

**CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 01-07**

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY IMPERIAL BONITA PLAZA CPD AMENDMENT TO REZONE FROM AGRICULTURAL (AG-2) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) ON LAND LOCATED AT 11515 & 11691 BONITA BEACH ROAD, SE, 28220 IMPERIAL STREET, AND 11520, 11680 & 11681 OLIVER WILLIAMS ROAD, BONITA SPRINGS, FLORIDA (STRAP NOS. 01-48-25-B2-00006.0000, 01-48-25-B2-00006.0010, 01-48-25-B2-00006.0050, 01-48-25-B2-00006.0060, 01-48-25-B2-00006.0080, 01-48-25-B2-00007.0000) ON 32.93 ± ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Imperial Bonita Plaza has filed an application for rezoning from Agricultural (AG-2) to Commercial Planned Development (CPD); and

WHEREAS, the subject property is located at 11515 & 11691 Bonita Beach Road, SE, 28220 Imperial Street, and 11520, 11680 & 11681 Oliver Williams Road, Bonita Springs, Florida, Bonita Springs, Florida, and is described more particularly as:

See Exhibit II-A-1", attached.

WHEREAS, a Public Hearing was advertised and heard on December 8, 2000 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case No. DCI2000-00055 who gave full consideration to the evidence available and recommended approval; and

WHEREAS, City Council has given full and complete consideration of the record, consisting of the Staff Recommendation of approval with conditions, the Zoning Board, the documents on file with the City and the testimony of all interested parties. The November 21, 2000 Staff Report 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 32.93 ± acres from Agricultural (AG-2) to Commercial Planned Development (CPD) with the following conditions and deviations:

1. The development of the project must be consistent with the two page Master Concept Plan entitled "Imperial Bonita Plaza Amended Master Concept Plan," last revised September 22, 2000 and stamped received September 29, 2000 by the Permit Counter.
2. The terms and conditions of the original resolution, Resolution Z-99-006, remain in full force and effect except as otherwise modified herein. No changes to the intensity of the development nor to the adopted Schedule of Uses are made by the subject request.
3. Property Development Regulations previously approved, Resolution Z-99-006, Condition #4, remain in full effect excepting the following modifications represented by strikeout and underline:

Commercial Out parcel

Minimum Setbacks:

Street: Variable according to the functional classification of the street or road (Section 34-2192)

Commercial Center (Individual units within complex)

Minimum Lot Area Dimensions:

Area: 1,050 square feet

Width: 17.5 feet

Minimum Setbacks:

Street: Variable according to the functional classification of the street or Road (Section 34-2192)

4. The six-foot wide sidewalk along Imperial Street may be placed with the 15 foot wide required right-of-way buffer. The sidewalk must be designed to provide a minimum 7.5 wide planting area for the required buffer trees.
5. The LDC required right-of-way buffer plantings along Imperial Street may be installed within an easement. Any removal of required buffer trees must be replaced with 14-16 foot trees; 3.5 inch caliper at 12 inches above the ground; and 4 foot canopy spread. Any removal of required buffer shrubs must be replaced with a minimum 24 inch; 3-gallon size. All other LDC required landscaping must be replaced outside of any easement.
6. The Gopher Tortoise Management Plan entitled "Addendum" counter stamped July 24, 2000 containing the "Imperial Bonita Plaza Gopher Tortoise Relocation" and "Gopher Tortoise Preserve Management Plan" is hereby adopted.

7. The development must comply with all requirements of the City of Bonita Springs Land Development Code (LDC) at the 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.
8. This project must comply with any regulations which may be adopted to implement the Bonita Beach Road Corridor Study (including, but not limited to, access management plans, increased setback requirements, architectural standards, sign regulations, and landscaping and buffering requirements) except where said regulations are inconsistent with the regulations in effect at the time of the submittal of the Development Order application #DOS2000-00229.
9. No excess excavated material may be removed from the site unless the developer can demonstrate to the Director of Community Development that the material to be removed: (1) is unsuitable material that cannot be used onsite and (2) the material must be excavated to meet the minimum requirements to provide a water management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use offsite.
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 the 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 or vest present or future development rights for Bonita Springs Comprehensive Land Use Plan consistency. Development order approvals must satisfy the requirements of the Bonita Springs Comprehensive Land Use 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 Bonita Springs Land Use Plan provision.

