

CITY OF BONITA SPRINGS  
ZONING RESOLUTION NO. 20 - 01

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; REINSTATING THE MASTER CONCEPT PLAN OF ANGLER'S PARADISE RESIDENTIAL PLANNED DEVELOPMENT (RPD) / COMMERCIAL PLANNED DEVELOPMENT (CPD), AS MODIFIED BY SETTLEMENT AGREEMENT, FOR FIVE ADDITIONAL YEARS OR A DATE CERTAIN AND REMOVING CERTAIN USES FROM THE SCHEDULE OF USES FOR PROPERTY LOCATED AT 27641, 27661, 27681, AND 27701 BOSTON ROAD AND 27821, 27861 WINDSOR ROAD, BONITA SPRINGS, FLORIDA, ON 27.5 +/- ACRES

**WHEREAS**, Bonita Springs City Council adopted Zoning Ordinance 09-06, approving a residential planned development (RPD) and commercial planned development (CPD) by Angler's Paradise of Bonita Springs to allow a 260 dwelling units, 30,000 square feet of commercial, and 160 room hotel located at 27641, 27661, 27681, AND 27701 Boston Road and 27821, 27861 Windsor Road, described and depicted in Exhibit "A" attached hereto and incorporated herein; and

**WHEREAS**, the master concept plan (MCP) for the Zoning Ordinance 09-16 which had expired pursuant to the terms of Section 4-403 of the City's land development code (LDC); and

**WHEREAS**, in 2016 Angler's Paradise sought to reinstate its MCP but would have been required to revise its development plans to be consistent with the US 41 Overlay and Bonita Beach Road Quadrant Map; and

**WHEREAS**, in response Angler's Paradise filed a petition with the Florida Division of Administrative Hearings, Case No. 17-003252GM, challenging the City's adoption of Comprehensive Plan amendments relating to the vision for Bonita Beach Road and implementing the City's Quadrant Plan for Network Enhancement Alignment; and

**WHEREAS**, Angler's Paradise also submitted a Request for Relief pursuant to Ordinance 17-12 seeking to reinstate the Master Concept Plan (MCP) for the Zoning Ordinance 09-16 but which was denied by the City Council; and

**WHEREAS**, on July 16, 2019 the City Council approved a Settlement Agreement (recorded in the City files as BSC-19-07-137) with Angler's Paradise

of Bonita Springs, Inc. providing for the reinstatement of the MCP and setting aside of a roadway alignment consistent with the Quadrant Plan; and

**WHEREAS**, at its August 19, 2020 meeting, the City Council gave full consideration of the Staff Recommendation, the evidence and testimony, including the expert opinion of the Applicant, Angler's Paradise of Bonita Springs, Inc. relating to the reinstatement of their MCP.

**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 reinstatement of the Master Concept Plan related to Zoning Ordinance 09-06, as modified by the terms of the Settlement Agreement, with the following conditions:

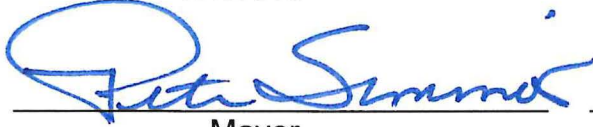
1. The development of this project must be consistent with the one page Master Concept Plan entitled "Angler's Paradise RPD/CPD" ("Exhibit B" attached hereto and incorporated herein), prepared by J.R. Evans Engineering, stamped received July 8, 2020, except as modified by the conditions below.
2. The development must comply with all requirements of the Bonita Springs LDC at time of local development order approval, except as may be granted by deviation as part of the Zoning Ordinance 09-06 or as reflected in the MCP. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
3. The terms and conditions of the original Bonita Springs Zoning Ordinance No. 09-06 remain in full force and effect as otherwise modified herein.
4. The revised schedule of uses is identified in "Exhibit C" attached hereto and incorporated herein.


**SECTION TWO: EFFECTIVE DATE**

This Resolution shall take effect upon acceptance of the Publix Shopping Center Parcels by the City described in paragraph 2 and Exhibit C of the Settlement Agreement.

