

MARCH 7, 2011

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

John Manning, Vice-Chairman
Ray Judah
A. Brian Bigelow

CHAIRMAN MANN AND COMMISSIONER HALL WERE ABSENT FOR THE ENTIRE MEETING.

The Vice-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: DCI2010-00009

NAME: BALL MINOR CPD

REQUEST: Rezone 0.75± acres from Residential (RS-1) to Commercial Planned Development (CPD), to allow up to 5,700 square feet of office, medical and commercial uses or an assisted living facility with a maximum standard density not to exceed 7 dwelling units with a maximum building height of 35 feet. Potable water and sanitary sewer services will be provided. No development blasting is proposed.

LOCATION: Property is located at 5104, 5106 & 5108 Lee Boulevard, Lehigh Acres Planning Community, Lee County, Florida.

PROPERTY OWNER’S REPRESENTATIVE: Neysa Borkert, Pavese Law Firm
239-336-6251

Community Development Principal Planner Alvin “Chip” Block reviewed the request, and noted that Staff and Hearing Examiner (HE) both recommended approval with conditions. He further noted a memorandum was handed out this morning (copy on file in the Minutes Office) correcting Condition No. 8 of the HE’s recommendation on concurrency requirements, and noted Staff recommended approval of the change. After pointing out that the conditions did not include central water and sewer, Commissioner Judah moved approval with caveat that the development provide for central water and sewer, seconded by Commissioner Bigelow. Attorney Neysa Borkert, of The Pavese Law Firm, representing the Applicant, Assistant County Attorney John Fredyma and Mr. Block responded to questions by the Board. Following further discussion, with Chief Assistant County Land Use Attorney Donna Marie Collins suggesting the Board let the Code govern; Commissioner Judah revised his motion to “let the Code govern”, the seconder agreed, and the motion was called and carried with Commissioners Mann and Hall absent. RESOLUTION NO. Z-10-039

CASE NUMBER: DCI2009-00010 & REZ2009-00005

NAME: DOWNTOWN ESTERO FKA SOUTHLAND VILLAGE MPD

REQUEST: DCI2009-00010: Request to rezone 34.41+ acres from AG-2 to MPD, to permit up to a maximum of 310 multiple-family dwelling units (to include 104 TDR/bonus density units and an optional assisted living facility with up to 200 beds or continuing care facility with up to 100 beds or a combination of the two not to exceed the residential equivalent of 50); a maximum of 200,000 square feet of commercial uses, including a maximum of 115,000 square feet of retail; a hotel/motel with a maximum of 125 hotel rooms/units with a maximum height of 55 feet/4 stories. Potable water and sanitary sewer services will be provided by Lee County Utilities. No development blasting is proposed.

REZ2009-00005: CH Estero Land Limited Partnership is requesting to participate in Lee County’s Transfer of Development Rights per LDC §2-147(b)(3) to develop 104 bonus density multiple-family dwelling units. The total project proposes 310 dwelling units on approximately 34.41 acres or a total of approximately 9 dwelling units per acre.

LOCATION: Property is located at Access Undetermined (U.S. 41); 8321, 8501 & 8571 Broadway E., Estero Planning Community, Lee County, Florida.

PROPERTY OWNER’S REPRESENTATIVE: Neale Montgomery, Pavese Law Firm
239-336-6235

Community Development Principal Planner Alvin “Chip” Block reviewed the request, noted that Staff and Hearing Examiner (HE) both recommended approval with conditions, indicated a previous Staff memorandum suggested changes on Deviations 5, 12 and 14 with no objection from the applicant, and noted there were fifteen (15) Participants of Record. With the use of an overhead projector, Attorney Neale Montgomery, of The Pavese Law Firm, and Court Street Partners LLC representative Jeffrey Rapson, representing the applicant, addressed the Board. Commissioner Judah moved to support the HE’s recommendation of a special case finding and the Transfer of Development Rights. Vice-Chairman Manning called on the Participants of Record, and the following individuals came forward:

Estero Community Planning Panel member Daniel Delisi
Estero resident Daniel Noble

Following brief discussion between the Board, Attorney Montgomery, and the applicant’s consultant Ted Treesh of TR Transportation Consultants, Inc., Commissioner Bigelow seconded the motion. Vice-Chairman Manning clarified that the motion was in two parts: to agree with the HE’s recommendations and all deviations been agreed upon, as well as the special case; and the second part of the motion is to accept the Transfer of Development Rights. Chief Assistant County Land Use Attorney Donna Marie Collins confirmed that the two motions could be done as one vote as long as the Board includes a finding of community benefit in deviating from the site location standards; the maker and seconder agreed. The motion was called and carried with Commissioners Mann and Hall absent.

[RESOLUTION NO. Z-10-017](#)

The Vice-Chairman adjourned the meeting at 10:15 a.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)