

THE OFFICE OF THE LEE COUNTY
HEARING EXAMINER

CASE NO.: DCI2023-00030

IN RE: CYPRESS WOODS RVPD

PROCEEDINGS: PUBLIC HEARING

BEFORE: Amanda Rivera
Hearing Examiner

DATE: July 31, 2025

TIME: 1:00 p.m. to 1:34 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

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9 ALSO PRESENT:

10 William Schwab, Cypress Woods RV Resort HOA
11 Jeremy Sterk, Earth Tech Environmental
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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 July 31st, 2025, and
5 this is case DCI2023-00030. It's a request to the
6 Cypress Woods RVPD.

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

12 (Participants respond affirmatively.)

13 HEARING EXAMINER RIVERA: Thank you.

14 So the way that we'll proceed today is first we're
15 going to hear from the Applicant. They'll present
16 their request in the case and call any witnesses that
17 they may have in support of that request. Following
18 that we'll hear from the County Staff, who will go over
19 their review and recommendation in the case. They are
20 recommending approval with conditions and some new
21 deviations.

22 After that I'll open up the public comment period.
23 So if there's anyone from the public that would like to
24 speak, I would call you forward at that time, and that
25 is your opportunity to place any comments that you may

1 have into the record. If you intend to speak at the
2 Board hearing -- excuse me, let me modify that. That
3 is not correct. This is final?

4 MR. MENDEZ: It's final with you.

5 HEARING EXAMINER RIVERA: Okay, this will be final
6 with me so I withdraw that. Oftentimes in PD
7 amendments it can go either way, but this meets the
8 qualifications under the Land Development Code for
9 myself to make a final decision.

10 So if you would like to speak, today would be your
11 opportunity to do that. I don't see any cards here so
12 I'm not sure if anyone plans to put any comments on the
13 record.

14 MR. MENDEZ: (Shakes head.)

15 HEARING EXAMINER RIVERA: Okay. So then we can
16 dispense with the rest of the instructions, and we'll
17 begin whenever the Applicant's ready.

18 MS. CRESPO: Thank you. Good afternoon, Alexis
19 Crespo with RVi Planning & Landscape Architecture
20 representing the Applicant.

21 I have a binder with our PowerPoint slides, as
22 well as our 48-hour letter, and the master concept plan
23 is attached to the Staff Report -- or attached to the
24 48-hour letter in 11-by-17 and full-size format.

25 (Applicant Exhibits A and 1 submitted.)

1 HEARING EXAMINER RIVERA: Thank you. And that
2 duplicates what I received prior to hearing, as well,
3 for the 48-hour?

4 MS. CRESPO: Yes.

5 HEARING EXAMINER RIVERA: Okay. So the 48-hour
6 was already identified as Applicant Exhibit A, but the
7 presentation would be Applicant Exhibit 1.

8 And before we proceed, does Staff have the
9 affidavit of publication?

10 MR. MENDEZ: I do.

11 HEARING EXAMINER RIVERA: Thank you. I
12 apologize --

13 MR. MENDEZ: No.

14 HEARING EXAMINER RIVERA: -- I should have asked
15 for that first.

16 (Staff Exhibit 2 submitted.)

17 HEARING EXAMINER RIVERA: Thank you. So that will
18 also be Staff Exhibit 2 since Staff Exhibit 1 is the
19 Staff Report. Once we get the housekeeping items out
20 of the way, we can begin your presentation.

21 Okay, thank you.

22 MS. CRESPO: Thank you.

23 Joining me here today is Bill Schwab representing
24 the Cypress Woods RV Resort HOA. Also, Jeremy Sterk
25 with Earth Tech Environmental will be here to testify

1 to the FLUCCS map. And you'll note in the Staff Report
2 that we did receive waivers for the traffic study and a
3 lot of other information typically within a PD
4 amendment application so we have a limited list of
5 speakers here today.

6 I believe you're familiar with the subject
7 property, having heard the previous PD amendment back
8 in 2020:

9 The subject property is outlined in red. It's 153
10 acres in size.

11 It is very close to the I-75/Luckett Road
12 interchange; so it's located immediately north of
13 Luckett Road.

14 To the west of the site, we have an industrial
15 park developed with a mix of light and heavier
16 industrial uses.

17 To the south of the property are large-lot
18 agriculturally-zoned properties.

19 To the east is the Duke Farms operation, which is
20 a very intensive ag operation with wholesale commercial
21 nursery operations accessed from Staley Road.