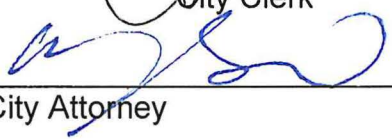
**DULY PASSED AND ENACTED** by the City Council of the City of Bonita Springs, Lee County, Florida, this 19th day of August, 2020.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Vote:

Carr	Aye	Corrie	Aye
Purdon	Aye	Quaremba	Aye
Forbes	Aye	Simmons	Aye
Gibson	Aye		

Date filed with City Clerk:

8/24/2020

MAP OF BOUNDARY SURVEY  
OF A PORTION OF ARROYAL SUBDIVISION  
LYING IN SECTION 33, TOWNSHIP 47 SOUTH, RANGE 25 EAST,  
CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA

BOUNDARY AND EASEMENT EXCEPTION NOTICES

THE BOUNDARY AND EASEMENT EXCEPTION NOTICES ARE HEREBY GIVEN TO ALL PERSONS WHOSE INTERESTS IN ANY PART OF THE ARROYAL SUBDIVISION WERE ACQUIRED BY DEED, CONTRACT, OR OTHERWISE PRIOR TO THE DATE OF THIS SURVEY. THE BOUNDARY AND EASEMENT EXCEPTION NOTICES ARE HEREBY GIVEN TO ALL PERSONS WHOSE INTERESTS IN ANY PART OF THE ARROYAL SUBDIVISION WERE ACQUIRED BY DEED, CONTRACT, OR OTHERWISE PRIOR TO THE DATE OF THIS SURVEY. THE BOUNDARY AND EASEMENT EXCEPTION NOTICES ARE HEREBY GIVEN TO ALL PERSONS WHOSE INTERESTS IN ANY PART OF THE ARROYAL SUBDIVISION WERE ACQUIRED BY DEED, CONTRACT, OR OTHERWISE PRIOR TO THE DATE OF THIS SURVEY.

TITLE COMMITMENT EXCEPTIONS

SECTION 33, TOWNSHIP 47 SOUTH, RANGE 25 EAST

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LEGAL DESCRIPTION (PER TITLE COMMITMENTS AS NOTED)

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Exhibit A  
PD16-32711-BOS

16095  
1 OF 2  
D&W  
DAGOSTINO & WOOD, INC.  
Professional Surveyors & Engineers  
16095  
1 OF 2

# MAP OF BOUNDARY SURVEY OF A PORTION OF ARROYAL SUBDIVISION LYING IN SECTION 33, TOWNSHIP 47 SOUTH, RANGE 25 EAST, CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA

LEEDS ATTACHED BY SUBORDINATE PROJECTION  
LATEST CORNER WOODS SURVEY  
AS SHOWN ON MAP OF SECTION 33  
TOWNSHIP 47 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA  
DATE 1/10/2011



