

AC 60

**CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 02-02**

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY LITTLE HICKORY LLC, IN REF. TO CASA BONITA PLAZA A VARIANCE IN THE COMMERCIAL (C-1) ZONING DISTRICT WHICH REQUIRES A MINIMUM 25 FOOT STREET SETBACK TO ALLOW A 15 FOOT STREET SETBACK FOR A PROPOSED MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT PER LAND DEVELOPMENT CODE (LDC) SECTIONS 34-844 AND 34-2192(A) ON LAND LOCATED AT 25999 HICKORY BLVD., BONITA SPRINGS (STRAP NO. 24-47-24-B3-00001.3030) ON 2.197 ± ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Little Hickory LLC c/o Lawrence L. Pearce in ref. to Casa Bonita Plaza has filed an application for a variance in the commercial (C-1) zoning district which requires a minimum 25 foot street setback to allow a 15 foot street setback for a proposed multiple-family residential development per Land Development Code (LDC) §34-844 and §34-2192(a); and

WHEREAS, the subject property is located at 25999 Hickory Blvd. (Hickory Blvd. At the Bonita Beach Causeway, formerly the Rooftop Restaurant, and is described more particularly as:

See Exhibit II-A-1", attached.

WHEREAS, a Public Hearing was advertised and heard on December 7, 2001 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case No. VAR 2001-00039 who gave full consideration to the evidence available and recommended approval; and gave full and complete consideration of the record, consisting of the Staff Recommendation, the Zoning Board, the documents on file with the City and the testimony of all interested parties. The November 21, 2001 Staff Report prepared by Lee County Development Services Division and evidence submitted at the Zoning Board hearing is on file with the City Clerk.

WHEREAS, City Council has given full and complete consideration of the record, consisting of the Staff Recommendation, the Zoning Board, the documents on file with the City and the testimony of all interested parties.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bonita Springs, Lee County, Florida:

SECTION ONE: APPROVAL OF REQUEST

City Council of Bonita Springs hereby grants the Applicant's request for a variance in the commercial (C-1) zoning district with the following conditions:

Conditions

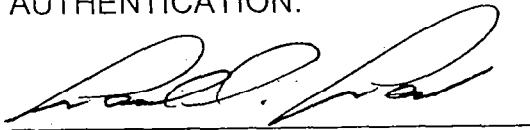
1. The variance request applies only to the east property line adjacent to the Bonita Beach Causeway as shown on the site plan attached hereto as Attachment D, dated May 2001, Printed November 6, 2001, and stamped received by Community Development on November 6, 2001.
2. The applicant must submit an Alternative Landscape Betterment Plan for approval by Development Services Division staff (Section 10-419, Bonita Springs Land Development Code), at the time of local development order approval.

SECTION TWO: EFFECTIVE DATE

This ordinance shall take effect thirty (30) days from the date of adoption.


DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 28th day of January, 2002.

AUTHENTICATION:


Mayor Paul Pass


City Clerk

APPROVED AS TO FORM:


City Attorney

Vote:

Arend	Aye	Piper	Aye
Edsall	Aye	Wagner	Aye
Nelson	Aye	Warfield	Aye
Pass	Aye		

Date filed with City Clerk: 1-28-02

PROPERTY DESCRIPTION

(O.R. BOOK 2654, PAGES 2969 & 2970)

IN SECTION 25 AND WITHIN ACCRETIONS TO GOVERNMENT LOT 1, SECTION 25, TOWNSHIP 47 SOUTH, RANGE 24 EAST, LITTLE HICKORY ISLAND, LEE COUNTY, FLORIDA.