22 And then to our north we have very compatible
23 consistent RV resort uses and the Cypress Trails
24 project -- again to the north -- and then remaining ag
25 land to our north and west.

1 So we're here before you today for a series of
2 amendments, kind of a housekeeping-type amendment.
3 This is an older PD, and Staff did an excellent job
4 outlining all the history and different resolutions and
5 amendments over the years. So we are here amending the
6 latest resolution, which is Z-20-0271 pertaining to
7 this MHPD/RVPD, and we are seeking to modify
8 development standards, adding some deviations, updating
9 the master concept plan and conditions of approval.

10 A little bit more specifically, the thrust of the
11 amendment was to add the relatively new use of casita
12 to the schedule of uses for Phases I through IV. When
13 you heard the amendment back in 2020 related to
14 Phase V, they added the casita use at that time. Lee
15 County was updating the Land Development Code to
16 address what is defined as a casita, which is really an
17 accessory structure. It can have kitchen and bathroom
18 and some sleeping facilities in it, but it's very
19 clearly written in the Code that it is accessory to the
20 RV pad. This is not an additional unit that can be
21 rented or used otherwise, and there's a requirement for
22 a covenant restricting that usage of it to be accessory
23 only.

24 And so really the crux of the amendment was to
25 allow Phases I through IV to have the casita use as an

1 option the way Phase V has, and also tie along with it
2 the associated development standards, and some
3 additional flexibility was granted to Phase V for those
4 casitas related to setbacks.

5 Some other items that came up through the
6 amendment process was the desire to increase the open
7 storage area that supports the project. This is where
8 people can store their RVs or, potentially, if they
9 have a boat. And it's an area we'll show you on the
10 master concept plan, looking to increase that by 1.3
11 acres, and then we had to do some cleanup with existing
12 deviations, as well as add three new deviations.

13 I walked you through the zoning on the previous
14 aerial, but this is the future land use map. The
15 majority of the property is in Urban Community. The
16 southern portion, you can see in the lighter green, is
17 within Wetlands. We're not changing any density,
18 intensity, or the principal use of this site, so we
19 maintain full compliance with the intent of Urban
20 Community Future Land Use.

21 Urban Community extends to our north within the
22 Cypress Trails and ag-zoned properties there. We have
23 Industrial Future Land Use to our immediate west, and
24 then to our east it transitions into the Rural
25 Community Preserve. And then there's also Urban

1 Community and Central Urban to the south.

2 I've kind of walked you through the zoning already
3 so I'll zip through that. I mentioned the property is
4 153 acres. It's been zoned MHPD/RVPD since 1974. It's
5 permitted for 611 units, of which the maximum can be --
6 599 can be RV units.

7 The project is substantially built out. The lots
8 have been sold. There's a mix of mobile home or park
9 models with RV lots. Phase V, Laguna Caribe, is under
10 construction. There's several lots that have been sold
11 within that, essentially the last portion of the
12 project that's being built out.

13 And, again, Staff did a great job of inventorying
14 all the different zoning actions, including six
15 administrative amendments, just to work out minor
16 changes to the standards.

17 And this is just a view of the new clubhouse and
18 the Laguna Caribe Phase V area and just some views of
19 the different dwelling types within the community.

20 You have a full-size version of the MCP. This
21 is -- really this is for all phases. This includes the
22 entire 153 acres. Phase V is in this northeast corner.

23 The access on the master concept plan is from
24 Luckett Road. We have the Wetland Preserve area along
25 that frontage. The rest of the site is developed with

1 internal roadways, the RV and mobile home lots, and
2 there's a sizeable clubhouse amenity area there
3 centrally located as you come in through the entrance.

4 The -- I'll get into more detail on some
5 forthcoming slides, but the proposed -- the existing
6 and proposed expansion of the storage is in the
7 southeast corner.

8 There is another master concept plan tied to it
9 for the -- the Phase V Laguna Caribe, which we're
10 referring to the optional MCP since the old MCP also
11 depicts this land area, but this -- this was, again,
12 approved and then modified subsequently most recently
13 through ADD2022-00142.