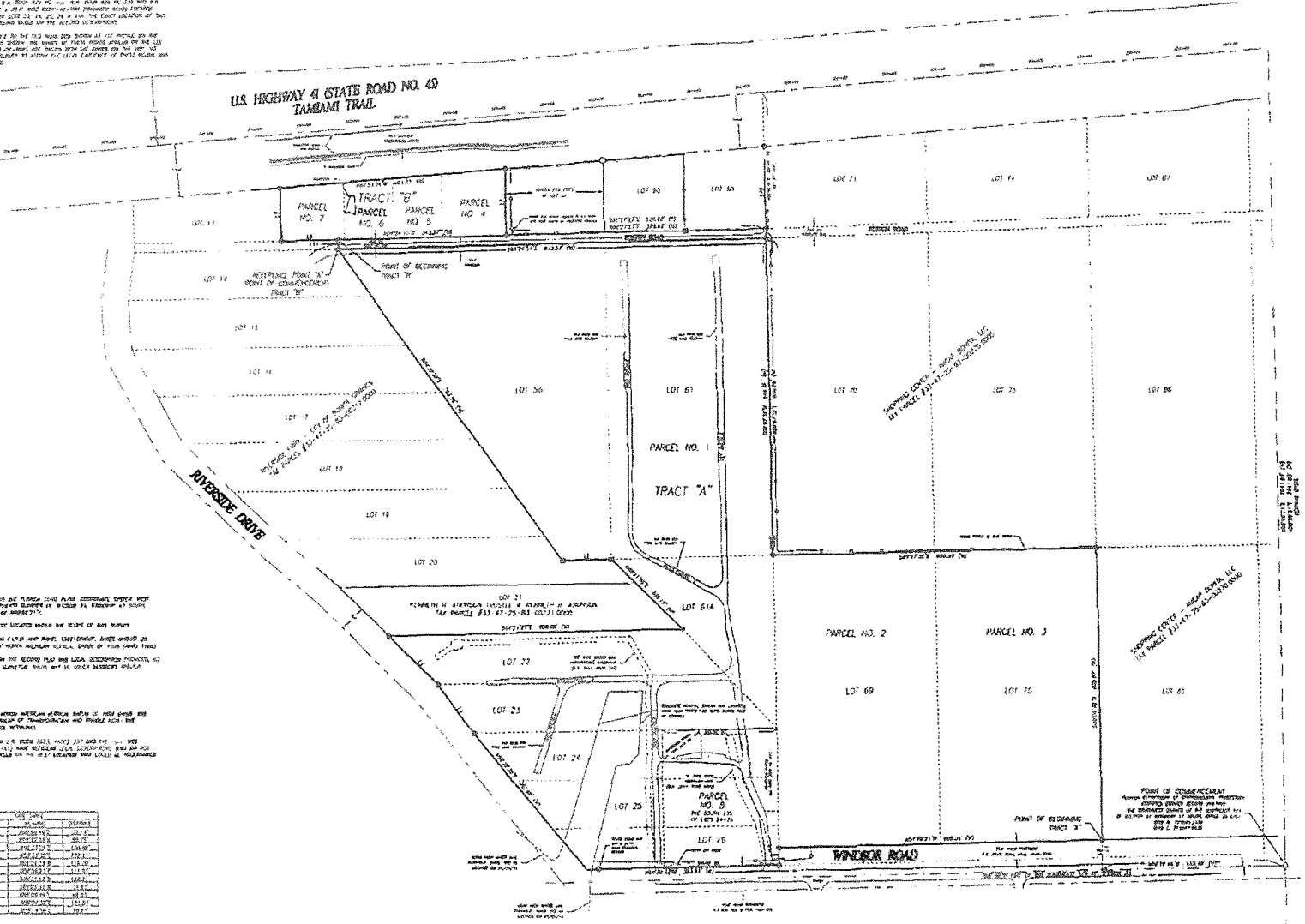
**BOUNDARY AND EASEMENT EXPLANATION**

**BOUNDARY**

THE BOUNDARY LINES BETWEEN THE LOTS ARE SHOWN BY THE DASHED LINES AND THE BOUNDARY BETWEEN THE LOTS AND THE ADJACENT ROADS ARE SHOWN BY THE SOLID LINES. THE BOUNDARY BETWEEN THE LOTS AND THE ADJACENT ROADS ARE SHOWN BY THE SOLID LINES. THE BOUNDARY BETWEEN THE LOTS AND THE ADJACENT ROADS ARE SHOWN BY THE SOLID LINES.

**EASEMENT**

THE EASEMENT LINES ARE SHOWN BY THE DOTTED LINES. THE EASEMENT LINES ARE SHOWN BY THE DOTTED LINES. THE EASEMENT LINES ARE SHOWN BY THE DOTTED LINES.



- LEGEND**
- Dotted line - Easement
  - Dashed line - Boundary
  - Solid line - Road
  - Thick solid line - Right-of-Way
  - Thin solid line - Property Line
  - Dotted line - Survey Line
  - Dashed line - Survey Line
  - Solid line - Survey Line
  - Thick solid line - Survey Line
  - Thin solid line - Survey Line
  - Dotted line - Survey Line
  - Dashed line - Survey Line
  - Solid line - Survey Line
  - Thick solid line - Survey Line
  - Thin solid line - Survey Line

