

CITY OF BONITA SPRINGS, FLORIDA
ZONING RESOLUTION NO. 06-01

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA: DENYING A ZONING REQUEST BY ARROYAL PLACE TO REZONE FROM AGRICULTURAL (AG-2) AND RESIDENTIAL (RS-1) TO RESIDENTIAL PLANNED DEVELOPMENT, TO PERMIT A MAXIMUM OF FIVE (5) SINGLE-FAMILY HOMES; ON LAND LOCATED AT 27270 AND 27290 ARROYAL ROAD, BONITA SPRINGS, FLORIDA, (STRAP NOS. 33-47-25-B2-00201.0010 and 33-47-25-B2-00201.0020), ON 1.34 ± 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 made no recommendation (impasse with Norris, Brandeth and Mathes recommending approval and Bielski, Pastore and Incerpi recommending denial); 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, and makes the following findings of fact:

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:
 - 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, in particular, soils and flooding.

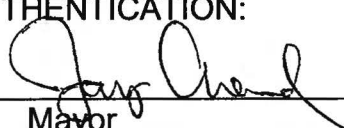
3. Approval of the request places an undue burden upon existing transportation or planned infrastructure facilities and the site is not served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Bonita Springs Comprehensive Plan, are not, and will not be, available and adequate to serve the proposed land use.
5. The proposed use is inappropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations fail to provide sufficient safeguards to the public interest.
7. The recommended conditions were not reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations if granted would not enhance the objectives of the planned development; nor would they preserve and promote the general intent of the Land Development Code 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 24th day of April, 2006.

AUTHENTICATION:



 Mayor



 City Clerk

APPROVED AS TO FORM:



 City Attorney

Vote:

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

Date filed with City Clerk: 4-24-06