

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

DATE: September 18, 2025

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

RE: NORTH CAPTIVA LCEC ESSENTIAL SERVICE FACILITY
Hearing Examiner Recommendation

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

CAPTIVA LCEC ESSENTIAL SERVICE FACILITY

DCI2024-00040

HEARD: June 26, 2025 and July 25, 2025
Record Closed: August 8, 2025

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

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

Summary of Hearing Examiner Recommendation

NORTH CAPTIVA LCEC ESSENTIAL SERVICE FACILITY

Applicant seeks to locate an electrical substation on Upper Captiva to improve service for island residents. The proposed facility includes office space and employee housing to accommodate limited overnight stays on the island following storm events.

Requested uses are permitted under current RS-1 zoning. Planned development zoning is sought to secure deviations from LDC setback/buffer standards. The requested deviations acknowledge site constraints created by undeveloped rights-of-way that are unlikely to be utilized.

There was significant opposition from island residents at hearing. Concerns center on intensification of a parcel nestled in a residential area. Many concerns stem from current site operations, including open storage of heavy equipment/vehicles. The property is subject to two Code violations related to this unpermitted activity.

If approved, the request prohibits open/outdoor storage; equipment and vehicles must be enclosed within the building. Conditions of approval impose architectural standards to ensure aesthetic consistency with neighboring properties.

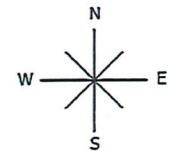
The Hearing Examiner finds the request satisfies LDC rezoning review criteria.

Detailed recommendation follows

DCI2024-00040

Future Land Use

-  Subject Property
-  Public Facilities
-  Outer Island
-  Conservation Lands - Upland



0 500
Feet

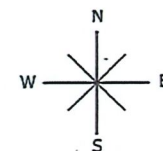


EagleView, Lee County Property Appraiser, Lee County GIS

DCI2024-00040

Aerial

 Subject Property



A horizontal number line is shown with a starting point labeled '0' on the left and an ending point labeled '500' on the right. Below the line, the word 'Feet' is centered. A single tick mark is placed exactly halfway between 0 and 500.



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2024-00040

Regarding: NORTH CAPTIVA LCEC ESSENTIAL SERVICE FACILITY

Location: Northwest Corner of Spanish Gold Lane and Hodgepodge Lane
Captiva Planning Community
(District 1)

Hearing Date: June 26, 2025 (Heard)

Additional Date: July 25, 2025 (Heard)

Record Closed: August 8, 2025

I. Request

Rezone 0.24± acres from Residential Single Family (RS-1) to Community Facilities Planned Development (CPFD) to allow an Administrative Office, Essential Service Facilities Group I, and Temporary Employee Housing.

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

II. Hearing Examiner Recommendation

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

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 0.24± acres in North Captiva to CFPD.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to the testimony and evidence presented at hearing.² The record must contain competent substantial evidence to support the recommendation.³

¹ LDC §34-145(d)(1)b.

² LDC §34-145(d)(3).

³ Lee Co. Admin. Code 3.3.A(2).

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

Request

Lee County Electric Cooperative (LCEC) seeks to rezone a parcel in North Captiva to a Community Facilities district. Applicant acquired the property to improve electricity service to island residents and businesses, particularly after storm events.⁴

Site design proposes an elevated electrical substation with a 696 square foot mechanical pad housing switch equipment and a two-story office/temporary employee housing building.⁵ The Master Concept Plan (MCP) centrally locates the building within the property, encircled by enhanced landscaping to screen site activity. Four deviations from the LDC request relief to acknowledge site constraints created by unused rights-of-way.

The property sits across from the Upper Captiva Fire Department Station. The site is subject to Code Violations stemming from open storage of heavy equipment/vehicles and related site work done prior to obtaining proper approvals.⁶

Staff recommended approval with conditions, finding the request to rezone the property to the CFPD district satisfies LDC review criteria.

Character of the Area

The property is located on North Captiva Island/Upper Captiva, accessible only by air or sea. There is no vehicular access to the island.

Development on Upper Captiva is clustered at the northern end with commercial zoning along the eastern tip. Residential zoning dominates the remainder of the developed area.

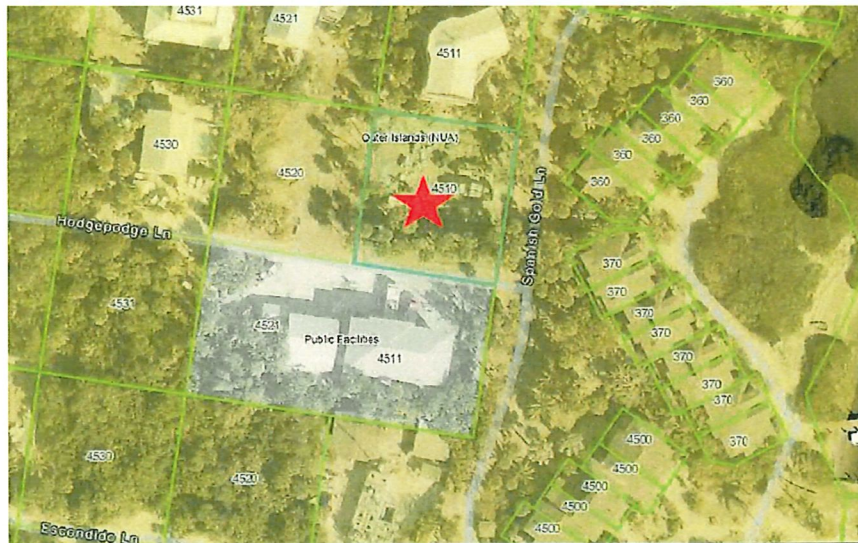
⁴ See Applicant Narrative, Staff Report (Attachment H); Hearing Testimony.

⁵ Hearing testimony reflects the mechanical pad will be accessed from the second floor, level with the office/housing area. Miller Testimony (6/26/25 Transcript pg. 31).

⁶ See Staff Report (pg. 1, Attachment J, referencing VIO2024-06999 and VIO2024-07000).



Only two lots on the island host Community Facilities zoning. Both support the Upper Captiva Fire Station. The subject property is located directly across from the fire station on Hodgepodge Lane, creating a node of Commercial Facilities uses.



Lee Plan

The Lee Plan regulates land development activity in the County.⁷ The Plan's Future Land Use Map divides the County into future urban, nonurban, and

⁷ LDC §34-491(b).

environmentally sensitive areas. Planned developments must be consistent with the Lee Plan.⁸

The property is designated Outer Islands on the Future Land Use Map.⁹ The Outer Islands category is a Future Non-Urban Area that is sparsely settled, far from major shopping or employment centers.¹⁰

Lee Plan Maps also designate the property within the North/Upper Captiva Planning Community.¹¹ Rezoning requests in North Captiva are subject to a Community Plan with specific review and lighting criteria.¹² The goal of the community is to preserve the island's character, scale, fragile environment, and way of life.¹³

Essential service facilities consist of buildings or above-ground structures necessary to provide essential services, including electricity.¹⁴ The request expands vital public service by locating an essential service facility central to the island.

The Lee Plan permits public utility uses in all land use categories and Planning Districts, rendering the requested use consistent with the site's designation within the Outer Islands category and the North Captiva Planning Community.¹⁵

The site is also within the Coastal High Hazard Area.¹⁶ The facility is needed to streamline restoration work necessitated by underground lines flooding after storm events. Applicant faces unique challenges for electricity restoration on an island devoid of vehicular access. The substation will be elevated to protect vital equipment during flood events.

Applicant further seeks to construct a two-story building consisting of enclosed storage on the first floor and office/temporary employee housing on the second

⁸ *Id.*; Lee Plan Policy 2.1.2; LDC §34-411(a), §34-491: Rezoning must be consistent with Lee Plan Goals, Objectives, and Policies. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.

⁹ Lee Plan Map 1-A.

¹⁰ Lee Plan Policy 1.4.2; Glossary definition of Future Non-Urban Area.

¹¹ Lee Plan Map 2-A, and Goal 26 identify the North Captiva Planning Community. LDC §§33-1701 identifies the Upper Captiva Planning Community.

¹² Lee Plan Goal 26 adopted by Lee County Ordinance No. 09-09 on February 25, 2009. Community specific LDC regulations adopted by Lee County Ordinance No. 14-13 on June 17, 2014, codified in LDC §§33-1701 *et. seq.*

¹³ Lee Plan Goal 26. Reliable electric service is a staple to support the island's way of life.

¹⁴ LDC §§34-2, 34-622(c)(13): Essential services include erection, construction, alteration, and maintenance by public or private utility companies to furnish adequate service of electrical and communication cables, poles, and wires. The definition includes transformers, switching equipment, meters, pumps, and equipment less than 27 cubic feet in area, excluding communication towers.

¹⁵ Lee Plan Policy 2.1.3; See also LDC §34-1612.

¹⁶ Lee Plan Map 5-A.

floor.¹⁷ The building enables LCEC to position personnel and equipment/materials prior to known storm activity.¹⁸ Providing accommodations for critical employees during/following storm events expedites restoration efforts for island residents and businesses.