- ADDITIONAL NOTES**
1. BOUNDARY LINES BETWEEN LOTS ARE SHOWN BY THE DASHED LINES AND THE BOUNDARY BETWEEN THE LOTS AND THE ADJACENT ROADS ARE SHOWN BY THE SOLID LINES.
  2. THE EASEMENT LINES ARE SHOWN BY THE DOTTED LINES.
  3. THE POINT OF COMMENCEMENT IS AT THE INTERSECTION OF PARCEL NO. 1 AND PARCEL NO. 2.
  4. THE POINT OF BEGINNING IS AT THE INTERSECTION OF PARCEL NO. 1 AND PARCEL NO. 2.
  5. THE BOUNDARY LINES BETWEEN THE LOTS ARE SHOWN BY THE DASHED LINES AND THE BOUNDARY BETWEEN THE LOTS AND THE ADJACENT ROADS ARE SHOWN BY THE SOLID LINES.
  6. THE EASEMENT LINES ARE SHOWN BY THE DOTTED LINES.
  7. THE POINT OF COMMENCEMENT IS AT THE INTERSECTION OF PARCEL NO. 1 AND PARCEL NO. 2.
  8. THE POINT OF BEGINNING IS AT THE INTERSECTION OF PARCEL NO. 1 AND PARCEL NO. 2.

Lot No.	Area (sq. ft.)	Area (sq. m.)
1	10,000.00	0.9290304
2	10,000.00	0.9290304
3	10,000.00	0.9290304
4	10,000.00	0.9290304
5	10,000.00	0.9290304
6	10,000.00	0.9290304
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11	10,000.00	0.9290304
12	10,000.00	0.9290304
13	10,000.00	0.9290304
14	10,000.00	0.9290304
15	10,000.00	0.9290304
16	10,000.00	0.9290304
17	10,000.00	0.9290304
18	10,000.00	0.9290304
19	10,000.00	0.9290304
20	10,000.00	0.9290304
21	10,000.00	0.9290304

