

**MINUTES REPORT
LOCAL PLANNING AGENCY
AUGUST 25, 2025**

MEMBERS PRESENT:

Dustin Gardner
Dawn Russell

Jennifer Saper
Stan Stouder (Chair)

MEMBERS ABSENT

Ray Blacksmith
Don Schrotenboer (Vice Chair)

Henry Zuba

STAFF PRESENT:

Joe Adams, Asst. Cty. Atty.
Kate Burgess, Principal Planner, Planning
Nic DeFilippo, Planning
Brandon Dunn, Planning Manager
Lindsey Karczewski, Planning

Adam Mendez, Principal Planner, Zoning
Janet Miller, Recording Secretary
Kam Muhammed, Zoning
Roland Ottolini, Natural Resources

APPLICANT'S REPRESENTATIVES

Horizon Tamiami

Dean Martin, TDM Consulting, Inc.
Veronica Martin, TDM Consulting, Inc.
Arielle Poulos from Turrell, Hall & Associates, Inc.
Megan Strayhorn, Strayhorn & Persons-Mulicka

Honc 41 CPA

Richard Akin, Henderson, Franklin, Starnes & Holt, P.A.
Cindy Leal Brizuela, EnSite
Yury Bykau, TR Transportation Consultants, Inc.
Brian Smith, EnSite

Agenda Item 1 – Call to Order, Review of Affidavit of Publication/Pledge of Allegiance

Mr. Stouder, Chair, called the meeting to order at 9:00 a.m.

Mr. Joe Adams, Assistant County Attorney, certified that the affidavit of publication for today's meeting was properly advertised.

Agenda Item 2 – Public Forum- None

Agenda Item 3 – Approval of Minutes – July 28, 2025

Ms. Saper made a motion to approve the July 28, 2025 meeting minutes. The motion was seconded by Ms. Russell. The Chair called the motion, and it passed 4-0.

Agenda Item 4 – Lee Plan Amendments

A. CPA2024-00006 Horizon Tamiami

Amend Lee Plan Map 1-C, Mixed Use Overlay, to add 20.2 acres of the subject property to the Mixed-Use Overlay. The property is located at the northeast corner of the intersection of Brooks Road and North Tamiami Trail in North Fort Myers.

Megan Strayhorn from Strayhorn & Persons-Mulicka and Veronica Martin from TDM Consulting, Inc. gave an overview of the project along with a PowerPoint Presentation. Also in attendance was Dean Martin from TDM Consulting, Inc. (traffic and drainage concerns), and Arielle Poulos from Turrell, Hall & Associates, Inc. (environmental concerns).

Ms. Russell referred to the access points onto Brooks Road. She noted that new developments are typically supposed to have interconnections so that the residential can reach the commercial. She asked if the public traveling on Brooks Road would be able to access the commercial development from Brooks Road.

Ms. Martin stated they would because the development is not a gated community.

Mr. Gardner referred to the public facilities capacity letters and asked if there were any conditions that come along with that where it might affect the surrounding residents.

Ms. Martin stated that the only public facility concern is that Lee Tran was considering ending their line near the property; however, it has not been decided at this time. Besides this one issue, everything else was adequate and in place including infrastructure. She referred to concerns regarding Brooks Road, which is why she mentioned during her presentation that a turn lane at the Brooks Road and North Tamiami Trail intersection would be included as part of the development proposal and that they also had discussions with FDOT regarding having a traffic signal at the Brooks Road and North Tamiami intersection. In addition, they will be working on an ERP (Environmental Resource Permits) to design their stormwater system. Ms. Martin stated that the property is located in the Coastal High Hazard Zone, so they are required to do the Emergency Preparedness Plan as part of the Development Order, and they were currently going through a conventional rezoning.

Ms. Saper referred to the PowerPoint slide that showed the parcels. In regard to the northern DOT pond, she asked if the commercial development was allowed to cross over that area because it appeared to be the access for the DOT pond.

