

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, JANUARY 20, 2016
9:00 A.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER:

Mayor Ben L. Nelson, Jr. called the meeting to order at 9:00 A.M.

II. INVOCATION:

Pastor Matt Loveall, with Oak River Church, furnished the invocation.

III. PLEDGE OF ALLEGIANCE:

At the request of Mayor Nelson, Council Member Steve Slachta led in the Pledge of Allegiance.

IV. ROLL CALL:

Mayor Nelson and all Council Members were in attendance.

V. SECOND READING OF THE FOLLOWING ZONING ORDINANCES (PUBLIC COMMENT LIMITED TO PARTICIPANTS OF THE ZONING BOARD HEARING) (THE COMPLETE ZONING PACKET FOR EACH CASE IS AVAILABLE ON THE CITY'S WEBSITE AND AT THE OFFICE OF THE CITY CLERK):

- A. A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, CONSIDERING A REQUEST BY SLF IV-FL BONITA ALICO, LLC FOR THE BONITA EXCHANGE MIXED USE PLANNED DEVELOPMENT (MPD) PROJECT; REPEALING CITY OF BONITA SPRINGS ZONING ORDINANCE NO. 07-12; ON LAND LOCATED AT 28090, 28110, 28170, 28190, 28230, 28231, 28191, 28111, 28131 AND 28171 QUAILS NEST LANE AND 12025 BONITA BEACH RD BONITA SPRINGS, FL 34135, ON 26.4 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

9:04:37 AM City Attorney Audrey Vance read the title block of the Zoning Ordinance into the record. The case was heard by the Zoning Board on December 15, 2016.

9:05:43 AM Jackie Genson, Community Development, presented a brief overview of the case.

9:06:23 AM Wayne Arnold, representing the Bonita Exchange, provided an overview of the request as addressed in the Staff Report and Zoning Board minutes. He also addressed the site plan and Master Concept Plan, as well as the conditions of approval. She also read into the record an additional transportation condition, to which discussion was held. Ms. Genson explained that some of the conditions are carry over language from the previous zoning ordinance. She has no objection to inserting the new condition – 7. L.

PARTIES OF RECORD:

9:14:47 AM Rick Steinmeyer addressed several items of the proposed development that impressed him. He supports approval.

Council comments followed.

9:19:03 am Council Member Steve McIntosh motioned adoption of the Zoning Ordinance; Council Member Mike Gibson seconded; and the motion carried unanimously. **ADOPTED ZONING ORDINANCE NO. 16-01**

B. A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY PRESERVE EQUITY LLC, FOR A PROJECT KNOWN AS PRESERVE AT OAK CREEK, TO REZONE A MIXED USE PLANNED DEVELOPMENT (MPD) AND RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO A MIXED USE PLANNED DEVELOPMENT (MPD) TO ALLOW FOR UP TO 273 DWELLING UNITS (220 STANDARD DENSITY DWELLING UNITS AND 53 BONUS DENSITY DWELLING UNITS) AND 12,000 SF OF COMMERCIAL USES ON LAND LOCATED AT 10500, 10550, 10580, 10600, 10650, AND 10750 DEAN STREET, BONITA SPRINGS, FLORIDA, ON 17.46 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

9:19:41 AM City Attorney Vance read the title block of the Zoning Ordinance into the record.

9:20:31 AM Jackie Genson, Community Development, furnished a brief overview of the request. The request is to amend two previous planned developments into one project. The Zoning Board voted unanimously to approve the request. She also addressed some questions that came up at the Zoning Board relating to building placement, impacts to Dean Street as it relates to the turn lane, sidewalk connections past the project, impacts to the school and children, the amount of parking, buffering and the preservation of Oak Creek.

9:24:02 AM Amanda Brock, with Henderson Franklin, on behalf of the Applicant, provided a brief overview of the request.

9:25:06 AM Wayne Arnold, representing the Applicant, addressed the request via a PowerPoint presentation (copy in Clerk's file). Council discussion ensued on issues relating to the location of the building, parking, the inclusion of elevators, etc.

PARTIES OF RECORD:

9:59:58 AM Rick Steinmeyer addressed parking, rental prices and affordability, and the issue of elevators. He is not in favor of the project.

