

**CITY OF BONITA SPRINGS  
ZONING ORDINANCE NO. 01-04**

**A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY IMPERIAL OAKS PROFESSIONAL CENTER AT BONITA SPRINGS TO REZONE FROM AGRICULTURE DISTRICT (AG-2) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) ON LAND LOCATED AT 11483 BONITA BEACH ROAD SE, BONITA SPRINGS, FLORIDA (STRAP NOS. 01-48-25-00-00003.0000/00004.0000/00004.0010) ON 0.91 ± ACRES; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, David E. McKee from Consul-Tech Engineering on behalf of Tri-Wealth Corporation for the Imperial Oaks Professional Center project has filed an application for rezoning from Agriculture District (AG-2) to Commercial Planned Development (CPD); and

**WHEREAS**, the subject property is located at 11483 Bonita Beach Road, Bonita Springs, Florida, and is described more particularly as:

See Exhibit "A", attached

**WHEREAS**, a Public Hearing was advertised and heard on November 17, 2000 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case DCI 964587 who gave full consideration to the evidence available and recommended approval with conditions; and

**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. The October 31, 2000 Staff Report prepared by Lee County Development Services Division and all evidence submitted to the Zoning Board 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 0.91 ± acres from Agriculture District (AG-2) to Commercial Planned Development (CPD), with the following conditions and deviations:

Conditions

1. The development of this project must be consistent with the one page Master Concept Plan entitled "Imperial Oaks Professional Center" dated November 17, 2000, and stamped Received October 16, 2000, Permit Counter, 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.

2. The following limits apply to the project and uses:

a. Schedule of Uses (Limited to a maximum of 9,500 square feet of building area)

Administrative Offices  
ATM (automatic teller machine)  
Banks and Financial Establishments (Section 34-622 (c) (3))  
- Groups 1 & II  
Health Care Facilities (Section 34-622(c)(20)–Groups I and II  
Insurance Companies  
Medical Office  
Nonstore Retailers (Section 34-622 (c) (30))  
Parking lot, accessory  
Personal Services (Section 34-622 (c) (33)) – Groups I, II,  
III, and IV  
Schools, Commercial (Section 34-622 (c) (45))  
Social Services (Section 34-622 (c) (46) – Groups I and II  
Specialty Retail Shops (§ 34-622(c)(47)–Groups I & II

b. Site Development Regulations

Minimum Setbacks:  
Street (Bonita Beach Road) = 25 feet  
Street (Imperial Street) = 25 feet  
Rear (South property line) = 14 feet  
Side (West property line) = 15 feet

Maximum Height = 35 feet

Minimum Lot Size = 31,739 square feet

The property is one parcel and may not be split or subdivided.

The Master Concept Plan must be in compliance with the property development standards set forth above.

3. The uses allowed in the commercial building must meet the parking standards of the City of Bonita Beach Land Development Code (LDC) Section 34-2011 et seq.
4. A Type "A" buffer must be provided along the western boundary, except where the driveway is shown, in accordance with LDC Section 10-416 (d).
5. Prior to local development order approval, the development order plans must delineate a 10-foot wide, Type "D", right-of-way buffer as shown on the approved Master Concept Plan. Any trees planted within this buffer must be sabal palms.
6. The development must comply with any Corridor Plans adopted by the City prior to issuance of a development order.
7. The development must comply with the commercial design standards of Section 10-600 et seq. and is subject to approval of architectural materials and exterior colors.
8. Lighting must be in compliance with the requirements of LDC §10-610.
9. 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 Beach LDC may be required to obtain a local development order.
10. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1 (b).
11. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

#### B. Deviations

A deviation granting relief from Section 10-416(d), requiring a 15-foot wide Type "D" buffer is approved. The development may have a 10-foot wide Type "D" buffer along Bonita Beach Road, as shown on the Master Concept Plan.


#### **SECTION TWO: EFFECTIVE DATE**

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

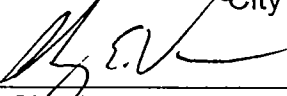
DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 8<sup>th</sup> day of January, 2001.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor Paul Pass

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

1-8-01  
Date

Vote:

Arend Aye  
Edsall Aye  
Nelson Aye  
Pass Aye

Piper Aye  
Wagner Aye  
Warfield Aye

Date filed with City Clerk: 1-9-01

Exhibit "A"  
DCI964587

IMPERIAL OAKS PROFESSIONAL CENTER

LEGAL DESCRIPTION

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. THENCE S89°20'04"W ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 1 FOR 315.00 FEET; THENCE S01°12'10"E 75.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE S01°12'10"E 135.79 FEET;  
THENCE N89°12'15"E 315.00 FEET TO THE CENTERLINE OF IMPERIAL STREET;  
THENCE N01°12'17"W ALONG THE CENTERLINE OF IMPERIAL STREET 120.07 FEET;  
THENCE S89°20'04"W 20.00' TO THE APPARENT WEST EASEMENT LINE OF IMPERIAL STREET;  
THENCE N45°50'28"W 21.28 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF BONITA BEACH ROAD;  
THENCE S89°20'04"W 280.05 FEET ALONG SAID BONITA BEACH ROAD TO THE POINT OF BEGINNING.