14 So the modifications:

15 First, to allow casitas in Phase I through IV.
16 Currently it's only permitted in Phase V.

17 We are also seeking to apply the Phase V
18 development standards for casitas to Phases I through
19 IV, as well. That would allow for the 0-foot side yard
20 for the RV pads only so that those could be staggered
21 on the lots, and then a 5-foot side yard setback for --
22 side and rear yard for accessory structures, ensuring
23 that there's 10 feet between those for fire safety
24 purposes. And then allowing those accessory structures
25 to also be 0 foot from lake maintenance easements or

1 landscape buffer easements. And those, again, were
2 already approved for Phase V.

3 The -- this is an excerpt of the Phase V kind of
4 lot fit, showing how that would work with the staggered
5 setbacks on the adjacent lots to ensure separation
6 between the pads, the casitas, and how it would fit
7 within the context of the lots, and that's just an
8 aerial of how it's working in the real world with
9 existing RV-zoned sites.

10 The modification to the open storage, we're
11 seeking to expand that by 1.3 acres. There are more
12 residents now that it's being built out and more demand
13 for that area. The expansion would occur entirely
14 within the eastern FP&L easement, again, in this
15 portion of the site. We did recalculate our open space
16 and preserve because there was -- some of that area was
17 allocated for open space and preserve requirements;
18 however, the original approval had excess, and so we
19 were able to demonstrate that even with this area of
20 open storage, we still will meet the Land Development
21 Code requirements for both open space and preserve.

22 So that's the area there, and I just did a
23 side-by-side. You can see just -- it's a smaller box,
24 and then -- if my picture weren't blocking it -- it
25 extends all the way, basically, to the buffer frontage

1 along Lockett.

2 And this is included as an attachment to the Staff
3 Report, is the recalculated open space and indigenous
4 demonstrating compliance with the Land Development
5 Code.

6 Getting into our deviation changes, we are
7 modifying Deviation 7. This is in conjunction with the
8 setbacks I just reviewed for the casitas. Basically
9 for RVPDs, there's an additional Code section in 34-939
10 where it explicitly sets forth the setbacks, which is
11 unique to RVPDs. And so to achieve those development
12 standards, we also needed to have a deviation from
13 34-939(b)(7)c. And so, again, this is to allow for the
14 5-foot side and rear accessory setbacks, and also a
15 20-foot street setback per the development standards.

16 We are also seeking to modify Deviation 16. This
17 is related to parking at the primary clubhouse
18 facility. There is a condition tying back to the
19 earlier zoning requiring some lots to be reserved for
20 overflow parking. We submitted photographs of peak
21 season views of the parking lot where it's really being
22 underutilized. It's substantial and accommodates the
23 development. There's a lot of folks that walk; there's
24 a lot of golf cart usage; so we asked to not have to
25 have those overflow parking lot areas considering the

1 existing parking was sufficient. And through those
2 photos, and I believe site visits during peak season,
3 they were in agreement that we could eliminate that
4 condition. That's just a view of the parking lot and
5 the abundance of available space.

6 So getting into some -- well, this is still a
7 modification to an existing deviation. This is related
8 to setbacks from upland indigenous preserve. There is
9 a provision in 10-415(b)(1)(C) that states the preserve
10 setback needs to be increased to 30 feet where you're
11 abutting indigenous plant community subject to fire.
12 In this case the plant community is pine flatwoods.

13 We have achieved approval of this deviation
14 administratively in the past. We've had the full
15 support of the Tice Fire Station for the lots listed
16 there: 68 through 70, 75 and 76, and 121 through 137.
17 We are looking to expand the deviation to allow for
18 that reduced setback for Lots 3 through 9 in Phase I
19 and Lots 87 through 99 in Phase III. And it's still
20 the same plant community and the same condition that we
21 worked out with the Fire Department that would be
22 applied, that the structures must be constructed of
23 flame-retardant materials. And that's really needed to
24 be able to fit the casitas on these lots, should those
25 lot owners want to exercise that right.