10:03:47 AM Fred Forbes expressed his support of the project. He supports elevators which he feels would put these units in demand.

10:05:40 AM Dennis Gilkey stated that although elevators are great, it's not something anyone else is doing, and so he doesn't feel that the Applicant should be made to include them. He also addressed the need for high densities in the downtown area. He suggests approval as recommended by Staff. He would support a roundabout at this location to allow turning movements on Dean, and so it doesn't back up into the Bonita Beach Road traffic. Mayor Nelson, Council Member Peter Simmons, Council Member Janet Martin also expressed their support for the project, after which Council Members reported Ex Parte communications relating to the case.

Council Member McIntosh motioned adoption of the Zoning Ordinance; Council Member Martin seconded; and the motion carried unanimously. **ADOPTED ZONING ORDINANCE NO. 16-02**

VI. PUBLIC COMMENT ON AGENDA ITEMS:

10:30:44 AM Kathy McGrath addressed item A. of the City Attorney's Report, and expressed her support of Resolution. She also voiced her support for the relocation of the Dixie Moon building.

10:33:08 AM Anne Cramer addressed item XI, regarding the Zoning Ordinance for WCI. City Attorney Vance addressed the process as it relates to the Comprehensive Plan Amendment and zoning. Ms. Cramer next commented on the City of Bonita Springs Comprehensive Plan.

10:44:04 AM Deborah Maclean addressed the presentation in VII. A., regarding sustainability.

10:44:33 AM Rick Steinmeyer addressed Agenda Item XI., regarding the Zoning Ordinance for Raptor Bay, which he feels City Council has the right to change it at this time.

10:45:33 AM Chris Aldi (sp?) asked Council to vote no on agenda item XI. A., regarding the Zoning Ordinance for WCI and Raptor Bay.

VII. PROCLAMATIONS AND PRESENTATIONS:

A. PRESENTATION BY JENNIFER HAGEN PROVIDING AN UPDATE ON THE CITY OF BONITA SPRINGS SUSTAINABILITY STRATEGY. (GREENSHEET NO.16-01-0018)

10:47:24 AM Jennifer Hagen provided an update on the City's Sustainability Strategy. She will be submitting the City's Florida Green Building Coalition application next week. She also addressed additional items they have done, including partnering with Council Member McIntosh in the creation of a Natural Resource Strategy.

10:52:46 AM Council Member McIntosh presented his Natural Resource Strategy and pamphlet they created to inform people.

10:55:21 AM Ms. Hagen explained that they have also developed a green website, which she expanded on, which include links to all green related items. She also informed everyone of an open house that was occurring the following night at City Hall.

B. PRESENTATION BY STAFF ON THE DESIGN PLAN FOR THE AQUATIC CENTER INTERACTIVE WATER FEATURE ADDITION AND FAMILY RESTROOM FACILITY PROJECT. (GREENSHEET NO. 16-01-0014)

10:59:56 am Nicole Perino, Director of Parks and Recreation, furnished a brief overview, after which she introduced Kevin Mangan, with Stantec, to present the plans.

11:02:13 am Mr. Magan next presented and addressed the illustrative site plan (Attached the Greensheet). Council discussion was held with discussion on enhanced landscaping, fencing, etc.

11:16:16 am Council Member Martin motioned to move forward with the project; Council Member McIntosh seconded; and the motion carried unanimously.

C. HEAR PRESENTATION FROM MCMAHON AND ASSOCIATES, INC., ON THE UPDATE TO THE 2008 MASTER TRAFFIC CIRCULATION PLAN. (GREENSHEET NO. 16-01-0015)

11:18:03 AM John DePalma, with McMahon Transportation Engineers and Planners, presented the 2008 Master Traffic Circulation Plan via a PowerPoint presentation (copy in Clerk's file), as an informational item.

