

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

DATE: August 22, 2025

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

RE: NEW POST RD SELF-STORAGE FACILITY
Hearing Examiner Recommendation

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

NEW POST RD SELF-STORAGE FACILITY

DCI2023-00013

HEARD: June 26, 2025

Record Closed: July 11, 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
MarySue Groth / 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

NEW POST RD SELF-STORAGE FACILITY

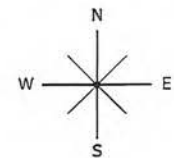
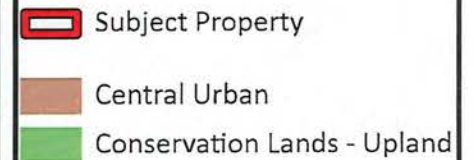
Applicant seeks to develop vacant land south of Bayshore Road with a self-storage warehouse facility. The property is currently zoned for commercial use and sits adjacent to commercial lands near a heavily trafficked arterial road.

Established residential neighborhoods lie south and west of the site. The proposed Schedule of Uses is narrowly tailored to accommodate the requested mini-warehouse use. Limiting uses on the site protects neighbors from expansive commercial uses permitted under existing zoning.

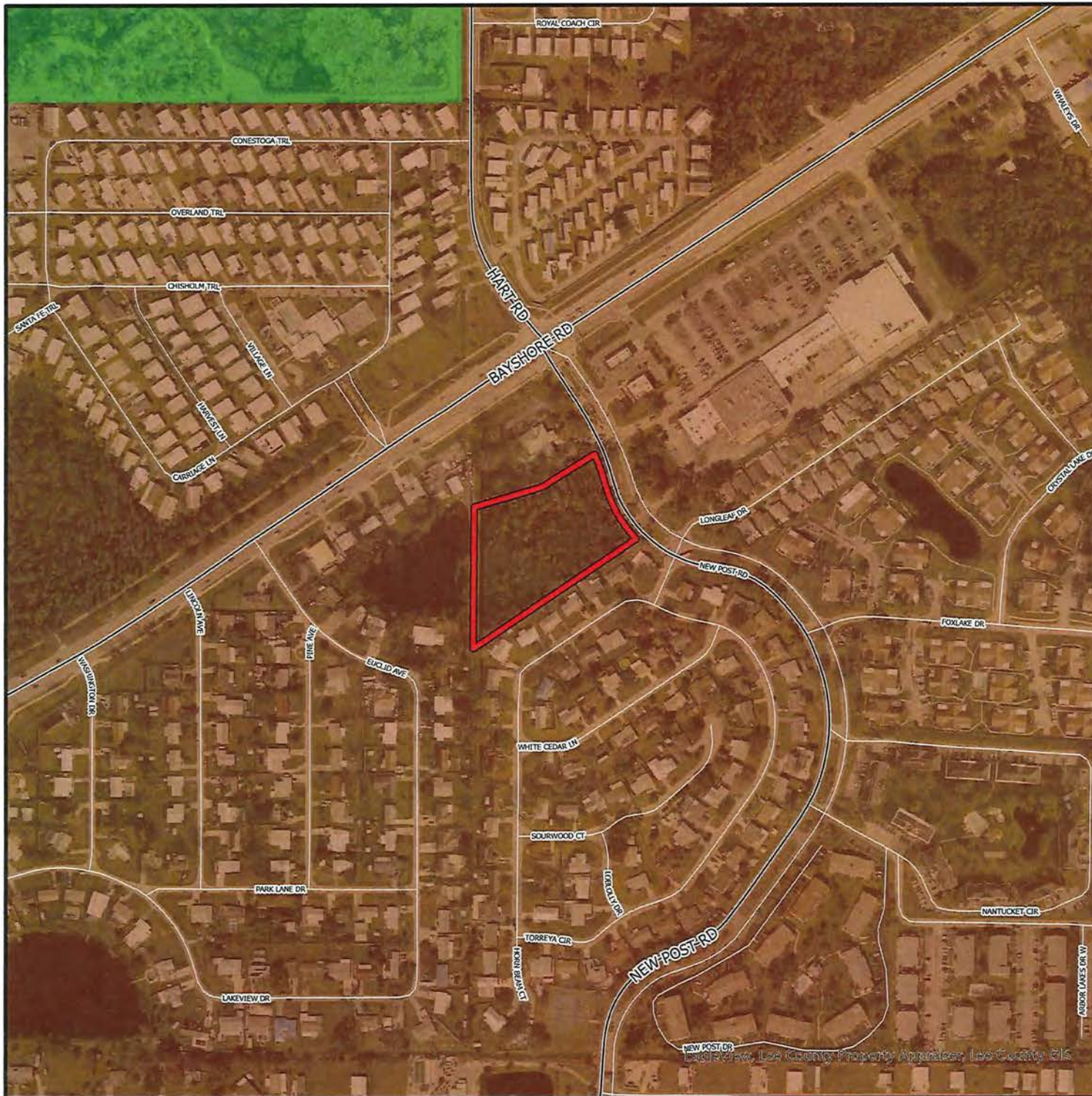
The Hearing Examiner finds the request satisfies LDC rezoning review criteria. Applicant seeks no deviations from land development regulations.

Detailed recommendation follows

Future Land Use



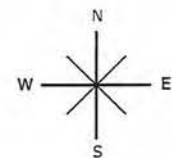
A horizontal number line with tick marks at 0, 250, 500, and 750. The word "Feet" is written below the line.



