



**City of Bonita Springs Board
for
Land Use Hearings & Adjustments and Zoning Board of Appeals
MINUTES
Tuesday, September 15, 2020
9:00 A.M.**

I. CALL TO ORDER

Chairman Lawrence Kurlander called the meeting to order at 9:01 A.M.

II. INVOCATION

Board Member Russ Winn furnished the invocation.

III. PLEDGE OF ALLEGIANCE

Chairman Lawrence Kurlander led the Board in the Pledge of Allegiance.

IV. ROLL CALL

Members in attendance: Chairman Lawrence Kurlander, Vice-Chairman Robert Incerpi, Board Member Roger Brunswick, Board Member Richard Donnelly, Board Member Anthony Rascio, Board Member Russ Winn.

V. PUBLIC COMMENT

Chairman Lawrence Kurlander recommended that Public Comment be made after the presentation. No requests for Public Comment were noted.

VI. SWEARING IN

City Attorney Derek Rooney placed all witnesses under oath.

VII. PUBLIC HEARINGS

A. 9:00 AM

CASE NAME: HARKAT INDUSTRIAL PLANNED DEVELOPMENT (IPD), PD19- 65454-BOS
REQUEST: A REQUEST TO REZONE APPROXIMATELY 1.82 ACRES +/- FROM INDUSTRIAL PLANNED DEVELOPMENT (IPD) TO INDUSTRIAL PLANNED DEVELOPMENT (IPD) TO ALLOW FOR A MAXIMUM

OF 28,875 SQUARE FEET OF INDUSTRIAL USES.

LOCATION: 10971 and 10979 Enterprise Avenue, Bonita Springs, FL 34135

1. APPLICANT PRESENTATION

Presenter:

Stacy Hewitt, Banks Engineering

- Ms. Hewitt began presentation requesting to rezone approximately 1.82 ACRES +/- from Industrial Planned Development (IPD) to Industrial Planned Development (IPD) to allow for a maximum of 28,875 square feet of Industrial Uses, maximum height of 40 feet.
- Her presentation included review of Future Land Use, Zoning and Ariel Maps; Timeline of Subject Property and surrounding area; Proposed Master Concept Plan; Schedule of Uses, Property Development Regulations and Landscape Plan, Elevations, and Floor Plans.
- Ms. Hewitt provided information on the Neighborhood Coordination for the project stating that meetings were held in October and November of last year, and July of this year.
- Conditions of satisfaction to be demonstrated through the presentation with examples provided as follows: Architectural, Service and deliveries are restricted to the west side of the building, Landscaping and Buffering, Surveying and Open Storage.
- Ms. Hewitt discussed Deviations stating that #1 and #2 were withdrawn per Staff. A new proposed Deviation #3 was recommended by Staff for approval which per LDC Section 3-418(d)(6). Comprehensive Plan – Future Land Use were presented noting the request was consistent with Policy 1.1.16 a-d and Policy 1.11.1. The Transportation Element and Recreation/Open Space Elements were also found consistent.
- Applicant and Staff in agreement that the project met all the formal findings criteria for approval of LDC Section 4-131(D)(3) and LDC Section 4-299(A)(2).
- Chairman Lawrence Kurlander questioned why 40 feet in height. Applicant stated that some of the plan development for buildings of those type of uses made economic sense for the owner and was critical for the financial well-being of the client.
- Board Member Rascio questioned whether there could be smaller garage doors. Applicant stated the larger door was to accommodate the air flow and reduce heat and humidity in the building. Applicant stated that weather permitting, the doors would only be open during business hours. Board Member Rascio stated residents were concerned about the noise. Applicant responded they did not anticipate any of the large mechanical operations to cause problems as a number of uses were eliminated to mitigate noise and noxious odors.
- Board Member Richard Donnelly asked what that actual wall height of the east wall would be. Applicant stated they are anticipating 32 feet of height at building's edge.
- Vice-Chairman Robert Incerpi questioned if the three doors on the east side were absolutely necessary for air and if Applicant was providing air-conditioning to all the offices in the building. Applicant stated yes, to the doors and they would be providing A/C. Vice-Chairman Incerpi also

asks if Applicant would be providing industrial ceiling fans in the work area. Applicant stated they would have but still in early stages of design.

