



City of Bonita Springs
Land Use Hearings & Adjustments and Zoning Board of Appeals
MINUTES
Tuesday, February 8, 2022
9:00 A.M.

I. CALL TO ORDER

Chairman Anthony Rascio called the meeting to order at 9:00 A.M.

II. INVOCATION

Board Member Russ Winn furnished the invocation.

III. PLEDGE OF ALLEGIANCE

Board Member Linda Waterhouse led in the Pledge of Allegiance.

IV. ROLL CALL

Chairman Rascio and all Board Members were in attendance.

V. APPROVAL OF MINUTES: December 14, 2021 and January 11, 2022

Gary Gambrell made a motion to approve the December 14, 2021 meeting minutes, Seconded by Linda Waterhouse. Approved 7-0.

Linda Waterhouse made a motion to approve the minutes from the January 11, 2022 meeting minutes, Seconded by Chairman Rascio. Approved 7-0.

VI. APPOINTMENT OF VICE-CHAIR

Chairman Rascio made a motion to appoint Ben Hershenson as Vice Chair, Seconded by Linda Waterhouse. Approved 7-0

VII. PUBLIC COMMENT

None.

VIII. PUBLIC HEARINGS**A. CASE NAME: BONITA DINER SPECIAL EXCEPTION (SPE20-75174-BOS)**

A SPECIAL EXCEPTION REQUEST AT 3601 & 3621 BONITA BEACH ROAD, TO ALLOW OUTDOOR CONSUMPTION ON PREMISES, ASSOCIATED WITH A RESTAURANT, GROUP III USE.

City Attorney Derek Rooney placed all witnesses under oath.

Mary Zizzo, Community Development, introduced the request stating they are solely analyzing the outdoor consumption since the restaurant use is permitted by right.

Wayne Arnold, AICP with Q. Grady Minor, representing the Applicant, introduced the team and furnished a presentation of the outdoor dining concept with a courtyard that is buffered by a wall on the residential side.

In response to a question from Chairman Rascio, Mr. Arnold advised that the distance between the restaurant and the nearest residence is 260 ft.

Concerns of noise from the exhaust fans were presented by Chairman Rascio. Skip Fox, President of Smith Organics, stated that the exhaust fans are extremely quiet with no exhaust noise.

Board Member Gary Gambrell clarified the land uses surrounding the subject property.

Board Member Hershenson asked whether there were any concerns or contact from the church. Mr. Arnold stated they have not heard anything from the church.

In response to Board Member Bruce Galloway, Mr. Michael Herrera, P.E., addressed drainage.

Chairman Rascio and Member Hershenson stated a concern regarding noise, especially with the live music and amplified sound.

PUBLIC COMMENT

- Paul Cartwright, owner of Westgate Center, spoke of concern regarding the possibility of future violations and referred to alleged violations at the Applicant's Downtown Naples location, Lake Park Diner.

Mary Zizzo furnished staff's presentation and stated the following conditions: limited hours of operation; limited music hours for a solo artist only; the kitchen to remain open at all times to prevent the restaurant from becoming a bar. She stated that the Applicant has agreed to comply with the conditions from staff and any changes would require approval.

Mr. Arnold answered questions of the Board and also stated the applicant agrees with the conditions as presented by staff.

Chairman Rascio asked if Mr. Arnold knew why the City of Naples turned down their request for outdoor music. Mr. Arnold stated he did not know the reason, nor did Skip Fox.

MOTION:	Motion to approve request to allow outdoor consumption, as conditioned
RESULT:	7-0
MOTION BY:	Ben Hershenson
SECOND BY:	Gary Gambrell
OPPOSED:	none

IX. **NEXT MEETING:** March 15, 2022 at 9:00 A.M. (tentative)

X. **ADJOURNMENT**

There being no further items to discuss, meeting adjourned at 9:51 a.m.

Respectfully submitted,

Teresa Cannon, Recording Secretary

Approved by the Land Use Hearings & Adjustments and Zoning Board of Appeals on the ____ day of _____, 2022.

Anthony Rascio, Chairman