

**City of Bonita Springs
City Council Zoning Hearing
Monday, May 15, 2017
9:00 A.M.
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, FL 34135
MINUTES**

I. CALL TO ORDER

Mayor Peter Simmons called the meeting to order at 9:02 A.M.

II. PLEDGE OF ALLEGIANCE

Councilwoman Amy Quaremba led in the Pledge of Allegiance.

III. ROLL CALL

Mayor Simmons and all City Council Members were present except for Councilmen Steve Slachta and Peter O'Flinn.

IV. SECOND READING OF THE FOLLOWING ORDINANCES

A. PD16-31956-BOS, HORIZON PARK COMMERCIAL PLANNED DEVELOPMENT, DISTRICT 6

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY HORIZON PARK INVESTMENTS, LLC, TO REZONE FROM COMMERCIAL PLANNED DEVELOPMENT (CPD) AND TOURIST COMMERCIAL (CT) TO CPD; PROVIDING FOR A MAXIMUM OF 150,000 SQUARE FEET OF COMMERCIAL FLOOR AREA AND A 150 ROOM HOTEL OR 145 BED ASSISTED LIVING FACILITY; LOCATED AT THE SOUTHWEST INTERSECTION OF BONITA BEACH ROAD AND HUNTER'S RIDGE BOULEVARD (SOUTHEAST QUADRANT OF BONITA BEACH ROAD AND INTERSTATE 75); PROVIDING FOR AN EFFECTIVE DATE.

9:05:21 AM City Attorney Audrey Vance read the title block of the case and tendered expert witnesses. Terrell Arline, outside counsel for staff, participated via telephone.

9:07:09 AM Jacqueline Genson, Community Development, discussed the background of the request.

9:07:48 AM Neale Montgomery, Pavese Law Firm, entered the transcript of the zoning board case into record. She discussed the location of the subject property and the zoning designation.

9:12:04 AM Dan DeLisi, Land Use Planner with DeLisi, Inc., discussed the interchange, the Master Concept Plan of the subject property, and compatibility with the surrounding area.

9:21:23 AM Ms. Montgomery stated that since she was not able to cross-examine Ian Lockwood, Toole Design Group, before he submitted his report, she felt that Council should not rely on it to make their final decision. City Attorney Vance stated that testimony would be given by Jacqueline Genson and Jay Sweet, Community Development, on points in which they agreed with Mr. Lockwood's testimony.

[9:24:07 AM](#) Mr. DeLisi discussed the height limit and stated that the applicant was in general agreement with staff recommendation. He stated that there were more uses proposed for the first 2 parcels other than the auto centric uses.

[9:28:35 AM](#) He discussed the lake setback and stated that in the Land Development Code (LDC) there was a required 50' foot setback based on the design of the lake. He stated that the condition was established for the safety of the neighboring residents.

[9:37:24 AM](#) Mr. DeLisi discussed the Commercial Planned Development (CPD), the Bonita Beach Road Vision, and the conditions proposed in the staff report. He stated that in order to have a lot of pedestrian activity, he believed that there needed to be a dense urban area or a concentrated historic downtown area.

[9:50:58 AM](#) He stated that the late proposed condition relied on taking part of the right-of-way from the public and submitted the applicant's proposed conditions.

[9:56:03 AM](#) Mr. DeLisi answered Councilman Forbes' question regarding the applicant's vision for the area. Mr. DeLisi listed various uses for the property.

[9:57:31 AM](#) Councilman Mike Gibson asked about attachments within the packet. Mr. DeLisi stated that he did not agree with the attachments submitted by Mr. Lockwood and felt that it was misleading. Councilman Gibson stated that he wanted to make sure that there were good connections for pedestrians and bicyclists.

[9:59:37 AM](#) Mr. DeLisi stated that there were conditions related to pedestrian and bicycle paths within the staff report.

[10:02:55 AM](#) City Attorney Vance added the May 9th memorandum submitted by Ms. Genson into record.

[10:03:16 AM](#) Councilman Gibson wanted clarification that nothing was going to be developed on the right-of-way.

