

CITY OF BONITA SPRINGS
ZONING RESOLUTION NO. Z12-02

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A SPECIAL EXCEPTION REQUEST BY COASTAL LANDSCAPE SUPPLY OF BONITA, LLC, FOR A HORTICULTURAL WASTE TRANSFER SITE IN THE LIGHT INDUSTRIAL (IL) DISTRICT; ON LAND LOCATED AT 24226 AND 24242 PRODUCTION CIRCLE, BONITA SPRINGS, FLORIDA, ON 4.65 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Coastal Landscape Supply of Bonita, LLC has filed an application for a special exception in the light industrial (IL) district for an essential service facilities Group II use for an ancillary horticultural waste transfer site; and

WHEREAS, the subject property is located at 24226 and 24242 Production Circle, Bonita Springs, Florida, and is described more particularly as:

"See Exhibits"

WHEREAS, a Public Hearing was advertised and heard on February 14, 2012 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case 11B0S-SPE00002A who gave full consideration to the evidence available and recommended approval (6-0); 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 January 31, 2012 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 Special Exception for an ancillary horticultural waste transfer site in the Light Industrial (IL) district with the following conditions:

A. Conditions:

1. The development of this project must be consistent with the one page Site Plan entitled "Coastal Landscape Supply of Bonita" for stamped received July 12, 2011 (Attachment A), except as modified by the conditions below. This development must comply with all requirements of the City of Bonita Springs Land Development Code

(LDC) at time of local Development Order Approval. If changes to the Site Plan are subsequently pursued, appropriate approvals may be necessary.

2. The horticultural transfer site is permitted on 24226 Production Circle (Lot 37) only in accordance with the following development standards.

***Horticultural Transfer Development Standards**

Maximum SF	**6,000 SF
Maximum Height	**8' to 12' feet
Setbacks	
Street	250 feet
North	50 feet
West	250 feet
South	240 feet

*Applies to the horticultural transfer use only. All other uses per LDC 4-903 shall comply with the IL Development Standards set forth in LDC 4-904.

**Or as deemed appropriate by the Florida Fire Prevention Code but not to exceed 12' feet.

3. The applicant must connect to Bonita Springs Utilities central water system when the property is within the distance mandating connection in accordance with the comprehensive plan.
4. At time of local development order approval the applicant shall submit a site plan showing low barrier walls that clearly define the pile perimeters, creeping prevention, and show a clear Fire Department access road. FFPC NFPA 1, 31.3.6.3.2.3 and all other requirements of the Florida Fire Prevention Code (NFPA 1 Chap 31) shall be adhered to.
5. Development Services
 - a. Prior to approval of this use the property owner must receive Development Order approval consistent with the requirements set forth in the City Land Development Regulations, Chapter 3. The engineered plans shall include information that clearly defines property boundaries, ingress and egress, utility service, access for emergency equipment and refuse collection.
 - b. The application for development order plans shall address the operation and maintenance of the property including hours of operation, volumes of material stored, material inspection and separation procedures, and maximum storage times.

- c. All vehicular access road within the property shall be stabilized and maintained to permit access by emergency equipment and in such a way to avoid dust and debris from blowing onto adjacent properties.
6. LDC 3-420 & Comprehensive Plan Policy 7.2.11 Invasive Exotic Plants. All category 1 invasive exotic plants listed by the Florida Exotic Pest Plant Council, <http://www.fleppc.org/list/list.htm> as amended, shall be removed from the project area, including conservation, open space and development areas. The site shall be maintained free of exotic plants in perpetuity.
7. Annual submittals from other agencies are required, LDC 3-154. This facility shall maintain the annual Florida Department of Environmental Protection's Registration to Operate a Yard Trash Transfer Station", as long as the yard transfer business is maintained.
8. The property must be properly secured and fenced to prevent any illegal dumping of horticultural debris.
9. The transport of Florida Exotic Pest Plant Council's Category 1 Exotic Plants to and from this facility shall be according to state and federal guidelines.
10. Use of a horticultural chipper or any similar type of machinery to shred debris is prohibited.
11. Controlled burning and composting is prohibited unless approved at a subsequent public hearing as an amendment to the special exception
12. The development must comply with Ordinance 06-04 Noise Control.
13. This development must comply with all of the requirements of the LDC and any associated state permits at the time of the local development order approval.
14. The development must comply with the commercial lighting standards found in LDC Chapter 3.
15. Approval of this special exception does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the City of Bonita Springs Comprehensive Plan provisions.

B. Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of special exception, Bonita Springs City Council makes the following findings and conclusions:

1. The applicant has proven entitlement for the requested special exception by demonstrating compliance with the Bonita Springs Comprehensive Plan; and
2. The proposed request is consistent with Land Development Code Sections 4-735 and 4-791; and
3. The proposed request, as conditioned, will comply with applicable city ordinances and other state regulations.

SECTION TWO: EFFECTIVE DATE

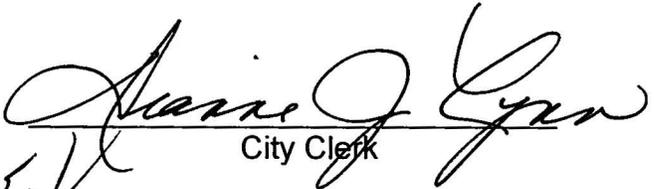
This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 19TH day of March, 2012.

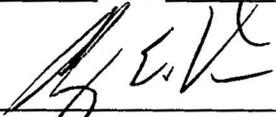
AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM: 

City Attorney

Vote:

Nelson	Absent	Simmons	Aye
McIntosh	Aye	Simons	Aye
Martin	Aye	Lonkart	Aye
Slachta	Aye		

Date filed with City Clerk: 3-20-12

Exhibit A

11805-SPE00002A

Legal Description
Lot 37
Bonita Industrial Park

RECEIVED

JUL 12 2011

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

Situated in the State of Florida, County of Lee, being a part of Section 16, Township 47 South, Range 25 East and further bounded and described as follows:

Starting at the Northwest corner of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the aforesaid Section 16, said point also being the principal place of beginning thence N 88° 57' 10" E along the Northerly line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the aforesaid Section 16 a distance of 250.00 feet; thence S 22° 19' 51" E a distance of 394.45 feet to a point on the Northerly right-of-way line of Production Circle (60.00 feet wide); thence by a curve deflecting to the left a distance of 141.07 feet, said curve having a radius of 90.00 feet and a chord that bears S 44° 50' 30" W a distance of 127.28 feet to a point on the Westerly right-of-way line of Production Circle (60.0 feet wide); thence S 0° 09' 30" E along the aforesaid Westerly right-of-way line a distance of 20.0 feet; thence N 61° 45' 55" W a distance of 420.59 feet to a point on the Westerly line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the aforesaid Section 16; thence N 0° 09' 30" W along the aforesaid Westerly line a distance of 240.0 feet to the Place of Beginning.

