

CITY OF BONITA SPRINGS
ZONING RESOLUTION NO. 18 - 04

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A SPECIAL EXCEPTION REQUEST BY JAMES M. INK, P.E.; INKWERKS COASTAL DESIGN, REPRESENTING BACKWATER JACK'S AT BONITA BAY MARINA, TO EXPAND THE OUTDOOR CONSUMPTION ON PREMISES TO A PROPOSED 360 SQUARE FOOT (SF) DECK AREA, ANCILLARY TO A GROUP III RESTAURANT, PURSUANT TO LDC 4-1023(A)(2); LOCATED AT 27598 MARINA POINTE DRIVE, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, James M. Ink, P.E., Inkwerks Coastal Design, representing Backwater Jack's at Bonita Bay Marina, has filed an application for special exception to expand the outdoor consumption on premises to a proposed 360 square foot (sf) deck area, ancillary to a Group III Restaurant, pursuant to LDC 4-1023(a)(2).

WHEREAS, the subject property is located at 27598 Marina Pointe Drive, Bonita Springs, Florida, and is described more particularly as:

See Exhibit "A"

WHEREAS, a Public Hearing was advertised and heard on February 13, 2018 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case COP17-42357-BOS, who gave full consideration to the evidence available and recommended approval (5-0, with Incerpi and Donnelly 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 Staff Report prepared by Community Development and submitted on February 6, 2018, 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 request to expand the outdoor consumption on premises to a proposed 360 square foot (sf) deck area, ancillary to a Group III Restaurant, pursuant to LDC 4-1023(a)(2), to the following conditions:

A. Conditions:

1. The 360 square foot outdoor seating addition shall be located in compliance with the attached site plan, submitted by Inkwerks Coastal

Design. Attachment A is the overall site plan. Attachment B identifies the proposed outdoor dining location.

2. The hours of operation are as follows:

Monday: Closed

Tuesday – Thursday: 3pm – 10pm

Friday – Sunday: 10am – 10pm

3. A revised Final Plan Approval (FPA) application shall be submitted to Community Development which reflects the change in square-footage for the deck area/
4. Any modification to the site plan will require additional approvals.
5. Use of the 360 square foot outdoor seating addition shall comply with the requirements of the City of Bonita Springs Noise Control Ordinance.

B. FINDINGS AND CONCLUSIONS

Based upon an analysis of the application and standards for approval of a special exception, Bonita Springs City Council 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 existing or planned uses in the surrounding area;
and
 - 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 not have an adverse effect on surrounding properties; and
 - f) will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in the City's Lan 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 19th day of March, 2018.

AUTHENTICATION:

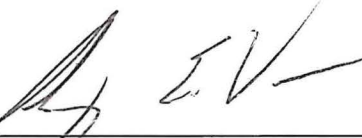


Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

DeWitt	Aye	Quaremba	Aye
Forbes	Aye	Simmons	Aye
Gibson	Aye	Slachta	Absent
O'Flinn	Aye		

Date filed with City Clerk:

3/21/18

EXHIBIT A

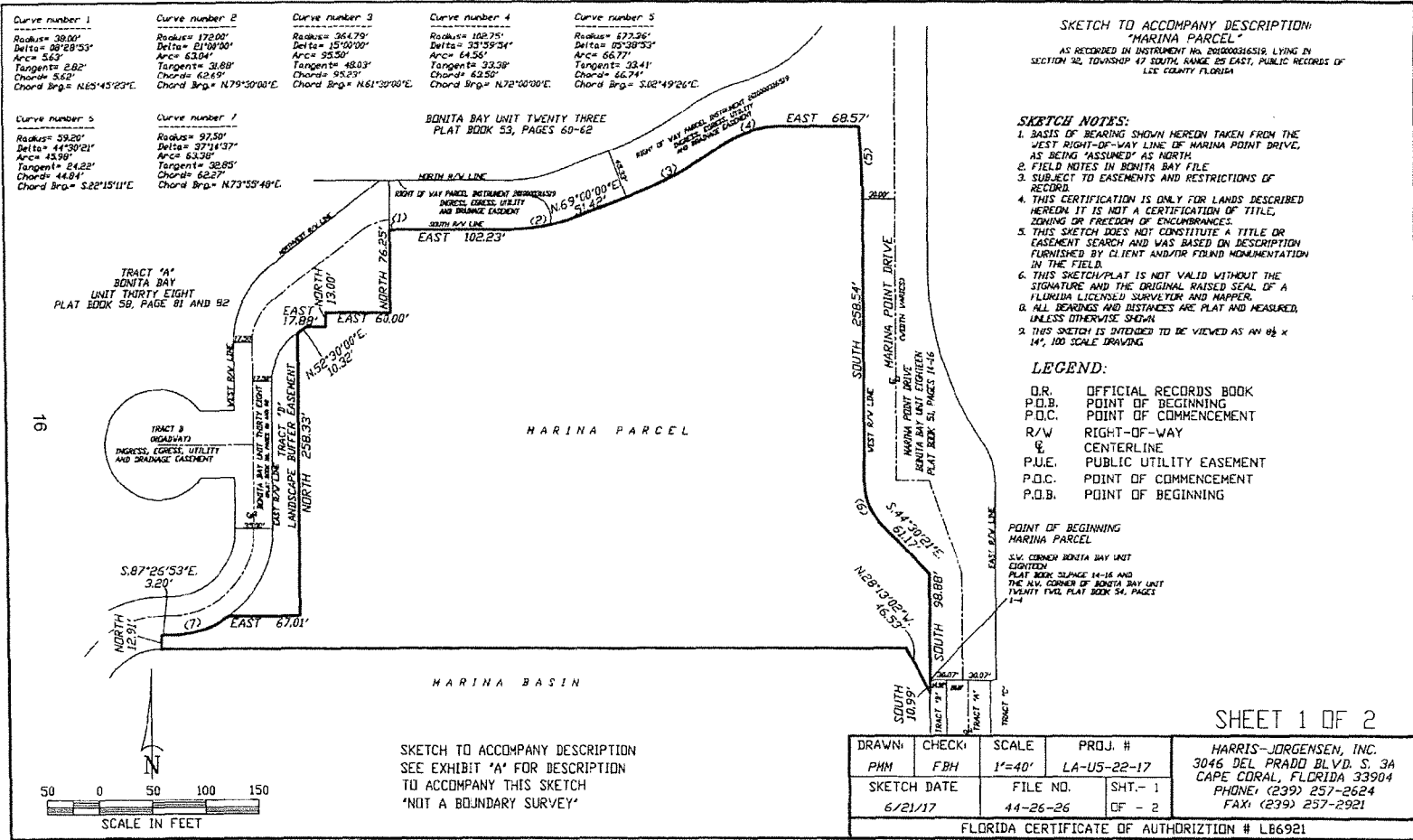


Exhibit A - Legal Description

SHEET 1 OF 2

EXHIBIT A

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH:

"MARINA PARCEL"

AS RECORDED IN INSTRUMENT No. 2010000316519, LYING IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 25 EAST, PUBLIC RECORDS OF LEE COUNTY FLORIDA

DESCRIPTION AS PROVIDED: INSTRUMENT No. 2010000316519

ALL THAT PART OF SECTION 32 TOWNSHIP 47 SOUTH RANGE 25 EAST LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHWEST CORNER OF BONITA BAY UNIT EIGHTEEN AS RECORDED IN PLAT BOOK 51 PAGES 14 THROUGH 16 AND THE NORTHWEST CORNER OF BONITA BAY UNIT TWENTY TWO ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 54, PAGES 1 THROUGH 4 PUBLIC RECORDS OF LEE COUNTY FLORIDA. THENCE ALONG THE BOUNDARY OF SAID BONITA BAY UNIT TWENTY TWO SOUTH 00°00'00" EAST 10.99 FEET. THENCE LEAVING SAID BOUNDARY LINE NORTH 28°13'02" WEST 46.53 FEET THENCE SOUTH 90°00'00" WEST 687.44 FEET TO A POINT ON THE BOUNDARY OF BONITA BAY UNIT THIRTY EIGHT ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 58 PAGES 81 AND 82 PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE ALONG THE BOUNDARY OF SAID BONITA BAY UNIT THIRTY EIGHT IN THE FOLLOWING TEN DESCRIBED COURSES

