

JUNE 07, 2004

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

- John E. Albion, Chairman
- Douglas R. St. Cerny, Vice-Chairman
- Ray Judah
- Andrew Coy
- Robert P. Janes

The Chairman called the meeting to order at 9:32 a.m.

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

CASE NUMBER: DCI2003-00073

NAME: S.R. 80 CPD

REQUEST: Rezone 24.66 acres from the Agricultural (AG-2) zoning district, the Community Commercial (CC) zoning district and the Commercial (C-1A) zoning district to the Commercial Planned Development (CPD) zoning district, to permit 200,000 square feet of commercial retail/office uses and a 125-unit hotel, not to exceed 65 feet in height (five habitable stories).

LOCATION: The subject property is located at 16241 S.R. 31 (northwest corner of State Road 80 and State Road 31), in Section 25, Township 43 South, Range 25 East, Lee County, Florida.

STRAP NUMBER: The applicant indicates the STRAP number is:
25-43-25-00-00002.0150

SIZE OF PROPERTY: 24.66± acres

PROPERTY OWNER'S REPRESENTATIVE: Ms. Neale Montgomery
Pavese Law Firm
(239) 336-6235

Development Services Senior Planner Alvin (Chip) Block notified the Board that the Applicant has requested that the case be remanded to address access to the subject property based upon discussions with the Florida Department of Transportation (FDOT). Commissioner Judah moved to remand, seconded by Commissioner Coy. Commissioner Albion noted that the County does not have authority in the process pertaining to FDOT accesses; and asked about the Applicant request for continuance from, and whether the Applicant was seeking a different access on to County roads. Mr. Block replied that one of the access points is from State Road 80 and would have an effect on changing the Master Concept Plan (MCP), if there are substantial changes to the plan. They would have to go through the Amendment process. Commissioner Albion stated if the FDOT changed it, it wouldn't matter; and Mr. Block replied by stating that it would have an impact because it appeared to be on the perimeter of the site which meant it would have to return to public hearing, and noted that this remand would make matters move faster if everything was worked out with the state. The Applicant was available to respond to questions. The Chairman called for the Participants of Record; and the following individual came forward and stated she would hold any statements until after the remand:

Cathleen Jacobson

After brief discussion among Commissioner Albion, Commissioner Judah, and Ms. Jacobson, the motion was called and carried. RESOLUTION NO. Z-04-028

CASE NUMBER: REZ2003-00027 and COP2003-00199

NAME: American Legion Post #336

REQUEST: Rezone 4.64 acres from the Commercial (C-1A) zoning district to the Special Commercial (CS-2) zoning district with:

- 1) A Special Exception to allow a Fraternal Club with Consumption on Premises, per Land Development Code Section 34-813 and 34-1264; and
- 2) A Variance from the required right-of-way setback of 20 feet, to allow a 10-foot setback from an ingress and egress easement, per Land Development Code Section 34-814, to permit a building expansion to American Legion Post #336 and a parking lot.

LOCATION: The subject property is located at 5770 Bayshore Road, North Fort Myers (go north on Tamiami Trail to Bayshore Road, turn east on Bayshore Road to 5770 Bayshore Road, turn right at Bayshore Laundromat, the American Legion is adjacent to the laundromat), in Section 36, Township 43 South, Range 24 East, Lee County, Florida

STRAP NUMBER: The applicant indicates the STRAP number is:

36-43-24-00-00015.0020

SIZE OF PROPERTY: 4.64± acres

PROPERTY OWNER'S REPRESENTATIVE: Mr. David Griffiths Jr.
American Legion Post #336 Inc.
(239) 543-1919

Development Services Senior Planner Alvin (Chip) Block reviewed the request for the Board, and noted that the Hearing Examiner staff recommended approval of the requested rezoning and approval of the special exception with conditions, and the variance with conditions; and stated that there were three participants of record. The Applicant was available to respond to questions. The Chairman called for the Participants of Record, and the following individual came forward:

Richard L. LaPosta inquired about sheet flow and water run off; and concluded his inquiry by stating that as long as the sheet flow concerns are addressed, he had no further objections.

During Mr. LaPosta’s inquiry Commissioner Albion stated that, according to the Hearing Examiners Office, South Florida Water Management District (SFWMD) was responsible for such inquiries; and requested a response from Assistant County Attorney Dawn E. Lehnert . Attorney Lehnert replied that it was indicated during the hearing that those issues would be addressed during the Development Order process. Commissioner Coy moved the item, seconded by Commissioner Janes. After Mr. LaPosta pointed out that in the past similar issues to be addressed by SFWMD were overlooked, Commissioner Albion requested a reminder be made to the staff in the zoning process, so that flooding or run off issues that are going to create a burden on any of the surrounding property owners do not occur in the future. In conclusion, Commissioner Albion suggested that Mr. LaPosta contacted The District in order for them to address any concerns or issues. The motion was called and carried.

[RESOLUTION-NO.-Z-04-030](#)

The Chairman adjourned the meeting at 9:41a.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)