

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

REZONING: REZ2024-00012

Regarding: STEVENS METRO REZONING

Location: 14590 Metro Parkway
South Fort Myers Planning Community
(District 2)

Hearing Date: March 6, 2025

I. Request

Rezone 5.83± acres from Commercial Planned Development (CPD) to Commercial (C-2) zoning district. The site address is 14590 Metro Parkway.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Decision

Approved.

III. Discussion

The Hearing Examiner is the final decisionmaker on applications to rezone property to conventional zoning districts.¹ In furtherance of this authority, the Hearing Examiner accepted testimony and evidence on an application to rezone +/- 5.83 acres on Metro Parkway.

Discussion supporting approval follows below.

History

The property was cleared and graded for agriculture in the late 1960s.² In 1980, the Board of County Commissioners rezoned the property to Industrial Light (IL)

¹ LDC §34-145(d)(4)a.

² Staff Report.

and General Commercial (CG) districts.³ The property was later rezoned to South Metropolitan Commerce Center CPD in 1990.⁴

Consistency with the Lee Plan

The property is in the Intensive Development Future Land Use category, the most intense under the Lee Plan. Areas designated Intensive Development are located along major arterial roads with access to an array of public services and infrastructure. Properties in these areas are suited for intense development patterns.⁵

The site is also located within a Mixed Use Overlay.⁶ The Mixed Use Overlay is desirable for mixed use development due to the proximity of public transit, shopping, and employment centers. Commercial developments meeting DCI thresholds may utilize conventional zoning districts in the Mixed Use Overlay.⁷

A hospital, medical/commercial office uses, senior living facilities, and a baseball stadium are in the vicinity of the property.⁸ Commercial shopping centers are located at the intersections of Six Mile Cypress Parkway with U.S. 41, and Daniels Parkway.

Compatibility

The County evaluates compatibility during the zoning process.⁹ Compatibility exists when land uses can exist in proximity, and no one use unduly negatively impacts another use.¹⁰

Appropriate intensity is determined on a case-by-case basis in accordance with uses permitted by the Lee Plan and the nature of land uses surrounding the project.¹¹ The property's existing CPD zoning authorizes many of the same uses permitted in the C-2 district. Although the C-2 district does permit residential land uses, the character of potential development scenarios will not substantially change by virtue of the request for conventional zoning.¹²

³ Z-80-373 approved on October 28, 1980.

⁴ South Metropolitan Commerce Center CPD approved by Resolution Z-90-077 on October 22, 1990. The original CPD consisted of 6.45 acres. FDOT subsequently condemned .62 acres to accommodate the widening of Metro Parkway. The remaining 5.83 acres are the subject of the current zoning request.

⁵ See Lee Plan Table 1(b).

⁶ Lee Plan Map 1-C: Mixed Use Overlay.

⁷ Lee Plan Policy 6.1.3.

⁸ Gulf Coast Hospital lies to the north at the intersection of Metro and Daniels Parkway.

⁹ LDC §34-145(d)(4).

¹⁰ Florida Statutes s. 163.3164(9); Lee Plan Policy 135.9.6.

¹¹ LDC §34-413.

¹² Uses permitted under the C-2 designation are compatible with existing and approved development in the area. Lee Plan Policy 6.1.4. Applicant testified it is not the property owner's intent to develop residential uses on the site.

The property is in the South Fort Myers planning district, an area with intense development patterns and numerous public facilities/services. The property is located at the confluence of the most intense land use designations: Intensive Development and Mixed Use Overlay. Nearby properties are densely settled with a variety of land uses.¹³

A broad range of services, facilities and infrastructure serve the area, including potable water, sewer, transit, medical facilities, law enforcement, fire, and emergency medical services.¹⁴ The property is ideally suited for intense development.¹⁵

LDC

The C-2 zoning district permits commercial and select residential land uses. The district is a conventional zoning district; therefore, it is not possible to impose conditions on approval. The Land Development Code (LDC) use regulation table for the C-2 district will govern permitted uses, subject to limitations imposed by the Lee Plan.¹⁶ Site design may employ development standards allowed in the Mixed Use Overlay to promote urban form.¹⁷

Site design must also comply with LDC provisions governing setbacks, signs, parking and buffer plantings. Deviations from LDC development standards may be obtained through a variance application.¹⁸

Transportation

Zoning requests must provide sufficient access to support the proposed development parameters. County regulations must address the expected impacts to transportation facilities.

