

M E M O R A N D U M
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER

DATE: June 12, 2025

TO: Board of County Commissioners **FROM:** Amanda L. Rivera
Lee County Deputy Hearing Examiner

RE: 94 4TH STREET CPD
Hearing Examiner Recommendation

Deputy Hearing Examiner Amanda L. Rivera has rendered a Recommendation on the following zoning request:

94 4TH STREET CPD

DCI2024-00024

HEARD: May 29, 2025

RECORD CLOSED: May 30, 2025

The Zoning Section of the Department of Community Development will schedule a final hearing before the Board in the coming weeks.

cc: Michael Jacob, Esq. / County Attorney's Office
Joseph Adams, Esq. / County Attorney's Office
Anthony Rodriguez, AICP / Zoning Section
Khalil Muhammad / Zoning Section
Warren Baucom / Economic Development
Phil Gillogly / Natural Resources
Brienne Cherry / Community Development
Applicant(s) & Representative(s)
Other Interested Parties

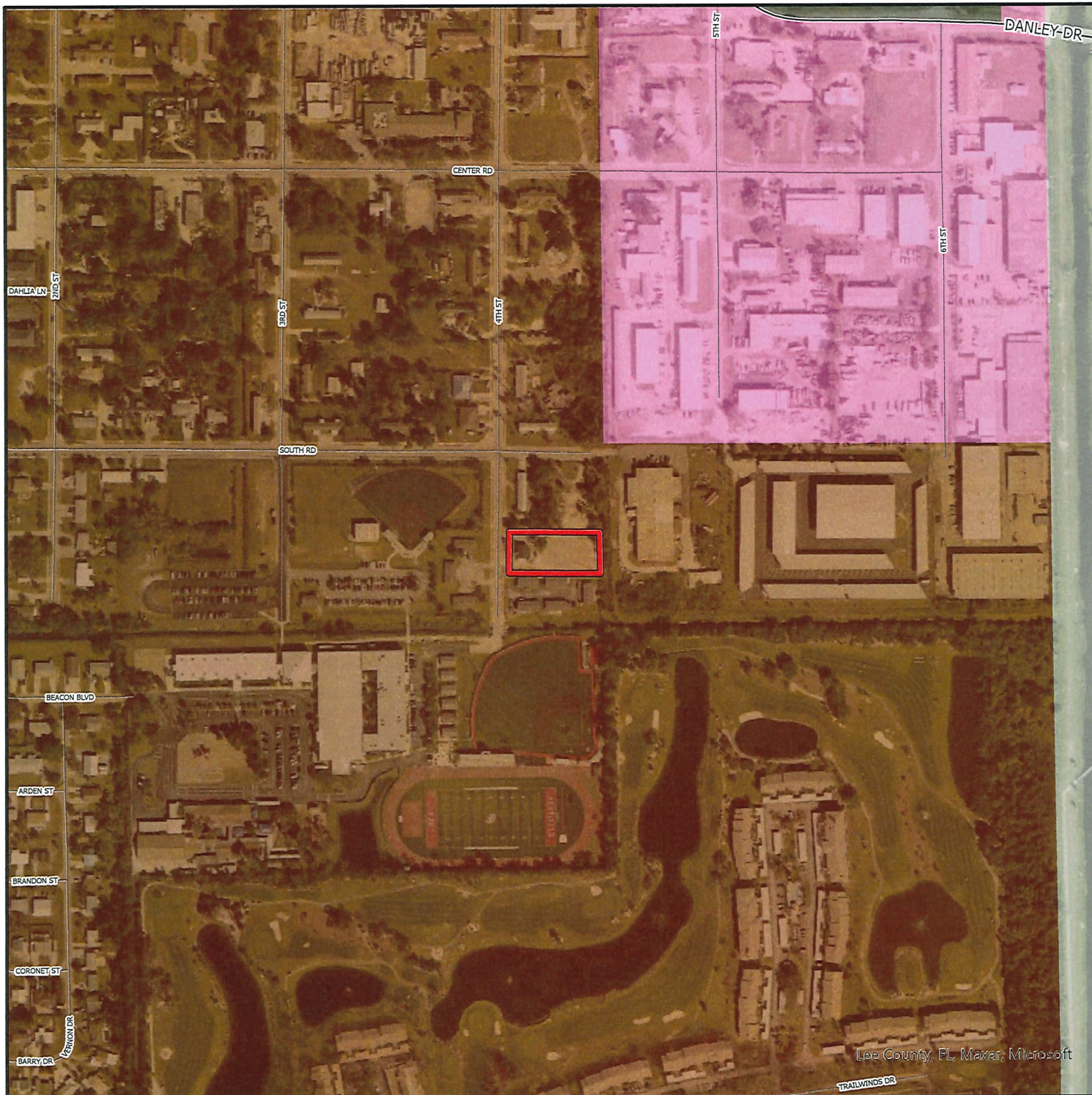
Summary of Hearing Examiner Recommendation

94 4TH ST CPD

Applicant seeks to repurpose a residential building for commercial use as office and storage for Contractors/Builders. The property is located south of Page Field in a diversely mixed area of residential, commercial, institutional, and industrial lands.

