

**CITY OF FORT MYERS
PLANNING BOARD MEETING
LOCAL PLANNING AGENCY
MINUTES OF JULY 6, 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, July 6, 2022, at 1:00 p.m.

CALL TO ORDER – Chair, Matthew Leger, called the meeting to order at 1:02 p.m.

ROLL CALL

Recording Secretary Monique John completed roll call.

Members Present

Matt Leger
Michael Carlino
Marcus Collins
Amy Barnwell
Darlene Mitchell
James Ink
Mark Kautz
William Keene

Members Absent

Clarisa Parodi

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
Richard Moulton, Public Works Director
Donna Lovejoy, Assistant Public Works Director

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

OATH OF OFFICE: Gwen Carlisle, City Clerk, gave Bryan Myers the Oath of Office for his first term on the Planning Board.

MINUTES APPROVAL: It was moved by Mr. Ink to approve the minutes of January 5, 2022, with the correction that on agenda item number two, page 8, the final vote was 5-0 with one conflict being Mr. Ink as an abstention. The motion was seconded by Mr. Keene and approved 9-0.

It was moved by Mr. Ink to approve the minutes of February 2, 2022, seconded by Mr. Keene, and approved 9-0.

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:

EX PARTE COMMUNICATION: Mr. Ink advised that he was abstaining as he worked for the firm that represented the applicant when the application had first been submitted.

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 36.1 +/- acres located at 10260 and 10500 Metro Parkway from Mixed-Use (MU) and Recreation (REC) to Commercial Intensive (CI). (Ward 5) (Quasi-Judicial)

1. Application Information

Owner:	Viorel Toader
Agent:	Fred Drovdlc, AICP, RVI Planning
Addresses:	10260 and 10500 Metro Parkway
Location:	South of Colonial Blvd., west of Metro Pkwy, and east of Page Field Airport
Size:	36.1 acres, more or less
Folio No.:	10255511 & 10255509
Zoning:	Mixed Use (MU) and Recreation (REC)
Future Land Use:	Corridor Commercial (C/C) and Recreation (REC)
Request:	To rezone a parcel of land from the Mixed Use (MU) and Recreation (REC) zoning designations to the Commercial

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	Intensive (CI) zoning designation.
Case Number:	RZ21-0004

2. Request

Fred Drovdlc, AICP, RVI Planning, representing Viorel Toader, property owner, requests approval for the rezoning of 10260 and 10500 Metro Parkway, from Mixed Use (MU) and Recreation (REC) zoning designations to the Commercial Intensive (CI) zoning designation. A site plan is not required for the rezoning application and is not included.

3. Comprehensive Plan

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 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.

Policy 1.13) Recreation (REC) areas shall be set aside to reserve land areas for parks, open space, active and passive recreation purposes.

4. Staff Review

The Recreation (REC) zoned portion of the property was designated when the original Future Land Use Map was adopted. The area was a wetland at that time. The City did not have a Conservation (CON) Future Land Use classification at the time to protect regionally significant wetlands and used the REC designation to identify both parks and wetlands. Since its initial designation, the wetland area has reduced in size and is not eligible for a CON designation. The portion of the property zoned REC is located on private property and will not be used for active or passive recreation. When the property is developed, there will be a minimum of 25% of open space required per Land Development Code Sec. 138-3(1)(c).

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Planning 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 or comments.

The properties are adjacent to Page Field Airport and any future development shall be reviewed by the Lee County Port Authority for compliance with Federal Aviation Regulations and state statutes prior to permit issuance.

5. Public Notice

A total of 11 public notice letters were sent to property owners within 300 feet of the parcel. The property was posted with signs alerting the general public about the case; an ad ran in the News-Press; and the case was posted in City Hall. All actions occurred at least 10 days prior to the July 6, 2022, meeting.

6. Recommended Action

Recommends approval of the request for rezoning the parcels of land located at 10260 and 10500 Metro Parkway, consisting of 36.1 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. Carlino stated that he had concerns about rezoning the property. Mr. Carlino stated that his biggest concern with agricultural parcels or recreational land uses was that an appropriate tax burden was not based on the land to help pay for the infrastructure that was needed.

