

THE OFFICE OF THE LEE COUNTY
HEARING EXAMINER

CASE NO.: DCI2021-00026

IN RE: HOMES AT 81 WEST RPD

PROCEEDINGS: PUBLIC HEARING

BEFORE: Amanda Rivera
Hearing Examiner

DATE: November 14, 2022

TIME: 9:00 a.m. to 9:55 a.m.

LOCATION: Hearing Examiner's
Hearing Room
1500 Monroe Street
Second Floor
Fort Myers, FL 33901

REPORTER: Deborah M. Bruns
Florida Professional Reporter

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9 ALSO PRESENT:

10 D. Wayne Arnold, AICP, Q. Grady Minor & Associates
11 Frank Feeney, PE, Q. Grady Minor & Associates
12 James M. Banks, PE, Traffic Engineer, JMB Transportation
Andreas Miller, TEG Developers

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P R O C E E D I N G S

HEARING EXAMINER RIVERA: Good morning, my name is Amanda Rivera. I'm the Hearing Examiner presiding over today's hearing. The date is November 14th, 2022, and this is case DCI2021-00026.

Because this is a quasi-judicial hearing, all evidence and testimony must be taken under oath. So if you intend to speak, if you could please raise your hands.

(Participants sworn en masse.)

HEARING EXAMINER RIVERA: Thanks.

Do we have members of the public here today? Yes, we do. So the general way that we'll proceed this morning is first we're going to hear from the Applicant. They'll present their request in the case and call any witnesses that they may have to support that request. Following that we'll hear from the County Staff, and they'll present their review of the case. In this case they are recommending approval with conditions and some deviations. After that it will be the public comment period, so that's when I'll call the cards that I have here. There is only one opportunity to speak, so if you could please take notes as we go through things this morning to make the most of your time at the podium, that will be helpful.

1 With that we'll come back to the Applicant, and we
2 can begin.

3 Good morning.

4 MS. MONTGOMERY: Good morning. Did you -- I'm
5 assuming you received the 48-hour letter?

6 HEARING EXAMINER RIVERA: I did, yes. That's been
7 pre-labeled Applicant's Exhibit A.

8 MS. MONTGOMERY: Okay, thank you. And obviously
9 we have a PowerPoint --

10 HEARING EXAMINER RIVERA: Okay.

11 MS. MONTGOMERY: -- so that will be B. Do you --

12 HEARING EXAMINER RIVERA: That will be --

13 MS. MONTGOMERY: -- have a copy --

14 HEARING EXAMINER RIVERA: -- Applicant's Exhibit
15 1. And then the updated master concept plan that was
16 attached to the 48-hour letter, do you want me to
17 accept that as a separate exhibit?

18 MS. MONTGOMERY: Yes --

19 HEARING EXAMINER RIVERA: Okay.

20 MS. MONTGOMERY: -- in case it needs to --

21 HEARING EXAMINER RIVERA: Okay. So we'll do the
22 PowerPoint as Applicant Exhibit 1 and the updated
23 master concept plan as Applicant Exhibit 2. Do I have
24 the PowerPoint in hard copy?

25 (Applicant Exhibit 2 marked.)

1 MS. MONTGOMERY: Well, that's why I was asking --

2 HEARING EXAMINER RIVERA: Okay.

3 MS. MONTGOMERY: -- if you had an extra copy.

4 MR. ARNOLD: I brought a copy of the 48-hour
5 letter which has the master plan attached.

6 MS. MONTGOMERY: No, the PowerPoint.

7 MR. ARNOLD: Oh, she can have my thumb drive.

8 HEARING EXAMINER RIVERA: Okay. If you could just
9 email it to my office following, we can accept it
10 digitally. Thank you.

11 MR. ARNOLD: Sorry about that.

12 HEARING EXAMINER RIVERA: Not a problem.

13 MS. MONTGOMERY: With that we'll call our first
14 witness, Mr. Arnold.

15 HEARING EXAMINER RIVERA: Good morning.

16 MR. ARNOLD: Good morning, I'm Wayne Arnold. I'm
17 a certified planner with Q. Grady Minor & Associates,
18 and I've testified here previously, and my resumé is on
19 file.

20 HEARING EXAMINER RIVERA: Yes, thank you.

21 MR. ARNOLD: So the project we're talking about is
22 called Homes at 81 West. Our team is representing
23 Marshall Property Services. With us today is Andreas
24 Miller, who is an architect with the firm; of course
25 you know Neale Montgomery, our attorney; Frank Feeney,

1 a professional engineer from our office has been
2 working on the Water Management District permitting and
3 civil engineering for the project; and Jim Banks is the
4 professional traffic engineer on the property.

5 So with that we're going to give you an overview
6 and a fairly short presentation.

7 This property is just under 10 acres. It's
8 located on the south side of Penzance Boulevard between
9 Ranchette Road and Six Mile Cypress Parkway. It's
10 highlighted in yellow on -- this property. We have
11 development adjacent to us on all sides. Our request
12 is for 90 units on the 9.97 acres.

13 Here's a closer image. You can see the site has
14 been previously cleared and filled. A portion of -- an
15 agricultural pond is the main feature on the site.

16 So our request is to rezone this from AG-2 to a
17 residential planned development to allow 90
18 single-family detached and attached rental homes.
19 You've probably seen this concept emerge in Lee County.
20 It's happening nationally. But these are considered
21 more of a horizontal rental community rather than
22 vertical. So you don't have a neighbor above or below
23 you, but you may have somebody in close proximity. In
24 some cases the units may be attached in a duplex or a
25 triplex type fashion. Others will be freestanding

1 single-family type homes that will be for rent.

2 The future land use category here is central
3 urban. It allows up to 10 standard units per acre.
4 Our request is just under 10 units per acre. As
5 Anthony mentioned in his Staff Report, it's around 9
6 units per acre total density. With bonus densities,
7 you can achieve up to 20 in this -- this vicinity, but
8 we are proposing 90 units on 9.97 acres.

9 Again, you can get a sense of the surrounding
10 development pattern. We have condominium units
11 immediately to the east; and if you go a little further
12 to the east, at the corner of Three (sic) Mile Cypress
13 and Penzance, that actually is commercially designated
14 property. So there's a -- you know, you have some
15 single-family; you have multi-family; you have
16 single-family, single-family, some other multi-family.
17 So it's kind of an emerging area in the community, it's
18 very centralized, and I'll go through some slides to
19 point that out.

