

Summary of Hearing Examiner Recommendation

WILLIAMS AVENUE CPD

(By TDM Consulting, on behalf of Alexis Ebra and Yanet Tellez Avila)

Request: Rezone from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) to permit:

Scenario A. A maximum of 5,000 square feet of commercial to include a lawn and garden supply store, plant nursery, caretaker's residence, and an existing single-family residence adjacent to Magnolia Avenue.

Scenario B. A maximum of 30,000 square feet of commercial uses, including a convenience food and beverage store with fuel pumps, retail, restaurant, general office, and service establishments.

Location: 416 Williams Avenue
Lehigh Acres Planning Community
(District 5)

Size: 4.8 Acres

Recommendation: Approve, with conditions

Public Concerns: Traffic, pedestrian safety

Hearing Examiner Remarks

The Hearing Examiner recommends approving Scenario A, subject to conditions. However, the Hearing Examiner recommends reducing the intensity of Scenario B by removing the Convenience Food and Beverage Store with Fuel Pumps.

The addition of high traffic generator to the mix of development recently approved on Williams Avenue may be premature. It may be prudent to hold off on approving the use to allow an opportunity to examine the combined effect of (1) recently approved expansion to Lehigh Community Park, (2) the newly proposed Lee Tran facility, and planned Abel Canal linear park/path crossing.

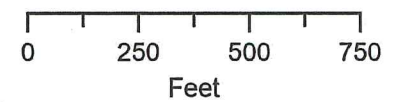
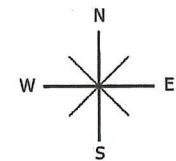
The Lee Plan Future Land Use Map indicates uses ultimately permissible on property. *But it is not a guarantee those uses are immediately appropriate.* The Hearing Examiner recommends the Board consider Lee Plan directives as a whole and approve the request without the convenience food and beverage store and fuel pumps to protect the integrity of surrounding residential neighborhoods.



DCI2021-00014

Future Land Use

-  Subject Property
-  Central Urban
-  Urban Community
- Public Facilities

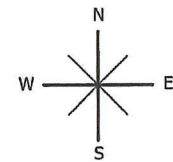




DCI2021-00014

Aerial

 Subject Property



0 250 500 750
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2021-00014

Regarding: **WILLIAMS AVENUE CPD**

Location: 416 Williams Ave, & 409, 411, 413, 415, 417, 419 Magnolia Ave
Lehigh Acres Planning Community
(District 5)

Hearing Dates: June 2, 2022 and June 28, 2022

I. Request

Rezone approximately 4.8 acres from Residential Single-Family (RS-1) to Commercial Planned Development (CPD) to permit:

Scenario A. A maximum of 5,000 square feet of commercial to include a lawn and garden supply store, plant nursery, caretaker's residence, and an existing single-family residence adjacent to Magnolia Avenue.¹

Scenario B. A maximum of 30,000 square feet of commercial uses, including a convenience food and beverage store with fuel pumps, retail, restaurant, general office, and service establishments.²

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, subject to conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves as an advisor to the Board of County Commissioners (Board) on applications to rezone property to a planned development zoning district.³ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone property in Lehigh Acres to the Commercial Planned Development District (CPD).

¹ At hearing, Applicant removed its request for a single food truck under Scenario A.

² Applicant reduced requested commercial square footage under Scenario B to 20,000 at hearing.

³ LDC 34-145(d)(4)a.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to facts adduced at hearing. The record must contain substantial competent evidence to support the recommendation.

Synopsis of Request

The request proposes a minor CPD on 4.8 acres. The site is located north of Able Canal and across from the Lehigh Acres Community Park. Applicant seeks approval of two Master Concept Plans (MCP) offering alternative development scenarios.

MCP A - depicts a landscape nursery with retail space and caretaker quarters. The plan of development entails less than two acres of impervious area and provides 20% open space.⁴

MCP B – depicts a 3,000 square foot convenience food and beverage store with 16 fuel pumps, and Food Truck Park designed to accommodate 10 trucks. Also included is a commercial building along the east property line parallel to Magnolia Avenue. Total commercial square footage on the site is limited to 20,000 square feet. The plan of development proposes greater than two acres of impervious surface and therefore provides 30% open space.⁵

Maximum building heights will be 35 feet.

The Department of Community Development recommended approval of MCP A and B.

Zoning History

The property is zoned RS-1 and represents an assembly of Lehigh Acres Unit 1, Block 1.⁶ Two vacant lots within Block 1 not included in the request.

The property is improved with two single family residences. The residence fronting Williams Avenue is two stories. A second residence fronts Magnolia Avenue. The landscape plant nursery lies south of the two story residence.⁷

⁴ LDC 10-415(a).

⁵ *Id.* MCP B qualifies as a development of county impact (DCI). DCI's are developments that have a substantial effect upon public health, safety and welfare because of its character, location, and intensity. See Lee Plan Glossary; LDC §§ 34-2, 34-341(b)(2).

⁶ Plat recorded in Deed Book.

⁷ The nursery operation is the subject of a pending code violation. The requested CPD is intended to remedy the violation.

Character of the Area

The site lies north of the Able Canal. Development north of Able Canal is almost entirely residential, developing at densities of 2 to 4 units per acre. Across Williams Avenue is the Lehigh Community Park. The park is an anchor to the surrounding residential community, and is improved with baseball fields, tennis courts and a pool. The park entrance is at the intersection of Williams and West 5th Street. The Board recently approved a sizable expansion to the park.

A short distance away, the County recently approved a Lee Tran facility known as “Lehigh Acres Park and Ride.”⁸ The three acre parcel will host a Park and Ride facility/route transfer station and the Lee Tran mobility on demand pilot program.

In addition, a linear park/path is planned along the north side of the Able Canal with a proposed Williams Avenue crossing south of the subject property.

The Lee Boulevard commercial corridor is across Able Canal to the south.

Lee Plan

The property is designated Urban Community in the Lehigh Acres planning community.⁹ The Urban Community consists of commercial and residential development but at lower intensities than typically found in Central Urban areas.¹⁰

The Lehigh community plan prioritizes safe and secure neighborhoods and pedestrian friendly commercial nodes.¹¹ The site lies outside Lehigh’s specialized mixed use nodes¹² and also outside commercial overlay.¹³ The Lee Plan allows combinations of platted lots to be considered for commercial rezoning outside the overlays, using the Neighborhood Commercial or planned development zoning districts.¹⁴ The subject request employs the planned development zoning district.

⁸ Resolution No. Z-20-031.

⁹ Lee Plan Maps 1-A and 1-B.

¹⁰ Lee Plan Policy 1.1.4. Compare Policy 1.1.3.

¹¹ Lee Plan Goal 25: Ensure that development converts Lehigh into a vibrant residential and commercial community consisting of: safe and secure neighborhoods; vibrant commercial and employment centers; pedestrian friendly mixed use activity centers and neighborhood nodes with adequate green space and recreational opportunities.

¹² The specialized mixed use nodes include Downtown Lehigh Acres, Community Mixed Use Activity Centers and Neighborhood Mixed Use Activity Centers. Lee Plan Policy 25.1.1.

¹³ The specialized mixed use nodes include Downtown Lehigh Acres, Community Mixed Use Activity Centers and Neighborhood Mixed Use Activity Centers. Lee Plan Policy 25.1.1. Commercial Overlay Zone is described in Lee Plan Objective 25.6, Policy 25.6.1. Both are depicted on Lee Plan Map 2-B.

