

OCTOBER 3, 2005

The Zoning Meeting of the Board of Lee County Commissioners was held this date with the following Commissioners present:

- Tammy Hall, Vice-Chairman
- Ray Judah
- John E. Albion
- Robert P. Janes

CHAIRMAN ST.CERNY WAS ABSENT FOR THE ENTIRE MEETING.

The Vice Chairman called the meeting to order at 9:30 a.m.

**A COPY OF THE HEARING EXAMINER'S RECOMMENDATION IS ON FILE IN THE MINUTES OFFICE.**

CASE NUMBER: DCI2005-00075

NAME: BUCKINGHAM 320 RPD

REQUEST: The extension of the Master Concept Plan for Buckingham 320 Residential Planned Development (RPD) for a period not to exceed 12 months. This would allow the original zoning approval (#Z-00-029) to be extended for 12 months, from December 4, 2005 to December 4, 2006, pursuant to Land Development Code Section 34-381.

LOCATION: 3621 Buckingham Road, located on the east side of Buckingham Road, south of Palm Beach Boulevard, in S32&33-TS43-RE26, Lee County, Florida. (District #5)

STRAP NUMBER: The applicant indicates the STRAP numbers are:  
 32-43-26-00-00003.0000  
 33-43-26-00-00004.0000  
 33-43-26-00-00004.0010

SIZE OF PROPERTY: 325.00± acres

PROPERTY OWNER'S REPRESENTATIVE: Attorney Beverly Grady  
 Roetzel & Andress  
 239-337-3850

After Zoning Director Pam Houck stated that Development Services Senior Planner Alvin (Chip) Block would be unable to attend, the Vice-Chairman noted there were no participants of record. Commissioner Judah moved the extension, seconded by Commissioner Hall, called and carried with Commissioner St. Cerny absent.

RESOLUTION NO. Z-05-076

CASE NUMBER: DCI2005-00031

NAME: HEIGHTS COMMUNITY CENTER

REQUEST: Rezone 4.89+/- acres from Agricultural (AG-2) and Two-Family Conversion (TFC-1) to Community Facilities Planned Development (CFPD), to allow a maximum 14,000 square foot building for the Harlem Heights Community and Cultural Arts Center.

LOCATION: 15570 Hagie Drive

STRAP NUMBER: The applicant indicates the STRAP numbers are:  
 32-45-24-01-000J0.0120  
 32-45-24-01-000J0.012B  
 32-45-24-01-000J0.012A

SIZE OF PROPERTY: 4.89± acres

PROPERTY OWNER'S Ms. Tracy N. Bean, AICREPRESENTATIVE: Bean, Whitaker, Lutz & Kareh  
239-481-1331

Zoning Director Pam Houck, reviewed the request, noted that staff and Hearing Examiner recommended approval, and stated there were no participants of record. The applicant was available to respond to questions. Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried with Commissioner St. Cerny absent.  
[RESOLUTION NO. Z-05-067](#)

CASE NUMBER: DCI2004-00087

NAME: GATOR RECREATION COMPLEX

REQUEST: Rezone 7.1+/- acres from AG-2 to CPD, to allow for the development of a 60,400 square foot Gator Recreational Complex, which includes uses such as a 40-lane bowling alley, video arcade, restaurant and bar, and convention center; and a 1.56+/- acre out parcel with 21,000 square feet of office and/or retail uses.

LOCATION: 14301 Ben C Pratt Six Mile Cypress Parkway, south on Plantation Road, the property is located at the northeast corner of Plantation Road and Six Mile Cypress Parkway.

