

**City of Bonita Springs
Board for Land Use Hearings & Adjustments
And Zoning Board of Appeals
Tuesday, December 17, 2019 at 9:00 AM
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, FL 34135
MINUTES**

I. CALL TO ORDER

Chairman Larry Kurlander called the meeting to order at 9:00 A.M.

II. INVOCATION

Board Member Russ Winn furnished the invocation.

III. PLEDGE OF ALLEGIANCE

Chairman Kurlander led in the Pledge of Allegiance.

IV. ROLL CALL: Chairman Larry Kurlander, and Board Members Dawn Koncikowski, Roger Brunswick, Barbara Craig, Russ Winn, and Robert Incerpi. Board Member Richard Donnelly was not in attendance.

Also in attendance was Land Use Attorney David Theriaque, City Attorney Derek Rooney, Jackie Genson, John Dulmer and Mike Kirby. In attendance on behalf of the Applicant were Attorney Neale Montgomery, David Depew, and Tina Eckblad.

V. APPROVAL OF MINUTES- November 19, 2019 (To be provided via Addendum or at the meeting) No Minutes

VI. PUBLIC COMMENT: No public comments were made.

VII. PUBLIC HEARINGS

A. CONTINUANCE FROM NOVEMBER 19, 2019, AGENDA ITEM VII.B.

CASE NAME: PD19-60292-BOS Bonita Grande Mine Industrial Planned Development (IPD) Amendment

REQUEST: To amend Lee County Zoning Resolution No. 98-071 as subsequently amended, to expand the mining excavation limits and extend the termination of mining date to February 13, 2041 consistent with the Florida Department of Environmental Protection (FDEP) Environmental Resource Permit (ERP).

LOCATION: The subject property is located at 25501 Bonita Grande Drive, Bonita Springs, FL 34135

STRAP: 20-47-26-B1-00001.0000

9:07:07 AM Chairman Larry Kurlander addressed the process, to which Attorney David Theriaque, furnished the history to date, including related lawsuits, explaining that this entails Lee County's regulations. City Attorney Derek Rooney addressed conditions of the settlement agreement.

[9:20:53 AM](#) City Attorney Rooney next placed all witnesses under oath.

[9:21:12 AM](#) David Depew, representing the Applicant with Morris Depew, next furnished a PowerPoint presentation, to address the Applicant's team, the property location, the history as to the creation of the DR/GR of which the intent was to limit activities and density in those designated areas. Discussion was held on the settlement/compliance agreement. Mr. Depew continued his presentation by addressing the Comprehensive Plan, IPD Amendment request, an aerial photograph showing the existing conditions of the property, natural resources, the conditions contained in Lee County Resolution Z-02-47,

Board Member Brunswick question the destination of trucks from the mine, to which Ms. Montgomery explained that it would be wherever development is occurring, which she further explained. Discussion was also held on the mining process, dust, damage to homes in the areas as a result of mining, noise as a result of blasting.

[10:35:01 AM](#) A 10 Minutes break was taken.

[10:48:35 AM](#) Mr. Depew continued his presentation addressing the existing and proposed MCP, distances to residential structures, Lee Plan consistency,

[10:58:48 AM](#) Chairman Kurlander addressed reclamation, which Attorney Theriaque stated was required. Chairman Kurlander addressed "illegal dumping" occurring on Bonita Beach Road by the truckers. City Attorney Rooney explained that was littering, noting that he was unaware of any illegal dumping.

[11:09:06 AM](#) Jackie Genson, Community Development, next furnished a PowerPoint presentation to address the Staff Report. Staff is recommending approval of the request. She addressed conditions, zoning, surrounding areas, the MCP, the Schedule of Uses, Deviations, the Lee Plan and Land Development Code, neighborhood meetings held as well as neighborhood compatibility, new environmental considerations, stormwater management, transportation, the Compliance Agreement and the conditions of approval.

[11:29:14 AM](#) Board Members next reported ex parte communications.

[11:30:27 AM](#) Ms. Montgomery responded to the letter submitted into the record from Mary Beth Borre', a resident of Bonita Bay, explaining that this will not affect future water supply.

No public comments were made.

[11:32:26 AM](#) Board Member Robert Incerpi motioned to accept Staff's recommendation of approval; Board Member Koncikowski seconded.

[11:33:19 AM](#) Board Member Craig read into the record a letter indicating her support for the request.

[11:35:44 AM](#) The motion is to approve the application as conditioned, and passed 5-1 (Chairman Kurlander opposed)

VIII. NEXT MEETING: January 14, 2020 (TENTATIVE)

IX. ADJOURNMENT:

There being no further cases to discuss, the meeting adjourned at 11:45 A.M.

Respectfully submitted,

Michelle Anderson, Deputy City Clerk

APPROVED:

BONITA SPRINGS ZONING BOARD:

Date: _____

AUTHENTICATED:

Lawrence Kurlander, Chairman