

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

DATE: July 10, 2026

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

RE: HONC 41 MPD
Hearing Examiner Recommendation

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

HONC 41 MPD

DCI2025-00014

HEARD: June 11, 2026
Record Closed: June 19, 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
Brianna Schroeder / 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

HONC 41 MPD

Applicant seeks to unify zoning for a property with bifurcated commercial/industrial zoning along US 41/North Tamiami Trail in North Fort Myers.

The Board adopted a Lee Plan amendment designating the property in the Central Urban future land use category to permit industrial uses consistent with current zoning classifications. Applicant proposes a mix of commercial/industrial uses aligned with the Central Urban designation. The MPD retains commercial development along the road frontage with industrial tracts farther into the site.

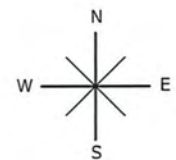
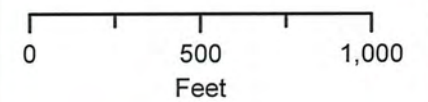
The request infills development along a heavily trafficked corridor. The property is suitable for the proposed development program and complies with North Fort Myers Community Plan directives.

Detailed recommendation follows

DCI2025-00014

Future Land Use

-  Subject Property
-  Central Urban
-  Suburban
-  Wetlands

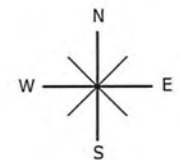




DCI2025-00014

Aerial

 Subject Property



0 500 1,000
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2025-00014

Regarding: HONC 41 MPD

Location: 17701 North Tamiami Trail
North Fort Myers Planning Community
(District 4)

Hearing Date: June 11, 2026

Record Closed: June 19, 2026

I. Request

Rezone 17.96± acres from General Commercial (CG) and Light Industrial (IL) to Mixed Use Planned Development (MPD) to allow 30,000 square feet of commercial uses and 120,000 square feet of light industrial uses.

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 17.96± acres to Mixed Use Planned Development (MPD).

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

Staff recommended approval with conditions.

¹ LDC §34-145(d)(4)a.

² LDC §34-145(d)

³ Lee Co. Admin. Code 2-6 §2.3.D(2)(b).

Discussion supporting the Hearing Examiner's recommendation of approval with conditions is set forth below.

Character of the Area

The property sits west of US 41/North Tamiami Trail and south of Del Prado Boulevard. The site is surrounded by commercial and residential uses. Municipal lands under the jurisdiction of the City of Cape Coral abut the western property boundary.⁴



Request Synopsis

The property remains undeveloped with bifurcated zoning in the IL and CG districts. Most of the site is zoned for industrial use, while the strip along US 41/N Tamiami Trail is zoned commercially.

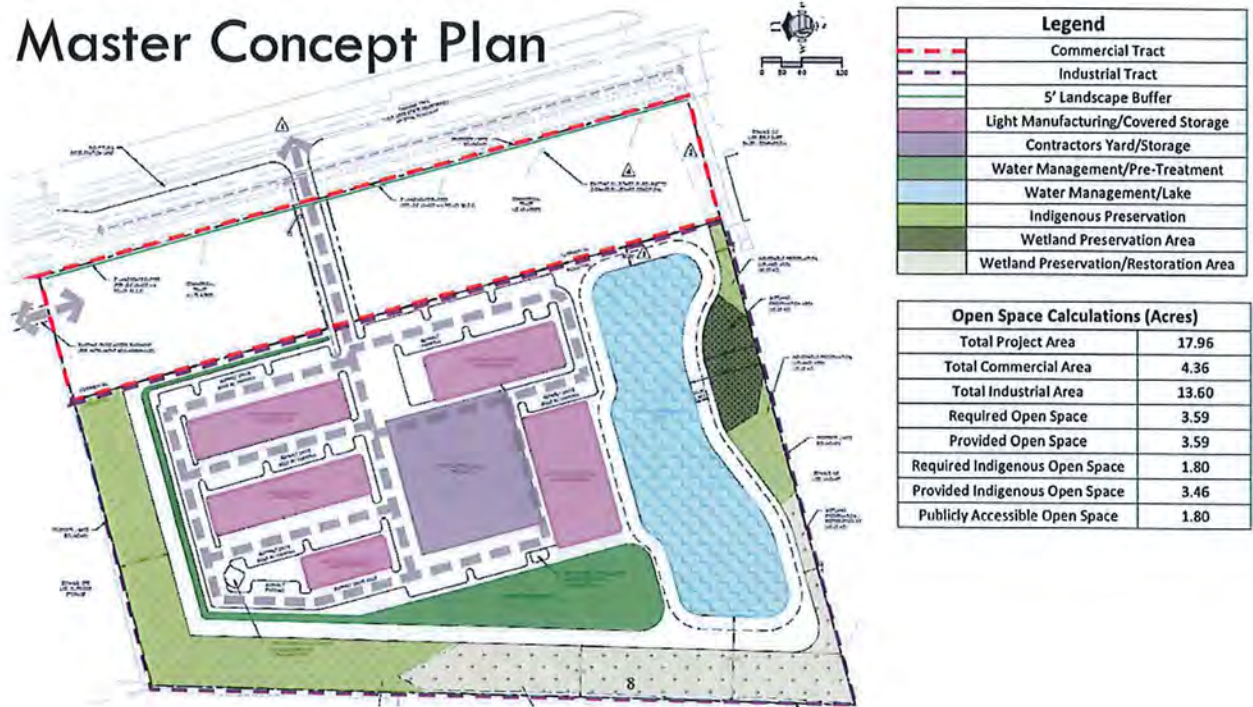
The request seeks to unify zoning in the MPD district. The proposed MPD retains current zoning configuration of commercial tracts along US 41 with industrial tracts further from view by the traveling public. If approved, the MPD permits 30,000 square feet of commercial uses and 120,000 square feet of light industrial uses. Proposed building height remains at 35 feet.

The request proposes single access to US 41/North Tamiami Trail. Site design locates storage areas internal to the project, bordered by parking and water management areas. Preserves line the industrial perimeter.⁵

⁴ An auto/repair service center zoned CPD abuts the northern boundary with a golf cart dealership to the south. Commercial/office uses are east of the site, while the residential Isles of Porto Vista abut the western boundary. See Applicant Ex. 3 (slide 6).

⁵ The following illustration is taken from Applicant Ex. 3 (slide 8).

Master Concept Plan



Zoning Review Criteria

Before recommending approval, the Hearing Examiner must find the request:

- Complies with the Lee Plan;
- Meets the LDC and other applicable County regulations or qualifies for deviations;
- Is compatible with existing and planned uses in the surrounding area;
- Provides sufficient access to support the proposed development intensity;
- Addresses impacts on transportation facilities by County regulations or conditions of approval;
- Will not adversely affect environmentally critical/sensitive areas or natural resources; and
- Will be served by urban services if located in a Future Urban area.⁶

⁶ LDC §34-145(d)(4)a.1.

When the requested zoning action is a planned development, the Hearing Examiner must also find:

- The proposed use/mix of uses is appropriate at the location;
- Recommended conditions provide sufficient safeguards to the public interest and reasonably relate to impacts on public interest expected from the proposed development; and
- Requested deviations enhance achievement of objectives of the planned development and protect public health, safety, and welfare.⁷

Lee Plan

Planned developments must be consistent with the Lee Plan.⁸

Lee Plan Maps designate the property as Central Urban and Wetlands within the North Fort Myers Planning Community.⁹ The Board assigned the property to the Central Urban category in November 2025.¹⁰ The reassignment to Central Urban permits industrial development consistent with the site's existing IL zoning and the requested MPD.¹¹

The Lee Plan further designates the site within the North Fort Myers Neighborhood Center.¹²

Central Urban areas are identified as the county's "urban core," characterized by heavily settled areas with a broad range of public services.¹³ Residential, commercial, public/quasi-public, and light industrial uses predominate this category.¹⁴

Wetlands consist of low impact uses that do not adversely affect wetland ecological function.¹⁵ Environmental site assessments identify 4.82± acres of wetlands

⁷ LDC §34-145(d)(4)a.2.

