kwiktag® 034 984 083

GIS Tracking Sheet

Case No.: DC1 2005-00113

Intake Date: 1/12/07

Project Name: Bonita 30 RPD

STRAP Number(s):

Planner Name: CB Ext.

LEGAL DESCRIPTION VERIFICATION and **INITIAL GIS MAPPING**

Date: 1/12/07 **INTAKE:** DC105 #13

LEGAL SUFFICIENT ☑ YES ☐ NO Initials: CB

If not, give brief explanation:

Donna Deleste ok's Exhibit A Andie Roscan with this.

MAP UPDATE following **FINAL ACTION**

Date:

☐	Hearing Examiner Decision	☐	Board of County Commissioner's Resolution
☐	Administrative Approval	☐	Blue Sheet

Zoning Notes:

MAP UPDATED ☑ YES ☐ NO Initials: ZOP 3/26/08

If not, give brief explanation: ZONE: RPD: 5.0.394

S:\WRITERS\Murphyge\gistracking.wpd

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA;
THENCE S.88°50'51"W., ALONG THE NORTH LINE OF SAID SECTION 23, FOR 322.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE I-75, (STATE ROAD 93), SAID POINT BEING A POINT ON A CURVE;
THENCE SOUTHERLY 1,260.67 FEET ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 5,847.58 FEET THROUGH A CENTRAL ANGLE OF 12°21'08" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.17°43'10"E. FOR 1,258.23 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 23;
THENCE S.02°52'12"E., ALONG SAID EAST LINE, FOR 414.25 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE CONTINUE S.02°52'12"E., ALONG SAID EAST LINE, FOR 200.00 TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23;
THENCE S.86°01'44"W., ALONG THE SOUTH LINE OF SAID NORTH 1/2, FOR 1,365.80 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 1/2;
THENCE N.01°43'26"W., ALONG THE WEST LINE OF SAID 1/4 AND THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23, FOR 1,257.07 FEET TO THE NORTHWEST CORNER OF SAID SOUTH 1/2;
THENCE N.87°54'57"E., ALONG THE NORTH LINE OF SAID SOUTH 1/2, FOR 137.63 FEET;
THENCE S.01°14'17"E., FOR 471.07 FEET;
THENCE N.88°14'47"E., FOR 945.43 FEET TO A POINT ON A CURVE;
THENCE SOUTHEASTERLY 193.73 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 6,058.07 FEET THROUGH A CENTRAL ANGLE OF 01°49'56" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.22°49'07"E., FOR 193.73;
THENCE N.68°00'12"E., FOR 50.41 FEET TO A POINT ON A CURVE, ON THE EASTERLY RIGHT OF WAY LINE OF THREE OAKS PARKWAY DESCRIBED IN INSTRUMENT NUMBER 2006159942 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 405.60 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 6,007.66 FEET THROUGH A CENTRAL ANGLE OF 03°52'06" AND SUBTENDED BY A CHORD WHICH BEARS S.25°41'00"E., FOR 405.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,026,159 SQUARE FEET OR 23.56 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS HAVING AN ASSUMED BEARING OF N.88°50'51"E.

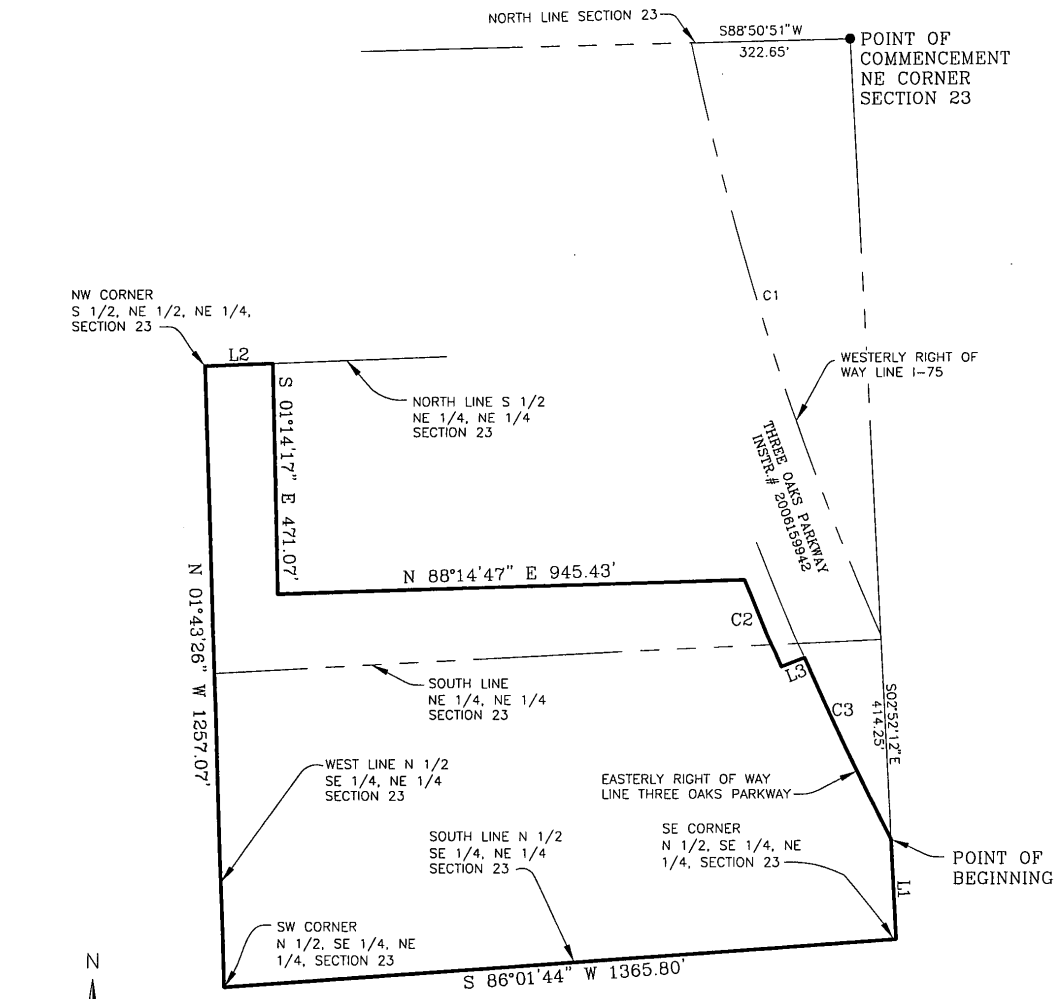
PREPARED BY:
RWA INC.
FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 6952

12-18-06
DENNIS A. MILLER — DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. LS 5626

DCI 2005-00113

Applicant's Legal Checked
By 65 1/12/07

THIS IS NOT A SURVEY



DCI 2005-00113

RECEIVED
JAN 09 2007

LINE TABLE		
LINE	BEARING	LENGTH
L1	S02°52'12"E	200.00'
L2	N87°54'57"E	137.63'
L3	N68°00'12"E	50.41'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD
C1	1260.67'	5847.58'	12°21'08"	S17°43'10"E	1258.23'
C2	193.73'	6058.07'	1°49'56"	S22°49'07"E	193.72'
C3	405.60'	6007.66'	3°52'06"	S25°41'00"E	405.53'

SKETCH
Applicant's Legal Checked
by BSJ 1/12/07

SEE SHEET 1 FOR LEGAL DESCRIPTION

RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
1542 Carson Street
Fort Myers, Florida 33901
Phone: (239) 278-5224
FAX: (239) 278-5419

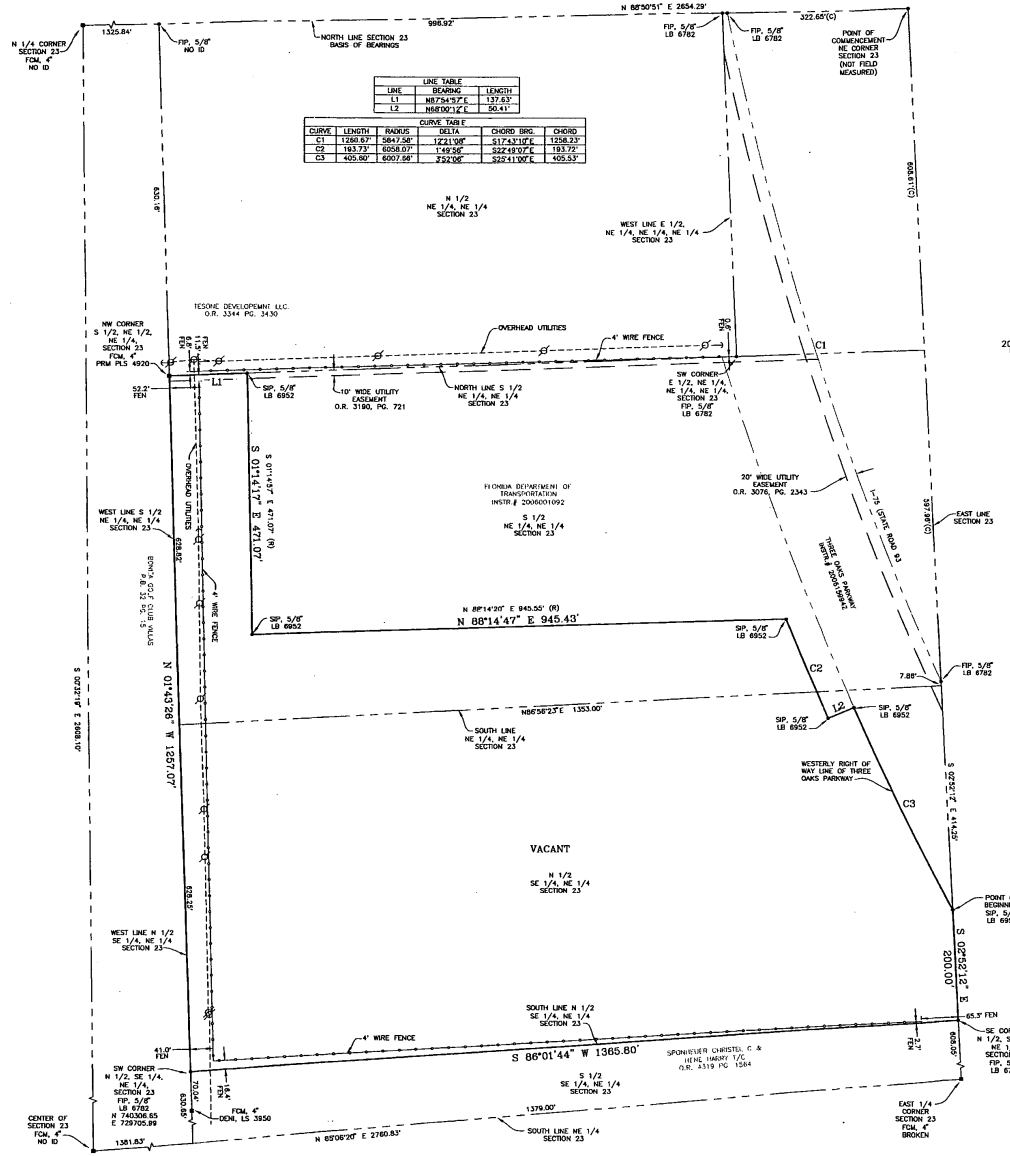
DATE:	12/15/06
SCALE:	1" = 300'
DRAWN BY:	SDL
CHECKED BY:	DAM
SEC: TWP: RGE:	23 47S 25E

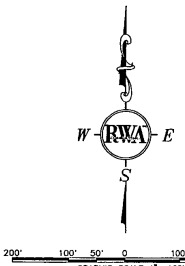
CLIENT: MERITAGE HOMES

TITLE: SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PROJECT NUMBER: 050098.00.00 | SHEET NUMBER: 2 OF 2 | FILE NUMBER: AS01 SK

BOUNDARY SURVEY
OF
A PORTION OF SECTION 23 TOWNSHIP 49 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.





LEGEND & ABBREVIATIONS:

PG.	PAGE
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
SPK	SET PK NAIL, LB 6952
FPK	FND PK NAIL, AS NOTED
PK	PARKER KALON NAIL
FIP	FND IRON PIN, AS NOTED
FCM	FND CONC MONUMENT, AS NOTED
PRM	PERMANENT REFERENCE MONUMENT
PLS	PROFESSIONAL LAND SURVEYOR
ID	IDENTIFICATION
SR.	STATE ROAD
FND	FOUND
LB	LICENSED BUSINESS
CONC	CONCRETE
FKA	FORMERLY KNOW AS
FEN	FENCE DIMENSIONAL TIE
SIP	SET 5/8" IRON PIN, LB 6952
WL	WATER ELEVATION MARK

GUY WIRE UTILITY POLE

LEGAL DESCRIPTION:

(AS PER TITLE CERTIFICATION)

EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, LESS I-75 RIGHT-OF-WAY, PLUS THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, PLUS THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

(AS PREPARED FOR THIS SURVEY)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS;

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THENCE ALONG THE WESTERLY, AND SOUTHERLY LINES OF SAID LANDS THE FOLLOWING FOUR (4) COURSES;
1) THENCE S.01°14'17"E., FOR 471.07 FEET;
2) THENCE N.88°14'47"E., FOR 945.43 FEET TO A POINT ON A CURVE;
3) THENCE SOUTHEASTERLY 193.73 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 6,058.07 FEET THROUGH A CENTRAL ANGLE OF 01°49'56" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.22°49'07"E., FOR 193.73;
4) THENCE N.68°00'12"E., FOR 50.41 FEET TO A POINT ON A CURVE; ON THE EASTERLY RIGHT OF WAY LINE OF THREE OAKS PARKWAY DESCRIBED IN INSTRUMENT NUMBER 2008159942 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
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CONTAINING 1,026,159 SQUARE FEET OR 23.56 ACRES, MORE OR LESS.

SURVEYOR'S NOTATIONS:

THIS PLAT OF SURVEY WAS PREPARED AS A BOUNDARY SURVEY FOR PERMITTING AND PLATTING PURPOSES, AND IS BASED ON A LEGAL DESCRIPTION PREPARED BY THIS FIRM, THE TITLE CERTIFICATION PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NO. 05112236 AND INFORMATION ORIGINALLY PROVIDED BY THE CLIENT.

THE PARCEL DESCRIBED IN THE LEGAL DESCRIPTION AS PREPARED FOR THIS SURVEY IS A PORTION OF THE PARCEL AS DESCRIBED IN THE LEGAL DESCRIPTION AS PROVIDED IN THE AFOREMENTIONED TITLE CERTIFICATION.

THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS HAVING AN ASSUMED BEARING OF N.88°50'51"E.

THE COORDINATES DEPICTED HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM FOR THE FLORIDA WEST ZONE (NORTH AMERICAN DATUM OF 1983/1990 ADJUSTMENT).

THIS PLAT OF SURVEY IS ONLY FOR THE LANDS AS DESCRIBED, IT IS NOT A CERTIFICATE OF TITLE, ZONING, EASEMENTS, RIGHTS OF WAY OR FREEDOM FROM ENCUMBRANCES.

SURFACE, SUBSURFACE AND AERIAL IMPROVEMENTS, UNLESS DEPICTED HEREON, HAVE NOT BEEN LOCATED.

DIMENSIONAL TIES FOR THE EXISTING IMPROVEMENTS DEPICTED HEREON ARE PERPENDICULAR TO THE APPROPRIATE PARCEL BOUNDARIES.

THIS PLAT OF SURVEY IS NOT INTENDED TO DELINEATE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS OR JURISDICTIONAL LINES OF ANY FEDERAL, STATE, REGIONAL OR LOCAL BOARD, COMMISSION OR OTHER ENTITY.

THE LANDS DEPICTED HEREON ARE ALSO SUBJECT TO ANY RELEVANT EASEMENTS, COVENANTS, RESTRICTIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

SUBJECT PARCEL LIES IN FLOOD ZONE "AE" (BASE FLOOD ELEVATION 8), AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP (F.I.R.M.), COMMUNITY PANEL 125124 0225 C, EFFECTIVE DATE MARCH 15, 1994.

THE F.E.M.A. FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT, THIS FLOOD INFORMATION MUST BE VERIFIED WITH ALL PERMITTING REGULATORY ENTITIES PRIOR TO COMMENCING ANY WORK OR APPLICATION DEPENDENT ON SAID INFORMATION.

THE INFORMATION DEPICTED HEREON REPRESENTS THE EXISTING CONDITIONS AS OBSERVED ON THE DATE OF LAST FIELD WORK: DECEMBER 07, 2006.

DISTANCES AND MEASUREMENTS, DEPICTED HEREON, ARE IN FEET AND DECIMALS THEREOF, UNLESS A DIRECT COMPARISON IS MADE ALL MEASURED BEARINGS AND DISTANCES ARE IDENTICAL TO RECORD OR PLAT VALUES.

THIS PLAT OF SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY OR PARTIES DEPICTED HEREON, AND IS NOT TRANSFERABLE.

THIS PLAT OF SURVEY IS AN ENTITY UNTO ITSELF THE ATTACHMENT OF ANY DOCUMENTS, TESTIMONIES AND OR AFFIDAVITS AND THE ADDITION AND OR DELETION OF ANY PORTION OF THIS PLAT OF SURVEY, WITHOUT THE WRITTEN CONSENT OF THE SIGNING PROFESSIONAL SURVEYOR AND MAPPER, IS PROHIBITED AND WILL INVALIDATE THIS SURVEY.

PREPARED FOR:
MERITAGE HOMES (FKA COLONIAL HOMES, INC.)
OLD REPUBLIC NATIONAL TITLE INSURANCE CO.
HENDERSON/FRANKLIN
LEE COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:
RWA INC.
FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 6952
12-18-06
DENNIS A. MILLER
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. LS 5626
DATE SIGNED

Applicant's Legal Checked
By CS 1/12/07

DOI 2005-00113

REV	REVISION	DRAWN	CHECKED	DATE

	NAME	DATE
DESIGNED:		
DRAWN:	SDL	12/14/06
CHECKED:	DAM	12/14/06

RWA INC. CONSULTING Engineers, Surveyors & Mappers, Planners, & Project Managers

1542 Carson Street
Fort Myers, Florida 33901
Phone: (239) 278-3224
Fax: (239) 278-5419
www.consult-rwa.com
Florida Certificate of Authorization #6952

DATE: 12/14/06
HORIZ. SCALE: 1"=100'
VERT. SCALE:
SEC. TWP. RGE: 23 47S 25E

CLIENT: MERITAGE HOMES
TITLE: BOUNDARY SURVEY

PROJECT: BONITA 30
CROSS REFERENCE:
PROJECT NO.: 050098.00.00
SHEET NUMBER: 1 OF 1
FILE NO.: AS01 SU

CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 07-14

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY COLONIAL HOMES IN REFERENCE TO BONITA 30 RPD; TO REZONE FROM AG-2 (AGRICULTURAL) TO RPD (RESIDENTIAL PLANNED DEVELOPMENT); ON LAND LOCATED AT 25251 TROPIC ACRES DRIVE, BONITA SPRINGS, FLORIDA, (STRAP NO. 23-47-25-B2-00002.0000), ON 23.56 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Colonial Homes in reference to Bonita 30 RPD has filed an application for a rezoning;

WHEREAS, the subject property is located at 25251 Tropic Acres Drive, Bonita Springs, Florida, and is described more particularly as:

"See Schedule A"

WHEREAS, a Public Hearing was advertised and heard on September 7, 2007 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case DCI 2005-00113 who gave full consideration to the evidence available and recommended approval 6-0; and gave full and complete consideration of the record, consisting of the Staff Recommendation, the Zoning Board, the documents on file with the City and the testimony of all interested parties. The August 22, 2007 Staff Report prepared by Lee County Development Services Division and evidence submitted at the Zoning Board hearing is on file with the City Clerk.

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

SECTION ONE: APPROVAL OF REQUEST

City Council of Bonita Springs hereby approves the rezoning from AG-2 to RPD with the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the **revised** three page Master Concept Plan entitled "Bonita 30 RPD," stamped received **September 14, 2007**, last revised **August** 2007, except as modified by the conditions below. This development must comply with all requirements of the Bonita Springs LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development.

If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The maximum number of residential units is limited to 138 dwelling units

2. The following limits apply to the project and uses:

a. Schedule of Uses

Residential Tracts:

Accessory uses and structures: including gazebos and observation platforms as an amenity for the residents
Dwelling units: Townhouses
Two-family attached
Multi-family
Entrance gate and gatehouse, in compliance with LDC Section 34-148
Essential Services
Essential Service facilities, Group I (limited to pump stations)
Excavation- for development lakes, water retention and detention, No blasting
Fences, walls
Home Occupations, no outside help
Model homes and model units (for marketing purposes within the project only)
Parking lot, accessory
Recreational facilities: Personal and private on site
Signs, in accordance with the LDC
Temporary uses: limited to temporary sales office construction trailers and staging area

Amenity Center Tract:

Accessory uses and structures
Administrative offices for the exclusive use by the club and on-site management and marketing of this development.
Clubs: Private The membership must be limited to the residents of this development.
Consumption on premises. Limited to the clubhouse
Essential Services
Essential Service Facilities, Group I (Limited to pump

stations)
Fences and walls
Food and Beverage service, Limited - Limited to Clubhouse (For the exclusive use of the residents of this development and their guests)
Health club or Spa - Limited to Clubhouse (For the exclusive use of the residents of this development and their guests)
Parking Lot: Accessory
Real Estate Office: Temporary (for marketing purposes within the project only)
Recreational facilities: Personal and private on site
Signs, in accordance with the LDC
Temporary uses: limited to temporary sales office, construction trailers and staging area

b. Site Development Regulations

	Residential Tracts	Amenity Center Tract
Minimum Lot Width:	40 feet	100 feet
Minimum Lot Depth:	80 feet	100 feet
Minimum Lot Area:	3,200 S. F.	10,000 S. F.
Maximum Building Height:	60 feet*	45 feet**
Maximum Lot coverage:	60 %	50%
Minimum Setbacks:		
Public Street:	25 feet	25 feet
Private street:	20 feet	20 feet
Side Yard:	10 feet**	10 feet
Rear Yard:	10 feet	10 feet
Waterbody	0/20 feet***	0/20 feet***
Minimum Building Separation:	20 feet	20 feet
Minimum Floor Area:	~~750 SF~~	700 SF (first floor)

* Within 250 feet of the western property line the height is limited to 35 feet.

** **For attached townhomes, sold fee simple, the side yard setback may be zero feet (0') when sharing a wall with an adjacent unit.**

*** Setback from viewing platforms and gazebos may be reduced to Zero (0') provided architectural bank treatment is provided.

3. Environmental Conditions

a. Prior to local development order approval, a detailed gopher tortoise management plan meeting current Florida Fish and Wildlife Conservation Commission and City of Bonita Springs requirements must be submitted for review and approval by the Division of Environmental Sciences.

b. Prior to local development order approval, if gopher tortoise burrows are to be avoided or gopher tortoises are to be relocated on site, development order plans must delineate the gopher tortoise preserve area and submit for review and approval by the Division of Environmental Sciences staff a detailed gopher tortoise management plan meeting Land Development Code requirements and in conceptual compliance with the Preliminary Gopher Tortoise Management Plan stamped received May 9, 2006.

c. Prior to local development order approval, the development order plans must delineate a minimum of **10.50** acres as open space.

d. Prior to local development order approval, the development order plans must delineate:

i. 7.08 acres of preserve (which includes the 0.55 acre type "F" buffer area) separately depicting the 0.42 acres pine flatwoods and 2.97 acres wetland forested mixed as Indigenous Enhancement; the ±1.13 acres of Exotic wetland hardwoods and disturbed lands/pine flatwoods as indigenous restoration; and the ±2.56 acres of roads, hydric disturbed lands, primitive trails and hydric trials as indigenous creation; and

ii. Relocation of listed Butterfly Orchids (*Encyclia tampensis*) to preservation areas (submit a survey depicting location of listed plant species with development area); and

iii. Utilization of one hundred (100) percent native vegetation planting within all required buffers, restoration, creation, and enhanced preservation areas. The applicant may use approved non-native plantings for accent above the required plantings in buffer areas; and

iv. A 25 foot structure setback from preserve areas; and

v. Relocation of existing powerlines currently within the proposed preserve area along the west property line.

e. Prior to local development order approval, the applicant must submit for review and approval by City of Bonita Springs' Environmental Review staff:

i. A detailed indigenous management plan meeting requirements of the Land Development Code Section 3-415(E.). The management plan must specifically include but not limited to within the first and second year monitoring schedule the survivability of the required type "F" buffer plantings located within the preserve along the west property line. If any of the required buffer plantings die they must be replaced as per a maintenance schedule; and

ii. A detailed indigenous creation and restoration plan for the **±3.69 acres** of non-indigenous proposed preserve area. The plan must propose creation and restoration of the impacted habitat to pre-existing conditions. The vegetation type and density must mimic the surrounding indigenous habitat given existing soil characteristics and hydrology.

f. Prior to local development order approval, open space areas within the multi-family residential **should incorporate the preservation of** as many existing indigenous native trees as possible through the preservation of native tree clusters, relocation of sabal palms **with 8' clear trunk or larger** and the replacement (**per LDC Sec.10-425(b)(1)(b)(4))** or preservation of heritage trees. **Prior to development order approval, a** native tree survey **within the multi-family residential area will be provided** depicting all **native** tree species, **The survey will include the species and location**

of all native trees, as well as, the size in diameter breast height (dbh) for all native trees over 4" in dbh.

g. Prior to local development order approval, the development order plans must delineate a compensatory littoral zone equal to the linear footage of the bulkhead provided within the same lake meeting the following criteria:

i. a five-foot wide littoral shelf planted with herbaceous wetland plants to provide fifty (50) percent coverage at time of planting; or

ii. an 8:1 slope littoral shelf with herbaceous wetland plants to provide fifty (50) percent coverage at time of planting; or

iii. an equivalent littoral shelf design as approved by the director.

h. Prior to local development order approval, the development order plans must delineate a proposed type F buffer along the west property line between the projects proposed road and adjacent single family residential lots **(30' x 800').** The type F buffer plantings must meet the land development code in terms of height and density to provide a continuous visual screen but must be planted to mimic the natural canopy and understory of the existing habitat to the greatest extent possible.

4. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a).

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

6. There is no bona fide agricultural use on the site, and none shall be established after the approval of this rezoning request

7. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy all appropriate provisions of the Bonita Springs Comprehensive Plan.

8. Model homes and model units are permitted uses, but, must be consistent with the following conditions:

a. A maximum of four (4) model homes and/or model units are permitted within the development; and

b. Hours of operation for the model homes are restricted to Sunday through Saturday, 8:00 a.m. through 6:00p.m.; and

c. Each model home must be a unique example. Multiple examples of the same model are not permitted.

9. A Real Estate Sales Office is a permitted use, but, must be consistent with the following conditions:

a. A maximum of one (1) real estate sales office is permitted; and

b. Hours of operation for the real estate sales office restricted to Sunday through Saturday, 8:00a.m. through 6:00p.m.; and

c. The real estate sales office is limited to the sale of units within the development, and is valid for a period of time not to exceed three (3) years from the date the certificate of occupancy for the sales office is issued. The director may grant one two-year extension. Additional time will require a special exception approval.

10. Prior to Certificate of Occupancy the building contractor must provide a certification stating that the site grading was conducted in accordance with the approved Development Order site grading plan. This condition is predicated on the assumption that all buildings will be constructed by one contracting firm. If the individual buildings are constructed by different contracting firms then the site lot grading certification must be provided by a Registered Professional Engineer.

11. Should Strike Lane not have a full opening to Imperial Parkway (Three Oaks Parkway) **and Old U.S.** 41 by the time of Development Order approval, as required by LDC Section 3-291 (c) an emergency access, to Bonita Springs Fire Control and Rescue District specifications shall be provided from Old Squaw Lane to this development.

12. When bulkhead is utilized along the lake's banks, railings or fences, whichever appropriate, must be provided along the said section of the bank.

13. Along the western property line, where the internal roadway is less than 125 feet from the adjoining single-family lots, the restored 90 foot wide preserve must provide ~~100~~ 80 percent opacity, **within 1 year of planting,** from the ground to a height of 10 feet between the road and the western property line.

14. The residential portion of the development must comply with the commercial lighting standards found in Land Development Code Chapter 3, with single family residential outdoor lighting to remain on individual property and must be directed in such a manner so that lighting does not spill onto other property or upwards. Street lights must be shielded so that light is directed on the street. If necessary, a fence will be installed on the property adjacent to Old Squaw Lane to prevent light spillage from vehicular traffic onto residences.

B. Deviations

Deviation One is granted, providing relief from LDC Section 3-329 (e)(4) which requires compensating slope on excavation banks, to allow to up to 20 percent of banks to utilize vertical bulkhead, subject to Environmental Condition 3 (g).
Deviation two is granted, providing relief from LDC Section 3-291(c) which requires that residential development of more than five acres to provide two or more means of ingress and egress, to allow the RPD to have one full means of ingress and egress point to the property, subject that should Strike Lane not provide full median access to Three Oaks Parkway, or should the Bonita Springs Fire Control and Rescue District request an emergency entrance, applicant shall provide an emergency access to Old Squaw Lane on the west side of the property. **The applicant must provide an additional 20 foot wide stabilized sub grade emergency accessway at the entrance to this development in the event that an emergency access to Old Squaw Lane is not constructed.**

Deviation three is **withdrawn by Applicant.**

Deviation four is granted, providing relief from LDC Section 3-328, which requires a twenty-foot (20') wide lake maintenance easement, to permit a 0' wide easement, when viewing platforms and gazebos are built with bulkhead bank treatment, as indicated on the MCP.

Deviation five is granted, providing relief from LDC Section 34-2194 (c)(3)b, which requires a ten foot setback from non sea-walled artificial water bodies, to allow a zero-foot setback for accessory structures such as a viewing platform at the lake control elevation.

Deviation six is granted, providing relief from LDC Section 3-41 (D)(6), which requires a solid wall or combination berm and solid wall not less than eight feet in height to be constructed not less than 25 feet from the abutting property and landscaped with a minimum of five trees and 18 shrubs per 100 linear feet, if road, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots; to replace this buffer requirement with a ninety -foot (90') minimum indigenous vegetation preserve to act as buffer to the

adjacent residential uses, subject to Environmental Condition 3(h) and Condition 13.

Deviation seven is granted, providing relief from LDC Section 3-415(B)(1), which requires large developments, with existing indigenous native vegetation, to provide 50 percent of their open space percentage requirement through the on site preservation of existing indigenous vegetation, to instead allow this requirement to be provided as a combination of existing indigenous vegetation and restored indigenous vegetation at a ratio of 2:1, subject to Environmental Condition 3(d).

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, Bonita Springs City Council makes the following findings and conclusions:

1. The applicant has proven entitlement to the rezoning to RPD by demonstrating compliance with the Bonita Springs Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested RPD zoning, as conditioned:

   a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
   b) is consistent with the densities, intensities and general uses set forth in the Bonita Springs Comprehensive Plan;
   c) is compatible with existing or planned uses in the surrounding area; and
   d) will not adversely affect environmentally critical areas or natural resources.

3. Approval of the request, as conditioned will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

4. Urban services, as defined in the Bonita Springs Comprehensive Plan, are available and adequate to serve the proposed land use.

5. The proposed use is appropriate at the subject location.

6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

8. The deviations granted, as conditioned:

   a) enhance the objectives of the planned development; and

   b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

SECTION TWO: EFFECTIVE DATE

This ordinance shall take effect thirty (30) days from the date of adoption.

DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 22nd day of October, 2007.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Arend	Aye	Joyce	Aye
Ferreira	Aye	Simons	Aye
Grantt	Aye	Nelson	Aye
McCourt	Aye		

Date filed with City Clerk: 10-23-07

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23. TOWNSHIP 47 SOUTH RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA;
THENCE S 88°50'51"W., ALONG THE NORTH LINE OF SAID SECTION 23, FOR 322.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE I-75, (STATE ROAD 93) SAID POINT BEING A POINT ON A CURVE;
THENCE SOUTHERLY 1,260.67 FEET ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 5,847.58 FEET THROUGH A CENTRAL ANGLE OF 12°21'08" AND BEING SUBTENDED BY A CHORD WHICH BEARS S 17°43'10"E FOR 1,258.23 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 23;
THENCE S.02°52'12"E., ALONG SAID EAST LINE. FOR 414.25 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE CONTINUE S.02°52'12"E. ALONG SAID EAST LINE, FOR 200.00 TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23;
THENCE S.86°01'44"W., ALONG THE SOUTH LINE OF SAID NORTH 1/2, FOR 1,365.80 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 1/2;
THENCE N.01°43'26"W., ALONG THE WEST LINE OF SAID 1/4 AND THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23 FOR 1,257.07 FEET TO THE NORTHWEST CORNER OF SAID SOUTH 1/2;
THENCE N 87°54'57"E., ALONG THE NORTH LINE OF SAID SOUTH 1/2, FOR 137.63 FEET;
THENCE S 01°14'17"E., FOR 471.07 FEET;
THENCE N.88°14'47"E., FOR 945.43 FEET TO A POINT ON A CURVE;
THENCE SOUTHEASTERLY 193.73 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 6,058.07 FEET THROUGH A CENTRAL ANGLE OF 01°49'56" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.22°49'07"E., FOR 193.73;
THENCE N.68°00'12"E., FOR 50.41 FEET TO A POINT ON A CURVE, ON THE EASTERLY RIGHT OF WAY LINE OF THREE OAKS PARKWAY DESCRIBED IN INSTRUMENT NUMBER 2006159942 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 405.60 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 6,007.66 FEET THROUGH A CENTRAL ANGLE OF 03°52'06" AND SUBTENDED BY A CHORD WHICH BEARS S 25°41'00"E FOR 405.53 FEET TO THE POINT OF BEGINNING

CONTAINING 1,026,159 SQUARE FEET OR 23.56 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS HAVING AN ASSUMED BEARING OF N 88°50'51"E

PREPARED BY:
RWA INC.
FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 6952

12-18-06
DENNIS A. MILLER — DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. LS 5626

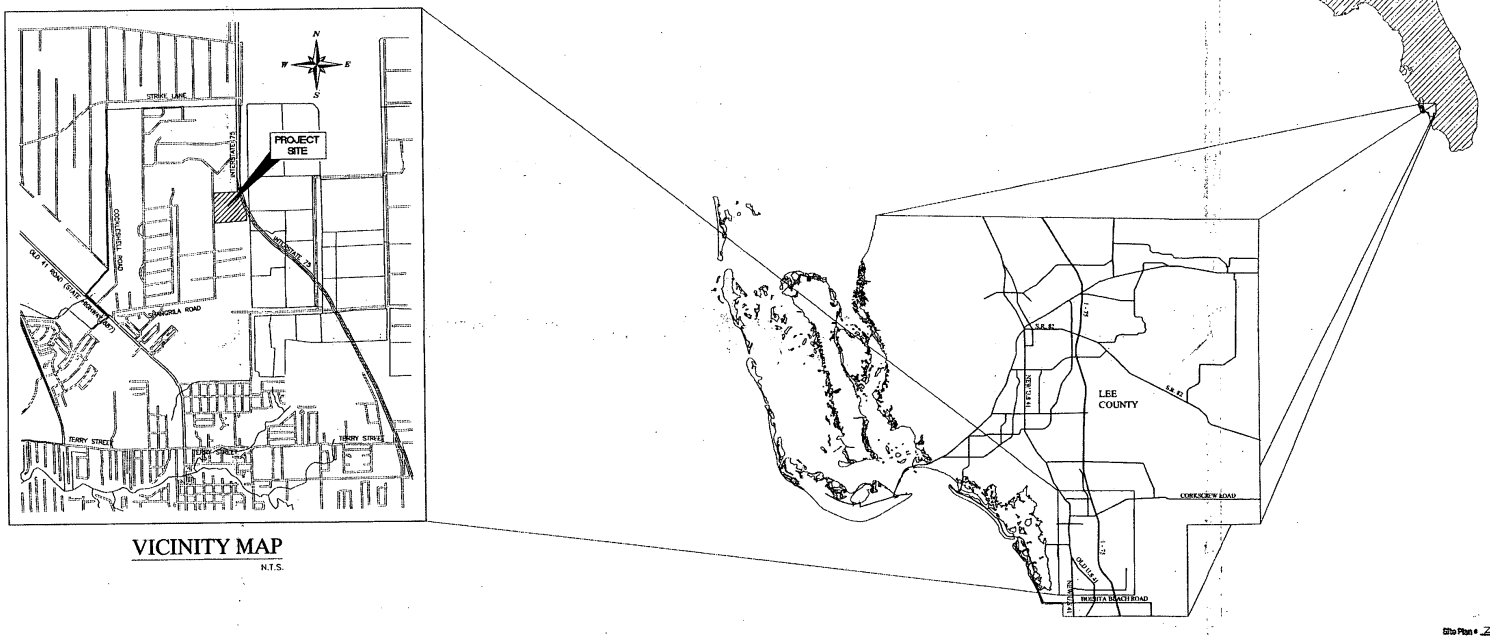
DCI 2005-00113

Applicant's Legal Checked
By [illegible] 1/12/07

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BONITA 30 RPD

SECTION 23 TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



VICINITY MAP
N.T.S.

CONTENTS

SHEET 1 COVER SHEET
SHEET 2 GENERAL NOTES
SHEET 3 MASTER CONCEPT PLAN

PREPARED FOR:

COLONIAL HOMES, Inc

12631 WESTLINKS DRIVE UNIT #7
FORT MYERS, FL 33913

APPROVED
Master Concept Plan
Site Plan # 20-01-04 Page 1 of 3
Subject to conditions in Ordinance 20-01-04
Case # DCI2005-00113
CITY OF BONITA SPRINGS

RECEIVED
SEP 14 2007
COMMUNITY DEVELOPMENT
DCI 2005-00113

RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
6610 Willow Park Drive, Suite 200, Naples, Florida 34109 (239) 597-0575 FAX: (239) 597-0578
1542 Carson Street, Fort Myers, Florida 33901 (239) 278-5224 FAX: (239) 278-5419

BONITA 30 RPD
GENERAL NOTES

SCHEDULE OF DEVIATIONS

DEVIATION # 1:
DEVIATION FROM LDC SECTION 3-329(D)(4) WHICH REQUIRES COMPENSATING SLOPE ON EXCAVATION BANKS; TO ALLOW UP TO 20 PERCENT OF THE BANKS TO UTILIZE VERTICAL BULKHEADS.

DEVIATION # 2:
DEVIATION FROM LDC SECTION 3-291(C) WHICH REQUIRES THAT RESIDENTIAL DEVELOPMENT OF MORE THAN FIVE ACRES TO PROVIDE TWO OR MORE MEANS OF INGRESS AND EGRESS; TO ALLOW THE RPD TO HAVE ONE FULL MEANS OF INGRESS AND EGRESS AND EGRESS POINT TO THE PROPERTY.

DEVIATION # 3:
DEVIATION FROM LDS SECTION 3-328, WHICH REQUIRES A TWENTY-FOOT (20') WIDE LAKE MAINTENANCE EASEMENT, TO PERMIT A 0' WIDE EASEMENT AS INDICATED ON THE MCP.

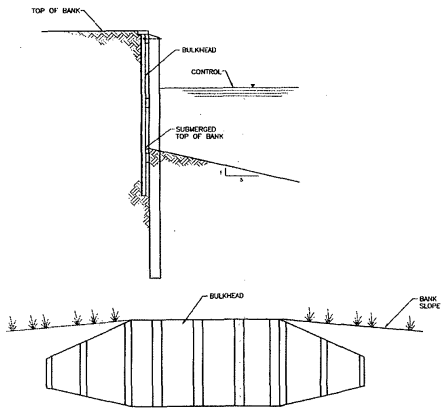
DEVIATION # 4
DEVIATION FROM LDC SECTION 34-2194(C)(3)R. WHICH REQUIRES A TEN-FOOT (10') SETBACK FROM NON SEA-WALLED ARTIFICIAL WATER BODIES, TO ALLOW A ZERO-FOOT (0') SETBACK FOR ACCESSORY STRUCTURES SUCH AS A VIEWING PLATFORM AT THE LAKE CONTROL ELEVATION.

DEVIATION # 5:
DEVIATION FROM LDC SECTION 3-416(D)(6). WHICH REQUIRES A SOLID WALL OR COMBINATION BERM AND SOLID WALL NOT LESS THAN EIGHT FEET IN HEIGHT TO BE CONSTRUCTED NOT LESS THAN 25 FEET FROM THE ABUTTING PROPERTY AND LANDSCAPED (BETWEEN THE WALL AND THE ABUTTING PROPERTY) WITH A MINIMUM OF FIVE TREES AND 18 SHRUBS PER 100 LINEAR FEET. IF ROADS, DRIVES, OR PARKING AREAS ARE LOCATED LESS THAN 125 FEET FROM AN EXISTING RESIDENTIAL SUBDIVISION OR RESIDENTIAL LOTS; TO REPLACE THIS BUFFER REQUIREMENT WITH A NINETY-FOOT (90') MINIMUM INDIGENOUS VEGETATION PRESERVE TO ACT AS BUFFER TO THE ADJACENT RESIDENTIAL USES.

DEVIATION # 6:
DEVIATION FROM LDC SECTION 3-415(D)(1). WHICH REQUIRES LARGE DEVELOPMENTS, WITH EXISTING INDIGENOUS NATIVE VEGETATION, TO PROVIDE 50 PERCENT OF THEIR OPEN SPACE PERCENTAGE REQUIREMENT THROUGH THE ON SITE PRESERVATION OF EXISTING INDIGENOUS VEGETATION, TO INSTEAD ALLOW THIS REQUIREMENT TO BE PROVIDED AS A COMBINATION OF EXISTING INDIGENOUS VEGETATION AND RESTORED INDIGENOUS VEGETATION AT A RATION OF 2:1.

GENERAL NOTES:

1. THE MASTER CONCEPT PLAN DEPICTS THE PROJECTS GENERAL CONFIGURATION FOR CONCEPTUAL ZONING REVIEW AND APPROVAL. THE FINAL RESIDENTIAL AND AMENITY CENTER USES, ALONG WITH THE PROJECT'S OPEN SPACE, SURFACE WATER MANAGEMENT SYSTEMS AND OTHER FUNCTIONAL ELEMENTS WILL BE DETERMINED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
2. PARKING WILL BE PROVIDED IN ACCORDANCE WITH LDC CHAPTER 34, DIVISION 20.
3. THE SUBJECT PROPERTY DOES NOT CONTAIN ANY HISTORICAL OR ARCHAEOLOGICAL SITES.
4. LEE TRAN BUS ROUT SERVES BONITA SPRINGS AS DIAL-A-RIDE SERVICES ONLY AND DOES NOT HAVE A DEDICATED STOP. SHOULD REGULAR SERVICE BE EXTENDED TO THE AREA, A TRANSIT STOP COULD BE PROVIDED.
5. PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT ORDERS, THE APPLICANT MUST PROVIDE EVIDENCE THAT THE PROPERTY HAS ACCESS TO CENTRAL WATER AND SEWER, OR THAT THE EXTENSION OF CENTRAL WATER AND SEWER WILL COINCIDE WITH THE DEVELOPMENT OF THE PROPERTY.
6. THIS PROJECT WILL MEET THE DEVELOPMENT STANDARDS AND DEFINITIONS OF CHAPTER 3 OF THE CITY OF BONITA SPRINGS LDC, UNLESS DEVIATIONS FROM THESE REGULATIONS HAVE BEEN APPROVED IN THE RPD.
7. MINOR ADMINISTRATIVE MODIFICATIONS MAY BE MADE AT THE TIME OF THE DEVELOPMENT ORDER APPROVAL.
8. R.O.W. DEPICTED ON THE MCP IS CONCEPTUAL IN NATURE AND MAY BE EXCLUDED AND REPLACED WITH INTERNAL DRIVES IS SO DESIRED.



DEVIATION #1

DEVELOPMENT REGULATIONS

	MULTI FAMILY	AMENITY CENTER
MINIMUM LOT WIDTH:	N/A	100 FEET
MINIMUM LOT DEPTH:	N/A	100 FEET
MINIMUM LOT AREA:	3,200 S.F.	10,000 S.F.
MAXIMUM BUILDING HEIGHT:	60 FEET 1	45 FEET
MAXIMUM LOT COVERAGE:	60 PERCENT	50 PERCENT
MINIMUM SETBACKS:		
PUBLIC STREET:	25 FEET	25 FEET
PRIVATE STREET:	15 FEET	15 FEET
SIDE YARD:	10 FEET 2,	10 FEET
REAR YARD:	10 FEET 3	10 FEET 3
WATER BODY:	0/20 FEET	0/20 FEET
MINIMUM BUILDING SEPARATION:	20 FEET	20 FEET
MINIMUM FLOOR AREA:	N/A	700 S.F. (FIRST FLOOR)

1. WITHIN 250' OF THE WESTERN PROPERTY LINE THE HEIGHT IS LIMITED TO 35'.
2. FOR ATTACHED TOWNHOUSES, SOLD FEE SIMPLE, THE SIDE YARD SETBACK MAY BE ZERO FEET (0') WHEN SHARING A WALL WITH AN ADJACENT UNIT.
3. SETBACK FOR VIEWING PLATFORMS AND GAZEBOS MAY BE REDUCED TO ZERO FEET (0') PROVIDED ARCHITECTURAL BANK TREATMENT IS PROVIDED.

LEGAL DESCRIPTION

(AS PER TITLE CERTIFICATION)

EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, LESS I-75 RIGHT-OF-WAY, PLUS THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, PLUS THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

(AS PREPARED FOR THIS SURVEY)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA;
THENCE S.88°50'51"W., ALONG THE NORTH LINE OF SAID SECTION 23, FOR 322.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE I-75, (STATE ROAD 93), SAID POINT BEING A POINT ON A CURVE;
THENCE SOUTHERLY 1,260.67 FEET ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 5,847.58 FEET THROUGH A CENTRAL ANGLE OF 12°21'08" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.17°43'16"E. FOR 1,258.23 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 23;
THENCE S.02°52'12"E. ALONG SAID EAST LINE, FOR 414.25 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE CONTINUE S.02°52'12"E. ALONG SAID EAST LINE, FOR 200.00 TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23;
THENCE S.88°01'44"W., ALONG THE SOUTH LINE OF SAID NORTH 1/2, FOR 1,345.80 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 1/2;
THENCE N.01°43'26"W. ALONG THE WEST LINE OF SAID 1/4 AND THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23, FOR 1,257.07 FEET TO THE NORTHWEST CORNER OF SAID SOUTH 1/2;
THENCE N.87°54'57"E. ALONG THE NORTH LINE OF SAID SOUTH 1/2, FOR 137.63 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN INSTRUMENT NUMBER 2006000109222 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
THENCE ALONG THE WESTERLY, AND SOUTHERLY LINES OF SAID LANDS THE FOLLOWING FOUR (4) COURSES;
1) THENCE S.01°14'17"E., FOR 471.07 FEET;
2) THENCE N.88°14'47"E., FOR 945.43 FEET TO A POINT ON A CURVE;
3) THENCE SOUTHEASTERLY 193.73 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 6,058.07 FEET THROUGH A CENTRAL ANGLE OF 01°49'56" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.22°49'07"E., FOR 193.73;
4) THENCE N.68°00'12"E., FOR 50.41 FEET TO A POINT ON A CURVE, ON THE EASTERLY RIGHT OF WAY LINE OF THREE OAKS PARKWAY DESCRIBED IN INSTRUMENT NUMBER 2006150942 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 405.60 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 6,007.68 FEET THROUGH A CENTRAL ANGLE OF 03°52'06" AND SUBTENDED BY A CHORD WHICH BEARS S.25°41'00"E., FOR 405.53 FEET TO THE POINT OF BEGINNING;

CONTAINING 1,028,159 SQUARE FEET OR 23.56 ACRES, MORE OR LESS.



DEVIATION #3

SCHEDULE OF USES

MULTI-FAMILY RESIDENTIAL TRACT

ACCESSORY USES AND STRUCTURES INCLUDING OBSERVATION PLATFORMS/GAZEBOS AS AN AMENITY FOR THE RESIDENTS
DWELLING UNITS: TOWNHOUSES
TWO-FAMILY ATTACHED
MULTIPLE-FAMILY BUILDING
ENTRANCE GATE AND GATEHOUSE, IN COMPLIANCE WITH LDC SECTION 34-148
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, GROUP I (LIMITED TO PUMP STATIONS)
EXCAVATION - FOR DEVELOPMENT LAKES, WATER RETENTION AND DETENTION (NO BLASTING)
FENCES, WALLS
HOME OCCUPATION, NO OUTSIDE HELP
MODELS: MODEL HOME
MODEL UNIT (FOR MARKETING PURPOSES WITHIN THE PROJECT ONLY)
PARKING LOT, ACCESSORY
RECREATIONAL FACILITIES: PERSONAL & PRIVATE ON-SITE
SIGNS, IN COMPLIANCE WITH LDC
TEMPORARY USES - LIMITED TO TEMPORARY SALES OFFICE, AND CONSTRUCTION TRAILER AND STAGING AREA

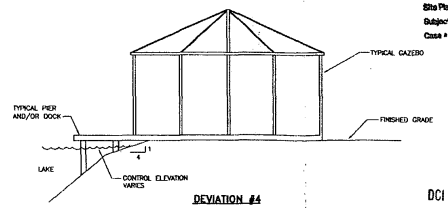
AMENITY CENTER TRACT

ACCESSORY USES AND STRUCTURES:
ADMINISTRATIVE OFFICES FOR THE EXCLUSIVE USE BY THE CLUB AND ON-SITE MANAGEMENT AND MARKETING OF THE DEVELOPMENT
CLUBS: PRIVATE (THE MEMBERSHIP MUST BE LIMITED TO THE RESIDENTS OF THIS DEVELOPMENT)
CONSUMPTION ON PREMISES - LIMITED TO CLUB HOUSE
ESSENTIAL SERVICES:
ESSENTIAL SERVICE FACILITIES GROUP I (LIMITED TO PUMP STATIONS)
FENCES, WALLS
FOOD AND BEVERAGE SERVICE, LIMITED - LIMITED TO CLUB HOUSE (FOR THE EXCLUSIVE USE OF THE RESIDENTS OF THIS DEVELOPMENT AND THEIR GUESTS)
HEALTH CLUB OR SPA - LIMITED TO CLUB HOUSE
PARKING LOT: ACCESSORY
REAL ESTATE SALES OFFICE - TEMPORARY ONLY (FOR MARKETING PURPOSES WITHIN THE PROJECT ONLY)
RECREATION FACILITIES: PERSONAL & PRIVATE - ON-SITE
SIGNS IN ACCORDANCE WITH LAND DEVELOPMENT CODE
TEMPORARY USES - LIMITED TO TEMPORARY SALES OFFICE, CONSTRUCTION TRAILERS, AND STAGING AREA.

OPEN SPACE CALCULATION TABLE			
	Required (Acres)	Provided (Acres)	Percentage
Open Space (23.56 x 0.4)	9.42	10.50	100.00
Preserve		7.08	67.42
Lake (25% of required open space)		2.36	22.48
Drainage Easement		1.06	10.1

INDIGENOUS VEGETATION TABLE		
	Required (Acres)	Provided (Acres)
Indigenous Vegetation (23.56 x 0.2)	4.71	7.08*

* Preserve will be comprised of existing indigenous vegetation and replanted indigenous vegetation



DEVIATION #4

APPROVED
Master Concept Plan
Site Plan # 20-07-014 Page 2 of 3
Subject to conditions in Ordinance 20-07-014
Case # DCI2005-00113
CITY OF BONITA SPRINGS

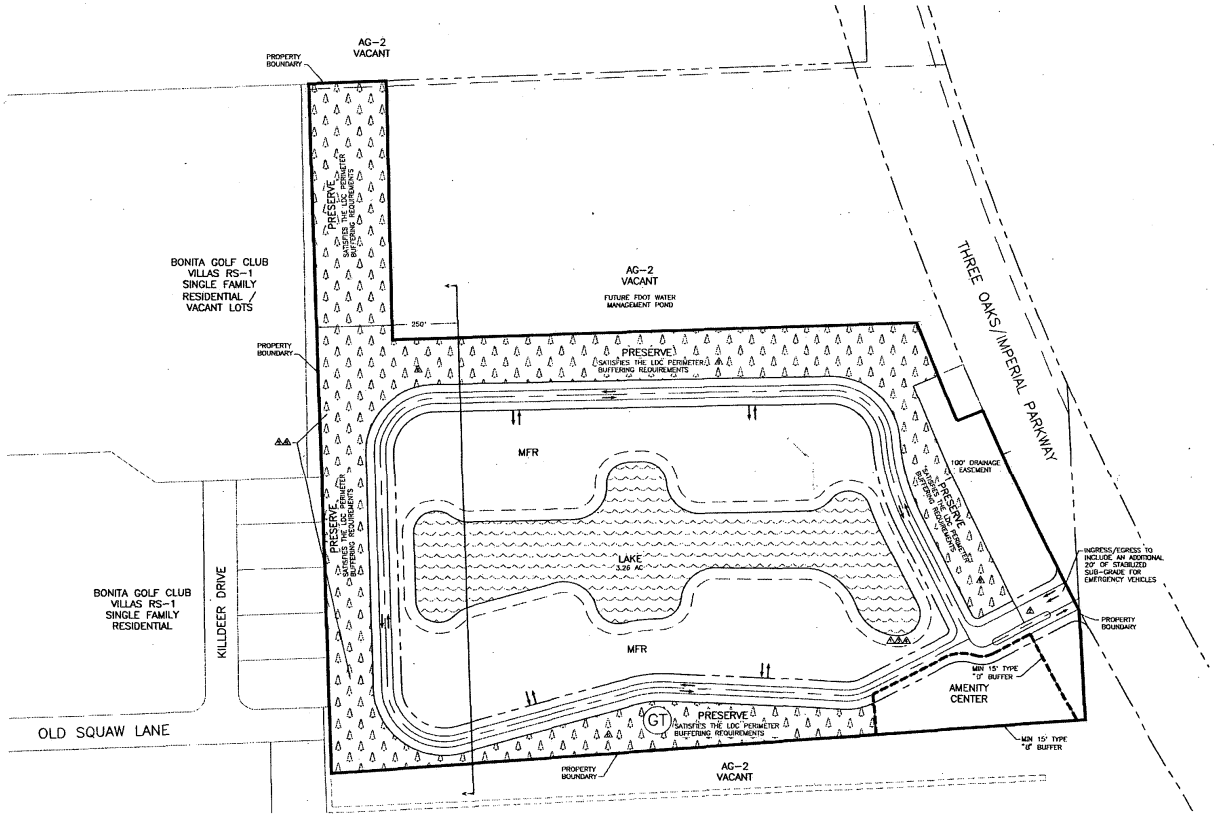
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COMMUNITY DEVELOPMENT
DCI 2005-00113

RWA INC. CONSULTING
Planning
Visualization
Civil Engineering
Surveying & Mapping
8810 Willow Park Drive, Suite 200, Naples, Florida 34109 (239) 597-0575 FAX: (239) 597-0578
1542 Carson Street, Fort Myers, Florida 33901 (239) 278-0224 FAX: (239) 278-4419

PROJECT: BONITA 30 RPD
CLIENT: COLONIAL HOMES INC.
TITLE: GENERAL NOTES

DATE	SEC.	TWP.	RGE.
SEPTEMBER, 2007	23	47S	25E
PROJECT NO.	SCALE:	DRAWN:	CHECKED
000093.00.00	N/A	S.D.L.	P.V.
FILE NO.			
5098000P02			
SHEET NUMBER	OF		
2	3		

BONITA 30 RPD
MASTER CONCEPT PLAN



SITE SUMMARY TABLE	Acreage	Percentage
MFR	7.43	31.54
Drainage Easement	1.06	4.50
Amenity Center	0.96	4.07
ROW	3.77	16.00
Preserve	7.08	30.05
Lake	3.26	13.84
Total Project Acreage	**23.56**	**100.00**

LEGEND

- MFR — MULTIPLE FAMILY RESIDENTIAL
- 2 — DEVIATION NUMBER
- GT — GOPHER TORTOISE BURROW

APPROVED
Master Concept Plan
Site Plan # ZO-01-014 Page 3 of 3
Subject to conditions in Ordinance ZO-01-04
Case # DCI2005-00113
CITY OF BONITA SPRINGS

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COMMUNITY DEVELOPMENT

DCI 2005-00113

RWA INC. CONSULTING
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Visualization
Civil Engineering
Surveying & Mapping
6610 Willow Park Drive, Suite 500, Naples, Florida 34109
1942 Cassori Street, Fort Myers, Florida 33901
(239) 597-3575 FAX: (239) 597-3578
(239) 278-3224 FAX: (239) 278-3419

PROJECT: BONITA 30 RPD
CLIENT: COLONIAL HOMES INC.
TITLE: MASTER CONCEPT PLAN

DATE: SEPTEMBER, 2007
PROJECT NO.: 020098.00.00
FILE NO.: 020098000P03
SHEET NUMBER: 3 OF 3

SEC: 23 TWP: 47S RGE: 25E
SCALE: 1" = 100'
DRAWN: S.D.L.
CHECKED: P.V.

RECEIVED
NOV 16 2007
COMMUNITY DEVELOPMENT

City of Bonita Springs
City Council Zoning Hearing Agenda for
Monday, October 22, 2007
9:00 am
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, FL 34135
MINUTES

I. CALL TO ORDER

Mayor Jay Arend called the meeting to order at 9:00 A.M.

II. PLEDGE OF ALLEGIANCE

Mayor Arend led in the Pledge of Allegiance.

III ROLL CALL

Mayor Arend and all Council Members were in attendance.

IV. SECOND READING:

A. BONITA EXCHANGE DCI2006-00082

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY STRATHMORE DEVELOPMENT COMPANY/BONITA EXCHANGE; FROM COMMERCIAL PLANNED DEVELOPMENT (CPD), COMMERCIAL TOURISM (CT), AND AGRICULTURE (AG-2) TO COMMERCIAL PLANNED DEVELOPMENT; ON LAND LOCATED AT 12025 BONITA BEACH ROAD, BONITA SPRINGS, FLORIDA, (STRAP NOS. 06-48-26-B1-00001.0000; 06-48-26-B1-00001.0010; 06-48-26-B1-00001.0020; 06-48-26-B1-00001.002B; 06-48-26-B1-00001.0040; 06-48-26-B1-00001.0080; 06-48-26-B1-00001.0090; 06-48-26-B1-00001.0100; 06-48-26-B1-00001.0130; 06-48-26-B1-00001.013A; 06-48-26-B1-00001.0150; 06-48-26-B1-00001.0160), ON 23.81 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

9:01:26 AM City Attorney Audrey Vance read the title block of the Zoning Ordinance into the record, stating that both Staff and the Zoning Board recommended approval with conditions.

Attorney Neale Montgomery, representing the Applicant, furnished a brief overview of the case. Dan Delisi, representing the Applicant, addressed zoning, compatibility, and consistency with the Comprehensive Plan. The request entails a redevelopment of the site. Craig Schmittler, also representing the Applicant, addressed environmental aspects of the site, and Ted Treesh addressed traffic.

9:48:07 AM Council Member Ben Nelson stated that the only way he would approve the request is to reduce the commercial square footage to 165,000 square feet of commercial to allow more area for trees, larger preserves, etc. He also suggested a requirement for City's Tree Committee review the request.

10:02:00 AM Mayor referred to his recommended revision to Condition 4 f., referring to the study Council recently approved to address improvements needed to the I-75 Interchange and Bonita Beach Road from Bonita Grande to Old 41, which he feels will be a great help in determining what can be developed in the area. Mohsen Salehi responded to concerns of Council regarding the Level of Service and other traffic related issues.

A lengthy discussed ensued on traffic/transportation issues.

10:20:50 AM Council Member Martha Simons suggested a 2-story structure to allow for more green (Florida Green Building Code). She also requested that lighting be directed downward, and that neon lighting, etc., be prohibited. She also suggested the developer pay for City to higher a tree expert to work with the tree committee.

10:26:03 AM Council Member Pat McCourt expressed a concern with a change in the zoning, referring to the portion of the site zoned agricultural that was being rezoned to Commercial Planned Development. His concern is that although the City would collect a substantial amount of taxes on that portion in the future, the City has not in the past. Ms. Montgomery stated that it does not have an agricultural exemption if there's not a bonafide agricultural use. It's something that the Property Appraiser's Office determines, which is not looked at retroactively. Council Member McCourt suggested including a condition that states the City would like to go back and recalculate the taxes on the property as if it were zoned CPD, and subtract from that the amount paid over that time, and suggesting that the Applicant make a contribution to the City to offset some of the costs involved in bringing this capital gains about, i.e., for infrastructure costs - those things the City pays for that supports development. Ms. Montgomery stated that the current owner didn't own the property the last five years, and to ask this owner to pay taxes at a higher rate would be unjust. Council Member McCourt clarified that his request was for the owner to make a contribution based on what the taxes would have been.

PUBLIC COMMENTS:

10:42:49 AM Patrick White, representing Dale Hanulla, the owners of Lots 16, 17, and 18 on the easterly edge of the project, stated that they do support the request. Referring to the MCP, he referred to the Quail's Nest Lane portion that runs north and south and the two access arrows going in a westerly direction. He referred to a discussion of a Type "D" buffer to address traffic exiting and headlights shining onto the adjacent property. This same concern pertains to the south portion as well. He also addressed text changes he proposed to Conditions 4 a., g. and h.

10:50:08 AM Attorney Charles Basinait, representing respective developers east of I-75, stated that they do not object to the request. He is present to ask that Council approve the request.

10:51:22 AM Jack Halldin urged Council to decline the Applicant's request until there is a plan in place to address the current infrastructure deficiencies at the interchange.

10:52:50 AM Matt Uhle, representing Worthington Country Club, addressed concerns his clients have regarding traffic.

10:57:46 AM Dan Wagner, a resident of Worthington Country Club, expressed concerns with traffic congestion on Bonita Beach Road and I-75.

11:00:10 AM Dan Hannula, a resident on the east side of the proposed development, stated his main concern regarded the flow of water from I-75. He also wants to make sure he has ingress/egress from his property. He also asked that any bar/restaurant is constructed in an area where patrons would not drive through the residential area.

11:29:04 AM Council Member Simons suggested the bar/restaurant be located more to the west and that the lights of the hotel be shielded downward. Mr. Delisi further agreed with Council Member Simons that office over retail would be good if one can finance and pay for it.

11:31:42 AM Council Member Grantt expressed a concern with 600 vehicles entering/exiting the site per hour.

11:32:18 AM Mayor Arend motioned to approve the Zoning Ordinance, with his revised Condition 4.f. (below), noting that he would accept amendments to control traffic or square footage at that time; Council Member Richard Ferreira seconded.

Condition 4.f. as proposed by the Mayor:

Prior to the time of local development order, the developer must enter a Developer's Agreement to pay its proportionate share of the cost of I-75/Bonita Beach Road Interchange Improvement identified in the URS Corporation June 2007 study. The Agreement will be the proportionate cost of the recently authorized study request by Council as to improvements needed to the I-75 Interchange and Bonita Beach Road from Bonita Grande to Old 41. This study is to estimate cost for improvements to handle traffic for all present developers, known developments, and estimated developments that will take place on this corridor. Proportionate share will be after credits for estimated impact fees, State and County contributions and the balance of prepaid super impact fees from developments east of Bonita Grande. Included in this agreement, building permits will not be approved until construction is started on the road improvements, and occupancy will not be allowed until road construction is completed and substantially accepted. The improvements in the Study are in addition to an additional eastbound left-turn at the .....

11:42:07 AM Discussion followed on the Mayor's suggested revision to the condition.

11:59:50 AM Kevin McGraw, the Applicant/Owner, addressed concerns with being able to obtain financing per the wording of Condition 4.f.

12:05:06 PM Mayor Arend, after further discussion, stated that Mr. McGraw has an option to go forward with Council Member Nelson's suggestion relating to the additional square footage and pay the additional money if it works out economically for him. City Attorney Vance stated that would delete the last highlighted sentence. Mr. McGraw stated that he stated it meant that they would agree to the original Condition f., with Council Member Nelson's amendment of reducing the square footage to 165,000 square feet plus the hotel, or they use the Mayor's language. City Attorney Vance stated that then they would get the 300,000 square feet. She clarified the motion to indicate that if Council votes for f., modified, it would be for 300,000 square feet, or not modifying 4. f., but going with Council Member Nelson's proposal of 165,000 square feet (150,000 of commercial and 15,000 square feet of office).

12:07:34 PM Mayor Arend withdrew his first motion; Council Member Ferreira withdrew his second.

12:07:55 PM Council Member Simons suggested parking deviations for them to accommodate preserving trees, and for fencing around the root system of the trees to the drip line.

City Attorney Vance clarified the conditions, as discussed.

12:28:31 PM Council Member Nelson motioned approval of the Zoning Ordinance, as revised; Council Member Grantt seconded; and the motion carried unanimously. **ADOPTED ZONING ORDINANCE NO. 07-12**

12:59:43 PM Mayor Arend and Council Members Nelson, Simons, Grantt, and Joyce reported ex parte communications.

B. PARADISE VILLAGE VAR2006-00006

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A VARIANCE REQUEST WITHIN THE PARADISE VILLAGE ON THE IMPERIAL RIVER SUBDIVISION; (LOTS 3, 6, 7, 8, 10, 12, 14, 15, 21, 22, 25, 29, 30, 32, 35 AND 37) ON LAND LOCATED AT THE SOUTHSIDE OF WEST TERRY STREET APPROXIMATELY 1 MILE EAST OF US 41, IN S37-T47S-R25E, BONITA SPRINGS, FLORIDA, BONITA SPRINGS, FLORIDA, (STRAP NOS. 34-47-25-B2-04900.0030;34-47-25-B2-04900.0060;34-47-25B2-04900.0070; 34-47-25-B2-04900.0080; 34-47-25-B2-04900.0100; 34-47-25-B2-04900.0120; 34-47-25-B2-04900.0140; 34-47-25-B2-04900.0150; 34-47-25-B2-04900.0210; 34-47-25-B2-04900.0220; 34-47-25-B2-04900.0250; 34-47-25-B2-04900.0290; 34-47-25-B2-04900.0300; 34-47-25-B2-04900.0320; 34-47-25-B2-04900.0350; 34-47-25-B2-04900.0370), PROVIDING FOR AN EFFECTIVE DATE.

1:00:23 PM City Attorney Vance read the title block of the Zoning Ordinance into the record, stating both Staff and the Zoning Board have recommended approval of the request.

1:02:17 PM Sean Weeks, representing the 16 property owners, furnished a document to Council clarifying the request, which is for a variance for an increase of 8 inches for the pool deck.

1:06:23 PM Council Member Simons suggested a strip along the back portion of the deck to consist of native vegetation.

No public comments were made.

1:10:09 PM Council Member Nelson motioned approval of the Zoning Ordinance, as revised; Council Member McCourt seconded; and the motion carried unanimously. **ADOPTED ZONING ORDINANCE NO. 07-13**

C. BONITA 30 RPD DCI2005-00113

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY COLONIAL HOMES IN REFERENCE TO BONITA 30 RPD; TO REZONE FROM AG-2 (AGRICULTURAL) TO RPD (RESIDENTIAL PLANNED DEVELOPMENT); ON LAND LOCATED AT 25251 TROPIC ACRES DRIVE, BONITA SPRINGS, FLORIDA, (STRAP NO. 23-47-25-B2-00002.0000), ON 23.56 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

1:10:37 PM City Attorney Audrey Vance read the title block of the Zoning Ordinance into the record.

1:11:56 PM Chahram Badamtchian, Zoning Division, furnished a brief overview of the request, stating that both Staff and the Zoning Board have recommended approval with conditions.

1:20:06 PM Charles Basinait, representing the Applicant, stated that the original recommendation by Staff, which has received the support of the Fire Department, was to ingress/egress Old Squaw Lane for emergency access. The Applicant suggested the Strike Lane alternative, but is willing to agree to the original recommendation. There will be a stabilized area from the west side of the pavement of the development that will hook up to the perimeter road for use only by emergency vehicles. The Fire Department has not indicated that improvements to Old Squaw Lane would be necessary. They agree with the conditions as set out in the Zoning Ordinance.

1:25:22 PM Council Member Ferreira referred to discussions held the previous year regarding the closing of the railroad crossing, and the Fire Department's objection in that during heavy rains that if that area doesn't have proper drainage they will have difficulty getting through to respond to emergency calls. Mr. Basinait responded that conversation did not come up, stating that the Fire Department did say that their primary emergency access would be through Old Squaw Lane. They never indicated that they would have problems getting through during certain times of the year.

1:32:36 PM Mayor Arend suggested foliage at the curve near Killdeer Drive to help with lights from vehicles. Mr. Basinait referred to the preserve area that has existing vegetation. He explained that when that area is cleared there will still be trees to the north and south of that stabilized area. They are also required a 20-foot wide type "F" buffer to be installed at the preserve area.

1:33:39 PM Patrick Vanasse, also representing the Applicant, addressed compatibility.

No public comments were made.

1:53:14 PM Council Member Nelson motioned approval of the Zoning Ordinance, as revised to include a condition to address lighting; Council Member Simons seconded.

1:54:35 PM Mr. Basinait to obtain letter from the Fire Department reflecting their support.

The motion carried unanimously. **ADOPTED ZONING ORDINANCE NO. 07-14**

D. LOVE & LOVE ENTERPRISES, LLC VAR2007-00017

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY LOVE AND LOVE ENTERPRISES, LLC., FOR A VARIANCE IN THE SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO ALLOW A POOL WITH A SETBACK OF 10 FEET, WHERE 25 FEET IS THE MINIMUM SETBACK REQUIREMENT, PER LDC SECTION 34-1174(B)(2) ON LAND LOCATED AT 26541 HICKORY BOULEVARD, BONITA SPRINGS, FLORIDA, (STRAP NO. 25-47-24-B3-00200.0070), ON 6,000.00 +/- SQUARE FEET; PROVIDING FOR AN EFFECTIVE DATE.

1:59:49 PM Assistant City Attorney Joe Faerber read the title block of the Zoning Ordinance into the record.

2:00:22 PM Shawn Lamey, Zoning Division, explained that because of opposition from his neighbors, Mr. Love was no longer interested in pursuing his request.

2:00:38 PM Council Member Nelson motioned to approve the Resolution denying the request; Council Member Simons seconded; and the motion carried unanimously. **ADOPTED ZONING RESOLUTION NO. 07-04**

E. BLUE MARLIN COVE DCI2006-00077 & REZ2006-00017

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY BLUE MARLIN COVE FOR A) REZONING THE SUBJECT 0.72+/- ACRE PROPERTY FROM COMMERCIAL (C1-A) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO DEVELOP A TOTAL OF 9 DWELLING UNITS AND B) TWO BONUS DENSITY UNITS THROUGH THE CASH CONTRIBUTION OPTION FOR AFFORDABLE HOUSING ON LAND LOCATED AT 4612 BONITA BEACH ROAD, BONITA SPRINGS, FLORIDA, (STRAP NO. 32-47-25-B4-00056.0010), on 0.72 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

2:02:09 PM City Attorney Audrey Vance read the title block of the Zoning Ordinance into the record, noting that the title block did not reflect the request today, which involves a reconsideration of the request.

2:03:44 PM Attorney Richard Yavanovich, representing Blue Marlin Cove, addressed their request for reconsideration, which is to allow 7 units instead of 9. They are also eliminating the variance for the side covered parking, and reducing the number of boat docks to 7. They are also agreeing to the cross access in the front.

2:06:17 PM Council Member Simons motioned approval of the Zoning Ordinance; Council Member Nelson seconded; and the motion carried 6-1 (Council Member McCourt dissenting). **ADOPTED ZONING ORDINANCE NO. 07-15**

V. ADJOURNMENT

There being no further cases to discuss, the meeting adjourned at 2:10 P.M.

Respectfully submitted,

Debra Filipek, Recording Secretary

APPROVED:

BONITA SPRINGS CITY COUNCIL:

Date: 11-7-07

AUTHENTICATED:

Jay Arend, Mayor

Dianne J. Lynn, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME- FIRST NAME- MIDDLE NAME [illegible]trick McCourt	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Bonita Springs City Council
MAILING ADDRESS CITY OF BONITA SPRINGS **9101 Bonita Beach Road, Bonita Springs, FL 34135**	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF **X CITY** COUNTY OTHER LOCAL AGENCY
CITY COUNTY **BONITA SPRINGS, LEE**	NAME OF POLITICAL SUBDIVISION **BONITA SPRINGS**
DATE ON WHICH VOTE OCCURRED October 22, 2007	MY POSITION IS: ☒ **ELECTIVE** **APPOINTIVE**

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing Page 2 and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained.); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, co-owner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTING WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Patrick McCourt, hereby disclose that on October 22, 2007:

(a) A measure came or will come before my agency which (check one)

_X_ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Love and Love Enterprises, LLC. (VAR 2007-00017) is a zoning case in which I own property in the Bay Road neighborhood, of which the parcel is greater than 1% of a small neighborhood.

10/30/07
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES 112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR OR MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING; IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

City of Bonita Springs
Board for Land Use Hearings & Adjustments
And Zoning Board of Appeals
Friday, September 7, 2007
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, FL 34135
MINUTES

I. CALL TO ORDER

Chairwoman Chris Bielski called the meeting to order at 9:00 A.M.

II. INVOCATION

Board Member James Brandreth furnished the invocation.

III. PLEDGE OF ALLEGIANCE

Chairwoman Bielski led in the Pledge of Allegiance.

IV. ROLL CALL

Chairwoman Bielski and all Board Members were in attendance, except for Board Member John Mathes.

V. PUBLIC HEARINGS:

A. 9:00AM CASE NO. DCI2006-00082

CASE NAME: BONITA EXCHANGE

REQUEST: Request to rezone approximately 23.81 acres from Commercial Planned Development (CPD), Commercial Tourism (CT), and Agriculture (AG-2) to Commercial Planned Development to permit the development of a 300,000 square-foot commercial development to include retail and offices uses and a 125 room hotel. Maximum height is 50-feet or 4 stories.

LOCATION: The subject property is located at 12025 Bonita Beach Road S.E. and the following street numbers for Quails Nest Lane: 28090, 28110, 28170, 28190, 28191, 28230, 28231, 28250, 28270, 28271, in S06-T48S-R26E, Bonita Springs, FL.

STRAP NO.: The applicant indicates there are numerous and varied STRAP numbers which are on file and available for inspection at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL.

SIZE OF PROPERTY: 23.81 acres

STAFF REPORT: Direct inquiries to Josh Philpott, Senior Planner, (239) 533-8365, at the Lee County Department of Community Development, 1500 Monroe St., Ft. Myers, FL.

TRANSCRIPT ATTACHED

9:03:49 AM City Attorney Audrey Vance introduced the case, read the request into the record, and placed all witnesses under oath.

9:14:35 AM Dan Delisi, representing the Applicant, addressed the request, which is to rezone 23.81 acres from Commercial Planned Development (CPD), Commercial Tourism (CT), and Agriculture (AG-2) to Commercial Planned Development (CPD) to permit the development of a 300,000 square-foot commercial development to include retail and office uses, and a 125 room hotel. The subject property is located in the Interchange Commercial land use category, which is designated for intense commercial uses, as well as uses intended for the traveling public.

He next addressed the Master Concept Plan (MCP) which he stated has been designed in a way to ensure compatibility with the surrounding uses. He agrees with Staff's analysis in that the request is consistent with the Comprehensive Plan, specifically Policy 1.1.15, Interchange Commercial. He added that buffers are not typically required between commercial and multi-family uses per the Land Development Code. He concluded by stating that the project is a redevelopment project of the existing uses, noting that most of the property is already zoned for similar uses.

9:27:46 AM Board Member Bill Pescosolido requested a clarification on design guidelines for the project. Mr. Delisi responded that was something that was addressed at time of development order. The development will conform to the new guidelines. He referred to a condition that requires the hotel to have a primary façade.

9:29:46 AM Board Member Wes Norris referred to Quails Nest Lane, questioning the existence of residential structures in this area. Mr. Delisi responded that there was one house there that is owned by the commercial nursery to the north. There are also two houses that are being redeveloped as part of this project that are currently boarded up.

9:37:41 AM Craig Schmittler, with WilsonMiller, also representing the Applicant, addressed existing and proposed environmental conditions. The northeast corner, near Waffle House, has been entirely cleared. There exist a total of seven (7) gopher tortoise burrows, with only three (3) active burrows. They will obtain permits from the Army Corps. of Engineers for a relocation permit to relocate the gopher tortoises.

9:39:48 AM The Land Development Code requires 4.76 acres of open space. The Applicant is providing 2.78 acres and 2.89 acres of common open space. The total southwest corner is being restored. The only Deviation they have requested is for an "F" type buffer for the southern boundary. Deviation 3 is to deviate from LDC 3-416(D)(4) to allow hedges to be installed at less than 48 inches within the "F" buffer type. The intent is to plant 255 wax myrtles (3-gallon size) to establish a continuous hedge across the southern property boundary. Plantings will be encouraged to grow to a minimum 60-inch hedge as required.

9:44:57 AM Chairwoman Bielski referred to the area adjacent to the Vasari Preserve and asked whether that was accessible to the residents of Vasari. Mr. Schmittler stated that was an area he didn't feel they had access to, as it was very thick now with vegetation consisting of Cypress and cabbage palms.

9:48:38 AM Scott Kearney, also representing the Applicant, stated that the entire site is located within the Imperial River Drainage Basin. It is not in a flood plane. The idea is that the peak discharge rate will be fairly limited and will result in a better situation than what currently exists on the site today. It will result in improved water quality.

9:57:31 AM Ted Treesh, also representing the Applicant, addressed transportation. The initial traffic study for the project was done by WilsonMiller, which indicated that Bonita Beach Road, at build out of the project, will operate at acceptable standards, with this section operating at a Level of Service "C." He noted that this entailed a portion of Bonita Beach Road that was recently widened.

9:59:52 AM Referring to the aerial photograph he addressed access. The Applicant is required to construct a reverse frontage road from the project to the Imperial/Livingston corridor. He showed the connection that was required to be made at the time parcel 5 was developed. Other improvements will be required at time of development order – improvements to Quails Nest Lane. Quails Nest Lane off Bonita Beach Road becomes an immediate curve. The intent is to redo the road to have it run straight into the project. They will maintain Quails Nest lane as access to parcels that are not part of their project. They will also add additional turn lanes, etc.

He next addressed the Applicant's requested revisions to Staff's Conditions, as reflected in the letter from Neale Montgomery, with the Pavese Law Firm (copy in Clerk's file). The intent of the revisions is to clarify Staff's conditions, which they believe are ambiguous and open ended. All the revisions reflected conform to the study the City of Bonita Springs had done by URS with respect to the interchange. A lengthy discussion ensued with respect to transportation, specifically Conditions 4. a. through h.

10:40:24 AM Board Member Wes Norris commented on traffic, stating that the situation may be different two years from now and should be addressed at "DO" stage, as that may help with a lot of the issues.

11:00:28 AM Kevin McGraw, one of the owners from Michigan, stated that he saw the site as an opportunity. It entails seven different owners and 13 different properties. He addressed problems with criminal activities on the site.

11:04:23 AM Josh Philpott, Zoning Division, furnished an overview of the Staff Report, addressing the request, zoning of the site, it's location and history of the site. The site is located in the Interchange land use category, which allows for the traveling public to have commercial uses as well as other intense commercial uses. The maximum floor ratio in the Interchange land use category is 1.2 (for every square foot they can have 1.2 square feet of commercial development). The proposed rezoning is for 300,000 square feet of commercial uses and depicts an approximate .28 floor area ratio, or one-third of the permitted floor area ratio. This does not include the floor area ratio for the hotel, however, there's an available 944,000 square feet of commercial to meet the 1.2 floor ratio. It is not anticipated that a 125 room hotel will come close to the 944,000 square feet.

The project is unique due to its location on an arterial road, which is one of the heaviest traveled roads in the City of Bonita Springs, as well as I-75, also a major arterial road. The project entails redevelopment of the site that is currently developed with a vacant hotel. There are two outparcels that are not subject to this rezoning along Quails Nest Lane – a convenience food and beverage station and a Waffle House restaurant. To the east of Quails nest lane is a commercial nursery that operates off the property, as well as an office and a caretaker's residence for the commercial nursery. It's a unique situation in dealing with redevelopment in an intense future land use category, with some existing uses that are not intended for the Interchange land use category. Today agricultural/commercial nurseries are not intended to be located in the Interchange commercial. In review of this application, it was a task between Staff and the Applicant to deal with compatibility issues as well as operational issues for the commercial shopping center, the hotel, and the existing commercial nursery with the caretaker's residence. Staff has included several conditions requiring maintenance and improvements to Quails Nest Lane, which is currently a dirt road. As part of the redevelopment of the site, drainage will also be improved and will be brought into compliance with the Land Development Code, as well as State regulations.

He next addressed the zoning history of the site. In 2006 an extension was granted to the CPD, which is to expire on March 15, 2008. An additional extension can be granted through the public hearing process. The original CPD was not constructed, but some of the water management was installed, with the majority of the area to the south and west being vegetated. There are two water management lakes that are to be modified as part of the Master Concept Plan (MCP) to be incorporated into the development. He further addressed the conditions and deviations, compliance with the City's Comprehensive Plan, etc. Staff's recommendation is for approval with conditions.

11:30:25 AM Andy Getch, Lee County Department of Transportation, addressed traffic conditions and the unique aspects of the project. The site is located at the interchange, which makes the project somewhat unique compared to the typical shopping center that may have a driveway directly onto Bonita Beach Road and/or Imperial Street. This project is connecting to Quails Nest Lane. Staff is recommending an interconnection to the west to Saradrienne Lane/Downs Drive. The conditions are attempting to address the intensity of traffic that will be generated because of its location. There are going to be impacts that would reach well beyond the immediate driveway. He next referred to the memorandum from the Pavese law firm reflecting their proposed revised conditions. LCDOT agrees with the City Attorney's summation regarding Condition 4. a. Condition 4. b. noting that their proposal is to change "eastbound" to "westbound." The reason for Conditions 4.a. and 4. b. regards what's occurring beyond Quail's Nest Lane. A lengthy discussion ensued on issues relating to traffic.

11:39:56 AM Board Member Wes Norris referred to Condition 8. and suggested the following language: Condition 8. Approval of this zoning request does not address the mitigation of the project's vehicular or pedestrian traffic, but it will include Bonita Beach Road, the I-75 Interchange, Quail's Nest Lane and Saradrienne Lane. Additional conditions consistent with the Bonita Springs LDC may be required to obtain a local development order.

11:44:41 AM Board Member Robert Incerpi questioned the amount of traffic that would be generated by the project. Mr. Getch responded about 1,000 new P.M. trips and 1,336 trips in and out. On a daily basis about 14,000 per weekday and 17,000 on a Saturday, based on the traffic study. The Level of Service would remain at "C" even with this project.

11:50:12 AM Mohsen Salehi, the City's Traffic Consultant, addressed the traffic conditions per his electronic message to Josh Philpott (Attachment E to the Staff Report), which reflects the following additional conditions to those listed by LCDOT. His additional conditions are as follows:

a) The applicant will assume the maintenance responsibility for Quails Nest Lane upon the vacation of the City maintained segment and provide appropriate cross access easements to all existing uses and parcels, not part of the proposed development; and

b) The application will accommodate the accessibility of all impacted uses and parcels, not part of the proposed development, and provide appropriate and additional cross access easements, upon the evaluation of FDOT/LCDOT for the closure and/or directional movements limitations of the Quails Nest/Oakland and Bonita Beach Road intersection (e.g., one way operation via streets internal to the development so that Quails Nest Lane may operate as a right-in/right-out only, if needed.

He stated that inclusion of the conditions in a development agreement would be acceptable. Chairwoman Bielski questioned whether a development agreement would cover all the bases. City Attorney Vance responded that the developer's agreement would cover specifics so that the parties are clear as to what infrastructure requirements they would be responsible for. It does cover more than transportation as well as other issues, i.e., schools issues, etc. The contribution could include caps and language regarding the improvement. Overall, it would include specifics so that the parties are very clear as to what they agreed to. Additionally, it would provide vesting and certainty to the Applicant providing them with a comfort level. She next briefly addressed the development agreement process.

Public Comments were next taken, followed by discussion by the Zoning Board.

1:00:44 PM Chairwoman Bielski agrees that this involved a blighted corner. She feels the proposed development would be a vast improvement in terms of what exists there now. She is, however, sympathetic of the concerns raised by residents of Worthington regarding Bonita Beach Road and traffic. She is inclined to approve the project, as she feels it's well planned in terms of access, drainage, and that there are items in place to ensure that this does not cause a worse traffic situation on Bonita Beach Road. She is for getting rid of the blight and putting in something that makes sense.

That became the demarcation point on the Hickory Boulevard side where they could build. The stairs and dwelling was moved back toward Bay Road from the onset.

As far as the pool process was concerned, when the home design phase was underway he focused on the design of the pool with Barnes Pools. It was decided to delay the pool commencement until the roof and the rear elevation work was complete to eliminate the possibility of any fall hazards to the workers. In November 2006 Barnes Pools applied for and received a pool permit with the guidelines provided by the County. Preparation occurred and garage doors were put in place, doors placed on the house, the stairs were put in the front behind the 1978 CCCL as advised. The front pavers were put on the Hickory Boulevard side and landscaping was put in as well. Rear doors were also installed to face the pool. In early March he directed his general contractor to set up a meeting with Barnes Pools and himself to discuss the timeline for completion and the pool dig schedule, based on the issued permit. Barnes Pools then checked all permitting and found out that it had been recinded. He then attempted to find out why the pool permit was rejected. They were told first of all that the issuing plans reviewer was no longer with the County. Overall, in talking to the County they discovered that Bay Road doesn't show up on a County computer when you pull up his lot.

As far as hardship is concerned, it's an obscure lot, there are two CCCL lines, there was confusion at the County level regarding the lines, there are two roads front and back, and it's adjacent to two lots. Early indications from Lee County was that all construction occur behind the 1978 line. The Staff Report recommends and suggests that they should have picked up on the 1991 line sooner, but they did not. In November 2006 he applied for a pool permit, received a pool permit, made all the expenditures to accommodate a permitted pool, then three months later the permit was recinded. The house at this point was literally built around the concept. He doesn't not believe that the pool would in any way, cause a detriment or be injurious to the neighborhood. The plan is for the pool to be fenced in, inclusive of 6-foot high cocoa palm hedge so as to be consistent with the hedge in the front to obstruct any view of the pool. He personally doesn't see the harm with a variance that supports a small backyard and a very small and fenced in pool. The alternative is a house with driveways in both the front and back, which could be argued as an eyesore and be injurious as well.

Board Member Robert Incerpi referred to Mr. Love's statement that his contractor used the 1978 CCCL, but Staff indicates that his contractor used the 1991 CCCL. Mr. Love responded that he was informed that the stairs and the house structure were built behind the 1978 CCCL. The Staff Report suggests that if they followed the 1991 CCCL they could have moved the house up and there would have been room for the pool in the back.

In response to Chairwoman Bielski's question, Mr. Love stated that they were told by the County when they submitted for permitting that they needed to be landward of the 1978 CCCL, and that the CCCL transected the site. If the permit had been rejected for specific reasons, that would have given him time to not put in the pavers, do something different with the stairs on Hickory Boulevard side. Now he is looking at expenses toward a variance for putting in a very small swimming pool. Chairwoman Bielski asked whether he stated it was an option to place the pool seaward of the 1978 CCCL. Mr. Love stated that his problem is that to accommodate that now, he would have to remove garage doors, doors, stairs, and take out a front driveway full of pavers.

PUBLIC COMMENTS:

3:53:14 PM Jeffrey Barnes, a resident of Cypress Lane, spoke opposed to the request for reasons that relate to safety. He also addressed a letter from Donna and Marilyn Andrews (copy in Clerk's file) who are also opposed to the request in that they feel it would look strange for a high fence to protrude out into the view of the street.

3:59:10 PM Virginia Barnes, concurs with statements by her husband. She agrees with Staff's recommendation of denial.

4:00:04 PM Richard Holst stated he contests the request because of the small size of the lots in the area. He feels the setbacks are there for a reason.

4:01:03 PM Pat McCourt, Council Member for District 3, expressed his strong opposition to the request. He feels granting the variance would set a bad precedent in the neighborhood. He addressed the letter (copy in Clerk's file) from Susan Walch expressing her opposition for reasons which also relate to safety and traffic from Harmony Lane down Bay Road, where cars speed to get to the public boat ramp.

4:02:48 PM Michael Scroggins, the builder for the project, stated that they applied for the building permit at the County and were rejected because of the setback. When they received the rejection they had to move the stairs back to be behind the CCCL. The option to go to the other CCCL (1991) was never told to them. The could have avoided the need for a variance, as they would have set this thing forward, which would have given them the extra 11 feet in the back and there would have been no problem. Overall, they were misled, and would have complied.

4:05:01 PM Mr. Lamey reiterated that there existed other similar properties that have complied with the regulations. He stated it was not a County error.

4:07:28 PM Board Member Incerpi asked whether the contractor and applicant were aware that they had to have the proper permitting from the State. Mr. Love responded that, to his knowledge, most contractors and builders are aware of that. Barnes Pools were in business for over 20 years. He feels they should have been aware that they needed to submit a site plan to the County. The site plan submitted to the County would have been similar to that included in the Staff Report, however, he explained that they cut off the Bay Road portion of the site plan, so it doesn't show the entire area. Overall, he doesn't believe there was a County error, as it was just an error on the part of the contractor/builder. Board Member Incerpi stated he felt that the Applicant should go after Barnes Pools.

4:08:34 PM Board Member William Pescosolido feels the pool can be placed in a conforming portion of the lot, with minor difficulties. He feels the variance would be a mistake in this neighborhood which consists of small lots, with everyone else conforming.

4:11:47 PM Chairwoman Chris Bielski stated she owned property at 6020 Hickory Boulevard and would, therefore, abstain from the vote.

4:13:35 PM Board Member Robert Incerpi motioned to uphold Staff's recommendation of denial; Board Member Bill Pescosolido seconded; and the motion carried 4-2 (Chairwoman Chris Bielski abstained from the vote; and Board Member Wes Norris not in attendance).

E. 4:00PM CASE NO. VAR2007-00021 **NOTE: TENTATIVELY CONTINUED TO NOVEMBER 2, 2007**

CASE NAME: FORESTER DR WATER BODY SETBACK

REQUEST: Variance on three lots, in the Residential Single-Family (RS-1) zoning district, to allow a 8.5-foot waterbody setback where 25-feet is the minimum waterbody setback, per the City of Bonita Land Development Code Section 34-695 and 34-2194.

LOCATION: 27824, 27828, 27832 Forester Drive, in S31-T47S-R25E, Bonita Springs, FL.

STRAP NO.: 31-47-25-B4-002N0.0160, 31-47-25-B4-002N0.0170, & 31-47-25-B4-002N0.0180

SIZE OF PROPERTY: .26 acres

STAFF REPORT: Direct inquiries to Shawn Lamey, Senior Planner, (239) 533-8984, at the Lee County Department of Community Development, 1500 Monroe St., Ft. Myers, FL.

VI. APPROVAL OF MINUTES: 05/04/07 and 08/03/07

Board Member Pastore motioned approval of the Minutes; Board Member Incerpi seconded; and the motion carried unanimously.

VII. ADJOURNMENT:

There being no further cases to discuss, the meeting adjourned at 4:40 P.M.

Respectfully submitted,

Debra Filipek, Recording Secretary

APPROVED:
ZONING BOARD

Date: 11/2/07
AUTHENTICATED:

Vice Chair

Chris Bielski, Chairwoman

Dianne J. Lynn, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME- FIRST NAME- MIDDLE NAME istine Bielski	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Bonita Springs Zoning Adjustment Board
MAILING ADDRESS 27566 HICKORY BLVD BONITA SPRINGS FL 34134	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF **X CITY** COUNTY OTHER LOCAL AGENCY
CITY COUNTY **BONITA SPRINGS, LEE**	NAME OF POLITICAL SUBDIVISION **BONITA SPRINGS**
DATE ON WHICH VOTE OCCURRED September 7, 2007	MY POSITION IS: **ELECTIVE** **X APPOINTIVE**

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing Page 2 and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained.); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, co-owner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTING WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Christine Bielski, hereby disclose that on September 7, 2007:

(a) A measure came or will come before my agency which (check one)

_X_ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Love and Love Enterprises, LLC. (VAR 2007-00017) is a zoning case in which I own property in the Bay Road neighborhood, of which the parcel is greater than 1% of a small neighborhood.

9/7/07
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES 112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR OR MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING; IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, A CIVIL PENALTY NOT TO EXCEED $10,000.

pool decking cannot exceed 42 inches , which is 3.5 feet above the centerline elevation of the road. He put together the application in an effort to address the lots that exceeded the height limitation via a single variance. He referred to the previous variance that was granted for Lot 16.

1:22:05 PM Lisa Hines, Zoning Division, presented the Staff Report. She began by furnishing affidavits for the two owners of Lot 15. She stated that the Land Development Code does require 75% of the total number of lot owners request the variance for the entire subdivision. Staff was not able to obtain all of those affidavits, however, Staff is here representing 16 of the parcels that will permit the property owners to either complete swimming pools under construction, or obtain permits to construct a pool.

The subdivision is surrounded by water and is located in the Coastal High Hazard Zone, which requires that the structures be built a minimum of 11 feet above grade, which also requires that the pools be constructed 11 feet above grade. This has created the need for the variance to allow the swimming pools to be constructed a maximum of 50 inches above grade, where the LDC permits a height of 42 inches above grade. Staff has recommended approval of the 16 parcels as identified in the Staff Report, with the 4 following conditions:

1. The variance request is limited to a height of 4.2 feet or 50 inches above grade, an increase of eight (8) inches from the permitted 3.5 feet or 42 inches.
2. The variance request includes Lot Numbers 3, 6, 7, 8, 10, 12, 14, 15, 21, 22, 25, 29, 30, 32, 35 and 37. The variance will legitimize existing pools in order to permit renewal of applicable permits and Certificates of Completion as well as provide relief for pools under construction and future development of vacant parcels.
3. The swimming pools and enclosures must meet all other development standards as established in the City of Bonita Springs Land Development Code (LDC) governing accessory uses including, but not limited to, setbacks, building codes, state codes, safety measures and other applicable requirements.
4. If applicable, the property owners or developers must renew expired pool permits to allow for final inspections and issuance of Certificates of Completion.

1:25:06 PM Mike Townsend stated that there are several homes that are already built that have pools that have permits. There are 21 empty lots in the subdivision, of which 18 are owned by Flippers. Getting 16 of the 21 is great.

1:25:48 PM Board Member Pete Pastore motioned to uphold Staff's recommendation of approval, as conditioned; Board Member Robert Incerpi seconded; and the motion carried unanimously.

C. 1:00PM CASE NO. DCI2005-00113

CASE NAME: BONITA 30 RPD

REQUEST: Rezone 23.56+/- acres from AG-2 (Agricultural) to RPD (Residential Planned Development) to allow 138 Two-family attached, Townhouse and multi-family dwelling units with associated amenities with a maximum building height of 60 feet.

LOCATION: 25251 Tropic Acres Drive, in S23-T47S-R25E, Bonita Springs, FL.

STRAP NO.: 23-47-25-B2-00002.0000

SIZE OF PROPERTY: 23.56 acres

STAFF REPORT: Direct inquiries to Chahram Badamtchian, Senior Planner, (239) 533-8372, at the Lee County Department of Community Development, 1500 Monroe St., Ft. Myers, FL.

2:16:52 PM City Attorney Audrey Vance introduced the case, read the request into the record, and placed all witnesses under oath. Alicia Lewis, an environmental scientist with Boylan Environmental Consultants, entered her resume' into the record.