¹⁴ Lee Plan Policy 25.6.2.2. The plan notes that land suitable for rezoning to commercial include tracts assembled from vacant lots at the intersection of collector or arterial roads or on land separating existing commercial and residential land uses, where some commercial uses may be appropriate with substantial buffers. Commercial zoning under this policy should expect a minimal level of commercial uses or to provide extra buffering. See LDC 34-841(f).

Community Meeting

Applicant hosted a meeting in the community to present the zoning request in accordance with LDC directives.¹⁵ Members of the Lehigh Acres Architectural, Planning & Zoning Review Board expressed concerns that fuel pumps would exacerbate existing traffic conditions on Williams Avenue, particularly at the intersection of Williams and West 5th Street.¹⁶

Public Participants at Hearing

These sentiments were echoed by public participants at hearing; who, without exception, testified to traffic conditions on Williams Avenue. Members of the public testified to children participating in team sports at the popular Lehigh Community Park. Many expressed grave concerns for the safety of pedestrians traversing Williams Avenue to purchase food from the convenience store and other establishments proposed by MCP B. Testimony cited significant traffic and the absence of a traffic control device at the intersection of West 5th Street. The public testified the absence of a stop sign has led to a nearly uninterrupted flow of traffic between Able Canal and the park entrance. The public also testified to traffic exceeding posted limits on Williams Avenue, exacerbating existing challenges in navigating the West 5th Street intersection.

Hearing Examiner's site visit brought the public's concerns into sharp focus.¹⁷

Discussion

After visiting the site and surrounding neighborhoods, the Hearing Examiner believes uses permitted in the Neighborhood Commercial (CN-3) zoning district should serve as a guide in determining the appropriate intensity of commercial land uses on the property.¹⁸ Low intensity commercial uses are appropriate when introducing commercial activity into a predominantly residential area.

The Lee Plan specifically references the district as suitable to allow commercial development outside the Lehigh commercial overlays at lower intensities.¹⁹ The CN-3 zoning district is intended to permit "small-scale" commercial uses near

¹⁵ Community meeting held before the Lehigh Acres Architectural, Planning, and Zoning Review Board on March 25, 2021 before the Lehigh Acres Architectural, Planning & Zoning Review Board. Lee Plan Policy 17.3.5; LDC §33-1401.

¹⁶ Staff Report Attachment J: the meeting summary indicates that Board members suggested eliminating the Williams Avenue entrance to the site.

¹⁷ The Hearing Examiner makes a site visit prior to rendering a recommendation to the Board. Lee County Administrative Code 2-6 §3.1.

¹⁸ The CN-3 district is suited to those portions of Lehigh meeting the criteria found in Policy 25.6.2.2. Therefore its permitted use table should be employed as a guide in the context of a planned development at this location.

¹⁹ Lee Plan Policies 25.6.2.2; 5.1.5.

residential neighborhoods.²⁰ The district limits hours of operation to minimize night time operations.²¹ Notably, the CN-3 district excludes convenience stores and fuel pumps to protect the residential character of adjacent neighborhoods.²² The Community Plan's reference to the district as appropriate near residential neighborhoods outside commercial overlays underscores Lee Plan directives to protect the character and integrity of residential environments.²³

The following factors warrant careful consideration of the intensity of land uses proposed on the property:

- Established residential development patterns north of Able Canal
- Planned Lehigh Community Park expansion
- Planned Lee Tran Park and Ride Facility
- Planned Able Canal path and crossing improvements
- Uncontrolled traffic flow on Williams Ave at intersection of West 5th Street
- Reverse S curve on Williams Avenue adjacent to site
- No marked crosswalk at the intersection of Williams Ave and West 5th Street at Park entrance.
- Traffic on Williams Avenue evidenced by existing conditions and projected level of service failures by 2025 even without the proposed convenience store.
- Site located outside Lehigh commercial overlays
- Lee Plan directive that areas outside commercial overlays are suitable for *low intensity commercial uses* consistent with CN-3 zoning district.²⁴
- LDC recommends limited hours of operation to protect residential areas.
- Use of planned development zoning should incorporate these directives for low intensity commercial to protect adjacent residential neighborhoods.²⁵

The LDC acknowledges that hours of operation, high levels of traffic, and intensity associated with convenience food and beverage stores may be incompatible with residential uses.²⁶ Development north of Able Canal is almost entirely residential, developing at densities of 2 to 4 units per acre. Residential development patterns continue for miles north, east and west of the property. The only commercial

²⁰ LDC §34-841(f).

²¹ *Id.* See Lee Plan Policies 5.1.5, 6.1.4.

²² LDC 34-841(f): *"The purpose and intent of the CN-3 district is to permit the designation of suitable intersection locations for a broad range of small-scale retail, office and personal service facilities adjacent to and within future residential neighborhoods without the need to obtain CPD (Commercial Planned Development) zoning. This district is especially suited to those portions of Lehigh Acres that meet the criteria found in Lee Plan Policy 25.6.2. To protect the residential character of adjoining neighborhoods, certain potentially incompatible uses such as, but not limited to, convenience stores and fuel pumps are prohibited in the CN-3 district. Hours of operation for permitted uses are restricted to minimize night-time operations."* See Lee Plan Policies 5.1.5, 6.1.4.

²³ Lee Plan 5.1.5.

²⁴ Lee Plan Policy 25.6.2.2.

²⁵ Lee Plan Goal 25, Policy 5.1.5.

²⁶ LDC §34-1353(a).

development north of Able Canal is a mini-golf course, indoor storage facility, and dermatology office at the intersection of West 6th Street and Williams Avenue.

A convenience store with fuel pumps is likely too intense for the site. While the proposed buffers are adequate, small scale commercial uses are more appropriate when introducing commercial activity into a residential area.²⁷ The addition of high traffic generator to the mix of development recently approved on Williams Avenue may be premature.²⁸ It may be prudent to hold off on approving the use to allow an opportunity to examine the effect of the park expansion, Lee Tran facility and Abel Canal path/crossing on pedestrian activity/safety.

The Lee Plan Future Land Use Map indicates uses ultimately permissible on property, *but it is not a guarantee that those uses are immediately appropriate.*²⁹ Board must balance policies of the plan. Approval of a convenience store with fuel pumps should be delayed until facilities are constructed to ensure the safety of pedestrians from the park and surrounding neighborhoods.³⁰

The Hearing Examiner recommends excluding the convenience store and fuel pumps use from MCP B. The requested use may be revisited in the future.³¹

Transportation

Planned developments must have access to roads with sufficient capacity to support proposed intensity. Expected impacts on transportation facilities must be addressed by County regulations and conditions of approval.

²⁷ The Lee Plan allows combinations of platted lots to be considered for commercial rezoning outside the overlays, using the neighborhood commercial (CN-3) or planned development zoning districts. The CN-3 district is suited to areas within Lehigh meeting the criteria found in Policy 25.6.2.2.

²⁸ Pedestrian safety is a priority given site's proximity of park and known use by children.

²⁹ Lee Plan Goal 2, Objective 2.2, Policies 2.2.1, 2.2.2.