Deviations

- 1.-6. Deviations #1-#6 represent deviations previously adopted by Resolution Z-99-006. These deviations, however, are renumbered to reflect deviations that were withdrawn, denied, or are no longer required.

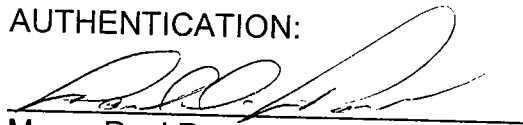
7. Deviation #7 – WITHDRAWN
8. Deviation #8 seeks relief from LDC Section 10-416(d)(3) which requires buffering from the adjacent property line or right-of-way to allow no buffering where a right-of-way or property line abuts an indigenous preserve or wetland area that is greater than fifty feet in depth, is hereby approved.
9. Deviation #9 seeks relief from LDC Section 10-416(d)(11) b which requires that not more than twenty percent (20%) of the width of buffer areas be impervious surface to allow a six foot sidewalk with the buffer adjacent to Imperial Street is hereby approved. (See Condition #4 above)
10. Deviation #10 seeks relief from LDC Section 10-421(a)(5) which states that no required trees or shrubs may be located in any utility, power, or street easement or right-of-way to allow required buffer trees and shrubs to be located within an easement along Imperial Street, is hereby approved. (See Condition #5)

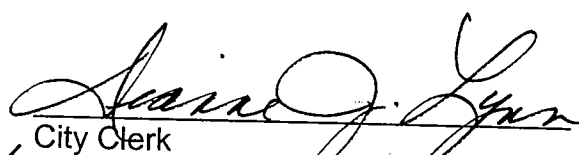
SECTION TWO: EFFECTIVE DATE

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

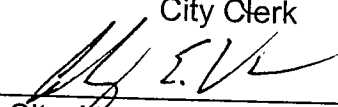
DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this 22nd day of January, 2001.

AUTHENTICATION:


Mayor Paul Pass


City Clerk

APPROVED AS TO FORM:


City Attorney

1-23-01
Date

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: 1-23-01



PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD

SUNRISE, FLORIDA 33351

TELEPHONE (954) 572-1777 • FACSIMILE (954) 572-1778

e-mail: surveys@pulicelandsurveyors.com



RE: ALBERTSON SITE #4483

BONITA BEACH ROAD (C.R.865) AND IMPERIAL STREET
LEE COUNTY, FLORIDA.

LEGAL DESCRIPTION:

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LESS THE WEST 25.00 FEET THEREOF DEDICATED FOR RIGHT-OF-WAY BY O.R.B. 1038 PAGE 1202,

AND ALSO LESS AND EXCEPT THE FOLLOWING THREE PARCELS DESCRIBED IN ORDER OF TAKING RECORDED IN O.R. BOOK 2007, PAGES 3822-3826, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(LESS OUT PARCEL #1)

THAT PART OF:

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LYING SOUTH AND WITHIN 70.00 FEET OF THE SURVEY LINE OF COUNTY ROAD 865 - BONITA BEACH ROAD, WEST OF STATION 411+67.83; LYING SOUTH AND WITHIN 75.00 FEET OF SAID SURVEY LINE BETWEEN STATION 411+67.83 AND THE WEST TERMINUS OF CARRELL ROAD RIGHT-OF-WAY (STATE ROAD NO. 93, I-75, SEC. 12075-2401) AT STATION 439+81.81 SAID SURVEY LINE BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA SAID POINT BEING STATION 392+09.99; THENCE RUN NORTH 89 DEGREES 20 MINUTES 04 SECONDS EAST, ALONG THE NORTH BOUNDARY OF SAID SECTION 1 FOR 2638.58 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 1 AT STATION 418+53.96; THENCE RUN NORTH 88 DEGREES 53 MINUTES 45 SECONDS EAST, ALONG THE NORTH BOUNDARY OF SAID SECTION 1, FOR 2639.64 FEET TO THE NORTHEAST CORNER OF SAID SECTION 1, SAID POINT BEING STATION 444+93.60 AND THE POINT OF TERMINATION.

