

City of Bonita Springs
Board for Land Use Hearings & Adjustments
and Zoning Board of Appeals
Tuesday, July 18, 2017 at 9:00 AM
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, FL 34135
MINUTES

I. CALL TO ORDER

Chairman Larry Kurlander called the meeting to order at 9:00 AM.

II. INVOCATION

Board Member Barabara Barnes-Buchanan furnished the Invocation.

III. PLEDGE OF ALLEGIANCE

Chairman Kurlander led in the Pledge of Allegiance.

IV. ROLL CALL

Chairman Kurlander and all Board Members were in attendance except for Board Member Russ Winn.

V. APPROVAL OF MINUTES

Chairman Kurlander had questions regarding the length of the minutes and its form.

Board Member Roger Brunswick entered a motion to approve the minutes as presented; Board member James Wurster seconded the motion; the motion carried unanimously.

VI. PUBLIC HEARINGS

A. CASE NAME: Hidden Lakes Residential Planned Development (RPD)
Rezoning, PD17-35599-BOS

REQUEST: To rezone 27.4+/- acres from the Residential Multi-Family district (RM-2), Community Commercial district (CC), Special Commercial District (CS-1) and Commercial Planned Development (CPD) to Residential Planned Development (RPD) to permit a maximum of 274 multiple-family dwelling units, with parking, a club house, consumption on premises, and other ancillary residential uses and appurtenances.

STAFF REPORT: Direct inquiries to Mike Fiigon, 239-444-6150, at the Bonita Springs Department of Community Development, 9220 Bonita Beach Road Suite 109, Bonita springs, Florida, 34135

LOCATION: 28521 Bonita Crossings Blvd., 28471 Bonita Crossings Blvd and several non-addressed parcels (see STRAP No., section below)

STRAP NO.: 04-48-25-B3-0140C.0000, 04-48-25-B3-0140E.00CE, 04-48-25-B3-0140F.00CE, 04-48-25-B3-0140D.00CE, 04-48-25-B3-0140B.00CE, 04-48-25-B3-0140A.00CE, 04-48-25-B3-0290B.0000, 04-48-25-B3-0140G.00CE, 04-48-25-B3-0140I.00CE, Bonita Springs, Florida 34135

Chairman Kurlander referenced pages 217 and 240 in the Zoning Board Packet. He also referenced page 62 where the applicant requested 244 units and page 240 where they requested 262 units where there was no time stamp.

Mike Fiigon, Community Development, requested to continue the case. He stated that there was information that was submitted, after the issuance of the staff report that needed to be fully reviewed by staff. Board Member Brunswick asked when the information was entered. Mr. Fiigon stated that it was entered Friday and then more information was entered on Monday. Board Member Brunswick stated that he felt it was inappropriate to ask for a continuance.

Neale Montgomery, Pavese Law Firm, stated that once the applicant received the staff report, they wanted to include information they felt was pertinent to the case.

Mr. Fiigon stated that the staff report needed to be finalized one week prior to the hearing under normal circumstances.

City Attorney Vance referenced the Land Development Code Section 4-227 on requests to continue zoning hearings. Chairman Kurlander stated that he felt that there should be drawings and other supporting material included in the report.

Mr. Fiigon stated that staff and the applicant discussed the date certain for the hearing as September 5th at 9:00 A.M.

Board Member Richard Donnelly entered a motion to continue the case to September 5, 2017; Board Member Barnes-Buchanan seconded the motion.

John Dulmer, Community Development, further reviewed the dates that were available to have the meeting.

City Attorney Vance stated that the September 6th City Council Meeting started at 5:30 P.M. and the Zoning Board meetings did not usually last the entire day.

Board Member Wurster suggested to move the hearing to October.

The motion carried unanimously.

Mr. Dulmer discussed the purpose of the continuance request.

Chairman Kurlander asked Mr. Dulmer how much of an impact an agreement between staff, the applicant, and the surrounding communities would have on the Zoning Board's decision making authority.

Mr. Dulmer stated that if there was agreement between all the parties involved, it would look like a benefit to the impacted area when the request goes before the Zoning Board and City Council.

Board Member Wurster referenced the Comprehensive Plan, the Visioning Study and the Quadrant Study. He suggested that the Zoning applications should only be reviewed by the Board once it was found consistent with those studies. He felt that this application marginalized the Southeast Quadrant of the Quadrant Study. Mr. Dulmer stated that McMahon and Associates, who conducted the Quadrant Study, reviewed the application and their comments were included in the revisions.

City Attorney Vance further referenced Florida Supreme Court cases to elaborate.

Mr. Dulmer responded to Board Member Wurster's question by indicating that the first step in the process was to evaluate the review that was formed by the firm which conducted the study, then determine whether the Zoning Board agreed with the decision. The final step was to present the application to City Council for their decision.

Ms. Montgomery asked whether the applicant needed to bring a condemnation attorney to provide testimony.

PUBLIC COMMENT:

There were no comments from the public.

VII. EMAIL DISCUSSION

Chairman Kurlander discussed an email that he sent to the Zoning Board (copy in Clerk's file). He wanted to have an interactive discussion on the process of information sent to the Zoning Board, best practices, and whether there were members of the Zoning Board that had any special concerns. A workshop date was set for August 15th starting at 9:00 A.M.

VIII. NEXT MEETING, August 15, 2017

IX. ADJOURNMENT

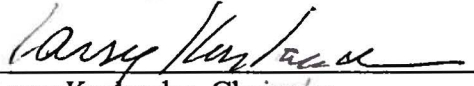
There being no further items to discuss, the meeting adjourned at 10:05 A.M.


Respectfully submitted,


Charlen Wade, Deputy City Clerk

APPROVED:
ZONING BOARD

Date: 9/5/2017
AUTHENTICATED:


Larry Kurlander, Chairman


Debra Filipek, City Clerk