

**Local Planning Agency
Thursday, March 13, 2014
8:30 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 8:30 A.M.

II. ROLL CALL.

Chairman Bird and all Board Members were in attendance, except for Board Member Carolyn Gallagher, with an excused absence.

III. APPOINTMENT OF A VICE-CHAIR.

8:31:17 AM Board Member Sims motioned the appointment of Board Member Bob Thinnas as Vice-Chair; Board Member Don Colapietro seconded; and the motion carried unanimously.

IV. REVIEW OF THE FOLLOWING ORDINANCE FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN:

AN ORDINANCE OF THE CITY OF BONITA SPRINGS; AMENDING BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT STANDARDS); AMENDING 3-262 REGULATING SECURITY LIGHTING WITHIN PUBLIC AND PRIVATE RIGHT OF WAYS; AMENDING 3-608 SITE DESIGN STANDARDS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

8:32:02 AM City Attorney Audrey Vance began by reading the title block of the Ordinance into the record, after which she furnished its history. Discussion followed on Florida Statutes Section 768 relating to security lighting within public or private right of ways, light fixtures that are malfunctioning and/or not working, etc.

8:41:35 AM Board Member Rex Sims addressed enforcement, explaining that this Ordinance only covers commercial properties. He feels it's not a business friendly. He further addressed numbering on commercial lights, stating that obtaining an on-site asbuilt reading is very difficult, as required on page 6 of the Ordinance. His concern is that it's not clarified who is qualified to certify the readings. Also, on page 3, item 4 speaks to the lowest possible illumination to

meet the design standard. In designing these, they have to meet the smallest number to meet the code; however, it doesn't indicate what that number is - there's no criteria that says that you are meeting the code. Also, page 6 states security light fixtures may not exceed 25 feet. It also states that they may not be within 50 feet of each other. Many poles have two lights on them, and with this requirement that could not be done. He feels this needs more work.

8:48:38 AM City Attorney Vance explained that most of the items Board Member Sims addressed relate to the science of engineering and is language that already exists. The only item that doesn't exist is item C 2., which addresses whether you can have a double light fixture. Board Member Sims stated he felt that, rather than do an on-site measurement, to have the architect certify that the contractor will use the light fixture that was specified on the drawings, which has been certified by the manufacturer under very stringent conditions.

8:51:00 AM Board Member Fred Forbes referred to Table 1, explaining that the maximum numbers are very light, and result in a lot of illumination. Discussion followed on illumination. The light fixture is brightest the day it's put in. In response to Board Member Forbes, City Attorney Vance explained that the Ordinance is scheduled to go to Council mid-April and early May. She can bring this back to the Board. Board Member Forbes stated that he was going to propose that whoever offered this, to get with an illumination engineer or big fixture manufacturer and get their thoughts and bring it back to the Board. He would suggest contacting a light fixture manufacturer.

8:54:01 AM Board Member Don Colapietro agreed with what was stated and referred to Table 1, and stated that unless they changed the standards before he purchased his first light meter, a foot-candle is the actual illumination from one candle in total darkness measured at one foot. Therefore, when you look at the standards that call for 1.2, it's not a lot of light. Secondly, item 1 above Table 1, titled "Illuminance" needs to be looked at closely because it makes no sense and does not provide a standard. It states "foot-candles on the task surface with a light meter held parallel to the ground or other surface, facing up. . ." You have to pick one, as you can't do both. It goes on to state "unless otherwise specifically stated," to which he would ask, at what height.

City Attorney Vance referred to footnotes 2 and 4 of the illumination requirements, which she stated regards how much light spillage is to be off of property. She agreed with Board Member Colapietro in that the light footage was very low, explaining which was because that was where they expect the light to travel off of property. Board Member Colapietro stated you have to establish the height from the ground to hold the meter, and questioned whether the photocell on the meter was to be facing up or horizontally. It's

something that needs to be looked at, as it should be a uniform height from the ground.

Board Member Colapietro next addressed item (4) on the top of page 3, which states ". . . intensity levels should provide the lowest possible illumination to discourage crime and undesirable activity, and to effectively allow surveillance, but may not exceed 50% of the levels normally permitted . . ." If one allows 5 foot-candles at whatever height is determined, then for security reasons, you will only be allowing 2 1/2.

8:57:47 AM Board Member Vincent stated that the State does have a statute regarding lighting levels as it pertains to lighting in shopping centers and gas stations, to address safety. He stated that foot-candles do throw shadows. City Attorney Vance stated that this Ordinance make fit request of a Council Member and Code Enforcement. The two issues they are here for - 1) currently they allow grandfathered light to exist, noting that Staff has put in a "drop dead" they changed to 2020. The second item deals with security lights, which right now are not regulated.

City Attorney Vance addressed the Board's concerns to John Dulmer, Community Development, informing him of a discussion she and Board Member Vincent had on the Negligence Statute, which is now in the security lighting portion of the Ordinance. She also informed the Board of the two items they are here today to address - the requirement included for building mounted luminaries which now include a drop dead date of 2020. Secondly, they are here to address security lighting. She furnished an overview of concerns raised by the Board.

