



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

ZONING HEARING  
AGENDA

Wednesday, March 22, 2023

9:30AM

DCI2022-00034  
Z-23-002

RaceTrac Bonita Minor RPD

## NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, March 22, 2023 in the Board Chambers at 2120 Main St., Ft. Myers, FL, to review the written recommendations made by the Hearing Examiner and make a final decision on the case below.

### **DCI2022-00034 / RaceTrac Bonita Minor RPD**

Rezone approximately 11.23 acres from Agricultural (AG-2), Community Commercial (CC) and Tourist Commercial (CT) Districts to a Residential Planned Development (RPD) to allow a maximum of 157 dwelling units (including 57 bonus density units) with a maximum height of 45 feet.

Located at 13090 Bonita Beach Rd. SE & 27951, 27865-869 Bonita Grande Dr., Southeast Lee County Planning Community, Lee County, FL.

Copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Section, 1500 Monroe St., Ft. Myers, FL. Telephone 239-533-8585 for additional information.

**If you did not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners.**

**Statements before the Board of County Commissioners regarding the zoning case will be strictly limited to testimony presented to the Hearing Examiner, testimony concerning the correctness of the findings of fact or conclusions of law contained in the record, or to allege the discovery of new, relevant information which was not available at the time of the hearing before the Hearing Examiner.**

**If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, a verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.**

**In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact Joan LaGuardia, (239) 533-2314, [ADArequests@leegov.com](mailto:ADArequests@leegov.com) or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance.**

**DCI2022-00034**  
**RACETRAC BONITA**  
**MINOR RPD**

# Staff Summary

CASE NUMBER & NAME: DCI2022-00034 / RaceTrac Bonita Minor RPD

REQUEST: Rezone approximately 11.23 acres from Agricultural (AG-2), Community Commercial (CC) and Tourist Commercial (CT) Districts to a Residential Planned Development (RPD) to allow a maximum of 157 dwelling units (including 57 bonus density units) with a maximum height of 45 feet.

RESOLUTION NUMBER: Z-23-002

LOCATION: 13090 Bonita Beach Road SE & 27951, 27865-869 Bonita Grande Drive, Southeast Lee County Planning Community, Lee County, FL

OWNER: DHMAL LLC

APPLICANT: Bonita Lots, LLC  
c/o Banks Engineering

AGENT: Stacy Ellis Hewitt, AICP  
Banks Engineering  
10511 Six Mile Cypress Parkway  
Fort Myers, FL 33966

HEARING EXAMINER  
RECOMMENDATION: Approve, subject to conditions and deviations set forth in Exhibit B

PARTICIPANTS: (3) Byron Liles  
Shane Snell  
Lindy Zinser


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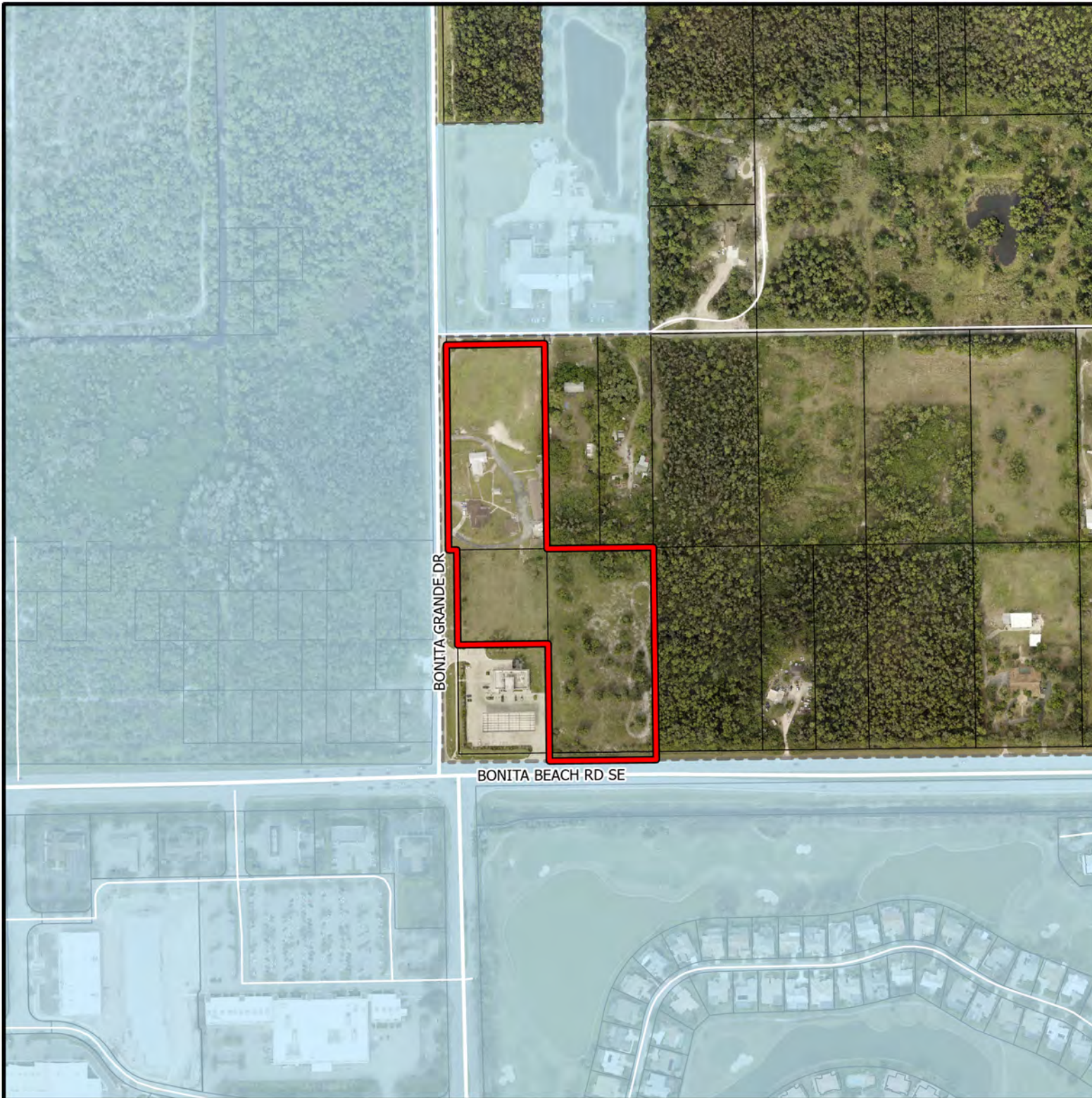
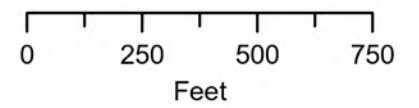
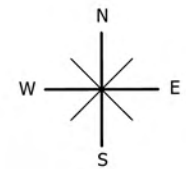


DCI2022-00034

Aerial

 Subject Property

 City Limits



**M E M O R A N D U M**  
**FROM**  
**THE OFFICE OF THE**  
**LEE COUNTY HEARING EXAMINER**

DATE: February 6, 2023

TO: Board of County Commissioners

FROM: Donna Marie Collins  
Chief Hearing Examiner

*DMC*

RE: Modification to Hearing Examiner Recommendation  
DCI2022-00034 – RACETRAC BONITA MINOR RPD

The Hearing Examiner's recommendation has been modified to correct scrivener's errors. Please replace prior recommendation with the attachment provided herein.

Copies Provided to: Michael Jacob, Esq., Deputy County Attorney  
Joseph Adams, Esq., Assistant County Attorney  
Anthony Rodriguez, AICP, MPA, Manager  
Adam Mendez, Senior Planner  
Stacy Hewitt, Applicant's Representative  
Jamie Princing, Community Development  
Hearing Participants

## Summary of Hearing Examiner Recommendation

# **RACETRAC BONITA MINOR RPD**

### **Hearing Examiner Remarks**

The Lee Plan encourages higher residential densities near employment centers, schools, transit, parks, and bicycle facilities. The proposed density accomplishes this directive.

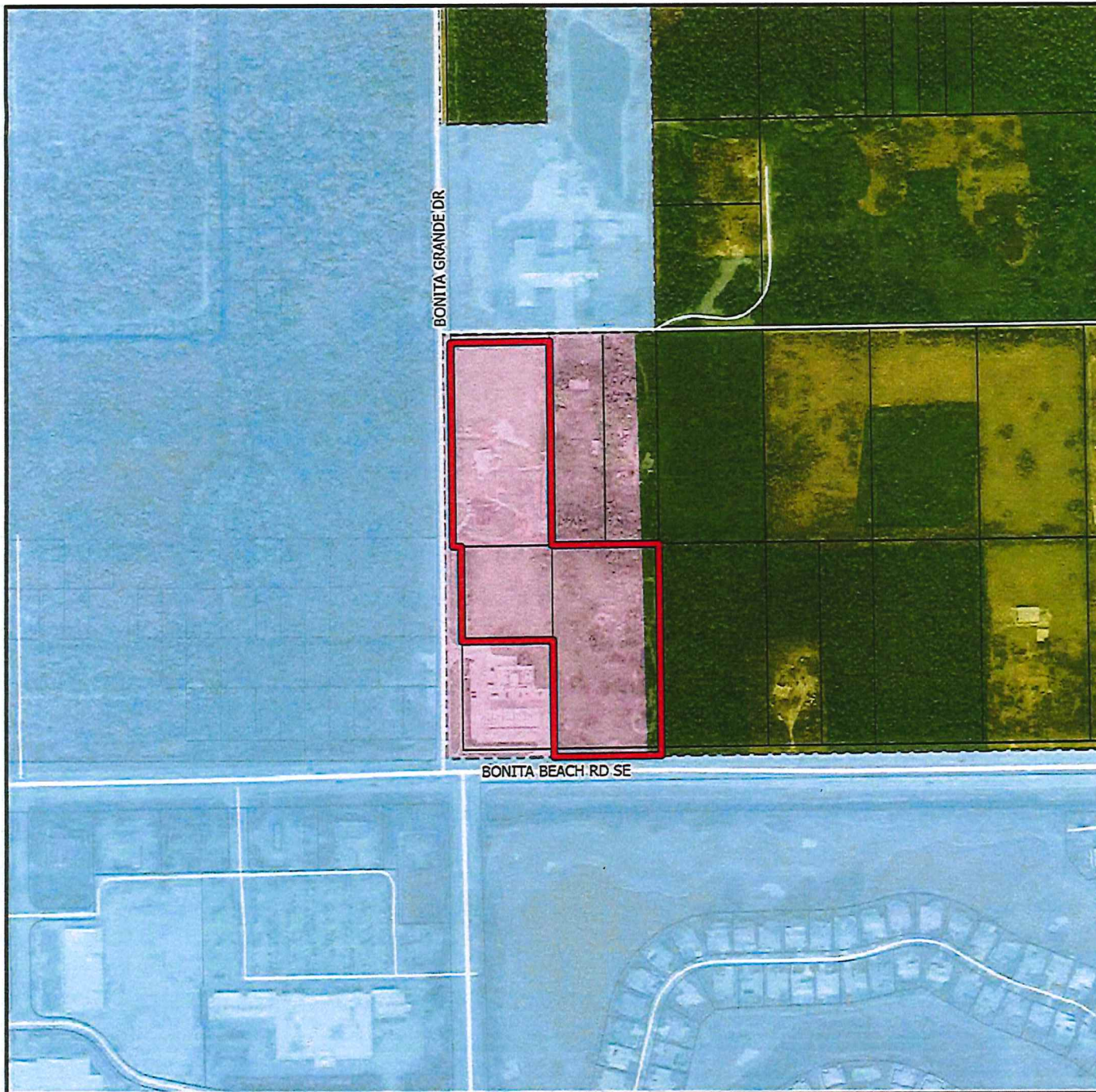
The project is compatible with development patterns along the Bonita Beach Road corridor. Proposed conditions regarding buffers and height restrictions protect the integrity of lower density residential development on Snell Lane.








*Detailed recommendation follows*

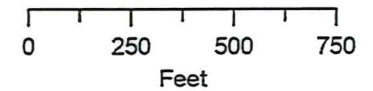
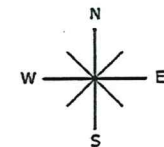


DCI2022-00034

Future Land Use



-  Subject Property
-  General Interchange
-  Density Reduction/  
Groundwater Resource
-  Conservation Lands - Upland
-  Wetlands
-  Conservation Lands - Wetland
-  City Limits





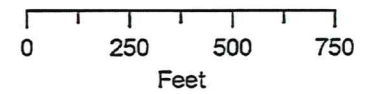
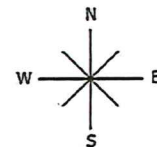
DCI2022-00034

Aerial



 Subject Property

 City Limits





OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

(UPDATED FEBRUARY 6, 2023)

**REZONING:** DCI2022-00034

**Regarding:** RACETRAC BONITA MINOR RPD

**Location:** 13090 Bonita Beach Road SE and  
27951, 27865-869 Bonita Grande Drive  
Southeast Lee County Planning Community  
(District 3)

**Hearing Date:** January 12, 2023

**I. Request**

Rezone 11.23 +/- acres from Agricultural (AG-2), Community Commercial (CC) and Tourist Commercial (CT) to Residential Planned Development (RPD) to permit a maximum of 157 multifamily and/or townhome units not to exceed 45 feet in height. Requested density includes 57 bonus density units.

The property legal description is set forth in Exhibit A.

**II. Hearing Examiner Recommendation**

Approve, subject to the conditions and deviations set forth in Exhibit B.

**III. Discussion**

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.<sup>1</sup> In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone approximately 11.23 acres to the Residential Planned Development District.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other County regulations to facts adduced at hearing. The record must contain substantial competent evidence to support the recommendation.

Discussion supporting the Hearing Examiner's recommendation of approval with conditions follows below.

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<sup>1</sup> LDC 34-145(d)(4) a.

## **Request**

The request seeks to rezone 11.23 acres from Agriculture to Residential Planned Development (RPD) to allow development of up to 157 dwellings, including 57 bonus density units. Maximum building heights on Tracts 1 and 2 will be 35 feet. The remaining buildings may be as high as 45 feet.<sup>2</sup>

Existing onsite structures will be removed to accommodate the plan of development depicted on the Master Concept Plan (MCP).<sup>3</sup>

Staff recommended approval of the request, subject to conditions.