2. STAFF REPORT PRESENTATION

- Mike Fiigon, Community Development, next presented the Staff Report via a PowerPoint presentation (copy in Clerk's file). Materials reviewed along with Aerial History; Future Land Use Map Designation; Current Zoning Designation; Master Concept Plan; Permitted Uses; Development Regulations, Comprehensive Plan, and Deviations 1 and 2.
- Staff recommended approval of the deviation request and agree that the Applicant does meet the PD Review Criteria. Staff recommended approval subject to the nine (9) conditions outlined in the Staff report.
- Vice-Chairman Robert Incerpi asked Staff about the additional vehicular traffic from the site to Bonita Beach Road. How was that increasing. Mr. Fiigon stated that their Traffic Engineer reviewed the GIS Study finding less than 1% of the overall traffic count to impact that intersection. The number that would be considered impactful to the City would need to be over 3%.
- Board Member Russ Winn inquired about the feedback from Mediterra. Mr. Fiigon stated there had been considerable feedback of wanting either Staff or the Zoning Board to deny the project or impose additional height restrictions to either 25 feet or 30 feet as maximum building height. The overall biggest inclination from Mediterra residents was that the building height at 40 feet was too high.
- Board Member Roger Brunswick questioned what were considered the normal business hours. Also, if that section of Mediterra was within the section of Bonita Springs; did they have a Bonita Springs postal address. Mr. Fiigon responded that the portion of Mediterra that is directly east of the project was located within the city limits of Bonita Springs. A portion of Mediterra had a Naples address, but was within Bonita Springs.
- Mr. Fiigon further explained that business hours did not have a condition attached by Staff due to the fact that the Noise Control Ordinance subjected to the property to provide guideline as to business hours. From 7:00 a.m. – 10:00 p.m., a certain decibel range acceptable, which dropped significantly after 10:00 p.m.
- Chairman Kurlander asked Mr. Fiigon if the main disagreement with the Applicant was over the three doors on the east side. Mr. Fiigon concurred, although stating that the Applicant had agreed to reduce the number of doors down to three (3). However, Condition 3b. continued to be in disagreement between Staff and Applicant.
- Board Member Russ Winn stated that it seemed the Applicant needed to have the garage doors, it seemed necessary for their business. He asked Mr. Fiigon if other options were available for the air circulation. Mr. Fiigon stated other options were possible.
- Vice-Chairman Robert Incerpi inquired what type of manufacturing would be inside the building. Mr. Fiigon responded that Applicant provided list of potential uses, but Applicant did not yet have an end user.

- Vice-Chairman Incerpi voiced concern over noise generated by the garage doors being open all day. He concurred that other options must be available. Believed there were other avenues to approach.
- Jeff Wright, attorney for Applicant, provided rebuttal regarding the garage door concerns. He stated that in light of Mr. Fiigon's list of uses likely to be the generators of noise and dust, Applicant would be willing to modify that condition to require that if any of those uses that Mr. Fiigon stated must be indoors would have condition stating "Closed All day" while those uses are being enjoyed.