2:21:22 PM Attorney Charles Basinait introduced his expert witnesses, including Patrick Vanasse (land use), Alicia Lewis (Environmental), Ted Treesh (transportation). The request is for a rezoning to Residential Planned Development (RPD) for a 23.56 acre site located along the Three Oaks Parkway, north of Bonita Beach Road, in the section of Three Oaks that has not yet been opened. They are seeking approval to allow the construction of up to 138 dwelling units (two-family attached). The Staff Report reflects a recommendation of approval, which they agree with. The Staff Report also reflects a number of conditions and deviations. He referred to an e-mail that includes a number of revised conditions and deviations he sent to Staff, who agreed to all the changes (copy in Clerk's file).

2:24:59 PM Patrick Vanasse next addressed, via a PowerPoint presentation (copy in Clerk's file), the changes made to the conditions and deviations reflected. He also addressed the site plan, Comprehensive Plan consistency, and consistency with the Land Development Code. The site is constrained due to two takings. Access is to be from Three Oaks Parkway. The required amount of open space is 9.42 acres, with the Applicant providing a total of 10.41 acres. The amount of indigenous preserve required is 4.71 acres, with the Applicant providing 7.08 acres of indigenous and restored/created habitat. The contiguous preserve will provide a connection to properties to the north and south. The preserve will also provide significant buffering from adjacent properties and Imperial/Three Oaks Parkway and I-75. There will also be a loop road for efficient circulation.

Addressing drainage, he stated that there is to be one large water management lake in the center of the site. The project will attenuate and treat all water on-site. A controlled discharge will be made to the existing drainage swale on the southeast corner of the property. The system overall, will be designed to meet or exceed the standards for the City and the South Florida Water Management District. The multi-family residential tract will consist of two family attached, townhouse and multi-family dwelling units, as well as accessory residential uses. The amenity center tract will be developed with a clubhouse, recreational amenities and a temporary sales center. The preserve tract will consist of indigenous habitat and a gopher tortoise preserve.

With respect to compliance with the City's Comprehensive Plan, Policy 1.1.8 is intended to accommodate multi-family, modular and manufactured housing, and existing mobile home and recreational vehicle parks up to a maximum density of 10 units per acre. The residential will be slightly less than six units per acre which is consistent with the base density of six dwelling units per acre and the maximum density of 10 dwelling units per acre. The maximum height limitation of 35 feet will be for the area adjacent to the residential on the western boundary and 60 feet for the remainder of the property which is less than the maximum allowed height of 75 feet.

Policy 1.11.1 is titled "Availability of Public Facilities and Services." The project will be serviced by Bonita Springs Utilities, who has sufficient capacity for the project. Policies 1.14 and 1.14.2, address limits on Urban Sprawl, increase Densities between Old U.S. 41 and I-75, Encourage infill, development redevelopment west of I-75.

Policy 1.1.3 addresses level of service standards. The Level of Service on Imperial/Three Oaks Parkway is unaffected by this project and remains at level "B," which exceeds the adopted Level of Service standard.

Goal 7, Resource Protection, Objective 7.1.1 and Policies 7.2.4, 7.2.6, 7.2.7, and 7.2.9 emphasizes protection of viable high quality plant communities, protection, and maintenance of natural systems. The site plan, proposed open space and preserve are consistent with the intent set forth in this section. Objectives 7.4 and 7.8 address wildlife and endangered and threatened species, and gopher tortoises. The Environmental Assessment and Protected Species Management Plan address how the project complies

with the Land Development Code regulations regarding the presence of listed species or species of concern on the subject property. The gopher tortoises will be preserved on site.

Objective 9.2 addresses watershed management protection. The proposed project will obtain a surface water management permit from the South Florida Water Management District, which regulates surface water discharge volumes from the property including the acceptance of off-site flows at historic flow rates. By virtue of obtaining this permit, the project will demonstrate consistency with Objective 9.2 regarding watershed management plans.

With respect to consistency with the Land Development Code, he stated that the project meets or exceeds the performance and locational standards set forth in the Land Development Code. It is also consistent with the planned development criteria, and will not adversely affect environmentally critical areas or natural resources. Their requested deviations, as conditioned, will enhance the objectives of the planned development, preserve and promote the general intent of the Land Development Code, and protect the public's health, safety and welfare.

Addressing next compatibility with the surrounding uses, he stated that the site is the ideal location for the proposed multi-family uses, abutting a major arterial (Imperial Parkway) and across from I-75 on the east. There are water management ponds and vacant agricultural lands to the north. To the south are vacant agricultural lands followed by a mixed planned development. There are single-family uses to the west. The project will be developed with a unified architectural theme.

He next addressed the conditions and deviations as revised and reflected in the Applicant's submittal (copy in Clerk's file).

2:58:28 PM Alicia Lewis, representing the Applicant, addressed environmental issues. The 23.56 acres site has been highly disturbed in nature and contains considerable exotic infestation. Additionally, it's been used by all terrain vehicles with several trails on the site. The site contains pine flatwoods, disturbed pine flatwoods, exotic wetland hardwoods, hydric disturbed lands, spoil areas, a portion of a dirt road, and primitive and hydric trails.

Regarding protected species on the site, four butterfly orchids were identified, and one active gopher tortoise burrow. With the management plan as proposed, no impacts to any of the protected species are anticipated. All of the butterfly orchids will be relocated into the preserve area, which has been designed to accommodate the gopher tortoise burrow. Additionally, the design of the preserve, with the gopher tortoise burrow, depicts a 25-foot setback around the burrow as required by the Fish and Wildlife Conservation Commission for gopher tortoises without being relocated. The preserve was also designed to continue to provide a wildlife corridor to the properties to the north and south. It also will help to buffer the single-family residences by reducing visibility and noise.

The 7.8 acre is more than the required amount of preserve area and includes 3.39 acres of enhancements, 1.13 acres of restoration areas, and 2.56 acres of creation areas. A portion of the creation area along the southwest boundary is 30 feet by 800 feet and meets the specifications of a Type "F" buffer, which requires trees to be 3 inches in circumference at a minimum of 12 feet tall installed. The shrubs are required to be 3-gallon in size and a minimum of 48 inches in height to be installed as a double standard hedge row. Within one year the shrubs are required to reach 60 inches in height and be maintained at that height. Any impacts that occur to the wetlands on the property will be mitigated with the South Florida Water Management District during permitting. There are no anticipated impacts to protected species with the management plan, and the project was designed to reduce the amount of impacts to the nearby residences by providing the additional buffer area and preserve along that side.

3:02:54 PM Chahram Badamtchian, Zoning Division, addressed the Staff Report. The subject property consists of 23.56 acres and is located in the Medium Density land use category of the Comprehensive Plan, which allows up to six units per acres without bonus density. The Applicant's request reflects a density of 5.8 dwelling units per acre. The request is to allow the development of 138

two-family attached dwelling units on the site. The project complies with the goals and objectives of the City of Bonita Springs Comprehensive Plan.

As conditioned, the project will not impact the neighboring developments. The Bonita Springs Fire District has indicated their desire for a secondary access from Old Squaw Lane, which Staff would not prefer. Staff believes that if Strike Lane is built up on both sides they can come from Old 41 Road near the station, to Strike Lane and to the development. However, if only built at one end they would have to access through the neighborhoods, Three Oaks, etc., and would result in an additional 3 to 5 minutes response time. Overall, if Strike Lane is not open at both ends, they would rather have emergency access from the back. He further explained.

The Applicant has also requested a height of 60 feet, 200 feet from the development, which would go down to 35 feet. Staff included a condition to require a 35-foot height for the first 250 feet from the west, near the single-family homes.

The Applicant has also requested seven deviations, but withdrew one, resulting in six deviations. Staff reviewed the deviations and have recommended approval with conditions. Staff has found the requested deviations will enhance the development. Staff has recommended approval of the Applicant's request as conditioned. In response to Mr. Basinait regarding the e-mail dated September 6, 2007 reflecting their proposed revised conditions and deviations, Mr. Badamtchian responded that he had no objections. The environmental conditions have been agreed to by the County's environmental Staff. He further agreed that it was his opinion that the request is consistent with the provisions of both the Comprehensive Plan and Land Development Code, and that it was compatible with the surrounding properties as well.

Chairwoman Bielski questioned whether there was an elevation requirement for the homes. Mr. Badamtchian responded they would have to comply with FEMA elevations.

PUBLIC COMMENTS:

3:09:35 PM Victoria Nicklos, the owner of a single-family lot on Killdeer Drive, spoke against the development of a 5-story building in her backyard, which she stated will not enhance her property value, but instead result in a negative impact. She and her neighbors are against that. With respect to the Type "F" buffer, she feels the hedge at 5 feet in height is not much of a buffer. Her main concern regards runoff with the flooding that has occurred in this area. Although it's suppose to be contained, she doesn't feel it will be contained and will result in water going over onto the single-family yards and residences. She would like a guarantee that should this be a problem, that there is money to help fix the problem. Their road is a private road. She would prefer to see single-family uses instead of multi-family uses developed on the site, which she feels would be much more attractive. They further feel the density proposed is too high. She also disagrees with the deviation 2 to allow emergency vehicles access on Old Squaw Lane because of the safety of children in the area.

3:13:16 PM Leighanna Knoll, a resident in the area, stated she was present representing six other neighbors as well. Her residence is located where the buffer would end. She has two issues. Her first concern regards density. If the property was to be developed with single-family or two-family attached, they would be much more relaxed about the development, which would assure against flooding issues. They are also concerned about their property values. She has a pool that will be facing a 60 foot high building. The other issue regards noise associated with 138 units. It would also result in lights from cars, building lights, etc. Her development does not have a homeowner's association. Another concern regards problems with their development being predisposed to flooding problems and issues. Although she is sure there are people who are ensuring that won't happen, she is still uneasy. To conclude she would like to have development changed to single-family or two family attached to make them comfortable to ensure their property values and quality of life doesn't go down. Secondly, because of the flooding concerns, she would suggest funds be put aside for any affects to their single-family development if needed. Lastly, she would ask that the Type "F" buffer continue up beyond the area where the condominiums are to be located, perhaps one lot beyond, to help visually.

3:20:13 PM Board Member Wes Norris left the meeting.

3:20:03 PM Mr. Basinait next responded to concerns raised.

3:26:12 PM Board Member Incerpi spoke in favor of the development.

3:26:22 PM Board Member Pescosolido stated he sees it as a good plan and that they will be good neighbors.

3:26:56 PM Board Member Incerpi motioned to uphold Staff's recommendation of approval; Board Member Pete Pastore seconded; and the motion carried unanimously. (Board Member Wes Norris not in attendance).

D. 3:30PM CASE NO. VAR2007-00017

CASE NAME: LOVE & LOVE ENTERPRISES, LLC

REQUEST: Variance in the Single-Family Residential (RS-1) zoning district to allow a pool with a setback of 10 feet, where 25 feet is the minimum setback requirement, per LDC Section 34-1174(b)(2)

LOCATION: The subject property is located at 26541 Hickory Boulevard, in S25-T47S-R24E, Bonita Springs, FL.

STRAP NO.: 25-47-24-B3-00200.0070

SIZE OF PROPERTY: 6,000.00 sq. ft.

STAFF REPORT: Direct inquiries to Shawn Lamey, Senior Planner, (239) 533-8984, at the Lee County Department of Community Development, 1500 Monroe St., Ft. Myers, FL.

3:36:35 PM Joe Faerber, Assistant City Attorney, introduced the case, read the request into the record, and placed all witnesses under oath.

3:41:02 PM Shawn Lamey, Zoning division, presented the Staff Report. The subject property is located at 26541 Hickory Boulevard. The request is for a variance for a pool with a 10-foot setback instead of the required 25-foot setback. Staff evaluated the request in the context of the Applicant's narrative, and has concluded that there are other lots with pools that have maintained the 25-foot setback. The location of the pool would be incompatible with the neighborhood and streetscape. Staff feels that the site can accommodate a pool without the need for a variance. Based on staff's findings and conclusions, Staff has recommended denial of the requested variance.

3:44:03 PM Todd Love, the owner and occupant of the house along with his five year old and 3 ½ year old children. He began by addressing the building process. He was a former occupant of the dwelling that use to be on the site and decided to build a larger house for his children and himself. He found an architect and a builder to accomplish the task. When they began building they discovered that it was an obscure lot of 120 feet by 50 feet. It has a Hickory Boulevard address with Hickory Boulevard located to the west and Bay Road to the east. It's also adjacent to other lots to the north and south. Directly behind it to the east are mangroves. There are also two coastal construction control lines (CCCL) associated with the property - a 1991 line and a 1978 line.

Referring to the CCCL lines, he explained that it was not clear during the initial permitting process, and during the coarse of building, which line they were to go by. When the plans were originally submitted they were returned for them to move the entire structure and all building behind the 1978 line.

1:02:31 PM Board Member Pescosolido suggested adoption of Board Member Norris' suggested revised language for Condition 8. He feels the proposal is good with respect to improving a blighted area. He can see concerns regarding of motorists and traffic, especially with the situation that will be occurring more to the east near the interchange. He feels there needs to be a better way to measure traffic, and to fund the improvements that are needed now. Overall, he is in favor of the proposal.

1:04:59 PM Board Member Norris asked whether the South Florida Water Management District would have jurisdiction over any additional improvements made. City Attorney Vance responded yes. Board Member Norris spoke in support of the request.

1:10:20 PM Board James Brandreth also spoke in support of the project. He sees it as a very well thought out plan, involving infill development.

1:11:47 PM Board Member Incerpi also spoke in support of the project, which he feels portrays a good plan. He is concerned, however, with placing an additional 1,700 trips on this road, with additional development down the road. He feels the need to address the issue of traffic in this area and the need for something to be done about it.

1:12:59 PM Board Member Pete Pastore supports the project, noting that the traffic conditions speak to appropriating money for sidewalks, etc. He suggested deleting it and let it be brought up at time of development order.

1:15:40 PM Board Member Norris motioned to approve the request, with the revision to Condition 8., and with Conditions 4. to be worked out further to be presented to City Council to allow them to look at both issues; Board Member Pastore seconded; and the motion carried unanimously.

B. 11:30AM CASE NO. VAR2006-00006

CASE NAME: PARADISE VILLAGE

REQUEST: Variance from the City of Bonita Springs Land Development Code (LDC) Sections 34-1176(b)(1)b.1 and 34-2171 to permit construction of pool decks 50" above grade where the LDC requires a height of 42" above grade. (Lots 3, 6, 7, 8, 10, 12, 14, 21, 22, 25, 30, 35 and 37)

LOCATION: The subject property is located at the Southside of West Terry Street approximately 1 mile east of US 41, in S37-T47S-R25E, Bonita Springs, FL.

STRAP NO.: The applicant indicates there are numerous and varied STRAP numbers which are on file and available for inspection at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL.

SIZE OF PROPERTY: 9,750 sq ft

STAFF REPORT: Direct inquiries to Lisa Hines, Senior Planner, (239) 533-8777, at the Lee County Department of Community Development, 1500 Monroe St., Ft. Myers, FL.

1:17:43 PM City Attorney Audrey Vance introduced the case, read the request into the record, and placed all witnesses under oath.

1:19:45 PM Sean Weeks, representing the lot owners within Paradise Village, stated that this is a variance request is for an increase of 8 inches from the constructed pool deck elevations. He referred to a memorandum from the Department of Community Development that indicates the finished height of the

BOARD FOR LAND USE HEARINGS & ADJUSTMENTS
AND ZONING BOARD OF APPEALS
BONITA SPRINGS, FLORIDA

RE: Bonita Exchange CASE NO. DCI2006-00082

Excerpt of transcript of proceedings had at the public hearing conducted by the Board for Land Use Hearings and Adjustments and Zoning Board of Appeals, Bonita Springs, Florida, at the City Hall, Bonita Springs, Florida, on September 7, 2007, commencing at 9:00 a.m.

MEMBERS OF THE BOARD:
Chris Bielski, Chairman
Robert Incerpi
Wes Norris
Peter Pastore
William Pescosolido
James Brandreth

ALSO PRESENT:

Audrey Vance, City Attorney
representing the City of Bonita Springs

Neale Montgomery, Esquire
representing the Applicant

Josh Philpott, Lee County Department of
Community Development, Division of Zoning

MARTINA REPORTING SERVICES
2069 First Street, Suite 201
Fort Myers, Florida, 33901
(239) 334-6545
FAX (239) 332-2913

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I N D E X

APPLICANT:

Dan Delisi	Page 15
Craig Schmittler	Page 31
Scott Kearney	Page 41
Ted Treesh	Page 48, 160
Kevin McGraw	Page 85

STAFF:

Josh Philpott	Page 89
Andy Getch	Page 104
Harry Campbell	Page 113
Mohsen Salehi	Page 119

PUBLIC:

Patrick White	Page 132
Matt Uhle	Page 141
Chris Cona	Page 157
Jack Halldin	Page 159

CHAIRMAN BIELSKI: Good morning. I would like to call to order the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals.

Invocation by Jim Brandreth, followed by pledge of allegiance.

(Invocation was given and Pledge of Allegiance was recited.)

CHAIRMAN BIELSKI: Deb, do you want to do roll call?

THE CLERK: Robert Incerpi?

MR. INCERPI: Present.

THE CLERK: Jim Brandreth?

MR. BRANDRETH: Here.

THE CLERK: John Mathes?

Wes Norris?

MR. NORRIS: Here.

THE CLERK: Pete Pastore?

MR. PASTORE: Here.

THE CLERK: Bill Pescosolido?

MR. PESCOSOLIDO: Here.

THE CLERK: Chairman Bielski?

CHAIRMAN BIELSKI: Present.

MS. VANCE: Thank you. I would like to call the first case, which is DCI2006-00082. It's called

Bonita Exchange, located at 12025 Bonita Beach Road Southeast and Quails Nest Lane, in Section 6, Township 48 South, Range 26 East.

At this time I would like to swear in witnesses and also qualify experts who are going to testify in this case.

Let me -- I guess I could do laypeople first. I don't want to do a general swearing in. Probably do individuals to some degree so we have a complete record.

MS. MONTGOMERY: Our first witness -- do you want them in order or how do you want to do it?

MS. VANCE: I usually -- Mr. Delisi, you have been previously sworn as an expert in zoning. Mr. Philpott, you have been previously tendered as an expert in zoning. Mr. Salehi, you have been previously tendered as an expert in transportation planning. Mr. Treesh, you have been tendered as an expert in transportation planning. And, Mr. Getch, you have been previously tendered as an expert in transportation planning.

Can I have the five of you --

MS. MONTGOMERY: Mr. Campbell is with him from Lee County.

MS. VANCE: Yes, Mr. Campbell has not previously

been tendered, so we're going to ask Mr. Campbell a few questions here today.

If I could have the five of you raise your hands.

Okay.

(Whereupon, DAN DELISI, JOSH PHILPOTT, MOHSEN SALEHI, TED TREESH and ANDY GETCH were duly sworn.)

MS. VANCE: I'm now going to go through the group.

Is Mr. McKenzie (sic) going to testify?

MS. MONTGOMERY: Probably. He's on the injured reserve list.

MS. VANCE: McGraw, McGraw, McGraw. I'm sorry.

MS. MONTGOMERY: I know who you meant because she was pointing at you. And the "Mc" was right.

MR. MCGRAW: Yeah, right.

MS. VANCE: Let me -- I'll swear in this aisle first.

Mr. Kevin McGraw, John Voydak (phonetic spelling).

And, John, you're a planner?

MR. VORDAK: Engineer.

MS. VANCE: Engineer. I'm sorry. And you have been previously tendered as an expert.

MR. VORDAK: Yes.

MS. VANCE: And Mr. Miller?

MR. SCHMITTLER: Craig Schmittler.

MS. VANCE: Schmittler. She needs to hear it, so make sure we can all talk very loud.

Let me swear the three of you in and then I need to have you tendered as an expert.

Do you have a CV?

MS. MONTGOMERY: We have an engineer who is MIA.

MS. VANCE: We'll get that engineer in a few moments.

(Whereupon, KEVIN McGRAW, JOHN VOYDAK and CRAIG SCHMITTLER, were duly sworn.)

MS. VANCE: Mr. Schmittler, come up here real quick.

Mr. Voydak, you have been previously tendered in this tribunal, so I'm not going to go there with you.

Please state your full name for the record.

MR. SCHMITTLER: Craig Schmittler. I'm a senior ecologist for WilsonMiller, Incorporated.

MS. VANCE: How long have you been a senior ecologist there?

MR. SCHMITTLER: At WilsonMiller, this is my second trip through there, but I have been doing this for 22 years.

MS. VANCE: Okay. And during this trip, how long has this trip been?

MR. SCHMITTLER: Three.

MS. VANCE: Three years?

Okay. As an ecologist what exactly do you do?

MR. SCHMITTLER: Jurisdictional wetland delineations, listed species surveys, management plans, mitigation plans. Anything environmentally related for permitting, the zoning and that type of stuff.

MS. VANCE: Okay. Now, have you testified before in any cases, zoning cases or court cases?

MR. SCHMITTLER: Yes, I have. When I was at DEP back in '85 through '87, I was qualified as an expert in water ecology, dredge and fill permitting and jurisdictional delineations, and I have been at several hearings at water management when I was at the district there for seven years. I was also a witness in many cases, environmental issues.

MS. VANCE: Okay. And where did you get your training?

MR. SCHMITTLER: Eastern Illinois, Bachelor's degree in environmental biology and a Master's in zoology and 22 years on the job.

MS. VANCE: That was also Eastern Illinois, your Master's?

MR. SCHMITTLER: Yes, both of them were Eastern

MS. VANCE: Okay. And any other environmental planning work experience?

MS. DERHEIMER: Just Charlotte County and Lee County.

MS. VANCE: Okay. Do you have degrees that are environmentally related?

MS. DERHEIMER: Yes. I have a Bachelor's of Science in biological sciences from Florida Atlantic University.

MS. VANCE: Okay. And have you testified in other tribunals such as the Hearing Examiner?

MS. DERHEIMER: Yes, I have testified at the Lee County Hearing Examiner.

MS. VANCE: And over there were you tendered as an expert?

MS. DERHEIMER: Yes, I was.

MS. VANCE: I have no further questions. I believe she can be declared as an expert in environmental planning.

CHAIRMAN BIELSKI: Questions from the board? Acceptable.

MS. VANCE: Thank you.

Are you a member of the public?

MS. MONTGOMERY: We have Scott, the engineer.

MS. VANCE: Scott, the engineer, come on up.

Nothing better than the mass swearing-in day where there's like everybody is different.

Please state your full name for the record so we don't call you Scott, the engineer.

MR. KEARNEY: Scott Kearney. I'm a civil engineer with WilsonMiller.

MS. VANCE: How long have you been a civil engineer?

MR. KEARNEY: It has been going on probably about 12 years now.

MS. VANCE: Okay. Before that I presume you were an EI?

MR. KEARNEY: Yes.

MS. VANCE: Okay. And where did you -- and this is civil engineering?

MR. KEARNEY: Civil engineering, yes.

MS. VANCE: Where did you receive your training or degrees?

MR. KEARNEY: I have a Bachelor of Science in civil engineering from South Dakota State University and I have a Master's in science in engineering and environmental management from Air Force Institute of Technology.

MS. VANCE: And have you previously testified in any tribunals as an expert in civil engineering?

MR. KEARNEY: Yes.

MS. VANCE: And just name them.

MR. KEARNEY: City of Naples.

MS. VANCE: Okay. I have no further questions. I believe he can be tendered as an expert --

CHAIRMAN BIELSKI: That's fine.

MS. VANCE: -- in civil engineering.

Mr. Campbell, come on up.

Okay. This is probably the most -- I think I haven't had this many voir dires since the first day that we started.

Please state your full name for the record.

MR. CAMPBELL: My name is Harry A. Campbell. I'm with Lee County Department of Transportation as the chief traffic engineer and manager of traffic engineering.

MS. VANCE: So you are Mr. Getch's boss?

MR. CAMPBELL: No. I am a --

MS. VANCE: Oh, operations.

MR. CAMPBELL: I am operations and traffic engineering.

MS. VANCE: Okay. Where were you employed prior to Lee County?

MR. CAMPBELL: I was employed at an engineering firm known as TEI Engineers and Planners for

approximately ten months and then prior to that I was with the City of Orlando for 13 and a half years and then prior to that I was with DSA Group, Incorporated, for approximately four and a half years and prior to that I was with City of Tampa for ten years, three months, four days and six hours.

MS. VANCE: Somebody is counting for his pension purposes.

And do you have a degree in civil engineering?

MR. CAMPBELL: I have a Bachelor's of Science in engineering from the University of South Florida.

MS. VANCE: Okay. And when did you become a civil engineer?

MR. CAMPBELL: I became a PE in 1985.

MS. VANCE: Okay. Have you testified previously as an expert in transportation or civil engineering?

MR. CAMPBELL: Yes. Both with Lee County and with the City of Orlando and with the City of Tampa.

MS. VANCE: Okay. I have no further questions.

CHAIRMAN BIELSKI: That's fine.

MS. VANCE: I'm now walking through the hallway here.

Are any of you involved in this case?

MR. WHITE: Yes.

MS. VANCE: Mr. White, you'll be representing a

client. I presume you're not going to be sworn in.

MR. WHITE: Correct.

MS. VANCE: Do you have any clients that you wish to --

MR. WHITE: Identify for the record? Yes. Hannulas, easterly of the proposed project.

MS. VANCE: Okay. And you?

MR. COHEN: My name is Chris Cona. I represent John and Betty Briggs. They are located at 21131 Quails Nest Lane, which is again east of the proposed --

MS. VANCE: Are you --

MR. COHEN: An attorney.

MS. VANCE: An attorney.

And are you here for this case?

UNIDENTIFIED SPEAKER: Yes.

MS. VANCE: Do you plan to testify at all?

UNIDENTIFIED SPEAKER: No, I do not.

MS. VANCE: Mr. Wagner, Mr. Uhle, or Mr. Halldin. If I can have the two of you sworn in.

Please state your -- please raise your hands.

(Whereupon, Mr. Wagner and Mr. Halldin were duly sworn.)

MS. VANCE: I presume you are here for both Worthington.

And, Mr. Uhle, I presume you are here for Worthington.

Mr. Basinait, I don't swear you in anyway.

MR. BASINAIT: Just here to watch.

MS. VANCE: And just here to watch.

Ms. Montgomery, you can proceed with the case. And if anybody who did not get sworn in later comes in, I'll swear them in at that time.

CHAIRMAN BIELSKI: Before we begin, I would like to express the board's unhappiness with once again being given a bunch of reading material basically five minutes before the start of the hearing, and, honestly, I have not had a chance to review whatever was in these papers. I don't know if my colleagues have had a similar chance and perhaps we would like to go over those first, or would that be incorporated within your case presentation?

MS. MONTGOMERY: We sent these three days before in accordance with your directives, and I apologize you didn't have them, but we followed your recommendations on how you would like it.

CHAIRMAN BIELSKI: I see your date is the 4th, so that would be three days before.

Audrey, do you know why we just got these?

MS. VANCE: I know that on Thursday I sent it to

Debbie, which is only a one-dayer, and I had thought the Pavese one was a little bit earlier. So, no, I don't know why. It just might be it was easier --

CHAIRMAN BIELSKI: I had a discussion about possibly e-mailing this stuff so at least we get a chance to look at it.

Okay. I'm sorry. Go ahead.

MS. MONTGOMERY: We will address those as part of our testimony. They're basically all related to the transportation conditions, so Ted Treesh, our transportation expert, will address those.

CHAIRMAN BIELSKI: Okay.

MS. MONTGOMERY: But our first witness is Dan Delisi, who has been qualified as an expert in urban planning and zoning, and so he's going to address the compatibility, comp plan consistency and overall site plan issues with you.

MR. DELISI: For the record, my name is Dan Delisi. I am the principal planner with Delisi Fitzgerald.

This is a request to rezone about approximately 23.8 acres from CPD, CT and AG-2 to Commercial Planned Development.

One of the interesting aspects of this project from a planning standpoint is this is a redevelopment

project. And I'll speak to that in a moment, but the neat thing about redevelopment is that with all of your updates to your Land Development Code, the Bonita Beach Road Overlay that you all adopted, the design standards, you get to see how those design standards are starting to take effect in enhancing the community.

So this is a redevelopment project. It is -- the request is for 285,000 square feet of retail floor area, 15,000 square feet of office floor area and 125-room hotel.

The project is located, as you can see on the aerial, at the southwest corner of the I-75 interchange. You can see the surrounding uses of Vasari. Multifamily portion of Vasari is adjacent to the property in the southeast corner of the property, on the south side. To the north side you can see -- and this isn't a blown-up aerial, but you can see the flea market is right here.

MR. PESCOSOLIDO: Would you move that back a little bit. The lights are casting a sheen on it. I don't know if the audience can see it.

MR. DELISI: Well, how would you like me to --

MR. NORRIS: Turn it around a little bit so the audience members can see that because they can't see

what you're referring to.

MR. PESCOSOLIDO: Not that much.

MR. DELISI: Does that work better?

UNIDENTIFIED SPEAKER: Not that much.

MR. NORRIS: Yeah, yeah.

MR. DELISI: Sorry about that.

You can see the flea market is on the north side of that interchange north of us. There are a couple fast food restaurants here. Within the -- this interchange area there are also a couple fast food restaurants, you know, including the Waffle House, which is right there. And Home Depot, of course, is to the east of the subject property.

UNIDENTIFIED SPEAKER: West.

MR. DELISI: West. I apologize for that. Thank you.

This is considered to be a very urbanized area of Bonita Springs. Again, it's an infill development. There's development on all sides of the property. The property is located within the Commercial Interchange future land use category. Here's the Bonita Springs future land use map. This is Commercial Interchange here.

Commercial Interchange, as staff detailed in their staff report, is designated for in essence

intense commercial uses and uses meant to service the traveling public.

The property again is designated -- sorry for going back and forth, but the property is in the CT zoning district, as I have mentioned before. CT zoning district here. There's a little bit of AG-2 zoning.

Typically, in the Commercial Interchange land use category and in Lee County the General Interchange land use category you see that CT zoning. It is a zoning that implements that land use category because of the commercial tourist uses that are generally associated with the Commercial Interchange land use category and it allows for hotels and really any level of commercial development essentially up to a floor area ratio that people just simply wouldn't use. It's very intense floor area ratio.

The master concept plan has been designed -- and you should have a copy of your master concept plan.

The master concept plan has been designed to insure compatibility with surrounding uses. You can see on the south side is where we located all of the preserve and lake area. It creates a very large natural buffer from the residential uses to the south of the property to the commercial uses at the north of

the property. And then at the north of the property, amongst the existing out parcels that I pointed out, the Waffle House, for instance, we have out parcel uses adjacent to those. And so the commercial uses are near the commercial areas, the preserve areas near the residential uses surrounding the property and then the interchange use, the hotel in Parcel E, is near the interstate. And so it makes a whole lot of sense from a planning standpoint where you would want those uses to both address compatibility and to fit in with the intent of the comprehensive plan.

I have reviewed the staff report and I agree with staff's analysis on the comprehensive plan consistency. I believe this project is consistent with the comprehensive plan, particularly -- probably the most applicable policy is Policy 1.1.15, which talks about Interchange Commercial and it states intended uses that serve -- intended uses that serve the traveling public such as automobile service, gas stations, hotel, motel, restaurants and gift shops and a broad range of tourist-oriented general commercial, light industrial, commercial office and multifamily up to ten dwelling units per acre. So again you can see the flavor for that land use category.

There's not a whole lot else in the comprehensive

plan about commercial areas other than restrictions o. commercial areas and the locations of commercial areas, so there is policy in the comprehensive plan that talks about restricting commercial areas from collector roads. This project is fronting directly on Bonita Beach Road, a major roadway corridor in the city, so there are limited areas for commercial development, and this is not one of them. This is an area that's specifically designated for commercial.

Further, I'll state that you do have policies in your comprehensive plan, Objective 1.14, for instance, that says the city shall discourage the proliferation of urban sprawl by maintaining and increasing densities consistent with flood hazard considerations between Old U.S. 41 and I-75 to encourage infill and redevelopment. And even though that speaks more towards residential development, I think the general character is still the same. This is an area in the city that is really meant for development. And, again, since this is a redevelopment project, I think it is an ideal site for this type of development.

Further, the comprehensive plan directs the city to do a number of things with regard to commercial development such as implement design guidelines and increase standards for commercial development,

especially along Bonita Beach Road.

Several years ago the city with the assistance of the county went through a process to adopt design guidelines for Bonita Beach Road. This project will comply with those design guidelines. And so, again, we're taking a project that is -- you know, the Bonita Inn that's currently standing, we're redeveloping it and bringing it up to new, modern standards.

Compatibility is generally addressed in two ways in the comp plan and the land development code. The first is through design standards, which I just talked about, and the second is through buffering standards.

Your buffer guidelines are found in Section 3-416, and I'll say two things about the buffer table. Number one is there aren't any buffers required typically between commercial and multifamily uses. Your land development code deems that compatible, commercial to multifamily, and there's a reason for that. As a planner, it does make sense. Those uses are generally of similar intensity in many cases. In some cases you probably want to have a buffer, but your land development code specifies no buffer is required.

What we have shown on the master concept plan, though, again, is a very large area between any

development and any residential even though the development to the south is multifamily. And this aerial demonstrates that, you know, this is the master concept plan, development area, 430 feet to the closest residential building. And then even though this is a property owned by the Florida Department of Transportation for water management purposes, again we're looking at 475 feet to the closest residential unit. It's a very significant distance.

So, you know, I'll state one other thing is that the most intense buffer that's typically required is 30 feet in width and we're providing well over ten times that amount and natural vegetation between the two areas in the form of preserve.

I guess I'll sum up by saying, you know, the property is within the Interchange land use category. It's appropriate, given the direction in the City of Bonita Springs comprehensive plan. It's a redevelopment of an existing use and the property is already zoned for similar uses on most of the property. It's appropriate, given the policies in the comprehensive plan and the extra measures that we have agreed to and the conditions of the staff report.

If you have any questions, I would be happy to take them.

CHAIRMAN BIELSKI: Any questions?

MR. PESCOSOLIDO: Yes, I have one question.

The design guidelines were mentioned by you and they're mentioned in the staff report but they're not articulated. I think it might be helpful to both the board and to the audience to know what those design guidelines are. I mean just to hear reference to them is to say nothing, but to have a description of them, even if it's a general one, would give people a better idea, perhaps, of the overall appearance of your project.

MR. DELISI: The design guidelines are, if I can remember the citation offhand, I believe in Chapter 3-600 of the Land Development Code, and what they in essence do is they require different architectural articulations to the facades of buildings.

It's actually several pages in the Land Development Code and, you know, I'm not --

MR. PESCOSOLIDO: Can you describe for us how you plan to implement the guidelines? I mean a few words really don't tell us very much, but a picture is at least 10,000 words.

MR. DELISI: There are pictures in the Bonita Land Development Code, and I apologize --

MR. PESCOSOLIDO: In your proposal, sir.

MR. DELISI: Yeah. I don't have that information.

MR. PESCOSOLIDO: We're not here to review the LDC. We're here to review the project.

MR. DELISI: And, again, at the time of development order, that's typically when they're implemented. I just simply don't have that information here.

MR. PESCOSOLIDO: So we don't know what you're going to do other than staff will presumably like what you do.

MR. DELISI: They will meet the new design guidelines, yes.

MR. PESCOSOLIDO: I can't go any further today, but I think we need to have a conversation with Lee County staff at some point on this.

MS. VANCE: You will have that opportunity when staff is here and you can ask them the questions.

MR. PESCOSOLIDO: Thank you.

MR. DELISI: I will say, state one thing. There is a condition in the staff report that requires the hotel to have a primary facade on four sides, so I understand that you don't have necessarily architectural elevations or renderings of that in front of you, but if you can imagine the primary

facade being on four sides. It's not blank walls in all directions.

MR. PESCOSOLIDO: Well, sir, I can imagine a lot of things, but I'll leave it right there.

CHAIRMAN BIELSKI: Any further questions?

MR. NORRIS: I would like to get acclimated, if I may, sir.

Quails Nest Lane.

MR. DELISI: Yes.

MR. NORRIS: Typically do I not see residents along that road or am I thinking of another road or am I lost or --

MR. DELISI: Quails Nest Lane is this road.

MR. NORRIS: When I go down I-75, I see houses along that area, do I not?

MR. DELISI: There is, I believe, one house that -- you know, I'll let someone else answer that, but I believe it's the person who owns the commercial nursery to the north of that. And then there are two other houses that are part of this project that are being redeveloped as part of this project and right now they're boarded off and they're not being used.

MR. NORRIS: Okay. Thank you.

MR. INCERPI: I have one question, please.

On that parcel, Quails Nest Lane off of Bonita

Beach Road, is that the only entrance and exit to that parcel?

MS. MONTGOMERY: Presently or in the future?

MR. INCERPI: In the future.

MS. MONTGOMERY: Based on the staff conditions, the staff is requiring cross-access into the Home Depot site, and the plat for Home Depot has currently been approved with a roadway that stubs out to their eastern, our western boundaries and the staff wants to interconnect with that and it will go all the way over to Imperial/Livingston.

MR. INCERPI: Okay. Thank you.

CHAIRMAN BIELSKI: If I -- actually, in the same vein, looking at the site plan, am I to understand the purple arrows are actually traffic access points? Is that what those indicate?

They may not be on yours but they're on ours.

MR. DELISI: Yes.

MR. PESCOSOLIDO: That goes into the Hess location.

CHAIRMAN BIELSKI: Yes. There's several purple arrows going. This whole thing.

MR. PESCOSOLIDO: Is that all a purple arrow?

CHAIRMAN BIELSKI: I think that's all purple. All the purple is traffic access; is that correct?

Beach Road, is that the only entrance and exit to that parcel?

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CHAIRMAN BIELSKI: If I -- actually, in the same vein, looking at the site plan, am I to understand the purple arrows are actually traffic access points? Is that what those indicate?

They may not be on yours but they're on ours.

MR. DELISI: Yes.

MR. PESCOSOLIDO: That goes into the Hess location.

CHAIRMAN BIELSKI: Yes. There's several purple arrows going. This whole thing.

MR. PESCOSOLIDO: Is that all a purple arrow?

CHAIRMAN BIELSKI: I think that's all purple. All the purple is traffic access; is that correct?

MR. DELISI: That's correct. Access points into the parcels.

MR. PESCOSOLIDO: Where is the access to the Home Depot site on that interior road which then takes the traffic, presumably, to the existing traffic signal at the Home Depot exit? I don't see any connector here.

Does it then go across into Home Depot? I mean you leave it off at the edge of your site.

MR. DELISI: Yes. This is the Home Depot plan, and I can show it to you right here. It's right here.

MR. PESCOSOLIDO: Put it up where we can all see it.

MR. DELISI: This shows the road and they only built it to here. Actually, they own and have an easement to the property line. Our Parcel AB is going to come around and pick that up.

MR. PESCOSOLIDO: Where is the Home Depot light, sir? Further off to the west?

MR. DELISI: Yes.

MR. PESCOSOLIDO: But it will connect right on through and that will be your exit?

MS. MONTGOMERY: No. There's two ways in and out. Right now we have the Quails Nest Lane entrance, which will continue. In addition you'll have the Saradrienne Lane connection.

MR. PESCOSOLIDO: That's the one --

MS. MONTGOMERY: It's a mouthful kind of name, but that's the road, the one that --

MR. PESCOSOLIDO: So westbound traffic on Bonita Beach Road is going to possibly take a left at Quails Nest Lane to go into the site or will they go down to the light or will they try to do both?

MS. MONTGOMERY: I think that's probably a Ted Treesh question since he's the traffic expert.

MR. PESCOSOLIDO: Well, you people brought the plan.

MS. MONTGOMERY: But the question is can they go both directions, and the answer will be yes, that's the way this is conditioned.

MR. INCERPI: A little clarification.

In other words, you're going to be utilizing the Home Depot entrance and exit?

MR. DELISI: Well --

MR. INCERPI: The existing exit and entrance where the traffic light is now, is that the one you're using?

MS. MONTGOMERY: No. The project's going to use the Quails Nest Lane entrance, but the staff in Condition 4 is requiring an interconnection to --

MR. INCERPI: I understand that.

MS. MONTGOMERY: -- Saradrienne Lane which will take us two places: One, to the Home Depot light, but, two, all the way over to Imperial/Livingston.

MR. PASTORE: Is that considered a frontage road, basically, that's in there?

MS. MONTGOMERY: Pardon me?

MR. PASTORE: That's a frontage road, then, that goes across.

MS. MONTGOMERY: Right.

MR. INCERPI: Is this the road that's running behind Albertsons? Is that what you're saying?

I'm lost. I don't understand.

MR. BRANDRETH: I believe it's the road that was running behind.

MS. MONTGOMERY: I know there's an audience back there, but here's the site. You have the Quails Nest entrance. You can see the stub-out here, and on the plat it goes all the way to the property line. So you have this road essentially works as a reverse frontage road that takes you all the way over to Imperial/Livingston. So you can go here, here and here.

MR. PESCOSOLIDO: That would be in front of Albertsons, right?

MS. MONTGOMERY: And the staff intends -- and I

won't speak for the staff, but as I understand, the staff's intent is to give people more options and to give them another alternative in this location to using Bonita Beach Road.

CHAIRMAN BIELSKI: So, Neale, continuing Mr. Incerpi's -- following up on his question, the Quail Nest Lane entrance, as you're driving eastbound on Bonita Beach Road, it's an obvious turn into the development. If you're exiting there, can you make a westbound turn out of that exit?

MS. MONTGOMERY: I'm sorry. Out of which one?

CHAIRMAN BIELSKI: Out of the one right next to Parcel B.

MS. MONTGOMERY: The Quails Nest lane?

CHAIRMAN BIELSKI: Can you make a west turn?

MS. MONTGOMERY: Presently, yes, you can. It's a full median right now. It's where the two Hess stations are.

The Hess station is not part of this, but it's -- it's not owned by this property owner but it is right here and it will remain. It was just redeveloped. So you have the Hess station here on both sides of the road and there is a traffic light there.

CHAIRMAN BIELSKI: There is a traffic light?

MS. MONTGOMERY: There is a traffic light. So

for the time being, at least, that will remain.

Now, there are other people who have a say-so, Mr. Campbell back there and Mike Ripp with FDOT and other folks who get to talk about how that operates and what kind of site-related improvements have to be made and if they want to adjust it in the future, because the county and the city always tell us that just because I can do it today doesn't mean I'll always be able to do it, but today it's a full median cut.

CHAIRMAN BIELSKI: Any more questions from the board?

MS. MONTGOMERY: Thank you.

Our next witness is Craig Schmittler.

Craig, as you recall, was accepted as an expert in environmental.

MR. SCHMITTLER: Seems to be having problems.

These are the exhibits over there on the wall and this might help with some of your interpretation. These are all the same as these up there.

For the record, I'm Craig Schmittler, the senior ecologist for WilsonMiller, and I'm here to describe the existing and proposed environmental conditions on the property.

Currently the site, as you see it outlined in

yellow, is relatively developed. There's a hotel site, there's several single-family homes. A lot of the understory has been removed from the entire property because of existing and past uses. The -- over here on the west side, this entire parcel and these two ponds and a lot of the area in here was all previously cleared. These two ponds and some pretreatment were done under a previously issued permit from the water management district, that they put the surface water management system in but never constructed the site, so this is all -- with the exception of some oak trees up here, this is all pepper, cabbage palms and it's all highly disturbed. Most of the understory in here where all these buildings are has been removed and it's just a canopy of some pines and some other trees in through there with grass and mowed areas underneath, so it's not the -- not all native indigenous habitat. It's all disturbed. Up in the northeast corner of the lot in the corner of Quails Nest Lane behind Waffle House has been entirely cleared.

We do have five -- there's seven gopher tortoise burrows out there, five of which were originally active. We have only found three active as of our inspection in August, so either a couple moved off

site or something has happened with them. We're not sure. But we have to deal with those through Fish and Wildlife and Game and Fish. We'll have to get tortoise permits, relocation permits or have to deal with those as a separate issue, so those will be taken care of to meet their standards and the county standards before anything is done with those.

The proposed conditions for this site, LDC requires 4.76 acres of open space.

I'm going to use this exhibit. It's one of the three sheets I gave you that shows the planting plans and stuff on it.

The county requires 4.76 acres of open space for this project. We're actually providing 2.78 acres. What we have done, the dark green areas on that exhibit is all restored or replanted native habitat. It's going to have oak trees. All the sabal palms that are found on the property are going to be located in these areas in addition to oak trees, pine trees and other native trees planted. And one of the sheets I gave you has a list of the numbers and the sizes of the plantings. I think it's this same sheet up in the top right corner has the -- some of the numbers and a detailed planting. I'm not going to go through all or that. But in addition to the indigenous habitat,

we've got another 2.89 acres of common open space and buffers and part of that is included in the lake down in the south, and it brings the total open space to 4.08 acres. In addition, when you add that to the indigenous, we've got 6.86 acres of open and indigenous habitat, which is about 8.8 percent more or 2.1 acres more than is actually required.

We're trying to buffer the residential stuff to the south and provide adequate habitat for the tortoises if we're able to relocate those over there.

We are restoring -- in the very southwest corner, a light green colored area, there's a willow dominated wetland down there now that's real heavily infested with pepper. That water management system was put in place, but since the project was never developed, it never really fully discharged, so that wetland is still functioning but not as it will after our project. We're designing this lake so the outfall will discharge to that wetland. We're restoring it. We're going to plant some cypress and maple and make it a nicer system. And it's directly north and contiguous with the Vasari preserve, the cypress square you see to the south. So we're going to have a big block of habitat.

The Home Depot when they went in has a big

preserve you can see to the east of that site. There's an FP&L easement that runs through there that's always going to have a grassy, open understory. We've got the Home Depot preserve to the west and Vasari to the south, so our buffer and native habitat ties right into that, so there's a big block in the middle instead of scattering it through the property.

And one of the other small things we did on the far -- this little piece which is out on the far eastern finger of our property, somewhere in this general area, will remain also, so these guys are staying in here, have some native buffer and some buffer from what we're doing. And it allows any existing sheet flows and water to continue to the south like it currently does. We don't want to box them in in any way.

There's a few heritage trees on site that we are mitigating type for type with 20-foot trees as the code requires. As I said earlier, the cabbage palms and staff requested that we take all the listed bromeliads and orchids that are found on site and move them into the indigenous habitats. We can do that as the site clearing progresses. We will collect all those and move them into the areas to be preserved to protect a lot of those species.

And the only deviation that we've requested as far as the environmental issues are with the Type F buffer to be put on the southern property boundary. As Dan said earlier, we're not technically required to do this, but because we've got a house, a residence right here, it does butt up against us and we do have a large lake here, we're going to thicken the buffer right here to meet the Type F standards that the county has which provides more trees. Originally it was supposed to have a 48-inch shrub layer in there, but because of the existing forested nature, we can't get trees that big back there and we can't irrigate it, so we requested the use of smaller stuff, plant them around and thicken it up that way.

So with that said, that's most of what I had as far as the environmental issues on site.

Has anybody got any questions about any of that?

CHAIRMAN BIELSKI: Questions from the board?

MR. PASTORE: I have a question but it's not environmental, so I'll probably ask Neale afterwards.

CHAIRMAN BIELSKI: I actually do have a question also.

You mentioned the adjacent Vasari preserve. Is that accessible to the residents of Vasari? Is that something that they would normally walk through?

MR. SCHMITTLER: I don't know for sure. There's a berm around a lot of their property to keep the residents safer from that. I don't think they access that. If you could see it, it's thick enough and grown up enough --

CHAIRMAN BIELSKI: It looks pretty thick from the air.

MR. SCHMITTLER: It's cypress and cabbage palm. Historically, it was cypress, but because it's drier than it was, the cabbages seeped in and it's thick enough now that I don't know that you could really walk through it without a lot of effort.

MS. MONTGOMERY: Just so you know, we talked about the plat for Home Depot and Craig mentioned it, you know, and you can see it on that aerial. You can see this is all set aside on their site plan so that area you see that's kind of green is part of Home Depot, so this allows all those three areas to function together.

MR. SCHMITTLER: This is the Home Depot preserve in through here, the Vasari sits here, and that's why we thickened our buffer. We don't actually own this strip, but by leaving a strip from where this road comes in, everything south, we've got at least as much, if not a wider area down here to widen this

corridor to keep the critters headed down south. And we're restoring this. This is going to be our primary tortoise habitat when we replant that. So the tortoises will be down here away from the development but adjacent to a lot of other open habitat that they can access.

MR. PASTORE: That was one of the questions I was going to ask. That belongs to the Florida Power and Light. That's an easement, right?

MS. MONTGOMERY: It's an easement. They don't own it.

MR. SCHMITTLER: They don't own it. It's an easement.

MR. PASTORE: But I mean it's an easement.

MS. MONTGOMERY: Yes.

MR. PASTORE: And the other question I was going to ask while you were here, up on the right-hand side, if I can get this thing to work -- anyway, right there by -- there's a road -- did it go too high?

MS. MONTGOMERY: Yeah.

MR. PASTORE: Anyway, there's a road that's supposed to go down to that house that you see above the yellow line going out. You can barely see it through the woods there.

MR. SCHMITTLER: This?

MR. PASTORE: No. Come down. There's a house t your right.

MR. SCHMITTLER: These houses are going to be redeveloped.

MR. PASTORE: There's supposed to be a road left there for that.

MR. SCHMITTLER: This road is going to be maintained right to this point.

MS. MONTGOMERY: If you look at Condition 4 -- I don't know if I can answer your question, but I'm going to take a shot at it.

That road, the public portion, the part that's publicly owned, is going to have to be brought up to the city's public road standards and the other portion is going to have to be brought up to the city's private road standards and maintained.

MR. PASTORE: All I know is when they came to us before, they were supposed to keep a road open for that house. Will they be able to get off the road that comes down in there to that house? To the right.

MS. MONTGOMERY: The road's going to have to remain open, yes, sir.

MR. PASTORE: I can't get it to work.

But, anyway, as you come around, you see in the woods there it looks like a little opening there.

That's the road that's there now.

MS. MONTGOMERY: That's the Quails Nest Lane and that will stay.

MR. PASTORE: To the right of that.

MR. SCHMITTLER: This in here?

MR. PASTORE: Yeah. There's a road there that's supposed to come down to them houses.

MS. MONTGOMERY: We won't have an impact on that.

MR. SCHMITTLER: This is Quails Nest.

MR. PASTORE: I understand that. Will they still have that road accessible to them? Right where your finger is at.

MR. SCHMITTLER: They'll still have their driveway.

MS. MONTGOMERY: We're not going to change that.

MR. PASTORE: That will come off of that Quails Nest.

MS. MONTGOMERY: Yes.

MR. SCHMITTLER: Yeah, they can tie in.

MS. MONTGOMERY: Did you have any other environmental questions?

All right. Our next witness is Scott Kearney.

We just want to give you some general background on the drainage. I know there's some folks in the audience who have some concerns.

CHAIRMAN BIELSKI: Neale, I don't know what -- who to ask this question to since I don't know what they are. What do the orange and red dots indicate on that?

MR. SCHMITTLER: Those are the gopher tortoise burrows.

CHAIRMAN BIELSKI: Those are the gopher tortoise burrows. Okay.

MR. SCHMITTLER: That's where they're located right now.

MR. KEARNEY: For the record, again, I'm Scott Kearney. I'm a civil engineer with WilsonMiller and I'll be addressing the drainage issues associated with the site, the existing drainage conditions and then also the postdevelopment drainage conditions.

And to start with the existing drainage conditions right now, in a general fashion the drainage is a sheet flow in a southerly direction, and as you can see by the arrows, until they come up against the berm associated with the Vasari development. At that point it is diverted to the west. And then once it heads over to this point it goes in one of two directions. It either goes along an unnamed ditch to the north towards Bonita Beach Road and then underneath Bonita Beach Road through box

culverts and then there's a possibility, too, there's some drainage that heads off to the west behind the Home Depot site.

If you look at the next exhibit, you will be able to see how that kind of works.

The entire site sits within the Imperial River drainage basin and it will either access directly underneath Bonita Beach Road like I was indicating to the Imperial River or there's a possibility there might be some that go to the west according to Oak Creek's flow way, and then ultimately they both enter into the Estero Bay area.

The site is not within a floodplain according to the FEMA maps and there are -- right now just the general conditions are just as I have stated, flowing away from Bonita Beach Road to the south, diverting west once it hits the berm and then ultimately out to Estero Bay.

MS. MONTGOMERY: Scott, can you flip back to the first picture just a minute?

Mr. White, as you know, is here, and he's concerned about -- or he had a question about where does the water from his client's property go and where will it go after the site's developed.

MR. KEARNEY: You're talking specifically about

this piece of property on the northeast corner?

MS. MONTGOMERY: Yes, sir.

MR. KEARNEY: In a general fashion, again, it's going to flow towards the south and southeast and ultimately it will also hit this berm and probably float -- it will flow to the west with the remaining drainage that's coming off the site.

MS. MONTGOMERY: Will the development of this site adversely impact him, remain neutral or help him?

MR. KEARNEY: I'm going to get to that with the next exhibit.

MS. MONTGOMERY: I'm sorry. I jumped ahead.

MR. KEARNEY: Now, postdevelopment drainage is going to have to comply with South Florida Water Management District permitting requirements, which will require several different features, one being that there's going to be a perimeter berm around the entire site to contain the water that does fall on this site specifically. And in that respect what Neale is referring to is that that berm will prevent water from coming from that site into this neighboring parcel over here on the east side of Quails Nest Lane.

Also a part of the features of the drainage requirements for South Florida Water Management District is that we had to provide two very important

items. One is water quality and the other is attenuation, so that we're not just flooding the people downstream.

And currently with the site, too, which I didn't highlight originally, is that the existing conditions, there's really no specific water quality being provided and the sheet flow really doesn't have a limit on how much can leave the site at this point. It's pretty much just going as it falls today. With the new system in place, with the surface water management system, that will be controlled and water quality will be required. We won't be able to get away from those requirements. And in a general sense, again, we'll capture it, it will go through dry detention areas, ultimately enter the lake in the southwest corner, where the discharge will go through an existing wetland area in the southwest corner and then it will go down the existing drainageways that are currently being used today either along the west property line, west behind Home Depot site.

And the idea, too, is with the peak discharge rate that we're going to be limited to is the downstream impacts will be fairly limited. If anything, it will be better than what it is today because we won't be allowed to exceed what's going to

be required by the South Florida Water Management District.

MS. MONTGOMERY: So bottom line is it will be an improvement because it will meet current standards for both water quality and for storage.

MR. KEARNEY: Yes, yes.

CHAIRMAN BIELSKI: Questions from the board?

I have a couple questions.

If it was not for the berm at Vasari, would this be the natural flow way for this water? Would part of this be in the Cocohatchee watershed in Collier?

MR. KEARNEY: It's possible. I did not investigate to that point because with the existing conditions today, it doesn't go. So what the previous conditions were before, I'm not familiar with or can speak to at this point.

CHAIRMAN BIELSKI: Also you made reference to the FEMA map. I see that the date on that one is 1998. Is that the most recent one for that site?

MR. KEARNEY: That's the most recent panel for that area.

CHAIRMAN BIELSKI: Okay.

MR. INCERPI: I have one question.

Bonita Beach Road, right in front of the Hess station, when there's heavy rain, that Quails Nest

Road there, the water lays in there, and we have seen it time after time. What are you going to do to eliminate that problem?

MR. KEARNEY: On Quails Nest Lane itself?

MR. INCERPI: Yeah.

MR. KEARNEY: Right through here?

Well, that's one point, too, that I need to highlight is that both the Hess station and the Waffle House will be incorporated into the surface water management system and so their flows will definitely go through this system that will be designed for the site. And with the improvements of Quails Nest Lane, we're going to have to account for that runoff as well in terms of being required to meet the public road standards, so the problems that are existing today for drainage in those areas will be addressed.

MR. INCERPI: Okay. Thank you.

CHAIRMAN BIELSKI: When you make reference to the water management requirements, are you discussing TMDLs and those kind of things?

MR. KEARNEY: I'm talking about specific requirements required by statute that we must comply with when it comes to -- there's very specific numbers that we'll have to demonstrate as far as volume for water quality discharge rates from the sites.

CHAIRMAN BIELSKI: Will this be an ongoing monitoring or just initially or what's the process that way?

MR. KEARNEY: The process is that we have to demonstrate that we're maintaining that surface water management system in accordance to the permits so that the association that will be created, the commercial association or owners' association - I'm not sure how it's going to work forward - will be responsible and identified for doing the maintenance on that system so that if there's a problem with the outfall structure down here, it would come back as a legal requirement for the owners' association to make sure it's functioning correctly, and likewise with all the other components of the site. So they couldn't lower the berm in one portion and let the flow go out in that area. They'll have to maintain the integrity of the berm around the entire site.

Those are some examples that would be very common.

CHAIRMAN BIELSKI: Okay.

MS. MONTGOMERY: Thank you. I don't think they have any more questions.

CHAIRMAN BIELSKI: Any more questions from the board?

No. I think that's it.

MS. MONTGOMERY: Our next witness is Ted Treesh regarding transportation.

MR. TREESH: Good morning. For the record, Ted Treesh, president of TR Transportation Consultants.

We assisted in this project in terms of preparing some transportation analysis and addressing some comments that were issued during the sufficiency process by the city as well as the county staff. I would just briefly like to go through a summary of our analysis and then conclude with going through the letter from the Pavese Law Firm.

Do you all have a copy of this? Was this the material you were referring to?

CHAIRMAN BIELSKI: We all did get a copy of it.

MR. TREESH: So I don't need to pass that back out.

And I'll conclude by going through those changes to those conditions that we would request be made in the staff report.

The initial traffic study done for this project was completed by WilsonMiller and I have reviewed that and do concur as well as DOT staff in their memorandum concurs that Bonita Beach Road at build-out of this project will operate within acceptable standards based

on the city's comprehensive plan. It is projected at build-out that this segment of Bonita Beach Road will be operating at Level of Service C. As you are aware, this segment of Bonita Beach Road was recently widened. In fact, on this aerial photograph it's shown here. You can see the road was under construction at the time that aerial photograph was taken. So Bonita Beach Road is six lanes from basically the southbound ramp of the interstate through the intersection with Imperial/Livingston which is just off the aerial to the west. So with the addition of this project, Bonita Beach Road will operate at an acceptable level of service and the comprehensive plan requirements for the zoning.

If I could, let me just clarify, I know there was some discussion earlier on access. If I could first refer to this aerial that's a little more zoomed out in the area. Just, again, our site is outlined in red. Specifically there was discussion on this frontage road, a connection the Home Depot site. And I was involved in the Home Depot rezoning as well as the development order plans for that project. They were required to construct a -- and I refer to it as a reverse frontage road because it's behind the out parcels that are along Bonita Beach Road. They were

required to construct this reverse frontage road from their western boundary to the FP&L easement. As such, you continue to the property immediately to the west where Albertsons is located. They also have a reverse frontage road. And this connection right now is not made but it is required to be made at the time this out parcel - and I can't recall the number - I want to say out parcel number 5 is developed, then that connection is required to be made. So therefore there will be an existing reverse frontage road connection from our project all the way to the Imperial/Livingston corridor. So all three of these projects will be interconnected and allow shoppers to traverse between projects without having to go onto Bonita Beach Road, and that was one of the reasons for the condition that was in the staff report.

Some other improvements that we're going to be required to do at the development order stage, and it was referred to as -- we're going to be improving Quails Nest Lane. Referring to this aerial photograph, and if you have been out there and gotten gas at the southern Hess station, because we've got Hess stations on both sides of the road, Quails Nest Lane, as you turn off of Bonita Beach Road, makes an immediate curve and becomes a frontage road basically

to the interstate. We're going to be reworking this intersection, as Mr. Kearney indicated, we're going to have to redo that intersection and we'll address the ponding issues that occur during the, during the heavy rain events because we're going to be rebuilding this and basically bringing this road straight into the project. And that's evident on the master concept plan in this - I'm not sure what color this is - purple pink shade. You can see the road continues straight into our project. Now, we will have to maintain this Quails Nest Lane because that is a public road, so we will be maintaining that as access to these parcels that are not included in our project, the parcel over here, the Waffle House and the Hess station. So we will be improving the operations at least on the south side of that intersection by adding additional lanes, turn lanes, et cetera, to the access so we're able to accommodate our project traffic coming or exiting the project.

In addition, as a condition we are required to construct this reverse frontage road not only on our property, but also through the FP&L easement where -- because this is private property, again the FP&L easement is owned by the Home Depot with an easement over it, we have to reach an agreement with Home Depot

but we fully anticipate that happening to construct this remainder portion of this reverse frontage road. So we'll have access to not only the traffic signal at Quails Nest, but also the traffic signal at the Home Depot as well as continuing cross access to the west through the other shopping center.

I hope that clarifies a little bit more on the access.

If I could just briefly go through our changes that we're requesting and the conditions which are outlined in this September 4th letter. And the conditions are included in the staff report beginning on page 6 of 13. That's where under Condition 4, traffic conditions, about three-quarters of the way down the page, that's where I'll begin. And the real purpose of our clarification here, we're not trying to get out of any improvements. We understand there's going to be site-related improvements that we're going to have to make. A lot of those improvements are going to be identified at the time of the development order stage because that's when we do a more detailed traffic analysis on the exact site plan that we're coming in for, whether it be a restaurant on the out parcels, a bank, what type of uses, and we get a much more finer detail of the trips that are going to be

generated by this project and then we determine what improvements need to be made to accommodate that.

So the purpose of this letter is to more, more or less clarify the conditions that were made by staff. And some of them were quite ambiguous, open-ended, and we just want to make sure that we're all on the same page, and I believe we are, but our recommended language tries to pinpoint that language in a little bit more detail.

The first condition, 4.a., and I'll read it to you as written in the staff report, "The developer is responsible for the cost of modifications to Quails Nest Lane as a site-related improvement."

And we understand that it's going to be a site-related improvement. Any improvements we do in that pink area is going to be a site-related improvement. We understand that the improvements made to Quails Nest Lane as it goes along the frontage of Bonita Beach Road will be a site-related improvement. We're agreeable to that. We just simply clarified in our language, referring now to the Pavese letter, and we have shown a strike-through and underline, we would like it to read, "The developer is responsible for the cost of bringing the public portion of Quails Nest Lane within the public right-of-way up to city,

private, local road standards as a site-related improvement."

And let me clarify, although this map doesn't clearly show, Quails Nest Lane is a public road approximately right to this location, right where it begins to curve. Beyond that it's a private easement.

We're agreeing to construct this portion to public road standards. Then this portion we will reconstruct as previously testified to local -- to private road standards, so we're going to improve the whole segment as a site-related improvement. We're agreeable to that. But we want to clarify that this section will be -- it's a public road, local standards and then private standards per the city's land development code.

MS. MONTGOMERY: Now, Ted, as the staff condition is written, when it says modification, it's not very illuminating, is it, as to what those could be?

MR. TREESH: No. It's kind of open-ended. Modifications can mean many things.

CHAIRMAN BIELSKI: I believe there was a question.

MR. NORRIS: No. I have a question for you, Madam Chairman, if we could deviate a little bit from the norm.

CHAIRMAN BIELSKI: And allow Mr. Philpott to respond?

MR. NORRIS: To respond or whoever is going to respond so we can do each item at the time, see if everybody is in agreement.

MS. MONTGOMERY: I've got to tell you something.

MR. NORRIS: Is that legal?

MS. MONTGOMERY: And I think it's probably still not written as clear as it should be when I read it again. It probably should be, "Within the public right-of-way up to city, public road standards," and then it should say, "and the private section will be brought up to private local road standards."

Does that make sense?

MR. TREESH: The second line should say within the public right-of-way up to city public local road standards.

CHAIRMAN BIELSKI: Before we get stuck on this question of language, let's just discuss whether we want the staff to get involved at this point in addressing this or if you --

MS. MONTGOMERY: Let me -- before we -- before you do that, before we go into the rest of it, let me just tell you my concern about these from a legal standpoint. Any regulation where you're going to

regulate a private landowner, you've got to put the reasonable man on notice as to what it is you're requiring him to do. And the problem you have with all these, as Ted's pointed out, we think we know what it is they want us to do, but should we all get splattered by a car on the way home, it's not going to be clear to anybody who picks this up exactly what's required, so what we're trying to do is we're trying to make it clear that regardless of who it is that picks up, you know, your future resolution, they know exactly what it is they're required to do. And when we use the term "modification" but we don't say what those are, it could be as much as go put two inches of asphalt on to totally rebuilding it, and without more definition we don't know. So what we're trying to do is clarify it so the city knows, the applicant knows, adjacent property owners know. That's what we're looking for.

CHAIRMAN BIELSKI: That's clearly understood. My question is: Do you want staff to respond to each condition?

MS. MONTGOMERY: We'll do whatever you all desire.

MS. VANCE: Council -- zoning board, we could do so, recognizing that there are attorneys who are

representing people that live on that private portion. There are people that -- from the public that might also want to do it. It might be better not to do a free-for-all, to allow Mr. Treesh to do his presentation, allow staff to then respond appropriately, comprehensively, and then allow the public.

CHAIRMAN BIELSKI: I think that we will follow that general format that we've followed in the past, so if you would just go through each condition as you wish it to be modified and then --

MS. MONTGOMERY: And we'll also be here to answe questions.

CHAIRMAN BIELSKI: This kind of discussion back and forth is probably better left to the end when everyone has had a chance to put their input.

MS. MONTGOMERY: Sure.

MR. TREESH: I would like to add one addition to that sentence on Condition 4.a.

The previous change that I said in that second line, within the public right-of-way up to city public local road standards as a site-related improvement, comma, and the private section, again referring to the section on around the bend, shall be brought up to local private road standards.

MS. VANCE: Are you trying to put site-related improvements or only on the portion of the city public local road by doing that separation?

MR. TREESH: No. You can do a site-related improvement at the end.

MS. VANCE: Thank you.

CHAIRMAN BIELSKI: Just for everyone's clarification here, we will before we approve or disapprove anything - this is for the members of the public also - clarify exactly what these conditions say because I'm totally confused.

MS. MONTGOMERY: About ours or theirs or all of it?

CHAIRMAN BIELSKI: All of it.

MR. TREESH: Referring back now to --

MR. INCERPI: Madam Chairperson. Mrs. Bielski.

CHAIRMAN BIELSKI: Yes.

MR. INCERPI: I'm lost here. I don't understand this. I'm sure I'm not the only one on this board that doesn't understand this.

CHAIRMAN BIELSKI: Well, yeah, I'm somewhat confused myself.

MR. INCERPI: Let's get this thing clarified.

CHAIRMAN BIELSKI: I think we need to hear everyone's input before we actually make a decision,

and I think that that will happen. We just need to b patient and at the final approval process we will know exactly what the language says.

MR. PESCOSOLIDO: Well, if we can have it all printed out in a way we can read it and understand. We got legalese here.

CHAIRMAN BIELSKI: I think our attorney will develop or --

MR. PESCOSOLIDO: That's going to involve some rewrites in part, I think.

MS. VANCE: I don't have the ability right now to do rewrites. I can read out loud how I believe that the condition is being recommended at this time.

Would you like to hear --

MR. BRANDRETH: It would help me.

MS. VANCE: I changed a little grammar, too.

MR. PESCOSOLIDO: It would help probably almost everybody in this room.

MS. VANCE: Following the letter from Ms. Montgomery dated September 4th, Condition 4.a. would change, and the staff report has Condition 4.a. as is, the condition would change to, "The developer is responsible for the cost of bringing the public portion of Quails Nest Lane within the public right-of-way up to city public local road standards

and the private portion of Quails Nest Lane to private local road standards as site-related improvements." So that both of them are site-related improvements. The difference is that there are specifications, construction specifications for private roads and there's specifications for public roads and it delineates the two specifications.

The only other thing I could add is I could add which sections of the code deal with private and which ones deal with public.

MR. PESCOSOLIDO: Are the public and private sections clearly identified somewhere?

MS. VANCE: Yes. They're in Chapter 3.

MS. MONTGOMERY: And I concur with what Audrey just read to you, that that's what we're requesting. So if you think that's more illuminating than just modifications, and I think it answers questions several of you had earlier about the staff and what are we going to do.

CHAIRMAN BIELSKI: Let's move on to Condition 4.b.

MR. TREESH: Before we get off of A, one of the comments that I heard from Lee County DOT is they intended that condition to refer strictly to the intersection improvements. And, again, Condition 8 of

the staff report is a standard condition of every zoning. If you read on page 7 of 13, Condition 8 indicates that approving this zoning request does not address the mitigation of the project's vehicular or pedestrian traffic impacts. So we have to go through this process again at development order to determine what intersection improvements we have to do, and those again are site-related improvements.

Again, we're not trying to get out of paying our share of what we need to do, but this Condition 4.a specifically addresses Quails Nest Lane as it traverses adjacent to our site.

Condition 4.b. Let me read staff's recommendation.

"The developer is responsible for the cost of modifying the eastbound and northbound left turn lanes at the intersection of Bonita Beach Road and Quails Nest Lane as a site-related improvement". And I did get clarification from Mr. Getch, and he can speak to it later when he is at the podium. He intended the "eastbound" to be "westbound" because in fact the eastbound left turn lane goes to the north of Bonita Beach Road and we don't obviously impact that movement. So it's our opinion that this, again, this condition is redundant because of Condition 8.

Condition 8 requires us at the time of local development order to do a traffic study, and if it's determined that we need left turn lanes, right turn lanes, lengthened turn lanes, we have to do that as a site-related improvement.

MS. MONTGOMERY: So, Ted, to make 4.b. consistent with what Andy's now clarified, it should be westbound and northbound.

MR. TREESH: That's correct.

The condition can remain, but, again, we --

MS. MONTGOMERY: It's superfluous since you're already required to do it.

MS. VANCE: So the only change, really, in that condition is change east to west?

MR. TREESH: East to west, correct.

MS. MONTGOMERY: If I'm going east, I'm going right.

MR. TREESH: Condition 4.c. from the staff report reads, "The developer is responsible for a proportionate share of the modifications of the existing median opening at the intersection of Bonita Beach Road and Quails Nest Lane as a site-related improvement." And again, as I read that, I'm not exactly sure what the definition of "modification of the existing median opening." Again, in the previous

condition we have to improve turn lanes as a site-related improvement. We understand that. If at some time in the future, and again as Ms. Montgomery indicated, FDOT and/or Lee County DOT or the City of Bonita Springs decides to remove this traffic signal at Quails Nest Lane and in some form change the access, you know, we believe that's their responsibility. I don't think putting that burden on us is fair. You know, this is going to be a thriving retail development. Strathmore's made quite an investment in this parcel to improve it and bring it up to standards and develop this site. I'm not sure why they would want to pay to cut off access to the site.

If someone comes in and they do an improvement, an access management improvement, and change access; similar to what was just done with Bonita Beach Road -- the county in conjunction with the city widened Bonita Beach Road from I-75 to Imperial, but then they also resurfaced and conducted access management improvements from Imperial all the way to, I believe almost to U.S. 41, where a lot of the median openings were changed. Some were closed, some were made a left-in only, et cetera. You know, that was done as a safety and operational improvement that the

county implemented in their CIP project. I don't believe they charged the local property owner to lose his access.

So we obviously don't agree with that condition. And, again, we are responsible for site-related improvements as it relates to our impacts. Again, if they decide in ten years to come back and modify that signal or change access at that location, we expect them to cover those costs.

So we would like that condition deleted in its entirety.

Condition 4.d., the developer -- reading from the staff report, "The developer is responsible for a proportionate share," and then in parens, "based on the percentage of left turns," unparen, "of the cost of intersection improvements at the intersection of Bonita Beach Road and Saradrienne Lane." And again referring to the aerial photograph, Saradrienne Lane - I'm not sure if I'm pronouncing it right - is the Home Depot access. This apparently on the tax maps is called Saradrienne Lane. This is Downs Drive to the north.

MR. PASTORE: No, you're wrong. It's Downs where it comes across the easement there at Saradrienne. That's it. The other one is Downs Street which goes

down there.

MR. TREESH: Well, we agree, and that's why we're not clear.

This intersection -- again, because I've worked on this project, this intersection was built out with dual left turn lanes, throughs, rights, two lanes in, and we have run our analysis with this cross-access and determined that this intersection can accommodate any additional trips we add to it, but, again, at the time of local development order we're going to have to analyze that and if we show that at the time of DO there's a failing movement over here and we have to add another lane, that's a site-related improvement. That comes in under Condition 8 where the vehicular impacts are not approved as part of the zoning request. They're evaluated again at the time of local development order.

So it was my impression that Saradrienne Lane was the north-south portion. What you're saying is it's actually the frontage road. I mean I have worked on many shopping centers. That frontage road is more than enough to accommodate what -- I can't see any improvements that would ever be needed to this reverse frontage road. It would be at the traffic signal where you have vehicles stopped under a traffic

control device. And, again, that would be addressed in the development order as our impacts, site-related impacts.

So, again, we're not trying to get out of doing improvements. We just -- this condition is very ambiguous and doesn't really -- you know, new here now this morning, you know, could include the frontage road as well as the north-south portion of the road.

So, again, we think it's redundant and we would like it eliminated.

Condition 4.e. Staff report language reads, "In order to minimize congestion and weaving in the I-75 interchange, left turns to and from the subject property are to be directed away from the Bonita Beach Road/Quails Nest Lane intersection and directed to Saradrienne Lane, being a recorded cross-access easement. The cross-access easement must be constructed from the project to Saradrienne Lane with the construction of the project connection to Quails Nest Lane."

We agree with the last sentence. The first sentence is basically unenforceable. We can't direct people where to come into or out of this project on Bonita Beach Road. Obviously, in the earlier discussions, they will have opportunities to turn left

if they're coming from the east at Quails Nest or at the Home Depot to get into this project. We can't direct them to do that, obviously. This is a retail establishment. There will be standard signage, et cetera, that will be approved, but we can't direct people where to turn into. So we think the first portion of that should be struck because it's not, it's not enforceable.

The second or the last sentence we would like to modify to include this language. "The applicant must construct a cross-access from the project to Saradrienne Lane prior to the issuance of a certificate of completion for the first infrastructure development order." So that requires us when we come in to do our roadways, ponds, storm water management, et cetera, we have to build that connection over to the Home Depot reverse frontage road. So therefore it's built and operational by the time the first user is open and generating trips.

And we think that still meets the intent of the staff condition, the last sentence, where the cross-access must be constructed.

And, again, not trying to get out of anything. We're just wanting to clarify it a little further and exactly in our recommended language we actually put a

time frame on it, before the CC of the first infrastructure development order.

Condition 4.f of the staff report reads, "The developer is responsible for a proportionate share," in parens, "based on a percentage of left and right turns," unparen, "of the cost of improvements to county-maintained portion of Bonita Beach Road and of Bonita Beach Road/I-75 interchange."

We've had quite a bit of discussion with Lee County DOT staff on this recommendation. This recommendation is in every staff report for future zonings that are going to be before you that are on the other side of the interstate, so we're going to have a lot of discussion on this condition in the next few months.

MS. MONTGOMERY: Before you start, Ted, let me ask you a question. Based on how it's presently written, do you have any idea what that requires?

MR. TREESH: No, no.

MS. MONTGOMERY: And can you tell me what portion of the I-75/Bonita Beach Road interchange is actually maintained by the county?

MR. TREESH: I do not know for certain, no, but I would assume that it's just the Bonita Beach Road pavement, not the ramps or the bridges, et cetera.

MS. MONTGOMERY: And did the city have a study done on this interchange?

MR. TREESH: Yes.

MS. MONTGOMERY: Can you tell me who did the study and was it accepted by the City Council?

MR. TREESH: It was presented to City Council. The study was conducted by the firm URS Corporation.

MS. MONTGOMERY: And did we reflect the recommendations of the URS study in the revised condition?

MR. TREESH: Yes.

MS. MONTGOMERY: Okay. With that, I'll let you go ahead.

MR. TREESH: The URS study recommended that in order to address existing operational deficiencies that a second left turn lane be added - if I could refer to the aerial photograph - a second left turn lane be added in the eastbound to northbound direction.

You visit interchanges, Immokalee Road to our south has dual lefts turning onto the ramp. Very similar to that configuration.

So that was the recommendation of the URS study.

So what we have tried to do is pinpoint the condition specifically to what we know today. And

it's got quite lengthy, but let me read it from the Pavese letter on top of page 3. "The developer must pay a proportionate share of the cost of the I-75/Bonita Beach Road interchange improvements identified in the URS Corporation June 2007 study. The improvements identified in the study are the addition of an additional eastbound left turn lane at the intersection of Bonita Beach Road and I-75 northbound ramps. The additional eastbound left turn lane may require the removal/relocation of the sidewalk located on the south side of Bonita Beach Road as identified in Figure 4 of the URS study. The developer's proportionate share shall be determined at the time of local development order. The developer's proportionate share shall be determined based on the percentage of left and right turns at the I-75 and Bonita Beach Road intersection identified in the local development order traffic impact statement. The funds will be paid to the government agency making the improvements, which can be Lee County, Florida Department of Transportation, or the City of Bonita Springs. The funds will be paid when the improvements are included in either the FDOT work program or the CIP of one of the local governments."

What this does is several things. It pinpoints

exactly what improvement we're targeting, whereas the condition in the staff report could be anybody's guess. We have no idea. And to condition us to pay a proportionate share of something we don't know what it's going to be we don't think is fair at this time.

Our language specifically identifies a study that was commissioned by the city and an improvement that was recommended. And I do have a copy here if you haven't seen it or want to see Figure 4 that's referenced in the condition.

It also identifies a time. If we pay our money now, you know, it may be years and years before anything is done. We want -- again, we want to pay our proportionate share when we know there's committed improvement on the books and the money's going to be well spent and everyone can take advantage of it.

The percentage of left and right turns is the same as in the staff conditions, so we're not disputing the methodology of the proportionate share calculation. And then we want to pay the funds to the agency that's going to be doing the improvement, whether that be FDOT, Lee County or the city. So we just think the condition as currently written in the staff report is very wide open, very ambiguous, and I can tell you it's a thorn in everyone's side that's

had this condition in their staff report, particularly this case, because it's such an unknown at this time.

MS. MONTGOMERY: Ted, let me ask you a question. Are these funds over and above impact fees for the proportionate share or do you know?

MR. TREESH: I don't know.

MS. MONTGOMERY: And if you, if you include the condition as worded by the staff, is that equivalent to a blank check?

MR. TREESH: In my opinion, yes.

MS. MONTGOMERY: And I know you're not an economist necessarily, but in your opinion as a traffic expert could you advise any of your clients to proceed forward, having just signed a blank check and have any idea whether their project is then feasible or not feasible?

MR. TREESH: I would not unless they gave it to me.

No, I could not advise my clients to do that based on the uncertainties.

MS. VANCE: May I one second, Ms. Montgomery? And I'll direct the question to Ms. Montgomery instead of Mr. Treesh.

Are you familiar with the city's proportionate fair share ordinance that does require the city, that

if it enters into a proportionate fair share agreement, that money is credited towards the impact fees paid?

MS. MONTGOMERY: I am aware of that, but the condition as written doesn't clearly reflect that that condition is pursuant to your ordinance, so it's very, very unclear and very open-ended.

MS. VANCE: And you think yours is a little more clear?

MS. MONTGOMERY: I think mine's much clearer.

MS. VANCE: Could I make suggestions to yours?

MS. MONTGOMERY: Sure.

MS. VANCE: How about if the city changes it to something like prior to local development order, just so we know when we're going to do this, the developer must enter into a developer's agreement to pay a proportionate fair share of the cost. All that remains the same. You take out that the proportionate share shall be determined at time of local DO, so there's no redundancy. You go down to where the funds will be paid to the government agencies because -- and put the S in parentheses because it may be one agency, it may be more than one agency.

MS. MONTGOMERY: Fair enough.

MS. VANCE: Making the improvements, which can be

with that language, and the funds will be paid at the time specified for in the developer's agreement. So prior to a development order, this condition would then go into effect and that would be consistent with Condition 8.

MS. MONTGOMERY: So you would leave our language with the changes you just made?

MS. VANCE: Yes, ma'am.

I believe Mr. Getch would be okay with that.

Do you want me to read the whole sentence?

MS. MONTGOMERY: I think it would probably be great. I think there's some folks who don't have this in front of them, so for them it's hard to know what you -- how it fits in.

MS. VANCE: The way Condition F would then read, just for clarification, it would be Ms. Montgomery's -- now, I have not talked to Mr. Salehi, I have not talked to Mr. Price. Obviously, I don't know what the subject change will be final by City Council.

But it would be prior to the local development order the developer must enter into a developer's agreement to -- and that's a statutory developer's agreement, we can talk about that if you have questions -- to pay a proportionate share of the cost

of the I-75/Bonita Beach Road interchange improvement identified in the URS Corporation June 2007 study. The improvements identified in the study are in addition of an additional eastbound left turn -- is it eastbound or westbound? Eastbound left turn lane at the intersection of Bonita Beach Road and I-75 northbound ramps. The additional eastbound left turn lane may require the removal/relocation of the sidewalk located on the south side of Bonita Beach Road as identified in Figure 4 of the URS study.

Delete the next sentence.

The developer's proportionate share shall be determined based upon the percentage of left and right turns at the I-75 and Bonita Beach Road intersection identified in the local development order traffic impact statement. The funds will be paid to the government agencies making the improvements, which can be Lee County, Florida Department of Transportation, or the City of Bonita Springs. And I presume there's not going to be a CDD that would be also eligible, Ms. Montgomery?

MS. MONTGOMERY: I'm sorry. What, Audrey?

MS. VANCE: I'm going to make the presumption that there's not going to be a community development district that would also be eligible under the new

changes.

MS. MONTGOMERY: Yeah. I wouldn't imagine that this kind of major improvement would be done by a CDD.

MS. VANCE: Okay. The funds will be paid at the time specified for the improvements in the developer's agreement, and that's how it would end. And delete the part where the improvements are included in either the FDOT work program or CIP for one of the local governments, so that the timing is very clear specified prior to local development order.

MS. VANCE: I can give everybody my handwritten notes afterwards if that's any help, if you can read my handwriting.

MS. MONTGOMERY: Are you ready to tackle 4.g.? Okay.

MR. BRANDRETH: Onward and upward.

MR. TREESH: 4.g. as written in the staff report reads, "The applicant will assume the maintenance responsibility for Quails Nest Drive upon the vacation of the city-maintained segment and provide appropriate cross-access easements to all existing uses and parcels not part of the proposed development."

The first comment I would like to make is we cannot make a Quails Nest Lane. There are other properties that have rights to that roadway. We as a

private property owner cannot vacate that road. The city would have to do that process.

We would like to reword the condition as indicated on page 3 of the Pavese letter. "The applicant will assume its share of the maintenance responsibility for Quails Nest Drive if the city-maintained segment is vacated and provide appropriate cross-access easements to all existing uses and parcels not part of the proposed development who rely on Quails Nest Lane for access."

So we're willing to do our part but we cannot vacate that. And if the vacation does occur by others, then we are willing to, again, share in the maintenance responsibilities of that road.

CHAIRMAN BIELSKI: I'm just a little confused here. Do you mean to say access easements, all existing uses and parcels who rely on Quails Nest Lane for access, even those not part of the proposed development? Is that what you're trying to say?

MS. MONTGOMERY: Yes. It's really the Hess, the Waffle House because that's -- staff condition as currently written, it indicates that we're going to provide easements to all existing uses and parcels not part of the proposed development. Well, that means everybody in the City of Bonita and that's not really

what they meant. What they meant was that people who presently use the road but aren't part of this development, so it's all those users around the outside who use the road, but --

MR. TREESH: Here and this.

CHAIRMAN BIELSKI: Right. Okay. It needs to be clarified because that's not clear from this.

MS. VANCE: You're also including the FDOT retention pond so FDOT has maintenance?

MS. MONTGOMERY: I'm not sure how they access that, Audrey. I'm not sure what their plans are for their future retention pond.

MS. VANCE: Only because, again, that original Quails Nest Lane was actually an FDOT road that was required as part of the interchange, so if we end up not giving them access or they only have access off --

MR. TREESH: I am being told FDOT has access to their parcel when they purchased that.

MS. VANCE: Through Quails Nest Lane?

MR. TREESH: No, through the I-75 right-of-way.

MS. MONTGOMERY: And I will tell you what's not clear from this --

MR. NORRIS: I didn't think we were going to get into a general discussion.

MS. MONTGOMERY: I'm sorry. Mr. Pastore.

MR. PASTORE: This property, get into a general discussion at this time.

MS. VANCE: I'm just trying to clarify what they're asking for.

MR. PASTORE: We're actually changing their wording to justify something that we should be passing it on. I don't think we should be doing this.

MR. NORRIS: May I ask just the process that we go through, Mr. Treesh?

MR. TREESH: Sure.

MR. NORRIS: So that we understand what we're doing here this morning.

First of all, conditions most of the time have been looked at by this board and some have been passed and some have not been passed, but in this traffic issue and these, who's going to pay what to whom and who's going to do this to what, is that not addressed, as you have stated earlier, at the development order process, which could be two years down the road?

So if I'm sitting here today and I'm going to tell you that you've got to put in an eastbound lane and I make that part of -- you know, a turn lane going north on 75, two years from now when you sit down and go through this whole process again, there may be needed three lanes there, and you can look back and

say well, wait a minute, two years ago they said we only had to put two.

My question is: Why can't this be covered in one omnibus type condition that you're going to apply or conform to what is required at the day the DO is issued?

I don't think that's -- this is a personal opinion. I don't think this is part of the rezoning process. Some conditions are, some deviations are.

MR. TREESH: We agree.

MS. VANCE: They would agree.

MR. NORRIS: Absolutely.

MR. TREESH: We agree. Condition 4.a. through h were given to us by staff, so we have to address those. Condition 8 is your omnibus condition that covers us at the time of development order for our impacts.

MR. NORRIS: When you sit down, whatever it may be, 18 months, this developer may look at the economy now and say we're going to wait. We don't know that. But we do know that we're putting restrictions that may not be good or bad. We may need more at the time of DO.

MR. TREESH: I completely understand.

MR. NORRIS: So when you sit down with Mr.

Campbell or whomever at that time, if he's still ther and that's who you sit down with, will not these issues be addressed at that time?

MS. MONTGOMERY: Let me just say I think the Condition 8 covers everything except the requirement that we interconnect with Saradrienne Lane. I think that is covered by other provisions of the city's code, but I can see the need to clarify that.

MR. NORRIS: I have no problem with that one because it seems like that we have approved in the past some issues that never were followed up on, especially with those reverse roads. We have got som people who just said we're not going to do it. And Albertsons I believe is one of them. And I may be speaking out of school there, but they're stopped, and then when the Bank of America wanted to redo, we asked them to continue it.

So, yes, there has been issues that have not been addressed.

MS. MONTGOMERY: And I think you probably need to clarify so everybody knows we've got to connect to the Home Depot, and I think that's something everybody needs to be clear on. That needs to be in here.

MR. NORRIS: Just to make sure that everyone understands that there's a different process down the

road that addresses a lot of these issues in the development order process.

MS. MONTGOMERY: And you've raised a valid point because these things cut both ways. You're absolutely right. The reason I think the staff left it as modification is so it could be whatever in the future, but the problem is again, I think Ted's pointed out if you do it at DO stage, you have to do a DO TIS, which makes him have to look at all the intersections you impact. He has to make recommendations if you're creating an adverse impact to mitigate those, so he's already obligated to go ahead and address that and he tackles that on a regular basis.

MR. NORRIS: That's just my opinion. Thank you.

MR. TREESH: We agree with that opinion.

I apologize for the length here. I'm on the last one, Condition 4.h of the traffic conditions from the staff report, and let me read the staff language.

"The applicant will accommodate the accessibility of all impacted uses and parcels not part of the proposed development and provide appropriate and additional cross-access easements upon the evaluation of FDOT/LCDOT for the closure and/or directional movement -- movements limitations of the Quails Nest Oakland and BBR intersection." And then in parens he

has, "e.g., one-way operation via streets internal to the development so that Quail Nest Drive may operate as a right-in/right-out only if needed."

Now, I read that condition, and to be honest, I have no idea what it says. I mean I think I get the intent of the condition and I think the intent of the condition is relayed in previous conditions and it is related to the cross-access easement. As Neale indicated, that previous conditions require us to construct and provide cross-access to those parcels. And, again, not all parcels that are not part of this development, because, as Neale indicated, that's everybody, but those specific parcels that have access to Quails Nest Lane today will continue to have access to Quails Nest and the cross-access easement to Home Depot. So we have rewritten it to read the following at the bottom of page 3 of the Pavese letter.

"If Lee County or FDOT restrict the Quails Nest Lane and Bonita Beach Road intersection to a right-in/right out intersection, the developer shall permit the out parcels that utilize Quails Nest Lane under separate ownership," in parentheses, "to utilize the cross-access to the Home Depot site. The out parcel owners will be required to pay their fair share of any maintenance cost of the cross-access easement."

That's our proposed changes to the conditions outlined in the transportation section of the staff report. And, again, I apologize for the lengthiness, but as you can see from reading these, some of them are quite ambiguous and we absolutely need to pinpoint these down.

MS. MONTGOMERY: Obviously, when I read Condition H, I was perplexed as well as to exactly what that meant, so we tried to clarify because we had an assumption that perhaps if it wasn't clear to us, it wasn't going to necessarily be clear to anybody else either.

MR. TREESH: That's all I had at this point. I would be more than happy to answer any questions.

CHAIRMAN BIELSKI: I don't believe the board has any questions at this time.

Oh, you do? I'm sorry.

MR. NORRIS: What it boils down to, Mr. Treesh, is one question. When this development is built out under today's conditions and what's on the books today and what's out there coming down the road that we know of, Bonita Beach Road, Quail West -- Quails Nest is going to operate at a Level of Service D?

MR. TREESH: C.

MR. NORRIS: C. Thank you.

MS. MONTGOMERY: And, Ted, that's the same thing that Mr. Getch says in his memo as well?

MR. TREESH: Yes.

CHAIRMAN BIELSKI: Are there any other questions from the board?

I'm going to call a ten-minute recess at this time.

MS. MONTGOMERY: Thank you.

(The hearing was in recess at 10:48 a.m.; after which, the hearing resumed at 11:02 a.m.)

CHAIRMAN BIELSKI: We will reconvene the proceedings.

MS. MONTGOMERY: Thank you, ma'am. I just have one very short witness, but very important.

Mr. McGraw.

MR. MCGRAW: Hello. My name is Kevin McGraw. I'm from Strathmore Development Company, one of the owners. And I'm not that short.

First of all, I apologize for not wearing a tie. I have a broken shoulder and these Tommy Bahama shirts, I'm wearing them out because they're easy to get on. My wife wasn't here to tie my tie, so forgive me. The next 30 days I'll be wearing ties again.

As you can see from some of the pleadings or the documents, we're from Michigan, but we have about six

projects down here. And I'm an old zoning, land use attorney representing municipalities in Michigan, so we come down here and we try to get noncontroversial properties for that reason. We saw this property as an opportunity when we saw the uses on it. I always wondered in the beginning why people hadn't developed this corner until we found out that there were seven different property owners, 13 different pieces of property, and it was a nightmare putting this together. We had to pay through the nose. FDOT then in and wanted to condemn the middle piece of it. We talked them into doing the back to help buffer Vasari and that was difficult. But we're very proud of the fact that we're coming in and redeveloping this site. We've had a lot of challenges since purchasing this. We were just recently closed on it, but we've had a lot of problems with the uses that were on this that were existing, with the criminal activities that were going on at the hotel. We still have vagrants on the property that we call the police on constantly. Hannula Landscaping, his attorney is here. Dale Hannula is a great guy and we've gotten to know pretty well, and he's had problems. He's actually asked our permission to put a fence up to prevent the vagrants from coming over. We've got a lot of the property

fenced in now. We're working on trying to clean this up.

The development itself is going to be wonderful. That's kind of our reputation in other jurisdictions that when we go to a project people usually say they're going to do what they say they're going to do. And you're going to learn that, hopefully, from this project and others that you're going to see from us.

Mr. Hannula's attorney that owns the landscaping company and I have had a discussion. We have agreed, and obviously our engineers have testified that we're not going to affect the drainage detrimentally at all to their project. In fact, we're going to improve it. We've also agreed to maintain the private portion of Quails Nest Road up to the point that they either change the scope of their use or sell it or change the use, because obviously if they sell it to a hotel or something we shouldn't have to maintain it ourselves. We all have easements to use that. We're going to improve that all the way down to the back of our property and to their property.

And Mr. Philpott recently asked us if we would increase the buffer between the bottom piece and that single-family house. We just told him we would. So it's not a deviation.

But we're here to answer your questions. If you need something done, tell us. We'll do it within reason. We do need to get this done as soon as possible. This has taken us a lot longer to get to this stage than we thought. And obviously the blank check thing on the I-75 improvements and other things, which is what Neale and Ted are so good at nailing down for us, is imperative.

I really liked your suggestion, Commissioner Norris, on the 8.h., I think it is, on we deal with this at local development order when we all know more about our traffic of what's come on and off, what our prop share is and that way we can further define whether it's more or less. And it's more appropriate for everybody in the community that way as well. So we agree to that.

If there's any questions regarding how we got here, what we do, let us know. We have a Web site that's Strathmoredeb.com. A proposed site plan is actually on there.

With the FDOT combination there's a lot less we can do on this property, so the square footage will be much less than normal, but it's going to be a nice development and we're looking forward to being your good neighbor.

Are there any questions?

CHAIRMAN BIELSKI: Questions from the board?

MR. MCGRAW: Thank you very much.

MS. MONTGOMERY: That concludes our testimony in chief. We do reserve the right for rebuttal.

CHAIRMAN BIELSKI: Staff, would you like to start?

MR. PHILPOTT: For the record, Josh Philpott on behalf of staff.

The request today is a request to rezone approximately 24 acres from Commercial Planned Development, Commercial Tourism and Agricultural to Commercial Development to allow the development of a 300,000-square-foot commercial development as well as a 125-room hotel.

As we discussed earlier, the location of the project is south of Quails Nest Lane, just east -- or, excuse me, just west of I-75 and south of Bonita Beach Road. It is located in the Interchange Commercial future land use category which promotes a large, intense commercial development that allows for the traveling public to have commercial uses as well as other intense commercial uses.

The maximum floor area ratio for commercial -- o- the Interchange future land use category is 1.2,

meaning the overall development is permitted with the future land use to have for every square foot 1.2 square feet of commercial development.

The proposed rezoning with 300,000 square feet of commercial uses is approximately .28 floor area ratio. It's approximately a third of the permitted floor area ratio as outlined in the future land use category.

Now, that does not include the floor area ratio for the hotel. However, as outlined in the staff report, I believe there's an available 900,000 square feet of commercial, 944,000 square feet of commercial to meet that 1.2. It is not anticipated that a 125-room hotel will come close to that 944,000 square feet.

This project is a little unique in nature due to the location on an arterial roadway, one of the heaviest traveled roadways in the city of Bonita Springs, as well as I-75, a major arterial road for the traveling public. It is a redevelopment of a site that's currently developed with a hotel. The hotel is vacant and boarded up. Also there are two out parcels that are not subject to this rezoning along Quails Nest Lane. Those two, one is a convenience food and beverage station, the other is a Waffle House.

Also there is along Quails Nest Lane, to the east

of Quails Nest Lane there is a commercial nursery that operates off of that property as well as an office and a caretaker's residence for that commercial nursery.

This is a unique situation in dealing with a redevelopment in a commercial, an intense commercial future land use category with some existing uses that are not intended for the Interchange future land use category. Today those agricultural, commercial nurseries are not intended to be located in the interchange commercial. Other future land use categories do allow for those. So in processing this application, reviewing this application, it was, it was a test between staff and the applicant to deal with compatibility issues as well as operational issues for the commercial shopping center, the hotel, as well as the existing residential or the existing commercial nursery with that caretaker's residence. To do so staff has included several conditions requiring maintenance and improvements of Quails Nest Lane. Quails Nest Lane is currently a dirt road, and on a good day it can be two lanes, but several drainage issues do happen in that area. As part of the redevelopment of the site that drainage will be improved and will be brought into compliance with the Lee County Land Development Code as well as state

regulations for drainage.

