

CITY OF BONITA SPRINGS
ZONING RESOLUTION NO. 18 – 02

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; REMANDING A REQUEST BY BONITA GRANDE PROPERTIES, LP, FOR FURTHER REVIEW BY THE CITY OF BONITA SPRINGS BOARD FOR LAND USE HEARINGS AND ADJUSTMENTS AND ZONING BOARD OF APPEALS; ON LAND LOCATED AT 25501 BONITA GRANDE DRIVE, BONITA SPRINGS, FLORIDA 34135, ON +/-1,268.0 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Bonita Grande Properties, LP (“Applicant”), has filed an application to amend Lee County Zoning Resolution No. 98-071 (“Zoning Application”), as subsequently amended, to extend the termination date of mining by ten (10) years from May 27, 2020, to May 27, 2030, with the current termination date of mining statutorily extended to May 8, 2022, pursuant to Section 252.363, *Florida Statutes*; and

WHEREAS, a Public Hearing was advertised and heard on October 20, 2015, by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals (“Zoning Board”) on Case PD14-16327-B0S, which recommended 6-0 to deny (one member absent) based upon full and complete consideration of the record, consisting of the Staff Report, the documents on file with the City, and the testimony of all interested parties. The Staff Report dated October 12, 2015, which was prepared by the Community Development Department, and the evidence submitted at the Zoning Board hearing is on file with the City Clerk; and

WHEREAS, after the Zoning Board’s October 20 hearing but prior to the City Council hearing, the Applicant requested that the Zoning Application be reviewed pursuant to Section 171.062(2), *Florida Statutes*, which requires that, “if the area annexed was subject to a county land use plan and county zoning or subdivision regulations, these regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area”; and

WHEREAS, the City Council approved Zoning Resolution 16-09 on December 7, 2016, thereby remanding the Zoning Application to the Zoning Board to be reviewed pursuant to Section 171.062(2) *Florida Statutes*, and authorizing the Applicant to submit additional analysis of its request using the Lee County Comprehensive Plan and the applicable Lee County land development regulations, as they were in effect at the time of the City’s annexation of the Applicant’s property (June 20, 2003); and

WHEREAS, the City Council extended the remand by Zoning Resolution 17-13 on May 17, 2017, for the submittal and review of the Lee County Comprehensive Plan and the applicable Lee County land development regulations, as they were in effect at the time of the City’s annexation of the Applicant’s property (June 20, 2003); and

WHEREAS, on January 10, 2018, the Applicant sent a letter to the City asking for additional time to be able to respond to the City Staff's questions related to the Zoning Application.

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

SECTION ONE: REMAND OF REQUEST

The City Council of Bonita Springs hereby remands the Zoning Application to the Zoning Board for review pursuant to Section 171.062(2), *Florida Statutes*, which requires that such Application be reanalyzed by the City Staff, using the Lee County Comprehensive Plan and the applicable Lee County land development regulations, as they were in effect at the time of the City's annexation of the Applicant's property (June 20, 2003).

1. The Applicant must submit additional analysis of its request using the Lee County Comprehensive Plan and the applicable Lee County land development regulations, as they were in effect at the time of the City's annexation of the Applicant's property (June 20, 2003).
2. The City Staff will process the Zoning Application to be brought to hearing before the Zoning Board within six (6) months of this Resolution.

SECTION TWO: EFFECTIVE DATE

This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 7th day of February, 2018.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

DeWitt	Aye	Quaremba	Aye
Forbes	Aye	Simmons	Aye
Gibson	Aye	Slachta	Aye
O'Flinn	Aye		

Date filed with City Clerk: 2/12/18