

Local Planning Agency  
Tuesday, January 17, 2012  
8:30 A.M.  
Bonita Springs City Hall  
9101 Bonita Beach Road  
Bonita Springs, Florida 34135  
MINUTES

I. CALL TO ORDER.

Chairman Don Colapietro called the meeting to order at 8:26 A.M.

II. ROLL CALL.

Chairman Don Colapietro and all Board Members were present, except for Board Member Bob Mills.

III. CONSIDER RECOMMENDATIONS FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT (11BOS-CPA00001 - PALM LAKE RESORT) ON THE FUTURE LAND USE MAP (FLUM) FROM MODERATE DENSITY RESIDENTIAL TO MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL FOR A PARCEL OF LAND CONSISTING OF APPROXIMATELY 1.5+/- ACRES, IN BONITA SPRINGS, FLORIDA.

8:37:40 AM City Attorney Audrey Vance read the request into the record, noting that she has reviewed the Affidavit of Publication and found it to be legally sufficient.

8:39:09 AM Wayne Arnold, representing the Applicant, furnished a PowerPoint presentation (copy in Clerk's file) to address their request, which is for a small-scale Comprehensive Plan Amendment to change the Future Land Use Map (FLUM) from Moderate Density Residential to Medium Density Multi-Family. The property consists of 1.5 acres and is a "remainder" tract for property that involved one parent property owner. The storage unit previously appeared before the Local Planning Agency (LPA) in a request for a small-scale amendment and additional storage was approved via Commercial Planned Development (CPD) zoning.

Property to the west consists of a commercial land use category. To the east is the Palm Lake RV Resort that has been in existence since the 1970's. The subject property is owned by the co-op; however, this entails a separate application from the co-op.

The co-op was included in a large application when Lee County had jurisdiction in the mid 1980's, at which time an Ordinance was adopted which essentially blessed all the existing RV and mobile home parks as they were, because many were located

on agriculturally zoned properties. To go back and force a zoning change on an existing project would create more problems than it would solve. Nonetheless, they are here for the 1.5-acre parcel that's a remnant piece between the existing RV park and the storage facility.

The property extends into the lake, which was reshaped as part of the original storage unit's application. Historically, the site included approximately six RVs. He believes there was a misunderstanding by the owner of Palm Lake in the last couple of years related to their ability to go back in and re-install RV units on the site. There was also a code enforcement case that's since been rectified. The intent is to change the land use category of the 1.5 acres to the Medium Density Multi-Family land use category that allows a density of 6 units per acre; the existing density under the Moderate density allow up to 5.8 units - resulting in a slight increase of .2 units per acre.

The City of Bonita Springs Comprehensive Plan didn't make an easy transition from the Lee Plan to the City of Bonita's Plan, as the only place the Comprehensive Plan that mentions RV and mobile homes is in the Medium Density Residential Multi-Family category, which specifically speaks to identifying and approving existing RV and mobile home projects. In this case, the historical documentation relating to the RV use, and the fact that there is an existing RV park to the east, existing mobile homes to the south that are in the same land use category, it makes logical sense that this would become the Medium Density Multi-family land use category, to permit up to nine RV/mobile home units on the property (per the zoning case to be heard by the Zoning Board).

8:44:31 AM Referring to the Future Land Use Map, he showed the location of the site and addressed the surrounding land uses. He doesn't know if it was a mapping error when the Comprehensive Plan was adopted, but the existing Palm Lake RV resort didn't carry with it a single land use category, as it is split by two land use categories for the five units, as the property is zoned agricultural and is developed with both mobile homes and RVs. Again the parcel is contiguous to property in the Medium Density Multi-Family Residential land use category and has legal access through Duck Loop Lane. The site also has sewer and electric service.

