

CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 04-11

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY TAYLOR WOODROW COMMUNITIES IN REFERENCE TO VASARI RPD (LIVINGSTON OAKS) TO AMEND EXISTING RESIDENTIAL PLANNED DEVELOPMENT TO ALLOW MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT IN TRACT E, TO ALLOW VIA D'AREZZO DRIVE TO BE A CUL-DE-SAC, TO REVISE THE RESIDENTIAL UNIT MIX OF SINGLE FAMILY AND MULTIPLE FAMILY UNITS, AND TO PROVIDE FOR THE INCREASED REQUIRED AREA FOR NATIVE TREE PRESERVATION ON LAND LOCATED SOUTH OF BONITA BEACH ROAD AND NORTH OF IMMOKALEE RD., BORDERING I-75 TO THE EAST AND IMPERIAL ST. TO THE WEST, CITY OF BONITA SPRINGS, FLORIDA, (STRAP NOS. 01-48-25-B3-0160C.0000 AND 06-48-26-B4-0160C.0000), ON 375. +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Taylor Woodrow Communities in reference to Vasari RPD (Livingston Oaks) has filed an application to amend the existing Residential Planned Development to allow the development of Tract E as multiple family residential, to allow Via D'Arezzo Drive to be a cul-de-sac, to revise the residential unit mix of single family and multiple family units, and to provide for the increased required area for native tree preservation both within Tract E and elsewhere within the Planned Development;

WHEREAS, the subject property is located south of Bonita Beach Road and north of Immokalee Rd., bordering I-75 to the east and Imperial St. to the west, in S01-06-T48S-R25 & 26E, City of Bonita Springs, Florida, and is described more particularly as:

"See Exhibit A"

WHEREAS, a Public Hearing was advertised and heard on July 9, 2004 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case DCI 2003-00091 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 June 22, 2004 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 Applicant's request to amend the existing Residential Planned Development with the following conditions:

Conditions

1. Unless specifically conditioned herein, all conditions of Zoning Ordinance No. 01-23 remain in full force and effect.
2. Condition 1 of Ordinance No 01-23 is amended to read as follows:
 - A. The development of this project must be consistent with the one-page Master Concept Plan entitled "Master Concept Plan," stamped received April 19, 2004, except as modified by the conditions below. This development must comply with all requirements of the City of Bonita Springs Land Development Code 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.

The maximum permitted intensity of residential development in this project is 799 dwelling units, consisting of 605 multiple family units and 194 single family units.

3. Condition 4 of Ordinance No 01-23 is amended to include the following language to supplement the existing condition.

Prior to local development order approval for Tract E, the development order plans must include the 3.08 acre of indigenous restoration areas as shown on the plan entitled, "Indigenous Areas and Conservation Easement" stamped received on April 19, 2004, and provide detailed planting plans for each of these restoration areas in substantial compliance with the indigenous restoration plan prepared by Passeralla and Associates stamped received March 22, 2004 (attached hereto).

Findings and Conclusions:

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

1. The applicant has proven entitlement to the amendment by demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested amendment, as conditioned:

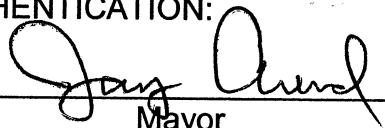
- a) is consistent with the densities, intensities and general uses set forth in the Comprehensive Plan;
 - b) is compatible with existing or planned uses in the surrounding area; and
 - c) will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
 4. Urban services, as defined in the Comprehensive Plan, are, or will be, available and adequate to serve the proposed land use.
 5. The proposed mix of uses is appropriate at the subject location.
 6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
 7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

SECTION TWO: EFFECTIVE DATE

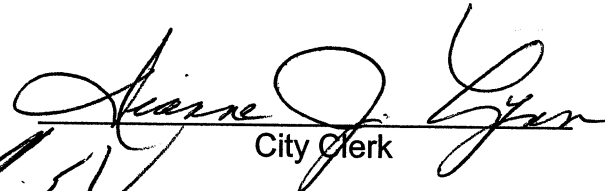
This ordinance shall take effect thirty (30) days from the date of adoption.

DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 23rd day of August, 2004.

AUTHENTICATION:

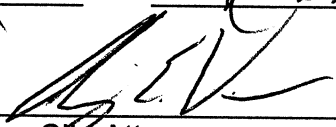


 Mayor



 City Clerk

APPROVED AS TO FORM:



 City Attorney

Vote:

Arend	Aye	Nelson	Aye
Edsall	Absent	Piper	Aye
Grantt	Aye	Wagner	Aye
Joyce	Absent		

Date filed with City Clerk: 8-23-04

EXHIBIT "A"

EXHIBIT 2

DESCRIPTION OF A PARCEL OF LAND
LYING IN
SECTION 1, T-48-S. R-25-E
&
SECTION 6, T-48-S. R-26-E
LEE COUNTY, FLORIDA

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE LYING IN SECTION 1, TOWNSHIP 48 SOUTH, RANGE 25 EAST, AND SECTION 6, TOWNSHIP 48 SOUTH, RANGE 26 EAST, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A 3"X3" CONCRETE MONUMENT STAMPED "PRM 2052" MARKING THE SOUTHEAST CORNER OF SAID SECTION 1 AND THE SOUTHWEST CORNER OF SAID SECTION 6;
THENCE S.88°58'46"W., ALONG THE SOUTH LINE OF THE SOUTHEAST ONE QUARTER (SE1/4) OF SAID SECTION 1 FOR 2,647.30 FEET TO A RAILROAD SPIKE MARKING THE SOUTH QUARTER (1/4) CORNER OF SAID SECTION 1;
THENCE N.01°13'46"W., ALONG THE NORTH-SOUTH QUARTER (1/4) SECTION LINE OF SAID SECTION 1 FOR 2,652.36 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST ONE QUARTER (SE1/4) OF SAID SECTION 1;
THENCE N.89°05'50"E., ALONG THE EAST-WEST QUARTER (1/4) SECTION LINE, FOR 1,321.77 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST ONE QUARTER (SE1/4) OF THE NORTHEAST ONE QUARTER (NE1/4) OF SAID SECTION 1;
THENCE N.01°16'17"W., ALONG THE WEST LINE OF THE SOUTHEAST ONE QUARTER (SE1/4) OF THE NORTHEAST ONE QUARTER (NE1/4) OF SAID SECTION 1 FOR 1,319.30 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST ONE QUARTER (SE1/4) OF THE NORTHEAST ONE QUARTER (NE1/4) OF SAID SECTION 1;
THENCE N.88°55'21"E., ALONG THE NORTH LINE OF THE SOUTHEAST ONE QUARTER (SE1/4) OF THE NORTHEAST ONE QUARTER (NE1/4) OF SAID SECTION 1 FOR 1,320.70 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST ONE QUARTER (SE1/4) OF THE NORTHEAST ONE QUARTER (NE1/4) OF SAID SECTION 1 AND THE NORTHWEST CORNER OF THE SOUTHWEST ONE QUARTER (SW1/4) OF THE NORTHWEST ONE QUARTER (NW1/4) OF SAID SECTION 6;
THENCE N.89°15'35"E., ALONG THE SOUTH LINE OF SOUTHWEST ONE QUARTER (SW1/4) OF THE NORTHWEST ONE QUARTER (NW1/4) OF SAID SECTION 6 FOR 1,494.03 FEET TO THE WEST RIGHT OF WAY LINE OF INTERSTATE 75 (I-75) (324' WIDE);
THENCE S.15°26'57"E., ALONG SAID WEST RIGHT OF WAY LINE FOR 395.21 FEET;
THENCE S.12°36'03"E., ALONG SAID WEST RIGHT OF WAY LINE FOR 899.24 FEET;