1000'S  
20

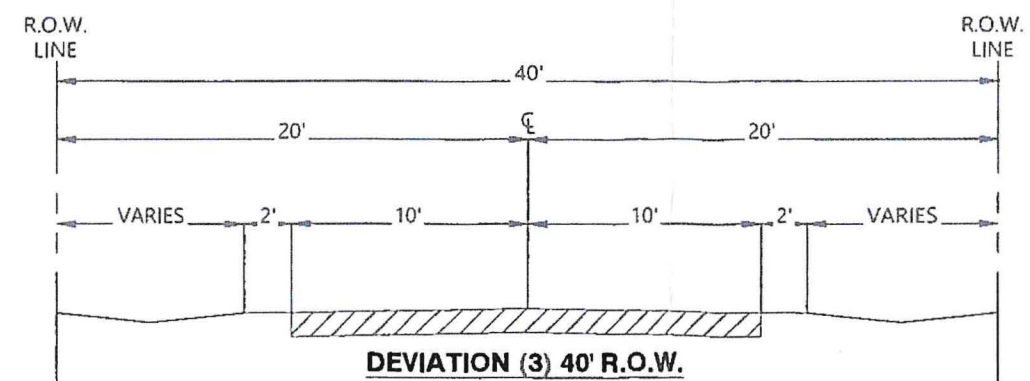
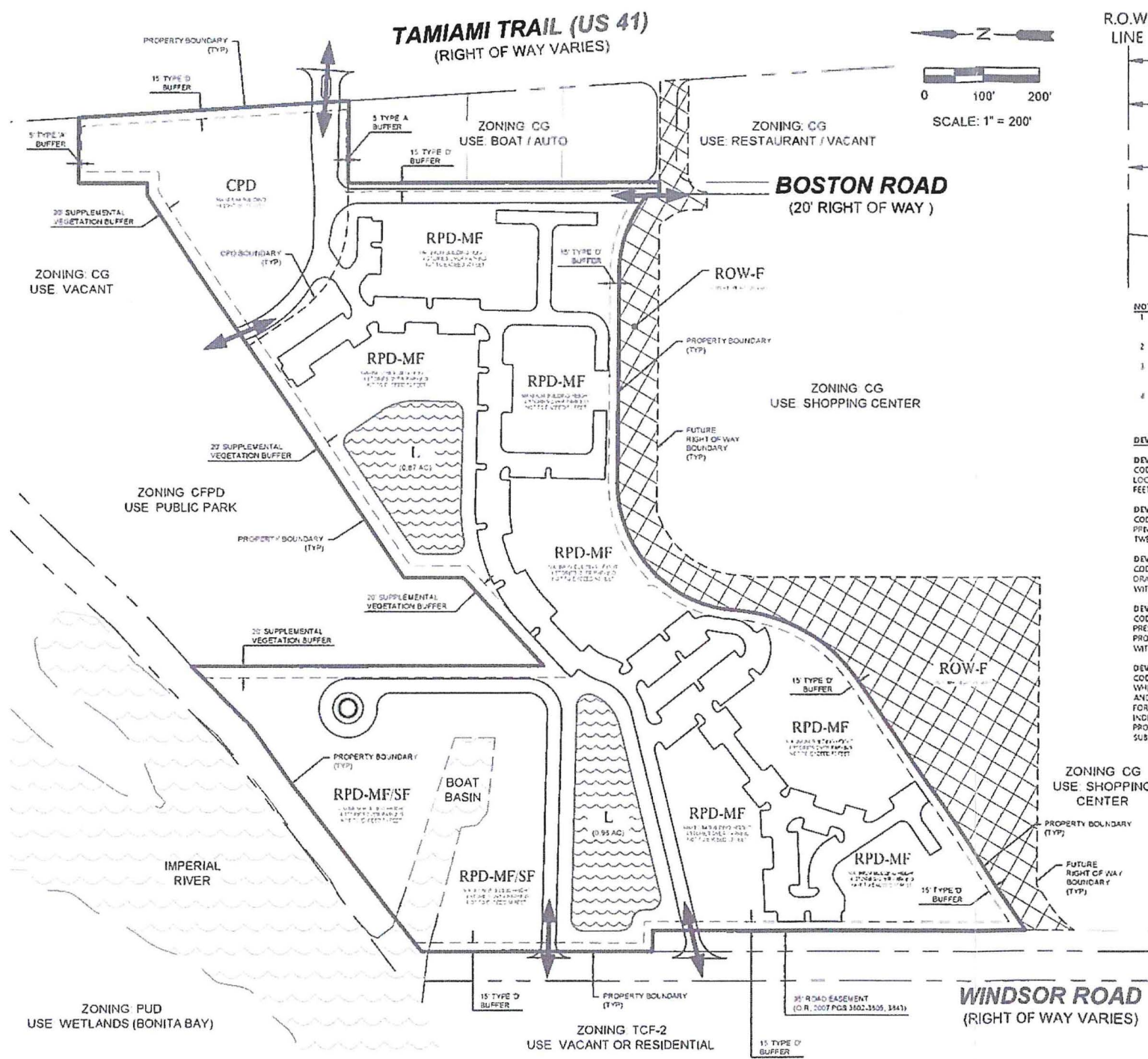
CERTIFIED TO OWNER'S PARCELS OF BONITA SPRINGS  
BY LEADS ENGINEERS

DATE OF SURVEY: 1/10/2011  
JOB NO.: 110000000000  
SCALE: AS SHOWN

**D. DIACOSTINO & WOOD, INC.**  
4545 S. STATE ROAD 40, SUITE 100  
BONITA SPRINGS, FL 33435  
PHONE: (813) 334-8888 FAX: (813) 334-8888  
WWW.DIACOSTINOANDWOOD.COM

APPROVED BY: [Signature]  
DATE: 1/10/2011

THIS IS THE PARTIAL SURVEY  
DRAWING FOR THE BOUNDARY AND  
EASEMENT SURVEY OF THE LOTS  
SHOWN ON THIS MAP.



- NOTES**
1. ALL LOADING / DELIVERY FOR CPD AREA USES WILL OCCUR AT THE REAR OR THE SIDE OF BUILDINGS, OR AS PERMITTED BY THE CITY OF BONITA SPRINGS.
  2. THE MCP IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MINOR MODIFICATIONS DURING THE D.D. PROCESS.
  3. THE DEVELOPMENT WILL MEET THE STANDARDS IN SECTIONS 3 & 4 OF THE LAND DEVELOPMENT CODE, UNLESS DEVIATIONS FROM THE LDC ARE AUTHORIZED.
  4. BUILDING HEIGHT MEASURED FROM THE FEMA TO BOTTOM OF BUILDING GRAVE.

