

**CITY OF FORT MYERS
PLANNING BOARD MEETING
(LOCAL PLANNING AGENCY)
MINUTES OF MARCH 2, 2022, MEETING**

The Planning Board of the City of Fort Myers, Florida, met in regular session at Oscar M. Corbin, Jr. City Hall, 2200 Second Street, its regular meeting place in the City of Fort Myers, Florida, on Wednesday, March 2, 2022, at 1:00 p.m.

CALL TO ORDER – Chair, Matthew Leger, called the meeting to order at 1:08 p.m.

ROLL CALL

Recording Secretary Monique John completed roll call.

Members Present

Matt Leger
Michael Carlino
Mark Kautz
Clarisa Parodi
Darlene Mitchell
James Ink
Marcus Collins
Amy Barnwell

Members Absent

William Keene

Community Development Staff Present

Nicole DeVaughn, Planning and Zoning Manager
Taryn Thomas, Senior Planner
Monique John, Senior Staff Assistant

Other City Staff Present

Grant Alley, City Attorney
Anthony Palermo, Assistant Community Development Director
Steve Belden, Community Development Director
Brent Brewster, Community Development, Building Official
William Porter, Engineering Division, Staff Engineer
Darla Bonk, Councilwoman Ward 6
Liston Bochette, Councilman Ward 4
Engineering Division, Staff Engineer

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PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES: It was moved by Ink to approve the minutes for December 1, 2021, seconded by Mr. Collins and unanimously approved 8-0.

PUBLIC INPUT ON NON-AGENDA ITEMS: None

Grant Alley, City Attorney, swore in all witnesses that proposed to speak at the hearing.

ITEM NO. 1 PUBLIC HEARING: CONSIDER A REQUEST TO REZONE 28.2 +/- ACRES LOCATED AT 10581 COLONIAL BLVD. AND FOLIO NO. 10254200 FROM MIXED USE (MU) TO COMMERCIAL INTENSIVE (CI). (WARD 6) (QUASI-JUDICIAL)

EX PARTE COMMUNICATION: None

Taryn Thomas, Community Development Senior Planner, gave the staff presentation as follows:

BEGIN STAFF REPORT

Agenda Item #1: Consider a request to rezone 28. 2 +/- acres located at 10581 Colonial Blvd. and Folio No. 10254200 from Mixed Use (MU) to Commercial Intensive (CI). (Ward 6) (Quasi-Judicial)

1. *Application Information*

Owner:	Colonial Plaza Holdings LLC
Agent:	Stacy Hewitt, Banks Engineering
Address:	10581 Colonial Blvd. and Folio No. 10254200, Fort Myers, FL. 33913
Location:	East of Dynasty Dr., north of Colonial Blvd., and west of State Rd. 82
Size:	28.2 acres, more or less
Folio No.:	10254199 and 10254200
Zoning:	Mixed Use (MU)
Future Land Use:	Traditional Community (T/C)
Request:	To rezone two parcels of land from the Mixed Use (MU) zoning designation to the Commercial Intensive (CI) zoning designation.
Case Number:	RZ21-0010

2. *Request*

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Stacy Hewitt, of Banks Engineering, representing Colonial Plaza Holdings LLC, the property owner, requests approval for the rezoning of 10581 Colonial Boulevard and Folio No. 10254200 from the Mixed Use (MU) zoning designation to the Commercial Intensive (CI) zoning designation. A site plan is not required for the rezoning application and is not included.

3. *Staff Review*

Planning staff reviewed the request and found it consistent with the Comprehensive Plan. The subject property has property zoned Commercial Intensive to the east.

The Fire Marshall, and Engineering Division staff reviewed the rezoning request and have no objections or comments.

4. *Comprehensive Plan Compliance*

Policy 1.5) Traditional Community (T/C) contains areas located in close proximity to residential and existing commercial areas or corridors accommodating employment centers, where commercial services are necessary to meet the projected needs of the City. These areas are specifically designated for a mix of residential and commercial uses and the requisite infrastructure needed for commercial development is generally planned or in place. A maximum base density established in the Land Development Regulations, not to exceed 25 dwelling units per acre (25 du/ac), with a maximum bonus density of thirty-five dwelling units per acre (35 du/ac) 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. A Floor Area Ratio no higher than two (2 FAR) shall be used as an index of intensity for non-residential development in this land use category.

Action 1.5.1) Single-family residential uses or single-family platted lots existing as of October 26, 2010, shall be grandfathered and considered a legal non-conforming uses. New single-family residential uses, other than bona fide caretaker residences, shall be permitted through the Planned Unit Development process as detailed in Policy 1.17.

Action 1.5.2) Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the Traditional Community land use designation. Limited light industrial uses may be permitted. Any re-designation of land to Traditional Community land use category should occur near major travel corridors and at road intersections.

Action 1.5.3) All new developments in this category must connect to the City's potable water and sanitary sewer systems.

5. *Public Notice*

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A total of 10 public notice letters were sent to property owners within 300 feet of the parcel. The property was posted with a sign alerting the general public about the case; and an ad ran in the News-Press. All actions occurred at least 10 days prior to the March 2, 2022, meeting.

6. *Recommended Action*

Recommend approval of the request for rezoning of two parcels of land located at 10581 Colonial Boulevard and identified by Folio Numbers 10254199 and 10254200, consisting of 28.2 acres, more or less, to the Commercial Intensive (CI) zoning designation consistent with the Comprehensive Plan and Land Development Code; and recommend approval to City Council.

END STAFF REPORT

During the presentation Mr. Alley advised that he had been informed that the citizens watching the meeting from the hallway were unable to hear what was being said and asked anyone that was speaking to please talk into the microphone and also stated that when it was time for the public input that he would like an opportunity to swear in the citizens in the hallway outside of City Council chambers. Mr. Alley advised that in order for any testimony to be valid from anyone speaking, they needed to be sworn in first.

