

**CITY OF FORT MYERS
PLANNING BOARD MEETING
(LOCAL PLANNING AGENCY)
MEETING MINUTES FROM FEBRUARY 5, 2020**

The Planning Board for the City of Fort Myers met in regular session at Oscar M. Corbin, Jr. City Hall, Council Chambers, 2200 Second Street, its regular meeting place in the City of Fort Myers, Florida, on Wednesday, February 5, 2020 at 1:00 p.m.

CALL TO ORDER – Chair, Justin Stockman, called the meeting to order at 1:00 p.m.

ROLL CALL

Recording Secretary Monique John completed roll call.

Members Present

Justin Stockman
Jonathan Hart
Charles Timmons
Darlene Mitchell
William Keene
James Ink
Matt Leger
Mariah Bakke

Members Absent

None

Community Development Staff Present

Nicole DeVaughn, Planning Manager
Laura Tefft, Senior Planner
Monique John, Administrative Assistant

Other City Staff Present

Grant Alley, City Attorney

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Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES - It was moved by Mr. Ink, seconded by Mr. Keene to approve the minutes for March 6, 2019, August 7, 2019, and September 4, 2019. The vote carried unanimously 8-0.

PUBLIC INPUT – NON-PUBLIC HEARING AGENDA ITEMS – None

City Attorney Grant Alley swore in all present who wished to speak on any public hearing item.

NO. 1 PUBLIC HEARING: CONSIDER A REQUEST FOR AN AMENDMENT TO THE FUTURE LAND USE MAP FOR + 96 ACRES OF PROPERTY LOCATED AT 9011 LAREDO AVENUE TO CHANGE THE FUTURE LAND USE DESIGNATION FROM INDUSTRIAL (IND) TO RESIDENTIAL MEDIUM DENSITY (RMD) TO ALLOW FOR SINGLE-FAMILY AND MULTI-FAMILY DEVELOPMENT. A COMPANION PLANNED UNIT DEVELOPMENT HAS BEEN APPLIED FOR AND WILL BE PRESENTED AT A FUTURE DATE. WARD 2 (QUASI-JUDICIAL)

EX PARTE COMMUNICATION: None

Laura Tefft, Senior Planner, Planning Division, Community Development Department, stated that staff findings were as follows:

STAFF REPORT

PUBLIC HEARING: Agenda Item #1 Consider a request for an amendment to the Future Land Use Map for + 96 acres of property located at 9011 Laredo Avenue to change the Future Land Use Designation from Industrial (IND) to Residential Medium Density (RMD) to allow for single-family and multi-family development. Ward 2 (Quasi-Judicial)

1. Application Information

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|------------------|--|
| Owner: | Harper Property Holdings 3, LLC & McNew Property Holdings 3, LLC |
| Agent: | Jennifer Sapen, AICP |
| Address: | 9011 Laredo Avenue, Fort Myers, FL 33905 |
| Location: | North of Laredo Ave., East of Heiman Ave, South Dryden Cir., and east and west of Hamilton Dr. |
| Size: | 95.74 +/- acres |
| STRAP No.: | 15-44-25-P4-00024.0000 |
| Zoning: | Light Industrial (IL) |
| Future Land Use: | Industrial (IND) |
| Request: | Amend the Future Land Use Map Classifications from Industrial |

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|--------------|---|
| | (IND) to Residential Medium Density (RMD) |
| Case Number: | 18MA02 |

2. Request

Jennifer Sapen, AICP, of Barraco and Associates, Inc. requested to change the Future Land Use Map Classification of a 95.74 +/- acre parcel located at 9011 Laredo Avenue and identified by STRAP Number 15-44-25-P4-00024.0000 from Industrial (IND) to Residential Medium Density (RMD) to allow for future development.