Ms. Martin stated that they are requesting access across that small area that belongs to FDOT. They would like to have a road that goes around that area. She noted it would include a walking path as well. Ms. Martin stated that the conventional rezoning does not require a Master Concept Plan, and they have not submitted a Development Order yet, so the road around that area plus the walking path is not finalized yet. She also referred to the wetlands and stated they go up to the property line. Since they are wetlands, there will not be access for vehicles; however, there might be pedestrian access because they are considering putting in a dog park in that location.

Ms. Russell referred to the proposed traffic light at Brooks Road and North Tamiami Trail. She asked if the traffic currently meets the FDOT requirements to trigger a light.

Ms. Martin stated she did not know the answer to that question.

Mr. Stouder referred to the 8 acres of wetlands. He asked what the inner connectivity was to the adjoining wetlands.

Ms. Martin stated they were considering doing a boardwalk through the wetlands, but that it was their goal to preserve them in their entirety. She noted that part of a development order will include a 50-foot wetland buffer which will also include the boardwalk if the client chooses to move forward with the boardwalk through the buffer area. Other than that, they do not intend to impact those wetlands.

Mr. Stouder asked what would happen if someone chose to mitigate the 8 acres of wetlands.

Ms. Martin stated they are not proposing to mitigate the wetlands and that they like the fact that the wetlands act as a buffer to the single-family residential neighbors to the east and the wetlands are also home and habitat to many species, so they plan to preserve them. She noted that the wetlands also act as the development's open space and indigenous preserve, and she felt it made them good neighbors to the single-family neighbors to the east. In addition, there is a jurisdictional line for the wetlands from the district.

Mr. Stouder asked for confirmation that the wetlands were connected to the adjoining wetlands to the north but not to the south.

Ms. Martin confirmed that to be accurate and that her understanding is that the property to the north is part of Lee County's 2020 Conservation Lands.

The LPA had no further questions, so the Chair opened this item to staff for their presentation.

Ms. Burgess gave an overview of the staff report and recommendations.

Ms. Saper noted that one of the requirements of the Mixed-Use Overlay is that it is located within the extended pedestrian shed of established transit routes. Ms. Martin mentioned earlier that the bus route along this area might be removed. She asked if this development would still be consistent with the requirement if the bus route is removed.

Ms. Burgess stated she received confirmation from Lee Tran approximately two weeks ago that the route will not be removed. It will be maintained, so it is still consistent with the requirements of the Mixed-Use Overlay. In addition, Lee Tran is considering creating a "*mobility on demand*" service from North Fort Myers that would also meet this requirement.

The LPA had no further questions, so the Chair opened this item to members of the public.

Jim Ailant (opposed)
Roger Horton (opposed)

Mary Sandro (opposed)
Michael O'Neill (opposed)

The major concerns expressed by the attendees were: 1) they felt their community would be greatly impacted by a multi-family development with 468 units in what they considered to be a small area; 2) there are currently problems getting in and out of their street, which will be compounded even more once this development is developed and occupied that they did not feel was adequately addressed with today's proposal; 3) Hurricanes Irma, Ian, Helene, and Milton caused severe flooding to their community, their road, and the small bridge, which they believed would be worse once this development is in place; 4) they felt the traffic would be greatly impacted because most families have at least two vehicles, so with 468 units, there could feasibly be 936 vehicles added to the roadways causing more traffic delays than what

already exists; 5) there were concerns expressed regarding the stability of a five-story building in that location because you must drill through 40 feet of muck (sludge) before reaching rock causing it to be unstable ground for a five-story building unless there is an immense amount of pile strip; 6) there were concerns that the Lee Plan has not been updated since Ian to where it is no longer realistic; 7) members of the public disagreed with the statement that this development would not intrude on the single family homes in the area stating it would intrude by adding noise to the area, imposing additional pressures on traffic and access, and use of the water supply as well as sewage; 8) members of the public did not agree with putting a large intense development next to wetlands. Although the development will not be stacked in the wetlands, it is being stacked above it; 9) regardless of what the developer is proposing (i.e. catch basins, culverts, and underground storage tanks, there are two ponds in the area, one of which has a pumping station on it with a light that goes off often and there is staff that comes on-site to maintenance it. The public felt the water would eventually filter into the wetlands; 10) Goal 30 from the North Fort Myers Community Plan was referenced which states that the development should stabilize and enhance existing neighborhoods; however, the public did not see how this proposal would accomplish that. Instead, they felt it would destabilize their neighborhood; 11) the added people will cause unintended pollution from cars, accidental spillage of garbage, open dumpsters, leaking vehicle fluids, etc. that will end up in the wetlands and creek; 12) members of the public felt a five-story building would be an eyesore and would be seen over the treetops.