Mr. Ink asked what the area above the PUD labeled section was on the presented zoning map.

Ms. DeVaughn confirmed that it was zoned as mixed use.

Mr. Ink asked if there was a specific reason that the applicant chose the zoning category of Commercial Intensive (CI) instead of Commercial General (CG).

Stacy Hewitt, Banks Engineering and representing Colonial Plaza Holdings LLC, the property owner, stated that it was consistent with some of the zoning to the East and the goal was to match the adjacent zoning.

Mr. Ink asked if a traffic analysis had been done.

Ms. Hewitt advised that a traffic analysis was not required for her type of request which was conventional zoning.

PUBLIC INPUT: John Fornaro, city resident, stated that at his residence, Colonial Country Club, there had been ongoing water pressure issues. Mr. Fornaro expressed concern for the water supply and stated that he was surprised to learn there was no need for a traffic study for this type of request. Mr. Fornaro stated that he felt the request would impact the traffic significantly.

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Stanley Elkerton, Colonial Country Club resident, stated that there had been significant water pressure issues and that some of the residents were not able to get any water at all at one point. Mr. Elkerton stated that the water pressure issues had caused many other issues within the community. Mr. Elkerton stated that he felt the city had not kept up its water infrastructure and that it would not make any sense to approve more residential development when there was not enough water for the current residents already. Mr. Elkerton stated that he was completely opposed to the request for rezoning the parcel and new development would cause significant traffic and should be paused until the current issues had been fixed. Mr. Elkerton stated he felt there was too much development happening in the city.

Doug Seaver, Sommerset at Plantation resident, stated he would like to complain about the rezoning request based on traffic concerns. Mr. Seaver stated that there were excessive traffic backups regularly in the area already; and with the other developments in the area still to be completed would cause an even bigger increase in traffic issues.

Herb Strong, Pelican Preserve resident, stated concern for the traffic study and stated that the study was from 7 years ago. Mr. Strong expressed concern for increased traffic issues and felt that the traffic study presented was not accurate. Mr. Strong concurred with the concerns on the water pressure issues as well.

Arthur Grant, city resident, stated concerned about the process of representation and that he felt the board was not listening to what the public had to say; which was that there needed to be an orderly process for the expansion of the communities. Mr. Grant stated that the resale property values in the community were at jeopardy.

Frank Mignone, Pelican Preserve resident, stated there were significant traffic issues in the area and that he was concerned for the rezoning to be approved as it would cause an increase in traffic. Mr. Mignone stated concerns for the water pressure issues. Mr. Mignone stated that he felt there was too much development happening in the area.

Mike Lamphere, Pelican Preserve resident, stated that he had heard many water pressure complaints because he was the condo association manager. Mr. Lamphere stated that the water pressure issues had increased significantly. Mr. Lamphere stated that he echoed all the previous concerns and felt that development in the area should be ceased. Mr. Lamphere expressed concern for the traffic issues and felt that the issues would increase with the rezoning.

Joe Broniley, Plantation resident, stated his concerns were for the water pressure issues, traffic issues, and density issues. Mr. Broniley stated that he did not agree with the traffic study that had been done. Mr. Broniley expressed that he felt development in the area should be ceased.

Dan Auker, Pelican Preserve resident, expressed concerns for the water pressure issues in the area and stated that the water pressure issues had increased. Mr. Auker stated that he did not agree with the traffic study presented at all and questioned when the traffic study was done and how it had considered the peak season.

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DISCUSSION: Mr. Leger asked the board members if they preferred staff to address the water pressure and traffic concerns.

Mr. Ink stated yes and that he felt it would be enlightening for staff to educate the public and the board members on how traffic was taken on an application and evaluated such that they could recommend that it was consistent with the Land Development Code. Mr. Ink expressed concerns that the public had traffic statements in their possession that the board members had not been presented with.

Ms. Parodi stated that a traffic study was not required of the applicant for agenda item number one and that all of the traffic statements the board had heard of from the public was regarding item number two therefore it was not appropriate to use the traffic statements that did not apply to the agenda item number one to make a decision on the request.

Mr. Ink stated that item number two was also a conventional zoning which was why he was requesting staff to educate the public on how traffic was inputted into the system so that the board could evaluate the facts before them.

Mr. Carlino asked why a traffic study was not required.

Ms. DeVaughn advised that the reason there was no traffic impact statement required on the first item but provided for the second and third agenda items because it was requested at a previous Planning Board meeting for the Comprehensive Plan amendment and the rezoning. Ms. DeVaughn advised that it was normally not required for conventional zoning requests as the end use is unknown at the time.

Mr. Ink stated that in other jurisdictions it was required to have traffic impact statements and questioned why the City of Fort Myers did not require it, especially in Southwest Florida.

Ms. DeVaughn advised that the requirements could be changed moving forward if the board wished for staff to have the requirements amended.

Ms. Parodi stated that there was an interchange improvement going on in the area, therefore, even if the board had a traffic study it would not be accurate due to the increased traffic from the interchange.

Mr. Ink stated that the traffic study had to meet certain requirements and that he felt a traffic study would help support the rezoning request. Mr. Ink stated he felt that it was unfair to the public that had a perception for bad traffic. Mr. Ink stated that there was a process that he felt should be included in the city's zoning process that should include traffic studies and suggested adding the requirement of a traffic study to the Land Development Code for rezoning requests.

Ms. DeVaughn stated that a traffic study had not been requested for the current applicant which was why there was no traffic study for item number one as with previous rezoning applications and that moving forward staff could add a traffic study

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requirement for rezoning requests but could not be retroactive for the current request at hand and also advised that the city engineer was present for any questions the board had.

Mr. Leger asked for engineering to speak on the progress of infrastructure improvements.

