

**CITY OF FORT MYERS
PLANNING BOARD MEETING
(LOCAL PLANNING AGENCY)
MINUTES OF APRIL 7, 2021 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, April 7, 2021 at 1:00 p.m.

CALL TO ORDER – Chairwoman Mariah Bakke, called the meeting to order at 1:01 p.m.

ROLL CALL

Recording Secretary Monique John completed roll call.

Members Present

Mariah Bakke
Justin Stockman
Matt Leger
James Ink
Darlene Mitchell
William Keene

Members Absent

Community Development Staff Present

Nicole DeVaughn, Planning Manager
Monique John, Senior Administrative Assistant

Other City Staff Present

Steven Belden, Community Development Director
Grant Alley, City Attorney
William Porter, Engineering Division, Staff Engineer
Anthony Palermo, Assistant Community Development Director
Richard Calkins, ITS Director

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

PUBLIC INPUT – NON-PUBLIC HEARING 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 REZONING OF 5301 DIVIDEND DR. FROM COMMERCIAL INTENSIVE (CI) TO LIGHT INDUSTRIAL (IL). (WARD 2 - QUASI-JUDICIAL)

EX PARTE COMMUNICATION: None

Nicole DeVaughn, Planning Manager, Planning Division, Community Development Department, stated that staff findings were as follows:

BEGIN STAFF REPORT

Agenda Item #1: Consider a request to rezone the parcel of land located at 5301 Dividend Drive, consisting of 0.76 acres, more or less, from the Commercial Intensive (CI) zoning designation to the Light Industrial (IL) zoning designation. Ward 2 (Quasi-Judicial)

1. *Application Information*

Owner:	Robert A Gould, Jr LLC
Agent:	Al Quattrone
Address:	5301 Dividend Drive, Fort Myers, FL 33905
Location:	East of Park 82 Drive, north of Dividend Drive, and west of Watts Road.
Size:	0.76 acres, more or less
Folio No.:	10254161
Zoning:	Commercial Intensive (CI)
Future Land Use:	Industrial
Request:	To rezone a parcel of land from the Commercial Intensive (CI) zoning designation to the Light Industrial (IL) zoning designation.
Case Number:	RZ21-0001

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2. Request

Al Quattrone, of Quattrone and Associates, Inc., representing Robert A Gould, Jr LLC, the property owner, requests approval for the rezoning of 5301 Dividend Drive from the Commercial Intensive (CI) zoning designation to the Light Industrial (IL) zoning designation. A site plan is not required for the rezoning application and is not included. Planning staff reviewed the request and found it consistent with the Comprehensive Plan. The subject property is surrounded by industrially zoned property with

3. Staff Review

predominantly warehousing and distribution uses.

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

4. Comprehensive Plan Compliance

Policy 1.11) Designate areas on the Future Land Use Map as **Industrial (IND)** that are areas integral to strengthening the City's economic base and future growth. These are the areas to which the City looks for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special location requirements, including transportation needs (e.g., air, rail, interstate access, and immediate access to arterial roadways); industrial levels of water, sewer, fire protection; and are centrally located to reduce employee commuting distances. The Industrial areas contain research and development, laboratories, industrial activities, commercial and office uses; selective land use mixtures of industrial, manufacturing, research, and development, laboratories and office uses supporting the preceding uses; and properly buffered recreational uses. Expansion to heavy industrial uses in light industrial zones will require site plan and use approval through the Planned Unit Development process. Special consideration will be given to projects incorporating Leadership in Energy Efficient Design (LEED) standards. Residential uses are not permitted. New development or substantial expansion of existing industrial adjacent to incompatible land use districts may be approved through the Planned Unit Development process. Residential uses are not permitted on land within this land use district. Development intensities are limited to a floor area ratio of one (1 FAR).

Standard 1.11.1.1) Industrial areas shall be designated after consideration of the following criteria:

- a) Located in close proximity (ideally 2½ miles or less) to Interstate interchanges;
- b) Rail frontage;
- c) Immediate access to or frontage on an arterial roadway;
- d) Useable lot sizes-typically 200 feet or deeper;
- e) Distance from residences, schools, and historic districts or sites;
- f) Easy access for employees;
- g) Optimum minimum size of 10 acres; and,

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h) Located so as to avoid routing industrial traffic through residential

5. Public Notice

areas.

A total of 11 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; and the case was posted in City Hall. All actions occurred

6. Recommended Action

at least 10 days prior to the April 7, 2021, meeting.