D. PRESENTATION OF A CITY WIDE BICYCLE AND PEDESTRIAN MASTER PLAN PROFESSIONAL SERVICES AGREEMENT PROPOSAL WITH MCMAHON ASSOCIATES, INC. (GREENSHEET NO. 16-01-0017)

11:51:41 am Parks and Recreation Director Nicole Perino introduced this item, and explained that in moving forward with the Complete Street Plan and making the City more bicycle and pedestrian friendly, Staff has reached out to McMahon Associates to come up with a City Wide Bicycle Pedestrian Master Plan. McMahon is here to present the proposal they have put together. The Bicycle Pedestrian Safety Advisory Board has reviewed the proposal and has recommended approval. Staff is requesting City Council approve the proposal and the costs. The costs would be contingent upon approval by the City Attorney's review of all documentation. City Attorney Audrey Vance addressed the approval process, which, if approved, the proposal would be contingent upon the proposal being complete, particularly Exhibit B2 which sets out all of the jobs and their costs.

11:53:47 AM John S. DePalma, with McMahon Associates, Inc., next addressed the City Wide Bicycle and Pedestrian Master Plan (attached to Greensheet). They will assist the City and go through public involvement, which he expanded on. It will include information on the website, postcards, and workshops. Their team will also ride their bikes and walk the corridors as well.

Council Member McIntosh motioned approval; Council Member Martin seconded; and the motion carried unanimously.

VIII. CONSENT AGENDA: (NOTE: ITEMS ON THE CONSENT AGENDA WILL BE CONSIDERED AS ONE UNLESS A SPECIFIC ITEM IS REMOVED BY A COUNCIL MEMBER FOR SEPARATE DISCUSSION.)

Council Member McIntosh motioned approval of the Consent Agenda; Council Member Bill Lonkart seconded; and the motion carried unanimously.

A. APPROVE RESOLUTION CALLING FOR AND ORDERING AN ELECTION, INCLUDING A SPECIAL ELECTION, ON MARCH 15, 2016; DESIGNATING QUALIFIED CANDIDATES; AND PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 16-01-013) **ADOPTED RESOLUTION NO. 16-05**

B. REQUEST APPROVAL OF SPECIAL EVENT PERMIT FOR THE LA MESA RV CENTERS SALES SHOW ON FEBRUARY 1, 2016 THROUGH FEBRUARY 10, 2016 FROM 9:00 A.M. TO DUSK AT THE NAPLES-FORT MYERS GREYHOUND TRACK, 10601 BONITA BEACH ROAD. (GREENSHEET NO. 16-01-0016)

IX. SECOND READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCE (PUBLIC COMMENT ALLOWED)

A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); CREATING SITE SPECIFIC BONUS DENSITY REGULATIONS FOR THE OLD U.S. 41 REDEVELOPMENT OVERLAY DISTRICT; EXPANDING SUBDIVISION III OF DIVISION 12 OF THE SUPPLEMENTARY REGULATIONS TO ALLOW BONUS DENSITY FOR REASONS OTHER THAN AFFORDABLE HOUSING; AMENDING SECTIONS 4-868, 4-870, AND SECTIONS 4-1310 THROUGH 4-1319; CREATING 4-1320, REGULATIONS AND

PROCESSES FOR BONUS DENSITIES WITHIN THE OLD U.S. 41 REDEVELOPMENT OVERLAY DISTRICT (OPTION 3); PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 16-01-0011)

11:57:27 AM City Attorney Vance read the title block of the Ordinance into the record.

11:57:42 AM Jay Sweet, Community Development, furnished an overview of the Ordinance and its intent.

PUBLIC COMMENTS:

12:02:09 PM Richard Ferreira feels this is a smart change for the redevelopment area. He supports the Ordinance and feels bonus density for this area makes sense.

12:03:21 PM John West urged Council to not vote in favor of this Ordinance.

12:05:49 PM Kathy McGrath expressed her support for the Ordinance.

12:06:05 PM Council Member McIntosh motioned adoption of the Ordinance; Council Member Martin seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 16-01**

X. PUBLIC COMMENT:

12:06:44 PM Richard Ferreira addressed Home Rule authority and its importance. He also addressed the issue of gaming.

12:09:53 PM Kathy McGrath commented on downtown redevelopment, government day, and the library. Bonita Springs Utilities Customer Appreciation Day is this Saturday, and there will be tours and refreshments.

12:12:32 PM Rick Steinmeyer stated he is a candidate for Mayor.

12:12:50 PM Deborah Maclean commented on sustainability.

12:13:37 PM Chris Aldi (sp?) addressed the WCI rezoning request.

