

THE OFFICE OF THE LEE COUNTY
HEARING EXAMINER

CASE NO.: DCI2023-00013

IN RE: NEW POST ROAD SELF-STORAGE FACILITY

PROCEEDINGS: PUBLIC HEARING

BEFORE: Amanda Rivera
Hearing Examiner

DATE: June 26, 2025

TIME: 1:05 p.m. to 2:07 p.m.

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

REPORTER: Deborah M. Bruns
Florida Professional Reporter

FORT MYERS COURT REPORTING
2271 McGregor Boulevard, Suite 220
Fort Myers, Florida 33901
(239) 334-1411

1 APPEARANCES:

2 For the Applicant: Javier Boral, PE
Gabriel Mejia, PE
3 Boral Engineering & Design
711 5th Avenue South, Suite 209
4 Naples, FL 34102
Email: javier@boralengineering.com
5 Email: gabriel@boralengineering.com

6 For the Staff: MarySue Groth, Planner
7 Department of Community Development
Zoning Division
8 P.O. Box 398
Fort Myers, FL 33902-0398
9 Email: MGroth@leegov.com

10 ALSO PRESENT:

11 Michael Essig, Applicant
Worth Packer, Co-Applicant
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

PAGE:

APPLICANT WITNESSES:

Gabriel Mejia.....	6
--------------------	---

STAFF WITNESS:

MarySue Groth.....	12
--------------------	----

PUBLIC COMMENT:

Sandra Romer.....	27	Terry Moody.....	33
Kathleen Fisher.....	28	Rina Katz.....	35
Frank Fisher.....	30		
Susan Denyes.....	31		

REBUTTAL WITNESSES:

Gabriel Mejia.....	37
Michael Essig.....	43
Gabriel Mejia.....	49
MarySue Groth.....	50
Certificate of reporter.....	54

E X H I B I T S

Applicant Exhibit	Description	Identified
1	48-hour letter	13
2	PowerPoint	13
Staff Exhibit		
1	Staff Report	5
2	Affidavit of Publication	5
3	PowerPoint	13

1 P R O C E E D I N G S

2 HEARING EXAMINER RIVERA: Good afternoon, my name
3 is Amanda Rivera. I'm the Hearing Examiner presiding
4 over today's case. The date is June 26, 2025, and this
5 is case DCI2023-00013. It is a rezoning request to the
6 CPD zoning district for property on New Post Road in
7 North Fort Myers.

8 Because this is a quasi-judicial hearing, all
9 evidence and testimony must be taken under oath; so if
10 you intend to speak, if you could please raise your
11 hands. Do you swear or affirm the testimony you will
12 provide is the truth?

13 (Participants respond en masse.)

14 HEARING EXAMINER RIVERA: Thank you.

15 So it sounds like MarySue may have already gone
16 over this, but the way that we'll proceed today is
17 first we're going to hear from the Applicant. They
18 will present their request and call any witnesses that
19 they may have in support of that request. Then we're
20 going to hear from the County Staff, who will go over
21 their Staff Report and their recommendation. In this
22 case they are recommending approval with conditions.

23 After that I'll open up the public comment period.
24 I will call forward the cards that I have, in the order
25 that I have them. There is only one opportunity to

1 speak so I encourage you to take notes as we go through
2 things so that you can make the most of your time at
3 the podium when you're called. And if you intend to
4 speak at the Board, you must speak at the hearing
5 today; and the comments at the Board will be limited to
6 the comments that you make today.

7 After we hear from the public, then we'll come
8 back to the Applicant and the Staff for their rebuttal
9 and any closing comments.

10 With that, we can begin. Did Staff have the
11 affidavit of publication?

12 MS. GROTH: Yes, we do.

13 (Staff Exhibit 2 submitted.)

14 HEARING EXAMINER RIVERA: Thank you.

15 Okay. So I will accept that as the Applicant
16 Exhibit 2 --

17 (Sotto voce between Hearing Examiner and reporter)

18 HEARING EXAMINER RIVERA: Excuse me -- thank
19 you -- Staff Exhibit 2. Staff Exhibit 1 was the Staff
20 Report.

21 And with that, we can begin whenever the Applicant
22 is ready.

23 MR. MEJIA: Okay.

24 MS. GROTH: Go to the podium.

25 MR. MEJIA: Oh (inaudible).

1 MS. GROTH: That's okay.

2 HEARING EXAMINER RIVERA: Good afternoon.

3 MR. MEJIA: Good afternoon, hi. I'm Gabriel
4 Mejia. I am with Boral Engineering & Design. We
5 designed the project and permitted for both the DO that
6 is currently pending approval of the DCI, and the DCI,
7 which we're meeting for today. We did it on behalf of
8 our clients, Michael and Worth, who are sitting here
9 with me. Also Javier Boral is here with me, who helped
10 us with the DCI process.

11 So just a quick rundown of the project. This --
12 we're proposing a self-storage facility, as you can see
13 there. It's located off of New Post Road just south of
14 Bayshore --

15 THE REPORTER: Can you slow down just a little
16 bit --

17 MR. MEJIA: Sure.

18 THE REPORTER: -- and speak up for me?

19 MR. MEJIA: Of course, so I'll start again.

20 We're proposing a self-storage facility in North
21 Fort Myers off of New Post Road, as you can see on the
22 exhibit, just south of Bayshore Road. It's a
23 three-story facility. We're looking at 34,000, more or
24 less, square feet per floor. We have some street view
25 pictures just to see what it looks like currently,

1 which is undeveloped, it is vacant, and -- I'll go to
2 the next slide.

3 This is the zoning map, the future -- the zoning
4 designation, and also you can see the future urban area
5 legend up in the right-hand corner. We are located
6 within that. Our property is zoned, I think, C-1A, I
7 believe; and the purpose for this DCI is so we can
8 rezone to CPD, which is commercial planned development,
9 as self-storage facilities weren't allowed in the
10 original zoning.

11 All right. This is just some renderings that the
12 architect put together of the building, just so you can
13 see more or less what it's going to look like. That is
14 the south facade right there, which is going to be the
15 front of the -- of the property as you drive in. We
16 also have the east facade with the overhead doors,
17 which, you know, clients are going to use to roll up
18 and access their storage units.

19 We do have landscaping all around the site. We
20 wanted to provide a quick depiction of what the -- I
21 believe this is, I guess, what the south buffer is
22 going to look like, which abuts the residential zoning.
23 I know there were some concerns with that. We have an
24 eight-foot opaque wall that was proposed on our
25 plans -- like I said, they're pending approval -- along

1 with a 25-foot buffer to buffer the residential from
2 the commercial. We also don't have any overhead doors
3 on that side so there isn't going to be cars coming in
4 and out from that side of the building.

5 HEARING EXAMINER RIVERA: Can you go back for one
6 second?

7 MR. MEJIA: Of course.

8 HEARING EXAMINER RIVERA: So just to clarify, the
9 wall would -- is the building serving as the wall, or
10 in addition --

11 MR. MEJIA: No.

12 HEARING EXAMINER RIVERA: -- to that?

13 MR. MEJIA: There's, in addition to that, up to
14 the 25-foot buffer, there is a 8-foot high opaque
15 wall --

16 HEARING EXAMINER RIVERA: Okay.

17 MR. MEJIA: -- to limit visibility from the
18 residential side to the commercial side, which is this
19 side of the project. The building itself is about
20 50 -- it's 50 feet away from that property line.

21 HEARING EXAMINER RIVERA: And the plantings would
22 be on the exterior of the wall?

23 MR. MEJIA: Correct, facing the residential zone
24 outside of the wall.

25 And then, lastly, these are pictures that were

1 taken by the environmental surveyor that went out and
2 did the listed species survey, and also an
3 environmental assessment survey, to show that there are
4 no native species and also no native animals that are
5 residing there. That was part of the D0 process, as
6 well, which has been -- it's pending approval, but it
7 has gone through that third set of review.

8 And that kind of summarizes our -- my explanation
9 of the project. Other than that, we are providing a
10 sidewalk along the front of the property that goes
11 north from our site to Bayshore Road to connect to
12 existing pedestrian facilities on Bayshore Road.

13 And, yeah, I think that wraps it up.

14 HEARING EXAMINER RIVERA: Do you have the master
15 concept plan? Was there a slide for that?

16 MS. GROTH: I have it in mine.

17 HEARING EXAMINER RIVERA: If you can just kind of
18 walk through the master concept plan --

19 MR. MEJIA: This is --

20 HEARING EXAMINER RIVERA: -- and the circulation.

21 MR. MEJIA: -- the closest thing for that.

22 HEARING EXAMINER RIVERA: Yeah.

23 MR. MEJIA: We can go over it. So what
24 specifically would you like me to discuss?

25 HEARING EXAMINER RIVERA: Well, I'm curious -- so

1 the dumpster placement, for example, is on the
2 residential side, and I'm curious why it would be on
3 the rear of the building closest to residents and not,
4 for example, on like the north corner somewhere.

5 MR. MEJIA: I think it's a buffer requirement. So
6 there is -- on the west side of the property, there
7 is -- well, one, there's a 40-foot FDOT drainage
8 easement that is untouched -- we cannot develop on
9 it, and it's staying untouched. It provides drainage
10 for our site and all the sites north and south of our
11 property.

12 Next to that there are -- there's a 5-foot buffer
13 that's adjacent to the commercial zoning, and then
14 there's a 50-foot buffer. So we are a bit limited on
15 space, as you can see, just because of the way of --
16 the shape of the lot. And when we place a dumpster in
17 that location, it's going to be -- the wall is going to
18 be covering that, you know. It extends up until the
19 dumpster and actually just beyond it, so they're not
20 going to be able to see it. And we just figured that
21 would be the best location for -- for a dumpster truck
22 to come in and out. It's just a straight shot in and
23 out, and then they can just circulate the site --

24 HEARING EXAMINER RIVERA: Could they not do that
25 on the north side, though, on that same strip? Because

1 in similar cases, that's often a concern of the
2 residents. Even if they're visually shielded --

3 MR. MEJIA: Yeah.

4 HEARING EXAMINER RIVERA: -- they still experience
5 the noise of when the dumpsters are being accessed by
6 the solid waste vehicles.

7 MR. MEJIA: It could be -- I do think that it
8 would hit the buffer. I know it's hard to tell on this
9 plan; but if you can kind of see it, in the northwest
10 corner of the pavement or the driveway, there are some
11 trees there, and that's because there's a buffer right
12 next to it, and I think this dumpster would possibly
13 encroach into that area.

14 We have a lot more room in the southwest corner,
15 as you can see right there, and actually that's where
16 most of our detention is for drainage purposes, is
17 right in that area, just because that's where we have
18 the most room to work with and figured that would be
19 the best location for the dumpster.

20 HEARING EXAMINER RIVERA: And then can you just
21 briefly -- you said that there would be no doors,
22 roll-up doors, on the south. So are those what's
23 indicated in the hatching on the west and the north?

24 MR. MEJIA: So if you can see -- yeah. If you --
25 it looks like little driveway connections. Yeah,

1 that's where the roll-up doors are going to be, which
2 is going to be in the front of the building, north, and
3 on the -- on the west side.

4 HEARING EXAMINER RIVERA: Okay.

5 MR. MEJIA: The side that's against the
6 residential has no roll-up doors.

7 HEARING EXAMINER RIVERA: And it's a single
8 building three stories tall?

9 MR. MEJIA: Correct.

10 HEARING EXAMINER RIVERA: Okay. That's the extent
11 of questions for now. I'm sure we'll have more after
12 we hear from Staff.

13 MR. MEJIA: Sure.

14 HEARING EXAMINER RIVERA: Thank you.

15 MR. MEJIA: Okay, thank you.

16 HEARING EXAMINER RIVERA: Whenever you're ready,
17 MarySue.

18 Good afternoon.

19 MS. GROTH: Good afternoon, Madam Hearing
20 Examiner. For the record, MarySue Groth, a senior
21 planner with the Department of Community Development
22 Zoning section. I've been previously qualified as an
23 expert witness in land use planning, the Lee County
24 Land Development Code, and the Comprehensive Plan. I
25 wish to do so again today.

1 HEARING EXAMINER RIVERA: Yes, thank you.

2 MS. GROTH: Thank you. I do have a copy of my
3 PowerPoint for you.

4 (Staff Exhibit 3 submitted.)

