

**Local Planning Agency**  
**Thursday, April 9, 2015**  
**9:00 A.M.**  
**Bonita Springs City Hall**  
**9101 Bonita Beach Road**  
**Bonita Springs, Florida 34135**  
**MINUTES**

I. CALL TO ORDER.

9:01:47 AM Vice Chairman Carolyn Gallagher called the meeting to order at 9:00 A.M.

II. ROLL CALL.

9:02:06 AM Vice Chairman Gallagher and all Board Members were in attendance except for Chairman Henry Bird.

III. REVIEW OF THE FOLLOWING ORDINANCE FOR CONSISTENCY WITH THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN:

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING SECTIONS 4-866, 4-868 AND 4-869 TO REVISE THE EXHIBITS AND THE USES PERMITTED IN THE OLD U.S. 41 REDEVELOPMENT OVERLAY DISTRICT; ALLOWING A CONVERSION FACTOR FOR MIXED USE PROJECTS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

9:02:14 AM City Attorney Audrey Vance explained that this Ordinance appeared before the Board a few times without a finding for consistency. She next read the title block of the Ordinance into the record that relates to this Land Development Code amendment. The Ordinance will appear before City Council for a final reading on April 15, 2015.

Since the LPA last saw the Ordinance, Staff has made some changes to it, which reflects the testimony received at their meeting. Staff has also been in communication with Shangri-La Resort, and spoke with their attorney yesterday. She will address that discussion in a bit.

Jackie Genson, Community Development, began by furnishing the background of the Ordinance. The intent is to create an industrial mixed use district by expanding the downtown overlay, of which a portion has been abandoned by the Shangri-La who asked that Staff not move forward with that amendment on their property. Therefore, the expansion of the redevelopment map has been rescinded as part of this

amendment. Staff did, however, add some uses to sub-area 11 to allow them to still create some of that industrial mixed use. She next addressed changes made, and new language being proposed, inclusive of a density/intensity conversion factor to encourage vertical mixed use; modified uses in the use table which she expanded on; changes to outside dining tables and chairs to address what type of materials restaurants could use; and changes to outdoor display and sale of merchandise.

City Attorney Vance informed the Board that she spoke with Attorney Burt Saunders, who represents Shangri-La, the previous day who informed her that they are requesting, as far as that portion of Industrial Street, to not include the map (Exhibit 1 on page 3), and so instead Staff will retain the existing map for Section 4-866 (Exhibit 1). If Council agrees to this change, she will remove all of 866.

Board Member Don Colapietro informed Staff of talk that took place a bit ago about Shangri-La wanting to close off Tennessee Street. City Attorney Vance stated that she felt that they would have to go through a vacation process. Board Member Colapietro stated his concern was that was a primary access route there, and as such, it would be a very dangerous thing to consider. Board Member Colapietro next addressed "reflective materials" on page 22 and page 23 where it indicates that reflective glass is prohibited. Staff responded and to clarify to avoid confusion. Per Board Member Colapietro, Staff to include the underlined words in the last sentence in item d. on page 25 to read as reflected below:

d. The display of obscene, indecent or other objectionable material is prohibited as defined by state law.

Board Member Rex Sims stated that he didn't feel that the map in Exhibit 1 was sufficient, as it doesn't show any streets. He stated that they do not want to go through and make all these decisions based on a poor display. Also, when speaking of the vertical mixed use, referring to page 7, item 3 b., near the bottom, it says that in addition to whatever calculation they come up with, the basis is still going to be 60% commercial. Jay Sweet, Community Development, explained that this conversion factor is only allowed in areas 6 a. and 6 b. The primary uses would entail restaurants, coffee shops, retail, office, taverns, etc. He expanded on traffic generation as it relates to the allowable uses. The intent is for the driving force to be more commercial (60%) than residential.

Board Member Sims next stated that as he visualizes this, all of the ground floor will be commercial, to which Mr. Sweet stated that is the way Staff visualizes it. Board Member Sims asked whether they were offering investors with what they need to make it work financially. Mr. Sweet stated he felt they were, and addressed other areas in Florida where it does work. He stressed that the key design difference relates to the way they will be treating parking. He feels that they have the right policies in place to make it work.

Vice Chairman Gallagher referred to the words Multi-use, and asked if buildings with several floors would be allowed to have mixed uses of residential and businesses on the same floor. Mr. Sweet replied yes. Discussion followed on vertical construction, etc. Board Member Sam Vincent stated he felt Mr. Sweet was on target with how these buildings get built and why. He referred to statements regarding the intent of the review and asked if there is a context statement or some overview statement that indicates the intent of the use in these areas - something that informs a reader of the intent of the City's intent - the concept. He explained that the City has adopted some renderings of what they expect. They address a lot of the architectural requirements in the code. They would also meet with Staff regarding the approach they need to take, etc. Ms. Genson stated she felt it was addressed on page 8. After further discussion, Ms. Genson stated that they can make it in more of a "bullet" form. Board Member Vincent explained that when applicants come to him they are confused about what the City is looking for. He further explained. Mr. Sweet stated that they have application forms, and suggested that with that application Staff provide them the bullet points - the reader's digest version of the code. Ms. Genson stated staff will create a packet to provide some guidance. Vice Chairwoman Gallagher suggested wording be added to a. and b. under Section 4-868. Board Member Bob Thinnes echoed comments made by Board Member Vincent to provide something to people so they know what the vision is.

