

**Local Planning Agency
Thursday, July 11, 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 8:30 A.M., and began the meeting by thanking former Board Member Robert Mills for his service to the Board.

II. ROLL CALL.

Present:

Sam Vincent, Chairman
Bob Thinnes
Rex Sims
Fred Forbes

Absent:

Don Colapietro
Henry Bird (excused)

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

- A. AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE, AMENDING AND RESTATING THE GENERAL PROVISIONS CHAPTER ADOPTED PURSUANT TO ORDINANCE NO. 05-02, AMENDING §1-2 RULES OF CONSTRUCTION TO ADD DEFINITIONS; AMENDING §1-5 RELATED TO ENFORCEMENT OF THE LAND DEVELOPMENT CODE; AMENDING §1-11, DEEMING THE COMPREHENSIVE PLAN CONTROLLING; ~~AMENDING §1-13 ADDRESSING AMENDMENTS TO LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY,~~ CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

8:34:53 AM City Attorney Audrey Vance began by reading into the record the title block of the Ordinance, stating that the Ordinance will be scheduled for a first reading on July 17, 2013 and a second reading on August 7, 2013. She next furnished a brief history of the Ordinance, noting that changes include the addition of definitions, the addition of code violations and general penalties, as well as addressing the different penalties. A big change is to ensure that repeals coincide with the City Charter. A brief discussion was held.

8:39:08 AM Board Member Fred Forbes entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Rex Sims seconded; and the motion carried unanimously.

B. AN ORDINANCE OF THE CITY OF BONITA SPRINGS; AMENDING CERTAIN SECTIONS OF THE ZONING ORDINANCE THAT RELATE TO AGRICULTURAL DISTRICTS; AMENDING 4-654, THE PROPERTY DEVELOPMENT REGULATIONS FOR AGRICULTURAL DISTRICTS; AMENDING 4-3273, CONSTRUCTION OF SINGLE-FAMILY RESIDENTIAL (NONCONFORMING LOTS); PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, INCLUSION IN CODE, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

8:39:49 AM City Attorney Vance read the title block of the Ordinance into the record.

8:40:25 AM Jay Sweet, Community Development, furnished an overview. He explained that there are several areas of the City that have AG (Agricultural) zoning with the underlying land use of residential. There are some trailers on the river that are not allowed to be replaced because the zoning doesn't allow mobile homes there anymore. Also, because of the size of the lots and having an AG designation, they are not allowed to build a single-family residence. The question is how to encourage people to redevelop when the mobile homes are getting old. The proposed Ordinance would amend the code to allow the construction of single-family residences on those 50-foot non-conforming lots even though they are zoned AG, as long as the underlying land use allows the density. It's more of a glitch in the code that needed to be addressed.

8:42:16 AM Board Member Sims entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Forbes seconded; and the motion carried unanimously.

C. AMENDMENTS TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING) AND CHAPTER 6 (SIGNS); RELATING TO THE DOWNTOWN REDEVELOPMENT AREA (OLD US 41 REDEVELOPMENT AREA AND THE FELTS AVENUE SUBDISTRICT); AND

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING THE OLD U.S. 41 REDEVELOPMENT OVERLAY DISTRICT TO INCORPORATE ADDITIONAL DESIGN STANDARDS; AMENDING SECTIONS 4-1152 THROUGH 4-1156; PURPOSE AND INTENT; OVERVIEW OF THE REDEVELOPMENT OVERLAY DISTRICT; STANDARDS FOR BOTH WITHIN AND OUTSIDE THE OLD U.S. 41 REDEVELOPMENT URBAN CORE THAT COMPRISE THE OLD U.S. 41 REDEVELOPMENT OVERLAY DISTRICT; AMENDING 4-1161, THE FELTS AVENUE SUBDISTRICT; AND,

AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 6 (SIGNS); AMENDING 6-56 SIGN SETBACK OPTIONS AND 6-156 PERMANENT SIGNS IN THE OLD US 41 REDEVELOPMENT AREA; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

8:43:51 AM City Attorney Vance read the title block of each section into the record, noting that a first reading is scheduled before City Council on July 17, 2013, and a second reading on August 7, 2013.

8:44:22 AM Jackie Genson, Community Development, addressed this Ordinance, explaining that the reason for the amendments is that they had their first redevelopment project come to Community Development, the Family Dollar, and it was during that review process Staff realized there were some "glitches" in the code, i.e., design standards, etc. The hope of what they would get out of redevelopment was not what they got, and so the intent of this Ordinance is to do a "stop gap" code to get the design visions they want. Staff also realized that some of the sub areas that are tied to the Master Plan Map that was adopted as part of the overlay, are not described in the Land Development Code (LDC). She next summarized changes.

In response to Chairman Vincent, Ms. Genson explained that the redevelopment area is the entire area with all sub areas as reflected in Exhibit 1 (pages 39 and 40). Page 40 reflects the Urban Core.