(LESS OUT PARCEL #2)

THAT PART OF:

LEE COUNTY
REC-100000
10 OCT 30 AM 9:2

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LYING WITHIN THE FOLLOWING DESCRIBED BOUNDARIES TO WIT:

COMMENCE AT THE NORTH QUARTER CORNER OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN NORTH 88 DEGREES 53 MINUTES 45 SECONDS EAST ALONG THE NORTH BOUNDARY OF SAID SECTION 1 FOR 34.27 FEET; THENCE RUN SOUTH 01 DEGREES 06 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 88 DEGREES 53 MINUTES 45 SECONDS WEST FOR 10.00 FEET; THENCE RUN SOUTH 01 DEGREES 00 MINUTES 59 SECONDS EAST FOR 10.00 FEET; THENCE RUN NORTH 43 DEGREES 56 MINUTES 23 SECONDS EAST FOR 14.15 FEET TO THE POINT OF BEGINNING.

(LESS OUT PARCEL #3)

THAT PART OF

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA LYING SOUTH AND WITHIN 120.00 FEET OF THE SURVEY LINE OF COUNTY ROAD 865 - BONITA BEACH ROAD, WEST OF STATION 392+35; LYING SOUTH AND WITHIN 120.00 FEET OF SAID SURVEY LINE BETWEEN STATION 396+10 AND STATION 411+67.83; LYING SOUTH AND WITHIN 125.00 FEET OF SAID SURVEY LINE BETWEEN STATION 411+67.83 AND A LINE THAT BEARS SOUTH 01 DEGREES 19 MINUTES 58 SECONDS EAST FROM SAID SURVEY LINE AT STATION 415+38.96; AND LYING SOUTH AND WITHIN 125.00 FEET OF SAID SURVEY LINE EAST OF STATION 421+00. SAID SURVEY LINE BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, SAID POINT BEING STATION 392+09.99; THENCE RUN NORTH 88 DEGREES 20 MINUTES 04 SECONDS EAST, ALONG THE NORTH BOUNDARY OF SAID SECTION 1 FOR 2638.58 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 1 AT STATION 418+53.96; THENCE RUN NORTH 88 DEGREES 53 MINUTES 45 SECONDS EAST ALONG THE NORTH BOUNDARY OF SAID SECTION 1 FOR 2639.64 FEET TO THE NORTHEAST CORNER OF SAID SECTION 1, SAID POINT BEING STATION 444+93.60 AND THE POINT OF TERMINATION.

TOGETHER WITH

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

TOGETHER WITH

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER
OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 25
EAST, LEE COUNTY, FLORIDA.

TOGETHER WITH

ALL THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE
NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP
48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, LYING NORTH OF THE
NORTH BANK OF OAK CREEK, LESS THE WEST 30.00 FEET RESERVED
FOR ROADWAY PURPOSES.

TOGETHER WITH

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER
OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 48 SOUTH, RANGE 25
EAST, LEE COUNTY, FLORIDA.

ALL FIVE PARCELS CONTAINING 1,435,923 SQUARE FEET = 32.9643 ACRES.

Applicant's Legal Checked
by Jim 10/31/00

OPTION 1 EXHIBIT IV-E
EXHIBIT IV-G
EXHIBIT IV-H

- ADDITION OF A FIVE ACRE PARCEL & REZONE FROM AG-2 TO CPD
- ADDITION OF A RIGHT IN/RIGHT OUT ACCESS ON BONITA BEACH ROAD
- RECONFIGURE STORMWATER MANAGEMENT AND INDIGENOUS PRESERVE AREAS

EXECUTIVE DEVELOPMENT CORPORATION
5150 NORTH TAMiami TRAIL, SUITE #601
NAPLES, FLORIDA. 34103

DESIGN TECH INTERNATIONAL, INC.
8350 NW 27TH STREET, SUITE 301, MIAMI, FLORIDA 33122
PHONE: (305) 974-3444 FAX: (305) 982-1796

