



**City of Bonita Springs Board  
for  
Land Use Hearings & Adjustments and Zoning Board of Appeals  
MINUTES  
Tuesday, September 21, 2021  
9:00 A.M.**

**I. CALL TO ORDER.**

Chairman Anthony Rascio called the meeting to order at 9:02 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 Gerald Benson, Board Member Bruce Galloway, Board Member Gary Gambrell, Board Member Ben Hershenson, Board Member Lynda Waterhouse, Board Member Russ Winn.

**V. APPROVAL OF MINUTES: August 17, 2021.**

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

**VI. PUBLIC COMMENT.**

None.

**VII. PUBLIC HEARINGS.**

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

- A. CASE NAME: CASE NAME: BAYVIEW ON ESTERO BAY RESIDENTIAL PLANNED DEVELOPMENT (RPD)/COMMERCIAL PLANNED DEVELOPMENT (CPD) AMENDMENT (PD21-80572-BOS).

A REQUEST TO AMEND ZONING ORDINANCE 20-06 FOR THE BAYVIEW ON ESTERO BAY RESIDENTIAL PLANNED DEVELOPMENT/COMMERCIAL PLANNED DEVELOPMENT SO AS TO:

1. INCREASE THE MAXIMUM PERMITTED BUILDING HEIGHT TO 286' (22 STORIES) FOR BUILDING A;
2. ADD A 7,500 SF RESTAURANT, GROUP III USE TO THE SCHEDULE OF USES; AND
3. ADD HOTEL/MOTEL TO THE SCHEDULE OF USES SUBJECT TO A CONVERSION RATE; AND
4. ADD THREE (3) NEW DEVIATIONS RELATING TO THE 7,500 SF RESTAURANT AND HOTEL/MOTEL USE; AND
5. MODIFY TWO (2) EXISTING DEVIATION JUSTIFICATION RELATING TO INCREASE IN HEIGHT; AND
6. MODIFY THE MASTER CONCEPT PLAN TO PROVIDE FOR THESE CHANGES.

- B. \*\*CASE NAME: ERDMAN ASSISTED LIVING FACILITY RESIDENTIAL PLANNED DEVELOPMENT (RPD) (PD21-77930-BOS).

A REQUEST TO REZONE 4.19± ACRES FROM RESIDENTIAL TWO-FAMILY CONSERVATION (TFC-2) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO ALLOW A 132-BED ASSISTED LIVING FACILITY.

\*\*THIS AGENDA IS REVISED TO REFLECT AN INCREASE IN BED COUNT FROM 120 TO 132 BEDS.

**VIII. SWEARING IN.**

- City Attorney Derek Rooney placed all witnesses under oath.

**1. APPLICANT PRESENTATION – CASE A.**

**Presenters:**

Richard Yovanovich, Coleman, Yovanovich & Koester P.A.  
Alexis Crespo, Waldrop Engineering

- Ms. Jacqueline Genson, Community Development, provided an introduction and history of the Bayview case and the reason it was before the Board again. The project had been approved by City Council last year, but Applicant had since made changes necessitating an

amendment to the Master Concept Plan. The changes also effect the exhibits attached to the Zoning Ordinance as well as requiring changes to deviations.

- Mr. Richard Yovanovich began discussion on behalf of the Applicant. Property location was reviewed along with a six-point summary of the request.
- Ms. Alexis Crespo provided a presentation (copy in Clerk's file), which gave an overview of London Bay Group and London Bay's vision. Coconut Village future land use was reviewed, and approved RPD/CPD were listed. The approved Master Concept Plan was shown and reviewed, and Public Amenities were listed. Ms. Crespo stated there would be no changes to the amenities.
- Ms. Crespo wanted to clarify for the record about the intended parking, which stated that the project would be parked per the code. Valet parking would be used to accommodate parking needs. The restaurant would not be parked in the public parking spaces within the CPD that were committed to the marina and the boating access.
- Ms. Crespo presented the proposed Master Concept Plan providing the details of the changes. As part of the application process, the Applicant was required to submit an Infrastructure Analysis to ensure the uses could accommodate for water, sewer, fire, and EMS. The applicant would be adding the hotel use to the schedule of uses. If Applicant elected to develop any hotel uses, that would be drawn out of the 300 units. The proposed visual compatibility was shown. Conclusions were summarized and reviewed.
- Chairman Anthony Rascio inquired when it would be determined which of the options would be chosen. Mr. Yovanovich stated it would be the multi-family option. Mr. Yovanovich clarified on the Proposed MCP slide that Building A would shift slightly east, which would require a future administrative revision to the MCP.
- Board Member Bruce Galloway asked if what would be built was an unknown, how could the Board respond and gage the impact of height, setback, separation, deviation. Mr. Yovanovich explained that building height was known at 286 feet, and the use was a multi-family project as per the current market conditions.
- Board Member Ben Hershenson inquired depending on the ultimate use, what the impact would be in a hurricane evacuation situation. Mr. Yovanovich stated in the initial analysis that they were required to look at hurricane evacuations for both options; they met the requirements for both options.

## **2. STAFF REPORT.**

- Ms. Jacqueline Genson, Community Development, provided the presentation (copy in Clerk's file). The history of the case and the application process was presented. Once approved by the Board, the next steps in the application process would be the City Council Zoning public hearings: October 20th (first reading) and tentative November 3, 2021 (second reading and final action). The staff report format was laid out.
- The staff recommendation was detailed reviewing the Future Land Use Map Designation, Current Zoning and Use of Subject Property, Proposed Amended Master Concept Plan,

Proposed Amended Master Concept Plan with Location of Deviations, Proposed Master Concept Plan, Deviations, and Property Development Regulations, Schedule of Deviations and Uses.

