

CITY OF BONITA SPRINGS, FLORIDA  
ZONING RESOLUTION NO. 07-01

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA, NOT APPROVING A REQUEST BY WESTPOINTS INVESTMENT PARTNERS II, LLC FOR A PROJECT KNOWN AS BLUE MARLIN COVE TO REZONE FROM COMMERCIAL (C1-A) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO DEVELOP A TOTAL OF 9 DWELLING UNITS (INCLUDING TWO BONUS DENSITY UNITS THROUGH THE CASH CONTRIBUTION OPTION FOR AFFORDABLE HOUSING); ACCEPTING THE APPLICANT'S WITHDRAWAL OF THE ZONING CASE; ON LAND LOCATED AT 4612 BONITA BEACH ROAD, BONITA SPRINGS, FLORIDA, (STRAP NO. 32-47-25-B4-00056.0010), ON 0.72 +/- ACRES; 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; 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: ACTION TAKEN ON REQUEST**

The motion to approve the zoning request failed (3-4) and following action taken by City Council of Bonita Springs, the applicant withdrew zoning request during the hearing. 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 did not prove 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, was not compatible with existing or planned uses in the surrounding area; and could be adversely affected by its location in the Coastal High Hazard area.
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. Most notably, the canal traffic could be burdened by the unlimited quantity of boat slips.
4. The proposed use or mix of uses is not appropriate at the subject location.
5. The recommended conditions to the concept plan and other applicable regulations did not provide sufficient safeguards to the public interest.

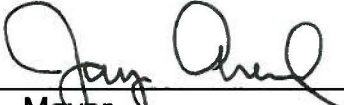
6. The deviations failed to preserve and promote the general intent of the LDC to protect the public health, safety and welfare.


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 25<sup>th</sup> day of June, 2007.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor

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

APPROVED AS TO FORM:

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

Vote:

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

Date filed with City Clerk: 6-26-07