

CITY OF BONITA SPRINGS, FLORIDA
ZONING RESOLUTION NO. Z11-04
[Corrected February 1, 2012]

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; TO ALLOW CONSUMPTION ON PREMISES FOR A 4-COP ALCOHOLIC BEVERAGE LICENSE IN CONJUNCTION WITH OUTDOOR SEATING FOR TWO FULL SERVICE RESTAURANTS WITHIN THE BONITA COMMONS (FKA SPRING CREEK) SHOPPING CENTER, BONITA SPRINGS, FLORIDA: ON LAND LOCATED AT 25987 S TAMiami TRAIL, BONITA SPRINGS FLORIDA 34134, ON 19.5+/- ACRES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Bonita Commons (fka Spring Creek) Shopping Center has filed an application for a Special Exception to allow consumption on premises for a 4-COP alcoholic beverage license in conjunction with outdoor seating for two full service restaurants; and

WHEREAS, the subject property is located at 25987 South Tamiami Trail, Bonita Springs, Florida, and is described more particularly as:

"See Exhibits"

WHEREAS, a Public Hearing was advertised and heard on November 15, 2011 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case 11BOS-SPE00004 who gave full consideration to the evidence available and recommended approval (7-0); 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 November 2, 2011 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 approves the special exception City Council approves the Special Exception to allow consumption on premises for a 4-COP alcoholic beverage license in conjunction with outdoor seating for two full service restaurants, with the following conditions:

A. Conditions

1. The approval is limited to a 4-COP Alcoholic Beverage License for the two outdoor seating areas as depicted on the proposed Site Plan ("Attachment A") and Outdoor Seating Detail ("Attachment B") stamped received on September 16, 2011. Any change of use from a full service restaurant, increase in the Alcoholic Beverage License series, or increase in square footage/capacity will require a public hearing for approval.
2. The sale of alcoholic beverages outdoors may only occur between the hours of 11:00 am – 10:00 pm Sunday through Thursday and 11:00 am – 11:00 pm on Friday and Saturday.
3. Outdoor seating is limited to "Attachment B" with the capacity limited by the Bonita Springs Fire Control and Rescue District Fire Marshal.
4. No outdoor bars or service stations are permitted as part of this request. All alcohol must be sold over the counter indoors or through restaurant wait staff.
5. No live outdoor entertainment is permitted. Music for outdoor seating areas must be piped in at a volume not exceeding conversation level and must be in compliance with the Noise Control Ordinance 06-04.
6. Activities requested outside of this request must receive appropriate special event 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:

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

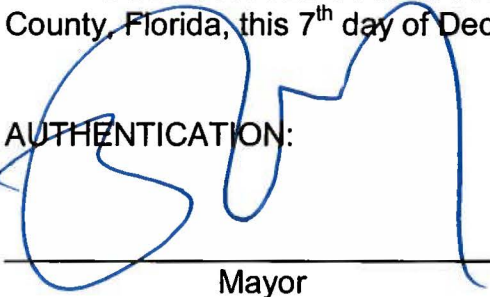
- e) will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in the Land Development Code.

SECTION TWO: EFFECTIVE DATE

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 7th day of December, 2011.

AUTHENTICATION:




Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

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

Date filed with City Clerk:

2-9-12

11BOS-SPE00004

BONITA COMMONS SHOPPING

CENTER

Exhibit II-A-1

Legal Description

Parcel 10, being a part of Section 21, Township 47 South, Range 25 East, Lee County, Florida (ref. Spring Creek East)

All that part of Section 21, Township 47 South, Range 25 East, Lee County, Florida, and being more particularly described as follows:

Beginning at the Southeast corner of said Section 21; thence along the South line of said Section 21, South 88°47'10" West 1210.30 feet to the Easterly right-of-way line of State Road No. 45 (Tamiami Trail); thence along said line in the following three described courses: 1) North 00°06'50" West 1050.07 feet; 2) North 02°58'35" West 100.12 feet; 3) North 00°06'50" West 151.00 feet more or less to the Northerly line of Spring Creek, thence leaving said East right of way line along said Northerly line of Spring Creek, Southeasterly and Easterly 1690 feet more or less to the East line of said Section 21; thence along said Section line South 00°51'39" East 310 feet more or less to the Point of Beginning of the parcel herein described. Bearings are based on the South line of said Section 21 being South 88°47'10" West.