CONTAINING 42,247 SQUARE FEET.  
SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

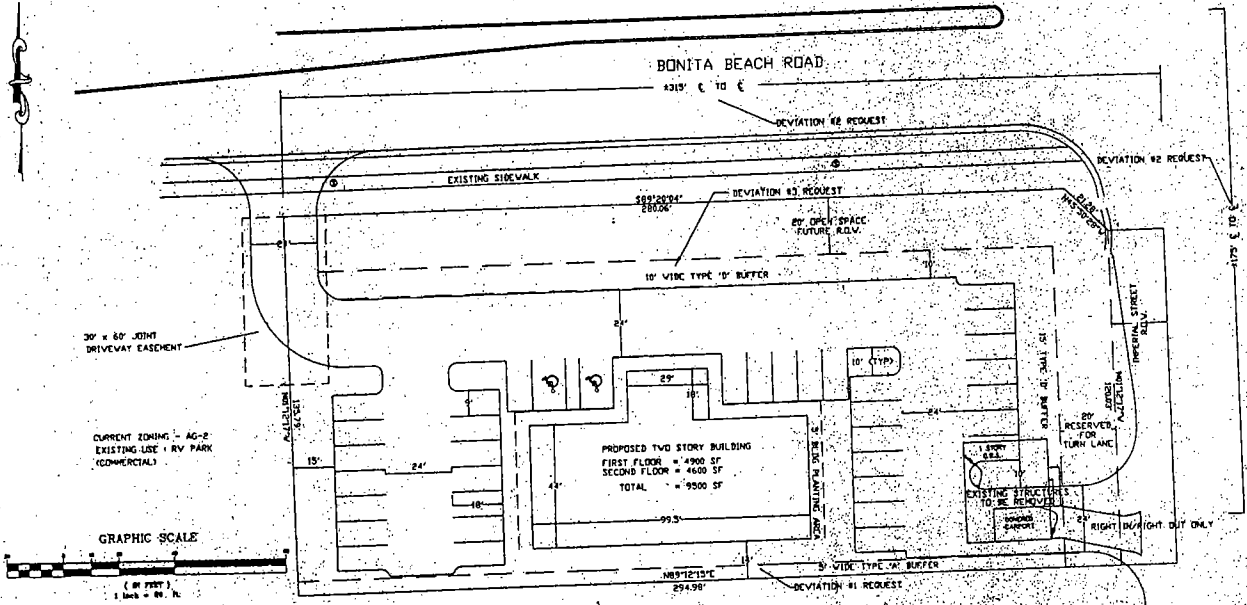
DCI 964587

CONSUL-TECH ENGINEERING, INC.

*Joseph S. Boggs*  
JOSEPH S. BOGGS PSM 3515 DATE 2/11/2000

Applicant's Legal Checked  
by *Jm 2/4/2k*

DRAWING 1 OF 2 - DO SKETCH/DESC.  
REVISED 02/01/2000 - ADDED DISTANCE  
DWG # MISDWG/96172EASE.DWG



**SCHEDULE OF USES:**

- ADMINISTRATIVE OFFICES
- ATM
- BANKS AND FINANCIAL ESTABLISHMENTS - GROUP I & II
- BUSINESS SERVICES - GROUP I
- HEALTH CARE FACILITY - GROUPS I & II
- INSURANCE COMPANIES
- MEDICAL OFFICE
- NONSTORE RETAILERS, ALL GROUPS
- PARKING LOT, ACCESSORY
- PERSONAL SERVICES - GROUP I, II, III, IV
- SCHOOLS, COMMERCIAL
- SOCIAL SERVICES - GROUPS I & II
- SPECIALTY RETAIL SHOPS - GROUPS I & II

**SCHEDULE OF DEVIATIONS:**

1. DEVIATION TO TABLE 34-844, WHICH REQUIRES A 20' REAR SETBACK; TO PERMIT A 14' REAR SETBACK (ASSUMES BONITA BEACH ROAD IS CONSIDERED THE FRONT OF THE BUILDING)
2. DEVIATION TO LDC SECTION 10-285, WHICH REQUIRES A 660 FT. ARTERIAL ROADWAY INTERSECTION SEPARATION DISTANCE, TO ALLOW ± 315 FT. ALONG BONITA BEACH ROAD AND WHICH REQUIRES A 330 FT. COLLECTOR ROADWAY INTERSECTION SEPARATION DISTANCE, TO ALLOW ± 175 FT. ALONG IMPERIAL STREET.

