

CITY OF BONITA SPRINGS, FLORIDA  
ZONING RESOLUTION NO. 08-003

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA: DENYING A ZONING REQUEST BY MARTHA FLORES/TAQUERIA EL SARAPE, INC. FOR A SPECIAL EXCEPTION IN THE COMMERCIAL (C-1) DISTRICT FROM LAND DEVELOPMENT CODE SEC. 34-843 TO ALLOW A 1-COP (BEER ONLY) ALCOHOLIC BEVERAGE LICENSE FOR CONSUMPTION ON PREMISES IN CONJUNCTION WITH A GROUP III RESTAURANT; ON LAND LOCATED AT 26909 OLD 41 ROAD, 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 (4-1, Incerpi voting nay and Bielski / Brandreth absent); 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. Based upon an analysis of the application and the standards for approval of a special exception, Bonita Springs City Council makes the following findings and conclusions. The requested special exception, as conditioned:

- a) Is inconsistent with the goals, objectives, policies and intent of the Bonita Springs Comprehensive Plan. While the subject property is located in the General Commercial category according to the Comprehensive Plan, the intent of the plan is to protect residential development from intrusive nonresidential uses by designating proper areas for their development. Some commercial use of the property is appropriate, but Consumption on Premises at this location is too intense for the neighborhood immediately adjacent to the East.
- b) Does not meet or exceed all performance and locational standards set forth for the proposed use. The subject property is deficient with regard to landscape buffering and parking and the use should not be allowed to expand to include Consumption on Premises.
- c) Will be incompatible with existing or planned uses. The subject restaurant is located fewer than 200 feet away from the residential property to the rear.

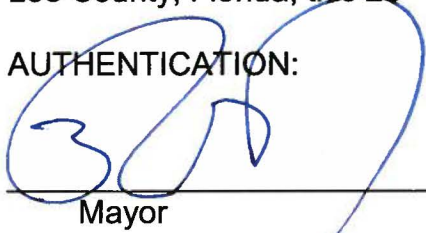
- d) Will not cause damage, hazard, nuisance or other detriment to persons or property. The approval of this request will have a negative impact on nearby residential properties, especially with no buffer separating the uses.
- e) Will not be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in the Land Development Code. The subject property does not provide sufficient parking for all requested uses of the property.

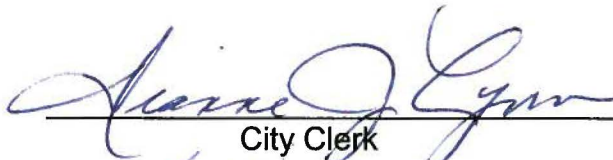
**SECTION TWO: EFFECTIVE DATE**

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 28<sup>th</sup> day of April, 2008.

AUTHENTICATION:

  
 \_\_\_\_\_  
 Mayor

  
 \_\_\_\_\_  
 City Clerk

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 City Attorney

Vote:

Ferreira	Aye	Spear	Aye
Martin	Aye	Simons	Aye
McCourt	Absent	Lonkart	Aye
Nelson	Aye		

Date filed with City Clerk: 4-28-08