

**City of Bonita Springs
City Council Zoning Hearing
Monday, August 14, 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 9:01 A.M.

II. PLEDGE OF ALLEGIANCE

Councilman Steven Slachta led in the Pledge of Allegiance.

III. ROLL CALL

Mayor Simmons and all City Council Members were in attendance except for Councilman Peter O'Flinn.

IV. SECOND READING OF THE FOLLOWING ORDINANCES

- A. PD16-31234-BOS, BONITA BREEZE COMMERCIAL PLANNED DEVELOPMENT, DISTRICT 3

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY TRI-STAR MANAGEMENT SERVICE, LLC, TO REZONE 1.79 ACRES FROM C-1 COMMERCIAL TO COMMERCIAL PLANNED DEVELOPMENT (CPD) FOR A MAXIMUM OF 22,000 SQ. FT. OF SELF STORAGE.; LOCATED AT 4276 BONITA BEACH ROAD SW AND 27696 OKEANA STREET, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

9:02:36 AM Assistant City Attorney Alex Boswell-Ebersole read the title block of the Zoning Ordinance into record and swore in expert witnesses.

9:04:17 AM Greg Stuart, Quattrone and Associates, Inc., discussed the history of the request and stated that the project was an offsite accessory garage. He stated that the applicant agreed with the staff report except for Condition 6b. He stated that the applicant met all the standards embedded in the Land Development Code and that the uses would be very limited. He also stated that the applicant met the Zoning Entitlement Standards within the staff report.

9:11:06 AM Mr. Stuart next discussed the environmental standard and the surrounding foliage.

9:12:53 AM Joleen Darragh, Southview Studio, Inc., discussed compatibility of the exterior architecture to the surrounding area. She stated that the tower feature was developed to create a sense of welcome and arrival to the area.

9:17:47 AM Mr. Stuart discussed the buffering around the site and stated that the project advanced interconnectivity to the west as well as the east.

[9:27:31 AM](#) He discussed the deviations within the application as well as the berms and multi-use paths.

[9:29:57 AM](#) He referenced the complete street design principle and the conservation policy.

[9:32:13 AM](#) Ms. Darragh stated that the main goal for the architecture was to create a project that could be recognized in any direction. She discussed the façade and the roof overhangs. She referenced a spring wall and displayed an aerial visual of the site plan. She also displayed a ground visual and stated that the shade that would be incorporated along the path to the beach.

[9:42:15 AM](#) Mr. Stuart referenced condition 6c and referred to a gate it was in reference to. He stated that staff and the applicant decided to remove the gate completely. He stated that there would not be any potential turning movement conflicts, therefore, Condition 6c should be removed. He explained that condition 6b was not necessary because of ambiguity and that the inclusion of this condition may hinder the developer from getting a loan from a financial institution.

[9:52:04 AM](#) Ms. Darragh addressed Mayor Simmons' question by stating that the tower was 24' feet. He requested that the applicant check with the Art in Public Places Board to discuss the branding of the tower.

[9:53:40 AM](#) Councilman Mike Gibson referenced an enclosed bus stop and asked whether the bus stop was going to be hidden behind the landscaping. He also asked how the passengers would gain access to the bus. Mr. Stuart stated that the applicant had the bus offset because they wanted to have ample landscaping in the front and there was not much width. Councilman Gibson stated that there was not going to be much of an access for pedestrians to get to the bus stop. He also referenced prohibiting excessive or prolonged noise and its definition. Mr. Stuart provided pressure washing as an example of excessive noise. Councilman Gibson referenced framed windows in the front and whether they were blacked-out. Ms. Darragh stated that the applicant was still looking at options on how to treat the glass and would review with staff.

[9:58:34 AM](#) Councilman Fred Forbes asked about businesses with wrapped vehicles detracting from the beauty of the architecture. Mr. Stuart stated that the vehicles should not be visible.

[10:01:10 AM](#) Jacqueline Genson, Community Development, referenced page 40 in the draft regulations that contained a section related to parking and prohibiting overnight parking.

[10:01:35 AM](#) Mayor Simmons asked whether vehicles would be visible to Bonita Beach Road. Mr. Stuart stated that outside storage was prohibited.

[10:03:09 AM](#) John Dulmer, Community Development, stated that he believed the site was relatively well screened and if later on in the development it started to become problematic, then there were sections within the code which could be applied.

[10:04:27 AM](#) Councilwoman Amy Quaremba asked about signs on the roofline. Ms. Genson stated that the applicant could have wall signs and separate ground monument signs. Mr. Stuart stated that the sign would be 5' foot in height with a 10' foot width.

[10:05:28 AM](#) Councilwoman Quaremba expressed concerns of the units being used as "party rooms", which may generate noise.

[10:11:42 AM](#) Assistant City Attorney Boswell-Ebersole referenced the condo documents and stated that the generation of noise was prohibited.

10:12:14 AM Ms. Genson stated that Council could request that the condominium documents address their concerns regarding communal recreational gatherings. Councilwoman Quaremba suggested to add additional language to prohibit excessive noise.

10:12:54 AM Ms. Genson stated that conditions already in the staff report could be modified to reflect the excessive noise concern or add specificity to them. Mr. Dulmer asked Council what they wanted to promote and prohibit. He wanted direction on regulation as well. Councilwoman Quaremba stated that there may be an external subset of residents that might be accommodated with these conditions. Mr. Dulmer stated that there were compatibility issues which caused the project to be commercial units instead of residential. Discussion ensued.

10:19:54 AM Mr. Dulmer suggested that staff check the condominium documents to ensure preventative measures were in place to address Council's concern. Mr. Stuart stated that he could work with staff regarding regulating noise.

