

CPA20-74175-BOS

**Bonita Plan
Future Land Use Element Text Amendment
and
Future Land Use Map Amendment**

Expedited State Review Process



**Privately Initiated Applications
and Staff Analysis**

*City of Bonita Springs
Planning Division
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Bonita Springs, Florida
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Local Planning Agency (LPA) May 16, 2024
Public Hearing Date:

City Council Transmittal Date: June 5, 2024 (Tentative)

Project Name: Revana Lakes (aka Don Mal Assemblage; aka
Bonita Ranch)

City of Bonita Springs
Planning and Zoning Division
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
EXPEDITED STATE REVIEW

CPA20-74175-BOS

X **Text Amendment**

X **Map Amendment**

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

STAFF REPORT PREPARATION DATE: May 9, 2024

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. Applicant: Seagate Revana, LLC
 Agent: Alexis Crespo, AICP; Neale Montgomery, Esq.

2. Request: To amend the Bonita Springs Comprehensive Plan as follows:
 - a. Amend the Future Land Use Map to designate 204.5 +/- acres from the Density Reduction Groundwater Resource (DRGR) and Resource Protection/Wetland Future Land Use Categories, to the City of Bonita Springs Urban Fringe Community District and Resource Protection Future Land Use Category.

 - b. Amend the text of the Urban Fringe Community District Future Land Use Category to increase the acreage allowed, to adjust the allowed density range from 2.54 to 2.77 gross dwelling units per acre, to 1.89 to 2.77 gross dwelling units per acre, to add a commercial floor area ratio for properties north of Bonita Beach Road, to provide additional planting standards for stormwater management lakes, and to add buffering standards from adjacent conservation areas.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. Recommendation: Approval or denial of the proposed map and text changes are policy decisions to be made by the City Council. While Staff acknowledges there are some positive aspects to the requested amendments, this proposal contains a significant departure from the City and County DRGR policies. The

City Council has the right to decide whether the DRGR and Resource Protection Future Land Use Categories remain appropriate for the subject properties. The City Council also has the right to decide whether the Applicant has demonstrated that the DRGR is not an appropriate category for the properties.

2. Basis and recommended findings of fact:

- The proposed amendments encompass twenty-four (24) parcels totaling approximately 204.5+/- acres.
- Approximately 114 +/- acres were annexed into the City of Bonita Springs in 2008, but a City future land use designation was not adopted, and as a result, those properties maintained their Lee County future land use designations of DRGR and Wetlands. The remaining 90.5 +/- acres are subject to three (3) pending companion annexation requests (ANX20-74174-BOS, ANX21-86929-BOS, and ANX21-86943-BOS).
- The Applicant has submitted a companion zoning application for a mixed-use planned development (MPD) for the project site, consisting of 388 dwelling units and 39,500 square feet of commercial uses.
- Approximately 87.8 +/- acres of the project site is a vacant mining site approved by Lee County. Natural resource extraction is an approved use, according to Lee County's DRGR policy.
- Lee County's Density Reduction Groundwater Resource (County's DRGR) future land use category permits a maximum standard density of one (1) dwelling unit per ten (10) gross acres of land area and the Wetland future land use category permits a maximum density of one (1) dwelling unit per twenty 20 gross acres of land area. The City's DRGR Future Land Use Category is similar and provides a maximum density of one (1) dwelling unit per ten (10) gross acres. While the City does not have a companion Wetlands future land use category, it has a Resource Protection Future Land Use Category with the same density rate (1du/20 gross acres) and contains policy language that is designed to recognize lands that contain environmental sensitivities. It is the Staff's opinion that the City's DRGR and Resource Protection Future Land Use Categories would be the appropriate future land use categories for the remainder of the property that is subject to the companion annexation requests (ANX20-74174-BOS, ANX21-86929-BOS, and ANX21-86943-BOS).
- Using the Applicant's provided density calculations (which were reviewed by Staff), if the DRGR and Resource Protection future land use categories remain in place on the subject properties, a maximum of fourteen (14) dwelling units could be constructed.
- The maximum proposed density is 552 dwelling units, which equates to 2.69 dwelling units per acre. The companion MPD application is for a maximum of 388 dwelling units, which equates to 1.89 dwelling units per acre. In both instances, the density is within the proposed adjusted range of 1.89 to 2.77 gross units per acre.
- The Urban Fringe Community District Future Land Use Category *currently* allows a density range of 2.54 to 2.77 gross dwelling units per acre, making

the request of this application of 2.69 dwelling units per acre consistent with that category.

3. The Applicant's proposed Comprehensive Plan Text Amendment and proposed Future Land Use Map Amendment are included in Exhibit A.

C. SUMMARY/BACKGROUND DISCUSSION:

1. EXISTING CONDITIONS

Size of Property: 204.5 +/- acres.

Property Location: The property is located east of I-75, on the north side of Bonita Beach Road, across from the existing Palmira community. It also abuts the Kehl Canal on its north side.

Existing Use of Land: Agricultural, Single-Family Residential, Limestone Mine (vacant).

Current Zoning: The properties are zoned Industrial Planned Development (IPD) and Agricultural (AG-2). The property is adjacent to the Community Zone of the Bonita Beach Road Corridor Overlay, which is located between Bonita Grande Road and the eastern limits of Bonita Beach Road.

Current Future Land Use Category: The 114 +/- acres of the subject project area that was annexed in 2008 (Ordinance 08-15) are located in the Lee County Density Reduction Groundwater Resource (DRGR), and Wetlands categories. The remaining 90.5 +/- acres are subject to three (3) pending companion annexation requests (ANX20-74174-BOS, ANX21-86929-BOS, and ANX21-86943-BOS) and the appropriate Future Land Use Categories would be Bonita Springs DRGR and Resource Protection. The table below which was provided by the Applicant and reviewed by Staff shows the density breakdown by Future Land Use Category.



**EXHIBIT III.E.1 & 2
CURRENT & PROPOSED DENSITY CALCULATIONS**

Table 1: CURRENT FUTURE LAND USE DENSITY CALCULATION

FUTURE LAND USE		DENSITY	ACREAGE	UNIT COUNT
Lee County	DR/GR	1 DU/10 AC	54.21 AC	5.4 DU
Lee County	Wetland	1 DU/20 AC	35.81 AC	1.79 DU
Bonita Springs	Resource Protection	1 DU/20 AC	11.41 AC	0.57 DU
Bonita Springs	DR/GR*	1 DU/10 AC	30.79 AC	3.07
Bonita Springs	Wetlands*	1 DU/20 AC	72.06 AC	3.6
TOTAL 204.28 AC				14.4 DU

*Include those annexed lands within the City of Bonita Springs municipal boundary that retained Lee County FLU

Table 2: Residential Land Area - Urban Fringe Community

FUTURE LAND USE	ACREAGE	MAXIMUM DENSITY	UNIT COUNT
Urban Fringe Community (Upland)	157.48 AC	2.77 DU/AC	436.22 DU
Resource Protection	42 AC	2.77 DU/AC	116.34 DU
Proposed Maximum per FLUM			552.56 DU
Proposed Maximum Per Companion PUD			388 DU

Table 3: Commercial Land Use Area - Urban Fringe Community

FUTURE LAND USE	ACREAGE	MAXIMUM FLOOR AREA RATIO	COMMERCIAL SQUARE FOOTAGE
Urban Fringe Community (Commercial)	3.6 AC	0.35 ¹	105,066
Resource Protection (Commercial)	1.20 AC	0.35 ¹	35,022
Proposed Maximum FLU			140,088
Proposed Maximum Commercial Square Foot			139,500

¹ Properties north of Bonita Beach Rd are permitted a floor area ratio of up to .67 for commercial uses excluding clubhouses, amenity buildings, and recreational facilities per proposed Text Amendment.