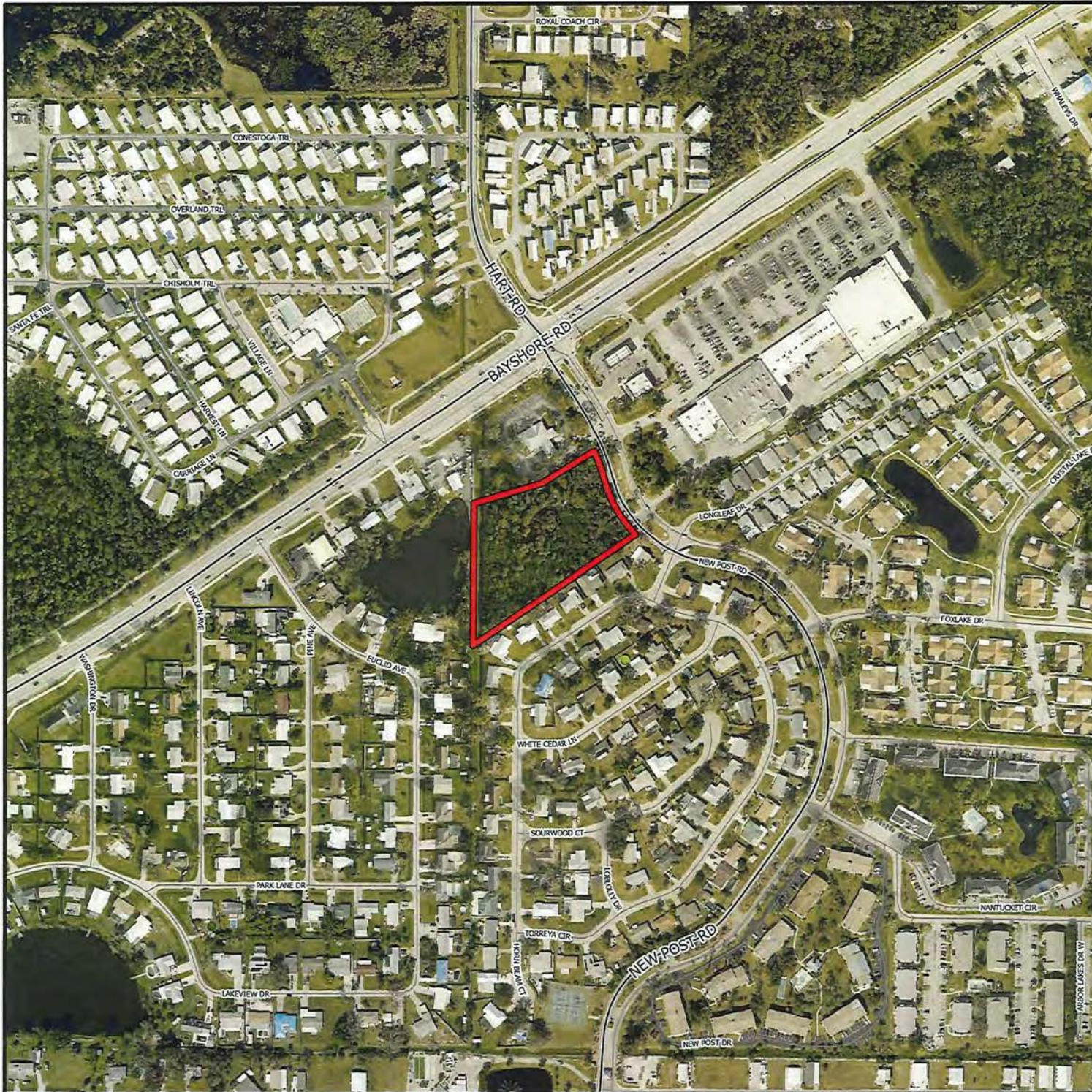
DCI2023-00013

Aerial

 Subject Property



0 250 500 750
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2023-00013

Regarding: NEW POST RD SELF-STORAGE FACILITY

Location: 2833 New Post Road
North Fort Myers Planning Community
(District 4)

Hearing Date: June 26, 2025
Record Closed: July 11, 2025

I. **Request**

Rezone 2.93± acres from Commercial (C-1A) to Commercial Planned Development (CPD), to allow a maximum of 102,222 square feet of mini-warehouse and public warehouse uses.

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 to planned development districts.¹ In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone commercially zoned land to CPD.

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 applicable County regulations to 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 & (d)(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 CPD follows below.

Request Synopsis

The 2.93± acre property is separated from Bayshore Road/SR 78 by a commercially zoned parcel. The subject site remains vacant and heavily vegetated.

Applicant seeks to develop 102,222 square feet of mini-warehouse and public warehouse uses.⁶ The proposed site plan reflects a single building surrounded by parking and detention areas. Open space lines the perimeter of the property. Over half of the site is devoted to open space.⁷

The request seeks no deviations from LDC development standards.⁸ Maximum height is 35 feet.⁹

The project contemplates a single access to New Post Road, which intersects Bayshore Road just north of the site.

Applicant is undergoing development order review for the proposed storage facility.¹⁰ The property is subject to a Code Enforcement violation for nuisance accumulation.¹¹

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

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 The Schedule of Uses is narrowly limited. See Condition 2a.

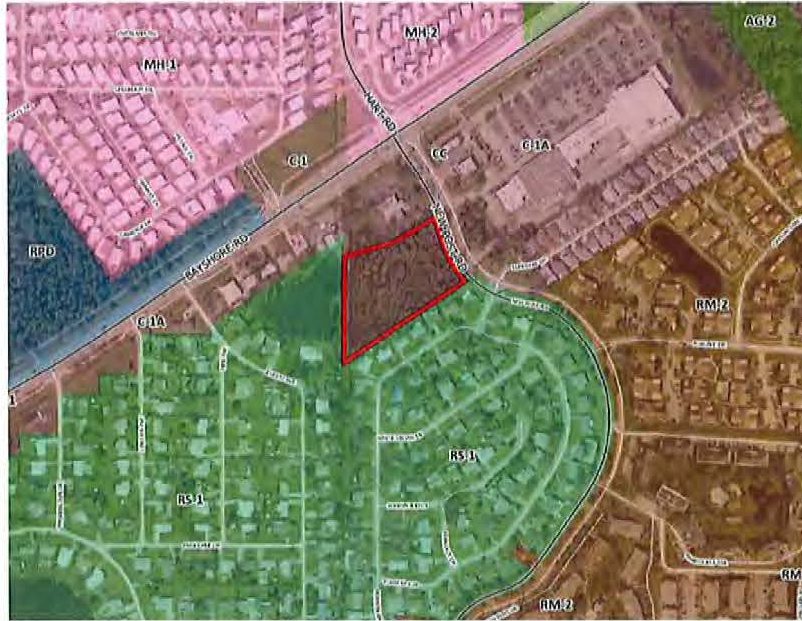
⁷ The MCP reflects 51% open space.