PULJES LAND SURVEYORS
5311 NW 10th. ROAD, STURTESS, FLORIDA 33351
PHONE: (954) 572-1777 FAX (954) 572-1778

AVTD ENGINEERING, INC.
1300 CURELAW ROAD, PALM HARBOR, FLORIDA 34643
PHONE: (727) 789-9306 FAX: (727) 727-6662

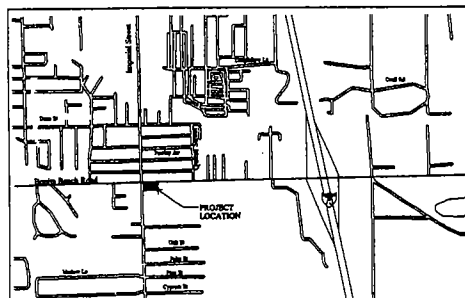
HUMPHREY & JENNETT, P.A.
1625 HENDRY STREET, PORT MYERS, FLORIDA 33902
PHONE: (813) 334-3772 FAX: (813) 334-1444

DAVID PULINGER AND ASSOCIATES, INC.
1511 HUNTER STREET, PORT MYERS, FLORIDA 33902
PHONE: (813) 331-2617 FAX: (813) 332-2645

STRAP NUMBER CLASSIFICATION		
01-48-25-83-00006.0000	CURRENT ZONHO-CFO	FROM CLASSIFICATION-B
01-48-25-83-00006.0050	CURRENT ZONHO-CFO	FROM CLASSIFICATION-B, A15
01-48-25-83-00006.0080	CURRENT ZONHO-CFO	FROM CLASSIFICATION-B, A15
01-48-25-83-00006.0080	CURRENT ZONHO-CFO	FROM CLASSIFICATION-B, A15
01-48-25-83-00007.0000	CURRENT ZONHO-CFO	FROM CLASSIFICATION-B, A15
01-48-25-83-00000.0019	CURRENT ZONHO-A03	

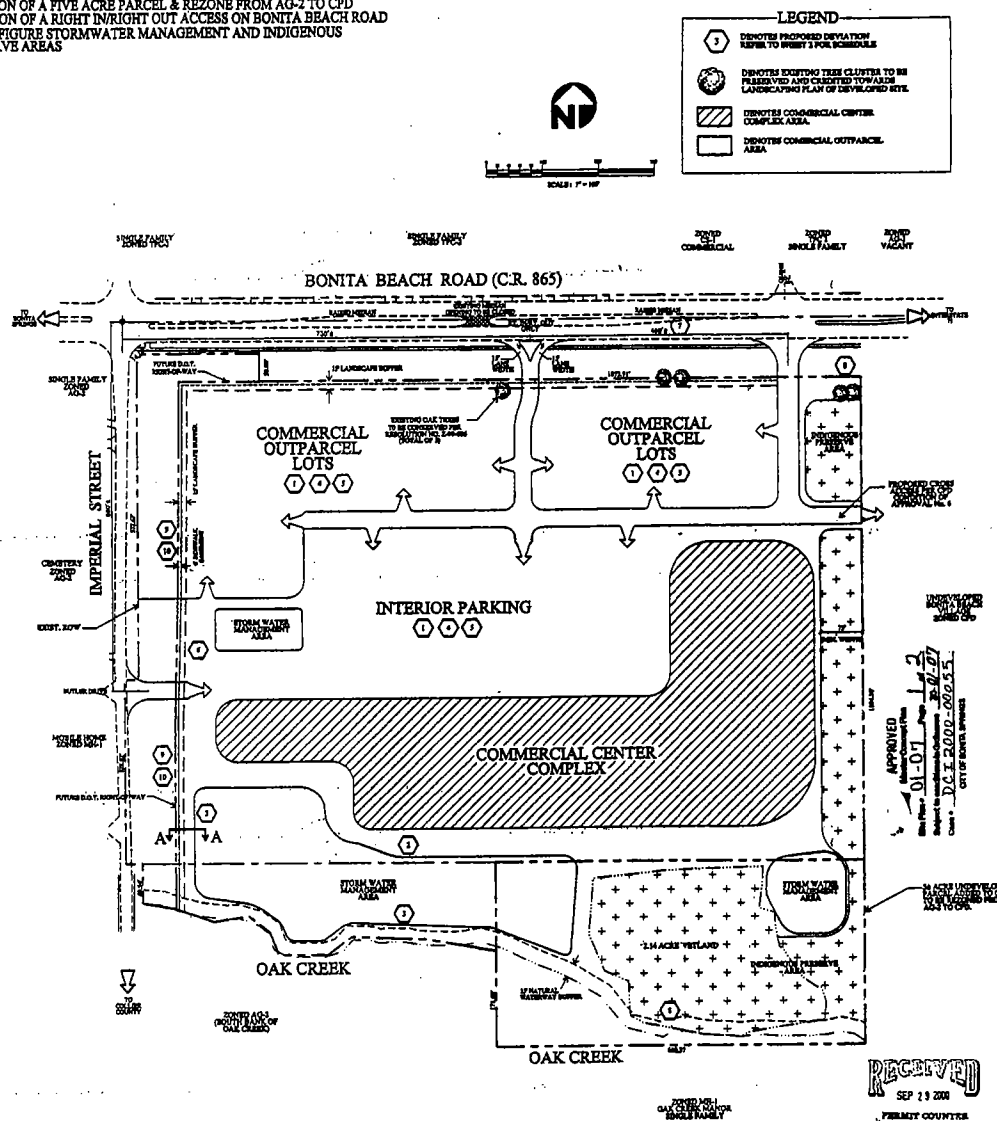
MINIMUM FRTS FINISHED FLR. ELEVATION= 11.00 NOVD

