

CITY OF BONITA SPRINGS, FLORIDA
ZONING RESOLUTION NO. 08-002

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; DENYING A REZONING REQUEST BY THE ROBERTS GROUP, INC. IN REFERENCE TO ROBERTS GROUP CPD TO REZONE 68 +/- ACRES FROM AG-2 AND RS-1 TO COMMERCIAL PLANNED DEVELOPMENT; ON LAND LOCATED AT 27800, 27910, 27940, 27960 BONITA GRANDE DRIVE AND 27800, 27897, 27901, 27931, AND 27937 EAGLE RIDGE ROAD, BONITA SPRINGS, FLORIDA, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Public Hearing was advertised and heard on September 28, 2007 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case DCI 2005-00023 who gave full consideration to the evidence available and recommended denial (6-1, Norris to approve); and gave 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 September 11, 2007 Staff Report prepared by Lee County Development Services Division and evidence submitted at the Zoning Board hearing is on file with the City Clerk; and

WHEREAS, City Council held a public hearing on December 18, 2007, continued it to January 28, 2008 and again continued the public hearing to February 6, 2008, giving 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 findings to base its decision, using the analysis of the application and the standards for approval of planned development rezoning, Bonita Springs City Council made the following findings and conclusions:

1. The applicant has not proven entitlement to the rezoning to Commercial Planned Development by demonstrating compliance with the Bonita Springs Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning, as conditioned:


- a) does not meet or exceeds all 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; and
 - d) will adversely affect environmentally critical areas or natural resources.
3. Approval of the request, even with conditions and a proportionate agreement or development agreement, is expected to place an undue burden upon existing transportation or planned infrastructure facilities within the City and the site will not be served by streets with the capacity to carry traffic generated by the development. Some of the streets are beyond the control of the City of Bonita Springs, including transportation segments maintained by Lee County Board of County Commissioners, Collier County Board of County Commissioners and the Florida Department of Transportation (I-75).
 4. Urban services (road infrastructure), as defined in the Bonita Springs Comprehensive Plan, are not available and are not adequate to serve the proposed land use.
 5. The proposed mix of uses, as conditioned, is not appropriate at the subject location due to the project's expected transportation impacts. Developer would not agree to a condition limiting traffic generation with the development as indicated on the Master Concept Plan based on a total square footage of 350,000 square feet of commercial floor area, of which 45,000 square feet may be office development (LUC 710) and 305,000 sq ft shopping center (LUC 820), with 1,260 PM peak hour trips generated from the site.
 6. Adequate conditions to the concept plan and other applicable regulations will not provide sufficient safeguards to the public interest.
 7. Conditions reasonably related to the impacts on the public's interest created by or expected from the proposed development were recommended to offset the impacts, but were not agreed to by the Developer.
 8. The deviations recommended for approval:
 - a) do not enhance the objectives of the planned development; and
 - b) do not preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

SECTION TWO: EFFECTIVE DATE

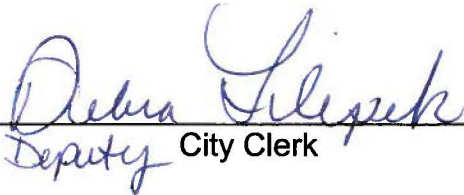
This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 6th day of February 2008.

AUTHENTICATION:



Mayor



Deputy City Clerk

APPROVED AS TO FORM: 

City Attorney

1. Aye representing motion to approve the rezoning – motion failed

Vote:

Arend	Aye	Joyce	Aye
Ferreira	Nay	Simons	Nay
Grantt	Nay	Nelson	Aye
McCourt	Nay		

2. Aye representing approval of the motion to deny with prejudice

Vote:

Arend	Aye	Joyce	Aye
Ferreira	Aye	Simons	Aye
Grantt	Aye	Nelson	Aye
McCourt	Aye		

Date filed with City Clerk: 2/7/08