

CITY OF BONITA SPRINGS, FLORIDA
ZONING RESOLUTION NO. 14-02

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY RLR INVESTMENTS LLC FOR A SPECIAL EXCEPTION TO ALLOW CONSUMPTION ON PREMISES AND LIVE ENTERTAINMENT (4-COP ALCOHOLIC BEVERAGE LICENSE) IN CONJUNCTION WITH OUTDOOR SEATING FOR THE BONITA BAY PROMENADE SHOPPING CENTER, ON LAND LOCATED AT 26795-26851 SOUTH BAY DRIVE, BONITA SPRINGS, FLORIDA 34134, ON 8.6 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, RLR Investments LLC has filed an application for a Special Exception to allow in accordance with LDC 4-1264 et seq. and the Bonita Bay PUD for a 4-COP Alcoholic Beverage License with live entertainment in conjunction with outdoor seating for the Bonita Bay Promenade Shopping Center.

WHEREAS, the subject property is located at 26795-26851 South Bay Drive, Bonita Springs, Florida, and is described more particularly as:

“See Exhibits”

WHEREAS, a Public Hearing was advertised and heard on March 18, 2014 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals (“Zoning Board”) on Case COP14-11320-BOS who gave full consideration to the evidence available and recommended approval (4-0 with Frank Liles, Roger Brunswick and Richard 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 March 5, 2014 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 consumption on premises with live entertainment in accordance with LDC Section 4-1264 et seq. and the Bonita Bay PUD for a 4-COP Alcoholic Beverage License with live entertainment in conjunction with outdoor seating for the Bonita Bay Promenade with the following conditions:.

A. Conditions

1. The approval is limited to a 4-COP or lesser Alcoholic Beverage License for the outdoor seating areas as depicted on the proposed Site Plan (“Attachment A”) stamped received on February 27, 2014.

- a. Outdoor Consumption for an Outdoor Bar or Restaurant (Unit 128)

- b. Outdoor Consumption for Restaurants (Units 114, 115, 100, 140, 148, and 159)
2. The sale of alcoholic beverages outdoors may only occur between the hours of 10:00 am – 12:00 midnight on Sundays and 10:00 am – 1:00 am on Monday through Saturday.
3. Outdoor seating is limited to the capacity set by the Bonita Springs Fire Control and Rescue District Fire Marshal.
4. All alcohol must be sold through authorized service staff.
5. Live outdoor entertainment may only occur between the hours of 10:00 am - 11:00 pm daily in accordance with the City's Noise Control Ordinance No. 06-04, as subsequently amended, with the following condition:
 - (i) Sixty (60) dBA during the hours of between 10:00 a.m. to 10:00 p.m. from the emanating (not receiving) property line closest to the noise source; and
 - (ii) Fifty-five (55) dBA during the hours between 10:00 p.m. to 10:00 a.m. the following day from the emanating (not receiving) property line closest to the noise source.
6. The applicant must provide adequate security for any non-restaurant outdoor consumption on premises use, including obtaining special event permits when applicable.
7. Activities outside of this request and beyond what was approved must receive appropriate permits or approvals.

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 for the requested special exception, as conditioned:


- a) meets or exceeds all 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 of Bonita Springs Comprehensive Plan.
- 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 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 AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 26th day of March, 2014.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Nelson	Aye	Simmons	Aye
McIntosh	Aye	Gibson	Aye
Martin	Aye	Lonkart	Aye
Slachta	Aye		

Date filed with City Clerk:

3-28-14

COP14-11320-BOS

Exhibit A

Parcel I:

LEGAL DESCRIPTION OF Part of "BONITA BAY COMMONS", (Plat Book 60 at Page 50 & 51) also being a part of Section 28, Township 47 South, Range 25 East, Lee County, Florida.

All of Tract "C" of "Bonita Bay Commons" according to the plat thereof as recorded in Plat Bok 60, pages 50 and 51, Public records of Lee County, Florida.

Parcel II:

LEGAL DESCRIPTION OF part of "BONITA BAY COMMONS REPLAT", (Plat Book 66 at page 23 & 24 also being a part of Section 28, Township 47 South, Range 25 East, Lee County, Florida.

All of Tract "D" of "Bonita Bay Commons Replat" according to the plat thereof as recorded in Plat Book 66, Pages 23 and 24, Public records of Lee County, Florida.

Together with that certain Parking Easement Agreement by and between Promenade at Bonita Bay, Inc. and Promenade Lakeside, Inc. as recorded in OR Book 3845, Page 4117 of the Public Records of Lee County, Florida.

Street Address: 26795-851 South Bay Drive, Bonita Springs, FL 34134

STRAP: 28-47-25-B3-0320D.0010

Attachment A

Promenade At Bonita Bay
26795-26851 South Bay Drive