[10:03:47 AM](#) Councilman Greg DeWitt asked about discussion on closing an intersection on the roadway to the west. He wanted to know whether there were other accesses that were being developed. Ms. Montgomery stated that there were several discussions with Lee County Department of Transportation (DOT) and stated that they were monitoring the area, but there would still be an access. The Lee County DOT would need to do further analysis of the road to determine where an alternate access would work best. Councilman DeWitt also asked about a billboard in the area.

[10:06:00 AM](#) Mr. DeLisi stated that there was a dirt road and an access would continue to be provided by the applicant.

[10:06:58 AM](#) Drew Fitzgerald, representative for applicant, displayed an easement and showed where the access was. Ms. Montgomery asked whether the landscaping would be on the north side of the dirt road to prevent pedestrians from traveling north.

[10:07:44 AM](#) Councilwoman Quaremba asked how wide the road was and where the applicant planned to put the vegetation. Mr. Fitzgerald showed Councilman Quaremba where the deviation the applicant requested was.

[10:11:16 AM](#) Councilwoman Quaremba wanted clarification on where the parcels were and whether the applicant wanted 45' feet as the height for all the parcels.

[10:12:10 AM](#) Ms. Montgomery clarified that Zoning Board James Wurster suggested to have 35' feet if the development was an auto centric use and 45' feet for the remaining uses.

[10:13:18 AM](#) Mr. DeLisi reviewed what the Zoning Board recommended. Councilwoman Quaremba referenced parcel 3 and asked how much vegetation there was.

[10:17:41 AM](#) Councilwoman Quaremba suggested to incorporate compatibility with the surrounding area in the development order. Mr. DeLisi stated that the ability to control what happens in the right-of-way was very limited and he stated that there was an internal bicycle pedestrian circulation.

[10:19:54 AM](#) Councilman DeWitt asked about a car dealership use setback.

[10:20:43 AM](#) Councilman Forbes suggested to add language to exclude auto body shop or outside storage.

[10:21:34 AM](#) Mr. DeLisi discussed restrictions placed within the staff report.

[10:22:33 AM](#) Ms. Montgomery stated that language was added by the applicant to make it clear that the design of the first access was to make it safe for the public.

[10:24:26 AM](#) City Attorney Vance suggested to remove or limit group 2 to diesel and tires indoor only.

[10:26:17 AM](#) Councilman Forbes stated that he wanted to preserve trees within the area.

[10:27:38 AM](#) Ms. Genson discussed the summary of the Zoning Board case. She clarified that the height was recommended to be limited to 35' feet for parcels 1 through 3. She further explained that the Zoning Board agreed with the staff's recommendation of approval and reviewed the three part motion.

[10:37:16 AM](#) Ms. Genson next discussed the proposed Master Concept Plan and the development parcels along with the intensity. She stated that the recommendation was for parcels 1 through 3 to have a 35' foot height and parcels 4 through 6 to have a 65' foot height. She displayed the line of sight exhibit and incorporated it as a condition for parcel 6.

[10:42:27 AM](#) Ms. Genson reviewed the schedule of uses and concerns brought to staff by Zoning Board Members. There were extensive conditions for outdoor display and uses to protect the aesthetics of the community such as auto repair limited and parcel specific for applicant to comply.

[10:45:48 AM](#) She discussed the building orientation and Bonita Beach Road frontage. She stated that there were a lot of uses with special exceptions and she discussed the visioning amendments.

[10:48:38 AM](#) Ms. Genson entered the staff report packet and a one page memo into the record.

[10:50:23 AM](#) Terrell Arline, Dave Theriaque and Associates, stated that the new Comprehensive Plan policies were discussed with staff and wanted to ensure that the decision made by City Council was based on the current Comprehensive Plan.

[10:52:19 AM](#) Jay Sweet, Community Development, stated that he reviewed an electronic message submitted by Mr. Lockwood. He discussed the building orientation and displayed a visual rendering provided by Mr. Lockwood.

[11:01:08 AM](#) Mr. Sweet stated that he agreed with Mr. Lockwood's concept of the site plan. He stated that the goal was to have a business that was desirable, have a sense of place and have a sense of arrival.

[11:04:37 AM](#) Ms. Montgomery referenced the goal policy that Mr. Sweet referred to.