## **Character of Area**

The Bonita Beach Road corridor features a variety of zoning districts and developed with mixed use commercial, residential, and public facilities. East of the site north of Bonita Beach Road are agriculturally zoned lands designated Wetlands and Density Reduction/Groundwater Resource. There is mixed use development underway at the corner of Bonita Beach Road and Bonita Grande Drive. Further north on Bonita Grande Drive is a Fire Station.

Snell Lane east of the fire station is characterized by low density residential use.

## **History**

The property is zoned AG-2, CT, and CC. The purpose of agricultural districts is to provide for establishment or continuation of agricultural operations with ancillary residential use.<sup>4</sup> AG-2 zoning districts are not consistent with the property's designation as a future urban area.<sup>5</sup>

One of the purposes of planned development zoning is to integrate new development with surrounding land uses.<sup>6</sup> Rezoning to RPD conforms zoning designation to the property's urban classification.

In 2016 a Lee Plan amendment expanded the uses permitted in the General Interchange to include high density residential uses.<sup>7</sup>

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<sup>2</sup> See Condition 4.

<sup>3</sup> There are four residential structures and a horse barn on the property.

<sup>4</sup> LDC 34-651.

<sup>5</sup> Lee Plan Goal 9, Objective 9.2. The Lee Plan discourages introduction of agricultural uses in future urban areas.

<sup>6</sup> Another purpose is to provide flexibility in development design. LDC 34-612(2).

<sup>7</sup> Lee County Ordinance 16-02, adopted on January 20, 2016.

## **Lee Plan**

### **Future Land Use**

The property is located north of Bonita Beach Road and east of Bonita Grande Drive in the Southeast Lee County Planning District. The majority of the 11-acre site is within an Interstate Highway Interchange Area.<sup>8</sup> The site is designated as General Interchange under the Lee Plan Future Land Use Map. A narrow .67-acre strip along the east boundary is classified as Wetlands.

The primary role of the General Interchange areas is to serve the traveling public. But because of its location, the Lee Plan permits a broad range of land uses in the category, including multi-family residential. The LDC offers density incentives for residential development within General Interchange areas to promote compact development.<sup>9</sup> Multifamily residential development with densities as high as 22 units per acre are possible with bonus density.<sup>10</sup> Applicant may employ bonus density to develop up to 57 bonus units, resulting in a project unit total of 157 dwelling units.<sup>11</sup>

### **Bonus Density**

The zoning request anticipates participation in the County's Bonus Density Program.<sup>12</sup> Density bonus is an increase in residential density above the standard density range permitted on property by the comprehensive plan.<sup>13</sup> Density bonuses are generally appropriate in areas with services and facilities necessary to protect public health, safety, and welfare.<sup>14</sup> Properties in the General Interchange future land use category are eligible for density above the standard range. The standard density range is 8-14 dwelling units per acre, with density bonuses allowed up to 22 units per acre.<sup>15</sup> The Lee Plan encourages bonus densities to facilitate construction of affordable housing.<sup>16</sup>

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<sup>8</sup> Interstate Highway Interchange Areas are special areas adjacent to the interstate. Development in these areas must minimize adverse traffic impacts and provide buffers, visual amenities, and safety measures. Lee Plan Objective 1.3. The Lee Plan identifies five different interchange areas, each designated for a specific primary role

<sup>9</sup> Lee Plan Table 1(a), footnote 2.

<sup>10</sup> Lee Plan Policy 1.3.2. and Table 1(a). Standard density range is 8-14 dwelling units per acre, with maximum densities of 22 dwellings per acre.

<sup>11</sup> Applicant will employ this option at the time of development order permitting. Testimony of Stacey Ellis Hewitt, AICP.

<sup>12</sup> LDC 2-147(b)(4) - bonus density may be considered with a proposed planned development.

<sup>13</sup> LDC 2-143.

<sup>14</sup> County regulations encourage the use of bonus density in urban land use categories: See, Lee Plan Goal 135, Policy 5.1.8 and LDC 2-141.

<sup>15</sup> Lee Plan Policy 1.3.2 and Table 1(a).

<sup>16</sup> Lee Plan Policies 135.1.4, 135.4.16; See also, Objective 135.4, Policies 135.1.8, 135.1.14 (*encourage development incentives to provide a better mix of high income and low-income housing*) and 135.4.15. (Alternative use, density, and dimensional standards). The County may limit the number of units to an



County regulations allow density bonuses via the following methods: (1) Transfer of Development Rights and (2) the Affordable Housing Program.<sup>17</sup>

#### Bonus Densities through Transferable Development Units (TDUs)

The transfer of development rights concept is designed to direct growth toward areas suited to provide the public services/facilities necessary to protect public health, safety, and welfare. The County may limit the number of TDUs approved if it determines the bonus density requested would be “contrary to the public health, safety and welfare,” or “inconsistent with the comprehensive plan”.<sup>18</sup>

#### Bonus Densities through the Affordable Housing Program

The Affordable Housing Program is intended to stimulate the construction of very-low, low, moderate, and workforce income housing by permitting developers to exceed standard density limits imposed by the Lee Plan.<sup>19</sup> The Program grants Board discretion to approve bonus density when rezoning property.<sup>20</sup> Recommendations to approve bonus density may include conditions to mitigate adverse impacts attributable to increased density.<sup>21</sup>

The Hearing Examiner must review applications for bonus density in the context of adopted criteria. Minimum requirements include:

- 1) The additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector/arterial road.
- 2) Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the public interest.
- 3) The developer provides storm shelters or other mitigation if the project is within the Coastal High Hazard Area; and
- 4) The resulting development will be compatible with existing and planned surrounding land uses.<sup>22</sup>

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intensity lower than the maximum total density allowed by the Lee Plan, if during the zoning process, the County determines that increased density would be contrary to public health, safety and welfare or increased density would be inconsistent with the Lee Plan. The Board must include specific findings to support limits on bonus density. LDC 2-147(c) See also LDC 2-147(b)(4) (The Board may approve rezoning without bonus density at its discretion). Applicant may elect to build affordable housing on site or make a monetary contribution to the Affordable Housing Program.

<sup>17</sup> LDC 2-146(a).

<sup>18</sup> LDC 2-147(c) Development approvals limiting bonus units must include specific findings of fact to support the limitation and specify the changes, if any, which would make the parcel eligible for additional development rights. Further, the Board has the authority to attach conditions on the use of bonus credits deemed necessary for the protection of the health safety, comfort, convenience, or welfare of the public -- but the conditions must reasonably relate to the request. See LDC 34-83(a)(4) a.3.

<sup>19</sup> Lee Plan Policy 135.1.4.

<sup>20</sup> LDC 2-147(b)(4).

<sup>21</sup> LDC 34-83(a)(4) a.3, 34-932(b) and (c).

<sup>22</sup> LDC 2-146(b).

A multi-family residential subdivision is compatible with the mix of intense land uses at the intersection of Bonita Beach Road and Bonita Grande Drive. The MCP and conditions of approval ensure compatibility with low density residential development to the northeast with perimeter buffers and building height limitations.<sup>23</sup> The Snell Lane access does not travel through areas with lower density because the project is at the intersection and a fire station is across the street. Low density residential uses lie further east. In addition, the MCP's three egress options ensures limited project traffic will exit via Snell Lane.

The site is ideally located for bonus density because of access to a range of urban services and infrastructure.<sup>24</sup> The Lee Plan encourages the development of higher density residential near employment and shopping centers, parks, schools, transit, and bicycle facilities.<sup>25</sup> The proposed density accomplishes this directive.

The property is outside the Coastal High Hazard Area.

If Applicant pursues bonus density through the Affordable Housing Program, they may achieve bonus density by constructing affordable units onsite or by a cash contribution to the Affordable Housing Program.<sup>26</sup>

### **Environmental/Natural Resources**

Requests to rezone property must not adversely affect environmentally critical/sensitive areas or natural resources.

Applicant's protected species survey yielded no evidence of protected species on the property.<sup>27</sup> Staff noted a small portion of the property includes wetlands. Applicant supplied documentation from the South Florida Water Management District of Informal Jurisdiction. Staff and Applicant agreed to a condition noting density may be revised based on the Environmental Resource Permit.<sup>28</sup>

The MCP depicts 40% open space.<sup>29</sup> Buffers and landscaped areas within common areas must follow Xeriscape principles and consist of native landscape

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<sup>23</sup> Open space areas and perimeter buffers will be planted with native vegetation. These design features ensure compatibility with adjacent land uses. LDC 10-412, 10-421, Lee Plan Goal 77, Objective 77.1, Policies 5.1.5, 126.2.1.

<sup>24</sup> Lee Plan Objectives 2.1, 2.2, and Policy 5.1.8.

<sup>25</sup> Lee Plan Policies 5.1.3, 135.4.12; See Policy 39.1.3. (The County will direct high intensity land uses to properties proximate to existing and future transit corridors identified on the transportation maps).

<sup>26</sup> Lee County Administrative Code AC 13-5, The Lee Plan encourages development incentives to provide a mix of high and low-income housing. Lee Plan Policy 135.1.14. Introduction of additional affordable housing expands housing choices in the community, which is expressly encouraged in the Lee Plan. Lee Plan Objective 135.1 and Policies 135.1.7 and 135.1.9. Bonus Density also accomplishes the objective of providing a mix of housing choices to low-income wage earners. See Lee Plan Policy 5.1.8.

<sup>27</sup> Staff Report Attachment H: Bonita Grande Racetrac Parcels Protected Species Survey dated March 2022 by Earth Tech Environmental, LLC.

<sup>28</sup> Staff Report Attachment H: Environmental Sciences Staff Report dated November 4, 2022.

<sup>29</sup> LDC 10-415(a).

to conserve water.<sup>30</sup> Applicant requested a deviation from the requirement to measure the height of trees, palms, and shrubs with buffer areas from the grade of the parking lot. Staff recommends approval subject to conditions.<sup>31</sup>

The Hearing Examiner finds the proposed RPD zoning will not harm environmentally critical/sensitive areas or natural resources.<sup>32</sup>

### **Transportation/Traffic**

The proposed RPD has three access drives. Bonita Grande Drive serves as the primary project access. There is also a “resident only” access from Snell Lane and an “exit only” access to Bonita Beach Road. The exit only access is via a shared driveway with the RaceTrac Convenience Store.<sup>33</sup>

Bonita Grande Drive is a County maintained major collector.<sup>34</sup> Snell Lane is a privately maintained local road.<sup>35</sup> Bonita Beach Road is a County maintained arterial.<sup>36</sup>

The transportation studies concluded project traffic will not negatively affect surrounding roadways.<sup>37</sup> In fact, Applicant’s supplemental Traffic Impact Analysis concludes the proposed RPD will generate less than half the trips anticipated by the property’s current zoning classification.<sup>38</sup>

Developer must address site related improvements during the development order review process.<sup>39</sup> In addition, the project will pay road impact fees.<sup>40</sup>

### **Transit**

County regulations require new development to provide convenient access to mass transit.<sup>41</sup> When a project lies within the Lee Tran public transit service area,

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<sup>30</sup> Lee Plan Objective 126.2, Policy 126.2.1; LDC 10-421.

<sup>31</sup> The condition requires buffer height criteria no less than the greater of the crown of the adjacent road or existing grade of abutting property.

<sup>32</sup> Lee Plan 125.1.2.

<sup>33</sup> See MCP

<sup>34</sup> Lee County Administrative Code AC 11-1.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* The Lee Plan designates Bonita Beach Road as a future shared use facility for cyclists and pedestrians. Lee Plan Map 3-D.

<sup>37</sup> Testimony of Ted Treesh, TR Transportation, Staff Report Attachments J and K.

<sup>38</sup> See Staff Report Attachments J and K, Traffic Impact Analysis for RaceTrac Bonita Minor RPD prepared by TR Transportation Consultants, LLC dated August 22, 2022, and December 21, 2022; Memorandum from Lili Wu, Senior Planner to Adam Mendez, Senior Planner dated November 23, 2022.

<sup>39</sup> Lee Plan Objective 39.1 and Policy 39.1.1.

<sup>40</sup> Lee Plan Policies 38.1.1, 38.1.5.

<sup>41</sup> LDC 10-411(e); See also, Lee Plan Policy 39.2.1.

project design should facilitate use of transit.<sup>42</sup> Project sidewalks will connect to existing pedestrian facilities on Bonita Beach Road and Bonita Grande Drive. These connections will provide a bicycle/pedestrian interface with Lee Tran.<sup>43</sup> Access to transit affords future residents opportunities to access shopping, employment, and recreation centers throughout the County.<sup>44</sup>

### **Public Services and Infrastructure**

Public services are the services, facilities, capital improvements, and infrastructure necessary to support development.<sup>45</sup> The Lee Plan requires an evaluation of the availability of public services during the rezoning process.<sup>46</sup>

The property lies within the General Interchange land use category with access to a wide array of services and infrastructure. The property fronts on two County maintained roadways offering access to the interstate and County road network.<sup>47</sup> Bonita Springs Utilities will serve the project's potable water and sanitary sewer needs.<sup>48</sup>

Bonita Springs Fire Control and Rescue District provides fire protection and Lee County EMS emergency medical services to the area.<sup>49</sup> The Lee County Sheriff provides law enforcement services to the community.

Schools, parks, community facilities, shopping, and employment centers are located within reasonable distances to serve future residents.

### **LDC**

Development must comply with County land development regulations or seek deviations.

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<sup>42</sup> LDC 34-411(e); 10-442(a) (*residential developments exceeding 100 living units must provide a paved walkway to the nearest bus stop if the stop is within one quarter mile of the project entrance*); See also, Lee Plan Policies 39.2.1, 43.1.1.

<sup>43</sup> Lee Plan Policies 43.1.1, 43.1.3. The site is within the Ultra on Demand Transit Service Area of Lee Tran. There is an existing sidewalk with planned shared use path and bike lane along Bonita Beach Road SE. Bonita Grande Drive has an existing sidewalk along the RaceTrac development. The proposed RPD will extend this sidewalk north to Snell Lane. Staff Report Attachment G, Applicant's Project Narrative.

<sup>44</sup> Lee Plan Map 3-C.

<sup>45</sup> Public services and infrastructure available to serve the project will include public water (Lee County Utilities), sewer (FGUA), paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.

<sup>46</sup> Lee Plan Policy 2.2.1.