ADJACENT LAND USE
NORTH - BONITA BEACH ROAD R.O.W.
EAST - BONITA BEACH VILLAGES (CPD)
SOUTH - UNDEVELOPED (AG-3) AND RESIDENTIAL (NO-F)
WEST - MUNICIPAL STREET R.O.W.



LOCATION MAP
NOT TO SCALE

LOCATED IN SECTION 1, TOWNSHIP 48S, RANGE 25E,
LEE COUNTY, FLORIDA



RECEIVED
SEP 29 2008
PERMIT COUNTY

DCI 2000-00055

OPTION 1 EXHIBIT IV-E
EXHIBIT IV-G
EXHIBIT IV-H

MEDICAL OFFICE SPACE: UP TO 15,000 S.F.
 GENERAL OFFICE SPACE: UP TO 25,000 S.F.
 HOTEL & MOTEL SPACE: UP TO 150 ROOMS
 RETAIL COMMERCIAL SPACE
 INCLUDING OUT PARCELS: UP TO 170,000 S.F.
 TOTAL COMMERCIAL SPACE PROPOSED:
 INCLUDING HOTEL/MOTEL = 220,000 S.F.

REQUIRED PARKING:
PER LC LDC SEC 34-2000 (F)
COMBINED USES - MULTIPLE OCCUPANCY COMPLEXES
TOTAL FLOOR AREA = 228,000 S.F.
PARKING RATIO REQUIRED = 4.5 SPACES / 1000 SPACES SF. OF FLOOR AREA

[illegible]

OPEN SPACE CALCULATION: (SEE NOTE 1)		OPEN SPACE PROVIDED: (SEE NOTE 1)		TOTAL CREDITED AREA	
GROSS SITE AREA	= 31.91 AC	AREA	CREDITS (% N)	TOTAL CREDITED AREA	
LESS:		1. INDIVIDUAL PRESERVE AREAS			
LWS	= 0.55 AC	PRESERVE UPLAND	= 1.16 AC	(x 15%)	1.74 AC
FUTURA DOT & D.V.	= 1.26 AC	PRESERVE WETLAND	= 0.90 AC	(x 100%)	0.90 AC
TOTAL DEVELOPABLE SITE AREA	= 30.12 AC	TOTAL INDIVIDUAL OPEN SPACE	= 2.06 AC		
		2. BALANCE OPEN SPACE PROVIDED (SEE NOTE 2)	= 4.93 AC		4.93 AC
OPEN SPACE REQUIRED: (SEE NOTE 1)		TOTAL OPEN SPACE REQUIRED	= 4.93 AC		4.93 AC
OPEN SPACE (30.04)	= 9.96 AC				
INDIVIDUAL PRESERVE AREAS (19.19)	= 4.93 AC				

NOTES:

1. TOTAL DEVELOPMENT SITE AREA, OPEN SPACE TO BE PROVIDED AND INDIVIDUAL PRESERVE AREAS MAY VARY DUE TO FINAL DESIGN OF THE PROJECT. THE TOTAL OPEN SPACE TO BE PROVIDED WILL BE DETERMINED BY LIVINGSTON COUNTY PLANNING AND ZONING DEPARTMENT AND WILL BE BASED ON THE PRESENTATION BASED UPON LATEST DESIGN.

