

**Local Planning Agency  
Thursday, November 8, 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 8:30 A.M.

II. ROLL CALL.

Chairman Colapietro and all Board Members were in attendance, except for Board Member Bob Thinnes, with an excused absence.

8:33:27 AM Chairman Colapietro began by congratulating Board Member Fred Forbes on winning a seat on the Fire District Board.

PUBLIC COMMENTS:

8:33:59 AM Beverly Greenstein, a resident of Worthington Country Club, commented on the Ordinance for homeless shelters. She addressed the intake process, and made several suggestions on revisions.

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

AN ORDINANCE OF THE CITY OF BONITA SPRINGS; AMENDING CERTAIN SECTIONS OF THE ZONING ORDINANCE; AMENDING DIVISION 2, CITY COUNCIL BY AMENDING 4-81, CITY COUNCIL'S POWER TO APPOINT LOCAL PLANNING AGENCY; REVISING SEC. 4-83, FUNCTIONS AND AUTHORITY OF CITY COUNCIL FOR ADMINISTRATIVE APPEALS; AMENDING SEC. 4-145, POWERS AND DUTIES OF THE ZONING BOARD; AMENDING SEC. 4-152, ZONING BOARD STANDARD FOR REVIEW TO REMOVE ADMINISTRATIVE APPEALS; AMENDING SEC. 4-203, ADDITIONAL REQUIREMENTS FOR APPLICATIONS REQUIRING PUBLIC HEARING; CREATING SEC. 4-204, SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE ACTION APPLICATIONS; AMENDING SEC. 4-653, THE TABLE OF USE REGULATIONS FOR AGRICULTURAL DISTRICTS TO ALLOW LIMITED HORTICULTURAL WASTE TRANSFER SITES BY SPECIAL EXCEPTION IN AG-2; AMENDING SEC. 4-1322, ENCLOSURE OF FACILITIES, TO INCLUDE PET DAY CARES; AMENDING, SEC. 4-1352, TO REVISE THE SETBACKS, LANDSCAPING AND OTHER CONDITIONS FOR DISPLAY, SALE, RENTAL OR STORAGE FACILITIES FOR MOTOR VEHICLES, BOATS, RECREATIONAL VEHICLES, TRAILERS, MOBILE HOMES OR EQUIPMENT; CREATING SEC. 4-1353, TO ESTABLISH

STANDARDS FOR CONVENIENCE FOOD AND BEVERAGE STORES, AUTOMOTIVE SERVICE STATIONS, FAST FOOD RESTAURANTS, AND CAR WASHES; CREATING SEC. 4-1773 TO ESTABLISH STANDARDS FOR HOME OCCUPATION WITH OUTSIDE HELP; REVISING 4-1381 IN DIVISION 20. JUNK, SCRAP OR SALVAGE YARDS; DUMPS, SANITARY LANDFILLS; TO ALLOW LIMITED HORTICULTURAL WASTE TRANSFER SITES BY SPECIAL EXCEPTION IN AG-2 DISTRICTS; AMENDING SEC. 4-2018 JOINT USE OF PARKING LOTS, SEC. 4-2019 OTHER USE OF PARKING LOTS AND SEC. 4-2020 REQUIRED SPACES; AMENDING SEC. 4-2191, MEASUREMENT; PERMITTED ENCROACHMENTS; AMENDING TO REMOVE REFERENCES TO OUTDOOR RANGES TO SEC. 4-2472 REQUIRED APPROVALS AND SEC. 4-2474 SETBACKS; CREATING 4-3105 TO CLARIFY THAT USE PERMITS ARE REQUIRED; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, INCLUSION IN CODE, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

8:39:14 AM City Attorney Audrey Vance introduced this agenda item, explaining that this will appear before the Board again for a final review on December 13, 2012. The Ordinance reflects an accumulation of changes as requested by City Council. She next addressed the revisions relating to LPA appointments, City Council consideration of appeals resulting from decisions or acts of its Community Development and City Council Advisory Boards. In response to Board Member Sims, City Attorney Vance addressed third party appeals. A lengthy discussion followed.

Board Member Fred Forbes expressed a concern with having more items handled administratively, without affording public input.

8:57:54 AM Board Member Rex Sims referred to Sections 4.83(4)(c)A. and B. and addressed a concern that one cannot appeal to City Council for any of the items listed in these sections. City Attorney Vance suggested including language to state that nothing in the administrative appeal process would prohibit people from their right to come to City Council. Discussion ensued on administrative appeals, with City Attorney Vance explaining that Ordinances have appeal rights. Board Member Sims explained that his concern regarded that items in A. and B. do not have an appeal rights to City Council. Board Member Vincent referred to the wording "no appeal to City Council may lie from any act" which he sees as the operative language, as you can't appeal something that's invalid anyway. Board Member Sims stated that the problem is that it's an interpretation. Discussion ensued.

