

CITY OF BONITA SPRINGS  
ZONING RESOLUTION NO. 11-02

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; RESTATING AND REVISING THE CONDITIONS OF AN EXISTING SPECIAL EXCEPTION AT LOVER'S KEY BEACH CLUB AND RESORT; ZONING ORDINANCE NO. 00-05; ON LAND LOCATED AT 8767 ESTERO BLVD., BONITA SPRINGS, FLORIDA 33931; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Lover's Key Beach Club and Resort has requested to amend the Special Exception in Zoning Ordinance No. 00-05 for Consumption on Premises (COP) for outdoor seating of a 500 square foot restaurant with associated bathrooms and waiting seating area to be accessible and open to the public as a stand alone business; and

**WHEREAS**, the subject property is located at 8767 Estero Blvd., Bonita Springs, Florida, and is described more particularly as:

"See Attachment A"

**WHEREAS**, a Public Hearing was advertised and heard on September 20, 2011 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case 11BOS-COP00019 who gave full consideration to the evidence available and recommended approval (5-0, Mathes absent); 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 September 6, 2011 Staff Report prepared by Community Development and evidence submitted at the Zoning Board hearing is on file with the City Clerk; and

**WHEREAS**, a Public Hearing was advertised for October 5, 2011 and again advertised for October 17, 2011 by the City of Bonita Springs City Council consistent with Ordinance No. 11-04 to permit approval of special exceptions and variances by resolutions.

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

**SECTION ONE: APPROVAL OF REQUEST**

Zoning Ordinance No. 00-05 is restated with some revisions to conditions as follows, with underlines identifying new language and with strike-through identifying deleted language.

**A. CONDITIONS**

1. The special exception for consumption on premises with outdoor seating is limited to a 4-COP-S license to be used in conjunction with

the proposed existing 500 square foot restaurant, which has no more than 60 seats and 1,393 square feet of outdoor seating area, as depicted on the attached site plan (ATTACHMENT B).

- ~~2. Prior to issuance of zoning approval for the 4-COP-S license, evidence of consent by the Lovers Key Beach Club and Resort Condominium board or owner's association of the COP with the outdoor seating must be provided to county staff.~~
- ~~3. Conditions of the approved restaurant remain in full effect.~~
- ~~4. The restaurant is limited to the Black Island residents and guests only and all entrances to the restaurant will have signs stating this policy.~~
2. The hours of operation for consumption on premises will be ~~11:00~~ 7:00 am until 11:00 pm, Monday through Sunday.
3. ~~Live entertainment is prohibited and recorded music is allowed within the outdoor seating area until 10 pm. Amplified music shall be allowed in the outdoor seating area and will not exceed 60dBA per the City of Bonita Springs Noise Ordinance. Within the outside seating area no amplified music shall be allowed past 9:00 pm and all music will be prohibited past 10:00 pm.~~
4. The restaurant and pool will not be visible from the street and ~~no exterior signage for the restaurant will be visible from the street, water or parking lot. Existing signage size for the restaurant building to remain as is. Modifications to the existing restaurant signage located on Estero Blvd. will be per Black Island Master Association approval (at restaurant owners' expense) and consistent with the land development code.~~
5. Existing restaurant shall be a stand alone use and will provide its own facilities and will not rely on Lover Key Resort for any facilities.
6. There shall be no direct access between the restaurant and condominium pool area; walk up bar will be provided to Lovers Key Beach Club and Resort.
7. There shall be an annual Shared Parking Agreement on file between the restaurant owner and the Lovers Key Resort Association which will be copied to the City of Bonita Springs Community Development Department and must be in place prior to ~~CO~~ Certificate of Occupancy.
8. There shall be a bi-monthly meeting between (1) designated Lovers Key Resort Board of Director representative and (1) restaurant/resort management team member to address resort operations.