<sup>47</sup> Lee County Administrative Code AC 11-1.

<sup>48</sup> Staff Report Attachment I Letter from Kim Hoskins, PE Director of Engineering, Bonita Springs Utilities. Lee Plan Standards 4.1.1 and 4.1.2.

<sup>49</sup> Bonita Springs Fire Control and Rescue District Station 24 located at the intersection of Bonita Grande Drive and Snell Road. The facility shares space with Lee County EMS Station Medic 6.

The application seeks approval of 11 deviations from the LDC. “Deviations” are departures from land development regulations.<sup>50</sup> Applicants requesting deviations must demonstrate the deviation enhances the objectives of the planned development and will not cause a detriment to the public.<sup>51</sup> Requested deviations pertain to entrance gates,<sup>52</sup> parking lot access,<sup>53</sup> street design and construction standards,<sup>54</sup> street setbacks,<sup>55</sup> refuse and disposal facilities,<sup>56</sup> buffer plant material standards,<sup>57</sup> connection separation,<sup>58</sup> and signs.<sup>59</sup>

Applicant offered testimony and evidence in support of the requested deviations based on the standard of review set forth in the LDC.<sup>60</sup> Staff recommended approval of all deviations.<sup>61</sup>

The LDC requires the Hearing Examiner to recommend approval, approval with modifications or denial of a requested deviation based upon a finding that the deviation:

- (1) Enhances the planned development; and
- (2) Preserves and promotes public health, safety, and welfare.<sup>62</sup>

The Hearing Examiner finds the requested deviations meet LDC criteria for approval,

The developer must obtain a development order before commencing site improvements. Development will be subject to impact fees for road, park, fire, school, and emergency medical services.<sup>63</sup>

### **Conditions**

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County’s water resources.<sup>64</sup> Conditions must be plausibly related to the project’s anticipated impacts, and

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<sup>50</sup> LDC 34-2.

<sup>51</sup> LDC 34-373(a)(9).

<sup>52</sup> LDC 34-1748(1)d, e, and (5) – Deviation 1

<sup>53</sup> LDC 34-2013(a)(2) – Deviation 2.

<sup>54</sup> LDC 10-296 (d), and (k)(1) – Deviations 3 and 6.

<sup>55</sup> LDC 34-2192 – Deviation 4.

<sup>56</sup> LDC 10-261(a) – Deviation 5.

<sup>57</sup> LDC 10-420(f) – Deviation 7.

<sup>58</sup> LDC 10-285(a) – Deviations 8.a and 8.b.

<sup>59</sup> LDC 30-152(2) d.4 and 30-152(2) – Deviations 9.a and 9.b.

<sup>60</sup> LDC 34-377(a)(4).

<sup>61</sup> Some deviations were recommended for approval subject to conditions.

<sup>62</sup> LDC 34-377(a)(4).

<sup>63</sup> LDC Chapter 2, Article VI.

<sup>64</sup> Lee Plan Policies 5.1.5, 5.2.2, 135.9.5, 135.9.6; LDC 34-145(d)(4) a.2.(b), LDC 34-377(a)(3), 34-411, and 34-932(c).

pertinent to mitigating impacts to public health, safety, and welfare.<sup>65</sup> The RPD will be subject to conditions of approval designed to address impacts reasonably anticipated from development.<sup>66</sup>

The Hearing Examiner revised conditions and deviations for clarity.

### **Public**

Property owners along Snell Lane attended the public hearing and expressed concerns relative to traffic and flooding. Several testified the proposed plan of development was not compatible with land uses on Snell Lane.<sup>67</sup>

### **Conclusion**

The Hearing Examiner finds the requested RPD zoning district meets the criteria set forth in the LDC and, as conditioned, is compatible with surrounding development.<sup>68</sup> The Hearing Examiner recommends approval of the requested RPD subject to conditions set forth in Exhibit B.

## **IV. Findings and Conclusions**

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

- A. The requested RPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 77; Objectives 4.1, 5.1, 77.1, 126.2, 158.1, and Policies 2.2.1, 5.1.1, 5.1.3, 5.1.5, 5.1.6, 5.2.2, 5.2.4, 39.2.1, 135.1.9, 135.9.6; Lee Plan Maps 1-A, 1-B, 3-C and Table 1 (a).
- B. As conditioned, the RPD zoning designation:
  1. is consistent with the Land Development Code or qualifies for deviations. LDC Chapters 2, 10, and 34.
  2. is compatible with existing or planned uses in the surrounding area. Lee Plan Objective 158.1, and Policies 5.1.5, 5.1.6, 135.1.9, 135.9.5, 135.9.6; LDC 34-411, 34-413, *and*

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<sup>65</sup> LDC 34-932(b).

<sup>66</sup> LDC 34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Goals 59, 61, 77, Policies 5.1.5, 5.2.2, 60.1.1, 60.5.1, 60.5.2, 61.3.11.

<sup>67</sup> The Hearing Examiner agrees with Staff's finding that the proposed conditions of approval will minimize impacts to residents on Snell Lane.

<sup>68</sup> Lee Plan Policy 5.1.5, 5.1.6. Conditions proposed by staff and applicant minimize potential impacts to residents along Snell Lane. Specifically, height limitations on buildings in Tracts 1 and 2, restricting access from Snell Lane to project residents, and buffering conditions will be adequate to protect the integrity of the residential environment along Snell Lane.

3. will not adversely affect environmentally sensitive areas or natural resources.
- C. There is sufficient road access to support the proposed development intensity.
- D. The expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 38.1.5, 39.1.1, 43.1.1, 43.1.3; LDC §34-411(d) and (e).
- E. Public services and infrastructure will be available to serve the development. Goals 4, 5, 53, 56, 59, 62, Objective 4.1, Policies 1.4.1, 2.2.1, 43.1.1, 43.1.3, 65.2.1, Standards 4.1.1, 4.1.2.
- F. The proposed uses are appropriate at the location. Lee Plan Goals 2, 5; Policies 135.9.5, 135.9.6
- G. The County regulations and recommended conditions of approval provide sufficient safeguards to protect the public interest. Lee Plan Policies 5.1.2, 5.1.5, 5.2.2, 135.9.6; LDC §§34-377(a)(3), 34-411.
- H. The recommended conditions reasonably relate to impacts expected from the proposed development. Lee Plan Policies 5.1.5, 135.9.5, 158.1.7; LDC §§34-145(d)(4) a.2.(b), 34-411, and 34-932(c).
- I. Deviations recommended for approval enhance the planned development and preserve the intent of the LDC to protect the public health, safety, and welfare. LDC §§34-373(a)(9), 34-377(a)(4)

Date of Recommendation: February 6, 2023.



Donna Marie Collins  
Chief Hearing Examiner  
Lee County Hearing Examiner  
1500 Monroe Street, Suite 218  
Post Office Box 398  
Fort Myers, FL 33902-0398

**Exhibits to Hearing Examiner's Recommendation**

- Exhibit A Legal Description and Vicinity Map
- Exhibit B Recommended Conditions and Deviations
- Exhibit C Exhibits Presented at Hearing
- Exhibit D Hearing Participants
- Exhibit E Information

**Exhibit A**

**LEGAL DESCRIPTION AND VICINITY MAP**



# EXHIBIT A



Coastal and Marine Engineering  
Environmental and Geological Services  
Land and Marine Survey and Mapping  
Website: [www.coastalengineering.com](http://www.coastalengineering.com)

## LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THAT PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/2, THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA,

**SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, RUN N00°37'13"W FOR A DISTANCE OF 361.16 FEET;  
THENCE LEAVING SAID LINE N89°12'33"E FOR A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF THOSE LANDS RECORDED IN INSTRUMENT NO. 2012000179692 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE **POINT OF BEGINNING**;

THENCE ALONG THE WEST LINE OF SAID LANDS N00°36'06"W FOR A DISTANCE OF 294.81 FEET TO THE NORTHWEST CORNER OF SAID LANDS ;

THENCE S89°14'18"W FOR A DISTANCE OF 25.24 FEET TO THE SOUTHWEST CORNER OF THOSE LANDS RECORDED IN INSTRUMENT NO. 2012000109352 OF SAID PUBLIC RECORDS;

THENCE ALONG THE WEST LINE OF SAID LANDS N00°37'59"W FOR A DISTANCE OF 630.81 FEET TO THE NORTHWEST CORNER OF SAID LANDS AND THE SOUTH RIGHT-OF-WAY LINE OF SNELL ROAD;

THENCE ALONG THE NORTH LINE OF SAID LANDS AND THE SAID SOUTH RIGHT-OF-WAY LINE N89°09'41"E FOR A DISTANCE OF 302.97 FEET TO THE NORTHEAST CORNER OF SAID LANDS;

THENCE ALONG THE EAST LINE OF SAID LANDS S00°39'48"E FOR A DISTANCE OF 631.22 FEET TO THE NORTHWEST CORNER OF THOSE LANDS RECORDED IN INSTRUMENT NO. 2014000092949;

THENCE ALONG THE NORTH LINE OF SAID LANDS N89°14'18"E FOR A DISTANCE OF 328.15 FEET TO THE NORTHEAST CORNER OF SAID LANDS;

THENCE ALONG THE EAST LINE OF SAID LANDS S00°45'59"E FOR A DISTANCE OF 656.58 FEET TO THE SOUTHEAST CORNER OF SAID LANDS AND AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 32;

THENCE ALONG THE SOUTH LINE OF SAID LANDS S89°17'22"W FOR A DISTANCE OF 329.23 FEET TO THE SOUTHWEST CORNER OF SAID LANDS;

THENCE ALONG THE WEST LINE OF SAID LANDS N00°38'10"W FOR A DISTANCE OF 361.21 FEET TO THE SOUTHEAST CORNER OF SAID LANDS RECORDED IN INSTRUMENT NO. 2012000179692;

THENCE ALONG THE SOUTH LINE OF SAID LANDS S89°17'38"W FOR A DISTANCE OF 278.64 FEET TO THE POINT OF BEGINNING.

COASTAL ENGINEERING CONSULTANTS, INC.

Legal Description  
September 22, 2022  
Page 2

THE ABOVE DESCRIBES AN AREA OF APPROXIMATELY 489,067 SQUARE FEET OR 11.23 ACRES OF LAND.

COASTAL ENGINEERING CONSULTANTS, INC.  
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

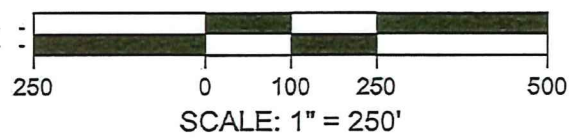
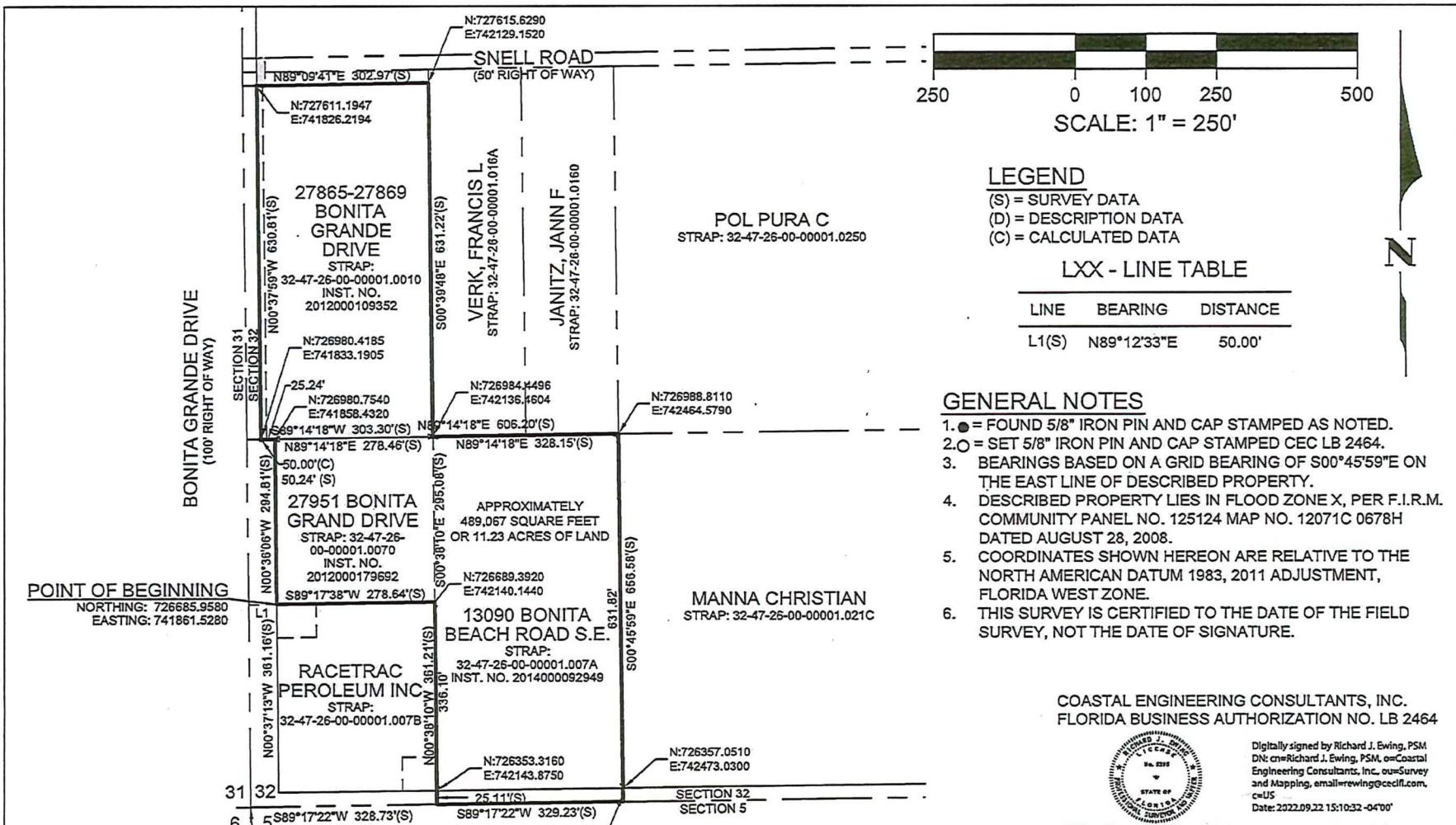


Digitally signed by Richard J. Ewing, PSM  
DN: cn=Richard J. Ewing, PSM, o=Coastal  
Engineering Consultants, Inc, ou=Survey  
and Mapping, email=rewing@cecifl.com,  
c=US  
Date: 2022.09.22 15:09:37 -04'00'

**REVIEWED**  
**DCI2022-00034**  
**Hunter Searson, GIS**  
**Planner**  
**Lee County Government**  
**11/1/2022**

RICHARD J. EWING, V.P.  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5295  
NOT VALID WITHOUT THE SIGNATURE AND  
THE ORIGINAL RAISED SEAL OF A FLORIDA  
LICENSED SURVEYOR AND MAPPER  
CEC FILE NO. 22.071  
DATE OF SIGNATURE:





**LEGEND**  
 (S) = SURVEY DATA  
 (D) = DESCRIPTION DATA  
 (C) = CALCULATED DATA

**LXX - LINE TABLE**

LINE	BEARING	DISTANCE
L1(S)	N89°12'33\"/>	

- GENERAL NOTES**
- = FOUND 5/8" IRON PIN AND CAP STAMPED AS NOTED.
  - = SET 5/8" IRON PIN AND CAP STAMPED CEC LB 2464.
  - BEARINGS BASED ON A GRID BEARING OF S00°45'59"E ON THE EAST LINE OF DESCRIBED PROPERTY.
  - DESCRIBED PROPERTY LIES IN FLOOD ZONE X, PER F.I.R.M. COMMUNITY PANEL NO. 125124 MAP NO. 12071C 0678H DATED AUGUST 28, 2008.
  - COORDINATES SHOWN HEREON ARE RELATIVE TO THE NORTH AMERICAN DATUM 1983, 2011 ADJUSTMENT, FLORIDA WEST ZONE.
  - THIS SURVEY IS CERTIFIED TO THE DATE OF THE FIELD SURVEY, NOT THE DATE OF SIGNATURE.

