

**City of Bonita Springs
City Council Zoning Hearing
Monday, March 17, 2014
9:00 A.M.
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, FL 34135
MINUTES**

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor Nelson led in the Pledge of Allegiance.

III. ROLL CALL

Present:	Absent:
Mayor Ben Nelson	Council Member Steve Slachta
Janet Martin	
Mike Gibson	
Steve McIntosh	
Peter Simmons (arrived at 9:09 A.M.)	
Bill Lonkart	

IV. A. CASE: VAR14-10409-BOS, Tarver Side Yard Road Setback Variance, District 3

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA: CONSIDERING A VARIANCE REQUEST BY EDWARD JORDAN TARVER AND SHEA SAMMONS TO GRANT RELIEF FROM LDC 4-2192 TO ALLOW A 5' SETBACK FROM A ROADWAY AND UTILITY EASEMENT AS DEPICTED ON THE CAROLANDS UNRECORDED SUBDIVISION BETWEEN LOTS 58 AND 61 ON LAND LOCATED AT 26828 MCLAUGHLIN BLVD., BONITA SPRINGS, FLORIDA, ON 21,500 +/- SQUARE FEET; PROVIDING FOR AN EFFECTIVE DATE.

9:02:21 AM City Attorney Audrey Vance began by reading the title block of the Zoning Ordinance into the record.

9:02:34 AM David Ortiz, Community Development, presented the Staff Report via a PowerPoint presentation (copy in Clerk's file). Both Staff and the Zoning Board have recommended approval.

9:13:09 AM Attorney Robert Pritt, representing the Applicants, explained that in designing the house, it was believed that the driveway functioned as a driveway easement. The burden of the easement was put onto Lot 58 rather than the entire parcel. When the designer did the design, they very carefully placed the house on the property in the location it should be. Staff suggested the Applicants request a variance, which is the reason they are here today. They have met the criteria for the granting of a variance. They are here to ask that City Council approve their request.

9:22:07 AM Shea Sammons explained that she is originally from Bonita Springs, and wants to construct a house in Bonita Springs to start a family.

There were no parties of record in attendance.

9:25:01 AM Mayor Nelson reported that he would abstain from the vote.

9:25:26 AM Council Members Janet Martin, Steve McIntosh, Peter Simmons, and Mike Gibson reported Ex Parte communications.

9:25:46 AM In response to Council Member McIntosh's concerns regarding whether this caused any safety concerns, Staff responded no.

The motion carried unanimously (Mayor Nelson abstained from the vote). **ADOPTED ZONING ORDINANCE NO. 14-01**

B. CASE: RZN14-10412-BOS, Oak Creek Preserve, Districts 2 and 3

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY THE CITY OF BONITA SPRINGS TO REZONE 3.93 +/- ACRES FROM TWO FAMILY CONSERVATION (TFC-2) AND COMMERCIAL (C1-A) DISTRICTS TO THE ENVIRONMENTAL CRITICAL (EC) DISTRICT, ON LAND LOCATED AT 27860 AND 27880 MATHESON AVENUE, BONITA SPRINGS, FLORIDA 34135; PROVIDING FOR AN EFFECTIVE DATE.

9:26:53 AM City Attorney Vance read the title block of the Zoning Ordinance into the record.

9:27:20 AM John Dulmer, Community Development, furnished a PowerPoint presentation (copy in Clerk's file), to address this case, which regarded property purchased by Lee County per the Conservation 2020 program. The County has requested the City rezone the property to EC (Environmental Critical) to allow it to remain as a preserve. He also addressed the surrounding uses. Staff has recommended approval of the rezoning to the EC zoning district for the property.

9:30:02 AM Mike Kirby, Community Development explained that although kayaking and hiking would be allowed, facilities such as kayak launches, parking areas, etc., would not be allowed per the EC zoning district.

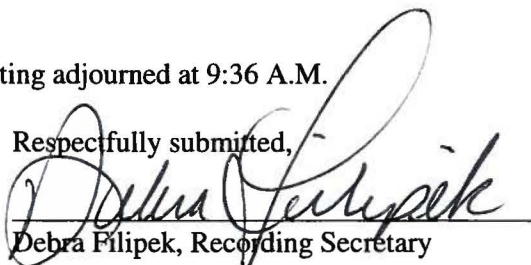
9:33:35 AM Frank Jac Kollak explained that his concerns is with trespassers and people coming onto this property. He is also concerned with this becoming a public park. Mayor Nelson suggested Staff to work with Mr. Kollak to resolve his concerns.

9:35:00 AM John Gucciardo, Assistant City Manager, explained that Staff was in the process of working with Mr. Kollak to resolve the issues.

The motion carried unanimously. **ADOPTED ZONING ORDINANCE NO. 14-02**

V. ADJOURNMENT

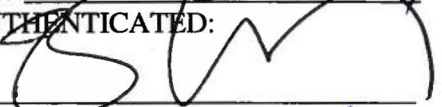
There being no further cases to discuss, the meeting adjourned at 9:36 A.M.

Respectfully submitted,

Debra Filipek, Recording Secretary

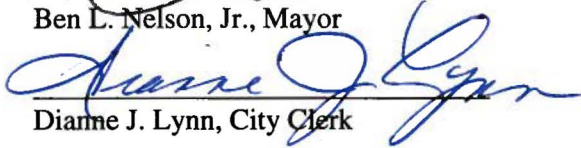
APPROVED:

BONITA SPRINGS CITY COUNCIL:

Date: 3-26-14

AUTHENTICATED: 

Ben L. Nelson, Jr., Mayor



Diame J. Lynn, City Clerk