The Hearing Examiner recommends approval. The request is consistent with the Lee Plan and compatible with the surrounding area.

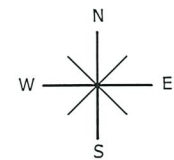
Detailed recommendation follows



DCI2024-00024

Future Land Use

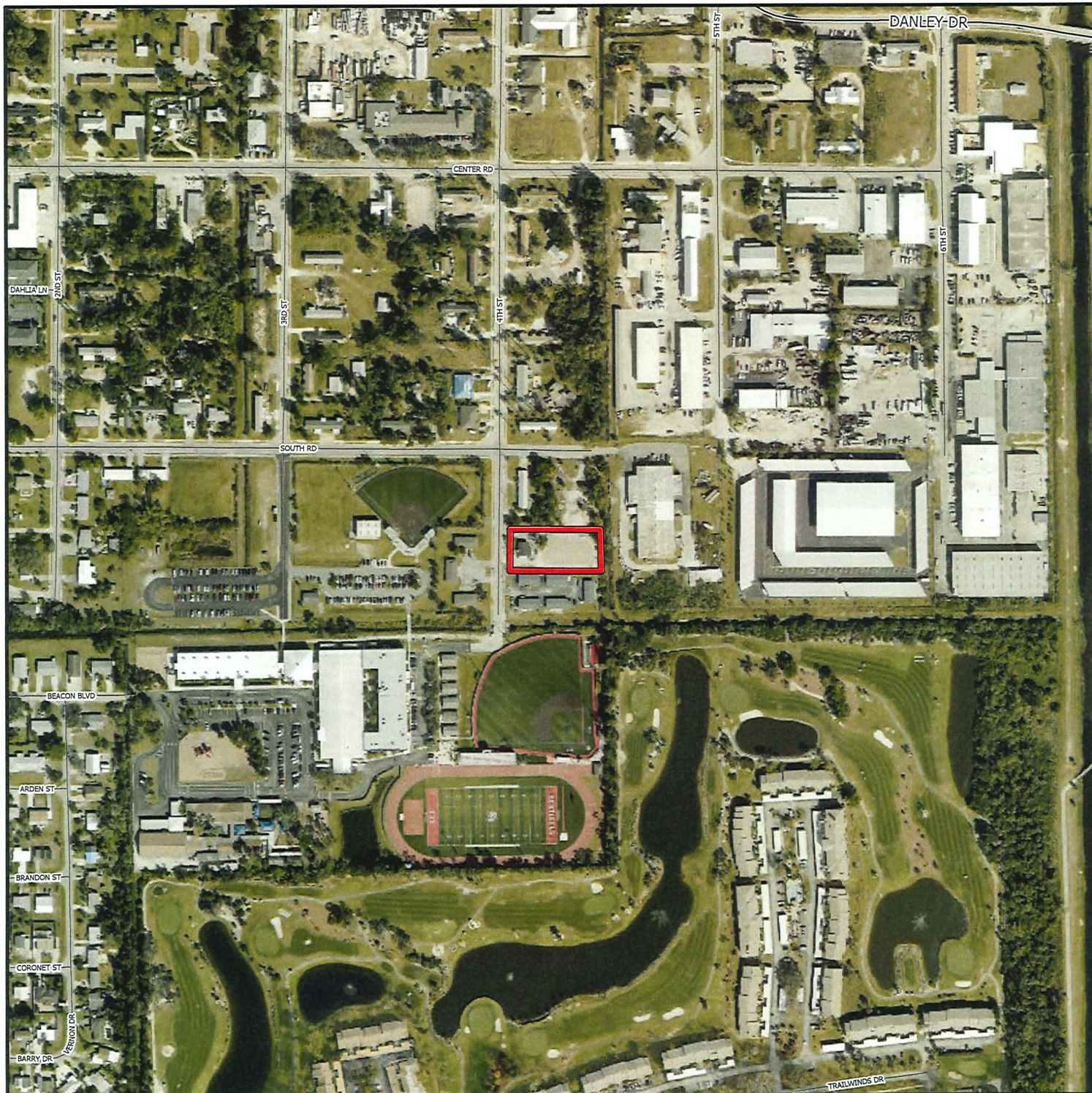
-  Subject Property
-  Central Urban
-  Industrial
-  Public Facilities
-  Airport