9:02:30 AM Mr. Dulmer agreed that the foot candles being measured at the edge of the property are extremely low in the current language. It's designed to low because they are not looking at light going over a property line as a good thing. Commercial properties need light for security, which needs to be designed in such a way that it does not impede their neighbors. Therefore, you keep that light at the property line non-existent to keep that light pollution from spilling over, and so it's designed to be low. Today, what they are looking for in security lighting works hand in hand with that, because what they had was a situation where a lot of the lights of this nature are installed without permits, resulting in significant light pollution that goes from one property to another. The intent today is to allow for the possibility of that security lighting and the protection that light provides, while keeping that light from adjacent property owners.

9:07:10 AM Board Member Forbes explained that most of the time when people do lighting for parking lots, there will be a company who sells the fixtures and develop a plan for free for the builder/owner. He would propose getting a plan from the supplier. Mr. Dulmer

responded that sometimes they are provided to Staff from the lighting manufacturer, and a lot of time they are provided by the engineer. Mr. Forbes stated that he is proposing was that instead of having the owner/building bring in an engineer to certify the plans, to have the supplier submit a plan. Mr. Dulmer explained that the plans they receive from the manufacturers are those manufacturers that have engineers on Staff. Regardless of whether it's a lighting manufacture, or a developer hiring an engineer to provide these plans, they are being provided by engineers.

Board Member Sims stated that what he was saying was that page 5 says of the Ordinance states that prior to the final inspection, that a site verified foot-candle reading... "Site verified" is a difficult thing. They also have to be sealed or signed by an engineer to certify those readings were correct. He doesn't feel this is something someone would sign off on unless they participated in it, or whether Staff members conducted it. This is a requirement for every development order and every building permit. This places a burden on everyone that has warranted this amount of effort. He feels they can design something that could take care of the problems that may have developed through the years, but to have this encompass every building permit, and to have an engineer sign and seal it is overkill.

9:11:00 AM John Dulmer explained that is currently what is required and what they have required for the past 14 years. To date those that are preparing development order plans are engineers, and as part of those plans, they would include the lighting. It's not a situation where you have someone that needs to hire a consultant that does not already have that consultant. This is just a portion of that scope for the plans they would be submitting to Community Development. Board Member Sims stated that he disagreed, addressing the issue of site verification. Discussion followed, which Mr. Dulmer addressed the process, explaining that the photometric plans are reviewed and approved as part of the development order.

9:18:50 AM Mr. Dulmer stated that Staff has found that the proposed changes are consistent with the Comprehensive Plan.

9:20:43 AM City Attorney Vance addressed the cut-dead date for building mounted luminaries in the future. The second prong is the area where there's absolutely no regulations relating to security lights that FPL installs.

9:24:14 AM Board Member Bob Thinnes entered a motion finding the Ordinance to be consistent with the Comprehensive Plan; Board Member Forbes seconded.

No public comments were made.

The motion carried unanimously.

9:25:25 AM Board Member Forbes questioned whether the Board would be out of order by making a motion on getting this revised to require the light meter reading to be on the ground, and that small projects don't require a development order, and only a building permit. Mr. Dulmer stated that depended on where the lighting will be - if it's on the building, it would be a building permit, and if it consists of free standing poles, then it would be a limited review development order. Board Member Forbes stated his concern is including language that defines these cases where you had to have an approval from an engineer vs. not, because on small projects, more than likely the lighting fixture company will develop a computer generated site layout with foot-candle marks that guarantee that the plan submitted will not have an engineer seal on it. Mr. Dulmer responded that those sheets that they have prepared by lighting companies do have engineers on staff. Board Member Forbes stated if the seal isn't on there, and it's not an embossed seal, it's really not very binding. Mr. Dulmer explained that most of their problems are with the smaller projects, because a slight miscalculation results in a significant issue.

Board Member Forbes stated that if there is a concern with spillage on other properties, there is a need to have two readings - one with the lights on and another with the lights off. Mr. Dulmer stated that if there is a situation with a full moon or the reading is showing a violation, common sense would prevail in that you take the reading prior to, or without that ambient noise, and then you take it with that noise. The same situation would apply with ambient lighting.

9:31:44 AM Chairman Bird suggested a recommendation to Council that at some point in the future that these changes be made.

9:32:14 AM Board Member Thinnes agreed with Chairman Bird, adding that as technology moves forward they have to move forward as well and keep up with technology.

V. PUBLIC COMMENTS: None.

VI. NEXT MEETING. Thursday, April 10, 2014

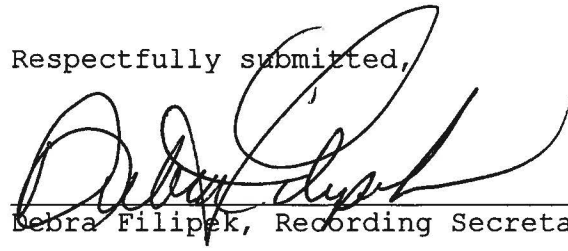
VII. APPROVAL OF MINUTES: 11/14/13 and 12/12/13

9:36:29 AM Board Member Forbes motioned approval of the minutes; Board Member Vincent seconded; and the motion carried unanimously.

VIII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 9:36 A.M.

Respectfully submitted,



Debra Filipek, Recording Secretary

APPROVED:

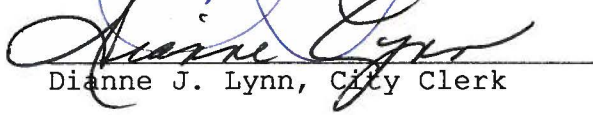
LOCAL PLANNING AGENCY:

Date: 5-16-14

AUTHENTICATED:



Henry Bird, Chairman



Dianne J. Lynn, City Clerk