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

DATE: April 10, 2026

TO: Board of County Commissioners **FROM: Donna Marie Collins**
Lee County Chief Hearing Examiner

RE: BETSY PARKWAY MPD
Hearing Examiner Recommendation

Chief Hearing Examiner Donna Marie Collins has rendered a Recommendation on the following zoning request:

BETSY PARKWAY MPD

DCI2025-00003

HEARD: MARCH 25, 2026

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
Elizabeth Workman / 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

BETSY PARKWAY MPD

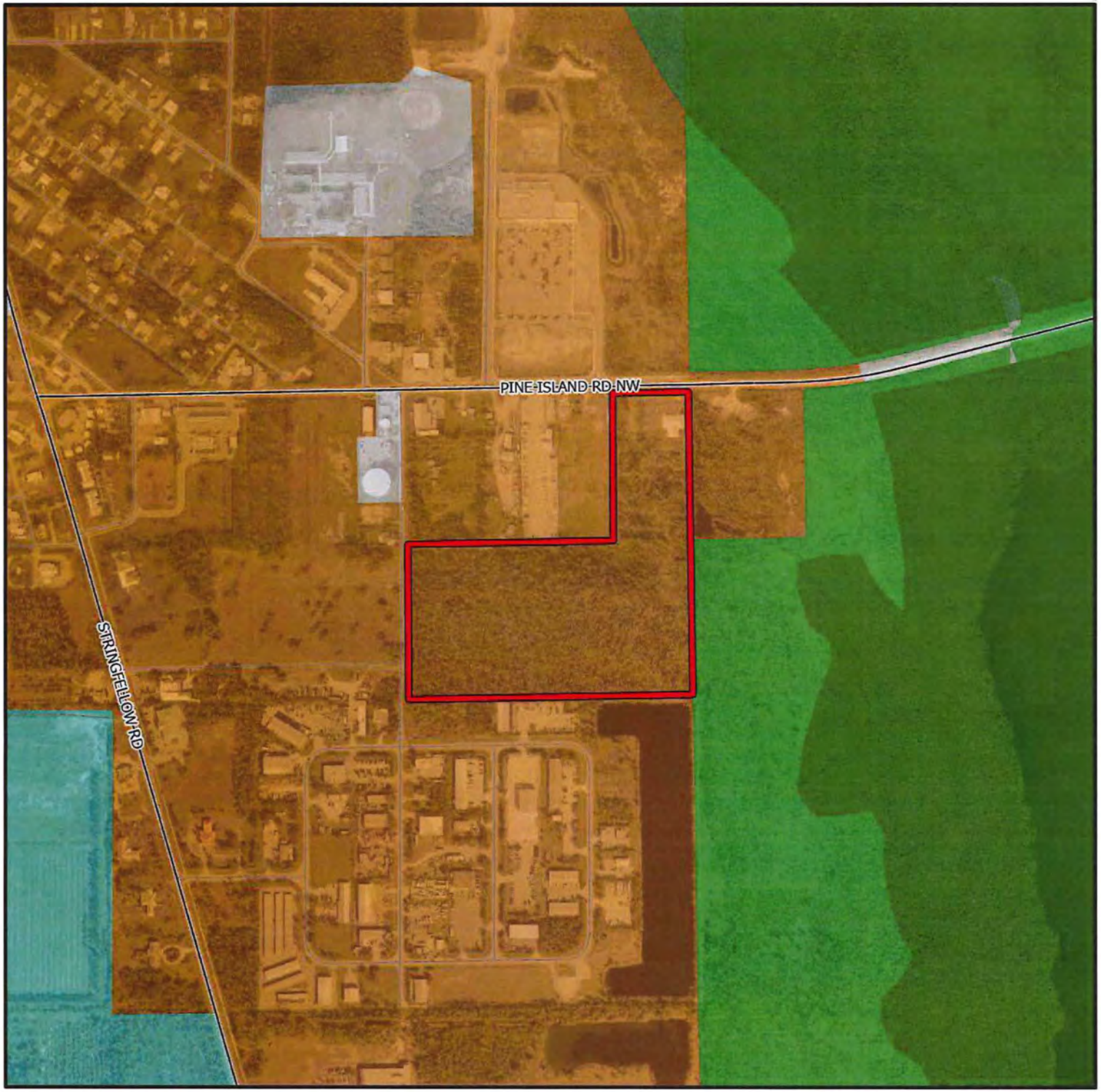
The request proposes a mixed-use project comprised of commercial and industrial land uses on property east of Pine Island Center.

Pine Island Road is lined with commercial land uses from Little Pine Island to Stringfellow Boulevard. Industrial land uses lie to the south and share a boundary with industrial uses proposed along Betsy Parkway.

The MPD unifies the zoning designation of the nearly 24-acre property under a single zoning district in accordance with the Master Concept Plan. Principal uses include commercial and a limited selection of light industrial. The requested uses are appropriate in proximity to Pine Island Center and contribute to compact growth patterns on the island.

Conditions of approval protect wetlands associated with Pine Island Creek. Pine Island Creek separates Pine Island from Little Pine Island and the Matlacha Pass Aquatic Preserve.

Detailed recommendation follows



DCI2025-00003

Future Land Use

- Subject Property
- Urban Community
- Public Facilities
- Coastal Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

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Southwest Florida



DCI2025-00003

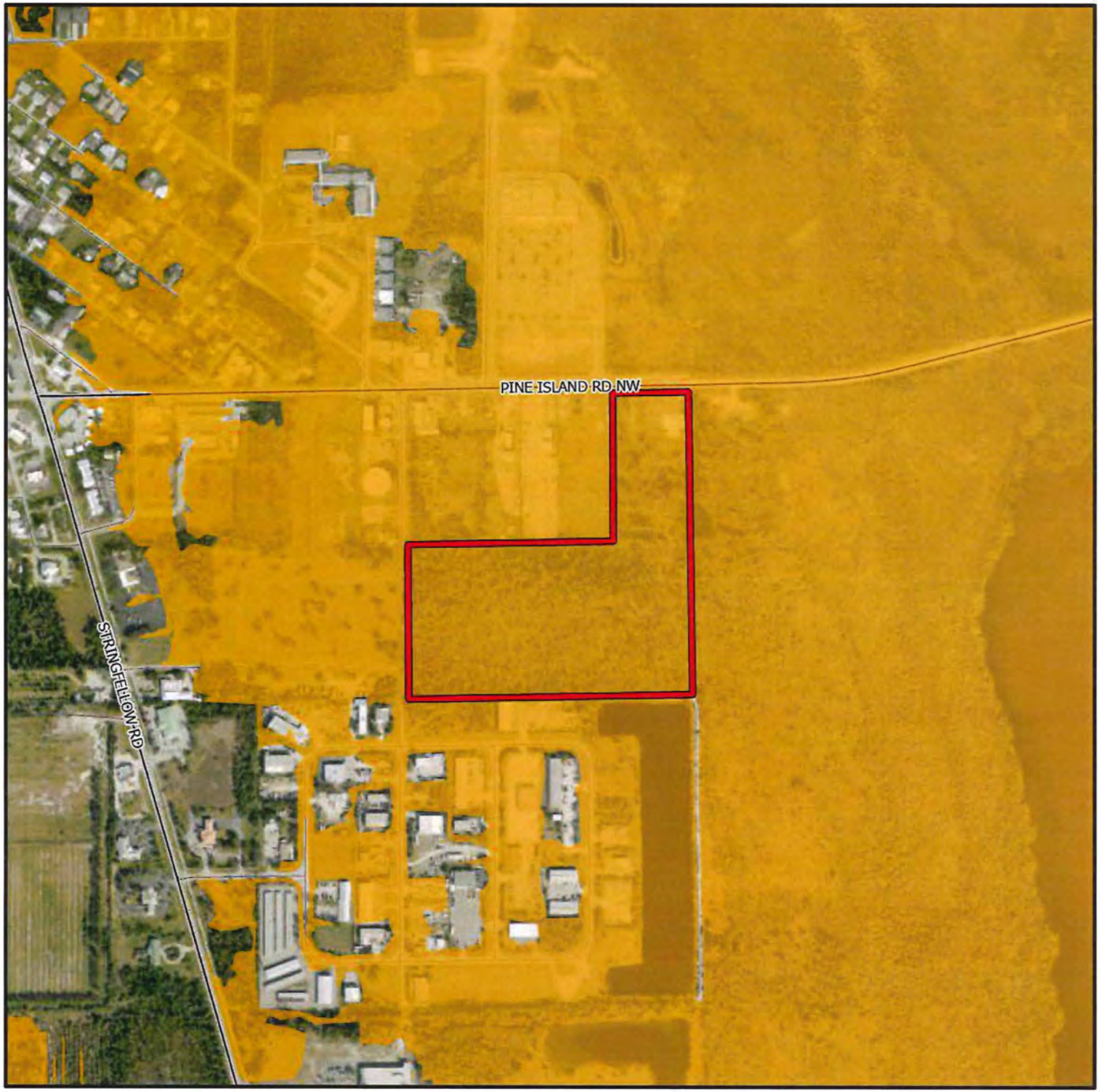
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DCI2025-00003

