

**Local Planning Agency
Friday, February 15, 2013
8:30 A.M.
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, Florida 34135
MINUTES**

I. CALL TO ORDER.

Chairman Sam Vincent called the meeting to order at 8:35 A.M.

II. ROLL CALL.

PRESENT:

ABSENT:

| | |
|-----------------------------------|-----------|
| Sam Vincent, Chairman | Bob Mills |
| Don Colapietro | |
| Henry Bird | |
| Rex Sims | |
| Fred Forbes | |
| Bob Thinnes, Arrived at 8:34 A.M. | |

III. ELECT A VICE-CHAIR TO THE LOCAL PLANNING AGENCY.

8:37:32 AM Board Member Don Colapietro motioned the appointment of Henry Bird as Vice Chairman; Board Member Rex Sims seconded; and the motion carried unanimously.

IV. Review of the following Ordinance for consistency with the City of Bonita Springs Comprehensive Plan:

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING DIVISION 37. SUBDIVISION II, TEMPORARY USES, AMENDING SEC. 4-3041 GENERALLY; AMENDING SEC. 4-3046, TEMPORARY USE OF MOBILE HOME; AMENDING SEC. 4-3047 TEMPORARY TELEPHONE DISTRIBUTION EQUIPMENT AND SEC. 4-3048 ANCILLARY TEMPORARY USES IN PARKING LOTS; CREATING SUBDIVISION III. MOBILE FOOD VENDORS; CREATING 4-3061 APPLICABILITY OF DIVISION, PURPOSE AND INTENT; 4-3062 DEFINITIONS; 4-3063 PERMIT REQUIRED; 4-3064 GENERAL STANDARDS; 4-3065 PROHIBITED LOCATIONS AND 4-3066 TEMPORARY EVENT/USE PERMIT; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

8:38:18 AM City Attorney Audrey Vance began by reading the title block of the Ordinance into the record. A final reading is scheduled before City

Council on February 20, 2013. She next addressed revisions made to the Ordinance.

8:41:53 AM Alexis Crespo, with Waldrop Engineering, next furnished a PowerPoint presentation (copy in Clerk's file) on mobile food vendors. Revisions include the creation of a provision for the grandfathering in of some of the mobile vendors; the inclusion of a definition for mobile food vendors; the removal of the restroom requirement; the inclusion of a letter of no objection if located within 500 feet of a school, daycare, church or Group II-IV restaurant; the inclusion of language to allow mobile vendors on vacant lots; a revision to the maximum duration to a maximum of five days per week in the same location; and the inclusion of language to allow mobile food vendors in the Old 41 Redevelopment district. They have also revised the setbacks to allow mobile food vendors to be closer to church facilities and schools upon obtaining a letter of no objection from those entities, as well as a revision to separate mobile food vendors 200 feet from other mobile vendors.

8:49:57 AM In response to Board Member Rex Sims, City Attorney Vance explained that future changes to the Ordinance would be made by Ordinance and be approved by City Council. She further responded to concerns relating to ice-cream vendors, insurance requirements, and permitting.

8:58:19 AM Chairman Vincent questioned what would occur in an instance when there is a license, and something occurs whereby the land owner wants a vendor off their property. City Attorney Vance explained that would be a private issue between the land owner and the vendor.

Board Member Henry Bird entered a motion finding the Ordinance to be consistent with the Comprehensive Plan, as revised; Board Member Rex Sims seconded; and the motion carried unanimously.

No public comments were made.