10:21:55 AM Councilman Greg DeWitt asked how the noise could be limited. He stated that he agreed with the applicant where the noise concerns would be self-policing and further provided an example.

10:25:08 AM Councilman Slachta asked about the concerns staff had. Ms. Genson stated that staff was concerned with condition 6b and its application. It related to Council's priorities on interconnectivity by asking for a cross-access easement.

10:27:14 AM Ms. Genson addressed Ian Lockwoods, Toole Design Group, comments. She stated that he wanted to activate streets and would not have recommended this use. She further stated that he did not agree with some of the architectural features including the use of pavers, colors and design. She discussed the property to the east of the project and accesses adjacent to the property.

10:30:47 AM Councilman DeWitt asked about condition 6b. Ms. Genson stated that Council could consider alternative beach styles but staff and the Zoning Board recommended the old Florida style.

10:32:43 AM Mr. Dulmer explained that the intent of condition 6b was for staff to be able to refer back to it if the property were redeveloped so that staff could enforce the intent.

Councilman Slachta entered a motion to approve the language Mr. Dulmer stated; Councilman Forbes seconded the motion.

10:34:08 AM Mr. Dulmer stated that as properties redevelop in the future, staff wanted to preserve the ability to interconnect. Councilman DeWitt stated that it may be more beneficial to have the multimodal use. Mr. Dulmer stated that the condition would be incorporated more frequently into future developments to preserve the ability to have alternative access points. Staff wanted to ensure that future projects were able to have interconnection.

10:36:22 AM Mr. Stuart stated that the language specifically tied into the redevelopment of the properties. He stated that staff's language did not include language for future properties and this is the reason why the applicant wanted to strike it.

10:37:45 AM Assistant City Attorney Boswell-Ebersole read the motion as to approve the Zoning Ordinance and to maintain condition 6b as written in the staff report.

10:37:59 AM Stuart Smith, Community Development, explained that he did not agree with the language proposed by the applicant because there were too many “if’s”. He agreed with Mr. Dulmer where staff needed flexibility for future developments and if the City wanted to use it then they could.

10:39:48 AM Councilman Gibson referenced different accesses and stated that he didn’t understand why staff needed the condition. Councilman DeWitt further expressed his feeling that this condition would impact the surrounding businesses.

10:41:03 AM Mr. Dulmer stated that under the current situation, there was no need for it. Things may develop where the condition may be needed in the future. Councilman Gibson asked whether the condition would put an undue burden on the Taco Mix property.

Motion failed for lack of a majority vote (3-3; Councilman DeWitt, Councilman Gibson and Councilwoman Quaremba opposed).

Councilman Gibson entered a motion to approve the alternative condition; Councilman Forbes seconded the motion; the motion carried (5-1; Councilman Slachta opposed).

10:48:16 AM Ms. Genson presented the architectural elevations of the old Florida beach alternative design. She also requested to coordinate with the Art in Public Places Board to discuss the design. Mayor Simmons stated he wanted continuity and that is why he wanted the applicant to coordinate with the Art in Public Places Board.

10:52:39 AM Assistant City Attorney Boswell-Ebersole asked how the Mayor wanted to have the applicant coordinate with the Art in Public Places Board, whether Council wanted to make it a condition or suggestion.

10:53:35 AM Sam Vincent, City Architect, stated that Council may want to be careful of how literal they want the Old Florida design to be. Councilman Forbes stated that meeting with the Art in Public Places Board may be a good idea because they may offer suggestions that the applicant may not have thought of.

10:58:15 AM Councilman Slachta stated that he believed the Mayor’s request for the applicant to coordinate with the Arts in Public Places Board was appropriate and wanted to know whether there was a time limit for that to occur. Assistant City Attorney Boswell-Ebersole stated that there was time for the applicant to meet with the Art in Public Places Board and present their design ideas. Mr. Dulmer stated that he believed that the applicant proposal would be presented to the Art in Public Places Board and they would be asked for input into how themes would be carried over from other elements of the City.

Councilman Slachta entered a motion to have the Art in Public Places Board review the applicants project; Councilman DeWitt seconded the motion; and the motion carried unanimously.

11:02:02 AM Assistant City Attorney Boswell-Ebersole reviewed the motion that was entered. Mr. Stuart wanted clarification on condition 6c.

Councilman DeWitt entered a motion to eliminate condition 6C; Councilman Slachta seconded; the motion carried unanimously.

11:03:48 AM Mr. Dulmer suggested for Councilman Forbes to generalize his recommendation to have Community Development review the condominium documents to ensure that there were no internal conflicts or compatibility issues.

Councilman Forbes entered a motion to include a condition to have Community Development review for internal conflicts; Councilwoman Quaremba seconded the motion; and the motion carried unanimously.

11:05:55 AM Ms. Genson entered the staff report and presentation into record.

PUBLIC COMMENTS:

11:06:14 AM Rick Steinmeyer, resident of Bonita Springs, referenced storm water run-off. He asked whether there was an on-site manager, an on-site bathroom and plumbing.

V. APPROVAL OF THE MINUTES

The May 15, 2017 City Council Zoning Minutes were approved at the August 2, 2017 City Council meeting.

VI. NEXT MEETING TO BE SCHEDULED

VII. ADJOURNMENT

There being no further items to discuss, the meeting adjourned at 11:08 AM.

Respectfully submitted,



Charlen Wade, Deputy City Clerk

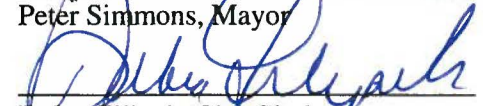
APPROVED:
CITY COUNCIL ZONING BOARD

Date: 9/14/17

AUTHENTICATED:



Peter Simmons, Mayor



Debra Filipek, City Clerk