

CITY OF BONITA SPRINGS  
ZONING RESOLUTION NO. 21 - 06

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A SPECIAL EXCEPTION REQUEST FOR OUTDOOR CONSUMPTION ON PREMISES, ASSOCIATED WITH A RESTAURANT, GROUP III USE AT 27940 CROWN LAKE BLVD., BONITA SPRINGS, FL, 34135; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Applicant, WF PP Realty, LLC, requests 900 square feet of outdoor consumption on premises in association with a Group III Restaurant; and

**WHEREAS**, the subject property is located at 27940 Crown Lake Blvd., Bonita Springs, FL, 34135; and

**WHEREAS**, LDC Section 4-1023 requires a special exception for outdoor consumption on premises within 500 feet of a child day care center, measured from any public entrance or exit of the establishment in a straight line to the nearest property line of the child day care center; and

**WHEREAS**, two child day care centers are located within 500 feet of the proposed location of outdoor consumption on premises, 27970 Crown Lake Blvd., and 8951 Bonita Beach Road; and

**WHEREAS**, a Public Hearing was advertised and heard on August 17, 2021, by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case COP21-79002-BOS who recommended unanimous approval after giving full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all parties; and

**WHEREAS**, City Council at their September 14, 2021, meeting considered the record of the Zoning Board on Case COP21-79002-BOS, and gave full consideration of the Staff Recommendation, the evidence and testimony.

**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 a special exception with the following conditions:

Conditions:

1. This 4-COP approval is for outdoor consumption on premises in the seating area shown on the site plan, limited to 900 square feet maximum (Exhibit A).
2. The outdoor area shall be fenced to separate parking lot traffic and seated patrons.
3. The permitted hours of operation are limited to those of the restaurant.
4. Any expansion beyond what is shown on the site plan may require additional approvals and/or infrastructure upgrades, including (but not limited to) additional restroom facilities, parking and additional site improvements.
5. There shall be no live entertainment in the outdoor area.
6. The sale and service of alcoholic beverages will be in conjunction with the Restaurant, Group III use. A request for outdoor consumption for any other use requires separate approvals.
7. The kitchen shall stay open during all hours of operation.
8. The Applicant will coordinate with Bonita Springs Utilities (BSU) regarding any grease retention infrastructure that may be required, prior to the City issuing a COP permit. If no grease retention infrastructure is required, the Applicant will provide a letter to the City from BSU stating such, as part of the COP permit signoff process.
9. The Bonita Springs Noise Control Ordinance remains in full force and effect.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of a special exception, Staff makes the following findings and conclusions, as conditioned:

1. The requested special exception, as conditioned:
  - a. meets or exceeds all *applicable* 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's Comprehensive Plan;
- c. is compatible with existing or planned uses in the surrounding area;
- d. will not cause damage, hazard, nuisance or other detriment to persons or property;
- e. will not have an adverse effect on surrounding properties;
- f. will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in the City's Land Development Code.

**SECTION TWO: INCORPORATION OF RECORD**

City Council of Bonita Springs hereby adopts and incorporates into this resolution the record hearing attachments and exhibits considered as part of the application as follows:

**ATTACHMENTS:**

- A. Legal Description of the Subject Property

**EXHIBITS:**

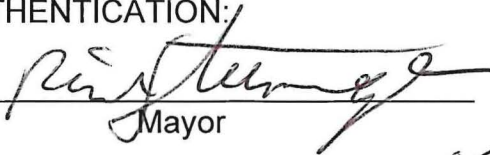

- A. Proposed Site Plan

**SECTION THREE: 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 14th day of September, 2021.

AUTHENTICATION:



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

APPROVED AS TO FORM:


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

Vote:

Carr	Aye	Corrie	Aye
Purdon	Aye	Quaremba	Aye
Forbes	Aye	Steinmeyer	Aye
Gibson	Aye		

Date filed with City Clerk: 9/15/2021

**ATTACHMENT A**

**EXHIBIT II-A-1  
LEGAL DESCRIPTION**

Lot 9, Arroyal Mall, according to the plat thereof recorded in Plat Book 55, Page 43 of the public records of Lee County, Florida.

**EXHIBIT A**

NOTE: LANDSCAPING & PEDESTRIAN IMPROVEMENTS TO BE DETERMINED AT TIME OF LOCAL D.O

▲ PROPOSED OUTDOOR SEATING AREAS:  
 OUTDOOR PATIO 1 = 900 SF  
 TOTAL SF = 900 SF

**FLOOD ZONE:**

AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 12071C 0658 F, DATED AUGUST 28, 2008, THE SUBJECT PROPERTY LIES IN ZONE "SHADED X", BY SCALE LOCATION ONLY.

