

CITY OF BONITA SPRINGS, FLORIDA
ZONING RESOLUTION NO. 09-03

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA: ACKNOWLEDGING LACK OF JURISDICTION FOR A ZONING REQUEST BY JAMES AND KARYSIA DEMAREST FOR THE BROOKSIDE CPD PROJECT AS A RESULT OF DENYING THE DEMAREST BONITA BEACH ROAD FLUM SMALL SCALE MAP AMENDMENT; 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, subject to City Council approving the application for a Map Amendment to the Future Land Use Element of the City's Comprehensive Plan to General Commercial; and

WHEREAS, following City Council's denial of the comprehensive plan amendment, City Council was without authority to approve, deny or consider the zoning request.

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

SECTION ONE: LACK OF JURISDICTION TO CONSIDER REQUEST

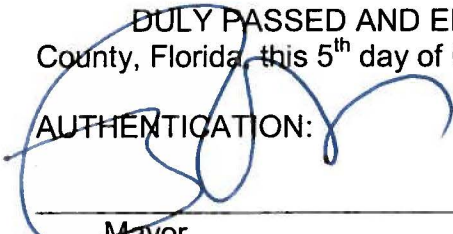
City Council of Bonita Springs is not deciding the zoning request. As to findings of fact, City Council acknowledges it is without authority to consider the Zoning Request for the Brookside CPD project since the proposed zoning does not conform to the existing comprehensive plan land use classification, following City Council's denial of the Demarest Bonita Beach Road Flum Small Scale amendment; on land located at 11007 Bonita Beach Road; 28001 and 28005 West Brook Drive, Bonita Springs, Florida.

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 5th day of October, 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: 10-6-09