PUBLIC COMMENT

- Robert Pritt with Roetzel & Andress wanted to ensure that a letter he emailed would be put into the record. He represented the Mediterra Community Association. The concerns were the height of the building, orientation of building, scope of uses, location of doors, and potential noise. They would like to see the building brought down to 30 feet.
- Rodney Chase, President of Mediterra Home Owner's Association. Understood the process Staff had undergone. He was hoping to find more acceptable accommodations. Requested that the Zoning Board does not concede anything further than proposed to restrict to 30/32 feet. No doors on the east side would be acceptable.
- Mr. Richards, General Manager of the Mediterra Community Association. Appreciative of Staff and communication. His community is concerned about the quality of life and views affected by the structure. Suggested exhaust fans for airflow. Other concerns were already addressed by Mr. Pritt and Mr. Chase. Thanked Board for time and consideration on the issues.
- Zoning Board began deliberations with Vice-Chairman Robert Incerpi making a motion to deny the Applicant. None seconded.
- Board Member Anthony Rascio voiced that the Mediterra community were aware that they were located across from an Industrial Park. He made a motion to approve the application.
- Board Member Roger Brunswick made a motion to second the approval of the application for the same reason; the Industrial Park was there long before Mediterra was constructed.
- Board Member Richard Donnelly asked whether it was clear that the motion included the conditions presented by the Applicant. Mr. Fiigon clarified that there was a current condition that prohibited overhead doors on the east side.
- Chairman Kurlander clarified further that the motion made by Board Member Anthony Rascio and seconded by Board Member Roger Brunswick approved the three doors on the east side.
- Chairman Kurlander stated he could not approve the Applicant with the three doors included. He expressed concern about the noise, dust, and odors and thought it unfair to the community.

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| RESULT: | PASSED [4-2] |
| MOTION BY: | Anthony Rascio, Board Member |
| SECOND BY: | Roger Brunswick, Board Member |
| AYES: | Donnelly, Brunswick, Winn, Rascio |
| NAYS: | Kurlander, Incerpi |

- Board Member Roger Brunswick asked to be recused from the next case due to a conflict. Chairman Kurlander accepted the recusal.
- Chairman Lawrence Kurlander recessed the meeting until 11:00 A.M.
- Chairman Lawrence Kurlander reconvened the meeting at 11:00 A.M.
- City Attorney Derek Rooney placed all witnesses under oath.

B. 11:00 AM

CASE NAME: Bonita Village Mixed-use Planned Development (MPD) Amendment, PD20-71493-BOS

REQUEST: A request to amend Condition 3a of Zoning Ordinance No. 16-05 for the Bonita Village Mixed-Use Planned Development so as to modify the distance from which the 55' height limitation applies from 70' to 30' of the northern boundary, and from 50' to 10' of the eastern boundary.

LOCATION: 27690 and 27694 Imperial River Road; 27901 Bonita Village Boulevard; 27934 Meadowlark Lane; 3840, 3894, 3962, 3974, and 3998 Bonita Beach Road SW in Bonita Springs, FL 34134.

1. APPLICANT PRESENTATION

Presenter:

Amy Thibaut, Pavese Law Firm

- Ms. Thibaut began presentation with an overview of Bonita Village MPD which included: +/- 19 acres located east of the Imperial river, west of Meadowlark Lane, north of Bonita Beach Road. She provided the current request and gave examples of how the request was consistent with the Comprehensive Plan; 1.1.3, 1.1.14.c. 1.16 and 1.16.5.
- Chairman Lawrence Kurlander inquired if Applicant had provided architecturals. Applicant stated that architecturals were not required until the time of Development Order. Chairman stated that they had come before the Board with nothing while providing renderings for potential buyers. Asked applicant why. Applicant did not feel the process was correct in Bonita Springs. Asked to provide substantial materials only for confirmation of viability. Applicant did not have that level of details he would like to speak to.
- Chairman Kurlander voiced that Applicant had four years since filing original application and plenty of time to provide architecturals. The City allowed the widest latitude in the application process, however, there had been no other developer that had not provided rendering given this amount of time. The Chairman offered Applicant/Mr. Dror an opportunity to adjourn the matter so they could return with something for the Board to make a decision on.

