

City of Bonita Springs
City Council Zoning Hearing
Monday, September 19, 2016
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

Councilman Steve Slachta led in the Pledge of Allegiance.

III. ROLL CALL

Mayor Simmons and all City Council Members were present with Councilwoman Amy Quaremba participating via phone.

IV.

A. PD15-21674-BOS, Bonita Village MPD, District 3

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY BONITA DEVELOPMENT COMPANY LLC TO AMEND BONITA SPRINGS ZONING ORDINANCE NO. 07-08 RELATED TO BONITA VILLAGE; INCREASING THE MAXIMUM NUMBER OF HOTEL UNITS FROM 40 TO 390 AT A HEIGHT NOT TO EXCEED 75 FEET AND REDUCING COMMERCIAL SPACE FROM 60,000 SF TO 23,000 SF; LOCATED AT 27690 AND 27694 IMPERIAL RIVER ROAD; 27901 BONITA VILLAGE BOULEVARD; 27934 MEADOWLARK LANE; 3840, 3894, 3962, 3974, AND 3998 BONITA BEACH ROAD SW, BONITA SPRINGS, FLORIDA; ON 19 + ACRES; PROVIDING FOR AN EFFECTIVE DATE.

9:02:42 AM City Attorney Audrey Vance read the title block of the Zoning Case and explained that the requested units were reduced to 260.

9:08:16 AM Neale Montgomery, Pavese Law Firm, wanted to know the general nature of the ex parte communication regarding Bonita Village between Council and the public.

9:11:41 AM City Attorney Vance swore in expert witnesses for staff and the applicant.

9:19:01 AM Jacqueline Genson, Community Development, discussed the PowerPoint Presentation. She also reviewed the location map as well as the "Application Request History". She stated that the Zoning Board recommended denial of the application and referenced concerns with Quails Walk, storm water management, and the shuttle system as part of the reason why the Zoning Board recommended to deny the application. She went over some key points of the recommendations and certain criteria that staff utilized while determining the staff recommendation which was included in the findings of fact in the staff report. She discussed compatibility with the surrounding area and items of concern residents provided to staff as well as the property description and current zoning designation.

9:41:07 AM Councilman Peter O'Flinn asked about the height for RC-2 and RC-1 within the Master Concept Plan (MCP). Ms. Genson stated that the height was not determined because this area was within the conservation area.

9:43:55 AM Councilwoman Quaremba reference the original MCP and asked whether that was the same acreage as the one being presented currently. Ms. Genson stated that the acreage was the same as what was originally requested.

9:48:31 AM Councilwoman Quaremba asked about the height of certain areas of the property. She specifically referenced R-2 and TC-3. Ms. Genson stated that the property regulations that were approved in 2007 for TC 1-5 were for 55' and for RC-1 and 2 were for 35'. She also asked what was happening with specific structures along the property.

9:56:25 AM Ms. Genson explained that there was a correction in the draft Ordinance regarding building separation. She discussed consistency with the Comprehensive Plan. Councilman O'Flinn asked what the Land Development Code regarding height, and asked about concurrency. Ms. Montgomery discussed her interpretation of concurrency. City Attorney Vance referenced the statute on the word, solely relating to concurrency.

10:07:52 AM Ms. Genson discussed Consistency with the Bonita Plan. There will not be parking allowed on Bonita Beach Road, there will be deck parking. She also discussed the Conservation Coastal Management objective and policies.

10:13:06 AM Councilman O'Flinn voiced his concerns over the coastal high hazard area. Ms. Montgomery stated that the coastal high hazard map used was inaccurate because the Regional Planning Council (RPC), had conducted studies after the map was created that revised and updated the map.

10:20:20 AM John Dulmer, Community Development, stated that the map was prepared by the South West Florida Regional Planning Council. Councilman Greg DeWitt asked whether the map would be revised once the Evaluation and Appraisal Report had concluded.

10:22:19 AM Councilman Mike Gibson asked whether the decision would be based on the current outdated coastal high hazard map or the revised map.

10:23:43 AM Councilman Fred Forbes suggested adopting a standard that supersedes the regional planning council.

10:26:38 AM City Attorney Vance stated that the population concentration should be based on density and not intensity. Ms. Montgomery stated that the map was revised and better data is collected over time.

10:29:18 AM Mayor Simmons asked whether the property being discussed was on the Coastal High Hazard map.

10:30:03 AM Ms. Genson stated that the RPC changed the numerical system to an alphabetical system in 2010.

10:30:42 AM Councilman DeWitt asked whether the outdated map was taken into consideration when discussing previous zoning case.

10:31:30 AM Councilwoman Quaremba wanted clarification on the former map and whether the property was in the coastal high hazard area and what would apply. She asked whether there were

two maps for the evacuation zone and the coastal high hazard zone. Mr. Dulmer stated that it was one map used.