XI. FIRST READING OF THE FOLLOWING ZONING ORDINANCE (NO PUBLIC COMMENT ALLOWED):

- A. A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY PELICAN LANDING GOLF RESORT VENTURES, LP, TO AMEND LEE COUNTY ZONING RESOLUTION NO. 94-014, PELICAN LANDING RESIDENTIAL PLANNED DEVELOPMENT (RPD)/COMMERCIAL PLANNED DEVELOPMENT (CPD), TO (1) REZONE 20+/- ACRES FROM THE KERSEY SMOOT RPD TO THE PELICAN LANDING CPD/RPD; (2) TO CREATE "F1" IN THE RPD LAND DEVELOPMENT AREA; AND (3) TO AMEND DEVIATION 12 FOR "F1" IN RPD LAND DEVELOPMENT AREA, ON LAND LOCATED WITHIN THE PELICAN LANDING GOLF RESORT (A/K/A RAPTOR BAY) AT THE NORTHWEST INTERSECTION OF COCONUT POINT RESORT DRIVE AND COCONUT ROAD, BONITA SPRINGS, FL 34134, ON 20 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

12:15:06 PM City Attorney Vance read the title block of the Zoning Ordinance into the record.

12:21:08 PM Council Member Slachta motioned to move forward with as second reading of the Zoning Ordinance on Wednesday, February 3, 2016; Council Member McIntosh seconded; and the motion passed 5-2 (Council Members Lonkart and Simmons opposed)

XII. CITY ATTORNEY'S REPORT:

- A. APPROVE RESOLUTION TO DESIGNATE BONITA WONDER GARDENS AS AN ECONOMIC DEVELOPMENT PROJECT AND TO ALLOW BONITA SPRINGS UTILITIES (BSU) AID TO NEW CONSTRUCTION (ANC) FEE ECONOMIC DEVELOPMENT CREDIT POOL MONIES TO BE USED AS SECURITY FOR INSTALLATION OF A GREASE TRAP INTERCEPTOR. (GREENSHEET NO. 16-01-0009)

12:22:55 PM City Attorney Vance furnished a brief overview, informing Council that Council Member Martin has filed a Form 8-B.

12:24:09 PM Arleen Hunter, Director of Development Services, addressed this Agenda item. This Resolution affords the opportunity to partner with Bonita Springs Utilities (BSU) on a pilot model, which would allow the opportunity for redevelopment of a former restaurant under BSU's current code, to allow the proper grease interceptor. It is a loan that would be given to the Bonita Springs Wonder Gardens (BWG) as a security. BWG has been declared as a property of economic development, and the City will be assured that those ANC funds can be transferred should the loan not proceed properly. Community Development's regulations would also assure that arrangements were made for the payment as well. Staff has also worked with BSU in that there would be no interest transferred in those fees. Also, should another client have to come forward and pay fees, those ANC fees would be transferred back into the City's bank. City Manager Carl Schwing informed Council that Staff has heard from BSU representative today, that BSU Board has adopted this agreement and they are ready to move forward with the City.

Council Member McIntosh stated that the Elk's Club also recently asked for a relief as well and received that from BSU as well. It's a similar process, in that it is done for organizations that are not-for-profit. Mayor Nelson stated he felt this was important.

Mayor Nelson motioned approval; Council Member Simmons seconded.

12:27:16 pm Council Member Lonkart addressed a concern about borrowing money to buy something for a restaurant that has to be done. His concern regards what the capital budget is of the Wonder Gardens is. His concern is that there is a payment due from the Wonder Gardens in June for \$500,000. He asked if there was an update from the BWG on their financials. Council Member Martin responded to Council Member Lonkart's concerns, explaining that the Board of Directors is fully aware of the payment due, and she is confident it will occur. They are upgrading and doing many things to the property. They want to get the restaurant open as soon as possible, which factors into the whole redevelopment for downtown. She is grateful to Staff, to the BSU Board, and to City Staff for looking into this. It's a great way to kick start what's occurring downtown. She informed Council of fundraisers, which include an enchanted evening, home parties and various other events. They have also been grant recipients. Operationally they are doing fantastic.

