

**City of Bonita Springs
City Council Zoning Hearing
Monday, December 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 Steven 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. Continuance from November 14, 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.

9:01:30 AM City Attorney Audrey Vance read the title block of the Zoning Ordinance and tendered expert witnesses.

9:03:10 AM John Dulmer, Community Development, provided background information for the continued case and discussed the meeting that was held with Lee County Department of Transportation (DOT). Councilman Peter O'Flinn explained that the head of the Lee County DOT offered to review the access further. Councilman O'Flinn suggested to continue the case to allow the review to occur.

9:05:43 AM Mike Concilla, Equity, Inc., explained that they would like to have a decision made. City Attorney Vance suggested an alternative option to approve the Ordinance but add a condition that if the location was changed, then staff would be able to do the modifications.

9:06:21 AM Councilman O'Flinn suggested to have Matt Feeney, Public Works Director, and Mr. Dulmer meet with the Lee DOT along with one member of Council.

Councilman O'Flinn entered a motion to continue this case to January 23, 2017; Councilman Slachta seconded the motion.

9:09:30 AM Councilwoman Amy Quaremba stated that she did not feel comfortable with allowing the meeting to be conducted administratively prior to the review by Lee County DOT.

9:10:54 AM Councilman Greg DeWitt stated that a decision should be made on January 23rd.

The motion carried unanimously.

B. PD16-29060-BOS, Oakland Commercial Planned Development (CPD), District 6

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY 2726 SCC LLC, TO AMEND CITY OF BONITA SPRINGS ZONING ORDINANCE NO. 09-13, OAKLAND CPD; AMENDING THE MASTER CONCEPT PLAN, SCHEDULE OF USES, DEVELOPMENT STANDARDS, AND CONDITIONS OF APPROVAL; REDUCING COMMERCIAL INTENSITY; LOCATED AT 27971 OAKLAND DRIVE, BONITA SPRINGS, FLORIDA; ON 2.15 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE

9:12:14 AM City Attorney Vance read the title block of the Zoning Ordinance and tendered expert witnesses.

9:14:40 AM Max Forgey, Forgey Planning Services, provided his background experience, education, and was tendered as an expert witness in Land Use Development.

9:16:39 AM Jacqueline Genson, Community Development, provided a brief review of the subject property and some of the concerns that were presented to staff. She incorporated some of the feedback that was presented during the last meeting. She discussed the zoning regulations for the surrounding area.

9:28:06 AM Sean Gibbons, Community Development, discussed the Heritage Trees within the area along with the buffering.

9:30:54 AM Stuart Smith, Community Development, stated that the surface water management design should be evaluated further. He also mentioned that the applicant had the ability to apply for a letter of map revision at the time of local development order and discussed the floodway.

9:32:13 AM Ms. Genson explained that the applicant obtained the letter of map revision as part of the application packet. She discussed the conditions of approval, the commercial design standards, and explained that the applicant withdrew deviations 3 and 4; parking and height respectively.

9:45:42 AM Ms. Genson stated that the hotel had approval for 90 rooms because of the way the planned development was analyzed at the time. She continued to discuss the uses and interchange area. She referenced Ian Lockwood's, Toole Design Group, recommendations and stated that he was looking for more interconnectivity. She discussed a few of the conditions that staff recommended to the applicant, such as standard hours of operation to limit incompatibility issues. She also provided an example of a rural design standard and stated that all the conditions presented met the intent.

10:03:02 AM Councilman Forbes asked for the height of the hedge row when installed. Mr. Gibbons stated that it would be planted 48 inches in height and maintained at 60 inches. Councilman Forbes also asked during a 5 year duration whether the height would be 6 - 7 feet. He expressed his concerns with the amount of rooms that were approved on that lot size.

[10:08:20 AM](#) Councilman DeWitt addressed Councilman Forbes concerns and stated that the building had standards that needed to be met. He asked about the size of a boutique hotel that was previously proposed.

[10:09:43 AM](#) Councilman Gibson expressed concerns over the open storage use.

[10:10:35 AM](#) Councilman O'Flinn referenced pages 13, 38 and 112. He asked why the application was approved. He asked why light industrial was being suggested as opposed to waiting for the final Master Concept Plan. Ms. Genson explained what the concept of light industrial was and stated that everything was kept internally. He stated that he shared Councilman Forbes' concern regarding the density of the hotel.

[10:19:40 AM](#) Councilwoman Quaremba asked about the uses that were being added and whether the uses would stay with the property. Ms. Genson stated that the concerns presented by the Zoning Board were related to open storage. Ms. Genson addressed Councilwoman Quaremba's question and stated that the hotel was an existing use.

[10:25:03 AM](#) Councilman Slachta asked what the Zoning Board expressed concerns over. Ms. Genson stated that the Zoning Board had concerns that the amount of rooms would not fit on the property.

[10:25:55 AM](#) Councilwoman Quaremba referenced the 15 foot buffer along Oakland Drive and asked whether there was room for a 10 foot sidewalk. Mr. Gibbons stated that FEMA moved the flood line further north during the letter of map revision.

[10:35:13 AM](#) Wayne Arnold, Q. Grady Minor & Associates, displayed the location of the property and discussed the sidewalk connections.

[10:38:50 AM](#) Stan Strouder, Managing member of LLC, stated that he would like to generate a profit and he found that buyers approached him inquiring on whether the property had an open storage use.

