

CITY OF BONITA SPRINGS, FLORIDA
ZONING RESOLUTION NO. 09-02

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA: DENYING A ZONING REQUEST BY BONITA BUBBLES SELF STORAGE TO REZONE COMMERCIAL PLANNED DEVELOPMENT (CPD) TO COMMERCIAL PLANNED DEVELOPMENT (CPD); ON 6.94 +/- ACRES OF LAND LOCATED AT 24296 AND 24300 S. TAMIAMI TRAIL, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bonita Springs Zoning Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") gave full consideration to the evidence available, and recommended APPROVAL; and

WHEREAS, City Council held a public hearing and gave full and complete consideration of the record, consisting of the recommendation of staff, the zoning board, the documents on file with the City and the testimony of all interested parties.

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

SECTION ONE: DENIAL OF REQUEST

City Council of Bonita Springs hereby denies the zoning request, without prejudice. As to findings of fact, City Council finds:

1. The applicant failed to prove entitlement to amending the Commercial Planned Development (CPD) because the change fails to show compliance with the Bonita Springs Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested CPD zoning as conditioned:
 - a. Does not meet performance and locational standards set forth for the potential uses allowed by the request;
 - b. is inconsistent with the densities, intensities and general uses set forth in the Bonita Springs Comprehensive Plan;
 - c. is not compatible with existing or planned uses in the surrounding area, specifically with Leisure Time Village and Pelican Landing; and
 - d. will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request places an undue burden upon existing transportation or planned infrastructure facilities.

4. Urban services, as defined in the Bonita Springs Comprehensive Plan, are available and adequate to serve the proposed land use, as conditioned.
5. The proposed uses are not appropriate at the subject location.
6. The recommended conditions to the master concept plan and other applicable regulations do not provide sufficient safeguards to the public interest.
7. The recommended conditions are not reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations requested, even as conditioned:
 - a. Fail to enhance the objectives of the planned development; and
 - b. Fail to preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

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 18th day of May, 2009.

AUTHENTICATION:



 Mayor



 City Clerk

APPROVED AS TO FORM:



 City Attorney

Vote:

| | | | |
|----------|-----|--------|-----|
| Ferreira | Aye | Nelson | Aye |
| Lonkart | Aye | Simons | Aye |
| McCourt | Aye | Spear | Aye |
| Martin | Aye | | |

Date filed with City Clerk: 5-19-09