STRAP NUMBER: The applicant indicates the STRAP number is:  
30-45-25-00-00002.0000

SIZE OF PROPERTY: 7.10± acres

PROPERTY OWNER'S Mr. Al QuattroneREPRESENTATIVE: Quattrone and Associates  
239-936-5222

Zoning Director Pam Houck reviewed the request, noted that staff and Hearing Examiner recommended approval with conditions, pointed out that the level of service (LOS) of the road may go to LOS "F" before the applicant is able to obtain a Development Order. In response to Commissioner Albion's question, Assistant County Attorney Timothy Jones mentioned that the standard condition in all Planned Development Resolutions states that the approval of the Planned Development does not guarantee a Development Order; and that it has to meet concurrency rules, and requirements for traffic and other infrastructure. Representative of the applicant, Al Quattrone of Quattrone & Associates stated that the proposed project is located at the intersection of Plantation Road and Six Miles Cypress; that there is access to the proposed project from Six Mile Cypress; there is adequate capacity, but may not have a secondary access to Plantation Road; and requested the Board approve the rezoning. Attorney Jones further stated that the proposed project could have severe limitations, and poses a problem if it does not meet standard site location, if it does not have access to two intersecting collective arterials. The Vice-Chairman noted that there were no participants of record. After discussion, Commissioner Judah expressed concern on the issues of the level of service and concurrency standards; and noted he could not support the rezoning. Commissioner Albion moved to approve the Staff and Hearing Examiner's recommendation with the understanding that the applicant needs to be fully aware of the responsibility that the surrounding road network has to meet the concurrency standards in order to proceed with the development order, per section 34-41, expressing specifically the Board's concerns about Plantation Road to be able to meet, per concurrency requirements, level of service as required by the same section, seconded by Commissioner Janes. Commissioner Janes pointed out that he was in support of the motion because it was his understanding that there will be no development order unless it meets concurrency standards. The motion was called and carried with Commissioner Judah voting nay and Commissioner St. Cerny absent.  
[RESOLUTION NO. Z-05-046](#)

CASE NUMBER: DCI2005-00034

NAME: RLR CAPTIVA CENTER CPD

REQUEST: Amend the CPD, Resolution Z-99-059, to change the mix of retail uses and add office uses. The applicant has proposed two Options with the total square footage not to exceed 4,670 square feet for the retail and 7,055 square feet for office on .68+/- acres.

LOCATION: 15050 Captiva Drive, Captiva, FL, from Sanibel Island take Captiva Drive north to 15050 Captiva Drive.

STRAP NUMBER: The applicant indicates the STRAP number is:

35-45-21-03-00031.0000

SIZE OF PROPERTY: 30,000.00± square feet

PROPERTY OWNER'S REPRESENTATIVE: Attorney Beverly Grady  
Roetzel & Andress  
239-338-4207

Zoning Director Pam Houck reviewed the request, and noted that Staff and the Hearing Examiner recommended approval with conditions and deviations. Commissioner Albion expressed concern for the reduction in the parking spaces; and Ms. Houck stated that with the limited uses, location and pedestrian access; staff was comfortable with the reduction. Attorney Beverly Grady, of the law firm of Roetzel and Andress, representing the applicant, gave a summary report of the proposed project and the Community Planning Council’s support of retail office; and provided [correspondence](#) from various residents of Captiva, all of which had expressed their support for the proposed project. Bean, Whitaker, Lutz and Kareh Certified Planner Tracy Bean, representing the applicant, gave a detailed analysis on the issues of parking and deviations, and noted the Planning Council members were adamant about retail uses. The Chairman called for the Participant of Record, and the following individual came forward:

Matthew D. Uhle representing Captiva Civic Association expressed his concern with the parking deviation and objected to the deviations; noting parking problems on Captiva.

Commissioner Janes expressed his support for the project; noted parking has always been a tremendous problem on Captiva; and suggested continued work to address parking on Captiva. Commissioner Janes moved approval, seconded by Commissioner Hall for discussion, called and carried with Commissioner St. Cerny absent.  
[RESOLUTION NO. Z-05-062](#)

CASE NUMBER: DCI2005-00022

NAME: GOODLAD OFFICE EXPANSION

REQUEST: Rezone 0.92 acres from Residential Single Family (RS-1) and Commercial (CS-1) to Commercial Planned Development (CPD), to permit 6,000 square foot general office space in three buildings and an entrance gate from the site to West Cleveland Avenue for emergency service vehicle use only.

