

**Local Planning Agency
Thursday, December 10, 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 9:01 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 ORDINANCE RELATED TO THE TREE PROTECTION ORDINANCE; AMENDING SECTIONS 7-226, INTENT, PURPOSE AND SCOPE; 7-228, DEFINITIONS; AND 7-235, ISSUANCE OF PERMITS; CRITERIA, SITE PLANS, AND FEES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, INCLUSION IN THE CODE, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE

9:01:53 AM Assistant City Attorney Alexander Boswell-Ebersole read the title block of the Ordinance into record.

9:02:32 AM Jennifer Dufala-Hagen, Community Development, discussed the proposed amendments. She then explained the submittal requirements for the City to achieve Florida Green Building Coalition Green Local Government designation.

9:04:16 AM Board Member Bob Thinnes referenced page 3 of 5, Licensed Land Surveyors providing tree identification. He does not believe a surveyor is qualified to do so. Ms. Dufala-Hagen explained that it is ultimately dependent on the company surveying the land, whether they decide to partner with an Arborist or Environmental Consultant. Staff did not want to limit or require extra licensed professionals to submit one document.

9:08:04 AM Board Member Thinnes would prefer someone more qualified to identify trees. Board Member Sam Vincent suggested ways to reword the Ordinance.

9:11:43 AM Mike Kirby, Community Development, stated they would be able to correct the wording to satisfy the Board.

9:14:10 AM Board Member Rex Sims referred to Item 1. He asked about the definition of a qualified agricultural purpose and who decides whether it is a bona fide agricultural purpose. Ms. Dufala-Hagen explained state statute defines what qualified agricultural purpose is.

9:15:22 AM Mr. Kirby explained the property appraiser determines if a property is qualified for a bona fide agricultural use. Board Member Sims referenced the zoning of a property as being the same as its use. Assistant City Attorney Boswell-Ebersole explained that because something is zoned one way, it is not necessarily used as such.

9:19:56 AM Board Member Carolyn Gallagher asked about chickens on certain property being raised on agriculturally zoned land. Ms. Dufala-Hagen explained the two programs that allow for chickens.

9:21:19 AM Board Member Vincent wanted to verify the basis for the Ordinance, which is to protect trees based on Florida Green Building Coalition guidelines. Ms. Dufala-Hagen explained the City is trying to get credit for tree preservation and to ensure the Ordinance meets the intent of the credit.

9:24:03 AM Board Member Colapietro asked about replanting trees that were removed in the process of the downtown construction. Ms. Dufala-Hagen commented that it would be something Public Works would need to establish.

9:25:17 AM Mr. Kirby explained the City is not responsible for acts of nature. It is not a requirement for the City to replace vegetation that has been disturbed by nature.

PUBLIC COMMENTS:

9:25:41 AM Rick Steinmeyer stated that he felt as if the Ordinance would prevent owners of properties with trees from removing them if there was an issue. Ms. Dufala-Hagen explained there are only certain trees that are protected. Single-family dwellings are excluded from the Ordinance. She further explained a replanting permit that is needed if removal of a protected tree was needed. Mr. Steinmeyer feels the Ordinance is restrictive.

Board Member Vincent entered a motion, finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Colapietro seconded; and the motion carried unanimously (Board Member Fred Forbes abstained).

AN ORDINANCE TO AMEND SECTIONS 3-415, 3-419 AND 3-423 OF THE CITY OF BONITA SPRINGS LAND DEVELOPMENT CODE RELATED TO THE LANDSCAPE CODE, CREATING SECTION 3-428, ENFORCEMENT OF INSTALLATION AND CERTIFICATION; TO UPDATE THE CODE TO REQUIRE SMART IRRIGATION AND FLORIDA FRIENDLY DESIGN STANDARDS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, INCLUSION IN THE CODE, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

9:29:26 AM Assistant City Attorney Boswell-Ebersole read the title block of the Ordinance into record.

9:30:16 AM Ms. Dufala-Hagen explained the proposed amendments as they relate to the Florida Green Building Coalition.

9:32:11 AM Board Member Colapietro stated he has issues with some of the wording on page 11 of 14, (a) and (b). Ms. Hagen explained that the irrigation systems that are already in place cannot be changed by Community Development but will have to be discussed with Public Works and Neighborhood Services. This Ordinance is for new commercial development and not residential. She explained the new systems took smart irrigation into consideration with timers and rain sensors.

9:36:21 AM Board Member Sims referenced page 11 (a) and (b) not being state of the art. Ms. Dufala-Hagen explained the intent of the Ordinance and the specific features the system will need. She explained various resources were used in order to create the language for the Ordinance. Board Member Sims suggested metering the water system to limit the consumption within a commercial environment. Ms. Dufala-Hagen explained further the need for this Ordinance.

9:43:05 AM Board Member Gallagher asked what would happen to developments that are already established. Ms. Dufala-Hagen explained contractors would be subject to the Ordinance if major changes occurred, or if residents were to report that the contractors are not in compliance with the Ordinance.

9:43:34 AM Board Member Vincent asked about ponds used for irrigation. Mr. Dulmer explained the district permits pond irrigation. Reuse would go into lake, which would be recycled. Mr. Dulmer provided examples of well use and maximum daily allowances for withdrawal.

9:46:29 AM Board Member Sims explained page 13 is a big report and that this is a big step in permitting. Board Member Thinnes explained it is a good step if a third party is introduced.

9:47:38 AM Board Member Gallagher suggested changing the wording on page 12 to adverse impacts.

PUBLIC COMMENTS:

9:48:07 AM Rick Steinmeyer stated there is also best management practices and feels the government is arrogant.

Board Member Fred Forbes 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. NEXT MEETING. Thursday, January 14, 2016

GENERAL COMMENTS:

Board Member Sims stated he is concerned about the Ordinances being passed. He referred to an article he read about the vegetation being planted and blocking business signage. Chairman Bird explained the condo association he is in has the same issue with vegetation and blocking signage. Board Member Thinnes stated the Landscape Ordinance needs to be discussed and reviewed to make things better for businesses.

9:53:00 AM Board Member Gallagher discussed Collier County and parking garages. There are no codes specifically for parking garages within the City of Bonita Springs.

9:54:00 AM Mr. Dulmer addressed the concern of vegetation and sign Ordinance issues. He explained that they discussed Sign Ordinances previously about resolutions of trees blocking signs.

9:55:56 AM Mr. Dulmer referred to a court case and signage.

9:57:31 AM Board Member Colapietro expressed his dismay for the landscaping and the type of palms being displayed.

IV. APPROVAL OF MINUTES: 11/12/15

Board Member Colapietro entered a motion approving the minutes; Board Member Thinnes seconded; and the motion carried unanimously.

VI. ADJOURNMENT.

There being nothing further to discuss, the meeting adjourned at 9:58 A.M.

Respectfully submitted,



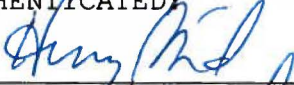
Charlen Wade, HR/ City Clerk Assistant

APPROVED:


LOCAL PLANNING AGENCY:

Date: 1/14/16

AUTHENTICATED:



Henry Bird, Chairman


Debra Filipek, City Clerk