20 What I did -- this is our proposed master concept
21 plan. So the access for the property is off Blasingim,
22 which is on the west side of the property. This
23 doesn't show very well on there, but where my green
24 arrow is we're proposing an access point. We are
25 asking for one of our deviations, which is to allow

1 emergency access only to a second location on
2 Blasingim.

3 In the process of our application review, Lee
4 County redesignated Penzance a major collector, which
5 your Land Development Code says we should not have
6 direct access points on a major collector roadway.
7 That's sort of inconsistent with many of the other
8 projects on Penzance; but, nonetheless, we were able to
9 accommodate the request to move the access point to
10 Blasingim. And because of the low number of units, it
11 didn't seem necessary to have two full points of access
12 on Blasingim, and Staff was not supporting access to
13 Penzance, so we really didn't have much of an
14 alternative other than to seek the deviation.

15 But the highlight of that, obviously, access is on
16 Blasingim. The residential component will be along
17 Blasingim, as well as around the center lake that we'll
18 be reshaping. We have made application for and
19 received approval by the South Florida Water Management
20 District for the project.

21 This is a rendering showing you how this actually
22 can lay out with the series of attached and detached
23 product, but, again, all -- all horizontal. Some of
24 these can be two-story units, but you're not going to
25 have typical -- in this market it seems to have been

1 four-story type vertical apartment complex, but this
2 will be horizontal rental generally configured like
3 this.

4 HEARING EXAMINER RIVERA: So how -- just to
5 interrupt for a second.

6 MR. ARNOLD: Sure.

7 HEARING EXAMINER RIVERA: The -- the way I'm
8 understanding it then, it's single -- it's multi-family
9 in the central portion inside of the internal
10 accessway, and then you've got the single-family, and
11 then is it in multi-family -- I'm saying
12 "multi-family," but duplex or two-family attached?

13 MR. ARNOLD: It's a combination, and I would say
14 that this plan may be subject to some modification.
15 These are shown, for instance, as a six-unit attached
16 building in this area. These, of course, would be
17 detached, more of a single-family. And these are
18 all -- this is not a platted roadway. It's all going
19 to be one ownership, and these are accessways internal
20 to the project.

21 HEARING EXAMINER RIVERA: And then how do those
22 units, into the rear of the single-family or the
23 two-family attached, get access? Are they parking in
24 the front?

25 MR. ARNOLD: So you would park this location and

1 then walk via the sidewalk connections to the -- to the
2 unit that's behind it.

3 HEARING EXAMINER RIVERA: Okay, thank you.

4 MR. ARNOLD: It's an interesting concept. We're
5 working on one out in Ave Maria in Collier County, for
6 instance, and they're calling theirs courtyard
7 concepts. And all of theirs focus internally, so you
8 have four separate units that focus to an internal
9 courtyard. These have small yards to the rear of the
10 detached units so everybody will have a little gated
11 rear yard. So it's more of a freestanding townhome
12 lifestyle concept.

13 MS. MONTGOMERY: Yeah. The closest one that you
14 can see is Soltura at the Forum, and the idea is those
15 walkways are like hallways would be except, you know,
16 they're open. I think -- it started, I think, in
17 Arizona and is somewhat of a byproduct of the pandemic,
18 that people didn't really want to walk in enclosed
19 hallways. So those walkways are like envisioned as a
20 hallway.

21 MR. ARNOLD: True.

22 HEARING EXAMINER RIVERA: There's an amenity
23 center in the southeast --

24 MR. ARNOLD: Correct.

25 HEARING EXAMINER RIVERA: -- portion?

1 MR. ARNOLD: We have made arrangements for an
2 amenity center in this location, a small
3 pool/cabana-type building, restrooms.

4 And then the other deviations we requested -- and
5 I'm going to let Frank Feeney talk to you about those,
6 but they relate to a drainage easement that runs along
7 the southern property line. And because we have a
8 driveway within 125 feet of residences off-site, we're
9 required to put in an alternative buffer. And because
10 of the presence of the drainage easement, we really
11 can't comply with the language of the LDC. Staff is
12 supporting that. We worked with them over the course
13 of the review of the project to make that happen.

14 Okay. It's not advancing for some reason.

15 MR. RODRIGUEZ: Hang on. Try it now.

16 MR. ARNOLD: Thank you.

17 MR. RODRIGUEZ: Sorry.

18 MR. ARNOLD: So here, for instance, is a rendering
19 of what's considered the single-family detached. So
20 you would rent this if -- it seems to be popular for
21 families or people who are in longer-term transition
22 and don't want the conventional apartment complex.

23 The units here are going to range anywhere from
24 700 square feet to probably 1,200, 1,300 square feet.
25 This is an example I showed you of the one that was a

1 six-plex type building. You can see they've got a
2 two-story configuration, but each unit is more like a
3 townhome, so that represents one dwelling unit in this
4 location.

5 A clubhouse-type amenity, a pretty typical
6 restroom building with a small gathering space and
7 pool.

8 Our permitted uses, I'm not going to go through
9 all those. It's -- there's discussion in the Staff
10 Report -- I think we're struggling with this in -- in
11 many locations what to call this. It's not really
12 single-family; it's not necessarily multi-family; so
13 we've asked for single-family detached duplex and
14 multi-family to cover sort of the gambit, although it's
15 only on one lot. There are not individual lots
16 associated with this.

17 We have development standards. We made some
18 modifications with the 48-hour letter. These reflect
19 what we had requested.

20 HEARING EXAMINER RIVERA: And to clarify that
21 again, if you could go back. So there are no minimum
22 area dimensions because it's a single lot --

23 MR. ARNOLD: Correct.

24 HEARING EXAMINER RIVERA: -- and so everything is
25 controlled by what you've got beneath it. So you do

1 still have minimum separation requirements. They're
2 not going to be stacked on top of each other.

3 MR. ARNOLD: Correct.

4 HEARING EXAMINER RIVERA: They're just found in a
5 different location than what we would typically see --

6 MR. ARNOLD: That is correct.

7 HEARING EXAMINER RIVERA: -- in our Code.

8 MR. ARNOLD: Yes. So, for instance, we've said
9 N/A for lot size because we only have one lot, which is
10 the entirety of the PD. So we establish, for instance,
11 an external PD boundary setback of 25 feet for the
12 principal structure, and 15 feet for some of the
13 detached units that may actually have a screen
14 enclosure associated with them.

15 The deviations, again, we talked about those
16 related to the single access point on Blasingim Road.
17 And then the other two deviations that we had requested
18 were related to the landscape buffer treatment on the
19 south side of the property.

