

**Local Planning Agency  
Thursday, May 12, 2016  
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. ELECT A VICE-CHAIR.

Board Member Don Colapietro entered a motion for Board Member Carolyn Gallagher to be re-elected as Vice Chair of the Local Planning Agency; Board Member Bob Thinnes seconded the motion; and the motion carried unanimously.

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

- A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 4, AMENDING §4-227, PUBLIC PARTICIPATION, ALLOWING PUBLIC PARTICIPATION AT COUNCIL ZONING HEARINGS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

9:01:51 AM City Attorney Audrey Vance read the title block of the Ordinance into record after which she summarized the reason for the proposed amendment.

9:04:53 AM John Dulmer, Community Development, explained that currently if a member of the public has not spoken before the Zoning Board, then they are not able to speak before City Council. The proposed amendment would allow for new members of the public to speak before the City Council.

9:05:53 AM Board Member Sam Vincent referenced page 1 of 3 where the Chairman of the Zoning Board is allowed to refuse hearing

testimony that is irrelevant to the case. City Attorney Vance provided an example where a member of the public making personal attacks against a staff member or a Board Member can be asked to stop.

9:06:17 AM Board Member Rex Sims voiced his concerns regarding the amendment. He explained that if new evidence can be introduced to City Council, which was not present during the Zoning Board meeting, then it will diminish power from the Zoning Board. He is in agreement that people should be allowed to speak but should only be able to discuss the evidence that was already presented at the hearing. No new evidence should be allowed.

9:12:19 AM Board Member Sims explained that presenting new evidence to the City Council effectively creates a new case being heard. He stated that it would not be fair for the presenter to have an unlimited amount of time to speak on behalf of the applicant while those opposed to the project have 4 minutes to state their case.

9:14:15 AM Mr. Dulmer explained that the wording says "reasonable" because there are cases where a member of the public can summarize their views within the 4 minute timeframe. The Chairman is able to lengthen or shorten the amount of time depending on whether the person has made their opinions clear.

9:15:19 AM Board Member Gallagher asked whether there will continue to be a swearing-in process at the Zoning Board meeting. City Attorney Vance explained there will be swearing-in at both Zoning Board meetings and at the City Council meetings. She also addressed the administration code regarding public input. City Attorney Vance explained that there is no policy established that allows for one person to speak for a group.

9:19:45 AM Mr. Dulmer explained that the request from the applicant will not change, but the way they present the request to the Zoning Board can be altered compared to the City Council.

9:20:33 AM Board Member Thinnes expressed his concerns regarding new evidence going before the City Council that leads to a different outcome in the Zoning Board.

9:23:16 AM Board Member Gallagher stated that she believes new evidence coming forward may be important, whether it is someone who was unable to make it to the Zoning Board meeting or new evidence that has come to light after the Zoning Board meeting.

PUBLIC COMMENTS:

9:24:44 AM Rick Steinmeyer stated that he believes the government makes quick decisions. He agrees with the amendment and believes the public should be able to give their opinions on certain topics.

Board Member Sam Vincent entered a motion finding the Ordinance consistent with the City of Bonita Springs Comprehensive Plan, but expressed concerns with the new evidence resulting in a different outcomes between the Zoning Board and City Council; Board Member Don Colapietro seconded; and the motion carried unanimously.

- B. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN, AS ADOPTED BY ORDINANCE NO. 02-16, AS AMENDED, SO AS TO UPDATE CERTAIN ELEMENTS TO ENCOURAGE MULTIPLE USES OF THE RAILROAD CORRIDOR; ADDING OBJECTIVES AND POLICIES TO THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT AND RECREATION / OPEN SPACE ELEMENT, ADDING THE CSX / SEMINOLE GULF RAIL CORRIDOR MAP TO THE TRANSPORTATION ELEMENT; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9:29:20 AM City Attorney Vance read the title block of the Ordinance into record and reviewed the affidavit of publication finding it legally sufficient.

9:30:19 AM Bill Spikowski, Spikowski Planning Associates, discussed the premise of his presentation regarding railroad corridors. He explained that he does not believe that this proposal can be used in a large scale evacuation.

9:48:37 AM Chairman Bird asked whether the tracks south of Alico Road are considered to be discontinued. Mr. Spikowski stated that it is considered to be an active service. City Attorney Vance explained it is not considered abandonment under the legal definition.

9:49:38 AM Board Member Gallagher asked about the last time the railroad was used. Mr. Spikowski explained they have not been in use since 2007.

9:51:06 AM Board Member Vincent asked whether CSX and Seminole Gulf would agree with the idea of their railways being used. Mr. Spikowski stated that CSX and Seminole Gulf are aware of the request.



9:53:06 AM Board Member Colapietro asked about the length of the corridor within the City of Bonita Springs.

9:55:38 AM Board Member Gallagher asked whether the track is walkable from end to end.

9:58:31 AM Board Member Sims explained once you purchase the right-of-way you are responsible for the railroad crossing and the signaling as well. He provided an example as Seminole purchasing a long-term lease for the operations of the railroad. He stated that there was a drawbridge that required expensive repairs attached to this lease and when you buy the right-of-way you assume a lot of responsibility as well.

10:02:29 AM Mr. Dulmer explained that the development process along railway corridors has lasted at least 10 years.

10:04:38 AM Board Member Vincent referred to page 2 of 4 regarding designation.

10:06:47 AM Board Member Vincent asked what happens to the surrounding property in regards to railroad condemnation. Mr. Spikowski explained that it depends on the previous use.

10:07:35 AM Board Member Thinnes asked about the Master Plan and overlay for the corridor. Mr. Spikowski explained that the planning process is dependent on the Metropolitan Planning Organization.

PUBLIC COMMENTS:

10:09:26 AM Mr. Steinmeyer asked whether various rails are run on the same track.

10:10:08 AM Mr. Spikowski stated depending on the weight loads of the rails, the tracks are only able to handle certain weights.

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

Board Member Sam Vincent wanted to enter an amendment to the motion with the stipulation that it be part of the Strategic Regional Transportation Power.

Board Member Bob Thinnes amended his motion to incorporate Board Member Sam Vincent's suggestion; Board Member Don Colapietro seconded the motion; and the motion carried unanimously.

V. NEXT MEETING. Thursday, June 9, 2016

VI. APPROVAL OF MINUTES: 04/14/16

VII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 10:17 A.M.

Respectfully submitted,

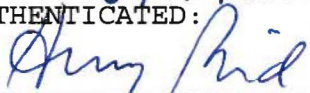


Charlen Wade, HR/ City Clerk Assistant

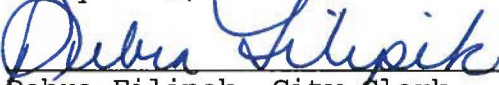
APPROVED:

LOCAL PLANNING AGENCY:

Date: 8/11/16

AUTHENTICATED: 

Henry Bird, Chairman

  
Debra Filipek, City Clerk