- Ms. Thibaut offered that Staff did not require this and that architectural renderings were not part of the zoning criteria. They are not a requirement at this time.
- Chairman Kurlander offered a final time to the Applicant an opportunity to have the meeting adjourned to return with more materials. Applicant, Mr. Dror, declined the request.
- Mr. Dror stated that they were able to hire anyone to draw renderings and pictures to show people what they would like to do upfront. He believed to be appropriate, they should show what was feasible. Applicant would not spend money or time to engineer a building that they do not know if they have the space available to engineer the building. That was why Applicant was asking to move a residential building back to create the space upfront to go ahead when they know they have the space to build the retail.
- Applicant stated that they were not asking to change the original Master Concept Plan. The Board still had the same renders. Applicant was not asking for anything new. They continued to work from the original Master Concept Plan, from what was already approved in 2016. Applicant was looking only to amend the one building in the Master Concept Plan. Chairman Kurlander asked if Applicant was looking to amend height, which the Applicant confirmed.
- Mr. Dror stated that the building was currently too close to Bonita Beach Road to allow for any retail in front of it. Needed to be moved back. It was designed to go 75 feet. They were asking for the pre-approved building to be moved back 40 feet.
- City Attorney Derek Rooney recommended that Staff give their presentation at this point if Applicant had concluded presentation. Ms. Thibaut offered that the Applicant presentation was complete. She wanted to clarify that Staff was not recommending denial of the application.

1. STAFF REPORT PRESENTATION

- Jacqueline Genson, Community Development, next presented the Staff Report via a PowerPoint presentation (copy in Clerk's file). Parameters that Staff considered in application included: Future Land Use – General Commercial; Current Zoning – MPD; Current Use.
- Ms. Genson provided a review of the Entitlement History, current Master Concept Plan, and the proposed Master Concept Plan with Deviations. The Applicant submitted an amended Master Concept Plan on Wednesday. Staff had provided analysis on the Deviation. Buffer requested was accepted by Staff.
- Ms. Genson also reviewed the Surrounding Property and Compatibility. The request was reviewed by the Traffic Engineer and the findings were that no impact would be experienced. Ms. Genson reported that the modifications to the building would not impact Environmental, Transportation or Engineering.
- Ms. Genson stated that based on the findings and recommendations outlined in the Staff report, the application met the criteria for the review of the amendment request.
- Board Member Anthony Rascio inquired as to the relationship between the setback and height. Mr. Dror offered explanation. Board Member Rascio asked if the view of the neighbors concerned were already blocked by the 75' trees, whether the building was located 30 or 70

feet away is irrelevant. Mr. Dror confirmed that statement.

- Chairman Kurlander and Board Member Donnelly offered that the change in the height and distance would mean the blockage of sunlight. Chairman Donnelly believed the changes would create an impact that affects the residential areas because of geometry and lack of light.
- Board Member Russ Winn questioned if there had been any feedback from the residents. Applicant stated that they conducted multiple meetings with the Public and everyone had been supportive.
- Ms. Genson interjected that the City required two neighborhood meetings and the results from the Applicant's first meeting was included in their packet.
- Chairman Kurlander asked Ms. Genson why Staff was recommending consideration of the Applicant. She stated the decision went back to the project approval from 2016 and that the development community tries to position an application to get a positive outcome. However, approval was not recommended on the one section regarding the eastern boundary line.
- Board Member Anthony Rascio asked if Staff were recommending a grant of continuance so that City Council could make their decision and Staff would then make their recommendation clear. He asked Chairman Lawrence Kurlander if he was hoping to be given a recommendation to approve or disapprove, not simply a consideration. Chairman Kurlander stated in the affirmative.
- Mr. John Dulmer, Director of Community Development, provided that Staff recommended approval of the northern boundary based on what the City Council approved in 2016 along with other factors.
- Chairman Kurlander asked City Attorney Derek Rooney if the Board was obligated as a matter of law to follow the City Council 2016 ruling. City Attorney Rooney stated no. He expounded that with respect to rezoning, the Board is limited to making the findings that are required under Section 4-131 and additional findings for plan development, whether there are appropriate uses or if compatible.
- Chairman Kurlander opened discussion for public comment. Seeing none, the Applicant was given an opportunity for a final statement.
- Mr. Dror stated that the reason for appearing with little materials was that they planned to come in later for a larger rezoning. However, a building was coming out of the ground first, which would possibly affect the ability for the larger rezoning to have the space for retail. And the community had come out in support of the application.
- Board Member Anthony Rascio asked Applicant if the retail could be moved to the back. Applicant responded no, as retail would not be accessible to the public.
- Board Member Anthony Rascio stated his only issue of concern was the blockage of sunlight.
- City Attorney Rooney offered explanation of what was appropriate for the Zoning Board to consider as a general rule.
- Board Member Donnelly believed the Applicant wanted to get retail in, but the Zoning Board did not know what that would look like, so it made the decision hard. There might be other ways to accommodate the retail. Board Member Donnelly stated the presentation was very preliminary and