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MAR 17 2004
ZONING

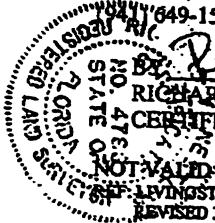
THENCE S.11°27'18"E., ALONG SAID WEST RIGHT OF WAY LINE FOR
1,281.43 FEET TO THE POINT OF CURVATURE
THENCE 875.09 FEET ALONG SAID WEST RIGHT OF WAY LINE AND ALONG
THE ARC OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS
OF 5,891.58 FEET, THROUGH A CENTRAL ANGLE OF 08°30'37", AND BEING
SUBTENDED BY A CHORD WHICH BEARS OF S.15°42'37"E., FOR 874.29 FEET;
THENCE S.19°57'55"E., ALONG SAID WEST RIGHT OF WAY LINE FOR 658.75
FEET TO THE SOUTH LINE OF THE SOUTHWEST ONE QUARTER (SW1/4) OF
SAID SECTION 6;
THENCE S.89°41'01"W., ALONG SAID SOUTH LINE FOR 2,420.55 FEET TO THE
POINT OF BEGINNING.

PARCEL CONTAINS 375.83 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS BASED ON THE SOUTH LINE OF THE SOUTHEAST ONE
QUARTER (SE1/4) OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 25 EAST, AS
BEARING S.88°58'46"W.