THE FOLLOWING ARE POTENTIAL DEVIATIONS (THEY BECOME DEVIATIONS AT THE TIME THE COUNTY TAKES THE 20 FT. R.O.W.):

3. DEVIATION TO LDC SECTION 10-416(d), WHICH REQUIRES A 15 FT. WIDE TYPE 'D' BUFFER, TO ALLOW A 10 FT. WIDE TYPE 'D' BUFFER ALONG BONITA BEACH ROAD.

APPROVED  
Master Concept Plan  
Site Plan # 20-01-04 Page 1 of 1  
Subject to conditions in Ordinance 20-01-04  
Case # 703 944377  
CITY OF BONITA SPRINGS

**NOTES:**

1. CURRENT ZONING - AG-2 - RESIDENTIAL
2. DEVELOPER: BRADFORD G. SMITH  
3461 BONITA BAY BOULEVARD  
BONITA SPRINGS, FLORIDA 34134
- ENGINEER: DAVID WEEKE  
CONSUL-TECH ENGINEERING  
24831 OLD 41 ROAD  
BONITA SPRINGS, FLORIDA 34135  
(941) 947-0268
- SURVEYOR: ROBERT J. BILLS  
CONSUL-TECH ENGINEERING  
24831 OLD 41 ROAD  
BONITA SPRINGS, FLORIDA 34135  
(941) 947-0268
3. PROJECT DESCRIPTION  
A TWO STORY 9500 S.F. COMMERCIAL BUILDING WITH  
36 PARKING SPACES (INCLUDING 2 HC SPACES),  
STORMWATER FACILITIES (DRY DETENTION) AND LANDSCAPING.
4. BUFFERING -  
- A 10' WIDE TYPE 'D' BUFFER TO BE PROVIDED ALONG THE BONITA BEACH ROAD R.O.W. (SEE POTENTIAL DEVIATION #3)  
- A 15' WIDE TYPE 'D' BUFFER TO BE PROVIDED ALONG THE IMPERIAL STREET R.O.W.  
- A 5' WIDE TYPE 'A' BUFFER TO BE PROVIDED ALONG THE SOUTH PROPERTY LINE ADJACENT TO CEMETERY.

5. MASS TRANSIT - LEE TRANS SERVES THIS AREA. THE NEAREST STOP IS LOCATED AT 1-75 AND BONITA BEACH ROAD, APPROXIMATELY 0.5 MILE EAST OF THE SITE.
6. PROJECT PHASING - THE PROJECT WILL BE CONSTRUCTED IN A SINGLE PHASE.
7. OPEN SPACE REQUIREMENTS:  
20 % OPEN SPACE REQUIRED FOR COMMERCIAL (CN-1) USE.  
APPROXIMATELY 25% IS PROVIDED UNDER THIS PLAN (DOES NOT INCLUDE FUTURE 20 FT. TURN LANE AREA ALONG IMPERIAL STREET OR FUTURE 20 FT. TAKING BY LEEDOT ALONG BONITA BEACH ROAD).  
(TOTAL LOT AREA = 39,844 S.F.; DOES NOT INCLUDE IMPERIAL STREET R.O.W.)
8. PARKING SPACE CALCULATIONS:  
TOTAL AREA OF PROPOSED BUILDING = 9500 S.F.  
UP TO 2800 S.F. OF BUILDING MAY BE DEDICATED TO MEDICAL OFFICE SPACE OR RETAIL SPACE REQUIRING ONE PARKING SPACE PER 200 S.F.  
THE REMAINING SPACE MAY BE UTILIZED FOR GENERAL OFFICE OR LESS INTENSE RETAIL.  
PARKING SPACES REQUIRED:  
FOR MEDICAL OFFICE OR RETAIL SPACE 1 SPACE REQUIRED FOR EVERY 200 S.F. = 2800 S.F. / 200 S.F. = 13 SPACES REQUIRED  
FOR GENERAL OFFICE SPACE 1 SPACE REQUIRED FOR EVERY 300 S.F. = 6500 S.F. / 300 S.F. = 23 SPACES REQUIRED  
TOTAL PARKING SPACES REQUIRED: 36 SPACES (INCLUDING 2 HC SPACES)  
TOTAL PARKING SPACES PROVIDED: 36 SPACES (INCLUDING 2 HC SPACES)
9. PROPERTY HAS TWO OWNERS, AS FOLLOWS:  
JOHN J. MAURIEL, JR.  
ALFRED E. BULLARD  
AUTHORIZATION HAS BEEN PROVIDED FOR SUBMISSION OF THE SPD REQUEST.