Just to go over the subject property in the current zoning, the subject property is zoned Commercial Tourism and the eastern portion -- or, excuse me, the western portion of the property was zoned Commercial. That was rezoned in 2001, and on March 15th, 2006, there was an extension done to that rezoning to allow an additional two years for that Commercial Planned Development. Again, that expires on March 15th, 2008. An additional extension can be granted. However, it will have to go through a hearing process to be granted.

That CPD was not developed. However, some of the infrastructure, some of the water management was installed, but a majority of the area to the south and east -- or south and west of the property is vegetated. A lot of the understory is cleared as you can tell in the aerial. The rear portion actually has two water management lakes. These lakes are going to be modified as part of the proposed master concept plan to be incorporated into the water management for the proposed development. There is a large amount of nonnative species in this area. The applicant is proposing to remove those and replant this area with native species. I believe the applicant did hand out

planting plans and restoration type plans. The final plans obviously will be determined at the time of the development order.

As I move to the master concept plan, the proposed development will incorporate a large anchor parcel to the south of the reverse frontage road which they will be required to construct and connect to Home Depot. That is a condition of the rezoning. But the large parcel will be located in the center portion of the property. Two out parcels are located along Bonita Beach Road to the northwest of the reverse frontage road.

There are also three out parcels that will front on Quails Nest Lane as well as a hotel location in Parcel E as located on the master concept plan. The access for the out parcels will be from both Quails Nest Lane as well as the internal circulation for the project.

Just to go through some of the schedule -- I mean some of the deviations the applicant has requested, they are outlined in the staff report.

MR. INCERPI: 7 of 13.

MR. PHILPOTT: Deviation 1 is a request from LDC Section 3-339(E)(1)(a), and that requires a 50-foot lake excavation setback from properties under separate

ownership to allow a setback of only 30 feet. Again, that is adjacent to the southeast portion of the property. That is for the water management lake.

The property to the east, or the southeast of the property is currently owned by Florida Department of Transportation and is planned to have a water management lake on the site for drainage for Florida Department of Transportation and I-75.

Staff did recommend approval of that deviation.

Deviation Number 2 as outlined on page 8 of the staff report is a deviation from Section 3-415(B)(1), and that's an indigenous open space requirement to allow the restored indigenous area as shown on the master concept plan to count towards the required open space. The deviation is discussed in the Lee County Environmental Sciences staff report. That's on Attachment C of zoning staff report. Due to the large amount of non-native species and invasive species, the applicant again has offered to do a lot of restoration and improvements to the site. And, again, staff did recommend approval of the requested deviation.

Deviation Number 3 is a deviation from Section 3-416(D)(4), which requires a minimum of 48-inch high shrubs to be planted within a type F buffer. This was discussed by the applicant, but to go further into

this, this is along the southern portion of the property that's shared with Vasari. This is using the applicant's planting plan. The southern portion of the property, the applicant is proposing a type F buffer. Again, commercial adjacent to multifamily residential does not require a buffer. However, as part of their proposal they are providing a buffer, a type F buffer, which is one of the most intense buffers that we have. However, again, due to the equipment that is needed to plant those tall, tall shrubs as well as irrigation requirements and placement requirements, the applicant has proposed t use 24-inch shrubs instead of 48-inch shrubs. I believe this is discussed again in the Environmental Sciences staff report. But using the shorter shrubs initially allows for less disruption at the time of installation as well as a better rate of them being healthy as they grow.

Deviation 4 is a deviation from Section 3-296(J) to allow a public road to dead-end without providing a cul-de-sac. The City of Bonita Springs Land Development Code has cul-de-sac design standards that require every dead-end street to provide turn-around for vehicles. The applicant is proposing to provide dead-end street at the location of the hotel on the

master concept plan and that is on Quails Nest Lane. As Quails Nest Lane enters the subject property the road will, as proposed, will dead-end without a cul-de-sac. However, as a condition of the rezoning, staff has included a condition that requires cross access easements for vehicles using this to provide sufficient turn-around and turning movements with -- to provide safe access through the site. So although they may not have a turning radius at this point, they will have access through the site. Again, the staff did recommend approval with conditions of that deviation.

Deviation 5 is a deviation from LDC Section 3-285(A) to allow a connection separation of less than 125 feet on a local street to allow connection separation ranging from 34 to 121 feet along Quails Nest Lane. This deviation is requested both for the reverse frontage road as well as some of the connections along Quails Nest Lane. Due to the existing access points on Quails Nest Lane for the Hess station, as well as the Waffle House, there's not enough frontage along those out parcels to provide adequate spacing for access to those out parcels. However, due to the limited volume that is anticipated for this road, staff has recommended approval of that

deviation. And that includes all of the deviations requested.

Just to briefly touch on the comprehensive plan considerations which began on page 10 of the staff report, staff -- or the subject property again is located in the Interchange Commercial future land use category. It's Policy 1.1 -- Policy 1.1.15 of the Future Land Use Element of the City of Bonita Springs comprehensive plan. Again, it promotes commercial uses that are intended to serve the traveling public, hotels, motels, gas stations, as well as general commercial, light industrial, commercial office and multifamily residential up to 10 dwelling units per acre. It also does allow a maximum height of 75 feet, but commercial uses having a maximum floor area ratio of 1.2. The proposed maximum height for the proposed development is 50 feet. However, that is limited to Parcel E which will be developed with a hotel. The remaining portion of the development will be 35 feet in height.

Policy 1.1.22 of the Future Land Use Element of the comprehensive plan discusses locating commercial and industrial uses to have the less intensive uses located closer to the residential uses that may be adjacent. In this case the applicant is providing a

water management feature as well as indigenous preserve areas, enhanced buffers adjacent to the Vasari residential development to the south and is well over 400 feet from Vasari to the commercial development to the north as proposed. Staff finds that the proposed development is consistent with Policy 1.1.22.

Objective 1.1 -- excuse me, Objective 1.11 and 1.11.1 both discuss having necessary public facilities to support a development at the time of development order or rezoning. The proposed development will be served by Bonita Beach Road as well as utilities. Utilities are available and staff finds that the proposed development is consistent with those two objectives as well.

Dealing with neighborhood compatibility, again staff tried to address these concerns with the surrounding uses. Again, that commercial nursery is located in the Interchange and is not -- staff does not believe it will remain there an extended length of time. However, it is currently there and can remain as long as it operates. However, due to the Interchange future land use category, it's not currently and would not be permitted to locate there if it was not existing. So staff long-term does not

see that this -- or sees more intensive commercial uses being located on that property. However, staff did include conditions that require the hotel, which will be 50 feet adjacent -- 50 feet in height adjacent to that residential -- or that commercial agricultural operation as well as the residential portion to the south and require that all four sides of the hotel be constructed to have primary facades. And that's a definition in Chapter 3 sub 600, Section 3-600 of the Land Development Code. Those architectural requirements are reviewed at the time of development order. City staff currently -- or the city currentl has an architect that reviews architectural requirements at the time of development order to meet those standards outlined in 34 -- or, excuse me, 3-600.

Typically a commercial development would only be required to have two primary facades. The primary facades have higher standards for architectural enhancements, aren't allowed to have blank walls and have limited amount of areas that can be just one without depth. With that condition, all four sides would be enhanced instead of just the two. Again, staff did recommend approval with conditions.

But to discuss the transportation aspects, which

is a very important aspect of this development given the Bonita Beach Road and I-75 interchange, I would request that Andy Getch or Mr. Harry Campbell from Lee County staff come up to discuss those impacts as well as the intended conditions as included in the staff report.

CHAIRMAN BIELSKI: Josh, if anyone has any questions.

MR. PHILPOTT: Sure. Sorry.

MR. NORRIS: I just have one, Mr. Philpott. Referring to your -- on page 2 of 13, starting on Condition Number 2, and just a question that you can clarify for me. I see a couple in Parcel E and maybe Parcel F we're listing a bar and a cocktail lounge, but we're also listing day cares and schools. Is there anything in our development code that says they are not compatible within a certain location of each other?

MR. PHILPOTT: Yes, sir. I'll discuss that -- let me -- I'll touch on that. To start off, actually staff as preparing for this hearing noticed that in Parcel E there's restaurants, bar and cocktail lounge, nightclub as permitted use, as well as specialty retail Groups I and II. Staff would like to include a condition that says those permitted uses are only

accessory to a hotel and cannot be stand-alone bar and cocktail lounges. So, therefore, you have a hotel that may have a little internal bar. However, if the hotel's not built you can't have a nightclub or a bar. So staff would like to include that condition.

But to discuss the separation requirement for day care centers, churches, the City of Bonita Springs Land Development Code, I believe, I don't want to quote the exact section right off the top of my head, but, anyway, it requires, as well as state law requires a minimum separation of 500 feet between churches, day care facilities, residential, single-family residential units, I believe there's two or three others in there as well, between those facilities and a bar and cocktail lounge, any consumption on premises, any alcoholic beverage license that allows for consumption on premises. However, those are reviewed again as part of an additional process, an administrative application.

MR. NORRIS: Realizing they're not going to build all those entities, I just want to make sure we don't get bit if we leave it listed like that. But, anyway, that's up to --

MR. PHILPOTT: No, sir.

CHAIRMAN BIELSKI: I have a question regarding

what you just mentioned about the stand-alone, because your bar, cocktail lounge and restaurant with consumption on premises is listed under Parcel E which is where the hotel goes, but then under Parcel F you also have bar or cocktail lounge, nightclub. And what I would read this to mean is that the applicant wishes to put those uses as stand-alone, if you will, aside from the hotel. I mean it was your proposal just to limit them, eliminate them from Parcel F?

MR. PHILPOTT: In Parcel F it is a more intense commercial development. It is highly separated from those residential units. Obviously, given the location, staff didn't have an objection to including those. They will be reviewed as part of getting a consumption on premises license. Certain conditions that are already incorporated in the land development code can be applied and most likely will be applied as part of that process as well.

CHAIRMAN BIELSKI: So your proposal for stand-alone is just applying to Parcel E?

MR. PHILPOTT: Yes, ma'am. That will limit in the case for some reason if a hotel is not located there, they will not be a permitted bar, cocktail lounge, nightclub that will operate independent of the hotel. By limiting, having that limited to accessory

to the hotel, it requires that it be internal to the hotel.

CHAIRMAN BIELSKI: I understand. One more quick question regarding the Deviation Number 3, which is the F buffer. If I understood you correctly you said the F buffer -- a buffer is not required between commercial and multifamily. Why would you need a deviation for not putting the right size trees there or shrubs?

MS. MONTGOMERY: I actually don't think we do. I think in an abundance of caution --

MR. PHILPOTT: Yeah, abundance of caution which we try and do in case there is ever a concern, because it does say in, the master concept plan does illustrate a type F buffer. Instead of, you know, an independent planting plan that didn't have that label, staff included the deviation because of that label on the master concept plan.

CHAIRMAN BIELSKI: Understand.

MR. PASTORE: Can I ask a question then?

CHAIRMAN BIELSKI: Yes.

MR. PASTORE: Are we still going to be allowed to put self-service pumps in the gas station in that site?

MR. PHILPOTT: It is -- I believe on the out

parcels, it's Parcels A, B, C, D1 and D2, does permit convenience food and beverage store which is a fueling facility but it's limited to one facility.

MR. PASTORE: It's on Section F, that's on F. You got it on there on self-service fuel pumps accessory to a department store.

MR. PHILPOTT: And those typically, that condition is for a Sam's Club, BJ's, that has fueling facilities there accessory to them and are limited to the membership itself. But that's -- and it's an accessory use, not a stand-alone Hess station, so that's what that condition or that use is for.

CHAIRMAN BIELSKI: Further questions?

Okay. Thanks.

MR. GETCH: For the record, Andy Getch with the Lee County Department of Transportation. I'm going to generally address the conditions and then I'll ask Mr. Harry Campbell to come up and address the concerns with the traffic signals.

I'll try to be brief, unlike my memo. I apologize for the length of it. I don't relish writing memos of that length, but this is a big project and it does have some unique aspects of it which I hope to explain very briefly.

As has already been discussed, it's located at

the interchange and that makes it somewhat unique compared to a typical shopping center that we might review that has a driveway onto, directly onto Bonita Beach Road and, say, a driveway onto Imperial Street like the Albertsons to the west or the Home Depot that had a driveway directly connecting to Bonita Beach Road. This project actually is connecting to Quails Nest Lane. As it has been discussed, is proposing to modify that and staff is recommending an interconnection to the west to what's shown on the GIS as Saradrienne Lane. And I apologize for any confusion with that because our county GIS also shows the connection north-south to Bonita Beach Road of Saradrienne Lane. It may very well be Downs Drive. I have been by the site many times but I didn't pay attention to the sign, so I apologize for any confusion there.

So basically that's what some of the conditions are really trying to address, that this project, because of the intensity of traffic it's going to generate and where it's located, it's going to have impacts that reach well beyond that immediate driveway and that's what we were shooting for, but DOT is just making a recommendation. Obviously this is the city jurisdiction hearing and we respect the decision or

the recommendation that this board would make to the city council. We're just trying to point out what the traffic volumes are going to be and what potential impacts it may have on the interchange and the nearby intersections, because DOT staff has heard from the city council and from this board concerns with the operation of Bonita Beach Road.

So to go to the memorandum or the letter, excuse me, from Pavese Law Firm, very briefly, Condition 4.a., we agree with Miss Vance's summation of the language. We're fine with that.

Condition 4.b., we're proposing to change "eastbound" to "westbound." And for both 4.a. and 4.b. that's where that concern with this project really is just connecting to Quails Nest Lane, but there's things going on beyond it and that's the reason for those conditions and that's why we have a concern that the omnibus condition doesn't really get us there, because the omnibus condition actually just addresses the immediate driveway, so that would just address Quails Nest Lane from our perspective. However, that would be up to this council.

CHAIRMAN BIELSKI: By "omnibus condition" you mean that Condition 8?

MR. GETCH: Condition 8, yes, ma'am. I apologize

for not making the specific reference.

Okay. Condition 4.c., I will ask Mr. Campbell to address that in a moment.

Continuing on, Condition 4.d., again that's referring to the Home Depot shopping center entrance, that traffic signal. As Mr. Treesh pointed out, depending on what they specifically come up with, or come in with, excuse me, at the time of local development order, the left-turn lane there may be fine in and out and they may not have to do anything. That's very well possible but we don't know that at this point.

Condition 4.e., we're fine with the city attorney's recommendation with that language as well. Mr. Campbell may have some clarification on what we meant by directing traffic in and out. However, the intent there is to try to help keep the open drive, Quails Nest Lane traffic signal working as best as we can, and if we can encourage people to go the other way instead of going through that traffic signal, then things will work better.

Condition 4.f. there's been a lot of discussion about. The only comment I would add to all of that is we've got the same concerns Mr. McGraw has with the blank check. It's a blank check for the city

potentially. It's a blank check for the county, blank check for the state on what the overall improvements are going to be and those improvements are going to be driven by how much traffic ends up going into the interchange. The URS study addressed today's conditions without the proposed project with a moderate growth rate without a lot of the other projects to the east that have already been approved and so we're kind of in a quandary there. However, we really like the city attorney's suggestion on a development agreement and that's where the specifics can get hammered out. We're not looking to hang a blank check on anybody, on the applicant, the city, the county or the state at this point, but we're just trying to get everybody working together to address this. That's where we're trying to go with this.

Condition 4.g. and 4.h., those are actually drafted by Mohsen Salehi, and if he would like to speak to that later I would defer to him on that. DOT doesn't have any specific comments on that.

So if you have any questions for me I would be happy to answer them at this time.

MS. MONTGOMERY: I have a couple questions, if I could.

Andy, one of my questions is, it's always been my

understanding when you do your development order TIS you don't just look at your immediate impacts, you have to look at all traffic impacts.

MR. GETCH: Uh-huh.

MS. MONTGOMERY: So all traffic impacts in this instance would include the Home Depot entrance or the Saradrienne Lane connection to Imperial or any of the other issues that are addressed in Condition 4; is that correct?

MR. GETCH: That is correct. And the typical traffic study will say that, it will identify improvements to be made and identify those as improvements that will be covered by road impact fees, not specifically required of an applicant. There have been times where an applicant has done them, and perhaps Mr. McGraw will. I'm not saying he won't.

MS. MONTGOMERY: But it does require the applicant to identify all required site-related improvements, correct?

MR. GETCH: It does identify site-related improvements, yes, ma'am

MS. MONTGOMERY: And site-related improvements are all those improvements, if I understand, they're required to address access to the site. I think it's direct access to the site.

MR. GETCH: Direct access, yes, ma'am.

MS. MONTGOMERY: In this instance due to the requirement of cross-access easements, that would include Quails Nest Lane, correct?

MR. GETCH: Whether that becomes direct access, you know, that I don't know and that's, again, that's what we're trying to clarify to try to get these things worked out here at this point rather than kicking the can down the road and leaving it up to somebody else in case we all get splattered.

MS. MONTGOMERY: I appreciate that, but in order for this project to get to Bonita Beach Road, you have to go on Quails Nest Lane.

MR. GETCH: Yes, ma'am.

MS. MONTGOMERY: And you're requiring us to connect to Saradrienne, which is either Downs or Saraadrienne, north and south, correct?

MR. GETCH: Yes, ma'am.

MS. MONTGOMERY: And over to Imperial or Livingston, whichever it's called there.

MR. GETCH: Well, the connection to Saradrienne Lane when the other intermediate pieces are built, that will get over to Imperial/Livingston, yes, that's correct.

MS. MONTGOMERY: And I guess I don't understand

on Condition 4.d. in particular, in light of that why at the time of DO TIS, whatever improvements are needed won't be identified and required.

MR. GETCH: Well, that's when the improvements would be required. It might be extend the turn lane by 50 feet. It might be extend it by a hundred feet. We don't have that detailed information right now. Mr. Treesh did do a traffic study; however, it was for a very long list of general uses and this proposes the maximum intensity. What actually comes in would be specifically addressed in a TIS at the time of a development order.

MS. MONTGOMERY: Absolutely. I mean I agree with that. So I mean but the mitigation requirements will have to be identified in the DO TIS based on whatever the actual development parameters are.

MR. GETCH: Yes, ma'am.

MS. MONTGOMERY: I don't have any other questions.

CHAIRMAN BIELSKI: Questions from the board?

MR. GETCH: Yes, sir.

MR. NORRIS: How would you feel with this on Condition 8? Approval of this zoning request does not address the mitigation of the project's vehicular or pedestrian traffic, but it would include Bonita Beach

Road, I-75 interchange and Quails Nest Lane.

MR. GETCH: That works for me too.

MR. NORRIS: I think that's just what Mrs. Montgomery said except we're putting it in one statement that those mitigations at that time will include those three items that seem to be something that you were concerned would not be covered.

MR. GETCH: That works.

MS. VANCE: Could you repeat that?

MR. NORRIS: I'm just adding, and you can do the legaleze or the verbiage there, approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic, but would include -- to include Bonita Beach Road, I-75 interchange and Quail Nest Lane.

MS. VANCE: And that's okay with Ms. Montgomery?

MS. MONTGOMERY: Are we keeping the last section that we're going to rely on the LDC?

MR. NORRIS: Oh, additional conditions consistent with Bonita Beach Road LDC may be required to obtain, those, yes, I'm going to leave that in too.

MS. VANCE: So this is in addition, so this is 4.h., and then 4.h. would have this typical language of 8.

MR. NORRIS: Unless Mr. Campbell changes my mind,

Ms. Vance.

MS. VANCE: So that all of 4 would be, for the record, all of 4 would be removed and then having --

MR. NORRIS: No. What I'm going to, again, unless Mr. Campbell changes my mind, and perhaps I'm getting the cart before the horse here, but right now I'm going to leave in E, the last word, the last sentence in E, this is going to be a recommendation, and that would be the cross-access must be constructed from the project to Saradrienne Lane with a construction of the project connection to Quail Nest Lane. Okay. I think we all want that in there. An then I was going to suggest that we do away with 4 and expand on Condition 8, yes. Now, unless Mr. Campbell may change my mind, but whenever he's there, so --

MS. VANCE: Is Mr. Getch completed? I presume so.

MR. CAMPBELL: That must have been my lead-in. I'm Harry Campbell, Lee County DOT for the record.

What we would suggest that perhaps would address Ms. Montgomery's concerns and the developer's concerns is to reword Condition 4.d. to state at the time of local development order application the developer shall be required to analyze the impacts on Bonita Beach Road intersection with Downs Drive, slash, Home

Depot and provide mitigation recommendations for staff review and approval. And what that does is at time of DO that specifically addresses what staff is looking for in terms of if a left-turn lane needs to be longer or if there needs to be some sort of improvement at the mouth of the Home Depot, slash, Bonita Beach Road intersection. And that gives us comfort level at that point when DO occurs, whether it happens tomorrow or two years from now or five years from now, that that is analyzed and addressed.

And the same thing with 4.e. I think there was a misunderstanding of the wording of 4.e. as to what the intent is. The wording is fine if you insert in the second line where you've got "are to be directed away," it should have said "internal directional signing," "by internal directional signing," and in that way the motorist learns that this is a second way out. They also then will learn this is a second way in. And when the queuing on Bonita Beach Road occurs at this signal, they'll be able to go down to the Home Depot signal if they're westbound and get through a little easier, because we can only afford a certain amount of green arrow time for that westbound left and then this site, just like we can only afford so much green time into the site to the north that's

undeveloped at this point. It's for eastbound.

MS. MONTGOMERY: Well, Harry, can I stop you there? I don't really like text in a condition, so can we keep my language and just simply say the applicant must include directional signage directing patrons to Saradrienne Lane which will be reviewed by staff at time of local DO?

MR. CAMPBELL: That's fine, too. That was something the developer agreed to in a meeting where we discussed some of the impacts, that he would do internal signing subject to staff approval. As long as that's part of the condition of the zoning that h has to install and maintain that, we're satisfied with that option.

With that, that was, that was the point I wanted to make. Thank you for the lead-in.

Questions?

MR. INCERPI: I have one question. How much additional traffic is going to be generated by this project?

MR. GETCH: I can answer that. That's actually in my six-page memo. I'm not asking you to read it right now, but basically it's about a thousand new trips in the P.H. peak hour; overall 1,336 trips in and out of the driveway. On a daily basis that's

going to be in the range of 14,000 on a weekday and about 17,000 on a Saturday based on the traffic study.

MR. PHILPOTT: Can you repeat what the level of service after, is intended for Bonita Beach Road after this proposed project?

MR. GETCH: It would still, as testified by Mr. Treesh, it would still be Level of Service C even with this project, because right now there's a lot of available capacity on the six-lane section of Bonita Beach Road.

MR. INCERPI: Are these figures year-round figures or seasonal figures?

MR. GETCH: They are based on study data from publication by the Institute of Transportation Engineers called trip generation that's based on an average of study sites around the country of a similar use; in this case, a shopping center, hotel and office.

MR. INCERPI: Again my question, in-season, off-season?

MR. GETCH: It would be an average. It would be an average year-round. There's not a seasonal number in the traffic data. There are actually numbers for Christmas and for December, but not specifically the tourist season that we have here in Lee County.

MR. INCERPI: Question number two. The statement was made before that there's six-lane, Bonita Beach is six lanes from the interchange to Livingston. Now, when Livingston is opened up to the public, okay, how is this going to affect Bonita Beach Road? How is it going to affect the traffic on there? Bonita Beach Road can't handle the traffic now. You're talking about 1,700 trips a day to throw onto Bonita Beach Road? Am I correct?

MR. GETCH: Yes, sir. This traffic study did not evaluate Livingston Road.

MR. INCERPI: Why not? Livingston Road has bee sitting there for a couple years under construction. Why wasn't that taken into consideration?

MR. GETCH: It was beyond the, what's defined as the study area. In the administrative code it defines how to do a traffic impact statement for a zoning case.

MR. INCERPI: So DOT is saying that as it stands upon completion of this development, Bonita Beach Road can handle another 1,700 trips a day.

MR. GETCH: With the conditions that we're recommending with this --

MR. INCERPI: But excluding, excluding Livingstc Road, right?

MR. GETCH: Yes, sir.

MR. INCERPI: That's all I have.

CHAIRMAN BIELSKI: Yes.

MR. PESCOSOLIDO: Mr. Getch, I can understand how nice it is to use national standards in this case. You're talking about the ITE numbers, but I'm just a little perplexed. It seems to me the local knowledge is always better than averages from somewhere else. I can recall, for example, the statistician who drowned while crossing a brook that had an average depth of two feet. Now, we have a similar situation here, not that we're drowning at the moment, but we could be. February and March are considerably above any normal increases in traffic that the nation as a whole perceives even during high drive times of July. Why don't we use our own data instead of going to somebody else's nice numbers in a book? I mean nice numbers in a book are well and good and they serve the general purpose well, but they don't serve the particular purpose of Bonita Beach Road terribly well at all in my view. Can we do something to change that? I'm not happy with ITE standards for our roads. Our roads are not standard roads. There's nonstandard issues.

MR. GETCH: To my knowledge Lee County has not done traffic counts for existing development to try to

implement in something like a road impact fee ordinance since the middle 1980s. And we have, currently the county has traffic impact statements that have guidelines. The City of Bonita Springs certainly can change how they would like to see zoning impact statements performed.

MR. PESCOSOLIDO: And would Lee County DOT be happy if Bonita Springs said here, we have this data that shows these numbers in February and March, would they accept those numbers in any future calculations of serviceability?

MR. GETCH: Local data is always better than national data. I agree with you, sir. Unfortunately we don't have it right now.

MR. PESCOSOLIDO: Well, I see Mr. Mohsen here and I think he and I might discuss this a little further. Thank you very much, Mr. Getch.

MR. SALEHI: Mohsen Salehi for the record. Just a couple of comments. I do agree with Madam Chairman as to, you know, short notice that we had to really review this and find out to what extent the language that is proposed by the applicant is acceptable to us. I can tell you this, however, that the way we came up with these conditions was through, you know, deliberation and a process that, you know, we

obviously have to still follow, which means right here and right now I can't really discuss them, you know. We need to get the same folks that were involved in putting those conditions together to look at it again.

What the city attorney brought up to deal with these differences and hammer out these issues as part of a development agreement is something that is acceptable to us. And I really don't want to belabor that before you at this time and, you know, all I can tell you is that it's something that we feel it can be hammered out and worked out as it proceeds.

CHAIRMAN BIELSKI: Thank you.

I would just like to add a comment to this. I'm not pointing any accusatory fingers at anyone here, staff, applicant, anyone, but it seems to me that a lot of these issues in the past have been hammered out between the applicant and staff prior to coming to this hearing, and that certainly has not been the case today. And I think there's been a lot of discussion on points here where there was ultimate concession and agreement between the applicant and the staff where we were subject to 15 or 20 minutes of discussion, and I would like to avoid that in the future if we can.

If this proposal, a developer's agreement covers all of your concerns as well as the applicant's

concerns, because, you know, I think it's reasonable not to ask to write a blank check, at the same time there are legitimate concerns that need to be addressed and can't be addressed right now given the short notice and the uncertainty of what is going to be in the future.

So, Audrey, I guess that's a question for you. Is this developer's agreement something that would cover all these bases?

MS. VANCE: The developer's agreement is a statutory creature. We do have it in the Land Development Code too and it would cover specifics so the parties are very clear as to what infrastructure requirements that they are responsible for. It does cover more than just transportation, although transportation seems to be where we normally have a -- I mean, for example, if we had other issues like a school issue, it could be something in a developer's agreement. I don't envision anything in that, Ms. Montgomery. But it would have the omnibus type requirements specified and pretty much set forth in full.

As to what exactly is the contribution, it could either have caps in it. It could have some language in it set forth as to exactly what is the improvement

as a segment without a dollar amount for a particular, but it would have each one encapsulated with specifics so the parties are very clearly knowing what they have agreed to.

The other thing about the developer's agreement is we would not -- it would provide vesting and certainty to the applicant so that they would have some comfort level as to what they're going forward with. It is something that requires, similar to a zoning ordinance, two public hearings. It requires certain advertisements. It requires transmittal to the Department of Community Affairs. There's certain requirements in there that it has to also be met as a requirement of the statute.

CHAIRMAN BIELSKI: Okay. Is that something that's agreeable to the applicant?

MS. MONTGOMERY: I think the condition that Audrey rewrote, Condition 4.f., that requires the development agreement, how she rewrote it, we don't have a problem with that.

CHAIRMAN BIELSKI: Is that satisfactory to those staff members that expressed concern about these issues?

MS. MONTGOMERY: I guess what I thought I heard from Andy was that, and Harry, that if we -- he was

okay with 4.a. as reworded, he was okay with 4.b. as reworded. We changed "eastbound" to "westbound." We clarified 4.d. and we came to an agreement in language in 4.e. We already had an agreement on language in 4.f. And I think Harry clarified 4.c. So I think we have actually gone through, with the exception of Mohsen's conditions, which I think are redundant, in all honesty, to Lee County DOT. I think they both expressed the same issues.

So I think you have two options. You can either go with your reworded one in 4.e. or you can go with the conditions that we have kind of rewritten here today with the exception of Mohsen's which I think are redundant to the county's.

CHAIRMAN BIELSKI: I'm not actually versed well enough at this short notice to say whether there's redundancy or not, and my inclination would be hold off on voting on this issue until all the parties are in agreement unless it can be covered by a developer's agreement of some kind.

MS. VANCE: I would like to sit down when I write up -- well, my guess is I will write up the zoning -- I know -- my guess. I will write up the zoning ordinance. I will try to encapsulate the conditions. During that time I envision there may be a chance that

there may be an agreement not to agree on particular conditions, at which point city council - and you have seen me do this before too - will receive a Chinese menu showing applicant's condition, staff condition.

CHAIRMAN BIELSKI: I think that's a very reasonable course at this point.

MS. VANCE: Make sure I understand what your recommendations are today. Condition 4.a. would be okay with the change that I previously stated. I won't reread it for you. And I'm using the Ms. Montgomery letter. Condition 4.b. would change, instead of "eastbound" would be "westbound." Condition 3, I have no -- I need to know what we're doing. Or 4.c., I'm sorry. Condition 4, which is 4.d., I still need to know if we just leave it in or if we're planning to do something. Condition 4.e., I think you can -- I have heard Audrey's condition, which kind of scares me because I have two different conditions that I wrote here.

MS. MONTGOMERY: Let me go back to 4.d. I think what Harry said is that if we make it clear that we're going to look at the Downs/Saradrienne Lane/Bonita Beach Road intersection at the time of local DO, that was what he was intending.

MR. CAMPBELL: And provide mitigation

recommendations for staff review and approval.

MS. MONTGOMERY: We're fine with that. Then on 4.e. --

MS. VANCE: Would it be something where we also want to have that as part of the developer's agreement?

MS. MONTGOMERY: We don't need to. I mean it can happen, I mean it should happen -- I think the only issue here is, I think we all agree it happens at DO stage routinely. Lee County -- you know, I'm usually the one that's paranoid, but this time Lee County is being paranoid and they want to put everybody on notice that we're going to have to look at that intersection and as we identify improvements we have to do them, and we agree.

MR. CAMPBELL: It's site specific and therefore it should be separate.

MS. MONTGOMERY: And we agree.

And on 4.e., Harry was okay with my sentence but wanted to add in that what we're really doing here is asking for internal directional signs. So it would simply be to add a sentence that says the applicant shall include internal directional signs which shall be reviewed by the staff at time of local DO.

MR. CAMPBELL: That's satisfactory to Lee County

DOT.

MS. MONTGOMERY: And then you, Audrey, previously worded my 4.f. which requires the development agreement which Ms. Bielski referenced.

MS. VANCE: Right. I read that out loud.

MR. CAMPBELL: That is fine with Lee County DOT as well.

MS. MONTGOMERY: Then 4.g. actually should probably be we'll assume our share of the maintenance of the public portion of the road if it's vacated. What we probably should add and nobody has really mentioned is that the applicant agrees they will maintain the private portion.

MR. CAMPBELL: Yes, yes. Make that addition and that's satisfactory.

MS. MONTGOMERY: And then --

MR. CAMPBELL: And then 4.h. --

MS. MONTGOMERY: Is what we didn't understand and that's redundant to Harry's.

MR. CAMPBELL: 4.h., I think we're close except for at time of development order the conditions of cross-access maintenance need to be defined. So if a property redevelops, develops, those are defined as to what the share is based upon traffic.

MS. MONTGOMERY: And that we'll do at time of

local DO too.

MR. CAMPBELL: As long as that's clear that's at time of local DO, that's satisfactory.

MS. MONTGOMERY: I think we just need to add in clarify at time of local DO. So I think we're actually there.

And I do want to say we really can't afford to be continued. I want to go back to the fact that this is an assemblage and this is an opportunity to redevelop a really, in my opinion, ratty site and we can lose that opportunity to redevelop that if we can't do it on a timely basis. So I'm hopeful, since I think we are there, if we can proceed in accordance with what we articulated.

Audrey, are you up to speed?

MS. VANCE: I'm up to speed. I only would like to talk about Condition 4.g. for a second.

MS. MONTGOMERY: What letter, Audrey?

MS. VANCE: 4.g. "G" as in girl. And the concern is who exactly relies on Quails Nest Lane for access. There's a portion there of land that is shown as FDOT retention area that is right before the Vasari parcel, and the concern that I have -- and I hope I'm not the only one. I was looking to see if I could find Mr. Limbau (phonetic spelling) or Mr. Ripp, was

that FDOT was the one who acquired and later gave it to Lee County who later gave it to the city, Quails Nest Lane for purposes of construction of I-75. I just want to make sure it's clear that that FDOT retention area, that FDOT would be able to get to Quails Nest Lane, obtain access, since they did the original acquisition, I mean basically.

MS. MONTGOMERY: They actually are a property owner. They are actually one of the out parcels as far as limited access right of way.

MS. VANCE: Who relied on Quails Nest Lane?

MS. MONTGOMERY: Right.

MS. VANCE: So if I added including FDOT for maintenance of the retention area you would not have --

MS. MONTGOMERY: They don't need to use it but they can if they want to.

MS. VANCE: That would be perfect.

CHAIRMAN BIELSKI: Are you requesting that they contribute a share?

MS. MONTGOMERY: No, no, no, that they can use it.

MS. VANCE: Right. So that when their roads -- they're kind of cut off and that's why I wanted to make sure that they would be able, if they got up

there -- they do have portions of I-75 that they could also, you know --

MS. MONTGOMERY: They go where they want to be, so it doesn't really matter.

MS. VANCE: Let them drive on the road too. If they originally took the road and paid people for it, doesn't seem fair not to --

Do we get public?

CHAIRMAN BIELSKI: Yes. Do we have some public input at this time?

MR. PESCOSOLIDO: Can I?

CHAIRMAN BIELSKI: Yes.

MR. PESCOSOLIDO: Mr. Salehi, I'm looking at your Attachment E to the staff report, page 1 of 2, and in the third paragraph of that report you state the compliance with the study and subsequent requirements are expected at the DO stage. That's a very nice word. Just how strong is "expected"? Is that mandatory or are you saying mandatory in a nice way or is, or is compliance maybe something that's a little wishy-washy here and not necessarily to come about? I think, I would hope that the compliance would be --

MR. SALEHI: Required.

MR. PESCOSOLIDO: -- performed. Required. Okay. Fine. Thank you. Then we have that understanding.

You have adopted Mr. Getch's report in your report, so to speak. And I'm looking at page 3 of 6 of Mr. Getch's report and he has several interesting comments and concerns about timing and analysis and so forth, and I don't want to repeat them all, it's not necessary, but will these be ironed out? I think we have heard clearly that we don't know some things two years down the road or whenever and so we have to be ambiguous, but they'll be ironed out to Lee County DOT's satisfaction and your satisfaction; am I correct?

MR. SALEHI: Yes.

MR. PESCOSOLIDO: Am I correct, Mr. Getch?

MR. GETCH: (Nodded affirmatively.)

MR. PESCOSOLIDO: Thank you very much.

MR. INCERPI: Clarification. Are we doing away with what Mr. Norris recommended on 8? Page 7 of 13 on the traffic conditions, are we doing away with what he recommended? Are we putting everything back in again?

MR. SALEHI: As I mentioned --

MR. INCERPI: Putting it all back in again and we're going to do away with what he recommended on --

MS. VANCE: He proposed a novel idea and we can put it in.

MR. INCERPI: That's what I'm asking.

MS. VANCE: If you guys wish to go for that, I probably would give the Chinese menu again, it would be the third option, that this would be your recommendation if you wanted to get rid of the other conditions and go with the Norris condition, and then there would be the staff recommendation and then there would be the applicant, you know. I mean that's up to you, up to you all.

MR. PESCOSOLIDO: Okay. It's not forgotten, is it?

MS. VANCE: Nothing is ever forgotten during a hearing.

MR. SALEHI: One comment that I really need to make here is that really the intent for doing these conditions the way they were done was to basically be a, you know, prelude, if you will, to the development agreement down the road. And this is why, you know, the language was, for example, stated as modifications, which basically was, you know, a phrase that is a catch-all phrase, if you will, in terms of, you know, all the uncertainties down the road and how those might change, you know, what's expected and required of this developer to do in terms of, you know, basically taking responsibility for the impact

that they have on the, you know, roadway system in the city.

MR. SALEHI: Any other questions?

CHAIRMAN BIELSKI: More questions?

MR. PESCOSOLIDO: Do you want more?

CHAIRMAN BIELSKI: I didn't say I wanted more. I asked if there were more.

Do we have any members of the public that wish to speak?

Yes.

MR. WHITE: Well, let me check. Oh, it's good afternoon.

Madam Chair and members of the board. My name is Patrick White with the law firm of Porter, Wright, Morris and Arthur and we're here today representing the property owners of Lots 16 through 18 on the easterly side of Quails Nest Lane, those being ownerships of the husband and wife, Dale and Laura Hannula.

I'm relatively new to this case, and certainly new to this board, but I can assure you that based upon my prior experience both as a former assistant county attorney like Audrey and Neale at one time and some other guys in the room, I have a high degree of experience in this process and I can assure you that

what you have seen today is exactly what it's intended to do, which is to set a line in the sand and resolve issues, clarify them and bring them forward through your recommendations to your governing body.

With that said, I would just like to point out that we are the authorized agent for the property owners and that is on file. The two more southerly lots, 16 and 17, are under the ownership of the Laura S. Hannula Trust. The more northerly 18 is owned individually by the husband, Dale. Simply put that on the record for any potential future purpose.

They're all part of what is an unrecorded subdivision known as Palm Acres. And additionally our clients did submit to the staff a list of detailed concerns, three-page list of concerns. But following up on those, I have spoken with the applicant, Mr. McGraw, and I have talked to their attorney. I talked with their planner and with their engineer and believe that many of those concerns are being adequately addressed by the zoning conditions you discussed today and the subsequent development order requirements. What I would like to, however, point out, put on the record, that on the subject of the north-south running portion of Quails Nest Lane, that is intended to be a private road cross section. Just like to confirm my

understanding based upon a discussion with Mr. Philpott that that drawing in the LDC does show that what would be on the easterly side of that cross section for the constructed improvements, that there would be a swale that would accommodate what our clients recognize is a historic sheet flow of the water, storm water that runs more westerly. There is a large portion of their site that does drain easterly into the I-75 right of way, but there is that continuing concern and we believe that if the cross section shows a swale, that that adequately would convey the historic sheet flow. And that my understanding is that there's adequate capacity in their storm water management system and their intended permit through South Florida that would accommodate that level and frequency of flow.

I'm trying to make this as brief as possible, realizing we're at the lunch hour.

MS. MONTGOMERY: While he's looking let me just say in response to that, the applicant will as part of their South Florida process have to take into account the drainage from this property. Whether or not they do it in the swale to the road, I can't say. I wouldn't want to design it here and have it not be the best design. So I mean let me just state for the

record it's acknowledged that as part of the permitting process we will have to accommodate the off-site flows from his property.

MR. WHITE: Thank you. Similarly there was a concern about the private road maintenance and once constructed, and I appreciate Mr. McGraw's comments in that record, and we're agreeable to that as a developer commitment that unless and until the clients' property is redeveloped, that private road maintenance would continue to be the responsibility of the developer or successor in interest.

And as to the landscaping buffer, we appreciate the sensitivity to the single-family residences to the south as to Vasari and would just want to clarify that there is a long-standing single-family residence on Lot 16. That is the home of the Hannulas. It is not a caretaker's residence or anything of some other nature. So it is I think important to consider that use. I believe that in addition to the type D buffer, that to address security concerns that the design aspects of the buffer may need to be considered at least as along to the north-south portion of Quails Nest in front of Lots 15 through 18 and between Lots 14 and 18, that at some point the design aspects whe considered at local development order may need

something in addition to just landscaping to assure that security concerns are addressed. I believe the developer is willing to accommodate those at that time.

Turning to the specifics of the conditions in Ms. Montgomery's memorandum of September 4th that you had detailed discussions about, I think I can be very brief in my comments and suggestions in that regard. I think Condition 4.a., simply there's a recognition that by adding the word "maintenance" between the words "for" and whatever the newly inserted text was, so it would read "The developer is responsible for maintenance and." I think that's already agreed upon.

MS. MONTGOMERY: We did address that in the later condition.

MS. VANCE: That was in 4.a.

MR. WHITE: Thank you. Turning to 4.g., which is number 7 on page 3, I think that as well as the FDOT, it may be helpful to identify who those are that rely on Quails Nest for access and just specifically enumerate that it includes Lots 15 through 18 of the Palm Acres unrecorded subdivision. That makes it absolutely crystalline.

As to 4.h., as long as I can be assured that the use of the word "out parcels" in Ms. Montgomery's and

the other agreed-upon writers of text means I guess essentially Waffle House and Hess and does not apply to Lots 15 through 18, that we would have no comment other than to say that we generally are in agreement. So as long as the out parcels don't refer to 15 through 18 or to FDOT, I guess, I guess I wouldn't -- we wouldn't have a concern. So if someone can just clarify that out parcels is more specifically intended to refer to Hess and to Waffle House, then we would be okay with it as written.

MS. MONTGOMERY: The intent was to refer to all properties that use the road currently for access, which would include your property owner.

MR. WHITE: Then I would again recommend that we specifically enumerate including Lots 15 through 18 in the parenthetical that ends with the words, that has the words "under separate ownership, including Lots 15 through 18."

MR. PASTORE: Can you show us where Lots 14 and 15 are on there?

MR. WHITE: Sure. I apologize. I don't see a graphic up there but maybe we can find it.

I'll speak loudly. Generally this is 14 or parcel, I believe it is called E. This is Lot 15. This is 16 and 17 under the trust and this is 18 that

Mr. Hannula owns. So the Hannulas own effectively 16, 17 and 18. Briggs is the owner, and I believe there's counsel representing Briggs here today, and I'm attempting, based on my discussions with him beforehand, to identify some of their concerns about their lot as well.

So are there any questions about which ones I'm referring to?

MR. PASTORE: Well, in other words, that Quails Nest road is going to go all the way through and have access coming from facing the west side, right?

MR. WHITE: Yes, I believe. If I understand your question, that's correct.

MR. PASTORE: According to the map it only shows it down here by E.

MR. WHITE: E is where it terminates. And just while we're discussing it, indicate support for the Deviation Number 4 that allows it to terminate without a cul-de-sac. We believe that the cul-de-sac would only tend to increase folks who get lost making the same mistake over and over.

That covers my comments about the memorandum. Turning quickly to the staff comments about the limitation of uses on Parcel E, we are in support of that, that they would be essentially accessory and

internal to a hotel or motel.

I point out there's a portion of Tract F that is in fairly close proximity to the single-family residence on Lot 16, and although this is on the fly, maybe some more sausage making, I would simply suggest that as to the nightclub and bar or cocktail lounge uses that are enumerated for Parcel F, that the staff and the applicant might be willing to consider a limitation on the hours of operation of any of those as stand-alone uses being 10 p.m.

CHAIRMAN BIELSKI: Josh, is there something in the LDC about proximity to residences?

MR. PHILPOTT: Again, yes, for the record, Josh Philpott. Again, in the Land Development Code, Chapter 3 in the Land Development Code, it does, along with state regulations, have a minimum separation distance of 500 feet.

MR. WHITE: Haven't mentioned it, so in an abundance of caution you have to put it in there.

MS. MONTGOMERY: Yeah, I think we won't be able to have one of those within 500 feet. And my concern is that his use is inconsistent with the current regulations and I don't want to have some kind of restriction, you know, that's in there in perpetuity and the next thing I know they've got a hotel and they

have uses we're not allowed to have or that theirs aren't restricted, because you have to assume at some point in time in the next five, ten years that's not going to be a private residence because that residence is inconsistent with the comp plan.

MR. WHITE: I believe once I have an opportunity to scale it off and look at it, it probably will not continue to be a concern. It was something that was emergent as part of this hearing and simply looking to try to address it in that fashion and we'll work between now and the city council to resolve that.

MR. PHILPOTT: For the record, there is no condition currently. It just has to comply, again Condition 8 of the staff report requires that at the time of permitting or development order must require -- or must comply with the LDC. That condition of 500 feet or that requirement of 500 feet is listed in the LDC. So should in the next few years the property become another commercial use, that limitation is, you know, no longer valid because the vacant, the single-family residence, so adding a condition is not necessary.

MR. WHITE: Thank you I appreciate the clarification and doing it on the fly. I apologize for having it do so.

Lastly I would like to ask for the opportunity to review the actual zoning ordinance changes that Ms. Vance is going to prepare and be able to see that as part of this board's written recommendation that goes to city council.

CHAIRMAN BIELSKI: Would that be normal procedure before it goes before city council?

MS. VANCE: I could copy him on the letter that I send to the applicant with the changes.

MR. WHITE: That ought to do it. I'm one of those guys, Audrey knows, that loves e-mail and attached Word documents, so we'll see what we can do

So at this point we'll be happy to address any questions or concerns you may have of me. And if there are none, I would just like to thank you for your time and your public service and wish you a happy and safe and enjoyable Patriot's Day. Thank you.

MR. UHLE: For the record, Matt Uhle. I have two things that I need to do here today. I have a presentation to make on behalf of Worthington Country Club, but I also need to tell you that Mr. Dan Wagner was here and signed in and was going to testify. He had to leave. He left me with a written statement to read, so I would like to do that first, if you don't mind.

It's titled Dan Wagner, Chairman, External Affairs for Worthington Country Club, speaking concerning Bonita Exchange.

"Worthington residents continue to have huge concerns for the eastern part of Bonita Beach Road and also the status of the traffic as it enters and exits the interstate. In the last two weeks I have witnessed three early morning accidents concerning vehicles that are attempting to use the ramps to or off the interstate of this junction. This entire area presently has failing grades for traffic. Please remember that high season is two months away. Development after development are lining up to gain development privileges on both the near east and near west sections of this junction. Each development comes with more traffic count in an area that already is failing. We understand that some developments come with less additional traffic than others. However, where is the line drawn? We are exercising our right to speak today so as to be prepared to speak at the appropriate council meeting if we desire. Thank you for your time and consideration. Dan Wagner, Worthington Country Club."

Now my presentation. I am here on behalf of Worthington Country Club, which, as you know, is a

development that's located south of Bonita Beach Road east of the interstate. Because it's east of the interstate, this project is west of the interstate, the nature of the site plan and the uses and so on really is not of any great concern to my clients, but the fact that they're going to be putting additional traffic on Bonita Beach Road is of concern.

There are elements of this staff report that to me may very well portend a significant policy shift on behalf of the City of Bonita Springs with regard to development on Bonita Beach Road and particularly in this area and that will have implications for other projects coming down the road. I want to talk about that because that's what's really troubling us here. And I think I'll start by giving you some background that comes from the staff report.

First of all, if you look at the staff report it contains the required findings and conclusions on page 9 of 13 and one of the, one of the required findings is Number 3 which says approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with a capacity to carry traffic generated by the development. That's a required finding in this case.

On page 11 of the staff report there's a quote from the Bonita comprehensive plan, Objective 1.11: Development orders and permits - and I will tell you that development permit is a defined term that includes, quote, unquote, zoning permit - for new development or redevelopment shall be issued only if public facilities and services necessary to meet the city's adopted level of service standards are available concurrent with the impacts of the development.

Now, if you go on to the Andy Getch memo, page 4 of 6, there's already been testimony in this hearing consistent with Andy's memo that indicates that Bonita Beach Road in front of this particular project will operate at Level of Service C with the project in place. However, if you look on page 4 of the memo it indicates the applicant's February 2007 TIS in Appendix G indicates an LOS F for the eastbound left turn with an overall Level of Service E at the intersection of Bonita Beach Road with the northbound ramps of I-75 without the project and LOS F with the project in 2000 F (sic). In other words, this particular project in 2000 F (sic) -- 2008 will cause the level of service at that intersection to fail. That's not something that's come up in this hearing

before.

Now, obviously anything that has to do with Level of Service F on Bonita Beach Road is going to be a concern to my clients. But there's more going on than that. There are, as you probably know, two other applications on the east side of I-75 that are making their way through the process. One of them is called the Roberts CPD.

MS. MONTGOMERY: I have to object to any kind of conversation about any specific projects because those projects are not here and representatives and that would be unfair and violation of due process.

MS. VANCE: Mr. Uhle can present his argument and Ms. Montgomery can refute it during her rebuttal period. Her objection is noted on the record.

MS. MONTGOMERY: The property owners on the east side may or may not be here and be represented and we don't want to make any predetermination decisions about applications that aren't before this board.

MS. VANCE: I think Mr. Uhle is talking in general at this point and to prohibit Mr. Uhle to continue his speech would probably be -- I mean as long as it relates to this development and he's able to indicate that it relates to this development, he should be able. If it's something that is spurious or

not related to this development, this zoning board can make that decision in its recommendation.

CHAIRMAN BIELSKI: And Ms. Montgomery will have a chance to rebut the comments?

MS. VANCE: Ms. Montgomery will be able to present her argument after Mr. Uhle completes -- or at that time, at which point this board can either disregard what Mr. Uhle's position was on behalf of his client or this board could, you know, make -- you know, give its decision based on what it feels is appropriate after Ms. Montgomery has the ability to also.

MS. MONTGOMERY: And I'm fine that I have a chance to respond. I'm really concerned about those applicants that aren't here and don't have a chance to respond, so I'm just kind of --

CHAIRMAN BIELSKI: I think we should allow Mr. Uhle to continue his comments before we make that decision.

MR. UHLE: The Roberts CPD is scheduled for hearing by you I believe in three weeks. There is not to my knowledge a staff report out for that case, so I don't know what it's going to say, but obviously my clients have a major concern about that case and we expect to be here to talk to you about it when it

comes up. That's the end of my discussion on that subject.

There is another case, and I believe the representative for that particular project is also here because he understands the significance of the precedent that you're probably going to be setting today, called the Bonita Saint James Project. That's been set for hearing and continued on a number of occasions and I believe it's set for hearing now in early October. There is a version of the staff report that was done for that that was prepared for the predispersion of hearing and at that point the staff was recommending denial of Bonita Saint James on the sole basis that that project was going to cause the intersection of the northbound ramp and Bonita Beach Road to fail. In other words, the exact same conditions that were addressed by Mr. Getch's memo in this case. But in this case the staff is not recommending denial based on inconsistency with the comprehensive plan and the failure to meet the criteria in the Land Development Code. They're recommending approval and now apparently that recommendation of approval is based on a Condition 4.f. which has been revised at this hearing so as to incorporate the notion of a development agreement to

construct an improvement to the intersection that to my knowledge is not included within the city's CIP or any work program anywhere. And so my question is, what is going on here? Is this a change in the city's policy? Is the city now reinterpreting the Land Development Code and the comprehensive plan? If it is, I think the city staff should get up here and tell us what that change in position is and why it was done. If, on the other hand, the city staff is taking the position the projects on the west side of I-75 are different than projects on the east side of I-75, that's of less concern to my clients, but that's not clear from the staff report. What is clear is that this particular staff report is completely inconsistent in its recommendation with the staff report that we have seen for Bonita Saint James and we think that should be a matter of great concern to you. Thank you.

MR. NORRIS: I have a question for Mr. Uhle.

CHAIRMAN BIELSKI: Yes.

MR. NORRIS: Mr. Uhle, I realize that your expertise is not in traffic. And when Worthington came before Lee County I would assume at that time, not before this board, to rezone and to build out there, what did they use for their traffic study, what

program or what, what did they use?

MR. UHLE: That would have been probably 15 to 20 years ago and I wasn't involved in it.

MR. NORRIS: I realize that. That's what I'm saying. But my question would be typically would we not be using that same traffic study program or the ITS or TIS probably at that time? And I realize I'm using the word "probably."

MR. UHLE: Methodology was probably the same.

MR. NORRIS: So at that time you used the same methodology to arrive where they could build as we're using today where these people can build; is that correct?

MR. UHLE: Quite clearly at the time the TIS then, because there weren't many projects out there, would have indicated there was no level of service problem.

MR. NORRIS: Right. I understand that. What I'm saying, but what I'm trying to get to is we're using the same methodology to arrive at level of C today as you arrived, realizing that you didn't do it, that Worthington's people arrived at at that time that there was no service problem. The only bone of contention is whether the Level of Service C is a correct number that's arrived out of that methodology.

MR. UHLE: No, no, I'm not contesting the staff and applicant finding that the segment of Bonita Beach Road in front of their project is Level of Service C. What I am saying is what was not discussed in this hearing until now is the staff additional finding that if you move to the east of I-75 that the intersection of the northbound ramp and Bonita Beach Road is currently operating at Level of Service E and will operate at Level of Service F with this project in place.

MR. NORRIS: This is where I don't know, so you correct me. If I'm staff and I'm working on a project, I take that project and I look at everything that's in that pipeline when I'm doing my studies, that's in the pipeline, not something that may be in the pipeline, but then when I'm looking at the next project I'm already looking at what's in the pipeline and that one may fail.

MR. UHLE: What this -- I have not reviewed the TIS for this case. I only found out about this case two or three days ago. Typically the way a traffic impact statement is done, it does not contemplate any particular development that's in the pipeline having its traffic in place. Typically what they do is they use a historical growth rate which doesn't

specifically incorporate specific projects. Now, I happen to know from experience that the city on some occasions has pointed to particular projects that have been approved and said you have to include all that traffic's project -- all that project's traffic, so I can't tell you whether that was done in this particular case or not, but the bottom line is that in this case it appears that the applicant, from the staff memo, that the applicant and the staff are in agreement that there is a Level of Service problem at the intersection of the ramp and I-75 with this project in place in 2008. And, you know, I'm just going by their information.

MR. NORRIS: Thank you.

CHAIRMAN BIELSKI: I have a question for staff, Josh. Given Mr. Uhle's point about the Saint James application, is there a different standard applied to evaluating a redevelopment as opposed to a new development?

MR. PHILPOTT: With regard to the transportation impacts I'm going to defer that to Andy Getch, but in general when reviewing an application, all applications are reviewed essentially the same way. I believe Mr. Uhle has a concern relating to the recommendation of the Saint James Development and the

staff report that's prepared for that versus the staff report that's prepared for this application. Not being familiar with Saint James Development zoning application, you know, I'm not going to speak to the differences between the staff reports and the staff recommendations, but I do know that staff with the conditions that we have included that will require the developer to mitigate and deal with those concurrency issues at the time of development order as required by the comprehensive plan and the LDC. Staff is comfortable with recommending approval. Again, I'm not familiar with the Saint James or the Roberts Group application directly. I am familiar that they are -- that they exist; however, not specific about them. And along with that recommendation, again, I'm not familiar with that one as well.

MR. UHLE: What we're really looking for is some sort of statement from the staff. Is it now the staff's position that when you have a Level of Service F problem that those projects are still approvable if you do a development agreement even if there's no improvement in the city's CIP or any CIP to address the problem? Is that now the city's policy or not? It's a question of how you interpret the comprehensive plan and a question of how you interpret the criteria

for zoning approval.

MS. VANCE: I think some of the questions that Mr. Uhle is raising isn't really something that this -- now, city council has to ponder some of these questions. It's not a bad thing that he's bringing up. And he also needs to take it in light that in our zoning process we have since added, pursuant to the state legislature, added the proportionate fair share, we have added developer's agreements. We have added different mechanisms and tools so that we can address these issues, but I'm not sure if it's appropriately addressed before this zoning board.

MR. UHLE: I have to disagree with that in the sense that it comes down to a question of the interpretation of that criteria and the comprehensive plan. If you were to interpret the comprehensive plan such that Level of Service F is not acceptable and that development agreement doesn't solve the problem satisfactorily, then you would probably find that this project violates Objective 1.11 of your comprehensive plan. If, on the other hand, it's the city's position that that does adequately address the situation, then you would approve this project, but I think there's a policy question behind this about whether it's a good idea for the city to be accepting development

agreements as a solution to LOS problems that needs to be brought to light and needs to be discussed openly. And in all candor, until I got up here I don't think anybody in this room was aware that that was a big issue in this case and I think it's a major point.

MR. PASTORE: Wouldn't that be addressed when those two projects come up? In other words, we're talking about the west side and the traffic and you're bringing in something from the east side. Wouldn't that be addressed when they come up?

MR. UHLE: Oh, yeah, it will come up in those cases too. The issue is going to be if the board finds that this is an adequate way of dealing with the issue and is consistent with the comprehensive plan; I absolutely guarantee that the representatives for those projects are going to come here and say you have already decided this issue in our favor in that case, so we're home free. That argument is going to be made.

MR. PASTORE: I disagree. We're not approving it for that. I just want to know if they'll bring that up at that time. Today it's not relevant to our -- what we're voting on.

MS. VANCE: And I do agree with Mr. Uhle, a developer's agreement cannot fix everything. If

you're trying to stuff such a megadevelopment, I think the statement you used at one city council meeting was trying to put 120 pounds of potatoes in a 20-pound bag or something to that effect, a developer's agreement, no matter how great, how wonderful, cannot fix the fact that it's not compatible at that site. And that's something that is more essential that you first have to decide, whether or not it is consistent with the comp plan.

MR. PASTORE: I think what I'm referring to, they would probably have to help pay for the northern part of the ramp going north just like they are now from the east part. That will be brought up at that time to help alleviate that section there at Bonita Beach Road and the northern part of the ramp. That would probably be part of the plan too just like it is here.

MR. UHLE: Understand that a big part of our concern, as I pointed out, this improvement to the intersection to my knowledge is not in the city's CIP, so what could happen here is they come in, they get a development order, they pay money and nothing happens.

MS. VANCE: No, the CIP would have to be -- he's correct, the CIP would have to be amended, the work project plan, and that's part of the ordinances dealing with proportionate fair share. One of the

requirements with statutory developer's agreement is it does need to be consistent with the comprehensive plan. I mean that's right in the statute.

MR. UHLE: It's not in there now, so --

MS. VANCE: In the statute? Oh, in the existing comp plan.

MR. UHLE: Yeah. The program, this particular improvement is not in the CIP. So basically right now there's no assurance it will get done. And as Ms. Vance points out, the fair share ordinance is tied, the mandatory part of it is tied to having a project in the CIP. There is a discretionary part of it that does not require the need to have it in the CIP. But, again, that's a big policy decision for the city to consider. I just ask you to keep this in mind, and if we can get some dialogue going with the staff about what this is intended to do, that would be helpful. I'm really not here making an argument one way or another. I just want to know where we stand.

CHAIRMAN BIELSKI: I'm going to call a very quick five-minute recess at this time, give her fingers a break. Quick five minutes.

(The hearing was in recess at 12:43 p.m.; after which, the hearing resumed at 12:49 p.m.)

CHAIRMAN BIELSKI: We're ready to resume the

hearing.

Do we have more members of the public?

Yes, sir.

MR. CONA: Good afternoon. My name is Chris Cona and I represent John and Betty Briggs who own parcel -- Lot 15, which is just south of the properties that Mr. White just spoke about previously that's owned by the Hannulas, which would be just north of, I believe that's Parcel E. Just a -- I'll be really brief. Just notified of this hearing a few days ago. I'm working with Mr. White since he's representing the Hannulas and their interest. I'm going to work with him and as well as the developers and the council and the staff to see if we can resolve some of these issues.

My main intention here is to preserve my clients' rights to address any concerns at a future date to our council meetings. The main concerns that we have, again, I'm going to reiterate a few points that Mr. White had, was access. On the north-south of Quails Nest, the north-south access, who is going to bear the cost of maintenance, who is actually going to maintain that? It seemed like some of those issues were addressed today and we can work toward resolving those.

The drainage concerns again are I think a major issue, or it's an issue that my clients have. They're concerned about flooding or draining problems in regards, in regards to the development.

And they have a concern regarding the flow of traffic on that north-south corridor of Quails Nest and as it relates to pedestrian traffic. And from a security standpoint we would like the developer and staff to consider some sort of buffer, whether it be a fence, some sort of buffer for security purposes for the owners of those parcels, of those lots, including Lot 15.

Specifically relating to Lot 15, my clients have concerns regarding the Parcel E and how that's going to affect their rights and questions regarding the setbacks as it relates to the easements for the development of that, of that parcel and how it affects their property rights. Again, I haven't had a chance to review the documentation and I'm hoping that we can resolve or at least get a dialogue going with the developer and with the help of Mr. White and with the staff and try to resolve some of those issues.

And that's all I have. Thank you for your time.

MR. HALLDIN: For the record, my name is Jack Halldin. I reside at 13111 Bridgeford Avenue. I'm

currently president of the Worthington Master Association. Our community's very concerned with any major development taking place at the I-75 interchange and east of the interchange until all the interchange and the current failing road structure at the interchange has been corrected to handle any new development.

A couple of very brief comments. Certainly talking about local studies versus national studies we're in agreement with. We think all roads affecting these projects should be included in any presentation. And I would be remiss if I didn't state that what is a six-lane road to I-75 quickly becomes a four-lane road about 200, 300 feet past this intersection being discussed and in season becomes a one-lane road going east because traffic is backed up as far as Home Depot on that second lane. So anything taking place around all of this certainly is a concern to us. Thank you very much.

CHAIRMAN BIELSKI: Thank you.

Any more members of the public?

Applicant.

MS. MONTGOMERY: I know you have heard three attorneys tell you they were going to be brief and they weren't, so I'm going to ask Ted, if you would,

to answer a few brief questions.

Ted, in regards to the question I believe that Mr. Incerpi had in regards to Imperial and Livingston, based on other studies or documentation that the city has done, do you have an opinion or do you know whether or not that road will provide relief or exacerbate the issues on 75 and Beach Road?

MR. TREESH: In the analysis that we have done - again, for the record, Ted Treesh - the continuation of Imperial/Livingston through The Brooks will indeed provide relief to this segment of Bonita Beach Road. Right now any traffic in this area of Bonita Springs wanting to access the interstate, this is the location it must do it at. With the continuation of a north-south corridor now there is a parallel facility. And we have seen this further north when Tree Line/ Ben Hill Griffin was built and parallel facilities are built to the interstate, those short connectors that connect to the interstate, there is traffic relief experience due to that. Now the traffic has another north-south alternative rather than simply coming north on Livingston or coming from the west with it all accessing at this point at I-75.

MS. MONTGOMERY: And is that in your understanding one of the reasons why staff has asked

this project to connect over to that parallel facility?

MR. TREESH: That's correct, yes.

MS. MONTGOMERY: There was a question raised about methodology and why we use ITE. In your experience with traffic, there's a FSUTMS model which is based on local conditions, but which one tends to be -- kind of recognizes or a higher -- well, how do they compare? Maybe that's a better question. Doesn't ITE usually --

MR. TREESH: FSUTMS -- ITE is higher trip generation than if we were to use the localized traffic models.

MS. MONTGOMERY: So the concern that was raised that it doesn't show enough traffic and we should use the local FSUTMS model wouldn't be correct.

MR. TREESH: That's correct. We did analyze the overall impacts at the hundredth highest hour, which is considered peak season conditions, so peak season conditions were analyzed.

MS. MONTGOMERY: And even with the higher trip generation of ITE, even with looking at the highest, at peak season, what's the level of service on Bonita Beach Road?

MR. TREESH: C.

MS. MONTGOMERY: And part of the conditions that staff is requesting the applicant to address be eastbound and northbound turning movement on I-75 and Beach Road by asking us, the developers to pay a share of that improvement.

MR. TREESH: That's correct. I don't think we were avoiding it. I brought up the study done by URS and that study indicates -- right now that movement is not failing. Today it's not failing. Tomorrow it's not failing. But it is projected to fail and that was brought out in the URS study and that's why we're paying a proportionate share for that recommended improvement.

MS. MONTGOMERY: And that study is dated June of 2007 and it was presented to city council; is that correct?

MR. TREESH: Yes, it was.

MS. MONTGOMERY: So if you're looking for a policy statement or direction of council, the URS study is the policy statement or direction of council on that issue.

MR. TREESH: I would agree with that.

MS. MONTGOMERY: I don't have any other questions.

Anything else you wanted to add?

MR. TREESH: That's it.

CHAIRMAN BIELSKI: I have a question regarding the first thing you said regarding easing the -- this being an improvement for the traffic going to I-75. Maybe I misunderstood that. Was it an improvement to the traffic on Bonita Beach Road?

MR. TREESH: On Bonita Beach Road, yes.

CHAIRMAN BIELSKI: Okay. That makes sense.

Anyone else have questions?

MS. MONTGOMERY: I have no questions.

The only thing I would add to what Ted just said is the fact that this is a redevelopment site. This is my opinion, not necessarily anyone else's in the room. It's a blighted area. It's needs to be redeveloped. It's the gateway to your city. It's already zoned commercial. We're really talking about taking existing fragmented commercial zonings where I could do Commercial Tourist uses there now and doing a consolidated site plan and we have all these conditions to address the issues of alternative forms of access and paying proportionate shares. So I think the city should encourage the redevelopment of this eyesore at the gateway to the city. And we concur with the staff recommendations as we have recommended or agreed to the revisions here today.

CHAIRMAN BIELSKI: Staff?

MR. PHILPOTT: For the record, Josh Philpott. I have nothing else. If there are any additional questions of staff we're here to answer questions.

CHAIRMAN BIELSKI: Questions for staff?

MR. INCERPI: I have one. When are they planning on widening Beach Road alleviating the traffic congestion? When are they planning on changing Bonita Beach Road?

MR. PHILPOTT: I believe maybe Andy Getch or Harry Campbell may be able to answer that. I'm not sure where it falls in the capital improvement program.

MR. GETCH: For the record, Andy Getch. This actually is mentioned in my memorandum that six laning of Bonita Beach Road from Vanderbilt Drive to Bonita Grande Drive is on the MPO 2030 financially feasible plan. We do have six-laning of Bonita Beach Road from Old 41 to Imperial Drive in the five-year work program. It's under design right now.

MR. INCERPI: So from Old 41 to Imperial you're talking about, say, 2010? No. 12?

MR. GETCH: Yeah. It's a few years out, yes, sir.

MR. INCERPI: Okay. Thanks.

CHAIRMAN BIELSKI: I have a question before you leave, Mr. Getch, that's regarding the -- Mr. Uhle's point of the comp plan - I guess also for you, Josh - the comp plan having a section saying that development, you know, 1.11, development orders and permits for new development require infrastructure meet level of service requirements. And then the paragraph you pointed out in your memo saying that this project will push the northbound lane from an E to an F. How are those things not contradictory?

MR. GETCH: I will ask Ms. Vance to correct me if I make a misstatement. However, the concurrency regulations refer to the level of service on a roadway segment. In other words, for example, Bonita Beach Road from Imperial Street to I-75 is a road segment in the county's concurrency report. The Level of Service F that's identified in the DOT memorandum refers to an intersection level of service problem, which intersection problems can cause congestion, they back up traffic and it looks like the road's actually at a Level of Service F, whereas the road still has capacity but the cars can't get through the traffic signal, so that's why traffic backs up and jams up, and if the intersection is bad enough, past F, you get gridlock and that's --

CHAIRMAN BIELSKI: So, in other words, it's just the intersection to be pushed up to an F, but the road itself would still remain E or whatever.

MR. GETCH: A "C."

CHAIRMAN BIELSKI: A "C." Okay. Thank you.

MR. PESCOSOLIDO: That was a C. It's a C, it's an F. Ridiculous, isn't it?

CHAIRMAN BIELSKI: All right. Staff, nothing more to add?

MR. PHILPOTT: Only if there's questions.

CHAIRMAN BIELSKI: Any more questions?

Okay. Any discussion?

MR. PESCOSOLIDO: Where would you like to start?

CHAIRMAN BIELSKI: I can start calling names. I'll go first in the interest of everyone being hesitant and confused, which I'm one of those people.

I'm torn here between agreeing with Neale, this is a blighted corner, and the proposed development I think would be a vast improvement in terms of what is actually there. However, when I hear from the residents of Worthington, their concerns about crossing Bonita Beach Road to where they live and being stuck in all that traffic, I'm extremely sympathetic to that as well.

You're saying the CIP does not have any plan for

the improvement in the interchange? Is that what was established here?

MS. VANCE: No, there are some improvements I believe in the CIP.

CHAIRMAN BIELSKI: For the road or for the interchange?

MS. VANCE: The intersection or the interchange?

CHAIRMAN BIELSKI: The interchange.

MS. VANCE: It wouldn't be in the city's, it would be in the MPO's, the FDOT's. I'm looking at Andy to make sure I did the proper ventriloquist, talking for Andy. Because it's not a city's function to take care of the interchange. That interchange is in the work plan of FDOT.

CHAIRMAN BIELSKI: My inclination in this case would be to approve this development because I think that it's good, well-planned in terms of access, in terms of drainage from everything we have heard. There will be things in place to assure that this does not cause a worse traffic situation on Bonita Beach Road. Can't speak for the interchange, but that is outside of our jurisdiction. So my tendency would be, yes, let's get rid of the blighted area and let's put in something that makes sense there.

MR. PESCOSOLIDO: Let's back up just a minute. I

think we want to iron out the conditions and I would like to go to that famous or infamous, if you will, Condition 8 and I would suggest that we use the Norris amendment to reword Condition 8 and that I think will solve a lot of problems in terms of the discussions that will be going on prior to --

MS. VANCE: Are you talking about removing -- 8 is a boilerplate language that's in every planned development. Are you talking about modifying it so you can get rid of --

MR. PESCOSOLIDO: Wes had a modification that would include Bonita Beach Road and one other road.

MS. VANCE: Are you talking about 4.h. in Neale Montgomery's letter?

MR. PESCOSOLIDO: Well, it's 4.h. and it's 8.

MS. VANCE: Okay. Because 8 is another condition in the zoning. That's why we were looking kind of funny.

MR. PESCOSOLIDO: 4.h.

CHAIRMAN BIELSKI: Oh, 8 on the memo.

MR. PESCOSOLIDO: Yes.

Wes, what was your modified wording? Were you to include --

MR. NORRIS: I assumed the concerns were that Quail Nest Lane may be forgotten, Bonita Beach Road

may be forgotten and I-75 interchange, and I was trying to word it so that those would make sure that they are included when they go for the DO; that all the mitigations and pedestrian traffic and vehicular traffic, that those three items would make sure that they are in that study.

MR. PESCOSOLIDO: I quite agree. This is why I'm proposing that we modify the condition.

MS. VANCE: That's not 4.h., that's Condition 8 of the zoning.

MR. NORRIS: No. I don't know where 4.h. got into this.

MR. PESCOSOLIDO: Neale has it 4.h.

MR. NORRIS: Okay.

MS. MONTGOMERY: No, I think what Mr. Norris --

MR. PESCOSOLIDO: Not the group.

MS. VANCE: Right, not 4-H the organization.

MS. MONTGOMERY: What you said earlier was we were going to keep 4.3. and do the cross-access easement, and then on Condition 8 you indicated that approval of this zoning request does not address mitigation of project vehicular or pedestrian traffic impacts, including the impacts on Bonita Beach Road, I-75, Saradrienne and Imperial/Livingston.

MR. PESCOSOLIDO: Page 7 of 13, folks, of the

staff report.

CHAIRMAN BIELSKI: It is actually condition number 8, traffic condition number 8.

MR. PESCOSOLIDO: I'm glad we got 8 back.

CHAIRMAN BIELSKI: Because this confusion is 4.g., or "h" is number 8 on this memo.

MR. PESCOSOLIDO: Well, the lawyer's done a good job of confusing many things here this morning.

MR. NORRIS: On that issue I would just want to ask the city attorney a question. Is the city or the residents on Quail West or any of the residents, if we eliminate 4 except for E and expand Condition 8, is the city giving up anything that may come back to haunt us when they go to their DO?

MS. VANCE: Possibly. The city would be then saying we agree to talk about it at another day. Ms. Montgomery will have a wonderful amnesia.

I mean no offense, Neale.

MS. MONTGOMERY: I think your question is, one, we can't remove people's legal right of access. Can't happen. Two, as a site-related improvement, you have heard both Andy and Ted tell you that regardless of what's in here, the development standards portion of the ordinance is going to make us bring those roads up to city standards and they're going to have to be

maintained. So we cannot take away their legal access. We're not intending to take away the legal access. The site plan shows that road. So I don't think there's a real concern.

MS. VANCE: We'll deal with the lawsuit when we get challenged for taking away their access.

MS. MONTGOMERY: We can't.

MS. VANCE: By landlocking people, Neale?

MS. MONTGOMERY: We're not landlocking them, Audrey. We're not taking it away. It's clearly shown on the site plan.

MS. VANCE: I would feel more comfortable leavir most of the conditions in on 4. I noted in the ordinance that the applicant has requested Condition C to be deleted. I think that one we never got an agree to disagree on. The other ones I think we did agree with modifications. I would feel more comfortable -- quite frankly, if we add things and we say, well, let's postpone it to development order time, we have done that in the past, and when we have that we just get a quagmire because the development order staff who is under pressure to get this done immediately because the person's relying on, you know, in order to build they need to get that permit, you know, all of a sudden they're under pressure, things do get dropped.

I prefer for it to be in the zoning ordinance. It's something that city council approves. It's very clear as opposed to making it an administrative decision later on.

CHAIRMAN BIELSKI: Any other comments?

MR. PESCOSOLIDO: On Condition 8?

CHAIRMAN BIELSKI: On anything.

MR. NORRIS: The other question I would like to ask the attorney is, any of this impact traffic study or this quagmire, as we call it, between the traffic does not affect anything having to do with the drainage. Nothing that they're going to do to the roads or add to the roads or change the roads or --

MS. VANCE: That's not a legal -- I can't answer that as a lawyer.

MR. NORRIS: I just want to make sure we do the drainage regardless of --

CHAIRMAN BIELSKI: Let's put it this way. Does water management district have jurisdiction over --

MS. VANCE: The water management district does have to issue permits on the property and the property was reviewed by Sam Lee at Division of Natural Resources.

CHAIRMAN BIELSKI: No, I think his question, though, if road improvements are made does water

management have jurisdiction over that.

MS. VANCE: Oh, absolutely.

CHAIRMAN BIELSKI: I think that solves it.

MR. PASTORE: On 4.h. all the way through, all it's talking is about appropriation of moneys to do certain things except for section E. The rest is appropriating money to do this, to do this and do this.

CHAIRMAN BIELSKI: What page, what page are you talking about?

MR. PASTORE: Right here.

CHAIRMAN BIELSKI: No, you've got to tell me the page number.

MR. PASTORE: Six and 7.

CHAIRMAN BIELSKI: Okay. That's all I'm asking.

MR. PASTORE: In other words, A, B through, all the way except for E is talking about appropriating moneys to pay for certain things, maintenance responsibility, appropriate shares. That's all this discussion except for E.

MR. NORRIS: Mr. Pescosolido had the floor.

MR. PESCOSOLIDO: I had it but it seems to have gone out to sea or something like that. I'm not quite sure on that flood type. So I hope we have general agreement here on the board to modify Condition 8, but

I'll go on to the case itself.

The proposal before us is a very good one to improve the blighted area and I think it tries to move forward. On the other hand, I can hear all the motorists crying as they try to go by in the future, especially with the situation that's going to be developing even more to the east at the interchanges, all four interchanges. And as you go west there's hope for a plan on Bonita Beach Road to ease traffic. I think we're going to play catchup forever. But this situation is beyond our control and we can just do the best we can and hope that the city realizes that (a) we need a better way to measure traffic and the city and the county understand we need a more aggressive way to fund the improvements which are needed now, not five, eight, ten years from now, but we can't change that here today. Meanwhile we'll just put a little more pressure on those roads and maybe a little more pressure on those who do the planning and the doing to make our roads better. In other words, I'm in favor of the proposal.

MR. INCERPI: Jimmy.

MR. BRANDRETH: I'm definitely in favor of the proposal, number one, because I'm not -- it's been called a blighted area. I really don't know what --

my idea of blighted is really much worse than what I happen to have seen there, but it's a very well thought out plan. It's infill, which is what we have to work with. Granted, traffic is what we have to work with also. We're going to have to do that. I don't know. Unless somebody, including myself, has once said, turning around, close the door, talking about the northern boundaries of Florida. We can't do that. We're going to have to kind of do a few squeezes now and then. It's not ideal, but when a good project is brought before us I think that it's time to think of a tax base on property that we're going to just leave vacant if we don't do anything else. I think it's time to think of the value and the efficacy of a project and I think this situation both calls for positives more than the negatives, so I'm going to vote the opportunity and vote for the project.

CHAIRMAN BIELSKI: Mr. Pastore.

MR. PASTORE: The only concern I have --

CHAIRMAN BIELSKI: I'm sorry, I'm sorry. Go ahead.

MR. INCERPI: I also like the idea. I think it's a great concept and I think it's a good plan. But like I stated before, and somebody has to sit up and

take note, I don't care if it's the county, state, city, somebody has to take note. We owe the people of this city first and foremost their rights to be safe. By putting 1,700 additional trips on this road as it stands now and with additional development down the road, we're playing with people's lives here. I approve of the plan, but I tell you, somebody has got to sit back and take a hard look at this traffic and how they derive these figures. I don't want these people's lives on my shoulders because somebody didn't -- failed to sit down and realize that we're having problems here and that something's got to get done. So let's get this thing rectified sooner than later. Thank you.

CHAIRMAN BIELSKI: Mr. Pastore.

MR. PASTORE: Bypassing you.

CHAIRMAN BIELSKI: No.

MR. PASTORE: The only thing I'm concerned about is on that 4 traffic condition, it's basically talking about who appropriates money to. It has nothing to do with the input of the traffic.

MS. VANCE: No, that's incorrect, because we're talking about a jurisdictional road. There's the county, there's the city. And, yes, it has to be done, but those -- the developer cannot go out on the

state highway, although it would be kind of nice if somebody could, and actually change the interchange for us. I mean it is talking money, but that is so that we can get it fixed.

MR. PASTORE: I'm all for the project. I just kind of think this is not pertaining to how many cars are going in and out. It's basically the whole traffic conditions talking about appropriating money so sidewalks, whatever the differences are. I kind of think maybe we can delete that if there's such a big question and let that be brought up at the time, at the time of the order, development order.

MS. VANCE: If you do that you will not have one and that's why we're trying to tell you you need to do it at the earlier opportunity. If you leave it to development order, it doesn't become a city council question anymore, it becomes one of staff. If you put it in the zoning ordinance, it is one of city council.

MR. PASTORE: Okay.

CHAIRMAN BIELSKI: Mr. Norris.

MR. NORRIS: I will vote approval. A little confused on, of course, 4.a., b, c, d and e.

CHAIRMAN BIELSKI: So am I.

MR. NORRIS: So is everybody else in the room. So I really don't know, when you ask me to vote, I

don't really know what I'm voting on other than hopefully those out there that understand it do, because I certainly don't know what the wording was.

MS. VANCE: Can I go over Ms. Montgomery's letter and with the modifications of what we think we agreed to and also what we agreed to disagree to?

MR. NORRIS: Well, that's -- I don't know.

MR. PESCOSOLIDO: May not help.

MR. NORRIS: I don't think it will help.

MS. MONTGOMERY: My suggestion maybe is, since I think you're comfortable with your revised Condition 8 with the cross-access easement and insuring we don't take anybody's access away, I think you can do that, but if you feel like you would like to have the council at least be able to consider the revised Condition 4, tell Audrey and I to go sit down and write it up so you can have your motion, but tell us to send that up along side it so if they like yours, they can pick yours, if they like the revised Condition 4, they can do that, so you guys don't have to try to figure out today what the heck it is we're talking about in regards to --

CHAIRMAN BIELSKI: I thought we were going to be doing both, 8 and 4s.

MS. VANCE: That's what I understand, 8 and 4.

MR. NORRIS: I think that's what she's saying, we send them both up.

MS. MONTGOMERY: Yeah, send them both as alternative tracks.

MS. VANCE: They would be both.

CHAIRMAN BIELSKI: No, concurrent.

MR. NORRIS: Okay. I'll make a motion that we approve what's before us today with the understanding that we broaden Number 8, that verbiage, I think Ms. Vance has that, and also we will send forward the Conditions 4 that you guys will work out and present to city council without us knowing every little word that's in there, so that gives city council an opportunity to look at both issues. That would be my motion, Madam Chair.

MR. PASTORE: I second the motion.

CHAIRMAN BIELSKI: Should we have a roll call? I think we can just do it by a show of hands.

All in favor.

(All boardmembers voted affirmatively by show of hands.)

MS. VANCE: Was it --

CHAIRMAN BIELSKI: Unanimous.

(Hearing concluded at 1:18 p.m.)

STATE OF FLORIDA)

COUNTY OF LEE)

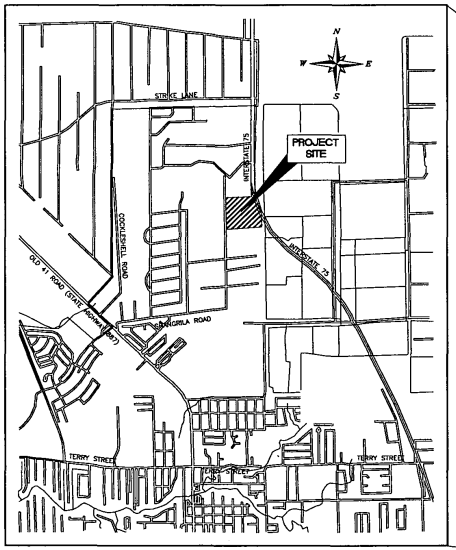
I, Janet K. North, RPR, do certify that I was authorized to and did stenographically report the foregoing proceedings and that the typewritten transcript, consisting of pages numbered 1 through 179, is a true record.

Dated this 18th day of October, 2007.

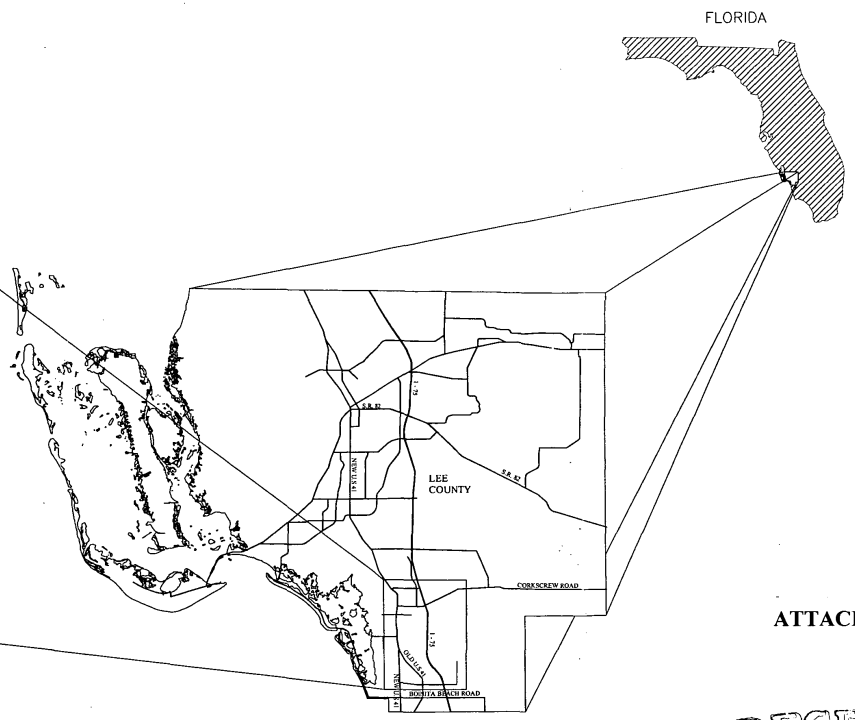
Janet K. North

BONITA 30 RPD

SECTION 23 TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



VICINITY MAP
N.T.S.



ATTACHMENT B

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CONTENTS

SHEET 1 COVER SHEET
SHEET 2 GENERAL NOTES
SHEET 3 MASTER CONCEPT PLAN

PREPARED FOR:

COLONIAL HOMES, Inc

12631 WESTLINKS DRIVE UNIT #7
FORT MYERS, FL 33913

DCI 2005-00113

RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
6610 Willow Park Drive, Suite 200, Naples, Florida 34109 (239) 597-0575 FAX: (239) 597-0578
1542 Carson Street, Fort Myers, Florida 33901 (239) 278-5224 FAX: (239) 278-5419

April 3, 2007 10:24 AM G:\2005\050086.00.00 Bonita 30\0006 RPD Rezone Application\MCP Plans\Revision #3\50086000RP01.dwg

BONITA 30 RPD
GENERAL NOTES

SCHEDULE OF DEVIATIONS

DEVIATION # 1:
DEVIATION FROM LDC SECTION 3-329(E)(4) WHICH REQUIRES COMPENSATING SLOPE ON EXCAVATION BANKS; TO ALLOW UP TO 20 PERCENT OF THE BANKS TO UTILIZE VERTICAL BULKHEADS.

DEVIATION # 2:
DEVIATION FROM LDC SECTION 3-291(C) WHICH REQUIRES THAT RESIDENTIAL DEVELOPMENT OF MORE THAN FIVE ACRES TO PROVIDE TWO OR MORE MEANS OF INGRESS AND EGRESS, TO ALLOW THE RPD TO HAVE ONE FULL MEANS OF INGRESS AND EGRESS AND EGRESS POINT TO THE PROPERTY.

DEVIATION # 3:
DEVIATION FROM LDC SECTION 34-1743(B)(1), WHICH LIMITS RESIDENTIAL PROJECT WALLS TO A MAXIMUM HEIGHT OF EIGHT (8) FEET, TO PERMIT A MAXIMUM VERTICAL WALL HEIGHT OF EIGHT (8) FEET; HOWEVER, THE WALL MAY BE CONSTRUCTED ATOP A PERIMETER PROJECT BERM, ALSO SUBJECT TO COMPLIANCE WITH SIGHT LINE LANDSCAPING AND WATER MANAGEMENT CONDITIONS OF SECTION 34-1743

DEVIATION # 4:
DEVIATION FROM LDS SECTION 3-329, WHICH REQUIRES A TWENTY-FOOT (20') WIDE LAKE MAINTENANCE EASEMENT, TO PERMIT A 0' WIDE EASEMENT AS INDICATED ON THE MCP.

DEVIATION # 5:
DEVIATION FROM LDC SECTION 34-2194(C)(3)B, WHICH REQUIRES A TEN-FOOT (10') SETBACK FROM NON SEA-WALLED ARTIFICIAL WATER BODIES, TO ALLOW A ZERO-FOOT (0') SETBACK FOR ACCESSORY STRUCTURES SUCH AS A VIEWING PLATFORM AT THE LAKE CONTROL ELEVATION.

DEVIATION # 6:
DEVIATION FROM LDC SECTION 3-416(D)(6), WHICH REQUIRES A SOLID WALL OR COMBINATION BERM AND SOLID WALL NOT LESS THAN EIGHT FEET IN HEIGHT TO BE CONSTRUCTED NOT LESS THAN 25 FEET FROM THE ABUTTING PROPERTY AND LANDSCAPED (BETWEEN THE WALL AND THE ABUTTING PROPERTY) WITH A MINIMUM OF FIVE TREES AND 18 SHRUBS PER 100 LINEAR FEET, IF ROADS, DRIVES, OR PARKING AREAS ARE LOCATED LESS THAN 125 FEET FROM AN EXISTING RESIDENTIAL SUBDIVISION OR RESIDENTIAL LOTS; TO REPLACE THIS BUFFER REQUIREMENT WITH A NINETY-FOOT (90') MINIMUM INDIGENOUS VEGETATION PRESERVE TO ACT AS BUFFER TO THE ADJACENT RESIDENTIAL USES.

GENERAL NOTES:

1. THE MASTER CONCEPT PLAN DEPICTS THE PROJECTS GENERAL CONFIGURATION FOR CONCEPTUAL ZONING REVIEW AND APPROVAL. THE FINAL RESIDENTIAL AND AMENITY CENTER USES, ALONG WITH THE PROJECT'S OPEN SPACE, SURFACE WATER MANAGEMENT SYSTEMS AND OTHER FUNCTIONAL ELEMENTS WILL BE DETERMINED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
2. PARKING WILL BE PROVIDED IN ACCORDANCE WITH LDC CHAPTER 34, DIVISION 26.
3. THE SUBJECT PROPERTY DOES NOT CONTAIN ANY HISTORICAL OR ARCHAEOLOGICAL SITES.
4. LEE TRAN BUS ROUT SERVES BONITA SPRINGS AS DIAL-A-RIDE SERVICES ONLY AND DOES NOT HAVE A DEDICATED STOP. SHOULD REGULAR SERVICE BE EXTENDED TO THE AREA, A TRANSIT STOP COULD BE PROVIDED.
5. PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT ORDER, THE APPLICANT MUST PROVIDE EVIDENCE THAT THE PROPERTY HAS ACCESS TO CENTRAL WATER AND SEWER, OR THAT THE EXTENSION OF CENTRAL WATER AND SEWER WILL COINCIDE WITH THE DEVELOPMENT OF THE PROPERTY.
6. THIS PROJECT WILL MEET THE DEVELOPMENT STANDARDS AND DEFINITIONS OF CHAPTER 3 OF THE CITY OF BONITA SPRINGS LDC, UNLESS DEVIATIONS FROM THESE REGULATIONS HAVE BEEN APPROVED IN THE RPD.
7. MINOR ADMINISTRATIVE MODIFICATIONS MAY BE MADE AT THE TIME OF THE DEVELOPMENT ORDER APPROVAL.
8. R.O.W. DEPICTED ON THE MCP IS CONCEPTUAL IN NATURE AND MAY BE EXCLUDED AND REPLACED WITH INTERNAL DRIVES IS SO DESIRED.

DEVELOPMENT REGULATIONS

	MULTI FAMILY	AMENITY CENTER
MINIMUM LOT WIDTH:	N/A	100 FEET
MINIMUM LOT DEPTH:	N/A	100 FEET
MINIMUM LOT AREA:	N/A	10,000 S.F.
MAXIMUM BUILDING HEIGHT:	5 STORIES OR 60'-5	3 STORIES OR 50'-1
MAXIMUM LOT COVERAGE:	60 PERCENT	50 PERCENT
MINIMUM SETBACKS:		
PUBLIC STREET:	25 FEET-2	25 FEET-2
PRIVATE STREET:	15 FEET-2	15 FEET-2
SIDE YARD:	10 FEET-3	10 FEET
REAR YARD:	10 FEET	10 FEET-5
WATER BODY:	20 FEET	0/20 FEET*
MINIMUM BUILDING SEPARATION:	20 FEET	20 FEET
MINIMUM FLOOR AREA:	750 S.F.	700 S.F.-4

1. EXCEPT CLOCK TOWERS OR SIMILAR ARCHITECTURAL FEATURES MAY BE PERMITTED UP TO 75' FEET.
2. ACCESSORY STRUCTURE SETBACK MAY BE REDUCED TO ZERO FEET FOR SIDE AND REAR YARDS IN AREAS WITH A DEVIATION TRIANGLE.
3. SETBACK FROM A LAKE FOR ALL PRINCIPAL AND ACCESSORY USES MAY BE ZERO FEET (0') PROVIDED ARCHITECTURAL BANK TREATMENT IS PROVIDED.
4. SEVEN HUNDRED (700') GROSS SQUARE FEET FLOOR AREA ON THE GROUND FLOOR.
5. WITHIN 150' FEET OF THE WESTERN PROPERTY BOUNDARY (LINE A-A ON THE MCP) NO STRUCTURE OR PART THEREOF SHALL EXCEED 2 STORIES OR 35' FEET IN HEIGHT, WHICH EVER IS LOWER. WITHIN 200' FEET OF THE WESTERN PROPERTY BOUNDARY (LINE B-B ON THE MCP) NO STRUCTURE OR PART THEREOF SHALL EXCEED 3 STORIES OR 45' FEET IN HEIGHT, WHICH EVER IS LOWER. THE HEIGHT LIMITATION FOR THE REMAINDER OF THE PROJECT SHALL BE 5 STORIES OR 60' FEET, WHICHEVER IS LOWER.

LEGAL DESCRIPTION

(AS PER TITLE CERTIFICATION)

EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, LESS I-75 RIGHT-OF-WAY, PLUS THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, PLUS THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

(AS PREPARED FOR THIS SURVEY)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA;
THENCE S.87°50'51"W., ALONG THE NORTH LINE OF SAID SECTION 23, FOR 322.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE I-75, (STATE ROAD 93), SAID POINT BEING A POINT ON A CURVE;
THENCE SOUTHERLY 1,260.67 FEET ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 5,847.58 FEET THROUGH A CENTRAL ANGLE OF 12°21'08" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.17°43'10"E. FOR 1,258.23 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 23;
THENCE S.02°52'12"E., ALONG SAID EAST LINE, FOR 414.25 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL:

THENCE CONTINUE S.02°52'12"E., ALONG SAID EAST LINE, FOR 200.00 TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23;
THENCE S.89°01'44"W., ALONG THE SOUTH LINE OF SAID NORTH 1/2, FOR 1,365.80 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 1/2;
THENCE N.01°43'28"W., ALONG THE WEST LINE OF SAID 1/4 AND THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23, FOR 1,257.07 FEET TO THE NORTHWEST CORNER OF SAID SOUTH 1/2;
THENCE N.87°54'37"E., ALONG THE NORTH LINE OF SAID SOUTH 1/2, FOR 1,37.63 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN INSTRUMENT NUMBER 2006000109522 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
THENCE ALONG THE WESTERLY, AND SOUTHERLY LINES OF SAID LANDS THE FOLLOWING FOUR (4) COURSES;
1) THENCE S.01°14'17"E., FOR 471.07 FEET;
2) THENCE N.88°14'47"E., FOR 945.43 FEET TO A POINT ON A CURVE;
3) THENCE SOUTHEASTERLY 193.73 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 6,058.07 FEET THROUGH A CENTRAL ANGLE OF 01°49'56" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.22°49'07"E., FOR 193.73;
4) THENCE N.68°00'12"E., FOR 50.41 FEET TO A POINT ON A CURVE, ON THE EASTERLY RIGHT OF WAY LINE OF THREE OAKS PARKWAY DESCRIBED IN INSTRUMENT NUMBER 2006159942 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 405.60 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 6,007.66 FEET THROUGH A CENTRAL ANGLE OF 03°52'05" AND SUBTENDED BY A CHORD WHICH BEARS S.25°41'00"E., FOR 405.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,026,159 SQUARE FEET OR 23.56 ACRES, MORE OR LESS.

