

Local Planning Agency
Thursday, May 15, 2014
8:30 A.M.
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, Florida 34135
MINUTES

I. CALL TO ORDER.

Acting Chairman Sam Vincent called the meeting to order at 8:34 A.M.

II. ROLL CALL.

Present:

Sam Vincent, Acting Chair
Rex Sims
Don Colapietro
Carolyn Gallagher
Fred Forbes

Absent:

Henry Bird (Excused)
Bob Thinnes (Excused)

III. REVIEW OF THE FOLLOWING ORDINANCE FOR CONSISTENCY WITH THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN:

A. AMENDMENTS TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT STANDARDS), CHAPTER 4 (ZONING) AND CHAPTER 6 (SIGNS); ENHANCING THE DESIGN STANDARDS OF LARGE-SCALE RETAIL ESTABLISHMENTS;

AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT STANDARDS); AMENDING SEC. 3-262, LIGHTING STANDARDS AND SEC. 3-263 BIKEWAYS AND PEDESTRIAN WAYS TO HAVE ADDITIONAL STANDARDS FOR LARGE-SCALE RETAIL ESTABLISHMENTS; CREATING SEC. 3-426 LANDSCAPING STANDARDS FOR LARGE-SCALE RETAIL ESTABLISHMENTS; CREATING SEC. 3-427 COMMUNITY SPACE STANDARDS FOR LARGE-SCALE RETAIL ESTABLISHMENTS; CREATING SEC. 3-440 PUBLIC TRANSIT FACILITIES FOR LARGE-SCALE RETAIL ESTABLISHMENTS; CREATING SEC. 3-497 BUILDING DESIGN STANDARDS FOR LARGE-SCALE RETAIL ESTABLISHMENTS; AND

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING SEC. 4-843, USE REGULATIONS FOR CONVENTIONAL COMMERCIAL DISTRICTS; AMENDING SEC. 4-934, USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS; CREATING SEC. 4-1560 THROUGH SEC. 4-1563 SUPPLEMENTARY REGULATIONS FOR LARGE-SCALE RETAIL

ESTABLISHMENTS; SETTING FORTH PROVISIONS FOR PURPOSE, APPLICABILITY, DEFINITIONS, PROCEDURE FOR APPROVAL, DEVELOPMENT REGULATIONS, AND BUILDING PLACEMENT; AND

AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 6 (SIGNS); CREATING SEC. 6-157 PERMANENT SIGNAGE FOR LARGE-SCALE RETAIL ESTABLISHMENTS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

8:36:06 AM City Attorney Audrey Vance read the title block of the Ordinance into the record, informing the Board of comments she received from the representative of Bonita Exchange relating to their development order for property they own located on I-75 consisting of 24 acres. The property is in the Interchange quadrant of the City. Staff is trying to work with the developer to see what is acceptable without having to go through further steps, which she expanded on. The draft Ordinance furnished to the Board will be revised by Staff to incorporate City Council's comments, to add the architectural renderings, and insert the use regulations.

Board Member Rex Sims questioned what page included the definition of what constitutes large scale development. Alexis Crespo, with Waldrop Engineering, representing Staff, responded that will be later in the Ordinance, explaining that the Ordinance is chronological and so they handled Chapter 3 first. The definition of large-scale retail establishment is on page 21 of 28, Section 4-1561, which is defined as a stand-alone retail establishment exceeding 40,000 square feet, or a shopping center with retail uses exceeding 100,000 square feet.

Board Member Sims asked if these regulations would apply to the shopping center on Bonita Beach Road where LA Fitness is located, which consists of 33,000 square feet. Ms. Crespo explained that if they renovated to exceed 50% of the assessed value they would be subject to these regulations. They can do some minor renovations and not have to meet these standards.

Board Member Fred Forbes asked if we would be in the same situation if they don't include the "whereas" clause as they are with Bernwood 1 and Bernwood 2, both of which have development orders. City Attorney Vance responded that they both have development orders, but not statutory development agreements. She further explained.

8:44:46 AM Board Member Rex Sims referred to the renovated Publix and K-mart center on Bonita Beach Road and U.S. 41 and asked if these regulations applied to that commercial establishment. John Dulmer, Community Development, responded no, explaining that they would only apply if they were to go back and apply for more than 50% of the value.

8:46:15 AM Board Member Carolyn Gallagher referred to paragraph 4 of the Bonita Exchange Development Agreement which speaks to a "diminimus" increase, and questioned how that is defined. City Attorney Vance responded that, without knowing details and not having the Agreement with her, 2% or 5% could be diminimus; it's up to the parties to determine what's diminimus. Mr. Dulmer responded that if there is an additional impact on things such as traffic, demands upon public utilities, etc., that is no longer diminimus because there is an impact that has resulted from that change.

8:48:34 AM Alexis Crespo, Waldrop Engineering, representing the City of Bonita Springs, furnished a PowerPoint presentation (copy in Clerk's file) to address the Ordinance. She began by addressing some of the design issues associated large scale retail or "big box" uses. She also addressed City Council directives, the proposed LDC Amendments, and Staff's recommendations.

