUILDINGS 1 AND 2 ONLY THAT ARE SETBACK A MINIMUM OF 100 FEET FROM ANY RESIDENTIALLY ZONED PROPERTY UNDER SEPARATE OWNERSHIP PER LDC SECTION 4-2014(D).

*USE LIMITED TO UNITS WITHIN BUILDINGS 1 AND 2 ONLY THAT ARE SETBACK A MINIMUM OF 330 FEET FROM ANY RESIDENTIALLY ZONED PROPERTY UNDER SEPARATE OWNERSHIP PER LDC SECTION 4-2014(D).

BUILDINGS 3 & 4 ONLY

- Warehouse: Mini, Public, or Private

BUILDINGS 5 & 6 ONLY

- Restaurants, Groups I, II, III and IV
- Consumption on Premises
- Bar and Cocktail Lounge
- Package Store

Property Development Regulations and Deviations

Development is to be conducted in accordance with the Land Development Code (LDC) Chapters 3 (Development Standards) and Chapter 4 (Zoning). Conditions and deviations set forth in the adopted zoning ordinance may augment the standard development regulations such as property development standards, buffering, deviations and any associated conditions of approval.

The property development regulations are included in **Condition 3**. Deviations may be requested during the review process in accordance with [LDC Sec. 3-81\(b\)](#) and [LDC Sec. 4-326](#). The current planned development request includes three (3) deviations. Staff's analysis and recommendation on the deviation request are included later in this Staff Report. The deviation request and associated justification by the Applicant is included in the Applicant's Analysis in **Attachment "B."**

Site Development Regulations:

- | | |
|---|---------|
| i. Planned Development Setback: | |
| 1. Front/Street: | 25 feet |
| 2. Side (Adjacent to Residential): | 30 feet |
| 3. Side (Adjacent to Commercial): | 15 feet |
| 4. Rear: | 40 feet |
| ii. Maximum Building Height: | 30 feet |
| iii. Minimum Building Separation: | 20 feet |
| iv. Maximum Lot Coverage: | 40% |
| v. Minimum Open Space: | 20% |
| vi. Maximum Intensity | |
| 1. 39,500 square feet for commercial/retail uses | |
| 2. 80,000 square feet for storage/mini-warehouse uses | |
| 3. 70,000 square feet for light industrial uses | |

DEVIATIONS:

Deviations may be requested during the review process in accordance with [LDC Section 4-326](#). The Zoning Board 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.

Three (3) deviations are being requested as part of this planned development rezoning request, found below and in **Exhibit C**. The request language, Applicant justification, and Staff response are shown below.

1. Deviation (1) requests relief from LDC Section 3-291(a), which requires a driveway separation of 660 feet on arterial roadways; to allow a separation of 459.51 feet to the nearest driveway to the north and 587.29 feet to the nearest driveway to the south.

Applicant's Justification: The CPD will utilize the existing ingress and egress drive isle during the redevelopment of the site. However, this access location does not comply with the 660-foot separation requirement on arterial roadways within the City of Bonita Springs.

The current ingress/egress location has been in use as the main access point to the site. Maintaining this location leverages an established access point without creating new impacts on surrounding roadways, access locations, or traffic flow.

The property has 675 feet of frontage on Old 41 Rd and existing access points on neighboring properties restrict the proposed MCP from providing an alternative access point that would meet the separation distance required on arterial roads. Maintaining the existing driveway location allows for the continued efficient operation of the site without the need for disruptive modifications that would still result in the need for the deviation given the street frontage. The current location is optimal for site access and has been designed to accommodate the site's specific needs for the new development, including traffic flow, loading/unloading zones, and pedestrian access. The access location will comply with all other development standards in the LDC.

Based on the Applicant's request and justification, Staff recommends **APPROVAL** of the deviation request.

2. Deviation (2) requests a deviation from LDC Section 3-417(b) which requires all new commercial components of planned development districts must provide building perimeter plantings, these planting areas must be located abutting all sides of the building (not including the loading area); to allow perimeter planting not be located abutting all sides of the building.

Applicant's Justification: The permitted uses within the CPD allow for various commercial, storage, and mini-warehouse uses throughout the site, some of which

may require vehicular access inside the buildings. This necessity restricts the placement of required plantings surrounding the buildings on all sides.

In lieu of full perimeter plantings around each building, the design incorporates landscaped end caps, which serve as inviting common areas for patrons and employees to enjoy during their leisure time. These spaces will create small pockets of greenery, offering areas for relaxation and gathering, fostering a sense of community within the development.

Additionally, to further support landscaping and community interaction goals, the site design features landscape islands within the parking areas. These islands will include trees and greenery to enhance the visual appeal of the site and provide much-needed shade and cooling in the parking zones.

By focusing on key areas as the Old 41 Road buffer, parking lot landscape islands and communal green spaces, the development maintains the intent of the landscape code while providing additional functional and aesthetic benefits. This approach ensures the site will be visually appealing, environmentally responsible, and equipped with thoughtfully designed common spaces that enhance the overall experience for visitors and employees. We believe this deviation strikes a balance between practical site needs and landscaping goals, resulting in a harmonious and well-integrated development.

Based on the Applicant's request, proposed site plan, and justification, Staff recommends **APPROVAL** of the deviation request as the project will still meet the required number of plantings.

3. Deviation (3) requests a deviation from LDC Section 4-1022(4), which establishes distance requirements for Consumption on Premises and Off-Premises from any religious facility, school (noncommercial), day care center (child), park or dwelling unit; to allow no separation distance requirement for consumption on premises and off-premises.

Applicant's Justification: All proposed uses are consistent with the intent of the Commercial Planned Development (CPD) zoning district, which is designed to promote a mix of uses and flexible site design. The CPD includes several compatibility measures to mitigate impacts, including a 25-foot Type F landscape buffer with a fence along the southern property boundary to provide a visual and physical separation from adjacent residential uses.

Consumption-related activities will occur within enclosed buildings or designated outdoor areas that comply with applicable noise, lighting and operational standards. The project's internal circulation and site design further minimize potential conflicts by limiting external access and concentrating commercial activity internally.

The subject site is primarily surrounded by commercial and conservation uses, with no direct access through residential neighborhoods. As such, the deviation will not result in adverse impacts and is necessary to support the integrated mix of uses envisioned for the CPD, contributing to the site's economic viability and functional design.

Based on the Applicant's request and justification, Staff requires additional analysis and does not have a recommendation of the requested deviation.

Comprehensive Plan Considerations

This project was reviewed for compliance with the City of Bonita Springs Comprehensive Plan, including future land use, transportation, and infrastructure elements. The project is 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 was reviewed by the City's Traffic Engineer and Public Works. A further analysis will take place at time of local development order. The project will comply with Complete Streets Requirements. Additionally, the project limits truck access to 40-foot long vehicles. No semi-truck/tractor trailers beyond that length will be permitted, as conditioned.

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. 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.

Pursuant to the City's LDC, the Applicant is required to hold two (2) neighborhood meetings. The first meeting was held on September 9, 2024, with twelve members of public present. Questions about viewsheds, lighting, and proposed units and hours were asked. The Applicant held their second meeting on August 19, 2025, providing notice to current owners within the notification zone, with attendance from five members of the public. No questions were asked after the project presentation was provided. Additional methods of public notice included mailed notices to properties within 375 feet of the property, property-posting signs along rights-of-way, and a legal ad in the Fort Myers News-Press for the Zoning Board public hearing. Letters of support and opposition are included in your packet for review and consideration in **Attachment "C"**.

The rezoning request was evaluated by Community Development for planning, zoning, engineering, environmental, floodplain, multimodal and transportation impacts. Bonita Springs Public Works, Bonita Springs Utilities and the Bonita Springs Tree Advisory Board 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 City Staff analysis is included in **Attachment A** of the Staff Report.

RECOMMENDATION:

Staff recommends **APPROVAL, subject to conditions**, of Petition PD24-117097-BOS, Old 41 Commercial Planned Development (CPD), which proposes a rezoning with the adoption of a Master Concept Plan, schedule of uses and property development regulations. This recommendation of APPROVAL is subject to the following conditions:

Conditions:

1. The development of this project must be consistent with the 2-page Master Concept Plan titled "The Foundry Master Concept Plan," prepared by Davidson Engineering, last revised June 19, 2025, (**Exhibit B**), except as modified by the conditions below.

The total maximum intensity may not exceed 39,500 square feet of commercial/retail uses, 80,000 square feet of storage/mini-warehouse uses, and 70,000 square feet of light industrial uses.

2. **Schedule of Uses** (underlining and strikethrough to delineate recommendation based on proposed uses):

ALL BUILDINGS I, II, V and VI- No outdoor storage, sale or display permitted.