1 So then Deviations 27 and 28 are new deviations.
2 They are seeking the same principal item, which is to
3 not plant the exterior of the wall on the west side of
4 the project where we abut the industrial park. So that
5 requires a deviation from 10-421(a)(8), which states
6 that all required plantings have to be on the exterior
7 of the wall. And then 28, similarly, is just -- it's
8 the same concept but housed in 34-1743(b)(3) that
9 prescribes a buffer for optional residential project
10 walls, which this would be. We do have the
11 40-foot-wide buffer along that property line. In order
12 to move the wall inside the site and plant the outside,
13 we would have to disrupt existing native vegetation in
14 that area, and so the -- we're not requesting any
15 reduction to actual plant materials. It would still be
16 housed in that 40-foot buffer. It would simply be on
17 the internal side of the wall as opposed to the
18 exterior.

19 Our adjacent use in this case is an industrial
20 park with some fairly intensive uses, and we are the
21 lower intensity of the uses. So Staff was in agreement
22 that this is appropriate and will help maintain
23 existing vegetation along that property line, as well
24 as not be resulting in that reduction to plantings.
25 And so that would be, again, along that western

1 property line as denoted on the master concept plan.

2 Adam always does a very thorough job, and he -- he
3 addressed the issue of the Caloosahatchee Shores
4 Community Plan, which this property is subject to
5 Goal 21 of the Lee Plan. It's in Caloosahatchee
6 Shores.

7 And so in order to be very thorough, the concept
8 was contemplated of does this deviation trigger review
9 per the variance criteria as shown in Objective 21.1.
10 And I've reviewed -- very familiar with this community
11 plan, reviewed the objective in its whole; and I would
12 submit that when you read the objective, Policy 21.1.1
13 as well as the policy in question, 21.1.2, the variance
14 criteria, in my professional opinion, is triggered when
15 you are seeking a deviation from the community-specific
16 landscaping, signage, architectural standards. So that
17 would be Chapter 33, Caloosahatchee Shores-specific
18 landscape enhancement, signage, architecture, that are
19 within the Land Development Code.

20 In the case of our deviations, we are deviating
21 from Chapters 10 and 34. We are not seeking any relief
22 for deviation from anything specific to the
23 Caloosahatchee Shores enhanced standards. So we would
24 submit, based on this and based on the case studies
25 that Adam provided where very clearly those did seek

1 Chapter 34 deviations, that the variance criteria would
2 not apply and that we are meeting the PD deviation
3 standard, and we're protecting public health, safety,
4 and welfare, and overall the deviation would be an
5 enhancement to the PD.

6 And then, lastly, Deviation 29 again is a buffer
7 deviation, not a Chapter 33 buffer deviation, and this
8 is to reduce the width of the buffer along the eastern
9 property line associated with the RV boat storage. 40
10 feet is required. We're requesting 30-foot-wide. We
11 will meet all the required plantings. To a large
12 extent they're existing within that area, and so it's
13 really just a width reduction.

14 We are, again, adjacent to very intensive
15 commercial ag-type uses. Those uses are all within an
16 FP&L easement. And so we have Staff recommendation of
17 approval, and also would submit that this is not
18 subject to the variance criteria in a Chapter 34
19 deviation. And so that would be to allow this area to
20 be 30 feet wide instead of 40.

21 And then, again, Adam did a -- found a good catch,
22 that a deviation for a single point of ingress/egress
23 is still needed for this project. It used to be
24 Deviation 6, and so it was reintroduced as Deviation 30
25 to allow for the single point of access from Luckett.

1 We do have an emergency-only connecting to Cypress
2 Trails to the north, but it still would warrant this
3 deviation, and we don't want to lose that through these
4 amendment processes.

5 HEARING EXAMINER RIVERA: And that was part of
6 what the MCP was amended to show? I noticed it was on
7 the first three pages, but the last page it wasn't. Is
8 that just because Phase V doesn't include that roadway?
9 It's still referenced on the last one. It shows the
10 emergency access, and it references the 2019 ADD, but
11 it's not keyed to Deviation 30. And I'm just wondering
12 if that was an intentional choice, or if it was just
13 omitted.