⁸ F.S. §163.3194(1)(a); LDC §§34-411(a), §34-491.

⁹ Lee Plan Map 1-A, 1-B, & 2-A.

¹⁰ CPA2025-00001 was approved via Lee Co. Ord. 25-22 on November 5, 2025. See also Staff Report (pg. 1, 5-6, Attachment Q).

¹¹ See Staff Report (Attachment E). Applicant states 78% of the property is currently zoned IL. See Staff Report (Attachment E). The site's Suburban future land use designation did not permit industrial uses, resulting in a misalignment between zoning and land use classification. The Board's adoption of the Central Urban designation for the property resolved this discrepancy.

¹² Lee Plan Policy 30.2.4, 30.2.5. The LDC identifies the site within Neighborhood Center #2. See LDC Appendix I, Map 8. Given this designation, the site may utilize Mixed Use Overlay development standards.

¹³ Lee Plan Policy 1.1.3.

¹⁴ See *Id.*

¹⁵ Lee Plan Policy 1.5.1.

across the site.¹⁶ These lands feature exotic infestation, with some portions comprised of melaleuca or disturbed lands.¹⁷

The requested MPD is consistent with the property's future land use designation.¹⁸

The Lee Plan adopts Community Plans to address specific areas of the county. The vision for each Community Plan area is incorporated as a Goal within the Future Land Use Element.¹⁹ The request is subject to the North Fort Myers Community Plan.²⁰

The Community Plan emphasizes livability, economic vitality, and revitalization.²¹ The Plan encourages expanding opportunities for employment and attracting investment to commercial corridors.²² The proposed MPD achieves these goals by expanding the tax base along an established corridor with a mix of commercial and industrial employment centers.

The Lee Plan Economic Element directs the county to strive for a diversified economy to ensure maximum employment opportunities.²³ The requested land development creates jobs, increases property values, generates tax revenue, and contributes to economic growth.

The proposed MPD consists of commercial and light industrial uses that will contribute to a positive business climate and create employment.²⁴ The proposed project will support a host of diverse commercial/industrial uses, further strengthening the county's economy.²⁵

Compatibility

The county evaluates compatibility during the zoning process.²⁶ The LDC defines *compatible* as the state wherein two land uses/buildings/structures/zoning districts exhibit either: (1) a positive relationship based on fit, similarity, or reciprocity of characteristics; or (2) a neutral relationship based on a relative lack of conflict or on a failure to communicate negative/harmful influences on one another.²⁷

¹⁶ See Staff Report (Attachment E & M).

¹⁷ See Staff Report (Attachment E).

¹⁸ Applicant obtained a jurisdictional determination from South Florida Water Management District and will be subject to their wetland permitting. See also Lee Plan Policy 124.1.2.

¹⁹ Lee Plan Goals 17-34.

²⁰ The Board adopted the North Fort Myers Community Plan in 2009. Lee County Ordinance 09-11.

²¹ Goal 30.

²² Lee Plan Goal 30.

²³ Lee Plan Goal 158, Objective 158.2, Policy 158.2.2.

²⁴ Lee Plan Goals 158 & 159.

²⁵ *Id.*

²⁶ LDC §34-145(d)(4).

²⁷ LDC §34-2.

Compatibility exists when land uses exist in proximity without unduly impacting each other.²⁸ Planned development zoning is useful when integrating new development with surrounding land uses.²⁹ The MPD zoning district allows flexibility in site design to address potential incompatibility with neighboring development.³⁰

The Lee Plan encourages compact and contiguous development patterns in areas with services and infrastructure to support development.³¹ The proposed MPD infills development in a heavily trafficked corridor served by a full complement of public services.³²

Appropriate intensity is determined on a case-by-case basis in accordance with Lee Plan policies and the nature of surrounding uses.³³ The proposed intensity of 30,000 square feet of commercial and 120,000 square feet of light industrial uses is suitable at this location. Residential lands sit west of the property, distanced by water management features and a utility easement.³⁴

The Master Concept Plan (MCP) employs creative site design to address potential incompatibilities with nearby land uses.³⁵ Open storage is oriented interior to the site to shield view from the traveling public. Enhanced buffers further minimize off-site impacts to nearby residents.³⁶ Proposed height remains limited to maintain compatibility with the surrounding area.³⁷

LDC

Development must comply with the LDC or seek deviations. A “deviation” is a departure from a land development regulation.³⁸ Applicants seeking deviations from the LDC must demonstrate how each deviation enhances objectives of the planned development and protects public health, safety, and welfare.³⁹

Applicant requested three deviations from the LDC.⁴⁰ The deviations seek relief from standards pertaining to access, parking lot interconnection, and water

²⁸ Florida Statutes §163.3164(9); Lee Plan Policy 135.9.6.

²⁹ LDC §34-612(2).

³⁰ *Id.*

³¹ Lee Plan Objectives 2.1, 2.2, Policy 2.2.1.

³² Lee Plan Policy 6.1.7. The vacant property is ripe for development due to its location in a developed area with direct access to an arterial road.

³³ LDC §34-413.

³⁴ Hearing testimony reflects the nearest residence is 354 feet away.

³⁵ Lee Plan Policies 5.1.5, 6.1.4; LDC §34-411(i).

³⁶ Indigenous preserves serve as an enhanced buffer along the western boundary.

³⁷ The project retains a 35-foot building height limitation.

³⁸ LDC §34-2.

³⁹ LDC §§34-145(d)(4)a.2(c) & 34-373(a)(9).

⁴⁰ Applicant Ex. 2: 48-Hour Memorandum dated June 8, 2026.

management excavation setback.⁴¹ Staff recommended a fourth deviation to retain a single billboard along US 41/North Tamiami Trail.⁴²

Applicant offered testimony and evidence in support of the requested deviations.⁴³ Staff recommended approval of all deviations. ⁴⁴ The Hearing Examiner agrees with Staff's recommendation.

The project must abide by the North Fort Myers Community Plan and corresponding LDC regulations.⁴⁵ Developers must comply with adopted community-specific development criteria.⁴⁶ The proposed MCP and conditions of approval reflect intent to comply with development criteria set out in the North Fort Myers Community Plan.

Environmental/Natural Resources

Rezoning requests must not adversely affect environmentally critical/sensitive areas or natural resources.⁴⁷

The property is undeveloped and heavily impacted by invasive vegetation.⁴⁸ Environmental assessment revealed 4.82± acres of wetlands consistent with jurisdictional determination by South Florida Water Management District (SFWMD).⁴⁹ Applicant's expert ecologist indicated the request impacts 3.5± acres of low grade wetlands to be mitigated off-site.⁵⁰

Applicant provided a Protected Species Survey, with further investigation to be provided during development order review.⁵¹

⁴¹ See Staff Report (pg. 4, Attachments C & G). Applicant requests relief from LDC §10-291(3), §10-610(e), and §10-329(d)(1)a.3.

