

**CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 01-27**

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY J & K BONITA GROUP FOR REZONING 0.64± TOTAL ACRES OF LAND FROM RESIDENTIAL TWO-FAMILY CONSERVATION DISTRICT (TFC-2) TO COMMERCIAL PLANNED DEVELOPMENT (CPD); TO PERMIT A MIXED USE COMMERCIAL DEVELOPMENT WITH A MAXIMUM OF 9,500 SQUARE FEET IF DEVELOPED FOR OFFICE USES ONLY OR 7,000 SQUARE FEET IF DEVELOPED FOR ANY OTHER PERMITTED USE; ON LAND LOCATED AT 9786 BONITA BEACH ROAD, BONITA SPRINGS, FLORIDA (STRAP NO. 34-47-25-B3-00253.005A) on 0.64 ± ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, J & K BONITA GROUP has filed an application for rezoning 0.64± total acres of land from residential two-family conservation district (TFC-2) to Commercial Planned Development (CPD) to permit a mixed use commercial development with a maximum of 9,500 square feet if developed for office uses only **OR** 7,000 square feet if developed for any other permitted use. Buildings will not exceed a maximum height of 35 feet for Land Development Code:

WHEREAS, the subject property is located at 9786 Bonita Beach Road, Bonita Springs, Florida, and is described more particularly as:

"See Schedule A"

WHEREAS, a Public Hearing was advertised and heard on September 7, 2001 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case DCI 2001-00023 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 August 27, 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.

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 approves the rezoning of 0.64 ± acres from Residential Two-Family Conservation District (TFC-2) to Commercial Planned Development (CPD), with the following conditions:

1. The development of this project must be consistent with the one-page Master Concept Plan entitled "J & K Bonita Group CPD," stamped received August 14, 2001, except as modified by the conditions below. This development must comply with all requirements of the City of Bonita Springs LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:

a. Schedule of Uses

ADMINISTRATIVE OFFICES (subject to Note (1) of LDC §34-934)
AUTO PART STORE / with and without installation facilities
AUTO REPAIR AND SERVICE (LDC §34-622(c)(2)): Group I only,
as further limited by Condition 18 herein
ATM (automatic teller machine)
BANKS & FINANCIAL ESTABLISHMENTS (LDC §34-622(c)(3)):
Group I
BUSINESS SERVICES (LDC Section 34-622(c)(5)): Group I
CARETAKERS RESIDENCE
CLEANING AND MAINTENANCE SERVICES (LDC §34-622(c)(7))
DAY CARE CENTER, CHILD, ADULT
ESSENTIAL SERVICES (LDC §§ 34-1611 et seq., & 34-1741 et seq.)
EXCAVATION: Water retention (LDC §34-1651) NOTE: Not to
include the removal of excavated material from the site.
FOOD STORES (LDC Section 34-622(c)(16)): Groups II
HARDWARE STORE
HEALTH CARE FACILITIES (LDC Section 34-622(c)(20)): Group III
HOBBY, TOY AND GAME SHOPS (LDC Section 34-622(c)(21))
HOUSEHOLD AND OFFICE FURNISHINGS (LDC Section
34-622(c)(22)), Groups I and II only
LAUNDRY OR DRY CLEANING (LDC Section 34-622(c)(24)): Group I
MEDICAL OFFICE
NONSTORE RETAILERS (LDC Section 34-622(c)(30)), all groups
PACKAGE STORE (LDC Section 34-1261 et seq.)
PARKING LOT:
Accessory
PERSONAL SERVICES (LDC §34-622(c)(33)): Group I (excluding coin
operated laundry or laundromat)
REPAIR SHOPS (34-622(c)(40)): Groups I and II
RESEARCH AND DEVELOPMENT LABORATORIES (LDC
§34-622(c)(41)): Group II
SIGNS in accordance with Chapter 30
STORAGE: Indoor only, (LDC Section 34-3001 et seq.)

