



**City of Bonita Springs Board
for
Land Use Hearings & Adjustments and Zoning Board of Appeals
MINUTES
Tuesday, October 20, 2020
9:00 A.M.**

I. CALL TO ORDER

- Chairman Anthony Rascio called the meeting to order at 9:10 A.M.

II. INVOCATION

- Board Member Russ Winn furnished the invocation.

III. PLEDGE OF ALLEGIANCE

- Chairman Anthony Rascio led the Board in the Pledge of Allegiance.

IV. ROLL CALL

- Members in attendance: Chairman Anthony Rascio, Board Member Richard Donnelly, Board Member Bruce Galloway, Board Member Gary Gambrell, Board Member Ben Hershenson, Board Member Kelly Macklin, Board Member Russ Winn.

V. SWEARING IN

- City Attorney Derek Rooney placed all witnesses under oath.

VI. APPROVAL OF MINUTES: September 15, 2020

- Chairman Anthony Rascio motioned for approval of the minutes; Board Member Russ Winn seconded; motion passed unanimously.

VII. PUBLIC HEARINGS

EACH CASE WILL INCLUDE A PUBLIC COMMENT PERIOD AT THE CONCLUSION OF THE APPLICANT AND STAFF PRESENTATION

A. 9:00 A.M.

CASE NAME: PD18-54088-BOS CHANNEL 30 COMMERCIAL PLANNED DEVELOPMENT (CPD) AMENDMENT

REQUEST: A request to amend City of Bonita Springs Zoning Ordinance No. 09-14 to incorporate the following changes:

1. Modify the height and number of stories of the two buildings from five stories/60 feet and three stories/40 feet to both be four story buildings with a maximum height of 50 feet; and
2. Increase the square footage of the small modular communications buildings (MCBs) from the current 384 square feet remaining allocation to 1,384 square feet by eliminating the Caretaker's quarters from the current development plan.

LOCATION: 9930 CHANNEL 30 DRIVE, BONITA SPRINGS, FL 34135

- Jacqueline Genson, Community Development, provided a brief introduction of the proposal, initially filed in 2018. Stated the site was an active site. Applicant was found sufficient earlier this year in March but due to COVID-19, further meetings were postponed.

1. APPLICANT PRESENTATION

Presenters:

Timothy Sheehan, Super Towers Inc.
Stuart Rogers, Maser Consulting

- Timothy Sheehan, Super Towers Inc., provided presentation of the history, also discussed feedback. Applicant agreed to primarily focus on making the buildings less visible and removed one story, making the two buildings 4-story buildings. Felt commercial space was needed in Bonita Springs.
- Stuart Rogers, Maser Consulting, furnished a presentation of the Channel 30 CPD Amendment proposing two buildings to modify the height and number of stories. Phase 1 (south building) and Phase 2 (north building). Stated both buildings will be 4-story, less intense at 169,584 square feet, and decreasing overall size.
- Mr. Rogers provided views from both Mediterra and Cordova showing buildings were well buffered. Presented renderings of proposed buffer and plantings over 5 and 10 years. Previously approved deviations were shown, and new deviations were explained. Staff supported the new deviations with exception of Deviation 4. Applicant is looking to defer connection to central sanitary sewer until after Phase 2.
- Applicant has agreed to strike through a list of previously approved uses. Staff recommended Approval of Applicant with a reduction of uses and with conditions. Applicant would like wording amended for 5.e., 7.g., 9.f. Applicant asked for Condition 12 - Contractor and Builder Group III, 12.a. and 12.b. to be stricken.
- Board Member Gary Gambrel asked about location of the pump. The current and proposed site was provided by Mr. Sheehan. Board Member Kelly Macklin asked for clarification questioning if pump was in closer proximity to the golf course. Concerned about proximity to residential area. Mr. Sheehan stated the location was at least 500 feet from nearest home.