COASTAL ENGINEERING CONSULTANTS, INC.  
 FLORIDA BUSINESS AUTHORIZATION NO. LB 2464



Digitally signed by Richard J. Ewing, PSM  
 DN: cn=Richard J. Ewing, PSM, o=Coastal Engineering Consultants, Inc., ou=Survey and Mapping, email=rjewing@cecif.com, c=US  
 Date: 2022.09.22 15:10:32 -0400'

RICHARD J. EWING, VP  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 5295  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER  
 DATE OF SIGNATURE:

**REVIEWED**  
**DCI2022-00034**  
**Hunter Searson, GIS Planner**  
**Lee County Government**  
**11/1/2022**

**SKETCH OF DESCRIPTION**  
**NOT A SURVEY**  
**SEE ATTACHED DESCRIPTION**

**COASTAL ENGINEERING CONSULTANTS INC.**  
 Serving Florida Since 1977  
 28421 BONITA CROSSINGS BOULEVARD  
 BONITA SPRINGS, FLORIDA 34135

COASTAL AND MARINE ENGINEERING ENVIRONMENTAL AND GEOLOGICAL SERVICES LAND AND MARINE SURVEY AND MAPPING  
 PHONE: (239)643-2324  
 FAX: (239)643-1143  
 www.coastalengineering.com  
 E-Mail: info@cecif.com

CLIENT: **BONITA LOTS, LLC**

TITLE: **SKETCH OF DESCRIPTION OF LANDS LYING IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA.**

DATE:	09/22/22	SCALE:	1" = 250'
DRAWN:	MMW	F.B.	N/A
CHECKED:	RJE	PC	N/A
SEC.	32	TWP.	47S
		RNG.	26E
ACAD NO.	22.071		
REF. NO.	22.071-BOUNDARY-20220922		
NO.	DATE	BY	REVISION DESCRIPTION

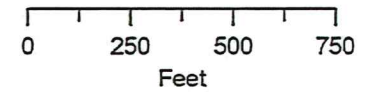
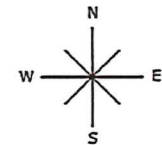


DCI2022-00034

Zoning

 Subject Property

 City Limits



## Exhibit B

### RECOMMENDED CONDITIONS AND DEVIATIONS

#### Conditions revised by Hearing Examiner

#### CONDITIONS

1. Master Concept Plan and Development Parameters
  - a. Master Concept Plan (MCP). Development must be substantially consistent with the one-page MCP Entitled "Master Concept Plan RaceTrac Bonita Minor RPD Lee County, Florida" last revised January 9, 2023, attached as Exhibit B1.
  - b. Compliance with Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC at the time of local development order approval, except where deviations have been approved herein. Amendments to the MCP and corresponding documents may require further development approvals.
  - c. Approved Development Parameters. Maximum 157 multifamily and/or townhome units. Unit total includes 57 bonus density units.
  
2. Schedule of Permitted Uses and Property Development Regulations
  - a. Schedule of Uses
    - Accessory uses and structures
    - Administrative offices
    - Clubs, private (limited to Tract 11)
    - Community gardens
    - Dwelling unit (subject to Condition 5):
      - Townhouse
      - Multiple-family building
    - Entrance gates and gatehouse
    - Essential services
    - Essential service facilities, Group I
    - Excavation:
      - Water retention
    - Fences, Walls
    - Home Occupation
    - Models:
      - Model unit
    - Parking lot:
      - Accessory
    - Real estate sales office

Recreation facilities:  
    Personal  
    Private on-site (limited to Tract 11)  
Residential accessory uses  
Signs  
Temporary uses

b. Property Development Regulations

Minimum Lot Area and Dimensions

**Townhouse**

Area:	900 sq. feet
Width:	18 feet
Depth:	50 feet

**Multiple family**

Area:	7,200 sq. feet
Width:	80 feet
Depth:	90 feet

**Recreational facilities, private on-site**

Area:	3,750 sq. feet
Width:	50 feet
Depth:	75 feet

Minimum Building Setbacks and Maximum Building Heights:

**Townhouse**

Street:	18 feet (15 feet corner street side only)
Side:	0 feet
Rear:	0 feet
Waterbody:	25 feet
Rear, accessory	0 feet
Building separation	10 feet
Maximum building height	35 feet

**Multiple family**

Street:	18 feet (15 feet corner street side only)
Side:	5 feet
Rear:	10 feet
Waterbody:	25 feet
Rear, accessory	5 feet
Building separation	10 feet
Maximum building height	45 feet (subject to Condition 4)

**Recreational facilities, private on-site**

Street:	20 feet
Side:	5 feet
Rear:	10 feet
Waterbody:	25 feet
Rear, accessory	5 feet
Building separation	20 feet
Maximum building height	35 feet

Maximum Lot Coverage

There is no lot coverage limitation for individual development tracts, so long as lot coverage does not exceed 50 percent of project acreage.

3. Open Space

Development order plans must depict a minimum of 4.49 acres of open space in substantial compliance with the Conceptual Open Space Plan dated January 5, 2023. Exhibit B2

4. Height Tracts 1 and 2

Maximum building heights for Tracts 1 and 2 are limited to 35 feet unless the abutting parcel to the east is no longer a single-family residence. Buildings within these tracts must be set back a minimum of 40 feet from the east property line. Code provisions permitting increased height for increased setback may not bypass this condition.

5. Density

Project dwelling unit counts may not be less than 58 units or exceed 100 standard units. Developer may build an additional 57 units through Lee County Bonus Density Programs. Project density must be decreased proportionately if the ERP permit indicates increased wetland acreage.



6. Type B Buffer

The Type “B” buffer depicted on the MCP must be provided for townhome and multi-family development. Developer must buffer roads, drives, and parking areas located within 125 feet of this boundary consistent with MCP Note #5.

7. Access Gates

- a. The Snell Lane access drive is limited to residents and emergency personnel. Development order plans must include plans for signs indicating the Snell Avenue gate is limited to residents and directing other traffic to the main entrance on Bonita Grande Drive.
- b. Development order plans must include plans for signs indicating “Exit Only” and “Do Not Enter” at the “Exit Only” gate to Bonita Beach Road SE.

8. State and Federal Permits

- a. Generally. County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies, or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.
- b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and local development permits.

If the State does not approve wetland impacts, or if State wetland permits are not consistent with proposed wetland impacts reflected in County development permits, then Developer must amend County development permit approvals to be consistent with state wetland permits and applicable Lee Plan and LDC regulations regarding development within wetlands.

## DEVIATIONS

1. Entrance Gates and Gatehouses. Deviation 1 seeks relief from LDC §34-1748(1)d, e and (5), which imposes setback, stacking, turnaround and turn lane requirements for entrance gates. The deviation allows the Snell Lane access gate to be constructed with following design characteristics:

- setback of 27 feet measured from the Snell Lane right-of-way.



- 49-foot driveway on the ingress-side of the gate for vehicular stacking.
- no turn lanes on Snell Lane; and
- paved turnaround on the ingress side of the entrance gate with a turning radius sufficient to accommodate passenger car U-turns consistent with specifications in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) current addition.

**Hearing Examiner Recommendation:** Approved subject to Condition 4.d.

2. Parking Lot Access. Deviation 2 seeks relief from LDC §34-2013(a)(2), which allows the Zoning director to approve back out parking into rights of way within residential developments provided the parking spaces serve only development amenities. The deviation allows a maximum of 5 parking spaces serving dwelling units/guests to back out into the project's internal spine road. The five parking spaces are restricted to the location shown on MCP.

**Hearing Examiner Recommendation:** Approved.

3. Street Design and Construction Standards - Cul-de-Sac. Deviation 3 seeks relief from LDC §10-296(k)(1), which requires dead-end streets to provide a circular turnaround constructed to specified standards. The deviation allows the dead-end street depicted on the MCP

**Hearing Examiner Recommendation:** Approved.

4. Street Setbacks. Deviation 4 seeks relief from LDC §34-2192, which requires a 20-foot private street setback. The deviation allows an 18-foot front setback and 15-foot side setback for corner lots only.

Withdrawn.

5. Refuse and Disposal Facilities. Deviation 5 seeks relief from LDC §10-261(a), which requires new multifamily residential development to provide on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit. This standard requires 678 square feet of recycling area for the project. The deviation allows space for a compactor and a minimum of 144 square feet for recyclable materials collection containers.

**Hearing Examiner Recommendation:** Approved, subject to the following condition:

Developer must provide a letter of no objection from Solid Waste prior to local development order approval.

6. Street Design and Construction Standards – Minimum Pavement Design Specifications. Deviation 6 seeks relief from LDC §10-296(d), Table 3, which

requires a shared use path/sidewalk/cycle track to have 6 inches of Portland Cement concrete, or 1 inch of asphaltic concrete FDOT type S-III and 4 inches of compacted lime rock. The deviation allows 4 inches of concrete with 6 inches of subgrade for on-site sidewalks.

**Hearing Examiner Recommendation:** Approved.

7. Plant Material Standards. Deviation 7 seeks relief from LDC §10-420(f), which requires the height of trees, palms, and shrubs within buffer areas to be measured from parking lot grade. The deviation allows buffer trees, palms, and shrub heights to be measured from the final grade in which they reside, but no lower than the crown of the adjacent road or existing grade of abutting property.

**Hearing Examiner Recommendation:** Approved, subject to the following condition:

Development order landscape plans must depict buffer height criteria no less than the greater of the crown of the adjacent road or existing grade of the abutting property.

- 8.a. Connection Separation. Deviation 8.a seeks relief from LDC § 10-285(a), Table 1, which requires connection separation of 440 feet for Bonita Beach Road SE (arterial roadway). The deviation allows a connection separation of 393± feet.

**Hearing Examiner Recommendation:** Approved, subject to the condition that developer provide a joint access easement to the adjacent (RaceTrac gas station) property prior to development order approval to facilitate cross access demonstrated on the MCP.

- 8.b. Connection Separation. Deviation 8.b seeks relief from LDC § 10-285(a), which prohibits direct motor vehicle access to an arterial or major collector road for lots in urban areas with access alternatives. The deviation allows direct access onto Bonita Beach Road SE and Bonita Grande Drive.

**Hearing Examiner Recommendation:** Approved.

- 9.a. Permanent Signs in Residential Areas. Deviation 9.a seeks relief from LDC §30-152(2)d.4, which requires permanent signs in residential areas not in an entrance median strip to be set back a minimum of 15 feet from the edge of the public right-of-way and at least 15 feet from the edge of the entrance pavement. The deviation allows the main access sign to be set back 5 feet from the edge of the Bonita Grande Drive right-of-way and 5 feet from the entranceway pavement.

**Hearing Examiner Recommendation:** Approved, subject to visibility triangle requirements.

- 9.b. Permanent Signs in Residential Areas. Deviation 9.b seeks relief from LDC §30-152(2), which states identification signs may be permitted at each main entrance. The deviation allows a secondary identification sign at the Bonita Beach Road “exit only” shared access to include the project name and to direct traffic to the project’s main entrance on Bonita Grande Drive. The secondary identification sign is limited to a maximum of 105 square feet of face area, minimum setback of 5 feet from Bonita Beach Road right-of-way, and 5 feet from the proposed entranceway pavement.