- b. Site Development Regulations (replacing those on the approved Master Concept Plan)

Minimum Lot Area and Dimensions:

Area: 20,000 square feet
Width: 90 feet
Depth: 200 feet

Minimum Setbacks:

Street: 40 feet
Side: 10 feet
Rear: 15 feet

Accessory Use and Structure setbacks must comply with LDC Sections 34-1171 et seq. and 34-2194.

Maximum Lot Coverage: 40%

3. Prior to issuance of a development order, a tree survey must be submitted to Division of Planning/ Environmental Sciences (ES) staff, which shows the location of all trees and scrub vegetation within the proposed northern buffer. The development order must be designed to incorporate all native vegetation within the buffer, as well as large native trees which lie near the southern edge of the proposed buffer. If the indigenous vegetation does not meet the vegetative requirements of a type "B" buffer, then supplemental plantings may be required.
4. To enhance the native environment, 100% of the LDC required trees and shrubs must be native to the scrubby flatwoods plant community.
5. Open space areas must be designed to retain mature native vegetation to the maximum extent possible.
6. The permitted hours of operation for automotive use within this development is from 7:00 AM through 7:00 PM, Monday through Friday, and 7:00 AM through 5:00 PM on Saturday, with the first half hour of operation restricted to passive, non-machinery use. The permitted hours of operation for any other allowable use within this development is from 7:00 AM through 7:00 PM, Monday through Saturday. No business hours are permitted on Sunday.

7. No building located in the northern 120 feet of this site may exceed 25 feet in height. Elsewhere within the project, buildings may not exceed 35 feet in height.
8. The required street landscaping and buffer must be upgraded to provide no less than 6 trees across the front of the subject property. The required planting of shrubs must be consistent with the Land Development Code.
9. The proposed access to this property from Bonita Beach Road must be designed as a shared access with the adjoining property to the east.
10. Approval of this zoning request does not address access onto Bonita Beach Road, since the City of Bonita Springs has no jurisdiction over this roadway. The Developer must pursue the Bonita Beach Road access issues with Lee County Department of Transportation (LDOT). Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the City of Bonita Springs LDC may be required to obtain a local development order.
11. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Comprehensive Plan provisions.
12. No outside sound system shall be allowed on the site.
13. The Developer will comply with the Bonita Beach Road Corridor amendments, as adopted by City Council.
14. It will be necessary for the Developer to apply for and receive an Administrative Amendment to this Commercial Planned Development for any minor modification to relocate any building to an area which is outside of the building pads indicated on the Master Concept Plan referenced in Condition 1., above.
15. For any uses that involve the utilization of compressors, impact wrenches or loud machinery of any sort, such uses shall be conducted indoors.
16. In the event that the northerly most building depicted on the Master Concept Plan is used for an auto parts store, hardware store, food

store or any auto repair use, the building shall be constructed (or remodeled) so as to have all openings (i.e., garage doors, etc.), except those required to meet building or fire code requirements, directed to the south.

17. All exterior machinery capable of generating noise levels above 72 decibels, under normal operation, shall be shielded with a noise dampening enclosure.
18. The following Auto Repair Group I uses are prohibited:
 - a. Automotive Paint Shops
 - b. Exhaust System Service (muffler shops)
 - c. Mufflers, Automotive, sale and installation
 - d. Tire repair shops, no vulcanizing

B. Deviations

Deviation 1 was withdrawn by the applicant.

Deviation 2, is approved, granting relief from LDC Section 10-416(d)(3) which requires a Type C buffer along the project's eastern boundary; to allow a Type A buffer with required trees and a continuous hedgerow where the building or parking abuts the east, subject to the condition that the requisite number of trees and the hedgerow are provided regardless of the proposed use/activity.

Deviation 3 is approved, granting relief from LDC Section 10-416(d)(3) which requires a 15 foot Type C buffer along the project's northern property boundary; to eliminate the requirement to construct a wall and to substitute native indigenous vegetation for the LDC landscape specifications, provided that at any time the wall, located in the residential development to the north, is removed, then the owner of the subject property will add sufficient plantings to maintain a buffer consistent with the Land Development Code.

Deviation 4 is approved, granting relief from LDC Section 34-935(6) which requires a minimum perimeter building setback of 15 feet or one-half the height of the building; to allow a 10 foot setback along the east and west boundaries.