HOWELL F. DAVIS & ASSOCIATES, INC.
CONSULTING ENGINEERS & SURVEYORS

ASSOCIATES:
AMES R. KENNEDY, P. E. No. 6500
WILLIAM E. DAVIS, P. E. No. 17206

481-1331 SUITE "F" 9333 MORNING BLVD. FORT MYERS, FLORIDA 33901

RECEIVED
JUL 13 2011

CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT

LEGAL DESCRIPTION
OF
LOT #38
BONITA INDUSTRIAL PARK

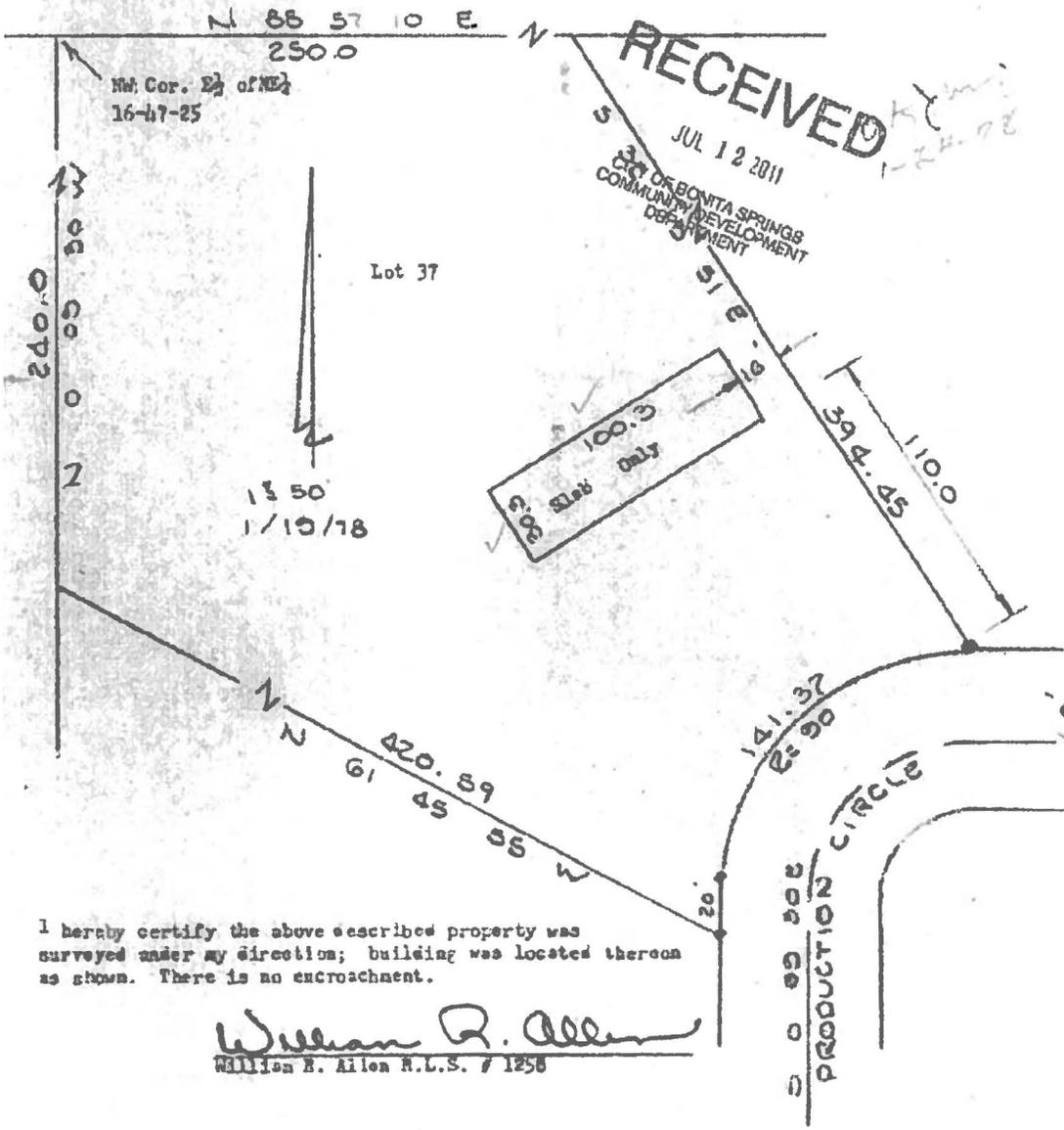
SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF SECTION 16, TOWNSHIP 47 SOUTH, RANGE 25 EAST AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHWEST CORNER OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE AFORESAID SECTION 16; THENCE S 0° 09' 30" E ALONG THE WESTERLY LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 A DISTANCE OF 240.00 FEET TO A POINT AND THE PRINCIPAL PLACE OF BEGINNING; THENCE S 61° 45' 55" E A DISTANCE OF 420.59 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF PRODUCTION CIRCLE (60.00 FEET WIDE); THENCE S 0° 09' 30" E ALONG THE AFORESAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 100.00 FEET; THENCE S 89° 50' 30" W A DISTANCE OF 370.00 FEET TO A POINT ON THE WESTERLY LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE AFORESAID SECTION 16; THENCE N 0° 09' 30" W A DISTANCE OF 300.00 FEET TO THE PLACE OF BEGINNING.

Howell F. Davis
HOWELL F. DAVIS
REG. LAND SURVEYOR



JULY 10, 1974



I hereby certify the above described property was surveyed under my direction; building was located thereon as shown. There is no encroachment.

