

**Local Planning Agency
Thursday, June 12, 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.

Present:

Chairman Henry Bird
Rex Sims
Carolyn Gallagher
Bob Thinner

Absent:

Don Colapietro (Excused)
Sam Vincent
Fred Forbes

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

- A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING SECTION 4-735, USE REGULATIONS TABLE FOR MOBILE HOME DISTRICTS, TO PERMIT SINGLE FAMILIES BY RIGHT IN CERTAIN NEIGHBORHOODS ZONED MH-1 AND MH-2; PROHIBITING REPLACEMENT OF MOBILE HOMES IN THE INTERSTATE INTERCHANGE AREA; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

8:31:36 AM City Attorney Audrey Vance read the title block of the Ordinance into the record. She explained that, currently single-family residential is allowed by Special Exception in Mobile Home Districts due to concerns with setbacks and compatibility. Staff now feels they have all been compatible and that there is no reason to delay people. There is, however, an exception if a mobile home park is under unified control in which they would have to go through the Special Exception process.

8:33:44 AM Board Member Rex Sims stated that he doesn't see how this will benefit the City, as he feels it can open a can of worms. City Attorney Vance stated that it can also be a great economic benefit in that it will rejuvenate neighborhoods. Board Member Sims stated that he feels the desired result would be in areas where there are established mobile home parks looking to upgrade to meet current codes. Although he can see where they could upgrade and develop the site with a manufactured home,

however, his concern regards whether there should be a restriction to address manufactured housing.

8:36:00 AM Jackie Genson, Community Development, referred to Chapter 4, the definition of dwelling unit types which allows modular homes in single-family. The intent of doing this was to 1) save applicants time and money, and 2) for better and safer construction which would be more desirable and economically viable for these neighborhoods. Staff has received numerous inquiries from the Spring Creek neighborhood who are very interested in redeveloping their lots with single-family construction, which would benefit the neighborhood. Their association is behind this 100%. It's the reason Staff's has brought this forward. Lee County currently does this by right - allows single-family in mobile home districts. The only other mechanism to do this was for a map rezone of the whole neighborhood. Overall, it's an option to get better and safer construction.

8:37:04 AM Board Member Sims stated that another concern is that, once they do it by right, the City gives up the right to require any additional landscaping, road improvements, etc. - conditions. Ms. Genson added that they still have to meet other requirements of the Land Development Code, which she expanded on. They would also have to comply with any deed restrictions within their development.

8:39:21 AM Board Member Carolyn Gallagher asked if any thought was given to allowing some of the neighborhoods that are under cooperative control to do this also. City Attorney Vance responded that they still could, as people do convert mobile homes to planned developments. There are many parks within the City that received their approvals by being "grandfathered." She referred to Jones Trailer Park that was built in the 1960's via Special Exception. That case entailed an approximate 10 minute hearing, but resulted in a blighted area in Bonita Springs for many years. The City does require planned developments. What they are permitting may or may not have cooperative control. People have to own their own land.

8:47:37 AM Board Member Bob Thinnes next referred to page 4, item (8) which states "single family redevelopment," and asked if that should just state "single family development." He didn't want to restrict it to just redevelopment. Staff to revise.

PUBLIC COMMENTS:

8:48:42 AM John West stated that as a former owner of a mobile home park, he wondered if he still owned that park if he would be thinking about this proposal. It came to him that he would have liked to be included in this. He thought of the people he sold the park to, which is now a cooperative, would like to be part of this as well, and so he was here to suggest they be included. The City Council meeting entailed a group of people who were all from one park, who may be holding separate ownership without a cooperative, so they would not be under this

restriction. If they are included there are other parks such as Imperial Harbor, a portion of Imperial Bonita Estates that would be allowed to do this. There is, however, a part of Imperial Bonita Estates that is under cooperative ownership, and he questions why they shouldn't be included. To make people go through a planned development entails a lot of work and expense. It's why he came today, because going through a planned development is rough. He would propose that this be rethought, as he believes the whole concept of allowing people to put a single-family home on a mobile home lot is an excellent idea and is long overdue. He also feels it will clean up some neighborhoods. Overall, if some parks are allowed to do this, why not others.

City Attorney Vance explained that from a policy standpoint, if they allow that, they are going to allow a lot of cookie cutter neighborhoods that might have a certain charm to them, noting that most of them would not meet current development standards. It's one thing for people with individual ownership, and includes some houses by special exception in areas where you will not get that land reassembled. However, in places like cooperatives you have that ability so if it's going to convert to something else, they should conform to current codes. Ms. Genson added that a lot of the parks have what they call an "86" plan, in which Lee County went ahead and had approvals assigned to certain parks where they didn't meet the conventional MH-1 or MH-2 lot dimensions and property development standards. Overall, they have a special zoning document that outlines their setbacks, which are generally less restrictive and a lot closer than conventional MH districts. Overall, for those parks you would want to have those come before the Zoning Board and City Council to address lot standards.

