

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

DATE: June 17, 2025

TO: Board of County Commissioners FROM: Donna Marie Collins
Lee County Chief Hearing Examiner

RE: JBRA CPD
Hearing Examiner Recommendation

Chief Hearing Examiner Donna Marie Collins has rendered a Recommendation on the following zoning request:

JBRA CPD

DCI2024-00023

HEARD: April 24, 2025, and June 13, 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
Adam Mendez / 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

JBRA CPD

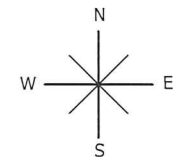
The request facilitates redevelopment of the former offices of the Fort Myers Beach Observer into a package store.

Detailed recommendation follows

DCI2024-00023

Future Land Use

-  Subject Property
-  Central Urban
-  Urban Community
-  Suburban
-  Industrial
-  Public Facilities
-  Wetlands
-  City Limits



0 500
Feet

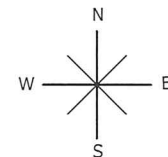


DCI2024-00023

Aerial

 Subject Property

 City Limits



0 500
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2024-00023

Regarding: JBRA CPD

Location: 19260 San Carlos Blvd
Iona/McGregor Planning Community
(District 3)

Hearing Date: April 24, 2025 (Heard)

Additional Hearing Date: June 13, 2025 (Heard)

I. Request

Rezone a .26 acre site zoned Commercial (C-1) to the Commercial Planned Development (CPD) district to allow a 2,840 square foot package store with accessory parking.¹ The site address is 19260 San Carlos Boulevard.

The Department of Community Development staff recommended approval of the request, finding the requested CPD satisfies LDC review criteria and the Lee Plan. Discussion supporting approval of the request follows below.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, 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 to the planned development zoning district.² In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone property to the Commercial Planned Development District.

In preparing a recommendation to the Board, the Hearing Examiner must apply the County's Comprehensive Plan (Lee Plan), Land Development Code (LDC),

¹ Applicant amended original request after the first day of hearing, limiting the rezoning to the .26 acre C-1 parcel.

² LDC §34-145(d)(4) a.

and other County regulations to facts presented at hearing. The record must contain substantial, competent evidence to support the recommendation, and conditions must rationally relate to the potential impacts of the requested change.³

Discussion supporting the Hearing Examiner's recommendation of approval with conditions below.

History

The existing zoning designation dates to the County's first zoning maps in 1962. The C-1 zoned parcel is developed with a 2,840 square foot commercial building on the corner of Main Street and San Carlos Boulevard.⁴

The property lies within the San Carlos Island Redevelopment Overlay District.⁵

Lee Plan Consistency

The Lee Plan regulates land development activity in the County.⁶ The Plan's Future Land Use Map divides the County into future urban, nonurban, and environmentally sensitive areas. All development must be consistent with the Lee Plan, including the Future Land Use Map.⁷

The property's future land use designation is Urban Community. The Urban Community is characterized by intense commercial and residential land uses.⁸ The areas surrounding San Carlos Boulevard include marinas, commercial centers, and industrial uses off Buttonwood Drive. The request seeks to convert a former office building to retail use. The proposed uses are consistent with the Urban Community.⁹

The Economic Element of the Lee Plan encourages the expansion of the County's economic base.¹⁰ The proposed retail land use contributes to a positive business climate, creating additional employment opportunities.¹¹

³ LDC §34-145(d).

⁴ The C-1 zoned lot is a quarter acre in size and formerly housed the offices of the Fort Myers Beach Observer, a local newspaper.

⁵ Applicant did not elect to utilize the district provisions.

⁶ LDC §34-491.

⁷ Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezoning must be consistent with Lee Plan goals, objectives, and policies.

⁸ Lee Plan Policy 1.1.4. Predominant land uses in this category will be residential, commercial, public, and quasi-public. Buildings may be as tall as 95 feet above minimum flood elevation in the Urban Community.

⁹ Lee Plan Policy 1.1.4.

¹⁰ Lee Plan Goals 158, 159, 161, Objective 158.2.

¹¹ Lee Plan Goals 158, 161, Objective 158.3, 161.1.2, 161.4.3.

The MCP depicts open space concentrated along the north and west boundaries. This design creates a transition in intensity from the busy arterial roadway to the residential uses on South Street.