5 HEARING EXAMINER RIVERA: Thank you. That will be
6 Staff Exhibit 3.

7 And, actually, going back, do you have a copy --
8 there was a 48-hour letter that was submitted, but we
9 can't accept evidence outside of the hearing. So do
10 you have another copy of your PowerPoint that we --

11 MR. BORAL: We do, yes.

12 HEARING EXAMINER RIVERA: Okay. Could I take that
13 into the record?

14 MR. BORAL: Yeah.

15 HEARING EXAMINER RIVERA: Thank you. So that
16 would be Applicant Exhibit 2 because Applicant
17 Exhibit 1 was the 48-hour without that attachment.

18 MR. BORAL: It's just a flash drive, but it's the
19 same copy.

20 (Applicant Exhibit 2 submitted.)

21 HEARING EXAMINER RIVERA: Okay. Is there anything
22 else on this drive?

23 MR. BORAL: The PowerPoint presentation, the list
24 of descriptions for exhibits, and a copy of the Staff
25 Report.

1 HEARING EXAMINER RIVERA: Okay. Excellent, thank
2 you.

3 Thank you, I apologize for the interruption.

4 MS. GROTH: No problem.

5 So I'll start with the application, the
6 Applicant's request and recommendation. Boral
7 Engineering, on behalf of the property owner, Michael
8 Essig, has filed an application to rezone a total of
9 2.93 acres from commercial, C-1A, to commercial planned
10 development, CPD, to allow a maximum of 102,222 square
11 feet of mini warehouse and public warehouse uses.

12 The Applicant has requested one deviation from the
13 Land Development Code. Staff did recommend withdrawal
14 of that, and I'll cover that a little bit later. It
15 was related to that disposal facility that you were
16 discussing; and, again, Staff does recommend approval
17 of the request with conditions.

18 Some background on the property: The subject
19 property is an undeveloped parcel located at 2833 New
20 Post Road in North Fort Myers. It consists of one
21 STRAP number and lies along the County-maintained minor
22 collector New Post Road just south of the
23 State-maintained Bayshore Road, and is within the
24 Central Urban Future Land Use category, as established
25 by the Lee County Comprehensive Plan; and, as I stated,

1 is zoned commercial, C-1A, currently.

2 Surrounding the development includes the Foxmoor
3 Plaza to the northeast, within the Community Commercial
4 zoning district, labeled CC on the map; and directly to
5 the north, a C-1A zoning district lying along Bayshore
6 Road. To the south of the subject property is the
7 Foxmoor Pines residential neighborhood zoned RS-1, as
8 well as Berts Bayshore Manor to the west.

9 The project currently has a development order in
10 review for the storage facility and associated
11 infrastructure, and the Applicant submitted for a VEG
12 permit, as well, under the VEG2023-00028 -- I'm sorry,
13 278. A code violation has been issued for the nuisance
14 accumulation on the property, and the VEG permit cannot
15 be issued until the rezone and the development order
16 have been approved. That may help in mitigating that
17 code violation.

18 Covering Lee Plan criteria, under LDC Section
19 34-145, the following slides will demonstrate how the
20 Applicant has met the list of criteria for a rezone for
21 the planned development.

22 In covering Lee Plan consistency, as previously
23 mentioned, the parcel is located in the Central Urban
24 Future Land Use, which by the Lee Plan is described as
25 the urban core of Lee County. Pursuant to Policy

1 1.1.3, the project site is in an area that encourages
2 mixed development use, and the proposed project
3 contributes to the mix of uses that does provide
4 service to the surrounding community.

5 Mini-warehouse and public warehouse uses are
6 allowable uses within a commercial planned development,
7 and the mix of commercial and residential uses is
8 consistent with the goals of the Central Urban Future
9 Land Use category. The proposed development will serve
10 the surrounding community and does remain compatible
11 with other uses in the surrounding area.

12 For Objective 2.1 of the Lee Plan, this promotes
13 contiguous and compact growth to contain urban sprawl.
14 The request, if approved, will allow infill development
15 that promotes compact growth patterns.

16 Objective 2.2 and Policy 2.2.1 discuss new growth
17 in future urban areas in proximity to available roadway
18 networks and where adequate public facilities exist or
19 are assured. As we covered, the property is located
20 just south of Bayshore Road on the New Post Road minor
21 collector. Access is proposed via a 24-foot-wide
22 vehicular driveway onto New Post Road, and a cross
23 access easement is also proposed to allow future cross
24 access to that northern property.

25 Existing infrastructure of water and sewer is in

1 place, and utilities are available to the site.

2 Adequate public facilities, including fire, police,
3 EMS, and solid waste exist to serve the property.

4 For Lee Plan Policies 4.1.1 and 4.1.2, the
5 Applicant has provided a letter of availability from
6 FGUA stating that wastewater disposal service is
7 generally available to the address, and that sufficient
8 capacity exists to provide service based on their
9 estimated flow demands.

10 A letter was -- a letter of availability was also
11 provided from Lee County Utilities, stating that
12 potable waterlines are in operation adjacent to the
13 property, and that sufficient capacity also exists
14 based on those same flow demands, and that fulfills the
15 requirements of these policies.

16 For Lee Plan Policy 4.1.4 for environmental
17 factors, the Applicant has provided the required
18 protected species survey, along with the other
19 associated environmental maps, in compliance with this
20 policy.

21 So Goal 5 for residential land uses in the
22 surrounding area, the western property line abuts two
23 different zoning districts. The northwest property
24 line abuts a C-1A zoned property, and the southwest
25 property line abuts an RS-1 zoned property. Land

1 Development Code Section 33-1543 for the North Fort
2 Myers Planning Community does not provide buffer
3 requirements for proposed commercial properties
4 abutting existing commercial property; however, LDC
5 Section 10-416(d) does require a 5-foot-wide buffer
6 with 4 trees per 100 linear feet, and the
7 Applicant-provided master concept plan does note that
8 5-foot-wide buffer.

9 The southwest property line which abuts the RS-1
10 zoning district requires a 30-foot-wide buffer with 10
11 trees per 100 linear feet and a double hedgerow per LDC
12 Section 10-416(d). And the Applicant, again, on their
13 master concept plan has indicated a 50-foot-wide
14 buffer, and they will be utilizing that in that dry
15 detention area.

16 The development design places water management dry
17 detention between the Berts Bayshore Manor subdivision
18 and the proposed building, and the southeastern
19 property line places a 25-foot-wide buffer. The
20 mini-warehouse and the public warehouse uses are
21 compatible with the surrounding commercial and
22 residential uses pursuant to Policy 5.1.5.

23 For the commercial land use portion, Goal 6 of the
24 Lee Plan seeks to permit orderly and well-planned
25 commercial development at appropriate locations within

1 the county. This property is located just south of
2 Bayshore Road, as we've already established, with other
3 nearby existing commercial and residential zoning
4 districts.

5 The Applicant has provided a traffic impact
6 statement for the proposed project that concluded the
7 project, as proposed, will not create a significant or
8 negative impact to the surrounding roadway; and it does
9 verify all roadways within the project's area of impact
10 currently have a surplus of capacity to accommodate the
11 traffic associated with this use. Lee County
12 Department of Transportation provided a
13 transportation-related analysis stating that the
14 proposed project will not have a detrimental impact on
15 the surrounding roadway system.

16 And the Applicant-provided master concept plan
17 depicts adequate landscaping and buffering.

18 And, again, urban services are available to serve
19 the proposed development.

20 The Applicant's environmental report indicated
21 there are no plant species observed that would be
22 classified as wetland dependent.

23 And, in addition, the Applicant also provided the
24 required stormwater management plan, indicating
25 historic drainage of the property outfalls to the west

1 into the existing County ditch that runs through the
2 western property boundary. And, again, it proposes
3 that dry detention system with a control structure that
4 discharges into the existing County ditch along that
5 western side.

6 For Goal 30 in the North Fort Myers Planning
7 Community, as previously mentioned, that's where the
8 parcel is located, and it is within existing commercial
9 and residential uses, and it provides compatibility
10 with the surrounding area. It does not locate
11 development in a way that would open new areas to
12 premature or scattered or strip development, which is
13 consistent with Goal 30 of the North Fort Myers
14 Planning Community. Further, the Applicant did hold
15 the required public information meeting for -- for this
16 particular goal in the Lee Plan.

17 And lastly for Lee Plan analysis -- I'm sorry, not
18 lastly. Water quality, Goal 125 and Goal 126, the
19 Applicant, again, did provide the required stormwater
20 narrative indicating that the proposed project
21 stormwater discharge is regulated by a control
22 structure to ensure water treatment prior to discharge,
23 and indicated the development will not degrade surface
24 and groundwater quality. And the Applicant's proposed
25 on-site dry detention system conveys -- conveys that

1 runoff via a system of berms, swales, and an outfall
2 control structure that discharges below the dry
3 detention system; and it maintains the surface water
4 flows and groundwater levels at or above the existing
5 conditions.

6 And, lastly, for Lee Plan Goal 158, the economic
7 element, 158 of the Lee Plan states Lee County will
8 achieve and maintain a diversified and stable economy
9 by providing a positive business climate that assures
10 maximum employment opportunities while maintaining high
11 quality of life. This proposed rezone to CPD allows
12 for businesses and employment opportunities to the
13 North Fort Myers area, while providing the expansion of
14 a service to the surrounding community. The property
15 resides in the Central Urban Future Land Use category,
16 which does encourage the greatest range of public
17 service.

18 Further, on to the criteria for meeting the Code
19 and other applicable County regulations, the Applicant
20 has acknowledged that at time of development, Land
21 Development Code and other applicable County
22 regulations will be required. The Applicant originally
23 did request one deviation for the request pertaining to
24 reducing the required dumpster enclosure size. Staff
25 did recommend withdrawal of this deviation request

1 because based on Land Development Code already, there
2 is a note in there that provides for that. It covers
3 the calculations for mini-warehouse use, and that is a
4 note section below the use table. LDC Section 10-261,
5 note 1, states mini-warehouse and other associated
6 developments with storage must calculate the minimum
7 enclosure size in relation to the square footage of the
8 office and the caretaker's residence. So they would
9 not need those reductions that they were asking for in
10 a deviation based on it already being covered in the
11 Land Development Code.

12 So, again, as we've already established for
13 compatibility with the existing and planned uses and
14 the surrounding area, the parcel is located within an
15 area developed with existing commercial and residential
16 uses; it is compatible with the surrounding area and
17 does not locate development in a way that would open
18 areas to premature or scattered development.

19 For providing access sufficient to support the
20 proposed development intensity, again, the property is
21 located just south of Bayshore Road and New Post Road.
22 Access is proposed via a 24-foot-wide vehicular
23 driveway onto New Post Road, and a cross access
24 easement on that northern piece of the property for
25 access to the north.

1 A traffic impact statement, again, was proposed
2 for the project. It was submitted and concluded that
3 the request will not create a significant or negative
4 impact to the surrounding roadway network.

5 For environmental -- adversely affect the
6 environmental critical or sensitive areas, again, the
7 required protected species survey and associated
8 environmental maps were provided that indicated there
9 were no plant species observed that would be classified
10 as water dependent, and no significant hydrophytic
11 vegetation was identified on the site, and no evidence
12 of protected species were observed on the property
13 either.

14 In addition, a stormwater management plan
15 indicating historic drainage of the property outfalls
16 to the west into the existing County ditch that ran
17 through the western property line or property boundary,
18 and the project proposes a dry detention system.

19 County Environmental Staff did provide a report
20 and visited the site. They made the following
21 findings:

22 For open space, the Applicant has proposed 1.414
23 acres of impervious area, which in accordance with LDC
24 Section 10-415(a) requires 20 percent open space. The
25 master concept plan provided the project area

1 breakdown, which states the impervious proposed and the
2 open-space calculations demonstrate that the site is
3 required to provide .587 acres of open space and total
4 acreage of this site being 2.93 acres. Applicant is
5 providing over the required amount of open space; so
6 Staff does recommend conditioning to ensure that 1.504,
7 or 51.27 percent open space, is provided. So it reads
8 prior to issuance of a development order, the
9 development order plans must depict 1.504 acres of open
10 space.

