

CITY OF BONITA SPRINGS
ZONING RESOLUTION NO. 22 – 02

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A SPECIAL EXCEPTION REQUEST TO ALLOW OUTDOOR CONSUMPTION ON PREMISES, ASSOCIATED WITH A RESTAURANT, GROUP III USE; LOCATED AT 3601 & 3621 BONITA BEACH ROAD, BONITA SPRINGS, FL 34135.

WHEREAS, the 3601 Bonita Beach Road, LLC is the owner of record for the subject parcels; and

WHEREAS, the Applicant is seeking a special exception request to allow outdoor consumption on premises associated with a Restaurant, Group III use pursuant to Section 4-1023 of the City's land development code ("LDC"); and

WHEREAS, a Public Hearing was advertised and heard on February 8, 2022 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case SPE20-75174-BOS who unanimously recommended approval after giving full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all parties; and

WHEREAS, City Council at their March 2, 2021, zoning meeting considered the record of the Zoning Board on Case SPE20-75174-BOS, as well as a transcript of the Zoning Board hearing submitted as part of the City Council hearing record, and gave full consideration of the Staff Recommendation, the evidence and testimony, including the expert opinion of the Applicant.

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

SECTION ONE: APPROVAL OF REQUEST

City Council of Bonita Springs hereby approves the request for a special exception with the following conditions:

Conditions:

1. This 4-COP approval is for outdoor consumption on premises in the seating area shown on the site plan (Exhibit A). No consumption is permitted outside of this area.

2. The permitted hours of operation and hours for consumption on premises are limited to:
 - a. Monday- Thursday: 11:00 AM- 9:00 PM
 - b. Friday: 11:00 AM- 10:00 PM
 - c. Saturday: 9:30 AM- 10:00 PM
 - d. Sunday: 9:30 AM- 9:00 PM
3. Any expansion beyond what is shown on the site plan will require additional public hearing approvals and/or infrastructure upgrades, including (but not limited to) additional restroom facilities, parking and additional site improvements.
4. Live entertainment is limited to a soloist only. All speakers shall be directed away from the residential properties. Hours of live entertainment are limited to:
 - a. Monday-Thursday: 6:00 PM- 8:45 PM
 - b. Friday: 6:00 PM-9:45 PM
 - c. Saturday: 10:00 AM- 3:00 PM, 6:00 PM- 9:45 PM
 - d. Sunday: 10:00 AM- 3:00 PM
5. The sale and service of alcoholic beverages will be in conjunction with the Restaurant, Group III use. A request for outdoor consumption for any other use requires separate approvals.
6. The kitchen shall stay open during all hours of consumption and operation.
7. The lights closest to the single-family residences shall have shields to prevent glare.
8. The Bonita Springs Noise Control Ordinance remains in full force and effect.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of special exception and as conditioned, the Bonita Springs City Council makes the following findings and conclusions:

1. The Applicant has proven entitlement for the requested special exception by demonstrating compliance with the Bonita Springs Comprehensive Plan; and
2. The Applicant has specifically proven:

- i. Is due to a changed or changing condition that makes approval of the request appropriate;
- ii. is consistent with the goals, objectives, policies and intent set forth in the City of Bonita Springs Comprehensive Plan;
- iii. meets or exceed all applicable performance and locational standards set forth for the proposed use;
- iv. protects, conserves or preserves environmental critical areas and natural resources;
- v. is compatible with existing or planned uses in the surrounding area;
- vi. will not cause damage, hazard, nuisance or other detriment to persons or property;
- vii. will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in the City's Land Development Code.

SECTION TWO: RECORD

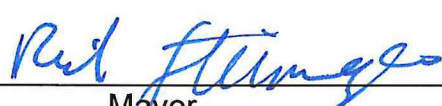
This Resolution incorporates all exhibits, staff reports, attachments, evidence and testimony presented before the Zoning Board and City Council.

SECTION THREE: EFFECTIVE DATE

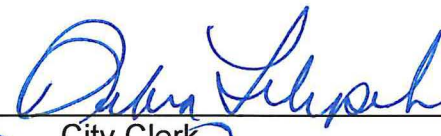
This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 2nd day of March, 2022.

AUTHENTICATION:



 Mayor



 City Clerk

APPROVED AS TO FORM: _____

 City Attorney

Vote:

Carr	Aye	Corrie	Aye
Purdon	Aye	Quaremba	Aye
Forbes	Aye	Steinmeyer	Aye
Gibson	Aye		

Date filed with City Clerk: 3/2/22