³⁰ Lee Plan Policy 2.2.1 – cites importance of considering relevant facts affecting public health, safety and welfare. Traffic congestion at this location will be further exacerbated by introducing intense commercial uses. Traffic calming measures to mitigate potentially hazardous walking conditions due to traffic volumes/speed on Williams Avenue. This may be especially necessary once the County expands the park, opens the Lee Tran facility, and introduces the Able Canal crossing to this stretch of Williams Avenue. Lee Plan Policy 39.2.1 (promotes safe bicycle and pedestrian access in urban areas), Policy 39.3.2 (improve safety by addressing pedestrian conflict points along roadways); Safe pedestrian access is a common theme throughout the Lee Plan. Lee Plan Goal 11 (Mixed Use Overlay), Goal 21 (Caloosahatchee Shores), Goal 25 (Lehigh), Goal 34 (Tice), Policies 12.7.3, 12.7.4, (San Carlos Island), 15.1.16.5 (University Community), 18.2.1 (Bayshore), 19.1.1, 19.2.6, 19.7.8 (Boca Grande), Objective 20.2, Policy 20.2.1 (Buckingham), Policy 22.1.4 (Olga), Policy 23.2.7 (Captiva), 24.2.5 (Greater Pine Island). Objective 29.4 (North Olga), Cf. Lee Plan Objective 39.6 (consider safety an accessibility of bicyclists and pedestrians), Policies 25.5.4 (Pedestrian and bicycle connections between commercial uses and neighborhoods in Lehigh.), 30.2.4 (Neighborhood serving commercial development provide pedestrian friendly environment in North Fort Myers), 39.6.1 (County will develop safe bicycle/pedestrian network), Policy 68.3.7 (reduce hazardous walking conditions/safe access for pedestrian travel).

³¹ Applicant may request to amend the CPD zoning to include a convenience food and beverage store with fuel pumps in the future, preferably after all planned improvements to the park, Lee Tran facility and Able Canal path and crossing are in place.

The site fronts on Williams Avenue and West 5th Street. Williams Avenue is a county maintained major collector.³² All other roads surrounding the property are county maintained local roads. MCP A relies on a single access to Williams Ave. MCP B proposes two accesses: one Williams Avenue and one from West 5th Street.

Applicant seeks a deviation from intersection separation standards for both MCPs to allow a driveway on Williams Avenue. Staff recommends approval of the deviation in both instances. In MCP A, staff recommends limiting the Williams Avenue access to right-in, right-out turning movements. In MCP B, staff recommends limiting the Williams Avenue access to right-in turning movements only. The basis for the limitation is the reverse curve and bridge, which restricts sight distance.

Staff and Applicant analyzed projected trip generation of the proposed development alternative. The results were as follows:

MCP A - Projected trip generation for the development scenario under MCP A is less than 100 trips.³³ The minimal trip generation requires no level of service analysis of surrounding roadways and intersections.³⁴

MCP B - Projected trip generation for the development scenario under MCP B is significantly higher, driven mainly by the proposed convenience store with gas pumps. The transportation analysis reveals Williams Avenue will operate below adopted level of service at project build out in 2025.³⁵ The failing condition exists in 2025 even without the project and therefore is considered an existing deficiency.³⁶

Site related improvements will be addressed at the time of development order review. Development will be subject to road impact fees.

Environmental

The proposed plan of development will not adversely affect environmentally critical areas or natural resources.

Onsite vegetation consists of Pine Flatwoods in the northeast and southeast corners of the site. The remainder of the site consists of disturbed land, a

³² Lee County Administrative Code 11-1.

³³ Total weekday PM trip generation under MCP A is 12 trips. Staff Report Attachment I – Memorandum from Lili, Wu, Senior Planner dated April 29, 2022.

³⁴ Lee County Administrative Code 13-17.

³⁵ Staff Report Attachment I – Memorandum from Lili, Wu, Senior Planner dated April 25, 2022.

³⁶ Applicant is not responsible for addressing pre-existing deficiencies under Florida law.

landscape nursery and two single family residences. No protected species inhabit the property.

MCP B preserves Pine Flatwoods to comply with indigenous open space requirements.

Public Services

The Lee Plan requires an evaluation of urban services and infrastructure during the rezoning process.³⁷

Applicant summarized the services and infrastructure available to the project, which include paved roads, public water, sanitary sewer, surface water management, fire protection, and emergency medical services.³⁸

Development will be subject to road, fire, and emergency medical services impact fees.

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect natural resources.³⁹ Conditions must plausibly relate to anticipated impacts, and be pertinent to mitigating impacts to public health, safety, and welfare.⁴⁰

The proposed CPD is subject to conditions of approval. The conditions reasonably relate to the impacts anticipated from the development.⁴¹

The Hearing Examiner recommends modifications to the wording of proposed conditions and deviations to enhance clarity.

Deviations

Applications to rezone property must meet the LDC and other County regulations or qualify for deviations. Development in Lehigh Acres also is subject to specially adopted LDC regulations.⁴²

³⁷ Lee Plan Policy 2.2.1.

³⁸ Lee Plan Objectives 53.1, 56.1, Policies 1.1.4, 6.1.4; Lehigh Acres Fire Control and Rescue District, Station #102 on Thomas Sherwin Ave. S. (5.9 miles) Lee County Sheriff on Homestead Rd. N. (1.1 miles). FGUA provided letters of availability for potable water and sanitary sewer.

³⁹ LDC §§ 34-145(d)(4)a.2.(b), 34-377(a)(3), and 34-932(b and c). See *also* Lee Plan Policy 135.9.6.

⁴⁰ LDC §34-932(c).

⁴¹ LDC §34-83(b)(4)a.3.

⁴² LDC §33-1400 *et seq.* These regulations include community review of future development orders, architectural design standards, landscaping, parking, lighting, and signs.

Applicant seeks several deviations from the LDC. A “deviation” is a departure from a land development regulation.⁴³ Applicants must demonstrate each requested deviation enhances the planned development and will not cause a detriment to the public.⁴⁴

Applicant seeks deviations from buffers, connection separation, and parking lot service.⁴⁵ The property represents an assembly of nearly all of Block 1 of Lehigh Acres Unit 1.⁴⁶ The two lots within Block 1 that are not included in the request drive the need for deviations from LDC buffer requirements. The deviation from connection separation was discussed under the Transportation heading. The deviation from parking lot surface will allow flexibility to use gravel parking if development requires less than 25 parking spaces.

Staff recommended approval of all deviations finding they advance the objectives of the planned development and protect public health, safety and welfare.

The Hearing Examiner also finds the requested deviations meet LDC approval criteria.

Conclusion

The Hearing Examiner recommends approval of MCP A.

The Hearing Examiner recommends approval of MCP B, excluding the Convenience Food and Beverage Store and Self-Service Fuel Pump use. This use should be revisited in the future, following expansion of the park and construction of the Lee Tran facility. Measures to ensure the safety of pedestrians from the park and surrounding neighborhoods will be essential.

IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

- A. The proposed Commercial Planned Development, limited to MCP A and MCP B (MCP B *as conditioned herein*), complies with the Lee Plan. Lee Plan Goals 2, 6, 25, Objectives 2.1, 6.1, 126.2, Policies 1.1.4, 6.1.1, 6.1.3, 6.1.4, 6.1.6, 6.1.8, 17.3.5, 126.2.1.

⁴³ LDC §34-2.

⁴⁴ LDC §34-373(a)(9).

⁴⁵ Lee County recently adopted Ordinance 22.1 regulating mobile food vendors. Developer must comply with those regulations in all other respects.

⁴⁶ Plat recorded in Deed Book.