10. UTILITY PROVIDERS:  
WATER - BONITA SPRINGS UTILITIES  
P.O. BOX 2368  
BONITA SPRINGS, FLORIDA 34133  
(941) 992-0711  
SEWER - BONITA SPRINGS UTILITIES  
P.O. BOX 2368  
BONITA SPRINGS, FLORIDA 34133  
(941) 992-0711  
ELECTRIC - FLORIDA POWER & LIGHT  
P.O. BOX 435013  
NAPLES, FLORIDA 34941  
(941) 353-6000  
TELEPHONE - SPRINT OF FLORIDA  
P.O. BOX 2476  
NAPLES, FLORIDA 33639  
(941) 263-6342  
CABLE - MEDIA ONE  
301 TOWER RD.  
NAPLES, FLORIDA 34101  
(941) 793-3577  
REFUSE COLLECTION SERVICES - KIMMINS RECYCLING  
P.O. BOX 77625  
TAMPA, FLORIDA 33675  
(941) 437-1994

10. UTILITY PROVIDERS (CONT.)  
FIRE AND RESCUE SERVICE - BONITA SPRINGS FIRE AND RESCUE DISTRICT  
P.O. BOX 3958  
BONITA SPRINGS, FLORIDA 34133  
(941) 992-3311
11. SURFACE WATER MANAGEMENT WILL BE CONSTRUCTED IN ACCORDANCE WITH SWMD STANDARDS FOR A PERMIT EXEMPTION (WATER QUALITY ONLY) SINCE THE SITE DOES NOT MEET THE REQUIREMENTS FOR A GENERAL SPMD PERMIT. DRY DETENTION WILL BE PROVIDED IN SWALES AROUND THE PERIMETER OF THE SITE. NO EXCAVATIONS / WET RETENTION (LAKES) ARE PROPOSED.
- DEVELOPMENT STANDARDS  
CN-1 DISTRICT STANDARDS ARE USED FOR THIS DEVELOPMENT, AS FOLLOWS:  

SETBACKS				MAX. BUILDING HEIGHT
ROAD	SIDE	REAR	WATER	HEIGHT
25'	15'	20'	25'	35'

MAXIMUM HEIGHT WILL BE TWO STORES OF HABITABLE AREA PERMITS COUNTER  
NOTE: DEVIATION TO REAR SETBACK IS BEING REQUESTED  
A DEVIATION TO THE BONITA BEACH ROAD SET-BACK WILL OCCUR IF AND WHEN LEEDOT TAKES THE 20 FT. ALONG BONITA BEACH ROAD.

DATE: 1/21/2008  
REVISED PER COUNTY SUFFICIENT COMMENTS  
1/21/2008 REVISED PER LEEDOT 20 FT. R.O.W. TAKE REQUEST  
7/18/2008 REVISED PER LEEDOT - RELOCATE DRIVE, REVISE PLAN

**CONSUL-TECH ENGINEERING, INC.**  
Consulting Engineers Land Planners Urban Planners  
24831 Old 41 Road Bonita Springs, Florida 34135  
Phone (941) 947-0268 Fax (941) 947-0262  
E-Mail: bonita@consult-tech.com  
Certificate of Authorization #L33527

CLIENT  
**BRADFORD G. SMITH**  
3461 BONITA BAY BOULEVARD  
BONITA SPRINGS, FLORIDA 34134  
(941) 495-7295

DESIGNED BY  
**IMPERIAL OAKS PROFESSIONAL CENTER**  
at BONITA SPRINGS  
LEE COUNTY, FLORIDA  
SECTION 1, TOWNSHIP 16, S, RANGE 25, E.  
DRAWN BY  
**MASTER CONCEPT PLAN**

DATE: 1/21/2008  
BY: [Signature]  
TITLE: [Title]

DATE: 1/21/2008  
BY: [Signature]  
TITLE: [Title]

DATE: 1/21/2008  
BY: [Signature]  
TITLE: [Title]

RECEIVED  
JAN 21 2008  
CITY OF BONITA SPRINGS