Compatibility

The County evaluates compatibility during the zoning process.¹⁹ Compatibility is found when land uses can exist in proximity, and no one use unduly negatively impacts another.²⁰

Requested uses are permitted under the existing RS-1 zoning.²¹ The evaluation of compatibility then turns to identifying protective measures through conditions to adequately mitigate off-site impacts.²²

Compatibility is achieved through site design and conditions of approval, including:

- Screening. The site will be screened from adjacent residences by an enhanced landscaping plan providing 75% opacity.²³ Planting enhancements to shield the site will be installed in a tiered fashion, starting with a shrub hedge encircling the building foundation.²⁴
- Building Design. The building and substation are scaled to match neighboring properties and to not appear like a traditional substation.
- Architectural Features. Conditions tie development to elevations mimicking aesthetic characteristics of surrounding homes.²⁵

¹⁷ The building can be classified as an Essential Service Facility. See LDC §34-622(c)(13).

¹⁸ Akin Testimony (6/26/25 Transcript pg. 15).

¹⁹ LDC §34-145(d)(4).

²⁰ Florida Statutes §163.3164(9) (2025); Lee Plan Policy 135.9.6. Appropriate intensity is determined on a case-by-case basis in accordance with uses permitted by the Lee Plan and the nature of land uses surrounding the project. LDC §34-413.

²¹ The LDC permits Essential Services, Essential Service Facilities Group I, Administrative Offices, and Accessory Uses/Structures by right in the RS-1 district. See LDC §34-694; See also LDC §34-1612. *Essential services* are defined as the erection, construction, alteration or maintenance, by a public or private utility company for the purpose of furnishing adequate service by such company for the public health, safety or general welfare, of electrical and communication cables, poles and wires, and water and sewer collection, transmission or distribution mains, drains and pipes, including fire hydrants. The term includes necessary transformers, switching equipment, meters, pumps and similar equipment less than 27 cubic feet in size. *Group I Essential Service Facilities* include the buildings or above-ground structures exceeding 27 cubic feet required to provide essential services including electricity and Electric substations.

²² Lee Plan Policy 5.1.5. Since the request is in the form of a planned development, the Plan directs conditions to be attached to minimize/eliminate potential impacts. See *Id.*

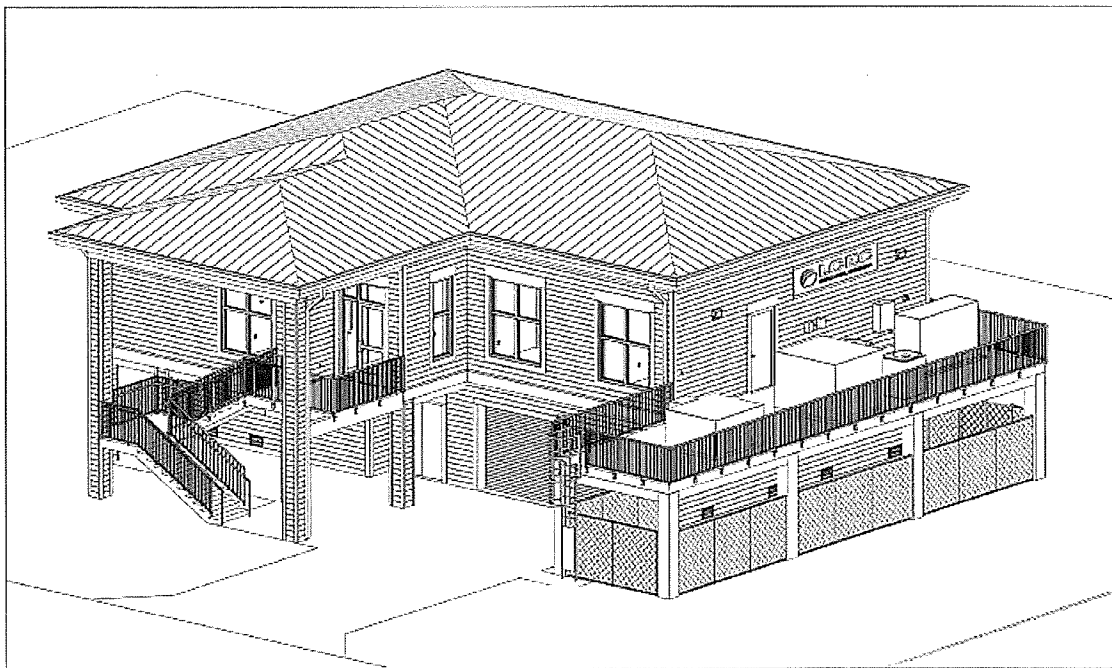
²³ Miller & Kulsveen Testimony (6/26/25 Transcript pg. 29-30, 32-35); Lee Plan Policies 5.1.5, 135.9.6; Master Landscape Plan (MCP Sheet L 1.0).

²⁴ Applicant's landscape architect provided expert testimony. Kulsveen Testimony (6/26/25 Testimony pg. 33-35).

²⁵ Condition 6.

- Building Height. Conditions restrict building height to 30 feet, consistent with surrounding properties.²⁶
- Improved Surface Water Management. A stormwater management system will address water quality/quantity, directing surface waters through an engineered design rather than continue the uninhibited sheet flow under present conditions.
- Prohibits outdoor/open storage.²⁷
- Collocates Community Facilities. Centralizes Community Facilities serving the island.²⁸
- Encloses Vehicles/Equipment. First floor roll-up garage doors, similar to the fire station across the street, enclose stored materials/equipment/vehicles.

Based upon the foregoing, the Hearing Examiner finds the request balances providing a vital public service while minimizing off-site impacts through conditions of approval.²⁹ Required design elements provide sufficient safeguards to find compatibility.



²⁶ Condition 2b.

²⁷ See Condition 2a.

²⁸ Lee Plan Objective 26.1, Policy 5.1.5.

²⁹ See generally Lee Plan Policy 5.1.5, 135.9.6, LDC §34-145(d)(1)d & (4)a.2(b).

LDC

Planned developments integrate proposed development with surrounding land uses.³⁰ Planned developments further Lee Plan goals and offer flexibility in planning and site design.³¹

CFPD zoning is reserved for necessary governmental/community service activities that may impact adjacent land.³² Applicant demonstrated necessity for the requested facility. Vehicular inaccessibility to the island creates unique utility needs and presents challenges to address issues in a timely fashion. LCEC provided testimonial evidence demonstrating the proposed facility will increase reliability of electric infrastructure and decrease outage times on the island.

Development must comply with County land development regulations or seek deviations. A “deviation” is a departure from a land development regulation.³³ Applicants seeking deviations from the LDC must demonstrate that each deviation enhances the planned development and does not cause detriment to the public.³⁴

Applicant requests four deviations from the LDC, seeking relief from setbacks, landscaping, and dumpster enclosure regulations.³⁵ Deviations are necessary given site constraints created by unutilized easements.³⁶

The record indicates granting the deviations meets the spirit of the Code. Setbacks remain consistent with the intent of the LDC despite not meeting the letter of the Code. The LDC originates points of measurement at easement boundaries. The property is encumbered by right-of-way easements unlikely to be developed given the island’s unique transportation network.³⁷

³⁰ LDC §34-612(2).

³¹ LDC §§34-411(a), 34-612(2), Lee Plan Policy 2.1.2.

³² LDC §34-931(d). State law preempts local governments from regulating certain aspects of electric substations and explicitly permits the use in all land use categories and zoning districts. Statutes restrict the County to addressing setbacks, landscaping, buffering, screening, lighting, and other aesthetic compatibility-based standards. F.S. §163.3208 (2025).

³³ LDC §34-2.

³⁴ LDC §34-373(a)(9).

³⁵ See Applicant Ex. 3. Requested setback deviations are triggered by measurements taken from undeveloped rights-of-way rather than property boundaries. The record demonstrates the intent of the Code is met even with granting the deviations. See Staff Report and Hearing Testimony (6/26/25 Transcript pg. 23-30, 47-48, 54-55).

³⁶ *Id.* Hearing testimony reflects the easements are unlikely to be used given the island’s vehicular prohibition. See Lee Plan Policy 26.2.3. Spanish Gold Lane utilizes 30 feet for established right-of-way, although an additional 15-feet is reserved on the property for right-of-way expansion. Both parties agree expansion is highly improbable. 6/26/25 Transcript pg. 23-30, 47-48, 54-55. The landscaping deviation is also triggered by easements. Notably, required plantings remain unchanged and passersby will experience a green site perimeter. Badamtchian Testimony (6/26/25 Transcript pg. 55).

³⁷ Hearing Testimony (6/26/25 Testimony pg. 47-48, 54-55); Staff Report.

Applicant offered testimonial evidence supporting the deviations.³⁸ The Hearing Examiner agrees with Staff's recommendation of approval.