- Administrative Offices
- Animals: Clinic or Kennel, Indoor Only, No Outdoor Runs
- Auto Parts Store
- Auto Repair and Service, Groups I and II, ~~Indoor Only~~
- Banks and Financial Establishments, Groups I and II
- Boat Parts Store
- Boat Repair and Service, ~~Indoor Only~~
- ~~Boat Sales~~
- Building Material Sales and Service, ~~Groups I and II~~
- Business Services, Groups I and II
- Cleaning and Maintenance Services
- Contractor and Builders, Groups I and II
- Fences, Walls
- Food and Beverage Service, Limited, when ancillary to Recreational Facilities
- Food Stores, Groups I and II

- Hardware Store
- Hobby, Toy, and Game Shops
- Household and Office Furnishing, Group I
- Lawn and Garden Supply Store
- ~~Manufacturing of:~~
 - ~~Food and Kindred Products, Group I~~
- Nonstore Retailers: All Groups
- Paint, Glass, and Wallpaper Store
- Personal Services, Groups I, II, and III ~~All Groups~~
- Pet Service
- Pet Shop
- Place of Worship
- Printing and Publishing, when ancillary to a retail store
- ~~Processing and Warehousing~~
- Real Estate Sales Office
- Recreational Facilities, Groups I and IV
- ~~Recreational Facilities, Private~~
 - ~~On-site~~
 - ~~Off-site~~
- ~~Religious Facilities~~
- Rental or Leasing Establishment, Groups I, II, ~~and III~~
- Repair Shops, Groups I, II, and III
 - Group III limited to: Antique Refurbishing and Re-Upholstering Shops
- Research and Development Laboratories: Groups II ~~and IV~~
- ~~Retail and Wholesale Sales~~
- Schools
 - Commercial
 - ~~Noncommercial~~
- Special Retail Store: Groups I, II, and III
- Storage, Indoor
- Studios
- Wholesale Establishment, Groups III ~~and IV~~
- Vehicle and Equipment Dealer, Groups I, II, III, ~~and IV~~

BUILDINGS 1 & 2 ONLY- No outdoor display, storage or sale permitted.

- Auto Repair & Service, Group II
- Manufacturing of:
 - Apparel Products*
 - Electric Machinery and Equipment*
 - ~~Fabricated Metal Products, Group II*~~
 - Food and Kindred Products, Groups I & II*
 - Leather Products, Group I*
 - Lumber and Wood Products, Group I**
 - Measuring, Analyzing and Controlling Instruments*

- Processing and Warehousing
- Rental or Leasing Establishment, Group III
- Research and Development Laboratories, Group IV
- Wholesale Establishment, Group I

*USE LIMITED TO UNITS WITHIN BUILDINGS 1 AND 2 ONLY THAT ARE SETBACK A MINIMUM OF 100 FEET FROM ANY RESIDENTIALLY ZONED PROPERTY UNDER SEPARATE OWNERSHIP PER LDC SECTION 4-2014(D).

*USE LIMITED TO UNITS WITHIN BUILDINGS 1 AND 2 ONLY THAT ARE SETBACK A MINIMUM OF 330 FEET FROM ANY RESIDENTIALLY ZONED PROPERTY UNDER SEPARATE OWNERSHIP PER LDC SECTION 4-2014(D).

BUILDINGS 3 & 4 ONLY- No outdoor display, storage or sale permitted.

- Warehouse: Mini, ~~Public, or Private~~
- Vehicle and Equipment Dealer, Group I, subject to Condition 9

BUILDINGS 5 & 6 ONLY

- Restaurants, Groups I, II, III and IV
- Consumption on Premises, when associated with a Restaurant use
- ~~Bar and Cocktail Lounge~~
- Package Store

3. Property Development Regulations:

a. Setbacks:

- | | |
|---|---------|
| i. Front/Street: | 25 feet |
| ii. Side (Adjacent to Residential): | 30 feet |
| iii. Side (Adjacent to Commercial): | 15 feet |
| iv. Rear: | 40 feet |
| | |
| v. Maximum Building Height: | 30 feet |
| vi. Minimum Building Separation: | 20 feet |
| vii. Maximum Lot Coverage: | 40% |
| viii. Minimum Open Space: | 20% |
| ix. Maximum Intensity | |
| 1. 39,500 square feet for commercial/retail uses | |
| 2. 80,000 square feet for storage/mini-warehouse uses | |
| 3. 70,000 square feet for light industrial uses | |

4. Transportation Conditions:

- a. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the City of Bonita Springs Land Development Code may be required to obtain local development order approval.

- b. Given site constraints and proximity to Old US 41 Road, semi-trucks/tractor trailers over 40 feet are not permitted within the site or to provide deliveries to the site.
 - i. At time of local development order, the Applicant shall delineate the use conditions in their lease/owner documents, as well as the applicable signage and enforcement methods.
 - c. A cross-access easement to the North, as depicted on the Master Concept Plan attached herein, ("Exhibit A") will be recorded upon approval of a local development order.
 - d. At the time of local development order, the Applicant shall coordinate with the City of Bonita Springs Public Works Department for any/all work within and/or connecting to City maintained Rights-of-Way (ROW's) for any/all additional/separate permitting, design requirements, and inspections.
 - e. At the time of local Development Order, all required multimodal facilities (infrastructure, crossings, amenities, furnishings, access points, easements, etc.) both internal and external to the site, shall meet or exceed the intent of the design standards provided by Chapters 3 and 4 of the City of Bonita Springs Land Development Code, the City of Bonita Springs Long Range Bicycle Pedestrian Master Plan, any applicable City of Bonita Springs Public Works Department requirements and standards for construction of pedestrian and bicycle infrastructure, and all appropriate design standards otherwise required, except as necessitated by the Bonita Springs Fire Control and Rescue District and National Fire Protection Association (NFPA).
- 5. Environmental Conditions
 - a. Per the Tree Advisory Board recommendation, four heritage trees proposed to be removed shall be replaced with 20-foot-tall trees, at a minimum 4- inch diameter breast height, in a number equivalent to 109 inches in diameter breast height in order to fully replace the three heritage trees in better condition (Trees 134 and 139 and one (1) unmarked Laurel Oak). The Applicant shall work with Staff on their replacement locations and species recommendations using the approved replacement species listing (Recommended Native Trees and Palms for use in the City of Bonita Springs). For each heritage tree replacement above the fourth tree used to meet this requirement, those trees may be credited as two (2) general trees, as long as the required general tree number is not decreased by more than 50%.
- 6. All fencing shall be consistent with LDC Chapter 4, Article VI, Division 17.
 - a. Where chain link fencing is proposed, green or black powder-coating is required, with a continuous visual screen.
- 7. Parking/ Loading
 - a. Final parking ratios shall be determined at time of a local development order consistent with the Land Development Code (LDC) for the uses requested.

- b. Parking within gated areas may not be used towards the total site count where inaccessible to other uses.
 - c. All loading and unloading shall take place within designated loading zones or within the Unit. Loading is not permitted to obstruct the 24' drive aisles.
 - d. Drive aisles shall be paved in accordance with the LDC.
- 8. All use activity shall take place within the Units, with the doors closed, except when entering or exiting the Unit.
 - a. No outdoor display, sales or storage shall occur.
- 9. Mini-Warehousing:
 - a. Use Restrictions. At time of local development order, the Applicant shall submit a copy of the restrictive covenants for the condominium (or other legal entity) that addresses, at minimum, the following:
 - i. Auto repair, boat repair, and repair of similar items is prohibited.
 - ii. Units are not intended to be, nor shall they operate as a dwelling unit, as defined in LDC Section 4-2.
 - iii. Operation of a business in individual storage units is prohibited, except:
 - 1. Vehicles may be shown for sale purposes on an ancillary basis, where the administrative office is located elsewhere.
 - iv. Open Storage, outdoor display and sale of merchandise is prohibited.
 - v. The storage and handling of any hazardous materials shall be in accordance with the Materials Safety Data Sheet for that specific product as identified with the Environmental Protection Agency and applicable state and National Fire Protection Association (NFPA) regulations.
- 10. In areas where proposed landscape or other buffers overlap or cross with existing or proposed BSU easements and/or utilities, BSU will require the Applicant meet the requirements per BSU Standard Specifications regarding Landscaping and/or BSU Easements.
- 11. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviation approved as part of this planned development. This includes Supplementary District Regulations not specifically listed.
- 12. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the City of Bonita Springs Comprehensive Plan provisions.

SUBJECT PROPERTY:

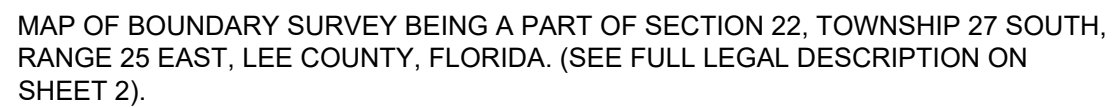
The Applicant indicates the STRAP number is: 22-47-25-B1-00002.4010.

EXHIBITS:

- A. Certified Sketch of the Subject Property
- B. Master Concept Plan
- C. Schedule of Deviations and Justifications
- D. Applicant's Narrative

ATTACHMENTS:

- A. Staff Informational Analysis
 - i. Background and Informational Analysis
- B. Applicant's Backup Application Materials



PREPARED FOR: FREP (Old 41) DEVELOPMENT LP, A DELAWARE LIMITED PARTNERSHIP
FRLS OLD 41, LLC, A FLORIDA LIMITED LIABILITY COMPANY
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
LIPPPS MATHIAS LLP
ATLAS TITLE OF S.W.F.L., INC.
CAPRI LENDER, LLC, A FLORIDA LIMITED LIABILITY COMPANY, IT'S SUCCESSORS AND/OR ASSIGNS AS THEIR INTEREST MAY APPEAR

THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED
WAS MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL
REQUIREMENTS FOR ALTA AND NSPS LAND TITLE SURVEYS, JOINTLY
ESTABLISHED AND ADOPTED BY ALA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4,
6(a) (no zoning report provided), 7(a), 7(b)(1, 8, 11 (visible above ground utilities only), 13,
14, 16 (no earthwork observed), 17 (none observed), 18 (no offsite easements appear in title
commitment provided) AND 19 OF TABLE A THEREOF.

DATE OF LAST FIELD WORK MARCH 7, 2024

PENINSULA ENGINEERING
2600 GOLDEN GATE PARKWAY
NAPLES, FLORIDA 34105
PHONE: 239.403.6700 FAX: 239.261.1797
EMAIL: INFO@PEN-ENG.COM
WEBSITE: WWW.PEN-ENG.COM


JOHN P. MALONEY
PROFESSIONAL SURVEYOR AND MAPPER, #LS4493

CERTIFICATE OF AUTHORIZATION #LB-8479

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR
DIGITAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER..