Richard Moulton, Public Works Director, stated that City Council had given the Public Works Department approval to negotiate with an engineering consulting firm to expand the water treatment plant which was intended to start by August and would give an improvement of 2.5 to 3 million gallons of water per day. Mr. Moulton stated that there was a notice on the City website to developers that gave a timeline of the progress made by the City of Fort Myers for 11 additional wells to come online and where they would be sited and the productivity each well would bring. Mr. Moulton stated there were two water wells that had come online May 9th and 10th, and that the third well was expected to be online sometime in August or September and the fourth in December. Mr. Moulton stated that seven more wells were intended to be online between the beginning and end of year 2023. Mr. Moulton stated that the expansion was more than enough to meet the current and proposed demand for water. Mr. Moulton stated the City of Fort Myers was also investing in the outreach for conservation and had updated the irrigation ordinance.

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Mr. Leger asked if the City of Fort Myers was still on a pause with issuing new water taps.

Mr. Moulton advised that the City had met with the Department of Environmental Protection (DEP) and the Department of Health (DOH) about a timeline for more water to become available. Mr. Moulton advised that the timeline would be able to give the City a sense of what could and could not be done in terms of a specific permit versus a general permit.

Mr. Alley stated that the DEP and DOH were not prohibiting the City from doing anything and were proposing a consent order which would constrict the City from obtaining the permits that Mr. Moulton was speaking of and that there would be proposed milestones within the document.

Ms. Barnwell asked if the new wells that had come online had fixed the water pressure issue that the City of Fort Myers was facing.

Mr. Moulton stated that the water pressure had a considerable increase and improvement since the new wells had come online and that the wells were full with a plant production of two-thirds of a million gallons of water per day.

Mr. Keene asked staff if there were any agricultural exemptions under the Commercial Intensive zoning.

Ms. DeVaughn advised that the zoning did not dictate whether there was an agricultural exemption, that was determined by the Property Appraiser. Regarding residential development, Ms. DeVaughn stated that there was an exclusion zone, covering approximately half of the property, that prohibited residential development and educational facilities.

Mr. Keene asked if the City of Fort Myers required a tall structure permit from the Port Authority which would be when the developer went through the tall structure review and if then the area that prohibited residential and educational facilities would be enforced.

Ms. DeVaughn advised that was correct and that there was a layer in the GIS database which was also in the permitting software that tagged parcels within the different Federal Aviation Administration (FAA) zones as there were different height restrictions the closer you were to the airport. Ms. DeVaughn advised that those parcels tagged would go for review through the Port Authority and that there was an interlocal agreement with the Port Authority and the City of Fort Myers as well.

Mr. Carlino asked if the request was approved, was there a way to place a caveat that any agricultural discounts would be voided.

Ms. DeVaughn advised that the Planning Board was not permitted to condition rezonings, only Planned Unit Developments (PUD).

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Mr. Carlino asked if the zoning was changed how was the property owner able to keep the agricultural perks.

Ms. DeVaughn advised it was within the Right to Farm Act.

Mr. Carlino asked if the PUD was able to come first before rezoning the parcel.

Mr. Alley advised that it was up to the property owner to apply for a PUD, or it could be zoning as of right and that it was not a reason to deny the request to rezone the parcel.

Mr. Keene stated that he felt a vacant lot was not producing any impact and felt that making a statement that a vacant piece of property that might have an agricultural exemption was not holding its weight was inaccurate. Mr. Keene stated that the property owner would be paying road and impact fees and water and sewer capacity charges at time of development; and would be paying their proportionate share of the sewer plan and water plant which was separate from property taxes.

Mr. Alley stated the points made were valid from the City of Fort Myers point of concern.

Mr. Keene stated that he felt an agricultural piece of property was not harming the city but when it came to other things in the city budget that an agricultural piece of property may not hold its weight which would then be more reason to rezone the property to get infrastructure built on the land.

Mr. Carlino stated concerns for residents that have been paying property taxes have been dealing with water pressure issues.

Mr. Keene stated that he felt a property owner should not be forced to pay higher property taxes to get a rezoning so that something could be built.