2. THE DRGR FUTURE LAND USE CATEGORY

On October 20, 2023, Lee County Circuit Court Judge Alane Loboda entered an “Order Granting Defendant’s Motion for Final Summary Judgment and Denying Plaintiff’s Motion For Summary Judgment and Memorandum of Law” in *3HWA Land Holdings, LLC v. City of Bonita Springs*, Lee County Circuit Court Case No. 21-CA-004285, and concluded in Paragraph 36 of her Order as follows regarding the DRGR:

The DRGR is an environmentally sensitive area of immense importance to the City’s water supply and quality, drainage and flooding, and other environmental concerns. The City’s Comprehensive Plan explicitly states that the DRGR provides “significant recharge to aquifer systems associated with existing potable water wellfields or future wellfield development,” and that “[l]and uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels.” (Policy 1.1.21, City’s Comprehensive Plan). As such, density is restricted in the DRGR to one (1) dwelling unit per ten (10) gross acres. (*See id.*). The Proposed Imperial District Amendment, however, would increase the permitted density on the Property from approximately *thirty-two (32)* dwelling units to 700 dwelling units. Such a drastic density change in an environmentally sensitive area is, in and of itself, a legitimate policy basis on which the Proposed Imperial District Amendment could be denied.

The idea of increasing the permissible density in the DRGR is not new to the City. Throughout its twenty (20) years of incorporation, the City has reviewed multiple reports (such as the Barraco Report) and task force recommendations (such as the Water Strategy Task Force) related to the DRGR. These reports and recommendations were never formally adopted by the City Council. Also, to date, the City Council has not directed Staff or the City’s consultants to consider increasing the permissible density in the DRGR. Rather, the City Council has consistently rejected any such increase in density. Any proposed changes to the current status would be a policy decision for the City Council’s consideration.

3. SURROUNDING ZONING, LAND USES, AND FUTURE LAND USE DESIGNATIONS.

The surrounding properties have the following attributes:

Existing Zoning & Land Use	Future Land Use Map	Density Allowance	Current Density
North: AG-2, vacant land, communication tower	Lee County DRGR, Wetlands, and Conservation Lands	Lee County DRGR: 1du/10ac* Wetlands: 1du/20ac Conservation Lands: None	0du/ac
East: AG-2, vacant land	Lee County DRGR, Wetlands, and Conservation Lands	Lee County DRGR: 1du/10ac* Wetlands: 1du/20ac Conservation Lands: None	0du/ac
South: Bonita Beach Road Right-of-Way, RPD/CPD (Palmira Community)	Moderate Density Mixed-Use Planned Development	6du/ac**	6.6du/ac***
West: AG-2, residential, vacant lands	Lee County DRGR, Wetlands	Lee County DRGR: 1du/10ac* Wetlands: 1du/20ac	0.2du/ac

*Pursuant to Lee County Policy 1.4.5 of the Future Land Use Element of the Lee Plan, the standard density is 1du/10ac, however, Objective 33.2 and 33.3 of the Lee Plan could be used for potential density adjustments resulting from a concentration or transfer of development rights.

**6du/ac is the standard residential density. However, if affordable housing is provided, the density may be increased by an additional three (3) units per acre, for a total of 9du/ac. Additionally, a density transfer from wetlands to uplands is permitted at a rate of 1.5du/ac.

***The zoning and DRI approvals allowed for a conversion of density from commercial square-footage to residential units, and a transfer of density from wetlands to uplands at a rate of 1.5du/ac.

PART II - STAFF ANALYSIS

A. STAFF ANALYSIS

CONSISTENCY WITH THE BONITA PLAN

The following analysis will consist of the Goals, Objectives, and Policies of the Comprehensive Plan that were reviewed by the Applicant, followed by Staff's Response.

Future Land Use Element

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

Applicant Analysis: *The Applicant's map and text amendment request is seeking to provide the City with a land use that will result in development of the property at an appropriate density that is compatible with surrounding developments, while providing for new development to accommodate the population growth where transportation facilities and other infrastructure exists. The reduction in maximum density to 388 DU further provides that proposed land use is compatible and complimentary to the surrounding City lands. In addition, the proposed Land Use provides for the extension of the Urban Fringe-Community District category to the north of Bonita Beach Road. The amendment will ensure that the proposed future land use category will encourage a mix of uses that will promote a creative development design that preserves the natural environment. Further, the proposed amendment allows for the future development of land along an existing arterial roadway, maximizing use of existing facilities that have remaining capacity.*

Staff Response: Staff does not agree with the Applicant's position that the proposed development will be at a density that is compatible with surrounding development. The only compatible developed lands are south of this project area, on the south side of Bonita Beach Road (Palmira community). There is no compatible development surrounding the property to the north, east, or west of this project area. However, the project's proposed density is lower than Palmira's.

Palmira: ~ 6.6 du/acre

Revana Lakes: ~ 2.69 du/acre (maximum)*

**The companion MPD proposes 1.89 du/acre*



This aerial (2023) identifies the project area and surrounding lands. (City of Bonita Springs Community Development Department; 2024)

Policy 1.1.10.1: Urban Fringe Community District. [The following language contains the proposed text amendments submitted by the Applicant] Intended to accommodate and provide flexibility for development in areas exhibiting substantial environmental resource protection lands combined with transitional urban characteristics. In order for land to be considered for this designation, land requested to be placed in this category shall be a minimum of 100 acres within the 1,370 ~~1,165~~ acres of gross land area in the land use category. Development within this category would be allowed from 1.89 ~~2.54~~ to 2.77 gross dwelling units per acre. Land developed within this Urban Fringe Community District must adhere to the following innovative design and planning principles.

1. All new development within the Urban Fringe Community District shall be required to be zoned as a Planned Development.
2. Development within this Urban Fringe Community District will be required to cluster in order to minimize loss of native vegetation and wetland function. Developments within the Urban Fringe District are permitted to be clustered at higher than gross density as long as the gross density and maximum number of units are not exceeded for the total acreage within the Urban Fringe District. Significant natural systems, or wetlands which require preservation in order to comply with Local, State and Federal Permitting, shall be placed in the Resource Protection Future Land Use category and for purposes of the Urban Fringe Community District, shall be included in gross acreage for density calculations.
3. Development within the Urban Fringe Community District is encouraged to provide a mix of uses, including a mix of residential types, recreational amenities, civic spaces and convenience and commercial uses intended to serve residents and their guests in order to minimize trips outside the Urban Fringe Community District.