V. REVIEW OF THE FOLLOWING ORDINANCES:

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS; AMENDING CERTAIN SECTIONS OF THE ZONING ORDINANCE THAT RELATE TO SOCIAL SERVICES; AMENDING 4-622(C)(46) USE ACTIVITY GROUPS, SOCIAL SERVICES, TO RESTRUCTURE CERTAIN GROUP CLASSIFICATIONS; AMENDING 4-653, THE USE REGULATIONS FOR AGRICULTURAL DISTRICTS; AMENDING 4-694, THE USE REGULATIONS FOR ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS; AMENDING 4-714, THE USE REGULATIONS FOR MULTIPLE-FAMILY RESIDENTIAL DISTRICTS; AMENDING 4-813, THE USE REGULATIONS FOR COMMUNITY FACILITIES DISTRICTS; AMENDING 4-843, THE USE REGULATIONS FOR CONVENTIONAL COMMERCIAL DISTRICTS; AMENDING 4-934, THE USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS; CREATING 4-3071 THROUGH 4-3077 IN DIVISION 38. SOCIAL SERVICES SUPPLEMENTARY REGULATIONS WHICH ARE SEC. 4-3071, APPLICABILITY OF DIVISION; SEC. 4-3072, PURPOSE; SEC. 4-3073, DEFINITIONS; SEC. 4-3074, PROCEDURE FOR APPROVAL; SEC. 4-3075, DEVELOPMENT STANDARDS FOR SOCIAL

SERVICES GROUPS III-IV; SEC. 4-3076, SOCIAL SERVICE USES PROVIDING TEMPORARY SHELTER; SEC. 4-3077, NONCONFORMING ESTABLISHMENT; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, INCLUSION IN CODE, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

9:00:54 AM City Attorney Vance introduced this item by addressing the draft Ordinance dated January 31, 2013.

9:01:54 AM Board Member Sims referred to the information received from the Lee County Homeless Coalition regarding the number of homeless, and stated he feels that it doesn't indicate the number of homeless in Bonita Springs. He feels it is very informational except as it relates to area, since that would indicate how big of a facility would be needed. City Attorney Vance stated that there is no one in the City or any social service group doing that count. John Dulmer, Community Development, explained that a number of agencies have done counts for Lee County. Staff took the best information they could find, inclusive of information on the County level, broke it down, and tried to provide a percentage of residents of Bonita Springs compared to Lee County, and adjusted that number down for two reasons - 1) because most of the social service facilities that deal with homeless are in Fort Myers, North Fort Myers, and Lehigh Acres; and 2) two studies that were done in the City involved one that was done by the Lee County Sheriff's Department, and another one by the Lee County HMIS, both of which showed in the neighborhood of 18 to 36. Based on that Staff came up with the number 30.

9:08:15 AM Board Member Fred Forbes motioned for the LPA to urge City Council to have an independent agency conduct a count of the homeless in Bonita Springs. Discussion ensued on the issue of the number of homeless in the City and Staff's basis for their proposed 30 beds.

9:17:23 AM In response to Board Member Don Colapietro, Mr. Dulmer stated that he can speak with Lee County regarding the possibility of breaking down the count for 2014 to be more localized to address Bonita Springs. Staff to coordinate with Lee County. Last year HUD reported a total of 36 individuals in the City, with no homeless families. City Attorney Vance addressed an e-mail she prepared to the Lee County Homeless Coalition asking when the numbers will be released from the 2013 count, and if it's specific. She will send the e-mail to both the Homeless Coalition and the Director of Lee county Human Services. Board Member Forbes withdrew his motion.

9:26:30 AM City Attorney Vance addressed the two major changes - 1) the use Group section, and 2) the supplementary regulations for social services. Other changes made were changes to the use groups, because as Staff renumbered the use groups, they had to renumber the use groups in the regulations. Board Member Sims stated that since they revised the definitions, the Ordinance applies to what is now the new Group IV, which has temporary housing. Ms. Crespo responded that the Supplementary Regulations address Groups III, IV, and V. She explained that in addition to temporary housing, there are also uses such as day shelters, soup

kitchens and other types of uses. The operational Ordinance as written is specifically geared towards homeless shelters. The supplementary zoning regulations address Groups III, IV, and V. Ms. Crespo continued by explaining that to comply with the State, Staff included Group V. in residential districts. Groups III and IV are not allowed in residential districts.

9:34:52 AM Board Member Forbes referred to page 55 and suggested adding the statement "if a halfway house or shelter has the same clientele as defined for a homeless shelter that it would then be governed by the operating ordinance for homeless shelters." He stated this would close a door with respect to the 30 beds, and situations for longer stays with a proposal for 60 to 90 beds.