0 500
Feet



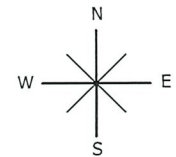
Lee County, FL, Maxar, Microsoft



DCI2024-00024

Aerial

 Subject Property



0 500
Feet



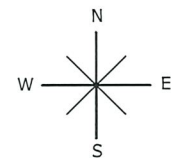


DCI2024-00024

Mixed Use Overlay

 Subject Property

 Mixed Use Overlay



0 500
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2024-00024

Regarding: 94 4TH ST CPD

Location: 94 4th Street
South Fort Myers Planning Community
(District 2)

Hearing Date: May 29, 2025
Record Closed: May 30, 2025

I. **Request**

Rezone 0.66± acres from Two Family Conservation (TFC-2) to Commercial Planned Development (CPD) to allow a masonry contractor (Contractors and Builders, Group II) with outdoor storage.

The property's legal description is set forth in Exhibit A.

II. **Hearing Examiner Recommendation**

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

III. **Discussion**

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.¹ In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone land to the CPD district.

In preparing a recommendation to the Board, the Hearing Examiner must consider the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other County regulations with the facts presented in a rezoning request.² Specifically, the Hearing Examiner must find the request is compatible with surrounding uses and complies with Lee Plan and LDC requirements relating to such items as transportation facilities, natural resources, and urban services.³

¹ LDC §34-145(d)(1)(a) & (2)(a).

² LDC §34-145(d)(3).

³ LDC §34-145(d)(4).

The Hearing Examiner may take judicial notice of previous Board decisions.⁴ The Hearing Examiner's recommendation must be based on competent and substantial evidence.⁵

Discussion supporting the recommendation of approval of the proposed CPD follows below.

Request Synopsis

The 0.66± acre property is in the Page Park Planning Community, east of 4th Street and south of South Road.⁶

The site has been developed with a single-family residence since 1957.⁷ Applicant proposes to use the home as an office for a masonry contractor with open storage. The site is subject to Code violations for storage of shipping containers and commercial vehicles/equipment.⁸ The request legitimizes Applicant's use of the property.

The Master Concept Plan (MCP) reflects a single building surrounded by a carport, parking, and outdoor storage.⁹ The CPD limits permitted uses to offices, Contractors/Builders, and related storage.¹⁰

Staff recommended approval, finding the proposed CPD satisfied LDC review criteria.

Zoning Review Criteria

Before recommending approval, the Hearing Examiner must find the request:

- A. Complies with the Lee Plan;
- B. Meets the LDC and other applicable County regulations or qualifies for deviations;
- C. Is compatible with existing and planned uses in the surrounding area;

⁴ Lee Co. Admin. Code 2-6, §2.3.D(4)(b).

⁵ Lee Co. Admin. Code 2-6, §3.3.A(2); LDC §34-83(a)(4)(a)1.a.

⁶ Lee Plan Map 2-A.

⁷ *Id.*

⁸ See Staff Report (pg. 1, *citing* VIO2024-08214 and VIO2025-02670).

⁹ The MCP identifies the existing home/proposed office comprises 1,016 square feet. See Applicant Ex. 2.

¹⁰ The Schedule of Uses approves Group II Contractors/Builders. LDC §34-622(c)(9) *Group II* Permits offices, indoor storage and light fabrication work. Outdoor storage of materials and equipment is permitted if enclosed. Specifically prohibited is any heavy construction equipment such as cement trucks, cranes, bulldozers, well-drilling trucks and other similar heavy equipment, or wrecking or demolition debris.

- D. Provides access sufficient to support the proposed development intensity;
- E. Addresses impacts on transportation facilities by County regulations or conditions of approval;
- F. Will not adversely affect environmentally critical/sensitive areas or natural resources; and
- G. Will be served by urban services.¹¹

When the requested zoning action is a planned development, the Hearing Examiner must also find:

- H. The proposed use/mix of uses is appropriate at the proposed location;
- I. Recommended conditions (1) provide sufficient safeguards to the public interest, and (2) reasonably relate to impacts on the public interest expected from the proposed development; and
- J. Requested deviations (1) enhance achievement of the objectives of the planned development, and (2) protect public health, safety, and welfare.¹²

Character of the Area

The property is east of US 41/S Cleveland Ave, 0.7± miles south of the Page Field Airport.¹³ The Evangelical Christian School (ECS) campus sits directly across the street. The site abuts industrial land to the east, multi-family and commercial lands to the north, and multi-family to the south. An entrance to the ECS campus is under construction directly to the west.

Lee Plan Consistency and Compatibility

Planned developments must be consistent with the Lee Plan.¹⁴ Rezoning requests must be compatible with existing/planned uses in the surrounding area.¹⁵

¹¹ LDC §34-145(d)(4)a.1.

¹² LDC 34-145(d)(4)a.2.

¹³ See Staff Report (Attachment D).

¹⁴ LDC §34-411(a).

¹⁵ LDC §34-145(d)(4)(a).

