

**Local Planning Agency  
Thursday, March 14, 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.

Chairman Vincent and all Board Members were in attendance, with the exception of Board Member Bob Mills, with an excused absence. There were six members of the public in attendance.

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

- 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.

8:37:07 AM City Attorney Audrey Vance began by reading the title block of the Ordinance into the record. A first reading is scheduled before City Council on March 20, 2013, and a second reading on April 3, 2013, at 5:30 P.M.

She explained that this Ordinance addresses the land use portion, and the next is the Operational Shelter Ordinance. She continued that she would break this Ordinance into three areas - Area 1 to redefine the use activity groups; Area 2 to make changes to the matrixes in the use groups, i.e. add footnotes, etc.; and Area 3 to address the Supplementary Regulations for social services which applies to Groups III through V. The intent today is to address whether the Ordinance is consistent with the Comprehensive Plan.

Board discussion began on the process relating to future amendments to the Ordinance, to which it was explained that future amendments would go before and be approved by City Council.

8:49:50 AM In response to Chairman Vincent regarding the "500'" separation distance reflected on page 50, John Dulmer, Community Development, referred to the maps he handed out of which the purpose was to show areas in the City where a facility could be located based on different separation distances. The four maps depict 300 feet, 500 feet, 750 feet and 1,000 feet. The areas shaded in yellow are the areas where a shelter could apply to be located. After further discussion, Mr. Dulmer stated that his recommendation would be for the 500' foot separation. Board Member Fred Forbes stated that the 300 foot separation would be his choice, which is consistent in a lot of other municipalities. His belief is that the 1,000 foot distance separation would most likely eliminate all sites and may subject the City to a strong legal challenge. Mr. Dulmer agreed, and reiterated that he would not recommend going any further than the 500 foot separation.

8:57:09 AM After further discussion on separation distance, Board Member Fred Forbes motioned for the 500 foot buffer separation; Board Member Henry Bird seconded and the motion carried unanimously.

PUBLIC COMMENTS:

8:58:45 AM Konrad Schultz stated that in his review of these type of Ordinances there are setbacks - setbacks from parks, playgrounds, residential areas, etc., and the second involves a density requirement - the distance from one such facility to another. He didn't see the second type distance in this ordinance, which is typically much larger.

9:00:30 AM Diana Duranti, a resident of Cedar Creek, agreed with Mr. Schultz in that they need to address density. She also feels that setbacks from schools definitely need to be in place, and that an independent homeless count needs to be done. She does agree with the 30 beds recommended, but feels that a clarification needs to be made on whether that is 30 beds per shelter, or per City.

9:02:01 AM Patricia Zimmerman stated that she echoed all comments made thus far. She doesn't feel 1,000 feet is very far, as it would only be 10 houses away.

9:03:15 AM Donna Stone, a resident of Worthington Country Club, stated her major concern regards the lack of a legend for the 38 page Ordinance to explain the codes. Another concern regards page 29, Section 6 and page 49, Section 4-3073, which speak to a use that is only permitted when clearly incidental to a hotel or motel. Her concern is that this is another loophole that can be used whereby someone can come in and say they were building a hotel, charge the residents \$1, and in essence, be a homeless hotel. She, therefore, feels these two sections need to be clarified further to prevent that from occurring.

9:05:52 AM Board Member Forbes stated he agreed with comments made by Mr. Schultz regarding the lack of a clear limit distance between facilities, especially homeless shelters. If they include a minimum clear separation distance for temporary food vendor stands, he can't understand why they are not addressing that here. Board Member Rex Sims responded by stating that any expansion or modification of these facilities would have to go through the process, and so it would not be a loophole as any expansion would appear before City Council. Mr. Dulmer stated that any expansion of an existing facility, or location of a new facility would require the Applicant to go through the entire process, with the ultimate approval by City Council. Board Member Forbes stated that having looked at this with Google Earth, if the only concern was with homeless shelter, they can put in there that you have to have a clear separation of a mile, probably two miles, and you still wouldn't have a problem with the four sites that already have the zoning. Mr. Dulmer referred to the map for the 500 foot separation on which neither Bernwood site is shown. Board Member Forbes stated the inclusion of a limit distance would mean that somebody couldn't come in with another parcel, go through the rezoning process and get it, because it would be in violation of that separation. His concern is that Bernwood is such a large site that if subdivided, could result in there being two shelters next to each other.