THIS EXHIBIT IS ONLY FOR THE LANDS AS DESCRIBED. IT IS NOT A CERTIFICATE OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.

*** SEE SHEET 2 FOR LEGAL, TITLE COMMITMENT AND GENERAL NOTES ***

OVERALL PARCEL

PARCEL LESS & EXCEPTED

SAME PARCEL ADDED

LEGAL DESCRIPTION PER TITLE COMMITMENT EXHIBIT A
A TRACT OR PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE LINE COMMON TO SAID SECTION 22 AND SECTION 15, WHICH POINT IS WESTERLY ALONG SAID LINE 4,026.5 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 22, RUN SOUTHWESTERLY AT AN ANGLE OF 51°21'30" MAKING A BEARING OF S 44°32'20" W, FOR 254.92 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE CONTINUE S 44°32'20" W FOR 670.73 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE TAMiami TRAIL (STATE ROAD NO. 45); THENCE RUN S 30°59'20" E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY OF THE TAMiami TRAIL FOR 670.73 FEET; THENCE RUN N 44°32'20" E FOR 670.73 FEET; THENCE RUN N 30°59'20" W FOR 670.73 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THE FOLLOWING PARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS: A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 47 SOUTH, RANGE 25 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SECTION 22 RUN N 84°06'10" W ALONG THE NORTH LINE OF SECTION 22, 4,026.50 FEET; THENCE RUN S 44°32'20" W 925.65 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF STATE ROAD 45; THENCE RUN S 30°59'20" E ALONG THE RIGHT-OF-WAY OF STATE ROAD 45, 460.50 FEET TO THE POINT OF BEGINNING OF LANDS HEREIN DESCRIBED; THENCE CONTINUE S 30°59'20" E, 210.36 FEET; THENCE N 44°32'20" E 273.82 FEET; THENCE N 45°27'40" W, 146.58 FEET; THENCE S 59°00'40" W, 228.50 FEET TO THE POINT OF BEGINNING.
AND
A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SECTION 22 RUN N 84°06'10" W ALONG THE NORTH LINE OF SECTION 22, 4,026.50 FEET; THENCE RUN S 44°32'20" W 925.65 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF STATE ROAD 45; THENCE RUN S 30°59'20" E ALONG THE RIGHT-OF-WAY OF STATE ROAD 45, 460.50 FEET TO THE POINT OF BEGINNING OF LANDS HEREIN DESCRIBED; THENCE CONTINUE S 30°59'20" E, 210.36 FEET; THENCE N 44°32'20" E 273.82 FEET; THENCE N 45°27'40" W, 146.58 FEET; THENCE S 59°00'40" W, 228.50 FEET TO THE POINT OF BEGINNING.
PARCEL IDENTIFICATION NUMBER: 22-47-25-B1-00002.4010

TITLE COMMITMENT REVIEW

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
ISSUING AGENT: ATLAS TITLE OF SW FL, INC.
ISSUING OFFICE: 29491
ISSUING OFFICE FILE NUMBER: 2023-187
COMMITMENT NUMBER: 1460981, Revision Number: 4
COMMITMENT DATE: JULY 23, 2024 AT 11:00 PM
PROPERTY ADDRESS: 25211 Old 41 Road, Bonita Springs, FL 34135
SCHEDULE B-II
5. Intentionally Deleted A5.
6. Resolution Number Z-86-134 recorded in O.R. Book 1898, Page 542 and amended by Number Z-86-134A recorded in O.R. Book 1910, Page 1322, Public Records of Lee County, Florida.
AFFECTS THE PARCEL SURVEYED AND CANNOT BE PLOTTED.
7. Intentionally Deleted A5.
8. Notice of Development Order recorded in O.R. Book 1980, Page 3364, Public Records of Lee County, Florida. AFFECTS THE PARCEL SURVEYED AND CANNOT BE PLOTTED.
9. Lee County Ordinance No. 86-14 recorded November 30, 1990 in O.R. Book 2189, Page 3281; and amended by Ordinance No. 86-38 in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
AFFECTS THE PARCEL SURVEYED AND CANNOT BE PLOTTED.
10. Waterline Easement in favor of Bonita Springs Water System, Inc., a Florida corporation, contained in instrument recorded March 5, 2003 in O.R. Book 3861, Page 3903, Public Records of Lee County, Florida.
AFFECTS THE PARCEL SURVEYED AND IS PLOTTED HEREON.
11. Intentionally Deleted A5.
12. Utility Easement in favor of Bonita Springs Utilities, Inc., a Florida not-for-profit corporation, contained in instrument recorded September 10, 2004 in O.R. Book 4425, Page 3581, and re-recorded in O.R. Book 4515, Page 4615, Public Records of Lee County, Florida.
AFFECTS THE PARCEL SURVEYED AND IS PLOTTED HEREON.
13. Perpetual Stormwater, Drainage and Slope Easement recorded in Instrument Number 2006000303639, Public Records of Lee County, Florida.
AFFECTS THE PARCEL SURVEYED AND IS PLOTTED HEREON.
14. Slope/Restoration Easement recorded in Instrument Number 2006000303638, Public Records of Lee County, Florida.
AFFECTS THE PARCEL SURVEYED AND IS PLOTTED HEREON.
15. Landscape Maintenance and Hold Harmless Agreement recorded in Instrument Number 2012000231887, Public Records of Lee County, Florida.
AGREEMENT IS FOR THE OWNER OF THE PARCEL DESCRIBED TO MAINTAIN THE LANDSCAPING THE CITY INSTALLED IN THE OLD 41 R-O-W ALONG THE FRONTAGE OF THE PARCEL.
16. Rights of the lessees under unrecorded leases.
NO LEASES SUPPLIED TO THE SURVEYOR.
17. Intentionally Deleted A2.
18. Added A1: Encroachments, encumbrances, violations, variations, or adverse circumstances, if any, actually shown on the survey prepared by Peninsula Engineering, dated November 7, 2023, bearing Job # S-BON-FORA-OL41: a) Chain Link Fence encroachment over the northeasterly and southeasterly boundary lines of the Land; and into 15' U.E. (Utility Easement), and onto the Perpetual Storm Water, Drainage & Slope Easement and Slope Restoration Easement along the southwesterly boundary of the property; b) Asphalt (Drive & Parking) encroaches over southwestern line of Land, into 15' Water Line Easement; and c) Overhead power lines located on the southwestern boundary line and center of the Land without benefit of easement.
19. Added A5: FOR INFORMATIONAL PURPOSES ONLY: Commitment exception #3 is hereby deleted in its entirety.

GENERAL NOTES:

- BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM NORTH AMERICAN DATUM OF 1983/1999 ADJUSTMENT (NAD83/99) FLORIDA WEST ZONE, WITH THE SOUTHWESTERLY LINE OF SAID PARCEL SURVEYED BEING SOUTH 30°59'35" EAST, WITH THE DEED BEARING BEING SOUTH 30°59'20" EAST. THE PROPERTY IS CONTIGUOUS AND CLOSES AS WRITTEN.
- ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM, 1988, (N.A.V.D.)
- THE PROPERTY SURVEYED HAS ACCESS TO OLD U.S. 41, A PUBLIC RIGHT-OF-WAY.
- THE PROPERTY SURVEYED HAS 10 STRIPED PARKING SPACES.
- LINE SHOWN OUTSIDE OF THE LAND DESCRIBED ARE FOR REFERENCE USE ONLY AND WERE NOT SURVEYED.
- PROPERTY LIES WITHIN FLOOD ZONES X AND AE13.4 PER FLOOD INSURANCE RATE MAP COMMUNITY PANELS #12071C0593H AND #12071C0656G, DATED NOVEMBER 17, 2022.
- NOTE: THE PROPERTY PARCELS SURVEYED AND THE LEGAL DESCRIPTION ATTACHED HEREON IS CONTIGUOUS AND CLOSES AS WRITTEN.**
- THE PARCEL SURVEYED HAS ACCESS TO OLD 41 ROAD (COUNTY ROAD 887) A PUBLIC R-O-W.**
- PREVIOUSLY THIS SITE WAS SPLIT IN (2) OWNERSHIPS AS SHOWN ON THE LEGAL DESCRIPTION AND PARCELS ON THE SURVEY. SITE IS NOW UNDER ONE OWNERSHIP.**

ZONING NOTE

PROPERTY IS CURRENTLY ZONED "CPD" (COMMERCIAL PLANNED DEVELOPMENT DISTRICT) PER THE PZR SITE NUMBER: 171351-1 DATED 03/28/2024 REPORT FOR: RV STORAGE SITE 25211 OLD 41 ROAD.
MINIMUM SETBACKS ARE AS FOLLOWS:
(1) FRONT YARD: 25 FEET.
(2) SIDE YARD: 10 FEET.
(3) REAR YARD: 41 FEET.

PARKING NOTE

SITE CONTAINS 10 STRIPED PARKING SPACES AS SHOWN ON SURVEY.

ENCROACHMENT NOTE

- AT TIME OF SURVEY THERE ARE METAL CONTAINERS STORED WITHIN THE REAR SETBACK AS SHOWN ON THE SURVEY.
- PORTION OF ASPHALT PARKING LOT ENCROACH INTO WATERLINE EASEMENT AT SHOWN ON THE SURVEY.
- ENTRY ASPHALT DRIVE ENCROACHES INTO 15' UTILITY EASEMENT (U.E.) AS SHOWN ON THE SURVEY.
- THE 6' CHAIN LINK FENCE ENCROACHES INTO THE 15' UTILITY EASEMENT, THE STORMWATER DRAINAGE EASEMENT AND THE SLOPE/RESTORATION EASEMENT AS SHOWN ON THE SURVEY.