9:02:52 AM Board Member Forbes reiterated his concern with having more items being handled administratively and feels the current language should remain. He's opposed to where one's only recourse is to go to court, which people usually do not do because of the expense. City Attorney Vance explained that they are taking what was already in the code for the Zoning Board and moving it to City Council. Currently, a third party does not have standing to appeal administrative decisions. She further explained.

9:11:58 AM Board Member Sims stated that they were eliminating a citizens chance to appeal directly to Council. After further discussion, Board Member Sims stated he was in favor of speeding up, and handling more of these things administratively. He is, however, a little burdened about giving up one's ability for Council to handle them. City Attorney Vance explained that it was being done to protect people's property rights. Jackie Genson, Community Development, explained they were not changing third party appeals in this section, as in terms of the types of appeals the language pertains to development orders and federal permits. Page 8 of 45 reflects the existing language and changes being made. They were not changing third party appeals, as if anything they being more specific on zoning verification letters and were adding a 30 day clock to prevent appeal process from lingering. There are positives with these changes.

9:30:27 AM City Attorney Vance continued with addressing revisions as reflected on pages 7, 8, 10, 11, 12, 13, and 14. Ms. Genson followed by addressing revisions relating to joint parking on page 16, which tie in with revisions on page 30. Board Member Forbes asked if there was a provision to address a change in occupancy when it becomes parking intensive. Ms. Genson responded the shared parking agreement would be for a specific use, square footage and number of spaces. They are changing the definition of how shared parking is classified. Board Member Don Colapietro addressed a typographical error on page 16, changing the word "area" to "length."

9:43:43 AM City Attorney Vance, next referred to page 18, which entails an entire new section for the inclusion of submittal requirements for administrative approvals. On page 19, the LPA, under "submittal requirements" in Section 4-204(3) clarified that the City's review of property restrictions is not enforcement of restrictions, but review of land use only. On page 27, they added to car sales, the perimeter walls must meet the design standards of Section 3-600.

10:04:14 AM On page 28, Board Member Sims referred to canopies, which states are required to be one color. He stated his canopy is blue and white and is very nice. Also, under item e. "accent banding" he wouldn't want restricted. Mr. Dulmer responded, explaining that this entailed gas pumps in the middle of the site. Discussion followed on color of canopies, with Staff to come back with alternatives for discussion.

10:21:30 AM Ms. Genson next addressed the criteria relating to home occupations on page 28, to allow them to be approved administratively. On Page 30 she addressed horticultural waste transfer sites. The Board removed the word "director" which was redundant.

10:28:15 AM Alexis Crespo, with Waldrop Engineering, addressed revisions made to Section 4-2019 "other use of parking lots" on page 31, to delete photo pickup stations and telephone booths, and to add video

rental kiosks and mobile food vendors. She next addressed revisions made to required parking, noting reductions reflected were based on studies done in Lee County.

10:41:47 AM City Attorney Vance next referred to page 42 regarding stairways/steps, and a revision to change the 5 foot setback to 7 ½ feet. Board Member Vincent suggested looking at the life safety and the location of the A/C units.

10:56:47 AM Ms. Crespo addressed changes for "required approvals" to remove "outdoor shooting ranges, and only when in compliance with national Rifle Association safety standards."

11:00:25 AM Board Member Sims referred next to page 44, "Use Permits," (Section 4-3105) which he stated needs to be cleaned up as it relates to the procedure. He questioned whether one would be restricted from getting a use permit while in the process of obtaining a special exception for outdoor seating. Mr. Dulmer explained that unless you were going to a new location, your use permit would be valid. Ms. Genson referred to an industrial condo park that was having issues with some tenants, which Code Enforcement couldn't cite them it was addressed in the LDC or City Ordinance. Overall, this would allow Code Enforcement to make sure they get their Use Permit, and are occupying the building in accordance with fire codes, building codes, and they have their business tax receipt.

A short break was taken at 11:06 A.M., at which time Board Member Forbes left the meeting.