- Environmental and Stormwater was reviewed by the City Environmentalist, City Engineer, in coordination with Lee County Department of Natural Resources and found no changes to environmental impacts and the conceptual stormwater management design. Transportation evaluation was reviewed by Lee County, Village of Estero, and City Traffic Engineer.
- Ms. Genson provided the staff analysis of findings and listed recommendations for conditions of approval.
- Board Member Gerald Benson asked if the zoning variances approved last year required a variance to go to the 245-foot level. Ms. Genson stated the height itself did not require a deviation or variance. Board Member Benson asked if the building would be the tallest in the area. Ms. Genson stated, based on the analysis provided by the Applicant, in the affirmative. Board Member Benson asked if a precedent was being set. Ms. Genson explained that each rezoning request would be based on an analysis of its own application. Board Member Benson expressed concern that they would be basing their zoning decision on market conditions.
- Board Member Gary Gambrell stated that public access to the waterfront was paramount to the community. He questioned how the Applicant proposed to enforce parking within the RPD portion and why the parking plan was not provided. Mr. Yovanovich provided a response.
- Board Member Bruce Galloway questioned if the staff was saying that the application provided justification for all the potential uses of the property for rezoning. Ms. Genson addressed and stated that staff was comfortable with their recommendation.
- Board Members engaged in a discussion of height concerns where City Attorney Derek Rooney provided clarification. Mr. Rooney explained what the findings must be for the Board to approve; none directly dealt with height.
- No in-person Public Comment. Written Public Comment was entered into the record.
- Chairman Anthony Rascio recessed the meeting for a short break until 10:50 A.M.
- Item A - Board Member Ben Hershenson entered a motion to approve the Applicant's request subject to the conditions proposed by staff; Board Member Russ Winn seconded; the motion carried 6-1.

<b>RESULT:</b>	<b>PASSED [6-1]</b>
<b>MOTION BY:</b>	Ben Hershenson, Board Member
<b>SECOND BY:</b>	Russ Winn, Board Member
<b>AYES:</b>	Benson, Gambrell, Hershenson, Rascio, Winn, Waterhouse
<b>NAYS:</b>	Galloway

**3. APPLICANT PRESENTATION – CASE B.****Presenters:**

Thomas Barber, Agnoli, Barber, & Brundage, Inc.

Isaac Wallace, Erdman Health Care Real Estate Group, LLC.

- Ms. Mary Zizzo, Community Development, provided an introduction. The Applicant, Mr. Isaac Wallace, provided a presentation (copy in Clerk's file). The background of Erdman's was given. The request and project information of the Assisted Living Facility was provided, which was comprised of 90 assisted living units, 18 memory care units, and 95,000 square feet.
- Mr. Thomas Barber provided discussion of the block plan layout and site function, and the Master Concept Plan was also reviewed. Schedule of uses and proposed uses were listed. The site development information was offered. and the Comprehensive Plan Density Standards proposed were detailed in the discussion. Transportation was addressed.
- Mr. Wallace presented the design features, entry perspective, and elevations.
- Mr. Barber provided a detailed explanation of the Parking Deviation request and the calculation breakdown.
- Chairman Anthony Rascio inquired if there would be a turn lane when coming east on Wisconsin to which Mr. Barber confirmed. Chairman Rascio asked if the Applicant considered that flooding sometimes occurred in the area. Mr. Barber stated in the affirmative.
- A Board Member asked if the stormwater would be dry with some trees. Mr. Barber explained that it would be dry retention, planting things like grass that would survive being inundated with water. Mr. Barber discussed the required buffer.

**4. STAFF REPORT.**

- Ms. Zizzo provided the staff presentation (copy in Clerk's file). She summarized the findings of staff, first reviewing the application request. Two Neighborhood Meetings were held as required with two attendees in the first meeting, and four attendees in the second. The feedback was positive. No responses to the courtesy mailing. A summary of the meetings was provided in the Board packet.
- Once approved by the Board, the next steps in the application process would be the City Council Zoning public hearings: October 20th (first reading) and tentative November 3, 2021 (second reading and final action).
- Ms. Zizzo stated that staff recommended approval with the proposed conditions; to provide sufficient safeguards to the public interest; are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- The background of the project was discussed and detailed reviewing the Future Land Use Map Designation, Current and Requested Zoning and Surrounding Land Uses. The staff analysis addressed the Master Concept Plan and Comprehensive Plan. Proposed Property Development Regulations were listed along with Schedule of Deviations and Uses. Environmental, Stormwater, and Traffic were addressed.

- A Board Member asked for the description of a Heritage Tree. Laura Gibson, Community Development, stated that the Land Development Code identified these trees as slash pines and live oaks with the diameter breast-height of 20 inches or greater.
- No Public Comment.
- Item B - Board Member Ben Hershenson entered a motion to approve the Applicant's rezoning and deviation request subject to the conditions proposed by staff; Board Member Gerald Benson seconded; the motion carried 7-0.

<b>RESULT:</b>	<b>PASSED [7-0]</b>
<b>MOTION BY:</b>	Ben Hershenson, Board Member
<b>SECOND BY:</b>	Gerald Benson, Board Member
<b>AYES:</b>	Benson, Galloway, Gambrell, Hershenson, Rascio , Winn, Waterhouse
<b>NAYS:</b>	None

**IX. ADJOURNMENT.**

There being no further items to discuss, Chairman Rascio adjourned the meeting at 11:25 A.M.

Respectfully submitted,

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 Laurie K. Hamm, Recording Secretary

APPROVED:

BONITA SPRINGS ZONING BOARD:

Date: \_\_\_\_\_

AUTHENTICATED:

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 Anthony Rascio, Chairman