Recommend approval of the request for rezoning the parcel of land located at 5301 Dividend Drive and identified by Folio Number 10254161, consisting of 0.76 acres, more or less, to the Light Industrial (IL) zoning designation consistent with the Comprehensive Plan and Land Development Code; and recommend approval to City Council.

END STAFF REPORT

PUBLIC INPUT: None

DISCUSSION: Mr. Leger asked if there was any use for the property at that time.

Al Quattrone, Quattrone and Associates, representing the owner stated his client owns a transport company that hauls vehicles from out of state and wants to use the site as a drop off for the vehicles between transports. Mr. Quattrone also stated that the site would have a small office building and a parking lot for the storage of the vehicles.

Mr. Leger asked if there would be any fuel storage on the site. Mr. Quattrone stated that there would not be and that the site plan had also been submitted to the City for review.

Mr. Keene asked if the site, two parcels away, from the site in question was where the City fueled its dump trucks. Bill Porter, engineering, advised that was correct. Mr. Keene asked why the proposed site in question needed to be rezoned as it was already zoned Commercial Intensive.

Ms. DeVaughn stated drop yards and storage of semi-trucks or heavy equipment, are only permitted in the Industrial zoning districts. Mr. Keene stated that he was in favor of the request.

MOTION: It was moved by Mr. Ink to find the request to rezone a 0.76 +/- acre parcel of land located at 5301 Dividend Drive, Folio No. 10254161, from Commercial Intensive (CI) to Light Industrial (IL), consistent with the Land Development Code and Comprehensive Plan and recommend approval to City Council, seconded by Mr. Stockman and unanimously passed 6-0.

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ITEM NO. 2 PUBLIC HEARING: CONSIDER A PETITION TO VACATE PORTIONS OF THE PRINCE STREET AND RACINE STREET RIGHTS-OF-WAY, LOCATED ON 3550 OLD METRO PARKWAY. (WARD 3 - QUASI-JUDICIAL)

EX PARTE COMMUNICATION: None

Nicole DeVaughn, Planning Manager, Planning Division, Community Development Department, stated that staff findings were as follows:

BEGIN STAFF REPORT

Agenda Item #2: Vacation of undeveloped portions of Prince Street and Racine Street rights of way, approximately 0.20 +/- acres, lying in the T. P. Hills Subdivision, No. 2, Plat Book 5, Page 56, Public Records of Lee County, Florida. Ward 3 (Quasi-Judicial)

1. Application Information

Property owner:	Glades Lumber & Wood Treating Co., Inc.
Agent for the applicant:	D. Hugh Kinsey, Jr. Sheppard Law Firm
Addresses	3550 Old Metro Parkway
Folio Number	10254367
Location:	The unimproved rights-of-way are located north of Warehouse Road, west of Old Metro Parkway, east of the Seminole Railroad, and south of Sivan Road.
Zoning:	Heavy Industrial (IH)
Future Land Use:	Industrial
Request:	Vacate undeveloped portions of Prince Street and Racine Street road rights of way, approximately 0.20 +/- acres, lying in T.P. Hills Subdivision No. 2, Plat Book 5, Page 56, Public Records of Lee County, Florida.
Ward:	3
Case Number:	VAC21-0005

2. Request

The applicant is requesting to vacate undeveloped portions of Prince Street and Racine Street road rights of way, approximately 0.20 +/- acres, lying in T.P. Hills Subdivision No. 2, Plat Book 5, Page 56, Public Records of Lee County, Florida.

3. Staff Review

The Fire Marshall, Public Works Department, Engineering Division staff and Planning staff reviewed the vacation request and have no objections or comments.

Letters of no objection were received from TECO Peoples Gas, Comcast, Florida Power & Light (FP& L), CenturyLink, and Lee County Utilities.

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Staff finds request to vacate the undeveloped remnant portions of Price Street and Racine Street rights-of-way consistent with the Comprehensive Plan and the Land Development Code; and recommends approval of the vacation request.