8:51:41 AM Board Member Fred Forbes stated that there are at least two recently approved and under construction that would have looked a lot better with more of a setback and decent landscaping. His hope is that Community Development can come up with revisions to the design standards to enhance that.

8:53:12 AM Chairman Vincent questioned the maximum setback of 12 feet. John Dulmer, Community Development, stated that this relates back to some of the previous work that was done when Larry Warner was on the Board, and some of the guidance from that time was brought through to this. He feels it's more of a scaling type issue, as Staff is trying to locate the buildings in the correct place, at the correct scale, and keep massing in the area consistent. What's being proposed here is what Staff felt would be the best solution they could come up with for the short term. For the long term they would like to look at more of a form base code, and something that's a bit more visual. For this amendment they are taking the best of what the City has proposed to date, what they can find in other communities that has worked, and what we've learned and put it into something to carry the City through until they have a more permanent document.

Board Member Sims stated that the concept at that time was for parking to be in the back with the building to the front, and either awnings or a second floor balcony, or some kind of scale where the second floor would be set back with a balcony area. Board Member Bob Thinnes stated he felt Mr. Warner was bringing it down more to a pedestrian scale as opposed to having big setbacks. Overall, he was trying to bring the buildings up to meet the need of the pedestrian as opposed to vehicle traffic. Board Member Forbes stated that had the projects he referred to done everything as stated, they would have looked great. City Attorney Vance addressed history of the regulations. Mr. Dulmer stated that what had been in place and what we're seeing the results of now revolve around two issues - scale and massing, and architectural style. What is being

proposed in this Ordinance is attempting to address the massing and the scaling issue. What needs to occur next is a discussion on architectural style. What has been the stumbling block regards what type of styles the City wants to have because requiring architectural standards without looking at specific architectural styles is very difficult. He further explained.

9:06:21 AM Chairman Vincent stated that in terms of scale, he felt they needed to look at a greater setback for the second floor.

9:08:35 AM City Attorney Vance stated that there are things in there to help the reviewer, as now plans are required to be 3-dimensional scale as opposed to the flat design. Another change is that if there is a building over 16 feet, it has to have second story architectural features on the top. Banding is addressed on page 18, of which the intent is to eliminate the large doors. Pages 25 through 31 reflect terms that will be used during the review process to implement these design standards.

Board Member Sims addressed concerns with lots 50 feet by 100 feet and 100 feet by 150 feet, as it relates to the requirements for parking, dumpsters, etc., which he felt was not possible. He referred to item 3 on page 22 which requires trash receptacles to be enclosed. He feels all of these rules should fit new construction, because then they can design the different area of a site. Mr. Dulmer agreed, and stated that what they would be getting into is an actual urban design, which is something that won't happen overnight. Staff does have the ability to work with applicants right now with a pretty broad degree of leniency with respect to dumpster location, design and shielding.

Mr. Dulmer stated that today, the intent was for the Board to review the Ordinance and let Staff know of any items they feel wouldn't make for a successful development. They are also looking for a review for consistency with the Comprehensive Plan. He did receive comments from the Governmental Affairs Committee of the Chamber, which he has not yet had a chance to thoroughly review.

9:22:42 AM Chairman Vincent referred to item (5) d. on page 5, the Informal Design Meeting, which states "Others may be in attendance, but the dialogue will be among the designers only..." Mr. Dulmer referred to former Board Member Warner, to address his position. Chairman Vincent stated that the owners usually have a lot to say.

Chairman Vincent next referred to the 52-foot height for buildings reflected on page 14, item (c) (2). For the massing and scale they want for downtown, he feels 52 feet is very high. He feels this needs to be looked at again as it needs to be easy for the owner who is paying for it. Board Member Sims asked if there was some restriction, or if there should be guidelines, that in certain FEMA areas the overall height would be less. Mr. Dulmer stated that most of the Old 41 area is relatively high, in an area that will need minimal fill. Chairman Vincent stated that what he finds very good is that they would be taking a look at the surrounding

area that the building would be built on, and that there's a cross section through the property and across the street, which will provide a good idea of how the building would fit in terms of scale.

9:30:28 AM Chairman Vincent next referred to page 15, item d., and the 12-foot height for the façade of the first story. He feels maybe this should be revised to 10 feet. Mr. Dulmer stated that 10 feet would be acceptable. A revision was also made to change 15 feet to 12 feet from the first floor to the second floor as expressed on the exterior façade.

9:36:10 AM Chairman Vincent next referred to the definition of "Arcade" on page 25 and suggested it be revised to read "arched gallery" or "passageway," since an arcade doesn't necessarily have to support habitable space.

9:50:55 AM Board Member Sims referred to the examples on page 46 to address what they were discussing earlier regarding the 52 feet. None of them shown have a second or third story setback. By utilizing second and third story setbacks they eliminate the massiveness of the building shown, specifically the building on the lower right.