⁸ Applicant requested a deviation from refuse/solid waste disposal but withdrew the request upon Staff's recommendation. See *generally* Staff Report (pg. 4-5).

⁹ The Staff Report erroneously reflects 45 feet in some locations. Applicant's engineer testified to a 35-foot maximum. Mejia Testimony (Transcript pg. 37-38). The MCP reflects a 35-foot maximum height, as does Applicant's proposed site development regulations. See Staff Report (Attachment G). Maintaining the 35-foot height limitation is consistent with current approvals and surrounding development.

¹⁰ DOS2022-00182 is pending review. Applicant also submitted application for vegetative clearing, VEG2023-00278. See Staff Ex. 3 (slide 8).

¹¹ See Staff Ex. 3 (slide 8, *referencing* VIO2024-06675).



Character of Area

The property sits south of Bayshore Road, between US 41 and Slater Road. Land along this segment of Bayshore Road features a mix of residential and commercial uses, with light industrial/heavy commercial uses closer to I-75.

The site is uniquely positioned between commercial uses along Bayshore Road and residential uses to the south. The Foxmoor Plaza is immediately east of the site, hosting a variety of commercial uses including a Winn Dixie supermarket. The Foxmoor Pines and Berts Bayshore Manor residential communities abut to the south and west, respectively.

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;
- D. Provides sufficient access 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 if located in a Future Urban area.¹²

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.¹³

Lee Plan

Planned developments must be consistent with the Lee Plan.¹⁴

Lee Plan maps designate the property within the Central Urban future land use category and the North Fort Myers Planning Community.¹⁵

Central Urban areas comprise the County's urban core, with access to a wide array of public services and infrastructure.¹⁶ Residential, commercial, public, quasi-public, and limited light industrial land uses may be found in these areas.¹⁷ The proposed CPD authorizing mini-warehouse/public warehouse use is consistent with the property's Central Urban designation.

The request infills development near an arterial road.¹⁸ Self-storage at this location supports the community by providing warehousing within proximity to area residents.

The Lee Plan Economic Element encourages commercial uses to expand the County's economic base.¹⁹ The property's location amid commercially zoned lands makes it well suited for low-impact commercial use such as mini-warehousing.

¹² LDC §34-145(d)(4)a.1.

¹³ LDC §34-145(d)(4)a.2.

¹⁴ F.S. §163.3194(1)(a); LDC §§34-411(a), §34-491.

¹⁵ Lee Plan Map 1-A, 1-B, & 2-A.

¹⁶ Lee Plan Policy 1.1.3.

¹⁷ *Id.*

¹⁸ Lee Plan Objectives 2.1, 2.2.

¹⁹ Lee Plan Goals 158 & 159.

Compatibility

The LDC defines *compatible* to mean the state wherein two land uses/buildings/structures/zoning districts exhibit either: (1) a positive relationship based on fit, similarity, or reciprocity of characteristics; or (2) a neutral relationship based on a relative lack of conflict or on a failure to communicate negative/harmful influences on one another.²⁰

Planned development zoning is a useful tool to integrate new development with surrounding land uses.²¹ The PD districts allow flexibility in site design while providing a process and record on which the public can rely.²² The site's current conventional zoning does not offer the same protections.²³

The proposed self-storage facility is compatible with existing development patterns. Commercial uses adjoin the north and east, proximate to an established corridor hosting a broad range of uses. Notably, current zoning permits commercial uses at the same requested height.

The request considers neighboring uses and protects adjacent residents from site impacts by:

- Narrowing permitted uses from the broad range of commercial uses allowed under existing zoning.²⁴
- Erecting an 8-foot-tall masonry wall along the southern property boundary with plantings on the exterior to shield residents from site activity.²⁵
- Enhancing landscape buffer requirements.²⁶
- Providing a 50-foot side setback from adjacent residents.²⁷
- Maintaining the same height limitation as present zoning permits.²⁸
- Imposing gate restricted access to minimize site activity and ensure safety.
- Reserving over half of the site for open space.
- Modernizing surface water management to implement directed discharge rather than current uninhibited sheet flow.²⁹

²⁰ LDC §34-2.

²¹ LDC §34-612(2)(b).

²² LDC §34-612(2)(h).

²³ Applicant could develop the site consistent with a myriad of uses permitted by right without public input/review. See LDC §34-844.

²⁴ See *Id.* A sampling of more intense commercial uses presently permitted under C1-A zoning includes Animal Control Center, Auto Parts Store, Bait and Tackle Shop, Boat Parts Store, Boat Rental, Clothing/Department Stores, Drugstore/Pharmacy, Package Store, Pet Shop, Restaurants, and Variety Store.

²⁵ Mejia Testimony (Transcript pg. 8).

²⁶ Condition 3 codifies enhanced buffer requirements.

²⁷ The LDC imposes a 30-foot requirement.

²⁸ LDC §34-845 permits height of 35 feet on C1-A properties.

²⁹ Groth and Mejia Testimony (Transcript pg. 19-20, 23, 38-42).

- Placing roll-up doors on the east façade to face away from residents.³⁰

Based on the foregoing analysis, the Hearing Examiner concludes the request is consistent with the Lee Plan and compatible with the surrounding area.³¹

LDC

Requests to rezone to a planned development must comply with the LDC and other County regulations.³²

The request must meet the LDC and other County regulations or qualify for deviations.³³ “Deviations” are departures from land development regulations.³⁴ As Applicant seeks no deviations, development must comply with the LDC.

The project will be subject to road, fire, and emergency services impact fees.³⁵

Environmental/Natural Resources

Requests to rezone property may not adversely affect environmentally critical/sensitive areas or natural resources.³⁶

The property is vacant and covered with native vegetation.³⁷ Despite dense vegetation, the Protective Species Survey disclosed no evidence of listed or protected species.³⁸

As a small project, site design must devote a minimum of 20% of the acreage to open space.³⁹ The Master Concept Plan (“MCP”) reflects 51% of the site is dedicated to open space.⁴⁰ The MCP also reflects compliance with LDC buffer requirements.⁴¹

³⁰ Mejia Testimony (Transcript pg. 7, 11-12). The Hearing Examiner recommends a condition to codify restriction on roll-up door placement.

