

**City of Bonita Springs
City Council Zoning Hearing
Monday, October 23, 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 AM.

II. PLEDGE OF ALLEGIANCE

At the request of Mayor Simmons, Council Member Amy Quaremba led in the Pledge of Allegiance.

III. ROLL CALL

Mayor Simmons and all City Council Members were in attendance except for Council Members Steve Slachta and Greg DeWitt.

IV. SECOND READING OF THE FOLLOWING ORDINANCES

- A. PD17-35599-BOS, HIDDEN LAKES RESIDENTIAL PLANNED DEVELOPMENT (RPD), DISTRICT 3

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY MER ROUGE PROPERTIES, LTD; HIDDEN LAKES HOLDINGS, LLC, TO REZONE FROM THE RESIDENTIAL MULTIFAMILY DISTRICT (RM-2), COMMUNITY COMMERCIAL DISTRICT (CC), SPECIAL COMMERCIAL DISTRICT (CS-1) AND COMMERCIAL PLANNED DEVELOPMENT (CPD) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD); PERMITTING A MAXIMUM OF 241 MULTI-FAMILY DWELLING UNITS, CLUB HOUSE, CONSUMPTION ON PREMISES, AND OTHER ANCILLARY RESIDENTIAL USES AND APPURTENANCES, LOCATED AT 28521 BONITA CROSSINGS BOULEVARD, 28471 BONITA CROSSINGS BOULEVARD, AND NON-ADDRESSED PARCELS WITH THE FOLLOWING STRAP NUMBERS: 04-48-25-B3-0140C.0000, 04-48-25-B3-0140E.00CE, 04-48-25-B3-0140F.OOCE, 04-48-25-B3-0140D.00CE, 04-48-25-B3-0140B.00CE, 04-48-25-B30140A.00CE, 04-48-25-B3-0290B.0000, 04-48-25-B3-0140G.00CE, 04-48-25B3-01401.00CE, ON 27.4± ACRES; BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

9:01:38 AM City Attorney Audrey Vance read the title block of the hearing and tendered expert witnesses.

9:04:50 AM Neale Montgomery, Pavese Law Firm, provided a description of the subject property.

9:07:22 AM Wayne Arnold, Q. Grady Minor and Associates, provided the zoning analysis of the subject property. He stated that there were no level of service impacts.

9:15:08 AM Brent Addison, Q. Grady Minor and Associates, discussed the subject property deviations for the water body setback. He stated that the applicant worked with staff to coordinate the road network to allow connectivity. He stated that Sterling Oaks had a structure to facilitate the flow of water.

9:27:51 AM Ms. Montgomery asked whether the water management plan would have any impact on the Spanish Wells Community. Mr. Addison stated that if anything, it would improve the flow of water.

9:28:53 AM Ms. Montgomery stated that there were extensive meetings between the applicant and representatives of the Spanish Wells Community.

9:30:06 AM Terrell Arline, staff outside counsel with Theriaque and Spain, addressed the case.

9:31:20 AM Mike Fiigon, Community Development, reviewed the history of the case. He discussed the surrounding property and the zoning designation of the subject property. He discussed the insufficiency letter that staff provided to the applicant and explained which components they needed in order to find the project sufficient.

9:40:46 AM Mr. Fiigon next stated that there were a few reductions in the density that still caused concern. He stated that the applicant decided to remove the car storage under the building but instead use car ports and garages for residents. He referenced the Quadrant Plan and stated that where the property landed was within the Quadrant Plan bounds.

9:44:37 AM Mr. Arline referenced a discussion that was related to changing the alignment of the flood map. Mr. Fiigon stated staff considered the impact of the single-family homes on the other side of the wall.

9:46:09 AM He discussed off-site impacts and placing a round-about at the corner of Bonita Crossings to provide better movements through the existing roadway network. He stated that there was a conservation easement that was dedicated to the South Florida Water Management District. There was a requirement for the buffer to be 15' feet wide on the south side along Sterling Oaks and provide a high continuous visual screen. He stated that the garages on the east side of the property would be planted as well with the intent to create an intense visual screening.

9:52:15 AM He addressed the Future Land Use and stated that if a property was a general commercial future land use, an applicant cannot transfer density from a wetland to an upland.

9:58:41 AM Mr. Fiigon stated that during the Zoning Board Hearing, to make the applicant feel more comfortable, staff would recommend a condition that the applicant provide signage in the locations as shown on the Master Concept Plan.

10:02:02 AM He stated that there was concern about 2 walls being close to an easement as well as a drainage canal and the difficulty of maintaining plantings on the east side of the wall. He explained that staff recommended approval of the application with conditions and proceeded to discuss those conditions.

