

**Local Planning Agency
Thursday, June 11, 2015
9:00 A.M.
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, Florida 34135
MINUTES**

I. CALL TO ORDER.

Chairman Henry Bird called the meeting to order at 8:58 A.M

II. ROLL CALL.

Chairman Henry Bird and all Board Members were in attendance, except for Board Member Bob Thinnnes.

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

- A. AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 4, AMENDING 4-1380 RELATING TO REQUIRED APPROVALS FOR EXCAVATION ACTIVITIES TO PROHIBIT WELL STIMULATION; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

8:59:34 AM City Attorney Audrey Vance introduced this item, involving the well stimulation ordinance. Zoning can be used to prohibit well stimulation because of compatibility issues with limited water resources and soil composition. The Conservancy of Southwest Florida has assisted with this Ordinance.

9:01:09 AM Board Member Don Colapietro referred to page 1 and page 3 of the Ordinance. Page 1 shows a more detailed list of items involved in well stimulation whereas page 3 does not. City Attorney Vance stated the Conservancy's attorney removed the more elaborate list on page 3, however, the attorney for the Conservancy is not present to provide an explanation. Board Member Colapietro asked if the lack of scope would allow for the Ordinance to be less effective. Discussion ensued.

9:04:03 AM Board Member Rex Sims stated that every city subject related to drilling should have to be subject to these laws. He feels this should be state mandated. He expressed concern for the cost if the City had to defend the Ordinance in court.

9:05:11 AM Board Member Sam Vincent asked how that would be handled in a court case. City Attorney Vance explained that Bonita Springs does not have

any production wells, and there needs to be one that is pre-existing or interest in creating one in order to have grounds. Also, soil and water incompatibility, do not make the City a likely candidate.

9:06:02 AM Board Member Carolyn Gallagher stated she feels that this is a step in the right direction. She feels it enhances various sections of the Comprehensive Plan's Infrastructure element. She is concerned that this Ordinance refers to well heads that are within the City limits; it does not give the city any protection from any fracking that would occur outside, and coming in underground from other areas.

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

IV. AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 2, ARTICLE VI, DIVISION 2, AMENDING 2-190 AND 2-191 RELATING TO ROAD IMPACT FEES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

9:10:43 AM City Attorney Vance addressed this Ordinance, explaining that only two sections are being changed. First is the intent of the road impact fees. When the City was incorporated, there is language that still includes Lee County in some areas. The second section involved definitions, with a change to the definition of Capital Improvements. This defines Capital Improvement so road impact fees can incorporate things not traveling on roads. Operation and Maintenance would not be able to be used under Capital Improvement.

9:17:01 AM Board Member Colapietro addressed typographical errors.

9:18:20 AM Board Member Sims requested clarification on Class 1 roads, which included access roads. He asked how it would fit in. Jay Sweet, Community Development, responded that this would allow the City to use funds to improve access roads. He also gave the example of CVS, the Old State Farm Insurance Building, and The Restore. The intent is to reduce trips and make intersections safer. This is to ensure that funds can be expended to improve the capacity of the public roadway. Board Member Sims referred to the proposed car wash asking if the City could give the developer a credit for it instead of using funds to add an extension. City Attorney Vance explained that did not entail a cross access, as it's a driveway. Discussion ensued.

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

V. AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 3, AMENDING 3-391 RELATED TO FIRE SAFETY; TO REQUIRE ADDITIONAL FIRE PROTECTION FEATURES FOR ZERO LOT LINE CONSTRUCTION; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

9:34:38 AM City Attorney Vance addressed this Ordinance, changes are only required depending on what modifications are being made. City Attorney Vance specified if a building needs to undergo additional fire features, then the fire chief will require it, whether it is written in the code or not.

9:39:07 AM Mr. Sweet gave an example of townhouses or any attached single-family house in developments as a zero lot line building. He stated there are many sprinklers in the attic of shopping centers, which firefighters do not have access to.

9:40:00 AM Fire Chief Tim Fernandez explained if this code was not put into the Ordinance, this was something they were going to require anyway because access is needed to the building. If the firefighters cannot get access they can ask for additional fire protection features, which is what they are trying to achieve with the code. Mr. Fernandez wants fire sprinklers required in all new buildings.

9:43:07 AM Mr. Sweet continued that additional fire hydrants are being added to Old 41 and Felts.

9:49:17 AM Mr. Fernandez stated it is easier to have this language in the code. He referred to page 2, item D addressing the zero lot line. He suggested the language state "regardless of having setbacks there will need to be fire sprinklers for new buildings."

9:49:40 AM Board Member Vincent asked if "providing additional fire protection features" needs more of a definition within the code, or would referencing the Florida Fire Protection Code provide the limitations of the additional fire protection features. Mr. Fernandez responded that it does not give any limitations. Mr. Fernandez provided examples of where this clause may be used.

10:02:01 AM Board Member Colapietro asked whether the left turn access out of station 1 has been improved to which Mr. Fernandez said yes. Board Member Colapietro also addressed roundabouts, and he expressed concern with trucks being able to maneuver.

10:02:33 AM Board Member Forbes stated zero line construction is more complicated than it seems.

10:03:38 AM Board Member Gallagher says she has done research on the subject as well.

10:04:02 AM City Attorney Vance stated additional fire protection features also include mountable curbs, and removable landscapes, not only fire sprinklers.

10:04:42 AM Board Member Sims questioned whether adopting the Ordinance will leave the City with a stronger or weaker compliance with fire code. Mr.

Fernandez responded stronger. City Attorney Vance stated what she felt Mr. Sims was trying to say was if older buildings maintained local compliance, before there were state compliance standards, then those structures would not have the same value as the ones that were built more recently because they would not meet the more stringent codes.

10:07:37 AM Mr. Sweet elaborated that the city adopted changes to downtown including a maximum setback on buildings. The code provides for new developers to be aware of additional fire system requirements if making additions to pre-existing structures or creating new structures.

10:11:11 AM Board Member Sims stated he thinks this Ordinance will be great as long as those changes are made.

10:14:46 AM Board Member Gallagher wanted to clarify that Chapter 18 has existed and is effective for everyone. Mr. Fernandez concurred. Board Member Gallagher further explained that this code implies that changes have been made to the Development Plan on Old 41 and is serving as a reminder to the developer. Mr. Fernandez agreed.

Board Member Colapietro entered a motion finding the Ordinance consistent with the City of Bonita Springs Comprehensive Plan; Board Member Gallagher seconded the motion; and the motion carried unanimously.

ADDITIONAL ITEM:

9:28:43 AM City Attorney Vance stated the Tower Case City Council. The city has to modify their model code because the building code will be in effect on June 30, 2015. Since the flood ordinance is not a Land Development Code, it's classified as a technical Ordinance, and does not go before the Local Planning Agency.

VI. PUBLIC COMMENTS: No public comments were made.

V. NEXT MEETING. THURSDAY, JULY 9, 2015 changed to THURSDAY, JULY 16

VII. APPROVAL OF MINUTES: 04/09/15

Board Member Colapietro motioned approval of the minutes; Board Member Vincent seconded; and the motion carried unanimously.

VIII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 10:20 A.M.

Respectfully submitted,



Charlen Wade, HR Generalist/ Clerk Assistant

APPROVED:

LOCAL PLANNING AGENCY:

Date: November 12, 2015

AUTHENTICATED:

Henry Bird
Henry Bird, Chairman
