

**City of Bonita Springs
City Council Zoning Hearing
Monday, March 13, 2017
9:00 A.M.
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, FL 34135
MINUTES**

I. CALL TO ORDER

Deputy Mayor Peter O'Flinn called the meeting to order at 9:01 A.M.

II. PLEDGE OF ALLEGIANCE

Councilman Steven Slachta led in the Pledge of Allegiance.

III. ROLL CALL

Deputy Mayor O'Flinn and all City Council Members were present except for Mayor Peter Simmons and Councilman Mike Gibson.

Deputy Mayor O'Flinn entered a motion to adjourn the meeting until 11:30 A.M.; Councilman Greg DeWitt seconded the motion; the motion carried unanimously.

IV. SECOND READING OF THE FOLLOWING ORDINANCES

A. Continuance from February 13, 2017

RZN16-33892-BOS, NICOLA'S KEG REZONE (CONVENTIONAL), DISTRICT 5

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY NICOLA'S KEG, LLC TO REZONE FROM THE AGRICULTURAL (AG-2) ZONING DISTRICT TO THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT; ON FIVE ACRES +/-; LOCATED AT 26250/252, 26224, 26240 OLD 41 ROAD AND 10171 N. BONITA LANE, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

THE MEETING RECONVENED AT 11:31 A.M.

(All council members were present except for Mayor Simmons)

11:32:23 AM City Attorney Audrey Vance read the title block of the Zoning Ordinance.

11:33:45 AM Mike Fiigon, Community Development, provided the background of the zoning case. He showed an aerial view of the subject property and stated that there was a conflict between the Comprehensive Plan and the current zoning designation. He further explained the criteria staff used to make their recommendation.

[11:38:12 AM](#) Mark Ebolini, applicant, provided a brief overview of the case. City Attorney Vance tendered expert witnesses.

Councilman Slachta entered a motion to approve the request; Deputy Mayor O'Flinn seconded; the motion carried unanimously.

B. PD16-32666-BOS, RED HIBISCUS PLANNED DEVELOPMENT AMENDMENT, DISTRICT 1

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST TO AMEND BONITA SPRINGS ZONING ORDINANCE NO. 05-17, CONDITION 2B, TO REDUCE THE FRONT (STREET) AND REAR SETBACKS ON LOTS 10-11 AND 16-17; AMENDING THE MAXIMUM LOT COVERAGE FOR LOTS 10, 11, AND 17; LOCATED AT 26890, 26891, 26900, 26901 RED BLOSSOM CT., BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

[11:41:08 AM](#) City Attorney Vance read the title block of the Zoning Ordinance and stated that the applicant requested to continue the case to April 17th.

Councilman Slachta entered a motion to continue the case; Councilwoman Amy Quaremba seconded; the motion carried unanimously.

C. PD16-32779-BOS, WILDWOOD RESIDENTIAL PLANNED DEVELOPMENT (RPD), DISTRICT 1

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST TO REZONE RESIDENTIAL SINGLE-FAMILY (RSA) AND THE WILDWOOD RESIDENTIAL PLANNED DEVELOPMENT (RPD) INTO THE NEW WILDWOOD RPD WITH UP TO 46 SINGLE-FAMILY DWELLING UNITS; REPEALING AND REPLACING ZONING ORDINANCE NO. 03-05, ON APPROXIMATELY 12 +/- ACRES; LOCATED AT KYLYNNE WAY, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

[11:42:10 AM](#) City Attorney Vance read the title block of the zoning case and tendered expert witnesses.

[11:44:37 AM](#) Jacqueline Genson, Community Development, explained that staff and the Zoning Board recommended approval with conditions. She explained that gopher tortoises were on the property but they relocated themselves. She further discussed the revisions that were made since the February 14th Zoning Board meeting which included, a revised Master Concept Plan, and a scrivener's error.

[11:54:30 AM](#) She discussed the surrounding areas zoning classification, the history of entitlements and the history of the Master Concept Plan.

11:58:47 AM Deputy Mayor O'Flinn asked if the older planned development was expired. Ms. Genson stated that since the applicant obtained a local development order for the entire project, the duration of rights for the Master Concept Plan did not apply.

12:03:41 PM She discussed deviations on page 16 regarding the wall and buffering.

12:09:26 PM She referenced the Three Oaks Parkway southern extension controlled access agreement and stated that the goal for staff was to balance interconnectivity, mitigate potential nuisances to existing neighborhoods, and stated that with the second access point would require a reduction in indigenous vegetation.

12:16:48 PM She discussed the Environmental Review and stated that there was one potential gopher tortoise shelter. She also discussed the 12 Conditions of Approval.

12:20:35 PM She spoke about LEED certification for the City and construction activity, where she stated that the findings met and exceeded expectations. She also provided an overview of the planned uses in the surrounding area.