The property is located within the Central Urban future land use category in the Page Park Planning Community.¹⁶ The Lee Plan also classifies the property within the Mixed-Use Overlay.¹⁷

Central Urban areas comprise the County's urban core, with access to a wide array of public services and infrastructure.¹⁸ Residential, commercial, public, quasi-public, and limited light industrial land uses may be found in these areas.¹⁹ The proposed CPD authorizing Contractor/Builder use is consistent with the property's Central Urban designation.

Development in Page Park is subject to a Community Plan.²⁰ The Community Plan emphasizes revitalization of residential neighborhoods through introduction of business opportunities.²¹ Future development permitting must comply with supplemental standards in the Community Plan.²²

The requested CPD repurposes a residential building for commercial operation proximate to institutional, commercial, and industrial uses.²³ The project offers employment and service opportunities, improving the community's economic base.²⁴ Supplemental regulations ensure development achieves community design standards.²⁵

The proposed development promotes contiguous and compact growth consistent with Lee Plan directives.²⁶ Applicant supplemented the record to evidence compliance with Lee Plan mandates ensuring school safety given the proximity to the ECS campus.²⁷

The requested rezoning is consistent with the Lee Plan and compatible with the surrounding area.

¹⁶ Lee Plan Map 1-A, 2-A, Policy 1.1.3; Lee Plan Goal 31; LDC §33-1202 *et. seq.* Supplemental land development regulations apply to Page Park properties.

¹⁷ Lee Plan Map 1-C.

¹⁸ Lee Plan Policy 1.1.3.

¹⁹ *Id.*

²⁰ Lee Plan Goal 31; LDC §§33-1202 *et. seq.*

²¹ See Lee Plan Goal 31.

²² LDC §§33-1203 *et. seq.*

²³ See Lee Plan Objective 31.2, Policies 6.1.3, 6.1.4, 31.2.1. The property is within the Mixed Use Overlay. Lee Plan Map 1-C.

²⁴ See Lee Plan Goal 158. Contractors/Builders provide home construction services to area residents.

²⁵ See LDC §33-1250 *et. seq.*, Lee Plan 31.1.1. Applicant does not seek deviations from landscaping/buffering, signage, or architectural standards.

²⁶ See Lee Plan Objectives 2.1, 2.2, Policies 2.1.1, 2.2.1, 6.1.7; See Staff Report.

²⁷ Applicant Ex. 3: Post-Hearing Written Submission dated May 29, 2025.

Transportation/Traffic

Planned developments must have access to roads with sufficient capacity to support proposed intensity.²⁸ Existing regulations or conditions of approval must address expected impacts on transportation facilities.²⁹

The project has direct access to 4th Street, a county-maintained local road.³⁰ The property connects to the broader county road network via South Road and Danley Drive to US 41.

The Traffic Impact Statement (TIS) evaluated transportation impacts based upon the proposed development scenario.³¹ The TIS concludes the request yields a *de minimis* impact on trip generation and will not degrade levels of service on affected roadways.³²

Applicant demonstrated the request provides sufficient access to support the proposed development.³³ Site related impacts will be evaluated during development order review.³⁴

Environmental and Natural Resources

Requests to rezone property must not adversely affect environmentally critical/sensitive areas or natural resources.³⁵

The site has been cleared for use as a single-family residence since 1957.³⁶ Staff observed exotic invasive vegetation during environmental inspection.³⁷ Given site conditions, Applicant was not required to conduct a protected species survey.³⁸ Further environmental study may be conducted during development order review.

²⁸ LDC §34-145(d)(4)(a)(1)(d); §34-411(d)(1).

²⁹ LDC §34-145(d)(4)(a)(1)(e); §34-411(d)(2).

³⁰ See Staff Report (Attachment O).

³¹ See Staff Report (Attachments O-P).

³² *Id.* The TIS projects essentially no change in trip generation above existing conditions. See Staff Report (Attachment O-P).

³³ LDC §34-145(d)(4)(a)(1).d; See Staff Report.

³⁴ Site related improvements include capital improvements and right-of-way dedications for "direct access" improvements to the project. Direct access improvements include site driveways/roads, median cuts made necessary by driveways/roads, right-turn, left-turn, and deceleration/acceleration lanes serving driveways/roads, traffic control measures, and roads/intersection improvements whose primary purpose at the time of construction is to provide access to the development. See Lee Plan Glossary and LDC §2-264; Lee Plan Objective 39.1, Policy 39.1.1. LDC §2-66 *et. seq.*

³⁵ LDC §34-145(d)(4)a.1(f).

³⁶ See Staff Report (Attachment D).

³⁷ See Staff Report (Attachment F).