11 There is no indigenous vegetation on the site, so
12 none will be required per LDC Section 10-415(a).

13 And for buffers, buffers will be provided on the
14 north property line, which abuts a commercially zoned
15 property, with a Type A buffer that requires a
16 5-foot-wide buffer is 4 trees per 100 linear feet. The
17 Applicant has depicted the required buffer on the MCP
18 as such.

19 And the south property line abuts a residential
20 single-family subdivision requiring a 30-foot-wide
21 buffer. Applicant is depicting an 8-foot-high concrete
22 wall set back 50 feet from the property line. Within
23 the 50-foot setback, they are proposing a swale and 5
24 trees and 18 shrubs per 100 linear feet.

25 The east property line abuts New Post Road, which

1 is a County-maintained minor collector right-of-way.
2 Per LDC Section 10-146(d), this requires a Type D
3 buffer, which consists of 5 trees per 100 linear feet
4 and a double staggered hedgerow.

5 The west property line abuts the C-1A zoned
6 property where a 5-foot buffer will be provided.

7 And the southwest property line abuts an RS-1
8 zoned property where a 50-foot-wide buffer will be
9 provided utilizing that dry detention system.

10 Based on that, Staff does recommend that the
11 following conditions ensure that 50-foot-wide buffer
12 and required landscaping are provided. The condition
13 reads, "Prior to the issuance of development order, the
14 Applicant must depict on the landscape plan a
15 50-foot-wide buffer along the southwest property line
16 abutting the residentially-zoned property that
17 specifies 10 trees per 100 linear feet and a double
18 staggered hedgerow. All landscape vegetation must be
19 measured from the final grade of the building."

20 For the service -- for urban services defined by
21 Lee Plan if located in a Future Urban category
22 criteria, the property is serviced by LCU and FGUA, the
23 North Fort Myers EMS, the Lee County Sheriff's Office,
24 Lee County Solid Waste, and in addition to public
25 transit, schools, and parks.

1 For the planned development findings and
2 conclusions, Staff found the proposed uses are
3 appropriate at this location. They recommended
4 conditions that provide sufficient safeguards to the
5 public interest and relate to the impact and request --
6 that it has on the surrounding area, and the
7 application -- the Applicant did request that one
8 deviation that Staff did recommend a withdrawal of.

9 And in conclusion, the requested amendment meets
10 the review criteria established in LDC Section 34-145;
11 therefore, Staff does recommend approval of the
12 Applicant's request.

13 And that is the end of my presentation unless you
14 have any questions.

15 HEARING EXAMINER RIVERA: Thank you, no. You were
16 very thorough --

17 MS. GROTH: Thank you.

18 HEARING EXAMINER RIVERA: -- and I appreciate
19 that.

20 Just to clarify, did the Applicant agree to
21 withdraw the deviation request? That was recommended.

22 MR. BORAL: Yes.

23 HEARING EXAMINER RIVERA: Okay. We'll just need
24 to update the master concept plan then because it's
25 still shown. So that will be a housekeeping matter.

1 We can take care of that later.

2 MS. GROTH: I think they did already provide that.
3 So we can make sure you get it.

4 HEARING EXAMINER RIVERA: Okay.

5 So then I'm going to call forward the sheets in
6 the order that I have them, as I said. So the first
7 one that I have is for Sandra Romer. Good afternoon.

8 MS. ROMER: Good afternoon. I live down New Post
9 Road, and my concern is that having a three-story
10 building located right there is going to be pretty
11 awful looking. You'd have to be really quite adept at
12 making it look attractive in order to overcome that
13 three-story limit.

14 Secondly, I know there is a ditch back on the west
15 side of the property. My concern is that with all of
16 the greenery going away, or most of it going away, is
17 that ditch sufficient to overcome whatever waters may
18 be running off of concrete -- which is what a lot of
19 that property is going to become, is it sufficient to
20 be good for the people living around there, that
21 they're not going to get flooded, they're not going to
22 get, you know, runoff that is -- are going to have a
23 detrimental impact on their properties.

24 So those are kind of the things that concern us
25 living down in that area, and that's it.

1 HEARING EXAMINER RIVERA: Thank you. Thank you
2 for coming today.

3 MS. ROMER: Thank you.

4 HEARING EXAMINER RIVERA: The next card I have is
5 for Frederick Glennon?

6 MS. ROMER: He said he's not going to talk.

7 HEARING EXAMINER RIVERA: Okay.

8 Okay. Kathleen Fisher? Good afternoon.

9 MS. FISHER: Hi, how are you?

10 I think we all pretty much have similar issues and
11 concerns about it. My house is literally right smack
12 behind the middle of that building. I have a pool,
13 which we enjoy. I don't really want to look at a block
14 wall. I know they're talking about putting some shrubs
15 and trees, but three stories is not going to -- I'm
16 sure they're not going to cover that.

17 So I have two questions. One is -- the first one,
18 my biggest concern, one of the photos that you showed,
19 I couldn't tell if there were windows on those upper
20 levels of that building?

21 HEARING EXAMINER RIVERA: And I should have
22 said --

23 MS. FISHER: I can't ask a question?

24 HEARING EXAMINER RIVERA: You can -- please ask
25 them.

1 MS. FISHER: Okay.

2 HEARING EXAMINER RIVERA: We're just not going to
3 answer them right now. So ask them --

4 MS. FISHER: And I know there are roll-up doors,
5 but the one photo I saw I couldn't decide if there were
6 windows up there or not. I would request that there
7 not be windows because that's going to look right down
8 into my pool. I have a privacy fence out there for a
9 reason, and I'd like to keep it private.

10 The second concern that I mostly have is the
11 stormwater and runoff, in particular during hurricane
12 season, never mind rainy season. I am assuming that
13 this building will have to be built higher on the
14 ground than our homes on that south boundary are
15 currently built, which is going to cause that runoff to
16 come not only to that ditch, but down that -- into our
17 yards. So I'm very concerned about that.

18 The other thing, is there a driveway all around --
19 I can't ask a question. I wanted to know if there's a
20 driveway all around the building or if it's only on one
21 side; how long to completion once it's started; and
22 just checking on those buffers, but I think you guys
23 have covered that. So those are my concerns.

24 HEARING EXAMINER RIVERA: Thank you.

25 MS. FISHER: Thank you.

1 HEARING EXAMINER RIVERA: Thank you so much for
2 coming today.

3 Okay. The next card I have is for Frank Fisher.

4 MR. FISHER: Hello.

5 HEARING EXAMINER RIVERA: Good afternoon.

6 MR. FISHER: Good afternoon. So she pretty much
7 covered everything that we had spoken about, except I
8 just want to say that my real concern is that runoff,
9 and what is the elevation of the property before the
10 building goes in? Because I know what our elevation
11 is, and if it gets much higher than that, I think we're
12 going to have a runoff issue.

13 And the other one, my other concern is, you can
14 put up an 8-foot wall, but behind that 8-foot wall you
15 have a 30-foot building, which where we're located is
16 right in the middle of that building. I really don't
17 want to look out my back -- out of my pool and see it
18 probably 100 feet away, which is not very far. I'm
19 going to be looking at this big old building. I really
20 don't care to do that. So that is a concern for us, is
21 our way of life is going to change greatly.

22 Another concern, which hasn't been addressed
23 yet -- and I know you can't because you're waiting for
24 approvals and whatever, but the length of time it's
25 going to take to do this project. We've all been

1 around construction. I've been around construction my
2 whole life. It takes a long time to do things like
3 this. You have a lot of noise. You have a lot of
4 dirt. I have a swimming pool. I don't want it filled
5 with dirt. There's no way to combat that other than
6 you're going to clean your pool every day. Things like
7 that are a concern to us and our way of life that we
8 have right now.

9 So I think it's going to be not a fun place for us
10 to live after this -- during this and after this. So
11 that's really about all I got.

12 HEARING EXAMINER RIVERA: Thank you.

13 MR. FISHER: Thank you.

14 HEARING EXAMINER RIVERA: Thank you for coming.

15 The next card I have has two names on it. There's
16 Terry Moody and Susan Denise -- Denyes.

17 MS. DENYES: Denyes.

18 HEARING EXAMINER RIVERA: Denyes, thank you.

19 Good afternoon.

20 MS. DENYES: Good afternoon. Like the couple that
21 just spoke, my husband, Terry Moody, and I, our home
22 backs up to where this facility is going to be. We're
23 just a few doors apart. So of course we have the same
24 concern in the fact that this building is going to be
25 so tall. I don't understand why it can't be a

1 one-story or a two-story. I mean, I get the fact that
2 they need more storage units for people, but that's
3 definitely a concern.

4 Also, that ditch that's back there has been an
5 ongoing problem. Our family has owned this house since
6 1983. That ditch is an ongoing problem. We've called
7 water facility places and DOT and you name it, but it's
8 overgrown, it doesn't drain right. We've tried to
9 figure out who owns it. Nobody seems to know that.

10 And we were recently -- after Hurricane Ian, we
11 were put in a flood zone. Prior to this, all those
12 years, from the time that house was built in '79 up
13 until Hurricane Ian, we were not in a flood zone. So I
14 don't know if the Applicant understands that it's in a
15 flood zone.

16 Also, I'm told that there's some trees back there,
17 cabbage trees -- cabbage palm trees that are really not
18 supposed to be tampered with. I think they're part of
19 the Florida environment. One is in our backyard. It's
20 right on the other side of it.

21 Let me look at my notes here just a second so I
22 don't forget anything. I'm sorry.

23 HEARING EXAMINER RIVERA: Not at all.

24 MS. DENYES: One of our neighbors mentioned that
25 when things like this happen, sometimes the Applicant

1 pays a fee, pays a -- not a fee, I take that back --
2 pays compensation for your home value that's obviously
3 going to go down, because most people that buy a home
4 don't want to -- you know. So therefore I'm mentioning
5 that because someone mentioned it to me. Would that be
6 a consideration, immediate compensation for the
7 devaluation of our home?

8 And if any of our grass in our backyard -- due to
9 tractors and other heavy equipment, would our yard be
10 fixed if our yard -- if our yard is disrupted?

11 Also, like what was mentioned earlier, is dirt,
12 and so our houses could possibly become dirty, windows
13 and all. Would anybody pay to get that taken care of?

14 Construction times. We wouldn't want construction
15 to be any later -- I mean any earlier than 7 a.m. or
16 any later than 5 p.m.

17 And you already said that the wall is going to be
18 an attractive wall. We were told that.

19 And I guess that's about it.

20 HEARING EXAMINER RIVERA: Okay, thank you.

21 MS. DENYES: You're welcome, thank you.

22 HEARING EXAMINER RIVERA: Did Mr. Moody wish to
23 speak, also? Good afternoon.

24 MR. MOODY: Good afternoon.

25 I definitely have a problem with the ditch runoff.

1 On a normal rainy day -- I'm next to the house that's
2 next to the ditch, on the property line there. A
3 normal rainy day that ditch fills up, it runs in behind
4 the neighbor's house and our house. Water runs over
5 that ditch constantly, every time it rains hard. It's
6 not going to be any better when they put all this
7 concrete in there, now that the vegetation is gone that
8 soaks up a lot of that rain. So it's just going to be
9 worse.

10 Our street floods from that because the street
11 water won't run out because the ditch won't let it run
12 out. So until the ditch goes down, our street stays
13 flooded. That's going to be another issue because it's
14 going to stay longer, and it's going to get more water.

15 And also, like she said, compensation for our
16 property values going down.

17 And I don't want to look out the back and see a
18 three-story building. Two story? Maybe.

19 And that -- from what I understood, that one
20 cabbage -- one palm behind our house is a cabbage palm;
21 and if nobody noticed that, they must be blind because
22 that's supposed to be protected, not torn down.

23 So that's my beef.

24 HEARING EXAMINER RIVERA: Thank you.

25 The next card I have is for Jezebel Bezanilla?

1 MS. KATZ: She doesn't (inaudible).

2 HEARING EXAMINER RIVERA: Okay. Did you have a
3 card for that, as well?

4 MS. KATZ: Yes, I did.

5 HEARING EXAMINER RIVERA: Okay. Was that Rina
6 Katz?

7 MS. KATZ: Yes.

8 HEARING EXAMINER RIVERA: Okay, thank you. Good
9 afternoon.

10 MS. KATZ: Good afternoon. First I would like to
11 say that the construction process itself would bring
12 many months of loud noise and disruption to our
13 tranquil area.

