



**City of Bonita Springs Board
for
Land Use Hearings & Adjustments and Zoning Board of Appeals
MINUTES
Tuesday, November 16, 2021
9:00 A.M.**

I. CALL TO ORDER.

Vice-Chairman Ben Hershenson called the meeting to order at 9:02 A.M.

II. INVOCATION.

Board Member Russ Winn furnished the invocation.

III. PLEDGE OF ALLEGIANCE.

Board Member Lynda Waterhouse led the Board in the Pledge of Allegiance.

IV. ROLL CALL.

Members in attendance: Vice-Chairman Ben Hershenson, Board Member Gerald Benson, Board Member Bruce Galloway, Board Member Gary Gambrell, Board Member Lynda Waterhouse, Board Member Russ Winn.

Absent: Chairman Anthony Rascio.

V. APPROVAL OF MINUTES: September 21, 2021.

Board Member Lynda Waterhouse motioned for approval of the minutes; Board Member Russ Winn seconded; motion passed unanimously.

VI. PUBLIC HEARINGS.

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

A. CASE NAME: PRIMO SPECIAL EXCEPTION (SPE21-79524-BOS)

A SPECIAL EXCEPTION REQUEST TO ALLOW AN AUTOMOTIVE REPAIR AND SERVICE, GROUP I USE, WITH AN INDOOR CARWASH USE WITHIN THE HISTORIC ZONE OF THE BONITA BEACH ROAD CORRIDOR OVERLAY.

B. CASE NAME: ROOFTOP AT RIVERSIDE SPECIAL EXCEPTION (SPE21-82680-BOS)

A SPECIAL EXCEPTION REQUEST FOR A MOBILE FOOD VENDOR PARK ON PROPERTIES IN THE DOWNTOWN DISTRICT, PURSUANT TO LAND DEVELOPMENT CODE SECTION 4-868.

VII. SWEARING IN.

- Staff Attorney Carly Sanseverino placed all witnesses under oath for Case A.

1. APPLICANT PRESENTATION – CASE A.

Presenter:

Joe McHarris, McHarris Planning and Design

- Mr. McHarris provided an introduction about the business and the special exception being requested. He stated that two public meetings were held. There were two attendees at the first meeting; both in favor. The one attendee at the second meeting was also in favor.
- Mr. McHarris stated that staff did a thorough job of vetting the process and recommended approval.

2. STAFF REPORT.

- Ms. Mary Zizzo, Community Development, provided the presentation (copy in Clerk's file). She reviewed the Applicant request for a ceramic coating, detailing and car wash facility in Unit M-8, approximately 2,775 square feet, by appointment only. The location was shown.
- Ms. Zizzo detailed the need for the exception and reviewed the site and floor plan reflecting the proposed change. Staff initially had concerns about the request as it required crossing a sidewalk within the complex. She stated staff worked diligently with Applicant to make sure the approach was safe for vehicles. The Applicant will provide signage and safeguards to ensure pedestrians are aware that a crossing will occur.
- Staff recommended approval upon conditions that Ms. Zizzo laid out and provided discussion.
- Board Member Gary Gambrell believed the 4:00 P.M. closing time was too early for those who work and want to pick up the vehicle after work. Applicant stated he was good with that time, which would help to avoid the rush hour traffic.
- Board Member Gambrell questioned how many personnel were needed to put cars on the dollies and push in. The Applicant responded two. Board Member Gambrell questioned if Applicant was okay having pedestrian signs on the sidewalk when personnel pushing cars in

could instruct pedestrians. He believed it may be excessive. The Applicant explained that he wanted to ensure safety.

- Vice-Chairman Ben Hershenson inquired about a comment of opposition that was received regarding competition where the resident believed that type of business was already in the complex. Ms. Zizzo explained the business referred to was for a different use group, a Vehicle and Equipment dealer, and was for administrative purposes only. Ms. Zizzo confirmed that no code existed to negate this request.
- Item A - Board Member Gary Gambrell entered a motion to approve the Applicant’s request for a special exception; Board Member Russ Winn seconded; the motion passed unanimously 6-0.

RESULT:	PASSED [6-0]
MOTION BY:	Gary Gambrell, Board Member
SECOND BY:	Russ Winn, Board Member
AYES:	Benson, Galloway, Gambrell, Hershenson, Winn, Waterhouse
NAYS:	None

- City Attorney Derek Rooney placed all witnesses under oath for Case B.

