

CITY OF BONITA SPRINGS, FLORIDA
ZONING RESOLUTION NO. 14 – 03

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A SPECIAL EXCEPTION REQUEST BY HAROLD C. BUCK MEMORIAL VFW POST 4254, TO ALLOW CONSUMPTION ON PREMISES FOR AN 11C-CLUB ALCOHOLIC BEVERAGE LICENSE IN CONJUNCTION WITH OUTDOOR SEATING FOR A GROUP III RESTAURANT AND FRATERNAL CLUB WITH MUSIC ON LAND LOCATED AT 10972 K-NINE DRIVE, BONITA SPRINGS, FLORIDA, ON 1.98 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Harold C. Buck Memorial VFW Post 4254 has filed an application for a consumption on premises in accordance with LDC Section 4-1261 et seq. for an 11C-Club Alcoholic Beverage License conjunction with outdoor seating for a Group III Restaurant and Fraternal Club with music within the C-2 district, and

WHEREAS, the subject property is located at 10972 K-Nine Drive, Bonita Springs, Florida, and is described more particularly as:

“See Exhibits”

WHEREAS, a Public Hearing was advertised and heard on July 22, 2014 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals (“Zoning Board”) on Case No. COP14-14003-B0S who gave full consideration to the evidence available and recommended approval (6-0); and gave full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all interested parties. The July 2, 2014 Staff Report prepared by Community Development and evidence submitted at the Zoning Board hearing is on file with the City Clerk.

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 consumption on premises in accordance with LDC Section 4-1261 et seq. for 11C-Club Alcoholic Beverage License conjunction with outdoor seating for a Group III Restaurant and Fraternal Club with music within the C-2 district with the following conditions:

A. Conditions:

1. The approval is limited to an 11C-Club Alcoholic Beverage License for the indoor and outdoor seating areas as depicted on the proposed Site Plan (“Attachment A”) stamped received on June 20, 2014.

1. The approval is limited to an 11C-Club Alcoholic Beverage License for the indoor and outdoor seating areas as depicted on the proposed Site Plan ("Attachment A") stamped received on June 20, 2014.
2. The sale or consumption of alcoholic beverages outdoors may only occur between the hours of 8:00 am – 10:00 pm daily. No service or consumption will be permitted in the outdoor area after 10:00 pm.
3. Outdoor seating is limited to the capacity set by the Bonita Springs Fire Control and Rescue District Fire Marshal.
4. Live outdoor entertainment or amplified music is prohibited except if approved by a special event permit. The applicant shall notify the Mediterra Homeowner's Association of any special event permit at least 15 days prior to the event date.
5. Piped in music or television for outdoor seating areas must be piped in at a volume not exceeding conversation level, no greater than the standards set forth in the City of Bonita Springs Noise Ordinance.
6. This Special Exception is limited to the VFW. Any change in ownership or organization will require a new Special Exception for the outdoor consumption on premises.

B. Findings and Conclusions:

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

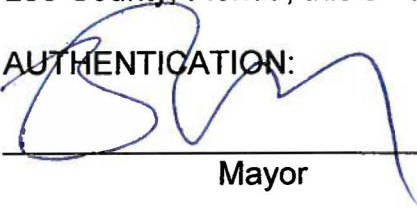
1. The requested special exception, as conditioned:
 - a) meets or exceeds all performance and locational standards set forth for the proposed use;
 - b) is consistent with the goals, objectives, policies and intent set forth in the City of Bonita Springs Comprehensive Plan.
 - c) is compatible with existing or planned uses in the surrounding area; and
 - d) will not cause damage, hazard, nuisance or other detriment to persons or property; and
 - e) will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in the Land Development Code.

SECTION TWO: EFFECTIVE DATE

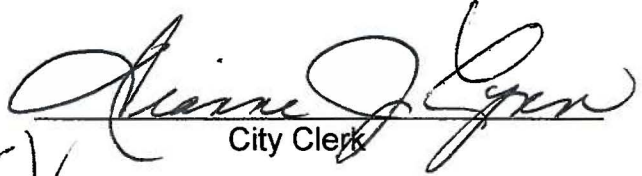
This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 6th day of August, 2014.