Mr. Stouder asked if staff and/or the applicant wanted to address any of these concerns.

Ms. Burgess stated that when it comes to consistency with Policy 5.1.2, mentioned by a member of the public, it discusses physical constraints or hazards on the site and stipulates that you can design around that. This means that if a site cannot be designed to mitigate those constraints, then that policy comes into play. In addition, she noted that the requested density already exists on the site and that the uses are allowed. Ms. Burgess stated the property is already commercial along US 41, so this development does not change any of those allowed uses or build out density. Other issues brought up by the public (i.e. flooding, ground stability, and elevation) are items that will be addressed at every level of review for the project. It is evaluated as part of the comprehensive plan amendment process. It will also be evaluated as part of the zoning, development order, and permitting processes.

Ms. Martin stated that the first speaker wanted to know if the conclusions from FDOT were reached before or after. She noted that TDM Consulting has been meeting with FDOT ongoing to get the proper permits because an FDOT permit can take up to a year to obtain; therefore, representatives of applicants typically start that process early. This is how it was discovered that FDOT might be putting in a traffic signal at Brooks Road and North Tamiami Trail. This is being discussed as well as the length of a turn lane on North Tamiami Trail. Regarding flooding, she noted that FEMA has updated their flood maps several times since Hurricane Ian. In addition to that, Lee County requires any site that is more than 10 acres in size to get a South Florida Water Management District Environmental Resource Core Permit. The developer will be required to bring fill to the site, and they will have to provide adequate drainage in order to mitigate flooding. Ms. Martin noted it is a long-term project and that today is only the first step in that process. As stated by Ms. Burgess, the property is already permitted for the requested uses, and it has a consistent C-1 Zoning District. As part of this project, they are requesting to amend the Mixed-Use Overlay map which does not affect density or traffic.

Ms. Saper referred to Brooks Road and asked if they plan to put a sidewalk in as part of the development order.

Ms. Martin confirmed this to be correct. There will be a sidewalk along Brooks Road, North Tamiami Trail and internal to the site.

Mr. Ailant, member of the public, stated he realized the property owner has a right to develop their piece of property, but he felt it would be simpler and possibly more cost effective to put this development on property located in a different area (perhaps on the other side of US 41 or more to the north where there is a 20 foot to 25 foot height above water) that has a more stable ground and a more open area to build.

Ms. Martin stated this would be a question for the developer as to why they prefer this property.

Mr. Gardner stated that flooding seems to be the major concern. Even though this project is at a preliminary stage, he asked Ms. Martin to describe the measures planned to redirect waterflow so that it does not land in the residential neighborhoods.

Mr. Dean Martin stated they were required to obtain a Water Management Permit from the district and FDOT. He noted that FDOT's requirements are more stringent. Currently, runoff is going towards Brooks Road. With this proposed development, a stormwater system will be built that will attenuate the water before ultimately discharging into the wetlands. Overall, the development will be improving the drainage on Brooks Road.

Ms. Saper noted that positive improvements will take place as a result of this project such as sidewalks along Brooks Road and the redirecting of waterflow to the wetlands. The property has the most intense future land use category that the county has, which shows that the intention has always been for this property to be developed in an intense manner. She felt it made sense to extend the Mixed-Use Overlay along US 41. Although she understood the public's concerns, she urged them to trust the process, which includes county review, state review, and several other thresholds in order to protect against additional flooding. It will also include a sophisticated water management system. For those reasons, Ms. Saper stated she was in support of the proposal.