20 MS. MONTGOMERY: Wayne, hang on a second before
21 you move on. I just wanted to let the Hearing Examiner
22 know attached to the Staff Report is Resolution
23 Z-21-024. That's a recent one, and that's one where
24 they were allowed to have emergency access largely
25 because in this location, you know, there's not the

1 ability, given the road network, to have two.

2 MR. ARNOLD: So, again, we had the deviation
3 number 2 which relates to the landscape buffer, and
4 deviation 3 related to dead-end streets. And I'll go
5 back to the master plan and show you why we requested
6 that.

7 So in this location we have a stub-out for fire
8 turnaround rather than a full cul-de-sac because of the
9 drainage easement location and the way that that
10 functioned. So we asked for a deviation to allow the
11 stub-out in that location. And there's also a wall
12 treatment then that occurs as part of our deviation
13 request, and then Frank can go through that if you have
14 any specific questions about it, or, you know, the
15 public has any questions.

16 So the other two deviations the Staff added, and
17 we're fine with those, relate to the proximity of Page
18 Field. So these relate to lake slopes and wetland-type
19 trees. So we're in support of those, and we've seen
20 those deviations previously.

21 This is the location of the deviations just
22 highlighted for your information, for ease of
23 reference, as you evaluate the application.

24 These are the buffer cross sections that we
25 established that are also part of the master concept

1 plan, and these highlight -- you can see, for instance,
2 the drainage easement location that relates to the
3 buffer.

4 We are, as I said, in a central urban area. We
5 think this area is perfectly appropriate for the
6 density and the type of dwelling units we're
7 requesting. We have emergency services locations
8 highlighted in green and purple in relationship to our
9 property, which is there. So we have easy access to
10 public services; schools in close proximity that are
11 highlighted in red on this slide.

12 Recreational parks. Obviously we have the Six
13 Mile slough; we have the John Yarborough Linear Park.
14 So we have good access to that. We also have
15 (inaudible) in close proximity, as well.

16 Employment/shopping. Obviously as you go south
17 and north and west of 41, lots of shopping and
18 employment opportunities for the residents to either
19 work at or shop at.

20 Surrounding residential. This slide highlights
21 some of the other projects and the densities that were
22 approved as part of those resolutions. Obviously we're
23 located at the yellow highlighted portion here. The
24 project next-door to us is a little over 8.4 units per
25 acre. You can see, as you're getting closer to Six

1 Mile Cypress, those densities: 13 units an acre there;
2 again, we have 7.5, 12.5, 5, 3.5. I mean, it's been a
3 real progression over time. And this site I'd like
4 to -- I like to call it -- we're really truly dealing
5 with a net-net density. We don't have preservation
6 areas that we have to contend with that are part of the
7 gross density. The gross and net are the same. So in
8 this case the -- the little over 9 units per acre seems
9 to be appropriate for the site. And as you see the
10 product, it looks more and more like a single-family
11 duplex neighborhood than it certainly does a typical
12 multi-family.

13 We have LeeTran bus routes that are in close
14 proximity so -- not right on Penzance, but obviously we
15 have decent access to the public transit system.

16 So Frank has -- Frank Feeney has prepared the
17 South Florida Water Management District permit, and I
18 was going to have Frank come forward and at least
19 describe to you what that process is, where we are in
20 the process, and let him describe to you what we're
21 doing for our drainage.

22 HEARING EXAMINER RIVERA: Thank you.

23 MR. ARNOLD: Frank, I'll let you take over, if
24 you'd like.

25 THE REPORTER: Frank, can you pull that microphone

1 closer to you?

2 MR. FEENEY: Sure.

3 HEARING EXAMINER RIVERA: Good morning.

4 MR. FEENEY: Good morning. For the record, my
5 name is Frank Feeney. I'm the civil engineer for
6 this -- for this project. And I have presented to the
7 Hearing Examiner's Office before, and my resumé is
8 on -- is on file.

9 HEARING EXAMINER RIVERA: Thank you.

10 MR. FEENEY: So we have -- we have submitted for
11 and we have actually received a South Florida Water
12 Management District permit for our project.
13 Historically the project has not been permitted by the
14 District. It was agricultural fields. Historically it
15 flows down to the south to where we have this existing
16 agricultural ditch, which actually allows water from
17 the south and the north to flow further across
18 Blasingim, historically, through the existing
19 stormwater section.

20 At this point in time, we are looking -- or we
21 have looked at and provided to the District analysis
22 for not only water quality and water quantity, but also
23 for like the floodplain compensation -- or
24 floodplain -- floodplain calculations, I'm sorry. All
25 of that has been met, and we actually do have a system

1 that works as -- as within their rules and regulations.

2 HEARING EXAMINER RIVERA: So how does the proposed
3 system -- right now you're saying the sheet flow just
4 flows to the south --

5 MR. FEENEY: Right now --

6 HEARING EXAMINER RIVERA: -- and --

7 MR. FEENEY: Right now the sheet flow basically
8 flows pretty much by the grades all the way down here
9 to where this ditch is. So our exist -- or proposed
10 improvements, we're going to be expanding this existing
11 lake right here; and we're going to have a water
12 control structure that will hold the water on-site as
13 needed; and it will ultimately drop, as it has
14 historically, into the drainage ditch and then flow out
15 the way it has.

16 HEARING EXAMINER RIVERA: But it will be more
17 controlled and --

18 MR. FEENEY: Yes, ma'am.

19 HEARING EXAMINER RIVERA: -- also you're saying
20 subject potentially to water quality testing and other
21 things.

22 MR. FEENEY: Well, the water quality and water
23 quantity is part of the District permit --

24 HEARING EXAMINER RIVERA: Right.

25 MR. FEENEY: -- and so it does meet those

1 criteria; and as part of the District permit, they can
2 come back, if they wanted to, and check for
3 nitrogen/phosphorus removal rates.

4 HEARING EXAMINER RIVERA: Okay, thank you.

5 MR. FEENEY: And that, that's pretty much it. At
6 this point I'm going to let Jim Banks come up and talk
7 about transportation.

8 HEARING EXAMINER RIVERA: Thank you.

9 MR. BANKS: Thank you.

10 HEARING EXAMINER RIVERA: Good morning.

11 MR. BANKS: Good morning, Madam Hearing Examiner.
12 For the record, my name is Jim Banks. I'm a registered
13 professional engineer in the state of Florida. I have
14 34 plus years of experience in the fields of traffic
15 and transportation engineering and have been recognized
16 by your office on numerous past occasions as an expert,
17 and my resumé is on file.