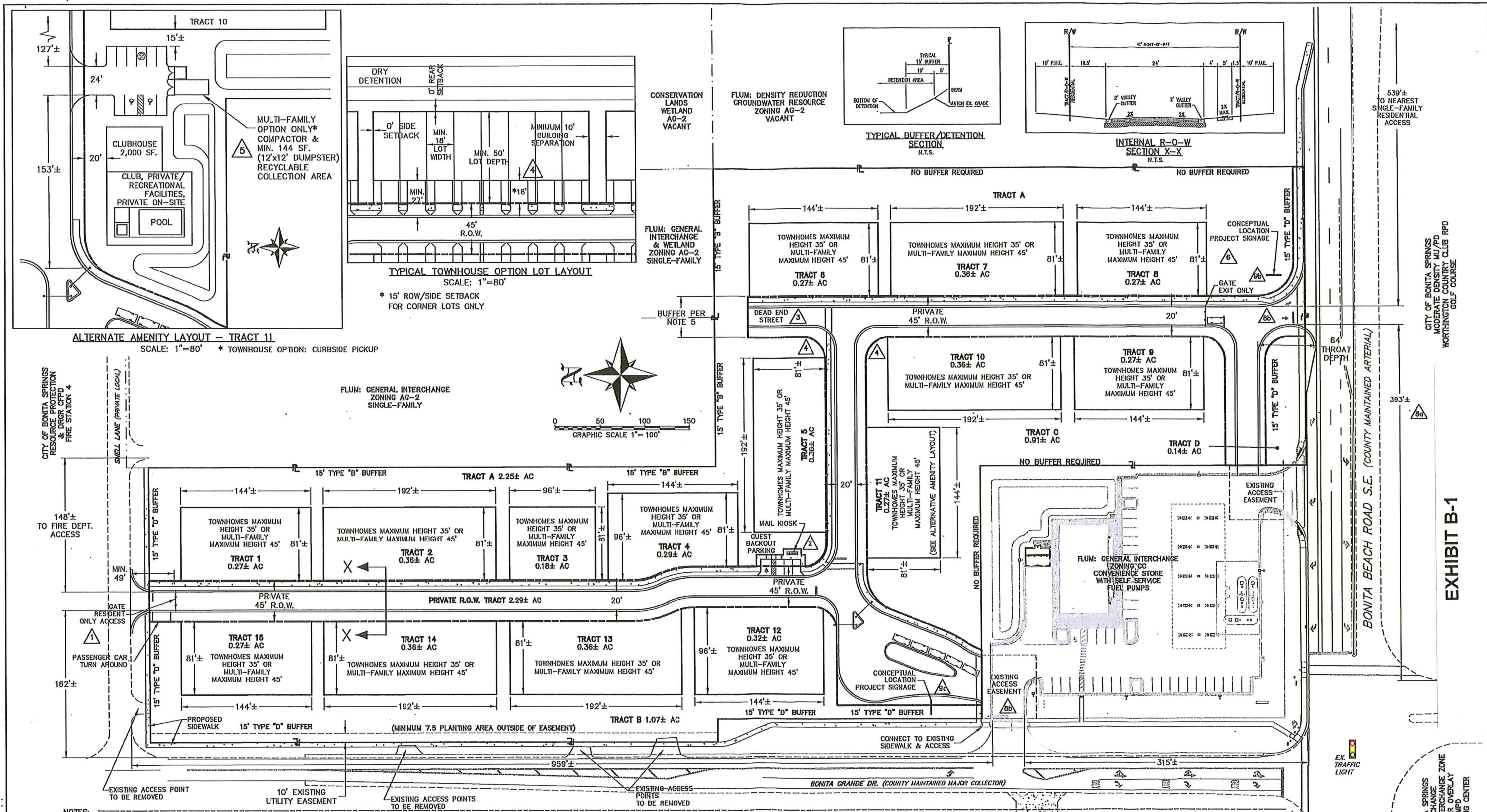
**Hearing Examiner Recommendation:** Approved subject to visibility triangle requirements.

Exhibits to Conditions:

B1 Master Concept Plan RaceTrac Bonita Minor RPD Lee County, Florida” last revised January 9, 2023

B2 Conceptual Open Space Plan dated January 5, 2023





- NOTES:**
1. SITE AREA: 11.23± AC.
  2. OPEN SPACE REQUIRED: MINIMUM 40% OR 4.49± AC. OPEN SPACE PROVIDED: MINIMUM 4.49 AC.
  3. FUTURE LAND USE CATEGORY: GENERAL INTERCHANGE
  4. TOTAL DWELLING UNITS: MAXIMUM 157 (INCLUDING 57 BONUS UNITS)
  5. A SOLID WALL OR COMBINATION BERM AND SOLID WALL NOT LESS THAN EIGHT FEET IN HEIGHT 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 LINEAL FEET OR A 30 FOOT WIDE TYPE "F" BUFFER WITH THE HEDGE PLANTED A MINIMUM OF 20 FEET FROM THE ABUTTING PROPERTY.
  6. TRACTS A - D ARE COMMON OPEN SPACE TRACTS WITH BUFFERS AS NOTED AND STORMWATER MANAGEMENT.
  7. NO INTERNAL BUFFERS REQUIRED

**LEGEND:**

▲ = DEVIATION

--- = PROPOSED SIDEWALK

NO.	DATE	REVISION DESCRIPTION	BY
1	8/18/2022	1st SUFFICIENCY RESPONSE	SEH
2	10/10/2022	2nd SUFFICIENCY RESPONSE	SEH
3	12/20/2022	POST SUFFICIENCY SUBMITTAL	SEH
4	1/5/2023	48 HR NOTICE	SEH
5	1/9/2023	48 HR NOTICE	SEH

**BANKS ENGINEERING**  
Professional Engineers, Planners, & Land Surveyors  
Serving The State Of Florida

10911 SIX MILE CYPRESS PARKWAY  
FORT MYERS, FLORIDA 33918  
PHONE: (239) 939-5450 FAX: (239) 939-2523  
ENGINEERING LICENSE # EB 8469  
SURVEY LICENSE # LD 6690  
WWW.BANKSENG.COM

MASTER CONCEPT PLAN  
**RACETRAC BONITA MINOR RPD**  
LEE COUNTY, FLORIDA

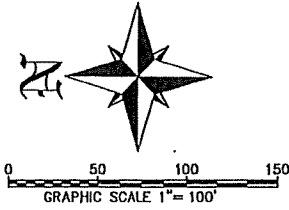
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
6/13/2022	B796	MCP	DBA	JLS	SEH	1"=100'	1

**EXHIBIT B-1**

CITY OF BONITA SPRINGS  
FLUM: INTERCHANGE  
COMMERCIAL/INTERCHANGE ZONE  
OF BBR CORRIDOR OVERLAY  
ZONING: MPD  
PUEBLS SHOPPING CENTER

CITY OF BONITA SPRINGS  
MODERATE DENSITY MU/PD  
WORTHINGTON COUNTRY CLUB RPD  
GOLF COURSE





CONSERVATION LANDS  
WETLAND  
AG-2  
VACANT

FLUM: DENSITY REDUCTION  
GROUNDWATER RESOURCE  
ZONING AG-2  
VACANT

539'±  
TO NEAREST  
SINGLE-FAMILY  
RESIDENTIAL  
ACCESS

FLUM: GENERAL  
INTERCHANGE  
& WETLAND  
ZONING AG-2  
SINGLE-FAMILY

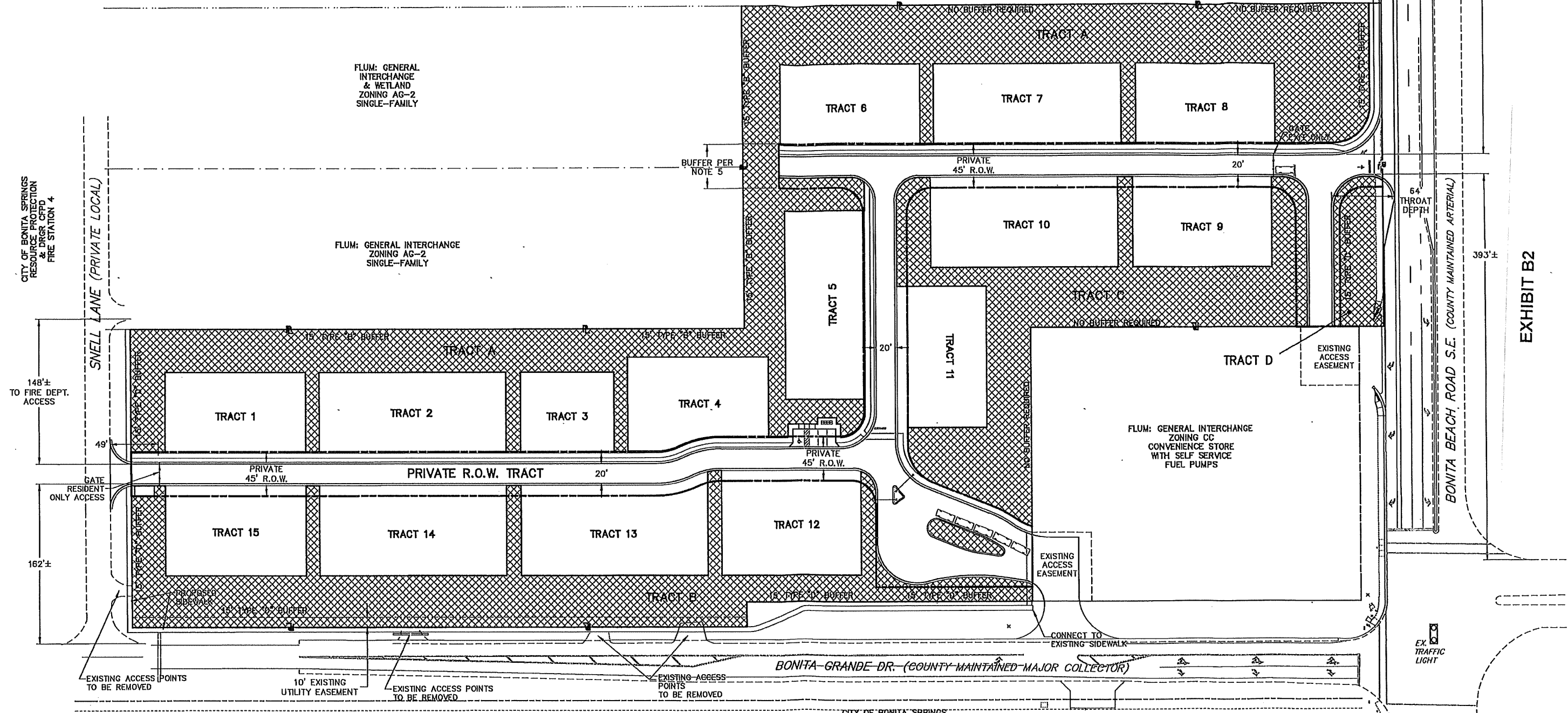
FLUM: GENERAL INTERCHANGE  
ZONING AG-2  
SINGLE-FAMILY

FLUM: GENERAL INTERCHANGE  
ZONING CC  
CONVENIENCE STORE  
WITH SELF SERVICE  
FUEL PUMPS

CITY OF BONITA SPRINGS  
FLUM: INTERCHANGE COMMERCIAL/INTERCHANGE ZONE  
OF BONITA BEACH ROAD CORRIDOR OVERLAY  
ZONING: MIDTOWN BONITA MPD  
UTILITIES/VACANT

CITY OF BONITA SPRINGS  
RESOURCE PROTECTION  
& DRGR CPFD  
FIRE STATION 4

EXHIBIT B2



ZONING OPEN SPACE TABLE:

OPEN SPACE REQUIRED: MIN. 40%  
11.23 AC. x 0.40 = MINIMUM 4.49 AC.

OPEN SPACE PROVIDED:  
COMMON AREA OPEN SPACE:

TRACT A - D OPEN SPACE: 4.31 AC.  
INTERNAL R.O.W. OPEN SPACE: 0.18 AC.

TOTAL OPEN SPACE PROVIDED: MINIMUM 4.49 AC.

LEGEND:

= CONCEPTUAL COMMON OPEN SPACE AREA

NO.	DATE	REVISION DESCRIPTION	BY
2	1/5/2023	48 HOUR NOTICE	SEH
1	8/23/2022	1st SUFFICIENCY RESPONSE	SEH

**BANKS ENGINEERING**  
Professional Engineers, Planners, & Land Surveyors  
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10511 SIX MILE CYPRESS PARKWAY  
FORT MYERS, FLORIDA 33908  
PHONE: (239) 939-5490 FAX: (239) 939-2523  
ENGINEERING LICENSE # CE 8469  
SURVEY LICENSE # LS 6690  
WWW.BANKSENG.COM

CONCEPTUAL OPEN SPACE PLAN									
RACETRAC BONITA MINOR RPD									
LEE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET		
6/9/2022	B796	MCP	DBA	JLS	SEH	1"=100'	1		

## Exhibit C

### EXHIBITS PRESENTED AT HEARING

#### STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Adam Mendez, Senior Planner, date received December 28, 2022 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *PowerPoint Presentation:* Prepared by Lee County staff, for RaceTrac Bonita Minor RPD (multiple pages – 8.5"x11")[color]

#### APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Stacy Hewitt, to Hearing Examiner, with copies to Maria Perez, Adam Mendez, Joseph Adams, Esq., Amanda Swindle, Esq., Michael Jacob, Esq., Neale Montgomery, Esq., Elizabeth Workman, Dirk Danley, Jr., Anthony Rodriguez, Marcus Evans, Brian Roberts, Tina Boone, Lauren Schaefer, Erica Temerario, and Jamie Pringing, dated Tuesday, January 10, 2023, 12:29 PM (multiple pages – 8.5"x11")
1. *PowerPoint Presentation:* Prepared for RaceTrac Bonita Minor RPD, DCI2022-00034, date January 12, 2023 (multiple pages – 8.5"x11")[color]
2. *Master Concept Plan:* Prepared by Banks Engineering, for RaceTrac Bonita Minor RPD, last revised 1/9/2023 (1 page – 24"x36")

#### OTHER EXHIBITS

##### Shane Snell

1. *Composite Exhibit:* (multiple pages – 8.5"x11")

**Exhibit D**

**HEARING PARTICIPANTS**

County Staff:

1. Adam Mendez

Applicant Representatives:

1. Brent Addison
2. Stacy Hewitt
3. Neale Montgomery, Esq.
4. Jeremy Sterk
5. Ted Treesh

Public Participants:

1. Byron Liles
2. Shane Snell
3. Lindy Zinser

**Exhibit E**  
**INFORMATION**

**UNAUTHORIZED COMMUNICATIONS**

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

**HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS**

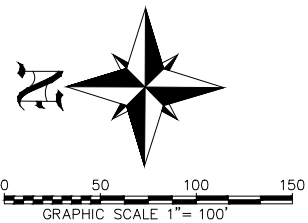
- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentations by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

**COPIES OF TESTIMONY AND TRANSCRIPTS**

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.