³¹ Lee Plan Policy 5.1.5.

³² LDC §34-2: Development of County Impact means developments that may have a substantial effect upon the health, safety, and welfare of the citizens of the County or natural resources. *See also* LDC §§34-341(a), 34-411(a), 34-612(2). Lee Plan Policies 2.1.2, 2.1.1, 6.1.3. The planned development district affords flexibility in site design.

³³ Development will be subject to further permitting under the LDC.

³⁴ LDC §34-2.

³⁵ LDC Ch. 2.

³⁶ LDC §34-145(d)(4)a.1(f).

³⁷ *See* Staff Report (pg. 5-7, Attachment J). Staff found exotic vegetation covers over 75% of the site. Staff Report (Attachment J).

³⁸ *See* Staff Report (Attachment I-J).

³⁹ LDC §10-415. Based upon 2.93 acres, required open space amounts to 0.59 acres. *See also* Groth Testimony (Transcript pg. 23-24).

⁴⁰ Condition 3a codifies the open space exceedance.

⁴¹ *See* MCP & Staff Report (Attachment J).

Applicant's engineering expert testified that the proposed stormwater management system will improve existing conditions of uninhibited sheet flow.⁴² Site design directs surface waters to detention areas which provide attenuation prior to discharge through a control structure.⁴³ A perimeter berm ensures water remains on site before discharging to the existing FDOT ditch along the western boundary.

The Hearing Examiner finds the requested CPD will not harm environmentally critical/sensitive areas or natural resources.⁴⁴

Transportation

Zoning actions must demonstrate sufficient access to support development intensity. Expected impacts to the road network must be addressed by existing county regulations and conditions of approval.⁴⁵

The MCP proposes access to New Post Road via a single access point. New Post Road is a County-maintained minor collector.⁴⁶ Bayshore Road intersects New Post Road just north of the site.⁴⁷ Bayshore Road is a State-maintained two-lane arterial roadway.

The MCP reserves a stub-out for future interconnection to the commercial property abutting the north.⁴⁸ The LDC prioritizes interconnection as a means to relieve traffic from arterial/collector roadways.⁴⁹

The Traffic Impact Statement (TIS) assumed project buildout in 2026.⁵⁰ The TIS concluded the project will not adversely affect the surrounding roadway network.⁵¹ Indeed, projected trip generation results in a *de minimis* impact on adjacent roads.⁵²

Applicant is providing a sidewalk along the property frontage to connect to existing pedestrian facilities on Bayshore Road.⁵³

⁴² Mejia Testimony (Transcript pg. 38-42).

⁴³ See Staff Report (Attachment K).

⁴⁴ Lee Plan Goals 63, 77, 125; LDC §34-411(g) & (h).

⁴⁵ LDC §34-145(d)(4)a.1.

⁴⁶ Lee Co. Admin. Code 11-1. The Staff Report DOT Memorandum erroneously identifies the road as a major collector. See Attachment M.

⁴⁷ The Bayshore Road/New Post Road intersection is 250 feet to the north. See Staff Report (Attachment M).

⁴⁸ See MCP; LDC §10-295.

⁴⁹ See generally LDC §10-295 & 10-610.

⁵⁰ See Staff Report (Attachment L: Traffic Impact Statement prepared by Boral Engineering, Inc., dated December 18, 2023).

⁵¹ *Id.*; See also Staff Report (pg. 7, Attachment M).

⁵² Forecasted generation yields less than 100 peak hour trips on the adjacent road network. See *Id.*; See also Staff Report (Attachment M).

⁵³ Mejia Testimony (Transcript pg. 9).

Site related improvements will be addressed during development order review.

Public Services

Availability of public services and infrastructure must be analyzed during rezoning.⁵⁴

Public services include services, facilities, capital improvements, and infrastructure necessary to support development.⁵⁵ The property has access to public water, sanitary sewer, police, fire, and emergency medical services.⁵⁶

LeeTran offers transit service at a stop less than a quarter-mile from the site.⁵⁷ The request is suitable at its location amid public services and infrastructure.

Conditions

The County must administer the zoning process to minimize impacts of proposed land uses on adjacent property and protect natural resources.⁵⁸ Conditions must plausibly relate to anticipated impacts, and be pertinent to mitigating impacts to public health, safety, and welfare.⁵⁹

Proposed conditions limit permitted uses, define development parameters, and ensure compliance with the Lee Plan and LDC.

The Hearing Examiner recommends a condition prohibiting roll-up doors along the southern side of the building.⁶⁰

⁵⁴ Lee Plan Policy 2.2.1.

⁵⁵ Lee Plan Glossary.

⁵⁶ See Staff Report (pg. 7, Attachment N). Lee Plan Objectives 2.2, 4.1, 53.1, 56.1, 56.2, 66.1, Policies 2.2.1, 56.1.4. The property is located within the Lee County Utilities franchise area for potable water service with infrastructure serving the site. Florida Governmental Utilities Authority has infrastructure in the area with capacity to provide sanitary sewer. North Fort Myers Fire District and Emergency Medical Services Medic 7 are located three miles from the site. Law enforcement services are available from the Lee County Sheriff's North District offices on Pondella Road. The property has access to paved roadways. See Staff Report (pg. 7, Attachment N).

⁵⁷ See Staff Report (pg. 7).

⁵⁸ Lee Plan Policy 135.9.6; LDC §§34-145(d)(4), 34-377, 34-932.

⁵⁹ LDC §34-932(c).

⁶⁰ Applicant testified that roll-up doors would not be along the southern side of the building, but approval was not conditioned to impose that requirement. The Hearing Examiner recommends codifying the prohibition to protect abutting residents. Mejia Testimony (Transcript pg. 7, 11-12). Imposing a condition on hours of operation was also discussed at hearing. Post-hearing submittals confirm the site will remain gate restricted outside of business hours. See Applicant Ex. 3.