14 I'm aware you guys said in the presentation that
15 there will be no traffic concerns, but that road is a
16 single lane with a median; so I don't quite understand
17 how the big trucks are going to get through and then
18 the residents will pass through.

19 I believe that this storage facility is out of
20 proportion compared to the other buildings surrounding.
21 I believe it will be an eyesore. I don't believe it
22 complements any of the properties in the area, and it
23 will detract from the aesthetic value and livability of
24 our neighborhood.

25 I agree with the runoff. I live in the

1 neighborhood behind the property, though I do not live
2 on the property line, but we still face issues with
3 flooding and runoff.

4 This land is also home to numerous trees which
5 currently help mitigate the light and noise pollution
6 from the commercial buildings and the main road. So I
7 believe if these trees are removed, the nighttime
8 environment will worsen, and wildlife and residents
9 will be affected.

10 I'm aware that the presentation said that the
11 storage units will provide economic growth, but storage
12 units do not provide as much job opportunities as
13 retail -- retails do.

14 And there will be no -- not much community
15 engagement. It's not -- a storage unit is not quite a
16 place for the community to come together. You know,
17 it's just a place where people can go to put their
18 stuff and then leave.

19 There are actually already nine self-storage units
20 within a five-mile radius of New Post Road, as well as
21 there is a storage unit located two minutes into
22 Suncoast. So I believe we do not need one; however, if
23 there is a need for a storage unit, I believe that a
24 better solution would be to find another plot of land
25 along Bayshore, the main road, so it won't interfere

1 with the residential area.

2 And that's all, thank you.

3 HEARING EXAMINER RIVERA: Thank you. Thank you
4 for coming.

5 MS. KATZ: Thank you.

6 HEARING EXAMINER RIVERA: That was the last card
7 that I have. Was there anyone else that wished to
8 speak?

9 Okay. Do we need to take a break before we come
10 back for rebuttal, or are the Applicant and Staff ready
11 to proceed?

12 MR. ESSIG: I'm good.

13 HEARING EXAMINER RIVERA: Okay. The Applicant
14 has --

15 MR. MEJIA: I'll answer the...

16 Hi. So I'll just answer the drainage and runoff
17 concerns because that's more on the engineering side,
18 and that's something that I did. All the other
19 concerns in regards to the reason why it's being built,
20 I'll let the Applicant and the owner of the lot answer
21 that.

22 Well, first of all, on the height of the building,
23 it is three-story, but there's a 35-foot building max
24 height, which we're meeting, and obviously it's up to
25 our client's discretion if he wants to have three

1 stories or two stories --

2 HEARING EXAMINER RIVERA: Is that the current
3 building height under the C-1A zoning?

4 MR. MEJIA: I believe so, yes, 35 feet building
5 max height, which is what you can do, no more than
6 three floors -- three -- yeah, three stories.

7 HEARING EXAMINER RIVERA: But that could happen
8 today without the zoning?

9 MR. MEJIA: I believe so, yes.

10 MS. GROTH: That's correct.

11 MR. MEJIA: It's 35 feet. You know, now,
12 obviously it's up to his discretion whether he wants to
13 do one, two, or three stories. He's doing three in
14 this scenario.

15 Now, in regards to the drainage and to the runoff,
16 right? So, yeah, we are putting a building, and there
17 is going to be a lot of pavement, but we do have a dry
18 detention area that's being put that currently the site
19 doesn't have. So, yes, currently there's a lot of
20 vegetation, but all the runoff just goes where it goes,
21 right, because it's undeveloped. Meaning it can go to
22 the road, it can go to the neighbors, it can go to the
23 ditch, which is where we're going to be sending our
24 water to. And what we do as part of the development
25 order -- this is a process that takes many months to

1 many years, you know, in approval. One of them is the
2 stormwater management side of things, and we are
3 providing on-site retention. So, yes, there's a
4 building and there's pavement, but all that is being
5 run into the detention area.

6 There is a perimeter berm that's all around the
7 property to prevent water from affecting the adjacent
8 properties. And just so the public is aware, there's
9 no development that ever gets developed in Lee County,
10 or pretty much every municipality, where you're allowed
11 to discharge or send water to anyone's property.
12 Everything has to be maintained on-site up to a certain
13 level. This was set by the Stormwater Management
14 District that governs this -- this side of Florida,
15 which Lee County abides by; and we've met all the
16 regulations. We have berms, and our finish floor meets
17 the storm events, which we've calculated. We retain
18 the water on-site, and then that does go to the ditch
19 on the back, the 40-foot -- there's a 40-foot easement
20 on that -- on the back of the property, which is where
21 this ditch is everyone is talking about. It is -- for
22 those that don't know, it is owned by FDOT, which is
23 the Florida Department of Transportation, so they're
24 responsible for its ownership and maintenance.

25 Now, if there are issues with that, that's

1 something -- you know, you guys could talk directly
2 with them. We can't develop in that area. That's got
3 to be left as it is. And that is what we're
4 discharging to because that's where the property
5 currently is. Instead of us discharging to the
6 right-of-way, and clearly not the neighbors
7 because we're -- you know, we're not allowed to do
8 that. The corresponding place would be the ditch, and
9 that's where our runoff is going to collect and go.

10 And that's my response to drainage concerns, you
11 know, runoff concerns, elevations and things like that.
12 Everything is set by the County, by the Water
13 Management District, and the development order is --
14 you know, covers all that ground, and we make sure the
15 plans meet all that.

16 So that's just my response to that, and then I'll
17 let Michael, our client, respond to all the other
18 concerns.

19 HEARING EXAMINER RIVERA: Well, further to that
20 point -- before you go. So when you -- there were
21 detailed calculations in the Staff Report that don't
22 probably mean a whole lot to people that don't
23 understand stormwater calculations.

24 MR. MEJIA: Yes.

25 HEARING EXAMINER RIVERA: But to the basic

1 questions of if you're elevating your site to an
2 elevation that's higher, is that considered whenever
3 you're going to get your permit to ensure, as you're
4 doing these calculations, that you're not going to
5 discharge --

6 MR. MEJIA: So pretty much the way that it works
7 is the amount of impervious that you add to a site
8 equates to the amount of detention you have to hold.
9 It's like a direct relationship. You want to add more
10 impervious -- more building, more pavement -- well, you
11 need a bigger detention or a deeper detention. It kind
12 of offsets. You can't just, you know, put two acres of
13 concrete on the ground. That just doesn't work like
14 that.

15 And based on those numbers, we run calculations to
16 determine what we call minimum finish floor. Your
17 floor has to be a minimum elevation above sea level.
18 Everything's in North American Vertical Datum, which is
19 what's used throughout the country. Also, the berm,
20 which is what's going to be around the entire site to
21 prevent adjacent properties from getting flooded, is
22 also set by that, and the pavement.

23 So per Lee County and the Water Management
24 District, there are minimum elevations you have to
25 meet. So if things are elevated, it's because it's

1 required. So it is not a choice. And obviously our
2 client doesn't want their place to flood either, and we
3 want to offset as much as we can, you know. Everyone
4 suffers from flooding, especially with hurricanes and
5 things like that, you know, so people want to mitigate
6 that as much as possible. He's no exception.

7 And, you know, I'll restate, the berm is above the
8 existing ground and the proposed area to maintain
9 water, you know, up to a certain elevation. Now, you
10 know, if you have ten feet of, you know, water, well,
11 there's nothing you can do about that, right? But
12 anything within the District's requirements, the
13 processes have been met. We're well above that so we
14 know we'll be able to retain everything within our berm
15 and maintain all the water that we have.

16 HEARING EXAMINER RIVERA: Thank you.

17 MR. MEJIA: Uh-huh.

18 HEARING EXAMINER RIVERA: Who else from your
19 project team wanted to address the remaining questions?

20 MR. ESSIG: I mean, I'll address some of their
21 concerns --

22 HEARING EXAMINER RIVERA: Okay.

23 MR. ESSIG: -- yeah.

24 HEARING EXAMINER RIVERA: Good afternoon.

25 MR. ESSIG: Good afternoon. My name is Michael

1 Essig, and this is my beautiful wife, Stephanie Essig.
2 We're your neighbors, okay? We live in Foxmoor Lakes.
3 So we understand all your concerns, and your concerns
4 are our concerns, and so we've left it to these experts
5 to let us know that the design that we did would be in
6 compliance with our neighborhood, right? So that's a
7 big concern for us.

8 We saw this project, and I saw it as a -- just
9 happened to see the property by accident, and we ended
10 up getting it. This -- the thing about self-storage
11 is -- number one, we started this project three years
12 ago, just so you know. Since then I think -- is it Lee
13 County that's kind of put a halt to storage unit
14 facilities being on main roads and stuff like that, or
15 is that just parts of Lee County?

16 HEARING EXAMINER RIVERA: I think that's -- I've
17 read about that from Cape Coral. That's not relevant
18 to --

19 MS. GROTH: That's not unincorporated Lee County.

20 MR. ESSIG: Yeah. So, you know, we started this
21 before -- and that was, I think, nine months ago or
22 something like that. So we started this project three
23 years ago so a lot of time has passed, and it's taken
24 us three years to get to this point, for us to even sit
25 here and talk to you.

1 So, you know, your -- your concerns are valid, but
2 we discussed that with our engineering department --
3 because if you guys are going to flood, we're going to
4 flood, you know. We went through Ian with you. We
5 flooded in Ian, you know? And I think what he -- you
6 know, I'm not telling Gabriel what he's saying, but if
7 this is going -- if our property is going to flood,
8 we're all flooding, you know. I mean, it's not a
9 matter of us being the deciding factor of who floods,
10 you know.

11 And another thing about -- the young lady back
12 there that brought up some very good points, you know.
13 I mean, listen, I live right -- we live on Foxmoor
14 Lakes, you know, and so it's kind of like -- I look at
15 Winn-Dixie out my back window.

16 UNIDENTIFIED SPEAKER: (Inaudible.)

17 MR. ESSIG: You know -- yeah, it is, but we still
18 enjoy our pond. We still enjoy our neighbors.

19 We did discuss this with a lot of our neighbors
20 that we associate with. Not one person had a problem
21 with it, you know, and that was --

22 UNIDENTIFIED SPEAKER: You didn't talk to us.

23 (Participants speaking en masse.)

24 HEARING EXAMINER RIVERA: I'm sorry -- I am sorry,
25 and I know you're addressing -- I'm sorry, I know that

1 you're addressing them --

2 MR. ESSIG: Yes.

3 HEARING EXAMINER RIVERA: -- but the comments
4 should be addressed to me.

5 MR. ESSIG: Oh, I did not know this.

6 HEARING EXAMINER RIVERA: That's okay, but it's
7 not supposed to be a dialogue. So certainly I am glad
8 that everyone is in the room, and now that the
9 neighbors have met, you guys can continue that
10 conversation --

11 MR. ESSIG: Okay.

12 HEARING EXAMINER RIVERA: -- off record. The
13 point of rebuttal is simply to address the specific --
14 so the question they had about is the driveway going to
15 go all the way around --

16 MR. ESSIG: Yeah, okay, yeah.

17 HEARING EXAMINER RIVERA: -- things like that.

18 MR. ESSIG: Okay, yeah. So are they allowed to
19 ask me, and then I can --

20 HEARING EXAMINER RIVERA: No. That --

21 MR. ESSIG: No, okay.

22 So the driveway, yes, it will go all the way
23 around the property. I mean, it has to, you know, in
24 order for it to be -- if somebody comes in and pulls
25 up, we had to have a way for people to get out on that

1 end of it.

2 The three stories. Well, the way the property
3 is -- if you've seen it, it's kind of -- it's not a
4 perfect rectangular deal so we could only fit the
5 building -- so much into there, and plus that easement
6 is what, a 40-foot setback?

7 MR. MEJIA: (Nods head.)

8 MR. ESSIG: So we can't touch 40 foot of property
9 that we have no access to because of that easement back
10 there, that lake -- or the ditch that we have. So
11 that's why we had to go up. We couldn't go out in
12 order for us to do that.

13 You know, we are going to put that wall there; we
14 are going to put some nice big trees there to block
15 some of that stuff. So we're -- we're looking out for
16 you guys, as well, because we're part of the
17 neighborhood, as well. Now -- and we could always
18 agree to disagree, but that's what we thought about
19 when we went to build this thing.