Coastal High Hazard Area

Subject Property

Coastal High Hazard Area

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Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2025-00003

Regarding: **BETSY PARKWAY MPD**

Location: 5041 Pine Island Road and 10300 Betsy Parkway
Pine Island Planning Community
(District 1)

Hearing Date: **March 25, 2026**

I. Request

Rezone 23.96 acres from Agricultural (AG-2) and Commercial (C-1A) to Mixed Use Planned Development (MPD) to allow up to 40,000 square feet of commercial uses and 250,000 square feet of industrial uses. The maximum proposed height is 33 feet above flood elevation.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, 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 23.96 acres on Pine Island to the Mixed Use Planned Development District. Staff recommended approval with conditions.

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

Discussion supporting the Hearing Examiner's recommendation of approval, with conditions below.

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[1] LDC §34-145(d)(4)a.

Planning and Zoning History

The 23.96-acres consists of two parcels, one of which fronts Pine Island Road. The other parcel abuts Betsy Parkway. The parcel fronting Pine Island Road is zoned Commercial (C-1A) and was initially developed with a bank in the early 1990s. The building presently operates as a medical office.

The parcel with Betsy Parkway frontage is vacant.[2]

Character of Area

The property is on the eastern edge of Pine Island, the largest island on Florida's west coast.

The site does not fall within one of the distinct communities on the island, but it is just east of Pine Island Center. A large portion of the east property line adjoins wetlands associated with Pine Island Creek. Pine Island Creek separates Pine Island from Little Pine Island and the Matlacha Pass Aquatic Preserve.[3]

Development along Pine Island Road in the vicinity of the project features freestanding commercial buildings and a shopping center. South of the project is an industrial subdivision.

The property is part of the Greater Pine Island Planning Community, where environmental stewardship is a high priority.[4] The County seeks to conserve native vegetation and wildlife resources on Pine Island.[5] The Pine Island is subject to a community plan to manage growth and maintain the island's unique natural resources.[6]

Lee Plan

Planned developments must be consistent with the Lee Plan.[7]

The property is classified as Urban Community on the Lee Plan Future Land Use Map.[8] Properties in the Urban Community are developed with a mix of intense

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[2] Permitting history of the parcel includes two permits issued in 2022: Vegetation Removal Permit for geotechnical borings and a Well Permit.
[3] Little Pine Island is a State-owned mitigation bank and part of the Charlotte Harbor Preserve State Park.
[4] Lee Plan Maps 1-B, 2-A.
[5] Lee Plan Objective 24.1 and Policy 24.1.6.
[6] Lee Plan Goal 24: Seeks to manage growth in a manner that maintains the island's unique natural resources, rural character, and coastal environment; support viable and productive agriculture and local business; and to protect public health, safety and welfare of island residents and visitors when a hurricane strike is imminent.
[7] LDC §34-411(a).
[8] Lee Plan Policies 1.1.4; Lee Plan Map 1-A.

commercial, residential, and limited light industrial land uses. The Plan favors mixed use projects in the Urban Community.[9]

Approximately 4.9 acres of the property is zoned C-1A. The purpose of the C-1A district is to permit commercial and select residential land uses. The majority of the site is zoned for agriculture. Agricultural pursuits are not consistent with the County's vision for development in the Urban Community.[10]

The proposed MPD includes commercial and industrial uses appropriate in the Urban Community.[11] Mixed Use Planned Developments must be designed to arrange uses in an integrated, cohesive unit in order to promote compatibility.[12] The Master Concept Plan (MCP) largely confines development to uplands; developer will mitigate impacts to a limited amount of wetlands in accordance with state permitting guidelines.[13]

The MCP places commercial uses within the north parcel with direct access to Pine Island Road. The southern two-thirds of the site with access to Betsy Parkway will host covered storage, open storage, and industrial buildings with optional service areas. An internal access road connects the commercial tract with the industrial tract.[14] Access to industrial uses will be gated for security.

Compatibility

Rezoning requests must be compatible with existing or planned uses in the area.[15] Project intensity is determined after considering the Lee Plan, availability of public infrastructure/services and nature of surrounding development.[16]

Pine Island Road forms the north boundary of the site. The MCP depicts a typical right-of-way buffer along the project's Pine Island Road frontage. A subdivision of light industrial uses abuts the property on the south. Uses in the subdivision include

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[9] Lee Plan Objective 11.1, Policies 1.1.4, 11.1.1.
[10] Lee Plan Goal 9, Objective 9.2, Policy 1.1.4.
[11] Staff Report Attachment C: Conditions and Deviations. The LDC requires mixed use planned development to exceed at least two thresholds set out in LDC §34-940. The project will include greater than 30,000 square feet of commercial land uses and more than 30,000 square feet of industrial use on the nearly 24-acre site. Staff recommended limitations on proposed uses to minimize impacts to estuarine ecosystems. Lee Plan Objective 24.1, Policy 24.1.8.
[12] Lee Plan Policies 6.1.3, 7.1.2, 11.1.1.
[13] Lee Plan Objective 124.1, Policies 101.1.1, 101.1.2, 101.3.2.
[14] Lee Plan Policy 11.1.1.
[15] LDC §34-145(d)(4)(a).
[16] LDC §34-413; Lee Plan Policies 6.1.1, 6.1.4, 6.1.5, 6.1.7, 7.1.1, 7.1.3, 7.1.4, 7.1.7, The property has access to a range of public services and infrastructure including public water and sanitary sewer, paved roads, police, fire and emergency medical services. Lee Plan Goals 6, 7, Objectives 2.1, 2.2, Policies 1.1.4, 2.2.1, 2.2.2, 24.1.9, 39.1.3, LDC §34-411(i) and (j). Potable water service will be provided by the Greater Pine Island Water Association, Inc. Sanitary sewer service is available from Lee County Utilities. The property is in proximity to Stringfellow Boulevard and Pine Island Road making it a suitable location for commercial and industrial uses.

contractors, builders, open and enclosed storage, salvage yards, restaurants, and a church.

A five-foot buffer separates the commercial tract from adjacent commercially zoned properties to the east.[17] This buffer will be comprised of four trees per 100 linear feet.[18] There is an indigenous preserve along the southeast property line serving as a buffer between developed areas and the abutting aquatic preserve. A stormwater detention pond together with vegetative buffers separates proposed industrial uses from the aquatic preserve.

The MCP employs enhanced buffers to screen industrial uses from residences to northwest.[19] The 25-foot-wide buffer includes an eight-foot-high wall, measured from finished grade of the project site. Trees and shrubs will be planted on the residential side of the wall comprised of 5 trees and 30 shrubs planted within each 100 linear feet.[20]

The proposed buffering plan confirms the MPD is compatible with surrounding uses.[21]

Economic Element

The Economic Element encourages expansion of the County's economic base.[22] Land development creates jobs, increases property values, generates tax revenue, and fuels economic growth.