Ms. Barnwell asked if the city had been advised throughout the years when property owners applied for rezonings that the water pressure was an issue.

Mr. Keene stated that he had not heard of any water pressure issues brought before the Planning Board before the previous six months.

Ms. Barnwell expressed concerns for development if there were still water pressure issues.

MOTION: It was moved by Mr. Keene to recommend approval to City Council to rezone the parcels of land located at 10260 and 10500 Metro Parkway from Mixed-Use and Recreation to Commercial Intensive and find it consistent with the Comprehensive Plan and the Land Development Code, seconded by Ms. Mitchell and unanimously approved 7-0-1, with Mr. Ink abstaining.

ITEM NO. 2 PUBLIC HEARING: CONSIDER A REQUEST TO AMEND THE EASTWOOD VILLAGE PLANNED UNIT DEVELOPMENT TO AMEND THE SCHEDULE OF USES AND THE MAXIMUM INTENSITY OF OFFICE AND WAREHOUSE DISTRIBUTION SPACE ON PARCEL A. (WARD 2) (QUASI-JUDICIAL)

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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: Consider a request to amend the Eastwood Village Planned Unit Development to amend the schedule of uses and the maximum intensity of office and warehouse distribution space on Parcel A. (Ward 2) (Quasi-Judicial)

1. Application Information

Owner:	City of Fort Myers
Owner Contact:	City of Fort Myers
Agent:	Terry Cramer, Wilber Smith Attorneys at Law
Addresses:	4200 Dr. Martin Luther King Jr. Blvd., 4901-4985 Eastwood Greens St., 2155 Arcadia St., and access undetermined (Folios 10584794 & 10591109)
Location:	West of I-75, west of Ortiz Ave, east of Jacksonville Rd and Arcadia St, north of Colonial Blvd, & south of Dr. Martin Luther King Jr. Blvd/S.R. 82.
Size:	810+/-acres
Folio number(s):	10584794, 10582100, 10253950, & 10591109
Request:	PUD Amendment
Case Number:	PUD22-0013

2. Request

The City of Fort Myers requests approval to amend the Eastwood Village Planned Unit Development (PUD) to facilitate the development of the property for a new beverage distribution facility. This amendment proposed to modify the Schedule of Uses on Parcel A to allow 650,000 square feet of warehouse and distribution space and 50,000 square feet of office space. There are no changes to any other parcels within the PUD. No new conditions are proposed as part of this amendment.

HISTORY

The City bought the property currently known as the Eastwood Village PUD in 1946. The property was formerly referred to as the “Old Wellfield Property”. The Public Works Department uses the northern portion of the site for storing equipment, an administrative building, the fire-training academy, tree nursery, and former gun ranges.

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The Eastwood Golf Course and Calusa Nature Center, both recreational uses, border the southern portion of the site. In 2003, the City abandoned the wellfield, cleaned, cemented, capped the former wells, and installed replacement wells into deeper aquifers for the municipal water supply.

In 2007, the Eastwood Village PUD was approved by Ordinance No. 3430 and allowed for the development of the property with a maximum of 2,600 residential dwelling units, 130 hotel units, 200,000 square feet of retail, and 45,000 square feet of office uses. The 833.5-acre PUD was a partnership between the City of Fort Myers and The Bonita Bay Group (Resource Conservation Prop, Inc.) and required development to occur in the form of distinctive traditional neighborhoods, a balanced transportation network, and a commercial village to include office, retail, civic and residential uses.

In 2014, the City Council approved the assignment of the Eastwood Village project from Resource Conservation Prop, Inc. to the Ronto Group Inc. The purpose of the assignment was to allow the Ronto Group Inc. to pursue the development of the residential portion of the property. The PUD was subsequently amended by The Ronto Group, Inc. on behalf of the City of Fort Myers and Resource Conservation Prop, Inc. in 2015 per Ordinance No. 3755. The PUD amendment modified the Traditional Neighborhood Design (TND) development regulations and master plan and allowed for the development of a more conventional residential community with commercial and civic uses. The amendment was intended to address changes in market demand since the 2007 PUD approval.