⁴² See Staff Report (pg. 1, 4, & 10). Six billboards have occupied the site since at least 1984, as documented by historic aerials. See Applicant Ex. 2: 48-Hour Memorandum dated June 8, 2026. Staff initially recommended another deviation for the western boundary but withdrew the deviation at hearing after determining the cited Code is inapplicable to the property. Schroeder Testimony (Transcript pg. 48).

⁴³ LDC §34-377(a)(4); Staff Report (Attachment E); Expert Testimony (Transcript pg. 30-37).

⁴⁴ The Hearing Examiner may recommend approval, approval with modifications, or denial of deviations based on findings that a deviation (1) enhances the planned development and (2) protects public health, safety, and welfare. LDC §34-377(a)(4).

⁴⁵ LDC §§33-1531 *et. seq.*

⁴⁶ LDC §33-1534.

⁴⁷ LDC §34-145(d)(4)a.1(f).

⁴⁸ See Staff Report (Attachment M); Applicant Ex. (slide 11). Applicant's expert ecologist Betsie Hiatt testified as to environmental site conditions. (Transcript pg. 18-20).

⁴⁹ See Staff Report (pg. 6-7, Attachment M Ex. A: Environmental Assessment dated November 2023); Applicant Ex. 3 (slide 11).

⁵⁰ Ms. Hiatt testified off-site mitigation at the Little Pine Island and Panther Island Mitigation banks provides regionally significant mitigation. (Transcript pg. 19).

⁵¹ Staff noted the survey indicates presence of foraging little blue heron and tricolored heron, both State threatened species. See Staff Report (pg. 7). However, Ms. Hiatt clarified at hearing that the wood stork was recently delisted by the federal government. Transcript pg. 19-20.

Applicant's civil engineer provided a Surface Water Management Plan that details surface water flows, groundwater levels, and lake levels.⁵² The Plan reflects retention/detention areas with vegetated swales have been designed to minimize nutrient loading.

The MCP denotes compliance with open space requirements.⁵³ Consistent with supplemental design standards for projects within the North Fort Myers Commercial Corridor, the MCP reserves publicly accessible open space.⁵⁴ The project exceeds indigenous open space requirements.⁵⁵

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

Transportation

Zoning actions must demonstrate sufficient access to support development intensity. Expected impacts to the road network must be addressed by existing county regulations and conditions of approval.⁵⁶

The MCP depicts single access to US 41/North Tamiami Trail via a right-in/right-out connection. The Florida Department of Transportation retains jurisdiction over connection points to US 41/N Tamiami Trail and will determine site access location. Conditions of approval require Applicant to provide interconnection to the northern property.⁵⁷

Applicant's expert engineer prepared a Traffic Impact Statement (TIS) based on the highest trip generation rates associated with the proposed development.⁵⁸ The TIS utilized a standard trip reduction for pass-by traffic for the shopping plaza.⁵⁹ The TIS projects US 41/N Tamiami Trail will operate at the same level of service (LOS) at buildout in 2029, with or without the proposed development.⁶⁰

At hearing, Applicant provided an updated traffic analysis based upon the county's newly released Concurrency Report reflecting the affected segment of US 41/North Tamiami Trail operates at an acceptable LOS with/without the project.⁶¹

⁵² Lee Plan Policies 125.1.3 & 126.1.4.

⁵³ The LDC imposes a 20% open space requirement for large developments in the Mixed Use Overlay. See LDC §10-1 & §10-425; See Staff Report (pg. 11).

⁵⁴ See LDC §33-1572; See also MCP-02: Open Space Plan, reserving 1.8 acres for public open space.

⁵⁵ Smith and Hiatt Testimony (Transcript pg. 16 & 20)

⁵⁶ LDC §34-145(d)(4)a.1.

⁵⁷ Condition 6.

⁵⁸ See Staff Report (Attachment O: Traffic Impact Statement prepared by TR Transportation Consultants, Inc. issued 5/29/25, and Attachment N: LCDOT Staff Memo prepared by John Podczerwinsky dated 5/7/26).

⁵⁹ See Staff Report (Attachment O, citing a standard reduction of 30% pass-by rate).

⁶⁰ See Staff Report (Attachment N). The TIS concludes this is considered a background deficiency that the project is not responsible for mitigating. See Staff Report (Attachment O).

⁶¹ Applicant Ex. 6; Bykau Testimony (Transcript pg. 20-23).

Road impact fees will address project impacts to the county road network. Further analysis of transportation impacts, including site related turn lane improvements, will occur during development order permitting.

Public Services and Infrastructure

Availability of public services and infrastructure must be analyzed during rezoning.⁶² Public services include facilities, capital improvements, and infrastructure necessary to support development.⁶³

A range of infrastructure and services are available to the property, including potable water, sanitary sewer, law enforcement, fire, and emergency medical services.⁶⁴ The Florida Governmental Utility Authority (FGUA) and Lee County Utilities (LCU) provided letters of availability evidencing capacity for the proposed project.⁶⁵ The project proposes direct access to the County road network via US 41/North Tamiami Trail.

The property is within one mile of a transit facility.⁶⁶

Conditions

The county must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County resources.⁶⁷

Conditions must be plausibly related to the project's anticipated impacts and be pertinent to mitigating impacts to the public.⁶⁸ The MPD is subject to conditions addressing impacts reasonably anticipated from development.⁶⁹ Notable conditions limit permitted uses and impose open space and landscaping requirements.

The Hearing Examiner revised wording of conditions/deviations to improve clarity.⁷⁰

⁶² Lee Plan Policy 2.2.1.

⁶³ Public services and infrastructure available to serve the project will include public water and sewer, paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools. Lee Plan Objective 4.1, Standards 4.1.1, 4.1.2, & 4.1.4.

⁶⁴ See Staff Report (pg. 2-3, 13, Attachment K-L). Lee County Utilities serves the site with infrastructure adjacent to the property with sufficient capacity. See Staff Report (Attachment L). Lee Plan Objectives 2.1, 2.2, and 4.1. North Fort Myers Fire Control District and EMS station is within one mile of the property. Lee County Sheriff has a station less than four miles away. See Staff Report (pg. 3).

⁶⁵ See Staff Report (Attachment K-L).

⁶⁶ LeeTran Route 590 offers stop 2310 on US 41. Staff Report (pg. 3).

⁶⁷ 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).

⁶⁸ LDC §34-932(b).

⁶⁹ LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objective 77.3, Policies 5.1.5, 6.1.4.

⁷⁰ LDC §34-145(d)(1)c. & §34-377(a)(2)-(3).

Public

The LDC requires a community meeting for rezoning applications in the North Fort Myers Planning Community.⁷¹ Applicant conducted a community meeting consistent with this requirement.⁷² Future development orders will also be subject to community review.⁷³

No members of the public appeared at hearing.

Conclusion

The Hearing Examiner finds the MPD meets LDC criteria and, as conditioned, is compatible with surrounding development.