And

AN ORDINANCE AMENDING AND RESTATING THE BONITA SPRINGS PROPERTY MAINTENANCE CODE; ORDINANCE NO. 03-04, AS PREVIOUSLY AMENDED; AMENDING SECTION TWO, PURPOSE TO ADD TERM LANDOWNER; AMENDING SECTION FOUR: EXTERIOR STORAGE, ACCESSORY STRUCTURES AND FENCES TO INCLUDE REGISTRATION FOR TEMPORARY STORAGE (PODS) UNITS ON RESIDENTIAL PROPERTY; AMENDING SECTION SIX, NUSIANCES APPLICABLE TO RESIDENTIAL PROPERTY; AMENDING SECTION SEVEN, VACANT LOT MAINTENANCE; AMENDING SECTION NINE, NUISANCE VEGETATION AND REQUIREMENTS FOR LANDSCAPING, BUFFERS AND NATIVE VEGETATION; AMENDING SECTION TWELVE, OUTDOOR SINGLE AND TWO FAMILY RESIDENTIAL LIGHTING STANDARDS TO PROVIDE FOR STREETLIGHT SHIELDING; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, INCLUSION IN CODE AND AN EFFECTIVE DATE.

11:18:48 AM City Attorney Vance next addressed this agenda item, explaining that this is not going to be part of the LDC, but does relate to land use. This Ordinance entails two changes to the Property Maintenance Code. It also pertains to tenants - anyone who has control over the property.

11:20:32 AM Board Member Sims stated he had a concern with the definition of "landowner." The concern regards renters becoming representatives of the property owner. City Attorney Vance responded they are not. It would involve something that the renter should be taken care of, allowing the renter to be ticketed, i.e., the use of a POD to store items instead of using a storage facility.

11:32:59 AM City Attorney Vance further addressed PODS, explaining that Council recognized there was some benefit to having them on the property for a very limited timeframe. This entails PODS being used for storage rather than remodeling. Chairman Colapietro asked what the minimum lease period for PODS was, to which Mr. Dulmer explained that one has the ability to have a POD, but once finished they can be stored in the company's facility. Board Member Sims feels PODs should be able to remain on a property as long as a dumpster is allowed. City Attorney Vance agreed, noting that there is an exemption for active building permits on a site.

11:40:41 AM Chairman Colapietro referred to the second to last sentence in item 5., regarding the ability of officials looking at the contents, and suggested the language be softened a bit.

11:46:39 AM City Attorney Vance continued by addressing revisions made to trailers on abandoned lots, lighting standards, the inclusion of trailers on page 9 under motor vehicles, and the addition of a section to address streetlights to ensure the light only spills over onto that person's property who requested the light.

Board Member Bird left the meeting at 11:48 A.M.

Staff to incorporate revisions discussed and bring back at their next meeting.

IV. STATUS UPDATE ON DRAFTING THE HOMELESS OPERATIONAL ORDINANCE AND LDC 4 SOCIAL SERVICE CHANGES **(NO BACK-UP MATERIALS)**.

11:53:01 AM City Attorney Vance furnished an overview. She sent to Attorney Beverly Grady the Operational Ordinance to look at. Also, the changes to Chapter 4 are also almost complete, as they were waiting for the use tables to insert to also send to Ms. Grady, who is also looking at Attorney Neale Montgomery's equitable estoppel arguments.

11:53:39 AM Board Member Sims stressed the importance of the intake form. City Attorney Vance stated the question regards what we have the right to intake.



PUBLIC COMMENTS:

12:09:27 PM Dave Gallagher commended Staff and the Board on the great Operational Ordinance. He appreciates all the hard work that went into it.

12:09:59 PM Pat Zimmerman, a resident of Cedar Creek, also thanked the Board and Staff for all the hard work in writing the homeless shelter workshop.

12:10:29 PM Linda Schwartz, a resident of Cedar Creek, also thanked the Board, Community Development, the City Attorney, and Staff for the draft Ordinance, which reflects and addresses many of their concerns.

12:11:15 PM Deborah Maclean stated the operational ordinance for homeless shelters and the upcoming Ordinance for social services will put Bonita Springs on the map, as there are other municipalities that want to follow us. She thanked everyone.

V. NEXT MEETING. Thursday, December 13, 2012, 8:30 A.M.

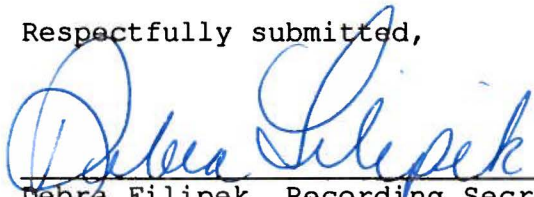
VI. APPROVAL OF MINUTES: 10/18/12

12:13:00 PM Board Member Sims motioned approval of the minutes; Board Member Bob Mills seconded; and the motion carried unanimously. (in attendance were Bob Mills, Rex Sims, Don Colapietro and Sam Vincent)

VII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 12:13 P.M.

Respectfully submitted,



Debra Filipek, Recording Secretary

APPROVED:

LOCAL PLANNING AGENCY:

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

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



Don Colapietro, Chairman

Dianne J. Lynn, City Clerk