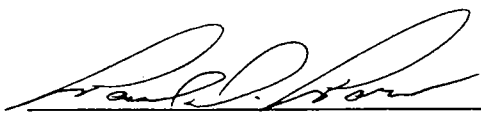
Deviation 5 was withdrawn by the applicant.

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 22nd day of October, 2001.

AUTHENTICATION:

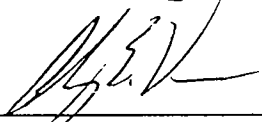


Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

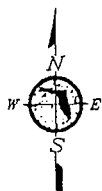
Arend	<u>AYE</u>	Piper	<u>AYE</u>
Edsall	<u>AYE</u>	Wagner	<u>AYE</u>
Nelson	<u>AYE</u>	Warfield	<u>AYE</u>
Pass	<u>AYE</u>		

Date filed with City Clerk:

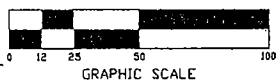
10/23/01

SURVEY SKETCH OF LEGAL DESCRIPTION

THIS IS NOT A SURVEY



SCALE 1" = 60'



GRAPHIC SCALE

Applicant's Survey Checked

by *gm 8/27/01*

FPK/D
15983

304.72' (M)

FIR 5/8'
#302
S 0.5'
V 1.1'

SIR

S 88°30'50"W 100.00'

FIR 5/8' 105.06' (M) NO ID
NO ID RIGHT OF WAY

530.34' (M)

2' VALLEY CUTTER

S 88°30'58"W 404.72' (M) (BOB)

BONITA BEACH ROAD

EDGE OF PAVEMENT

LEGAL DESCRIPTION :

THE WEST 100 FEET OF THE SOUTH 280 FEET OF LOT 5, BLOCK 53, OF THAT CERTAIN SUBDIVISION KNOWN AS HEITMAN'S BONITA SPRING TOWNSITE, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA, IN PLAT BOOK 6, PAGE 24, LESS THE SOUTH 3 FEET RESERVED FOR ROAD RIGHT-OF-WAY AND LESS ROAD RIGHT-OF-WAY OF STATE ROAD NO. S-865, SAID PARCEL MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE WEST 100 FEET OF THE SOUTH 280 FEET OF LOT 5, BLOCK 53, OF THAT CERTAIN SUBDIVISION KNOWN AS HEITMAN'S BONITA SPRING TOWNSITE, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY, FLORIDA, IN PLAT BOOK 6, PAGE 24, THENCE RUN NORTH 88°37'27" EAST, ALONG THE NORTH LINE OF SAID PARCEL 99.86 FEET; THENCE RUN SOUTH 01°08'58" EAST FOR 272.91 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF BONITA BEACH ROAD; THENCE RUN SOUTH 88°30'50" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 100.00 FEET TO THE WEST LINE OF SAID LOT 5; THENCE RUN NORTH 01°07'10" WEST ALONG THE WEST LINE OF SAID LOT 5 FOR 273.09 FEET TO THE POINT OF BEGINNING.

BEARINGS HEREINAFOVE MENTIONED ARE BASED ON A BEARING OF NORTH 01°07'10" WEST ALONG THE WEST LINE OF SAID LOT 5.

BY :

[Signature]

SURVEY DATE : 8-22-01

Applicant's Legal Checked

by *gm 8/27/01*

LELAND P. DYERD, PLS #3869

CLINTON W. FINSTAD, PLS #2453

STEPHEN MACDONALD, PLS #4001

NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES. NOTE: IF APPLICABLE, FENCES SHOWN MEANDER ON OR OFF LINES. (APPROX. LOCATION ONLY)
NOT VALID WITHOUT SURVEYOR'S SIGNATURE AND EMBOSSED SEAL
SURVEY IS VALID FOR 90 DAYS. PLEASE REFER TO REVERSE SIDE FOR GENERAL NOTES & ABBREVIATIONS.

F.L.A. SURVEYS CORP.