CONSERVATION LANDS  
WETLAND  
AG-2  
VACANT

FLUM: DENSITY REDUCTION  
GROUNDWATER RESOURCE  
ZONING AG-2  
VACANT

FLUM: GENERAL  
INTERCHANGE  
& WETLAND  
ZONING AG-2  
SINGLE-FAMILY

FLUM: GENERAL INTERCHANGE  
ZONING AG-2  
SINGLE-FAMILY

539'±  
TO NEAREST  
SINGLE-FAMILY  
RESIDENTIAL  
ACCESS

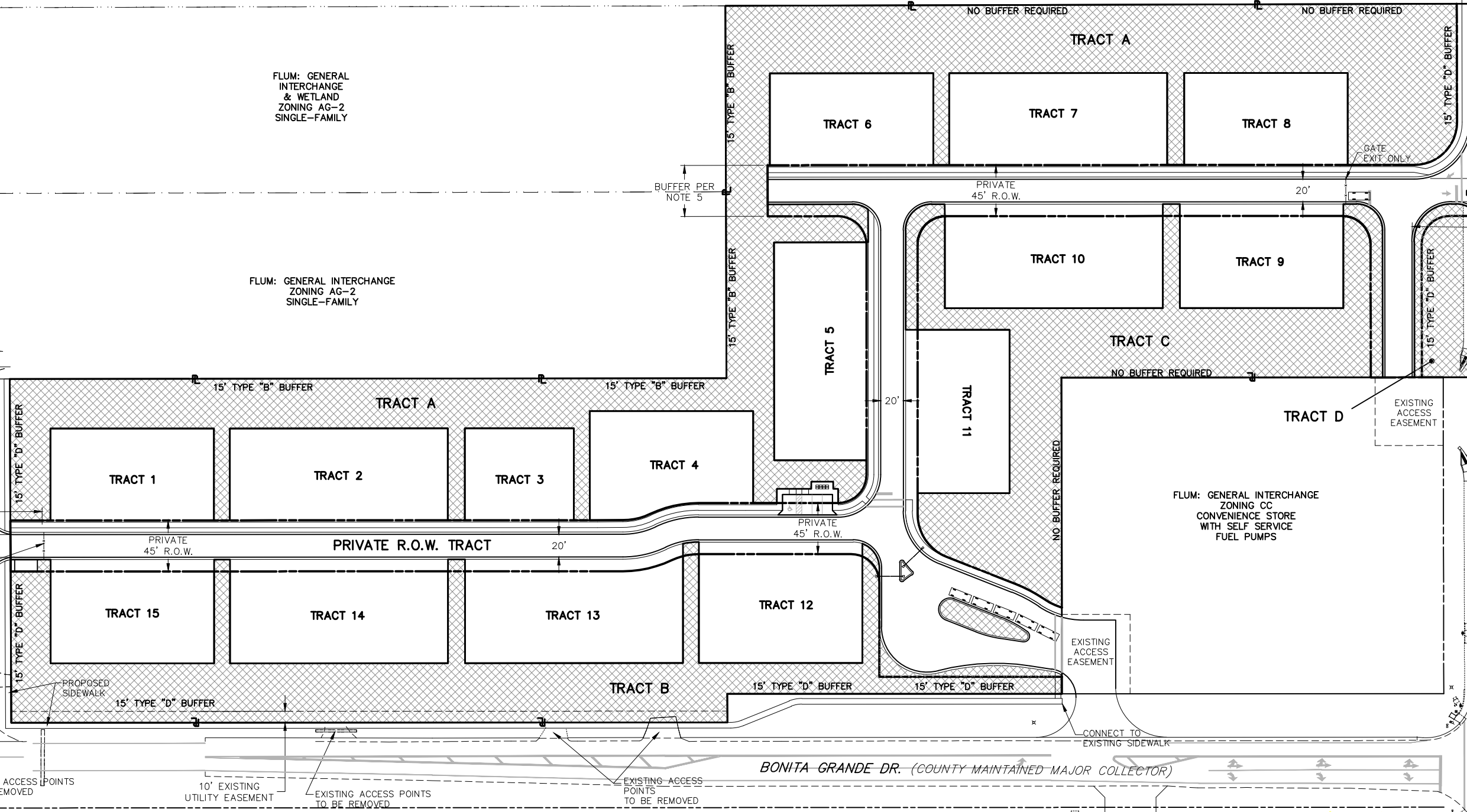
CITY OF BONITA SPRINGS  
RESOURCE PROTECTION  
& DRGR CPD  
FIRE STATION 4

SMELL LANE (PRIVATE LOCAL)

148'±  
TO FIRE DEPT.  
ACCESS

49'  
GATE  
RESIDENT  
ONLY ACCESS

162'±



**ZONING OPEN SPACE TABLE:**

OPEN SPACE REQUIRED: MIN. 40%  
11.23 AC. x 0.40 = MINIMUM 4.49 AC.

OPEN SPACE PROVIDED:  
COMMON AREA OPEN SPACE:

TRACT A - D OPEN SPACE: 4.31 AC.  
INTERNAL R.O.W. OPEN SPACE: 0.18 AC.

TOTAL OPEN SPACE PROVIDED: MINIMUM 4.49 AC.

**LEGEND:**

= CONCEPTUAL COMMON OPEN SPACE AREA

CITY OF BONITA SPRINGS  
FLUM: INTERCHANGE COMMERCIAL/INTERCHANGE ZONE  
OF BONITA BEACH ROAD CORRIDOR OVERLAY  
ZONING: MIDTOWN BONITA MPD  
UTILITIES/VACANT

NO.	DATE	REVISION DESCRIPTION	BY
2	1/5/2023	48 HOUR NOTICE	SEH
1	8/23/2022	1st SUFFICIENCY RESPONSE	SEH

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CONCEPTUAL OPEN SPACE PLAN  
**RACETRAC BONITA MINOR RPD**  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
6/9/2022	8796	MCP	DBA	JLS	SEH	1"=100'	1

## **Conditions**

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

### **(1) Master Concept Plan and Development Parameters**

- (a) Development of the subject property must be substantially consistent with the one-page Master Concept Plan Entitled “Master Concept Plan RaceTrac Bonita Minor RPD Lee County, Florida”; last revised 10/10/2022, attached hereto as Attachment D.

Development must comply with all the requirements of the LDC at the time of local development order approval, except as may be subsequently granted by deviation as part of this planned development. Subsequent amendments to the Master Concept Plan or its auxiliary documentation attached thereto are subject to the planned development amendment process established by the Land Development Code.

### **(2) Schedule of Uses and Property Development Regulations**

#### **(a) Schedule of Uses**

- Accessory uses and structures
- Administrative offices
- Clubs, private (limited to Tract 11)
- Community gardens
- Dwelling unit (subject to Condition 5):
  - Townhouse
  - Multiple-family building
- Entrance gates and gatehouse
- Essential services
- Essential service facilities, Group I
- Excavation:
  - Water retention
- Fences, Walls
- Home occupation
- Models:
  - Model unit
- Parking lot:
  - Accessory
- Real estate sales office
- Recreation facilities:
  - Personal
  - Private on-site (limited to Tract 11)
- Residential accessory uses
- Signs
- ~~Storage, Indoor and open~~ (Staff recommends striking this use and relying on the Accessory uses and structures classification, as listed this use is not obtainable in the RPD District in accordance with LDC § 34-934)

Temporary uses

(b) Property Development Regulations

Minimum Lot Area and Dimensions

**Townhouse**

Area:	900 square feet
Width:	18 feet
Depth:	50 feet

**Multiple-family**

Area:	7,200 square feet
Width:	80 feet
Depth:	90 feet

**Recreational facilities, private on-site**

Area:	3,750 square feet
Width:	50 feet
Depth:	75 feet

Minimum Building Setbacks and Maximum Building Heights:

**Townhouse**

Street:	18 feet (15 feet corner street side only)
Side:	0 feet
Rear:	0 feet
Waterbody:	25 feet
Rear, accessory	0 feet
Building separation	10 feet
Maximum building height	35 feet

**Multiple-family**

Street:	18 feet (15 feet corner street side only)
Side:	5 feet
Rear:	10 feet
Waterbody:	25 feet
Rear, accessory	5 feet
Building separation	10 feet
Maximum building height	45 feet (subject to Condition 4)

**Recreational facilities, private on-site**

Street:	20 feet
---------	---------

Side:	5 feet
Rear:	10 feet
Waterbody:	25 feet
Rear, accessory	5 feet
Building separation	20 feet
Maximum building height	35 feet

Maximum Lot Coverage

No maximum lot coverage is established for individual development tracts provided lot coverage does not exceed 50 percent of the overall project acreage.

**(3) Open Space**

Prior to local development order approval the project must depict a minimum of 4.49 acres of open space in substantial compliance with the MCP.

**(4) Development of Tracts 1 and 2**

Unless the single-family use on the abutting easterly parcel is discontinued, the maximum building height of the Tracts 1 and 2, as depicted on the MCP, are limited to 35 feet, with each building set back a minimum of 40 feet from the easterly perimeter. The provisions for increased height for increased setback may not be utilized to bypass this condition.

**(5) Density**

The RPD must be developed at a density not less than 58 dwelling units and not to exceed 100 standard units. 57 additional units may be obtained through Lee County Bonus Density Programs. The project density must be decreased proportionately if the ERP permit indicates an increased acreage of wetlands.

**(6) Type B Buffer**

The Type "B" buffer depicted on the MCP must be provided for both townhome or multi-family development, unless roads, drives, or parking areas are located within 125 feet of this boundary and instead requires the buffer indicated by Note #5 on the MCP.

**(7) Access Gates**

- a. Access to and from Snell Lane is limited to residents and emergency personnel only. Prior to local development order approval the applicant must provide plans demonstrating signage which indicates the gate on Snell Avenue is resident access only and directs all other traffic to utilize the main entrance located on Bonita Grande Drive.

- b. Prior to Local Development Order Approval the applicant must provide plans demonstrating signage which indicates exit only and do not enter signage to be provided at the exit only gate shown on the Master Concept Plan (adjacent to Bonita Beach Road SE).

## **Deviations**

### **Deviation #1**

Seeks relief from LDC §34-1748(1)d, e and (5), which certain setback, stacking, turnaround and turn lane requirements, to allow an entrance gate with access to the Snell Lane:

- a setback of 27 feet, as measured from the intersecting street right-of-way;
- a 49-foot driveway on the ingress-side of the gate for vehicular stacking;
- no associated turn lanes along Snell Lane; and
- a paved turnaround having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current addition, provided on the ingress side of the entrance gate.

This deviation is **APPROVED** subject to the conditions:

- a. The entrance gate is limited to residents and emergency personnel only; and
- b. The applicant must provide signage indicating the gate on Snell Avenue is resident access only and directs all other traffic to utilize the main entrance located on Bonita Grande Drive prior to local development order approval.

### **Deviation #2**

Seeks relief from LDC §34-2013(a)(2), which requires off-street parking that backs out into rights-of-way in residential developments for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses, to allow a maximum of 5 parking spaces which back out into the proposed internal spine road for dwelling units and guests limited to the location shown on MCP.

This deviation is **APPROVED**.

### **Deviation #3**

Seeks relief from LDC §10-296(k)(1), which requires dead-end streets to provide a circular turnaround, to allow the dead-end street as shown on the MCP

This deviation is **APPROVED**.

### **Deviation #4**

Seeks relief from LDC §34-2192, which requires a private street setback of 20 feet; to allow an 18-foot private street front setback and 15-foot private street side setback for corner lots only on the internal private roadway.

Staff recommends this deviation be **WITHDRAWN**, as it is not necessary.

#### Deviation #5

Seeks relief LDC §10-261(a), which requires new multifamily residential development to provide sufficient on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit (678 square feet recycling area required), to allow space for a compactor and a minimum of 144 square feet for recyclable materials collection containers.

This deviation is **APPROVED** subject to the following condition:

- a. The applicant must provide a letter of no objection from Solid Waste prior to local development order approval.

#### Deviation #6

Seeks relief from LDC §10-296(d), Table 3, which requires a Shared Use Path/Sidewalk/Cycle Track have 6 inches of Portland Cement concrete, or 1 inch of asphaltic concrete FDOT type S-III and 4 inches of compacted limerock, to allow 4 inches concrete sidewalks with 6 inches of subgrade for on-site sidewalks.

This deviation is **APPROVED**.

#### Deviation #7

Seeks relief from LDC §10-420(f), which requires the height of all trees, palms, and shrubs located within buffer areas to be measured from the parking lot grade of the project site; to allow the height of buffer trees, palms and shrubs to be measured from the final grade in which they reside but no lower than the crown of the adjacent road or existing grade of abutting property.

This deviation is **APPROVED** subject to the following condition:

- a. Prior to the issuance of the first development order, the landscape plans must depict buffer height criteria no less than the crown of the adjacent road or existing grade of the abutting property, whichever is greater.

#### Deviation #8a

Seeks relief from LDC § 10-285(a), Table 1, which requires a connection separation of 440 feet for Bonita Beach Road SE (arterial roadway); to allow a connection separation of 393± feet.

This deviation is **APPROVED** subject to the condition that a joint access easement be provided to the adjacent (RaceTrac gas station) property prior to local development order approval to facilitate the cross access demonstrated on the MCP.

Deviation #8b

Seeks relief from LDC § 10-285(a), which prohibits direct motor vehicle access to an arterial or major collector road for all lots in urban areas with access alternatives, to allow direct motor vehicle access on Bonita Beach Road SE (Arterial classification) and Bonita Grande Drive (Major Collector classification).

This deviation is **APPROVED**.



**Lee County, Florida**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**ZONING SECTION**  
**STAFF REPORT**

**Case Number: DCI2022-00034**

**Case Name: RaceTrac Bonita Minor RPD**

**Area to be Rezoned: +/- 11.23 Acres**

**Case Type: Minor Planned Development Rezoning**

**Sufficiency Date: November 4, 2022**

**Hearing Date: January 12, 2023**

**REQUEST:**

Stacy Ellis Hewitt, AICP has filed an application to rezone approximately 11.23 acres from Agricultural (AG-2), Community Commercial (CC) and Tourist Commercial (CT) to a minor Residential Planned Development (RPD) to permit a maximum of 157 multifamily and/or townhome units not to exceed 45 feet in height. The requested density includes utilization of 57 bonus density units.

The subject property is located 0.75 miles east of the I-75/Bonita Beach Road Interchange area and is bound by Bonita Beach Road SE and Bonita Grande Drive. The property is located in the Southeast Lee County Planning District, Commissioner District #3. The applicant has indicated the property's address is 13090 Bonita Beach Road SE and 27951, 27865-869 Bonita Grande Drive. A legal description and boundary survey of the subject property are attached as Attachment B of this report.

**SUMMARY:**

Staff recommends **APPROVAL** of the applicant's request, including approval of 57 bonus density units, with the conditions and deviations found in Attachment E of this report.