Residential land uses west of South Street have coexisted with commercial uses on San Carlos Boulevard for many years. Redevelopment of the former Beach Observer offices constitutes infill development.¹²

Parking to support the building remains on the south and east sides of the building, adjacent to Main Street and San Carlos Boulevard.¹³

LDC Compliance

Development must comply with the LDC or seek deviations. A “deviation” is a departure from a land development regulation.¹⁴ Deviations must enhance the planned development and not cause a detriment to the public.¹⁵ The CPD request includes 7 deviations from LDC standards, many of which are necessary to accommodate existing site conditions.¹⁶

Development may be subject to additional impact fees at the time of site development permitting.¹⁷

Transportation

Planned developments must have access to roads with sufficient capacity to support development.¹⁸

The project has direct access to Main Street, a two lane local road with a posted speed limit of 25 mph. Patrons may access the San Carlos Boulevard corridor via Main Street.¹⁹

The transportation analysis performed by Applicant and County staff confirm surrounding roadways will operate within acceptable levels of service at build out in 2029.²⁰

¹² Lee Plan Objective 2.1, Policies 2.1.1, 6.1.7.

¹³ Lee Plan Policies 5.1.5, 6.1.4, 6.1.5.

¹⁴ LDC §34-2.

¹⁵ LDC §34-373(a)(9).

¹⁶ The deviations pertain to buffers, setback from residences and establishments primarily engaged in the sale of alcohol, connection separation, building perimeter plantings, parking aisle width, reverse maneuvering in parking lot, and separation from edge of pavement.

¹⁷ LDC Chapter 2, Article VI. Additional impact fees may be required for roads, fire, and EMS if the property will be developed with retail land uses.

¹⁸ LDC §§34-145(d)(4), 34-411.

¹⁹ Lee Plan Policy 2.2.1.

²⁰ Staff Report Attachments G, H: Traffic Impact Statement for Breeze Building CPD prepared by TR Transportation Consultants Inc., dated June 14, 2024, and Memo from Tim Brooks, Project Manager DOT dated April 4, 2025.

Site-related improvements will be evaluated during development order permitting.

Environmental and Natural Resources

Planned developments must be designed to protect/preserve a site's natural features.²¹ The site is cleared and developed with a building and accessory parking and contains no natural features. The stormwater management system for the parcel will continue to direct run off into the drainage infrastructure of San Carlos Boulevard.²²

Public Services

The Lee Plan requires an evaluation of public services and infrastructure during the zoning process.²³ Public services and infrastructure include services, facilities, and capital improvements necessary to support development.²⁴

The property is in an urban area with access to a broad array of public infrastructure, including paved roads, potable water, sanitary sewer, transit, police, fire, and emergency medical services.²⁵

Public Participation

Three Members of the public attended the Hearing Examiner hearing. Chief among their concerns were related to a commercial parking lot that Applicant subsequently removed from the request.

Conditions

The County must administer the zoning process so that proposed land uses acceptably minimize adverse impacts on adjacent property.²⁶ Conditions must plausibly relate to impacts anticipated from proposed land uses and be pertinent to mitigating those impacts on the public.²⁷ The Hearing Examiner finds the proposed conditions adequately address the impacts reasonably anticipated from the proposed land uses.

²¹ LDC §§34-145(d)(4), 34-411.

²² The former Fort Myers Beach Observer office slated for remodeling to accommodate a package store was developed in the 1970's prior to adoption of stormwater management regulations.

²³ Lee Plan Objective 4.1, Policy 2.2.1.

²⁴ Lee Plan Glossary.

²⁵ The site is surrounded by paved roads. Lee County Utilities will provide potable water and sanitary sewer service to the site. Lee Tran Route 490 services the San Carlos Boulevard road corridor from a Beach Park and Ride facility off Summerlin Road. Lee County Sheriff will provide law enforcement from its district office on Six Mile Cypress Parkway. The Fort Myers Fire District and Medic #31 will provide fire and emergency services. Lee Plan Policies 2.2.1, 65.2.1

²⁶ Lee Plan Policy 135.9.6

²⁷ LDC §34-932(b)

Conclusion

The Hearing Examiner finds the request meets LDC criteria to rezone to the CPD district.

