

Zoning Functions and Operations of the Lee County Hearing Examiner



Lee County
Southwest Florida

Core Functions

- ▶ Established in 1988 to hear zoning cases.
- ▶ Expanded to preside over Code Enforcement in 1990.
- ▶ The Lee County Land Development and Administrative Codes govern jurisdiction and procedures of matters coming before the Hearing Examiners.
- ▶ Office independent from County Attorney and County Manager to ensure decisions/recommendations are based solely on law and evidence in the record.

Meet the Hearing Examiners

- ▶ The Hearing Examiners are attorneys with substantial experience in land use.
- ▶ Chief HEX Donna Marie Collins, Esq.
- ▶ Deputy HEX Amanda L. Rivera, Esq.
- ▶ Both Hearing Examiners are Board Certified in City, County and Local Government Law. Board Certification recognizes expertise in an area of law. Only 7% of Florida attorneys achieve this distinction.

Zoning Process



Zoning Cases Coming Before the HEX

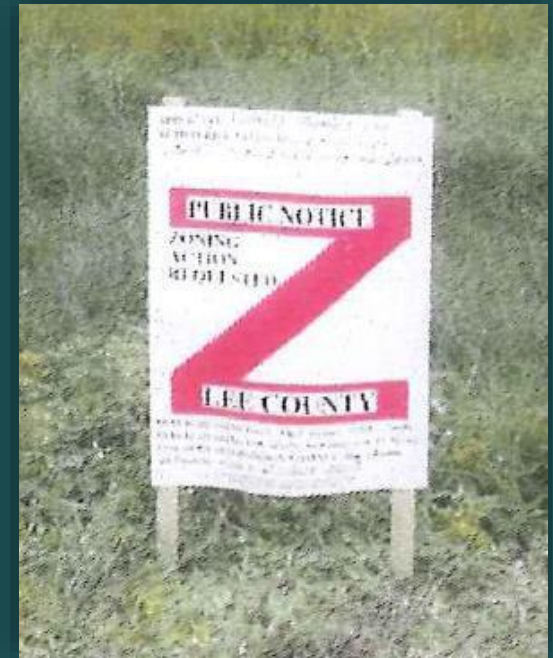
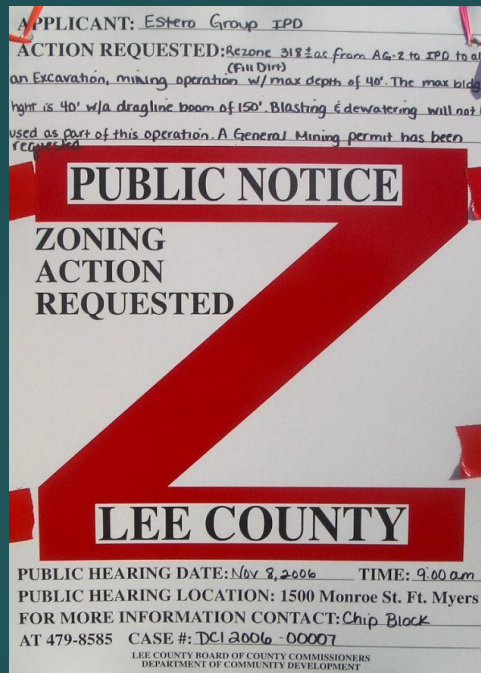
- ▶ **Rezoning**
 - ▶ Changes property zoning designation
- ▶ **Special Exceptions**
 - ▶ Permit a specific use in a zoning district
- ▶ **Variances**
 - ▶ Permit deviations from development code requirements (setbacks, buffers, etc.)

HEX Authority: Zoning

- ▶ Prepares recommendation to Board of County Commissioners in cases to rezone property to planned development districts
- ▶ Issues final decision in special exception, variance cases, and conventional rezoning requests
- ▶ Requests to amend planned developments may be final with HEX depending on the nature of the request

How Do You Know When A Zoning Request Has Been Filed

Signs Posted on the Property



County Sends Notice to Adjacent Landowners



COURTESY NOTICE TO ADJACENT PROPERTY OWNERS OF RECEIPT OF ZONING APPLICATION

Date: April 16, 2014

Case Number: DCI2014-00005

Case Name: BENTLEY CROSSINGS

Request: Rezone +/- 95.63 acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) to permit a maximum of 205,000 square feet of commercial uses and a maximum of 500 residential single-family and multi-family dwelling units. Maximum building height requested is 45 feet. Development will connect to public potable water and public sanitary sewer service. No development blasting is requested.

