

**City of Bonita Springs  
City Council Zoning Hearing  
Monday, November 14, 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 9:00 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.

**IV. SECOND READING OF THE FOLLOWING ORDINANCES**

**A. VAR16-32463-BOS, Hickory Boulevard Setback Variance, District 3**

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY BONITA SPRINGS FIRE CONTROL & RESCUE DISTRICT, TO GRANT STREET SETBACK REDUCTIONS ALONG HICKORY BOULEVARD AND A SIDE YARD SETBACK ALONG THE SOUTHERN PROPERTY LINE; FOR AN ACCESSORY STRUCTURE IN CONJUNCTION WITH A FIRE STATION, LOCATED AT 26105 HICKORY BOULEVARD, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

9:01:15 AM City Attorney Vance read the title block of the variance request and swore in expert witnesses. Mike Fiigon, Community Development, provided the background and zoning history of the property. He discussed the setback variance requirements for an accessory structure and displayed the location of the request within his PowerPoint presentation. He explained that there was a Chickee Hut structure being proposed in the surrounding area and that there were concerns presented to staff regarding the aesthetic consistency with the surrounding area.

9:15:45 AM He explained that there were Intergovernmental efforts to increase the area's Public Protection Classification (PPC) rating to improve response times.

9:16:29 AM Mr. Fiigon discussed the conditions that the staff and Zoning Board came up with in order to recommend approval. He provided some of the conditions of approval as granting the variance solely to this structure and ensuring that the entire structure was within the 25 to 30 foot slab with no overhang.

9:19:01 AM Councilman Slachta offered his support for the variance request.

[9:23:19 AM](#) Councilwoman Amy Quaremba asked where the fire trucks would be leaving on the lot.

[9:25:14 AM](#) Councilman Peter O'Flinn asked how long the lease would last and expressed issues he saw with compatibility to the surrounding area.

[9:30:32 AM](#) Joseph Daigle, Bonita Springs Fire Chief, answered Mayor Simmons' question regarding the height of the roof. Fire Marshall Tim Fernandez explained that raising the roof of the structure would cause the burden of having to tear down the structure and increase the height of the roof. If there was a proposal for the Bonita Springs Fire Station to purchase the building from the current owner then they would consider increasing the height.

[9:34:10 AM](#) Councilman Mike Gibson asked about the roadway and sirens. Mr. Fiigon stated that the road would not be affected and that there would not be sirens at night. Mr. Fiigon explained that the drainage system would be improved to prevent puddling.

[9:35:23 AM](#) Councilwoman Quaremba asked about the protrusions on the structure and Mr. Fiigon explained that they were based on design of the time.

[9:38:37 AM](#) John Dulmer, Community Development, stated that part of the condition of approval allowed for consideration of the design as well. He also asked for Council to provide direction as to how they would like the structure to look.

[9:41:53 AM](#) City Attorney Vance suggested amending condition 9 to add the stipulation that prior to approval, the architectural design of the Chickee Hut would be reviewed by the City Council during a regular City Council meeting.

Councilman Fred Forbes entered a motion to approve the variance request; Councilman Gibson seconded.

[9:45:35 AM](#) Mr. Dulmer suggested having the color and materials of the accessory structure match the exterior of the building to make it more consistent with the surrounding building design. Mr. Fernandez displayed the location that the Fire Department proposed to create an extension.

[9:48:58 AM](#) Councilman O'Flinn stated that the exceptional special circumstances were related to public health and safety.

The motion carried unanimously to approve the variance request subject to the modifications made by City Council.

B. Continuance from October 17, 2016

PD16-31764-BOS, Imperial Bonita Plaza CPD, District 6

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY GBR PROPERTIES, INC., TO AMEND THE IMPERIAL BONITA PLAZA COMMERCIAL PLANNED DEVELOPMENT (CPD); TO MODIFY A PORTION OF THE MASTER CONCEPT PLAN; LOCATED AT 28100 IMPERIAL

PARKWAY AND 11601/611BONITA BEACH ROAD SW, BONITA SPRINGS, FLORIDA;  
ON 7.70 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

9:52:29 AM City Attorney Vance read the title block of the Zoning Ordinance and tendered expert witnesses.

9:55:03 AM Jacqueline Genson, Community Development, discussed the background of the case and explained that the reason for the continuance was to have Ian Lockwood, Toole Design Group, and John DePalma, McMahan and Associates, review the request.

10:02:45 AM Ms. Genson showed an exhibit of the location, the intersection and the proposed Master Concept Plan.

10:05:59 AM Sean Gibbons, Community Development, discussed the buffer types within the area and stated that the buffer would be impacted if the access point were placed where the applicant was proposing. He also displayed the most environmentally sensitive area.

10:10:28 AM Councilman Forbes asked how much of the environmentally sensitive area was being reduced. Mr. Gibbons explained that the environmentally sensitive area was not being changed.