3. Staff Review

Jennifer Sapen, AICP (agent), representing Harper Property Holdings 3, LLC & McNew Property Holdings 3, LLC (owner), requested a Future Land Use Map Amendment to change the classification of the 95.74 +/- acre property identified as Industrial (IND) to Residential Medium Density (RMD) for the property as identified by STRAP No. 15-44-25-P4-00024.0000.

The subject property along with property to the east is located within the City of Fort Myers but properties to the west, north and part of the property to the south are located in unincorporated Lee County. The properties within the City of Fort Myers to the south are within the Industrial (IND) Future Land Use Category. The property within the City of Fort Myers to the east is located within the Industrial (IND), Conservation (CON) and Corridor Commercial (C/C) Future Land Use Categories. The unincorporated Lee County properties are within the following Lee County Future Land Use Categories:

- West - Suburban
- North – Suburban and Intensive Development
- South – Industrial Development

The current zoning designation for the subject parcel is Industrial Light (IL). An application has been submitted to rezone the property from Industrial Light (IL) to a Planned Unit Development (PUD) to consist of 950 single family and multi-family residential dwelling units.

TR Transportation Consultants, Inc. in their March 13, 2018, Traffic Impact Statement indicate that the existing industrial land use would generate 16,216 daily trips while the proposed residential land use would generate only 8,528 daily trips a net decrease of 7,688 daily trips.

Planning, Legal, Fire, and GIS staff have reviewed the proposed Future Land Use Map Amendment request and have found the request consistent with the Comprehensive Plan and the Land Development Code. Engineering and Transportation staff noted in their reviews that site development components such as endangered species and Complete Street requirements be addressed at the time of site plan review.

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The proposed amendment is consistent with existing surrounding residential uses to the north and west of the subject site and will have no negative impact on historical and cultural resources.

4. Comprehensive Plan Compliance

The Comprehensive Plan policies, actions and standards that apply is **Residential Medium Density (RMD) Policy 1.3** as follows:

Policy 1.3) Designate areas on the Future Land Use Map for Residential Medium Density (RMD) that contain areas characterized by medium- and high-density multifamily developments with neighborhood scaled commercial uses. Intensities for all properties within this land use district shall not exceed a floor area ratio of one-half (0.5 FAR). The maximum base density established in the Land Development Regulations, not to exceed sixteen dwelling units per acre (16 du/acre), with a maximum bonus density of twenty dwelling units per acre (20 du/acre) may be permitted through a process outlined in the City's Land Development Regulations. Criteria for bonus densities include, but are not limited to, incorporating Leadership in Energy Efficient Design (LEED) standards, pedestrian connectivity, exceptional architectural design, and other considerations.

Action 1.3.1) Residential Medium Density areas should be in close proximity to arterials or collectors, but do not necessarily need direct access, as well as transit, sidewalk and bicycle facilities to promote multi-modal development opportunities.

Action 1.3.2) Preferred locations for Residential Medium Density areas are within walking distance (½-1 mile) of parks, community facilities, and retail.

Action 1.3.3) Neighborhood office and commercial uses may be permitted within RMD, provided they are compatible with the surrounding properties.

Action 1.3.4) Zero lot line, patio homes, pedestrian access-only dwelling units (such as live-work units, village homes, townhomes and/or cottage homes), and other innovative, yet still single- family housing forms, shall be considered in exclusive single-family areas in accordance with the Land Development Regulations.

5. Public Notice

A total of 97 public notice letters were sent to property owners within 300 feet of the parcel. One has been returned as unable to forward. The property was posted with signs alerting the general public about the case; an ad ran in the News-Press; and, the case was posted in City Hall. All actions occurred at least 10 days prior to the February 5, 2020, meeting. Inquiries from the public have been received regarding the application but as of January 28, 2020 no comments or objections were received.

6. Recommended Action

Find the request to amend the Future Land Use Map by redesignation of 95.74 +/- acres located at 9011 Laredo Avenue from Industrial (IND) to Residential Medium Density (RMD) internally consistent with the Comprehensive Plan and the Land Development Code; and recommend City Council approve transmittal of the amendment to the Department of Economic Opportunity and other state, regional, and local agencies for formal review.

