

**Local Planning Agency**  
**Thursday, November 12, 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 9:02 A.M.

II. ROLL CALL.

Chairman Bird and all Board Members were in attendance.

III. Review of the following Ordinances for Consistency with the City of Bonita Springs Comprehensive Plan:

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); RELATED TO ADMINISTRATIVE SETBACK VARIANCES AND NONCONFORMITIES CREATED BY EMINENT DOMAIN PROCEEDINGS; AMENDING SECTIONS 4-254 AND 4-2325; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

9:02:50 AM City Attorney Audrey Vance read the title block of the Ordinance into the record, addressing its intent. She also provided an example.

9:08:11 AM Board Member Bob Thinnes asked if the associated documents are recorded. John Dulmer, Community Development, responded that recording is done locally, as not every document is recorded with the Clerk's Office. City Attorney Vance added that the taping is recorded, and when title searches are done, they would be able to get the court records as well.

9:09:32 AM Board Member Rex Sims entered a motion, finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Thinnes seconded.

No public comments were made.

The motion carried unanimously.

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTERS 3 (DEVELOPMENT STANDARDS) AND 4 (ZONING); AMENDING SECTION 3-491 RELATED TO SITE DESIGN STANDARDS; AMENDING SECTIONS 4-408, 4-661, 4-718, 4-740, 4-1098, 4-1122, 4-1465, 4-1467, 4-1472, 4-1473 AND 4-2072; CREATING SECTIONS 4-888 THROUGH 4-895, THE U.S. 41 OVERLAY DISTRICT; PROVIDING FOR PURPOSE AND INTENT, APPLICABILITY,

DEFINITIONS, PERMITTED USES, SPECIFIC SITE DESIGN STANDARDS FOR THE U.S. 41 OVERLAY DISTRICT, PARKING AND CIRCULATION, INTERSECTION DESIGN AND CORNER LOTS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

9:10:21 AM City Attorney Vance read the title block of the Ordinance into the record.

9:13:06 AM Alexis Crespo, with Waldrop Engineering, representing Staff, furnished a PowerPoint presentation (copy in Clerk's file) to address revisions. The intent is for high quality development and redevelopment, which she expanded on.

9:23:18 AM Board Member Sims addressed drive-thrus and pedestrian access. Ms. Crespo stated the pedestrian access is based on an individual basis and revisions would be applied globally to separate drive-thrus and pedestrian walkways.

9:30:23 AM Board Member Don Colapietro saw 885 items that are not simplified in the zoning district regulations. He addressed the ability for users to navigate these items. Ms. Crespo stated staff finds it necessary to make these regulations easier to navigate and she is working on resolving the issue.

9:31:20 AM Board Member Carolyn Gallagher asked why Ms. Crespo categorized pawn shops in its own group. Ms. Crespo responded they needed to remove pawn shops because it has a different intensity from the group it was originally assigned. City Attorney Vance suggested a revision for the inclusion of title loan facilities with pawn shops. She clarified the difference in intensity is usually the hours of operation and the lighting.

9:33:32 AM Board Member Sims stated that he was confused in the uses, i.e., automotive repair, as they have Group I and II. He asked how the specific functions of the various businesses get identified. Ms. Crespo responded that grouping allows for the differentiation of intensities among businesses. She stated they may need to have a workshop and do extensive work.

9:38:20 AM Board Member Vincent explained there has to be a mechanism in place that allows for the improvement of areas in the city as it relates to a change in use of the property. Discussion followed.

9:41:06 AM Ms. Crespo stated other than amending the pawn shop uses, all other uses remain the same. They cannot arbitrarily remove uses. City Attorney Vance referred to pages 5 and 6 of the use activity group. She proceeded to explain the interpretation of use from a legal standpoint.



9:46:06 AM Ms. Crespo referred to pages 40 - 85, Commercial Development Use tables, and explained the relation of these tables to U.S 41.

9:49:14 AM Board Member Thinnes expressed concern with having to go through the Special Exception process. Ms. Crespo explained the Special Exception process is less intensive than the Planned Development process.

9:50:07 AM Ms. Crespo next referred to page 85 which shows the purpose, intent, and applicability of the U.S 41 overlay district. City Attorney Vance went into more detail and provided examples.

10:04:40 AM Board Member Gallagher requested to have copies of the maps emailed to her and the Local Planning Agency Board Members.

10:06:01 AM Board Member Sims referred to page 89 item (b) where the language indicates the frontage roads are required and not optional. Ms. Crespo stated that the requirement is only triggered by major improvements and is not appropriate in all cases.

10:10:11 AM Board Member Thinnes asked for a clarification on frontage requirements. He wanted to know if the easement requirement is the same as a frontage requirement. City Attorney Vance explained the difference between requirements.

10:13:53 AM Ms. Crespo referred to page 90, addressing undeveloped corner lots. Board Member Gallagher requested clarification to the term undeveloped property, which Ms. Crespo provided. She proceeded to explain language that was added to the different sections of the Ordinance to strengthen their use.

10:24:59 AM Board Member Vincent stated there seems to be disagreement with several areas of the Ordinance. He asked if Board Members want to define those disagreements. Chairman Bird heard from those who had concerns. Board Member Thinnes stated that he does not agree with some of landscaping issues, but that is not to say it is not consistent with the Comprehensive Plan.

10:26:28 AM Board Member Colapietro agreed with Board Member Thinnes' view that although there may be consistency with the Comprehensive Plan, he does not believe it is the right course of action.

