

November 16, 2016

The [Zoning Meeting](#) of the Board of [Lee County Commissioners](#) was held on this date with the following Commissioners present:

John E. Manning, Chairman
Larry Kiker
Brian Hamman
Franklin B. Mann

Absent: Commissioner Cecil L Pendergrass

The Chairman called the meeting to order at 9:30 a.m., announced that Commissioner Pendergrass was attending a NACo (National Association of Counties) Conference today, and that the zoning cases would be heard first followed by a request for amendment to the Comp Plan

[A COPY OF THE HEARING EXAMINER’S RECOMMENDATION IS ON FILE IN THE MINUTES OFFICE.](#)

CASE NUMBER DCI2015-00029

NAME KENWOOD LANE SELF STORAGE

REQUEST Rezone 0.88± acres from Tourist Commercial (CT) to Commercial Planned Development (CPD) to permit a maximum of 46,000 square feet of self-storage facility, with a maximum building height of 45 feet.

LOCATION 12830 Kenwood Lane, South Fort Myers Planning Community, Lee County, Florida

PROPERTY OWNER’S REPRESENTATIVE Stacy Hewitt
Banks Engineering
10511 Six Mile Cypress Pkwy., Ste. 101
Fort Myers, FL 33908

Community Development Senior Planner Alvin “Chip” Block reviewed the request, stated that the Hearing Examiner (HEX) and Staff recommended approval and there were no Participants of record. The Applicant noted concurrence, and the Chairman called for public comment and there were no speakers. Commissioner Mann moved approval, seconded by Commissioner Hamman, called and carried with Commissioner Pendergrass absent.

[RESOLUTION No.-Z-16-018](#)

CASE NUMBER DRI2015-00009 & DCI2015-00024

NAME THREE OAKS 106 RPD (Continued from 10/05/2016 BoCC Hearing)

REQUESTS

- DCI2015-00024
Rezone 105.5± acres from Commercial Planned Development (CPD) to Residential Planned Development (RDI) to allow up to a maximum of 400 residential dwelling units (single-family and/or two-family attached) with a maximum building height of up to 35 feet. The project will connect to potable water and sanitary sewer service. No development blasting is being requested.
- DRI2015-00009
A request for the 7th Amendment to Lee County Development of Regional Impact No. DRI 4-8485-54, to eliminate 1,346,000 square feet of retail and office uses to allow up to a maximum of 400 residential dwelling units (single-family and/or two-family attached.)

LOCATION Southwest corner of Alico Road and Three Oaks Parkway, San Carlos Planning Community, Lee County, Florida.

PROPERTY OWNER'S REPRESENTATIVE

Jennifer Sapen
 Barraco & Associates, Inc.
 2271 McGregor Blvd., Ste. 100
 Fort Myers, FL 33901

Community Development Senior Planner Alvin "Chip" Block summarized the requests, pointing out two (2) separate cases shown on aerial photographs, and stated that the Hearing Examiner and Staff recommended approval, and there were two (2) Participants of Record. The Chairman called for comments by the Applicant and Applicant's Representative, Attorney Russell Schropp (Henderson Franklin Law Firm), stated Applicant's concurrence to both requests and asked for the Board's approval of both the zoning and the DRI. He delineated minor changes to the Development Order and requested that the changes would not constitute a substantial deviation and that they had been approved by the Regional Planning Council, Staff and the Hearing Examiner. The Chairman called on the Participants of Record and there were no speakers. Commissioner Hamman moved approval with the stipulation that the changes to the DRI would not constitute a substantial deviation, seconded by Commissioner Kiker, called and carried with Commissioner Pendergrass absent.

[RESOLUTION No. Z-16-008.](#)

CASE NUMBER

DCI 2015-00015 & REZ2015-00009

NAME

BAY HARBOUR MARINA VILLAGE MPD

REQUEST

Rezone 7.58± acres from Light Industrial (IL), Marine Industrial (MI), Commercial C-2, and Mobile Home Residential (MH-2) to Mixed Use Planned Development (MPD) to permit a maximum of 113 residential dwelling units, including 38 Bonus Density units, a marina with 286 dry boat slips, 29 wet boat slips, a boat launching facility, 30,000 square feet of commercial retail/office and mini-storage, and a parking garage for a minimum of 500 parking spaces, including a minimum of 200 public parking spaces, with a maximum building height of 175 feet. No development blasting is proposed. Development will connect to public potable water and sanitary sewer service.