3. APPLICANT PRESENTATION – CASE B.

Presenters:

Chris Magnus, The Rooftop at Riverside

- Mr. Magnus provided a presentation (copy in Clerk’s file) beginning with the background of the establishment and the goals and objectives to bring activity to the Downtown Old 41 Corridor to benefit local businesses. The theme of the bar is the history of Bonita Springs.
- Mr. Magnus outlined the downtown activation, civic uses and community benefits, and economic and financial returns. A site plan and map were provided as well as a diagram of the 25 proposed parking spaces and elevations.
- Applicant provided a detailed review of the special exception zoning criteria explaining that the Rooftop at Riverside required the use of the new form-based code, which was an aesthetics, site design, and form-driven code. Applicant stated that the approval was aligned with goals set forth in RFP 20-02 with the long-term goal of engaging private enterprise in the economic growth and redevelopment of Downtown Bonita Springs.
- Mr. Magnus discussed the due diligence of holding two public neighborhood meetings earlier this year which was met with neighborhood support. He stated that the request would not cause damage, hazard, or be a nuisance as they are subject to the LDC Florida Building Code, ADA and FEMA requirements as well as the Noise Control Ordinance.
- Vice-Chairman Ben Hershenson inquired about the number of full-time employees anticipated. Applicant responded about 40 to 45 employees.

- Board Member Gerald Benson asked the Applicant to consider using porous pavement which would contribute to reducing stormwater runoff. He also asked for consideration to be given to making room for future electric vehicle charging stations.
- Board Member Gary Gambrell inquired about entertainment. Mr. Magnus responded that any family-friendly entertainment would not conflict with music at Riverside Park. Board Member Gambrell asked if the Farmer's Market would conflict with the parking for the establishment. Mr. Magnus responded it would not. The capacity of the restaurant was 225 with 42 dedicated parking spots.
- Board Member Bruce Galloway questioned the intended hours of operation to which Mr. Magnus stated seven days a week, open from 11:00 A.M until 11:30 P.M. They still have yet to finalize. Board Member Gambrell asked Mr. Magnus about the pet-friendly aspect to which a response was given with the assistance of Ms. Jacqueline Genson, Community Development.

4. STAFF REPORT.

- Mr. Mike Fiigon, Community Development, provided the staff presentation (copy in Clerk's file). He clarified for the Board that the request before them was for the Mobile Food Vendor Park portion of the property. Staff was in agreement that the project was good.
- Mr. Fiigon reviewed the background of the request which came out of an RFP issued in January 2020 with presentation made to City Council in October 2020. He provided details that the Mobile Food Vendor Park had eight vendor spots plus outdoor seating and was a 4,949 square foot two-story bar/restaurant. Applicant would be constructing seven parking spaces on the north side, plus an additional 25 spaces on the Lemon Tree Lot. Staff believed parking would not be an issue.
- Mr. Fiigon provided the site plan and contextual rendering of the elevations detailing the proposed changes. He discussed the Comprehensive Plan Consistency, which was comprised of the Future Land Use Element, Infrastructure Element, and Transportation Element. The Special Criteria was also presented, and conditions of approval reviewed.
- Board Member Gary Gambrell questioned with natural gas piped through Old 41 and Downtown in the right of way and the food truck's cooking equipment using propane, how would that work. The Applicant stated an adapter would be used.
- Board Member Gambrell inquired about the lack of Public Comment. Mr. Fiigon responded that the notices were sent out, and no responses were received. Board Member Gambrell asked about the bar use to which Mr. Fiigon stated that a bar was an allowed use Downtown.

PUBLIC COMMENT.

- Ruben Zamora spoke in support of the project. He listed other parking options. He stated that Naples proposed a similar park and were able to approve eight food trucks for

Celebration Park. Mr. Zamora believed the project would bring in a lot of tourism. His property was neighboring the project, and the neighborhood residents were very supportive.

- Kyle Moran spoke stating he owned a property near the project. He attended the neighborhood meetings and was in support of the project. He cited the improvements made to Downtown and felt it was important to approve this type of project.
- Item B – Vice-Chairman Ben Hershenson entered a motion to approve the Applicant’s request for a special exception subject to the conditions outlined by staff; Board Member Russ Winn seconded; the motion carried unanimously 6-0.

RESULT:	PASSED [6-0]
MOTION BY:	Ben Hershenson, Vice-Chairman
SECOND BY:	Russ Winn, Board Member
AYES:	Benson, Galloway, Gambrell, Hershenson, Winn, Waterhouse
NAYS:	None

VIII. ADJOURNMENT.

There being no further items to discuss, Vice-Chairman Ben Hershenson adjourned the meeting at 10:43 A.M.

Respectfully submitted,

Laurie K. Hamm, Recording Secretary

APPROVED:

BONITA SPRINGS ZONING BOARD:

Date: _____

AUTHENTICATED:

Anthony Rascio, Chairman