

**City of Bonita Springs  
City Council Zoning Hearing  
Monday, August 18, 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, Jr., called the meeting to order at 9:00 A.M.

**II. PLEDGE OF ALLEGIANCE:**

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

**III. ROLL CALL:**

Mayor Nelson and all Council Members were in attendance, except for Council Member Janet Martin.

**IV. A. CASE: PD14-13798-BOS, Estero Bay Marina Commercial Planned Development (CPD), District 1**

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY ESTERO BAY MARINE, LLC; DONAVAN, LLC; AND SUGAR MOUNTAIN DEVELOPMENT, LLC TO REZONE FROM LEE COUNTY RESIDENTIAL PLANNED DEVELOPMENT (RPD), MOBILE HOME PLANNED DEVELOPMENT (MHPD), COMMERCIAL PLANNED DEVELOPMENT (CPD), RESIDENTIAL R-3, AND AGRICULTURE AG-2 TO COMMERCIAL PLANNED DEVELOPMENT (CPD) TO ALLOW FOR 72 WET SLIPS, 150 DRY SLIPS, AND OTHER RETAIL USES TOTALING 207,000 SQUARE FEET WITH A MAXIMUM HEIGHT NOT TO EXCEED 75 FEET ON LAND LOCATED AT 5000, 5040, 5050, AND 5060 COCONUT ROAD; 23149, 23148, AND 23170 WEEKS FISH CAMP ROAD; 5227, 5233, AND 5234 DRAINE STREET; AND 5119, 5203, 5207, 5211, 5219/5225, 5220, 5228, 5230, 5231, AND 5236 MAMIE STREET, BONITA SPRINGS, FLORIDA, ON 17.34 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

**9:01:08 AM** City Attorney Audrey Vance read the title block of the Zoning Ordinance into the record, stating that this is the second reading of the Ordinance. She has reviewed the Affidavit of Publication which she found to be legally sufficient.

**9:02:45 AM** Jackie Genson, Community Development, furnished a brief history of the case, which also includes a companion Comprehensive Plan Amendment, which was reviewed by the Local Planning Agency who found it consistent with the Comprehensive Plan.

**9:04:19 AM** Matt Uhle, representing the Applicant, furnished a brief overview of their presentation.

9:05:16 AM James Ink, also representing the Applicant, furnished a PowerPoint presentation to address the Applicant's request, as furnished at the Zoning Board meeting of July 22, 2014. He addressed development of the site, the Comprehensive Plan, their requested Deviations, landscaping, the barn, etc. They are in agreement with Staff's recommended conditions, which he briefly addressed. They do have a concern regarding Staff's proposed condition regarding the Estero Bay Aquatic Preserve, which includes numerous requirements. They feel that with what they are doing, they don't believe they need to build kiosks, as they are not sure what unintended consequences that may result in. They are here asking that Council approve their request.

9:32:38 AM Chester Young, also representing the Applicant, addressed permits the Applicant has, as well as required signage. He also addressed speed zones in the vicinity. With respect to the kiosk, they would prefer to post informational signage on the sides of buildings rather than have a kiosk. They definitely will have some kind of informational signage.

9:37:43 AM City Attorney Vance suggested the following wording for the condition to address signage.

- c. Prior to the first certificate of occupancy, the applicant will place signs visible to all users within the marina portion of the project educating them of the following:
  - i. The importance of sea grass beds, oyster bars, bird rookeries, listed species and clean water; and
  - ii. Scarring of seagrass beds from vessels and the long term negative impacts; and
  - iii. Statement that it is against the law to destroy sea grass beds, disturb bird rookeries, molest manatees, and that this preserve is patrolled by law enforcement; and
  - iv. A full-sized map depicting how to exit the marina and pathway to the closest marked channel; and
  - v. A second map showing the marked channels in Estero Bay.

The Applicant agreed with the City Attorney's suggested condition.

9:42:20 AM Council Member Steve McIntosh questioned what the largest boat the boat barn could handle, to which Mr. Ink responded 35 feet. The barn will hold 150 boats. If they had to reduce the setback by ten feet they would lose about 10 boats.

9:44:16 AM Council Member Peter Simmons asked if the roof on the barn would be tin, to which Mr. Ink stated that more than likely they will be a metal product with a neutral color. He also explained that the barn will be landscaped to make it less visible.

9:48:37 AM Council Member Steve McIntosh asked if they discussed this with the residents to the north, to which Mr. Ink responded yes. They have worked with the adjacent property owners and believe their concerns have been resolved. They want to be good neighbors.

9:49:30 AM Mayor Nelson stated this is a great facility and long overdue. It's what the area needs.

9:51:12 AM Mr. Uhle next addressed consistency with the Comprehensive Plan. The project is consistent with the Lee Plan.

9:53:03 AM City Attorney Vance referred to her letter to Mr. Uhle (dated July 28, 2014; copy in Clerk's file), explaining that if Council agrees, she will need to revise the Findings of Fact.

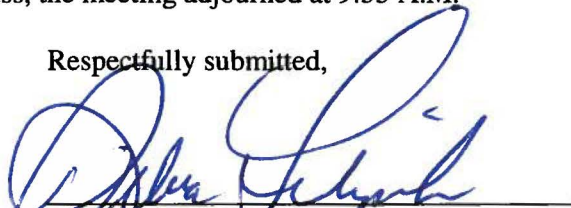
There were no members of the Public in attendance.

9:54:03 AM Council Member McIntosh motioned adoption of the Zoning Ordinance, as revised; Council Member Slachta seconded; and the motion carried unanimously. **ADOPTED ZONING ORDINANCE NO. 14-03**

V. ADJOURNMENT:

There being no further cases to discuss, the meeting adjourned at 9:55 A.M.

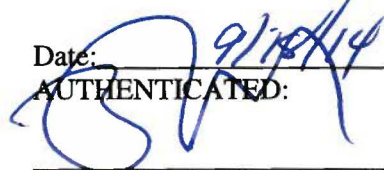
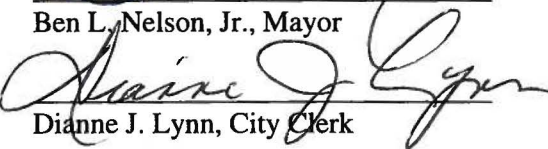
Respectfully submitted,

  
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Debra Filipek, Recording Secretary

APPROVED:  
BONITA SPRINGS CITY COUNCIL:

Date: 9/17/14

AUTHENTICATED:

  
\_\_\_\_\_  
Ben L. Nelson, Jr., Mayor  
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Dianne J. Lynn, City Clerk