The proposed commercial and industrial uses create additional employment opportunities for the region and contribute to a positive business climate.[23]

Coastal High Hazard Area

The property is in the Coastal High Hazard Area.[24] Development within Coastal High Hazard Areas must be compatible with natural systems and defend against coastal flooding.[25]

Development in coastal areas is subject to policies in the Lee Plan Conservation and Coastal Management Element.[26] The project will be subject to County land

[17] Lee Plan Policies 6.1.4, 6.1.6.
[18] LDC §10-416.
[19] Lee Plan Policies 7.1.1, 7.1.7.
[20] LDC §10-416.
[21] Lee Plan Policies 6.1.4, 6.1.6, 6.1.7, 7.1.6, 7.1.7.
[22] Lee Plan Goals 158, 159, Objective 158.2, Policy 158.2.1: *cf.* Lee Plan Policies 7.1.1, 7.1.8.
[23] Lee Plan Goals 158, 159, Objectives 158.2, 158.3; *see also*, Lee Plan Table 1(b) and Policies 7.1.1, 7.1.8, 24.4.1,158.2.1.
[24] Lee Plan Map 5-A.
[25] Lee Plan Goal 101, Objectives 101.1, 101.3, Policies 101.1.1, 101.1.2, 101.3.2.
[26] Lee Plan Objective 2.6. *See* Goals 72, 101.

development regulations designed to reduce vulnerability from hurricanes and flooding.[27]

LDC

The request seeks to rezone property to the Mixed Use Planned Development district. Planned development zoning districts implement the Lee Plan while affording flexibility in project design.[28] Flexibility in site design is vital to Applicant's goal of developing commercial and industrial uses on the property.

The 23.96-acre site is subject to two zoning classifications: C-1A and AG-2. The purpose of the C-1A commercial district is to regulate commercial and select residential land uses. The purpose of agricultural zoning is to accommodate agricultural operations with ancillary residential uses.[29] Agricultural pursuits are no longer consistent with the property's designation as a Future Urban Area.[30]

The request unifies the zoning classification of the property subject to an MCP.

Principal uses include a variety of commercial office/retail and a limited selection of light industrial.[31] These uses are appropriate in proximity to Pine Island Center and will contribute to compact growth patterns on the island.[32]

Development must comply with the Greater Pine Island Community specific development regulations governing site design, buffer/landscaping, architecture, and signs.[33] The Greater Pine Island Community Plan LDC regulations require zoning applications to conduct a public hearing in the community prior to the Hearing Examiner hearing.[34] Applicant presented the request at a meeting in the community prior to the Hearing Examiner hearing.[35] Another community meeting will be held prior to development order approval.[36]

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[27] Lee Plan Goals 59, 72, Objective 72.2; LDC §2-481 *et seq.*

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

[29] LDC §34-651.

[30] Agricultural pursuits are not consistent with the County's vision for the Urban Community land use category. Lee Plan Objectives 1.1, 2.2, Policies 1.1.4, 2.1.1 (the property is in an area with public services and infrastructure); *See also*, Lee Plan Goal 9, Objective 9.2, Policy 9.2.2; planned developments within future urban areas may not establish new agricultural uses on the property.

[31] LDC §§34-612(2), 34-931(h).

[32] Lee Plan Objectives 2.1, 2.2, Policies 7.1.3, 7.1.4.

[33] Lee Plan Goal 24 and supplemental development regulations in LDC §33-1001 *et seq.* Future development permits must comply with community standards.

[34] LDC §33-1003(a).

[35] Advertised meeting held on August 5, 2025, at the First Baptist Church of Pine Island. LDC §33-1003(b). *See* Staff Report Attachment F.

[36] LDC §33-1003 (a).

Deviations

The request seeks one deviation from the LDC. A "deviation" is a departure from a land development regulation.[37] Applicants must demonstrate deviations enhance the planned development and not cause a detriment to the public.[38]

The requested deviation pertains to driveway separation on Pine Island Road.[39] Applicant offered testimony/evidence in support of the deviation based on LDC review standards.[40] Staff recommended approval finding the deviation advances the objectives of the planned development and protects public health safety and welfare.

The LDC requires the Hearing Examiner to approve, approve with modifications or deny requested deviations based upon the applicable standard of review.[41] The Hearing Examiner finds the requested deviation meets LDC approval criteria.[42]

Transportation

Requests to rezone property must provide sufficient access to support development and address impacts to transportation facilities through County regulations and conditions of approval.[43]

The MCP includes two driveways onto Pine Island Road NW and a single access to Betsy Parkway. Pine Island Road is a County-maintained arterial roadway.[44] Betsy Parkway is a County-maintained local road from Pine Island Road to the northwest corner of the site then transitions to a privately maintained local road along the property's frontage. The developer will likely be required to improve Betsy Road to the project access on that roadway as a condition of development order approval.

The Traffic Impact Statement (TIS) prepared by County staff concludes area roadways will operate within adopted levels of service at project buildout in 2027.[45] Lee County Department of Transportation agreed with this assessment.[46]

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[37] LDC §34-2.
[38] LDC §34-373(a)(9).
[39] LDC §10-285(a).
[40] LDC §§34-145(d)(4)a.2.c), 34-373(a)(9).
[41] LDC §34-145(d)(4)a.2.c).
[42] LDC §34-377(a)(4).
[43] LDC §34-145(d)(4)a.1.d) and e).
[44] Lee County Administrative Code 11-1.
[45] Staff Report Attachment R: Betsy Parkway Traffic Impact Statement (TIS) prepared by Planning Analytics, LLC dated November 6, 2025. Lee Plan Policies 6.1.5, 7.1.4.
[46] Staff Report Attachment L: Memorandum prepared by Lili Wu, Principal Planner dated February 6, 2026.

Road impact fees will address project impacts to the County transportation network.[47] Further analysis of transportation impacts will occur during development order permitting.

Environmental

Rezoning requests must not adversely affect environmentally critical/sensitive areas or natural resources.[48]

The property contains environmentally sensitive uplands and wetlands including salt marsh, pine flatwoods, and upland hardwoods. Protecting natural resources is of great importance to the County.[49] The Lee Plan achieves this goal through public land acquisition and enforcement of environmental regulations.[50]

The MCP depicts a 2.71-acre Saltwater marsh preserve and restoration area.[51] The area provides required indigenous open space and a buffer from wetlands associated with Pine Island Creek.[52] The area serves as a natural screen and offers increased water quality adjacent to conservation lands.[53]

The surface water management system includes stormwater ponds and swales designed to filter pollutants before release into the onsite wetland preserve and aquatic preserve tributaries.[54] Conditions of approval include monitoring requirements to ensure water quality is not degraded by development activity on the site.[55] Sanitary sewer service reduces potential contamination of groundwater and surrounding estuarine systems.[56] Since the stormwater management system is designed to outfall into the wetland preserve, Staff requested removal of uses with the potential to negatively impact the aquatic system.[57]

The buffer beside the Pine Island Aquatic Preserve will be a minimum of 50 feet in width.[58] The buffer composition includes ten trees every 100 linear feet and a double-staggered hedge row. The hedge row will be installed at 48 inches in height

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[47] Lee Plan Policy 38.1.1.
[48] LDC §34-145(d)(4)a.1.f).
[49] The goal is to maintain a high quality of life for residents and visitors. *See* Lee Plan Chapter I - Vision for 2045. Lee Plan Goal 4.
[50] Lee Plan Goals 4, 59, 123, Objective 24.1, Standard 4.1.4, Policies 24.1.5, 24.1.6, 151.7.2, 161.1.5.
[51] Lee Plan Objective 24.1, Policies 24.1.6, 123.1.5.
[52] Lee Plan Policies 24.1.5, 101.1.2, 123.1.1.
[53] Lee Plan Objective 123.1, Policies 7.1.1, 24.1.5, 24.1.6, 24.1.8.
[54] Staff Report Attachment M: Stormwater Management Plan LDC §34-373. Lee Plan Policies 61.3.11, 24.1.8.
[55] *See* Condition 8. Lee Plan Goal 125, Objective 125.1, Policies 125.1.1, 125.1.2, 125.1.3, 125.1.4.
[56] Lee Plan Policies 24.1.6, 24.1.8, 24.1.9.
[57] The list of permitted uses has been modified to remove uses that are not appropriate in Coastal High Hazard Areas or adjacent to environmentally sensitive lands. Lee Plan Policies 24.1.8, 101.1.1,101.1.2, 125.1.2.
[58] Lee Plan Objective 123.1, Policies 6.1.6, 7.1.6, 24.1.5.