SCHEDULE OF USES

BONITA 30 RPD
[34-373(A)(6)A.3. OR B.3 AND 34-373(A)(7)]

RPD

MULTI-FAMILY RESIDENTIAL TRACTS

ACCESSORY USES AND STRUCTURES INCLUDING OBSERVATION PLATFORMS/GAZEBOS
DWELLING UNITS: TOWNHOUSE
TWO-FAMILY ATTACHED
MULTIPLE-FAMILY BUILDING
ENTRANCE GATE AND GATEHOUSE, IN COMPLIANCE WITH LDC SECTION 34-1748
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, GROUP I
EXCAVATION - FOR DEVELOPMENT LAKES, WATER RETENTION AND DETENTION
FENCES, WALLS
HOME OCCUPATION
MODELS: MODEL HOME
MODEL UNIT
PARKING LOT, ACCESSORY
RECREATIONAL FACILITIES: PERSONAL & PRIVATE ON-SITE
SIGNS, IN COMPLIANCE WITH LDC CHAPTER 30
TEMPORARY USES (NOTE 1, 34-3041 ET SEQ.) - LIMITED TO TEMPORARY SALES OFFICE, AND CONSTRUCTION TRAILER AND STAGING AREA

AMENITY CENTER TRACT

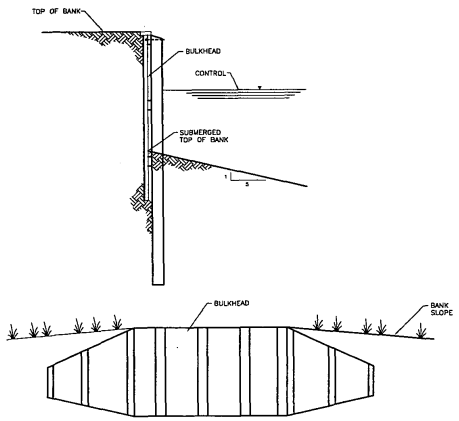
ACCESSORY USES AND STRUCTURES: NOTE (1), 34-1171 ET SEQ., 34-2441 ET SEQ., 34-1883, 34-2141 ET SEQ., 34-3106
ADMINISTRATIVE OFFICES: NOTE (1)
CLEANING AND MAINTENANCE SERVICES (34-622(C)(7))
CLUBS: PRIVATE (34-2111 ET SEQ.)
CONSUMPTION ON PREMISES (34-1261 ET SEQ.) - LIMITED TO CLUB HOUSE
ESSENTIAL SERVICES (NOTE 1, 34-1611, 34-1741)
ESSENTIAL SERVICE FACILITIES (34-622(C)(13)): GROUP I (NOTE 1, 34-1611, 34-1741, 34-2141)
FENCES, WALLS (NOTE 1, 34-1741)
FOOD AND BEVERAGE SERVICE, LIMITED (NOTE 1) - LIMITED TO CLUB HOUSE
HEALTH CLUB OR SPA - LIMITED TO CLUB HOUSE
PARKING LOT: ACCESSORY
REAL ESTATE SALES OFFICE (NOTE 23, 34-1951, 34-3021) - TEMPORARY ONLY
RECREATION FACILITIES: PERSONAL (NOTE 1) & PRIVATE - ON-SITE (NOTE 1)
SIGNS IN ACCORDANCE WITH LAND DEVELOPMENT CODE
TEMPORARY USES (NOTE 1, 34-3041 ET SEQ.) - LIMITED TO TEMPORARY SALES OFFICE, AND CONSTRUCTION TRAILER AND STAGING AREA.

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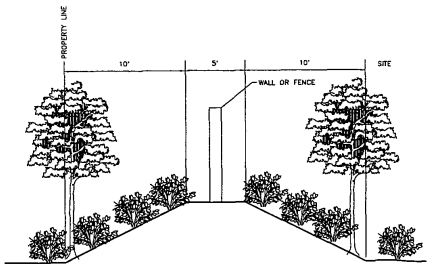
OPEN SPACE CALCULATION TABLE			
	Required (Acres)	Provided (Acres)	Percentage
Open Space (23.56 x 0.4)	9.42	14.16	100.00
Preserve		7.03	48.34
Lake (25% of required open space)		2.32	16.71
Drainage Easement		1.06	7.93
Buffers and Other Open Space		3.75	27.02

INDIGENOUS VEGETATION TABLE		
	Required (Acres)	Provided (Acres)
Indigenous Vegetation (23.56 x 0.2)	4.71	7.03 *

* Preserve will be comprised of existing indigenous vegetation and replanted indigenous vegetation



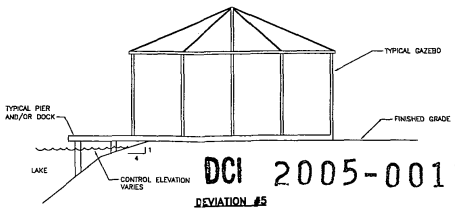
DEVIATION #1



DEVIATION #3



DEVIATION #4



DEVIATION #5

DCI 2005-00113

RWA INC. Planning Visualization Civil Engineering Surveying & Mapping
CONSULTING
6610 Willow Park Drive, Suite 200, Naples, Florida 34109 (239) 597-0575 FAX: (239) 597-0578
1542 Carson Street, Fort Myers, Florida 33901 (239) 278-0224 FAX: (239) 278-5419

PROJECT: BONITA 30 RPD
CLIENT: COLONIAL HOMES INC.
TITLE: GENERAL NOTES

SEC 23 TWP 47S RGE 25E
DATE: MARCH 2007
SCALE: N/A
PROJECT NO: 050038.00.00
DRAWN: S.D.L.
FILE NO: 50058000P02
CHECKED: P.V.
SHEET NUMBER: 2 OF 3

April 23, 2007 4:28 PM O:\2005\050038.00.00 Bonita 30\0058 RPD Rezone Application\MCP Plans\Revision #3\50058000P03.dwg

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: August 13, 2007

To: Chahram Badamtchian, Planner
From: Susie Derheimer, Environmental Planner
Phone: (239) 533- 8158
E-mail:SDerheimer@leegov.com

Project: Bonita 30 RPD
Case: DCI2005-00113
STRAP: 23-47-25-B2-00002.0000

The Division of Environmental Sciences (ES) staff have reviewed the proposed Bonita 30 Residential Planned Development (RPD) and offer the following analysis and recommended conditions:

VEGETATION:
A vegetation communities assessment perform by Boylan Environmental Consultants, Inc. during February of 2006 indicates the 23.56 acre site contains ±5.69 acres of uplands and ±17.87 acres wetlands. The uplands consist of 1.73 acres of pine flatwoods dominated by a Florida slash pine canopy and Brazilian pepper, saw palmetto, melaleuca saplings, downy rose myrtle understory; 2.40 acres of disturbed lands/pine flatwoods which resembled harvested slash pine community; 0.31 acre spoil areas; 0.91 acre roads; and 0.42 acre primitive trails. The wetlands consist of 13.21 acres wetland forest mixed dominated by a mixture of slash pine, melaleuca, bald cypress canopy and sparse understory of wax myrtle, buck thorn, corkwood, xyris, makania, swamp fern, bog bottons saw grass, mermaid weed, and hydrocotyle; 1.13 acres of exotic wetland hardwoods dominated by melaleuca; 2.03 acres hydric disturbed lands; and 1.50 acres hydric trails. The site contains 14.94 acres of indigenous vegetation communities (1.73 acres pine flatwoods and 13.21 acres wetland forest mixed).

PROTECTED SPECIES:
A protected species survey for Lee County listed species meeting the requirements of Land Development Code(LDC) Section 10-473 was conducted by Boylan Environmental Consultants, Inc. February 2 & 3, 2006 and March 22, 2006. During the February surveys the only listed species identified on site included four (4) Butterfly orchids (*Encyclia tampensis*) located within the wetland forest mixed. This plant species is listed by the US Fish and Wildlife Service (FWS) as commercially exploited but not listed within the City of Bonita Springs LDC protected species list.

ATTACHMENT C

During the March survey one (1) active gopher tortoise (*Gopherus polyhemus*) burrow was observed within the pine flatwoods along the south property line. The gopher tortoise is currently listed as a species of special concern the Florida Fish and Wildlife Conservation Commission (FWC) and listed withing the City of Bonita Springs LDC protected species list.

ES staff field verified the protected species survey on August 16, 2007 and confirmed the results.

PROTECTED SPECIES MANAGEMENT PLANS:
A management plan meeting the requirement of LDC Section 3-474 is required for all development order applications if listed species are identified on the property. Gopher tortoise were observed utilizing the property. FWC is in the process of uplisting the gopher tortoise from species of special concern to threatened species, and revising the permitting process. New regulations are anticipated to be adopted in September 2007. Therefore, it is not possible at this time to determine the type of permit that will be required by FWC or if the gopher tortoises will be moved to a preserve onsite or offsite to meet the State's new standards for conservation.

ES staff recommend the following conditions to insure that the protected species management plan requirement is met:

Prior to local development order approval, a detailed gopher tortoise management plan meeting current Florida Fish and Wildlife Conservation Commission and Lee County requirements must be submitted for review and approval by the Division of Environmental Sciences.

If current FWC regulation allows for the accommodation of gopher tortoise on the project site through avoidance, an on-site relocation or an incidental take permit is still offered as a viable option the applicant must relocate the gopher tortoises to the restored/enhanced upland preserve area along the south property line. The restored/enhanced upland preserve must be in substantial compliance the Preliminary Gopher Tortoise Management Plans stamped received May 9, 2006.

ES staff recommend the following condition to insure viable gopher tortoise habitat will exist on site post construction:

Prior to local development order approval, if gopher tortoise burrows are to be avoided or gopher tortoises are to be relocated on site, development order plans must delineate the gopher tortoise preserve area and submit for review and approval by the Division of Environmental Sciences staff a detailed gopher tortoise management plan meeting Land Development Code requirements and in conceptual compliance with the Preliminary Gopher Tortoise Management Plan stamped received May 9, 2006.

OPEN SPACE:
Per the LDC Section 3-415(A.) residential planned developments are required to provide 40% of the total area of the projects as open space; therefore, the proposed project is required to provide

- *relocation of existing powerlines currently within the proposed preserve area along the west property line.*

Prior to local development order approval, the applicant must submit for review and approval by Lee County Division of Environmental Science staff:

- *a detailed indigenous management plan meeting requirements of the Land Development Code Section 3-415(E.). The management plan must specifically include but not limited to within the first and second year monitoring schedule the survivability of the required type F buffer plantings located within the preserve along the west property line. If any of the required buffer plantings die they must be replaced as per a maintenance schedule; and*

- *a detailed indigenous creation and restoration plan for the ±1.87 acres of non-indigenous proposed preserve area. The plan must propose creation and restoration of the impacted habitat to pre-existing conditions. The vegetation type and density must mimic the surrounding indigenous habitat given existing soil characteristics and hydrology.*

Land Development Code (LDC) Section 34-411(g) and 3-415(B.)(b.) requires every effort be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees. Additionally, LDC Section 3-420(H.) encourages the preservation of existing native trees by granting tree credits for preserved trees. These credits may be used toward general and buffer tree requirements.

Existing pine flatwoods habitat containing numerous mature slash pine is located within the area depicted as multi-family residential (MFR). ES staff recommend the following conditions to ensure the preservation of as many mature native trees as possible:

Prior to local development order approval, open space areas within the multi-family residential must be designed to preserve as many existing indigenous native trees as possible through the preservation of native tree clusters, relocation of sabal palms, and replacement or preservation of heritage trees. Please submit a complete native tree survey depicting tree species, location, and size-diameter at breast height (dbh).

DEVIATIONS:

Deviation #1 the applicant request a deviation from LDC Section 3-329(e)(4) which requires compensating slope excavation banks, to allow up to 20 percent of the banks to utilize vertical bulkheads.

ES staff recommends the following conditions of approval to insure design standard techniques to mimic the function of natural systems in surface water management systems are met:

9.42 acres of open space as defined in LDC 34-414. The Master Concept Plan (MCP) stamped "Received March 8, 2007" documents the 9.42 acres open spaced required and 14.23 acres open space provided.

ES staff is recommending the following condition to confirm that the open space requirement is met:

Prior to local development order approval, the development order plans must delineate a minimum of 14.23 acres as open space.

INDIGENOUS PRESERVATION & DEVIATION # 7:

Per the LDC Section 3-415(B.)(1.)a. large developments, with existing indigenous native vegetation must provide 50 % of their open percentage requirement through the onsite preservation of existing indigenous native vegetation communities. Per the site inspection by ES staff the project site contains 14.94 acres of existing native indigenous vegetation communities ; therefore, the proposed project is required to provide 4.71 acres of indigenous preservation of existing indigenous communities. The Master Concept Plan (MCP) stamped "Received March 8, 2007" documents the 4.71 acres indigenous preserve required and 7.03 acres indigenous preserve provided. The applicant is proposing to meet the indigenous preservation requirement through preservation of the 0.42 acre existing pine flatwoods and 2.96 acre existing wetland forest mixed and the extensive restoration/creation at 2:1 mitigation of 3.65 acres of exotic wetland hardwoods, disturbed lands/pine flatwoods, hydric trails, primitive trails, hydric disturbed lands, and roads.

ES staff is recommending the following conditions of approval of Deviation #7 and to confirm the indigenous requirement is met:

Prior to local development order approval, the development order plans must delineate:

- ***a minimum of 6.48 acres of preserve separately depicting the 0.42 pine flatwoods and 2.96 wetland forest mixed as Indigenous Enhancment; the ±1.23 acres exotic wetland hardwoods and disturbed lands/pine flatwoods as Indigenous Restoration; and the ±1.87 acres of roads, hydric disturbed lands, primitive trails and hydric trails as Indigenous Creation; and***

- ***relocation of listed Butterfly Orchids (Encyclia tampensis) to preservation areas (submit a survey depicting location of listed plant species with development area); and***

- ***utilization of one hundred (100) percent native vegetation planting within all required buffers, restoration, creation, and enhanced preservation areas. The applicant may use approved non-native plantings for accent above the required plantings in buffer areas only; and***

- ***a 25 foot structure setback from preserve areas; and***

Prior to local development order approval, the development order plans must delineate a compensatory littoral zone equal to the linear footage of the bulkhead provided within the same lake meeting the following criteria:

- ***a five-foot wide littoral shelf planted with herbaceous wetland plants to provide fifty (50) percent coverage at time of planting; or***
- ***an 8:1 slope littoral shelf with herbaceous wetland plants to provide fifty (50) percent coverage at time of planting; or***
- ***an equivalent littoral shelf design as approved by the director.***

Deviation #6 the applicant is requesting a deviation from LDC Section 3-416(D)(6) which requires a solid wall or combination berm and solid wall not less than eight feet in height to be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots; to allow a 90 foot minimum indigenous vegetation preserve to act as buffer. Upon a site inspection ES staff observed a lack of existing indigenous vegetation within the area the applicant is proposing to utilize as a buffer. The applicant is proposing to create and restore the indigenous vegetation at this location. It is ES staff opinion that restoration alone will not meet the visual screening intent of the buffer requirement given there is not existing vegetation to provide any screening during the time it takes for the restored area to fill in.

Therefore, ES staff is recommending the following condition of approval to insure the intent of the buffer requirement is met:

Prior to local development order approval, the development order plans must delineate a proposed type F buffer along the west property line between the projects proposed road and adjacent single family residential lots. The type F buffer plantings must meet the land development code in terms of height and density to provide a continuous visual screen but must be planted to mimic the natural canopy and understory of the existing habitat to the greatest extent possible.

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA;
THENCE S.88°50'51"W., ALONG THE NORTH LINE OF SAID SECTION 23, FOR 322.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE I-75, (STATE ROAD 93), SAID POINT BEING A POINT ON A CURVE;
THENCE SOUTHERLY 1,260.67 FEET ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 5,847.58 FEET THROUGH A CENTRAL ANGLE OF 12°21'08" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.17°43'10"E. FOR 1,258.23 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 23;
THENCE S.02°52'12"E., ALONG SAID EAST LINE, FOR 414.25 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE CONTINUE S.02°52'12"E., ALONG SAID EAST LINE, FOR 200.00 TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23;
THENCE S.86°01'44"W., ALONG THE SOUTH LINE OF SAID NORTH 1/2, FOR 1,365.80 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 1/2;
THENCE N.01°43'26"W., ALONG THE WEST LINE OF SAID 1/4 AND THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23, FOR 1,257.07 FEET TO THE NORTHWEST CORNER OF SAID SOUTH 1/2;
THENCE N.87°54'57"E., ALONG THE NORTH LINE OF SAID SOUTH 1/2, FOR 137.63 FEET;
THENCE S.01°14'17"E., FOR 471.07 FEET;
THENCE N.88°14'47"E., FOR 945.43 FEET TO A POINT ON A CURVE;
THENCE SOUTHEASTERLY 193.73 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 6,058.07 FEET THROUGH A CENTRAL ANGLE OF 01°49'56" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.22°49'07"E., FOR 193.73;
THENCE N.68°00'12"E., FOR 50.41 FEET TO A POINT ON A CURVE, ON THE EASTERLY RIGHT OF WAY LINE OF THREE OAKS PARKWAY DESCRIBED IN INSTRUMENT NUMBER 2006159942 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 405.60 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 6,007.66 FEET THROUGH A CENTRAL ANGLE OF 03°52'06" AND SUBTENDED BY A CHORD WHICH BEARS S.25°41'00"E., FOR 405.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,026,159 SQUARE FEET OR 23.56 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS HAVING AN ASSUMED BEARING OF N.88°50'51"E.

PREPARED BY:
RWA INC.
FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 6952

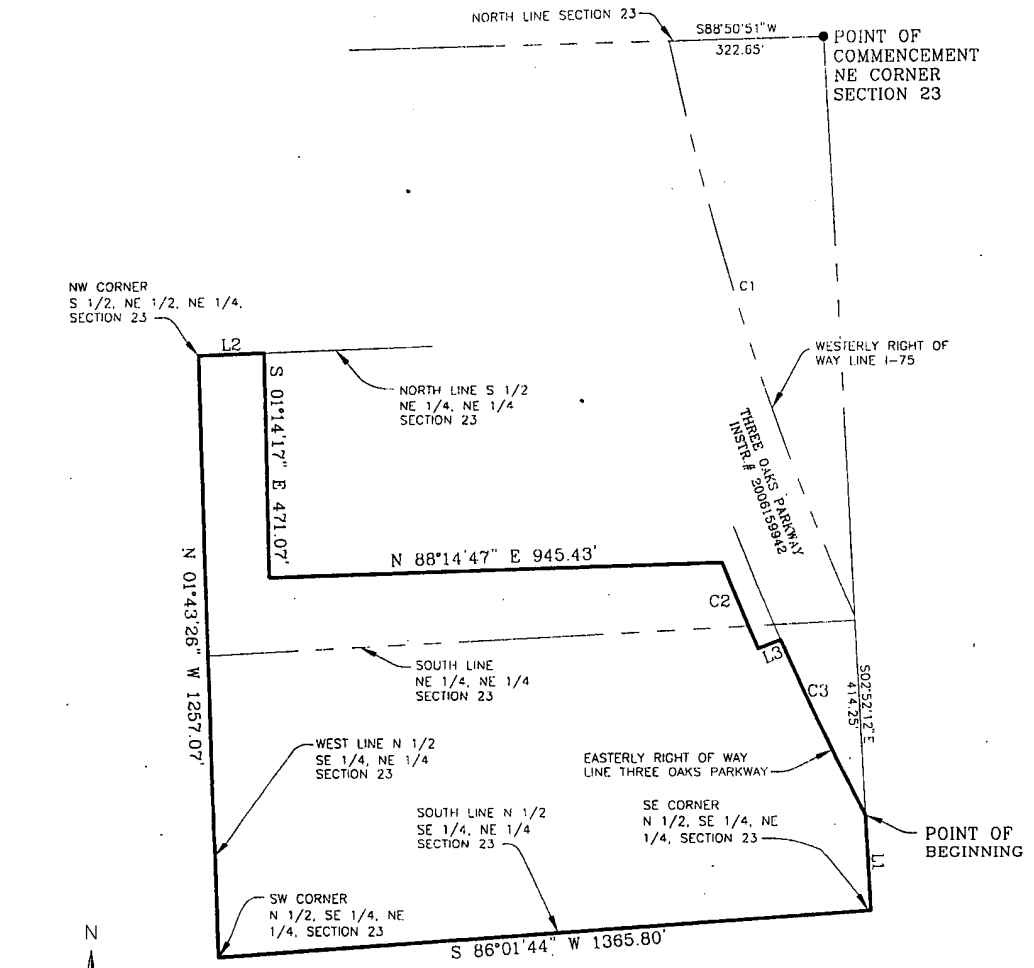
12-18-06
DENNIS A. MILLER — DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. LS 5626

DCI 2005-00113

Applicant's Legal Checked
By [illegible] 1/12/07
Planning

Q:\2005\050098.00.00 Bonita 30\AS01 Revised Boundary Survey\LEGAL DESCRIPTION FOR SKETCH REVISED 12-15-06.doc

THIS IS NOT A SURVEY



DCI 2005-00113

LINE TABLE		
LINE	BEARING	LENGTH
L1	S02°52'12"E	200.00'
L2	N87°54'57"E	137.63'
L3	N68°00'12"E	50.41'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD
C1	1260.67'	5847.58'	12°21'08"	S17°43'10"E	1258.23'
C2	193.73'	6058.07'	1°49'56"	S22°49'07"E	193.72'
C3	405.60'	6007.66'	3°52'06"	S25°41'00"E	405.53'

SKETCH

Applicant's Legal Checked by (BSJ) 1/12/07

SEE SHEET 1 FOR LEGAL DESCRIPTION

RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
1542 Carson Street
Fort Myers, Florida 33901
Phone: (239) 278-5224
FAX: (239) 278-5419

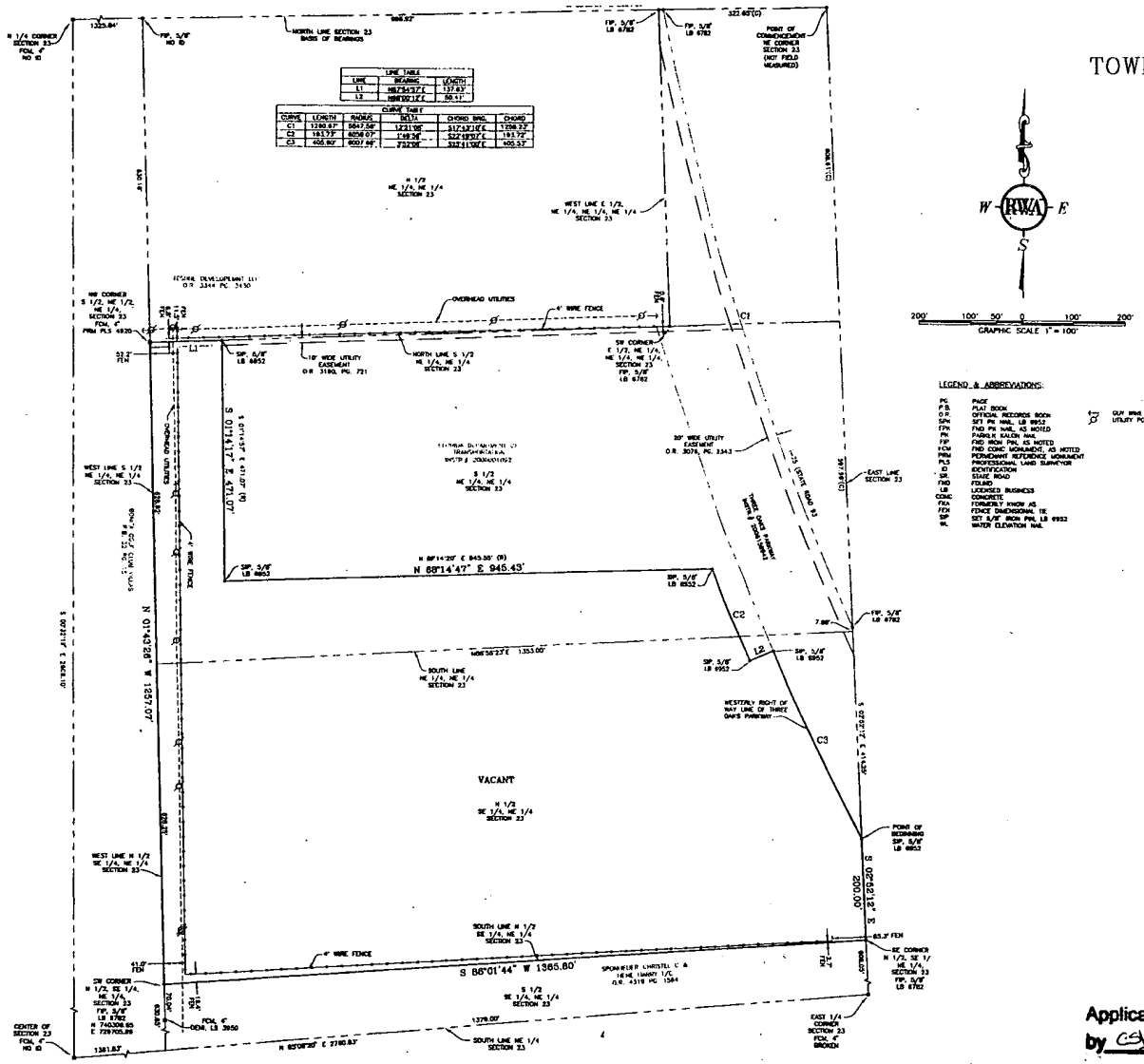
DATE:	12/15/06
SCALE:	1" = 300'
DRAWN BY:	SDL
CHECKED BY:	DAM
SEC: 23 TWP: 47S RGE: 25E	

CLIENT: MERITAGE HOMES

TITLE: SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PROJECT NUMBER: 050098.00.00 | SHEET NUMBER: 2 OF 2 | FILE NUMBER: AS01 SK

BOUNDARY SURVEY
OF
A PORTION OF SECTION 23
TOWNSHIP 49 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA.



LEGEND & ABBREVIATIONS:

PG	PAGE
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
SIP	SET PK NAIL, LB 6952
FIR	FND PK NAIL, AS NOTED
FIN	FASKLN, KALEN NAIL
FIP	FND IRON PIN, AS NOTED
FCM	FND CONC MONUMENT, AS NOTED
PRM	PERMANENT REFERENCE MONUMENT
PLS	PROFESSIONAL LAND SURVEYOR
ID	IDENTIFICATION
SR	STATE ROAD
FND	FOUND
LB	LICENSED BUSINESS
CONC	CONCRETE
F/KA	FORMERLY KNOW AS
FDN	FENCE DIMENSIONAL TIE
SET	SET 5/8" IRON PIN, LB 6952
WE	WATER ELEVATION MARK
	GUY WIRE
	UTILITY POLE

LEGAL DESCRIPTION:

(AS PER TITLE CERTIFICATION)

EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, LESS I-75 RIGHT-OF-WAY, PLUS THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, PLUS THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

(AS PREPARED FOR THIS SURVEY)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA;
THENCE S.88°50'51"W., ALONG THE NORTH LINE OF SAID SECTION 23, FOR 322.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE I-75, (STATE ROAD 93), SAID POINT BEING A POINT ON A CURVE;
THENCE SOUTHERLY 1,280.87 FEET ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 5,847.58 FEET THROUGH A CENTRAL ANGLE OF 12°33'08" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.17°47'10"E. FOR 1,278.22 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 23;
THENCE S.02°52'13"E., ALONG SAID EAST LINE, FOR 414.25 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE CONTINUE S.02°52'13"E., ALONG SAID EAST LINE, FOR 200.00 TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23;
THENCE S.88°14'47"W., ALONG THE SAME LINE OF SAID NORTH 1/2, FOR 1,365.80 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 1/2;
THENCE N.01°42'28"W., ALONG THE WEST LINE OF SAID 1/4 AND THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23, FOR 1,257.07 FEET TO THE NORTHWEST CORNER OF SAID SOUTH 1/2;
THENCE N.87°54'57"E., ALONG THE NORTH LINE OF SAID SOUTH 1/2, FOR 137.63 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN INSTRUMENT NUMBER 2006000109222 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
THENCE ALONG THE WESTERLY, AND SOUTHERLY LINES OF SAID LANDS THE FOLLOWING FOUR (4) COURSES;
1) THENCE S.01°14'17"E., FOR 471.07 FEET;
2) THENCE N.88°14'47"E., FOR 945.43 FEET TO A POINT ON A CURVE;
3) THENCE SOUTHEASTERLY 183.73 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 6,058.07 FEET THROUGH A CENTRAL ANGLE OF 01°44'04" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.22°48'07"E., FOR 183.73;
4) THENCE N.89°00'14"E., FOR 50.41 FEET TO A POINT ON A CURVE, ON THE EASTERLY RIGHT OF WAY LINE OF THREE OAKS PARKWAY DESCRIBED IN INSTRUMENT NUMBER 2006138942 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 405.80 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 6,007.89 FEET THROUGH A CENTRAL ANGLE OF 03°52'03" AND SUBTENDED BY A CHORD WHICH BEARS S.29°41'40"E., FOR 405.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,026,156 SQUARE FEET OR 23.56 ACRES, MORE OR LESS.

SURVEYOR'S NOTATIONS:

THIS PLAT OF SURVEY WAS PREPARED AS A BOUNDARY SURVEY FOR PERMITTING AND PLATTING PURPOSES, AND IS BASED ON A LEGAL DESCRIPTION PREPARED BY THIS FIRM, THE TITLE CERTIFICATION PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NO. 05112236 AND INFORMATION ORIGINALLY PROVIDED BY THE CLIENT.

THE PARCEL DESCRIBED IN THE LEGAL DESCRIPTION AS PREPARED FOR THIS SURVEY IS A PORTION OF THE PARCEL AS DESCRIBED IN THE LEGAL DESCRIPTION AS PROVIDED IN THE AFOREMENTIONED TITLE CERTIFICATION.

THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS HAVING AN ASSUMED BEARING OF N.88°50'51"E.

THE COORDINATES DEPICTED HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM FOR THE FLORIDA WEST ZONE (NORTH AMERICAN DATUM OF 1983/1990 ADJUSTMENT).

THIS PLAT OF SURVEY IS ONLY FOR THE LANDS AS DESCRIBED, IT IS NOT A CERTIFICATE OF TITLE, ZONING, EASEMENTS, RIGHTS OF WAY OR FREEDOM FROM ENCUMBRANCES.

SURFACE, SUBSURFACE, AND ALRIAL IMPROVEMENTS, UNLESS DEPICTED HEREON, HAVE NOT BEEN LOCATED.

DIMENSIONAL TIES FOR THE EXISTING IMPROVEMENTS DEPICTED HEREON ARE PERPENDICULAR TO THE APPROPRIATE PARCEL BOUNDARIES.

THIS PLAT OF SURVEY IS NOT INTENDED TO DELINEATE ANY WETLANDS, ENVIRONMENTALLY SENSITIVE AREAS, WILDLIFE HABITATS OR JURISDICTIONAL LINES OF ANY FEDERAL, STATE, REGIONAL OR LOCAL BOARD, COMMISSION OR OTHER ENTITY.

THE LANDS DEPICTED HEREON ARE ALSO SUBJECT TO ANY RELEVANT EASEMENTS, COVENANTS, RESTRICTIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

SUBJECT PARCEL LIES IN FLOOD ZONE "AE" (BASE FLOOD ELEVATION 10), AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP (F.I.R.M.), COMMUNITY PANEL 125124 0023 C, EFFECTIVE DATE MARCH 15, 1984.

THE F.E.M.A. FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT, THIS FLOOD INFORMATION MUST BE VERIFIED WITH ALL PERMITTING REGULATORY ENTITIES PRIOR TO COMMENCING ANY WORK OR APPLICATION DEPENDENT ON SAID INFORMATION.

THE INFORMATION DEPICTED HEREON REPRESENTS THE EXISTING CONDITIONS AS OBSERVED ON THE DATE OF LAST FIELD WORK: DECEMBER 07, 2006.

DISTANCES AND MEASUREMENTS, DEPICTED HEREON, ARE IN FEET AND DECIMALS THEREOF, UNLESS A DIRECT COMPARISON IS MADE ALL MEASURED BEARINGS AND DISTANCES ARE IDENTICAL TO RECORD ON PLAT VALUES.

THIS PLAT OF SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY OR PARTIES DEPICTED HEREON, AND IS NOT TRANSFERABLE.

THIS PLAT OF SURVEY IS AN ENTITY UNTO ITSELF THE ATTACHMENT OF ANY DOCUMENTS, TESTIMONIES AND OR ATTORNEYS AND THE ADDITION AND OR DELETION OF ANY PORTION OF THIS PLAT OF SURVEY, WITHOUT THE WRITTEN CONSENT OF THE SIGNING PROFESSIONAL SURVEYOR AND MAPPER, IS PROHIBITED AND WILL INVALIDATE THIS SURVEY.

PREPARED FOR:
MERITAGE HOMES (FKA COLONIAL HOMES, INC.)
OLD REPUBLIC NATIONAL TITLE INSURANCE CO.
HENDERSON/FRANKLIN
LEE COUNTY BOARD OF COUNTY COMMISSIONERS

PREPARED BY:
RWA, INC.
FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 6952

12-18-06
DONNIE A. MILLER
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. LS 5628
DATE SIGNED:

Applicant's Legal Checked
by CG 1/12/07

DCI 2005-00113

REV #	REVISION	DRAWN	CHECKED	PROJ.		NAME	DATE
					DESIGNED:		
					DRAWN:	SDL	12/11/06
					CHECKED:	DAM	12/11/06

RWA CONSULTING ENGINEERS, INC.
Engineers, Surveyors & Mappers, Planners, & Project Managers
1542 Carson Street
Fort Myers, Florida 33901
Phone: (239) 278-5224
Fax: (239) 278-5419
www.consult-rwa.com
Florida Certificate of Authorization #6952

DATE:	12/14/06
HORZ. SCALE:	1"=100'
VERT. SCALE:	
REF. TWP. RGE.	23 47S 25E
CLIENT:	MERITAGE HOMES
TITLE:	BOUNDARY SURVEY
PROJECT:	BONITA 30
CROSS REFERENCE:	
PROJECT NO.:	050098.00.00
SHEET NUMBER:	1 OF 1
FILE NO.:	AS01 SU

EXHIBIT I-B-3
LIST OF PROPERTY OWNERS

STRAP – 23-47-25-B2-00002.0000

Property Address:
25251 Tropic Acres Drive
Bonita Springs, FL 34135

Owner:
Colonial Homes, Inc. 100%
12601 Westlinks Dr., Unit 7
Fort Myers, FL 33913

RECEIVED
DEC 07 2005
COMMUNITY DEVELOPMENT

DCI 2005-00113

CONSULTANT TEAM

Agent/ Planning	**Robert J. Mulhere, AICP** **RWA, Inc** **6610 Willow Park Drive, Suite 200** **Naples, Florida 34109**
Agent/Legal Counsel	**Irene Quincy** **Pavese, Garner, et al** **4524 Gun Club Road, Suite 203** **West Palm Beach, FL 33415**
Transportation	**Ted B. Treesh** **Metro Transportation Group, Inc.** **12651 McGregor Boulevard** **Suite 403** **Ft. Myers, FL 33919-4489**
Civil Engineering	**Thomas Lubanovic** **RWA, Inc.** **1542 Carson St.** **Ft. Myers, FL 33901**
Surveying	**Dennis Miller** **RWA, Inc.** **1542 Carson Street** **Ft. Myers, FL 33901**
Environmental	**Tyler King** **Bender and Associates** **2052 Virginia Avenue** **Ft. Myers, FL 33901**

RECEIVED
DEC 0 7 2005
COMMUNITY DEVELOPMENT

UCI 2005-00113

EXHIBIT III-B-3
SANITARY SEWER FACILITIES

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

Special effluent is not anticipated as part of this project.

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

1. Method and degree of treatment:

Private on-site wastewater treatment and disposal facilities are not anticipated as part of this project. Sanitary sewer service will be provided by Bonita Springs Utilities. The wastewater collection facilities will be dedicated to Bonita Springs Utilities for ownership and maintenance.

2. Quality of the effluent:

Not Applicable

3. Expected life of the facility:

Not Applicable

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

Bonita Springs Utilities will operate and maintain the internal collection and treatment facilities for This project.

5. Receiving bodies or other means of effluent disposal:

Not Applicable

RECEIVED
DEC 07 2005
COMMUNITY DEVELOPMENT

DCI 2005-00113

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

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

Spray Irrigation and spray fields will not be used for this project.

2. Current water table conditions:

Not Applicable

3. Proposed rate of application:

Not Applicable

4. Back-up system capacity:

Not Applicable

EXHIBIT I-B-4
COVENANT OF UNIFIED CONTROL

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as Bonita 30 RPD and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for planned development zoning. We hereby designate Robert J. Mulhere, Director of Planning of RWA, Inc., and LAND DEVELOPMENT SERVICES, INC., as the legal representatives of the property and as such, these individuals are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorization of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. These representatives will remain the only entity to authorize development activity on the property until such time as a new or amended covenant of unified control is delivered to Lee County.

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

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

Colonial Homes, Inc., a Florida corporation

BY: _____
Alan S. Farrior, President

STATE OF Alabama)
COUNTY OF Montgomery)

Sworn to (or affirmed) and subscribed before me this 1st day of August, 2005

by Alan S. Farrior who is personally known to me or has produced _____

as identification.

Tracy Harlow
Notary Public
Tracy Harlow
(Name typed, printed or stamped)
(Serial Number, if any)

RECEIVED
DEC 07 2005
COMMUNITY DEVELOPMENT

DCI 2005-00113

CONSULTANT TEAM

Agent/ Planning	**Patrick Vanasse, AICP** **RWA, Inc** **1542 Carson Street** **Fort Myers, Florida 33901**
Agent/Legal Counsel	**Russell Schropp** **Henderson, Franklin, Starnes & Holt, P.A.** **1715 Monroe Street** **Post Office Box 280** **Fort Myers, FL 33902**
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Surveying	**Dennis Miller** **RWA, Inc.** **1542 Carson Street** **Ft. Myers, FL 33901**
Environmental	**Raeanne Boylan** **Boylan Environmental Consultants, Inc.** **11000 Metro Parkway Suite 4** **Fort Myers, FL 33966**

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RWA INC. CONSULTING
Engineers,
Surveyors & Mappers,
Planners, & Project Managers

LETTER OF TRANSMITTAL

TO: Lee County Community Development

DATE: December 7, 2005

PROJECT NAME: Bonita 30 RPD

PROJECT NUMBER: 05-0098.00

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DEC 07 2005
COMMUNITY DEVELOPMENT

We are sending the attached via:

☐ Client Pickup ☒ Delivery ☐ Mail ☐ Overnight

Action required:

☒ For approval ☐ For your use ☐ As requested ☐ For review and comment ☐ Other

COPIES	*DESCRIPTION*
1	Table of Contents
1	Consultant Team
1	Colonial Homes, Inc., check #046686, in the amount of $9,516.40 for application fee
13	1 original and 12 copies of Completed Application
2	1 original and 1 copy of Notarized Authorization Form (Exhibit I-B-1)
2	Copies of List of Property Owners (Exhibit I-B-3)
2	1 original and 1 copy of Notarized Covenant of Unified Control (Exhibit I-B-4)
2	Surrounding Property Owners List (Exhibit I-B-5)
2	Property Owners Map (Exhibit I-B-6)
2	Mailing Labels for Surrounding Property Owners (Exhibit I-B-7)
2	1 original and 1 copy of Notarized Disclosure Form (Exhibit I-F)
13	Copies of Legal Description (Exhibit II-B-1)
13	Certified Sketch of Description (Boundary Survey) (Exhibit II-B-2)
13	Area Location Map (Exhibit II-D)
13	Bonita Springs Comprehensive Plan Amendment (Exhibit II-E-1)
13	Narrative Statement – Compliance with City of Bonita Springs Comprehensive Plan (Exhibit II-E-2)
13	Compliance with Design Standards (Exhibit II-E-4)
13	Compliance with Decision Making Guidelines (Exhibit II-E-5)
13	Environmental Sensitive Lands Map (Exhibit II-F-1)
4	Environmental Assessment including Protected Species Management Plan (Exhibit II-F-2)
4	Existing Zoning and Current Land Use Map (Exhibit II-F-3)
13	Soils, Vegetation and Ground Cover Maps (Exhibit II-F-4)

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13	Topography Map (Exhibit II-F-5)
13	Density Calculations (Exhibit III-A-2)
13	Sanitary Sewer Facilities (Exhibit III-B-3)
4	Traffic Impact Statement (Exhibit III-C)
13	Description of proposed development (Exhibit IV-D)
13	Master Concept Plan (Exhibit IV-E)
1	11 x 17 copy of Master Concept Plan (Exhibit IV-E)
13	Schedule of Uses (Exhibit IV-G)
13	Schedule of Deviations and Justifications (Exhibit IV-H)
4	Surface Water Management Plan (Exhibit IV-I)
3	Aerial Photo of Subject Property (Exhibit IV-N)
3	Map of Historical & Archaeological Sites (Exhibit IV-O)
3	Future Land Use Map (Exhibit V-A)
13	Letter of Service Availability (Exhibit V-B)

REMARKS:

SIGNED: Patrick Vanasse, Principal Planner

COPY TO: Client
Irene Quincy
File

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BONITA SPRINGS, FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT

ZONING DIVISION

STAFF REPORT

TYPE OF CASE: **PLANNED DEVELOPMENT/DCI**

CASE NUMBER: **DCI2005-00113**

HEARING DATE: **September 7, 2007**

I. APPLICATION SUMMARY:

A. Applicant: Colonial Homes in reference to Bonita 30 RPD

B. Request: Rezone 23.56+/- acres from AG-2 (Agricultural) to RPD (Residential Planned Development) to allow 138 Two-family attached, Townhouse and multi-family dwelling units with associated amenities with a maximum building height of 60 feet.

C. Location: The subject property is located at 25251 Tropic Acres Drive, in Section 23,Township 47 South, Range 25 East, Bonita Springs, FL.

D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

The Future Land Use designations of the subject property is "Medium Density Multi-Family Residential". The current zoning is AG-2. The site is currently vacant.

E. Surrounding Land Use:

	Existing Zoning & Land Use	Future Land Use Map
North:	Vacant, zoned AG-2	Medium Density Multi-Family Residential
East:	Single-family residences, zoned RS-1	Moderate Density Single-family
South:	Vacant, zoned AG-2	Low Density Single-family
West:	Three oaks, ROW, then I-75, then City of Bonita Springs Utilities (under development)	DRGR

F. Size of Property: 23.56± acres

II. RECOMMENDATION:

Staff recommends APPROVAL of the Applicant's request for rezoning from AG-2 to RPD with the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the three page Master Concept Plan entitled "Bonita 30 RPD," stamped received April 25, 2007, last revised March 2007, except as modified by the conditions below. This development must comply with all requirements of the Bonita Springs LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

   The maximum number of residential units is limited to 138 dwelling units.

2. The following limits apply to the project and uses:

   a. Schedule of Uses

   Residential Tracts:

   Accessory uses and structures: including gazebos and observation platforms as an amenity for the residents
   Dwelling units: Townhouses
   Two-family attached
   Multi-family
   Entrance gate and gatehouse, in compliance with LDC Section 34-148
   Essential Services
   Essential Service facilities, Group I (limited to pump stations)
   Excavation- for development lakes, water retention and detention, No blasting
   Fences, walls
   Home Occupations, no outside help
   Model homes and model units (for marketing purposes within the project only)
   Parking lot, accessory
   Recreational facilities: Personal and private on site
   Signs, in accordance with the LDC
   Temporary uses: limited to temporary sales office, construction trailers and staging area

   Amenity Center Tract:

   Accessory uses and structures
   Administrative offices for the exclusive use by the club and on-site management and marketing of this development.
   ~~Cleaning and maintenance services~~ (deleted by staff)

Clubs: Private The membership must be limited to the residents of this development.
Consumption on premises. Limited to the clubhouse
Essential Services
Essential Service Facilities, Group I (Limited to pump stations)
Fences and walls
Food and Beverage service, Limited - Limited to Clubhouse (For the exclusive use of the residents of this development and their guests)
Health club or Spa - Limited to Clubhouse (For the exclusive use of the residents of this development and their guests)
Parking Lot: Accessory
Real Estate Office: Temporary (for marketing purposes within the project only)
Recreational facilities: Personal and private on site
Signs, in accordance with the LDC
Temporary uses: limited to temporary sales office, construction trailers and staging area

b. Site Development Regulations

	Residential Tracts	Amenity Center Tract
Minimum Lot Width:	40 feet	100 feet
Minimum Lot Depth:	80 feet	100 feet
Minimum Lot Area:	3,200 S. F.	10,000 S. F.
Maximum Building Height:	~~5 stories or~~ 60 feet*	~~3 stories or 50~~ 45 feet**
Maximum Lot coverage:	60 percent	50 percent
Minimum Setbacks:		
Public Street:	25 feet	25 feet
Private street:	~~15~~ 20 feet	~~15~~ 20 feet
Side Yard:	10 feet	10 feet
Rear Yard:	10 feet	10 feet
Waterbody	0/20 feet***	0/20 feet***
Minimum Building Separation:	20 feet	20 feet
~~Minimum Floor Area:~~	~~750 SF~~	700 SF (first floor)

* ~~Within 150 feet of the western property line the height is limited to 2 stories/35 feet. Within 200 feet of the same property line the height is limited to 3 stories/45 feet.~~ Within 250 feet of the western property line the height is limited to 35 feet.

** ~~Except Clock towers or similar architectural features may be permitted up to 75 feet.~~ (Deleted by staff)

*** Setback from ~~all principal or accessory uses~~ viewing platforms and gazebos may be reduced to Zero (0') provided architectural bank treatment is provided.

3. Environmental Conditions

a. Prior to local development order approval, a detailed gopher tortoise management plan meeting current Florida Fish and Wildlife Conservation Commission and City of Bonita Springs requirements must be submitted for review and approval by the Division of Environmental Sciences.

b. Prior to local development order approval, if gopher tortoise burrows are to be avoided or gopher tortoises are to be relocated on site, development order plans must delineate the gopher tortoise preserve area and submit for review and approval by the Division of Environmental Sciences staff a detailed gopher tortoise management plan meeting Land Development Code requirements and in conceptual compliance with the Preliminary Gopher Tortoise Management Plan stamped received May 9, 2006 .

c. Prior to local development order approval, the development order plans must delineate a minimum of 14.23 acres as open space.

d. Prior to local development order approval, the development order plans must delineate:

- a minimum of 6.48 acres of preserve separately depicting the 0.42 pine flatwoods and 2.96 wetland forest mixed as Indigenous Enhancement; the ±1.23 acres exotic wetland hardwoods and disturbed lands/pine flatwoods as Indigenous Restoration; and the ±1.87 acres of roads, hydric disturbed lands, primitive trails and hydric trails as Indigenous Creation; and

- relocation of listed Butterfly Orchids (Encyclia tampensis) to preservation areas (submit a survey depicting location of listed plant species with development area); and

- utilization of one hundred (100) percent native vegetation planting within all required buffers, restoration, creation, and enhanced preservation areas. The applicant may use approved non-native plantings for accent above the required plantings in buffer areas only; and

- a 25 foot structure setback from preserve areas; and

- relocation of existing powerlines currently within the proposed preserve area along the west property line.

e. Prior to local development order approval, the applicant must submit for review and approval by City of Bonita Springs' Environmental Review staff:

- a detailed indigenous management plan meeting requirements of the Land Development Code Section 3-415(E.). The management plan must specifically include but not limited to within the first and second year monitoring schedule the survivability of the required type "F" buffer plantings located within the preserve along the west property line. If any

of the required buffer plantings die they must be replaced as per a maintenance schedule; and

- a detailed indigenous creation and restoration plan for the ±1.87 acres of non-indigenous proposed preserve area. The plan must propose creation and restoration of the impacted habitat to pre-existing conditions. The vegetation type and density must mimic the surrounding indigenous habitat given existing soil characteristics and hydrology.

f. Prior to local development order approval, open space areas within the multi-family residential must be designed to preserve as many existing indigenous native trees as possible through the preservation of native tree clusters, relocation of sabal palms, and replacement or preservation of heritage trees. Please submit a complete native tree survey depicting tree species, location, and size-diameter at breast height (dbh).

g. Prior to local development order approval, the development order plans must delineate a compensatory littoral zone equal to the linear footage of the bulkhead provided within the same lake meeting the following criteria:

- a five-foot wide littoral shelf planted with herbaceous wetland plants to provide fifty (50) percent coverage at time of planting; or

- an 8:1 slope littoral shelf with herbaceous wetland plants to provide fifty (50) percent coverage at time of planting; or

- an equivalent littoral shelf design as approved by the director.

h. Prior to local development order approval, the development order plans must delineate a proposed type F buffer along the west property line between the projects proposed road and adjacent single family residential lots. The type F buffer plantings must meet the land development code in terms of height and density to provide a continuous visual screen but must be planted to mimic the natural canopy and understory of the existing habitat to the greatest extent possible.

4. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174(a).

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

6. There is no bona fide agricultural use on the site, and none shall be established after the approval of this rezoning request

7. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy all appropriate provisions of the Bonita Springs Comprehensive Plan.

8. Model homes and model units are permitted uses, but, must be consistent with the following conditions:

   A. A maximum of four (4) model homes and/or model units are permitted within the development; and

   B. Hours of operation for the model homes are restricted to Sunday through Saturday, 8:00 a.m. through 6:00p.m.; and

      Each model home must be a unique example. Multiple examples of the same model are not permitted.

9. A Real Estate Sales Office is a permitted use, but, must be consistent with the following conditions:

   A. A maximum of one (1) real estate sales office is permitted; and

   B. Hours of operation for the real estate sales office restricted to Sunday through Saturday, 8:00a.m. through 6:00p.m.; and

   C. The real estate sales office is limited to the sale of units within the development, and is valid for a period of time not to exceed three (3) years from the date the certificate of occupancy for the sales office is issued. The director may grant one two-year extension. Additional time will require a special exception approval.

10 Prior to Certificate of Occupancy the building contractor must provide a certification stating that the site grading was conducted in accordance with the approved Development Order site grading plan. This condition is predicated on the assumption that all buildings will be constructed by one contracting firm. If the individual buildings are constructed by different contracting firms then the site lot grading certification must be provided by a Registered Professional Engineer.

11. Should Strike Lane not have a full opening to Imperial Parkway (Three Oaks Parkway) by the time of Development Order approval, or if deemed necessary by the Bonita Springs Fire Control and Rescue District for any reason,as required by LDC Section 3-291 (c) an emergency access, as required by LDC Section 3-291 (c), to Bonita Springs Fire Control and Rescue District specifications shall be provided from Old Squaw Lane to this development.

12. When bulkhead is utilized along the lake's banks, railings or fences, whichever appropriate, must be provided along the said section of the bank.

13. Along the western property line, where the internal roadway is less that 125 feet from the adjoining single-family lots, The restored 90 foot wide preserve must provide 100 percent opacity from the ground to a height of 10 feet between the road and the western property line.

B. Deviations

Deviation # 1: Deviation from LDC Section 3-329 (e)(4) which requires compensating slop on excavation banks, to allow to up to 20 percent of banks to utilize vertical bulkhead.

Staff recommends **conditional approval** of this request. This is to allow for amenities such as viewing platforms and gazebos to be places within close proximity of the water. As conditioned above, where bulkhead is proposed, railings and/or fences must be provided for the safety of the users of the platforms and gazebos for residents' use. This recommendation for approval is subject to Environmental Condition 3 (g).

Deviation # 2: Deviation from LDC Section 3-291(c) which requires that residential development of more than five acres to provide two or more means of ingress and egress, to allow the RPD to have one full means of ingress and egress point to the property.

Staff recommends **conditional approval** of this request. The applicant has agreed to provide an additional 20 foot wide stabilized sub-grade emergency access-way along the access road for emergency egress and ingress purposes. The location of the project makes it difficult to provide a secondary access to the site. However, should Strike Lane not provide full median access to Three Oaks Parkway, or should the Bonita Springs Fire Control and Rescue District request an emergency entrance, applicant shall provide an emergency access to Old Squaw Lane on the west side of the property.

Deviation # 3: Deviation from LDC Section 34-1743 (b)(1) which limits residential project wall to a maximum height of eight (8) feet, to permit a maximum vertical wall of eight (8) feet; however, the wall may be constructed atop a perimeter berm also subject to sight line landscaping and water management conditions of Section 34-1743.

Staff recommends **conditional approval** of this request. A combination of wall/berm eight (8) feet in height will provide a more aesthetically pleasing design than an eight (8) foot high wall. However, the slop of the berm must limited to 4:1, meaning for every four feet of horizontal one foot of vertical would be allowed. But in no case the maximum height of wall and berm combination shall exceed eight (8) feet.

Deviation # 4: Deviation from LDC Section 3-328, which requires a twenty-foot (20') wide lake maintenance easement, to permit a 0' wide easement, when viewing platforms and gazebos are built with bulkhead bank treatment, as indicated on the MCP.

Staff recommends **approval** of this request. An alternative maintenance for the lakes will be provided in accordance with permit requirements of the South Florida Water Management District. This request is directly tied to Deviations #1 and #5 and the applicant's desire to build a viewing platform and gazebo at the edge of the water. This request will provide an aesthetically pleasing amenity for the residents.

Deviation # 5: Deviation from LDC Section 34-2194 (c)(3)b, which requires a ten foot setback from non sea-walled artificial water bodies, to allow a zero-foot setback for accessory structures such as a viewing platform at the lake control elevation.

Staff recommend **approval** of this request. This is again tied to the applicant's desire to provide a viewing platform and gazebo at the edge of the lake.

Deviation # 6: Deviation from LDC Section 3-41 (D)(6), which requires a solid wall or combination berm and solid wall not less than eight feet in height to be constructed not less than 25 feet from the abutting property and landscaped with a minimum of five trees and 18 shrubs per 100 linear feet, if road, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots; to replace this buffer requirement with a ninety -foot (90') minimum indigenous vegetation preserve to act as buffer to the adjacent residential uses.

Staff recommends **conditional approval** of this request. This deviation will allow for an uninterrupted preserve along the western boundary. Otherwise, strict conformance with LDC requirements would result in a strip of preserve, interrupted by a buffer, followed by another strip of preserve. The deviation allows a continuous and effective preserve design that will eliminate disturbance to the restored indigenous preserve. The proposed ninety foot (90') restored preserve will provide sufficient plantings to effectively buffer from the adjacent development and will meet the intent of section 3-416(D)(6). This recommendation for conditional approval is subject to Environmental Condition 3(h) and Condition 13.

Deviation # 7: Deviation from LDC Section 3-415(B)(1), which requires large developments, with existing indigenous native vegetation, to provide 50 percent of their open space percentage requirement through the on site preservation of existing indigenous vegetation, to instead allow this requirement to be provided as a combination of existing indigenous vegetation and restored indigenous vegetation at a ratio of 2:1.

Staff recommends **conditional approval** of this request. The applicant proposes a preserve of 7.03 acres, comprised of 3.38 acres of existing indigenous vegetation and 3.65 acres of replanted indigenous vegetation. The required indigenous preserve is 4.71 acres. When adjusted for the 2:1 replanted area, the required preserve becomes 6.04 acres. The proposed preserve will exceed this requirement by almost 1 acre. This recommendation for conditional approval is subject to Environmental Condition 3(d)

C. Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has proven entitlement to the rezoning to RPD by demonstrating compliance with the Bonita Springs Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested RPD zoning, as conditioned:

   a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b) is consistent with the densities, intensities and general uses set forth in the Bonita Springs Comprehensive Plan;

   c) is compatible with existing or planned uses in the surrounding area; and

d) will not adversely affect environmentally critical areas or natural resources.

3. Approval of the request, as conditioned will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

4. Urban services, as defined in the Bonita Springs Comprehensive Plan, are available and adequate to serve the proposed land use.

5. The proposed use is appropriate at the subject location.

6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

8. The deviations granted, as conditioned:

   a) enhance the objectives of the planned development; and

   b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

This is a request to rezone approximately 23.56 acres of land from the existing Agricultural District (AG-2) to Residential Planned Development (RPD). Approval of this request would allow up to a maximum of 138 dwelling units. The request seeks a mixture of two-family attached, townhouse, and multiple family dwelling units with a maximum building height of 60feet, 5 stories.

Master Concept Plan

The Master Concept Plan shows a single entrance to the site from Imperial Parkway (Three Oaks Parkway) currently under construction. At the center of the development there is a large lake over three acres in size. The lake is surrounded by development tracts with a private road circling those tracts. At the southeast corner of the development there is a tract labeled as "Amenity Center". With the exception of the Amenity Center, all other tracts are surrounded by a preserve tract.

Bonita Springs Comprehensive Plan Considerations

Policy 1.1.8.1: Medium Density Multi-Family Residential *– Intended to accommodate multi-family, modular and manufactured housing, and existing mobile home and recreational vehicle parks up to a maximum density of 10 units per gross acre; group homes and foster care facilities, public schools and other public, semi-public and recreational uses on a limited basis. This land use category is applied primarily to existing properties developed with multi- family or mobile*

home/recreational vehicle parks located within the Coastal High Hazard Area, or lands formerly afforded a land use designation of Urban Community in the Lee Plan, or properties adjacent to existing or planned major roadways.

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

b. *Residential density shall be limited to not more than six units dwelling units per acre. If affordable housing is provided, residential density may be increased by up to four additional dwelling units per acre. This density range is consistent with the density previously afforded under the Urban Community land use designation in the Lee Plan.*

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

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

The application request is to build 138 dwelling units which is slightly under the maximum allowable density of 6 dwelling units per acre of Medium Density Multi-family land Use designation and is in compliance with the requirements of this Policy.

Objective 1.11: *Development orders and permits for new development or redevelopment shall be issued only if public facilities and services necessary to meet the City's adopted Level Of Service (LOS) standards are available concurrent with the impacts of the development.*

Water and sewer services are available to the site and all residences will be required to hook-up to those services.

Policy 1.8.2 (Transportation Element) *- The City shall review all site plans and applications for rezoning or development approval to ensure that existing and future road rights-of-way will not be encroached upon.*

The project has already taken into consideration the future Imperial Parkway (Three Oaks Parkway). This project is not expected to encroach upon this required right-of-way.

Neighborhood Compatibility

The design of this site with lower building heights when adjacent to single-family zoning or structures, wide buffers, and the limitation on access to the subject property all address the compatibility of this project withe the other adjoining land uses. Staff believes with these self imposed restrictions and with the conditions contained in the recommended zoning actions, the project is compatible with the neighborhood.

Environmental Issues

VEGETATION:
A vegetation communities assessment perform by Boylan Environmental Consultants, Inc. during February of 2006 indicates the 23.56 acre site contains ±5.69 acres of uplands and ±17.87 acres wetlands. The uplands consist of 1.73 acres of pine flatwoods dominated by a Florida slash pine canopy and Brazilian pepper, saw palmetto, melaleuca saplings, downy rose myrtle understory; 2.40 acres of disturbed lands/pine flatwoods which resembled harvested slash pine community; 0.31 acre spoil areas; 0.91 acre roads; and 0.42 acre primitive trails. The wetlands consist of 13.21 acres wetland forest mixed dominated by a mixture of slash pine, melaleuca, bald cypress canopy and sparse understory of wax myrtle, buck thorn, corkwood, xyris, makania, swamp fern, bog bottons saw grass, mermaid weed, and hydrocotyle; 1.13 acres of exotic wetland hardwoods dominated by melaleuca; 2.03 acres hydric disturbed lands; and 1.50 acres hydric trails. The site contains 14.94 acres of indigenous vegetation communities (1.73 acres pine flatwoods and 13.21 acres wetland forest mixed).

PROTECTED SPECIES:
A protected species survey for Lee County listed species meeting the requirements of Land Development Code(LDC) Section 10-473 was conducted by Boylan Environmental Consultants, Inc. February 2 & 3, 2006 and March 22, 2006. During the February surveys the only listed species identified on site included four (4) Butterfly orchids (*Encyclia tampensis*) located within the wetland forest mixed. This plant species is listed by the US Fish and Wildlife Service (FWS) as commercially exploited but not listed within the City of Bonita Springs LDC protected species list. During the March survey one (1) active gopher tortoise (*Gopherus polyhemus*) burrow was observed within the pine flatwoods along the south property line. The gopher tortoise is currently listed as a species of special concern the Florida Fish and Wildlife Conservation Commission (FWC) and listed withing the City of Bonita Springs LDC protected species list.

PROTECTED SPECIES MANAGEMENT PLANS:
A management plan meeting the requirement of LDC Section 3-474 is required for all development order applications if listed species are identified on the property. Gopher tortoise were observed utilizing the property. FWC is in the process of uplisting the gopher tortoise from species of special concern to threatened species, and revising the permitting process. New regulations are anticipated to be adopted in September 2007. Therefore, it is not possible at this time to determine the type of permit that will be required by FWC or if the gopher tortoises will be moved to a preserve onsite or offsite to meet the State's new standards for conservation.

OPEN SPACE:
Per the LDC Section 3-415(A.) residential planned developments are required to provide 40% of the total area of the projects as open space; therefore, the proposed project is required to provide 9.42 acres of open space as defined in LDC 34-414. The Master Concept Plan (MCP) stamped "Received March 8, 2007" documents the 9.42 acres open spaced required and 14.23 acres open space provided.

INDIGENOUS PRESERVATION & DEVIATION # 7:
Per the LDC Section 3-415(B.)(1.)a. large developments, with existing indigenous native vegetation must provide 50 % of their open percentage requirement through the onsite preservation of existing indigenous native vegetation communities. Per the site inspection by ES staff the project site contains 14.94 acres of existing native indigenous vegetation communities ; therefore, the proposed project is required to provide 4.71 acres of indigenous

preservation of existing indigenous communities. The Master Concept Plan (MCP) stamped "Received March 8, 2007" documents the 4.71 acres indigenous preserve required and 7.03 acres indigenous preserve provided. The applicant is proposing to meet the indigenous preservation requirement through preservation of the 0.42 acre existing pine flatwoods and 2.96 acre existing wetland forest mixed and the extensive restoration/creation at 2:1 mitigation of 3.65 acres of exotic wetland hardwoods, disturbed lands/pine flatwoods, hydric trails, primitive trails, hydric disturbed lands, and roads.

Transportation Comments

It is estimated that this project will generate 80 new trips in the PM peak hour. The master Concept Plan proposes one project entrance on Three oaks Parkway. Three Oaks Parkway will be County maintained. It is under construction and scheduled to open to traffic by January 2008. The construction plans include a median opening providing a northbound left turn to the project.

The applicant's TIS indicated that without the project in 2009, Three Oaks Parkway in the vicinity of the site will operate at LOS "B" or 46 percent of the capacity. The TIS estimates that with this project in 2009 (built-out year), Three Oaks Parkway will operate at LOS "B". Using the TIS numbers this equates to 48 percent of the generalized service volume capacity of 1,950 vehicles.

IV. SUBJECT PROPERTY

A. STRAP: The applicant indicates the STRAP number is: 23-47-25-B2-00002.0000

B. LEGAL DESCRIPTION: See EXHIBIT A.

V. ATTACHMENTS

A. Map of surrounding zoning
B. Master Concept Plan
C. Environmental Sciences Division Memorandum
D. City of Bonita Springs' Transportation Consultant Memorandum
E. Correspondence from the Bonita Springs Fire Control and Rescue District

VI. EXHIBITS

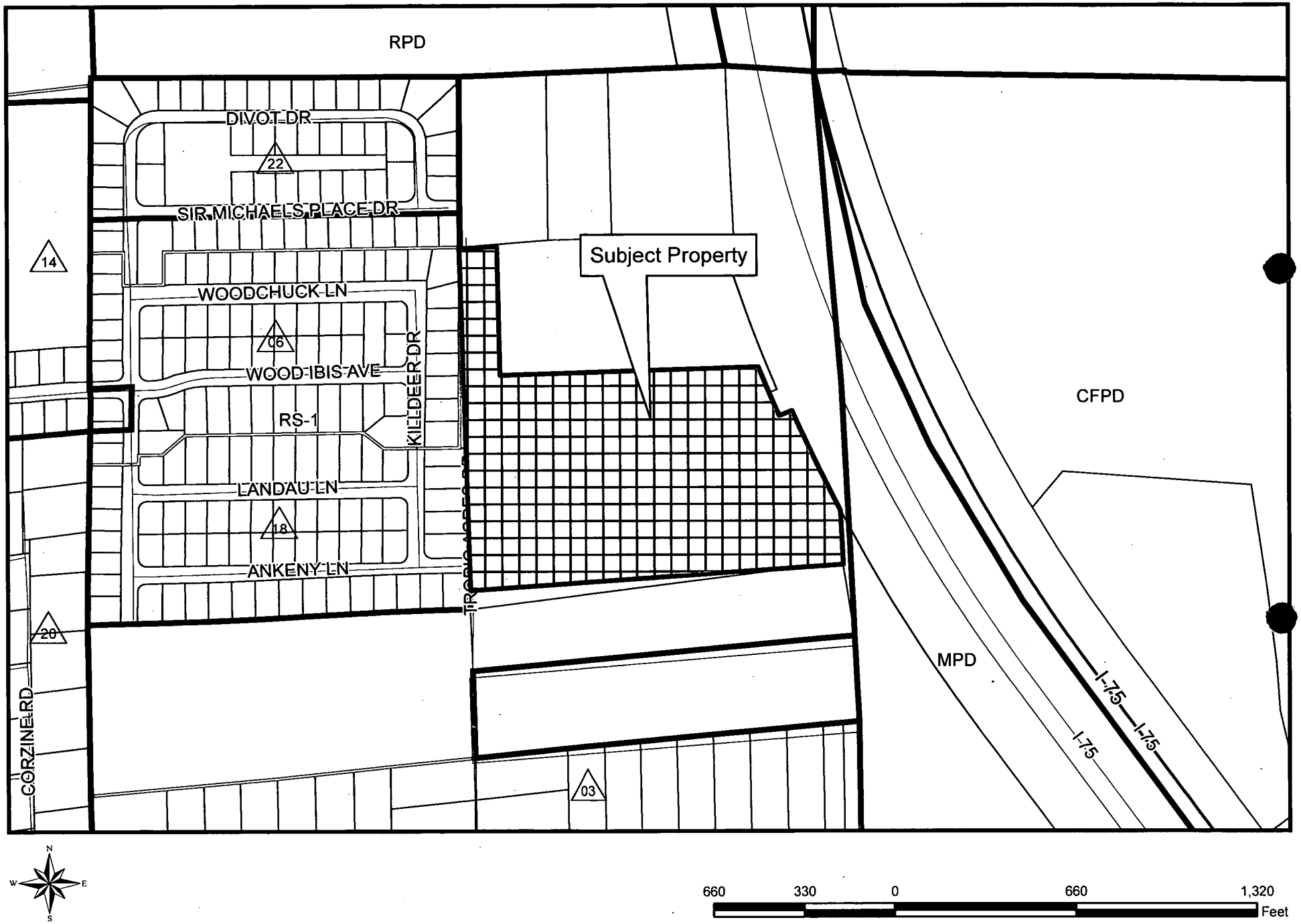
A. Legal Description

cc: Applicant
City Attorney
DCI Zoning file
DCI Planner file

Attachment "A"
Zoning Map

DCI200500113

8/10/2007



Badamtchian, Chahram

From: SalehiMohs@aol.com

Sent: Monday, August 06, 2007 2:39 PM

To: Badamtchian, Chahram

Cc: gary.price@cityofbonitasprings.org; barbara.barnes-buchanan@cityofbonitasprings.org; daryl.walk@cityofbonitasprings.org; audrey.vance@cityofbonitasprings.org; Campbell, Harry A.; Getch, Andrew J.

Subject: Bonita 30 RPD/DCI 2005-00113

Pursuant to your request, the following substantive comments comments are provided for the above referenced:

1) Considering the proposed Three Oaks Parkway designated access points as presented to the City Council on June 20, 2007, which indicates Northbound Left/Southbound "U" turn and Right-in/Right-out at Sta. 220+00+/-50 in the vicinity of the proposed project connection west of Three Oaks Parkway, our earlier comment and concern about the proposed project access is withdrawn.

2) The entranceway dual purpose as an emergency access, however, remains as a concern, in the light of the letter to the staff planner from the City Fire Marshal Office "rejecting the project for deleting access to Old Squaw Lane" (e-mail of May 24, 2007). As it was pointed out to the applicant's representatives during our Meeting of April 10, 2007 acceptability of the entranceway to function as a dual accessway/emergency access would be contingent upon the approval of the Fire Marshal Office.

In the absence of the Fire Marshal's Office approval of a dual function entrance/emergency access, we cannot support this rezone application per supporting documents including the revised MCP (DCD stamped Apr. 25, 2007) . The proposed project may only be approved upon the provision of an emergency access via Old Squaw Lane and upon the applicant's assuming the responsibility for all costs associated with bringing Old Squaw Lane and other connecting roadways up to standards acceptable to the Fire Marshal's Office requirements, otherwise we recommend denial.

Get a sneak peek of the all-new AOL.com.

ATTACHMENT D

From: Fernandez Tim [mailto:timmyf@bonitafire.org]
Sent: Wednesday, July 25, 2007 3:28 PM
To: Badamtchian, Chahram
Subject: RE: Zoning Sufficiency Review - Bonita 30 RPD, 05-08-09, taf

Chahram, A condition sounds fine. Just keep in mind that when the attorneys write this that they include Land Development Code referencing section 10-291(3). That section of the LDC calls for "Where practical, any residential development of more than five acres...must provide two or more means of ingress or egress for the development.", and also "...or where additional access is needed to provide alternate access for emergency services." This ingress/egress requirement is not a Florida Fire Prevention Code requirement.

Thanks,

Tim Fernandez Asst. Fire Marshal

From: Badamtchian, Chahram [mailto:CBADAMTCHIAN@leegov.com]
Sent: Wednesday, July 25, 2007 3:16 PM
To: Fernandez Tim
Subject: RE: Zoning Sufficiency Review - Bonita 30 RPD, 05-08-09, taf

Tim,

Thank you very much for the info. What do you think of a condition that if by the time of D.O. Strike Lane is not connected to Three Oaks, or no plans approved to connect it to Three Oaks, then the site must connect to Old Squaw lane to Bonita Springs Fire Control and Rescue District's satisfaction? No Building Permit for vertical structures and buildings shall be issued until and unless the rear access is built, inspected and approved by the City and the Fire District.

Chahram Badamtchian, AICP

Senior Planner

Lee County DCD/Zoning

Phone: 239. 533. 8372

Fax: 239. 485. 8300

Cbadamtchian@leegov.com

ATTACHMENT E

From: Fernandez Tim [mailto:timmyf@bonitafire.org]
Sent: Wednesday, July 25, 2007 2:56 PM
To: Badamtchian, Chahram
Subject: RE: Zoning Sufficiency Review - Bonita 30 RPD, 05-08-09, taf

Chahram,

I met with them at our office on 05-31-07, and nothing was resolved at that time. We explained to them that Strike Lane (closest route for an engine from station three) does not connect into Three Oaks Pkwy. If Strike Lane connected into Three Oaks Pkwy, I would see no reason for the rear access. Their response was that they thought the connection between the two roads was going to be made. We had heard the opposite! Anyway, they were going to research the road connection between Three Oaks and Strike Lane. Since then, I have not heard from them.

So, no the issue has not been resolved...

Tim Fernandez

Asst Fire Marshal

From: Badamtchian, Chahram [mailto:CBADAMTCHIAN@leegov.com]
Sent: Wednesday, July 25, 2007 1:40 PM
To: Fernandez Tim
Subject: RE: Zoning Sufficiency Review - Bonita 30 RPD, 05-08-09, taf

Tim,

I was wondering if you had further contact with the applicant, and if the issue was resolved.

Thanks,

Chahram Badamtchian, AICP

Senior Planner

Lee County DCD/Zoning

Phone: 239. 533. 8372

Fax: 239. 485. 8300

Cbadamtchian@leegov.com

From: Fernandez Tim [mailto:timmyf@bonitafire.org]
Sent: Tuesday, May 08, 2007 8:44 AM
To: Badamtchian, Chahram
Cc: audrey.vance@cityofbonitasprings.org
Subject: Zoning Sufficiency Review - Bonita 30 RPD, 05-08-09, taf

Chahram,

Zoning Sufficiency Review - Rejected

My previous review back in January of this year found the proposed development to be sufficient for zoning changes. At that time the developer was providing a rear emergency access road that was being made onto "Old Squaw Lane". This was sufficient for the fire district, because having the rear access to the development would greatly reduce fire department engine response times from Fire Station One & Three. My review yesterday found that the developer was removing the rear emergency access point per "LDC Section [10]-291 [(3)]." After reading LDC Section 10-291 (3), I do not see how the rear access road can be eliminated.

1. Provide the rear emergency access road that intersects with Old Squaw Lane.

2. Any gated emergency access or roadway needs to be equipped with a automated EVAC system to allow the fire department full access.

3. The road needs to be suitable in all types of driving conditions that may be encountered.

4. The road shall be a minimum of twenty foot in width, and capable of supporting a fire apparatus of least thirty-two tons.

If there are any additional questions, please contact me

Tim Fernandez

Assistant Fire Marshal

WARNING : The above Email is only intended for the party or parties that it was originally addressed to. If you believe that you have received this email in error, please contact the person addressed below.

Timothy A. Fernandez, Assistant Fire Marshal

Bonita Springs Fire Control & Rescue District

27701 Bonita Grande Drive, Bonita Springs, FL 34135

☎ 239-949-6211 🖷 239-949-6216

Email, TimmyF@bonitafire.org

RWA INC.
CONSULTING
•Planning •Visualization
•Civil Engineering •Surveying & Mapping

Chahram Badamtchian, Senior Planner
Lee County, Department of Community Development
Zoning Division, City of Bonita Springs
9101 Bonita Beach Road
Bonita Springs, FL 34135

DCI 2006-00113

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March 8, 2007

RE: Bonita 30 RPD
DCI2006-00113 – PDL Application (Major PD)

Dear Mr. Badamtchian:

The consultant team for the above referenced planned development petition has thoroughly reviewed each of the items mentioned in your January 30, 2007, sufficiency review letter. Please find below an item-by-item response to each of the issues raised. All requested changes and comments have been applied to the revised MCP.

In our conversations with you and some of the other reviewers, specific details, such as construction and location of uses within the development, were brought up. It should be noted that the MCP is conceptual in nature. Final site plan and specific construction details have not yet been formalized and will be addressed at the time of the Development Order application. Likewise, the deviation triangles on the MCP represent the general location of the proposed deviation; however, exact details have not yet been determined. I am confident that you and the other reviewers will find that we have addressed the sufficiency issues raised, and with that finding, you will be able to schedule this item for public hearings.

ENVIRONMENTAL SCIENCES PLANNED DEVELOPMENT SUFFICIENCY CHECKLIST:

Staff Comment:

1) Description of Existing Conditions, Soils, Vegetation FLUCCS, Topography. The application for Planned Development must be accompanied by the following: [34-373(a)(4)]

1542 Carson Street, Fort Myers, Florida 33901 • (239) 278-5224, fax: (239) 278-5419
www.consult-rwa.com

1b4) Topographic Map. A county topographic map (required if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)e.i.]

The topographic map is not in a form that is typically acceptable, however, it is sufficient for this project

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Response:
Acknowledged.

Staff Comment

13) *Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist. Kim Trebatoski, Principal Environmental Planner*

DCI 2005-00113

Response:
Acknowledged.

BONITA SPRINGS SUFFICIENCY CHECKLIST FOR PLANNED DEVELOPMENTS, AMMENDEMENTS, AND EXISTING DEVELOPMENTS REQUESTING PLANNED DEVELOPMENT ZONING

Staff Comment:

12d3) Setbacks. The minimum proposed setbacks for principal structures on each lot or parcel (including outparcels). [34-373(a)(6).]

Please be advised that the development regulations such as setbacks and building heights you are proposing are not acceptable to staff. Please provide development regulations compatible with the Bonita Spring LDC. Otherwise staff will propose conditions that will amend your proposed regulation.

Response:
We have contacted Chahram Badamtchain and have modified the Development Regulations as requested. The setbacks and building heights have been adjusted for the development to reflect the regulations and standards set forth in the LDC. Building heights will be limited to 60 feet with 5 habitable stories. Please see a copy of the revised MCP attached hereto as Exhibit IV-E.

Staff Comment:

12d4) Uses. The proposed use of each lot or parcel (including outparcels) keyed to the list of proposed used submitted with the application. If the property development regulations for a specific zoning district will be used, reference to the specific district will be sufficient. [34-373(a)(6)c.]

1 – Used proposed for the amenity center are commercials in nature and not permitted in residential developments. Uses such as gas stations, food stores, restaurants, etc are not permitted in the residential district and must be removed from the schedule of uses. All uses that are appropriate in a residential development such as a clubhouse, etc, must be for the exclusive use of the residents. An 8 pump gas station in conjunction with a convenience store and restaurants are clearly not accessory to residential uses for the use of 130 or so residences. You may want to change your request from RPD to RPD/CPD or MPD.

DCI 2005-00113

Response:
We believe some uses were erroneously added to our schedule of uses during our last submittal. The revised Master Concept Plan and the revised Schedule of Uses have been updated and reflect uses that are appropriate for this residential development. Please see Exhibits IV-E and IV-G respectively.

2 – Our records indicate that the site is currently vacant with no bona fide agricultural uses. Your application also states that the site is vacant and you have not submitted an affidavit or agricultural uses. Therefore, staff will not support your request for interim agricultural uses on the site.

Response:
The revised Master Concept Plan and the revised Schedule of Uses have been updated and reflect uses that are appropriate to a residential development. Please see Exhibits IV-E and IV-G respectively.

Staff Comment:

14) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property must be provided including the following: [34-373(a)(8)].

The Schedule of Uses is in conflict with the uses listed on the MCP. Please correct whatever needs to be corrected. Please make sure that all commercial uses are removed from the schedule of uses.

Response:
The revised Master Concept Plan and the revised Schedule of Uses have been updated and reflect uses that are appropriate to a residential development. Please see Exhibits IV-E and IV-G respectively.

Staff Comment:

15) Schedule of Deviations. A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan must be submitted. The location

of each requested deviation must be indicated on the Master Concept Plan. [34-373(a)(9)]

Your list of deviations do not match the deviations listed on the Master Concept Plan. Please correct the list or the MCP.

Response:
The revised Master Concept Plan and the Schedule of Deviations have been reviewed and are consistent with one another. The revised MCP shows deviation triangles in the general area for the requested deviations. Please see Exhibits IV-E and IV-H respectively.

Staff Comment:

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Feel free to call Chahram Badamtchian at 239-479-8372 with any questions related to the zoning comments.

Response:
Acknowledged.

21) Miscellaneous Items.

Staff has received the following comments from the city consultant:

I have reviewed the above referenced MCP and TIS and have the following general and specific comments:

Generally, it is noted that applicant has reduced the acreage of the site from the 37.91 acres (DCD stamped May 09, 2006) to the 23.56 acres (DCD stamped January 09, 2007) and number of dwelling units from 275 to 138 (or from a gross density of 7.25 down to 5.86). The TIS however, assumes 142 dwelling units which is inconsistent with the rest of submittals.

Response:
Please see the revised Traffic Impact Statement attached hereto as Exhibit III-C.

Staff Comment:

It is noted that the applicant has withdrawn the deviation concerning SEC 34-2015 (2) D & 10-8 (2).

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1) The connection to Three Oaks Parkway is proposed to be located further south from the previous MCP with no details to clarify whether it is right in/right out or not. (If so, inconsistent with the applicant TIS.)

Response:
Please see the revised Traffic Impact Statement attached hereto as Exhibit III-C.

2) The requested deviation from the LDC 3-291(C) and the supporting letter from the City's Fire Marshall stating the requirements for the proposed gated emergency access, do not indicate the responsibility for the off site improvements necessary and required (i.e., the unimproved/substandard private roads such as Old Squaw or Killdeer connecting to the proposed access.

Response:
The developer is aware of the possible need for off site improvements for the emergency access point. The developer will communicate and work with the City's Fire Marshal to address any concerns about the development of the proposed gated emergency access point at the time of the Development Order application.

Staff Comment:

Despite the response in the cover letter from the applicant to the County Staff (page 4 of 6), no acceptable growth rate from an existing parallel facility is utilized for the growth rate along Three Oaks Parkway, and the link of analysis is extended to the north at Strike Lane, however, "S. of turnaround" is not a meaningful terminus. The applicant should use E. Terry instead.

1) Page 8 "turn lane analysis" needs to be provided to the reviewers. According to AC 11-4 (IV)(A) tow or more (2+) of the five (5) listed warrants need to be met. It is not clear which warrants are met and on what basis. Considering the reduction in the number of dwelling units and presence of a directional median opening in the vicinity of Sta. 225+00 in the Three Oaks Parkway plans located to the north of the development, there is no justification for an additional directional median opening to accommodate the proposed development.

Response:
Acknowledged. Please see the revised Traffic Impact Statement attached hereto as Exhibit III-C.

2) It should also be noted that the City in cooperation with the County is taking the necessary steps through an interlocal agreement to designate Three Oaks Parkway South extension as a controlled access facility and as such does not wish to see this facility's controlled access intent to be eroded with additional and unwarranted median openings above and beyond what has already been planned.

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Response:
Acknowledged. Please see the revised Traffic Impact Statement attached hereto as Exhibit III-C.

Staff Comment:

Considering the above submittals are insufficient for our review at this time, feel free to contact me with any questions or comments that you might have.

Mohsen Salehi
Consulting Services
Fort Myers, Florida
239.433.1092 (fax/voice)
239.994.1320 (cell)

Response:
Acknowledged.

DEVELOPMENT REVIEW CHECKLIST

Staff Comment:

4) Miscellaneous Items.

Deviation number 4 is confusing in that the plan shows a 20 foot maintenance easement but the request is zero. This should be clarified.

Response:
The requested deviation number 4 is specific to the location of triangle 4 on the MCP. This is a "spot specific" request to allow the construction of an observation platform and/or gazebo on the edge of the lake. The MCP has been revised, and shows deviation triangles in the general area for the requested deviations. Please see the revised MCP attached hereto as Exhibit IV-E.

Staff Comment:

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist/

Don Blackburn at 239.479.5945

Response:
Acknowledged.

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In closing, we trust that we have responded comprehensively to your sufficiency findings and ask that this letter and the attached documents be distributed to the appropriate staff members for their expeditious review.

Sincerely,

Patrick Vanasse, AICP
Planning Manager

Enclosures:

Exhibit III-C
Revised Traffic Impact Statement
Exhibit IV-E
Revised Master Concept Plan (including 11 x 17 inch copy)
Exhibit IV-G
Revised Schedule of Uses
Exhibit IV-H
Schedule of Deviations and Justification

cc: Jean Webb, Meritage Homes Corp. Land Office
Russell Schropp, Henderson, Franklin, Starnes & Holt, P.A.

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DCI2005-00113

TR TRANSPORTATION CONSULTANTS, INC.

13881 PLANTATION ROAD, SUITE 11
FORT MYERS, FL 33912-4339
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

March 1, 2007

Mr. Patrick Vanasse
RWA, Inc.
6610 Willow Park Drive, Suite 200
Naples, FL 34109

DCI 2005-00113

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RE: Bonita 30 RPD
DCI2005-00113

Dear Mr. Vanasse:

TR Transportation Consultants, Inc. has reviewed the comments issued by the City of Bonita Springs Traffic Consultant for the proposed Bonita 30 RPD. The comments and TR Transportation's response to those comments are listed below for reference.

Despite the response in the cover letter from the Applicant to the County Staff (page 4 of 6), no acceptable growth rate from an existing parallel facility is utilized for the growth rate along Three Oaks Parkway, and the link analysis is extended to the north at Strike Lane, however, "S. of turnaround" is not a meaningful terminus. The Applicant should use E. Terry Street instead.

Based on the current Master Concept Plan, the site could be developed with up to approximately 138 multi-family dwelling units and the site will have access to Three Oaks Parkway via a right-in/right-out only site access drive. Table 1 indicates the anticipated trip generation of the subject site as currently proposed.

Table 1
Revised Trip Generation
Bonita 30 Re-zoning

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Multi-Family Housing (138 dwelling units)	10	55	65	55	25	80	845

Based on the revised trip generation indicated in Table 1, the A.M. peak hour trip generation of the subject site was reduced by five (5) vehicles and the P.M. peak hour trip generation remained the same. Figure 2A illustrates the revised project traffic distribution for the subject site based on the current right-in/right-out only access to Three Oaks Parkway. Figure 2B illustrates the site traffic assignment to the site access drive.

Tables 1A and 2A were revised based on the trip generation indicated in Table 1 and the project traffic distribution illustrated on Figure 2A. In addition, the growth rate utilized

in Table 2A was calculated by averaging the growth rates from several parallel facilities in the vicinity of the subject site including U.S. 41, Old U.S. 41, and the existing portions of Three Oaks Parkway. Based on the revised link Level of Service analysis, Three Oaks Parkway is shown to operate at an acceptable Level of Service condition in 2009 both with and without the proposed development.

The intersection analysis at the site access on Three Oaks Parkway was revised based on the revised trip generation and project traffic distribution. Based on the revised intersection analysis, all movements are anticipated to operate at or above a Level of Service "B". Therefore, beyond potential turn lane improvements, no intersection improvements are warranted as a result of this analysis.

1) *Page 8 "turn lane analysis" needs to be provided to the reviewers. According to AC 11-4 (IV)(A) two or more (2+) of the five (5) listed warrants need to be met. It is not clear which warrants are met and on what basis. Considering the reduction in the number of dwelling units and the presence of a directional median opening in the vicinity of Sta. 225+00 in the Three Oaks Parkway plans located to the north of the development, there is no justification for an additional median opening to accommodate the proposed development.*

Turn lane analysis was conducted at the site access drive on Three Oaks Parkway based on the turn lane warrants as contained within the Lee County Turn Lane Policy, Administrative Code 11-4 (AC 11-4). Based on the results of the analysis, a southbound right turn lane will be warranted at the site access drive. The following indicates the Lee County right turn lane warrants on an arterial roadway and which warrants are met by the proposed development:

V. Deceleration and Right Turn Lanes

A. Arterial Street

1. Posted Speed limit of the arterial street is equal to or greater than thirty-five (35) mph.

Warrant Met: This portion of Three Oaks Parkway has a design speed of 45 mph and it is anticipated that the posted speed limit will be greater than 35 mph.

2. Number of right turning movements from the arterial street is equal to or greater than thirty (30) mph during either the A.M. or P.M. peak hour of the arterial street

Warrant Met: Based on the site traffic assignment illustrated on Figure 2, it is anticipated that there will be approximately 55 southbound right turns into the subject site during the P.M. peak hour.

3. Available Sight Distance of a right turning vehicle to be seen by through traffic traveling in the same direction is less than the value shown in Table A-1 for the posted speed limit of the arterial street.

Warrant NOT Met: There will be sufficient sight distance in the vicinity of the subject site.

4. *Arterial Street has been designated as a Controlled Access Facility by the BOCC.*
   Warrant NOT Met: Currently, this segment of Three Oaks Parkway is not designated as a Controlled Access Facility.
5. *Traffic control of the intersecting street or access point connection is a traffic signal.*
   Warrant NOT Met: The site access location will be two-way stop controlled.

The southbound right turn lane should be constructed to include 240 feet of taper and deceleration length according to the Florida Department of Transportation Standard Index #301 (Index #301) based on an assumed posted speed limit of 45 mph. No storage length is warranted for this turn lane due to the free-flow condition that will exist. No other turn lane improvements are warranted as result of this analysis.

2) *It should also be noted that the City in cooperation with the County is taking the necessary steps through an interlocal agreement to designate Three Oaks Parkway South extension as a controlled access facility and as such does not wish to see this facility's controlled access intent to be eroded with additional and unwarranted median openings above and beyond what has already been planned.*

Acknowledged.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

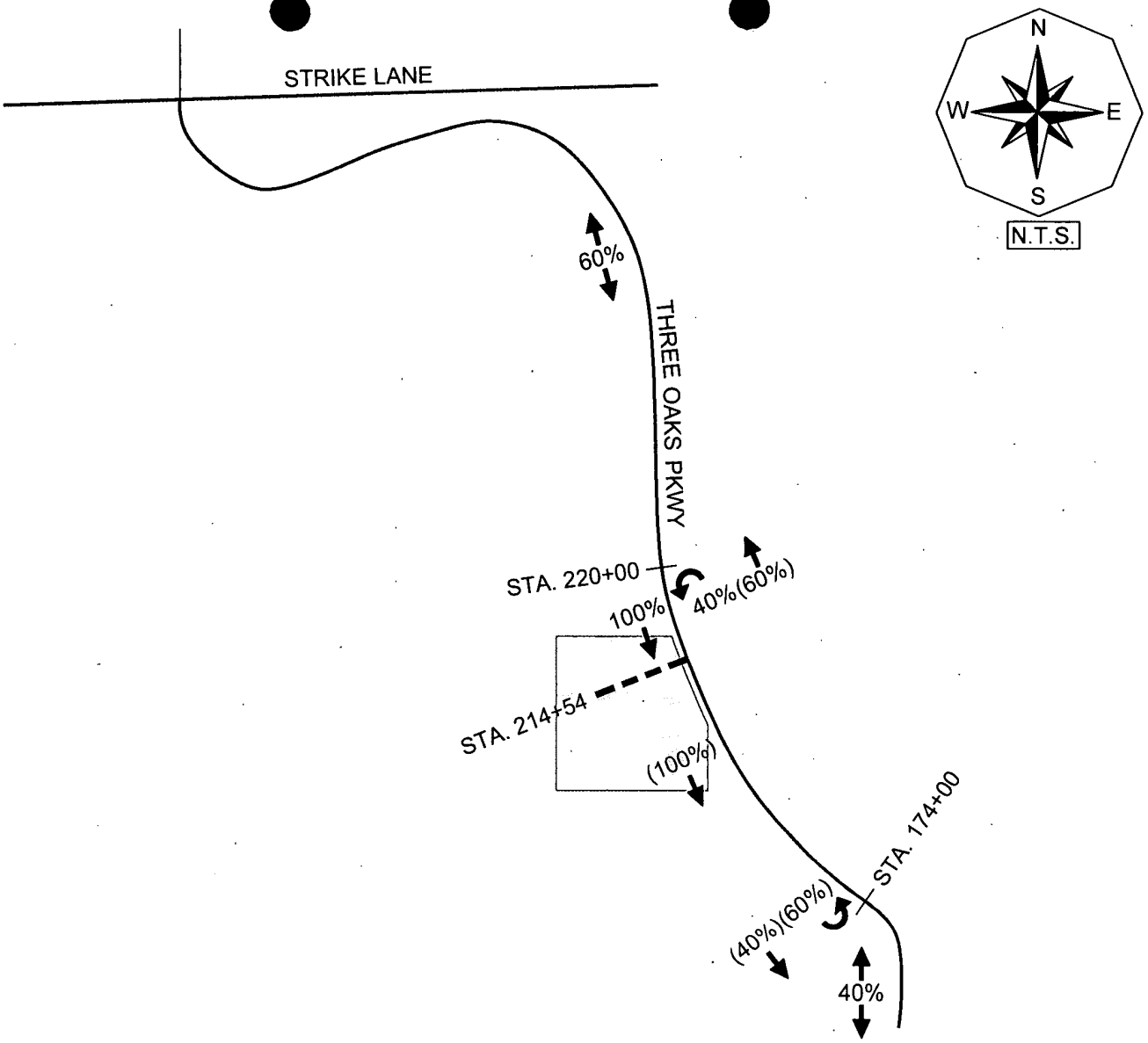
David L. Wheeler
Transportation Consultant

Ted B. Treesh
President

Attachments

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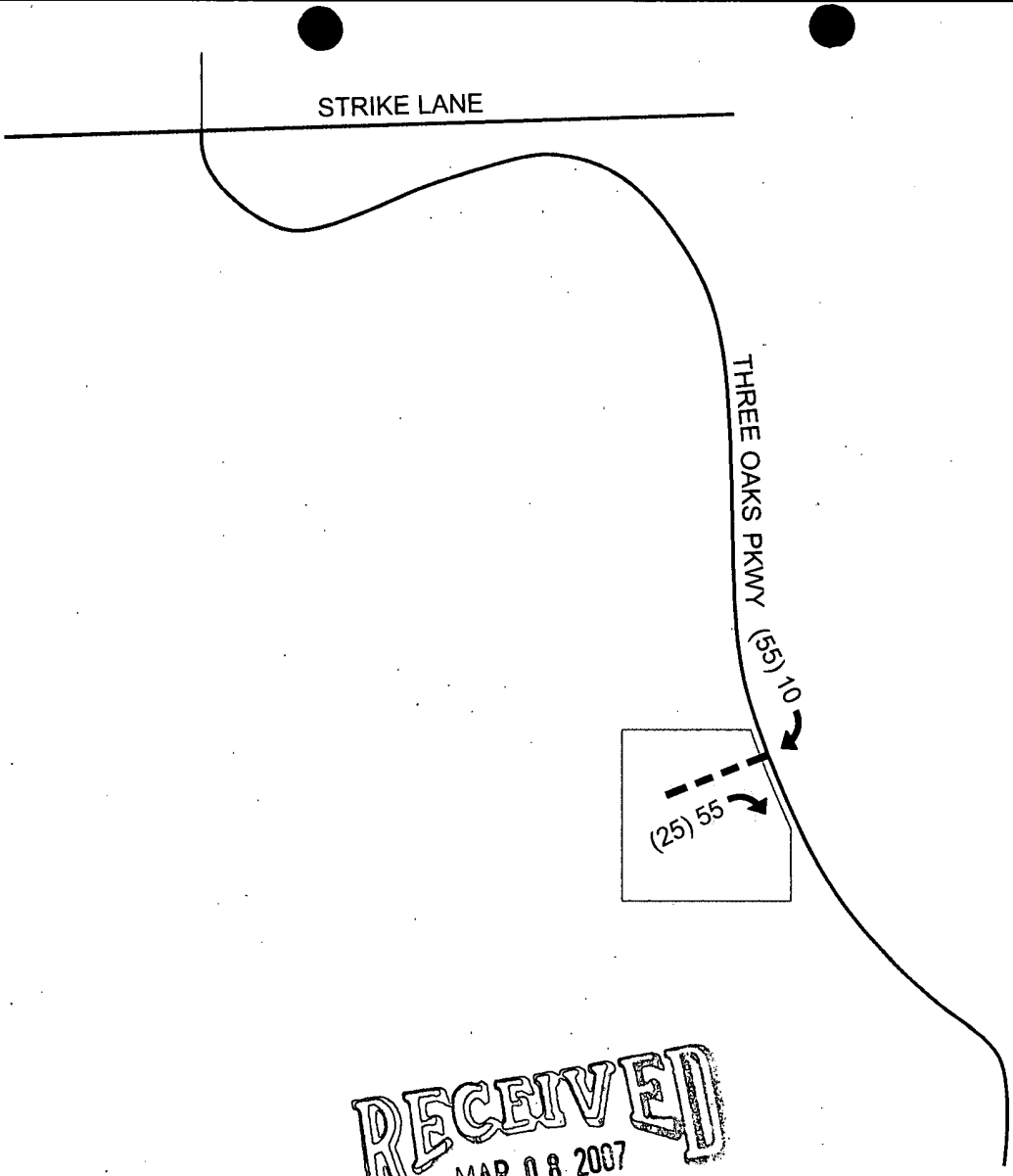
←20%→	TWO-WAY PERCENT DISTRIBUTION
←20%	ENTERING PERCENT DISTRIBUTION
←(20%)	EXITING PERCENT DISTRIBUTION

★ NOTE: ROADWAY STATIONING REFERENCED FROM THE THREE OAKS PARKWAY DESIGN PLANS AS PREPARED BY JOHNSON ENGINEERING, INC.

TR TRANSPORTATION CONSULTANTS, INC.

