

Local Planning Agency
DISCUSSION ON SHELTER
Thursday, October 18, 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 8:34 A.M.

II. ROLL CALL.

PRESENT:

Don Colapietro, Chairman
Rex Sims
Henry Bird
Bob Mills
Sam Vincent
Fred Forbes

ABSENT:

Bob Thinnes (Excused)

III. REVIEW OF PROPOSED LDC 4 AMENDMENTS RELATING TO SOCIAL SERVICES BY ALEXIS CRESPO, WALDROP ENGINEERING.

8:35:03 AM Alexis Crespo, with Waldrop Engineering, began by furnishing a PowerPoint presentation (copy in Clerk's file) titled "Social Services Draft LDC Amendments." The intent was to compose more stringent regulations, and to afford residents a voice in the process. She clarified that the proposed revisions do not address any of the public comments made at the September workshop.

The intent was to develop supplementary regulations for the more intensive social service uses. When they began, they realized that the existing four use groups under social services had an intermingling of some very intensive social services uses, such as "offender rehabilitation" mixed with the same group as some non-intensive social service uses such as vocational training, skill training and self-help. Nonetheless, first they reorganized the use groups based on intensity and on the type of patrons that would be utilizing the services, with the intent to address compatibility and public safety. It was also important to define the uses per definitions for halfway homes, group homes, soup kitchens, etc., and to make it clear as to where these uses would fall within the use groups. With respect to why they are not proposing to prohibit this use altogether, she explained that, from a planning

perspective, in a case such as Bonita Springs where you do not have an over saturation, or over concentration of this type of use, you leave yourself vulnerable to legal action when you ban or prohibit the use. Therefore, the proposal again, is to create stringent regulations that address concerns relating to compatibility and safety.

The proposal is to remove social service uses Groups III through V., to be allowed only by special exception or planned development, which would require a public hearing and a super majority vote by City Council. It would also require public comment on all proposed applications. They also recognized an issue with currently approved Planned Development that include this use in their Schedule of Uses, however, their MCP does not provide any direction on how it would be developed, and so it was clear they needed to address these existing Planned Developments. The proposed regulations will work in conjunction with the operating standards, and be consistent with Federal and State laws.

She next addressed the use group organization and the regulations being proposed. Group I has not changed, which is the lowest intensive social service use group. Some minor modifications were made to Group II, as it included "offender rehabilitation" and "offender self-help uses" mixed in with vocational training. The proposal is to remove those offender related services and gear it towards training and support. It also would not provide any overnight resident facilities. Group III gets into the intensive social service uses. They've revamped this group significantly to gear it towards rehabilitation type uses that do not provide overnight resident facilities or lodging - day shelters, offender rehabs, outpatient substance abuse, settlement houses, social service centers, and soup kitchens.

Group IV includes uses that allow for temporary overnight lodging. They added homeless shelters to this group as well as halfway homes, delinquent homes, and correctional facilities. Lastly, they pushed out the group homes and long-term living facilities to Group V.

They then developed supplementary regulations, which are intended for Groups III, IV and V. Uses dealing with homeless shelters, soup kitchen, day shelters will be regulated under this section, in addition to any use that provides for overnight lodging, temporary and long term. These regulations are not intended for Groups I and II. She next addressed the approval required for the regulations, Development Standards, overnight lodging and the regulations for group homes.

8:49:46 AM Board Member Sam Vincent referred to the public hearing process for planned developments, and asked if the properties that have already been zoned for these uses are grandfathered in. Ms. Crespo responded no. It states that approved PDs that include social service Groups III through V, but do not demonstrate the location intensity and capacity of the facility require a PD amendment to define the usage. She further addressed the issue relating to how minimum lot size is determined. Vice Chairman Vincent questioned whether one acre was too big

taking into consideration setbacks, parking, etc. Ms. Crespo, in response, stated they would look at doing a site plan.

8:53:33 AM Board Member Rex Sims asked for a clarification on existing zoning where these uses are permitted by right, and now they were going to ask them to do something else to comply. He has a problem with this in that this same procedure could be used for any other use, as they were arbitrarily picking out a zoning classification, and requiring an existing right to be given up. City Attorney Vance stated that it regards whether there's a legislative basis to make these changes. She addressed the example of a restaurant use which may have to come back to the zoning board, and go through a process to address impacts in certain areas, etc. Board Member Sims stated that his concern regards property that has zoning by right that is taken away, thus, resulting in someone losing something. City Attorney Vance stated that the City has a right to make changes to the laws. Discussion followed.