Nicole Monahan, City Engineer, stated that the work being done between Colonial Boulevard and Winkler Avenue was a Florida Department of Transportation (FDOT) state project and that there were still a couple more years of construction before it would be complete. Ms. Monahan stated that city engineering had a very small part in the project and did not control the construction project as it was a state project.

Mr. Leger asked if the Forum and Six Mile Cypress improvements were state projects as well.

Ms. Monahan advised that was correct and that there were three different types of improvements being made that were all under one construction project.

Mr. Leger asked about the Treeline water improvements and the progress.

Richard Moulton, Director of Public works advised that the city was currently receiving water from the county in the amount of 1.1 million gallons per day and that the water pressure levels were between 52-55 pounds per square inch (psi) and the water pressures in the areas served by the city were between 44-47 psi during peak hours. Mr. Moulton explained that there was a plan being executed to develop and produce seven additional water wells within the next year and that two of them was anticipated to be done by the end of April of the current year. Mr. Moulton advised that there would be other wells in production as well by September. Mr. Moulton stated that the city was working as fast as possible to address concerns.

Mr. Leger asked if the Lee County lines were still being phased in.

Mr. Moulton advised that all three phases had been completed as of February 17, 2022.

Mr. Leger asked for clarification if the residents that claimed to have a lower psi should actually have a higher psi.

Mr. Moulton advised that he would like to speak with those individuals in order to assist them with their concerns as it may be an issue that the city was not aware of.

Mr. Ink asked if the water pressure had ever dropped below minimal municipal standards.

Mr. Moulton stated that had not happened without a boil notice issued.

Mr. Ink asked if a boil notice had been issued in certain cases.

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Mr. Moulton advised there had been a boil notice when there was a problem with the water that had forced the psi to be 20 or less. Mr. Moulton stated that the pressures monitored were not inside homes but were instead in pipes under the ground below the road surface which was the requirement by the Florida Administrative Code (FAC) therefore there could be a differential in the water pressure inside a home.

Ms. Barnwell asked if the wells that would be coming online would be new.

Mr. Moulton advised that they were in the process of rehabilitating four wells and also bringing in seven new wells.

Mr. Carlino asked about the progress of the four wells that the board had heard of at the last Planning Board meeting that were said to be under maintenance.

Mr. Moulton advised that those were the wells that were being rehabilitated.

Ms. Barnwell asked what the cause was of the City of Fort Myers losing water throughout the whole city a few months back.

Mr. Moulton explained that there had been an FPL transformer that had failed, causing anomalies for the signals that connected to the city's generator to come online which kept the water plant online.

Mr. Collins asked about the progress for the water pump that had been in process for ten years and if it would be antiquated since it had taken so long to construct.

Mr. Moulton stated that the East tank and pumping station was expected to be online in November of 2022 but that it would not be antiquated as it was based on the most recent design.

Ms. Hewitt, applicant representative, stated that it did indeed sound as if the traffic study that the public input was referring to pertained to a different agenda item. Ms. Hewitt stated that a site plan was not required as part of the conventional rezoning and there was no site development permit that had been done with the city as of yet, but that the South Florida Water Management District Environmental Resource permit had been applied for.

Mr. Ink stated for discussion purposes among the board that before a motion was made he would be more comfortable requesting a traffic study and a Florida Land Cover Classification System (FLUCCS) map of the wetlands and asked the board for their thoughts on asking the applicant to come back next month with the additional items that the board could review and use to make their decision on the request.

Mr. Leger asked if the item was able to be tabled.

Ms. Parodi stated that she understood requesting certain information moving forward but that she did not feel comfortable asking the applicant for something that they were not required to provide as it was unfair to the applicant especially when the traffic study would not be accurate due to the ongoing construction at the site as the area

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was being developed. Ms. Parodi stated regarding the water that the statements made about the water were not statements that would be accurate by the time the development was in place.

Mr. Ink stated that as a board, they were permitted to ask the applicant if they would come back with information being requested but that the applicant did not have to and that from his perspective it was unknown if there was a traffic issue or not and questioned if Commercial Intensive was the right zoning for the area because of the zoning and if perhaps Commercial General or Neighborhood Commercial would be a better zoning for the area. Mr. Ink stated that traffic studies do also give projected estimates as well so that the studies were accurate.

MOTION: It was moved by Mr. Leger to recommend approval of the request to rezone 28.2 +/- acres located at 10581 Colonial Blvd. and Folio No. 10254200 from Mixed Use (MU) to Commercial Intensive (CI), seconded by Mr. Kautz. The motion failed 2-6 with Mr. Collins, Ms. Barnwell, Ms. Mitchell, Mr. Kautz, Mr. Carlino, and Mr. Ink as a nay.

Mr. Leger asked if the board could recommend the applicant coming back before the board at the next month's meeting. Mr. Ink advised that the board could no longer offer that step to the applicant because the board had already made a motion and acted on it and also that the board's recommendation would now go to City Council.

ITEM NO. 2 PUBLIC HEARING: CONSIDER A REQUEST TO AMEND THE FUTURE LAND USE MAP FOR 64.29 +/- ACRES LOCATED ON 19 PARCELS ON THE NORTHEAST CORNER OF TREELINE AVENUE AND DANIELS PARKWAY FROM TRADEPORT IN LEE COUNTY TO TRADITIONAL COMMUNITY (T/C) IN THE CITY OF FORT MYERS. (WARD 6) (QUASI-JUDICIAL)

EX PARTE COMMUNICATION: None

Anthony Palermo, Community Development Assistant Director, gave the staff presentation as follows:

BEGIN STAFF REPORT

Agenda Item - Consider a request for an amendment to the Future Land Use Map to change 64.29 acres, more or less, from Lee County Tradeport to the City's

1. *Application Information*

Traditional Community (T/C) Future Land Use designation. (Ward 6)

Owner:	Walter Lee Johnson Trustee; Joanna Lee & Peter Callahan; Cathleen Wheeler TR; BJ Holdings of Fort Myers LLC; Brian Scott Holdings Inc.; Gloria Boudreau Trust.
Agent:	Tony Palermo, AICP, Assistant Community Development

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	Director
Addresses:	Daniels Parkway, Fort Myers, FL
Location:	Northeast Corner of Treeline Avenue and Daniels Parkway.
Size:	64.29 acres, more or less
Folio No.:	10259583;10259581;10259582;10259584;10259586;10259587; 10259591;10259590;10259585;10259588;10579838;10259589; 10259598;10466144;10259595;10458794;10259596;10259599; 10259597.
Zoning:	Lee County - Predominantly Agricultural (AG-2) and various commercial zoning categories.
Future Land Use:	Lee County - Tradeport
Request:	An amendment to the Future Land Use Map to change 64.29 acres, more or less, from Lee County Tradeport to the City's Traditional Community (T/C) Future Land Use designation.