**LAND AREA:**

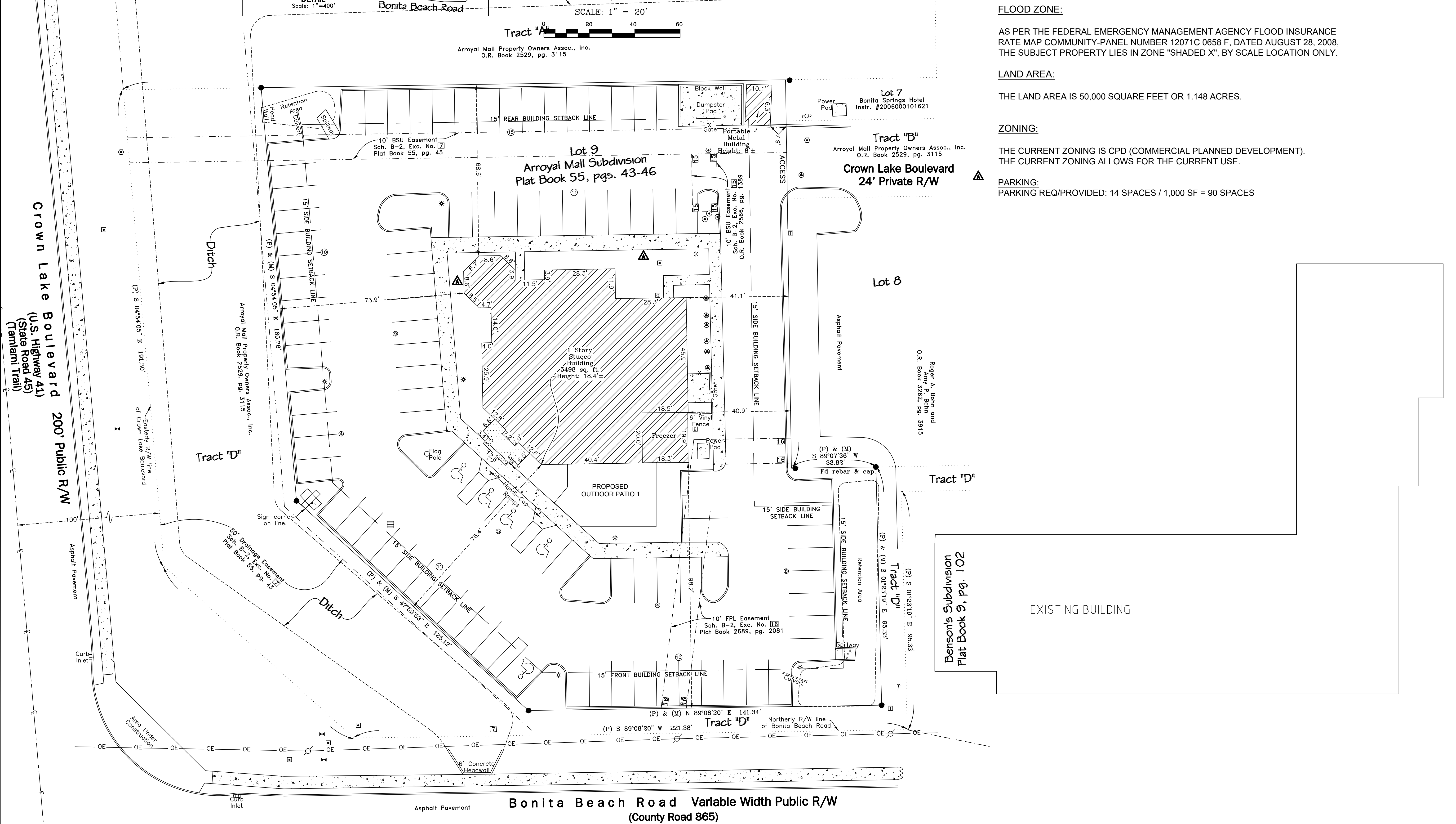
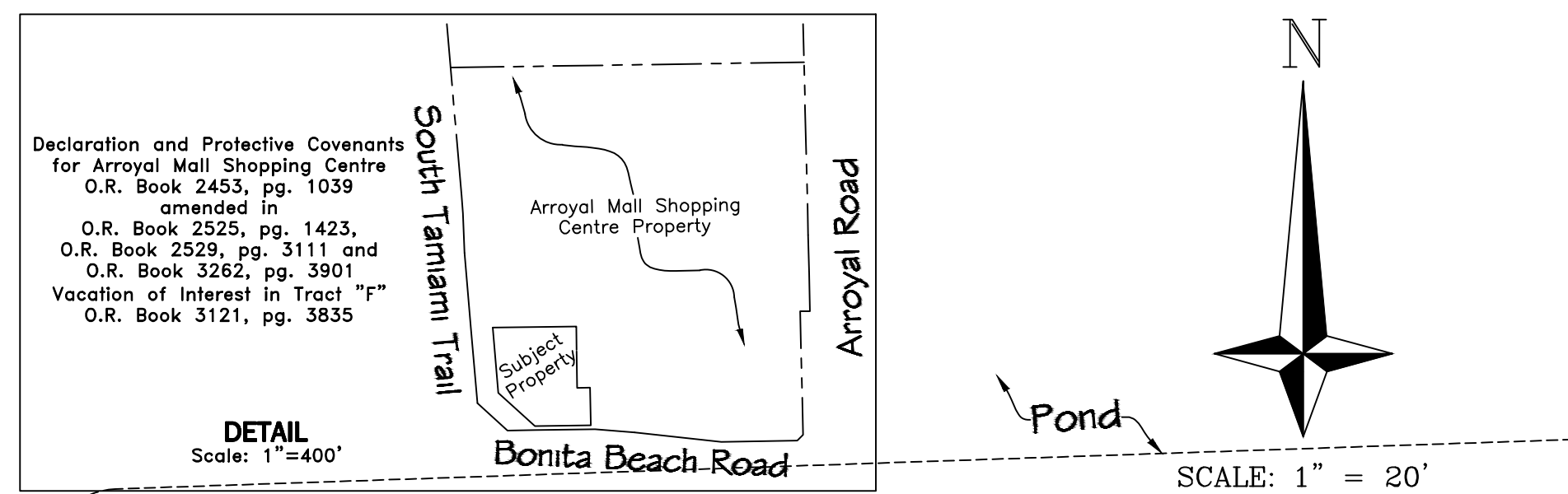
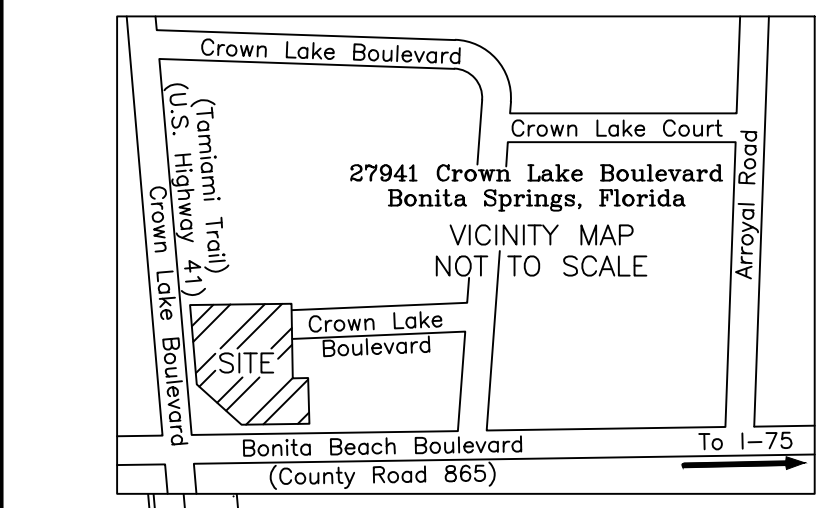
THE LAND AREA IS 50,000 SQUARE FEET OR 1.148 ACRES.

**ZONING:**

THE CURRENT ZONING IS CPD (COMMERCIAL PLANNED DEVELOPMENT). THE CURRENT ZONING ALLOWS FOR THE CURRENT USE.

**PARKING:**

PARKING REQ/PROVIDED: 14 SPACES / 1,000 SF = 90 SPACES



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▲	REVISED PER 1ST INSUFFICIENCY COMMENTS	06/01/21
LETTER	REVISIONS	DATE

**ARROYAL MALL CPD - LOT 9**

DESIGNED BY	PNM	DATE	5-2019
DRAWN BY	CK	DATE	5-2019
CHECKED BY	JC	DATE	5-2019
VERTICAL SCALE		HORIZONTAL SCALE	1"=20'



950 Encore Way  
 Naples, FL. 34110  
 Phone: (239) 254-2000  
 Florida Certificate of  
 Authorization No.1772

**SPECIAL EXCEPTION  
 EXHIBIT IV-F**

THESE DRAWINGS ARE NOT APPROVED FOR CONSTRUCTION UNLESS SIGNED BELOW:	REFERENCE NO.	DRAWING NO.
	-	2021013
DATE	PROJECT NO.	SHEET NO.
	2021013	1 OF 1