The property has frontage on Metro Parkway and Krypton Lane. The LDC does not require submittal of a Traffic Impact Statement for conventional zoning applications. The County will analyze traffic impacts at the time of development order review.

¹³ The project constitutes infill development continuing existing development patterns along the Metro and Plantation Road corridors. The area features medical, residential, commercial, and recreational uses.

¹⁴ Lee Plan Objectives 2.1 and 2.2.

¹⁵ Lee Plan Objectives 2.1, 2.2; The requested density/intensity is consistent with the Intensive Development future land use designation and the site's location in a Mixed Use Overlay.

¹⁶ LDC §§34-621; 34-844.

¹⁷ Lee Plan Policy 11.2.5.

¹⁸ LDC §34-621(a).

Lee Tran Route 80 travels along Metro Parkway with a transit stop in proximity to the site.¹⁹ The project design must demonstrate compliance with LDC requirements facilitating transit access at the time of development order review.²⁰

Sidewalks and bicycle lanes on Metro Parkway and Six Mile Cypress Parkway connect to similar facilities on Daniels Parkway.²¹

Environmental

Requests to rezone property must not adversely affect environmentally sensitive areas or natural resources.

The site is vacant with scattered vegetation and contains wetland soils. Historic impoundment of the perimeter and land clearing has degraded the wetland character of the site. Applicant's representative testified the South Florida Water Management District issued an Environmental Resource Permit (ERP). The ERP requires purchase of mitigation credits from a mitigation bank to offset the impact of wetland development.²²

The property lies within a critical area for surface water management.²³ Development in the Six Mile Cypress Watershed Basin must be consistent with the findings/conclusions set forth in the Six Mile Cypress Watershed Plan.²⁴

Buffers and landscaping within open space areas must follow Xeriscape principles and consist of native landscape to conserve water.²⁵

The Hearing Examiner finds the proposed rezoning to the C-2 district will not harm environmentally sensitive areas or natural resources.

Public Infrastructure and Services

The Lee Plan requires an evaluation of services and infrastructure during the zoning process. Public services include the services, facilities, capital improvements, and infrastructure necessary to support development.²⁶

¹⁹ Lee Plan Policy 39.1.3, Lee Plan Map 3-C: 2045 Financially Feasible Transit Network. Lee Tran Route 80 also runs along Plantation and Six Mile Cypress Parkways.

²⁰ LDC §10-442(b) requires projects proposing 30,000 square feet or greater commercial floor area must provide a paved walkway to the nearest bus stop and install a bicycle storage rack, signage, and a landing pad within the road right of way or dedicated easement.

²¹ Lee Plan Policies 39.6.4, 43.1.1, 158.3.1, Lee Plan Map 3-D: Lee County Walkways & Bikeways.

²² The Uniform Mitigation Assessment Method (UMAM) is used to assess the ecological value of wetlands. The number and type of credits necessary to impact the wetlands is determined by the water management district.

²³ Lee Plan Objective 60.3: Six Mile Cypress Basin.

²⁴ LDC §10-321(f); See also Lee Plan Policy 60.3.1.

²⁵ Lee Plan Objective 126.2, Policy 126.2.1, LDC §10-421.

²⁶ Lee Plan Glossary definition of public services.

The site lies within the South Fort Myers Planning District, which serves as the County's urban core. Consequently, a broad range of services and infrastructure are available to serve the property.²⁷ These services and infrastructure include paved roads, bike paths, parks, libraries, public water and sewer, transit, medical facilities, law enforcement, fire and emergency medical service.²⁸

Public

No members of the public attended the hearing.

Conclusion

The Hearing Examiner concurs with Staff's analysis and recommendation of approval, finding C-2 zoning meets the approval criteria set out in the LDC.