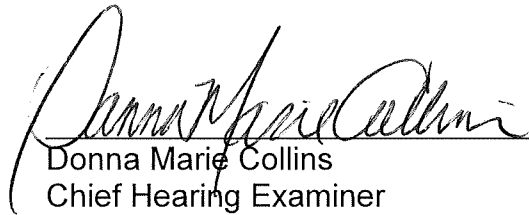
IV. Findings and Conclusions

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

- A. The requested JBRA CPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 6, 95, 158, 159, 160, 161; Objectives 2.1, 4.1, 6.1, and Policies 1.1.4, 1.6.5, 2.2.1, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 39.1.3, 39.2.1, 6.1.3.
- B. 135.9.6; Lee Plan Maps 1-A, 1-B, 2-A, 3-C, 3-D, 4-A, 4-B, Table 1(b).
- C. As conditioned herein, the JBRA CPD:
 - 1. Is consistent with the LDC or qualifies for deviations. LDC Chapters 2, 10, and 34.
 - 2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Goals 2, 6, 158, 160, 161, Objectives 2.1, 2.2, and Policies 1.1.4, 5.1.5, 6.1.4, 39.1.3, 135.9.5, 135.9.6, 161.4.3; LDC §§34-411, 34-413.
 - 3. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 39.1, Policies 6.1.4, 6.1.5, 38.1.1, 39.1.1, 39.2.1.
 - 4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 6.1.5, 39.1.3, 39.2.1; LDC §§2-261 *et seq.*, 34-411(d) and (e).
 - 5. Will not adversely affect environmentally sensitive areas or natural resources; and
 - 6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 6, 95, Objectives 2.1, 2.2, 4.1, 6.1, 158.3, Policies 2.2.1, 4.1.1, 4.1.2, 6.1.4, 39.2.1, 65.2.1, 158.3.1, 160.1.1, 161.1.2, 161.4.3, Standards 4.1.1, 4.1.2.

- D. The proposed uses are appropriate at the location. Lee Plan Goals 2, 6, 158, 160, 161; Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2, 6.1.7, 6.1.8, 39.1.3, 135.9.6, Lee Plan Table 1(b)
- E. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Goals 125, Objectives 77.2, 77.3, 126.2, Policies 5.1.5, 6.1.4, 53.1.5, 56.1.4, 135.9.6: LDC §§34-377(a)(3), 34-411 and 34-932(c).
- F. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC §§34-373(a)(9), 34-377(a)(4).
- G. Will be served by urban services and infrastructure. Lee Plan Goals 2, 4, 95, Objectives 2.1, 2.2, Policy 2.2.1, 4.1.1, 4.1.2

Date of Recommendation: June 17, 2025.


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

EXHIBIT A

CASE NUMBER: DCI2024-00023

LEGAL DESCRIPTION

Lot 36, Block 6, San Carlos on the Gulf, Section 24, Township 46 South, Range 23 East, According to the map or plat thereof as recorded on file in the Office of the Clerk of the Circuit Court, Recorded in Plat Book 6 Page 6, Public Records of Lee County, Florida.