B. *As conditioned*, the proposed CPD:

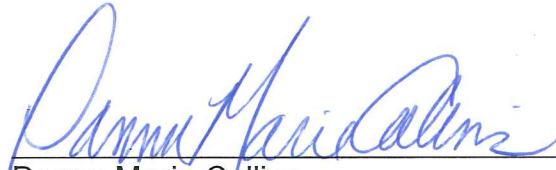
1. Meets the LDC and other county regulations or qualifies for deviations; LDC §§10-610, 30-6(d), 33-1400 et seq., 34-6(4), 34-491, 34-931(e), 34-932, 34-933, 34-934, 34-935, 34-3052;
2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Objective 2.1, Policies 1.1.4, 2.1.1, 2.2.1, 5.1.5, 6.1.4, 6.1.7;
3. Provides access sufficient to support the proposed development intensity. Expected impacts on transportation facilities will be addressed by county regulations and conditions of approval. Lee Plan Objective 39.1, Policies 2.2.1, 39.1.1;
4. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 25, 77, Objectives 77.2, and Policies 6.1.6, 25.10.1, 126.2.1;
5. Will be served by public services including paved roads, potable water, sanitary sewer, urban surface water management, police, fire, and emergency services. Lee Plan Glossary, Lee Plan Goals 2, 4, Objectives 2.1, 4.1, 6.1, 53.1, 56.1, Policies 2.2.1, 6.1.5, 39.2.1, Standards 4.1.1 and 4.1.2; and
6. The proposed uses are appropriate at the location. Lee Plan Goals 6, Objective 2.1, Policies 2.1.1, 2.1.2, 6.1.4, 6.1.7, 6.1.8, 25.6.2.2.

C. Recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. In addition, recommended conditions reasonably relate to impacts expected from the proposed development. LDC 34-377(a)(3), 34-411, 34-932, 34-936.

D. *As conditioned*, the requested deviations:

1. Enhance the planned development; and
2. Preserve and promote the intent of the LDC to protect public health, safety and welfare.

Date of Recommendation: August 5, 2022.



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 to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

SKETCH TO ACCOMPANY DESCRIPTION

**WEST HALF (W $\frac{1}{2}$) LOT 1 AND LOTS 2 THRU 4
AND LOTS 21 THRU 24, BLOCK 1, LEHIGH
ACRES UNIT 1,**

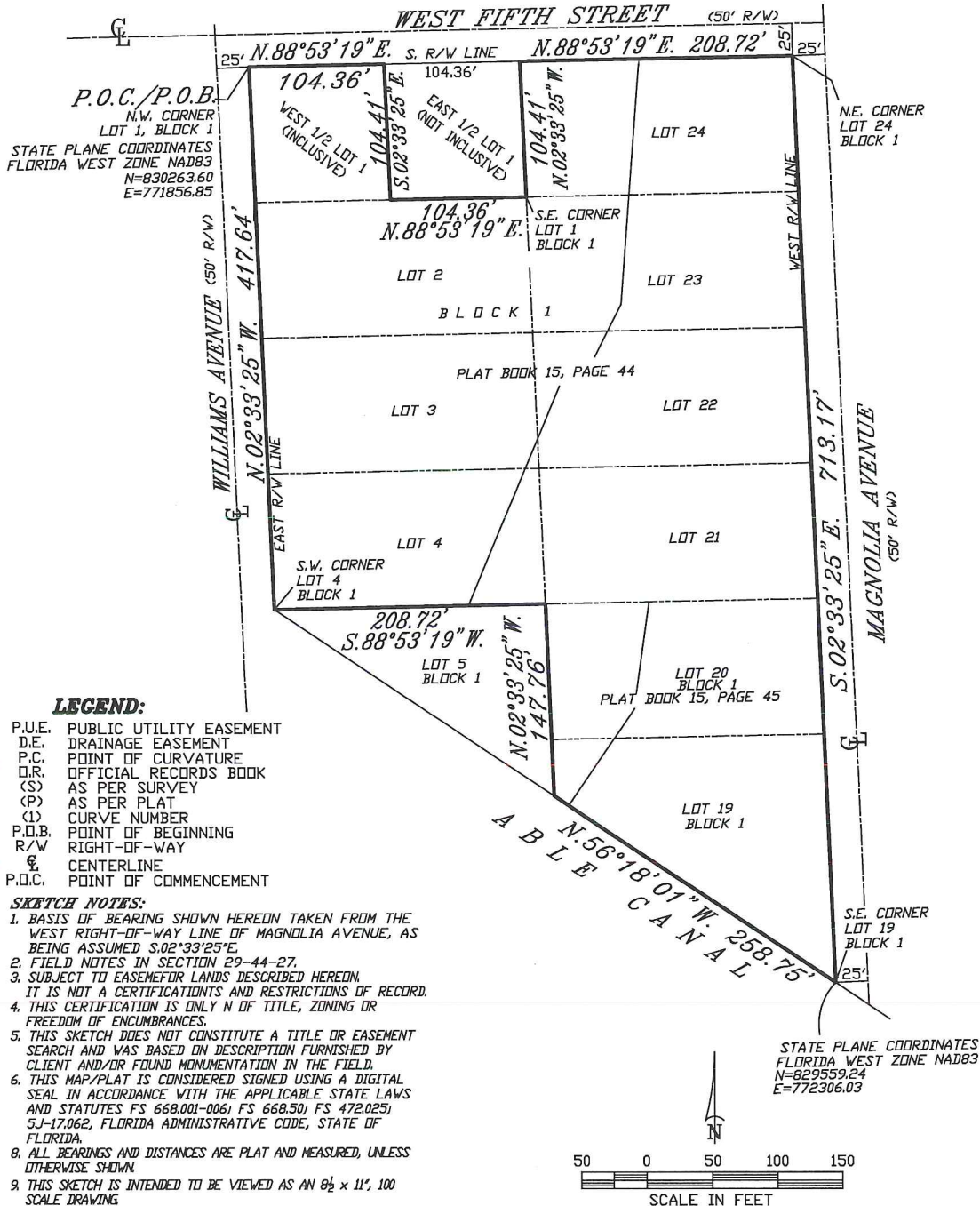
(PLAT BOOK 15, PAGE 44) LEE COUNTY, FLORIDA, AND

LOTS 19 AND 20, BLOCK 1,

LEHIGH ACRES UNIT 1,

(PLAT BOOK 15, PAGE 45), SECTION 29, TOWNSHIP 44 SOUTH, RANGE 27
EAST, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

REVIEWED
DCI2021-00014
Rick Burris, Principal
Planner
Lee County DCD/Planning
4/13/2022



NOT A BOUNDARY SURVEY
SEE SHEET 2 OF 2 (EXHIBIT
'A') FOR DESCRIPTION TO
ACCOMPANY THIS SKETCH

DRAWN:	CHECK:	SCALE:	PROJ. #	HARRIS-JORGENSEN, LLC 3048 DEL PRADO BLVD. S. #100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921
PMM	FBH	1"=100'	LA-UI-1	
SKETCH DATE	FILE NO.	SHT. - 1	OF - 2	
11/11/2020	44-27-29			

FLORIDA CERTIFICATE OF AUTHORIZATION # LB6921

EXHIBIT A

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH:

