

**City of Bonita Springs
Board for Land Use Hearings & Adjustments
and Zoning Board of Appeals**

**Meeting Minutes
Tuesday, April 18, 2023
9 a.m.**

I. CALL TO ORDER

Chairman Anthony Rascio called the meeting to order at 9:00 A.M.

II. INVOCATION

Invocation provided by Board Member Russ Winn.

III. PLEDGE OF ALLEGIANCE

Board Member Gary Gambrell led in the Pledge of Allegiance.

IV. ROLL CALL

The City Clerk called the roll:

Present 6 - Chairman Rascio, Board Members Galloway, Winn, Gambrell, Benson and Board Member Hershenson (Hershenson left the meeting at 9:58 a.m.)

Excused 1 – Board Member Waterhouse

V. APPROVAL OF MINUTES: February 21, 2023

Board Member Benson motioned to approve the minutes, Second by Board Member Hershenson; the motion carried with six in favor and one absent.

VI. PUBLIC COMMENT

Chairman Rascio called for public comments; however, no one came forth.

VII. PUBLIC HEARINGS

EACH CASE WILL INCLUDE A PUBLIC COMMENT PERIOD AT THE CONCLUSION OF THE APPLICANT AND STAFF PRESENTATION

City Attorney Rooney swore in all those who intended to speak and/or give testimony.

Chairman Rascio asked board members if there was an objection to changing the order of agenda items, to hear Item C, BONITA SPRINGS MOTOR CONDOS SPECIAL EXCEPTION ahead of Item B, TOMMY'S EXPRESS CAR WASH SPECIAL EXCEPTION. There were no objections.

A. CASE NAME: THE GROVE RESIDENTIAL PLANNED DEVELOPMENT (PD22-94289-BOS)

AN AMENDMENT TO A RESIDENTIAL PLANNED DEVELOPMENT (RPD) TO INCLUDE 24 MULTI-FAMILY UNITS AS THE PRINCIPAL USE OF THE PROPERTY, AND TO ADD ONE DEVIATION.

Wayne Arnold of Q Grady Minor, spoke on behalf of the applicant, presenting a summary of the deviation request and an overview of the proposed project, which included a summary of the proposed master concept plan and draft renderings (presentation on file in the Clerk's Office).

Michael Fiigon led the staff presentation, which included background information, staff analysis, findings, conclusions, and proposed conditions of approval. Staff recommended approval of the request with conditions. (Presentation and conditions on file in the Clerk's Office).

Chairman Rascio called for public comments; seeing none, closed the hearing. Board Member Hershenson made a motion to approve the applicant's request for an amendment to a Residential Planned Development to include 24 multi-family units as the principal use of the property, and to add one deviation, Seconded by Board Member Winn; the motion carried with six in favor, one absent.

B. CASE NAME: TOMMY'S EXPRESS CAR WASH (BONITA BEACH ROAD) SPECIAL EXCEPTION (SPE22-92499-BOS)

A SPECIAL EXCEPTION REQUEST TO ALLOW A CAR WASH FACILITY ON PROPERTY LOCATED WITHIN THE COMMERCIAL ZONE OF THE BONITA BEACH ROAD CORRIDOR OVERLAY, PURSUANT TO LDC 4-898.

City Attorney Rooney swore in all those who intended to speak or who have not yet been sworn in.

Wayne Arnold of Q Grady Minor led the presentation for the applicant. Mr. Arnold, along with additional staff from Q Grady Minor, Michael Herrera and Jim Banks, presented an overview of the proposed project, which included the conceptual site plan, renderings, traffic impact statement, and a summary of the special exception request (presentation on file in the Clerk's Office). Also, Mr. Arnold responded to questions from board members.

Michael Fiigon led the staff presentation, which included a project synopsis, staff analysis and conclusions, special exception approval criteria, and proposed conditions of approval. Staff recommended approval of the special exception request with conditions. (Presentation and conditions on file in the Clerk's Office). Also, Mr. Fiigon responded to questions asked by board members.

Board member Gambrell asked about water runoff, asking if he is correct in his understanding that no soapy water/wastewater would reach the river? Mr. Fiigon and Mr. Arnold replied that he is correct in that understanding.

Chairman Rascio asked if Bonita Springs Utilities has any issues with the additional wastewater entering their system? Mr. Fiigon stated BSU requires certain additives be removed before discharge into the system and a permit from BSU is required.

10:45 a.m. - Chairman Rascio recessed the meeting for a 15-minute break.

11:00 a.m. - Chairman Rascio reconvened the meeting.

Chairman Rascio called for public comments and reminded those intending to speak that they have been sworn in.