10:06:56 AM City Attorney Vance stated that she needed direction on the language of deviation 1 as well as condition 7.

PUBLIC COMMENTS:

10:07:23 AM Lynn A. Daugherty, Spanish Wells Community representative, referenced a letter that was sent to Council by City Attorney Vance about incorporating recommendations that were made by the Spanish Wells Community. He stated that he sent suggestions to be incorporated into the conditions, which he then distributed to the Council (copy in Clerk's files). He stated that Spanish Wells requested to have a binding agreement in order to have the wall erected. He provided further material, which he distributed to City Council (copy in Clerk's files).

10:25:42 AM He displayed the cementitious fence that was currently dividing the properties and suggested that Council defer their decision until the applicant, staff and the Spanish Wells Community could come to an agreement with the wording of the conditions.

10:31:11 AM Ms. Montgomery stated that the Grantor had the right to review but did not have the right to request. She further explained that the City Attorney was not able to force an applicant to go after a third party. Council Member Peter O'Flinn wanted clarification on the process.

10:38:31 AM Mr. Arline stated that he spoke with Jeremy Shir, attorney for Spanish Wells community, to obtain his concerns related to Spanish Wells.

10:44:08 AM Council Member Fred Forbes wanted clarification between a wall and fence.

10:45:37 AM Council Member Quaremba clarified that there was no dispute for who would pay for the removal of the wall. She suggested to change the wording to reflect that the 8' foot wall be at the site of the existing cementitious fence; this way the wall would be required to move. City Attorney Vance suggested to modify Council Member Quaremba's language.

10:48:55 AM John Dulmer, Community Development, explained the building code requirements for the construction of the wall. Council Member Quaremba also asked about the height of the wall based on the abutting property.

10:52:15 AM Council Member Forbes asked about the South Florida Water Management design. He also asked whether Hurricane Irma caused any standing water to collect on the property. Council Member O'Flinn asked what the major modification was. Mr. Addison explained the difference between a major and minor modification.

10:55:32 AM Council Member Quaremba asked who maintained the canals along Spanish Wells. Mr. Addison explained that it was the Spanish Wells Community that maintained the canal.

10:58:33 AM Mr. Daugherty stated that Spanish Wells did not have any issues with the compactor as it was on the left side of the property. Council Member O'Flinn asked about the Quadrant Plan and wanted further explanation of what it was.

11:01:43 AM City Attorney Vance swore in Public Works Director Matt Feeney. Mr. Feeney explained that there was a certain point that had sharp angles and further explained that the impact smoother angles would have on the traffic.

11:04:08 AM Council Member O'Flinn asked about the standard for deviations regarding setback requirements and its relation to public interest. Mr. Fiigon explained how the deviation would benefit the developer from a functional point of view. Council Member O'Flinn asked about the remaining

setbacks. Mr. Fiigon stated that there was a setback from the lake in which the applicant requested a 20' foot setback and explained the purpose of the setback requirement. He displayed a picture of a lake and stated that the lake was a big constraint on the site. Mr. Fiigon stated that the benefit of the setback deviation was that the building was placed further away from them. Mayor Simmons asked about the public benefit in connection to the Quadrant Plan. Mr. Dulmer explained the public benefit of the requirement.

11:14:54 AM Mike Kirby, Community Development, explained the general 30' foot setback was set by the fire department in order for there to be ample room in case of any fires.

11:17:46 AM Council Member Mike Gibson asked about when the proposed round-about was to be constructed in the area and who would pay for it.

11:18:55 AM Mr. Arline suggested wording for condition 6 to which Mr. Daugherty stated that the Spanish Wells Community was in agreement with it.

11:20:42 AM Mr. Arnold referenced the wording for condition 11 regarding the trash compact. Mr. Arline clarified a provision of the code.

Council Member Gibson entered a motion for approval; Council Member Quaremba seconded the motion; and the motion carried unanimously.

11:23:29 AM Council Member O'Flinn suggested to get rid of setback requirements and for staff suggest what they believe would be an appropriate deviation.

V. APPROVAL OF THE MINUTES

The August 14th City Council Meeting minutes were approved at the previous City Council Meeting.

VI. NEXT MEETING TO BE SCHEDULED

VII. ADJOURNMENT

There being no further items to discuss, the meeting adjourned at 11:25 A.M.

Respectfully submitted,



Charlen Wade, Deputy City Clerk

APPROVED:
CITY COUNCIL ZONING BOARD

Date: 3/23/18

AUTHENTICATED:


Peter Simmons, Mayor


Debra Filipek, City Clerk