Transportation

Zoning requests must demonstrate the property has adequate access to support the proposed development intensity and that expected impacts to transportation facilities will be addressed by County regulations and conditions of approval.³⁹

The property has direct access to Spanish Gold Lane and Hodgepodge Lane. The Lee Plan bans heavy construction equipment and internal combustion powered vehicles on the island but exempts public purpose equipment/vehicles.⁴⁰

Applicant obtained a waiver from traffic study requirements given the unique transportation network on the island.⁴¹

Environmental

Requests to rezone property must not adversely affect environmentally critical/sensitive areas or natural resources.⁴²

There are no environmentally critical areas or natural resources on the property. Applicant's expert ecologist testified that the site hosts no wetlands, protected species, or natural habitat.⁴³

The project exceeds open space requirements and provides enhanced landscaping.⁴⁴

Applicant's engineering expert detailed site topography and proposed surface water attenuation.⁴⁵ The stormwater management system is comprised of dry detention to retain runoff for pretreatment prior to outfall from the site.⁴⁶ A perimeter berm will capture storm water for attenuation to meet State nutrient removal

³⁸ Miller Testimony (6/26/25 Transcript pg. 25-30); LDC §34-377(a)(4).

³⁹ LDC 34-145(d)(4).

⁴⁰ Lee Plan Policy 26.2.3.

⁴¹ See Staff Report (pg. 2, Attachment K). The Lee Plan prohibits internal combustion powered vehicles aside from emergency events, public purposes, approved community needs, and permitted heavy construction equipment. Policy 26.2.3. The Staff Report notes the Fire District utilizes the only trucks on the island, which is located immediately south of the property.

⁴² LDC §34-145(d)(4).

⁴³ Owen Testimony (6/26/25 Transcript pg. 36, 7/25/25 Transcript pg. 192-93); Applicant Ex. 3, Vegetation Map and Protected Species Survey Map.

⁴⁴ Lee Plan Objective 77.2.

⁴⁵ Sloan Testimony (6/26/25 Transcript pg. 37-39, 7/25/25 Transcript pg. 201); Applicant Ex. 3 (slide 24).

⁴⁶ Sloan Testimony; Lee Plan Goals 60, 61, Policies 60.1.5, 61.2.4, 61.3.11.

standards.⁴⁷ This is an improvement over existing conditions that direct sheet flow to adjacent roadways.⁴⁸

The Hearing Examiner finds the proposed CFPD will not harm environmentally critical/sensitive areas or natural resources.⁴⁹

Public Services and Infrastructure

Public services are the requisite services, facilities, capital improvements, and infrastructure necessary to support development.⁵⁰ The Lee Plan requires an evaluation of public services during the rezoning process.⁵¹

The property is identified as a Future Non-Urban Area under the Lee Plan.⁵² Accordingly, the site does not access significant public services or infrastructure.⁵³ Potable water, sanitary sewer, and public transit do not serve the site.⁵⁴ Applicant must demonstrate compliance with septic permitting prior to commencing site development.⁵⁵

There are no paved roads on the island. The Upper Captiva Fire Protection and Rescue District provides fire and emergency services, with Station 191 located across from the site.

Public Participation

Applicant conducted a community meeting consistent with LDC requirements in the Upper Captiva Planning Community.⁵⁶

⁴⁷ Applicant Ex. 3 (slide 24).

⁴⁸ Sloan Testimony (6/26/25 Transcript 38-39); Applicant Ex. 3 (slide 24); Lee Plan Policy 135.9.6.

⁴⁹ Lee Plan 125.1.2.

⁵⁰ Lee Plan Glossary. Public services are defined to include public sewer/water, paved streets/roads, public transit, parks and recreation facilities, police, fire, and emergency services, surface water management, schools, and community facilities such as senior citizens' centers, libraries, and community centers.

⁵¹ Lee Plan Goal 95 and Policy 2.2.1.

⁵² Lee Plan Glossary.

⁵³ Lee Plan Objective 2.2. The LDC requires a finding of public service only if located within a Future Urban area, which the property is not. See LDC §34-145(d)(4)a.1(g).

⁵⁴ See Staff Report (pg. 2-3).

⁵⁵ Condition 5. Significant hearing discussion focused on the ability of Applicant to establish septic service. The Lee Plan requires consideration of water, sewer, and environmental standards during the rezoning process, but directs the county to ensure standards are met "*prior to issuing a local development order.*" Lee Plan Objective 4.1 (emphasis added). The Lee Plan and LDC dictate thresholds of uses/flows to determine appropriate sewer provision for proposed developments at the time of permitting.

⁵⁶ See LDC §33-1702 & §33-1711. Applicant held the community meeting on February 25, 2025. See also Staff Report (Attachment F).

Island residents appeared at hearing in opposition to the request.⁵⁷ Many concerns centered on site conditions that resulted in the pending Code violations.⁵⁸ Specifically, concerns related to open storage of heavy vehicles/equipment, noise, visual impact, property value decline, and compatibility.⁵⁹

Rebuttal testimony distinguished existing site activity from the request.⁶⁰ If approved, the CFPD will address concerns through site design and conditioning. Current operations will not continue after site development because open/outdoor storage is not a permitted use, and there will not be sufficient land area to accommodate large vehicles/equipment. Stored equipment/vehicles must be enclosed beneath the building. Existing Ordinances address noise and lighting impacts.⁶¹

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County resources.⁶² Conditions must plausibly relate to the project's anticipated impacts and be pertinent to mitigating impacts to the public.⁶³ The CFPD is subject to conditions addressing impacts reasonably anticipated from development.⁶⁴

The Hearing Examiner requested additional conditions governing septic service, imposing architectural standards, and limiting the number of employees for overnight stays.⁶⁵ CFPD zoning prohibits residential use, warranting a condition to ensure temporary occupation.⁶⁶

The Hearing Examiner revised conditions/deviations for clarity and compliance with state law.⁶⁷

⁵⁷ Public testimony spanned two days of hearing. Public Testimony (6/26/25 Transcript pg. 58-133); (7/25/25 Transcript pg. 141-165).

⁵⁸ Applicant and members of the public disagree about application of Florida Statutes §163.3208. The Hearing Examiner lacks jurisdiction to resolve disputed interpretations of the statute or render determinations as to whether the request complies with this law. See LDC §34-145 and Lee Co. Admin. Code 2-2, establishing the Hearing Examiner's authority. See *also* LDC §34-145(f).

⁵⁹ Many comments characterized the proposed use as a commercial use. Rebuttal testimony distinguished the requested Commercial Facilities zoning district from commercial districts, which enjoy separate treatment under the Lee Plan and LDC.

⁶⁰ Rebuttal Testimony (7/25/25 Transcript pg. 167-203).

⁶¹ Akin Testimony (6/26/25 Transcript pg. 50-51); LDC §§34-623 & 34-624.

⁶² Lee Plan Policies 5.1.5, 135.9.6; LDC §§34-145(d)(4) a.2.(b), 34-377(a)(3), 34-411, and 34-932(c).

⁶³ LDC §34-932(b).

⁶⁴ LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Policy 5.1.5.

⁶⁵ See Post-Hearing Written Submissions. 6/26/25 Transcript pg. 51-52.

⁶⁶ Badamchian Testimony (6/26/25 Transcript pg. 56).

⁶⁷ Condition 7 ensures compliance with F.S. §125.022(6) (2025).

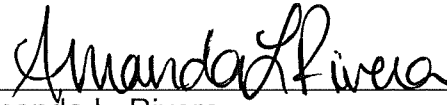
IV. **Findings and Conclusions**

Based on the testimony and evidence presented in the record, the Hearing Examiner makes the following findings and conclusions.

As conditioned herein, the proposed CFPD:

- A. Complies with the Lee Plan. See Lee Plan Goals 2, 4, 26, 60, 61, 77; Objectives 2.1, 2.2, 4.1, 26.1, and Policies 1.4.2, 2.1.3, 1.1.8, 2.1.1, 2.2.1, 5.1.5, 135.9.5, 135.9.6, Standards 4.1.1 and 4.1.2.
- B. Complies with the LDC and other County regulations or qualifies for deviations. See LDC Chapters 2, 10, 33, and 34.
- C. Is compatible with existing and planned uses in the area. See Lee Plan Goals 2, 4, 26; Objectives 2.1, 2.2, and Policies 2.1.1, 2.1.3, 5.1.5, 135.9.5, 135.9.6; LDC §§34-931, 34-1612.
- D. Provides sufficient access to support the proposed development intensity, with expected impacts on transportation facilities addressed by County regulations and conditions of approval. See LDC §34-411(d).
- E. Will not adversely affect environmentally critical areas or natural resources. See Lee Plan Goals 26, 60, 61, and 77, Policies 60.1.5, 61.2.4, 61.3.11.
- F. Is not within a Future Urban Area identified under the Lee Plan. See Lee Plan Glossary.
- G. Recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. See LDC Chapters 10, 33, and 34.
- H. As conditioned herein, the four deviations enhance the planned development and preserve public health, safety, and welfare. LDC §34-145(d)(4)a.2(c).

Date of Recommendation: September 18, 2025.