18 HEARING EXAMINER RIVERA: Thank you.

19 MR. BANKS: Okay. My -- oh, and I am president of
20 JMB Transportation Engineering.

21 My firm prepared the traffic impact statement for
22 the Applicant, which is the project known as Homes at
23 81 West. The traffic impact statement was prepared
24 pursuant to the criteria set forth by Lee County
25 Government. The Lee County Government Staff reviewed

1 the report and agreed with its findings and
2 conclusions. The report was based upon the development
3 of 90 dwelling units on this site. We -- using the
4 guidelines set forth by the Institute of Transportation
5 Engineers Trip Generation Manual, 11th Edition, we
6 estimate that the project will generate 68 two-way a.m.
7 peak hour trips and 90 two-way p.m. peak hour trips.

8 We then assigned that traffic to the adjacent road
9 network based upon logical means of ingress and egress,
10 as well as the existing traffic patterns. We collected
11 data in this area, and we have established what the
12 existing residential units that are there today, how
13 they travel to and from the site. We assigned that
14 traffic to the adjacent road network based upon those
15 patterns.

16 If you look on table C, the far right-hand column,
17 you'll see that we found that Penzance Boulevard, which
18 is a collector, operates at -- will operate at level of
19 service C in the future build-out year of 2025, and at
20 project build-out, and the volume-to-capacity ratio is
21 26 percent. So Penzance Boulevard will operate at 26
22 percent of its available capacity, which it's a road
23 that's operating at a very high level of service.

24 We also found that Six Mile Cypress Parkway, which
25 is an arterial, will also operate at level of service C

1 and will have a volume-to-capacity ratio of 75 percent.

2 As concluded by the report, and as was agreed by
3 Staff, Homes at 81 West will not have a significant or
4 negative impact on the surrounding road network, and it
5 will not create any transportation deficiencies that
6 would need to be mitigated.

7 I would also like to point out to the Hearing
8 Examiner that Penzance Boulevard does provide
9 signalized access to Six Mile Cypress Parkway. So the
10 existing residents, as well as the residents that will
11 live at this project, will access the surrounding road
12 network via a traffic signal, which provides a safe
13 means of ingress and egress. The residents also have
14 the ability to head west on Penzance Boulevard to
15 access Ranchette Road, Ranchette Road north to Idlewild
16 Street. Idlewild Street provides signalized access
17 also to Metro Parkway (sic). So there's actually two
18 means of ingress and egress to the site, one from the
19 west and one from the east, both providing signalized
20 access to major arterials. But, again, the existing
21 traffic patterns of that area typically -- more of the
22 residents choose to access Six Mile Cypress directly
23 versus using Ranchette and Idlewild Street.

24 MS. MONTGOMERY: Jim, I'm going to -- I'm going to
25 ask you a question. You said that if you go up

1 Ranchette to Idlewild, it's a signalized access to
2 Metro. It's really a signalized access to Plantation,
3 isn't it?

4 MR. BANKS: Right, to Plantation, I'm sorry.

5 MS. MONTGOMERY: Okay. I just wanted to make sure
6 we had that --

7 MR. BANKS: Yes --

8 MS. MONTGOMERY: -- on the record.

9 MR. BANKS: -- Plantation Road, I'm sorry.

10 HEARING EXAMINER RIVERA: Can you talk about
11 Blasingim Road a little bit? There was a suggested
12 condition that I didn't see carried over into the
13 actual conditions about unified maintenance of that
14 roadway.

15 MR. BANKS: Well, it's a two-lane road, and I'm
16 not sure about the maintenance agreement.

17 HEARING EXAMINER RIVERA: Okay.

18 MS. MONTGOMERY: It's a private road and so
19 there's no entity at the moment that maintains it. It
20 was owned by -- originally by the owner and Applicant
21 for the Windsong project, and then it appears that it
22 got conveyed to an entity -- a community entity
23 associated with Windsong, but nobody has been able to
24 communicate with them, and they aren't maintaining it.
25 So it's -- so the County is, like, we want you to

1 maintain your portion --

2 HEARING EXAMINER RIVERA: Okay.

3 MS. MONTGOMERY: -- or work with creating an
4 entity. So that's the genesis of that condition.

5 HEARING EXAMINER RIVERA: And then my last
6 question, what was the unit mix that you looked at to
7 arrive at your --

8 MR. BANKS: We -- we analyzed this all as if it
9 would be -- let me verify this, but I'm almost
10 positive. Yeah, we ran it all as if it was
11 single-family detached units, which it's not, and that
12 actually overstates how much traffic will be generated
13 because multi-family generates less traffic than what
14 single-family does.

15 HEARING EXAMINER RIVERA: So you did a worst case
16 scenario.

17 MR. BANKS: Yes, I did the -- yes, the worst case
18 scenario.

19 HEARING EXAMINER RIVERA: Thank you.

20 MR. BANKS: Uh-huh, thank you.

21 HEARING EXAMINER RIVERA: Does Staff have any
22 questions? I'm sorry, I haven't been asking.

23 MR. RODRIGUEZ: No. That's okay.

24 MR. ARNOLD: Thank you. For the record, Wayne
25 Arnold again. I just thought I would maybe sum up our

1 case by stating that we had a request statement,
2 obviously, that's a required part of the application
3 process on which we analyzed the Lee Plan consistency
4 for the project, as well as the Chapter 34-145
5 standards. Obviously, we're consistent with the
6 central urban -- I'm not going to go through every one
7 of the policies in the Lee Plan, but there are policies
8 regarding accessibility, and we certainly meet those.

9 Transportation, as Mr. Banks indicated, we don't
10 have any issues there.

11 We have adequate public facilities, which is
12 obviously a requirement under your Lee Plan, and we
13 have letters of availability from all of those
14 providers with no deficiencies noted.

15 And then from Chapter 34-145 of the Land
16 Development Code, there are numerous criteria. Staff
17 did a good job of going through and including those as
18 part of theirs, but compatibility tends to be a major
19 focus of that. We think with the horizontal project,
20 the two-story maximum that we've proposed, they are
21 compatible with the surrounding projects, which have a
22 mix of multi-family and single-family type units.

23 The impacts, we have analyzed those. We don't
24 have impacts on water, sewer, parks. So we are
25 consistent with those criteria in your Land Development

1 Code.

2 The site, obviously zoned agriculture and central
3 urban, is not what your Lee Plan says it should be. So
4 we believe that the zoning is -- is appropriate for
5 that location.

6 And with that, I think I've addressed all that we
7 need to as part of the case unless there are other
8 questions for me.