[10:49:10 AM](#) Councilman Forbes suggested that the area may improve and further develop in the future.

[10:52:55 AM](#) John Dulmer, Community Development, responded to Councilman O'Flinn's question and stated that the minimum standard for a planned development was met.

[10:54:30 AM](#) Councilman DeWitt asked whether there was a way to bind the future Council from allowing an open storage use. Mr. Dulmer stated that this would not be possible.

[10:57:05 AM](#) Mr. Strouder stated that there would be an extraneous cost in order to put in the requested buffer, street and sidewalk.

[11:01:45 AM](#) Ms. Genson referenced condition 3A.

[11:02:40 AM](#) Mr. Strouder suggested to create a cost sharing system. City Attorney Vance stated that there was a voluntary special assessment that could allow the cost sharing system and provided the procedure.

[11:04:15 AM](#) Councilwoman Quaremba asked how the special assessment would be conducted and the calculations. City Attorney Vance explained the types of special assessments and what they were based on.

PUBLIC COMMENTS:

11:05:50 AM Derek Rooney, Bright Robinson Law Firm, stated that the Schroeder's were hoping for their property to be converted into a hotel. He stated that they had concerns of a fixed space use and he stated that he was opposed to the open storage use but if approved believed that the Zoning Board conditions were necessary.

11:08:45 AM Max Forgey, Forgey Planning Services, explained that he believed the outdoor storage use was inconsistent with the Comprehensive Plan. He referenced page 86 of the staff report and did not believe that the information provided was sufficient.

11:13:51 AM Councilwoman Quaremba asked whether open storage was compatible with light industrial. Ms. Genson referenced allowable uses policy and provided the criteria for it.

11:15:50 AM Councilman DeWitt referenced Quail's Nest.

11:17:52 AM Councilman O'Flinn suggested that if the request were to be approved he wanted to incorporate what the applicant stated regarding the hotel.

11:18:45 AM Mr. Arnold stated that the applicant agreed to reduce the amount of requested units.

11:19:47 AM Councilman Gibson suggested to incorporate Mr. Lockwood's suggestions when developing the area.

11:20:27 AM Mr. Dulmer clarified that the open storage use would be allowed for a period of 5 years under the same ownership or 3 years if the applicant chose to sell the property.

11:24:04 AM Mr. Arnold disagreed with the previous statement where the 3 year limit would need to go back to Council in order for the use to be extended. Mr. Strouder requested that the time limit not start until there was a tenant.

11:26:41 AM Councilman Forbes asked whether the applicant was willing to diminish the size to three quarters to allow for a greater buffer.

11:28:18 AM Councilwoman Quaremba stated that she was not in favor of having a reduction. She also stated that she was alright with allowing the limit to start when there was a tenant but she also suggested to have the limit start at a certain period regardless of whether there was a tenant or not.

11:30:20 AM Councilman Forbes suggested to allow some time where the applicant could get a tenant. He did not believe that 30 days would be a long enough time frame to obtain a tenant.

11:32:27 AM Mr. Rooney stated that he was in agreement with the City Attorney regarding the time frame. He stated that he took the amount time it took to get a tenant into consideration when he suggested the 3 year and 5 year limits.

11:34:55 AM Councilwoman Quaremba asked whether there was a condition related to agricultural materials storage.

Councilman O'Flinn entered a motion to add language from section 4-1529 of the LDC into the request if approved; Councilman Slachta seconded the motion; the motion carried unanimously.

11:39:53 AM City Attorney Vance asked whether Council would like to add stipulations of not extending the approval for the open storage use and administrative approval.

11:41:17 AM Mr. Dulmer clarified that there was a modification to the condition to have the decision made administratively so the applicant would not have to come back to City Council. City Attorney Vance clarified that this would be an administrative approval. She stated that the motion would be to modify section 9(e) to add that after 3 years there would be administrative approval of the additional 2 year as long as the applicant remained the same. She also asked whether Council wanted to add a condition that allowed for the interconnection to Oakland on the South side of the property. Councilman Gibson stated that it wasn't necessary.

Mayor Simmons entered a motion to approve the language presented by City Attorney Vance; Councilman Slachta seconded the motion; and the motion carried unanimously.

11:46:38 AM Mr. Arnold suggested that at the time of development order the applicant would work with staff to address the recommendations made by Toole Design Group that may be applicable.

11:47:25 AM City Attorney Vance clarified that the motion would be to incorporate the Bonita Beach Road Visioning Study recommendations.

Councilman DeWitt entered a motion to incorporate the language that City Attorney Vance suggested; Councilman Gibson seconded the motion; and the motion carried unanimously.

Councilman Forbes entered a motion for approval of the amendment request; Councilwoman Quaremba seconded the motion; and the motion carried unanimously.

V. APPROVAL OF THE MINUTES

Councilman Steven Slachta entered a motion to approve the minutes as presented; Councilman Mike Gibson seconded the motion; and the motion carried unanimously.

VI. ADJOURNMENT

There being no further items to discuss, the meeting adjourned at 11:53 AM

Respectfully submitted,


Charlen Wade, Deputy City Clerk

APPROVED:
CITY COUNCIL ZONING BOARD

Date: 2/11/2017
AUTHENTICATED:


Peter Simmons, Mayor


Debra Filipek, City Clerk