

**CITY OF BONITA SPRINGS, FLORIDA
ZONING RESOLUTION NO. 03-01**

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; REMANDING THE REQUEST BY ALLTEL/BSU WIRELESS COMMUNICATION FACILITY FOR A SPECIAL EXCEPTION AND VARIANCES; TO PERMIT THE CITY OF BONITA SPRINGS ZONING BOARD FOR LAND USE HEARINGS AND ADJUSTMENTS AND ZONING BOARD OF APPEALS TO CONSIDER STEALTH OPTIONS AND LANDSCAPE BUFFERS AT ITS JANUARY 2004 HEARING; A COMMUNICATION TOWER NOT TO EXCEED 149.9 FEET IN HEIGHT AND NO MORE THAN 2000 SQUARE FEET OF ASSOCIATED FLOOR AREA FOR EQUIPMENT ANCILLARY TO THE COMMUNICATION TOWER; VARIANCES FOR REAR AND SIDE SETBACKS; ON LAND LOCATED AT 24065 WATERFALL DRIVE, BONITA SPRINGS, FLORIDA, (STRAP NO. 14-47-25-B2-00200.0920), ON 1.26 ± ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Alltel/BSU Wireless Communication Facility has filed an application for a special exception in accordance with Ordinance No. 03-05 and Land Development Code (LDC) Section 34-1441 et seq. to permit a communication tower not to exceed 149.9 feet in height and no more than 2000 square feet of associated floor area for equipment ancillary to the communication tower; variances from LDC Section 34-2174(a), which requires a rear setback of 82.5 feet to allow a rear setback of 40 feet and LDC Section 34-2174(a) which requires a side setback of 72.5 feet to allow a side setback of 52.5 feet; from LDC Section 1445(g), which requires a landscaped buffer area no less than 10 feet wide around the perimeter of the tower site to allow no buffer to be provided. Special exception in accordance with Land Development Code (LDC) Section 34-1447(a) and Table 34-1447 to permit a monopole-style antenna-supporting structure not to exceed 149 feet in height and no more than 2000 square feet of associated floor area for ancillary equipment; variances from LDC Section 34-1447(b)(3) which prohibits the permitting of an antenna-supporting structure unless the applicant demonstrates that the proposed antenna cannot be accommodated on an existing building or structure or by construction of a stealth facility to allow an antenna-supporting structure; from LDC Section 34-1447(c)(4)c., which requires certain landscaping to require no landscaping; and from LDC Section 34-1447(d)(1)a., which requires setbacks of 149 feet from every property line to allow setbacks of 40 feet from Interstate 75 and side setbacks of 52 feet from the northerly property line and 100 feet from the southerly property line; and

WHEREAS, the subject property is located at 24065 Waterfall Drive, Bonita Springs, Florida, and is described more particularly as:

"See Schedule A"

WHEREAS, a Public Hearing was advertised and heard on September 5, 2003 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case SEZ 2003-00012 and VAR 2003-00029 who gave full consideration to the evidence available and gave no recommendation (Motion to Deny failed 2-2 (Bielski and Pastore to Deny and Norris and Incerpi to Approve); and gave full and complete consideration of the record, consisting of the Staff Recommendation, the Zoning Board, the documents on file with the City and the testimony of all interested parties. The August 21, 2003 Staff Report prepared by Lee

County Development Services Division and evidence submitted at the Zoning Board hearing is on file with the City Clerk; and

WHEREAS, City Council on October 27, 2003 held a public hearing and gave full and complete consideration of the record, consisting of the recommendation of staff, the zoning board, the documents on file with the City and the testimony of all interested parties and determined that remanding the request by Alltel/BSU for the purpose of permitting the Zoning Board consider stealth options and landscape buffers at its January 2004 hearing; and

WHEREAS, prior to City Council making this decision and in foregoing denial of this request, Alltel/BSU agreed to toll the time to the January 2004 meeting so as to waive any legal argument that the City of Bonita Springs delayed any action in not deciding the case at its October 27, 2003 public hearing so as to allow new evidence to permit stealth options at this site so long as the selection is compatible with the surrounding land uses.

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

SECTION ONE: REQUEST REMANDED

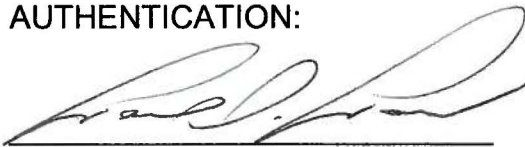
City Council of Bonita Springs hereby remands the zoning request for the Zoning Board to consider stealth options and landscape buffers at its January 2004 hearing.