CLIENT: FORAGER REAL ESTATE PARTNERS, INC.

PROJECT NO. S-BON-FORA-OL41

SHEET #. 2 OF 2

DRAWING NO. S-BON-FORA-OL41-DO-ALTA.dwg

ALTANSPS LAND TITLE SURVEY

BEING A PART OF SECTION 22, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA



Peninsula Engineering

Date: 11/07/2023

Horizontal Scale: 1" = 60'

Vertical Scale: N.T.S.

Fieldbook/Page: J.C.

Drawn by: WAG

3 05/15/2024 REVISED PER ATTORNEY COMMENTS

2 07/30/2024 REVISED PER ATTORNEY COMMENTS AND UPDATED TITLE

1 05/15/2024 REVISED PER ATTORNEY COMMENTS

REV. REVISION



JOHN P. MALONEY, P.E., S.M. #S 4493

GENERAL NOTES:

1. THIS PLAN ASSUMES ALL STORMWATER MANAGEMENT TO BE PROVIDED IN AN UNDERGROUND VAULT SYSTEM.
2. THIS CONCEPT PLAN LAYOUT IS SUBJECT TO CHANGE AS A RESULT OF NEW INFORMATION, REQUIREMENTS, REQUESTS, AND FEEDBACK FROM PERMITTING ENTITIES.

EXISTING ZONING: CC
EXISTING USE: MOOSE LODGE

EXISTING ZONING: IL
EXISTING USE: MARINE CONCRETE MANUFACTURING

LEGEND

	PROPOSED BUILDING		100' SETBACK
	PROPOSED PAVEMENT		330' SETBACK
	PROPOSED CONCRETE		PROPOSED FENCE/ WALL

△ PARKING NOTE:

PARKING PROVIDED SHALL MEET CITY OF BONITA SPRINGS LAND DEVELOPMENT CODE REQUIREMENTS AT TIME OF DEVELOPMENT ORDER.

△ PROPERTY DEVELOPMENT REGULATIONS

BUILDING SETBACKS			
REQUIRED			
NORTH	EAST	SOUTH	WEST
15'	40'	30'	25'
PROVIDED			
BUILDING SETBACKS SHALL MEET MINIMUM REQUIREMENTS AT TIME OF DEVELOPMENT ORDER			
LANDSCAPE BUFFERS			
REQUIRED			
NORTH	EAST	SOUTH	WEST
5' TYPE A	15' TYPE B	25' TYPE F	15' TYPE D
BUILDING SEPARATION			
REQUIRED			
ONE-HALF THE BUILDING HEIGHT, NOT LESS THAN 20' FEET, WHICHEVER IS GREATER.			
PROVIDED			
BUILDING SEPARATION SHALL MEET MINIMUM REQUIREMENTS AT TIME OF DEVELOPMENT ORDER			
OPEN SPACE			
REQUIRED			
10.0 AC * 20% = 2.00 AC.			
PROVIDED			
OPEN SPACE SHALL MEET MINIMUM REQUIREMENTS AT TIME OF DEVELOPMENT ORDER			

EXISTING ZONING: IPD
EXISTING USE: BERNWOOD BUSINESS PARK

EXISTING ZONING: MPD
EXISTING USE: BONITA ISLES RESIDENTIAL COMMUNITY

DEVIATIONS:

- ① DRIVEWAY SEPARATION
- ② PERIMETER PLANTING (<10% GFA)
- ③ CONSUMPTION ON PREMISE (NO SEPARATION REQUIREMENTS FROM RELIGIOUS FACILITY, SCHOOL [NONCOMMERCIAL], DAY CARE CENTER [CHILD, PARK, OR DWELLING UNIT])

SCALE: 1" = 40'

SHEET: THE FOUNDRY -
MASTER CONCEPT PLAN (1 OF 2)

REVISIONS		
△	02/02/2025	REV PER CITY OF BONITA CPD RAI #1
△	04/24/2025	REV PER CITY OF BONITA CPD RAI #2
△	06/19/2025	REV PER CITY OF BONITA CPD RAI #3
REV.	DATE	DESCRIPTION



4365 Radio Road, Suite 201
Naples, Florida 34104
P: 239.434.6060
Company Cert. of Authorization
No. 00009496

Z:\Active Projects\O\OLD_41_ (25211)\Site Civil\Shedfiles\CONCEPT PLANS\2025_06-19 THE FOUNDRY - MCP.dwg (CP NOTES) brendan.casper Jun 19, 2025 -- 10:31 am

SCHEDULE OF USES

ALL BUILDINGS

- ADMINISTRATIVE OFFICES
- ANIMALS: CLINIC OR KENNEL, INDOOR ONLY, NO OUTDOOR RUNS
- AUTO PARTS STORE
- AUTO REPAIR AND SERVICE, GROUP I AND II, INDOOR ONLY
- BANKS AND FINANCIAL ESTABLISHMENTS, GROUP I AND II
- BOAT PARTS STORE
- BOAT REPAIR AND SERVICE, INDOOR ONLY
- BOAT SALES
- BUILDING MATERIAL SALES AND SERVICE, GROUP I AND II
- BUSINESS SERVICES, GROUP I, AND GROUP II
- CLEANING AND MAINTENANCE SERVICES
- CONTRACTOR AND BUILDERS, GROUP I AND II
- FENCES, WALLS
- FOOD AND BEVERAGE SERVICE, LIMITED
- FOOD AND KINDRED PRODUCTS, GROUP I
- FOOD STORES, GROUP I AND II
- HARDWARE STORE
- HOBBY, TOY, AND GAME SHOPS
- HOUSEHOLD AND OFFICE FURNISHING, GROUP I
- LAWN AND GARDEN SUPPLY STORE
- NONSTORE RETAILERS; ALL GROUPS
- PAINT, GLASS, AND WALLPAPER
- PERSONAL SERVICES; ALL GROUPS
- PET SERVICE
- PET SHOP
- PRINTING AND PUBLISHING
- PROCESSING AND WAREHOUSING
- REAL ESTATE SALES OFFICE
- RECREATIONAL FACILITIES; GROUPS I, IV
- PRIVATE RECREATIONAL FACILITIES; ON AND OFF SITE
- RELIGIOUS FACILITIES
- RENTAL OR LEASING ESTABLISHMENT; GROUP I, II AND III
- REPAIR SHOPS; GROUP I, II, AND III
- RESEARCH AND DEVELOPMENT LABORATORIES; GROUP II AND IV
- RETAIL AND WHOLESALE SALES
- SCHOOLS; COMMERCIAL AND NONCOMMERCIAL
- SPECIAL RETAIL STORE; GROUP I, II, III
- STORAGE; INDOOR
- STUDIOS
- WHOLESALE ESTABLISHMENT; GROUP III AND IV
- VEHICLE AND EQUIPMENT DEALER; GROUP I, II, III, IV

BUILDINGS 1 & 2 ONLY

- WHOLESALE ESTABLISHMENT; GROUP I**
- MANUFACTURING OF:
 - APPAREL PRODUCTS*
 - ELECTRIC MACHINERY AND EQUIPMENT*
 - FABRICATED METAL PRODUCTS, GROUP II*
 - FOOD AND KINDRED PRODUCTS, GROUP II*
 - LEATHER PRODUCTS, GROUP I*
 - LUMBER AND WOOD PRODUCTS, GROUP I**
 - MEASURING, ANALYZING AND CONTROLLING INSTRUMENTS*

*USE LIMITED TO UNITS WITHIN BUILDINGS 1 & 2 ONLY THAT ARE SETBACK A MINIMUM OF 100 FEET FROM ANY RESIDENTIALLY ZONED PROPERTY UNDER SEPARATE OWNERSHIP PER LDC 4–2014(D).

**USE LIMITED TO UNITS WITHIN BUILDINGS 1 & 2 ONLY THAT ARE SETBACK A MINIMUM 330 FEET FROM ANY RESIDENTIALLY ZONED PROPERTY UNDER SEPARATE OWNERSHIP PER LDC 4–2014(D).

BUILDINGS 3 & 4 ONLY

- WAREHOUSE; MINI, PUBLIC, OR PRIVATE

BUILDINGS 5 & 6 ONLY

- RESTAURANTS; GROUPS I, II, III AND IV
- CONSUMPTION ON PREMISES
- BAR AND COCKTAIL LOUNGE
- PACKAGE STORE

COMMERCIAL PLANNED DEVELOPMENT REGULATIONS

PLANNED DEVELOPMENT SETBACKS:

- FRONT: 25 FEET
- SIDE (ADJACENT TO RESIDENTIAL): 30 FEET
- SIDE (ADJACENT TO COMMERCIAL): 15 FEET
- REAR: 40 FEET

MAXIMUM HEIGHT: 30 FEET

MINIMUM BUILDING SEPARATION: 20 FEET

MAXIMUM LOT COVERAGE: 40%

MINIMUM OPEN SPACE: 20%

MAXIMUM INTENSITY

- 39,500 SQUARE FEET FOR COMMERCIAL/ RETAIL USES,
- 80,000 SQUARE FEE FOR STORAGE/MINI WAREHOUSE USES,
- 70,000 SQUARE FEET FOR LIGHT INDUSTRIAL USES.