SITE TRAFFIC DISTRIBUTION
BONITA 30 RE-ZONING

Figure 2A



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← 000 WEEKDAY AM PEAK HOUR TRAFFIC
← (000) WEEKDAY PM PEAK HOUR TRAFFIC
\- INDICATES LESS THAN 5 TRIPS

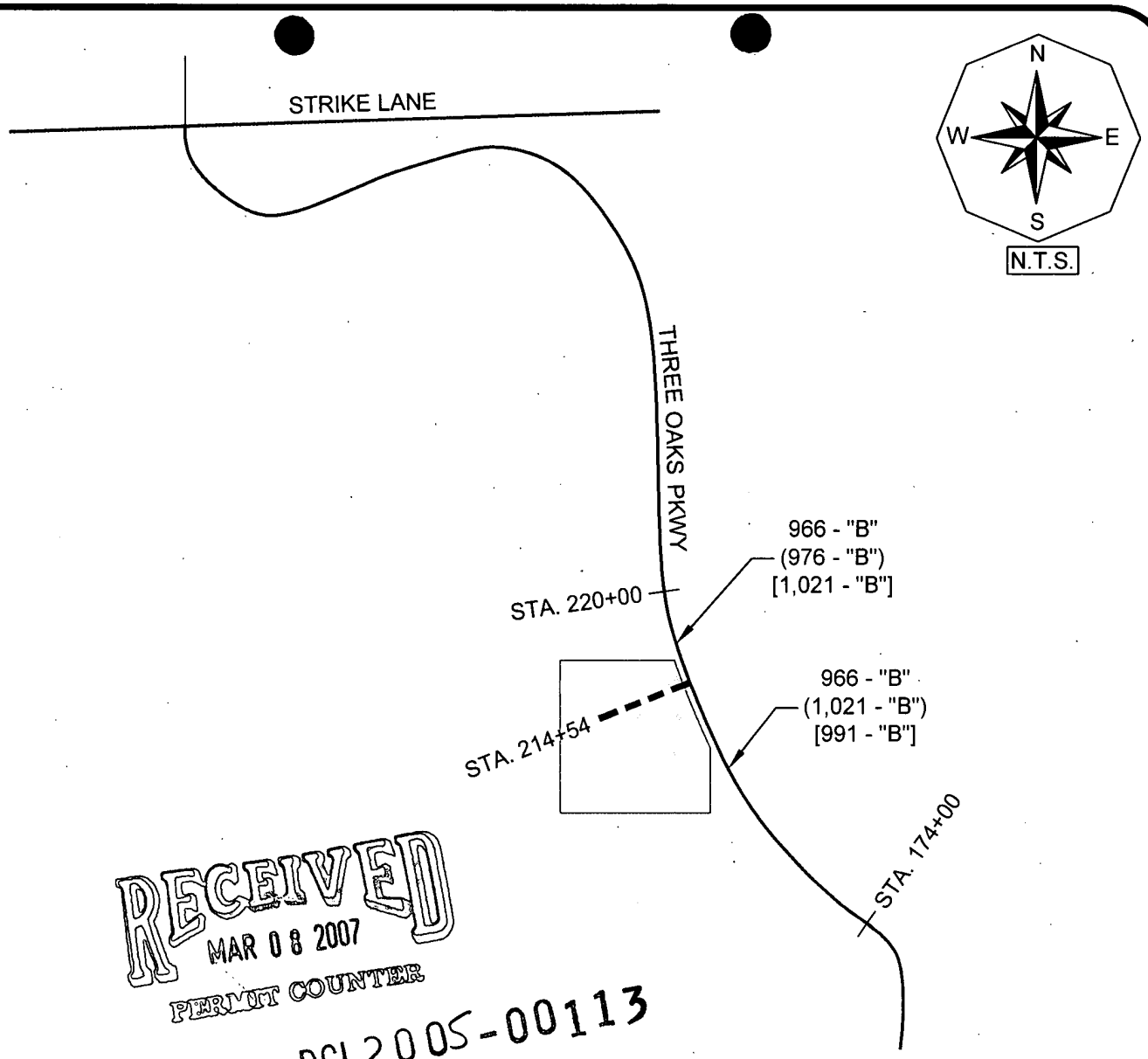
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TRANSPORTATION CONSULTANTS, INC.

SITE TRAFFIC ASSIGNMENT
BONITA 30 RE-ZONING

Figure 2B



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XXX - "C" 2009 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") 2009 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] 2009 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

★ NOTE: ROADWAY STATIONING REFERENCED FROM THE THREE OAKS PARKWAY DESIGN PLANS AS PREPARED BY JOHNSON ENGINEERING, INC.

TR TRANSPORTATION CONSULTANTS, INC.

2009 BUILD-OUT TRAFFIC CONDITIONS
BONITA 30 RE-ZONING

Figure 3

TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES

TOTAL AM PEAK HOUR PROJECT TRAFFIC	65 VPH	IN=	10	OUT=	55
TOTAL PM PEAK HOUR PROJECT TRAFFIC	80 VPH	IN=	55	OUT=	25

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Three Oaks Pkwy	S. of Strike Ln.	4LN	450	1,630	1,900	1,950	1,950	60%	33	1.7%
	S. of Station 220+00	4LN	450	1,630	1,900	1,950	1,950	100%	55	2.9%
	S. of Site Access	4LN	450	1,630	1,900	1,950	1,950	100%	55	2.9%
	S. of Station 174+00	4LN	450	1,630	1,900	1,950	1,950	40%	22	1.2%

* Lee County Generalized Level of Service Thresholds utilized

** Due to the right-in/right-out only site access, all traffic will approach the subject site from the north and depart the site to the south.

*** Roadway Stationing was referenced from the Three Oaks Parkway Design Plans prepared by Johnson Engineering, Inc.

The proposed site access is located at approximately Station 214+54.

[ ] - Denotes a Significantly Impacted Link

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TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS

TOTAL PROJECT TRAFFIC AM =	65	VPH	IN =	10	OUT =	55
TOTAL PROJECT TRAFFIC PM =	80	VPH	IN =	55	OUT =	25

ROADWAY	SEGMENT	PCS	BASE YR ADT	2006 ADT	YRS OF GROWTH	ANNUAL RATE[1]	2026 PK HR PK SEASON PEAK DIR.[2]	2009 PK HR PK SEASON PEAK DIR.[3]	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2009 BCKGRND + AM PROJ TRAFFIC	2009 BCKGRND + PM PROJ TRAFFIC
Three Oaks Pkwy	S. of Station 220+00	-	-	-	-	6.78%	1,809	966	100%	10	55	976	1,021
	S. of Site Access	-	-	-	-	6.78%	1,809	966	100%	55	25	1,021	991

[1] Obtained from the average growth rate of existing parallel facilities located in the vicinity of the subject site.

[2] Obtained from the Three Oaks Parkway Intersection Geometrics memo as prepared by Metro and dated October 15, 2002 for the intersection of Three Oaks Parkway and Strike Lane.

[3] It was assumed that approximately half of the projected 2026 background traffic volumes would exist in 2010

* Roadway Stationing was referenced from the Three Oaks Parkway Design Plans prepared by Johnson Engineering, Inc. The proposed site access is located at approximately Station 214+54.

Growth Rates Calculated from existing Parallel Facilities in the vicinity of the site

Old 41	N. of Dean Street	251	17200	17400	9	0.13%
	N. of West Terry Street	253	16300	26700	9	5.64%
	S. of US 41	252	6400	16000	9	10.72%
US 41	N. of Bonita Beach Road	437	33400	42400	9	2.69%
	N. of W. Terry Street	433	29000	38000	6	4.61%
	N. of Old 41	436	30700	53300	9	6.32%
Three Oaks Parkway	S. of Corkscrew Road	525	10700	13400	3	7.79%
	N. of Corkscrew Road	415	4000	15100	9	15.90%
	S. of Alico Road	414	5000	9400	9	7.27%
				Average Growth Rate:		**6.78%**

100TH HIGHEST HOUR LOS ANALYSIS

		2009 BCKGRND TRAFFIC LOS	2009 BCKGRND + AM PROJ LOS	2009 BCKGRND + PM PROJ LOS
Three Oaks Pkwy	N. of Site	B	B	B
	S. of Site	B	B	B

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*DLW*	Intersection	*Three Oaks Access*
Agency/Co.	*TR Transportation Consultants*	Jurisdiction	*Lee County*
Date Performed	*3/1/2007*	Analysis Year	*2009 background & AM project*
Analysis Time Period	*AM peak hour*		

Project Description *F0508.22 - Bonita 30 Re-Zoning*

East/West Street: *Site Access* | North/South Street: *Three Oaks Parkway*

Intersection Orientation: *North-South* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		*966*			*966*	*10*
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR (veh/h)	*0*	*0*	*57*	*0*	*0*	*0*
Percent Heavy Vehicles	*0*	--	--	*0*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*0*	*0*	*2*	*1*
Configuration		*T*			*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)			*55*			
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR (veh/h)	*0*	*1016*	*10*	*0*	*1016*	*0*
Percent Heavy Vehicles	*0*	*0*	*3*	*0*	*0*	*0*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*1*	*0*	*0*	*0*
Configuration			*R*			

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration								*R*
v (veh/h)								*57*
C (m) (veh/h)								*507*
v/c								*0.11*
95% queue length								*0.38*
Control Delay (s/veh)								*13.0*
LOS								*B*
Approach Delay (s/veh)	--	--				*13.0*		
Approach LOS	--	--				*B*		

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	DLW	Intersection	Three Oaks Access
Agency/Co.	TR Transportation Consultants	Jurisdiction	Lee County
Date Performed	3/1/2007	Analysis Year	2009 background & PM project
Analysis Time Period	PM peak hour		

Project Description F0508.22 - Bonita 30 Re-Zoning

East/West Street: Site Access	North/South Street: Three Oaks Parkway
Intersection Orientation: North-South	Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		966			966	55
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR (veh/h)	0	0	26	0	0	0
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Raised curb					
RT Channelized			0			0
Lanes	0	2	0	0	2	1
Configuration		T			T	R
Upstream Signal		0			0	

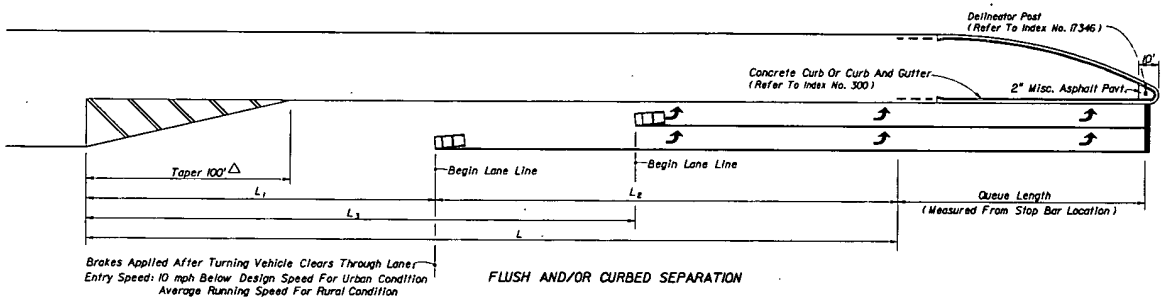
Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)			25			
Peak-Hour Factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95
Hourly Flow Rate, HFR (veh/h)	0	1016	57	0	1016	0
Percent Heavy Vehicles	0	0	3	0	0	0
Percent Grade (%)		0			0	
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	1	0	0	0
Configuration			R			

Delay, Queue Length, and Level of Service

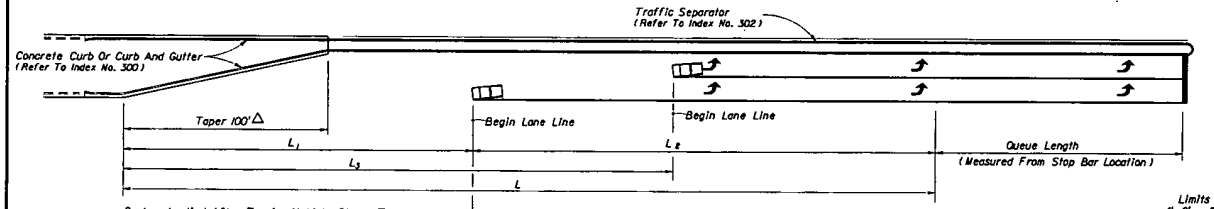
Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration								R
v (veh/h)								26
C (m) (veh/h)								507
v/c								0.05
95% queue length								0.16
Control Delay (s/veh)								12.5
LOS								B
Approach Delay (s/veh)	--	--				12.5		
Approach LOS	--	--				B		

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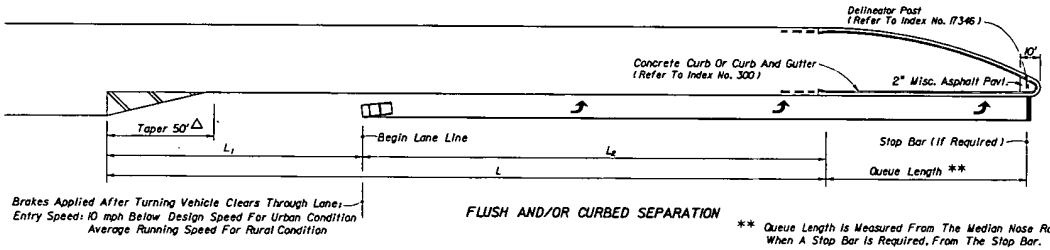


FLUSH AND/OR CURBED SEPARATION



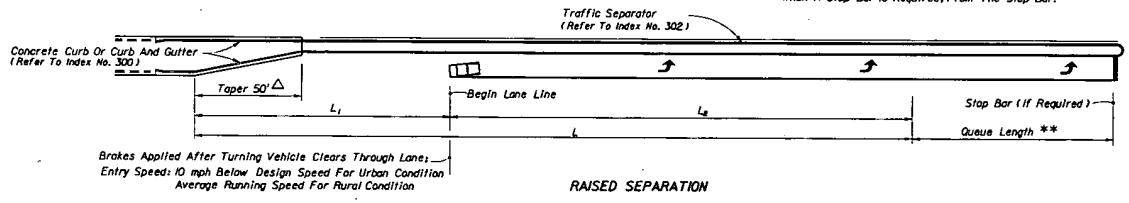
RAISED SEPARATION

DOUBLE LEFT TURNS



FLUSH AND/OR CURBED SEPARATION

** Queue Length Is Measured From The Median Nose Radial Point Or, When A Stop Bar Is Required, From The Stop Bar.



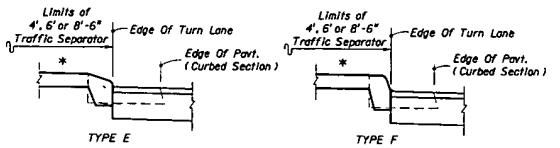
RAISED SEPARATION

SINGLE LEFT TURNS

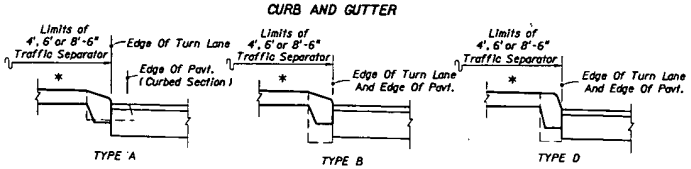
△ The length of taper may be increased to L_1 for single left turns and L_3 for double left turns when:
a. Left turn queue vehicles are adequately provided for within the design que length.
b. Through vehicle queues will not block access to left turn lane.
c. Approved by District Design Engineer.

TURN LANES • CURBED AND UNCURBED MEDIANS

Design Speed (mph)	Entry Speed (mph)	Clearance Distance L_1	URBAN CONDITITONS: Brake To Stop Distance L_2	URBAN: Total Decel. Distance L	URBAN: Clearance Distance L_3	RURAL CONDITITONS: Brake To Stop Distance L_2	RURAL: Total Decel. Distance L	RURAL: Clearance Distance L_3
35	25	70'	75'	145'	110'	— —	— —	— —
40	30	80'	75'	155'	120'	— —	— —	— —
45	35	85'	100'	185'	135'	— —	— —	— —
50	40/44	105'	135'	240'	160'	185'	290'	160'
55	48	125'	— —	— —	— —	225'	350'	195'
60	52	145'	— —	— —	— —	260'	405'	230'
65	55	170'	— —	— —	— —	290'	460'	270'



CURB AND GUTTER



CURB

For Curb And Curb & Gutter Types, See Index No. 300
* Option I Separators Shown (Refer To Index No. 302)

MEDIAN CURB AND TRAFFIC SEPARATOR JUNCTURE DETAILS

GENERAL NOTES

1. The plan views shown are for turn lane taper shapes and dimensional purposes only, they do not prescribe the use of curb, curb and gutter, shoulders nor separators specifically to either rural or urban conditions.
2. Total deceleration distances must not be reduced except where lesser values are imposed by unrelocatable control points.
3. Right turn lane tapers and distances identical to left turn lanes under stop control conditions. Right turn lane tapers and/or distances are site specific under free flow or yield conditions.
4. These left turn configurations apply to continuous left turn lanes only where specifically called for in the plans.
5. For pavement markings see Index No. 17346.

DESIGN NOTES

1. Basis for turn lane configurations:
   - Informed Driver.
   - Stop condition (With Or Without Stop Control).
   - Wet Pavement.
   - Reaction preceeding entry point.
   - Minimum braking distance for urban conditions.
   - 75' min. for L_2.
   - Comfortable deceleration rates for rural conditions (AASHTO 2001 threshold rate of 11.2 ft/s²).

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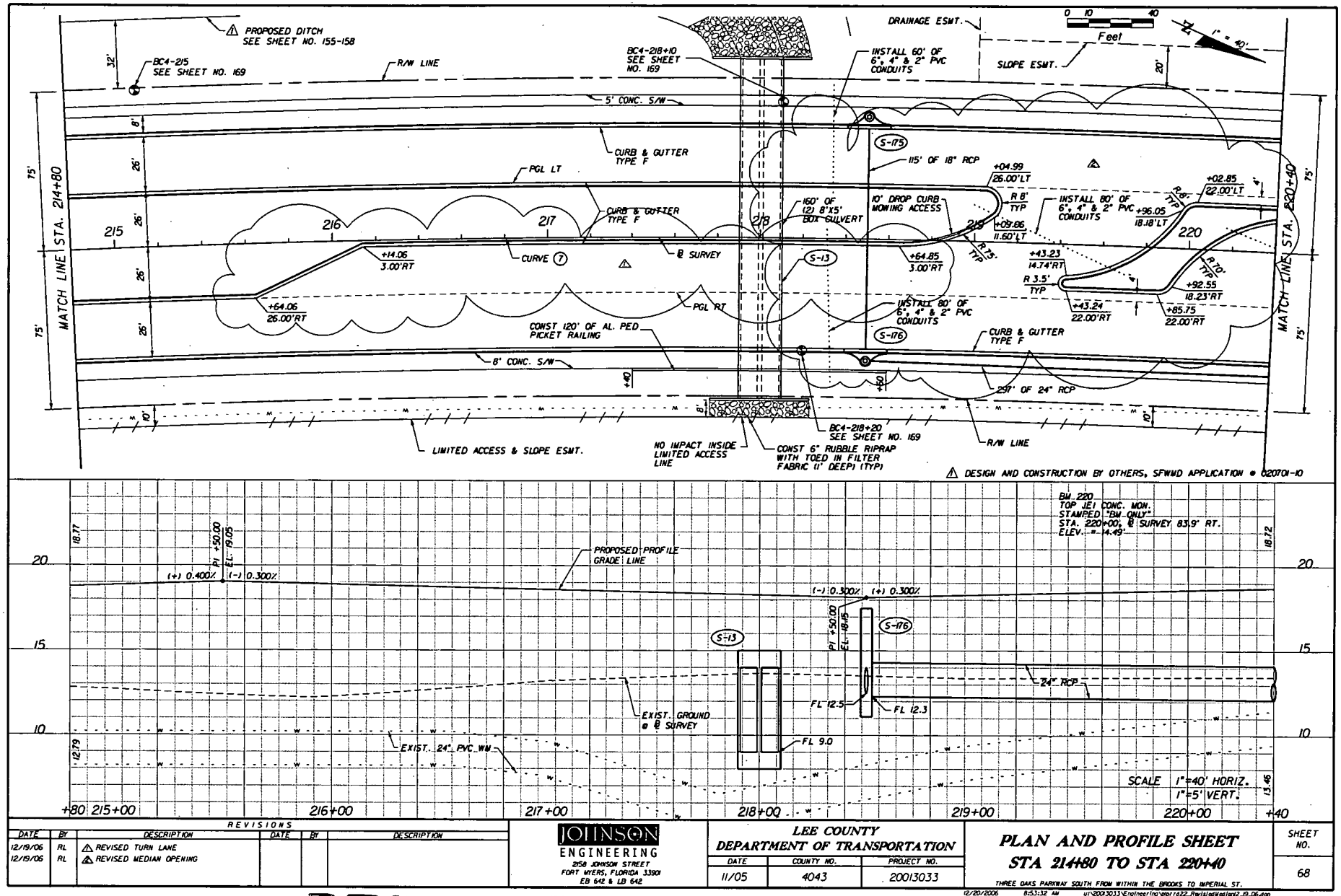
2006 FDOT Design Standards

TURN LANES

Last Revision	Sheet No.
07/01/05	1 of 1

Index No. 301

DCI 2005-00113



REVISIONS					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION
12/19/06	RL	⚠ REVISED TURN LANE			
12/19/06	RL	⚠ REVISED MEDIAN OPENING			

JOHNSON ENGINEERING
2158 JOHNSON STREET
FORT MYERS, FLORIDA 33901
EB 642 & LB 642

LEE COUNTY DEPARTMENT OF TRANSPORTATION

DATE	COUNTY NO.	PROJECT NO.
11/05	4043	20013033

PLAN AND PROFILE SHEET STA 214+80 TO STA 220+40

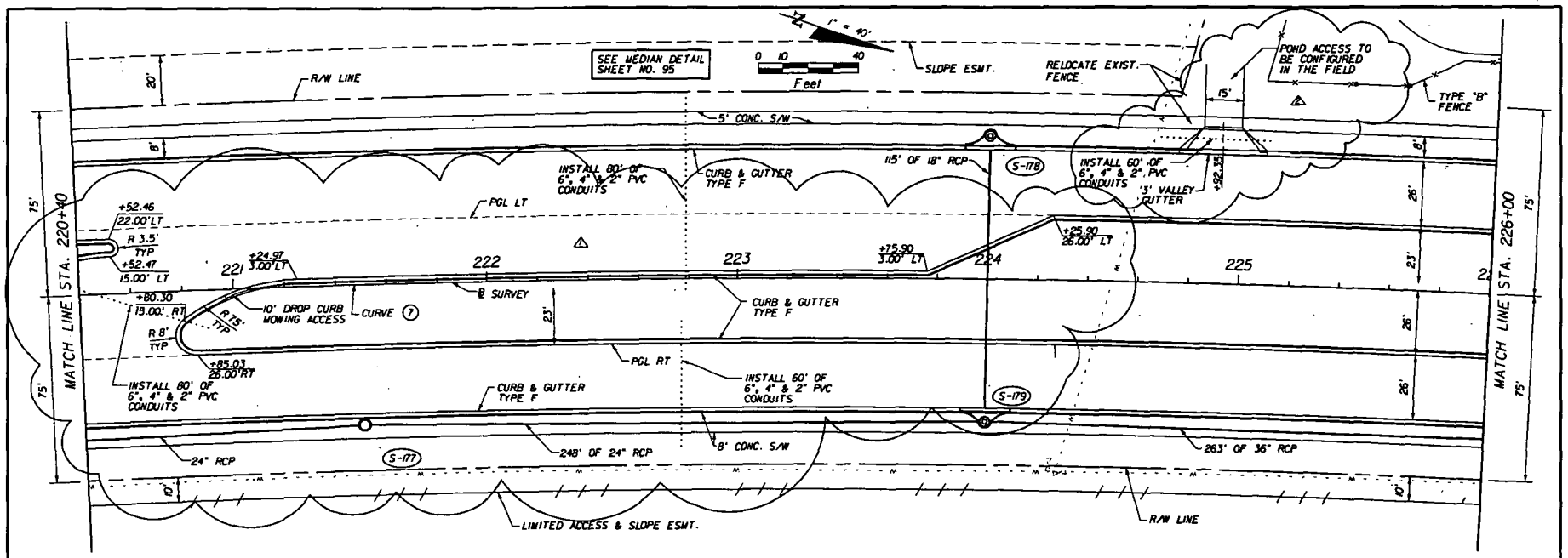
THREE OAKS PARKWAY SOUTH FROM WITHIN THE BROOKS TO IMPERIAL ST.

SHEET NO. 68

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DATE	BY	DESCRIPTION
12/19/06	RL	⚠ REVISED TURN LANE
12/19/06	RL	⚠ REVISED POND ACCESS

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2158 JOHNSON STREET
FORT MYERS, FLORIDA 33901
EB 642 & LB 642

LEE COUNTY
DEPARTMENT OF TRANSPORTATION

DATE	COUNTY NO.	PROJECT NO.
11/05	4043	20013033

PLAN AND PROFILE SHEET
STA 220+40 TO STA 226+00
THREE OAKS PARKWAY SOUTH FROM WITHIN THE BROOKS TO IMPERIAL ST.

SHEET NO. 69

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Chahram Badamtchian, Senior Planner
Lee County, Department of Community Development
Zoning Division, City of Bonita Springs
9101 Bonita Beach Road
Bonita Springs, FL 34135

April 25, 2007

RE: Bonita 30 RPD
DCI2006-00113 – PDL Application (Major PD)

Dear Mr. Badamtchian:

The consultant team for the above referenced planned development petition has thoroughly reviewed each of the items mentioned in your April 3, 2007, sufficiency review letter. Pursuant to discussion with Gary Price, City Manager and Mohsen Salehi, City Traffic Consultant, additional revisions have been made to the development regulations as well as the Master Concept Plan (MCP). These revisions address the issues discussed regarding building heights as well as the point of ingress and egress to the property. Please find below an item-by-item response to each of the issues raised. All requested revisions and comments have been applied to the revised MCP and supporting documents.

ENVIRONMENTAL SCIENCES PLANNED DEVELOPMENT SUFFICIENCY CHECKLIST:

Staff Comment:

1) Description of Existing Conditions, Soils, Vegetation FLUCCS, Topography. The application for Planned Development must be accompanied by the following: [34-373(a)(4)]

1b4) Topographic Map. A county topographic map (required if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)e.i.]

The topographic map is not in a form that is typically acceptable; however, it is sufficient for this project

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Response:
Acknowledged.

Staff Comment

13) *Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist. Kim Trebatoski, Principal Environmental Planner*

Response:
Acknowledged.

BONITA SPRINGS SUFFICIENCY CHECKLIST FOR PLANNED DEVELOPMENTS, AMMENDEMENTS, AND EXISTING DEVELOPMENTS REQUESTING PLANNED DEVELOPMENT ZONING

Staff Comment

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Feel free to call Chahram Badamtchian at 239-479-8372 with any questions related to the zoning comments.

Response:
Acknowledged.

21) Miscellaneous Items.

Staff Comment

Staff has received the following comments from the city consultant:

We have reviewed the applicant response for our previously stated comments for the above referenced and have the following comments.

Generally, the applicant should be made aware of the fact that any land use changes and or conversions from the 138 residential condo (LUC 230) to the uses listed in the Exhibit IV-G would have to be commensurate to their corresponding LUC trip generations per ITE Report, 7th edition, as a condition for the application to proceed (See the City Manager's Comments of March 19, 2006).

Response:
Acknowledged.

DCI 2005-00113

Staff Comment

We also question the proposed 60 feet height for the proposed multi-family buildings (See the City Manager's Comments of March 19, 2006). This may also be limited as a condition for this application to proceed (See the City Manager's Comments of March 19, 2006).

Response:
Pursuant to the conversation with staff and Gary Price, City Manager, the developer has revised the height limitation in the development regulations found on Sheet 2 of the revised MCP. These limitations will read as follows:

> ***Development Regulations: Note 5) Within 150' feet of the western property boundary (Line A-A on the MCP) no structure or part thereof shall exceed 2 stories or 35' feet in height, whichever is lower. Within 200' feet of the western property boundary (Line B-B on the MCP) no structure or part thereof shall exceed 3 stories or 45' feet in height, whichever is lower. The height limitation for the remainder of the project shall be 5 stories or 60' feet, whichever is lower.***

In addition to this note two lines, A-A and B-B, depicting the distances from the western property boundary have been added to the revised MCP. Line A-A depicts the 150 foot distance and line B-B depicts the 200 foot distance from the western property boundary and are shown on Sheet 3 of the MCP. The revised Master Concept Plan is attached hereto as Exhibit IV-E.

Staff Comment

More specifically:

1) It is not clear why deviation #2 is requested, while at the same no action is taken in securing any emergency access to Old Squaw Lane (Postponing this to DO stage makes no sense, since this would also be a condition for the application to precede). Deviation #2 needs to be substantiated.

Response:
Deviation #2 from LDC Section 3-291(C) has been re-worded, pursuant to our meeting with the City Manager Gary Price and Transportation Consultant Mohsen Salehi, to request one point of ingress and egress for the property. The entrance configuration will be wide enough to provide 20' feet of pavement and stabilized sub-grade for emergency access purposes. The proposed emergency only access to Old Squaw Lane has been removed from the MCP. The revised MCP reflects this design and meets the intent of LDC Section 3-291(C). The revised Master Concept Plan and Schedule of Deviations are attached hereto as Exhibit IV-E and Exhibit IV-H respectively.

DCI 2005-00113

Staff Comment

2) Old Squaw Lane may not be limited to an emergency access, if the impact of this development on Three Oaks Blvd whit it comes to turning movements maybe used as a warrant (later on at DO stage) for requesting a median opening. Right-in/right-out access to Three Oaks Parkway as a controlled access facility would also have to be a condition for this application to proceed.

Response:
The application and the attached revised Master Concept Plan only request a right-in and right-out access to the property. Pursuant to conversations with City Manager Gary Price and Transportation Consultant Mohsen Salehi, the MCP has been revised and only one point of ingress and egress is being requested for the property. The entrance configuration will be wide enough to provide 20' feet of pavement and stabilized sub-grade for emergency access purposes. The proposed emergency only access point to Old Squaw Lane has been removed from the MCP. The revised MCP reflects this design and will effectively meet the intent of LDC Section 3-291(C). Any further property access issues will be addressed at the time of the Development Order. The revised Master Concept Plan is attached hereto as Exhibit IV-E.

Staff Comment

Please fee free to call with any questions or comments that you might have.

For the City of Bonita Springs

Mohsen Salehi
Consulting Services
Ft. Myers, FL
239/994-1320 (cell#)
239/433-1092 (voice/fax)

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Response:
Acknowledged.

In closing, I am confident that you and the other reviewers will find that we have addressed the sufficiency issues raised, and with that finding, you will be able to schedule this item for public hearings.

Sincerely,

Patrick Vanasse, AICP
Planning Manager

DCI 2005-00113

Enclosures:

Exhibit IV-E
Revised Master Concept Plan (including 11 x 17 inch copy)
Exhibit IV-G
Revised Schedule of Uses
Exhibit IV-H
Schedule of Deviations and Justification

cc: Jean Webb, Meritage Homes Corp. Land Office
Charles J. Basinait, Henderson, Franklin, Starnes & Holt, P.A.

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EXHIBIT IV-G
SCHEDULE OF USES

BONITA 30 RPD
[34-373(A)(6)A.3. OR B.3 AND 34-373(A)(7)]

MULTI-FAMILY RESIDENTIAL TRACTS
ACCESSORY USES AND STRUCTURES INCLUDING OBSERVATION PLATFORMS/GAZEBOS
DWELLING UNITS: TOWNHOUSE
TWO-FAMILY ATTACHED
MULTIPLE-FAMILY BUILDING
ENTRANCE GATE AND GATEHOUSE, IN COMPLIANCE WITH LDC SECTION 34-1748
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, GROUP I
EXCAVATION - FOR DEVELOPMENT LAKES, WATER RETENTION AND DETENTION
FENCES, WALLS
HOME OCCUPATION
MODELS: MODEL HOME
MODEL UNIT
PARKING LOT, ACCESSORY
RECREATIONAL FACILITIES: PERSONAL & PRIVATE ON-SITE
SIGNS, IN COMPLIANCE WITH LDC CHAPTER 30
TEMPORARY USES (NOTE 1, 34-3041 ET SEQ.) - LIMITED TO TEMPORARY SALES OFFICE, AND CONSTRUCTION TRAILER AND STAGING AREA

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AMENITY CENTER TRACT
ACCESSORY USES AND STRUCTURES: NOTE (1), 34-1171 ET SEQ., 34-2441 ET SEQ., 34-1863, 34-2141 ET SEQ., 34-3106
ADMINISTRATIVE OFFICES: NOTE (1)
CLEANING AND MAINTENANCE SERVICES (34-622(C)(7))
CLUBS: PRIVATE (34-2111 ET SEQ.)
CONSUMPTION ON PREMISES (34-1261 ET SEQ.) - LIMITED TO CLUB HOUSE
ESSENTIAL SERVICES (NOTE 1, 34-1611, 34-1741)
ESSENTIAL SERVICE FACILITIES (34-622(C)(13)): GROUP I (NOTE 1, 34-1611, 34-1741, 34-2141)
FENCES, WALLS (NOTE 1, 34-1741)
FOOD AND BEVERAGE SERVICE, LIMITED (NOTE 1) - LIMITED TO CLUB HOUSE
HEALTH CLUB OR SPA - LIMITED TO CLUB HOUSE
PARKING LOT: ACCESSORY
REAL ESTATE SALES OFFICE (NOTE 23, 34-1951, 34-3021) - TEMPORARY ONLY
RECREATION FACILITIES: PERSONAL (NOTE 1) & PRIVATE - ON-SITE (NOTE 1)
SIGNS IN ACCORDANCE WITH LAND DEVELOPMENT CODE
TEMPORARY USES (NOTE 1, 34-3041 ET SEQ.) - LIMITED TO TEMPORARY SALES OFFICE, AND CONSTRUCTION TRAILER AND STAGING AREA.

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EXHIBIT IV-H
SCHEDULE OF DEVIATIONS AND JUSTIFICATION

DEVIATION # 1:
Deviation from LDC Section 3-329(e)(4) which requires compensating slope on excavation banks, to allow up to 20 percent of the banks to utilize vertical bulkheads.

JUSTIFICATION:
This deviation improves the project appearance by allowing a more aesthetically pleasing and creative design that will allow public spaces in close proximity to the water. Pedestrian safety can be addressed by providing railing and/or fences where deemed appropriate. This deviation will not have a negative impact on public health and safety.

DEVIATION # 2:
Deviation from LDC Section 3-291(C) which requires that residential development of more than five acres to provide two or more means of ingress and egress, to allow the RPD to have one full means of ingress and egress point to the property.

JUSTIFICATION:
A circular roadway design with one ingress and egress point was used due to property constraints and to minimize impacts to native indigenous vegetation and provide a continuous preserve. The property has been reduced in acreage restricting design flexibility. In order to provide a second point in ingress and egress the connection would have to cut through native indigenous vegetation and the drainage easement for Three Oaks Parkway. This would reduce the total amount of preserve that could be provided on the property and decrease the size of the drainage easement for Three Oaks Parkway. These adjustments would require a deviation from LDC Section 3-285 which requires six hundred sixty foot (660') separation between connection points to a major arterial roadway. The size of the property does not allow for this connection. The design of the point of ingress and egress will be wide enough to provide 20' feet of pavement and stabilized sub-grade for emergency access purposes. The MCP reflects this design and this design will effectively meet the intent of LDC Section 3-291(C).

DEVIATION #3:
Deviation from LDC Section 34-1743(b)(1) which limits residential project walls to a maximum height of eight (8) feet, to permit a maximum vertical wall height of eight (8) feet; however, the wall may be constructed atop a perimeter berm also subject to compliance with sight line landscaping and water management conditions of sections 34-1743.

JUSTIFICATION:
This treatment allows for a more functional and aesthetically pleasing design that incorporates the required buffering attributes with water management needs. This design can effectively enhance aesthetics by reducing the massing effect resulting from a continuous solid wall surface while providing the same buffering attributes of a wall by itself.

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DEVIATION # 4:
Deviation from LDC Section 3-328, which requires a twenty-foot (20') wide lake maintenance easement, to permit a 0' wide easement as indicated on the MCP.

JUSTIFICATION:
This deviation will be implemented in conjunction with Deviation #1 and #5, which will permit specific lake bank design treatments for portions of the project's lake. Alternative maintenance for the lakes will be provided in accordance with permit requirements of the South Florida Water Management District.

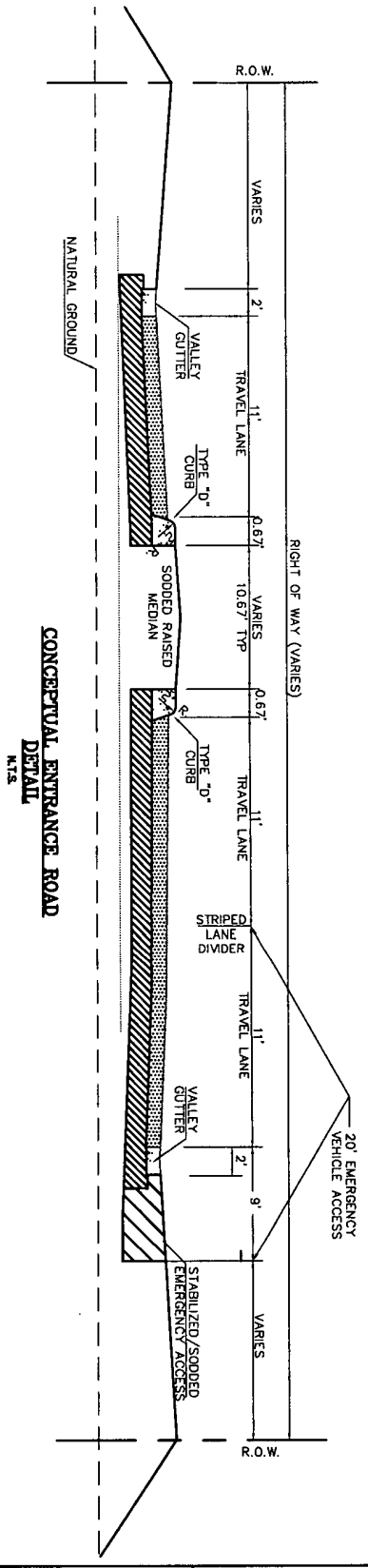
DEVIATION #5:
Deviation from LDC Section 34-2194(C)(3)B, which requires a ten-foot (10') setback from non sea-walled artificial water bodies, to allow a zero-foot (0') setback for accessory structures such as a viewing platform at the lake control elevation.

JUSTIFICATION:
This deviation will allow viewing platforms, decks, walkways and other accessory structures to be constructed to the water's edge. Protective railings will be provided as necessary adjacent to pedestrian areas. An exhibit detailing the deviation is included in the MCP set.

DEVIATION #6:
Deviation from LDC Section 3-416(D)(6), which requires a solid wall or combination berm and solid wall not less than eight feet in height to be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet, if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots; to replace this buffer requirement with a ninety-foot (90') minimum indigenous vegetation preserve to act as buffer to the adjacent residential uses.

JUSTIFICATION:
This deviation will allow for a more continuous and effective preserve design causing less disturbance of indigenous vegetation on the property. The property's western indigenous vegetation will not have to be disrupted to provide an adequate buffer to the adjacent residential uses. Compliance with this section of the LDC would require the removal of native indigenous vegetation and encroachment into wetlands in order to construct a solid wall or combination berm and solid wall. The proposed ninety foot (90') preserve will provide ample buffering from the adjacent development and will effectively meet the intent of section 3-416(D)(6).

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CONCEPTUAL ENTRANCE ROAD DETAIL
N.T.S.

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RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
6610 Willow Park Drive, Suite 200, Naples, Florida 34109
(239) 597-0575 FAX: (239) 597-0578
1542 Carson Street, Fort Myers, Florida 33901
(239) 278-5224 FAX: (239) 278-5419

DATE:	4/11/07
SCALE:	N.T.S.
DRAWN BY:	S.D.L.
CHECKED BY:	P.V.
SEC: 23 TWP: 47S RGE: 25E	

CLIENT:	COLONIAL HOMES INC.
PROJECT:	BONITA 30 RPD
TITLE:	ENTRANCE CROSS SECTION
PROJECT NUMBER:	050098.00.00
SHEET NUMBER:	1 OF 1
FILE NUMBER:	0006 X-SEC

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA;
THENCE S.88°50'51"W., ALONG THE NORTH LINE OF SAID SECTION 23, FOR 322.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE I-75, (STATE ROAD 93), SAID POINT BEING A POINT ON A CURVE;
THENCE SOUTHERLY 1,260.67 FEET ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 5,847.58 FEET THROUGH A CENTRAL ANGLE OF 12°21'08" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.17°43'10"E. FOR 1,258.23 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 23;
THENCE S.02°52'12"E., ALONG SAID EAST LINE, FOR 414.25 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE CONTINUE S.02°52'12"E., ALONG SAID EAST LINE, FOR 200.00 TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23;
THENCE S.86°01'44"W., ALONG THE SOUTH LINE OF SAID NORTH 1/2, FOR 1,365.80 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 1/2;
THENCE N.01°43'26"W., ALONG THE WEST LINE OF SAID 1/4 AND THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23, FOR 1,257.07 FEET TO THE NORTHWEST CORNER OF SAID SOUTH 1/2;
THENCE N.87°54'57"E., ALONG THE NORTH LINE OF SAID SOUTH 1/2, FOR 137.63 FEET;
THENCE S.01°14'17"E., FOR 471.07 FEET;
THENCE N.88°14'47"E., FOR 945.43 FEET TO A POINT ON A CURVE;
THENCE SOUTHEASTERLY 193.73 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 6,058.07 FEET THROUGH A CENTRAL ANGLE OF 01°49'56" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.22°49'07"E., FOR 193.73;
THENCE N.68°00'12"E., FOR 50.41 FEET TO A POINT ON A CURVE, ON THE EASTERLY RIGHT OF WAY LINE OF THREE OAKS PARKWAY DESCRIBED IN INSTRUMENT NUMBER 2006159942 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE FOR 405.60 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 6,007.66 FEET THROUGH A CENTRAL ANGLE OF 03°52'06" AND SUBTENDED BY A CHORD WHICH BEARS S.25°41'00"E., FOR 405.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,026,159 SQUARE FEET OR 23.56 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS HAVING AN ASSUMED BEARING OF N.88°50'51"E.

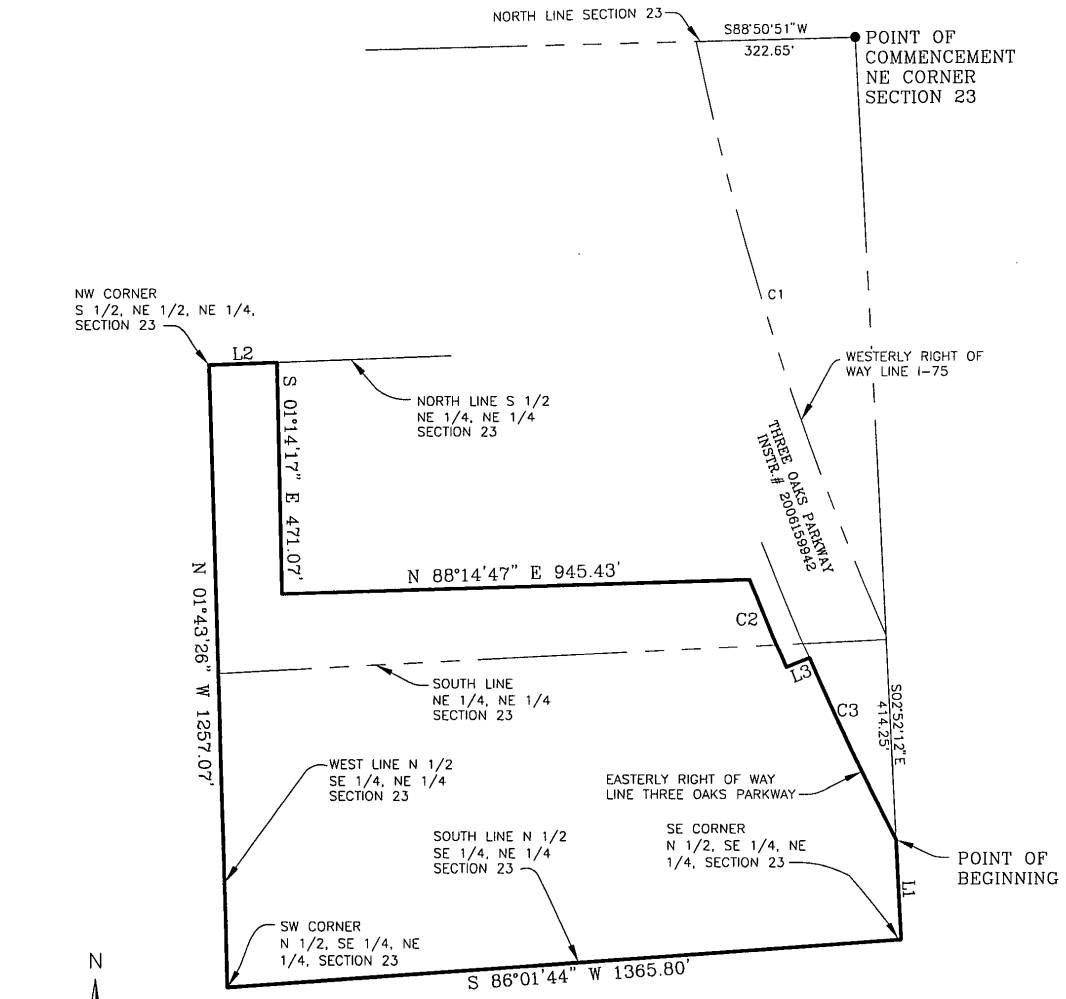
PREPARED BY:
RWA INC.
FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 6952

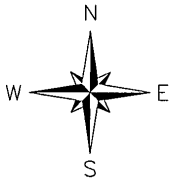
12-18-06
DENNIS A. MILLER — DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. LS 5626

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DCI 2005-00113

THIS IS NOT A SURVEY





0 150 300

GRAPHIC SCALE
1" = 300'

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LINE TABLE		
LINE	BEARING	LENGTH
L1	S02°52'12"E	200.00'
L2	N87°54'57"E	137.63'
L3	N68°00'12"E	50.41'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD
C1	1260.67'	5847.58'	12°21'08"	S17°43'10"E	1258.23'
C2	193.73'	6058.07'	1°49'56"	S22°49'07"E	193.72'
C3	405.60'	6007.66'	3°52'06"	S25°41'00"E	405.53'

SEE SHEET 1 FOR LEGAL DESCRIPTION

RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
1542 Carson Street
Fort Myers, Florida 33901
Phone: (239) 278-5224
FAX: (239) 278-5419

DATE:	12/15/06
SCALE:	1" = 300'
DRAWN BY:	SDL
CHECKED BY:	DAM
SEC: TWP: RGE:	23 47S 25E

CLIENT: MERITAGE HOMES

TITLE: SKETCH TO ACCOMPANY LEGAL DESCRIPTION

PROJECT NUMBER: 050098.00.00 | SHEET NUMBER: 2 OF 2 | FILE NUMBER: AS01 SK

RWA INC.
CONSULTING
•Planning •Visualization
•Civil Engineering •Surveying & Mapping

Chahram Badamtchian, Senior Planner
Lee County, Department of Community Development
Zoning Division, City of Bonita Springs
9101 Bonita Beach Road
Bonita Springs, FL 34135

January 9, 2007

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JAN 0 9 2007

RE: Bonita 30 RPD
DCI2006-00113 – PDL Application (Major PD)

DCI 2005-00113

Dear Mr. Badamtchian:

The Bonita 30 RPD has changed in size as a result of both Florida Department of Transportation and Lee County taking part of the property for future water management purposes. The size of the property has been reduced by 10.17 +/- acres creating the need to revise the layout of the property. A survey of the reduced property has been conducted and a revised Master Concept Plan (MCP) has been created for the project. The revised Master Concept Plan and survey are attached as part of this sufficiency response. We would also like add that a revised Application for Public Hearing is attached and it should be noted that the proposed building height and habitable floors have changed in Part III.

The consultant team for the above referenced planned development petition has thoroughly reviewed each of the items mentioned in your June 2, 2006, sufficiency review letter. Please find below an item-by-item response to each of the issues raised. All requested changes and comments have been applied to the revised MCP. I am confident that you and the other reviewers will find that we have addressed the sufficiency issues that have been raised, and with that finding, that you will be able to schedule this item for public hearings.

LEGAL REQUIREMENTS SUFFICIENCY CHECKLIST

1. ***Staff Comment:***

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)]

Re-submittal package dated May 9, 2006 did not include a revised boundary survey tied to the State plan Coordinate System. Therefore, please tie and display at least (2)

1542 Carson Street, Fort Myers, Florida 33901 • (239) 278-5224, fax: (239) 278-5419
www.consult-rwa.com

coordinates, one coordinate being the point of beginning (POB) of the subject property and the other an opposing corner on Survey. Thanks.

Response:
A revised Legal Description and Boundary Survey tied to State Plane Coordinate System is attached hereto as Exhibit II-B-1 and Exhibit II-B-2 respectively.

2. ***Staff Comment:***

8) *Contact. The planner may be contacted regarding any questions on this checklist. Luis G. Machado at (239) 479-8485 or email: lmachado@leegov.com*

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Response:
Acknowledged.

ENVIRONMENTAL SCIENCES PLANNED DEVELOPMENT SUFFICIENCY CHECKLIST:

DCI 2005-00113

3. ***Staff Comment:***

1) Description of Existing Conditions, Soils, Vegetation FLUCCS, Topography. The application for Planned Development must be accompanied by the following: [34-373(a)(4)]

1b4) Topographic Map. A county topographic map (required if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)e.i.]

The re-submittal letter indicated a topography map was submitted, however, ES Staff could not locate a topographic map in the file. Please submit.

Response:
A topographic map from the Florida Geographic Data Library and a U.S.G.S. map are attached hereto as Exhibit II-F-5.

4. ***Staff Comment:***

5) Open Space. The percentage of open space must be clearly stated on the Master Concept Plan unless the proposed development consists solely of conventional single family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)f; 34-373(a)(8)iii]

Please explain which regulation allows for the drainage easement to be subtracted from the open space calculation. Only public street right-of-ways or right-of-way easements are allowed to be deducted from the open space calculation. Is the Three Oaks Pkwy right-of-way and associated drainage area being donated to the county?

Response:
Open space has been recalculated and is reflected on the revised MCP attached hereto as Exhibit IV-E. The Three Oaks Parkway right-of-way has been taken and negotiations regarding compensation for the land are in process. The drainage easement is a public easement granted to the County.

5. ***Staff Comment:***

6) Parks, Recreation Areas and Indigenous Areas. The general location of proposed parks, recreation areas and facilities as well as indigenous areas to be preserved must be shown on the Master Concept Plan. [34-373(a)(6)e]

The MCP indicates 6.54 acres of indigenous preserve provided. However, the narrative indicates the preserve is 7.65 acres. Additionally, the density calculation table indicates 6.74 acres of wetland area. Please clarify the discrepancy and correct the submittal to be consistent.

Response:
Indigenous preserve has been recalculated and is reflected on the revised MCP attached hereto as Exhibit IV-E.

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6. ***Staff Comment:***

12) Miscellaneous Items.

1) Please explain how you can subtract the Three Oaks Pkwy right-of-way reservation and drainage easement from your open space calculation, but include the acreage in your density calculation.

DCI 2005-00113

2) The Density calculation only includes 6.74 acres of wetlands, whereas, the environmental assessment states 31.49 acres of state jurisdictional wetlands are onsite. There is no indication that you currently have an approved ERP that converts wetlands to uplands. Please revise the density calculation to reflect the actual wetland acres.

Response:

1. ***Densities have been recalculated and are reflected on the revised MCP and Density Calculations and are attached hereto as Exhibit IV-E and Exhibit III-A-2 respectively. It should be noted that open space was calculated based on the entire acreage for the subject property.***

2. ***The ERP is currently being reviewed by South Florida Water Management District and is anticipated that the proposed conversion of wetlands to uplands will be approved. The wetlands that will be subject to impact are of low quality and it is our assumption that South Florida Water Management District will***

approve our ERP application and associated mitigation plan. Other rezones have been approved contingent upon ERP approval, and we certainly understand that the proposed density will be conditioned upon said approval.

7. ***Staff Comment:***

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.
Kim Trebatoski, Principal Environmental Planner 239-479-8183 or e-mail *trebatkm@leegov.com*

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Response:
Acknowledge.

BONITA SPRINGS SUFFICIENCY CHECKLIST FOR PLANNED DEVELOPMENTS, AMMENDEMENTS, AND EXISTING DEVELOPMENTS REQUESTING PLANNED DEVELOPMENT ZONING

8. ***Staff Comment:***

DCI 2005-00113

13) Traffic Impact Statement. A traffic impact statement must be provided in a format and to the degree of detail required by a form furnished by the county and in conformance with the adopted county administrative code. [34-373(a)(7)]

Staff has received the following comments from the City of Bonita Springs Traffic consultant. These comments need to be addressed by the applicant:

1) Page 7 of 10 – Response #1, "Table 1A and 2" missing, cannot comment without the revised tables indicating changes.

2) Page 7 of 10 – Response #2, The growth rate from a parallel facility is more appropriate than arbitrary 50% of 2026 peak hour/peak direction volume (interpolate from 2030 model) as Three Oaks Pkwy background traffic.

3) Page 7 of 10 – Response #3, The MCP does not indicate the "proposed" nature of the median opening shown. Neither MCP nor TIS are consistent with the Three Oaks Parkway plans. The plans indicate directional median opening with right in right out and left in fro the proposed development in the vicinity of Sta. 225+00 (just south of Pond C). There is no valid reason to modify this median opening for a residential development with an appropriate density.

Response:
A revised Traffic Impact Statement to reflect the changes in the property is attached hereto as Exhibit III-C.

MASTER CONCEPT PLAN – DEVIATIONS EXHIBIT IV – H

9. ***Staff Comment:***

Deviation 2: LDC Sec. 3–291 (c): The applicant needs to acquire letter of consent from the City's Fire Marshal for this deviation. Our concern is about acceptability of unimproved/substandard private roads such as Old squaw Ln/Killederr Dr. per the MCP for the purpose of the emergency vehicles access.

Response:
The Applicant has received a letter of approval from the City's Fire Marshall for this deviation and is attached hereto as Appendix A of this letter.

10. ***Staff Comment:***

Deviation #6: Sect 34–2015 (2) D & 10–8 (2)?? Are there any other local developments utilizing the allowance to unpark a vehicle in backward motion with verifiable traffic safety record?

Response:
This deviation has been removed and is no longer needed for the revised MCP. This is reflected on the revised MCP and Schedule of Deviations and Justification attached hereto as Exhibit IV-E and Exhibit IV-H respectively. Please note that the Schedule of Deviations and Justifications have been renumbered pursuant to changes.

11. ***Staff Comment:***

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.
Feel Free to call Chahram Badamtchian @239-479-8372 with any questions related to the zoning comments.

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Response:
Acknowledge.

12. ***Staff Comment:***

2

You are including the entire area of Three Oaks ROW and drainage easement in the density calculations. You are only entitled to ½ of the density for this 5.22 acre area. This is not a sufficiency review issue. This is just to advise you that staff will not support the density calculations you have provided during our substantive review stage.

Response:
Acknowledged. The revised density calculation was done accordingly.

13. ***Staff Comment:***

21) *Miscellaneous Items.*

4) Miscellaneous items.

1) Deviation number one can be withdrawn as the request can be accomplished administratively through the Development Order Process.

Response:
Acknowledged.

In closing, we trust that we have responded comprehensively to your sufficiency findings and ask that this letter and the attached documents be distributed to the appropriate staff members for their expeditious review.

Sincerely,

Patrick Vanasse, AICP
Planning Manager

Enclosures:
Revised Planned Development Application

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DCI 2005-00113

Exhibit II-B-1
Sketch and Legal Description
Exhibit II-B-2
Boundary Survey
Exhibit II-F-5
Topographic Map
Exhibit III-A-2
Density Calculations
Exhibit III-C
Traffic Impact Statement
Exhibit IV-E
Master Concept Plan (including 11 x 17 inch copy)
Exhibit IV-G
Schedule of Uses
Exhibit IV-H
Schedule of Deviations and Justification

cc: Jean Webb, Meritage Homes Corp. Land Office
Russell Schropp, Henderson, Franklin, Starnes & Holt, P.A.
Raeann Boylan, Boylan Environmental Consultants, Inc.

APPENDIX A

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DCI 2005-00113

BONITA SPRINGS FIRE CONTROL & RESCUE DISTRICT
DIVISION OF FIRE PREVENTION

Mark T. Goodman, Fire Marshal
27701 Bonita Grande Dr.
Bonita Springs, FL 34135
239-949-6211 • FAX 239-949-6216
MarkG@BonitaFire.org

December 26, 2006 FACIMILE TRANSMISSION

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JAN 0 9 2007

Patrick Vanasse, AICP
RWA
239-278-5419 fax

DCI 2005-00113

Re: Bonita 30 RPD
DCI2006-00113 – PDL Application (Major PD)

Dear Patrick:

Thank you for coming in to discuss the above referenced project. The configuration of access shown on the plan you presented to me is acceptable. The gated emergency access will need to be equipped with the automated EVAC system to allow the fire department full access. The access road will need to be a 20' wide paved roadway capable of supporting our apparatus of at least 32 tons.

If I can provide any additional information, please give me a call.

Sincerely,

MTGoodman

Mark T. Goodman

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EXHIBIT IV-H
SCHEDULE OF DEVIATIONS AND JUSTIFICATION

DCI 2005-00113

DEVIATION # 1:
Deviation from LDC Section 3-329(e)(4) which requires compensating slope on excavation banks, to allow up to 20 percent of the banks to utilize vertical bulkheads.

JUSTIFICATION:
This deviation improves the project appearance by allowing a more aesthetically pleasing and creative design that will allow public spaces in close proximity to the water. Pedestrian safety can be addressed by providing railing and/or fences where deemed appropriate. This deviation will not have a negative impact on public health and safety.

DEVIATION # 2:
Deviation from LDC Section 3-291(C) which requires that residential development of more than five acres to provide two or more means of ingress and egress, to allow the RPD to have one full means of ingress and egress and one emergency access.

JUSTIFICATION:
A circular roadway design with one ingress and egress point was used due to property constraints and to minimize impacts to native indigenous vegetation and provide a continuous preserve. A secondary gated and limited-access point connecting Old Squaw Lane will be provided for emergency purposes. The property has been reduced in acreage restricting design flexibility. In order to provide a second point in ingress and egress the connection would have to cut through native indigenous vegetation and the drainage easement for Three Oaks Parkway. This would reduce the total amount of preserve that could be provided on the property and decrease the size of the drainage easement for Three Oaks Parkway. These adjustments would require a deviation from LDC Section 3-285 which requires six hundred sixty foot (660') separation between connection points to a major arterial roadway. The size of the property does not allow for this connection. The design of the MCP with the emergency access road from Old Squaw Lane will effectively meet the intent of LDC Section 3-291(C).

DEVIATION #3:
Deviation from LDC Section 34-1743(b)(1) which limits residential project walls to a maximum height of eight (8) feet, to permit a maximum vertical wall height of eight (8) feet; however, the wall may be constructed atop a perimeter berm also subject to compliance with sight line landscaping and water management conditions of sections 34-1743.

JUSTIFICATION:
This treatment allows for a more functional and aesthetically pleasing design that incorporates the required buffering attributes with water management needs. This design can effectively enhance aesthetics by reducing the massing effect resulting from a continuous solid wall surface while providing the same buffering attributes of a wall by itself.

DEVIATION # 4:
Deviation from LDC Section 3-328, which requires a twenty-foot (20') wide lake maintenance easement, to permit a 0' wide easement as indicated on the MCP.

JUSTIFICATION:
This deviation will be implemented in conjunction with Deviation #1 and #5, which will permit specific lake bank design treatments for portions of the project's lake. Alternative maintenance for the lakes will be provided in accordance with permit requirements of the South Florida Water Management District.

DEVIATION #5:
Deviation from LDC Section 34-2194(C)(3)B, which requires a ten-foot (10') setback from non sea-walled artificial water bodies, to allow a zero-foot (0') setback for accessory structures such as a viewing platform at the lake control elevation.

JUSTIFICATION:
This deviation will allow viewing platforms, decks, walkways and other accessory structures to be constructed to the water's edge. Protective railings will be provided as necessary adjacent to pedestrian areas. An exhibit detailing the deviation is included in the MCP set.

DEVIATION #6:
Deviation from LDC Section 3-416(D)(6), which requires a solid wall or combination berm and solid wall not less than eight feet in height to be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet, if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots; to replace this buffer requirement with a ninety-foot (90') minimum indigenous vegetation preserve to act as buffer to the adjacent residential uses.

JUSTIFICATION:
This deviation will allow for a more continuous and effective preserve design causing less disturbance of indigenous vegetation on the property. The property's western indigenous vegetation will not have to be disrupted to provide an adequate buffer to the adjacent residential uses. Compliance with this section of the LDC would require the removal of native indigenous vegetation and encroachment into wetlands in order to construct a solid wall or combination berm and solid wall. The proposed ninety foot (90') preserve will provide ample buffering from the adjacent development and will effectively meet the intent of section 3-416(D)(6).

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EXHIBIT IV-G
Schedule of Uses

BONITA 30 RPD
[34-373(a)(6)a.3. or b.3 and 34-373(a)(7)]

RPD

Multi-Family Residential Tracts

Accessory uses and structures including observation platforms/gazebos
Administrative Offices, including project real estate sales office
Clubs: Country
Private
Consumption on premises
Food and beverage service limited
Health Club or Spa - Limited to use of a Club
Dwelling Units:
Single-Family Residence
Townhouse
Two-Family Attached
Multiple-Family Building
Entrance Gate and Gatehouse, in compliance with LDC Section 34-1748
Essential Services
Essential Service Facilities, Group I
Excavation - For development lakes, water retention and detention
Fences, walls
Home occupation
Models:
Model home
Model unit
Parking lot, accessory
Real Estate Sales Office
Recreational Facilities:
Personal
Private on-site
Signs, in compliance with LDC Chapter 30
Temporary uses (LDC Section 34-3041), including a temporary project sales office

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DCI 2005-00113

Amenity Center Tract

Accessory uses and structures: Note (1), 34-1171 et seq., 34-2441 et seq., 34-1863, 34-2141 et seq., 34-3106
Administrative offices: Note (1)
Cleaning and maintenance services (34-622(c)(7))

PWA CONSULTING INC. Planning Visualization Engineering Surveying

Clubs: Country
Private (34-2111 et seq.)
Consumption on premises (34-1261 et seq.) - Limited to use of a CLUB
Essential services (Note 1, 34-1611, 34-1741)
Essential service facilities (34-622(c)(13)): Group I (Note 1, 34-1611, 34-1741, 34-2141)
Fences, walls (Note 1, 34-1741)
Food and beverage service, limited (Note 1) - Limited to use of a CLUB
Health Club or Spa - Limited to use of a CLUB
Parking lot: Accessory
Personal services (34-622(c)(33)): Group I (34-3021) - Limited to ATM, barber shop, beauty shop, clothing alterations and repair including dress makers, seamstress, and tailors.
Group II - Limited beauty spas, health clubs or spas, and massage establishments
Real estate sales office (Note 23, 34-1951, 34-3021)
Recreation facilities:
Personal (Note 1)
Private - On-site (Note 1)
Rental or leasing establishment (34-622(c)(39)): Group II (34-1201 et seq., 34-1352, 34-3001 et seq.) - Limited to movies, video tapes, and similar home entertainment
Restaurants (34-622(c)(43)): Groups I, II, and III - Limited to residents of the development and their guests
Signs in accordance with Land Development Code
Temporary uses (Note 1, 34-3041 et seq.) - Limited to temporary sales office, and construction trailer and staging area

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PERMIT COUNTER

DCI 2005-00113

TR TRANSPORTATION CONSULTANTS, INC.

TRAFFIC IMPACT STATEMENT

FOR

BONITA 30 RE-ZONING

(PROJECT NO. F0508.22-20)

DCI 2005-00113
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JAN 09 2007

PREPARED BY:
TR Transportation Consultants, Inc.
13885 Plantation Road, Suite 11
Fort Myers, Florida 33912-4339
(239) 278-3090

Revised:
December 19, 2006

RWA INC.
CONSULTING
•Planning •Visualization
•Civil Engineering •Surveying & Mapping

DCI 2005-00113

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MAY 09 2006
PERMIT COUNTER

Chahram Badamtchian, Senior Planner
City Of Bonita Springs
9101 Bonita Beach Road
Bonita Springs, FL 34135

Re: Bonita 30 RPD
DCI12005-00113 PDL Application (Major PD)

Dear Chahram:

The consultant team for the above referenced zoning petition has thoroughly reviewed each of the items raised in your January 17, 2006, sufficiency review letter. Please find below an item-by-item response to each of the issues raised. I am confident that you and the other reviewers will find that we have addressed the sufficiency issues that have been raised, and with that finding, that you will be able to schedule this item for public hearings. Please note that the environmental survey provided with the initial submittal was conducted by Dex Bender and Associates in 2004. This information has been updated by Boylan and Associates and the information herein reflects the most recent conditions on site.

1.) Sufficiency Comments:

1a.) The design of Three Oaks Pkwy has an entrance of right-in/right-out and left-in only for this property. But, the project's entrance was treated as a full intersection.

Response: **Concurrent to this application, we are requesting a full-access median opening for this project from Lee County Department of Transportation and the City of Bonita Springs. While we fully understand and acknowledge your comment, we respectfully request that the ingress/egress remain as it is until the issue is resolved with the aforementioned parties.**

2.) Contact. The LCDOT reviewer may be contacted regarding any questions on the LCDOT checklist: Lili Wu 479-8580 ext 5395.

Response: **Acknowledged**

Legal Requirements Sufficiency Checklist:

6b.) Certified sketch of description. A certified sketch of description as set out in Chapter 61G 17-6.006, Florida Administrative Code, must be provided unless the subject property consists of one more undivided platted lots in a subdivision recorded in the Official County Plat Books [34-202(a) (2)]

The applicant stated on the application that a certified sketch of description to accompany the legal was submitted and attached as Exhibit II-B-2. However, no sketch was included in the application package. Please provide this sketch of description document to be attached to the BOCC zoning resolution. This

sketch is required in addition to the already provided Boundary Survey thus a reduced copy of the survey will not be sufficient for this purpose.

Response: **Please find the required sketch and description attached hereto.**

6c3.) If the property encompasses 10 or more acres the survey must be tied the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) [34-202(a)(2)]

As per the above referenced LDC requirement, please tie and display at least (2) coordinates on two opposing corners on Survey 'The county prefers that at least one of the coordinates be for the point of beginning".

Response: **The Survey has been revised accordingly and is attached to this document.**

DCI 2005-00113

7.) Miscellaneous Items.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittals."

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MAY 09 2006

Response: **Acknowledged**

8.) Contact. The Planner may be contacted regarding any questions on this checklist Luis G. Machado 479-8485 or email- lmachado@leegov.com.

Environmental Sciences Planned Development Sufficiency Checklist:

1.) Description of Existing Conditions, Soils, Vegetation FLUCCS, Topography. The Application for a Planned Development must be accompanied by the following: [34-373(a)(4)]

1b4.) Topographic Map. A county topographic map (required if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)e.i.]

Please submit.

Response: **A USGS topographical map is currently not available for the subject area. However, we have provided a Geographic Information Systems shape file from The State of Florida G.I.S. files. We understand that the topo map provided does not have many contours displayed, however this is due to the nature of the land within this project, which is generally flat.**

2.) Protected Species Survey. A Protected Species Survey as required by LDC Section 10-473 must be provided for large projects (as defined in LDC Chapter 10) and Major Planned Developments [34-373(b)(2)]

Please make the following revisions to the Protected Species Assessment:

1. Include the time of day the survey was conducted and how many hours were spent onsite.

Response: **See the attached updated protected species survey conducted by Boylan Environmental Consultants. This survey was conducted on February 2, 2006 from 1:00 pm to 4:30 pm, and on February 3, 2006 from 12:30 pm to 3:00 pm. A total of eight and a half man hours were spent conducting the field survey.**

2. The FLUCCS table needs to be revised as both 624 M1 and 624 M3 are listed as 10-25% invasive exotic cover.

Response: **See the revised FLUCCS table located on page 6 of the protected species survey conducted by Boylan Environmental Consultants.**

3. Indicate which of the Lee County approved methodologies was utilized. The submittal assessment references the FWC standards. The City of Bonita Springs requires the Lee County approved methodologies be used.

Response: **The protected species survey conducted by Boylan Environmental Consultants utilized the overlapping belt transect method as outlined by Kevin L. Erwin Consulting Ecologists Inc.. See the attached protected species survey.**

3.) Protected species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]

A gopher tortoise burrow and scat were located per the Protected Species Assessment conducted by DexBender and Associates. Please revise the MCP to delineate an appropriate gopher tortoise preserve area.

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Response: **The Master Concept has been revised to include the gopher tortoise burrow. This burrow was flagged within the field and located using a handheld GPS.**

4.) Environmentally Sensitive Areas. The location, of any state jurisdictional wetlands and surface water, based upon standard environmental data and verified by the South Florida Water Management District staff, must be depicted on an aerial or FLUCCS map unless waived by the director.

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1. The FLUCCS map indicates 5.6 acres of wetlands; however, the page 5 of 22 of the Planned Development application indicates 6.74 acres of freshwater wetlands. Please clarify the acreage of SFWMD jurisdictional wetlands, and revise the submittal accordingly.

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Response: **Boylan Environmental Consultants found approximately 31.49 acres of wetlands on the property, of these 31.49 acres, 7.65 acres will be retained as Preserve. For the remaining 24.75 acres, off site mitigation will be provided. Concurrent to this application an ERP application has been submitted to the SFWD. Off-site mitigation is fully addressed in that application. Please see the attached protected species survey for FLUCCS descriptions and the attached FLUCCS map for wetland locations.**

2. The soils map indicates a large portion of the site to be potential wetlands. Please explain why so much of the depressional soil type areas were excluded from being deemed SFWMD jurisdictional wetlands.

Response: **See the attached FLUCCS map provided by Boylan Environmental Consultants. The wetlands found onsite were evaluated using a variety of factors. Not only were soil types considered but also the presence of hydrological indicators and hydrophilic plant species. This assessment includes wetlands comprising approximately 31.64 acres. A jurisdictional wetland determination has been requested by South Florida Water Management District but has not yet been received.**

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5.) Open Space. The percentage of open space must be clearly stated on the Master Concept Plan unless the proposed development consists solely of conventional single family dwelling units on lots of no less than 6,500 square feet [34-373(a)(6); 373-373(a)(8)iii.]

1- Please explain which regulation allows for the drainage easement to be subtracted from the open space calculation. Only public street right-of-ways or easements are allowed to be deducted from the open space calculation.

Response: **The Three Oaks Right-of-Way reservation and associated drainage will be dedicated to the County for public use.**

2- LDC 34-935(g)(1)(a) requires residential planned developments to provide 40% common open space. Please revise the MCP to meet this requirement.

Response: **The open space percentage delineated on the revised Master Concept Plan complies with the 40% requirement set in the City of Bonita Springs Land Development Regulations [Division 6. Open Space, Buffering and landscaping, sec. 3-415(A)].**

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6.) Parks, Recreation Areas and Indigenous Areas. The general location of proposed parks, recreation areas and facilities as well as indigenous areas to be preserved must be shown on the Master Concept Plan [34-373(a)(6)e]

1- Please revise the required indigenous open space per the revised 40% common open space requirement noted above.

Response: **The open space percentage delineated on the revised Master Concept Plan reflects the 40 % requirement set in the City of Bonita Springs Land Development Regulations** [Division 6.Open Space, Buffering and landscaping, sec. 3-415(A)].

2- The surface water management exhibit indicates flow-way along the western property line. Please provide further detail for the flow-way. Does the flow-way encompass the entire indigenous preserve? Will any excavation be required within the flow-way? How will the flow-way be maintained?

Response: **The swale along the western property line is intended to convey water south through the proposed site, similar to predevelopment conditions. It will be roughly 15' wide, 2' deep and be contained within a drainage easement. The easement will be maintained by a homeowner's association or other similar entity. There is no natural preserve located on the western property line, thus no indigenous preserve will be impacted. Specific cross sections and further detail will be included in the Environmental Resource Permit being submitted concurrently.**

3- Please provide the actual acreage of the proposed preserve, and also details of where credits apply. Credits only apply to existing upland native plant communities meeting the minimum acreage and dimensions noted in the LDC.

Response: **The onsite preserve is 7.65 acres and is dominated by wetland communities. While a small portion of the onsite uplands are included in the preserve area they do not meet the minimum quarter acre size requirements.**

8.) Design Standards. Environmentally Sensitive Areas. Every effort shall be made in the planning, design and execution of the planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees and threatened or endangered native vegetation. [34-411(g)]

Pending clarification on wetland acreage and locations.

Response: **A wide variety of wetland areas exists onsite, however, the majority of these areas have been previously disturbed and are altered from their natural state. Due to the highly disturbed nature and the quantity of wetlands onsite, impacts to these areas are unavoidable. The completed project proposes a 7.65 acre preserve area. The preserve will be placed under a management plan; the exotics will be treated and removed. As a result the quality of the preserved area will improve. If SFWMD requires additional mitigation for impacts to wetlands, mitigation credits will be purchased from an approved mitigation bank, or mitigation will be conducted offsite.**

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12.) Miscellaneous Items.

Why is the future Lee County storm-water management pond that is located outside the boundaries of this project depicted on the MCP?

Response: **The future Lee County storm-water management pond has been removed from the revised Master Concept Plan.**

13.) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficieny Checklist: Karen Trebatoski, Principal Environmental Planner, 479-8183 or email-trebatkm@leegov.com

Response: **Acknowledged**

Bonita Springs Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning:

13.) Traffic Impact Statement. A traffic impact statement must be provided in a format and to the degree of detail required by a form furnished by the county and in conformance with the applied county administrative code. [34-373(a)(7)]

Staff has received the following comments from the City of Bonita Springs Traffic consultant. These comments need to be addressed by the applicant:

1- On page 4 under Traffic Condition (first paragraph last sentence), the TIS states "No growth rate was utilized for the section of Three Oaks Parkway from Strike Lane to East Terry." This would be valid only if the completion of the project is concurrent with the completion roadway construction. It is my understanding that the Imperial Roadway and the Three Oaks Parkway segments would be completed by the end of 2007. There needs to be assumption made for the traffic growth rate for 2008 (project buildout) and one year after.

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Response: **Based on recent reports from Lee County, the southern segment of Three Oaks Parkway, or Imperial Street, may be delayed due to rising costs. However, a 6% growth rate was applied to Three Oaks Parkway adjacent to the subject site for one year to estimate the future 2009 traffic volumes. The projected Level of Service on Three Oaks Parkway remains at LOS "B" with the one year growth. The revised Table 1A and 2 are attached for reference.**

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2- It is not clear where "905"B" for background traffic figure is based on (see #1 above)

Response: **As stated on Page 4 of the TIS submitted, the 2009 background traffic volume was obtained from an analysis completed by Metro for CRSPE, Inc. in October 2002. The analysis utilized traffic projections or the corridor based on the year 2026 traffic data as calculated by CRSPE on behalf of Lee County for the Design Year Traffic Report prepared for the Three Oaks Parkway/Imperial Street corridor. The 2026 peak hour/peak direction volume was approximately 1,809 south of Strike Lane. One-half of this volume is approximately 905 vehicles, which was utilized for the projected 2009 background traffic volume. There was no opening year traffic data prepared by CRSPE for this project.**

3- The full access median opening configuration with inbound (left turn) and outbound (left turn) storage lanes shown per sheet 3 of 3 but the 240' southbound right turn lane is not shown.

Response: **A conceptual treatment has been provided on the revised Master Concept Plan. However, turn lane details are not typically shown on the MCP until Development Order plans are prepared as the requirements may change between now and when those plans are prepared.**

4- It is assumed that the proposed Amenity Center fronting Three Oaks Parkway (per MCO 3 of 3) is for residents only.

Response: **Correct, the proposed Amenity Center fronting on Three Oaks Parkway is for residents and guests only.**

14.) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property must be provided including the following: [34-373(a)(8)]

Please clarify the use of "Private Club". Will it be used by the residents at the development or is it open to the public? What do you mean by "Club members"? Could people not living in the development join the club?

Response: **The terminology "Private Club" means (for purposes of this project), a club for residents of the proposed development only. People not**

residing within the proposed development can not utilize the club or services of the club.

15.) Schedule of Deviations. A schedule of uses of deviations and a written justification for each deviation requested as part of the Master Concept Plan must be submitted. The location of each requested deviation must be indicated on the Master Concept Plan. [34-373(a)(9)]

Please clarify justification for Deviation # 6.

Response: **Exhibit IV-H has been revised to indicate a justification to deviation 6. This deviation seeks relief from Land Development Code sections 34-2015(2)D and 10-8(2), which requires: all parking lot spaces must be provided with sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion. Parking lots utilizing 90-degree parking with dead-end aisles must provide a turning bay for those spaces at the end of the aisle. The deviation is sought for allowance of exiting vehicles to leave the parking area in a backward motion. Low speed limits signs will be posted along the private Right-of-Way. Additionally, the parking area will adhear with Section 34-2020(3), Division 26, Parking: Lee County Development Code. Section 34-2020(3) follows:**

3. If the vehicles will back directly onto an internal roadway or accessway, the driveway must be designed so that:

(a) the driveway connects to a private internal local road or accessway with a design and posted speed limit of 25 miles per hour, or less;

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(b) the visual clear zone sight distance (considering vehicles which may be parked nearby) is a minimum of 200 feet and in conformance with the visibility triangle criteria set forth in section 34-3131;

(c) traffic calming devices, approved by the director, are provided; and

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(d) the length of the driveway, as measured from the garage structure or the end of the stacked parking space farthest from the street or accessway, as applicable, must be a minimum of 22 feet to the edge of a private street right-of-way or easement line OR 27 feet to the edge of pavement of an accessway.
However, this section is not to be interpreted as allowing any buildings or structures closer to a street right-of-way

or easement than permitted by the setback regulations set forth in section 34-2192 - Street Setbacks.

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20.) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist: Chahram Badamtchian 479-8372

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Response: Acknowledged

16.) Miscellaneous.

a.) Please be advised that it has always been the County's policy not to allow any density for I-75 ROW.

Response: Acknowledged

b.) You may only calculate ½ of the future Three Oaks Parkway ROW in your density calculations. We realize that at this point there is no ROW for Three Oaks on your property. However, you are using the future ROW for your TIS study and showing access to that road. You are even subtracting the future ROW from the total land area for your open space calculations.

Response: The above comments have been addressed and are reflected in the revised preliminary density calculations, attached hereto.

c.) Staff has not yet received an application for affordable housing for this property.

Response: The application for affordable housing density bonus has been submitted concurrently with the petition. The application is currently under review by the City of Bonita Springs and Larue and Associates Inc.

d.) Please clarify the status of Tropical Acres Drive. The road is located on your property. The property is addressed from this road. However, it does not appear to be a publicly recorded easement for this road.

Response: Tropical Acres Drive is not publicly recorded. Please see attached document demonstrating that the above stated Drive is not recorded.

4.) Miscellaneous Items.

1.) Deviation number one can be withdrawn as the request can be accomplished administratively through the Development Order Process.

Response: Acknowledged, deviation number 1 has been removed from the Master Concept Plan and Exhibit IV-H.

In closing, we trust that we have responded comprehensively to your sufficiency findings and ask that this letter and the attached documents be distributed to the appropriate staff members for their expeditious review.

Sincerely,

Patrick Vanasse, AICP
Principal Planner
RWA, Inc.
1542 Carson Street
Fort Myers, FL 33901

Attached: Master Concept Plan
Sketch & Description
Protected Species Survey/FLUCCS Map
Preliminary Density Calculations
Topographic Map
Deviations, Exhibit IV-H

cc: Project File
Client
Attorney

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RWA INC.
CONSULTING
• Planning • Visualization
• Civil Engineering • Surveying & Mapping

LETTER OF TRANSMITTAL

TO: Lee County, Community Developement

DATE: May 9, 2006

PROJECT NAME: Bonita 30 RPD

PROJECT NUMBER: 05-0098.00
DCI-12005-00113

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We are sending the attached via:

☐ Client Pickup ☒ Delivery ☐ Mail ☐ Overnight

Action required:

☐ For approval ☐ For your use ☐ As requested ☐ For review and comment ☒ Other

COPIES	*DESCRIPTION*
1	Original collated copy (1st.) Sufficiency Response Letter including attachments: Master Concept Plan, Sketch & Description, Protected Species Survey/FLUCCS Map, Preliminary Density Calculations, Topographic Map, Deviations (Exhibit IV-H).
13	Copies of complete (1st.) Sufficiency Response Letter submittal package for Bonita 30 RPD
13 13	Master Concept Plan (Full Size) Master Concept Plan (11 x 17)
13	Sketch & Description
13	Protected Species Survey/FLUCCS Map
13 13 13	Preliminary Density Calculations Topographic Map Deviations (Exhibit IV-H).

REMARKS:

The Bonita 30 RPD (1st.) Sufficiency Response Letter package was submitted to Lee County Development Services, May 9, 2006. Enclosed are 1 original and 13 copies of the complete submittal package for your records. If you need additional copies of the submittal package, or if you have any questions, please do not hesitate to contact me at (239) 278-5224.

SIGNED:

1542 Carson Street, Fort Myers, Florida 33901 • (239) 278-5224, fax: (239) 278-5419 • www.consult-rwa.com

EXHIBIT IV-H
SCHEDULE OF DEVIATIONS AND JUSTIFICATION

DEVIATION # 1:

Deviation from LDC Section 3-329(e)(4) which requires compensating slope on excavation banks, to allow up to 20 percent of the banks to utilize vertical bulkheads.

JUSTIFICATION:

This deviation improves the project appearance by allowing a more aesthetically pleasing and creative design that will allow public spaces in close proximity to the water. Pedestrian safety can be addressed by providing railing and/or fences where deemed appropriate. This deviation will not have a negative impact on public health and safety.

DEVIATION # 2:

Deviation from LDC Section 3-291(C) which requires that residential development of more than five acres to provide two or more means of ingress and egress, to allow the RPD to have one full means of ingress and egress and one emergency access.

JUSTIFICATION:

A circular roadway design with one ingress and egress point was used due to property constraints and to minimize impacts to native indigenous vegetation and provide a continuous preserve. A secondary gated and limited-access point connecting Old Squaw Lane will be provided for emergency purposes. The property has been reduced in acreage restricting design flexibility. In order to provide a second point in ingress and egress the connection would have to cut through native indigenous vegetation and the drainage easement for Three Oaks Parkway. This would reduce the total amount of preserve that could be provided on the property and decrease the size of the drainage easement for Three Oaks Parkway. These adjustments would require a deviation from LDC Section 3-285 which requires six hundred sixty foot (660') separation between connection points to a major arterial roadway. The size of the property does not allow for this connection. The design of the MCP with the emergency access road from Old Squaw Lane will effectively meet the intent of LDC Section 3-291(C).

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DEVIATION #3:

Deviation from LDC Section 34-1743(b)(1) which limits residential project walls to a maximum height of eight (8) feet, to permit a maximum vertical wall height of eight (8) feet; however, the wall may be constructed atop a perimeter berm also subject to compliance with sight line landscaping and water management conditions of sections 34-1743.

DCI 2005-00113

JUSTIFICATION:

This treatment allows for a more functional and aesthetically pleasing design that incorporates the required buffering attributes with water management needs. This design can effectively enhance aesthetics by reducing the massing effect resulting from a continuous solid wall surface while providing the same buffering attributes of a wall by itself.

DEVIATION # 4:

Deviation from LDC Section 3-328, which requires a twenty-foot (20') wide lake maintenance easement, to permit a 0' wide easement as indicated on the MCP.

JUSTIFICATION:

This deviation will be implemented in conjunction with Deviation #1 and #5, which will permit specific lake bank design treatments for portions of the project's lake. Alternative maintenance for the lakes will be provided in accordance with permit requirements of the South Florida Water Management District.

DEVIATION #5:

Deviation from LDC Section 34-2194(C)(3)B, which requires a ten-foot (10') setback from non sea-walled artificial water bodies, to allow a zero-foot (0') setback for accessory structures such as a viewing platform at the lake control elevation.

JUSTIFICATION:

This deviation will allow viewing platforms, decks, walkways and other accessory structures to be constructed to the water's edge. Protective railings will be provided as necessary adjacent to pedestrian areas. An exhibit detailing the deviation is included in the MCP set.

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DEVIATION #6:

Deviation from LDC Section 3-416(D)(6), which requires a solid wall or combination berm and solid wall not less than eight feet in height to be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet, if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots; to replace this buffer requirement with a ninety-foot (90') minimum indigenous vegetation preserve to act as buffer to the adjacent residential uses.

DCI 2005-00113

JUSTIFICATION:

This deviation will allow for a more continuous and effective preserve design causing less disturbance of indigenous vegetation on the property. The property's western indigenous

vegetation will not have to be disrupted to provide an adequate buffer to the adjacent residential uses. Compliance with this section of the LDC would require the removal of native indigenous vegetation and encroachment into wetlands in order to construct a solid wall or combination berm and solid wall. The proposed ninety foot (90') preserve will provide ample buffering from the adjacent development and will effectively meet the intent of section 3-416(D)(6).

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EXHIBIT IV-G
Schedule of Uses

BONITA 30 RPD
[34-373(a)(6)a.3. or b.3 and 34-373(a)(7)]

RPD

Residential Tracts

Accessory uses and structures including observation platforms/gazebos
Administrative Offices, including project real estate sales office
Agricultural uses, and agricultural accessory uses, existing only
Clubs: Country
Private
Consumption on premises
Food and beverage service limited
Health Club or Spa – limited to use of a Club
Dwelling Units:
Single-Family Residence
Townhouse
Two-Family Attached
Multiple-Family Building
Entrance Gate and Gatehouse, in compliance with LDC §34-1748
Essential Services
Essential Service Facilities, Group I
Excavation – for development lakes, water retention and detention
Fences, walls
Home occupation
Models:
Model home
Model unit
Parking lot, accessory
Real Estate Sales Office
Recreational Facilities:
Personal
Private on-site
Signs, in compliance with LDC Chapter 30
Temporary uses (LDC § 34-3041), including a temporary project sales office

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Amenity Center Tract

Accessory uses and structures: Note (1), 34-1171 et seq., 34-2441 et seq., 34-1863, 34-2141 et seq., 34-3106

Administrative offices: Note (1)
Agricultural uses and agricultural accessory uses (limited to existing only and General Note 13 on the approved Master Concept Plan)
Banks and financial establishments (34-622(c)(3): Group I
Business services (34-622(c)(5)): Group I – limited solely to travel agencies
Car wash – only in conjunction with a convenience food and beverage store
Cleaning and maintenance services (34-622(c)(7))
Clubs: Country
Private (34-2111 et seq.)
Convenience food and beverage store – limited to a total of 8 pumps
Consumption on premises (34-1261 et seq.) – limited to use of a CLUB
Essential services (Note 1, 34-1611, 34-1741)
Essential service facilities (34-622(c)(13)): Group I (Note 1, 34-1611, 34-1741, 34-2141)
Fences, walls (Note 1, 34-1741)
Food and beverage service, limited (Note 1) – limited to use of a CLUB
Food stores (34-622(c)(16)): Group I, excluding supermarkets
Health Club or Spa – limited to use of a CLUB
Laundry or dry cleaning (34-622(c)(24)): Group I
Parking lot: Accessory
Personal services (34-622(c)(33)): Group I (34-3021) – limited to ATM, barber shop, beauty shop, clothing alterations and repair including dress makers, seamstress, and tailors.
Group II – limited beauty spas, health clubs or spas, and massage establishments
Real estate sales office (Note 23, 34-1951, 34-3021)
Recreation facilities:
Personal (Note 1)
Private – On-site (Note 1)
Rental or leasing establishment (34-622(c)(39)): Group II (34-1201 et seq., 34-1352, 34-3001 et seq.) – limited to movies, video tapes, and similar home entertainment
Restaurants (34-622(c)(43)): Groups I, II, and III – limited to residents of the development and their guests
Signs in accordance with Land Development Code
Specialty retail shops (34-622(c)(47)): Group I – limited to bookstore and newsstands
Temporary uses (Note 1, 34-3041 et seq.) – limited to temporary sales office, and construction trailer and staging area

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BONITA 30

Protected Species Survey Addendum

March 29, 2006

A formal protected species survey was conducted on the Bonita 30 project on February 2, & 3, 2006. The survey was conducted using the overlapping belt transect method as outlined by Kevin L. Erwin, Consulting Ecologists Inc.. At that time the only protected species or signs thereof identified included four butterfly orchids (see the protected species survey).

During later field work conducted on March 22, 2006 an active gopher tortoise burrow was identified. This burrow was flagged within the field and located using a handheld GPS. For the burrow location see the attached tortoise location map. The relocation of this tortoise onto the property most likely occurred because of construction on adjacent properties.

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BONITA 30

GOPHER TORTOISE MANAGEMENT PLAN

Boylan Environmental Consultants
March 29, 2006



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A protected species survey was conducted by Boylan Environmental Consultants in February 2006. At such time the only protected species observed on the property were butterfly orchids. During additional field work in late March the presence of a gopher tortoise was observed on the property. It is our belief that this tortoise relocated due to adjacent ongoing construction. For the burrow location see the attached tortoise location map.

Management Plan Aspects

The goal of the management plan is to maintain a suitable habitat for the gopher tortoise onsite during and after construction. Since only 1 tortoise burrow was identified the development proposes to avoid the area and create at least a 25 foot radius around the burrow that will be undisturbed. The exact size and boundary configuration of this area is still being determined. During construction a hay bail barrier will be placed around the perimeter of this area. If required a permanent barrier may be placed instead of the hay bails or at a later date.

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Educational Details

Educational signage will be placed around the exterior of this area that is accessible to the public. Information will include; a description of the gopher tortoise and its status as a listed species.

Preserve Management

1. **Exotic Vegetation Removal, Non-native Vegetation, and Nuisance or Invasive Plant Control**

   All preserve areas will be walked and all exotic and nuisance plants shall be killed. These plants will be killed in a manner consistent with current exotic and nuisance plant removal practices while ensuring that neighboring plants are left unharmed and the soil left as undisturbed as possible. Exotic and nuisance species are those listed by the Florida Exotic Pest Plant Council's list at the time this plan is approved.

   Treated vegetation debris may be left in place, however, in the case where the extent of exotic vegetation is such that the resultant cut debris from the woody vegetation would create a physical impediment to the colonization of native plants, the exotic vegetation shall be removed from the preserve, or cut and stacked in a manner that will minimize the impediment to the re-vegetation by native plant species. The log cabin or teepee methods are recommended. Where aesthetics is a concern, debris should be removed from the area. Trees to large to practically cut or remove may be girdled and sprayed with a herbicide and left standing, however, dead trees left standing may pose a physical hazard.

In all cases, the approval method may not involve mechanical removal, whereby machinery is used to remove the exotics, except under the direction of a biologist. When exotic vegetation exists in high densities, a biologist may prescribe mechanical treatment.

The relocation area will be sodded with Bahia grass. Mowing is permitted, but native shrubs and trees will be avoided and kept in place. Gopher tortoise burrows will not be mowed or traveled over.

2. Annual Maintenance and Inspections

The preserve area will be walked and inspected at least once yearly for the presence of exotic vegetation. At no time shall exotic vegetation constitute more than 5 percent of the total vegetative cover between inspections. Nuisance and exotic plant species should constitute no more than 10 percent of the total area. If a permanent fence is required it will be walked and inspected annually. The fence shall remain intact until all parcels have been developed. Upon completion of the development the fence can then be dismantled by hand.

The maintenance program will be conducted in perpetuity. Maintenance shall be the responsibility of the developer or their successor.

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3. General Maintenance

Preserves shall be maintained in their natural state and must be kept free of refuse and debris.

4. Gopher Tortoise Habitat Management

Usually a form of management including prescribed burning and mechanical habitat management is beneficial for gopher tortoises. This type of management is allowed and will be voluntary. Mechanical management normally involves bush-hogging or roller chopping and can also be done manually. Management will occur on an as needed basis. These activities should only be done under the direction of a biologist with county approval.

5. Allowable Uses Within Preserve Areas

Passive recreational uses such as a pervious nature trail are allowed within the preserve areas, as long as any clearing required to facilitate these uses does not impact more than is necessary. Any clearing should be done under the direction of a biologist and with county approval. Passive recreational uses are those uses that would allow limited access to the preserve in a manner that will not cause any negative impacts to the preserve. Narrow pervious pathways, benches, and educational signs, are permitted in the preserve. Fences may be utilized outside

of preserves in order to provide protection in the preserves but not impede the movement of tortoises.

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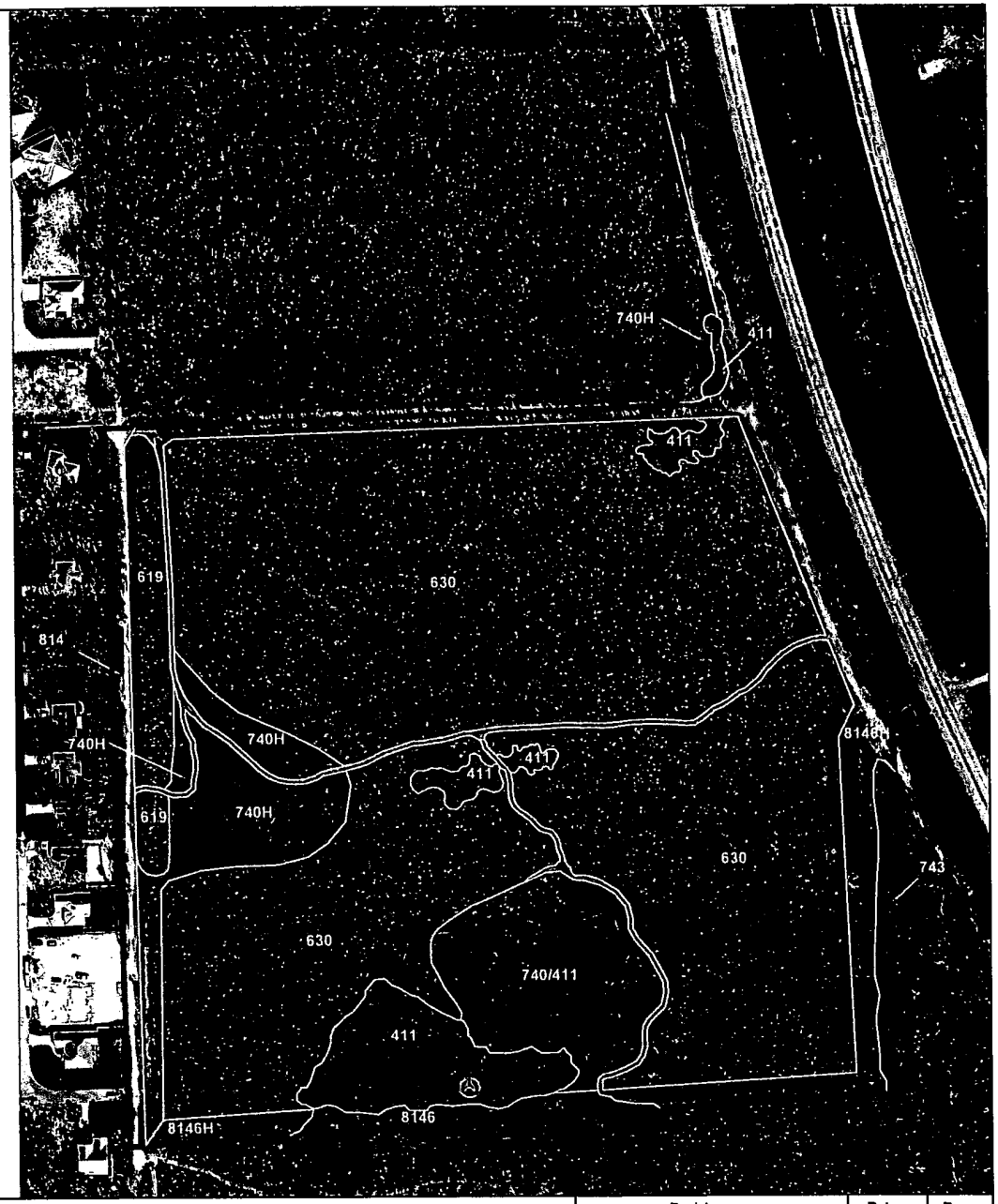
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Scale: 1" = 300'

FLUCCS LEGEND

CODE	DESCRIPTION	UPLAND ACREAGE	WETLAND ACREAGE
411	Pine Flatwoods	1.98 ac.	---
619	Exotic Wetland Hardwoods	---	1.13 ac.
630	Wetland Forest Mixed	---	24.49 ac.
740H	Hydric Disturbed Lands	---	2.53 ac.
740/411	Disturbed Pine Flatwoods	2.33 ac.	---
743	Spoil Areas	0.62 ac.	---
814	Roads	0.91 ac.	---
8146	Primitive Trails	0.42 ac.	---
8146H	Hydric Trails	---	3.49 ac.
	Total:	6.26 ac.	31.64 ac.
	Total Site Acreage: 37.90 ac.		