**HISTORY OF PARCEL:**

The subject property's ±11.23 acres is split into three zoning districts, CT (±4.95 acres), CC (±1.8 acres) and AG-2 (±4.5 acres). In 1999, the City of Bonita Springs incorporated, with property south of Bonita Beach Road SE and east of Bonita Grande Drive falling largely within the city limits. Resolution Z-01-040, adopted in October of 2001, rezoned the CC portion of the property and southern abutting property (developed with a RaceTrac gas station) from AG-2 (see Attachment L). Resolution Z-03-025 rezoned the CT portion of the subject property from AG-2 in June of 2003 (see Attachment L). Aside from the RaceTrac gas station, the commercial-zoned portions of the property are currently vacant, while the agriculturally-zoned property is developed for single-family residential and agricultural purposes. The subject property is primarily located in the General Interchange Future Land Use category, as designated by the Lee County Comprehensive Plan (Lee Plan). A linear ±0.67-acre segment of property along its eastern boundary is depicted in the Wetlands Future Land Use category. In January of 2016 Lee County Ordinance 16-02 amended the Lee Plan General Interchange Policy (1.3.2) to permit multifamily development at a base

density range of eight to 14 dwelling units per acre, with a maximum density of 22 dwelling units per acre when utilizing bonus density methods established in the Land Development Code (LDC).

### **CHARACTER OF THE AREA:**

Generally, lands east of I-75 and south of Bonita Beach Road SE are developed with commercial uses and light industrial flex space in close proximity to the interstate interchange, with moderate-density single-family residential communities stretching further east to the county line. Inversely, land east of I-75 and north of Bonita Beach Road SE is sparsely developed with the majority share of property under public ownership for conservation purposes. Property immediately surrounding the subject property is depicted in Attachment C of this report and can be characterized as follows:

#### North

Snell Lane, a non-county maintained local road, separates lands to the north of the subject property. Directly north of Snell lane is the Bonita Springs Fire and Rescue District Station #24 and EMS Medic Station #6, which are located on a ±14.5-acre site within the city limits of Bonita Springs.

#### East

Lands to the east of the subject property are located in the General Interchange, Wetlands and Density Reduction/Groundwater Resource Future Land Use categories. To the east, the ±4.8-acre parcel with frontage on Bonita Beach Road SE is zoned AG-2, located in the Wetlands and Density Reduction/Groundwater Resource Future Land Use categories and is currently vacant. Property with frontage on Snell Lane is comprised of two 2.5-acre single-family properties, which are primarily located within the General Interchange Future Land Use category.

#### South

The subject property flanks a CC-zoned corner lot developed with a RaceTrac gas station and convenience store. Lands further to the south, across Bonita Beach Road SE, are located within a residential golf course community on the east side of Bonita Grande Drive, while commercial and Industrial flex space uses are developed on the west side of Bonita Grande Drive.

#### West

Lands to the west of the subject property, across Bonita Grande Drive, are located within the City of Bonita Springs and are currently undeveloped, with the exception of a fenced utility compound (Bonita Springs wastewater pump station). The property is currently zoned Mixed-Use Planned Development, as of September 2, 2020, at which point the City of Bonita Springs approved a rezoning of a ±67.5-acre Commercial Planned Development (CPD) to MPD, to allow a maximum of 482 multiple family dwelling units (including Assisted Living Facility equivalents), 315,000 square feet of commercial/retail uses with a maximum height of 55 feet/5 habitable floors, and a 165 room hotel with a maximum height of 65 feet/6 habitable floors (see Attachment M).

## **Availability of Urban Services**

Public Services are defined by the Lee Plan as *“the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity.”* The level of urban services currently serving the subject property are as follows:

Public water and sewer: The applicant has provided a public water and sewer availability letter from Bonita Springs Utilities. Potable water and wastewater utility lines are available in proximity to the subject property, with sufficient capacity available for the proposed development (see Attachment I).

Paved streets and roads: The subject property has ±924 feet of road frontage on Bonita Grande Drive, a county-maintained major collector road, ±329 feet of road frontage on Bonita Beach Road SE, a county-maintained arterial road; and ±302 feet of road frontage on Snell Lane, a paved non-county-maintained local road.

Public transit and pedestrian facilities: A sidewalk is located on the north side of Bonita Beach Road SE and the east side of Bonita Grande Drive adjacent to the RaceTrac gas station. The developer will be required to install and connect pedestrian facilities along the property’s boundaries in conformance with LDC Section 10-256. The site is located within the Lee Tran Ultra On Demand Transit service area, currently exclusive to the Bonita Springs area. Ultra is an on demand transit service that allows riders to arrange pickups within the designated service zone. This service differs from traditional fixed-route service, as riders do not need to travel to a specific bus stop along a defined bus route at a particular time in order to coordinate a ride with public transit. Ultra fares are currently \$1.50 each way and includes payment options for free transfers to Lee Tran Route 600 and the Route 410.

Police, fire, and emergency services: As stated above, the Bonita Springs Fire and Rescue District Station #24 is located across directly north Snell Lane from the subject property, this station includes Lee County EMS Station #6. The Lee County Sheriff’s Office South District Substation is located at the intersection of South Tamiami Trail and Pelican Colony Boulevard, approximately 8.2 miles from the subject property.

## **ANALYSIS:**

As designated by the Lee County Comprehensive Plan, the Southeast Planning District includes ±16.5 acres of contiguous General Interchange Future Land Use designation at the northeast quadrant of the intersection of Bonita Beach Road SE and Bonita Grande Drive. The applicant proposes to consolidate three separate zoning districts (AG-2, CC and CT) within this designation and rezone 11.23 acres to the RPD District to facilitate multifamily and townhouse development at the maximum density range prescribed by Lee Plan Policy 1.3.2. Policy 1.3.2 was amended by Lee County Ordinance 16-02 to permit multifamily development at a standard density range of eight to 14 dwelling units per acre, and a maximum density of 22 dwelling units per acre with utilization of the bonus density methods established in LDC Section 2-146.

Density

Density means an existing or projected relationship between numbers of dwelling or housing units (Du) and land area (LDC Section 34-2, Definitions). Below are tables outlining permissible density on the subject property:

FUTURE LAND USE CATEGORY	MAXIMUM <u>STANDARD</u> DENSITY RANGE	UNITS
<b>GENERAL INTERCHANGE</b>	7.13 Acres @ 14 Du/Acre	99.82 Du
<b>WETLANDS</b>	4.1 Acres @ 0.05 Du/ acres	0.21 Du
<b>TOTAL: 100 DU</b>		

FUTURE LAND USE CATEGORY	MAXIMUM <u>BONUS</u> DENSITY RANGE	UNITS
<b>GENERAL INTERCHANGE</b>	7.13 Acres @ 22 Du/Acre	156.86 Du
<b>WETLANDS<sup>1</sup></b>	4.1 Acres @ 0.05 Du/ acres	0.21 Du
<b>TOTAL: 157 DU (INCLUDES 57 BONUS DU)</b>		

The applicant request is that the 7.13 acres designated General Interchange permit the maximum obtainable density with utilization of the Lee County Bonus Density Programs. The General Interchange areas permit a maximum of 22 units per acre with bonus density, or eight additional units per acre, which equates to an additional 57 dwelling units. The bonus density incentive programs include the Affordable Housing Program, in accordance with the site-built provisions or the cash contribution provisions set forth in Administrative Code 13-5, and the transfer of Development Rights (TDR) Program, in accordance with the provisions set forth in Administrative Code 13-5. The developer will determine program options at time of local development order approval. LDC Section 2-147 requires applications for planned development rezoning requests relying on bonus density to increase densities above the Lee Plan standard density range to specifically request the use of bonus density and comply with the following review criteria:

- a) The additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road.

**The subject property has sufficient frontage to support access from Bonita Beach Road SE (arterial roadway) and the proposed primary entrance on Bonita Grande Drive (major collector roadway). Access proposed on Snell Lane is limited to resident and emergency access only. The access point on Snell lane is located at the terminus end where intersection with Bonita Grande Drive occurs, therefore, in any event traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road.**

- b) Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest.

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<sup>1</sup> Bonus Density is not obtainable in the Wetlands Future Land Use category according to Lee Plan Table 1(a)

The Applicant's Traffic Impact Statement confirms the proposed development will not have an adverse impact on the surrounding roadway network. Sufficient capacity is projected on Bonita Beach Road to accommodate the trips anticipated to be generated by the proposed development on the subject site. Bonita Grande Drive north of Bonita Beach Road is projected to operate below the acceptable minimum Level of Service standard in 2026 due to the growth in background traffic without the project. The deficiency is not caused by the addition of the project trips. The project's mitigation share will be through the payment of road impact fees to Lee County at the time of building permit application. The applicant has provided a supplemental trip generation comparison (see Attachment J), which demonstrates that the existing commercial acreage has the potential to generate significantly more traffic than the requested rezoning, regardless of the 57 bonus density units proposed by this request.

Approval of the requested zoning would nullify the commercial land use potential and in its place establish a residential land use with significantly less of a traffic impact on the surrounding road network. Further, I-75 serves as an alternate north to south corridor to distribute traffic, which correlates with the project's Bonita Beach Road SE exit-only gate for the project traffic. Vehicles leaving the subject property have the opportunity to travel north alternatively on I-75 without accessing Bonita Grande Drive. The applicant has also provided correspondence from Bonita Springs Utilities stating that the utility has existing potable water and sanitary sewer lines in operation adjacent to the subject property.

- c) Storm shelters or other appropriate mitigation is provided if the development is located within the coastal high hazard area as defined in LDC Section 2-483.

According to Lee Plan Map 5-A, the subject property is not located within the Coastal High Hazard Area.

- d) The resulting development will be compatible with existing and planned surrounding land uses.

***Compatible*** means, in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another (LDC Section 34-2).

The applicant proposes a Master Concept Plan (MCP) depicting the general location of building and amenity tracts, internal spine road, and access points, as well as open space and buffering (see Attachment D). The planned development rezoning process includes the opportunity to employ special conditions that reasonably relate to the proposed development and its expected impacts on public services, facilities, and public health, safety and general welfare. If approved,



conditions must be adopted as part of the zoning resolution and as an appendix to the approved master concept plan which governs the planned development.

The primary focus of compatibility for this project is the transition from the high density residential uses proposed on the subject property to the abutting existing low density single-family uses immediately east on Snell Lane. Staff proposes conditions increasing the perimeter setback and limiting the maximum building heights on Tracts 1 and 2 to 35 feet, with an exception if the single-family use on the abutting parcel is discontinued. Currently, Development Order DOS2022-00190 proposes townhome buildings on these respective tracts with a perimeter setback of 44 feet and a maximum potential height of 35 feet, in alignment with the recommended condition. LDC required landscape buffering will be required at time of local development order approval as the applicant does not propose a deviation. Additional measures of mitigation include traffic impact, drainage and stormwater management, open space, fire protection, and outdoor lighting standards to curtail the degradation of the nighttime visual environment, which are also employed during local development order review.

The request complies with the established review criteria for approval of bonus density.

#### Property Development Regulations & Off-Street Parking

The applicant proposes property development regulations that include maximum heights, minimum setbacks, maximum lot coverage (see Attachment G). Staff finds the proposed property development appropriate within each respective development tract on the MCP, with the exception of development exceeding 35 feet in height on Tracts 1 and 2, as previously discussed. Sufficient off-street parking spaces in accordance with LDC Section 34-2020(a) must be provided, as the applicant is not proposing deviation.

#### Proposed Deviations

*Deviation* means a departure from a specific regulation of LDC Chapter 34, as well as from any separate land development regulation or code, when requested as part of the application for a planned development in accordance with LDC Section 34-373(a)(9), based on the findings established in LDC Section 34-377(a)(4). Each deviation must enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare. The applicant proposes a schedule containing eight deviations from the LDC with corresponding justification (see Attachment G).

#### Deviation #1:

Seeks relief from LDC §34-1748(1)d, e and (5), which requires:

- that access gates are located a minimum of 100 feet back from the existing or planned intersecting street right-of-way or easement.

**The deviation would permit an access gate set back 49 feet from the Snell Lane edge of pavement (approximately 27 feet, as measured from the intersecting street right-of-way).**

- the access gate is designed in such a manner that a minimum of five vehicles or one vehicle per dwelling unit, whichever is less, can pull safely off the intersecting public or private street while waiting to enter.  
**The deviation would permit vehicle stacking located within a 49-foot driveway on the ingress-side of the gate, connecting to the Snell Lane edge of pavement.**
- the development provides right turn and left turn auxiliary lanes on the intersecting street at the project entrance  
**the deviation would eliminate the requirement to provide turn lanes in conjunction with the access gate on Snell Lane.**
- a paved turnaround, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current addition, provided on the ingress side of the gate.  
**The deviation would permit a paved turn around with sufficient turning radius to accommodate a passenger car, as specified in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) current addition.**

The applicant's justification states the gate at this location is a secondary means of access to the development with primary access on Bonita Grande Drive. Snell lane is a dead-end privately maintained local road, the low vehicular volume nature is due to the associated low density/intensity development. The applicant proposes a condition that, as part of the local development order approval, the developer must provide signage stating that the secondary access is limited to use by residents and emergency personnel only, and direct all other traffic to utilize the main entrance located at Bonita Grande Drive. The applicant also proposes to obtain a letter of no objection from the Bonita Springs Fire Department, whose only access across Snell Lane aligns with the proposed access point. Staff recommends **APPROVAL** of this deviation (see Attachment F) subject to the following conditions:

- The entrance gate is limited to residents and emergency personnel only; and
- The applicant must provide signage indicating the gate on Snell Avenue is resident access only and directs all other traffic to utilize the main entrance located on Bonita Grande Drive prior to local development order approval.

Deviation #2:

Seeks relief from LDC §34-2013(a)(2), which requires off-street parking that backs out into rights-of-way in residential developments be solely for amenities to the development, such as parks and recreational facilities and not for dwelling units or commercial uses, to allow a maximum of 5 parking spaces which back out into the proposed internal spine road for dwelling units and guests limited to the location shown on MCP.

The applicant's justification states the internal spine road is gated access only with low volume traffic and therefore the deviation will enhance the objectives of the planned development while maintaining protection of public health, safety and welfare. Staff also identifies that LDC Section 34-2013(a) authorizes the Director to approve (administratively) parking to back out into rights-of-way in residential developments limited to amenities to the development. According to the MCP, the proposed parking

spaces are located directly abutting a mail kiosk location, which is akin to a community amenity. Staff recommends **APPROVAL** of this deviation.