9 MS. MONTGOMERY: (Shakes head.)

10 HEARING EXAMINER RIVERA: No questions from me,
11 thank you.

12 MR. RODRIGUEZ: (Shakes head.)

13 HEARING EXAMINER RIVERA: So with that, we'll turn
14 to Staff now, if you're ready.

15 MR. RODRIGUEZ: Good morning. For the record, my
16 name is Anthony Rodriguez, and I am the manager of the
17 Zoning Section with the Department of Community
18 Development, and I'm here to present the Staff analysis
19 and recommendation on this case.

20 I do have copies of the PowerPoint that I'd like
21 to enter into the record, please.

22 HEARING EXAMINER RIVERA: Thank you, yes, and that
23 will be Staff 2 because Staff 1 is the Staff Report.

24 (Staff Exhibit 2 marked.)

25 MR. RODRIGUEZ: I will try not to belabor the

1 point as best I can. Mr. Arnold and the Applicant team
2 did an excellent job summarizing the request and -- and
3 the findings that are required to obtain entitlement to
4 this rezone request. This is, again, a request to
5 rezone approximately 9.97 acres from agricultural,
6 AG-2, to residential planned development, RPD, to allow
7 for a maximum of 90 dwelling units. And, again, this
8 is a horizontal or build-to-rent rental community
9 concept, and Staff does recommend approval with
10 conditions. And this particular exhibit shows a
11 wide-ranging aerial of the subject property with the
12 surrounding area.

13 This property does have frontage on Blasingim Road
14 and Penzance Boulevard. Penzance Boulevard is
15 classified as a major collector road that is
16 County-maintained; and Blasingim Road is classified as
17 a non-County-maintained local road. The property is
18 designated central urban on the future land use, and it
19 is surrounded by a mix of agricultural and residential
20 uses of varying intensities.

21 This area, as Mr. Arnold touched on, has kind of
22 undergone a transition over the past ten years, at
23 least in terms of zoning entitlement. The development
24 hasn't quite gotten to the point where it's actually
25 being built, but the entitlements are there. So over

1 the past ten years, you can see there's four
2 communities. I've included these in the Staff
3 Report -- the resolution is just for your reference --
4 that entitle approximately 700 dwelling units just in
5 the surrounding vicinity south of Penzance and west of
6 Six Mile Cypress.

7 This is the master concept plan that was attached
8 to the Staff Report as Exhibit D -- let me see -- yes,
9 Exhibit D. Again, it depicts the central water
10 management with internal accessways that are intended
11 to serve the development. The on-site amenities are
12 also shown on the master concept plan, as are the
13 deviations.

14 The horizontal rental concept Mr. Arnold, I think,
15 did an excellent job of describing so I'm not going to
16 belabor that point here.

17 The development does contemplate detached and
18 attached dwelling units ranging from one to three
19 bedrooms in size and 700 to 1,500 square feet of living
20 area.

21 This concept, as Mr. Arnold touched on, is not
22 contemplated specifically by County regulations;
23 however, it has been entitled in the past, and it is
24 occurring within incorporated areas of Lee County, as
25 well. The County's Land Development Code, and the

1 planned development designation in particular, they
2 seek to facilitate that flexibility in development, and
3 so the framework is there in the LDC to allow this to
4 move forward.

5 Lee Plan compliance. The request does comply with
6 the Lee Plan. It is consistent with the future land
7 use designation.

8 This says an infill project, in terms of
9 entitlement at least, promotes contiguous and compact
10 growth patterns in future urban areas.

11 There are adequate facilities, services, and
12 infrastructure to support the development.

13 It does provide for residential development nearby
14 to shopping and employment centers, with access to
15 bicycle and pedestrian facilities.

16 It is compatibility with both existing and planned
17 residential uses.

18 It is designed around existing site limitations,
19 namely the agricultural lake that they're going to
20 expand as part of the development, and adequate open
21 space and buffers are going to be provided.

22 And it delivers a mix of dwelling unit types
23 consistent with Policy 135.1.9.

24 Relative to Land Development compliance and
25 deviations, again, we've talked about the development

1 concept. The single-family dwelling unit and the
2 multiple-family dwelling unit types contemplated as
3 part of the schedule of uses, as defined in the LDC, at
4 least, do not require those buildings to be on
5 individual lots; however, duplexes are required by
6 definition to be on individual lots.

7 With that said, the development of two-family
8 units is closely akin to duplexes, which are permitted
9 in accordance with the LDC. And LDC Section 34-933
10 provides Staff the discretion to classify a use that is
11 not particularly contemplated to another similar use.
12 So that's how we get to that point with the duplex use.

13 The Applicant has sought three deviations as part
14 of the request, and Staff has identified two additional
15 deviations due to the location of the property
16 adjacent -- or within 10,000 feet of Page Field General
17 Aviation Airport, and Staff does recommend approval of
18 the deviations with conditions.

19 The first deviation is the access emergency-only
20 as a second means of access. This is appropriate given
21 the intensity of the development and the relative low
22 level of service of Blasingim Road, as well as the main
23 entrance's proximity to Penzance Boulevard. Staff is
24 recommending approval of that deviation with
25 conditions.

1 Deviation 2 is relative to what we term -- the
2 Staff termed the 125-foot rule, where an accessway or a
3 road that is to serve a new development, when that is
4 located within 125 feet of an existing single-family
5 residential lot or single-family residential
6 development, that certain buffer standards be met.
7 Staff is recommending approval of that deviation
8 request with conditions.

9 Deviation 3 touches on the turnaround access
10 points which are required to be cul-de-sacs. Staff is
11 recommending approval of that deviation as requested.

12 And then Staff has identified the two additional
13 deviations relative to lake bank slopes, which are
14 required to be six to one, which are proposed to be
15 four to one to assure compliance with FAA advisory
16 circular requirements, as well as the planted
17 littoral -- or the littoral planting requirement, which
18 is a certain calculation that's required by the LDC.
19 You can substitute a certain threshold of those for
20 wetland trees, up to 25 percent. In this case Staff is
21 recommending approval of total replacement, 100 percent
22 of those requirements for wetland trees.

23 We've touched on compatibility, access, and
24 traffic impacts. The request is compatible with
25 surrounding uses as conditioned.

1 The access is sufficient to support development.
2 The site location is located -- or the site access is
3 located on Blasingim Road in compliance with LDC
4 Section 10-285, which when you can facilitate an
5 alternate means of ingress or egress to a site, you are
6 not permitted by Code to connect to a major collector
7 road or to have that access from a major collector or
8 an arterial.