Requested to participate in Lee County's Bonus Density Housing Program under the provisions of the Lee County Land Development Code Chapter 2, Article IV, Divisions 1 & 2, and Lee County Administrative Code AC-13-5. Site-built units, for up to 38 Work Force income housing units.

LOCATION

1135, 1145, 1185 and 1195 Main St. and 19230, 19210 and 19170 Sea Side Dr. and 821 Oak St., Iona/McGregor Planning Community, Lee County, FL

PROPERTY OWNER'S REPRESENTATIVE

James Ink
 Inkwerks Coastal Design
 2055 West First Street
 Fort Myers, FL 33901

Managing Assistant County Attorney Michael Jacob informed the Board that the Applicant requested a remand back to Staff, and that the County Attorney (CAO) recommended a remand back to Staff for review, which would restart the zoning process. Following extensive Board discussion, with procedural guidance by County Attorney Richard Wm. Wesch and Managing Assistant County Attorney Michael Jacob, the Chairman called for input by the Applicant. Applicant's Representative Russell Schropp (Henderson-Franklin Law Firm) stressed the necessity for the zoning and comprehensive plan amendment cases to be heard together and urged the Board to remand the case back to Staff, noting that doing so would allow the Applicant to go back to the Hearing Examiner, which he felt was critical and essential to ensure a fair hearing. Commissioner Kiker moved approval, seconded by Commissioner Hamman. The Chairman called for public comment and there were 13

[Participants:](#)

- Fort Myers Beach resident Henry R. Blakley
- Representing San Carlos Island property owners Attorney Ralf Brookes
- Fort Myers Beach resident Larry Cripps
- Fort Myers Beach resident Laura Danner
- Fort Myers Beach resident James Funk
- Fort Myers Beach resident Brad Glover
- Fort Myers Beach resident Lois Jenkins
- Representing the Fort Myers Beach Town Council Attorney Matt Noble

Fort Myers Beach resident Bill Semmer ([Handout](#))
Fort Myers Beach resident Joanne Semmer
Fort Myers Beach resident Nicholas J. White
Representing the Fort Myers Beach Civic Association Charlie Whitehead
Fort Myers Beach resident Paul Yacobelli

After brief Board dialog, the Motion was called and carried with Commissioner Pendergrass absent.

CPA2015-00005-BAY HARBOUR MARINA VILLAGE

REQUEST: Amend Lee Plan Map 1, Page 1, the Future Land Use Map, to change the future land use category for a 7.58 acre property from Industrial Development and Suburban to Central Urban. Amend Lee Plan Map 1, Page 6, Special Treatment Areas, to add the subject property to the Mixed Use Overlay.

LOCATION: This is a text amendment.

Managing Assistant County Attorney Michael Jacob apprised the Board of Petitioner’s request for a continuance of the Comprehensive Plan Amendment with the intention of bringing it back to be heard after the zoning case had been re-reviewed by Staff and sent to the Hearing Examiner (HEX). Attorney Jacob indicated that the reason for this request was to have the zoning and Comprehensive Plan Amendment cases heard consecutively. The Chairman called on the Applicant and Applicant’s representative Russell Schropp (Henderson-Franklin Law Firm) urged the Board to approve a continuation of the Comp Plan Amendment until it could be heard in conjunction with the zoning case. Attorney Jacob responded to questions by Commissioner Kiker, opining that the zoning case cannot be approved without approval of the Comprehensive Plan Amendment. The Chairman called for public comment on the request for continuance and there were thirteen (13) [participants](#):

Representing San Carlos Island property owners Attorney Ralf Brookes
Representing the Fort Myers Beach Civic Association Charlie Whitehead
Naples resident Tara Roe
Fort Myers Beach resident Joanne Semmer
Fort Myers Beach resident Nicholas White
Fort Myers Beach resident Paul Vacobelli
Fort Myers Beach resident Bill Semmer
Fort Myers Beach resident Lois Jenkins
Fort Myers Beach resident Laura Danner
Representing the Fort Myers Beach Town Council Matt Noble
Fort Myers Beach resident Brad Glover
Fort Myers Beach resident James Funk
Fort Myers Beach resident Allan Houston

After brief Board discussion Commissioner Kiker moved to continue the Comprehensive Plan Amendment, seconded by Commissioner Hamman, called and carried with Commissioner Mann voting nay and with Commissioner Pendergrass absent.

The Chairman adjourned the meeting at 11:05 a.m.

ATTEST:
LINDA DOGGETT, CLERK

Deputy Clerk

Chairman, Lee County Commission