END STAFF REPORT

Mr. Keene asked before the property was annexed from the county into the city, what future land use category was it changed from, to make it Industrial. Ms. Sapen stated there were two (2) future land use categories which were Intensive Development and Central Urban. Mr. Keene asked if the Board had to approve any deviations. Ms. Tefft stated there were no deviations asking to be approved and that the application was only for the Future Land Use Map Amendment.

PUBLIC INPUT: none

DISCUSSION: Mr. Keene stated he was concerned about the economic development. Ms. DeVaughn stated that the City had an abundance of land zoned Light and Heavy Industrial, so the project would not be a detriment to economic development within the city itself nor hinder any future industrial developments.

MOTION: Mr. Ink moved to recommend approval to City Council for the application at 9011 Laredo Avenue to change the Future Land Use Designation from Industrial (IND) to Residential Medium Density (RMD) and find it consistent with the Comprehensive Plan and Land Development Code. Mr. Timmons seconded the motion and the motion carried unanimously 8-0.

NO. 2 PUBLIC HEARING: CONSIDER A REQUEST TO RESCIND ORDINANCE NO. 3533 FOR THE ONE WEST PLANNED UNIT DEVELOPMENT LOCATED AT 2200 WEST FIRST STREET AND 1901 ALTAMONTE AVENUE AND REVERT THE ZONING TO THE URBAN CORE (U-CORE) AND URBAN CENTER (U-CTR) ZONING DESIGNATIONS. WARD 4. (QUASI-JUDICIAL)

EX PARTE COMMUNICATION: None

Anthony Palermo, Assistant Community Development Director, Planning Division, Community Development Department, stated that staff findings were as follows:

STAFF REPORT

Agenda Item: *Consideration of Ordinance 3897 to rescind Ordinance 3533 for the Planned Unit Development (PUD) for One West and reverting to the Urban Core (U-CORE)*

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and Urban Center (U-CTR) zoning districts located at 2200 West First Street and 1901 Altamonte Avenue.

Ms. Jenna Persons of Strayhorn and Persons Law Firm requested on behalf of the property owner EHS Fort Myers, LLC that Ordinance 3533, One West Planned Unit Development (PUD) be rescinded and the subject property revert back to the Urban Core (U-CORE) and Urban Center (U-CTR) zoning categories.

The PUD allows the construction of three high rise residential condominium towers and commercial uses on +/- 5.51 acres of land. The property is located on 2200 West First Street and 1901 Altamonte Avenue and is within the Downtown (D/T) Future Land Use category. The property is vacant.

Ordinance 3533 states the PUD shall be constructed with the following timeframe: *J. 1. Building permits for Tower One shall be applied for by December 31, 2019.*

No permits for construction of Tower One have been applied for by that deadline. The applicant's agent states no timeframe extensions are requested. The applicant seeks to develop utilizing the prior zoning category of Urban Core (U-Core) and Urban Center (U-CTR).

Land Development Code Section 98.3.10.G. states:

A planned unit development (PUD) shall be in effect for five years, or as provided in the specific planned unit development ordinance. Vertical construction of principal structure(s) must be commenced prior to the expiration date of the planned unit development approval, as may be amended, to vest approval of the PUD, or the approval becomes null and void. Upon expiration or voiding of the PUD, the property, or properties, will revert to the zoning district(s) applicable prior to PUD approval. For PUDs approved prior to the adoption of the City of Fort Myers Zoning Map per Ordinance 3422, the zoning will revert to the zoning district identified in Table 118.1.2. of this code based upon the previous district name i.e. a property identified as Single-Family Estate (AAA) prior to PUD approval will revert to Residential Single-Family-Estate (RS-E).