Board Member Sims referred to item c on page 19 and asked for a clarification as he does not really understand the reasoning behind this. City Attorney Vance explained that is language that's previously been adopted by the Council. The objective was so that so you didn't have a monolith of a building - so you had some setback. Discussion followed on the issue of setbacks.

Board Member Sims addressed recent changes made to the flood maps, explaining that the new flood maps run almost to the Banyan tree. When they built the dollar store up town there was an additional elevation. He does not feel that all the development that is going to take place downtown will be as a "walk in level" as it exists now because the new maps are going to require a different elevation than that which has been historically done. He asked if that has been addressed. Vice Chairwoman Gallagher stated one can't assume that everything is going to start on the level with the street. She referred to item 2 on page 19, which addresses height being measured from the first finished floor to the eave line and asked what would occur if there was a garage there. Ms. Genson explained that the first finished floor is dictated by base flood elevations, which is where they would start height. In terms of the issue that Board Member Sims brought up, it's not really addressed in this code, as it is something that the City's Public Works Department needs to look at. The City of Punta Gorda does have regulations addressing this as a result of Hurricane Charley where there might have to have some mandatory venting in terms of design to flood proof that area. She feels that with road improvements, there

will be some elevation changes. Board Member Vincent referred to item 1., which states that 52 feet in height from the minimum required flood elevation provides the height above grade. Mr. Sweet addressed the City of Punta Gorda in which the first floor is flood proof. Discussion followed, with Board Member Sims addressing problems with trying to insure commercial properties within certain zip codes. Mr. Sweet explained that buildings have to be certified. They will also mail information to property owners in the area.

Vice Chairman Gallagher addressed garages and storage on the first floor, which she doesn't feel is in-keeping with the idea of commercial establishments. She asked how this would be handled. Ms. Genson explained that there are regulations in the code about where parking is permitted in terms of street setbacks. The intent of this code is that the buildings be in the front and parking in the rear, on the street or provided publically. Board Member Fred Forbes stated that when you elevate a building to get it above street so it's compliance with the flood map, any kind of public building has to have ADA compliance entrance and exits. Board Member Vincent addressed FEMA and requirements for development.

Vice Chairman Gallagher addressed "green" building, and asked if that was something that needed to be addressed in here. City Attorney Vance stated it would be an implementing regulation, and was not something that should be in the Comprehensive Plan. It has nothing to do with the amendment today.

Vice Chairman Gallagher next referred to the table on page 7 titled "Residential Density Range" and stated she didn't see anything in the Comprehensive Plan regarding townhomes or hospitality. Ms. Genson explained that the intent of this table is to deal with the residential dwelling units. Ms. Genson to check on questions Vice Chairwoman asked of Staff regarding townhouses.

City Attorney Vance explained that for next month she will be bring forth for consistency with the Comprehensive Plan one of the recommendations made by the Citizens Water Strategy Task Force - Water Quantity #1, which deals with the 10% additional retention/detention in the DRGR area.

Board Member Sims asked Mr. Sweet if he felt the numbers in the conversion factor are economically feasible for a developer to actually use to build a viable project, to which Mr. Sweet responded yes. Discussion followed.

Vice Chairwoman Gallagher questioned event parking. City Attorney Vance explained that entailed special events which the City does look at through the City's Communication Manager, Lora Taylor, and the City Manager. The City has purchased property on Felts and Abernathy for parking. She further explained that special events are not covered under this ordinance. Discussion followed.

Board Member Rex Sims entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Vincent seconded; and the motion carried unanimously.

No public comments were made.

The motion carried unanimously.

IV. PUBLIC COMMENTS: No public comments were made.

VI. NEXT MEETING. Thursday, May 14, 2015

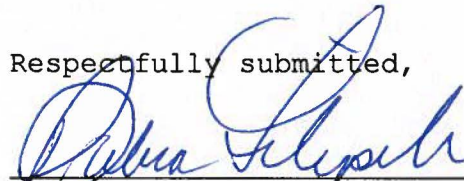
VII. APPROVAL OF MINUTES: 03/05/15

Board Minutes Sims motioned approval of the minutes; Board Member Don Colapietro seconded; and the motion carried unanimously.

VIII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 10:25 A.M.

Respectfully submitted,



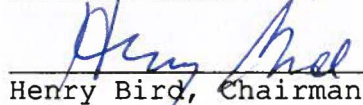
Debra Filipek, Acting City Clerk

APPROVED:

LOCAL PLANNING AGENCY:

Date: 6/01/15

AUTHENTICATED:



Henry Bird, Chairman