- DEVIATIONS:**
- DEVIATION 1 IS APPROVED, GRANTING RELIEF FROM LAND DEVELOPMENT CODE SECTION 3-329E.1.A.II REQUIRING TWENTY-FIVE (25) FEET TO A LOCAL STREET EASEMENT FROM A WATER RETENTION SETBACK TO A ZERO FEET (0) SETBACK.
- DEVIATION 2 IS APPROVED, GRANTING RELIEF FROM LAND DEVELOPMENT CODE SECTION 3-329E.1.A.III REQUIRING FIFTY-FOOT (50) SETBACK TO ANY PRIVATE PROPERTY LINE FOR A WATER RETENTION SETBACK TO A TWENTY-FIVE FOOT (25) SETBACK.
- DEVIATION 3 IS APPROVED, GRANTING RELIEF FROM LAND DEVELOPMENT CODE SECTION 3-709.A REQUIRING 60' WIDE RIGHT-OF-WAY WITH CLOSED DRAINAGE AND ON-ROAD BIWAYS TO A 40' WIDE RIGHT-OF-WAY WITHOUT ON-ROAD BIWAYS FOR BOSTON ROAD.
- DEVIATION 4 IS APPROVED, GRANTING RELIEF FROM LAND DEVELOPMENT CODE SECTION 3-415.8 REQUIRING 50 PERCENT OF OPEN SPACE AS ON SITE PRESERVATION OF INDIGENOUS NATIVE VEGETATION (5.14 ± ACRES) TO PROVIDE ENHANCEMENT AND RESTORATION OF PAVED UPLANDS ON SITE WITHIN LANDSCAPE BUFFERS SUBJECT TO CONDITION NO. 14.
- DEVIATION 5 IS APPROVED, GRANTING RELIEF FROM LAND DEVELOPMENT CODE SECTION 3-415.8 REQUIRING THAT A RPD PROVIDE 40% OPEN SPACE OF WHICH 50% MUST BE IN THE FORM OF EXISTING INDIGENOUS VEGETATION, AND THE A CPD PROVIDE 20% OPEN SPACE OF WHICH 50% MUST BE IN THE FORM OF EXISTING INDIGENOUS VEGETATION AT AN APPROXIMATE TOTAL INDIGENOUS PRESERVATION REQUIREMENT OF 5.1 ± ACRES, TO PERMIT THE PROPOSED RPD/CPD TO PROVIDE NO INDIGENOUS PRESERVATION ON SITE SUBJECT TO CONDITION NO. 15.

**OPEN SPACE CALCULATIONS**

	RPD	CPD	TOTAL
REQUIRED	2688 ± AC (40%)	272 ± AC (20%)	2960 ± AC
PROVIDED	835 ± AC (40%)	0.54 ± AC	835 ± AC

**SITE SUMMARY**

CPD AREA	272 ± ACRES (10,000 SQ FT. RETAIL AND OFFICE AND 160 ROOM HOTEL)
RPD AREA	2088 ± ACRES (260 RESIDENTIAL UNITS)
RPD/CPD TOTAL	2360 ± ACRES
FUTURE R.O.W.	478 ± ACRES
TOTAL	2838 ± ACRES

**PROJECT DEVELOPMENT REGULATIONS:**

	RPD ZERO/5F	MF	CPD
MINIMUM LOT AREA	3,500 S.F.	N/A	20,000 S.F.
MINIMUM LOT WIDTH	35'	N/A	100 FEET
MINIMUM LOT DEPTH	100'	N/A	100 FEET
<b>MINIMUM BUILDING SETBACKS</b>			
STREET (EXTERNAL)	25'	25'	25'
STREET (INTERNAL)	15'	15'	10'
RIVERSIDE DRIVE	N/A	0'	10'
SIDE	0/5'	10'	15'
REAR	15'	15'	15'
<b>PRINCIPAL ACCESSWAY</b>			
ACCESSWAY	10' (BOAT BASIN 5)	0'-10' (BOAT BASIN)	
ARTIFICIAL WATERBODY	20'	20'	20'
NATURAL WATERBODY	N/A	25'	25'
SEPARATION	0/10'	15'	10'
RPD/CPD BOUNDARY	N/A	10'	10'
BUILDING MUST BE AT LEAST 12' FROM BOAT BASIN			

