

**CITY OF BONITA SPRINGS, FLORIDA
ZONING RESOLUTION NO. 04-01**

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA: DENYING A ZONING REQUEST BY DORSET HARBOR DEVELOPMENT TO REZONE FROM AGRICULTURAL (AG-2) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) ON LAND LOCATED AT 27400 ARROYAL ROAD, BONITA SPRINGS, FLORIDA, (STRAP NO. 33-47-25-B2-00201.0000), ON 5.9 ± ACRES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Dorset Harbor Development filed an application for rezoning the subject 5.9+/- acres from Agricultural (AG-2) to Residential Planned Development (RPD), to develop a total of 24 single-family units; and

WHEREAS, the subject property is located at 27400 Arroyal Road, Bonita Springs, Florida; and

WHEREAS, a Public Hearing was advertised and heard on December 5, 2003 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case DCI 2003-00013 who gave full consideration to the evidence available and recommended APPROVAL (6-0) 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 November 17, 2003 Staff Report prepared by Lee County Development Services Division and evidence submitted at the Zoning Board hearing is on file with the City Clerk.

WHEREAS, on January 26, 2004, 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 sworn 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 planned development rezonings, Bonita Springs City Council makes the following findings and conclusions:

1. The applicant has not proven entitlement to the rezoning 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 exceed all performance and locational standards set forth for the potential uses allowed by the request;
 - b) is not consistent 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 will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Bonita Springs Comprehensive Plan, are available and adequate to serve the proposed land use.
5. The proposed mix of uses is appropriate at the subject location.
6. The recommended conditions to the 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 approved, as conditioned:
 - 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 26th day of January, 2004.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Arend	Aye	Piper	Nay
Edsall	Aye	Wagner	Aye
Nelson	Aye	Warfield	Aye
Pass	Aye		

Date filed with City Clerk: 1-28-04