Location: 7990 BUCKINGHAM RD, FORT MYERS, BUCKINGHAM PLANNING COMMUNITY, LEE COUNTY, FL

Location Map: SEE REVERSE

PROPERTY OWNER'S REPRESENTATIVE: TINA M EKBLAD
MORRIS-DEPEW ASSOCIATES, INC.
239-3367-3993

Lee County Planner: Tony Palermo, AICP
(239) 533-8325

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Zoning Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/533-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.



SURROUNDING PROPERTY OWNERS

00005

BENTLEY CROSSINGS

95.63± acres from Agricultural (AG-2) to Mixed Use Planned Development to permit a maximum of 150,000 square feet of commercial uses and a maximum of 400 residential single-family and multiple family dwelling units. Maximum building height requested is 35 feet. The project will connect to public water and sanitary sewer. No blasting is requested.

7990, 7995, and 7350 Buckingham Rd., Lehigh Acres Planning Community, Lee County, FL

For more information, please contact Tony Palermo, AICP, Senior Planner, at (239) 533-8325, Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PREPARED BY: EKBLAD
MORRIS-DEPEW ASSOCIATES, INC.
239-3367-3993

The County Hearing Examiner will hold a public hearing at 9:00 AM on 06/24/2015 on the subject application. The hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

Interested parties should appear in person, or an authorized agent and provide testimony, legal argument or other information. Any interested party has the right to address the Board of County Commissioners.

After the hearing, a written recommendation, the case will be scheduled for a public hearing. Interested parties who will review the recommendation and make a final decision.

Interested parties should appear in person, or an authorized agent and provide testimony, legal argument or other information. Any interested party has the right to address the Board of County Commissioners.

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Zoning Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/533-8585 for additional information.

To ensure full participation in the hearing should contact Jamie Prancing, AICP, at (239) 533-8585 or at jprancing@leegov.com. To ensure full participation in the hearing should contact Jamie Prancing through the Florida Department of Community Development.

DEVELOPMENT

Word of Mouth: Neighbors and Friends

Public Notice In Classified Section

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NOTICE OF PUBLIC HEARING

The Hearing Examiner of Lee County will hold a public hearing on Thursday, November 12, 2015, in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL, on the case below.

You must appear in person, through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision. If you did not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners.

Copies of staff report are available two weeks prior to the hearing. The file can be reviewed at the Zoning Division, 1500 Monroe St., Fort Myers, FL Call 533-8585 for additional information.

Persons with disabilities who need an accommodation to participate in the

Hearing Examiner's Website

The screenshot shows the Lee County Southwest Florida website. The header includes the county logo, navigation links (Calendar, News, Jobs, Flood Info, Contact Us), a language selector, and a search bar. The main navigation bar features links for HOME, ABOUT US, RESIDENTS, VISITORS, BUSINESS, DEPARTMENTS (highlighted), GOVERNMENT, and I WANT TO... Below this, a grid of department categories is displayed: Departments A-C, Departments E-H, Departments L-R, and Departments S-V. The 'Hearing Examiner' link under 'Departments E-H' is highlighted with a blue bar and a red arrow. At the bottom, there are links for 'Latest News', 'Upcoming Events', and 'Learn About Lee County Government'.

Calendar News Jobs Flood Info Contact Us Select Language Search...
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Lee County
Southwest Florida

HOME ABOUT US RESIDENTS VISITORS BUSINESS **DEPARTMENTS** GOVERNMENT I WANT TO...

Departments A-C
Animal Services
Communications
Community Development
Conservation 20/20
County Attorney
County Lands
County Manager

Departments E-H
Economic Development
Extension Services
Facilities Construction & Management
Fleet Management
GIS (Maps/Data)
Hearing Examiner
Human Resources
Human Services

Departments L-R
Library System
Management & Budget
Municipal Services
Taxing/Benefits Units
Natural Resources
Parks & Recreation
Procurement Management
Public Safety
Public Transportation (LeeTran)
Risk Management

Departments S-V
Solid Waste
Sports Development
Technology Services
Tolls (LeeWay)
Transportation
Utilities
Veterans Services
Visitor & Convention Bureau

Latest News Upcoming Events Learn About Lee County Government

Agenda & Calendar are Posted Online:

<http://www.leegov.com/dcd/events/hex>

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Calendar News Jobs Flood Info Contact Us Select Language Search...
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Lee County
Southwest Florida

HOME ABOUT US RESIDENTS VISITORS BUSINESS DEPARTMENTS GOVERNMENT I WANT TO...

