

Local Planning Agency
Thursday, September 15, 2016
9:00 A.M.
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, Florida 34135
MINUTES

I. CALL TO ORDER.

Vice Chairwoman Carolyn Gallagher called the meeting to order at 9:02 AM.

II. ROLL CALL.

Vice Chairwoman Gallagher and all Board Members were present except for Chairman Henry Bird and Board Members Bob Thinnes and Don Colapietro.

III. EVALUATION AND APPRAISAL (EAR) AMENDMENTS, STATE-MANDATED AMENDMENTS AND CONCURRENCY OPTION:

9:03:27 AM Dr. Margaret Banyan introduced the EAR team and presented the PowerPoint Presentation. She addressed a previous Comprehensive Plan letter that was submitted through the state mandate and discussed the concurrency of the Plan. She stated that the previous concurrency rule required any developer meet a certain level of service. The current concurrency rule disallows the ability to base denial solely on not meeting the level of service. She stated that concurrency standards can be maintained for projects but cannot be the basis for denial. She further provided examples of alternatives to concurrency.

9:11:27 AM Vice Chairwoman Gallagher asked when the state made these changes. Dr. Banyan referenced the Land Planning Act in 2011.

9:12:02 AM Board Member Sam Vincent requested examples of multi-modal mobility plans. He also asked if the city is unable to help the developer complete a project, would the developer need to create an alternative method of completion.

9:14:14 AM City Attorney Vance stated that a developer can build in a failing area but would be required to enter into a Good Faith Agreement with the City.

9:18:16 AM Board Member Vincent asked about areas with heavy intensive use in density and whether the state would require the city to assist developers.

9:19:40 AM City Attorney Vance stated that within a development area, credit is received based on certain criteria.

9:23:17 AM Board Member Vincent asked whether a developer would be required to wait in order for the state's suggestions to be transmitted.

9:24:24 AM Jay Sweet, Community Development, stated that the state has strict requirements for proportionate fair share. He explained that developers may be able to get some impact fee credits but not the entire amount. The study would require at least a year to complete in order to determine the fair share amount.

9:30:47 AM Board Member Rex Sims referenced hotel impact fees and asked whether there is a fair and established method to determine what the payments should be. Mr. Sweet explained there is a system in place to determine the amount. He explained that the impact fee numbers are an analysis of costs versus trips.

9:35:41 AM John Dulmer, Community Development, stated that the impact fee number explained the factors that go into the calculation. They are based on statistics and determinations that are based on analysis of the area. Board Member Sims asked whether there is a recommendation on the amount of time between reviews for the fees, to which Mr. Dulmer stated the recommendation is every 3 years. Mr. Dulmer stated improvements are based on where the City expects to be in the Capital Improvement Plan.

9:39:48 AM Board Member Meg Jacobson asked about the benefits versus risks of eliminating concurrency. Vice Chairwoman Gallagher added that the concern is related to parks, transportation, and schools. Dr. Banyan stated that in order to eliminate concurrency, alternate methods would need to be established. Board Member Jacobson asked about creating a provision. Dr. Banyan suggested providing recommendations in future meetings to the City Council.

9:42:55AM Mr. Dulmer stated that because there is flexibility, concurrency is the best option. Board Member Gallagher asked whether impact fees are used to establish concurrency. Mr. Dulmer stated that improvements in terms of sidewalk or roadways are also used to establish concurrency.

PUBLIC COMMENTS:

9:46:49 AM Rick Steinmeyer, resident of Bonita Springs, referred to voting whether Bonita Springs should be incorporated into a City. He also referenced New York City and Washington D.C.

9:49:26 AM City Attorney Vance stated that the City can still say no if they do not find it compatible with the surrounding property.

9:50:30 AM Board Member Sims asked about the capacity for road and hurricane evacuation routes. City Attorney Vance stated that hurricane evacuation was in mind when designing the roadways and their capacities. Board Member Sims referenced Fort Myers Beach evacuation route and stated that it was right on the Bonita Beach Road evacuation route.