4. Development is encouraged to provide creative site designs, and clustering is required to provide for greater common open space and mixed-use development. The planning flexibility provided through the planned development process shall encourage and facilitate creative design techniques.
- a. Residential Development. These areas shall include single and/or multiple family home site acreage, and shall include, but not be limited to, single-family attached and detached; duplexes and two-family units; and town homes and other multi-family dwelling types.
 - b. Non-residential Development. These areas will include vehicular and pedestrian ways, commercial and institutional areas, club houses and associated facilities, utility buildings, maintenance areas, tennis courts and associated non-residential uses.
 - c. Residential and Non-residential Development acreage may account for no more than 60% of the gross area within the Community Fringe District. Intensity/density standards for all uses within this category are set forth in the Intensity/Density Table below:

Land uses in Mixed Use	Minimum % Land Use Mix	Maximum % Land Use Mix	Maximum Density/Intensity
Residential	45%	58%	2.77 gross du/ac(3300 – 3600du ¹)
Commercial/Non Residential ²	2%	15%	.35 FAR ³
Open Space	40%	53%	.25 FAR

- d. Open Spaces. These areas will include preserved natural areas, buffers lakes, parks, golf courses, nature trails, retention areas, conservation areas, scenic resources, green belts, wetlands and associated areas and must account for a minimum of 40 percent of the Property within the Urban Fringe Community District. Golf course fairways will account for no more than 50 percent of the open space of the subject Urban Fringe Community District.
- e. The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon Cooperative Sanctuary Program for Golf Courses. The management practices will include:
 - i. The use of slow release fertilizers and/or carefully managed fertilizer applications which are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater;

¹ Gross density pursuant to Policy 1.1.10.1

² Commercial uses, excluding recreational facilities (including, but not limited to, the clubhouse and ancillary facilities), will be limited to 5 total acres.

³ Properties north of Bonita Beach Road are permitted a floor area ration of up to 0.67 for commercial uses, excluding clubhouses, amenity buildings, and recreational facilities.

- ii. The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the United States Department of Agriculture Soil Conservation Services Soil Pesticide Interaction Guide to select pesticides that have a minimum potential for leaching or loss to due runoff depending on the site-specific soil conditions. Application of pesticides within 25 feet of any Corkscrew Regional Ecosystem Watershed, or other adjacent public preserve lands, is prohibited;
 - iii. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any pesticides and nutrients;
 - iv. The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater; and
 - v. The storage, mixing and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.
- f. Any required perimeter buffer zones pursuant to Policy 1.1.10.1(5)(c)(iv) must be replanted with vegetation after construction. Revegetation must adhere to the following:
- i. Seventy five percent of the total number of replanted trees used in buffers and landscaping must be indigenous, and fifty percent of the replanted shrubs must be indigenous;
 - ii. Plant material must conform to the standards for Florida Number 1 or better as given in Grades and Standards for Nursery Plants 1973, and Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services, Tallahassee.
 - iii. Australian pine, cajeput, Brazilian pepper, downy rose myrtle, Cuban laurel, melaleuca, bishopwood, castor bean, common papaya, common snakeplant, day jessamine, hunters robe, Queensland umbrella tree, trailing wedelia may not be used as part of the revegetation of the property after construction.
- g. The shorelines of any stormwater management lakes must be sinuous in configuration, and must be sloped or bermed. The littoral zones around the ponds must be planted with native wetland herbaceous plants, and trees or shrubs can be included within the herbaceous plants. At least four species must be planted. The minimum required number of plants will be one plant per linear foot of lake shoreline as measured at the control elevation water

level. The littoral shelf should provide a feeding area for water dependent avian species. Alternatively, non-sinuuous stormwater management lakes must be sloped or bermed and meet littoral zone requirements within the Urban Fringe Community except the minimum required number of plants will be three plants per linear foot of lake shoreline as measured at the control elevation water level. Littoral shelves shall be provided at a 10:1 slope for 10% of the linear feet of shoreline for each non-sinuuous lake.

- h. Height. Maximum allowable height for residential structures shall be 60 feet from the base flood elevation to the eaves.
 - i. In order to minimize adverse impacts that construction may have on wildlife, natural environmental values, and water quality, the developer will institute appropriate measures such as full compaction of any fill material placed around newly installed structures. In addition, clubhouse(s), golf course maintenance building(s), vehicular service areas and amenity centers that include outdoor pools, tennis courts, etc., must be located a minimum of 350 feet from the boundaries of the Urban Fringe Community District that abut a conservation area. This restriction does not apply to residential buildings. Further, a conservation easement of 100 feet in length shall be placed over Zone 1, which is described in Policy 1.1.10.1.5(c)(vi)(A), which is described in Policy 1.1.10.1.5(c)(vi)(A). The easement shall allow for landscaping, water management activities, passive recreational uses and other uses as set forth in Policy 1.1.10.1.5(c)(vi)(A).
 - j. Because domestic animals can create conflicts with indigenous wildlife, no free-ranging domestic animals are permitted within the Urban Fringe Community District. All applicants for a local development order shall include a provision in their covenants and restrictions that prohibit free-ranging domestic animals. Such covenants and restrictions shall also address the implementation of a bear-proof garbage can program to minimize wildlife attractants.
5. All major Resource Protection areas over 20 acres in size shall be provided public vehicular access on non-gated roadways.
- a. All naturally occurring wetlands, which have not been significantly degraded, must be designated as preserve areas and be subject to a conservation easement similar to that set forth in Section 704.06, Florida Statutes. Limited uses in preserve areas such as nature trails, bike paths, cart paths, boardwalks and the like will be allowed when permitted by appropriate State and Federal agencies. The use of wetland areas for water management, to the extent allowed by law, will not be precluded. Wetland areas being used as water management areas within the Urban Fringe Community District may be relocated if all approvals are obtained from appropriate local, State and Federal agencies and (2) where the affected wetland functions are replaced on property within the Urban Fringe Community District.
 - b. Where feasible, open space areas will be designed so as to provide connections between wetlands, preserve areas, and buffers on property within the Urban Fringe Community District. The design of these open

space areas will seek to provide areas which will be integrated with on-site and adjacent preserve properties so as to enhance habitat for small mammals and wading birds. Golf courses, when constructed and maintained in compliance with this paragraph will be considered to be functional open space to the extent set forth above.

- c. The design of functional open space areas must incorporate the following design features:
 - i. A surface water management system that mimics the functions of the natural system, in accordance with the following:
 - A. All development proposals within the Urban Fringe Community District must recognize areas where soils, vegetation, hydrogeology, topography, and other factors indicate that water flows or ponds; and require that these areas be utilized to the maximum extent possible, without significant structural alteration, for on-site stormwater management; and require that these areas be integrated into area-wide coordinated stormwater management schemes.
 - B. Where no natural features of flow or ponding exist on a site within the Urban Fringe Community District, the City will require that water management structures be designed and constructed in such a manner as to mimic the functions of natural systems. Special engineering and design standards for such structures will be incorporated into revised development regulations.
 - C. Within the Urban Fringe Community District where traditional drainage structures exist (ditches, canals, dikes, etc.), the City may permit their continued existence and maintenance, but will discourage their expansion or extension.
 - D. Where feasible within future urban areas, surface water management plans are encouraged that mimic the functions of natural systems, notwithstanding the type or intensity of development permitted.
 - E. The South Florida Water Management District must review any Development to ensure that adequate provision is made for a flowway through the proposed Urban Fringe Community District. Any changes to any ACOE or Environmental Resource Permit in effect at the time of the adoption of this Plan Amendment must ensure adequate provision for the transport of off-site flows through the property to the south, and shall address the creation of wading bird habitat.