12:29:35 pm Council Member McIntosh informed everyone that February 12, 2016, he and his wife Connie are sponsoring a fundraiser for the BWG at the gardens. The cost is \$100 per person. Their goal is to raise \$10,000 that night. There will be music and a wine walk. There are a lot of good contributors that want to be involved. Council Member Martin added that as of May, the Board and herself, will be presenting a report to City Council as to where they are and what's going on.

The motion passed 6-1 (Council Member Martin abstained from the vote) **ADOPTED RESOLUTION NO. 16-06**

XIII. CITY MANAGER'S REPORT:

A. REVIEW OF MONTHLY FINANCIAL REPORT. (GREENSHEET NO. 15-12-012)

Informational.

B. DIRECT STAFF ON COUNCIL'S DESIRES TO RELOCATE THE FORMER DIXIE MOON. (GREENSHEET NO. 16-01-0020)

12:34:15 pm City Manager Schwing furnished a brief overview of the background as reflected on the Greensheet.

12:37:40 pm Andrew Kuperman, a resident on Old 41, next informed Council of his vision to have the Dixie Moon building moved to his private property on Dean Street. A brief discussion was held.

12:39:49 pm Council Member Gibson suggested moving it to the Lemon Tree property and using it in conjunction with the farmers market. He is concerned that the plan is not keeping the building whole. He would like to see other options.

12:42:31 pm Council Member Martin like the concept of being able to walk through the building and into a courtyard area into an area with cafes. She supports what they have already decided.

12:44:31 pm Council Member Martin motioned to stay with the current plan, as they previously approved; Council Member Slachta seconded; and the motion passed 6-1 (Council Member Gibson dissenting)

ADDITIONAL ITEMS:

12:50:16 PM

City Manager Schwing informed everyone that the City has implemented an email subscription service with "MailChimp," to inform the public of important items. He thanked Lora Taylor and her Staff for the great job. He also congratulated Ms. Perino on her work in obtaining authorization from FDOT to extend Cullum's Trail. He also reported that they have reached a tentative agreement with Lee County that the new Bonita Springs library will be located downtown. He next reminded everyone that the Bonita Beach Road Visioning starts next week. He concluded by reminding Council Members of tomorrow's trip to Tallahassee.

XIV. MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS.

A. APPROVE A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; APPOINTING A CHAIR TO THE FOLLOWING BOARDS AND COMMITTEES: ART IN PUBLIC PLACES BOARD; THE BICYCLE PEDESTRIAN SAFETY ADVISORY COMMITTEE; THE BOARD FOR LAND USE HEARINGS AND ADJUSTMENTS AND ZONING BOARD OF APPEALS; THE HISTORIC PRESERVATION BOARD; THE LOCAL PLANNING AGENCY; THE STREET LIGHT ADVISORY COMMITTEE; THE TECHNOLOGY ADVISORY BOARD; THE TREE ADVISORY BOARD; AND THE VETERANS COMMITTEE. (MAYOR NELSON; GREENSHEET NO. 16-01-020)

Council Member McIntosh motioned adoption of the Resolution; Council Member Slachta seconded; and the motion carried unanimously. **ADOPTED RESOLUTION NO. 16-07**

12:59:21 pm Mayor Nelson sadly reported that the Principal of Bonita Springs Elementary David Short has passed. He is working with the School on having something dedicated to his honor.

1:00:20 pm Council Member Gibson reported that work downtown is moving quickly, but reported that more gas tanks have been found.

1:00:54 pm Council Member Simmons congratulated everyone involved with the library. He is also excited about the Bonita Beach Road Visioning project. Lastly, he congratulated Council Member Lonkart and Rick Steinmeyer for joining the Lion's Club.

XV. APPROVAL OF MINUTES: 01/06/16

Council Member Slachta motioned approval of the minutes; Council Member Simmons seconded; and the motion carried unanimously.

XVI. PUBLIC COMMENT:

1:03:17 pm Deborah Maclean thanked Council for voting against the flyover.

1:03:52 pm Anne Cramer thanked Council for the initial plans they have for the Weeks Fish Camp.

XVII. ADJOURNMENT.

There being no further items to discuss the meeting adjourned at 1:09 P.M.

Respectfully submitted,


Debra Filipek, City Clerk

APPROVED:
BONITA SPRINGS CITY COUNCIL:

Date: 2/5/16
AUTHENTICATED:


Ben L. Nelson, Jr., Mayor