IV. Findings in Support of Approval

The requested C-2 Commercial zoning district:

- A. Complies with the Lee Plan. Lee Plan Goals 2, 4, 6, 11, 158. Objectives 2.1, 2.2, 4.1, 6.1, 11.1, 11.2, and Policies 1.1.1, 1.1.2, 1.6.5, 2.1.1, 2.2.1, 6.1.1, 6.1.3, 6.1.4, 6.1.7, 11.1.1, 11.2.4, 11.2.5, 39.2.1, Maps 1-A, 1-C, 3-D, 4-E Table 1 (b);
- B. Complies with the Land Development Code. LDC §§34-621, 34-841(g), 34-844;
- C. Is compatible with existing and planned uses in the surrounding area. Lee Plan Goal 6, Policies 1.1.2, 2.2.1, 6.1.3, 6.1.4., 6.1.6, 6.1.7, 11.2.4;
- D. Will have sufficient access to support development. Lee Plan Policy 6.1.5;
- E. Impacts to transportation facilities will be addressed by existing County regulations and conditions of development order approval. Lee Plan Policies 2.2.1, 6.1.1;
- F. Will not adversely affect environmentally critical/sensitive areas or natural resources; and

²⁷ Lee Plan Objectives 2.1 and 2.2. Available public services include water, sewer, schools, libraries, transit, recreation, medical facilities, police, fire, and EMS.

²⁸ Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 2.2.2. Staff Report Attachment C: Applicant Narrative. Fire protection services provided by South Trail Fire & Rescue Services District (Station 63). Emergency Medical Services provided by Medic Station 80. Lee County Sheriff will supply Law Enforcement. Lee County Utilities has potable water and sanitary sewer lines adjacent to the site. Metro Parkway features sidewalks and on road bikeway facility. Lee Plan Map 3-D: Lee County Walkways & Bikeways. The site is also on the Charlotte-Lee-Collier Trail. Lee Plan Map 4-E: Greenways Master Plan.

- G. Will be served by public services and infrastructure. Lee Plan Goals 2, 4, 6, 95, Objectives 2.1, 2.2, 4.1, 53.1, 56.1, and Policies 2.2.1, 6.1.1, 11.2.5, and Standards 4.1.1 and 4.1.2.

Date of decision: March 7, 2025.



Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits

- A Legal Description
- B Exhibits Presented at Hearing
- C Participants

Exhibit A
Legal Description

K.E. TRASK, P.A.

LAND SURVEYORS

A PARCEL LYING IN
SECTION 30, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA.

(14590 METRO PARKWAY)

(AS PER OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY POLICY #FILE NO. 12202-20, DATED 05/18/2023 AT 3:18 PM)

A PARCEL OF LAND IN SECTION 30, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 30: THENCE S.88°55'23"W., 1965.10 FEET ALONG NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 30, TO THE OLD WESTERLY RIGHT OF WAY LINE OF METROPOLITAN PARKWAY SOUTH (METRO PARKWAY) (100 FEET RIGHT OF WAY): THENCE S.00°38'34"E., ALONG SAID OLD RIGHT OF WAY FOR 25.00 FEET: THENCE S.88°55'23"W. FOR 30.00 FEET TO THE POINT OF BEGINNING AND NEW WESTERLY RIGHT OF WAY OF METROPOLITAN PARKWAY SOUTH (METRO PARKWAY) AS RECORDED IN ORDER OF TAKING (O.R. 3936, PAGE 997: THENCE S.00°38'34"E. ALONG SAID NEW WEST RIGHT OF WAY FOR 309.88 FEET, THENCE S.02°13'11"W. FOR 100.12; THENCE S.00°38'34"E. FOR 200.00 FEET, THENCE S.07°53'17"W. FOR 26.24 FEET; THENCE S.88°57'08"W. LEAVING SAID RIGHT OF WAY FOR 386.21 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE SEABOARD COASTLINE RAILROAD, AS RECORDED IN DEED BOOK 71, PAGE 327, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA: THENCE N.00°40'41"W, ALONG SAID EASTERLY RIGHT OF WAY LINE FOR 660.56 FEET, TO A POINT ON THE AFOREMENTIONED NORTH LINE OF THE SOUTHWEST 1/4; THENCE N.88°55'23"E., 165.51 FEET TO THE NORTHWEST CORNER OF PARCEL 2 OF 2 AS RECORDED IN O.R. 2597, PAGE 3760 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA: THENCE S.00°38'34"E. ALONG THE WEST LINE OF SAID PARCEL FOR 25 FEET: THENCE N.88°55'23"E. ALONG THE SOUTH LINE OF SAID PARCEL ALSO BEING THE SOUTH RIGHT OF WAY OF KRYPTON LANE FOR 230.00 FEET TO THE POINT OF BEGINNING.