Ⓐ ACTIVE GOPHER TORTOISE BURROW - 1



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Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments
11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239) 418-0671

Drawn By:	Date:	Category
AML	3/27/2006	FLUCFCS
Job Number		Scale:
2005-178		1" = 300'
S/T/R		County
23/47S/25E		Lee

BONITA 30

TORTOISE LOCATION MAP

Revisions	Date:	Page
		Exhibit

X:\BECTA-B Projects\Bonita 30\2006\Tortoise Map.dwg Tab: Model Mar 30, 2006 - 11:59am Plotted by: alicia

LEGAL DESCRIPTION
BONITA 30

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA;
THENCE S.88°50'51"W., ALONG THE NORTH LINE OF SAID SECTION 23, FOR 322.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE I-75, (STATE ROAD 93), SAID POINT BEING A POINT ON A CURVE AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL AND POINT OF CURVATURE;

THENCE SOUTHERLY 1,260.66 FEET ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 5,847.58 FEET THROUGH A CENTRAL ANGLE OF 12°21'08" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.17°43'10"E. FOR 1,258.22 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 23;
THENCE S.02°52'12"E., ALONG SAID EAST LINE, FOR 614.25 FEET TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23;
THENCE S.86°01'44"W., ALONG THE SOUTH LINE OF SAID NORTH 1/2, FOR 1,365.80 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 1/2;
THENCE N.01°43'26"W., ALONG THE WEST LINE OF SAID 1/4 AND THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23, FOR 1,257.07 FEET TO THE NORTHWEST CORNER OF SAID SOUTH 1/2;
THENCE N.87°54'57"E., ALONG THE NORTH LINE OF SAID SOUTH 1/2, FOR 1,004.25 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23;
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THENCE N.88°50'51"E., ALONG SAID NORTH LINE, FOR 8.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,651,237 SQUARE FEET OR 37.91 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS HAVING AN ASSUMED BEARING OF N.88°50'51"E.

PREPARED BY:
RWA INC.
FLORIDA CERTIFICATE OF AUTHORIZATION No. LB 6952

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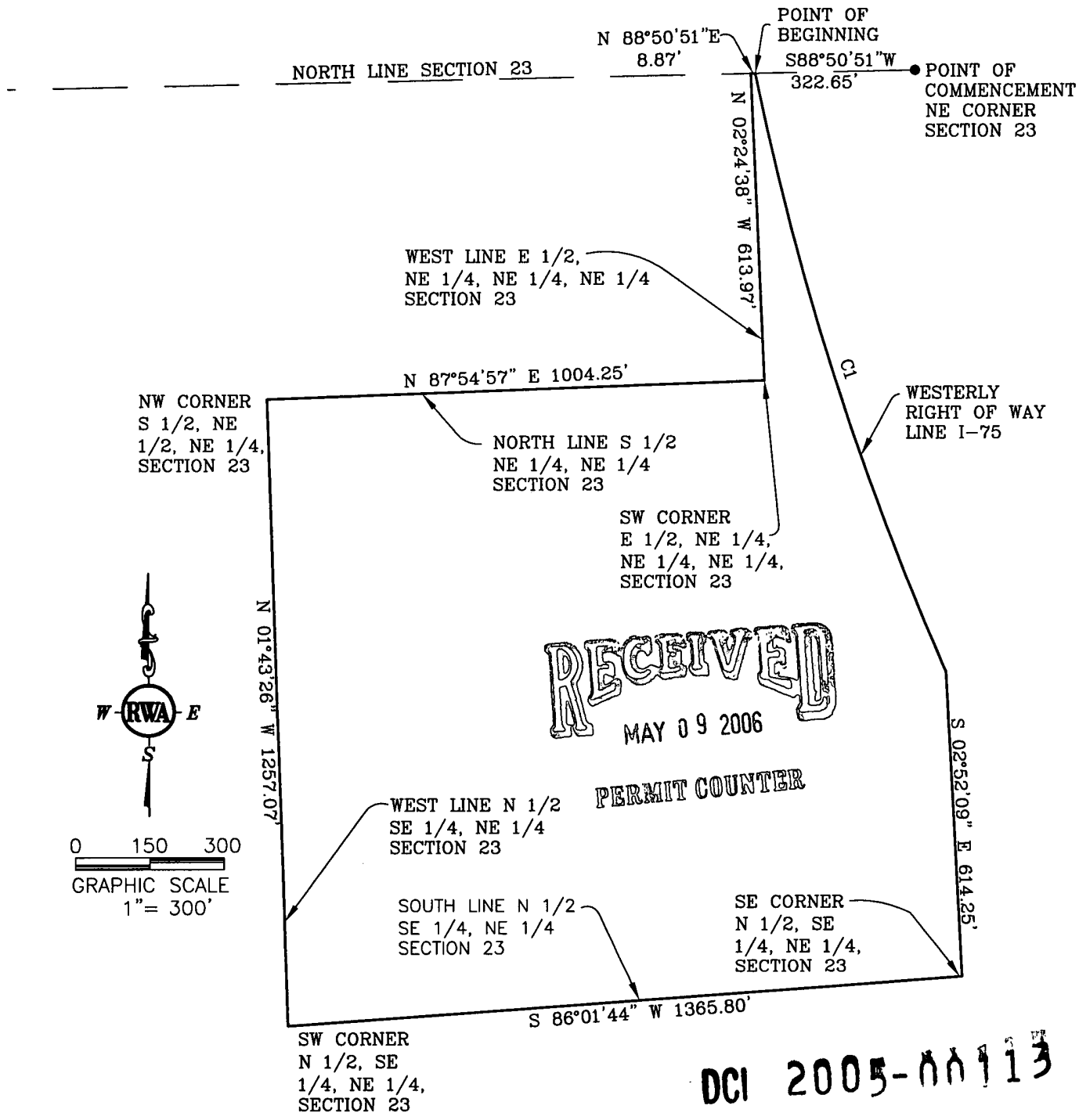
5-5-06

DENNIS A. MILLER — DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. LS 5626

DCI 2005-00113

Q:\2005\05-0098.00 Bonita 30\0003 Boundary Survey\LEGAL DESCRIPTION.doc

THIS IS NOT A SURVEY



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CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD
C1	1260.70'	5847.58'	12°21'08"	S17°43'10"E	1258.22'

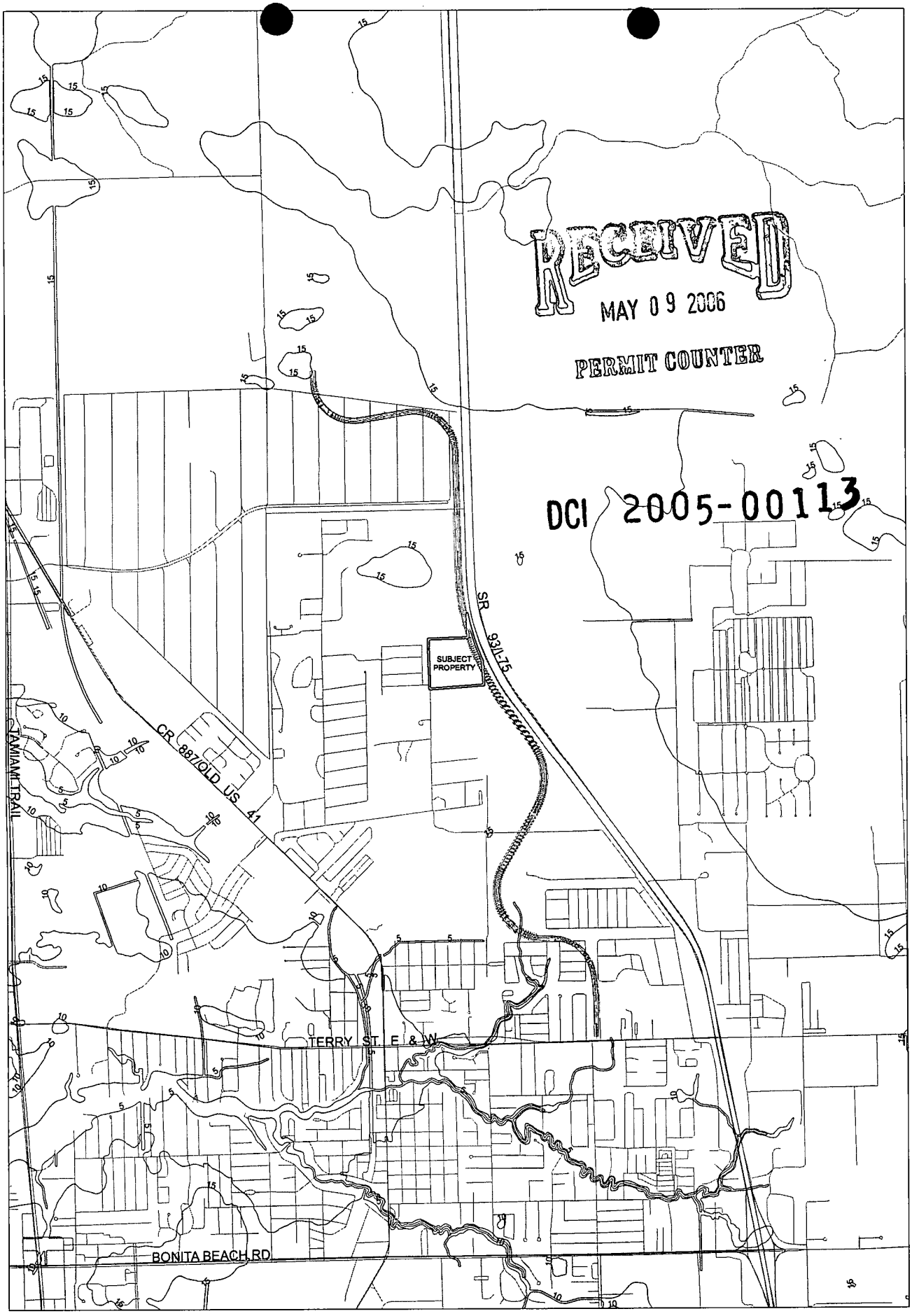
RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
1542 Carson Street
Fort Myers, Florida 33901
Phone: (239) 278-5224
FAX: (239) 278-5419

DATE:	05/04/06
SCALE:	1"=300'
DRAWN BY:	CAM
CHECKED BY:	DAM
SEC: TWP: RGE:	23 47S 25E

CLIENT: MERITAGE HOMES

TITLE: EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

PROJECT NUMBER: 05-0098.00 | SHEET NUMBER: 2 OF 2 | FILE NUMBER: 0003 EX



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Exhibit II-F-5
Bonita 30
Topo Map

0 0.25 0.5 1 Miles

N

PWA INC.
CONSULTING
· Planning · Visualization
· Civil Engineering · Surveying & Mapping

TABLE OF CONTENTS

CONSULTANT TEAM

COMPLETED APPLICATION

EXHIBIT I-B-1

Notarized Authorization Form

EXHIBIT I-B-3

List of Property Owners

EXHIBIT I-B-4

Notarized Covenant of Unified Control

EXHIBIT I-B-5

Surrounding Property Owners List

EXHIBIT I-B-6

Property Owners Map

EXHIBIT I-B-7

Mailing Labels for Surrounding Property Owners

EXHIBIT I-F

Notarized Disclosure Form

EXHIBIT II-B-1

Legal Description

EXHIBIT II-B-2

Boundary Survey

EXHIBIT II-D

Area Location Map

EXHIBIT II-E-2

Narrative Statement – Compliance with City of Bonita Springs Comprehensive Plan

EXHIBIT II-E-4

Compliance with Design Standards

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DCI 2005-00113

EXHIBIT II-E-5

Compliance with Decision Making Guidelines

EXHIBIT II-F-1

Environmentally Sensitive Lands Map

EXHIBIT II-F-2

Environmental Assessment including Protected Species Management Plan

EXHIBIT II-F-3

Existing Zoning and Current Land Use Map

EXHIBIT II-F-4

Soils, Vegetation and Ground Cover Map

EXHIBIT II-F-5

Topographic Map

EXHIBIT III-A-2

Density Calculations

EXIBIT III-B-3

Sanitary Sewer Facilities

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EXHIBIT III-C

Traffic Impact Statement

EXHIBIT IV-C

Existing Easements and ROW Map (See EXHIBIT II-B-2 Boundary Survey)

EXHIBIT IV-D

Description of Proposed Development

EXHIBIT IV-E

Master Concept Plan (including 11 x 17 inch copy)

EXHIBIT IV-G

Schedule of Uses

DCI 2005-00113

EXHIBIT IV-H

Schedule of Deviations and Justification

EXHIBIT IV-I

Surface Water Management Plan

EXHIBIT IV-N

Aerial Photo of Subject Property

EXHIBIT IV-O

Map of Historical & Archaeological Sites

EXHIBIT V-A

Future Land Use Map

EXHIBIT V-B

BSU Letter of Service Availability

EXHIBIT V-C

Bonus Housing Density Agreement (to be completed prior to public hearings)

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EXHIBIT IV-H
SCHEDULE OF PROJECT DEVIATIONS AND JUSTIFICATION

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DEVIATION # 1:

Deviation from LDC Section 3-329(e)(4) which requires compensating slope on excavation banks, to allow up to 20 percent of the banks to utilize vertical bulkheads.

JUSTIFICATION:

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This deviation is intended to apply to the Amenity Center, which is a common area. This deviation improves the project appearance by allowing a more aesthetically pleasing and creative design that will allow public spaces in close proximity to the waterfront. Pedestrian safety can be addressed by providing railing and/or fences where deemed appropriate. This deviation will not have a negative impact on public health and safety.

DEVIATION # 2:

Deviation from LDC Section 3-291(C) which requires that residential development of more than five acres to provide two or more means of ingress and egress, to allow the RPD to have one full means of ingress and egress and one emergency access.

JUSTIFICATION:

A cul-de-sac road was used as part of this project's design to minimize impacts to native vegetation and to provide one contiguous preserve. However, a secondary, gated and limited-access point connecting to the Old Squaw Lane is also to be provided for emergency purposes.

DEVIATION #3:

Deviation from LDC Section 34-1743(b)(1) which limits residential project walls to a maximum height of eight (8) feet to permit a maximum vertical wall height of eight (8) feet; however, the wall may be constructed atop a perimeter berm also subject to compliance with sight line landscaping and water management conditions of sections 34-1743.

JUSTIFICATION:

This treatment allows for a more functional and aesthetically pleasing design that incorporates the required buffering attributes with water management needs. This design can effectively enhance aesthetics by reducing the massing effect resulting from a continuous solid wall surface while providing the same buffering attributes of a wall by itself.

DEVIATION # 4:

Deviation from LDC Section 3-328, which requires a twenty-foot (20') wide lake maintenance easement, to permit a 0' wide easement as indicated on the MCP.

JUSTIFICATION:

This deviation will be implemented in conjunction with Deviation # 2, which will permit specific lake bank design treatments for portions of the project's lake system. Alternative maintenance for the lakes will be provided in accordance with permit requirements of the South Florida Water Management District.

DEVIATION #5:

Deviation from LDC Section 34-2194(C)(3)B, which requires a ten-foot (10') setback from non-seawalled artificial water bodies, to allow a zero-foot (0') setback for recreational/amenity structures at the lake control elevation.

JUSTIFICATION:

This deviation will allow viewing platforms, decks, walkways and other accessory structures to be constructed to the water's edge. Protective railings will be provided as necessary adjacent to pedestrian areas. An exhibit detailing the deviation is included in the MCP set.

DEVIATION #6:

Deviation from LDC Sections 34-2015(2)D and 10-8(2) which require that parking lots be designed to allow vehicles exiting the parking lot to enter the street right-of-way in a forward motion, to allow vehicles within the Activity Center and multi-family tracts to back into a private right-of-way or easement.

JUSTIFICATION:

The deviation is sought for allowance of exiting vehicles to leave the parking area in a backward motion. Low speed limits signs will be posted along the private Right-of-Way. Additionally, the parking area will adhear with Section 34-2020(3), Division 26, Parking: Lee County Development Code. Section 34-2020(3) follows:

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3. If the vehicles will back directly onto an internal roadway or accessway, the driveway must be designed so that:

   (a) the driveway connects to a private internal local road or accessway with a design and posted speed limit of 25 miles per hour, or less;

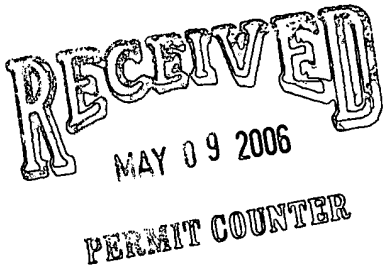
   (b) the visual clear zone sight distance (considering vehicles which may be parked nearby) is a minimum of 200 feet and

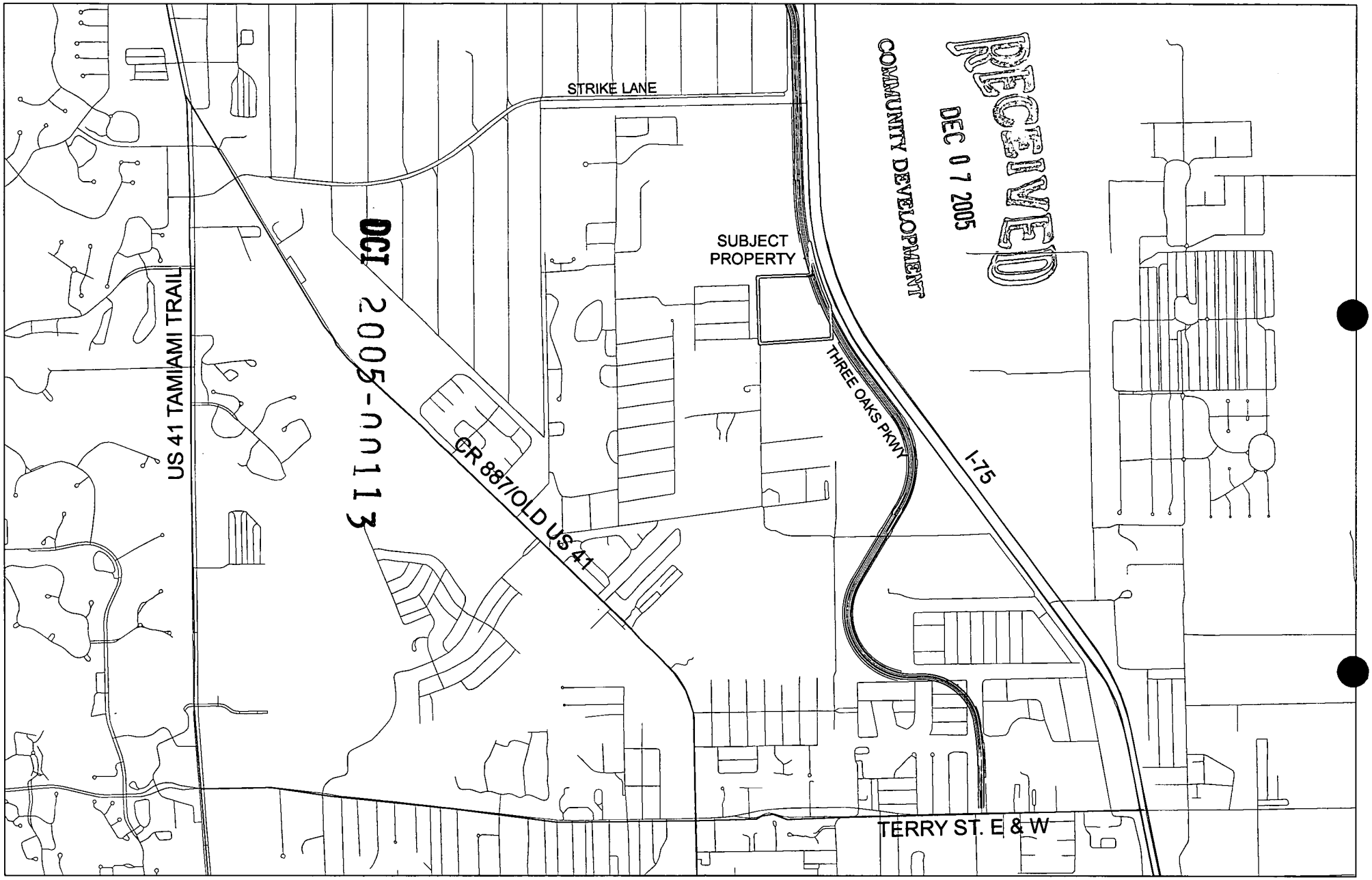
in conformance with the visibility triangle criteria set forth in section 34-3131;

(c) traffic calming devices, approved by the director, are provided; and

(d) the length of the driveway, as measured from the garage structure or the end of the stacked parking space farthest from the street or accessway, as applicable, must be a minimum of 22 feet to the edge of a private street right-of-way or easement line OR 27 feet to the edge of pavement of an accessway.
However, this section is not to be interpreted as allowing any buildings or structures closer to a street right-of-way or easement than permitted by the setback regulations set forth in section 34-2192 - Street Setbacks.

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Exhibit II-D
Bonita 30
Area Location Map

June 14, 2005 DFord T:\projects\05_0096\bonita -30

EXHIBIT II-B-1
LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS;

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PART 4
ENVIRONMENTAL ISSUES

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

See attached Engineering Plans.

B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in Lee Plan), flowways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1.1 (2)] or listed species occupied habitat (see Sec. 10-4730 of the Land Development Code.

Several wetlands can be found onsite. All of these wetlands are disturbed in nature. The following describes the wetland communities.

619 Exotic Wetland Hardwoods (approximately 1.13 acres)

This wetland community was overwhelmingly dominated by melaleuca. Scattered throughout this community were St. Johns Wort, mermaid weed, hydrocotyle, and various sedges. Signs of hydrology present included, adventitious rooting, algal matting, and crayfish chimneys.

630 Wetland Forest Mixed (approximately 24.49 acres)

This wetland community was dominated by a mixture of slash pine, melaleuca, and bald cypress. The sparse under story included wax myrtle, buck thorn, corkwood, xyris, makania, swamp fern, bog buttons, saw grass, mermaid weed, and hydrocotyle. Signs of hydrology included; adventitious rooting, staining, algal matting, and crayfish chimneys.

740H Hydric Disturbed Areas (approximately 2.53 acres)

This herbaceous wetland community included a variety of St. John's Wort, primrose willow, black needle grass, pluchea rosea, yellow eyed grass, torpedo grass, saw grass, blue maidencane, beak rush, various sedges, mermaid weed, and melaleuca saplings. Signs of hydrology observed included algal matting, staining on the melaleuca saplings, and crayfish chimneys.

8146H Hydric Trails (approximately 3.49 acres)

This area included all terrain vehicle trials that can be found throughout the property. These trails were surrounded by wetland areas and small, herbaceous, hydrophilic vegetation could be found scattered throughout these trails.

We also identified listed air plants onsite. Four butterfly orchids (*Encyclia tampensis*) were identified on site. No other protected species were observed. See the attached protected species survey

DCI 2005-00113

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

The completed project proposes to include a 6.74 acre preserve. The wetlands onsite that are preserved will benefit greatly from the management and maintenance of the preserve area. Currently all of the wetlands onsite contain at least 50% exotics. In addition those areas that are not preserved will be mitigated for. All of SFWMD best management practices will be followed.

The protected bromeliads that were identified onsite will be transplanted to the preserve area by a qualified biologist. See the attached bromeliad management plan.

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

Not applicable, the project area does not include any navigable water ways.

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Protected Species Survey

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Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments

11000 Metro Parkway, Suite 4
Fort Myers, Florida, 33912
Phone: (239) 418-0671 Fax: (239) 418-0672

February 13, 2006

DCI 2005-00113

INTRODUCTION

An environmental scientist from Boylan Environmental Consultants, Inc conducted a field investigation on the 37.90± acre property on February 2, 2006. On February 3, 2006 two environmental scientists completed the field investigation. The purpose of this field investigation was to identify the presence of protected species, species habitat, and to approximately locate any sensitive lands such as wetlands. Additional time was spent conducting FLUCCS mapping. The survey was conducted between the hours of 1:00 pm and 4:30 pm on February 2, 2006 and from 12:30 pm to 3:00 pm on February 3, 2006. In all 8 ½ man hours were spent on the protected species survey.

During the site inspection on February 2, 2006 the temperature was in the high 70's to low 80's ranging from 79°F to 81°F. It was partly cloudy outside with a 12 mph southerly breeze. On February 3, 2006 the temperature was also in the mid 70's to low 80's ranging from 77°F to 80.6°F with a 17 mph south southwesterly breeze.

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The site is located in portions of Section 23, Township 47 South, Range 25 East, in Lee County, Florida. .Specifically, it is located west of I-75 and east of Tropical Acres Drive in Bonita Springs.

SURVEY METHODOLOGY

The property was surveyed for the presence of listed species in accordance with the overlapping belt transects method as outlined by Kevin L. Erwin, Consulting Ecologists Inc.. This method is comprised of a several step process. First, vegetation communities or land-uses on the property or study area are delineated on an aerial photograph based on nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, the FLUCFCS codes or land-use types found on the property are cross-referenced with the Lee County Protected Species List. This protected species list, names the species that have a probability of occurring in any particular FLUCFCS community. Then, each community is searched in the field for the species within that particular FLUCCS type. An intensive pedestrian survey is conducted using parallel belt transects that are approximately 10-20 feet apart, depending upon both the thickness of vegetation and visibility, as a means of searching for plants and animals. In addition, periodic "stop-look-listen" and quiet stalking methods are conducted for animals. Signs or sightings of these species are then recorded and are marked in the field with flagging tape. The table at end of this report lists the FLUCFCS communities found on the property and the corresponding species that have the potential of occurring in them. Transects were walked approximately as shown on the attached protected species survey map (Exhibit B).

Particular attention was placed upon locating potential fox squirrel nests, locating RCW cavity trees, and eagle's nests within the forested portions of the property. Nearly 100 percent of the property that was considered as potential tortoise habitat was surveyed.

In regards to wetlands, the U.S. Army Corps of Engineers (ACOE) and the South Florida Water Management District (SFWMD) are the regulatory agencies that regulate development activities in wetlands. Specifically, the ACOE uses the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987) and SFWMD uses the Florida Wetlands Delineation Manual

DCI 2005-00113

(1995) in determining the presence of wetland. In general, to be considered a wetland by the ACOE or the SFWMD, the area should exhibit at least two of the following; wetland hydrology, wetland vegetation, and hydric soils. Because hydric soil, wetland hydrology, and wetland vegetation are needed for an area to be considered as wetland, we searched the property for indicators of these parameters.

In addition, Soil Conservation Service (SCS) soil survey mappings (now the Natural Resource Conservation Service) were reviewed for the presence of hydric soils. The presence of a hydric soil may indicate the presence of a wetland. These soil mappings are general in nature and were mapped at a scale of 1:24,000. The following is a discussion in regards to on-site conditions of the subject property.

SITE CONDITIONS

On February 2, 2006 and February 3, 2006 the temperature was in the mid to high 70's and low 80's. There was a light breeze with clear to partly cloudy skies during both field investigations. The site was undeveloped, but appears to have a long history of disturbance from both prior land clearing events and all terrain vehicle usage.

The soils on the property have been mapped by the Natural Resources Conservation Service (NRCS), which show that the property is underlain by Hallandale fine sand (6; non-hydric), Boca fine sand (13; hydric), Felda fine sand, depressional (49; hydric), Pineda fine sand, depressional (73; hydric) and Hallandale fine sand slough (75; hydric). Boca fine sand, Felda fine sand depressional, Pineda fine sand depressional, and Hallandale fine sand slough are listed in the Hydric Soils of Florida Handbook (2000) as hydric. See attached map for soil mappings (Exhibit C).

Listed below are the vegetation communities or land-uses identified on the site as shown on the attached FLUCCS map (Exhibit A). See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1999) for definitions.

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Uplands

The following communities would most likely be considered uplands. These communities despite being underlain by hydric soils, did not contain any hydrological indicators, and were dominated by upland vegetation. There may be no wetland mitigation required for impacts to these non-jurisdictional areas. Approximately 6.26 acres of uplands were identified on site.

411 Pine Flatwoods (approximately 1.98 acres)

This upland forested community has a canopy dominated by Florida slash pine. The under story included a mixture of Brazilian pepper, saw palmetto, rusty lyonia, melaleuca saplings, sumac, bracken fern, ceaser weed, downy rose myrtle, broom sedge, chalky blue stem, grape vine, smilax, poison ivy, grape vine, love vine, and penny royal. Widely scattered spoil piles could be found throughout

DCI 2005-00113

this community. While this area was underlain by hydric soils, no signs of hydrology were observed. Due to the dominance of upland vegetation and lack of hydrology, it is anticipated these areas would not be considered jurisdictional by the agencies.

740/411 Disturbed Pine Flatwoods (approximately 2.33 acres)

This upland community had been priorly disturbed and only remnants of the canopy were present, at one time this area contained similar vegetation to FLUCCS community 411. The vegetation present during our inspection included slash pine saplings, slash pine stumps, melaleuca saplings, downy rose myrtle, palmetto, wax myrtle, penny royal, love vine, and grape vine. Along the outer edge of this community was scattered hydrophilic vegetation, however, the majority of this community was dominated by upland vegetation and no signs were present. For these reasons we believe that this area would most likely be considered an upland by the authorities.

743 Spoil Areas (approximately 0.62 acres)

This upland community consisted of a spoil pile covered in slash pine, melaleuca, and Brazilian pepper. Various vines including, poison ivy, love vine, smilax, and grape vine, were growing throughout this area. While this area was underlain by hydric soils, upland vegetation was dominate, and no signs of hydrology were present during the field investigation. For these reasons we believe that this area would most likely be considered an upland by the authorities.

814 Roads (approximately 0.91 acres)

This area included the dirt road that currently provides access to the site.

8146 Primitive Trails (approximately 0.42 acres)

This area included a portion of the dirt trails. Since uplands line this portion of the trail, and no signs of hydrology were present during the field investigation, we believe that this area would most likely be considered an upland by the authorities.

Wetlands

The following communities would most likely be considered wetlands. These areas were underlain by hydric soils, were dominated by wetland vegetation, and signs of hydrology were present. Hydrological indicators may include staining, lichen lines, algal matting and adventitious rooting. Wetland vegetation is present if the majority of the plants that are present are adapted to saturated soil conditions. SFWMD and the Corps may consider these areas as jurisdictional areas. Mitigation would be required for impacts to these areas. Approximately 31.64 acres of wetlands were identified on site.

619 Exotic Wetland Hardwoods (approximately 1.13 acres)

This wetland community was overwhelmingly dominated by melaleuca. Scattered throughout this community were St. Johns Wort, mermaid weed, hydrocotyle, and various sedges. Signs of hydrology present included, adventitious rooting, algal matting, and crayfish chimneys.

630 Wetland Forest Mixed (approximately 24.49 acres)

This wetland community was dominated by a mixture of slash pine, melaleuca, and bald cypress. The sparse under story included wax myrtle, buck thorn, corkwood, xyris, makania, swamp fern, bog buttons, saw grass, mermaid weed, and hydrocotyle. Signs of hydrology included; adventitious rooting, staining, algal matting, and crayfish chimneys. This area was underlain by hydric soils, contained obligate wetland vegetation, and included signs of hydrology. For these reasons we believe that this area would be considered jurisdictional by the authorities.

740H Hydric Disturbed Areas (approximately 2.53 acres)

This herbaceous wetland community included a variety of St. John's Wort, primrose willow, black needle grass, pluchea rosea, yellow eyed grass, torpedo grass, saw grass, blue maidencane, beak rush, various sedges, mermaid weed, and melaleuca saplings. Signs of hydrology observed included algal matting, staining on the melaleuca saplings, and crayfish chimneys. Due to the dominance of hydrophilic vegetation, the presence of hydrological indicators, and hydric soils we believe that this community would most likely be considered jurisdictional by the agencies.

8146H Hydric Trails (approximately 3.49 acres)

This area included all terrain vehicle trials that can be found throughout the property. These trails were surrounded by wetland areas and small, herbaceous, hydrophilic vegetation could be found scattered throughout these trails. For these reasons we believe that these areas would be considered jurisdictional by the authorities.

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Table 1: FLUCCS COMMUNITIES BY PERCENTAGE

FLUCCS	DESCRIPTION	ACRES	PERCENT
411	Pine Flatwoods	1.98	5%
619	*Exotic Wetland Hardwoods*	1.13	3%
630	*Wetland Forest Mixed*	24.49	65%
740H	*Hydric Disturbed Lands*	2.53	7%
740/411	Disturbed Pine Flatwoods	2.33	6%
743	Spoil Areas	0.62	1.5%
814	Roads	0.91	2.5%
8146	Primitive Trails	0.42	1%
8146H	*Hydric Trails*	3.49	9%
Total		37.90	100%

*Total Wetland	31.64	84%
*Total Upland	6.26	16%

SPECIES PRESENCE

During our field survey for protected species on the property, we did not observe any listed or protected animal species. No tortoise burrows were identified. No nest-like structures were observed. While no wading birds were observed during the survey it would be expected that wading birds may utilize the onsite wetlands.

We did observe a listed bromeliad within FLUCCS community 630 the butterfly orchid. These bromeliads, if present before development, will be safely relocated by a qualified biologist to the onsite preserve area. For air plant locations see attached PSS map (Exhibit B).

Based on a review of the latest bald eagle nest site map for the 2002-2003 season, no eagle nests were documented to occur close enough to impact the property. The nearest documented eagle nest was approximately situated over three and a half miles to the northwest of the property.

DISCUSSION

The lack of tortoise burrows was most likely due to the relatively high water tables in the area and the lack of habitat. The uplands and wetlands were very disturbed in nature and would most likely not support any protected wildlife. No nests were observed during the field investigation. Non listed species observed included; evidence of raccoons, cardinals, and mourning doves.

The wetland locations were drawn using a non rectified aerial; hence their location and acreages are approximate. Before any detailed site planning it is recommended that wetlands be flagged, verified by the ACOE and SFWMD, and subsequently surveyed by a professional land surveyor. In regards to wetlands for regulatory purposes, the COE and SFWMD have final authority over their boundaries. We cannot guarantee nor predict the outcome of such agency determinations.

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Table 3 Protected species list according to FLUCCS category obtained from Lee County with corresponding field survey results.

FLUCCS	Potential Listed Species	% Coverage	Present	Absent	Density	Visibility (ft)
411	Beautiful Pawpaw	100		X		20
	Big Cypress Fox Squirrel	100		X		20
	Eastern Indigo Snake	100		X		20
	Fakahatchee Burmannia	100		X		20
	Florida Black Bear	100		X		20
	Florida Coontie	100		X		20
	Florida Panther	100		X		20
	Gopher Frog	100		X		20
	Gopher Tortoise	100		X		20
	Red-Cockaded Woodpecker	100		X		20
	Satin leaf	100		X		20
	Southeastern American Kestrel	100		X		20
	Twisted Air Plant	100		X		20
619	NONE	--	--	--	--	--
630	American Alligator	90		X		20
	Everglades Mink	90		X		20
	Florida Black Bear	90		X		20
	Florida Panther	90		X		20
	Florida Sand hill Crane	90		X		20
	Little Blue Heron	90		X		20
	Limpkin	90		X		20
	Reddish Egret	90		X		20
	Snail Kite	90		X		20
	Snowy Egret	90		X		20
	Tricolored Heron	90		X		20
	Wood Stork	90		X		20
740	Burrowing Owl	95		X		20
740H	NONE	--	--	--	--	--
743	Burrowing Owl	100		X		20
	Gopher Frog	100		X		20
	Gopher Tortoise	100		X		20
814	NONE	--	--	--	--	--
8146	NONE	--	--	--	--	--
8146H	NONE	--	--	--	--	--

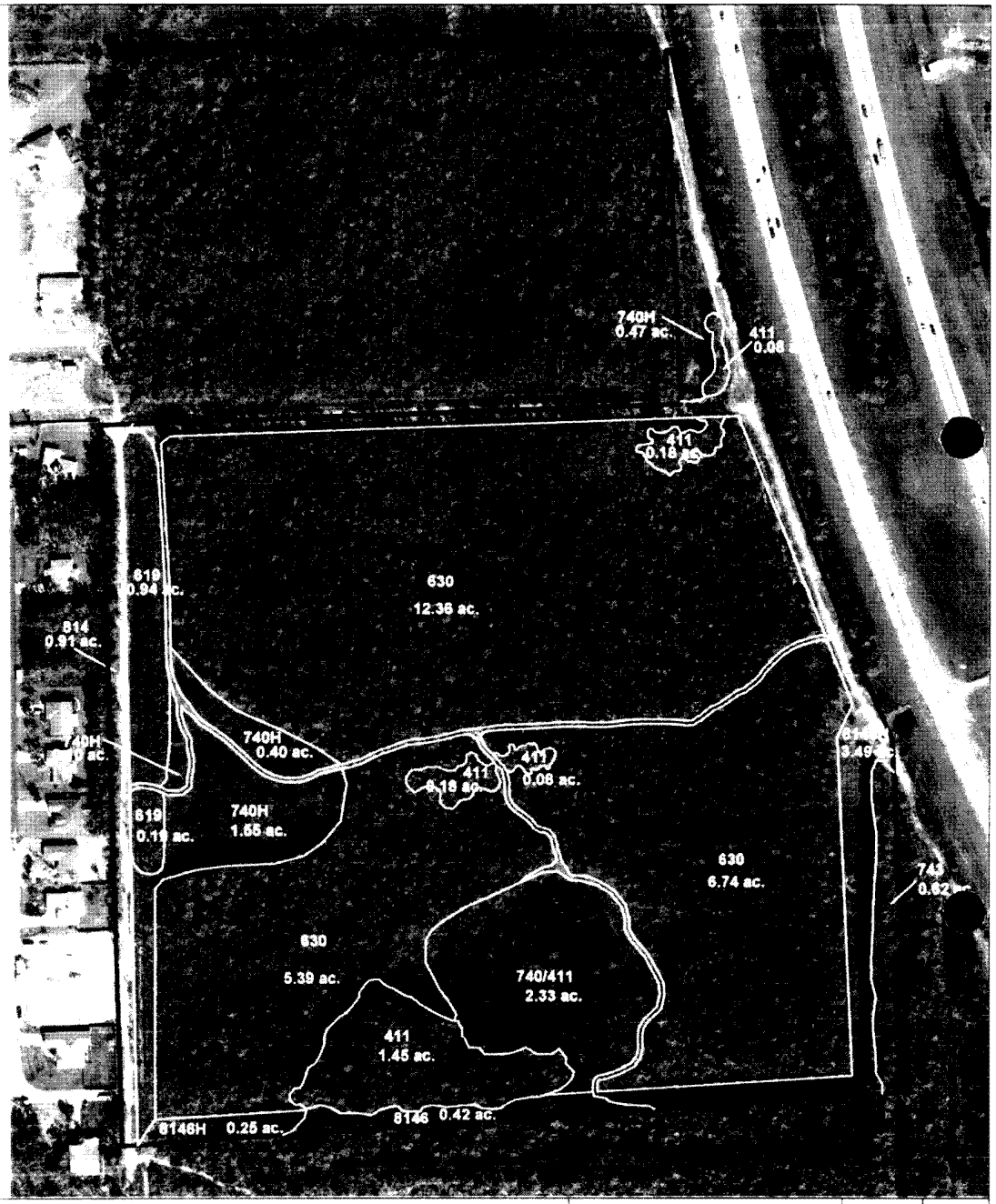
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Scale: 1" = 300'

FLUCCS LEGEND

CODE	DESCRIPTION	UPLAND ACREAGE	WETLAND ACREAGE
411	Pine Flatwoods	1.98 ac.	---
619	Exotic Wetland Hardwoods	---	1.13 ac.
630	Wetland Forest Mixed	---	24.49 ac.
740H	Hydric Disturbed Lands	---	2.53 ac.
740/411	Disturbed Pine Flatwoods	2.33 ac.	---
743	Spoil Areas	0.62 ac.	---
814	Roads	0.91 ac.	---
8146	Primitive Trails	0.42 ac.	---
8146H	Hydric Trails	---	3.49 ac
	Total:	6.26 ac.	31.64 ac
	Total Site Acreage: 37.90 ac.		



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Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments
[illegible]

Drawn By	Date	Category
AML	2/13/2006	FLUCFCS
Job Number		Scale
2005-178		1" = 300'
S/T/R		County
23/47S/25E		Lee

BONITA 30

FLUCCS MAP

Revisions	Date	Page
		8
		Exhibit
		A

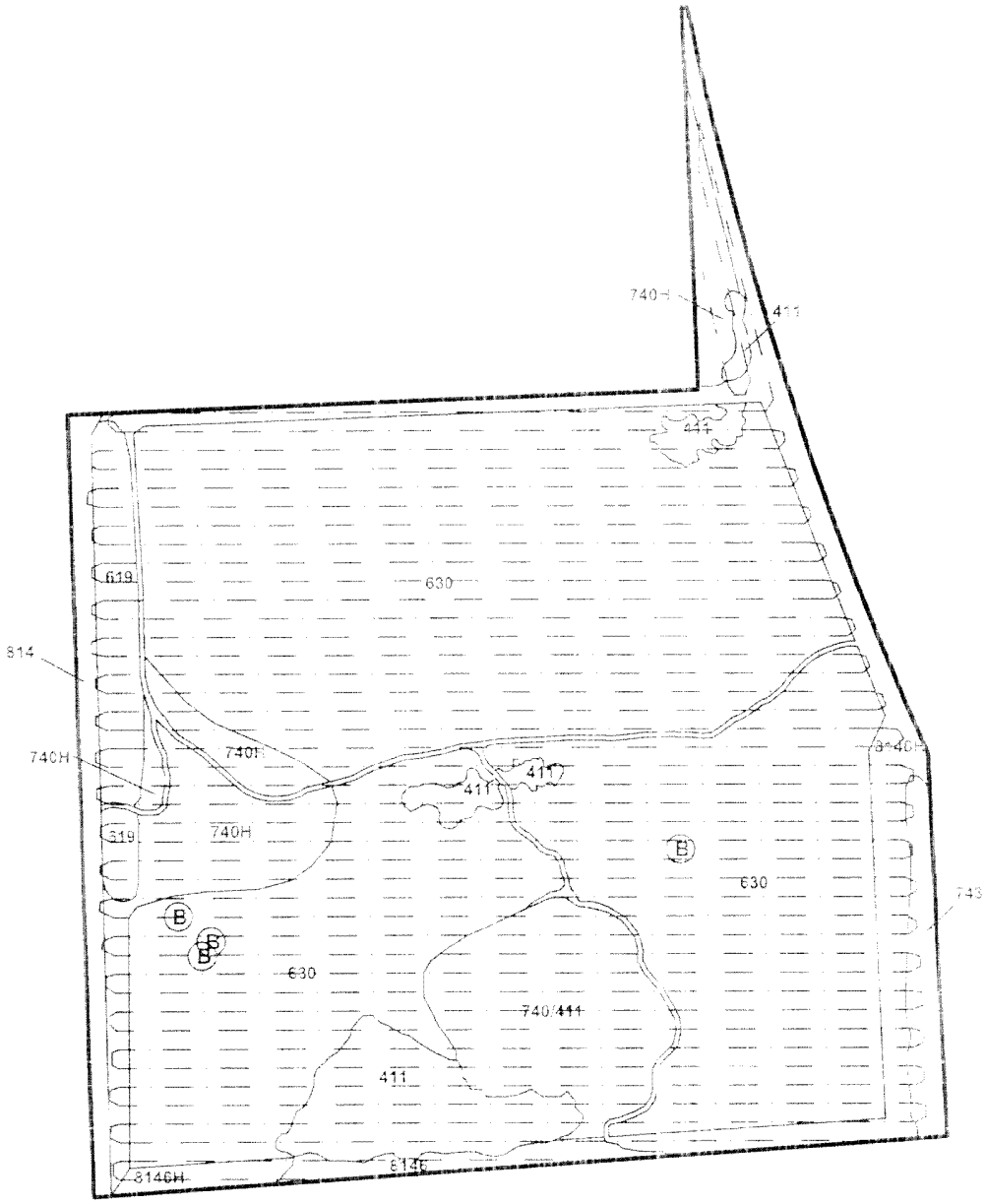
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PSS LEGEND

	Approximate transect locations
B	Butterfly orchids

FLUCCS LEGEND

CODE	DESCRIPTION	UPLAND ACREAGE	WETLAND ACREAGE
411	Pine Flatwoods	1.98 ac	---
619	Exotic Wetland Hardwoods	---	1.13 ac.
630	Wetland Forest Mixed	---	24.49 ac.
740H	Hydric Disturbed Lands	---	2.53 ac.
740/411	Disturbed Pine Flatwoods	2.33 ac.	---
743	Spoil Areas	0.62 ac.	---
814	Roads	0.91 ac.	---
8146	Primitive Trails	0.42 ac.	---
8146H	Hydric Trails	---	3.49 ac.
	Total:	6.26 ac.	31.64 ac.
	Total Site Acreage: 37.90 ac.		



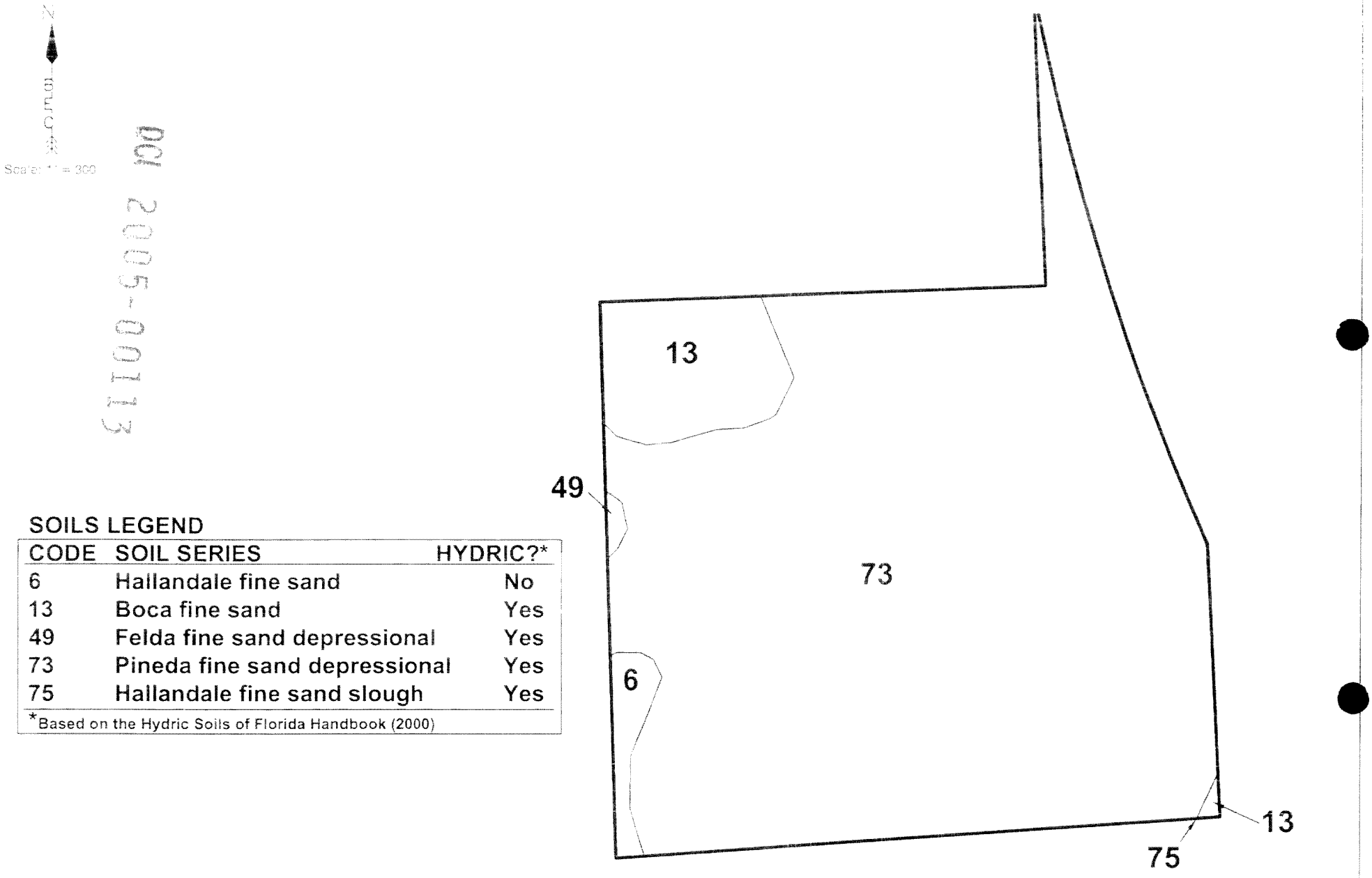
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Drawn By:	Date:	Category:
AML	2-13-06	FLUCFCS
Job Number:		Scale:
2005-178		1" = 300'
S-T-R:		County:
23/47S/25E		Lee

BONITA 30

PSS MAP

Revisions:	Date:	Page:
		9
		Sheet
		8



SOILS LEGEND

CODE	SOIL SERIES	HYDRIC?*
6	Hallandale fine sand	No
13	Boca fine sand	Yes
49	Felda fine sand depressional	Yes
73	Pineda fine sand depressional	Yes
75	Hallandale fine sand slough	Yes

*Based on the Hydric Soils of Florida Handbook (2000)

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Drawn By:	Date:	Category
AML	2/13/2006	FLUCFCS
Job Number:		Scale:
2005-178		1" = 300'
S/T/R		County
23/47S/25E		Lee

BONITA 30

SOILS MAP

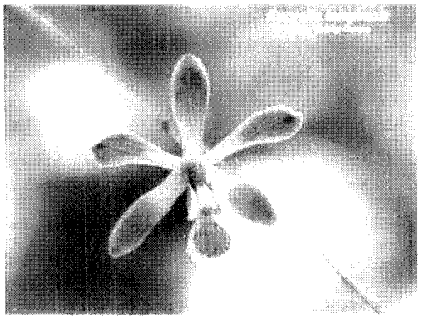
Revisions	Date:	Page
		10
		Exhibit
		C

BONITA 30

Bromeliad Management Plan

Butterfly Orchid





Boylan Environmental Consultants, Inc.

Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments

11000 Metro Parkway, Suite 4
Fort Myers, Florida, 33912
Phone: (239) 418-0671 Fax: (239) 418-0672

2005-00113

March 14, 2006

Butterfly Orchids (*Encyclia tampensis)*

This threatened Florida native bromeliad is the most common of all wild orchids in Florida. This orchid can become rather large with leaves extending up to 18 inches long. The fragrant one inch flower is a green to yellow bloom with a red and white overlay containing a purplish blotch. This bromeliad blooms from June to July and sporadically throughout the year. Butterfly orchids can be found within swamps, hammocks and moist hardwood forests.

The butterfly orchids that were found on site will be relocated to the preserve area before development.

DR 2005-00113

DCI 2005-00113

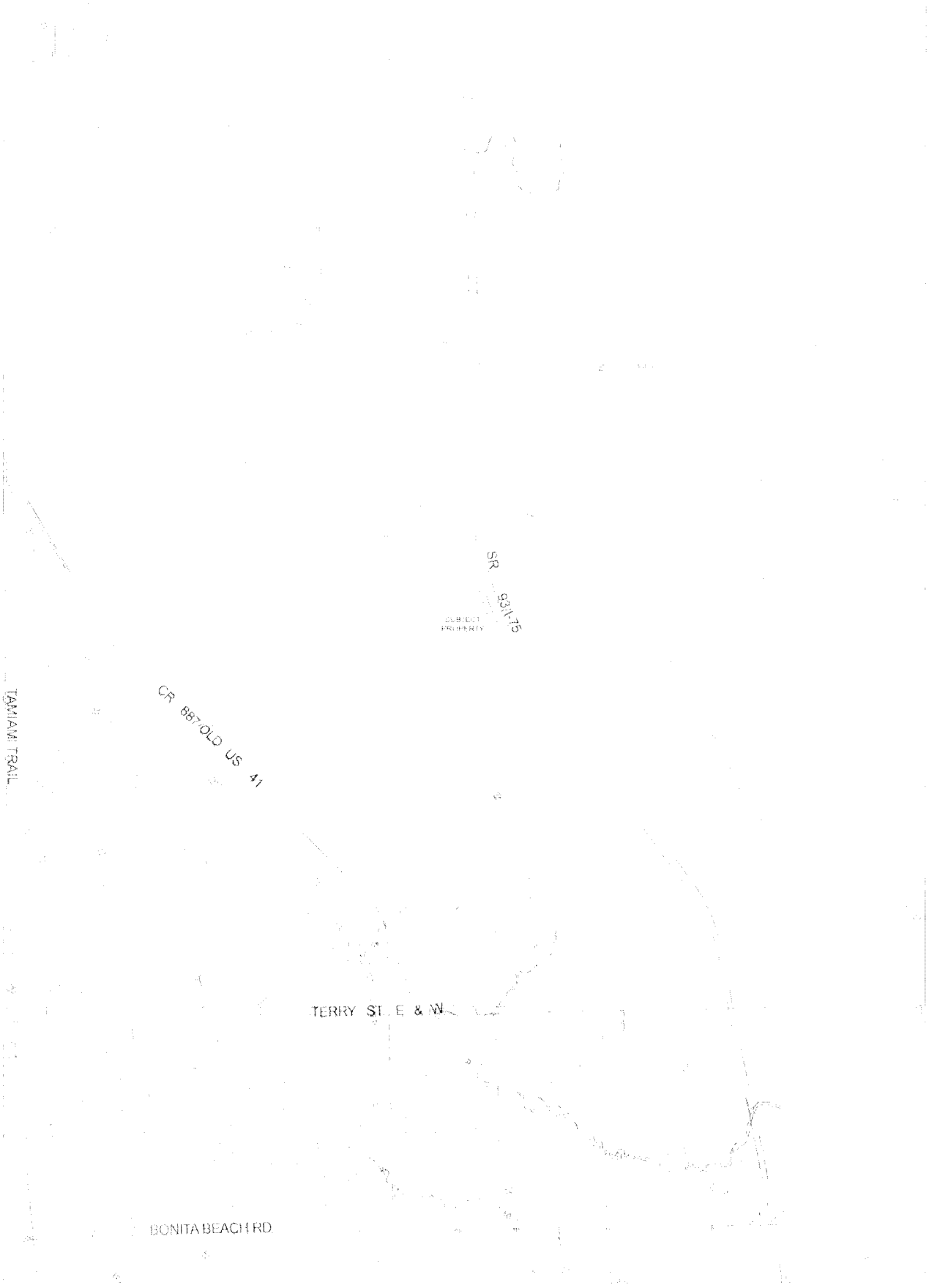


Exhibit II-F-5
Bonita 30
Topo Map

RWA
Planning · Visualization
Civil Engineering · Surveying & Mapping

EXHIBIT III-A-2
PRELIMINARY DENSITY CALCULATIONS*
(Complete only if living units are proposed).

A. Gross Residential Acres

1. Total land area (including half I 75 ROW): 37.91 + 6.39 — 44.3 acres
2. Area to be used for non-residential uses: *(Line A.2.a. plus A.2.b.):* — 0.0 acres
   a. R-O-W providing access to non-residential uses: 0.0* acres
   b. Non-residential use areas: 0.0 acres

** 3.88 acres have been reserved for the future Three Oaks Parkway. This land has not yet been conveyed to the County.*

3. Gross residential acres (Line A.1 less A.2): 44.3 acres
   a. Uplands areas 37.56 *acres*
   b. Freshwater Wetlands areas 6.74 *acres*
   c. Other Wetland areas 0.0 *acres*

B. Lee Plan *Land Use Classification:* Medium Density Multiple-Family Residential *(If more than one classification, calculations for each classification must be submitted)*

Density Standards (from Lee Plan Table 1)

1. Maximum standard density for Land Use Classification: 6 units per acre

2. Maximum total density for Land Use Classification: 10 units\gross res. acre

MAXIMUM PERMITTED DWELLING UNITS

C. Intensive Development, Central Urban, and Urban Community Areas:

1. Standard density uplands units (A.3.a. times B.1) — **225.36** units
2. Standard density wetlands units (A.3.b. & A.3.c. times B.1) — **40.44** units
3. Total standard density units (sum of C.1 & C.2) — **265.80** units
4. Max. total density units [A.3.a. times ((B.1 plus 1/2 of (B.2 less B.1))] — **300.48** units

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DCI 2005-00113

5. **Sub-total permitted standard density units:** 265 **Units** (line C.3 or C.4 - whichever is less)

** 6. BONUS UNITS

a. Low-moderate housing density: 10 units

b. TDR units: _____ units

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

7. **Total Permitted Units (C.5. plus C.6.c):** 275 **units** ((may not exceed (A.3.a. times B.2) plus (A.3.b. and A.3.c. times .05)).

* Subject to staff review and correction.

** If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

D. Suburban land use areas N/A

1. Standard density uplands units (A.3.a. times B.1) _____units
2. Standard density freshwater wetlands units (A.3.b. times B.1) _____ units
3. Total standard density units (sum of D.1 & D.2) _____ units
4. Maximum upland density (A.3.a. times 8) _____ units
5. **Total permitted units:** _____ **Units** (line D.3 or D.4 - whichever is less)

E. Outlying Suburban Land Use Areas N/A

1. Standard density uplands units (A.3.a. times B.1) _____units
2. Standard density freshwater wetlands units (A.3.b times B.1) _____ units
3. Total standard density (sum of E.1 & E.2) _____ units
4. Maximum upland density (A.3.a times 4***) _____ units
5. **Total permitted units:** _____ **units** (line E.3 or E.4 - whichever is less)

F. Open Lands

1. Total acres of "Open Land" _____ acres
2. Maximum open land density (F.1 times 0.2****) _____ units
3. **Total permitted units:** _____ **units**

** If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

*** Outlying suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the Lee Plan), the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

**** One unit per five acres if the PD process is being used to prevent adverse impacts on environmentally sensitive lands (as defined in Policy 77,1,1,4)



Exhibit II-F-3
Bonita 30
Existing Zoning & Current Land Use

DCI 2005-00113

RWA INC.
CONSULTING
Planning · Visualization
Civil Engineering · Surveying & Mapping

Protected Species Assessment
for
Bonita 30
37.9 Acre Parcel

Section 23, Township 47 South, Range 25 East
Lee County, Florida

August 2004

Prepared by:

W. DEXTER BENDER & ASSOCIATES, INC.
2052 Virginia Avenue
Fort Myers, FL 33901

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INTRODUCTION

The 37.9± acre Bonita 30 parcel is located in Section 23, Township 47S, Range 25E, in Lee County. The site is located between Strike Lane to the north and Shangri La Road to the south and is bounded by Tropical Acres Drive to the west and Interstate 75 to the east. Please see the attached location map.

SITE CONDITIONS

The site inspection for protected species was conducted by a staff biologist on July 7th , 2004. During the day of inspection, skies were partly cloudy, temperatures were in the mid 90's F, and winds were calm.

VEGETATIVE CLASSIFICATION

The table below lists the eight (8) vegetative associations found on the subject parcel. These vegetative associations are based on the Florida Land Use Cover and Classification System (FLUCCS). Also included is a description of each FLUCCS association listed. Please see the attached vegetation map.

FLUCCS	Description	Approximate Acres
411	Pine Flatwoods	1.6
411M	Pine Flatwoods/Melaleuca Invaded	0.4
624M1	Pine/Cypress/Melaleuca Invaded 10-25%	21.3
624M3	Pine/Cypress/Melaleuca Invaded 10-25%	6.2
740	Disturbed Land	2.8
740H	Disturbed Land, hydric	1.3
740HM1	Disturbed Land, hydric/Melaleuca Invaded 10-25%	1.5
740HM2	Disturbed Land, hydric/Melaleuca Invaded 26-50%	1.8
740HM3	Disturbed Land, hydric/Melaleuca Invaded 51-75%	1.0
	Total	37.9

411 Pine Flatwoods (1.6± acres)
This fire suppressed habitat contains dense thickets of saw palmetto with slash pine, gallberry (*Illex glabra*), grapevine, bracken fern, winged sumac, downy rose myrtle, greenbrier, waxmyrtle, St. Andrews cross, dog fennel, and swamp fern.

411M Pine Flatwoods/Melaleuca Invaded (0.4± acres)
This community contains similar vegetation as listed above with melaleuca starting to invade the area.

624M1 Pine/Cypress/Melaleuca Invaded (10-25%) (21.3± acres)
This wetland association contains an overstory of melaleuca, bald cypress (*Taxodium distichum*), slash pine and swamp bay (*Persea palustris*). The understory is composed of downy rose myrtle,

saw-grass (*Cladium jamaicense*), saw palmetto, perennial marsh fleabane, softrush, wiregrass (*Aristida sp.*), pennyroyal (*Mentha pulegium*), swamp fern (*Blechnum serrulatum*), bracken fern, pipewort, panic grass, St. Johns wort, and coinwort.

624M3 Pine/Cypress/Melaleuca Invaded (51-75%) (6.2± acres)
This wetland community contains a dominant overstory of melaleuca, with bald cypress, swamp bay, and slash pine present. The understory is composed of downy rose myrtle, perennial marsh fleabane, softrush, swamp fern, pipewort, and panic grass.

740 Disturbed Land (2.8± acres)
This upland area has recently been cleared and contains secondary growth vegetation including winged sumac (*Rhus copallinum*), St. Andrews cross (*Hypericum hypericoides*), dog fennel (*Eupatorium capillifolium*), saw palmetto (*Serenoa repens*), melaleuca (*Melalecua quinquenervia*), wax myrtle (*Myrica cerifera)*, perennial marsh fleabane (*Pluchea rosea*), Caesar weed (*Urena lobata*), grapevine (*Vitis sp.*), greenbrier (*Smilax sp.*), panic grass (*Panicum sp.*), downy rose myrtle *(Rhodomyrtus tomentosa)*, pipewort (*Eriocaulon sp.*), beauty berry (*Callicarpa americana*), bracken fern (*Pteridium aquilinum*), and love grass (*Eragrostis sp.*). Scattered slash pine (*Pinus elliottii*) and cabbage palm (*Sabal palmetto*) are present.

740H Hydric Disturbed Land - hydric (1.3± acres)
This herbaceous association consists of marsh St. Johns wort (*Hypericum fasciculatum*), sunflower (*Helianthus sp.*), perennial marsh fleabane, coinwort (*Centella asiatica*), beakrush (*Rhynchospora sp.*), spikerush (*Eleocharis sp.*) melaleuca, knotroof bristlegrass (*Setaria geniculata*), broomgrass (*Andropogon glaucus*), and dog fennel.

740HM1 Disturbed Land – hydric/Melaleuca Invaded (10-25%) (1.5± acres)
This wetland community has a sparse canopy of melaleuca, with understory species including dog fennel, broomgrass, softrush (*Juncus effuses*), beakrush, coinwort, perennial marsh fleabane, sunflower, marsh St. Johns wort, and knotroof bristlegrass.

740HM2 Disturbed Land – hydric/Melaleuca Invaded (26-50%) (1.8± acres)
This association has a partial canopy consisting of melaleuca and slash pine with herbaceous species including perennial marsh fleabane, panic grass, coinwort, beakrush, dog fennel, downy rose myrtle, Brazilian pepper (*Schinus terebinthifolius*), St. Johns wort (*Hypericum fasciculatum*), grapevine, beggar's ticks (*Bidens alba*), sunflower, Caesar weed, beakrush (*Rhynchospora spp.*), and buckthorn (*Sageretia minutiflora*).

740HM3 Disturbed Land – hydric/Melaleuca Invaded (51-75%) (1.0± acres)
This community has been disturbed as a result of Interstate 75 construction and stormwater systems. There is a dense canopy of melaleuca with a few scattered slash pines. Herbaceous species consist of perennial marsh fleabane, panic grass, coinwort, beakrush, dog fennel, downy rose myrtle, Brazilian pepper, St. Johns wort, grapevine, beggar's ticks, sunflower, and Caesar weed.

SURVEY METHOD

To provide at least 80% coverage of the site, both linear and nonlinear overlapping transects were completed across the parcel per Florida Fish and Wildlife Conservation Commission FFWCC guidelines. Transects were spaced approximately 50 to 100 feet apart depending on the visibility within the vegetation association being surveyed. Evidence of protected species was gathered through both direct observation and through observation of signs such as tracks, nests, and fecal material. If a sign was found or sighting occurred, an aerial photograph was marked depicting the approximate location. Please see the attached Protected Species Assessment Map. Listed species that could occur on the subject parcel, which were surveyed for, are as follows:

FLUCCS	Species	% Coverage	Present	Absent
411	Eastern indigo snake (*Drymarchon corais couperi*)	80		√
	Gopher tortoise (*Gopherus polyphemus*)			√
	Gopher frog (*Rana areolata*)			√
	Florid black bear (*Ursus americanus floridanus*)			√
	Florida panther (*Felis concolor coryi*)			
	Southeastern American kestrel (*Falco sparverius paulus*)			√
	Red-cockaded woodpecker (*Picoides borealis*)			√
	Big Cypress fox squirrel (*Sciurus niger avicennia*)			√
	Fakahatchee burmannia (*Burmannia flava*)			√
	Satinleaf (*Chrysophyllum olivaeforme*)			√
	Beautiful pawpaw (*Deeringothamnus pulchellus*)			√
	Florida coontie (*Zamia floridana*)			√
	Florida sandhill crane (*Grus Canadensis pratensis*)			√
624M1/ 624M3	Little blue heron (*Egretta caerulea*)	80%		√
	Snowy egret (*Egretta thula*)			√
	Tricolored heron (*Egretta tricolor*)			√
	Florida panther (*Felis concolor coryi*)			√
	Florida black bear (*Ursus americanus floridanus*)			√
740	Gopher tortoise (*Gopherus polyphemus*)	80	√	
740H/ 740HM1/ 740HM2/ 740 HM3	N/A	80		

RESULTS

One inactive gopher tortoise (*Gopherus polyphemus*) burrow was found in FLUCCS 740 – Disturbed Land. The burrows condition was questionable due to the loss of structure located at the burrow entrance. However, gopher tortoise scat was found approximately 5 feet from the burrow.

The Protected Species Survey revealed the presence of no other species listed by either the U.S. Fish and Wildlife Service (USFWS) or by the Florida Fish and Wildlife Conservation Commission (FFWCC). In addition to the onsite field inspection, a search of the FFWCC protected species database, updated in September 2002, revealed no other known protected species within the project limits.

EXHIBIT II-E-5
COMPLIANCE WITH DECISION MAKING GUIDELINES

The following outlines how the proposed project is consistent with the decision making guidelines enumerated in Section 34-145 of the Bonita Springs LDC. Further, these provisions are generally consistent with the Goals, Objectives and Polices (GOPs) of the City of Bonita Springs Comprehensive Plan and are the criteria analyzed for approval by the City Zoning Board and City Council.

Sec. 34-373. Application

(a) Minimum required information for all planned development zoning applications. Rezoning applications for planned developments must include the following information, supplemented, where necessary, with written material, maps, plans, or diagrams. Wherever this section calls for the exact or specific location of anything on a map or plan, the location must be indicated by dimensions from an acceptable reference point, survey marker or monument.

5) A narrative explanation as to how the proposed development complies with the City of Bonita Springs Comprehensive Plan, the design standards set forth in section 34-411, and the guidelines for decision-making embodies in sections 34-145(c)(2)a and e. and 34-145(d)(3).

Sec. 34-145. Functions and authority

(d) Zoning Matters

(2) Considerations. In reaching its decision, the City Zoning Board must consider the following, whenever applicable:

a. *Whether there exist changed or changing conditions that make approval of the request appropriate.*

RESPONSE: The future construction of Three Oaks Parkway is the key factor that makes this approval appropriate. The future Three Oaks Parkway will provide the adequate access to the proposed project and other projects in the area. Additionally, other residential developments along the future Three Oaks Parkway, such as the Bonita 120 project located north of the proposed development, are planned for the general area. The proposed project is compatible with the Medium Density Multiple-Family Residential district and the surrounding land uses.

e. *Whether the request is consistent with the goals, objectives, policies and intent of the City of Bonita Springs Comprehensive Plan.*

RESPONSE: The proposed RPD is fully consistent with, and furthers the applicable provisions of the City's comprehensive plan. A detailed analysis of consistency with the plan has been submitted with this application and is labeled Exhibit II-E-2.

(3). *Findings.* Before preparing its recommendation to the City Council on a rezoning, the City Zoning Board must find that:

a. *The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Bonita Springs Comprehensive Plan, this land development code, and any other applicable code or regulation; and*

RESPONSE: A thorough review of the conditions and applicable City of Bonita Comprehensive Plan provisions and Bonita Springs Land Development Code provisions, including the information set forth in the application and attendant exhibits clearly demonstrate that the project, as proposed, warrants approval.

b. The request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request; and

RESPONSE: The project has been designed to meet, and in many cases, exceed the applicable performance and locational standards. The project is designed to function as a master planned community, is comprehensively interconnected, and provides landscaping, environmental protection and open space features. It also contains accessory amenity center uses, which have been proven, in like developments, to reduce external trips and impact to adjacent arterial and collector roadways. In addition, the pedestrian and cyclist pathways, the Amenity Center, and recreational facilities help enhance community interaction.

c. The request, including the use of TDR or affordable housing bonus density units, is consistent with the densities, intensities and general uses set forth in the Bonita Springs Comprehensive Plan; and

RESPONSE: The requested density of 275 dwelling units, resulting in a gross density of 6.2 dwelling units per acre is consistent with Policy 1.1.8 of 5 the Future Land Use Element of the Comprehensive Plan, which allows for a maximum of 10 units per acre. Additionally, the request for 10 affordable housing density bonus units complies with comprehensive plan policies. The associated Bonus Housing Density Agreement will be completed prior to public hearings.

d. The request is compatible with existing or planned uses in the surrounding area; and

RESPONSE: The subject property is bounded on the west by Bonita Golf Club Villas subdivision comprised of single-family residences and vacant lots; on the south by vacant land zoned AG-2, to the east by the future Three Oaks Parkway and to the north by vacant lands zoned AG-2 and a future Lee County water management pond.

In reviewing the existing and planned development surrounding the project, it is clear that, as proposed, the subject RPD is compatible with surrounding land uses. The project has been designed to minimize negative impacts on adjacent land and land uses. Moreover, the project will comply with, and in many cases exceed, the provisions of all applicable city development regulations and, by doing so, will minimize any negative impacts of the planned development on surrounding land

e. *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; and*

RESPONSE: The applicant has demonstrated through the TIS that any traffic impacts resulting from the proposed project does not adversely effect the level of service of Three Oaks Parkway and surrounding roadways and intersections. For a detailed analysis of the traffic impacts and transportation analysis, please refer to the Traffic Impact Statement (Exhibit III-C) submitted in conjunction with this application.

f. *Where applicable, the request will not adversely affect environmentally critical areas and natural resources.*

RESPONSE: The site design, including the water management system, and the internal cul-de-sac road, was devised to minimize impacts to existing indigenous vegetation. Clustering was used to maximize preserve area and to allow for one large contiguous preserve. The proposed project complies with Goal 7, Resource Protection, Objective 7.1.1 and Policies 7.2.4, 7.2.6, 7.2.7, and 7.2.9. There are no indications of historic or archeological features on the property and the Environmental Assessment and Protected Species Management Plan addresses how the project complies with LDC regulations regarding the presence of listed species or species of concern on the subject property.

g. *In the case of a planned development rezoning, the decision of the City Zoning Board must also be supported by the formal findings required by sections 34-377(a)(2) and (4).*

34-377

a) Hearing before City Zoning Board. After the staff prehearing conference required by this division, the application will be scheduled for a public hearing before the City Zoning Board.

(2) The recommendation made to the Board of County Commissioners must be supported by formal findings that address the guidelines set forth in Section 34-145(d)(3) of this chapter. In addition, the findings must address whether the following criteria can be satisfied:

(a) The proposed use or mix of uses is appropriate at the subject location:

RESPONSE: Based upon the comprehensive analysis provided in the application and attendant exhibits, as well as the anticipated expert testimony, we are confident that the proposed RPD, being consistent with the City of Bonita Springs Comprehensive Plan, and designed and located to adhere to all applicable city codes, is appropriate at the subject location.

(b) The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

RESPONSE: Obviously, a response to this finding cannot be provided until such conditions are known.

(c) The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

RESPONSE: Obviously, a response to this finding cannot be provided until such conditions are known.

(4) The application includes a schedule of deviations pursuant to section 34-412, the City Zoning Board's recommendation must approve, approve with modification or reject each requested deviation based upon a finding that each item:

(a) Enhances the achievement of the objectives of the planned development; and

RESPONSE: A detailed explanation of the requested deviations, as well as the rationale for each and explanation why each is necessary and/or enhances the achievement of the objectives of the planned development is provided with this application and labeled Exhibit IV-H.

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

RESPONSE: A detailed explanation of the requested deviations, as well as an explanation as to how each affects, preserves and promotes the general intent to protect the public health, safety and welfare is provided with this application and labeled Exhibit IV-H.

h. Where the change proposed is within a future urban area category, the City Zoning Board must also find that urban services, as defined in the City of Bonita Springs Comprehensive Plan, are, or will be, available and adequate to serve the proposed land use.

RESPONSE: As demonstrated by responses provided in Exhibit II-E-2, the "Letter of Service Availability" from BSU (Exhibit V-B) and the attached TIS (Exhibit III-C), urban services will be available and adequate to serve the proposed RPD.

APPLICATION FOR PUBLIC HEARING FOR PLANNED DEVELOPMENT BONITA SPRINGS

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Applicant's Name: Colonnial Homes, Inc. DCI 2005-00113

Project Name: Bonita 30 RPD

STRAP Number(s): 23-47-25-B2-00002.0000

Application Form: X **Computer Generated*** _____ **County Printed**

* By signing this application, the applicant affirms that the form has not been altered.

****

STAFF USE ONLY

Planning Community: Bonita Springs *Case Number:* DCI 2005-00113

Current Zoning: AG-2 *Date of Application:* 12-7-05 ORIGINAL APP.

Land Use Classification(s): Urban Mf *Fee:* 9516.40

Comp. Plan Density Range: _____

Date Zoning Board/Planning Agency Public Hearing: _____

Planner in charge: _____

TYPE OF APPLICATION

___ *DRI*	___ *PD - Existing Development*	___ *OPTION 1*
✓ *DCI - Major*	___ *PD - Existing Development*	___ *OPTION 2*
___ *DCI - Minor*	___ *PD - Amendment*	

****

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

PART I
APPLICANT\PROPERTY OWNERSHIP INFORMATION

A. Name(s) of applicant(s): Colonial Homes, Inc.

Mailing Address: Street: 12601 Westlinks Drive, Unit 7

City: Fort Myers State: Florida Zip: 33913

Phone Number: Area Code: 239 Number: 768-3826 Ext: _____

Fax Number: Area Code: 239 Number: 225-1384

E-mail: _____

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B. Relationship of applicant to property:

DCI 2005-00113

X Owner _____ Trustee _____ *Option holder* _____ *Lessee* _____ *Contract Purchaser*
_____ *Other (indicate):* _____

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

** If the application is County-initiated, enter the date the action was initiated by the Board: _____*
*Attach a copy of the "blue sheet" and a list of all property owners, and their mailing addresses, for all properties within the area described. Names and addresses must be those appearing on the latest tax rolls of Lee County. Label the "blue sheet" as "Exhibit I-B-2" and the list as "Exhibit I-B-3". **[Sec. 34-202(a)(5)]***

C. Name of owner(s) of property: Colonial Homes, Inc.

Mailing Address: Street: 12601 Westlinks Drive, Unit 7

City: Fort Myers State: Florida Zip: 33913

Phone Number: Area Code: 239 Number: 768-3826 Ext: _____

Fax Number: Area Code: 239 Number: 225-1384

D. Date property was acquired by present owner(s): January 2005

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

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

G. Are there any existing deed restrictions or other covenants on this property which may affect this request? X NO _____ YES. If yes, submit a copy of the deed restrictions or other covenants and a statement explaining how the restrictions may affect the requested action. Label as "Exhibit I-G".

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

Name: Patrick Vanasse, AICP

Address: 1542 Carson Street, Fort Myers, Florida 33901

Contact Person: Patrick Vanasse

Phone: (239)278-5224 Fax: (239)597-0578

E-mail: pvanasse@consult-rwa.com

PART II
GENERAL INFORMATION

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A. Request:

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

X RPD - Residential	_____ MPD - Mixed Use
_____ MHPD - Mobile Home	_____ RVPD - Recreational Vehicle
_____ CPD - Commercial	_____ CFPD - Community Facilities
_____ IPD - Industrial	_____ AOPD - Airport Operations

2. Option Chosen: X Option 1 **[34-373(a)(6)a]** _____ Option 2 **[34-373(a)(6)b]**

3. Other - Provide specific details. _____ DCI 2005-00113

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

X NO. Attach a legible copy of the legal description (label it Exhibit II-B-1.) and Certified sketch of description as set out in chapter 61G 17-6.006 FAC. (labeled Exhibit II-B-2.). **If the legal description is available on computer disc (Word or Word Perfect) please provide a copy at time of application.**

_____ YES. Property is identified as:

Subdivision Name: _____

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

Section: _____ Township: _____ Range: _____ _____

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

C. Project Street Address: 25251 Tropic Acres Drive, Bonita Springs, Florida 34135

D. General Location Of Property (referenced to major streets): The site is located on the west side of the future Three Oaks Parkway south of its intersection with Strike Lane.

E. Lee Plan Information

1. Lee Plan Land Use Classification: Medium Density Multiple-Family Residential

2. Are you proposing any Lee Plan amendments which could affect the subject property? X NO

_____ YES. If yes, submit a copy of the proposed amendment (labeled as "Exhibit II-E-I") along with a statement as to how the proposed amendment will affect your property (labeled as "Exhibit II-E-2").

F. Drainage, Water Control and Other Environmental Issues

1. Is the property within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s? X NO _____ YES. If yes, specify the minimum elevation required for the first habitable floor). _____NGVD (MSL)

2. Are there any environmentally sensitive lands such as, but not limited to: wetlands (as defined in the Lee Plan); flow-ways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1 (2)] or listed species occupied habitat (see Sec. 10-474 of the Land Development Code) on the subject property? _____ NO _____ YES If yes, delineate these areas on a map or aerial photo and label it Exhibit II-F-1. Also, complete Exhibit II-F-2. attached hereto.

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

If the property is not vacant, the owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the proposed use of the building or structure(s)will be in compliance with all applicable requirements of the Land Development Code. **[Sec. 34-202(b)(3]**

Briefly describe current use of the property: The subject property is currently vacant.

H. Property Dimensions

1. Width (average if irregular parcel): _____ Feet

2. Depth (average if irregular parcel): _____ Feet

3. Frontage on road or street: _____ Feet on _____ (Name of street)

4. Total land area: 23.56 acres Acres or Square Feet

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I. Land Area Calculations

1. Undevelopable Areas:

a. Freshwater wetland areas 7.03 acres

b. Other wetland areas 0 acres

c. Submerged land subject to tidal influence: 0 acres

d. Total (a + b + c): 7.03 acres

2. Remaining developable land (H.4 less I.1.d): 16.53 acres

DCI 2005-00113

PART III
PROPOSED DEVELOPMENT

A. Nature of Request

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

_____ Single Family _____ Mobile Homes _____ Recreational Vehicles

_____ Zero-Lot-Line _____ Duplex/Two Family _____ Townhouses

138 Multiple Family 138 TOTAL ALL TYPES

2. If the development will contain living units, please complete Exhibit III-A-2 (attached) and enter the following information:

a. PERMITTED total units (from Exhibit III-A-2): 138

b. PROPOSED total units (from A-1. above): 138

c. PROPOSED density (from Exhibit III-A-2): 5.86 per acre

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3. Will the development contain non-residential areas? X NO _____ YES. If the answer is yes, please indicate the size [gross square footage (gsf) unless indicated otherwise] of each general class of uses below:

DCI 2005-00113

Retail: _____ Total gsf

Offices: _____ Total gsf

Medical: _____ gsf Non-medical: _____ gsf

Hotel/Motel: _____ Total units

Size of units: _____ (number) 0-425 sq. Ft. _____ (number) 426-725 sq. Ft. _____ (number) 726 or more sq. Ft.

Industrial: _____ Total gsf

Under roof: _____ gsf Not under roof: _____ gsf

Mines, Quarries, or General Excavation:

Acres to be excavated: _____

Other-specify: _____

Number of Beds (if applicable): _____ OR: _____gsf

4. Building Height

60 ft Maximum height of buildings (in feet above grade)

5 Number of Habitable Floors

5. Aviation Hazard: Do you propose any structures, lighting, or other features that might affect safe flight conditions? X NO _____ YES. If yes, please submit an explanation and label it Exhibit III-A-5.

B. Facilities

1. Fire District: Bonita Springs Fire Control & Rescue District

2. Water Supply

a. Estimated daily consumption of potable water:

1. Residential units: 30,360 gpd (138 Multi-Family Units x 220 GPD/du = 30,360 GPD)

2. Mobile Home units: _____ gpd

3. Rec. Vehicle units: _____ gpd

4. Commercial: _____ gpd

5. Industrial: _____ gpd

b. Source of potable water: _____

c. Do you have a written agreement from the utility company to serve your project? X NO _____ YES. If yes, please submit a copy of the agreement.

d. Source of Non-potable water: _____

3. Sanitary Sewer Service

a. Estimated daily production of wastewater:

1. Residential units: 30,360 gpd

2. Mobile Home units: _____ gpd

3. Recreational Vehicles: _____ gpd

4. Commercial: _____ gpd

5. Industrial: _____ gpd

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DCI 2005-00113

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

c. Source of sanitary sewer service: Bonita Sprins Utilities

d. Do you have a written agreement from the utility company to serve your project? X NO _____ YES. If yes, please submit a copy of the agreement.

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

f. Are individual sewage disposal systems proposed? X NO _____ YES.

C. Transportation

1. Has this project been exempted from filing a Traffic Impact Statement? X NO _____ YES _____ NOT REQUIRED (Exist. development). If it has been exempted, attach a copy of the exemption and label it Exhibit III-C.

EXHIBIT 1-F

DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 23-47-25-B2-00002.0000
CASE NO.

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

Name and Address	Percentage of Ownership
N/A	

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

Name, Address, and Office	Percentage of Stock
James K. Lowder, Chairman of the Board	
Alan S. Farrior, President	
P. L. McCleod, Jr., Secretary	
Brian K. Tucker, Assistant Secretary / Treasurer	
The Colonial Company, Inc.: James K. Lowder	50%
Thomas H. Lowder	50%

DCI 2005-00113

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

Name and Address	Percentage of Interest
N/A	

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

Name and Address	Percentage of Ownership
N/A	

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

Name, Address, & Officer (if applicable)	Percentage of Stock
N/A	

Date of Contract: _____

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

Name and Address

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DCI 2005-00113

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

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

Signature: _____

Alan S. Farrior, President
Colonial Homes, Inc., a Florida corporation

STATE OF Alabama
COUNTY OF Montgomery

The foregoing instrument was acknowledged before me this 1st day of August, 2005 by Alan S. Farrior, who is personally known to me or who has produced _____ as identification.

_____
Signature of Notary Public

(SEAL)

Tracy Harlow
Printed Name of Notary Public

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DCI 2005-00113

EXHIBIT I-B-1

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear to affirm that they are the Owner of Record of property commonly known as **Bonita 30 RPD**, and legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate **ROBERT MULHERE, DIRECTOR OF PLANNING FOR RWA, INC.**, and **LAND DEVELOPMENT SERVICES, INC.**, as the legal representatives of the property and such, these individuals are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval of the site. These representatives will remain the only entity to authority on the property until such time as a new or amended authorization is delivered to Lee County.

Colonial Homes, Inc., a Florida corporation

BY: _____
Alan S. Farrior, President

STATE OF Alabama
COUNTY OF Montgomery

Sworn to and subscribed before me this 1st day of August, 2005, by Alan S. Farrior, who is personally known to me or who has produced _____ as identification.

Tracy Harlow
Notary Public

Tracy Harlow
Name Typed, Printed or Stamped

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DCI 2005-00113

BONITA 30

EXHIBIT III-A-2
DENSITY CALCULATIONS*
(Complete only if living units are proposed).

A. Gross Residential Acres

1. Total land area: 23.56+ .8 (1/2 of 3 Oaks Parkway frontage) = 24.36 acres

2. Area to be used for non-residential uses: *(Line A.2.a. plus A.2.b.):* 0 acres
   a. R-O-W providing access to non-residential uses: 0 acres
   b. Non-residential use areas: 0 acres

3. Gross residential acres (Line A.1 less A.2): 24.36 acres
   a. Uplands areas 17.33 *acres*
   b. Freshwater Wetlands areas 7.03 *acres*
   c. Other Wetland areas 0 *acres*

B. Lee Plan *Land Use Classification: Medium Density Multi-Family Residential* *(If more than one classification, calculations for each classification must be submitted)*

Density Standards (from Lee Plan Table 1)

1. Maximum standard density for Land Use Classification: 6 units\gross res. acre
2. Maximum total density for Land Use Classification: 10 units\gross res. acre

MAXIMUM PERMITTED DWELLING UNITS

C. Intensive Development, Central Urban, and Urban Community Areas:

1. Standard density uplands units (A.3.a. times B.1) 103.98 units
2. Standard density wetlands units (A.3.b. & A.3.c. times B.1) 42.18 units
3. Total standard density units (sum of C.1 & C.2) 146.16 units
4. Max. total density units [A.3.a. times ((B.1 plus 1/2 of (B.2 less B.1))] 138.64 units

5. **Sub-total permitted standard density units: 138.64 Units** (line C.3 or C.4 - whichever is less)

** 6. BONUS UNITS
   a. Low-moderate housing density: N/A units
   b. TDR units: N/A units
   c. **Sub-total (C.6.a plus C.6.b)** _____ units

7. **Total Permitted Units (C.5. plus C.6.c): 138 units** ((may not exceed (A.3.a. times B.2) plus (A.3.b. and A.3.c. times .05))

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DCI 2005-00113

EXHIBIT III-A-2
PRELIMINARY DENSITY CALCULATIONS*
(Complete only if living units are proposed).

A. Gross Residential Acres

1. Total land area 37.91 acres

2. Area to be used for non-residential uses: *(Line A.2.a. plus A.2.b.):* 0.0 acres
   a. R-O-W providing access to non-residential uses: 0.0* acres
   b. Non-residential use areas: 0.0 acres

   ** 3.88 acres have been reserved for the future Three Oaks Parkway. This land has not yet been conveyed to the County.*

3. Gross residential acres (Line A.1 less A.2): 37.91 acres
   a. Uplands areas 31.17 *acres*
   b. Freshwater Wetlands areas 6.74 *acres*
   c. Other Wetland areas 0.0 *acres*

DCI 2005-00113

B. Lee Plan *Land Use Classification:* Medium Density Multiple-Family Residential *(If more than one classification, calculations for each classification must be submitted)*

Density Standards (from Lee Plan Table 1)

1.Maximum standard density for Land Use Classification: 6 units per acre

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2. Maximum total density for Land Use Classification: 10 units\gross res. acre

MAXIMUM PERMITTED DWELLING UNITS

C. Intensive Development, Central Urban, and Urban Community Areas:

1. Standard density uplands units (A.3.a. times B.1) **187.02** units
2. Standard density wetlands units (A.3.b. & A.3.c. times B.1) **40.44** units
3. Total standard density units (sum of C.1 & C.2) **227.46** units
4. Max. total density units [A.3.a. times ((B.1 plus 1/2 of (B.2 less B.1))] **303.38** units

5. **Sub-total permitted standard density units: 227.46 Units** (line C.3 or C.4 - whichever is less)

** 6. BONUS UNITS

a. Low-moderate housing density: 47 units

b. TDR units: _____ units

c. **Sub-total (C.6.a plus C.6.b)** 47 units

7. **Total Permitted Units (C.5. plus C.6.c):** 275.46 **units** ((may not exceed (A.3.a. times B.2) plus (A.3.b. and A.3.c. times .05)).

* Subject to staff review and correction.

** If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

D. Suburban land use areas N/A

1. Standard density uplands units (A.3.a. times B.1) _____units
2. Standard density freshwater wetlands units (A.3.b. times B.1) _____ units
3. Total standard density units (sum of D.1 & D.2) _____ units
4. Maximum upland density (A.3.a. times 8) _____ units
5. **Total permitted units:** _____ **Units** (line D.3 or D.4 - whichever is less)

DCI 2005-00113

E. Outlying Suburban Land Use Areas N/A

1. Standard density uplands units (A.3.a. times B.1) _____units
2. Standard density freshwater wetlands units (A.3.b times B.1) _____ units
3. Total standard density (sum of E.1 & E.2) _____ units
4. Maximum upland density (A.3.a times 4***) _____ units
5. **Total permitted units:** _____ **units** (line E.3 or E.4 - whichever is less)

F. Open Lands N/A

1. Total acres of "Open Land" _____ acres
2. Maximum open land density (F.1 times 0.2****) _____ units
3. **Total permitted units:** _____ **units**

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** If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

*** Outlying suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the Lee Plan), the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

**** One unit per five acres if the PD process is being used to prevent adverse impacts on environmentally sensitive lands (as defined in Policy 77,1,1,4)

DCI 2005-00113

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EXHIBIT II-E-4
COMPLIANCE WITH DESIGN STANDARDS

Sec. 34-373. Application

(a) Minimum required information for all planned development zoning applications. Rezoning applications for planned developments must include the following information, supplemented, where necessary, with written material, maps, plans, or diagrams. Wherever this section calls for the exact or specific location of anything on a map or plan, the location must be indicated by dimensions from an acceptable reference point, survey marker or monument.

5) A narrative explanation as to how the proposed development complies with the City of Bonita Springs Comprehensive Plan, the design standards set forth in Section 34-411, and the guidelines for decision-making embodies in Sections 34-145(c)(2)a and e., and 34-145(d)(3).

Sec. 34-411. General Standards

A. All planned developments shall be consistent with the provisions of the City of Bonita Springs Comprehensive Plan.

RESPONSE: Exhibit II-E-2 provides a detailed narrative explaining how the project is in compliance with and furthers the goals, objectives and policies of the adopted City of Bonita Springs Comprehensive Plan.

B. All planned developments, unless otherwise accepted, shall be designed and constructed in accordance with the provisions of all applicable county development regulations in force at that time.

RESPONSE: The proposed planned development will be designed and constructed in accordance with the applicable provisions of the city development regulations in force at the time of development order and subsequent permits except in those instances where deviations to design standards have been approved.

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,

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COMMUNITY DEVELOPMENT
DCI 2005-00113

access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.

1. In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities that promote pedestrian and cyclist activity and community interaction.

   RESPONSE: This project design incorporates buffers, open space, preserve and landscaped areas to provide for an aesthetically pleasing project that is compatible with other land uses and residential developments in the area. The proposed densities conform to the Medium Density Multiple Family Residential District and recreational amenities provide opportunities for recreation and community interaction for the residents and their guests, thereby reducing off-site trips. The relatively small size of the development and the "clustered design", do not lend themselves to subunits, or neighborhoods; however, the site design will incorporate an interconnected system of bicycle and pedestrian ways linking the various multiple-family buildings and recreational facilities. The Amenity Center will provide a clubhouse and facilities such as a fitness center, tennis court and pool that enhance community interaction. Additionally, trails through the preserve will allow for passive recreation

D. The tract or parcel shall have access to existing or proposed roads.

1. In accordance with chapter 10 and as specified in the Lee Plan (City of Bonita Plan) transportation element or the official traffic ways map of the county:

   RESPONSE: The project is compliant with the transportation element of the City of Bonita Springs Comprehensive plan and complies with access requirements. The project will have primary access to the future Three Oaks Parkway and a secondary emergency access connecting to Old Squaw Lane will also be provided.

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 Lee Plan; and

RESPONSE: The Traffic Impact Statement (Exhibit III-C) submitted with this application deals with projected impacts from project-generated traffic as well as surrounding, existing and approved uses. Please see the TIS information submitted with the application for a more detailed analysis.

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

RESPONSE: The project will not generate any industrial traffic, as it is a Residential Planned Development with internalized recreational amenities for residents of the development and their guests.

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

RESPONSE: The project is not within the Lee Tran public service area; however, should service be extended to this area a transit stop could be provided.

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.

RESPONSE: The property is not located within a flood hazard area and, in any case, will be designed in accordance with South Florida Water Management District requirements. Thus, the project will not create or increase the likelihood of hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other similar dangers. Moreover, given the requested uses, the project will not create or result in a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or

water pollutants. The uses requested are compatible with existing or approved uses on adjacent and nearby properties.

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, historic 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 and is critical for the survival of rare, threatened or endangered species of flora or fauna.

RESPONSE: The site design, including the water management system, and the internal cul-de-sac road, was devised to minimize impacts to existing indigenous vegetation. Clustering was used to maximize preserve area and to allow for one large contiguous preserve. There are no indications of historic or archeological features on the property and the Environmental Assessment and Protected Species Management Plan addresses the presence of listed species or species of concern on the subject property.

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.

RESPONSE: The project has been designed to include significant open space in the form of buffers, lakes, preserve, landscaped areas, recreational facilities to provide a functional design that will enhance project aesthetics, separate incompatible uses, protect environmentally sensitive areas, and allow for active and recreational opportunities.

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

RESPONSE: The subject property is bounded on the west by Bonita Golf Club Villas subdivision comprised of single-family residences and vacant lots; on the south by vacant land zoned AG-2, to the east by, the future Three Oaks Parkway and to the north by vacant lands zoned AG-2 and a future Lee County water management pond.

In reviewing the existing and planned development surrounding the project, it is clear that, as proposed, the subject RPD is compatible with surrounding land uses. The project has been designed to minimize negative impacts on adjacent land and land uses. Moreover, the project will comply with, and in many cases exceed, the provisions of all applicable city development regulations and, by doing so, will minimize any negative impacts of the planned development on surrounding land and land uses.

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 regulations.

RESPONSE: The project is consistent with the Medium Density Multiple-Family Residential District, which is meant to accommodate multi-family residential development up to a maximum density of 10 units per gross acre. The gross density of 6.20 units per acres and the geographic location of this project are consistent with the intent of this district. Additionally, vehicular access, landscape design, open space features, preserve and buffers make this project compatible with the surrounding existing and approved uses, and has been designed to integrate with those uses and to be consistent with the current applicable regulations.