2. Request

Case Number:	CPA21-0002
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City staff is initiating a request for a Future Land Use Map Amendment for 19 parcels recently annexed into the City from Lee County Tradeport to the City's Traditional Community (T/C) Future Land Use category. The City is also initiating rezoning the property from the County's zoning designations (predominantly Agricultural (AG-2) to the Commercial Intensive (CI) zoning designation in the City. This case was heard by the Planning Board at a Public Hearing February 2, 2022 and continued to March 2, 2022.

3. Staff Review

Community Development Department staff reviewed the request and found it consistent with the Comprehensive Plan. The Fire Marshall, and Engineering Division staff reviewed the rezoning request and have no objections. The City is also initiating rezoning the properties to the Commercial Intensive (CI) zoning category in the City, consistent with the T/C category.

4. Comprehensive Plan Compliance

The County's Tradeport Future Land Use category allows for intensive industrial and commercial uses and no residential uses. The Traditional Community (T/C) category in the City allows for a mix of commercial and residential multi-family uses. The Traditional Community (T/C) Future Land Use category and Commercial Intensive (CI) zoning are also found on the City property to the east developed with multi-family apartments.

Policy 1.5) Traditional Community (T/C) contains areas located in close proximity to residential and existing commercial areas or corridors accommodating employment

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centers, where commercial services are necessary to meet the projected needs of the City. These areas are specifically designated for a mix of residential and commercial uses and the requisite infrastructure needed for commercial development is generally planned or in place. A maximum base density established in the Land Development Regulations, not to exceed 25 dwelling units per acre (25 du/ac), with a maximum bonus density of thirty-five dwelling units per acre (35 du/ac) 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. A Floor Area Ratio no higher than two (2 FAR) shall be used as an index of intensity for non-residential development in this land use category.

Action 1.5.1) Single-family residential uses or single-family platted lots existing as of October 26, 2010, shall be grandfathered and considered a legal non-conforming uses. New single-family residential uses, other than bona fide caretaker residences, shall be permitted through the Planned Unit Development process as detailed in Policy 1.17.

Action 1.5.2) Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the Traditional Community land use designation. Limited light industrial uses may be permitted. Any re-designation of land to Traditional Community land use category should occur near major travel corridors and at road intersections.

Action 1.5.3) All new developments in this category must connect to the City's potable water and sanitary sewer systems.

The property is located on an infill location on two major arterials roads in proximity to residential and commercial uses. The property is within the County's water and sewer franchise areas and in proximity to both water and sewer services and franchise areas in the City. Potable water and sewer are both available, as are urban services in the City. A February 17, 2022 memo from the Public Works Department is attached providing additional analysis of this case and the accompanying rezoning case to Commercial Intensive (CI). A revised February 8, 2022 Traffic Impact Statement (TIS) was also provided and was analyzed by City staff. This TIS analyzed a worst-case scenario of 1,125 dwelling units, and 321,450 square feet of retail. Public Works staff concluded, "The rezoning of approximately 64.29 acres of property recently annexed into the City of Fort Myers from a mixture of Lee County Zoning (AG-2, CH, CG, CT and CI) to the City of Fort Myers Commercial Intensive (CI) zoning will allow for a mix of both residential and commercial uses on the subject site. The trip generation and Level of Service analysis indicates that the development of the site will not cause any roadways to operate below the recommended minimum Level of Service standards."

Public Works staff also provided analysis of water and sewer availability and capacity to address the same levels of development analyzed in the new traffic study. Public Works staff concluded, "Lee County and the City of Fort Myers both have sufficient capacities to provide water and sewer services. However, the availability of such services is contingent upon final acceptance of the required infrastructure,

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constructed by the developer. Per City's Land Development Code, if during site plan review it is determined that Lee County facilities will be used, then an Interlocal Agreement between the City and County would be required. Lee County water services would be served by the Corkscrew Water Treatment Plant and sewer services would be provided by the Gateway Water Reclamation Facility. City of Fort Myers water services would be served by the City Water Treatment Plant and sewer services would be provided by the South AWWT [Advanced Wastewater Treatment] Facility."

5. Public Notice

A total of 60 public notice letters were sent to property owners within 300 feet of the parcel. The property was posted with a sign alerting the general public about the case; an ad ran in the News-Press. All actions occurred at least 10 days prior to the March 2, 2022, meeting.

6. Recommended Action

Find the request to amend the Future Land Use Map to change 64.29 acres, more or less, of 19 parcels of land from the Lee County Tradeport Future Land Use designation to the City's Traditional Community (T/C) Future Land Use designation, consistent with the Comprehensive Plan and Land Development Code; and recommend approval to City Council for transmittal to the Florida Department of Economic Opportunity (DEO).

END STAFF REPORT

PUBLIC INPUT: Rob Woolley, The Plantation resident, stated that he was concerned about the impact on the overtaxed services that could result from the proposed development and also expressed concern with the adequacy of the application. Mr. Woolley stated that storm water, recreation, and schools had not been addressed at all in the application and felt that any decision on the request would be premature by the board without having all the proper requirements of the application filled.

