

SEPTEMBER 19, 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.

CASE NUMBER: DCI2010-00018

NAME: MCGREGOR CCPD

REQUEST: Rezone +/- 0.75 acres from Residential Single-family (RS-1) to Compact Communities Planned Development (CCPD) to allow for 13,500 square feet of retail, office uses and a veterinary clinic and four (4) multiple-family residential dwelling units with a maximum building height of 45 feet. This development will connect to potable water and sanitary sewer services.

LOCATION: Property is located at 12541, 12581 and 12595 McGregor Boulevard, South Fort Myers Planning Community, Lee County, Florida.

PROPERTY OWNER'S REPRESENTATIVE: Shellie Johnson, EnSite
 239-226-0024

Community Development Principal Planner Alvin "Chip" Block reviewed the request using an aerial site depiction, noted that Staff and Hearing Examiner (HE) both recommended approval with conditions, and stated there were six Participants of Record. Mr. Block advised this was the first case for a Compact Communities Planned Development Zoning District, as it was a new category in the Land Development Code. Division of Planning Department of Community Development Principal Planner Rick Burris and lead planner Chahram Badamtchian provided additional details on the new CCPD category and the subject request, and responded to Board questions. Clarification was provided to correct a scrivener's error in the HEX, that the subject property was **not** in the mixed-use overlay area. Attorney Matt Uhle addressed the Board on behalf of the applicant, and advised that a number of consultants were accompanying him. He stated that the applicant was in agreement with the HE, except for a request that consumption on the restaurant premises (COP) with indoor seating only be added to the Schedule of Uses. Following discussion on the COP request, with input by Mr. Badamtchian, Chief Assistant County Attorney Donna Marie Collins and Assistant County Attorney Michael Jacobs, Attorney Uhle withdrew the COP request. Attorney Uhle responded to additional Board concerns. The Chairman called on each of the participants of record, and the following three individuals came forward:

Neysa Borkert, Esq., of the Pavese Law Firm, representing the adjacent Maple Gardens Condominiums-Phase 1;
 Allison David – McGregor Boulevard resident;
 David Ham – Parkway Court resident.

Attorney Uhle provided brief rebuttal to some of the stated concerns, and advised that this compact community planned development was in the intensive development land use category, as articulated in the Lee Plan. Under discussion, Commissioner Hall pointed out that when the Board adopted the Compact Communities Planned Development Zoning District regulations, there was opportunity to impose additional parameters. Commissioner Bigelow expressed his support for this request, and moved approval of the Hearing Examiner's recommendation, seconded by Commissioner Manning. Under discussion, Commissioner Judah expressed his opposition due to traffic constraints and inclusion of potentially precedent-setting intrusive retail. The motion was called and carried with Commissioners Judah and Mann voting nay.

RESOLUTION NO. Z-11-011

The Chairman adjourned the meeting at 10:33 a.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)