FROM THE NORTHWESTERLY CORNER OF LOT 21, BLOCK "K", BONITA BEACH, A SUBDIVISION AS RECORDED IN PLAT BOOK 8 AT PAGE 65 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N 61° 36' 19" E (N 62° 59' 19" E) ALONG A PROLONGATION OF THE NORTHWESTERLY BOUNDARY OF SAID BLOCK "K" FOR 100.0 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE (50.0 FEET FROM CENTERLINE) OF HICKORY BOULEVARD DESCRIBED IN AND CONVEYED BY DEED RECORDED IN DEED BOOK 145, AT PAGES 294 AND 295, OF SAID PUBLIC RECORDS FOR THE POINT OF BEGINNING; THENCE S 28° 23' 41" E (S 27° 00' 41" E); ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR 219.41 FEET (222.20') TO AN INTERSECTION WITH THE WESTERLY LINE OF THAT PART OF THE RIGHT-OF-WAY OF SR S-865 (SECTION 12530-2153) DESCRIBED IN AND CONVEYED BY DEED RECORDED IN OFFICIAL RECORD BOOK 195, AT PAGE 85 OF SAID PUBLIC RECORDS AND A CURVE CONCAVE EASTERLY; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,245.92 FEET (CONCENTRIC WITH AND 100.0 FEET WESTERLY FROM THE CENTERLINE OF SAID STATE ROAD) FOR 270.76 FEET TO A POINT OF CHANGE IN WIDTH OF SAID RIGHT-OF-WAY; THENCE N 77° 32' 18" W (N 76° 09' 18" W) ALONG A RADIAL LINE OF SAID CURVE FOR 50.0 FEET; THENCE CONTINUE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE ON THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,295.92 FEET (CONCENTRIC WITH AND 150.0 FEET FROM THE CENTERLINE OF SAID ROAD) FOR 93.72 FEET TO THE POINT OF TANGENCY; THENCE N 16° 36' 19" E (N 17° 59' 19" E); ALONG SAID RIGHT-OF-WAY LINE, PARALLEL WITH AND 150.0 FEET NORTHWESTERLY FROM THE CENTERLINE OF SAID ROAD FOR 168 FEET (168.63') MORE OR LESS TO THE APPROXIMATE CENTERLINE OF A CONCRETE SEAWALL; THENCE NORTHWESTERLY (N 40° 54' 35" W), ALONG SAID CENTERLINE FOR 76 FEET (78.37') MORE OR LESS; THENCE CONTINUE N 54° 43' W (N 53° 20' W) ALONG SAID CENTERLINE FOR 68 FEET (67.19') MORE OR LESS TO THE SOUTHEASTERLY BOUNDARY OF PROPOSED CASA BONITA IV; THENCE S 48° 07' 30" W (S 49° 30' 30" W) ALONG SAID SOUTHEASTERLY BOUNDARY FOR 160.57 FEET; THENCE N 40° 28' 41" W (N 39° 05' 41" W) FOR 12.0 FEET; THENCE N 74° 28' 41" W (N 73° 05' 41" W) FOR 40 FEET; THENCE N 40° 28' 41" W (N 39° 05' 41" W) FOR 30.0 FEET; THENCE N 85° 28' 41" W (N 84° 05' 41" W) FOR 20 FEET; THENCE S 49° 31' 19" W (S 50° 54' 19" W) FOR 15.0 FEET; THENCE S 65° 31' 19" W (S 66° 54' 19" W) FOR 25.0 FEET TO SAID NORTHEASTERLY RIGHT-OF-WAY LINE (50 FEET FROM THE CENTER LINE) OF HICKORY BOULEVARD; THENCE S 28° 23' 41" E (S 27° 00' 41" E) ALONG SAID RIGHT OF WAY LINE FOR 397.81 FEET TO THE POINT OF BEGINNING.