not carefully or well thought out. There was no vision to make a decision upon, so he considered the application incomplete. Board Member Donnelly stated he would vote against the application.

- Vice-Chairman Robert Incerpi offered that he was in agreement with Board Member Donnelly. He did not feel everything was on the table. He seconded the motion to deny the application.
- Board Member Donnelly motioned to disapprove the application.
- Vice-Chairman Robert Incerpi seconded the motion.
- City Clerk called the role to disapprove the application.

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| RESULT: | PASSED [3-2] |
| MOTION BY: | Richard Donnelly, Board Member |
| SECOND BY: | Robert Incerpi, Vice-Chairman |
| AYES: | Donnelly, Incerpi, Kurlander |
| NAYS: | Winn, Rascio |
| Recused: | Brunswick |

- Chairman Lawrence Kurlander recessed the meeting until 2:00 P.M.
- Chairman Lawrence Kurlander reconvened the meeting at 2:00 P.M.
- City Attorney Derek Rooney placed all witnesses under oath.
- **ROLL CALL**

Members in attendance: Chairman Lawrence Kurlander, Vice-Chairman Robert Incerpi, Board Member Roger Brunswick, Board Member Richard Donnelly, Board Member Anthony Rascio, Board Member Russ Winn.

C. 2:00 PM

CASE NAME: Bayview on Estero Bay RPD/CPD, PD18-55071-BOS

REQUEST: To rezone 30.51 +/- acres from Commercial Planned Development (CPD), Residential Planned Development (RPD), Mobile Home Planned Development (MHPD), and Agriculture AG-2 to an RPD/CPD to allow for a Continuing Care Facility (CCF) containing a maximum of 300 Independent Living Facility (ILF) units and a 75-bed Assisted Living Facility (ALF) OR 300 multi-family dwelling units; AND 72 wet boat slips and 25 dry boat slips (15 on-site and 10 off-site in the Bayview II CPD) and one (1) public boat ramp.

LOCATION: The property is located at the northwest corner of Coconut Road and Coconut Point Resort Drive.

1. APPLICANT PRESENTATION

Presenters:

Rich Yovanovich, Coleman, Yovanovich and Koester, P.A.
 Mark Wilson, London Bay Development Group