Public Participation

Applicant held a public meeting consistent with LDC requirements for rezoning applications in the North Fort Myers Planning Community.⁶¹

Several members of the public attended the hearing before the Hearing Examiner. Speakers reside near the site and expressed concerns relating to compatibility, flooding, impact to property value, construction debris, and privacy.⁶²

Conclusion

The Hearing Examiner recommends approval of the CPD, subject to conditions set forth in Exhibit B.

IV. Findings and Conclusions

Based on testimony and evidence presented in the record, the Hearing Examiner finds and concludes that, as conditioned herein, the proposed CPD:

- A. Complies with the Lee Plan. Lee Plan Goals 2, 6, 30, 60, 61, 77, 125, 126, 158, 159; Objectives 2.1, 2.2, 4.1, 6.1, 77.2, 158.2, Policies 1.1.3, 1.6.5, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 125.1.2, 125.1.3, 135.9.5, 135.9.6, Standards 4.1.1, 4.1.2, 4.1.4; Lee Plan Maps 1-A, 1-B, 2-A, Table 1(b).
- B. Meets the LDC and other County regulations. LDC Chapters 2, 10, 33, & 34.
- C. Is compatible with existing and planned uses in the area. See Lee Plan Goals 2, 6, 30, Objectives 2.1, 2.2, 6.1, and Policies 1.1.3, 2.1.1, 5.1.5, 6.1.1, 6.1.4, 6.1.5, 6.1.6, 135.9.5, and LDC §34-411(j).
- D. Provides sufficient access to support the proposed development intensity, with expected impacts on transportation facilities addressed by existing County regulations or conditions of approval. See Lee Plan Objective 39.1, Policies 6.1.1, 6.1.5; and LDC §§2-261 *et seq.*, 10-286, 10-295, 34-411(d).
- E. Will not adversely affect environmentally critical areas or natural resources. See Lee Plan Goal 60, 61, 77, 125, 126, Objectives 77.2, 77.3, Policies 6.1.1, 6.1.6, 6.1.3.6, 77.3.2, 77.3.3, 77.3.5, 123.2.4, 125.1.2, 125.1.3, and Standard 4.1.4.
- F. Will be served by urban services. See Lee Plan Objectives 2.1, 2.2, 4.1, 6.1, Policies 1.1.3, 2.2.1, 6.1.1, 6.1.4, 53.1.5, 56.1.4; Standards 4.1.1, 4.1.2, Lee Plan Maps 4-A, 4-B.

⁶¹ The meeting was held October 18, 2022. See Staff Report (Attachment O); LDC §33-1532.

⁶² Public Testimony (Transcript pg. 27-37).

- G. Proposed uses are appropriate at the location. See Lee Plan Goal 2, 6, 30, Objectives 1.1, 2.1, 2.2, Policies 1.1.3, 2.1.1, 2.2.2, 5.1.5, 6.1.4, 6.1.7, 135.9.5, 135.9.6, Table 1(b); and LDC §34-411.
- H. Recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. See LDC Chapters 10, 33, & 34.

Date of Recommendation: August 22, 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

Exhibit A

KP Surveying, Inc.
LB NUMBER 8152
2802 W. Cypress Avenue S.E.
Fort Myers, Florida 33905
(239) 462-1901
www.kpsurveying.com

A PARCEL OF LAND
LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 36, THENCE RUN NORTH 00° 20' 25" EAST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER (SE 1/4) FOR 1123.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00° 20' 25" EAST ALONG SAID WEST LINE FOR 391.43 FEET; THENCE RUN NORTH 73° 38' 40" EAST FOR 195.78 FEET; THENCE RUN NORTH 58° 24' 02" EAST FOR 170.37 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF NEW POST ROAD; THENCE RUN SOUTHEASTERLY FOR 92.42 FEET ALONG SAID WESTERLY LINE ON THE ARC OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 750.00 FEET (CHORD BEARING SOUTH 19° 27' 00" EAST, CHORD DISTANCE OF 92.34 (FEET) TO A POINT OF REVERSE CURVATURE; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE FOR 169.70 FEET ON THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 350.00 FEET (CHORD BEARING SOUTH 29° 48' 36" EAST, CHORD DISTANCE OF 168.04 FEET) THENCE RUN SOUTH 56° 01' 45" WEST 542.12 FEET TO THE POINT OF BEGINNING.

