

JUNE 20, 2011

The Zoning Meeting of the Board of Lee County Commissioners was held this date with the following Commissioners present:

- Frank B. Mann, Chairman
- John Manning, Vice-Chairman
- Tammara Hall (arrived at 9:32 a.m.)
- Ray Judah
- A. Brian Bigelow (arrived at 9:31 a.m.)

The Chairman called the meeting to order at 9:30 a.m.

**A COPY OF THE HEARING EXAMINER’S RECOMMENDATION IS ON FILE IN THE MINUTES OFFICE.**

CASE NUMBER: REZ2011-00001

NAME: ESTERO BAY PRESERVE STATE PARK

REQUEST: Rezone +/- 9.9 acres from Residential Planned Development (RPD) to Environmentally Critical (EC).

LOCATION: Property is located at 4940 Broadway West, Estero Planning Community, Lee County, Florida

PROPERTY OWNER’S REPRESENTATIVE: James T. Farr, AICP, George F. Young, Inc.  
941-747-2981

Community Development Principal Planner Alvin “Chip” Block reviewed the request, noted that Staff recommended approval and the Hearing Examiner (HE) recommended approval with conditions, and stated that there were four (4) Participants of Record. The Chairman called on the Participants of Record, and the following citizen came forward:

Estero resident Bob Morris

Responding to Commissioner Judah’s inquiry on the possibility of relocating the parking in any part of the property, James Farr of George Young Inc, Agent for the Environmental Protection Division of State Parks, pointed out that this particular site was chosen to allow for parking in a passive way, since there was a great number of environmentally sensitive areas. Commissioner Judah moved approval of the Hearing Examiner’s recommendation, seconded by Commissioner Manning. Following further discussion with input from Chief Assistant County Attorney Donna Marie Collins and Mr. Block, the motion was called and carried.

RESOLUTION NO. Z-11-007

CASE NUMBER: DCI2010-00013

NAME: O’SULLIVAN CPD

REQUEST: Rezone 0.79 +/- acres from Residential Single-Family (RS-1) to Commercial Planned Development (CPD), to allow up to 7,500 square feet of commercial uses with a maximum building height at 35 feet.

LOCATION: Property is located at 405, 407, and 409 Gunnery Road North, Lehigh Acres Planning Community, Lee County, Florida.

PROPERTY OWNER’S REPRESENTATIVE: Michael E. Roeder, Knott, Consoer Law Firm  
239-334-2722

Community Development Principal Planner Alvin “Chip” Block reviewed the request, noted that Staff and Hearing Examiner (HE) both recommended approval with conditions, and stated that there were three (3) Participants of Record. Mr. Block advised of a minor change to Condition 2(b) and recommended the Board change the 20% open space to match the 40% open space as contained elsewhere in the staff the recommendations. Attorney Matt Uhle, of the law firm Knott, Consoer, Ebelini, Hart, & Swett, P.A., on behalf of the Applicant, confirmed agreement with the

Staff and Hearing Examiner’s recommendations, and noted justification to the objections from two members of the Lehigh Planning Panel. The Chairman called on the Participants of Record, and the following citizens came forward:

Lehigh Acres resident Linda Carter  
LACCP President & Lehigh Acres Economic Development Board CEO Edd Weiner

Attorney Uhle and Planner Consultant Gary Muller addressed the concerns of the participants regarding commercial traffic on 5<sup>th</sup> Street and safety issues. Commissioner Hall moved approval of the Staff and Hearing Examiner’s recommendation as amended, seconded by Commissioner Manning. Following further clarification by Development Review Senior Engineer Robert Price and Chief Assistant County Attorney Donna Marie Collins, the motion was called and carried with Commissioners Judah and Bigelow dissenting.

[RESOLUTION NO. Z-11-006](#)

The Chairman adjourned the meeting at 10:14 a.m.

ATTEST:  
CHARLIE GREEN, CLERK

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Deputy Clerk

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[Chairman, Lee County Commission](#)