Alexis Crespo, Waldrop Engineering

- Richard Yovanovich began presentation requesting to rezone 30.51 +/- acres from CPD, AG-2, and MHPD, to a unified Planned Development zoning district known as Bayview on Estero Bay RPD/CPD to allow for development of a waterfront community containing a mix of residential, commercial, marina, and public uses.
- Mark Wilson began his portion of the presentation on the London Bay Vision. He spoke on the legacy, increased public access, and how the donation of this highly usable and valuable public access comes at no cost to the City or taxpayers. Explained the misconception of Life Plan/CCF Community (based on previous comments) offering specific points. Provided information on the Economic Impact: and their Community Commitment.
- Chairman Lawrence Kurlander asked for clarification whether buyers actually buy or rent the units, also asked for clarification regarding independent living and moving into assisted living. Mr. Wilson provided a detailed explanation.
- Alexis Crespo began her portion of the presentation discussing the Planning Overview offering the following highlights: Property Overview; Current CPD Approval; Rezoning Request; Proposed Master Concept Plan; Public Marina; Proposed Conditions; Environmental and Marina Design; Stormwater Management, Utilities, Transportation; CHHA/Emergency Management; CEMP Purpose; Comprehensive Plan Compliance; LDC.
- Chairman Lawrence Kurlander asked what percentage of the property was in the Coastal High Hazard area. Ms. Crespo stated that all of the property was in that area.
- Ms. Crespo reviewed the Staff Report with the 13 Conditions of Approval, including requested deviations.
- Vice-Chairman Robert Incerpi inquired of the size of the boat ramp. Applicant responded that it was 18-feet wide. Vice-Chairman Incerpi asked if Applicant would consider widening the boat ramp to 30 feet. Applicant responded ECCL wanted more boat ramps and neighboring communities were concerned about the access to Estero Bay. Vice-Chairman Incerpi believed the size to be inadequate for the current population.
- Board Member Anthony Rascio pointed out that in the presentation, concerns for the environment of Estero Bay were expressed. He asked if the purpose for a single boat ramp would be to basically limit traffic, therefore, enhancing the environmental protection. Applicant answered in the affirmative.
- Chairman Lawrence Kurlander offered to Board Member Rascio that Estero Bay was the gateway to the Gulf and extraordinarily shallow. Chairman Kurlander believed that the ramp was designed to fail; they cannot have just an 18-foot boat ramp. Applicant responded with a slide of Boat Ramp Data with statistics from the area stating that the boat ramp provided safe access. Chairman Kurlander agreed that it was safe but felt it was not practical for use.
- Vice-Chairman Incerpi asked Applicant to confirm that they were not willing to consider a wider boat ramp. Applicant stated that they did consider it, but based on the conversations with many different constituents, the single-boat, 18-foot ramp satisfied the most people that provided input. Vice-Chairman Incerpi was in disagreement.

- Board Member Donnelly stated he had never seen an application that was both housing and continuing care, it was usually one or the other. He did not know if the site plan presented was for the housing or continuing care plan. Difference between the two plans was considerable. Surprised that more thought was not given to what would really be going in there. Board Member Donnelly appreciated the developer and quality of their other projects. Applicant responded that the CCF would have been preferred but required State approval. The site plan presented was a CCF.
- Board Member Donnelly noted that the boat ramp would become a City-run facility with all the maintenance and responsibility that comes along. Believed additional 10-feet of lengthening the boat ramp would be very appreciated by the City.
- Board Member Donnelly concerned about raising sea levels. Applicant listed the provisions that had been made to accommodate that concern. Board Member Donnelly inquired about the evacuation plan. Applicant stated that there were state and local requirements and guidelines that must be adhered to. A great deal of thought will go into the plan.

2. STAFF REPORT PRESENTATION

- Jacqueline Genson, Community Development, next presented the Staff Report via a PowerPoint presentation (copy in Clerk's file). Staff took the following into consideration in evaluation of the application: Intent of Plan Developments; Application and Procedure; Standard of Review and Findings and Conclusions; Public Comment.
- Ms. Genson provided a review of the Application and Request: Two companion Comprehensive Plan Amendment requests pursuant to Florida Statutes 163-3184, including a review of the background of the application.
- Staff found the request meeting all ten findings, which formulated the basis of their recommendation.
- Board Member Donnelly asked where in the site plan reflected the additional parking and the area served by shuttle. He asked if it was owned by Applicant to which Ms. Genson responded in the affirmative. Ms. Genson provided a map of the parcel where the additional parking was located.
- Chairman Lawrence Kurlander asked for the breakdown of the additional parking. The Applicant stated parking included 14 standard-vehicle spaces, and 10 boat-trailer spaces. That included parking for the staff and included shuttle service.
- Board Member Donnelly inquired about the Map Amendment process of approval and whether a result of the hearing would possibly create substantial changes to the project. Ms. Genson stated that she did not foresee any change to that text language.
- Chairman Lawrence Kurlander asked Attorney Brent Spain if state law allowed an increase in density in Coastal High Hazard areas. Mr. Spain explained that the state statutes said the population was supposed to be steered away from those areas.