14 MS. CRESPO: Oh, I agree that if we can leave the
15 record open, we should add deviation triangle 30 to the
16 Phase V optional --

17 HEARING EXAMINER RIVERA: Okay.

18 MS. CRESPO: -- MCP, yes.

19 HEARING EXAMINER RIVERA: Thank you.

20 MS. CRESPO: I apologize for that.

21 HEARING EXAMINER RIVERA: Not at all, thank you.

22 MS. CRESPO: Thanks.

23 With that I'll invite Jeremy Sterk to show you the
24 FLUCCS map we submitted.

25 HEARING EXAMINER RIVERA: Thank you.

1 Good afternoon.

2 MR. STERK: Good afternoon, my name is Jeremy
3 Sterk. I'm with Earth Tech Environmental.

4 Pretty simple, this is -- this FLUCCS map dates
5 back really to the original permitting on the project
6 in 1994 and 1995. It's predominantly -- the remainder
7 of the native habitat is already placed under a
8 conservation easement with the South Florida Water
9 Management District. It's a mix of uplands and
10 wetlands: pine flatwoods in the west, a cypress
11 wetland there kind of in the center of that preserve,
12 and then the easement goes all the way up along the
13 west side of the FPL easement. That is also all under
14 conservation.

15 And then within the FPL easement itself, it's a
16 mix. Generally it's the center of the FPL easement,
17 the road, is uplands; and then a lot of the FPL
18 easement itself is wet. And so as they move forward,
19 if they do want to permit the storage facility, we'll
20 handle that through the District. It will likely be
21 off-site mitigation.

22 HEARING EXAMINER RIVERA: For the additional --
23 the expansion of the open --

24 MR. STERK: Correct.

25 HEARING EXAMINER RIVERA: -- storage area? But

1 that's already been permitted within the easement area?

2 MR. STERK: Yes -- well, the existing is, yeah.

3 So we would do a mod to add that area, yeah.

4 HEARING EXAMINER RIVERA: Okay, thank you.

5 And then just -- I guess this -- I'm not sure who

6 to ask the question; but if the existing sites are

7 going to be benefiting from these reduced setbacks in

8 essentially increased lot coverage, if you want to

9 think of it that way, is that going to eat into any of

10 the overall open space? I know that there was excess

11 to begin with, but were those calculations done for the

12 individual lots within Phases I through IV?

13 MR. STERK: The overall -- you're talking about

14 the overall requirement?

15 HEARING EXAMINER RIVERA: Yes, uh-huh.

16 MR. STERK: That shouldn't have included anything

17 on the lots.

18 HEARING EXAMINER RIVERA: Okay, so it wasn't.

19 MR. STERK: Yeah, yeah.

20 HEARING EXAMINER RIVERA: Because when driving --

21 I did the site visit yesterday, and it looks

22 predominantly built out -- just as the aerial was

23 showing, as well -- but you do have those patches of

24 the green space still within? So the individual lots

25 seem to be fairly pervious, but there was -- or

1 impervious, rather, but there was still some --

2 MR. STERK: Yeah.

3 HEARING EXAMINER RIVERA: -- green area on each
4 lot --

5 MR. STERK: Yeah, there's -- around the perimeter,
6 you know, along the north property line of even
7 Phase V, and then into the existing development or the
8 older development, those are all partial indigenous
9 preserves. I mean, back then we were allowed to kind
10 of scatter them around the property, you know. This
11 one was fairly unusual in that they did put most of it
12 in one spot, but back in the day we used to scatter
13 them all over the property, and then there just kind of
14 ended up being compliance issues and stuff so -- but
15 there should be none on lots themselves.

16 HEARING EXAMINER RIVERA: Okay, thank you.

17 MR. STERK: Thank you.

18 MS. CRESPO: Thank you, and I can confirm their
19 open space count does not include land area within the
20 lots.

21 HEARING EXAMINER RIVERA: Okay, thank you.

22 MS. CRESPO: So then on Lee Plan consistency, the
23 proposed amendments are consistent with the Urban
24 Community Underlying Future Land Use category, as well
25 as Wetlands.

1 We're not impacting our wetland preserve area
2 along the Lockett Road frontage or -- and continue to
3 meet the open space and preserve requirements.

4 We're not proposing any increased density or
5 intensity or change in the character or usage of the
6 property substantially through this amendment. This
7 will ensure continuation of compact growth standards,
8 as identified in Objective 2.1, by allowing for this
9 existing community to be modernized and accommodate
10 market demand for different accessory structures.