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 significant 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.

RESPONSE: The proposed residential project will have a higher density than the subdivision to the west and is abutting vacant agricultural land to the north and south. As a result, the site was designed to provide significant separation between the adjacent uses and the multi-family and amenity center uses. Adequate landscape buffers that meet or exceed City requirements will be provided. The multi-family tract that abuts the single-family subdivision along the western boundary, has been placed

over 100 feet away from the boundary and a landscaped buffer along with a combination wall/berm will be provided to mutually protect both residential areas.

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.

RESPONSE: See Response under C(1) above.

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.

RESPONSE: The project will be designed to provide for adequate buffering and separation between the multi-family residential and amenity center uses (such as clubhouse and recreational uses). It should be noted that the Amenity Center tract has been located at the project entrance to buffer the residential uses from Three Oaks Parkway and to provide easy access to the recreational and community area. While adequate buffering will be provided, bicycle and pedestrian pathways will interconnect both uses. Additionally, Amenity Center uses will be designed to minimize noise and glare and the clubhouse will be designed at a human scale, so that the structure is not overpowering.

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.

RESPONSE: Please refer to the previous response above. Arguably, the most intense uses are those proposed for the Amenity Center (clubhouse, and recreational uses), yet, when designed at human scale and made easily accessible by pedestrians and cyclists throughout the project, these uses are compatible with the surrounding uses and are a positive benefit to the fabric of the community.

O. Unless otherwise provided for in this article, minimum parking and loading requirements shall be as set forth in Article VII, 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 spaces, 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.

RESPONSE: Sufficient parking shall be provided as required by applicable city requirements.

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 34-2018), without exception.

RESPONSE: The conditions expressed in paragraph P above are understood and, should joint use of parking be requested, it will be in compliance with the applicable city provisions and shall be governed by agreement per general regulation (see Section 34-2018), without exception.

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

RESPONSE: The project shall incorporate a unified plan of design for signage, landscaping, and structural architectural controls.

TRANSPORTATION CONSULTANTS, INC.

CONTENTS

I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. CONCLUSION

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TR TRANSPORTATION CONSULTANTS, INC.

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking zoning approval. The site is located on the west side of the future Three Oaks Parkway south of its intersection with Strike Lane in Lee County, Florida. The site location is illustrated on **Figure 1**.

Upon approval of the proposed re-zoning, the Bonita 30 site could be developed with up to approximately 142 multi-family dwelling units. The proposed development will have access to Three Oaks Parkway via a northbound directional left-in site access drive.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the proposed site access drive will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

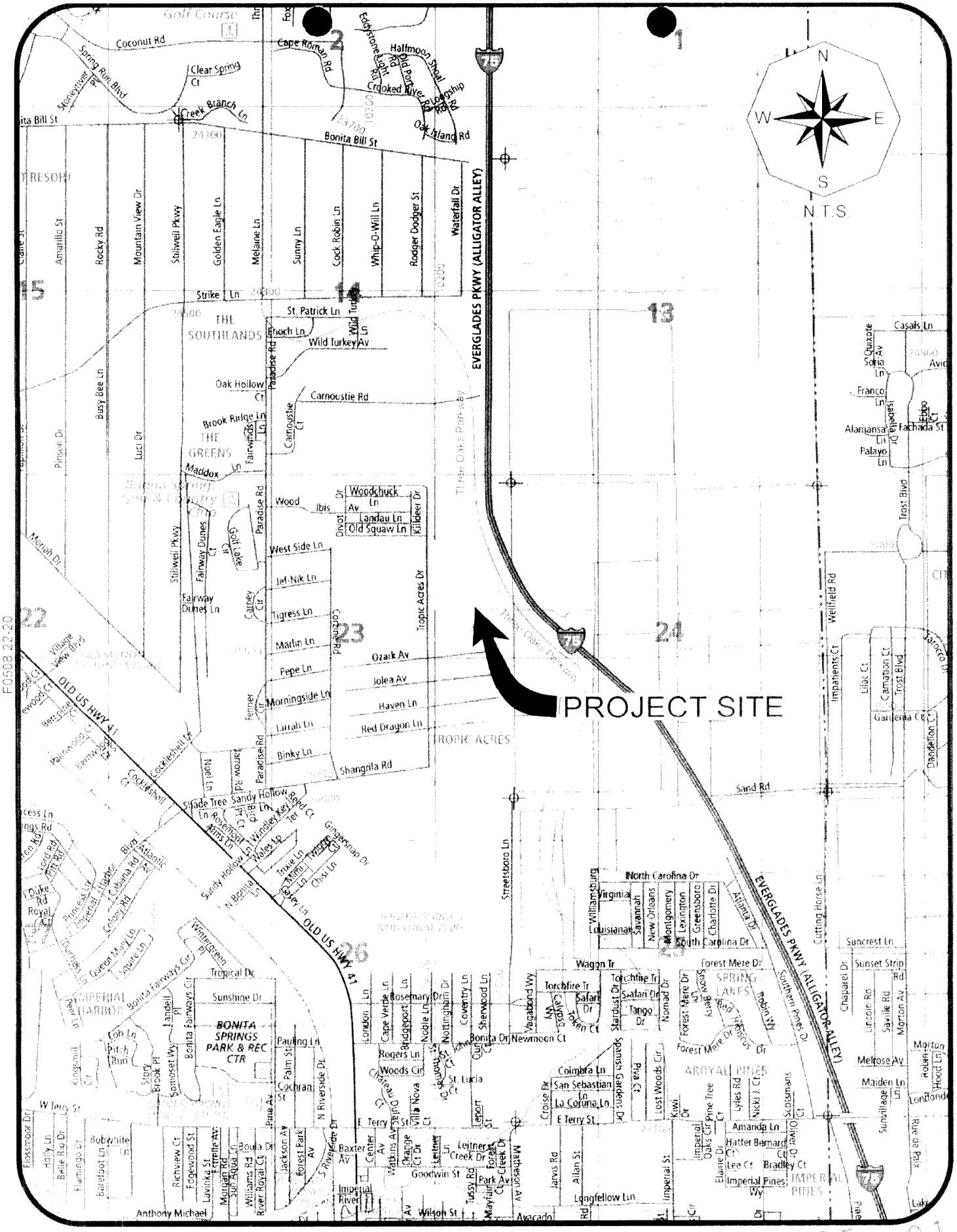
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II. EXISTING CONDITIONS

The subject site is currently vacant. To the east of the subject site is the future Three Oaks Parkway and I-75. To the west of the subject site is existing residential development. To the south of the site is vacant land zoned for residential uses and to the north of the site is vacant land zoned for residential and county land uses.

Three Oaks Parkway is currently under construction from Strike Lane to East Terry Street and will be a four-lane arterial roadway once completed. Three Oaks Parkway has a design speed of 50 mph and will be under the jurisdiction of the Lee County Department of Transportation.

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PROJECT LOCATION MAP
BONITA 30 RE-ZONING

Figure 1

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III. PROPOSED DEVELOPMENT

Upon approval of the proposed re-zoning, the Bonita 30 site could be developed with up to approximately 142 multi-family dwelling units. **Table 1** summarizes the land uses utilized for trip generation purposes for the subject development.

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Table 1
Bonita 30 Re-zoning
Land Uses

Land Use	Size
Multi-Family Housing (LUC 230)	142 dwelling units

The proposed development will have access to Three Oaks Parkway via a northbound directional left-in site access drive.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 7th Edition. Land Use Code 230 (Residential Condominium/Townhouse) was utilized for the trip generation purposes of the proposed development. The equations for this land use are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour trip generation for the Bonita 30 Re-zoning as currently proposed. The daily trip generation is also indicated in the table.

Table 2
Trip Generation
Bonita 30 Re-zoning

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Multi-Family Housing (142 dwelling units)	10	60	70	55	25	80	865

V. TRIP DISTRIBUTION

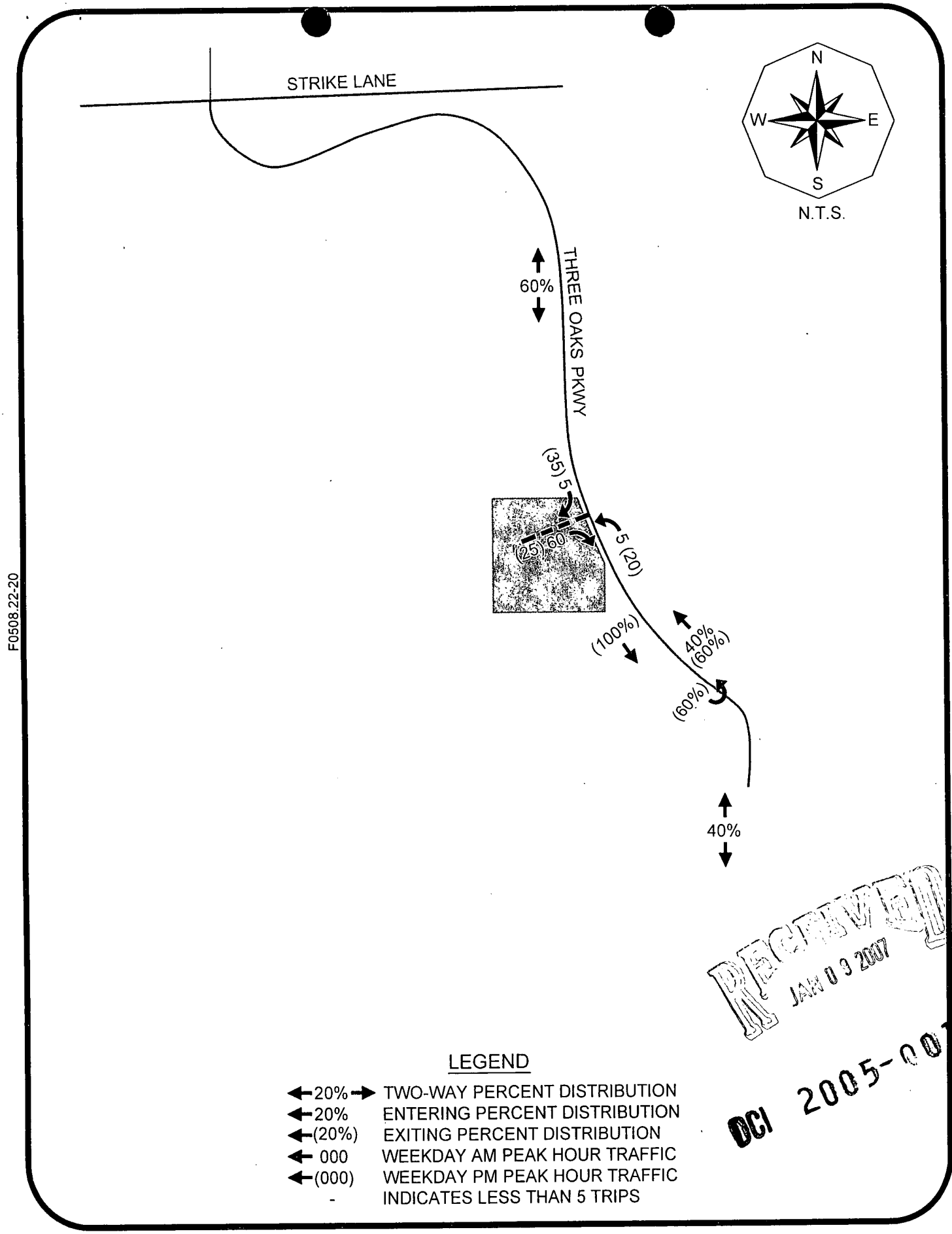
The trips shown in Table 2 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. The driveway volumes shown in Table 2 were assigned to the site access drive for the proposed development. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is illustrated on **Figure 2**. In addition, Figure 2 also indicates the site traffic assignment to the site access drive for the proposed development.

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links in the vicinity of the subject site will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service "C" volumes, as defined by the Lee County Generalized Level of Service Tables provided by the Lee County Department of Transportation.

VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the project would be completed by the year 2008. Based on this projected build-out, the surrounding roadway network was analyzed under 2009 traffic conditions. No growth rate was utilized for the section of Three Oaks Parkway from Strike Lane to East Terry Street, as it is a new roadway and no historical traffic count data exists.

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LEGEND

←20%→	TWO-WAY PERCENT DISTRIBUTION
←20%	ENTERING PERCENT DISTRIBUTION
←(20%)	EXITING PERCENT DISTRIBUTION
← 000	WEEKDAY AM PEAK HOUR TRAFFIC
←(000)	WEEKDAY PM PEAK HOUR TRAFFIC
-	INDICATES LESS THAN 5 TRIPS

TRANSPORTATION CONSULTANTS, INC.

SITE TRAFFIC DISTRIBUTION AND ASSIGNMENT BONITA 30 RE-ZONING

Figure 2

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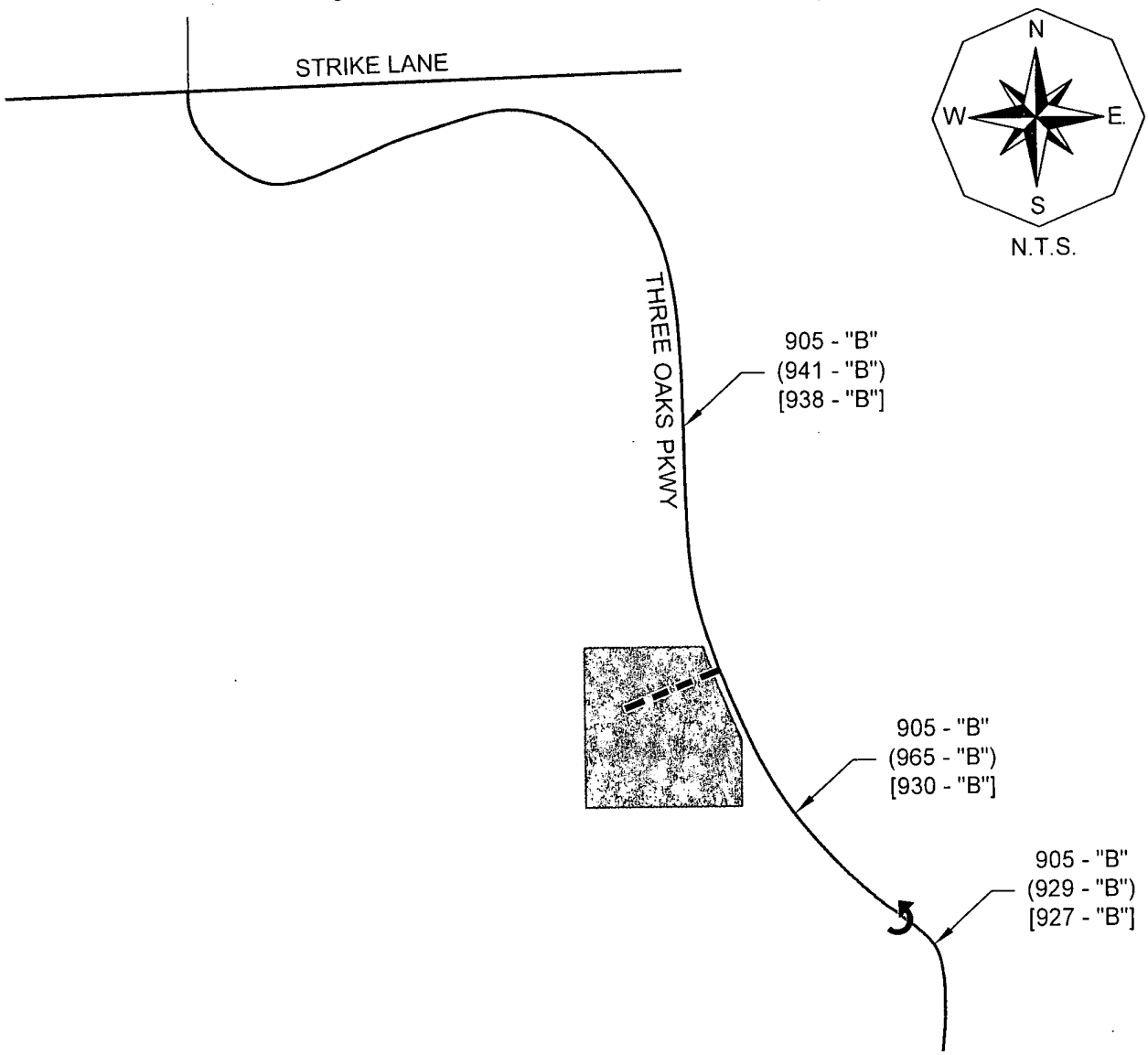
Based on the project distribution illustrated on Figure 2, the link data was analyzed for the existing conditions, year 2009 without the development and year 2009 with the development. In order to obtain the 2009 background traffic volumes on Three Oaks Parkway the 2026 projected traffic volumes were divided by two, as it was assumed that only half of the projected 2026 traffic volumes would be utilizing Three Oaks Parkway in 2009. The projected 2026 traffic volumes were obtained from the Three Oaks Parkway Intersection Geometry memo as prepared by Metro Transportation Consultants, Inc. dated October 15, 2002. A copy of the Three Oaks Parkway Intersection Geometry memo is included in the Appendix of this report for reference. **Table 2A** in the Appendix of the report indicates the methodology utilized to obtain the year 2009 build-out traffic volumes.

Figure 3 indicates the year 2009 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. These figures are derived from Table 2A contained in the Appendix.

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VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 3 details the Levels of Service for all links inside the project's area of influence based on this analysis. The Lee County Generalized Level of Service Volumes were utilized to determine the Level of Service Thresholds for Three Oaks Parkway. Table 2A in the Appendix details the calculated volumes used to determine the Level of Service on the analyzed links. The 2009 background traffic volumes utilized for the link Level of Service analysis are illustrated on Figure 3.



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XXX - "C" 2009 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") 2009 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] 2009 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

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2009 BUILD-OUT TRAFFIC CONDITIONS BONITA 30 RE-ZONING

Figure 3
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In comparing the links' functional classification and calculated 2009 traffic volumes to the Service Volume Tables, it was determined that none of the roadways inside the project's area of influence would be adversely impacted by the proposed development. Adverse impact is defined as a degradation in the Level of Service on a roadway link beyond that which the roadway link is anticipated to operate at without the proposed development. In addition, all roadways analyzed as a result of the proposed development will maintain an acceptable Level of Service when the development traffic is added to the surrounding roadway network.

Turn lane analysis was performed at the site access drive on Three Oaks Parkway based on the turn lane warrants contained within the Lee County Turn Lane Policy, Administrative Code 11-4 (AC 11-4). Based on the results of the analysis, both a northbound left turn lane and a southbound right turn lane will be warranted. Both turn lanes should be constructed to include 240 feet of taper and deceleration length according to the Florida Department of Transportation Standard Index #301 based on a 50 mph design speed an urban cross section. The required storage length for each turn lane was based on an average arrival pattern over a two (2) minute period during the peak hour. Therefore, the required storage length for each turn lane was calculated as follows:

Northbound Left Turn Lane
Storage = (1hour/60 minutes)*(2 minutes)*(20 veh)*25 ft/veh
= (0.7 turning veh)*25 ft/veh
= 25 ft of storage

Southbound Right Turn Lane
Storage = (1hour/60 minutes)*(2 minutes)*(35 veh)*25 ft/veh
= (1.2 turning veh)*25 ft/veh
= 50 ft of storage

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However, it is recommended that each turn lane be constructed to include a minimum of 50 feet of storage length. Therefore, a northbound left turn lane 290 feet in overall length

and a southbound right turn lane 290 feet in overall length are warranted. No other turn lane improvements are warranted as a result of this analysis.

Intersection capacity analysis was performed at the site access intersection on Three Oaks Parkway based on the 2009 build-out traffic conditions. The turning volumes utilized in the analysis were obtained from the site traffic assignment illustrated on Figure 2. The through volumes utilized in the analysis were obtained by dividing the projected 2026 through volumes by two, as it was assumed that only half of the projected 2026 traffic volumes would be utilizing Three Oaks Parkway in 2009. The projected 2026 traffic volumes were obtained from the Three Oaks Parkway Intersection Geometry memo as prepared by Metro Transportation Consultants, Inc. dated October 15, 2002. The latest version of the Highway Capacity Software, HCS+, was utilized for the intersection analysis.

Based on the results of the analysis, all of the approaches to the site access intersection are shown to operate at or above a Level of Service "B". Therefore no intersection improvements, other than the turn lane improvement previously mentioned, are warranted as a result of this analysis.

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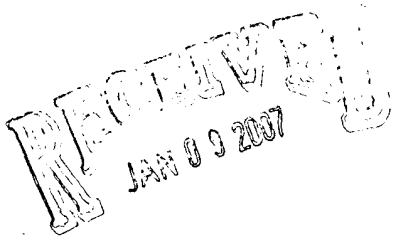
VIII. CONCLUSION

The re-zoning of the Bonita 30 property located on the west side of the future Three Oaks Parkway south of its intersection with Strike Lane in Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

Turn lane analysis was performed at the site access intersection on Three Oaks Parkway. Based on the results of the analysis, a northbound left turn lane 290 feet in overall length

and a southbound right turn lane 290 feet in overall length are warranted. No other turn lane improvements are warranted as a result of this analysis.

Intersection capacity analysis was performed at the site access intersection on Three Oaks Parkway based on the 2009 build-out traffic conditions for the proposed development. Based on the results of the analysis, all of the approaches to the site access intersection are shown to operate at or above a Level of Service "B". Therefore no intersection improvements, other than the turn lane improvement previously mentioned, are warranted as a result of this analysis.



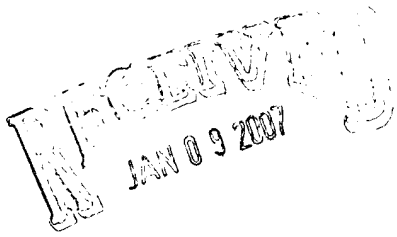
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APPENDIX

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TABLES 1A & 2A



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TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES

TOTAL AM PEAK HOUR PROJECT TRAFFIC	70 VPH	IN=	10	OUT=	60
TOTAL PM PEAK HOUR PROJECT TRAFFIC	80 VPH	IN=	55	OUT=	25

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Three Oaks Pkwy	S. of Strike Ln.	4LN	450	1,630	1,900	1,950	1,950	60%	36	1.9%
	S. of Site	4LN	450	1,630	1,900	1,950	1,950	100%	60	3.2%
	S. of Turnaround	4LN	450	1,630	1,900	1,950	1,950	40%	24	1.3%

* Lee County Generalized Level of Service Thresholds utilized

- Denotes a Significantly Impacted Link

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TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS

TOTAL PROJECT TRAFFIC AM = 70 VPH IN = 10 OUT = 60

TOTAL PROJECT TRAFFIC PM = 80 VPH IN = 55 OUT = 25

ROADWAY	SEGMENT	PCS	BASE YR ADT	2004 ADT	YRS OF GROWTH	ANNUAL RATE	2026 PK HR PK SEASON PEAK DIR.[1]	2009 PK HR PK SEASON PEAK DIR.[2]	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2009 BCKGRND + AM PROJ TRAFFIC	2009 BCKGRND + PM PROJ TRAFFIC
Three Oaks Pkwy	S. of Strike Ln.	-	-	-	-	-	1,809	905	60%	36	33	941	938
	S. of Site	-	-	-	-	-	1,809	905	100%	60	25	965	930
	S. of Turnaround	-	-	-	-	-	1,809	905	40%	24	22	929	927

[1] Obtained from the Three Oaks Parkway Intersection Geometrics memo as prepared by Metro and dated October 15, 2002 for the intersection of Three Oaks Parkway and Strike Lane.

[2] It was assumed that approximately half of the projected 2026 background traffic volumes would exist in 2010

100TH HIGHEST HOUR LOS ANALYSIS

		2009 BCKGRND TRAFFIC LOS	2009 BCKGRND + AM PROJ LOS	2009 BCKGRND + PM PROJ LOS
Three Oaks Pkwy	S. of Strike Ln.	B	B	B
	S. of Site	B	B	B
	S. of Turnaround	B	B	B

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HCS+ CAPACITY ANALYSIS

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*DLW*	Intersection	*Three Oaks Access*
Agency/Co.	*TR Transportation Consultants*	Jurisdiction	*Lee County*
Date Performed	*12/19/2006*	Analysis Year	*2009 background & AM project*
Analysis Time Period	*AM peak hour*		

Project Description *F0508.22-20 - Bonita 30 Re-zoning*

East/West Street: *Site Access*	North/South Street: *Three Oaks Parkway*
Intersection Orientation: *North-South*	Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*5*	*680*			*905*	*5*
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR (veh/h)	*0*	*0*	*63*	*0*	*0*	*0*
Percent Heavy Vehicles	*0*	--	--	*0*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*1*	*2*	*0*	*0*	*2*	*1*
Configuration	*L*	*T*			*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)			*60*			
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR (veh/h)	*0*	*952*	*5*	*5*	*715*	*0*
Percent Heavy Vehicles	*0*	*0*	*0*	*0*	*0*	*0*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*1*	*0*	*0*	*0*
Configuration			*R*			

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*L*							*R*
v (veh/h)	*5*							*63*
C (m) (veh/h)	*727*							*541*
v/c	*0.01*							*0.12*
95% queue length	*0.02*							*0.39*
Control Delay (s/veh)	*10.0*							*12.5*
LOS	*A*							*B*
Approach Delay (s/veh)	--	--				*12.5*		
Approach LOS	--	--				*B*		

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*DLW*	Intersection	*Three Oaks Access*
Agency/Co.	*TR Transportation Consultants*	Jurisdiction	*Lee County*
Date Performed	*12/19/2006*	Analysis Year	*2009 background & PM project*
Analysis Time Period	*PM peak hour*		

Project Description *F0508.22-20 - Bonita 30 Re-zoning*

East/West Street: *Site Access*	North/South Street: *Three Oaks Parkway*
Intersection Orientation: *North-South*	Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	*20*	*905*			*680*	*35*
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR (veh/h)	*0*	*0*	*26*	*0*	*0*	*0*
Percent Heavy Vehicles	*0*	--	--	*0*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*1*	*2*	*0*	*0*	*2*	*1*
Configuration	*L*	*T*			*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)			*25*			
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR (veh/h)	*0*	*715*	*36*	*21*	*952*	*0*
Percent Heavy Vehicles	*0*	*0*	*0*	*0*	*0*	*0*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*1*	*0*	*0*	*0*
Configuration			*R*			

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	*L*							*R*
v (veh/h)	*21*							*26*
C (m) (veh/h)	*868*							*644*
v/c	*0.02*							*0.04*
95% queue length	*0.07*							*0.13*
Control Delay (s/veh)	*9.3*							*10.8*
LOS	*A*							*B*
Approach Delay (s/veh)	--	--				*10.8*		
Approach LOS	--	--				*B*		

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THREE OAKS PARKWAY
INTERSECTION GEOMETRICS
MEMO AS PREPARED BY METRO

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METRO

MEMORANDUM

TO: Mr. Chris Swenson, P.E.
CRSPE, Inc.

FROM: Reid C. Fellows
Senior Design Consultant

DATE: October 15, 2002

RE: Three Oaks Parkway
Intersection Geometrics

Per your request, Metro has completed an analysis of the three at grade intersections along the Three Oaks Parkway study corridor. Year 2026 traffic volumes provided by CRSPE where utilized for the analysis. The Imperial Street/East Terry Street intersection has been previously analyzed as a signalized intersection and is under design with the geometries provided in an earlier document.

The following tables summarize the lane geometry that is recommended based upon the provided traffic projections and Lee County's Administrative Code AC-11-4. Storage length recommendations are also summarized in the following tables. It should be noted that these intersections were analyzed as isolated at grade intersections with no signalization. Auxiliary lanes were recommended based upon the administrative code for Three Oaks Parkway and the intersecting side streets. It was also assumed that Three Oaks Parkway would be designed and constructed as a four lane cross section.

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Table 1 summarizes the lane geometry warranted and the storage required at the Three Oaks Parkway/Southern Pine Boulevard intersection.

Table 1
Volume, Proposed Geometry and Storage Requirements
Three Oaks Parkway @ Southern Pine Boulevard

Approach	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
Volume	9	1630	53	95	1157	112	126	12	35	58	10	53
Lanes	1	2	1	1	2	1	1	1	0	1	1	0
Storage+ (feet)	100	N/A	*	100	N/A	*	150	N/A	N/A	100	N/A	N/A

* No storage required. Design for transition and deceleration only.
\+ Storage lengths do not include required transition and deceleration. Design of auxiliary lanes should incorporate appropriate transition and deceleration based upon the design speed.

Where 0 lanes are shown, the movement is shared with the adjoining lane. In this case, there are no right turn lanes necessary on the eastbound and westbound approaches.

A nominal 100 feet or storage has been recommended for the left turn lanes on Three Oaks Parkway at this intersection, due to the minimal projected left turn volumes.

Table 2 summarizes the lane geometry recommended and the storage required at the Three Oaks Parkway/Strike Lane intersection.

Table 2
Volume, Proposed Geometry and Storage Requirements
Three Oaks Parkway @ Strike Lane

Approach	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
Volume	3	1790	16	2	1350	18	25	9	1	13	5	1
Lanes	1	2	1	1	2	1	0	1	0	0	1	0
Storage+ (feet)	100	N/A	*	100	N/A	*	N/A	N/A	N/A	N/A	N/A	N/A

* No storage required. Design for transition and deceleration only
\+ Storage lengths does not include required transition and deceleration. Design of auxiliary lanes should incorporate appropriate transition and deceleration based upon the design speed.

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Where 0 lanes are shown, the movement is shared with the adjoining lane. Left turn lanes are not required base upon the Lee County Code, but both left and right turn lanes are recommended on Three Oaks Parkway at this intersection. Even though the projected

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turning movements at the intersection are minimal, the Three Oaks Parkway corridor will serve as an north/south arterial and turning vehicles should be removed from the through lanes to facilitate smooth traffic progression through the corridor. Strike Lane will also connect to U.S. 41, so auxiliary lanes are recommended for traffic turning from Three Oaks Parkway.

Table 3 summarizes the lane geometry warranted and the storage required at the Three Oaks Parkway/Bonita Bill Road intersection.

Table 3
Volume, Proposed Geometry and Storage Requirements
Three Oaks Parkway @ Bonita Bill Road

Approach	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
Volume	42	1769	5	19	1361	217	320	2	4	5	2	28
Lanes	1	2	1	1	2	1	1	1	0	0	1	0
Storage+ (feet)	100	N/A	*	100	N/A	*	300	N/A	N/A	N/A	N/A	N/A

* No storage required. Design for transition and deceleration only
\+ Storage lengths does not include required transition and deceleration. Design of auxiliary lanes should incorporate appropriate transition and deceleration based upon the design speed.

Where 0 lanes are shown, the movement is shared with the adjoining lane. A nominal 100 feet or storage has been recommended for the left turn lanes on Three Oaks Parkway at this intersection, due to the minimal projected left turn volumes. A northbound right turn lane is not warranted base upon the Lee County Administrative Code, but consideration should be given to designing an auxiliary right turn lane. Three Oaks Parkway is being designed as a four lane divided arterial that will serve as an alternate north/south route to U.S. 41 and Interstate 75. Removing turning traffic from the through lanes will provide better traffic flow through the Three Oaks Parkway corridor.

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LEE COUNTY GENERALIZED LEVEL OF SERVICE TABLE

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Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

d:\los02\Input1

Uninterrupted Flow Highway
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	100	340	680	970	1,300
2	Divided	990	1,610	2,330	3,010	3,420
3	Divided	1,490	2,410	3,490	4,510	5,130

Arterials

Class I (>0.00 to 1.99 signalized intersections per mile)
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	280	760	800	920
2	Divided	450	1,630	1,900	1,950	**
3	Divided	670	2,490	2,850	2,920	**
4	Divided	890	3,220	3,610	3,700	**

Class II (>2.00 to 4.50 signalized intersections per mile)
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	210	660	850	900
2	Divided	*	490	1,460	1,790	1,890
3	Divided	*	760	2,240	2,700	2,830
4	Divided	*	1,000	2,970	3,490	3,670

Class III (more than 4.50 signalized intersections per mile)
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	370	720	850
2	Divided	*	*	870	1,640	1,790
3	Divided	*	*	1,340	2,510	2,690
4	Divided	*	*	1,770	3,270	3,480

Controlled Access Facilities
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	120	740	930	960	**
2	Divided	270	1,620	1,970	2,030	**
3	Divided	410	2,490	2,960	3,040	**

Collectors
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	530	800	850
1	Divided	*	*	560	840	900
2	Undivided	*	*	1,180	1,620	1,710
2	Divided	*	*	1,240	1,710	1,800

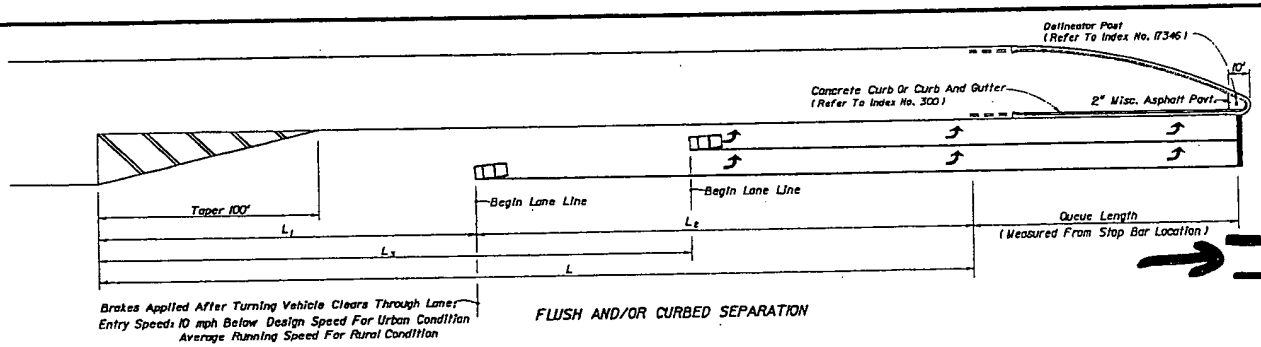
Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

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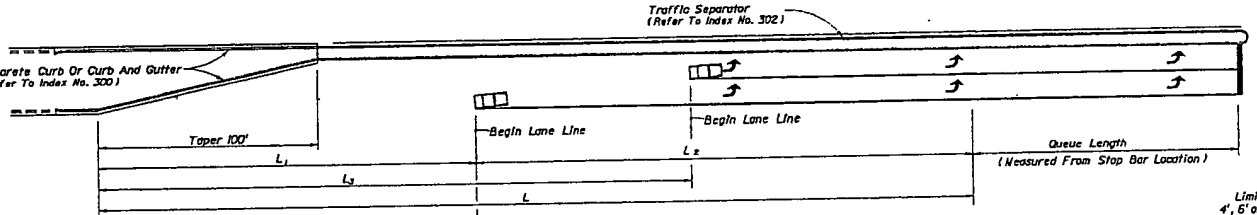
FLORIDA DEPARTMENT OF TRANSPORTATION STANDARD INDEX #301

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DCI 2005-00113



Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

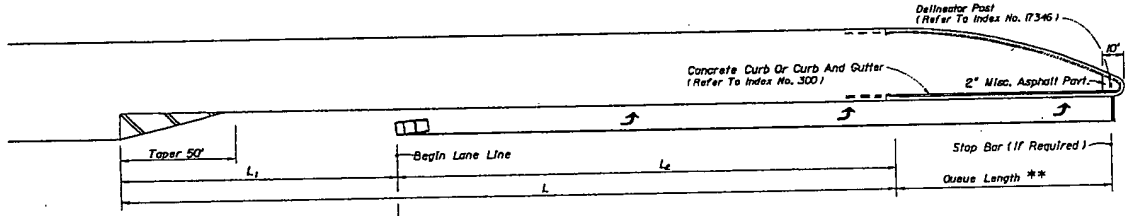
FLUSH AND/OR CURBED SEPARATION



Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

RAISED SEPARATION

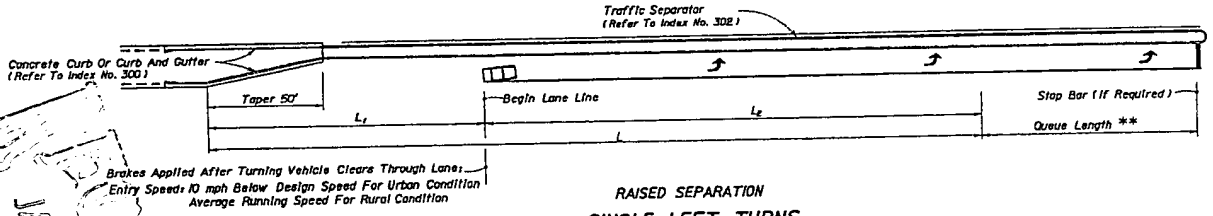
DOUBLE LEFT TURNS



Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

FLUSH AND/OR CURBED SEPARATION

** Queue Length Is Measured From The Median Nose Radial Point Or, When A Stop Bar Is Required, From The Stop Bar.



Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

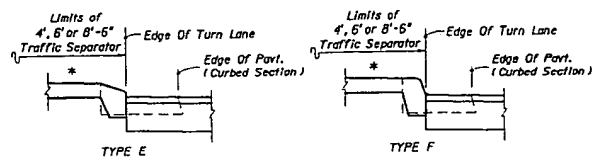
RAISED SEPARATION

SINGLE LEFT TURNS

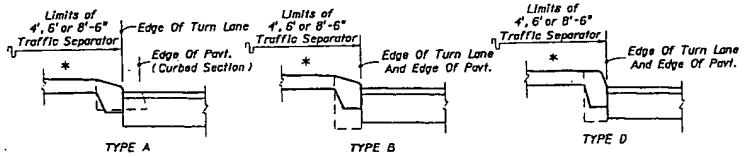
TURN LANES

TURN LANES • CURBED AND UNCURBED MEDIANS

Design Speed (mph)	Entry Speed (mph)	Clearance Distance L_1	URBAN CONDITITONS: Brake To Stop Distance L_2	URBAN CONDITITONS: Total Decel. Distance L	URBAN CONDITITONS: Clearance Distance L_3	RURAL CONDITITONS: Brake To Stop Distance L_2	RURAL CONDITITONS: Total Decel. Distance L	RURAL CONDITITONS: Clearance Distance L_3
35	25	70'	75'	145'	110'	— —	— —	— —
40	30	80'	75'	155'	120'	— —	— —	— —
[illegible]								
50	40/44	105'	135'	240'	160'	185'	290'	160'
[illegible]								
60	52	145'	— —	— —	— —	250'	405'	230'
65	55	170'	— —	— —	— —	290'	460'	270'



CURB AND GUTTER



CURB

For Curb And Curb & Gutter Types, See Index No. 300

* Option I Separators Shown (Refer To Index No. 302)

MEDIAN CURB AND TRAFFIC SEPARATOR JUNCTURE DETAILS

GENERAL NOTES

1. The plan views shown are for turn lane taper shapes and dimensional purposes only, they do not prescribe the use of curb, curb and gutter, shoulders nor separators specifically to either rural or urban conditions.
2. Total deceleration distances must not be reduced except where lesser values are imposed by unrelocatable control points.
3. Right turn lane tapers and distances identical to left turn lanes under stop control conditions. Right turn lane tapers and/or distances are site specific under free flow or yield conditions.
4. These left turn configurations apply to continuous left turn lanes only where specifically called for in the plans.
5. For pavement markings see Index No. 17346.

DESIGN NOTES

1. Basis for turn lane configurations:
   - Informed Driver.
   - Stop condition (With Or Without Stop Control).
   - Wet Pavement.
   - Reaction preceeding entry point.
   - Minimum braking distance for urban conditions.
   - 75' min. for L_2.
   - Comfortable deceleration rates for rural conditions (AASHTO 2001 threshold rate of 11.2 ft/s²).

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

TURN LANES

	Names	Dates
Designed By	AER	05/91
Drawn By	RSH/BKH	05/91
Checked By	JVG/RES	05/91

Approved By: Harold D. Mills
Roadway Design Engineer

Revision	Sheet No.	Index No.
04	1 of 1	301

DOT 2005-00113

TRIP GENERATION EQUATIONS

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DCI 2005-00113

TRIP GENERATION EQUATIONS
BONITA 30 RE-ZONING
ITE TRIP GENERATION REPORT, 7th EDITION

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Residential Condominium/Townhouse (LUC 230)	Ln (T) = 0.80 Ln (X) + 0.26 (17% In/83% Out)	Ln (T) = 0.82 Ln (X) + 0.32 (67% In/33% Out)	Ln (T) = 0.85 Ln (X) + 2.55
T = Trips, X = Number of dwelling units			

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Exhibit II-E-2
Narrative Statement

The proposed Bonita 30 RPD is a 38± acre master planned community and will consist of multiple-family dwelling units, and an accessory amenity center. A maximum of 275 dwelling units are proposed within the Bonita 30 RPD. Accessory amenities will include clubhouse, and recreational facilities such a pool and tennis courts.

Future Land Use

The Bonita 30 RPD is located in Section 23, Township 47 South, Range 25 East and is designated as Medium Density Multiple-Family Residential in the Future Land Use Element (FLUE) of the of the City of Bonita Springs Comprehensive Plan. This land use category is described in Policy 1.1.8 of the Future Land Use Element.

The Bonita 30 RPD is consistent with the Future Land Use Element of the Comprehensive Plan in that it fully complies with Policy 1.1.8. Calculations for open space, residential, accessory amenity center, and rights-of-way have been provided on the Master Concept Plan and are consistent with this policy.

The proposed gross density for the Bonita Beach 30 RPD is 6.2 dwelling units per acre, which is consistent with the Policy 1.1.8 which allows for a maximum density of 10 units per acre.

Transportation Element

The City of Bonita Comprehensive Plan identifies that roadways must remain concurrent and operate at acceptable levels of service as identified in the Transportation Element. The applicant has demonstrated through a Traffic Impact Statement included as Exhibit III-C that any traffic impacts resulting from the proposed project does not adversely effect the level of service of Three Oaks Parkway and surrounding roadways and intersections.

Environmental

Goal 7, Resource Protection, Objective 7.1.1 and Policies 7.2.4, 7.2.6, 7.2.7, and 7.2.9 emphasizes protection of viable high quality plant communities, protection, and maintenance of natural systems.

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COMMUNITY DEVELOPMENT

RWA INC. CONSULTING Planning Visualization Engineering Surveying

DCI 2005-00113

The site design, including the water management system, and the internal cul-de-sac road, was devised to minimize impacts to existing indigenous vegetation. Clustering was used to maximize preserve area and to allow for one large contiguous preserve. The proposed project complies with Goal 7, Resource Protection, Objective 7.1.1 and Policies 7.2.4, 7.2.6, 7.2.7, and 7.2.9. There are no indications of historic or archeological features on the property and the Environmental Assessment and Protected Species Management Plan addresses how the project complies with LDC regulations regarding the presence of listed species or species of concern on the subject property. (Add detail based upon EIS)

Objective 7.3, Objective 7.4 Wildlife and Endangered and Threatened Species

The Environmental Assessment and Protected Species Management Plan addresses how the project complies with LDC regulations regarding the presence of listed species or species of concern on the subject property.

Water Management

Objective 9.2 Watershed Management Plans

The proposed project will obtain surface water management permit issued by the South Florida Water Management District, which regulates surface water discharge volumes from the property including the acceptance of off-site flows at historic flow rates. By virtue of obtaining this permit, the project will demonstrate consistency with Objective 9.2 regarding Watershed Management Plans.

TRAFFIC IMPACT STATEMENT

FOR

BONITA 30 RE-ZONING

(PROJECT NO. 050822-10)

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COMMUNITY DEVELOPMENT

DCI 2005-00113

PREPARED BY:
Metro Transportation Group, Inc.
12651 McGregor Boulevard, Suite 4-403
Fort Myers, Florida 33919-4489
239-278-3090

September 19, 2005

METRO

CONTENTS

I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. CONCLUSION

I. INTRODUCTION

Metro Transportation Group, Inc. (Metro) has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking zoning approval. The site is located on the west side of the future Three Oaks Parkway south of its intersection with Strike Lane in Lee County, Florida. The site location is illustrated on **Figure 1**.

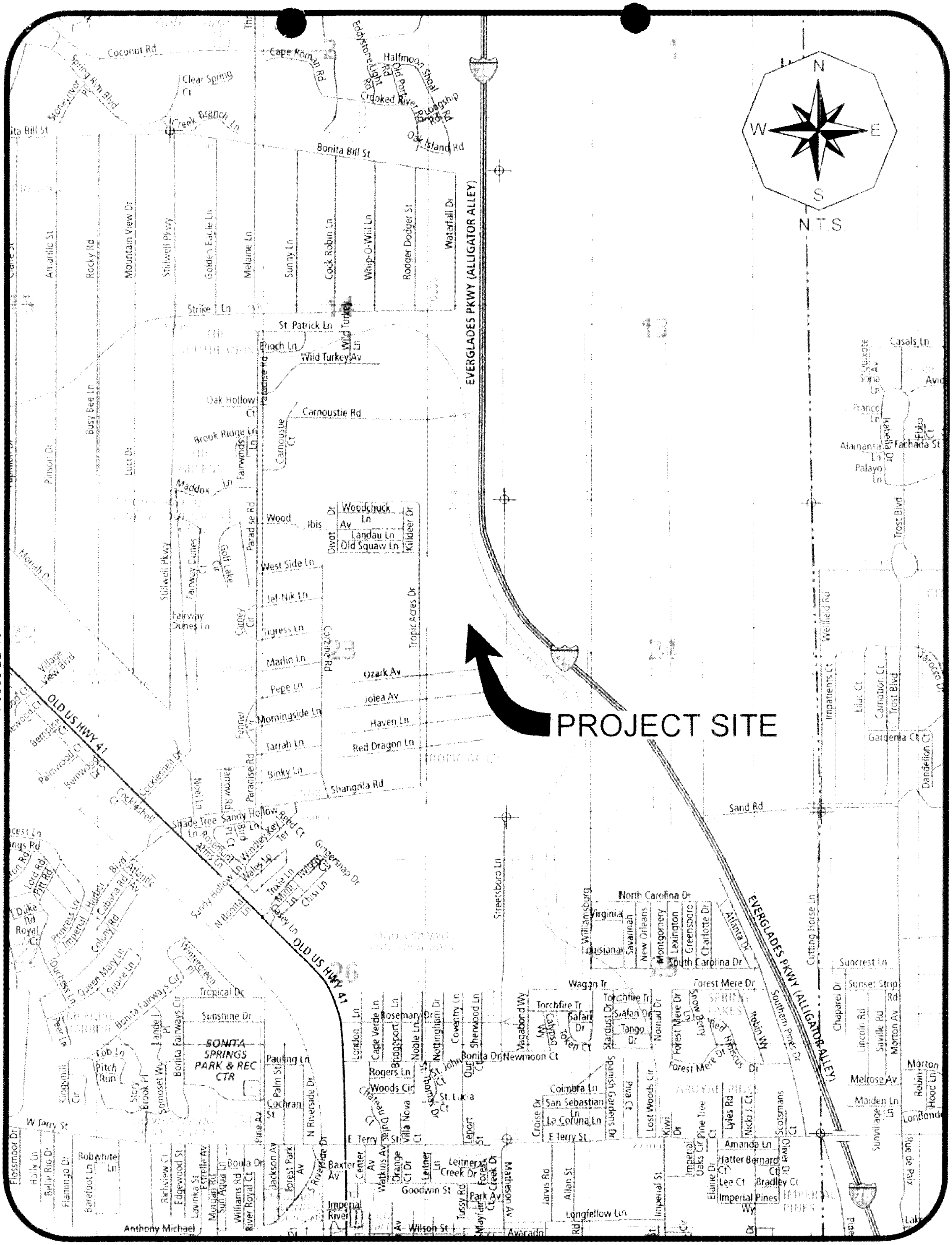
Upon approval, the Bonita 30 Re-zoning could be developed with up to approximately 275 multi-family dwelling units. The proposed development will have access to Three Oaks Parkway via a right in/right out access drive.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the proposed site access drive will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

II. EXISTING CONDITIONS

The subject site is currently vacant. To the east of the subject site is the future Three Oaks Parkway and I-75. To the west of the subject site is existing residential development. To the south of the site is vacant land zoned for residential uses and to the north of the site is vacant land zoned for residential and county land uses.

Three Oaks Parkway is currently under construction from Strike Lane to East Terry Street and will be a four-lane arterial roadway once completed. Three Oaks Parkway has a design speed of 50 mph and will be under the jurisdiction of the Lee County Department of Transportation.



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PROJECT LOCATION MAP
BONITA 30 RE-ZONING

Figure 1

III. PROPOSED DEVELOPMENT

Upon approval, the Bonita 30 Re-zoning will be developed with up to approximately 275 multi-family dwelling units. **Table 1** summarizes the land uses utilized for trip generation purposes for the subject development.

Table 1
Bonita 30 Re-zoning
Land Uses

Land Use	Size
Multi-Family Housing (LUC 230)	275 dwelling units

The proposed development will have access to Three Oaks Parkway via a right in/right out access drive.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 7th Edition. Land Use Code 230 (Residential Condominium/Townhouse) was utilized for the trip generation purposes of the proposed development. The equations for this land use are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday AM and PM peak hour trip generation for the Bonita 30 Re-zoning as currently proposed. The daily trip generation is also indicated in the table.

Table 2
Trip Generation
Bonita 30 Re-zoning

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Multi-Family Housing (275 dwelling units)	20	95	115	95	45	140	1,515

V. TRIP DISTRIBUTION

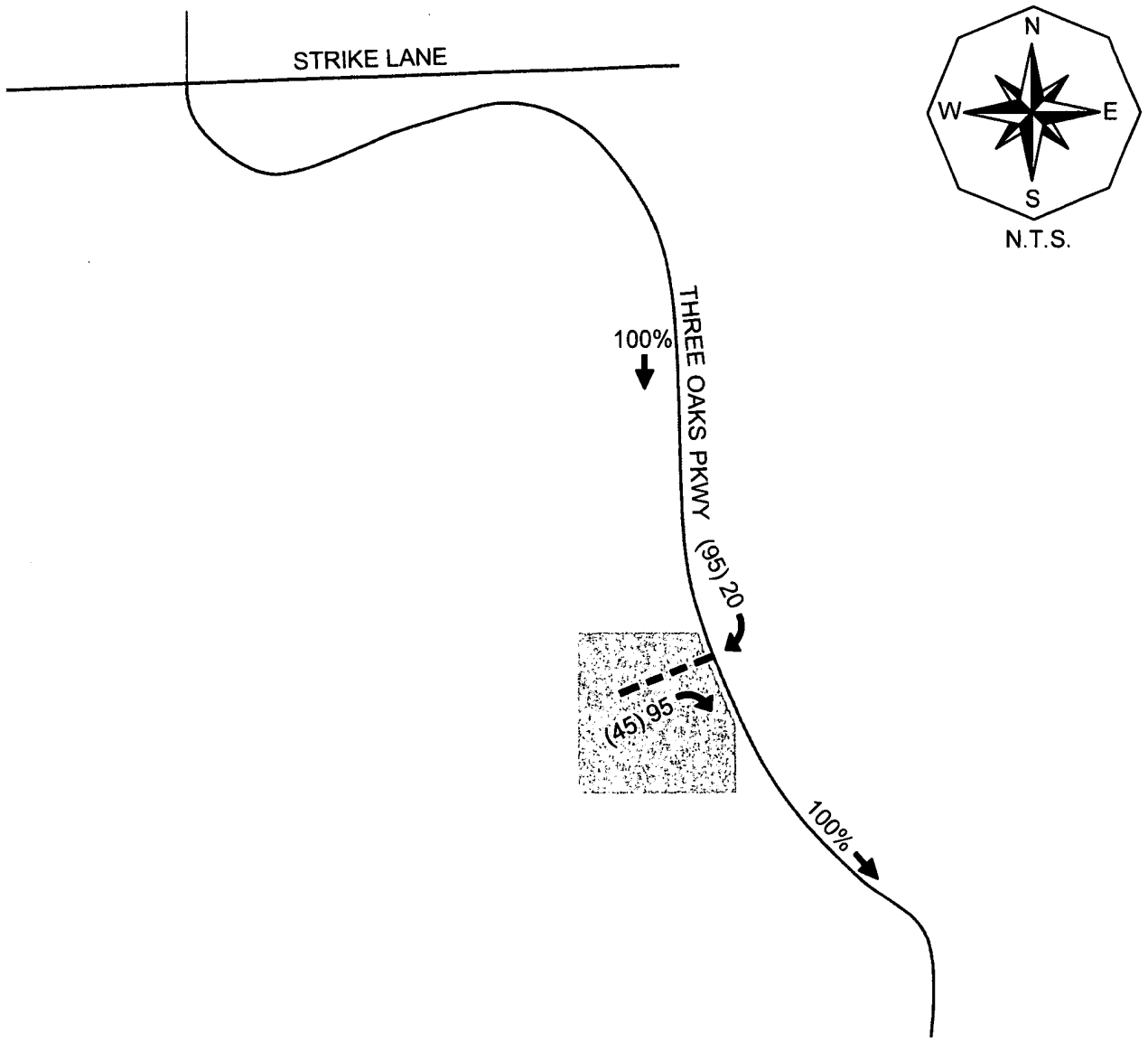
The trips shown in Table 2 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. The driveway volumes shown in Table 2 were assigned to the site access drive for the proposed development. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is illustrated on **Figure 2**. In addition, Figure 2 also indicates the site traffic assignment to the site access drive for the proposed development.

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links in the vicinity of the subject site will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service "C" volumes, as defined by the Lee County Generalized Level of Service Tables provided by the Lee County Department of Transportation.

VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the project would be completed by the year 2008. Based on this projected build-out, the surrounding roadway network was analyzed under 2009 traffic conditions. No growth rate was utilized for the section of Three Oaks Parkway from Strike Lane to East Terry Street, as it is a new roadway and no historical traffic count data exists.

Based on the project distribution illustrated on Figure 2, the link data was analyzed for the existing conditions, year 2009 without the development and year 2009 with the development. In order to obtain the 2009 background traffic volumes on Three Oaks Parkway the 2026 projected traffic volumes were divided by two, as it was assumed that only half of the projected 2026 traffic volumes would be utilizing Three Oaks Parkway in



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LEGEND

←20%→ PERCENT DISTRIBUTION
← 000 WEEKDAY AM PEAK HOUR TRAFFIC
← (000) WEEKDAY PM PEAK HOUR TRAFFIC
\- INDICATES LESS THAN 5 TRIPS

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SITE TRAFFIC DISTRIBUTION & ASSIGNMENT
BONITA 30 RE-ZONING

Figure 2

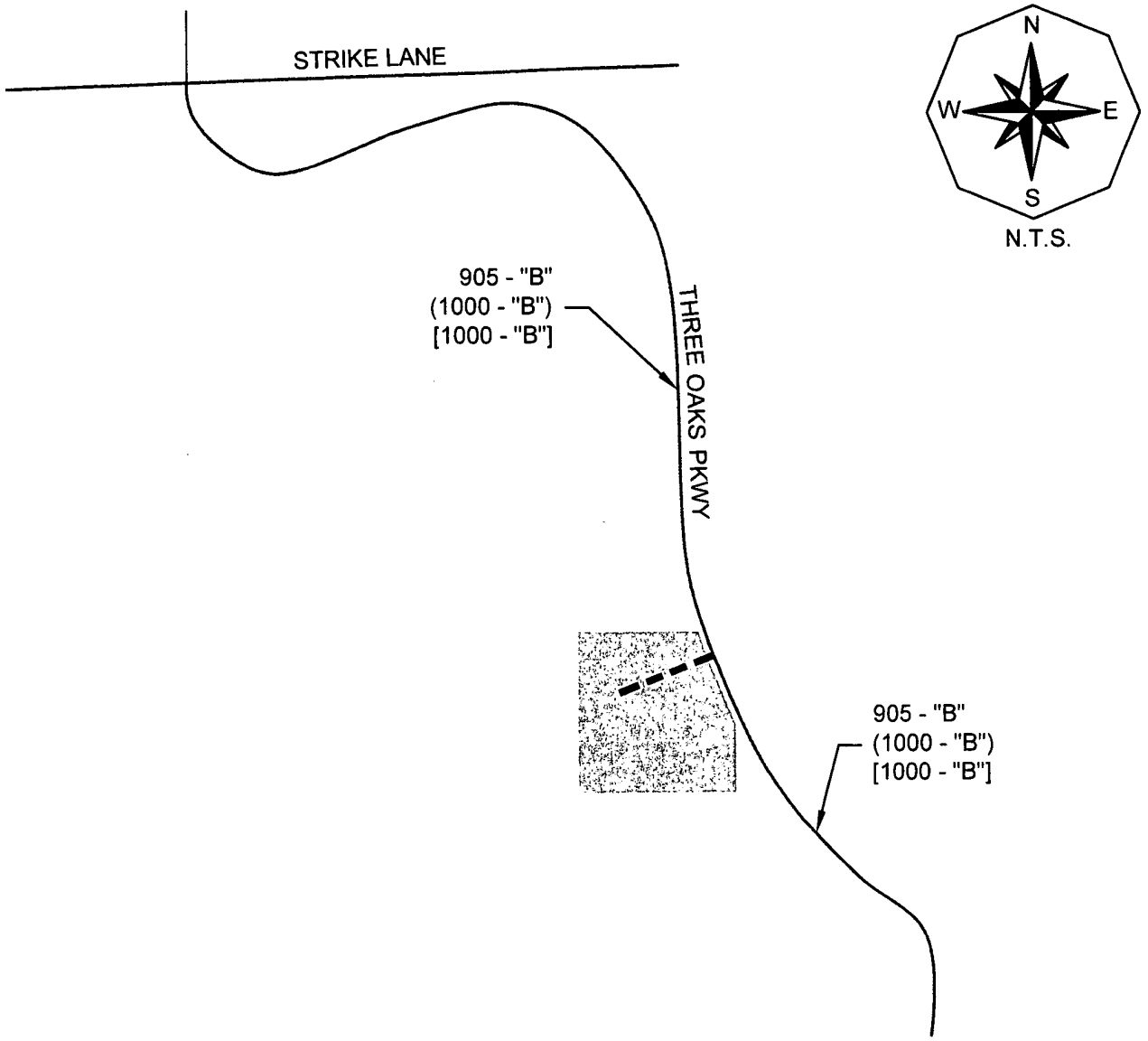
2009. The projected 2026 traffic volumes were obtained from the Three Oaks Parkway Intersection Geometry memo as prepared by Metro, dated October 15, 2002. A copy of the Three Oaks Parkway Intersection Geometry memo is included in the Appendix of this report for reference. **Table 2A** in the Appendix of the report indicates the methodology utilized to obtain the year 2009 build-out traffic volumes.

Figure 3 indicates the year 2009 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday AM and PM peak hours with the development traffic added to the roadways. These figures are derived from Table 2A contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 3 details the Levels of Service for all links inside the project's area of influence based on the this analysis. The Lee County Generalized Level of Service Volumes were utilized to determine the Level of Service Thresholds for Three Oaks Parkway. Table 2A in the Appendix details the calculated volumes used to determine the Level of Service on the analyzed links. The 2009 background traffic volumes utilized for the link Level of Service analysis are illustrated on Figure 3.

In comparing the links' functional classification and calculated 2009 traffic volumes to the Service Volume Tables, it was determined that none of the roadways inside the project's area of influence would be adversely impacted by the proposed development. Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In other words, all roadways analyzed as a result of the proposed development will maintain an acceptable Level of Service when the development traffic is added to the surrounding roadway network.



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LEGEND

XXX - "C" 2009 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") 2009 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] 2009 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

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2009 BUILDOUT TRAFFIC CONDITIONS
BONITA 30 RE-ZONING

Figure 3

Turn lane analysis was performed at the site access drive on Three Oaks Parkway based on the turn lane warrants contained within the Lee County Turn Lane Policy, Administrative Code 11-4 (AC 11-4). Based on the results of the analysis, a southbound right turn lane will be warranted at the site access intersection. This turn lane should be constructed to include 240 feet of taper and deceleration length based on a 50 mph design speed and an urban cross section. No storage length is warranted for this turn lane due to the free-flow condition that will exist. No other turn lane improvements are warranted as a result of this analysis.

Intersection capacity analysis was performed at the site access intersection on Three Oaks Parkway based on the 2009 build-out traffic conditions. The turning volumes utilized in the analysis were obtained from the site traffic assignment illustrated on Figure 2. The through volumes utilized in the analysis were obtained by dividing the projected 2026 through volumes by two, as it was assumed that only half of the projected 2026 traffic volumes would be utilizing Three Oaks Parkway in 2009. The projected 2026 traffic volumes were obtained from the Three Oaks Parkway Intersection Geometry memo as prepared by Metro, dated October 15, 2002. The latest version of the Highway Capacity Software, HCS+, was utilized for the intersection analysis.

Based on the results of the analysis, all of the approaches to the site access intersection are shown to operate at or above a Level of Service "B". Therefore no intersection improvements, other than the turn lane improvement previously mentioned, are warranted as a result of this analysis.

VIII. CONCLUSION

The re-zoning of the Bonita 30 property located on the west side of the future Three Oaks Parkway south of its intersection with Strike Lane in Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate.

Turn lane analysis was performed at the site access intersection on Three Oaks Parkway. Based on the results of the analysis, a southbound right turn lane 240 feet in overall length will be warranted at the site access intersection on Three Oaks Parkway. No other turn lane improvements are warranted as a result of this analysis.

Intersection capacity analysis was performed at the site access intersection on Three Oaks Parkway based on the 2009 build-out traffic conditions for the proposed development. Based on the results of the analysis, all of the approaches to the site access intersection are shown to operate at or above a Level of Service "B". Therefore no intersection improvements, other than the turn lane improvement previously mentioned, are warranted as a result of this analysis.

APPENDIX

TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES

TOTAL AM PEAK HOUR PROJECT TRAFFIC	115 VPH	IN=	20	OUT=	95
TOTAL PM PEAK HOUR PROJECT TRAFFIC	140 VPH	IN=	95	OUT=	45

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Three Oaks Pkwy	N. of Site	4LN	450	1630	1900	1950	1950	100%	95	5.0%
	S. of Site	4LN	450	1630	1900	1950	1950	100%	95	5.0%

* *Lee County Generalized Level of Service Thresholds utilized*

- Denotes a Significantly Impacted Link

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS

TOTAL PROJECT TRAFFIC AM = 115 VPH IN = 20 OUT = 95

TOTAL PROJECT TRAFFIC PM = 140 VPH IN = 95 OUT = 45

ROADWAY	SEGMENT	PCS	BASE YR ADT	2004 ADT	YRS OF GROWTH	ANNUAL RATE	2026 PK HR PK SEASON PEAK DIR.[1]	2009 PK HR PK SEASON PEAK DIR.[2]	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2009 BCKGRND + AM PROJ TRAFFIC	2009 BCKGRND + PM PROJ TRAFFIC
Three Oaks Pkwy	N. of Site	-	-	-	-	-	1809	905	100%	95	95	1000	1000
	S. of Site	-	-	-	-	-	1809	905	100%	95	95	1000	1000

[1] Obtained from the Three Oaks Parkway Intersection Geometrics memo as prepared by Metro and dated October 15, 2002 for the intersection of Three Oaks Parkway and Strike Lane.

[2] It was assumed that approximately half of the projected 2026 background traffic volumes would exist in 2010

100TH HIGHEST HOUR LOS ANALYSIS

		2009 BCKGRND TRAFFIC LOS	2009 BCKGRND + AM PROJ LOS	2009 BCKGRND + PM PROJ LOS
Three Oaks Pkwy	N. of Site	B	B	B
	S. of Site	B	B	B

HCS+ CAPACITY ANALYSIS

TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*DLW*
Agency/Co.	*Metro Transportation Group*
Date Performed	*9/9/2005*
Analysis Time Period	*AM peak hour*

Site Information

Intersection	*Three Oaks Access*
Jurisdiction	*Lee County*
Analysis Year	*2009 background & AM project*

Project Description *F0508.22 - Bonita 30 Re-Zoning*

East/West Street: *Site Access* | North/South Street: *Three Oaks Parkway*

Intersection Orientation: *North-South* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume		*680*			*905*	*20*
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR	*0*	*715*	*0*	*0*	*952*	*21*
Percent Heavy Vehicles	*0*	--	--	*0*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*0*	*0*	*2*	*1*
Configuration		*T*			*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume			*95*			
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR	*0*	*0*	*100*	*0*	*0*	*0*
Percent Heavy Vehicles	*0*	*0*	*0*	*0*	*0*	*0*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*1*	*0*	*0*	*0*
Configuration			*R*			

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration								*R*
v (vph)								*100*
C (m) (vph)								*541*
v/c								*0.18*
95% queue length								*0.67*
Control Delay								*13.2*
LOS								*B*
Approach Delay	--	--				*13.2*		
Approach LOS	--	--				*B*		

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TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	*DLW*
Agency/Co.	*Metro Transportation Group*
Date Performed	*9/9/2005*
Analysis Time Period	*PM peak hour*

Site Information

Intersection	*Three Oaks Access*
Jurisdiction	*Lee County*
Analysis Year	*2009 background & PM project*

Project Description *F0508.22 - Bonita 30 Re-Zoning*

East/West Street: *Site Access* | North/South Street: *Three Oaks Parkway*

Intersection Orientation: *North-South* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume		*905*			*680*	*95*
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR	*0*	*952*	*0*	*0*	*715*	*100*
Percent Heavy Vehicles	*0*	--	--	*0*	--	--
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*0*	*0*	*2*	*1*
Configuration		*T*			*T*	*R*
Upstream Signal		*0*			*0*	

Minor Street	Eastbound			Westbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume			*45*			
Peak-Hour Factor, PHF	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*	*0.95*
Hourly Flow Rate, HFR	*0*	*0*	*47*	*0*	*0*	*0*
Percent Heavy Vehicles	*0*	*0*	*0*	*0*	*0*	*0*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*1*	*0*	*0*	*0*
Configuration			*R*			

Delay, Queue Length, and Level of Service

Approach	Northbound	Southbound	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration								*R*
v (vph)								*47*
C (m) (vph)								*644*
v/c								*0.07*
95% queue length								*0.24*
Control Delay								*11.0*
LOS								*B*
Approach Delay	--	--				*11.0*		
Approach LOS	--	--				*B*		

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THREE OAKS PARKWAY
INTERSECTION GEOMETRICS
MEMO AS PREPARED BY METRO

METRO

MEMORANDUM

TO: Mr. Chris Swenson, P.E.
CRSPE, Inc.

FROM: Reid C. Fellows
Senior Design Consultant

DATE: October 15, 2002

RE: Three Oaks Parkway
Intersection Geometrics

Per your request, Metro has completed an analysis of the three at grade intersections along the Three Oaks Parkway study corridor. Year 2026 traffic volumes provided by CRSPE where utilized for the analysis. The Imperial Street/East Terry Street intersection has been previously analyzed as a signalized intersection and is under design with the geometries provided in an earlier document.

The following tables summarize the lane geometry that is recommended based upon the provided traffic projections and Lee County's Administrative Code AC-11-4. Storage length recommendations are also summarized in the following tables. It should be noted that these intersections were analyzed as isolated at grade intersections with no signalization. Auxiliary lanes were recommended based upon the administrative code for Three Oaks Parkway and the intersecting side streets. It was also assumed that Three Oaks Parkway would be designed and constructed as a four lane cross section.

Table 1 summarizes the lane geometry warranted and the storage required at the Three Oaks Parkway/Southern Pine Boulevard intersection.

Table 1
Volume, Proposed Geometry and Storage Requirements
Three Oaks Parkway @ Southern Pine Boulevard

Approach	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
Volume	9	1630	53	95	1157	112	126	12	35	58	10	53
Lanes	1	2	1	1	2	1	1	1	0	1	1	0
Storage+ (feet)	100	N/A	*	100	N/A	*	150	N/A	N/A	100	N/A	N/A

* No storage required. Design for transition and deceleration only.
\+ Storage lengths do not include required transition and deceleration. Design of auxiliary lanes should incorporate appropriate transition and deceleration based upon the design speed.

Where 0 lanes are shown, the movement is shared with the adjoining lane. In this case, there are no right turn lanes necessary on the eastbound and westbound approaches.

A nominal 100 feet or storage has been recommended for the left turn lanes on Three Oaks Parkway at this intersection, due to the minimal projected left turn volumes.

Table 2 summarizes the lane geometry recommended and the storage required at the Three Oaks Parkway/Strike Lane intersection.

Table 2
Volume, Proposed Geometry and Storage Requirements
Three Oaks Parkway @ Strike Lane

Approach	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
Volume	3	1790	16	2	1350	18	25	9	1	13	5	1
Lanes	1	2	1	1	2	1	0	1	0	0	1	0
Storage+ (feet)	100	N/A	*	100	N/A	*	N/A	N/A	N/A	N/A	N/A	N/A

* No storage required. Design for transition and deceleration only
\+ Storage lengths does not include required transition and deceleration. Design of auxiliary lanes should incorporate appropriate transition and deceleration based upon the design speed.

Where 0 lanes are shown, the movement is shared with the adjoining lane. Left turn lanes are not required base upon the Lee County Code, but both left and right turn lanes are recommended on Three Oaks Parkway at this intersection. Even though the projected

turning movements at the intersection are minimal, the Three Oaks Parkway corridor will serve as an north/south arterial and turning vehicles should be removed from the through lanes to facilitate smooth traffic progression through the corridor. Strike Lane will also connect to U.S. 41, so auxiliary lanes are recommended for traffic turning from Three Oaks Parkway.

Table 3 summarizes the lane geometry warranted and the storage required at the Three Oaks Parkway/Bonita Bill Road intersection.

Table 3
Volume, Proposed Geometry and Storage Requirements
Three Oaks Parkway @ Bonita Bill Road

Approach	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
Volume	42	1769	5	19	1361	217	320	2	4	5	2	28
Lanes	1	2	1	1	2	1	1	1	0	0	1	0
Storage+ (feet)	100	N/A	*	100	N/A	*	300	N/A	N/A	N/A	N/A	N/A

* No storage required. Design for transition and deceleration only
\+ Storage lengths does not include required transition and deceleration. Design of auxiliary lanes should incorporate appropriate transition and deceleration based upon the design speed.

Where 0 lanes are shown, the movement is shared with the adjoining lane. A nominal 100 feet or storage has been recommended for the left turn lanes on Three Oaks Parkway at this intersection, due to the minimal projected left turn volumes. A northbound right turn lane is not warranted base upon the Lee County Administrative Code, but consideration should be given to designing an auxiliary right turn lane. Three Oaks Parkway is being designed as a four lane divided arterial that will serve as an alternate north/south route to U.S. 41 and Interstate 75. Removing turning traffic from the through lanes will provide better traffic flow through the Three Oaks Parkway corridor.

LEE COUNTY GENERALIZED LEVEL OF SERVICE TABLE

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

d:\los02\input1

Uninterrupted Flow Highway Level of Service						
Lane	Divided	A	B	C	D	E
1	Undivided	100	340	680	970	1,300
2	Divided	990	1,610	2,330	3,010	3,420
3	Divided	1,490	2,410	3,490	4,510	5,130

Arterials

Class I (>0.00 to 1.99 signalized intersections per mile)
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	280	760	900	920
2	Divided	450	1,630	1,900	1,950	**
3	Divided	670	2,490	2,850	2,920	**
4	Divided	890	3,220	3,610	3,700	**

Class II (>2.00 to 4.50 signalized intersections per mile)
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	210	660	850	900
2	Divided	*	490	1,460	1,790	1,890
3	Divided	*	760	2,240	2,700	2,830
4	Divided	*	1,000	2,970	3,490	3,670

Class III (more than 4.50 signalized intersections per mile)
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	370	720	850
2	Divided	*	*	870	1,640	1,790
3	Divided	*	*	1,340	2,510	2,690
4	Divided	*	*	1,770	3,270	3,480

Controlled Access Facilities
Level of Service

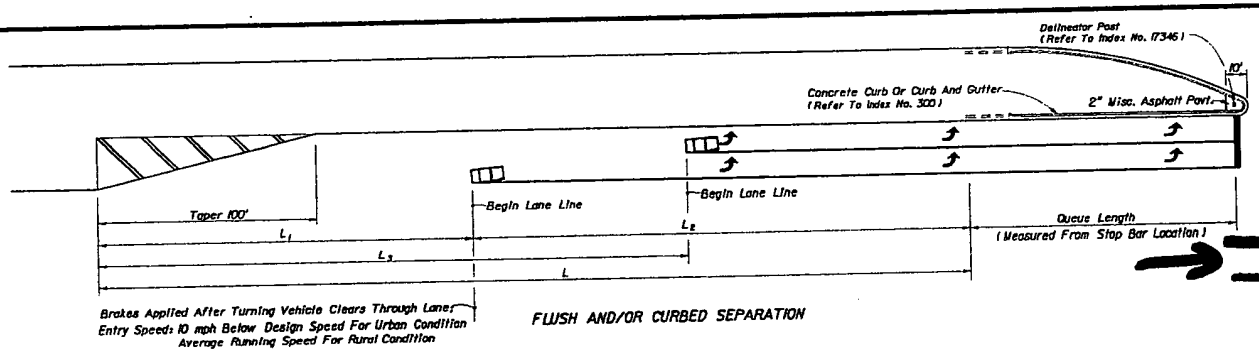
Lane	Divided	A	B	C	D	E
1	Undivided	120	740	930	960	**
2	Divided	270	1,620	1,970	2,030	**
3	Divided	410	2,490	2,960	3,040	**

Collectors
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	530	800	850
1	Divided	*	*	560	840	900
2	Undivided	*	*	1,180	1,620	1,710
2	Divided	*	*	1,240	1,710	1,800

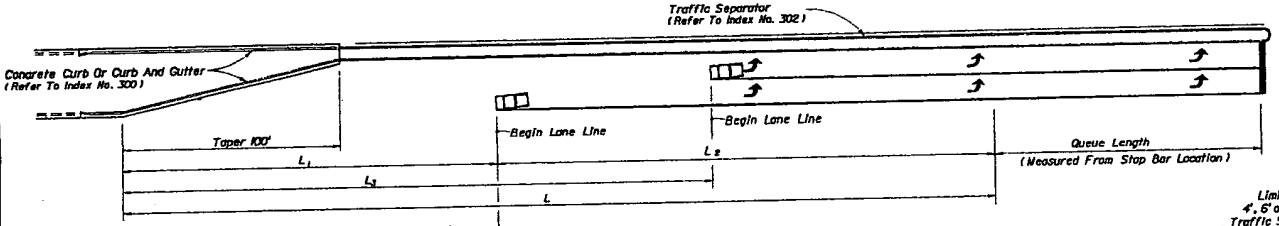
Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

FLORIDA DEPARTMENT OF TRANSPORTATION STANDARD INDEX #301



Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

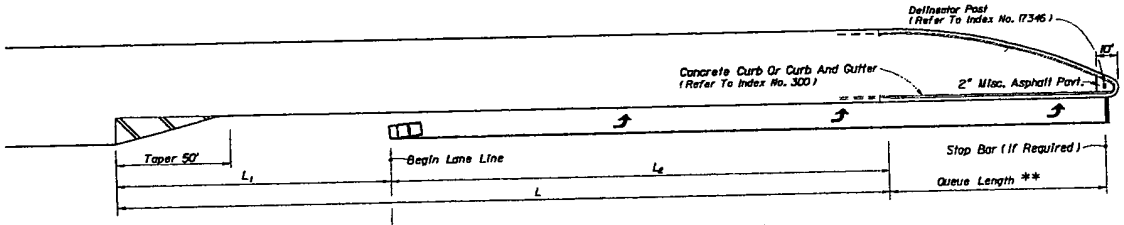
FLUSH AND/OR CURBED SEPARATION



Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

RAISED SEPARATION

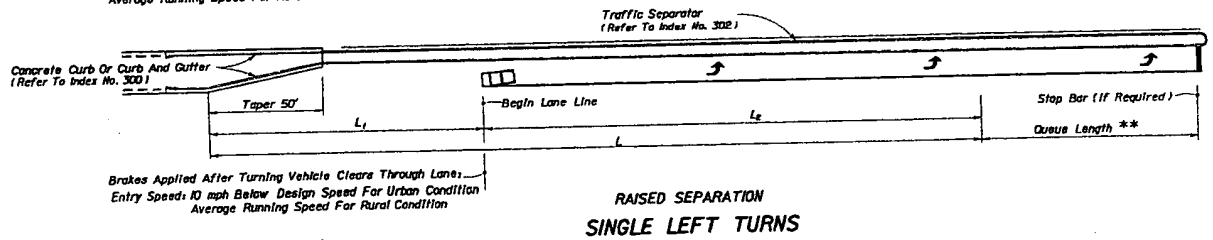
DOUBLE LEFT TURNS



Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

FLUSH AND/OR CURBED SEPARATION

** Queue Length Is Measured From The Median Nose Radial Point Or, When A Stop Bar Is Required, From The Stop Bar.



Brakes Applied After Turning Vehicle Clears Through Lane;
Entry Speed: 10 mph Below Design Speed For Urban Condition
Average Running Speed For Rural Condition

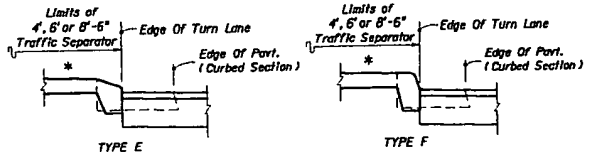
RAISED SEPARATION

SINGLE LEFT TURNS

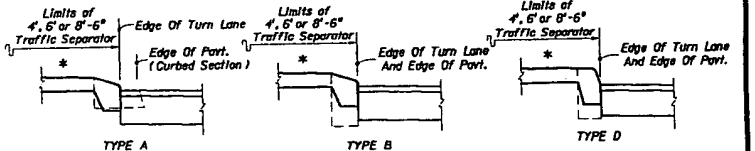
TURN LANES

TURN LANES • CURBED AND UNCURBED MEDIANS

Design Speed (mph)	Entry Speed (mph)	Clearance Distance L_1	URBAN CONDITIONS: Brake To Stop Distance L_2	URBAN CONDITIONS: Total Decel. Distance L	URBAN CONDITIONS: Clearance Distance L_3	RURAL CONDITIONS: Brake To Stop Distance L_2	RURAL CONDITIONS: Total Decel. Distance L	RURAL CONDITIONS: Clearance Distance L_3
35	25	70'	75'	145'	110'	— —	— —	— —
40	30	80'	75'	155'	120'	— —	— —	— —
[illegible]								
50	40/44	105'	135'	240'	160'	185'	290'	180'
[illegible]								
60	52	145'	— —	— —	— —	260'	405'	230'
65	55	170'	— —	— —	— —	290'	460'	270'



CURB AND GUTTER



CURB

For Curb And Curb & Gutter Types, See Index No. 300

* Option I Separators Shown (Refer To Index No. 302)

MEDIAN CURB AND TRAFFIC SEPARATOR JUNCTURE DETAILS

GENERAL NOTES

1. The plan views shown are for turn lane taper shapes and dimensional purposes only, they do not prescribe the use of curb, curb and gutter, shoulders nor separators specifically to either rural or urban conditions.
2. Total deceleration distances must not be reduced except where lesser values are imposed by unrelocatable control points.
3. Right turn lane tapers and distances identical to left turn lanes under stop control conditions. Right turn lane tapers and/or distances are site specific under free flow or yield conditions.
4. These left turn configurations apply to continuous left turn lanes only where specifically called for in the plans.
5. For pavement markings see Index No. 17346.

DESIGN NOTES

1. Basis for turn lane configurations:
   - Informed Driver.
   - Stop condition (With Or Without Stop Control).
   - Wet Pavement.
   - Reaction preceeding entry point.
   - Minimum braking distance for urban conditions.
   - 75' min. for L_2.
   - Comfortable deceleration rates for rural conditions (AASHTO 2001 threshold rate of 11.2 ft/s²).

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

TURN LANES

	Names	Dates
Designed By	RRR	05/91
Drawn By	RSD/RRR	05/91
Checked By	JWC/RRR	05/91

Approved By [signature]
Roadway Design Engineer

Revisions	Sheet No.	Index No.
04	1 of 1	301

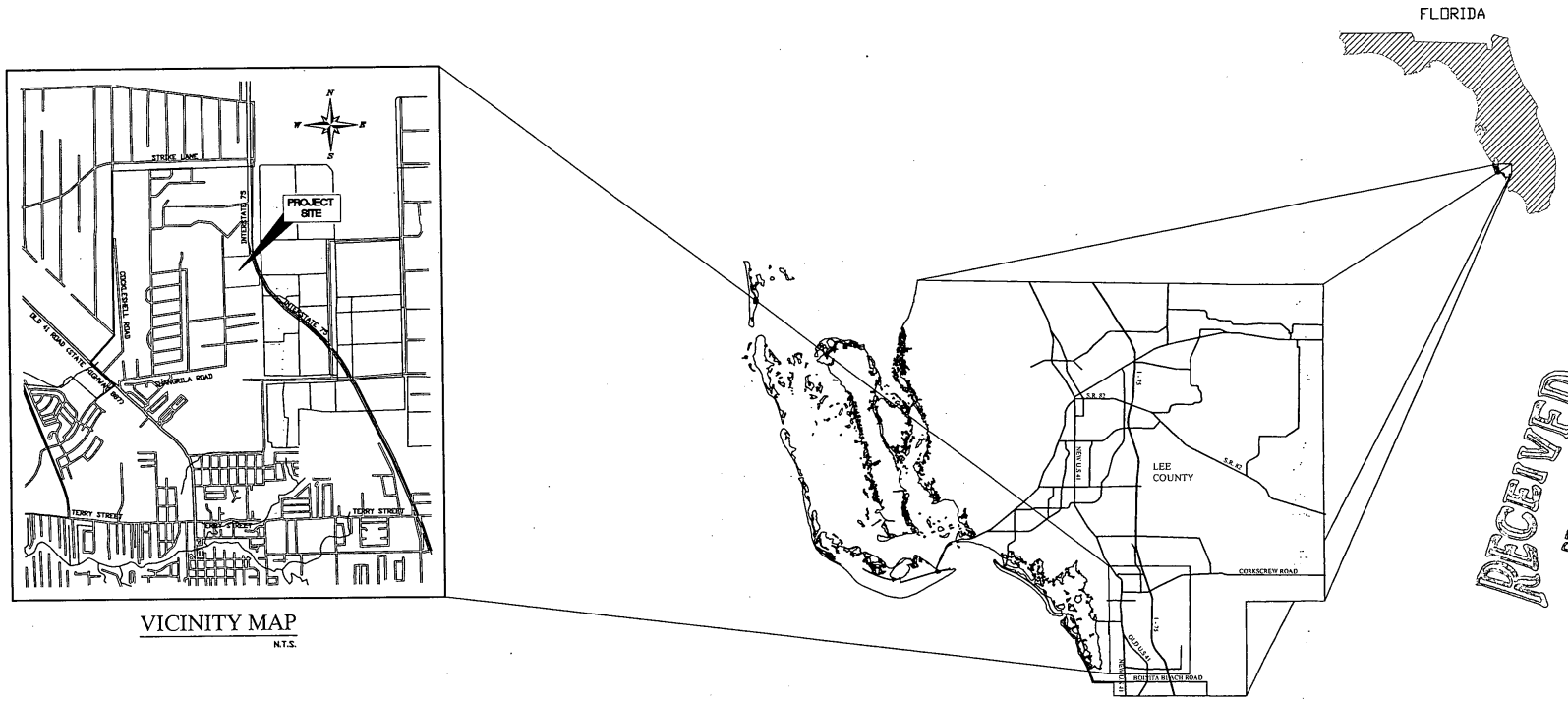
TRIP GENERATION EQUATIONS

TRIP GENERATION EQUATIONS
BONITA 30 RE-ZONING
ITE TRIP GENERATION REPORT, 7th EDITION

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Residential Condominium/Townhouse (LUC 230)	Ln (T) = 0.80 Ln (X) + 0.26 (17% In/83% Out)	Ln (T) = 0.82 Ln (X) + 0.32 (67% In/33% Out)	Ln (T) = 0.85 Ln (X) + 2.55
T = Trips, X = Number of dwelling units			

BONITA 30 RPD

SECTION 23 TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



VICINITY MAP
N.T.S.

RECEIVED
DEC 07 2005
COMMUNITY DEVELOPMENT
DCI 2005-00113

CONTENTS

SHEET 1 COVER SHEET
SHEET 2 GENERAL NOTES
SHEET 3 CONCEPTUAL MASTER PLAN

PREPARED FOR:

COLONIAL HOMES, Inc

12631 WESTLINKS DRIVE UNIT #7
FORT MYERS, FL 33913

RWA CONSULTING INC.
Engineers, Surveyors & Mappers
Planners, Project Managers
6610 Willow Park Drive Suite 200 Naples, FL 34109 (239) 597-0575 FAX: (239) 597-0578
1542 Carson Street, Fort Myers, Florida 33901 (239) 278-5224 FAX: (239) 278-5419

Nov 30, 2005 - 10:29:43 G:\2005\05-0058.00 Bonita 30\0006 RPD Rezone Application\MCP Plans\<illegible>

BONITA 30 RPD
GENERAL NOTES

SCHEDULE OF DEVIATIONS

DEVIATION # 1:
A REQUEST TO DEVIATE FROM LDC SECTION 3-296, TABLE 1, F.3, WHICH REQUIRES 1 & 1/2 IN. ASPHALT FDOT S-3 CONCRETE TO ALLOW FOR CEMENT CONCRETE PAVERS OR SIMILAR DECORATIVE PAVING MATERIALS FOR SELECTED LOCAL STREET AREAS, IF SO DESIRED.

DEVIATION # 2:
DEVIATION FROM LDC SECTION 3-329(E)(4) WHICH REQUIRES COMPENSATING SLOPE ON EXCAVATION BANKS; TO ALLOW UP TO 30 PERCENT OF THE BANKS TO UTILIZE VERTICAL BULKHEADS.

DEVIATION # 3:
DEVIATION FROM LDC SECTION 3-291(C) WHICH REQUIRES THAT RESIDENTIAL DEVELOPMENT OF MORE THAN FIVE ACRES TO PROVIDE TWO OR MORE MEANS OF INGRESS AND EGRESS, TO ALLOW THE RPD TO HAVE ONE FULL MEANS OF INGRESS AND EGRESS AND ONE EMERGENCY ACCESS.

DEVIATION # 4:
DEVIATION FROM LDC SECTION 34-1743(A)(1), WHICH LIMITS RESIDENTIAL PROJECT WALLS TO A MAXIMUM HEIGHT OF EIGHT (8) FEET; HOWEVER, THE WALL MAY BE CONSTRUCTED ATOP A PERIMETER PROJECT BERM, ALSO SUBJECT TO COMPLIANCE WITH SIGHT LINE LANDSCAPING AND WATER MANAGEMENT CONDITIONS OF SECTION 34-1743

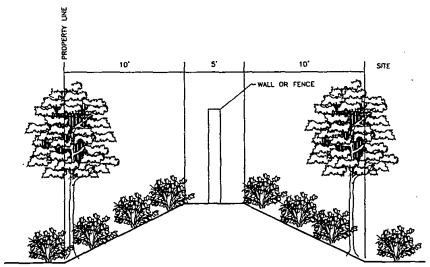
DEVIATION # 5:
DEVIATION FROM LDS SECTION 3-328, WHICH REQUIRES A TWENTY-FOOT (20') WIDE LAKE MAINTENANCE EASEMENT, TO PERMIT A 0' WIDE EASEMENT AS INDICATED ON THE MCP.

DEVIATION # 6:
DEVIATION FROM LDC SECTION 34-2194(C)(3)B, WHICH REQUIRES A TEN-FOOT (10') SETBACK FROM NON-SEAWALLED ARTIFICIAL WATER BODIES, TO ALLOW A ZERO-FOOT (0') SETBACK FOR RECREATIONAL/AMENITY STRUCTURES AT THE LAKE CONTROL ELEVATION.

DEVIATION # 7:
DEVIATION FROM LDC SECTIONS 34-2015(2)D AND 10-8(2) WHICH REQUIRE THAT PARKING LOTS BE DESIGNED TO ALLOW VEHICLES EXITING THE PARKING LOT TO ENTER THE STREET RIGHT-OF-WAY IN A FORWARD MOTION, TO ALLOW VEHICLES WITHIN THE ACTIVITY CENTER AND MULTIFAMILY TRACTS TO BACK INTO A PRIVATE RIGHT-OF-WAY OR EASEMENT.

GENERAL NOTES:

1. THE MASTER CONCEPT PLAN DEPICTS THE PROJECTS GENERAL CONFIGURATION FOR CONCEPTUAL ZONING REVIEW AND APPROVAL. THE FINAL RESIDENTIAL, RECREATIONAL AND TOWN CENTER USES, ALONG WITH THE PROJECT'S OPEN SPACE, SURFACE WATER MANAGEMENT SYSTEMS AND OTHER FUNCTIONAL ELEMENTS WILL BE DETERMINED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
2. PARKING WILL BE PROVIDED IN ACCORDANCE WITH LDC CHAPTER 34, DIVISION 26.
3. THE SUBJECT PROPERTY DOES NOT CONTAIN ANY HISTORICAL OR ARCHAEOLOGICAL SITES.
4. LEE TRAN BUS ROUTE SERVES BONITA SPRINGS AS ON-A-RIDE SERVICE ONLY AND DOES NOT HAVE A DEDICATED STOP. SHOULD REGULAR SERVICE BE EXTENDED TO AREA, A TRANSIT STOP COULD BE PROVIDED.
5. PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT ORDER, THE APPLICANT MUST PROVIDE EVIDENCE THAT THE PROPERTY HAS ACCESS TO CENTRAL WATER AND SEWER, OR THAT THE EXTENSION OF CENTRAL WATER AND SEWER WILL COINCIDE WITH THE DEVELOPMENT OF THE PROPERTY.
6. THIS PROJECT WILL MEET THE DEVELOPMENT STANDARDS AND DEFINITIONS OF CHAPTER 3 OF THE CITY OF BONITA SPRINGS LDC, UNLESS DEVIATIONS FROM THESE REGULATIONS HAVE BEEN APPROVED IN THE RPD.
7. MINOR ADMINISTRATIVE MODIFICATIONS MAY BE MADE AT THE TIME OF DEVELOPMENT ORDER APPROVAL.



DEVIATION #4

DEVELOPMENT REGULATIONS

	MULTI FAMILY	AMENITY CENTER
MINIMUM LOT WIDTH:	N/A	100 FEET
MINIMUM LOT DEPTH:	N/A	100 FEET
MINIMUM LOT AREA:	N/A	10,000 S.F.
MAXIMUM BUILDING HEIGHT:	6 STORIES OR 65'	3 STORIES OR 50'[1]
MAXIMUM LOT COVERAGE:	60 PERCENT	50 PERCENT
MINIMUM SETBACKS: [2]		
PUBLIC STREET:	20 FEET[3]	25 FEET[3]
PRIVATE STREET:	15 FEET[3]	10 FEET[3]
SIDE YARD:	10 FEET	10 FEET
REAR YARD:	10 FEET[4]	10 FEET[4]
WATER BODY:	20 FEET	0/20 FEET[5]
MINIMUM BUILDING SEPARATION:	20 FEET	20 FEET
MINIMUM FLOOR AREA:	750 S.F.	700 S.F.[6]

[1] EXCEPT CLOCK TOWERS OR SIMILAR ARCHITECTURAL FEATURES MAY BE PERMITTED UP TO 75'
[2] SETBACK IS MEASURED FROM EDGE OF PAVEMENT.
[3] SET BACK IS MEASURED FROM EDGE OF PAVEMENT OF ROAD SERVICING THE UNIT/BUILDING
[4] ACCESSORY STRUCTURE SETBACK MAY BE REDUCED TO ZERO FEET FOR SIDE AND REAR YARDS
[5] SETBACK FROM A LAKE FOR ALL PRINCIPAL AND ACCESSORY USES MAY BE ZERO FEET (0') PROVIDED ARCHITECTURAL BANK TREATMENT IS PROVIDED
[6] SEVEN HUNDRED (700') GROSS SQUARE FEET FLOOR AREA ON THE GROUND FLOOR.

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE S.88°50'51"W., ALONG THE NORTH LINE OF SAID SECTION 23, FOR 322.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE I-75, (STATE ROAD 93), SAID POINT BEING A POINT ON A CURVE AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL AND POINT OF CURVATURE;

THENCE SOUTHERLY 1,260.66 FEET ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 5,847.58 FEET THROUGH A CENTRAL ANGLE OF 12°21'08" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.17°43'10"E, FOR 1,258.22 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 23;
THENCE S.02°52'12"E., ALONG SAID EAST LINE, FOR 614.25 FEET TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23;
THENCE S.88°01'44"W., ALONG THE SOUTH LINE OF SAID NORTH 1/2, FOR 1,365.80 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 1/2;
THENCE N.01°43'26"W., ALONG THE WEST LINE OF SAID 1/4 AND THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23, FOR 1,257.07 FEET TO THE NORTHWEST CORNER OF SAID SOUTH 1/2;
THENCE N.87°54'57"E., ALONG THE NORTH LINE OF SAID SOUTH 1/2, FOR 1,004.25 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23;
THENCE N.02°24'38"W., ALONG THE WEST LINE OF SAID EAST 1/2, FOR 613.95 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 23;
THENCE N.88°50'51"E., ALONG SAID NORTH LINE, FOR 8.87 FEET TO THE POINT OF BEGINNING.

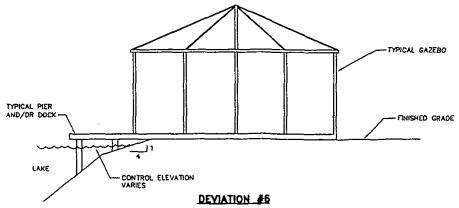
CONTAINING 1,651,237 SQUARE FEET OR 37.91 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS HAVING AN ASSUMED BEARING OF N.88°50'51"E



DEVIATION #5



DEVIATION #6

SCHEDULE OF USES

MULTIPLE FAMILY RESIDENTIAL TRACTS

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES, INCLUDING PROJECT REAL ESTATE SALES OFFICE
AGRICULTURAL USES, AND AGRICULTURAL ACCESSORY USES, EXISTING ONLY
CLUBS: PRIVATE (INCLUDING CONSUMPTION ON PREMISES)
FOOD AND BEVERAGE SERVICE LIMITED
HEALTH CLUB OR SPA – LIMITED TO USE OF A CLUB
DWELLING UNITS:
MULTIPLE FAMILY BUILDING
ENTRANCE GATE AND GATEHOUSE, IN COMPLIANCE WITH LDC §34-1748
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, GROUP I
EXCAVATION – FOR DEVELOPMENT LAKES, WATER RETENTION AND DETENTION
FENCES, WALLS
HOME OCCUPATION
MODELS:
MODEL UNIT
PARKING LOT, ACCESSORY
RECREATIONAL FACILITIES:
PERSONAL
PRIVATE ON-SITE
SIGNS, IN COMPLIANCE WITH LDC CHAPTER 30
TEMPORARY USES (LDC § 34-3041), INCLUDING A TEMPORARY PROJECT SALES OFFICE

AMENITY CENTER TRACT

ACCESSORY USES AND STRUCTURES:
ADMINISTRATIVE OFFICES
AGRICULTURAL USES AND AGRICULTURAL ACCESSORY USES (*LIMITED TO EXISTING ONLY*)
CLUBS: PRIVATE (INCLUDING CONSUMPTION ON PREMISES)
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES GROUP I
FENCES, WALLS
PARKING LOT: ACCESSORY
REAL ESTATE SALES OFFICE
RECREATION FACILITIES:
PERSONAL
PRIVATE
TEMPORARY USES (NOTE 1, 34-3041 ET SEQ.) – LIMITED TO TEMPORARY SALES OFFICE, AND CONSTRUCTION TRAILER AND STAGING AREA

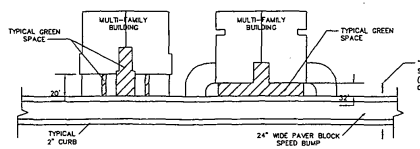
OPEN SPACE CALCULATION

TOTAL SITE AREA	37.91 AC.
LESS THREE OAKS PARKWAY RESERVATION (3.88 AC.) AND ASSOCIATED DRAINAGE EASEMENT (1.34 AC.)	5.22 AC.
TOTAL AREA FOR OPEN SPACE CALCULATION	32.69 AC.
35% OPEN SPACE REQUIREMENT	11.44 AC.
OPEN SPACE PROVIDED:	
LAKES	2.85 AC.
BUFFERS	3.94 AC.
PRESERVE	6.74 AC.
TOTAL:	13.54 AC.