9. Architectural theme will be consistent with the submitted conceptual rendering (ATTACHMENT C).

**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) Is consistent with the goals, objectives, polices and the intent of the Bonita Springs Comprehensive Plan;
  - b) Meets or exceeds all performance and locational standards set forth for the proposed use;
  - c) Will be compatible with the existing or planned uses;
  - 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** by the Council of the City of Bonita Springs, Lee County, Florida, this 17<sup>th</sup> day of October, 2011.

AUTHENTICATION:



  
 Deputy Mayor City Clerk

APPROVED AS TO FORM: 
  
 City Attorney

Vote:

Nelson	Absent	Spear	Aye
McIntosh	Aye	Simons	Aye
Martin	Aye	Lonkart	Nay
Slachta	Aye		

Date filed with City Clerk: 10-17-11

## EXHIBIT A

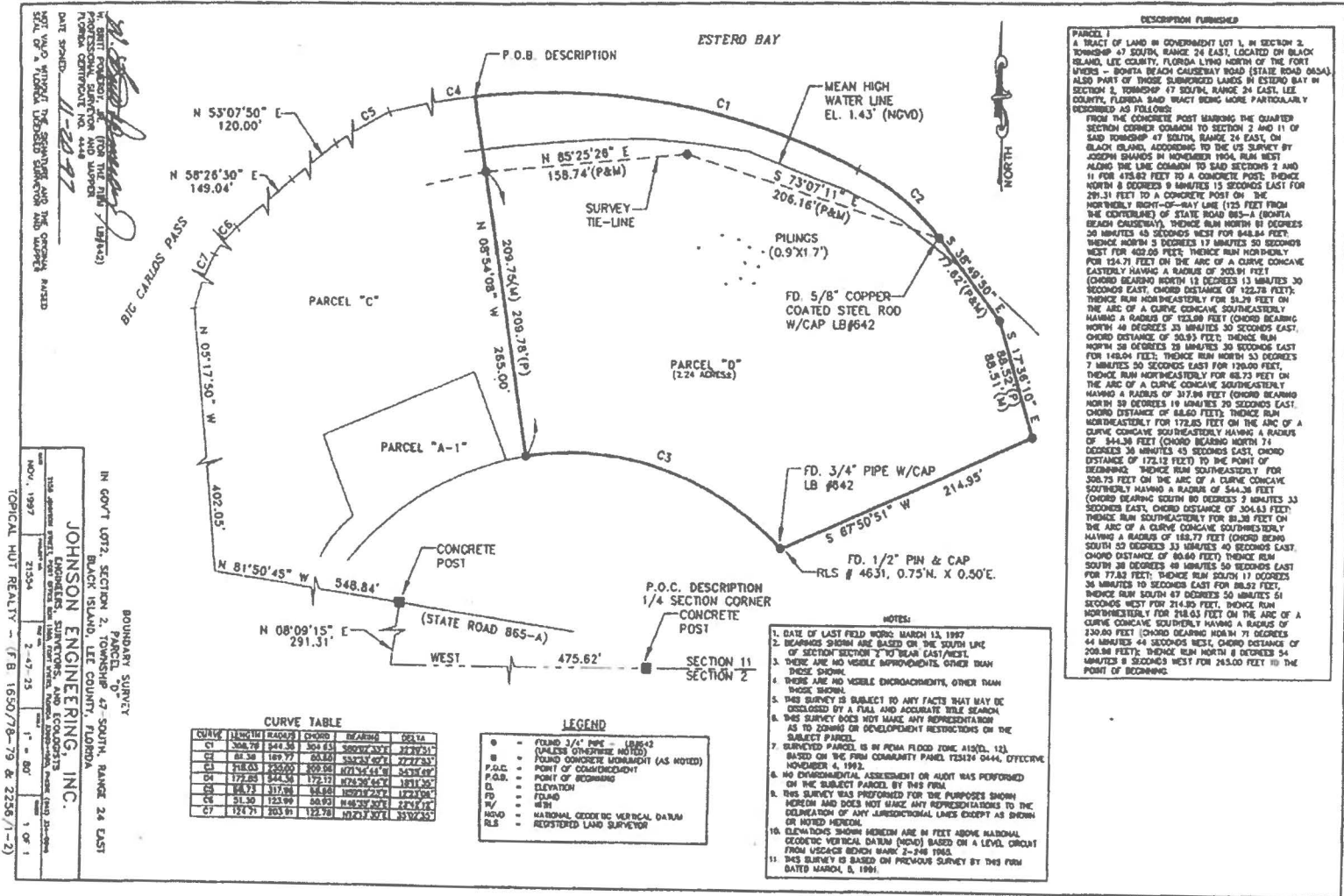
## LEGAL DESCRIPTION.