IV. Findings and Conclusions

Based on the testimony and evidence presented in the record, the Hearing Examiner finds the requested MPD:

- A. Complies with the Lee Plan. Lee Plan Goals 2, 4, 6, 7, 30, 77, 158, 159, Objectives 2.1, 2.2, 4.1, 6.1, 7.1, 158.2, 160.1, and Policies 1.1.3, 1.5.1, 2.1.1, 2.1.2, 2.2.1, 2.2.2, 5.1.5, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 7.1.1, 7.1.3, 7.1.4, 7.1.6, 7.1.7, 30.2.6, 30.3.1, 124.1.2, 126.1.4, 135.9.6, Standards 4.1.1, 4.1.2, 4.1.4, Lee Plan Maps 1-A, 1-B, & 2-A.
- B. Meets the LDC or qualifies for deviations. LDC Chapters 2, 10, 33, and 34.
- C. Compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, and Policies 1.1.3, 5.1.5, 6.1.4, 7.1.4, 7.1.6, 30.3.1, 135.9.6; LDC §§34-411, 34-413.
- D. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 39.2, Policies 6.1.5, 7.1.4, 39.6.4, 158.3.1.
- E. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 43.1.1, 158.3.1; LDC §§2-261 *et seq.*, §34-411.
- F. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 6, 7, 30, 60, 61, 77, 124, 126, Objectives 77.2, 77.3, 126.2, Policies 1.5.1, 6.1.1, 6.1.6, 60.4.1, 60.4.2, 124.1.2, 126.1.4, Standard 4.1.4.

⁷¹ LDC §33-1532; See *also* Staff Report (Attachment J).

⁷² See Staff Report (Attachment J).

⁷³ The LDC requires development order applications to comply with North Fort Myers Planning Community regulations. LDC §33-1532(a)(1).

- G. Will be served by public services. Goals 2, 4, 6, 7, 30, Objectives 2.1, 2.2, 4.1, Policies 2.2.1, 6.1.4, 7.1.4, Standards 4.1.1, 4.1.2.
- H. Proposed uses are appropriate at the location. Lee Plan Goals 2, 4, 5, 6, 7, 30; Objectives 2.1, 2.2, Policies 1.1.3, 2.1.1, 2.1.2, 5.1.5, 6.1.4, 6.1.7, 7.1.3, 7.1.4, 7.1.7, 135.9.6, 158.2.1.
- I. Conditions provide sufficient safeguards to the public interest and reasonably relate to impacts on the public's interest expected from the proposed development. Lee Plan Policies 5.1.5, 6.1.4, 7.1.6, 53.1.5, 56.1.4, 135.9.6: LDC §§34-377(a)(3), 34-411 and 34-932(c).
- J. Deviations enhance achievement of the MPD and protect public health, safety, and welfare.

Date of Recommendation: July 10, 2026.


Amanda L. Rivera
Deputy Hearing Examiner

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

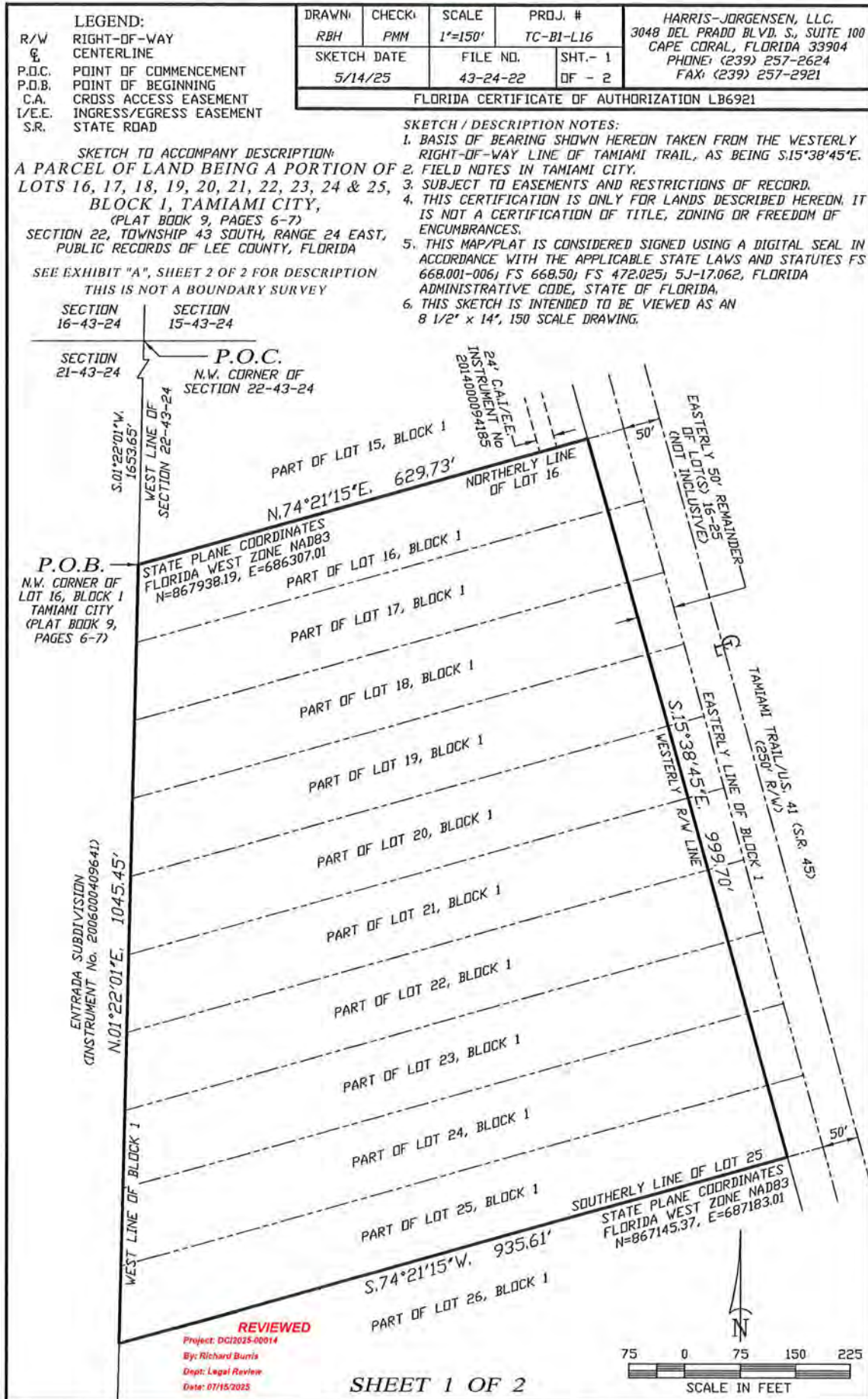
Exhibits to Hearing Examiner's Recommendation

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

Exhibit A



DESCRIPTION TO ACCOMPANY SKETCH

EXHIBIT "A"

A PARCEL OF LAND BEING A PORTION OF LOTS 16, 17, 18, 19, 20, 21, 22, 23, 24 & 25, BLOCK 1, TAMiami CITY,

(PLAT BOOK 9, PAGES 6-7)
SECTION 22, TOWNSHIP 43 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF LOTS 16, 17, 18, 19, 20, 21, 22, 23, 24 AND 25, AS RECORDED IN PLAT BOOK 9, PAGES 6 THROUGH 7, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 24 EAST, THENCE RUN S.01°22'01"W. ALONG THE WEST LINE OF SAID SECTION TO THE NORTHWEST CORNER OF THE AFORESAID LOT 16, BLOCK 1, FOR 1,653.65 FEET, FOR A POINT OF BEGINNING; THENCE RUN N.74°21'15"E. ALONG THE NORTHERLY LINE OF SAID LOT 16 TO A POINT ALONG THE WESTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (U.S. 41 / S.R. 45, 250.00 FEET WIDE), LYING 50.00 FEET WESTERLY OF THE EASTERLY LINE OF THE AFORESAID BLOCK 1, FOR 629.73 FEET; THENCE RUN S.15°38'45"E., 50.00 FEET WESTERLY, AS MEASURED ON A PERPENDICULAR AND PARALLEL TO SAID EASTERLY LINE OF BLOCK 1, TO A POINT ALONG THE SOUTHERLY LINE OF THE AFORESAID LOT 25, FOR 999.70 FEET; THENCE RUN S.74°21'15"W. ALONG SAID SOUTHERLY LINE TO THE WEST LINE OF SAID BLOCK 1, BEING A POINT ALONG THE AFORESAID WEST LINE OF SECTION 22, FOR 935.61 FEET; THENCE RUN N.01°22'01"E. ALONG SAID WEST LINE OF BLOCK 1 AND SECTION 22, FOR 1045.45 FEET; TO THE POINT OF BEGINNING.