and maintained at 60 inches in height forming a continuous visual screen within one year after installation.[59] Planted material will be native to Southwest Florida.[60]

The Hearing Examiner finds that as conditioned, the requested MPD will not harm environmentally critical/sensitive areas or natural resources.[61]

Public Services and Infrastructure

Zoning requests must demonstrate the property will be served by public services and infrastructure necessary to support development.[62] Public services include facilities, capital improvements, and infrastructure.[63] The Lee Plan requires an evaluation of public services during the zoning process.[64]

The MPD includes commercial and industrial land uses. Commercial development may only be approved when served by public services and facilities.[65] Industrial land uses must be located in areas appropriate to their special needs and constraints including access by truck, utilities, and proximity to supportive and related land uses.[66]

Public services and infrastructure are available to serve the site.[67] The property has frontage on Pine Island Road and Betsy Parkway.[68] Pine Island Road is improved with a shared use path for pedestrians and cyclists.[69] The Developer will be required to improve Betsy Road to the project access to County standards as a condition of development order permitting. The site will receive potable water service from the Greater Pine Island Water Association, Inc.[70] Lee County Utilities will provide sanitary sewer service.[71] Fire, EMS, and Law Enforcement services are all available to serve the property.[72]

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[59] *See* MCP. LDC §10-416.
[60] Lee Plan Objective 126.2, Policy 126.2.1.
[61] Development order submittals ensure buffers and landscaped areas follow Xeriscape principles. Lee Plan Objective 126.2, Policies 54.1.2, 54.1.3, 125.1.2, 126.1.2, 126.2.1. Required landscape buffers must consist of native landscape to conserve water.
[62] LDC §34-145(d)(4)a.1.g).
[63] Public services and infrastructure available to serve the project includes public water and sewer, paved streets, police, fire and emergency services, and surface water management. Lee Plan Goals 70, 95, Objective 4.1, Policies 24.1.9, 68.2.3 Standards 4.1.1, 4.1.2, 4.1.4.
[64] Lee Plan Policy 2.2.1.
[65] Lee Plan Policy 6.1.4, 6.1.5.
[66] Lee Plan Policy 7.1.1, 7.1.3.
[67] Lee Plan Goals 2, 4, 53, 56, 70, 95, Objectives 2.2, 4.1, 158.3, Policies 1.1.4, 2.2.1, 7.1.2, 7.1.4, 53.1.5, 56.1.4, 160.1.1, Standards 4.1.1, 4.1.2.
[68] Lee Plan Policies 6.1.5, 7.1.3.
[69] The Lee Plan identifies Pine Island Road as part of the Pine Island-Hendry Trail on the Greenways Master Plan. Lee Plan Map 4-E.
[70] Lee Plan Goals 4, 53, Objective 53.1, 4.1, Standard 4.1.1.
[71] Lee Plan Goals 4, 56, Objectives 4.1, 56.1, Standard 4.1.2.
[72] Fire and emergency medical services will be provided by the Matlacha Pine Island Fire Control District Station 1 on Pine Island Road. Law enforcement services will be supplied by the Lee County Sheriff from the 6th Precinct Office on Stringfellow Road.

The proposed commercial and industrial land uses are appropriate given the site's access to public services and infrastructure.[73]

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect natural resources.[74] Conditions must plausibly relate to anticipated impacts, and be pertinent to mitigating impacts to public health, safety and welfare.[75]

The requested MPD will be subject to several conditions of approval.[76] The conditions reasonably relate to the impacts anticipated from the development.[77]

The Hearing Examiner recommends revisions to Conditions to improve clarity.

Public

No Members of the public attended the hearing.

IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

A. The proposed Betsy Parkway Mixed Use Planned Development complies with the Lee Plan. Lee Plan Goals 2, 4, 6, 7, 24, 53, 56, 59, 61, 70, 72, 77, 95, 101, 158, 159, Objectives 2.1, 2.2, 4.1, 6.1, 7.1, 11.1, 24.1, 24.4, 53.1, 72.2, 158.2, 158.3, Policies 1.1.4, 1.6.1, 2.1.2, 2.2.1, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 6.1.8, 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.1.7, 7.1.8, 7.1.9, 7.1.10, 11.1.1, 24.1.5, 24.1.6, 24.1.8, 24.1.9, 24.4.1, 24.4.2, 24.7.9, 61.3.6, 101.1.1, 101.1.2, 101.3.2, 158.2.1. Standards 4.1.1, 4.1.2, 4.1.4, Table 1(b), Maps 1-A, 1-B, 2-A, 4-E, 5-A.

B. *As conditioned*, the Mixed Use Planned Development:

1. Meets the LDC and other county regulations or qualifies for deviations. LDC Chapters 2, 10, 33, 34.

2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Goal 24, Objective 24.4, Policies 2.1.2, 2.2.1, 5.1.5, 6.1.4, 6.1.6, 6.1.7, 7.1.2, 7.1.3, 7.1.6, 7.1.7, 7.1.8.

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[73] Lee Plan Objective 7.1, Policies 7.1.1, 7.1.3.
[74] LDC §§34-145(d)(4)a.2.(b), LDC 34-377(a)(3), and 34-932(b, c).
[75] LDC §34-932(c).
[76] Notable conditions require an indigenous preserve management plan, aquatic preserve buffer, and surface water quality monitoring. Lee Plan Policy 122.1.3, LDC §33-1082.
[77] LDC §34-83(b)(4)a.3.

3. Provides access sufficient to support the proposed development intensity. Expected impacts on transportation facilities will be addressed by county regulations and conditions of approval. Lee Plan Objective 39.1, Policies 2.2.1, 6.1.1, 6.1.5, 7.1.1, 7.1.2, 7.1.4, 7.1.5, 7.1.7, 24.4.1, 38.1.1, 39.1.1.

4. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 24, 61, 77, Objectives 24.1, 60.4, 77.2, 77.3, 124.1, 125.1, 126.1, 126.2, Policies 6.1.6, 7.1.6, 24.1.5, 24.1.6, 24.1.8, 24.1.9, 54.1.2, 54.1.3, 54.1.6, 54.1.11, 60.4.1, 60.4.3, 61.1.6, 61.2.4, 61.3.6, 61.3.11, 61.4.4, 101.1.1, 101.1.2, 122.1.3, 123.2.10, 125.1.2, 125.1.3, 125.1.4, 126.1.1, 126.1.4, 126.2.1, Standard 4.1.4; and

5. Will be served by urban services including paved roads, potable water, sanitary sewer, urban surface water management, police, fire, and emergency services. Lee Plan Glossary, Lee Plan Goals 2, 4, 6, 7, 70, 95, Objectives 1.1, 2.1, 2.2, 4.1, 6.1, 7.1, Policies 1.1.4, 2.1.1, 2.2.1, 2.2.2, 6.1.1, 6.1.4, 6.1.5, 6.1.7, 7.1.1, 7.1.3, 7.1.4, 7.1.5, 7.1.6, 24.1.8, 24.1.9, 39.1.3, 53.1.5, 56.1.4, 158.3, 160.1.1, Standards 4.1.1, 4.1.2 and Maps 4-A, 4-B.

C. The proposed uses are appropriate at the proposed location. Lee Plan Goals 6, 7, 24, 158, Objectives 2.1, 24.4, Policies 2.1.1, 2.1.2, 6.1.1, 6.1.4, 6.1.6, 6.1.7, 6.1.8, 7.1.1, 7.1.2, 7.1.3, 7.1.8, 24.4.1, 24.4.2, 153.2, Table 1(b).

D. Recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. In addition, recommended conditions reasonably relate to impacts expected from the proposed development. Lee Plan Policies 1.6.1, 5.1.5, 6.1.4, 7.1.2, 7.1.8, 122.1.3.

E. As conditioned, the requested deviation:

1. Enhances the planned development; and
2. Preserves and promotes the general intent of the LDC to protect the public health, safety and welfare.

Recommendation Date : April 10, 2026.

Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
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Fort Myers, FL 33902-0398

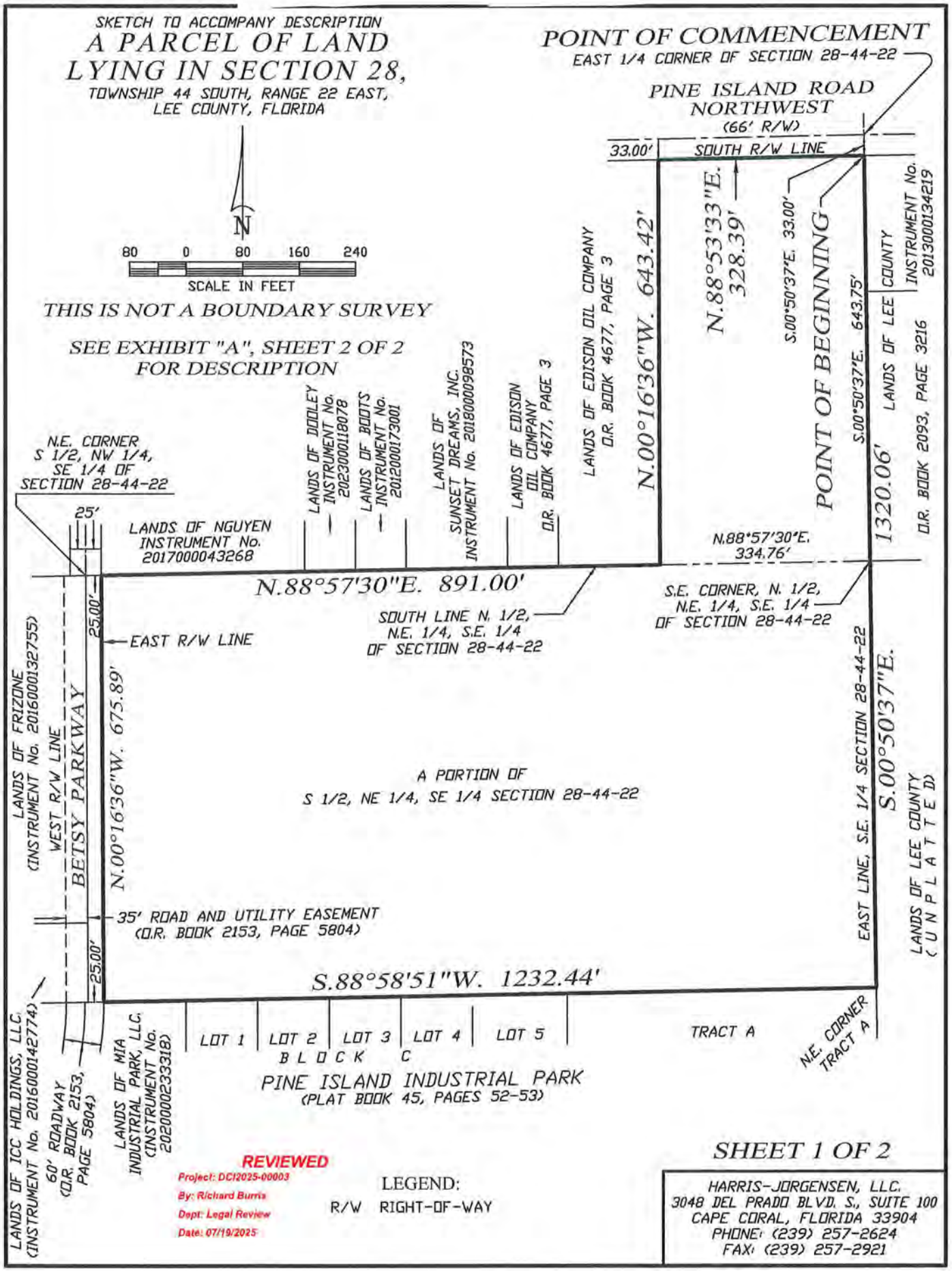
Exhibits to Hearing Examiner's Recommendation

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

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

EXHIBIT A


SKETCH TO ACCOMPANY DESCRIPTION
A PARCEL OF LAND
LYING IN SECTION 28,
TOWNSHIP 44 SOUTH, RANGE 22 EAST,
LEE COUNTY, FLORIDA
N
80 0 80 160 240
SCALE IN FEET
THIS IS NOT A BOUNDARY SURVEY
SEE EXHIBIT "A", SHEET 2 OF 2
FOR DESCRIPTION
POINT OF COMMENCEMENT
EAST 1/4 CORNER OF SECTION 28-44-22
PINE ISLAND ROAD
NORTHWEST
(66' R/W)
33.00'
SOUTH R/W LINE
N.88°53'33"E.
328.39'
S.00°50'37"E. 33.00'
POINT OF BEGINNING
S.00°50'37"E. 643.75'
LANDS OF LEE COUNTY
INSTRUMENT No.
2013000134219
O.R. BOOK 2093, PAGE 3216
1320.06'
N.00°16'36"W. 643.42'
LANDS OF EDISON OIL COMPANY
O.R. BOOK 4677, PAGE 3
N.88°57'30"E.
334.76'
S.E. CORNER, N. 1/2,
N.E. 1/4, S.E. 1/4
OF SECTION 28-44-22
N.E. CORNER
S 1/2, NW 1/4,
SE 1/4 OF
SECTION 28-44-22
25'
LANDS OF NGUYEN
INSTRUMENT No.
2017000043268
LANDS OF DOOLEY
INSTRUMENT No.
2023000118078
LANDS OF BOOTS
INSTRUMENT No.
2012000173001
LANDS OF
SUNSET DREAMS, INC.
INSTRUMENT No. 2018000098573
LANDS OF EDISON
OIL COMPANY
O.R. BOOK 4677, PAGE 3
N.88°57'30"E. 891.00'
SOUTH LINE N. 1/2,
N.E. 1/4, S.E. 1/4
OF SECTION 28-44-22
EAST R/W LINE
25.00'
LANDS OF FRIZONE
(INSTRUMENT No. 2016000132755)
WEST R/W LINE
BETSY PARKWAY
N.00°16'36"W. 675.89'
A PORTION OF
S 1/2, NE 1/4, SE 1/4 SECTION 28-44-22
35' ROAD AND UTILITY EASEMENT
(O.R. BOOK 2153, PAGE 5804)
25.00'
EAST LINE, S.E. 1/4 SECTION 28-44-22
S.00°50'37"E.
LANDS OF LEE COUNTY
(UNPLATTED)
S.88°58'51"W. 1232.44'
LANDS OF ICC HOLDINGS, LLC.
(INSTRUMENT No. 2016000142774)
60' ROADWAY
(O.R. BOOK 2153,
PAGE 5804)
LANDS OF MIA
INDUSTRIAL PARK, LLC.
(INSTRUMENT No.
2020000233318)
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
B L O C K C
TRACT A
N.E. CORNER
TRACT A
PINE ISLAND INDUSTRIAL PARK
(PLAT BOOK 45, PAGES 52-53)
REVIEWED
Project: DCI2025-00003
By: Richard Burris
Dept: Legal Review
Date: 07/19/2025
LEGEND:
R/W RIGHT-OF-WAY
SHEET 1 OF 2
HARRIS-JORGENSEN, LLC.
3048 DEL PRADO BLVD. S., SUITE 100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

Attachment G

DESCRIPTION TO ACCOMPANY SKETCH
EXHIBIT "A"

DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER (E 1/4) CORNER OF THE AFORESAID SECTION 28; THENCE RUN S.00°50'37"E. ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 28 FOR 33.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF PINE ISLAND ROAD NORTHWEST (66 FEET WIDE) AND THE POINT OF BEGINNING; THENCE CONTINUE S.00°50'37"E. ALONG SAID EAST LINE FOR 1320.06 FEET TO THE NORTHEAST CORNER OF TRACT "A", PINE ISLAND INDUSTRIAL PARK AS RECORDED IN PLAT BOOK 45, PAGES 52 AND 53, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S.88°58'51"W. ALONG THE NORTH LINE OF SAID PINE ISLAND INDUSTRIAL PARK AND THE NORTH LINE OF PROPERTY DESCRIBED IN INSTRUMENT NUMBER 2020000233318, PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 1232.44 FEET TO A POINT ON THE EAST LINE OF A 60.00 FEET WIDE ROADWAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 2153, PAGE 5804, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°16'36"W. ALONG THE EAST RIGHT-OF-WAY LINE OF BETSY PARKWAY (60 FEET WIDE) FOR 675.89 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE AFORESAID SECTION 28; THENCE RUN N.88°57'30"E. ALONG SAID SOUTH LINE FOR 891.00 FEET; THENCE RUN N.00°16'36"W. FOR 643.42 FEET TO A POINT ON THE AFORESAID SOUTH RIGHT-OF-WAY LINE OF PINE ISLAND ROAD NORTHWEST; THENCE RUN N.88°53'33"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 328.39 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1,044,343.219 SQUARE FEET OR 23.974 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH RIGHT-OF-WAY LINE OF THE AFORESAID PINE ISLAND ROAD NORTHWEST AS BEING N.88°53'33"E.