2. THE VALUE OF OPEN SPACE CREDITS WILL BE ALLOCATED TO THE OVERALL SITE ON THE BASIS OF THE LOCAL 10-14-11 CONGRESSIONAL DISTRICTS WHICH ARE THE MEDIAN VOTE OF THE DISTRICT.

- ADDITION OF A FIVE ACRE PARCEL & REZONE FROM AG-2 TO CPD
- ADDITION OF A RIGHT IN/RIGHT OUT ACCESS ON BONITA BEACH ROAD
- RECONFIGURE STORMWATER MANAGEMENT AND INDIGENOUS PRESERVE AREAS

1) THERE ARE NO PROPOSED ACCESS AND FACILITIES FOR PUBLIC TRANSIT

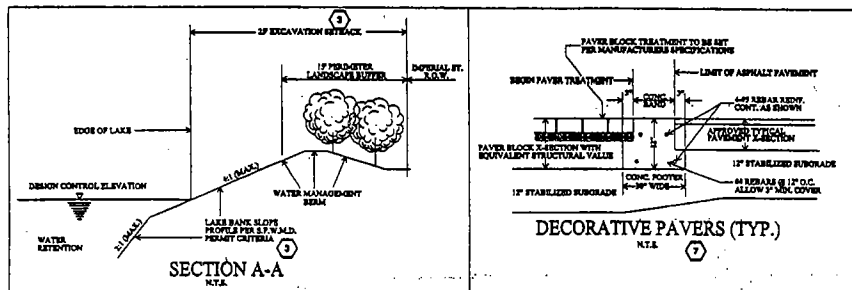
NORTH - IF LANDSCAPED BUFFER ADJACENT TO ROAD R.O.W.
EAST - NONE REQUIRED (CONSERVATION PRESERVE PROVIDED ADJACENT TO PROPERTY LINE, SEE DEVIATION #)
SOUTH - NONE REQUIRED (CONSERVATION PRESERVE AND WETLAND BUFFER PROVIDED ADJACENT TO RESIDENTIAL USE, SEE DEVIATION #)
WEST - IF LANDSCAPED BUFFER ADJACENT TO ROAD R.O.W.

FRONT - 30 FEET, EXCEPT WHEN ABUTTING RIGHT OF WAY, THEN FRONT SET BACK SHALL BE 25 FEET.

SIDE - 0 FEET FOR COMMERCIAL CENTER, AND 25 FEET FOR OUTPARCELS, EXCEPT WHEN ABUTTING RIGHT OF WAY, THEN SET BACK SHALL BE 25 FEET.

REAR - 20 FEET, EXCEPT INTERNAL REAR LOT LINES SHALL BE 5 FEET.

WATER - 20 FEET

[illegible]

	MINIMUM LOT DIMENSIONS	MAXIMUM	MAXIMUM	MINIMUM		
	AREA (SQ. FT.)	DEPT. (FEET)	HEIGHT (FEET)	BUILDING FLOOR AREA (SQ. FT.)		
COMMERCIAL OUTFALLS	1,000	100	100	32	5	30
A) COMMERCIAL CENTER (SALES OF INDIVIDUAL UNITS WITHIN COMPLEX)	1,000	60	17.5	45	6	9 OR 30 NETWTR BUILDING COMPLEX
B) COMMERCIAL CENTER (INDIVIDUAL UNITS WITHIN COMPLEX LEASED OUT UNDER UNITED LEASING COMPANY OR EQUIVALENT)	1,000	80	200	45	4	9 OR 30 NETWTR BUILDING COMPLEX

APPROVED
Master Concept Plan
Date Plan = 01-07 Page 2 of 2
Subject for conditions in Ordinances 20-01-07
Case: DCI-2000-00055
CITY OF SOUTH AFRICA