20 So those were the challenges that we had, and we
21 came around -- and this is not a cheap project. So for
22 it to be like -- not looking so pretty, that's why we
23 put the windows there -- oh, the windows were one
24 thing. So that's something we can talk to them about.
25 There's those windows, I think, in the back on one of

1 the drawings. I think that Worth and I talked to our
2 architectural engineer, and he said that what we can
3 do, with their permission of course, is to put just
4 windows in the two front corners facing New Post Road,
5 not having any on the back over there to the middle of
6 your property. And I don't even know if those are
7 functional. I think those are -- those windows are put
8 there -- people aren't walking in there. It's just
9 a -- it's architectural to not make it look like a pure
10 concrete -- we're putting shutters -- decorative
11 shutters in there, too, to give us some decoration, not
12 just a flat concrete building.

13 So I think we're going to -- our goal is to just
14 have the two corners -- have the windows on the corners
15 of those so...

16 HEARING EXAMINER RIVERA: The approximate time of
17 construction was a question, too, that came up.

18 MR. ESSIG: Thank you.

19 Well, we talked to one person so far, and they're
20 guesstimating from start to finish would be somewhere
21 around 8 months to a year, which for a
22 102,000-square-foot facility, that's pretty fast. I
23 know you'd beg to differ, but that's -- 8 to 12 months
24 for that to happen.

25 HEARING EXAMINER RIVERA: Hours of operation came

1 up specifically for construction, but is there any
2 hours of operation for the facility once it's
3 operational, or is it 24/7 accessibility?

4 MR. ESSIG: We haven't really discussed that. I
5 mean, you know, I'm thinking -- we're going to have --
6 it's going to be access -- it's going to be a gate
7 access. So we'll have a gate -- a security gate (sic)
8 all around -- you know, we'll have a fence all the way
9 around, with a wall over here and the fence all the way
10 around. People have to have a code to get in. So it's
11 going to be enclosed -- so we'll have that.

12 We're going to have security cameras all around
13 the facility for protection for the community. As you
14 well know, I've tried to work with these homeless
15 people, but they're not -- they're not working with us
16 because they were causing a lot of problems. We feed
17 the homeless. So we want -- but we want to have
18 security so that's another thing, I guess, we can look
19 at and see as far as where do we have the cameras
20 pointed, you know, so it's not pointing in your
21 backyard or whatever the case may be. So those are
22 things that we'll -- we can work with on that end of
23 it, for sure.

24 Was there another question?

25 HEARING EXAMINER RIVERA: The last one was the

1 protected trees, and so there was a concern that trees
2 would not be protected during the --

3 MR. ESSIG: Well, my -- you got it?

4 MR. MEJIA: Yeah.

5 MR. ESSIG: Come on.

6 Did I answer all your questions?

7 UNIDENTIFIED SPEAKER: Yes.

8 MR. ESSIG: I did? Okay.

9 MR. MEJIA: So to answer the cabbage palms, I'm
10 pretty sure -- I don't believe that they are protected.
11 There are things called heritage trees, and that's
12 based on the diameter of breast height, which is pretty
13 much the diameter of the tree. That determines whether
14 it's a heritage tree or not. And per Lee County
15 requirements, every one you rip up you have to plant
16 one that's either -- you know, one or two that are of
17 equal diameter when they mature, as well.

18 So there are -- there were a couple of heritage
19 trees on-site. They were going -- they're all where
20 the building is located so we couldn't save them even
21 if we wanted to. So we are replacing them, and that is
22 shown on our landscape plan, which has been obviously
23 approved by the County.

24 So in regards to native vegetation on the
25 environmental survey, there are no native species or

1 vegetation that needs to be protected or -- or
2 maintained besides the heritage trees, which are going
3 to be replaced, and they will be placed specifically
4 among -- along the buffers, right?

5 We do have -- yes, we're getting rid of
6 vegetation, but per Lee County requirements, we have
7 buffers all around the site, and each buffer requires
8 trees and shrubs every so many linear feet, which we
9 are obviously meeting.

10 So in regards to the -- to the trees, you know,
11 whatever can be kept has been kept. There are a couple
12 of trees near the property line that we are going to
13 maintain, but pretty much everything else is going to
14 be -- we're going to be replacing trees all around the
15 buffer area of the site, and replacing the heritage
16 trees with an equivalent, you know, tree or trees, you
17 know, to offset that -- that change.

18 HEARING EXAMINER RIVERA: Thank you.

19 Did Staff have any rebuttal to provide?

20 MS. GROTH: (Nods head.)

21 HEARING EXAMINER RIVERA: Thank you.

22 MS. GROTH: Yeah, I was going to address a little
23 bit of the indigenous, but I think -- I think you
24 covered that okay. There are cabbage palms that were
25 not depicted on the protected species survey.

1 Environmental Staff within Lee County also visited the
2 site, which is, you know, making sure that whatever is
3 on that protected species is -- is actual and factual.
4 As he stated, there are heritage trees that would be on
5 the site, and those -- if they are not depicted on the
6 protected species survey, the Environmental Staff notes
7 it and then we condition it. So that's usually how
8 that works so -- if there are any type of indigenous.
9 There were no indigenous that were reported on that.

10 And then, I think, one of the other questions was
11 kind of in regard to construction and -- and dust and
12 will -- you know, will we get paid if you -- you know,
13 for dust and things like that. And I think that one of
14 the things is, is this is a commercially zoned
15 property. So whether it's a storage unit or a retail
16 facility or whatever commercial business is going in
17 there, you're going to have construction that's
18 happening. If it was a residential portion, there
19 would still be construction going on. So it's already
20 a commercially zoned property. The rezone is now just
21 a planned development that gives us more parameters and
22 more things to put in place so that you guys are
23 protected. That's kind of where that comes in.

24 So any type of development that's going to happen
25 on this property, you're going to have to clear the

1 vegetation off, and you're going to have to build the
2 construction, and you're going to have to deal with the
3 noise and things like that. So the only answer to that
4 would be not develop it at all, correct, but we're in a
5 position where it is a commercially zoned property. So
6 that's really the only thing I have to say about that.

7 HEARING EXAMINER RIVERA: Thank you.

8 Okay. So then the last items are just a little
9 bit of housekeeping. I need to leave the record open
10 so that you can amend the MCP to remove the dumpster
11 deviation. I would also encourage you to take some
12 time and look at if you can move the dumpster itself
13 because I do think that that's a fair question, if it
14 will fit. Just take a look at it, hopefully it will.

15 And then I'd like to give Staff and Applicant time
16 to look at hours of operation. That's a typical
17 condition that we put on storage facilities --

18 MR. ESSIG: Sure.

19 HEARING EXAMINER RIVERA: -- like this, when
20 they're near to residential uses. So there's plenty of
21 cases you can look at to see what those typically look
22 like.

23 I would typically give you till the end of next
24 Friday, but that is a holiday. That is July 4th. So I
25 will leave the record open till the end of business

1 July 11th. You may not need that long. If you don't,
2 submit it earlier; and as soon as I have it, I can
3 begin working on it.

4 MR. ESSIG: Okay.

5 HEARING EXAMINER RIVERA: And then, as you know,
6 the next step is to go to the Board, and they'll have
7 the final hearing.

8 So thank you, everybody, for coming. Again, if
9 you spoke today, you will get copies of the
10 recommendation and a notice of when the Board hearing
11 will be. And you're welcome to speak at the Board
12 then, as well.

13 Thank you, and please stay well.

14 (Proceedings concluded at 2:07 p.m.)

15

16

17

18

19

20

21

22

23

24

25

1
2
3 CERTIFICATE OF REPORTER
4

5 STATE OF FLORIDA)

6 COUNTY OF LEE)
78 I, Deborah M. 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 53, is a true and correct record of my
13 stenographic notes.
1415 Dated this 29th day of June, 2025.
1617 
18 Deborah M. Bruns, FPR
1920
21 (This transcript was electronically signed.)
22
23
24
25

1 1 5:19 13:17 22:5 1.1.3 16:1 1.414 23:22 1.504 24:6,9 10 18:10 25:17 10-146(d) 25:2 10-261 22:4 10-415(a) 23:24 24:12 10-416(d) 18:5,12 100 18:6,11 24:16,24 25:3,17 30:18 102,000-square-foot 47:22 102,222 14:10 11th 53:1 12 47:23 125 20:18 126 20:18 158 21:6,7 18 24:24 1983 32:6 2 2 5:13,16,19 13:16, 20 2.1 16:12	2.2 16:16 2.2.1 16:16 2.93 14:9 24:4 20 23:24 2025 4:4 24-foot-wide 16:21 22:22 24/7 48:3 25-foot 8:1,14 25-foot-wide 18:19 26 4:4 278 15:13 2833 14:19 2:07 53:14 3 3 13:4,6 30 20:6,13 30-foot 30:15 30-foot-wide 18:10 24:20 33-1543 18:1 34,000 6:23 34-145 15:19 26:10 35 38:4,11 35-foot 37:23 4 4	18:6 24:16 4.1.1 17:4 4.1.2 17:4 4.1.4 17:16 40 46:8 40-foot 10:7 39:19 46:6 48-hour 13:8,17 4th 52:24 5 5 17:21 24:23 25:3 33:16 5-foot 10:12 25:6 5-foot-wide 18:5,8 24:16 5.1.5 18:22 50 8:20 24:22 50-foot 10:14 24:23 50-foot-wide 18:13 25:8,11,15 51.27 24:7 587 24:3 6 6 18:23 7 7 33:15 79 32:12	8 8 47:21,23 8-foot 8:14 30:14 8-foot-high 24:21 A a.m. 33:15 abides 39:15 abuts 7:22 17:22,24,25 18:9 24:14,19,25 25:5,7 abutting 18:4 25:16 accept 5:15 13:9 access 7:18 16:21,23,24 22:19,22,23,25 46:9 48:6,7 accessed 11:5 accessibility 48:3 accident 43:9 accommodate 19:10 accordance 23:23 accumulation 15:14 achieve 21:8 acknowledged 21:20 acreage 24:4 acres 14:9 23:23 24:3,4, 9 41:12 actual 51:3	add 41:7,9 addition 8:10,13 19:23 23:14 25:24 address 17:7 42:19,20 45:13 50:22 addressed 30:22 45:4 addressing 44:25 45:1 adept 27:11 adequate 16:18 17:2 19:17 adjacent 10:13 17:12 39:7 41:21 adversely 23:5 aesthetic 35:23 affect 23:5 affected 36:9 affecting 39:7 affidavit 5:11 affirm 4:11 afternoon 4:2 6:2,3 12:18,19 27:7,8 28:8 30:5,6 31:19,20 33:23,24 35:9,10 42:24,25 agree 26:20 35:25 46:18 allowable 16:6 allowed 7:9 39:10 40:7 45:18 Amanda 4:3 amend 52:10 amendment
---	---	---	---	--