He continued by stating that he feels everything from page 48 on may be significant enough to require a workshop. He addressed signage and feels a problem they are having is that it requires a lot of effort to get customers to come to your store. One thing that has been successful to him is signage. The proposed language conflicts with the recent City program to help and encourage businesses. He counted nine pole type signs on Old 41 that will not be allowed under this program, which prohibits pole and pylon signs in certain areas within the Old 41 area. Mr. Dulmer explained that those signs are currently prohibited. City Attorney Vance explained that's not new language in the sign code. Some of the provisions underlined were moved from Section 4-1154, and so some of these sections are not new. Board Member Sims referred to item (2), the "Sign band," which speaks to color, which has to conform to the new color palette, and feels the need for more leeway with respect to color. This further speaks to illumination - signs that are front lit or have external illumination on them, which is difficult to do. He asked if these are prohibited now. Ms. Genson stated that as the code reads now, ground mounted signs within the Old 41 corridor are permitted. When trying to create that pedestrian and human scale environment, ground signs as the corridor redevelops are not necessarily appropriate to create that human scale and walkability. She further explained, noting that any sign that exists today would be a legal non-conforming sign as long as they were legally permitted. Discussion followed on the issue of signage.

10:17:51 AM Board Member Bob Thinnes referred to page 35, "multi-story structures." Section 5 b speaks to the articulation of the second story. He suggested adjusting this language because some of the buildings can be more than two stories. City Attorney Vance suggested revising it to read "articulation of additional stories." Ms. Genson explained that the intent is if you had a house that was built with FEMA requirements and

they were using the first floor as storage, they didn't want this big building. So through articulation, balconies and awnings, the intent was to break it up without it looking like a box. Chairman Vincent suggested it be reworded to indicate what Ms. Genson just stated for clarification purposes.

PUBLIC COMMENTS:

10:31:40 AM William Lewis commented on the Dollar Store on Old 41 which he stated was the most unattractive building in the downtown area. He also commented on setbacks.

BOARD DISCUSSION:

10:40:19 AM Board Member Thinnes entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan. Board Member Sims stated he would second the motion, as he is comfortable with the Ordinance up to page 47.

10:41:14 AM City Attorney Vance addressed pages 48 and 49 relating to signage, existing language, etc. After further discussion, Board Member Sims stated he would vote in favor if item 15, Sign Color, is excluded from the vote. He feels signs need color combinations for contrast. Board consensus to strike item (15), Sign color.

10:50:21 AM Board Member Thinnes amended his motion, finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan, with the exclusion of item (15) Sign color; Board Member Sims seconded; and the motion carried unanimously.

10:52:56 AM Board Member Forbes suggested Staff work further on scaling, setbacks and facades, and include examples of signs.

D. AN ORDINANCE OF THE CITY OF BONITA SPRINGS; SETTING FORTH THE COMMUNITY DEVELOPMENT PLANNING AND ZONING FEES; PROVIDING FOR RECORDING DOCUMENTS; REPEALER; PROVIDING FOR AN EFFECTIVE DATE. PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

10:55:08 AM City Attorney Vance read the title block of the Ordinance into the record, which addresses modifications to the existing fee schedule.

10:56:03 AM Jackie Genson, Community Development, next addressed revisions made as reflected in the draft Ordinance with strike-thrus and underlined language.

11:07:11 AM Board Member Sims entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Bob Thinnes seconded; and the motion carried unanimously.

11:07:40 AM City Attorney Vance concluded by addressing briefly a legislative change that will become effective October 1, 2013 relating to the opportunity for the public to be heard.

IV. PUBLIC COMMENTS: No public in attendance.

V. NEXT MEETING. Thursday, August 8, 2013, 8:30 A.M.

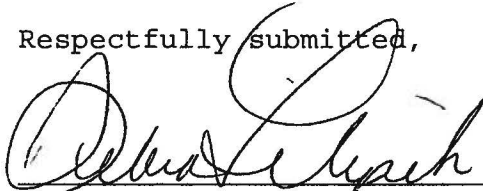
VI. APPROVAL OF MINUTES: May 9, 2013

11:09:15 AM Board Member Forbes motioned approval of the minutes; Board Member Thinnes seconded; and the motion carried unanimously.

VI. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 11:10 A.M.

Respectfully submitted,

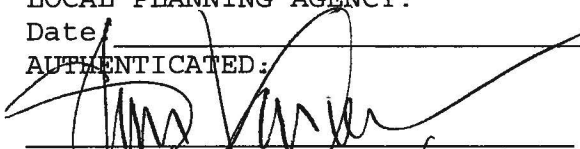

Debra Filipek, Recording Secretary

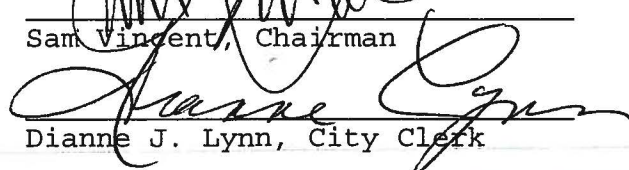
APPROVED:

LOCAL PLANNING AGENCY:

Date _____

AUTHENTICATED: _____


Sam Vincent, Chairman


Dianne J. Lynn, City Clerk