K.E. TRASK, P.A.

FLORIDA LICENSED BUSINESS LB8450

Kenneth E. Trask
PLS4684 State of
Florida

Digitally signed by Kenneth E.
Trask PLS4684 State of Florida
Date: 2024.12.20 06:58:51
-05'00'

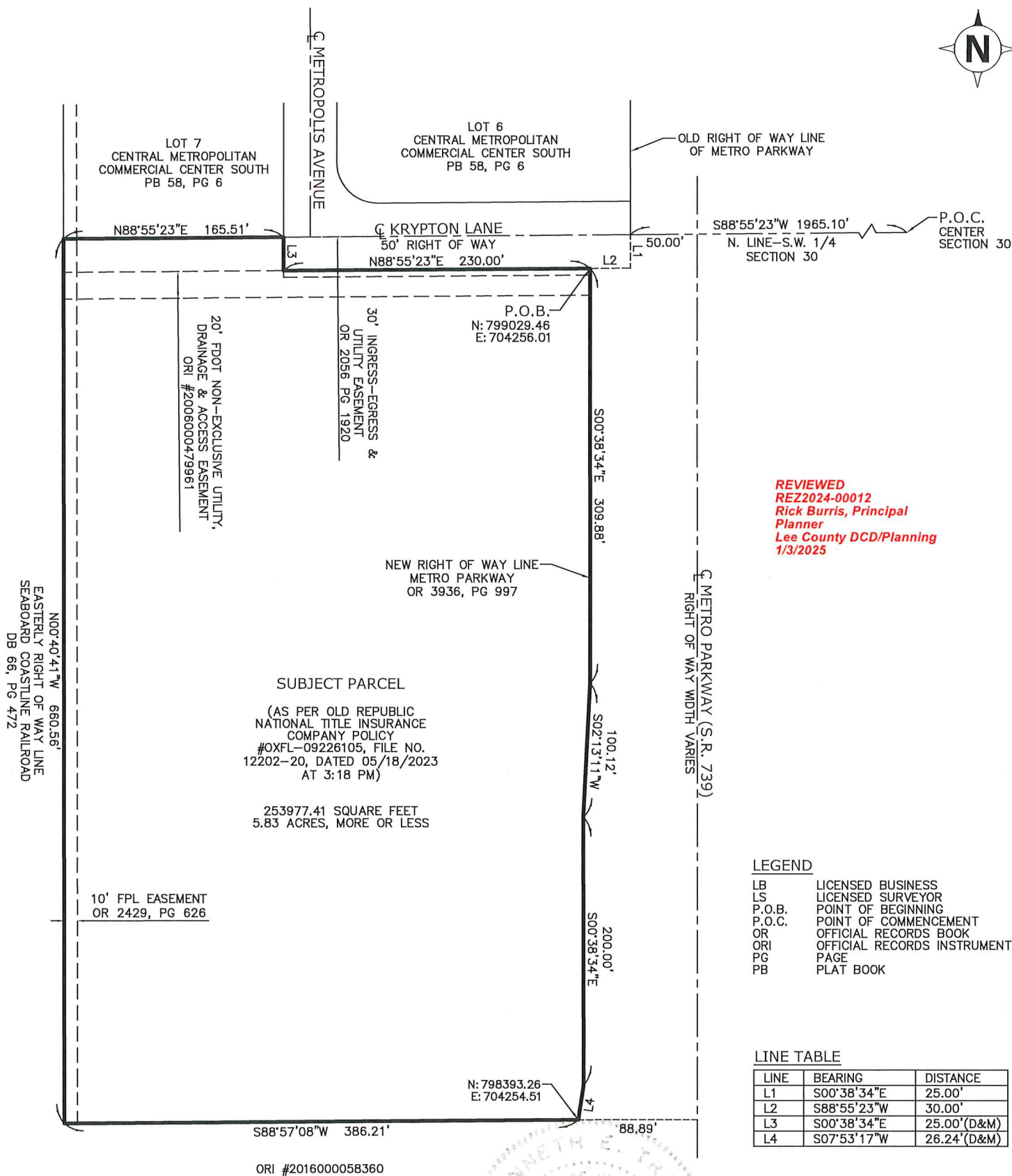
KENNETH E. TRASK

PROFESSIONAL LAND SURVEYOR

FLORIDA LICENSE LS4684

MAY 3, 2024

REVIEWED
REZ2024-00012
Rick Burris, Principal
Planner
Lee County DCD/Planning
1/3/2025



REVIEWED
REZ2024-00012
Rick Burris, Principal
Planner
Lee County DCD/Planning
1/3/2025

LEGEND

LB	LICENSED BUSINESS
LS	LICENSED SURVEYOR
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
ORI	OFFICIAL RECORDS BOOK
OR	OFFICIAL RECORDS INSTRUMENT
PG	PAGE
PB	PLAT BOOK

LINE TABLE

LINE	BEARING	DISTANCE
L1	S00°38'34"E	25.00'
L2	S88°55'23"W	30.00'
L3	S00°38'34"E	25.00' (D&M)
L4	S07°53'17"W	26.24' (D&M)

SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL LYING IN
SECTION 30, TOWNSHIP 45 SOUTH,
RANGE 25 EAST,
LEE COUNTY, FLORIDA.

THIS IS NOT A BOUNDARY SURVEY

Kenneth E. Trask
PLS4684 State of
Florida

Digitally signed by Kenneth E.
Trask PLS4684 State of Florida
Date: 2024.12.20 06:58:29
-05'00'