Ms. Russell stated that she understood the public's concerns and share some of them since she also lives near a Mixed-Use Overlay. However, the Local Planning Agency is given the task of making sure a proposal is consistent with the Lee Plan. As a result of that review, she stated that staff's presentation and materials were consistent with the Lee Plan and meets the criteria. The property is located adjacent to the Mixed-Use Overlay and already has intensive development as a future land use. This means it is already preset to be intensive development. For those reasons, Ms. Russell stated she was in support of the proposal.

Mr. Gardner concurred that this proposal is consistent with the Lee Plan, which is what the Local Planning Agency has the opportunity to comment on. Due to drainage concerns expressed by the public, the applicant's representatives confirmed that there are plans to mitigate drainage onsite. That being said, the Local Planning Agency must take their word for it and trust the processes. Mr. Gardner stated he was in support of the proposal.

Mr. Stouder stated there are several components to this process (i.e. zoning, drainage, FDOT, development order, permitting, etc.). As such, there will be many opportunities for various reviews. However, today, the Local Planning Agency's task is to determine whether or not the proposal is in compliance with the Lee Plan as written. Mr. Stouder stated he agreed with his colleague's and staff's opinion that it meets the criteria. He asked for a motion.

Mr. Gardner made a motion to recommend adoption of CPA2024-00006 (Horizon Tamiami). The motion was seconded by Ms. Russell. The Chair called the motion, and it passed 4-0.

B. CPA2025-00001 Honc 41 CPA

Amend the Lee Plan Map 1-A, Future Land Use Map, to change subject property's Future Land Use from Suburban to Central Urban to allow for commercial and light industrial uses along US 41/Tamiami Trail North. The subject property is located along the west side of North Tamiami Trail, approximately 0.25 miles south of Del Prado Boulevard North.

Richard Akin from Henderson, Franklin, Starnes & Holt, P.A. and Cindy Leal Brizuela from EnSite gave an overview of the project along with a PowerPoint Presentation. Also in attendance was Yury Bykau from TR Transportation Consultants, and Brian Smith from EnSite.

Mr. Gardner asked them to confirm some of the connection points and any capacity/reservations there might be as it relates to utilities.

Mr. Brian Smith stated they had received letters of availability from both Lee County Utilities and FGUA. He noted that this project site falls within FGUA for sewer and that the closest utility is a few 100 feet to the north. He also noted there is a 4-inch force main that crosses east over 41 and runs into a 12-inch force main that runs along Del Prado. Both agencies have allowed them to make those connections. In addition to that, they have a 12" water main that runs along their property line.

The LPA had no further questions, so the Chair opened this item to staff for their presentation.

Ms. Karczewski reviewed the staff report and recommendations along with a PowerPoint presentation.

Ms. Russell asked if there were any planned improvements on US 41 in this area since it is both failing with or without this project.

Mr. Yury Bykau stated he was not aware of any long- or short-range improvements nor any FDOT funding for any improvements.

Mr. Stouder referred to the aerial on the PowerPoint presentation. He asked if there were any concerns regarding creating an enclave if this project ultimately gets approved.

Mr. Dunn stated there were no concerns in his mind because the property is close enough to the intersection of Del Prado and US 41, so it should be anticipated that the other properties will go through a similar conversion in the near future.

Ms. Brizuela stated that due to the adjacency to the City of Cape Coral, they must take into consideration the City of Cape Coral's existing future land use at that location as well. She noted that it has been determined that the Honc 41 CPA project is consistent with the City of Cape Coral's future land use. The City's current future land use at that location is mixed-use, which allows for 25 dwelling units per acre and an FAR (floor area ratio of 1.0). Ms. Brizuela stated it is fairly intensive compared to many of the future land use categories in Lee County.

Mr. Stouder asked if there were any connectivity or transportation concerns as far as access and if the site currently had access.

Mr. Brian Smith stated that, similar to the previous case heard today, they also met with FDOT in terms of where the access could be. Currently, they are proposing a right-in and right-out only because that is all FDOT is going to allow them to have. He noted that both FDOT and Lee County want inner connectivity between parcels. He noted they could potentially provide that to the north, and it is already

built to the south. He believed the area to the south is a golf cart sales facility. Mr. Smith noted they were in talks with FDOT as well as the owner of the golf cart sales facility in terms of whether they can have a connection there because they are at a full median access point.