- F. The policies above (1.1.10.1.5(c)(i)) are not intended to prohibit any permissible surface water management solution that is consistent with good engineering practices and adopted environmental criteria.
- ii. Any Australian pine, cajeput, Brazilian pepper, downy rose myrtle, Cuban laurel, melaleuca, bishopwood, castor bean, common papaya, common snakeplant, day jessamine, hunters robe, Queensland umbrella tree, trailing wedelia existing on the site at the time of the issuance of a development order must be removed.
- iii. The vegetation that surrounds, or is within the open space areas should have the capacity to provide habitat for a diversity of wild life.
- iv. For any area that drains to the Imperial River Basin, a surface water management system that is consistent with the Kehl Canal/Imperial River Basin study prepared by Agnoli, Barber & Brundage dated 1995 for the SFWMD.
- v. Uses including, but not limited to, picnic areas, trails, benches, boardwalks, golf courses, water management systems, biking/jogging/equestrian trails, vita courses, bird viewing blinds/tower and interpretative facilities will be permitted within functional open areas.
- vi. All development must incorporate buffers to protect adjacent natural areas from the impacts of development. The purpose of the buffer is the protect natural resources from the activities and impacts of development on property within the Urban Fringe Community District. The buffers shall be established in Zones according to the following:
 - A. Zone 1 will be a minimum of 100 feet wide and will extend completely along all portions of the eastern and southern boundary of the Urban Fringe Community District. These are the areas of the Urban Fringe Community District which are adjacent to the Collier County Line. The buffer will consist of selected native upland forest plant species such as south Florida slash pine, live oak, laurel oak, and saw palmetto. Selected species will be tolerant of drought conditions, and will not require fertilizers and pesticides to promote growth and survival. Exotic plant species will be controlled by the periodic application of herbicides and mechanical removal. Wetland forest species will be used in situations where wetland functions remain on the Urban Fringe Community District and where soil and moisture conditions are suitable.

Zone 1 will incorporate the existing water management reservoirs which are located along the southern boundaries of the Urban Fringe Community District. These reservoirs will not require additional buffering. There will be no structures erected in Zone 1, however, passive recreation such as hiking, bird watching and nature study will be permitted. Construction of lakes in Zone 1 will be allowed. Existing berms and ditches will be allowed to remain in Zone 1.

- B. Zone 2 will be adjacent to Zone 1 and will encompass an area that is at least 50 feet wide. This area will be free of lights and other structures such as fences, pools and sheds. The permanent placement of generators, pumps, and other fixed motors will be prohibited. Homesites may extend into Zone 2, but no portion of the residence itself may extend into this zone. If residential lots are incorporated into this zone, those portions of yard acreage will be planted and maintained in a fashion similar to that proposed for Buffer Zone 1. Passive recreation such as hiking, jogging, biking, and walking will be allowed along designated trails and boardwalk system. Golf courses and lakes may extend into this zone, but may not incorporate lights or structures other than drainage structures and cart paths. All golf course acreage in Zone 2 will be free of lights and structures and the use of golf carts will be permitted. If water, sewer or electrical lines are placed in Zone 2 they must be buried.
- C. Zone 3 will be parallel to Zone 2 and will consist of residences and other infrastructure development in a 100-foot wide band. Exterior lighting in this zone may not project toward adjacent preserve land. Measures such as directional lighting, reduced-height light supports and other light abatement technology will be used.
- D. Properties within the Urban Fringe Community District located north of Bonita Beach Road and south of the Khel Canal shall provide the following setbacks and buffers from adjacent conservation areas:

within the Developer's Agreement or appropriate legal instrument.

7. As individual zonings to Residential Planned Development (RPD) are submitted to the City they shall include as a minimum the following information:
 - a. A showing of the amount of units as a part of the maximum approved for the parent parcel.
 - b. A Traffic Analysis submitted in accordance with the City's TIS requirements verifying that adequate capacity currently exists or will exist prior to the issuance of any Certificates of Occupancy.
8. Any lands included or amended into the Urban Fringe Community District category must demonstrate the non-existence of urban sprawl by:
 - a. Submitting a fiscal impact study demonstrating a net fiscal benefit to the City.
 - b. Directing new growth to areas where public facilities exist, are planned within the City or County Five Year Capital Improvement Plan, or are committed to through a Developer Agreement, or otherwise assured to be funded by the appropriate agency.
 - c. Providing assurances through fiscal and other means that an amendment to the Urban Fringe Community District category will expedite any additionally needed infrastructure improvements so as to not adversely impact the surrounding community outside this District.
 - d. Requiring all development to be connected to central water and sewer.
 - e. Assure that an amendment to the Urban Fringe Community District category meets the conditions outlined in F.S. 163.3162(4) for demonstrating the non-existence of urban sprawl, including assuring that land uses and intensities of use are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Parcels larger than 640 acres must include appropriate new urbanism concepts such as those described in F.S. 163.3162(4).

Applicant Analysis: *The proposed amendment represents a logical extension of the Urban Fringe Community District category in this location of the City where Urban Fringe Community District category exists (1) one mile east along the southern side of Bonita Beach Road. The subject property includes environmentally sensitive areas as well as transitional urban characteristics via available urban services and infrastructure demonstrated through the data and analysis provided in the application.*

It is noted that the same infrastructure system (without the need for improvements) exists to support existing development on the south side of the corridor, which can serve future growth on the north side of the Bonita Beach Road corridor. The companion Planned Development rezoning must be submitted and reviewed by the City to ensure compliance with all of the above sub-policies to ensure well-planned, attractive and functional development that maximizes the use of existing infrastructure results from this amendment.

Staff Response: The Applicant's analysis of this section acknowledges the environmental sensitivities of the area and the proposed text amendments provide buffering and setback requirements for conservation areas, as well as an allowance for interacting with these natural areas in a passive way (hiking, bird watching, nature study, etc.). Additionally, as required by the comprehensive plan amendment application, the Applicant has provided letters of service availability from the Lee County Sheriff's Office, Bonita Springs Utilities, Bonita Springs Fire Control and Rescue District, Lee County Solid Waste, and the Lee County School District. None of the agencies indicated issues with capacity based on the proposed density associated with the Urban Fringe Community District Future Land Use Category. Additional analysis based upon a specific Planned Development rezoning request would be conducted as part of a zoning staff report and not this comprehensive plan amendment report. However, the Applicant's analysis fails to address the statutory criteria regarding discouraging the proliferation of urban sprawl that are set forth in Section 163.3177(9), *Florida Statutes*. See also Section 163.3177(6)(a)2.h., *Florida Statutes*. Overall, the Applicant's analysis for compliance with this section was very brief and broadly presented.

Policy 1.1.10.3: Annexed Areas: Areas that have been annexed, but have not been formally placed in a City of Bonita Springs Future Land Use category, will carry forward their existing or underlying unincorporated county future land use designation until such time that the City has assigned a future land use category to such properties.

Applicant Analysis: *The request proposes to assign an appropriate City FLU category to lands that have been annexed into the City. The City has formally adopted Goals, Objectives and Policies for the Urban Fringe Community FLU category, which development of the property will comply with.*

Staff Response: Currently, 114+/- acres of the subject property are located within the jurisdictional boundaries of the City of Bonita Springs, but maintain their Lee County future land use designation of DRGR and Wetlands. It is Staff's opinion that the remaining lands [subject to the companion annexation applications] would be assigned a compatible City future land use designation of DRGR and Resource Protection. With that, it is the Applicant's intent to redesignate all lands within the project area as Urban Fringe Community District and Resource Protection, both of which are City designations. The determination of whether or not these are appropriate City designations is a policy decision to be made by the City Council. However, Staff would note again that there is no similar development that exists adjacent to the property on the north, east, or west sides and that much of the land to the north and east are County, State of Florida, and South Florida Water Management District conservation lands and wetlands.