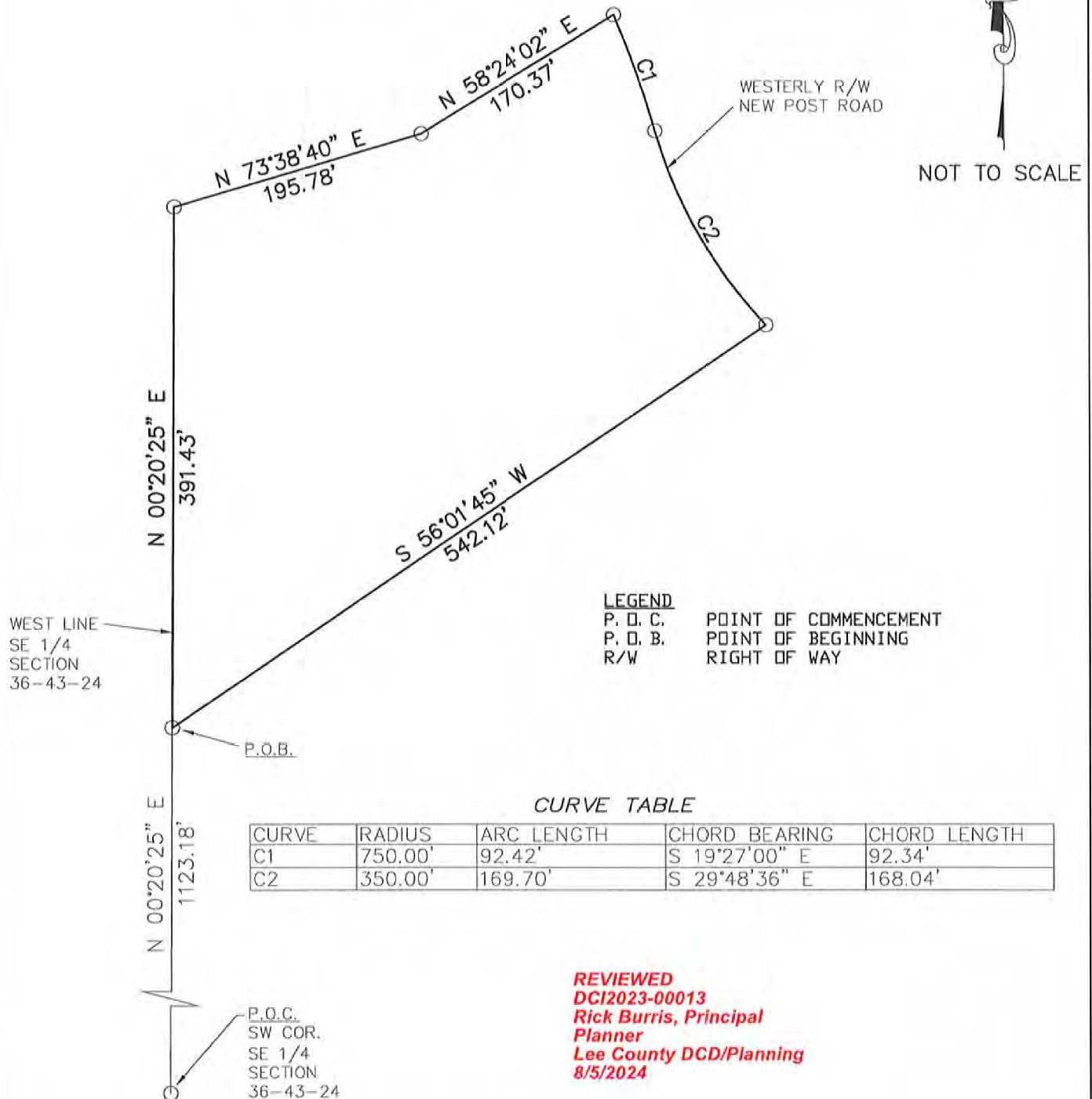
REVIEWED
DCI2023-00013
Rick Burris, Principal
Planner
Lee County DCD/Planning
8/5/2024

KENNETH PUFAHL Digitally signed by KENNETH PUFAHL
Date: 2023.02.23 15:17:41 -05'00'

Ken Pufahl, P.S.M.

PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. 6126

SKETCH TO ACCOMPANY DESCRIPTION
A PARCEL OF LAND
LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



KP Surveying, Inc.
LB NUMBER 8152
2802 W. Cypress Avenue S.E.
Fort Myers, Florida 33905
(239) 462-1901
www.kpsurveying.com

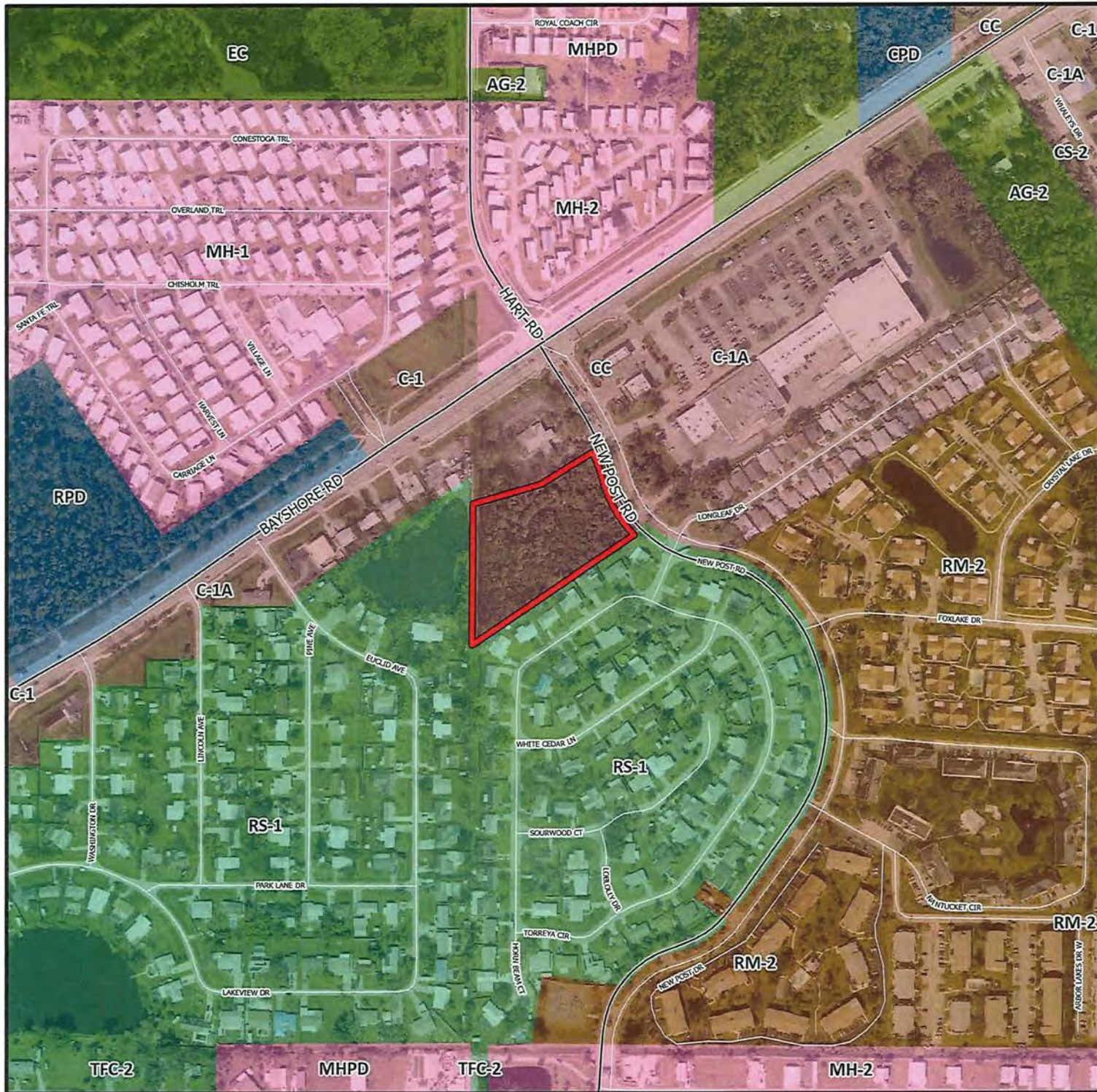
PROJECT No: 22-0142
DATE: 02/23/2023
SHEET 2 OF 2

*** THIS IS NOT A SURVEY ***

KENNETH PUFAHL Digitally signed by KENNETH PUFAHL
Date: 2023.02.23 15:18:07 -05'00'

Ken Pufahl, P.S.M.