CONTAINING 782,432 SQUARE FEET OR 17.96 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE AFORESAID WEST LINE OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 24 EAST, AS BEING S.01°22'01"W.

Phillip M
Mould, LS6515,
State of Florida

Digitally signed by
Phillip M Mould,
LS6515, State of Florida
Date: 2025.05.16
08:14:25 -04'00'

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER, LS6515
MAY 14, 2025

REVIEWED

Project: DCI2025-00014
By: Richard Burris
Dept: Legal Review
Date: 07/15/2025

SHEET 2 OF 2

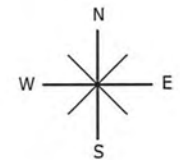
TC-B1-L16



DCI2025-00014

Zoning

 Subject Property



0 500 1,000
Feet

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Master Concept Plan (MCP) and Development Parameters

- a. MCP. Development must be consistent with the two-page MCP entitled "Honc 41 MPD" prepared by EnSite last revised June 8, 2026 (Exhibit B1).
- b. Lee Plan and LDC Compliance. Development must comply with the LDC and Lee Plan at time of development order approval, except as granted by deviation herein. Subsequent changes may require additional approvals.
- c. Development Parameters. This MPD is limited to 30,000 square feet of commercial uses and 120,000 square feet of light industrial uses, subject to the conditions enumerated herein.

2. Uses and Development Regulations

a. Schedule of Uses

Commercial Tracts

Accessory Uses and Structures
Administrative Offices
Animals, Clinic
ATM (Automatic Teller Machine)
Banks and Financial Establishments, All Groups
Boat Parts Store
Broadcast Studio, Commercial Radio and Television
Building Materials Sales
Business Services, All Groups
Car Wash
Clothing Stores, General
Clubs:
 Fraternal
 Membership Organization
 Private
Convenience Food and Beverage Store
Day Care Center, Adult, Child
Drive Through Facility for Any Permitted Use
Drugstore
Pharmacy
Entrance Gates and Gatehouses
EMS, Fire or Sheriff's Station

- Essential Services
- Excavation:
 - Water Retention
- Fences and Walls
- Hardware Store
- Hobby, Toy and Game Shops
- Household and Office Furnishings, All Groups
- Insurance Companies
- Lawn and Garden Supply Stores
- Medical Office
- Nonstore Retailers, Group I
- Package Store
- Parking Lot:
 - Accessory
 - Temporary
- Personal Services, All Groups
- Pet Services
- Pet Shop
- Plant Nursery
- Post Office
- Printing and Publishing
- Recreational Facilities, Commercial:
 - Group I
 - Group IV, limited to only "Theater, indoor"
- Rental or Leasing Establishment:
 - Group I
 - Group II
 - Group III
- Repair Shops:
 - Group I
 - Group II
 - Group III
- Restaurant, Fast Food
- Restaurants, All Groups
- Schools:
 - Commercial
- Signs
- Specialty Retail Shops:
 - Group I
 - Group II
 - Group III
- Studio
- Temporary Uses
- Theatre, Drive-in
- Transportation Services:
 - Group II

Used Merchandise Stores:

Group I

Group II

Variety Store

Vehicle and Equipment Dealer:

Group I

Group II

Industrial Tract

Accessory Uses and Structures

Administrative Offices

ATM (Automatic Teller Machine)

Automobile Repair and Service, All Groups

Automobile Service Station

Boats:

Boat Repair and Service

Boatyard

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

Drive Through Facility for any Permitted Use

Entrance Gates and Gatehouses

Essential Services

Excavation:

Water retention

Factory Outlets (point of manufacture only)

Farm Equipment, Sales, Storage, Rental or Service

Fences and Walls

Freight and Cargo Handling Establishments

Parcel and Express Services

Parking Lot:

Accessory

Temporary

Processing or Packaging for Agricultural or Fish Products

Processing and Warehousing

Recycling Facility

Rental or Leasing Establishment, All Groups

Repair Shops, All Groups

Research and Development Laboratories

Group I

Group IV

Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises

Signs in Accordance with Chapter 30

Storage:

Indoor

Open

Transportation Services

Group II

Group IV

Vehicle and Equipment Dealers, All Groups

Warehouse

High Cube

Hybrid

Mini-Warehouse

Private

Public

Wholesale Establishments

Group I

Group III

Group IV

b. Site Development Regulations

Commercial Tracts – Setbacks, Height, and Lot Coverage

Setbacks (Building):

North (Side): 15 feet

East (Street): 25 feet

West (Rear): 25 feet

South (Side): 15 feet

Waterbody: 25 feet

Height: 35 feet

Open Space: 20%

Maximum Lot Coverage: 40%

Industrial Tract - Setbacks, Height, and Lot Coverage

Setbacks (Building):

North (Side): 25 feet

East (Street): 25 feet

West (Rear): 25 feet

South (Side): 25 feet

Waterbody: 25 feet

Height: 35 feet
Open Space: 20%
Maximum Lot Coverage: 40%

3. **Open Space, Indigenous Open Space, and Publicly Accessible Open Space**

a. **Commercial Tracts**

- i. Open Space: Development order plans for the commercial tracts must depict 20 percent (0.87 acres) of open space.
- ii. Indigenous Open Space: The first development order for the Commercial Tract must depict 0.44 acres of indigenous open space and provide an Indigenous Management Plan. An Indigenous Restoration Plan is required if exotic vegetation is over 75 percent of the total indigenous open space area

b. **Industrial Tract**

- i. Open Space: Development order plans for the industrial tract must depict 20 percent (2.72 acres) of open space.
- ii. Indigenous Open Space: The first development order for the Industrial Tract must depict 1.36 acres of indigenous open space and provide an Indigenous Management Plan. An Indigenous Restoration Plan is required if exotic vegetation is over 75 percent of the total indigenous open space area.

c. **Publicly Accessible Open Space**

The first development order for both tracts must depict 1.80 acres of publicly accessible open space. If consolidated, Developer must demonstrate compliance with LDC §33-1572(c).

4. **Landscape Buffers**

The indigenous preservation located on the west side of the property adjacent to existing multi-family use will be utilized to meet the planting intent of a modified Type B buffer. This buffer includes 5 trees and 18 shrubs per 100 linear feet. Trees and shrubs must meet minimum heights for buffers in accordance with the LDC. If existing vegetation does not meet this requirement, Developer must provide supplemental plantings for compliance.

5. **Billboard**

Prior to obtaining a Certificate of Compliance for the commercial tracts, Developer must remove five of the existing billboards and may retain one billboard. The billboard may be repaired/replaced subject to LDC Chapter 30.

6. Interconnection/Cross Access

Developer must provide an access stub to the property adjacent to the northern commercial parcel for future vehicular interconnection at the time of that parcel's development order. The access stub must provide ingress/egress access to U.S. 41 for the adjacent parcels to the north and may not be gated or otherwise restricted. Developer is not responsible for development permitting or improvements on the adjacent parcel.