10:11:30 AM Mr. Gibbons responded to Councilman O'Flinn's question and displayed the area where the conservation preservation area was transferred.

10:13:26 AM Mr. Dulmer explained that the Transportation Engineers reviewed the proposal and they looked for the best way to separate the Construction Vehicles and the residential vehicles so there would be minimal traffic impact. He addressed Councilman Forbes' question and stated that the lane closure recommendation from the Lee County Department of Transportation (DOT) was in response to the application set before them.

10:16:00 AM Stuart Smith, Community Development, discussed the traffic impact within the area. He explained that Lee County DOT would authorize the median changes.

10:19:54 AM Councilman Forbes asked whether there would be any reason to believe that the applicant would try to prevent the residential vehicles from accessing the new entrance. Mr. Smith explained that the applicant created the entrance in order to make things easier for residents living within the area.

10:21:14 AM Councilman O'Flinn asked about the distance separation between access points under the Bonita Springs Code. Mr. Smith stated that 660 feet was the required distance separation within the Bonita Springs Code.

10:25:27 AM Councilwoman Quaremba asked whether there were any efforts to connect the adjacent roads. Mr. Dulmer stated that the adjacent property did not want increased traffic in the area.

10:29:12 AM Mr. Smith discussed the storm water for the existing site. He displayed the location of the retention pond and explained that they would be maintained.

[10:30:38 AM](#) Councilman Forbes suggested to increase the curve cut and maintain the access.

[10:33:51 AM](#) Ms. Genson discussed the conditions of approval and stated that all other Zoning Requirements remained in full force and effect. She explained that the applicant would not be able to get the full median opening without Lee County DOT approval of the deviation.

[10:37:46 AM](#) Councilman Forbes suggested a condition of approval where the changes would have a time limitation of 4 years to get done or the applicant would have to go back to the City Council for review.

[10:39:34 AM](#) Councilman Greg DeWitt asked whether the time limit was able to be extended. Mr. Dulmer stated that there could be a request.

[10:40:25 AM](#) Peter Van Buskirk, Kimley-Horn and Associates, explained that there was a permit in place with the South Florida Water Management District for the modification.

[10:43:10 AM](#) Christopher Hatton, Kimley-Horn and Associates, explained that the Lee County DOT wanted as much room as possible to allow vehicles to go into the turning lane for safety purposes.

[10:44:35 AM](#) City Attorney Vance suggested adding a new condition reflecting Councilman Forbes suggestion of providing a 4 year time limit from the date of the Ordinance.

[10:45:15 AM](#) Councilman O'Flinn suggested for the Butler Drive access to be reviewed further. Mr. Dulmer stated that the Lee County DOT tried to maintain the access but the wider the distance became, then it potentially became more dangerous.

[10:48:59 AM](#) Ms. Genson explained that there was a separate technical review in the findings and recommendations that needed to be conducted in order to grant the approval.

Councilman O'Flinn entered a motion to continue the case in order to review the possibility of maintaining the Butler Drive access; Councilman Forbes seconded.

[10:50:49 AM](#) Councilman Forbes suggested having a Council Member present when staff discusses the request with Lee County DOT.

[10:51:26 AM](#) City Attorney Vance clarified that Council was requesting to continue the case for further review.

[10:52:51 AM](#) Ms. Genson wanted clarification that this was to preserve the full median access. Council agreed.

[10:54:54 AM](#) Mike Concilla, Equity, Inc., stated that when staff and the applicant met with the Lee County DOT, they stated that the access would not be able to stay. Mr. Buskirk requested that Council grant approval after the meeting with Lee County DOT regardless of their decision.

10:58:43 AM City Attorney Vance read the motion as continuing the meeting to the December 19th City Council Zoning meeting.

11:00:15 AM Councilman O'Flinn asked about an upcoming meeting and ex parte communication.

The motion carried unanimously to continue the case to December 19<sup>th</sup>.

Mayor Simmons left the meeting at 11:05AM.

V. APPROVAL OF THE MINUTES: October 17, 2016

Councilman Gibson entered a motion to approve the minutes as presented; Councilwoman Quaremba seconded; the motion carried unanimously.

VI. ADJOURNMENT


There being no further items to discuss, the meeting adjourned at 11:10 AM.

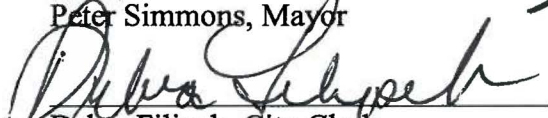
Respectfully submitted,

  
Charlen Wade, Deputy City Clerk

APPROVED:  
CITY COUNCIL ZONING BOARD

Date: 12/19/2010  
AUTHENTICATED:

  
Peter Simmons, Mayor

  
Debra Filipek, City Clerk