AUTHENTICATION:

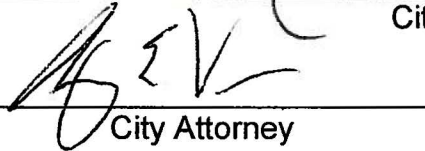


Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Nelson	Aye	Simmons	Aye
McIntosh	Aye	Gibson	Aye
Martin	Aye	Lonkart	Aye
Slachta	Aye		

Date filed with City Clerk:

8-7-14

COP14-14003-BOS

EXHIBIT A

REF 1290 m1881

EXHIBIT "A"

Beginning at the Northeast corner of the Southeast quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 2, Township 48 South, Range 25 East, Lee County, Florida, run North 89° 51' 37" West along the North line of the Southeast quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) 129.04 feet; thence South 0° 00' 43" West 332.45 feet; thence South 89° 51' 45" East 129.04 feet; thence North 0° 00' 43" East 332.44 feet to the point of beginning; (Lot 11)
The Southerly 30.00 feet being reserved for road right of way;

AND

From the Northeast corner of the Southeast quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section 2, Township 48 South, Range 25 East, Lee County, Florida, run North 89° 51' 37" West along the North line of the Southeast quarter (SE $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) 129.04 feet to the point of beginning; thence continue North 89° 51' 37" West 129.04 feet; thence South 0° 00' 43" West 332.45 feet; thence South 89° 51' 45" East 129.04 feet; thence North 0° 00' 43" East 332.45 feet to the point of beginning; (Lot 12)
The Southerly 30.00 feet being reserved for road right of way.

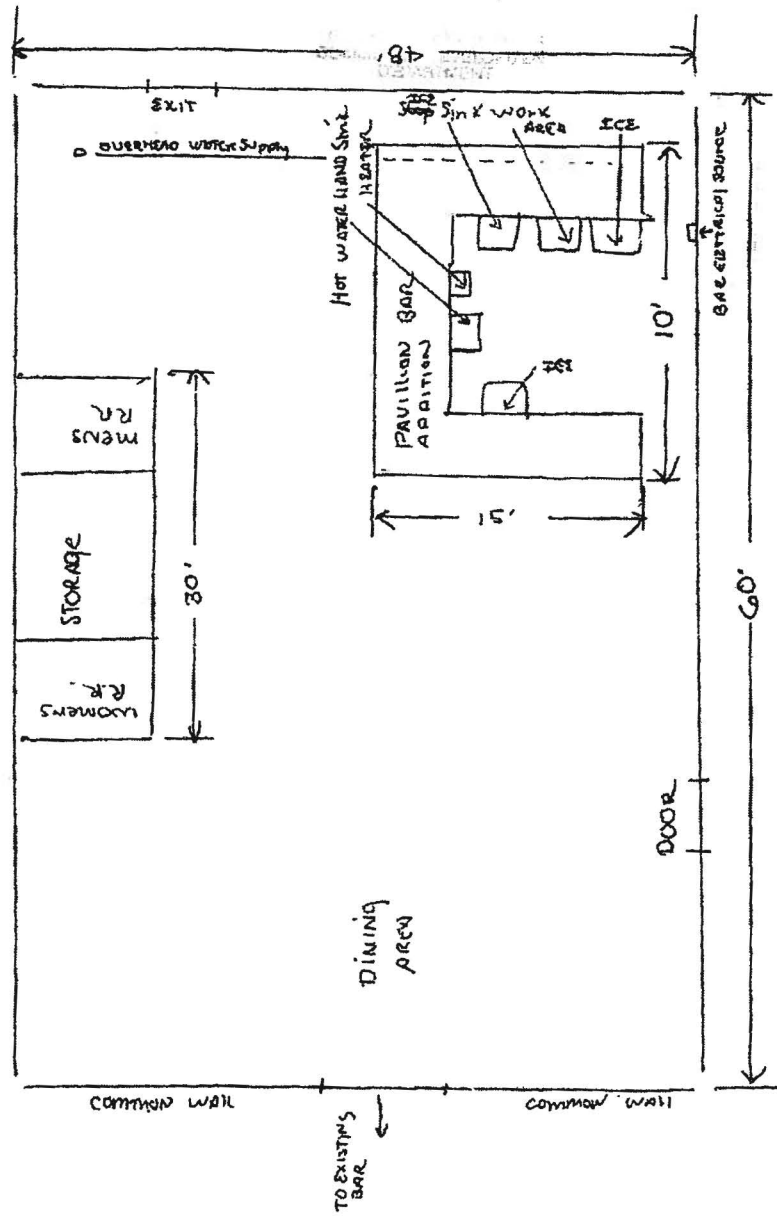
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Aug 28 10 41 AM '14
COUNTY CLERK
LEE COUNTY, FLORIDA

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COP14-14003-BOS
ATTACHMENT A
RECEIVED

JUN 20 2014



COPY

PAVILION ADDITION
TO POST 4254

PERMIT #
6-48-00068