7. Development Permits

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

DEVIATIONS

1. **Access. Deviation (1)** seeks relief from **LDC §10-291(3)**, which requires commercial or industrial development of more than ten acres to provide more than one means of ingress or egress for the development, to allow for one point of ingress or egress for the subject property.

HEX Recommendation: APPROVE, subject to Condition 6.

2. **Interconnection. Deviation (2)** seeks relief from **LDC §10-610(e)**, which requires adjacent commercial uses to provide parking lot interconnections for automobile, bicycle and pedestrian traffic, to allow no interconnection to the south.

HEX Recommendation: APPROVE.

3. **Excavation. Deviation (3)** seeks relief from **LDC §10-329(d)(1)a.3**, which requires all new excavations for water retention and detention to be setback 50 feet from any private property line under separate ownership, to allow a setback of 30 feet from any private property line under separate ownership.

HEX Recommendation: APPROVE.

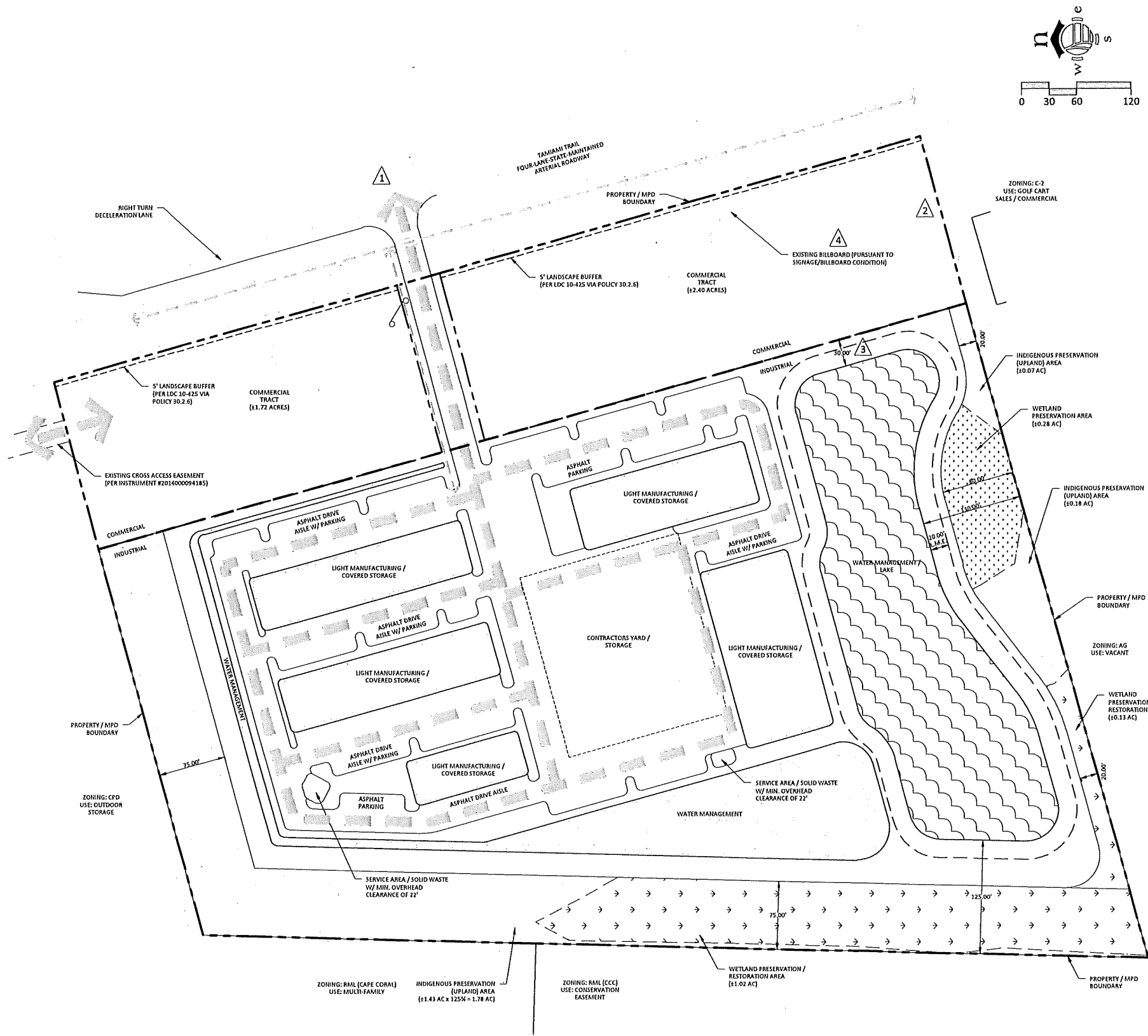
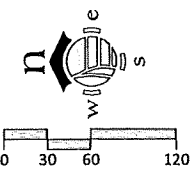
4. **Billboard. Deviation (4)** seeks relief from **LDC §30-183(1)a**, which limits billboards to the Intensive Development, Industrial Development, Interchange Areas, and Tradeport Future Land Use Categories, to allow one of the six existing billboards to remain on the subject property, which is located in the Central Urban Future Land Use Category.

HEX Recommendation: APPROVE, subject to Condition 5.

Exhibits to Conditions:

B1 Master Concept Plan last revised June 8, 2026

EXHIBIT B1



OPEN SPACE CALCULATIONS:

TOTAL PROJECT AREA	±17.96 AC.
TOTAL COMMERCIAL AREA	±4.36 AC.
COMMERCIAL OPEN SPACE REQUIREMENT (20% OF TOTAL): (50% OF REQ'D OPEN SPACE INDIGENOUS)	±0.87 AC. * ±0.44 AC.
TOTAL INDUSTRIAL AREA	±13.60 AC.
INDUSTRIAL OPEN SPACE REQUIREMENT (20% OF TOTAL) (50% OF REQ'D OPEN SPACE INDIGENOUS)	±2.72 AC. ±1.36 AC.
TOTAL OPEN SPACE REQUIREMENTS:	
REQUIRED OPEN SPACE	±3.59 AC.
PROVIDED OPEN SPACE	±3.59 AC. **
REQUIRED INDIGENOUS OPEN SPACE	±1.80 AC.
PROVIDED INDIGENOUS OPEN SPACE	±3.46 AC.
OTHER	±0.04 AC.

*EACH OUT PARCEL SHALL HAVE 20% OPEN SPACE AS THEY WOULD BE CONSIDERED SMALL DEVELOPMENTS.
**NOTE: 50% INDIGENOUS REQUIREMENT IS MET THROUGH THE INDIGENOUS/WETLAND PRESERVATION AREA.

PUBLICLY ACCESSIBLE SPACE CALCULATIONS:

TOTAL PROJECT AREA	±17.96 AC.
PER SECTION 33-1572 10% OF SITE AREA DEVOTED TO PUBLICLY ACCESSIBLE OPEN SPACE: 17.96 AC X 10% = 1.80 ACRES REQUIRED.	
AREA TO BE PROVIDED DURING DEVELOPMENT ORDER REVIEW.	

