

**CITY OF FORT MYERS
BOARD OF ADJUSTMENTS
MINUTES OF THE MARCH 23, 2022, MEETING**

On March 23, 2022, at 1:30 p.m. the City of Fort Myers Board of Adjustments met in the City Council Chambers, Oscar M. Corbin, Jr. City Hall, 2200 Second Street, in the City of Fort Myers, Florida.

ROLL CALL

Chairwoman Kagan called the meeting to order at 1:30 p.m.

Members Present

Elizabeth Kagan
Anthony Gargano
Solomon Mitchell Jr.
Marvin Burges
Blake A. Bartholomew
Steven Weisberg

Members Absent

Andrew Fitzgerald

Planning Staff Present

Nicole DeVaughn, Planning Manager
Monique John, Administrative Assistant

Other Staff Present

Grant Alley, City Attorney
Anthony Palermo, Assistant Community Development Director
William Porter, Engineer, Public Works

**Minutes – Board of Adjustments
March 23, 2022**

PLEDGE OF ALLEGIANCE COMMENCED

Grant Alley, City Attorney, swore in all witnesses.

EX PARTE COMMUNICATION ON ANY AGENDA ITEMS: None

APPROVAL OF MINUTES: It was moved by Mr. Burges, seconded by Mr. Weisberg, and unanimously approved 6-0 to approve the minutes of February 23, 2022.

ITEM NO. 1 PUBLIC HEARING: CONDITIONAL USE FOR A PROPERTY LOCATED AT 8995 COLONIAL CENTER DR. TO ALLOW THE CONSTRUCTION OF A RECREATIONAL VEHICLE SALES CENTER. (QUASI-JUDICIAL) (WARD 2)

Nicole DeVaughn, Planning Manager, Community Development Department gave the staff presentation as follows:

BEGIN STAFF REPORT

PUBLIC HEARING: Consider approval of a Conditional Use application to allow a recreational sales and service center at 8995 Colonial Center Dr.

Application Information

Owners:	RV Retailer Florida Real Estate, LLC
Agent:	Graham Moore, Cool Breeze Consultants LLC
Addresses:	8995 Colonial Center Dr., Fort Myers, FL 33905
Location:	North of Colonial Blvd., east of Ortiz Ave., and west of I-75.
Size:	12.4 acres, more or less
Zoning:	Commercial General (CG)
Future Land Use:	Traditional Community (T/C)
Request:	A conditional use to allow a recreational sales and service center.
Case Number:	CU21-0010

Request

Graham Moore, Cool Breeze Consultants LLC, representing the owners, RV Retailer Florida Real Estate, LLC., requests approval to allow the construction of a new recreational sales and service center. The property is zoned Commercial General (CG), which allows the proposed use through the Conditional Use process.

Comprehensive Plan Compliance

Staff finds the proposed recreational sales and service center consistent with the City's Comprehensive Plan, specifically Policy 1.5 Traditional Community and Policy 1.17 as follows:

Future Land Use Element:

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.

Policy 1.17) Within each land use classification, the Land Development Regulations shall distinguish between permitted uses and conditional uses.

Action 1.17.2) Conditional uses are uses that would not be appropriate generally or without restrictions throughout a particular district classification, but if controlled as to number, area, location, and relation to the neighborhood, may be an acceptable use.

Staff Findings

Staff finds the request consistent with Land Development Code Section 98.3.8.D. which lists five (5) potential adverse impacts that shall be considered prior to approval by the Board of Adjustments. Staff's review of each is as follows:

1) Impacts on the local economy, employment, and property values.

Staff Response: The proposed recreational sales and service center will have a positive impact on the local economy, employment, and property values.

2) Impacts on the natural environment, including air, water and noise pollution, vegetation and wildlife, open space, noxious and desirable vegetation, and flood hazards.

Staff Response: There will be no adverse impacts on the natural environment if this conditional use is approved. This is a developed site and there are no environmentally sensitive lands.

3) Impacts on historic, scenic, and cultural resources, including views and vistas, and loss of degradation of cultural and historic resources.

Staff Response: There will be no adverse impacts as there are no historical or cultural resources in the area of the subject property.

4) Impacts on public services, including water, sewer, surface water management, police, fire, parks and recreation, streets, public transportation, marinas and waterways, and bicycle and pedestrian facilities.

Staff Response: City water, sewer and solid waste collection services are available to the site. This conditional use will have no adverse impacts on public services.

5) Impacts on housing and social conditions, including variety of housing unit types and prices and neighborhood quality.

Staff Response: The proposed recreational sales and service center will have no adverse impacts on the variety of housing types or on neighborhood quality.

Public Notice

In accordance with the notice of public hearing requirements in Section 98.3.1.H., 10 letters were sent to all property owners within 300 feet of the site, the properties

**Minutes – Board of Adjustments
March 23, 2022**

were posted with official signs from the City stating the date and time of the hearing, and notice of the hearing was published in the News-Press a minimum of 10 days prior to the hearing. No letters or emails regarding this request were received as of the writing of this staff report.

Staff Recommendations & Conditions

Staff finds the request for a conditional use to allow a recreational sales and service center, consistent with the Comprehensive Plan; that the granting of the Conditional Use meets the criteria for consideration of adverse impacts outlined in Section 98.3.8.D., of Land Development Code, and recommends the Board of Adjustments approve the request with the following conditions:

1. The site plans prepared by Cool Breeze Consultants LLC., dated January 14, 2022, and the landscape plans prepared by Cool Breeze Consultants LLC., dated January 17, 2022, are approved in concept only. Compliance with the Land Development Code will be determined during the review of site work and building permits.
2. Construction shall commence within three (3) years of the date of approval.

END STAFF REPORT

PUBLIC INPUT: None

DISCUSSION: Mr. Burges stated that he felt that he was in favor of the request.

MOTION: It was moved by Mr. Weisberg to accept the staff findings of adverse impact elements, seconded by Mr. Burges, and unanimously approved 6-0.

It was moved by Mr. Burges to approve the conditional use subject to staff conditions:

1. The site plans prepared by Cool Breeze Consultants LLC., dated January 14, 2022, and the landscape plans prepared by Cool Breeze Consultants LLC., dated January 17, 2022, are approved in concept only. Compliance with the Land Development Code will be determined during the review of site work and building permits.
2. Construction shall commence within three (3) years of the date of approval.

The motion was seconded by Mr. Weisberg and unanimously approved 6-0.

OTHER BUSINESS: Ms. Kagan advised that the minutes from February 23, 2022, needed to have the correct year of 2022 on them instead of 2021. There being no further business the meeting adjourned at 1:41 p.m.