

Local Planning Agency
Thursday, October 1, 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 9:00 A.M

II. ROLL CALL.

Chairman Bird and all Board Members were in attendance

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

- A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING §4-1315 RELATED TO THE AFFORDABLE HOUSING BONUS DENSITY PROVISIONS IN THE ZONING CHAPTER; REQUIRING GREEN CONSTRUCTION FOR RESIDENTIAL UNITS ELIGIBLE FOR AFFORDABLE HOUSING BENEFITS; OTHER MINOR CHANGES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

9:03:30 AM City Attorney Audrey Vance read the title block of the Ordinance into the record. She also addressed revisions to the Ordinance.

9:04:57 AM Jennifer Duffala-Hagen, Community Development, addressed the intent of the Ordinance, which is to conform to the Florida Green Building Standards program. The City wants to meet standards in order to be classified as a "Green City". This amendment will facilitate that process.

Board Member Carolyn Gallagher questioned whether the bonus density houses were contiguous to one another. Ms. Hagen stated it is based on how the developer foresees the project.

9:08:11 AM Board Member Rex Sims asked if "green" included solar, to which Ms. Hagen stated that it can. It would be up to how they are looking to mandate it green. The program outlines components the developer would have to do to be considered "green." Board Member Sims asked if the city is doing anything in order to allow solar

projects to occur. Ms. Hagen stated programs such as the Florida Green Building Coalition allows for options to provide more "green" projects to happen, which may include solar components.

9:10:39 AM Board Member Sam Vincent asked if there was a minimum number of points one would have to achieve, to which Ms. Hagen responded yes. She further explained they have looked at internal and external policies and practices. To be a green city you have to meet a certain number of points. The classifications are certified, silver, gold and platinum. The City is trying to achieve gold certification, which is between 51-70%. This will go before Council October 7th to have them consider a green building program. The program would be mandatory for the City of Bonita Springs but voluntary for developers and residents. They are not creating additional regulations, but rather encouraging others to act as a role model.

9:14:52 AM Board Member Vincent stated this would encourage better building and better landscaping. Ms. Hagen stated most practices ultimately lead to cost savings as well. Also, Habitat for Humanity has adopted the Florida Green Building Certification and all of their new homes will be certified green homes.

9:15:56 AM Board Member Don Colapietro stated it would have been nice to have what this encompasses before they vote on this. He referred to Page 1 in the section that shows "eligible families" and asked about the parameters. Ms. Hagen states there is a formula in Lee county Human Services, that changes every year, which determines the parameters.

9:17:33 AM Board Member Fred Forbes wanted to clarify if 100 houses were created, whether the builder is allowed to create 50 more greenhouses under the new mandate. Ms. Hagen stated that is not the case. If the LDC allows a builder to create 100 dwelling units and they meet standards set by affordable density for an extra 50 units, the mandate would suggest only the extra 50 units must be green. Board Member Forbes suggested a certain percentage of units be built "green" in order to achieve the total number of units desired. Discussion ensued.

9:20:03 AM Board Member Gallagher asked to clarify the definition of "affordable", and whether it is dependent on the cost of the home or the income of the household. City Attorney Vance explained affordable is how much the house costs and income. They would try to create different "products," for diversity. Affordable entails different categories, i.e., low, very low, etc.

Board Member Sims entered a motion finding the Ordinance Consistent with the Comprehensive Plans. Board Member Colapietro Seconded.

PUBLIC COMMENTS:

9:22:40 AM Rick Steinmeyer asked how many units have been built so far under the program. Jacqueline Genson, Community Development, stated since 2008 they have not processed any bonus density applications. City Attorney Vance stated built versus proposed may vary since the market has shifted.

The motion carried unanimously.

B. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING SECTIONS 4-868, 4-869, AND 4-872 TO ALLOW ADMINISTRATIVE RELIEF FOR INNOVATIVE PROJECTS; MODIFYING SOME USES IN THE OLD US 41 REDEVELOPMENT URBAN CORE AND IN THE HIGHWAY COMMERCIAL (AREA 3B); REVISING THE DEVELOPMENT STANDARDS FOR THE RESIDENTIAL SUB-AREAS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

9:25:10 AM City Attorney Vance read the title block of the Ordinance into the record.

9:25:43 AM Jay Sweet, Community Development, addressed the Ordinance, which involves the section of the code that addresses downtown development. Two changes are being made to the Ordinance. The first change is to allow for fluctuations so various requirements can be met. The second change involves the entrance to downtown and the uses allowed in the gateway to downtown, which should be reflective of downtown. Also, the proposal to change the concept represents the Gibbs Market Study.

9:28:54 AM Board Member Forbes asked if there was anything that would allow a developer to request a significantly taller building. Mr. Sweet responded no, as they are limited to a 5% variance, and provided an example.