*WEST HALF ($W\frac{1}{2}$) OF LOT 1 AND LOTS 2 THRU
4 AND LOTS 21 THRU 24, BLOCK 1, LEHIGH
ACRES UNIT 1,*

(PLAT BOOK 15, PAGE 44) LEE COUNTY, FLORIDA

&

*LOTS 19, 20, BLOCK 1,
LEHIGH ACRES UNIT 1,*

(PLAT BOOK 15, PAGE 45) LEE COUNTY, FLORIDA

SECTION 29, TOWNSHIP 44 SOUTH, RANGE 27 EAST, PUBLIC RECORDS OF
LEE COUNTY, FLORIDA

DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, LEHIGH ACRES, UNIT 1, AS RECORDED IN PLAT BOOK 15, PAGE 44, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.88°53'19"E. ALONG THE SOUTH RIGHT OF WAY LINE OF WEST FIFTH STREET (50 FEET WIDE) FOR 104.36 FEET; THENCE RUN S.02°33'25"E. TO A POINT ALONG THE SOUTH LINE OF THE AFORESAID LOT 1 FOR 104.41 FEET; THENCE RUN N.88°53'19"E. TO THE SOUTHEAST CORNER SAID LOT 1 FOR 104.36 FEET; THENCE RUN N.02°33'25"W. TO A POINT ALONG THE AFORESAID SOUTH RIGHT OF WAY LINE OF WEST FIFTH STREET (50 FEET WIDE) FOR 104.41 FEET; THENCE RUN N.88°53'19"E. TO THE NORTHEAST CORNER OF LOT 24, SAID BLOCK 1, FOR 208.72 FEET; THENCE RUN S.02°33'25"E. ALONG THE WEST RIGHT OF WAY LINE OF MAGNOLIA AVENUE (50 FEET WIDE) TO THE SOUTHEAST CORNER OF LOT 19, BLOCK 1, LEHIGH ACRES, UNIT 1, AS RECORDED IN PLAT BOOK 15, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 713.17 FEET; THENCE RUN N.56°18'01"W. TO THE SOUTHWEST CORNER OF LOT 19, BLOCK 1, SAID LEHIGH ACRES, UNIT 1, AS RECORDED IN PLAT BOOK 15, PAGE 44, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 258.75 FEET; THENCE RUN N.02°33'25"W. TO NORTHWEST CORNER OF LOT 20, BLOCK 1, SAID LEHIGH ACRES, UNIT 1, AS RECORDED IN PLAT BOOK 15, PAGE 45, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 147.76 FEET; THENCE RUN S.88°53'19"W. TO A POINT ALONG THE EAST RIGHT OF WAY LINE OF WILLIAMS AVENUE FOR 208.72 FEET, BEING THE SOUTHWEST CORNER OF LOT 4, BLOCK 1, SAID LEHIGH ACRES, UNIT 1, AS RECORDED IN PLAT BOOK 15, PAGE 44, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.02°33'25"W. ALONG THE EAST RIGHT OF LINE OF WILLIAMS AVENUE TO THE AFORESAID NORTHWEST CORNER OF LOT 1, BLOCK 1, LEHIGH ACRES, UNIT 1, AS RECORDED IN PLAT BOOK 15, PAGE 44, FOR 417.64 FEET TO THE POINT OF BEGINNING.

CONTAINING: 209,638.26 SQUARE FEET, MORE OR LESS.

Phillip M
Mould, P.S.M.
6515 State of
Florida

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Phillip M Mould,
P.S.M. 6515 State of
Florida
Date: 2022.03.22
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REVIEWED
DCI2021-00014
Rick Burris, Principal
Planner
Lee County DCD/Planning
4/13/2022

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
03/22/2022

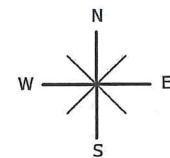
SHEET 2 OF 2

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

DCI2021-00014

Zoning

 Subject Property



0 500
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Master Concept Plan and Development Parameters

- a. Master Concept Plan. Development must be substantially consistent with the one-page Master Concept Plan (MCP-A), attached hereto as Exhibit B1, or the one page **Master Concept Plan (MCP-B)**, attached hereto as Exhibit B2.

Hearing Examiner Note: *Applicant must prepare revised MCP-B consistent with recommendations herein.*

Compliance with Lee Plan and LDC. Development must comply with Lee Plan and LDC at the time of local development order approval, except where deviations have been granted. Subsequent amendments to the Master Concept Plan and other zoning approvals may require further public hearings.

Approved Development Parameters.

MCP A: The development intensity within MCP A is limited to maximum 5,000 square feet of commercial uses, including the caretaker's residence. The ancillary landscape nursery area may not exceed 32,500 square feet in total area.

MCP B: The development intensity within MCP-B is limited to a maximum of 20,000 square feet of commercial floor area, which includes 700 square feet of outdoor restaurant seating and 10 non-stationary food trucks with 2,000 square feet of outdoor seating.

2. Schedule of Uses and Property Development Regulations

- a. Schedule of Uses

MCP A:

Accessory Uses and Structures

Administrative Offices

Caretaker's Residence (limited to one)

Dwelling Unit:

Single-Family (existing-only)

Essential Services

Essential Service Facilities, Group I

Fences, Walls

Home Occupation

Lawn and Garden Supply Store

Parking Lot
 Accessory
 Temporary
Plant Nursery (accessory to Lawn and Garden Supply Store)
Repair Shops, Group III, limited to reupholstering/mattress
 renovation
Residential Accessory Uses
Signs
Storage, Indoor only.
Temporary Uses in accordance with LDC §34-3041 *et seq.*

MCP B:

Accessory Uses and Structures
Administrative Offices
ATM (automatic teller machine)
Business Services, Group I
Consumption on Premises, Indoor only (only in conjunction with
 Restaurants Group II and III)
Contractors and Builders, Group I
Daycare Center, adult, child
EMS, Fire or Sheriff's Station⁴⁷
Essential Services
Essential Service Facilities, Group I
Fences, Walls
Food Stores, Group I
Food Truck Park (see Condition 3)
Hardware Store
Hobby, Toy and Game Shops
Insurance Companies
Laundry or Dry Cleaning, Group I
Paint, Glass and Wallpaper
Parking Lot:
 Accessory
 Temporary
Personal Services, Groups I, II and III (excluding Massage
 Establishments/Massage Parlors)
Pet Services
Recreation Facilities:
 Commercial, Group IV (limited to Health Clubs)
Real Estate Sales Office
Rental or Leasing Establishments, Groups I,II
Repair Shops, Groups I,II (Group II is limited to reupholstering
 mattress renovating)
Restaurants, Groups I-III, No Fast Food

⁴⁷ Use included by staff.

Schools,
Commercial
Signs
Specialty Retail Shop, Groups I, II, III
Storage:
Indoor
Studios
Temporary Uses
Variety Store

b. Property Development Regulations

MCP A (Commercial Use):

Minimum Lot Area and Dimensions

Area: 1.75 Acres
Width: 150 feet
Depth: 150 feet

Minimum Building Setbacks:

Side Yard: 15 feet
Rear Yard: 25 feet
Street: 25 feet

Accessory Structures: in accordance with the LDC

Maximum Lot Coverage: 40 percent

Maximum Building Height: 35 feet

Minimum Building Separation: 20 feet

MCP A (Existing-Only Single-Family Residence):

Minimum Lot Area and Dimensions

Area: 7,500 Square Feet
Width: 75 feet
Depth: 100 feet

Minimum Building Setbacks:

Side Yard: 7.5 feet
Rear Yard: 20 feet

Street: 25 feet

Accessory Structures: consistent with the LDC

Maximum Lot Coverage: 40 percent

Maximum Building Height: 35 feet

MCP B:

Minimum Lot Area and Dimensions

Area: 4.81 Acres

Width: 150 feet

Depth: 150 feet

Minimum Building Setbacks:

Side Yard: 15 feet

Rear Yard: 25 feet

Street: 25 feet

Accessory Structures: consistent with LDC

Maximum Lot Coverage: 40 percent

Maximum Building Height: 35 feet

Minimum Building Separation: 20 feet

Minimum Perimeter Setback: 20 feet

3. Food Trucks – MCP B only

- a. Food Trucks include Ice Cream Vehicles and Mobile Food Vendors, limited to ten food trucks with a maximum of 2,000 square feet of outdoor seating area.
- b. Consumption on premises of alcoholic beverages in conjunction with the food truck park requires approval by special exception.
- c. Live entertainment is prohibited between 9:00PM and 9:00AM daily and is subject to the Lee County Noise Control Ordinance, as amended.