SCALE: N/A



4365 Radio Road, Suite 201
Naples, Florida 34104
P: 239.434.6060
Company Cert. of Authorization
No. 00009496

SHEET: THE FOUNDRY -		
SCHEDULE OF USES AND DEVELOPMENT REGULATIONS		
REVISIONS (2 OF 2)		
	02/02/2025	REV PER CITY OF BONITA CPD RAI #1
	04/24/2025	REV PER CITY OF BONITA CPD RAI #2
	06/19/2025	REV PER CITY OF BONITA CPD RAI #3
REV.	DATE	DESCRIPTION

**Old 41 CPD****Exhibit IV-H: Schedule of Deviations and Justifications***REVISED JUNE 2025*

Deviation (1) requests a deviation from LDC §3-291(a) which requires a driveway separation of 660 feet on arterial roadways; to allow a separation of 459.51 feet to nearest driveway the north and 587.29 feet from the nearest driveway to the south.

JUSTIFICATION: The CPD will utilize the existing ingress and egress drive isle during the redevelopment of the site. However, this access location does not comply with the 660-foot separation requirement on arterial roadways within the City of Bonita Springs.

The current ingress/egress location has been in use as the main access point to the site. Maintaining this location leverages an established access point without creating new impacts on surrounding roadways, access locations, or traffic flow.

The property has 675 feet of frontage on Old 41 Rd and existing access points on neighboring properties restrict the proposed MCP from providing an alternative access point that would meet the separation distance required on arterial roads. Maintaining the existing driveway location allows for the continued efficient operation of the site without the need for disruptive modifications that would still result in the need for the deviation given the street frontage. The current location is optimal for site access and has been designed to accommodate the site's specific needs for the new development, including traffic flow, loading/unloading zones, and pedestrian access. The access location will comply with all other development standards in the LDC.

Deviation (2) requests a deviation from LDC §3-417(b) which requires all new commercial components of planned development districts must provide building perimeter plantings, these planting areas must be located abutting all sides of the building, (not including the loading area); to allow perimeter planting not be located abutting all sides of the building.

JUSTIFICATION: The permitted uses within the CPD allow for various commercial, storage, and mini-warehouse uses throughout the site, some of which may require vehicular access inside the buildings. This necessity restricts the placement of required plantings surrounding the buildings on all sides.

In lieu of full perimeter plantings around each building, the design incorporates landscaped end caps, which serve as inviting common areas for patrons and employees to enjoy during their leisure time. These spaces will create small pockets of greenery, offering areas for relaxation and gathering, fostering a sense of community within the development.

Additionally, to further support landscaping and community interaction goals, the site design features landscape islands within the parking areas. These islands will include

trees and greenery to enhance the visual appeal of the site and provide much-needed shade and cooling in the parking zones.

By focusing on key areas such as the Old 41 Road buffer, parking lot landscape islands, and communal green spaces, the development maintains the intent of the landscape code while providing additional functional and aesthetic benefits. This approach ensures the site will be visually appealing, environmentally responsible, and equipped with thoughtfully designed common spaces that enhance the overall experience for visitors and employees. We believe this deviation strikes a balance between practical site needs and landscaping goals, resulting in a harmonious and well-integrated development.

Deviation (3) requests a deviation from LDC § 4-1022(4), which establishes distance requirements for Consumption on Premises and Off-Premises from any religious facility, school (noncommercial), day care center (child), park or dwelling unit; to allow no separation distance requirement for consumption on premises and off-premises.

JUSTIFICATION: All proposed uses are consistent with the intent of the Commercial Planned Development (CPD) zoning district, which is designed to promote a mix of uses and flexible site design. The CPD includes several compatibility measures to mitigate impacts, including a 25-foot Type F landscape buffer with a fence along the southern property boundary to provide visual and physical separation from adjacent residential uses.

Consumption-related activities will occur within enclosed buildings or designated outdoor areas that comply with applicable noise, lighting, and operational standards. The project's internal circulation and site design further minimize potential conflicts by limiting external access and concentrating commercial activity internally.

The subject site is primarily surrounded by commercial and conservation uses, with no direct access through residential neighborhoods. As such, the deviation will not result in adverse impacts and is necessary to support the integrated mix of uses envisioned for the CPD, contributing to the site's economic viability and functional design.



OLD 41 CPD

Exhibit II-E-2 - Request Narrative & Bonita Plan Compliance

Revised June 2025

I. Request

Forager Real Estate Inc (“Applicant”) is requesting approval to rezone an approximately 10+/- acre property (“Property”) located at 25211 Old 41 Road from the Cussons Commercial Planned Development (CPD) to the Old 41 CPD zoning district. The rezoning will enable redevelopment of the site to accommodate up to 170,000 square feet of a mix of commercial, light industrial, and storage/mini-warehouse uses across a single platted lot. The project is proposed to be served by central water and sewer.

The proposed CPD allows for a diversified blend of uses intended to support the economic vitality of the Old 41 corridor, provide employment opportunities, and serve nearby residential communities. Buildings will not exceed 30 feet in height, and the layout has been carefully planned to address compatibility with adjacent residential properties.

II. Property Information and Site Description

The Property comprises 10+/- acres of land and is located at 25211 Old 41 Road. The subject parcel is located fronting on the east side of Old 41 Road, approximately ¼ mile south of the intersection of Ten Eight Street and Old 41 Road. Access to the Property is from Old 41 Road, a four-lane arterial roadway with an existing right turn lane.

The site was rezoned in 2004 from Agriculture (AG-2) to Cusson’s Commercial Planned Development (CPD) by Ordinance 04-16. The CPD permitted 126,600 square feet of commercial square footage with uses including, but not limited to, RV sales and storage, mini warehouse, vehicle dealer and fast-food restaurant.

Current conditions

The property consists of a 9,000+/- square foot warehouse and a 1,445+/- square foot caretaker’s unit. Additionally, located in the northwest corner of the site is a prefabricated metal building and a two-story stilt structure.

The property is currently leased to a landscape wholesale company which sells supplies material for contractors and offers additional light industrial and commercial services as expected from a landscape supplier.

III. Surrounding Land Uses

The Property is located in a highly developed area of the City where both industrial and commercial uses interface with single-family residential uses. Surrounding land uses include a mix of residential, commercial, and industrial uses as further detailed below.



Table 1: Inventory of Surrounding Lands

Direction	Future Land Use	Zoning	Existing Land Use
North	Industrial	IG, CC	Restaurant, Marine Concrete Manufacturing Facility, Warehouses
South	General Commercial	MPD	Bonita Isles Single Family Residential Community
East	General Commercial	MPD	Bonita Isles Single Family Residential Community
West	Industrial	IPD	Flexible Commercial Shopping Center

The property directly to the north is the Bonita Springs Moose Lodge. Continuing north along Old 41 Road is a marine concrete fabrication facility, a concrete supplier, and various warehouses.

The east and south property lines abut property owned by the Bonita Isles single family residential community. The east property line connects to preserve areas within the Bonita Isles MPD, while the south property line abuts an open space and conservation easement, which also contains stormwater retention for the development.

The west property line fronts Old 41 Road. Across the four-lane arterial roadway is a commercial shopping center with various retail businesses, with additional commercial and light industrial uses further north.

IV. Proposed Development

Through this rezoning application, the Applicant proposes a flexible, multi-tenant commercial planned development consisting of six buildings, on-site surface parking, stormwater facilities, and associated infrastructure on a single platted lot.

Each of the six buildings will be limited to a maximum height of 30 feet, and no residential uses are proposed. The project has been designed with consideration for adjacent residential properties, including the incorporation of landscape buffers, setbacks, and clear limitations on building use and truck traffic. The site will be accessed from Old 41 Road via one existing access points shown on the Master Concept Plan, and allocation for a future connection to the northern commercial property for future consideration.

Perimeter landscaping will comply with the Land Development Code (LDC) and includes a Type buffer with 25 feet of separation and an 8-foot chain link fence adjacent to Bonita Isles residential to the east and south. A Type D buffer is proposed along Old 41 Road and the rear western property line, while a Type A buffer is provided along the northern commercial property line. Additional landscape areas are integrated throughout the site, including at dumpster enclosures, in parking rows, and along building facades. All required buffer widths and plant quantities have been met or exceeded.

The two buildings fronting Old 41 Road (Buildings #5 and #6) are oriented to create a pedestrian-friendly, street-activated environment with parking directly accessible from the building entrances.

The remaining four buildings (Buildings #1–4) are oriented east-west and north-south and accommodate a mix of uses. All required parking is provided on site in accordance with the LDC.

Stormwater management will be addressed through underground stormwater chambers located beneath the primary parking area, as outlined in the accompanying Stormwater Management Plan.

Proposed Uses

The proposed CPD includes a balanced mix of commercial, light industrial, and storage/mini-warehouse uses, designed to be compatible with the surrounding land uses and consistent with the intent of the Commercial Future Land Use designation.

Buildings #5 and #6, located along the Old 41 Road frontage, are designated for a variety of commercial and retail uses, benefiting from visibility and direct access. These buildings are intended for uses such as professional offices, retail shops, restaurants, and customer-serving businesses that activate the street frontage and serve the daily needs of surrounding neighborhoods.

Buildings #1 and #2 are limited to light industrial and hybrid warehouse uses, all of which are consistent with those permitted in the CPD zoning district and comparable to uses allowed in conventional commercial zoning (C-1 and C-2). These uses include light fabrication, assembly, repair services, or tech-based business operations that are low-impact, fully enclosed, and generate minimal to no noise, odor, or traffic. To ensure compatibility, light industrial uses are limited in square footage to a maximum of 70,000 square feet and are restricted to Buildings #1 and #2 only.

Buildings #3 and #4 are intended for mini-warehouse/self-storage use, including mezzanine space, with a total square footage of 80,000 square feet. These structures are internal to the site and buffered from residential properties by both distance and landscaping. Their location, design, and operation inherently produce minimal external impacts, with no outdoor storage or customer traffic beyond light vehicle access.