NOTE: 10% PRIVATE OPEN SPACE TO BE PROVIDED WITHIN MFR TRACT

INDIGENOUS NATIVE VEGETATION REQUIREMENT

50% OF REQUIRED OPEN SPACE:	5.72 AC.
INDIGENOUS NATIVE VEGETATION PROVIDED (INCLUDING CREDIT)	10.11 AC.



DEVIATION #7

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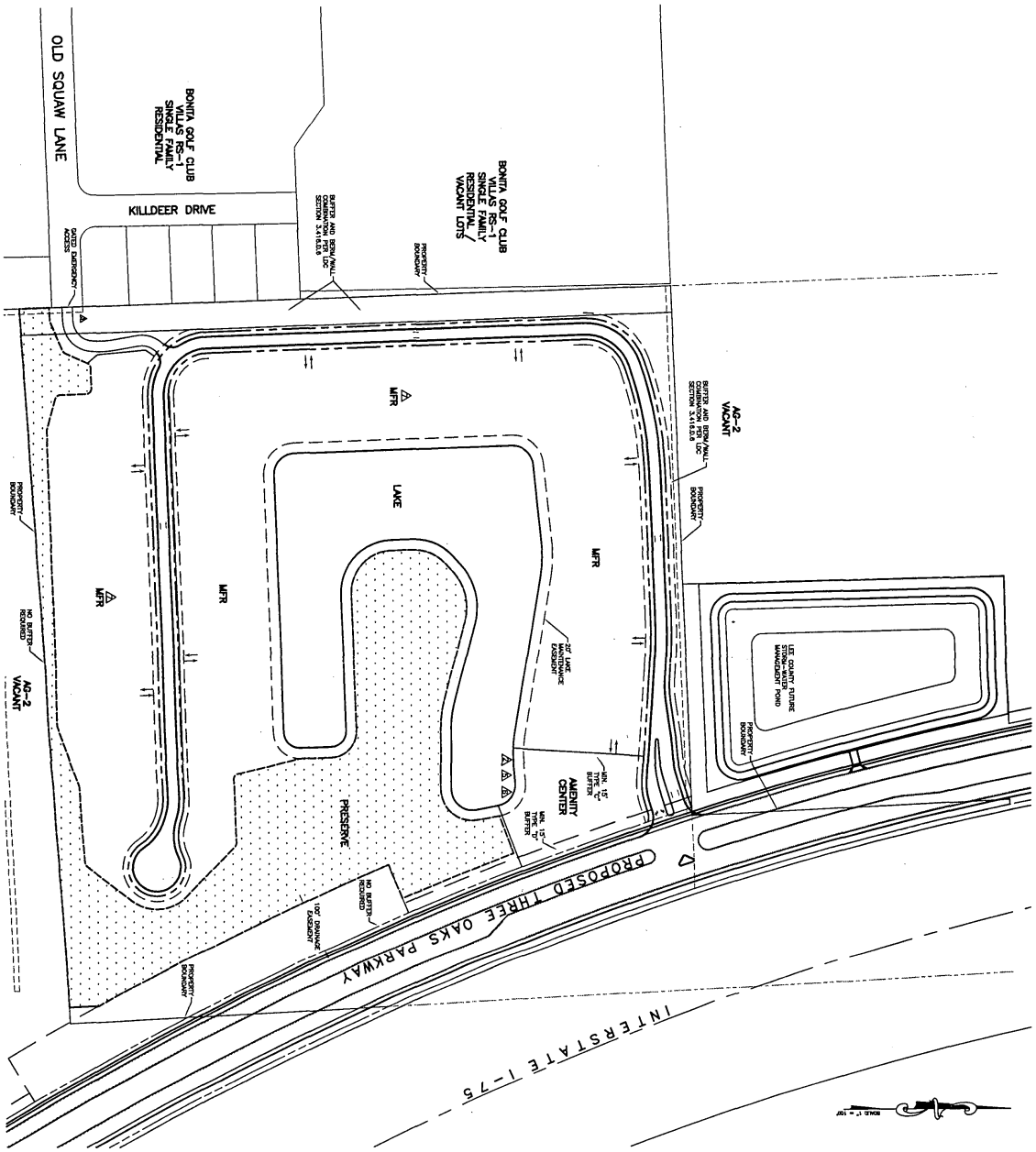
RWA INC.
CONSULTING LEVEL 1
Engineers, Surveyors & Mappers
Planners, Project Managers
3542 Exchange Avenue, Suite 270, Naples, Florida 34104 (239) 643-3939 FAX: (239) 643-3636
13450 Metro Parkway, Suite 2, Fort Myers, Florida 33966 (239) 936-3939 FAX: (239) 936-3636

PROJECT: BONITA 30 RPD
CLIENT: COLONIAL HOMES, INC.
TITLE: MASTER CONCEPT PLAN

SEC. 23 TWP. 47S RGE. 25E
SCALE: N/A
DRAWN: J.E.R
CHECKED: P.V.

DATE: DECEMBER 2005
PROJECT NO. 05-00098.00
FILE NO. 500980P01
SHEET NUMBER 2 OF 3

BONITA 30 RPD
MASTER CONCEPT PLAN



LEGEND

MFR	MULTIPLE FAMILY RESIDENTIAL
L	SURFACE WATER MANAGEMENT LAKE
AC	AMENITY CENTER
	DEVIATION #(NUMBER)

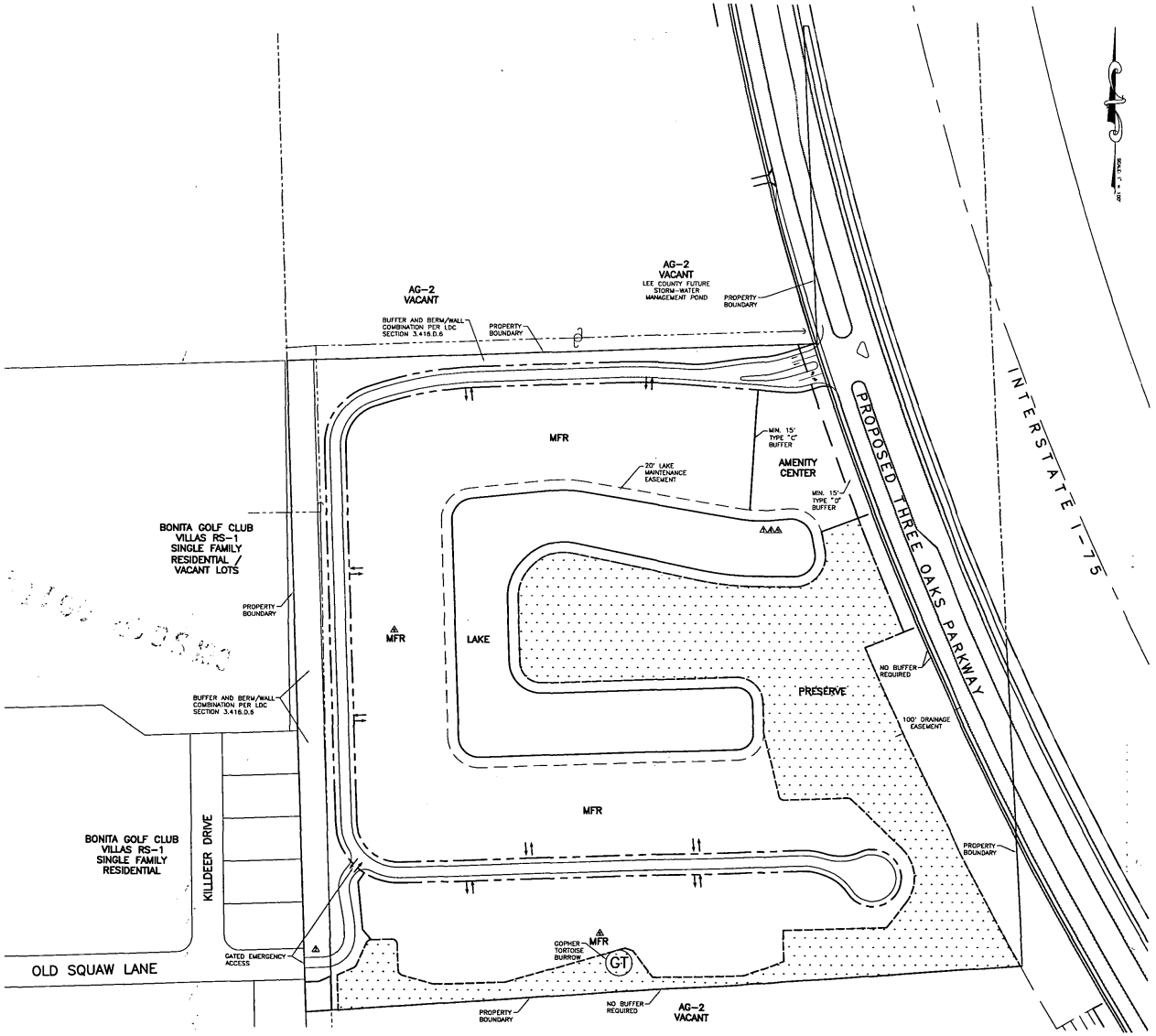
	ACREAGE	DWELLING UNITS
MULTIPLE-FAMILY RESIDENTIAL	13.54	216
AMENITY CENTER	0.46	N/A
LAKE TRACT	6.66	N/A
PRESERVE	6.74	N/A
PROPOSED ROAD	3.58	N/A
THREE OAKS PARKWAY	3.88	N/A
OTHER	3.54	N/A
TOTAL	38.39	216

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DATE: DECEMBER 2005	SEC TWP RGE: 23 47S 25E	CLIENT: COLONIAL HOMES INC.	PROJECT: BONITA 30 RPD	RWA CONSULTING INC.	Engineers, Surveyors & Mappers Planners, Project Managers
PROJECT NO.: 05-0098.00	SCALE: 1" = 100'			3050 North Horseshoe Drive, Suite 270, Naples, Florida 34104 (239) 649-1509 FAX: (239) 649-7056	
FILE NO.: 500980P01	DRAWN: J.E.R	TITLE: MASTER CONCEPT PLAN		1542 Carson Street, Fort Myers, Florida 33901 (239) 278-5224 FAX: (239) 278-5419	
SHEET NUMBER: 3 OF 3	CHECKED: P.V.				

BONITA 30 RPD
MASTER CONCEPT PLAN



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DCI 2005-00113

SITE SUMMARY

	ACREAGE	DWELLING UNITS
MULTIPLE-FAMILY RESIDENTIAL	13.41	275
AMENITY CENTER	0.99	N/A
LAKE TRACT	5.35	N/A
PRESERVE	7.65	N/A
INTERNAL ROAD	2.88	N/A
THREE OAKS PARKWAY	3.88	N/A
OTHER	3.77	N/A
TOTAL	37.81	275

LEGEND

- MFR — MULTIPLE FAMILY RESIDENTIAL
- L — SURFACE WATER MANAGEMENT LAKE
- AC — AMENITY CENTER
- Δ — DEVIATION NUMBER

RWA INC.
CONSULTING ENGINEERS, SURVEYORS & MAPPERS
Engineers, Surveyors & Mappers
Planners, Project Managers
3905 North Horseshoe Drive, Suite 270, Naples, Florida 34104 (239) 649-1559 FAX: (239) 649-7056
542 Cohan Street, Fort Myers, Florida 33901 (239) 275-3224 FAX: (239) 275-5419

PROJECT: BONITA 30 RPD

CLIENT: COLONIAL HOMES INC.

TITLE: MASTER CONCEPT PLAN

SEC: 23 TWP: 47S RGE: 25E
SCALE: 1" = 100'
DRAWN: J.E.R
CHECKED: P.V.
DATE: DECEMBER 2005
PROJECT NO: 05-0098.00
FILE NO: 5009SDP01
SHEET NUMBER: 3 OF 3

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BONITA 30 RPD

SECTION 23 TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



VICINITY MAP
N.T.S.

DCI 2005-00113

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CONTENTS

SHEET 1 COVER SHEET
SHEET 2 GENERAL NOTES
SHEET 3 MASTER CONCEPT PLAN

PREPARED FOR:

COLONIAL HOMES, Inc

12631 WESTLINKS DRIVE UNIT #7
FORT MYERS, FL 33913

RWA INC.
CONSULTING
Engineers, Surveyors & Mappers
Planners, Project Managers
6610 Willow Park Drive Suite 200 Naples, FL 34109 (239) 597-0575 FAX: (239) 597-0578
1542 Carson Street, Fort Myers, Florida 33901 (239) 278-5224 FAX: (239) 278-5419

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BONITA 30 RPD
GENERAL NOTES

DCI 2005-00113

SCHEDULE OF DEVIATIONS

DEVIATION # 1:
DEVIATION FROM LDC SECTION 3-329(E)(4) WHICH REQUIRES COMPENSATING SLOPE ON EXCAVATION BANKS; TO ALLOW UP TO 20 PERCENT OF THE BANKS TO UTILIZE VERTICAL BULKHEADS.

DEVIATION # 2:
DEVIATION FROM LDC SECTION 3-291(C) WHICH REQUIRES THAT RESIDENTIAL DEVELOPMENT OF MORE THAN FIVE ACRES TO PROVIDE TWO OR MORE MEANS OF INGRESS AND EGRESS, TO ALLOW THE RPD TO HAVE ONE FULL MEANS OF INGRESS AND EGRESS AND ONE EMERGENCY ACCESS.

DEVIATION # 3:
DEVIATION FROM LDC SECTION 34-1743(b)(1), WHICH LIMITS RESIDENTIAL PROJECT WALLS TO A MAXIMUM HEIGHT OF EIGHT (8) FEET; HOWEVER, THE WALL MAY BE CONSTRUCTED ATOP A PERIMETER PROJECT BERM, ALSO SUBJECT TO COMPLIANCE WITH SIGHT LINE LANDSCAPING AND WATER MANAGEMENT CONDITIONS OF SECTION 34-1743

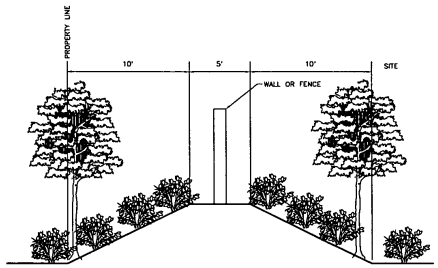
DEVIATION # 4:
DEVIATION FROM LDS SECTION 3-328, WHICH REQUIRES A TWENTY-FOOT (20') WIDE LAKE MAINTENANCE EASEMENT, TO PERMIT A 0' WIDE EASEMENT AS INDICATED ON THE MCP.

DEVIATION # 5:
DEVIATION FROM LDC SECTION 34-2194(C)(3)B, WHICH REQUIRES A TEN-FOOT (10') SETBACK FROM NON-SEAWALLED ARTIFICIAL WATER BODIES, TO ALLOW A ZERO-FOOT (0') SETBACK FOR RECREATIONAL/AMENITY STRUCTURES AT THE LAKE CONTROL ELEVATION.

DEVIATION # 6:
DEVIATION FROM LDC SECTIONS 34-2015(2)D AND 10-8(2) WHICH REQUIRE THAT PARKING LOTS BE DESIGNED TO ALLOW VEHICLES EXITING THE PARKING LOT TO ENTER THE STREET RIGHT-OF-WAY IN A FORWARD MOTION, TO ALLOW VEHICLES WITHIN THE ACTIVITY CENTER AND MULTIFAMILY TRACTS TO BACK INTO A PRIVATE RIGHT-OF-WAY OR EASEMENT.

GENERAL NOTES:

1. THE MASTER CONCEPT PLAN DEPICTS THE PROJECTS GENERAL CONFIGURATION FOR CONCEPTUAL ZONING REVIEW AND APPROVAL. THE FINAL RESIDENTIAL, RECREATIONAL AND TOWN CENTER USES, ALONG WITH THE PROJECT'S OPEN SPACE, SURFACE WATER MANAGEMENT SYSTEMS AND OTHER FUNCTIONAL ELEMENTS WILL BE DETERMINED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
2. PARKING WILL BE PROVIDED IN ACCORDANCE WITH LDC CHAPTER 34, DIVISION 26.
3. THE SUBJECT PROPERTY DOES NOT CONTAIN ANY HISTORICAL OR ARCHAEOLOGICAL SITES.
4. LEE TRAN BUS ROUTE SERVES BONITA SPRINGS AS DIAL-A-RIDE SERVICE ONLY AND DOES NOT HAVE A DEDICATED STOP. SHOULD REGULAR SERVICE BE EXTENDED TO AREA, A TRANSIT STOP COULD BE PROVIDED.
5. PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT ORDER, THE APPLICANT MUST PROVIDE EVIDENCE THAT THE PROPERTY HAS ACCESS TO CENTRAL WATER AND SEWER, OR THAT THE EXTENSION OF CENTRAL WATER AND SEWER WILL COINCIDE WITH THE DEVELOPMENT OF THE PROPERTY.
6. THIS PROJECT WILL MEET THE DEVELOPMENT STANDARDS AND DEFINITIONS OF CHAPTER 3 OF THE CITY OF BONITA SPRINGS LDC, UNLESS DEVIATIONS FROM THESE REGULATIONS HAVE BEEN APPROVED IN THE RPD.
7. MINOR ADMINISTRATIVE MODIFICATIONS MAY BE MADE AT THE TIME OF DEVELOPMENT ORDER APPROVAL.



DEVIATION #3

DEVELOPMENT REGULATIONS

	MULTI FAMILY	AMENITY CENTER
MINIMUM LOT WIDTH:	N/A	100 FEET
MINIMUM LOT DEPTH:	N/A	100 FEET
MINIMUM LOT AREA:	N/A	10,000 S.F.
MAXIMUM BUILDING HEIGHT:	6 STORIES OR 65'	3 STORIES OR 50'[1]
MAXIMUM LOT COVERAGE:	60 PERCENT	50 PERCENT
MINIMUM SETBACKS: [2]		
PUBLIC STREET:	20 FEET [3]	25 FEET [3]
PRIVATE STREET:	15 FEET [3]	10 FEET [3]
SIDE YARD:	10 FEET [4]	10 FEET
REAR YARD:	10 FEET	10 FEET [4]
WATER BODY:	20 FEET	0/20 FEET [5]
MINIMUM BUILDING SEPARATION:	20 FEET	20 FEET
MINIMUM FLOOR AREA:	750 S.F.	700 S.F. [6]

[1] EXCEPT CLOCK TOWERS OR SIMILAR ARCHITECTURAL FEATURES MAY BE PERMITTED UP TO 75'
[2] SETBACK IS MEASURED FROM EDGE OF PAVEMENT.
[3] SET BACK IS MEASURED FROM EDGE OF PAVEMENT OF ROAD SERVICING THE UNIT/BUILDING
[4] ACCESSORY STRUCTURE SETBACK MAY BE REDUCED TO ZERO FEET FOR SIDE AND REAR YARDS
[5] SETBACK FROM A LAKE - FOR ALL PRINCIPAL AND ACCESSORY USES MAY BE ZERO FEET (0') PROVIDED ARCHITECTURAL BANK TREATMENT IS PROVIDED
[6] SEVEN HUNDRED (700') GROSS SQUARE FEET FLOOR AREA ON THE GROUND FLOOR.

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE S.88°50'51"W., ALONG THE NORTH LINE OF SAID SECTION 23, FOR 322.65 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE I-75, (STATE ROAD 93), SAID POINT BEING A POINT ON A CURVE AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL AND POINT OF CURVATURE;

THENCE SOUTHERLY 1,260.66 FEET ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 5,847.58 FEET THROUGH A CENTRAL ANGLE OF 12°21'08" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.17°43'10"E. FOR 1,258.22 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 23;
THENCE S.02°52'12"E., ALONG SAID EAST LINE, FOR 614.25 FEET TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23;
THENCE S.88°01'44"W., ALONG THE SOUTH LINE OF SAID NORTH 1/2, FOR 1,365.80 FEET TO THE SOUTHWEST CORNER OF SAID NORTH 1/2;
THENCE N.01°43'26"W., ALONG THE WEST LINE OF SAID 1/4 AND THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23, FOR 1,257.07 FEET TO THE NORTHWEST CORNER OF SAID SOUTH 1/2;
THENCE N.87°54'57"E., ALONG THE NORTH LINE OF SAID SOUTH 1/2, FOR 1,004.25 FEET TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 23;
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THENCE N.88°50'51"E., ALONG SAID NORTH LINE, FOR 8.87 FEET TO THE POINT OF BEGINNING.

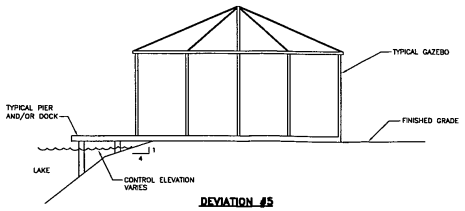
CONTAINING 1,651,237 SQUARE FEET OR 37.91 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 23, TOWNSHIP 47 SOUTH, RANGE 25 EAST AS HAVING AN ASSUMED BEARING OF N.88°50'51"E



DEVIATION #4



DEVIATION #5

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SCHEDULE OF USES

MULTIPLE FAMILY RESIDENTIAL TRACTS

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES, INCLUDING PROJECT REAL ESTATE SALES OFFICE
AGRICULTURAL USES, AND AGRICULTURAL ACCESSORY USES, EXISTING ONLY
CLUBS: - PRIVATE (INCLUDING CONSUMPTION ON PREMISES)
FOOD AND BEVERAGE SERVICE LIMITED
HEALTH CLUB OR SPA - LIMITED TO USE OF A CLUB
DWELLING UNITS:
MULTIPLE FAMILY BUILDING
ENTRANCE GATE AND GATEHOUSE, IN COMPLIANCE WITH LDC 734-1748
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, GROUP I
EXCAVATION - FOR DEVELOPMENT LAKES, WATER RETENTION AND DETENTION
FENCES, WALLS
HOME OCCUPATION
MODELS:
MODEL UNIT
PARKING LOT, ACCESSORY
RECREATIONAL FACILITIES:
PERSONAL
PRIVATE ON-SITE
SIGNS, IN COMPLIANCE WITH LDC CHAPTER 30
TEMPORARY USES (LDC 7 34-3041), INCLUDING A TEMPORARY PROJECT SALES OFFICE

AMENITY CENTER TRACT

ACCESSORY USES AND STRUCTURES:
ADMINISTRATIVE OFFICES
AGRICULTURAL USES AND AGRICULTURAL ACCESSORY USES (LIMITED TO EXISTING ONLY)
CLUBS: - PRIVATE (INCLUDING CONSUMPTION ON PREMISES)
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES GROUP I
FENCES, WALLS
PARKING LOT: ACCESSORY
REAL ESTATE SALES OFFICE
RECREATION FACILITIES:
PERSONAL
PRIVATE
TEMPORARY USES (NOTE 1, 34-3041 ET SEQ.) - LIMITED TO TEMPORARY SALES OFFICE, AND CONSTRUCTION TRAILER AND STAGING AREA

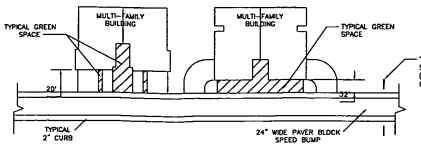
OPEN SPACE CALCULATION

TOTAL SITE AREA	37.91 AC.
LESS THREE OAKS PARKWAY RESERVATION (3.88 AC.) AND ASSOCIATED DRAINAGE EASEMENT (1.34 AC.)	5.22 AC.
TOTAL AREA FOR OPEN SPACE CALCULATION	32.69 AC.
40% OPEN SPACE REQUIREMENT	13.08 AC.
OPEN SPACE PROVIDED:	
LAKES (75% OF REQ. OPEN SPACE)	3.22 AC.
BUFFERS	3.94 AC.
PRESERVE	7.65 AC.
TOTAL:	14.81 AC.

NOTE: 10% PRIVATE OPEN SPACE TO BE PROVIDED WITHIN MFR TRACT

INDIGENOUS NATIVE VEGETATION REQUIREMENT

50% OF REQUIRED OPEN SPACE:	6.54 AC.
INDIGENOUS NATIVE VEGETATION PROVIDED	6.54 AC.



DEVIATION #6

RWA INC. CONSULTING
Engineers, Surveyors & Mappers
Planners, Project Managers
3905 Metro Parkway, Suite 225, Fort Myers, Florida 33916
1542 Carson Street, Fort Myers, Florida 33901
(239) 278-3090 FAX: (239) 278-3374
(239) 278-6244 FAX: (239) 278-5419

PROJECT: BONITA 30 RPD
CLIENT: COLONIAL HOMES, INC.
TITLE: GENERAL NOTES

DATE: DECEMBER 2005	SEC: 23	TWP: 47S	RGE: 25E
PROJECT NO: 05-0098.00	SCALE: N/A		
FILE NO: 500980P01	DRAWN: J.E.R		
SHEET NUMBER: 2 OF 3	CHECKED: P.V.		

May 02, 2006 - 09:03:22 Q:\2005\05-0098.00 Bonita 30\0098 RPD Rezone Application\MCP Plans\revision #7\500980P02.dwg

Betsy Samz

From: Patrick Vanasse
Sent: Friday, September 14, 2007 10:43 AM
To: Betsy Samz
Subject: FW: DCI2005-00113 Bonita 30 RPD

Patrick Vanasse, AICP
Planning Manager
RWA, Inc.
1542 Carson Street
Fort Myers, FL 33901
(239) 278-5224 phone
(239) 278-5419 fax
www.consult-rwa.com

-----Original Message-----
From: Badamtchian, Chahram [mailto:CBADAMTCHIAN@leegov.com]
Sent: Friday, September 14, 2007 10:41 AM
To: Patrick Vanasse
Subject: DCI2005-00113 Bonita 30 RPD

Good morning Patrick, DCI 2005-00113

Could you please forward me 6 copies of the revised MCP (both large and small sizes) for Bonita 30 RPD?

Thanks,

Chahram Badamtchian, AICP
Senior Planner
Lee County DCD/Zoning
Phone: 239. 533. 8372
Fax: 239. 485. 8300
Cbadamtchian@leegov.com

DCI 2005-00113

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10 YEARS RWA INC. CONSULTING 1997-2007

LETTER OF TRANSMITTAL

TO: Chahram Badamtchian, AICP
Senior Planner
Lee County DCD/Zoning

DATE: September 14, 2007

PROJECT NAME: Bonita 30 RPD

PROJECT NUMBER: DCI2005-00113

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We are sending the attached via:

☐ Client Pickup ☒ Delivery ☐ Mail ☐ Overnight

Action required:

☐ For approval ☐ For your use ☒ As requested ☐ For review and comment ☐ Other

COPIES	*DESCRIPTION*
6	Master Concept Plan (24x36)
6	Master Concept Plan (11x17)

REMARKS:

If you have any questions please feel free to call me at anytime (239) 278-5224. Thank you.

DCI 2005-00113

SIGNED: Patrick Vanasse, AICP
Planning Manager

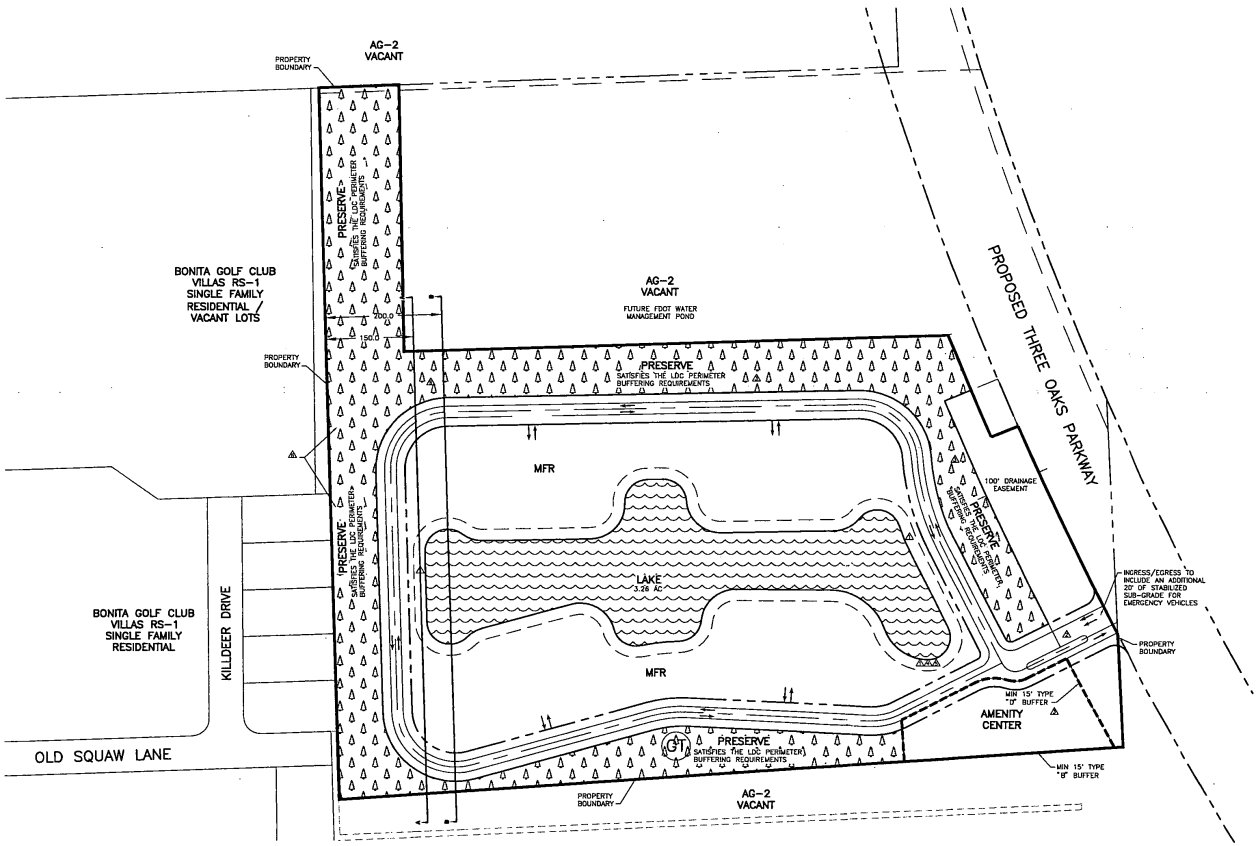
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Document2
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BONITA 30 RPD
MASTER CONCEPT PLAN



SITE SUMMARY TABLE		
	Acreage	Percentage
MFR	3.68	15.86
Drainage Easement	1.06	4.74
Amenity Center	0.98	4.61
ROW	3.82	15.68
Preserve	7.03	28.91
Lake	3.26	14.05
Other open space	3.75	16.15
Total Project Acreage	23.56	100.00

LEGEND

MFR MULTIPLE FAMILY RESIDENTIAL

2 DEVIATION NUMBER

GT GOPHER TORTOISE BURROW

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RWA INC. CONSULTING
Planning
Visualization
Civil Engineering
Surveying & Mapping
6610 Willow Park Drive, Suite 200, Naples, Florida 34109 (239) 597-0575 FAX: (239) 597-0578
1542 Colonial Street, Fort Myers, Florida 33901 (239) 278-6224 FAX: (239) 278-5419

PROJECT: BONITA 30 RPD

CLIENT: COLONIAL HOMES INC.

TITLE: MASTER CONCEPT PLAN

DATE:	MARCH, 2007
PROJECT NO:	050055.00.00
FILE NO:	500980000P03
SHEET NUMBER:	3 OF 3
SEC. TWP. RGE.	23 47S 25E
SCALE:	1" = 100'
DRAWN:	S.D.L.
CHECKED:	P.V.

April 23, 2007 4:29 PM G:\2005\050055.00.00 Bonita 30\0008 RPD Rezone Application\MCP Plans\Revision #3\500980000P03.dwg



Exhibit V-A
Bonita 30
Future Land Use Map (July 2004)

DCI 2005-00113

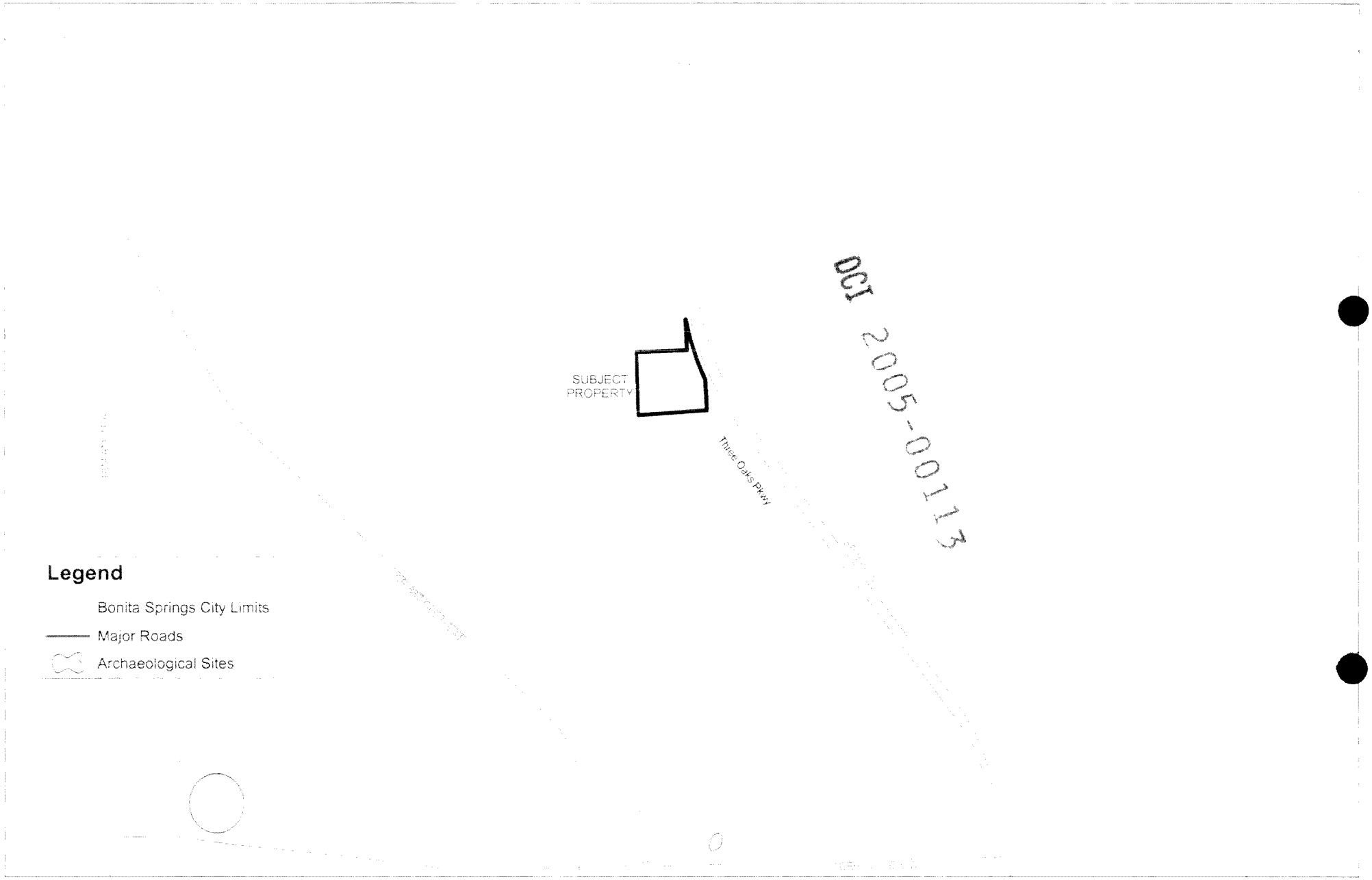


Exhibit IV-O
Bonita 30
Historical & Archaeological Map



Exhibit IV-N
Bonita 30
Aerial Map

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EXHIBIT IV-I

SURFACE WATER MANAGEMENT NARRATIVE
FOR
REZONING APPLICATION

BONITA 30 MULTI-FAMILY RESIDENTIAL DEVELOPMENT

1. The runoff characteristics of the property in its existing state;
The property currently is an undeveloped site consisting of wetland and upland areas. The project runoff characteristics are a function of rainfall events. The site is surrounded by a detention area, multi-family development uplands and undeveloped land. The proposed storm water will discharge into a drainage swale located at the southeast corner of the property. The swale is connected to the wetland system which connects with an existing drainage swale located to the southeast corner of the property.

2. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained;
The proposed project is a 37.91 acre residential community located in Sections 23, Township 47S, Range 25E. The western flowway is the western boundary for the project. This flowway will attempt to re-establish pre-development flow.

The Bonita 30 residential project is located adjacent to the proposed Three Oaks Parkway. The drainage system will consist of a lake which provides storm water treatment for the project. Once storm water treatment occurs, the project will discharge to the onsite wetland, then through an outfall structure and ultimately discharge off-site to the existing drainage swale located to the southeast corner of the property.

3. The retention features (including natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee its maintenance;

The proposed surface water management system will incorporate a man-made lake to provide runoff treatment and peak attenuation. The lake will be conveyed to a homeowners' association or other similar entity which will be perpetually responsible for the proposed surface water management system maintenance.

The project will have dedicated wetland conservation areas. However, the proposed lake will be planted to mimic natural features and provide onsite wildlife habitat.

All runoff from the project, once treated in the surface water management system, discharges into the existing drainage swale.

4. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate;

Approximately 6.74 acres of wetlands will be preserved and buffers will be provided along the entire project boundary. These buffers are designed to protect the onsite wetlands and minimize impacts caused by development of the project.

The design of the drainage system is based on matching and improving pre-development water table elevations which vary seasonably. Control elevation for the project (wet season water table) will be determined via the future SFWMD environmental resource permit application process. These water table elevations will be set to maintain and improve hydro-periods in the wetlands. The onsite wetlands will normally be inundated during the wet season.

5. Describe the requirements for fill materials posed by this development for other than building pads (use, volume, etc.)

This development will require either excavation or embankment throughout the entirety of the development areas. An average quantity of 36" of fill is expected to be needed within the roadway areas; an additional 12" of fill is necessary within building pads to achieve final development grades.

The proposed onsite lake will be the source of this material. Additional fill from offsite sources may be necessary to construct the project. No fill will be removed from the site.

However, final grades for the building pads, roads, etc. for the project will be determined during SFWMD environmental resource application permit process.

6. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding;

The property is not subject to inundation as it is surrounded by an 25 year-3 day storm perimeter berm which is significantly higher that the expected elevations caused by a 100-year storm event.

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EXHIBIT IV-H
SCHEDULE OF PROJECT DEVIATIONS AND JUSTIFICATION

DCI 2005-00113

DEVIATION # 1:

A request to deviate from LDC Section 3-296, Table 1, F.3, which requires 1 & 1/2 in. asphalt FDOT S-3 concrete to allow for cement concrete pavers or similar decorative paving materials for selected local street areas, if so desired.

JUSTIFICATION:

This is a commonly granted deviation for large residential projects that desire upscale design entrance features and pedestrian crossing areas. The granting of this deviation will permit the developer to select a decorative surfacing at the time of final developing order. The deviation is internal in nature. Thus, it will not cause any deleterious effects on the public at large. Final placement of alternative wearing surfaces will be determined at the development order stage. The nature of this request is such that no graphic illustration is required. The project will benefit from the deviation by advancing overall higher design quality.

DEVIATION # 2:

Deviation from LDC Section 3-329(e)(4) which requires compensating slope on excavation banks, to allow up to 20 percent of the banks to utilize vertical bulkheads.

JUSTIFICATION:

This deviation is intended to apply to the Amenity Center, which is a common area. This deviation improves the project appearance by allowing a more aesthetically pleasing and creative design that will allow public spaces in close proximity to the waterfront. Pedestrian safety can be addressed by providing railing and/or fences where deemed appropriate. This deviation will not have a negative impact on public health and safety.

DEVIATION # 3:

Deviation from LDC Section 3-291(C) which requires that residential development of more than five acres to provide two or more means of ingress and egress, to allow the RPD to have one full means of ingress and egress and one emergency access.

JUSTIFICATION:

A cul-de-sac road was used as part of this project's design to minimize impacts to native vegetation and to provide one contiguous preserve. However, a secondary, gated and limited-access point connecting to the Old Squaw Lane is also to be provided for emergency purposes.

DEVIATION #4:

Deviation from LDC Section 34-1743(b)(1) which limits residential project walls to a maximum height of eight (8) feet to permit a maximum vertical wall height of eight (8) feet; however, the wall may be constructed atop a perimeter berm also subject to compliance with sight line landscaping and water management conditions of sections 34-1743.

JUSTIFICATION:

This treatment allows for a more functional and aesthetically pleasing design that incorporates the required buffering attributes with water management needs. This design can effectively enhance aesthetics by reducing the massing effect resulting from a continuous solid wall surface while providing the same buffering attributes of a wall by itself.

DEVIATION # 5:

Deviation from LDC Section 3-328, which requires a twenty-foot (20') wide lake maintenance easement, to permit a 0' wide easement as indicated on the MCP.

JUSTIFICATION:

This deviation will be implemented in conjunction with Deviation # 2, which will permit specific lake bank design treatments for portions of the project's lake system. Alternative maintenance for the lakes will be provided in accordance with permit requirements of the South Florida Water Management District.

DEVIATION #6:

Deviation from LDC Section 34-2194(C)(3)B, which requires a ten-foot (10') setback from non-seawalled artificial water bodies, to allow a zero-foot (0') setback for recreational/amenity structures at the lake control elevation.

JUSTIFICATION:

This deviation will allow viewing platforms, decks, walkways and other accessory structures to be constructed to the water's edge. Protective railings will be provided as necessary adjacent to pedestrian areas. An exhibit detailing the deviation is included in the MCP set.

DEVIATION #7:

Deviation from LDC Sections 34-2015(2)D and 10-8(2) which require that parking lots be designed to allow vehicles exiting the parking lot to enter the street right-of-way in a forward motion, to allow vehicles within the Activity Center and multi-family tracts to back into a private right-of-way or easement.

JUSTIFICATION:

This deviation will be implemented in conjunction with Deviation # 2, which will permit specific lake bank design treatments for portions of the project's lake system. Alternative maintenance for the lakes will be provided in accordance with permit requirements of the South Florida Water Management District.

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EXHIBIT IV-G
SCHEDULE OF USES

DCI 2005-00113

MULTIPLE FAMILY RESIDENTIAL TRACTS

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES, INCLUDING PROJECT REAL ESTATE SALES OFFICE
AGRICULTURAL USES, AND AGRICULTURAL ACCESSORY USES, EXISTING ONLY
CLUBS: PRIVATE (INCLUDING CONSUMPTION ON PREMISES)
FOOD AND BEVERAGE SERVICE LIMITED
HEALTH CLUB OR SPA - LIMITED TO USE OF A CLUB
DWELLING UNITS:
    MULTIPLE FAMILY BUILDING
ENTRANCE GATE AND GATEHOUSE, IN COMPLIANCE WITH LDC §34-1748
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, GROUP I
EXCAVATION - FOR DEVELOPMENT LAKES, WATER RETENTION AND DETENTION
FENCES, WALLS
HOME OCCUPATION
MODELS:
    MODEL UNIT
PARKING LOT, ACCESSORY
RECREATIONAL FACILITIES:
    PERSONAL
    PRIVATE ON-SITE
SIGNS, IN COMPLIANCE WITH LDC CHAPTER 30
TEMPORARY USES (LDC § 34-3041), INCLUDING A TEMPORARY PROJECT SALES OFFICE

AMENITY CENTER TRACT

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES, INCLUDING PROJECT REAL ESTATE SALES OFFICE
AGRICULTURAL USES, AND AGRICULTURAL ACCESSORY USES, EXISTING ONLY
CLUBS: PRIVATE (INCLUDING CONSUMPTION ON PREMISES)
FOOD AND BEVERAGE SERVICE LIMITED
HEALTH CLUB OR SPA - LIMITED TO USE OF A CLUB
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, GROUP I
EXCAVATION - FOR DEVELOPMENT LAKES, WATER RETENTION AND DETENTION
FENCES, WALLS
PARKING LOT, ACCESSORY
RECREATIONAL FACILITIES:

PERSONAL
PRIVATE ON-SITE
SIGNS, IN COMPLIANCE WITH LDC CHAPTER 30
TEMPORARY USES (LDC § 34-3041), INCLUDING A TEMPORARY PROJECT SALES OFFICE

GENERAL NOTES:

1. THE MASTER CONCEPT PLAN DEPICTS THE PROJECTS GENERAL CONFIGURATION FOR CONCEPTUAL ZONING REVIEW AND APPROVAL. THE FINAL RESIDENTIAL, RECREATIONAL AND TOWN CENTER USES, ALONG WITH THE PROJECT'S OPEN SPACE, SURFACE WATER MANAGEMENT SYSTEMS AND OTHER FUNCTIONAL ELEMENTS WILL BE DETERMINED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
2. PARKING WILL BE PROVIDED IN ACCORDANCE WITH LDC CHAPTER 34, DIVISION 26.
3. THE SUBJECT PROPERTY DOES NOT CONTAIN ANY HISTORICAL OR ARCHAEOLOGICAL SITES.
4. LEE TRAN BUS ROUTE SERVES BONITA SPRINGS AS DIAL-A-RIDE SERVICE ONLY AND DOES NOT HAVE A DEDICATED STOP. SHOULD REGULAR SERVICE BE EXTENDED TO AREA, A TRANSIT STOP COULD BE PROVIDED.
5. PRIOR TO THE ISSUANCE OF ANY DEVELOPMENT ORDER, THE APPLICANT MUST PROVIDE EVIDENCE THAT THE PROPERTY HAS ACCESS TO CENTRAL WATER AND SEWER, OR THAT THE EXTENSION OF CENTRAL WATER AND SEWER WILL COINCIDE WITH THE DEVELOPMENT OF THE PROPERTY.
6. THIS PROJECT WILL MEET THE DEVELOPMENT STANDARDS AND DEFINITIONS OF CHAPTER 3 OF THE CITY OF BONITA SPRINGS LDC, UNLESS DEVIATIONS FROM THESE REGULATIONS HAVE BEEN APPROVED IN THE RPD.
7. MINOR ADMINISTRATIVE MODIFICATIONS MAY BE MADE AT THE TIME OF DEVELOPMENT ORDER APPROVAL.

DEVELOPMENT REGULATIONS

	MULTI FAMILY	AMENITY CENTER
MINIMUM LOT WIDTH:	N/A	100 FEET
MINIMUM LOT DEPTH:	N/A	100 FEET
MINIMUM LOT AREA:	N/A	10,000 S.F.
MAXIMUM BUILDING HEIGHT:	6 STORIES or 65'	3 STORIES or 50'[1]
MAXIMUM LOT COVERAGE:	60 PERCENT	50 PERCENT
MINIMUM SETBACKS[2]:		
PUBLIC STREET:	20 FEET[3]	25 FEET [3]
PRIVATE STREET:	15 FEET[3]	10 FEET [3]
SIDE YARD:	10 FEET	10 FEET
REAR YARD:	10 FEET[4]	10 FEET
WATER BODY:	20 FEET	0/20 FEET[5]
MINIMUM BUILDING SEPARATION:	20 FEET	20 FEET
MINIMUM FLOOR AREA	750 S.F.	700 S.F[6]

[1] EXCEPT CLOCK TOWERS OR SIMILAR ARCHITECTURAL FEATURES THAT MAY BE PERMITTED UP TO 75'
[2] SETBACK IS MEASURED FROM EDGE OF PAVEMENT.
[3] SETBACK IS MEASURED FROM EDGE OF PAVEMENT OF ROAD SERVICING THE UNIT/BUILDING
[4] ACCESSORY STRUCTURE SETBACK MAY BE REDUCED TO ZERO FEET FOR SIDE AND REAR YARDS
[5] SETBACK FROM A LAKE FOR ALL PRINCIPAL AND ACCESSORY USES MAY BE REDUCED TO ZERO FEET (0) PROVIDED ARCHITECTURAL BANK TREATMENT IS PROVIDED
[6] SEVEN HUNDRED (700') SQUARE GROSS FEET FLOOR AREA ON THE GROUND FLOOR.

EXHIBIT IV-D
DESCRIPTION OF PROPOSED DEVELOPMENT

The subject property is located in Section 23, Township 47 South, Range 25 East and is designated as Medium Density Multiple-Family Residential in the Future Land Use Element (FLUE) of the of the City of Bonita Springs Comprehensive Plan. This land use category is described in Policy 1.1.8 of the Future Land Use Element. The property is located along the future Three Oaks Parkway between East Terry Street and Strike Lane. The subject property is bounded on the west by Bonita Golf Club Villas subdivision comprised of single-family residences and vacant lots; on the south by vacant land zoned AG-2, to the east by the future Three Oaks Parkway and to the north by vacant lands zoned AG-2 and a future Lee County water management pond. Access to the site will be provided via the future Three Oaks Parkway.

The applicant is proposing to rezone 38± acres of AG-2 lands to a Residential Planned Development. The proposed Bonita 30 master planned community and will consist of multiple-family dwelling units, and an accessory amenity center. A maximum of 275 dwelling units are proposed within the RPD and accessory amenities will include clubhouse, and recreational facilities such a pool and tennis courts. For a detailed discussion relating to the proposed density and comprehensive plan consistency, please see Exhibit II-E-2.

The Master Concept Plan, provided with this application, graphically depicts the proposed development, demonstrating the locations of residential tracts, lake, and the amenity center. The project is designed to provide for adequate buffering and separation between the multi-family residential and amenity center uses (such as clubhouse and recreational uses). It should be noted that the Amenity Center tract has been located at the project entrance to buffer the residential uses from Three Oaks Parkway and to provide easy access to the recreational and community area. While adequate buffering will be provided, bicycle and pedestrian pathways will interconnect both uses. Additionally, Amenity Center uses will be designed to minimize noise and glare and the clubhouse will be designed at a human scale, so that the structure is not overpowering

The project has been designed to include significant open space in the form of buffers, lakes, preserve, landscaped areas, recreational facilities to provide a functional design that will enhance project aesthetics, separate incompatible uses, protect environmentally sensitive areas, and allow for active and recreational opportunities.

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Bonita Springs Utilities, Inc.

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September 28, 2005

DCI 2005-00113

Patrick Vanasse, AICP
RWA Consulting
1542 Carson Street
Fort Meyers, FL 33901

Re: Bonita 30
Bonita Springs, Lee County, Florida

Dear Mr. Vanasse:

You have requested potable water, sewer and irrigation service for the project referenced above. The Developer is 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.

You have estimated the usage to be 60,500 gallons per day. Bonita Springs Utilities, Inc. has the capacity to provide the above estimated gallonage from its 14 million gallon per day water treatment plant. The Water Reclamation Facility has the capacity to treat the above estimated gallonage from its 7 million gallon per day treatment plant .

Potable water is available for irrigation use as no reuse water is available at this time.

The static water pressure at the point the developers' waterline extension will connect currently exceeds 20 psi.

This letter should not be construed as a commitment or guarantee to serve, but only as to the availability of potable water, sewer and reuse at this time. Bonita Springs Utiiities, Inc. may commit to reserve plant capacity if available, at such time that ANC (Aid-to-New Construction) fees are paid for each unit of required capacity.

Sincerely,

Michael J. Liggins, P.E.
Director of Engineering

MJL/bkk

11860 East Terry Street • Bonita Springs, Florida 34135 • (239) 992-0711 • (800) 583-1496
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PERMIT COUNTER

August 2, 2006

Chahram Badamtchian, AICP
Senior Planner
Lee County - Department of Community Development – Zoning Division
P.O. Box 398
Fort Myers, Florida 33902

Re: Bonita 30 RPD
DCI2005-00113 – PDL Application (Major PD)

Dear Mr. Badamtchian:

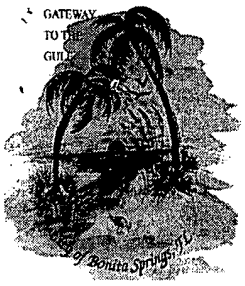
The consultant team for the above referenced PDL application has been reviewing the items discussed in your June 2, 2006 sufficiency review letter. However, there is a possibility that we may not have obtained all requested revisions and supporting documents by this week's deadline of August 2. Thus, we would like to request a 60-day extension to our response period, in order that we may provide the most accurate and complete submittal to you and your staff.

Thank you in advance for consideration of this extension. As we await your approval, we will continue to work to resolve those issues raised and to gather those documents requested by staff.

Sincerely,

Patrick Vanasse, AICP
Planning Manager

1542 Carson Street, Fort Myers, Florida 33901 • (239) 278-5224, fax: (239) 278-5419
www.consult-rwa.com



Writer's Direct Dial Number: (239) 479-8372

CITY OF BONITA SPRINGS

9101 BONITA BEACH ROAD
BONITA SPRINGS, FL 34135
TEL: (239) 949-6262
FAX: (239) 390-1004
www.cityofbonitasprings.org

Jay Arend
Mayor

Wayne P. Edsall
District One

Alex Grantt
District Two

R. Robert Wagner
District Three

John Joyce
District Four

David T. Piper, Jr.
District Five

Ben L. Nelson, Jr.
District Six

Gary A. Price
City Manager

Audrey E. Vance
City Attorney

January 17, 2006

MR. ROBERT MULHERE
RWA, INC
6610 WILLOW PARK DRIVE
SUITE 200
NAPLES, FL 34109

Re: BONITA 30 RPD
DCI2005-00113 - PDL Application (Major PD)

Dear MR. ROBERT MULHERE :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

LEE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division
For the City of Bonita Springs

Chahram Badamtchian

Chahram Badamtchian
Senior Planner

cc: Pamela Houck, Division Director
Audrey Vance, City Attorney
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Administration
Mohsen Salehi, City of Bonita Springs
Don Blackburn, Development Review
DCI Zoning File
DCI Working File

1) Sufficiency Comments.

1. The design of Three Oaks Pkwy has an entrance of right-in/right-out and left-in only for this property. But, the project's entrance was treated as right-in/right-out only in the TIS and the Master Concept Plan shows it as a full intersection.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Lili Wu 479-8580 ext 5395

Legal Requirements Sufficiency Checklist

6b) Certified sketch of description. A certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code, must be provided unless the subject property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. [34-202(a)(2)]

The applicant stated on the application that a certified sketch of description to accompany the legal was submitted and attached as Exhibit II-B-2. However, no sketch was included in the application package. Please provide this sketch of description document to be attached to the BoCC zoning resolution. This sketch is required in addition to the already provided Boundary Survey thus a reduced copy of the survey will not be sufficient for this purpose. Thanks.

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)]

As per the above-referenced LDC requirement, please tie and display at least (2) coordinates on two opposing corners on Survey. "The county prefers that at least one of the coordinates be for the point of beginning". Thanks.

7) Miscellaneous Items.

Note: "Sufficiency or non-applicability of Legal Requirements subject to change upon review of subsequent resubmittals."

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Please contact Luis G. Machado at (239) 479-8485
or e-mail: lmachado@leegov.com

Environmental Sciences Planned Development Sufficiency Checklist

1) Description of Existing Conditions, Soils, Vegetation Fluccs, Topography. The application for a Planned Development must be accompanied by the following: [34-373(a)(4)]

1b4) Topographic Map. A county topographic map (required if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)e.i.]

Please submit

2) Protected Species Survey. A Protected Species Survey as required by LDC Section 10-473 must be provided for large projects (as defined in LDC Chapter 10) and Major Planned Developments . [34-373(b)(2)]

Please make the following revisions to the protected species assessment:

1. include the time of day the survey was conducted and how many hours were spent onsite; and

2. the FLUCCS table needs to be revised as both 624M1 and 624M3 are listed as 10-25% invasive exotic cover, and

3. indicate which of the Lee County approved methodologies was utilized. The submitted assessment references the FWC standards. The City of Bonita Springs requires the Lee County approved methodologies be used.

3) Protected Species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]

A gopher tortoise burrow and scat were located per the Protected Species Assessment conducted by DexBender and Associates. Please revise the MCP to delineate an approriate gopher tortoise preserve area.

4) Environmentally Sensitive Areas. The location, of any state jurisdictional wetlands and surface water, based upon standard environmental data and verified by the South Florida Water Management District staff, must be depicted on an aerial or FLUCCS map unless waived by the director.

1. The FLUCCS map indicates 5.6 acres of wetlands, however, the page 5 of 22 of the Planned Development application indicates 6.74 acres of freshwater wetlands. Please clarify the acreage of SFWMD jurisdictional wetlands, and revise the submittal accordingly.

2. The soils map indicates a large portion of the site to be potential wetlands. Please explain why so much of the depressional soil type areas were excluded from being deemed SFWMD jurisdictional wetlands.

5) Open Space. The percentage of open space must be clearly stated on the Master Concept Plan unless the proposed development consists solely of conventional single family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)f.; 34-373(a)(8)iii.]

1. Please explain which regulation allows for the drainage easement to be subtracted from the open space calculation. Only public street right-of-ways or easements are allowed to be deducted from the open space calculation.

2. LDC Section 34-935(g)(1)(a) requires residential planned developments to provide 40% common open space. Please revise the MCP to meet this requirement.

6) Parks, Recreation Areas and Indigenous Areas. The general location of proposed parks, recreation areas and facilities as well as indigenous areas to be preserved must be shown on the Master Concept Plan. [34-373(a)(6)e]

1. Please revise the required indigenous open space per the revised 40% common open space requirement noted above.

2. The surface water management exhibit indicates a flow-way along the western property line. Please provide further detail for the flow-way. Does the flow-way encompass the entire indigenous preserve? Will any excavation be required within the flow-way? How will the flow-way be maintained?

3. Please provide the actual acreage of the proposed preserve, and also details of where credits apply. Credits only apply to existing upland native plant communities meeting the minimum acreage and dimensions noted in the LDC.

8) Design Standards: Environmentally Sensitive Areas. 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 features of the site, particularly mature native trees and threatened or endangered native vegetation. [34-411(g)]

Pending clarification on wetland acreage and locations.

12) Miscellaneous Items.

Why is the future Lee County storm-water management pond that is located outside the boundaries of this project depicted on the MCP?

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

KimTrebatoski, Principal Environmental Planner
239-479-8183
trebatkm@leegov.com

Bonita Springs Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

13) Traffic Impact Statement. A traffic impact statement must be provided in a format and to the degree of detail required by a form furnished by the county and in conformance with the adopted county administrative code. [34-373(a)(7)]

Staff has received the following comments from the City of Bonita Springs Traffic consultant. These comments need to be addressed by the applicant:

1- On page 4 under Traffic Conditions (first paragraph last sentence), the TIS states" No growth rate was utilized for the section of Three Oaks Parkway from Strike Lane to East Terry...". This would be valid only if the completion of the project is concurrent with the completion roadway construction. IT is my understanding that the Imperial Roadway and Three Oaks Parkway segments would be completed by the end of 2007. There needs to be assumption made for the traffic growth rate for 2008 (project biltout) and one year after.

2- It is not clear where "905"B"" for background traffic figure is based on (see #1 above).

3- The full access median opening configuration with inbound (left turn) and outbound (left turn) storage lanes shown per sheet 3 of 3 but the 240' southbound right turn lane is not shown.

4-It is assumed that the proposed Amenity Center fronting Three Oaks Parkway (per MCO 3 of 3) is for residents only.

14) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property must be provided including the following: [34-373(a)(8)]

Please clearify the use of "Private Club". Will it be used by the residents ot the development or it is open to the public. What do you mean by "Club members". Could people not living in the development join the club?

15) Schedule of Deviations. A schedule of deviations and a written justification for each deviation requested as part of the master Concept Plan must be submitted. The location of each requested deviation must be indicated on the Master Concept Plan. [34--373(a)(9)]

Please clearify justification for Deviation #7.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Feel free to call Chahram Badamtchian @239-479-8372 with any questions related to the zoning comments.

2

a. Please be advised that it has always been the County's policy not to allow any density for I-75 ROW.

b. You may only calculate 1/2 of the future Three Oaks Parkway ROW in your density calculations. We relaize that at this point there is no ROW for Three Oaks on your property. However, you are using the future ROW for your TIS study and showing access to that road. You are even subtracting the future ROW from the total land area for your open space calculations.

c. Staff has not yet received an application for affordable housing for this property.

d. Please clearify the status of Tropical Acres Drive. The road is located on your property. The property is addressed from this road. However, it does not appear to be a publically recorded easement for this road.

21) Miscellaneous Items.

4) Miscellaneous items.

1) Deviaiton number one can be withdrawn as the request can be accomplished administrativley through the Develpment Order Process.

CITY OF
BONITA SPRINGS

9101 BONITA BEACH ROAD
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www.cityofbonitasprings.org

Jay Arend
Mayor

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District One

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Patrick McCourt
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John Joyce
District Four

Martha Simons
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Ben L. Nelson, Jr.
District Six

Gary A. Price
City Manager

Audrey E. Vance
City Attorney

March 30, 2006

MR. ROBERT MULHERE
RWA, INC
6610 WILLOW PARK DRIVE
SUITE 200
NAPLES, FL 34109

RE: BONITA 30 RPD
DCI2005-00113 - PDL Application (Major PD)

Dear MR. ROBERT MULHERE :

The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on May 29, 2006. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Chahram Badamtchian
Senior Planner

cc: Pam Houck, Director Zoning Division
Audrey Vance, City Attorney
Debbie Muchler, Deputy City Clerk
Bob Rentz, TIS Reviewer
Don Blackburn, Development Services
Paul O'Connor, Planning Division
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Jamie Princing, DCD Admin
Billie Jacoby
Zoning File

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Gary A. Price
City Manager

Audrey E. Vance
City Attorney

March 29, 2006

MR. ROBERT MULHERE
RWA, INC
6610 WILLOW PARK DRIVE
SUITE 200
NAPLES, FL 34109

RE: BONITA 30 RPD
DCI2005-00113

Dear MR. ROBERT MULHERE :

On December 07, 2005 an application was submitted for the above referenced case. Our last response in regards to the application was on January 17, 2006 with a letter of insufficiency. The insufficiency letter explains that additional information needs to be provided before proceeding with the public hearing.

Enclosed is a withdrawal form for your convenience. Please complete this form and return the original or provide the required information by May 28, 2006.

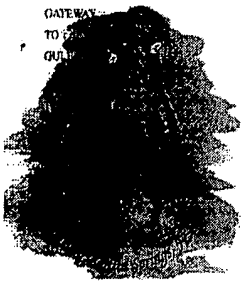
Please feel free to contact us if you require clarification or additional information.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Chahram Badamtchian
Senior Planner

cc: Pam Houck, Director Zoning Division
Audrey Vance, City Attorney
Debbie Muchler, Deputy City Clerk
Bob Rentz, TIS Reviewer
Don Blackburn, Development Services
Paul O'Connor, Planning Division
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Sciences
Jamie Princing, DCD Admin
Billie Jacoby
Zoning File



Writer's Direct Dial Number: (239) 479-8372

CITY OF
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Gary A. Price
City Manager

Audrey E. Vance
City Attorney

June 2, 2006

MR. ROBERT MULHERE
RWA, INC
6610 WILLOW PARK DRIVE
SUITE 200
NAPLES, FL 34109

Re: BONITA 30 RPD
DCI2005-00113 - PDL Application (Major PD)

Dear MR. ROBERT MULHERE :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

LEE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division
For the City of Bonita Springs

Chahram Badamtchian

Chahram Badamtchian
Senior Planner

cc: Pamela Houck, Division Director
Audrey Vance, City Attorney
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Andy Getch, LCDOT
Jamie Princing, DCD Administration
Mohsen Salehi, City of Bonita Springs
Don Blackburn, Development Review

DCI Zoning File
DCI Working File

Legal Requirements Sufficiency Checklist

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)]

Resubmittal package dated May 9, 2006 did not include a revise boundary survey tied to the State plane Coordinate System. Therefore, please tie and display at least (2) coordinates, one coordinate being the point of beginning (POB) of the subject property and the other an opposing corner on Survey. Thanks.

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Please contact Luis G. Machado at (239) 479-8485
or e-mail: lmachado@leegov.com

Environmental Sciences Planned Development Sufficiency Checklist

1) Description of Existing Conditions, Soils, Vegetation Fluccs, Topography. The application for a Planned Development must be accompanied by the following: [34-373(a)(4)]

1b4) Topographic Map. A county topographic map (required if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)e.i.]

The resubmittal letter indicated a topography map was submitted, however, ES staff could not locate a topo map in the file. Please submit.

5) Open Space. The percentage of open space must be clearly stated on the Master Concept Plan unless the proposed development consists solely of conventional single family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)f.; 34-373(a)(8)iii.]

Please explain which regulation allows for the drainage easement to be subtracted from the open space calculation. Only public street right-of-ways or right-of-way easements are allowed to be deducted from the open space calculation. Is the Three Oaks Pkwy right-of-way and associated drainage area being donated to the county?

6) Parks, Recreation Areas and Indigenous Areas. The general location of proposed parks, recreation areas and facilities as well as indigenous areas to be preserved must be shown on the Master Concept Plan. [34-373(a)(6)e]

The MCP indicates 6.54 acres of indigenous preserve provided. However, the narrative indicates the preserve is 7.65 acres. Additionally, the density calculation table indicates 6.74 acres of wetland area. Please clarify the discrepancy and correct the submittal to be consistent.

12) Miscellaneous Items.

1. Please explain how you can subtract the Three Oaks Pkwy right-of-way reservation and drainage easement from your open space calculation, but include this acreage in your density calculation.

2. The density calculation only includes 6.74 acres of wetlands, whereas, the environmental assessment states 31.49 acres of state jurisdictional wetlands are onsite. There is no indication that you currently have an approved ERP that converts wetlands into uplands. Please revise the density calculation to reflect the actual wetland acres.

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

KimTrebatoski, Principal Environmental Planner
239-479-8183
trebatkm@leegov.com

Bonita Springs Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

13) Traffic Impact Statement. A traffic impact statement must be provided in a format and to the degree of detail required by a form furnished by the county and in conformance with the adopted county administrative code. [34-373(a)(7)]

Staff has received the following comments from the City of Bonita Springs Traffic consultant. These comments need to be addressed by the applicant:

1) Page 7 of 10/Response #1, "Table 1A and 2" missing, cannot comment without the revised tables indicating changes.

2) Page 7 of 10/ Response # 2, the growth rate from a parallel facility is more appropriate than arbitrary 50% of 2026 peak hour/peak direction volume (interpolate from 2030 model) as three Oaks background traffic.

3) Page 7 of 10/ Response# 3, the MCP does not indicate the "proposed" nature of the median opening shown. Neither MCP nor TIS are consistent with the Three Oaks Parkway plans. The plans indicate directional median opening with right in right out and left in for the proposed development in the vicinity of Sta. 225+00 (just south of Pond "C"). There is no valid reason to modify this median opening for a residential development with an appropriate density.

Master Concept Plan/Deviations Exhibit IV-H

Deviation 2: LDC Sec. 3-291 (c):The applicant needs to acquire letter of consent from the City's Fire Marshal for this deviation. Our concern is about acceptability of an unimproved/substandard private roads such as Old squaw Ln/Killderr Dr. per the MCP for the purpose of the emergency vehicles access.

Deviation #6: Sect 34-2015 (2) D & 10-8 (2)?? Are there any other local developments utilizing the allowance to unpark a vehicle in backward motion with verifiable traffic safety record?

Please feel free to contact me with any questions or comments that you might have.

For the City of Bonita Springs

Mohsen Salehi
Consulting Services
Ft. Myers, Florida
239/9941320 (cell#)
239/433-1092 (voice/fax)

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Feel free to call Chahram Badamtchian @239-479-8372 with any questions related to the zoning comments.

2

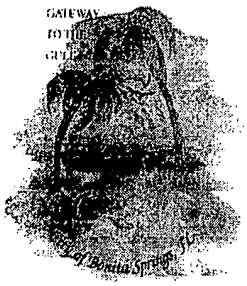
You are including the entire area of Three Oaks ROW and drainage easement in the density calculations. You are only entitled to 1/2 of the density for this 5.22 acre area. This is not a sufficiency review issue. This is just to advise you that staff will not support the density calculations you have provided during our substantive review stage.

City of Bonita Springs has decided not to accept any bonud density Bonus Density applications until further notice. Again this is a sufficiency review comment it is just for your information.

21) Miscellaneous Items.

4) Miscellaneous items.

1) Deviaiton number one can be withdrawn as the request can be accomplished administrativley through the Develpment Order Process.



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City Manager

Audrey E. Vance
City Attorney

November 30, 2006

MR. ROBERT MULHERE
RWA, INC
6610 WILLOW PARK DRIVE
SUITE 200
NAPLES, FL 34109

RE: BONITA 30 RPD
DCI2005-00113 - PDL Application (Major PD)

Dear MR. ROBERT MULHERE :

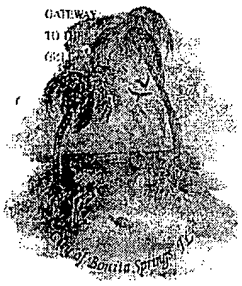
The Zoning Division has reviewed your request for an extension of the response time allowed by the Lee County Land Development Code for the above referenced project. Staff recognizes that you are actively pursuing additional information necessary for the resubmittal of the request and will allow a 60 day extension expiring on January 29, 2007. This project could be deemed withdrawn after the extension date if you do not respond prior to this date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Chahram Badamtchian
Senior Planner

cc: Pam Houck, Director Zoning Division
Audrey Vance, City Attorney
Debbie Muchler, Deputy City Clerk
Bob Rentz, TIS Reviewer
Don Blackburn, Development Services
Kim Trebatoski, Environmental Sciences
Brad Vance, Natural Resources
Mohsen Salehi, c/o LaRue Planning & Management Services
Jamie Princing, DCD Admin
Billie Jacoby
Zoning File



Writer's Direct Dial Number: (239) 479-8372

CITY OF
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Gary A. Price
City Manager

Audrey E. Vance
City Attorney

April 3, 2007

MR. ROBERT MULHERE
RWA, INC
6610 WILLOW PARK DRIVE
SUITE 200
NAPLES, FL 34109

Re: BONITA 30 RPD
DCI2005-00113 - PDL Application (Major PD)

Dear MR. ROBERT MULHERE :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

LEE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division
For the City of Bonita Springs

Chahram Badamtchian
Senior Planner

cc: Pamela Houck, Division Director
Audrey Vance, City Attorney
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Sam Lee, Natural Resources
Don Blackburn, Development Review
Lili Wu, LCDOT
Jamie Princing, DCD Administration
Mohsen Salehi, City of Bonita Springs

DCI Zoning File
DCI Working File

Environmental Sciences Planned Development Sufficiency Checklist

1) Description of Existing Conditions, Soils, Vegetation Fluccs, Topography. The application for a Planned Development must be accompanied by the following: [34-373(a)(4)]

1b4) Topographic Map. A county topographic map (required if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)e.i.]

The topographic map is not in a form that is typically acceptable, however, it is sufficient for this project.

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

KimTrebatoski, Principal Environmental Planner
239-479-8183
trebatkm@leegov.com

Bonita Springs Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Feel free to call Chahram Badamtchian @239-479-8372 with any questions related to the zoning comments.

21) Miscellaneous Items.

Staff has received the following comments from the City consultant:

We have reviewed the applicant responses for our previously stated comments for theabove referenced and have the following comments.

Generally, the applicant should be made aware of the fact that any land use changes and or conversions from the 138 residential condo (LUC 230) to the uses listed in Exhibit IV-G would have to be commensurate to their corresponding LUC trip generations per ITE Report, 7th edition, as a condition for the application to proceed (See the City Manager's Comments of March 19.2006)

We also question the proposed 60 feet height for the proposed multi-family buildings(See the City Manager's Comments of March 19.2006). This may also be limited as a condition for this application to proceed (See the City Manager's Comments of March 19.2006)

More specifically:

1) It is not clear why deviation #2 is requested, while at the same no action is taken in securing any emergency access to Old Squaw Lane (Postponing this to DO stage makes no sense, since this would also be a condition for the application to proceed). Deviation #2 needs to be substantiated.

2) Old Squaw Lane may not be limited to an emergency access, if the impact of this development on Three Oaks Blvd when it comes to turning movements maybe used as a warrant (later on at DO stage) for requesting a median opening. Right-in/right-out access to Three Oaks Parkway as a controlled access facility, would also have to be a condition for this application to proceed.

Please feel free to call with any questions or comments that you might have.

For the City of Bonita Springs

Mohsen Salehi
Consulting Services
Ft. Myers, Florida
239/994-1320 (cell#)
239/433-1092 (voice/fax)

ZONING DIVISION
CITY OF BONITA SPRINGS
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Audrey Vance, City Attorney
TIS Reviewer - temporarily reviewed by DOT
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Lili Wu, LCDOT
Susan Teston, Lee County School District
Sam Lee, Natural Resources
Chick Jackaki, Zoning
Mike Pavese, Public Works

FROM: Chahram Badamtchian

DATE: 06/07/2007

PROJECT NAME: BONITA 30 RPD

CASE #: DCI2005-00113

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 06/17/2007

Additional Comments:
SUFFICIENCY LETTER DISTRIBUTION.

cc: DCI planner/working file
DCI Zone File

Distributed by: Vicky S Tatlock

Date: 06/07/2007

CITY OF
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Gary A. Price
City Manager

Audrey E. Vance
City Attorney

Writer's Direct Dial Number: (239) 479-8372

June 7, 2007

MR. ROBERT MULHERE
RWA, INC
6610 WILLOW PARK DRIVE
SUITE 200
NAPLES, FL 34109

Re: BONITA 30 RPD
DCI2005-00113 - PDL Application (Major PD)

Dear MR. ROBERT MULHERE :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

> Rezone 23.56+/- acres from AG-2 (Agricultural) to RPD (Residential Planned Development) to allow 138 multi-family dwelling units with associated amenities with a maximum height of 5 stories not to exceed 60 feet.

> NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by June 21, 2007 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Bonita Springs Zoning Board of Adjustments and Appeals on September 7, 2007. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

LEE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division
For the City of Bonita Springs

Chahram Badamtchian
Senior Planner

copy w/o attachments
Pamela Houck, Division Director
Audrey Vance, City Attorney
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Sam Lee, Natural Resources
Lili Wu, LCDOT
Susan Teston, Lee County School District
Jamie Princing, DCD Administration
Mohsen Salehi, City of Bonita Springs

DCI Zoning File
DCI Working File

ZONING DIVISION
CITY OF BONITA SPRINGS
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Audrey Vance, City Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning
Mohsen Salehi, City of Bonita Springs

FROM: Chahram Badamtchian

DATE: 12/07/2005

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BONITA 30 RPD

CASE #: DCI2005-00113

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 12/21/2005

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jodi M Payne

Date: 12/12/2005

ZONING DIVISION
CITY OF BONITA SPRINGS
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Audrey Vance, City Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning
Mohsen Salehi, City of Bonita Springs

FROM: Chahram Badamtchian

DATE: 05/09/2006

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BONITA 30 RPD

CASE #: DCI2005-00113

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 05/23/2006

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).

Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 05/09/2006

ZONING DIVISION
CITY OF BONITA SPRINGS
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Audrey Vance, City Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
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Kim Trebatoski, Environmental Sciences
Lili Wu, LCDOT
Ellen Lindblad, Lee County School District
Roland Ottolini, Natural Resources
Chick Jackaki, Zoning
Mohsen Salehi, City of Bonita Springs
Mike Pavese, Public Works

FROM: Chahram Badamtchian

DATE: 01/09/2007

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BONITA 30 RPD

CASE #: DCI2005-00113

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 01/23/2007

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).

Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Brady X Proctor

Date: 01/11/2007

RWA INC.
CONSULTING
• Planning • Visualization
• Civil Engineering • Surveying & Mapping

LETTER OF TRANSMITTAL

TO: Chahram Badamtchian, Senior Planner
Lee County, Department of Community Development
Zoning Division, City of Bonita Springs
9101 Bonita Beach Road
Bonita Springs, FL 34135

RECEIVED
JAN 09 2007
COMMUNITY DEVELOPMENT

DATE: January 9, 2007

PROJECT NAME: Bonita 30 RPD

PROJECT NUMBER: ~~DCI2006-00119~~ DCI2005-00113 PDL Application (Major PD)
Internal Project # 050098.00.00

We are sending the attached via:

☐ Client Pickup ☒ Delivery ☐ Mail ☐ Overnight

Action required:

☒ For approval ☐ For your use ☐ As requested ☒ For review and comment ☐ Other

COPIES	*DESCRIPTION*
1	2nd Sufficiency Response Submittal – Originals
13	Response Letter
13	Revised Planned Development Application
13	Sketch and Legal Description
13	Boundary Survey
13	Topographic Map & U.S.G.S. Map
13	Density Calculations
13	Traffic Impact Statement
13	Master Concept Plan (including 11 x 17 inch copy)
13	Schedule of Uses
13	Schedule of Deviations and Justification

REMARKS:

SIGNED:

Patrick Vanasse, AICP
Planning Manager

COPY TO: Jean Webb, Meritage Homes Corp. Land Office
Russell Schropp, Henderson, Franklin, Starnes & Holt, P.A.
Raeann Boylan, Boylan Environmental Consultants, Inc.

1542 Carson Street, Fort Myers, Florida 33901 • (239) 278-5224, fax: (239) 278-5419 • www.consult-rwa.com

CITY OF
BONITA SPRINGS

9101 BONITA BEACH ROAD
BONITA SPRINGS, FL 34135
TEL: (239) 949-6262
FAX: (239) 390-1004
www.cityofbonitasprings.org

Jay Arend
Mayor

Wayne P. Edsall
District One

Alex Grantt
District Two

R. Robert Wagner
District Three

John Joyce
District Four

David T. Piper, Jr.
District Five

Ben L. Nelson, Jr.
District Six

Gary A. Price
City Manager

Audrey E. Vance
City Attorney

Writer's Direct Dial Number: (239) 479-8372

January 30, 2007

MR. ROBERT MULHERE
RWA, INC
6610 WILLOW PARK DRIVE
SUITE 200
NAPLES, FL 34109

Re: BONITA 30 RPD
DCI2005-00113 - PDL Application (Major PD)

Dear MR. ROBERT MULHERE :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

LEE COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division
For the City of Bonita Springs

Chahram Badamtchian

Chahram Badamtchian
Senior Planner

cc: Pamela Houck, Division Director
Audrey Vance, City Attorney
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Sam Lee, Natural Resources
Don Blackburn, Development Review
Lili Wu, LCDOT
Jamie Princing, DCD Administration
Mohsen Salehi, City of Bonita Springs

DCI Zoning File
DCI Working File

Environmental Sciences Planned Development Sufficiency Checklist

1) Description of Existing Conditions, Soils, Vegetation Fluccs, Topography. The application for a Planned Development must be accompanied by the following: [34-373(a)(4)]

1b4) Topographic Map. A county topographic map (required if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)e.i.]

The topographic map is not in a form that is typically acceptable, however, it is sufficient for this project.

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

KimTrebatoski, Principal Environmental Planner
239-479-8183
trebatkm@leegov.com

Bonita Springs Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

12d3) Setbacks. The minimum proposed setbacks for principal structures on each lot or parcel (including outparcels). [34-373(a)(6)c.]

Please be advised that the development regulations such as setbacks and building heights you are proposing are not acceptable to staff. Please provide development regulations compatible with the Bonita Springs LDC. Otherwise staff will propose conditions that will amend your proposed regulations.

12d4) Uses. The proposed use of each lot or parcel (including outparcels) keyed to the list of proposed uses submitted with the application. If the property development regulations for a specific zoning district will be used, reference to the specific district will be sufficient. [34-373(a)(6)c.]

1-Uses proposed for the amenity center are commercial in nature and not permitted in residential developments. Uses such as gas stations, food stores, restaurants, etc. are not permitted in the residential district and must be removed from the schedule of uses. All uses that are appropriate in a residential development such as clubhouse, etc, must be for the exclusive use of the residents. An 8 pump gas station in conjunction with a convenience store and restaurants are clearly not accessory to residential uses for the use of 130 or so residences. You may want to change your request from RPD to RPD/CPD or MPD.

2-Our records indicate that the site is currently vacant with no bona fide agricultural uses. Your application also states that the site is vacant and you have not submitted an affidavit of agricultural uses. Therefore, staff will not support your request for interim agricultural uses on the site.

14) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property must be provided including the following: [34-373(a)(8)]

The Schedule of Uses is in conflict with the uses listed on the MCP. Please correct whatever needs to be corrected. Please make sure that all commercial uses are removed from the schedule of uses.

15) Schedule of Deviations. A schedule of deviations and a written justification for each deviation requested as part of the master Concept Plan must be submitted. The location of each requested deviation must be indicated on the Master Concept Plan. [34--373(a)(9)]

Your list of deviations do not match the deviations listed on the Master Concept plan. Please correct the list or the MCP.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Feel free to call Chahram Badamtchian @239-479-8372 with any questions related to the zoning comments.

21) Miscellaneous Items.

Staff has received the following comments from the City consultant:

I have reviewed the above referenced MCP and TIS and have the following general and specific comments:

Generally, it is noted that the applicant has reduced the acreage of the site from 37.91 acres (DCD stamped May 09, 2006) to 23.56 acres (DCD stamped Jan 9, 2007) and number of dwelling units from 275 to 138 (or from a gross density of 7.25 down to 5.86). The TIS however, assumes 142 dwelling units which is inconsistent with the rest of submittals.

MCP

It is noted that the applicant has withdrawn the deviation concerning SEC 34-2015 (2) D & 10-8 (2)

1) The connection to Three Oaks Parkway is proposed to be located further south from the previous MCP with no details to clarify whether it is right in/right out or not (If so, inconsistent with the applicant TIS).

2) The requested deviation from LDC 3-291(C) and the supporting letter from the City's Fire Marshal stating the requirements for the proposed gated emergency access, do not indicate the responsibility for the off site improvements necessary and required (i.e., for the unimproved/substandard private roads such as Old Squaw or Killdeer connecting to the proposed access.

TIS

Despite the response in the cover letter from the applicant to the County Staff (page 4 of 6), no acceptable growth rate from an existing parallel facility is utilized for the growth rate along Three Oaks Parkway, and the link analysis is extended to the north at Strike Ln, however, "S. of turnaround" is not a meaningful terminus. The applicant should use E. Terry instead.

1) Page 8 "turn lane analysis" needs to be provided for the reviewers. According to AC 11-4 (IV)(A) two or more (2+) of the five (5) listed warrants need to be met. It is not clear which warrants are met and on what basis. Considering the reduction in the number of dwelling units and presence of a directional median opening in the vicinity of Sta. 225+00 in the Three Oaks Parkway plans located to the north of the development, there is no justification for an additional directional median opening to accommodate the proposed development.

2) It should also be noted that the City in cooperation with the County is taking the necessary steps through an interlocal agreement to designate Three Oaks Parkway South extension as a controlled access facility and as such does not wish to see this facility's controlled access intent to be eroded with additional and unwarranted median openings above and beyond what has already been planned.

Considering the above the submittals are insufficient for our review at this

time.

Feel free to contact me with any questions or comments that you might have.

Mohsen Salehi
Consulting Services
Ft. Myers, Florida
239/433-1092 (fax/voice)
239/994-1320 (cell)

Development Review Checklist

4) Miscellaneous items.

Deviation number 4 is confusing in that the plan shows a 20 foot maintenance eaasement but the request is for zero. This should be clarified

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.

Don Blackburn @ 239-479-5945.

Tatlock, Vicky

From: Carpenter, Deborah M.
Sent: Monday, January 29, 2007 10:16 AM
To: DCD ADMINISTRATION; DCD ZONING
Subject: Fort Myers Beach email address

Spoke to representative at town of FMB this morning. The email address for the beach has just changed. Contact Jerry Murphy at Jerry@fortmyersbeachfl.gov or his assistant Lois@fortmyersbeachfl.gov

Document Attached Activities in Tidemark

BONITA	VAR SEZ COP DCI DRI REZ	Notice to Property Owner (A)	L1030	pdf finalized notice
		Ordinance Scanned/Distr. (A)	L1175	pdf finalized ordinance
		Resolution Scanned/Distr. (A)	L1176	pdf finalized resolution
		ZB Minutes Imported (A)	L0290	pdf finalized zb minutes
		ZB Packets Distributed (A)	L0110	pdf finalized staff report

LEE	DCI DRI REZ	BCC final agenda distr. (A)	J0670 REZ A0390	pdf finalized bcc agenda
		Distribute staff report (A)	J0280 DRI A1140	pdf finalized staff report
		Final Resolution Distr. (A)	A1345 REZ A0520	pdf finalized bcc resolution
		HEX Notice/Agenda Dist. (A)	A90 REZ A0110	pdf finalized hex agenda
		HEX Recommendation Rec'd. (A)	A1230 REZ A1170	pfd finalized hex recommendation

LEE	SEZ VAR COP	Distribute Staff Report (A)	A0280	pdf finalized saff report
		HEX decision Imported (A)	A0290	pdf finalized hex decision
		HEX Notice/Agenda Dist. (A)	A0110	pdf finalized hex agenda

FMB	VAR SEZ COP REZ DCI DRI	TC Final Agenda Distr. (A)	E0111	pdf finalized tc agenda
		TC Resolution Distr. (A)	E1175	pdf finalized tc resolution
		LPA Notice/Agenda Dist. (A)	E0110 COP E0109	pdf finalized lpa agenda
		LPA Recommendation (A)	E0282	pdf finalized lpa recommendation
		Distribute staff report (A)	A0280 DCI J0280	pdf finalized staff report

LEE FMB BONITA	COP	Resolution Distributed (A)	A1045	pdf finalized administrative resolution

LEE FMB BONITA	ADD	Resolution Distributed (A)	A1045	pdf finalized resolution

LEE FMB BONITA	ZVL	Final ZVL Letter Distr.(A)	A0042	pdf finalized zvl letter
		Supplemental Letter Distr. (A)	A0043	pdf finalized supp zvl letter

LEE FMB BONITA	DOS	"Type" application activities for example here are a few: DO1 Application (Large DO) A MO1 Appl. (Minor Change) A	see list	pdf finalized do letter

LEE FMB BONITA	LDO	"Type" application activities for example here are a few: L01 Application (Type 1) A LA1 Application (Amendment) A	see list	pdf finalized ldo letter

LEE FMB BONITA	MUD	MUD Final Letter Distr. (A)	A0040	pdf finalized mud
		BCC Dec. on Appeal of MUD (A)	C0700	pdf finalized bcc decision on appeal

01/23/2007

Activities with Report Tag RVWC

	CASE_TYPE	ACTN_MENU_ID	ACTN_CODE	ACTN_DESCRIPTION	desc_length
DOS					
	DOS	A	1110	DO1 Application (Large DO) A	28
	DOS	A	1120	DO2 Application (Small DO) A	28
	DOS	A	1125	DO3 Application (CIP) A	23
	DOS	A	1130	RO1 Application (Resubmittal)A	30
	DOS	A	1140	RO2 Application (Resubmittal)A	30
	DOS	A	1150	RO3 Application (Resubmittal)A	30
	DOS	A	1160	RO4 Application (Resubmittal)A	30
	DOS	A	1170	AO1 Application (Amendment)A	28
	DOS	A	1180	AO2 Application (Amendment)A	28
	DOS	A	1190	AO3 Application (Amendment)A	28
	DOS	A	2000	AO4 Application (Amendment)A	28
	DOS	A	2010	AO5 Application (Amendment)A	28
	DOS	A	2020	AO6 Application (Amendment)A	28
	DOS	A	2030	AO7 Application (Amendment)A	28
	DOS	A	2040	MO1 Appl. (Minor Change) A	26
	DOS	A	2050	MO2 Appl. (Minor Change) A	26
	DOS	A	2060	MO3 Appl. (Minor Change) A	26
	DOS	A	2061	MO4 Appl. (Minor Change) A	26
	DOS	A	2062	MO5 Appl. (Minor Change) A	26
	DOS	A	2070	MO6 Appl. (Minor Change) A	26
	DOS	A	2080	MO7 Appl. (Minor Change) A	26
	DOS	A	2090	PO1 Appl. (pprwrk1 DO resub) A	30
	DOS	A	3000	PO2 Appl. (pprwrk2 DO resub) A	30
	DOS	A	3009	PO3 Appl (pprwrk1 DOA resub) A	30
	DOS	A	3010	PO4 Appl (pprwrk2 DOA resub) A	30
	DOS	A	3011	PO5 Appl. (pprwrk1 MC resub) A	30
	DOS	A	3030	PO6 Appl. (pprwrk2 MC resub) A	30
	DOS	A	3040	PO7 Appl. (remove DO stip) A	28
	DOS	A	3050	A12 Appl. (Amend Resub) A	25
	DOS	A	3060	A13 Appl. (Amend Resub) A	25
	DOS	A	3070	M12 Appl. (MC Resub) A	22
	DOS	A	3080	M13 Appl. (MC Resub) A	22
	DOS	U	3160	DX1 Appl. (Extension#1) A	25
	DOS	U	3170	DX2 Appl. (Extension#2) A	25
	DOS	U	3180	DX3 Appl. (Extension#3) A	25
	DOS	U	3190	DX4 Appl. (Extension#4) A	25
	DOS	U	3200	DX5 Appl. (Extension#5) A	25
LDO					
	LDO	A	1110	L01 Application (Type 1) A	26
	LDO	A	1120	L02 Application (Type 2) A	26
	LDO	A	1130	L03 Application (Type 3) A	26
	LDO	A	1140	L04 Application (Type 4) A	26
	LDO	A	1150	L05 Application (Type 5) A	26
	LDO	A	1160	L06 Application (Type 6) A	26
	LDO	A	1170	L07 Application (Type 7) A	26
	LDO	A	1180	L08 Application (Type 8) A	26
	LDO	A	1190	L09 Application (Type 9) A	26
	LDO	A	1200	L10 Application (Type 10) A	27
	LDO	A	1210	L11 Application (Type 11) A	27
	LDO	A	1220	L12 Application (Type 12) A	27
	LDO	A	1230	L13 Application (Type 13) A	27
	LDO	A	1240	L14 Application (Type 14) A	27
	LDO	A	1250	L15 Application (Type 15) A	27
	LDO	A	1255	LCP Application (CIP Prj) A	27
	LDO	A	1260	L99 Application (Transmit) A	28
	LDO	A	1270	LR1 Application (LDO Resub) A	29
	LDO	A	1280	LR2 Application (Amend resub)A	30
	LDO	A	1290	LA1 Application (Amendment) A	29
	LDO	A	1300	LA2 Application (Amendment) A	29
	LDO	A	1310	LA3 Application (Amendment) A	29
	LDO	A	1320	LA4 Application (Amendment) A	29

01/23/2007

Activities with Report Tag RVWC

CASE_TYPE	ACTN_MENU_ID	ACTN_CODE	ACTN_DESCRIPTION	desc_length
LDO	A	1330	LP1 Appl (paperwrk LDO resub)A	30
LDO	A	1340	LP2 App (paperwrk LRAm resub)A	30
LDO	A	1350	LP3 Appl (remove LDO stip) A	28
LDO	A	2000	BSA Application (BS Type A) A	29
LDO	A	2010	BSB Application (BS Type B) A	29
LDO	A	2020	BSC Application (BS Type C) A	29
LDO	A	2030	BSD Application (BS Type D) A	29
LDO	A	2040	BSE Application (BS Type E) A	29
LDO	A	2050	BSF Application (BS Type F) A	29
LDO	A	2060	BSG Application (BS Type G) A	29
LDO	A	2070	BSH Application (BS Type H) A	29
LDO	A	2080	BSI Application (BS Type I) A	29
LDO	A	2090	BSX Application (BS Type X) A	29
LDO	A	3170	LX1 Appl. (Extension #1) A	26
LDO	A	3171	LX2 Appl. (Extension #2) A	26
LDO	A	3172	LX3 Appl. (Extension 3+) A	26
LDO	A	3173	MR1 Mining Renewal #1 Appl. A	29
LDO	A	3174	MR2 Mining Renewal #2 Appl. A	29
LDO	A	3175	MR3 Mining Renewal #3(+) App A	30

Tatlock, Vicky

From: Hutcherson, Karen D.
Sent: Wednesday, January 17, 2007 7:37 AM
To: DCD ADMINISTRATION; DCD ZONING; DCD ENVIRONMENTAL SCIENCES
Subject: zoning checklists

fyi, we've updated the zoning checklists on the web page so that they are separated by lee county and bonita springs (no longer have any FMB checklists included). you can access them at http://www.lee-county.com/dcd/GeneralInfo/CheckLists.htm .

erik, thanks for your help in getting the page up and running!

Karen Hutcherson
Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901
hutchekd@leegov.com
phone 239-479-8543
fax 239-479-8387

ZONING DIVISION
CITY OF BONITA SPRINGS
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution FROM: Chahram Badamtchian DATE: 09/14/2007

Audrey Vance, City Attorney
Susie Derheimer, Environmental Sciences

PROJECT NAME: BONITA 30 RPD CASE #: DCI2005-00113
INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 09/24/2007

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Catherine A Keller Date: 09/18/2007

ZONING DIVISION
CITY OF BONITA SPRINGS
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Audrey Vance, City Attorney
TIS Reviewer - temporarily reviewed by DOT
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Lili Wu, LCDOT
Susan Teston, Lee County School District
Sam Lee, Natural Resources
Chick Jackaki, Zoning
Mohsen Salehi, City of Bonita Springs

FROM: Chahram Badamtchian

DATE: 03/12/2007

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BONITA 30 RPD

CASE #: DCI2005-00113

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 03/26/2007

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness
No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Brady X Proctor

Date: 03/12/2007

ZONING DIVISION
CITY OF BONITA SPRINGS
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Audrey Vance, City Attorney
TIS Reviewer - temporarily reviewed by DOT
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Lili Wu, LCDOT
Susan Teston, Lee County School District
Sam Lee, Natural Resources
Chick Jackaki, Zoning
Mohsen Salehi, City of Bonita Springs

FROM: Chahram Badamtchian

DATE: 04/25/2007

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: BONITA 30 RPD

CASE #: DCI2005-00113

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 05/09/2007

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness
No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Catherine A Keller

Date: 04/30/2007

CITY OF BONITA SPRINGS

COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date: March 16, 2006

Case Number: DCI2005-00113

Case Name: BONITA 30 RPD

Request: Rezone 37.91+/- acres from AG-2 (Agricultural) to RPD (Residential Planned Development) to allow 275 mulit-family dwelling units with associated amenities including clubhouse, pool and tennis courts. Maximum height 6 story/65 feet

Location: 25251 Tropic Acres Drive, in S23-T47S-R25E, Bonita Springs, FL.

PROPERTY OWNER'S REPRESENTATIVE: MR. ROBERT MULHERE
RWA, INC
239-597-0575

Lee County Planner: Chahram Badamtchian
(239) 479-8372

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

JMP

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Christine Bielski
BBIA
27566 Hickory Blvd
Bonita Springs, FL 34134

Ed Bowers
Highland Woods Golf and Country Club
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