11 We've addressed residential compatibility of land
12 uses in Policy 5.1.5. We're not changing any buffers
13 related to our frontage on Lockett Road where we
14 interface with large lots to the south, and similarly
15 to the north where we abut Cypress Trails and ag-zoned
16 lands. We will maintain those 40-foot-wide perimeter
17 buffers in those locations.

18 And then our community will be enhanced through
19 the proposed wall, as well as 40-foot perimeter buffers
20 abutting the industrial.

21 The application has no impact on our consistency
22 with Goal 21, and the goals, objectives, and policies
23 associated with the Caloosahatchee Shores Community
24 Plan.

25 We are in agreement with Staff that the proposed

1 amendments meet your general rezoning decision-making
2 criteria:

3 The amendments are all consistent with the Lee
4 Plan as just outlined.

5 Our deviations do meet the test of protecting
6 public safety and welfare, as well as enhancing the
7 intent of the PD, providing for additional flexibility.

8 The RV resort uses will remain compatible with
9 existing uses in the area. There is no change to
10 access or transportation volume of the project.

11 Will not adversely impact environmentally critical
12 or sensitive areas, and we'll get the appropriate State
13 permits for any development of that open storage area.

14 And the property is well served by the urban
15 services and infrastructure of the County, and well
16 within the Future Urban area.

17 The application also complies with the PD
18 decision-making criteria:

19 It's an appropriate mix of uses. It introduces
20 the casita use, which was adopted into the Land
21 Development Code several years ago for these types of
22 projects.

23 And there's substantial conditions that we are in
24 full agreement with Staff on to protect the public
25 interest.

1 And I've noted compliance with the deviation
2 criteria for the newly introduced deviations.

3 So with that, again, we have your Staff
4 recommendation of approval. We're in agreement with
5 the Staff Report and all conditions.

6 This application is consistent with your Lee Plan
7 and Land Development Code.

8 The project will retain compatibility with the
9 surrounding land use pattern and will just really allow
10 for consistent standards across the entirety of the
11 project.

12 I'm happy to answer any questions.

13 HEARING EXAMINER RIVERA: I don't have any, thank
14 you.

15 MS. CRESPO: Thank you.

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

18 MR. MENDEZ: Thank you.

19 Good afternoon. For the record, my name is Adam
20 Mendez. I'm a principal planner with the Community
21 Development Zoning section.

22 I do have a copy of Staff's PowerPoint
23 presentation. I'll provide the Applicant a copy. I
24 forgot to do that earlier. And that will be my only
25 exhibit I'm submitting into the record, besides the

1 notice of publication.

2 (Staff Exhibit 3 submitted.)

3 HEARING EXAMINER RIVERA: Thank you. So this will
4 be Staff Exhibit 3.

5 MR. MENDEZ: There's two copies there.

6 HEARING EXAMINER RIVERA: Thank you.

7 MR. MENDEZ: Okay. Well, as expected, Ms. Crespo
8 provided a very complete presentation. All of the
9 salient points have certainly been broached.

10 I will run through some of the slides I had to
11 show some additional angles on the differences that are
12 happening with this amendment, which you -- which
13 you're hearing today, and you can make your decision on
14 this based on the fact it's not increasing any density
15 or intensity that were originally envisioned or adopted
16 into the planned development.

17 One of the areas I'll point out here is this is an
18 enclave in the city of Fort Myers. There's an RV
19 dealership just to the south here near the entrance of
20 Luckett Road.

21 This combination zoning, we put a little bit of
22 research into how they got there, and you'll see
23 there's an attachment in the Staff Report as to the --
24 the desire at that time predating the MPD district or
25 perhaps the ability to put RVs in an MHPD district at

1 that time. So it's a zoning district you probably
2 won't ever see again, but it's a combination RVPD/MHPD.

3 This is the 48-hour letter master concept plan.
4 I'd like to say that Staff had time to review the
5 revisions that were made and suggested in both the
6 Staff Report and the conditions document. All of those
7 have been met. We do understand the record will be
8 left open in order to include the deviation triangle on
9 the Phase V optional master concept plan.