A handwritten signature in black ink, reading "Amanda L. Rivera", is written over a horizontal line.

Amanda L. Rivera
Deputy Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

SKETCH & DESCRIPTION

OF A PARCEL LYING IN SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST LEE COUNTY, FLORIDA

LEGAL DESCRIPTION

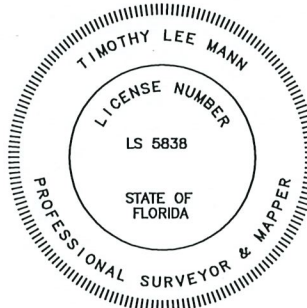
A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PORTION OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS DESCRIBED IN OFFICIAL INSTRUMENT #2023000379873, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

BEGIN AT A CONCRETE POST ON THE SOUTH LINE OF GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, BEING 226 FEET MORE OR LESS EAST OF THE HIGH TIDE LINE OF THE GULF OF MEXICO; THENCE RUN S.81°20'E., 835.0 FEET ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 TO A CONCRETE POST; THENCE N.08°40'E., 205 FEET TO A CONCRETE POST; THENCE N.08°40'E., 420 FEET; THENCE S.81°20'E., 460 FEET TO THE POINT OF BEGINNING; THENCE S.08°40'W., 105 FEET; N.81°20'W., 100 FEET; THENCE N.08°40'E., 105 FEET; THENCE S.81°20'E., 100 FEET TO THE POINT OF BEGINNING. BEING LOT 28, UNIT 2, OF AN UNRECORDED SUBDIVISION KNOWN AS JOSE'S HIDEAWAY, LOCATED IN GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA.

REVIEWED
DCI2024-00040
Rick Burris, Principal
Planner
Lee County DCD/Planning
11/12/2024

THIS SKETCH & DESCRIPTION HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY TIMOTHY LEE MANN USING A DIGITAL SIGNATURE AND DATE. PRINT COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.



Digitally signed
by Timothy L
Mann
Date: 2024.07.24
11:25:44 -04'00'

BY: TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5838

NOTES:

1. BEARINGS BASED ON THE RIGHT OF WAY OF HODGEPODGE LANE AS BEING N 81°20'00" W
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).
4. RECORDING INFORMATION SHOWN HEREON RELATES TO THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
5. THE STATE PLANE COORDINATES SHOWN HEREON ARE IN FEET, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT) BASED UPON CONTINUOUSLY OPERATING FLORIDA PERMANENT REFERENCE NETWORK (FPRN) STATIONS MAINTAINED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LOT 28, UNIT 2, JOSE'S HIDEAWAY UPPER CAPTIVA

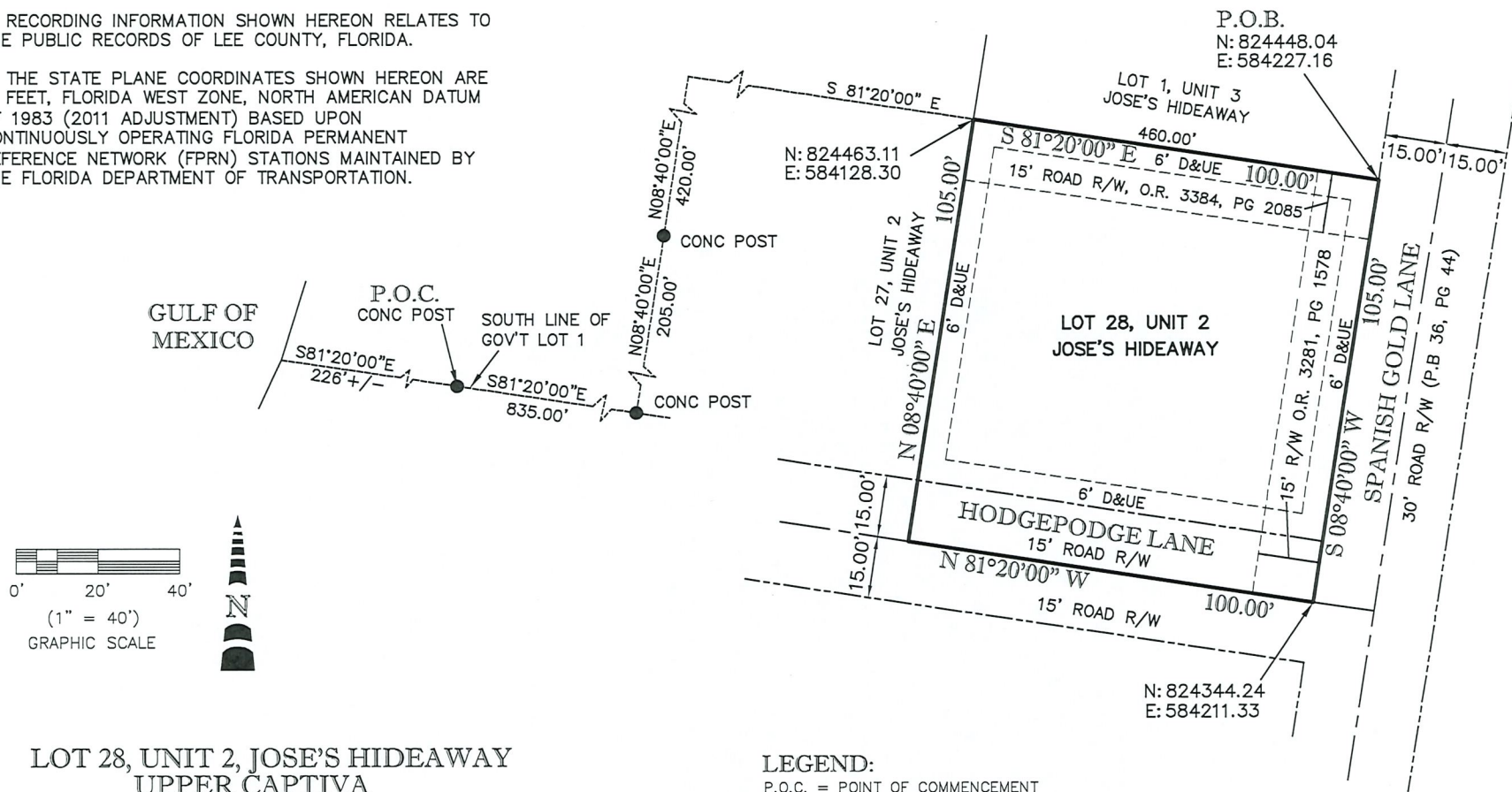
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METRON		10970 S. CLEVELAND AVE. SUITE #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com	
SURVEYING & MAPPING, LLC		LAND SURVEYORS PLANNERS LB# 7071	
FILE NAME: 15473SK.DWG	FIELD BOOK/PAGE: 754/3	PROJECT NO.: 15473	SHEET: 1 OF 2
SURVEY DATE: 7/22/24	DRAWN BY: BUD	SCALE: 1" = 40'	CHECKED BY: TLM FILE NO. (S-T-R) 5-45-21

NOTES:

1. BEARINGS BASED ON THE RIGHT OF WAY OF HODGEPODGE LANE AS BEING N 81°20'00" W
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).
4. RECORDING INFORMATION SHOWN HEREON RELATES TO THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
5. THE STATE PLANE COORDINATES SHOWN HEREON ARE IN FEET, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT) BASED UPON CONTINUOUSLY OPERATING FLORIDA PERMANENT REFERENCE NETWORK (FPRN) STATIONS MAINTAINED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.

SKETCH & DESCRIPTION

OF A PARCEL LYING IN SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST LEE COUNTY, FLORIDA



LOT 28, UNIT 2, JOSE'S HIDEAWAY
UPPER CAPTIVA

TITLE: SKETCH OF DESCRIPTION

METRON
SURVEYING & MAPPING, LLC

LAND SURVEYORS PLANNERS
LB# 7071

10970 S. CLEVELAND AVE.
SUITE #605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457

www.metronfl.com

FILE NAME: 15473SK.DWG	FIELD BOOK/PAGE: 754/3	PROJECT NO.: 15473	SHEET: 2 OF 2
SURVEY DATE: 7/22/24	DRAWN BY: BUD	SCALE: 1" = 40'	CHECKED BY: TLM
		FILE NO. (S-T-R): 5-45-21	

LEGEND:

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
R/W = RIGHT OF WAY
P.B. = PLAT BOOK
O.R. = OFFICIAL RECORDS BOOK
PG = PAGE
N: = NORTHING
E: = EASTING
D&UE = DRAINAGE & UTILITY EASEMENT
GOV'T = GOVERNMENT
CONC = CONCRETE

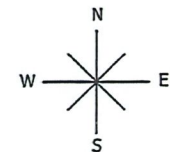
REVIEWED
DCI2024-00040
Rick Burris, Principal
Planner
Lee County DCD/Planning
11/12/2024



DCI2024-00040

Zoning

 Subject Property



0 500
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Master Concept Plan (MCP)/Development Compliance

- a. MCP. Development must be consistent with the three-page MCP entitled “Upper Captiva LCEC Service Center” stamped received June 24, 2025, and “Landscape Details” dated February 24, 2025 (Exhibit B1).
- b. LDC and Lee Plan. Development must comply with the LDC and Lee Plan at time of local development order approval, except where deviations are approved herein. Subsequent changes to the MCP or conditions may require further development approvals.