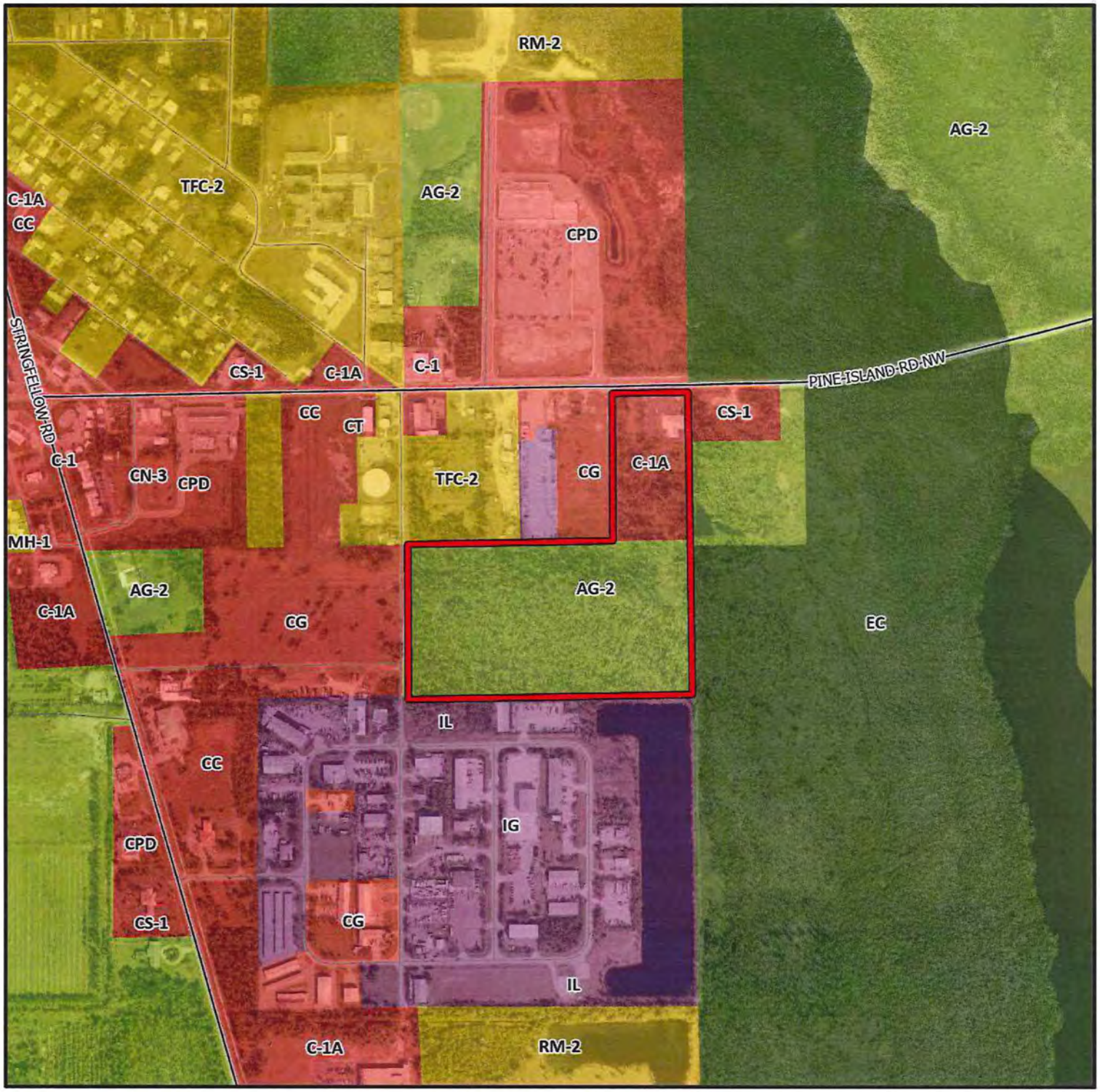
Phillip M Mould, LS6515, State of Florida

Digitally signed by Phillip M Mould, LS6515, State of Florida
Date: 2025.02.04 11:45:10 -05'00'

PHILLIP M MOULD
LS6515
FEBRUARY 4, 2025

NOTE:
THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.

REVIEWED
Project: DCI2025-00003
By: Richard Burris
Dept: Legal Review
Date: 07/19/2025



DCI2025-00003

Zoning

Subject Property

N
W
E
S

0 500 1,000
Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Master Concept Plan (MCP). Development must be consistent with two-page MCP entitled "Master Concept Plan", prepared by Ensite, revised March 17, 2026, except as modified by conditions below. (Exhibit B1).

   Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC, except where deviations have been approved. Changes to the MCP, conditions, or deviations are subject to further review and approval.

   Approved Development Parameters. The project may develop up to 40,000 square feet of commercial uses and 250,000 square feet of industrial uses.

2. **Schedule of Permitted Uses and Property Development Regulations.**

   a. Permitted Uses

   Commercial Tract
   Accessory uses, buildings, and structures
   Administrative Offices
   Animals: Clinic or Kennel
   Control Center (including Humane Society)
   ATM
   Bait and Tackle Shop
   Banks and Financial Establishments, all groups
   Boats: Boat Parts
   Boat Sales
   Broadcast studio, commercial radio and television
   Building Materials Sales
   Business Services, all groups
   Clothing Stores, general
   Clubs: Fraternal, membership organization
   Private
   Contractors and Builders, all groups
   Convenience Food and Beverage Store, no pumps
   Day Care Center, child or adult
   Drugstore, pharmacy
   Entrance Gates and Gatehouses
   Essential services
   Excavation: Water retention
   Fences, Walls
   Gift and souvenir shop
   Hardware store

Hobby, toy and game shops
Household and office furnishings, all groups
Insurance companies
Medical Office
Non store retailers, all groups
Package Store
Paint, Glass, and Wallpaper
Parking Lot: Accessory
Temporary
Personal Services, all groups
Pet Services
Pet Shop
Pharmacy
Plant Nursery
Post Office
Printing and Publishing
Real Estate Sales Office
Rental or Leasing Establishment, Groups I & II (No outdoor display)
Repair Shops, groups I, II, & III
Restaurant, fast food
Restaurant, all groups
Schools: Commercial
Signs
Specialty Retail Shops, all groups
Studios
Temporary Uses
Theater, indoor or outdoor (drive-in)
Used Merchandise Stores, all groups
Variety Store

Industrial Tract
Accessory uses and structures
Administrative Offices
ATM
Automobile Repair and Service, all groups
Automobile Service Station
Boats: Boat parts store
Boat repair and service (indoor only)
Building Materials Sales
Business Services, group II
Cleaning and Maintenance Services
Cold Storage, Pre-cooling Warehouse and Processing Plant
Computer and Data Processing Services
Contractors and Builders, all groups
Entrance Gates and Gatehouse
Essential Services

Excavation: Water Retention
Fences, walls
Parcel and Express Services
Parking Lot: Accessory
Temporary
Processing or packaging agricultural or fish products
Processing and warehousing
Recycling facility
Rental or Leasing Establishment, All groups
Repair Shops, all groups
Research and Development Laboratories, Groups I & IV
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises
Signs
Storage: Indoor
Open
Transportation Services, Group II
Vehicle and Equipment Dealers, All groups
Warehouse: High Cube
Hybrid
Mini warehouse
Private
Public
Wholesale Establishments, Groups I, III, & IV

b. Site Development Regulations

Commercial

Minimum Lot Coverage:	40 percent
Maximum Building Height:	33 feet
Minimum Open Space:	30 percent
Building Setbacks:	
Front	25 feet
North Side	25 feet
South Side	N/A
Rear	25 feet
Waterbody	25 feet
Preserve	20 feet

Industrial

Minimum Lot Coverage:	40 percent
Maximum Building Height:	33 feet
Minimum Open Space:	30 percent
Building Setbacks:	
Front	25 feet
North Side	25 feet

South Side	N/A
Rear	25 feet
Waterbody	25 feet
Preserve	20 feet

3. Open Space

Development order submittals must depict 30% open space in the commercial area (1.47 acres) and 20% open space in the industrial area (3.81 acres).