Mr. Gardner asked for more specifics on the plans for managing stormwater even though it is still preliminary at this phase.

Mr. Smith stated that, similar to the previous case that was heard today and also mentioned by Ms. Sopen earlier, they are required to have a robust stormwater management system and must comply with all the South Florida Water Management District and FDOT rules. He noted that the FDOT rules are more stringent than the Water Management District in terms of what water can actually come off site to go into the US 41 right of way. Therefore, this entire piece of property will have what is typically seen in most master developments, which is a stormwater berm that collects all stormwater from the site. Mr. Smith explained that if you take any vacant piece of property, rain can flow to US 41, or the neighbors, or north and south. With this project and what they plan to implement onsite, the water is not allowed to sheet flow offsite. It must stay on site and be stored before it can be discharged.

No members of the public were present, so the public portion segment was closed.

Mr. Gardner made a motion to recommend approval of CPA2025-00001 Honc 41 CPA. The motion was seconded by Ms. Sopen. The Chair called the motion, and it passed 4-0.

Agenda Item 5 – Land Development Code Amendments

A. Dock and Shoreline Regulations (Boathouses and Dock Pavilions)

Sec. 26-41 (Definitions); Sec. 26-46 (Variances and Special Exceptions); Sec. 26-71 (Docking Facilities and Boat Ramps); Sec. 26-74 (Boathouses and Dock Pavilions); Sec. 34-174 (Authority to Approve Administrative Actions); Sec. 34-203 (Submittal Requirements for Administrative Action Applications); Sec. 34-622 (Use Activity Groups); and Sec. 34-1173 (Development Regulations)

Mr. Mendez gave an overview of the Land Development Code amendments.

Mr. Stouder referred to the definition for a dock. He noted that many times two jet skis are considered to be equivalent to one boat slip. He believed that two boat slips were allowed per residential property. If someone has two jet skis, does that count as two slips or are two jet skis one slip and they can also have a boat?

Mr. Mendez stated that the number of slips you can have on a dock is dependent upon whether or not someone falls under the single-family exemption, which under the Manatee Protection Plan allows them two slips. He did not believe that a jet ski slip and a regular boat slip are distinguished but instead are the same. Someone may seek additional slips beyond two consistent with the Manatee Protection Plan.

Mr. Stouder felt there needed to be more clarification that two jet skis equal one slip. He explained that his concern is that someone might pay a large sum for property that is 100 feet on San Carlos Bay, and they want to have two jet skis and a boat, but the code precludes them from that because two jet skis equal a boat slip. He stated that someone could have two jet skis on one lift and a boat on another lift without expanding the functionality or use of the area.

Mr. Mendez stated that the scope of the amendments that the Board directed staff to entertain was to streamline the permitting process relating to boathouses and dock pavilions. The issue that Mr. Stouder is mentioning was not part of this review.

Mr. Adams stated the County is permitting the boat lift. There is a limit of two by right. However, there is a process a property owner can go through to have additional lifts on residential properties.

Mr. Stouder stated the process of obtaining additional lifts is too much of a hassle for someone to go through for a jet ski. Even though this issue is beyond the scope of today's amendments, he encouraged staff to consider making the code clearer because it is common for people to have a boat as well as two jet skis. It makes things more expedient to have that clarified.

Mr. Mendez stated staff would take that under advisement.

The LPA had no further questions and no members of the public were present.

Ms. Sapen made a motion to find the land development code amendments to be consistent with the Lee Plan. The motion was seconded by Ms. Russell. The Chair called the motion, and it passed 4-0.

Agenda Item 5 – Other Business - None

Agenda Item 6 – Adjournment

The next Local Planning Agency meeting is scheduled for Monday, September 22, 2025 (if there are cases to discuss), at 9:00 a.m. in the Administration East Building, Room 118, 2201 Second Street, Fort Myers, FL 33901. The meeting adjourned at 10:16 a.m.