2. Uses and Site Development Regulations

- a. Schedule of Uses
 - Accessory Uses and Structures
 - Administrative Offices
 - Caretaker’s Residence
 - Essential Services
 - Essential Services Facilities, Group I
 - Fences, Walls
 - Parking Lot, Accessory
 - Signs
 - Storage, Indoor only
 - Temporary Uses, including temporary housing of employees during emergencies

- b. Site Development Regulations
 - Minimum Lot Area and Dimensions:

Area:	0.24± Acres
Width:	100 feet
Depth:	105 feet

Minimum Setbacks: (See Deviations)

Street (From R.O.W. Easement Lines)	
Hodgepodge Lane:	11 feet
Spanish Gold Lane:	5 feet
North Side Setback:	5 feet
West Side Setback:	11 feet

Building Height: 30 feet
Minimum Open Space: 59%
Maximum Lot Coverage: 40 %

3. **Environmental**

Development order plans must depict 59 percent of open space consistent with the MCP.

4. **Temporary Uses - Overnight Stays**

Temporary uses include overnight stays of up to four employees working on the island related to a disaster/weather event to protect and repair electric lines or equipment.

5. **Septic Condition**

If an onsite septic system is required for the project, Developer must provide an approved permit from the Department of Health for an onsite septic system to Lee County Development Services staff prior to development order approval.

6. **Architectural Compliance**

If development order plans include an office, temporary housing, or a garage storage use the building elevations must be similar to the building elevations provided (Exhibit B2).

7. **Development Permits**

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

DEVIATIONS

1. **Street Setback**. Deviation #1 seeks relief from LDC §34-2192(a), which requires a 25-foot street setback, to allow a 5-foot street setback for the mechanical pad and an 18.38-foot setback along Spanish Gold Lane, a 5-foot setback along Hodgepodge Lane, and a 5-foot setback along the northern property line, where there is a 15-foot wide road right-of-way.

HEX Recommendation: Approve

2. **Buffer**. Deviation #2 seeks relief from LDC §10-416(d), which requires a 15-foot-wide Type D buffer along Hodgepodge Lane, Spanish Gold Lane and the right-of-way to the north and a Type C buffer along the western property line, to allow a 5-

foot-wide Type A enhanced buffer along northern, eastern, western and southern property lines.

HEX Recommendation: Approve, subject to the following conditions:

Development order plans must depict:

- a. *Enhanced Type-A buffer to the north, with 5 trees planted per 100 linear feet, and a double staggered hedge row planted at 36 inches and maintained at 48.*
 - b. *Enhanced Type-A buffer to the south, with 6 trees planted per 100 linear feet, and a double staggered hedge row planted at 36 inches and maintained at 48.*
 - c. *The garage wall acting as a buffer wall as shown on the Master Landscape Plan with 6 trees planted per 100 linear feet and a double staggered hedge row planted at 36 inches and maintained at 48.*
 - d. *Enhanced Type-A buffer to the east, with 6 trees planted per 100 linear feet and a double staggered hedge row, planted at 36 inches and maintained at 48.*
3. **Solid Waste Enclosure**. Deviation #3 seeks relief from LDC §10-261, which requires commercial development to provide dumpster enclosure on site with specific requirements listed on LDC §10-261, to allow rolling trash totes similar to residential uses in the area.

HEX Recommendation: Approve

4. **Perimeter Setback**. Deviation #4 seeks relief from LDC §34-939(b)(1), which requires a 25-foot development perimeter setback, to allow an 11-foot perimeter boundary setback along the western and southern boundaries, and 5-foot along northern and eastern boundaries of the site.

HEX Recommendation: Approve

Exhibits to Conditions:

- B1 Three-page MCP entitled "Upper Captiva LCEC Service Center" stamped received June 24, 2025, and "Landscape Details" dated February 24, 2025
- B2 Three-page Exterior Elevations, stamped received August 8, 2025

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JUN 24 2025

BY: HEARING EXAMINER'S OFFICE

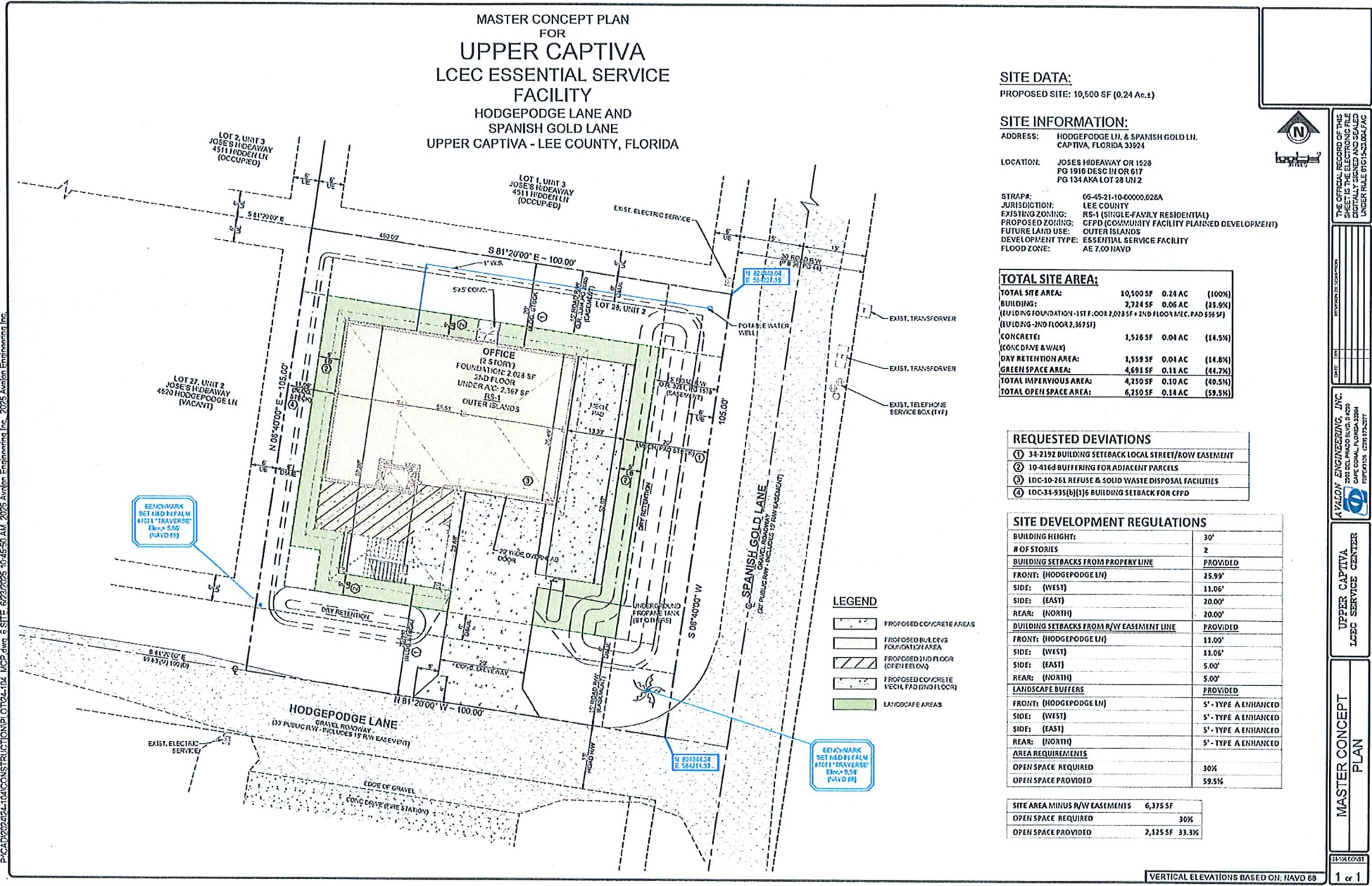
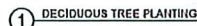