Bob McConahy, city resident, stated concern for the traffic impact in the area. Mr. McConahy presented a traffic study from Lee County from 2019 that he had sent into Mr. Palermo and stated that there would be a significant impact on traffic in the area should the rezoning request be approved.

Geoffrey Randall, Pelican Preserve resident, stated that he felt unassured about the water pressure issues being resolved and that the rezoning should be tabled until staff knew for sure that the water pressure issue was resolved. Mr. Randall stated regarding the traffic study that staff should exclude 2020 as an anomaly.

Carole Brokke, Pelican Preserve resident, stated that there had been significant water pressure issues in the area and that she felt the city would not be able to provide the pressure that the county was providing to the residents. Ms. Brokke stated that she

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did not feel that the City of Fort Myers' plant had the capacity to provide accurate water pressure.

Denise Rafferty, Marina Bay resident, stated that she was opposed to the rezoning request. Ms. Rafferty stated that there would be a significant impact on the traffic issues and water issues due to all the construction projects in the area and the additional residents that would be inhabiting the area.

Mr. Moulton stated that the water use permit approved in 2020 gave the city the authority to do 22 wells and that the first seven would be within the next year or so. Mr. Moulton advised that the permit was a 20-year permit, and should there be more wells needed than the intended 22 wells then that was available.

Neale Montgomery, attorney for the subject property owner, presented Chapter 171 of the Florida Statutes and stated that the site currently had county zoning and needed to have city zoning and that the site met all of the criteria for the rezoning. Ms. Montgomery stated that Commercial General was an appropriate zoning category for the proposed area. Ms. Montgomery stated that there would be more traffic analysis on the area once site plan development began and also that the new wells would be online way before anything would be developed.

Gary Reed, resident, asked the board if he could cede his speaking time to Ms. Montgomery.

Mr. Alley advised that it was the decision of the chair.

Mr. Ink advised that the board had never approved that type of request in the past years.

Mr. Leger denied the request.

John Fornaro, city resident, stated that he echoed all the previous concern about traffic and that he was primarily concerned with the water issues. Mr. Fornaro advised that he was not meaning to criticize staff at all. Mr. Fornaro stated that more wells than spoken about were going to need to be constructed if the city expected to fix the water pressure issues. Mr. Fornaro stated that the application did not clearly state where the water line would be placed and which direction the supply would be going. Mr. Fornaro stated that traffic was an ongoing issue in the area. Mr. Fornaro thanked the board for their service.

Greg Joseph, Pelican Preserve resident, stated that he agreed with all the concerns regarding the water issues and traffic issues. Mr. Joseph stated that his most troubling concern was that the city's water plant may never be able to generate enough water pressure for the area that was already having issues. Mr. Joseph suggested that development be slowed down.

David Carpenter, Pelican Preserve resident, stated that he had concerns about the water pressure issues and asked the board to consider stopping the transfer of property and wait until the Treeline projects were all completely finished.

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Eric Volcheff, city resident, stated that he was not in favor of commercial and residential zoning being intertwined. Mr. Volcheff stated that there were a lot of projects in the area that were going to already add an immense amount of additional traffic and that he hoped the board would deny the rezoning request.

Mike Hodgins, Pelican Preserve resident, stated that he was very upset about the water pressure issues and was absolutely against the rezoning request. Mr. Hodgins stated he did not feel the city had sufficient capacity to provide water and sewer services and also that it was irresponsible to proceed with any more development.

James Tapper, city resident, stated that approving the request would add an excessive number of additional residents to the area. Mr. Tapper stated that he wanted healthy skepticism to be exercised by the city and that development should be put on hold.

Joe Schofield, Pelican Preserve resident, requested that the board deny the rezoning request.

Leon Schofield, Pelican Preserve resident, stated that he felt the rezoning and development would cause many issues and that the board should slow development down.

Julie Frederick, Pelican Preserve resident, stated that she did not trust the traffic study presented by the applicant and felt that the study was not accurate. Ms. Frederick stated that approving the request and new development would increase traffic and residents significantly and would put an even greater strain on the water pressure issues. Ms. Frederick encouraged a more controlled growth in the City of Fort Myers.

Jean Reed, Ward 6 resident, stated that she agreed with all the prior stated concerns. Ms. Reed stated that she felt Ward 6 had a very low level of services available to them compared to the other Wards. Ms. Reed expressed concern for the safety of residents in Ward 6 as well. Ms. Reed asked the board to deny rezoning request.

Cheryl Angel, city resident, stated that the already existing residents had issues with excessive traffic and that adding more development would cause an increase in the traffic issues. Ms. Angel disagreed what the traffic study provided and encouraged the board to consider the long-term effects.

Ms. Parodi excused herself from the meeting at 3:36 p.m.

Bob Connelly, Pelican Preserve resident, stated that he agreed with the previously stated concerns and expressed concern for the fact there was no knowledge of what was being built or who the owner was. Mr. Connelly stated that the city was not going to have enough water pressure capacity and urged the denial of the rezoning request.

Chuck Martindale, Pelican Preserve resident, stated that he agreed with the previously stated concerns and that the community was growing quicker than the city could keep up with along with the services needed to provide to the citizens. Mr. Martindale stated

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that the water pressure issues needed to be resolved before anymore development happened in the area.

Richard Rittenberg, Pelican Preserve resident, stated concerns for the traffic, water and development processing issues. Mr. Rittenberg expressed concern for increased traffic in the area and stated that he felt that the development process was flawed, and city staff needed to address the needs as expressed by the residents.

John Casper, city resident, agreed with all the previous concerns that were expressed and stated that the new development in the area and proposed development was affecting the quality of life for the residents and asked the board to deny the current request.

Ray Yi, city resident, stated that he was very concerned about the request and urged the board to deny the rezoning request and stated that the development growth needed to be more controlled.