PROFESSIONAL LAND SURVEYORS & MAPPERS-LB 6569

6561 TAYLOR ROAD, SUITE 1
NAPLES, FLORIDA 34109
941-598-5936 FAX 598-5939

12730 NEW BRITTANY BLVD.
FT. MYERS, FLORIDA 33907
941-275-8560 FAX 275-3367

REVISIONS

PROJECT NO:

01-1913

DRAWN BY:

JCP

CHECKED BY:

DCI 2001-00023

REQUEST: REZONE FROM TFC-2 TO CPD
PARCEL SIZE: .64 ACRES

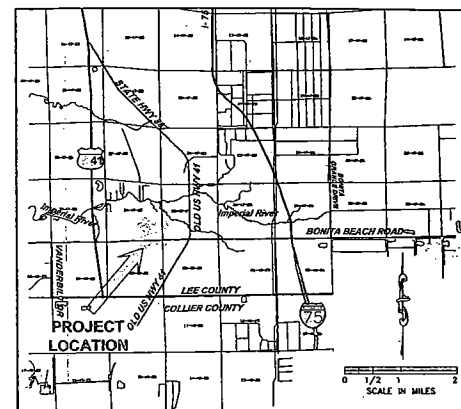
TOTAL PARCEL	.64 ACRES
OPEN SPACE PROVIDED	.128 ACRES
PERCENTAGE OPEN SPACE REQUIRED	20%
PERCENTAGE OPEN SPACE PROVIDED	20%

SINGLE STORY BUILDINGS	MAXIMUM HEIGHT	25 FEET
TWO STORY BUILDINGS	MAXIMUM HEIGHT	35 FEET
(TWO STORY BUILDINGS ONLY ALLOWED FOR OFFICE TYPE USE)		
MAXIMUM BUILDING AREA (OFFICE ONLY)	9,500	SQUARE FEET
MAXIMUM BUILDING AREA (OTHER USES)	7,000	SQUARE FEET

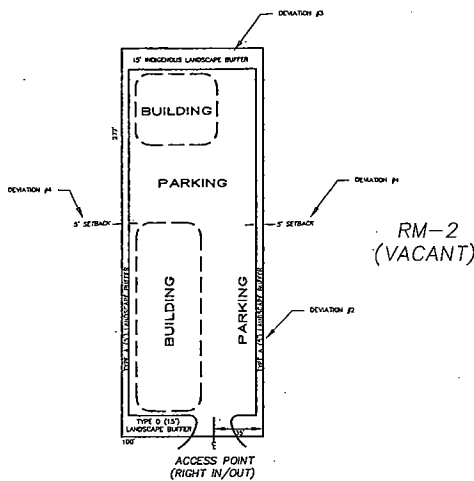
FRONT	25 FEET
SIDE	5 FEET
REAR	15 FEET
BUILDING SEPARATION	20 FEET

CARETAKER'S RESIDENCE
ADMINISTRATIVE OFFICES
AUTO PARTS STORE (WITH & WITHOUT INSTALLATION)
AUTO REPAIRS AND SERVICES (GROUP I)
BANKS AND FINANCIAL INSTITUTIONS
ALL GROUPS (WITHOUT DRIVE-THRU'S)
BUSINESS SERVICES (GROUP I)
CLEANING AND MAINTENANCE SERVICES (NON-REPAIRS)
CLOTHING STORES, GENERAL
DAY CARE CENTERS
DRIVE-THRU FACILITY FOR ANY PERMITTED USE
EXCEPT BANKS AND FINANCIAL INSTITUTIONS
ESSENTIAL SERVICES
EXCAVATION, WATER RETENTION
FOOD STORE (ALL GROUPS)
HARDWARE STORE
HEALTH CARE FACILITIES (GROUP II)
HOBBY, TOY AND GAME SHOPS (ALL TYPES)
HOUSHOLD AND OFFICE FURNISHINGS (ALL GROUPS)
INSURANCE COMPANIES
LAUNDRY OR DRY CLEANING (ALL GROUPS)
MUNICIPAL GARDEN SUPER
MEDICAL OFFICES
NON-STORE RETAILERS (ALL GROUPS)
PACKAGE STORE
PARKING LOT, ACCESSORY AND COMMERCIAL
PERSONAL SERVICES (GROUP I)
PHOTO FINISHING LABORATORIES
PRINTING AND PUBLISHING
REPAIR SHOPS (GROUP I & II)
RETAIL LEASING FACILITIES (GROUP I-II)
RESEARCH & DEVELOPMENT LABORATORIES (GROUP II)
SIGNS
SPECIALTY RETAIL (Groups I-II)
STORAGE (INDOOR ONLY)
STUDIOS
TEMPORARY USES