11BOS-SPE00004

BONITA COMMONS SHOPPING CENTER

SPRING CREEK CPD

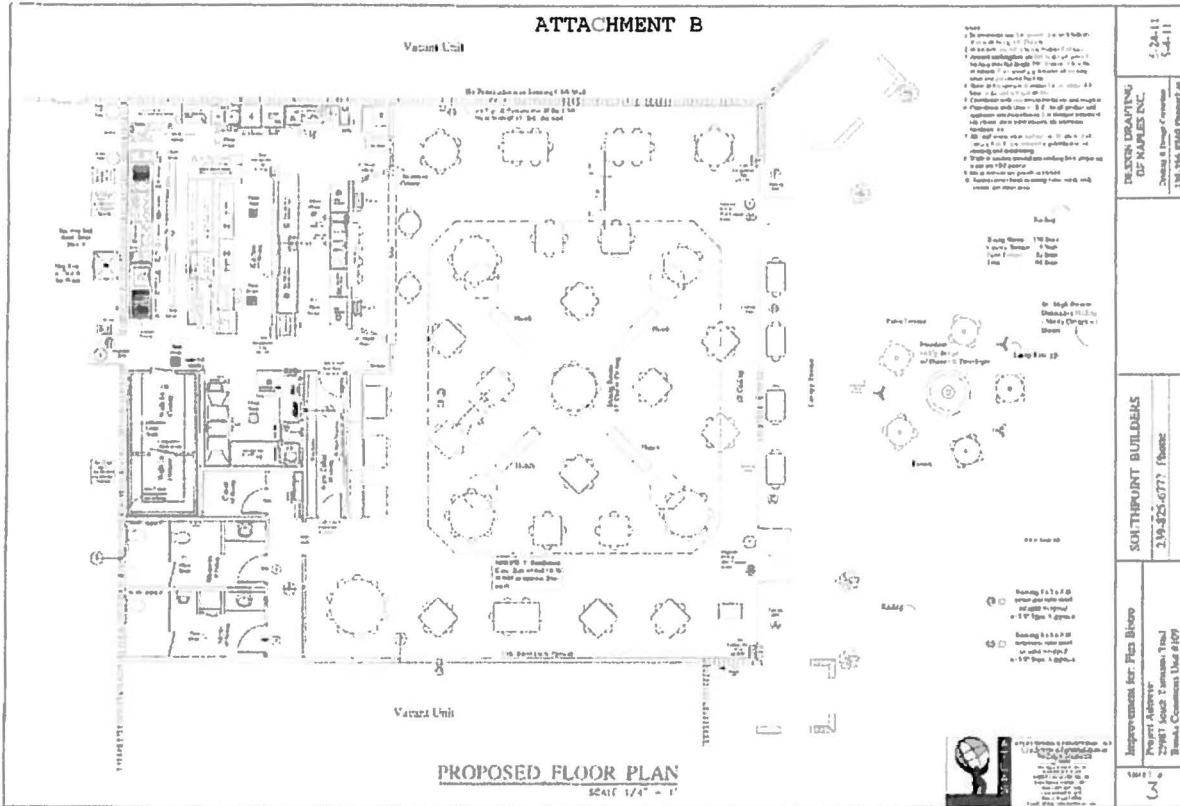
ATTACHMENT A

EXHIBIT IV-G - SITE PLAN



Grady Minor
Civil Engineers, Landscapers, Planners, Architects, Interiors

11BOS-SPE0004
 BONITA COMMONS SHOPPING CENTER
 ATTACHMENT B



11BOS-SPE00004

BONITA COMMONS SHOPPING CENTER
ATTACHMENT B