Lynn Sullivan, city resident, stated that the residents were very concerned with the impact that the rezoning would have on property taxes. Ms. Sullivan urged the board to deny the request.

Phil Dorman, city resident, agreed with the previously stated water pressure issue concerns and stated that he felt the City of Fort Myers should do a water resource management study.

Theresa Lewis, city resident, stated that she agreed with all the previously stated concerns and expressed concern for the safety of the residents and also expressed concern for the traffic and transportation issues in the area.

Ronald Rickard, city resident, expressed concern for the traffic studies provided. Mr. Rickard stated that if the board were to approve the request it would be a premature decision. Mr. Rickard stated that he felt the traffic studies provided were inaccurate. Mr. Rickard asked that the development be stopped until all the issues had been resolved.

Mike Stewart, city resident, agreed with all the previously stated concerns and also expressed concern for the increased traffic due to development and the safety of the residents.

Brent Davis, Davis Group, stated that he only had a portion of the site under contract and agreed that there were still issues that needed to be worked out. Mr. Davis stated that if the request were to be approved, it would be 24 plus months before any development would occur. Mr. Davis advised for the record that there were many steps that would have to be taken before construction began that would assure the property was up to code and safe for the surrounding residents. Mr. Davis reminded the board that as a property owner, property owners had property rights and offered support for the request.

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William Sirico, Pelican Preserve resident, stated that the request was premature and that there should be no rezoning without knowing the actual facts on the property as far as development.

Donna Highs, Pelican Preserve resident, asked the board to slow down the development.

DISCUSSION: Mr. Leger asked if there was a timeline to when the City of Fort Myers would be able to stop using water from Lee County.

Nicole Monahan, City Engineer, advised that the agreement with Lee County was for 150 days and within those 150 days, there would be two new wells online and pumping water to the plant.

Mr. Carlino asked if that would solve the water pressure issue.

Mr. Moulton stated that the amount of water Lee County was supplying was 1.1 million gallons per day and that the two new wells would eliminate the supply requirements from the county. Mr. Moulton stated there would be three more new wells online by the end of the year and that the city should be able to separate the services from the county at the end of the agreement period of 150 days.

Ms. Barnwell asked why the traffic study used was from 2020 as peak season as that year was affected by Covid.

Ms. Monahan stated that the 2022 report had not come out as of yet and that the current traffic study focused on traffic habits from the year 2015 to the year 2021 to come up with the general growth rate which was 3.1% per year.

Ms. Barnwell stated that not having access to Daniels Parkway would be a significant issue.

Ms. Monahan stated that there would still be two access points to Daniels Parkway.

Mr. Carlino stated that the board needed to look at the worst case scenario and questioned the impact it would have on the area; for example, if a hospital were to be built and how it would affect the traffic.

Ms. Monahan stated that staff had not done a traffic study impact for every use within Commercial Intensive as there was no development plan and a reasonable use had to be chosen for the initial evaluation.

Mr. Leger asked if the same mailers had to be sent out to residents when annexing a property.

Mr. Palermo advised that the requirements were not the same when annexing a property into the city.

Mr. Leger stated he felt it would be better for the current types of concerns to be brought before the board before annexing a property and also that he was unsure of

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how to move forward if the rezoning request were to be denied as the property needed to have a city designation and not the current county designation.

Mr. Ink asked Mr. Alley if the board had the option to table the item or if the board must make a decision with the information brought before them.

Grant Alley, city attorney, advised that the board must act on the request at hand.

Mr. Ink asked staff for clarification if the property was officially annexed into the city. Mr. Palermo stated that was correct. Mr. Ink asked if the next step was that a Comprehensive Plan and Future Land Use category needed to be assigned which was what agenda request item number two was. Mr. Palermo stated that was correct. Mr. Ink asked if that would entitle the property to start development. Mr. Palermo advised it would not and the owner would have to go through zoning before construction. Mr. Ink stated that the next step would be zoning which gave property development regulations and a schedule of uses. Mr. Palermo advised that was correct and that site plan approval would be needed before building. Mr. Ink stated that the board was only deciding on the Comprehensive Plan amendment. Mr. Palermo advised that was correct. Mr. Ink asked if Ms. Montgomery was correct in stating that the property would stay designated as Tradeport if the board denied the request. Mr. Palermo advised that was correct. Mr. Ink asked if there was a timeframe in which the board would have to designate the property by. Mr. Palermo advised there was not however, staff would prefer to designate the property sooner than later. Mr. Ink asked if staff could do a future land use designation without zoning. Mr. Palermo stated that it would be inconsistent. Mr. Ink asked if staff wanted the board to act on the request with an affirmative or a negative. Mr. Palermo advised that would be consistent to vote in the affirmative. Mr. Ink asked if the choices for designation was Traditional Community, Commercial Corridor, and Industrial. Mr. Palermo advised that was correct. Mr. Ink asked if staff felt that Traditional Community was the appropriate land use for the site based on that it was on a major intersection. Mr. Palermo advised that was correct. Mr. Ink stated that the language in the definition of Traditional Community implied there would be mostly commercial type activities in the area. Mr. Palermo advised that was correct.

Ms. Barnwell asked what the third criteria required for the property to be annexed was.

Mr. Palermo advised the three criteria for the property was that the infrastructure had to be in place, it was in proximity to residential and commercial uses, and preferably on a corridor or intersection.

Mr. Carlino asked why the City of Fort Myers annexed the property.

Mr. Palermo advised he was unsure.

Mr. Ink advised that it was a voluntary annexation and that the owner of the property had requested to be annexed into the City of Fort Myers.

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Mr. Collins asked if the same project request had gone before the county board when the property was still in county limits.

Mr. Palermo advised it had not.