EXHIBIT B-1



1. REPAIR EXISTING TURF AREAS DISTURBED BY/DURING CONSTRUCTION (500).
2. CONTRACTOR SHALL LOCATE THE EXISTENCE OF ALL UTILITIES PRIOR TO STARTING WORK.
3. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PROJECT. PLANTINGS AS SHOWN ON DRAWING. PLANTING MATERIALS SHOWN ON PLAN TAKE PRECEDENCE TO THOSE OF THE PLANT LIST/SCHEDULE.
4. ALL PLANT MATERIALS SHALL CONFORM TO THE STANDARDS FOR FLORIDA NO. 1 OR BETTER AS GIVEN IN "GRADES AND STANDARDS FOR NURSERY PLANTS" PART I AND "GRADES AND STANDARDS FOR NURSERY PLANTS" PART II, FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TALLAHASSEE.
5. ALL PLANT MATERIAL SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANTS ORIGINAL GRADE PRIOR TO DIGGING.
6. ALL PLANTS SHALL BE BALLED AND WRAPPED AS SPECIFIED.
7. CONTAINER GROWN STOCK SHALL NOT BE USED/ACCEPTED IF IT IS ROOT BOUND, ALL WRAPPING MATERIAL MADE OF PLASTICS, OR SYNTHETICS, SHALL BE REMOVED AT TIME OF PLANTING.
8. ALL PLANTS SHALL BE WATERED WITHIN FIRST 24 HOURS OF PLANTING. WATERING SHALL BE THOROUGH IN ORDER TO ENSURE THAT ALL AIR POCKETS ARE REMOVED FROM ROOT BALL AREA.
9. CONTRACTOR IS RESPONSIBLE FOR WATERING ALL NEW PLANTINGS, INCLUDING 500, 500 SHALL BE WATERED UNTIL TIME OF KILTING.
10. TREES OUTSIDE OF PLANTING BED AREAS SHALL RECEIVE 6" DIAMETER MULCH RING.
11. ALL PLANTS AND STAKES SHALL BE SET PLUMB AT TIME OF PLANTING, UNLESS OTHERWISE NOTED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ASSURE PLANTS REMAIN PLUMB UNTIL END OF GUARANTEE PERIOD.
12. INFORMATION IN "NOTES" TAKES PRECEDENCE OVER INFORMATION IN "DETAILS".
13. CONTRACTOR SHALL VERIFY SITE CONDITIONS AND INFORMATION ON DRAWINGS AND PROMPTLY REPORT ANY DISCREPANCIES AND/OR DEVIATIONS FROM INFORMATION SHOWN/WRITTEN ON THE PLAN.
14. THE OWNER IS NOT RESPONSIBLE FOR UNAUTHORIZED CHANGES OR EXTRA WORK REQUIRED TO CORRECT UNREPORTED DISCREPANCIES.

THE FOLLOWING HIGHLY INVASIVE PLANTS MUST BE REMOVED FROM THE DEVELOPMENT AREA, IF IT EXISTS, AND THE PROPERTY MUST BE MAINTAINED FREE OF INVASIVE EXOTICS IN PERPETUITY. TO DATE A LIST OF SPECIES CONSIDERED INVASIVE AND EXOTIC CAN BE FOUND AT [HTTP://WWW.FLEPPC.ORG](http://www.fleppc.org), ALSO SEE FLORIDA EXOTIC PEST PLANT COUNCIL'S INVASIVE PLANT LIST, PLANTS LISTED AS CATEGORY I INVASIVE SPECIES ARE STRICTLY PROHIBITED.

CHEMICAL CONTROL CLODES THE USE OF PESTICIDES, HERBICIDES, FUNGICIDES, AND INSECTICIDES. ALTHOUGH CHEMICAL USE CAN BE VERY EFFECTIVE, THEY CAN BE DANGEROUS TO OTHER SPECIES OR TO THE ECOSYSTEM IN GENERAL. CHEMICAL CONTROL MAY BE DIFFICULT, EXPENSIVE, AND CREATE CONCERNS ABOUT ENVIRONMENTAL HEALTH.

MECHANICAL CONTROL TECHNIQUES INCLUDE MOWING, HOEDING, TILLING, GRADING, CHOPPING, AND CONSTRUCTING BARRIERS USING TOOLS OR MACHINES TO "HARVEST" INVASIVE PLANTS AND ANIMALS. MECHANICAL CONTROL CAN BE USED TO REMOVE PLANTS AND ALLOWING THEM TO DECOMPOSE IN PLACE. MECHANICAL TREATMENTS COMPLIMENT HERBICIDE (CHEMICAL) CONTROL AND SOMETIMES INCREASE EFFICIENCY.

THE EXTENT OF DEVELOPMENT SHOWN ON THIS PLAN MAY BE EFFECTED BY ANALYSES OF THE PRESENCE OF WETLAND AREAS AND PROTECTED MIDDLE HABITAT. THIS LEVEL OF ANALYSIS IS REQUIRED BY FEDERAL, STATE AND/OR LOCAL DEVELOPMENT REGULATIONS, AND HAS NOT BEEN PERFORMED BY LANDESCO, PLLC. WE THEREFORE TAKE NO RESPONSIBILITY FOR THE DEPICTION OF THIS LEVEL OF INFORMATION.

1. PLANT MATERIAL USED SHALL MEET THE STANDARDS OF FLORIDA #1 OR BETTER AS SET OUT IN THE GRADES AND STANDARDS FOR NURSERY PLANTS, PARTS I AND II, DEPARTMENT OF AGRICULTURE, STATE OF FLORIDA (AS AMENDED).

2. ROOT BALL SIZE ON ALL TRANSPLANTED MATERIALS MUST MEET STATE STANDARDS.
3. 50% OF THE REQUIRED TREES AND BUX OF THE SHRUBS SHALL BE NATIVE VARIETIES.
4. TREES ADJACENT TO WALKWAYS, BIKE PATHS AND RIGHT-OF-WAYS MUST BE PLANTED WITH EIGHT FEET (8') OF CLEARANCE. REQUIRED HEDGES MUST BE A MINIMUM THICKNESS OF TWO INCHES AND CONTAIN A CONTINUOUS UNBROKEN SCREEN WITHIN A MINIMUM OF ONE YEAR AFTER TIME OF PLANTING.
5. A TWO INCH DEEP MINIMUM (AFTER WATERING BY) LAYER OF ORGANIC MULCH MUST BE PLACED AND MAINTAINED AROUND ALL NEWLY INSTALLED TREES, SHRUBS AND GROUND COVER PLANTINGS. EACH TREE, SHRUB, OR PALM MUST HAVE A RING OF MULCH NO LESS THAN 24" BEYOND ITS TRUNK AT ALL DIRECTIONS.
6. ALL REQUIRED LANDSCAPING SHALL BE MAINTAINED IN TEMPORARY IN A HEALTHY AND VISIBLY CONSIDERABLE MANNER UNTIL PERMANENT PERENNIAL BARRICADES SHALL BE REMOVED WITHIN 12 MONTHS AFTER INSTALLATION.
7. NO REQUIRED TREES OR SHRUBS SHALL BE PLANTED IN THE BOTTOM OF SWALES OR EASEMENTS.
8. ALL COLD REQUIRED TREES THAT BE A MINIMUM OF 10 FEET IN HEIGHT, HAVE A 2-INCH CALIPER (AT 12 INCHES ABOVE THE GROUND), PALMS MUST HAVE A MINIMUM SIZE OF 16 FEET OVERALL, UNLESS LOCATED WITHIN 10 FEET OF A WALKWAY, IN WHICH CASE THEY SHALL HAVE A MINIMUM OF TEN FEET OF CLEAR TRUNK/HOOD AT PLANTING.
9. SHRUBS SHALL BE A MINIMUM OF 24 INCHES IN HEIGHT ABOVE THE ON-SITE ADJACENT PAVEMENT SURFACE TO BE BUFFERED AND/OR SCREENED, WHEN MEASURED AT THE TIME OF PLANTING. ALL SHRUBS MUST BE A MINIMUM OF 7-GALLON CONTAINER SIZE AT TIME OF PLANTING AND 38 INCHES IN HEIGHT WITHIN 12 MONTHS OF PLANTING, AND MAINTAINED AT A HEIGHT NO LESS THAN 38 INCHES ABOVE THE ADJACENT PAVEMENT REQUIRED TO BE BUFFERED AND/OR SCREENED, EXCEPT FOR INTERSECTING INTERSECTIONS.
10. REQUIRED HEDGES MUST BE PLANTED IN DOUBLE-STAGGERED ROWS AND MAINTAINED SO AS TO FORM A CONTINUOUS, UNBROKEN, SOLID VISUAL SCREEN WITHIN A MINIMUM OF 12 MONTHS AFTER TIME OF PLANTING.
11. CANOPY TREES SHALL NOT BE PLANTED WITHIN SEVEN FEET OF ANY ROADWAY, SIDEWALK, OR PUBLIC UTILITY UNLESS AN ACCEPTABLE ROOT BARRIER MATERIAL IS INSTALLED BETWEEN THE TREE AND THE ROADWAY, SIDEWALK, OR PUBLIC UTILITY. ACCEPTABLE ROOT BARRIER MATERIAL SHALL CONSIST OF ONE OF THE FOLLOWING: A MANUFACTURED ROOT BARRIER MATERIAL, INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS; A POLYETHYLENE SYSTEM OF 16 INCHES, OR A CONTINUOUS SHEET OF ALUMINUM WITH A MINIMUM DEPTH OF 16 INCHES AND A MINIMUM THICKNESS OF .0024 INCHES, WHERE A ROOT BARRIER IS REQUIRED. IT SHALL BE INSTALLED FOR A MINIMUM DISTANCE OF 20 LINEAL FEET.
12. IRRIGATION CONTROLLED. THE IRRIGATION SYSTEM SHALL BE OPERATED BY AN AUTOMATIC IRRIGATION CONTROLLER. ALL IRRIGATION SYSTEMS SHALL BE DESIGNED TO PROVIDE SUFFICIENT WATER TO BE ADEQUATELY SLEEVED FOR IRRIGATION. A HOSTILE (RAN) SENSOR SHALL BE INCLUDED IN THE IRRIGATION SYSTEM AND LOCATED ON THE SITE SO THAT IT WILL DETECT ANY TYPE OF INFILTRATION OR LEAKAGE. THE IRRIGATION SYSTEM SHALL BE DESIGNED IN A WAY THAT ELIMINATES THE APPLICATION OF WATER TO IMPAVED AREAS, INCLUDING ROADS, DRIVEWAYS, AND OTHER VEHICULAR USE AREAS. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO AVOID IMPACT ON EXISTING NATIVE VEGETATION THAT WILL BE RETAINED ON THE DEVELOPMENT SITE. IRRIGATION REQUIREMENTS SHALL PROTECT AND MAINTAIN EXISTING NATIVE PLANTS AND HERD OR LOG COVERAGE WITH SPRAY HEADS OR OTHER APPROVED DEVICE.