9 The Applicant has demonstrated legal right to
10 access Blasingim Road. There was some question as to
11 whether or not the Applicant did have legal access. It
12 has been determined by Staff during the sufficiency
13 process, in coordination with the County Attorney's
14 Office, that there is, indeed, legal access to access
15 Blasingim. The LDC does establish design standards for
16 roads providing access to development, and the
17 Applicant will be required to demonstrate compliance
18 with those requirements as part of the DO process.

19 We've talked about the deviation for the two means
20 of ingress and egress, and that is appropriate for
21 approval with conditions.

22 The proposed development will not have a
23 detrimental impact on the surrounding road system, as
24 Mr. Banks analyzed and provided a summary of in his
25 presentation.

1 Environmental considerations, this says previously
2 consider -- or previously cleared agricultural lands.
3 There are no indications of protected species based on
4 the environmental assessment submitted in support of
5 the application.

6 There are no indigenous vegetative communities
7 present.

8 Open space will be provided in compliance with the
9 Land Development Code, and the buffers are compliant
10 with the Land Development Code requirements, except
11 where the deviation along the south side property line
12 here is recommended for approval.

13 And, again, the airport-related deviations for
14 lake banks and vegetation requirements provide for that
15 compatibility with the airport operations.

16 We've talked about urban services. Mr. Arnold did
17 a great job summarizing this. I don't want to belabor
18 the point. All services are available. The School
19 District has sufficient capacity to accommodate the
20 anticipated school-aged children that will occupy this
21 development, and so there are adequate urban services
22 to exist -- to accommodate the future development.

23 And then this is just a summary of the findings
24 that are required by the Land Development Code. Staff
25 does find that the request meets all those findings as

1 conditioned, and therefore Staff does recommend
2 approval of this request.

3 I'm here to answer any questions you have.
4 Otherwise, that's it.

5 HEARING EXAMINER RIVERA: Thank you. No, it was a
6 very thorough Staff Report. Thank you for that.

7 MR. RODRIGUEZ: You're welcome.

8 HEARING EXAMINER RIVERA: Okay. So with that --

9 MS. MONTGOMERY: And I loved --

10 HEARING EXAMINER RIVERA: Did Applicant have any
11 questions of Staff? Neale, did you have any questions?

12 MS. MONTGOMERY: No. I loved his PowerPoint.

13 HEARING EXAMINER RIVERA: Thank you.

14 Okay. So we're going to open up the public
15 comment period now. So I'll call the cards that I
16 have. The first one is David Richards. Good morning.

17 MR. RICHARDS: Good morning. How are you doing?

18 HEARING EXAMINER RIVERA: I'm good, thank you.

19 MR. RICHARDS: Okay. So my name is David
20 Richards, and I'm here to talk a little bit about
21 Blasingim Road and Penzance because I live on Blasingim
22 Road. So it's a private road. We maintain the road
23 ourselves. It's not owned by anybody at Windsong, even
24 though they did put some illegal quitclaim deeds that
25 we had to walk back and get rid of that. It is

1 privately owned.

2 And as far as having the entrance to this property
3 go on to Blasingim Road, it really doesn't make sense
4 to me because all you're doing is taking people out of
5 one way, putting them on a private road, and then 20
6 yards away you're going to put them on a stop sign back
7 to Penzance Road because that's the only place to go.
8 The other end of the road is a dead-end road, so it's
9 guaranteed that everybody that leaves that community is
10 going to leave to Penzance. There's no place else for
11 them to go.

12 I don't see any sidewalks on this property -- on
13 this project for anybody to go along Penzance, which is
14 a really dangerous road because there's a lot of people
15 using it. All the other communities that have been
16 proposed in the past, every one of them has sidewalks
17 in front of it. This one doesn't even have anything
18 there that indicates that anybody is ever going to get
19 on that road because it's all on Blasingim, which is
20 really not accurate.

21 So you're proposing about ten times the traffic
22 that we have now, which I believe is a burden to the
23 homeowners that live on Blasingim, to have to wait in
24 line behind the 90 new residents to get to that stop
25 sign to get on Penzance, that they should be able to

1 use their own.

2 I realize that you guys made Penzance a major
3 collector, but I think it's just verbiage at this
4 point. I mean, it's just -- you're saying it is.
5 They're going to the same road anyway. It really
6 doesn't matter so it really shouldn't put an impact on
7 the Blasingim Road people that have to maintain that
8 road.

9 So as far as saying it has no negative impacts on
10 the transportation, I believe it does on Blasingim.

11 The other thing -- a couple other things. The
12 drainage, the drainage on the south end of the property
13 that goes underneath Blasingim ultimately goes to the
14 south into my property, goes underneath Windsong and
15 goes out to the canal system. I don't know whether
16 anybody is doing a study on the drainage that's there,
17 but that -- that gets backed up. The residents put in
18 that pipe underneath that road. This hasn't been done
19 by any County project. We got out there when they
20 started to pave it, and a bunch of good old boys put a
21 pipe underneath the road so it will drain better. It's
22 hardly draining properly and really needs to be
23 something for them to look at.

24 The other projects that are in the area that have
25 already been approved, they changed their drainage to

1 go the other direction because that wasn't sufficient.
2 So I think when you put all this concrete and
3 everything, the sheeting is just going to go down there
4 and make it ten times worse than what it is.

5 I don't know. It seems to me like if you say that
6 I'm going to get the property, the utilities are going
7 to come from Penzance, the address is from Penzance,
8 why do you have to involve Blasingim? If you want to
9 have an emergency entrance -- which all the other
10 projects that are there that have been approved all
11 have emergency access to Blasingim. There's not a
12 single entry for any of those properties that go to
13 Blasingim Road, and I don't think this one should
14 either. And I know that you guys, when they first
15 started this, they did have an entrance to Penzance,
16 and the County said, no, you guys put it on Blasingim.
17 It just doesn't make sense to me. It's going to
18 Penzance anyway.

19 So we shouldn't have to be burdened with the
20 additional -- when he said 68 in the morning and 98 in
21 the afternoon, that's a lot of traffic for -- there's
22 ten houses on Blasingim Road, ten. So this is a major
23 difference, and I hope you guys would consider making a
24 change.

25 HEARING EXAMINER RIVERA: Thank you.

1 MS. MONTGOMERY: Can I ask two things?

2 Anthony, can you go back to the slide which I
3 think is an aerial?

4 MR. RODRIGUEZ: (Complies.)

5 MS. MONTGOMERY: And second, a question I have for
6 you is you said that you guys put the pipe under
7 Blasingim. Do you know what size pipe you put under
8 there?