William R. Allen
William R. Allen R.L.S. # 1258

Coastal
Landscape

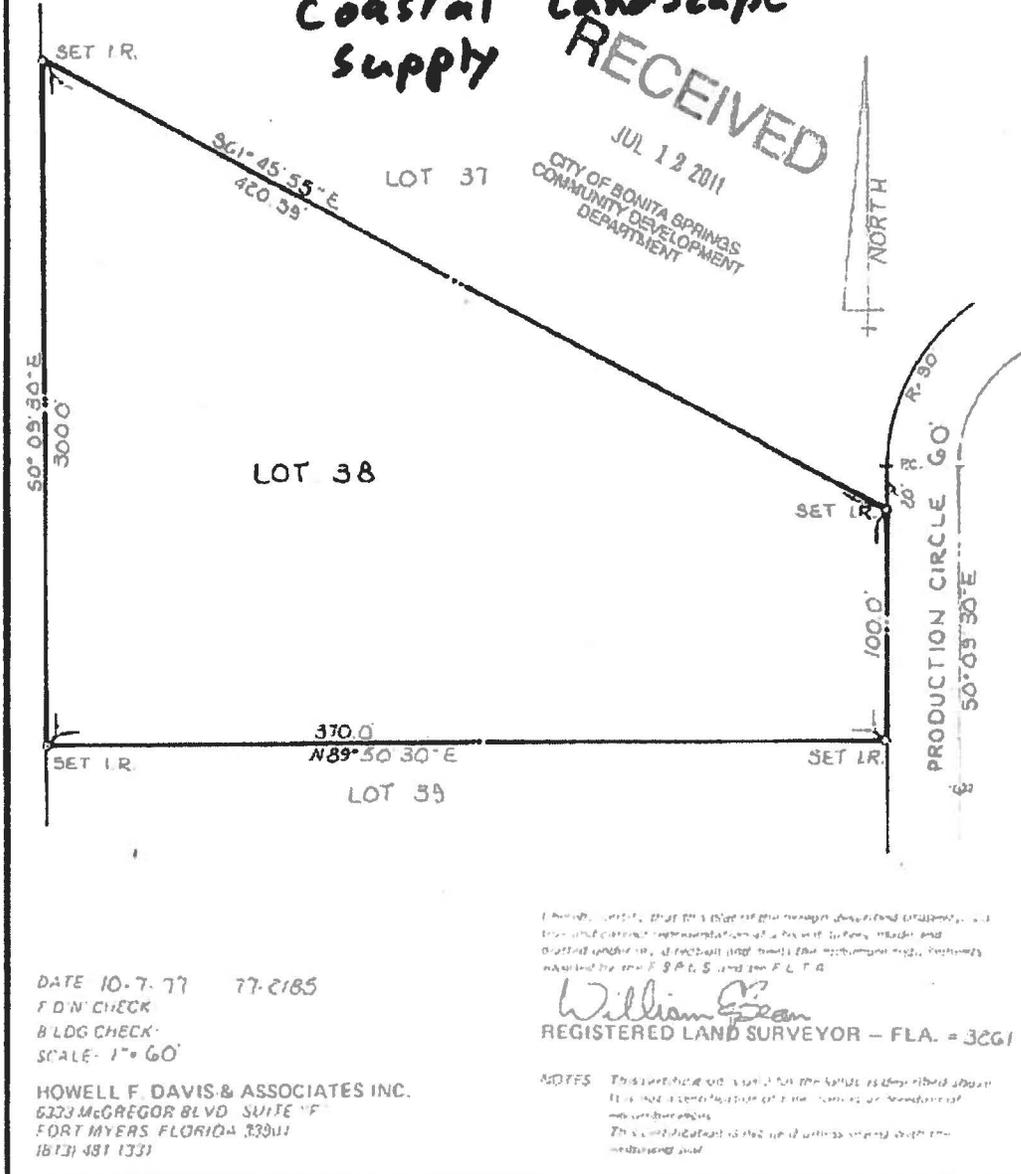
SURVEY PLAT

OF
 LOT 38, BONITA INDUSTRIAL PARK, AN UNRECORDED SUBDIVISION, LYING
 IN SECTION 16, T-47-S, R-25-E, LEE COUNTY, FLORIDA.