Hearing Examiner Home

- About the Hearing Examiners
- Zoning Hearing Calendar & Agendas
- Code Enforcement Hearing Agendas
- Public Participation
- Administrative Codes
- Search Rendered Decisions & Recommendations
- Schedule Presentation on Hearing Examiner Process

Home > Hearing Examiner Home

Hearing Examiner

Zoning Process

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How to Get More Information

Attend Community Meeting

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RECEIVED
APR 24 2015
COMMUNITY DEVELOPMENT

Meeting Minutes – February 26, 2015
DCI 2014-00031

LEHIGH ACRES ARCHITECTURAL, PLANNING & ZONING REVIEW BOARD
Meeting Minutes – February 26, 2015
5:30 pm
1299 Homestead Road
Lehigh Acres, Florida

Call to Order **ATTACHMENT R** **DCI 2014-00031**

Roll Call
Inke Baker, Thomas Pfuner, Mike Cook, Mohamed Yasin, Enrique DeAndres, Captain Todd Garrison, Claude Spellman

Excused Absence: Ken Bennett, Greg Diserio

Public Comment on Non Agenda Items Only: No Public Comments

Approval of Agenda: Approved

Approval of Minutes from January 2015: Approved

The following is a summary of the meeting topics based from the recordings of the meeting; however, they are not a verbatim transcript.

Ms. Baker provided a brief summary of how the meeting will be run to facilitate an orderly meeting schedule.
An introduction of board members and County staff present were made.

New Project Reviews:

A) **Lehigh Animal Hospital:** A proposed CPD zoning approval for 5642 8th Street West, Lehigh Acres, Florida 33971. The property is located at the corner of Lee Boulevard and Leonard Avenue. Pete Maastricht and Gary Mueller presented the project on behalf of the applicant. A 4.36 acre parcel for a commercial planned development. The site is located at the corner of Leonard Lee Boulevard. Currently it is zoned commercial in four lots. An existing cul-de-sac will be vacated as part of the project. The model home center will also be removed. Adjacent property uses were reviewed by Gary Mueller.

Both the applicants are veterinarians and have practices in Lehigh Acres. The MCP shows the cul-de-sac as vacated. The first building will be the animal hospital and then retail along the south property line. The pet resort will be along the northern portion of the site to maximize separation from residential properties. Buffers will comply with LDC requirements. The applicant is trying to save as many existing trees as possible.

Board member questions included:

- How the boarding facility worked. The applicant stated it was 24/7.

Arrange Community Meeting

- ▶ The Land Development Code and Lee Plan require community meetings in certain areas (Boca Grande, Captiva, Fort Myers Shores, Lehigh Acres, Matlacha, North Fort Myers, Page Park, Pine Island, Upper Captiva, Olga)
- ▶ If a meeting is not required in your community, contact the Applicant to request a meeting. Invite county zoning staff as well.

Request the Staff Report

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- ▶ ▶ Contact the assigned Lee County planner.
- ▶ ▶ Access case information on the Department of Community Development website:
<http://www.leegov.com/dcd/zoning>