PROHIBITED INVASIVE EXOTICS	
Common Name	Scientific Name
Eastern Starling	<i>Acrida teroidiformis</i>
Worming Tongue	<i>Amorpha fruticosa</i>
Blackberry	<i>Rubus fruticosus</i>
Australian Pine	<i>Pinus caroliniana</i>
Carrotwood	<i>Cupressus nuxioides</i>
Reynolds	<i>Quercus laevis</i>
Artichoke	<i>Cynara alba</i>
Ulmus rubra	<i>Eucalyptus camaldulensis</i>
Yucca	<i>Ficus benjamina</i>
Oakleaf	<i>Ficus microcarpa</i>
Japanese Climbing Fern	<i>Lycopodium japonicum</i>
Old World Climbing Fern	<i>Lycopodium obscurum</i>
Yellowish	<i>Stellaria media</i>
Doan's	<i>Prunella vulgaris</i>
Chinese Elm	<i>Ulmus parviflorus</i>
Brazilian Pepper, Flamingo	<i>Schinus molle</i>
Trinidad	<i>Scirpus americanus</i>
Japanese	<i>Scirpus americanus</i>
Rose Apple	<i>Scirpus americanus</i>
Cork Tree	<i>Trapa bispinosa</i>
Wedge	<i>Wedge bispinosa</i>

E Seal: 

Hodgepodge Lane & Spanish
Gold Lane
Captiva, FL 33924

Avalon Engineering, Inc.
 2503 Del Prado Blvd. #200
 Cape Coral, FL 33904
 FIDPE#3128 (239) 573-2077



1" = 10'

LANDSCAPE DETAILS

CHECKED BY:	DKK
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REVISION DATE:

Sheet: 2 of 2

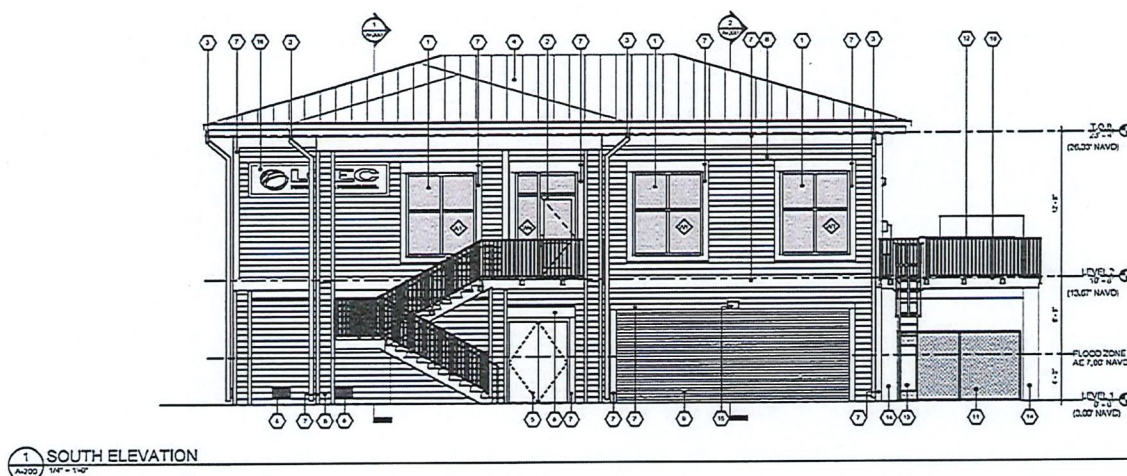
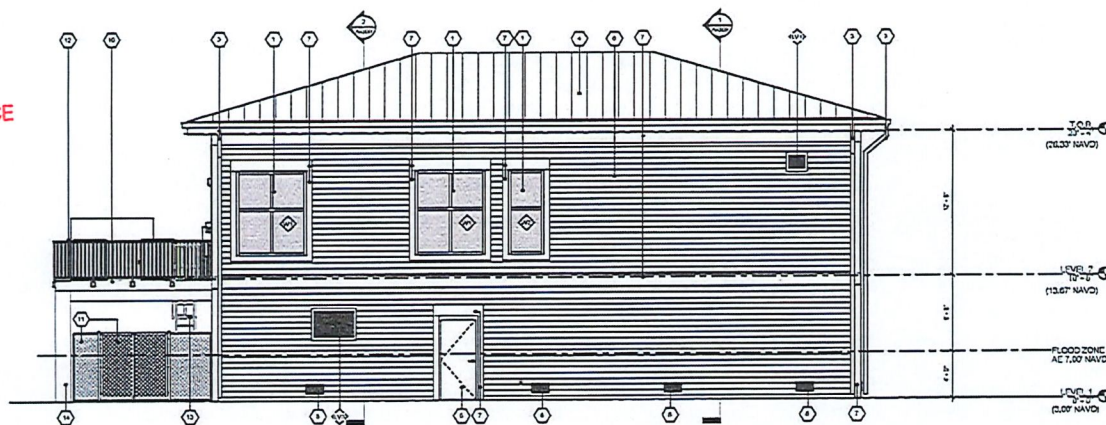
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BY: HEARING EXAMINER'S OFFICE

EXHIBIT B2



INTERIOR ELEVATION NOTES:

- 1. ALUMINUM STAIR FRONT SYSTEM, REFER TO ARCH.
- 2. ALUMINUM STAIRPORT DOOR, REFER TO ARCH.
- 3. ALUMINUM DOOR WITH GLASS WITH DOWN-COMING, COLOR TO MATCH TRIM.
- 4. ALUMINUM GUARDRAIL SYSTEM, REFER TO ARCH.
- 5. HOLLOW METAL DOOR, REFER TO ARCH.
- 6. PLANK LIP FLOOR, P.O.
- 7. TRIM, TRIM, TRIM, TRIM
- 8. PROMOTED HELL OPENINGS
- 9. DOWNCAST METAL, REFER TO ARCH.
- 10. ELEVATED MECHANICAL, P.O.
- 11. PERIMETER CHANNEL, REFER TO ARCH.
- 12. METAL RAILING, REFER TO SPECIFICATION SHEETS
- 13. METAL VERTICAL CHANNEL, REFER TO ARCH. SECURITY LOCKDOWN SYSTEM, AND GUARDRAIL
- 14. ELEVATED METAL STRUCTURAL COLUMNS TO BE PLASTERED TO MATCH EX. CORNERS
- 15. WALLPAPER, REFER TO ELECTRICAL DRAWINGS
- 16. SEE DOCS

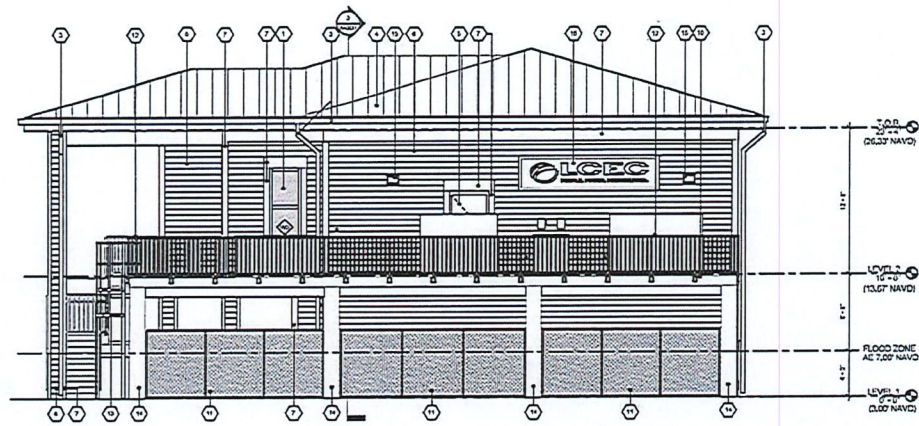
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CAPTIVA, FL 33924
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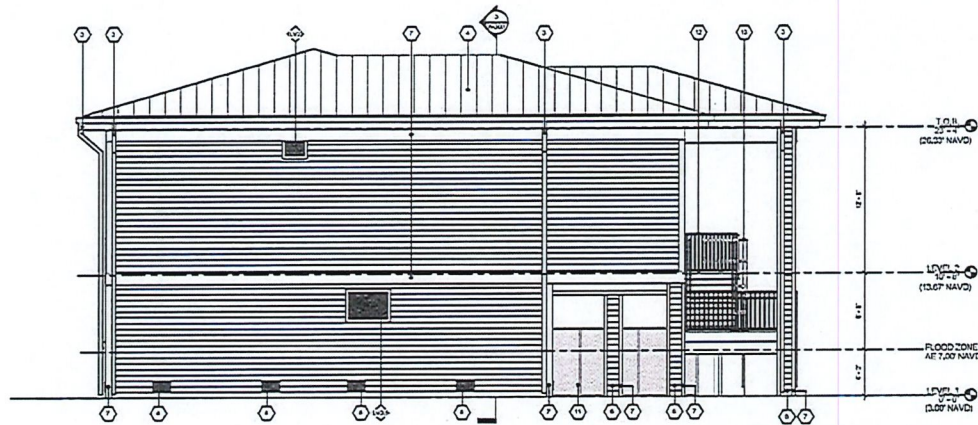
EXTERIOR
ELEVATIONS