COMMERCIAL TRACT

INTENSITY	30,000 S.F.
SETBACKS (BUILDING)	PROPOSED
NORTH (SIDE)	15'
EAST (FRONT)	25'
WEST (REAR)	25'
SOUTH (SIDE)	15'
WATER BODY SETBACK	25'
HEIGHT OF BUILDINGS	35'
OPEN SPACE	20%
MAX LOT COVERAGE	40%

LANDSCAPE BUFFERS	PROPOSED
NORTH (CPD)	N/A
EAST (ROW)	5' (PER 10-425)
SOUTH (C-2)	N/A
WEST (INDUSTRIAL)	N/A

INDUSTRIAL TRACT

INTENSITY	120,000 S.F.
SETBACKS (BUILDING)	PROPOSED
NORTH (SIDE)	25'
EAST (FRONT)	25'
WEST (REAR)	25'
SOUTH (SIDE)	25'
BUILDING SEPARATION	20'
WATER BODY SETBACK	25'
HEIGHT OF BUILDINGS	35'
OPEN SPACE	20%
MAX LOT COVERAGE	40%

LANDSCAPE BUFFERS	PROPOSED
NORTH (CPD)	N/A
EAST (COMMERCIAL)	N/A
SOUTH (COMMERCIAL/AG)	N/A
WEST (MF/CONS. ESMT.)	N/A

NOTES:

THE PLANNED DEVELOPMENT COMPLIES OR WILL COMPLY WITH 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.

IN THE EVENT A PORTION OF THE INDUSTRIAL PROJECT IS BUILT AS OPEN STORAGE, THE AREA/PROJECT MUST COMPLY WITH SECTION 34-3005 - STORAGE FACILITIES.

DEVIATIONS

- DEVIATION FROM LDC 10-291(3), WHICH REQUIRES COMMERCIAL OR INDUSTRIAL DEVELOPMENT OF MORE THAN TEN ACRES TO PROVIDE MORE THAN ONE MEANS OF INGRESS OR EGRESS TO ALLOW ONE POINT OF INGRESS OR EGRESS FOR THE SUBJECT PROPERTY.
- DEVIATION FROM LDC 10-610(4), WHICH REQUIRES ADJACENT COMMERCIAL USES TO PROVIDE PARKING LOT INTERCONNECTIONS FOR AUTOMOBILE, BICYCLE, AND PEDESTRIAN TRAFFIC, TO ALLOW NO INTERCONNECT TO THE SOUTH.
- DEVIATION FROM LDC 10-329(d)(1)3, WHICH REQUIRES NEW EXCAVATIONS FOR WATER RETENTION AND DETENTION SETBACK OF FIFTY (50') FEET OF ANY PRIVATE PROPERTY LINE UNDER SEPARATE OWNERSHIP, TO ALLOW A SETBACK OF THIRTY (30') FEET FROM THE FUTURE COMMERCIAL PARCEL INTERNAL TO THE DEVELOPMENT.
- A DEVIATION FROM LDC 30-183(1), WHICH LIMITS BILLBOARDS TO THE INTENSIVE DEVELOPMENT, INDUSTRIAL DEVELOPMENT, INTERCHANGE AREAS, AND TRADEPORT FUTURE LAND USE CATEGORIES, TO ALLOW ONE OF THE SIX EXISTING BILLBOARDS TO REMAIN ON THE SUBJECT PROPERTY.

LEGEND:

- VEHICULAR / PARKING CIRCULATION
- PEDESTRIAN CONNECTION
- WATER MANAGEMENT / PRE-TREATMENT
- WATER MANAGEMENT / LAKE
- WETLAND PRESERVATION AREA
- INDIGENOUS PRESERVATION
- WETLAND PRESERVATION / RESTORATION AREA

ensite
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PH: (239)-226-0024
EB-26544 CA-LC26000374

HONC DOCKS
& LIFTS
1130-C PONDELLA ROAD
CAPE CORAL, FL 33909

17701 N. TAMIAHI
HONC 41 MPD
NORTH FORT MYERS

NO.	REVISION	DATE
01	PER LEE COUNTY COMMENTS	9-10-25
02	PER LEE COUNTY COMMENTS	12-03-25
03	PER LEE COUNTY COMMENTS	03-16-26
04	PER LEE COUNTY COMMENTS	03-03-26
05	HEARING EXAMINER	06-09-26
DATE: 05-27-25		
PROJECT NO. 1333-01		
FILE NO. 1333-03 CON.dwg		
SCALE: AS SHOWN		

MASTER
CONCEPT PLAN

SHEET TITLE

MCP-01

SHEET NUMBER

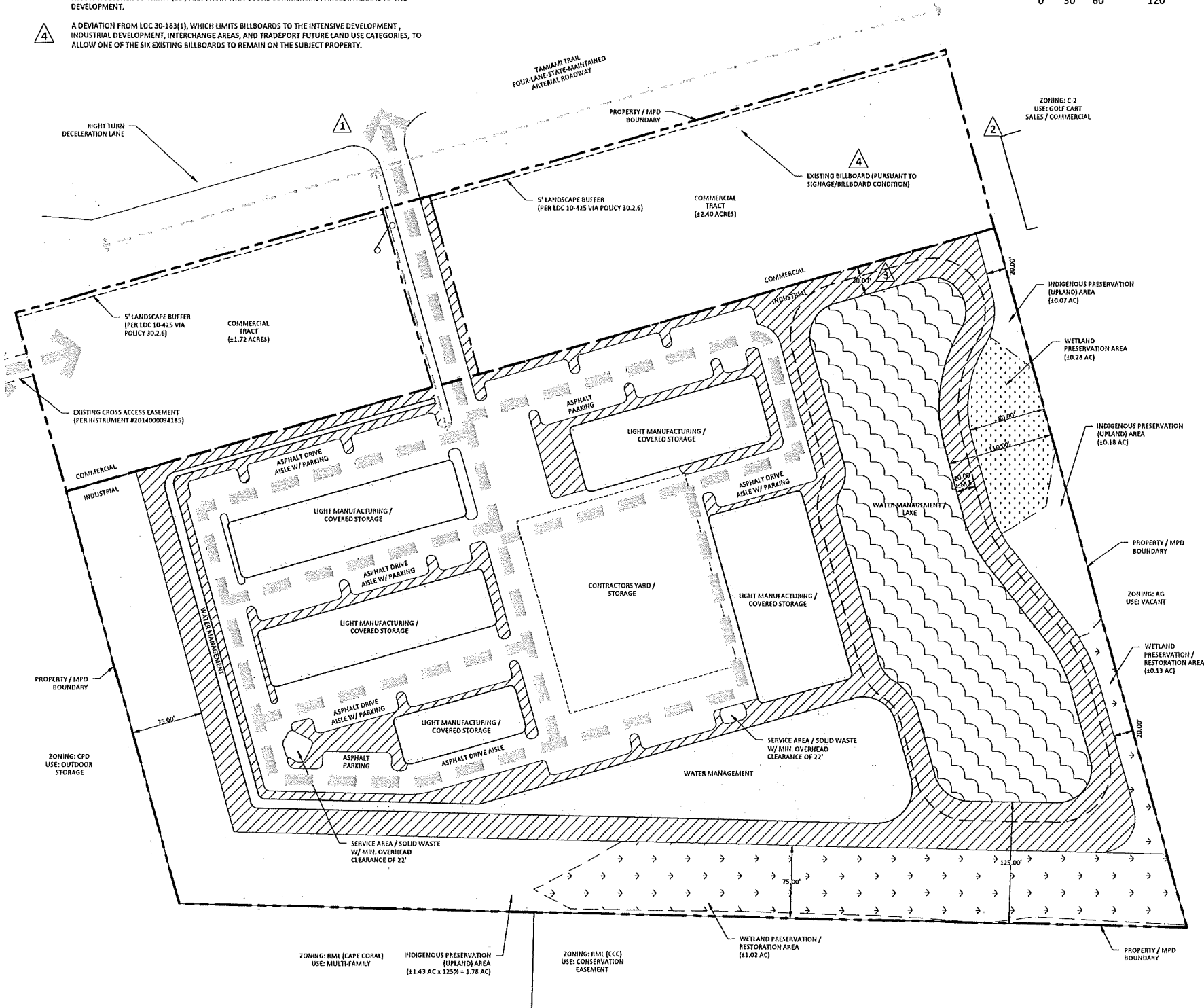
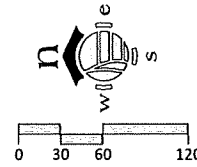
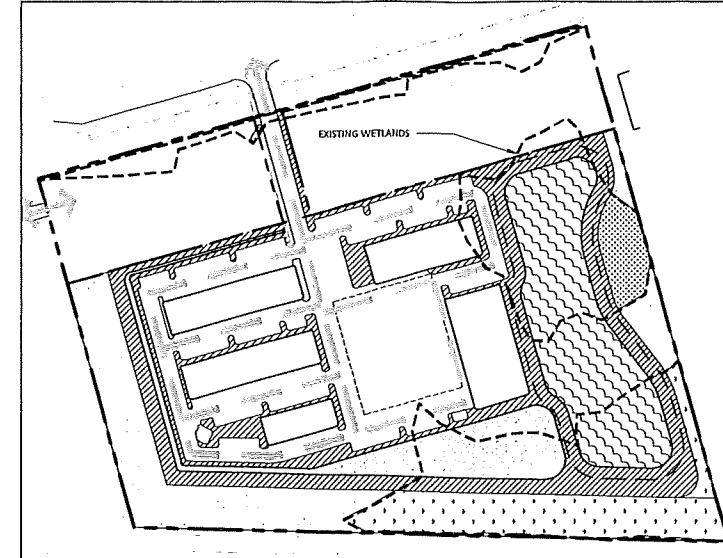
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- 3 DEVIATION FROM LDC 10-329(d)(1)(3), WHICH REQUIRES NEW EXCAVATIONS FOR WATER RETENTION AND DETENTION SETBACK OF FIFTY (50') FEET OF ANY PRIVATE PROPERTY LINE UNDER SEPARATE OWNERSHIP, TO ALLOW A SETBACK OF THIRTY (30') FEET FROM THE FUTURE COMMERCIAL PARCEL INTERNAL TO THE DEVELOPMENT.
- 4 A DEVIATION FROM LDC 30-183(1), WHICH LIMITS BILLBOARDS TO THE INTENSIVE DEVELOPMENT, INDUSTRIAL DEVELOPMENT, INTERCHANGE AREAS, AND TRADEPORT FUTURE LAND USE CATEGORIES, TO ALLOW ONE OF THE SIX EXISTING BILLBOARDS TO REMAIN ON THE SUBJECT PROPERTY.