26:9	25 26:6 27:25	36:25	brought	call
American	35:13,22 37:1	beautiful	44:12	4:18,24 27:5 41:16
41:18	38:18 39:5 40:2	43:1	buffer	called
amount	42:8 50:15	beef	7:21 8:1,14 10:5,	5:3 32:6 49:11
24:5 41:7,8	areas	34:23	12,14 11:8,11	cameras
analysis	16:17 20:11 22:18	beg	18:2,5,8,10,14,19	48:12,19
19:13 20:17	23:6	47:23	24:15,16,17,21	capacity
animals	assessment	begin	25:3,6,8,11,15	17:8,13 19:10
9:4	9:3	5:10,21 53:3	50:7,15	Cape
anyone's	associate	behalf	buffering	43:17
39:11	44:20	6:7 14:7	19:17	card
apologize	assuming	berm	buffers	28:4 30:3 31:15
14:3	29:12	39:6 41:19 42:7,14	24:13 29:22 50:4,7	34:25 35:3 37:6
applicable	assured	berms	build	cards
21:19,21	16:19	21:1 39:16	46:19 52:1	4:24
applicant	assures	Berts	building	care
4:17 5:8,15,21	21:9	15:8 18:17	7:12 8:4,9,19 10:3	27:1 30:20 33:13
13:16,20 14:12	attachment	Bezanilla	12:2,8 18:18 25:19	caretaker's
15:11,20 17:5,17	13:17	34:25	27:10 28:12,20	22:8
18:12 19:5,23	attractive	big	29:13,20 30:10,15,	cars
20:14,19 21:19,22	27:12 33:18	30:19 35:17 43:7	16,19 31:24 34:18	8:3
23:22 24:4,17,21	availability	46:14	37:22,23 38:3,4,16	case
25:14 26:7,20	17:5,10	bigger	39:4 41:10 46:5	4:4,5,22 48:21
32:14,25 37:10,13,	aware	41:11	47:12 49:20	cases
20 52:15	35:14 36:10 39:8	biggest	buildings	11:1 52:21
Applicant's	awful	28:18	35:20 36:6	category
14:6 19:20 20:24	27:11	bit	built	14:24 16:9 21:15
26:12		6:16 10:14 14:14	29:13,15 32:12	25:21
Applicant-		50:23 52:9	37:19	causing
provided	B	blind	business	48:16
18:7 19:16	back	34:21	21:9 51:16 52:25	Central
application	5:8 8:5 13:7 24:22	block	businesses	14:24 15:23 16:8
14:5,8 26:7	27:14 30:17 32:4,	28:13 46:14	21:12	21:15
approval	16 33:1 34:17	Board	buy	challenges
4:22 6:6 7:25 9:6	37:10 39:19,20	5:4,5 53:6,10,11	33:3	46:20
14:16 26:11 39:1	44:11,15 46:9,25	Boral	C	change
approvals	47:5	6:4,9 13:11,14,18,	C-1A	30:21 50:17
30:24	background	23 14:6 26:22	7:6 14:9 15:1,5	cheap
approved	14:18	boundary	17:24 25:5 38:3	46:21
15:16 16:14 49:23	backs	20:2 23:17 29:14	cabbage	checking
approximate	31:22	break	32:17 34:20 49:9	29:22
47:16	backyard	37:9	50:24	choice
architect	32:19 33:8 48:21	breakdown	calculate	42:1
7:12	based	24:1	22:6	circulate
architectural	17:8,14 22:1,10	breast	calculated	10:23
47:2,9	25:10 41:15 49:12	49:12	39:17	circulation
area	basic	briefly	calculations	9:20
7:4 11:13,17 16:1,	40:25	11:21	22:3 24:2 40:21,23	clarify
11 17:22 18:15	Bayshore	bring	41:4,15	8:8 26:20
19:9 20:10 21:13	6:14,22 9:11,12	35:11		
22:14,15,16 23:23,	14:23 15:5,8 16:20			
	18:17 19:2 22:21			

classified 19:22 23:9	compatible 16:10 18:21 22:16	consistency 15:22	County-maintained 14:21 25:1	decorative 47:10
clean 31:6	compensation 33:2,6 34:15	consistent 16:8 20:13	couple 31:20 49:18 50:11	deeper 41:11
clear 51:25	complements 35:22	consists 14:20 25:3	cover 14:14 28:16	defined 25:20
client 40:17 42:2	completion 29:21	constantly 34:5	covered 16:19 22:10 29:23 30:7 50:24	degrade 20:23
client's 37:25	compliance 17:19 43:6	construction 31:1 33:14 35:11 47:17 48:1 51:11, 17,19 52:2	covering 10:18 15:18,22	demands 17:9,14
clients 6:8 7:17	Comprehensive 12:24 14:25	contiguous 16:13	covers 22:2 40:14	demonstrate 15:19 24:2
climate 21:9	concept 9:15,18 18:7,13 19:16 23:25 26:24	continue 45:9	CPD 4:6 7:8 14:10 21:11	Denise 31:16
closest 9:21 10:3	concern 11:1 27:9,15,24 28:18 29:10 30:8, 13,20,22 31:7,24 32:3 43:7 49:1	contributes 16:3	create 19:7 23:3	Denyes 31:16,17,18,20 32:24 33:21
closing 5:9	concerned 29:17	control 20:3,21 21:2	criteria 15:18,20 21:18 25:22 26:10	department 12:21 19:12 39:23 44:2
code 12:24 14:13 15:13, 17 18:1 21:18,21 22:1,11 48:10	concerns 7:23 28:11 29:23 35:15 37:17,19 40:10,11,18 42:21 43:3,4 44:1	conversation 45:10	critical 23:6	dependent 19:22 23:10
collect 40:9	concluded 19:6 23:2 53:14	conveys 20:25	cross 16:22,23 22:23	depict 24:9 25:14
collector 14:22 16:21 25:1	conclusion 26:9	copies 53:9	curious 9:25 10:2	depicted 24:17 50:25 51:5
combat 31:5	conclusions 26:2	copy 13:2,7,10,19,24	current 38:2	depicting 24:21
comment 4:23	concrete 24:21 27:18 34:7 41:13 47:10,12	Coral 43:17	D	depiction 7:20
comments 5:5,6,9 45:3	condition 25:12 51:7 52:17	core 15:25	date 4:4	depicts 19:17
commercial 7:8 8:2,18 10:13 14:9 15:1,3 16:6,7 18:3,4,21,23,25 19:3 20:8 22:15 36:6 51:16	conditioning 24:6	corner 7:5 10:4 11:10,14	Datum 41:18	descriptions 13:24
commercially 24:14 51:14,20 52:5	conditions 4:22 14:17 21:5 25:11 26:4	corners 47:4,14	day 31:6 34:1,3	design 6:4 18:16 43:5
community 12:21 15:3 16:4,10 18:2 20:7,14 21:14 36:14,16 48:13	connect 9:11	correct 8:23 12:9 38:10 52:4	DCI 6:6,10 7:7	designation 7:4
compact 16:13,15	connections 11:25	country 41:19	DCI2023-00013 4:5	designed 6:5
compared 35:20	consideration 33:6	county 4:20 12:23 14:25 15:25 17:11 19:1, 11 20:1,4 21:7,19, 21 23:16,19 25:23, 24 39:9,15 40:12 41:23 43:13,15,19 49:14,23 50:6 51:1	deal 46:4 52:2	detailed 40:21
compatibility 20:9 22:13	considered 41:2		decide 29:5	detention 11:16 18:15,17 20:3,25 21:3 23:18 25:9 38:18 39:5 41:8,11
			deciding 44:9	determine 41:16
			decoration 47:11	determines

49:13	discretion	dry	encourage	events
detract	37:25 38:12	18:14,16 20:3,25	5:1 21:16 52:11	39:17
35:23	discuss	21:2 23:18 25:9	encourages	Everything's
detrimental	9:24 16:16 44:19	38:17	16:1	41:18
19:14 27:23	discussed	due	encroach	evidence
devaluation	44:2 48:4	33:8	11:13	4:9 13:9 23:11
33:7	discussing	dumpster	end	Examiner
develop	14:16	10:1,16,19,21	26:13 46:1 48:22	4:2,3,14 5:14,17,
10:8 40:2 52:4	disposal	11:12,19 21:24	52:23,25	18 6:2 8:5,8,12,16,
developed	14:15 17:6	52:10,12	ended	21 9:14,17,20,22,
22:15 39:9	disrupted	dumpsters	43:9	25 10:24 11:4,20
development	33:10	11:5	engagement	12:4,7,10,14,16,20
7:8 12:21,24	disruption	dust	36:15	13:1,5,12,15,21
14:10,13 15:2,9,	35:12	51:11,13	engineer	14:1 26:15,18,23
15,21 16:2,6,9,14	district		47:2	27:4 28:1,4,7,21,
18:1,16,25 19:19	4:6 15:4,5 18:10	E	engineering	24 29:2,24 30:1,5
20:11,12,23 21:20,	39:14 40:13 41:24		6:4 14:7 37:17	31:12,14,18 32:23
21 22:1,11,17,18,	District's	earlier	44:2	33:20,22 34:24
20 24:8,9 25:13	42:12	33:11,15 53:2	enjoy	35:2,5,8 37:3,6,13
26:1 38:24 39:9	districts	easement	28:13 44:18	38:2,7 40:19,25
40:13 51:21,24	17:23 19:4	10:8 16:23 22:24	ensure	42:16,18,22,24
developments	ditch	39:19 46:5,9	20:22 24:6 25:11	43:16 44:24 45:3,
22:6	20:1,4 23:16	east	41:3	6,12,17,20 47:16,
deviation	27:14,17 29:16	7:16 24:25	entire	25 48:25 50:18,21
14:12 21:23,25	32:4,6 33:25 34:2,	economic	41:20	52:7,19 53:5
22:10 26:8,21	3,5,11,12 38:23	21:6 36:11	environment	Excellent
52:11	39:18,21 40:8	economy	32:19 36:8	14:1
dialogue	46:10	21:8	environmental	exception
45:7	diversified	eight-foot	9:1,3 17:16,19	42:6
diameter	21:8	7:24	19:20 23:5,6,8,19	Excuse
49:12,13,17	doors	element	49:25 51:1,6	5:18
differ	7:16 8:2 11:21,22	21:7	equal	exhibit
47:23	12:1,6 29:4 31:23	elevated	49:17	5:13,16,19 6:22
direct	DOT	41:25	equates	13:4,6,16,17,20
41:9	32:7	elevating	41:8	exhibits
directly	double	41:1	equipment	13:24
15:4 40:1	18:11 25:4,17	elevation	33:9	exist
dirt	drain	30:9,10 41:2,17	equivalent	16:18 17:3
31:4,5 33:11	32:8	42:9	50:16	existing
dirty	drainage	elevations	Essig	9:12 16:25 18:4
33:12	10:7,9 11:16 19:25	40:11 41:24	14:8 37:12 42:20,	19:3 20:1,4,8 21:4
disagree	23:15 37:16 38:15	employment	23,25 43:1,20	22:13,15 23:16
46:18	40:10	21:10,12	44:17 45:2,5,11,	42:8
discharge	drawings	EMS	16,18,21 46:8	exists
20:21,22 39:11	47:1	17:3 25:23	47:18 48:4 49:3,5,	17:8,13
41:5	drive	en	8 52:18 53:4	expansion
discharges	7:15 13:18,22	4:13 44:23	established	21:13
20:4 21:2	driveway	enclosed	14:24 19:2 22:12	experience
discharging	11:10,25 16:22	48:11	26:10	11:4
40:4,5	22:23 29:18,20	enclosure	estimated	expert
	45:14,22	21:24 22:7	17:9	12:23

experts 43:4	18:6,11 24:16,22, 24 25:3,17 30:18 38:4,11 42:10 50:8	floor 6:24 39:16 41:16, 17	gate 48:6,7	guys 29:22 35:14 40:1 44:3 45:9 46:16 51:22
explanation 9:8	fence 29:8 48:8,9	floors 38:6	generally 17:7	
extends 10:18	FGUA 17:6 25:22	Florida 32:19 39:14,23	give 47:11 52:15,23	H
extent 12:10	figure 32:9	flow 17:9,14	glad 45:7	halt 43:13
exterior 8:22	figured 10:20 11:18	flows 21:4	Glennon 28:5	hands 4:11
eyesore 35:21	filed 14:8	foot 46:8	goal 17:21 18:23 20:6, 13,16,18 21:6 47:13	happen 32:25 38:7 47:24 51:24
F	filled 31:4	footage 22:7	goals 16:8	happened 43:9
facade 7:14,16	fills 34:3	forget 32:22	good 4:2 6:2,3 12:18,19 27:7,8,20 28:8 30:5,6 31:19,20 33:23,24 35:8,10 37:12 42:24,25 44:12	happening 51:18
face 36:2	final 25:19 53:7	Fort 4:7 6:21 14:20 18:1 20:6,13 21:13 25:23	governs 39:14	hard 11:8 34:5
facilities 7:9 9:12 16:18 17:2 43:14 52:17	find 36:24	forward 4:24 27:5	grade 25:19	hatching 11:23
facility 6:12,20,23 14:15 15:10 31:22 32:7 35:19 47:22 48:2, 13 51:16	findings 23:21 26:1	found 26:2	grass 33:8	head 46:7 50:20
facing 8:23 47:4	finish 39:16 41:16 47:20	Foxmoor 15:2,7 43:2 44:13	greatest 21:16	hear 4:17,20 5:7 12:12
fact 31:24 32:1	fire 17:2	Frank 30:3	greatly 30:21	hearing 4:2,3,8,14 5:4,14, 17,18 6:2 8:5,8,12, 16,21 9:14,17,20, 22,25 10:24 11:4, 20 12:4,7,10,14, 16,19 13:1,5,9,12, 15,21 14:1 26:15, 18,23 27:4 28:1,4, 7,21,24 29:2,24 30:1,5 31:12,14,18 32:23 33:20,22 34:24 35:2,5,8 37:3,6,13 38:2,7 40:19,25 42:16,18, 22,24 43:16 44:24 45:3,6,12,17,20 47:16,25 48:25 50:18,21 52:7,19 53:5,7,10
factor 44:9	Fisher 28:8,9,23 29:1,4, 25 30:3,4,6 31:13	Frederick 28:5	greenery 27:16	heavy 33:9
factors 17:17	fit 46:4 52:14	Friday 52:24	Groth 5:12,24 6:1 9:16 12:19,20 13:2 14:4 26:17 27:2 38:10 43:19 50:20,22	hedgerow 18:11 25:4,18
factual 51:3	five-mile 36:20	front 7:15 9:10 12:2 47:4	ground 29:14 40:14 41:13 42:8	height 37:22,24 38:3,5
fair 52:13	fixed 33:10	fulfills 17:14	groundwater 20:24 21:4	
family 32:5	flash 13:18	fun 31:9	growth 16:13,15,16 36:11	
fast 47:22	flat 47:12	functional 47:7	guess 7:21 33:19 48:18	
FDOT 10:7 39:22	flood 32:11,13,15 42:2 44:3,4,7	future 7:3,4 14:24 15:24 16:8,17,23 21:15 25:21	guesstimating 47:20	
fee 33:1	flooded 27:21 34:13 41:21 44:5	G		
feed 48:16	flooding 36:3 42:4 44:8	Gabriel 6:3 44:6		
feet 6:24 8:20 14:11	floods 34:10 44:9			