MAXIMUM BLDG HEIGHT	50/4 STORIES
MAXIMUM LOT COVERAGE	N/A 40% 50%

**PROJECT PLANNING SUMMARY:**

**FLUM DESIGNATION:** HIGH DENSITY MULTI-FAMILY, GENERAL COMMERCIAL EXISTING ZONING.

**RPD, CPD PROPOSED ZONING:** RPD, RESIDENTIAL PLANNED DEVELOPMENT; CPD, COMMERCIAL PLANNED DEVELOPMENT.

**STRAP NUMBERS**

33-41-25-81-00222-0000
33-41-25-81-00225-0000
33-41-25-81-00255-0010
33-41-25-81-00222-026A
33-41-25-81-00257-0020
33-41-25-81-00269-0000
33-41-25-81-00276-0000
33-41-25-81-00255-0020

**ADDRESS:** 2761, 2761, 2761, 27701, BOSTON ROAD; 27821, 27811 WINDSOR ROAD

RECEIVED  
 CITY OF BONITA SPRINGS  
 JUL 08 2020  
 COMMUNITY DEVELOPMENT  
 DEPARTMENT



**ANGLER'S PARADISE OF BONITA SPRINGS  
MASTER CONCEPT PLAN**

4316-02E04.DWG  
July 7, 2020

Exhibit B  
PD16-32711-BOS

**EXHIBIT IV-G**  
**SCHEDULE OF USES**

a. Schedule of Uses

CPD- Commercial Planned Development

Accessory Uses  
Administrative Offices  
Bait and Tackle Shop  
Banks and Financial Establishments (Groups I & II)  
Boats Parts Store  
Business Services, Group I & II  
Car Wash (Special exception approval required, Sec. 4-891 (a))  
Bar or Cocktail lounge (Is a permitted use by Sec 4-470 Use Regulations Table for Planned Development Districts)  
Cocktail Lounge in Conjunction with Restaurant or Hotel/Motel  
Clothing Stores, General  
Cultural Facilities  
Drive-Through Facility for any Permitted Use  
Drugstore  
Essential Services  
Excavation, Water Retention  
Food Stores (Group I)  
Healthcare Facilities (Groups 1 through III, Including Assisted Living and Continuing Care Facilities)  
Hotels/Motels (160 Rooms with Consumption on Premises)  
Insurance Companies  
Laundry or Dry Cleaning, Group I  
Personal Services (Groups 1 through IV) (Group IV requires special exception approval, Sec 4-891 (a))  
Post Office (Permitted by Sec. 4-740 Use Regulations Table)  
Recreational Facilities (Group I)  
Repair Shops (Group I and II)  
Restaurant (Groups I through III) (Consumption on Premises)(Restaurants, fast food requires special exception, Sec 4-891)  
Specialty Retail Shops (Groups I and IV)(Special Retail Group IV, requires special exception, Sec. 4-891)  
Used Merchandise Stores (Groups I and II) (Permitted per Sec. 4-740 Use Regulations Table)

RPD – Residential Planned Development

Club, Private  
Consumption on Premises (In Conjunction with Private Club)  
Dwelling Unit (260), Multi-Family, Town Home, Single Family, Zero Lot Line  
Entrance Gates and Gatehouse  
Essential Services  
Excavation, Water Retention

RECEIVED  
CITY OF BONITA SPRINGS

JUL 03 2017

COMMUNITY DEVELOPMENT  
DEPARTMENT

Fences, Walls  
Fishing Piers  
Marina  
Model Units  
Boat Docs and Ramp  
Recreational Facilities, Private On-Site  
Residential Accessory Uses  
Signs, In Compliance with the LDC  
Temporary Sales Office

RECEIVED  
CITY OF BONITA SPRINGS

JUL 03 2017

COMMUNITY DEVELOPMENT  
DEPARTMENT