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
- 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:

- Is due to a changed or changing condition that makes approval of the request appropriate;
- is consistent with the goals, objectives, policies and intent set forth ii. in the City of Bonita Springs Comprehensive Plan;
- meets or exceed all applicable performance and locational iii. standards set forth for the proposed use;
- protects, conserves or preserves environmental critical areas and iv. natural resources;
- is compatible with existing or planned uses in the surrounding area; ٧.
- will not cause damage, hazard, nuisance or other detriment to vi. persons or property:
- will be in compliance with all general zoning provisions and vii. 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:

APPROVED AS TO FORM:

City Attorney

Vote:

Carr Aye Corrie

Aye

City Clerk

Purdon Ave Forbes Aye

Quaremba Ave

Steinmeyer Aye

Gibson Aye

Date filed with City Clerk:

BOMTA BAY CENTER O SITE BONITA BEACH ROAD

LEGEND

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APPROXIMATE FLOOD ZONE LINE

*EXCEPTIONS 1, 7, 9, & 13 NOTHING TO SHOW

EXCEPTIONS FROM COVERAGE

ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY WITH POLICY NUMBER OF6-8812873, AND A POLICY DATE OF OCTOBER 24, 2020 AT 7:50 AM. WITH AN EMPORSEMENT REMOVING EXCEPTIONS 4, 5, 10 & 11, DATED OCTOBER 29, 2020.

EXCEPTIONS 2-6, 10, & 11 REMOVED

EXCEPTION E

GRANT OF EASEMENT RECORDED IN OFFICIAL RECORDS BOOK JUST, PAGE JOSS, OF THE PUBLIC RECORDS OF LCC COUNTY, FLORIDA, CAFFECTS THE SUBJECT PARCEL, SHOWN HERCON)

EXCEPTION 12 LEE COUNTY ORDINANCE NO 86—14 RECORDED NOVELIBER 10, 1990 IN OR BOOK 2159, PACE 1281, AND AMENGED BY ORDINANCE NO. 86—18 IN OR BOOK 2169, PACE 1314, FURTHER RECORDS OF LEE COUNTY, FLORICA, (BLANKET IN IMPURE, NOT SHOWN HEREON).

IN BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE STSTEM ESTABLISHED BY THE NATIONAL GEODETIC SUMPLY FOR FLORICA WEST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT OBJUNED UTILIZING RTK CPS OBSERVATIONS ON THE FDOT NETWORK AND REFER TO THE NORTH LINE OF THE NORTHWEST CHAPTER OF SECTION A. TOWNSHIP 48 SOUTH, RANCE 25 EAST, LEE COUNTY, FLORIDA AS BEING S 89'06'44" W.

2. THE SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITTAIN ISSUED BY OLD REPORCE MATIONAL THIS PROGRAMMY WITH POLICY PROMISES OF-831373.), RECUMBLY EXCEPTIONS 4.5, 10 4.11, DATED COTEORS 7.2, 2020 WAS CHARGE TO A MATERIAL PROGRAMMY EXCEPTIONS 4.5. THE SUBJECT TO EXECUTELY, RESERVATIONS AND/OR RESTRICTIONS OF RECORD, ALL MATTERS OF THILE SHOULD BE RETERRED TO AN ATTORNEY AT LAW.

J ELEVATIONS SHOWN HEREON ARE IN FEET AND ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, SLEVATIONS WERE DETINED BY DIFFERENTIAL LEVELING FROM NOS BENCHMARK F 718, HAWING A PUBLISHED ELEVATION OF 11.27 FEET

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5. CERTAIN FEATURES REPRESENTED BY SYMBOLS MAY NOT BE SHOWN AT THEIR TRUE LOCATION AND/OR SCALE IN ORDER TO BE ABLE TO DEPICT THEM ON THIS MAP.

6. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.

7. THIS SURVEY DOES <u>NOI</u> ADDRESS ANY ENVIRONMENTAL CONCERNS, ENDANGERED WILDLIFE OR JURISDICTIONAL WETLANDS, IF ANY, EXCEPT AS SHOWN ON THIS SURVEY.

8. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.

9. THIS SURVEY IS NOT VALID WITHOUT THE GRICINAL SIGNATURE AND SEAL OR THE DIGITAL SIGNATURE AND DIGITAL SCAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THE SIGNING PARTY.

10. UNLESS OTHERWISE NOTED, BELOW GROUND UTILITIES AND FOUNDATIONS WERE NOT LOCATED FOR THE PURPOSES OF THIS SURVEY.

11. BY SICHING BELOW I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PRACTICESIONAL LAND SURVEYORS IN CHAPTER 51–17.051, F.A.C, PURSUANT TO CHAPTER 472.027, TECHNOL STATUES.

12. OWNERSHIP AND ADDRESS INFORMATION SHOWN HEREON WAS TAKEN FROM THE LEE COUNTY PROPERTY APPRILSER WEBSITE AT THE TIME OF THIS SURVEY.

PROPERTY DESCRIPTION

(PER INC PROMOCO TITLE COMMITMENT)
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SUBJECT TO STATE ROAD RIGHT-OF-WAY FOR STATE ROAD 5-865. ALSO BEING DESCRIBED AS THE FOLLOWING:

DESCRIBED AS THE FOLLOWING:

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CONTAINING 2.23 ACRES, MORE OR LESS.

CERTIFIED TO:
JEOI BONITA BEACH, LLC
OLD REPUBLIC MIDONAL TITLE INSURANCE COMPANY
FORSTH & ENDIGUER, P. A.
FINELARIE NATIONAL BANK & TRUST
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DONALD L. SUNTENDY III P.S.M 16761, FOR THE FIRM

11/2/21

REMSON: REMOVED EXCEPTION LABEL CARRED OVER FROM PRIOR TITLE DOCUMENTS 11-1-2021, REMSON: PENSED PER NEW TITLE COCUMENTS 10-19-2021. REVISION: ADDED NEW FENCE LOCATION 10-15-2021. REVISION: ADDED OFFSITE CASEMENT 4-5-2021. REVISIONE REVISE BOUNDARY BEARING LABELS 3-9-2021.

M GradyMinor

REVISED- ADDED CERTIFICATIONS 10-13-2020

O. Grady Minor and Associates, P.A. 3800 Via Del Rey CHECKED BY: Bonita Springs, Florida 34134

NRDBBR Civil Engineers - Land Surveyors - Planners - Landscape Architects Date: 13 August 2020 |
Cert. of Auth. 13 0005151 | Cert. of Auth. 14 0005151 | Cert. of Auth. 17 0005151 | Cert. of Auth. 18 0005151 | Cert. of Auth. 18 0005151 | Cert. of Auth. 19 000515

DLS

3601 BONITA BEACH RD SW BONITA SPRINGS, FL 34134

LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

ALTA / NSPS LAND TITLE SURVEY

SEAL

Cert. of Auth, EB 0005151 Bonita Springs: 239.947.1144

www.GradyMinor.com

Fort Mycrs: 239.690.4380 SHEET:



