

CITY OF BONITA SPRINGS
ZONING RESOLUTION NO. Z12-03

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A SPECIAL EXCEPTION REQUEST BY FRLS OLD 41, LLC FOR AN APPLICATION FOR AN ESSENTIAL SERVICE FACILITIES GROUP II USE OF AN ANCILLARY HORTICULTURAL WASTE TRANSFER SITE ON LAND LOCATED AT 25211 OLD 41 ROAD, BONITA SPRINGS, FLORIDA, ON 9.8 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, FRLS Horticultural Transfer Site has filed an application for a Special Exception for an essential service facilities group II use for an ancillary horticultural waste transfer site which requires:

WHEREAS, the subject property is located at 25211 Old 41 Road, Bonita Springs, Florida, and is described more particularly as:

"See Exhibits"

WHEREAS, a Public Hearing was advertised and heard on February 14, 2012 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case 11B0S-SPE000028 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 January 31, 2012 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 special exception for an essential service facilities group II use for an ancillary horticultural waste transfer site with the following conditions:

A. Conditions:

1. The development of this project must be consistent with the one page Site Plan entitled "FRLS Old 41," stamped received December 16, 2011 (Attachment A), except as modified by the conditions below. This development must comply with all requirements of the City of Bonita Springs Land Development Code (LDC) at time of local Development Order Approval. If changes to

the Site Plan are subsequently pursued, appropriate approvals may be necessary.

2. The horticultural transfer site is permitted only in accordance with the following development standards.

***Horticultural Transfer Development Standards**

Maximum SF	**1,920 SF
Maximum Height	**8' to 12' feet
Setbacks	
Street	210' feet
North	200' feet
West	250' feet
East (abutting Old 41 MPD)	160' feet

*Applies to the horticultural transfer use only. All other uses per ZO-04-16 shall comply with the Development Standards set forth in ZO-04-16.

**Or as deemed appropriate by the Florida Fire Prevention Code but not to exceed 12' feet

3. At time of local development order approval the applicant shall submit a site plan showing low barrier walls that clearly define the pile perimeters, creeping prevention, and show a clear Fire Department access road. FFPC NFPA 1, 31.3.6.3.2.3 and all other requirements of the Florida Fire Prevention Code (NFPA 1 Chap 31) shall be adhered to.

4. Development Services

- a. Prior to approval of this use the property owner must receive Development Order approval consistent with the requirements set forth in the City Land Development Regulations, Chapter 3. The engineered plans shall include information that clearly defines property boundaries, ingress and egress, utility service, access for emergency equipment and refuse collection.
- b. The application for development order plans shall address the operation and maintenance of the property including hours of operation, volumes of material stored, material inspection and separation procedures, and maximum storage times.
- c. All vehicular access road within the property shall be stabilized and maintained to permit access by emergency equipment and in such a way to avoid dust and debris from blowing onto adjacent properties.

- d. At time of development order, a landscape buffer will be submitted and installed with shrubs being a minimum of 2 feet in height (3 gallon containers), placed every four feet, and maintained at a height not to be below 6 feet so as to maintain a continuous hedge along Old 41. Consistent with a type D buffer, canopy trees will be installed on the parcel to create an appearance similar to properties across the street on Old 41 (Community Development will work with the applicant to have the trees placed in various areas to create an aesthetically pleasing buffer yet avoid utilities).
5. All category 1 invasive exotic plants listed by the Florida Exotic Pest Plant Council, <http://www.fleppc.org/list/list.htm> as amended, shall be removed from the project area, including conservation, open space and development areas. The site shall be maintained free of exotic plants in perpetuity. Fifteen carrotwood trees, Cupaniopsis anacardioides planted at the private residence may remain.
6. Annual submittals from other agencies are required, LDC 3-154. This facility shall maintain the annual Florida Department of Environmental Protection's Registration to Operate a Yard Trash Transfer Station", as long as the yard transfer business is maintained.
7. The property must be properly secured and fenced to prevent any illegal dumping of horticultural debris.
8. The transport of Florida Exotic Pest Plant Council's Category 1 Exotic Plants to and from this facility shall be according to state and federal guidelines.
9. Use of horticultural chipper or any similar type of machinery to shred debris is prohibited.
10. Controlled burning and composting is prohibited unless approved at a subsequent public hearing as an amendment to the special exception
11. The development must comply with Ordinance 06-04 Noise Control.
12. This development must comply with all of the requirements of the LDC and any associated state permits at the time of the local development order approval.

13. The development must comply with the commercial lighting standards found in LDC Chapter 3.

14. Approval of this special exception does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the City of Bonita Springs Comprehensive Plan provisions.

B. Findings and Conclusions:

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

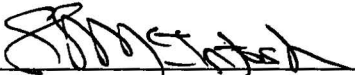

1. The applicant has proven entitlement for the requested special exception by demonstrating compliance with the Bonita Springs Comprehensive Plan; and
2. The proposed request is consistent with Land Development Code Sections 4-735 and 4-791; and
3. The proposed request, as conditioned, will comply with applicable city ordinances and other state regulations.

SECTION TWO: EFFECTIVE DATE

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 19TH day of March, 2012.

AUTHENTICATION:

 Mayor City Clerk

APPROVED AS TO FORM:



 City Attorney

Vote:

Nelson	Absent	Simmons	Aye
McIntosh	Aye	Simons	Aye
Martin	Aye	Lonkart	Aye
Slachta	Aye		

Date filed with City Clerk: 3-20-12

Exhibit A

11B0S-SPE00002B

BONITA PROPERTY DESCRIPTION
FORESTRY RESOURCES

7/7/11

A TRACT OR PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:
COMMENCE AT A POINT ON THE LINE COMMON TO SECTION 22 AND SECTION 15, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH POINT IS WESTERLY ALONG SAID LINE AT A DISTANCE OF 4,026.50 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 22, THENCE RUN SOUTHWESTERLY, AT AN ANGLE OF 51°21'30", MAKING A BEARING OF S 44°32'20" W FOR 254.92 FEET TO THE MOST NORTHERLY CORNER OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK OF LEE COUNTY, FLORIDA, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HERIN DESCRIBED; THENCE CONTINUE S 44°32'20" W, ALONG THE BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2878 AT PAGE 2509, FOR A DISTANCE OF 670.73 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF TAMiami TRAIL (STATE ROAD NO. 45); THENCE RUN S 30°59'20" E, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY 670.86 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2332, AT PAGE 1320 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N 44°32'20" E, ALONG THE EASTERLY BOUNDARY OF SAID PARCEL DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2332 AT PAGE 1320, FOR A DISTANCE OF 273.82 FEET; THENCE RUN N 45°27'40" W, ALONG THE NORTHEASTERLY BOUNDARY OF SAID PARCEL DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2332 AT PAGE 1320, FOR A DISTANCE OF 0.13 FOOT TO A POINT ON EASTERLY BOUNDARY OF THAT PARCEL OF LAND DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2878 AT PAGE 2509; THENCE RUN N 44°32'20" E, ALONG THE BOUNDARY OF SAID PARCEL DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2878 AT PAGE 2509, FOR A DISTANCE OF 396.94 FEET; THENCE RUN N 30°59'20" W, ALONG THE BOUNDARY OF SAID PARCEL DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2878 AT PAGE 2509, FOR A DISTANCE OF 670.73 FEET TO THE POINT OF BEGINNING; CONTAINING 10,000 ACRES, MORE OR LESS.

RECEIVED

JUL 13 2011

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

