

CITY OF BONITA SPRINGS, FLORIDA
ZONING RESOLUTION NO. 14-04

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA: CONSIDERING A SPECIAL EXCEPTION REQUEST BY THE PELICAN LANDING COMMUNITY ASSOCIATION FOR A CONSUMPTION ON PREMISES FOR A 4-COP ALCOHOLIC BEVERAGE LICENSE WITH OUTDOOR SEATING AT ITS OFF-SITE RECREATIONAL FACILITY ON LAND LOCATED AT 10 BIG HICKORY ISLAND, BONITA SPRINGS, FLORIDA ON 33.18 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Thomas Hart, Esquire, on behalf of Pelican Landing Community Association, has filed an application to allow consumption on premises in accordance with LDC Section 4-1261 et seq. for a 4-COP Alcoholic Beverage License in conjunction with outdoor seating for a Group II Restaurant with musical entertainment at a private, off-site recreational facility within the AG-2 district, and

WHEREAS, the subject property is located at 10 Big Hickory Island, Bonita Springs, and is described more particularly as:

“See Exhibits”

WHEREAS, a Public Hearing was advertised and heard on July 22, 2014 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals (“Zoning Board”) on Case No. COP14-13473-B0S who gave full consideration to the evidence available and recommended approval (5-0, with Brunswick leaving the meeting prior to conclusion); 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 July 7, 2014 Staff report prepared by Community Department 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 an application to allow consumption on premises for a 4-COP Alcoholic Beverage License in conjunction with outdoor seating for a Group II Restaurant with musical entertainment at a Private, Off-site Recreational facility within the AG-2 district with the following conditions:

A. Conditions:

1. The approval is limited to a 4-COP or lesser Alcoholic Beverage License for the pavilion and outdoor deck areas, as depicted on the Site Plan (“Attachment A”) stamped received on May 30, 2014.

2. The sale of alcoholic beverages may only occur between 11:00AM to dusk and must be sold through authorized service staff within the licensed area. Any alcohol served after dusk is permitted by private party only and is subject to licensure by the caterer or entity obtaining the separate license.
3. The applicant must post signage indicating no alcoholic beverages beyond the pavilion's deck areas. Consumption of alcohol on the beach is prohibited.
4. All food, beverage, and supplies, must be brought to the licensed area and removed daily. Straws are prohibited.
5. All solid waste from the food service and beverage consumption must be removed from the licensed area by the applicant daily.
6. This approval does not eliminate any other permits for food and beverage service, as required by the City or any other agency. This may include any additional health, environmental or sanitation permits necessary for the facility as a result of food and beverage service.
7. Outside entertainment will not exceed the noise ordinance, as amended, unless the applicant has obtained a special event permit. Amplified music is prohibited from March 1 through October 30 due to potential disturbance to sea turtles and shore bird roosting and nesting.
8. This Special Exception is limited to the Pelican Landing Community Association and its partnership with the Hyatt Regency Coconut Point. Any change in ownership or operational entity will require a new Special Exception for consumption on premises and any live and/or amplified music.
9. Violation of these conditions could result in revocation of this approval in accordance with LDC 4-1261.

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) 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.

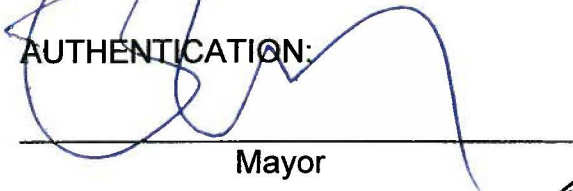
- c) is compatible with existing or planned uses in the surrounding area; and
- d) will not cause damage, hazard, nuisance or other detriment to persons or property; and
- e) will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in the Land 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 6th day of August, 2014.

AUTHENTICATION:

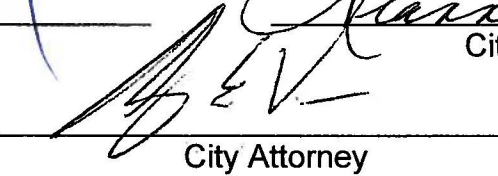


 Mayor



 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: _____

8-7-14

Attachment A

COP14-13473-BOS