RWA SURVEYING, INC.
LAND SURVEYORS AND MAPPERS.
3050 NORTH HORSESHOE DRIVE
SUITE 270
NAPLES, FLORIDA 34104
813/649-1509



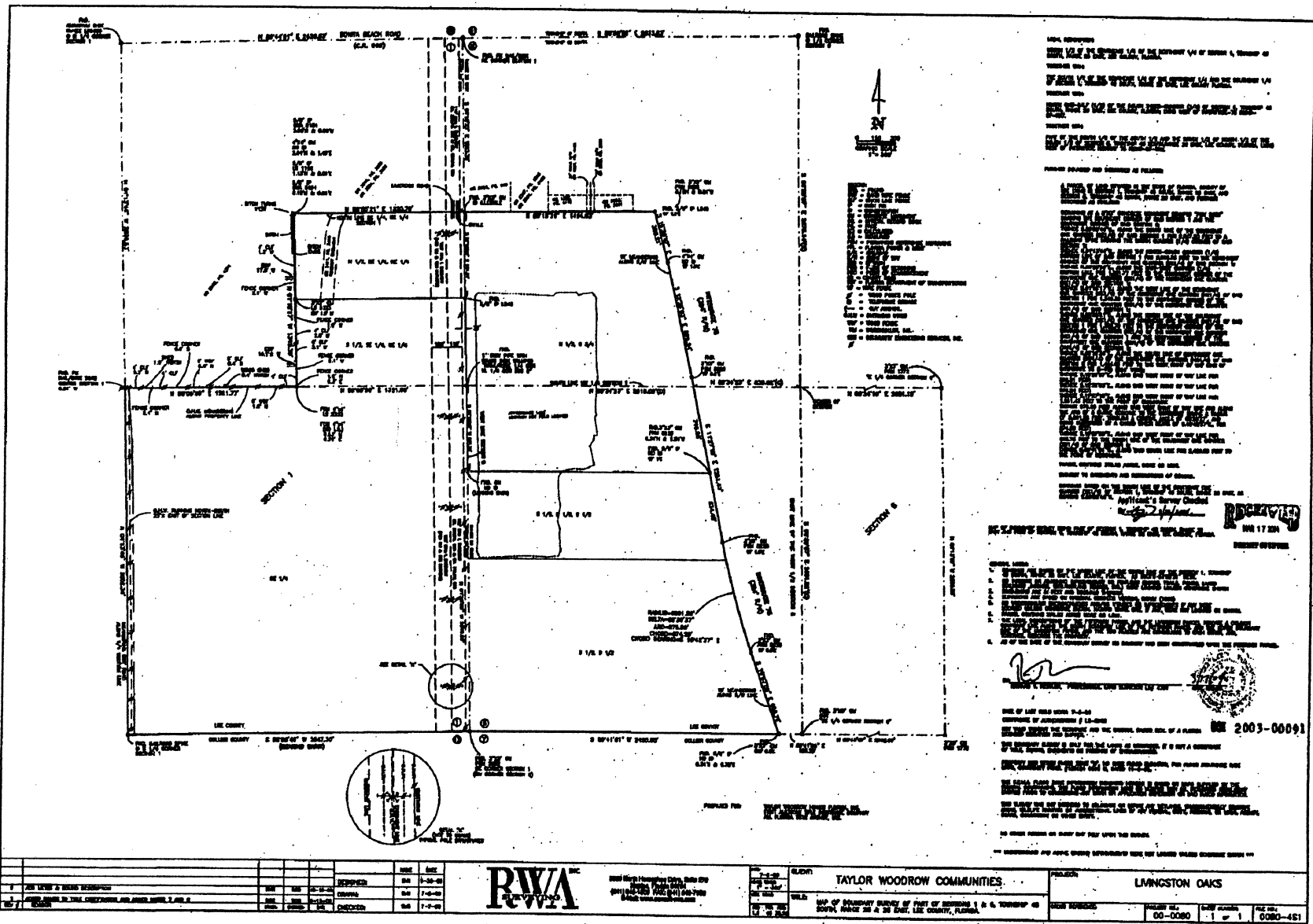
DATE: 3/29/01

RICHARD V. NESTLER, PROFESSIONAL LAND SURVEYOR, LS# 4786
CERTIFICATE OF AUTHORIZATION # LB 6952

NOT VALID UNLESS EMBOSSED WITH PROFESSIONAL SEAL
SPRING LIVINGSTON OAKS Exhibit Two.DOC
REVISED 3-29-01

Applicant's Legal Checked
by G.D. 3/22/2004.

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MAR 17 2004
ZONING



LAND USE SUMMARY

Residential Tracts	113.60 acres
Lake	76.00 acres
Golf Course, Open Space & Conservation	175.53 acres
Club and Maintenance Area	10.70 acres
Property Total	375.83 acres

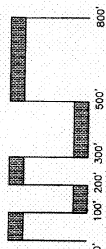
Medium Single Family	194 units
Medium Multi Family	605 units
Medium Total	799 units

Gross Density	2.12 units/acre
Clubhouse & Fitness Center	25,000 sq. ft.