Objective 1.11: Development orders and permits for new development or redevelopment shall be issued only if public facilities and services for potable water, sanitary sewer, solid waste, and stormwater management are necessary to meet the City's adopted Level of Service (LOS) standards are available concurrent with the impacts of the development. Development orders and permits for new development or redevelopment that do not meet the adopted LOS standards for transportation, parks, and schools facilities and services will

be issued provided the project meets the concurrency requirements as outlined in the Capital Improvements Element of this Comprehensive Plan.

Applicant Analysis: *The data and analysis provided by the Applicant demonstrates adequate public facilities to serve the maximum densities and intensities permitted under the Urban Fringe Community Subdistrict. It is acknowledged that additional evidence of adequate public facilities and services will be required at the development order stage.*

Staff Response: FLUE Objective 1.11 is not relevant to the proposed Future Land Use Map Amendment because a Future Land Use Map Amendment is neither a development order nor a development permit. However, the Applicant does acknowledge that a future proposal at the development order stage would need to comply with this section.

Policy 1.7.1: In order to best protect ground water resources, by year-end 2004, the City shall have completed a study to identify the types and intensity of uses that should be allowed within the DRGR area, and to determine the most effective and appropriate techniques to ensure the maintenance of adequate quantity and quality of surface and groundwater resources. The study shall include, but shall not be limited to, evaluation of the following factors in the study area:

- a. Subsurface and surface water resources.
- b. Existing uses and those having received approval prior to the adoption of the City's Comprehensive Plan.
- c. Soils, wetlands, habitats and species and their quantity and quality.
- d. The Imperial River and its historical and present floodways and flow ways.
- e. Drainage and stormwater patterns and flooding.
- f. The long term water and wastewater supply and disposal needs and plans of Bonita Springs Utilities.
- g. Resource protection measures applicable and contained in the City's Comprehensive Plan and land development regulations.
- h. Allowable uses and their density and intensity.
- i. Existing and planned infrastructure in and affecting the area.
- j. SFWMD and County ownership in and projects affecting the area.
- k. Potential positive or negative effects of possible new land uses on the resource base(s) and new or amended best environmental management practices needed by the City to further its control.

Applicant Analysis: *There have been several planning studies conducted for the DR/GR, most recently "The NE Quadrant Land Use Plan." The City also established a Water Quality Task Force that evaluated land use issues within the DR/GR and made a final set of recommendations to the City in December 2014. As referenced in the NE Quadrant Land Use Plan Study, prepared in 2013, the Study Area is not consistent with the City's DR/GR Policy 1.1.21. "The Study Area provides poor potable water supply ground water recharge. A literature review finds professional consensus that the Study Area does not provide significant public water supply recharge, both by policy and geological condition."*

The NE Quadrant Land Use Study, the City's most recent DR/GR study also states "...the area does not provide significant recharge to aquifer systems associated with potable water well fields. Hence, it is entirely questionable whether Bonita Spring's DR/GR land use is warranted" and "from a groundwater management perspective, there is no governmental or technical support for the existence of this DR/GR category." The report supports the amendment request, and the Applicant's desire to not be placed within the City's DR/GR and Resource Protection future land use categories as proposed through the City-initiated General Amendments. The Applicant is proposing to designate the property within a FLU category that is consistent with surrounding City lands and is appropriate for the heavily impacted site.

Furthermore, other studies conducted including the "Engineering Analysis for Properties Designated Within the City of Bonita Springs as 'Density Reduction/Groundwater Resource' DR/GR" (also known as the "Rawl Study"), completed in July 2005, indicates that the subject area does not provide significant recharge to the Lower Tamiami and the Lower Mid-Hawthorn Aquifers, and developing properties in this area under the BMPs and SFWMD guidelines is sufficient and will result in a net increase in the quantity of water retained on-site, which will in turn increase the net recharge to underlying aquifer systems.

The Applicant has included a Groundwater and Surface Water Report in this submittal to address the appropriateness of the DR/GR category on this specific site. The Report notes the project site has a long history of disturbance including the excavation of the Kehl Canal in the early 1960's, the historic tree nursery on the northeastern section of the property, the addition of various residential structures and mobile home sites, equipment storage areas, excavated test pits, in addition to the two (2) separate limestone mining operations.

Given the significant impacts from previous land uses, the property's surface water hydrology has been significantly impacted, as compared to pre-development conditions. These disturbances have resulted in disconnected surface water flow paths and isolated subbasins. The site's groundwater hydrology has also been altered by the limestone mining operations that penetrated into the top of the Tamiami Formation which represents the unconfined Surficial Aquifer System (i.e., Water Table Aquifer).

Consistent with the City of Bonita Springs' Comprehensive Plan (The Bonita Plan), the Applicant's request must demonstrate the protection, preservation and enhancement of groundwater recharge and environmental wetland systems. The proposed project meets these goals through the implementation of the following water resource benefits:

- *Improved surface water quality and attenuation is anticipated through the creation of engineered stormwater management system lakes, some of which will outfall into the existing limestone pits, prior to entering the Kehl Canal. The use of the existing water-filled mine pits will also provide enhanced floodwater storage, allowing the project to help improve historic stormwater flooding concerns in addition to water quality.*

- *The routing of treated stormwater into the historic limestone pits prior to entering the Kehl Canal will also promote and greatly enhance recharge potential to the Water Table Aquifer. This approach takes advantage of the historic excavation's storage capabilities and penetration into the underlying aquifer.*
- *Due to its disturbed nature, the site exhibits significant nuisance and exotic plant infestation, particularly within the disturbed wetland areas. The proposed removal of nuisance and exotic vegetation will assist in the restoration of the project site's hydrology and ecology.*
- *The Bonita Ranch development proposes to utilize both groundwater and captured stormwater (surface water) for irrigation, whereby groundwater quantities are used to supplement surface water irrigation supplies within the project's stormwater management system lakes. Irrigation quantities will then be withdrawn from the lakes to irrigate lawn and landscaped areas. The conjunctive use of both ground and surface water supplies is anticipated to conserve groundwater quantities proposed to be derived from the Lower Tamiami Aquifer, thereby furthering the project's resource benefits.*
- *The project proposes a master-controlled irrigation system that will regulate both the initiation and overall duration of irrigation events in order to increase irrigation water use efficiency and enhance water conservation (i.e., no individual homeowner will have access to irrigation timers). Future plans may include an integrated communication system between the surface water pump station controller clocks and the proposed augmentation well pump station(s).*
- *The project's proposed Enhanced Lake Management Plan, designed to protect the water resources and the City's wellfield, includes quarterly surface water quality monitoring of the stormwater management system and existing water-filled limestone pits. These data will serve as an early warning system, will be timely submitted after each testing event, and summarized in an annual report.*

Collectively, these water resource benefits represent a high standard of water resource and environmental protection that, in many cases, exceeds the future land use requirements contemplated by the City's Comprehensive Plan. Thus, the proposed amendment is entirely consistent with the outcomes of the City's DR/GR studies.

Staff Response: FLUE Policy 1.7.1 is not relevant to the proposed Future Land Use Map Amendment. Moreover, the reports and recommendations cited by the Applicant were never formally adopted by the City Council. Also, to date, the City Council has not directed Staff or the City's consultants to consider increasing the permissible density in the DRGR. Rather, the City Council has consistently rejected any such increase in density. Any proposed changes to the current status would be a policy decision for the City Council's consideration.

Housing Element

Goal 1: To provide affordable, safe and sanitary housing in a decent living environment to meet the diverse needs of the existing and projected population of Bonita Springs.