This Ordinance addresses national big box retailers, i.e., Walmart, Costco, Publix Supermarkets, etc. She addressed issues relating to large parking lots oriented to roadways, architectural design quality, signage, and access and impacts on view sheds along major corridors. Chapter 6, Signage, will be removed from this Ordinance and addressed in a separate Ordinance that will address all signage.

8:57:49 AM Board Member Don Colapietro referred to the two Walmart signs shown in the PowerPoint, one he felt was undersized and the other is oversized. In traveling around the Country and looking for various places, the shrubs on the bottom do grow and affect visibility. John Dulmer, Community Development, explained that what one needs to find is that balance between visibility and aesthetics, and what they are working from are the regulations on Bonita Beach Road. Right now they are looking at 7 feet from the crown of the road as being the maximum height. This is good for Bonita Beach Road because it is a relatively narrow roadway, the speeds aren't that high, it's easier to see and the properties tend to be a bit smaller. For U.S. 41 they are going to look at a slight expansion because the right-of-way is much wider, the properties are set back off of the road, and visibility does become a concern because speeds are higher. Staff is looking to strike that balance.

8:59:34 AM Board Member Fred Forbes stated that his hope is that if a Super Walmart does come to the City, that it's as nicely done as the one in Estero. Ms. Crespo explained that the City has taken Estero's code one step further.

9:04:14 AM Ms. Crespo continued by referring to pages 15 through page 18 to address bikeways, pedestrian ways, lighting standards, landscape standards, and enhanced planting requirements near residential areas.

9:11:23 AM Board Member Gallagher addressed the possibility of there being odors, to which Mr. Dulmer responded there was an Ordinance to address odors.

9:12:58 AM Ms. Crespo continued by addressing internal landscaping requirements on page 20, explaining that the intent is to require more plantings to shade the parking areas, thus resulting in more planted medians in the parking lot. This will break up the parking area into smaller chunks, and thus, will not result in the "sea of parking" effect. Board Member Sims referred to item D.3 that speaks to the definition of the landscaping island, which is 10 by 20, which is the middle size of a parking lot/space. He stated that in figuring square feet, they would be taking a parking space out of the parking lot. Then under 4 it requires a divider for every 8 rows of parking spaces. He referred to a medical facility and asked if the developer would get any credit for the island parking spaces. Mr. Dulmer responded that islands are required in all parking lots, therefore, there are no credits issued, as it is a requirement. Also, these standards do not apply to medial uses; only retail.

Board Member Sims next addressed a scenario involving a 320-foot space in which they would lose 40 feet which is a substantial amount of square footage, which will be used only to comply with the requirements. Mr. Dulmer responded that if one looks at how many of the larger scale retail developers have operated their sites, they have their own parking standards, which generally tend to be in excess of most jurisdictions. They will plan to construct parking according to their ratios per square foot, as opposed to providing those large parking areas that are asphalt from one part of the building all the way to the property line. Staff is looking at breaking that up a bit and providing some access measures.

9:20:04 AM Board Member Don Colapietro referred to page 23 relating to exterior mechanical equipment, utility meters and valves, which he stated is a problem because the giant back flow preventers cannot have vegetation placed around them. Mr. Dulmer explained that they can plant around them, but not right next to them. They also cannot enclose them. There are ways to landscape and design them so they work more with the architecture of the building as opposed to standing out. Board Member Fred Forbes suggested a consultation with the Fire Marshall, explaining that his understanding is that you can plant within six feet on either side. Mr. Dulmer explained that it's a general guideline and not a requirement - a common sense measure. Chairman Vincent stated that they look at where these big box are located and stated that there are going to be situations with big boxes at the interstate in the Interchange area, which is the entrance to the City. He feels the question regards how they feel about having a large building with rear parking and landscaping at the Interchange.

9:28:07 AM In response to Board Member Gallagher's question regarding shopping carts, Ms. Crespo explained that there would be a temporary holding area for shopping carts. Mr. Dulmer further addressed the issue of the shopping cart area with respect to location and landscaping. Ms. Vance referred to the Target store at Gulf Coast Town Center, stating that Staff will be adding language requiring shopping carts to have the automatic locks to prevent people from stealing them.

9:30:11 AM Ms. Crespo continued by referring to page 25 to address the community space concept. She explained that this would not be in addition to the open space requirement. They are simply saying that commercial developments require 35% open space, and of that 35% that 10% should be what they consider usable community space for purposes of providing space for employees and patrons. Community space could consist of a green area with a bench, a water feature with a seating area, a gazebo, etc. City Attorney Vance explained that the language Ms. Crespo was referring relates to the minimum area, noting that she (the City Attorney) would be suggesting a maximum area so that it meets the rough proportionality test, which she explained. It makes sense to have a minimum area, but a maximum is also needed - not to exceed a certain amount of square feet.

Board Member Sims referred to the development that was under construction at Three Oaks Parkway and Corkscrew Road that has a huge fortress like wall that covers the entire block. He wants to make sure the regulations do not allow something like that to be built here. Mr. Dulmer stated that entailed a residential development, explaining that they did place the wall up, but have not yet installed any of the landscaping.