STRAP NUMBER

24-46-23-01-00006.0360

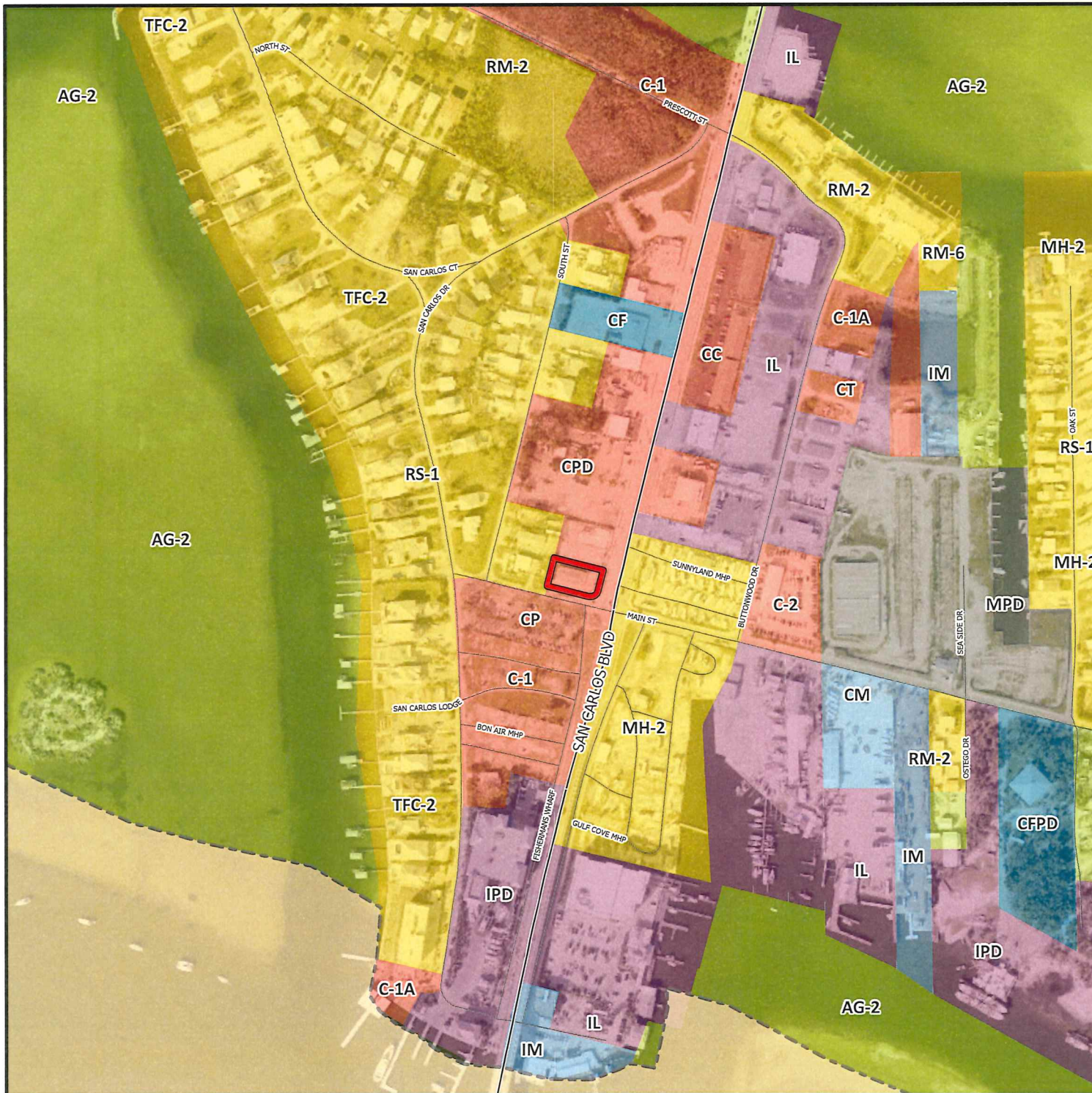
REVIEWED

Project: DCI2024-00023

By: Richard Burris

Dept: Legal Review

Date: 05/29/2025

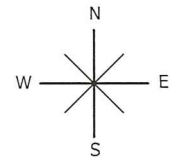


DCI2024-00023

Zoning

 Subject Property

 City Limits



0 500
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. **Master Concept Plan and Development Parameters**

- a. Master Concept Plan (MCP). Development must be substantially consistent with the Master Concept Plan revised 06/02/2025, attached as B1.
- b. Approved Development Parameters. Development intensity is limited to a maximum of 2,840 square feet of commercial floor area. Maximum building height is 30 feet.
- c. Compliance with Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC, except where deviations have been approved herein. Subsequent amendments to permitted uses, MCP, or conditions will be subject to further development approvals.

2. **Schedule of Permitted Uses and Property Development Regulations**

a. Permitted Uses

Accessory uses and structures
Administrative offices
ATM (Automatic teller machine)
Business Services, Group I
Clothing stores, general
Drugstore, pharmacy
Essential services
Essential service facilities, Group I
Excavation, water retention
Fences, walls
Package store (see Deviation #1)
Parking lot:
 Accessory
Pet shop
Signs
Specialty retail shops, Groups I, II

b. Site Development Regulations

Minimum Lot Size	7,500 square feet
Minimum Lot Width	60 feet
Minimum Lot Depth	100 feet

Minimum Setbacks, Maximum Building Height and Lot Coverage

Street	25 feet
Side	7.5 feet
Rear	15 feet
Maximum building height	30 feet
Lot coverage	40 percent
Building separation	10 feet unless greater separation required by building/fire code

3. Enhanced Type A Buffer

Development order plans must reflect a Type A Buffer along the north perimeter including a continuous double staggered hedgerow consistent with the MCP. Property owner must maintain the double staggered hedgerows to form a 36-inch-high continuous visual screen within one year following installation.

DEVIATIONS

1. Package Store Separation. Deviation 1 seeks relief from LDC §34-1263(e), which requires 500 feet of separation between a package store and existing dwelling under separate ownership or another establishment primarily engaged in the sale of alcoholic beverages to allow a minimum separation of 150 feet from the property line of Sunnyland Mobile Home Park, 291 feet from the residence at 810 San Carlos Drive, and 100 feet from the bar/cocktail lounge to the north.

Hearing Examiner Recommendation: Deviation approved, subject to Condition 3.

2. Connection Separation. Deviation 2 seeks relief from LDC §10-285(a), which requires driveway connection separations of 60 feet on local roads with speed limits under 45 mph, to allow a minimum connection separation of 49 feet along Main Street.

Hearing Examiner Recommendation: Deviation approved.

3. Landscape Standards. Deviation 3 seeks relief from LDC §10-416(b), which requires building perimeter plantings equal to 10% of the building's gross to allow no building perimeter plantings.

Hearing Examiner Recommendation: Deviation approved

4. Minimum Parking Aisle Width. Deviation 4 seeks relief from LDC §34-2016(3), which requires a one-way parking aisle for parking spaces angled at 45 degrees with a minimum width of 12 feet, to allow a minimum width of 8.5 feet.

Hearing Examiner Recommendation: Deviation approved subject to consistency with the Vehicle Maneuvering Sketch (Exhibit B2).

