

FEBRUARY 18, 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: REZ2012-00001
NAME: LAMAR ROAD
REQUEST: Property located at 1260, 1258, 1256, 1250 & 1240 Lamar Rd., N. Ft. Myers Planning Community, Lee County, FL.
PROPERTY OWNER'S REPRESENTATIVE: Michael E. Roeder
(239) 334-2722

Community Development Principal Planner Alvin "Chip" Block reviewed the request using an aerial site depiction, noted that both Staff and the Hearing Examiner (HE) recommended approval, and stated there were five (5) Participants of Record. Attorney Michael Roeder of the Knott, Ebelini Law Firm, representing the Applicant, addressed the Board and stated this was a conventional zoning request and there were no issues for discussion. The Chairman then called on the Participants of Record and the following persons came forward:

George Ellsworth - Lamar Road Property Owner.
Thomas Most- Chairman, Board of Directors, Dry Palms Foundation

Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.
[RESOLUTION NO. Z-12-030](#)

CASE NUMBER: DCI2009-00034
NAME: SAN CARLOS ISLAND-EBTIDE
REQUEST: Request to rezone 36.32± acres from Marine Industrial (IM), Marine Commercial (CM), Light Industrial (IL), Mobile Home Residential (MH-2) Mobile Home Planned Development (MHPD) and Agricultural (AG-2) to Mixed Use Planned Development (MPD) to allow the redevelopment of the site with a 450 unit hotel and related uses including a 75,000 SF convention center, 271 residential units, 10,000 SF of general and medical office, and 85,000 SF of commercial retail with a maximum building height of 230 feet. The existing marina will remain. Development of the subject property will connect to public water and sanitary sewer.
PROPERTY OWNER'S REPRESENTATIVE: Joseph McHarris
(239)948-6688

Community Development Principal Planner Alvin "Chip" Block reviewed the request with the use of aerial site photographs, noted that both Staff and the Hearing Examiner (HE) recommended approval with conditions and deviations, and stated there were twelve (12) Participants of Record. Mr. Block briefed the Board on the planned redevelopment of the site and responded to a question by Commissioner Manning regarding maximum height determinations. Community Development Lead Planner Chahram Badamtchian responded to a question by Commissioner Mann and pointed out that the four small islands located on the property would be covered by conservation easements and considered as Conservation Lands. Development Services Senior Engineer Rob Price responded to questions by Commissioner Kiker regarding the impact of increased congestion on the bridge. Following brief commentary by the Board, Attorney Matt Uhle of the Knott, Ebelini Law Firm, on behalf of the Applicant, utilizing a [PowerPoint study](#) prepared by McHarris Planning & Design (Copy on file in Minutes Office),

referenced language contained in the HE's opinion and a memo from Staff providing different language from that of the HE, and requested adoption of the language in Staff's memo. Mr. Uhle provided a background of the property and evolution of the current application to date. The Chairman then called for Participants of Record and the following persons came forward:

Walter Fleugel—Fort Myers Beach Community Development Director
Janet Hladik—Fort Myers Beach resident
Marilyn Miller—Attorney for the Town of Fort Myers Beach
Charlie Whitehead—President of the Emily Lane Association ([Handout](#))
Attorney Jeffrey A. Wilson—Attorney representing the Town of Fort Myers Beach

Attorney Uhle provided brief rebuttal to some of the stated concerns, restated mitigation plans and expanded on traffic issues and concurrency. Commissioner Kiker initiated Board discussion with a question to Assistant County Attorney Michael Jacob regarding whether the project was within legal parameters of The Lee Plan. Attorney Jacob opined there was consistency with the Policies, Goals and Objectives of the 2009 Comprehensive Plan Amendment (31-31.5). Commissioner Hall stated she disagreed with the Hearing Examiner's comment that the project had not gone through a public process and noted a lengthy review by the Board which involved ongoing public participation. She added that the project has several positive environmental impacts, but the traffic congestion issues were a continuing problem upon which the BoCC's focus would remain until resolution. Following additional Board commentary, Commissioner Hall moved approval to adopt the Hearing Examiner/Staff recommendation (with the language in the Recommendations of Staff, seconded by Commissioner Kiker, under discussion. Commissioner Kiker re-emphasized the intense need for improvements to San Carlos Boulevard. The motion was called and carried.

[RESOLUTION NO. Z-12-028](#)

The Chairman adjourned the meeting at 10:44 a.m.

ATTEST:
LINDA DOGGETT, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)