

CITY OF BONITA SPRINGS
ZONING RESOLUTION NO. 15 - 01

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; DENYING THE REQUEST TO REZONE 1.07± ACRES OF LAND FROM C-1A COMMERCIAL (C-1A) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR A CAR WASH FACILITY; ON LAND LOCATED AT 27731 S. TAMIAMI TRAIL., BONITA SPRINGS, FL 34134; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Neale Montgomery, Esquire, representing the Bonita Springs Car Wash has filed an application to rezone ±1.07 acres of land from C-1A Commercial (C-1A) to Commercial Planned Development (CPD) to allow a car wash facility (6,200 SF maximum) and vacuum area with a maximum height of 35 feet; and

WHEREAS, the subject property is located at 27731 S. Tamiami Trail, Bonita Springs, Florida, 34134 and is described more particularly as:

THE SOUTH 1/2 OF TRACT #57, LYING EAST OF U.S. HIGHWAY 41 OF THAT CERTAIN SUBDIVISION KNOWN AS ARROYAL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, OF RECORD IN PLAT BOOK 3, PAGE 80, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

WHEREAS, a Public Hearing was advertised and heard on May 19, 2015 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case PD14-13460-BOS who gave full consideration to the evidence available and recommended approval (4-1, Pastore voting nay) subject to modifications necessary for replacement of Attachments A & C, and staff and applicant working on modifying the cross access required of Condition 9 (a); and gave full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all interested parties. The May 8, 2015 Staff Report prepared by Community Development and evidence submitted at the Zoning Board hearing is on file with the City Clerk.

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 rezoning request, upholding the recommendation of staff and based on the following findings after its hearings on June 15, 2015 and July 1, 2015:

1. The applicant has not proven entitlement to the rezoning to Commercial Planned Development (CPD) by demonstrating compliance with the Bonita Springs Comprehensive Plan, the Land Development Code, and other applicable codes and regulations as conditioned.
2. The requested CPD zoning as conditioned:
 - a. does not meet nor exceed all performance and locational standards set forth for the potential uses allowed by the request; and
 - b. is consistent with the densities, intensities and general uses set forth in the Bonita Springs Comprehensive Plan; and
 - c. is not compatible with existing or planned uses in the surrounding area; and
 - d. may 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, as conditioned.
4. Urban services, as defined in the Bonita Springs Comprehensive Plan, are available and adequate to serve the proposed land use, as conditioned.
5. The proposed use is not appropriate at the subject location due to the visual impact of the project and its proposed cross access interconnection, as conditioned.
6. Adequate conditions to the master concept plan and other applicable regulations will not provide sufficient safeguards to the public interest.
7. Conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development cannot be recommended to offset the impacts.

SECTION TWO: EFFECTIVE DATE


This resolution shall take effect immediately upon adoption.

DULY PASSED by the Council of the City of Bonita Springs, Lee County, Florida, this 1st day of July, 2015.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Nelson	Nay	Simmons	Aye
McIntosh	Nay	Gibson	Aye
Martin	Absent	Lonkart	Aye
Slachta	Aye		

Date filed with City Clerk: 5/7/15