- 1) NORTH 00°00'00" WEST 12.91 FEET
2) SOUTH 87°26'53" EAST 3.20 FEET
3) NORTHEASTERLY 63.38 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 97.50 FEET THROUGH A CENTRAL ANGLE OF 37°14'37" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 73°55'48" EAST 62.27 FEET TO A POINT ON SAID CURVE
4) THENCE LEAVING SAID CURVE NORTH 90°00'00" EAST 67.01 FEET
5) NORTH 00°00'00" WEST 258.33 FEET
6) NORTH 52°30'00" EAST 10.32 FEET
7) NORTH 90°00'00" EAST 17.88 FEET
8) NORTH 00°00'00" WEST 13.00 FEET
9) NORTH 90°00'00" EAST 60.00 FEET
10) NORTH 00°00'00" WEST 76.25 FEET TO A POINT ON SAID LINE
THENCE LEAVING SAID LINE AND SAID BOUNDARY EASTERLY 5.63 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 38.00 FEET THROUGH A CENTRAL ANGLE OF 08°29'13" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 85°45'23" EAST 5.62 FEET THENCE NORTH 90°00'00" EAST 102.23 FEET; THENCE NORTHEASTERLY 63.04 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 172.00 FEET THROUGH A CENTRAL ANGLE OF 21°00'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 79°30'30" EAST 62.69 FEET THENCE NORTH 60°00'00" EAST 51.42 FEET THENCE NORTHEASTERLY 95.50 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 364.79 FEET THROUGH A CENTRAL ANGLE OF 15°00'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 61°30'30" EAST 95.23 FEET TO A POINT OF REVERSE CURVATURE THENCE NORTHEASTERLY 64.56 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 102.75 FEET THROUGH A CENTRAL ANGLE OF 36°00'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 72°00'00" EAST 63.50 FEET; THENCE NORTH 90°00'00" EAST 68.57 FEET TO A POINT ON THE BOUNDARY OF SAID BONITA BAY UNIT EIGHTEEN; THENCE ALONG THE BOUNDARY OF SAID BONITA BAY UNIT EIGHTEEN IN THE FOLLOWING FIVE DESCRIBED COURSES

- 1) SOUTHERLY 67.37 FEET ALONG THE ARC OF A NON TANGENTIAL CIRCULAR CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 677.36 FEET THROUGH A CENTRAL ANGLE OF 05°41'54" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 02°50'57" EAST 67.34 FEET
2) SOUTH 00°00'00" EAST 258.54 FEET
3) SOUTHEASTERLY 45.99 FEET ALONG THE ARC OF A TANGENTIAL CIRCULAR CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 59.20 FEET THROUGH A CENTRAL ANGLE OF 44°30'21" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 22°15'11" EAST 44.84 FEET
4) SOUTH 44°30'21" EAST 61.17 FEET
5) SOUTH 00°00'00" EAST 98.99 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.
SUBJECT TO EASEMENT AND RESTRICTIONS OF RECORD
BEARINGS ARE BASED ON THE EAST LINE OF SAID BONITA BAY UNIT THIRTY EIGHT BEING NORTH 00°00'00" WEST CONTAINING 5.05 ACRES MORE OR LESS