To further ensure compatibility with the adjacent residential community, the CPD:

- Does not include higher-impact light industrial uses;
- Limits light industrial uses to locations that meet the required 100-foot or 330-foot setback, as reflected on the revised Master Concept Plan;
- Prohibits semi-truck deliveries, limiting access to small box trucks only;
- Includes signage onsite to reinforce the restriction on tractor-trailer access;
- Conditions of approval to limit the location of specific uses based on proximity to residential zoning;

Additionally, consumption on premises is limited to Buildings #5 and #6 only. These buildings are separated from residential areas and will include indoor restaurant or café-style tenants with no outdoor seating within 500 feet of any residential lot. A deviation has been requested to allow no separation distance requirement for consumption on premises and off-premises from any religious facility, school (noncommercial), day care center (child), park or dwelling unit. No Consumption on Premises or Off-Premises uses are requested in Buildings #1–4.

By limiting use locations, applying specific setback buffers, and defining operational boundaries, the applicant has taken proactive and thoughtful measures to ensure that the proposed development remains compatible with surrounding land uses and contributes positively to the commercial fabric of the Old 41 corridor.

Utilities

The Property is within the Bonita Springs Utilities Service Area and the attached letter of availability demonstrates that there is capacity to serve the property. The proposed development makes efficient use of significant private investment in infrastructure in this area by connecting to available infrastructure.

Public Facilities

The attached Public Infrastructure Map demonstrates additional public facilities and services in the immediate vicinity of the project to serve the proposed development in terms of fire, EMS, schools, and Sheriff's protection.

V. Planned Development General Standards – Land Development Code Section 4-325

(a) All planned developments shall be consistent with the provisions of the Bonita Plan.

The proposed CPD is consistent with the land uses, and development parameters of the General Commercial future land use category and the LDC, except where deviations are requested. The project is also consistent with all other applicable Goals, Objectives and Policies identified below.

(b) All planned developments, unless otherwise excepted, shall be designed and constructed in accordance with the provisions of all applicable city development regulations in force at that time.

The applicant is requesting three deviations. One deviation for the separation requirement between access points. The property is constrained by the available frontage and existing accesses to the north and south, which make it impossible to maintain a minimum separation of 660 feet. The attached TIS demonstrates that the existing location is sufficient to serve the property. Therefore, the applicant is maintaining the existing drive access from Old 41 Road. The second deviation is for a reduction in perimeter plantings requirements surrounding the structures on site. The site provides ample landscaping along Old 41 Rd, parking island landscaping and common green space along two of the required three sides per building which complies with the intent of code requirement. The third deviation is a request for no distance requirements for Consumption on Premises and Off-Premises from any religious facility, school (noncommercial), day care center (child), park or dwelling unit. The site design provides ample separation and buffer elements to create a physical separation from the possible consumption on Premises and Off-Premises therefore having no intended impact on the surrounding developments or businesses.

More information regarding the proposed deviations is available in the attached Exhibit IV-H Schedule of Deviations Justifications.

(c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and



the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water. In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian and cyclist activity and community interaction.

The site is located between residential, commercial, and industrial uses, therefore providing for a unique opportunity to offer less intense commercial uses to act a buffer between heavy industrial and residential uses.

The proposed uses and site plan provides an improved transition in non-residential intensities than the current use which includes outdoor storage and intensive commercial uses. The proposed development reduces commercial intensity and provides increased setbacks from the Bonita Isles community.

The MCP identifies the location for the proposed commercial buildings. The project provides the required open space and stormwater treatment in accordance with of the requirements in the LDC. Pedestrian infrastructure including cross walks and sidewalks will be provided on a scale that is appropriate for a commercial development. The Applicant is not seeking a deviation from the open space requirements set forth in the LDC, which requires the project to provide 20% open space.

All proposed buffers comply with the standards in LDC section 3-418 and LDC section 4-2074 for self-storage facilities.

(d) The tract or parcel shall have access to existing or proposed roads:

(1) In accordance with chapter 3 and as specified in the Bonita Plan traffic circulation element or the official trafficways map of the county;

(2) That have either sufficient existing capacity or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a level of service D or better on an annual average basis and level of service E or better during the peak season, except where higher levels of service on specific roads have been established in the Bonita Plan; and

(3) That provide ingress and egress without requiring site-related industrial traffic to move through predominantly residential areas.

The TIS submitted with the CPD application is consistent with the methodology required for a zoning-level traffic analysis in the City of Bonita Springs. The TIS concludes that the proposed development will meet or exceed the Level of Service requirements.

(e) If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.

The site is within the Lee Tran public service area and within walking distance to multiple bus stops. Included with the submittal is a Public Transit Map which shows eight (8) bus stops within a 2 miles radius. Specifically, two stops less than a ½ mile south along Old 41 Rd, two stops less than ½ mile away on Bernwood Parkway, and four stops along U.S.41. Aerial imagery shows a continuous sidewalk along the roadways providing a safe walking path to the transit stops.

(f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.

The development will adhere to stringent local, state, and federal regulations designed to mitigate risks related to flooding, erosion, and other environmental dangers. Underground storage chambers will be utilized on the site which are explained further in the Stormwater Management Plan. The effective use of the underground stormwater retention and adherence to Stormwater Management Plan will ensure the probability and degree of flood or erosion-related issues for the site are not increased.

The development does not impose a nuisance on surrounding land uses or the public interest. To achieve this, the project will incorporate buffering measures, including fences, vegetation, and setbacks, to shield the adjacent residential community from any potential emissions of noise, glare, dust, odor, or pollutants. Additionally, the design and construction of the buildings will utilize modern, environmentally friendly technologies and materials to minimize emissions and environmental impact. The development will follow best practices for air and water quality management, ensuring that it does not contribute to pollution or degrade the surrounding natural environment.

(g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historical or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.

A Master Site File letter was received for the property which states no significant archeological potential exists on the site. No species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance were identified during the field survey. In addition to the site inspection, a search of the FWC species database revealed no known protected species within or immediately adjacent to the project limits.

(h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.

The proposed plan demonstrates a thoughtful approach to mixed commercial design, particularly in its use of open space to create a cohesive and environmentally conscious environment while providing needed commercial elements for the community. The site was designed to be compliant with all landscape buffer requirements and with more than ten percent of plantings provided around the commercial buildings which aligns well with the fundamental principle of using open space creatively to achieve a balance between development and the conservation of green space and environmentally sensitive areas.

(i) Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.

The MCP minimizes any negative impacts on surrounding land and land uses through careful site planning and design. The design incorporates all required buffers, including landscaping and an optional fence adjacent to residential uses. The redevelopment of the site in the proposed MCP will improve compatibility with surrounding land uses through complying with updated code requirements, and buffers not required by previous approvals.

(j) Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.

To the north, the property is adjacent to the Bonita Springs Moose Lodge and a corridor of existing industrial and warehouse uses along Old 41 Road, establishing a natural transition for the proposed light industrial and commercial components of the development. To the east, the site abuts conservation areas within the Bonita Isles residential community, and to the south, it abuts that community's designated stormwater management area. These adjacent residential uses are buffered by enhanced landscaping and setback design features, including a 25-foot Type F landscape buffer with an 8-foot screened fence, ensuring compatibility and minimizing visual and functional impacts.

To the west, the property fronts Old 41 Road and faces an existing retail shopping center further reinforcing the commercial context and supporting the City's goals of strengthening the Old 41 corridor. The development's design emphasizes integration by orienting buildings and site access to complement surrounding uses, reinforcing an appropriate mix of commercial, retail, and light industrial functions. All uses are clearly delineated and conditioned to prevent incompatibility, while maintaining consistency with the CPD zoning district and applicable land development regulations. The proposed CPD reflects a compatible infill development that enhances the area's commercial fabric while preserving the character of adjacent neighborhoods.

(k) Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significantly higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs

The development was designed to ensure compatibility with its surroundings, particularly where there is a difference in land use intensity. The site is surrounded by single family residential, commercial shopping center, industrial and warehouse uses. The site uniquely is located between a concrete manufacture operation and the Bonita Isles residential development with smaller scale commercial businesses to the west. The development orients parking and sidewalks adjacent to the buildings to be facing internal therefore utilizing the buildings as a noise and light buffer for the adjacent residents. A 30-foot Type F buffer is located between drive aisles are located within 125 feet of residential development.

(l) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.

The proposed development includes a variety of building types and uses, such as commercial flex units and hybrid warehouses, arranged in a manner that encourages walkability and connectivity within the development. By incorporating defined pathways, the design promotes ease of movement for pedestrians while facilitating access between different parts of the development.

(m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.

The applicant does not anticipate any conflicting uses within the development. The site plan strategically positioned the commercial units fronting the right-of-way to provide ample opportunity for residents to patronize the businesses. The hybrid warehouse and flexible commercial uses more internal to the site require less street frontage visibility to enhance the viability and value of the development.

(n) Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.

The proposed MCP demonstrates a consistent theme for building use, height, and design. Commercial uses are strategically placed along Old 41 Road, a major road frontage, to enhance accessibility and visibility. This arrangement minimizes potential conflicts and ensures a harmonious integration of different uses within the development, optimizing both functionality and compatibility with surrounding areas.

(o) Unless otherwise provided for in this article, minimum parking and loading requirements shall be as set forth in article VI, divisions 25 and 26, of this chapter. Where it can be reasonably anticipated that specified land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces subject to the condition that it be constructed and maintained so as to prevent erosion of soil. In all cases, however, sufficient parking shall be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.