5. Parking Space Location and Design. Deviation 5 seeks relief from LDC §34-2015(2)d, which requires parking spaces be provided with sufficient maneuvering room to allow exiting vehicles to leave the parking lot in a forward motion, to allow a dumpster enclosure design that requires a garbage truck to back out of the parking lot onto Main Street.

Hearing Examiner Recommendation: Deviation approved, subject to the following condition:

Solid waste collection vehicles are the only vehicles permitted to exit the site in a backward motion.

6. Landscape Standards – Buffering Adjacent Property. Deviation seeks relief from LDC §10-416(d), which requires a 15-foot Type D buffer between commercial properties and rights-of-way, to allow no buffer along the east and south boundaries.

Hearing Examiner Recommendation: Deviation approved

7. Connection Separation. Deviation seeks relief from LDC § 10-285(b), which requires access roads intersecting another road that also intersects a parallel arterial road to have an outer separation of at least 100 feet from the edge of pavement of the arterial, to allow a separation of 53 feet.

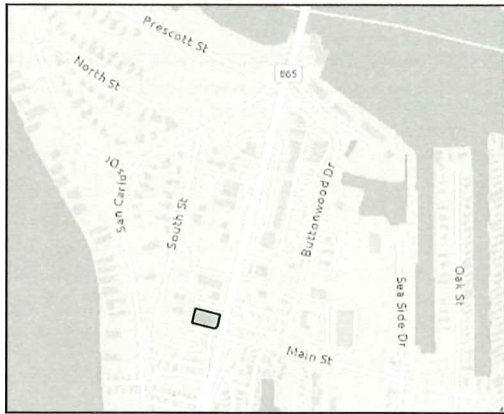
Hearing Examiner Recommendation: Deviation approved

Exhibits to Conditions:

B1 Master Concept Plan revised June 2, 2025

B2 Vehicle Maneuvering Sketch

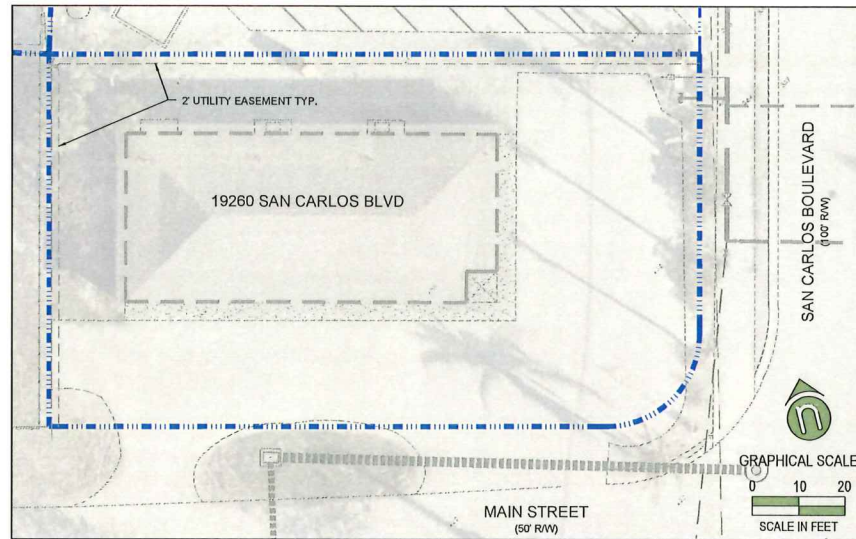
LOCATION MAP



SCALE: 1"=500'

EXHIBIT B-1

EXISTING CONDITIONS



PROJECT INFORMATION

PARCEL NUMBER: 24-46-23-01-00006.0360
SITE ADDRESS: 19260 SAN CARLOS BOULEVARD
FORT MYERS BEACH, FL 33931
PARCEL AREA: 0.26 AC (11114 SF)
SECTION/TOWNSHIP/RANGE: 24/46/23
ZONING: C-1
FUTURE LAND USE: URBAN COMMUNITY
FEMA PANEL: 12071C0554G (11/17/22)
FEMA FLOOD ZONE: ZONE AE (BFE 11.0)
OPEN SPACE REQD (20%): 2222.8 SF
OPEN SPACE PROVIDED: 2338 SF

OPEN SPACE DIAGRAM



SCALE: 1"=40'

