

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

TO: Donna Marie Collins
Hearing Examiner

DATE: May 5, 2026

FROM: MarySue Groth
Senior Planner

RE: Staff 48-Hour Letter
DCI2025-00020 Lehigh Acres Mobile Batch Plant

The above-referenced case was scheduled to be heard before the Hearing Examiner on Thursday, April 2, 2026, and was continued by staff and rescheduled for May 7, 2026 at 9:00am. The hearing was advertised as required and the Affidavit of Publication is attached to this memorandum.

The original staff report recommended approval of the request with conditions and found that it complies with the decision-making criteria for planned development rezonings established in Lee County Land Development Code Section 34-145. Upon further review, it was determined that the conditions below, which were included in the environmental staff report (Staff Report Attachment L), were inadvertently omitted from Staff Report Attachment C (Conditions):

- *Prior to first Development Order Permit, the applicant must provide a Protected Species Management Plan.*
- *Prior to gopher tortoise relocation, per protected species management plan, a Vegetation Removal Permit must be issued.*

A revised conditions document including the above conditions is attached hereto and serves to supersede and replace Attachment C of the published staff report.

Please contact me if you have any questions or concerns.

Respectfully Submitted,

MarySue Groth

MarySue Groth
Senior Planner, Zoning Section

Attachments

Revised Attachment C – Conditions
Affidavit of Publication

Lehigh Acres Mobile Batch Plant – DCI2025-00020

Attachment C – Conditions

CONDITIONS

All references to uses are defined or listed in the Lee County Land Development Code (LDC).

1. MCP/Development Parameters

MCP. Development must be consistent with the two-page MCP entitled “Lehigh Acres Batch Plant” dated September 25, 2025 (Attachment E), except as modified by the conditions below.

LDC and Lee Plan. Development must comply with the LDC and Lee Plan at time of development order approval, except as may be granted by deviation herein. Subsequent changes require appropriate approvals.

Development Parameters. The IPD is limited to 35,000 square feet of floor area. Building height is 35 feet, with associated vertical process structures necessary for batch plant operations permitted to extend up to 75 feet.

2. Uses and Site Development Regulations

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Building Material Sales
Business Services, All Groups
Contractors and Builders, All Groups
Entrance Gates and Gatehouse
Excavation: Water Retention
Excess Spoil Removal
Fences, walls
Freight and Cargo Handling Establishments
Manufacturing of:
 Stone, clay, glass and concrete products, Groups II, III, IV
Nonstore Retailer, Group I
Parking Lot, Accessor
Processing and Warehousing
Retail and Wholesale Sales, Ancillary to an Approved Use
Signs
Storage, indoor and open
Wholesale Establishments: Groups I and II

b. Site Development Regulations

Minimum Lot Size: 20,000 square feet

Minimum Lot Depth:	100 feet
Minimum Lot Width:	100 feet
Maximum Building Height:	35 feet
Batch Plant Structures:	75 feet (must provide separation per LDC Section 34-2174(a))
Maximum Lot Coverage:	40 percent
Minimum Open Space:	44 percent

Minimum Setbacks:

Street, local:	25 feet
Side:	20 feet
Rear:	15 feet
Waterbody:	25 feet (top of bank)
Accessory Structures (side & rear):	5 feet

3. Environmental Conditions

- a. Prior to first Development Order Permit, the applicant must provide a Protected Species Management Plan.
- b. Prior to gopher tortoise relocation, per protected species management plan, a Vegetation Removal Permit must be issued.
- c. Prior to the issuance of development order permit, plans must depict 44 percent (1.52 acres, 66,137 square feet) of open space, as depicted on the Master Concept Plan.

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AFFIDAVIT OF PUBLICATION

Colleen Bennett
Lcbc-Dept Of Comm Development-D
1500 MONROE ST
Fort Myers FL 33901

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

FNP Fort Myers News-Press 03/19/2026, 03/20/2026
FNP news-press.com 03/19/2026, 03/20/2026

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/20/2026



Legal Clerk


Notary, State of WI, County of Brown

8-21-26

My commission expires

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NOTICE OF PUBLIC HEARING

The Hearing Examiner of Lee County will hold public hearings on Thursday, April 2, 2026, in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL. An interested individual may appear in person, through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing. If you do not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners. Any document that a participant of record intends to submit to the BoCC during the Board Zoning Hearing must be submitted as an exhibit as part of the record in the hearing before the Hearing Examiner. If the document is not submitted and is not relevant new evidence that was not known or could not have been reasonably discovered by the participant at the time of the hearing before the Hearing Examiner, then the document may not be submitted to the Board. After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision. Copies of the staff report are available two weeks prior to the hearing. The file can be reviewed at the Zoning Section, 1500 Monroe St., Fort Myers, FL. Call MarySue Groth at (239) 533-6335 for additional information. In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact the ADA Coordinator, Ranice Monroe, (239) 533-0255, ADArequests@leegov.com or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance. The following case will be heard: DCI2025-00020. Lehigh Acres Mobile Batch Plant. 9:00 am. Request to rezone 3.45+/- acres from Light Industrial (IL) to Industrial Planned Development (IPD). Located at 5511 4th St W; Lehigh Acres Planning Community. Property Owner: Good Shepherd Haitian Baptist. Property Owner's Representative: Al Quattrone, (239) 936-5222.

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