- Rick Steinmeyer – Asked the following questions: Will the wall on the west side be insulated from noise? Is there necessary to have a wall? Will rainwater drainage go under the wall toward the preserve or toward Bonita Beach Rd? Chairman Rascio stated the questions will be held until the end of the public comment portion of the meeting.
- Cathy Green - Spoke in opposition to approval of the special exception request. Expressed concern about drainage, flooding, and traffic safety issues.
- David Fox - Spoke in opposition to approval of the special exception request. Stated that he has a petition signed by 97 residents requesting that the special exception be denied (Copy of said petition not provided to the Clerk).
- Joe Franklin - Spoke in opposition to approval of the special exception request, expressing concerns about traffic increase issues and the impact of the additional stormwater to the residents.
- Frank Macias - Spoke in opposition to approval of the special exception request. Expressed concerns about traffic safety issues in the neighborhood.
- Brian Bruland - Spoke in opposition to approval of the special exception request. Expressed concern about traffic increase issues and emergency service access to the neighborhood.

With no additional members of the public coming forward to speak, Chairman Rascio thanked those who spoke and closed the public comment portion of the meeting. He then asked staff and/or the applicant to address Mayor Steinmeyer’s questions. Mr. Arnold stated that they would be fine with eliminating the segment of the wall referenced, which is next to the Kinetico business, because it does not have a bearing on the sound study. The wall will be designed for rainwater intake and ultimately water will be discharged through pipes to Bonita Beach Rd.

Chairman Rascio made a motion to approve the exception request with staff conditions; motion not seconded; motion failed.

Board Member Galloway made a motion to deny the exception request, based on not meeting special exception criteria for approval, criteria for approval G, H, and I; motion not seconded; motion failed.

Board Member Gambrell made a motion to deny; seconded by Board Member Galloway. The City Clerk called a roll call vote. The motion to deny was approved by a vote of 3-2, follows:

| Winn | Gambrell | Benson | Galloway | Rascio | Hershenson | Waterhouse |
|------|----------|--------|----------|--------|------------|------------|
| yes | yes | no | yes | no | absent | absent |

C. CASE NAME: BONITA SPRINGS MOTOR CONDOS SPECIAL EXCEPTION (SPE22-92936-BOS)

A SPECIAL EXCEPTION REQUEST TO ALLOW A CONDOMINIUM WAREHOUSE, PUBLIC USE FACILITY ON A PROPERTY LOCATED WITHIN THE COMMERCIAL ZONE OF THE BONITA BEACH ROAD CORRIDOR OVERLAY, PURSUANT TO LDC 4-898.

Bob Mulhere of Hole Montes presented on behalf of the applicant, Tom Taylor of Livingston Professional Center, who was also present in the council chambers. Mr. Mulhere provided an overview of the proposed project and summarized the special exception request (presentation on file in the Clerk's Office). In addition, Mr. Mulhere responded to questions asked by board members.

Chairman Rascio asked if it was anticipated that cars will be moved in and out daily. Mr. Mulhere replied to *no*. Chairman Rascio further asked if storage spaces will be purchased or leased. Mr. Mulhere stated they will all be *purchased*.

Board Member Benson asked if the facility is limited to automobiles storage, or if boats will be stored there as well. Mr. Mulhere stated that there may be boats, but they will also be stored inside. Mr. Mulhere further stated that there will be no fueling or repairs on the premises.

Mary Zizzo led the staff presentation, which included background information, staff analysis, findings, and conclusions. Staff recommended approval of the request with conditions. (Presentation and conditions on file in the Clerk's Office). In addition, Ms. Zizzo responded to questions asked by board members.

Chairman Rascio called for public comments; seeing none, Chairman Rascio made a motion to approve the applicant's request, with the conditions outlined by staff, Seconded by Board Member Hershenson; the motion carried with six in favor, one absent.

VIII. CASE UPDATE: Oakland CPD

IX. NEXT MEETING: May 16, 2023 at 9:00am (Tentative)

X. ADJOURNMENT

The Chairman adjourned the meeting at 11:54 a.m.

Respectfully submitted,

Mike Sheffield, City Clerk

APPROVED:
BONITA SPRINGS ZONING BOARD:

Date: _____

AUTHENTICATED:

Anthony Rascio, Chairman

Any person requiring special accommodation at any of the meetings because of a disability or physical impairment should contact Mike Sheffield, City Clerk by calling 239-949-6262, at least 48 hours prior to the meeting.

If a person decides to appeal a decision made by the Board in any matter considered at this meeting/hearing, such person may need to ensure that a verbatim record of the proceeding is made, to include the testimony and evidence upon which any such appeal is to be based.

DRAFT