Section 9 of Ordinance 3533 states:

Failure to comply with the terms and conditions of this Planned Unit Development Ordinance will result in the cancellation of the development approval after appropriate notice and opportunity to respond in a public hearing to allegations of non-compliance is given to the property owner, and the planned unit development approval may become null and void. The applicant shall be notified in writing of the date of public hearings to be held by the Planning Board and City Council and be given an opportunity to respond at all public hearings.

Public notice letters were sent to property owners within 300 feet of the property. The property was posted with a sign alerting the general public about the case, and an ad ran in the Fort Myers News-Press. All actions occurred at least 10 days prior to the Planning Board meeting February 5, 2020.

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Staff recommends approval of Ordinance 3897 to rescind the One West PUD (Ordinance 3533) and allow the subject property to revert to the of Urban Core (U-Core) and Urban Center (U-CTR) zoning categories applicable prior to the PUD.

RECOMMENDED ACTION: Recommend to City Council approval of Ordinance 3897 rescinding Ordinance 3533 for the Planned Unit Development (PUD) for One West and reverting to the Urban Core (U-CORE) and Urban Center (U-CTR) zoning districts located at 2200 West First Street and 1901 Altamonte Avenue, finding the request consistent with the Comprehensive Plan and the Land Development Code.

END STAFF REPORT

Mr. Ink asked if the property is approved to go back to conventional zoning, what would be the maximum height allowed. Mr. Palermo advised that the Urban Core is 70 units per acre and 158 stories maximum height without a Planned Unit Development (PUD). Mr. Palermo also advised that the Urban Center is 5 units per acre and 12 stories maximum height.

Mr. Hart asked if the Urban Core goes all the way to the river. Mr. Alley, City Attorney, advised that the City of Fort Myers does own the river bottom to the navigable channel.

Mr. Keene asked if there was a requirement in the existing PUD zoning for an easement along the waterfront. Ms. DeVaughn stated that the revised code stated that all riverfront properties, regardless of their zoning status, must provide a Riverwalk with an access easement connection to the public right-of-way. Mr. Alley stated that in relation to Ms. DeVaughn's statement, the ordinance that was rescinded did have a provision that the developer shall agree to an easement for public access along the river and those areas subjected to the submerged land lease for the City.

Mr. Keene questioned the procedure on rescinding the application. Jennifer Fischer, Strayhorn and Persons on behalf of the property owner ESH Fort Myers LLC, provided clarification by stating that Section 9 in the PUD contains a provision which states that failure to comply with the terms and conditions given for the PUD, would result in the cancellation of the development approval after appropriate notice and opportunity to respond in a public hearing are given. Therefore, this application was filed and is the reason the subject is before the Board.

Ms. Fischer, on behalf of the property owner ESH Fort Myers LLC, stated that her client was in agreement with the recommendations of the City staff and clarified that November 2, 2019, a letter was received from Mr. Steve Belden, Community Development Director, approving the site plan.

Mr. Hart moved to recommend approval to City Council of Ordinance No 3897, rescinding Ordinance No. 3533 for the Planned Unit Development for One West and reverting the subject property to the Urban Core and Urban Center zoning districts located at 2200 West First Street and 1901 Altamont Avenue and find the request consistent with the Comprehensive Plan and the Land Development Code.

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Mr. Keene seconded the motion and the motion carried unanimously 8-0.

OTHER BUSINESS: Hearing no other business, Mr. Stockman adjourned the meeting at 1:47 p.m.

Note: For detailed information on the presentations and discussions held at the February 5, 2020, Planning Board Meeting, a recording of the meeting can be purchased from the City Clerk's Office or the meeting could be viewed at the City of Fort Myers Website at www.cityftmyers.com.

(Instructions: Go to City of Fort Myers Website; open Government and Officials meetings; select City Meetings; select 2020 City Board Meetings; scroll down and select Planning Board; and select the date of the Planning Board meeting.)