LOCATION: 702 Leeland Heights Boulevard & 703 W. Cleveland Lane, Lehigh Acres, Florida.

STRAP NUMBER: The applicant indicates the STRAP numbers are:

32-44-27-02-00013.0040  
32-44-27-02-00013.0070

SIZE OF PROPERTY: 0.92± acres

PROPERTY OWNER'S REPRESENTATIVE: Richard H Thompson, P.E. RHT Engineering Inc.  
239-369-8900

Zoning Director Pam Houck reviewed the request, noted that Staff and the Hearing Examiner (HE) recommend approval with conditions, and stated there were two participants of record. RHT Engineering representative Richard H. Thompson, representing the applicant, clarified that Cleveland Lane and Joel Boulevard did not intersect, they are front and back of the property; stated one item of concern with special condition 3 concerning the buffer along the west property line; and requested a type C buffer along that property line. The Vice-Chairman called the names of the participants; however, no one came forward. In response to Commissioner Judah’s inquiry, Principal Environmental Planner Kim Trebatoski noted that she did not know if the buffer could be moved to another area of the development; and clarified Mr. Thompson’s statement noting that when new parking or roads are proposed within 125 feet of residential property lines, the Land Development Code requires a wall a minimum of 25 feet off the property line with type C plantings or a thirty-foot wide type planting buffer. After noting that there wasn’t sufficient room for a fence, she stated that it seemed that the Hearing Examiner had blended the two requirements. Commissioner Judah moved the HE’s recommendation, seconded by Commissioner Albion for discussion. Director of Environmental Science Rick Joyce, in response to Commissioner Albion’s question on storm water management, assured that the code allows for creative planting, and that it would not pose a problem. The motion was called and carried with Commissioner St. Cerny absent.

[RESOLUTION NO. Z-05-054](#)

CASE NUMBER: DCI2005-00001

NAME: COBBLESTONE RPD

REQUEST: Rezone +/- 50 acres from Commercial Planned Development (CPD) to Residential Planned Development (RPD), to permit 216 dwelling units (including single-family and multi-family) with a maximum building height of 50 feet/4 stories. No development blasting is requested.

LOCATION: 11780 Six Mile Cypress, take Six Mile Cypress Parkway south from Colonial Boulevard to the subject property on the NW corner of Penzance Boulevard and Six Mile Cypress Parkway.

STRAP NUMBER: The applicant indicates the STRAP numbers are:  
 08-45-25-00-00003.2000  
 08-45-25-00-00004.0030  
 08-45-25-00-00004.001A  
 08-45-25-00-00004.0040

SIZE OF PROPERTY: 50± acres

PROPERTY OWNER'S Ms. Stephanie KeyesREPRESENTATIVE: JOHNSON ENGINEERING, INC.  
 239-334-0046

Pam Houck reviewed the request; and stated that Staff and the Hearing Examiner recommend approval with conditions. In response to Commissioner Albion’s inquiry, Ms. Houck confirmed that the Land Development Code would handle the general concerns of the neighbors. Attorney Charles Basinait, with the law firm of Henderson, Franklin, et al, representing the applicant, noted a correction to Ms Houck’s review of the request that it was two stories, thirty-five feet for the maximum height; and noted minor modifications to the Resolution in terms of setbacks and things of that nature. Vice-Chairman Hall called for the participants of record; however, no one came forward. Commissioner Albion moved the Staff and Hearing Examiner recommendation, seconded by Commissioner Judah. Commissioner Judah applauded the developer for the exceptional effort in the rezoning. The motion was called and carried with Commissioner St. Cerny absent.