4. Magnolia Avenue

Access to Magnolia Avenue is prohibited.

5. Vehicular Trip Generation

Regardless of density/intensity conversions allowed by the LDC, the project trip generation may not exceed that anticipated by the following development scenario:

a. MCP-A

- 1,500 SF Specialty Trade Contractor
- 2 single-family dwelling units
- 0.77 acres Nursery, and

b. MCP-B

- 12,650-SF commercial retail (including up to 700 square feet of outdoor restaurant seating)
- 10 non-stationary food trucks with 2,000 square feet of outdoor seating area
- 7,350 SF other commercial (i.e. non-retail)
- Note: Total commercial square footage under MCP B may not exceed 20,000 square feet.

The development order site plan must specify the combined floor area of non-stationary food trucks/trailers and associated outdoor seating areas. The combined floor area of non-stationary food trucks/trailers and associated outdoor seating areas will be treated as a fast food restaurant for purpose of estimating trip generation.

For the purpose of this condition: (1) non-stationary food trucks and trailers are defined as food trucks/trailers that remain on site overnight, and (2) the floor area of food-dispensing trucks/trailers is defined as the maximum outside enclosed area of the vehicle/trailer.

Restaurant outdoor seating areas are subject to commercial square footage limitations.

6. Preserves

Development order plans must depict Indigenous Preserves #1 and #2 in substantial compliance with the MCPs.

7. Existing-Only Single Family Residence

MCP A: The existing single family residential use on Lot 22, Block 1 may be expanded or reconstructed in accordance with the property development regulations herein and applicable regulations. However, the property owner may not enlarge or combine Lot 22, Block 1 with adjacent property.

DEVIATIONS

MCP-A

Deviation #1 Connection Separation.

Seeks relief from LDC §10-285 requirement to provide a minimum connection separation of 245 feet for major collector roads in future urban areas with a speed limit less than 45 miles per hour. The deviation proposes a minimum connection separation of 131 feet on Williams Avenue.

Hearing Examiner Recommendation: Approved, subject to the condition that the project driveway on Williams Avenue is limited to a right-in, right-out turning movements.

Deviation #2

Withdrawn

Deviation #3 Buffer

Seeks relief from LDC §33-1405(c)(3) requirement to provide a 25-foot wide buffer with seven trees, a double hedge row, and 33 ground covers per 100 linear feet between the plant nursery and the abutting RS-1 zoned lot to the south. The deviation request no buffer be provided adjacent to the triangular shaped property adjacent to Able Canal. (STRAP No. 29-44-27-01-00001.0050).

Hearing Examiner Recommendation: Partially approved. The deviation is denied along the south property line abutting the residentially-zoned parcel but approved along the west.

Deviation #4 Parking Lot Surface

Seeks relief from LDC §34-2017(a) requirement that high turnover parking aisles and parking spaces be provided with a paved, dust-free, all-weather surface. This deviation requests an alternate surface such as gravel for parking aisles and parking spaces.

Hearing Examiner Recommendation: Approved, subject to the condition that alternative surfaces may not be utilized for more than 25 off-street parking spaces. If the LDC requires more than 25 parking spaces, then all parking areas must comply with LDC paving requirements.

MCP-B

Deviation #1 Connection Separation

Seeks relief from LDC §10-285 requirement to provide a minimum connection separation of 245 feet for major collector roads in future urban areas with a speed limit less than 45 miles per hour. The deviation proposes a minimum connection separation of 182 feet on Williams Avenue.

Hearing Examiner Recommendation: Approved, subject to the condition that the Williams Avenue driveway is limited to a right-in turning movements and a new access is constructed on West 5th Street.

Deviation #2

Withdrawn

Deviation #3

Withdrawn.

Deviation #4

Withdrawn

Deviation #5 Withdrawn by Hearing Examiner

Hearing Examiner Note: *Deviations 5 and 6 are not recommended for approval because the Hearing Examiner does not recommend approval of the Convenience Food and Beverage Store or the Self-Service Fuel Pumps (limited to a maximum 16, only in conjunction with a convenience food and beverage store).*

~~Seeks relief from the LDC §34-1353(f) requirement to separate convenience food and beverage stores and automotive service stations from residentially-zoned or developed properties with an 8-foot high wall located a minimum of 25 feet from the property line and landscaped with a minimum of 5 trees and 18 shrubs per 100 linear feet or a 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property. Alternatively, this deviation requests to permit the landscape buffer required when commercial uses abut single family residential uses when located in the Lehigh Acres planning community per LDC §33-1405(c)(3).~~

~~Staff recommends **APPROVAL** of this deviation with the condition that the shrubs being must be 48-inches at time of planting and maintained at 60-inches.~~

Deviation #6 Withdrawn by Hearing Examiner

~~Seeks relief from the LDC §34-1353(e) requirement to provide a 25-foot wide buffer when a convenience food and beverage store abuts a street right-of-way.~~

~~Alternatively, this deviation requests to provide a 15-foot wide Type D buffer per LDC §10-416(d) between the proposed dry detention area #1 and the Williams Avenue and West 5th Street rights-of-way in the northwest.~~

Staff recommends **APPROVAL** of this deviation with the condition that the location and size of Dry Detention Area #1 must be in substantial compliance with MCP-B. Substantial reconfiguration will require the requisite approvals.

Exhibits to Conditions

B1 Master Concept Plan A

B2 Master Concept Plan B

Hearing Examiner Note: Master Concept Plan B must be revised to reflect recommended development parameters and deviations.