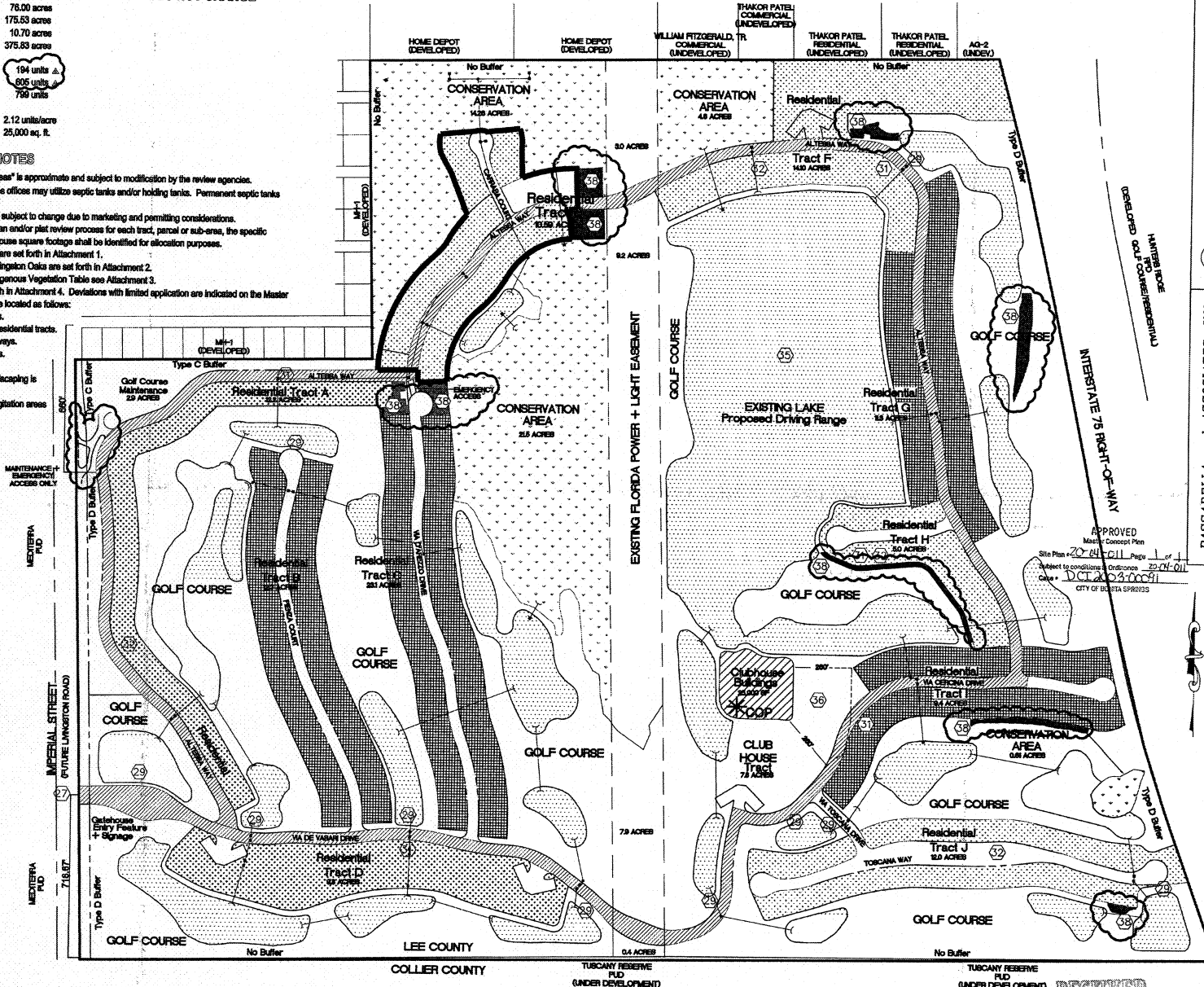
MASTER CONCEPT PLAN NOTES

- The configuration of the "Conservation Areas" is approximate and subject to modification by the review agencies.
- Temporary administrative offices and sales offices may utilize septic tanks and/or holding tanks. Permanent septic tanks may be used for golf course rest facilities.
- The residential unit mix is preliminary and subject to change due to marketing and permitting considerations.
- During the applicable site development plan and/or plat review process for each tract, parcel or sub-area, the specific number of dwelling units, acreage and clubhouse square footage shall be identified for allocation purposes.
- Permitted Land Uses for Livingston Oaks are set forth in Attachment 1.
- Properly Development Regulations for Livingston Oaks are set forth in Attachment 2.
- For Livingston Oaks Open Space and Indigenous Vegetation Table see Attachment 3.
- Deviations for Livingston Oaks are set forth in Attachment 4. Deviations with limited application are indicated on the Master Plan by the symbol . Other Deviations are located as follows:
Deviations 16 applies to all multi family tracts.
Deviations 19, 23, 24, 25 & 26 apply to all residential tracts.
Deviations 21 & 33 apply to all internal roadways.
Deviations 22 applies to all internal sidewalks.
Deviations 5 & 30 apply to lot slopes.
Deviations 34 applies to all areas where landscaping is planned in easements.
Deviations 38 applies to all created native vegetation areas dedicated as conservation.

- Conservation Area
- Water Management
- Residential - Single Family
- Residential - Multi-Family
- Residential - Single or Multi-Family
- Loop Road
- Proposed Native Vegetation Area



▲ NOTE: LAND USE SUMMARY DOES NOT CHANGE



FLORIDA LAND PLANNING, INC.
1560 Midway Drive, Suite E - Midway Professional Center
Fort Myers, Florida 33907
(941) 278-2222 - Fax (941) 278-4445

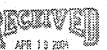


PASSARELLA and ASSOCIATES, INC.
Consulting Ecologists
4076 Via Regale Suite 201 Ft. Myers, FL 33919

LIVINGSTON OAKS
AKA VASARI COUNTRY CLUB

TAYLOR WOODROW
COMMUNITIES, INC.
MASTER CONCEPT PLAN
TRACT "B" IDENTIFICATION

DATE: 04/13/2004
PROJECT: 0000000000
SCALE: AS SHOWN
BY: TAYLOR WOODROW
CHECKED: [Signature]
DATE: 04/13/2004



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