The proposed development plans to meet the minimum parking requirements set forth in Article VI, Divisions 25 and 26 at the time of Development Order. Additionally, the site includes a designated loading zone behind Buildings #5 and #6, which does not interfere with traffic flow or reduce the availability of parking while in use. Therefore, the development is designed to prevent any adverse impact on neighboring areas and fully complies with the intent of the article to provide sufficient parking.

(p) Joint use of parking by various land uses within the planned development may be permitted by special condition where it can be demonstrated or required that the demand for parking by the various uses will not conflict. Joint parking agreements between uses within and uses without the planned development shall be governed by agreement per general regulation (see section 4-1730), without exception.

Joint parking is not included in the proposed MCP. Required parking is calculated for each use individually.

(q) Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.

The development complies with all LDC requirements with three deviations requested for access separation, a reduction in perimeter plantings, and the allowance for consumption on and off premises without a minimum distance requirement. The developer will establish consistent signage, landscape design, and architectural design to provide a site that is cohesive and internally consistent.

IV. Public Hearing – Land Development Code Section 4-299(a)(2) and (4).

The applicant understands the criteria and process for the public hearing before the zoning board, including the requirement for formal findings addressing the guidelines set forth in Section 4-131. The proposed mix of uses is appropriate for the subject location, as it aligns with the Comprehensive Plan and Commercial FLU and zoning objectives. The planned development has been designed to prioritize compatibility with surrounding land uses through buffering, strategic site layout, and adherence to applicable regulations, ensuring minimal impact on adjacent residential and commercial properties. The recommended conditions tied to the concept plan and applicable regulations provide robust safeguards to the public interest, addressing traffic, stormwater, and environmental considerations while preserving public safety. Additionally, the conditions are directly related to mitigating potential impacts on the public's interest, such as truck traffic limitations, enhanced landscaping, and the incorporation of multimodal facilities along Old US 41.

For any requested deviations, each is designed to enhance the achievement of the planned development's objectives by promoting a cohesive design that maximizes functionality and compatibility within the site's constraints. Furthermore, all deviations align with the intent of protecting public health, safety, and welfare, ensuring a balanced approach to meeting development goals and addressing community concerns. We are prepared to provide detailed justification, complimentary to the justification stated in Exhibit IV-H, Schedule for Deviations, for the proposed uses, conditions, and deviations at the public hearing, ensuring that the zoning board has the necessary information to support a favorable recommendation to the city council.

IIV. Bonita Plan Internal Consistency Narrative



The following is an analysis of how the proposed Commercial Planned Development is consistent with the goals, objectives, and policies (GOPs) of the City of Bonita Springs Comprehensive Plan (Bonita Plan). The adopted GOP headings are listed in **bold**, and the Applicant's compliance analysis is provided below.

(FUTURE LAND USE) Goal 1: A balanced land use pattern that promotes a high quality of life and allows for a variety of land uses, densities and intensities and the preservation and stabilization of existing neighborhoods; encourages mixed use development; promotes an efficient transportation system; preserves the natural environment and economic vitality of the community; and, is consistent with the availability of essential services.

The proposed CPD will enable a diverse range of commercial uses ensuring adaptability to varying market demands and community needs, thereby promoting a high quality of life. By allowing for various multi-occupant commercial spaces and industrial uses, the development encourages a mixed-use environment, creating opportunities for businesses to provide a range of services and goods to the community. The proposed development's location and design will support an efficient transportation system by potentially reducing the need for long commutes, as residents will have access to a variety of services and businesses within a single, nearby development. The proposed development is in line with the availability of essential services, as the development will be designed to take advantage of existing infrastructure investments, ensuring that it complements the community's needs and resources while maintaining required levels of service.

(FUTURE LAND USE) Objective 1.11: Development orders and permits for new development or redevelopment shall be issued only if public facilities and services for potable water, sanitary sewer, solid waste, and stormwater management are necessary to meet the City's adopted Level of Service (LOS) standards are available concurrent with the impacts of the development.

(FUTURE LAND USE) Policy 1.11.1: Level of Service (LOS) Standards

As evidenced in the attached letter of availability and the existing development pattern along the Old 41 corridor, all required public facilities and services are available to serve the proposed development.

(FUTURE LAND USE) 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.**

The proposed development aligns with the intended uses outlined in the policy by offering a mix of commercial services, light industrial, retail, and hybrid warehouse uses. This development approach allows for diverse commercial retail and service uses that will cater

to both residents and visitors. The design for various multi-occupant commercial spaces ensures that a wide array of businesses can operate within the property, addressing different community needs and enhancing the economic vitality of the area. This development will create a mixed-use environment that encourages the coexistence of commercial and light industrial uses, which already exists on the site, with the surrounding residential neighborhood to the south.

(FUTURE LAND USE) 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 abuts a single-family residential community to the south. To address potential concerns, the applicant proactively held a meeting with the Homeowners Association Board of Bonita Isles Community to discuss the project. The primary takeaway from this meeting was the need to enhance buffering along the property line to mitigate any adverse impacts on the adjacent residential community. In line with the criteria. Additionally, the development will comply with the Land Development Code provisions by incorporating all required buffers. These measures will include a combination of fences, vegetation, and spatial buffers to create a visual and physical barrier, thereby reducing noise, light, and other impacts on the residential properties. The buffering will provide a transition zone that respects the residential character while allowing the commercial development to serve the broader community. By designing the project with the neighboring residential community in mind and integrating effective buffering strategies, the proposed development will harmoniously blend with the surrounding residential areas, fostering a balanced and sustainable urban environment.

(TRANSPORTATION) Goal 1: To develop a safe and efficient multi-modal transportation network that provides for optimal access to the City's major activity centers; accommodates the forecasted transportation demands through the integration and enhancement of bicycle, pedestrian, transit and vehicular infrastructure; provides for interconnections between neighborhoods and developments while enhancing neighborhood and community character; is aesthetically pleasing; and, compliments the urban and natural environment of Bonita Springs

Policy 1.6.1: When considering changes in land use densities and transportation programs, the City shall evaluate the effect upon traffic generation, levels of service, and the potential need for, or impact upon, public transportation services.

The attached TIS has demonstrates that all analyzed roadways are projected to operate at acceptable Levels of Service with the increase of non-residential units and corresponding decrease in commercial entitlements. Sidewalk and bikeway facilities will comply with the minimum requirements in the LDC.

(TRANSPORTATION) Objective 1.8: Provide opportunities for the reduction of greenhouse gas emissions.

The proposed development offers a flexible commercial community style design which allows for diverse commercial retail and service uses. The inclusion of multi-occupant commercial space with pedestrian facilities supports an efficient transportation system by

reducing the need for additional commutes and offering essential services within proximity to local residents as well as bicycle and pedestrian opportunities.

(TRANSPORTATION) Goal 2: To implement a multi-modal transportation system along Bonita Beach Road using complete streets principles that ensures the safety of all users; equitable accommodation of all modes of transportation; the interconnection of the built and natural environment with transportation infrastructure; and facilitates a grid street network that mitigates congestion and links neighborhoods.

(TRANSPORTATION) Policy 2.4.3: Encourage mixed-use, walkable and well-integrated land uses in identified quadrant, and discourage strip commercialization and development patterns that are solely auto oriented.

The proposed CPD provides for internal pedestrian activity and will provide connection to planned off-site sidewalks located on Old 41 Rd. The CPD is a mixed-use development including both commercial and industrial land uses and avoids strip commercialization.

(INFRASTRUCTURE) Potable Water Sub-Element: Objective 1.2: To ensure an adequate supply of potable water, the City shall increase its role in influencing private utility providers about service alternatives, facility locations, and conservation of resources.

The project will connect to Bonita Springs Utilities for potable water service. The attached letter of availability demonstrates available capacity exists to serve the proposed project.

(INFRASTRUCTURE) Potable Water Sub-Element: Objective 2.2: In order to reduce demand for potable water, and consistent with the State's water policy to encourage and promote water conservation and the reuse of reclaimed water, the City shall require the use of reclaimed or other alternative irrigation water for irrigation purposes and other authorized uses in areas where franchised utility companies have constructed or operate a reclaimed or other alternative irrigation water distribution system.

A letter obtained from Bonita Springs Utilities dated August 21, 2024, confirms the Plant capacities are adequate and as the site develops we will be required to install all off-site and on-site utility line extensions necessary to provide service to the project in accordance with Bonita Springs Utilities, Inc. specifications. Additionally, Potable water is available for irrigation use as no reuse water is available in proximity to the subject property.

(INFRASTRUCTURE) Sanitary Sewer Sub-Element: Objective 1.1: The City shall continue to ensure the provision of acceptable levels of sanitary sewer service throughout the City, indirectly through franchised utility companies.

Bonita Springs Utilities serves this project site with a sanitary sewer main that is available for connection.

(INFRASTRUCTURE) Sanitary Sewer Sub-Element: Objective 1.2: To maintain or enhance water quality within the City.

The project will connect to Bonita Springs Utilities' for centralized sewer service. The attached letter of availability demonstrates available capacity exists to serve the proposed project.

Conservation/Coastal Management Element

(CONSERVATION/COASTAL MANAGEMENT) OBJECTIVE 4.1: Environmentally Critical Areas. Within the coastal planning area, the City of Bonita Springs shall continue to manage and regulate, on an ongoing basis, environmentally critical areas to conserve and enhance their natural functions.

The proposed CPD is not within the City's Coastal Management Area (CMA)/Coastal Planning area.

V. Conclusion

The proposed rezoning of the 10+/- acre property at 25211 Old 41 Road from the Cussons Commercial Planned Development (CPD) to the Old 41 CPD zoning district is a forward-thinking move that will include a flexible commercial community style of development to the City of Bonita Springs.