8:56:53 AM Board Member Sims referred to a question Mr. West raised regarding a part of the neighborhood would qualify and the other part would not. Ms. Genson responded that there is a section of Imperial Bonita Estates where everyone owns their own lots, and another section that is a cooperative. If they have deed restrictions that would restrict single-family anyway and would be outside of the City's purview because the City does not enforce deed restrictions. Discussion followed.

Board Member Sims referred to the regulations relating to remodeling more than 50% of the structure, which would trigger one to comply with current requirements. He questioned having something whereby if you have a certain percentage of the park was to benefit by this, if it was a certain percentage, then all of it was automatically. City Attorney Vance explained that Staff looked at doing something like that, but the problem is that there may be some parks that are very large and other that are very small. So, would triggering it if it was two lots, 50% of a four unit facility, would that be fair to make them go through a redevelopment. Chairman Bird stated that didn't take care of the concern with cooperatives, in which everyone would have to agree. Board Member Thinnies stated that as far as the cooperative is concerned, your lot depends on how the documents read. Planned developments actually

create their own zoning district, which may not be similar to the zoning code at all. They can deviate, and so they could probably benefit more in a planned development than trying to do a straight change over, especially with a cooperative where all the property is owned by everyone. A planned development would be a benefit to them because they can create what they want. Single-family into a mobile home park could be cumbersome because of setbacks, building separation, etc. Again, he believes the planned development could be a benefit even though it may be a bit expensive.

8:59:43 AM Mr. West stated that each resident in a cooperative owns their own lot and cooperatives really act like HOAs. It wouldn't be a benefit to go to a planned development because there would be no change, as the lots are there and are owned by the individuals who don't want to change them, and if they do, they would have to sell their lots to the cooperative. City Attorney Vance explained that individuals have the ability to go forward and build a single-family residence. Mr. West disagreed, explaining that the whole part would be subject to the cooperative. City Attorney Vance further addressed the issue of cooperatives, zoning, and planned developments. She also explained that MH zoning is a conventional zoning district to which conditions cannot be added. What they are trying to avoid here is having the entire area redevelop with no controls. Discussion followed.

9:17:38 AM Jay Sweet, Community Development, expanded on the definition of "lot of record." Discussion followed.

9:24:25 AM Board Member Bob Thinnes made a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Carolyn Gallagher seconded; and the motion carried unanimously.

B. AN ORDINANCE ADOPTING AND ENACTING A NEW LAND DEVELOPMENT CODE FOR THE CITY OF BONITA SPRINGS, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH LAND DEVELOPMENT CODE; AND PROVIDING WHEN SUCH LAND DEVELOPMENT CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

9:24:47 AM City Attorney Vance read the title block of the Ordinance into the record, explaining that this adopts the LDC as prepared by Municode as the City's official code.

9:27:43 AM Board Member Thinnes entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Sims seconded; and the motion carried unanimously.

IV. PUBLIC COMMENTS:

9:29:38 AM Deborah Maclean stated language in first Ordinance, asked if you clarify for general public and definition of "the lot" be clarified.

V. NEXT MEETING: Thursday, July 10, 2014

Date changed to Thursday, July 17, 2014.

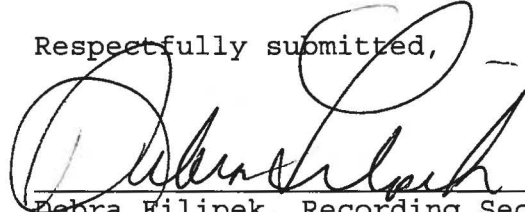
VI. APPROVAL OF MINUTES:

Board Member Gallagher motioned approval of the minutes; Board Member Sims seconded; and the motion carried unanimously.

VII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 9:38 A.M.

Respectfully submitted,

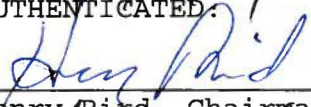

Debra Filipek, Recording Secretary

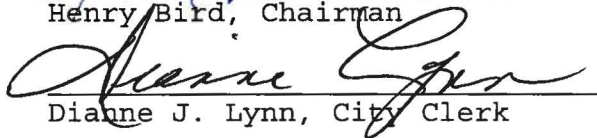
APPROVED:

LOCAL PLANNING AGENCY:

Date: 7/17/14

AUTHENTICATED:


Henry Bird, Chairman


Dianne J. Lynn, City Clerk