

ADMINISTRATIVE AMENDMENT (PD)  
ADD20-70008-BOS  
CORDOVA AT SPANISH WELLS RPD

ADMINISTRATIVE ACTION  
BONITA SPRINGS, FLORIDA

WHEREAS, Cordova at Spanish Wells Homeowners Association, Inc. has filed a request to amend City of Bonita Springs Zoning Ordinance 02-21 to request a deviation (Deviation 5) from LDC 4-1892(7) regarding standards for the placement of mechanical equipment within the setbacks; and

WHEREAS, the subject property is located in Section 3, Township 48 South, Range 25 East, Bonita Springs, Florida described more particularly as:

“EXHIBIT A”

WHEREAS, the subject property is located in the Moderate Density/Mixed Use Planned Development Land Use category as designated by the City of Bonita Springs Comprehensive Plan; and

WHEREAS, the project was approved as a Residential Planned Development (RPD) by Bonita Springs Zoning Resolution 02-21 as Lakehurst, and amended in 08BOS-PD00012, and ADD12-00834-BOS; and

WHEREAS, the approved master concept plan indicates a 5’ side yard setback requirement; and

WHEREAS, the setback would also apply to mechanical equipment, as defined in LDC 4-1892(7); and

WHEREAS, it is the intent of the applicant to request a less restrictive setback for mechanical equipment, while also maintaining suitable drainage patterns for the community, in accordance with Bonita Springs and South Florida Water Management District standards; and

WHEREAS, multiple mechanical equipment permits have been placed on-hold or have been denied by the City for failure to meet the required setback; and

WHEREAS, the home developer for the community is Toll Brothers; and

WHEREAS, the home designs included specific locations for mechanical equipment hook-ups, which could not be altered by the buyer during construction; and

WHEREAS, it would be considered an unreasonable request to require a homeowner to relocate their mechanical equipment hook-ups; and

WHEREAS, the Bonita Springs City Council has provided staff with the authority to administratively process amendments for mechanical equipment standards; and

WHEREAS, the subject application and plans have been reviewed by the City of Bonita Springs Community Development Department in accordance with the applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC or Zoning Resolution; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping to preservation areas; and does not otherwise adversely impact surrounding land uses; and

NOW, THEREFORE, IT IS HEREBY DETERMINED that the request for a deviation (Deviation 5) from LDC 4-1892(7) to Zoning Ordinance 02-21 is **APPROVED** and the ordinance is amended as follows:

1. **DEVIATION 5 is APPROVED, granting relief from LDC 4-1892(7) regarding the locational standards for mechanical equipment, subject to:**
  - a. A 0' side setback for mechanical equipment
  - b. This deviation applies only to mechanical equipment, as defined in LDC 4-1892 (7).
  - c. Any new mechanical equipment must be offset and not directly aligned with other mechanical equipment on adjacent property. The offset measurement shall be no less than three (3) feet between equipment. The measurement must be indicated on the site plan and drainage exhibits provided to the City of Bonita Springs during the permitting process, as required in Conditions e and f of this deviation.
  - d. Generators:
    - i. In addition to the above, every effort shall be made to site generators at the furthest possible distance from the abutting single-family dwelling unit's windows and/or doors; and
    - ii. All generators shall have user preselected exercise times limited between the hours of 10:00 am – 4:00 pm; and
  - e. At time of building permit, applicants shall submit a narrative and drainage exhibit showing how the installation of the mechanical equipment does not impede flow of drainage.
    - i. The drainage exhibit shall show the following:
      1. The location of the proposed mechanical equipment on the property and adjacent properties with full measurements.

2. existing elevations; and
  3. drainage arrows; and
  4. existing landscaping; and
  5. existing gutters; and
  6. a detailed cross section through the proposed mechanical pad, from the existing single-family building to the adjacent single-family building; and
  7. any other elements that are located between homes.
  8. These requirements may be modified if an acceptable alternate plan is provided
- f. In addition to the submittal requirements of Condition 5, when mechanical equipment is proposed to be located less than 5' from the property line, the following are required:
- i. Written HOA approval of proposed location of equipment.
  - ii. Approval from the adjacent neighbor for location of equipment.
  - iii. An elevated, open-style platform for the mechanical equipment to ensure drainage is not obstructed, as required. The elevated platform must provide a minimum of 1' of clearance area under the pad so drainage may pass. The area under the platform must be maintained at all times.
  - iv. Gutters and downspouts on the side of the homes to reroute drainage to the front and back of the home, as required.
  - v. Install yard drain(s) and piping, as required.
  - vi. Landscaping alterations to ensure proper drainage flow.
  - vii. Property line survey.
  - viii. A final grading/engineering inspection prior to Certificate of Completion of building permit.
  - ix. Items A-H may be modified if an acceptable alternate plan is provided.
2. All conditions of ZO-02-21, 08PD-00012, and ADD12-00834-BOS unless subsequently amended, remain in effect.
  3. Any changes not covered by this amendment may require additional approvals from the City of Bonita Springs.

DULY signed this 8th day of June, A.D., 2020

BY:


  
 Jacqueline Genson, Planning & Zoning Manager  
 Department of Community Development

EXHIBIT A

The property as identified as Instrument # 2014000067721, Cordova at Spanish Wells Phase 1, and, Instrument # 2015000047271, Cordova at Spanish Wells Phase 2, recorded in the public records of Lee County, Florida