

JANUARY 10, 2011

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

- Frank B. Mann, Chairman
- John E. Manning, Vice Chairman
- A. Brian Bigelow
- Ray Judah
- Tammara Hall

The 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.

PUBLIC COMMENT ON VAC2010-00006 and DCI2009-00020 WERE HEARD SIMULTANEOUSLY, IN REVERSE AGENDA ORDER, WITH THE MOTIONS TAKEN INDIVIDUALLY.

9:30 A.M. AGENDA ITEM NO. 1 – Public Hearing

1. ACTION REQUESTED/PURPOSE:

Conduct a Public Hearing to adopt a Resolution for Petition No. VAC2010-00006, submitted by James Ink on behalf of Diversified Yacht Services, Inc., to vacate 10-foot wide portions of San Carlos Drive right-of-way; and 4-foot wide Utility Easements of the Diversified Yacht Services centered along the common lot line between Lots 7 and 24, Lots 6 and 25, Lots 5 and 6 and Lots 5 and 25, Block 7, San Carlos on the Gulf recorded in Plat Book 6 at Page 6 of the Public Records of Lee County, Florida, together with a 10-foot wide strip along the east side of San Carlos Drive from Fisherman’s Wharf north abutting the boatyard site. Within that portion of the roadway right-of-way proposed for vacation, Lee County Utilities maintains existing facilities for which replacement easements, in favor of Lee County Utilities, will be recorded simultaneous with recording of the vacation. The site is located at 713 Fisherman’s Wharf, Fort Myers Beach, Florida, and its STRAP Numbers are 24-46-23-10-00006.0000, 24-46-23-10-00001.0000, 24-46-23-10-00007.0020, 24-46-23-10-00007.005A, 24-46-23-10-00007.0230, 24-46-23-10-00007.025A, 24-46-23-10-00007.0070, and 24-46-23-10-00000.006A.

(#20101137-COMMUNITY DEVELOPMENT)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Extinguishes the platted utility easements and portions of the roadway right-of-way removing site encumbrances to allow redevelopment of the site as a boatyard. There are no existing facilities within the Public Utility Easement, and the easement is not necessary to accommodate any future utility installation requirements.

MANAGEMENT RECOMMENDATION:

Approve.

Assistant County Attorney Michael Jacob approved, as to legal form and sufficiency, the Affidavit of Publication for this item, entered it into the record, and briefly explained the request. Community Development Principal Planner Alvin “Chip” Block advised that the Petition to Vacate was a companion case to the Rezoning request below which, if approved, required individual motions. He also advised that members of the public could speak only to the vacation portion of the proceedings and only participants of record could speak to the rezoning portion. The Chairman called for public comment on the Petition to Vacate; however, no one came forward. Commissioner Judah moved approval, seconded by Commissioner Manning, called and carried.

RESOLUTION NO. 11-01-20

CASE NUMBER: VAC2010-00006 and DCI2009-00020

NAME: DIVERSIFIED YACHT BOAT YARD

REQUEST: Rezone 2.41 ± acres from Light Industrial (LI) and Commercial (C-1) to Industrial Planned Development (IPD), to redevelop the site with a boat yard and marina with a maximum building height of 65 feet. The site is already connected to potable water and sanitary sewer services. No development blasting is proposed.

LOCATION: Property is located at 731 Fisherman’s Wharf, Iona/McGregor Planning Community, Lee County, Florida.

PROPERTY OWNER’S REPRESENTATIVE James Ink, Inkwerks
239-334-2450

Community Development Principal Planner Alvin “Chip” Block reviewed the request; noted that Staff and the Hearing Examiner (HE) recommended approval; outlined the various conditions; and noted there were three (3) Participants of Record. Environmental Sciences Planner Doug Griffith, Department of Transportation Planning Manager Andy Getch and Mr. Block responded to Board questions. Attorney Matthew Uhle, of the law firm Knott, Consoer, Ebelini, Hart, & Swett, P.A., on behalf of the Applicant, confirmed agreement with the Staff and Hearing Examiner’s recommendation and outlined benefits of the project which was deemed compatible with the Lee Plan. Mr. Uhle responded to Board questions, provided background on the property and a rendering of the site that was also contained in the back-up materials. He advised that Mr. Ink was also present to respond to any questions. The Chairman called on the Participants of Record, and the following Participant came forward:

James Carroll

Commissioner Judah moved approval of the HE’s recommendation, seconded by Commissioner Manning, called and carried.