## PARCEL 'D' -

A tract of land in Government Lot 1, in Section 2, Township 47 South, Range 24 East, located on Black Island, Lee County, Florida, lying North of the Fort Myers-Bonita Beach Causeway Road (State Road 886-A). Also part of those submerged lands in Estero Bay in Section 2, Township 47 South, Range 24 East, Lee County, Florida said Tract being more particularly described as follows:

From the concrete post marking the Quarter Section corner common to Sections 2 and 11 of said Township 47 South, Range 24 East, on Black Island, according to the U.S. Survey by Joseph Shanda in November 1904, run West along the line common to said Sections 2 and 11 for 475.62 feet to a concrete post; thence North 8 degrees 9 minutes 16 seconds East for 291.31 feet to a concrete post on the Northerly right-of-way line (126 feet from the centerline) of State Road 886-A (Bonita Beach Causeway); thence run North 81 degrees 50 minutes 45 seconds West for 548.84 feet; thence North 5 degrees 17 minutes 50 seconds West for 402.06 feet; thence run Northerly for 124.71 feet on the arc of a curve concave Easterly having a radius of 203.91 feet (chord bearing North 12 degrees 13 minutes 30 seconds East, chord distance of 122.78 feet); thence run Northeasterly for 51.29 feet on the arc of curve concave Southeasterly having a radius of 123.99 feet (chord bearing North 40 degrees 36 minutes 30 seconds East, chord distance of 60.93 feet); thence run North 68 degrees 26 minutes 30 seconds East for 149.04 feet; thence run North 53 degrees 7 minutes 50 seconds East for 120.00 feet; thence run Northeasterly for 88.73 feet on the arc of a curve concave Southeasterly having a radius of 317.98 feet (chord bearing North 69 degrees 19 minutes 20 seconds East, chord distance of 88.00 feet); thence run Northeasterly for 172.86 feet on the arc of a curve concave Southeasterly having a radius of 544.80 feet (chord bearing North 74 degrees 30 minutes 46 seconds East, chord distance of 172.12 feet) to the Point of Beginning; thence run Southeasterly for 308.76 feet on the arc of a curve concave Southerly having a radius of 644.80 feet (chord bearing South 80 degrees 2 minutes 33 seconds East, chord distance of 304.83 feet); thence run Southeasterly for 81.38 feet on the arc of a curve concave Southwesterly having a radius of 169.77 feet (chord bearing South 62 degrees 33 minutes 40 seconds East, chord distance of 80.00 feet); thence run South 38 degrees 11 minutes 50 seconds East 77.02 feet; thence run South 17 degrees 30 minutes 10 seconds East for 88.52 feet; thence run South 07 degrees 50 minutes 51 seconds West for 214.96 feet; thence run Northwesterly for 218.03 feet on the arc of a curve concave Southerly having a radius of 230.00 feet (chord bearing North 71 degrees 44 minutes 44 seconds West, chord distance of 209.96 feet); thence run North 8 degrees 54 minutes 8 seconds West for 265.00 feet to the Point of Beginning.





DR BK 83225 PG 3828

EXHIBIT II-A-3