³⁸ See *Id.*

The MCP reflects buffers meeting LDC standards and open space exceeding requirements.³⁹

Applicant provided a Surface Water Management Plan detailing drainage patterns pre- and post-development.⁴⁰ Run-off currently flows from west to east to an existing ditch that runs parallel to the site. Waters in the ditch flow to an IDD Canal before emptying into Whiskey Creek.⁴¹ The proposed conveyance system will direct sheet flow to an outfall structure before discharging into the ditch. Dry detention areas will provide attenuation and water quality through a control structure.⁴²

The Hearing Examiner finds the proposed CPD will not harm environmentally critical/sensitive areas or natural resources.

Public Services

Public/urban services are the facilities, capital improvements, and infrastructure necessary to support development.⁴³ The Lee Plan requires an evaluation of available urban services during the rezoning process.⁴⁴

A host of urban services and infrastructure serve the property including roads, transit, potable water, police, fire, and emergency medical services.⁴⁵ The property will continue to utilize an existing septic tank for waste disposal.⁴⁶

Conditions

The county must administer the zoning process so proposed uses acceptably minimize adverse impacts to adjacent property. Conditions must plausibly relate to mitigating anticipated impacts on public health, safety, and welfare.⁴⁷

³⁹ The site's position within the MUO affords reduced buffer requirements consistent with LDC §10-425(f). The MCP reflects a 5-foot buffer along 4th Street as directed by the LDC. *Id.* No buffers are required along the north, east, or south boundaries. *See Id.*; *See also* Staff Report (Attachment F).

⁴⁰ *See* Staff Report (Attachment Q); Lee Plan Policy 125.1.3.

⁴¹ *See Id.*

⁴² *Id.*

⁴³ Lee Plan Glossary: Public services include public water/sewer, paved streets/roads, public transit, parks/recreation facilities, urban levels of police, fire, and emergency services, urban surface water management, schools, employment, industrial, and commercial centers, institutional, public, or administrative facilities, community facilities such as senior citizens centers, libraries and community centers.

⁴⁴ Lee Plan Policy 2.2.1. Daniels Parkway hosts a shared use path and is identified on the Captiva-Hendry-Collier Trail on the Lee County Greenways Master Plan. Lee Plan Maps 3-D, 4-E.

⁴⁵ *See* Staff Report (pg. 9, Attachment D-E). The site is serviced by South Trail Fire Station #61 and EMS Medic Station #1, 1.6 miles away. The Lee County Sheriff Station is 5.1 miles from the site. LeeTran Route 80 has a stop 0.21± miles northwest. *See* Staff Report (pg. 9).

⁴⁶ *See* Staff Report (pg. 9, Attachment D). Projected disposal needs do not trigger sewer connection criteria. *See* Lee Plan Standard 4.1.2, 31.5.1; *See also* Staff Report (Attachment E).

⁴⁷ LDC §34-932(b).

The CPD will be subject to several conditions of approval. Conditions relate to impacts anticipated from the project.⁴⁸ The Hearing Examiner recommends revisions to conditions to improve clarity and address the open space requirement.⁴⁹

Deviations

The request seeks two deviations from the LDC. A “deviation” is a departure from a land development regulation.⁵⁰ Requests for deviations from landscaping, buffering, signage, or architectural requirements in Page Park must meet variance approval criteria.⁵¹

Requested deviations pertain to publicly accessible open space and connection separation for proposed driveways.⁵² Staff supports the requested deviations.

The Hearing Examiner's standard of review requires a finding that the deviation: (1) enhances achievement of CPD objectives; and (2) protects public health, safety, and welfare.⁵³

Applying LDC deviation standards of review to testimony and evidence in the record, the Hearing Examiner concludes the requested deviations meet approval criteria.⁵⁴

Public

Applicant held a community meeting consistent with LDC requirements for Page Park rezoning requests.⁵⁵

No members of the public attended the Hearing Examiner hearing.

⁴⁸ LDC §34-83(b)(4)a.3. The Hearing Examiner recommends removing Condition 3. If the Board approves this rezoning request, the CPD addresses the cited *use* violations. Should staff desire to cite Applicant for *development order* violations, new cases could be opened and proceed through the Code Enforcement process.

⁴⁹ Environmental staff recommended a condition imposing a greater open space requirement in lieu of providing public open space. See Staff Report (pg. 8, Attachment F). Staff included this imposition in Deviation 1, but did not include it as a stand-alone condition. The Hearing Examiner recommends inclusion as a separate condition to ensure sufficient open space is provided.

⁵⁰ LDC §34-2.

⁵¹ Lee Plan Policy 31.1.1. Applicant does not seek deviations from listed provisions, so the request does not warrant variance level analysis.

⁵² Deviation 1 seeks relief from LDC §33-1259 to avoid public accessibility. Deviation 2 seeks relief from LDC §10-285 to replace the existing driveway with two driveways to eliminate the need to back-out onto 4th Street. Given the nature of the proposed use and its location relative to existing improvements, the Hearing Examiner finds both deviations improve public safety.

