

CITY OF BONITA SPRINGS
ZONING RESOLUTION NO. 22 – 01

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A VEHICLE AND EQUIPMENT DEALER, GROUP I USE WITHIN THE HISTORIC ZONE OF THE BONITA BEACH ROAD CORRIDOR OVERLAY; LOCATED AT 28280 OLD 41 ROAD, UNIT M-5, BONITA SPRINGS, FL 34135; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, High Road Holdings, LLC (“Applicant”) has filed an application to request a special exception to allow an indoor car sales office and indoor showroom use; and

WHEREAS, the subject property is located at 28280 Old 41 Road, Unit M-5, STRAP No. 02-48-25-B1-29000.0M05, and is described more particularly as:

“See Exhibit A”

WHEREAS, the Bonita Beach Road Corridor Overlay requires that certain uses are required to obtain a special exception pursuant to Section 4-898 of the Land Development Code (“LDC”); and

WHEREAS, a Public Hearing was advertised and heard on December 14, 2021 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals (“Zoning Board”) on Case SPE21-82503-BOS who recommended approval (6-1) after giving full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all parties; and

WHEREAS, City Council at their January 19, 2022 zoning meeting considered the record of the Zoning Board on Case SPE21-82503-BOS, as well as a transcript of the Zoning Board hearing submitted as part of the City Council hearing record, and gave full consideration of the Staff Recommendation, the evidence and testimony, including the expert opinion of the Applicant’s agents.

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

SECTION ONE: APPROVAL OF REQUEST

City Council of Bonita Springs hereby approves the request for a special exception with the following conditions:

Conditions:

1. This approval is for an appointment only car sales office and indoor sales room use only, within Unit M-5 at 28280 Old 41 Road.
2. Hours of appointments, pick-ups and drop-offs of vehicles are limited to 9:00 AM- 4:00 PM, Monday-Saturday.
3. The uses shall be conducted entirely within the Unit. No vehicles are permitted to be stored or shown outside of the Unit.
4. All doors shall remain closed at all times unless vehicles are actively entering or exiting the Unit via wheel casters.
5. All vehicle ignitions are to remain off when entering, exiting and inside of the Unit.
6. All vehicles are to enter from the rear access roll-up door only.
7. All hazardous materials, as defined by the Environmental Protection Agency, shall be properly stored, used, and disposed of in accordance with Best Management Practices, manufacturer recommendations, and local, state, and federal regulations.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of special exception, Bonita Springs City Council makes the following findings and conclusions:

1. The Applicant has proven entitlement for the requested special exception by demonstrating compliance with the Bonita Springs Comprehensive Plan; and
2. The Applicant has specifically proven:
 - i. **Exceptional or extraordinary conditions exist which warrant the proposed uses.**
 - ii. The request is consistent with the goals, objectives, policies and intent of the Bonita Plan.
 - iii. The request meets all performance and locational standards set forth.
 - iv. Will protect, conserve or preserve environmentally critical areas and natural resources.
 - v. Will be compatible with existing or planned uses.
 - vi. Will not cause damage, hazard, nuisance or other detriment to persons or property.

- vii. In compliance with all general zoning provisions, supplemental regulations and performance standards pertaining to the uses set forth in this chapter.
- viii. No physical constraints, hazards or nuisances which are detrimental to the health and safety are present.

SECTION TWO: INCORPORATION OF RECORD

City Council of Bonita Springs hereby adopts and incorporates into this resolution the record hearing exhibits and attachments considered as part of the application as follows:

EXHIBITS:

- A. Legal Description of the Subject Property

ATTACHMENTS:

- A. Area Plan
- B. Floor Plan

SECTION THREE: 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 19th day of January, 2022.

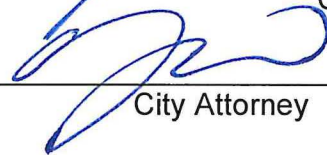
AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM: 

City Attorney

Vote:

Carr Aye
Purdon Aye
Forbes Aye
Gibson Aye

Corrie Aye
Quaremba Aye
Steinmeyer Aye

Date filed with City Clerk: 1/19/22

EXHIBIT A

UNIT M-5

UNIT M-5 CAUSEWAY COMMERCE BUILDING, A COMMERCIAL CONDOMINIUM
ACCORDING TO THE DECLARATION OF THE CONDOMINIUM THEREOF RECORDED IN
THE OFFICIAL RECORDS INSTRUMENT No. 2019000076625, OF THE PUBLIC
RECORDS OF LEE COUNTY, FLORIDA.

ATTACHMENT A

AREA PLAN



ATTACHMENT B
FLOOR PLAN