In 2016, Resource Conservation Prop, Inc. filed a PUD rezoning application to remove the 44-acre commercial tract, formerly known as Tract B, from the PUD to allow for its development independent of the Eastwood Village PUD. A concurrent amendment was filed by the City of Fort Myers to modify the Master Concept Plan to address the reduced PUD boundary. The amended Master Concept Plan provided by Barraco and Associates, Inc., reduced the Eastwood Village PUD boundary to 810+/- acres. The City-owned properties within the PUD (Parcels A, C, E, F & G) retained the non-residential development rights, and The Ronto Group Inc. retained rights to develop Parcel D (410 acres) with the permitted residential uses. These concurrent requests are scheduled for public hearing before City Council on June 5, 2017.

In 2017, the City of Fort Myers amendment the PUD to reduce Parcel D from 410+/- acres to approximately 350 acres; expand the acreage within adjacent Parcels C & E; modify the Schedule of Uses for Parcels C & E to allow for indoor and outdoor recreational uses; created Parcel H and assign industrial uses to the parcel; add future interconnection to Arcadia Street; and add three (3) deviations for reduced parking space width, internal sidewalks on one side of residential streets, and reduced internal right-of-way width of residential streets. The proposed amendment is largely intended to facilitate the expansion of the Lee County Player Development Complex to the west of the Eastwood Village PUD via an interlocal agreement with Lee County. Specifically, Parcels C & E are proposed for development with sports fields and supportive accessory uses and infrastructure as an extension of the existing facility.

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The amendment request does not impact the overall acreage of the PUD, which will remain 810 acres, more or less, nor will the amendment modify the approved density of the PUD.

DEVIATIONS

There are no new deviations requested as part of this amendment.

3. Comprehensive Plan Compliance

The Future Land Use Classification of the parcel is Special Community or S/C. The PUD project is consistent with the Comprehensive Plan policies below. From the City's Comprehensive Plan:

Policy 1.4) Identify appropriate areas suitable for large-scale multi-use master planned developments and designate areas on the Future Land Use Map for **Special Community (S/C)**. These areas are located predominantly southeast of the Six Mile Cypress Slough and east of Interstate 75, suitable for large-scale developments that contain previously approved and predominantly built out, either as a Development of Regional Impact or other local development public hearing approval process. Each is unique and has individualized development requirements such as, Master Development Plan, Eastwood Village Mixed Use, or Special Development Area districts.

All intensities, densities, and uses of development shall be as delineated in a corresponding ordinance or resolution, as applicable. The maximum density within this district shall not exceed seven dwelling units per acre (7 du/acre) and intensities shall not exceed a floor area ratio of one (1 FAR). Densities and intensities may be further restricted by the Land Development Regulations

Action 1.4.1) Special Community District areas are designated on the Future Land Use Map after careful consideration of the desired future land use allocation, distribution policies, most current data, and analysis of developed and vacant land by Future Land Use category and additional criteria as follows:

Standard 1.4.1.1) a minimum land area of 200 acres will receive consideration for S/C designation. This amount of land area and its eventual development lends itself to and will benefit from master planning in regard to design, distribution, and provision of infrastructure such as roads, surface water management, sewage treatment, potable water, water reuse, or other similar community facilities. Once master planning of infrastructure is developed, the area will be subdivided based on the distribution of infrastructure prior to development.

Standard 1.4.1.2) Ability to accommodate a variety of land uses distributed to resulting parcels and considering the following:

- Providing visual harmony between uses.

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- Integrating with, complement, and improve adjacent uses, signage, and buffering.
- Avoiding negative impacts upon adjacent uses and traffic circulation.
- Protecting natural and historic resources.
- Ensuring that adequate capital facilities levels of service exist or are assured.
- Adequately buffer residential uses to prevent perceived nuisance factors, such as noise, traffic, and security.
- Avoiding routing non-residential traffic through residential areas.
- Addressing safety hazards, such as ingress/egress problems.

Standard 1.4.1.3) Master plan developments shall be developed in accordance with all other policies of the Comprehensive Plan.