[11:09:37 AM](#) City Attorney Vance asked Mr. Arline whether the Comprehensive Plan was consistent with state statute. Mr. Arline stated that he believed Mr. Sweet could testify on his professional opinion as to how the vision may be implemented or achieved.

[11:12:14 AM](#) Ms. Genson stated that the applicant was requesting access to 3 parcels. She discussed the transportation review and stated that Matt Feeney, Public Works Director, was contacted since he was a member of the Metropolitan Planning Organization and verified that Florida DOT was planning a "bold landscape" within the quadrant.

[11:18:14 AM](#) She discussed coordination with Florida Department of Transportation (DOT) and access to Hunter's Ridge Boulevard. She referenced connectivity and stated that there would be a separate bike facility and there was discussion of collecting a fee in lieu.

[11:22:39 AM](#) Ms. Genson discussed deviations, the Zoning Board's recommendation and concerns that were presented during the meeting.

[11:24:32 AM](#) She referenced an engineering review and conceptual surface water management plan. She found that the plan was consistent with the Bonita Springs Comprehensive Plan.

[11:27:22 AM](#) She further reviewed the conditions of approval and stated that staff recommended a modification to condition 3a.

[11:34:15 AM](#) Councilman Forbes asked about the distance between the restaurants on Bonita Beach Road and the front of the property line. He also asked Ms. Genson what the additional restrictions staff requested on outdoor displays. She referenced condition 4 in the draft ordinance on page 7 of the Zoning Board Packet and stated that there were 13 sub-conditions relative to the outdoor signage.

[11:37:04 AM](#) Councilman Gibson asked what the main disagreements were. Mr. DeLisi stated that he felt the disagreements with staff related to the building placement.

[11:42:55 AM](#) Mr. DeLisi stated that he felt that there should be comfortable sidewalks and bicycle ways within the Bonita Beach corridor.

[11:46:13 AM](#) Councilwoman Quaremba asked about the footprint and asked whether it was dependent on the kind of organizations that lease the space.

[11:49:16 AM](#) Mr. DeLisi stated that there was a condition placed for additional landscape buffering along Bonita Beach Road. Gas stations were limited as well to prevent an overabundance of them in one area.

[11:51:22 AM](#) Ms. Montgomery referenced the architectural conditions.

11:52:16 AM Councilman Forbes stated that he disagreed with what was originally advertised. He also stated that he did not believe the landscaping that was meant to shield the gas stations were ineffective.

11:55:51 AM Ms. Montgomery stated that she felt that the parcels which would primarily be marketed to the public would be parcels 1, 2 and 3. The rear parcels would be used as office space, hotel or retail. Ms. Genson then discussed additional supplemental regulations related to automobile service stations.

12:00:26 PM Mr. DeLisi stated that the applicant would be alright with placing a condition which said that the sign would be architecturally compatible with the building.

12:00:44 PM Councilman Forbes suggested that a condition be placed.

Councilman Gibson entered a motion to approve the request with the applicant proposed revisions.

12:03:11 PM City Attorney Vance reviewed the applicant proposed revisions. Mr. Kirby stated that the heritage tree survey was not conducted but suggested to set a limit on the size when it is.

Councilman Gibson amended his motion to add Councilman Forbes' suggestion of attempting to preserve healthy trees; Councilwoman Amy Quaremba seconded; and the motion carried unanimously.

V. APPROVAL OF THE MINUTES

Councilman Forbes entered a motion to approve the minutes as presented; Councilman DeWitt seconded; and the motion carried unanimously.

VI. NEXT MEETING JUNE 19, 2017

VII. ADJOURNMENT

There being no further items to discuss, the meeting adjourned at 12:05 PM.

Respectfully submitted,




Charlen Wade, Deputy City Clerk

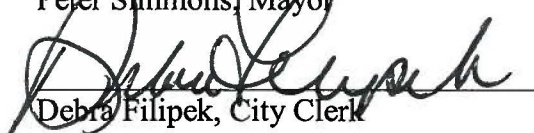
APPROVED:
CITY COUNCIL ZONING BOARD

Date: 8/28/2017

AUTHENTICATED:



Peter Simmons, Mayor



Debra Filipek, City Clerk