MOTION: It was moved by Mr. Ink to recommend approval and find the request to amend the Future Land Use Map to include 64.29 acres, more or less, containing 19 parcels, on the northeast corner of Treeline Avenue and Daniels Parkway from Tradeport in Lee County to Traditional Community (T/C) in the City of Fort Myers consistent with the Comprehensive Plan and the Land Development Code and recommend approval to City Council for transmittal to the Florida Department of Economic Opportunity, seconded by Mr. Leger, and failed 3-4, with Mr. Collins, Ms. Barnwell, and Ms. Mitchell, and Mr. Carlino as a Nay.

Mr. Ink asked if the board needed to move forward to the next agenda item request since the board denied the rezoning request and noted that the property would now stay Tradeport the way it was listed in Lee County jurisdiction.

Mr. Palermo asked the board to make a recommendation of denial to City Council if that was what they preferred and to still vote on the next agenda item request so that City Council would be able to consider both items.

ITEM NO. 3: CONSIDER A REQUEST TO AMEND THE FUTURE LAND USE MAP FOR 64.29 +/- ACRES LOCATED ON 19 PARCELS ON THE NORTHEAST CORNER OF TREELINE AVENUE AND DANIELS PARKWAY FROM TRADEPORT IN LEE COUNTY TO TRADITIONAL COMMUNITY (T/C) IN THE CITY OF FORT MYERS. (WARD 6) (QUASI-JUDICIAL)

EX PARTE COMMUNICATION: None

Anthony Palermo, Assistant Community Development Director, gave the staff presentation as follows:

BEGIN STAFF REPORT

Agenda Item - Consider a request for an amendment to the Future Land Use Map to change 64.29 acres, more or less, from Lee County Tradeport to the City's

1. Application Information

Traditional Community (T/C) Future Land Use designation. (Ward 6)

Owner:	Walter Lee Johnson Trustee; Joanna Lee & Peter Callahan; Cathleen Wheeler TR; BJ Holdings of Fort Myers LLC; Brian Scott Holdings Inc.; Gloria Boudreau Trust.
Agent:	Tony Palermo, AICP, Assistant Community Development Director

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Addresses:	Daniels Parkway, Fort Myers, FL
Location:	Northeast Corner of Treeline Avenue and Daniels Parkway.
Size:	64.29 acres, more or less
Folio No.:	10259583;10259581;10259582;10259584;10259586;10259587; 10259591;10259590;10259585;10259588;10579838;10259589; 10259598;10466144;10259595;10458794;10259596;10259599; 10259597.
Zoning:	Lee County - Predominantly Agricultural (AG-2) and various commercial zoning categories.
Future Land Use:	Lee County - Tradeport
Request:	An amendment to the Future Land Use Map to change 64.29 acres, more or less, from Lee County Tradeport to the City's Traditional Community (T/C) Future Land Use designation.
Case Number:	CPA21-0002

City staff is initiating a request for a Future Land Use Map Amendment for 19 parcels recently annexed into the City from Lee County Tradeport to the City's Traditional Community (T/C) Future Land Use category. The City is also initiating rezoning the property from the County's zoning designations (predominantly Agricultural (AG-2) to the Commercial Intensive (CI) zoning designation in the City.

3. Staff Review

Community Development Department staff reviewed the request and found it consistent with the Comprehensive Plan. The Fire Marshall, and Engineering Division staff reviewed the rezoning request and have no objections. The City is also initiating rezoning the properties to the Commercial Intensive (CI) zoning category in the City, consistent with the T/C category.

4. Comprehensive Plan Compliance

The County's Tradeport category allows for intensive industrial and commercial uses and no residential uses. The Traditional Community (T/C) category in the City allows for a mix of commercial and residential multi-family uses. The Traditional Community (T/C) Future Land Use category and Commercial Intensive (CI) zoning are also found on the City property to the east developed with multi-family apartments.

Policy 1.5) Traditional Community (T/C) contains areas located in close proximity to residential and existing commercial areas or corridors accommodating employment centers, where commercial services are necessary to meet the projected needs of the City. These areas are specifically designated for a mix of residential and commercial uses and the requisite infrastructure needed for commercial development is generally planned or in place. A maximum base density established in the Land Development Regulations, not to exceed 25 dwelling units per acre (25 du/ac), with a maximum bonus density of thirty-five dwelling units per acre (35 du/ac) may be permitted

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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. A Floor Area Ratio no higher than two (2 FAR) shall be used as an index of intensity for non-residential development in this land use category.

Action 1.5.1) Single-family residential uses or single-family platted lots existing as of October 26, 2010, shall be grandfathered and considered a legal non-conforming uses. New single-family residential uses, other than bona fide caretaker residences, shall be permitted through the Planned Unit Development process as detailed in Policy 1.17.

Action 1.5.2) Commercial retail developments, hotels and motels, banks, all types of office development, research and development, public, and other similar development will predominate in the Traditional Community land use designation. Limited light industrial uses may be permitted. Any re-designation of land to Traditional Community land use category should occur near major travel corridors and at road intersections.

Action 1.5.3) All new developments in this category must connect to the City's potable water and sanitary sewer systems.

The property is located on an infill location on two major arterials roads in proximity to residential and commercial uses. The property is within the County's water and sewer franchise areas and in close proximity to both water and sewer services and franchise areas in the City. Potable water and sewer are both available, as are urban services in the City.

5. Public Notice

A total of 60 public notice letters were sent to property owners within 300 feet of the parcel. The property was posted with a sign alerting the general public about the case; an ad ran in the News-Press. All actions occurred at least 10 days prior to the February 2, 2022, meeting

6. Recommended Action

Find the request to amend the Future Land Use Map to change 64.29 acres, more or less, of 19 parcels of land from the Lee County Tradeport Future Land Use designation to the City's Traditional Community (T/C) Future Land Use designation, consistent with the Comprehensive Plan and Land Development Code; and recommend approval to City Council.