Mr. Dulmer responded to Board Member Forbes by first addressing the Bernwood site. The separation requirement the LPA just passed does not include either Bernwood development as a location that could be applied for. As to a separation from an existing shelter to a potential shelter, if the LPA wants to put in a separation requirement, or a separate requirement with a greater distance, he agrees that can be done without eliminating the entire City. A mile could be adequate, as there are still four locations that are separated by a distance further than a mile. Board Member Forbes stated he would be happy to make a motion that Staff would look at that, and that if they can support a mile that they go to City Council at the first reading with that request. Board Member Sims



disagreed, explaining that the entire concept is to have any modification to this Ordinance go through the entire process, with City Council making the final decision. After further discussion, Board Members Don Colapietro, Sims and Henry Bird agreed that City Council is who should make the final decision.

9:19:25 AM Board Member Bob Thinnes entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Colapietro seconded; and the motion carried unanimously.

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.

9:20:10 AM City Attorney Vance read the title block of the Ordinance into the record. A first reading is scheduled to be held on March 20, 2013, and a second on April 3, 2013. Even though this Ordinance is not a Land Development Code regulation, she would request that the Board find it to be consistent with the Comprehensive Plan.

9:21:11 AM Board Member Sims referred to page 12, item B., which essentially states that the City would not be restricting its ability to defend itself, and asked if this was done in other Ordinances. City Attorney Vance responded yes, which she expanded on briefly and referred to the case involving "Extreme Sports."

9:23:15 AM Chairman Vincent referred to page 4, item g., which states "Shelter will coordinate with the Lee County Health Department to have screening of Applicants in place for physical health and mental status," and questioned how this would be handled. Mr. Dulmer stated that is up to the professionals in health care and would involve coordination. City Attorney Vance addressed public comments, wherein the public wanted screening with a nurse on site, checks for contagions, TB, AIDS, the flu, etc., and also checking the mental health status. Overall, they wanted a full screening of individuals. She explained that it's better to leave it very simple, and put the burden onto the shelter to work with the health department in getting what they need to operate rather than trying to regulate and miss something, or worse, try to create something that's not going to withstand challenge.

9:32:09 AM In response to Board Member Sims, City Attorney Vance clarified that the City was not limited to one 30-bed facility. She

next responded to public comments made relating to density, and to the comment by Mrs. Stone regarding the zoning code, explaining that she would be happy to sit with her to explain the codes.

PUBLIC COMMENTS:

9:36:13 AM Konrad Schultz referred to the 30 bed number, and stressed the importance of the City obtaining the HMIS (Homeless Management Information Systems) data as utilized by Collier County, and use that as the basis for the 30 beds.

9:40:21 AM Donna Stone stated that while she appreciates Ms. Vance offer to sit with her, she feels that without the legend it's incomplete as far as everyone else's understanding. She also addressed concerns she had with panhandling.

9:44:24 AM Deborah Maclean stated she was very disappointed in the ordinance. They felt that the number was 30 for the entire city. They also do not want any kind of training.

9:45:29 AM Chairman Vincent addressed job training reflected on page 5, and clarified that it does not state that the facility will provide job training, but rather opportunities. Mr. Dulmer agreed. A brief discussion followed.

9:55:41 AM Board Member Colapietro entered a motion, finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Bird seconded; and the motion carried unanimously.

IV. NEXT MEETING. Thursday, April 11, 2013

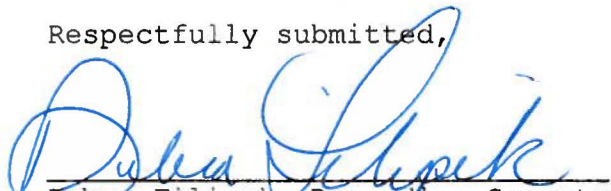
IV. APPROVAL OF MINUTES: 02/15/13

9:57:42 AM Board Member Bob Thinnes motioned approval of the minutes; Board Member Bird seconded; and the motion carried unanimously.

VI. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 9:58 A.M.

Respectfully submitted,

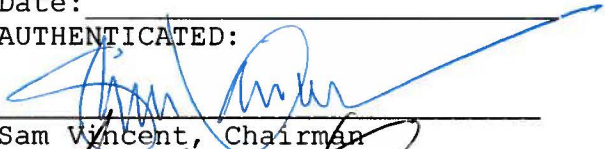
  
Debra Filipek, Recording Secretary

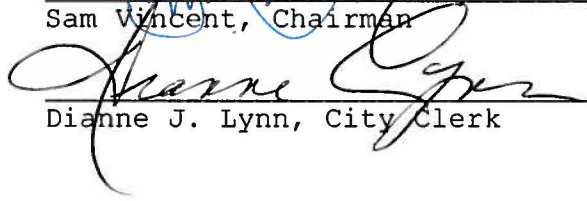
APPROVED:

LOCAL PLANNING AGENCY:

Date: \_\_\_\_\_

AUTHENTICATED: \_\_\_\_\_

  
\_\_\_\_\_  
Sam Vincent, Chairman

  
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Dianne J. Lynn, City Clerk