- Applicant provided rebuttal stating that the law provided and allowed an increase in density in a Coastal High Hazard area as long as properly mitigated. Density would not be increasing inconsistent with the growth management plan, which the City Council resolved.
- Mark Kincaid, Vice President of Coastal Engineering Consultants, represented Applicant in offering additional information with respect to the boat ramp. The single-lane 18-foot wide ramp was wider than any other he was aware of as most others varied between 15' and 17'.

PUBLIC COMMENT

- Allan Bowditch, Chief Communications Officer, ECCL. He was advocating for people who desired to have appropriate access to Estero Bay. In a study Mr. Bowditch stated that 83% of respondents disagreed with single-boat ramp. Respondents were concerned about effect on traffic road conditions. Boaters would be limited by lack of sufficient parking spaces.
- Anne Kramer stated that both options of Bayview are not allowable. The proposed development was located entirely in a designated Coastal High Hazard area. State and federal laws did not allow. In the Bayview 1 option, the Continuing Care facility residents would be vulnerable. In the Bayview 2 proposal, it increased density which was not allowable. Too many residents in harm's way.
- Jim Weeks, Weeks Fish Camp, stated was a long-time advocate of the property. London Bay approached this with attitude of trying to please everyone, which he appreciated. Coconut Road should always stay open to the public. Hoped the group would understand that it was important to keep access on that road. He supported.
- John Paeno, CGT Kayaks. Stated that he was on the water every day. Believed putting in a double ramp would be a mistake. To widen the ramp just seemed ridiculous. Great opportunity. An important site and needed to move forward.
- Joanne Ribble, resident of the Colony on Coconut Road. Applauded London Bay's commitment to have access to Estero Bay on their property. Marina was never meant as a launch area for all of Lee County boaters. Please do not require London Bay to add increased capacity in parking or boat slips. Urged to vote in favor of plan as presented.
- Barbara Craig, resident of Bonita Springs, spoke in opposition. Stated that state law prohibited the increase in density in Coastal High Hazard areas. Concerned about safety. Urged the Board to vote the proposal down.
- Chairman Lawrence Kurlander provided the Applicant rebuttal. The Applicant addressed a comment made that comments were dismissed by London Bay. Asserted that comment was not factually correct. Every comment made by the public was considered.
- Applicant stated they were not violating state statues by allowing for multi-family and Independent Living facility being constructing in Coastal High Hazard areas. Applicant clarified that the proposal for the number of building units was an either, or – either 300 multi-family units or 300 Independent Living units.

- Vice-Chairman Robert Incerpi stated that while the Applicant’s proposal was sound, there were points the Applicant did not cover. He strongly felt the Board should deny the motion for their proposal. Chairman Kurlander seconded the motion.
- Board Member Rascio pointed out two issues, which was the size of boat ramp and the controversy that density increase violated state law. Asked if they had mitigation planned after approval.
- Chairman Kurlander stated that in Coastal High Hazard areas, the obligation was to protect human life. The least appropriate thing in a Coastal High Hazard area is an assisted living facility. Felt was totally inappropriate.
- Board Member Anthony Rascio stated he would vote no.
- Board Member Richard Donnelly stated that in write-up, distinction given between net density and gross density. Believed the Board was there to consider the Zoning and plan presented. His vote would be in favor of the project.
- Motion to deny the applicant request was voted on and passed 3-2.

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| RESULT: | PASSED [3-2] |
| MOTION BY: | Robert Incerpi, Vice-Chairman |
| SECOND BY: | Lawrence Kurlander, Chairman |
| AYES: | Rascio, Incerpi, Kurlander |
| NAYS: | Donnelly, Winn |
| Absent: | Brunswick |

VIII. ADJOURNMENT

There being no further items to discuss, the meeting was adjourned.

Respectfully submitted,

 Laurie K. Hamm, Recording Secretary

APPROVED:

BONITA SPRINGS ZONING BOARD:

Date: _____

AUTHENTICATED:

 Chairman Larry Kurlander