9:36:06 AM Chairman Vincent referred to community space and asked if it could include a preference to being closer to entrances or to the center itself. Mr. Dulmer responded that depending on how the building is oriented and the dimensions of the site, he has seen community space situated in different areas - close to the right-of-ways and adjacent to the side of the building. It is an item that will come through the public hearing process with a review of the plans before it gets to City Council. Mr. Vincent suggested that this be addressed, inclusive of landscaping.

9:39:34 AM Ms. Crespo continued by addressing Transit Facilities on page 27. Board Member Gallagher suggested that bus shelters be lighted for safety. City Attorney Vance addressed liability issues associated with requirements for lighting. Mr. Dulmer explained that lighting only becomes an issue when it's internal to the site - internal bus shelters.

9:43:05 AM Mr. Dulmer next addressed architecture design and styles (Section 3-497 on pages 29 through 40 of the PowerPoint). The City's regulations deal almost entirely with size and scale, and breaking

up the massing. What Staff is looking to do is provide some clarity for developers to ensure a good design. If one calls themselves a certain style, i.e., Old Florida, they need to be that style. It also includes regulations for small retail, i.e., McDonalds within big box establishments, to be set up like an actual retail shop, which he expanded on. He next addressed styles, i.e., Old Florida (page 32), Mediterranean Revival (Italian and Spanish), Modern/Contemporary. In response to Board Member Gallagher's question regarding a requirement for certain colors, Chairman Vincent responded that they would have to comply with the standards adopted by the City, noting that no primary colors are allowed anywhere in the City. City Attorney Vance explained that there is a provision for one to obtain a deviation.

In response to Board Member Forbes, Mr. Dulmer stated that Staff does have architects in West Palm Beach looking at this Ordinance. Board Member Forbes suggested that the comments from the architects be incorporated and furnished to City Council for their review. Chairman Vincent clarified that one can utilize a different style as long as the intent is applied.

9:52:45 AM Ms. Crespo next addressed bollards, Chapter 4 definitions, and the procedure for approval and development regulations. She also addressed Chapter 4, definitions, the approval process, and placement of the building on site, deviations and development standards on page 49.

10:14:44 AM Board Member Forbes entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan, with the typographical errors to be corrected, and inclusive of the comments from the Architects for City Council; Board Member Sims seconded.

No public comments were made.

The motion carried unanimously.

B. AN ORDINANCE OF THE CITY OF BONITA SPRINGS; AMENDING THE ZONING ORDINANCE BY AMENDING TABLE 4-843, USE REGULATIONS FOR CONVENTIONAL COMMERCIAL DISTRICTS, TO REQUIRE THAT ANY PROPERTIES HAVING CERTAIN USES WITHIN 100 FEET FROM U.S. 41(TAMIAMI TRAIL) BE PERMITTED ONLY BY PLANNED DEVELOPMENT OR SPECIAL EXCEPTION; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, INCLUSION IN CODE, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

10:16:08 AM City Attorney Vance read the title block of the Ordinance into the record. This Ordinance is working under a "Zoning in Progress," with a 90-day resolution previously adopted.

10:17:42 AM Mr. Dulmer provide a brief overview of the intent, explaining that the Ordinance is similar to the Bonita Beach Road Overlay, as the only difference is that Staff added a few automotive uses and tattoo parlors that would also require either Planned Development or Special Exception approval.

10:20:58 AM Board Member Colapietro entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Sims seconded.

No public comments were made.

The motion carried unanimously.

IV. PUBLIC COMMENTS: None

V. NEXT MEETING. Thursday, June 12, 2014

VI. APPROVAL OF MINUTES: 03/13/14 & 04/10/14

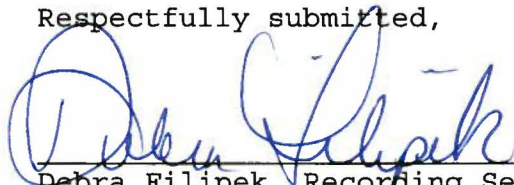
Board Member Forbes motioned approval of the minutes, as revised to correct a typographical error; Board Member Colapietro seconded; and the motion carried unanimously.

VII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 10:22 A.M.

Board Member Colapietro asked to be excused from the Boards next four meetings, and the Board agreed.

Respectfully submitted,

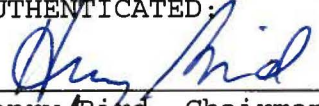

Debra Filipek, Recording Secretary

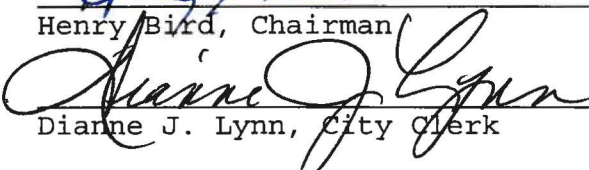
APPROVED:

LOCAL PLANNING AGENCY:

Date: 6-12-14

AUTHENTICATED:


Henry Bird, Chairman


Dianne J. Lynn, City Clerk