END STAFF REPORT

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PUBLIC INPUT: A public input speaker representing all the intended public speakers asked if the board would consider incorporating all the concerns from the previous agenda item number two request into the current agenda item number three request.

Mr. Alley advised that was permitted but that it needed to be on the record.

Nathan Shaw, Pelican Preserve resident, asked that all testimony heard from the public for item number two be incorporated into item number three.

Theresa Lewis, city resident, asked that her testimony heard from the public for item number two be incorporated into item number three and also reiterated that she was confused on how the Community Development department was an agent for the developer and not for the community.

Bob McConahy, city resident, stated that the application was incomplete and did not address stormwater, schools, or recreation as required by the application and also stated that there were no long-term solutions to the water issues. Mr. McConahy expressed concern for traffic issues and stated that a park should be incorporated into the project request. Mr. McConahy stated that the traffic study assumed an additional 10 units per acre and asked why that would be allowed.

Neal Montgomery stated that many of the public had suggested that a park be added to the property and advised that a park had to be owned by the government and not a private sector. Ms. Montgomery advised that the property was designated as agriculture which was not a permitted use in the Tradeport designation and also noted that Agriculture (AG-2) was not a permitted use in the city limits. Ms. Montgomery stated that the property zoning was improper and needed to be fixed. Ms. Montgomery stated that the board should reconsider the motion and provide a city used category and an appropriate zoning.

Mr. Leger asked if the city was permitted to use county zoning. Mr. Ink advised that the zoning would stay the way it was zoned while in county limits due to the Florida statute.

Richard Rittenberg, Pelican Preserve resident, reiterated his comments from public input on agenda item number two and advised that he was against the agenda item request and felt that it would cause an increase in traffic. Mr. Rittenberg advised that he felt development should be stopped until all the issues in the area had been resolved.

Robert Connelly, Pelican Preserve resident, asked that his testimony heard from item number two be incorporated into item number three. Mr. Connelly expressed concern over the fact that the public had not been advised on who the developer was, but the staff knew.

Cheryl Angel, city resident, reiterated all the previous concerns stated and asked the board to slow the development down.

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Jean Reed asked for her previous comments to be incorporated into agenda item number three and asked for plans would be put in place that addressed the infrastructure for the citizens of the community.

Jim Button, city resident, stated that the traffic study provided was not accurate and asked that the request be denied. Mr. Button stated that he felt a Planned Unit Development should be done instead as well as mandating LEED [Leadership in Energy and Environmental Design] requirements.

Brent Davis, Davis Group, stated that there were no exact plans for the property and that he only owned a portion of the site and that the goal was to set a vision in order to meet the staff criteria. Mr. Davis stated that the rights of the property owner needed to be protected and advised that the property owner had provided everything needed and complied with all the requirements and that he was concerned the board was not realizing that due to all the public comments. Mr. Davis offered his support for the agenda item request.

DISCUSSION: Mr. Ink asked if the staff recommendation of approval in the staff report would have been based off of if City Council approved the rezoning to Traditional Community on the property.

Mr. Palermo advised that was correct.

Mr. Leger stated that he felt it was more in the Planning Board's control to pick the zoning than to just default on the previous zoning.

Mr. Carlino stated that due to the City of Fort Myers deciding to annex the property into city limits without the infrastructure, it made it hard for him to recommend any kind of zoning when it seemed as if the property could not handle anything at the moment. Mr. Carlino stated that he did not feel the traffic study provided was accurate and that the City's water system did not seem to have adequate water supply for the existing residents. Mr. Carlino stated he preferred to advocate for the current residents already living in the area and not the future residents that may or may not come.

Ms. Barnwell stated that she felt that the requirements that should have been put in place had not been. Ms. Barnwell also reiterated that there was a comprehensive plan for addressing the water issues.

Mr. Ink stated that the city had a capital improvement program that would last for several years in which the city knew what they planned on doing, therefore, the board needed to decide based on what was heard at the meeting of whether the correct services were or were not in place. Mr. Ink reminded the board that the property owner had certain expected rights and had abided by the requirements needed for the property. Mr. Ink stated that there could be four or five of the parcels that would be able to move forward with commercial zoning and that the agricultural zoning was inconsistent with the Tradeport category which was the current zoning as the board had denied the previous agenda item request and also that the property owner could possibly have trouble moving forward with construction. Mr. Ink stated that the

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persons in support of the request reminded the board that the property owners would not move forward before making sure the water issues were addressed and that there were safeguards to make sure that the correct requirements were in place had been met. Mr. Ink stated that he was in favor of the future land request however he felt differently about the zoning request and was concerned with approving Commercial Intensive (CI) and then only 100% multifamily construction only being built as that would be allowed in CI. Mr. Ink stated that he would have preferred the zoning to be a Planned Unit Development.

Mr. Collins stated that he did not feel all the appropriate safeguards were in place due to the fact that there were so many public present at the meeting that was in opposition of the request. Mr. Collins stated that he was more concerned for the current residents.

Mr. Leger asked if the item request was still able to be recommended for approval seeing as how the previous request for the future land use had been denied.

Mr. Ink stated the board needed to assume that the future land use had been approved as the Planning Board only recommends and once the request went to City Council, that board would decide what to do with the property.

MOTION: It was moved by Mr. Leger to recommend approval of the request to Consider a request to rezone 64.29, more or less, acres from Lee County Agricultural (AG-2), Highway Commercial (CH), General Commercial (CG), Intensive Commercial (CI), and Commercial Tourist (CT) zoning to City of Fort Myers Commercial Intensive (CI) zoning, seconded by Mr. Carlino and the motion failed 1-6 with Mr. Collins, Ms. Barnwell, Ms. Mitchell, Mr. Leger, Mr. Carlino, and Mr. Ink as a Nay.

PUBLIC INPUT – NON-PUBLIC HEARING AGENDA ITEMS: None

OTHER BUSINESS: Hearing no other business the meeting adjourned at 5:05 p.m.