Objective 1.1: Housing Availability - Provide for an amount and distribution of residential land in the City adequate to allow for a variety of housing types, including mobile and manufactured homes, and sites for affordable workforce housing as defined in 380.0651(3)(h), F.S. and very low, low and moderate income households, sufficient to meet the infrastructure and public facility needs of current and anticipated residents.

Policy 1.1.1: The Future Land Use Map shall designate lands for development at a range of residential densities suitable for single-family, multi-family, mobile and manufactured housing in residential, commercial and mixed-use categories sufficient to accommodate the existing population and anticipated growth over the planning period.

Policy 1.1.2: The City shall enforce provisions within the Future Land Use Element for mixed-use and planned developments to encourage a wide range and mix of housing types within the City.

Applicant Analysis: *Through the policy's required Planned Development rezoning for lands within the Urban Fringe Community District, the development is consistent with and compliments the City's goals, objectives and policies to provide for a variety of housing types at suitable densities to accommodate existing and future populations of the City. The PD proposes a mix of single-family attached and detached dwelling types to provide a variety of housing while ensuring compatibility with the residential character along the segment Bonita Beach Road. The subject property has direct access to Bonita Beach Road and is consistent with residential communities such as Palmira and Village Walk. The development will provide for a range of residential uses including single-family and multi-family dwellings will continue to provide the City of Bonita with desirable diversity of dwelling units, which will serve the anticipated growing population of the City. The project is also mixed-use with neighborhood retail in proximity to the proposed single-family detached and attached dwelling types.*

Staff Analysis: The Applicant's analysis is flawed because it incorrectly focuses upon the PD application, which is not relevant to a proposed amendment to the Future Land Use Map. A planned development application's consistency with this goal, objective, and policies would be reviewed as part of a planned development rezoning staff report.

Infrastructure Element

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

Applicant Analysis: *Bonita Springs Utilities (BSU) serves this project site with potable water available as outlined in the attached letter of service availability.*

Staff Response: This sub-element has since been revised and this Objective no longer exists. However, Staff acknowledges that the project is located within BSU's service area and a letter has been provided demonstrating service availability.

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

Applicant Analysis: *BSU serves this amendment area and can provide wastewater and sewer as outlined in the attached letter of service availability.*

Staff Response: Staff acknowledges that the project is located within BSU's service area and a letter has been provided demonstrating service availability.

Objective 1.2: To maintain or enhance water quality within the City.

Applicant Analysis: *The project will connect to BSU's central sewer system. See attached letter of availability.*

Staff Response: The Policies that implement this Objective require connections to sanitary sewer systems and discourage privately-owned septic tanks and package sewage treatment plants. The Staff acknowledges that the project will connect to the BSU central system.

Conservation/Coastal Management Element

Goal 7: To manage the City's wetland and upland ecosystem so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

Applicant Analysis: *The proposed amendment will allow a residential development to occur on upland areas, as well as lower quality wetlands, which have been previously impacted by mining/excavation operations and historical property usage. The higher quality and connected wetlands and indigenous upland areas identified on-site will be incorporated into the site plan as preserve and open space areas and are to be treated as such for the purposes of calculating density in the forthcoming companion rezone. A 25-foot upland buffer will be provided for all preserved wetland areas.*

Staff Response: Staff does not object to the Applicant's analysis.

Objective 7.4: Endangered and Threatened Species in General - The City of Bonita Springs shall continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

Policy 7.4.4: The City shall restrict the use of protected plant and wildlife species habitats to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments shall protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided based on the recommendations of the Florida Fish and Wildlife Conservation Commission.

Applicant Analysis: *The site does not contain rare or unique community types. Through the companion planned development rezoning, the Applicant has provided for wetland protection and the preservation of large, contiguous tracts of native preserve area to comply with this policy. Pursuant to the environmental report prepared for the Planned Development Rezoning application, there are no endangered or threatened species of special concern within the project boundary.*

The Applicant acknowledges the site is within the Primary Panther Habitat Zone, however, based on the Environmental Report, no panthers were present during the site assessment. Data provided by the Florida Fish and Wildlife Conservation Commission; the nearest confirmed Human-Florida panthers interaction was approximately 6.8 miles from the subject Property. Features such as the Kehl Canal provides a buffer that will help preserve the panther habitat and deter interactions between humans and panthers.

Staff Response: Staff acknowledges the findings of the environmental report. While the nearest confirmed human-panther interaction was 6.8 miles away, this does not affect or change the fact that the property is located within the primary panther habitat zone. There are many options for developing in or around primary panther zones. Staff acknowledges that the Kehl Canal may act as an environmental buffer to reduce the chances of human-panther interactions. However, additional considerations may be given as part of the zoning application to require a fence, wall, or possibly an additional spatial buffer.

Goal 15: Wetlands: The City shall maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

Policy 15.1.6: The natural functions of wetlands located in the City, as identified in the wetland inventory and evaluation contained in the Conservation/Coastal Management Element, shall be maintained and not degraded; and, degraded wetlands shall be restored whenever possible.

Policy 15.1.9: Wetland #1 as identified on the map of evaluated wetlands contained in the Future Land Use Map Series and classified as FLUCCS #621, is by far the largest freshwater wetland in the City and should be nominated for public purchase under the 20/20 program or other appropriate program.

Applicant Analysis: *The Applicant filed a companion Planned Development rezoning application, which proposes the development to occur on upland areas that have been previously impacted by mining and excavation operations. Wetland areas located closest to Bonita Beach Road will not be directly impacted by development in order to protect the proposed residential project from the impacts associated with being adjacent to an arterial roadway, and to provide substantial screening and buffering from neighboring communities. These areas will be incorporated into the on-site management plan for the preservation and protection of wetland communities. In direct compliance with Policy 15.1.9, an upland buffer of 25 feet will be provided to protect the preserved wetlands from impacts along the preserve frontage.*

The protection of these wetland communities will provide for habitat area for wildlife species. Development of the subject property will require the applicant to design plans and receive appropriate permits from Federal, State and local agencies that will ensure that development protects wildlife resources.

Furthermore, the amendment proposes to place the property within the Urban Fringe Community District future land use category. This category encourages a mix of land uses including Open Space. The open space portion includes the preservation of natural areas, wetlands, conservation areas and other environmental features. Additionally, the proposed Urban Fringe Community District category along with the companion planned development will comply with this policy that directly upholds the City's desire to encourage the preservation of wetlands and clustering of development on impacted areas or uplands.

Staff Response: Staff acknowledges that a portion of the property is in fact identified as a wetland according to the officially-adopted Wetland, Seagrass Beds, and Waterbodies map, found in the administrative section of the Future Land Use Element of the City's Comprehensive Plan. The Applicant did not mention several items in Policy 15.1.6 and 15.1.9 in their analysis. These items include a prohibition on impeding the natural flow of water through contiguous wetlands, pre-treatment for any stormwater runoff that is proposed into a wetland, a buffer requirement of at least twenty-five (25) feet around the on-site wetland, and a prohibition on commercial or industrial uses adjacent to the wetland unless it can be clearly demonstrated that a negative impact will not occur. This is important to note because portions of the proposed commercial area abut the wetland referenced in the Policy and classified in the Future Land Use Cover and Classification System (FLUCCS) #621. Staff is exploring additional conditions to ensure the survival and viability of this wetland.