9:30:07 AM Board Member Sims referenced page 21B addressing the term "grandfathering" and asked what the trigger was that would make them non-conforming. City Attorney Vance responded and explained that there were different triggers. There are different codes that have different results. Mr. Sweet stated as the code is currently written that grandfathering would create an issue of non-conforming but legally existing. He clarified use versus structures. If the use is non-conforming and you discontinue the use, you would lose that use. Mr. Sweet provided examples of non-conforming structures to clarify the issue further. Discussion ensued.

9:41:09 AM Board Member Gallagher referred to the uses on page 22 in comparison to those on page 6. Mr. Sweet put in those they felt would be appropriate, and revisit after the market study is completed.

9:43:51 AM Board Member Bob Thinnes referred to page 23, item (2) a., and suggested adding the word "building" to read "required to a minimum building depth of 30 feet". Item (2) b., he wanted it to be a little more definitive with the terminology passage, and suggested adding passageway. Also, since we have a new section dealing with uses, and someone is going to come up with a use that's not listed, he suggested language that gives the director authority to approve a use that is not listed. City Attorney Vance referred to page 6, "uses not specifically listed shall be prohibited unless proposed use has similar traffic patronage. . .)" and offered suggested language. Staff to revise Ordinance.

9:47:08 AM Board Member Sims referred to page 23, item (1) "non-amplified indoor live entertainment" and asked what that entails. Mr. Sweet explained that is something that has been carried over. He wasn't exactly sure what that means, but feels it's something they need to address.

Board Member Colapietro entered a motion finding the Ordinance Consistent with the Comprehensive Plan; Board Member Thinnes seconded.

PUBLIC COMMENTS:

9:49:57 AM Rick Steinmeyer states previously there were concerns with noise when changing Felts Avenue into a commercial area and now there are no special exceptions, which he disagrees with. Mr. Sweet responded that Felts has its own uses that are different than 6a, 6b and 3b uses. Uses that tend to be more of a 9 to 5 use on the Felts side. It is called the Felts District and has an overlay in the Comprehensive Plan. Felts District brings more opportunities for a transition.

The motion carried unanimously.

- C. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 6 (SIGNS); AMENDING SECTION 6-112 TO AMEND THE REGULATIONS REGARDING PERMANENT ON-SITE SIGNS FOR SCHOOLS, CHURCHES, DAY CARE CENTERS, PARKS, RECREATIONAL FACILITIES, LIBRARIES AND OTHER SIMILAR USES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

9:52:26 AM City Attorney Vance read the title block of the Ordinance into the record. She explained that she has a legal issue with the Ordinance. There is a sign that is located in a residential area. She cited a legal case that came out from Gilbert, Arizona.

9:56:47 AM The problem is the unintended consequence, when they want to put a life size sign with whatever message they want on that road. It's a vision issue.

9:57:52 AM Assistant City Attorney Alexander Boswell-Ebersole will increase proportionality of sign size allowed to the amount of linear frontage, and only applies to certain uses in residential areas.

9:58:24 AM Mike Fiigon, Community Development, addressed the Ordinance. The perspective was to keep compatibility and proportionality in mind. The uses that are being discussed are also permitted in residential zoning districts and they maintain a strict setback because of this.

10:06:00 AM Board Member Gallagher asked if the predominant use would be in residential areas to which Mr. Sweet answered the change would affect only residential areas where churches, schools or libraries are permitted. Board Member Gallagher suggested not allowing an abundance of signs to be in the areas but to have them dispersed further away from each other.

10:08:27 AM Board Member Colapietro expressed his dislike for monument signs and shrubbery/vegetation placed at the bottom which grows and affects the line of sight. Discussion ensued.

10:16:15 AM Board Member Forbes suggested putting in a requirement to maintain a certain height.

10:17:13 AM Board Member Thinnes stated he didn't feel he could support the Ordinance, unless there is language to address the speed of the road. Larger signs are needed for roads with an elevated speed and more traffic. Mr. Sweet stated that this applies to facilities located on collector roads and above. Collector roads are identified in the Comprehensive Plan along with its standards. Also, access points cannot be close to or on collector roads. Mr. Sweet suggested crafting it to collector roads. Board Member Thinnes feels addressing the road in terms of speed or classification would solve this problem. City Attorney Vance also addresses the road and frontage size.

10:21:34 AM Board Member Vincent states there are a lot of references here and they need to choose one that is more definite. Board Member Gallagher stated that residential streets are slower, so you have more time to see signs. There are not as many signs as there are in commercial areas. Board Member Vincent stated signs should not be a landmark. City Attorney Vance can revise Ordinance, and keep it on schedule.

10:25:56 AM City Attorney Vance will revise to make sure it's on a collector road, and tying it to a road will be more beneficial.