9 MR. RICHARDS: I don't know. I wasn't a part of
10 that. I was just -- when they were digging it, I
11 watched them.

12 MS. MONTGOMERY: Okay.

13 MR. RICHARDS: Just a couple of guys from the
14 neighborhood put the pipe underneath there.

15 MS. MONTGOMERY: Can you show us where you live?

16 MR. RICHARDS: Which one is the property that's --

17 MR. RODRIGUEZ: It's the one in red.

18 MR. ARNOLD: The one in red.

19 MR. RICHARDS: This one?

20 MR. RODRIGUEZ: It's the one in red.

21 MR. ARNOLD: The one in red is the --

22 MR. RICHARDS: Oh, sorry, then I live right there.

23 MS. MONTGOMERY: Okay.

24 MR. RICHARDS: So this is my southern border. I
25 see it. I watch this back up all the time. When

1 Windsong put this underneath their road right there,
2 they did some gravity thing that has to push it under
3 and then push it on the other side, so I see it backed
4 up. There's water in that pipe 24/7, and it doesn't
5 drain underneath the road because it's not sufficient.
6 The other engineers for the project down the road
7 recognized that and sent their water the other way. So
8 it would seem to me that this community should do the
9 same.

10 HEARING EXAMINER RIVERA: Thank you. Thank you,
11 sir.

12 The other card I have is for Samantha and Victor
13 Dupont.

14 MS. DUPONT: (Inaudible.)

15 HEARING EXAMINER RIVERA: Good morning.

16 MS. DUPONT: Good morning.

17 So, Anthony, what I was asking earlier, it's --
18 and, Neale, it's because I got -- I own that piece of
19 land --

20 MS. MONTGOMERY: Can you show us -- I know you
21 tried to tell me, and I couldn't quite grasp it.

22 MS. DUPONT: Okay. I own -- there's Timbers here,
23 right, and I'm across Windsong. So I own the land
24 that's -- the 14 acres right behind Timbers, and my
25 house is right next to it. So I'm a resident at 7021

1 Penzance, and I own 7041. And I received a notice for
2 the 7041, nothing from -- to my house, and I'm way
3 short of the 500. That's why I'm surprised that nobody
4 from the Timbers are even here.

5 MR. RODRIGUEZ: I can -- I can clarify that.

6 MS. DUPONT: Yeah, please, because --

7 MR. RODRIGUEZ: So if you own --

8 MS. DUPONT: -- even my hairdresser, she lives
9 right across the street, across those kind of spiked
10 homes. She's not -- she never got it.

11 MR. RODRIGUEZ: If you own more than one property
12 within the 500-foot radius, you'll only get one notice.

13 MS. DUPONT: Yeah, but my property, I bought it
14 before I got married so it's in my maiden name. No one
15 even knows.

16 MR. RODRIGUEZ: Huh.

17 MS. MONTGOMERY: Is there a switching station or
18 something -- some kind of utility thing near you?

19 MS. DUPONT: I'm sorry?

20 MS. MONTGOMERY: Like a phone thing?

21 MS. DUPONT: A phone?

22 MR. RICHARDS: Yes --

23 MS. MONTGOMERY: Some kind of --

24 MR. RICHARDS: -- there is.

25 MS. DUPONT: Yeah?

1 MR. RICHARDS: Yeah, the big box that has all the
2 equipment in it that everybody is driving up to all the
3 time, it's right in the middle of that, yes.

4 MS. MONTGOMERY: Okay, then I know where you live.

5 MS. DUPONT: Oh, okay. I think we -- don't you
6 live on Penzance?

7 MS. MONTGOMERY: I do.

8 MS. DUPONT: Okay. Yeah, we're neighbors.

9 MS. MONTGOMERY: I live on the dirt private part,
10 but they made a --

11 MS. DUPONT: Yeah, I know. There's cameras now.
12 We can't take that shortcut.

13 MS. MONTGOMERY: Yeah, don't -- you gotta stop
14 doing that.

15 MS. DUPONT: Now I don't take it. I go through
16 Ranchette and Idlewild.

17 But I been here -- I own that house for eight
18 years now, and I get it. The first time that we had
19 the Windsong, we fought Cameratta, and it actually
20 ended up being actually a nice project. My
21 mother-in-law actually lives in there. But the density
22 unit is definitely a big thing for us, you know, your
23 density unit that -- you know, you have a little less
24 than ten acres comes up to over nine, and we're just
25 backing up, backing up, backing up. I get it, it's

1 central urban. The future land map (sic) that's done
2 30 something years ago, probably 35 years, never
3 reviewed, I don't think that should be set in stone.
4 But we've been fighting to keep our area a little
5 more -- the less density, keep it with a nice little
6 ranchette, the wildlife. All I see right now is
7 everything -- to me it looks just like an apartment
8 building. It's rental with no property ownership. How
9 much are the rental units going to go for? Do you even
10 know about it?

11 HEARING EXAMINER RIVERA: That's something that
12 can be answered offline, if you want to ask them.

13 MS. DUPONT: Oh.

14 HEARING EXAMINER RIVERA: That's not something
15 that we ask.

16 MS. DUPONT: Okay. So I see my property value
17 basically going down the tank. I mean, I've worked --
18 I mean, I emigrated to the U.S. with a dream. I became
19 a U.S. citizen. I love America. I worked my ass off.
20 I paid -- my student loans are paid off last year to
21 the "T." I'm a CPA; I'm a business evaluation analyst.
22 I mean, I got degrees up the ying-yang I paid for
23 myself. I raised my kids by myself. I have home
24 ownership. I worked so hard for it, and I'm going to
25 see rental and rental. And we know what happens with

1 rental. They're going to be packed up in there, hurt
2 our property value. I get it, there's -- the Sheriff's
3 Department is not that far, but now you pack up, you
4 know, six density units in that area to almost, you
5 know, nine -- nine, ten, and now six acres or 15,
6 basically.

7 I'm not -- I'm against it. I'm definitely against
8 it. I'd like to see more single-family home. The
9 values of the houses right now, they're in the high
10 500,000. We're all working -- I mean, we're all
11 hard-working to get our white picket fence, the dream
12 of America, and now we mix those rentals into, you
13 know, private properties? No, I'm against that.

14 And I'd love to speak in front of the commission.
15 It's hard. I get it. You know, Neale is probably the
16 best attorney you've got there. I know that. And --
17 but I'm on the other side.