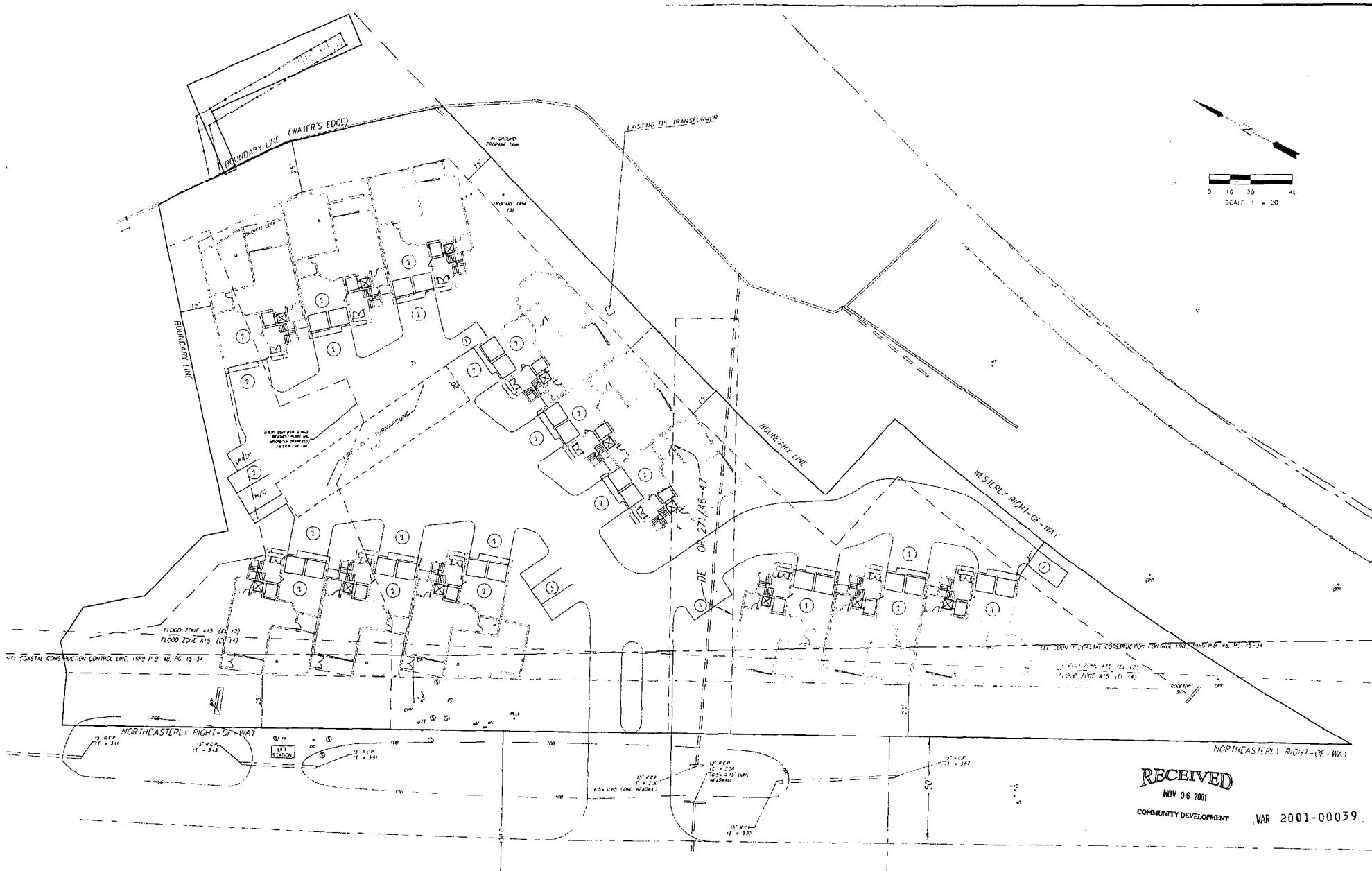
SUBJECT TO A 30.0 FEET (15.0 FEET EACH SIDE OF CENTERLINE) DRAINAGE EASEMENT AS DESCRIBED IN DEED BOOK 271 AT PAGE 48 OF THE LEE COUNTY, FLORIDA PUBLIC RECORDS. SUBJECT TO A UTILITY EASEMENT FOR SEWAGE TREATMENT PLANT AND ABSORPTION DRAINFIELD WESTERLY OF THE FOLLOWING DESCRIBED LINE: FROM THE NORTHWESTERLY CORNER OF LOT 21, BLOCK "K", BONITA BEACH, A SUBDIVISION AS RECORDED IN PLAT BOOK 8 AT PAGE 65 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N 61° 36' 19" E (N 62° 59' 19" E) ALONG A PROLONGATION OF THE NORTHWESTERLY BOUNDARY OF SAID BLOCK "K" FOR 100.0 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY SITE (50.0 FEET FROM CENTERLINE) OF HICKORY BOULEVARD DESCRIBED IN AND CONVEYED BY DEED RECORDED IN DEED BOOK 145, AT PAGE 294 & 295, OF SAID PUBLIC RECORDS; THENCE N 28° 23' 41" W ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE FOR 239.81 FEET TO THE POINT OF BEGINNING OF SAID DESCRIBED LINE; THENCE N 61° 36' 19" E FOR 52.0 FEET; THENCE N 38° 36' 19" E FOR 71.0 FEET; THENCE N 83° 36' 19" E FOR 33.02 FEET; THENCE N 38° 23' 50" E FOR 22.0 FEET; THENCE N 51° 36' 10" W FOR 35.0 FEET; THENCE N 38° 23' 50" E FOR 91.0 FEET; THENCE N 51° 36' 10" W FOR 21.0 FEET TO THE NORTHWESTERLY BOUNDARY LINE THAT BEARS S 48° 07' 30" W AND THE END OF SAID LINE.

THE BEARINGS & DISTANCES IN PARENTHESIS () ARE FIELD SURVEYED MEASUREMENTS.

VAR 2001-00039

Applicant's Legal Checked

by Jm 9/17/01



RECEIVED

NOV 06 2001

COMMUNITY DEVELOPMENT

VAR 2001-00039

LEGEND

OWNER/DEVELOPER

LITTLE HICKORY, LLC
C/O LAWRENCE L. PEARCE
372 LENELL ROAD
FORT MYERS, FL 33931

PRINTED

NOV 06 2001

Q. GRADY MINOR & ASSOCIATES, P.A.
CIVIL ENGINEERS & LAND SURVEYORS

DESIGNED BY: AVR

DRAWN BY: AVR

APPROVED: OGM

JOB CODE: LH00

SCALE: 1" = 20'



Q. GRADY MINOR AND ASSOCIATES, P.A.

CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS

3800 VIA DEL REY

BONITA SPRINGS, FLORIDA 34134

PHONE: (813) 947-1144 FAX: (813) 947-0373

ENGINEERING CERTIFICATE OF AUTHORIZATION EN 0005153

SURVEYING CERTIFICATE OF AUTHORIZATION LS 0005151

CASA BONITA

VARIANCE SITE PLAN

DATE:
MAY, 2001

FILE NAME:
LH00PSIT

DRAWING NUMBER 1 OF 1