49:12 helped 6:9 heritage 49:11,14,18 50:2, 15 51:4 high 8:14 21:10 higher 29:13 30:11 41:2 historic 19:25 23:15 hit 11:8 hold 20:14 41:8 holiday 52:24 home 31:21 33:2,3,7 36:4 homeless 48:14,17 homes 29:14 hours 47:25 48:2 52:16 house 28:11 32:5,12 34:1,4,20 housekeeping 26:25 52:9 houses 33:12 hurricane 29:11 32:10,13 hurricanes 42:4 husband 31:21 hydrophytic 23:10	26:5 27:23 impervious 23:23 24:1 41:7,10 inaudible 5:25 35:1 44:16 includes 15:2 including 17:2 indicating 19:24 20:20 23:15 indigenous 24:11 50:23 51:8,9 infill 16:14 information 20:15 infrastructure 15:11 16:25 intend 4:10 5:3 intensity 22:20 interest 26:5 interfere 36:25 interruption 14:3 issuance 24:8 25:13 issue 30:12 34:13 issued 15:13,15 issues 28:10 36:2 39:25 items 52:8	June 4:4 K Kathleen 28:8 Katz 35:1,4,6,7,10 37:5 kind 9:8,17 11:9 27:24 41:11 43:13 44:14 46:3 51:11,23 L labeled 15:4 lady 44:11 lake 46:10 Lakes 43:2 44:14 land 12:23,24 14:13,24 15:24 16:9 17:21, 25 18:23 21:15,20 22:1,11 36:4,24 landscape 25:14,18 49:22 landscaping 7:19 19:17 25:12 lane 35:16 lastly 8:25 20:17,18 21:6 LCU 25:22 LDC 15:18 18:4,11 22:4 23:23 24:12 25:2 26:10 leave 36:18 52:9,25 Lee 12:23 14:25 15:18, 22,24,25 16:12 17:4,11,16 18:24 19:11 20:16,17 21:6,7 25:21,23,24 39:9,15 41:23	43:12,15,19 49:14 50:6 51:1 left 40:3 43:4 legend 7:5 length 30:24 letter 13:8 17:5,10 level 39:13 41:17 levels 21:4 28:20 lies 14:21 life 21:11 30:21 31:2,7 light 36:5 limit 8:17 27:13 limited 5:5 10:14 linear 18:6,11 24:16,24 25:3,17 50:8 list 13:23 15:20 listed 9:2 listen 44:13 literally 28:11 livability 35:23 live 27:8 31:10 35:25 36:1 43:2 44:13 living 27:20,25 locate 20:10 22:17 located 6:13 7:5 14:19 15:23 16:19 19:1 20:8 22:14,21 25:21 27:10 30:15 36:21 49:20	location 10:17,21 11:19 26:3 locations 18:25 long 29:21 31:2 53:1 longer 34:14 lot 10:16 11:14 27:18 31:3 34:8 37:20 38:17,19 40:22 43:23 44:19 48:16 loud 35:12 lying 15:5 M Madam 12:19 made 23:20 main 36:6,25 43:14 maintain 21:8 42:8,15 50:13 maintained 39:12 50:2 maintaining 21:10 maintains 21:3 maintenance 39:24 make 5:2,6 27:3 40:14 47:9 making 27:12 51:2 management 18:16 19:24 23:14 39:2,13 40:13 41:23 Manor 15:8 18:17 map 7:3 15:4
I lan 32:10,13 44:4,5 identified 23:11 impact 19:5,8,9,14 23:1,4	J Javier 6:9 Jezebel 34:25 job 36:12 July 52:24 53:1			

maps 17:19 23:8 Marysue 4:15 12:17,20 masse 4:13 44:23 master 9:14,18 18:7,13 19:16 23:25 26:24 matter 26:25 44:9 mature 49:17 max 37:23 38:5 maximum 14:10 21:10 MCP 24:17 52:10 Meaning 38:21 measured 25:19 median 35:16 meet 41:25 meet all 40:15 meeting 6:7 20:15 21:18 37:24 50:9 meets 26:9 39:16 Mejia 5:23,25 6:3,4,17, 19 8:7,11,13,17,23 9:19,21,23 10:5 11:3,7,24 12:5,9, 13,15 37:15 38:4, 9,11 40:24 41:6 42:17 46:7 49:4,9 mentioned 15:23 20:7 32:24 33:5,11 mentioning 33:4 met 15:20 42:13 45:9 met all 39:15	Michael 6:8 14:7 40:17 42:25 middle 28:12 30:16 47:5 mind 29:12 mine 9:16 mini 14:11 mini-warehouse 16:5 18:20 22:3,5 minimum 22:6 41:16,17,24 minor 14:21 16:20 25:1 minutes 36:21 mitigate 36:5 42:5 mitigating 15:16 mix 16:3,7 mixed 16:2 months 35:12 38:25 43:21 47:21,23 Moody 31:16,21 33:22,24 move 52:12 municipality 39:10 Myers 4:7 6:21 14:20 18:2 20:6,13 21:13 25:23 N names 31:15 narrative 20:20 native 9:4 49:24,25 nearby 19:3	negative 19:8 23:3 neighbor's 34:4 neighborhood 15:7 35:24 36:1 43:6 46:17 neighbors 32:24 38:22 40:6 43:2 44:18,19 45:9 network 23:4 networks 16:18 nice 46:14 nighttime 36:7 nods 46:7 50:20 noise 11:5 31:3 35:12 36:5 52:3 normal 34:1,3 north 4:7 6:20 9:11 10:4, 10,25 11:23 12:2 14:20 15:5 18:1 20:6,13 21:13 22:25 24:14 25:23 41:18 northeast 15:3 northern 16:24 22:24 northwest 11:9 17:23 note 18:7 22:2,4,5 notes 5:1 32:21 51:6 notice 53:10 noticed 34:21 nuisance 15:13 number 14:21 43:11	numbers 41:15 numerous 36:4 O oath 4:9 Objective 16:12,16 observed 19:21 23:9,12 office 22:8 25:23 offset 42:3 50:17 offsets 41:12 on-site 20:25 39:3,12,18 49:19 one-story 32:1 ongoing 32:5,6 opaque 7:24 8:14 open 4:23 20:11 22:17 23:22,24 24:3,5,7, 9 52:9,25 open-space 24:2 operation 17:12 47:25 48:2 52:16 operational 48:3 opportunities 21:10,12 36:12 opportunity 4:25 order 4:24 15:9,15 24:8, 9 25:13 27:6,12 38:25 40:13 45:24 46:12 orderly 18:24	original 7:10 originally 21:22 outfall 21:1 outfalls 19:25 23:15 overcome 27:12,17 overgrown 32:8 overhead 7:16 8:2 owned 32:5 39:22 owner 14:7 37:20 ownership 39:24 owns 32:9 P p.m. 33:16 53:14 paid 51:12 palm 32:17 34:20 palms 49:9 50:24 parameters 51:21 parcel 14:19 15:23 20:8 22:14 parks 25:25 part 9:5 32:18 38:24 46:16 participants 4:13 44:23 parts 43:15 pass 35:18 passed 43:23
---	--	---	--	---

patterns 16:15	51:22	pollution 36:5	44:20	proposing 6:12,20 24:23
pavement 11:10 38:17 39:4 41:10,22	placement 10:1	pond 44:18	problems 48:16	protected 17:18 23:7,12 34:22 49:1,2,10 50:1,25 51:3,6,23
pay 33:13	places 18:16,19 32:7	pool 28:12 29:8 30:17 31:4,6	proceed 4:16 37:11	protection 48:13
pays 33:1,2	plan 9:15,18 11:9 12:24 14:25 15:18,22,24 16:12 17:4,16 18:7,13,24 19:16, 24 20:16,17 21:6,7 23:14,25 25:14,21 26:24 49:22	portion 18:23 51:18	proceedings 53:14	provide 4:12 7:20 16:3 17:8 18:2 20:19 23:19 24:3 26:4 27:2 36:11,12 50:19
pedestrian 9:12	planned 7:8 14:9 15:21 16:6 22:13 26:1 51:21	position 52:5	process 6:10 9:5 35:11 38:25	provided 17:5,11,17 19:5, 12,23 23:8,25 24:7,13 25:6,9,12
pending 6:6 7:25 9:6	planner 12:21	positive 21:9	processes 42:13	providing 9:9 21:9,13 22:19 24:5 39:3
people 27:20 32:2 33:3 36:17 40:22 42:5 45:25 47:8 48:10, 15	planning 12:23 18:2 20:6,14	possibly 11:12 33:12	project 6:5,11 8:19 9:9 15:9 16:1,2 19:6,7, 14 20:20 23:2,18, 25 30:25 42:19 43:8,11,22 46:21	proximity 16:17
percent 23:24 24:7	plans 7:25 24:9 40:15	Post 4:6 6:13,21 14:20, 22 16:20,22 22:21, 23 24:25 27:8 36:20 47:4	project's 19:9	public 4:23 5:7 14:11 16:5,18 17:2 18:20 20:15 21:16 25:24 26:5 39:8
perfect 46:4	plant 19:21 23:9 49:15	potable 17:12	promotes 16:12,15	publication 5:11
perimeter 39:6	plantings 8:21	Powerpoint 13:3,10,23	properties 18:3 27:23 35:22 39:8 41:21	pulls 45:24
period 4:23	Plaza 15:3	premature 20:12 22:18	property 4:6 7:6,15 8:20 9:10 10:6,11 14:7, 18,19 15:6,14 16:19,24 17:3,13, 22,23,24,25 18:4, 9,19 19:1,25 20:2 21:14 22:20,24 23:12,15,17 24:14, 15,19,22,25 25:5, 6,7,8,15,16,22 27:15,19 30:9 34:2,16 36:1,2 39:7,11,20 40:4 43:9 44:7 45:23 46:2,8 47:6 50:12 51:15,20,25 52:5	pure 47:9
permission 47:3	plenty 52:20	present 4:18	presentation 13:23 26:13 35:14 36:10	purpose 7:7
permit 15:12,14 18:24 41:3	plot 36:24	presiding 4:3	pretty 27:10 28:10 30:6 39:10 41:6 46:22 47:22 49:10,12 50:13	purposes 11:16
permitted 6:5	podium 5:3,24	prevent 39:7 41:21	previously 12:22 15:22 20:7	pursuant 15:25 18:22
person 44:20 47:19	point 40:20 43:24 45:13	problem 14:4 32:5,6 33:25	proportion 35:20	put 7:12 30:14 32:11 34:6 36:17 38:18 41:12 43:13 46:13, 14,23 47:3,7 51:22 52:17
pertaining 21:23	pointed 48:20		proposed 7:24 16:2,9,21,23 18:3,18 19:6,7,14, 19 20:20,24 21:11 22:20,22 23:1,22 24:1 26:2 42:8	putting 28:14 38:16 47:10
photo 29:5	pointing 48:20			
photos 28:18	points 44:12			
pictures 6:25 8:25	police 17:2			
piece 22:24	policies 17:4,15			
Pines 15:7	policy 15:25 16:16 17:16, 20 18:22			
place 10:16 17:1 31:9 36:16,17 40:8 42:2				