9:05:34 AM Board Member Fred Forbes addressed the State laws relating to group homes, which he recollects the minimum separation for group homes of 6 and up to be 1,200 feet. City Attorney Vance stated her recollection was that it was 1,600 feet. Board Member Forbes stated if he was correct then the 500 feet reflected needs to be revised to 1,200 feet. He would also like group homes of whatever the size to have a minimum separation of 1,200 feet for any unit that will have residential living, i.e., group homes, halfway shelters, etc. He explained that what he was referring to was the separation between another group home. Overall, he wants to make sure that they are consistent with the State regulations.

9:08:15 AM Chairman Colapietro stated he feels a lot of the opinions and regulations are extremely detailed. He also feels that no matter how it's written, or rewritten there are going to be holes in it, which is his biggest concern.

IV. REVIEW OF COMMENTS MADE AT THE AUGUST 21, 2012 SECOND SHELTER WORKSHOP RELATING TO PROPOSED LDC 4 AMENDMENTS RELATING TO SOCIAL SERVICES.

9:09:57 AM Jackie Genson, Community Development, next addressed John Dulmer's memorandum dated September 7, 2012 (in Clerk's file; attached to meeting packet), reflecting public comments made at the August 21, 2012 Workshop #2. Comments were as follows:

- Consider creating a Social Service Group VI use group for homeless shelters and Juvenile homes. As proposed now these uses are in Group IV. The suggestion was to pull it out and create Group VI.
- Poverty Industry uses. Staff would suggest the member of the public who suggested this, address it during public comment.
- Need to create regulations for Social Service Group IV uses. Staff would suggest caution, to ensure the City is compliant with Federal and State Statutes.

- Clarify language regarding the number of beds for Group Home Facility and those facilities regulated by LDC 4 and the Shelter Operating Ordinance. State Statute defines the group home facility as four individuals to 15 individuals. Therefore, all proposed changes in LDC need to regulate those facilities that consist of 16 beds or higher.
- Address bicycle parking. Staff agrees this is something that should be addressed for the safety.

Definitions:

- Soup kitchens vs. restaurants. This next round of amendments will address soup kitchens. Staff wants to ensure there is a good definition for "soup kitchen," to address any existing facilities as well as any future facilities, and so there is no ambiguity as to what is a soup kitchen and what is a restaurant.
- Consider separate operating ordinance for soup kitchens. The Operating Ordinance Staff has been working on has been geared towards homeless facilities. This is for the LPA to consider.
- Require Department of Professional Bureau and Regulation or the Department of Agriculture permits. This is something Staff can look into - calling them to see what they would require, as there are different standards for cooking in a commercial kitchen.

9:15:39 AM Board Member Sims recalled the Board's consensus on the number of beds related to the number of people, which included infants. Once they reached 16, they were full. Ms. Genson responded that the State Statute defines it as at least four, but not more than 15 residents. Staff can make revisions to Chapter 4 to reflect residents.

City Attorney Vance referred to the State Statutes to address an earlier question, which she stated indicates that there are no notification requirements for six or fewer residents, and entail either the elderly, those with development disabilities, or mental illness. If less than six residents it would meet the definition of a regular single-family neighborhood. They would not be required to do a notification to the government provided they verify there's no other community home within 1,000 feet. If there are more than 6, there is a notification procedure to the local government. If in a multi-family area, the radius is 1,200 feet. If a home is located within a radius of 500 feet of an area with single-family zoning, it alters the nature and character of the area, and is where the 500 feet comes in. She clarified that homeless shelters do not fall under the definition of a "community home." Board Member Forbes clarified that he was talking about the distance from facility to facility, which City Attorney Vance agreed should be at least 1,200 feet consistent with the State Statutes.

9:21:47 AM Board Member Vincent addressed the suggestion relating to the creation of a Group VI, to which Ms. Genson explained that Ms. Crespo researched various jurisdictions across the country and came up with the

proposed regulations based on what they felt was most appropriate. Board Member Forbes explained that the proposal for the extra Group was for homeless shelters, which he believes should be in its own classification. It should also include juvenile correctional facilities and halfway shelters. Ms. Crespo explained that she felt that the halfway home for offenders, homeless shelters, and juvenile correction are all uses that they would want regulated similarly in terms of separation, buffering, etc. The one use she feels could be moved out of this would be the child or wife abuse centers, which they've excluded from the stringent regulations in the supplementary regulations.