4. Indigenous Open Space

Development order submittals must depict 2.71 acres of indigenous open space.

5. Indigenous Management Plan

Development order submittals must include an Indigenous Management Plan demonstrating compliance with Lee Plan Policy 24.1.5.

6. Aquatic Preserve Buffer

Development order submittals must depict a 50-foot vegetated buffer with a wetland creation area consisting of 100 percent native wetland species, with 6-foot-tall wetland trees planted 15 feet on center with 3-gallon wetland shrubs planted 3 feet on center. The vegetative buffer and wetland creation area must maintain a hydrological connection to the associated preserved wetlands. Wetlands created onsite do not replace offsite mitigation required by state and federal agencies.

7. Coastal High Hazard Area

Construction/development impacting wetlands may not commence until issuance of required permits. Development activity must comply with state wetland permits. If the State does not approve wetland impacts or if State wetland permits are not consistent with wetland impacts reflected in County development permits, then the developer must amend County development permits to be consistent with State wetland permits.

8. Surface Water Quality

Development order submittals must include a Surface Water Quality Monitoring Plan for review and approval by Lee County Division of Natural Resources. The Surface Water Monitoring Plan must include the following:

a. Goals and Objectives.

b. Monitoring Schedule. An outfall monitoring schedule during "wet" season of June through September and "dry" season of October through May. The Division of Natural Resources will determine monitoring constituents prior to development order approval based on Schedule of Permitted Uses.

c. Baseline. A baseline monitoring event to be completed prior to commencement of construction.

d. Submission of Data. Developer must submit water quality monitoring data to the Division of Natural Resources annually for a minimum of 5 years. The data must include a report with a comparison of State surface water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding State surface water quality monitoring standards, developer file a written request to the Division of Natural Resources to amend/terminate the monitoring and reporting schedule. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

e. Contingency Plan. A contingency plan upon discovery of an exceedance of State Surface Water Quality Standards. The contingency plan must include notification to impacted residents and applicable authorities.

9. Pine Island Road Access

The property's two access points to Pine Island Road NW must remain "ingress only" and "egress only" with appropriate signage.

10. State and Federal Permits

a. Generally. 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 resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

If the State does not approve wetland impacts or if State wetland permits are not consistent with proposed wetland impacts reflected in County development permits, then Developer must amend County development permit approvals to be consistent with state wetland permits and applicable Lee Plan and LDC regulations regarding development within wetlands.

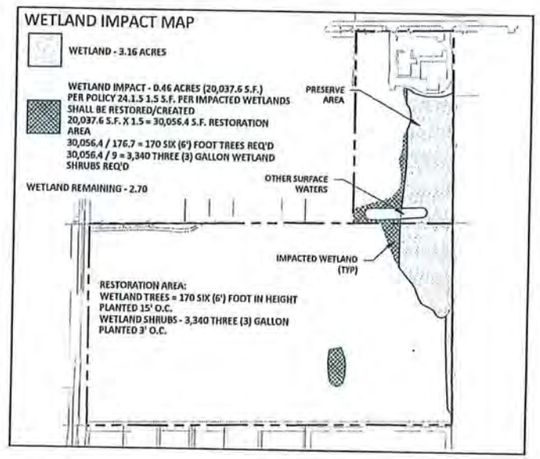
DEVIATIONS

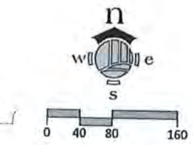
1. Driveway Separation. Deviation 1 seeks relief from LDC §10-285(a), which requires a connection separation of 440 feet along minor arterial roadways in future urban areas, to allow 127 feet of separation between the property's west entrance to Pine Island Road and driveway access to the property to the west; 163 feet of separation between the property's existing two accesses to Pine Island Road; and 194 feet of separation between the property's east entrance and driveway access to the abutting property to the east. The deviation memorializes the configuration of site's existing to Pine Island Road.

   The deviation is approved, subject to Condition 9.

Exhibits to Conditions:
B1 Two-page Master Concept Plan (MCP) entitled "Master Concept Plan", prepared by Ensite, last revised March 17, 2026

EXHIBIT B1





COMMERCIAL PORTION

INTENSITY	40,000 S.F.
SETBACKS (BUILDING)	PROPOSED
NORTH (SIDE)	25'
EAST (FRONT)	25'
WEST (REAR)	25'
SOUTH (SIDE)	N/A
WATER BODY SETBACK	25'
HEIGHT OF BUILDINGS	33'
OPEN SPACE	30%
MAX LOT COVERAGE	40%

INDUSTRIAL PORTION

INTENSITY	250,000 S.F.
SETBACKS (BUILDING)	PROPOSED
NORTH (SIDE)	20'
EAST (FRONT)	20'
WEST (REAR)	25'
SOUTH (SIDE)	20'
WATER BODY SETBACK	25'
HEIGHT OF BUILDINGS	33'
OPEN SPACE	20%
MAX LOT COVERAGE	40%

DEVIATIONS

1 DEVIATION FROM LDC 10-285, WHICH REQUIRES A CONNECTION SEPARATION OF 440 ALONG A PRINCIPAL ARTERIAL ROADWAY TO ALLOW 127' AT THE CLOSEST POINT OF SEPARATION, 163' AT THE SECOND CLOSEST POINT OF SEPARATION, AND 194' AT THE THIRD CLOSEST POINT OF SEPARATION. THIS WILL MEMORIALIZE THE EXISTING ACCESS INTO AND EXITING THE PARCEL.

NOTES:

THE PLANNED DEVELOPMENT COMPLIES OR WILL COMPLY WITH ALL APPLICABLE PORTIONS OF LAND DEVELOPMENT CODE, INCLUDING BUT NOT LIMITED TO, ARTICLE IV. - PLANNED DEVELOPMENT DISTRICTS. THE INTERNAL MECHANISMS OF THE SITE, SUCH AS WATER MANAGEMENT, ARE ALSO SUBJECT TO OTHER AGENCY PERMITTING REQUIREMENT. ALL OUTDOOR LIGHTING MUST COMPLY WITH SECTION 34-625.

OPEN SPACE CALCULATIONS:

TOTAL PROJECT AREA	±23.97 AC.
TOTAL COMMERCIAL AREA	±4.90 AC.
COMMERCIAL OPEN SPACE REQUIREMENT (30% OF TOTAL):	±1.47 AC.
TOTAL INDUSTRIAL AREA:	±19.07 AC.
INDUSTRIAL OPEN SPACE REQUIREMENT (20% OF TOTAL)	±3.81 AC.
TOTAL OPEN SPACE REQUIREMENTS:	
REQUIRED OPEN SPACE	±5.28 AC
PROVIDED OPEN SPACE	±5.28 AC
REQUIRED INDIGENOUS OPEN SPACE	±2.64 AC
PROVIDED INDIGENOUS OPEN SPACE	±2.71 AC*

*NOTE: 50% INDIGENOUS REQUIREMENT FOR BOTH THE COMMERCIAL AND INDUSTRIAL AREA IS MET THROUGH THE INDIGENOUS/WETLAND RESTORATION & PRESERVATION AREA

LEGEND:

- VEHICULAR / PARKING CIRCULATION
- PEDESTRIAN CONNECTION
- INDIGENOUS PRESERVATION / WETLANDS
- WATER MANAGEMENT / PRE-TREATMENT
- WATER MANAGEMENT
- EXISTING STRUCTURE

ensite
2401 FIRST STREET, SUITE 201
FORT MYERS, FLORIDA 33901
PH: (239)-226-0024
EB-26544 CA-LC26000374

JOE POLOTTO
MATLACHA, FL
CLIENT NAME AND ADDRESS

POLOTTO MPD
LEE COUNTY, FL
PROJECT NAME AND LOCATION

NO.	REVISION	DATE
R1	PER COUNTY COMMENTS	05-30-25
R2	PER COUNTY COMMENTS	08-25-25
R3	PER COUNTY COMMENTS	12-01-25
R4	PER COUNTY COMMENTS	12-13-25
R5	PER COUNTY COMMENTS	03-17-26
R6	PER COUNTY COMMENTS	03-17-26

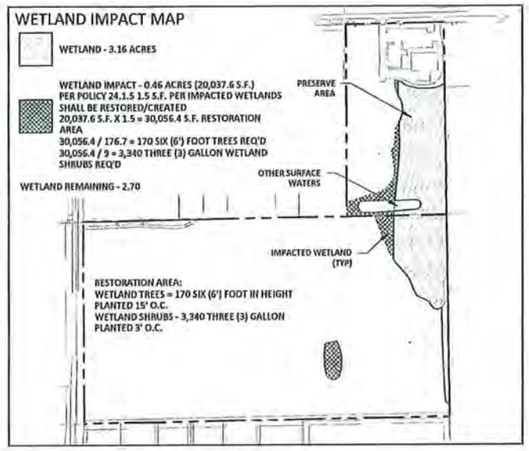
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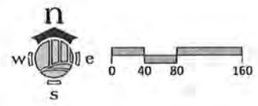
DATE:	09-24-24
PROJECT NO.	1466-01
FILE NO.	
SCALE:	AS SHOWN

MASTER CONCEPT PLAN
SHEET TITLE

MCP-01
SHEET NUMBER

Z:\Shared\Active Projects\1466 Joe Polotto\1466-01 Betsy Pkwy\CAD\Zoning\6th Submittal\Betsy MCP.dwg (MCP) BrianSmith Mar 17, 2026 - 10:01am





COMMERCIAL PORTION

INTENSITY	40,000 S.F.
SETBACKS (BUILDING)	PROPOSED
NORTH (SIDE)	25'
EAST (FRONT)	25'
WEST (REAR)	25'
SOUTH (SIDE)	N/A
WATER BODY SETBACK	25'
HEIGHT OF BUILDINGS	33'
OPEN SPACE	30%
MAX LOT COVERAGE	40%

INDUSTRIAL PORTION

INTENSITY	250,000 S.F.
SETBACKS (BUILDING)	PROPOSED
NORTH (SIDE)	20'
EAST (FRONT)	20'
WEST (REAR)	25'
SOUTH (SIDE)	20'
WATER BODY SETBACK	25'
HEIGHT OF BUILDINGS	33'
OPEN SPACE	20%
MAX LOT COVERAGE	40%

DEVIATIONS

1 DEVIATION FROM LDC 10-285, WHICH REQUIRES A CONNECTION SEPARATION OF 440 ALONG A PRINCIPAL ARTERIAL ROADWAY TO ALLOW 127' AT THE CLOSEST POINT OF SEPARATION, 163' AT THE SECOND CLOSEST POINT OF SEPARATION, AND 194' AT THE THIRD CLOSEST POINT OF SEPARATION. THIS WILL MEMORIALIZE THE EXISTING ACCESS INTO AND EXITING THE PARCEL.

NOTES:

THE PLANNED DEVELOPMENT COMPLIES OR WILL COMPLY WITH ALL APPLICABLE PORTIONS OF LAND DEVELOPMENT CODE, INCLUDING BUT NOT LIMITED TO, ARTICLE IV. - PLANNED DEVELOPMENT DISTRICTS. THE INTERNAL MECHANISMS OF THE SITE, SUCH AS WATER MANAGEMENT, ARE ALSO SUBJECT TO OTHER AGENCY PERMITTING REQUIREMENT. ALL OUTDOOR LIGHTING MUST COMPLY WITH SECTION 34-625.

OPEN SPACE CALCULATIONS:

TOTAL PROJECT AREA	±23.97 AC.
TOTAL COMMERCIAL AREA	±4.90 AC.
COMMERCIAL OPEN SPACE REQUIREMENT (30% OF TOTAL):	±1.47 AC.
TOTAL INDUSTRIAL AREA:	±19.07 AC.
INDUSTRIAL OPEN SPACE REQUIREMENT (20% OF TOTAL)	±3.81 AC.
TOTAL OPEN SPACE REQUIREMENTS:	
REQUIRED OPEN SPACE	±5.28 AC
PROVIDED OPEN SPACE	±5.28 AC*
REQUIRED INDIGENOUS OPEN SPACE	±2.64 AC
PROVIDED INDIGENOUS OPEN SPACE	±2.71 AC

*NOTE: 50% INDIGENOUS REQUIREMENT IS MET THROUGH THE INDIGENOUS/WETLAND RESTORATION & PRESERVATION AREA

LEGEND: (OPEN SPACE)

- VEHICULAR / PARKING CIRCULATION
- PEDESTRIAN CONNECTION
- INDIGENOUS PRESERVATION / WETLANDS
- WATER MANAGEMENT / PRE-TREATMENT
- WATER MANAGEMENT
- EXISTING STRUCTURE
- OPEN SPACE

ensite
2401 FIRST STREET, SUITE 201
FORT MYERS, FLORIDA 33901
PH: (239)-226-0024
EB-26544 CA-LC26000374

JOE POLOTTO
MATLACHA, FL
CLIENT NAME AND ADDRESS

POLOTTO MPD
LEE COUNTY, FL
PROJECT NAME AND LOCATION

NO.	REVISION	DATE	REVISIONS DESCRIPTION
R1	PER COUNTY COMMENTS	05-30-25	
R2	PER COUNTY COMMENTS	09-25-25	
R3	PER COUNTY COMMENTS	11-03-25	
R4	PER COUNTY COMMENTS	12-15-25	
R5	PER COUNTY COMMENTS	03-17-26	
R6	PER COUNTY COMMENTS	03-17-26	

DATE:	09-24-24
PROJECT NO.	1466-01
FILE NO.	
SCALE:	AS SHOWN

OPEN SPACE PLAN
SHEET TITLE

MCP-02
SHEET NUMBER

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments for DCI: Prepared by Elizabeth Workman, Principal Planner, date received March 10, 2026 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. 48-Hour Notice: Email from Elizabeth Workman to Hearing Examiner and Maria Perez, with copies to Brienne Cherry, Cindy Lea, and Anthony Rodriguez, dated Monday, March 23, 2026, 4:02 PM (3 pages – 8.5"x11")

3. PowerPoint Presentation: Prepared by Lee County Staff for DCI2025-00003, Betsy Parkway MPD, dated March 25, 2026 (multiple pages – 8.5"x11")[color]

4. Résumé: For John Podczerwinsky, AICP CTP (1 page – 8.5"x11")

5. 48-Hour Letter: Email from John Podczerwinsky to Elizabeth Workman, Pakorn Sutitarnnontr, with copies to Brittany Banker and Jilian Scholler, dated Friday, March 20, 2026, 4:31 PM (3 pages – 8.5"x11")

APPLICANT EXHIBITS

1. 48-Hour Notice: Email from Cindy Leal, to Hearing Examiner, with copies to Maria Perez, Elizabeth Workman, Terry Cramer, Esq., and Brian Smith, dated Thursday, March 19, 2026, 12:29 PM (multiple pages – 8.5"x11" and 11"x17")

2. PowerPoint Presentation: Prepared for Betsy Parkway MPD, dated March 25, 2026 (multiple pages – 8.5"x11")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Elizabeth Workman, Principal Planner
2. John Podczerwinsky, Principal Planner

Applicant Representatives:

1. Terry Cramer, Esq.
2. Cindy Leal Brizuela, AICP
3. Barrett Stejskal
4. Jason Utley, AICP

Exhibit E

INFORMATION

UNAUTHORIZED COMMUNICATIONS

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

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentations by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

C. Participants may not submit documents to the Board of County Commissioners unless 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.