9:35:39 AM Chairman Vincent suggested a discussion regarding the groups as reflected on pages 53 to 55, to compare the six groups and the differences between them. He questions why they have been included, particularly Group VI. City Attorney Vance referred to page 48, the LDC provisions that speak to halfway homes for delinquents and offenders. Staff can add to the operation ordinance language to state "in the event a facility that is defined as a halfway home for delinquents and offenders is actually a shelter, it will be treated as a shelter." Board consensus to add. Board Member Forbes stated that the definitions in Option B are different than those in Option A. City Attorney Vance clarified that the count from Lee County Homeless Coalition does not include people in a halfway home. Board Member Forbes stated he would exclude juveniles, to which Ms. Grady stressed the need to look at the definition of Halfway Houses at the bottom of page 48 and the "self-help Group halfway, or Self Group Homes for persons with social and personal problems." Currently there are two separate categories, noting that these are usually smaller facilities, and involve people who clearly need rehabilitation. The Board might want some special regulations that are tailored to that. Board Member Bird asked if the changes suggested by Mr. Forbes may result in other problems, to which City Attorney Vance explained that if he's looking at the definition, which talks about rehabilitation, which is a protected right in Americans with Disabilities Act, it could be creating a problem. Board Member Sims stated he thought that the definition for Section IV. Was that it did not include rehabilitation, to which the City Attorney stated she did not believe it did at this time. Board Member Sims stated that he thought they were addressing homeless shelters, and not involved in rehabilitation programs. What they were addressing were temporary shelters.

Discussion was next held on the uses approved for a shelter, and the process for adding an additional use, which Staff explained would have to appear before City Council.

10:03:09 AM Board Member Colapietro referred to the zoning districts on top of page 9 of 55, and suggested they be included on the top of all the pages with tables. Ms. Vance stated that hopefully would be done by Municipal Code Corporation when they codify them.

PUBLIC COMMENTS:

10:06:15 AM Deborah Maclean referred to Board Member Forbes' suggestion for an independent count and suggested a study be conducted with the use of photographs.

10:08:07 AM Patricia Zimmerman stated she would like to see e-mail City Attorney Vance is sending to the Homeless Coalition. She suggested also asking people if they want to go into a shelter. City Attorney Vance stated she would include her suggestion and copy her as well.

10:08:51 AM Linda Schwatz, a resident of Cedar Creek, supports the suggestion for an independent homeless count. She also informed the board of a 108-page Homeless Management Information System document that exists those details every data element that Federally funded agencies are required to correct to get federal funding and to approve the effectiveness of their programs. It also contains two data elements that would identify where people live - 1) residence prior to program entry, and 2) zip code of last permanent address. She will email this to the Board.

10:10:28 AM Carolyn Gallagher a resident of Cedar Creek addressed conversations she had with Janet Bartos, who conducted the January count. Ms. Bartos told her it would be available sometime in March. She also explained that the delay is a result of the data having to be input into their computer system, which is time consuming. She also instructed her collectors to put Bonita Springs on the back of all the pertinent questionnaires.

City Attorney Vance clarified that the first hearing for the Ordinance will be on March 20, 2013 with a second reading by City Council at their first meeting in April. Ms. Gallagher stated she also agrees to the need for an independent count.

10:15:05 AM Deborah Maclean suggested a count be done at the peak of season.

- B. AN ORDINANCE OF THE CITY OF BONITA SPRINGS; CREATING THE BONITA SPRINGS HOMELESS SHELTER OPERATIONAL USE PERMIT ORDINANCE; PROVIDING FOR FINDINGS AND PURPOSE; REQUIRING A HOMELESS SHELTER OPERATIONAL USE PERMIT; SETTING FORTH CRITERIA FOR AN APPLICATION AND OPERATIONAL STANDARDS; CREATING A PERMIT FEE, PROVIDING FOR REVOCATION OF PERMIT; PROVIDING FOR VIOLATION AND PENALTIES; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS OF LAW, CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