Action 1.4.2) Dwelling units can be transferred from Conservation Lands (CON) areas within the Special Community Areas at a density up to 3.0 dwelling units per acre to contiguous upland areas under common ownership, in accordance with the individual development approvals. An evaluation shall be made through the development approval process of the capacity of the uplands to accommodate the number of units to be transferred from the wetlands. Issues to be considered in establishing the number of dwelling units to be transferred from the wetlands to the uplands include but are not limited to the suitability of uplands for additional dwelling units, the potential for adverse impacts on adjacent lands, considering compatibility, drainage, and natural resources. If the applicant utilizes the transfer of gross residential density from Conservation Lands to Special Community District, then no dwelling units shall be permitted on the Conservation Lands.

4. Public Notice

All property owners within 300 feet of the parcel received notices. The property was posted with a sign alerting the public about the case; and an ad ran in the News-Press; all actions occurring at least 10 days prior to the meeting on July 6, 2022.

5. Staff Recommendation

Staff finds the request to amended PUD for Eastwood Village in compliance with the Comprehensive Plan.

6. Recommended Action

Find the proposed amendment to the Eastwood Village Planned Unit Development (PUD) consistent with the Comprehensive Plan and the Land Development Code and recommend approval to the City Council.

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END STAFF REPORT

PUBLIC INPUT: None

DISCUSSION: Mr. Keene asked what the PUD currently allowed.

Ms. DeVaughn advised that it was mostly commercial, hotel, and office uses and that the warehouse and distribution use would be added on to the list of uses. The proposed amendment would remove the requirement for conditional use to allow warehousing and distribution as required in the Commercial Intensive zoning district.

Mr. Keene asked for confirmation that the amendment would take place of the Conditional Use application step.

Ms. DeVaughn advised that the amendment would be added to the PUD instead of going through a Conditional Use in addition to the PUD.

Mr. Keene asked if the commercial area of the PUD was being expanded.

Ms. DeVaughn advised it was not going to be expanded.

Mr. Keene asked if there was commercial land next to the PUD.

Ms. DeVaughn advised that was correct and that it was a PUD under different ownership.

Mr. Ink asked staff if the intersection at Alicia Street would be impacted by the zoning or site development process and stated that he had concerns about a left turn coming out of the work site due to the large truck movements.

Richard Moulton advised that he would look into Mr. Ink's concern and stated that typically as the site was developed, radiuses and traffic volume were part of how the site was inspected.

Sawyer Smith, representative for Suncoast Beverages, advised that the purpose of the request was the consolidation of two other distribution facilities into one area which would also bring in a significant number of jobs and clean up the area.

Terry Cramer, co-applicant, stated that originally Parcels A and F of the PUD had certain uses allowed, and that the proposal was to change Parcel A to allow the use needed for the project which was 650,000 square feet of warehouse distribution space and 50,000 square feet of office space. Mr. Cramer advised that the remainder space of Parcel F had been shifted over to City control.

Drew Fitzgerald, professional engineer with Delisi, Fitzgerald, stated that a utility analysis had been done and it was not expected that the project would put any harm to the water system and would result in the reduction of utility usage overall. Mr. Fitzgerald

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advised regarding Mr. Ink's question to site permitting, that it would be a site work permit issue and an analysis would need to be done for State Road 82 as well.

Mr. Keene asked if it would be a limited access road.

Mr. Fitzgerald advised it would not be.

MOTION: It was moved by Mr. Ink to find the proposed amendment of Eastwood Village consistent with the Comprehensive Plan and Land Development Code and recommend approval to City Council, seconded by Mr. Collins, and unanimously approved 9-0.

PUBLIC INPUT – NON-PUBLIC HEARING AGENDA ITEMS: Mr. Leger advised that he had created a pedestrian street concept and that the idea had been approved for funding for a feasibility study and asked if he was permitted to bring the proposed concept before the board.

City Attorney, Grant Alley, advised that he would speak with Mr. Leger and then the proposed concept may be able to be brought before the board as a Sunshine meeting for informational purposes and that it could be an Ex Parte issue, however, it would be decided after meeting Mr. Leger.

OTHER BUSINESS: Hearing no other business the meeting adjourned at 2:00 p.m.