STREET ADDRESSES

415 WILLIAMS AVENUE
AND
409, 411, 413, 415, 417, AND 419 MAGNOLIA AVENUE
LEHIGH ACRES, FL 33971

STRAP NUMBERS

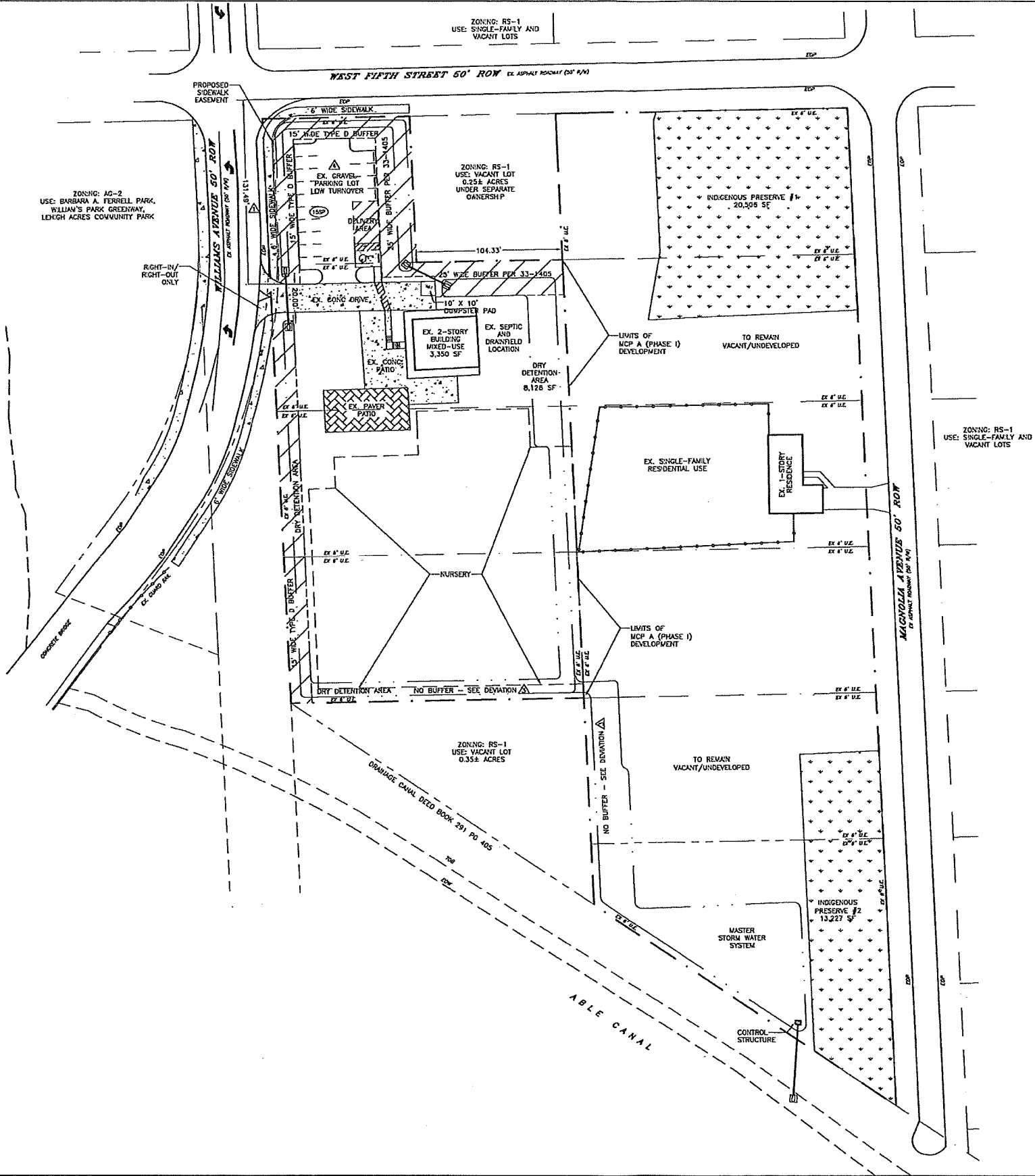
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29-44-27-01-00001.0190
29-44-27-01-00001.0200
29-44-27-01-00001.0210
29-44-27-01-00001.0220
29-44-27-01-00001.0230
29-44-27-01-00001.0240

PROPERTY DEVELOPMENT REGULATIONS MCP A

MAX. INTENSITY ~ 5,000 SQUARE FEET
MIN. LOT SIZE ~ 76,253 SF/1.75 ACRES
MINIMUM FRONTAGE ~ 150 FEET
MINIMUM DEPTH ~ 150 FEET
MAX. HEIGHT ~ 35 FEET
MINIMUM OPEN SPACE ~ 20%

OPEN SPACE REQUIREMENTS

LIMITS OF PHASE I DEVELOPMENT (76,253 SF/1.75 AC)
MIN. REQUIRED: 76,253 SF X 20% = 15,250 SF
PROVIDED: 11,360 SF (BUFFERS) + 8,128 SF (DETENTION AREA)
= 19,488 SF (25%)



LEGEND

- R. RADIUS (5' UNLESS OTHERWISE NOTED)
- EX. EXISTING
- ROW. RIGHT-OF-WAY
- E.O.P. EDGE OF PAVEMENT
- CONC. CONCRETE
- TYP. TYPICAL
- PROP. PROPOSED
- SF. SQUARE FEET
- LF. LINEAR FEET
- E.O.P. EDGE OF PAVEMENT
- E.O.W. EDGE OF WATER
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- L.P. LIGHT POLE
- 10'SP. NUMBER OF PARKING SPACES IN LOT
- INDIGENOUS PRESERVE
- EX. AND PROPOSED CONCRETE
- LDC. LAND DEVELOPMENT CODE
- N.T.S. NOT TO SCALE
- C.P. CONCRETE PAD
- DEV. DEVIATION

DATE	10/20/23	REVISIONS	DESIGNED BY:	1	6/20/21	REVIEWED PER LC COMMENTS	PER	2	12/20/21	REVIEWED PER LC COMMENTS	PER	3	2/20/22	REVIEWED BY APPLICANT	PER	4	4/20/22	REVIEWED PER LC	CHECKED BY:	TDM	APPROVED BY:	TDM
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WILLIAMS AVENUE CPD
MASTER CONCEPT PLAN A

Civil Engineering
and
Planning



43 Barkley Circle, Suite 200
Fort Myers, FL 33907
Phone: (239) 433-4231
Fax: (239) 433-5632
Cert. of Authorization # 29086

Dean Martin, P.E.
Florida #52022
DATE: _____
This has been electronically signed and sealed by Dean Martin, P.E.
and reflects his true and correct opinion of the information
provided herein.

SHEET # 1 of 1
SCALE: AS NOTED

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE, AND DATE.

STREET ADDRESSES

416 WILLIAMS AVENUE
AND
409, 411, 413, 415, 417, AND 419 MAGNOLIA AVENUE
LEHIGH ACRES, FL 33971

STRAP NUMBERS

29-44-27-01-00001.0020
29-44-27-01-00001.0190
29-44-27-01-00001.0200
29-44-27-01-00001.0210
29-44-27-01-00001.0220
29-44-27-01-00001.0230
29-44-27-01-00001.0240

PROPERTY DEVELOPMENT REGULATIONS

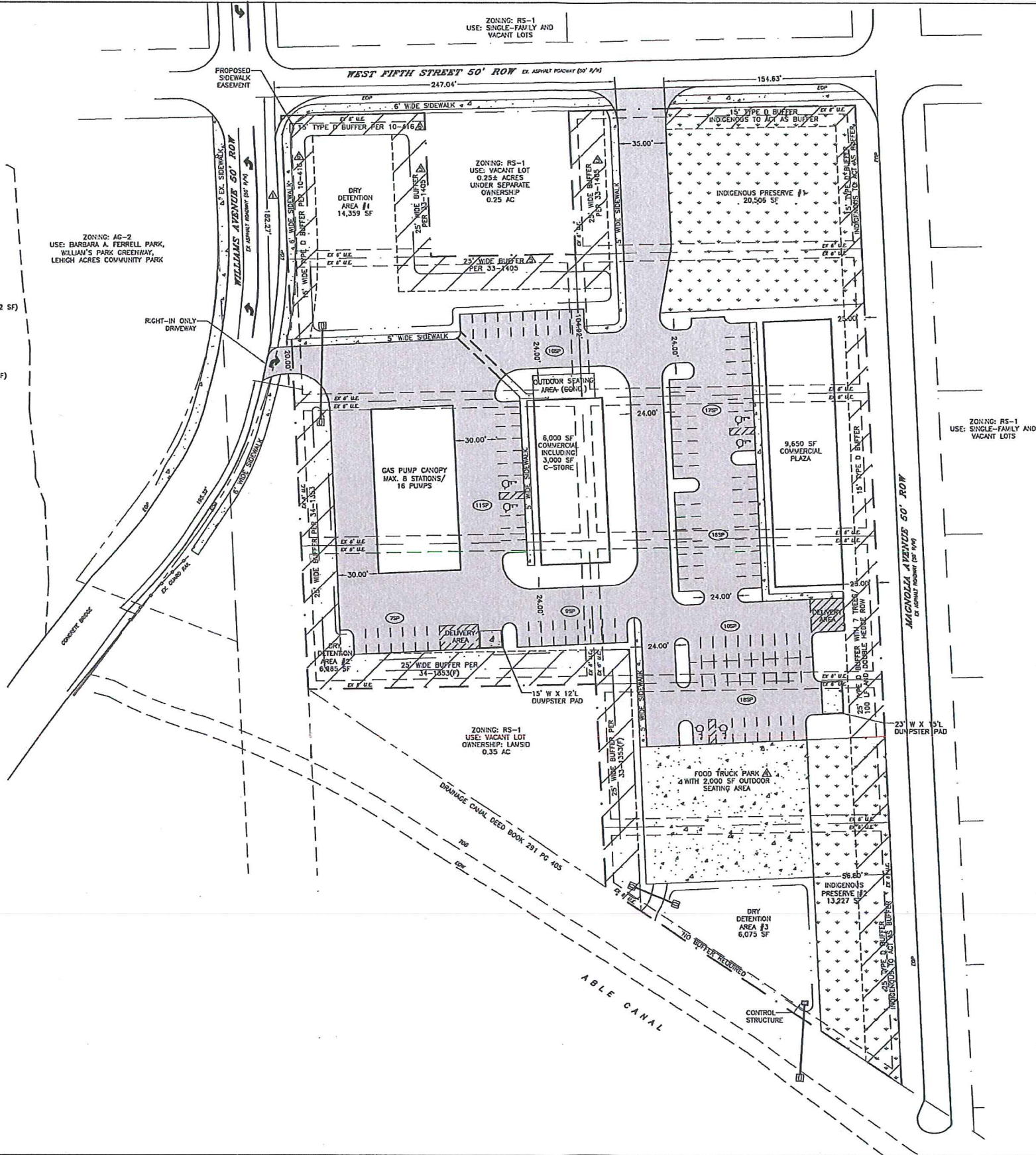
MIN. LOT SIZE = 209,638 SF/4.81 ACRES
MAX. INTENSITY = 20,000 SQUARE FEET
MINIMUM FRONTAGE = 150 FEET
MINIMUM DEPTH = 150 FEET
MAX. HEIGHT = 35 FEET
MINIMUM OPEN SPACE = 30%