Policy 16.1.7: The City shall protect the quality of its natural groundwater recharge area waters through application of its wellfield protection ordinance which controls activities and land uses within specified protection zones surrounding potable wellheads located within the City.

Applicant Analysis: *Approval of the proposed future land use map amendment, which required PD rezoning, will uphold the City's intent to protect the quality of its natural groundwater recharge area, in direct compliance with this policy, as compared to maintaining the existing conditions or resuming mining under the DR/GR category.*

Bonita Springs Utilities, Inc. (BSU) operates a public supply wellfield northwest of the Property and is authorized to withdrawal groundwater quantities from the Lower Tamiami Aquifer through their Water Use Permit (WUP) No. 36-00008-W, issued by the SFWMD. In order to protect the groundwater resources of the DR/GR and the City's eastern wellfield, Wellfield Protection Zone maps were developed based on groundwater flow modeling. The groundwater modeling approach, employed to create the protection zone maps, is considered highly conservative and assumes zero recharge from rainfall to the underlying aquifers, and that unsanitary contaminants or controlled substances would not decay or be absorbed as they move laterally through the subsurface sediments.

Groundwater flow model simulations of subsurface travel-times were then categorized into 6-month, 1-year, 5-year, and 10-year travel time "zones". The four respective travel time categories are also referred to as Zones 1 through 4. Based on the distance of the City's wellfield to the Property, only the 5-year and 10-year travel time zones are shown to occur onsite. Therefore, in the unlikely event that subsurface contamination did occur, it is predicted to take between 5 and 10 years to reach the City's wells. Given the lengthy timeframes of predicted groundwater movement, adequate safeguards can easily be implemented to prevent, and in the highly unlikely event of a spill, remediate and fully protect the City's eastern wellfield. Protection of the City's wellfield is codified through the Lee County Comprehensive Plan (Lee Plan), Lee County Ordinance 07-35, the Bonita Plan, and City Policy 16.1.7.

Measures employed by the Applicant to protect DR/GR water resources and ultimately the City's eastern wellfield will be provided as part of the required Planned Development and are anticipated to evolve from predominately a "construction phase" to "partial construction" and then ultimately to a "post-construction" phase. BMPs will be employed to ensure that the provisions of Lee County Ordinance 07-35 and the Bonita Plan are adhered to.

The stormwater management system lake is not only required by state law, but can be a source of beauty while maintaining the value and integrity of the water resources within the DR/GR.

Staff Response: Conservation/Coastal Management Element Policy 16.1.7 is not relevant to the proposed Future Land Use Amendment because the proposed Future Land Use Amendment has no effect on the City's ability to apply its wellfield protection ordinance. However, Staff is aware that the Applicant has stated that a companion PD rezoning

application would not affect the City's ability to apply its wellfield protection ordinance. Additional analysis of this section is better suited during the review of a planned development rezoning application.

Policy 16.1.14: To protect groundwater recharge areas in the City's DRGR beyond the outer limits of wellfield protection zone 4 the City shall limit land uses to: conservation uses; agriculture; residential uses at a maximum density of one dwelling unit per 10 gross acres; public schools and other public uses; essential services, and non-profit recreational uses.

Applicant Analysis: *As described in the data and analysis provided in the submittal, including the groundwater resources analysis, the Property is not considered a significant recharge area for underlying aquifers. In addition, the site is hydrologically isolated from conservation areas to the north by the Kehl Canal and the balance of the DR/GR. The Kehl Canal, constructed in the early 1960s, appears to have been excavated into the top of the underlying limestone and therefore interacts with the Water Table Aquifer. In addition, there are two historic limestone mines on the Property that are also excavated into the Water Table Aquifer indicating further disturbance to shallow groundwater resources of the DR/GR. Given its proximity to BSU's eastern wellfield, a vast majority of the Property is within the 5- and 10-year travel time zones (Zones 3 and 4) with the exception of two small areas near Bonita Springs Road.*

Upon approval of the future land use amendment, all proposed activities onsite would be maintained in compliance with Lee County's and Bonita Springs wellfield protection regulations. The PD rezoning process required under Urban Fringe would allow for the restoration of sections of the Property, including the development of an engineered stormwater management system and proposed implementation of water resource BMPs.

Staff Response: Conservation/Coastal Management Element Policy 16.1.7 is not relevant to the proposed Future Land Use Amendment because the proposed Future Land Use Amendment would change the subject property's Future Land Use designation from DRGR to Urban Fringe Community District. Policy 16.1.7 only pertains to properties designated as DRGR. Moreover, Staff does not agree that the area is "hydrologically isolated" as the Applicant states in its analysis. While the Kehl Canal could be considered a dividing line between this parcel and conservation and DRGR areas to the north, it is not isolated from DRGR and conservation areas to the east or west.

Housing Element

Goal 1: To provide affordable, safe, and sanitary housing in a decent living environment to meet the diverse needs of the existing and projected population of Bonita Springs.

Objective 1.1: Housing Availability - Provide for an amount and distribution of residential land in the City adequate to allow for a variety of housing types, including mobile and manufactured homes, and sites for affordable workforce housing as defined in 380.0651(3)(h), F.S. and very low, low and moderate income households, sufficient to meet the infrastructure and public facility needs of current and anticipated residents.

Policy 1.1.1: The Future Land Use Map shall designate lands for development at a range of residential densities suitable for single-family, multi-family, mobile and manufactured housing in residential, commercial and mixed-use categories sufficient to accommodate the existing population and anticipated growth over the planning period.

Policy 1.1.2: The City shall enforce provisions within the Future Land Use Element for mixed-use and planned developments to encourage a wide range and mix of housing types within the City.

Applicant Analysis: *Through the policy's required Planned Development rezoning for lands within the Urban Fringe Community District, the development is consistent with and compliments the City's goals, objectives and policies to provide for a variety of housing types at suitable densities to accommodate existing and future populations of the City. The PD proposes a mix of single-family attached and detached dwelling types to provide variety of housing while ensuring compatibility with the residential character along this segment of Bonita Beach Road. The subject property has direct access to Bonita Beach Road and is consistent with residential communities such as Palmira and Village Walk. The development will provide for a range of residential uses including single-family and multi-family dwellings will continue to provide the City of Bonita with a desirable diversity of dwelling units, which will serve the anticipated growing population of the City. The project is also mixed-use with neighborhood retail in proximity to the proposed single-family detached and attached dwelling types.*

Staff Response: Staff acknowledges that the proposed Text and Map Amendments would increase the density and provide additional housing opportunities in the eastern portion of the City. However, Staff would note that one of the City's strategic priorities pertains to the Downtown District (f/k/a Old 41 Redevelopment Area) and that, in an effort to spur development and drive residents downtown, the City passed a form-based code and increased the standard density from fifteen (15) units per acre to twenty (20) units per acre (20 units per acre was previously permitted as a bonus density provision only). It is Staff's opinion that the increase in density associated with the proposed Text and Map Amendments could send a mixed message regarding the City's priorities. Having said that, the analysis provided for this section is focused on the companion PD application and does not justify a change to the Future Land Use Category.

Consistency with Population Projections, Local Governments, and Sound Planning Principles

The Applicant's narrative also provided analysis regarding the project's consistency with population projections, local governments, and sound planning principles, which are reviewed and analyzed below.