12:23:12 PM Ms. Genson stated that the Urban Services are available as well and mix of uses and adequate conditions to the Master Concept Plan provide sufficient safeguards.

12:25:00 PM Councilman Forbes asked what the minimum setback was.

12:26:46 PM Ms. Genson discussed a table on the Master Concept Plan. She displayed the drainage system and stated that Board Members had concerns with the slope. She discussed whether there was a drainage pool.

12:30:19 PM Amanda Brock, Henderson Franklin, stated that there was an Interlocal Agreement between the City of Bonita Springs and Lee County that identified fixed access points. She also referenced an email sent by Lee County Department of Transportation (DOT) to Ted Treesh, Traffic Consultant, which stated that Imperial Parkway was intended to be a primary arterial street and access was intended to be limited.

12:35:28 PM Dan DeLisi, Land Use Planner, stated that they moved the hammer head and redesigned the plan, which caused a reduction in the amount of units. He stated that he believed the purpose of the planned development was to have smaller lots so that there would be different setbacks than provided in a conventional zoning code so that more offsite open space could be created.

12:39:04 PM He discussed the plat orientation and the 3 deviations that were proposed by staff.

12:43:29 PM Mr. Treesh, spoke about the traffic that was in the area, ingress and egress.

PUBLIC COMMENT:

There were no members of the public who commented.

12:46:20 PM Ms. Genson responded to Councilwoman Quaremba's question and discussed the Conceptual Plan View. She further explained that the developer expected to be done within approximately one to one and a half years. Ms. Brock stated that the hammerhead did not go to the edge of the property line.

12:51:39 PM Councilman DeWitt asked whether the applicant were required to remove the invasive plants. He stated that the emergency access was not required under the Fire Code, a one way in and one way out access was sufficient.

12:53:02 PM Councilman Fred Forbes stated that he felt a backyard should be at least 20 feet.

12:54:25 PM Mr. DeLisi stated that the lots were smaller to provide for an increase in contiguous open space and indigenous areas.

12:56:06 PM Councilman O'Flinn asked about deviation 2 regarding noise generated by air conditioning.

12:56:45 PM John Dulmer, Community Development, discussed the requirements of the setbacks for single family homes.

12:59:26 PM Councilwoman Quaremba asked about deviations that were in other developments.

12:59:47 PM Ms. Genson provided examples of developments with 5 foot setbacks.

1:00:36 PM Mr. Dulmer stated that not every lot in those developments had the 5 foot setbacks because many of the developments happened in phases, which had different development patterns.

1:01:09 PM Councilman Forbes stated that a combination of houses with landscaping on the same side as the air conditioning, created problems for mowing lawns and walkway access for residents.

1:01:59 PM Mr. Dulmer suggested to have standards set to address the issues brought up by Councilman Forbes.

1:03:04 PM Wayne Everett, DR Horton, responded to Deputy Mayor O'Flinn's inquiry as to whether the unit would be able to go to the rear.

1:04:11 PM Mr. Dulmer discussed alternative options that were reviewed to see where the Heating, Ventilation, Air-Conditioning (HVAC) placement would generate the least amount of noise.

1:04:51 PM Deputy Mayor O'Flinn discussed deviation 3.

1:06:07 PM Ms. Genson stated that more interconnectivity within the city would increase traffic distribution.

1:09:48 PM Ms. Brock discussed preservation and road impact fees.

1:11:50 PM Councilman Forbes suggested to put in a condition of approval that would show more cost to the city.

1:12:03 PM Councilwoman Quaremba asked about incorporating the right-of-way across the entire northern section of the property. Councilman DeWitt mentioned a reduction in density.

1:13:24 PM Councilwoman Quaremba asked whether the walking trail would remain open. City Attorney Vance stated that there was a reservation of right-of-way, so, Bonita Springs Utilities would be able to place water through the area. Ms. Genson further expanded on the walking trail remaining open.

Deputy Mayor O'Flinn entered a motion of approval with 25' and appropriate accommodation; Councilman Gibson seconded the motion; motion carried unanimously.

V. APPROVAL OF THE MINUTES: FEBRUARY 13, 2017

VI. NEXT MEETING APRIL 17, 2017

VII. ADJOURNMENT

There being no further items to discuss, the meeting adjourned at 1:16 P.M.


Respectfully submitted,



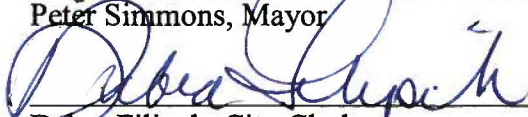
Charlen Wade, Deputy City Clerk

APPROVED:
CITY COUNCIL ZONING BOARD

Date: 4/18/17
AUTHENTICATED:



Peter Simmons, Mayor



Debra Filipek, City Clerk