4. Comprehensive Plan Compliance

The Future Land Use Classification is Industrial. The Comprehensive Plan policies, actions and standards that apply are listed in Future Land Use Element 1, Policy 1.11 Industrial (IND); and Vacation of Easements are mentioned in the Recreation and Open Space Element 6, Policy 1.5, as follows:

Policy 1.11) Designate areas on the Future Land Use Map as **Industrial (IND)** that are areas integral to strengthening the City’s economic base and future growth. These are the areas to which the City looks for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special location requirements, including transportation needs (e.g., air, rail, interstate access, and immediate access to arterial roadways); industrial levels of water, sewer, fire protection; and are centrally located to reduce employee commuting distances. The Industrial areas contain research and development, laboratories, industrial activities, commercial and office uses; selective land use mixtures of industrial, manufacturing, research, and development, laboratories and office uses supporting the preceding uses; and properly buffered recreational uses. Expansion to heavy industrial uses in light industrial zones will require site plan and use approval through the Planned Unit Development process. Special consideration will be given to projects incorporating Leadership in Energy Efficient Design (LEED) standards. Residential uses are not permitted. New development or substantial expansion of existing industrial adjacent to incompatible land use districts may be approved through the Planned Unit Development process. Residential uses are not permitted on land within this land use district. Development intensities are limited to a floor area ratio of one (1 FAR).

Element 6. Recreation and Open Space:

The policy below is the only instance in which the Comprehensive Plan addresses the vacation of right-of-way or easements. The easement that is the subject of this application does not about the Caloosahatchee River, and therefore, does not need to be considered for public access to the river.

Policy 1.5) City waterfront ownership, easements, or right-of-way should be considered for public access use prior to being sold, vacated, or otherwise

5. Public Notice

disposed of.

A total of 11 public notice letters were sent to property owners within 300 feet of the proposed vacation. The property was posted with signs alerting the general public of the vacation and an ad ran in the News-Press; all actions taking place at least 10 days prior to the Planning Board meeting. No letters were returned, and no objections were received as of the date of this staff report.

6. Recommended Action

Find the request to vacate the undeveloped portions of Prince Street and Racine Street road rights of way, approximately, 0.20 +/- acres, lying in T.P. Hills Subdivision No. 2, Plat Book 5, Page 56, Public Records of Lee County, Florida, consistent with the Comprehensive Plan and the Land Development Code and recommend approval of the vacation to the City Council.

END STAFF REPORT

PUBLIC INPUT: None

DISCUSSION: Mr. Keene asked if the request had any relation with the part of the code that relates to payment for the City. Ms. DeVaughn advised that the City would only receive payments for improved rights-of-way.

Mr. Ink asked if the vacation was one piece and under unified property owner control. Ms. DeVaughn advised that the parcel was all one piece under unified ownership.

MOTION: It was moved by Mr. Keene to find the request to vacate the undeveloped 0.20 +/- acre portions of the Prince Street and Racine Street rights-of-way in the T.P. Hills Subdivision No. 2, Plat Book 5, Page 56, Public Records of Lee County, consistent with the Comprehensive Plan and the Land Development Code and recommend approval to City Council, seconded by Ms. Mitchell and unanimously approved 6-0.

ITEM NO. 3 PUBLIC HEARING: CONSIDER A REZONING OF PROPERTIES WITHIN THE COLONIAL PROPERTIES DRI FROM LIGHT INDUSTRIAL (IL) TO COMMERCIAL INTENSIVE (CI). (WARD 5 -QUASI-JUDICIAL)

EX PARTE COMMUNICATION: None

BEGIN STAFF REPORT

Agenda Item #3: Consider a request to rezone the properties located within the Colonial Properties Development of Regional Impact (DRI), consisting of 68.29 acres, more or less, from the Light Industrial (IL) zoning designation to the Commercial Intensive (CI) zoning designation. Ward 2 (Quasi-Judicial)

1. Application Information

Owners:	See attached list
Applicant:	City of Fort Myers
Address:	See attached list
Location:	South of Winkler Ave., east of Ford St., north of Colonial Blvd., and select parcels along Veronica S. Shoemaker Blvd.

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Size:	68.29 acres, more or less
Folio No.:	See attached list
Zoning:	Light Industrial (IL)
Future Land Use:	Traditional Community (T/C), Corridor Commercial (C/C), and Conservation (CON)
Request:	To rezone a parcel of land from the Light Industrial (IL) zoning designation to the Commercial Intensive (CI) zoning designation.
Case Number:	RZ21-0001

2. Request

The City of Fort Myers requests approval to rezone the properties within the Colonial Properties DRI zoned Light Industrial (IL) to Commercial Intensive (CI), excluding 4140 Executive Circle, 4317 and 4331 Veronica S. Shoemaker Boulevard, as shown on the attached map.