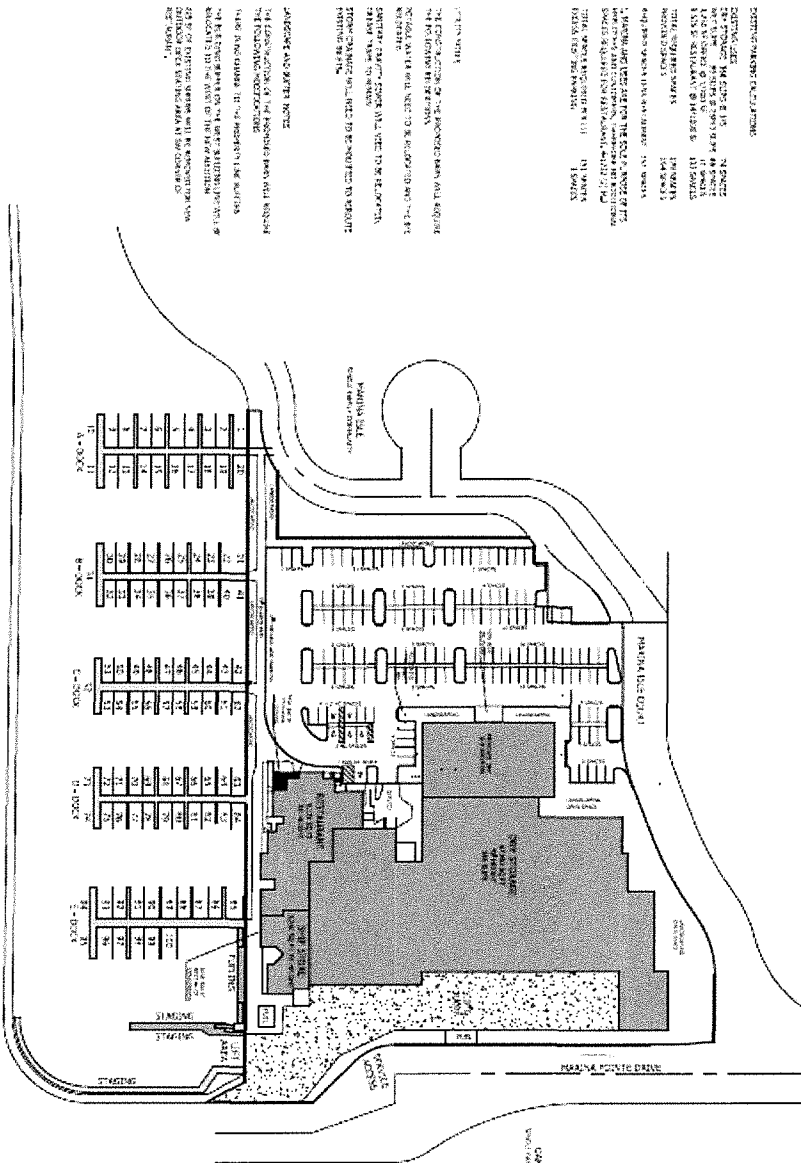
Phillip M Mould
PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
#6515 - STATE OF FLORIDA
7/19/2017

SHEET 2 OF 2

HARRIS-JORGENSEN, INC.
3046 DEL PRADO BLVD, S. 3A
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

Attachment A – Proposed Site Plan

ATTACHMENT A



GENERAL NOTES:

1. THE PROPOSED MARINA BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS AND THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS.
2. THE PROPOSED MARINA BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS AND THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS.
3. THE PROPOSED MARINA BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS AND THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS.
4. THE PROPOSED MARINA BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS AND THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS.

CONSTRUCTION:

- THE PROPOSED MARINA BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS AND THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS.
- THE PROPOSED MARINA BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS AND THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS.

GENERAL AND OTHER NOTES:

- THE PROPOSED MARINA BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS AND THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS.
- THE PROPOSED MARINA BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS AND THE CITY OF BONITA BAY MARINA DEVELOPMENT REGULATIONS.

