

CITY OF BONITA SPRINGS, FLORIDA
ZONING RESOLUTION NO. 05-10

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA: DENYING A ZONING REQUEST BY LOWE'S HOME IMPROVEMENT CENTERS, INC. FOR REZONING 22.53 +/- ACRES FROM COMMUNITY COMMERCIAL DISTRICT (CC), RESIDENTIAL TWO-FAMILY CONSERVATION DISTRICT (TFC-2), MULTIPLE FAMILY DISTRICTS (RM-2) AND COMMERCIAL PLANNED DEVELOPMENT (CPD) TO COMMERCIAL PLANNED DEVELOPMENT (CPD) TO ALLOW DEVELOPMENT OF UP TO 168,708 SQUARE FEET OF FLOOR AREA FOR USES INCLUDING BUT NOT LIMITED TO: AUTOMATIC TELLER MACHINES; BUILDING MATERIALS SALES; HARDWARE STORE; LAWN AND GARDEN SUPPLY; AND STORAGE, INDOOR, AND OUTDOOR. THE PROPOSED MAXIMUM BUILDING HEIGHT IS 47 FEET (PARAPET) (ONE HABITABLE STORY, ON LAND LOCATED AT 10550, 10602, 10650 AND 10750 BONITA BEACH ROAD, BONITA SPRINGS, FLORIDA (STRAP NOS. 35-47-25-B3-00120.0000; 35-47-25-B3-00119.0000; 35-47-25-B3-00117.0020; 35-47-25-B3-00117.0030), ON 22.53 +/- 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 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 to Commercial Planned Development by demonstrating compliance with the City of Bonita Springs Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested Commercial Planned Development zoning:
 - a) is not consistent with the City of Bonita Springs Comprehensive Plan; and
 - b) is not compatible with existing or planned uses in the surrounding area.
3. Approval of the request will place an undue burden upon existing transportation or planned infrastructure facilities and the site will not be served by streets with the capacity to carry traffic generated by the development.

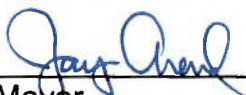
4. Urban services are not adequate to serve the proposed land use.
5. The proposed use is not appropriate at the subject location.
6. Conditions to the concept plan are in this Ordinance and other applicable regulations do not provide sufficient safeguards to the public interest.
7. Conditions in this Ordinance are not reasonably related to the impacts on the public's interest created by or expected from the proposed development.

SECTION TWO: EFFECTIVE DATE

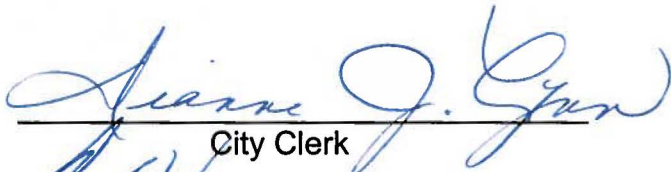
This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 8th day of November, 2005.

AUTHENTICATION:



 Mayor



 City Clerk

APPROVED AS TO FORM:



 City Attorney

Vote:

Arend	Aye	Nelson	Aye
Edsall	Aye	Piper	Aye
Grantt	Nay	Wagner	Aye
Joyce	Aye		

Date filed with City Clerk: 11-9-05