

SEPTEMBER 16, 2013

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

Cecil L Pendergrass, Chairman
 Larry Kiker, Vice-Chairman
 John E. Manning
 Tammara Hall
 Frank B. Mann

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: DRI2013-00001

NAME: GATEWAY DRI

REQUEST: Notice of Proposed Change to the Gateway Development of Regional Impact (DRI) (State Number DRI 1-8384-36) to amend the 1991 Stipulated Final Development Order for the Gateway DRI from 3,000 dwelling units to 4,585 dwelling units and to simultaneously reduce the office and commercial square feet from 1,970,000 square feet to 1,950,000 square feet. The request will not exceed the previously approved total 10,000 dwelling units and will maintain the approved 45,000 external daily trip generation threshold in accordance with the conversion ratio provided in Resolution Z-95-071.

LOCATION: Property is located at south of Colonial Boulevard/SR82, east of I-75 and north of Daniels Parkway, Fort Myers Planning Community, Lee County, Florida.

PROPERTY OWNER'S REPRESENTATIVE: Neale Montgomery, Pavese Law Firm

Community Development Principal Planner Alvin "Chip" Block reviewed the request, noted that both Staff and Hearing Examiner (HE) recommended approval with conditions, and stated there were two (2) Participants of Record. Attorney Neale Montgomery of Pavese Law Firm, representing the applicant, briefed the Board and responded to Board questions. Following brief Board discussion with Community Development Principal Planner Nettie Richardson clarifying the Board's issues on the case, Commissioner Manning moved approval, seconded by Commissioner Hall. The Chairman called on the Participants of Record and the following came forward:

Counsel for Gateway Services Community Development District Anthony Pires, Jr.

The motion was called and carried.

RESOLUTION NO. Z-13-013

CASE NUMBER: DCI2012-00046

NAME: SWEETBAY CPD ZONING AMENDMENT

REQUEST: Amend Zoning Resolution Z-94-052, as amended by PD-96-054 and Resolution Z-98-026 in the Commercial Planned Development (CPD) to add Package Store to the Schedule of Uses and to add a deviation for LDC Section 34-1263(4) which requires Package Stores or other establishments primarily engaged in the retail sale of liquor for consumption off-site, may not be closer than 500 feet from any religious facility, school (noncommercial), day care center (child), park or dwelling unit, or 500 feet from any other establishment primarily engaged in the sale of alcoholic beverages; to reduce the required distance to 273± feet from First Baptist Church of Lehigh Acres and 327± feet to the nearest dwelling unit.

LOCATION: Property is located at 61 Bell Boulevard North, Lehigh Acres Planning Community, Lee County, Florida.

PROPERTY OWNER'S REPRESENTATIVE: Jenna Persons, Strayhorn & Persons

Community Development Principal Planner Alvin "Chip" Block reviewed the request, noted that Staff recommended approval with conditions, and the Hearing Examiner (HE) recommended denial of the applicant's request, and stated there were nine (9) Participants of Record. At the request of Commissioner Mann, Managing Assistant County Attorney Michael Jacob clarified the information. Jenna Persons of Strayhorn and Persons, representing the applicant, addressed the Board with a brief presentation. The Chairman called on the Participants of Record, and the following came forward:

Lehigh Acres resident James Dickinson
Lehigh Acres resident Melissa Horrom
Lehigh Acres resident Neal Horrom
Lehigh Acres resident Vince Saum

Commissioner Manning moved the HE's recommendation of denial. The motion failed without a second. Commissioner Hall moved approval, seconded by Commissioner Pendergrass, called and carried, with Commissioners Manning and Kiker dissenting.

[RESOLUTION NO. Z-13-005](#)

CASE NUMBER: DCI2010-00031

NAME: 17650 EAST STREET MPD

REQUEST: Rezone +/- 38.8 acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) with a maximum of 50,000 square feet of industrial uses, OR 194,000 square feet of open storage, existing commercial/recreational use, and a maximum 72 multi-family dwelling units. Maximum height proposed is 45 feet. No development blasting is requested. The residential development will connect to public potable water and sewer services. The industrial development will connect to public potable water only.

LOCATION: Property is located at 17650 East Street, North Fort Myers Planning Community, Lee County, Florida.

PROPERTY OWNER'S REPRESENTATIVE: Veronica Martin, TDM Consulting, Inc.

Principal Planner Alvin "Chip" Block reviewed the request, noted that both Staff and Hearing Examiner (HE) recommended approval with conditions, and stated there were eight (8) Participants of Record. Veronica Martin of TDM Consulting, representing the applicant, addressed the Board briefly and responded to Board questions. The Chairman called on the Participants of Record, and the following came forward:

North Fort Myers resident Leonard Apichell
North Fort Myers resident Nick Dimasi
North Fort Myers resident Julie Mezzatesta
North Fort Myers resident Mary Miller
North Fort Myers resident Richard Roberts

Following Board discussion with Community Development Principal Planner Matt Noble, Managing Assistant County Attorney Michael Jacob and Ms. Martin responding to Board questions, Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried, with Commissioner Mann voting nay.

[RESOLUTION NO. Z-13-008](#)

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

ATTEST:
LINDA DOGGETT, CLERK

Deputy Clerk

Chairman, Lee County Commission