3. Staff Review

History:

The properties contained in this request were annexed into the City on September 7, 1976, by Ordinance No. 2017. In the annexation ordinance, the City declared the annexed properties would be zoned Industrial 1, now known as Light Industrial.

On August 7, 1989, Resolution No. 89-43 was adopted, approving the Colonial Properties Development of Regional Impact, granting the following:

Resolution No. 89-43: Section A. Development Approval

Office	Industrial	Retail	Industrial Flex*	Multi-Family
798,000 s.f.	118,000 s.f.	365, 000 s.f.	201,000 s.f.	1,028 units
* Industrial Flex may have a broad range of office-type industrial from upscale, multi-tenant office space to single tenant, showroom/warehouse storage space.				

The Colonial Properties DRI was amended several times in 1990 and 2001, with the final amendment occurring with the adoption of Resolution No. 2002-14 on April 1, 2002. The development approvals were amended as follows:

Resolution No. 2002-14: Section A. Development Approval

Hotel	Office	Industrial	Retail	Industrial Flex*	Multi-Family
74 rooms	525,000 s.f.	0 s.f.	300, 000 s.f.	269,000 s.f.	1,795 units
* Industrial Flex may have a broad range of office-type industrial from upscale, multi-					

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tenant office space to single tenant, showroom/warehouse storage space.

Exhibit C to Resolution 2002-14 provided a land use conversion table to allow the adjustments based on market conditions. The table below shows the development that has occurred to date and the amount allowable units/square footage remain for the 14.78 +/- acres of vacant land.

	Hotel	Office/Retail	Industrial Flex*	Multi-Family
Allowed	74 rooms	825,000 s.f.	269,000 s.f.	1,795 units
Built	220	98,738	65,000	1,194
Remaining	+146	-726,262	-204,000	-601

Current Conditions:

Ordinance No. 3841 was adopted on October 1, 2018, making significant changes to Chapter 118 Land Use Regulations. The more sweeping aspect of the ordinance was to change the allowable uses within all zoning districts, making them less pyramidal in structure. Several uses previously allowed in the Light Industrial district but were removed during the amendment process.

Staff conducted an analysis of the existing uses within the proposed rezoning area and found several businesses were made nonconforming by the amendment. Most notable were two (2) hotel developments were well into the permitting process prior to the adoption of the ordinance which have since been completed. The table below lists the existing properties and their existing uses, those in **bold** are now nonconforming under the current code. Following the proposed rezoning, all uses within the subject area would conform to the Commercial Intensive list of allowed uses.

Existing businesses subject properties

Folio	Address	Current Businesses
10254544	3251 COLONIAL BLVD	Restaurant
10480713	3263 COLONIAL BLVD	Auto repair
10544448	3279 COLONIAL BLVD	Grocery
10544449	3301 COLONIAL BLVD	Donut shop
10254565	3320-3380 WINKLER AVE	Vacant
10499307	3441 COLONIAL BLVD	Boat sales, beauty salon , pawnbroker, restaurant, insurance agency , hobby shop
10254564	4130 VERONICA S SHOEMAKER BLVD	Vacant
10562113	4220 EXECUTIVE CIR	Pharmacy, beauty salon , government offices
10542330	4301 VERONICA S SHOEMAKER BLVD	Office - professional
10460227	4320 EXECUTIVE CIR	Vacant
10586758	4333 FORD ST	Hotel*
10544444	4350 EXECUTIVE CIR	Hotel*

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10486848	4371 VERONICA S SHOEMAKER BLVD	Pharmacy, office - business
10254560	4410 EXECUTIVE CIR	Car wash
10486759	4420 EXECUTIVE CIR	Tire sales and auto repair
10254559	4451 VERONICA S SHOEMAKER BLVD	Restaurant
10555632	COLONIAL PROPERTIES C/E	Conservation/water retention
10602155	COLONIAL PROPERTIES C/E	Vacant
10602153	COLONIAL PROPERTIES C/E	Vacant
10602156	COLONIAL PROPERTIES C/E	Lake
10544445	RIGHT OF WAY	Right-of-way

* **Businesses** not permitted in the Light Industrial (IL) zoning district

There are three (3) parcels within the Colonial Properties DRI that will retain the Light Industrial zoning designation; 4140 Executive Circle is an existing warehousing and distribution facility, and 4317 and 4331 Veronica S. Shoemaker Boulevard. The Veronica S. Shoemaker properties are in the process of being combined so the existing light manufacturing facility at 4331 can be expanded onto the adjacent property.