10:26:46 AM City Attorney Vance began by stating that the changes were made to this Ordinance as recommended by Roetzel & Andress. Changes were also made to the "whereas" clauses. Shelter point occupancy is still a

subject of debate, with the Ordinance reflecting three options for City Council's consideration. Staff has recommended option 2 as reflected below. These options are as follows:

1. Homeless shelters will be limited to a maximum of 30 residents for the entire City, excluding children under age of six;
2. Homeless shelters will be limited to a maximum of 30 residents at any one facility, excluding children under age of six; or
3. Homeless shelter residents will be permitted based on the ratio of one homeless shelter resident per 1,500 residents.

Board Member Sims began by stating he agrees with Staff's recommendation of item 2 above. Discussion followed on Staff's recommendation, with Attorney Bob Pritt explaining that the reason they support 2 above is because it would be the result of work being done to identify the real need. He also believes that a federal judge would look at the numbers by HUD rather than those within an independent study.

10:38:24 AM Board Member Forbes entered a motion to support Staff's recommendation of item 2. above (Homeless shelters will be limited to a maximum of 30 residents at any one facility, excluding children under age of six); Board Member Colapietro seconded; and the motion carried unanimously.

10:45:49 AM Chairman Vincent next referred to pages 3 and 4 to address the intake process and valuation. Item f., states that any applicant that is designated as a sexual predator under Florida Statutes is not permitted in unless the applicant's civil rights have been restored. This section deletes all of the items the Board had listed previously. City Attorney Vance responded that they essentially are still in there because in addition to sexual predator, the wording "or has been convicted of a crime, as specified in Florida Statutes 775.084(1)(b)1 a.-o." are not allowed in the shelter.

10:50:47 AM Chairman Vincent next addressed page 11 of 16, Section viii., and asked if a layout of beds would be better than looking at square footage per occupant. Mr. Pritt responded that he felt this was part of the fire code. City Attorney Vance to add language to have the Fire Marshall handle this. Board Member Thinnes addressed a situation where there was a certain amount of parking required based on square footage, and the Fire Marshall comes in and is looking at something totally different, and you end up with a conflict of occupancy vs. what can actually happen on the site.

PUBLIC COMMENTS:

10:54:07 AM Deborah Maclean feels that the City could hire additional deputies with the specific task of counting the number of homeless using photographs.

VI. NEXT MEETING. 03/14/13 at 8:30 A.M.

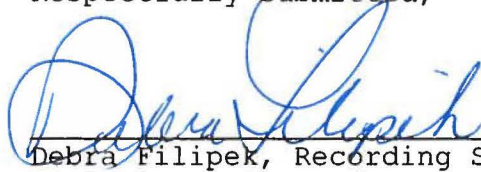
VII. APPROVAL OF MINUTES: 12/13/12 AND 01/10/13

10:55:54 AM Board Member Colapietro motioned approval of both sets of minutes; Board Member Bird seconded; and the motion carried unanimously.

VIII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 10:56 A.M.

Respectfully submitted,

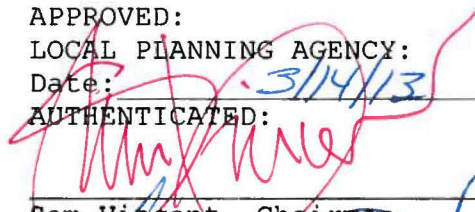

Debra Filipek, Recording Secretary

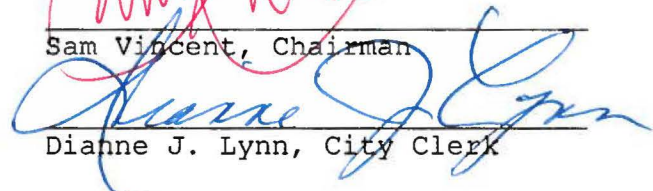
APPROVED:

LOCAL PLANNING AGENCY:

Date:

AUTHENTICATED:


Sam Vincent, Chairman


Dianne J. Lynn, City Clerk