PD MASTER CONCEPT PLAN NOTES

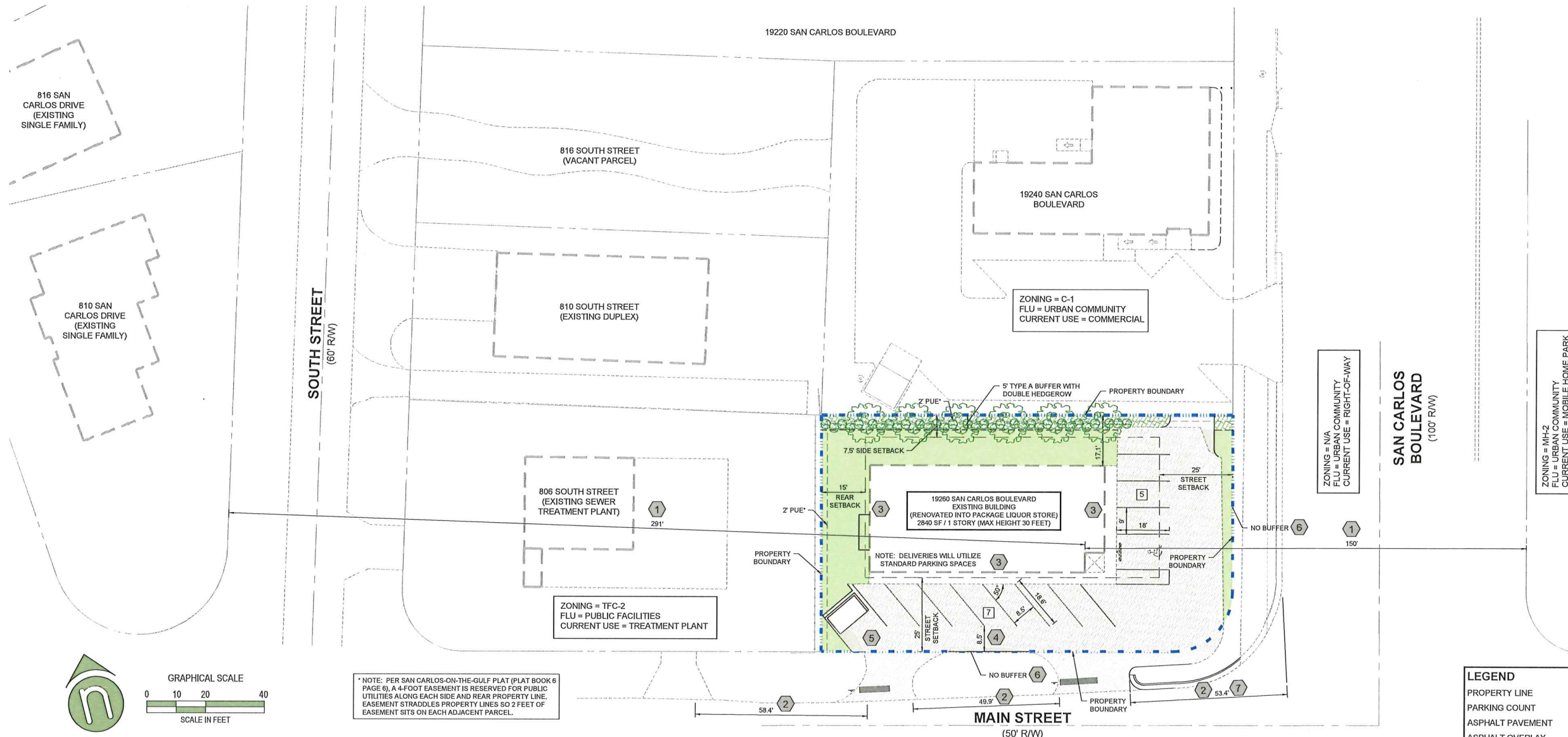
- MASTER CONCEPT PLAN BASED ON SURVEY OF PARCEL PROVIDED BY TARGET SURVEYING, LLC, RECEIVED 3/18/2024.
- DETAILED SITE DESIGN SHALL COMPLY WITH LEE COUNTY'S LAND DEVELOPMENT CODE AND WILL BE ADDRESSED DURING THE DEVELOPMENT ORDER (DO) PROCESS WITH LEE COUNTY.
- THE PROPERTY'S CHARACTERISTICS ARE SUITABLE FOR THE INTENDED USE.
- THE ONSITE SOILS AND ENVIRONMENTAL CHARACTERISTICS ARE NOT ANTICIPATED TO CAUSE ADVERSE IMPACTS TO SURROUNDING AREAS. IT IS RECOMMENDED THAT DEVELOPER OBTAIN A GEOTECHNICAL EXPLORATION AND ENVIRONMENTAL ASSESSMENT OF THE PROPERTY TO CONFIRM THIS.