18 HEARING EXAMINER RIVERA: Thank you.

19 MS. MONTGOMERY: You have a beautiful piece of
20 property.

21 MS. DUPONT: Thank you.

22 HEARING EXAMINER RIVERA: Thank you. Thank you
23 for coming today. And you will get notice of the Board
24 hearing and have an opportunity --

25 MS. DUPONT: I appreciate it.

1 HEARING EXAMINER RIVERA: -- to speak there.

2 All right. So we're coming back to the Applicant
3 and the Staff. Did you have comments you wanted to
4 make? Do you need a moment before any kind of
5 rebuttal?

6 MS. MONTGOMERY: Did you have anything else you --

7 MR. ARNOLD: I -- you had asked for a copy --

8 MS. MONTGOMERY: Yes.

9 MR. ARNOLD: -- of the presentation.

10 HEARING EXAMINER RIVERA: Okay.

11 MR. ARNOLD: I had a copy emailed to your office,
12 and I have an extra copy that I can give you.

13 HEARING EXAMINER RIVERA: Thank you, and I will
14 still label that as PowerPoint 1.

15 The question about the sidewalks, can you put
16 something on the record about that? Because I do
17 recall, I think, the Oak Villages project to the south,
18 I think -- I'm going off of memory here, but I'm pretty
19 sure we did require sidewalks in that case.

20 MR. ARNOLD: I'll let Frank Feeney confirm, but I
21 think we'll be dealing with that issue at the time of
22 development order approval.

23 MR. FEENEY: Pretty much what Wayne said. When it
24 comes time for the development order, as part of that
25 process, we will be looking at where the sidewalks need

1 to be and how we tie into. One of the things I'm
2 fairly certain that Lee County Transportation
3 Department will look at is whether or not a sidewalk
4 along Penzance is going to be warranted or needed, or
5 at least a connection up to that so that they can
6 actually tie into it, if they -- or for future jobs to
7 improve Penzance with a widening to make it more of a
8 major collector.

9 HEARING EXAMINER RIVERA: So that is something
10 that's still going to be looked at --

11 MR. FEENEY: It is something that we have to look
12 at.

13 HEARING EXAMINER RIVERA: -- space available on
14 the site --

15 MR. FEENEY: That's correct.

16 HEARING EXAMINER RIVERA: -- should that be
17 required to accommodate --

18 MR. FEENEY: That's correct.

19 HEARING EXAMINER RIVERA: Okay, thank you.

20 MR. FEENEY: It's not really on the site. It's
21 actually off the site. It's the off-site stuff that we
22 have to look at as part of our project. Within the
23 rental we do have sidewalks shown.

24 HEARING EXAMINER RIVERA: Internal to the
25 development?

1 MR. FEENEY: That's correct.

2 HEARING EXAMINER RIVERA: Okay, thank you.

3 Did Staff have anything?

4 MR. RODRIGUEZ: I can speak to that a little bit
5 more. The Land Development Code does require
6 sidewalks, unless you can demonstrate an absence of
7 need, which is a defined term. More often than not
8 side -- and I would say probably 95 to 99 percent of
9 the time, sidewalks will be built when the new
10 development is constructed --

11 HEARING EXAMINER RIVERA: Thank you.

12 MR. RODRIGUEZ: -- as a site-related improvement.

13 HEARING EXAMINER RIVERA: Thank you. And since
14 you're here, the drainage question came up, also, if
15 you can just, again, reiterate --

16 MR. FEENEY: As part -- part of our analysis, we
17 were looking at the historic flows and what were
18 actually coming through there; but if we need to, as
19 part of the development order, reevaluate the pipe
20 that's underneath Blasingim, that's something that we
21 can look at at that time. I think we have looked at it
22 as part of our District permit -- I don't recall off
23 the top of my head the exact size of it -- but the
24 flows that we have historically going through there,
25 doesn't necessarily have an issue with that pipe; but

1 we could oversize it to make it -- make the flow a
2 little bit better from the east to the west.

3 HEARING EXAMINER RIVERA: Okay. And, again,
4 that's something that's ongoing with the maintenance
5 entity that you'll have with -- the South Florida Water
6 Management District that will require you to look at
7 that --

8 MR. FEENEY: That's correct.

9 HEARING EXAMINER RIVERA: -- and maintain it, or
10 there will be an issue under your permit?

11 MR. FEENEY: That's correct.

12 HEARING EXAMINER RIVERA: Thank you.

13 MS. MONTGOMERY: Yeah, I just want to follow up on
14 that. The gentleman referenced the property that
15 changed the direction. It was going to go on Blasingim
16 and changed it so it went down (inaudible) park to the
17 wetland system and to Six Mile, so it's the blue
18 property. They're situated a little differently. Do
19 you have the ability to go into a different drainage
20 route like they did?

21 MR. FEENEY: You're referring to --

22 MS. MONTGOMERY: The blue.

23 MR. FEENEY: The blue?

24 MS. MONTGOMERY: Yes.

25 MR. FEENEY: The blue flows to the -- to Six Mile.

1 MS. MONTGOMERY: Yes.

2 MR. FEENEY: We do not have that ability because
3 at this point, like I said before, our historic flow
4 flows here and then out. In order to get across, we
5 would have to cut across these existing communities, as
6 well as, you know, these future projects in order to
7 get access over to Cypress -- Six Mile Cypress.

8 HEARING EXAMINER RIVERA: Okay, thank you.

9 Did Applicant have anything further?

10 MS. MONTGOMERY: The Applicant doesn't.

11 HEARING EXAMINER RIVERA: Okay, thank you.

12 Did Staff have anything --

13 MR. RODRIGUEZ: No, ma'am.

14 HEARING EXAMINER RIVERA: -- further for the
15 record? Okay, thank you.

16 Okay. So with that, as I said, I'll be making a
17 recommendation to the Board of County Commissioners.
18 If you spoke today, you will receive a copy of that
19 recommendation, as well as the hearing date before the
20 Board, and you will have an opportunity to speak before
21 the Board at that time, as well.

22 Thank you, everyone, for coming today. Please
23 stay well and stay safe.

24 (Proceedings concluded at 10:55 a.m.)
25

1
2
3 CERTIFICATE OF REPORTER
4

5 STATE OF FLORIDA)

6 COUNTY OF LEE)
78 I, Deborah Bruns, Florida Professional
9 Reporter, do hereby certify that I was
10 authorized to and did report the foregoing
11 proceedings, and that the transcript, pages 1
12 through 48, is a true and correct record of my
13 stenographic notes.
1415 Dated this 27th day of November, 2022.
1617 
1819 Deborah M. Bruns, FPR
2021 (This transcript was electronically signed.)
22
23
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