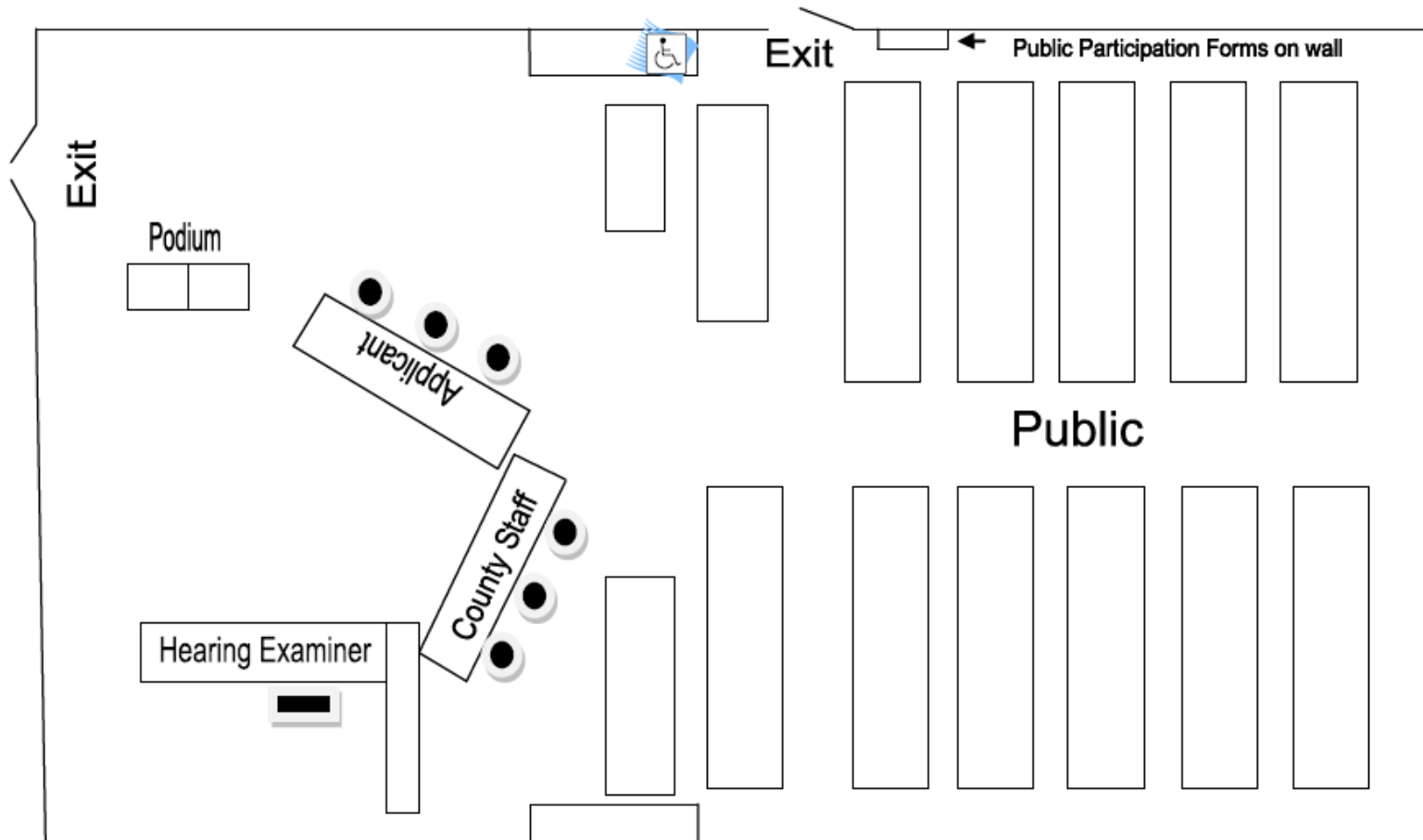
How to Contact Applicant's Representative

- ▶ Mailed notices include contact information
- ▶ Call County Zoning Division and request contact information

What to Expect at Hearing

- ▶ Most hearings are held at 1500 Monroe Street, on the Second Floor
- ▶ Some hearings may be held in the Board Chambers at 2120 Main Street
- ▶ Please silence cell phones or other devices upon entering the hearing room
- ▶ If you intend to participate, please complete a Participation Form and deliver to county staff member

Hearing Room Layout



The Record

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- ▶ Hearings audio recorded
- ▶ Court reporter may be present
- ▶ Hearing record is public record (audio or transcript)

Order of Presentation

- 1. Applicant** presents case, calls witnesses
- 2. Staff** presents staff report and recommendation
- 3. Public** may speak on the record at designated time
- 4. Rebuttal and Closing** by Applicant and Staff

Public Comment

- ▶ Public speaks at podium
- ▶ Present concerns, ask questions
- ▶ Suggest alternatives or conditions
- ▶ One opportunity to speak (best practice: come prepared with notes to guide your remarks)

Case Review Criteria

- ▶ Nature of request determines review criteria
- ▶ Applicant must demonstrate compliance with criteria
- ▶ Public may address potential areas of non-compliance with criteria

Post-Hearing HEX Responsibilities

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- ▶ Consider evidence presented
- ▶ Conduct site visit
- ▶ Apply review criteria
- ▶ Issue Recommendation or Decision

Hearing Examiner Recommendation/Decision

- ▶ Copy sent to hearing participants.
- ▶ Available on Hearing Examiner's website:
<https://www.leegov.com/hearingexaminer/search-rendered-decisions-recommendations>

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Hearing Examiner

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Board Hearing on Planned Development Rezoning

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- ▶ Held in Old Courthouse Commission Chambers
- ▶ Abbreviated presentations by parties
- ▶ Focus on main points
- ▶ New evidence prohibited
- ▶ Public must have spoken at HEX hearing. Comments are limited to the HEX record.

Board Decision

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Final Board Decision on HEX
Recommendation:

- ▶ Approve
- ▶ Deny
- ▶ Modify

or

- ▶ Remand

After Final Decision

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After approval, landowner develops the project subject to further site permitting.

Appeal

Final decisions may be appealed to circuit court. Appeal filing deadlines are set forth in final decisions.

Persons with rights to appeal:

- ▶ Parties (Applicant & Staff)
- ▶ Participants with standing



Thank You

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- ▶ Please contact the Hearing Examiner's Office with additional questions:

HEX@leegov.com

239.533.8100