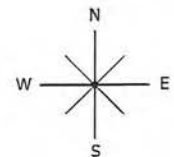
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. 6126



DCI2023-00013

Zoning

 Subject Property



0 250 500 750
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. MCP/Development Parameters

- a. MCP. Development must be consistent with the one-page MCP entitled “New Post Road Self Storage Facility,” last revised July 7, 2025 (Exhibit B1).
- b. LDC and Lee Plan. Development must comply with the LDC and Lee Plan at the time of development order approval, except as may be granted by deviation herein. Subsequent changes require appropriate approvals.
- c. Development Parameters. The CPD is limited to 2.93 acres for the development intensity of 102,222 square feet of gross floor area.

2. Uses and Site Development Regulations

a. Schedule of Uses

Accessory Use and Structures
Administrative Offices
Entrance Gates and Gatehouses
Fences, Walls
Mini-Warehouse
Parking Lot, Accessory, Temporary
Signs
Warehouse, Public

b. Site Development Regulations

Minimum Lot Width:	150 feet
Minimum Lot Depth:	150 feet
Maximum Building Height:	35 feet
Maximum Lot Coverage:	40 percent
Minimum Open Space:	44.6 percent

Minimum Setbacks:

Street:	25 feet
Side:	15 feet
Rear:	25 feet
Waterbody:	25 feet
Minimum Building Separation:	20 feet
Accessory Uses:	Per the LDC

3. Environmental Conditions

- a. Development order plans must depict 1.5 acres of open space (51.27 percent).
- b. Landscape plans must depict a 50-foot-wide buffer along the southwest property line abutting the residentially zoned property that specifies ten (10) trees per 100 linear feet and a double staggered hedge. Landscape vegetation must be measured from the final grade of the building.

4. Roll-Up Doors

Roll-up doors are prohibited along the southern side of the building.

NOTE: HEX recommends adding this condition to codify hearing testimony.

5. 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

None

Exhibits to Conditions:

B1 Master Concept Plan last revised 7/07/2025

BIKE PARKING RACK
ONE (1) SPACE PROVIDED

APPROX. LOCATION OF
EXIST. BUS LANDING PAD

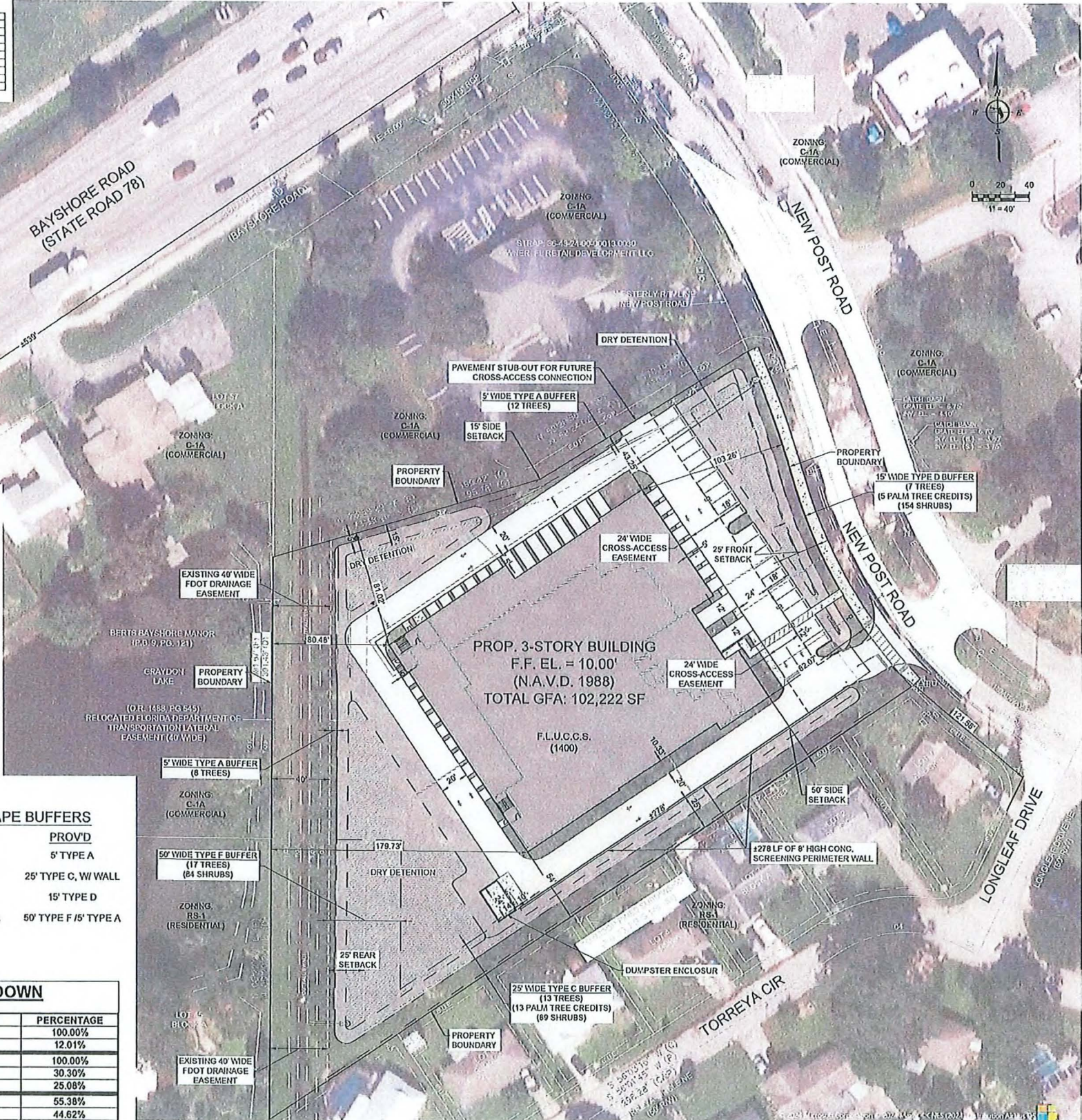
8' CONCRETE EXTENSION
AREA 164 S.F.