This development will consist of six separate buildings, accommodating a diverse range of commercial and light industrial uses, including multi-occupant commercial spaces, hybrid warehouses, and commercial businesses. The project is designed to integrate seamlessly into the existing urban fabric, with strategic buffering and thoughtful site planning to minimize any potential impact on the surrounding residential and commercial areas.

The proposed CPD aligns with the City of Bonita Springs Comprehensive Plan, supporting goals related to land use balance, transportation efficiency, and environmental protection. By promoting a mixed-use environment and enhancing the area's commercial corridor, this development will not only provide valuable services to the community but also contribute to the economic vitality, labor market, and overall quality of life in the city.

The proposed development represents a unique redevelopment opportunity for the property, including an increase of 44,000 square feet of non-residential uses. It also enhances compatibility with the neighboring residential community while remaining within the 40% threshold established in the Land Development Code.

The proposed building height, locations, and intensities will be compatible with the densities, intensities and building heights in the surrounding area.

The CPD provides for compatibility with the surrounding neighborhoods through buffers, setbacks, limited access points, and significant preserves and open spaces located adjacent to existing residential communities.

For these reasons, the Applicant respectfully requests approval of the CPD rezoning as proposed.

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 up to six buildings, to include a variety of retail, commercial, office, professional service, mini-warehouse, manufacturing and light industrial uses. No residential uses are proposed. The Master Concept Plan can be found in **Exhibit B**.

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, Development Regulations, and Schedule of Uses. The maximum proposed height of the project is thirty (30) feet in height. The project proposes to allow a variety of uses, that will be further analyzed below. Buildings III and IV, the buildings closest to the residential project, Bonita Isles, are proposed to also allow a mini-warehouse use, for a car condominium project.

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.

Staff agree with much of the Applicant’s Narrative and analysis of Planned Development Criteria in **Exhibit D**. However, certain uses have compatibility concerns given their requested proximity to residential, therefore the proposed recommendations include a more detailed Schedule of Uses, limiting certain uses by building.

Surrounding Land Use:

<u>Existing Zoning & Land Use</u>	<u>Future Land Use Map</u>
Subject Parcels: Commercial Planned Development (CPD), Landscape Supply	General Commercial: 10 du/acre, 1.2 FAR
North: Community Commercial (CC), Moose Lodge; and General Industrial: Precast Distribution Site	General Commercial: 10 du/acre, 1.2 FAR and Industrial: 10 du/acre, 1.2 FAR
East: Mixed-Use Planned Development; Bonita Isles Two-Family Attached Residences and Preserve Area	General Commercial: 10 du/acre, 1.2 FAR
South: Mixed-Use Planned Development; Bonita Isles Water Management Area and Two-Family Attached Residences	General Commercial: 10 du/acre, 1.2 FAR
West: Old U.S. 41 Right-of-Way then Commercial Planned Development/Industrial Planned Development: Bernwood Park of Commerce	Industrial: 10 du/acre/ 1.2 FAR

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, as conditioned.
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	Not applicable- No density is requested.

The request is compatible with existing or planned uses in the surrounding area	Yes – As conditioned, the project is compatible with the commercial and industrial to the North and the residential to the South. The project will be adequately buffered and shielded. The conditions outlined in the Staff Report are to promote compatibility with all surrounding uses, including required buffering, and use restrictions.
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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 – The site has been previously developed.
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 three (3) requested deviations.
Deviations needed to preserve, promote and/or protect the public health, safety, and welfare.	Partly – Deviations 1 and 2, as conditioned, will provide safeguards for the health safety and welfare of the proposed development and the existing surrounding development. Deviation 3 furthers the intent of the project but requires more analysis from the Applicant how the request preserves, promotes and/or protects the public health, safety, and welfare.

Environmental

The site was originally rezoned from Agricultural (AG-2) to Commercial Planned Development in the late 1980's to allow for a variety of commercial and light industrial uses. The site has historically been cleared and developed with buildings in the western part of the site and storage in the eastern portion. The Applicant provided an environmental survey for review by the City's Environmental Specialist. The project was reviewed by the City's Tree Advisory Board, who included a recommendation regarding preservation or replacement of on-site heritage trees. This recommendation is included in Condition 5.

The project is providing the required buffers based on the uses requested. Specifically, along the areas where self-storage is proposed along residential, the self-storage buffers will be provided in addition to the planned development buffers. Where drive aisles abut residential property, a wall will be provided.

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, 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 and Public Works Department 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

The project is located in the General Commercial Future Land Use category. The Applicant's analysis can be found in **Exhibit D**. 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 Applicant provided a schedule of uses that includes retail, commercial, office, industrial, manufacturing and self-storage uses. As conditioned, the more intense uses are located further from the residential properties. Some uses are recommended to be removed for inconsistency with the Bonita Plan. As conditioned, the project is compatible with the General Commercial Future Land Use.

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: PD24-117097-BOS: Old 41 CPD

THIS DEVELOPMENT WILL CAUSE TRAFFIC ISSUES FOR THE
AREA.

DATE: 9/3/25
NAME: ILR TYLER CARRAWAY PHONE: 407-360-4738
ADDRESS: 25090 BERNWOOD DR. CITY/STATE/ZIP: BONITA SPRINGS, FL 34135

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: PD24-117097-BOS: Old 41 CPD

SEE ATTACHED LETTER

DATE: Aug. 25, 2025

NAME: JAMES G MITCHELL

PHONE: 574-267-2865

ADDRESS: 9469 THE BEACH CIRCLE
BONITA SPRINGS, FL 34135

CITY/STATE/ZIP: BONITA SPRINGS, FL 34135

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.

James G Mitchell
35 EMS B48A Lane
Warsaw, Indiana, 46582
574-267-2865
gmacmm23@gmail.com
August 25, 2025

The Honorable Mary Tornberg, Planner
City of Bonita Springs Community Development Department,
Zoning Board of Adjustments
9101 Bonita Beach Road
Bonita Springs, FL 34135

RE: Opposition to Rezoning Case Number : PD24-117097-BOS
Case Name: Old 41 Commercial Planned Development (CPD)
Location: The subject property is located at 25211 Old 41 Rd. Bonita Springs FL 34135.
STRAPs: 22-47-25-B1-00002.4010
Request: A request to rezone to develop up to six buildings with a maximum of 39,500 square feet of commercial uses, 80,000 square feet of self-storage/mini-warehouse uses and 70,000 square feet of light industrial uses.

Dear Mary Tornberg, Planner, and Members of the BZA

,
This letter is written to formally express strong opposition to the proposed rezoning. My wife and I are concerned residents who live at 9469 Isla Belle Circle, Bonita Springs, FL 34135, and within the Bonita Isle Development, which is adjacent to the south and within 375 feet of our property near the proposed development site.

While community growth is important, this rezoning request is incompatible with the character and stability of our existing residential neighborhood. The potential negative impacts on the community outweigh any benefits of the proposal. Concerns include:
Traffic, Safety, and Noise Concerns

- Increased Traffic Congestion: 25211 Old 41 Rd. Bonita Springs is primarily served by Old 41 R., a busy road with a lot of existing commercial traffic. The proposed commercial use would generate significantly more daily traffic from

customers, employees, and delivery trucks, causing congestion and disruption to the existing residents.

- **Reduced Pedestrian Safety:** The increase in vehicle traffic poses a serious safety risk to the numerous pedestrians, bikers, joggers, and children who use Old 41 Road. The risk of accidents will increase significantly.
- **Noise Pollution:** The neighborhood currently enjoys a peaceful, quiet atmosphere. The additional commercial operations proposed would introduce additional noise from vehicles, deliveries, trash collection, and potentially late-night operations, directly impacting the quality of life for all adjacent and nearby residents.

Negative Impact on Property Values

- **Residential Value Erosion:** Introducing this additional commercial activity next to residential homes is known to devalue surrounding properties. The noise, light, and traffic generated by a commercial establishment would make the neighborhood less desirable as a place to live, negatively impacting investments.

Strain on Public Infrastructure

- **Overburdened Infrastructure:** Local infrastructure, including but not limited to, water, sewer, and stormwater drainage, was designed to support the existing and compatible commercial and residential density, not a commercial one of this magnitude. Commercial development of this type would place a greater burden on these systems, potentially leading to issues with service and costly upgrades.
- **Parking Overflow:** If adequate parking is not provided on-site for customers and employees, it will undoubtedly spill onto residential streets, creating parking shortages and inconvenience for homeowners and their visitors.

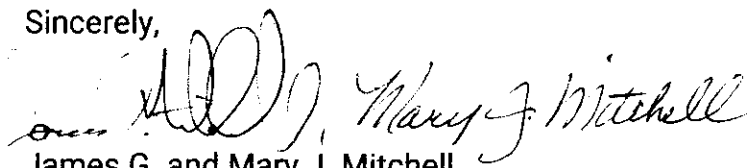
Inconsistency with the Comprehensive Plan and Spot Zoning

- **Inconsistent with Community Character:** The Comprehensive Plan for the city identifies this area as a Commercial Planned Development (CPD) zoning district. The existing use appears to have been workable up until now, while being adjacent to our residential use. This proposal represents an attempt to create "spot zoning," which would inappropriately carve out a commercial island that would not be appropriate to our existing and established residential zone.

- **Precedent for Future Development:** Approving this request would set a harmful precedent for the neighborhood and other residential areas, encouraging further incompatible development and chipping away at the integrity of the zoning code.

Consider the long-term, detrimental effects of this proposal on the neighborhood's stability, safety, and quality of life. The current zoning exists to protect residents and their property, and approving this change would undermine that fundamental purpose. Deny this rezoning application and uphold the current residential zoning for the subject property.

Sincerely,



James G. and Mary J. Mitchell