Q qualified 12:22 quality 20:18,24 21:11 quasi-judicial 4:8 question 28:23 29:19 45:14 47:17 48:24 52:13 questions 12:11 26:14 28:17 41:1 42:19 49:6 51:10 quick 6:11 7:20 R radius 36:20 rain 34:8 rains 34:5 rainy 29:12 34:1,3 raise 4:10 ran 23:16 range 21:16 read 43:17 reads 24:7 25:13 ready 5:22 12:16 37:10 real 30:8 rear 10:3 reason 29:9 37:19 rebuttal 5:8 37:10 45:13 50:19 recently 32:10	recommend 14:13,16 21:25 24:6 25:10 26:8,11 recommendation 4:21 14:6 53:10 recommended 26:3,21 recommending 4:22 record 12:20 13:13 45:12 52:9,25 rectangular 46:4 reducing 21:24 reductions 22:9 regard 51:11 regulated 20:21 regulations 21:19,22 39:16 relate 26:5 related 14:15 relation 22:7 relationship 41:9 relevant 43:17 remain 16:10 remaining 42:19 remove 52:10 removed 36:7 renderings 7:11 replaced 50:3 replacing 49:21 50:14,15 report 4:21 5:20 13:25	19:20 23:19 40:21 reported 51:9 reporter 5:17 6:15,18 request 4:5,18,19 14:6,17 16:14 21:23,25 23:3 26:5,7,12,21 29:6 requested 14:12 26:9 require 18:5 required 17:17 19:24 20:15, 19 21:22,24 23:7 24:3,5,12,17 25:12 42:1 requirement 10:5 requirements 17:15 18:3 42:12 49:15 50:6 requires 18:10 23:24 24:15 25:2 50:7 requiring 24:20 residence 22:8 residential 7:22 8:1,18,23 10:2 12:6 15:7 16:7 17:21 18:22 19:3 20:9 22:15 24:19 37:1 51:18 52:20 residentially- zoned 25:16 residents 10:3 11:2 35:18 36:8 resides 21:15 residing 9:5 respond 4:13 40:17	response 40:10,16 responsible 39:24 restate 42:7 retail 36:13 51:15 retails 36:13 retain 39:17 42:14 retention 39:3 review 9:7 15:10 26:10 rezone 7:8 14:8 15:15,20 21:11 51:20 rezoning 4:5 rid 50:5 right-hand 7:5 right-of-way 25:1 40:6 Rina 35:5 rip 49:15 Rivera 4:2,3,14 5:14,18 6:2 8:5,8,12,16,21 9:14,17,20,22,25 10:24 11:4,20 12:4,7,10,14,16 13:1,5,12,15,21 14:1 26:15,18,23 27:4 28:1,4,7,21, 24 29:2,24 30:1,5 31:12,14,18 32:23 33:20,22 34:24 35:2,5,8 37:3,6,13 38:2,7 40:19,25 42:16,18,22,24 43:16 44:24 45:3, 6,12,17,20 47:16, 25 48:25 50:18,21 52:7,19 53:5 road	4:6 6:13,21,22 9:11,12 14:20,22, 23 15:6 16:20,22 19:2 22:21,23 24:25 27:9 35:15 36:6,20,25 38:22 47:4 roads 43:14 roadway 16:17 19:8,15 23:4 roadways 19:9 roll 7:17 roll-up 11:22 12:1,6 29:4 Romer 27:7,8 28:3,6 room 11:14,18 45:8 RS-1 15:7 17:25 18:9 25:7 run 34:11 39:5 41:15 rundown 6:11 running 27:18 runoff 21:1 27:22 29:11, 15 30:8,12 33:25 35:25 36:3 37:16 38:15,20 40:9,11 runs 20:1 34:3,4 S safeguards 26:4 Sandra 27:7 save 49:20 scattered 20:12 22:18 scenario 38:14 schools
---	---	--	---	--

25:25	shot 10:22	6:15	6:24 14:10 22:7	story 34:18
sea 41:17	show 9:3	smack 28:11	stable 21:8	straight 10:22
season 29:12	showed 28:18	soaks 34:8	staff 4:20,21 5:8,10,13, 19 12:12 13:4,6,24 14:13,16 21:24 23:19 24:6 25:10 26:2,8,11 37:10 40:21 50:19 51:1,6 52:15	STRAP 14:21
section 12:22 15:18 18:1, 5,12 22:4 23:24 24:12 25:2 26:10	shown 26:25 49:22	solid 11:6 17:3 25:24	staggered 25:4,18	street 6:24 34:10,12
security 48:7,12,18	shrubs 24:24 28:14 50:8	solution 36:24	start 6:19 14:5 47:20	strip 10:25 20:12
seeks 18:24	shutters 47:10,11	sotto 5:17	started 29:21 43:11,20,22	structure 20:3,22 21:2
self-storage 6:12,20 7:9 36:19 43:10	sic 48:7	sounds 4:15	State-maintained 14:23	stuff 36:18 43:14 46:15
send 39:11	side 8:3,4,18,19 10:2,6, 25 12:3,5 20:5 27:15 29:21 32:20 37:17 39:2,14	south 6:13,22 7:14,21 10:10 11:22 14:22 15:6 16:20 19:1 22:21 24:19 29:14	stated 14:25 51:4	subdivision 18:17 24:20
sending 38:23	sidewalk 9:10	southeastern 18:18	statement 19:6 23:1	subject 14:18 15:6
senior 12:20	significant 19:7 23:3,10	southwest 11:14 17:24 18:9 25:7,15	states 21:7 22:5 24:1	submit 53:2
sensitive 23:6	similar 11:1 28:10	space 10:15 23:22,24 24:3,5,7,10	stating 17:6,11 19:13	submitted 5:13 13:4,8,20 15:11 23:2
serve 16:9 17:3 19:18	simply 45:13	speak 4:10 5:1,4 6:18 33:23 37:8 53:11	stay 34:14 53:13	suffers 42:4
service 16:4 17:6,8 21:14, 17 25:20	single 12:7 35:16	SPEAKER 44:16,22 49:7	staying 10:9	sufficient 17:7,13 22:19 26:4 27:17,19
serviced 25:22	single-family 24:20	speaking 44:23	stays 34:12	summarizes 9:8
services 19:18 25:20	sit 43:24	species 9:2,4 17:18 19:21 23:7,9,12 49:25 50:25 51:3,6	step 53:6	Suncoast 36:22
serving 8:9	site 7:19 9:11 10:10,23 16:1 17:1 23:11,20 24:2,4,11 38:18 41:1,7,20 50:7,15 51:2,5	specific 45:13	Stephanie 43:1	support 4:19 22:19
set 9:7 24:22 39:13 40:12 41:22	sites 10:10	specifically 9:24 48:1 50:3	storage 7:18 15:10 22:6 32:2 35:19 36:11, 15,21,23 43:13 51:15 52:17	supposed 32:18 34:22 45:7
setback 24:23 46:6	sitting 6:8	specifies 25:17	stories 12:8 28:15 38:1,6, 13 46:2	surface 20:23 21:3
sewer 16:25	size 21:24 22:7	spoke 31:21 53:9	storm 39:17	surplus 19:10
shape 10:16	slide 7:2 9:15	spoken 30:7	stormwater 19:24 20:19,21 23:14 29:11 39:2, 13 40:23	surrounding 15:2 16:4,10,11 17:22 18:21 19:8, 15 20:10 21:14 22:14,16 23:4 26:6 35:20
sheets 27:5	slides 15:19	sprawl 16:13		survey 9:2,3 17:18 23:7 49:25 50:25 51:6
Sheriff's 25:23	slow	square		surveyor
shielded 11:2				

9:1 Susan 31:16 swale 24:23 swales 21:1 swear 4:11 swimming 31:4 system 19:15 20:3,25 21:1,3 23:18 25:9	14,22 52:3 thinking 48:5 thought 46:18 three-story 6:23 27:9,13 34:18 37:23 till 52:23,25 time 5:2 21:20 30:24 31:2 32:12 34:5 43:23 47:16 52:12, 15 times 33:14 today 4:16 5:5,6 6:7 12:25 28:2 30:2 38:8 53:9 today's 4:4 told 32:16 33:18 torn 34:22 total 14:8 24:3 touch 46:8 tractors 33:9 traffic 19:5,11 23:1 35:15 tranquil 35:13 transit 25:25 Transportation 19:12 39:23 transportation- related 19:13 treatment 20:22 tree 49:13,14 50:16 trees 11:11 18:6,11	24:16,24 25:3,17 28:15 32:16,17 36:4,7 46:14 49:1, 11,19 50:2,8,10, 12,14,16 51:4 truck 10:21 trucks 35:17 truth 4:12 two-story 32:1 type 24:15 25:2 51:8,24 typical 52:16 typically 52:21,23	16:8,13,17 19:18 21:15 25:20,21 utilities 17:1,11 utilizing 18:14 25:9	47:8 wall 7:24 8:9,15,22,24 10:17 24:22 28:14 30:14 33:17,18 46:13 48:9 wanted 7:20 29:19 42:19 49:21 warehouse 14:11 16:5 18:20 waste 11:6 17:3 25:24 wastewater 17:6 water 16:25 18:16 20:18, 22 21:3 23:10 32:7 34:4,11,14 38:24 39:7,11,18 40:12 41:23 42:9,10,15 waterlines 17:12 waters 27:17 well-planned 18:24 west 10:6 11:23 12:3 15:8 19:25 23:16 25:5 27:14 western 17:22 20:2,5 23:17 wetland 19:22 wife 43:1 wildlife 36:8 window 44:15 windows 28:19 29:6,7 33:12 46:23,25 47:4,7,14 Winn-dixie 44:15 wished 37:7 withdraw 26:21
T		U	V	
table 22:4 takes 31:2 38:25 talk 28:6 40:1 43:25 44:22 46:24 talked 47:1,19 talking 28:14 39:21 tall 12:8 31:25 tampered 32:18 team 42:19 telling 44:6 ten 42:10 Terry 31:16,21 testimony 4:9,11 thing 9:21 29:18 43:10 44:11 46:19,24 48:18 52:6 things 5:2 27:24 31:2,6 32:25 39:2 40:11 41:25 42:5 45:17 48:22 49:11 51:13,		Uh-huh 42:17 understand 31:25 35:16 40:23 43:3 understands 32:14 understood 34:19 undeveloped 7:1 14:19 38:21 UNIDENTIFIED 44:16,22 49:7 unincorporated 43:19 unit 36:15,21,23 43:13 51:15 units 7:18 32:2 36:11, 12,19 untouched 10:8,9 update 26:24 upper 28:19 urban 7:4 14:24 15:23,25	vacant 7:1 valid 44:1 values 34:16 VEG 15:11,14 VEG2023-00028 15:12 vegetation 23:11 24:11 25:18 34:7 38:20 49:24 50:1,6 52:1 vehicles 11:6 vehicular 16:22 22:22 verify 19:9 Vertical 41:18 view 6:24 violation 15:13,17 visibility 8:17 visited 23:20 51:1 visually 11:2 voce 5:17	
		W		
			waiting 30:23 walk 9:18 walking	

withdrawal

14:13 21:25 26:8

witnesses

4:18

work11:18 41:13 48:14,
22**working**

48:15 53:3

works

41:6 51:8

worse

34:9

worsen

36:8

Worth

6:8 47:1

wraps

9:13

Y

yard

33:9,10

yards

29:17

year

47:21

years32:12 39:1 43:11,
23,24**young**

44:11

Z

zone

8:23 32:11,13,15

zoned7:6 15:1,7 17:24,
25 24:14 25:5,8
51:14,20 52:5**zoning**4:6 7:3,10,22
10:13 12:22 15:4,5
17:23 18:10 19:3
38:3,8