



**City of Bonita Springs Board
for
Land Use Hearings & Adjustments and Zoning Board of Appeals
MINUTES
Tuesday, August 17, 2021
9:00 A.M.**

I. CALL TO ORDER.

Chairman Anthony Rascio called the meeting to order at 9:03 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 Bruce Galloway, Board Member Gary Gambrell, Board Member Ben Hershenson, Board Member Russ Winn.

Absent: Board Member Gerald Benson, Board Member Lynda Waterhouse.

V. APPROVAL OF MINUTES: June 29, 2021.

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

VI. SELECTION OF A VICE-CHAIRMAN.

Chairman Anthony Rascio moved the voting selection until after the Public Hearing and any Public Comments.

VII. PUBLIC HEARINGS.

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

A. CASE NAME: MEADOWLARK LANE CONVENTIONAL REZONE (RZN20-72548-BOS)

A REQUEST TO REZONE 0.78 ACRES +/- FROM THE AGRICULTURAL (AG-2) DISTRICT TO THE SINGLE-FAMILY RESIDENTIAL (RS-1) DISTRICT.

B. CASE NAME: CROWN LAKE BLVD CONSUMPTION ON PREMISES SPECIAL EXCEPTION (COP21-79002-BOS)

A SPECIAL EXCEPTION REQUEST FOR OUTDOOR CONSUMPTION ON PREMISES, ASSOCIATED WITH A RESTAURANT, GROUP III USE.

VIII. SWEARING IN.

- City Attorney Derek Rooney placed all witnesses under oath.

1. APPLICANT PRESENTATION – CASE A.

Presenters:

Carol Erdman

Dale Smith

- Ms. Carol Erdman and Mr. Dale Smith provided a presentation (copy in Clerk’s file) outlining the request for rezoning their currently vacant property from an Agricultural District to a Single-Family Residential District. The proposed rezoning was stated as consistent with the surrounding zoning designations, and that City zoning staff was in agreement.
- A zoning map was provided to view the area and neighborhood proposed. Two neighborhood meetings were conducted in February 2020 and June 2021. The Applicant provided background of the process taken to resubmit the zoning application.

2. STAFF REPORT.

- Ms. Mary Zizzo, Community Development, asked if the Board would like to view the staff presentation or if any questions could be answered at that time.
- Chairman Anthony Rascio recommended taking a vote after hearing the cogent presentation from the Applicant.
- No Public Comment.
- Item A - Board Member Ben Hershenson entered a motion to approve the Applicant’s rezoning request consistent with the findings of staff; Board Member Bruce Galloway seconded; the motion carried unanimously.

RESULT:	PASSED [5-0]
MOTION BY:	Ben Hershenson, Board Member
SECOND BY:	Bruce Galloway, Board Member
AYES:	Galloway, Gambrell, Hershenson, Rascio, Winn
NAYS:	None

3. APPLICANT PRESENTATION – CASE B.

Presenters:

Paula McMichael, Holes Montes

Francesca Passidomo, Coleman, Yovanovich & Koester

- Ms. Paula McMichael provided a presentation (copy in Clerk's file) that summarized the request concerning Crown Lake Blvd. Consumption on Premises/ Arroyal Mall CPD Special Exception.
- An ariel view of the subject site was shown, and history discussed. Future Land Use and Zoning Maps were presented along with the Conceptual Site Plan.
- There are two childcare centers within parcels that are within 500' of the restaurant, but the proposed restaurant and childcare centers would have different peak operating hours. An ariel view was also provided.
- Two public meetings were held in March and July 2021 respectively. One comment received expressed concern of outdoor amplified music. Ms. McMichael stated that as a condition of staff, no outdoor live entertainment would be permitted.
- Staff conditions of approval were reviewed. One condition in question concerned the hours of operation as the owner did not have an end-user at this time; not known if restaurant would be open for breakfast or after midnight. Applicant asked the hours of operation be limited to the hours of operation of the restaurant.
- Chairman Anthony Rascio inquired how many patrons would be anticipated to be seated in the 900 square-foot area. Applicant responded the expectation would be table seating and not bar seating. Chairman Rascio asked about rules of when alcohol could be served. Ms. Francesca Passidomo explained that state-level licensing would dictate, and a condition could be added by staff so that Applicant would work in accordance with state licensing for alcohol and beverage consumption. Chairman Rascio asked for confirmation that the kitchen would remain open at the same time as alcohol service, which was confirmed.
- Ms. McMichael stated that the Applicant was in agreement with the analysis and conditions proposed by staff, with the exception of hours of operation as previously discussed.
- Board Member Ben Hershenson and Chairman Rascio raised questions about the buffering between the restaurant and academy in terms of landscape and egress, which Ms. McMichael addressed.

4. STAFF REPORT.

- Ms. Mary Zizzo stated she would address any questions in lieu of presenting the report if desired. Chairman Anthony Rascio asked if COVID was non-existent, would staff have a different opinion of the outdoor seating as proposed. Ms. Zizzo stated in the affirmative but clarified that this was not analyzed as part of the application. COVID was the changed circumstance for this case.
- Board Members Bruce Galloway and Ben Hershenson questioned whether approval and conditions attached to the property would remain when the property was leased or sold. Ms. Zizzo explained the approval would run with the land unless the restaurant use was left vacant for greater than six months. Ms. Zizzo provided area establishment’s hours of operation in comparison to the proposed hours of the restaurant.
- Board Member Gary Gambrell inquired as to the number of public meetings held to which Ms. Zizzo confirmed that two meetings were held with only one attendee at the first meeting, and none at the second.
- Item B - Board Member Ben Hershenson motioned for the approval of the Applicant’s Special Exception with the condition as proposed by the Applicant to have the same hours for outdoor consumption as the restaurant; Board Member Russ Winn seconded. The motion passed unanimously.

RESULT:	PASSED [5-0]
MOTION BY:	Ben Hershenson, Board Member
SECOND BY:	Russ Winn, Board Member
AYES:	Galloway, Gambrell, Hershenson, Rascio , Winn
NAYS:	None

IX. SELECTION OF A VICE-CHAIRMAN.

Board Member Ben Hershenson offered his name for consideration. Board Member Russ Winn stated he recommended Board Member Hershenson for the position. Board Members voted unanimously in favor of Board Member Ben Hershenson’s appointment as Vice-Chairman.

X. ADJOURNMENT.

There being no further items to discuss, Chairman Rascio adjourned the meeting at 9:45 A.M.

Respectfully submitted,

Laurie K. Hamm, Recording Secretary

APPROVED:

BONITA SPRINGS ZONING BOARD:

Date: _____

AUTHENTICATED:

Anthony Rascio, Chairman

DRAFT