10:26:43 AM Mr. Dulmer suggested making two motions. The first motion addressing consistency with the Comprehensive Plan, and the second addressing the Board Member's concerns.

10:27:39 AM Board Member Vincent agreed with Mr. Dulmer's suggestion of making two motions. The second motion would allow for further discussion of the issues Board Members may have. Chairman Bird also agreed with Mr. Dulmer's suggestion allowing for the first motion to determine compatibility, and then specific concerns in a second motion.

Board Member Forbes entered a motion finding the Ordinance consistent with the Comprehensive Plan, with reservations; Board Member Vincent seconded the motion; and the motion passed 5-2 (Board Members Forbes and Vincent opposed)

CONCERNS THE LPA HAS WITH THE ABOVE REFERENCED ORDINANCE:

10:31:09 AM City Attorney Vance addressed the concerns.

10:33:56 AM Board Member Sims stated Board Member Thinnies addressed existing zoning and he questioned how time changes that. He feels there is an expectation that someone should be able to use the property for its intended zoning. City Attorney Vance responded to that concern by suggesting added language as to equitable estoppel, which she then explained.

10:40:57 AM Board Member Colapietro felt the Board should incorporate the complexity of section 4-408 and their uses so they can be addressed. City Attorney Vance responded that it will be incorporated. She suggested there may need to be a workshop for section 4-408.

10:41:31 AM Chairman Bird summarized that there is another motion being entered, incorporating Board Member's concerns with the Ordinance being discussed. Mr. Dulmer stated section 4-408 will be addressed in the next round of changes that will go before the City Council so if it were incorporated into this motion, then it will not have an impact on what is sent to City Council. City Attorney Vance addressed this statement by saying the City Council Members would see the section was discussed.

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

A brief recess ensued.

- AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; AMENDING THE MODERATE DENSITY MIXED-USE/PLANNED DEVELOPMENT FUTURE LAND USE CLASSIFICATION OF THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN, FURTHER AMENDING THE FUTURE LAND USE MAP FOR THAT EXPEDITED STATE REVIEW COMPREHENSIVE PLAN AMENDMENT KNOWN AS RAPTOR BAY / PELICAN LANDING RPD/CPD, WHICH IS LOCATED IN SECTIONS 5, 6, 7 AND 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, TO REDESIGNATE APPROXIMATELY 55.16 ± ACRES OF LAND FROM LEE COUNTY OUTLYING SUBURBAN AND WETLANDS TO MODERATE DENSITY MIXED-USE/PLANNED DEVELOPMENT (55.16+ ACRES), AND PROVIDING FOR AN EFFECTIVE DATE.

10:54:05 AM Jackie Genson, Community Development, furnished a PowerPoint presentation (copy in Clerk's file) to address the request to amend a current land use classification, including its location, annexation of the property, the associated companion DRI amendment and zoning cases, the



future land use category the property is located within, the surrounding zoning and land uses, the proposed amended land use classification, and consistency with the Bonita Plan.

11:05:23 AM Ms. Genson stated that staff is recommending the Board find this request consistent with the Comprehensive Plan and that the Board also recommend Council transmit the request to the State's Land Planning Agency for their review.

11:06:23 AM Board Member Forbes asked whether the City Fire Marshall reviewed the amendment to make sure no additional roads, etc., are needed. Ms. Genson advised the Board that Chief Green of the Estero Fire District has reviewed the zoning amendment application and had only minor comments. Board Member Forbes requested that the Bonita Springs Fire District Chief review the application as well. He also, questioned reference to Bonita Bay. Ms. Genson stated there are some properties that have entitlements for vested rights determination to build towers in excess of 75 feet.

11:10:52 AM Neale Montgomery responded to Board Member Gallagher's concern with designation. She stated the same category that applies to Bonita Bay, applies to the rest of Pelican Landing and the City. She further explained, addressing Chapter 163. Since the property is now in the City, it has to have a City land use category as a result of the annexation. They are attempting to make the City Land Use category match the rest of Pelican Landing and Bonita Bay. They are not changing or increasing anything.

11:18:45 AM Board Member Gallagher addressed the change that allows some structures to increase their height from 75 feet to 120 feet, but restricting others to do the same. City Attorney Vance stated the decision that was made in around 2000. Also, at the request of Board Member Gallagher, Ms. Montgomery addressed species and water wells. Discussion followed.

#### PUBLIC COMMENTS:

Board Member Thinnes entered a motion to find the Ordinance consistent with the Comprehensive Plan; Board Member Vincent seconded the motion; and the motion passed 5-2 (Board Members Gallagher and Forbes opposed)

IV. NEXT MEETING. Thursday, December 10, 2015

IV. APPROVAL OF MINUTES: 06/11/15 and 10/01/15

Board Member Forbes entered a motion to approve minutes; Board Member Colapietro seconded; and the motion carried unanimously.

Public comments:

11:33:59 AM Rick Steinmeyer suggested public comments be made before voting.

VI. ADJOURNMENT:

There being no further items to discuss, the meeting adjourned at 11:34 A.M.

Respectfully submitted,



Charlen Wade, HR/ City Clerk Assistant

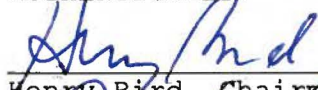
APPROVED:

LOCAL PLANNING AGENCY:

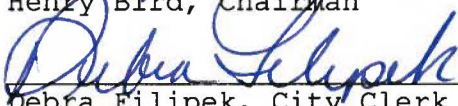
Date:

12/10/15

AUTHENTICATED:



Henry Bird, Chairman



Debra Filipek, City Clerk