Consistency with Population Projections

The amendment proposed to increase the density of the property from the current build-out of 14 dwelling units, to 388 dwelling units by designating the Property as Urban Fringe Community District. The U.S. Census data estimates that the population of the City of

Bonita Springs was 43,930 in 2010, and it is estimated at 59,637 in 2019, which represents a 35.75% increase over the course less than 10 years. Based on this demographic trend, and on the recent circumstances which have driven up the need for housing in southwest Florida, the proposed amendment will provided the City with housing opportunities and will supply housing stock needed to accommodate a steadily increasing population and anticipated growth.

Staff Response: Currently, the City has taken the position of directing development opportunities towards the Downtown District (fka the Old 41 Redevelopment Area) by making it a strategic priority. The highest density potential exists in that area at fifteen (15) units per acre (standard density) or twenty (20) units per acre as a density bonus. In addition, there are existing infill development opportunities that already have a future land use designation that is more conducive to residential development without the need for redesignation. Whether or not the City should approve a request to [firstly] annex additional land into the City and [secondly] convert land from what has historically been maintained at a low-density category into something with a higher density standard remains a policy decision of City Council.

Consistency with Local Governments

The proposed map and text amendment will be consistent with the surrounding local governments' comprehensive plans. Lee County surrounds the property, and the proposed amendment seeks to address the annexed property and the appropriate land uses within the City. Lee County has been made aware of the proposed annexation and the Comprehensive Plan Amendment and has thus far provided no objections.

The Lee County FLU Map depicts the surrounding areas within non-urban FLU categories including DR/GR. However, as stated previously, those DR/GR-designated lands were not assumed to have environmental value, or to have any value toward the groundwater and future county water supply. Furthermore, the Property zoned IPD allows for a nine (9) year mining operation and is located in the County's DR/GR lands, as well as the AG-2 property directly west which received the Special Exception for an excavation/mining operation. The IPD operation includes blasting, which is also considered intense from a use standpoint. Therefore, the Special Exception mining operation approval and IPD approval of a mining operation with blasting within the DR/GR indicates that the proposed amendment to provide residential uses on the remaining impacted lands is significantly less intense than the current use, and is more appropriate and compatible in this location under the Urban Fringe Community District category.

Staff Response: A determination of whether or not the proposed use is compatible and should therefore be removed from the DRGR and Wetlands Future Land Use Categories is a policy decision to be made by the City Council.

Sound Planning Principles

Approval of this Comprehensive Plan Amendment will allow the Property to be developed as a unified development under the provisions of the Bonita Springs Comprehensive Plan at densities that are supported by the City's investment in public infrastructure in the

immediate area. If maintained in DR/GR and Resources Protection category, the resulting development would be urban sprawl, by allowing for very low-density residential uses on well and septic systems on impacted lands located directly on an arterial roadway network. This is an area where the City has significant financial investment in infrastructure improvements for the purpose of accommodating future population growth.

In general, the eastern Bonita Beach Road corridor is a dynamic and urbanizing area currently developed with a mix of moderate to medium-density residential land uses, as well as tourist-oriented non-residential development, and supportive commercial uses. Non-residential uses include a planned hotel, several golf courses, a gas station, and a commercial shopping center. East of Bonita Grande Road is comprised mostly of all master-planned residential communities including Worthington, Palmira, VillageWalk, Valencia, Bonita National, and Seasons, which is further evidence of the expected development pattern along the eastern Bonita Beach Road corridor, and also evidence of the availability of infrastructure to support development along this eastern segment of the City.

By designating the Property as Urban Fringe Community District, the Applicant is providing the City assurance that future development of the site will comply with the City's Land Development Code for planned development rezonings, which requires a high-level of detail and site-specific design-driven criteria to ensure future development of this impacted site is both complimentary to, and compatible with the surrounding development pattern.

From a density standpoint, restricting the proposed land use to 388 DU or 1.9 DU/acre provides that the surrounding densities in Palmira, Worthington and Village Walk are comparable to the proposed density within the Donmal Assemblage, and they are within the same FLU category that the Applicant is seeking approval of. Thus, the resulting project will be highly compatible with the surrounding communities.

From an environmental standpoint, the site is heavily infested with exotics and contains little to no environmental value especially in terms of groundwater supply. The proposed amendment will ensure that the Property goes through the planned development rezoning process, which also requires developments to provide open space, native preservation, and landscape buffers.

The amendment further ensures the appropriate utilization of the public investment in existing infrastructure and services in this area, as evidenced by the enclosed letters of availability. The amendment and subsequent residential development will also provide for additional revenue sources for the maintenance of the existing public infrastructure investment in this area of East Bonita Beach Road.

For these reasons, the Applicant submits that the proposed Comprehensive Plan Map Amendment is based upon sound planning principles, and respectfully requests approval.

Staff Response: Staff acknowledges the density requested is comparable to densities that exist on the south side of Bonita Beach Road, near the proposed project. Staff also acknowledges that a portion of the site has been impacted by mining activities, which, while permitted within the Lee County DRGR, is historically considered an intense use and not something that is currently permissible within the City’s DRGR Future Land Use Category. Staff does not agree with the argument that maintaining the existing future land use categories of Lee County DRGR and Lee County Wetlands will result in urban sprawl. While traditionally, the definition of sprawl would include areas of low residential density that are heavily automobile dependent, the act of a city expanding its territorial boundary into an area of traditionally low density for the purpose of approving what is largely a residentially-focused project is also considered sprawl, especially when infill opportunities exist elsewhere in the City. However, as continuously stated throughout this report, this is a City Council decision.

NOTICE OF PROPOSED ACTION:

The LPA public hearing was noticed by posting the property and in a newspaper of general circulation. The transmittal hearing is tentatively scheduled before the City Council for transmittal to the Florida Department of Commerce on June 5, 2024.

CONCLUSIONS:

Approval or denial of the proposed Text and Map Amendments are policy decisions to be made by the City Council. While Staff acknowledges there are some positive aspects to the requested amendments, this proposal contains a significant departure from the City and County DRGR policies. The City Council has the right to decide whether the DRGR and Resource Protection Future Land Use Categories remain appropriate for the subject properties. The City Council also has the right to decide whether the Applicant has demonstrated that the DRGR is not an appropriate Future Land Use Category for the subject properties.

SUBJECT PROPERTY

STRAP:

1. 33-47-26-00-00001.002A
2. 33-47-26-B4-00001.0060
3. 33-47-26-00-00001.0070
4. 33-47-26-00-00001.0090
5. 33-47-26-B3-00001.0100
6. 33-47-26-B4-00001.0120
7. 33-47-26-00-00001.012A
8. 33-47-26-00-00001.012C
9. 33-47-26-B3-00001.0140
10. 33-47-26-B4-00001.0170
11. 33-47-26-B4-00001.0180

LEGAL DESCRIPTION: See EXHIBIT B

12. 33-47-26-00-00001.019A
13. 33-47-26-00-00001.0210
14. 33-47-26-B4-00001.0330
15. 33-47-26-00-00001.0340
16. 33-47-26-B4-00001.0350
17. 33-47-26-B3-00001.0370
18. 33-47-26-B4-00001.0400
19. 33-47-26-B3-00001.0040
20. 33-47-26-B4-00001.0010
21. 33-47-26-00-00001.0220
22. 33-47-26-B3-00001.0260
23. 33-47-26-B4-00001.0360
24. 33-47-26-B4-00001.0160
25. 33-47-26-B4-00001.0050

EXHIBITS

- A. Proposed Future Land Use Text and Map
- B. Boundary Survey & Legal Description

ATTACHMENTS

- A. Applicant's Application

Submitted by:

Mike Fiigon II, Senior Planner

Date: May 9, 2024