10 You can see that the open space map now depicts
11 the additional outdoor storage area, as well as the
12 maintenance area, which I'll have a little discussion
13 on as I get through these photos. But I wanted to just
14 kind of hone in on the open storage area and just kind
15 of go through the sequence of the MHPD/RVPD zoning to
16 show you kind of the different iterations of open
17 storage that were accepted and then changed.

18 So with the foundation zoning, the RVPD/MHPD
19 foundation zoning in 1994, you can see there is a -- a
20 longer RV storage area. It doesn't quite have the
21 width that it ultimately has today, but it did extend
22 further south in the initial proposal. In the
23 subsequent proposals, both the '03, the '11, and the
24 2020, you can see it shrunk down, but it got a little
25 wider, right against the 40-foot required buffer. You

1 can see that the MCP changed. They looped this road
2 into this cul-de-sac and created a larger fox squirrel
3 preserve area, wetland preserve area. It just loops
4 that road in here, and this got a little bigger. But
5 you can see that the open storage area kind of -- was
6 either reduced or they doubled up on the other side.

7 So what we're proposing here, if you're focusing
8 on the RV and boat storage areas, it's just an
9 extension down south, approximately 40 feet from the
10 southern perimeter. There's no deviation request for
11 the required buffer width on the south side. There's
12 no deviation with respect to the planting material all
13 of this will have to meet at time of development order
14 approval.

15 The additional piece of this was to demonstrate
16 the maintenance area on the master concept plan. This
17 is a 2015 aerial of how this particular area of the
18 site was used historically, and really what I could see
19 in our records was this was set up as a temporary
20 construction trailer site in the late '90s and early
21 2000s, as they were graduating through their phases,
22 and it kind of just stayed. It was temporary in
23 nature, and after its -- maybe its intended life, it
24 was an open area to place equipment for maintaining the
25 HOA, and so they kind of used it accordingly. It was

1 never approved on paper.

2 So they went through a process in 2023 or 2024 --
3 correct me if I'm wrong -- to try to address this wall
4 here. So this wall actually fell down during Ian, and
5 the HOA approached Staff to try to determine how could
6 they -- how could they build back what it was. And
7 during that process we discovered, well, there's a Code
8 section -- there's a couple Code sections in the LDC
9 that say if you're putting an optional wall up, which
10 it was, that the buffer plantings that are required are
11 supposed to be on the exterior.

12 And so we found a -- we found a way to build back
13 what was existing -- because this wall was existing,
14 but the same treatment was sought for the industrial
15 area, and there was some ambitions to extend the open
16 storage area, which led to casitas which led to this.
17 So we're kind of tailoring this approval to memorialize
18 what they are, unify site development regulations
19 across all five phases, once again, for ease of
20 administration.

21 So you'll see on the open space diagrams, this is
22 now carved out. We're still meeting the open space
23 requirement. That is 40 percent of the entire site,
24 with half of that as indigenous preserve area.

25 With that, I can just go on to say that Staff does

1 find that the request meets the standard for approval
2 for an amendment to the planned development, and I'm
3 happy to address any questions of the Hearing Examiner
4 or the Applicant.

5 HEARING EXAMINER RIVERA: Thank you. No, I did
6 not -- it was very thorough. I appreciate that.
7 There's a lot of case history on this site, as you
8 said, and detailing through it the way that you did was
9 incredibly helpful to understand kind of the chronology
10 of how we ended up here. And Applicant, as well, I
11 have all the materials that I need.

12 Was there anyone from the public that wanted to
13 speak today? Okay. I always give another chance in
14 case anyone changes their mind.

15 Okay, then I did not have any questions. I asked
16 them as I went through. It wasn't that long ago that
17 we saw this the first time around, and clearly things
18 have evolved over time. And so I'm well informed of
19 everything that I need, and I don't have any additional
20 questions.

21 So thank you, and thank you, everyone, for coming
22 today. Again, my decision will be final in this case.
23 So I'll get to it as quickly as I can, and you'll get
24 that whenever it gets released. Thank you.

25 (Proceedings concluded at 1:34 p.m.)

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 29, is a true and correct record of my
13 stenographic notes.
1415 Dated this 4th day of August, 2025.
1617 
1819 Deborah M. Bruns, FPR
2021 (This transcript was electronically signed.)
22
23
24
25

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