



October 08, 2025

VIA EMAIL (HEX@LEEEOV.COM)

The Honorable Ms. Rivera
Hearing Examiner
Office of the Lee County Hearing Examiner
1500 Monroe Street
Fort Myers, Florida 33902-0298

**RE: 48-HOUR LETTER – Hearing Examiner Hearing Date: October 10, 2025
SEZ2025-00001 (East Fork Creek Farm)**

Madam Hearing Examiner:

On behalf of the Applicant for SEZ2025-00001, I am pleased to submit the information required in the 48-Hour Notice and Exhibit List. The list of applicant witnesses who we expect to be present and/or testify is unchanged from the initial 48-hour letter sent August 18, 2025

Exhibits include:

- 1) PowerPoint Presentation (to be provided at the hearing)

After reviewing the Staff Report and attachments, the Applicant is in agreement with Staff's recommendation of approval with the exception of changes to Condition 4, as revised by Staff in their staff report distributed September 30, 2025. The Applicant is requesting the previous version of Condition 4, published in the August 21, 2025, staff report be maintained per below:

- 1) Condition 4: Development Order / Permitting Requirements

~~a. Prior to sign-off of State alcoholic beverage licensing documents by Lee County, the applicant must amend or pursue a minor change to LDO2024-00187 (See Attachment "M") to demonstrate compliance with the following conditions:~~

- ~~1. A calculation of the total amount of impervious surfaces.~~
- ~~2. A 5-foot wide enhanced Type A buffer to include a 6-foot tall opaque wall landscaped on the exterior side of the wall with 4 trees planted per 100 linear feet must be depicted along the western property boundary abutting the COP area and along the northern property line abutting Hendry Creek Drive.~~

~~b. Fence permit (FNC2024-03232) must be revised to relocate the 6-foot wall off of the western and northern property lines to allow for the planting of the required Type A buffer trees along the western boundary abutting the COP area and northern property line along Hendry Creek Drive.~~

~~○ STAFF NOTE: The site plan will need to be revised as it does not depict the aforementioned buffer along Hendry Creek Drive.~~

a. Indigenous Open Space

- 1. Prior to the issuance of a development order, the development order plans must depict the total amount of impervious surfaces.*

b. Buffers

1. ~~Prior to the issuance of a development order, the development order plans must depict along the eastern boundary, a Type A buffer, five feet wide, with a 6-foot high opaque wall, landscaped on the exterior side of the wall with 4 trees planted per 100 linear feet.~~
2. The portion of the western property line abutting the COP area shown on the special exception site plan must include a 5-foot-wide Type A buffer with 6-foot-tall opaque wall.
3. The northern buffer along Hendry Creek Drive must include a 6-foot-tall opaque wall.
 - o STAFF NOTE: The site plan will need to be revised as it does not depict the aforementioned buffers.

APPLICANT DISCUSSION: In terms of housekeeping, Staff agreed during the initial hearing to strike the Condition 4.b.1 relating to the Type A buffer on the eastern property line.

The Applicant respectfully submits the original request for Consumption on Premises (COP) via the 13CT (caterer's license) allows for the same intensity of use as proposed via the expanded request for 2COP and 4COP. Both 13CT and 4COP allow for service of beer, wine and liquor. Both require 51% of sales from food. The only change is the property owner holds the license versus a caterer, which does not impact intensity of the use.

As shown on the Conceptual Site Plan dated April 14, 2025, the western boundary includes a 6-foot wall with Type A buffer plantings on the external side of the wall, and the northern boundary includes a 6-foot wall and no plantings. This 6-foot wall has been constructed along both property lines and the Type A plantings have been installed on the exterior of the western walls since the last hearing.

The Applicant disagrees the proposed addition of 2COP and 4COP necessitates the additional permitting, buffering and costly relocation of an existing wall to achieve compatibility with the neighborhood.

2) Condition 5: Hours of Operation

~~Events are limited to Sunday through Thursday 12 p.m. to 9 p.m. and Friday through Saturday 12 p.m. to 10 p.m. Events are limited to Monday through Saturday from 12 p.m. to 10 p.m. and Sunday – 12p.m. to 9 p.m.~~

APPLICANT DISCUSSION: The Applicant is in agreement with the initial hours proposed in the August 21, 2025, staff's recommended conditions (*Monday through Saturday from 12 p.m. to 10 p.m. and Sunday – 12 p.m. to 9 p.m.*). As noted above, that the initial request for a COP through a 13CT license would include the consumption of beer, wine, and liquor. The latest proposal to allow for consumption on premise, subject to 13CT, 2COP, or 4COP, does not differ from the original request. Further, the subject property is to comply with Lee County Noise Ordinance as outlined in Article VI, Sec. 19-150 of the Land Development Code. The COP areas and amplified music/entertainment are strictly limited via the Staff conditions.

The Applicant respectfully requests that the Hearing Examiner consider the initial proposed hours of operations to include Monday-Saturday 12 p.m. – 10 p.m. and Sunday 12 p.m. – 9 p.m., as the proposed modifications since the original hearing have no impact on the intensity of the COP use.

Thank you for your consideration of the above information. We look forward to presenting the case at the hearing.

Sincerely,

RVi Planning + Landscape Architecture

A handwritten signature in blue ink, appearing to read "Patrick Murray", with a stylized flourish at the end.

Patrick Murray, AICP
Project Manager