⁵³ LDC §34-145(d)(4).

⁵⁴ LDC §34-145(d)(4)a.2(c); §34-377(a)(4).

⁵⁵ See Staff Report (Attachment H).

Conclusion

The Hearing Examiner concurs with staff's analysis and recommendation of approval. The requested CPD meets LDC review criteria.⁵⁶

IV. Findings and Conclusions

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

As conditioned herein, the proposed CPD:

- A. Complies with the Lee Plan. See Lee Plan Goals 2, 4, 6, 11, 31, 125, Objectives 2.1, 2.2, 6.1, 11.2, 31.1, 31.2, and Policies 1.1.3, 1.6.5, 2.2.1, 2.2.1, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 6.1.8, 11.2.5, 31.1.1, 31.2.1, 125.1.3, Standards 4.1.1, 4.1.2, 4.1.4; Lee Plan Maps 1-A, 1-B.
- B. Complies with the LDC and other County regulations or qualifies for deviations. See LDC Chapters 10, 33, and 34.
- C. Is compatible with existing and planned uses in the area. See Lee Plan Policies 1.1.3, 2.1.1, 2.1.2, 2.2.1, 6.1.4, 6.1.7, 31.2.1; LDC §34-411(c), (i), and (j).
- D. Provides sufficient access to support the proposed development intensity, with expected impacts on transportation facilities addressed by County regulations or conditions of approval. See Lee Plan Policy 6.1.5, 39.2.1.
- E. Will not adversely affect environmentally critical areas and natural resources. See Lee Plan Goals 77, 125, Objectives 4.1, 77.2, Policy 6.1.6, 125.1.2, 125.1.3, Standard 4.1.4, LDC §34-411(h).
- F. Will be served by urban services. See Lee Plan Glossary, Map 3-B, Goal 2, 6, Objectives 2.1, 2.2, 4.1, 31.5, 53.1; Policies 1.1.3, 2.2.1, 31.5.1, and Standards 4.1.1 and 4.1.2; LDC §34-411(d).
- G. Recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. See LDC Chapters 10, 33, and 34.
- H. As conditioned herein, the requested deviations:
 - 1. Enhance objectives of the planned development; and
 - 2. Protect public health, safety, and welfare. See §34-145(d)(4)a.2(c).

⁵⁶ LDC §34-145(d)(4).

Date of Recommendation: June 12, 2025.



Amanda L. Rivera
Deputy 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

80' WIDE IONA D.D.
RIGHT-OF-WAY
CANAL L-6

6

3 50.0'

7 50.0'

FR 5/8" #8450 S 0°58'37"E 15.04'

6'-0" TALL CHAINLINK FENCE

30.0'

FR 5/8" NO CAP GUY ANCHOR

2 249.76'

8 249.76'

8'-0" TALL MASONRY WALL - SEE SECTION

1 (S0.1)

9

6'-0" TALL MASONRY WALL - SEE SECTION

2 (S0.1)

FR 5/8" #8450

ROLLING GATE 27'-2"

18'-10"

ROLLING GATE 27'-2"

1 37.8'

37.6'

24.5'

24.2'

1 STORY HOUSE #94

CAR-PORT

DIRT*

* FORMS IN PLACE FOR FUTURE DRIVEWAY

FR 5/8" NO CAP

FR 5/8" NO CAP

CONCRETE SIDEWALK

EDGE OF PAVEMENT

190'

SOUTH ROAD

S 88°3'30"E

N 69°3'30"W 25.257'

N 0°28'30"E 15.00'

[illegible]

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S0.2

Privacy Fence

PROJECT INFORMATION

PERMIT: 2024.02.07



CA# 33003

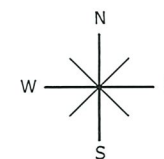
MICHAEL B. STEWART, P.E. LLC
PROFESSIONAL ENGINEERING SERVICE



DCI2024-00024

Zoning

 Subject Property



0 500
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS (With Hearing Examiner Modifications)

CONDITIONS

1. Master Concept Plan (MCP) and Development Parameters.

- a. Master Concept Plan. Development must be consistent with the MCP entitled "94 4th Street Master Concept Plan" prepared by Barraco and Associates, Inc., revised 2/7/2025 (Exhibit B1).
- b. Compliance with Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC at time of development order approval, except as may be granted by deviation herein. Subsequent changes may require additional approvals.