35
16

OPEN SPACE PROVIDED: 1.504 Acres
(1.504 Acres / Site Area) = 51.27%

SITE:	(C-1A/CI)	(VACANT)
NORTH:	(C-1A)	(COMMERCIAL)
SOUTH:	(RS-1)	(SF RESIDENCES)
WEST:	(C-1A/RS-1)	(COMMERCIAL/SF RESIDENCES)
EAST:	(ROW)	(NEW POST ROAD)

PROJECT AREA BREAKDOWN			
	SQUARE FEET	ACRES	PERCENTAGE
TOTAL	127,817	2.934	100.00%
FOOT PAVEMENT	15,354	0.352	12.01%
PROJECT AREA	112,463	2.582	100.00%
BUILDING	34,074	0.782	30.30%
PAVEMENT/CONC.	28,208	0.648	25.08%
IMPERVIOUS	62,282	1.430	55.38%
PERVIOUS	50,181	1.152	44.62%



Digitally signed by
Andres Boral
Date: 2025.07.11
13:50:03 -04'00'

STRAP NUMBER: 36-43-24-00-00013.003A
SITE AREA: 127,817 SF (± 2.93 AC)

ZONING DESIGNATION: C-1A (EXIST.)/ CI (PROP.)
FUTURE LAND USE: (CENTRAL URBAN)
DEVELOPMENT TYPE: (COMMERCIAL)
FEMA FLOOD ZONE: ZONE 'X'
BUILDING HEIGHT: 35'
FLUCCS ZONE(S): 1400 - COMMERCIAL & SERVICES

THIS DEVELOPMENT HAS BEEN DESIGNED IN ACCORDANCE WITH THE FOLLOWING SECTION;

**- LEE COUNTY LDC CHAPTER 33, ARTICLE VIII:
NORTH FORT MYERS PLANNING COMMUNITY
DIVISION 2. - NORTH FORT MYERS COMMUNITY WIDE LAND
DEVELOPMENT PROVISIONS**

BUILDING FOOTPRINT: 34,074 S.F.
STORIES PROPOSED: 3 STORIES

PROPOSED USES:

1. MINI-WAREHOUSE

- 1ST FLOOR: (30,074 SF)

TOTAL USE AREA: 30,074 SF

2. WAREHOUSE, PUBLIC

- 2ND FLOOR: (30,074 SF)

- 3RD FLOOR: (30,074 SF)

TOTAL USE AREA: 68,148 SF

TOTAL FLOOR AREA: 34,074 S.F.

102,222 SF

TOTAL REQUIRED: 833.0 SQFT
TOTAL PROVIDED: 1336.0 SQFT (14.0' X 24.0')

(1400) COMMERCIAL & SERVICES - 100% OF SITE AREA

SHEET 1 OF 1	MASTER CONCEPT PLAN	NEW POST ROAD SELF-STORAGE FACILITY NORTH FORT MYERS, FLORIDA 33917	REVISION DESCRIPTION		OWNER MICHAEL DESIG ENGINEERING NORTH FORT MYERS, FL 33917		ANDRE DORAL, PE, MDA LICENSE # 60270 & 60271 & 61552 711 37th AVE SOUTH, SUITE 200, NAPLES FL 34102 ANDRE@BORALENGINEERING.COM (813) 232-6559	DATE	PROJECT
			DATE	BY				DATE	DATE
			01/21/2014	1	REVISED PER 2013 PERMITS			01/21/2014	01/21/2014
			1/23/2014	2	REVISED PER 2013 PERMITS			01/23/2014	01/23/2014
			01/23/2014	3	REVISED PER 2013 PERMITS			01/23/2014	01/23/2014
			01/23/2014	4	REVISED PER 2013 PERMITS			01/23/2014	01/23/2014

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments: Prepared by MarySue Groth, Senior Planner, received June 11, 2025 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. Affidavit of Publication: Zoning Case DCI2023-00013 New Post Road Self-Storage Facilities (1 page – 8.5"x11")
3. PowerPoint Presentation: Prepared by Lee Couty Staff for DCI2023-00013, New Post Road Self-Storage Facility (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

1. 48-Hour Notice: Email from Javier Boral with Boral Engineering, to Maria Perea, MarySue Groth, and Hearing Examiner, with copies to Andres Boral, and Gabriel Mejia, dated Wednesday, June 25, 2025, 3:42 PM (multiple pages – 8.5"x11")
2. PowerPoint Presentation: Prepared for DCI2023-00013, New Post Road Self-Storage Facility (multiple pages – 8.5"x11")[color]
3. Written Submissions: Email from Javier Boral, with Boral Engineering, to Maria Perez, Andres Boral, Michael Essig, Gabriel Mejia, MarySue Groth, with copies to Rebecca Sweigert, Tract Toussaint, Elizabeth Workman, Audra Ennis, Nichola DeFilippo, Abby Henderson, Lee Werst, Lindsay Hickey, Warren Baucom, Mikki Rozdolski, Anthony Rodriguez, Phil Gillogly, Marcus Evans, Jennifer Rodriguez, and Brienne Cherry, dated Friday, July 11, 2025, 1:54 PM (2 – pages 8.5"x11" and 1 page – 11"x17")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. MarySue Groth

Applicant Representatives:

1. Javier Boral
2. Michael Essig
3. Gabriel Mejia

Public Participants:

1. Susan Denyes
2. Frank Fisher
3. Kathleen Fisher
4. Rina Katz
5. Terry Moody
6. Sandra Romer

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. Presentations 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.