SECTION TWO: EFFECTIVE DATE

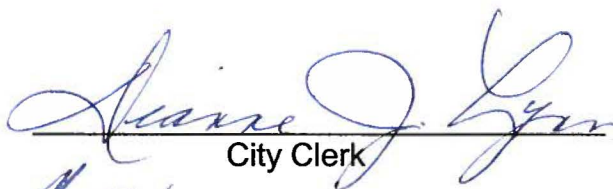
This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 27th day of October, 2003.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Arend	AYE	Piper	AYE
Edsall	AYE	Wagner	AYE
Nelson	AYE	Warfield	AYE
Pass	AYE		

Date filed with City Clerk: 10-28-03

EXHIBIT A



KCI TECHNOLOGIES, INC.
10150 Highland Manor Drive
Suite 120
Tampa, Florida 33610
Phone: (813) 740-2300
Fax: (813) 740-0158

Wednesday, August 13, 2003

PROPOSED INGRESS/EGRESS AND UTILITY EASEMENT (AS REQUESTED BY CLIENT)

DESCRIPTION

A PARCEL OF LAND LOCATED IN TRACT 92 OF SAN CARLOS ESTATES, LEE COUNTY, FLORIDA

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT 92 OF SAN CARLOS ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED IN OFFICIAL RECORDS BOOK 557 AT PAGES 354 AND 355 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N01°34'01"W, ALONG THE EAST LINE OF SAID TRACT 92 (ALSO THE WEST RIGHT OF WAY LINE OF INTERSTATE 75), A DISTANCE OF 26.17 FEET; THENCE N90°00'00"W, A DISTANCE OF 16.82 FEET; THENCE N36°17'36"W, A DISTANCE OF 32.08 FEET; THENCE N54°52'44"W, A DISTANCE OF 10.71 FEET TO THE POINT OF BEGINNING; THENCE S84°44'23"W, A DISTANCE OF 162.75 FEET TO A POINT ON THE EAST LINE OF WATERFALL DRIVE (A 60 FOOT RIGHT OF WAY); THENCE N00°13'03"W, ALONG THE EAST LINE OF SAID WATERFALL DRIVE, A DISTANCE OF 18.25 FEET; THENCE N84°44'23"E, A DISTANCE OF 146.72 FEET TO A POINT ON THE WESTERLY LINE OF THE PROPOSED STI LEASE AREA; THENCE S43°40'48"E ALONG THE WESTERLY LINE OF SAID PROPOSED STI LEASE AREA, A DISTANCE OF 23.41 FEET TO THE POINT OF BEGINNING.

CONTAINING 2813.5 SQUARE FEET, MORE OR LESS.

PARENT TRACT
(NOT A BOUNDARY SURVEY)
DESCRIPTION

TRACT 92 OF SAN CARLOS ESTATES AS RECORDED IN OFFICIAL RECORDS BOOK 557 AT PAGES 354 AND 355 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (AS REQUESTED BY CLIENT)

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COMMENCE AT THE SOUTHEAST CORNER OF TRACT 92 OF SAN CARLOS ESTATES, ACCORDING TO THE PLAT THERE OF RECORDED IN OFFICIAL RECORDS BOOK 557 AT PAGES 354 AND 355 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N82°32'57"W, ALONG THE SOUTH LINE OF SAID TRACT 92, A DISTANCE OF 239.33 FEET, TO THE SOUTH WESTERLY CORNER OF SAID TRACT 92, THENCE N00°13'03"W, ALONG THE WEST LINE OF SAID TRACT 92, A DISTANCE OF 165.00 FEET, TO THE NORTH WESTERLY OF SAID TRACT 92; THENCE S82°32'57"E, ALONG THE NORTH LINE OF SAID TRACT 92, A DISTANCE OF 205.12 FEET, TO THE NORTH EASTERLY CORNER OF SAID TRACT 92; THENCE S01°34'01"E, ALONG THE EAST LINE OF SAID TRACT 92, A DISTANCE 165.67 FEET, TO THE SOUTH EASTERLY OF SAID TRACT 92, AND THE POINT OF BEGINNING. SUBJECT TO THE WESTERLY 30 FEET THEREOF FOR WATERFALL DRIVE, AND SUBJECT TO ANY EASEMENTS THAT EXIST IN THE PUBLIC RECORDS OF LEE COUNTY FLORIDA.

THE ABOVE DESCRIBED METES AND BOUNDS DESCRIPTION FOR TRACT 92, WAS PREPARED AT THE REQUEST OF THE CLIENT AND IS BASED UPON RIGHT OF WAY MAPS FOR THREE OAKS PARKWAY, PREPARED BY JOHNSON ENGINEERING, PROJECT NUMBER 20013033, SHEET 19.

PROPOSED STI LEASE AREA

DESCRIPTION

A PARCEL OF LAND LOCATED IN TRACT 92 OF SAN CARLOS ESTATES, LEE COUNTY, FLORIDA
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF TRACT 92 OF SAN CARLOS ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED IN OFFICIAL RECORDS BOOK 557 AT PAGES 354 AND 355 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N01°34'01"W, ALONG THE EAST LINE OF SAID TRACT 92 (ALSO THE WEST RIGHT OF WAY LINE OF INTERSTATE 75), A DISTANCE OF 26.17 FEET TO THE POINT OF BEGINNING; THENCE N90°00'00"W, A DISTANCE OF 16.82 FEET; THENCE N36°17'36"W, A DISTANCE OF 32.08 FEET; THENCE N54°52'44"W, A DISTANCE OF 10.71 FEET; THENCE N43°40'48"W, A DISTANCE OF 23.41 FEET; THENCE N32°26'20"W, A DISTANCE OF 102.67 FEET; THENCE S90°00'00"W, A DISTANCE OF 112.10 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 92; THENCE S01°34'01"E ALONG SAID EAST LINE OF TRACT 92, A DISTANCE OF 135.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 9243.4 SQUARE FEET, MORE OR LESS.

Applicant's Legal Checked
by Jan 8/21/03

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