Board Member Sims referred to the definitions, under Group IV, which are establishments providing temporary living facilities for clients that have personal and/or social problems, was the definition of the Shangri-La. He cautioned everyone that what they were doing could affect everything in this community besides what they were looking at. The Shangri-La was a rehabilitation facility for people with eating and drinking problems. He feels it very clearly falls under Group IV, which is what they are discussing. Ms. Crespo stated she would want to review the health care use groups to ensure that wouldn't fall under more of a health care related facility. Ms. Crespo suggested work on the use groups to separate out the use so that it's not regulated the same way a halfway house or homeless shelter is. There's also rehabilitation centers, which is what she would list it under.

9:35:22 AM Ms. Genson referred to a map (copy in Clerk's file) to address the properties within the City of Bonita Springs that have entitlements to social service group uses.

V. PUBLIC COMMENTS:

9:43:40 AM Deborah Maclean, with the Banana Peel, addressed problems and statistics from across the nation that indicate that homeless shelters and soup kitchens are the two most detrimental uses to any community.

9:45:11 AM Donna Stone, a resident of Worthington Country Club, addressed her comments as reflected in her October 17, 2012 e-mail (copy in Clerk's file). She opposes any shelter in the City. If a homeless shelter is allowed in the city, she would ask that the shelter be strictly for the homeless; not a rehab center or halfway house. She also asked that it be indicated via a legend as to what the terms in the charts mean, i.e., P, CPD, etc.

9:49:24 AM Dick Draffone, a resident of Highland Woods, feels that removing words "offender" and "offender rehab" would solve a lot of the problems. He questions why we need or are going to be required to have an offender rehab in the City. A homeless shelter is not an offender rehab. He also feels the site should be one acre or less, as size is critical, and that there should be a residency requirement. It should not be a place where anyone from anywhere in the State could come. Overall, the majority of the residents do not want a shelter at all.

9:52:27 AM Ken Rathbun, a new resident of the City, questioned the zoning process in the City, to which City Attorney Vance responded. He addressed what he feels the effects of zoning are.

10:01:43 AM Carolyn Gallagher, a resident of Cedar Creek, began by addressing revisions to the minutes of August 21 and September 11, 2012. She agrees to the need to residency requirements to prevent people from coming here from other areas. She also agrees to the need to ensure social service uses are a good distance apart, so they are not clustered in one area.

10:04:24 AM Deborah Maclean echoes comments made by Dick Draffone and Carolyn Gallagher in that residency requirement need to be adhered to.

10:05:45 AM Henry Steil, President of the Villages of Bonita, stated he doesn't want a shelter in the City. He questions what will happen to those who are not allowed to enter the shelter at the end of the day, and suggested that language be included to address this.

10:07:56 AM Linda Schwartz, a resident of the Cedar Creek community, echoed comments made by Donna Stone that admission to the shelter be limited to Bonita residents only.

10:08:42 AM Board Member Forbes suggested a meeting to discuss the comments made.

VI. DISCUSS MEETING SCHEDULE: November 15, 2012 at 8:30 A.M.
(Subsequently revised to Thursday, November 8, 2012, at 8:30 A.M.)

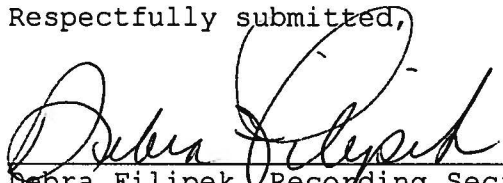
VII. APPROVAL OF MINUTES: 08/21/2012, 09/11/12 & 09/20/12

10:24:18 AM Board Member Forbes motioned approval of the minutes, as revised; Board Member Vincent seconded; and the motion carried unanimously.

VIII. ADJOURNMENT.


There being no further items to discuss, the meeting adjourned at 10:24 A.M.

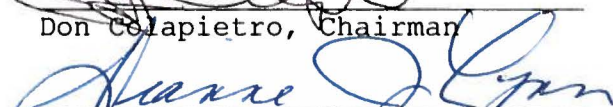
Respectfully submitted,


Debra Filipek, Recording Secretary

APPROVED:
LOCAL PLANNING AGENCY:

Date: 11/8/2012
AUTHENTICATED:


Don Colapietro, Chairman


Dianne J. Lynn, City Clerk