OPEN SPACE REQUIREMENTS

M.N. REQUIRED: 209,638 SF X 30% = 62,892 SF
PROVIDED: PRESERVE AREA #1 (20,506 SF) + PRESERVE AREA #2 (13,227 SF)
+ DETENTION AREA #1 INCLUDING BUFFERS (24,392 SF) + WEST BUFFER (5,592 SF)
+ SOUTH BUFFER (10,590 SF) = 73,745 SF (35.2%)

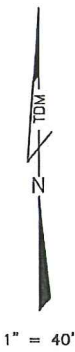
INDIGENOUS PRESERVE REQUIREMENTS

M.N. REQUIRED: 62,892 SF X 50% = 31,446 SF
PROVIDED: INDIGENOUS PRESERVE #1 (20,506 SF) + INDIGENOUS PRESERVE #2 (13,227 SF)
= 33,733 SF (53.6%)



LEGEND

- R EX. EXISTING
- ROW RIGHT-OF-WAY
- E.O.P. EDGE OF PAVEMENT
- CONC. CONCRETE
- TYP. TYPICAL
- PROP. PROPOSED
- SF SQUARE FEET
- LF LINEAR FEET
- E.O.P. EDGE OF PAVEMENT
- E.O.W. EDGE OF WATER
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- L.P. LIGHT POLE
- 10SP NUMBER OF PARKING SPACES IN LOT
- PROPOSED PAVEMENT
- PROPOSED CONCRETE
- LAND DEVELOPMENT CODE
- NOT TO SCALE
- CONCRETE PAD
- DEVIATION



DATE	10/20/20	DESIGNED BY	REVISIONS	DATE	10/20/20	DESIGNED BY	REVISIONS
1	10/20/20	PEM	REVISED PER LEE COUNTY COMMENTS	1	10/20/20	PEM	REVISED PER LEE COUNTY COMMENTS
2	10/20/20	PEM	REVISED PER LEE COUNTY COMMENTS	2	10/20/20	PEM	REVISED PER LEE COUNTY COMMENTS
3	10/20/20	PEM	REVISED PER LEE COUNTY COMMENTS	3	10/20/20	PEM	REVISED PER LEE COUNTY COMMENTS
4	10/20/20	PEM	REVISED PER LEE COUNTY COMMENTS	4	10/20/20	PEM	REVISED PER LEE COUNTY COMMENTS
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20				20			

WILLIAMS AVENUE CPD
MASTER CONCEPT PLAN B

Civil Engineering
and
Planning



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Cert. of Authorization # 25086

Dean Martin, P.E.
Florida #65022
This document was prepared by Dean Martin, P.E. on the basis of information provided by the client. The client is responsible for the accuracy of the information provided. The client is also responsible for obtaining all necessary permits and approvals for the project.

HEARING EXAMINER NOTE:

Master Concept Plan B must be revised to reflect recommended development parameters and deviations

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Adam Mendez

Applicant Representatives:

1. Dean Martin
2. Veronica Martin

Public Participants:

1. Marina Church
2. Joe Fabera
3. Derek Felder
4. John Graham
5. Diana Howell
6. Richard Howell
7. Pamela O'Hara
8. Terri Payne
9. Richard Payne
10. Carroll Piper, Sr.
11. Marti Reed
12. Reverend Dr. Barrion Staples
13. Jennifer Staples

Case: DCI2021-00014

5. *PowerPoint Presentation*: Prepared for Williams Avenue CPD, DCI2021-00014, Hearing Examiner, June 28, 2022 (multiple pages – 8.5"x11")[color]

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Adam Mendez, Planner, date stamped received May 19, 2022 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *PowerPoint Presentation:* Prepared for Williams Avenue CPD, DCI2021-00014 (multiple pages – 8.5"x11")[color]
3. Revised Attachment A to Staff Report: Lee County Staff Expert Witness Information (2 pages – 8.5"x11")
4. *Résumé:* For Jillian Scholler, P.E. (2 double sided pages – 8.5"x11")
5. *PowerPoint Presentation:* Prepared for Williams Avenue CPD, DCI2021-00014, for second day hearing June 28, 2022 (multiple pages – 8.5"x11")[color]
6. *Revised Conditions:* (multiple pages – 8.5"x11")
7. *Memorandum from Department of Transportation:* From Jullian Scholler, P.E., Chief Traffic Engineer, to Donna Marie Collins, dated June 28, 2022, regarding Master Concept Plan A Deviation 1 (1 page – 8.5"x11")

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Veronica Martin, with TDM Consultants, Inc., to Hearing Examiner and Adam Mendez, with copies to Anthony Rodriguez, dated Tuesday, May 31, 2022 11:25 AM (2 pages – 8.5"x11")
1. *PowerPoint Presentation:* Prepared for Williams Avenue CPD, DCI2021-00014, Hearing Examiner, June 2, 2022 (multiple pages – 8.5"x11")[color]
2. *Master Concept Plan A and B:* Prepared by TDM Consultants, Inc., for Williams Avenue CPD, last revised by applicant 2/2022 (2 pages – 24"x36")
3. *Alternate to Condition 4:* Prepared by TDM Consultants, Inc. (1 page – 8.5"x11")
4. *Second 48-Hour Notice:* Email from Veronica Martin, with TDM Consultants, Inc., to Maria Perez and Hearing Examiner, with copies to Anthony Rodriguez, Adam Mendez, Dean Martin, Alexis Ebra, and Yanet Tellez, dated Friday, June 24, 2022 11:46 AM (multiple pages – 8.5"x11" and 11"x17")

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.