1. PARKING TO BE PROVIDED IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE IN EFFECT AT THE TIME OF DEVELOPMENT ORDER.



C-1
(RESIDENTIAL MULTI-FAMILY CONDO)


$$1'' = 40'$$

Deviation (1) Withdrawn

Deviation (2) seeks relief from Sec. 10-416(d)(3), which requires a Type C buffer along the project's eastern boundary, to permit a Type A buffer with required trees and a continuous hedgerow where a building or parking abut the east border.

Deviation (3) seeks a deviation from Sec. 10-416(d)(3), which requires a 15 foot wide Type C buffer along the project's north property boundary to eliminate the need for a 15 foot wide Type C wall and substitute native indigenous vegetation for LDC landscape specifications.

Deviation (4) seeks a deviation from Sec. 3A-925(f), which requires a minimum perimeter building setback 15 feet or half the height of the building in a planned development, to permit a setback of 5 feet along the east and west boundaries.

Deviation (5) Withdrawn

LEGAL DESCRIPTION: IN SECTION 34, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA:

THE WEST 100 FEET OF THE SOUTH 280 FEET OF LOT 5,
BLOCK 53, OF THAT CERTAIN SUBDIVISION KNOWN AS
HEYMAN'S BOGHTA SPRINGS TOWNSITE, ACCORDING TO THE
MAP OR PLAT THEREOF ON FILE AND RECORDED IN THE
OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LEE COUNTY,
FLORIDA, IN PLAT BOOK 6, AT PAGE 24, LESS THE SOUTH
3 FEET RESERVED FOR ROAD RIGHT-OF-WAY AND LESS
ROAD RIGHT-OF-WAY OF STATE ROAD NO. 885.

SUBJECT TO RESTRICTIONS, RESERVATIONS, AND EASEMENTS OF
RECORD, AND TAXES FOR YEAR 1997 AND SUBSEQUENT YEARS

APPROVED

APPROVED
Master Concept Plan
Site Plan = 01-27 Page 1 of 1
Subject to conditions in Ordinance 20-01-27
Case = DC12001-00023
CITY OF RIMETA SPRINGS

RECEIVED
AUG 14 2001
COMMUNITY DEVELOPMENT

EXHIBIT IV-E

1	4/27/01	FIRST SUFFICIENCY	SGS	CLINT
2	8/10/01	REVISE POINTED USCS	SGS	
MO	DATE	REVISIONS	BY	

J & K BONITA GROUP, L.L.C.*

**AGNOLI
BARBER &
BRUNDAGE, INC.**
Professional Engineers, Planners & Land Surveyors
Cedar County 3400 Cornwell Road St. - Madison, W. - (509) 865-3331 • Fax (509) 865-3332
Columbia County 3000 Cornwell Road St. - Astoria, W. - (503) 325-1100 • Fax (503) 325-1101

PROJECT NAME:	J & K BONITA GROUP CPD
BRANDNO TITLE:	MASTER CONCEPT PLAN

DESIGNED BY: SCS/RJS	DATE: MARCH 7, 1988	PLAN STAGE: PLANNING	SHEET 1 OF 1
DRAWN BY: SCS	DATE:	ABG PROJECT No. 8003-1	
CHECKED BY: RJS	DATE:		
REVIEWED BY:	DATE:		
HORIZ. SCALE: 1" = 40'	PLOT MEAS:	ACAD FILE NAME: 7877MCP	DRAWING FILE No: 7877
VERT. SCALE:	PLOT 1		