BONITA BAY MARINA EXPANSION - PROPOSED SITE PLAN

works

ARCHITECTURAL

1234 Main Street, Bonita Bay, FL 32609

Phone: (904) 555-1234

Fax: (904) 555-5678

www.works.com

PROPOSED SITE PLAN

Bonita Bay Marina

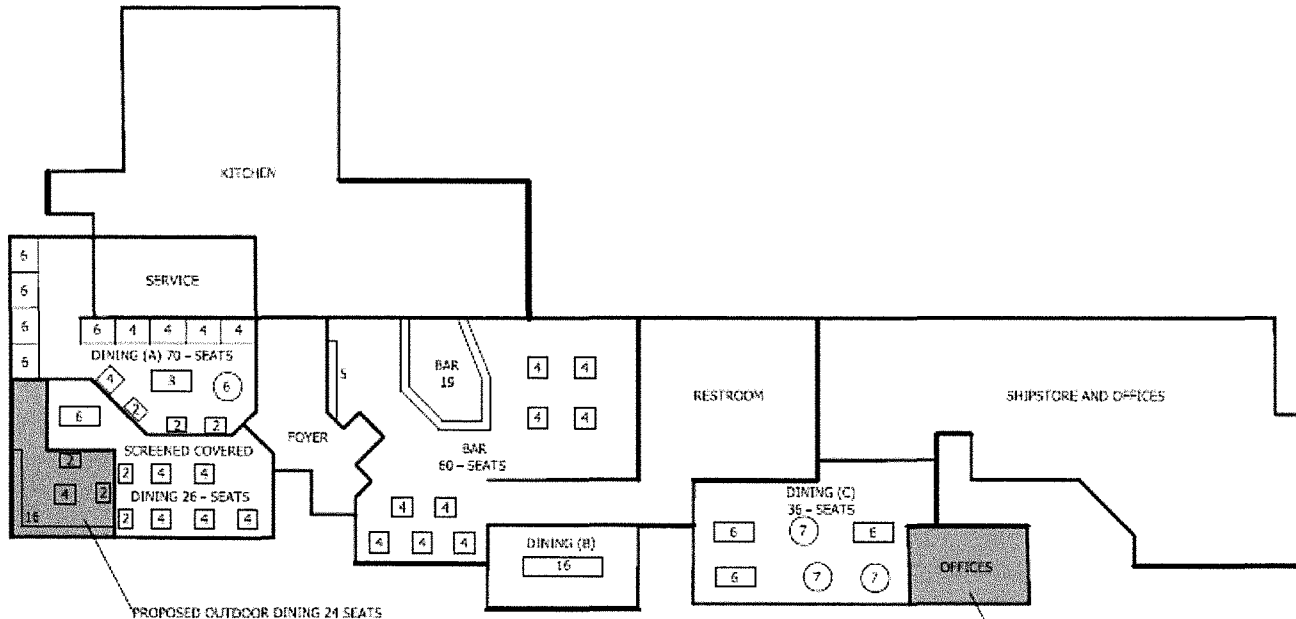
Bonita Bay Harbor, LLC

1234 Main Street, Bonita Bay, FL 32609

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	01/15/2024
2	REVISED PER CITY COMMENTS	02/01/2024

DATE	01/15/2024
SCALE	AS SHOWN
PROJECT	BONITA BAY MARINA EXPANSION
SHEET NO.	2

ATTACHMENT B



PROPOSED OUTDOOR DINING 24 SEATS

TOTAL EXISTING SEATS - 232

PROPOSED WORK IS TO TRANSFER 24 SEATS FROM DINING AREA (C) TO NEW OUTDOOR DECK

TOTAL PROPOSED SEATS - 232 - NO NET CHANGE

NEW OFFICE SPACE
REMOVE DINING 24 SEATS

NOT TO SCALE



2655 West First Street
Fort Myers, Florida 33901
Tel: (239) 334-2450
Fax: (239) 334-0278
Email: James@inkwerks.net

BACKWATER JACKS RESTAURANT SEATING LAYOUT

JOB #: 117061

BONITA BAY MARINA

DATE: 02.2018

27595 MARINA POINTE DR, BONITA SPRINGS, FL

SHEET: 1