A-200

A-200



2 EAST ELEVATION
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1 WEST ELEVATION
A-201 1/4" = 1'-0"

EXTERIOR ELEVATION NOTES: (4)
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HARVARD • JOLLY | **PBK**
 10000 E. 10th Ave., Suite 100, Fort Lauderdale, FL 33322 | 954.571.1000 | www.harvardjolly.com

UPPER CAPTIVA
 LOEC SERVICE CENTER
 HODGEPODGE LN. & SPANISH GOLD LN.
 CAPTIVA, FL 33924
 CONSTRUCTION DOCUMENTS 100%

Client: 2024/02/22
 Date: 02/14/2024
 Drawn by: DC
 Checked by: TM

Revisions		
No.	Date	Description

THOMAS & HARTY, LLC ARCHITECTS
 200 S. W. 10th Ave., Suite 100
 MIAMI, FL 33135
 EXTERIOR ELEVATIONS

A-201

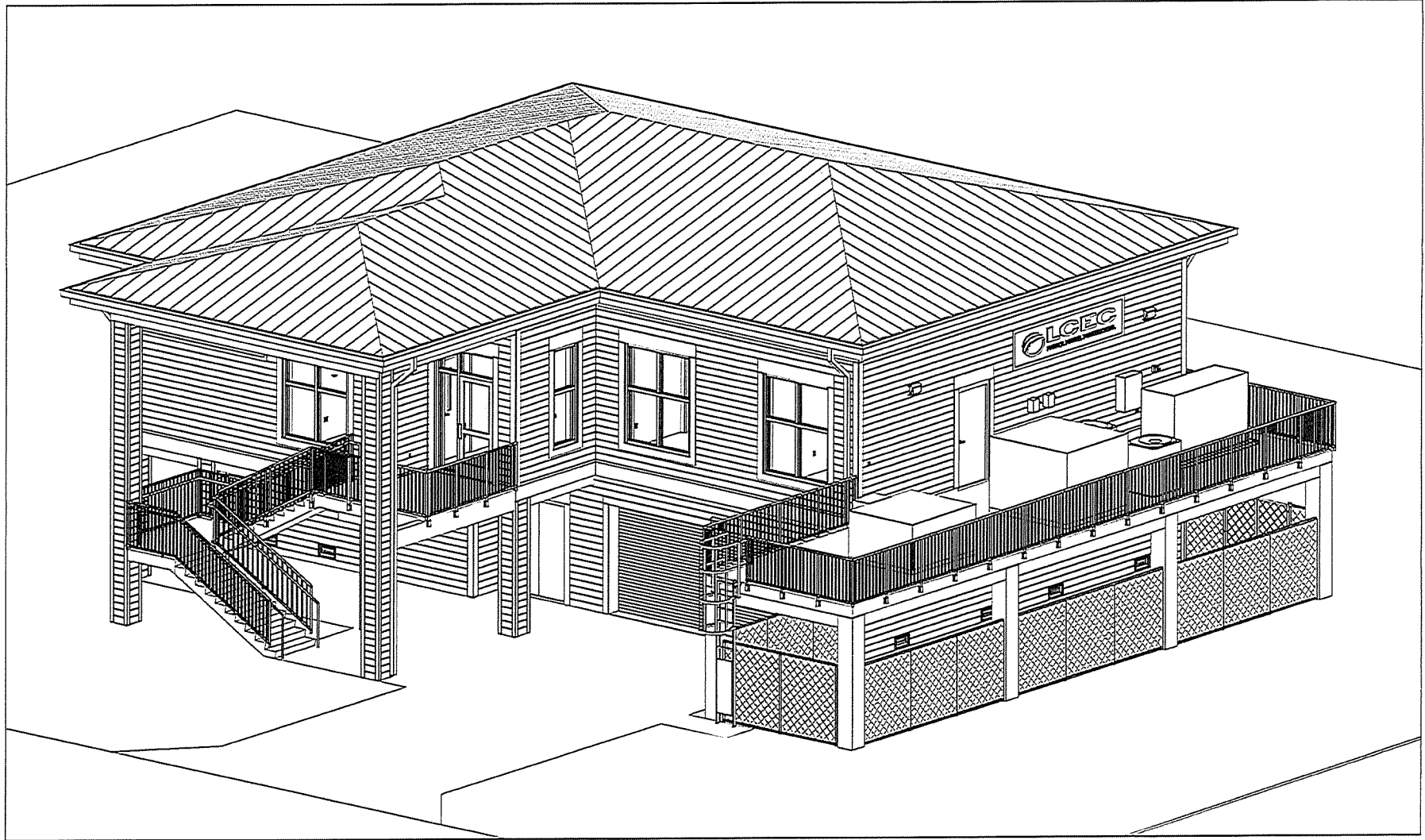


Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments: Prepared by Chahram Badamtchian, Senior Planner, date received June 11, 2025 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. Affidavit of Publication: For Zoning Case DCI2024-00040 North Captiva LCEC Essential Service Facility (1 page – 8.5"x11")

APPLICANT EXHIBITS

1. 48-Hour Notice: Email from Richard Akin, Esq., to Hearing Examiner, with copies to Linda Miller, Chahram Badamtchian, Anthony Rodriguez, and Joseph Adams, Esq., dated Monday, June 23, 2025, 5:18 PM (2 pages – 8.5"x11" and 2 pages - 11"x17")
2. Revised 48-Hour Notice: Email from Richard Akin, Esq., to Hearing Examiner, with copies to Linda Miller, Chahram Badamtchian, Anthony Rodriguez, and Joseph Adams, Esq., dated Monday, June 23, 2025, 5:18 PM (2 pages – 8.5"x11" and 2 pages - 11"x17")
3. PowerPoint Presentation: Prepared for LCEC Essential Service Facility, DCI2024-00040, by Henderson, Franklin, Starnes, and Holt PA, Avalon Engineering, Inc., Owen Environmental Consulting, and TR Transportation Consultants, Inc., dated June 26, 2025 (multiple pages – 8.5"x11")[color]
4. Master Concept Plan: Prepared by Ladesco, in conjunction with Avalon Engineering, Inc., dated June 23, 2025 (2 pages – 11"x17" and 2 pages – 24"x36")
5. PowerPoint Presentation (Rebuttal): Prepared for LCEC Essential Service Facility, DCI2024-00040 (multiple pages – 8.5"x11")[color]
6. Written Submission: Email from Linda Miller with Avalon Engineering to Maria Perez, with copies to Chahram Badamtchian, Richard B. Akin, Esq., Friday, August 8, 2025, 9:31 A (multiple pages – 8.5"x11")

OTHER EXHIBITS

Lacey Farley

1. Photograph: (1 page – 8.5"x11")[color]

2. Photograph: (1 page – 8.5"x11")[color]
3. Property Listed for Sale: List in the Multiple Listing Service (1 page – 8.5"x11")
4. Community Meeting Notice: (1 page – 8.5"x11")
5. Letters from Residents: (multiple pages – 8.5"x11")

Daryl Max Forgey

1. PowerPoint Presentation and Letter: (multiple pages – 8.5"x11")[color]

Taylor West

1. Photograph: (1 page – 8.5"x11")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Chahram Badamtchian

Applicant Representatives:

1. Richard Akin, Esq.
2. Ray Boss
3. Linda Miller
4. Paul Owen
5. Brendan Sloan

Public Participants:

1. Lacey Farley
2. Scott Farley
3. Jonathan Flyte
4. Daryl Max Forgey
5. Richard Gross
6. Alex Murphy
7. Mark Muller
8. Duncan Rosen
9. Kasey Stilson
10. Taylor West
11. David Wilcox
12. Desiree Wilson

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.
- C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.