- Board Member Kelly Macklin asked if the Applicant was reducing the property line 20 feet. He and Applicant discussed the existing stormwater ponds and conditions. Board Member Ben Hershenson asked if consideration was given to stormwater runoff. Applicant stated they were going to enhance the lake and add additional stormwater area.
- Chairman Rascio stated concern for septic system and inquired what would occur if Phase 2 was not built out. Applicant stated the goal and intent was always to develop the north yard. Applicant stated an extremely low flow, low water usage as 8/10 toilets would be in the entire complex: no sinks or drains. Never had failure or flow problem.
- Board Member Russ Winn asked for any community feedback. Applicant stated they hosted a community meeting with Mediterra and Spanish Wells. No significant reaction, very positive reception.
- Board Member Bruce Galloway asked if Applicant had spoken to the Railroad regarding future use. He felt Applicant seemed to be relying on others to input buffers. Applicant had discussions and a right-of-way crossing agreement with the Railroad. Chairman Rascio asked if track was active, and Mr. Sheehan stated Railroad maintained track to be active.
- Board Member Gary Gambrel asked for clarification of Condition 12.b., which Ms. Genson responded and explained the process used for that condition. She stated they wanted to be sure that if property ownership changed, and with Zoning running with the land, it would be an appropriate compromise.
- Board Member Hershenson and Board Member Macklin asked to have the elimination of uses process explained. John Dulmer stated that Ms. Genson would explain during the Staff report.
- Board Member Richard Donnelly asked regarding the entrance road modifications, if Applicant was familiar with the work that must be done in Phase 1. Mr. Rogers explained the traffic study upon approval would dictate the improvements required on Old 41.

2. STAFF REPORT

- Jacqueline Genson, Community Development, provided the Staff presentation via PowerPoint (copy in Clerk's file). Staff recommended approval with conditions to modify the height and square footage of the building. Ms. Genson reviewed the request to modify the Master Concept Plan. Area of minor concerns on Condition 12. and Existing Uses were outlined.
- Ms. Genson addressed Schedule of Uses. Board at the time had concerns there were too many uses (from 2009). Staff looked at uses and reevaluated uses in order to observe if the use could really evolve on the property.
- City Attorney Rooney gave instruction to the new Board Members as to appropriate considerations and the criteria they needed to follow. The Board was also free to make recommendations.
- Chairman Anthony Rascio inquired if the Board may approve request but send questions back to Community Development to further negotiate with Applicant. City Attorney responded in the affirmative. Board Member Hershenson felt the requirements of the deviation had been justified. He supported what Staff recommended.

- Chairman Rascio recommended the Applicant and Staff sit down and iron out differences with respect to the conditions. They were better equipped to accomplish than the Board.
- Board Member Gambrel asked the cost of connecting to City sewage. Mr. Sheehan shared the approximate cost was 250K to 300K. He stated extensive drainage would be put into the site to handle stormwater drainage.
- Chairman Anthony Rascio opened meeting to Public Comment, seeing none, voting commenced.
- Item A - Board Member Richard Donnelly entered a motion to approve the rezoning request consistent with the City of Bonita Springs Comprehensive Plan and findings of Staff; Items 5.e., 7.g., 9.f., 12.a. and 12.b. are subject to further negotiation with Staff and Applicant. Board Member Ben Hershenson seconded; the motion carried unanimously.

RESULT:	PASSED [7-0]
MOTION BY:	Richard Donnelly, Board Member
SECOND BY:	Ben Hershenson, Board Member
AYES:	Rascio, Donnelly, Galloway, Gambrel, Hershenson, Macklin, Winn
NAYS:	None

- Board Member Richard Donnelly discussed the current changes to the Board. The Board further addressed the process for the Zoning Board, and the City Attorney suggested a workshop to address the Board's role.

VIII. ADJOURNMENT

- There being no further items to discuss, the meeting was adjourned at 11:30 A.M.

Respectfully submitted,

Laurie K. Hamm, Recording Secretary

APPROVED:

BONITA SPRINGS ZONING BOARD:

Date: _____
AUTHENTICATED:

Chairman Anthony Rascio