[RESOLUTION NO. Z-05-057](#)

CASE NUMBER: DCI2004-00027

NAME: WATROUS PLANTATION

REQUEST: Rezone a 32.57+/- acre property from Agricultural (AG-2) to Residential Planned Development (RPD), to permit a total maximum of 195 dwelling units (154 multi-family units, 40 single-family units, 1 multi-family unit in the proposed clubhouse). Maximum height of buildings is 75 feet (multi-family units). No blasting is proposed on-site.

LOCATION: 12351 Iona Road., Fort Myers, Florida 33908 south on McGregor Boulevard.; right on Iona Road, property on right side across from Portside Drive/Harbour Isle Estates.

STRAP NUMBER: The applicant indicates the STRAP number is:  
 36-45-23-00-00013.0020

SIZE OF PROPERTY: 32.57± acres

PROPERTY OWNER'S Chuck ClaypoolREPRESENTATIVE: Gulf to Bay Construction, Inc.  
 239-454-4880

Pamela Houck reviewed the request, and stated that Staff recommend approval and the Hearing Examiner recommend approval with a reduction in the dwelling units to 40 single-family and 120 multi-family for a total of 160 dwelling units and a maximum building height of 55 feet. Attorney Kevin Jurinski, representing the applicant, stated that they fully support the Staff recommendation and in large part the recommendation of the Hearing Examiner; and noted that

the two differences with the Hearing Examiner's recommendation are the height and density. He continued by providing a brief history of the request noting the vegetation, height of buildings and density; and cited other developments with similar or greater density. Attorney Jurinski requested approval of a density of 5.83 units per acre and building height of 75 feet. Vice Chairman Hall called for the participants of record and the following concerned citizens came forward:

Attorney Michael J. Ciccarone, of the law firm of Annis, Mitchell, et al., representing Howard Wright Homeowners Association of Harbor Isles Estates President Robert J. Healy  
 Kenneth Hunt  
 Summerwood resident D. Todd McGee ([handout](#) on file in Minutes Office)  
 Summerwood resident Nancy D. McGee  
 Iris Ramirez  
 Attorney Steven Carta, of the law firm of Simpson, Henderson, Carta and Randolph, representing  
 Thomas T. Watrous  
 Summerwood resident Joyce Wright

The general concerns of the speakers were: infrastructure, drainage, roadways, density, increased traffic, emergency services access, and building height. In response to the concerns from the participants of record, Attorney Jurinski stated that the record is clear that the level of service will remain at "D", clarified that the density numbers he presented, prior to public comment, were taken from the oppositions expert's report; and opined that The Towers are within 600 feet of the residences with no buffers and the proposed project is 1,200 feet away with a heavy buffer; and noted that they would comply with all drainage regulations. He further noted that the easement agreement was not part of this hearing. Commissioner Judah stated that while he neither gains or benefits or is injured by the outcome of the case, the surrounding residents will be impacted by this proposed development; that the major area of concern was the traffic impact; and that he could support three units per acre and the height of 45 feet above flood elevation. He further noted that would be his motion. The Chairman called for a second, and the motion failed due to the lack of a second. In response to Commissioner Albion's request, Ms Houck stated that irregardless the level of service for Iona Road would remain at level of service "D" whether the units are added or not; and noted that offsite improvement are addressed at the time of the Local Development Order. Discussion ensued regarding the curviness of Iona Road and the public safety issue it might cause with an increase in traffic, in which Assistant County Attorney Timothy Jones clarified that the level of service takes into account the design of the road, the signal lights and the turn lanes on that roadway. Commissioner Judah moved to continue this item to the next meeting, seconded by Commissioner Janes, called and carried with Commissioner St. Cerny absent.

The Chairman adjourned the meeting at 12:10 p.m.

ATTEST:  
 CHARLIE GREEN, CLERK

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 Deputy Clerk

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[Chairman, Lee County Commission](#)