LAND USE SUMMARY

COMPONENT	EXISTING CONDITION		PROPOSED CONDITION	
	AREA (SF)	COV (%)	AREA (SF)	COV (%)
BUILDINGS	2840	25.6%	2840	25.6%
PAVEMENT	4801	43.2%	4799	43.2%
SIDEWALKS	598	5.4%	612	5.5%
DETENTION AREAS	0	0.0%	0	0.0%
PERVIOUS AREAS	2875	25.9%	2863	25.8%
TOTAL	11114	100.0%	11114	100.0%

PARKING CALCULATIONS

PARKING REQUIRED (LDC 34-2020):			
USE	QTY	RATIO	NO. SPACES
SMALL GOODS RETAIL [PACKAGE STORE]	2840 SF	1 SP/250 SF	11.4 SPACES
		TOTAL REQD =	11.4 SPACES
PARKING PROVIDED:		STANDARD PARKING =	11 SPACES
		ADA PARKING =	1 SPACES
		TOTAL PROVIDED =	12 SPACES
ADA SPACES REQUIRED:		12 SPACES REQUIRE	1 ADA SPACE



LEGEND

PROPERTY LINE
PARKING COUNT
ASPHALT PAVEMENT
ASPHALT OVERLAY
PROPOSED BUFFER AREA
OTHER GREEN SPACE
DEVIATION MARKER

greensite
engineering, inc.

13300-56 S CLEVELAND AVENUE
FORT MYERS, FL 33907
PHONE (239) 433-9498

FL CERT OF AUTH #28713
WWW.GREENSITE-ENG.COM

PROJECT NAME

BREEZE BUILDING
RENOVATION

SITE IMPROVEMENTS

FORT MYERS BEACH, FLORIDA

CLIENT

JBRA JUNIOR
LAND HOLDINGS LLC

3618 FOWLER STREET, SUITE D
FORT MYERS, FL 33901
PHONE: (954) 854-3484

FILE NAME:
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PLOT DATE:
MONDAY 6/2/2025 12:37 PM

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NO.	REVISIONS	DATE	BY
10			
9			
8			
7			
6			
5			
4			
3			
2			
1			
NO.			

PLAN STATUS:
PERMIT APPROVAL
NOT FOR CONSTRUCTION

ISSUE DATE:
JUN 2025

DRAWING TITLE

MASTER CONCEPT
PLAN

GEI PROJECT NUMBER

223912

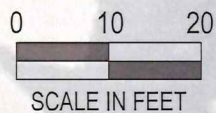
SHEET NUMBER

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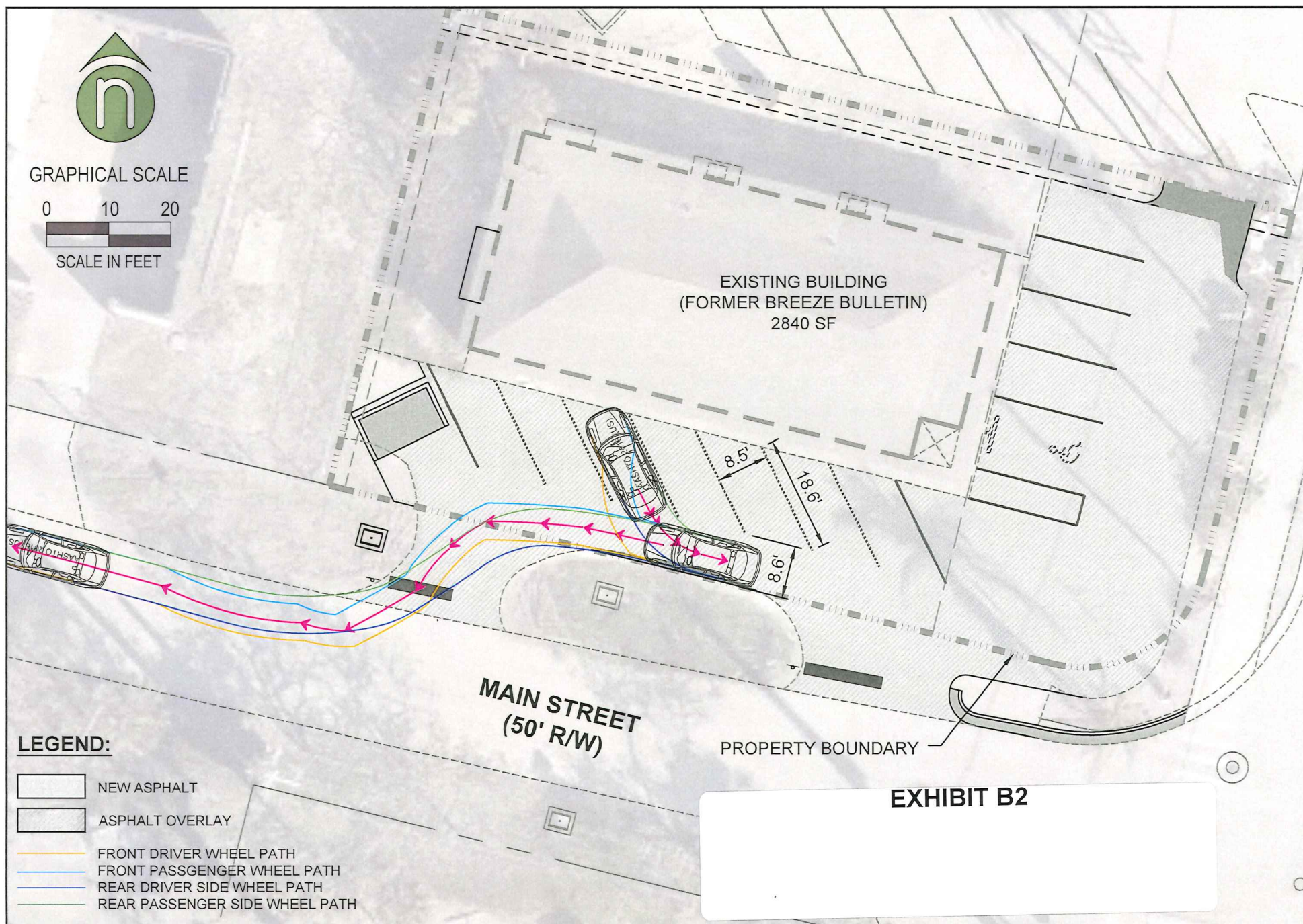
ENGINEER OF RECORD
STEPHANIE K. CALDWELL, P.E.
FL P.E. NO. 5603
DATE: 6/2/2025