8:47:16 AM There is an RV storage unit to the west and an RV park to the immediate east. A 1986 site plan shows the existing Palm Lake project oriented a bit differently. The old RV park lost about 1/3 of an acre as a result of the widening of Bonita Beach Road, which resulted in the first three lots and model center being removed. He showed another plan they brought forward to City Council in 2007 and shows what had been completed for the

resort after BSU came through and after Bonita Beach Road had been widened, which resulted in the reconfiguration of lots. At the time the Palm Lake Co-op did not own the property that is the subject of this case today. The Master Concept Plan they are proposing as part of the zoning application shows nine RV sites that would be cooperatively owned. Several deviations are also being requested as part of that zoning case. The codes requires very wide buffers and setbacks, however, since they are adjacent to commercial and adjacent to an RV park, they didn't seem applicable so they've requested deviations that would allow the units to be configured as shown. It is also consistent with the Future Land Use designation requested which is the only land use designation that contemplates mobile homes and RV sites.

Chairman Colapietro questioned why a total of 10 units are reflected on page 6 of the Staff Report, to which Mr. Arnold clarified the request was for nine units. Jennifer Duffala-Hagen, Community Development, explained that what he was referring to is the Future Land Use element, the Medium Density Multi-Family Residential land use category, which allows "up" to 10 units per acre - it's the language in the Comprehensive Plan.

8:52:18 AM Board Member Bob Thinnes questioned whether the 10 units included bonus density. Mr. Arnold explained that the existing land use category of the site allows 5.8 units per acre; the request is to go to a category that allows 6 units per acre, (1.5 acres x 6 = 9). The 10 units does include bonus density. Board Member Thinnes stated he felt there should be some indication in the statement to indicate that it includes bonus density to avoid confusion. City Attorney Vance suggested revising it to state six units per gross acre with affordable housing permitted up to 10 maximum.

8:54:03 AM Board Member Rex Sims questioned whether the existing lake was the original water retention area for the storage facility. Mr. Arnold responded no, explaining that historically it was not really part of anyone's water management system, but has been modified over the last few years to accommodate the storage facility.

8:55:40 AM Chairman Colapietro questioned whether the intent was to preserve the oak trees on the site, to which Mr. Arnold responded yes.

8:56:23 AM Board Member Fred Forbes questioned access for emergency vehicles, explaining that his concern regarded the homes to the south. It seems that reducing the landscape buffering would not be beneficial to them. He has no problem with a reduction in the buffer to the west, east or even to the front, but feels additional buffering needs to be included in the zoning proposal. Mr. Arnold responded that the Zoning Board will

be considering the landscape buffer deviations they've requested, noting that even without a companion zoning request, he feels makes sense on its own. The neighbors have been notified of the request, the site has been posted, and the request advertised, and none of the immediate neighbors have contacted Staff regarding the land use change or the zoning change. The requested deviations will provide some additional flexibility. He agrees to the need to get safety service vehicles into the site in accordance with the codes. It is, however, a challenge in almost all of the older parks with respect to turning radiuses and the manner in which the streets were aligned which do not meet current standards. In this case they have opportunity for a hammerhead turnaround that will meet code.

8:58:52 AM Board Member Forbes stated he was reluctant to vote in favor without enhanced screening, explaining that the problem he sees is that this involves a very small parcel of land that is very odd in shape. Mr. Arnold stated that because the site is so irregularly shaped, there's probably an opportunity to do more and less of a landscape buffer. There are existing RV parks all over the City that do not meet the standards. Some buffering requirements may be necessary, but 40 feet, to him, seemed excessive given the location. Board Member Forbes reiterated his concern relating to the homes to the south. City Attorney Vance stated that although she felt his concern was valid, the LPA cannot condition small-scale amendments, explaining the Zoning Board can recommend conditions for buffers and adding that the Staff Report does include recommendations for buffering for that portion.

9:01:31 AM Board Member Sims stated that the restrictions for screening, etc., do not fall within the LPA's authority, after which he motioned a recommendation of approval of the small-scale Comprehensive Plan amendment, as presented; Board Member Henry Bird seconded.

9:02:24 AM Ken Bertolissi, President of the Co-op, responded to concerns raised regarding buffering. There is a fence on the south line, and south of that fence is a 20-foot road that runs the length of the fence. There is one house back there that was boarded up a year earlier, and another house that should be torn down. Those are the only two residences that would be affected.