Letters were sent to all property owners at the beginning of March explaining the proposed rezoning and no objections have been received. The owner of one of the vacant lots (4320 Executive Circle) did call and voiced support of the proposed changes.

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.

Policy 1.6) Corridor Commercial (C/C) contains areas located along, or in close proximity, to existing commercial centers and corridors. Many of these areas are included in redevelopment districts, as described in Action 3.2.3, and may have additional requirements. This district is intended to accommodate more intensive development; therefore, mixed use development incorporating neo-traditional and transit-oriented development principles is encouraged. A maximum base density established in the Land Development Regulations, not to exceed twenty-five dwelling units per acre (25 du/acre), with a maximum bonus density of up to sixty dwelling units

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per acre (60 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, neo-traditional and transit-oriented design principles, pedestrian connectivity, exceptional architectural design, and other considerations. No new single-family development shall be permitted. A Floor Area Ratio no higher than three (3 FAR) shall be used as an index of intensity for non-residential development in this land use category.

5. *Public Notice*

A total of 407 public notice letters were sent to property owners within 300 feet of the subject properties, 6 were returned undeliverable. The property was posted with a sign 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 April 7, 2021, meeting. Staff has received no public comments regarding this request.

6. *Recommended Action*

Recommend approval of the request to rezone the parcels of land within the Colonial Properties DRI zoned Light Industrial, (excluding 4140 Executive Cir., 4317 and 4331 Veronica S. Shoemaker Blvd.) consisting of 68.29 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

PUBLIC INPUT: None

DISCUSSION: Mr. Keene asked if the plaza south of the distribution house would be non-conforming once the zoning was changed. Ms. DeVaughn stated that the plaza had a beauty salon and an office, both of which are permitted uses in the proposed zoning district. Ms. DeVaughn also advised that the professional offices, currently non-conforming uses, throughout the subject area would be made conforming with the proposed zoning. Ms. DeVaughn explained pyramidal zoning, where uses allowed in a lower zoning district layer would also be allowed in the next zoning district above. When the Land Development Code was updated, that component was removed from the code and made it so that the all zoning districts only allowed uses that were specifically related to each zoning district.

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Mr. Ink asked what the underlying and future land use was for the lake on the site and was it being rezoned to Light Industrial. Ms. DeVaughn advised that the lake was conservation land and would not be rezoned. Mr. Ink asked if Commercial Intensive zoning could be on a Conservation land use. Ms. DeVaughn stated that the staff could recommend rezoning the lake to Conservation land.

Mr. Stockman asked would the top left (island) parcel be a Light Industrial zoned parcel surrounded by Commercial Intensive. Ms. DeVaughn advised that was correct.

Mr. Leger asked if any edge issues would occur where additional buffers and setbacks would be needed to separate the zones. Ms. DeVaughn advised that there were no additional setbacks required but the required additional buffers were based on use and not zoning.

Mr. Keene asked was there any update on adding the additional uses into Commercial Intensive such as distribution warehouse. Ms. DeVaughn advised that the staff was planning on making changes within the next month. Mr. Keene asked what types of uses would be added. Ms. DeVaughn stated that possibly light assembly and some conditional uses would be added. Mr. Keene suggested allowing light assembly and in some cases distribution warehouse uses in the Commercial Intensive zone.

Ms. Bakke asked if the rezoning was to help the development of the undeveloped areas on the site. Ms. DeVaughn stated that was correct, but the rezoning was also to make the non-conforming uses conforming uses. Ms. DeVaughn advised that the professional offices on the site were originally conforming uses but in 2018 became non-conforming when the Land Development Code was changed, therefore rezoning the area to Commercial Intensive would make the uses conforming again.

Mr. Keene asked if there was any direct communication given to the landowners. Ms. DeVaughn stated letters were sent to each property owner explaining the proposed zoning change.

MOTION: It was moved by Mr. Ink to find the request to rezone the properties within the Colonial Properties DRI from Light Industrial (excluding 4140 Executive Circle, 4317, and 4331 Veronica Shoemaker Blvd.), consisting of 68.29 +/- acres to Commercial Intensive for all parcels except the lake, which will be rezoned to Conservation lake, consistent with the Comprehensive Plan and the Land Development Code and recommend approval to City Council, seconded by Mr. Stockman and unanimously approved 6-0.

OTHER BUSINESS: None.

Hearing no other business Ms. Bakke adjourned the meeting at 1:29 p.m.