[10:39:52 AM](#) City Attorney Vance stated that there were certain procedures that were in place in order to enter a revised map into the Comprehensive Plan. She explained that there needed to be a Comprehensive Plan Amendment to allow use of the updated Coastal High Hazard map in lieu of the current map.

PUBLIC COMMENT:

[10:44:11 AM](#) Rick Steinmeyer, resident of Bonita Springs, wanted the decision to be made quickly.

[10:44:48 AM](#) Mark Willard, resident of Bonita Springs, stated that the decision would greatly effect his business.

[10:47:39 AM](#) Pat Morris, Scott Henney, Jim Murphy, Sarah Yearwood, Charles Stores, Jesse Stores, Steve Bassett, Scarlett Simms, Travis Elms, Barb Rich, Jim Drake, Kim Busch, Jan Ruestofer, Linda Elms, Dean Lingren, Martha Simons, Cullum Hasty, residents of Bonita Springs, expressed support for the development.

[10:47:57 AM](#) Steve Andrzejewski, resident of Bonita Springs, expressed concerns for the size of the development.

[10:56:56 AM](#) Larry Lasater, resident of Bonita Springs, suggested that the regulations set forth be followed. He expressed concern with congestion as well.

[11:05:17 AM](#) Stephen Crosby, resident of Bonita Springs, expressed concerns regarding questions that were unanswered and suggested that more studies be conducted.

[11:09:12 AM](#) Marty Roach, resident of Bonita Springs, expressed concern over the size of the development.

[11:17:56 AM](#) Pat McCourt, resident of Bonita Springs, suggested that the development to be denied.

[11:20:30 AM](#) Andrew DeSalvo, resident of Bonita Springs and representative of Track TC-5 owner, expressed support for the development and requested to be involved in discussion.

RECESS: 11:23 AM (I hung up phone with Councilwoman Quaremba after advising her I would call back. Councilwoman Quaremba reconnected at 11:36 AM)

STAFF REPORT:

Mayor Simmons reconvened the meeting at 11:39 AM.

[11:39:51 AM](#) Ms. Genson explained how the property was located outside the Coastal High Hazard area.

[11:41:21 AM](#) Mike Kirby, Community Development, spoke about site related conditions and surrounding area compatibility. He referenced lower shrubs and tree canopies.

[11:49:10 AM](#) Ms. Genson discussed updated Traffic Impact Statement (TIS) memos. She

referenced the reduction in the draft ordinance referring to conditions 1 and 2 as well as discussed the traffic impact statements within the conditions of approval.

12:10:18 PM Councilman O'Flinn asked whether the deviation was limited to the event space.

12:12:05 PM Councilman Forbes asked whether the land would be purchased regarding environmental off-site mitigation. Mr. Kirby stated either option was adequate with staff.

12:12:58 PM Councilman Gibson asked where the disagreement between staff and the applicant was. Ms. Genson stated the height and Condition 11F: Transportation were items of contention.

12:18:29 PM Ms. Montgomery suggested all of the cities codes regarding concurrency should apply and not some of them.

12:19:49 PM Councilman Gibson asked whether there can be an amendment to the statement to comply with Ms. Montgomery's suggestion.

12:23:18 PM Ms. Montgomery referenced condition 11B and stated the wording ignores the provisions within the Land Development Code.

12:24:20 PM City Attorney Vance stated that there is a lot of flux and uncertainty regarding Lee County and the Bonita Springs Vision.

12:27:59 PM Councilman O'Flinn referenced tracking and protected land. He also referenced environmental services.

12:33:29 PM Councilman Steve Slachta asked for the reasoning of Coastal High Hazard not being addressed in the findings.

12:34:17 PM Councilman DeWitt wanted clarification on the setbacks. He also referenced signage and entrance off of Quails Walk.

12:37:26 PM Councilwoman Quaremba asked about the potential of construction traffic and mitigation. Ms. Genson stated that during the construction process there was going to be a management of traffic plan that would be reviewed by staff engineers.

12:43:00 PM Ms. Montgomery stated that staff entered a clause where the hotel units could not be turned into residential units.

12:43:48 PM Mayor Simmons referenced square footage and Luke Street.

12:48:39 PM Councilman O'Flinn referenced Section 4.3.27 density or intensity of use.

12:55:34 PM Omer Dror, Manager for Bonita Development, presented the PowerPoint and addressed the background of the development.

1:05:05 PM Wayne Arnold, Planner for Q. Grady Minor, stated that the property was in the general commercial use region.

1:13:10 PM Brent Addison, Civil Engineer for Q Grady Minor, discussed the original permitting of the property and explained that expansion of the property would improve the storm water management concerns.

1:20:20 PM Kim Schlacta, Boylan Environmental, spoke about Gopher Tortoises and portrayed a map indicating where they were on the property.

1:26:09 PM Christopher C. Hatton, Kimley Horn, discussed the shuttle service. He also addressed parking fees and other deterrents to achieve a reduction in the amount of drivers. He discussed the bi-annual monitoring plan as well.