10:26:53 AM Chairman Bird asked if it would be beneficial to draft a motion contingent on staff changes. Board Member Forbes suggested approved motion provided that staff revises the Ordinance to address the type of road and length of uninterrupted frontage.

Board Member Forbes entered a motion finding the Ordinance Consistent with the Comprehensive Plan; Board Member Sims seconded the motion.

PUBLIC COMMENTS:

10:27:44 AM Rick Steinmeyer stated this started as a result of New Life Church on Vanderbilt. When they changed their name, it caused them to be reviewed, and they were told they needed to put up a new sign.

The motion carried unanimously.

IV. EVALUATION APPRAISAL REPORT PRESENTATION AND LOCAL PLANNING AGENCY PARTICIPATION.

10:30:38 AM Dr. Margaret Banyan with Florida Gulf Coast University, next furnished a PowerPoint presentation (copy in Clerk's file) to address the EAR process. The last time this was done was 2005. The purpose of the process is to evaluate the Comprehensive Plan to see where it stands with changes, and to look at changes made at the State level that would require the City to change their Comprehensive Plan. Now the process is much more flexible and requires municipalities to look at State law. The process provides recommendations on how the City should change their Comprehensive Plan, and what amendments the City may want to make later to their Comprehensive Plan. Step one is to review the current plan and is due April 1, 2016. Step 2 is to amend the Comprehensive Plan, and step 3 is to revise the Land Development Code regulations.

10:38:41 AM Board Member Forbes determined the city population is going to be at 67,000 by around 2022. Dr. Banyan addressed the census. She explained they will be doing seasonal estimates. They also take into account the City's four strategic priorities - Quality of Life, Revitalize Downtown, Strengthen Infrastructures, and Economic Development. She further explained.

10:48:56 AM Her question to the Board is where they feel they should be focusing.

10:49:16 AM Board Member Vincent felt the focus should be on the industry coming in. Last year the city lost a lot, and how are they

looking at that, and the industries that need to be targeted. Dr. Banyan will ask the public what kind of industry they are interested in seeing.

10:50:25 AM Board Member Bird suggested on dealing with traffic during season. Dr. Banyan responded yes, under the transportation element. It is a consideration. The MPO also has good resources they will be using.

10:51:10 AM Board Member Sims stated the successful business model that's been used is now a dinosaur such as the gated golf course communities. There are changes in development that are going on. It's a system that's not going to work anymore. Changes need to be anticipated to have economically feasible incentives for developers.

10:54:17 AM Board Member Gallagher feels this is the most active community in SW Florida for older people. Almost all the older people that come here are coming to go out and do things. The spirit is to keep people happy and connected.

10:56:30 AM Dr. Banyan addressed the "Complete Streets" program. They will also be asking people for their birth year in the survey because they are doing a generational analysis. This will come back to the Board in the form of a preliminary report, and will provide updates. Tentatively scheduled for January 28, 2016. Following that will make recommendations to go to City Council.

10:59:24 AM Board Member Forbes feels if they increase density on Old 41, it would have to be vertical. He would like to see more focus on improving the commercial entities. City Attorney Vance explained the process, as the EAR is a report that goes through the Board and City Council. It also goes to the State Land Planning Agency for review, and once it is adopted is when modifications are made to the Comprehensive Plan via EAR based amendments. Lastly, changes will be made to the Land Development Code to implement the EAR amendments made.

11:04:35 AM Board Member Thinnes addressed density, which has been doubled in the past, so he's not looking at increasing density. He feels they need to start looking at what's going to happen with our infrastructure in the future.

11:06:18 AM Board Member Vincent stated density and intensity are different. Dr. Banyan there may be talk about moving density around; not increasing it. Board Member Gallagher asked about urban sprawl and ways to avoid it. She also, asked if they can provide changes to LPA early-on. They will have to look at schedules of consultants, deadlines, etc.

V. PUBLIC COMMENTS:

11:08:47 AM Linda Schwartz, a resident since 2001, requested a full disclosure of all persons working on the EAR, and whether in the past or currently are working with developers, land owners or realtors with interest in DRGR. She feels Council needs to be aware of any conflicts of interest. She also agrees that the population estimate will be reached far before the 20 year estimated. She completed the EAR survey yesterday and found it to be confusing, specifically to rank priorities of fire and police.

11:11:08 AM Rick Steinmeyer addressed the process. Not making any changes to the Comprehensive Plan through Dr. Banyan.

11:12:25 AM Dr. Banyan addressed the on-line survey and intergovernmental coordination element, which she explained was the reason they were asking some of the questions asked on the survey.

VI. NEXT MEETING. November 12, 2015, 9:00 A.M.

VII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 11:13 A.M.

Respectfully submitted,


Charlen Wade, Recording Secretary

APPROVED:

LOCAL PLANNING AGENCY:

Date: November 12, 2015

AUTHENTICATED:


Henry Bird, Chairman


Debra Filipek, City Clerk