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MCP / FLUCCS OVERLAY:

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

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17.96 AC X 10% = 1.80 ACRES REQUIRED.	
AREA TO BE PROVIDED DURING DEVELOPMENT ORDER REVIEW.	

COMMERCIAL TRACT

INTENSITY	30,000 S.F.
SETBACKS (BUILDING)	PROPOSED
NORTH (SIDE)	15'
EAST (FRONT)	25'
WEST (REAR)	25'
SOUTH (SIDE)	15'
WATER BODY SETBACK	25'
HEIGHT OF BUILDINGS	35'
OPEN SPACE	20%
MAX LOT COVERAGE	40%

LANDSCAPE BUFFERS	PROPOSED
NORTH (CPD)	N/A
EAST (ROW)	5' (PER 10-425)
SOUTH (C-2)	N/A
WEST (INDUSTRIAL)	N/A

INDUSTRIAL TRACT

INTENSITY	120,000 S.F.
SETBACKS (BUILDING)	PROPOSED
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OPEN SPACE	20%
MAX LOT COVERAGE	40%

LANDSCAPE BUFFERS	PROPOSED
NORTH (CPD)	N/A
EAST (COMMERCIAL)	N/A
SOUTH (COMMERCIAL/AG)	N/A
WEST (MF/CONS. ESMT.)	N/A

LEGEND (OPEN SPACE):

	OPEN SPACE		WETLAND PRESERVATION AREA
	INDIGENOUS PRESERVATION		WETLAND PRESERVATION / RESTORATION AREA
	WATER MANAGEMENT		



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EB-26544 CA-LC26000374

HONC DOCKS
& LIFTS
1130-C PONDELLA ROAD
CAPE CORAL, FL 33909

CLIENT NAME AND ADDRESS

17701 N. TAMiami
TRAIL PROJECT
NORTH FORT MYERS

PROJECT NAME AND LOCATION

NO.	DATE	REVISION	DESCRIPTION
1	9-30-25		
2	12-02-25		PER LEE COUNTY COMMENTS
3	01-16-26		PER LEE COUNTY COMMENTS
4	03-03-26		PER LEE COUNTY COMMENTS
5	06-08-26		HEARING EXAMINER
DATE: 01-08-24			
PROJECT NO. 1333-01			
FILE NO. 1333-03 CON.dwg			
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: Prepared by Brianna Schroeder, Planner, date received May 27, 2026 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. 48-Hour Notice: Email from Brianna Schroeder to Maria Perez, and Cindy Leal, with copies to Elizabeth Workman, Brian Smith, Richard Akin, Esq., Anthony Rodriguez, Rebecca Sweigert, Joseph Adams, Esq., and Paige Carroll, dated Tuesday, June 9, 2026, 1:36 PM (4 pages – 8.5"x11")
3. PowerPoint Presentation: Prepared by Lee County Staff for DCI2025-00014, Honc 41 MPD, dated June 11, 2026 (multiple pages – 8.5"x11")[color]
4. Written Submission: Email from Brianna Schroeder to Maria Perez, Cindy Leal, Brian Smith, Richard Akin, Esq., Betsie Hiatt, and Yuri Bykau, dated Friday, June 19, 2026, 8:24 AM (multiple pages – 8.5"x11"){post-hearing submission}

APPLICANT EXHIBITS

1. Sign Posting: Email from Cindy Leal to Brianna Schroeder with copies to Hearing Examiner, Richard Akin, Esq., Brian Smith, and Marza Hiatt, dated Friday, May 22, 2026, 11:13 AM (multiple pages – 8.5"x11" and 11"x17")
2. 48-Hour Notice: Email from Cindy Leal to Hearing Examiner, with copies to Brianna Schroeder, Elizabeth Workman, Brian Smith, Richard Akin, Esq., and Maria Perez, dated Monday, June 8, 2026, 3:46 AM (multiple pages – 8.5"x11" and 11"x17")
3. PowerPoint Presentation: Prepared for Honc 41 MPD, dated June 11, 2026 (multiple pages – 8.5"x11")[color]
4. Master Concept Plan: Prepared by EnSite, Inc., for Honc Docks & Lifts, last revised June 8, 2026 (2 pages – 11"x17" and 2 pages – 24"x36")
5. Scheduled of Uses: Prepared by EnSite, Inc., for Honc 41 MPD (3 pages – 8.5"x11")
6. Supplemental Level of Service: Table 2A, Lee County Traffic Counts and Calculations for 17701 N. Tamiami Trail; Lee County Road Link Volumes (County-and-State Maintained Roadways) (2 pages– 8.5"x11")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Brianna Schroeder
2. Elizabeth Workman

Applicant Representatives:

1. Richard Akin, Esq.
2. Yury Bykau
3. Betsie Hiatt
4. Brian R. Smith

Public Participants:

None

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.