1:32:07 PM Ms. Montgomery asked whether these programs reduced the number of trips to the beach. Mr. Dror stated that the new shuttle service would allow shuttles to go to particular locations including the airport with an application that was in the process of being developed.

1:34:29 PM Councilman Forbes suggested adding a credit to the parking bill every time the shuttle service is utilized instead of the visitor's car.

1:41:20 PM Ted Treesh, TR Transportation Consultants, discussed transportation and traffic impacts. He stated that there was data that determines peak hour and trip generation.

2:02:02 PM Russ Weyer, Real Estate Econometrics, discussed the fiscal economic report, impact fees and annual real estate taxes that would be generated.

2:08:29 PM Wojciech Peter Kulicki, PKStudios, was tendered as an expert witness for the applicant. He discussed the architecture of the proposed construction and stated that on deck parking was not aesthetically consistent with the Bonita Beach Road vision so there would be an on-site parking garage.

2:17:19 PM Mr. Kulicki displayed a visual of living walls where vegetation would be grown on the wall of the buildings and also stated that the applicant will look into LEED standards. He also showed a visual of the sightline for the location.

2:25:43 PM Councilwoman Quaremba asked whether the hotel staff was taken into consideration when determining the data for parking.

2:29:52 PM Councilman DeWitt asked about landscaping and Mr. Kulicki stated that it was up to the developer whether the tree buffers were planted at full height or whether they will grow to the description of what was displayed in the PowerPoint. He also gave an approximation of 400 square feet for the size of each hotel room.

2:33:58 PM Councilwoman Quaremba asked about the building shape and height. Mr. Kulicki stated that based on the design intent the building would have minimal impact if it was visible from Bonita Beach Road.

2:39:21 PM Mr. Dror stated that there needed to be flexibility in order to conform to the market. He went on to discuss resident's concerns and those that were in support of the development. He also referenced specific residents of Quail Walk and discussed the Master Concept Plan.

2:57:44 PM Mr. Dror referenced comparable hotels and room square footage density that would be generated.

3:03:36 PM Councilman Forbes asked whether there would be a double-loaded corridor building. Mr. Dror stated that the intent was to have the corridors single-loaded.

3:15:18 PM Councilman DeWitt asked what the difference in procedure was. Ms. Genson stated that the difference was the fee and that it would be treated as a major plan difference. She stated

that the plan would need to be treated holistically.

3:17:06 PM Ms. Genson stated that the application was processed as a Major Plan Development. Councilman O'Flinn referred to density and intensity. He also expressed concerns with regard to the height of the proposed development.

3:20:19 PM Mr. Dror addressed the environmental concerns Councilman O'Flinn expressed.

3:22:22 PM Ms. Montgomery stated that with a Mixed Plan Development designation, the property had the ability to be used as either residential or commercial.

3:28:52 PM Mr. Dulmer mentioned the development pattern of the property. He also discussed the Florida Area Ratio.

3:31:45 PM Councilman O'Flinn suggested to suspend the hearing to discuss the height fluctuation. He expressed his concern regarding the intensity.

3:35:00 PM City Attorney Vance suggested entering either a motion to remand or a motion to deny without prejudice.

Councilman O'Flinn entered a motion to continue the case;

3:38:28 PM Councilwoman Quaremba asked for clarification of the stepdown on all the properties. She also requested for alternatives and clarification regarding procedures being followed according to the Bonita Springs regulations.

Councilwoman Quaremba seconded the motion; and the motion failed 2-4 (Mayor Simmons, Councilmen DeWitt, Slachta, Gibson and Forbes opposed)

Councilman Gibson entered a motion to approve the application with the reduced setbacks proposed and include the words "if needed"; Councilman Slachta seconded the motion;

Councilwoman Quaremba suggested additional conditions regarding height.

3:45:13 PM Councilman Forbes referred to the setbacks of the property.

3:46:22 PM Mayor Simmons stated that a lot of the concerns with residents are regarding density and number of units.

3:48:56 PM City Attorney Vance clarified the motion as an amended setback and height limitation, and with regard to the transportation concurrency, adding the words "if needed" per staff's conditions.

3:51:28 PM Ms. Genson suggested certain language and clarified amendments.

Motion carried 4-3 (Councilman O'Flinn, Councilwoman Quaremba, and Councilman Forbes opposed) **ADOPTED ZONING ORDINANCE NO. 16-05**

3:56:41 PM City Attorney Vance reviewed the motion.

3:57:52 PM Councilwoman Quaremba asked what happens to the setback.

V. ADJOURNMENT

There being no further items to discuss, the meeting adjourned at 3:59 PM

Respectfully submitted,



Charlen Wade, Deputy City Clerk/ HR Assistant

APPROVED:
CITY COUNCIL ZONING BOARD

Date: 10/17/16

AUTHENTICATED:



Peter Simmons, Mayor



Debra Filipek, City Clerk