**Coastal Landscape
 Supply RECEIVED**

JUL 12 2011

CITY OF BONITA SPRINGS
 COMMUNITY DEVELOPMENT
 DEPARTMENT



DATE 10-7-77 77-2185
 F.D.W. CHECK
 B.L.D.G. CHECK
 SCALE: 1" = 60'

HOWELL F. DAVIS & ASSOCIATES INC.
 6323 MCGREGOR BLVD. SUITE "F"
 FORT MYERS, FLORIDA 33911
 (813) 481 1331

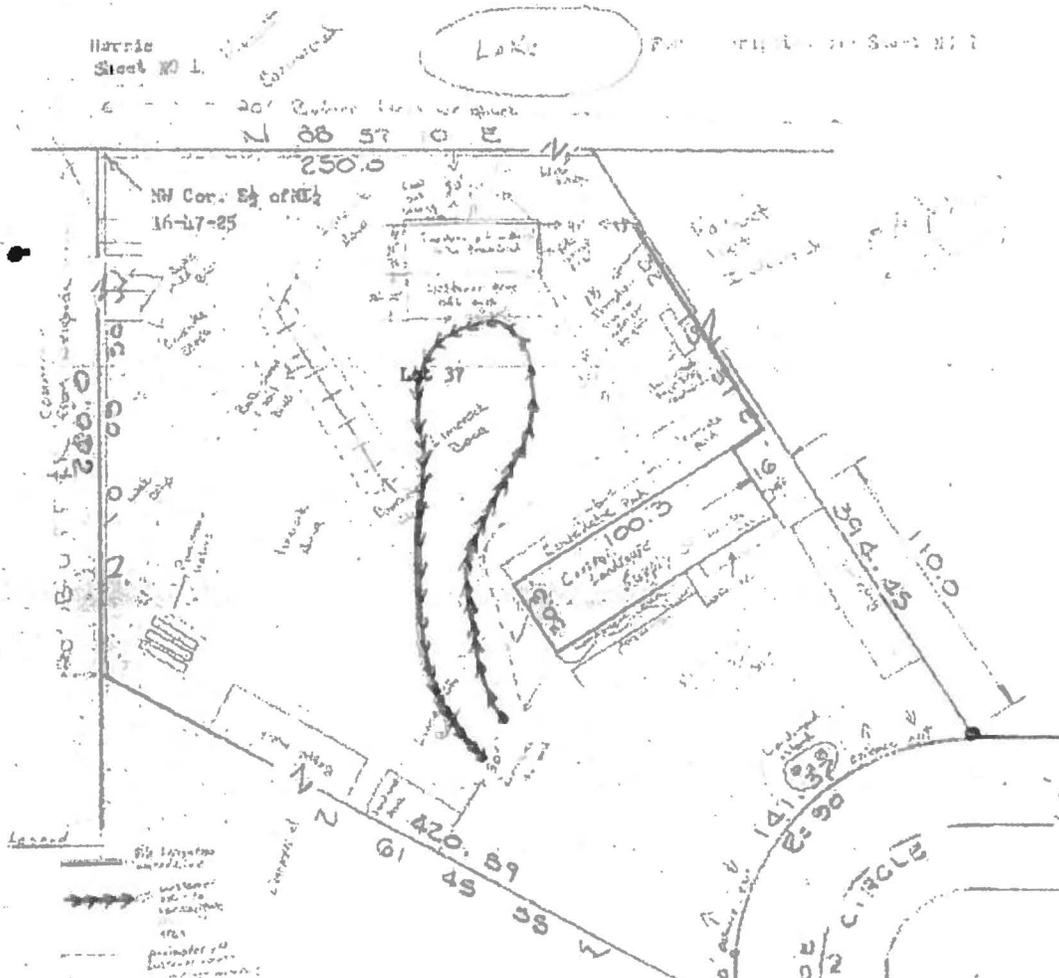
I hereby certify that this plat is the correct and complete representation of a parcel of land, made and drafted under the direction and supervision of the undersigned, and that the same complies with the requirements of the F.S.P.S. and the F.L.T.A.

William Egan
 REGISTERED LAND SURVEYOR - FLA. # 3261

NOTES: This plat is not valid for the lot as described above. It is only a representation of the lot as described on the plat. The actual lot is the lot as shown on the plat and the actual lot is the lot as shown on the plat.

Attachment A

11BOS-SPE00009A



I hereby certify the above described property was surveyed under my direction; building was located thereon as shown. There is no encroachment.

William R. Allen
William R. Allen R.L.S. 7 1258

Coastal Landscape Supply of Bonita

RECEIVED
JUL 12 2011
CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT
DEPARTMENT