[RESOLUTION NO. Z-10-027](#)

CASE NUMBER: DCI2010-00017 and REZ2010-00006

NAME: PALMONA PARK GOODWILL HOUSING

REQUEST:

- 1) Rezone 1.15 ± acres from Community Facilities (CF) to Residential Planned Development (RPD), to permit a maximum of 14 dwelling units in seven buildings (duplexes) with a maximum height of 35 feet/one story. Potable water and sanitary sewer services will be provided. No development blasting is proposed.
- 2) Participate in the Lee County’s Housing Bonus Density Program utilizing site-specific density bonus (Option 1) to develop three (3) bonus density dwelling units for eligible special needs households through an affordable housing program pursuant to LDC Section 34-1518. The total proposed density of the Project is 12.2 dwelling units per acre in the Central Urban future land use category.

LOCATION: Property is located at 415, 421, 427, and 431 Monterey Street, and 420, 430, 434, and 438 Capitol Street, North Fort Myers Planning Community, Lee County, Florida.

PROPERTY OWNER’S REPRESENTATIVE Veronica Martin, TDM Consulting
239-433-4231

Community Development Principal Planner Alvin “Chip” Block reviewed the request; noted that Staff and the Hearing Examiner (HE) recommended approval with conditions; and noted there were two (2) Participants of Record. TDM Consulting representative Veronica Martin addressed the Board on behalf of the applicant, Goodwill Industries, noted satisfaction with the HE’s recommendation, with the exception of Condition 5 (a); and request a modification to allow an administrative deviation to work with Staff during the development order process on necessary road and sidewalk improvements. Discussion ensued with responses to Board questions provided by Mr. Block, Department of Transportation (DOT) Planning Manager Andy Getch, and Assistant County Attorneys Donna Marie Collins and Michael Jacob. The Chairman called on the Participants of Record; however, no one came forward. Commissioner Hall moved to approve the HE’s recommendation with the requested modification to Condition 5(a) that improvements agreed to by the applicant will correspond with DOT’s improvements along Atlantic Avenue, seconded by Commissioner Manning, called and carried.

[RESOLUTION NO. Z-10-038](#)

CASE NUMBER: DCI2009-00011

NAME: W & W SERVICE PARK

REQUEST: Rezone 4.46 ± acres from Agricultural (AG-2) to Commercial Planned Development (CPD), for a maximum floor area of 40,000 square feet of

commercial development, including 10,000 square feet of commercial retail. Maximum height requested is 2 stories/35 feet. No development blasting is requested. Any development will connect to public potable water service and public sanitary sewer service.

LOCATION: Property is located at 17321 Nalle Road, Bayshore Planning Community, Lee County, Florida.

PROPERTY OWNER’S REPRESENTATIVE Robert Hutcherson, Robert Hutcherson Planning
239-850-3232

Community Development Principal Planner Alvin “Chip” Block reviewed the request; noted that during the hearing process the applicant agreed to a maximum floor area of 30,000 square feet, and Staff and the Hearing Examiner (HE) agreed with the reduction. Mr. Block continued that Staff and the HE recommended approval with the condition of maximum floor area reduction; and noted there were (4) Participants of Record. Robert Hutcherson addressed the Board on behalf of the applicant and responded to Board questions. The Chairman called on Participants of Record and the following three (3) Participants came forward:

Representing the Concerned Citizens of Bayshore - Stephen Brodtkin
Adjacent property owner – Richard Drake
Bayshore resident – Debbie Jackow

Mr. Hutcherson provided brief rebuttal on the opposition expressed by the Concerned Citizens of Bayshore. Lead Planner Tony Palermo, Community Development Principal Planner Matt Noble and Mr. Block responded to Board questions. Commissioner Hall moved to approve the HE recommendation with the condition that Old Florida style be architecturally mandated, seconded by Commissioner Manning, called and carried with Commissioners Bigelow and Judah voting nay.

[RESOLUTION NO. Z-10-036](#)

The Chairman adjourned the meeting at 10:29 a.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)