Palm Lake Resort LLC purchased the park in 2000, at which time it was a disaster and an eyesore to the community. They have since removed 90 percent of the old trailers and put in over 40 new park models and mobile homes. They also built a new club house and put in a new swimming pool. They thought that since it was used for mobile homes previously that they could use it in that same manner. Actually they were forced to buy it to get it cleaned up and keep the value of their property. They do not

propose to cut down any trees on the site, including the oak trees.

9:04:38 AM Board Member Sam Vincent referred to the Staff report which indicates that under the existing future land use designation, RVs and mobile homes are not permitted as dwelling units. Referring to Staff's report, he questioned the words "intended use." Ms. Hagen explained "intended use" regarded what they bought the property for - to have the mobile home and/or RV units on it to use it as it was used in the past.

9:10:06 AM Ms. Hagen next presented a PowerPoint presentation (copy in Clerk's file) on the request, which is for a Small-Scale Comprehensive Plan Amendment to go from the existing Moderate Density Residential land use category to the Medium Density Multi-Family Residential land use category. The site is currently zoned AG-2 (Agricultural), and is proposed to be rezoned to RVPD (Recreational Vehicle Planned Development). The existing use is mobile home/RV sites on property that is equipped with pads, power, water and sewer. The intent is to develop the site with up to nine RV/mobile home lots.

The request stemmed from a 2010 code enforcement case regarding a violation of the Comprehensive Plan. The request is to legitimize the uses that are currently on the site, and to allow the uses being proposed. The request involves a very small change of density of .2. If approved, the subject parcel would be consistent with the future land use, transportation, housing, infrastructure, and the conservation elements of the Comprehensive Plan. The Applicant has received all capacity letters required by the application from BSU, public works, the Lee County Sheriff's Office, fire, EMS, Lee Tran, and the School Board, all of whom stated they have the capacity to serve the site.

9:17:43 AM The property is no longer desirable for single-family residential uses based on the foregoing analysis and the changing conditions in the area. The Applicant wishes to legitimize the existing use. No commercial uses are being proposed. Notice of receipt of this application was sent to property owners within 375 feet and no comments or objections were received from any of the adjacent property owners. With the use of appropriate development standards the property could become an asset to the surrounding neighbors and the community.

PUBLIC COMMENTS:

9:19:00 AM Dawn Koncikowski asked that her email be included as part of the record. She began by addressing items she stated were put on the record that were incorrect relating to grandfathering, Policy 1.1.8.1, which allows mobile homes and

RVs, but only if they are existing. The site is currently vacant. There was also a code enforcement case in 2010.

9:24:31 AM City Attorney Vance responded to comments made by Ms. Koncikowski. Under the Comprehensive Plan small-scale changes can be made at any time, given there is a reasonable decision to make that change which would be made on a legislative basis.

9:26:09 AM The motion carried 5-1 (Board Member Forbes opposed)

IV. PUBLIC COMMENTS: reflected above.

V. SCHEDULE NEXT MEETING. Thursday, February 9, 2012, at 8:30 A.M.

VI. APPROVAL OF MINUTES: November 22, 2011

Board Member Forbes motioned approval of the minutes; Board Member Vincent seconded; and the motion carried unanimously.

VII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 9:29 A.M.

Respectfully submitted,




Debra Filipek, Recording Secretary

APPROVED:

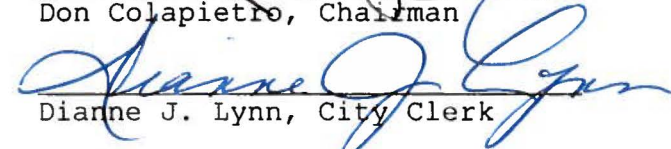
LOCAL PLANNING AGENCY:

Date: 4-12-12

AUTHENTICATED:



Don Colapietro, Chairman



Dianne J. Lynn, City Clerk