GRAPHICAL SCALE



SCALE IN FEET



VEHICLE MANEUVERING SKETCH
FORMER BREEZE BULLETIN BUILDING

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DATE: 9/15/2024
FILE: 223912EX05.DWG
JOB NO: 223912
SHEET: 2

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments for DCI: Prepared by Adam Mendez, Senior Planner, date received April 9, 2025 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. Affidavit of Publication: For JBRA CPD, DCI2024-00023, for Lee County Hearing Examiner Public Hearing (1 page – 8.5"x11")
3. PowerPoint Presentation: Prepared by Lee County Staff for JBRA CPD, DCI2024-00023 (multiple pages – 8.5"x11")[color]
4. Revised Deviation #1: (1 page – 8.5"x11")
5. Second Hearing Day 48-Hour Notice: Email from Adam Mendez to Maria Perez, with copies to Patty Kulak, Alexis Crespo, Stephanie Caldwell, and Brienne Cherry, dated Tuesday, June 10, 2025, 4:50 PM (multiple pages – 8.5"x11")

APPLICANT EXHIBITS

- a. 48-Hour Notice: Email from Patty Kulak to Maria Perez, Yury Bykau, Bruce Strayhorn, Esq., Megan Strayhorn, Esq. Adam Mendez, Alexis Crespo, with copies to Rebecca Sweigert, Tracy Toussaint, Elizabeth Workman, Audra Ennis, Nicholas DeFilippo, Abby Henderson, Lee Werst, Lindsay Hickey, Warren Baucom, Mikki Rozdolski, Anthony Rodriguez, Phil Gillogly, Marcus Evans, and Jennifer Rodriguez, dated Monday, April 21, 2025, 9:09 PM (multiple pages – 8.5"x11")
1. Letters of No Objections: (multiple pages – 8.5"x11")
2. Updated Primary Master Concept Plan Option 1: Prepared by Greensite Engineering, Inc. (1 page – 8.5"x11" and 11"x17")
3. Updated Alternate Master Concept Plan Option 2: Prepared by Greensite Engineering, Inc. (1 page – 8.5"x11" and 11"x17")
4. PowerPoint Presentation: Prepared by RVI Planning and Landscape Architecture for JBRA CPD, DCI2024-00023 (multiple pages – 8.5"x11")[color]
5. Enlarged Master Concept Plan: Prepared by Greensite Engineering, Inc., Including both Options (2 pages – 11"x17" and 24"x36")
6. Résumé: For Patty Kulak (1 page – 8.5"x11")

7. Continued 48-Hour Notice: Letter from Patty Kulak, with attachments, to Mr. Adam Mendez, dated June 10, 2025 (multiple pages – 8.5"x11")

OTHER EXHIBITS

Stan Stouder

1. PowerPoint Presentation: (multiple pages – 11"x17")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Adam Mendez

Applicant Representatives:

1. Yury Bykau
2. Stephanie Caldwell
3. Patty Kulak
4. Megan Strayhorn, Esq.

Public Participants:

1. Christy Hennessey
2. Stan Stouder
3. John Zombeck

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.