KENNETH E. TRASK
PROFESSIONAL LAND SURVEYOR
FLORIDA LICENSE NO. LS4684

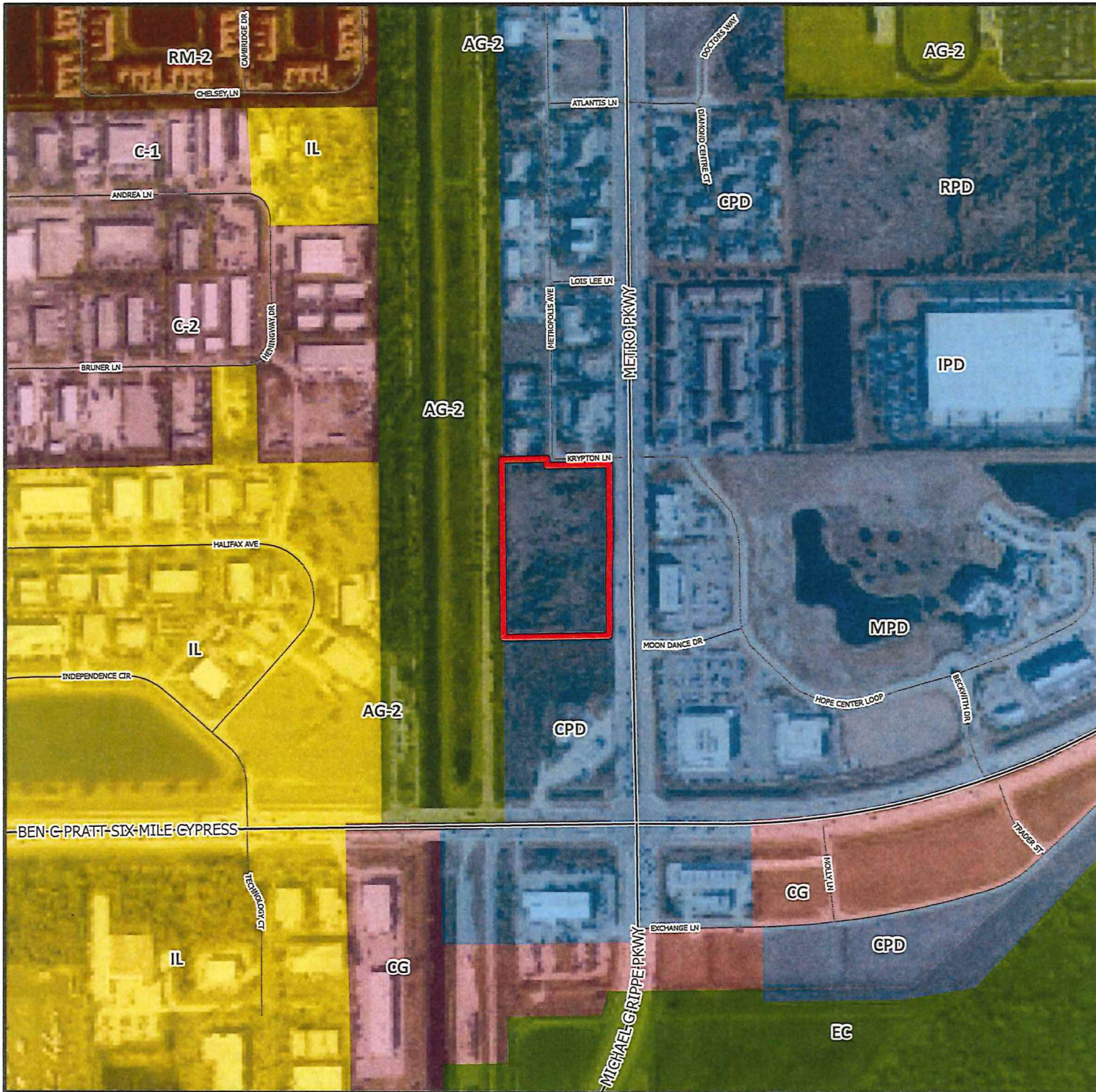
DATE

K.E. Trask, P.A.

Land Surveyors

Florida Licensed Business No. LB8450
12345 Blasingm Road
Fort Myers, Florida 33966
(239) 980-1495

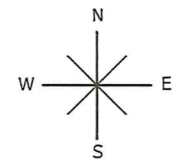
date	dwg	scale	job#	sheet
5-3-24	23-05SK	1"=100'	23-05	2 OF 2



REZ2024-00012

Zoning

 Subject Property



0 500 1,000
Feet



Exhibit B

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

- a. *48-Hour Notice*: Email from Khalil Muhammad to Al Quattrone, Hearing Examiner, Sharon Hrabak, Anthony Rodriguez, and Tracy Toussaint, dated Tuesday, March 4, 2025, 8:01 AM (4 pages – 8.5"x11")
- 1. *DCD Staff Report with attachments for DCI*: Prepared by Khalil Muhammad, Planner, date received February 19, 2024 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
- 2. *Affidavit of Publications*: For Zoning Case REZ2024-00012, Stevens Metro Rezoning (1 page – 8.5"x11")
- 3. *PowerPoint Presentation*: Prepared by Lee County Staff for REZ2024-00012, Stevens Metro Rezoning, dated March 6, 2025 (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

- a. *48-Hour Notice*: Email from Sharon Hrabak to Khalil Muhammad, Al Quattrone, Hearing Examiner, Anthony Rodriguez, and Tracy Toussaint, dated Tuesday, March 4, 2025, 9:03 AM (4 pages – 8.5"x11")
- 1. *PowerPoint Presentation*: Prepared by Quattrone & Associates, Inc., for REZ2024-00012, Stevens Metro Rezoning, dated March 6, 2025 (multiple pages – 8.5"x11")[color]

Exhibit C

HEARING PARTICIPANTS

County Staff:

Khalil Muhammad, Planner

Applicant Representatives:

Al Quattrone, P.E.