2. Schedule of Uses and Property Development Regulations.

- a. Schedule of Uses
Accessory uses and structures
Administrative offices
Contractors and Builders, Group II
Excavation, water retention
Fences, walls
Parking lot, accessory
Signs
Storage, open, in conjunction with Contractors and Builders Group II equipment to include, but not limited to, concrete pumps, skid steers, tractors, and mini excavators
Temporary uses

b. Property Development Regulations

<u>Minimum Lot Area and Dimensions</u>	
Lot Area (square feet)	<u>0.5 acres</u>
Width (feet)	<u>115 feet</u>
Depth (feet)	<u>245 feet</u>
<u>Minimum Setbacks</u>	
Street (feet)	<u>20</u>
Side (feet)	<u>20</u>
Rear (feet)	<u>20</u>

3. **Abatement of Code Enforcement Violations**

~~Within 30 days of this zoning resolution adoption, developer must file an application for Local Development Order approval depicting the site improvements necessary for abatement of VIO2024-08214 and VIO2025-02670. Development Order must be issued a certificate of compliance prior to commencing the intended commercial use of the property.~~

HEX Recommendation: Remove this condition. CPD approval abates the use violations. Separate cases can address development order issues.

3. **Open Space**

Development order plans must depict at least 32% (0.21 acres) of open space consistent with the MCP.

HEX Recommendation: Include this condition as requested by Environmental staff, relocated from Deviation 1.

4. **Development Permits**

County development permits do not create rights to obtain permits from state/federal agencies. Further, County development permits do not create liability on the part of the County if Applicant fails to obtain requisite approvals or fulfill obligations imposed by federal/state agencies or undertakes actions in violation of state/federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

DEVIATIONS

1. **Public Open Space**. Deviation (1) seeks relief from the LDC §33-1259 requirement of a minimum ten percent public open space, to allow no public open space.

HEX Recommendation: Approve, subject to condition 3.

2. **Connection Separation**. Deviation (2) seeks relief from the LDC §10-285 requirement of 60 feet connection separation for local roads located in Future Urban Areas, to allow a connection separation of 38 feet between the two access driveways to the property as depicted on the MCP.

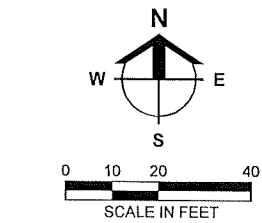
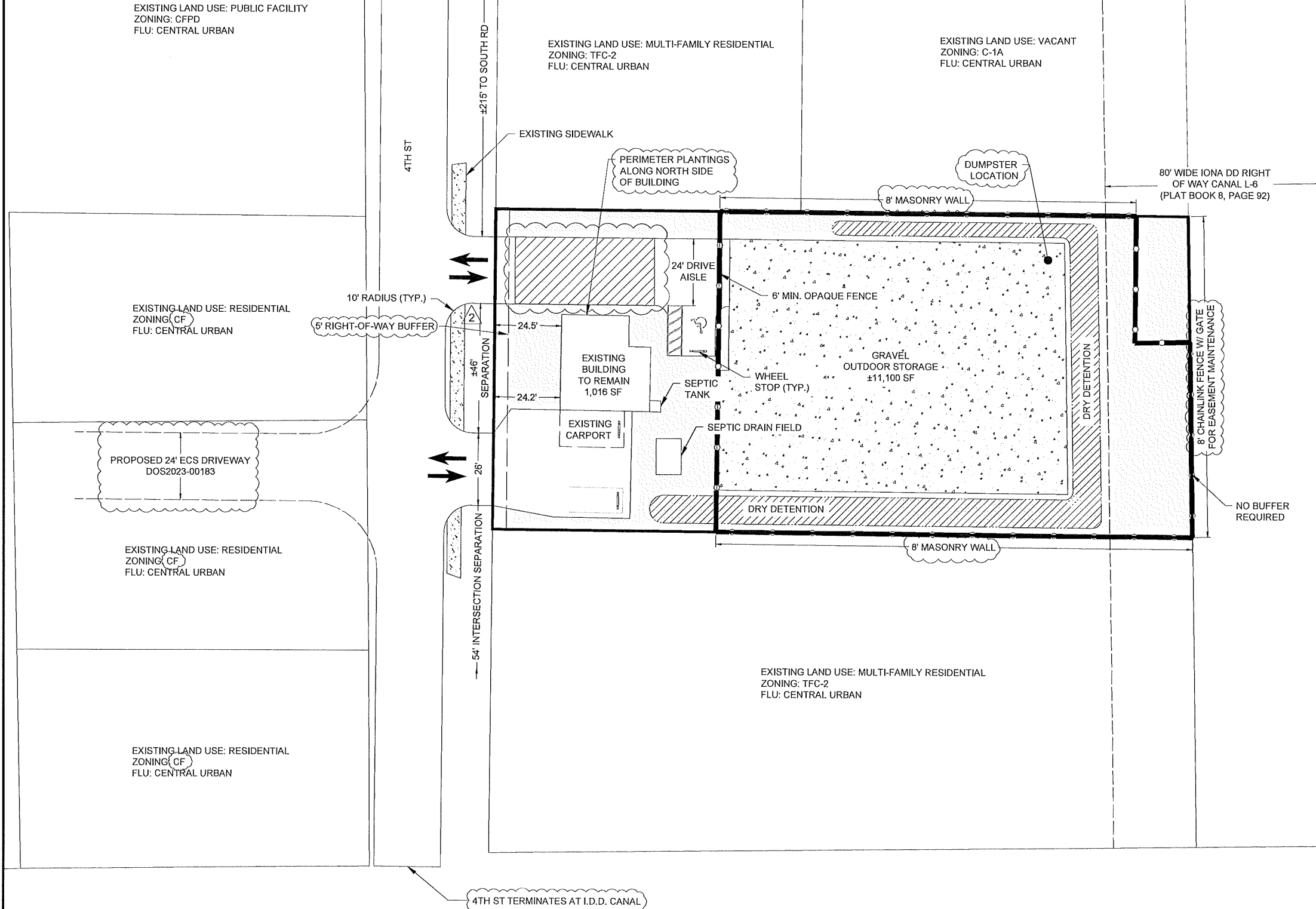
HEX Recommendation: Approve, subject to the following condition:

Development order plans must demonstrate sufficient space is provided to facilitate internal turning movements to ensure parking spaces can exit onto 4th Street in a forward motion.

Exhibits to Conditions:

B1 MCP entitled "94 4th Street," dated February 7, 2025

EXHIBIT B-1



LEGEND

	PROPERTY BOUNDARY
	SERVICE AREA
	OPEN SPACE
	DEVIATIONS
	PROPOSED ACCESS

NOTES:
1. NO BUFFERS REQUIRED ADJACENT TO MULTI-FAMILY RESIDENTIAL OR COMMERCIAL (LDC 10-425(1)(3))
2. DUMPSTER TO BE LOCATED WITHIN OUTDOOR STORAGE AREA
3. TRUCKS FOR DELIVERIES WILL USE THE DRIVE AISLE ON THE NORTH SIDE OF THE PROPERTY

OPEN SPACE
0.66 AC X 10% = 0.07 AC REQUIRED OPEN SPACE
PROVIDED OPEN SPACE: 0.21 AC (32%)

EXISTING LAND USE: INDUSTRIAL
ZONING: IL
FLU: CENTRAL URBAN

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PHONE (239) 461-3170
FORT MYERS | PANAMA CITY BEACH
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR
**MEDENWALD /
MINC
MASONRY, INC.**

PROJECT DESCRIPTION
**94 4TH
STREET**
PART OF SECTION 12,
TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

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FILE NAME	24242202-OPT2.DWG
LOCATION	J:\24242\DWG\ZONING\
PLOT DATE	TUE. 3-4-2025 - 11:24 AM
PLOT BY	ALYSSA FONTAINE
CROSS REFERENCED DRAWINGS	
BASEPLAN = 24242200-OPT2_DRIVE OPT B.DWG	

PLAN REVISIONS	
12-17-24	INSUFFICIENCY COMMENTS
2-7-25	INSUFFICIENCY COMMENTS

PLAN STATUS

**MASTER
CONCEPT
PLAN**

PROJECT / FILE NO.	SHEET NUMBER
24242	

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments: Prepared by Khalil Muhammad, Planner, date received May 14, 2025 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. Affidavit of Publication: For Zoning Case DCI2024-00024, 94 4th Street (1 page – 8.5"x11")
3. PowerPoint Presentation: Prepared by Lee County Staff for DCI2024-00024, 94 4th Street CPD Rezoning, dated May 29, 2025 (multiple pages – 8.5"x11")

APPLICANT EXHIBITS

- a. 48-Hour Notice: Email from Megan Strayhorn, Esq., with Strayhorn & Persons-Mulicka, to Maria Perez, and Jamie Pringing, with copies to Vincent A. Cautero and Kelly Liscum, dated Tuesday, May 27, 2025, at 8:50 a.m. (4 pages – 8.5"x11")
2. PowerPoint Presentation: Prepared by Medenwald Inc Masonry & Concrete, for 94 4th Street (multiple pages – 8.5"x11")[color]
3. Master Concept Plan: Prepared by Barraco and Associates, Inc., for Medenwald Inc., Masonry, Inc., for 94 4th Street, last revised February 7, 2025 (1 page – 11"x17")
4. Written Submission: Email from Vincent Cautero to Maria Perez, with copies to Carl A. Barraco, Khalil Muhammad, Megan Strayhorn, Esq., Kelly Liscum, and Jeremy Sno, dated Thursday, May 29, 2025, at 3:49 PM (4 pages – 8.5"x11"){Post Hearing Submittal}

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Khalil Muhammad

Applicant Representatives:

5. Vince Cautero
6. Megan Strayhorn, Esq.

Public Participants:

None

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.
- C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at 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.