9:54:11 AM Mr. Dulmer stated that there are 2 independent calculations that are done: one performed by the regional planning council/ emergency operations center and the other conducted by staff. Board Member Sims asked whether the evacuation route would be adequate with the existing facilities. Mr. Dulmer explained that there are different levels of analysis that view the evacuation numbers.

Board Member Vincent entered a motion to maintain concurrency standards; Board Member Sims seconded the motion; and the motion carried unanimously.

IV. LAND DEVELOPMENT CODE (LDC) CHAPTER 4 USE GROUP AMENDMENTS. THIS IS A COURTESY REVIEW OF THE DRAFT AMENDMENTS IN PROGRESS. THE STATUTORY REQUIRED AND ADVERTISED PUBLIC HEARING WILL BE SCHEDULED FOR THE OCTOBER LOCAL PLANNING AGENCY MEETING.

9:58:37 AM City Attorney Vance explained that Item IV is the preliminary draft related the Chapter 4 of the Use Group Amendments of the Land Development Code. It is not the final document.

9:58:42 AM Alexis Crespo, Waldrop Engineering, discussed her PowerPoint (in Clerk's file) presentation. She referenced the current code and provided an example of specific changes that were made and areas where over specificity is not required.

10:03:40 AM Board Member Sims referenced procedure. He asked whether the voting would be done holistically or whether each section would be voted on.

10:06:03 AM Board Member Sims referenced Page 1 Item 5: Manufacturing Standards. Ms. Crespo stated that the intent was for sign manufacturing.

10:11:51 AM Board Member Jacobson reference page 2 Item 2A Group 1. Ms. Crespo explained that the intent of the paragraph was to streamline the list instead of listing them separately in bullet points as previously done.

10:17:40 AM Board Member Sims referenced towing service provisions.

10:18:32 AM City Attorney Vance stated that not all items are in specific use groups.

10:21:11 AM Mr. Sweet stated that there are items that will be developed that were not placed in the description and provided examples of drones and cell phone towers which were not anticipated years prior to them being developed. He stated that the purpose of the amendments was to make these groups clearer.

10:26:51 AM Board Member Vincent asked about groups being adjusted and moved. Ms. Crespo referenced pages 6 and 3: Banks and stated a new group was created in order to capture more intensive items.

10:29:11 AM Board Member Vincent asked what criteria staff use in order to determine what is considered intensive.

10:30:30 AM City Attorney Vance suggested the addition of an editor's note to be in the background information. She stated that in order for the use groups to properly function there needs to be an amendment in other sections in the ordinance.

10:39:22AM Board Member Gallagher referenced slaughterhouses within the Land Development Code and suggested its removal.

10:43:02 AM City Attorney Vance stated that state and federal law had preemptions on drones and she did not recommend placing them in the zoning ordinance.

PUBLIC COMMENTS:

10:45:51 AM Rick Steinmeyer, resident of Bonita Springs, referenced manufacturing ice cream. Board Member Gallagher asked if a company can fall into 2 categories. Mr. Sweet stated that there can be principal uses and accessory uses which a company can fall under both.

10:50:45 AM Board Member Jacobson asked about an email that was received recommending corrections.

V. NEXT MEETING. Thursday, October 13, 2016, 9:00 A.M.

VI. APPROVAL OF MINUTES: NONE

VII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 10:52 AM.

Respectfully submitted,



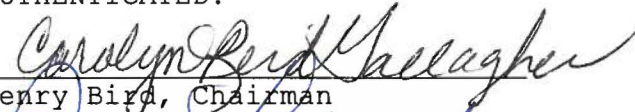
Charlen Wade, Deputy City Clerk/HR Assis.

APPROVED:

LOCAL PLANNING AGENCY:

Date: 10/13/2016

AUTHENTICATED:

for 
Henry Bird, Chairman


Debra Filipek, City Clerk