Deviation #3:

Seeks relief from LDC §10-296(k)(1), which requires dead-end streets to provide a circular turnaround, to allow the dead-end street as shown on the MCP.

The applicant's justification notes the design of the dead-end street would alternatively comply with the findings to grant an administrative deviation, including sound engineering and preservation of public health, safety and welfare. The dead-end street would only serve development located on Tract 6, a 0.26-acre residential tract, and will enhance the objectives of the planned development if approved. Staff recommends **APPROVAL** of this deviation (see Attachment F).

Deviation #4:

Seeks relief from LDC §34-2192, which requires a private street setback of 20 feet; to allow an 18-foot private street front setback and 15-foot private street side setback for corner lots only on the internal private roadway.

The applicant's justification states the requested deviation is to maximize open space flexibility and to accommodate the corner lots that are adjacent to two internal private roads. Staff position is the deviation is not necessary as the employment of a planned development district provides the latitude to establish site-specific property development regulations. This is evidenced by LDC Section 34-373(a)(10), which states "Uses that have specific setback requirements within the LDC will be subject to the requirements set forth in the LDC, unless specifically stated within the proposed property development regulations table." Staff does not object to the applicant's proposed minimum street setbacks, as evaluated against the established planned development rezoning review criteria.

Staff recommends **WITHDRAWAL** of this deviation.

Deviation #5:

Seeks relief from LDC §10-261(a), which requires new multifamily residential development to provide sufficient on-site space for garbage and recyclable materials collection containers at a rate of 216 square feet for the first 25 units plus 8 square feet for each additional dwelling unit (678 square feet recycling area required), to allow space for a compactor and a minimum of 144 square feet for recyclable materials collection containers.

The applicant proposes the deviation only be applicable to the multifamily option of the development as, townhomes would be served by curbside pickup. The applicant justifies that the deviation may be considered administratively pursuant to LDC Section 10-104(a), and that the request complies with the findings to grant an administrative deviation (LDC Section 10-104(b)), including sound engineering basis and preservation of public health, safety and welfare. The applicant's justification includes historic level-of-service demand quantities to justify the deviation and states several other developments with greater

than 300 dwelling units have utilized a similar deviation and have been successful operationally. Staff recommends **APPROVAL** of this deviation (see Attachment F), subject to the following condition:

- The applicant must provide a letter of no objection from Solid Waste prior to local development order approval.

Deviation #6:

Seeks relief from LDC §10-296(d), Table 3, which requires a Shared Use Path/Sidewalk/Cycle Track have 6 inches of Portland Cement concrete, or 1 inch of asphaltic concrete FDOT type S-III and 4 inches of compacted limerock, to allow 4 inches concrete sidewalks with 6 inches of subgrade for on-site sidewalks.

The applicant's justification states the deviation request is necessary as the requirement does not separate private road requirements from public road requirements. Further, the applicant states no vehicle traffic will be driving on the internal private sidewalks. Staff recommends **APPROVAL** of this deviation (see Attachment F).

Deviation #7:

Seeks relief from LDC §10-420(f), which requires the height of all trees, palms, and shrubs located within buffer areas to be measured from the parking lot grade of the project site; to allow the height of buffer trees, palms and shrubs to be measured from the final grade in which they reside but no lower than the crown of the adjacent road or existing grade of abutting property.

The applicant's justification is the deviation is necessary due to the unique nature of the site as it relates to existing adjacent uses and the existing and required proposed grades along the roadways, existing power lines along the west property line, and to optimize the dry detention areas and water quality treatment on the site. The deviation will allow the buffer plantings to meet the intent of buffering the adjacent uses and provide flexibility with site design in compliance with the deviation criteria. Staff recommends **APPROVAL** of this deviation (see Attachment H), subject to the following condition:

- Prior to the issuance of the first development order, the landscape plans must depict buffer height criteria no less than the crown of the adjacent road or existing grade of the abutting property, whichever is greater.

Deviation #8a:

Seeks relief from LDC § 10-285(a), Table 1, which requires a connection separation of 440 feet for Bonita Beach Road SE (arterial roadway); to allow a connection separation of 393± feet.

The applicant justifies the deviation request is necessary to accommodate the relocated shared access point for RaceTrac, as requested by Lee County DOT staff. The proposal will move the access further away from the signalized intersection at Bonita Grande Drive and remove the conflict with the right turn lane. Staff recommends **APPROVAL** of this deviation (see Attachment F).

Deviation #8b:

Seeks relief from LDC § 10-285(a), which prohibits direct motor vehicle access to an arterial or major collector road for all lots in urban areas with access alternatives, to allow direct motor vehicle access on Bonita Beach Road SE (Arterial classification) and Bonita Grande Drive (Major Collector classification), where alternative access exist from Snell Lane (Local Road classification).

The applicant again justifies the additional deviation from LDC Section 10-285(a) is necessary to accommodate the relocated shared access point for RaceTrac as referenced above, which will move the access further away from the signalized intersection at Bonita Grande Drive and remove the conflict with the right turn lane. The access to Bonita Grande Drive is via an existing shared access easement and the project's design removes three driveways with culverts along Bonita Grande Drive, which improves the existing drainage system. Staff concurs and recommends **APPROVAL** of this deviation.

Review Criteria

LDC Section 34-145 establishes the review criteria for rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

- a) Complies with the Lee Plan;
- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation:
  - 1) Enhances the achievement of the objectives of the planned development; and



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

The applicant has provided a narrative that addresses the proposed rezoning with analysis of the applicable criteria (see Attachment G). The following provides staff's analysis of the request, as measured by the established criteria.

a) Compliance with the Lee Plan

The subject property is located in the Southeast Lee County Planning District and General Interchange Future Land Use category. **Policy 1.3.2** of the Lee Plan establishes that *"The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial, light industrial/commercial, and multi-family dwelling units. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre)."* As proposed, the applicant seeks density exceeding the minimum required (eight units per acre). Staff recommends a condition pertaining to minimum density to ensure compliance with this policy to prevent the underutilization of the General Interchange area. Therefore, as conditioned, staff finds the request **CONSISTENT with Policy 1.1.3**.

**Goal 33 of the Lee Plan** establishes the goals, objectives and policies for the Southeast Lee County Community Planning area and primarily focuses on the continuance of sustainable agricultural uses on existing farmland, and the protection and restoration of natural resources in the Conversation Lands, Wetlands and Density Reduction/Groundwater Resource (DR/GR) Future Land Use categories through various strategies and incentive programs. While the subject property is not located within the DR/GR areas or the Southeast Lee County Community Plan Area according to Lee Plan Map 2-A, it is directly abutting these areas to the east. On-site stormwater management and water quality will be maintained at acceptable levels through required permitting at time of local development order and will not contravene the Goal of the abutting community plan area.

As described in **Lee Plan Policy 1.6.5**, the Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2045. The Lee Plan currently allocates sufficient residential acreages within the Southeast Lee County General Interchange category to permit the potential residential acreages. This finding is not a guarantee that there will be sufficient allocations for commercial development in the future, further determinations will be made at time of local development order review. Therefore, the request is **CONSISTENT with Policy 1.6.5**.

**Lee Plan Objective 2.1 and Policy 2.1.1** promote contiguous and compact growth patterns within designated future urban areas to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, and minimize the cost of services. **Lee Plan Objective 2.2 and Policy 2.2.1** seek to direct new growth to portions of future urban areas where adequate public facilities and services exist, where compact and contiguous development patterns can be created, and where compatibility

with surrounding land uses is assured. The subject property is located within a designated future urban area that is adequately served by existing road and utility infrastructure. The subject property is located in the Bonita Springs Utility potable water and wastewater franchise area and will make connections consistent with **Lee Plan Standards 4.1.1 and 4.1.2**. The subject property will be provided with police, fire protection and emergency services. Staff finds that the request is **CONSISTENT with Objectives 2.1 and 2.2, Policies 2.1.1, and 2.2.1, and Standards 4.1.1 and 4.1.2 of the Lee Plan**.

**Goal 5** aims to accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types. **Policy 5.1.3** states *“during the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities.”* As a basis for including high-density residential land uses in the General Interchange future land use category, the proximity to major infrastructure such as I-75 and adjoining arterial roadways, shopping centers and employment opportunities were among the findings contained in CPA2015-00006. Approval of this request would direct high-density development in close proximity to employment and shopping centers, parks and schools in an area accessible to mass transit and bicycle facilities. Staff finds the request **CONSISTENT with Policy 5.1.3**.

**Policy 5.1.5** aims to protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment and to ensure buffers provided in the Land Development Code are adequate to address potentially incompatible uses in a satisfactory manner or appropriate conditions are employed accordingly. Low-density single-family residential ( $\pm 1$  du/2.5 acres) abuts the northeastern boundary of the subject property. This parcel is developed with a single-family residence and associated curtilage within the front third of the property adjacent to Snell Lane. Where no internal roads, drives or parking areas are within 125 feet, the LDC requires a 15-foot-wide Type B buffer adjacent to this property’s boundary. A Type B Buffer consist of 5 trees per 100 linear feet and double staggered hedge rows maintained so as to form a 36-inch high continuous visual screen within one year of the time of planting. Staff finds the request, as conditioned, **CONSISTENT with Policy 5.1.5**.

The MCP demonstrates the project will have directly accessible open space, buffering, landscaping, and recreation areas appropriate to its density and design **CONSISTENT with Policies 5.1.6 and 5.1.7**. Staff finds the request, as conditioned, **CONSISTENT with Goal 5**.

#### Land Development Code Compliance

Staff finds the proposed planned development rezoning to be in compliance with the LDC, including regulations which pertain to:

- Use and corresponding supplemental regulations, such as parking;
- LDC Chapter 10 Development Standards; and
- Details required on the MCP and compliance with Division 9 of Article VI, Chapter 34, Planned Development Districts.

All relevant County regulations, which are not specifically departed from as part of this planned development request, will apply, such as LDC, Code of Ordinances and Administrative Code provisions. If future deviations are proposed, each will be evaluated within the parameters of the established LDC review criteria.

b) Compatibility with existing and planned uses in the surrounding area

As previously detailed, staff finds the requested rezoning to be compatible with existing and planned uses in the surrounding area, as conditioned. The transition between the abutting low density residential uses to the north and east to the maximum permitted density proposed on site warrants guaranteed landscape buffering and reduced building height considerations. LDC Chapter 10-416 does not explicitly require a buffer between townhome development and single-family residential use. This circumstance is evident when reviewing the use categories for applicability as Multiple-Family (MF-R) is classified as “residential structures containing three or more dwelling units on a single parcel” (emphasis added). Each townhome unit may be located on its own parcel; therefore, staff recommends requiring the proposed Type B buffer as provided on the MCP in any development scenario. The proposed development order plans currently depict a Type B Buffer along this boundary.

c) Sufficiency of Access and Transportation Impacts

The applicant has provided a traffic impact statement (TIS) concerning trip generation expected by the project (see Attachment J). Development Services Section staff has reviewed the applicant’s TIS and has provided separate memorandum concerning the project’s transportation impacts (see Attachment K). In summary, the vehicular trip generation associated to the redevelopment includes 88 new trips in the PM peak hour (55 in, 33 out) and 72 new trips in the AM peak hour (17 in, 55 out). Staff concludes that the proposed project will not have a detrimental impact on the surrounding roadway system. Further evaluation of the traffic impacts will take place at time of local development order approval in compliance with existing county regulations.

Deviation 8a seeks relief from LDC § 10-285(a), Table 1, which requires a connection separation of 440 feet for Bonita Beach Road SE, to allow a connection separation of 393± feet. Deviation 8b seeks relief from the general provisions of LDC § 10-285(a), which prohibit access to an arterial and major collector roadway when alternative access exists. The granting of these deviations would facilitate anticipated cross access to the abutting RaceTrac gas station and closure of the existing temporary access in accordance with the Access Agreement between RaceTrac and Lee County DOT (see Attachment N). Lee County DOT Staff has determined access on both roadways is appropriate and the resulting connection separation on Bonita Beach Road SE is sufficient to safeguard public health, safety and welfare. Access from Bonita Grande Drive and Snell Lane meet intersection connection separation requirements, respectively, and provide sufficient access to the proposed development.

f) No adverse impacts to environmentally critical or sensitive areas and natural resources

The site has been previously disturbed and mitigated. The project does not propose adverse impacts to environmentally critical or sensitive areas and natural resources. The Environmental Staff Report is attached as Attachment H of this report.

g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category

As noted and defined above, the subject property is located within a future urban area. The subject property has adequate access to urban services to accommodate the development proposed by the requested rezoning. Future improvements required by the LDC at time of local development order approval will further improve urban services and pedestrian facilities surrounding the subject property.

h) Supplemental Planned Development Criteria

Staff finds the request to be consistent with the following additional criteria:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation, as conditioned:
  - 1) Enhances the achievement of the objectives of the planned development; and
  - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

**CONCLUSION:**

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff finds the request to be consistent with the established review criteria. The RPD rezoning is consistent with the General Interchange future land use designation and the applicable goals, objectives and policies of the Lee Plan. The request, as conditioned, is appropriate in the context of its surroundings and does not contravene the Southeast Lee County initiative to promote the protection and restoration of natural resources.

Staff recommends **APPROVAL** of the request to rezone the subject property from AG-2, CC and CT to RPD with the conditions attached as Attachment E of this report.

**ATTACHEMENTS:**

- A. Expert Witness Information
- B. Legal Description and Boundary Survey
- C. Aerial, Future Land Use, and Current Zoning Maps
- D. Master Concept Plan
- E. Development Regulations, Conditions and Deviations
- F. Development Services Deviation Analysis Memorandum
- G. Applicant's
  - Project Narrative
  - Schedule of Uses
  - Property Development Regulations
  - Schedule of Deviations
  - Stormwater Narrative
- H. Environmental Sciences Staff Report
  - Applicant's Protected Species Survey
  - South Florida Water Management District Informal Jurisdiction
- I. Utility Availability Letter
- J. Applicant's Transportation Impact Statement (TIS)
  - Supplemental TIS
- K. Development Services Transportation Memorandum
- L. Prior Zoning Resolutions
- M. Bonita Springs Zoning Ordinance 20-05
- N. RaceTrac Access Agreement